

STATES OF JERSEY



MARINE SPATIAL PLAN (P.44/2024): AMENDMENT

Lodged au Greffe on 8th October 2024
by the Environment, Housing and Infrastructure Scrutiny Panel
Earliest date for debate: 22nd October 2024

STATES GREFFE

MARINE SPATIAL PLAN (P.44/2024): AMENDMENT

1 PAGE 2 –

After the words “accompanying this proposition”, insert the words “except that page 124 and Figure 80 should be amended to include the area east of Les Ecréhous within the extension of the Marine Protected Area Network, as outlined in Action NB5a, with any consequential amendments to the Jersey Marine Spatial Plan made accordingly.”

2 PAGE 2 –

After the words “accompanying this proposition”, insert the words “except that page 124 and Figure 80 should be amended to include the part of the basin between Les Écréhous and Les Anquettes within the extension of the Marine Protected Area Network, as outlined in Action NB5a, with any consequential amendments to the Jersey Marine Spatial Plan made accordingly.”

3 PAGE 2 –

After the words “accompanying this proposition”, insert the words “except that page 124 and Figure 80 should be amended to include areas to the east and west of Les Minquiers within the extension of the Marine Protected Area Network, as outlined in Action NB5a, with any consequential amendments to the Jersey Marine Spatial Plan made accordingly.”

4 PAGE 2 –

After the words “accompanying this proposition”, insert the words “except that page 124 should be amended to allow for the introduction of immediate protection of the south-eastern edges of Les Ecréhous within the Marine Protected Area Network (rather than phased protection), with any consequential amendments to the Jersey Marine Spatial Plan made accordingly.”

5 PAGE 2 –

After the words “accompanying this proposition”, insert the words “except that page 124 should be amended to allow for the introduction of immediate protection of the south-eastern edges Les Minquiers within the Marine Protected Area Network (rather than phased protection), with any consequential amendments to the Jersey Marine Spatial Plan made accordingly.”

ENVIRONMENT, HOUSING AND INFRASTRUCTURE SCRUTINY
PANEL

Note: After this amendment, the proposition would read as follows –

THE STATES are asked to decide whether they are of opinion –

to agree the proposed Jersey Marine Spatial Plan as the roadmap to managing Jersey’s marine environment, as set out in Appendix 1 to the report accompanying this proposition **except that;**

- (a) page 124 and Figure 80 should be amended to include the area east of Les Ecréhous within the extension of the Marine Protected Area Network, as outlined in Action NB5a, with any consequential amendments to the Jersey Marine Spatial Plan made accordingly;
- (b) page 124 and Figure 80 should be amended to include the part of the basin between Les Écréhous and Les Anquettes within the extension of the Marine Protected Area Network, as outlined in Action NB5a, with any consequential amendments to the Jersey Marine Spatial Plan made accordingly;
- (c) page 124 and Figure 80 should be amended to include areas to the east and west of Les Minquiers within the extension of the Marine Protected Area Network, as outlined in Action NB5a, with any consequential amendments to the Jersey Marine Spatial Plan made accordingly;
- (d) page 124 should be amended to allow for the introduction of immediate protection of the south-eastern edges of Les Ecréhous within the Marine Protected Area Network (rather than phased protection), with any consequential amendments to the Jersey Marine Spatial Plan made accordingly; and
- (e) page 124 should be amended to allow for the introduction of immediate protection of the south-eastern edges Les Minquiers within the Marine Protected Area Network (rather than phased protection), with any consequential amendments to the Jersey Marine Spatial Plan made accordingly

REPORT

The Environment Housing and Infrastructure Panel launched its review of P.44/2024 Marine Spatial Plan (MSP) on 22 July 2024.

It had become clear to the Panel during briefings and following the publication of the consultation draft of the plan in October 2023 that by far the most contentious issue in the MSP is that of the designation of the Marine Protected Areas (MPAs).

For information and ease of reference, the map from the MSP which sets out the areas discussed in this amendment is attached below as Appendix 1.

By way of background to this amendment:

- Jersey is a signatory to the OSPAR convention and its global objective of achieving the protection of 30% of territorial waters by 2030. The Convention aims to protect the marine environment of the North-East Atlantic and to promote sustainable use of its resources. It focuses on reducing pollution, conserving marine biodiversity, and managing human activities in the region to ensure the health of the ecosystem.
- The consultation draft of the MSP designated 27% of Jersey's territorial waters for protection.
- The final version of the MSP which accompanies P.44/2024 designates 23.3% of territorial waters for protection.

One of the key terms of reference for the Panel's review was whether the decision made by the Minister for the Environment to reduce the size of the MPAs was the right one and on what evidence that reduction was made.

The Minister described his decision as follows during a Public Hearing with the Panel on 4 September 2024.

The Minister for the Environment:

Politics is all about the art of the compromise, and certainly I inherited a plan which was out to consultation at the time and I listened to everything that people were telling me. I felt there was some compromise that was required, so what I did was, it was not a trade-off particularly, I said okay, we know 2030 is an important year for all sorts of various reasons. I decided that I wanted to make more concessions to the mobile gear, I wanted to make more concessions to commercial fishermen to make their livelihoods, if you like, less impacted on day one.¹

The Minister made a decision to designate some areas in which there are sensitive habitats as requiring further research prior to a decision being made on their protection. He has also chosen to take a phased approach to introduction of protection in two further areas. It is these areas – both the phased and the research – which are the subject of this amendment.

¹ [Transcript - Marine Spatial Plan Review - Minister for the Environment - 4 September 2024.pdf \(gov.je\)](#)

The submissions gathered by the Panel and the various views on the current scope of the MPAs are set out in detail in the Panel's report which will be published prior to the debate on the MSP on 22 October 2024. It was clear to the Panel that entrenched and divergent views remain and that little or no reconciliation of those views has been achieved in relation to the MPAs. In addition, confusion remains over the intention of the document in relation to fisheries management and how much this is or should be covered by an MSP.

In this regard the Panel has made a number of separate recommendations both in terms of engagement with the fishing fleet and in providing clarity on the development of fisheries management planning and supporting the industry to explore sustainable fishing methods.

The Panel fully recognises that there is a difficult balance to be struck and that the expansion of the MPA network will have a negative economic impact on the mobile gear fishing fleet (scallop dredging and trawling). It also understands the desire to limit this impact.

However, it also feels that, on the balance of the information provided to it during this review that:

- The evidence already exists to support the designation of the areas which are the subject of this amendment.
- The delay of the decision on designation does not assist or provide certainty for the mobile gear fleet or other members of the fishing community, as it was intended to do.
- The delay may mean the loss or damage of sensitive habitats within the areas to be researched and those to be phased.

In short, it is the view of the Panel, that the Minister for the Environment made a political choice to find a short-term compromise which would push the final decision on the scope of the MPAs into the future in recognition of the financial impact it could have on a specific sector of the fishing community.

During its review, the Panel drew the conclusion that a precautionary approach had been adopted in the development of the MSP, and particularly the MPAs, in order to designate areas to prevent damage, or further damage, from occurring.

The MSP states that:

Marine Protected Areas currently cover Jersey's north and east coasts, the south-east reefs, St Aubin's Bay, St Brelade's Bay, Les Écréhous and Les Minquiers. The purpose of the MPAs is to protect valuable and vulnerable habitats by preventing damage from mobile fishing gear. This allows the seabed to function naturally, and protects fish populations by allowing spawning grounds and nurseries to thrive. The existing MPAs do not cover all the relevant priority habitats and species protected under the OSPAR convention, nor do they consider the full range of benefits from nature, or the potential of Jersey's waters for carbon storage...²

² [p.44-2024 – Marine Spatial Plan.pdf \(gov.je\)](#)

In this context, while it is only one of the priority habitats described within the MSP, maerl beds were mentioned often to the Panel by fishers, Government officers and conservationists.

*Maerl beds occur primarily in shallow waters off the south coast of Jersey, and along the edges of the offshore reefs. The largest known area is associated with Les Anquettes reef. Maerl is a free growing, coralline red alga that forms nodular and branched structures on the sea floor. These nodules create dense accumulations on the seafloor that provide structure and habitat for many other species. This habitat is characterised by diverse burrowing communities, in particular bivalves, including the commercially important king scallop (*Pecten maximus*). Maerl Beds are an OSPAR priority habitat due to their role in supporting biodiversity.³*

The MSP states that maerl is particularly vulnerable to damage from mobile fishing gear.

In common with Jersey's existing MPAs, the use of mobile gear presents the biggest threat to the integrity and viability of key habitats such as maerl, seagrass and other sedimentary habitats.⁴

Among the submissions and views provided to the Panel on MPAs, there was a general level of agreement that quality should be favoured over quantity. The mobile gear fishers, spoke of their disappointment over what they view as a blanket ban on certain areas which they felt meant that areas with less value, which could be dredged without damage, were included under the protection. The Minister also used the same quality argument to justify his call for further research.

In addition, the Panel heard from scallop divers, whose immediate concern centred on the area covered by the fourth part of this amendment – an area to the south-east of the Ecrèhou⁵. This is an area that they describe as being rich in maerl and one which they dive and should be protected.

The Panel agrees with the Minister that the sensitivity of the habitat and its value in the environmental sense should be the driver for such designations. It is, in part, for this reason that the Panel has called for the inclusion of the specific areas drawn in the MSP rather than attempting to reinstate the 27% of territorial waters detailed in the MSP consultation document.

Its conclusion is that the quality of these areas has been established already and that they should therefore be included in the MPAs. It is fully recognised that this conclusion will not be welcomed by some, particularly those who believe that their livelihoods are at risk, but the Panel also feels that it is important that this key decision is made quickly to provide both certainty and protection.

One of the key findings made by the Panel during its review was that opportunities were missed during the consultation phase of the MSP for participatory engagement with fishers which could have resulted in a feeling of shared ownership of the MPAs. In

³ [p.44-2024.pdf \(gov.je\)](#) – p103

⁴ [p.44-2024.pdf \(gov.je\)](#) – p123

⁵ [Transcript - Review of the Marine Spatial Plan - Toby Woolley, Harry Jones and Bob Titterton - 18 September 2024.pdf \(gov.je\)](#)

concluding this amendment, the Panel would urge the Minister and Government to find ways to work with all sectors of the fishing community to develop a shared understanding of and approach to future MPA development.

For all of the reasons stated above, it is the belief of the Panel that the areas which make up this amendment should be included fully and with immediate effect within the network, in order to uphold the original rationale for designating MPAs and maintain a precautionary approach, and to provide certainty and clear direction to all parties.

Financial and manpower implications

There are no financial and manpower implications beyond the adequate resourcing of the Marine Resources Department.

Children's Rights Impact Assessment

A Children's Rights Impact Assessment (CRIA) has been prepared in relation to this proposition and is available to read on the States Assembly website.

Appendix 1



Fig 80. Proposed new NTZ, ASP, MPA and Seagrass habitat management areas

- No Take Zone
(Portelet NTZ already exists)

Ⓢ Priority areas for designation
as Area of Special Protection
- Marine Protected Area

Marine Protected Area
(phased protection)
- Area of research for future
Marine Protected Area designation

Seagrass habitat management areas