STATES OF JERSEY

Jersey

DRAFT WILDLIFE (JERSEY) LAW 202-(P.110/2020): AMENDMENT

**Lodged au Greffe on 21st October 2020
by the Deputy of St. Martin**

STATES GREFFE

DRAFT WILDLIFE (JERSEY) LAW 202- (P.110/2020): AMENDMENT

1   PAGE 33, ARTICLE 8 –

For Article 8(3) (prohibitions relating to dens and nests, etc.) substitute –

"(3)   The prohibitions in paragraphs (1) and (2) do not apply, except in relation to a bat of a species listed in Part 1 of Schedule 3, to anything done within –

(a)   the living area of a dwelling-house;

(b)   the footprint of any domestic premises attached to a dwelling-house; or

(c)   an area inside the curtilage of a dwelling-house and extending to no further than 10 metres from the exterior of the house.".

2   PAGE 50, ARTICLE 35 –

In Article 35(6) (designation of Areas of Special Protection) for "28 days" substitute "3 months".

DEPUTY OF ST. MARTIN

REPORT

I commend the Minister for the Environment for bringing this new Wildlife Law (P.110/2020) to the Assembly for approval. The draft Law has been awaited for far too long, and is very necessary. Here in Jersey we have a multitude of wonderful wild areas, wild plants and animals, and they need additional protection. Jersey's biodiversity and wildlife also needs additional preservation, especially with the many and varied pressures of modern twenty first century living.

However, as with everything, there is always a balance to be stuck. I am concerned that this draft Law does, in some small areas, go just a little too far. Yes, we need to protect wild animals and plants, but we must also be cognisant of the human population, and how they might be affected in their normal day to day life. It is right that we legislate for additional wildlife protection, but I worry that access to islander's homes could be compromised if we are not careful with the wording of this draft Wildlife Law.

Article 8(3) is clear that (with the exception of bats) the new proposed wildlife protections will not apply "within the living area of a dwelling house". That means, if read conversely, that the Law applies everywhere outside of a dwelling house, and that is where I have concerns. This "outside area" could be on someone's porch, in their car parking area, in their garden, or on the right of way that they currently enjoy for access to their "dwelling". It is absolutely right that we give additional protection to wildlife away from houses, but should it not also be right that home owners and occupiers are also protected so that they are able to enjoy their properties, or at least the areas very close to their properties?

I fully accept that, when it comes to being able to "enjoy one's property" (whether you own or rent), there will have to be limits. It is absolutely correct that wildlife in a large garden should be protected, especially in the areas further away from the property itself. My amendment just seeks to give a little more "protection" to those dwelling occupiers, and "dials down" the considerable power of these proposals in the area immediately outside, and adjacent to people's homes.

In the explanatory note to Article 35 (at the top of page 20) it states that the Minister may not make an Order to designate an Area of Special Protection until the Minister has invited representations, and also allowed 3 months for objections. However, in the draft Law, Article 35(6) gives a period of 28 days for objections to be lodged. This amendment seeks to clarify this situation. It must be right that the Explanatory Note and the Law say the same thing.

Designating an Area of Special Protection is not something that should be done lightly. Much consultation is needed, and many viewpoints will need to be considered. Depending on the time of year (Summer holidays for example), and the number of stakeholders that might need to be consulted, it is clear to me that a time period of 3 months is a much more sensible length of time.

Financial and manpower implications

There are no significant financial and manpower implications arising from these amendments.