

STATES OF JERSEY



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

1 PAGE 2 –

Designate the existing paragraph as paragraph (a) and, after that paragraph, insert the following –

- “(b) to request the Minister for the Environment to establish a framework, timeline and tracker for monitoring the implementation of the Jersey Marine Spatial Plan and for conducting any further research on areas remaining for inclusion in the Marine Protected Area Network.”

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 –

- (a) 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.
- (b) to request the Minister for the Environment to establish a framework, timeline and tracker for monitoring the implementation of the Jersey Marine Spatial Plan and for conducting any further research on areas remaining for inclusion in the Marine Protected Area Network.

REPORT

The Marine Spatial Plan (MSP) was lodged by the Minister for the Environment on 19 July 2024 and the Environment Housing and Infrastructure Panel launched its review of the MSP on 22 July 2024.

The Panel has made a number of key findings and recommendations which are contained in its Review of the Marine Spatial Plan Report.

The MSP is a wide-ranging document which seeks to enable actions which strike a good balance between commercial activity, leisure activity, the Island's cultural heritage and the needs of the natural environment.

As part of its review, the Panel was keen to understand how the implementation of the MSP would be monitored to ensure that the actions approved by the States Assembly would be driven forward by the current and successive Governments as part of a clearly structured framework.

As a result of its review, it is the Panel's belief that a robust framework and timeline for action are key to the implementation of the Marine Spatial Plan.

The MSP sets out the following vision for its future implementation.

Because the JMSP is a strategy without a formal statutory basis, its implementation will rely on other legislation, regulatory processes and mechanisms. Therefore, whilst the JMSP sets the 'direction of travel', the process of delivering change will be made through established mechanisms and procedures for implementing legislation and policy. These will bring all the established protocols and procedures for engagement and consultation on the detail of the proposed change. Implementing the JMSP will involve a number of different Government Ministers and their departments, as well as other organisations. Appendix A contains an implementation table which sets out who will be responsible for delivering each action. In many cases, different departments/ organisations will need to work together to deliver actions. Appendix A also sets out the current status of each action, for example whether it is something which is already happening and should be continued, or whether it is an entirely new idea. Vision and aims.¹

The appendix referred to is a comprehensive and clearly presented list of actions, their status and which department or organisation is responsible for delivery.² The status against each of the actions is one of the following:

- In progress
- Resources secured
- Resources required

¹ [p.44-2024.pdf \(gov.je\)](#) – p12

² [p.44-2024.pdf \(gov.je\)](#) – p228

The delivery of these actions will require co-ordination and oversight and fall under the remit of a number of different Government Departments and external or Arms-Length Bodies, including Ports of Jersey and Jersey Heritage.

The Panel's primary concern is that there is currently a lack of accountability for the various actions which make up the delivery of the MSP.

The need for such a framework was also highlighted by Howell Marine Consulting, the independent expert advisor appointed by the Panel to support specific areas of its terms of reference for the review.

The view provided by HMC is that:

It is also strongly recommended that a high-level implementation framework with a clear timeline, is set out ahead of adoption of the JMSP to ensure clarity and transparency. This should then be reviewed, and alternative models – e.g. MSP as a standalone statutory process - and addressed through a new MSP framework ahead of any future iterations of the plan.

Further, that:

the lack of a monitoring framework leads to a lack of government accountability to deliver the JMSP, and poor transparency for stakeholders. Further, a clearly articulated set of anticipated outcomes and indicators to measure them would provide more clarity of the benefits of the MSP and reassurance for the States of Jersey Assembly to deliberate when the JMSP is debated.

While the Panel understands that in the timeframe prior to the debate it is not realistic to expect a robust timetable and framework to be produced it does believe that it is crucial to implementation of the MSP that a clear implementation framework and timeline are developed as soon as possible after the adoption of the MSP – should the proposal gain the approval of the States Assembly.

This amendment seeks to ensure that where actions are currently aspirational, and/or marked down for further review, that there is a way of ensuring that the actions has a clear and specific timeline and that a framework is put in place to make sure that responsibility and remit are clearly defined.

The second – and critical – part of this amendment relates to the Marine Protected Areas. This Assembly will be aware that the first of the Panel's amendments has sought to include, from the outset, areas which have been designated in the MSP as either areas for future consideration for inclusion or for a phased introduction of protection. The rationale for that amendment will not be replayed here.

However, the Panel wants this amendment to provide clarity to all parties that if any of the areas – or any parts of them – are still considered as requiring further research as a result of a vote in this Assembly, that an unequivocal timeline for that research is provided as soon as possible.

In September this year the Panel wrote to the Minister for the Environment requesting that he set out a timescale for gathering the further evidence that he believes is required. The Panel would ask that this timeline and the steps set out in the Minister's response

on the steps that will be taken to gather evidence, the formal reporting of the evidence and subsequent decision on designation should be set out clearly in the overall framework for the MSP.³ Further, the Panel believes that the Minister formally commits to making a decision about the inclusion of any further areas prior to the end of this term of office.

It is clear to the Panel that all the fishers who have made submissions to this Panel as part of this review should have certainty on the areas that can or cannot be fished using certain types of gear as soon as possible. The current lack of certainty means that some members of the Island's fishing fleet – particularly those using mobile gear – do not know how to plan their future.

In addition, and as stated in the MSP itself, monitoring the MPAs will be essential to determining their effectiveness and in identifying any future areas for designation. Submissions made to the Panel, particularly the document received from the Marine Biology Section of the Société Jersiaise, suggest that there is a lack of coherent management of monitoring of the areas and enforcement of the regulations which currently exist.

In adopting the MSP, the States Assembly must feel assured that the protection which designated areas which have warranted is not simply a label and that the necessary monitoring and, where necessary, enforcement is carried out.

The Panel believes that the implementation of a framework and transparent tracker for the progress against the actions laid out in the MSP will:

- provide a clear direction
- emphasise the plan's goals for the marine environment
- assist all parties in decision-making.

Financial and staffing implications

There are no financial and staffing implications beyond the adequate resourcing of the departments and the external bodies to carry out the actions which fall under their remit.

³ [letter - minister for the environment to ehi re marine spatial plan - 12 september 2024.pdf \(gov.je\)](#)