



Environment, Housing and Infrastructure Panel

Marine Spatial Plan Review

Witness: Minister for the Environment

Wednesday, 4th September 2024

Panel:

Deputy H. Jeune of St. John, St. Lawrence and Trinity (Chair)

Deputy T.A. Coles of St. Helier South (Vice Chair)

Deputy A. Curtis of St. Clement

Connétable D. Johnson of St. Mary

Deputy D. Warr of St. Helier South

Witnesses:

Deputy S.G. Luce of Grouville and St. Martin, the Minister for the Environment

Mr. F. Binney, Head of Marine Resources, Infrastructure and Environment

Ms. S. Blampied, Marine Resources Data Officer, Infrastructure and Environment

[13:32]

Deputy H. Jeune of St. John, St. Lawrence and Trinity (Chair):

Welcome to this public hearing today of the Environment, Housing and Infrastructure Scrutiny Panel. Today is 4th September 2024, and it is our public hearing with the Minister for the Environment as part of our review of the Marine Spatial Plan. I would just like to draw your attention to a couple of following things. This hearing is being filmed and streamed live and the recording and transcript will be published afterwards on the States Assembly website. All electronic devices, including mobile phones, should be switched to silent. I would like to ask members of the public who have joined us, welcome, please do not interfere with proceedings and as soon as the hearing is closed please do leave as quickly as you can. For the purpose of the recording and transcript, I would like to be grateful if everyone who speaks to ensure that they have stated their name and role, if they have

not done so already. So I first would like to do a round of introductions. So my name is Deputy Hilary Jeune and I am the Chair of the Environment, Housing and Infrastructure Scrutiny Panel.

Deputy T.A. Coles of St. Helier South (Vice Chair):

Deputy Tom Coles, Vice Chair.

Deputy A. Curtis of St. Clement

Deputy Alex Curtis.

Connétable D. Johnson of St. Mary:

Dave Johnson, Constable of St. Mary, member.

Deputy D. Warr of St. Helier South:

David Warr, Deputy David Warr of St. Helier South.

Deputy H. Jeune:

Thank you. We have, Minister, before you go, online we have our external advisor, so I would just like to invite her to also to introduce herself.

Ms N. Smith:

Hello. My name is Ness Smith. I am a consultant at Howell Marine consulting. I am a specialist in Marine Spatial Planning, Marine Protected Areas, and integrated marine management.

The Minister for the Environment:

My name is Deputy Steve Luce. I am the Minister for the Environment.

Head of Marine Resources, Infrastructure and Environment:

Francis Binney, Head of Marine Resources.

Marine Resources Data Officer, Infrastructure and Environment:

Samantha Blampied, Data Officer for Marine Resources.

Deputy H. Jeune:

Thank you very much. We have a lot of questions to get through. But first of all I wanted to start today, Minister, because the panel would like to acknowledge the huge amount of work that the officers especially have gone through in making this Marine Spatial Plan, as we have been handed this massive document, but also acknowledging that this is only some of it and, as you had said, that also the consultation as well is equally as chunky. So we will try to focus on, as much as we

can in in the hearing today, but we are aware that there are much more details in the plan than we are able to in the 2 hours. So we are focusing, but we do really acknowledge the work that has been done. So, first of all, Minister, I would like to first start off with, can you explain to the panel what is the main driver for creating the Marine Spatial Plan for Jersey and when was this process begun?

The Minister for the Environment:

Thank you, Chair, and thank you for your kind words to the officers. As we all know, this is a Marine Spatial Plan draft, which I inherited when I became Minister 6 months ago. Chair, you will only be too aware of the start of this work and it is the officers next to me and other officers in the Department that have put this together. Just to recap very, very briefly, I came into office when the draft plan was out to consultation. You have seen the responses as I did. I have made some changes, mainly because of those responses, and that is the result that we have in front of us today. It is important to use the word “draft” and it appears on the front cover “final draft”. As we all know, this is going to the Assembly later this year where it may be subject to further amendments, which we will debate before we get to the final document. But I think, getting back to your question, Marine Spatial Plans are a relatively new concept, but they are something that has been put in place around the globe and worldwide acknowledged as the best way forward for marine areas generally. Certainly, hats off to the Department for taking this on board and moving forward. We are the first place in the Channel Islands to have done this work, but we have consulted widely with others who have already Marine Spatial Plans in place. But this is almost sort of an Island Plan for the sea, an Island Plan for the marine areas, if you like. Many of the sections in here are without legislation, without rules and regulations, but it is important that we talk about all the various marks, the shipwrecks, the environment, the type of species that we have under the water, at the same time as we talk about all the economic impacts that the marine areas can have for the Island. That is not just fishing, that is recreational fishing, it is tourism, and of course there is all sorts of other environmental benefits to much of the work that we want to do. So the idea of a Marine Spatial Plan is not new, but certainly new to the Channel Islands, and the Department quite rightly felt it was a really important document and a lot of people, a lot of very experienced and well thought of people, have been amazed how quickly we have managed to do this and how well researched and what a good document it is in draft form. So, if I might allow officers on both sides of me to say a bit more to add to what I have got to say, because, as I said, this is a new plan to me, but this is very much their work and they will be far more knowledgeable about everything in here. So maybe I could ask Francis, is there anything you want to expand on the need for Marine Spatial Plans?

Head of Marine Resources, Infrastructure and Environment:

Thank you, Minister. In terms of the drivers for it, there are many elements where we were coming to a crunch point where competing interests in the sea were getting stronger and stronger and there was a need to have a structure so that people could understand what the future would look like in

Jersey's territorial waters, and to have security to invest in their businesses or invest in their environment, understanding what was going to happen around it in a more clear and long term way. In terms of a real driver for our timeline, the Bridging Island Plan set this as a specific objective when it was debated. One of the proposals that was added to the Bridging Island Plan was for a large marine park, often called the Emerald J, that was not taken on board at that time. But, instead of that, a plan to build an M.S.P. (Marine Spatial Plan) that would include a network of Marine Protected Areas was a requirement of the Bridging Island Plan. This document is, as you say, Minister, an Island Plan for the sea, but also a feeder for the next Island Plan. Hopefully that is where we will see a long lifetime of this document build and grow.

The Minister for the Environment:

Yes, and it is important to state that this is a live document. It will continue to evolve. As I said, there is lots of sections in here that have no legislation or legal rights involved with them. But it would be our intention, as this document moves forward and evolves, that legislation may fall into place around, for example, the protection of the offshore reefs from mass tourism. There may be other things other than fishing that we want to protect, and this document will set out, there is a long list you will have seen, of things that we could do. Some are resourced, some have the hope of resources in the near future, and some are going to be quite long term. So I do not want to describe it as an aspirational document because what is there is documented in here, but there is a lot of work to continue to bring this properly to fruition in the next decade, decades, but it will continue to evolve as data increases and we have time and resource, money to do the work.

Deputy H. Jeune:

You have talked a bit about the need to do this because of the marine space being more crowded, but what were the specific objectives that were identified at the beginning of the process and were there clear priorities for the use of Jersey's marine space and natural capital set out for officers responsible for the delivering the M.S.P. at the beginning and were they made publicly available at the beginning as well?

The Minister for the Environment:

I will hand that one over, the start of the project.

Head of Marine Resources, Infrastructure and Environment:

So strategic priority 3 in the Bridging Island Plan was very simply the brief we were given, which was to develop and deliver a Marine Spatial Plan that would include a network of Marine Protected Areas. From there, rather than work internally to decide where the ministerial or officer priorities might be, we started by going out to consultation to scope the Marine Spatial Plan from the public, and those were the series of workshops we ran in February and March 2023. Gosh, that feels like a long time

ago now. We divided them up into different subject areas, cultural heritage, commercial fishing, energy and infrastructure, and environment, biodiversity. Have I got those right, Sam?

Marine Resources Data Officer, Infrastructure and Environment:

Also tourism and recreation.

Head of Marine Resources, Infrastructure and Environment:

Tourism and recreation as well. Then also a Youth Parliament session as well. We gave people large A1 charts of Jersey's territorial areas, a bit of a brief, and then got people to just give us their ideas. That was really a ground-up way of building what the Island wanted from an M.S.P. We asked people what do you like about how the sea works, not how it works, but how the sea is used around Jersey now? What do you not like? What would you like to see in the future and what do you not want to see in the future? It was a really interesting process because you had commercial fishermen sitting at tables with R.I.B. (rigid inflatable boat) charter operators and with wildlife photographers and all sorts of other people. We had people responsible for our electricity cables sitting down at tables with people who want to extract various elements from the seabed or use it for different purposes. You have that dynamic of conversation and different people inputting different things. So that was a slightly side-tracked way of saying, no, there was not a specific agenda beyond try and build it with as much public interest as possible.

Deputy H. Jeune:

Right. So understanding is that, yes, you did not start with objectives beyond the Bridging Island Plan, but you scoped it from there. Did you feel that in your view, Minister, officers, what was the level of urgency for Jersey to have a Marine Spatial Plan, what was that level of urgency or did it just become because of the Bridging Island Plan discussion?

The Minister for the Environment:

Well, certainly the Bridging Island Plan was the reason it had to be done. But I think there is a level of urgency on certain areas. I have mentioned one, which is potential pressures of tourism on the offshore reefs and the habitat, the environment there. Certainly, the most contentious part of this draft is the fishing area, the commercial fishing area, and we can look back quite recently, certainly in the last decade, to a time 5 or 6 years ago where there were a lot of lobster in the sea and the fishing fleet took what they could and the population of lobsters fell away quite quickly, and we are now in the process of trying to rebuild that. I think I am correct in saying that. My fear is that sort of thing happens again and I am very keen to make sure that, where we have a stock of a particular species, we do not overfish it. So that certainly is coming out as part of this. Of course, there is environmental benefits as well because we know that certain types of fishing methods are more

damaging to the sea bed than others. We want to take that into account. I am trying to think of other really important reasons.

[13:45]

But certainly the documentation of things like archaeology of the marks, important landmarks or sea marks, if you like, and the documentation of the various habitats. What is there? Which seaweeds? What type of rock? All these things were an important part of it. But, for me, making sure that we protect our sea moving forward was really important and I hope that this document will start us down this process of making sure we know where the really special areas are and that we are taking proper measures to protect them and do what we can to look after it for the future.

Deputy H. Jeune:

Minister, do you believe then that what you have just described is the objective of the Marine Spatial Plan as that is now drafted as is? Because, of course, we have heard about the scoping to get to that point of starting to develop the Marine Spatial Plan, but the objectives of the Marine Spatial Plan as it is, would you say that was to protect.

The Minister for the Environment:

Yes, that would be one very important part of it. But I think one has, there is a saying that I use very occasionally, is if you do not have a plan, you cannot change it. I thought it was really important that we get everything down into a document. If somebody comes forward with an idea about harvesting seaweed into the future with commercial benefits, what have you, we need somewhere to go. We need a document to refer to that says: "Right, here is the rough guidance. Here is the point. This is the type of thing we want to do in the future. Does it fit into the Spatial Plan? What other factors might there be that will affect that? Was it commercial or is it environmental? Is it social, for that matter, depending what it is?" So I think it is such an important document because it is day one, if you like. Once we get this through, we then start with this and we can build on it. One of the most important things was to have it in the first place because these plans, as I say, they are not absolutely new. There is a lot of places around the world that have adopted them now. But I think it is right to say that anybody with a proper eye on the environment and their marine resources wants to have one of these plans in place for their jurisdiction.

Head of Marine Resources, Infrastructure and Environment:

Yes. Certainly, Minister, and if I may add, for future objectives that Jersey has, such as the windfarm, developers will look to see things like a Marine Spatial Plan in place to understand that the Government of an area, where there may be potential to develop things like this, have taken a measured approach that has had public scrutiny on it before looking to invest money in delivering

those things. So it is an enabler of the future use of our marine resource. The Minister also mentioned seaweed harvesting and, from an officer's perspective, a really important reason having the plan is questions like seaweed harvesting and offshore agriculture and other uses of the sea have been coming more and more frequently to us as a Department and without guiding policy on where and when and how these should be allowed to develop and where they should be spatially prioritised. It is very difficult for people to understand what is and is not possible. So with this, and what will hopefully develop from it following the States debate, will have a structure that will allow people to really get a grip on what is viable within Jersey's waters and where within those waters different activities can and cannot or should and should not take place, so they do not invest money poorly in doing an environmental impact area for a seaweed farm and then realise it is quite an important fishing area or shipping area or bird resting area.

The Minister for the Environment:

Or that it has got archaeology or it is a local interest because it is a low water fishing or traditional recreation, many factors.

Deputy H. Jeune:

But, as you have already mentioned, Minister, that this plan is not a statutory or policy document in its own right. So could you explain the rationale behind that, especially how do you envisage that the actions will be able to be prioritised in future Governments with it just being a plan, but not having that basis of a statutory document or policy document?

The Minister for the Environment:

Well, like everything, as we know, there is economic pressures to deliver all the various ideas and policies that we, as politicians, might wish to do. It is clear that the priority in here already has some legislation behind it, which is fishing, and the work that we will do on Marine Protected Areas and other associated areas already has some legislation in place for us to go to. There will be some new work that will need to be done, but at least we have the basis of it. But I think into the future, as we identify greater pressures on any particular part of this plan, prioritisation from politicians will come to the fore and they will say: "Right, it is important to do this work. I need to prioritise some money next year or some law officer time or what have you". So that we pick and choose and it may be where we see threats to a particular part of this plan coming down the line that we choose to put those priorities in place. That is the only way we can do it. It would be lovely to have the resource to go away and put the legislation in place for the whole of the plan, but we have to be realistic and that is not going to happen. As I said, the section, is it in the draft document and or is it one of the supplementary documents, where we identify all the issues and there is some resource applied and there is resource available. But the amount of headings with resource available is quite few and far between unfortunately. Sam can speak to the parts of the plan.

Marine Resources Data Officer, Infrastructure and Environment:

Yes, at the end of the document it highlights what the lead organisation or department should be and if those resources are already there or, as you say, not there. It is just to inform Ministers and future work streams whether you are first going to have to secure some either manpower or funding to do that work.

Deputy H. Jeune:

We touch on this later, so we will come back to this point, but I just wanted to bring in again, we bring Marine Protected Areas, again we are going to follow on that very specifically later, but as you have just mentioned, this is a document, a plan of what we really would like in the future, but it is not necessarily resourced yet. What was the consideration, and I understand that what you were saying is the Bridging Island Plan and then put in that within this Marine Spatial Plan you should have the Marine Protected Areas within, but do you think that there has been an advantage or a disadvantage by putting in the Marine Protected Areas within the Marine Spatial Plan, which is much bigger, and would you see that there could have been a different process where one could have gone and then the other, so to be able to kind of focus resources and get that sorted?

The Minister for the Environment:

I think the point that Francis made just now about making sure that when you consider one part in isolation that you realise there is other considerations that factor into the same thing is important. The Marine Protected Areas are a classic example of that. It is all very well to say, right, we would like to protect this area here, but it is really important that one understands all the other pressures on that, whichever particular area it might be, and it might be recreational fishing, it might be in the case of scallop dredging, it might be scallop diving, it might be Ramsar, it might be a whole raft of things. It is important that a document like this summarises all those issues in one place so that, if we are going to protect a particular area, we understand and we have there in the document a list of other pressures that we need to consider.

Deputy H. Jeune:

Understood.

The Minister for the Environment:

We talked about Marine Protected Areas and, yes, there was a large discussion that happened prior to the last Island Plan debate, certainly certain Ministers had aspirations of much larger areas being protected. I am sure you will have just spoken about 30 by 30 and the 30 per cent of our area, if you like, being protected by 2030. We are very fortunate in Jersey, one of the few places certainly in the last decade or so, we have had proper legislation, proper protection for our Marine Protected

Areas and, until quite recently, other jurisdictions may have designated areas for protection, but there was no legislation behind it to back that up. So we are fortunate that our protected areas were properly and are properly protected by legislation. That in itself will allow us to move more quickly into the future to change, to add further areas, because the law is there in place as with No Take Zones, we gone over that initial hurdle, if you like, of designating a To Take Zone. So we have the law in place, we are going to add to it with one very small area down on the Sauvages Reef, southeast of the Minquiers, so we do have some really good grounding in place from a legislative perspective, which is really important as we evolve these Marine Protected Areas moving forward.

Deputy H. Jeune:

Thank you. We will be touching on some of these later in the questions and you have already helped to give some context in some of these for answers later. But we have received a number of submissions that touch on fisheries management and can you be clear, you have talked a little bit about fisheries management already in some of your answers, but can you be clear whether it has ever been the intention to include fisheries management at any level within this plan?

The Minister for the Environment:

Certainly, I am aware that fisheries management into the future from this point on, we have some in place already, but it is increasingly important that we maintain and further develop management as we move forward. Because that is the only way that we can be really sure to safeguard some of these species. The main thing is to get the protections in place and we have done it fairly recently with a decision to issue permits to dredgers. Now we have the permits in place and now we have protected areas in place which we will further add to. After that, very, very quickly, must come management measures, which uses the data which the team acquire through all sorts of different ways of testing and harvesting and doing trial work. The data comes out, you see the trends and you need to act really quite quickly because overfishing in certain species can mean them disappearing altogether. Welks, for example, is reasonably well known, if you overfish a welk stock, it disappears. Other species may invade and make it very, very difficult to build that stock up again. So management is vital. But we do need to do things in order, protection first, then management very quickly afterwards.

Deputy H. Jeune:

Thank you. We will touch on some of that later. Thank you. I think we will pass on now, thank you first of all, I would like to, at each end of these sections, just to go to our external advisor and see if the external advisor has any questions at this point on the particular areas. So just to pass over to Ness to see if there was any in this particular area that you have heard you would like to ask more questions on.

Ms N. Smith:

Yes, just it is really interesting, thank you, just a clarification on the state of the consultation, which hopefully will come later, but so the workshops were themed by area, but the participants were mixed, is that correct?

Head of Marine Resources, Infrastructure and Environment:

So we used our reasonably extensive contact list as well as public advertisement to offer access to those workshops to anyone. Anyone could attend any workshop, but the message we put out was you will probably gain most from attending the workshop focused around your subject area because you will be speaking to people, not with the same interest necessarily, but who cut across the same issues. That said, we did have certain organisations who made sure they were represented at every single one of the sessions. So Ports of Jersey were present at all sessions, the fishing community had representatives at all sessions, and other N.G.O.s (non-governmental organisations) were present multiple times, and other organisations. So they were not exclusive and no one was turned away except for Youth Parliament, because that had to be Youth Parliament, and there was pizza, so you could not have everyone. But other than that it was open but focused, if not tailored.

The Minister for the Environment:

Also there were drop-in sessions as well as the organised ones with invitees. There was also invitation to say: "Officers will be here between these times, come and talk to us".

Ms N. Smith:

Yes. Excuse me, we will get the detail later, so that is useful to know. Thank you.

Deputy H. Jeune:

Thank you very much. So now I would like to pass over to Deputy Coles to talk more about the process and structure.

Deputy T.A. Coles:

Thank you. Minister, you have mentioned obviously that the M.S.P. is going to be like the starting frame for future plans and everything. So I just wanted to know what analysis has been done about the potential future uses of Jersey's marine space and the natural capital and the plan and its uses.

The Minister for the Environment:

Do you want to kick off on this, Sam?

Marine Resources Data Officer, Infrastructure and Environment:

Well, so the analyses that have been done so far are based on what we currently have. So it is not so much looking at what would happen once the plan goes in, other than the business impact assessment to show what potential losses there would be to the fishing fleet in the immediate term. But the evidence-based documents that informed the plan and come alongside the plan have an ecosystem services assessment. There is a sensitive species assessment in there as well. It also has the information report regarding the information for the M.P.A. (Marine Protected Area) designation, M.P.A. proposals.

The Minister for the Environment:

There is a commitment to go back and revisit that work once this plan has been in place for a reasonable period of time because we realise we have done some economic analysis on what might happen. We cannot be really sure. So it would be good to revisit at regular intervals to make sure what we expected to happen has gone in.

Deputy T.A. Coles:

In this sort of context, what is a reasonable timeframe to put that kind of a break?

The Minister for the Environment:

Well, certainly you would need the bare minimum 12 months, but I would have thought the Department would monitor it, but one would revisit it after 2 or 3 years maybe, officially and properly.

[14:00]

Head of Marine Resources, Infrastructure and Environment:

The reactive work, once the plan has been through the States, the aim will be to work with other departments and establish that everyone understands where their areas of it are, and then to monitor progress of that report back to the Minister, certainly after 12 months, and then perhaps 3 and 5 years.

The Minister for the Environment:

The point to stress though, of course, this is a draft plan. As we know, it is going to the Assembly. Once we know what comes out the other side of the Assembly, that is fine, but that does not mean to say 3 weeks later all the recommendations will be in place. There is going to be a lot of work to then go ahead into designating the areas properly and the other pieces of legislation.

Deputy T.A. Coles:

So you mentioned about the datasets that you are using, are you satisfied that it is all peer-reviewed and up to the good level of standard that it would need to be?

Marine Resources Data Officer, Infrastructure and Environment:

Yes. So, in particular, the habitat map model that is the basis of a lot of those assessments was peer-reviewed the way that the model was made and some of the work that has come out of that, especially the blue carbon assessment, that has all been peer-reviewed by a professor at the University of St. Andrews. Some of the others draw on work from peer-reviewed work, but the reports themselves have been through multiple officers in the Department, but the reports themselves, such as the ecosystem services assessment, that has not had further peer review from sort of like a university.

Deputy T.A. Coles:

Could you outline the sources and funding to develop the environmental data which has informed the plan?

The Minister for the Environment:

Francis?

Head of Marine Resources, Infrastructure and Environment:

I joined the Department in 2016 and Marine Spatial Plan was written on a whiteboard in their aspirational targets and we were gathering the data from way back then and before. Our former director, Greg Morel, had it on the list for a long time when he was in post and we have built the datasets that would inform management, whether through the formal structure of an M.S.P. or through just the day-to-day work of what we do in individual area plans, such as the agriculture strategy or the coastal zone management plan, over a long period of time. Those documents themselves have also fed in, but the data collection has not been a specifically budgeted defined item. There have been areas where we have identified a need for further information and have gone out and gathered that data in particular, but generally it is long-term well-established datasets. Often datasets generated through industries such as all the fishing information, the catch information, and everything else that is fed into it. Spatial boat data is all off publicly available tracking systems, A.I.S. (Automatic Identification System), V.M.S. (Vessel Monitoring Systems), that we can tap into. So it has been a huge farming process to gather in all the data and there are areas such as, and I think we will touch on it later, when you look at the proposed M.P.A. network, the further research zones do require further work. So, rather than having further work go in beforehand and specifically targeted, it has generated the need for it going forward.

The Minister for the Environment:

But some of our datasets are very long established. Our well trials, for example, go back decades, 1996, a long time. We have some really good datasets on species.

Deputy T.A. Coles:

Can you explain the rationale for focusing on spatial analysis of M.P.A. designation and fisheries while excluding sectors such as offshore renewables?

The Minister for the Environment:

Sorry, could you just run that question through again?

Deputy T.A. Coles:

Sorry. Could you explain the rationale for focusing on spatial analysis on M.P.A. designation and fisheries while excluding other sectors such as offshore renewables?

The Minister for the Environment:

Well, I would not say we have excluded offshore renewables specifically, but we certainly have not spent as much time talking about that in as much as I think we realise when it comes to offshore renewables there is going to be limited areas that we could do that work. It has always been identified that this area to the southwest of our territorial waters will be the area that a marine windfarm would go. On the basis that that was always a prerequisite, we probably decided to concentrate on the fishing and the Marine Protected Areas. But I would not say it has been done exclusively, but there is going to be a huge amount of work, the area has been designated initially, as we know through the States Assembly, there will be a massive amount of work that will come through that windfarm process which will inform this as well, because there is a lot of habitat and species work that will be required. Environmental impact assessments and marine impact assessments and a huge amount of work that will be needed to inform any application for a windfarm.

Deputy T.A. Coles:

So maintaining the sort of linking your datasets collections back into making the next evolution of your document.

Head of Marine Resources, Infrastructure and Environment:

Absolutely. If I might add, Minister, the timeline of the M.S.P. drafting and development was the same as the timeline for the initial consultation on Jersey's appetite for wind. So we recognised at the point of working on this that the public opinion on a windfarm was being sought at the same time, and the plan could not include something that was not finished, that was being run at the same time, but also could not presuppose the answers of that. So we recognise in the plan that the appetite for wind has been cited now in the later drafts, we have identified the areas that were decided in it. But

there was a full piece of work as large as the Marine Spatial Plan going on in parallel, so the decision was to dovetail them in together in due course.

The Minister for the Environment:

In certain areas there was a little bit of confusion. I think we had a response, which really should have gone to the windfarm, which came into the Marine Spatial Plan and we had to make sure that we had our bit, but passed it on. Not really ideal to have both those pieces of work going on at the same time, but we managed to get through it.

Deputy T.A. Coles:

So, on to a bit around the trade-offs between the different sectors and the cumulative effect of human activities now and in the future addressed in developing the Marine Spatial Plan and associated policies and actions, what can you tell us?

The Minister for the Environment:

There is always going to be trade-offs, but various policies and actions I just refer back to the fact that I think it is important, when you consider any particular issue when it comes to our territorial waters, to understand there is always going to be a number of different factors being affected. It could be commercial shipping, it could be the environment, it could be the impact on bird life, it could be a whole range of things, so trade-offs, I do not know, but I think if we receive an application in any particular direction, it is always important to realise there is many different facets. It is not just, we have talked about seaweed harvesting, it is not just that. There is a whole load of other stuff going on, which is what this plan is there to highlight.

Deputy T.A. Coles:

Was any consideration given to conducting a sustainability appraisal or similar process for the Marine Spatial Plan?

Head of Marine Resources, Infrastructure and Environment:

There were all the baseline background documents that we set up that did an element of that. In terms of the sustainability, you have got the four pillars of the Marine Spatial Plan, which are environmental, economic, cultural, and social, which all need to be in balance and considered sustainable for the plan to be a success. One of the objectives after the plan has been through the States debate is to commission an economic impact assessment or really a sustainability impact assessment of the plan that looks at its final version and decides, it looks at the various values, and there are two reasons for doing it after it goes through debate, one is that there may be changes to it in this next couple of months, and the other is that some of the work that would be quite important and useful for that is subject to ongoing research, which has been done over this summer, so we

have taken 90-odd cores from around the Jersey's seabed through a PhD process for the summer, in terms of looking at some of the carbon work and some of the habitat work on the seabed is going to be really useful feed-in data for that. It has not happened yet, but it is part of the next stage of the plan.

Deputy H. Jeune:

Can I just add on that, we are talking about the trade-offs and the fact that you will be doing a sustainable impact assessment after developing the plan. But, on one hand, I am hearing that the plan kind of should be encompassing everything and then from there we work out kind of which priorities are first and how to resource that and there is a lot more detail that needs to be developed on different areas that have been identified within the plan. Then on the other hand that we are hearing, and it is from submissions as well, that there already has been trade-offs to develop the plan in the first place and I was wondering with that question that Deputy Coles asked about already the trade-offs that have been done before getting into the plan, what was done, how did you assess that?

The Minister for the Environment:

Can you be a bit more specific about the trade-offs?

Deputy H. Jeune:

Well, for example, we talked about the Marine Protected Areas before, but ultimately if the objective was to reach 30 by 30, for example, should that not be the objective identifying 30 by 30, identifying where you could possibly put 30 per cent of Marine Protected Areas and then from there see how you plan it up to that point, rather than saying at the moment you have only got some?

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. So what we have done here is we have indicated that, rather than go from zero to here in one hit, there are some areas that I said we want more research done, so we need to be really sure that, if we are designating a particular area as a Marine Protected Area, there is something to protect. There were some areas, to the Department's admission, they could do some more research on. So we have changed things. We have recognised through the submissions, through economic data, that some small areas will have a major impact on the economic viability of some fishing boats. So we have recognised that

and we have said, okay, we are prepared to grant, in these small areas, grandfathering rights where you will be allowed to continue as you have done for five years. But, again, it is to be decided, but please be aware at the end of that period you will no longer be able to. So, rather than doing everything in one hit immediately, we have tried to mix and match a bit to help everybody, if you like. Now, I realise, in doing what we have done, and it happened to me only this week, I have had a number of emails about mobile gear and how I am putting them out of business by increasing protection areas. I have similarly had a scallop diver come to me in the last 48 hours with a very serious moan about how he feels that we have not protected enough. It is just like planning, whatever you do, somebody is going to be unhappy. I appreciate that whatever we do here, somebody is going to be unhappy. For me, 30 by 30 was not a prerequisite. What I want to do is to get the fishing fleet to a point where we have got lots of protected areas, but there is still plenty of product in the sea for them to make a living. It is getting to that point is the tricky bit. We need to do it gradually. We need to do it by small steps, if you like, in conjunction with financial assistance for the industry. So when we get to a point where we have got a lot of the areas in our territorial waters closed off, the adjacent areas are full of fish, full of the lobster, full of scallop, enough that the commercial fleet can continue to make a living. Because my worry is that we lose them before we get to that point and there is no point in having lots of stuff to catch if there is nobody there to catch it.

Deputy H. Jeune:

Of course. I think just that then, with that question, it is really understanding what criteria and, to get back to Deputy Coles' question about that sustainability appraisal or your sustainable impact assessment, do you use that to be able to do the balance or not, it is a compromise, but is there evidence behind that, is an assessment framework behind that?

The Minister for the Environment:

Certainly we have done the economic assessment. We know that at the moment the scallop stock, for example, is in a very good place. But we are also conscious that the amount of scallops, like tonnage of scallops that we have exported this particular year, has been really, really strong. It has been a big number, a number to the point where I am a bit concerned that we are not already overfishing, which is why I talked about management coming in immediately after the designations. So it is balancing everything. I have been away with the C.P.A. (Commonwealth Parliamentary Association) and spoken to people from, say, I think it was St. Helena, where they have a fishing fleet which only fishes a small number of hours a day with a small number of pots and some really strong regulation. But they make a really good living because there is so much product in the sea, they can be very selective about what they take, about the quality that they take, and because there is a lot of product there, it reproduces very easily and environmentally and commercially are working hand in hand and everybody is happy. That is my goal. Getting there is challenging.

[14:15]

Deputy D. Warr:

Minister, just to carry on, and this is about communication obviously and from some of the submissions we have had, it strikes me that the level of communication, the way in which it is being communicated to the industry, and the problem I also identify is the industry is not just one group of people, it is not mobile, it is all sorts of different, who have different emphasis. The feeling I have is that there has been a lack of communication and because it is just interesting, earlier you talked about the economic impact and how it is going to take you 12 months. You are probably going to review this in 12 months to see what the impact of the spatial changes are. Do you feel like you have communicated well enough with the industry because obviously you are getting emails now from dredgers who saying: "You are putting me out of business", and all the rest of it? Surely if you are communicating properly with the industry, you would not be getting such emails. What would you say in response to that?

The Minister for the Environment:

Well, I have to say I have been a little bit disappointed with the communication I have had recently because the information and the knowledge that I had was that there had been a lot of consultation, certainly in my few months in office I have seen a lot of consultation. In the last couple of weeks, I have to say some of the correspondence I have had would indicate that maybe some of the meetings the fishermen held, they may not have been represented in the way they thought. But, depending who you speak to, you get a very different story. Francis will tell you and Sam will tell you about the level of consultation. It is really important to me to talk to people about it. But I think we need to be under no illusions, the Marine Protected Areas that we are talking about here hit one particular part of our commercial fleet much harder than others and that is those that dredge. It is not scallop fishermen across the board because we have quite a thriving and expanding scallop diving industry in Jersey. But those that dredge the scallops are affected by this because certain areas are being closed that they have been used to dredging historically. But, for many and varied reasons, the pressures coming on those areas from others, whether it is potting, whether it is recreational, a whole range of things, or just the fact that there is a perception that there is damage there, we cannot deny that dredging is not great for the sea bed. Now the scallop dredgers will tell you there is different types of dredging, which is worse, and I agree. Rear dredging dredges this deep. So certain dredging operations are far more damaging than others, but dredging per se is not great for the sea bed. We are sending a message, we are not putting you out of business, we are going to help you to carry on, but I would hope that dredging, people who dredge, realise that their particular way of doing this job is challenging. There is new technology being developed that would do the same job in a different way, which would be much more environmentally friendly, and I do not know

if you need to add anything, but talk about the meetings with fishermen because they have been extensive.

Deputy H. Jeune:

I think we are heading on to some questions about the consultation and engagement now with Deputy Warr, so you could bring in those questions because I just want to close off this process and structure part of the question. I appreciate we went into this, but because I just wanted to bring in our external advisor just to see if there is any specific questions on what she has heard from around the process and structure, and then we can get into about the consultation and engagement. Ness.

Ms N. Smith:

Thank you. That is fascinating. So I guess the first question is going back to that futures analysis. Marine Spatial Planning is by definition future forward-looking and part of that I would consider would be looking across all sectors, what development happened in a set time, maybe that is 20 years, 30 years into the future, but it then enables you to look at all of those potential developments where they may be best located and the sorts of trade-offs and cumulative effects that might result from that future. So, trying to understand why there was a rationale that there was no agreement yet on offshore wind and whether it be acceptable, but why it still was not included to sort of consider or is an offshore wind area going to potentially be a de facto M.P.A. because you cannot fish in there and there is there is not been much activity. It is sort of looking about all those other sectors in the round and how that might look in the future, I am just trying to get some of the rationale for why those were not integrated and considered.

The Minister for the Environment:

Before I go to Francis, I would like to say it would be my belief that they were considered. Certainly we have some data on commercial sea routes. We have data on fishing areas. We know through the Department the areas of our territorial waters which are less fished. We know through just working with the French on their Saint-Brieuc windfarm what parts of our territorial waters will be most suited to a windfarm. By coincidence or however you care to look at it, I think the area to the southwest of the Island, which has been identified in the windfarm consultation, sort of ticks all those boxes. It is not an area where our fishermen spend a lot of time, although some would say they do, but we do not feel they do. It is just about shallow enough to put wind turbines on the sea bed. It is right on the limit, but it is shallow enough. It could well be accessible enough to the French coast if we decide that is where the power goes. But that is an incidental, if you like. But I think the area that has been identified for a windfarm ticks quite a few boxes that it would need to tick as the best area for various reasons. Francis.

Head of Marine Resources, Infrastructure and Environment:

Certainly. I would also point out that the windfarm does not necessarily make a de facto M.P.A. Partly it is worth restating what the Minister said and saying that there is very little evidence of a lot of mobile gear fishing in that area. It is a very large static netting area. It is used a lot of spider netting, some trawling, a little dredging as well. But if you look at the Saint-Brieuc windfarm, the objective there, and has always been, to build the wind turbine system and have corridors that will be M.P.A. because there are electricity cables running down them. But also then to have areas that are as accessible as possible to fishing. We are looking, as I understand it, at much larger turbines with much larger spacing, so it is unlikely that you will have the same, as you see in some of the older North Sea and Irish Sea windfarms, where there are full closures, you will have integrated multi-use, hopefully well-planned marine spaces.

The Minister for the Environment:

The other thing to add is I think that windfarms at sea now have been around long enough to see that there is quite a bit of habitat being provided to sea life in the bases of these structures and the rocks and stuff that are created around them. So, I know it would be a period of time where there will be interference with the sea bed and the effects on the environment, but the hope would be, coming out the other side, that there would be some positive as well as some negatives. Notwithstanding the fact, of course, that we have not made the final decision on our windfarm yet. The States Assembly have agreed to move to the next stage of creating the detail that they will need to make the final decision, but that final decision is certainly not yet decided.

Ms N. Smith:

Okay, thank you.

Deputy H. Jeune:

Thank you, Ness. Thank you, Minister. So we will now pass over to Deputy Warr to talk about consultation and engagement and you can pick up the question.

Deputy D. Warr:

I was going to say, so this is probably going to pick up from where we are at. So please can you describe the steps taken to integrate stakeholder participation into the development of the Marine Spatial Plan as a whole and how this was managed and over what time period?

Head of Marine Resources, Infrastructure and Environment:

I have already described the initial scoping workshops that took place that really set the scene for the Marine Spatial Plan. Just to give that some more context in case it is helpful, we engaged Fiona Fyfe Consultants, who are on the Government's preapproved list of consultants for this type of work, they did the landscape and seascape character assessment for Jersey and they have worked here,

so they know the area well. We worked with them to build an introductory session to build an explanation to engage people, either in private individual one-to-one meeting sessions with particular industries, with particular areas, and then to build those broader stakeholder workshops where we started to get the feeling for what Jersey wanted out of its Marine Spatial Plan and what people wanted out of their sea, more to the point. Because the plan is the document, but the sea is the thing that matters to people. We brought that consultation process through. That really gave us our grounding and our foundation. We also use the Marine Resources Panel, which is a long-established stakeholder group that we have in Jersey and we meet quarterly with the panel, who are the Minister's main advisory body on marine issues, and updated them, listened to information from them and looked for opportunities to discuss each phase of the development of plan with that main group that involves commercial and recreational fishing, marine scientists, and Ports Authority, and aquaculture, and in-shore fishermen as well, so a full suite of representatives of use of the sea. On top of that, we had the later consultation sessions on the first plan, but I think for the initial scope that is where we started.

Deputy D. Warr:

Thank you. So were stakeholders from different sectors given the opportunity to discuss their priorities for the Marine Spatial Plan together before the plan was drafted?

Head of Marine Resources, Infrastructure and Environment:

Yes.

Deputy D. Warr:

In other words, was there an iterative process where they all came together?

Head of Marine Resources, Infrastructure and Environment:

So that was the initial stakeholder workshop, so we had used a few different places, the best one was the main meeting room at St. Heliers Town Hall. We had a large round of square tables that we sat people in groups at tables. We opened with: "Do not sit with who you came with. So go and find a different table with different people so that you are going to be sitting around in a group of 6 to 10 of you discussing issues, discussing points that matter, and seeing how those fit in the wider context for other people." The only group I will say that did not sit in a diverse set of tables were our commercial fishermen who came to one particular meeting as the J.F.A. (Jersey Fishermen's Association) came as its panel, sat together, and made their views known very clearly during that meeting. I was saddened that we did not get that mixing of more of the main commercial fishermen into other tables and groups through that commercial and recreational fishing session. But we did have other fishermen in the room for all sessions who contributed as well.

Deputy T.A. Coles:

So, once you have gone through your initial process and you came up with a sort of a first phase, second phase concept of what this plan was going to look like, there was no reintegration of these kind of meetings?

Head of Marine Resources, Infrastructure and Environment:

We had several follow-up, we and the consultants, Fiona Fyfe Consulting, had several follow-up meetings where ideas had been brought out. Sam, can you remember how many different things we got through the first scoping workshops?

Marine Resources Data Officer, Infrastructure and Environment:

Comments, it is about 400 individual comments.

Head of Marine Resources, Infrastructure and Environment:

Yes, so 400 initial comments from 150-odd stakeholders. Some of those were enough, they were clear, you could understand what someone wanted. We took that away and put it in. Some of those led to further questions and further consultations. So we met again with Ports, we met again with the electricity and telecoms companies, we met again with fishermen, a lot. We met again with other interest groups to further build those conversations and really dive into what it was that people were trying to bring out in those initial comment cards. Because they were quite small comment cards.

Deputy T.A. Coles:

Were these meetings with the individual groups on their own, rather than being a cross-section, bringing them together again to hear them overall?

Head of Marine Resources, Infrastructure and Environment:

Yes, although cross-section was brought together every quarter through the Marine Resources Panel. So that is where we have our main marine user group. So they would have updates, we get feed-in from that which helped build the picture.

The Minister for the Environment:

Did we have meetings, well I know the answer, it is a rhetorical question, meetings with specific parts of the commercial fishing industry, so like mobile gear people, for example, were met separately from potters or from scallop divers?

Head of Marine Resources, Infrastructure and Environment:

Yes. So there was a mobile gear working group that is ongoing at the moment, or was ongoing during that period, and we worked with them as the identified section of the fleet that would be most

affected. You can consult for an awfully long time if you want to, but we had a fairly tight timeline given to us by our Minister at the at the initiation of the plan that we ran to try to get the best information to develop this first iteration of the plan. One of the things I love about Jersey and its process for developing these things is the scrutiny process. You get as far as you can, you build as much as you can, and then everyone gets another say and you get to see where you are again. I am not saying we have got everything right by a long shot, but I think what we did was pretty solid.

Deputy D. Warr:

I will jump my next question. So on to this feedback idea. So what feedback have you received to indicate that the plan and the implications of it have been well understood by the different types of fishers who may be impacted and by other stakeholders? I think this is our earlier discussion and saying these emails you have received, which is clearly showing a gap in understanding or concerns, et cetera, so maybe if you could just maybe carry on that conversation a bit further please.

The Minister for the Environment:

Once this comes in, I would say that the emails I have received show that there is a good understanding of what we are proposing because they are all complaining about it. The fact that both sides are complaining about it means to me that we seem to have, or we have achieved, what we were trying to do, which was to find a compromise down the middle where there was no major extremes on any particular side.

[14:30]

Yes, we are protecting more of the environment. We are making it more difficult for the mobile gear fleet. But that will make it in some ways easier for the people who dive for scallops. No Take Zones will affect anybody who uses that area because they will not be allowed to prosecute that particular small area any longer. But I would say that the responses I have had show that fishermen do understand and in fact they want to understand more. One of the complaints is that the line, if you like, the thickness of your biro on a chart could be a couple of hundred metres thick when you analyse it in great detail. But until the waypoints are officially agreed in the States Assembly ...

Deputy D. Warr:

Sorry to interrupt you, would you say that the reason that a lot of people are complaining is because they perceive you to be actively putting them out of business?

The Minister for the Environment:

Well, I am not trying to put anybody out of business and I would like to think that the changes that I have made to the original draft, which was in place at the beginning of the year, will show that and

demonstrate that what I have done, and what the Department have done, is listen to the consultation responses, the very many that we have heard about, and taken action to try, where we can, to see if we can make their concerns and their worries, to reduce them a bit, so the impact on them is not so great, to give them a bit more warning. Yes, there is an area here, we are going to protect it, you have got five years, but you need to realise that is going to happen. This area here, we are not going to protect immediately, but we are going to do more research. If we find there is lots of valuable environmental stuff that needs protecting there, we will act. But, you know, we are not going to do that immediately.

Deputy H. Jeune:

Can I come in on that one, for the future, when those changes will be made, if you find the evidence to make that decision or future Ministers to make that decision, would you be going back to engagement and consultation and doing the same kind of processes as now or will that be because it is now in the Marine Spatial Plan it is kind of set there?

The Minister for the Environment:

Not if I have anything to do with it, because I always like to consult and make sure I get everybody's views on board before we take any decision. It may be, if we have an area here we do more research on, we might find that certain parts of it are more protected or need more protection than others. We can talk to the fishermen. They will have some input as to which bits they might find are less useful to them or easier to fish, and you put everything in the mixing pot and hopefully come out with an answer. It may be that the answer does not get us to 30 by 30. But 30 by 30 is not my priority here. So I want to be quite clear, I am not a Minister who has come in and said: "We have got to get to 30 by 30." I accept that the moment we are 23.3 in this draft and I accept that by 2030 we will be a lot closer to 30 per cent, but we may not get there, not initially. That is not my driving force behind this at all.

Marine Resources Data Officer, Infrastructure and Environment:

Could I just come in on that? There were some areas offered to us that we could include inside the M.P.A. network, by the fisherman as a compromise, but because we did not have any data there to say that it was biologically or ecologically important. We did not want to be including areas in a potential 30 by 30 network that do not have any benefits associated with it. We have put forward the areas that we have that strong basis for and any extra information we get going forward can help inform any future areas.

The Minister for the Environment:

We could add small parts of percentage to the protected area by looking at marine cables and stuff like that. There are ways to get to 30 by 30, but if we need to do it, we need to do it genuinely and say we are protecting these parts of our waters for genuine reasons.

Deputy D. Warr:

So what engagement has taken place with relevant French and English marine resource and fisheries authorities to align the Marine Spatial Plan with those in place or in development in those jurisdictions?

The Minister for the Environment:

We have certainly consulted with other Channel Islands, Guernsey particularly. They do not have a plan. They are very interested to see what we are doing. They are keen to develop one right on the back of ours. We have spoken to the U.K. (United Kingdom) about fishing. We have certainly spoken to the French. We have spoken to regionally to Brittany and Normandy. We have spoken nationally. We have spoken specifically in places like Granville. Francis, tell us a bit more.

Head of Marine Resources, Infrastructure and Environment:

Interestingly, the first U.K. / French Marine Spatial Planning Meeting was held at the St. Helier Yacht Club and hosted by Jersey. That was back in 2018 and they needed some neutral turf on which to come together to start talking about Marine Spatial Planning on that wider scale. We have had those contacts and had that connection since then, which is quite useful to us. We are part of the U.K.'s Six Nation Marine Spatial Planning Group, which includes the U.K. as a whole, plus the devolved administrations, Ireland and the Crown Dependencies. We also look to work very regularly with our French counterparts and have done for a long time. Through the T.C.A. (Trade and Co-operation Agreement) process there have been updates on this, as well as the French being a regular consultee as part of the M.S.P. consultation process. We briefed, quite recently, in the middle of last month, the Normandy Comité Régional des Pêches on the outcomes of the Marine Spatial Plan as a courtesy, because they had given us one of our largest submissions to the consultation, at over 40 pages. We are looking to offer a briefing to Brittany very soon as well on the same basis.

The Minister for the Environment:

Can I just add, while we are talking about that, the French National Government, certainly the French Ambassador, was in Jersey quite recently. She spoke to us about the M.S.P. and I made sure that officers on the day of publication were speaking directly to their French counterparts in Paris to make sure that they were aware. It is not surprise and it would not be a surprise to hear that we have had a lot of discussions with the French at all levels about this plan. I might add before we go back to Francis, the French have their own ideas about Marine Spatial Planning. They also have their own ideas about protecting areas. Their fishermen are having the same challenges with their regional

governments, if you like, that our fishermen are having with us. The same discussions are taking place on both sides of the water.

Deputy D. Warr:

To carry on that point, what influences would you say those discussions have had on the shape of the plan or on specific aspects of it?

The Minister for the Environment:

Certainly we were at pains to point out to the French, whether that was regional or national, that the consultation process to us was an important phase. We wanted to be very clear that we were not in the game of having a consultation, putting responses on the shelf and carrying on with what we wanted to do anyway. You can see through the responses specifically that we have made to the various consultation responses and the changes that we have made. In one area of Les Écréhous, we have got a grandfather area which we have done specifically for almost a single boat, a French boat, which demonstrated to us that the vast majority of his income came from this small area. We said: "Okay, be aware, we are going to make some changes here, but we are going to do it in a few years' time. We are not going to chop you off." There have been other responses from the French and it would be no surprise we have had the Granville Bay Treaty, which has run for quite a long time. That involved regional and Jersey meetings on a regular basis. It has been challenging, but it is always challenging.

Deputy D. Warr:

Was the plan translated at any stage? If yes, into which languages?

The Minister for the Environment:

Yes.

Marine Resources Data Officer, Infrastructure and Environment:

There is a summary version of the Marine Spatial Plan that was translated into French.

Deputy D. Warr:

Okay. You did not consider other languages, like Polish or Romanian?

Head of Marine Resources, Infrastructure and Environment:

We looked at it and we spoke to the comms office about the options for it, both due to time and budget. With the interest shown so far we have agreed to press ahead with English and French as our main languages for working in.

Deputy D. Warr:

Okay, thank you. My final question is, as you are aware, fishermen have made submissions to the Panel and some are uncertain about their future and feel, we have already indicated this, unwilling to invest as a result. What reassurance do you feel you can offer them?

The Minister for the Environment:

As I said a little while back, I am not in this job to put fishermen out of business. What I have tried to do here with the revised version of this draft is to find ways forward where we can keep fishing fleets in business, commercially, so that as we close more areas off to them, depending what metier they are following, they find that the waters they are still fishing in have enough product in for them to continue to make their living. We are, however, sending indications of directions of travel. There will be management put in place to protect the stock. As I said before, we have seen what happens where we overfish and it takes a long time to recover. I do not want that happening on my watch, so we will take management measures to protect the stock and at the same time hopefully protect the commercial fleets so that they can continue to make money. Ultimately, at the end of the day, if there is nothing in the sea to fish, there will not be any fishermen making a living out of it.

Deputy D. Warr:

Understood, thank you.

Deputy H. Jeune:

Thank you, Minister. To pass over to our external adviser on this, if she has any further questions under consultation and engagement.

Associate Director, Natural Capital, Howell Marine Consulting:

Thank you. Trying to understand consultation versus participation, there was a direct document that was produced halfway through, are stakeholders involved in helping to develop actions or to feed into actions or if the first time they saw them was at the consultation phase?

Marine Resources Data Officer, Infrastructure and Environment:

Certain stakeholders who were considered to be knowledgeable and expert in different areas were used to develop specific things. We did not, for example, draw lines on a map without talking to fishermen, as well as looking at what we had in the data. Data will tell you so much and it will tell you an awful lot if you use it well and carefully, but sometimes you need to speak to users as well to fully understand it. Yes, there were conversations the whole way through. There were elements that people had not seen until it was published. That is the nature of the plan. You take in information in those phases and then have to get on and do some work and then present the next round.

Associate Director, Natural Capital, Howell Marine Consulting:

Okay, thank you. I was trying to get an understanding of the process.

Marine Resources Data Officer, Infrastructure and Environment:

The direction of travel document was only finalised after the stakeholder workshop, so it was already being informed by the stakeholders at that stage.

The Minister for the Environment:

Yes. We did not talk about it before, but maybe in the process section I should have mentioned the fact that, as I said, I have had some correspondence from various fishermen in the last few weeks. What I am saying to them all is: "There was an original document. We amended it. We published the draft. It is now subject to scrutiny. If you have some strong views, please, here is the Scrutiny Panel. Use the Scrutiny Panel." As Minister, I have published this. I am not going to publish or propose amendments to it before the debate, because it is in the scrutiny process, so I am urging and certainly encouraging people to come to you as the Scrutiny Panel and to continue the consultation. I do not think, at this stage, it is right that, as Minister, I propose any further changes to this until the debate.

Deputy H. Jeune:

Thank you, Minister. Ness, was there anything else on that question?

Associate Director, Natural Capital, Howell Marine Consulting:

Yes, interesting to learn more about the Marine Resource Panel and what role they did in the process.

Head of Marine Resources, Infrastructure and Environment:

I have described who the Marine Resource Panel are, Ness. They are a regular advisory group to the Minister. It is chaired by our director, William Peggie, and is staffed by officers from the Department; normally, the Senior Fisheries Officer, the Head of Marine Resources and a scientific representative. It is an open and honest and often a very robust forum for discussion around marine issue that will have people who are no shrinking violets and who are willing to make their opinion and the needs and views of the organisations they represent known very clearly. It is always a good sounding board for work we are doing. We have used it throughout the process.

Associate Director, Natural Capital, Howell Marine Consulting:

Thank you very much.

Deputy H. Jeune:

Thank you. Looking at the time, there are 2 big areas that we want to focus on, but there are a few things that I wanted to talk about, about international relations. We have already covered that a little bit with Deputy Warr's discussion about your dialogue with the French and the English. You have talked a little bit about the fact that the French and the British came on neutral ground in Jersey to discuss about their Marine Spatial Plan and what was happening there. We want to understand when developing the model around the Marine Spatial Plan what consideration was given in using the same methodology as the French or British authorities. Are we using the same methodologies? If not, why are we not?

Head of Marine Resources, Infrastructure and Environment:

I can talk to the context first and then if you want to talk to the detail of them methodologies, Sam.

Marine Resources Data Officer, Infrastructure and Environment:

Yes.

[14:45]

Head of Marine Resources, Infrastructure and Environment:

There is a lot of differences between a small island with just over 2,000 kilometre squared of sea and the U.K. with 6 million kilometre squared and France with 11 million kilometre squared. Scale is one thing that has been important to this. It is important in both ways, in that we can be a lot more focused on fine detailed, because we are focusing on such a tiny area. Whereas the broad-brush approach that is needed for Marine Spatial Plan on a grander scale. In the U.K. it is not even called Marine Spatial Planning, they are called Marine Plans, although they do the job of Marine Spatial Planning. That has be a challenging and politicised process for the U.K. The only other thin I want to mention before Sam talks about the style of M.S.P. development is that during M.S.P. consultation process and development process, we have also been consultees in the redevelopment of the French Marine Spatial Plans for their Normandy and Brittany plans. We joined French workshops and gave consultation responses to their plans as well as them responding to ours. The message from both parties the whole way through, and with Guernsey as well, has been: you do not plan for marine spaces that boarder you neighbours in isolation. It always has to be done in the wider context. We always respect and look to the plans of our neighbours and look to help our neighbours understand our plans to build and develop those. Sam?

Marine Resources Data Officer, Infrastructure and Environment:

The style of the Marine Spatial Plan did evolve over time. It also pre-dated my involvement in it. Paul Chambers and the planning officers did a lot of looking at what other islands and jurisdictions

were doing. Bermuda and the Seychelles, those were 2 Marine Spatial Plans that were heavily researched in helping us to shape our Marine Spatial Plan. That later evolved once we brought Fiona Fyfe and Associates on board, because they had a strong planner on board that team. She was able to advise on how we should be going about ours. We were mindful to make it more local and community-led. That is why we have those pin-portraits throughout the Marine Spatial Plan. We have gone out to marine stakeholders, people who are using the marine environment every day, to make sure that their thoughts are included in the plan and are made very clear in there.

Deputy H. Jeune:

Thank you. The final question on this is: do you feel that the Marine Spatial Plan, Marine Protected Areas, and fishing zones are all consistent and compliant with the T.C.A. that we have between us?

Head of Marine Resources, Infrastructure and Environment:

That is an interesting question. The Marine Spatial Plan is not subject to the T.C.A. It is a wider plan. Outputs of the plan will have implications to the T.C.A. insofar as the fishing paragraphs go.

The Minister for the Environment:

Following the States debate.

Head of Marine Resources, Infrastructure and Environment:

When and how those elements are brought forward, including M.P.A. networks, will need to go through notification periods with the E.U. (European Union) to inform French fishermen and there will no doubt be robust conversations around that. As that process goes through, the U.K. is being taken to arbitration by Europe at the moment over some of their recent fishing zone designations. We are hopeful we can manage dialogue and work together in a collaborative and grownup way to not go down such strict routes, but we will see where we end up. There is always a risk that you can get so close but you can never fully agree.

The Minister for the Environment:

The management measures are always subject to outside verification. Recently we took a very small change to the minimum size for lobster. That decision had to be uploaded to Brussels to make sure that it was okay there.

Deputy H. Jeune:

Thank you very much. We move on, knowing that we do not have that much time left. We have 2 big areas. We have touched on this a lot, but it is important to have a focus on the Marine Protected Areas. Deputy Curtis is to lead on this.

Deputy A. Curtis of St. Clement:

Thank you, Chair. Minister, we have spoken and you have highlighted some of the reasons that the consultation has changed the sizings and sightings of the Marine Protected Areas. Could you drill down a little further on the rationale that has resulted in changing M.P.A. coverage from 27 per cent to 23 per cent?

The Minister for the Environment:

There are a number of reasons why the percentage numbers have changed. Certainly I sat down very soon after I became Minister and said: "Where are we? What are we proposing? Where are the areas of contention?" We looked at the consultation process. From a very straightforward point of view, I went to the team and said: "As somebody who has spent a little bit of time at sea, from a practical point of view of navigating and stuff like that, I would much prefer to have straight lines rather than the original curvy line."

Head of Marine Resources, Infrastructure and Environment:

From the base point.

The Minister for the Environment:

Yes, from the base point. These curved lines on the chart were something that we decided to go away from. From both sides, I felt that would make life easier. That made some changes. It was the effect of the original plan on some parts of the fishing industry and the responses that we had which mainly made up look again. I was very big on, as I said, compromise. I said: "We need to find ways of reducing this number, so the effect on the industry is less initially, but at the same time indicating a direction of travel." We have areas now that have been grandfathered. There is a small area up at the Les Écréhous. There is a larger area down to the south of the Minquiers. We have also, most importantly, designated these areas of further research, where the Department has admitted they might like to know more about what is on the sea bed, which species, how much we fish there. It was agreed that we would take certain areas out of the original plan and we would make them subject to further research. The Department are going to do that work, they will come back with the data and we will see where we are. The word on those areas is: we are going to look and if there is something there to protect, we will act. Similarly, we are not going to protect areas that are not worthy of protection. That is the reason why the 27 per cent came down to 23 per cent. You could look at what we have proposed now and say: if all the research areas that we do get protected, once we have been through the grandfathering stage we are going to be back up to ...

Head of Marine Resources, Infrastructure and Environment:

We are currently at 22.3 per cent and the research / survey areas, if they are included, would be an additional 4.4 per cent. I have a slide that we could put on the screen if it is useful.

Deputy A. Curtis:

Maybe if we need to later.

The Minister for the Environment:

There was a reduction 27 per cent to 23 per cent or thereabouts. We have indicated we could get back up to that number, but we need to do more work. Certain smaller areas are going to be grandfathered and there are seasonal areas in there as well, which does not qualify.

Head of Marine Resources, Infrastructure and Environment:

Could I also say that the original areas, as proposed when it went to consultation, were based on the background reports, the habitat assessments, and the various bits of work we did, from all the information we were able to get together. What we lacked at that point, although we had asked for it, was more detailed and up to date fishing information from the mobile gear fleet, who did not provide it following the first consultation in a format that was useable. We asked quite extensively for their chart-plotter details for the information from their fishing tracks so that we could build that in and understand: yes, we have areas with important biological habitats, but how important are they to fishing as well? We had some volunteered data through a system which we called Fish Map, which we ran a few years ago, but it was sent in contextual ways, where the period of time it was delivered for made it hard, in some cases, to use. Once we went to the main consultation, we did get further information in. That was able to help the Minister make those informed decisions of: yes, these areas are important to fishing, either on a temporary or permanent basis. That is where the research zones have come in. That is where some of the edges have changed, as well as the straightening of lines. That is where the seasonal fishing grounds have come in, as proposals from those fishing fleets and sitting down with those groups and working with them.

Deputy A. Curtis:

There are a couple of questions I have coming off the back of that. The first one is about the data that informed the initial areas. I have had a chance to read the methodology summary that was attached to the website, which is incredibly detailed in sections 2 to 4, as to per square kilometre what the OSPAR (Convention on the Protection of the Marine Environment in the North East Atlantic) threatened at-risk areas are and what the ecological score is. What is interesting is the areas taken out are at part, especially to the east of Les Anquettes are scoring highly in multiple quadrants, scoring up at 100 per cent of seabed covered by OSPAR threatened species. With that compromise, how comfortable are you that you have made those right compromises, given the data that was used to create those M.P.A. areas was described as the right balance in the first place and whether the areas chosen to carve up in the lack of very quantifiable fishing data is the right weighting to remove these threatened sea beds?

The Minister for the Environment:

Francis can talk about the area to the east of Les Anquettes. We are not quite as much as proposed initially, but we are certainly a lot more than we have now. All those areas right out to our territory, I was under the impression that we could do more research there.

Head of Marine Resources, Infrastructure and Environment:

Yes. Sam is probably best to give us the exact detail, but the one-kilometre grids were based on the best information those areas and some modelling data. Modelling data is about 70 per cent accurate. Those are important areas to commercial fishing, to dredging as well, and they were the areas that were an immediate red flag to a lot of the fishing fleets. We have agreed that we need further evidence on those areas before making a decision on what their future is. Sam?

Marine Resources Data Officer, Infrastructure and Environment:

The further away from shore you get, especially on the East Coast, we have lots of visual evidence further in that those habitats are there, so the maerl beds, and then that evidence is used to inform the model, which has said, yes, there is maerl here. We have maps from the 1970s that also say that maerl is there. To ground-truth that now that we know that area is very economically important, we thought it was prudent to make sure that we go out and redo those surveys and have the visual evidence that it is there and in what state it is in before we define that area for protection. It may define it more around that habitat to then lessen the impact on their mobile gear fleet.

Deputy H. Jeune:

What is the timeline for that surveying? You would want to expand that and therefore ...

Marine Resources Data Officer, Infrastructure and Environment:

We would hope to do it next summer. We have already started some drop cameras, but none of the data has been analysed. We have more areas that we need to do. Once we identify that the maerl beds are there, it is getting grab samples to say whether it is live, dead, a mix, and what is the biodiversity like in that maerl bed, because it varies.

Deputy A. Curtis:

That data will come in within your term Minister. We understand that what has been removed, if current modelling is right, will reduce protected maerl beds from 88 per cent down to 33 per cent protected. How quickly do you think you will act on re-weighing the compromise you seek to address this year ...

The Minister for the Environment:

Maerl is pretty important, mainly on the basis that it does not grow very fast. We do not want any live maerl beds destroyed any more than we have already. We have protected the areas we need to immediately. As Sam has said, we have started doing drop cameras on 500 metre spacing. Where we have evidence that needs further research, we will do that. This is the proposal that is going to the Assembly later this year. We will see what comes out of that process. As data becomes available we will act. If we had had more data that showed that maerl was really there in great quantities and needed protecting, I suspect that area that we have said we will do further research on would have been reduced and immediately protected areas would have increased.

Head of Marine Resources, Infrastructure and Environment:

The area that was protected about 10 years ago was one of our highest maerl banks inside of Les Anquettes. That was identified through taped video, 10 - 12 years ago, as absolutely key in terms of quality maerl of a good value, good structure and integrity, and live proportions.

Deputy H. Jeune:

Has that been protected?

Head of Marine Resources, Infrastructure and Environment:

That was protected in 2013 and remains protected. It is an OSPAR recognised M.P.A. area. Yes, the percentages do show a reduction in that sense from what is proposed as a definite thing to come in, but those research areas are research areas and the decision is not made one way or the other. They are not blocks, so you may say: yes this section, not that section. You can decide it based on that.

Deputy A. Curtis:

Touching on that concept of uncertainty and further research, the methodology for M.P.A.s, figure 5.5.1, considers the idea of warranting further research or survey work. In that instance, the areas highlighted for sea bed research were south of Les Anquettes and east of the Minquiers and to the south and the north, respectively, of the Écréhous and Les Anquettes.

[15:00]

What has changed between recognising uncertainty in the data in those 3 areas to the areas now included? Has the methodology changed as a department?

Marine Resources Data Officer, Infrastructure and Environment:

No, it is more to do with that those are the areas identified as being economically important. Making that closure based on the evidence we currently have is harder to make that argument to close it straight away ...

Deputy A. Curtis:

The burden of proof on these high economic important areas needs to be, in your view, Minister, higher to close them off, so you need the further survey work to be able to make a decision that would have economic consequences?

The Minister for the Environment:

Yes, that is probably the case. I have used the word "compromise" a number of times. Where the Department can clearly show that there is something that really needs protecting it is being protected. Where we think we might do a bit more research before we protect them or if we protect them, I have said, yes, that is a better way. As we pointed out, I would like to think there is something in this revised draft for everybody. We are proposing to increase the size of marine protection areas significantly from 6.7 per cent to 23 per cent. We are less than we were in the original plan, as you pointed out, Deputy, 27 per cent down to 23 per cent. Some of the people who feel very threatened as mobile gear operators, there is something in there for them. We are increasing the amount of area they cannot operate in, which gives something to the scallop divers and which gives protection to those people who do static gear. I have received complaints from people who drop pots and whose pots get dragged away by people dredging through their areas. There is conflict not only between the commercial fishing individual and the environmentalists or recreation or what have you, there is conflict within the commercial fleet itself, because the different métiers can be in conflict with each other. I am hoping with this revised plan that there is ... I would like to think that everybody who looks at it will think: "Well that is slightly better for me than it was previously." Although ...

Deputy A. Curtis:

Okay. We are close to time, so I have one final question on this section, which is about that future set, when new data comes in. You have described this as a living document. Are you able to give this panel the view that when new data comes in, when you are certain that the evidence changes, that you will make evidence-based decisions and be able to assess the harm that activities are causing versus the economic impact?

The Minister for the Environment:

The answer is: absolutely. I say that on the basis that just about everything contained in here, when it comes to M.P.A.s or fishing commercially or what have you is evidence-based. Everything has to be evidence-based. If we want to make decisions on management of the commercial fishery, which is not evidence-based, we will send that off to the Brussels or what have you and they will come

back and say: "On what basis, Minister, are you doing this?" If I cannot provide the scientific evidence they will say: "No, we are very sorry, but we do not agree."

Deputy A. Curtis:

Thank you.

Deputy H. Jeune:

In that case, maybe that is why the Economic Impact Assessment was only done after the consultation. Was that because of the data that you were not able to get hold of?

Head of Marine Resources, Infrastructure and Environment:

We have done a Business Impact Assessment that looks very specifically at mobile gear fishing based on the data that was available. It is not a full economic impact assessment. I was told by our economists not to call it that, because it was not what it was, because it was much smaller and more targeted. The aim is to do that sustainable economic impact assessment on the whole of the outputs of the M.S.P. once it is set post-debate.

Deputy H. Jeune:

Understood, thank you. I will pass over to the Connétable.

Connétable D. Johnson of St. Mary:

The disadvantage of coming in last is that you have already touched on some of the matters I am going to raise. If I might concentrate on the smaller mobile gear boats, which you have referred to already. As you are aware, the Panel has received submissions from fishermen who believe that the blanket approach taken in designating M.P.A.s has had a detrimental effect on their boats, in particular in the local fleets and the French fleets. My first sub-question is: how have the concerns for this sector of a fishing fleet been addressed, incorporated and satisfactorily dealt with?

The Minister for the Environment:

I doubt that those operators of small mobile gear boats will say that I have addressed their concerns, but what I can say is that if you look at the proposals now to what they were before that in the area of St. Aubin's Bay, for example, the area that they can continue to dredge is much closer to St. Aubin's Bay than it was originally. However, if we want to talk about St. Aubin's Bay specifically, it is an area where people have dredged historically because it is quite well sheltered. However, we need to appreciate it is close to land, it is shallow, it has a lot of static gear, certainly in the area of Noirmont and Belcroute and around St. Aubin's Port static gear. There is recreational. There is yachting. There is a lot of different people there doing different things. One of the considerations at St. Aubins Bay is: is it right that we continue to allow dredging in that area where there is so many

different things going on. I do not know if you want to add to that Francis. Certainly I am aware on the east of the Island the smaller boats are not so good in the bad weather. You drive them further away from shore ... for myself in my heart, we should be saying to ourselves: we cannot continue to dredge close into land on an on-going basis.

Head of Marine Resources, Infrastructure and Environment:

I would add, Minister, that the proposal to include seasonal areas, which are the green areas around the coast in the plan, was following sitting down with 90 per cent of the mobile gear fishing fleet following the consultation and looking at the charts and going: "Right, chaps, you can see it in front of you now. You can see what the proposal is. Where is it a problem? How can we look at this together? What can we take back to our consultants, back to our group, back to the Minister to propose? We sat with them at Howard Davis Farm and went over these charts on broad scale looking at where people fished. We offered officers to go down on to individual fishermen's boats to then look at their tracks on their data and download that data and take it back to build into that knowledge set, so that we could understand those vital initial areas that the fisherman, especially of smaller dredgers ... and a small dredger is still not a small boat, it is a decent sized bit of kit ... the areas that they feel are vital, especially in bad weather or winter conditions. We have done what is reasonably and rationally possible to get that information and to factor it into the plan.

Deputy H. Jeune:

Thank you.

The Connétable of St. Mary:

What is the response from that group of people? Are they resigned to the fact they are going to be heavily curtailed?

The Minister for the Environment:

I hope they are not resigned to it, inasmuch as I told one or 2 of them that they need to put their representations into you as a Scrutiny Panel and if you feel they are valid you will come forward potentially with amendments to this for the debate. That is the right process to follow. All I can say is to reiterate again that dredging is not great for the sea bed. It is something we are looking to reduce if we can. I accept that people who operate dredgers will be affected by these plans. At the moment the scallop stop is in rude health and there are a lot of scallops there. Our job at the moment is to make sure that we keep it that way.

Deputy H. Jeune:

Thank you. Can we move on to point 34, please, Connétable?

The Connétable of St. Mary:

Yes. Compensation measures, 5D of the Plan states that compensation measures will be considered for fishers within the mobile fishing sector affected by the M.P.A.s, et cetera. To what extent, again, has that been discussed? Are they accepting of the idea that compensation might be given or will be given?

The Minister for the Environment:

We know, for example, the move by the States, by Government, to an increased minimum wage and indeed the living wage, meant that I fought very hard to get some monies to get some funds for support schemes for farmers and fishermen. We are now including fishery and that is important, because what it is going to allow us to do for the mobile gear fleet ... for example, we will want in exchange for financial support, we will want them to look at ways they can reduce their impact on the environment, reduce the amount of diesel they burn they are dredging, look at other methods of dredging or for fishing scallops, which are more environment friendly. On one hand, yes, there are compensation measures in place, absolutely, because we realise we are putting them under pressure, particularly through the wage issues. It is also vital, which is why I said it was always farming and fishing, that the monies which were agreed by the Assembly last autumn, will allow us for the first time to target specific areas in the fleet, whether it is safety measures, whether it is engine servicing, whether it is boat maintenance, whether it is in dredging terms using larger rings, so the boat does not have to work so hard to catch the scallops.

The Connétable of St. Mary:

Applying it against the mobile fishers, if the idea is to dissuade them from future dredging ...

The Minister for the Environment:

The message is that generally, when it comes to mobile gear, it is not great for the sea bed. It does not improve the sea bed. What we are trying to do is to find ways for them to do less damage, to burn less diesel, to take less out of the sea. The French use the larger rings now.

Head of Marine Resources, Infrastructure and Environment:

Yes, it allows more self-sorting. You are lifting less rock and by-product up to the surface. It is a cleaner fishing process.

The Connétable of St. Mary:

On the financial side, aside from the living wage, are there any other compensation measures you have in mind?

The Minister for the Environment:

Yes, we appreciate absolutely that, like most industries, regulation is putting more and more requirements on the commercial fishing fleet, whether that is requiring them to do firefighting courses or to maintain their boats or engines to a certain standard, to do first aid courses so that they are in a better place to administer first aid should they need to do that. They are having to fit navigational aids which allow us to track their boats. All these things cost money. We appreciate that. What we are doing with this Marine Support Scheme is finding ways to feed money back into the fleet in return for public good. If they do a fire-fighting course they will get a small amount of compensation for that.

Deputy H. Jeune:

Thank you for that explanation. If we move to point 36, if that is okay, Connétable. I am conscious of time.

The Connétable of St. Mary:

Yes. How quickly can the proposed M.P.A.s be set up and operating and what is the timescale in relation to the commitment to 30 by 30, although you already said that was not your priority?

The Minister for the Environment:

Getting back to the response I gave right at the outset, we are fortunate in that we have some legislation in place already. That will save us a lot of time. It will not be immediate.

Head of Marine Resources, Infrastructure and Environment:

As this is not a statutory document and it will not, as you say, have an immediate knock-on effect, the aim is to do it ... having done the Sustainable Economic Impact Assessment, it will follow the States Debate and acceptance of the plan, unless it gets rejected. We will then look to work with the fleet to bring in those modifications to the spatial management of fishing over a period of time that makes sense environmentally and economically. I would imagine 12 - 24 months initially, with the grandfathering going ahead, taking into account things like the 30 by 30 commitment, the windfarm, and other marine access needs. Nothing is set and formed exactly, but the aim is to do something that is on a human timescale and understandable to those that are reliant on areas of sea bed.

Deputy H. Jeune:

Thank you. Thank you, Connétable. The Connétable will come back in a minute on monitoring and enforcement as our last section, looking at the time, in the next 20 minutes. I want to see if our external adviser has any questions under the M.P.A.s that came up from that discussion.

Associate Director, Natural Capital, Howell Marine Consulting:

No, thank you.

Deputy H. Jeune:

Thank you very much. Connétable, please.

The Connétable of St. Mary:

Yes, quickly moving on then, a large number of the actions in the plan are marked as resources required and the responsibility appears to lie across many departments, both external and the arm's-length bodies. Who will have ultimate responsibility for the delivery and implementation of the M.S.P.s?

The Minister for the Environment:

I could be wrong, but I would hazard a guess that the ultimate decision-making will be the Minister, inasmuch as the Minister turns up in office with priorities. If he is determined that certain things happen at the cost of other things not happening, that may well be the case. Certainly those are the sort of challenges I am facing at the moment. I am sure I will talk to you as a panel on those at another time.

[15:15]

Marine Resources is one of my priorities and I certainly do all I can to meet the officers as regularly as possible and move forward with any initiatives that they think are important. I do not hesitate to say no, I do not think so, if it is not important. They do sit separate from others. They do have a budget. Marine Resources do what it says on the tin.

The Connétable of St. Mary:

Yes, it is whether this team of Marine Resources have sufficient funds given that responsibility for implementation is dealt with elsewhere and how do you control that?

The Minister for the Environment:

We have sufficient funds currently. But there can be no doubt that the amount of work the team have to do with the changes post-Brexit and the T.C.A., we are now responsible for our own territorial waters. We have a lot more boats in the territorial waters which fall under our jurisdiction, if you like. By that I am talking about French boats. We licence everything now. We have done that historically for nothing. The team are having to do a lot more than they did previously.

Deputy H. Jeune:

What the Connétable is trying to get at, Minister, is a lot of the Marine Spatial Plan is not the Marine Resources Team. A lot of the implementation of that plan comes via other organisations, other departments, other arm's-length bodies. We are trying, as a panel, to find out who can hold that ultimate responsibility to hold everybody to account, to be able to be doing something with this plan, so it becomes a reality rather than still a plan.

The Minister for the Environment:

The Minister for the Environment will have ultimate driving power behind it. This is an infrastructure and environment document. I accept that there will be at times need for input from various others. I work very closely with the Minister for Sustainable Economic Development on many of these issues. It has always been a challenge whether it is agriculture and, more specifically, fishing. Marine Resources are very much involved in the protection of the environment and where we might go in here. When it comes to fishing, they have very little involvement in the marketing, in the sale of the product off-Island, in developing new markets or how it might be exported or the financial challenges of the commercial fleet. That is where I rely on a close working relationship with the Minister for Sustainable Economic Development and Economic Development officers. When it comes to support for the industry, that is the Minister for Sustainable Economic Development's money not mine. I need to be very clear on that. This is where Government needs to be linked up. It has always been that way with agriculture and fisheries. There is a department here which are very much involved with growing the economy, the spraying, the harvesting, the cows, but when it comes to export, that becomes a different ...

Deputy H. Jeune:

We are talking about the plan specifically and there are many other areas ...

The Minister for the Environment:

Ultimately it is the Minister for the Environment, but it will be working with other ministers.

Head of Marine Resources, Infrastructure and Environment:

Certainly, and not just Ministers, Minister. There are objectives in there that will be owned by organisations such as Ports and Jersey Heritage. Those sit outside of Government. Now is a good time for those organisations to be saying: "That is great, we need to look for funding," or: "Hang on a minute." While the plan will be reported on by Marine Resources, officers to the Minister and hopefully back to the States in regular issue through that method. You do not want to create a situation where you put onus and responsibility on to organisations, especially arm's-length or third-party organisations and then cannot expect them to fulfil that. That is certainly, post-States debate, a huge piece of work that needs to happen to socialise, engage, and understand how different parts

of the Island will take forward the responsibilities noted to them and based on areas of expertise, skills and resource.

Deputy H. Jeune:

Thank you.

The Connétable of St. Mary:

The final question on this, you use the expression, government linked-up, that is my concern. Are the various departments linked up sufficiently for each department to know their responsibilities and commitments to the plan?

The Minister for the Environment:

As Francis said a little while ago, this is not going to be a statutory document throughout, so it will not have the gravitas that the Island Plan will have, particularly not at the moment, I hope it would be in the future. We will have to work with, as Francis said, people outside of Government. For example, Les Écréhous comes under the jurisdiction of St. Martin's Parish. The Minquiers comes under Grouville Parish. There are customs officers to take into account. There is Ports of Jersey, who now have major responsibility for lots of the stuff in there. There are other environment bodies which we will need to continue to consult with, as we have done throughout this. We have a No Take Zone in Portelet, which the officers in the Department monitor. I was out with them recently doing lobster trials, but I am aware that the Société do a lot of the marine research and data collecting in that area. We will have to continue to work with them and others.

Marine Resources Data Officer, Infrastructure and Environment:

Could I also add that a lot of the chapters and priorities from other departments or organisations were written in collaboration with them. The ideas have come from them. They want to see this happen. It is the support to do that is where we need to do work.

The Connétable of St. Mary:

Can you please outline the functions of the Marine Resources Team and its current level of resourcing? Can you do that in 30 seconds?

The Minister for the Environment:

The Marine Resources Team cover pretty much everything inside our territorial waters.

Head of Marine Resources, Infrastructure and Environment:

Less economic, as you pointed out, the management enforcement of fishing activities, of habitat, and of habitat valuation. We link with other parts of the natural environment to look at invasive species, disease monitoring, aquaculture, fishing and various marine elements.

The Minister for the Environment:

Protecting breeding sites is important.

Head of Marine Resources, Infrastructure and Environment:

Also meeting the requirements of our M.E.A.s (Marine Ecological Areas), so be it Bonn, Bern, Ramsar, OSPAR, the various different conventions and treaties we are signed up to that fall within our remit, alongside colleagues from Land Resource Management and those responsible for the wildlife.

The Connétable of St. Mary:

You mentioned Ramsar, how often do you need to enforce that?

Marine Resources Data Officer, Infrastructure and Environment:

Ramsar has its own set of management plans. There are 4 Ramsar sites around the Island, the offshore reefs and the South-East Coast. We have a Ramsar Advisory Group, who meet monthly and meet with the Department fairly often as well. We are mandated to hold at least one public meeting a year to update on Ramsar work. We also report into the international Ramsar structure. It is a bit part of Kerry-Ann's daily life. Alex Plaster is our Marine Science and Research Manager.

The Minister for the Environment:

The other thing that Francis did not really mention, which does take up not a huge amount of time, but time, is liaison with not only London and Brussels, but with our French counterparts, I.F.R.E.M.E.R. (Institut Français de Recherche pour l'Exploitation de la Mer) and other scientific bodies. There is continual dialogue going on between Marine Resources and all these people.

Head of Marine Resources, Infrastructure and Environment:

There was a question on how big is the team. We are a team of 10, currently staffing 9.

The Connétable of St. Mary:

Do you consider you have sufficient resources, in terms of financial and human to do all you are asked to do?

The Minister for the Environment:

As I said, currently I am happy that when we are back up to 10 we will be fine. We have some very capable people in the Department. Financially, at the moment we are okay, but, as I said 20 minutes ago, we have more to do since the T.C.A. with the same number of people and the same amount of money. There are some thoughts that we will ...

The Connétable of St. Mary:

When this plan comes into being, you will have more responsibilities. You have the ...

The Minister for the Environment:

I would not say we would have more responsibilities, but I would say that since Brexit and since the instigation of the T.C.A., we now have responsibility for a larger number of fishing boats that fish in our waters, which we are responsible for managing and licencing. At the moment, we do not charge anything for that.

The Connétable of St. Mary:

I will finish there.

Deputy H. Jeune:

Thank you, Connétable. Something that the Connétable picked up on and you have talked about going and seeing the No Take Zone in Portelet and monitoring that. You said you have enough resources for the policing of that, but when there are incidents and they are reported or you were able to have actions, how many penalties have been administered, not just in the No Take Zone, but also in Ramsar sites and all the different convention areas that we have under the different conventions? How are you able to enforce the different ...

The Minister for the Environment:

Francis will tell you how many, but I can say from my perspective that I am always very clear with the team, where they uncover something happening that should not be happening, not only do we rectify it, but we make sure that people know that we have taken action and only recently we have had a situation where a fisherman has been stopped at sea where some of the things were not quite correct. I will not go into any detail. He has been told very clearly that they need to be rectified. I have made the Department very aware that when we find things that are not right we will take action. The last thing we can afford to do is to be seen to be not taking action when we know something wrong is happening. Having said that, it is very challenging to discover things that should not be happening at all times of the day and night in all weathers, but the team do their best and occasionally, every once in a while, we catch people doing things they should not and we prosecute them. Usually they are quite high profile, which involves bringing fishing boats into St. Helier or quite often French skippers being taken to court.

Head of Marine Resources, Infrastructure and Environment:

Fortunately, we have not had to detain a foreign fishing vessel for some time. That is due to good relations and good understanding. The Marine Resources Annual Report is always a good place to gather that information. For the year of 2022 there were 349 inspections carried out; 60 per cent of these were shore-based, 88 boardings at sea, and there are also details in there about the offences. Same year, 2022, there were 33 recorded offences that were taken through the formal process, whether those ended with a cautionary letter, with Parish Hall, or going to court, depending on the offence and the circumstances. We are not afraid to take people to task when there is an issue.

The Minister for the Environment:

Technology is helping. The fact that we can now pretty much monitor every fishing boat working in our waters is good. We now can use radar data as evidence in court.

Deputy H. Jeune:

You feel that although you are going to be increasing the areas that you will be monitoring harder, you will have the ability to do that?

Head of Marine Resources, Infrastructure and Environment:

I would say, Minister, that we have the kit and the technology and are developing the skills of the team to be able to manage that process. Sam is a bit of a whizz at coding and Arin is helping us streamline and improve the technical interpretation side of a lot of what we do to automate some of that work to help us make that process efficient.

The Minister for the Environment:

It is not just enforcement, we have introduced a new way for smaller boats to register what they catch, where they catch it, and where it has been landed. It has been hugely successful and a lot of people are envious of some of the work we have done, which is making life much easier, not only for us, but also for the fleet.

Deputy H. Jeune:

That is good to hear. A few questions to wrap up, how do you work and dialogue with other Government departments, for example managing the onshore pollution that has an impact on the marine environment? How do you ensure that you have enough power there or support to be able to help manage that impact that is coming from onshore going to the marine life?

Head of Marine Resources, Infrastructure and Environment:

The Water Pollution Law is managed through regulation and also through the Water and Air Team who are part of the Lands Team. We work very closely at all levels from the Senior Leadership Team, which are within Natural Environment, the Directorate up to the Executive Leadership Team, at those levels of management, and then on a case by case basis and day to day issues basis. If a Marine Resources officer is alerted to or spots and issue they will talk to their Water Pollution colleagues. Likewise, if they need us on something, we will work together to get that information to help build cases, to provide witness statements or expert opinions. It is one team, one department.

Deputy H. Jeune:

You feel that this way of working now is sufficient for the future, that it fits within the Marine Spatial Plan and fits within that wider onshore offshore management?

Head of Marine Resources, Infrastructure and Environment:

Yes. In terms of that onshore offshore management, the Marine Spatial Plan is designed to feed in and support the Island Plan, which is the onshore element. Hopefully as those 2 things come together more with the next iteration of the Island Plan, there may be areas where it is identified in a need to strengthen things. We will know if we are under resourced in areas when we start to try and deliver things out of the MPS, we will find that out as we go and we will highlight it and we will show where we are failing to do things and where maybe more resources are needed.

Deputy H. Jeune:

Thank you. That has answered a few questions about the next Island Plan and how this will be feeding into that. What consideration has been given to providing independent on-going external review of implementation of the Marine Spatial Plan? Can you think about, going through, is there a process that you have thought about to have an independent and external reviewer or review to see that this Marine Spatial Plan is being implemented in a timely manner, that it is being able to ...

The Minister for the Environment:

Yes, I am not sure that we have yet. We work with a number of U.K. universities. The core work that we are doing is one example. As Sam said, we spoke to other universities in the U.K. about the development of the plan. Have we got thoughts on how we might review this after a certain amount of time? I guess it is early days.

[15:30]

Head of Marine Resources, Infrastructure and Environment:

We have our plans to review and report on it internally. Whether you would look to have an independent audit of that work or whether you look to have an independent opinion given on how it

has been carried out, we have not looked at yet. That has not been resourced in budgets anywhere. As we have said before, it is a draft plan. It has not come through to the final stage yet, so we have to see what it looks like before we decide how we are going to market.

The Minister for the Environment:

There is always a scrutiny panel. I am a great fan of working with scrutiny panels to make things better. Maybe in a couple of years' time the panel will want to come back and do a review themselves to see how they are getting on. In which case, we will be delighted.

Deputy H. Jeune:

Thank you. One minute left. Minister, we have had a few submissions and we have heard it also in the press about the call for an independent regulator that could help monitor the activities of pollutants and contaminated runoff into the sea, so particularly from this aspect. What are your thoughts on having an independent regulator?

The Minister for the Environment:

We have quite a strong regulation team inside Government at the moment. I would like to think that we hold ourselves to account. The team are very keen to maintain Chinese walls between themselves and various departments they are seen to regulate. That is no different to some of the things that happen across the whole of Government really. We have a regulation team that look after it. I can assure you that they work very hard to hold us to account. However, there will always be people who criticise and it may well be that at some point in the future it might be an idea to have a review of internal regulations to see how good we are. As regards an on-going permanent independent regulator for the environment, I am not sure. It is clear over the decades, it is easy to say in hindsight to go back and think we might have done that differently.

Deputy H. Jeune:

Thank you. Finally, to Ness, our external adviser, if there is anything in this section. We have been quite thorough, but if there is anything that stands out for you.

Associate Director, Natural Capital, Howell Marine Consulting:

Yes, just to understand the relationship and iteration of the plan as it goes forward, between the Island Plan and the Marine Spatial Plan, and how that might transition in the future, given one of the key drivers was for the M.P.A. network this time? How might that evolve? Can you see it evolving independently? Will the next Island Plan then link through to the Marine Spatial Plan? Or could the Marine Spatial Plan potentially be statutory through its own legislation and processes?

The Minister for the Environment:

My gut feeling would be that it may be quite a while before the Marine Spatial Plan ends up with the same statutory powers, but certainly I would hope that the Island Plan would inform the M.S.P. and vice-versa. The whole idea is to have the 2 plans working side by side. It may be where we are discussing something about the shoreline potentially or a particular new commercial industry that comes out of it. We talked about seaweed harvesting. There may be other things, mineral extraction or what have you. It is going to be vital that the 2 plans work together.

Head of Marine Resources, Infrastructure and Environment:

The timeline we were given to deliver the M.S.P., by the end of 2025, was so that it could inform the next Island Plan and set out in the Bridging Island Plan. Unless the M.S.P. were to become a statutory document on its own, the objective would be to always have a good, solid, up-to-date M.S.P. ready 18 months to 2 years ahead of an Island Plan cycle, so that it was ready to inform and support the delivery of that whole Island Plan.

Deputy H. Jeune:

Great, thank you very much. I see the time has run out for us, but we have reached the end of our questions. I would like to thank Minister to officers for attending today and for all your inputs and answers to the Panel's questions. Thank you as well to our officers who are here today to support us and also to the members of the public who have been here in the room and also online listening.

[15:35]