

Jersey Marine Spatial Plan- Legislation and Policy Review

Prepared for Marine Resources, Infrastructure, Housing and Environment, Government of Jersey



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Abbreviations and Acronyms

BIC	British Irish Council
CM	Chief Minister
COM	Council of Ministers
DEFRA	Department for Environment, Food and Rural Affairs
EIA	Environmental Impact Assessment
IHE	Infrastructure, Housing and Environment
IMO	International Maritime Organisation
JMSP	Jersey Marine Spatial Plan
MCA	Marine and Coastguard Agency
MPA	Marine Protected Area
MSP	Marine Spatial Plan
(M)EDTSC	(Minister of) Economic Development, Tourism, Sport and Culture
MENV	Minister for the Environment
SPPP	Strategic Policy, Planning and Performance
UKHO	UK Hydrographic Office
UNESCO	United Nations Educational, Scientific and Cultural Organisation

Part I. Introduction

Marine Spatial Planning (MSP) is a practical way to create and establish a more rational organisation of the use of marine space and the interaction between its uses. It has been defined by UNESCO as the “*public process of analysing and allocating the spatial and temporal distribution of human activities in marine areas to achieve ecological, economic, and social objectives that usually have been specified through a political process. Characteristics of marine spatial planning include ecosystem-based, area-based, integrated, adaptive, strategic, and participatory.*”

Marine spatial planning is not an end in itself, but a practical way to create and establish a more rational use of marine space and the interactions among its uses, to balance demands for development with the need to protect the environment, and to deliver social and economic outcomes in an open and planned way.”

In Ministerial Plans, published in October 2023, as part of the Government Plan 2023 – 2026, the Minister for the Environment sets out, as a priority, “developing a marine spatial plan to ensure the sustainable management of the Island’s marine environment”. The need for a MSP has been endorsed by the States of Jersey Assembly in several key policy debates and clearly highlighted in the Bridging Island Plan (Strategic Proposal 3) and the Carbon Neutral Roadmap (Enabling Policy 5). A MSP is also included in the Economic Framework for the Marine Environment 2022.

The evolution of this process in Jersey has been ongoing for several years with most of that time dedicated to the collection, analysis, and processing of data to inform the process. These data are, largely, presented in the JMSP Atlas.

This legislation and policy review aims to support the process by identifying and summarising the relevant International Agreements, legislation and policy frameworks that will impact on the MSP. Use of the marine environment is complex, and the MSP needs to reflect that complexity. To ensure a consistent approach, this review is structured to mirror the data sets in the JMSP Atlas. Governance structure for each of these data sets is also defined, and details Ministerial responsibility, Government administration and other key organisations that develop policy and implement legislation. It should be noted that the review, whilst comprehensive, does not seek to detail all legislation, but rather those which have a particular bearing on the MSP.

The review has been undertaken as a combination of a desk top study literature review and consultation with key stakeholders.

Part II. Themes and Uses

1. Administration

1.1 Governance

The remit for the publication and delivery of the MSP sits with the Minister for the Environment (MENV). The portfolio includes responsibility for the spatial planning, not just of the terrestrial environment but also the marine space. However, the MSP will cut across several Ministerial portfolios, in particular MEDTSC, and will be of significant interest to the CM and COM in general. Specific aspects of the plan will fall to individual Ministers and considerable consultation and collaboration between Ministers and Departments will be required to ensure good governance. The key overarching strategic policies described below, sit under the umbrella term of the Government Programme. The responsibility for this lies with the CM and COM and is produced on a four-year cycle. The MSP must be seen as a live document, or process, that requires revision and updating. Future iterations of the Government Programme should include an ongoing commitment to the MSP.

1.2 International Commitments

[Convention on Environmental Impact Assessment in a Transboundary Context](#)

Ratified (UK)	Came into force (UK)	Extended (Jersey)	Came into force (Jersey)
10/10/1997	08/01/1998	10/10/1997	08/01/1998
Objective			
The Convention sets out the obligations of Parties to carry out an environmental impact assessment of certain activities at an early stage of planning. It also lays down the general obligation of States to notify and consult each other on all major projects under consideration that are likely to have a significant adverse environmental impact across boundaries.			

[Convention on the Law of the Sea](#)

Ratified (UK)	Came into force (UK)	Extended (Jersey)	Came into force (Jersey)
25/07/1997	24/08/1997	25/07/1997	24/08/1997
Objective			
The Convention defines the rights and responsibilities of nations in their use of the world's oceans, establishing guidelines for businesses, the environment, and the management of marine natural resources			

1.3 Legislation

[Territorial Sea Act 1987 \(Jersey\) Order 1997](#)

The Territorial Sea Act 1987 (Jersey) Order 1997 established Jersey's Territorial Waters to the Internationally agreed 12 mile limit or the median point between Jersey, Guernsey and France. The process for defining these limits was extremely complicated given the geography and hydrographic conditions of the area, the sovereignty of the offshore reefs, and the existing International Agreements. The legislation defines Jersey's Territorial Waters by 13 positions, set out in ED50¹, and joined by loxodromic lines. From an MSP perspective, Jersey's rights in its Territorial Waters are that set out in UNCLOS.

1.4 Policy

The policy documents below have a much wider scope than just the MSP. However, they do provide an overarching policy framework under which any MSP must sit and reflect. Relevant aspects of these policies are detailed below.

[Common Strategic Policy 2023 to 2026](#)

The Common Strategic Policy sets out Ministers high-level ambitions for Jersey. The Council of Ministers has agreed seven priorities for change as part of the Common Strategic Policy 2023 to 2026. These are: -

1. Housing and cost of living
2. Economy and skills
3. Children and families
4. Aging Population
5. Health and Wellbeing
6. Environment and
7. Community.

Some of these strategic priorities are particularly relevant. For Economy and skills, the MSP will provide a clear spatial and temporal framework for businesses and industries to appropriately assess opportunities in the marine environment enabling sound economic decisions and the provision of the right education and training to fulfil those businesses ventures. This could include offshore renewable energies, fishing and aquaculture and tourism and leisure.

Evidence suggests marine and costal environments can play a significant role in boosting health and wellbeing, with increased happiness and increased physical activity for its users. Protection and enhancement of critical marine habitats is central to the MSP ecological objectives, providing the framework to improve the quality of these natural resources. The MSP will also assist in future planning of blue carbon workstreams, as set out in the Carbon Neutral Roadmap.

[Government Plan 2023 to 2026](#)

¹ ED50 European Datum (1st adjustment 1950)

The Government Plan (GP) sets out the financial approach for the Government, including income, capital and revenue expenditure. The GP explains the financial context in which Ministerial Plans will be delivered and sets out the financial approvals that Ministers are proposing to ensure that taxpayer's money is focused on delivering both their priorities and existing services.

[Ministerial Plans 2023](#)

Ministerial Plans represent the third part of the Government Programme. The Minister for the Environment Plan states that “protecting and enhancing Jersey’s natural environment and heritage by: developing a marine spatial plan to ensure the sustainable management of the Island’s marine environment” is a priority. The Minister has also prioritised the development of a consenting regime and framework to enable utility-scale renewable energy generation.

[Integrated coastal zone management strategy](#)

The Integrated Coastal Zone Management (ICZM) Strategy was published in 2008 and sets out policies under four sub-headings namely (A) protect and conserve, (B) increase understanding, (C) promote and (D) encourage sensitive use and working with stakeholders. Many policies within the ICZM have either been completed and form part of day-to-day work of the administration or have been superseded by subsequent legal obligations, policies or initiatives. Several policies do make specific reference to marine spatial planning. Policy B2 sets out the need for the development of marine habitat classification as a tool to aid the management and conservation of marine habitats. Policy B3 stated that a marine and coastal atlas for Jersey to improve marine and coastal information should be developed. Both of these were considered essential precursors to the introduction of an MSP. It was planned that the MSP would be integrated into the revised Island Plan in 2008. However, it was not until the bridging Island Plan was agreed in 2022, that an MSP was formally recognised and approved.

[Economic Framework for the Marine Environment](#)

The Economic Framework for the Marine Environment was published in 2022 by the Minister for EDTSC. The framework covers governance, support, resources management, communication and marketing and development. Specific policies are set out for support, communication and marketing and development. There are no specific policy proposals in the sections on governance and resources management as direct responsibility for those fall outside of the remit of EDTSC. The framework does make specific reference to a MSP and a commitment to develop one. The 2023 Ministerial Plans also set out the Minister for EDTSC priority to implement this framework.

2. Infrastructure

2.1. Governance

The governance of the island’s Infrastructure largely sits with the Minister for Infrastructure, and the Environment Minister (MENV). Together they are responsible for the Island’s critical national infrastructure as well as planning and building laws that ensure the best use of land and

development of the built environment. They are also responsible for delivering any major government building and infrastructure projects.

Governance in respect of Infrastructure is also maintained through the Minister for Treasury and Resources as they are the shareholder of States owned entities, such as Ports of Jersey or Jersey Electricity.

2.2. International Commitments

There are no relevant international commitments.

2.3. Legislation

[Planning and Building \(Jersey\) Law 2002](#)

This law provides the means to establish a plan (The Island Plan) for the sustainable development of land and to control development in accordance with this plan. Together the law and plan prescribe the functional requirements of buildings and to provide the means to enforce those requirements. The law provides powers to protect, enhance, conserve and to use wisely the natural beauties, natural resources and biodiversity of Jersey and to preserve and improve Jersey's general amenities. Provisions are also included that confer powers to acquire land for the purposes of the Law, and to make other provisions in similar respects.

[Planning and Building \(Environmental Impact\) \(Jersey\) Order 2006](#)

This order sets out the types of prescribed developments requiring an environmental impact assessment (EIA) and sets out descriptions of development in respect of which an environmental impact assessment is required. It also prescribes what the EIA must contain.

[Planning and Building \(General Development\)\(Jersey\) Order 2011](#)

The Order sets out general provisions for permitted development. The only specific reference to activities in the marine environment is detailed in Part 6 Class C where permitted development within a harbour is described.

[Sea Beaches \(Removal of Sand and Stone\) \(Jersey\) Law 1963](#)

This law regulates the:

- removal of sand, stone, gravel, shingle, clay, or loam from any sea beach in Jersey
- quarry, extract or remove any stone from any rocks forming part of the coasts of Jersey or from any rocks situated in the territorial sea adjacent to Jersey

[Drainage \(Jersey\) Law 2005](#)

This law sets out the provisions in relation to sewerage, drainage, and flood defence. Under this law the Minister is responsible for the administration, control and maintenance of public sewers, public sewage disposal works, public outfalls, designated watercourses and flood defences.

2.4. Policy

[Bridging Island Plan 2022 to 2025](#)

The Bridging Island Plan has been prepared to comply with the provisions of the Planning and Building (Jersey) Law 2021.

The law requires that all material considerations must be taken into account in the determination of an application for planning permission and that, in general, planning permission shall be granted if the development proposed is in accordance with the Island Plan.

Usually, the Island Plan would be written to span a period of ten years, however due to uncertainties associated with Brexit and Covid, a bridging Island plan was developed to cover a shorter three-year period (2022-2025). The Bridging Island Plan has been written to achieve the sustainable development of the island with a balance between social, environmental and economic considerations.

The plan sets out strategic policies that will be used to guide development during this three-year period, as well as to inform the next island plan.

When considering Marine Spatial planning, all strategic policies of the bridging island plan need to be considered. A brief review of each policy is listed below.

- Responding to Climate Change - The overall aim of this strategy is to reduce carbon emissions and mitigate against the impact of climate change. As a result, it supports delivery of renewable energy schemes, directs growth in areas least vulnerable to flooding, aims to reduce the carbon impact of any new developments and encourages maximum energy efficiency. It also aims to better protect and improve the island's green infrastructure to promote better climate regulation.
- Spatial Strategy - Within this strategy development is directed to be concentrated with the island's built-up areas. Outside of the defined built-up area around the coast and in the marine environment, development will only be supported if it is justified, appropriate and necessary in its location. Development in the defined Protected Coastal Area is extremely limited to protect its outstanding character. Jersey's coastal National Park which sits within the protected coastal area is also designated to protect its special heritage and biodiversity value.
- Placemaking - Placemaking is a process aimed at achieving understanding of a place and its evolution. It requires consideration of character and functionality, the needs of the local community and the impact all of this has on the surrounding area. As a result, all development must reflect and enhance the Island's unique character. New development must be environmentally responsible, achieve the highest standard of accessibility and inclusive design, make provision for all modes of transport, and be informed by consultation with the local community.

- Protecting and promoting island identity - This strategic policy reflects the strategic priority of Government to protect and value our environment in order to retain its sense of place, culture and distinctive local identity. Aims of this policy ensure that all development respects the landscape, or seascape and provide for the provision of new or enhanced cultural facilities. It also encourages development that will strengthen Jersey's local and international identity.
- Protecting and promoting the natural environment - Considerations in respect of protection and improvement of the island's natural environment, landscape, coastline, seascape, biodiversity and geodiversity will be material in the determination of planning applications. Any development will need to avoid, minimise, or compensate for any significant impacts on marine habitats and ecosystems. Where possible any development should seek to improve local environmental conditions.
- Sustainable economy - A high priority will be given to the creation and maintenance of a sustainable, productive, and diverse economy, with support for new and existing businesses, particularly where they encourage the development of a local market for goods and services, attract small footprint/high value business and foster innovation. Priority will be given to the development of the hard and soft infrastructure required to support and facilitate innovation, productivity, diversification and the development and enhancement of skills across all sectors of the economy, where this infrastructure is proven to be in the long-term interests of a sustainable island economy and will enable the creation of attractive and rewarding employment opportunities.
- Planning for community needs - All new development must be able to demonstrate that it is helping to meet the identified needs of our community, both in the short and long-term. In particular, development must be located and designed to avoid environmental risks and, where necessary, demonstrate how measures to minimise and mitigate any impacts arising from identified environmental risks have been incorporated, as far as reasonably practicable and new or improved public infrastructure will be supported where it is required and will be resilient to future, changing needs.

[Infrastructure Capacity Report](#)

The major reference in the report, published in 2020, to MSP concerns sea travel infrastructure, which is dealt with in more detail in the Harbour Master Plan.

[Minerals, Waste and Water Study](#)

This 2020 report considers that strategic options with respect to the provision of minerals (for building), the disposal of waste (mainly inert from building) and provision of potable water. The potential implication for a MSP relates to the consideration of land reclamation to act as a site for inert waste. The report notes that the case for further land reclamation to allow for inert waste management alone does not appear to have been made. However, if a wider case is made for reclamation, then there is clearly an opportunity to also incorporate inert waste management.

[Integrated landscape and seascape character assessment](#)

The Jersey Integrated Landscape and Seascape Character Assessment (ILSCA) was commissioned, as part of the evidence base for the new Island Plan, to address these challenges through the promotion of sustainable development.

The study updates the 1999 Jersey Countryside Character Appraisal and widens the scope of the study areas to include the entire Bailiwick which now extends to the marine environment and territorial limits.

The ILSCA analyses, celebrates, and informs a rich understanding of how the island's landscape and seascape character contributes to its unique sense of place which is critical for the planning and management of development and change.

[Shoreline Management Plan](#)

Published in January 2020 the Jersey Shoreline Management Plan (SMP) provided an assessment of risks associated with flooding and erosion from coastal sources.

The plan details the management of the Island's coastline over the next 100 years (up to 2120). It considers risks to the community, environment and economy of Jersey and examines how coastal defences could be improved to provide better protection.

Four policy options were considered; No active Intervention (NAI), Maintain the Defence Line (MTDL), Adaptive Management (AM) and Advance the Line (ATL). Each policy option had advantages and disadvantages depending on the area of coastline. The coastline was divided in smaller units designated as Coastal Management Units (CMU) and each policy option was considered for each CMU. The merits of each policy option were assessed against four themes of defence, community, environment and economy and recommendations for each CMU were then proposed. When considering marine spatial planning it will be important to reference the map and the recommendations for any particular CMU.

The SMP and policies will be reviewed in ten-year cycles; the next review of the SMP is expected in 2029.

3. Harbours and Transport

3.1. Governance

The remit for the governance of Harbours and Transport (within the maritime context) rests with the MEDSTC, with legal responsibility for all aspects of the policy space, supported by the Jersey Maritime Administration. The Jersey Maritime Administration consists of officers from EDTSC, maritime professionals from Ports of Jersey Limited (PoJL) and officers from Infrastructure, Housing and Environment (IHE) and other government departments and agencies. The Maritime Administration manages flag, port & coastal State matters drawing on the expertise of POJL. The POJL is contracted to perform a number of public service obligations including the provision of coastguard services, counter pollution and management of the Jersey Ship Registry. IHE is

responsible for pollution measures, except those within port limits, and the provision of weather forecasting services.

The incorporation of Ports of Jersey formally delegated certain responsibilities to Ports of Jersey Ltd, as the Harbour Authority and the Harbour Master. The Authority and separately the Harbour Master can exercise government's legal powers including provision of pollution response and control, provision of Coast Guard services, and monitoring of Jersey's territorial waters. It also maintains all aids to navigation within and outside port limits.

In addition, certain 'Public Service Obligations' are imposed on PoJL by the 2015 Law, which require it to discharge certain government functions for which it is better equipped than the Government. In the maritime area these are:

- the co-ordination, or provision of resources for the co-ordination, of maritime search and rescue within the Jersey Search and Rescue Region
- the maintenance of aids to navigation in territorial waters
- act as custodian of Jersey harbours
- the enforcement of shipping legislation in territorial waters
- Port State Control function
- Management of the Channel Islands Control Area

The Registrar of Shipping, appointed by the Minister, also has delegated responsibilities. As of June 2021, the Harbour Master is also appointed the Registrar of Shipping, with day to day running of the Registry undertaken by PoJL.

A co-ordinating body established to develop and oversee the Administration's compliance with international obligations (e.g., the IMO III Code) is the Territorial Seas Co-ordination and Advisory Group (TSCAG). This is chaired by the Harbour Authority.

The TSCAG was established as a forum to bring all government departments with an interest in the territorial seas together. The original propose was to co-ordinate the extension of Territorial Waters and has continued since then. The remit of this advisory group includes:

- Hydrography
- Counter Pollution
- Provision of Coastguard Service
- Port and Flag State matters
- Coastal State matters
- Traffic Management including routing
- Liaison with adjacent coastal states
- Review of adopted and new conventions
- Review of all Maritime Legislation
- Provision of and review of aids to navigation

A separate sub-group has been established to manage the hydrographic program on behalf of the Government of Jersey. This sub-group is chaired by the Harbour Master who has responsibility for all territorial seas of the island. In effect they are the Chief Hydrographer.

3.2. International Commitments

[International Convention for the Safety of Life at Sea \(SOLAS\)](#)

Ratified (UK)	Came into force (UK)	Extended (Jersey)	Came into force (Jersey)
07/10/1977	25/05/1980	30/01/2004	30/01/2004
Objective			
The main objective of the SOLAS convention is to specify minimum standards for the construction, equipment and operation of ships, compatible with their safety.			

[International Convention on salvage 1989](#)

Ratified (UK)	Came into force (UK)	Extended (Jersey)	Came into force (Jersey)
29/09/1994	14/07/1996	30/05/1997	30/05/1997
Objective			
A treaty that replaced the Brussels Convention on Assistance and Salvage at Sea as the principal multilateral document governing marine salvage.			

3.3. Legislation

[Shipping \(Jersey\) Law 2002](#)

This Law is a significant piece of legislation and covers a wide range of subjects pertaining to shipping including, *inter alia*, obligations of Jersey vessels, registration of vessels, obligations of masters and seamen, safety, fishing vessel matters, prevention of pollution, liability of owners, salvage and wreck, and accident investigation.

[Shipping \(MARPOL\) \(Jersey\) Regulations 2012](#)

The regulations bring into force the obligations of the MARPOL Convention in particular Annex I, Annex II and Articles II to V of Protocol I. They cover the whole of Jersey's territorial waters but have no other specific spatial element.

[Shipping \(Registration\) \(Jersey\) Regulations 2004](#)

The regulations set out the requirements of registration of vessels in Jersey, including details of the register, those entitled to register a vessel, registration process, ownership and transfer of vessel on the register.

[Air and Sea Ports \(Incorporation\)\(Jersey\) Law 2015](#)

This Law establishes the entity that is Ports of Jersey Ltd., and to makes provision about it. It makes new provision relating to port operations and the management of passenger and freight services into and out of Jersey; enables staff, assets and liabilities to be transferred to one or more companies; enables the Jersey Competition Regulatory Authority to license any such companies, and to license the operation of lifeline services; makes further related and consequential provision about the operation and management of Jersey's airport and sea ports and harbours, and about air and maritime safety and security; and for connected purposes.

[Harbours \(Administration\)\(Jersey\) Law 1961](#)

This Law provides for the administration of harbours and territorial waters, in particular the responsibilities of the harbour authority, the appointment and powers of the harbour master, provision of moorings and harbour dues. With respect to moorings, the Law set out Port and Harbours limits which defines the area moorings may set. These limits are also used to implement other restrictions and controls within harbours (see General Directions for examples)

[Harbours \(Jersey\) Regulations 1962](#)

The regulations provide further details in respect of harbour master powers (issuing of General Directions), duties of masters and owners and the loading and discharge of goods and passengers. The significant regulation in respect of MSP relates to the harbour authority having authority to issue a direction to restrict or prohibit access to any part of a harbour and the MEDTSC having authority to issue a direction to restrict or prohibit access to any part of any territorial waters, in connection with the policing, control, safety and administration of a harbour or territorial waters.

[Harbours \(Inshore Safety\)\(Jersey\) Regulations 2012](#)

Control of activities in territorial waters for recreational sporting purposes. These regulations provide for control of activities at sea for vessels carrying passengers through permits, registration, insurance requirements and reporting. There is a regulation that has a spatial element. Where an area of territorial water is used for sporting or recreational use, the Minister may for safety or security, control certain activities.

[Harbours \(Protection of Cables in Territorial Waters\)\(Jersey\) Regulations 2010](#)

The regulations set out what is prohibited in the vicinity of submarine cables, including anchoring and certain fishing activities. The current protected zone covers electricity cables to France. There is no legal protection in these regulations covering the electricity cables between Jersey and Guernsey.

[Maritime Security \(Jersey\) Order 2014](#)

The Order extends the Aviation and Maritime Security Act 1990 to Jersey with modifications set out in the Order's schedule, and establishes the protections and provisions related to maritime security

and the powers of the Minister and Harbour Master concerning the security and safety of ships and offshore platforms. The Order also gives the ability for areas to be designated as restricted zones within harbours on security grounds.

3.4. Policy

[Harbour Master Plan](#)

The St Helier Harbour Master Plan, developed by Ports of Jersey, is a long-term development plan of the St Helier harbour port estate and includes Elizabeth Harbour, La Collette and Victoria Pier, the Old Harbours and La Folie, Albert Pier and New North Quay.

The plan is predicated that the harbour infrastructure is ageing and no longer meets the needs of passengers or modern vessels, with modernisation of facilities being required to create a modern port fit for purpose and a vibrant waterfront.

The plan also seeks to support the growth of our maritime industries and commits to working with relevant sectors to develop a thriving Blue Economy, focused on fisheries, tourism, renewables, and marine ecosystem services to sustainably harness the potential of Jersey's waters.

The proposed development and reconfiguration of the port fits into the wider Southwest St Helier Planning Framework and Bridging Island Plan and aims to secure the long-term future and resilience of St Helier Harbours and our Island.

The Master Plan also supports the creation of a much stronger connection to town by improving connectivity and providing more public space. It will enable the development of cultural destinations and will complement key projects, such as the proposed Waterfront development scheme.

4. Climate Change

4.1. Governance

The Minister for the Environment has recently (September 2022) delegated the responsibility for energy and climate change to a new role of Minister for Energy and Climate Change. This new role was a recommendation of the Carbon Neutral Roadmap agreed by the States Assembly in 2022. SPPP officers take the lead in this area with support from Natural Environment and other IHE directorates.

Through the British Irish Council (BIC) GoJ are partners of Marine Climate Change Impacts Partnership (MCCIP) and MR sit on the Steering Group. Established in 2005, MCCIP provides a co-ordinated framework for the UK, delivering high quality evidence on marine climate change impacts and guidance on adaptation advice to policy advisors and stakeholders.

4.2. International Commitments

[Paris agreement on climate change](#)

Ratified (UK)	Came into force (UK)	Extended (Jersey)	Came into force (Jersey)
18/11/2016	18/11/2016	24/04/2022	29/04/2022
Objective			
The Paris Agreement sets out a global framework to avoid dangerous climate change by limiting global warming to well below 2°C and pursuing efforts to limit it to 1.5°C. It also aims to strengthen countries' ability to deal with the impacts of climate change and support them in their efforts.			

[United Nations Framework Convention on Climate Change](#)

Ratified (UK)	Came into force (UK)	Extended (Jersey)	Came into force (Jersey)
08/12/1993	21/03/1994	08/12/1993	21/04/1994
Objective			
The objective is to stabilise greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system.			

[Kyoto Protocol to the United Nations Framework Convention on Climate Change](#)

Ratified (UK)	Came into force (UK)	Extended (Jersey)	Came into force (Jersey)
31/05/2002	16/02/2005	07/03/2007`	07/03/2007
Objective			
The Protocol extends the 1992 United Nations Framework Convention on Climate Change that commits Parties to reduce greenhouse gas emissions.			

4.3. Legislation

Jersey does not currently have any legislation that is directly relevant to climate change, however legislation, such as the [Planning and Building \(Jersey\) Law 2002](#) does reference mitigations in response to the effects of climate change in the context of events such as flooding.

As above in section 4.2, Jersey is party to numerous International Agreements that define the Island's commitment to work towards lower emissions and net zero, however none of these targets are currently laid down in legislation. Instead, Government strategies such as the Carbon Neutral Strategy have been designed to meet these commitments. These policies are likely to result in small regulatory changes, but these changes are currently unspecified.

The most likely regulatory change that could impact on Marine Spatial Planning will be for utility scale renewable energy installations, in particular offshore wind, in the short to medium term and tidal in the longer term.

4.4. Policy

[Pathway 2050: An Energy Plan for Jersey](#)

Pathway 2050: An Energy Plan, published in 2014, outlined the challenges Jersey faces in terms of energy use through to 2050 and maps out the policy response needed to meet those challenges.

The Energy Plan identified a number of actions and interventions which, if successfully implemented, would contribute to Jersey achieving a reduction in its carbon emissions in line with other jurisdictions. It also provided the basis on which to monitor and consult on further interventions that may be needed. Three progress reports were also published in 2015, 2017, and 2018.

[The Carbon Neutral Strategy](#)

The Carbon Neutral Strategy sets out how Jersey will address the climate emergency declared by the States of Jersey Assembly in May 2019.

The strategy is divided into three parts and considers the context for a carbon neutral strategy, the required planning and development for a long-term action plan and an initial delivery plan of strong start policies that would be delivered from 2020.

The strong start programme of policy interventions included steps to accelerate and strengthen existing actions of the Island and to continue to build an evidence base for a long-term action plan.

Policy interventions included steps such as a Sustainable Transport Policy, an assessment of biodiesel as a replacement fuel for diesel, incentives for electric heating, projects to ensure the resilience of the island's natural capital, a policy framework for renewable energy and a study to assess the impact of carbon neutrality on the energy market.

Perhaps the most relevant projects in respect of Marine Spatial Planning were:

- Commitments to continue work through the Channel Islands Marine Renewable Energy Group (CIMREG) and the British Irish Council energy workstream to develop the necessary framework for offshore utility scale renewable energy projects.
- Scientific research in the marine environment. This is an area of local and international focus on the 'blue economy'; 'blue carbon'; species protection; marine plastics; fisheries management and fisheries agreements (in particular during and beyond Brexit).
- Additional support to control the spread and establishment of a range of invasive and non-native species (INNS) including marine species such as sea squirts.

As a result of the Carbon Neutral Strategy the Assembly of the States of Jersey mandated the calling of a Citizens Assembly to consider how the island can work together to become carbon neutral.

[Carbon Neutral Roadmap](#)

The Carbon Neutral Roadmap was approved by the States Assembly on 29 April 2022. It builds on the progress made through the Pathway 2050: An Energy Plan for Jersey and supersedes the Carbon Neutral Strategy 2019. It describes Jersey's carbon neutral pathway to net-zero by 2050 and provides support for sequestration projects that will use local carbon sinks in both the terrestrial and marine environment (blue carbon).

The Carbon Neutral Roadmap included both the mandate to establish Jersey's Citizen's Assembly on Climate Change and sets out a plan for delivery of both short and long-term goals, broken down into five strategic policies: -

1. Net zero transition pathway
2. Island energy market
3. Financing strategy
4. Policy programme and development
5. Becoming carbon neutral

The Roadmap sets out the first delivery plan for the period 2022-25 and milestones for future key decisions and future policies that will need to be updated at the start of each new term of Government.

[Blue Carbon Resources: An assessment of Jersey's Territorial Seas](#)

This report contains the results from an assessment of the blue carbon resources for Jersey's territorial seas, for example, carbon occurring within the marine environment. Using a combination of biological, environmental and geological evidence, the stored weight of carbon in Jersey's marine environment has been estimated as has the annual rate of production and burial. This is the first study of blue carbon resources for the Channel Islands region.

Results suggest that Jersey's offshore marine habitats are productive, complex and biodiverse and there is potential for the development of accredited blue carbon projects. Further work will be required to ground-truth the results, identify project sites and obtain a better understanding of the generation, storage and burial of carbon in Jersey's territorial seas.

5. Oceanography

5.1. Governance

The governance of this aspect of the MSP is, in effect, the responsibility for the acquisition of data pertaining to the marine environment. Responsibility for oceanographic and meteorological data is generally undertaken by IHE Natural Environment (specifically Marine Resources and Meteorology) and Ports of Jersey. The maritime aspects are co-ordinated by TSCAG. Politically it is a shared function between MENV and MEDTSC.

5.2. International Commitments

There are no relevant international commitments.

5.3. Legislation

There is no relevant legislation.

5.4. Policy

TSCAG did produce an MoU detailing the standard to which any third-party survey should conform to (UKHO and UK MCA civil Hydrography Programme specifications). The MoU stated that this should not only apply to hydrographic (bathymetric) surveys but also encompass environmental, geophysical, oceanographic, and any other form of scientific data.

5. Biodiversity and Natural Environment

6.1. Governance

The governance of biodiversity and natural environment sits wholly within the remit the of MENV. The majority of the day-to-day works rests with the natural environment directorate in IHE, with support from colleagues in regulation and SPPP. Some specific aspects of governance are devolved to independent bodies (e.g. Ramsar Management Authority) although ultimate responsibility remains with the Minister.

6.2. International Commitments

[Convention on Wetlands of International Importance \(RAMSAR\)](#)

Ratified (UK)	Came into force (UK)	Extended (Jersey)	Came into force (Jersey)
02/02/1971	05/05/1976		05/05/1976
Amendments			
1982 - Protocol to amend the Convention on Wetlands of International Importance especially as Waterfowl Habitat 1987 - Amendments to Articles 6 & 7 of the Convention on Wetlands of International Importance especially as Waterfowl Habitat			
Objective			
<p>To achieve sustainable development throughout the world by the conservation and wise use of wetlands. There are currently 159 contracting parties with a total of 1,888 wetland sites. Jersey has four designated RAMSAR sites:</p> <ul style="list-style-type: none"> • south east coast of Jersey • Les Écréhous and Les Dirouilles • Les Minquiers • Les Pierres de Lecq (the Paternosters) <p>Jersey has established the Ramsar Management Authority to implement the RAMSAR Management plans produced for each of the four sites. Once a management plan is published the Authority must work to fulfil the objectives and implement what has been agreed.</p>			

[Agreement on the Conservation of African-Eurasian Migratory Waterbirds](#)

Ratified (UK)	Came into force (UK)	Extended (Jersey)	Came into force (Jersey)
22/02/1999	01/11/1999	22/02/1999	01/11/1999
Objective			
The objective is for parties to take co-ordinated measures to maintain migratory waterbird species in a favourable conservation status or to restore them to such a status.			

[Agreement on the Conservation of Small Cetaceans of the Baltic and North Seas](#)

Ratified (UK)	Came into force (UK)	Extended (Jersey)	Came into force (Jersey)
13/07/1993	29/03/1994	26/09/2002	26/09/2002
Objective			
The Parties undertake to cooperate closely to achieve and maintain a favourable conservation status for small cetaceans in the Baltic and North Seas.			

[Bern Convention on the Conservation of European Wildlife and Natural Habitats](#)

Ratified (UK)	Came into force (UK)	Extended (Jersey)	Came into force (Jersey)
28/05/1982	01/09/1982	25/10/2002	25/10/2002
Objective			
The aims of this Convention are to conserve wild flora and fauna and their natural habitats, especially those species and habitats whose conservation requires the co-operation of several States, and to promote such co-operation, with particular emphasis to endangered and vulnerable species, including endangered and vulnerable migratory species.			

[Convention on Biological Diversity](#)

Ratified (UK)	Came into force (UK)	Extended (Jersey)	Came into force (Jersey)
03/06/1994	01/09/1994	03/06/1994	01/09/1994
Objective			
The Convention sets out the main goals required for conservation of biological diversity (or biodiversity). Each contracting party is required to establish a system of protected areas where special measures are required in order to conserve biological diversity.			

[Convention on International Trade in Endangered Species of Wild Fauna and Flora \(CITES\)](#)

Ratified (UK)	Came into force (UK)	Extended (Jersey)	Came into force (Jersey)
02/08/1976	31/10/1976	02/08/1976	31/10/1976
Objective			
The Convention on International Trade in Endangered Species of Wild Fauna and Flora, also known as "CITES" and the Washington Convention was adopted by members of the International Union for Conservation of Nature (IUCN). It accords varying degrees of protection to more than 35,000 species of plants and animals. It aims to ensure that international trade does not threaten their survival.			

[Convention on the Conservation of Migratory Species of Wild Animals](#)

Ratified (UK)	Came into force (UK)	Extended (Jersey)	Came into force (Jersey)
23/07/1985	01/10/1985	23/07/1985	01/10/1985
Objective			
The Convention (also known as CMS or the Bonn Convention) aims to conserve terrestrial, marine and avian migratory species throughout their range.			

[International Convention on the Regulation of Whaling](#)

Ratified (UK)	Came into force (UK)	Extended (Jersey)	Came into force (Jersey)
	10/11/1948		
Objective			
The International Convention governs the commercial, scientific and aboriginal subsistence whaling practices of 88 member nations. The objectives are to protect all whale species from overhunting; establish a system of international regulation for fisheries and ensure conservation of whale stocks.			

[Convention for the Conservation of Antarctic Seals](#)

Ratified (UK)	Came into force (UK)	Extended (Jersey)	Came into force (Jersey)
10/09/1974	11/03/1978	10/09/1974	11/03/1978
Objective			
This convention aims to recognise the vulnerability of Antarctic seals and protect them from commercial exploitation and ensure effective conservation.			

6.3. Legislation

[Endangered Species \(CITES\) \(Jersey\) Law 2012](#)

This law provides the necessary powers to regulate the trade in certain animal and plant species that are or may be in danger of extinction, and to ensure the implementation of The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).

[Wildlife \(Jersey\) Law 2021](#)

This law makes provisions for the conservation and protection of wild animals, birds and plants, and the promotion of biodiversity in Jersey. It allows for the protection of wild animals, wild birds and wild plants listed in schedules 1 to 8 including but not limited to marine animals such as Turtles, Whales and Atlantic Bluefin Tuna. It should be noted that the definition of vehicle includes boats. The law also provides for the control of invasive non-native species considered to be a significant threat to the biodiversity of Jersey and if uncontrolled are considered likely to have a significant adverse impact on other environmental, social or economic interests.

[Wildlife \(Areas of Special Protection\) \(Jersey\) Order 2022](#)

As provided for under article 35 of the Wildlife law, this order provides the definition of “Area of Special Protection” that includes areas within Les Écréhous and Les Minquiers in order to protect breeding areas. It is an offence for a person other than an authorised person to enter a breeding area during the relevant breeding period. The order also lists prohibited activities including but not limited to operating a vessel at speed, discharging a firearm, bringing a dog onto land and playing music at volume.

6.4. Policy

[States of Jersey Biodiversity Strategy](#)

The above Strategy was written in 2020 in order to meet commitments within the International Convention on Biological Diversity. The strategy provided 67 action plans to support the recovery of Jersey’s most threatened species and habitats. This included both marine species such as the basking shark and marine environments such as seagrass beds.

In order to ensure that Jersey continues to properly address biodiversity loss, it is now recognised that this work needs to be updated. A biodiversity strategy is therefore a key priority of the Minister for the Environment during the 2023-2026 Government programme.

7.Environmental Management

7.1. Governance

Governance is led by the minister for the environment with specific aspects related to shipping covered by the minister for economic development. Day-to-day responsibility rests with Natural Environment Directorate in particular Marine Resources and Consumer and Environmental Protection at Regulation, both IHE. Additional support is provided by officers from SPPP and Ports of Jersey for ESPOO and oil pollution response at sea respectively.

7.2. International Commitments

[Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal](#)

Ratified (UK)	Came into force (UK)	Extended (Jersey)	Came into force (Jersey)
07/02/1994	08/05/1994	14/09/2007	14/09/2007
Objective			
A treaty designed to reduce the movements of hazardous waste between nations, and specifically to prevent transfer of hazardous waste from developed to less developed countries			

[Convention for the Protection of the Marine Environment of the North-East Atlantic \(OSPAR Convention\)](#)

Ratified (UK)	Came into force (UK)	Extended (Jersey)	Came into force (Jersey)
15/07/1997	25/03/1998	29/01/2002	29/01/2002
Objective			
The OSPAR Convention merges the 1972 Oslo and 1974 Paris Conventions. It aims to strengthen regional cooperation in addressing all sources of pollution of the marine environment and the adverse effects of human activities upon it. The main convention was extended to Jersey in 2002 and Jersey is listed on the FCO website. Annex V was also extended in 2019 although not listed on FCO website			

[Convention on the Prevention of Marine Pollution of Wastes and other Matter](#)

Ratified (UK)	Came into force (UK)	Extended (Jersey)	Came into force (Jersey)
17/11/1975	17/12/1975	05/03/1976	04/04/1976
Objective			
A Convention to control pollution of the sea by dumping and to encourage regional agreements supplementary to the Convention, covers the deliberate disposal at sea of wastes or other matter from vessels, aircraft, and platforms.			

[International Convention for the Prevention of Pollution from Ships, 1973 as modified by the Protocol of 1978 relating thereto \(MARPOL\)](#)

Ratified (UK)	Came into force (UK)	Extended (Jersey)	Came into force (Jersey)
22/05/1980	02/10/1983	30/07/2012	30/07/2012
Objective			

The International Convention for the Prevention of Pollution from Ships (MARPOL) is the main international convention covering prevention of pollution of the marine environment by ships from operational or accidental causes.

The MARPOL Convention was adopted on 2 November 1973 at IMO. The Protocol of 1978 was adopted in response to a spate of tanker accidents in 1976-1977. As the 1973 MARPOL Convention had not yet entered into force, the 1978 MARPOL Protocol absorbed the parent Convention.

[International Convention on oil pollution preparedness, response and cooperation, 1990](#)

Ratified (UK)	Came into force (UK)	Extended (Jersey)	Came into force (Jersey)
16/09/1997	16/12/1997		
Objective			
The main objectives of the OPRC Convention are to facilitate international co-operation and mutual assistance in preparing for and responding to a marine pollution incident and to encourage states to develop and maintain adequate capability to deal credibly with oil pollution emergencies.			

[Protocol relating to Intervention on the High Seas in Cases of Marine Pollution by Substances other than Oil](#)

Ratified (UK)	Came into force (UK)	Extended (Jersey)	Came into force (Jersey)
05/11/1983	30/03/1983		
Objective			
To prevent, mitigate or eliminate marine pollution by substances other than oil resulting from a maritime casualty. Parties agree that they may take such measures on the high seas as may be necessary to prevent, mitigate or eliminate grave and imminent danger to their coastline or related areas of interests from pollution or threat of pollution by substances other than oil resulting from a maritime casualty, which may reasonably be expected to result in major harmful consequences.			

[ESPOO Convention on Environmental Impact Assessment](#)

Ratified (UK)	Came into force (UK)	Extended (Jersey)	Came into force (Jersey)
10/10/1997	08/01/1998	10/10/1997	08/01/1998
Objective			
This convention sets out the obligations that contracted parties carry out an environmental impact assessment of certain activities at an early stage of planning and lays down an obligation on contracting parties to notify and consult on all major projects likely to have a significant adverse environmental impact across boundaries.			

7.3. Legislation

[Food and Environment Protection Act 1985 \(Jersey\) Order 1987 \(and see also Amendment Order\)](#)

The Order extends the UK Food and Environmental Protection Act (FEPA) 1985, which was, in reference to Part II Deposits in the Sea, dis-applied by the Marine and Coastal Access Act (MCAA) in English and Welsh Waters. As the MCAA does not cover Jersey Waters the Act remains. The Order sets out the requirement for a licence to deposit any substance or article in the sea. The deposits have fallen into several categories (construction, dredged materials, fish waste and burial at sea). When issuing a licence, regard shall be given to protecting the marine environment and human health and preventing interference with legitimate uses of the sea. An area to the south of St Helier Harbour is marked as “foul ground” on Admiralty Charts for the historic deposit of dredged material from harbours. Burials at sea have tended to use the same location.

[Food and Environment Protection Act 1985 \(Deposits in Sea Exemptions\) \(Jersey\) Order 2007](#)

The Order sets out a list of 24 operations when a licence is not required under FEPA. This includes the deposit of scientific equipment, substances for the purpose of treating oil spills and repair of existing harbour and coastal defence structures.

[Waste Management \(Jersey\) Law 2005](#)

The Law provides for the control and management of waste operations within Jersey. It enables regulation of transboundary movement of wastes in accordance with certain international agreements relating to such movement for example the Basel Convention.

[Water Pollution \(Jersey\) Law 2000](#)

The Law provides for the control of pollution in Jersey waters, and the implementation of the OSPAR Convention which lays down the requirements of monitoring and the classification of waters, the setting of quality objectives for classified waters as well as administrative, regulatory, preventive and remedial measures. The objectives are to ensure the quality of water in and around Jersey is maintained and improved through the prevention and control of pollution. The law also seeks to promote conservation and enhancement of Jersey’s controlled waters for recreational purposes and wildlife dependent on aquatic environments.

[Water Pollution \(Water Management\) \(Jersey\) Order 2020](#)

As laid down in Article 10 of above Water Pollution (Jersey) Law, this Order designates eight water management areas and allows for restrictions on the import, sale, purchase, storage or use of any fertiliser in that area.

[Water Pollution \(Water Quality\) \(Jersey\) Order 2020](#)

The Order sets out the classification of controlled waters and certain criteria in respect of water quality. It also sets out monitoring objectives.

[Water Resources \(Jersey\) Law 2007](#)

The Law provides for the protection, management and regulation of water resources in Jersey. It seeks to promote the conservation of the fauna and flora that are dependent on inland waters and of the habitats of such fauna and flora to the extent that those habitats are themselves dependent on inland waters, and the conservation and enhancement of the natural beauty and amenity of inland waters.

7.4. Policy

[Challenges for the Water Environment of Jersey 2014](#)

In 2013 the Department of the Environment commissioned work into the water resources of the Island and to produce an Integrated Water Management Plan. The work was delivered in two phases. The first report, entitled “Challenges for the Water Environment of Jersey” set out the current status of the water environment and the key pressures acting upon this important resource.

[Water Management Plan 2017-2021](#)

The second phase was the Water Management Plan which focused on three main issues for the water resources, namely nitrates, phosphates and pesticides as Elevated levels of these substances result in a range of impacts on drinking water quality, environmental water quality and ecosystem health.

An updated Water Strategy is currently being scoped by Natural Environment, with a proposed completion date of the end of 2023.

[Waste Water Strategy 2013](#)

This strategy is predominantly focused on the issue of waste water and upgrade of sewage treatment works. The main reference from a marine spatial planning perspective is the effluent outfall into St Aubin's Bay. The strategy proposes no change in the current outfall but does highlight a possible aesthetics reason for extension in the future.

8. History and Culture

8.1. Governance

The overarching governance of history and culture rests with the MEDSTC. Day to day responsibility for these matters sit with officers of the Economy Department with support from Regulation in respect of planning legislation and SPPP with respect to archaeological conventions. Additional support is also provided by NGOs namely the Société Jersiaise and Jersey Heritage. The Minister for Home Affairs is responsible for the issue of export licences for items of cultural or historical importance.

8.2. International Commitments

[European Convention on the Protection of the Archaeological Heritage \(Revised\)](#)

Ratified (UK)	Came into force (UK)	Extended (Jersey)	Came into force (Jersey)
19/09/2000	20/03/2001	19/09/2000	20/03/2001
Objective			
The revised text makes the conservation and enhancement of the archaeological heritage one of the goals of urban and regional planning policies. It is concerned in particular with arrangements to be made for co-operation among archaeologists and town and regional planners in order to ensure optimum conservation of archaeological heritage. The convention sets guidelines for the funding of excavation and research work and publication of research findings. It also deals with public access, in particular to archaeological sites, and educational actions to be undertaken to develop public awareness of the value of the archaeological heritage. Finally, the Convention constitutes an institutional framework for pan-European co-operation on the archaeological heritage, entailing a systematic exchange of experience and experts among the various States. The Convention is commonly known as the Valetta Convention.			

[Convention on the Protection of the Archaeological Heritage of Europe](#)

Ratified (UK)	Came into force (UK)	Extended (Jersey)	Came into force (Jersey)
13/11/1987	01/03/1988	13/11/1987	01/03/1988
Objective			
The main purpose of the Convention, commonly known as the Granada Convention, is to reinforce and promote policies for the conservation and enhancement of Europe's heritage. It also affirms the need for European solidarity with regard to heritage conservation and is designed to foster practical co-operation among the Parties. It establishes the principles of "European co-ordination of conservation policies" including consultations regarding the thrust of the policies to be implemented.			

8.3. Legislation

[Planning and Building \(Jersey\) Law 2002](#)

The Planning and Building (Amendment No. 8)(Jersey) Law 2022, approved by the States in April 2022, extended the list of buildings and places of special interest to include areas of historical or architectural character. This included the ability for the Minister (ENV), by Order, to prohibit or restrict activities within the area.

[Heritage and Antiquities \(Jersey\) Law 202-](#)

This legislation is currently in the drafting phase with lodging proposed for 2023 Q4. If approved, it will set out certain requirements with respect to finds of archaeological or historical significance. This could include improved designation of sites and better compliance with the requirements of both the Granada and Valletta Conventions

[Shipping \(Jersey\) Law 2002](#)

This Law sets out the requirement for the Minister to appoint a receiver of wrecks and the obligations for the receiver of wrecks and those involved in salvage or discovery of a wreck in Jersey Waters. From a cultural and historical perspective any finder of a wreck must report the finding to the Receiver and details of any items recovered.

[Customs and Excise \(Import and Export Control\)\(Jersey\) Order 2006](#)

The Order requires the Minister for Home Affairs to issue a license prior to the export of any items of cultural, artistic or archaeological interest from Jersey.

8.4. Policy

[A Heritage Strategy for Jersey](#)

A heritage strategy was published in 2022, and sets out the longer-term goals as well as specific programmes. Under programme three (Improve protection of Jersey's heritage environment) there is a project to designate maritime archaeological sites with a view to inform the planning process. The strategy also sets out a project for a network of marine protected areas under programme six (Maintain and enhance landscape and seascape designations, including potential for new designations).

[Historic Environment Review](#)

Published in 2020, the review highlighted the lack of protection for underwater heritage and recommends legislation to address this. It is suggested legislation could be framed in terms of the principles of the 2001 UNESCO Convention and provide protection clearly in terms of heritage interest and would offer the opportunity to move away from a focus on the commercial elements of wreck and salvage law.

9. Tourism and Leisure

9.1. Governance

The governance of tourism and leisure is generally the responsibility of the Minister for EDTSC. Whilst the promotion of these sectors (e.g. Visit Jersey in the case of tourism and Sport Jersey in the case of sport) fall to arms length bodies, the administration of any legislation rests within the economy portfolio.

9.2. International Commitments

There are no relevant international commitments

9.3. Legislation

[Policing of Beaches \(Jersey\) Regulations 1959](#)

The regulations set out prohibited activities and those that require permission of the Minister. In the context of tourism and leisure, permission is required to trade on the beach and would include those offering sea going activities such as kayak or jet ski.

[Harbours \(Inshore Safety\)\(Jersey\) Regulations 2012](#)

Under these regulations a permit is required for those wishing to commercialise the use of watercraft including kayaks, canoes, jet skis and water-skis.

[Recreational Diving Projects \(ACoP 7\)](#)

The approved code of practice (ACoP) Recreational Diving Projects ACoP 7 details the health and safety standards which apply to recreational diving projects involving work and was revised in 2015.

This ACoP only applies to recreational diving projects where at least one diver taking part is at work (i.e. instructor or guide) and sets out the standards which should be met to ensure that all persons involved are not placed at risk.

9.4. Policy

Although the coastal and marine vista features heavily in all advertising material promoting the island there is no specific marine or coastal tourism policy. Currently there is no specific marine, coastal sport or leisure policy. However, the recently published Economic Framework for the Marine Environment 2022 sets out several policy goals in this area. Policy MD2a will deliver a sector economic development plan for marine leisure and blue tourism. Policy MD4 also commits to look at leisure opportunities from an infrastructure perspective.

Within the Government programme for the term 2022-25, the Minister for EDTSC sets out ambitions to develop a coordinated approach to sport across Jersey and use research currently being conducted into the value of sport, to inform future policy. Given the popularity of water sports in Jersey this research should ensure that marine related sports are included and that any future policy should therefore be delivered in line with marine spatial planning.

10. Fisheries

10.1. Governance

The governance of fisheries matters is within the portfolio of the MENV. Previously the remit for fisheries was under the MEDTSC, given the economic aspect, but the increasing environment management dimension resulted in the transfer of the responsibility to MENV. In recent years, however, the increased politisation of fishing in the wake of the UK's decision to exit the EU, has required the increased involvement of the Minister for External Relations, the Chief Minister and the COM as a whole. The MEDTSC continues their involvement on matters relating to the industry, in particular financial support and through PoJ, fishing vessel safety. The day to day administrative and operational responsibilities rest with IHE Marine Resources who cover policy development, legislation, licensing and enforcement (together with the delivery of research). MR work closely with officers from External relations and Law Officers Department in aspect of the role relating to France and the EU, legislation and the TCA respectively. The MENV also has the Fisheries Marine Resources

Panel to provide advice to the Minister and to act as a policy discussion and development forum. The panel was originally set up in the 1970s as the Sea Fisheries Advisory Panel, to address fishermen’s concerns about over exploitation, neighbourhood agreements with the French and local conservation issues. From the beginning its membership included professionals and amateurs interested in the marine environment. The Panel, now named the Fisheries and Marine Resources Panel, to reflect its wider responsibilities, still has amateur as well as professional members. These include representatives from:

- the boat owning communities
- Jersey Aquaculture Association
- Jersey Fisherman’s Association
- Jersey Recreational Fishermen
- Société Jersiaise
- Jersey Inshore Fishermen's Association
- Jersey Merchants

The Panel is aware that the marine species they seek to conserve do not live in isolation but are part of a complex food and environmental web. The diverse membership of the Panel helps this holistic approach to management.

10.2. International Commitments

[EU–UK Trade and Cooperation Agreement](#)

Ratified (UK)	Came into force (UK)	Extended (Jersey)	Came into force (Jersey)
30/12/2020	01/05/2021	30/12/2020	01/05/2021
Objective			
The EU-UK Trade and Cooperation Agreement concluded between the EU and the UK sets out preferential arrangements in areas such as trade in goods and in services, digital trade, intellectual property, public procurement, aviation and road transport, energy, fisheries, social security coordination, law enforcement and judicial cooperation in criminal matters, thematic cooperation and participation in Union programmes. It is underpinned by provisions ensuring a level playing field and respect for fundamental rights.			

Fisheries Management Agreement

The Fisheries Management Agreement (FMA), signed in 1996, was a precursor to the extension of Jersey’s Territorial Waters and established the relationship between the UK and Jersey in respect of EU legislation, fishing vessel licensing, quota management and consultation on fisheries management measures. It is agreed by both parties that it is outdated, outmoded and not fit for purpose. Discussions with DEFRA to update have begun.

10.3. Legislation

[Aquatic Resources \(Jersey\) Law 2014](#)

The Law makes provision for the regulation and management of aquatic resources other than sea fish (which) are covered by the Sea Fisheries (Jersey) Law 1994. Aquatic resources covers any marine aquatic species, but in this context the legislation mainly protects seaweeds and updated old legislation that controlled the collection of seaweed.

[Aquatic Resources \(Seaweed Licences\) \(Jersey\) Regulations 2019](#)

The Regulation prohibits the harvesting of seaweed by mechanical means and prescribes the methods, species and amount that may be retained in relation to hand harvesting. It also set the requirement for a licence should the harvesting by hand be commercialised.

[Aquatic Resources \(Seaweed Licence Fees\)\(Jersey\) Order 2019](#)

The Order sets out the fee for a seaweed licence.

[Illegal, Unreported and Unregulated Fishing \(Jersey\) Regulations 2021](#)

The regulations, made under the European Union Legislation (Implementation)(Jersey) Law 2014, bring into Jersey legislation Council Regulation (EC 1005/2008) that establishes a system to prevent, deter and eliminate illegal, unreported and unregulated fishing. The legislation provides for prior landing notifications, port inspections, catch certificates, information and data sharing, the listing of non-compliant vessels and enforcement procedures.

[Sea Fisheries \(Jersey\) Law 1994](#)

The Law makes provision for the regulation of sea fishing and the conservation of sea fish, makes provision for the regulation of mariculture, for the licensing of fishing boats, for controls on the possession and sale of sea fish, for the appointment and duties of fisheries officers and for connected matters. It provides for the regulation of sea fish, which includes fish and shellfish. A significant number of regulations sit under the Law and gives the power to make provisions related to fishing based on an area of sea.

[Sea Fisheries \(Miscellaneous Provisions\) \(Jersey\) Regulations 1998](#)

The Regulations put in place miscellaneous provisions related to the use, marking and tagging of certain gear types, in particular shellfish pots, the prohibition on selling sea fish from an unlicensed vessel, the prohibition of depositing or discharging certain substances in the sea and the restrictions related to the fishing for ormers. The restrictions related to the fishing for spider crab is also covered here and includes a spatial restriction concerning the use of certain nets in a specified area to protect new shell spider crab.

[Sea Fisheries \(Spider Crabs – Restrictions on Fishing\) \(Jersey\) Order 2019](#)

This Order sets out the dates for the period during which fishing for protected spider crab is restricted. It also defines the area the use of certain nets is restricted during this period.

[Sea Fisheries \(Licensing of Fishing Boats\) \(Jersey\) Regulations 2003](#)

The Regulation sets out the requirements and process for a licence or permit to be issued by the Minister in order for a Jersey fishing vessel and any fishing vessel fishing in Jersey Territorial Waters (unless fishing wholly for pleasure). There is a specific regulation that relates to a defined area, known as the Frouque Aubert protected area, whereby fishing using certain trawls is prohibited unless authorised by a fishing permit granted by the Minister. There are currently no permits in force. Licences issued also come with extensive conditions. Current conditions include restrictions on the use of mobile gear in inshore areas to the north, east and south of Jersey and at certain time of the years in specific areas designed to protect sea bream during the breeding season.

[Sea Fisheries \(Inshore Waters\) \(Jersey\) Regulations 1998](#)

The Regulation restricts the fishing in a harbour unless permission is given by the harbour master. The use of ground lines (or trots, as they are also known) is prohibited unless authorised by the Minister. There is currently no Order in force, thus in effect, a spatial control on this metier².

[Sea Fisheries \(Inshore Trawling, Netting and Dredging\) \(Jersey\) Regulations 2001](#)

The Regulation sets out measures for the control of certain aspects of trawling, netting and dredging within the three-mile exclusive zone, most having a spatial component. Trawling and dredging is restricted within areas close to the shore from Fliquet to La Rocque, and St Aubin's and St Brelade's Bays. Inshore netting is also prohibited from April to October within 200 metres of the shoreline from La Coupe to St Brelade's Bay Pier. The regulations prohibit the use of a beach set nets unless in a manner specified by an Order made by the Minister. No Order is in effect. Minimum mesh sizes for passive nets in the three-mile zone is also set here, together with the percentages of target fish.

[Sea Fisheries \(Trawling, Netting and Dredging\) \(Jersey\) Regulations 2001](#)

The Regulations apply throughout the territorial sea, but do not apply to any extent to which they are inconsistent with the Inshore Trawling, Netting and Dredging regulations. They are, in the main, technical regulations relating to the use, construction, and enforcement of both mobile and passive gears. There is an important spatial control in the prohibition of both trawls and dredges at the offshore reefs of Les Minquiers and Les Ecréhous, in an area set out in a schedule of the regulation.

[Sea Fisheries \(Bag Limits\) \(Jersey\) Regulations 2016](#)

The Regulations provide the mechanism for the Minister, by Order, to specify the maximum number of fish and shellfish that can be taken, which is referred to as the "bag limit". The bag limit can also apply to a specific area.

[Sea Fisheries \(Bag Limits\) \(Jersey\) Order 2020](#)

² Metier is a term applied to any particular type of fishing (a method)

The Order sets out, by schedule, the bag limits for a wide range of species for both individuals and vessels. There are currently no area specific bag limits. All limits apply throughout territorial waters.

[Sea Fisheries \(Vessel Monitoring Systems\)\(Jersey\) Regulations 2014](#)

The VMS regulations require vessels greater than 12 metres in length to have an operational satellite tracking device on board at all times in Jersey waters. It also requires vessels greater than 15 metres in length to operate an Automatic Identification System (AIS) in addition to the VMS. Under current French legislation, French vessels of any size must operate VMS in Jersey waters and there are plans to amend the Jersey legislation to require all vessels to have VMS regardless of size.

[Sea Fisheries \(Les Ecréhous\) \(Jersey\) Regulations 2018](#)

The Regulations establish restrictions on the use of certain pots (mainly parlour pots and those known as “floppy neck pots”) in Les Ecréhous, with the specific area set out in the schedule.

[Sea Fisheries \(Les Minquiers\) \(Jersey\) Regulations 2007](#)

The Regulations establish restrictions on the use of certain pots (mainly parlour pots and those known as “floppy neck pots”) in Les Minquiers, with the specific area set out in the schedule.

[Sea Fisheries \(Underwater Fishing\) \(Jersey\) Regulations 2003](#)

The Regulations prohibit the taking of any shellfish from any part of Jersey’s waters whilst wearing any kind of breathing apparatus or mask, goggles or visor. This prohibition does not apply to scallop permit holders and crabs, which are excluded from the definition of shellfish in this legislation.

[Sea Fisheries \(Minimum Size Limits\) \(Jersey\) Regulations 2001](#)

The Regulations set out the minimum size (and in some case minimum weight) for species listed in the schedule that can be retained if caught by vessels fishing in Jersey waters. For fishing vessels transiting the area only these sizes do not apply.

[Sea Fisheries \(Log Books, Transshipment and Landing Declarations\) \(Jersey\) Regulations 2014](#)

The Regulations require all vessels measuring 10 metres or more to complete a logbook book (either paper or electronic if greater than 12 metres in length). The regulation sets out the information that must be recorded including details of the fishing trip (dates, times, ports) location(s) of fishing activity, gear type and amount, duration of fishing and weight of species caught. The regulations also set out prior notification of landing requirements and prohibits transshipment other than in St Helier harbour and with the permission of the Minister.

[Sea Fisheries and Aquatic Resources \(Portelet Bay\) \(Jersey\) Regulations 2022](#)

The Regulations create a no take zone in Portelet Bay in the specific area described in the schedule. They are made under both the Sea Fisheries (Jersey) Law 1994 and Aquatic Resources (Jersey) Law 2014 so to include sea fish and aquatic resources covered in both pieces of legislation.

10.4. Policy

Fisheries policy has been, in the main, driven by overarching international obligations (EU Common Fisheries Policy (CFP)) or obligations under bilateral agreements such as the FMA or the Agreement concerning fishing in the Bay of Granville (GBA). The FMA requires the following of EU rules as a minimum standard.

11. Aquaculture

11.1. Governance

The governance of aquaculture is similar to that of capture fisheries with the MENV generally responsible for this industry, with MEDTSC having an economic support function. Day to day administration falls to Marine Resources and the Chief Veterinary Officer. Marine Resources are responsible for the fishery aspects, in particular the granting of the license to establish the fishery. The Vet has responsibility for the animal welfare and husbandry, including import of seed and status of the oyster bed. Once the products are grown and become a food source, responsibility then falls under Environment and Consumer Protection in IHE regulation.

11.2. International Commitments

There are no relevant international commitments.

11.3. Legislation

[Aquatic Resources \(Jersey\) Law 2014](#)

The Law, described in more detail in the previous section, includes the provision for the mariculture of aquatic resources. Currently there are no regulations under the Law to establish mariculture areas for aquatic resources.

[EU Legislation \(Aquatic Animal Health\) \(Jersey\) Regulations 2016](#)

The regulations, made under the European Union Legislations (Implementation)(Jersey) Law implement Directive 2006/88/EC and establishes the Minister as the competent authority in respect of Jersey. It sets out the requirement for an aquaculture production business to be authorised by the Minister and the procedures associated with that authorisation. It sets out the requirements for placing a product on the market, including certification, transportation and record keeping. It also sets out the notification and control in the event of a disease outbreak.

[Sea Fisheries \(Jersey\) Law 1994](#)

The Law, described in more detail in the previous section, includes the provision for the mariculture of sea fish, specifically the ability, by regulation, to establish a fishery and setting out the exemptions that apply to mariculture.

[Sea Fisheries \(Fisheries\) \(Jersey\) Regulations 2010](#)

The regulation provides for the licensing of a fishery and in effect, gives ownership of named species in a defined areas to the license holder. The regulations give the framework for license application, how the license is determined, the ability for the Minister to include conditions and fees, and the protection afforded to the license holder.

11.4. Policy

In 2014 a report, titled “A financial analysis, economic strategy and licensing policy for aquaculture for the island of Jersey”, was produced, principally to develop the licensing policy. It made a number of recommendations with respect to allocated zones for aquaculture, increased government support and further consideration of land-based aquaculture. The zone for aquaculture has been established

through the Planning process and the report recommends the zone(s) is formally recognised in any MSP.

A 2019 internal report considered the merits of seaweed aquaculture. The report does not support the allocation of specific areas for harvesting wild grown seaweed and remains silent on the spatial extent of any seaweed aquaculture, either intertidal or offshore.

Part III. Gap analysis

The legal and policy framework that exists in each section was designed, in most instances to fulfil a specific obligation or States decision and was not conceived for the purposes of an overarching MSP. Any gaps and omissions highlighted here are done so in the context of the MSP and not the original purpose. Despite this, there is a reasonably comprehensive and coherent legislative and policy framework to achieve the aspirations of any MSP, especially as the Planning legislation extends to the full extent of the Territorial Sea and the comprehensive fishing regulations give good flexibility to deal with the most likely spatial issues of development and fishing activity.

1. Administration

The overall administration provided by the Government of Jersey is well structured. It provides clear governance both from a Ministerial portfolio perspective, but also a policy perspective. The requirement for an MSP is well-articulated and set out in multiple policy documents, with sign off and support by Ministerial, COM and States Assembly resolutions. The commitment to establishing a MSP in Jersey has been unequivocal from Ministers and widely supported by States members.

Ongoing commitment in both policy and resources is required to ensure the plan is delivered and should remain an organic document, updated and relevant as a tool for the ongoing planning decision making process.

Whilst not specific to a MSP there is a lack of co-ordination when assessing and implementing new International Agreements, new protocols or amendments to International Agreements already ratified and extended to Jersey. The recent Kunming-Montreal Protocol is a salient and relevant point. The recent agreement to biodiversity targets including one to “Ensure and enable that by 2030 at least 30 per cent of terrestrial, inland water, and of coastal and marine areas, especially areas of particular importance for biodiversity and ecosystem functions and services, are effectively conserved and managed through ecologically representative, well-connected and equitably governed systems of protected areas and other effective area-based conservation measures.”. Clearly, this has the potential to have a significant impact on coastal and marine planning. This lack of clarity should be addressed. An extension of this point is that operational delivery of any International Agreement to which Jersey is party, should be reviewed on a regular basis. This is particularly important as the majority of Jersey’s commitments lie in policy as opposed to legislation. There is a reputational risk to the Island if it is not able to evidence either regulatory or operational equivalence to commitments that Jersey has agreed to implement.

2. Infrastructure

The spatial organisation of infrastructure and future development is well served by the latest iteration of the island plan, the Bridging Island Plan 2022 to 2025. The Shoreline Management Plan provides a good framework for coastal defences and the management of flood control in risk areas.

The issues of land reclamation is mentioned in various waste and mineral strategies and there is no conclusive reason to consider this at this moment in time. However, the development of the St Helier port masterplan and potential need for future offshore renewable development may require revisiting the issue of land reclamation.

With respect to energy infrastructure, the existing submarine power cable network provides power from France and subsequent cables provide power to Guernsey. The requirement for modernising this network and the potential need for further development in light of offshore renewables will require consideration of the cable network. There is little policy available in respect of communication submarine telephone cables and any future development of the existing network. It is suggested that consideration be given to review future cabling requirements.

Future infrastructure must also take into account the commitment of both Jersey and Guernsey Ministers to work collaboratively on these matters. With respect to marine spatial planning this makes good sense and is likely to lead to better outcomes.

3. Harbours and Transport

The legislative framework in respect of shipping and harbours provides the minister for economic development and the Harbourmaster a range of powers to manage shipping throughout Jersey's territorial waters and the island's harbours. The Minister is able to control shipping from a maritime safety and security perspective but is not able to control shipping for other possible reasons, for example from an environmental perspective. Recently a no take zone was established at Portelet Bay under the fisheries and aquatic resources legislation. It was suggested that anchoring at the site could also be restricted to further enhance the protection of the site. However, as such a provision was from an environmental perspective, such a control was not possible. It is noted that the MENV has the power under the Wildlife Law to designate areas of special protection but it is worth considering whether a power under the Shipping Law could be a more overarching and simple approach, particularly in the context of marine protected areas (MPAs) where additional features not covered by the wildlife law may require some protection.

Another spatial planning issue that requires resolution is that of moorings outside harbours. Whilst it is not one of major significance, it is one that should be addressed. Ports of Jersey have the ability to control the setting of moorings within harbour limits. The setting of moorings outside of harbour limits is not PoJ's responsibility. Officers from Regulation have stated that a planning application is required for a mooring outside of a harbour and a licence is also required under the FEPA regulations. Potential solutions include a general planning application for specific areas similar to that done for the intertidal aquaculture concessions or the requirement for those wishing to have an intertidal or coastal mooring to make the necessary planning application as would be done for other planning requirements. There are some issues with both these approaches and it is likely there would be some opposition to regularising such activity given the fact that it has happened in Jersey for many years with few issues arising.

4. Climate Change

Changes to our climate, net zero aspirations and the mitigations needed to address them must be a common thread in the majority of Government strategies and policy decisions, a MSP being no different. The future energy requirements of the Island will, in all probability require utility scale offshore renewable energy generation. Offshore wind and tidal (both current and barrage) will need careful consideration. The MENV has stated that a decision in respect of offshore wind will be made in 2023. Details of any offshore wind consenting regime and associated legislative framework are required to ensure that those factors can be incorporated into the MSP.

The technology and cost of tidal energy is perhaps still lagging behind the significant strides made by offshore wind in recent years with many other jurisdictions moving rapidly to increase energy provision from this renewable source. However, the potential cons of wind (e.g. unpredictable or decreased generating window due to lack or excess of wind with changing weather patterns) and the pros of tidal (e.g. strong tidal currents and some of the largest tides globally), utility scale tidal energy generation should not be discounted and further research into this should continue.

5. Oceanography

There is little in the way of legislation or policy in respect of oceanography and to a large extent does not play a major part in spatial planning as such, but rather than base onto which other policy decisions can sit. Given this importance, it is critical that the data is accurate, up-to-date and as complete as possible. To that end, it is recommended that a review of the original MoU agreed by TSCAG with respect to standardisation of data gathered during surveys within Jersey waters is undertaken.

Separate to the standardisation of data is the related question of scientific research and development. From a spatial perspective the allocation or indeed prioritisation of land ashore for science and research is dealt with under the auspices of the standard island plan. The question of whether any priority should be given to research at sea should be considered. Would the allocation of specific areas to conduct research or as a space to trial new engineering solutions be a positive use of marine space? The ability for an academic institution or commercial body to trial innovative technology would seem to fit with the aspiration of a number of strategic aims. The idea of an onshore facility has been considered for some time and in addition, consideration should also be given to space at sea.

6. Biodiversity and Natural Environment

The updating of the Biodiversity Strategy, as has been highlighted as a Ministerial priority, is a key component for ensuring biodiversity and natural environment considerations are critical to the plan. It cannot be overstated that a healthy, diverse and robust marine ecosystem is the foundation upon which all other aspirations are built. The MSP must fully and transparently address the issue of marine protected areas (MPAs) under whatever naming convention is applied (e.g., protected areas, SSIs, marine park, national coastal park, no take zones). Whilst there will be discussion about this, the critical factor for the MSP is that any MPA network fulfils the scientifically robust approach that is needed to establish and manage those areas. Whilst targets for setting MPAs are useful, it must be ensured that measures address the protection of the features originally identified, with failure to do so inevitably attracting the paper park moniker.

It should also be remembered that protected areas must apply to not just biological features but geological ones and extending protection of the Island's rich geodiversity to ensure that geo-heritage assets are valued and appreciated needs to be recognised and included.

7. Environmental Management

As a principal, environmental management legislation and policy applies throughout the totality of Jersey's Territory and, to that end, is already defined spatial and in place. Although not an MSP issue per se, there is the potential for lack of clarity as to the lines of responsibility with respect of dealing

with an environmental incident or emergency at sea. It is likely that this lack of clarity has arisen following the incorporation of PoJ, together with Government restructuring that has significantly changed the reporting structure of any such emergency response. It is a recommendation of this report that these reporting lines are mapped and that any response to an emergency is clearly communicated.

8. History and Culture

Coastal sites of historical and cultural importance have been recognised and designated under the Planning Law. There is however, little to no protection of archaeological sites in the inter- or sub tidal area. This may be due to the fact that the tides and currents have left little to protect but this would be the wrong conclusion to draw. The site at La Cotte for example is of international importance and the relatively recent inundation of the shallow waters to the east and south of the Island may yield future significant discoveries. It has been suggested that consideration should be given to the extension of the UN Underwater Cultural Heritage Convention. This convention has not been extended to the UK, and whilst the principles of the convention are likely to give significant protection to underwater heritage, the impact for Jersey is negligible. The convention acknowledges the rights of Coastal States to control of territorial seas, with future articles considering EEZ, continental shelf and high seas. As Jersey only has Territorial Seas, the best option for protection would be under domestic legislation. It is recommended that new Heritage and Antiquities Law, currently being drafted, includes appropriate protection for underwater cultural heritage, including the designation of sites.

9. Tourism and Leisure

Tourism and leisure, including sport, is a hugely important part of Island life, for locals and visitors alike. The coastal and marine environment provide the backdrop to virtually all external promotion of the Island and the “go to” playground for those who live here. Jersey has a long heritage of marine leisure and sport for obvious reasons but other than areas of leisure vessel focused harbours and specific parts of the coast prioritises for certain activities (e.g., surfing in St Ouen’s Bay, lanes for jet skis) there is little consideration of space for leisure and sport activities. In general, these activities have evolved and integrated into the wider matrix of marine use with few issues, although some problems do arise from time to time with conflict between different leisure activities or leisure and commercial use. There is a considerable opportunity for the island to grow and develop this sector, in a way that can have economic, social and environmental benefits. To do this, it is fundamental that the policies in the economic framework come to fruition, in a relatively short timescale. This will give an opportunity for full integration into the MSP. The potential benefits of this sector are significant and it is imperative that this is represented in the first iteration of the plan.

10. Fisheries

Fisheries has had a long-established principal to legislate activity at sea, both for the commercial and recreational sector, and hence a significant body of legislation to do so. The combination of law, regulation and license conditions give a good set of tools to address spatial issues that may arise, although it must be noted the technological advance and changes to stock and other environment parameters mean that constant vigilance and updating will be needed to ensure measures remain appropriate. The governance and management of fisheries has changed radically since the UK left the EU with the TCA replacing the GBA as the overarching framework. The fisheries legislation could benefit from a thorough review and update in light of this change, in particularly with respect to retained or referred to EU legislation. There would also be merit in the consideration of the UK Marine and Coastal Access Act 2009 and the Fisheries Act 2020 with respect to modifications of the Fisheries Law and subordinate legislation, together with wider aspects of the marine management.

It would also be helpful to develop a fisheries policy, that more clearly articulates aims and objectives. This would assist with informing not just future legislative priorities but also the basis of updated bilateral agreements such as the FMA.

The final issue that should be considered in the spatial plan is the prioritisation of areas for fishing activity. These do not necessarily need to be framed in the context of commercial or recreational but rather in the context of environmentally appropriate methods for particular habitats or locations. If other activities, be it economic or social, are considered appropriate to prioritise in certain places, the same consideration should be given to fishing, particularly in an island with such a rich history of this activity.

11. Aquaculture

Whilst there are currently challenges to the development and viability to aquaculture enterprises in Jersey, spatial constraints is not one experienced by the current industry. The establishment of the aquaculture zone in the intertidal area to the east and southeast fulfils the requirements of existing business. Additional space requirements are dealt with through the current licencing requirement satisfactorily. Space to expand is more likely to be hampered by access to onshore facilities and land rather than offshore ones.

Opportunities for further expansion of intertidal aquaculture (e.g. oysters) do exist, but given the pressure on intertidal space for other anthropogenic activities and protection of biodiversity, must be carefully weighed up against these other pressures. Offshore aquaculture, including seaweed aquaculture, is an area where further development could occur. Whilst it is acknowledged there are technical and economic considerations, the spatial questions should also be addressed. Given the undoubted pressure on space at sea, prioritisation of offshore aquaculture seems unlikely. However, consideration as a secondary activity and the ability to work synergistically with another is sensible.

Part IV. Recommendations

	Proposal	Chapter
1	Ensure future Government Programmes include an ongoing commitment to the MSP	Administration
2	Establish a system for monitoring and implementing updates and operational delivery to MEAs that Jersey is already a signatory to.	Administration
3	Establish systems for monitoring and implementing new MEAs that Jersey should become a signatory to.	Administration
4	Legislation for MEDSTC to restrict shipping activity on certain areas for a purpose other than maritime safety (i.e. environmental).	Harbours and transport
5	Review of procedures required in the case of an environmental pollution event.	Environmental Management
6	Deliver legislation for utility scale renewable energy.	Climate Change

7	Complete research into tidal energy generation.	Climate Change
8	TSCAG should consider update of oceanographic data requirements.	Oceanography
9	Consider creation of an Offshore laboratory facility.	Oceanography
10	Legislation to protect marine archaeological sites.	History and culture
11	Support development of policies in area of marine and coastal tourism, sport and leisure to assist in applying these policy areas into the MSP.	Tourism and leisure
12	Develop policy in area of fishing (commercial and leisure) (FMA update)	Fisheries
13	Prioritising sustainable fishing activity in appropriate areas.	Fisheries
14	Consideration of off-shore aquaculture, including seaweed aquaculture.	Aquaculture

Annexes

Annex 1

Legislation and administrative responsibility

Chapter	Legislation	Ministerial responsibility	Administrative responsibility
1	Territorial Sea Act 1987 (Jersey) Order 1997		
2	Planning and Building (Jersey) Law 2002	ENV	IHE Regulation (Development and Land)
2	Planning and Building (Environmental Impact) (Jersey) Order 2006	ENV	IHE Regulation (Development and Land)
2	Planning and Building (General Development)(Jersey) Order 2011	ENV	IHE Regulation (Development and Land)
2	Sea Beaches (Removal of Sand and Stone) (Jersey) Law 1963	ENV	IHE Natural Environment (Marine Resources)
2	Drainage (Jersey) Law 2005	INFRASTRUCTURE	IHE Operations and Transport

3	Shipping (Jersey) Law 2002	EDTSC	Ports of Jersey
3	Shipping (MARPOL) (Jersey) Regulations 2012	EDTSC	Ports of Jersey
3	Shipping (Registration) (Jersey) Regulations 2004	EDTSC	Ports of Jersey
3	Air and Sea Ports (Incorporation)(Jersey) Law 2015	EDTSC	ED
3	Harbours (Administration)(Jersey) Law 1961	EDTSC	Ports of Jersey
3	Harbours (Jersey) Regulations 1962	EDTSC	Ports of Jersey
3	Harbours (Inshore Safety)(Jersey) Regulations 2012	EDSTC	Ports of Jersey
3	Harbours (Protection of Cables in Territorial Waters)(Jersey) Regulations 2010	EDSTC	Ports of Jersey
6	Endangered Species (CITES) (Jersey) Law 2012	ENV	IHE Natural Environment (Land Resource Management)
6	Wildlife (Jersey) Law 2021	ENV	IHE Natural Environment (Land Resource Management)
6	Wildlife (Areas of Special Protection) (Jersey) Order 2022	ENV	IHE Natural Environment (Land Resource Management)
7	Food and Environment Protection Act 1985 (Jersey) Order 1987 (and see also Amendment Order)	ENV	IHE Natural Environment (Marine Resources)
7	Food and Environment Protection Act 1985 (Deposits in Sea Exemptions) (Jersey) Order 2007	ENV	IHE Natural Environment (Marine Resources)
7	Waste Management (Jersey) Law 2005	ENV	IHE Regulation (Environmental and Consumer Protection)
7	Water Pollution (Jersey) Law 2000	ENV	IHE Natural Environment (Land Resource Management)
7	Water Pollution (Water Management) (Jersey) Order 2020	ENV	IHE Natural Environment (Land Resource Management)
7	Water Pollution (Water Quality) (Jersey) Order 2020	ENV	IHE Natural Environment (Land Resource Management)
7	Water Resources (Jersey) Law 2007	ENV	IHE Natural Environment (Land Resource Management)
8	Heritage and Antiquities (Jersey) Law 202-	EDTSC	
8	Customs and Excise (Jersey) Law 1999	HA	Jersey Customs and Immigrations Service

8	Customs and Excise (Import and Export Control) (Jersey) Order 2006	HA	Jersey Customs and Immigrations Service
9	Policing of Beaches (Jersey) Regulations 1959	EDTSC	IHE Regulation (Environmental and Consumer Protection)
10	Aquatic Resources (Jersey) Law 2014	ENV	IHE Natural Environment (Marine Resources)
10	Aquatic Resources (Seaweed Licences) (Jersey) Regulations 2019	ENV	IHE Natural Environment (Marine Resources)
10	Aquatic Resources (Seaweed Licence Fees)(Jersey) Order 2019	ENV	IHE Natural Environment (Marine Resources)
10	Illegal, Unreported and Unregulated Fishing (Jersey) Regulations 2021	ENV	IHE Natural Environment (Marine Resources)
10	Sea Fisheries (Jersey) Law 1994	ENV	IHE Natural Environment (Marine Resources)
10	Sea Fisheries (Miscellaneous Provisions) (Jersey) Regulations 1998	ENV	IHE Natural Environment (Marine Resources)
10	Sea Fisheries (Spider Crabs – Restrictions on Fishing) (Jersey) Order 2019	ENV	IHE Natural Environment (Marine Resources)
10	Sea Fisheries (Licensing of Fishing Boats) (Jersey) Regulations 2003	ENV	IHE Natural Environment (Marine Resources)
10	Sea Fisheries (Inshore Waters) (Jersey) Regulations 1998	ENV	IHE Natural Environment (Marine Resources)
10	Sea Fisheries (Inshore Trawling, Netting and Dredging) (Jersey) Regulations 2001	ENV	IHE Natural Environment (Marine Resources)
10	Sea Fisheries (Trawling, Netting and Dredging) (Jersey) Regulations 2001	ENV	IHE Natural Environment (Marine Resources)
10	Sea Fisheries (Bag Limits) (Jersey) Regulations 2016	ENV	IHE Natural Environment (Marine Resources)
10	Sea Fisheries (Vessel Monitoring Systems)(Jersey) Regulations 2014	ENV	IHE Natural Environment (Marine Resources)
10	Sea Fisheries (Les Ecréhous) (Jersey) Regulations 2018	ENV	IHE Natural Environment (Marine Resources)
10	Sea Fisheries (Les Minquiers) (Jersey) Regulations 2007	ENV	IHE Natural Environment (Marine Resources)
10	Sea Fisheries (Underwater Fishing) (Jersey) Regulations 2003	ENV	IHE Natural Environment (Marine Resources)

10	Sea Fisheries (Minimum Size Limits) (Jersey) Regulations 2001	ENV	IHE Natural Environment (Marine Resources)
10	Sea Fisheries (Log Books, Transshipment and Landing Declarations) (Jersey) Regulations 2014	ENV	IHE Natural Environment (Marine Resources)
10	Sea Fisheries and Aquatic Resources (Portelet Bay) (Jersey) Regulations 2022	ENV	IHE Natural Environment (Marine Resources)
11	EU Legislation (Aquatic Animal Health) (Jersey) Regulations 2016	ENV	IHE Natural Environment (Chief Veterinary Officer)
11	Sea Fisheries (Fisheries) (Jersey) Regulations 2010	ENV	IHE Natural Environment (Marine Resources)

Annex 2.

Other legislation reviewed but not considered relevant in the spatial planning context

- (Shipping (Oil Pollution) (Liability and Compensation) (Jersey) Law 2015)
- Shipping (Miscellaneous Provisions No 2.)(Jersey) Order 2012
- Shipping (SOLAS)(Jersey) Regulations 2004
- Shipping (Distress Signals and Prevention of Collisions)(Jersey) Order 2004
- Shipping (Survey and Certification)(Jersey) Order 2013
- Shipping (Fishing Vessels – Safety Training)(Jersey) Order 2004
- Shipping (Local Small Ships Registration)(Jersey) Regulations 2004
- Shipping (Fishing Vessels Safety Codes of Practice)(Jersey) Regulations 2015
- Deep Sea Mining (Temporary Provisions) Act 1981 (Jersey) 1997
- EU Legislation (Monitoring of Residues in Animals) (Jersey) Regulations 2019
- EU Legislation (Wild Aquatic Animals – Food and Feed) (Jersey) Regulations 2019
- Foreign Fishing Boats (Stowage of Gear) Order 1970
- Sea Fisheries (Channel Islands) Order 1973
- Sea Fisheries (Channel Islands Boats) Order 1973
- Sea Fish (Conservation)(Channel Islands) Order 1981
- Sea Fish (Conservation)(Channel Islands) (Amendment) Order 2001