

STATES OF JERSEY



ISLAND PLAN 2022-25: APPROVAL (P.36/2021) – THIRTIETH AMENDMENT COASTAL NATIONAL PARK

Lodged au Greffe on 12th July 2021
by the Deputy of St. Ouen

STATES GREFFE

PAGE 2 –

After the words “the draft Island Plan 2022-25” insert the words “except that –

- (a) save for the inclusion of the intertidal zone and shallow water around the offshore reefs, the boundaries of the Coastal National Park in the draft Island Plan 2022-25 shall be retained as presently established by the Revised 2011 Island Plan;
- (b) the draft Island Plan 2022-25 should be further amended in such respects as may be necessary consequent upon the adoption of paragraph (a);
- (c) the Draft Bridging Island Plan Proposals Map Part A – Planning Zones should be amended to reflect the adoption of paragraph (a); and
- (d) after Proposal 12, insert the following new Proposal –

“Proposal - Coastal National Park legislation

The Minister for the Environment will work with the Minister for Economic Development, Tourism, Sport and Culture, and, further to consultation with the Council of Ministers, will bring forward for approval by the States Assembly, proposals for the establishment of the Coastal National Park in law with appropriate provisions and mechanisms for:

- a. the management and regulation of land use and activities within the Park;
 - b. the promotion of the purposes of the Park;
 - c. public and community consultation to inform such management, regulation and promotion functions;
 - d. reviews of the spatial extent of the Park and determining changes thereto in consultation with relevant stakeholders including owners, occupiers and users of land affected by such reviews; and
 - e. the funding of the activities described above”: and
- (e) after Proposal 13, insert the following new Proposal –

“Proposal - Coastal National Park review

Following the establishment of a legal basis for the Coastal National Park, the Minister for the Environment will work with the Minister for Economic Development, Tourism, Sport and Culture, and, further to consultation with relevant stakeholders including owners and occupiers of land within the Coastal National Park, will bring forward for approval by the States Assembly proposals for the clearer definition and understanding of the boundaries of the Coastal National Park to exclude land where it falls within the Interior Agricultural Plateau as defined in the Jersey Integrated Landscape and Seascape Assessment Report, 2020.”.

DEPUTY R. J. RENOUF OF ST. OUEN

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

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

to approve, in accordance with Article 3(1) of the Planning and Building (Jersey) Law 2002, as amended by the Covid-19 (Island Plan) (Jersey) Regulations 2021, the draft Island Plan 2022-25, **except that –**

- (a) save for the inclusion of the intertidal zone and shallow water around the offshore reefs, the boundaries of the Coastal National Park in the draft Island Plan 2022 -2025 shall be retained as presently established by the Revised 2011 Island Plan;
- (b) the draft Island Plan 2022-25 should be further amended in such respects as may be necessary consequent upon the adoption of paragraph (a);
- (c) the Draft Bridging Island Plan Proposals Map Part A – Planning Zones should be amended to reflect the adoption of paragraph (a); and
- (d) after Proposal 12, insert the following new Proposal –

“Proposal - Coastal National Park legislation

The Minister for the Environment will work with the Minister for Economic Development, Tourism, Sport and Culture, and, further to consultation with the Council of Ministers, will bring forward for approval by the States Assembly, proposals for the establishment of the Coastal National Park in law with appropriate provisions and mechanisms for:

- f. the management and regulation of land use and activities within the Park;
 - g. the promotion of the purposes of the Park;
 - h. public and community consultation to inform such management, regulation and promotion functions;
 - i. reviews of the spatial extent of the Park and determining changes thereto in consultation with relevant stakeholders including owners, occupiers and users of land affected by such reviews; and
 - j. the funding of the activities described above”: and
- (e) after Proposal 13, insert the following new Proposal –

“Proposal - Coastal National Park review

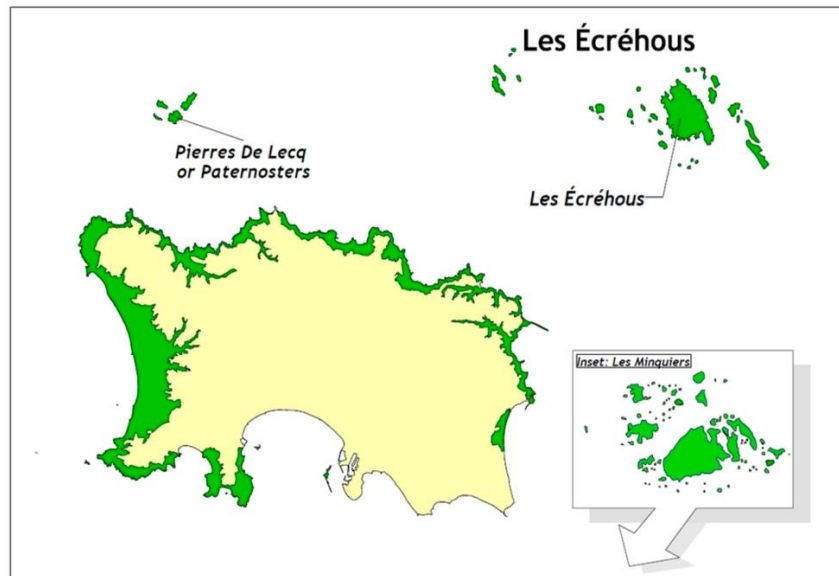
Following the establishment of a legal basis for the Coastal National Park, the Minister for the Environment will work with the Minister for Economic Development, Tourism, Sport and Culture, and, further to consultation with relevant stakeholders including owners and occupiers of land within the Coastal

National Park, will bring forward for approval by the States Assembly proposals for the clearer definition and understanding of the boundaries of the Coastal National Park to exclude land where it falls within the Interior Agricultural Plateau as defined in the Jersey Integrated Landscape and Seascape Assessment Report, 2020.”

REPORT

The Existing Coastal National Park

1. The Coastal National Park (CNP) is a land use designation (zone) on the Proposals Map of the Revised 2011 Island Plan, 2014.



Extract from Revised 2011 Island Plan, 2014

2. The CNP was designated as a land use policy in the 2011 Island Plan. The aims of the CNP as expressed in the 2011 Island Plan are:
 - the conservation and enhancement of the natural beauty, wildlife and cultural heritage of the National Park
 - to promote opportunities for the understanding and enjoyment of the special qualities of the National Park by the public.
3. The Coastal National Park is managed by the land-owners who own land within the park area. Land use and development is controlled primarily through planning policies. Policy NE6 – Coastal National Park is the primary land-use decision-making policy at present.
4. The Coastal National Park Group was established by the Minister for the Environment in 2014/2015. It was created to
 - Establish a CNP brand image
 - Raise awareness of the CNP
 - Finalise a Management Plan and Action Plan
 - Launch the CNP and plans
 - Establish the CNP Group and development of the governance document, (possibly through Terms of Reference) in consultation with the broader stakeholder group (part of CNP project, 2014).
 - Ensure a smooth transition between the Interim Working Group and a long term CNP Group

5. Jersey National Park Ltd (JNPL) was registered in 2018 as a charity. The principal purposes of the company are:-
 - The conservation and enhancement of the natural beauty, wildlife and cultural heritage of the Jersey National Park.
 - To promote opportunities for the understanding and enjoyment of the special qualities of the Jersey National Park by the public.
 - To cultivate the economic benefits to Jersey of having the Jersey National Park.

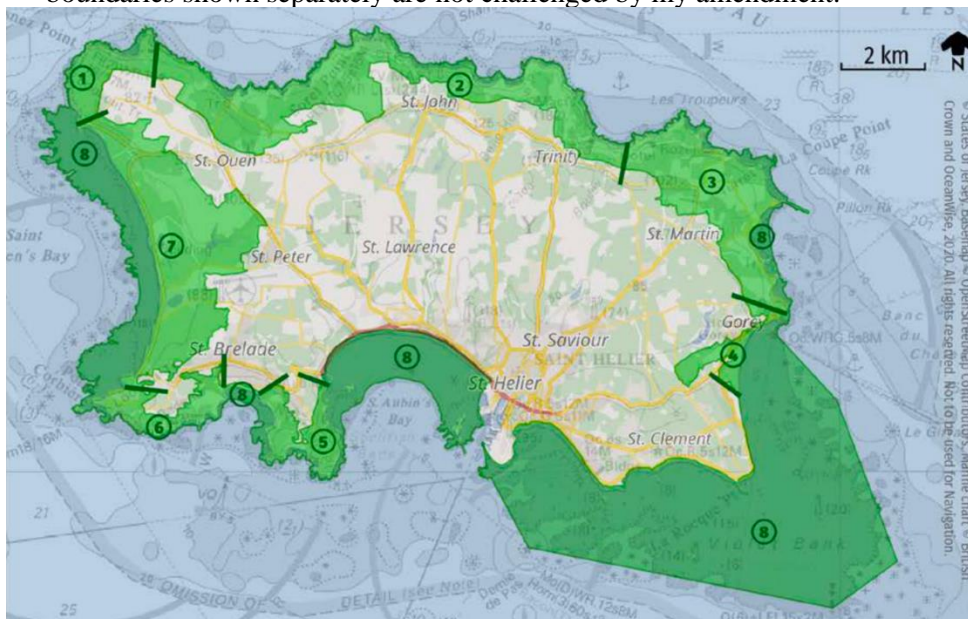
6. It is understood that JNPL supercedes the Coastal National Park Group. JNPL does not have any land-use decision-making authority. It's role in management of the CNP and public accountability is not immediately clear.

7. The CNP covers approx. 16% of Jersey's land area and covers land that is heathland, gorseland, sand dunes, reed-beds, forest, meadow, marsh, pond reservoir, gardens, coastline, beaches, bays, farmland, wetlands, offshore reefs and islands. Approx. 90% of the CNP is 'Environmentally Sensitive Area'. It is primarily in private ownership with the Public and other key land owners (including the National Trust for Jersey and Jersey Water) owning some large blocks of land within it.

The proposed Coastal National Park

8. The CNP proposed in the Bridging Island Plan 2021 (BIP) is a land-use zone – there would be no specific policy for the CNP if the BIP is approved: instead a number of planning policies would manage land-use decision-making.

9. The following map is an extract from the Coastal National Park Boundary Review Report (JCNPBR) published in January 2021. It shows the landward boundaries proposed for the CNP in the BIP. The extent of the marine boundaries shown separately are not challenged by my amendment.

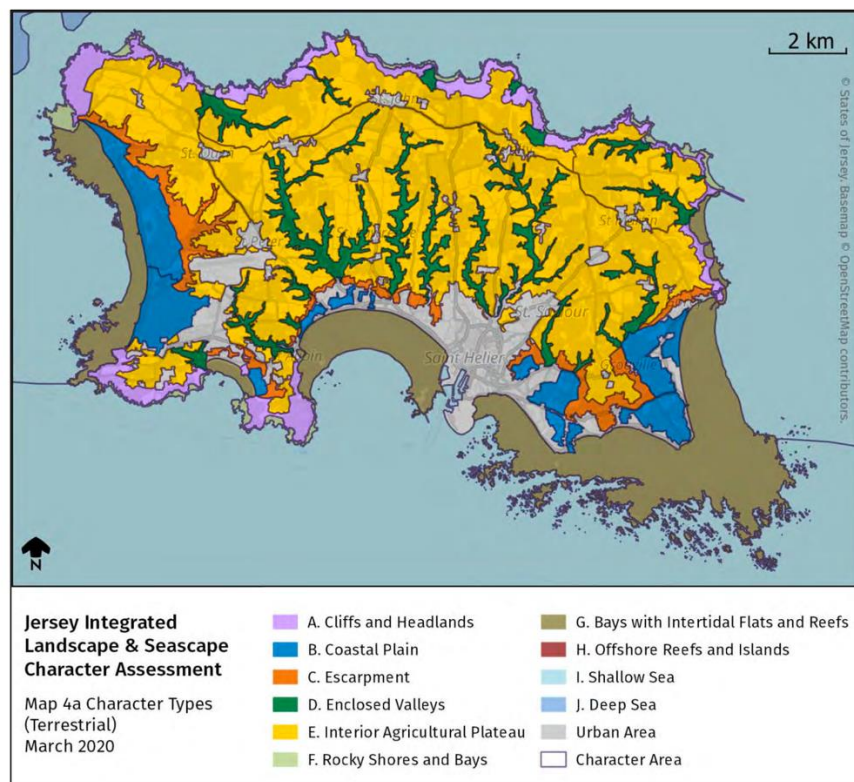


Extract BIP, 2021

10. A detailed description of the new boundaries of the CNP is set out in the JCNPBR:
<https://www.gov.je/SiteCollectionDocuments/Planning%20and%20building/JCNP%20Boundary%20Review%20Final%20Report%20Fiona%20Fyfe%20Associates%20v1.pdf>

11. The designation is supported by the Jersey Integrated Landscape and Seascape Character Assessment, 2020 (JILSCA) which identifies distinctive Character Types, covering terrestrial, intertidal and marine environments:
[https://www.gov.je/SiteCollectionDocuments/Government%20and%20administration/ID%20Jersey%20Integrated%20Landscape%20and%20Seascape%20Character%20Assessment%20\(ILSCA\).pdf](https://www.gov.je/SiteCollectionDocuments/Government%20and%20administration/ID%20Jersey%20Integrated%20Landscape%20and%20Seascape%20Character%20Assessment%20(ILSCA).pdf)

12. Character Types and Areas (JILSCA, 2020):



13. The CNP under the Revised 2011 Island Plan largely consists of areas designated as Coastal Plain or Cliffs and Headlands. The proposed extension of the CNP boundaries in the BIP would include a significant amount of Interior Agricultural Land (coloured yellow) within the CNP. The justification for this appears to be that land which can be viewed from the sea should be incorporated within the CNP and, for clarity, the boundary should follow roads.

What effect will an extended CNP have for parishes and islanders?

14. The proposal would increase the land coverage of the CNP to approx. 35 sq. Km or 30% of the island's land area.

15. The parishes of St Ouen and St Martin would see nearly two thirds of their respective land areas covered by the CNP. St Mary and St John would have

approx. a third of their parish land areas covered by the CNP. Areas in the following table are expressed as square kilometres.

Parish	Total Land Area	2011 CNP Area	2011 % CNP land area	2021 CNP Area	2021 % CNP land area	% change
St Peter	12	2.01	16.75	2.76	23	37.31
St Ouen	15	5.73	38.2	9.89	65.93	72.60
St Mary	7	1.03	14.7	2.59	37	151.46
St John	9	1.24	13.77	2.85	31.66	129.84
St Martin	10	1.70	17	6.05	60.50	255.88

16. It is not clear to me why large areas of the Interior Agricultural Plateau are included within the proposed CNP. The additional areas contained within the proposed boundaries comprise working agricultural land and large numbers of homes and business premises. The BIP omits any information which might help us understand how many homes, businesses and farms are affected by the proposed extension of the CNP. But it is clear from the maps above that a considerable number of islanders will be affected - in stark contrast to the present CNP which generally comprises areas of low population density - principally the St Ouen's Bay coastal plain and cliffs and heathlands on the north and south-west coasts. The vast majority of properties in the additional areas proposed for the CNP are in private ownership; indeed I am not aware of any significant public land holdings. Still less are many of these areas places that could be thought of as being of highly sensitive and valuable landscape quality. They are of a different nature and quality to the existing areas of the CNP. In my view the scale of the proposed extension of the CNP and the differences in the character of the areas involved would diminish the special qualities of our existing CNP.
17. The BIP does not adequately explain what the implications of a CNP designation mean for those islanders and businesses who find themselves within an extended CNP. What input will they have into the management of the CNP and the regulation of activities within it? How will the promotion of the CNP affect their privacy and freedom to enjoy and use their own property? How will a balance be achieved between the conservation aspects of a national park, maintaining the viability of businesses within it and inviting people into it to enjoy its special qualities?
18. The BIP (page 115) proposes to withdraw exempted development rights from properties in an extended CNP. This accords with the intention to give the highest level of protection to the CNP. But with approx. 30% of the island's land area in the proposed CNP, the BIP does not explain how our planning application system could cope with a large increase in applications for minor development such as garden fences, garden sheds, flagpoles etc. I suspect it could not, causing frustration and expense to the many islanders affected.

Lack of consultation on the proposed CNP boundary change

19. This designation has been proposed with little or no consultation with the many people who live and manage land in the island's countryside.
20. The Jersey Coastal National Park Boundary Review (JCNPBR) reports (paragraph 5.5) that consultation involved a workshop held on 30th September 2020 attended by 30 stakeholders representing a range of expertise and interest groups. However the identity of the stakeholders or the organisations they represented have not been published. Having asked elected representatives of the parishes most affected, I am not aware that any parish representative attended the workshop that was conducted as part of the review.
21. Page 4 of the BIP states that the Island Plan Review has enjoyed the benefit of regular engagement from States Members, stakeholders and the public. However I, and other elected representatives of the parishes most affected, are concerned that this engagement has not found ways to seek the views of more people living and working in the countryside of the island or explained the CNP extension and what it means in the detail to those members of the community that would be affected. The JCNPBR report was published in January 2021. There has been one parish road-show organised since then as part of the BIP consultation process (after 19th April 2021) and it was held at short notice.
22. The proposal to extend the CNP is not properly understood by those people who live and work in the countryside. There is grave concern about the concept that significant areas of the island's countryside might become "a Park". The concept of a National Park as understood in the UK, cannot just be applied to Jersey, without a much greater understanding and analysis of what 'a Park' is trying to achieve and what the impact would be upon the people living and working in the island's countryside.

Establishing a legal basis for the CNP

23. National parks in other parts of the world have been established by legislation. Relevant legislation in the UK is the National Parks and Access to the Countryside Act, 1949, Environment Act 1995 and National Parks (Scotland) Act 2000. Each national park in the UK is administered by its own National Park Authority – independent bodies funded by government. Members of the authority provide leadership, scrutiny and direction and are generally appointed by the Secretary of State and local and parish councils.
24. Under [Section 66\(1\) of the Environment Act 1995](#), each English National Park Authority must adopt a National Park Management Plan. But local communities, or communities of interest are also involved in shaping the plans. Indeed, in many cases it will be others, not the National Park Authority, that lead on the actions in the Plan. These are considered "shared plans". A central role for a National Park Management Plan is to guide the delivery of the National Park purposes and fulfil the additional statutory duty of the Authorities to seek to foster the economic and social wellbeing of local communities within national parks.

25. The preparation of any National Park Management Plan will be the product of drawing on and considering local and national priorities, from a wide range of people and organisations and topics. Involving people in the process is key to ensure the Plan reflects what people want. Gathering local information or evidence on current conditions within the National Park – for example by using the data contained in *State of the Park* reports, helps inform decisions. It is important to note that the Management Plan is not the document by which individual planning decisions are made.
26. Our CNP was established in the 2011 Island Plan as a land use designation (zone) on the Proposals Map of the Revised 2011 Island Plan, 2014. Yet it seems to me that the CNP has struggled to gain recognition both locally and further afield. Planning and management workstreams have been separated. Its promotion and further development have relied largely on willing public-spirited volunteers who are working with minimal funding and resources. This is perhaps unsurprising given the demands on the Planning Department which has been unable to substantially develop the concept of the CNP. But if the CNP is to become a permanent part of our Island life, it should not have to be rebirthed every 10 years in successive island plans: instead it needs a legislative foundation. And if the CNP is to be meaningful it needs effective management, regulation and promotion involving its users and all residents and businesses within it.
27. Establishing the CNP in law would give the CNP a governing framework with a wider scope than purely planning considerations. A law would enable the States Assembly to consider and set out provisions dealing with the management and regulation of land use and activities within the CNP and the promotion of it. Importantly it could provide for public and community consultation and involvement in all the functions of the CNP. It could also set out a mechanism to be followed whenever any boundary changes are suggested. None of this can adequately be achieved simply as a planning policy.
28. In terms of international recognition, a CNP established by legislation will demonstrate the Island is committed to observing the multi-national environmental agreements to which Jersey is a party. It may also lead to the CNP affiliating to the UK Association of National Park Authorities or its equivalent in France. Again, all of this seems much less likely if the CNP remains only a planning zone.
29. If we consider the purposes of the CNP:
- the conservation and enhancement of the natural beauty, wildlife and cultural heritage of the National Park; and
 - to promote opportunities for the understanding and enjoyment of the special qualities of the National Park by the public;

we can justify the efforts and resources required to “conserve and enhance” because Islanders will gain “understanding and enjoyment” as a result. The two purposes support and justify each other but there is an inherent tension between them. Too much “enjoyment” by the public can damage and diminish what we intend to conserve. Conversely seclusion of such areas will hinder or prevent understanding and enjoyment by the public. That inherent tension requires a

careful balancing and should be managed outside of a purely planning framework. As other jurisdictions have recognised, the best means of achieving this is bringing national parks within parliamentary purview and providing for regular engagement with those who live, work and enjoy recreation within the parks. I hope members of the Assembly will agree with me that is the course of action we ought to follow for Jersey's CNP.

Declaration of interest

A close family member owns property, some of which is presently situate in the existing CNP. The whole of it would fall within the extended CNP if the proposals of the draft Island Plan were adopted unamended. I am a tenant of part of that property.

Financial and manpower implications

No additional financial or manpower implications arise from the adoption of this amendment.

Child Rights Impact Assessment review

This amendment has been assessed in relation to the [Bridging Island Plan CRIA](#). Establishing the CNP in law will create a firmer foundation to ensure our special areas in the island environment are conserved and enhanced on a long-term basis for the benefit and enjoyment of children.