

**WRITTEN QUESTION TO THE MINISTER FOR THE ENVIRONMENT
BY DEPUTY K.F. MOREL OF ST. LAWRENCE
ANSWER TO BE TABLED ON TUESDAY 12th MARCH 2019**

Question

How many fields have been approved for change of use from agricultural to horse driving events or other equine activities (a) since 1st Jan 2018, (b) between 1st Jan 2016 and 31 December 2017 and (c) between 1st Jan 2014 and 31st December 2015?

Answer

It is not possible to answer this question in full. While there are two independent Laws in Jersey that control the use of agricultural land, neither control nor capture all changes of use from agricultural use to horse driving events or other equine activity.

The two laws are as follows:

Agricultural Land (Control of Sales and Leases) (Jersey) Law 1974

The purpose of this Law is to control the occupation and use of agricultural land and ensure that a stable, viable agricultural land bank is retained for the farming industry. The Law covers approximately 65% of the farmable land area of the Island, with land owned or inherited pre the law being exempt from restrictions. Therefore, equine use on areas of land without restrictions is allowed and not recorded.

General points in relation to the 1974 Law:

- Since 1974, conditions have generally been placed on larger farmable land when it is sold or gifted that exclude the use of the land for grazing of equine animals.
- Land that has previously been used for equine activities may not have equine restrictions imposed when the land is sold or gifted.
- Short term grazing of equines on land with conditions is allowed if this forms part of an agreed rotation practice.
- Land inherited since the Law came into force retain any conditions that existed on the land pre-inheritance.

The 2006 Rural Economic Strategy recognised the keeping and grazing of horses for commercial purposes and the breeding and keeping of livestock (including horses) as agricultural activities. Since 2006 equine activities could and have been approved under the Law by long term license.

The table below sets out the number of fields (and associated verges) where conditions existed under the Law that excluded the use of grazing of equine animals and permission was given under license for a 3 year period for equine use. Licenses are only issued following a request by the land owner for a reduction in conditions and an advertising process to assess the agricultural need.

Period	Amount of Fields	Area in Verges
2018 to present	6	20
1 st Jan 2016 to 31 st Dec 2017	12	48
1 st Jan 2014 to 31 st Dec 2015	6	22
Note: A single field may have more than one license issued during the 2014 to present time period		

In addition, any new equine business who submits a business plan may receive approval under license to occupy agricultural land with conditions for the use of equine activities. While records kept do not capture the number of fields associated to new equine businesses, approximately 100 verges of land have been licenced in this way between 2014 and 2019.

Planning and Building (Jersey) Law 2002

One of the purposes of this Law is to establish a plan for the sustainable development of land and to control development in accordance with the Island Plan.

The use of agricultural fields for the grazing of livestock (including horses) or horse driving events is generally regarded as an agricultural activity and does not normally require planning permission. The permanent change to some recreational equine activity, such as the creation of a sand school or a horse-driving arena, or the construction of stables may require planning permission.

The Law allows the Minister for the Environment by Order to grant planning permission in respect of a class or classes of development specified in the Order. The Planning and Building (General Development) (Jersey) Order 2011 (GDO) sets out these classes of development that have planning permission, generally referred to a 'permitted development'.

Up until the 29th December 2016, the GDO allowed as permitted development, subject to certain conditions, the erection of a structure on agricultural land to shelter livestock, and the creation of an equestrian sand school for private use on agricultural land. The GDO did not permit such development on Listed Buildings and Places, or where the works involve excavation of ground, or the land or building is in an area of archaeological potential (AAP). The effect of the order means that only *some* equestrian developments are required to pass through the planning process and become a matter of public record, as part of the Minister's Register of Planning Applications (published on Gov.je).

From the 30th December 2016 the GDO was amended to included changes to the conditions that sit against the permitted development rights for the construction of shelters for livestock; this had the effect of further limiting the size and number of shelters that may be erected without the need for planning consent. On this same date, permitted development rights for the creation of equestrian sand schools were entirely removed from the GDO; meaning that all sand schools on agricultural land have since required planning consent and will be held on the Minister's Register. Given these evolving regulatory parameters and the continued existence of permitted development rights under the GDO, it is impossible to accurately report, or even estimate, the number equestrian changes of use that might have taken place during the periods requested by Deputy Morel.

The Minister's Statutory *Register of Planning Applications* (published on gov.je) includes a record of every planning application submitted in relation to the period referred to in the question. However, because of the large variance in the application descriptions used by applicants, a search of the database may not find all of the results to satisfy the inquiry. Attached is a report created by the Planning department from the database. It shows all approved applications which contain the word 'horse' in the description, between the dates requested.

If the Deputy would like detailed information on a specific field, I can ask officers to review the records held and provide full information relating to that site.

Application description containing: "horse" DECISION DATE from 01/01/2014 to 05/03/2019

Ref No. Decision	Validate Decision Date	Address	Proposal
P/2016/1401 formation of all-weather equestrian riding site levelling, compacted hardcore Activ-track topping within perimeter and associated landscaping) for use	06/10/2016	Field No. B978, La Route du APPROVED Francief, St. Brelade	Proposed 05/06/17 area (including base with retaining boards
P/2016/0009 tackroom and office to North of field for race horse training and livery of use of sandschool to use by race livery business. Construct reservoir	13/01/2016	Field No. 494, La Rue des Buttes APPROVED St. Martin	Construct store, 19/05/16 with hardstanding business. Change horse training and
P/2017/0431 stable and store to South of existing	05/04/2017	Le Jardin Mure, La Rue de la APPROVED Ville au Neveu, St. Ouen	Construct horse 19/06/17 site.
MS/2017/0478 member's marquee for the horse racing (April-September) and to hold up to six private events within a season for a 2 2017 and 2018.	12/04/2017	Les Landes Racecourse, Le APPROVED Chemin du Chateau, St. Ouen	Construct 22/06/17 season corporate and/or year period during
P/2014/0135 of members marquee for holding private events up to six times per year. DESCRIPTION: Use of marquee by horse racing season	28/01/2014	Les Landes Racecourse, Le APPROVED Chemin du Chateau, St. Ouen	Retention and use 29/05/14 corporate and AMENDED members for the
P/2016/1060 bay horse stables.	04/08/2016 APPROVED	Field No. 1053, La Rue de la 07/11/16 Chesnaie, St. John	Construct 3 No.
RC/2015/1933 4 and 6 to P/2014/0135 (Use of members for the horse racing season and to hold up to six corporate &/or within the season) to enable continued	31/12/2015	Les Landes Racecourse, Le APPROVED Chemin du Chateau, St. Ouen	Vary Conditions 3, 22/03/16 marquee by (April-September) private events
RC/2016/1725 condition A (to commence within 5 permission P/2012/1176 (Restoration	06/12/2016	The Elms, La Cheve Rue, St. APPROVED Mary	Vary standard 07/03/17 years) to extend of the horse

stable, pigsty and potato loft and first floor of the potato loft to a	conversion of the
P/2018/1333 25/09/2018 Field L474 from agricultural to horse Retrospective: Install 2 No. sheds and to North of site.	Field No. L474, La Rue du Vard APPROVED St. Lawrence Change of use of 21/02/19 driving events. 1No. judging shed
P/2018/0063 24/01/2018 bay horse stable to South-West of	Field No. O1471, La Rue de APPROVED Grantez St. Ouen Construct three 20/03/18 site.