

# STATES OF JERSEY



## **DRAFT PLANNING AND BUILDING (CONSERVATION AREAS) (JERSEY) REGULATIONS 202- (P.83/2023): COMMENTS**

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**Presented to the States on 24th November 2023  
by the Environment, Housing and Infrastructure Scrutiny Panel**

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**STATES GREFFE**

## COMMENTS

The Minister for the Environment lodged the Draft Planning and Building (Conservation Areas) (Jersey) Regulations 202- on 17th October.

The draft regulations are the latest step in proposals to provide designations for specific areas of the Island which deserve to be managed in a way that protects their character or appearance.

The need and desire to create such areas has been a long-standing ambition for Government. Proposals – and a list of areas for potential designation – were consolidated in the Bridging Island Plan<sup>1</sup> and, earlier this year, the States Assembly approved the necessary change to the Planning and Building Jersey Law 2002<sup>2</sup> enabling secondary legislation.

The purpose of these draft regulations is to further that framework and – as set out in the proposition – provide a definition for such areas and allow for the Minister to make funds available to the owner or occupier of land or a building within a conservation area, if the Minister is satisfied that it is in the public interest to do so for the purpose of protecting and improving the character or appearance of the conservation area.

The Panel has received an informative and helpful briefing from officers both on the work which has resulted in these draft regulations and the work that the Minister intends to do to ensure that the ambition to protect and improve the characteristics of specific parts of the Island is something that all Islanders appreciate and engage with.

The purpose of this comments paper is to express the Panel’s general support for the draft regulations and to highlight the key areas on which it would like continued engagement with officers and the Ministers.

### **Community engagement and partnership**

The role of a conservation area will be to protect defined characteristics in the public realm. This means that it is changes which can be seen by the public which will be regulated. Changes to the interior of buildings which are in a conservation area but are not listed, will not have to make applications for internal changes or those which can’t be seen from the public realm.

The distinction is an important one and should provide assurances to home-owners and businesses that their properties will not be subject to a full listing – unless that building is already listed.

In bringing forward these draft regulations and in its work on the proposals, officers have indicated to the Panel that the Minister has drawn on learning from designation schemes in the UK and elsewhere and are aware of the vital importance of community ‘buy-in’ from the outset.

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<sup>1</sup> [Bridging Island Plan \(proposal 15\)](#)

<sup>2</sup> [Planning and Building \(Jersey\) Law 2002 \(jerseylaw.je\)](#)

[Draft Planning and Building \(Amendment No. 8\) \(Jersey\) Law 202- \(gov.je\)](#)

Key to this is a community's ability to be part of the process which identifies the characteristics to be protected and what their role will be to protect and enhance the area.

As plans progress for the first of the designations, the Panel will request more information about the engagement which will be undertaken to ensure that residents of an area are fully involved in the designation process, including:

- identifying the characteristics which they value in the proposed conservation area and should therefore be protected
- the scope of the area which would be involved and where the boundaries should be.

The Panel will request more information about how the necessary partnerships will be made with communities and how the wider community will be involved in work to foster a joint understanding of the purpose and value of conservation areas.

### **Funding**

A key concern for anyone who lives in or owns a business in an area which is designated as a conservation area is the potential increased cost that it may have.

There is an acknowledgement that improvement options which are sympathetic to a particular historic characteristic, for instance, could be more expensive.

Again, the partnership with communities and understanding the non-financial value of conservation areas will be central to success but it is also welcomed that the Government is open to working in partnership with communities and parishes to find funding solutions, where possible.

It remains to be seen how and whether Government funds will be made available. While the regulations do give the Minister the power to provide funds for the protection and improvement of a conservation area, the caveat is the availability of any funds and the priority it will be given.

### **Impact on officers**

The Panel has raised concerns about the potential increase in workload that the designation process might cause for officers involved in its implementation and regulation.

It is accepted that the designation of areas will not all happen at the same time and that the requirement for changes will be incremental. However, the Panel will maintain a watching brief on the ability of relevant departments to progress work in a timely manner and without a consequent impact on other work within their remit.

### **General Development Orders**

A further part of the framework for conservation areas would be a change to the Planning and Building (General Development) (Jersey) Order 2011. The Panel's understanding is that the Minister will be going out to consultation with the intention that any views on the changes are gathered by the end of this year. Once this process is

complete, the Panel would like to engage with the Minister again to understand the changes which will result.

### **Conclusion**

As expressed above, the Panel is generally supportive of the concept of conservation areas and of this proposition which begins to put in place the necessary legal framework. There is further detail which will require examination and the Panel members look forward to further engagement with officers and the Minister both in relation to the changes to general development orders and once the first process for designation begins.