

STATES OF JERSEY



ISLAND PLAN 2022-25: APPROVAL (P.36/2021) – EIGHTY-NINTH AMENDMENT HISTORIC ENVIRONMENT POLICIES CONSOLIDATED

Lodged au Greffe on 11th February 2022
by the Minister for the Environment

STATES GREFFE

PAGE 2 –

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

- (a) within the preamble to Policy HE1– Protecting listed buildings and places, and their settings, after paragraph 2 on page 124, there should be inserted a new section –

“Inclusive design

Everyone should be able to enjoy easy and exclusive access to the historic environment. Listed buildings and places may need to be modified to meet existing access needs as well as the changing needs of occupants and users. Removing barriers to access can allow many more people to use and benefit from the historic environment. If sensitively designed this need not compromise the ability of future generations to enjoy heritage and access these environments. Understanding the significance of a building is a vital first step in thinking about how much it can be changed to ensure sensitive interventions. In most cases access can be improved without compromising the special interest of the historic buildings and it is rare when nothing can be done to improve or facilitate access. By undertaking a careful process of research, consultation and creative exploration of alternative, good quality solutions are usually possible. The provision of improved access can be an important part of a sustainable approach to caring for the historic environment without compromising the significance of special places.”;

- (b) in Policy HE1 the fourth paragraph should be replaced with the following –

“Proposals that do not protect a listed building or place or its setting will not be supported unless and with regard to the comparative significance of the listed building or place, or its setting, and the impact of proposed development on that significance”;

- (c) in Policy HE2 -

- (i) for the first paragraph there should be substituted –

“Historic windows and doors in listed buildings or buildings in a conservation area which are of significance or special interest, or which contribute to the character of the conservation area should be repaired using materials and detailing to match the existing. Proposals for the replacement of modern glazing in historic windows with double glazing will be supported where it can be accommodated:

- a) within the existing window or door joinery frames; or
- b) within a like for like frame where the existing frame is beyond repair.”;

- (ii) in the third paragraph the words “or the character of a building in a conservation area” should be deleted.

- (iii) a new fourth paragraph should be inserted in as follows –

“Where proposals for the replacement of windows and doors in conservation areas will affect the character and appearance of the conservation area, they will only be supported where they protect or improve that character or appearance.”

(iv) in the first sentence of the existing paragraph four the word “more” should be deleted from before “modern windows”, the words “or buildings in a conservation area” should be removed, and the word “and” should replace “or” at the end of the second line;

(v) a second sentence should be inserted at the end of the existing fifth paragraph as follows –

“The use of double-glazing in replacement windows and glazing in doors will, therefore, be supported where replacements replicate the historic window and doors as far as practicable helping to meet Jersey’s commitment to energy efficiency.”

(d) in Proposal 14 – Conservation area designation –

(i) the second paragraph should be replaced with the following –

“It is proposed that the first conservation area or areas to be designated should be within the historic areas of St Helier and then drawn from the following list: St Aubin, the areas around the parish churches of Grouville, St. Lawrence, St. Martin, Trinity, St. Ouen, St. Peter, and St. Clement; Gorey Village and Pier, and Rozel Harbour. Designation should follow engagement and consultation with parish authorities, local residents, businesses and other key stakeholders including heritage organisations.”

(ii) a new paragraph should be inserted at the end of Proposal 14 as follows –

“During the course of the Bridging Island Plan, at least four conservation areas should be designated from those listed in this Proposal.”

(e) within the preamble to Policy HE3 – Protection or improvement of conservation areas, a new sentence should be inserted at the end of the last paragraph on page 133 -

“This does not preclude high quality modern design of buildings or spaces within the area, rather it seeks a contextual response to fit the place.”

MINISTER FOR THE ENVIRONMENT

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) within the preamble to Policy HE1– Protecting listed buildings and places, and their settings, after paragraph 2 on page 124, there should be inserted a new section –

“Inclusive design

Everyone should be able to enjoy easy and exclusive access to the historic environment. Listed buildings and places may need to be modified to meet existing access needs as well as the changing needs of occupants and users. Removing barriers to access can allow many more people to use and benefit from the historic environment. If sensitively designed this need not compromise the ability of future generations to enjoy heritage and access these environments. Understanding the significance of a building is a vital first step in thinking about how much it can be changed to ensure sensitive interventions. In most cases access can be improved without compromising the special interest of the historic buildings and it is rare when nothing can be done to improve or facilitate access. By undertaking a careful process of research, consultation and creative exploration of alternative, good quality solutions are usually possible. The provision of improved access can be an important part of a sustainable approach to caring for the historic environment without compromising the significance of special places.”;

- (b) in Policy HE1 the fourth paragraph should be replaced with the following –

“Proposals that do not protect a listed building or place or its setting will not be supported unless and with regard to the comparative significance of the listed building or place, or its setting, and the impact of proposed development on that significance”;

- (c) in Policy HE2 -

- (i) for the first paragraph there should be substituted –

“Historic windows and doors in listed buildings or buildings in a conservation area which are of significance or special interest, or which contribute to the character of the conservation area should be repaired using materials and detailing to match the existing. Proposals for the replacement of modern glazing in historic windows with double glazing will be supported where it can be accommodated:

a) within the existing window or door joinery frames; or

b) within a like for like frame where the existing frame is beyond repair.”;

- (ii) in the third paragraph the words “or the character of a building in a conservation area” should be deleted.

- (iii) a new fourth paragraph should be inserted in as follows –

“Where proposals for the replacement of windows and doors in conservation areas will affect the character and appearance of the conservation area, they will only be supported where they protect or improve that character or appearance.”

- (iv) in the first sentence of the existing paragraph four the word “more” should be deleted from before “modern windows”, the words “or buildings in a conservation area” should be removed, and the word “and” should replace “or” at the end of the second line;

(v) a second sentence should be inserted at the end of the existing fifth paragraph as follows –

“The use of double-glazing in replacement windows and glazing in doors will, therefore, be supported where replacements replicate the historic window and doors as far as practicable helping to meet Jersey’s commitment to energy efficiency.”

(d) in Proposal 14 – Conservation area designation –

(i) the second paragraph should be replaced with the following –

“It is proposed that the first conservation area or areas to be designated should be within the historic areas of St Helier and then drawn from the following list: St Aubin, the areas around the parish churches of Grouville, St. Lawrence, St. Martin, Trinity, St. Ouen, St. Peter, and St. Clement; Gorey Village and Pier, and Rozel Harbour. Designation should follow engagement and consultation with parish authorities, local residents, businesses and other key stakeholders including heritage organisations.”

(ii) a new paragraph should be inserted at the end of Proposal 14 as follows –

“During the course of the Bridging Island Plan, at least four conservation areas should be designated from those listed in this Proposal.”

(e) within the preamble to Policy HE3 – Protection or improvement of conservation areas, a new sentence should be inserted at the end of the last paragraph on page 133 --

“This does not preclude high quality modern design of buildings or spaces within the area, rather it seeks a contextual response to fit the place.”

REPORT

The draft bridging Island Plan set out a new planning policy framework, together with some proposals, to protect the island's heritage assets.

As a result of consultation and proposed amendments, and their subsequent examination by independent planning inspectors, the Minister for the Environment is now proposing to make a number of changes to some of the policies and proposals, along with the justification for them, that sit within the historic environment chapter, specifically:

- **Policy HE1 – Protecting listed buildings and places, and their settings**
- **Policy HE2 – Protection of historic windows and doors**
- **Proposal 14 – Conservation area designation**
- **Policy HE3 – Protection or improvement of conservation areas (preamble)**

Full background information relating to these changes can be found in the [Minister's post-consultation report](#) (specifically statement responses 47; 48 and 49), the [inspectors' report](#) (see section 5, pp.53-56), and the [Minister's response](#) to the inspectors' report.

Policy HE1 – Protecting listed buildings and places, and their settings

The inspectors note that the Minister's historic environment policies enjoy broad support. The representations that have been made are essentially about strengthening them and providing clarification. In light of the representations made, and their consideration of the evidence provided at the examination, the inspectors have made their own recommendations for change to Policy HE1 (see recommendation 31, p.54, in the [inspectors' report](#)). The Minister's proposed change gives effect to this.

This policy is need of review, evidenced by the change that has affected the listed buildings and places under the current Island Plan. These changes will ensure that the new Policy HE1 is robust, fit-for-purpose, and up-to-date, to deal with the current challenges of managing change affecting the historic environment.

The Minister recognises that everyone should be able to enjoy easy and inclusive access to the historic environment. The Minister has proposed to change to the pre-amble to the historic environment chapter (see p.145, [statement response 41](#)) to ensure that consideration for disability and inclusion are more explicitly incorporated within the justification to Policy HE1, and with regard to proposals to change historic buildings.

This basis for this change was sponsored by [P.036/2021 Amd. \(24\)](#) Disability inclusion – access to listed buildings, and is supported by the planning inspectors, in their [report](#), at recommendation 30 (p.54).

Part (a) would ensure the introduction of the following text to the preamble of Policy HE1 (after paragraph 2 on page 124 of the [draft plan](#)) which supports and justifies the policy.

Inclusive design

Everyone should be able to enjoy easy and exclusive access to the historic environment. Listed buildings and places may need to be modified to meet existing access needs as well as the changing needs of occupants and users. Removing barriers to access can allow many more people to use and benefit from the historic environment. If sensitively designed this need not compromise the ability of future generations to enjoy heritage and access these environments.

Understanding the significance of a building is a vital first step in thinking about how much it can be changed to ensure sensitive interventions. In most cases access can be improved without compromising the special interest of the historic buildings and it is rare when nothing can be done to improve or facilitate access. By undertaking a careful process of research, consultation and creative exploration of alternative, good quality solutions are usually possible. The provision of improved access can be an important part of a sustainable approach to caring for the historic environment without compromising the significance of special places.”

As a result of part (b) Policy HE1 will read as follows:

Policy HE1—Protecting listed buildings and places, and their settings

Proposals that could affect a listed building, or place, or its setting, must protect its special interest.

¶

All proposals should seek to improve the significance of listed buildings and places.

¶

Proposals for the re-use of listed buildings and places with compatible uses, which secure the long-term protection of their special interest, including the protection of their setting, will be supported.

¶

~~Proposals that could affect a listed building or place, or its setting, but which do not protect or improve its special interest or protect its setting, will not be supported unless, and with regard to the comparative significance of the listed building or place, or its setting, and the impact of proposed development on that significance:~~ Proposals that do not protect a listed building or place or its setting will not be supported unless, and with regard to the comparative significance of the listed building or place, or its setting, and the impact of proposed development on that significance:

¶

- a. → the changes are demonstrably necessary either to meet an overriding public policy objective or need; and
- b. → there is no reasonably practicable alternative means of delivering those proposals without harm to the heritage values of the listed building or place, or their settings; and
- c. → that harm has been avoided, mitigated and reduced as far as reasonably practicable; or
- d. → it has been demonstrated that the predicted public benefit outweighs the harm to the special interest of the building or place in its setting.

¶

Where exceptionally, approval is given to demolish or substantially alter a listed building or place, a programme of recording and analysis, and archaeological excavation where relevant, will be required as part of the implementation of the scheme, together with publication of that record to an appropriate standard in the Historic Environment Record.

¶

Applications for proposals affecting listed buildings and places must be supported by sufficient information and detail to enable the likely impact of proposals to be considered, understood and evaluated. Where this is not the case, applications will not be supported.

Policy HE2 – Protection of historic windows and doors

Windows are the eyes of a building - they let in light and give views out - and profoundly affect its appearance.

The loss of traditional windows from our older buildings poses one of the major threats to our heritage. Traditional windows and their glazing make an important contribution

to the significance of historic buildings and areas. They are an integral part of the design of older buildings and can be important artefacts in their own right, often made with great skill and ingenuity with materials of a higher quality than are generally available today.

With an increasing emphasis being placed on making existing buildings more energy efficient, replacement windows have become a greater threat than ever before to the character of historic buildings and areas.

The Minister’s response to this has been to revise the planning policy dealing with the historic windows in the draft Island Plan to allow more flexibility when managing change to them, particularly when there is a need to address the climate emergency. This issue is raised by [P.036/2021 \(Amd. 14\) Double glazing](#).

The policy in the draft Island Plan looks to allow balance, allowing for replacement at the end of life of a window or door, but to not lose historic windows or doors when looking to resolve issues of thermal performance.

This means that the policy, as drafted, would allow the retrofit of thin double-glazing within existing window and door frames to enhance the thermal performance of windows.

It would also mean that where the historic windows frames are beyond repair, they can be replaced with double-glazing into the new window frames and glazing to new doors where this replicates a historic pattern. The Minister considers that there is no justification to allow the replacement of historic window frames where they are capable of repair. This is entirely contrary to principle of protecting the special interest and character of our heritage assets.

In a listed building, however, if the window or door itself is not historic (i.e. it has already been changed and is not part of the special interest of the building) it can be replaced with double-glazing into the new window frames and glazing to new doors where this replicates a historic pattern. This approach also applies in a conservation area where the window or door does not contribute to the character of the area.

This approach is illustrated in the flow-diagram set out at Figure HE1 (below).

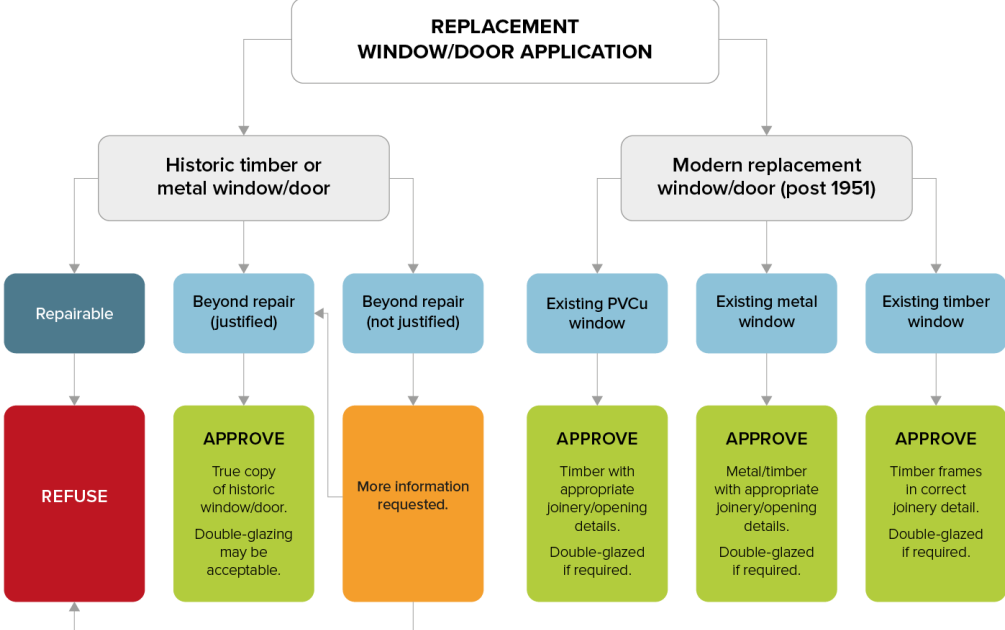


Figure HE1: Historic window and door repair and replacement decision-tree

The inspectors are supportive of the Minister’s approach and consider that the principle of only allowing the replacement of historic windows frames where they are ‘beyond repair’ is entirely reasonable and important to protect the overall appearance of historic windows. They have recommended some changes to the policy in their report (see recommendation 32 on p. 55 of their [report](#)), and the Minister’s amendment gives effect to this.

As a result of part (c) Policy HE2 will read as follows:

Policy HE2—Protection of historic windows and doors

~~Historic windows and doors in listed buildings or buildings in a conservation area, which are of significance to the special interest or character of a building, should be repaired using materials and detailing to match the existing. Historic windows and doors in listed buildings or buildings in a conservation area which are of significance or special interest or which contribute to the character of the conservation area should be repaired using materials and detailing to match the existing. Proposals for the replacement of modern glazing in historic windows with double glazing will be supported where it can be accommodated~~

~~a) → within the existing window or door joinery frames or~~

~~b) within a like-for-like frame where the existing frame is beyond repair~~

~~Where it can be demonstrated that repair of historic windows and doors is not feasible, proposals for their replacement will be supported where the replacements replicate the historic window and door in all respects including: the method of opening, materials, proportions, dimensions, visual weight and detailed design.~~

~~Where it can be demonstrated that existing windows and doors have little or no significance to the special interest of a listed building or the character of a building in a conservation area, proposals for their replacement will be supported where the replacements replicate the historic forms in all respects, including: the method of opening, materials, proportions, dimensions, visual weight and detailed design.~~

~~Where proposals for the replacement of windows and doors in conservation areas will affect the character and appearance of the conservation area, they will only be supported where they protect or improve that character or appearance.~~

~~The replacement of more modern windows and doors in more recent extensions to listed buildings or buildings in a conservation area should have regard to the special interest or historic character of the property. Any replacement windows and doors should protect and, where possible, improve the special interest or and character of the building.~~

~~Proposals to improve energy efficiency, where they affect historic windows and doors, will be supported where it can be demonstrated that they do not harm the special interest of a listed building or the character of a building in a conservation area. The use of double glazing in replacement windows and glazing in doors will, therefore, be supported where replacements replicate the historic window and doors as far as practicable helping to meet Jersey’s commitment to energy efficiency.~~

~~Applications for the replacement of windows and doors in listed buildings or buildings in a conservation area must be supported by sufficient information and detail to enable the significance of windows and doors, and the impact of proposed change upon them, to be properly understood, considered and evaluated. Where this is not the case, applications will not be supported.~~

Proposal 14 – Conservation area designation

There is broad agreement about the desirability of designating conservation areas, particularly in the light of the failure to designate conservation areas over many years.

As a result of the comment received, in the form of representations and amendments (see [P.036/2021 \(Amd.39\)](#) Conservation area priority), and the recommendations of the planning inspectors (see recommendation 33, p.56 of the [inspectors' report](#)), the Minister considers that St Helier should be identified as the priority area for conservation area designation, given the large number of listed buildings in St Helier, the quality of the townscape and the pressure for development in Town; and that the draft plan should set out a timescale for implementation during the plan period of the bridging plan.

This is, of course, subject to the States Assembly endorsing the Minister's proposed changes to primary legislation (see: [P.76/2021 - Draft Planning and Building \(Amendment No. 8\) \(Jersey\) Law 202-](#)) to enable conservation designation, which is presently the subject of consideration by the IHE Scrutiny Panel (see: [Scrutiny review \(gov.je\)](#)).

As a result of part (d) Proposal 14 will read as follows:

Proposal 14 – Conservation area designation

The Minister for the Environment will seek to ensure that the requisite legal framework, and supporting supplementary planning guidance, is in place to enable the identification and designation of conservation areas during the plan period.

It is proposed that the first conservation area is designated in St Aubin during the plan period following engagement and consultation with the parish authorities, local residents, businesses and other key stakeholders, including heritage organisations. It is proposed that the first conservation area or areas to be designated should be within the historic areas of St Helier and then drawn from the following list: St Aubin, the areas around the parish churches of Grouville, St Lawrence, St Martin, Trinity, St Quen, St Peter, and St Clement; Gorey Village and Pier and Rozel Harbour. Designation should follow engagement and consultation with parish authorities, local residents, businesses and other key stakeholders including heritage organisations.

During the course of the Bridging Island Plan, at least four conservation areas should be designated from those listed in this Proposal.

Protection or improvement of conservation areas (preamble)

There is support, in both representations and the planning inspectors' recommendation (see recommendation 29, p.53 of the [inspectors' report](#)), for recognition of the valuable contribution that modern architecture can make to the appearance of a conservation area and its architectural character.

The Minister proposes to make changes to the preamble to the policy which seeks to protect or improve conservation areas, to give explicit acknowledgement to this.

As a result of part (e) part of the preamble to Policy HE3 - Protection or improvement of conservation areas (through the addition of a new second sentence to last paragraph on page 133) will read as follows:

Protection of historic and architectural character

The designation of places in the island as conservation areas is not intended to prevent development, redevelopment or improvement. The purpose of conservation area designation is to protect from harm or improve the character and appearance of the area. There is a need to pay special attention to the impact of new development proposals on the distinctive qualities, local identity, sense of place and settings of conservation areas.

Very careful consideration will need to be given to the design of development proposals, their mass, scale, form, materials and detailing of building alterations to protect the character and appearance of the conservation area and its setting from harm, or to improve it through beneficial change. The elevational treatment of all facets of any development, and its roofscape, is as important as that of main façade or street frontage of a building. This does not preclude high quality modern design of buildings or spaces within the area, rather it seeks a contextual response to fit the place.

Financial and manpower implications

There are no direct financial and manpower implications.

CRIA statement

The effect of this amendment is in alignment with the Minister's published CRIA. It will not lead to adverse impacts upon the rights of children and will ensure that children will continue to enjoy their heritage into the future.