

Environment Scrutiny Panel  
 Meeting No. 29  
 8th November 2006  
 Le Capelain Room, States Building  
 Public Session

Present Deputy R.C. Duhamel (Chairman) (RD)  
 Deputy G.C.L. Baudains (Vice Chairman) (GB)  
 Connétable K. A. Le Brun of St Mary (KB)  
 Deputy S. Power (SP)  
 Deputy Le Hérissier (RH)

In attendance C. Le Quesne, Scrutiny Officer (CLQ)  
 M. Robbins, Scrutiny Officer (MR)

2.20 pm Meeting commenced

Ref Back	Agenda matter	Action
1.	<p><b>Archaeology and Planning - Draft supplementary planning guidance discussion paper - 13th October 2006.</b></p> <p>The Panel met to discuss the above public consultation paper issued by the Planning and Environment Department with regard to guidance on the treatment of sites where archaeological finds might or are made.</p> <p>The Panel noted that the consultation document would replace the existing guidelines set out in the Island Plan 2004 in Policies G11 and G12.</p> <p>The Panel discussed the paper and responded as follows to the eleven questions asked -</p> <ol style="list-style-type: none"> <li>1. The guidance on whom and what the paper was for, was considered unclear;</li> <li>2. It was agreed that Guidance was necessary in respect of Archaeology and Planning. However it was suggested that the existing Guidance in Policy G12 was more comprehensive;</li> <li>3. The Panel did not consider the principles of the draft guidance to provide sufficient clarity and on that basis would not support them;</li> <li>4. The Panel was of the opinion that the designations for evaluating the archaeological resource were sufficiently explained. However, it considered the previous policy in G11 to be more concise;</li> <li>5. The Panel disagreed with the presumption in favour of the physical preservation in situ of archaeological remains and their settings. That view was on the basis that they could be buried and inaccessible under that arrangement. The Panel was of the opinion that the current policy G11 - 4.39 would more effectively protect any finds;</li> <li>6. The process for archaeological evaluation was unambiguous, although it was considered flawed to the extent that a more robust approach would be for the process to be outlined by Regulation;</li> <li>7. Whilst the process for excavation and recording was</li> </ol>	CLQ

well defined it was not considered workable. The proposed arrangement would place the onus on a developer to identify and report any archaeological find, when his main aim would be to complete a project. The requirement for a Developer to retain his own expert would not be acceptable. That function should be undertaken by an Accredited Archaeologist to be nominated by a competent Authority;

8. The procedure to be followed were archaeological remains be discovered during development was not sufficiently explained and lacked clarity. The remains would not be afforded the necessary protection. A requirement to adhere to a reporting process together with an incentive scheme should be legally crafted to ensure participation. The United Kingdom has initiated a compensation scheme known as ‘treasure trove’ to ensure the adequate protection of sites and finds;

9. Whilst the role of public bodies relating to archaeology and planning was clear, it was suggested that the Societe Jersiaise should be included and that it was essential that finds be assessed by independent academic archaeologists;

10. The Panel did not consider the assessment of the regulatory impact of the guidance to be adequately explained or equitable.

11. It was suggested that process outlined in the existing G12 policy within the Island Plan was more effective. The Panel would not support a move of emphasis for responsibility to protect archaeological finds from the Minister to the Developer.

In addition to responding to the consultation questions the Panel made the following observations and recommendations -

a) That the structure of the questions posed did not clearly relate to the text of the consultation document and did not provide for comprehensive analysis of the proposed guidelines against existing policy;

b) That it was essential that the Minister should retain the right to intervene and request a proper assessment to be undertaken;

c) That the onus for declaring finds should not be devolved to a Developer without a monitoring Authority; and,

d) That a total presumption in favour of retention in situ for archaeological sites is not the best way forward as they could be lost forever without examination if buried in a development. That caveat should only apply to SSI's. In addition any find should be subject to examination by appropriately qualified archaeological academics nominated by a Competent Authority.

The Panel requested that its response to the consultation be forwarded as necessary.

RDH, GB, RLH, SP, KLB time 2.20 p.m.

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**Conference and fact finding trip to London, Cardiff, Malmo and Vienna**

The Panel discussed both of its forthcoming fact finding trips and decided that it would be more cost effective to combine both of its planned and budgeted visits. It was noted that Senator Cohen

MR

	<p>would be available to participate in some of the Design of Homes background fact finding if both trips were combined. That availability was the driver to combining the trips.</p> <p>Deputy G. Baudains confirmed that he was unable to attend either part of the visit but that he would endeavour to visit the waste recycling plant in Cardiff independently.</p> <p>The Panel requested the officer to cost the revised travel arrangements. Connétable Le Brun and Deputy R. Le Hérissier would only participate in the London, Cardiff section of the visit.</p> <p>The Panel authorised the purchase of gifts as selected by the Chairman for the visit.</p> <p>RDH, GB, RLH, SP, KLB time 3.00p.m.</p>	
3.	<p><b>Homes and Lifestyle Exhibition</b></p> <p>The Panel received the timetable and information necessary for cover on the Homes and Lifestyle Exhibition stand. It noted that its officers would prepare the stand and provide the necessary equipment.</p> <p>M. Robbins would provide officer cover on the stand during the Remembrance Day Service.</p> <p>RDH, GB, RLH, SP, KLB time 3.10p.m.</p>	MR CLQ

Signed

Date

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Chairman, Environment Panel

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