

Ian Clarkson

From: Michael Green [greenhouse1@jerseymail.co.uk]
Sent: 05 April 2006 10:09
To: Ian Clarkson
Subject: Breches of international conventions etc

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Ian ,

Please find enclosed a copy of a letter which I recently sent to the Assistant Director of Planning and Environment and copied it to the Director. I will leave it to your judgement to decide whether you see fit to publish it on the website.

Although quite detailed; in essence I indicate throughout the letter several examples where various legal recommendations from various sources appear to be set aside and therefore seen to be in breach.

Despite this successive officers of the Planning and Environment Dept have allowed the work to be approved to the detriment of International Treaties in particular as well as recommendations from other sources in general including those of officers of Planning and Environment dept and therefore in conflict with those recommendations.

Furthermore this 'change of use' can be seen to be what can be described as "new work" and as such must be seen to be kept distinctly separate from any restoration or conservation of the castle and therefore outside the remit of the current Usufruct and in breach of international conventions .

Despite this the fact remains that this work has been discussed by the officers of the Planning Dept as early as 2003 and approved at that time but only in principle. Therefore it is fair to say that the work was not approved without room for some restrictions to be attached in the future.

The 'change of use' from a modernised three bedroom accomodation to a restaurant appears to be regarded as irrelevant despite the fact that it should have been included in any application submitted and therefore in breach .

Recently the officers of the Planning Dept approved the application without any restrictions attached and with work now well advanced despite the fact that the application for the modernisation of the Lodge has yet to be publicised in the normal way via the local newspaper. This lack of procedure is clearly to the detriment of the public at large who have been denied the basic democratic right to formally object as they see fit.

I have included historic references by Dr Rodwell as his interpretation of the history of the Lodge was submitted as part of the application .As members of the general public were unaware of the application for the conversion they were put at a disadvantage in respect of presenting an alternative point of view in respect of the history of the Lodge.

Incidentally I have to date received no official acknowledgment of my letter from anyone connected with the Planning Dept.

Michael

From: Michael Green [greenhouse1@jerseymail.co.uk]
Sent: 27 February 2006 16:21

To: 'pthorne@gov.je'
Subject: RE: Lodge development Mont Orgueil
For the attention of Mr Peter Thorne .

Dear Sir,

Please find enclosed a copy letter with reference to the proposed alterations to the historic Mont Orgueil Lodge for your consideration .

From: Michael Green [mailto:greenhouse1@jerseymail.co.uk]
Sent: 27 February 2006 16:04
To: 'k.pilley@gov.je'
Subject:

27TH Feb. 2006

greenhouse1@jerseymail.co.uk.

The proposed development of Mont Orgueil Castle Lodge and the potential implications for the loss of its historic identity, its disfigurement together with perceived Health and Safety issues ,etc.

I write to you with serious and valid concerns over the proposal to convert the Lodge at Mont Orgueil Castle into a modern restaurant with all the alterations to that historic building that will undoubtedly be detrimental to its historic integrity, intrusive on the fabric of the structure and furthermore disfigure the structure to such a degree as to be completely irreversible.

There are other historic structures within the environs of the castle which is comparable in the way they have been disfigured. For example the stable seen at the second gate which underwent such an extreme change in character when it was converted to the modern reception room that it would be naïve to even contemplate that the conversion is reversible. I could list several other instances of work which was undertaken against the principle of reversibility throughout the castle but for now I need to concentrate on the proposed disfigurement of the historic Lodge.

During 2001 in the States chamber the Deputy of St Martin sought to clarify the island's position in respect of the international conventions for the protection of historic monuments which the island had signed and if these had been taken into account in the planning process. In response to a question by Deputy Hill, Senator Quérée who was President of the Planning Committee at that time confirmed that the island was signatory to the 1985 Grenada convention and the 1992 Valetta convention and both conventions had been referred to in respect of work proposed for Mont Orgueil Castle .

Therefore it is important to indicate below certain Articles of the Granada Convention which are relevant to Mont Orgueil Castle and its environs and where work carried out is seen to be in breach of those Articles and in particular the current proposals to convert the castle Lodge into a modern restaurant.

Extracts from the :

**CONVENTION FOR THE PROTECTION OF THE ARCHITECTURAL
HERITAGE OF EUROPE**

05/04/2006

Granada, 3.X.1985

Article 4

Each Party undertakes:

2 to prevent the disfigurement, dilapidation or demolition of protected properties. To this end, each Party undertakes to introduce, if it has not already done so, legislation

which states in **Article 5**

Each Party undertakes to prohibit the removal, in whole or in part, of any protected monument, except where the material safeguarding of such monuments makes removal imperative. **In these circumstances the competent authority shall take the necessary precautions for its dismantling, transfer and reinstatement at a suitable location.**

and

Article 25 further states

1 Any State may, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, declare that it reserves the right not to comply, in whole or in part, with the provisions of Article 4, paragraphs c and d. No other reservations may be made.

LODGE [7.0] Dr Warwick Rodwell's recent description

The Lodge comprises a range of four contiguous structures, all built against the inner face of the 13th-century north-west curtain wall to the Lower Ward. The earliest part of the complex is to the east (now the castle shop), and is essentially a 17th-century cottage with a fireplace in the west gable. The only historic feature now visible is the fireplace, the windows and doors having all been altered in the 20th century. The internal walls were thickly coated with Portland cement in the 1980s, and its removal is not viable.

Correction . This should read the winter and spring of 1993/1994 not *the 1980,s .mwg*

Dr Rodwell's recent description :-

Moving westwards, the second component was erected in the 18th century, but was also gutted in the 1980s, when the existing staircases and studwork partitions were inserted. The modern fireplace in the living room was built against the original brick chimney-breast.

Correction .

Again the ref. to **the 1980's** is wrong The complete refurbishment of the property took place in the winter and spring of 1993/94 at a cost of approx. £125,000 and the indication that the staircase and studwork partitions were inserted during **the 1980's** is quite wrong and furthermore misleading as this suggests that the staircase is late 20th.c. when in fact it is either late Victorian or Edwardian . Furthermore the suggestion that the staircase was installed in the 1980□s implies that there was no access to the roof space before that date which is nonsense. However this statement may be paving the way for the removal of the staircase without any protest from those who may otherwise object.

Dr Rodwell's recent description :-

A doorway has been broken through the west wall, alongside the fireplace, connecting with the third structural component: that is a square kitchen. It is also 18th century, although structurally later than the living room. It had an original fireplace on the north side (i.e. abutting the medieval curtain wall), but that has been completely rebuilt. There was an external doorway in the west wall, which was infilled and a window installed in the 20th century; at the same time another doorway was broken through the wall alongside, and that now leads into the fourth component.

The final component of the Lodge is a 20th-century bathroom extension, shed and outdoor W.C.. all added the west of the 18th c. structures .

Comment .Clearly there is a contradiction here between the descriptions of the lodge as indicated in the Dixon/ Kennedy report which was commissioned by the J.H.T. who states the following and that of Dr Rodwell as indicated above .

Extracts from the Dixon/ Kennedy report:

7. Lodge B (significant) Dixon/ Kennedy report Page 17

quote:-

"one of the last relics of the Georgian and Victorian military occupation"

and the statement further on in this section reads that it is:-

"probably of the eighteenth century"

Comment.

There is no mention of modern reconstruction in the Dixon / Kennedy report despite the many references by Dr Rodwell to the alleged reconstruction of the 1980s.

It is clear that the reader of the Dixon/Kennedy report has a choice of three periods of history from which choose within the statements indicated above. Whilst Dr. Rodwell now describes the Lodge as a *17th c. Cottage*.

A brief historical and structural description.

However in the interests of the importance of the history of the Lodge and its preservation something more precise should be more forthcoming.

The Lodge is built against and supported by the medieval curtain which extended west past the Outer Ward and continued due west for an indeterminate distance but possibly connecting with Helie's Tower thus completing the curtain defences in that vicinity which originally extended east via the southern cross wall to the Southern Tower .

The stone built Lodge originally comprised of three distinct sections.

1. The early Guard Room, which is marked as café, 1 on the architect's drawings, served the Second Gate .Access to and from the Guard room was achieved via the door at the north east corner which is currently blocked.

The present door to the 13th Guard room which currently serves as a shop is a late 19th.c.insertion.

When Dr Philip Dixon of Nottingham University indicated to me during our meeting at the castle in 2000 that the large fireplace was in the wrong position as it appeared to be built against an interior partition wall adjacent to a doorway he would have been unaware that this wall was originally the South-West gable of the 13th.c.Guard room the integrity of which was compromised when the present entrance was pierced through the wall to provide living accommodation and later a café.

2. Until that entrance was inserted the central section of the Lodge was originally separate from the Guard Room with no apparent internal access from one to the other and with the apparent lack of any early signs of habitation may have been stables . This central section had it's separate entrance through the exterior door which exists today .

Sometime during the early part of the 20th.c. provision was made for the current staircase to be introduced . This may be described as a fine mahogany example in the late Victorian or Edwardian style .

At the same time a timber partition was built across the room with a doorway built into this to enable

the staircase to remain separate from what has now become the present lounge or sitting room of the Gardien's accomodation .

In the west wall of this room, aka the lounge, is the internal entrance door to the third section of the Lodge currently used as a kitchen.

Internal access to the kitchen is achieved by negotiating a small flight of steps down into the kitchen from the second section aka the lounge of the present accomodation.

However such is the distinct difference in the style of the exterior architecture and the floor level between the central and west sections that there may be some merit in considering that the internal door between the two rooms may have originally been an exterior door from the central room before the more westerly section, i.e. the kitchen, was built against it's west gable. This may explain the significant difference in the floor levels between the two rooms.

Further evidence of this can be seen in the significant width of the present stone partition wall which now separates the second or central section of the Lodge. This wall appears to be unusually thick for an interior partition and suggests that it was designed as an exterior wall before the third structure the present kitchen was added to the west gable

In 1993/4 the Lodge was refurbished prior to the administration of the castle being handed over to the J.H T. and during that refurbishment the lime plaster was stripped from the interior of the N.W .wall of the café/shop which existed at that time and as a result the medieval masonry of the interior of the curtain wall was revealed.

This comprised, as I remember, of large and medium and small beach pebbles placed one upon the other and bedded in with lime mortar. This was clearly different to the construction of the n.w. face of the exterior of the wall which can still be seen today and which resembles any other 13th.c. wall throughout the castle. Unfortunately I wasn't in a position to take photographs at the time before the interior of the curtain wall was re-aligned with concrete as part of the refurbishment.

As the building stands at present there is no mention of the alterations which took place in the late 19th century whereupon the exterior south east wall was raised together with the pitched roof to enlarge the roof space to allow upper rooms to be provided and at the same time introduce the dormer windows which are apparent today. During this time the stair case was installed to provide access to these rooms.

To achieve this, the walls were raised by approx three feet. This arrangement can be clearly seen when the height of the south east wall is observed today. This work affected both the 13th.c. Guard room which served the second gate and the central structure of the Lodge but not the extreme western section, the modern kitchen. The early architecture appears to remain as it was when first constructed.

It is interesting to note that there is no access from the central room built into the roof space through to the room to the west above the kitchen. Again this is an indication that the partition wall at that point is of a much greater width and may indicate the presence of the original west facing exterior gable.

In the outhouse of the Lodge which is also situated at the extreme west end of the building is the remains of an early fireplace and chimney which appears to be shown in the plan of 1680 but no later, and finally beneath the small yard that provides access to the door of the Lodge at the S.W. end is a water tank of very large proportions and of an indeterminate age which supplied water with the aid of a hand pump some time in the past and is still in place today.

The design of the wall seen opposite the Lodge which faces due south east, when viewed externally is reminiscent of the design of the N.E bulwarks of Paul Ive's Rampier it may be of an earlier build than the early 19th century wall built as the result of the collapse of the 13th c. southern curtain of the Lower Ward/ Basse Garde.

The construction of this bulwark extends from the small gate seen opposite the entrance to the Lodge which until recently provided access to the modern pathway to the harbour in the S.W. via Sir John Helie's tower also in the S.W. until the recent decision was taken to block the access through the tower thus denying public access to the harbour from the Lower Ward/ BasseGuard . The bulwark may be the only surviving example of a much earlier period of construction which has not undergone extensive maintenance in the castle due to the need to provide the endangered wall lizards with nesting and hibernation areas within the crevasses which the wall provides.

The Biology and Conservation of the Green Lizard published in 1989 by Perkins and Avery clearly indicates on page 28 that the wall is an important habitat for the brown wall lizard as anyone who visits the castle on a regular basis will be aware .

It is also clear as indicated in the drawings as "**New wall on top of existing is to be built upon**" that this important lizard habitat is in serious jeopardy of damage due to the proposed construction to be built upon it and around it thus causing the lizards severe stress which currently inhabit the wall .

It is interesting to note the evidence of joist support sockets to the interior of the wall which overlooks the King Charles Battery at ground level opposite the current entrance to the Lodge but currently blocked.

These may be indicative of an earlier building which may have existed before the ground was raised to the present level. In the plan of 1680 the Lodge is described as stables and appears to be of a somewhat larger construction than the later structures, therefore can these support sockets be part of the stables of 1680?

However there is no indication to support this suggestion in the plan of 1782 of the area, and as the Royal Ordinance plan of 1741 clearly shows no such buildings as portrayed in the 1680 plan apart from the "soldier's guard room" at the Second Gate which is now being described as a **cottage** by Warwick Rodwell.

However the fact remains that evidence of the joist support sockets continue to exist for what ever historical reason .

The building other than that which served the second gate is indicated in the plan of 1755 and described as Gunners apartments.

The 13th century building which served the second gate as a guard room is still being described in the plan of 1755 as **the guard house** and it is equally clear from the earlier plan of 1741 that the building which was then described as the **Soldier's Guard Room**.

The fireplace was in its present position at that time .However it is interesting to note as all other buildings which made up the stables etc were missing from the plan of 1741 but are clearly shown in the plan of 1755 therefore the construction of those buildings may be dated to that period of 14 years.

Therefore Rybot's drawing allegedly based upon a watercolour of 1782 depicting the lodge and associated structures almost indicates the lodge in it's present form but prior to the dormer windows being fitted and with the addition of an enclosed porch The entrance to the Soldier's Guard Room can clearly be seen to the left of the second gate .

Strangely the buildings seen in the plan of 1755 and the drawing of 1782 are not to be seen in the painting by Tobias Young of 1815, which embellishes the front cover of Vol. 1 of the Conservation Plan .This view clearly shows an absence of buildings in the area. However when the plan of 1837 is

viewed the building in place today appears to correspond to the building of 1755 apart from a few minor alterations, therefore for Tobias Young in his landscape to suggest that the building must have been demolished by 1815 only to be rebuilt once again sometime after 1837 in its present form must imply that the present building dates to sometime after 1837. However as the weight of documentary evidence suggests otherwise, then caution must be heeded in assuming that this 19th cent, construction date is correct.

The proposed development .

Recently I have had the opportunity to scrutinize the documents which are to be submitted to the Planning Dept for the proposed development of the Gardien's Lodge at Mont Orgueil Castle. There are several aspects of this development which are of concern and therefore all of which are clearly worthy of comment.

First I must express my concern over certain work carried out in recent months at the castle which has not been advertised in the local press as one would expect as the acknowledged procedure .

If I am correct in my belief this new procedure which appears to prevent concerned members of the public from submitting objections to proposed work is clearly detrimental to the democratic process which allows anyone to express a point of view with regard to planning applications.

For my part I have only discovered work has been undertaken and completed as a result of infrequent visits to the castle. Infrequent due to my disability which prevents me from visiting more the castle more often.

Other than that I rely on information passed to me by likeminded individuals who alert me from time to time that work is scheduled to begin after being approved by the planning authority.

Extract from the opinion of the Planning Committee's external advisor.

Peter White advised the Planning Committee of the time that:

4. *Given the need to "preserve the historical and archaeological integrity of the site. for future generations" (wording from Usufruct; also a requirement of the Valetta Convention), the Committee's decision to resist the suggestion of attempting to resolve the evidential problem of further excavation is inevitable; the decision not to allow adaptive re-use (for which the Usufruct in fact gives no mandate) of archaeologically sensitive fabric within the structure is equally consistent with this need.* Source :Peter White ,Secretary, RCAHMW,30 July 2003

The proposed development of the Gardien's accommodation (the Lodge) appears to be a case in point particularly with reference to *adaptive re-use* as it is clear from the plans submitted that what is being proposed is nothing less than a major development of perfectly good accommodation which has been in existence in its present form since at least the end of the 19th.century and modernised at great public expense during the winter of 1993/1994 .In the light of Peter White's expert opinion who is clearly against the *adaptive re-use of archeologically sensitive fabric* the proposal to develop the historic lodge into a modern restaurant is clearly acting against the considered opinion of Peter White who as you will be aware is the planning authority's own expert .

It would appear that the historic nature of the building some parts of which dates to the 13th.century is to be heavily disguised under its new role as a restaurant thus contravening the terms of the Articles the Granada Convention indicated above and the terms of the Usufruct which clearly states that the integrity of the castle and its environs must be protected for future generations.

At this point it is fair to quote the Trust's legal advisor who in a letter dated 20 April 1995 addressed to the former Director of the Jersey Heritage Trust states :-

The usufruct in respect of Mont Orgueil Castle has a blanket restriction against the erection of any structures - something I should draw to your attention in the context of clause 8 which appears to contemplate capital developments

Would you now agree that this proposed development is in conflict with the advice given by the Advocate over ten years ago to the point that it is being ignored or was that sound advice incorrect?

Furthermore in a letter addressed to me from the former Assistant Director Design and Conservation dated 6th Aug.2002 he assured me that **"No specific proposals for development are included in the Conservation Plan and the Committee therefore made no decisions on such matters"**

In the light of the proposed development of the Lodge it is clear that the Conservation Plan and the former Committee's opinion not to form a judgment on any matter concerning development is to be ignored to the detriment of the integrity of the historic nature of the Lodge and furthermore to the detriment of the Conservation Plan which purports to represent the way the castle and its environs is to be authentically restored and maintained and for future generations.

Further; in the Société Jersiaise news letter of Autumn 2002 volume 37 which I have chose at random from several publications which express the same view it clearly states that **"nothing should be irreversible particularly any new Building"**

In the light of the proposals am I and others to accept that the opinion of that esteemed organisation is once more to be ignored as it has many times before in recent years over controversial and intrusive aspects of the development of the castle .It is patently obvious that any recommendation for reversibility cannot be sustained in respect of the proposed vast alterations contemplated.

As I mentioned before a prime example among many of this situation can be seen in the way that the stable before the second gate has been subjected to the most intrusive and destructive modernization which clearly conflicts with the ethics of reversibility, Articles of the Granada Convention as indicated above and against the terms of the Usufruct.

Under schedule B of the Planning Application P/2003/0251 dated 19th May 2003 against the heading of Lodge 7.0 archaeological investigation it is indicated that **"Any permit will be conditioned to reserve the internal layout"**

To my mind this indicates that the internal layout will be retained. However it is clear from the current drawings that the internal layout will be altered to a greater extent not only in conflict with the recommendations indicated in the aforementioned Planning Application but the detriment of the historic integrity of the Lodge with the total destruction of perfectly good living accommodation

Further cause for concern in respect of adverse construction is the totally modern development proposed to the west of the lodge to introduce toilets the design of which appears totally out of character with the adjoining property.

I am particularly concerned with proposal to extend the height of the existing granite wall, the south east curtain which is dated to at least 1801 and may be much earlier as the design if this wall appears to be on a par with style of the Grand Rampier of a much earlier age. Therefore this proposal appears in breach of Articles 2, 4&5 of the Granada Convention.

This proposal also appears to breach at least two articles of the Usufruct with regard to the potential damage to its historic integrity and that of the surroundings and the obvious disregard to "reversibility".

Therefore this proposal also appears in breach of the Valletta convention as indicated above by Mr Peter White.

The early wall is clearly to be incorporated into the modern development to be used to support the modern roof thus extinguishing the true and original purpose of the wall as a method of defence against attack from the south east.

Furthermore as modern toilets are to be introduced with all the subterranean drainage and other services required this will have an adverse affect on the below ground archaeology with the said drainage system, etc . required cutting into the existing historic levels.

There are various documentary evidence to suggest the existence of early medieval structures in the vicinity of the proposed modern development.

Health and Safety

A further concern comes to mind in view of the fact that the food preparation area appears to be on the first floor of the original building with its wood floors which will require the use of ovens and other potentially hazardous equipment.

Do these proposals meet with Jersey Fire Service Executive standards and safety standards required by the Health and Safety Executive.?

There appears to be no mention of smoke alarms, etc. or means of fire extinguishing equipment. Where are the fire exit doors to be positioned? And would they be effective in the light of a serious fire breaking out at first floor level which would undoubtedly be detrimental to the floor beneath and which may cut off the only obvious escape route.

The apparent lack of staff toilets

In the light of the recent controversy over the lack of staff toilets associated with the café in Broad Street which I understand is a requirement of the health and safety law as reported in the JEP. I can see no ref. to staff toilets within the drawings or accompanying documentation which I understand must be kept separate from public toilets to conform to current regulations.

Furthermore has a change of use has been applied for as it is clear that the café development will in its entirety extinguish any future use of the premises as accomodation and therefore may breach the terms of Usufruct etc together with any ref. to reversibility.?

The expenditure .

As the expenditure for this grandiose scheme must come from the remains of the £3. of public funds allocated to preserve the castle for future generations this has clearly taken precedence over the more important and urgent remedial work to protect the N.E.Outworks from further deterioration for which I understand there is little or no funds available .

It may be of interest to establish exactly how much this cafe development is costing bearing in mind that in 1997 £30,000 had been spent modernising the existing public toilets over the second gate provided by means of the Tourism Investment Fund which I understand has now been ripped out and approx £125, 000 extracted from the Gorey Castle Fund which was spent on modernising the Lodge accomodation during the winter of 1993/1994 which included refitting the kitchen to a high standard all of which is also now to be ripped out and discarded. When those costs are added to the current expenditure the total cost must be astronomical. How the return on this public investment has be calculated.

Furthermore the plans suggest that the western portion of the lodge which includes the present bathroom, outside toilets and early water storage cistern of some historic importance beneath the

small yard are all to be demolished to accommodate a toilet block which can be clearly identified as “modern” in every sense of the word.

Surely this must breach Article 4.2 of the Granada Convention indicated above together with the advice of the Trust’s legal advisers indicated above ?

In summing up it would appear that the proposal if so approved would breach the Geneva Convention, breach the Valletta Convention, conflict with legal advice. Conflicting with the advice of Peter White. Conflicting with the advice of the Société Jersiaise. Conflicting with the advice of the former Assistant Director of Conservation and Planning. Conflicting with the ref. to earlier planning applications.

On top of which there appears to be a conflict with the current health regulations and the current public safety regulations.

Finally I am concerned that the Trust’s consultant archaeologist in his absence has expressed his approval for the current recommendation to insert a steel beam to add support to the first floor of the Lodge above the current kitchen.

It is not been made clear who he has addressed his document to but I remain concerned of his remarks as they clearly conflict with the expert advice indicated throughout this letter and in particular the advice of Mr Peter White ,acknowledged as the Planning Authority’s external expert which is clearly indicated above .

Throughout the archaeologist’s letter can be seen various attempts to minimize the serious nature of the proposed work. For example the use of the word **modest** to describe the destructive and irreversible nature of the proposed beam support holes.

Although there is a mention of the 13th.c. medieval curtain he then goes on to suggest that **the beam will be taken through the modern (1980s) flimsy chimney breast** thereby implying that the beam will be supported by a socket cut into the aforementioned medieval curtain clearly affecting the historic feature namely the curtain.

He repeats himself by suggesting that the structure was **heavily restored in the 1980’s** when as I have mentioned previously and from experience the structure was in fact renovated by Public Services with funds drawn on the now defunct Gorey Castle Fund to the tune of approx. £125000 during a period from Nov 1993 to July 1994.

Finally it is indicated that there can be no objection on archaeological grounds which clearly conflicts with the opinions of others as highlighted throughout this letter.

Yours Sincerely,
Michael W Green

With kind regards,

Yours sincerely

Mr Michael Green

JE2 4XX

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With kind regards,

Yours sincerely

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