

**WRITTEN QUESTION TO THE MINISTER FOR PLANNING AND ENVIRONMENT
BY SENATOR J.L. PERCHARD
ANSWER TO BE TABLED ON TUESDAY 2nd FEBRUARY 2010**

Question

Will the Minister outline the process undertaken before a building or site is designated as a Site of Special Interest or a Building of Local Interest.

Answer

The process of adding a Site of Special Interest (SSI) to the List of Sites of Special Interest is defined by Law^[1]. There is no prescribed legal process for adding a Building of Local Interest (BLI) to the Register of Buildings and Sites of Architectural, Archaeological and Historical Importance in Jersey, but the same procedure required for the designation of SSIs is adopted for BLIs to provide a consistent approach.

There is a six stage approach to this process.

Stage 1 – Assessment by Jersey Heritage with advice from Ministerial Registration and Listing Advisory Group (MRLAG).

Stage 2 – Recommendations made to the Minister

Stage 3 – If recommendation accepted – notice of Intention to List or Register

Stage 4 – Consultation with and response from interested parties

Stage 5 – Ministerial public hearing to confirm decision, decision then in writing

Stage 6 – Appeal to the Royal Court if required

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Further information

The assessment of the building or place's heritage value is carried out, on behalf of the Minister, by Jersey

Heritage against a set of published criteria^[2]. This ensures that the Minister receives professional expert advice about the historical, architectural or archaeological interest of the building or place that is independent of and separate to the planning process. The provision of this service is governed by a Service Level Agreement between Jersey Heritage and the Planning and Environment Department, the costs of which are met by the Planning and Environment Department.

As part of the process of assessment, Jersey Heritage also secures the view of a panel of local experts knowledgeable in aspects of Jersey's history, architecture and archaeology. This group – the Ministerial Registration and Listing Advisory Group – is appointed in accord with best practice as set out by the Jersey Appointments Commission. Among its membership are representatives of organisations such as the Association of Jersey Architects; La Société Jersiaise; and the National Trust for Jersey.

The process of Listing or Registration involves the service of a Notice of the Minister's Intent to List or Register a building or place. This can be served on the owner or, where the owner is not known, on site. The Notice will be accompanied by a schedule, plan and photographs setting out why the building or place is considered to be special or important.

The service of a Notice of the Minister's intent to List or Register a building or place provides the owner, and any other interested party, with an opportunity to submit written representations directly to the Minister about the proposals to include it in the List or on the Register. Any such representations should relate to the special interest of the site and the Minister has to take any such representations into account. He does this at a Public Hearing, where owners and other interested parties are provided with an opportunity to speak in support of their

representation before the Minister makes his decision whether or not to add the building or place to the List or the Register. Once the Minister has made a decision, the owner is notified in writing, and the List and/or Register, is updated.

In the event of the Minister deciding to add a building or place to the List of Sites of Special Interest, an aggrieved person can appeal to the Royal Court. The Court can confirm the inclusion of the building or place on the List or it may order the Minister to remove it from the List. There is no right of appeal against a decision to add a Building of Local Interest to the Register.

Where the Minister considers it necessary or expedient to restrain unauthorised actual or apprehended works to a building or place that he believes has special interest, he may provisionally include it in the List of Sites of Special Interest straightaway^[3]. Once again, this requires the service of a Notice advising that the site has been Listed. This provides the owner with a minimum of 28 days to make representations and the Minister with a maximum of three months to decide whether or not to retain the building or place on the List. The same process of expert assessment and consideration of representations is undertaken for provisional SSIs, as outlined above.

The List and the Register is open to public inspection and is available online.

The Planning and Environment Minister is proposing to introduce a new single form of heritage protection for historic buildings and places – to be known as Listed buildings – replacing the existing two tier system of Sites of Special Interest (SSI) and Buildings of Local Interest (BLI). It is also proposed to introduce protection for groups of buildings and places with a particular architectural and historic character that will be designated as Conservation Areas.

All the Minister's proposed changes to the Island's heritage protection system are set out in a White Paper – attached - which is currently open for public scrutiny and comment. The new system will simplify how the historic environment is identified, making clear what is protected and why.

It is intended that the process of designation for the new system of heritage protection will be based on the existing legal process which presently exists for Sites of Special Interest, as set out above.



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[1] Article 52 Planning and Building (Jersey) Law 2002

[2] Supplementary Planning Guidance Note 9 (Nov 2008) [*Identification and designation of buildings and places of architectural, archaeological, historical or other interest*](#)

[3] Article 53 Planning and Building (Jersey) Law 2002