

**THE INN ON THE PARK: SITE OF SPECIAL INTEREST**

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**Lodged au Greffe on 17th November 1998  
by Deputy T.J. Le Main of St. Helier**

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**STATES OF JERSEY**

**STATES GREFFE**

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## **PROPOSITION**

**THE STATES are asked to decide whether they are of opinion -**

to request the Planning and Environment Committee to set in motion the necessary steps under Article 9A of the Island Planning (Jersey) Law 1964, as amended, for the property known as The Inn on the Park, West Park, St. Helier, to be designated as a site of special interest.

DEPUTY T.J. LE MAIN OF ST. HELIER

## **Report**

The aim of this proposition is straightforward. It reflects the wishes of many Islanders to preserve The Inn on the Park as a building which could serve the whole Island in many community, leisure and tourism related activities and complement the infrastructure of the beleaguered tourism industry. The purpose of this proposition is that, failing the approval by the States of the purchase of The Inn on the Park, the building would be designated in the interest of the community as a site of special interest under Article 9 of the Island Planning (Jersey) Law 1964, as amended (“the Law”).

Sub-paragraph (1)(c) of Article 9 of the Law enables the Committee to designate sites of special interest by reason of “the special archaeological, architectural, artistic, cultural, geological, historical, scientific or traditional interest, attaching thereto”. The text of Articles 9 and 9A of the Law, which set out the procedures for designating sites of special interest, are set out in the Appendix to this report.

I believe that I can show that it is in the best interests of the community that this property, site-buildings and its land should be preserved in accordance with the provisions of Articles 9 and 9A of the Law.

**Extracts from the Island Planning (Jersey) Law 1964**

## ARTICLE 9.

**Designation of sites of special interest.**

(1) The Committee may by order designate as sites of special interest buildings and places of public importance by reason of -

- (a) the special zoological interest; or
- (b) the special botanical interest; or
- (c) the special archaeological, architectural, artistic, cultural, geological, historical, scientific or traditional interest,

attaching thereto.

(2) An order made under paragraph (1) of this Article shall -

- (a) show in relation to each building or place included in the order which one or more of the special interests set out in paragraph (1) of this Article attaches to that building or place;
- (b) describe each building or place included in the order with sufficient particularity to enable such building or place to be easily identified;
- (c) distinguish between land and buildings where the site of special interest comprises both land and buildings;
- (d) where the special interest relates to the habitat of a wild creature or a plant, specify the species thereof by both its common name and its scientific name.

(3) No order shall be made under paragraph (1) of this Article unless at least twenty-eight days previously the Committee has served on the owner of each building or place which is to be included in the order, and on every other person known to the Committee to have an interest therein, a notice of intention to include the building or place in the order, and every person having an interest in the building or place which is to be included in the order shall be entitled to make representations in the matter to the Committee and the Committee shall take such representations into account.

(4) Before making any order under paragraph (1) of this Article, the Committee shall consult with such persons or bodies of persons as appear to it appropriate as having special knowledge of or interest in buildings or places of public importance by reason of the attaching thereto of one of the special interests set out in paragraph (1) of this Article.

(5) As soon as may be after the inclusion of any building or place in any order made under paragraph (1) of this Article, the Committee shall serve a notice to the effect on the owner of such building or place and on every person known to the Committee to have an interest therein.

(6) The Committee may at any time by order vary or revoke an order made under paragraph (1) of this Article.

(7) Where an order ceases to apply to a building or place, or to some part thereof to which it previously applied, the Committee shall as soon as may be serve a notice to that effect on the owner of such building or place and on every person known to the Committee to have an interest therein.

(8) The Committee shall as soon as may be after a notice under paragraph (5) or paragraph (7) of this Article has been served, make application to the Royal Court for an order that the notice be registered in the Public Registry of Contracts.

## ARTICLE 9A.

### **Protection of sites of special interest.**

(1) Where an order made under paragraph (1) of Article 9 of this Law designating a site of special interest describes a building in accordance with sub-paragraph (b) of paragraph (2) of that Article and such order has not ceased to apply to the building so described, no person shall execute, or cause or permit to be executed, any works for the demolition of the building or for its alteration or extension in any manner which would seriously affect its character, except with the prior permission of the Committee, which permission may be granted unconditionally or subject to such conditions as the Committee may think fit to impose:

Provided that nothing in this paragraph shall tender unlawful the execution of any such works as aforesaid which are urgently necessary in the interests of safety or health, or for the preservation of the building or of neighbouring property, so long as the Committee is given a reasonable opportunity for its representative to inspect the building as soon as possible after the necessity for the works arises.

(2) If any person contravenes the provisions of paragraph (1) of this Article, he shall be guilty of an offence and shall be liable to a fine, and whether or not any proceedings are taken in respect of the offence or otherwise, the Committee may serve on the owner and occupier of the building a notice requiring such steps for restoring the building to its former state as may be specified in the notice to be taken within such period (being a period of not less than twenty-eight days) as may be so specified.

(3) If within the period specified in the notice, any steps required thereby to be taken have not been taken, the Committee may enter on the land and take those steps, and the expenses reasonably incurred by the Committee in so doing shall be recoverable as a civil debt from the person in default.

(4) No person shall -

- (a) use or operate on a site of special interest any device designed or adapted for detecting or locating any metal or mineral in the ground;
- (b) injure or deface any site of special interest;
- (c) wilfully disturb, ill treat or injure, or kill or attempt to kill or take any wild creature of a species of which the site of special interest is the protected habitat;
- (d) without reasonable excuse, pick, uproot or destroy any plant of a species of which the site of special interest is the protected habitat;
- (e) without the consent in writing of the Committee -
  - (i) insert a probe into the surface of or dig any hole on or make any excavation in; or
  - (ii) take or remove any sand, stone, gravel, earth or rock from; or
  - (iii) tip earth, rock or any waste materials on;a site of special interest.

(5) If any person contravenes the provisions of paragraph (4) of this Article, he shall be guilty of an offence and liable to a fine which, in the case of a contravention of any of the provisions of sub-paragraphs (a) to (d) of the said paragraph (4) shall not exceed level 3 on the standard scale.

(6) For the purpose of protecting or repairing a site of special interest the Committee may enter on the land at all reasonable times and at its own expense carry out such work or do such other things as appear to it expedient for that purpose.

(7) The provisions of paragraph (4) of Article 9 of this Law shall apply to the exercise by the Committee of its powers under paragraph (6) of this Article as though the exercise of these powers was the making of an order under paragraph (1) of the said Article 9.

(8) Where it appears to the Committee -

- (a) the operations which disturb the ground are being, or are about to be carried out at an intended site of special interest; and
- (b) that the ground at the intended site of special interest contains or is likely to contain anything of archaeological or historical interest which will be disturbed, damaged, destroyed or removed without proper archaeological investigation if such operations are carried out,

the Committee may by Act direct that the provisions of paragraph (9) of this Article shall apply to such operations.

(9) Where the Committee has by Act directed that the provisions of this paragraph shall apply to an intended site of special interest, no person shall, during a period of eight weeks commencing on the date on which a notice in writing of the Act of the Committee is first served by being affixed to some conspicuous part of the intended site of special interest, carry out any operations which disturb the ground.

(10) Where it appears to the Committee that any works for the demolition of a building which the Committee intends as soon as may be to designate as a site of special interest are being, or are about to be carried out, the Committee may by Act direct that the provisions of paragraph (11) of this Article shall apply to such works of demolition.

(11) Where the Committee has by Act directed that the provisions of this paragraph shall apply to a building, no person shall, during a period of eight weeks commencing on the date on which a notice in writing of the Act of the Committee is first served by being affixed to some conspicuous part of the building, carry out any works for the demolition of that building:

Provided that nothing in this paragraph shall render unlawful the carrying out of any works of demolition which are urgently necessary in the interests of safety, so long as the Committee is given a reasonable opportunity for its representative to inspect the building as soon as possible after the necessity for the works arises.

(12) Where a notice has been affixed to land or a building pursuant to paragraph (9) or paragraph (11) of this Article the Committee shall serve a copy thereof on every person known to the Committee as being the owner of or having an interest in such land or building.

(13) If any person contravenes the provisions of paragraphs (9) or (11) of this Article, he shall be guilty of an offence and liable to a fine.