

23.11.28.

9. Deputy M. Tadier of the Minister for the Environment regarding maintenance of listed buildings in public places (OQ.232/2023)

Will the Minister advise whether there is any requirement for Government to ensure that listed buildings located in prominent public areas are maintained? If there is, how is this enforced?

Deputy H. Jeune of St. John, St. Lawrence and Trinity (Assistant Minister for the Environment - rapporteur):

I thank the Deputy for his question. The listing of a building or place does not impose any requirement on the Government or the owner of the land or the building to maintain it. Listing simply recognises that a building or place has some public importance by reason of its special archaeological, architectural, artistic, cultural or historical interest and provides greater control over operations which might affect the special interest of that site.

3.7.1 Deputy M. Tadier:

I think the Minister has given a strictly legal answer but, of course, if we think about it, it does not make any sense logically. Why would we ask people to list their buildings if actually we do not want to protect those buildings as sites of special interest? I can think of many, the Odeon Cinema is the one that sticks out in my mind. Does the Minister agree that although there may not be a legal requirement, there are levers in the 2002 Planning Law? Article 56, which says that the Minister may make a grant or a loan to make funds available to the owner of an occupied property or of a listed building to make sure that it is preserved in the public interest. But also, Article 84 gives the Chief Officer permission or power for any building that he or she considers to be in a ruinous or dilapidated condition that the department can serve a notice requiring that building to be demolished, repaired, decorated or otherwise improved. Does the Minister acknowledge that?

Deputy H. Jeune:

As the Deputy has outlined, there are powers in the Planning and Building Law, especially under chapter 6 to compel the repair of dilapidated or ruinous buildings. This includes listed buildings but the threshold for such action is very high and the powers are draconian. The start of the work that the officers do is persuasive compliance, it is always the first port of call and it does not go straight to legal action.

3.7.2 Deputy S.Y. Mézec:

The Assistant Minister referred to persuasive compliance and the less persuasive requirements being draconian. Could she give any examples of any times in recent years where either of those methods has been adopted to improve the state of a listed building in Jersey?

Deputy H. Jeune:

Thank you, Deputy, for the question. I am afraid I would be unable to give you exact examples but will be able to come back to you, of course, with examples. But the work that is carrying on at the moment, for example, there is work on a Heritage at Risk Register and this is underway and it may lead to laws that can provide greater protection with a more nuanced approach than the current Planning and Building Law, which has this draconian law.

3.7.3 Deputy S.Y. Mézec:

From what the Assistant Minister has just said, could she provide more detail of precisely what they would be looking at?

Deputy H. Jeune:

We would be happy to have a meeting to discuss these issues in more detail and, as the register is developed, to share that with the Assembly.

3.7.4 Deputy M.R. Scott:

Given the Assistant Minister's reply, perhaps she could explain why P.85/2003, the Draft Planning and Building Conservation Areas (Jersey) Regulations that are to be debated by the States Assembly today are considered necessary given the fact that funds can be given towards the conservation of buildings?

Deputy H. Jeune:

I thank the Deputy for the question. Under Article 56 of the Planning and Building Law a fund could be made available for sites of special interest. This includes listed buildings and this allows the Minister to be able to provide grants or loans towards necessary costs around protect, repair or restore listed buildings in place. This is a discretionary power but it is something that was ... a grant scheme was there and operated between 1995 until 2010 but this fund has not been replenished since 2010. At the moment in the Historic Environment Team there is not the level of resources able to operate such a scheme at present.

3.7.5 The Connétable of St. Martin:

I would like to ask the Assistant Minister, if there is a special fund for the preservation of listed buildings, whether that could please include the iconic and historic listed buildings of the 12 Parish churches, which is a huge drain on resources of Parishes?

Deputy H. Jeune:

I thank the Connétable for her question. There is, of course, a special article in the Planning and Building Law for a fund. As I mentioned, since 2010 this fund has not had any funding in it and so it has not been able to do this further. But, of course, as part of the discussion around the Heritage at Risk Register, this kind of discussion can add further into that as well, including the churches.

3.7.6 Deputy S.G. Luce of Grouville and St. Martin:

Would the Minister agree with me that without a properly constituted fund, without a significant amount of money, the many important and listed buildings on the Island will continue to fall into disrepair because the owners simply do not have the cash to invest in them?

Deputy H. Jeune:

I thank the Deputy for his question. As the work is undergoing around the Heritage at Risk Register, this kind of work will be able to identify where the most at risk are and then, of course, work can then be discussed about the appropriate approach to that. Whether that is to develop further laws to compel landowners to do such maintenance or for a fund to be replenished in such a way, but at the moment that work is ongoing. As I said, we will be very happy to share that with the Assembly when there are further plans to be able to share.

3.7.7 Deputy S.G. Luce:

If I heard the Assistant Minister correctly, she is going to compel people to do work on their property when they have no money so to do. Can she explain how that works, please?

Deputy H. Jeune:

As I said before, the Planning and Building Law has a number of articles under chapter 6 which would compel landowners to repair dilapidated or ruinous buildings. Of course, as I mentioned before

in another answer, these are draconian ways to do that. Officers and the Minister are very keen to have persuasive compliance first. Of course, within the discussions around the Heritage at Risk Register and focusing in on where the areas are most at risk, whether that is building or land areas, that will, of course, discuss how to do that with landowners. That could include, of course, a replenishment of such a fund that is already available under the law but has not been replenished for a number of years.

3.7.8 Deputy M. Tadier:

I do not accept that the laws are draconian and I would be interested to find out what other methods - the less persuasive methods - have been used up until now. I have been in the Odeon building, for example, as part of the Festival of Words and it has to be said that the owners of that building do have enough money to do the inside of the building up to a very high standard. It is a beautiful building, beautifully restored inside, but it seems that unless they get a tap on the shoulder from the Minister referring them to the Article 84 or indeed Article 56 and saying: "Would you consider please doing the outside of the building up?" because it is a public building in the centre of town next to a new hotel and next to the town park.

[10:45]

The Bailiff:

Could you reach the question, please?

Deputy M. Tadier:

That is the question.

The Bailiff:

I am sorry, I have not heard a question yet, Deputy. We do have to get there.

Deputy M. Tadier:

I am sure we will still be within the 2-hour limit for questions ...

The Bailiff:

I know but I am not intending to allow you the full 2 hours.

Deputy M. Tadier:

Notwithstanding that I think this interaction has probably taken more time than my question and I may have lost my train of thought ...

The Bailiff:

Well, I am not sure that that is a helpful assumption. Please do ask the question.

Deputy M. Tadier:

I am minded I am also supposed to sit down when you are talking to me.

The Bailiff:

No, that is perfectly all right.

Deputy M. Tadier:

Given the fact that buildings like the Odeon Cinema, which are severely dilapidated on the outside and they are in such prominent physical positions in St. Helier, would the Assistant Minister consider using some of the powers - the carrot of Article 56 and the stick of Article 84 of the law - to approach the owners of such buildings to see if they might possibly please do up their buildings?

Deputy H. Jeune:

I thank the Deputy for his question there. I believe the question was why has more not been done. The point is that the law ... why I say it is draconian is because the bar is extremely high and it is only being able to intervene on extreme circumstances and there are limited resources to pursue also, of course, the work of persuasive compliance. There has to be a balance there. The work that we are doing on the Heritage at Risk Register, and we are supporting the vacant homes work as well because many of those sites identified are also listed in historic buildings, those works will be to try to persuade landowners to make those changes. I have answered the other questions in that question.