

# **STATES OF JERSEY**



## **MONT ORGUEIL DEVELOPMENT STRATEGY: APPOINTMENT OF INDEPENDENT EXPERT (P.19/2003) – COMMENTS**

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**Presented to the States on 25th March 2003  
by the Environment and Public Services Committee**

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**STATES GREFFE**



## COMMENTS

The Environment and Public Services Committee has statutory and other obligations under the Jersey Planning Law, International Conventions, and the Jersey Island Plan to safeguard the Island's Architectural and Archaeological Heritage. Qualified specialist officers are employed to assist the Committee in the proper discharge of these duties, which it takes very seriously.

The Committee has a statutory obligation to determine the planning application made by the Jersey Heritage Trust in respect of proposed works at Mont Orgueil, taking into account the statutory and policy framework, and paying proper heed to standards being achieved elsewhere on nationally important monuments. The Trust's application involves a large range of proposals, the majority of which relate to routine repairs and renewals. However, more significant changes are proposed in particular areas. Every part of the scheme will be assessed against strict criteria, including technical, archaeological, historical, ecological and visual considerations.

The Committee recognises that one particular aspect of the Jersey Heritage Trusts proposals, notably the intention to restore parts of the Tudor Hall and associated spaces, has generated an intense difference of opinion between the Trust's professional advisers and other interested parties, including the Friends of Mont Orgueil. A relevant consideration here is how documentary and archaeological evidence should properly be interpreted, and what influence different interpretations of this evidence might have on the proper assessment of the Trust's proposals. Much of this debate has occurred prior to the submission of the Trust's planning application. The Committee has therefore now called for representations from any interested party on this, and any other matter, to be submitted direct to it, in order that these views can be properly taken into account in the assessment of the proposals.

The Committee is satisfied that its specialist Historic Building Officers and external adviser have the necessary professional experience and integrity to carefully and objectively assess all the issues being raised and guide the Committee in reaching appropriate decisions on them. This assessment, by its very nature, will be no less exhaustive than the report being called for by Deputy Le Hérissier. However, it will have the advantage of taking account of the representations being made by **all** parties on this important proposal, not just those made by the Friends of Mont Orgueil.

Every matter under dispute will be carefully examined, and clear reasoning will be given for every recommendation made by officers to the Committee. The Committee intends to make its determination of this application as transparent as possible in order that its decisions, and the process by which they are reached, have maximum credibility in the minds of the applicant and other interested parties. The Committee wishes to reserve its final decision on the precise nature and format of these procedures until all representations from interested parties have been received. However, the intention, in principle, is to allow those who have made written representations by 21st March 2003 to address the Committee on the points they have raised. This will give the Committee the opportunity to fully explore any areas in dispute. The Committee will not make a decision on a specific element of the application until it is satisfied that it has the necessary information to do so.

In the light of the above, the Committee sees no benefit in Deputy Le Hérissier's proposition as at best this would involve an unnecessary and costly duplication of work that is already under way under the instruction of the Committee. If adopted the proposition could also cause complications.

The States should be aware that the Committee is under a statutory duty to adopt an objective and fair process. Were it to simply substitute the judgement of the States on such a report for its own judgement then the Committee could find itself open to legal challenge. The Committee do recognise the importance of this matter and will ensure the arrangements it adopts are as sound as they can be.

If the Committee or its officers or external advisor need additional expertise in order to deal properly with any aspect of this application, then it will be obtained.