

STATES OF JERSEY



ISLAND PLAN 2022-25: APPROVAL (P.36/2021) – THIRTY-NINTH AMENDMENT CONSERVATION AREAS

Lodged au Greffe on 12th July 2021
by Deputy K. F. Morel of St. Lawrence

STATES GREFFE

PAGE 2 –

After the words “the draft Island Plan 2022-25” should be inserted the words “except that –

- (a) in Proposal – Conservation Area Designation, the second paragraph should be substituted with the following new paragraph –

“It is proposed that the first conservation areas to be designated should be drawn from the following list: St Aubin, the historic areas of St Helier, the areas around the Parish churches of Grouville, St. Lawrence, St. Martin, Trinity, St. Ouen, St. Peter, St. Clement, Gorey Village and Pier, and Rozel Harbour”;

- (b) after the final paragraph, the following words should be inserted –

“During the course of the Bridging Island Plan, at least four conservation areas should be designated from those listed in this proposal.”; and

- (c) the draft Island Plan 2022-25 should be further amended in such respects as may be necessary consequent upon the adoption of paragraphs (a) and (b).

DEPUTY K. F. MOREL OF ST. LAWRENCE

Note: After this amendment, the proposition would read as follows –

THE STATES are asked to decide whether they are of opinion –

to approve, in accordance with Article 3(1) of the Planning and Building (Jersey) Law 2002, as amended by the Covid-19 (Island Plan) (Jersey) Regulations 2021, the draft Island Plan 2022-25, **except that**

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REPORT

Policy HE3 of the 2021 Bridging Island Plan and its supporting proposals cannot be considered in isolation of the historical context. The failure of successive planning Committees over a 35 year period to introduce Conservation Areas into Jersey appears to be in conflict with one of the purposes of the Planning and Building Law which is “to protect sites, buildings, structures, trees and places that have a special importance or value to Jersey”. Over the same period, considerable public resources have been expended on the preparation of development briefs with the aim of encouraging and facilitating comprehensive, high-density development, many of which have caused damage to historic areas.

The concept of Conservation Areas came into being in 1967, with the passing of the Civic Amenities Act in the UK. About 10,000 conservation areas have been designated in England since that time, 600 in Scotland, 500 in Wales, 20 in the Isle of Man, and 27 in Guernsey. All these designations use the same basic legal and policy framework, and planning control within these areas benefits from a substantial body of experience, advice, appeal decisions and legal judgments that have accumulated over 50 years. Jersey needs to draw on this wealth of information and guidance rather than inventing its own procedures from scratch.

Area conservation was one of the main themes of the **Granada Convention** (Council of Europe) which came into effect in 1987. This Convention was important in widening the approach to cultural heritage protection from a focus on individual assets to whole areas and environments, i.e. integrated conservation. Jersey was a signatory to the Convention from the outset in 1987 (under the UK umbrella) but has failed to act on a significant number of the undertakings. One of these is in relation to the Statutory Protection Procedures, which states:

“Article 3

Each Party undertakes:

- 1 to take statutory measures to protect the architectural heritage;*
- 2 within the framework of such measures and by means specific to each State or region, to make provision for the protection of monuments, groups of buildings and sites”.*

While the undertaking to protect individual buildings (described here as monuments) has been satisfied, the significant failing is the reference in item 2 to **groups of buildings**, which can be translated as conservation areas. Article 1 of the Convention explains these terms.

Jersey’s inaction over 35 years

In the early years, Jersey showed some enthusiasm and the **1987 Island Plan** included the following commitment in **Policy BE2** alongside a plan identifying 14 suggested conservation areas, including the historic core of St Helier –

“The Island Development Committee will propose an amendment to the Planning Law to enable Conservation areas to be formally designated in order to protect and enhance the fabric, appearance and character of areas of particular townscape interest”.

No progress was made, however. A similar commitment was made 15 years later in **Policy BE9 of the 2002 Island Plan**, although the need for an amendment to the planning law had been forgotten –

“Conservation Areas will be designated within the Plan period subject to a detailed appraisal of their conservation merits. Once designated as a Conservation Area, the Planning and Environment Committee will initiate the preparation of Conservation Management Plans for each area to inform their long term conservation and enhancement”.

Once again, no progress was made and yet further promises were made in **2014 (revised from 2011) Island Plan. Proposal 10** states -

“The Minister will complete the identification and designation of a minimum of three Conservation Areas throughout the Island during the Plan period, relative to their assessment against published criteria, and will adopt these through the publication of supplementary planning guidance, following consultation with stakeholders”.

Policy HE3 of the 2014 Plan, which introduces a comprehensive range of controls, includes the following introduction –

*“Preservation or enhancement of Conservation Areas
Development within or affecting the setting of a Conservation Area should seek to preserve or enhance all features which contribute positively to the area's character or appearance. Special regard will be paid to the impact of proposed development on the character or appearance of Conservation Areas, and development proposals that will have an adverse impact on that character or appearance will not be permitted”.*

No action was taken in respect of these commitments.

The consequences of the absence of an integrated planning strategy for built heritage over several decades has been very significant damage to the character and appearance of historic areas, especially St Helier, as the focus of planning application decisions has been on individual listed buildings rather than the character of the wider area. As a result, many fine streets and groups of buildings have been irrevocably damaged, and many individual buildings that contributed to character have been lost.

This amendment would see a renewed focus toward action on the conservation areas, as promised 35 years ago. The list of potential areas in (a), above, is drawn from the list of those areas in that have featured in previous island plans, as can be seen in the table below:

Conservation Areas – identified for possible designation in previous Island Plans

Area	1987 Island Plan – See Note 1	2002 Island Plan – see note 2	Current Plan 2011 revised 2014 See note 3	Bridging Plan See Note 4
St Helier	*	*	*	
Gorey Village and Pier	*	*	*	*

St Aubin's Village	*	*	*	*
La Ville Bagot, St Ouen	*			
Rozel Harbour	*			*
Faldouet	*			
La Rue du Hocq, St Clement	*			
Area around the Parish Church, St Ouen	*			*
Area around the Parish Church, St Peter	*			*
Area around the Parish Church, St Lawrence	*			*
Area around the Parish Church, Trinity	*			*
Area around the Parish Church, St Martin	*			*
Area around the Parish Church, Grouville	*		*	*
Area around the Parish Church, St Clement	*			*
Havre des Pas				*

Note 1: 1987 Island Plan, page 33, with map

Note 2: 2002 Island Plan – Report to the States, P69, April 2002, para 14.5 “*The new Plan continues to support the well-established concepts of the ‘Green Backdrop Zone’, the ‘Shoreline Zone’ and ‘Conservation Areas’. However, the proposed designation of Conservation Areas has been prioritised to include only the most important places where the existing character and quality deserve special care and attention. (i.e. Gorey Pier, St. Aubin, Gorey Village and St. Helier town centre)*”.

Note 3: 2011 Island Plan Revised – from Para 3.27: ‘*Work has already been undertaken to identify potential Conservation Areas in St Helier. The Minister for Planning and Environment will seek to develop proposals for Conservation Area designation in St Helier, in consultation with relevant stakeholders. An appraisal of the character of each Conservation Area will be undertaken to ensure that its special interest is clearly identified for the community, land owners and developers*’.

From 2011 Island Plan, Revised - Para 3.28 ‘*Elsewhere in the Island, the contribution of the historic environment to the determination of a place’s character is important in settlements around parish churches; at the Island’s harbours and in some scattered agricultural hamlets, where there is potential for the further designation of Conservation Areas. Future designations may include, for example, Gorey Harbour, St Aubin’s Village and Grouville Church: each area will, however, be considered on its own merits and be brought forward for designation following consultation with stakeholders*’.

Note 4: **Bridging Island Plan** Potential designations are mentioned in page 132 of the Bridging Plan in para 5:

‘There are a number of places in the island with a special and distinctive character where conservation area designation would protect or improve their qualities including: parts of St Helier; the environs of some of our small harbours; parish churches and agricultural hamlets. Areas for potential designations might include, for example, Havre des Pas, Gorey Harbour, and the environs of many of the island’s parish churches. The Minister for the Environment proposes to designate the island’s first conservation area in St Aubin’.

Financial and manpower implications

Designation of Conservation Areas should be drawn from existing departmental budgets.

CRIA statement

This amendment has been assessed in relation to the [Bridging Island Plan CRIA](#) and will benefit children through the preservation of conservation areas around the Island which seek to enhance and protect the island’s character, history and natural beauty.