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Deputy Hilary Jeune

Chair, Environment, Housing and Infrastructure Panel

BY EMAIL

20th June 2024

Dear Chair,

Quarterly Hearing – Follow up

Thank you kindly for your letter, dated 13th June, regarding follow up questions after the Quarterly Hearing. I can respond as follows:

Conservation areas and historic buildings

- 1. In October last year the States Assembly approved the regulations which provided the definitions needed to enable the designation of Conservation Areas as outlined in the Bridging Island Plan. Please could you update the Panel on the progress of the first designation pilot scheme at St Aubin?**

The States Assembly approved changes to the Planning and Building (Jersey) Law¹ in April 2022, to provide the Minister for the Environment with the legal power to designate conservation areas (at Article 56A).

Before progressing with the designation of the island's first conservation area in St Aubin, however, the Minister has made it clear that there is a need to establish the associated legal framework for conservation areas. This is important because it will set out the process by which conservation areas are designated, how financial assistance might be provided for works in them, and also how greater control over works in conservation areas will be exercised.

In this respect, the Minister for the Environment approved Planning and Building (Conservation Areas) (Jersey) Order 2023² in December 2023 setting out the process for conservation area designation, including how islanders can engage in the process of designation.

The States approved new regulations³ granting the Minister powers to make grants or loans to support the protection and enhancement of conservation areas in November 2023.

¹ See [P.76/2021](#): Draft Planning and Building (Amendment No. 8) (Jersey) Law 202-

² See [Planning and Building \(Conservation Areas\) \(Jersey\) Order 2023 \(jerseylaw.je\)](#)

³ See [P.83/2023](#): Draft Planning and Building (Conservation Areas) (Jersey) Regulations 202-

The Minister launched consultation about the proposed changes to the General Development Order that will deliver greater control over development in conservation areas in November 2023. This consultation ended in January 2024⁴.

The Minister will consider the response to consultation shortly, with a view to adopting an amended General Development Order.

Once this is in place, the designation process for St Aubin will commence, with a view to its completion before the end of the year.

2. Control over development in conservations areas required change to the General Development Order. How has this work been progressed?

The Minister launched consultation about the proposed changes to the General Development Order that will deliver greater control over development in conservation areas in November 2023. This consultation ended in January 2024⁵.

The Minister will consider the response to consultation shortly, with a view to adopting an amended General Development Order.

3. Please detail any involvement you have had on the maintenance and preservation of the Lido at Havre des Pas?

There have been a variety of recent planning applications associated with the protection and maintenance of Havre des Pas Bathing Pool (Listed building grade 2⁶), as set out below:

- [P/2021/0411](#) Refurbish existing balustrades, replace existing plastic infill grids with stainless steel at Havre des Pas Bathing Pool.
- [P/2019/0016](#) Replace 1No. door to North elevation.
- [P/2018/1479](#) Install 1 No. dehumidifying ventilation system and associated works.
- [SSI/2017/0457](#) Repoint and repair granite wall of the pool rotunda.

Officers from the Cabinet Office's Place and Spatial Planning team continue to work with Jersey Property Holdings and the lessee at the site in relation to the maintenance of the structure.

4. What would be the best and most sustainable approach to maintaining the Havre des Pas Lido now and in the future?

Retaining historic buildings in a viable use is key to their retention and maintenance.

Proposals that allow for viable uses that are compatible with the conservation of the fabric of the building, that protect its special interest and its setting will generally be supported. Any changes that would cause harm to the special interest of the listed building or place should be limited to what is necessary to sustain its ongoing use, with impacts mitigated where possible.

⁴ See [General Development Order: Conservation Areas \(gov.je\)](#)

⁵ See [General Development Order: Conservation Areas \(gov.je\)](#)

⁶ See: <https://www.gov.je/citizen/Planning/Pages/HistoricEnvironmentDetail.aspx?s=3&r=HE0266>

5. What progress, if any, has been made on enabling the development of heritage at risk properties?

Officers from the Cabinet Office's Place and Spatial Planning team continue to work with the owners of heritage buildings that are at risk in response to proposals for development and change.

6. What would be the best way to ensure that these properties could be used rather than lying empty?

Retaining historic buildings in a viable use is key to their retention, renovation, and maintenance. Officers from the Cabinet Office's Place and Spatial Planning team continue to work with the owners of heritage buildings that are at risk to help ensure that they can be brought back into use, in response to requests for advice.

Whilst there are provisions in the Planning and Building (Jersey) Law which can be used to require the repair and maintenance of land and buildings that are in a ruinous or dilapidated condition⁷, the use of these may not, of themselves, ensure that a building is brought back into use. Rather, past practice has shown that working with existing owners, or motivated new owners, to allow change to support future new uses brings forwards proposals for repair, renovation, and reuse.

The Minister for the Environment remains willing to work with the Minister for Housing to identify long-term empty properties and to explore how they might be brought back into use.

7. Do you have any intention to look at specific listed properties as ones which could be delisted. The Minister for Infrastructure, for instance, has suggested that he would like to explore this for the St Saviour's Hospital building.

It is wholly inappropriate to seek to set aside the designation of a heritage asset simply because this is seen as a potential encumbrance to its future development.

Buildings and places are listed because they are part of the island's heritage. There is an obligation, in law, to identify and designate these assets, under the auspices of the Planning and Building (Jersey) Law⁸ which accords with the island's duties that arise from its accession to the Convention for the Protection of the Architectural Heritage of Europe (the Granada Convention).

The process and criteria used for the assessment of potential heritage assets is a rigorous one⁹ where advice is sought from Jersey Heritage about the heritage value of buildings and places. This assessment is based solely on the heritage value of a site and has no regard to the condition or future use of a building or place. This matter has been the subject of legal challenge and upheld¹⁰.

The correct procedure is for the heritage value of a site to be openly acknowledged and considered as part of the preparation and assessment of any development proposal, where

⁷ See Articles 84 and 86 [Planning and Building \(Jersey\) Law 2002 \(jerseylaw.je\)](http://jerseylaw.je)

⁸ See Article 51(2)(b) [Planning and Building \(Jersey\) Law 2002 \(jerseylaw.je\)](http://jerseylaw.je)

⁹ see [The listing process \(gov.je\)](http://gov.je) and [Why a building or place is listed \(gov.je\)](http://gov.je)

¹⁰ see: [Minister for Planning and Environment-v-Seymour Villas Limited 27-Nov-2013 \(jerseylaw.je\)](http://jerseylaw.je)

the respective merits of a proposal, and its impact upon a heritage asset, might be considered through the process of a planning application.

It is only appropriate to review the listing status of a building or place where new information is available which might cause the assessment of its heritage value to change. No such information has been provided by the Minister for Infrastructure in relation to St Saviour's Hospital or any other site.

Statutory Nuisance Law

1. Minister, please could you outline what work is being undertaken to update the Statutory Nuisance Law?

There continues to be a desire to update the legislation, notably around making the controls for construction sites more robust and allowing provisions for private action. However, it is recognised that due to other priorities and the need to share resources that this matter does not have a timeframe for progression.

2. Are you satisfied that existing regulations provide sufficient and effective recourse for complainants?

The Statutory Nuisance Law (Jersey) Law 1999 continues to be used as part of daily investigations and where appropriate matters are progressed through the legal framework.

Nuisance is assessed having regard to frequency, duration and character of the issue as well as its impact. For specific issues such as noise and odour there are other elements including tonality and pleasantness respectively. It is vital to ensure that the source of the nuisance is evidenced and identified in order to progress with an abatement notice.

Any proposed changes to the Statutory Nuisance Law would not impact the assessment or legal threshold of nuisance in order to serve abatement notices, as these are based on well-established practice and case law.

Carbon Neutral Roadmap

1. What specific actions will you or have you been taking to support skills training for businesses to help them adapt their skill base to install green technology?

The Contractor Quality Scheme (CQS) was developed for low carbon heating installations in Jersey and is a condition of funding under the low carbon heating incentive. There are currently four contractors accredited through the scheme. One more is going through the process and a further three contractors have completed the requisite training.

A new design course for the CQS was recently provided at Highlands with 11 delegates from new and existing contractors taking part. The course enables contractors to go through the CQS accreditation process. In addition, and in conjunction with CQS, discussions have taken place with Highlands to develop the provision of apprenticeships in the heating sector. Highlands are also re-evaluating the course provision to ensure a greater emphasis on low carbon technologies and renewable power.

Work has continued with Skills Jersey colleagues to engage with industry on their requirements in the field of green skills, for example Skills Jersey hosted a workshop at Highlands on skills needs of construction sector for decarbonisation. Further work is underway to explore what support industry needs for the transition to low carbon heating with the aim to complete this exploratory work in 2024 ready to have programme of work agreed for 2025 / 2026 delivery.

2. What conversations have been had to date with Highlands College and the Education Department?

Policy officers have been working closely with Skills Jersey, who have run a number of green skills workshops with industry in Q1 2024.

Officers also been working closely with Highlands on provision of low carbon heating installation training required for low carbon heating incentive. A new training provider has been identified and their first course delivered in April to 11 students. A further meeting with GoJ, CQS and Highlands in mid-June took place to start discussions on new apprenticeship schemes and further courses concentrating on low carbon heating.

A joint briefing from the Head of Environment and Climate and the Head of Skills Jersey on the joint work they are doing on this was given to the Minister for the Environment on 18th April.

3. In March, in an answer to a written question tabled on 4 March, the Chief Minister stated that the short-term incentives to move towards low carbon home heating and electric vehicle use would be ‘partnered with a medium-term regulatory framework to continue to bring down emissions by transitioning out of fossil fuels’. Can you provide the Panel with more detail about this framework? What will be delivered during this term of office?

The Carbon Neutral Roadmap work programme for 2025 includes the commencement of the work programme to bring forward legislation on prohibiting the importation and sale petrol and diesel vehicles that are new to the Island from 2030.

Work has commenced on the scoping the Building Standards review. This will be used to drive up energy efficiency and carbon standards and signal the direction and timeframe for the phase out of fossil fuel heating systems.

4. Please could you update the Panel on the take up of the eBike and electric vehicle grants to date?

Electric Vehicle Purchase Incentive

To the end of May 2024, a total of 618 applications have been received, 586 of which have been approved and redeemed. The incentive has exceeded the projected take-up rate which was originally forecast to be 360 vehicles from launch to the end of May 2024. 80% of vehicles purchased through the incentive were second-hand, compared to 20% new vehicles.

Electric Vehicle Charger Incentive

65 applications for the EVCI were received up to the end of May, this is a lower rate than projected prior to launch and a marketing campaign is now running to increase visibility and familiarity with the incentive.

E-bike Grant

As of 14th June, 193 e-bikes have been redeemed from the March release of grants, with vouchers due to expire on 26 June.

5. It was recently reported in R.91/2024 – Road Traffic Collision and Casualty Update that cyclists and pedestrians face the highest risk of injury on Jersey's roads. Against this backdrop, how do you intend to find new ways to encourage islanders out of their cars?

It is important to recognise that walking and cycling are relatively safe modes of travel, and that the health benefits of active travel outweigh the risks¹¹.

It is also important to recognise that the highest incidence of casualty by severity and road user remains by car; and that even when data about non-vulnerable casualties (car users) and vulnerable casualties (pedestrians, cyclists and motorcyclists) data is collated, the latter also includes motorcycle casualties, which have the highest level of incidence (at 63) within this class (which still remains below that for car users)(see table 3¹²).

There's good evidence to suggest that more people cycling triggers the 'safety in numbers' effect, i.e. that cycling is safest in places with high cycle use, and in this respect, it is important to continue to encourage all forms of active travel.







To help deliver the most sustainable pattern of development and to, therefore, help encourage walking and cycling, the Island Plan's spatial strategy focuses much of the development activity over the plan period in the island's existing built-up areas. This will be where there exists a greater range of facilities and services, limiting the need to travel, whilst offering genuine access to sustainable transport modes, such as walking and cycling.

The Island Plan also embodies the Jersey mobility hierarchy –putting walking and cycling near the top – which means that all new development should explicitly set out how it is prioritising and enabling this form of travel as an integral part of new development.

The adoption of new planning guidance about residential parking, in October 2023, also included minimum parking standards for bicycles for the first time. This means that all new residential development will be required to provide dedicated space for bike parking to enable and encourage greater cycle use.

¹¹ [The case for cycling: health | Cycling UK](#)

Table 3: Casualties by Severity and Road User Type – 2023

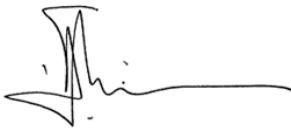
Casualty Severity	 Pedestrian	 Pedal Cycle	 Motorcycle	 E-Scooter	 Car/ Other ⁷	 Unknown	Total
Fatal	2	1	0	0	1	0	4
Serious	14	7	17	0	10	0	48
Slight	20	34	46	1	59	2	162
Total	36	42	63	1	70	2	214

¹²

One of the new Government's strategic priorities is to deliver a plan to revitalise Town, and this will include the delivery of proposals to make Town more accessible and easier to visit for walkers and cyclists. The Minister for the Environment will work together with the Minister for Infrastructure, and his Assistant Minister, to help realise this priority. Similarly, the Minister for Infrastructure is focusing on the delivery of measures to support sustainable transport and the Minister for the Environment will continue to support this work.

Work continues on the bus service development trials, and these will feed into the new bus contract. It is positive to see that bus user numbers are up to pre-covid levels.

Yours sincerely,



Deputy Steve Luce

Minister for the Environment