

**To: Minister for the Environment /
Assistant Minister for the
Environment**

**Date: 15 August 2022
Job Title and Dept: Head of Place and
Spatial Planning, SPPP**

CONSERVATION AREA FRAMEWORK: POST CONSULTATION REPORT

Purpose

1. To consider feedback from consultation about the introduction of conservation areas; to agree a consultation response for publication; and to publish a revised Conservation Area Framework.

Timing

2. Consultation on the framework for conservation areas was undertaken, over a four-week period, in March and April 2022. It is timely to publish a response to this.
3. The response to consultation will inform the development of subsequent tools (legislation and guidance) which will enable the introduction of conservation areas in Jersey. It is proposed to develop the associated legislation and guidance during Q4 2022/Q1 2023.

Recommendation

4. That you:
 - a. note the feedback provided to consultation and agree the response to consultation feedback set out in appendices 1 and 2; and authorise its publication
 - b. agree the revised *Framework for conservation areas (August 2022)* set out at appendix 3; and authorise its publication
 - c. note that we will come back to you with further advice on the development of legislation and guidance, as set out in next steps

Background

5. Area-based heritage protection is an international standard for protecting special places and an established feature of the legal framework in other places including England, Wales, Scotland, the Isle of Man and Guernsey. Conservation areas are places of special architectural or historic interest where they are deserving of careful management to protect and improve their character. It has been a longstanding objective of the States to introduce conservation areas in Jersey.
6. A *framework for conservation areas*¹ set out the changes to the island's planning law and other measures to allow future designation and what this would mean for those who live, work in and visit new conservation areas.
7. Consultation on the framework was undertaken, over a four-week period, in March and April 2022². The consultation aimed to gauge peoples' views on the value of conservation areas and whether they should be designated in Jersey, the level of control and how conservation areas might be managed and improved in the future. Responses to the consultation were invited either by way of completion of a short survey; or the submission of other written responses, or both.

Consultation outcome and findings: summary

8. Three organisations responded by letter and 26 people responded using the online form. Whilst the views of all who responded are welcome, the level of response is low and cannot be fully relied upon to represent the views of the whole island community. Nonetheless the responses have helped consider the value of potential future designations of conservation areas.
9. A response to the online consultation questions and written submissions is set out at appendix 1.
10. From the online response there was significant majority support (88%) for the designation of conservation areas which reflects the longstanding aspiration to introduce conservation areas in Jersey. Specific comment was received about the need to set out and give emphasis to the benefits of conservation area designation and the closer management of development within them, evidenced from elsewhere.
11. The majority of respondents (88%) supported additional planning controls. A minority challenged the value of conservation areas and the burden of additional planning controls. Some specific comment was made about the appropriateness and proportionality of some of the specific measures proposed to be introduced by way of greater regulation in conservation areas.

Proposed changes

12. As a result of the consultation, it is proposed to amend the *Framework for conservation areas* relative to each of the following sections, to:

¹ [A framework for conservation areas: consultation](#)

² [Consultation on proposed new conservation areas in Jersey \(gov.je\)](#)

- a. in Chapter 1: Purpose – reiterate the definition of the purpose of conservation areas;
 - b. in Chapter 2: Background and context – summarise the value of conservation areas to sense of place and community pride as well as care in managing change to maintain and improve character;
 - c. in Chapter 6.4: Improvement – add a provision for the introduction of signs to demarcate or indicate a conservation area;
 - d. Appendix 1 – clarify the regulation of painting in a conservation area such that this activity will only be controlled where it involves painting unpainted surfaces and changes in colour; and
 - e. throughout, update the content to bring it up-to-date to reflect decisions to approve changes to primary legislation, the bridging Island Plan and funding.
13. The proposed changes are included in the revised *Framework for conservation areas* (August 2022) set out at appendix 3.

Next steps

14. Subject to consideration of the response to consultation and revision of the conservation area framework, it is proposed that work continues to develop those pieces of secondary legislation and guidance that are necessary to be able to designate the first conservation area and then manage change within it. This will include:
- a. changes to the Planning and Building (General Development)(Jersey) Order – to provide the revised regulatory regime as to when planning permission is required for operations within a conservation area;
 - b. a new order to define the designation process for conservation areas;
 - c. new regulations to make provision for the allocation of funds; create sanctions and offences and impose penalties for any breach of control;
 - d. the potential for incidental changes to associated legislation and tools such as the Planning and Building (Fees)(Jersey) Order; and the Chief Officer and Planning Committee protocols, as necessary; and
 - e. supplementary planning guidance setting out, in clear and simple terms, the process for designation and the management of change in conservation areas.
15. These various tools will be brought forward for consideration as they are developed. It is envisaged that this work will be undertaken during Q3 2022 and Q1 2023.

Relevant Considerations

16. Work to progress the development of the framework required to introduce conservation areas in Jersey will be undertaken within existing resources of the Place and Spatial Planning team, working with the Law Drafter's Office.
17. Work has already commenced on the proposed revision of the Planning and Building (General Development)(Jersey) Order.

Communications

18. It is proposed that a news release be made to accompany the publication of the response to consultation and the revised framework for conservation areas. This can be used to highlight the changes to be made a result of consultation feedback; and to promote awareness of the work that continues to be undertaken to enable conservation area designation In Jersey.

Appendices

1. Consultation feedback and response
2. Written responses
3. Revised Framework for conservation areas (August 20220)

Copy list

CC:

1. Minister for Economic Development, Tourism, Sport and Culture
2. Assistant Minister for Economic Development, Tourism, Sport and Culture
3. Director General, Strategic Policy, Planning & Performance
4. Head of Communications for IHE
5. Private Secretary
6. Economy: Arts and Culture