

**WRITTEN QUESTION TO THE MINISTER FOR THE ENVIRONMENT
BY DEPUTY M.R. HIGGINS OF ST. HELIER
ANSWER TO BE TABLED ON TUESDAY 8th SEPTEMBER 2020**

Question

With regard to each category of historic building, will the Minister –

- (a) explain what measures are in place to ensure his department acts consistently and impartially with regard to –
 - (i) safeguarding the unique features of these buildings;
 - (ii) ensuring planning and building control requirements are met;
 - (iii) following up on any breaches of enforcement and stop notices;
 - (iv) monitoring the development of these properties;
 - (v) deciding whether a breach of planning and building control should be referred for prosecution; and
- (b) state how many cases have been referred to either a Centenier or the Law Officers' Department for legal action over the last three years, including what action was sought, whether the case came to Court and, if so, what the outcome was?

Answer

- (a)
 - (i) The Chief Officer is required to protect the island's heritage assets by maintaining a List of Sites of Special Interest, as required by Article 51 of the Planning and Building (Jersey) Law. The purpose of the List is to identify those buildings and places which are of public importance by reason of their archaeological, architectural, artistic, cultural or historic interest: these are referred to as listed buildings and places. The Law, at Article 54, provides additional control of certain operations not amounting to development to ensure that change which might adversely affect the special interest of a listed building or place is regulated through the process of development control. This additional level of planning regulation serves to ensure that the unique features of listed buildings and places might be safeguarded. In some aspects of compliance with building bye-law requirements there may be exemptions from specified requirements where compliance might seriously harm the special interest of the building or place.
 - (ii) Work undertaken in relation to listed buildings and places requires planning and building permission and are subject to the planning policy and building bye-law requirements of each process. Listed buildings are subject to additional planning policies (such as Island Plan policy HE1) which are applied during the planning application process. The purpose of this additional policy is to preserve or enhance the fabric and settings of listed buildings. In some aspects of compliance with building bye-law requirements there may be exemptions from specified requirements where compliance might seriously harm the special interest of the building or place. The checks and balances for both processes exist through the appeals system, where applicants and third parties can challenge decisions against which they are aggrieved. The appeal system is run independently of the department, by the Judicial Greffe, and the final decision on appeal rests with the Minister.

- (iii) Breaches of development controls are investigated by the department in line with its enforcement policy. Matters may be referred for consideration of prosecution in accordance with the Attorney General's guidance notes for Officers of Regulatory Departments. More information is available at <https://www.gov.je/PlanningBuilding/AppealsComplaints/Pages/PlanningBuildingCompliance.aspx>
- (iv) Developments are generally monitored on site by Building Control officers, which visit at several key stages of the development. In the case of listed buildings and places, an officer from the Historic Environment Team may also attend on site.
- (v) Breaches of development controls are investigated by the department in line with its enforcement policy. Matters may be referred for consideration of prosecution in accordance with the Attorney General's guidance notes for Officers of Regulatory Departments. More information is available at <https://www.gov.je/PlanningBuilding/AppealsComplaints/Pages/PlanningBuildingCompliance.aspx>
- (b) No cases have been referred for prosecution involving listed buildings or places in the last three years.