

A framework for conservation areas: *consultation*



Strategic Policy, Planning and Performance

19-21 Broad Street

St Helier

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1. Purpose

Conservation areas are places of special architectural or historic interest that are deserving of careful management to protect and or improve their character.

This document has been written to set out the reasons for future designation of conservation areas. It aims to help those with an interest in conservation understand why the proposals have been made and sets out the impacts of such designation for people who may live work or enjoy their leisure time in a conservation area. The following pages will set out:

- the basis for the introduction of conservation areas as part of the statutory framework for the protection of heritage in Jersey,
- the proposed criteria for identification and assessment,
- the proposed process for designation,
- the proposed basis of the regulatory regime for the protection and improvement of conservation areas, including permitted development rights; planning policy; and planning guidance for their improvement and
- the anticipated resourcing requirement for identification and assessment; designation; control of development; and the facilitation and implementation of improvements in conservation areas.

2. Background and context

Jersey is party to the Granada Convention¹ through inclusion in the UK's ratification which requires signatories to take statutory measures to protect its architectural heritage, which includes *'homogeneous groups of urban or rural buildings conspicuous for their historical interest which are sufficiently coherent to form topographically definable units'*. The island's legal framework currently provides protection to specific buildings and places, which also includes some groups of buildings (e.g. farm groups) but does not extend to areas of architectural or historical interest.

Area-based heritage protection is an international standard for heritage conservation and an established feature of the legal framework in other jurisdictions including England, Wales, Scotland, the Isle of Man and Guernsey. The States Assembly has endorsed proposals to introduce conservation areas in Jersey in successive Island Plans, since 1987.

The protection and valuing of our environment is a key outcome of the Government Plan 2020-23², delivering desirable places for people to live and work within liveable communities reflecting Jersey's unique culture and identity.

To enable the introduction of conservation areas in Jersey requires a change to primary legislation. An enabling provision in law would allow their designation and this is currently

¹ [CEETS 121 - Convention for the Protection of the Architectural Heritage of Europe \(coe.int\)](https://www.coe.int/en/web/convention-147)

² CSP5: We will protect and value our environment. We will do this by embracing environmental innovation and ambition, by protecting the natural environment through conservation, protection, sustainable resource use and demand management, and by improving the built environment, to retain the sense of place, culture and distinctive local identity.

proposed by amendment to the Planning and Building (Jersey) Law 2002³. The States Assembly approved the principle of this amendment on 05 October 2021.⁴

3. Identification: criteria for identification and assessment

In order for an area to be identified and designated as a conservation area, there is a need to demonstrate that it has sufficient architectural and historic interest to be considered 'special'; and that it also has a distinctive character or appearance (encompassing local distinctiveness and sense of place) which it is desirable to protect or improve.

Prior to the preparation of a detailed appraisal, there is likely to be a stage when a decision would need to be taken to identify the potential heritage significance of an area and the likelihood of conservation area designation addressing relevant issues and pressures on the heritage value within the area. This is unlikely to be a lengthy process, the purpose being to consider whether an area has:

- a) sufficient architectural or historic interest for the area to be considered 'special'
- b) whether this is experienced through its character or appearance and
- c) whether it is desirable for that character or appearance to be protected or improved, and what issues designation could help to solve.

This initial identification, and any subsequent detailed appraisal, should be informed by assessing the area against various criteria which might consider the following:

- the area's townscape quality; the nature and quality of its public realm and its architectural interest
- the area's historical interest
- whether the area is a rare or notable example of a particular type
- the area's setting and context; and the significance of views into and/or out of it; and
- whether the area has scope to improve or better reveal significance, character or appearance.

These proposed criteria are important in identifying and assessing whether an area has sufficient architectural and historic interest; and a distinctive character or appearance; and also to provide a framework against which proposals to designate areas can be tested.

The following questions are considered to be of value in assessing proposals for the potential identification and designation of conservation areas relative to each criterion.

Townscape and public realm

- does how the area is laid out, such as its street pattern, building scale and density contribute to its character? In particular:
 - does the area retain building traditions and earlier settlement patterns that are superimposed and survive?
 - has the area been influenced by formal planning?

³ See new Article 56A: [Draft Planning and Building \(Amendment No. 8\) \(Jersey\) Law 202- \(gov.je\)](#)

⁴ See [P.76/2021](#)

- are there groups of buildings, either with conscious design or by informal ensemble, which create visual harmony or congruity of development?
- does the area have open spaces or designed landscapes that contribute to its character?
- do elements of the public realm, such as the treatment of boundaries or street surfaces, lighting, trees and verges, contribute to the character of the area?

Historical interest

- does the area have a coherent or distinctive historic character? What is the age or origin of the area's present dominant character?
- does the area contain a concentration of listed buildings and places?
- how does the story of the area's development add to its interest and character? In particular:
 - what were the main drivers behind development?
 - what were the social, economic or other aspirations of builders and residents?
 - what has been the influence of landscape-wide developments on the area's development e.g. roads, railway, military?
 - does the area represent / illustrate themes in social and economic history e.g. trade?
- does the area have a particularly notable, distinctive or unique historic association or connection (to people or events) that has influenced its character or appearance?
- does the archaeology of the area contribute to its character? In particular:
 - what are the earliest observable features and how did they, and other features now lost, shape or constrain the development of the area?
 - does the area provide evidence of earlier periods of use, even if now fragmentary?

Architectural interest

- does the design of the buildings contribute to the character of the area and what factors have influenced the character and architectural interest of the building stock? In particular:
 - is there a uniformity of architectural styles or a diversity of forms? Does the area retain a sense of completeness and coherence?
 - does a particular style of polite architecture or a locally distinct vernacular tradition predominate?
 - do buildings represent designs for particular uses, or as interesting or innovative examples of styles?
 - does the source of building materials and historic industries contribute significantly to the present identity?

- are there distinctive or unique building features and details that contribute to the character?
- does the evolution of form within the built environment contribute to the character - are there important phases of development? What impact have later phases of building activity had on the character of the area?

Rarity or notable example of a particular type

- does the area exemplify a pattern or type seldom encountered elsewhere or is it typical of the region or locality?
- is the character of the area representative of important historical or architectural trends?

Setting, context and views

- what is the contribution of the area's geology and natural physical relief to its development and character? What is its relationship with its landscape or seascape character?
- does the setting of the area and its context within the island (and occasionally to other places) contribute to its character and allow it to be appreciated?
- are there key views that contribute to the character of the area? In particular:
 - views of the sea or glimpses of landscape?
 - distant views of the area and the approach to it?
 - are there prominent buildings or structures, such as towers, churches or defensive structures, that provide landmarks in views?
 - are there nearby heritage assets that contribute significance through views to or from the area?

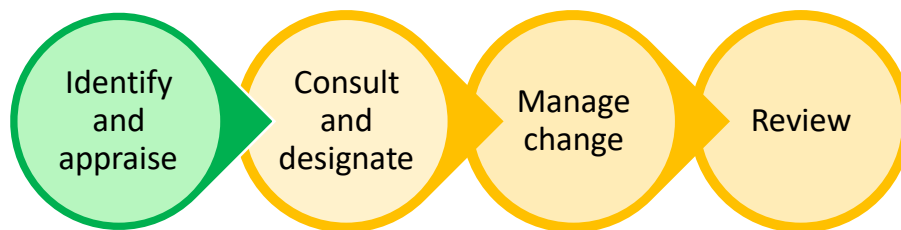
Scope for improvement and enhancement

- to what extent is it desirable or possible for the character or appearance of the area to be protected or improved - what problems could designation help to solve?
- what is the overall condition of the area and does it vary? In particular:
 - which parts of the area retain a high degree of integrity; and which have been extensively altered or fragmented?
 - which surviving buildings or features particularly reflect the historic character of the area?
 - which buildings, that contribute to the character of the area, are in good condition and which could be appropriately renovated to improve their contribution?
 - which elements continue to fulfil the needs for which they were originally intended?
 - what has been lost e.g. significant buildings, distinctive landscape features, views, architectural details; and what is capable of repair or restoration?

- how is the area experienced by the people who live and work there, and by visitors; and could this be improved?
 - could changes to the character or appearance of the public realm improve the experience of the area?

4. Process for designation

The designation and management of assets, whether large or small, within the historic environment is based on a staged approach, all stages of which should be transparent and open to the public.

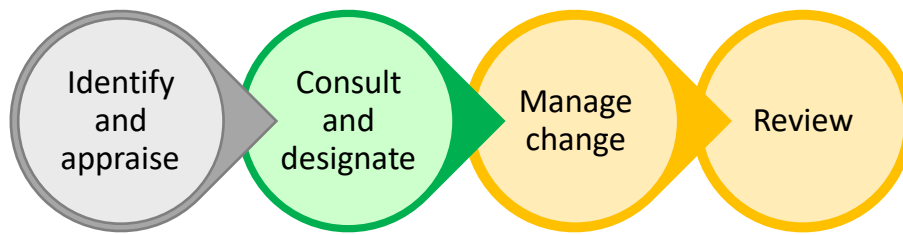


In terms of conservation areas, it is proposed that this starts with identifying those areas of the island that may have the potential to become conservation areas based on the significance of those areas and the likelihood of designation helping to conserve that special character. In addition, this can identify particular issues or challenges that could be addressed through designation. It is proposed that this initial decision should be taken by a minister, on the basis of advice from Jersey Heritage, and should address the following questions.

- a) does the area have sufficient architectural or historic interest to be considered 'special'?
- b) is this experienced through its character or appearance? and
- c) whether it is desirable for that character or appearance to be protected or improved, and what problems designation could help to solve.

Once an area has been initially identified it is proposed that a more detailed appraisal should be undertaken to explore, with the local community and key stakeholders, the special character of the proposed area. This will help identify and define the special architectural or historic interest of a place and help ensure this is sufficient to warrant designation as a conservation area. It can also help to identify opportunities for positive management and change, to inform the preparation of a detailed conservation area appraisal (see section 5.3). Involving the community, in an informal way, at an early stage of potential designation (or the review of an existing area) can help capture local knowledge, raise awareness and garner support.

Guidance about the process of conservation area designation will be issued setting out what this will involve, including provision for public workshops and informal meetings.



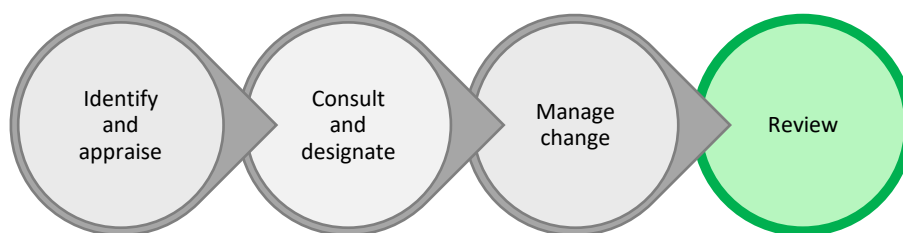
After the informal stage of identification and appraisal, it is proposed that residents, businesses and statutory authorities with interests in a proposed conservation area will be formally engaged in the process of designation.

Proposals to designate, cancel or change the boundaries of conservation areas will be made by a minister; and be subject to a process of consultation where all of those interests affected by it have a formal opportunity to express their views.

The process of designation will be statutorily prescribed requiring appropriate notice to be given to interested parties. This should be in the form of a local advertisement, that is likely to bring the proposed designation of a conservation area to the attention of the public of Jersey. The time period for consultation should be prescribed, and it is proposed that it be not less than six weeks.

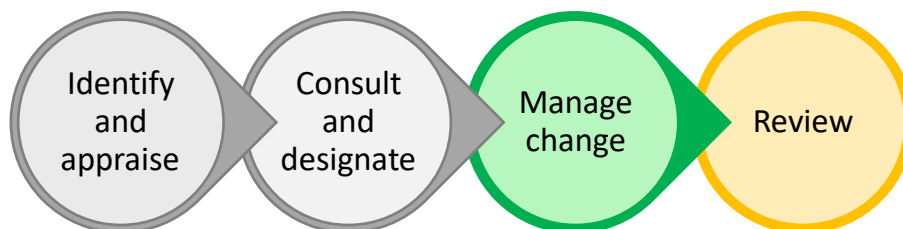
Following designation or change to a conservation area, it is proposed that details of each conservation area will be recorded in a statutory list, including the island’s historic environment record; and conservation area appraisals (see section 5.3) should be issued as supplementary planning guidance.

Conservation area designations should also be reviewed from time to time and reference back to the appraisal made, particularly where any review suggests that designation might be needed for areas along the boundaries of a conservation area which would benefit from designation, or where the character of the area has been damaged such that it might no longer be considered to have special character. The process is, therefore, one which needs some measure of continuing re-appraisal, though the need will be proportionate to pressures for change inside and outside the conservation area.



5. Protection of character and appearance: regulatory regime

The special interest of conservation areas is expressed in the character of the area and not just in individual buildings. This means that it is essential to manage change carefully in conservation areas to make sure that their character and appearance is protected and improved.



To achieve this, in common with other jurisdictions, additional planning controls are required to protect and improve the historic and architectural elements that make the area special. This can be assured through the use of:

- specific permitted development rights for conservation areas, which determine when planning permission is required
- specific planning policy for conservation areas, set out in the Island Plan which provides a framework for decision-making in them
- conservation area appraisals, which can be developed and adopted as supplementary planning guidance and provide a basis for positive management of a specific area.

5.1 Permitted development rights

Conservation area designation is not intended to prevent change, but it does mean that the character of the area that it is desirable to protect or improve is taken into account when making decisions about change and development.

As with listed buildings and places, in order to protect their special character there is a need to enhance the level of planning control in conservation areas. This can be achieved through changes to permitted development rights which establish when planning permission is required.

In anticipation of the introduction of conservation areas in Jersey, changes have already been made to the island's planning legislation⁵, which prescribes when planning permission would be required to undertake work in a conservation area. The current extent of regulatory control; and proposals to reduce or enhance this; is set out at appendix 1.

In summary, the proposed regulatory framework for the management of development in conservation areas (as set out in Schedule 1, Parts 1-9 of the General Development Order, together with proposed additional provisions) would seek to exercise control over works

⁵ [Planning and Building \(General Development\)\(Jersey\) Order](#)

that would be likely to impact the character of a conservation area where it is visible from a road (which includes all public roads and footpaths) and the foreshore. The precise legal provisions to achieve this remain to be explored, but this is the policy intent.

The proposed framework, setting out where planning permission is proposed to be required in conservation areas, would involve the following:

Part 1 and 2: Works to dwelling houses and flats involving

- changes to the outside of dwellings and flats, but only where they are publicly visible from a road or the foreshore, including:
 - the provision of incidental structures; extensions, including conservatories, canopies, porches; conversion of a garage to living space; retractable awnings; and the installation of fuel tanks;
 - the creation of driveways, turning areas and car parks
 - the provision of or changes to boundary features such as walls, railings, gates and fences
 - the installation of vents, flues and chimneys, and other minor alterations
 - conversion of roofspace for habitation involving the provision of a dormer and/or skylight.

Part 3: Repairs, maintenance and minor works to land and buildings, but only where they are publicly visible from a road or the foreshore, involving

- the painting, or re-painting (including any change in colour) of any part of a building or structure
- the erection of TV, radio and other antennae
- minor engineering works
- installations of security cameras over 150mm; and the installation of awnings on schools and day care centres;
- the creation of a temporary vehicular access
- the creation of new, or change to existing windows, doors and openings
- maintenance and repair work where it is not of a minor nature; including the installation or replacement of new rainwater goods, fascias and verges
- the installation of new or changes to hard landscape surfaces, including driveways, turning areas and car parks
- changes to private ways, including the introduction or change to street furniture, signage and the treatment of roads and footpaths.

Part 4: Installation of renewable energy generation equipment but only it is publicly visible from a road or the foreshore, involving

- the installation of solar panels, heat-pumps and wind turbines

Part 5: Industrial development, but only it is publicly visible from a road or the foreshore, involving

- extensions to industrial buildings

Part 6: Work by public services and utilities, but only it is publicly visible from a road or the foreshore, involving

- changes to the public realm, including the introduction or change to street furniture, signage and the treatment (including maintenance, repair and improvement) of roads, footpaths and other public spaces and infrastructure
- works to lay, inspect or repair underground services by utility companies
- works associated with the repair and maintenance of harbours

Part 7: Demolition, where it is within a conservation area

Part 8: Change of use, where there are no specific provisions for conservation areas

Part 9: Emergency development, where it is within a conservation area

Additional provisions:

- proposals for the external illumination of buildings or structures, where they are visible from a road or the foreshore
- proposals to do work to trees, including management or felling.

5.2 Planning policy

In anticipation of the introduction of conservation areas in Jersey, changes have already been made to the island's planning policy framework in the extant and emerging Island Plan to ensure that development proposals in conservation areas not only have regard to protect its character and appearance; but also, that they contribute positively to its improvement. Policy provision is made within the current Island Plan under Policy HE3⁶ and is proposed to be strengthened and carried through to the new bridging Island Plan in Policy HE3⁷.

The Island Plan also provides additional policy provisions to more closely manage demolition in a conservation area to ensure that sites are not left vacant/ undeveloped or unsightly during the development cycle; and do not, therefore, detract from the character and appearance of the area (see Policy H4 in the current and draft Island Plans).

⁶ Policy HE3: [Revised 2011 Island Plan](#)

⁷ Policy HE3: [draft bridging Island Plan](#)

5.3 Conservation area appraisals

A conservation area appraisal can provide a foundation for the positive management of change in a conservation area. It provides a detailed picture of what makes an area special and can be used to identify opportunities and priorities for action to improve it (see appendix 2).

It is proposed that detailed appraisal should precede designation and is a vital tool in the positive management and review of existing areas. The purpose of an appraisal is to provide:

- a clear definition of the extent and boundary of the conservation area and its setting;
- a clear definition of the special interest of the area through an assessment of its character and appearance;
- an assessment of strengths, weaknesses, opportunities and threats, taking into account condition, use and function, positive and negative features;
- a vehicle for engagement and awareness raising.

The appraisal should provide a shared understanding of character and importance, and highlight problems and potential, which can be used as the basis for the development of more detailed management objectives, supported by a robust local policy framework.

It is proposed that conservation area appraisals will be developed and adopted as supplementary planning guidance and will, therefore, become material to planning decisions and help to ensure consistent decision making.

Appraisals may also support funding bids for the development and implementation of improvements.

6. Resourcing

The introduction of conservation areas into Jersey will inevitably have regulatory and administrative impacts for government. This section sets these out, at each stage of the process of setting up and managing change in a conservation area, and explores potential opportunities or options to address them.

6.1 Identification and assessment

The Government of Jersey currently has various service level agreements (SLA) with Jersey Heritage the principal purpose of one of which is for Jersey Heritage to provide the government with independent professional objective advice about the heritage value of buildings and places which may warrant designation and protection. This has been successfully used to identify, assess and inform the designation of over 4,000 listed buildings and places in the island. These are all measured and gauged against a set of criteria developed, adopted and published by the Minister for the Environment.

It is considered appropriate that this aspect of the SLA is continued and applied to the identification and assessment of conservation areas; and for Jersey Heritage to provide this service based on the criteria adopted by the minister (see section 3). This could deliver a draft definition and extent of a proposed conservation area, based on a clear definition of its special interest and assessment of its character and appearance; and provide the basis of each conservation area appraisal.

In early discussions with the National Trust for Jersey, La Société Jersiaise and the Association of Jersey Architects, alongside other specialist interest groups such as the Channel Islands Occupation Society, there has been a strong willingness to engage with and assist with the delivery of conservation areas. The use of community and third sector resource has proved helpful in garnering community support in other jurisdictions.

Jersey Heritage has established and engages the Listing Advisory Panel - which represents a collection of third sector heritage expertise and bodies in the island including the National Trust for Jersey and La Société Jersiaise – to provide advice into the assessment of listed buildings and places. It is considered appropriate that this group could be actively involved in the identification and assessment of conservation areas, in support of the Jersey Heritage advice. The terms of reference for the Listing Advisory Panel are set out at Appendix 3.

Budgetary provision already exists for the SLA with Jersey Heritage in this respect.

6.2 Designation

The process of designation is an administrative one, with a statutory basis, which would need to be facilitated and undertaken by the Government of Jersey. This includes informal and formal consultation, and the receipt and management of representations.

The principle of separating the administration of the designation process from the management and regulation of subsequent change is considered to be a sound one, to avoid any actual or perceived conflicts. In this respect, it is considered appropriate that the administration of conservation area designation is managed by Strategic Policy, Planning and Performance (SPPP), which has an established knowledge basis for this function (grounded in the recent Historic Environment Review, which involved the administrative review of the heritage status of over 5,000 buildings and places).

By their very nature, conservation areas will have multiple stakeholders so it is considered essential to foster a sense of ownership from the outset and to engage local communities through informal processes, such as workshops, in advance of the statutory process of designation. This part of the process could be used to test the validity of character assessment, undertaken by Jersey Heritage; review the proposed extent and boundaries; and help inform the assessment of the strengths, weaknesses, opportunities and threats to inform the development of the conservation area appraisal; and its management objectives.

Both the informal and formal stages of designation will require resource. This could be secured through:

- the engagement of temporary support in SPPP
- the engagement of additional permanent resource in SPPP (with potential capacity to support other heritage work (see below))
- programmed work relative to existing workstreams and capacity in SPPP.

There will be a limited number of conservation areas that it is viable to identify and designate within the island and there will be an initial period of, say five to ten years, where designations are brought forward. In the future it is also likely that there will be requirements to review boundaries.

The engagement of either temporary or permanent resource within SPPP would enable the faster establishment of conservation areas: there is, however, currently no budgetary provision for this.

Using existing resources would require conservation area designation to be programmed into existing workstreams. This, however, would be unlikely to deliver the designation of four conservation areas between 2022-2025 identified in the Minister's response to consultation on the draft bridging Island Plan (based on the assumption that the legislative power to do so is enabled)⁸.

6.3 Protection

The biggest regulatory impact of conservation area introduction will be the increase in the number of planning applications to undertake works to land and buildings within them. This impact would directly affect:

- IHE (Regulation) in terms of the administration and determination of an increased number of planning applications
- SPPP (Historic Environment Team) in terms of the assessment of the impact of development proposals upon the historic built environment, which would extend to cover conservation area consultation responses and pre-application advice.

The number of applications generated by the introduction of conservation areas would be dependent upon;

- the level of regulatory control i.e. the extent to which change is made to permitted development rights (see section 5.1)
- the number and extent of conservation area designations

At present, both IHE (Regulation) and SPPP (Historic environment) are at capacity and would require additional support to manage the workload associated with the introduction of conservation areas, from a regulatory perspective.

⁸ See SR49: Conservation area priority [Part 3: Post-consultation response](#).

The potential to secure funding, from income generated by application fees for work in conservation areas, to finance additional resource for the administration or the management of change in conservation areas is not considered to be something that would garner much support; and even if acceptable in principle would be limited in value. This view is offered because:

- the additional level of regulation imposed on listed buildings and places, where applications are required for works which would not otherwise require planning permission, is currently fee exempt. The same principle is thus likely to be considered applicable and appropriate for the regulation of additional controls in in conservation areas;
- even if fees might be charged, they would not cover the cost of regulation.

The resource requirements, to deal with regulation of change in conservation areas, will be permanent requirements and will grow with the addition of each new conservation area.

6.4 Improvement

There is currently no revenue funding that is available to support the improvement of the historic built environment. It is envisaged that positive improvement of conservation areas would need to be primarily delivered through the management of development activity and allied work from other government departments, as set out below.

Where development takes place in and around conservation areas, planning obligation agreements (POAs) might be used to help fund the implementation of management objectives.

Funds to support the improvement of the public realm in conservation areas may be secured through other funding streams – such as the implementation of the public realm and movement strategy; or active travel network.

The sustainable communities fund (SCF) is proposed by the draft bridging Island Plan (Proposal 6). If this is established this too may also provide a source of funds in support of the improvement of conservation areas.

Works which aim to deliver improvements to conservation areas will require active engagement and expert advice from the Historic Environment Team (SPPP). This would be most helpful at the pre-application stage, development of proposals by all government departments working within the area and the subsequent delivery of proposals.

6.5 Summary of resource implications

In light of the above, having regard to the administrative and regulatory impact of the introduction of enabling legislation to allow the designation of conservation areas, it is considered that there is a requirement for additional permanent resource. Whilst this will start at a relatively low level, it will grow as more conservation areas are introduced.

The resource requirements are ultimately considered to be:

- in IHE (Regulation): x 0.25 FTE (CS Grade 7) Technical support; x 0.75 (CS Grade 10); Planner (Regulation: development control)
 - to administer and determine an increased number of planning applications (which will arise as a consequence of the additional level of regulatory control in conservation areas: typical average annual caseload is 150 applications);
- in SPPP (Historic environment team): x 1 FTE (CS career grade 9-11): Planner (Historic environment)
 - to administer the identification and assessment; and designation processes for conservation areas, involving both informal and formal stakeholder engagement;
 - to assist with the preparation of conservation area appraisals, working with Jersey Heritage and the third sector (Listing Advisory Panel), to ensure their development and adoption as supplementary planning guidance
 - to provide expert professional advice, as a consultee, into the determination of planning applications affecting conservation areas (which will arise as a consequence of the additional level of regulatory control in conservation areas);
 - to provide pre-application advice in the development and implementation of proposals affecting conservation areas, including private sector development; and work sponsored and funded by the Government of Jersey.

These resource requirements may, in the case of IHE (Regulation) be met by increases in funding derived from the Government Plan process.

The resource requirements in SPPP are currently unfunded.

Appendix 1A: Summary of extant provisions and proposed amendments to the General Development Order for conservation areas

The current level of control, and proposed changes to the General Development Order, are detailed in the list below.

In summary, the provisions would add new or limit existing controls for works that are likely to impact the character of a conservation area where they are visible from a road (which includes all public roads and footpaths) and the foreshore.

Part 1 and 2: Permission would be required for works to dwelling houses and flats involving

- changes to the outside of dwellings and flats, but only where they are publicly visible from a road or the foreshore, including:
 - the provision of incidental structures; extensions, including conservatories, canopies, porches; conversion of a garage to living space; retractable awnings; and the installation of fuel tanks;
 - the creation of driveways, turning areas and car parks
 - the provision of or changes to boundary features such as walls, railings, gates and fences
 - the installation of vents, flues and chimneys, and other minor alterations
 - conversion of roofspace for habitation involving the provision of a dormer and/or skylight.

Part 3: Permission would be required for repairs, maintenance and minor works to land and buildings, but only where they are publicly visible from a road or the foreshore, involving

- the painting, or re-painting (including any change in colour) of any part of a building or structure
- the erection of TV, radio and other antennae
- minor engineering works
- installations of security cameras over 150mm; and the installation of awnings on schools and day care centres;
- the creation of a temporary vehicular access
- the creation of new, or change to existing windows, doors and openings
- maintenance and repair work where it is not of a minor nature; including the installation or replacement of new rainwater goods, fascias and verges
- the installation of new or changes to hard landscape surfaces, including driveways, turning areas and car parks

- changes to private ways, including the introduction or change to street furniture, signage and the treatment of roads and footpaths.

Part 4: installation of renewable energy generation equipment but only if it is publicly visible from a road or the foreshore, involving

- the installation of solar panels, heat-pumps and wind turbines

Part 5: industrial development, but only if it is publicly visible from a road or the foreshore, involving

- extensions to industrial buildings

Part 6: work by public services and utilities, but only if it is publicly visible from a road or the foreshore, involving

- changes to the public realm, including the introduction or change to street furniture, signage and the treatment (including maintenance, repair and improvement) of roads, footpaths and other public spaces and infrastructure
- works to lay, inspect or repair underground services by utility companies
- works associated with the repair and maintenance of harbours

Part 7: demolition, where it is within a conservation area

Part 8: change of use, where there are no specific provisions for conservation areas

Part 9: emergency development, where it is within a conservation area

Additional provisions:

- proposals for the external illumination of buildings or structures, where they are visible from a road or the foreshore
- proposals to do work to trees, including management or felling

Appendix 1B:

Detail of extant provisions and proposed amendments to the General Development Order for the regulation of development in conservation areas

GDO - Part and Description	Existing regulatory control within a CA	Proposed regulatory control in a CA	Justification
Part 1: Works to and within the curtilage of a dwellinghouse			
<p>A.1 The erection, construction or placing, and the maintenance, improvement or other alteration within, the curtilage of a dwelling-house of – (a) a structure required for a purpose (other than human habitation) incidental to the enjoyment of the dwelling-house as such; (b) an extension to a dwelling, including a conservatory, canopy or porch, or the conversion of a garage attached to a dwelling, for human habitation; (c) the replacement of any conservatory roof; (d) the installation of a retractable awning on the dwelling-house</p>	<p>None</p>	<p>Add a provision to control works where they are visible from a road or the foreshore</p>	<p>To allow the addition of new structures, but to control impacts in publicly visible parts of the dwelling and land. There are tighter controls for listed buildings and their curtilages.</p>

GDO - Part and Description	Existing regulatory control within a CA	Proposed regulatory control in a CA	Justification
B.1	The erection, construction, maintenance, improvement or other alteration within the curtilage of a dwelling-house of a gate, fence, wall or other means of enclosure, where the works are in front of a principal elevation of the dwelling-house.	Amend this provision to control works where they are in front of a principal elevation of the dwelling-house and/or are visible from a road or the foreshore	To enable the control of works that may be undertaken which affect parts of the boundary other than that of the principal elevation of a dwelling-house and which may affect the character of a conservation area.
C.1	The formation within the curtilage of a dwelling-house of a driveway, turning area, car park, patio, pathway, decked area or other hardstanding or raised planting area, or the conversion of any driveway, turning area, car park, patio, pathway, decked area or other hardstanding to a lawn or planting area, where work is not permitted by Class C if – (a) in the case of a driveway, turning area or car park it is within a CA	Amend this provision such that within a CA, control of works to create a driveway, turning area or car park would only apply when they are visible from a road or the foreshore	To only exercise control over these types of works when they have the potential to affect the character or appearance of a CA.

GDO - Part and Description	Existing regulatory control within a CA	Proposed regulatory control in a CA	Justification
D.1	The erection, construction or placing, maintenance, improvement or other alteration within the curtilage of a dwelling-house of a tank for the storage of liquid or gaseous fuel for use for the domestic purposes of the dwelling-house, where it is within a CA.	Amend this provision such that within a CA, control of works to provide a fuel tank would only apply when it is visible from a road or the foreshore	To only exercise control over these types of works when it has the potential to affect the character or appearance of a CA.
E1: The conversion within a dwelling-house of the roof space for use as habitable accommodation or other purposes ancillary to its use as a dwelling, including the insertion of 1 or more dormer windows or skylights.	None.	Add a new provision to control works to convert roofspace to habitable accommodation involving the installation of a new dormer or skylight where it is visible from a road or the foreshore.	To control the addition of new roof breaking structures within publicly visible and prominent parts of the streetscape or in the rural lanes. This allows conversions but controls the external manifestations of such.
F.1	The placing of vents, flues, chimneys and similar items, and minor alterations to any dwelling, where it is in a CA.	Amend this provision such that within a CA, control of works would only apply when they are visible from a road or the foreshore	To only exercise control over these types of works when they have the potential to affect the character or appearance of a CA.

GDO - Part and Description	Existing regulatory control within a CA	Proposed regulatory control in a CA	Justification
Part 2: Works to and within the curtilage of flats			
A.1 The conversion of the roof space for use for habitable accommodation or other purposes ancillary to the use of a flat, including the insertion of 1 or more dormer windows or skylights	None	Add a new provision to control works to convert roofspace to habitable accommodation involving the installation of a new dormer or skylight where it is visible from a road or the foreshore.	To control the addition of new roof breaking structures within publicly visible and prominent parts of the streetscape or in the rural lanes. This allows conversions but controls the external manifestations of such.
AA.1: The installation of a retractable awning on a building	None	Add a new provision such that within a CA, control of work would apply when it is visible from a road or the foreshore	To exercise control over these types of work when it has the potential to affect the character or appearance of a CA.
B.1	The erection, construction, maintenance, improvement or other alteration within the curtilage of a building containing a flat of a gate, fence, wall or other means of enclosure within a CA	Amend this provision such that within a CA, where the control of works would only apply where they are visible from a road or the foreshore	To only exercise control over these types of works when they have the potential to affect the character or appearance of a CA.

GDO - Part and Description	Existing regulatory control within a CA	Proposed regulatory control in a CA	Justification
C.1	The formation within the curtilage of a building containing a flat of a driveway, turning area, car park, patio, pathway, decked area or other hardstanding, or raised planting area, or the conversion of any driveway, turning area, car park, patio, pathway, decked area or other hardstanding to a lawn or planting area., where work is not permitted by Class C if – (a) in the case of a driveway, turning area or car park it is within a CA	Amend this provision such that within a CA, control of works to create a driveway, turning area or car park would only apply when they are visible from a road or the foreshore	To only exercise control over these types of works when they have the potential to affect the character or appearance of a CA.
D.1	The erection, construction or placing, maintenance, improvement or other alteration within the curtilage of a building containing a flat of a tank for the storage of liquid or gaseous fuel for use for the domestic purposes of the dwellings, where it is within a CA.	Amend this provision such that within a CA, control of works to provide a fuel tank would only apply when it is visible from a road or the foreshore	To only exercise control over these types of works when it has the potential to affect the character or appearance of a CA.

GDO - Part and Description	Existing regulatory control within a CA	Proposed regulatory control in a CA	Justification
E.1	The placing of vents, flues, chimneys and similar items, and minor alterations to any dwelling forming part of a building, where it is in a CA.	Amend this provision such that within a CA, control of works would only apply when they are visible from a road or the foreshore	To only exercise control over these types of works when they have the potential to affect the character or appearance of a CA.
Part 3: Repairs, maintenance and minor works			
A.1	The painting of the exterior, or any part of the exterior of a building or other structure, where the building is situated in a CA, and the part of the building to be painted has never been painted.	Amend this provision such that within a CA, control of works would: <ul style="list-style-type: none"> only apply when the part of the building or other structure to be painted is visible from a road or the foreshore include changes to the colour of parts of a building or structure that has already been painted. 	The painting of a building or structure, including a change to the colour used where the building or structure has already been painted, can have a significant effect on the character and appearance of an area. It is considered appropriate that within CAs, the painting and colour of buildings and structures should be regulated to enable the prevention of harm and also to deliver improvement to their character and appearance.
AB	Minor below-ground engineering work of bore holes, drains and other services.	Amend this provision such that within a CA, control of works would only apply when it is visible from a road or the foreshore.	To only exercise control over these types of works when they have the potential to affect the character or appearance of a CA, and specifically, to control re-instatement.

GDO - Part and Description	Existing regulatory control within a CA	Proposed regulatory control in a CA	Justification
B.1	The erection, construction or placing and the maintenance, improvement or other alteration of television, radio or other antennae where the building is in a CA and the installation would face a road.	Amend this provision such that within a CA, control of works would only apply when they are visible from a road or the foreshore	To only exercise control over these types of works when they have the potential to affect the character or appearance of a CA.
BA. 1: The installation of a security camera on a building.	None	Add a new provision to control works within a CA, which would only apply when they are visible from a road or the foreshore; and where units are no larger than, say, 150mm in all dimensions, excluding any mounting bracket.	Whilst the provision of outdoor cameras has miniaturised, positioning can impact the character of an area when prominent in the public domain. The dimensions would allow the installation of small modern systems externally without further consent.

GDO - Part and Description	Existing regulatory control within a CA	Proposed regulatory control in a CA	Justification
BB1: The installation of a retractable awning on a building that is day care accommodation or a school.	None	Add a new provision to control works within a CA, which would only apply when they are visible from a road or the foreshore	The provision of new awnings to non-residential accommodation would impact the character in public facing elevations. Controls would allow such changes to be properly assessed. Controls to residential falls under Part 1 A1.
C.1: The provision on land of a building, movable structure, work, vehicular access, plant or machinery required temporarily in connection with and for the duration of any works permitted by the Minister under any enactment being or to be carried out on, in, under or over that land or adjoining land	. None	Add a new provision such that temporary works to form a vehicular access is not permitted by Class C if the works are within a CA and are visible from a road or the foreshore	This will ensure that the demolition of any wall or boundary enclosure within a CA to create a temporary access is regulated and can be managed, to include appropriate reinstatement, without which there is potential to harm the character or appearance of a CA.

GDO - Part and Description	Existing regulatory control within a CA	Proposed regulatory control in a CA	Justification
D.1	Any operation carried out within the boundaries of a private way for the purpose of improving the private way, including the installation of lamp standards, seats, cycle racks, refuse bins, bollards, barriers for the control of people or vehicles, and similar structures required in connection with the private way, where it is within a CA.	Amend this provision such that within a CA, control of works would only apply when they are visible from a road or the foreshore. Also to add a provision to ensure that this includes works to construct, maintain, improve or otherwise alter the surface of roads (the definition of which includes footpaths).	To only exercise control over these types of works when they have the potential to affect the character or appearance of a CA; including changes to the surface of private roads and footpaths.
E.1	The creation of a new means of access or the widening of an existing means of access to an agricultural field for agricultural purposes only in CA.	No change	
F.1	The carrying out of any of the various works to a building – (a) the replacement of a window or door; (b) the replacement of a ground floor window with a door or a ground floor door with a window;	Amend this provision such that within a CA, control of works would only apply when they are visible from a road or the foreshore	To only exercise control over these types of works when they have the potential to affect the character or appearance of a CA.

GDO - Part and Description	Existing regulatory control within a CA	Proposed regulatory control in a CA	Justification
	<p>(c) the creation of new window and door openings on the ground floor;</p> <p>(d) the replacement of roof coverings including a height increase of up to 15 centimetres and the alteration of rain water goods and verges to accommodate the height increase;</p> <p>(e) the installation of a dormer window or a skylight;</p> <p>(f) the installation of a sun-pipe; (g) the blocking up of a window or door;</p> <p>(h) the reduction of window openings above the ground floor; (i) the replacement of dormer windows and skylights; (j) the reduction or enlarging of windows or doors on the ground floor; (k) the re-rendering (up to a maximum additional wall thickness of 15 centimetres) of areas of a building that are already</p>		

GDO - Part and Description	Existing regulatory control within a CA	Proposed regulatory control in a CA	Justification
	rendered including the installation of external insulation systems in the render finish.		
K.1	The carrying out of work for the maintenance or repair of a building where the buildings is in a CA.	Amend this provision such that within a CA, control of works would only apply when it is visible from a road or the foreshore	To only exercise control over these types of works when it has the potential to affect the character or appearance of a CA.
L.1 The installation, alteration or replacement of gutters, hoppers, downpipes, drains or other rainwater goods, or verges or fascia boards on a building.	None	Add a new provision such that within a CA, control of works would only apply when it is visible from a road or the foreshore	This will allow control to manage any future loss of historic features in publicly prominent parts of the street or rural lane.
M.1	The maintenance or replacement of an existing driveway, turning area, car park, patio, pathway, decked area or other hardstanding or the conversion of any existing driveway, turning area, car park, patio, pathway, decked area or other hardstanding to a lawn or planting area within the curtilage of any building,	Amend this provision such that within a CA, control of works would only apply when it is visible from a road or the foreshore	This will allow control to manage any future loss of historic features in publicly prominent parts of the street or rural lane.

GDO - Part and Description	Existing regulatory control within a CA	Proposed regulatory control in a CA	Justification
	where the building is in a CA		
N.1: The installation of electricity meter boxes	. None	Add a new provision such that within a CA, control of works would only apply when it is visible from a road or the foreshore	To ensure the public facing facades are protected from new installations which are visually damaging to character
Part 4: Renewable energy equipment			
A.1	The installation of solar panels or a similar device at ground level or on a sloping roof plane or flat roof where the installation is to be located on a principal elevation and the building is in a CA .	Amend this provision such that within a CA, control of works would only apply when they are visible from a road or the foreshore	To only exercise control over these types of works when they have the potential to affect the character or appearance of a CA.
B1	The installation of a ground or air-source heating system, where an air-pump is to be situated on a principal elevation of a building, the building is in a CA.	Amend this provision such that within a CA, control of works would only apply when they are visible from a road or the foreshore	To only exercise control over these types of works when they have the potential to affect the character or appearance of a CA.
C.1:	The erection of a single wind-turbine for the generation of electricity on or within the curtilage	Add a new provision ' in a case where a wind-turbine is within the curtilage of a building but not attached to the building, and where the works are visible from a road or the foreshore.	To ensure the impact of high single turbines are managed to protect the character of a conservation area where they are publicly visible.

GDO - Part and Description	Existing regulatory control within a CA	Proposed regulatory control in a CA	Justification
	of any building, where the building is within a CA.		
Part 5: Development at industrial sites or similar			
B.1	Extensions to industrial and warehouse buildings, where the building is in a CA..	Amend this provision such that within a CA, control of works would only apply when they are visible from a road or the foreshore	To only exercise control over these types of works when they have the potential to affect the character or appearance of a CA.
Part 6: Work undertaken by public authorities			
A.1 The erection or construction, or the maintenance, improvement or other alteration by a public authority of – lamp standards, bus shelters, public seats, fire alarms, cycle racks, security cameras, refuse bins, bollards, barriers for the control of people and vehicles and similar structures required in connection with the operation of a public service administered by them.	None.	Add a new provision such that within a CA, control of works would only apply when it is visible from a road or the foreshore. Also to add a provision to ensure that this includes works to construct, maintain, improve or otherwise alter the surface of roads (the definition of which includes footpaths) and other public spaces, such as squares.	To control changes to street and road furniture in sensitive streetscapes to better manage the impacts of these on the public character of a CA. It also seeks to regulate any changes to the surfacing of hard spaces within the public realm, including roads, footpaths and squares. This would regulate public realm works undertaken by highway authorities including IHE, the parishes and agencies such as Ports of Jersey.

GDO - Part and Description	Existing regulatory control within a CA	Proposed regulatory control in a CA	Justification
<p>B.1 The carrying out by a provider of drains, gas, water, electricity or telecommunications services to the public of work necessary to lay, place, inspect, repair or renew a drain, sewer, main, pipe, line or cable or other apparatus for the provision of a service to the public or any portion of the public.</p>	<p>None.</p>	<p>Add a new provision such that within a CA, such works are controlled</p>	<p>To ensure that historic street surfaces are protected and reinstated; and that the reinstatement of any surface does not harm the character and appearance of the area, as appropriate,.</p>
<p>C.1</p>	<p>Within the area of a harbour administered by the harbour authority (being the person appointed as such under Article 2(1) of the Harbours (Administration) (Jersey) Law 1961) (a) dredging, the placing and fixing of moorings (including pontoons and access ramps) and the installation of technical or security equipment necessary for the operation of the harbour;</p>	<p>No change</p>	

GDO - Part and Description	Existing regulatory control within a CA	Proposed regulatory control in a CA	Justification
	(b) repair and maintenance of ramps, fuel jetty and associated equipment, navigational aids, handrails, ladders, drying pads and operational equipment.		
Part 7: Demolition			
A1:	The demolition of – (b) a building of a temporary nature (for example, a timber shed); (c) a domestic garage or a similar minor permanent structure; (d) a building used for an agricultural purpose, including the storage of machinery or produce, or the housing of livestock; (e) a domestic glasshouse; (f) a temporary unit of staff accommodation; (g) a building, the condition of which renders it unsafe to occupy or use; (h) a building or other structure the construction	No change	

GDO - Part and Description	Existing regulatory control within a CA	Proposed regulatory control in a CA	Justification
	of which would be permitted development by virtue of any other part of this Schedule; (i) in the case of demolition of a swimming pool, the infilling of land as a result of the removal of the structure of the swimming pool.		
Part 9: Emergency development			
A.1 GoJ Emergency works Covid 19	Development consisting of work which is carried out but the Government of Jersey, on or to any land, and	Add provision to Condition A.3(2) include conservation areas, requiring assessment of impacts on the defined character as defined in the CA appraisal.	To manage the visual impacts of such unforeseen emergency measures within conservation areas.
Proposed additional clause for CA			
Proposed addition of a new part: external illumination Development is not permitted for the installation of apparatus to provide external illumination of any building or structure	None	Add a new part and provision such that works to externally illuminate a building or structure within a CA where it would be visible from a road or the foreshore	<p>The use of external lighting can dramatically alter the character and appearance of an area by night.</p> <p>This is an increasingly problematic area which is causing harm, particularly in rural parts of the island where external illumination is not characteristic.</p>

GDO - Part and Description	Existing regulatory control within a CA	Proposed regulatory control in a CA	Justification
Proposed addition of a new part: management of works to trees	None	There will be specific provision in the Planning Law under Amendment No 8 to bring in greater regulation for the protection of trees. This will be supported by secondary legislation where it is proposed that works to trees in conservation areas will require the benefit of express permission. The details of this will be set out, and the subject of separate consultation, under the auspices of a proposed draft tree order.	To regulate the management of works to trees in conservation areas where they are considered to be important for the character and appearance of the area.

Appendix 2: Conservation area appraisal outline

A conservation area appraisal is a management tool that helps identify and describe the special interest of an area and set out the likely future changes and challenges. It can form the basis of and include a management plan for the area which promote and manage the sensitivities of an area, helping us all make the right decisions to ensure the protect and improve character. An appraisal will contain the following information:

- introduction
- planning context
- location and setting
- historical development and archaeology
- special Interest
- spatial analysis
- character assessment
- land use
- negative features
- management strategy
- useful information

Each appraisal will also consider landscape, trees, building styles and materials, potential future enhancements and cultural values.

Improvement schemes

Conservation area appraisals might also include improvement programmes including streetscape works, public realm improvements, reduction in harmful clutter of signs and unnecessary street furniture and signs.

When works are planned by a highway authority, include parishes or the government, the character of the area will need to be taken into account to ensure the historic and special appearance is protected or actively improved.

Conservation area appraisals will be the subject of consultation and will be adopted and issued as supplementary planning guidance by the Minister.

Appendix 3: Listing Advisory Panel terms of reference (October 2020)

International conventions, planning law and the Island Plan recognise the importance of safeguarding our collective memory and shared cultural heritage by identifying places of interest and taking statutory measures to protect them. The Council of Minister's Common Strategic Policies 2018-2022 also explicitly recognises the value of the Island's heritage and seeks to retain its contribution to sense of place, culture and distinctiveness. A Service Level Agreement (SLA) between the Government of Jersey (GoJ) and Jersey Heritage (JH) has been in place since 2005 to help ensure that these obligations are met through the provision of certain services, including acting as principal advisor to the government on the architectural, historical and archaeological value of buildings and places.

The Listing Advisory Panel (LAP) has been set up at the invitation of Jersey Heritage to advise JH on their historic building work as contracted with the Government of Jersey and set out in the annual SLA, and to assist in its work to care for the Island's built heritage.

Membership of LAP is undertaken on a voluntary basis. Members of the panel are there as representatives of key community bodies with an interest in the historic environment. The LAP provides a mechanism for these key community bodies to engage with the statutory listing process and to ensure their views are taken into consideration as part of the official report from Jersey Heritage.

Individual members can seek whatever feedback they wish from their respective organisations, but it is accepted that the final advice received is the considered opinion of the individual panel member and may not necessarily be the view of every individual within their organisation.

The primary function of the panel is to discuss and examine any new historic building assessment cases as they arise, including existing historic building listings if significant new evidence comes to light. Consensus doesn't have to be reached but the aim is to fully explore the issues relating to the cultural value of a site and to assess any designation against the criteria for listing and grading of heritage assets adopted in April 2011.

The LAP will also be asked to discuss and contribute in due course to other areas of historic building work to which Jersey Heritage are currently contracted under SLA with the Government of Jersey to provide – particularly in relation to Conservation Area designation and the development of a Heritage at Risk Register.

No conflict of interest arises for panel members expressing their views on whichever historic building cases are discussed - even if they have a pre-existing association with a case. Jersey Heritage is at liberty to consider a range of opinions before submitting its final views and JH recommendation to the Government under the terms of the SLA.

The LAP will not be asked to consider cases relating to archaeological sites, which will be dealt with by a separate archaeology advisory group.

The LAP will operate as a small discussion group and there is no requirement for a chair person or for a quorum. The meetings will be held at Jersey Archive and facilitated by Jersey Heritage, who will also prepare agendas and minutes.

