

PLANNING AND BUILDING (JERSEY) LAW 2002

Appeal under Article 108 against a decision made under Article 52(6) to refuse to remove a place from the List of Sites of Special Interest

REPORT TO THE MINISTER FOR THE ENVIRONMENT

made under Article 115(5)
by D A Hainsworth LL.B(Hons) FRSA Solicitor
the inspector nominated under Article 113(2) from the list of persons appointed
under Article 107

Appellant:

Fergus Winchester

List reference and location:

OU0046: Medieval Strip Fields, La Rue de la Campagne, St. Ouen.

Proposal:

Remove Fields O1798 and O1799 from the fields listed.

Decision date:

27/09/2022

Inspector's site visit date:

08/02/2023

Introduction

1. The provisions of the Planning and Building (Jersey) Law 2002 that relate to the listing and the provisional listing of places on the List of Sites of Special Interest have remained unchanged since the coming into force of the original version of the Law in 2006, apart from the transfer of certain functions from the Minister to the Chief Officer. The "Criteria for the listing and grading of heritage assets" which were adopted by the Minister in 2011 remain in force, but Article 52(6) now provides that where the Chief Officer is satisfied that the special interest of a place has ceased to exist, the place may be removed from the List of Sites of Special Interest no sooner than 28 days after the service by the Chief Officer of notice of the intention to do so.
2. The appellant requested the Chief Officer to remove Fields O1798 and O1799 from the List because he did not consider they had any special interest. The Chief Officer decided to retain them on the List because he considered they had a special archaeological and historical interest. Article 108(2)(i) grants a right of appeal to the Minister against this decision. Article 116 authorises the Minister to allow the appeal in full or in part and to reverse or vary any part of

the Chief Officer's decision. If the Minister allows the appeal and reverses the decision, it will be the Chief Officer's responsibility to serve the notice under Article 52(6).

3. With the agreement of the parties the appeal has been dealt with by way of written representations and an accompanied site visit in accordance with Article 114(5).

Background

4. The Minister published a schedule of sites of archaeological importance in February 2008, No. 111 of which designated a large number of fields at St Ouen by reference to their field numbers, including Fields O1779-1800. The site plan 'washed over' the fields as a whole in pink colouring and did not show any field numbers or individual field boundaries and there were no photographic attachments. The archaeological interest was described as "A rare group of surviving unenclosed strip fields of international importance. The least disturbed example of the original pre-enclosure landscape of Jersey. Also flint chipping area in fields 1751 & 1763".
5. The 2008 schedule was replaced in 2018 by a schedule that took into account the listing criteria of 2011. On this occasion, the site plan showed the field numbers and the field boundaries and an aerial photograph was attached. The 2018 schedule was amended in 2021 to reflect the removal of Field O1800. This field was removed at the request of the appellant in the present appeal after the Chief Officer concluded that it was not currently in strip form, that historic mapping showed it in its current form and that survey work had revealed no evidence that it was previously narrow strips now conjoined.
6. The 2021 listing particulars are as follows:-

Special interest: "Archaeological. Historical"

Statement of significance:

"A rare group of surviving medieval strip, unenclosed, fields of international importance - with evidence of earlier prehistoric activity on the site."

Description:

"A group of surviving medieval strip, unenclosed, fields suggested to date to before 1500 – evidence of early farming methods in the Island.

A group of surviving medieval strip, unenclosed, fields – west of St Ouen's Mill (fields 1707, 1709, 1710, 1712-1722, 1725-1728, 1747, 1749-1760, 1762-1767, 1772 & 1779-1799). This group is the largest and least disturbed example of the original pre-enclosure landscape of Jersey and is suggested to date to before 1500. It has significant parallels with Alderney and Brittany. Fields 1751 & 1763 are also of interest as prehistoric flint chipping areas – identified through the discovery of a distribution of flint scatters, indicating prehistoric activity and possible settlement."

Listed Status and Non-statutory Grade: "Listed Place Grade 1"

Assessment

7. At the time of my visit, Fields O1798 and O1799 had been ploughed as a single field and there was no indication on the ground that they had ever been farmed as separate strips. One side of the field is open to the road, but the field is otherwise enclosed; on two sides it is bounded by dense, mature, hedging about 2m wide and 2m high and on the fourth side it is bounded partly by woodland and partly by a line of trees and low banking that separate it from Field O1800.
8. This state of affairs matches that shown on the listings attachments. The plans attached to the schedules of 2018 and 2021 both show the field as a single entity without any separation. This is confirmed by the aerial photograph attached to the 2018 schedule. This photograph also shows the existence of the hedging between the field and the strip fields to the north-west and the north-east, as well as the woodland and the vegetation on the boundary with Field O1800. The evidence from the listings attachments themselves therefore suggests that Fields O1798 and O1799 do not merit the listings' description of them as "surviving medieval strip, unenclosed, fields" or their inclusion in this special group of important fields at St Ouen.
9. I have studied the documentary information provided by the parties about Fields O1798 and O1799. Jersey Heritage have carried out historical research and have concluded, on the balance of evidence, that the fields were part of the strip field system in this locality. They accept that the dividing line between the fields has been lost but maintain that the fields still preserve the shape and character of the field system.
10. Earlier map-based evidence is inconclusive, but the 1935 Ordnance Survey map shows Fields O1798 and O1799 as separate strips, which appear from the map to match the pattern of unenclosed strip fields that still exists today on adjoining fields. However, the shape and character of Fields O1798 and O1799 had been lost by the date of the listing, since whatever had existed to divide them into two strips had by then been obliterated and the fields had been combined into a single field that had become enclosed by boundary features. There is no documentary evidence available that shows when these events occurred, but the size and maturity of the hedging supports the view that it was many years before the listing.

Conclusion

11. The listing criteria of 2011 state that each case will be carefully assessed prior to listing to ensure that a Listed Place has gone through a rigorous and robust process to ensure the level of protection offered is appropriate, the ultimate aim being to conserve a carefully-defined range of Jersey's extensive heritage. The criteria indicate that this will require an assessment to be made of the state of preservation of the place before it is listed.
12. The assessment I have carried out in paragraphs 7 to 10 demonstrates that when these criteria are applied to Fields O1798 and O1799 their inclusion on the List of Sites of Special Interest was not appropriate and that they should now be removed from the List because the special interest that they used to have in the past has ceased to exist.

Recommendation

13. I recommend that the appeal is allowed and that the Chief Officer's decision dated 27/09/2022 to retain Fields O1798 and O1799 on the List of Sites of Special Interest is reversed.

Dated 23 March 2023

D.A.Hainsworth

Inspector