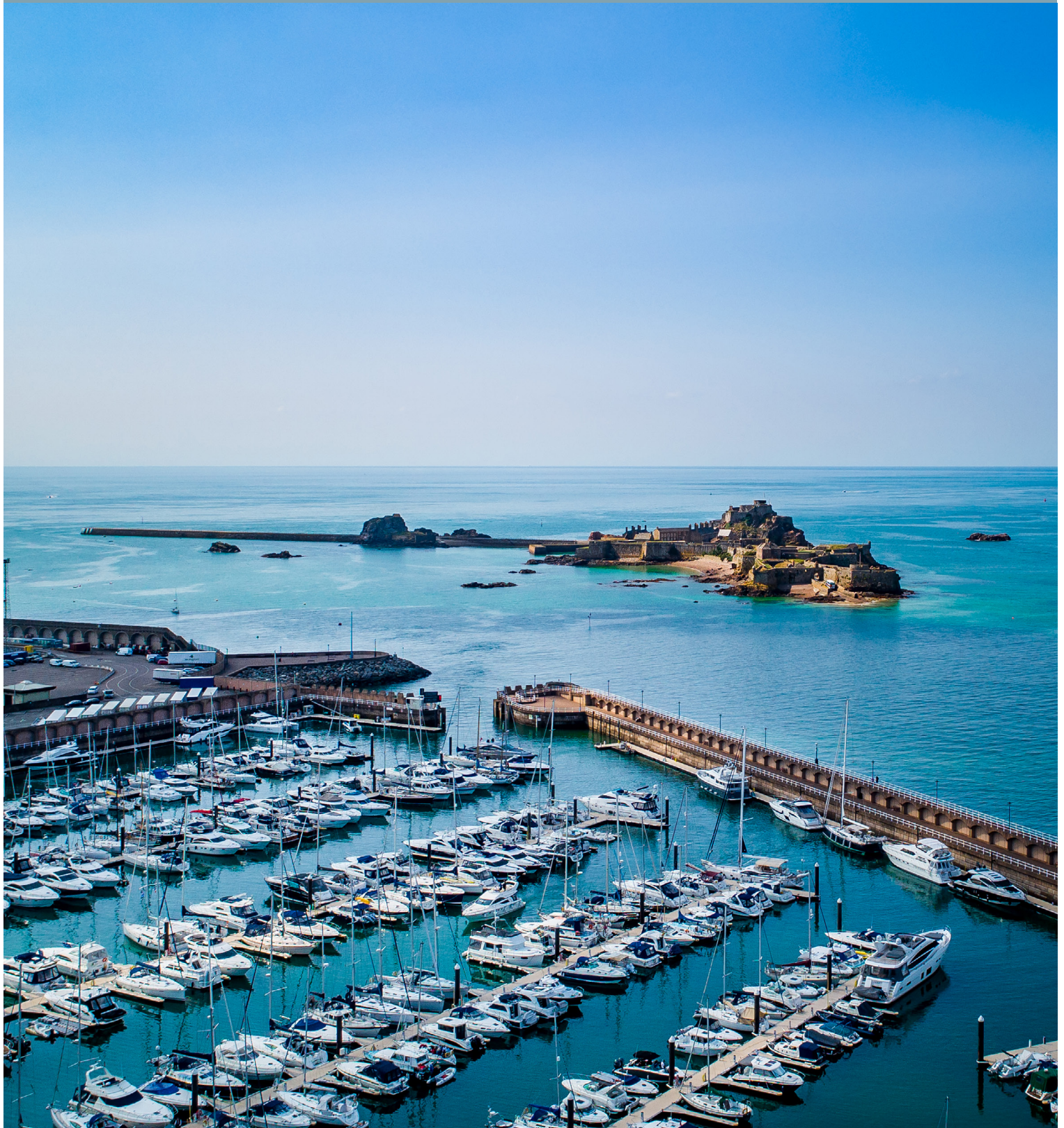


Volume 3

Historic environment



Historic environment

The historic environment is central to Jersey's cultural heritage and island identity. As one of its five strategic priorities, the Government of Jersey seeks to protect and value this environment to retain the island's sense of place, culture and distinctive local identity.

Jersey has an unusually rich cultural heritage: the island's unique political history; its strong cultural connections with both Britain and France; as well as the defensive issues that arise from its proximity to the French coast, have resulted in a distinctive historic environment. It has an exceptional geological record for the Ice Age documenting over a quarter of a million years of successive changes, with internationally significant Palaeolithic and Neolithic archaeological sites at La Cotte de St Brelade, Les Varines and La Hougue Bie.

The island's architectural tradition draws upon both English and French styles but is unique in its own right. French influences can be seen in church architecture and in high status houses. English influence can be seen from the early eighteenth century onwards when many houses were rebuilt, and in details such as English-style panelling, staircases, and the use of vertical sliding sashes, in the villas and terraces built around St Helier from the 1830s onwards. The many historic granite farm complexes, some featuring the twin-arched farmyard entrances and two storey combination sheds, are distinctive features of Jersey's countryside, and contribute significantly to its character.

There are also significant public buildings and places, such as the States Buildings in the Royal Square and the Central Market, together with a few remaining examples of maritime warehouses, railway buildings and watermills. The island also has a rich collection of historic roadside structures including lavoirs, milestones and post-boxes. Significantly, Jersey's strategic location throughout its history has resulted in the development of a wealth of fortification in the island including: Tudor and Georgian artillery forts; a chain of eighteenth and nineteenth century coastal towers; and incorporation in Hitler's Atlantic Wall, manifest in the bunkers, tunnels, towers and batteries constructed throughout the island during its occupation in the Second World War.

Islanders value the historic environment as part of their own cultural heritage and in linking the story of Jersey to that of the wider world. It gives distinctiveness, meaning and quality to the places in which we live, providing a sense of continuity and a source of identity, contributing to islanders' wellbeing. It is also a social and economic asset and a resource for learning and enjoyment and one that should be sustained for the benefit of present and future generations.

Change in the historic environment is, however, inevitable due to natural processes, the wear and tear of use, and people's responses to social, economic and technological change. Change, adaptation or development will often be the key to securing the future of historic buildings and places.

There is a need to manage change in ways that recognise and reinforce the significance of the historic environment and best sustain its heritage values, while accommodating the changes necessary to ensure its continued stewardship and enjoyment. This can provide opportunities to reveal or reinforce those values, which can enrich the historic environment, for present and future generations.

The repair and adaptation of the historic environment is an inherently sustainable activity that makes use of the embodied carbon¹ within the built fabric of a historic building. Sympathetically upgrading and reusing existing buildings, rather than demolishing and building new, could dramatically improve a building's energy efficiency and would make substantial energy savings because the carbon emissions already embodied within existing buildings would not be lost through demolition. Sensitively modernising and reusing historic buildings also contributes to local distinctiveness and there are numerous recent examples of this including Liberty Wharf, the Foot buildings in Pitt Street, and Le Seilleur Workshop in Oxford Road. Investment in the repair and continued use of our historic buildings and places can contribute to the economic recovery, following the Covid-19 pandemic, and longer-term financial wellbeing of the island.

Managing change by sustaining and shaping the values and significance of the historic environment, in ways that allow islanders and visitors to use, enjoy and benefit from it, without compromising the ability of future generations to do the same, helps to ensure the sustainable development of the island.

Identifying the historic environment

Jersey's heritage is not only part of the story and identity of the island, but also has significance and relevance beyond, by contributing to a wider understanding and appreciation of Jersey's place in shared global heritage. The identification and protection of the island's historic environment, and the promotion of an awareness and understanding of it, helps not only to achieve local objectives of sustainable development, but also to meet obligations in relation to international conventions, and to support the island's wider reputation and identity.²

The heritage value of the historic environment in Jersey is identified through the formal designation of the island's buildings and places and their inclusion on a single statutory list³. Listed buildings and places can embrace any part of the historic environment that are perceived by many as having a distinct identity, including under the ground or sea, ranging from post boxes to areas of submerged Neolithic intertidal peat bed. Buildings and places are listed in Jersey because they have a special interest that is of public importance. Most will be listed because they are of special historical or architectural interest, whilst others may have special archaeological, cultural or artistic interest. A comprehensive review of the island's historic environment was undertaken by the Government of Jersey working with Jersey Heritage, between 2011-2018, resulting in the listing of over 4,000 listed buildings and places. This has ensured that, for the first time, the island's entire historic environment – including some its most significant heritage assets, such as castles, churches, forts and archaeological sites – benefits from statutory designation.

The designation process to add a building or place to the list is prescribed by law. They are also given one of four non-statutory grades, which provides an indication of significance, as set out below:

¹ Embodied carbon is the carbon dioxide (CO₂) released during the construction and demolition of a building. Emissions arise from three stages of a building's life cycle – when it is built, its daily emissions and its demolition.

² Convention for the Protection of the Architectural Heritage of Europe (Granada, October 1985); and the European Convention on the Protection of the Archaeological Heritage (revised) (Valletta, January 1992).

³ Article 51, Planning and Building (Jersey) Law 2002 [List of Sites of Special Interest](#).

Grade	Significance
Listed building or place (grade 1)	Buildings and places of exceptional public and heritage interest to Jersey and of more than Island wide importance, being outstanding examples of a particular historical period, architectural style, building type or archaeological site.
Listed building or place (grade 2)	Buildings and places of special public and heritage interest to Jersey, being important, high quality examples of a particular historical period, architectural style, building type or archaeological site, that are either substantially unaltered or whose alterations contribute to the special interest.
Listed building or place (grade 3)	Buildings and places of special public and heritage interest to Jersey, being important, good quality examples of a particular historical period, architectural style, building type, or archaeological site; but with alterations that reduce the special interest and/or have particular elements worthy of listing.
Listed building or place (grade 4)	Buildings and places of special public and heritage interest to Jersey, being good example of a particular historical period, architectural style or building type; but defined particularly for the exterior characteristics and contribution to townscape, landscape or group value.

Table HE1: Listed building and places non-statutory grades

It is a longstanding proposal that conservation areas are introduced to Jersey. This will enable the designation and protection of areas of special architectural or historic interest where these are deserving of careful management to protect and improve that character; work is in train to bring this about⁴.

Some elements of the island’s historic environment are not formally designated – most obviously, the setting of listed buildings and places. ‘Setting’ is the way that the surroundings of a listed building or place contribute to how it is understood, appreciated and experienced by people. It is a dynamic concept and its extent is not fixed and may change as buildings, places and their surroundings evolve over time. Setting is not, therefore, defined in the schedule of a listed building or place and is likely to be unrelated to current land ownership, often extending beyond immediate property boundaries into the wider area; but nevertheless forms part of the understanding of the heritage value a building or place may have.

Areas of archaeological potential (AAPs) are also designated in Jersey where it is considered, on the basis of place name or other documentary evidence, that further heritage interest may exist but where there is currently insufficient justification to warrant listing.

Managing change

Identifying the island’s historic environment serves to ensure that changes to it are carefully considered in order to conserve, and where possible improve, its character. In managing change in the historic environment, conservation includes the objective of sustaining heritage value involving both its protection - to keep its special interest safe and to preserve it from harm - and its improvement, recognising the potential for beneficial change to reveal and reinforce value. It is the means by which each generation aspires to

⁴ See statement from Minister for the Environment ([Hansard 23rd March 2021](#)) about proposed amendment 8, Planning and Building (Jersey) Law 2002

enrich the historic environment and to make sure that its special interest can continue to be shared and enjoyed by future generations.

Extra planning controls and considerations apply to listed buildings and places and will also apply to conservation areas once the legislation needed to enable their designation comes into effect. These controls help to regulate and protect the historic and architectural elements which make these places special and extend to activities which do not amount to development, but which might affect their special interest.

Managing change in the historic environment begins with understanding and defining how, why, and to what extent it has historic, cultural and natural heritage value: in sum, its significance. Only through understanding the significance of a building or place is it possible to assess how the special interests that people value are vulnerable to harm or loss. Understanding and articulating the significance of a building or place is necessary to inform decisions about its future. Every planning decision should be based on an understanding of the likely impact on the special interests of the fabric and other aspects of the building or place concerned.

This approach allows a precise recognition of a site's varying levels of significance and offers an objective way of assessing the scope for new intervention and change. Parts which have lesser heritage significance might, in some cases, be adapted or replaced to encourage new or continued use. This can enable development that will secure and sustain the future of those parts that are of high significance and where the special interest of the building or place is retained. If conflict cannot be avoided, the weight given to heritage values in decision-making should be proportionate to the significance of the building or place and the impact of the proposed change on that significance.

It is, therefore, essential that proposals affecting the historic environment are accompanied by detailed supporting information to enable the likely impact of the proposals to be properly understood, considered and evaluated. In order to identify, describe and assess the particular significance of any part of the historic environment that may be affected by development proposals (including any contribution made by their setting), it will be necessary to consult key sources of information including:

- the [listed buildings and places database](#): each of the island's listed buildings and places is accompanied by a listing schedule which sets out the significance of the building or place; the basis of its special interest; a more detailed description; and an image and plan showing the spatial extent of the designation; and
- [Jersey's Historic Environment Record](#) (HER)⁵ is an extensive complementary source of information, much of it online for the first time. It showcases Jersey's rich diversity of archaeological sites, finds and features, historic buildings and landscapes, as well as battlefield sites and local folklore.

Responding to climate change

One of the biggest drivers of change affecting the historic environment is climate change. Heritage is not only affected by the impacts of climate change but also by our responses to it for example, flood defences, sustainable energy generation and improving the energy efficiency of buildings. The Government of Jersey has declared a climate emergency and is

⁵ Jersey's Historic Environment Record is powered by Arches®, an open source heritage data management platform developed by the Getty Conservation Institute and the World Monuments Fund.

bringing forward a plan to identify how the island might reduce the emission of greenhouse gases and become carbon neutral by 2030.

The challenge of climate change demands a new approach to managing change to the built environment. Taking a whole life approach to buildings means prioritising our existing buildings by making refurbishment and reuse worthwhile. Such a fully sustainable approach to a low carbon future should see both the retention of most of the island's older buildings and an improvement of their energy and carbon performance. This will help them remain useful and viable, now and in the future, by reducing building obsolescence and increasing their longevity.

Many islanders live in listed buildings, where energy efficiency improvements, supported by regular maintenance and repair, can make homes more comfortable and compatible with modern lifestyles, as well as cheaper to run and protect their significance into the future.

Because of the variability in historic materials, plan forms, designs and construction methods, there are few 'one size fits all' energy improvement solutions appropriate for traditional homes and other buildings. Such improvements require an approach that uses an understanding of a building in its context to find a balanced solution that saves energy, sustains heritage significance and maintains a comfortable, healthy indoor environment – the 'whole building approach'.

The twin objectives of improving energy performance of historic buildings and sustaining heritage significance are compatible and achievable. However, it is important to recognise that buildings of traditional construction do not perform in the same way as their modern counterparts, and that changes to building fabric, heating or ventilation to increase energy efficiency in older buildings can lead to unintended consequences. These can include moisture accumulation, overheating, fabric damage and ill health of householders and building users, due to poor indoor air quality. The 'whole building approach' ensures that improvements do not waste owners' funds on ineffective or harmful works, that may have unintended consequences, as well as negatively impacting the heritage significance of individual buildings and the island's historic environment in general.

Inclusive design

Everyone should be able to enjoy easy and inclusive access to the historic environment. Listed buildings and places may need to be modified to meet existing access needs as well as the changing needs of occupants and users. Removing barriers to access can allow many more people to use and benefit from the historic environment. If sensitively designed this need not compromise the ability of future generations to enjoy heritage and access these environments.

Understanding the significance of a building is a vital first step in thinking about how much it can be changed to ensure sensitive interventions. In most cases access can be improved without compromising the special interest of the historic buildings and it is rare when nothing can be done to improve or facilitate access. By undertaking a careful process of research, consultation and creative exploration of alternatives, good quality solutions are usually possible. The provision of improved access can be an important part of a sustainable approach to caring for the historic environment without compromising the significance of special places.

Listed buildings and places

Jersey has a rich historic environment that represents a distinctive, unique and irreplaceable resource. It is a resource that is under pressure and threat of inappropriate change and loss. To retain the island's sense of place, culture and distinctive local identity its historic environment should be protected and valued; and the built environment improved, to help deliver the Government's strategic policy objectives.

The island's listed buildings and places are statutorily protected. This means that extra planning controls and considerations apply to listed buildings and places to regulate change to them and to protect the historic and architectural elements which make these places special, even when changes might not amount to development.

The protection of listed buildings and places means that their special interest should be kept safe from harm and conserved in a manner appropriate to their significance.

Listing doesn't freeze a building or place in time. Change to the fabric of listed buildings and places and their settings is inevitable due to the need to maintain and adapt them in response to social, economic and technological change. Change, adaptation or development will often be the key to securing the future of historic buildings and places. In bringing forward changes to listed buildings and places and their settings, there will be a need to demonstrate a clear and comprehensive understanding of the special interest of the listed building or place and its setting, and the potential impact of change on its special interest and significance. This assessment will need to resolve the potential conflict between conserving the special interest of a listed building or place and other important public interests. It should, therefore, minimise adverse impact by seeking the least harmful means of accommodating those interests.

Where proposals for change would have an adverse effect on the fabric or setting of a listed building or place its impact will be considered in the context of the special interest of the building or place as a whole, and whether they would adversely affect its essential character. The adaptation or replacement of fabric or elements which have lesser heritage significance might, in some cases, be supported to facilitate new or continued use. This can enable development that will secure and sustain the future of those parts that are of high significance and where the overall special interest of the building or place is retained.

Proposals to extend or alter listed buildings and places - whether employing a contemporary or traditional design approach - should demonstrate how they will protect or improve the special interest or character of the building or place. In particular, extensions to listed buildings should demonstrate how they are subservient to the existing building and do not conflict with the form, profile or detail of the original building or detract from its character and significance.

Alterations to listed buildings and places should be of an appropriate design and scale, using traditional materials and incorporating skilled work and craft. Any replacement of the fabric of listed buildings or places should be kept to a minimum in order to maintain the integrity, authenticity and character of the building or place. The removal of historic fabric, which might include roofing materials, elevational treatments (such as render or stucco) and their replacement with modern alternatives, will not be supported. The addition of external items, such as: satellite dishes, antennae, signs, solar panels and roof lights, which would adversely affect the special interest or character of a listed building or place and its setting, are unlikely to be acceptable.

The retention and enhancement of traditional shopfronts are important to the character of place, even if the retail use has ceased. Where modern shopfronts have replaced traditional or older forms, at the time of change the insertion of a more appropriate historic form will be encouraged. In all cases the use of external security shutters will not be supported. Illumination will only be supported where this replaces existing lighting, or the use of the premises can demonstrate a contribution to the evening economy.

Retaining historic buildings in a viable use is key to their retention and maintenance. Proposals that allow for viable uses which are compatible with the conservation of the fabric of the building, and which 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.

The loss or removal of a listed building or place undermines the objectives of the Government's commitment to protect the historic environment and its contribution to island identity. There is a strong presumption against the demolition of a listed building or place, in whole or in part. Where the special interest of a building or place includes its internal fabric, the substantial removal of internal fabric in a single phase of development will be construed to be partial demolition.

Where proposals would result in the harm to, loss or partial loss of a listed building or place, evidence will be required as part of the application to demonstrate that there are overriding public benefits or needs which justify, and outweigh, any adverse impact on the historic environment; and that there are no other mechanisms for supporting the retention of its heritage value. Where justification is sought on the basis of viability, publication of viability assessments will be required and subject to independent review, as part of the planning application process.

In the case of demolition, in whole or in part, justification for this course of action might arise where a building is structurally unsound and is technically incapable of repair; or the demolition or partial demolition relates to a structure which detracts from the special interest of the listed building or place. In exceptional circumstances there may be overriding public policy objectives, related to the delivery of other Government priorities, such as the provision of strategic infrastructure, or compliance with specific policies of direct public benefit (for example, improving access for people with disability or sustainability), which would add weight to a proposal for partial or full demolition of a listed building or place.

The weight given to heritage values in decision-making should be proportionate to the significance of the building or place and the impact of the proposed change on that significance, together with an assessment of the public benefit to be derived from a demolition proposal. The nature of the predicted public benefit should be clearly described and justified, and should set out how, when and in what form the community will be expected to benefit directly from the proposed development, relative to its impact on the historic environment. To ensure the protection of the island's historic environment the wholesale loss of any listed building would require exceptional justification where it can be demonstrated that public benefit outweighs harm, and where the nature of that benefit to the public is clear, direct and evidenced.

The environmental sustainability of the historic environment must include consideration of the whole life carbon of historic buildings and not just focus on their operational energy use only. The use of life cycle assessment offers a more complete measurement method of all carbon emissions, both embodied and operational. Early research⁶ shows that sympathetically upgrading and reusing existing buildings, rather than demolishing and building new, could dramatically improve a building's energy efficiency and would make substantial energy savings because the carbon emissions already embodied within existing buildings would not be lost through demolition.

If conflict cannot be avoided, the weight given to heritage values in decision-making should be proportionate to the significance of the building or place and the impact of the proposed change on that significance.

In cases where there is any approved alteration to or loss of historic built fabric from listed buildings or places, there will be a requirement for an appropriate level of recording and analysis to be undertaken and published, including to the island's Historic Environment Record. This may also include requirements, especially in the case of works affecting places of archaeological interest, relating to the treatment and care of archival material. In exceptional circumstances, where it is proportionate, reasonable and appropriate to do so, a form of mitigation could involve managed disassembly and reconstruction of a heritage asset on an alternative site. Any such requirements will be secured through planning condition or obligation attached to any such permission.

Setting

The setting of a listed building or place relates to its surroundings, and the way in which it is understood, appreciated and experienced by people within its context. Buildings and places were almost always placed and orientated deliberately, normally with reference to the surrounding topography, resources, landscape and other structures within the environment, and this is part of their heritage value. These relationships may change as buildings, places and their surroundings evolve over time. The setting of a listed building or place is not fixed and is consequently not defined in the schedule of a listed building or place.

The setting of a listed building or place is likely to be unrelated to current land ownership, often extending beyond immediate property boundaries into the wider area. Setting, however, forms part of an understanding of the heritage value a building and/ or a place may have and is an important material consideration in the assessment of the impact of proposals for change affecting the historic environment.

Policy HE1 – Protecting listed buildings and places, and their settings

Proposals that could affect a listed building, or place, or its setting, must protect its special interest.

All proposals should seek to improve the significance of listed buildings and places.

Proposals for the re-use of listed buildings and places with compatible uses, which secure the long-term protection of their special interest, including the protection of their setting, will be supported.

⁶ [Understanding carbon in the historic environment](#) (2019)

Proposals that do not protect a listed building or place, or its setting, will not be supported unless, and with regard to the comparative significance of the listed building or place or its setting, and the impact of proposed development on that significance:

- a. the changes are demonstrably necessary either to meet an overriding public policy objective or need; and
- b. there is no reasonably practicable alternative means of delivering those proposals without harm to the heritage values of the listed building or place, or their settings; and
- c. that harm has been avoided, mitigated and reduced as far as reasonably practicable; and
- d. it has been demonstrated that the predicted public benefit outweighs the harm to the special interest of the building or place in its setting and where the nature of that benefit to the public is clear, direct, and evidenced.

Where exceptionally, approval is given to demolish or substantially alter a listed building or place, a programme of recording and analysis, and archaeological excavation where relevant, will be required as part of the implementation of the scheme, together with publication of that record to an appropriate standard in the Historic Environment Record.

Applications for proposals affecting listed buildings and places must be supported by sufficient information and detail to enable the likely impact of proposals to be considered, understood and evaluated. Where this is not the case, applications will not be supported.

Protection of historic windows and doors

Historic windows and doors form an integral part of the fabric of old buildings and contribute significantly to the special interest of listed buildings or the character of buildings in conservation areas. Whilst conservation areas have yet to be formally designated in Jersey the impact of development on them will be an important consideration when this policy provision is activated.

The characteristics of historic windows and doors derive from a whole range of inter-related shapes, sizes, details, colours and materials. It can often, therefore, be the fine detail that is important, and not just a broadly similar overall effect or aesthetic. The size, shape and position of the openings are significant, as are the form, design and materiality of the framing and glazing.

Historic windows and doors bear witness to the artistic, social, cultural, economic and technological developments of the past. Their design and detailing were influenced by contemporary architectural fashion and reflected the status of the building and, often, the rooms within it. Their style, detailing and materials help us to understand when a building was constructed or altered, its function and advances in related technology. Much of a building's character comes from its windows and doors.

A change to the style or appearance of windows or doors can disrupt the overall appearance and harmony of a building. The impact of change can be dramatic and of detriment not only to the individual historic building but also to the character of

townscape and landscape which can, cumulatively, undermine the character, identity and distinctiveness of the island.

Unfortunately, much damage has already been done and the character of many of our buildings, and consequently our island's heritage, has been eroded by the installation of modern, unsympathetic windows and doors in historic buildings. This damage does not represent a precedent for further damage by future development. In recognition of the importance of windows and doors in historic buildings, and their role in helping to deliver the Government's objective to protect and promote the island's identity, there is a requirement for planning permission to be sought for the replacement of any external window or door in a listed building and, once designated, in a building in a conservation area.

Improving energy efficiency

Improving the energy efficiency of buildings is necessary and important in addressing the challenges of climate change and in reducing the cost of heating: improving thermal performance is often a major driver for change to historic windows and doors. In many cases cost-effective and sustainable improvements to the energy efficiency of historic buildings can be achieved without damage to their special interest or character: specific provision is made in the building byelaws for this to happen.

It is important to consider heat loss throughout the entire envelope of a building, taking a whole building approach. In most cases less invasive approaches than the introduction of double-glazing or window replacement can be more cost-effective in both the short and longer term. Historic buildings are constructed from materials that allow for more natural ventilation and for a building to breathe, rather than the barrier techniques used in modern construction. It is important to ensure that improvements do not waste owners' funds on ineffective or harmful works that may have unintended consequences. Single-glazed windows are, however, often the worst-thermally performing element in a building and a readily identifiable route for heat loss, especially in buildings with large window-to-wall ratios.

The embodied carbon⁷ within historic windows, doors and associated historic fabric also has a bearing in considering impacts on carbon and the island's commitment to achieve carbon neutrality by 2030. Features, such as historic windows and doors, hold carbon and form part of the overall calculation of embodied energy. Loss of external features damages both the host historic building and reduces the island's ability to meet carbon targets. It is also clear that new windows and doors require products that are derived from the petrochemical industry and the importation of materials including timber. Hardwood is often the preferred material, bringing its own challenges of responsible sourcing. This policy looks to allow balance, allowing for replacement at the end of life of a window or door, but to not lose historic windows when looking to resolve issues of thermal performance.

There are several methods of improving the energy efficiency of existing windows. Low-key and low-cost improvements include applying low-emissivity window films onto or behind the glass. At night, considerable improvements to heat loss can be obtained by lined curtains, insulated blinds, or using historic shutters, which may also be insulated. A

⁷ Embodied carbon is the carbon footprint of a material. It considers how many greenhouse gases (GHGs) are released throughout the supply chain and is often measured from cradle to (factory) gate, or cradle to site (of use).

combination of the above measures can be particularly effective. The addition of secondary glazing can also deliver significant heat loss reduction, whilst leaving original windows intact. The introduction of these simple, cost-effective measures, which can be achieved without damage to the special interest or character of historic buildings, is encouraged and will be supported.

Where no historic glass survives it can sometimes be possible to retrofit thin double-glazing within existing window and door frames to enhance the thermal performance of windows. Where window replacement is justified it may be possible to incorporate double-glazing into the new window frames and glazing to new doors where this replicates a historic pattern. The design, material(s) and detailing of any framing for double-glazing will need to ensure the design is faithful and appropriate to the special interest or character of the building.

Assessment of significance

Repairs and alterations to a historic building should protect its special interest or character. The significance of windows and doors and the contribution that they make to the special interest of listed buildings or the character of buildings in conservation areas must be understood where changes are proposed which affect these features.

It is essential to determine whether windows and doors are original to the building or, if later, whether they are of historic significance in their own right: for example, being part of a planned scheme of alteration to the building.

The assessment of the significance of windows and doors to the special interest of listed buildings or the character of buildings in conservation areas is, therefore, critical in helping to determine whether they should be repaired, or whether they can be replaced. An outline as to how the assessment of significance of windows and doors can help shape a strategy for their repair or replacement is set out in figure HE1.

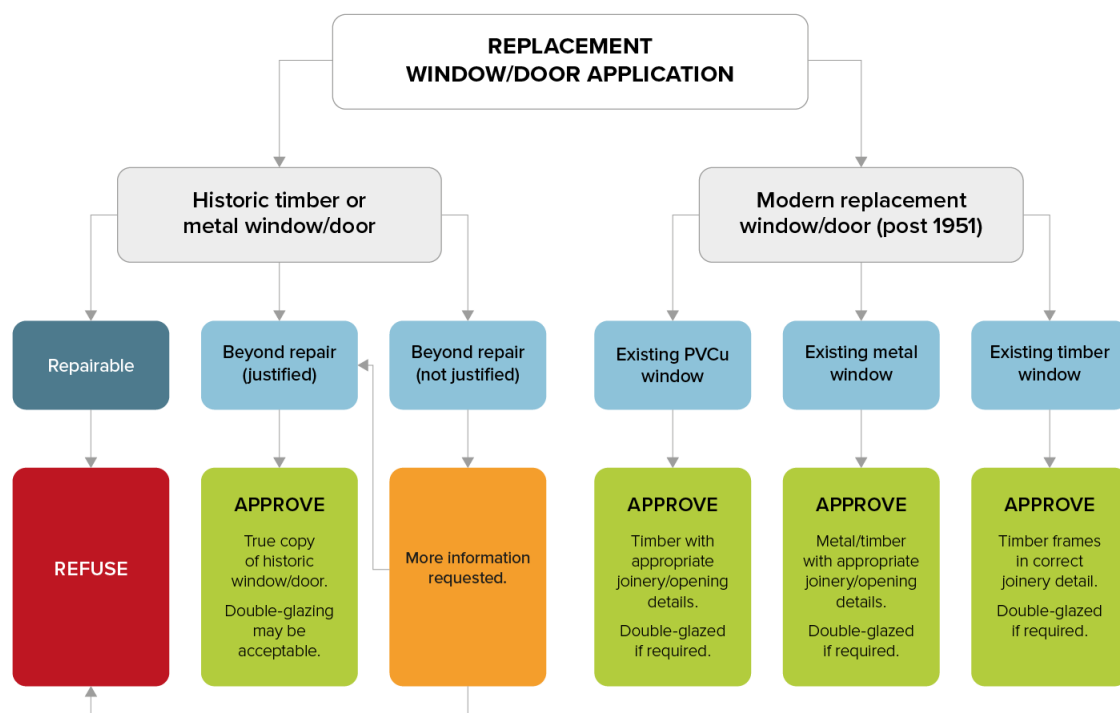


Figure HE1: Historic window and door repair and replacement decision-tree

Proposals affecting windows and doors in historic buildings need to be accompanied by detailed supporting information to enable the significance of windows and doors, and the impact of proposed change, to be properly understood, considered and evaluated. This information will allow an appropriate strategy for their repair or replacement to be developed.

Repair

Where windows and doors are original or of historic significance they and their component parts should be repaired on a like-for-like basis. This will best protect significant parts of the fabric of the building and its special interest or character.

Historic windows and doors, if well maintained can last almost indefinitely. When carefully overhauled and draught-proofed, they can provide a level of performance, which in terms of noise reduction and air infiltration, compares well with many alternative products made from plastic and aluminium.

Traditional windows can often be simply and economically repaired, usually at a cost significantly less than replacement. For timber windows this is largely due to the high quality and durability of the timber that was used in the past (generally pre-1919) to make windows. Properly maintained, old timber windows can enjoy extremely long lives. It is rare to find that all windows in an old building require replacement. Many historic components continue to give service after 150, 200 or even 250 years. Traditional metal windows can also usually be economically repaired and their thermal performance improved, avoiding the need for total replacement.

The whole-life environmental costs of replacement will be much greater than simply refurbishing. It will take many years before savings on heating offset the large amounts of energy used to make new windows, especially those made of PVC-u. Repairing traditional windows, rather than replacing them, is not only more sustainable but makes better economic sense, particularly when the use of shutters or secondary glazing to improve their thermal performance is taken into account. Cost is not, therefore, an acceptable planning consideration in preferring replacement windows or doors over repair.

Replacement

It will only be acceptable to replace historic windows and doors where the joinery is beyond repair or are not of historic interest or significance to the special interest or character of a building. Proposals for replacement windows or glazing that result in the loss of historic glass are not, however, appropriate and will not be supported.

Proposals for replacement windows can involve replacing just the individual sashes or casements, or the box frame or timber frame as well. Likewise, proposals for doors can involve replacing the door or the frame. When a historic window or door, or elements of it, that is beyond repair is being replaced the new window or door, or its component parts, should carefully replicate the original, with the same joinery and glazing details. In some cases, double-glazing can be incorporated within historically authentic window joinery; where this can be achieved, it will be supported where it does not involve the loss of historic glass.

The replacement of an inappropriate modern window or door, that has already replaced an historic window or door in a historic building, with an appropriate new timber or, where appropriate, a metal unit will be supported where such proposals carefully replicate or restore the historic window or door forms in terms of materials, method of opening,

proportions, dimensions, visual weight, decorative details and finish. As improved thermal performance is likely to be the major driver for change in most of these cases, there will be a desire for double-glazing. Care is required to adapt the detailed design of new windows or doors to incorporate double-glazed units having regard to the age, type and particular characteristics of the host building, including any existing historic windows.

In all cases, replacement windows and doors should replicate historic detailing and forms; be made of timber or in later buildings, metal, as appropriate. The detailing should frame new glazing in structural glazing bars with a putty-like external finish. Vertical sliding sashes should be balanced by weights in a box frame (not spiral-balanced or employ the use of other mechanical means of controlling window opening). Timber windows should normally be painted, not stained: and in St Helier, in particular, adopt a traditional two-colour system. If additional controlled ventilation is required, trickle vents should be designed as part of the window system, without plastic or metal outer hoods; and the insertion of extractor fans should be avoided.

Proposals involving the replacement of more modern windows and doors in more recent extensions to historic buildings will be assessed on their individual merits. In these cases, judgements will need to be made about the form and design of the replacement windows and doors relative to: the period of the extension; its relationship to the historic building; the existing detailing; and the proportions of the window and door openings.

All proposals for replacement windows and doors should take account of the special interest or historic character of the host building. Replacements should protect and, where possible, improve the special interest or character of the building.

Policy HE2 – Protection of historic windows and doors

Historic windows and doors in listed buildings or buildings in a conservation area which are of significance or special interest, or which contribute to the character of the conservation area should be repaired using materials and detailing to match the existing. Proposals for the replacement of modern glazing in historic windows with double glazing will be supported where it can be accommodated:

- a. within the existing window or door joinery frames; or
- b. within a like for like frame where the existing frame is beyond repair.

Where it can be demonstrated that repair of historic windows and doors is not feasible, proposals for their replacement will be supported where the replacements replicate the historic window and door in all respects including: the method of opening, materials, proportions, dimensions, visual weight and detailed design.

Where it can be demonstrated that existing windows and doors have little or no significance to the special interest of a listed building, proposals for their replacement will be supported where the replacements replicate the historic forms in all respects, including: the method of opening, materials, proportions, dimensions, visual weight and detailed design.

Where proposals for the replacement of windows and doors in conservation areas will affect the character and appearance of the conservation area, they will only be supported where they protect or improve that character or appearance.

The replacement of modern windows and doors in more recent extensions to listed buildings should have regard to the special interest or historic character of the property. Any replacement windows and doors should protect or, where possible, improve the special interest or character of the building.

Proposals to improve energy efficiency, where they affect historic windows and doors, will be supported where it can be demonstrated that they do not harm the special interest of a listed building or the character of a building in a conservation area. The use of double-glazing in replacement windows and glazing in doors will, therefore, be supported where replacements replicate the historic window and doors as far as practicable, helping to meet Jersey's commitment to energy efficiency.

Applications for the replacement of windows and doors in listed buildings or buildings in a conservation area must be supported by sufficient information and detail to enable the significance of windows and doors, and the impact of proposed change upon them, to be properly understood, considered and evaluated. Where this is not the case, applications will not be supported.

Historic and architectural character

Conservation areas

It is a longstanding proposal that conservation areas are introduced in Jersey to enable the designation and protection of areas of special architectural or historic interest where they are deserving of careful management to protect and improve that character, and work is in train to bring this about.⁸

Conservation areas protect and manage the character and appearance of a place that has a special architectural and historic quality and distinctiveness. This can be achieved by the application of extra planning controls in conservation areas to; protect from harm those historic and architectural features which provide the place with its special character and distinctiveness; and, to improve it, by reinforcing and adding to its character through beneficial change. The special character of conservation areas is broader than just the quality of the buildings. Other elements such as: the historic layout of roads; paths and boundaries; characteristic building and paving materials; street furniture, trees and open spaces can all contribute to the character of a place, creating a distinct sense of place and local identity.

The designation of conservation areas provides broader protection to the character and appearance of distinct places in the island rather than just the listing of individual buildings. The need for some form of area-based protection for the historic environment and the introduction of conservation areas was first mooted in the 1987 Island Plan. Work to provide the legal framework to enable their designation is now, at last, underway.

The designation of conservation areas will be based on areas of special architectural or historic interest, the character or appearance of which it is desirable to protect or improve. The criteria used to identify and determine the boundaries of conservation areas will be set out in supplementary planning guidance; the basis for the regulation and management of change in conservation areas will be set out in secondary legislation.

⁸ See statement from Minister for the Environment ([Hansard 23rd March 2021](#)) about proposed amendment 8, Planning and Building (Jersey) Law 2002

There are a number of places in the island with a special and distinctive character where conservation area designation would protect or improve their qualities including: parts of St Helier; the environs of some of our small harbours; parish churches and agricultural hamlets. Areas for potential designations might include, for example, St Aubin, Havre des Pas, Gorey and Rozel Harbour, and the environs of many of the island's parish churches.

Each area considered for designation will, however, be assessed on its own merits and brought forward following engagement and consultation with the parish authorities, local residents, businesses and other key stakeholders, including heritage organisations. The process for designation will be set out as part of the legal framework for conservation areas, once changes are made to planning legislation that will enable them to be designated.

Each conservation area will have its own character appraisal to identify and define its special interest. Conservation area appraisals will be adopted as supplementary planning guidance and will inform decisions made in the planning process to protect or improve the character or appearance of the designated conservation area.

Proposal 15 – Conservation area designation

The Minister for the Environment will seek to ensure that the requisite legal framework, and supporting supplementary planning guidance, is in place to enable the identification and designation of conservation areas during the plan period.

It is proposed that the first conservation areas to be designated should be drawn from the following list: St Aubin, the historic areas of St Helier, the areas around the Parish churches of Grouville, St. Lawrence, St. Martin, Trinity, St. Ouen, St. Peter, St. Clement, Gorey Village and Pier, and Rozel Harbour.

During the course of the Bridging Island Plan, at least four conservation areas should be designated from those listed in this proposal.

Permitted development in conservation areas

The character and appearance of conservation areas can be vulnerable to incremental changes to buildings and spaces such as the replacement of doors, windows and roof coverings; loss of mature trees; and the erection of fences. These cumulative changes can result in visual harm and loss of historic character. For this reason, permitted development rights are reduced or removed in conservation areas in order to control any changes which might otherwise be detrimental to their character or appearance.

Changes to the public realm and the spaces between buildings in conservation areas, including: trees; street furniture; lighting, road signage, and the surface treatment of public open spaces, such as roads and footpaths, can have a significant effect on the character or appearance of a place. Thus, the townscape and 'streetscape' needs to be considered in its entirety. Further changes to the legal framework will be made to ensure that such changes can be appropriately regulated.

Whilst some changes have already been made to the rules which govern the need for planning permission in Jersey, in anticipation of the introduction of conservation areas, these will be reviewed, in light of the findings of the recent Historic Environment Review⁹,

⁹ [Historic Environment Review](#) (2020)

to determine whether they are comprehensive and appropriate. Any proposed change will be the subject of consultation.

Proposal 16 – Review permitted development rights for conservation areas

The Minister for the Environment will review permitted development rights to ensure that they are sufficiently comprehensive in order to regulate change which might affect the character or appearance of conservation areas.

Any proposed change to the Planning and Building (General Development) Order will include public and stakeholder consultation.

Protection of historic and architectural character

The designation of places in the island as conservation areas is not intended to prevent development, redevelopment or improvement. The purpose of conservation area designation is to protect from harm or improve the character and appearance of the area. There is a need to pay special attention to the impact of new development proposals on the distinctive qualities, local identity, sense of place and settings of conservation areas.

Very careful consideration will need to be given to the design of development proposals, their mass, scale, form, materials and detailing of building alterations to protect the character and appearance of the conservation area and its setting from harm, or to improve it through beneficial change. The elevational treatment of all facets of any development, and its roofscape, is as important as that of main façade or street frontage of a building. This does not preclude high quality modern design of buildings or spaces within the area, rather it seeks a contextual response to fit the place.

Where specific land uses within a conservation area are important to its character the impact of changing the use of buildings or land will also require careful consideration to mitigate or manage associated implications. Changes to the volume or type of vehicular traffic generated by new development can, for example, have implications for noise, disruption, congestion and ease of pedestrian movement, affecting the character of a place.

Conservation areas will be designated within both urban and rural contexts. The views into and out of a conservation area are important to its setting. Development proposals will need to ensure that they do not damage or truncate these views in a manner that would harm an area's defined character. Development to the edge of an area; in elevated positions adjacent or near to it; or in a wider setting, must have regard to the special character of the conservation area.

Where proposals would result in harm to the character or appearance of a conservation area, evidence, in support of an application, will be required to demonstrate that there are overriding public benefits or needs, to justify any adverse impact on the historic environment. There may be overriding public policy objectives, related to the delivery of other Government policies, such as the provision of strategic infrastructure, or compliance with policy related to disability. The nature of the predicted public benefit should be clearly described and justified, and should set out how, when and in what form the community will be expected to benefit directly from the proposed development, relative to its impact on the historic environment. Any changes that would cause harm to the character or appearance of a conservation area should be limited to what is necessary, and the impacts avoided, mitigated and reduced so far as possible.

Policy HE3 – Protection or improvement of conservation areas

Development within a conservation area will be supported where it protects or improves the character or appearance of the area and its setting; and, where relevant:

- a. it is appropriate in terms of its scale, height, mass, vertical and horizontal emphasis, proportions, layout, siting, landscaping and other matters of design such as roofscape, architectural style and detailing to include colours, textures and materials;
- b. its use and development characteristics take account of and satisfactorily relates to context and adjoining buildings; protects or improves the street scene; and does not detract from important existing spaces;
- c. building materials and means of enclosure are appropriate to the locality and context of the conservation area and are sympathetic to those of existing and nearby buildings in terms of type, texture, colour and size;
- d. new means of access and parking provision does not detract from the character of the area or generate excessive traffic;
- e. it retains important architectural and historical features of the conservation area, such as traditional street furniture, walls and paving;
- f. it retains important open areas and natural features (such as trees and hedges) and should include measures to improve them, where possible and appropriate to do so; and
- g. it does not spoil or detract from views and vistas into, within and out of the conservation area if they are important to the character or appearance of the area.

Proposals for the re-use of buildings in conservation areas with compatible uses, which protect or reinforce their contribution to the character or appearance of the area, will be supported.

Proposals which harm the character or appearance or setting of a conservation area, will not be supported unless:

- h. the changes are demonstrably necessary to meet an overriding public policy objective or need; and
- i. there is no reasonably practicable alternative means of doing so without harm; and
- j. that harm has been reduced to the minimum consistent with achieving the objective; and
- k. it has been demonstrated that the predicted public benefit decisively outweighs the harm to the character or appearance of the conservation area or its setting, having regard to the benefits to the conservation area itself and/or the island community and where the nature of that benefit to the public is clear, direct, and evidenced.

Applications for proposals affecting conservation areas must be supported by sufficient information and detail to enable the likely impact of proposals to be considered, understood and evaluated. Where this is not the case, applications will not be supported.

Demolition in conservation areas

The challenge of climate change demands a new approach to managing building re-use in the built environment. Taking a 'whole life' approach to buildings means prioritising our

existing buildings by making refurbishment and reuse worthwhile. Such a fully sustainable approach to a low carbon future should see both the retention of most of the island's older buildings and an improvement of their energy and carbon performance. This will help them remain useful and viable, now and in the future, by reducing building obsolescence and increasing their longevity.

Demolition can have significant visual impacts. The partial or wholesale loss of buildings and structures, including walls, outbuildings and paving materials can undermine and damage the character of a place. Conservation areas are particularly sensitive and, therefore, any proposal to demolish buildings and other structures in these areas will require careful consideration.

Consent will only be granted for the demolition, wholly or in part, of a building or structure within a conservation area where any harm caused to the character of the conservation area is outweighed by demonstrable benefits resulting directly from its demolition. If demolition is proposed because it is not considered practical or viable to repair and renovate a building or structure, this will need to be clearly demonstrated through the submission of objective evidence as part of any planning application.

If approval is given for the demolition of a building or structure in a conservation area, this will be conditional upon an agreed contract of works for redevelopment or landscaping being in place before demolition can commence, which will be secured by a condition on the decision notice or a planning obligation agreement. This is necessary to ensure that vacant sites, unsightly gaps, dereliction and inappropriate meanwhile uses do not occur as a result of demolition.

Policy HE4 – Demolition in conservation areas

The demolition of a building or structure in a conservation area will only be supported where it can be demonstrated that;

- a. it is not practically feasible to repair and/or re-use the existing building or structure; or
- b. it is not of intrinsic architectural, historic or townscape importance and its removal or replacement would improve the character or appearance of the area; or
- c. its removal would allow the restoration or redevelopment of a larger site where this would improve the character or appearance of the conservation area.

Permission for the demolition of a building or structure in a conservation area will be conditional on it not being demolished until either: detailed planning permission for the redevelopment of the site has been obtained and a contract for its redevelopment is in place; or a landscaping scheme is submitted and agreed and a contract for its implementation and subsequent maintenance is in place.

Proposals for the demolition of buildings and structures in a conservation area must be supported by sufficient information and detail to enable the likely impact of proposals to be considered, understood and evaluated. Where this is not the case, applications will not be supported.

Archaeological heritage

Jersey has an incredibly rich archaeological heritage and has emerged as a key location for understanding human evolution and survival over a quarter of a million years of climate change. The island's exceptional geological record illustrates successive changes in the planet's climate, rising and falling sea levels, as well as evidence for the humans and animals which were able to survive in northern Europe during this time. Our archaeological heritage can be found above and below the ground; at our offshore reefs; in our surrounding seas; and within the fabric of our buildings. The island's archaeological resources have an intrinsic value; provide irreplaceable evidence and learning about our shared past and Jersey's role in a wider context; contribute to our sense of identity; and form an increasingly important part of the island's tourism and cultural offer.

Archaeological resources are irreplaceable and, in many cases, highly fragile and vulnerable to damage and destruction. Appropriate protection and management of this aspect of the historic environment is essential to ensure that our archaeological heritage survives and that we can continue to learn from it.

Identifying places of archaeological interest

The heritage value of the historic environment in Jersey is identified through the formal designation of the island's buildings and places and their inclusion on a single statutory list.¹⁰ Buildings and places are listed in Jersey because they have a special heritage interest that is of public importance, and this embraces special archaeological interest. There are currently over 100 listed places which benefit from statutory designation because of their special archaeological interest.

Listed places of archaeological interest are assigned one of three non-statutory grades. The grading system gives an indication of significance:

Grade	Significance
Listed place (grade 1)	An archaeological site of exceptional interest and of more than island-wide importance.
Listed place (grade 2)	Important, high quality examples of a particular archaeological site, that are substantially unaltered.
Listed place (grade 3)	Important, good quality examples of a particular archaeological site; but with alterations that reduce the special interest and/or have particular elements worthy of listing.

Table HE2: Listed places non-statutory grades

Areas of archaeological potential (AAPs) are identified and designated where it is considered that archaeological interest may exist, usually on the basis of place names or other documentary evidence, and where there is currently insufficient justification to warrant listing.

Identifying places in the island and designating them as listed places, where their archaeological significance is known; or as areas of archaeological potential, helps to ensure that the protection of our archaeological heritage is considered when proposals for development emerge. We know, however, that the island's archaeological interest is not just limited to these defined areas of interest.

¹⁰ Article 51, Planning and Building (Jersey) Law 2002 [List of Sites of Special Interest](#)

Since archaeological sites were first formally recognised and considered as part of the planning process in Jersey in 2008, there has been a significant amount of research and further investigation into the island's archaeological past. This has involved leading UK academic teams and a review and collation of local archaeological records alongside the development of Jersey Historic Environment Record (HER). All of this work has highlighted that there is considerable potential for the survival and identification of further archaeological resources in Jersey, not least associated with its scientifically important Quaternary deposits; marine; battlefield;¹¹ and mill archaeological heritage, all of which remains vulnerable to the impact of development.

Protecting archaeological heritage

Through the planning system, change to our historic environment can be properly managed. Decisions impacting archaeological heritage, whether formally designated or not, must be based on a thorough understanding of its significance and the likely impact of development upon it.

Where development may affect archaeological resources, planning applications must be supported by an appropriate archaeological assessment. This should be carried out, paid for and provided by the applicant. The nature of archaeological assessment will vary depending upon the archaeological sensitivity and significance of the resource and the extent of existing information. Any archaeological assessment must provide sufficient information to enable an informed planning decision to be made having regard to the significance of the archaeological resource and the likely impact of the proposed development on archaeological heritage. In some cases, where the sensitivity of archaeological resources is very high, further specific targeted on-site evaluation may be required to assess the likely impacts prior to the determination of a planning application.

The excavation of archaeological resources results in the total destruction of evidence (apart from removable artefacts). The science of archaeology is progressing rapidly. In the future it will be possible to extract more information from archaeological resources than is currently possible. Non-invasive surveys can help evaluate likely archaeological heritage and, in some cases, replace damaging excavations. Excavation is expensive and time-consuming, and discoveries may have to be evaluated in a hurry against an inadequate research framework. The conservation of archaeological resources, involving physical preservation *in situ* is always preferred. Conservation need not be a barrier to development as considerate and innovative design solutions can often reconcile the presence of archaeological heritage with development. When excavations are tied to a research framework or clear research questions, careful evaluations can help further our knowledge of past human and environmental conditions.

The extent to which remains can or should be conserved will depend upon a number of factors, including the significance of the archaeological site or the archaeological resource itself. The case for conservation will be assessed on the individual merits of each case, taking into account the significance of the resource and weighing this against the need for and community benefit of the proposed development. Where proposals would result in the harm to; or loss of archaeological resources or the site's setting, evidence will be required to demonstrate that there are overriding public benefits or needs to justify any adverse impact on the archaeological resource or its setting; and that there are no other mechanisms for supporting the retention of its heritage value. If conflict between a

¹¹ Orbasli and Chowne (April 2013) [Underwater Cultural Heritage & Battlefields in Jersey: scoping study](#)

development proposal and archaeological resources or its setting cannot be avoided, the weight given to heritage values in decision-making should be proportionate to the impact of the proposed change on significance and value of the archaeological resource to be lost. The nature of the predicted public benefit should be clearly described and justified, and should set out how, when and in what form the community will be expected to benefit directly from the proposed development, relative to its impact on the historic environment.

In circumstances where conservation of archaeological heritage can be demonstrated to be unfeasible or unviable preservation by record may be an alternative as part of a carefully specified archaeological excavation. This should, however, always be regarded as a second-best option.

Where planning permission is granted for development affecting archaeological heritage, planning conditions will be attached to enable a 'watching brief' during ground-breaking works; or an archaeological evaluation to review the likely impacts on remains. These options may lead to further archaeological investigation and/or recording in the course of the permitted operations.

The full cost of engaging appropriate professional archaeological expertise to undertake any evaluation, excavation, investigation and recording, where development proposals affect archaeological resources, will be borne by the applicant/developer. Similarly, the publication of findings and the treatment and deposition of finds will be matters to be funded by the developer. These will be the subject of planning conditions and/or planning obligation agreements.

Policy HE5 – Conservation of archaeological heritage

Development proposals should conserve archaeological heritage and its setting. It should be demonstrated how the design of the proposals positively responds to and enables the archaeological resource(s) to be preserved in situ.

Proposals which do not conserve archaeological heritage and its setting will not be supported unless, and with regard to its comparative significance, and the impact of the proposed development on that significance:

- a. the changes are demonstrably necessary either to meet an overriding public policy objective or need; and
- b. there is no reasonably practicable alternative means of delivering those proposals without harm to the heritage value of the archaeological resource, or its setting; and
- c. that harm has been avoided, mitigated and reduced as far as reasonably practicable; and
- d. it has been demonstrated that the predicted public benefit outweighs the harm to the archaeological heritage and its setting and where the nature of that benefit to the public is clear, direct and evidenced.

Where it is determined that the conservation of archaeological resources (preservation in situ) is not justified as the most appropriate course of action, then provision through the use of planning obligation agreements and/or planning conditions and funded by the applicant/ developer, must be made for:

- e. the evaluation and recording of the archaeological resource(s);

- f. the publication of that record, to an appropriate standard, in the Historic Environment Record; and
- g. where appropriate, the treatment and deposition of finds.

Planning applications which have the potential to affect archaeological heritage and its setting, must be accompanied by an appropriately detailed archaeological assessment, proportionate to the significance of the archaeological resource(s) and the impact of the proposed works.

Planning applications which do not provide sufficient information to enable the significance of archaeological resource(s) and the likely impact of the proposed development to be determined, will not be supported.