

## **Service Level Agreement: 2018**

between the Minister for Environment and Jersey Heritage in respect of the identification and protection of the historic environment.

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### **Background**

The States of Jersey has obligations under the Planning and Building (Jersey) Law 2002; the Convention for the Protection of the Architectural Heritage of Europe (Granada, October 1985); the European Convention on the Protection of the Archaeological Heritage (revised) (Valletta, January 1992); and the Jersey Island Plan 2011 to:

- identify and protect buildings and sites of cultural significance;
- maintain an inventory of these buildings and sites;
- develop public awareness and understanding of this cultural heritage.

The Service Level Agreement between the Minister for Environment and Jersey Heritage provides the mechanism for assisting the Minister in meeting these international and national obligations.

### **Services to be provided:**

- 1) provide advice on the architectural, historical and archaeological significance of buildings and places;
- 2) develop and maintain an Historic Environment Record;
- 3) develop programmes for research and raising public awareness of the historic environment;
- 4) monitor archaeological fieldwork and the protection of archaeological artefacts.

### **Commentary**

*This SLA has provided a sound foundation to develop the best protection regime for the historic environment that the Island has ever enjoyed. 2018 will see the completion of the most comprehensive process of designation for heritage assets based on the survey work and evaluation of the heritage value of the Island's special buildings and places carried out under the auspices of this SLA in the preceding years, beginning in late 2010.*

*Whilst the designation process will have been completed, a limited number of queries and issues about the designation and heritage value of buildings and places will arise, and it is important to maintain an ability to deal with these through this SLA.*

*The completion of site specific protection for heritage assets provides greater opportunity to direct resource to other parts of the SLA and to enhance services in the historic environment. Jersey Heritage are making a significant investment in the development of the Historic Environment Record, to promote a greater awareness and understanding of the value of Jersey's historic buildings and places, and to supplement this with wider access to a more comprehensive range of data sources with information about the Island's historic environment that is held across a range of organisations and stakeholders.*

*It also provides an opportunity to begin to make some progress on the long-held aspiration of developing area-based heritage designation and protection in the Island through the vehicle of conservation areas: this will require both the development of a new legislative framework and a policy basis, along with detailed on-site survey and assessment*

*There also remains the need to develop a new legislative framework to deal with the discovery; recording; management and protection of archaeological artefacts, including portable antiquities, treasure and human remains.*

**1) Provide advice on the architectural, historical and archaeological significance of buildings and places**

Jersey Heritage undertakes to:

- a. liaise with officers of the Department of the Environment, on an ongoing basis, to determine buildings and places to be assessed for potential listing;
- b. where necessary, seek specialist advice from other heritage bodies and/or experts in Jersey or elsewhere;
- c. submit a listing report to the Department of the Environment based on the published criteria, within eight weeks of receiving the request;
- d. liaise with officers of the Department of the Environment with regards to challenges against listing or designation;
- e. carry out a review of the listing or designation subject of a representation having specific regard to relevant issues raised in the representation, and submit the resultant report to the Chief Officer, within four weeks of receiving the request;
- f. where required, appear at the appeal;
- g. assist the Department of the Environment in the development of objective criteria to enable the designation of Conservation Areas;
- h. to begin to identify and define the spatial extent of potential Conservation Area boundaries in consultation with officers of the Department of the Environment.

The Department of the Environment undertakes to:

- a. liaise with Jersey Heritage to determine buildings and places to be assessed for potential listing;
- b. fund, subject to the availability of resources, specialist advice that is deemed necessary on the basis of a prior-approved quotation or work undertaken by Jersey Heritage specialist staff over and above the services identified in this agreement, at a standard rate, the extent and duration of which to be agreed prior to the commencement of work;
- c. deal with all formal correspondence in relation to matters of assessment for listing or designation;
- d. liaise with Jersey Heritage with regards to challenges against listing or designation, and manage any appeal;
- e. deal with all formal correspondence in relation to representations and appeals;
- f. develop a legal framework for area-based protection, specifically Conservation Areas, including a prescribed process for designation;
- g. deal with all formal administration and correspondence arising from the process of Conservation Area designation.

**2) Develop and maintain an Historic Environment Record**

Jersey Heritage undertakes to:

- a. update the heritage content of the 'Keystone' database to ensure an up-to-date facility in relation to the architectural, historical and archaeological significance of listed buildings and places;
- b. develop, fund and resource a publicly-accessible web-based integrated Historic Environment Record as the primary resource for information relating to the Island's archaeological and historical heritage; the HER to be publicly launched in the first quarter of 2020;
- c. Manage and publish the heritage content associated with Conservation Area designation.

The Department of the Environment undertakes to:

- a. manage and develop the Keystone software for listed buildings and places;

- b. support the development of the Historic Environment Record through sharing of the heritage content of the 'Keystone' database, where it is appropriate to do so having regard to matters of data protection.

### **3) Develop programmes for research and raising public awareness of the historic environment**

Jersey Heritage undertakes to:

- a. develop a Research Framework for the historic environment;
- b. liaise with officers of the Department of the Environment to agree a research programme to inform the effective development and application of policy and guidance in support of the obligations of the Minister for Environment under law and international convention;
- c. commission and manage the resultant projects;
- d. publish 'Heritage Counts', an annual audit of the state of Jersey's historic environment on behalf of the Department of the Environment and local heritage organisations;
- e. to research, prepare and publish advisory material about the maintenance and repair of historic buildings;
- f. liaise with officers of the Department of the Environment and other partners to explore the designation of sites of international importance in Jersey, such as Global Geoparks and World Heritage Sites.

The Department of the Environment undertakes to:

- a. provide financial support to facilitate the undertaking of the agreed programme of research and its subsequent promotion having regard to the availability of funding;
- b. have regard to the outcome of research and findings in the development and enhancement of appropriate policy and guidance;
- c. assist in the publication of 'Heritage Counts' through the provision of appropriate data;
- d. assist in the publication of maintenance and repair guides through the provision of advice about the prioritisation and case studies;
- e. liaise with Jersey Heritage to support the designation of sites of international importance in Jersey, such as Global Geoparks and World Heritage Sites.

### **4) Monitor archaeological fieldwork and the protection of archaeological artefacts**

Jersey Heritage undertakes to:

- a. monitor archaeological fieldwork, required as an integral part of the planning process, to ensure that it accords with the standard and specification required by the Department of the Environment;
- b. report to the Department of the Environment about the proposed undertaking of archaeological fieldwork relative to the specified requirements prior to the work being undertaken in order that the scope, extent and cost of work can be agreed and authorised beforehand;
- c. assist the Department of the Environment, through the provision of expert advice, in the development of new legislation for the protection of archaeological artefacts, including treasure, portable antiquities and human remains.

The Department of the Environment undertakes to:

- a. inform Jersey Heritage Curator of Archaeology of archaeological evaluations or excavations being undertaken, with adequate prior notice and where scrutiny and monitoring is required, by providing details of the site; the specification of works; and contact details of the contractor, to enable fieldwork monitoring to take place;
- b. fund this work (at 4(a) and (b) above), on the basis of an agreed day rate fee basis, or part thereof, separate to the principal cost of the SLA;

- c. work to develop a legislative framework for the protection of archaeological artefacts, including treasure, portable antiquities and human remains.

### Costs

For the provision of the principal services above, the Department of the Environment will make a total payment of [REDACTED] to Jersey Heritage in 2018; payments of [REDACTED] to be made in advance on a quarterly basis.

The SLA will cover the following costs:

- **salary costs for the post of the Head of Historic Buildings**

This is to include Social Security and pension contributions. The value of this salary is to be determined by JHT.

- **support costs in relation to the accommodation, operation and management of the Historic Buildings function within Jersey Heritage Trust**

In order for the services to be provided under the terms of this SLA there is a requirement for the Historic Buildings function to be accommodated, managed and facilitated with Jersey Heritage Trust. This will be met by the payment of a charge, based on the allocated support costs of JHT's operation and set out in its audited accounts, relative to the regular costs associated with the SLA, as set out in the bullets above. For 2018, this is based on a charge of 17%.

The following is not funded by the cost of the SLA and, where necessary, will be subject of separate funding arrangements and agreement prior to commencement:

- the costs of securing additional specialist advice on specific buildings or places shall be funded separately. Any such costs should be identified, quantified and agreed prior to the engagement of consultants and/or the commencement of work. The engagement of any such consultants should be in accord with the States of Jersey Code of Financial Directions;
- the cost of archaeological fieldwork will be funded as an additional item, charged on the basis of a fixed day-rate, or part thereof. The extent of this work will be managed in association with the archaeological casework arising from the assessment and determination of planning applications.

All other costs associated with the SLA, as identified above, to be funded in addition to and separately upon completion and receipt.

Funding arrangements will be formally reviewed by the parties on an annual basis in first quarter of each year.

### Potential conflict of interest

Jersey Heritage will give notice in advance to the Department in any instance where work undertaken on behalf of the Department under the terms of this Service Level Agreement might conflict with Jersey Heritage's other activities.

This Agreement is signed on behalf of Jersey Heritage

Name:

Date:

25 Apr 2018

This Agreement is signed on behalf of the Minister for Environment

Name:

Date: 20 April 2018