

CONSERVATION ADVICE NOTE 9

PRINCIPLES AND CRITERIA FOR THE SELECTION OF MONUMENTS TO THE PROTECTED MONUMENTS LIST (June 2018)

Introduction

Guernsey's historic environment results from the interaction between people and places through time, including all surviving physical remains of past human activity, whether visible or buried.

There are a number of Special Controls that can be used to sustain Guernsey's heritage, one of which is designation of a "monument, structure, artefact, cave, ruin or remain" (section 29(1) of the Land Planning and Development (Guernsey) Law, 2005 ("The Law")) as a protected monument if the Authority considers that it is a matter of public importance that it be preserved because of its archaeological, historic, traditional, artistic or other special interest. This gives significant latitude for a wide range of objects and sites to be considered for designation as a protected monument, but does not allow for a building to be designated as a monument. The current protected monuments list includes, amongst others, standing stones and dolmens, feudal parish seats, external paving, steps, abreuveurs and fontaines and many of the Island's wide variety of fortifications.

The Law, Ordinances and Planning policy offer protected monuments significant protection from harmful development, which is higher than that afforded to protected buildings. For example, there is no exemption from requiring permission for development and there is a strong presumption against development that affects a protected monument (section 31(1) of the Law).

This guidance note was approved by the Development & Planning Authority on the 20th June 2018.

Statutory Criteria

Special Controls in relation to protected monuments are set out in section 29 of the Law, which states:

"The Authority shall prepare, maintain and keep under review a list, to be known as "the protected monuments list", of such monuments, structures, artefacts, caves, ruins or remains (whether on or below the surface of any land) as in its opinion should, as a matter of public importance, be preserved by reason of their archaeological, historic, traditional, artistic or other special interest."

Archaeological, historic, traditional, artistic and other special interest are therefore defined by the Law and are often referred to as the statutory criteria. However, the Law does not provide guidance on what the statutory criteria might mean (e.g. what is artistic interest?). This guidance note seeks to address the gap by providing robust and consistent interpretation of the statutory criteria. It also provides a series of principles to aid decision makers when considering whether to add a potential monument to the protected monuments list.

PRINCIPLES TO AID DECISION-MAKERS

The Criteria for the Selection of Monuments to the Protected Monuments List (see the second part of this guidance note) provides guidance as to how the statutory criteria can be used to research the special interest of a monument. However, they do not provide guidance on how the research can be used to inform a decision. Therefore, the following principles, which are aligned with Conservation Advice Note – Principles for Sustaining Guernsey’s Historic Environment (May 2016), have been drafted to help decision-makers. They are listed below in no order of preference.

Special Interest

A monument, structure, artefact, cave, ruin or remain must have *special* interest. Given the high protection afforded to protected monuments, decisions must therefore be based on proportionate evidence that articulates and defines why the monument has *special* interest as opposed to, for example, just interest. If evidence is not available, or does not allow for the special interest to be articulated, then further research may be necessary.

Proportionality and evidence

Protected monuments and their settings are afforded significant protection through reduced exemption rights, the extended meaning of development and the duties and obligations placed on decision-makers by the Law.

The special interest of a monument or potential for special interest in the event the monument is buried, must be based on the best available evidence. Also, consideration should be given to other controls (such as Conservation Area, protected building or Site of Special Significance) that could sustain the special interest.

Age

Generally the older a monument is the greater its special interest will be. However, bearing in mind that some monuments might be thousands, if not tens of thousands, of years old, this does not diminish the value of monuments that might have been built more recently, such as in the twentieth or twenty first centuries. Monuments can, therefore, be considered for protection irrespective of their original date.

Rarity

Monuments that are rare or unique in Guernsey will usually be protected. However, this does not mean that commonplace monuments cannot be protected, especially where they have a breadth of special interest and may have associations with each other.

National, European or World-wide importance

The purposes of the Law are to seek to protect Guernsey’s heritage of buildings, monuments and sites of historic, architectural or archaeological importance (S1 2 b). Thus whilst there may be better examples of such monuments in other jurisdictions, monuments should be protected if they are important to Guernsey’s heritage. However, there may be potential monuments that have enhanced interest because they are rare or even unique in the context of the Channel Islands, the British Isles, Europe or the World.

This principle needs to be applied with care, especially when considering Occupation-era structures, which were often a standard design and are associated with Hitler's Atlantic Wall. In such cases, their value to the overall Atlantic Wall will be an important consideration.

Breadth and degree of interest

Some monuments may be selected because of a wide range of a relatively low degree of interest, whilst others may be selected because of a single, but very high degree of interest.

Vulnerability

The Planning Law can only control works where they constitute development and are not exempt. Statutory designation as a protected monument provides greater control of works due to limited exemptions and the extended meaning of development.

The special interest of some monuments can be diminished or even destroyed by a single action (e.g. ploughing) or unsympathetic treatment (e.g. cleaning). There may also be monuments of particular form or complexity whose significance can be severely reduced by neglect or careless treatment, which cannot be controlled without statutory protection. Vulnerable monuments of this nature may benefit from the legal protection that designation confers, but this should not be the sole reason to protect a monument.

Extent of protection

The value of a single monument may be enhanced by its association with other contemporary monuments or with monuments of different periods. In such circumstances it is preferable to protect the monument and the land between the group of monuments, but in some circumstances this may not be practical because of the distance between the monuments and the use of land between those monuments, for example, Guernsey's series of loop-hole towers. In such circumstances the group value with other monuments should be expressly stated.

Survival

The survival of the special interest of a monument and its fabric above and below ground is an important consideration. This does not mean the monument needs to be as originally built because an alteration (and even a very destructive alteration) might form an important part of the special interest of that monument, for example the reinforcement of a fortification during the Occupation.

Current use

The Law presents significant constraints for development to occur. If a potential monument is currently in use and/or has an active functional purpose, other forms of protection should be considered. Only in circumstances where other forms of protection are not appropriate (and bearing in mind that a structure, artefact, cave, ruin or remain cannot by their normal definition be a protected building), should a monument in an active use be included in the protected monuments list.

CRITERIA FOR THE SELECTION OF MONUMENTS FOR THE PROTECTED MONUMENTS LIST

The special interest of a site and its potential for being designated a protected monument should be reviewed under the following headings and sub-headings. The headings and sub-headings are intended to be a checklist for topics to research and it is unlikely that all will apply to a monument. They are not in any order of preference.

1. Archaeological

'Archaeological interest' is the potential of a site through the hidden or 'evidential' value¹ to yield evidence of past human activity. In practical terms this may be evidence (previous digs, known settlements, area of activity, etc.) that there is potential archaeological interest in the site.

Under this criterion, the Authority will consider if the potential monument and/or the land surrounding the potential monument contains, or has a reasonable potential to yield, evidence (both visible and buried) about past human activity. The evidence used to assess a potential protected monument under these criteria will usually be established in consultation with the States' Archaeologist.

2. Historic

Sites with historic interest provide a material record of Guernsey's prehistory and history, whether by association or through illustration. There is interest in how the present can be connected through a place to past people, events and aspects of life.

Historic interest comprises: age, rarity, authenticity (completeness), historic importance, social, cultural or economic importance and historic associations, which are discussed in more detail under the following sub-headings.

a) Age

Under this criterion the Authority will consider the principal age of the potential monument and the date of any later phases of development.

b) Rarity

Under this criterion, the Authority will consider how many monuments of the particular style, type or construction remain in Guernsey. Rarity will be enhanced if the potential monument is rare in the wider context of the Channel Islands, British Isles, Europe or the World.

c) Authenticity (completeness)

Under this criterion the Authority will consider the extent of original fabric. However, the potential monument does not need to be as originally constructed because repairs and maintenance and/or later phases of development might add to the interest. It is also important to note that later phases of development might be destructive to the original fabric, but might increase its interest under other criteria. For example a defensive

¹ As described in the 2008 Conservation Principles by English Heritage

position might have been altered during the Occupation, which reduces the authenticity but increases its social, cultural or historic association.

d) Historic Importance

Under this criterion the Authority will consider if the potential monument is a good or early example of a particular style, type or feature.

e) Social, Cultural and Economic Importance

Under this criterion the Authority will consider any association the potential monument may have with social or cultural events that are important to Guernsey's community. Under this criterion there must be a clear link with the remaining fabric or features of the potential monument.

f) Historic Association

Under this criterion the Authority will consider if the potential monument has any association with important or notable people or groups of people. Under this criterion there must be a clear link with the remaining fabric or features of the potential monument.

3. Traditional

Guernsey is a self-governing Island that has, over the centuries, evolved its own culture and laws, but has often done so influenced by the outside world. Over the past two hundred years or so, this influence has increasingly come from Britain and, during the Occupation (1940-1945), from Germany. This has influenced Guernsey's built environment and the monuments that have potential to be protected. In many cases this influence has been applied to fit into the Guernsey context, which could be due to a range of factors including the climate, availability of materials and the skills of the local craftsman. Therefore, under traditional interest the Authority will consider factors that are peculiar to Guernsey

Traditional interest comprises: detailing and skills, style, rarity, proportion, innovation and completeness considered along with the way in which materials, methods and craftsmanship are displayed.

Sites will have greater traditional interest where they are of high quality and where crafts, details and features are good examples of style and innovation. This will also be the case in instances where alterations have not substantially compromised the appearance of a potential monument including, where appropriate, its internal appearance. The rarity of particular types of site will play a part in consideration as to whether protection is applied.

a) Skills

Under this criterion the Authority considers the appropriateness and quality of detailing and skills against the nature of the potential monument and will take into account how this might vary over time and with external influences, such as fashion.

b) Style

Under this criterion the Authority will consider if the style of the potential monument (see Artistic Interest) has been applied in a way that is peculiar to Guernsey and the quality of that style when compared to other monuments in Guernsey.

c) Innovation

Under this criterion the Authority will consider whether the fabric and features of a potential monument have been applied in a way that is peculiar to Guernsey.

d) Alterations

Under this criterion the Authority will consider any human alterations that might have been made and whether or not they contribute to or detract from the traditional interest – for example the alterations might show a particular skill or innovative technology that has been applied in a way that is peculiar to Guernsey.

4. Artistic

Artistic interest is a result of conscious design. Also there will be some overlap with traditional interest in so far that the potential monument might illustrate a particular style or might have been subject to alterations. Therefore, under this criterion, the Authority will consider how the potential monument has been consciously designed under the following sub-headings:

a) Layout

Under this criterion the Authority will consider how the potential monument has been designed to take account of the specific physical or cultural properties of the site and its context. For example, the potential monument might have a specific orientation and/or aspect to relate to the sun-path or might be located to create a landmark in the landscape or townscape.

b) Style

The potential monument might be broadly classified into a particular artistic style and, if so, the quality of representation of this style will be assessed, often with comparison with others in Guernsey. The style might also be applied in a manner that is peculiar to Guernsey (see Traditional Interest).

c) Proportions

Under this criterion the Authority considers the proportions of the potential monument and whether this is consistent with other criteria, such as style.

d) Innovatory Qualities

Under this criterion the Authority considers whether the fabric and features of a potential monument represent an early or unusual example of techniques or materials, or technological and scientific innovation.

e) Alterations

Under this criterion the Authority will consider any alterations that have been made to the potential monument and if they add to or detract from its special interest.

5. Other special interest

Under this criterion, the Authority will consider other interest under the following sub-headings:

a) Group Value

Under this criterion the Authority will consider the physical proximity of other monuments and the associations that they may have with each other. This might be monuments or potential monuments built with a similar date and detailing, buildings that developed over time but are associated with each other or buildings related by function or use.

b) Features

Under this criterion the Authority will consider if any feature(s) in or on a structure, artefact, cave, ruin or remain warrants protection alone. This might be used, for example, where the overall structure, artefact, cave, ruin or remain does not meet the criteria to be protected as a monument, but a specific part might; for example, a mural on the wall of a building that was painted during the Occupation. Only in exceptional circumstances will a monument be protected on grounds of features only.

c) Setting

Under this criterion, the Authority will consider the spatial context of the potential monument. This does not mean that the spatial context will be the same as when the monument was built – on such a small island that has extensive development there will be very few monuments that have the same setting as when originally built. However, those that retain their original setting, or are near to their original setting, will have higher special interest than those where the setting is eroded or lost.

It is often the case that a single site has associations with other sites within a given area, for example defences on a coastal headland may have been developed over the centuries, each phase of construction adding to the layers of history at the site. In such instances the individual site may have high group value with the associated sites.

The setting of a site, whether planned or otherwise, can contribute positively to the interest of the site. Conversely, inappropriate development can compromise the special interest.

Assessment of elements of special interest

A monument can be protected as a result of its breadth of special interest, i.e. it could have a wide range of relatively low interest (archaeological, historic, traditional, artistic or other special interest), but the cumulative breadth of interest makes the monument worthy of protection. A monument can, however, also be protected because of a single special interest, but this would have to be at least very high interest to justify protection as a monument. That is to say, in assessing the component elements of special interest, one or more of those elements would have to be of very high interest in order to justify protection. That is because the Law sets a high bar for protection of monuments to ensure that such protection is proportionate and properly reflects the special interest required for such statutory designation.

Grading of protected monuments

Protected buildings are awarded a grade A or B depending on their degree of special interest. It is not proposed to award grades to protected monuments. This is due to their relatively small number and wide range of types, which makes it difficult to compare the special interest of each monument. Also, one of the benefits of grading protected buildings is to provide owners, developers and other interested parties with an indication of their sensitivity to new development. In the case of protected monuments, generally they have little potential to be developed in any substantial way and thus grading is not necessary.