

STATES OF JERSEY



ISLAND PLAN 2011: REVISED DRAFT REVISION – APPROVAL (P.37/2014) – NINTH AMENDMENT (P.37/2014 Amd.(9)) – COMMENTS

**Presented to the States on 11th July 2014
by the Minister for Planning and Environment**

STATES GREFFE

COMMENTS

Summary

The proposed deletion of Policy GD2: Demolition does not amount to the setting aside of proper environmental considerations, but seeks to ensure that we have in place a pragmatic and viable way of assessing the environmental consequences of planning applications, that can be appropriately used and applied by decision-makers, developers and applicants.

The use and application of Policy GD2 has proved to be difficult, for both decision-makers and applicants: my officers and the Planning Applications Panel have struggled to apply it and it has proved extremely burdensome for applicants. There is no point in keeping a policy if it cannot be used in practice.

Importantly, there are other policies in the Plan which deal with demolition and associated issues of environmental performance. I have also firmed up the control of demolition waste through my waste management policies and guidance, which reduces the amount of demolition in the first place and requires the re-use of as much material as possible. And it is my separate intent to amend the Island's Building Regulations still further to require incrementally improved energy efficiency in new buildings.

The independent planning inspectors were satisfied that I have made the case for omitting Policy GD2, which is also supported by other development professionals.

I would urge the Assembly to reject this amendment.

Detailed response

The case for deletion of this policy is summarised in my proposition (page 11, paragraphs 4.50–4.52). It is expanded upon in the Briefing Note that was issued as part of the consultation process for changes to the 2011 Island Plan (attached at the **Appendix** to these Comments). I will seek here to address the points raised by Deputy J.H. Young of St. Brelade's amendment.

First, the Deputy suggests that the sole argument for abandoning this policy is the administrative convenience of my Department: this is wrong and misrepresents the position. For a policy to be effective, it has to be capable of being used, by both applicant and decision-maker. It is clear, from the experience of trying to use the policy, that there are difficulties and issues for all concerned.

The main thrust of the policy is to prevent demolition of a building which is appropriate in sustainability terms to repair or refurbish. There is, however, no common or reliable analysis tool that can be used to measure the sustainability of development projects: this requires the comparison of the environmental credentials of existing buildings compared with new development proposals. The absence of such a tool has weakened the policy and has led, in practice, to the 'sustainability test' carrying little weight and effectively being skirted over by architects, agents and applicants when making applications, and by decision-makers, when deciding them.

Second, the Deputy suggests that I have been remiss in not issuing supplementary planning guidance to support the assessment of the environmental credentials of new buildings compared with existing buildings. The Deputy fails to mention that my

Department has prepared draft supplementary planning guidance which was submitted to the Examination in Public, at which the Deputy was present. This is what the independent planning inspectors said about the issue –

“We therefore now turn to Policy GD2 (1) and (6), which we see as at the heart of the issue, and which turn on the phrase “sustainability terms”. The generally accepted definition of sustainable development, as noted in the Working Draft SPG, is that in the Brundtland Report Our Common Future (1987): Development which meets the needs of the present without compromising the ability of future generations to meet their own needs. This in turn, and again as noted in the Working Draft SPG, is generally treated as comprising 4 aspects: social, environmental, economic and prudent use of natural resources, most aspects of which can be properly addressed through a sound application of the other Plan Policies. However, an important – many would say vital – element of the environmental component concerns minimising Green House Gas emissions, generally measured in CO2e (carbon dioxide equivalent).

In principle it is possible to assess the embedded carbon retained in an existing building, expended in its refurbishment and operational carbon emitted over the remainder of its expected life, and to compare the net impact against the embedded carbon expended in its demolition and replacement together with the latter’s annual operational carbon emitted over the equivalent period.

We heard assertions that retention and refurbishment will generally be preferable, because of the high emissions during demolition and replacement, or conversely that replacement may well be preferable because of the potentially much more efficient replacement in use and maintenance. There are methodology tools available for this, such the Carbon Profiling Model published by the RICS1 in conjunction with others (appended to OS2). It is evident, however, that the use of such tools is far from straightforward, particularly taking into account practical considerations such as estimating the whole life expectancy of existing and replacement buildings, the fact that different elements of a building may have different life expectancies or that a replacement will not always be like for like. Just by way of example: the demolition of a single house and its replacement by several may well in isolation increase carbon emissions, but less so than its retention combined with the erection of the equivalent number of new houses on another site.

To such complexities simply in assessing CO2e need to be added the other aspects of sustainability referred to in the preceding paragraph.”

The matter is, therefore, far from simple and, at nearly 50 pages long, this draft guidance was considered to be both unduly cumbersome and unwieldy for all concerned in terms of the practical implications of its use; and inappropriate, relative to the level of information that should be sought for planning applications involving the demolition of one or more buildings.

On the basis of all of the above, I would hope that the Assembly has sufficient assurance that there are other safeguards within the Plan to ensure that environmental sustainability considerations of new buildings are adequately considered, and that the case for the removal of Policy GD2 is adequately made.

Department of the Environment
Briefing paper



2011 Island Plan: interim review (#1)
Demolition and replacement of buildings

July 2013

Purpose

The purpose of this briefing paper is to set out the basis for the proposed revision of Island Plan 2011 to remove Policy GD2: Demolition and replacement of buildings from the Plan.

Background

Policy GD2 was included in the 2011 Island Plan, because the Minister for Planning and Environment wished to "promote a culture of re-use of buildings rather than demolition and rebuilding" on the grounds that this is more sustainable.

Policy GD 2: Demolition and replacement of buildings

The demolition of a building or part of a building will not be permitted unless the proposed development:

1. involves the demolition of a building or part of a building that it is not appropriate in sustainability terms to repair or refurbish.; and
2. makes adequate provision for the management of waste material arising from demolition in accord with policy WM1 'Waste Minimisation and New Development'; and

The demolition of a building or part of a building will also not be permitted where the proposed development:

3. would have an unacceptable impact on a Listed building or place in accord with Policy HE 1 'Protecting Listed buildings and places' and Policy HE 4 'Demolition in Conservation Areas' or protected species and their habitats, in accord with Policy NE 2 'Species protection';
4. would have an unacceptable impact on the character and amenity of the area;

The replacement of a building or part of a building will not be permitted unless the proposed development:

5. enhances the appearance of the site and its surroundings;
6. replaces a building that is not appropriate to repair or refurbish.

The option of refurbishment and re-use of buildings can often bring with it significant environmental / sustainability benefits, including: protection of the historic environment; better safeguards for protected wildlife species and habitats; reduced consumption of valuable natural resources; lower embodied carbon inputs; reduced waste generation; less impact on landfill sites; reduced transportation of materials and waste; and reduced particulate pollution in the process of demolition and transportation of rubble.

There was considered to be some merit in adopting a policy to: alter the balance in favour of greater re-use of existing buildings; encourage applicants and developers to examine the worth of existing buildings and consider their potential as a resource and an opportunity; and to challenge the view that refurbishment of existing buildings is second best to demolition and new build.

Issues

Since the adoption of the Island Plan in June 2011 the policy has been tried and tested against planning applications. It was also recognized that the policy would need to be supported by supplementary planning guidance and work has been undertaken to research and prepare a draft guidance note.

Both of these factors have highlighted issues about the efficacy of this policy, which is why it is proposed for review.

Lack of flexibility

The current policy adopts an absolute presumption against the demolition of a building if it is appropriate in sustainability terms to repair and refurbish it.

Determining whether it is more appropriate to re-use or demolish and redevelop existing buildings, will always depend on the individual merits of each case. The potential environmental benefits of refurbishment and reuse need to be weighed against potential advantages typically associated with demolition and rebuild, such as:

- being less risky, with less constraints and fewer hidden costs;
- offering the advantages of more modern scheme layouts;
- providing opportunities for more standardised projects with tried and tested designs;
- allowing for increased / optimised development density;
- securing improved operational carbon efficiency;
- offering opportunities to breathe new life into areas;
- securing enhancements to the appearance of a site and its surroundings.

In addition, it will be necessary to consider whether it would be practical or economically viable to repair and refurbish a building, or whether retention of a building would prevent substantial wider public benefits which would decisively outweigh its loss.

In reality, there are many reasons why the Minister might support individual proposals for demolition and rebuild, even if a case can be made for refurbishment on

sustainability grounds. The current policy, however, does not enable these to be entertained.

Difficult to measure and assess

The main thrust of the policy is to prevent demolition of a building which is appropriate in sustainability terms to repair or refurbish. There is, however, no common or reliable analysis tool that can be used to measure the sustainability of development projects, or, more specifically, appraise the relative sustainability merits of new build and refurbishment options.

The absence of such a tool has weakened the policy and has led, in practice, to the 'sustainability test' carrying little weight and effectively being skirted over by applicants and decision makers.

As a consequence, it is considered that there is little likelihood of the policy achieving the desired policy outcome.

Other policy tests

Leaving aside the 'sustainability test', most of the other tests governing potential consent for demolition and new build in Policy GD2 are already covered by other plan policies, including the following requirements:

- to make adequate provision for the management of demolition waste – covered by Policy WM1 'Waste Minimisation and new development';
- to avoid unacceptable impact on a protected building or place (including total or partial demolition) – covered by Policy HE1 'Protected Listed buildings and places';
- to avoid any demolition that would have an unacceptable impact on a Conservation Area – covered by Policy HE4 'Demolition in Conservation Areas';
- to protect wildlife species and their habitats – covered by Policy NE2 'Species protection';
- to not have an unacceptable impact on the character and amenity of the area – covered by Policies GD1 'General development considerations', GD7 'Design quality', NE6 'Coastal National Park', NE7 'Green Zone', HE3 'Preservation or enhancement of Conservation Areas', HE4 'Demolition in Conservation Areas'.

Conclusion

The issues presented above have presented some challenges in dealing with this new policy in the 2011 Island Plan for applicants, developers and decision-makers.

As a consequence, the Minister considers that Policy GD2 does not provide a sufficiently robust basis for rational and consistent decisions on planning applications, or a sufficient measure of certainty about which types of development (including refurbishment or demolition and rebuild) will or will not be permitted and it is on this basis that he proposes to remove it from the Plan.

Future review

Measuring sustainability factors is a rapidly developing field and new ideas are constantly emerging, which might provide easier and more sophisticated means of analysis in the future.

This, together with other potential changes in economic conditions, legislation and technical innovation, will make it appropriate to keep this policy area under regular scrutiny and ensure that it is reappraised as part of any future Island Plan review processes.