

4.12 Deputy J.H. Young of the Minister for Planning and Environment regarding the provision of pre-application Planning advice in respect of the 18th Century historic properties in Dumaresq Street:

Will the Minister inform the Assembly whether he has given any pre-application planning advice in respect of the 18th century historic properties in Dumaresq Street to encourage their owners to seek approval for the demolition of these buildings for redevelopment and whether he has authorised or instructed planning officers to do so?

Deputy R.C. Duhamel (The Minister for Planning and Environment):

No, I have not instructed or authorised planning officers to provide pre-application advice to the owners of the 18th century properties in Dumaresq Street to encourage their demolition and redevelopment. However, a meeting was held with the applicants in November 2012 at which officers and myself were shown revised plans. Officers made it clear that, while the revised design addressed many of the previous likely reasons for refusal, the concerns in relation to heritage would be magnified. Following that meeting a request from the applicant was made to the department for those concerns and the department's position to be put into writing and letters have been exchanged.

4.12.1 Deputy J.H. Young:

I would like the Minister to clarify one aspect of this. Could he advise the Assembly whether or not the Island Plan policy for heritage buildings, which applies to these buildings, would in fact allow them to be allowed to deteriorate over many decades and would that be sufficient reason for demolition under the Island Plan policy?

Deputy R.C. Duhamel:

That is a difficult one, as the Deputy knows, and I am not really sure that I am entitled to answer it on the basis that there is a current application that is to be considered and the extent to which I might or might not be involved. All I can say is that there are perhaps conflicting policies in some people's eyes whereby historic buildings do not always have to be considered to be in a position where they will always be remaining built and that there are competing issues whereby a balance has to be sought and struck in order to balance, on the one hand, the retention of buildings against the commercial and other economic or other social and environment aspects. It is not a clear-case situation.

4.12.2 Deputy R.G. Le Hérissier:

A variation on Deputy Young's question. In terms of the general policy, would the Minister say under what conditions would his department expect heritage buildings to remain as opposed to allowing their demolition? What are the presumptions which would force an applicant to keep heritage buildings in place?

Deputy R.C. Duhamel:

The department have had in preparation for a number of months, in order to address these issues, a Supplementary Planning Guidance note on the demolition of buildings and we have produced a checklist, if you like, and a flowchart in order to help applicants through the process to determine whether or not there is in fact a realistic opportunity for heritage buildings that are deemed to be important by some - perhaps not by all - to be demolished. That S.P.G. (Supplementary Planning Guidance) is due to be placed in the public domain for consultation and I think will prove to be helpful in the determination of these issues.

4.12.3 Deputy R.G. Le Hérissier:

Can the Minister confirm that the deterioration of a building is not a reason for allowing its demolition?

Deputy R.C. Duhamel:

I think that is probably the right case but, equally, the application of the Planning Law in a straightjacketed form which would give me powers to go in and force everybody, for example, to repair their wooden windows or to take out their plastic windows and put back wood, certainly if I or indeed any other Minister for Planning and Environment were to suggest that, it might well be the case that I would be acting unreasonably and the number of court cases or appeals would go up exponentially, but I agree with the Deputy. It is a bit of a vexed question and guidance really needs to be sought in order to establish a fairer way through the system whereby not all but some buildings might be able to be demolished or not repaired according to the merits of the case.

4.12.4 Deputy J.H. Young:

The Minister has explained very well the difficulties he has in ensuring that our heritage is protected. Would he give an assurance to the Assembly that, in dealing with these particular matters, he will ensure that all available alternatives are explored before the demolition of such heritage structures is allowed and could he ensure that those alternatives do include, for example, the option of adding into the site by the vacant site in Dumaresq Street which has remained in States ownership for many decades?

Deputy R.C. Duhamel:

I am not sure which site the Deputy is referring to. Perhaps he could just enlighten me.

Deputy J.H. Young:

Yes, the one where all the rubbish bins are opposite the chip shop.

Deputy R.C. Duhamel:

I have forgotten what the question was now. **[Laughter]**

Deputy J.H. Young:

Would he ensure that all available alternatives are explored in such matters before he gives consent for demolition of valuable heritage properties and, in this particular case, would he include looking at options and opportunities to try and find ways of avoiding the demolition, including by adding in that site to such a scheme?

Deputy R.C. Duhamel:

I think the fair answer to that is just to say that I will do whatever I am allowed to do or capable of doing under the existing protocols and I do not think I should make any firm or hard kind of suggestion that I will act in a particular fashion in regard to any particular application which might lead me to make the wrong decision if I am called upon to deliver it. That is about as far as I can go.