



Draft supplementary planning guidance

Redevelopment of derelict and redundant glasshouse sites

About supplementary planning guidance

The Minister for the Environment may publish supplementary planning guidance in the form of guidelines and policies in respect of: development generally; any class of development; the development of any area of land; or the development of a specified site¹. Supplementary planning guidance is designed to operate under the Island Plan and is complementary but subordinate to it.

Supplementary planning guidance may cover a range of issues, both thematic and site specific, and provides further detail about either policies and proposals in the Island Plan, or other issues relevant to the planning process.

Where relevant, supplementary planning guidance will be taken into account as a material consideration when making planning decisions.

The current supplementary planning guidance is listed and can be viewed [online](#).

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¹ Article 6 of the Planning and Building (Jersey) Law

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1. Introduction

This supplementary planning guidance note offers an interpretation of planning policy which will be used to inform decisions on planning applications for the redevelopment of derelict and redundant glasshouse sites.

This guidance is principally aimed at the owners of glasshouse sites and other stakeholders in the agricultural and development industries, as well as being of potential interest to residents who live in proximity to glasshouse sites. It will also assist decision-makers in the determination of planning applications for redevelopment proposals.

Once adopted, this guidance will become a material consideration in the determination of planning applications relating to the redevelopment of derelict and redundant glasshouse sites.

2. Context

At the end of 2017, the island accommodated approximately 155,000 sqm of commercial glass² (not including derelict glass, polytunnels or sites rezoned for housing). Of this just over half (57%) was used actively for crop production on a commercial basis and 97% of glass was at least 15 years old. These figures indicate a significant and recent decline in the industry, with the total area under glass decreasing by 37% since 2013.

In Law³, land under glass is included within the definition of 'agriculture' and, accordingly, it is expected to be used for agriculture unless another, appropriate use for the site has been identified and approved under relevant policies of the Island Plan.

It is often claimed, however, that there is no realistic chance of derelict glasshouse sites being returned to agricultural use. The cost of removing glasshouses can be a barrier to their clearance: owners are, generally, reluctant to expend resources on the maintenance and repair of unused or under-used glasshouses, or to make the substantial investments required to clear sites of glass and ancillary structures, when the value of land as agricultural land may not make this economically viable. Continuing neglect of existing glass will lead to further deterioration with the potential for greater harm to be caused to the visual amenity and landscape character of the countryside.

Whatever the merits of this argument, promoting the use of redundant and derelict glasshouse sites for non-agricultural development including housing, throughout the island would have an adverse impact upon the character of the island's countryside. Many glasshouse sites are also found in locations that are relatively remote from services and infrastructure where their development for other uses is less sustainable.

In the most exceptional circumstances, however, existing island plan policy allows consideration of the development of derelict glasshouse sites for other uses, provided that the amount of development is the minimum required to deliver an overall improvement to the landscape character of the countryside through the removal of glasshouses and supporting infrastructure; and the restoration of the remaining agricultural land, or an appropriate environmentally beneficial use.

²

<https://www.gov.je/SiteCollectionDocuments/Government%20and%20administration/R%202018%20Agricultural%20statistics%20200921%20DM.pdf>

³ Agricultural land (control of sales and leases) (Jersey) Law 1974 <https://www.jerseylaw.je/laws/current/Pages/01.080.aspx>

This guidance, therefore, seeks to provide a framework against which planning applications for the redevelopment of derelict and redundant glasshouse sites can be assessed, having regard to other key policies of the Island Plan and associated planning guidance.

3. Interpretation of terms

Bridging Island Plan Policy ERE6– Derelict and redundant glasshouses (see appendix 1) provides the specific policy framing for this issue: for this policy to be engaged, glasshouses must be both redundant and derelict. To assist with the interpretation and application of the policy some clarification about the terminology used is set out below:

3.1 Glasshouses: status

One of the underlying principles of the planning system is that commercial glasshouses are considered to be temporary structures, sited upon agricultural land, which should be removed when they have reached the end of their economic life with the land being returned to agricultural use once the site is cleared.

This guidance does not relate to sites that are wholly, or mainly, covered by poly-tunnels. It should also be noted that neither Policy ERE6 or this guidance applies to domestic glasshouses or glasshouses which may be found on allotment sites.

3.2 Derelict glasshouse

This is a glasshouse which is abandoned or neglected, and thus no longer capable of being used for growing owing to its poor and / or dangerous structural condition. Areas of broken glass panes will not automatically imply that a glasshouse is derelict where the framework remains largely intact.

Glasshouses that are subject to a 'disuse and disrepair' condition⁴ or that appear to have been deliberately damaged in order to attain a state of 'dereliction' will not be considered as constituting a derelict glasshouse for the purposes of this supplementary planning guidance note.

3.3 Redundant glasshouse site

This is a parcel of agricultural land, in commercial ownership, accommodating a glasshouse or glasshouses, together with ancillary structures such as boiler houses, hard-standings and infrastructure, where the glass and ancillary structures are no longer required or capable of being used as a viable commercial enterprise, with or without repair or restoration, and which are unlikely ever to be repaired and restored for crop production.

3.4 Exceptional circumstances

The term is used to describe a situation in which there is a very special case for departing from a strong policy presumption. Exceptional circumstances are, by definition, unusual and often unique and, as such, it is not possible to list situations that may be regarded as being 'exceptional' from a planning perspective.

⁴ Any condition attached to a planning permission for a glasshouse or agricultural building generally requiring that, in the event of the structure falling into disuse or disrepair, it must be removed from the site and the land restored to agricultural use.

The term 'most exceptional circumstances', which is used in Policy ERE6, implies that a particular circumstance would have to be a very uncommon occurrence to fall within this definition.

It should be noted that derelict and redundant glasshouses are not considered to be exceptional in themselves. Indeed, they are quite a normal feature in the Jersey countryside.

4. Policy context and interpretation

There are a number of key policies in the bridging Island Plan that require consideration relative to the potential use of redundant and derelict glasshouse sites for non-agricultural uses. These policies, and the basis for them, are set out below.

4.1 Policy SP2 – Spatial strategy

The general principle of where and how land might be used across the island – including for agriculture or housing – is established in the spatial strategy of the Island Plan.

Policy SP2 – Spatial strategy states that outside the defined built-up area, development will only be supported where a coast or countryside location is justified, appropriate and necessary. Whilst Policy SP2 also offers support for the appropriate development of previously developed land and of under-utilised land, the policy's explanatory text makes clear that this does not extend to redundant and derelict glasshouses which are considered to be temporary structures associated with the agricultural use of the land, i.e., glasshouses are not considered to be previously developed land for Island Plan policy purposes.

As the spatial strategy concentrates new development within the defined built-up area (BUA) it directs the greatest amount of development to Town; 'more limited' amounts to local centres; and 'much more limited' amounts to the island's smaller settlements. Outside the built-up area the key test for any development is whether the location is justified, appropriate and necessary.

4.2 Policy H9 – Housing outside the built-up area

The detailed policy test for housing development in the countryside is provided by Policy H9 – Housing outside the built-up area. This states that proposals for new residential development outside the built-up area will not be supported except where;

6. *in the case of redevelopment of existing buildings in employment use, involving demolition and replacement, where redundancy is proven and the principle of change of use to residential development is acceptable having regard to other policy considerations, significant environmental gains can be delivered through improved design and appearance of the land and building(s); the repair and restoration of landscape character; and reduced intensity of occupation and use.*

4.3 Policy ERE6 - Derelict and redundant glasshouses

Policy ERE6 - Derelict and redundant glasshouses, seeks to encourage site owners to remove derelict glasshouse structures, and to restore the land to agriculture or to improve the environmental quality and open nature of land in the countryside. Accordingly, the policy sets a strong presumption against the re-development of glasshouses for non-agricultural uses. This is also intended to disincentivise the neglect of glasshouses where they are allowed to fall into disrepair in order to secure an alternative use.

Exceptionally, under Policy ERE6, consideration may be given to limited non-agricultural development to enable the delivery of significant environmental benefits in the countryside through the removal of glasshouses and supporting infrastructure; the restoration of the majority of the agricultural land; and the repair of the landscape.

Hence, Policy ERE6 provides a potential route for the redevelopment of glasshouse sites to be considered under its exception provisions but it is unequivocal in stating that: *'The redevelopment of redundant and derelict glasshouses for non-agricultural uses will not be supported. When glasshouses are redundant to the horticultural industry or are derelict, they should be removed, and the land restored to agricultural use.'*

Policy ERE6 goes on to state that *'in only the most exceptional circumstances, the development of derelict glasshouse sites may be considered for other uses, provided that the amount of development is the minimum required to deliver an overall improvement to the landscape character of the countryside through the removal of glasshouses and supporting infrastructure; and the restoration of agricultural land, or an appropriate environmentally beneficial use.'*

The implication of this part of the policy is that the exception provision only relates to derelict structures. This is an important point because the exception provision cannot be engaged in instances where redundancy is accepted, but where the structures are not found to be derelict.

Any case made under the 'exceptional circumstances' provision will be tested against the provisions of Policy GD4 – Enabling or linked development (see appendix 2)

In terms of the application of Policy ERE6, establishing that a glasshouse is derelict does not, of itself, represent a development opportunity for non-agricultural uses.

4.4 Policy NE3 – Landscape and seascape character,

Policy NE3 – Landscape and seascape character, seeks to prevent harm to and improve the quality, character, and appearance of the island's landscapes and seascapes which contribute to Jersey's natural environment. When considering proposals for the redevelopment of glasshouse sites outside the built-up area, significant weight will be afforded to the protection and enhancement of the island's landscape and seascape character and to the character type- and coastal unit-specific strategy and management guidelines set out in the Integrated Landscape and Seascape Character Assessment (ILSCA), now itself adopted as supplementary planning guidance⁵.

As part of the assessment of development proposals outside the built-up area, consideration will be given to the sensitivity of each of the island's existing character types and areas in terms of how vulnerable or robust the landscape or seascape character is; and to its capacity to accommodate change: the impact of any development on landscape and seascape character here will be a primary consideration in determining its acceptability, if the principle of redevelopment has been established.

Determining the impact of development upon wider landscape and seascape character requires a thorough understanding and analysis of a site's context and its relationship with the wider area. All of the island's character types, and the distinct character areas within them, are

⁵ [Landscape and seascape character guidance.pdf \(gov.je\)](#)

defined and mapped, to enable the identification of the character area that is of relevance to a site.

Planning applications for the redevelopment of glasshouse sites must demonstrate that features of landscape and seascape character will be protected; by avoiding and minimising impact through good design and outlining any mitigation measures, as may be required. This should include the steps expressly taken to make a positive contribution to landscape and seascape character. This could feature as part of the narrative to demonstrate how the design of the proposal responds to its context as part of a design statement.

The clearance of glass and its replacement with one or more dwellings is, of itself, unlikely to be considered a sufficient contribution to the benefit of landscape and seascape character.

5. Consideration of glasshouse sites for development

It can be seen from section 4, above, that the policies of the Island Plan do not generally support the principle of the redevelopment of glasshouse sites outside of the built-up area and only allow their development for other uses by exception. Policy ERE6 does not extend any support for the redevelopment of redundant glasshouses unless they are also derelict.

There will, however, be circumstances whereby the clearance of glass and the development of a site, or part of a site, for other uses outside of the built-up area *may* be supported. The policy framework provides most support to those other land uses where a location outside of the built-up area is justified, appropriate and necessary.

Exceptional support for the residential development of a redundant and derelict glasshouse site might only arise where other more appropriate forms of development suited to a countryside location have been explored and discounted for justifiable reasons.

In all cases, the projected value – and, therefore, the scale and extent - of the completed development should be commensurate with the costs of removing the glasshouses and restoring the remaining land to agricultural use or to enable its appropriate environmental restoration and enhancement to take place.

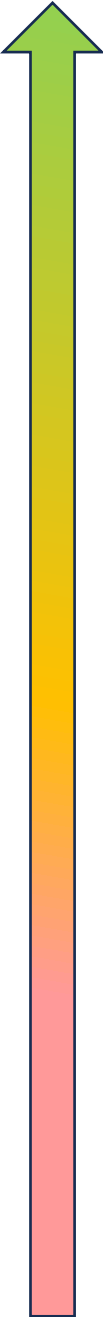
In order to satisfactorily evidence that the amount of development is the minimum required to deliver an overall improvement to the landscape character, the following costings will be expected to be supplied and accompanied by independent, professional estimates. The difference between the cost of clearance, together with the enabling development, and any return, should be marginal.


- demolition and clearance of glass, structures and infrastructure from the site
- remediation of any contamination
- the cost of returning the land to agricultural use or open landscape and subsequent minimum of five-year maintenance regime
- professional fees.
- estimate of sale value of the proposed new development when completed
- projected profit margin

In order to assess whether a derelict and redundant glasshouse site could be considered suitable for a limited amount of residential development, following satisfactory compliance with the 'exceptions'

tests of policies NE3 and ERE6, the following table should help guide the assessment and decision-making process.

The residential development of glasshouse sites in the countryside must be treated as new housing development in accordance with all relevant policies of the BIP and, where appropriate, other related SPG.

Level of potential support	Location	Comment
 <p>Most</p>	<p>Within the built-up area</p>	<p>It is not known what extent of, if any, derelict and redundant glass lies within the island's built-up areas. However, given the adopted spatial strategy, redevelopment of derelict and redundant glasshouse sites within the built-up area will be supported if all other general development considerations can be adequately satisfied.</p>
	<p>Countryside location, in close proximity to a built-up area</p>	<p>Glasshouse sites can, sometimes, be found on the periphery of a built-up area. In such instances, there may be scope to redevelop part of a derelict and redundant glasshouse site whereby the new residential element can be successfully integrated with the existing settlement and where the amount of development is clearly evidenced to be the minimum required to deliver an overall improvement to the landscape character.</p> <p>Successful integration requires both proximity to, and a satisfactory spatial relationship with, the existing settlement of which it will become part as well as a design of development that serves to strengthen the identity or sense of place of the existing settlement.</p> <p>The extent of each site that may be successfully developed for housing would depend upon the individual site characteristics, provision of and access to services and wider landscape and urban context of the locality.</p> <p>It will be necessary to demonstrate that the proposed redevelopment would not cause harm to the landscape character of the settlement edge and will protect or improve the distinctive character, quality, and sensitivity of the landscape as identified in the ILSCA and the Jersey Landscape Sensitivity Study 2020. A landscape and visual impact assessment will be required in all cases.</p> <p>A substantial proportion of the site should be restored for either agricultural production or for a community open space to serve the resultant, extended settlement.</p>
	<p>Countryside location not in proximity to a built-up area [see also (a) and (b) below]:</p>	<p>General</p> <p>Remote glasshouse sites are by their very nature located in less developed areas amid countryside that comprises, notwithstanding the glass and associated structures, some of the most sensitive and attractive landscape character types of the island.</p> <p>The majority of these sites are unlikely to have sufficient servicing and infrastructure provision (or a realistic potential to secure such) to adequately cater for new residential development; and is likely to be relatively inaccessible with little option to travel other than by car.</p> <p>This is one of the key factors that has resulted in the adoption of the Island Plan's spatial strategy.</p>



	<p>The redevelopment of glasshouse sites in remote locations will, therefore, rarely find support. Exceptionally, circumstances may arise, as outlined below, where support may be more likely. In each case, it is expected that all other relevant policies of the Island Plan are complied with satisfactorily.</p>
<p>a) with enabling option</p>	<p>The clearance and redevelopment of a remote glasshouse site that would not, normally, find support under Policy ERE6 <i>may</i> be considered suitable for consideration under Policy GD4 - Enabling or linked development. This would not support the redevelopment of the glasshouse site itself but, in some instances, it may be possible to deliver a sensitive and well-designed development in a different location to that of the cleared glass, elsewhere on the land holding, where it is less impactful on the character and appearance of the countryside or coast. Such development would be regarded as constituting 'enabling development' which should release the necessary funding to clear the glass and to fully restore landscape character.</p> <p>The location of the proposed enabling development should be appropriate in terms of scale, form and setting, with access to necessary infrastructure and servicing and should seek to mitigate and manage harm to the quality of landscape, neighbour amenity, or interests of biodiversity and heritage.</p>
<p>b) no available enabling option</p>	<p>The redevelopment of a remote glasshouse site where there is no prospect of an enabling development in a more appropriate location will only be supported in the most exceptional of circumstances and where each of the four following 'tests' are satisfied:</p> <ul style="list-style-type: none"> i) it is evident that the glasshouse site is significantly injurious, or blighting, to the local landscape character and / or neighbour amenity. However, it should be noted that a redundant or derelict glasshouse site does not, ordinarily, equate to a site that is injurious to landscape character. Such sites have become accepted as being part of the local landscape and not many of these sites are considered to be 'significantly injurious' to landscape character. A landscape and visual impact assessment may help identify the extent to which any particular site impacts upon the surrounding countryside, both in near and far views of the site. ii) the benefits of the proposed clearance of glass, and any subsequent landscape restoration, clearly and substantially outweighs the impact of any new development on the landscape character in terms of enhancing landscape character. iii) the proposed development represents the absolute minimum form of development that will, in itself, fund clearance of the glass and secure appropriate landscape restoration. iv) the proposed development will have satisfactory access and be adequately serviced in terms of provision of foul and surface water disposal routes [see policies WER6 – Surface water drainage and WER7 – Foul sewerage]

6. Other considerations

6.1 Contaminated land

Commercial glasshouse sites often used oil-fired boilers and insulated pipework to heat the crops during cooler months. As well as the obvious safety concerns of broken glass many, if not most, derelict sites will contain some vestiges of these systems. Leaking oil tanks and asbestos-based insulation (especially in older glasshouses) pose a real risk to the health of the community and to the island's flora and fauna through the pollution of the ground, air, surface water or groundwater.

In accord with Policy GD1 – Managing the health and wellbeing impact of new development it is expected that the developer will carry out a satisfactory investigation into the condition of the site and that they will also be required to undertake the appropriate treatment, remedy or removal of the contamination, at the appropriate time, at the cost of the developer. Supplementary planning guidance note – Development of contaminated land⁶ outlines the steps that will need to be taken by an applicant – and the information that will be required – when applying for planning permission to develop land that may be contaminated.

6.2 Site waste management plans

Policy WER1 – Waste minimisation makes it a requirement for all development schemes where there is potential to generate significant quantities of waste materials – involving the demolition of substantial structures, such as commercial glasshouses - to include satisfactory plans for the implementation of steps to be taken to minimise and manage waste generation both on and off the site during demolition and construction. Such details should form the basis of a site waste management plan (SWMP). Supplementary planning guidance note – Site waste management plans⁷ provides further information and advice on the requirements and preparation of a SWMP.

6.3. Other Island Plan policies and guidance

All planning applications, including those for the redevelopment of glasshouse sites, will be assessed against all relevant policies of the Island Plan. Policies range from those of a strategic nature, those associated with a site's location or zoning and those policies of a more thematic or detail-specific nature. The fact that a certain policy is not referred to in this guidance does not, in any way, imply that that policy, or other supplementary planning guidance, is not a relevant and material consideration.

⁶ <https://www.gov.je/SiteCollectionDocuments/Planning%20and%20building/SPG-advice%20Note%20Development%20of%20Contaminated%20Land%20Aug%202017.pdf>

⁷ <https://www.gov.je/SiteCollectionDocuments/Planning%20and%20building/SPG%20-%20Advice%20Note%20-%20Site%20waste%20management%20plans.pdf>

Appendix 1

Policy ERE6: Derelict and redundant glasshouses

Policy ERE6 – Derelict and redundant glasshouses

The redevelopment of redundant and derelict glasshouses for non-agricultural uses will not be supported.

When glasshouses are redundant to the horticultural industry or are derelict, they should be removed, and the land restored to agricultural use.

In only the most exceptional circumstances, the development of derelict glasshouse sites may be considered for other uses, provided that the amount of development is the minimum required to deliver an overall improvement to the landscape character of the countryside through the removal of glasshouses and supporting infrastructure; and the restoration of agricultural land, or an appropriate environmentally-beneficial use.

Any such proposals must be accompanied by adequate information which demonstrates the redundancy of the glasshouse to the holding and the industry; and details which support and justify the extent of development sought relative to the costs of the removal of the glasshouses. Any such development will be conditioned to prevent further changes of use; and if the approved use ceases, that the land will revert to agricultural use.

Appendix 2

Policy GD4 – Enabling or linked development

Policy GD4 – Enabling or linked development

Applications that propose enabling or linked development proposals will only be supported where:

1. it is agreed that relocating an existing use, in order to accommodate a new use, will lead to a significant environmental, community or economic benefit to the island;
2. it is agreed that a proportionate amount of development is required in order to raise a minimum amount of capital to make a significantly beneficial scheme viable;
3. the development is considered necessary in order to mitigate or manage the impact of another development that is of significant benefit to islanders; or
4. the development is considered necessary in order to deliver critical infrastructure

Enabling or linked development proposals will only be supported where:

5. there is sufficient evidence to demonstrate that reasonable alternative options have been explored, and the development proposed represents that which will lead to the greatest benefit, or least harm; and
6. overall, the benefit of accepting the development outweighs any harm

In those cases where the justification for the development is related to financial viability, the financial gain of the proposed development must not exceed that which is required in order to make the principal development viable.

A planning obligation agreement will be entered into to ensure that when enabling or linked development has been approved for a specific purpose, that it comes forward as part of the implementation of the planning permission which generated the need for it.