

**The full text of the first Malvern Civic Society Annual Lecture,
Delivered by Jack Hegarty on 19 June 2017, is given below.**

Clive Hooper, Chairman of Malvern Civic Society, who introduced the speaker, expressed his appreciation of Jack Hegarty in agreeing to talk to the Society on the issues facing our communities, in trying to reconcile the needs for planning growth with those of conservation. Mr Hegarty's splendid lecture was both thought-provoking and stimulating, and was highly praised by those attending. The audience also relished the chance to raise questions with him on the topic (and some that can only be good for enhancing communications and understanding between the public and the local authority.), but above all they greatly valued his willingness to take those questions, and having the opportunity to listen to the views he expressed.

With over 32 years local government experience Jack Hegarty heads up two Councils in Worcestershire - Wychavon District Council as Managing Director and Malvern Hills District Council as Chief Executive.

Jack admits to being a town planner by profession and is a Member of the Royal Town Planning Institute and a Fellow of the Chartered Management Institute. He was Head of Planning Services at Wychavon and previously held senior planning posts at Worthing Borough Council in Sussex, Horsham District Council in Sussex and Watford Council in Hertfordshire.

He has kept an interest in planning and has given talks to the profession on a diverse range of planning matters including, planning performance, development management, affordable housing, planning policy, democracy and planning, community planning and even gypsy and traveller site provision.

Both Malvern Hills and Wychavon achieved *excellent* rated status under the previous Audit Commission *Comprehensive Performance Assessment*. In his Chief Executive role, Jack was proud to receive 'The Times Best Leader' award in both 2007 and 2008. Wychavon won the LGC's Council of the Year Award for 2007. It also was named as one of the top organisations in the 2010 and 2011 Times Best Places to Work in the public sector.

Jack is married with 4 girls and runs marathons to relax (and escape!). He loves rugby as a spectator now but has played for London Irish, captained Worthing RFC and represented Sussex.

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MALVERN CIVIC WEEK 2017



Conservation and Growth an uncomfortable combination?

**Jack Hegarty,
Chief Executive, Malvern Hills District Council**

Monday 19 June 2017

Can I thank the Civic Society for the invitation to speak at this event. The diary of events throughout Malvern Civic Week is impressive and I have no doubt that it will be a great success.



The photograph shows early 20th century Malvern. I do wonder if the current planning system was in place when this photograph was taken would we see this level of development on the east side of the hills. The built heritage we treasure, and that creates the unique character of the town, may have looked somewhat different!

Anyway, more of that later!

When Clive Hooper asked me to speak he really wanted a topic that would chime with the overall theme of Civic Week. So hopefully this will provoke some thought and some debate.

I have to, as always, when speaking at such events, advise that anything I say may not necessarily reflect the views of my employers! However, thankfully generally it does!

I have been a town planner by profession since the mid 1980s and while I am once removed from the profession now in my Head of Paid Service roles, it is inevitable that the day to day work of a district council involves planning related judgements. I have retained my professional accreditations and hopefully I can still speak with some authority on planning and heritage matters but don't give me too many very detailed questions!

The title of this talk is deliberately provocative. We are in an era of growth and as you will see tremendous pressure to deliver growth. However, growth can be at the expense of other important considerations and conservation and heritage matters are probably near to the top of the list.

I will also look at the current pressures for growth at a national and local level. I will look at how this sits with the importance of conservation, which is especially paramount in a district such as Malvern Hills, and the need to manage growth with due regard to our exceptional heritage assets.

I think the answer to the question is an easy one – yes, there is an uncomfortable relationship but I will ask you to consider whether this is a good thing and actually is better for proper planning than having a comfortable relationship or none at all!

To illustrate my proposition, I will first refer to why today's heritage assets were yesterday's growth agenda and why they were a result of the planning of the day. Planning of the past has, in part, created the heritage we now want to conserve. I appreciate not everyone would agree with that.

As Kevin Lynch, a renowned American urban planner and author, said...

'The handsome places we know seem to have grown naturally, while recently planned areas are ugly and uncomfortable. If that is true, why do we make such plans?'

Kevin's assertion even rings true to me as a planner on certain occasions. However, the reality is that our small island has been better off for having a mature planning system rather than either none at all, or a zonal purely land use based system that prevails in many other developed countries.

So what is our system? In my view, we have a spatial planning system that is democratic; transparent; takes account of economic, social and environmental matters; and balances competing factors. Equally, it is arguably incredibly centralist, difficult to navigate, expensive and slow on occasions. Nonetheless, it is one to be proud of.

The Royal Town Planning Institute (RTPI) in a recent publication set out the value of planning and sought to argue for a role for planning in a contemporary context. The value of planning remains and it states:

'...It remains the case that planning is critical to the functioning of capitalist economies, for example, controlling externalities such as pollution, and humanising and democratising urban spaces....'

Moreover, there has always been some form of planning and as Henry Aldridge in 1915 in his book, *The Case for Town Planning* said

'...so far from Town Planning being a 'modern fad' it is one of the oldest of the arts evolved in the slow development of organised civic life in civilised societies..'

Aldridge in his case for town planning went on to recognise the importance of and the place for conservation. He said...

'With regard to the preservation of places of historic interest all good citizens will be in agreement that a town planning scheme should be so prepared as to render secure the preservation of all places of historic interest whether the interest be local or national..'

Looking further into history, cities in ancient civilisations were carefully and deliberately planned. The best examples and those still preserved are the heritage assets of today of international importance.

The oldest examples of town planning are thought to be in Egypt as far back as 2500BC.

The first town planner in history was thought to be Hippodamus. He was an architect, urban planner, physician, mathematician, meteorologist and philosopher. A busy man! We don't make planners like that anymore.

He is seen as the originator of the idea that a town plan might formally embody and clarify a rational social order. His work included Piraeus and its grid form pattern – so Greek and Roman civilisations provide the bedrock of modern town planning!

More recent history in Britain has laid the foundations for our planning system. By the turn of the twentieth century the need for planning was self evident – bad

housing and bad planning were seen as two sides of the same coin. The public health demands of the time drove urban renewal. The imperative was to improve living conditions. Malvern was part of this impetus of course, being the antidote to the pressures and shortcomings of urban life.

I would like to mention the garden city movement briefly in the context of conservation. Ebenezer Howard and his garden cities of tomorrow were the start of the garden city movement which allowed philanthropists to create well planned environments such as Letchworth Garden City, Port Sunlight and Bourneville. All these now assume great national importance and still provide highly desirable places to live. Of course, garden villages and towns are back on the agenda and the foci for growth!

The importance here is the role of all of us to ensure we humanise what we allow to develop.

The RTPI *Value of Planning* document also sets out the following 5 key phases for planning.

- **Pre – war planning** – was borne out of the housing and public health acts of the late 19th and early 20th centuries, largely aimed at improving living conditions and this had a moral rationale as well. But by the early 20th century we had the first calls to control urban sprawl and improve the aesthetics of development: this was the first time there was a call for central government intervention.
- **Post war consensus (1947-1979)** – this is a long period and one which was subject to various tools which were politically based, such as the New Towns Act 1946 which allowed development corporations to be created, facilitated extensive slum clearance and large scale housebuilding. By the 1970s, we have the introduction of structure and local plans.
- **Entrepreneurial planning (1979-1990)** – this really was the period when planners were seen as part of a regulatory state and were holding back enterprise. We had however, the rise of the environmental agenda which proved impossible to ignore. This move away from a strong role for the public sector was characterised by a planning system being there simply to service planning applications rather than setting out how towns and cities should grow. I was one of those planners in the system at the time. A fascinating yet enjoyable time.
- **Planning for sustainable development (1991-2010)** -- we see the emergence of the term 'sustainable development' in this period – a reminder that the Brundtland Commission defined it as ... *development*

which meets the needs of current generations without compromising the ability of future generations to meet their own needs...'

- **Austerity, localism and economic growth (2010-present)** -- the agenda in this period was set by the Coalition government in 2010 – very much rhetoric about growth. The policies about devolution of powers to city regions appeared with an emergence of neighbourhood planning, a tool which is growing in importance, and I know Malvern is keen to see its plan completed.

Each of these very crude political and socio-economic periods, in my view, has contributed to the value of heritage to a greater or lesser degree. What the RTPI emphasise is that our planning system is inextricably tied to our political and economic context of the period and in my view driven by the political imperatives.

The current one is growth.

As the planning system comes under pressure, there inevitably are checks and balances. One of these and pertinent to Civic Week was the formation of the Civic Trust in 1957; this had a focus on conservation but also on bringing about positive change and promoting higher standards. It was a reaction to the planning and political context of that era. We can thank the Civic Trust for the first real assault on legislation that recognises the importance and history of place – there are now over 9000 conservation areas nationally. Of course, our planning system has separate legislation for protection of listed buildings, conservation areas, national parks, Areas of Outstanding Natural Beauty, SSSIs and other special designations. This isn't to be underestimated as a framework for better decision making and balancing the competing demands of development and growth.

One of the aspects of the current growth agenda is the latest Housing White Paper which has the very unusual admission by a government that the housing market is broken. I will come to this later.

It is all cyclical. I mentioned earlier about a very centralist planning system. The detail of government planning advice is key to how we shape places in our decision making. When I first started as a planner, Circular 14/85 was published. It was directive in saying that there is a presumption in allowing applications for development '*... unless the development would cause demonstrable harm to interests of acknowledged importance ...*' These few words would come to haunt planners for the next few years as they gave licence to allowing what we believed would be otherwise mediocre or poor development. As with any Circular, who was going to define demonstrable harm! Of course, the political driver for this seminal policy statement was growth. It was the attempt to use growth as a lever to boost the economy after the recession in the 1980s.

The current era of planning policy has the same drivers. The National Planning Policy Framework (NPPF), as the single comprehensive planning policy document for the government sets a '*presumption in favour of sustainable development ...*' This time round the only addition is the word sustainable which again is not defined for planning purposes. But post austerity, Ministers have been consistent that there will be growth.

As a balance, the NPPF, despite its failings about lack of detail, contains the three roles of planning -- economic, social and environmental. The environmental one is the hook on which due consideration can be given to protecting our built and natural heritage.

As with any government planning policy, it has been tested by challenges in the courts - how should we interpret the text? A recent Supreme Court ruling involving Suffolk Coastal and Cheshire East authorities is significant in that it is not only housing policies in a plan that can be rendered out of date, rather all policies that create or constrain land for housing, such as green belt for example.

Invariably, housing growth is the most contentious aspect of the growth agenda. That is played out at both a national and local level. I will come onto our situation in Malvern Hills later, but the supply side arguments are the more fertile territory for differences of opinion between pressure groups, local communities and the development industry.

Much has been said by the development industry that planning hinders growth and is a barrier to the economic potential of the country. As always there are two sides to any such debate. Delivery of new development is determined by many factors but the main ones are:

- The planning system itself
- Local political factors
- Community support or lack of it
- Land supply
- Viability
- Infrastructure

On the one hand, the Local Government Association (LGA) argue that there are up to 475,000 homes with planning permission waiting to be built. This is a significant pipeline of readily available sites to help meet housing supply.

On the other hand, housebuilders (the top 8 housebuilding companies build over more than half of new homes) are adamant that they don't land bank and point to delays in the planning system with up to 150,000 units stuck somewhere in local authorities.

In reality, there is truth in both arguments. Authorities can be slow often for the reasons that I have set out already. A democratically based planning system is not an exact science!

This year, the government (or the last one!) issued an unprecedented White Paper entitled – fixing our broken housing market. It is unusual for such an admission and we have heard opinions as to where the housing market is broken. I will show you some statistics later about the local housing market and you can make up your own minds.

It is one thing being bold enough to say the housing market is broken, but what do you do about it?

The White Paper sets out a comprehensive 4 point plan as follows:

1. Planning for the right homes in the right places (plans and land)
2. Building homes faster
3. Diversifying the market
4. Helping people now

Almost all of these are about the planning system not housing policy.

Because of the snap general election, how the policy aspirations in the White Paper resurface is unknown, but we can expect a reaffirmation of policies to create the environment for growth and getting people onto the housing ladder.

You may have seen Civic Voice's response to the housing White Paper. It is a very balanced and considered representation. It accepts the need for more housing growth, but also makes the point about community views being overridden. This is the ultimate paradox – with the quantum of housing and development required, how do you ensure adequate and meaningful contribution from local communities. However, that in itself is another lecture!

Civic Voice is rightly seeking to protect the countryside and seeks clarity on green belt policy. That, in my opinion, is a two-edged sword for us in South Worcestershire. On the one hand, a policy of 'hands off' our green belt around our cities may push development pressure beyond the green belt – this is a live pressure point from the West Midlands conurbation. Equally, a green belt review may allow sensible and limited redrafting of green belt boundaries. It is always a political hot potato!

I have set out the planning context for how growth is determined. However, there are many local factors which also influence the ability of an area to experience growth. One part of the country may be a 'low demand' area, and others will be the complete opposite. Malvern is one.

One of the key factors is the desirability of a place – the statistics consistently show that Malvern Hills is the most desirable place to live in the county in terms of residents' satisfaction with an area (91%). The contribution of heritage or quality of place/environment is not measured in this figure but it must feature highly.

So desirable places create issues. The ones for us here in Malvern are:

- Growing ageing population
- Increasing gap in life expectancy
- Economic growth
- Reduction in unemployment
- Increase in levels of deprivation in some areas
- Increase in house prices
- Significant new housing development planned

What residents feed back to us is also important and we are the only district in the county where *access to nature* features in the top 5 most important things. So is that a product of the place or a product of the sort of people who live in Malvern? I leave it to you!

You are also the most satisfied and least anxious residents of the county!

The key issues I want to concentrate on are the population change forecasts and house prices/affordability.

You can clearly see an older population – the number of 90-plus year olds substantially increasing. With that, the numbers of people living alone goes up concurrently. The peak is females over 75. This does of course create specific housing and care pressures.

In terms of house prices, with the ratio of the median house prices to salary now at over 12. So, in simple terms, affordability could be 12 times the salary.

The response to growth has been the South Worcestershire Development Plan (SWDP). It is a joint approach across south Worcestershire recognising the pressures coming from Worcester city and that they need to be managed. The development strategy was one of limited development in the villages and the bulk concentrating on the major towns. This is good for the character of the rural areas but creates significant urban pressures. Whatever the development strategy, somewhere was always going to feel the squeeze.

The plan was...

- Eight years in the making.
- Saw three parliaments.

- Changing local politics throughout.
- Increased housing targets and policies to deliver affordable housing and encourage renewable energy benefits from new development.

And importantly, it contains policies to safeguard the landscape and the district's historic environment.

The RTPI has used the SWDP as a case study of plan preparation. It has stated:

'...South Worcestershire offers a good case study of where a high quality environment, including the upland areas of the Cotswolds and Malvern Hills Areas of Outstanding Natural Beauty as well as the Avon, Severn and Teme valleys, might easily have been spoiled by widespread sporadic development in the countryside. The nature of some small-scale housebuilding where it takes place on greenfield sites is that it can be sporadic and uncoordinated. The significance of a well-resourced and effective development management system is thus of crucial importance in meeting broader aims of sustainable development. Instead, the South Worcestershire Development Plan has altered development locations by concentrating new housebuilding on strategic sites across the area and by achieving very high levels of brownfield development in Worcester itself (CPRE, 2014). Such redirection of development will undoubtedly have had important market consequences, raising house and land prices in some locations. Planners need to be aware of these outcome implications, and consider them in devising planning strategies ...'

In a Worcestershire-wide context you will see my point again about the differing growth pressures, notably in the south and north of the county. Jointly these plans set the following development targets for development in Worcestershire until 2031:

Housing numbers:

Wyre Forest District: **4000**

Bromsgrove District: **6980**

Redditch Borough: **6300**

South Worcestershire: **28300**

Translating that growth to a very local level, growth is planned mainly in Malvern town, with more limited growth in Tenbury and Upton, and the larger villages.

Malvern housing allocations- total= 1595:

- In town (13 sites) 495 dwellings
- QinetiQ 300 dwellings
- North East Malvern urban extension 800

Malvern Employment Allocations- total= 14.5ha:

- 10ha at North East Malvern
- 4.5ha at QinetiQ

So, enough about growth. What about our heritage and how we consider conservation matters?

Our area is heavily constrained by designations. The designations all have differing but often complementary reasons. One of the striking aspects of trying to accommodate growth in such a designated environment is the spatial constraints. Effectively, Malvern does not have 360 degrees to work with! This puts increased pressure on certain parts of the urban fringe.

In addition, we have to have due regard to our heritage assets. They are part of the built environment and the natural environment. The list includes:

- 6 registered historic parks and gardens
- Battle of Worcester – registered battlefield
- Potentially many thousands of non-designated assets
- Approximately 2,000 listed buildings
 - 31 Grade I
 - 86 Grade II*
 - Majority Grade II
- 21 Conservation Areas
- 47 Scheduled Monuments

With this wealth of heritage, it creates the special character of the area. However, coming back to the question I have posed, it means we need to be extra vigilant about the impact of growth.

To do so, we need to rely on the legislative and policy base provided by government. This is any local authority's front line tool for heritage protection and best conservation principles.

Protection is afforded by:

The law

- Primary legislation is Planning (Listed Buildings in Conservation Areas) Act 1990

Policies

- National Planning Policy Framework (Section 12)
- The South Worcestershire Development Plan (Policies 6 and 24)

Guidance

- National guidance/ advice from Historic England
- Local, from many sources

I have already mentioned the NPPF in the context of growth, but we also need to have regard to it in terms of conservation.

Section 12 – ‘*Conserving and enhancing the historic environment*’ provides the framework for decision making. There must be compliance of local development plan policies in the SWDP with the NPPF.

One of the more positive aspects of the policy framework in the NPPF is the introduction of the balancing exercise.

It is paragraphs 133 & 134 – the balancing of harm to the significance of the heritage asset against public benefit

- Paragraph 133 – this deals with assessing substantial harm
- Paragraph 134 – this deals with assessing less than substantial harm

So, where we may all have a differing view is the subjectivity of interpreting that adjective – substantial!

The following two key concepts also form the basis of decision making:

Significance – The value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset’s physical appearance but also from its setting.

Setting – The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.

Again, this is terminology which is open to interpretation!

So where does the local authority fit in the heritage asset responsibilities? In my view the first and primary responsibility falls with any heritage asset owner. The District Council can act as guardian and in a stewardship role. It has reactive and proactive roles. It needs to react to planning applications but also plan positively for conservation areas and other designated assets. It will seek to protect heritage assets and their settings from harm by controlling development which may impact on the asset.

In Malvern Hills there are some local initiatives that the local authority has taken up.

We are keen on preserving the local distinctiveness of our heritage rich town. I don’t just mean our designated assets. One of the most striking contributors to the sense of place is the wealth of tree lined avenues. These are more difficult not only retain but create in a cost conscious world!

The council also has a Heritage Champion which is a voice within the Council and with our partners to promote the value of heritage in decision making. Our community has its voice as well.

Finally, the Local List is an attempt to recognise parts of the fabric of the town which deserve recognition.

We all need to ensure conservation has its place in decision making. Not only a place but a significant role to balance the evolution of the town and carry out that balancing exercise that I mentioned earlier.

So, our heritage can open up some positive opportunities for development and growth sitting alongside our heritage. This includes:

- Re-use / repair of buildings
- Archaeological investigations
- Preservation in situ
- Landscape heritage

Using a large scale example outside our area but probably known to all of you is Brindley Place. It was one of the largest regeneration projects in the country in recent years and it is an urban renewal scheme that was heritage driven. It is based on exceptionally good public spaces; vitality created by the uses, excellent permeability and brings to life the industrial built heritage of this part of Birmingham. We can't always deal with regeneration at that scale but the lessons there are good ones for making places human, attractive and based on good conservation principles.

So after all that I am back to the original proposition! Some of you may feel that the balance between growth and conservation is such that the pendulum is too much in favour of growth. Hopefully I will have demonstrated that this something that the planning system has always had to deal with.

I am pleased that we have an uncomfortable juxtaposition of growth and conservation of our heritage assets. I believe our natural heritage is under more sustained pressure than our built heritage. Our built heritage is served well by a strong legislative base and long established principles. Development on our natural heritage is much more open to debate – for example housing supply arguments trumping other important considerations.

However, I am positive about the interoperability of our regulatory systems and the ability of the public to influence and determine better outcomes. One good example is neighbourhood planning.

I have tried to set out how the planning system exists to deal with competing interests. It doesn't always do it smoothly but it will do it in a transparent and open way which is designed to be robust. Protecting that which is best has to be a cornerstone of our planning system. Protecting that which is deemed to be of local significance has less prescription and the system allows for dialogue on this.

Thank you for listening.

