



PUBLIC ART THINK TANK

IXIA'S SEPTEMBER 2008 PLANNING SYSTEM UPDATE

This update provides a review of the proposed changes to the planning system and their impact on public art. ixia will issue further updates when new information about the changes is made available by the Government.

FAILING TO PLAN IS PLANNING TO FAIL...

Public Art and the Community Infrastructure Levy

If public art is not clearly embedded in planning documents it could miss out on a new funding stream

9th September 2008

In August, the government provided further information on how the Community Infrastructure Levy (CIL) will be set, paid and spent [1]. CIL is a key element of the new planning bill [2], which aims to simplify the planning process by removing obligations relating to a development site's social or community infrastructure. The government does not expect the regulations underpinning CIL to come into force before spring 2009.

ixia, the public art think tank [3], is concerned about how CIL may affect the way the planning system currently supports public art. Where public art is clearly embedded in up-to-date development plans it could create new opportunities and help avoid unsuitable development sites and restrictive negotiations. On the other hand, CIL does not apply to public art sited within developments or where artists are engaged within design and development teams. Technically, these would continue as now. However, developers not committed to the benefits of engaging artists on development sites may argue that CIL fulfils their obligations to public art.

What is clear is that the process of CIL starts with the vision and development strategy for an area. In England, this is contained in the statutory development plan, which encompasses the Regional Spatial Strategy and the Development Plan Documents in the Local Development Framework, particularly the Core Strategy. The statutory development plan sets out the type and location of

development anticipated in the area, which will inform how much CIL is likely to be collected as well as the amount and type of infrastructure required. [4]

The government intends that CIL should only be used to fund the infrastructure needs "*contemplated by the development plan for the area*". If public art, or the arts in general, are not clearly embedded in those plans, they will not benefit from the "*hundreds of millions of pounds*" the government expects CIL to raise towards the infrastructure that "*local communities need*".

However, local authorities in England and Wales will not be required to adopt CIL, and there are considerable implementation issues. For instance, the insistence on up-to-date development plans and a fully costed infrastructure assessment could deter local authorities that have otherwise well established processes - including tariff approaches very similar to CIL. Furthermore, in the current economic climate, it seems unrealistic to expect CIL to raise hundreds of millions of pounds of additional revenue from developers.

Whilst the overall intention is to simplify the process for developers, the introduction of CIL will challenge the skills and capacity of local authorities - not least public art officers and those involved with arts development. CIL's definition of infrastructure does provide an opportunity as it is driven by the sustainable communities agenda, which in turn acknowledges that culture, in its broadest sense, adds to quality of life and community identity. Whether or not CIL happens in the form outlined in the government's guidelines, we believe the emphasis on local authorities to have robust policies and implementation strategies will remain, and public art should be clearly embedded in those policies and strategies. The production, adoption and implementation of these would be made easier if, like sport, the arts were recognised within a Planning Policy Statement. [5]

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Notes

[1] The Department of Communities and Local Government (DCLG) *The Community Infrastructure Levy* (DCLG, 2008). Link to the published information:
<http://www.communities.gov.uk/publications/planningandbuilding/communityinfrastructurelevy>

[2] The Planning Bill was introduced on Tuesday 27 November 2007. The legislation builds on the proposals set out in the Planning White Paper and introduces a new system for nationally significant infrastructure planning, alongside further reforms to the town and country planning system. Link to the published legislation: <http://services.parliament.uk/bills/2007-08/planning.html>

The Bill includes proposals for a new Community Infrastructure Levy and aims to establish a better way to increase investment in the vital infrastructure that growing communities need. The

Bill will empower local councils to apply a Community Infrastructure Levy on new developments in their areas to support infrastructure delivery.

[3] ixia, the public art think tank, aims to provide an independent and objective view of the factors that affect the quality of artists' work in the public realm. We do this by undertaking research, enabling debate and effecting change at a strategic level.

[4] The Department of Communities and Local Government (DCLG) *Planning Policy Statement 12: creating strong, safe and prosperous communities through Local Spatial Planning* (DCLG, 2008). Link to the published statement:
<http://www.communities.gov.uk/publications/planningandbuilding/pps12lsp>

[5] Planning Policy Statements (PPS) are prepared by the government after public consultation. PPS explain statutory provisions and provide guidance to local authorities and others on planning policy and the operation of the planning system. They also explain the relationship between planning policies and other policies which have an important bearing on issues of development and land use. Link to published information:
<http://www.communities.gov.uk/planningandbuilding/planning/planningpolicyguidance/planningpolicystatements/planningpolicystatements/>