



PUBLIC ART THINK TANK

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**RESPONSE TO THE GOVERNMENT'S CONSULTATION ON THE DRAFT NATIONAL
PLANNING POLICY FRAMEWORK (NPPF)**

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ABOUT IXIA

ixia is England's public art think tank. We promote and influence the development and implementation of public art policies, strategies and projects by creating and distributing knowledge. We work with arts and non-arts policy makers and delivery organisations within the public and private sectors, curators, artists and the public. ixia is a charity and a regularly funded organisation of Arts Council England (ACE).¹

ABOUT PUBLIC ART

ixia defines public art as the process of artists engaging with the public realm. In practice this includes: artists creating high profile artworks as one-offs or as part of ongoing public art programmes or festivals (for example the *Angel of the North*² and Folkestone Triennial³); the involvement of artists in the design of new buildings and public spaces (for example at Cabot Circus in Bristol⁴); and artists working with community groups and individuals to produce artworks which celebrate and/or investigate local identity and/or local issues (for example in Cumbria via Grizedale Arts and *Creative Egremont: A Public Art Strategy for Egremont*⁵).

At present, public art is commissioned by local authorities, the health sector, the education sector, arts organisations, private sector organisations and community groups. They commission public art for a variety of reasons, which range from a belief in the intrinsic value of art to the use of art as a tool for achieving social, economic and environmental aims and objectives. The culture and sport evidence programme (CASE), which is led by the Department for Culture, Media and Sport (DCMS), has a database of over 3000 research studies relating to the delivery and impact of cultural activities, including public art, within a variety of contexts.⁶

Central to the provision and funding of public art by many of the commissioners listed above is the relationship between public art and the planning system.

IXIA'S RESPONSE TO THE DRAFT NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

ixia requests that the NPPF makes reference to public art, either independently or as part of a definition of culture, cultural infrastructure and cultural activities. This repeats ixia's request in February 2011 to the Department of Communities and Local Government's (DCLG) invitation to organisations and individuals to offer suggestions on the priorities and policies which should be included within the NPPF.⁷

ixia's request is supported by background information regarding the provision and funding of public art via the planning system. In summary, this includes:

- The adoption of Advice by Robert Carnwath QC by Local Planning Authorities (LPA). The Advice was given during 1988 and stated that LPA could, via local plans, encourage the provision on new works of art as part of a development and have regard to the contribution made by any such works to the appearance of the development or to the

¹ www.ixia-info.com

² www.gateshead.gov.uk/Leisure%20and%20Culture/attractions/Angel/Home.aspx

³ www.folkestonetriennial.org.uk/

⁴ www.cabotcircus.com/website/

⁵ www.creative-egremont.org/

⁶ www.culture.gov.uk/what_we_do/research_and_statistics/5698.aspx

⁷ <http://ixia-info.com/files/2009/01/Final-ixia-NPPF-response-24-Feb-2011.pdf>

amenities of the area.⁸ During 2006, ixia found that approximately 61% of LPA made reference to public art in documents relating to the planning system. Furthermore, guidance⁹ and research on planning obligations commissioned by the last Government,¹⁰ in addition to ixia's own review,¹¹ showed that when a developer and a LPA agreed on the provision of public art, then planning conditions and planning obligations were used to secure its development and delivery on and/or off development sites. Indeed, the last Government's research identified that public art was the most common planning obligation within major urban centres,¹² and its guidance provided advice to LPA on the wording of planning obligations for public art;¹³

- The promotion of public art as part of place-making by national organisations that advise national, regional and local government, other public sector organisations, and the private sector on art, architecture, urban design and public space. For example, ACE, the Commission for Architecture and the Built Environment (CABE) (now the Design Council CABE¹⁴), English Partnerships and The Housing Corporation (now the Homes and Communities Agency¹⁵);
- The impact of the last Government's changes to the planning system on the funding and provision of public art in support of the social, economic and environmental development of places (the Sustainable Communities Agenda).¹⁶ This led to ixia asking Ian Dove QC to provide new Advice during 2009. The Advice stated that: both permanent and temporary public artworks located on and off development sites are capable of amounting to a material consideration in the planning system; public art can be required by a LPA and, if it is not provided, can be the reason for refusing planning permission for a development; and for the above to happen a LPA must explicitly embed the details of the provision of public art within their development frameworks, supplementary planning documents and specific design briefs;¹⁷
- DCLG's publication of *The Community Infrastructure Levy: An overview* during November 2010 and May 2011. This document stated that the definition of community infrastructure in *The Planning Act 2008* allows the Community Infrastructure Levy (CIL) to be used to fund cultural infrastructure.¹⁸

The details of ixia's response to the NPPF are as follows:

⁸ Robert Carnwath QC, *In the matter of: Arts Council of Great Britain: Percent for Art. Advice* (Arts Council of Great Britain, 1988)

⁹ The Law Society, *Model planning obligation (section 106) agreement* (DCLG, 2006), p.17

¹⁰ University of Sheffield and the Halcrow Group Limited, *Valuing Planning Obligations in England: Final Report* (DCLG, 2006), p.49, 50, 51

¹¹ ixia, *Public Art and the planning system and process in England. Guidance on a Supplementary Planning Document for Public Art* (ixia, 2007)

¹² University of Sheffield and the Halcrow Group Limited, *Valuing Planning Obligations in England: Final Report* p.50

¹³ The Law Society, *Model planning obligation*, p.17

¹⁴ <http://www.designcouncil.org.uk/our-work/cabe/>

¹⁵ <http://www.homesandcommunities.co.uk/>

¹⁶ Department of Communities and Local Government (DCLG), *Planning Policy Statement 12: creating strong safe and prosperous communities through Local Spatial Planning* (DCLG, 2008)

¹⁷ Ian Dove QC, *Public Art and the Planning System, Advice* (No5 Chambers, 2009)

¹⁸ Department of Communities and Local Government (DCLG), *The Community Infrastructure Levy: An overview* (DCLG, 2010 and 2011), p.6

Does the NPPF give sufficient guidance to LPA, the Planning Inspectorate and others, including investors and developers, while at the same time giving local communities sufficient power over planning decisions?

ixia does not believe that the NPPF gives sufficient guidance or power regarding planning decisions relating to cultural activities, including public art.

The NPPF includes the contributions to 'planning for prosperity (an economic role)', 'planning for people (a social role)' and 'planning for places (an environmental role)' made by the creative industries, vibrant town centres, community activities, tourism, architecture, open space and recreational facilities, the natural environment and the historic environment. But it does not make any specific references to the role that cultural activities, including public art, directly have in supporting economic, social and environmental aims and objectives. Furthermore, the NPPF does not recognise the contribution that cultural activities, including public art, make to the development of the creative industries, vibrant town centres, community activities, tourism and architecture and the use of open space and recreational facilities, the natural environment and the historic environment.

Therefore, ixia's key concerns are that: planners at all levels, investors, developers, local communities and others will overlook the role of cultural activities, including public art, in supporting sustainable development; and if cultural activities, including public art, are supported at a local level then there is insufficient guidance or power to enable stakeholders to secure provision and funding via the planning system.

Is the definition of sustainable development contained in the document appropriate; and is the presumption in favour of sustainable development a balanced and workable approach?

ixia believes that the inclusion of cultural activities, including public art, within the definition of sustainable development would make the definition appropriate and would make the presumption in favour of sustainable development balanced and workable. It will provide clarity at national and local levels regarding the status of cultural activities, including public art, within the planning system. This will contribute to achieving a less complex and a more balanced and accessible planning system.

Are the core planning principles clearly and appropriately expressed?

ixia does not consider that the core planning principles are clearly and appropriately expressed and requests that they include references to the role of cultural activities, including public art, in supporting sustainable development.

Is the relationship between the NPPF and other national statements of planning-related policy sufficiently clear? Does the NPPF serve to integrate national planning policy across Government Departments?

ixia considers the relationship between the NPPF and other national statements of planning-related policy to be mixed in its clarity:

- The omission of references to cultural activities in the NPPF does not reflect the guidance given by DCLG in *The Community Infrastructure Levy: An overview* during November 2010 and May 2011. DCLG included a reference to cultural activities within the list of infrastructure types that can be funded by CIL. ixia requests that cultural activities, including public art, are included in the NPPF to reflect DCLG's guidance on CIL;

- The NPPF does not contain the references to cultural facilities (theatres, museums, galleries, etc) included in *Planning Policy Statement 4: Planning for Sustainable Economic Growth* (PPS4). Therefore, ixia believes that the roles and needs of cultural facilities in supporting sustainable development will be overlooked. ixia requests that the NPPF includes the references to cultural facilities contained within PPS4;
- ixia welcomes the references to good design, social interaction, inclusive communities and community engagement within the NPPF, which reflect the content of existing Planning Policy Statements (PPS). However, ixia requests the inclusion of public art as part of good design, social interaction, inclusive communities and community engagement within the NPPF.

The NPPF does not integrate national planning policy across all the activities supported by DCMS and its national arts development agency, ACE. They support a wide range of cultural activities, including public art, which have a role in supporting sustainable development.

Does the NPPF, together with the duty to cooperate, provide a sufficient basis for larger-than-local strategic planning?

ixia does not believe that the NPPF, together with the duty to cooperate, provides a sufficient basis for larger-than-local strategic planning relating to cultural activities, including public art. This is because the NPPF does not recognise the role of these activities in supporting sustainable development at any level. DCMS and ACE's funding of arts organisations and artists is based on an understanding of national, regional, sub-regional and local cultural identity and needs.

Are the policies contained in the NPPF sufficiently evidence-based?

The principal references to evidence-bases within the NPPF are that they should be proportionate and relevant. This is a responsibility given to LPA. The NPPF is an aspirational document that makes no other general or specific references to how the policies it contains are evidence-based policies.

The use of proportionate and relevant evidence-based policy is applicable to cultural activities, including public art, and many local authorities, communities and other local stakeholders will wish to continue to undertake these activities with support from the planning system. Furthermore, ixia believes that the NPPF should clearly reflect the support given by the Government via DCMS and ACE to cultural activities, including public art, and the role that these activities have in supporting sustainable development. Therefore, ixia believes the cultural activities, including public art, should be specifically referenced within the NPPF.