

Community Infrastructure Levy: Detailed proposals and draft regulations for the introduction of the Community Infrastructure Levy, July 2009, London, Department for Communities and Local Government

**Response by Living Places partnership**

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The cultural and sporting agencies comprising the Living Places partnership (Arts Council England, Commission for Architecture and the Built Environment, English Heritage, Museums, Libraries and Archives Council, and Sport England) in response to the introduction of the Community Infrastructure Levy (CIL), as outlined in the Planning Act 2008, would wish to be assured that:

- Revenue from the Levy will help build truly sustainable communities by providing an adequate supply of new and enhanced cultural and sporting infrastructure; and
- The Levy will deliver greater resources than those emerging from current section 106 agreements for culture and sports provisions, so that continued progress towards creating quality places [a current government priority] can be assured.

The Living Places partnership initiative works with both the DCMS and DCLG to ensure that all communities, in particular those experiencing economic growth, benefit from cultural facilities such as museums, libraries, art and sport as well as making better use of cultural heritage. The partnership recognises 'culture and sport' as the collective term for a range of activities, resources, facilities and expertise that include arts, sport, heritage, museums, libraries and archives, the built environment and the creative industries, including film and media.

Individual partner agencies or their regional offices may make more detailed responses in relation to the sector or areas they support, including detailed responses from Sport England, English Heritage, and iXIA (the public art think tank, whose response is supported by Arts Council England). We would encourage you to also refer to these when taking into account the needs of the cultural and sport sector.

The Living Places partnership makes a number of proposals in this response to help ensure the above objectives.

### 1. *Include Culture on the illustrative list of infrastructure types*

The Consultation states that CIL receipts must be spent on providing 'infrastructure'. The Government proposes not to add to the indicative list already contained in the Act, but to leave it to local authorities to define what infrastructure is relevant to the delivery of sustainable development in their areas. The Planning Act however contains a power to alter the illustrative list, for example where new types of infrastructure have been identified. [Consultation: paras 2.20.-2.32].

Sport and recreation is in the indicative list, but culture is not.

#### Response

We would request that culture, as well as sport and recreation, should be included in the illustrative list of infrastructure types listed in the Regulations. There are a number of reasons for this;

- *It would reflect the recent co-operative work of DCLG and DCMS through the Living Places partnership*, and the emergence of culture as a more clearly defined set of infrastructure needs, over the last two years. Arts Council England [ACE] and the Museums Libraries and Archives Council [MLA] have recently published advice on recommended standard charges for arts and museum buildings, public libraries, and archives, to be provided in association with new development. This material can be used to assist local authorities in defining their CIL charging schedules [1];
- *Deliver clarity for the sector*: At the Commons committee stage, Ministers were asked if culture was an accepted category of infrastructure within CIL. Following the exchanges it was agreed that culture could be a category, but that this would be considered at a later stage of the process of approval of CIL. This stage provides that opportunity;
- *Help ensure delivery*: CIL will break the link between developments and specific cultural and sports provisions. The inclusion of culture within the list will remove any uncertainty over the role of culture in the process of delivering sustainable communities, encouraging local authorities to include cultural needs in their charging schedules;
- *Help deliver other recent government policy statements*; 'providing a good range of easily accessible cultural and sports provisions' is listed as central to 'quality of place' in the Department's recent policy statement on *World Class Places* [2];
- *Support effective regional planning policy*: listing policies and priorities for 'widening access to culture, media and sport' is listed as one the

aims of the new single regional strategies being introduced by the Government [3];

- *Support eco town delivery*; provisions for arts/culture, public libraries and sport are listed among the types of local infrastructure that should be provided by those planning the first wave of eco towns, as well as pre-development assessments of the historic environment, in the recently published eco towns guidance [4]; and
- *Help to implement the DCLG/DCMS joint agreement on Culture and Sustainable Communities*, which supports putting in place local frameworks to encourage increased participation in culture [5].
- The Living Places partnership believes that historic buildings and areas are key components in the quality of the local environment and as such represent an element of local infrastructure, albeit one that is somewhat different from transport or energy provision. The reuse of such buildings and areas represents an inherently sustainable way of using finite resources. While the existing system of planning obligations under Section 106 has proved to be a mixed success in terms of the historic environment, we believe that CIL proceeds present an opportunity for a much more straightforward and systematic way of local authorities investing money in their local historic environment.

## *2. Include funding for the pump priming of the community use of facilities within the definition of infrastructure*

The Consultation suggests that local authorities should take a holistic view of the infrastructure required in their area, and have flexibility to decide the best way to deliver infrastructure to greatest effect [paras 2.16-2.18].

### Response

We suggest that one of the aims of cultural and sport planning is to increase participation to deliver some of the health, economic, skills, community cohesion and other beneficial outcomes listed in government guidance. There may be occasions where the employment of a community development, sports development or audience development worker, or community artist may best assist in the delivery of LAA, MAA and development plan objectives.

We recommend that this possibility is made clear as a use of CIL receipts in the regulations.

The Living Places Partnership believes that local authorities should be given guidance and encouragement to look for further opportunities that CIL proceeds and the projects that will be funded can bring. For example, major transport projects can often provide opportunities for investment in the historic environment through archaeological investigations, or through public realm

upgrades in affected areas. In this respect, CIL funding could provide a multiplier effect, with funding for specific infrastructure projects also creating spin-off benefits for the historic environment.

### *3. Concern over the total of funds used for culture and sport emerging from CIL*

The Consultation states that the CIL receipts may not provide the main source of funding for infrastructure in an area. Core public funding will continue to bear the main burden [para 2.14].

#### Response

In the case of culture and sport, CIL receipts are particularly important as there are no other regular sources of Government funding, as for schools and police provision for example. We therefore feel that culture and sport will be particularly vulnerable where there is an overall shortfall of funds for infrastructure provision in association with new development in an area. In areas in the south east where tariffs have been agreed this is currently the position.

The regulations should expand on how any situation of serious shortfalls will be resolved when charging schedules are being drawn up, and when the revenues for CIL are being apportioned.

We would like to see a situation where funds for local culture and sports provisions are protected, otherwise the intentions of Government to deliver 'world class places' will not be realised.

Whilst the consultation document provides clarity and certainty over the setting, collection and enforcement of CIL, there is no such certainty over how the infrastructure that is needed by communities will be effectively delivered. The Living Places partners are concerned that the CIL proposals break the link between developments directly providing for the infrastructure needs they create, i.e. reducing the certainty on delivery that exists at present under the standard charge approach taken by many Local Authorities. We propose that if standards for local culture and sports facilities have been formally approved by resolution of a local authority or other relevant body, and have gone through public consultation, the schemes designed to deliver such standards should be protected in any apportionment of CIL receipts.

The partners would also argue that the CIL should be based on people rather than development area (m<sup>2</sup>) as it is people who generate the need for infrastructure, and not buildings. The current proposals suggest a charge based on the m<sup>2</sup> of development rather than the per person based charges developed by a number of Local Authorities and which reflects the guidance from the cultural and sporting agencies.

### *4. The importance of culture and sports provision at the sub regional level should be recognised*

The Consultation discusses the importance of providing support for the provision of infrastructure which has more than local catchments [paras 2.43-2.50].

#### Response

Many cultural and sports provisions have sub-regional catchments; these include theatres, major galleries and large swimming pools, for example. We support the pooling of CIL contributions for such sub-regional cultural and sports provisions, but would like to see culture and sports facilities listed or otherwise acknowledged as of sub-regional importance in regulations or accompanying advice.

#### *5. Clarify the scope of planning obligations in the future*

The Consultation proposes the scaling back of planning obligations so that they solely cover matters of the mitigation of the impacts of the development in question [para 5.12].

#### Response

We strongly support the retention of section 106 agreements in order to cover site-related matters. We consider it important that the following situations can be allowable under section 106, and should be covered in any revised circular;

- The on-site replacement of cultural and sports facilities where lost through development;
- The replacement of facilities lost on a site by the enhancement or provision of facilities nearby, in a location that is easily accessible to the new residents; and
- The on-site provision of necessary cultural and sports facilities in new green field schemes.

#### *6. Support existing tariff and standard charge approaches and need for a suitable transition period between standard charge and CIL regimes*

The Consultation states that all existing tariff schemes would need to migrate to CIL, and this should be over as brief a period as possible. A transition period of two years from 6 April 2010 is suggested [paras 5.37-5.41].

#### Response

Cultural and sport interests support the use of standard charge and tariff schemes which have channelled increasing sums into essential sport provision, and latterly cultural provision, over recent years. The approach has considerable legitimacy as all supplementary planning documents in use have

been subject to public consultation, and schemes such as the Milton Keynes tariff have the express support of the development sector.

For culture and sport, standard charges also guarantee the use of funds on specific items of infrastructure discussed in negotiations, or defined in local planning documents and sport and cultural strategies.

We feel that a two year transition period is too short for changing the system in areas where tariffs and pooling systems currently operate, especially given the new requirements for viability testing of CIL charging schedules. We recommend a period of three or four years may be required.

## References

1. Arts Council England and Museums Libraries and Archives Council (2009) Arts, Museums and New Development; A Standard Charge Approach; MLA (2008) Public Libraries, Archives and New Development: A Standard Charge Approach.
2. DCLG (2009) World Class Places: Governments Strategy for Improving Quality of Place, pages 11 and 12.
3. DCLG (2009) Policy Statement on Regional Strategies and Guidance on the Establishment of Leaders Boards: Consultation, para 4.9 (8).
4. .DCLG (2009) Eco Towns: A supplement to Planning Policy Statement 1; para ET 13.
5. DCLG and DCMS (2006) Culture and Sustainable Communities Joint Agreement. See [www.living-places.org](http://www.living-places.org).uk