

West Midlands Combined Authority

WMCA Repurposing to Zero

The role of Town Planning in directing investment in Culture

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Executive Summary

The West Midlands Combined Authority identify that ‘Arts, heritage and culture matter’, with their role to be an enabler and influencer to ensure the arts and cultural sector can thrive. However, the sector needs support particularly after the recent impacts of Covid.

Arup has provided this research to the Combined Authority to provide a high-level analysis of how the requirements for the culture sector are addressed in the English planning system. Our findings indicate that:

- National planning policy does include references to protecting and providing culture as part of Local Plans and decisions on planning applications.
- However national policy lacks detail, and the framework it puts in place is not always followed through in Local Plans and decision making at the local level.
- In our review of Local Plans in the West Midlands, where there are local policies and requirements, these lack detail or are focused on a small part of the wider cultural sector.
- Additionally, there is the challenge of understanding the gaps in the cultural offer of a place. Culture is usually deemed the engagement of people, rather than the physical infrastructure needed. There appears to be a lack of evidence to link growth in population with its cultural needs.
- Our case studies show that more can be done in the West Midlands within the existing planning system, particularly to have stronger planning policies which prioritise and give direction for protection and investment in culture, alongside more engagement with the wider culture sector.

We have identified 11 recommendations for the Combined Authority to consider, and work with its partners in developing further. This includes developing a toolbox for the culture, development and planning sectors; strengthening the role and policies of local plans, identify a strategic representative organisation for the sector in planning, review opportunities for the cultural sector to access planning obligations and seek to influence national policy.

1. Introduction

1.1 Background

The UK's cultural industry has been severely impacted by a number of national and global factors. Evidence provided by the National Campaign for the Arts' 'Art Index' demonstrated that public investment in arts per head of the population in England decreased by 35% in the last decade¹. Numerous venues failed to reopen post-Covid, due to the loss of income and investment, which has further been exacerbated by the cost of living crisis, creating a detrimental effect on the provision of cultural facilities across the UK. Brexit has also created a lasting impact on the cultural sector, limiting the freedom of movement of artists, limiting the exchange of ideas and collaboration. UK artists have been unable to access funding and cultural programmes run in the EU and vice versa².

To support cultural facilities, the Government pledged a £1.57 billion investment to protect Britain's cultural, arts and heritage institutions, which has further been followed by initiatives and funding delivered by Local Authorities around the country. The 2022 Commonwealth Games delivered major cultural investment across the West Midlands, boosting local economies and the regeneration of areas around Games venues. However, with a potentially growing loss of cultural institutions and a growing population, it is important to examine how these facilities are planned, protected and delivered through the planning system and by developers.

The planning system has the capacity to deliver a strong cultural offer, if used and moulded by Local Authorities, communities, developers and organisations. Planning policy also plays an important role in protecting and retaining cultural infrastructure. However, it is the responsibility of councils and the appropriate organisations to plan positively and lobby for support of culture and arts initiatives, adopting the aims around the delivery of health, social and cultural infrastructure outlined in the National Planning Policy Framework within local policy and developments. There is an additional role for National Government, to guide and steer development through National Planning Policy, providing clear direction for how the planning system can direct investment in culture. This can contribute to a 'trickle-down' effect, implementing new measures in cultural investment that can be adopted at a local level.

1.2 Scope and Purpose of this Position Paper

This position paper presents the findings of research undertaken to understand the role of town planning in directing investment in culture. This paper includes information for the West Midlands Combined Authority (WMCA) of key issues and opportunities within the planning system (principally Planning Policy and Development Management) and outlines a number of recommendations that we feel could make a positive difference. As the WMCA currently has no formal planning powers, they can consider these recommendations as part of partnerships and discussions with Local Planning Authorities (LPAs) in the area in favour of investment and creating a strong local culture economy.

The methodology of this paper followed a primarily desk-based research methods to scope out current approaches and examples of investment in culture through planning. We reached out to internal Arup colleagues for Local Plan case studies across the UK which were reviewed and checked, alongside local research. Additionally, we conducted two interviews which provided contemporary views on planning obligations and the Agent of Change policy that impact on investment towards culture. This was extremely helpful in exposing new methods of funding for cultural uses, as well as informing our recommendations.

The report follows two workstreams:

- A review of national planning policy, any existing guidance, and a selection of Local Plans in the West Midlands to capture the existing situation on decision making when it comes to policy on

¹ [Coronavirus: Report suggests arts industry faces 'ruinous losses' - BBC News](#)

² <https://ukandeu.ac.uk/brexit-impacts-on-the-arts-and-culture/>

cultural assets. Any useful links to other relevant regulatory processes should also be highlighted, such as environmental protection.

- Research best practice around protection and promotion of culture within the planning system. This should include any relevant aspects such as Agent of Change principle in the NPPF but could also include local policies such as those linked to the cultural infrastructure work with the Greater London Authority. Links with town planning should be explored, together with policies linked to heritage. The work should seek to draw out other useful parallels in town planning, including heritage policies. A review and potentially some examples should also be carried out of decisions through planning to highlight how this has worked in practice.

Alongside this positioning paper, WMCA commissioned Arup to develop Business Case Guidance highlighting the case for investment in culture for local authorities, developers and investors through evidence gathered from a literature review and case studies (Document Reference 288875-ARUP-RP-V-000001). The Business Case Guidance provides further insight into the culture sector which supports the information in this paper, including examples of funding secured by Local Authorities.

2. The Existing Influence of Town Planning in directing Investment in Culture

2.1 Definition of culture

2.1.1 Research Definition

Culture is an important factor in place-making, offering opportunities from social engagement, strengthening community cohesion to generating economic success and creating place identity.

Culture and cultural facilities can come under a number of different forms, from arts and media, community facilities and infrastructure, to sports and sporting events. This wide spectrum can present challenges to protecting and promoting culture through planning without a clear understanding of the uses it relates to.

We developed a definition with the WMCA so it was clear on the types of uses and activities we need to look at in our commission as outlined in Figure 1³, with a focus on those which intentionally create cultural activities. We have tried to keep a broad approach, with specifics provided to highlight issues and opportunities. This definition can be summarised as ‘visual and performing arts, music, spectator sports, festivals, carnivals, pop-ups, cultural education, and cultural arts and crafts’.

Focus on creation of intentional cultural activity

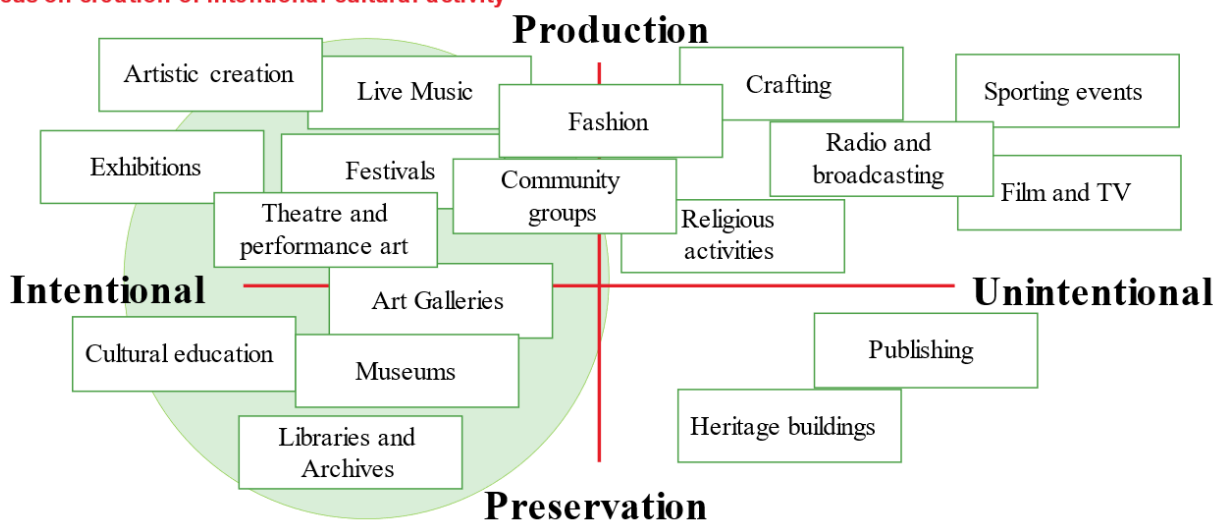


Figure 1 - Definition of Culture for this Positioning Paper

2.1.2 Culture Definition within the Planning System

The planning system sets out different requirements depending on the type of use of land and buildings. Under the Town and Country Planning (Use Classes) Order 1987 (as amended), uses are divided into five different categories known as ‘Use Classes’ which are used when determining planning permission for a development. Cultural uses fit into the following use classes⁴ (see Appendix C for more detail)

- Use Class F – Local Community and Learning. Class Use F can be split into Class Use F1 and F2, and include facilities such as museums, libraries, community halls or meeting rooms.
- Sui Generis – Accounts for uses that are not included within the other categories, examples include theatres, nightclubs, cinemas, concert halls.

³ The methodology we developed for this definition is provided in the separate paper on Business Case Guidance paper.

⁴ [Use Classes - Change of use - Planning Portal](#)

Within this report, we have focused our attention on those cultural activities where they are the dominant use of a building, whilst noting that cultural activities also happen in other spaces including places of worship, café's, public houses and shared community and cultural spaces. Cultural activities also occur outside of specific Use Classes, such as in new residential or office developments where it can be common to integrate activities that create an element of culture for that space.

In addition, within Use Class F there is a reference to areas or places for outdoor sport or recreation. We have not included sporting uses within this research due to its existing level of protection and investment through the planning system. Sport England currently plays an advocacy role for sporting provision in developments, for example, they ensure that playing pitches are provided as part of larger housing developments. In addition, as uncovered in our research into culture within Local Plans across the West Midlands, policies for the protection and promotion of culture often come under policies focused on heritage. There is already extensive national and local planning policy that protects heritage buildings and uses, supported by Historic England. Therefore, these policies and the protection of heritage uses are not detailed in this paper. For the cultural sector, there is no comparable organisation to Historic England or Spots England in the planning system.

2.1.3 Assets of Community Value

It should also be noted that cultural uses can be identified as Assets of Community Value (ACV), which was introduced to the planning system in the Localism Act 2011. ACV provide communities with the opportunity to buy a building or land that is considered important to the social wellbeing of that community, enabling the community to take ownership of that space. This can facilitate uses such as community hubs, youth clubs, cafes or art clubs. Subject to meeting other criteria from Government guidance⁵, a building or land can be considered an ACV, if 'its actual current use furthers the social wellbeing and interests of the local community, or a use in the recent past has done so.

The identification of a building as an ACV can make it a material consideration, which makes it a matter that should be considered during decisions on planning applications (including decisions for changes of use⁶). This means if a building is an ACV, it may be more challenging to change its use, and that a strong justification for the change will be required. While this is a tool with a wider application, it is an additional tool available to the culture sector to ensure the retention of cultural buildings through planning decisions.

2.2 National Planning Policy

The National Planning Policy Framework⁷ (NPPF) (2021) sets out government's planning policies for England. It recognises the role that culture plays in creating a strong, competitive economy, beside the role it plays in supporting vibrant and healthy communities (see Appendix A for further details). The overarching aim of the NPPF is achieving sustainable development; it outlines three objectives for the planning system, one of which is the 'social objective' which aims to:

*'support strong, vibrant, and healthy communities...by fostering well-designed beautiful and safe places, with accessible services and open spaces that reflect the current and future needs and support communities' health, social and cultural well-being*⁸.

This objective, along with the policies and principles outlined in the NPPF, underpin the basis of policymaking for the planning of culture and arts. This extends from the provision of physical infrastructure, through Infrastructure delivery Plans, to the protection of existing cultural facilities as outlined by the Agent

⁵ Assets of Community Value – Policy Statement (2011) - https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/6069/1987150.pdf

⁶ Assets of Community Value – Policy Statement (2011) - https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/6069/1987150.pdf

⁷ [National Planning Policy Framework \(publishing.service.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6069/1987150.pdf)

⁸ National Planning Policy Framework, section 2, paragraph 8(b)

of Change Principle. The NPPF also advocates the engagement of cultural stakeholders and communities to support the type of cultural development that is needed within a local area.

Chapter 7 of the NPPF also promotes cultural uses in town centres, stating that planning policies should allow town centres to develop and diversify, responding to rapid changes in cultural industries, delivering a flexible mix of uses⁹.

Specifically on Local Plans, the NPPF places requirements on planning policies:

“20. Strategic policies should set out an overall strategy for the pattern, scale and design quality of places, and make sufficient provision for ...

c) community facilities (such as health, education and cultural infrastructure); and...”

“93. To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:

a) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;

b) take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community;

c) guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community’s ability to meet its day-to-day needs;

d) ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community; and

e) ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.

The NPPF instructs Local Plans to deliver policies to address the priorities and issues for the development use of land for the LPA area. This means that policies within Local Plans are required to guide the provision of culture facilities and community infrastructure. These policies provide a minimum of a 15-year period look ahead from adoption, taking into account a timescale for delivery. Local plans and associated policies can become quickly outdated, therefore policies surrounding the delivery of culture can be lost and current need, for example cultural education facilities, may not be met on time. It is therefore important that stakeholders engaged with cultural investment are involved within the planning process.

The NPPF provides opportunities for the protection and promotion of culture in Local Plans and planning decisions on an individual development. It encourages collaboration across authorities, developers and organisations, the benefits of which are established in our Business Case Guidance paper. When influencing the role of town planning in the investment in culture, stakeholders need to start at the Local Plan stage.

Whilst the NPPF provides an approach to guard against the loss of cultural facilities, its implementation will depend on the information available to the decision maker. In addition, what may be outlined at national policy may be interpreted differently at a local level. There is also a need to consider other routes for the investment in culture when Local Plans become out of date or are silent.

A consultation on revisions to the NPPF closed on 2nd March 2023¹⁰.

⁹ [National Planning Policy Framework - 7. Ensuring the vitality of town centres - Guidance - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/101222/nppf-2019-07-ensuring-the-vitality-of-town-centres-guidance.pdf)

¹⁰ [Levelling-up and Regeneration Bill: reforms to national planning policy - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/101222/nppf-2019-07-ensuring-the-vitality-of-town-centres-guidance.pdf)

2.3 Local Plans and Culture

The planning system is plan-led, which requires decisions around planning applications to be made in accordance with policies and strategic priorities in the Local Plan, however, if Local Plan policies are absent/silent, development is made in accordance with objectives outlined in the NPPF. Local Plans are prepared and produced by the LPA, delivering a framework for development. Local Plans have the power to identify space for formal and informal arts and cultural activities for future needs. This requires up-to-date information on the cultural assets in the area, such as through mapping, to identify gaps in need or potential areas that could be lost to different development. This could also be required from developers in the form of a cultural needs assessment at planning application stage.

Stakeholders have the ability to shape the content of Local Plans and, to suggest policies that support the investment in the local cultural and art offer. This is dependent on what stage of preparation of that the Local Plan is in. Early engagement in the plan-making process, such as when an LPA publishes their issues and options statement for consultation, with communities and stakeholders in the culture and arts sector can provide greater opportunity for the investment in culture than responding at draft plan stage.

The production of Local Plans is underpinned by the gathering of evidence; local knowledge, expertise or research which identifies the current capacity of culture and arts provision. This evidence is used to inform an Infrastructure Development Plan which outlines the requirements of infrastructure for the plan area. The evidence gathered for the Local Plan should coordinate and collaborate with other sectors and priorities, such as healthcare, education and economic growth.

Consultation stages within the delivery of a Local Plan are a good opportunity for stakeholders to collaborate. Local organisations can help provide the evidence for the Local Plan that supports the protection and promotion of cultural uses. Cross collaboration is key as it can support the delivery of policies in the Local Plan that are sustainable in terms of future use. For example, experts identifying key opportunity areas or places, speaking to local businesses and communities to understand grassroots opinions and then providing this information to inform the Plan.

It is important that a strategic buy-in to cultural investment is accompanied by a community-led bottom-up approach. The viability of cultural facilities can be questioned, therefore research and evidence supporting viability can be used to support developers in provide high-quality cultural facilities. Therefore, the cultural sector themselves can get involved in the development of and consultation on the Local Plan, which can create a cultural ecosystem that becomes a representative to the planning system for the development of national and local policy.

The NPPF and Planning Practice Guidance¹¹ currently lacks guidance on cultural investment for LPAs, however the Town and Country Planning Association produced a good practice guide for improving arts and culture through Planning. Figure 2 outlines their recommended actions to support cultural investment.

¹¹ <https://www.gov.uk/government/collections/planning-practice-guidance>

Considerations for culture, arts and sport provision during stages of preparing local planning documents

Plan-making stages	Actions to support culture, arts and sport provision
<p>Stage 1: Issues and options, and evidence-collecting – initial scoping of planning issues, draft vision and strategy, place-based policies and development allocations, commissioning and compilation of material evidence</p>	<ul style="list-style-type: none"> ● Help to supply evidence on the local area’s culture and sport provision needs and requirements and submit it to planners. ● Help to feed evidence into the infrastructure plan process. ● Become involved in the local authority’s public engagement activities.
<p>Stage 2: Initial draft Local Plan – first draft published for public consultation after taking Stage 1 work into account</p>	<ul style="list-style-type: none"> ● Become involved in and contribute to public consultation. ● Check whether the policies and vision reflect opportunities for the provision of new and improved culture and sport facilities.
<p>Stage 3: Publication and formal submission of the Local Plan to the Planning Inspectorate – submission with representations from the public on the soundness test and legal compliance</p>	<ul style="list-style-type: none"> ● Ensure that emerging policies conform with NPPF guidance – see Appendix B in this guide. ● Submit representations to support or help embed positive policies on culture and sport in the draft Local Plan.
<p>Stage 4: Examination in Public and Inspector recommendations – formal examination, taking the format of a series of topic discussions led by the Planning Inspector</p>	<ul style="list-style-type: none"> ● Request representation for the culture, arts and sport sectors. ● Reinforce submissions made to the plan-making process, seeking to improve and strengthen culture and sport policies, with robust evidence.
<p>Stage 5: Local authority adoption – the point at which the Local Plan comes into force, superseding all previous documents</p>	
<p>Stage 6: Monitoring and plan review – the local authority is required to monitor progress on implementing the policies and achieving related targets in the Local Plan through an Annual Monitoring Report</p>	<ul style="list-style-type: none"> ● Check that the Local Plan sets out clear, measurable expected outcomes from culture, arts and sport policies. ● Check Community Infrastructure Levy charge and/or planning obligations spending against culture, arts and sport provision.

Figure 2: TCPA recommendations for supporting culture through Planning¹²

2.4 Infrastructure Delivery Plans

Infrastructure Delivery Plans (IDPs) are commonly produced as part of the evidence base underpinning a Local Plan. They provide further detail about infrastructure needs within a local authority area and set out schedules of the specific infrastructure required to support new development within that area, such as the growth in population. There is no prescribed format which an IDP needs to follow although most typically set out the costs of providing particular infrastructure schemes, the delivery mechanisms by which schemes will be provided and funded, and an approach to the prioritisation of infrastructure. This recognises that infrastructure delivery is typically undertaken in a scarce funding environment, limited by what funding is available from central government sources and how much developers can contribute before their schemes become unviable.

¹² [Good Practice Guide for Improving Culture, Arts and Sporting Opportunities through Planning \(tcpa.org.uk\)](https://www.tcpa.org.uk/good-practice-guide-for-improving-culture-arts-and-sporting-opportunities-through-planning)

There is also no prescribed list of infrastructure types which an IDP needs to consider, with the scope of each typically being defined on a case-by-case basis to reflect local priorities. This provides an opportunity for a broad range of cultural facilities to be described as infrastructure and included within an IDP. However, in practice this is limited by practical realities – given the need for prioritisation, local authorities may not be inclined to include cultural facilities as infrastructure when they know it will already be difficult to secure funding for essential infrastructure such as highway improvements and new healthcare facilities. IDPs should also reflect the policies of the Local Plans that they support – so if a Local Plan does not include new cultural provision, there would be no benefit in including this in an IDP.

2.5 A Review of Local Plans across the West Midlands Metropolitan Area

In the recent consultation on the Issues and Options Document for the new Local Plan, Birmingham City Council has given more consideration to culture. It proposed new policies around the clustering of night-time economies and the protection of public houses and other night-time venues from change of use, in line with the Agent of Change principle (see section 3.4). Additionally, it has proposed a policy which requires the protection and enhancement of a diverse leisure, recreation, arts and cultural facilities, stating the importance in meeting local needs. To ensure that culture is maintained as a key consideration within BCC's new Local Plan, it is essential that stakeholders within the delivery of culture participate and engage with the planning system at different consultation stages.

As established, Local Plan policies are essential for cultural development. Our review of which ones include culture is summarised below, with further details contained in Appendix B¹³. Overall, the promotion of culture within the Local Plans across the West Midlands varies, with the plans produced by Birmingham and the Black Country considered to include the clearest reference to culture. Whilst all Local Plans refer to culture as an overall objective, the plans don't fully define what they mean by culture, and the policies themselves fail to include details around how cultural development or investment should be guided. A definition provided through national planning policy is key to the direction of investment. Without clarity around these aspects, the delivery of culture, relies on willing developers and stakeholders being engaged in the development process.

Birmingham's Local Plan outlines two main policies that promote the development of cultural uses¹⁴;

- *Policy TP24 Promotion of Diversity of Uses within Centres: 'A diverse range of facilities and uses will be encouraged and supported in centres within the hierarchy, consistent with the scale and function of the centre, to meet people's day-to-day needs. This includes cultural facilities.*
- *Policy TP25 Tourism and Cultural facilities: 'Proposals will reinforce and promote Birmingham's role as a centre for tourism, culture and events. This provision will also focus on protecting and promoting the City's strong industrial heritage and the smaller scale venues and attractions that are an important part of creating a diverse offer'.*

These policies support the investment in culture through planning, however, they fail to clearly direct the investment, rather encouraging planning applications and developments to provide facilities to support the City's existing offer. Without providing evidence, or specific need, alongside insufficiently strong policy, developers are unlikely to identify potential areas to support investment in culture.

Coventry was designated as the UK City of Culture in 2021, which increased the city's access to funding to improve infrastructure and arts facilities. The Council delivered a cultural strategy in line with this designation that co-ordinates future investment, supporting the development of the sector. This has recently been refreshed. Even though the NPPF states that Local Plans are required to align with strategies of the local authority, Coventry's Local Plan (2011-2031)¹⁵ does not align with the published cultural strategy

¹³ For the purpose of this paper, we reviewed strategic Local Plans within the West Midlands Metropolitan Area. We did not include Area Action Plans (AAPs), Supplementary Planning Documents or other non-statutory plans such as Birmingham's Big City Plan. Other than AAPs, these other documents have less weight in the planning decision making process although may inform decisions made by Local Authorities.

¹⁴ [Adopted Birmingham Development Plan | Birmingham Development Plan | Birmingham City Council](#)

¹⁵ [Coventry Local Plan \(2011-2031\) – Coventry City Council](#)

(2017-2027)¹⁶. There are no policies that outline the need to invest in culture and no mention of culture within their heritage policy. The Local Plan was prepared and published prior to the delivery of the cultural strategy and is in place till 2031 (although a review is expected – see Table 2), four years after the cultural strategy will be renewed. It therefore presents the question of whether culture should be delivered outside of the planning system, as the need of communities and areas can fluctuate overtime, outside of the Local Plan timescale. It is also not clear what weight the cultural strategy has in decisions on planning applications.

The **Solihull** Local Plan (2013)¹⁷ also fails to address cultural investment. Policy P16, conservation of heritage assets and local distinctiveness, emphasises the importance of the historic environment, however, gives no distinction to cultural facilities.

The **Black Country** Core Strategy (2011)¹⁸ strategy currently covers Wolverhampton, Dudley Metropolitan, Sandwell Metropolitan and Walsall Metropolitan Councils (noting that they are now each bringing forward updated plans independently). Policy EMP6 Culture facilities and the Visitor Economy identifies “tourist attractions, leisure facilities, museums, theatres & art galleries” in its definition, and recognises that these assets have a significant contribution to ‘place-making’ and the creation of sustainable communities. It outlines the delivery of culture primarily in town centres. The policy states that applications should:

- *Protect, promote and expand existing cultural facilities to ensure their role as key economic drivers in stimulating and regenerating the local economy*
- *Facilities will be protected and where necessary, enhanced, promoted and expanded in partnership with agencies and delivery partners*

It also acknowledges that the sensitive development of cultural facilities can contribute to social inclusion and quality of life.

Cultural investment varies across the Local Plans, with no clear direction of including culture or protecting its offer through new developments, other than in the Black Country although this still lacks details. In addition, none appear to place requirements to include culture within developments through policies or site allocations.

Each local authority across the West Midlands is currently at different stages of their Local Plan preparation, but all at important stages for cultural providers to intervene and engage.

In the recent consultation on the Issues and Options Document for the new Local Plan¹⁹, Birmingham City Council has given more consideration to culture. It proposed new policies around the clustering of night-time economies and the protection of public houses and other night-time venues from change of use, in line with the Agent of Change principle (see section 3.4). Additionally, it has proposed a policy which requires the protection and enhancement of a diverse leisure, recreation, arts and cultural facilities, stating the importance in meeting local needs. To ensure that culture is maintained as a key consideration within BCC’s new Local Plan, it is essential that stakeholders within the delivery of culture participate and engage with the planning system at different consultation stages.

2.6 Planning applications and challenges protecting and delivering culture

Planning applications are submitted to LPAs to determine if permission should be granted. The nature of the development must be justified through policies in the Local Plan, or where absent/silent, objectives outlined in paragraph 2 of the NPPF (including the Agent of Change policy – see 3.4). Planning applications can also be accepted that are not supported through policies where material considerations indicate otherwise. There are different types of applications, which facilitate different scales and types of development. For example, as part of planning permission, there may be conditions that need to be met for it to be accepted, in line with

¹⁶ [Coventry Cultural Strategy 2017-2027 – Coventry City Council](#)

¹⁷ [Solihull Local Plan | solihull.gov.uk](#)

¹⁸ [Black Country Core Strategy 2011-2026 | Black Country Plan \(dudley.gov.uk\)](#)

¹⁹ [New Local Plan for Birmingham | New Local Plan for Birmingham | Birmingham City Council](#)

the Local Plan. Where planning permission is granted, it may be subject to planning conditions or obligations²⁰ through Section 106 Agreements or Community Infrastructure Levy to protect or provide financial contributions toward infrastructure (see section 2.6.1).

Permitted development rights, as outlined by the General Permitted Development Order (2015)²¹, grant planning permission for certain development without the need for a planning application or any / limited grounds for decision by the LPA (see appendix C for more detail). This means that even where planning policies are in place to ensure consideration of culture assets, permitted development has the potential to create the loss of culture (see 3.4 Agent of Change), leading to unplanned areas without supporting infrastructure (see 2.6.1 Planning Obligations). Whilst LPAs can remove Permitted Development Rights through Article 4 Directions²², in practice, this decision can be called in by the Secretary of State and may face challenges particularly where it could be seen to be in opposition to the Governments planning agenda.

In addition, generally planning permission is not needed when the existing and the proposed uses fall within the same Use Class (other than Sui Generis). This could mean that cultural uses can also be subject to change within Use Class F. Despite this, the Local Plan is still important to set out the overall strategy and needs of the culture sector in an area and include policies to influence development where they can.

Furthermore, other than the Theatres Trust (and only on development on land with a theatre), there are no other cultural organisations that are statutory consultees (other than Historic England and Sports England) that need to be notified of planning applications²³. Organisations may be consulted as an adjacent land interest or simply be made aware of a proposal via a public site notice. Whilst people can request to be added to the consultees list for planning applications, this highlights an issue of engagement with the cultural sector on planning applications. It is a similar position on Local Plan consultation. LPAs are required to have Statement of Community Involvement which will set out how they engage with people and organisations in the local area on planning applications and the Local Plan.

2.6.1 Planning Obligations – Section 106 and Community Infrastructure Levy

As part of planning applications, obligations are required by the Local Authority to make the development acceptable and to provide necessary physical infrastructure. The value of these obligations will vary depending on the nature of the development and the needs of the Local Authority. Section 106 agreements are development specific and aim to provide mitigation of any adverse impacts that may be caused by the development to the local area. The direction of investment is agreed between the LPA and the developer, considering external factors such as transport infrastructure and requirements for public realm or community infrastructure. As they are site specific, Section 106 is a mechanism for providing cultural investment on specific sites where there is a direct impact.

The Community Infrastructure Levy (CIL) is a different type of planning obligation, which is used by Local Authorities to deliver the required off-site infrastructure. This is usually based on a set fee outlined by the Council, although quite often it only applies to certain geographic areas, and is further dependent on the scale of development and uses that are proposed (usually based on the square meterage of the development). For example, in Digbeth, Birmingham, an area that has been identified as a cultural hub, residential development does not currently need to provide CIL funding. LPAs are required to produce an Infrastructure Funding

²⁰ Subject to meeting tests – see Paragraph 57 of the NPPF. “Planning obligations must only be sought where they meet all of the following tests: a) necessary to make the development acceptable in planning terms; b) directly related to the development; and c) fairly and reasonably related in scale and kind to the development”.

²¹ [The Town and Country Planning \(General Permitted Development\) \(England\) Order 2015 \(legislation.gov.uk\)](https://www.legislation.gov.uk)

²² Paragraph: 036 Reference ID: 13-036-20140306 of <https://www.gov.uk/guidance/when-is-permission-required#:~:text=What%20is%20an%20article%204,rights%20across%20a%20defined%20area>.

²³ <https://www.gov.uk/guidance/consultation-and-pre-decision-matters#Statutory-consultees-on-applications>

Statement detailing CIL income and expenditure²⁴. At least 15% of CIL receipts go to the community where the development is located, which the cultural sector in areas like Digbeth are not benefitting from.

The percentage of CIL receipts that go to the community can increase to 25% where there is a Neighbourhood Plan²⁵. However, most areas do not have a Neighbourhood Plan, can take a lot of resource and time for a community to prepare.

²⁴ Note that Paragraph: 144 Reference ID: 25-144-20190901 of <https://www.gov.uk/guidance/community-infrastructure-levy> indicates that the definition of CIL allows spending on cultural facilities. Paragraph: 035 Reference ID: 23b-035-20190901 of the planning practice guide does not include culture as one of the infrastructure categories for reporting purposes <https://www.gov.uk/guidance/planning-obligations>

²⁵ <https://www.gov.uk/guidance/community-infrastructure-levy>

3. Best Practice and Case Studies on Culture in the Planning System

This section outlines examples of best practice and case studies in the investment and consideration of culture across the planning system. It uses case studies to highlight how and where culture can be adopted, and where policy is in place to protect and promote culture. We undertook desk-based research and held interviews with local professionals based in the West Midlands on the Agent of Change and Planning Obligations to address knowledge gaps and understand opportunities for more integration and consideration of culture in the planning system.

3.1 Policies in Local Plans

Our experience from research into Local Plans in the West Midlands set out in Section 2, was similar to our findings from our research elsewhere in the UK where provision for ‘culture’ is often not explicitly defined or direct in development in planning policy. Other than the London Plan (see 3.1.1), there are some examples where some further steps were taken than West Midlands policies, although not to a great extent and are provided to share the research undertaken.

Part of **Nottingham City Council’s** Local Plan includes the Land and Planning Policies Document (LAPP) (2020)²⁶ which defines ‘community facilities’ as including libraries, places of worship and theatres. Policy LS5 of the LAPP protects these cultural facilities from loss unless certain tests can be met (see Appendix D). It also indicates that ‘developer contributions will be sought where necessary to support new and expanded community facilities, depending on the scale and nature of development proposals and the need arising from development’. Whilst the **Oxford’s** 2020 Local Plan provides another example of how culture has been defined²⁷, and seeks to protect these facilities in a similar manner to Nottingham’s LAPP, it does not indicate a mechanism by which developer contributions could pay for the provision of new or improved cultural and community facilities (Policy V7 Infrastructure and cultural and community facilities - see Appendix E).

In addition, in one of our interviews, it was suggested that the definition should also be about the places people go to socialise and create communities, including spiritual activities and night time cafes which could host cultural activities early morning and late evenings. This would create a very broad definition, and would need further consideration.

3.1.1 The London Plan – a leader in cultural investment through the plan framework

The **London Plan** 2021²⁸ is a Spatial Development Strategy for Greater London. It establishes a framework for the development of London over the next 20-25 years, guiding the Local Plans of its Boroughs. The London Plan has claimed to be the most ‘pro-culture’ Local Plan, as it sets out definitive policies for what needs to be done to protect and grow cultural facilities. Across different chapters of the plan, culture is integrated into different economic and social uses, new policies include:

- Protecting Public Houses
- Affordable Workspace
- Agent of Change
- Supporting London’s Culture and Creative Industries

It has also identified Creative Enterprise Zones, which are areas that enable flexibility for change in business needs, the integration of cultural activities and growth opportunities and clusters. The plan drives investment

²⁶ [land-and-planning-policies-document-lapp-2020.pdf \(nottinghamcity.gov.uk\)](#).

²⁷ [Adopted Oxford Local Plan 2036 | Oxford City Council](#)

²⁸ [the_london_plan_2021.pdf](#)

for culture as well as providing space for adaptation. As we have seen from the post-pandemic cultural sector, this is vital for supporting growth. Policy D13 outlines that noise-generating cultural venues, such as theatres and concert halls, should be protected, therefore development proposals should be designed in ways that ensure that cultural venues remain viable and can remain without potential licensing restrictions or threat of closure.

Overall, the London Plan has been created with direct and specific guidance around the protection and promotion of new and existing cultural facilities. It defines their cultural offer to include ‘visual and performing arts, music, spectator sports, festivals and carnivals, pop-ups and street markets, and a diverse and innovative food scene’ (paragraph 7.5.1). GLA have outlined the economic and social benefits that the culture sector brings to London, as well as how it is currently struggling, encouraging Borough plans to evaluate their existing offer and engage with local communities. GLA have also produced Supplementary Planning Guidance for Culture and the Night-time Economy²⁹.

3.1.2 Ebbsfleet Garden City – developing evidence and planning for culture as part of creating new communities

Ebbsfleet Garden City is a new development located on the Kent Thames riverside, approximately 20 minutes from central London. The development will deliver 15,000 homes and 30,000 jobs, alongside the appropriate infrastructure requirements. Ebbsfleet provided an opportunity to explore new ways to deliver culture through planning. Ebbsfleet Development Corporation and Thurrock Council are joint partners and have adopted the ‘Cultural Co-location’ initiative which outlines how to integrate cultural facilities into buildings and land uses, thereby facilitating spaces for a cultural offer across a variety of developments.

The Cultural Co-location project involves cross-collaboration between developer, local government and the community. Based on the requirements and feedback of the local community, proposals are produced to deliver a diverse cultural offer. The result of this project aims to develop an evidence base to inform local and national planning policy.

3.2 Culture through Infrastructure Delivery Plans

Table 1 identifies a number of IDPs from our research, and their approach to including various cultural facilities. Libraries can be considered the only type of cultural infrastructure consistently included in IDPs. It potentially reflects the reality that libraries are provided within the public sector ‘family’ and future needs in the library sector can therefore be well-advocated for, whereas other types of cultural facilities are typically provided by external organisations and trusts who may not be as familiar to LPAs.

Table 1 - Case Studies: Culture in Infrastructure Delivery Plans

Infrastructure Delivery Plan	Approach to cultural provision
Hinckley & Bosworth Infrastructure Capacity Study 2020 ³⁰	<p>The only cultural infrastructure type within this study was libraries. Leicestershire County Council’s Planning Obligations Policy³¹ sets out a clear mechanism by which developer contributions are sought for new library facilities, on which basis improved library provision was identified as an ‘essential’ requirement.</p> <p>Libraries have been categorised as an essential infrastructure type within the IDP. It instructs that a new settlement would need to accommodate a new Community Managed Library. No other infrastructure as outlined in our definition has been identified within the IDP.</p>

²⁹ [culture_and_night-time_economy_spg_final.pdf \(london.gov.uk\)](https://www.london.gov.uk/sites/default/files/culture_and_night-time_economy_spg_final.pdf)

³⁰ [Infrastructure Capacity Study Phase Baseline Capacity Assessment | Hinckley & Bosworth Borough Council \(hinckley-bosworth.gov.uk\)](https://www.hinckley-bosworth.gov.uk/sites/default/files/infrastructure_capacity_study_phase_baseline_capacity_assessment.pdf)

³¹ See Appendix 6 <https://www.leicestershire.gov.uk/sites/default/files/field/pdf/2019/8/16/Planning-Obligations-Policy.pdf>

Infrastructure Delivery Plan	Approach to cultural provision
Hertsmere Infrastructure Delivery Plan 2021 ³²	<p>The only cultural infrastructure types within the scope of the work were libraries and places of worship. Hertfordshire County Council had identified a scheme to enhance an existing library, which was prioritised as ‘important’ (the lowest of the three prioritisation categories) as it primarily related to the quality rather than capacity of provision. However, the provision of a combined community hub including library and worship provision within a new settlement was prioritised as ‘essential’, to ensure that the new settlement would be sustainable.</p> <p>The IDP’s consideration of wider needs for new places of worship was based on the historic identification of unmet demand from the borough’s Islamic community. However, the IDP identified that those needs have now been met.</p>
Oxford Infrastructure Delivery Plan 2021 ³³	<p>The only cultural infrastructure type within the scope of the work was libraries. The Council had established a series of specific requirements for a number of library improvements within the city. As a result of a very large number of transport schemes needing to be funded in Oxford, these were identified as an ‘important’ requirement (the lowest of three prioritisation categories).</p> <p>Discussions with the Council when scoping the IDP did also explore the potential to include museum provision. It was ultimately determined that this should not be included within the scope, as there were no known schemes and, in any case, it was difficult to conceive of the IDP being able to assist in funding or delivering any schemes that might be identified.</p>

3.3 Funding culture through planning obligations

There are a number of Councils across the West Midlands that adopt a Community Infrastructure Levy (CIL) charge, including Dudley, Solihull, Sandwell and Cannock. Birmingham’s CIL charge has been adopted for a number of years and the consultation on the CIL schedule and viability review has just closed. Existing CIL rates have been in place from January 2016; however, the rates have risen significantly since then.

Currently, CIL charges relate to retail use, residential uses, student accommodation and hotel use. BCC publishes the CIL Annual Statements³⁴ providing an indication of where their CIL funding is spent, although the report for 2020/21 indicates none has been that year (CIL income was over £3 million). A member of the planning team informed us that recent CIL funding decisions had been granted to the REP and Symphony Hall to facilitate necessary physical improvements. Additionally, CIL funding has indirectly supported cultural events such as the Commonwealth Games through highway improvements. This funding was secured through a bidding process that is open to all, but bids must support and align with the policies and strategies set out within the Local Plan. It should be noted in our other interview, it was felt that the Council should be more accountable to share information on where money goes, and to ensure that it gets spent rather than resting in budgets.

The Local Authorities across the West Midland with an adopted CIL are:

- Birmingham City Council
- Dudley Metropolitan Borough Council
- Cannock Chase Council
- Stafford Borough Council

³² <https://www.hertsmere.gov.uk/Documents/09-Planning--Building-Control/Planning-Policy/Local-Plan/Hertsmere-IDP-Phase-1-Report-Final-Issue.pdf>

³³ [Infrastructure Delivery Plan | Oxford City Council](#)

³⁴ https://www.birmingham.gov.uk/downloads/download/307/community_infrastructure_levy

- Solihull Metropolitan Council
- Tamworth Borough Council
- Lichfield District Council
- Warwick District Council
- Newcastle-under-Lyme Borough Council

3.3.1 Case Study: Birmingham Community Innovation Fund³⁵

BCC offers a small-scale route of funding cultural infrastructure through CIL which is community-led. This is the Community Innovation Fund³⁶ which is available for projects that reduce social isolation and loneliness. A successful example of this fund is the maintenance of the swimming baths at Moseley Road Baths. This Crowdfund project delivered by Birmingham enables the most active communities to deliver cultural infrastructure and activities within their community. This fund can unlock investment but is reliant on the time and energy of the community and is considered, to an extent, to be outside the planning system. A number of suggestions from our interview with a BCC planning obligations officer related to residents being a strong asset for community development, highlighting the possibility for neighbourhood development support to understand the gaps in cultural infrastructure. In Birmingham this has included CIL funding to support crowdfunding projects. This would be a useful additional resource which could help support LPAs work on culture. Additionally, the importance of Business Improvement Districts was considered, as they can support the delivery of culture uses in local centres. Whilst in the Birmingham examples these are relatively small amounts of funding, they can make a difference at the local level.

3.4 Protecting cultural facilities

Whilst the NPPF includes wording to guard cultural facilities, it was strengthened in 2018 when the Agent of Change principle was added following pressure resulting from high profile cases which led to the closure of some cultural facilities (including music venues) due to noise complaints from residents in new development under environmental regulations. The Agent of Change now requires that, where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or ‘agent of change’) should be required to provide suitable mitigation before the development has been completed. This is more relevant to those cultural facilities which involve noise or operate at night-time. The NPPF sets out the following:

“187 Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established”

This approach can support the investment in cultural uses as it protects existing cultural uses from displacement around new developments. However, from our interview with a solicitor involved in schemes involving the Agent of Change, they felt there was a need for this to go further, particularly when it comes to delivery to ensure that any mitigation is actually secured. They felt that there is a need for strong local policy to protect existing cultural uses, and then to promote with the potential to support cultural community uses as a positive way to regenerate high streets.

³⁵ [Birmingham Community Innovation Fund | Crowdfunder.co.uk](https://www.birminghamcommunityinnovationfund.co.uk/)

³⁶ <https://www.birminghamcommunitymatters.org.uk/2022/10/08/be-bold-small-grants/>

3.4.1 Case Study: Agent of Change and the Nightingale Club in Birmingham³⁷

The Nightingale Club is one of the oldest and largest LGBTQ venues in Birmingham. It is located within the Gay Village in Birmingham, an area with a number of nightclubs and bars. This area has received high interest from developers for new residential-led development due to its close proximity to the city centre. In 2021, BCC received an application for the construction of up-to a 12-storey building comprising 456 residential apartments which was located on land adjacent to the Nightingale club, however, the application was objected to based on the Agent of Change principle; that the residential development would cause harm to the operations of the nightclub and future residents would have unreasonable living conditions. Planning permission has now been granted for the scheme, and in this case, the developer agreed:

- to secure the noise mitigation works at the Nightingale via an alternative mechanism – a holding fund held by the City Council from which monies are drawn down by the club operators.
- £1,305,000 for the holding fund and agreed as part of Section 106 agreement with the developer.
- A Section 106 agreement with the Nightingale to implement the noise mitigation works.

The officer report noted that *“A holding fund secured by a Section 106 Agreement is a new concept for the City Council within the realms of a planning application. It must be acknowledged that it puts more onus on the Nightingale to project manage the mitigation works and more risk to the City Council should the works not go to plan, however it is considered an appropriate approach to bringing development forward on the application site without prejudicing the operation of a notable longstanding premises in Southside”*. It will be interesting to see if this approach delivers a positive outcome for the venue given the onus it places on them to address a matter caused by the development.

3.4.2 Case Study: Club Meraki and the Bonded Tea Warehouse in Liverpool³⁸

Another example of the use of the Agent of Change principle is Club Meraki in Liverpool. The City Council has recently rejected plans to convert a Grade-II listed warehouse into residential flats, located on the same street as the club and within Liverpool’s designated creative zone. The Agent of Change principle was quoted in the final decision, after a number of noise assessments undertaken concluded that housing would not be a suitable use in that location.

Public representation stated concerns around potential noise complaints from local residents at the proposed development which has supported the council’s decision to refuse the application.

3.5 The adoption of toolkits for cultural investment in planning

Planning policy and changes to Local Plans are key to supporting investment in culture through planning, however, it is important to support these with evidence around the gaps in infrastructure or need for cultural development. The West Midlands Cultural Infrastructure Map, as produced by the WMCA is a good starting point to demonstrate existing provision in the West Midlands³⁹. It is important that stakeholders in the planning system are aware and able to utilise this data when considering the preparation of the new Local Plan or making a decision on a planning application.

3.5.1 Case Study: GLA action plan and toolbox

The Greater London Authority, alongside the production of the Local Plan has created a seven-point action plan and toolbox. We believe that these objectives can be utilised to support the protection and delivery of culture in the West Midlands:

- Understanding where the cultural infrastructure is located

³⁷ 2021/05399/PA Officers Report (birmingham.gov.uk)

³⁸ <https://djmag.com/news/liverpool-club-meraki-will-remain-open-council-rejects-development-plans>

³⁹ <https://www.wmca.org.uk/what-we-do/culture-and-digital/culture/west-midlands-cultural-sector-research-project/west-midlands-cultural-infrastructure-map/>

- Planning for and creating new infrastructure
- Major infrastructure provision in a World Class City
- Supporting Culture at Risk
- Increasing investment in culture
- Creating policy to enable culture and the creative industries to put down roots
- Training provision, networking and guidance

To support these points, the GLA has created different initiatives that support the investment in culture. Their Cultural Infrastructure Map can be accessed by anyone to view existing cultural infrastructure, to understand surrounding transport, planning and demographic data and suggests missing infrastructure. This acts as an aid for local authorities across London in directing cultural development as well as acting as a suggestion to developers. The mapping tool can also inform a survey of spaces, which can outline how the sector has been impacted by the pandemic.

The toolkit also introduces a ‘Culture at Risk Office’, which works with organisations to offer support when premises are at risk. Information gained from this can inform planning policy further, aiding in the evidence gathering for Local Plans, in how it can invest, enhance and protect culture.

4. Recommendations

We have made the following recommendations⁴⁰ to the WMCA based on our research and knowledge developed outlined through this paper. With an aspiration to increase the protection and investment in the culture sector through planning, the recommendations have been broken down into immediate measures and further points of research, as well as actions that can be taken to influence planning at a local, regional or national level.

As the WMCA currently has no formal planning powers, the recommendations are focussed on the partnerships and discussions that can be forged with Local Planning Authorities (LPAs) in the area in favour of investment and creating a strong local culture economy. We recommend that initial action is taken to influence planning at a local level. This can help identify best practice approaches and provide further evidence of change needed at the national level or as part of any future devolution deals (particularly where additional resources are required).

Whilst we feel this actions will have benefits, they will still be operating in a system where there is now increasing amounts of permitted development, which don't provide for planning obligations or allow consideration of impacts on cultural assets. However developing a strong leadership and evidence base can help provide wider change and develop strong partnerships.

Immediate actions:

1. **Develop a wider cultural sector toolbox, including interaction with the planning system** – This would be similar to the GLA set up and provide a useful resource for the cultural sector, local authorities and developers. This resource would establish a useful point of information for those in the cultural sector on the planning system, and advise how they interact with it, including the tools in place to protect facilities such as the Agent of Change. The WMCA Cultural Infrastructure Map is a great start for the development of this toolbox.
2. **Establish a stronger cultural evidence base for planning** – Policies in Local Plans can be justified using an evidence base. We recommend that once established, the cultural toolbox should then add information which can act as an evidence base, similar to that which has been produced by the GLA. The toolbox could include research around what cultural infrastructure is and why it is important, to a guide on using Section 106 Agreements and other planning tools to the benefit of protecting and enhancing the West Midland's cultural offer.
3. **Support cultural officers to engage with the planning system** – Whilst not the focus of this research, the limited information in Local Plan policies indicates a lack of alignment with Cultural Strategies. Whilst the paragraph 93 of the NPPF sets out that Local Plans should consider Cultural Strategies, it is not clear if those strategies need to consider development and growth. More could be done to strengthen this alignment and set out the requirements from development for the benefit of the sector. The WMCA could support this by offering support with outcomes of their own research, such as the use of the Cultural Infrastructure Map.
4. **Identify a strategic representative organisation for culture in planning, such as the WMCA or the Cultural Leadership Board** – There is no equivalent to Sports England or Historic England for the culture sector in consultations on Local Plans or planning applications. As the WMCA and the Cultural Leadership Board have been representing the culture sector on various matters, and takes a strategic view, this could be done as an extension to this role (especially as the WMCA is likely to be consulted on certain LPA matters already). This could also help cultural officers at Local Authorities engage in the planning system. Such an organisation would need to formally write to LPAs and ask to be consulted on the development of new Local Plans and planning applications (the

⁴⁰ In addition to the specific references above, the Governments ongoing Planning Reform may alter how best the WMCA needs to interact with each element of the planning system. This should be kept under review.

focus should be on larger schemes) to ensure the consideration of the culture sector in development proposals. They could also help create the ecosystem whereby cultural organisations could support LPA's deliver community engagement in the local area. A summary of Local Plan production timetables in the West Midlands Conurbation is set out in Table 2.

5. **Review the available routes for the culture sector to access planning obligations** – Our research focused on the application of section 106 and CIL funding in Birmingham. The WMCA could explore how / if each LPA opens bids to these funding pots, and include information in the culture toolbox to share this information with the cultural sector. In addition, the WMCA may also want to promote the Birmingham Community Innovation Fund model in other parts of the West Midlands

Ongoing or further actions for the WMCA to adopt:

6. **Keep up to date and comment on national planning changes, including the proposed National Development Management policies** – The consultation in to the NPPF changes closed on 2nd March 2023. Whilst no specific questions were asked in the current consultation, this reflects some of the wider changes proposed to the planning system. This includes the National Development Management policies, which will see more planning policies set at the national level that then influence local decisions on planning applications (this will potentially lead to less policies being included in Local Plans). Given the Agent of Change is already included in the NPPF, we expect this to be included in these national policies, and any consultation will be the formal way to influence its development.
7. **Seek changes to NPPF as opportunities arise** – Based on our research and the gaps we have identified, the WMCA may want to consider proposing improvements to national policy at the next opportunity. This could include improvements to the delivery of the Agent of Change, more details on how Local Plans should address culture, and provide clarity on existing protection for these facilities in planning decisions.
8. **Co-design the definition and type of policies Local Plans need on culture** – There are a range of policy types that can be included in Local Plans, and workshops are needed to facilitate cross-organisational collaboration to set out what is needed, provide an agreed definition that all will adopt, and confirm the approach to evidence (with strong links to the Cultural Strategy in each Local Plan). In addition to representatives from the cultural sector, it should also include planning and cultural officers at Councils and potentially developers. There are lessons that should be learned from elsewhere in the UK and Europe where they have successfully planned and managed residential and cultural uses. To protect and promote cultural uses, consideration could also be given to policies that would require major developments to include culture, such as schemes that create new communities including urban extensions.
9. **Identify how cultural requirements could be included in IDPs** – The WMCA could seek to identify stronger links between population and economic growth, and the need to plan for culture, in similar ways to how other infrastructure is already addressed in Local Plans. In addition, Supplementary Planning Documents could also offer a quicker way to provide developers with guidance around delivering a cultural offer in line with existing and future needs.
10. **Establish further case studies to drive better outcomes** – We understand the Town and Country Planning Association will shortly publish its updated Good Practice Guide for including culture in planning. In addition to this, the WMCA may want to undertake further research into other approaches areas have undertaken to increase investment in culture.
11. **Look beyond the Local Plan and its evidence base to secure investment** – In addition to a Cultural Strategy, some local areas also have documents that sit outside of the formal planning system to promote investment in their places. Local examples include the Birmingham Big City Plan and its emerging replacement Our Future City Plan, which references and promotes culture as part of the area's growth. The WMCA should be aware of the roles of these documents, and what outcomes these could achieve for the cultural sector.

Table 2 - Local Plan Production Timetable in West Midlands

Local Plan	Delivery Stage
Birmingham	Completed the consultation on the Issues and Options document for the new Local Plan. The next stage is the preferred options consultation which is scheduled for October/November 2023.
Wolverhampton	The Local Plan Issues and Options statement was meant to be out to consultation in early 2023, however it is not currently available.
Coventry	This Local Plan is to undergo early consultation in Spring / Summer 2023.
Dudley	The Council are yet to provide a clear timetable outlining the Local Plan production timetable.
Sandwell	The Local Plan is undergoing Issues and Options consultation from February-March 2023.
Solihull	Draft Local Plan is currently at examination. There were a number of issues highlighted with the draft Local Plan after the examination that took place from September 2021 to February 2022. The Council published their response to the Inspectors’ letter on the 9 th February 2023
Walsall	The Issues and Options statement for the new Local Plan is being drafted and ready for early stage consultation. This stage of the plan is expected November 22 - May 23.

Appendix A - Review of Culture in National Planning Policy and Relevant Legislation

Policy	Description
<p>National Planning Policy Framework</p>	<p>Overarching theme of the NPPF is achieving sustainable development - under this objective</p> <p>b) ‘a social objective – to support strong, vibrant, and healthy communities... with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural wellbeing’</p> <p>Strategic policies should:</p> <ul style="list-style-type: none"> • Strategy for the provision of community facilities (such as cultural infrastructure) <p>Culture and cultural facilities are promoted under promoting healthy and safe communities</p> <p>Glossary of NPPF: main town centre uses - arts, culture and tourism development (including theatres, museums, galleries and concert halls, hotels and conference facilities)</p> <p>Para 197 – in determining applications, LPAs should take account of: ‘the desirability of new development making a positive contribution to local character and distinctiveness’</p> <p>93. To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:</p> <ul style="list-style-type: none"> - guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community’s ability to meet its day to day needs - ensure an integrated approach to considering the location of housing, economic uses and community facilities and services <p>Paragraph 187:</p> <p>Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or ‘agent of change’) should be required to provide suitable mitigation before the development has been completed.</p> <p>The 2012 NPPF recognises the role that culture plays in building a strong, competitive economy as well as the role it plays in creating vibrant and healthy communities.</p> <p>The 2012 and 2018 NPPF stipulates that Local Plans and planning policies should:</p> <ul style="list-style-type: none"> • set an overall strategy for the provision of cultural infrastructure by including policies, and strategic site allocations, necessary to provide it • set criteria, or identify strategic sites, for local and inward investment to meet anticipated needs over the plan period for creative industries • seek to address potential barriers to investment, such as inadequate infrastructure

Policy	Description
	<ul style="list-style-type: none"> • allow for new and flexible working practices (such as live-work accommodation) • allocate a range of suitable sites to meet the scale and type of cultural facilities needed in town centres
Town and Country Planning Regulations 2020	<p>Planning permission required to demolish cultural venues – policy that removes permitted development rights (partially accelerated by the pandemic)</p> <p>2. Amendments in relation to concert halls, venues for live music performance and theatres</p> <p>6. In Class B of Part 11 of Schedule 2, in paragraph B.1—</p> <p>(a)after sub-paragraph (b) omit “or”;</p> <p>(b)after sub-paragraph (c) insert—</p> <p>“; or</p> <p>(d)the building is used, or was last used, for the purpose of—</p> <p>(i)a concert hall;</p> <p>(ii)a venue for live music performance; or</p> <p>(iii)a theatre.”</p>
Use Class Order	<p>Cultural facilities (according to the definition established at the meeting on the 24/11/22) comes under F1 (learning and non-residential institutions) and F2 (local community uses). The GPDO does not allow for these use classes to be converted to another class.</p> <p>Public houses and wine bars (Sui Generis) can only be converted to the same use with or without expanded food provision.</p>

Appendix B - Review of Culture in Local Plans Across the West Midlands

Local Plan	Description
Birmingham City Council	
Birmingham Development Plan (2031)	<ul style="list-style-type: none"> • Policy TP24 promotion of diversity of uses within centres – promotes adoption of cultural facilities but does not refer to what these facilities are • TP25 Tourism and cultural facilities – provision of major sporting, business tourism and visitor attractions as well as protection of City’s strong industrial heritage and the smaller scale venues and attractions
Issues & Options Document Consultation	<p>7.43 Tourism has an important economic role and Birmingham’s continued success as a destination for tourists will depend upon the city having a diverse mix of facilities that are attractive to a range of audiences. Protecting and enhancing the diverse leisure, recreation, arts and cultural facilities in the city where they meet local and wider needs will be important to Birmingham’s economy.</p> <p>7.44 A vibrant and mixed evening and night time economy can introduce new activity and help valued cultural, recreational and social assets like pubs and music venues to be retained, but it can also have negative impacts on local residents and the local environment needs to be carefully managed</p> <ul style="list-style-type: none"> • This could include considering whether to have a policy that seeks to protect public houses, theatres, live music venues and night clubs from change of use. • Policy for the clustering of night-time economies <p>Questions for consultation:</p> <ol style="list-style-type: none"> 1. Should there be a policy which seeks to protect public houses, theatres, live music venues and night clubs from change of use? 2. Policy to allocate areas for night-time uses? 3. Type of leisure activities and cultural activities would you like to see in the NT economy?
Birmingham Cultural Strategy 2016-2031	<p>‘Culture crosses all types of boundaries and has the power to change our lives – collectively and individually - for the better. Culture improves everyone’s sense of well-being. It enables us to articulate pride in who we are whilst simultaneously encouraging us to interact with each other: a vehicle for generating mutual understanding’</p> <p>Sustained public investment over a prolonged period of over thirty years has established the most developed cultural infrastructure in the country outside London.</p>
Coventry City Council	
Coventry City Local Plan (2011-2031)	<ul style="list-style-type: none"> • No policies focusing on culture • No mention of culture within heritage policy <p>Delivering a more sustainable city – good practice guide (2009)</p> <ul style="list-style-type: none"> • Re-use of existing buildings – mentions of but no link to policy to project heritage or cultural assets

	<p>What does culture mean to Coventry? – city of culture 2021</p> <p>The strategy covers the future of the city’s contemporary cultural and heritage assets – aims to be inclusive, including health and wellbeing, education and lifestyle choices</p> <p>Refers to galleries and museums, heritage buildings and spaces, libraries and community arts groups, parks and open spaces etc</p> <p>Architecture of Coventry has been identified as a key aspect of its cultural DNA</p> <p>Culture refresh strategy</p> <ul style="list-style-type: none"> • Since 2017 – transfer of heritage assets to the Historic Coventry Trust (HCT) has allowed for improvements and investments to heritage infrastructure • The compact (Culture Change Coventry) will develop a new investment strategy to co-ordinate future investment and support the sector and its infrastructure)
Solihull Metropolitan Borough Council	<p>No distinction between culture and heritage - policy P16 – conservation of cultural assets and local distinctiveness – emphasis on preserving heritage assets</p> <p>No other mention within local policy</p>
City of Wolverhampton Council	<p>Black Country Plan (2039) – being prepared</p> <p>Black Country Core Strategy</p> <p>Culture is also recognised by national government as making a significant contribution to ‘place-making’ and delivering sustainable communities</p> <p>Policy EMP6 Cultural facilities and the Visitor Economy</p> <ul style="list-style-type: none"> • ‘the protection, promotion and expansion of existing cultural facilities etc – ensure role as key economic drivers in stimulating and regenerating the local economy • States that facilities will be protected and where necessary, enhanced, promoted and expanded in partnership with agencies and delivery partners • Specifies the visitor economy – mentions industrial clusters • Other – includes the protection of valuable cultural and religious buildings • The sensitive development of heritage and cultural facilities can contribute to social inclusion and improvement of QoL
Dudley Metropolitan Borough Council	Black Country Core Strategy – See Wolverhampton
Sandwell Metropolitan Borough Council	Black Country Core Strategy – See Wolverhampton
Walsall Metropolitan Borough Council	Black Country Core Strategy – See Wolverhampton

Appendix C – Use Class Relevant to Cultural Uses

Use Classes	Defined Uses ⁴¹
Class Use E Commercial, Business and Service	(b) sale of food and drink for consumption (mostly) on the premises (d) indoor sport, recreation or fitness
Class Use F1 Learning and Non-Residential Institutions	(a) provision of education (b) display of works of art (c) Museums (d) public libraries (e) public halls and exhibition halls (f) public worship or religious instruction
Class Use F2 Local community	(b) halls or meeting places for the principal use of the local community (c) areas or places for outdoor sport or recreation (d) indoor or outdoor swimming pools or skating rinks
Sui Generis (includes)	Theatres Amusement arcades/centres or funfairs Nightclubs Public houses, wine bars, or drinking establishments Drinking establishments with expanded food provision Venues for live music performance Cinemas Concert halls Bingo halls Dance halls

⁴¹ From the Planning Portal - <https://www.planningportal.co.uk/permission/common-projects/change-of-use/use-classes>

Appendix D – Nottingham City Council’s Local Plan Land and Planning Policies Document (2020) Policy LS5

Policy LS5: Community Facilities

1. Planning permission for new or improved community facilities (including shared facilities) will be granted subject to the following considerations:
 - a) whether the proposed use is harmful to the amenity of adjoining and nearby uses;
 - b) whether the proposal would cause congestion, and the amounts and times of this congestion; and
 - c) whether the proposal impacts on the living conditions of residents, especially in areas that are primarily residential in nature.
2. The loss of community facilities (other than public houses) and their sites will only be permitted if it can be demonstrated that:
 - a) replacement facilities of an equivalent quality and size are to be provided as part of new development proposals; or
 - b) replacement facilities of an equivalent quality and size are to be provided in an alternative location serving the same catchment area; or
 - c) the facility is no longer needed within the community and suitable alternative provision with sufficient capacity is available in the area; or
 - d) the building or land is no longer suitable to accommodate the current use and cannot be retained or adapted to accommodate community facilities and there is no need or demand for any other suitable community use; or
 - e) in the case of commercial community facilities, it has been demonstrated that the use is no longer viable and evidence has been made available to demonstrate that all reasonable efforts have been made to preserve the facility and it would not be economically viable to retain the building for other community uses. Evidence requirements set out in criteria 2a) to d) of Policy LS4 are relevant in this regard.
3. Developer contributions will be sought where necessary to support new and expanded community facilities depending on the scale and nature of development proposals and the need arising from the development.

Appendix E – Oxford City Council 2020 Local Plan Policy V7

Policy V7: Infrastructure and cultural and community facilities

The City Council will work with service providers to improve access to social and community infrastructure and in particular from new development.

The City Council will seek to protect and retain existing cultural and community facilities. Planning permission will not be granted for development that results in the loss of such facilities unless new or improved facilities can be provided at a location equally or more accessible by walking, cycling and public transport. In principle, applications to extend capacity, improve access and make more intensive cultural/community use of existing sites will be supported.

Planning permission will be granted for the alteration and expansion of existing schools, primary healthcare facilities and community centres. Planning permission will be granted for new schools, primary healthcare facilities and community centres where the City Council is satisfied that the following criteria are satisfied:

- a) the location is easily accessible by walking, cycling and public transport; and
- b) the proposal will meet an existing deficiency in provision or access, or the proposal will support regeneration or new development; and
- c) the proposal will not result in an unacceptable environmental impact.