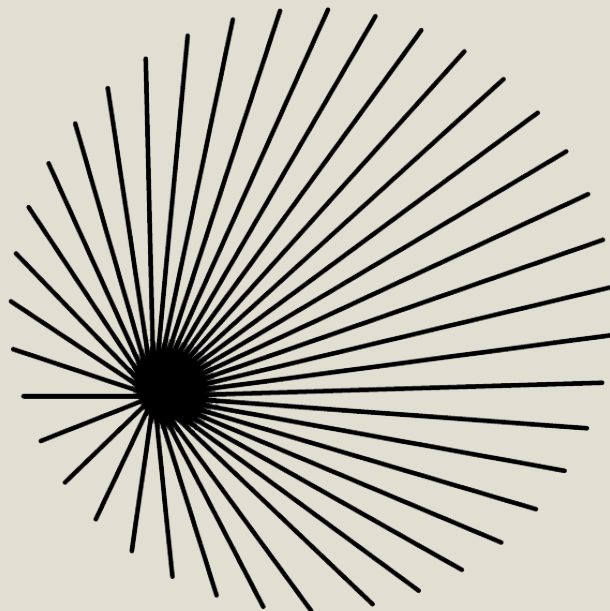




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Guidance on seeking and securing developer contributions for museum and arts provision in England

September 2023

Arts Council England
in partnership with
The National Archives

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Executive Summary

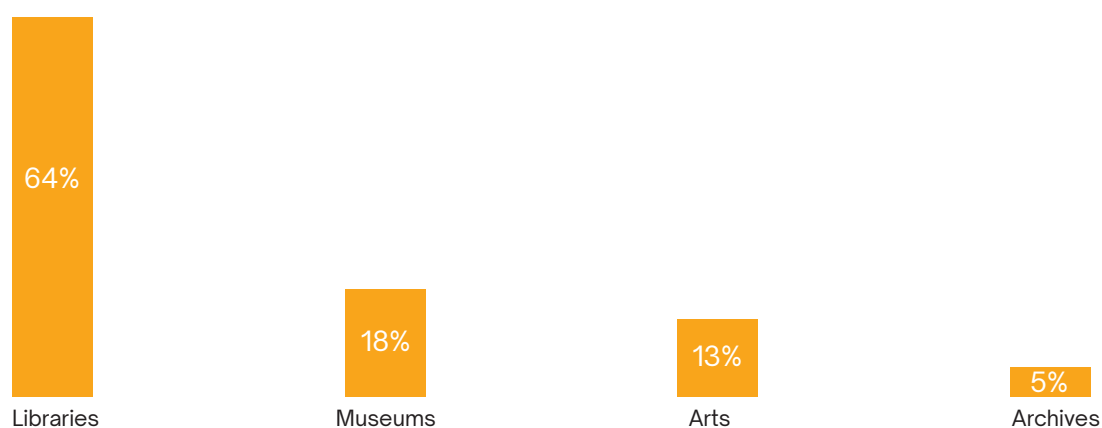
Context

- This briefing paper is aimed at **Directors, Chief Executives, Senior Leads** with overall responsibility for the strategic planning, development and delivery of **museum and arts** organisations and services across England (local authority, independent and volunteer run), as well as **Fundraising and Development Managers** with specific responsibility for funding and development. It explains how the national planning system works and how museum and arts organisations can engage with the system to secure funding from developer contributions for museum and arts projects.
- It is recommended that this potential funding opportunity is explained to **trustees and governing boards**, including those with local authority nominees on their boards.
- This briefing paper focuses on the role and means by which service providers can seek and secure additional local funding through **Section 106 legal agreements (S106)** and/or the **Community Infrastructure Levy (CIL)**. Both of these are planning tools that can be used to secure financial and non-financial contributions, or other works, to provide infrastructure to support development and mitigate the impact of development. Collectively these are referred to as developer contributions.
- **Most new planned housing development is unlikely to be at a scale that triggers entirely new facilities, amenities or services.** But it does often trigger the need to improve the scope of local provision that can involve additional capacity or reconfigured space, building and facility upgrades, redisplay, digital capacity and accessibility as well as community based programmes. **This paper includes examples of museums and arts organisations that have been successful in securing developer funding for their organisations.**
- It is vital for service providers to **recognise and understand the central role of their council's adopted Local Plan** and its specific planning policy stance with regard to museum and arts provision, and/or local community infrastructure provision, triggered by new housing growth. And the specific planning tools adopted by it to deliver such planning goals.

Key Tools: Developer Contributions Explained

- Seeking funding via S106 legal agreements is site and development dependent and determined.
- Accessing CIL fee revenue is dependent on local priorities set by the local charging authority and mandatory devolved funding arrangements regarding Parish and Town Councils and when Neighbourhood Plans have been adopted.
- Seeking additional provision requires the Local Planning Authority (LPA) to be able to justify the potential contribution through a clear evidenced assessment of local need and demand in the context of new housing growth.
- Service providers need to understand that there are strict, legal limitations in securing funding from S106 legal agreements: they are designed to mitigate the specific impacts arising from individual new developments.
- CIL is a tool to deal with the cumulative impacts arising from new development on local infrastructure. It can be used more flexibly than funding by S106 legal agreements and this offers those councils that have a CIL regime greater discretion on how it is applied and allocated; it can be pooled. This presents an opportunity for museums and arts organisations to make their case for securing CIL funding support from their respective charging authorities.

Infrastructure funding statements (IFSs) allocation sample



Review of a sample of infrastructure Funding Statements (IFSs) in England 2023

- This report is informed by a review of a sample of Infrastructure Funding Statements (IFSs) in England which looked at the incidence of funding allocated to libraries, archives, museums and arts organisations. This reveals that libraries have benefited most, being around 64% of all projects cited that have secured funding from developer contributions, while the remainder were museum 18%, arts 13%¹ and archive 5% related projects.
- Significant regional differences were found:
 - Greater London and outer South East regions stand out, where projects are more likely to be supported by both S106 and CIL funding.
 - Northern-based regions also stand out as being largely reliant on S106 legal agreements, as few have adopted a CIL fee regime.
 - Secured funding is being used in different ways, from small to large amounts and this is especially the case with CIL. For example, seed-corn funding to support a funding bid to the National Lottery Heritage Fund. Examples of CIL being used to fund feasibility studies (prior to National Lottery Heritage Fund (NLHF) Development application) and partnership funding for NLHF Delivery phase applications have been identified. As has funding for modernising, upgrading or remodelling facilities, including installation of solar panels. Examples have also been identified of arts programming (including events, festivals and cultural strategy delivery) and equipment upgrades being supported through CIL funding.
 - A large number of IFSs do not reveal how CIL receipts are spent, with many showing that little has been spent, yet recording relatively large unspent balances.



¹ Note: Arts includes arts facilities and programmes but excludes Public Art which was outside the scope of the research.

Making your case for funding through developer contributions

- There is a lot of good advice and guidance (national and local) available; it is essential reading if you are to be successful in securing funding.
- Local service providers need to be active and engaged, and develop a clear and regular working relationship, with their respective local plan-making officials.
- Local Planning Authorities (LPAs) are required to set out their methodology and the evidence base supporting their approaches in seeking and securing developer contributions. Those responsible for museum and arts provision have a central role to play here. Do not wait to be asked.
- The more progressive LPAs (e.g. East Hampshire DC) have prepared specific guidance for prospective applicants seeking CIL funding, as these processes are evaluated against declared criteria and local priorities. It is vital that service providers pursue opportunities according to these local rules.
- CIL is a tool to deal with the cumulative impacts arising from new development on local infrastructure. It can be used more flexibly than funding by S106 legal agreements and this offers those councils that have a CIL regime greater discretion on how it is applied and allocated; it can be pooled. This presents an opportunity for museums and arts organisations to make their case for securing CIL funding support from their respective charging authorities. Since 2019, CIL is no longer tied specifically to developed infrastructure lists offering further flexibility in how it is allocated. Good examples of museums and arts organisations securing funding for a range of projects via CIL are included in this briefing paper.

List of Key Acronyms used in this document:

BCIS: Building Cost Information Services

CIL: Community Infrastructure Levy

DCMS: Department for Culture, Media and Sports

IFS: Infrastructure Funding Statement

IDP: Infrastructure Delivery Plan

LPA: Local Planning Authority

MLA: Museums, Libraries and Archives Council

MLAA: refers to Museums, Libraries, Archives and Arts

MHCLG: Ministry of Housing, Communities and Local Government. (This has been renamed as Department for Levelling Up, Housing and Communities (DLUPHC))

NPPF: National Planning Policy Framework

PAS: Planning Advisory Service

RICS: Royal Institution of Chartered Surveyors

S106: Section 106 legal agreement

TCPA: Town and Country Planning Association

Purpose of this briefing paper

01

Who is this briefing paper for?

This briefing paper is aimed at those with responsibility for the strategic planning, development and delivery of museum and arts provision across England. There is separate guidance for libraries and archives with a focus on the statutory provision of services².

What will this briefing help me do?

It is intended as a briefing paper on how to engage with the planning process and local planners in order to secure developer contributions for museums and arts organisations, either through the Community Infrastructure Levy (CIL) or S106 legal agreements, or both. Developer contributions are normally a key tool of any local planning authority's approach to developing and delivering an infrastructure strategy for their area, including community infrastructure.

Why is this briefing relevant for future museum and arts provision?

Effective infrastructure planning, prioritisation and governance of spending are critical to supporting the delivery of sustainable development and growth. Museum and arts providers, therefore, need to be able to articulate their needs within the context of local growth and development.

What previous research does this briefing build on?

It expands on, and updates previous publications including 'Championing archives and libraries within local planning – guidance' (Arts Council England and The National Archives June 2019) and 'Arts, Museums and New Development: A standard charge approach' (MLAC 2010³). It draws on the 2013 Town and Country Planning Association (TCPA) 'Improving Culture, Arts and Sporting Opportunities through Planning. A good practice guide' as well as Planning Advisory Service (PAS) guidance for local authorities. When the original documents were produced, the Community Infrastructure Levy (CIL) was not operational and therefore had not been adopted by local authorities. By 2023 over half of the local authorities in England had adopted CIL. This document therefore focuses on CIL as a potential source of funding for museums and arts organisations.

The role of Developer Contributions in Supporting Museums and Arts Provision

This guidance will cover:

- The Local Plan-making process and how to engage;
- Local Planning and the role of Developer Contributions: Community Infrastructure Levy (CIL) and S106 Legal Agreements;
- Examples of how museums and arts organisations are engaging with the planning system and securing developer contributions; and
- Checklist of key questions.

²See 'Guidance on seeking and securing developer contributions for libraries and archives' (Arts Council England and The National Archives pending)

³ A cost update to second quarter 2023 can be found in Appendix 3. Original publication produced by the Museums, Libraries and Archives Council, now superseded by Arts Council England

Background Context

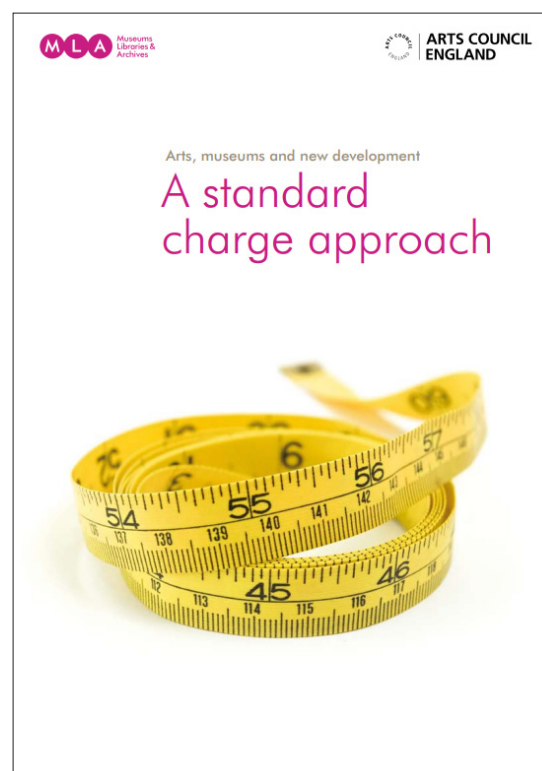
02

Since 2010, when the Museums, Libraries and Archives Council (MLA) published its report ‘Arts, Museums and New Development: A Standard Charge Approach’, local government, along with many other public sector services, have undergone a transformation. This has largely been driven by the need to reduce council capital and revenue spending and to transform provision with new organisations and funding arrangements.

The focus of this updated guidance is the provision of local infrastructure triggered by new (housing) development and growth in local resident populations. It focuses on how local areas match these emerging needs through planning and providing additional and improved capacity of community facilities, particularly in local museum and arts provision.





The organisation and structure of local government in England has undergone significant change and funding pressures since the last 2010 MLAC report. This is an important factor shaping the landscape of local provision. Public, local and community service providers have to navigate the planning system if they are to utilise developer contributions in seeking and securing the requisite funding from their planning authorities triggered by new housing growth locally.

We also know, that most new planned housing development is unlikely to be at a scale that triggers entirely new facilities, amenities or services, but will, nevertheless, place additional needs and demands on the capacity of existing provision. Often triggering the need to improve the scope of their local services involving, for example, additional or reconfigured performance space, building and facility upgrades, redisplay, digital capacity and accessibility as well as community-based programmes. As a result, where relevant, some authorities have embraced this array of opportunities in using developer contributions in delivering additional or upgraded provision locally.



National Planning Policy Framework (NPPF) and delivery tools

The NPPF⁴ sets the policy tone for planning and development. As such, all LPAs must follow this guidance unless there are local circumstances that merit departure. A LPA's adopted Local Plan, as a statutory/legal document, dictates how planning applications are judged and determined locally against its strategic goals and planning policy requirements. The table below summarises the principles that all applicants, including those responsible for museums and arts provision, must navigate if they are to be successful in achieving their specific goals within the context of local circumstances.

 National Planning Policy and Guidance	 Local Development Plans and Policies	 Developer Contributions	 Governance of S106 and CIL
<ul style="list-style-type: none"> - National Planning Policy Framework (NPPF), 2023 sets out national policy goals covering economic, social and environmental implications of new development. - All planning policies in an Adopted Local Plan must be deliverable and, hence, viable. - All such planning policies demand a robust, locally-focused evidence based (e.g., Infrastructure Delivery Strategy). 	<ul style="list-style-type: none"> - Local areas may be covered by Local Plans, Joint Plans, Spatial Development Plans (Mayoral) as well as Neighbourhood Plans. - Many LPAs have prepared supportive protocols and Supplementary Planning Documents clarifying a LPA's approach. - All of the above demand a robust, locally-focused and up-to-date evidence base (e.g., Infrastructure Delivery Strategy). That said, this evidence base when looked at from the perspective of arts and museum provision can be quite broad, allowing a case to be made within the scope of a LPA's Delivery Strategy, which is very much locally-specific. 	<ul style="list-style-type: none"> - Determined in accordance with national & local plan policy. - Linked to the adopted Local Plan, which justifies their applications based on local evidence. - S106 Legal agreements can only be sought in accordance with CIL Regulation 122 policy tests. - Triggered only by the delivery of new development: each S106 legal agreement is sought and secured on new development being dependent on their specific site development content; while CIL, if adopted, is a mandatory levy and only paid on commencement of new development. - CIL spending priorities are often locally determined and allocated, with a focus on community benefit. 	<ul style="list-style-type: none"> - S106 requirements are specifically prescribed and tied to each planning application. - CIL fees are collected and pooled and must be spent within the charging authority's area on local infrastructure and its capacity. - Each LPA is required to publish, on an annual basis, its Infrastructure Funding Statement covering both S106 legal agreements and CIL revenue income, spending and any unspent balances.

Based on 'Championing Archives and Libraries in the Planning System', Arts Council England in partnership with the National Archives, (2019) pp.8-9.

What is the key message?

It is vital to recognise the central role of the adopted Local Plan and specific planning policy stance of your LPA with regard to community, museum and arts or cultural provision triggered by new housing growth, and the specific planning tools adopted by it to deliver such planning goals. Search online for your local Infrastructure Funding Statement (IFS) to understand what funding is available, local priorities and the types of projects that are being funded in your local area.

⁴The NPPF sets out the UK government's planning policies for England and how these are expected to be applied. <https://www.gov.uk/government/publications/national-planning-policy-framework-2> (280723)

Who is responsible for planning?

03

Unitary, County and District Councils

In England there are over 300 local planning authorities (see Chart 1 below), each having their own adopted Local Plan that is specifically tailored to and focused on meeting the planning goals for their local areas. New housing growth in particular is likely to need to be supported by additional and improved provision of a wide range of local infrastructure (i.e., community facilities), including museum and cultural provision.

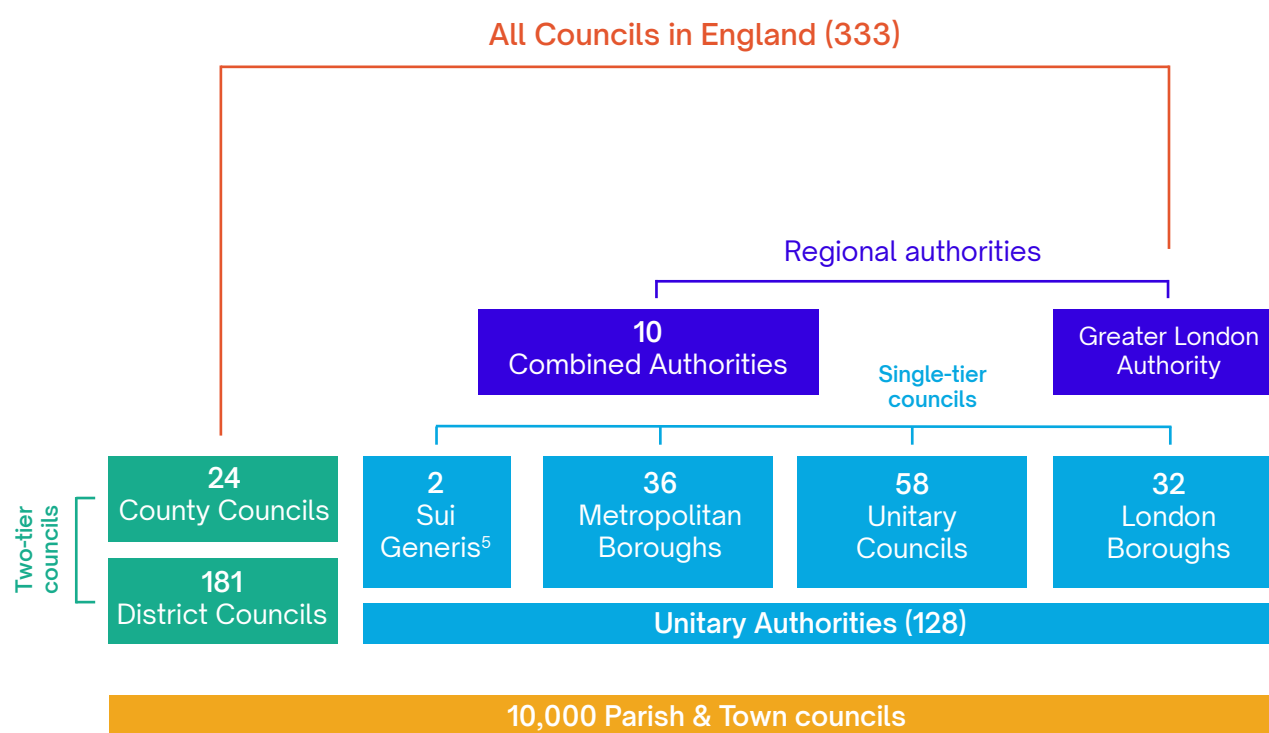


Chart 1: Organisation and Structure of Local Government in England

⁵ Specifically, the Isles of Scilly and the Corporation of the City of London.

In a **single-tier council area: Unitary Authorities** provide all the services that are provided separately by County Councils and District Councils. Local planning is a separate legal entity within these councils, and other local council service providers within the same council must work with and through their own council's planning department to seek and secure additional provision of services arising from new local housing growth as set out in its adopted Local Plan.

In a **two-tier council area: County Councils** cover the entire county area and provide around 80 per cent of services⁶. Within a county, district councils cover a smaller area and provide more local services⁷. In this context local planning is delivered by District Councils. Each individual adopted Local Plan has been shaped to deliver policy requirements that are tailored to its strategic goals; as such, it is not at all unusual to find differences between these locally focused plans within the same County Council area.

In some local areas, **combined authorities** exist to promote cross-border cohesion and growth (e.g., Mayoral authorities; Local Enterprise Partnerships); to date these have largely been promoted in our largest cities, though some have been formed in rural areas too (e.g., Greater Norwich Growth Board). Additionally, there are ten National Park Authorities that have their own plan-making powers and are utilising the same planning tools as other planning authorities⁸.

Finally, below these authorities, there is a further devolved layer of 'local government' in the form of **Parish/Town Councils**. There are around 10,000 of these smaller council bodies operating across England⁹. If new housing growth occurs within their local areas, and if the planning authority has adopted a CIL fee regime, these smaller devolved councils receive a specific slice of the CIL receipts.

What is the key message?

Seeking funding via S106 legal agreements are site and development dependent and determined. Access to CIL fee revenue is dependent on local priorities set by the local charging authority¹⁰ and mandatory devolved funding arrangements regarding Neighbourhood Plans and Parish and Town Councils.

⁶ Principally covering libraries and archives, primary and secondary education, children's services, highways and adult social care.

⁷ Such as housing, local planning, waste and leisure.

⁸ See <https://www.nationalparksengland.org.uk>

⁹ These are responsible for another layer and range of local services such as management of town and village centres, litter, verges, cemeteries, parks, ponds, allotments, war memorials and community halls.

¹⁰ A good example is to be found in East Hampshire DC (2023) Guidance for applications to the Council's Strategic CIL Fund, January 2023.

The Challenge facing Museums and Arts Organisations

As museums and arts organisations are not statutory services, they face different challenges from libraries and archives when seeking funding from developer contributions. However, research shows that many independent as well as local authority museum and arts services have been successful in securing developer contributions by engaging proactively with the local planning system. Typically, those that have secured funding have made the case that they are an important part of community provision and infrastructure, and/or the economic life of an area, and that therefore new housing growth and the resulting population changes generate a need for improved provision. As part of this ‘making the case’ they can commonly evidence:

- Good community programmes and usage, holding up-to-date information on the profile and numbers of users and visitors related to the LPA(s) they serve
- Good local networks and support, including regular meetings and communications with local councillors and plan-makers
- Good and continuous engagement with local growth plans and involvement in developing strategy; and
- Articulated need and demand arising from new growth, including the impact of higher numbers of people/users, population changes, access to cultural experiences, collections and services.

What is the key message?

Seeking additional provision requires the local planning authority to have an up-to-date assessment of current capacity locally linked to a standard of acceptable provision to meet the required needs arising from the new housing growth. However, museum and arts organisations can make the case for additional provision not always linked to a standard, for example through improved community facilities.

An area's museum and arts provision may need to be updated and improved to cope with additional demand brought about by increasing numbers of users resulting from new housing growth. This additional capacity is sometimes accommodated to allow more public access by expanding floorspace; refurbishing and fitting out community spaces to accommodate arts activities (for example theatre spaces); updating interpretation and redisplaying collections to improve access in museums; or improving and expanding maker-space or storage to accommodate additional collection needs.

However, where there is no possibility to extend or increase space, museums and arts organisations may reconfigure their service offer to:

- allow different types of users to engage and access them in new ways, for example through volunteering, off-site or outreach programmes, artists' studios
- enable them to be used by community groups and/or paying organisations to deliver events;
- increase provision of dedicated workspaces and research areas to access collections, or provide rehearsal space
- installation of new or improved technology that enables opening hours to be extended and greater virtual access.

All of the above options qualify as local infrastructure, as they are focused on tailoring service capacity to current and emerging needs of the local resident population. Where and when justified, such spending demands can be supported by developer contributions in the form of Community Infrastructure Levy (CIL) fee income or S106 legal agreements.

All service providers need to engage in their Local Plan-making process

04

The Local Plan

Making a Local Plan for the development and use of land, and keeping it up-to-date, is a statutory requirement for a Local Planning Authority. All decisions on planning applications should be made in accordance with policies and strategic priorities which are outlined within the adopted Local Plan.

All Local Plans must be supported by a proportionate evidence base and must conform with requirements as set out in the National Planning Policy Framework (2019). Service-level providers must therefore ensure that their Local Plan has appropriate policies on which additional provision can be triggered and delivered, in association with planned housing growth across all scales of new development.

As such, unlike library and archive provision, museum and arts provision shall be more reliant on seeking CIL funding for additional capacity than S106 legal agreements because CIL funding is less prescriptive on what or where it can be spent within a charging authority's area. However, engaging in local plan-making remains an essential activity if local public service providers¹¹ are to take advantage of how local plan-making can help to deliver and provide essential service-level capacity to its local populations. See the table (below) covering "How to make your case?"

Making the case

Service providers need to engage-in and develop a clear working relationship with their respective local plan-making officials, especially to inform the plan of their service area needs specifically arising from all extant and emerging local plan policies. It cannot be assumed that local plan-makers shall automatically recognise the array of emerging demands from across all local service providers. Service providers need to be proactive and assertive.

The more progressive LPAs¹² have prepared specific guidance for prospective applicants seeking CIL funding, as these processes are evaluated against declared criteria and local priorities. It is vital that service providers pursue opportunities according to these local rules.

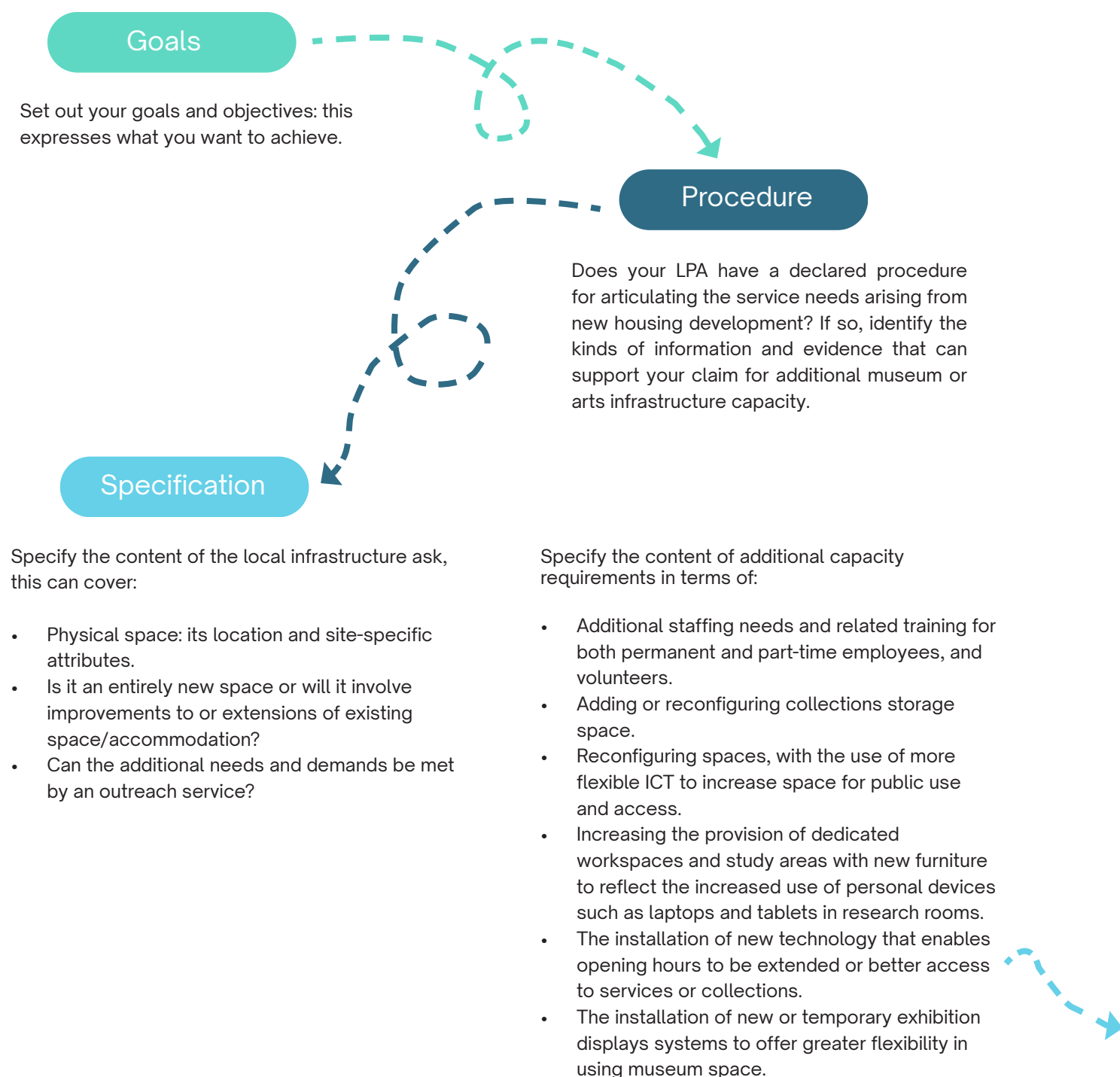
¹¹ Including arms-length, local charitable and voluntary bodies.

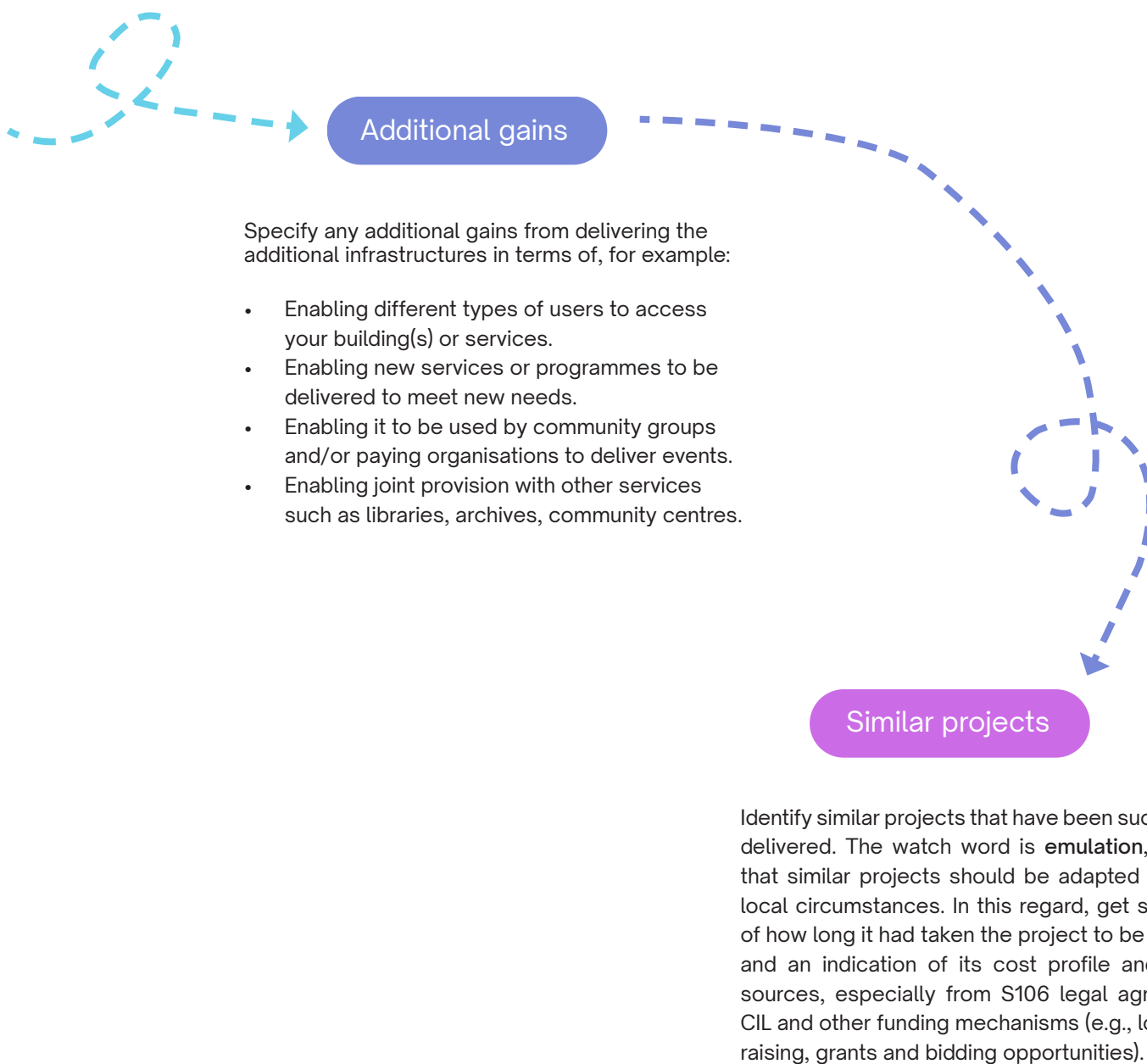
¹² East Hampshire DC (2023) Guidance for applications to the Council's Strategic CIL Fund, January 2023.

Context: How to make your case?

Providing community facilities, such as museums and arts organisations, arising from new development involves a process of negotiation in England and can only be pursued through your Local Planning Authority (LPA). Most applicants, including developers, will have pre-application contacts and negotiations with planning officers in their local planning authority (LPA).

This process is best served by pursuing the following route towards delivery:





Examples

East Hampshire District Council (EHDC) and the Allen Gallery, Alton

EHDC started collecting CIL in April 2016. Up to the end of March 2022, the Council had collected £8.5m in CIL payments from chargeable development. This money is apportioned across CIL Admin, CIL Neighbourhood Portion and Strategic CIL.

Through dialogue with the Parish and Town Councils to align strategic priorities and meetings with key infrastructure providers, EHDC is aware of infrastructure projects considering bidding for CIL funding in the future. Some of these, including the Allen Gallery, Alton, are described in the East Hants IFS 2021. Whilst inclusion in the IFS does not determine the outcome of any funding bid, it does note the strategic nature of the projects and the evidence base supporting them.

The Allen Gallery is run by Hampshire Cultural Trust (HCT). Situated in an historic building in the market town of Alton, the gallery houses an outstanding collection of ceramics as well as the paintings of local artist WH Allen. The gallery is seeking to transform the venue into a vibrant visitor attraction and cultural hub for East Hampshire's rural community. Including responding to the housing growth and the changing population profile as a result of significant development in the area. The gallery has secured a National Lottery Heritage Fund Development phase grant towards a £1.6m project. The IFS 2021 states (page 10) 'Any gap in funding will be considered for CIL funding'.

The gallery undertook an Options Appraisal in 2019, and established contact with the Council to discuss future gallery and community needs, and their development plans. Through discussions with the Principle Policy Planner and CIL Lead, HCT were able to apply for CIL funding towards the gallery redevelopment.

EHDC has a clear application process for applying for CIL funding. A funding pro-forma needs to be completed and submitted by the applicant. The application form includes questions on how the proposed scheme relates to new housing development and how it will support growth in the area, whether the need for the scheme is identified in any adopted plan or strategy¹³ and the evidence to justify the need for the scheme. In addition, there are questions on consultation, needs assessment/usage surveys, evidence of local support, costs, timetable and funding.



Allen Gallery, Alton

Image courtesy of Hampshire Cultural Trust.

¹³ The Allen Gallery is included in the East Hants Communities Facilities Study

All applicants are also required to explain the ‘public benefit’ of the proposed scheme for residents in EHDC authority area, including economic, social, environmental, overall public benefit and timescales for realisation of benefits. For those museums that have applied for major NLHF funding, answering these questions is straightforward as they will have the information to hand. The Allen Gallery were therefore able to reuse much of the information from their NLHF Development phase application to submit a successful bid for £450K of CIL funding which was awarded in July 2023.

All applications are assessed against a published set of criteria with scoring on a scale of 1-4. The criteria cover partnership working, evidence of need, fit with local plans/strategies, benefits, public benefit, funding, project management and delivery & local support, as well as cost benefit analysis. Projects where the CIL funding ‘would complete the scheme’ score highly, making it a good source of partnership funding for NLHF projects.

Examples

Dorset Council became a Unitary Authority in 2019. Dorset Council combines the functions vested in the former districts and county council and has inherited a number of different planning approaches, charging schedules and policies from the previous planning authorities – many of which funded museums and arts organisations through developer contributions. They have continued to administer these policies, but are currently in Stage 1 of developing a Local Plan for the whole area. This includes initial evidence gathering, review of former district/borough local plans and consultation. The resulting draft Dorset Council Local Plan outlines the strategy for meeting the needs of the area, such as housing, employment, and community services including schools, retail, leisure and community facilities. Dorset Council Infrastructure and Delivery Planning Manager stresses the need for service providers to engage with the planning system and process: ‘We are developing a new Local Plan for the Council. There are huge pressures on what developer contributions can fund. Service providers need to be proactive in engaging with their local planners. Their needs need to be aligned with local growth so investment is directly related to growth needs and impacts. It’s important to marry up your strategy with the development strategy and keep it up to date’.

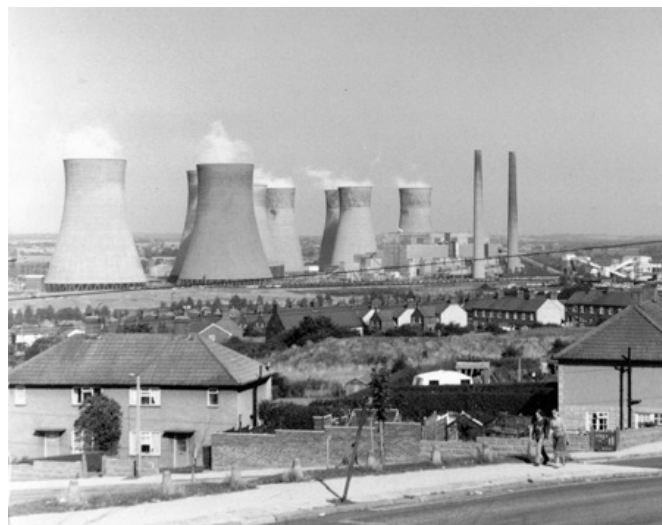
Examples

Cannock Chase Council, as part of a wide-ranging Section 106 agreement for the decommissioning of Rugeley Power Station, secured a contribution of £36,343 in 2020-21 towards the preservation of the plant's historical records and towards making those record publicly accessible long-term.

As the archive service is provided to the district by Staffordshire County Council the funding was passed to Staffordshire Archives and Heritage Service. The process for securing the contribution was initially instigated by the County Archaeologist assessing wider heritage implication for the site.

There was a period of negotiation between the County Archivist, the local museum and the economic development officer who liaised with the developer over the costed proposals developed by the County to fulfil the obligation. This negotiation took over 18 months but proposals were agreed to fund the cost of: a project archive/museum project officer; packaging and cataloguing the material, which was split between the Record Office and

the local museum: a pop-up exhibition; the cost of digital ingestion of the company's born digital records and making some available as a microsite on the Staffordshire Past Track website.



Rugeley Power Stations in the 1970s

HM Treasury Green Book Valuation: a potential new dimension in ‘making your case’

The Green Book contains guidance issued by HM Treasury on how to appraise policies, programmes and individual projects. The role of appraisal and evaluation is to provide objective analysis to support decision-makers and makers. HM Treasury’s Green book is developing a more bespoke appraisal methodology for measuring and assessing specific culture and heritage capital. As part of this, the Department for Culture, Media & Sport (DCMS) has recently published (in 2021) a document called ‘Valuing cultural and heritage capital: a framework towards informing decision-making’. This document sets out how DCMS will develop an approach to aid decisions on public funding that is consistent with Social Cost Benefit Analysis principles published in HM Treasury’s Green Book. As a result, the Culture and Heritage Capital Programme will not only be applicable to the public sector but can also act as a useful tool to assess public benefits of private assets in the community. As such, this approach can be used by anyone who wants to understand their impact on society locally.

An important area and aspect of the Green Book relates to the social costs and benefits of specific assets and services, many of which are non-monetised, being available to all at zero prices at the point of consumption. The presence of these ‘assets and services’, however, contribute to the overall appreciation of life, well-being and in the choice of where to live. In the Green Book, it is worthwhile focusing on Chapter 6, which sets out the theoretical and practical aspects of the means to capture the net benefits of the stock of assets and the flow of benefits that are generated. The Green Book is developing appropriate methods for valuing the flow of these services that culture and heritage assets provide to local people and businesses that engage with them. More often than not, these types of services are implicitly taken for granted and valued at zero, potentially leading to sub-optimal decisions around investment options, improvements and maintenance. Annex 1 provides additional information, advice and examples.

In making a case for support for a project, the Green Book methodology offers a further dimension to the overall well-being and social benefits that a project can generate directly and indirectly as well as inducing participation and enjoyment from a project for first-time users. Though the language and terms used, are at times, technically challenging it is worth trying to embrace and adopt these to explain and document the direct, indirect and induced benefits of a project.

Suggested reading and consultation:

- DCMS [2021] Valuing cultural and heritage capital: a framework towards informing decision-making. Published 21st January 2023.
- DEFRA [2020] The Green Book guidance: embedding natural capital into public policy appraisal. Last published November 2022.
- The Green Book and accompanying guidance and documents - GOV.UK (www.gov.uk) This gives access to a long list of documents covering Green Book Valuations, His Majesty’s Treasury approach to valuing the intervention of government on markets.

Local Planning and the role of Developer Contributions: S106 Legal Agreements and the Community Infrastructure Levy

05

Developer contributions comprise **S106 legal agreements** (or planning obligations) and **Community Infrastructure Levy (CIL)**. There are, however, a number of strict legal rules governing how such instruments can be used and these are explained below in some detail so that all relevant parties can understand how they operate locally in practice.

Their Legal Basis

The legal basis for concluding planning obligations is contained in Section 106 of the Town and Country Planning Act 1990 (and subsequent amendments). This permits a planning obligation to restrict the development or use of land; requires specified operations or activities to be carried out on land; and requires specified sums to be paid to the local planning authority. Planning obligations “run with the land” and are enforceable against the original covenantor and successors in title. Obligations can be positive, asking the developer to provide a benefit, or can prevent the developer harming or removing a valued asset. Unlike planning conditions, Section 106 (2) allows inter alia for payments of money to be made, either of a specific amount or by reference to a formula, and for periodic payments to be made indefinitely or for a specified period.

Need to meet specific Policy Tests

Crucially, the purpose of securing S106 legal agreements is to make “an otherwise unacceptable development proposal acceptable in planning terms”. This means that it is a planning mechanism to mitigate the adverse impacts arising from new development and ensures that a Local Planning Authority’s planning policy requirements are fully met. Importantly, such planning policy requirements are subjected to a whole plan viability assessment to ensure that they do not render development unviable¹⁴. If such an assessment confirms viability, then national guidance states that an adopted Local Plan’s policies are, therefore, currently deliverable.

The legal policy tests for when S106 agreements can be used are set out in CIL Regulation 122. Recent changes in national guidance, and its incorporation into planning law,¹⁵ means that securing S106 legal agreements demands three specific tests **must be met** in the decision to grant planning permission. Such legal agreements and any needs arising from new development (i.e., the so-called ‘ask’) must be:

- 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.

LPAs are required to set out their methodology and the evidence base supporting their approach in seeking and securing developer contributions under S106 - for example, for facilities such as doctors’ surgeries, and sport and recreation, along with affordable housing.

¹⁴ See NPPF, 2023, as amended

¹⁵ See CIL Regulation 122, MHCLG, 2018.

It should be noted that although a ‘standard charge approach’ exists for calculating developer contributions for museums and arts organisations (see Arts, Museums and New Development: A Standard Charge Approach, Arts Council England 2010), this approach has not to date been adopted by local authorities¹⁶. Examples identified in this report instead focus on the process that museums and arts organisations have gone through to secure developer contributions, in particular from CIL, which is decided on local priorities and locally determined, and specific to each project and its cost.

However, for the sake of completeness, we have updated the ‘standard charge approach’ cost calculations based on updated figures sourced from the RICS Building Cost Information Service, at 2nd Quarter 2023 prices. For those that wish to use it, see Appendix Three.

What is the key message?

LPAs are required to set out their methodology and the evidence base supporting their approaches in seeking and securing developer contributions. Those responsible for museums and arts provision have a central role to play here. Do not wait to be asked.

Examples

Wiltshire County Council is a CIL charging authority which covers 253 town and parish councils. In locations where new housing is developed, the County Council passes on a standard 15% of strategic CIL which it collects to town councils such as Trowbridge which does not have a neighbourhood development plan. Trowbridge Town Council can exercise discretion on how it spends this CIL and has not published a priority infrastructure list. Trowbridge Town Council allocated £30,000 of CIL receipts towards its Trowbridge Museum Development which completed in May 2022. This was a major project costing £2.2m in total comprising £1.17m from NLHF, contributions from charitable Trusts and Foundations, and Council financing of £900k. The museum housed in a Grade II listed mill was completely redeveloped - including expansion of floor space, a complete redisplay and reinterpretation of the collections, a new store, temporary gallery, learning hub and research library

and ancillary spaces. In 2019-2020, the Town Council allocated £20,000 of CIL receipts to the Trowbridge Town Hall Trust (a charity which operates the Town Hall as a cultural, creative and civic hub) to support its initial feasibility and project development work to restore the historic ballroom and improve access to the building.



Trowbridge Town Hall, Trowbridge

Image courtesy of <https://trowbridgetownhall.com/>

¹⁶ However there remains a role for the standard charge methodology in relation to new housing growth planned at a scale of new urban extensions or where the cumulative growth in new housing and its resident population warrants the establishment of new centres of retail, commerce and cultural services. See Appendix 3 for further information.

Examples

Since 2012, Cambridge City Council has run annual S106 funding rounds to make use of generic S106 contributions secured prior to April 2015 regulation changes which render contributions specific. The City Council's annual funding rounds have focused on certain types of infrastructure categories.

The Cambridge Museum of Technology, an independent charitable trust, through a simple application process secured £15,000 in 2021-22 under that year's chosen infrastructure category of Community Facilities - specifically providing accessible community facilities for local residents, community groups and organisations which had to be widely promoted and available at reasonable rates. Funding was allocated towards toilet and kitchen fit out in the Pye building on the historic site. The S106 funding helped to complete the £400k funding package for the restoration and conversion of the building for community use and events hire.

The Museum was required to complete a monitoring report demonstrating how it had promoted the building, its hire charges, hours available to the community, statistics on the number of community uses or hire of the building annually and details of its regular programme.



Cambridge Museum of Technology, Cambridgeshire

Examples

Gainsborough's House, Sudbury, Suffolk an independent charitable trust embarked on a complete redevelopment of its town centre site in 2019 – a project costing £10m including a £4.8m grant from NLHF, with a £0.7m uplift from NLHF, a £1m endowment and a further £4m of fundraising from Trusts and Foundations. The project included refurbishment and redisplay of the Trust's historic buildings whilst constructing a new three storey wing for a new café, improved visitor facilities and spaces for learning, talks and concerts.

The Gainsborough's House Community Gallery project was awarded a first allocation of £200,746 of CIL from Badbergh District Council's Strategic Infrastructure Fund in 2019, even though the museum and arts facility was not specifically mentioned in Badbergh and Mid Suffolk's 2019 published Infrastructure Delivery Plan's table of infrastructure needs. Gainsborough's House made its case for an allocation of Strategic CIL on the basis of being a transformational community facility – a community resource, a regional centre for tourism and a key plank of Sudbury's 'Vision for Prosperity' (the town council's strategy for sustainable economic growth). This first allocation was spent on specific gallery fit out elements, including walls, ceilings, lights and associated professional fees. A second allocation of £192,000 was awarded in 2022. This allocation was applied close to practical completion and included external works and some interior finishes. Gainsborough House's Director described the process as "not hugely different from other fundraising processes- I approached it like a Trust or Foundation application". He made an approach through his Town Council officers to the Planning Officers of Badbergh District Council. Having established that a case could be made for bidding for Strategic CIL, he entered a period of clarification about potential eligibility that focused on proving that any CIL spend would be "the last

piece in the funding picture". Prior to application, he presented the project to Councillors and Senior Officers and again during the assessment period. The application for a second allocation was only deemed eligible because of the extraordinary circumstance created by the pandemic. Monitoring requirements were described by the Director as "not onerous".



Gainsborough's House, Sudbury

Seek advice and consult appropriate planning guidance

In addition to understanding a local area's Local Plan, it is recommended that relevant parties (i.e., service providers and other interested parties) are fully aware of written guidance and practical examples of the rationale and use of developer contributions. An illustrative list is displayed below, but also consult the reference list at the end of this report.

DLUHC (2022) National Planning Policy Framework, Department for Levelling Up, Housing & Communities, December (as amended).

<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

ACE & TNA (2019) Championing Archives and Libraries within local planning, Arts Council with The National Archive

<https://www.artscouncil.org.uk/research-and-data/championing-archives-and-libraries-within-local-planning>

MHCLG (2019) National Planning Practice Guidance for Viability, Ministry of Housing, Communities & Local Government (as amended). <https://www.gov.uk/guidance/viability>

TCPA (2013) Good Practice Guide for Improving Culture, Arts and Sporting Opportunities through Planning, Town & Country Planning Association

<https://www.tcpa.org.uk/resources/good-practice-guide-for-improving-culture-arts-and-sporting-opportunities-through-planning/>

PAS (2020) Best Practice Guidance on Developer Contributions, The Planning Advisory Service.

https://www.local.gov.uk/sites/default/files/documents/Start%20with%20the%20Spend%20in%20Mind_Best%20Practice%20Guide%20on%20Developer%20Contributions%20%28February%202020%29.pdf

PI (2022) Planning Obligations: New Practice Guidance, The Planning Inspectorate, April.

<https://www.gov.uk/government/publications/planning-obligations-good-practice-advice>

SE (2018) Advice Note on CIL and Planning Obligations, Sport England, November.

<https://www.sportengland.org/how-we-can-help/facilities-and-planning/planning-for-sport/community-infrastructure-levy-and-planning-obligations-advice-note>

What is the difference between S106 and CIL Developer Contributions?

All local planning authorities can seek to use S106 legal agreements. But not all authorities have chosen to embrace and adopt a CIL fee regime. Only around 50% of all councils have a CIL regime in operation. In localities where the CIL is not operational, service providers are limited to drawing on funding opportunities through S106 legal agreements, if applicable.

The most recent national study¹⁷ of the incidence and value of developer contributions shows that councils in the English regions have collected over £1.03bn in CIL fee income and almost £1.14bn being the value of appropriate mitigation measures secured using S106 legal agreements in the financial year 2018-19. There are large regional variations on the reliance of CIL fee income. *See Appendix One for further information and illustration by English regions.*

Service providers need to establish if their local planning authority seek S106 and CIL contributions. Accessing your local Infrastructure Funding Statement will reveal if your local authority has adopted a CIL fee regime, as well as giving information on S106 legal agreements. Planning Policy Officers have to collate and publish the annual IFS, with support from finance officers and potential nominated officers if the LPA has a special unit dealing with either S106 or CIL or both.

In theory, S106 legal agreements and a council's CIL fee regime can sit alongside each other. There are a number of rules that govern how these two fiscal instruments operate and it is important for all parties, including the planning applicants/developers who are having to pay them, to understand these funding requirements and opportunities that arise for local infrastructure. Table A (below) sets out their relationship and any differences in their operation.

Table A: What are the attributes of Developer Contributions (S106 + CIL)?

S106 Legal Agreements	Community Infrastructure Levy
Voluntary agreement is negotiated between the applicant and the LPA	CIL is a mandatory and non-negotiable payment on qualifying land uses.
Cannot make a "bad application" good.	It is a user charge but only for specified land uses (so it is similar to a price).
Cannot be sought to resolve existing deficiencies in local infrastructure.	It is payable on new developments which add 100m ² or more (on the net increase in floorspace) or create a new dwelling.
Bespoke: site-specific to mitigate impact arising from new development.	It is non-site specific so it can be pooled and spent anywhere in a council area on local infrastructure to support new development.
Bespoke: tailored to the local circumstance in each LPA.	

¹⁷ See MHCLG (2020) The Incidence, Value and Delivery of Planning Obligations and Community Infrastructure Levy in England in 2018-19, August.

S106 Legal Agreements

Must be fairly and reasonably related in scale and kind to the specific needs arising from the development.

Financial payments or in-kind made by the developer in accordance with agreed triggers: e.g., phasing, volume, completion.

Legal agreement must be signed prior to decision-making & is only conditional on the granting of planning consent.

Can be subject to an appeal.

LPAs are constrained by what they can seek as set in national guidance and their adopted Local Plans.

They are a cost-based measure and thus should not “crowd-out” an applicant’s capital profit.

In terms of a fiscal instrument, it is hypothecated in that it can only be spent on the purposes set out in the legal agreement. If not spent, it must be returned with interest.

Councils are required to prepare and publish their Infrastructure Funding Statements, which documents the contents of individual S106 legal agreements and their record of collecting and spending CIL fee income on an annual basis.

Community Infrastructure Levy

Payments are due from the developer upon commencement of the development.

It is a pro-rata charge, based on £/m²; i.e., it is proportional, treating each applicant equitably.

The CIL fee has no relation to land value or value of development being a cost-based measure.

CIL fee income is pooled and is spent on both capital and revenue items.

CIL fee income cannot be used to incur borrowing.

It is known in advance of development and should not “crowd-out” an applicant’s capital profit.

CIL is seen as a part replacement for some off-site mitigation measures.

In terms of a fiscal instrument, it is hybrid. It is hypothecated in that the CIL income must be spent on local infrastructure; but it is un-hypothecated in that it is pooled with other CIL receipts and other revenue sources.

In qualifying areas, set proportions of CIL fee income are devolved: 25% in areas with Neighbourhood Plans and 15% in parish or town councils in localities where new development occurs.

In summary, therefore, when securing mitigation funding using S106 legal agreements there are strict limitations on their use, while with CIL fee income, its use is more permissive and presents councils that have a CIL fee regime greater flexibility in its application and allocation. The latter is particularly the case since September 2019, when the requirement to publish a CIL Infrastructure Priority List, or Table of Infrastructure needs, that cited specific provision as part of a Infrastructure Delivery Strategy or Plan was rescinded.

What is the key message?

All service providers need to find out first if their council authority has adopted CIL or not and if not whether it is likely to review this position. Our research has shown that the non-site specific nature of CIL and the fact it is no longer tied to an already identified published list of needed infrastructure provision may make it a more suitable route for museum and arts to consider.

The following examples provide an illustration of the kinds of projects and the scale of spending using either CIL or S106 funding sources:

Examples

In Windsor and Maidenhead, its IFS (2021-22) reveals that it spent CIL and S106 funding on a range of library and heritage related projects as follows:

CIL spending:

- Upgrading of its self-service kiosks: £44,000;
- External works to Maidenhead Library: £99,000;
- Pop-up Library equipment: £47,000.

S106 spending:

- Heritage Education Space Old Windsor: £20,000.

In South Oxfordshire, its IFS (2021-22) revealed that of its CIL spending:

- CIL receipts of £250,000 spent towards roof replacement at the Cornerstone Arts Centre, Didcot;
- 50% of its CIL receipts is allocated to Oxfordshire County Council for spending on libraries and education.

In Fareham, its IFS (2021-22) sets out plans to develop Fareham Live to become a vibrant arts and entertainment venue in the heart of the town centre. In July 2018, the Council's Executive agreed to commit future CIL receipts to the development of Fareham Hall, with the Council's Executive further agreeing in September 2013 to continue to allocate CIL receipts to the same project, now termed Fareham Arts Venture or Fareham Live. The CIL reserve balance earmarked for Fareham Live currently stands at £5.8m. Based on development projections within the Borough, it will take 5-8 years to receive sufficient CIL receipts to repay the borrowing.

In Havant, the IFS NCIL records 'efficiency improvements' to Spring Arts Centre of £32,000 in CIL funding.

Sandwell Borough Council routinely allocates relatively small amount of CIL receipts under the heading of 'community facility' to independent arts organisations on an annual application basis. For example in 2021, this included £2,000 to Awesome Arts for staging equipment and £3,000 to Midland Film and Art Yard to improve accessibility into its building.

In 2020, **Gateshead Council** allocated £4,404 in CIL receipts to the Soundroom Community Music Project, a charity running music making projects, to support the refurbishment of its building's basement into accessible space for the community. A further 2020 CIL allocation of £12,750 funded the charity to run after school performing arts sessions for children aged 5-11 and the salary costs for business planning, development work and volunteering for Soundroom's music studio.

In **Hackney** the 2021-22 IFS states that the Neighbourhood CIL (15% of total CIL income) was allocated across two funding programmes: supporting the objectives of **Hackney's Arts and Cultural Strategy** and the newly launched Hackney Community Fund. A total of £460,000 provided a revenue stream to enable the delivery of key cultural initiatives led by the council such as the Hackney Carnival and Discover Young Hackney, both of which are in the Mayor's Manifesto. It will also enable a wider range of projects to be delivered, led by both the council and the voluntary sector, that employ culture to support the five dividends of the Arts and Cultural Strategy: community cohesion, education, health and well-being, employment and the economy.

The Hackney Community Fund can make grants of up to £100,000 to local groups, charities and organisations. In 2021-22 this included £95,000 to Core Arts and St Barnabus Community Garden; £83,000 for Immediate Theatre to create office, meeting and rehearsal space; £60K to Hackney Showroom Roadshow by the New Futures Collective for a touring trailer stage and accompanying cultural touring programme and £6,279 for Hackney Archives activities and resources.

Under S106, the **Greater Cambridge Shared Planning Service** secured a contribution towards funding a performance arts space and facilities within the new Babraham Village Hub, as part of a £48,000 site wide public art strategy for a major new housing development north of Cherry Hinton.

Waverley Borough Council IFS 2021-22 shows £133,550 of CIL funding being transferred from the Council to Cranleigh Arts Centre.

Islington Borough Council developed a planning brief for New River Head which included the condition to include a heritage aspect within the site's housing development. £100,000 through S106 was secured from the site developers, which is supporting the development of the Quentin Blake Centre for Illustration in the historic buildings on site to provide new archive and cultural facilities (and providing match funding for a major NLHF funded project).

What is the key message?

CIL and S106 are therefore similar in that they are tools to address the impacts of new development. But S106 is designed to mitigate the specific impacts of that individual development while CIL is a tool to deal with the cumulative impacts of new development on infrastructure. CIL is specifically designed to enable the pooling of contributions from new development¹⁸ and can be used more flexibly to meet local needs and priorities. Museums and arts organisations have benefited from CIL funding for a wide range of projects. You need to find out what has been funded in your local area and be aware of examples from other authorities to support your case for funding if this is a new area for your local planners.

¹⁸ See PAS (2020) Best practice guidance on developer contributions, especially - Start with the spend in mind; https://www.local.gov.uk/sites/default/files/documents/Start%20with%20the%20Spend%20in%20Mind_Best%20Practice%20Guide%20on%20Developer%20Contributions%20%28February%202020%29.pdf

Review of a sample of Infrastructure Funding Statements to identify support for libraries, archives, museums and arts' organisations

06

A key source of information that is publicly available are councils' **Infrastructure Funding Statements**. National guidance prescribes that all councils are required to publish an annual record of the contents of individual S106 legal agreements and their record of collecting and spending CIL fee income. However, the latter is much less detailed and many simply report total income, total spending and unspent balances.

As part of preparing this report, a narrow review of the Infrastructure Funding Statements¹⁹ of over four-fifths of English Councils has been conducted to identify the presence and the use of either S106 and/or CIL in the English regions in support of libraries, archives, museums and arts organisations. See Appendix Two for further details.

Reviewing these statements, shows that libraries have benefited most, being around 64% of all projects that have secured funding from developer contributions, while the remainder are museums (19%), arts (13%)²⁰ and archives (4%) related projects.

This review reveals significant regional differences on the types of projects being secured using both funding instruments. Greater London stands out, where projects are being supported by both instruments. Some county councils are more active and successful, especially Warwickshire, Leicestershire and Oxfordshire in securing funding for libraries through their individual district councils. The northern-based regions also stand out as being largely reliant on S106 legal agreement, as few have adopted a CIL fee regime. It is clear that this pattern of reliance on these two instruments needs to be fully understood by museum and arts service providers hoping to secure funding through planning triggered by new development.

As a result of scanning more than 80% of all published IFS (covering editions for either 2020-21 and/or 2021-22), the following **summary points** are pertinent, particularly for those responsible for securing funding for additional service capacity for museums and arts organisations:

- LPAs secure a mix of S106 and CIL funding in support of museums and arts organisations, occasionally both, but CIL tends to be more common especially in recent years.
- The non-statutory basis of museums and arts organisations, coupled with the fact that many are not directly delivered by LPAs, may mean citation in IFSs is more complex than for libraries and archives.
- The non-site specific nature of CIL and its ability to be pooled may contribute to the number of examples of museum and arts organisations in receipt of it compared to S106, as frequently museum and arts provision is delivered across several LPAs.
- Some County councils are more active and demonstrate successful pursuit of both CIL and S106 funding (e.g., Suffolk; Gloucestershire).

¹⁹ Councils are required to prepare and publish their Infrastructure Funding Statements, which documents the contents of individual S106 legal agreements and their record of collecting and spending CIL fee income on an annual basis.

²⁰ Note: Arts includes arts facilities but excludes Public Art which was outside the scope of the research.

- Museums and arts organisations tend to be cited in IFSs under the infrastructure category of ‘community facility’ rather than under any category that might be deemed as cultural infrastructure.
- Some museum and arts organisations received CIL funding under the ‘community facility’ heading even though not explicitly mentioned in the priority lists of infrastructure (e.g. Gainsborough House). This tends to lead to small amounts of CIL funding being allocated to local projects on a case-by-case, one-off basis.
- There is a wide range of uses of funding (especially CIL) from small to large amounts. In one case, this has involved CIL funding for a strategic review to support prioritisation for a new Local Plan being developed; another case has involved seed-corn funding to support a funding bid being prepared for the National Lottery Heritage Fund.
- A large number of IFSs do not reveal how CIL receipts are spent, with many showing that little has been spent with large unspent balances. This could be an opportunity.

Community Infrastructure Levy (CIL) Fee Regimes: as a potential funding source

07

As previously stated, only around half of local councils have a CIL fee regime in place [see Appendix 1 for the regional coverage in England]. Nonetheless, it is important to understand the scale of this potential funding source for additional local infrastructure, particularly for museum and arts provision.

Research shows the scale of CIL fee income in England to have reached over £1bn in 2018-19. 80% of this total (£825m) was collected in the two regions of Greater London and the South East. This high concentration of CIL fee income in these two regions is explained by their higher propensity to adopt CIL, their higher CIL fee rates applied to qualifying land uses, and the higher amount of new development in these more economically buoyant regions of England. Nevertheless, in other regions CIL fee receipts remain an important, yet lower-level of funding, so in these councils reliance on S106 funding is much more critical. *(See Appendix 1 for further details.)*

Local service providers need to recognise the scale of potential funding that a CIL fee regime can generate from new housing growth locally. The figures in Table E (below) illustrate the funding generated from an adopted CIL on new market housing, for three hypothetical scales of new housing development. Importantly, specific slices of this CIL fee income is required to be passed to other local government organisations in the location of where the new housing has been built. In this regard, 25% of the CIL fee income is devolved where a Neighbourhood Plan has been adopted and 15% of the CIL fee income is devolved to Parish/Town Councils to be spent on locally determined priorities.

Table E: Revenue raising potential of a Community Infrastructure Levy (CIL) Fee Regime from New Housing Growth: an illustration

Number of New Dwellings	Average Floorspace area (80m ²)	Floorspace of Market Homes (60% of total) (m ²)	CIL Fee Regime (£120/m ²)	Neighbourhood Plan (NP) Slice of CIL Fee Income (25%)	Parish / Town (P/T) Council Slice of CIL Fee Income (15%)	CIL Fee retained by the Charging Authority if NP in place	CIL Fee retained by the Charging Authority if P/T Council in place
15	1200	720	£86,400	£21,600	£12,960	£64,800	£73,440
30	2400	1440	£172,800	£43,200	£25,920	£129,600	£146,880
100	8000	4800	£576,000	£144,000	£86,400	£432,000	£489,600

So, a relatively small-scale development of 15 dwellings generates over £86,000 CIL fee income, based on 60% being market homes²¹ and a CIL fee rate of £120/m². If this development is situated in a Neighbourhood plan area, the relevant Parish/Town council would accrue £21,600; in absence of a Neighbourhood Plan the Parish/Town council would accrue nearly £13,000. Of course, larger scale development generates pro-rata larger CIL fee sums as figures in Table E demonstrate. These constitute one-off revenue receipts for these council bodies, with the largest sums accruing to the charging authority.

The CIL fee income is pooled by the charging authorities and it is they that have to decide how their CIL funding is to be allocated and spent. However, since changes in the way CIL operates (from September 2019) the charging authorities are not mandated²² to identify or prioritise, in advance, specific local infrastructure projects. This situation presents an opportunity for all local service providers to make their case for securing some CIL funding support with the charging authorities.

What is the key message?

Our survey of IFS has revealed large regional differences in the adoption of a CIL regime. A key feature identified from the survey is that CIL is being used in a more permissive way, the sums being committed vary greatly, while also showing large unspent balances by some councils. The potential for securing CIL funding, however, remains high and so this presents a good opportunity for local service providers including museums and arts organisations.

²¹ Affordable housing is CIL exempt.

²² This was previously known as the CIL 123 list.

Similarly, the devolved bodies also have these powers to decide on spending options, and almost always they tend to focus on projects and actions that are situated in the immediate local area for the benefit of local residents. With much smaller amounts of CIL fee income, such funding might enable additional museum and arts provision locally, an archive project, or be sufficient to support a funding bid to grant-making bodies, whether locally, regionally or nationally. For example, the Portsmouth IFS 2021-22 includes funding for a new community shed within Beddow Library grounds (£3,795) and an exhibition of archive material and related events at Art Space Portsmouth (£1,615). A further example from the London Borough of Merton is given below.

Examples

Polka Theatre, Wimbledon and London Borough of Merton (LBM) CIL funding

Polka Theatre, situated in Wimbledon in the London Borough of Merton (LBM), is a community focused theatre with a mission that states 'We empower children to navigate their world through inspirational theatre experiences'. Facilities include a main theatre for young audiences, Learning Studio, Play Den, rehearsal and community spaces, outdoor play area, multi-sensory garden and family friendly café.

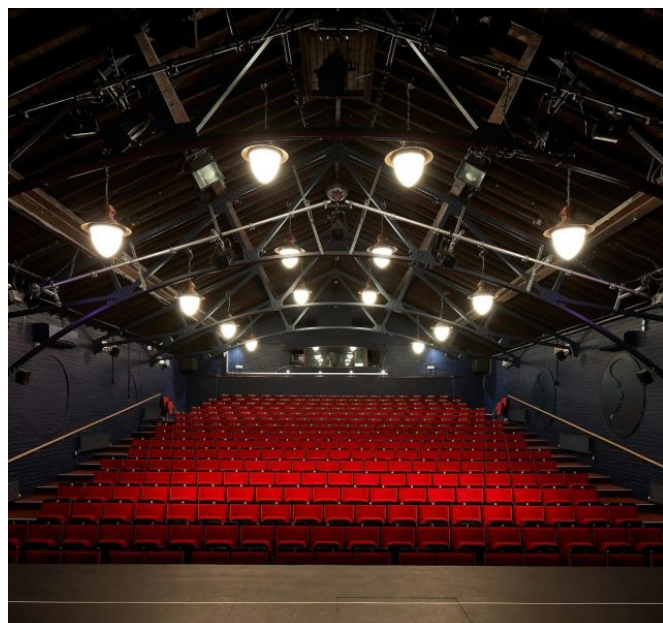
Facilitated by discussions with the Culture and Regeneration Team, the theatre was able to apply for and secure CIL funding over a number of years for a number of different schemes including:

1. £300K of CIL funding towards a capital redevelopment scheme.
2. £150K of Neighbourhood CIL (NCIL) as COVID support funding.
3. £32K of CIL funding towards the installation of solar panels.

There is a formal process for applications, with bids to the Neighbourhood CIL (NCIL) needing to demonstrate that they contribute to Community Plan priorities. A letter of support from a local councillor is also required. In addition, the theatre secured letters of support from community organisations and local networks with which they work.

LBM has also awarded CIL funding to the following museum and arts projects in the borough:

- Windmill Museum. £20K of CIL funding towards a £50K refurbishment project.
- Green Arts at Cricket Green School. £49K NCIL grant paid to Mitcham Town Community Trust for AV equipment supply and installation.
- Attic Theatre Company's Creative Community Engagement Programme. £42.5K NCIL funding approved in 2021 to commission, produce and deliver projects with and for the local community.

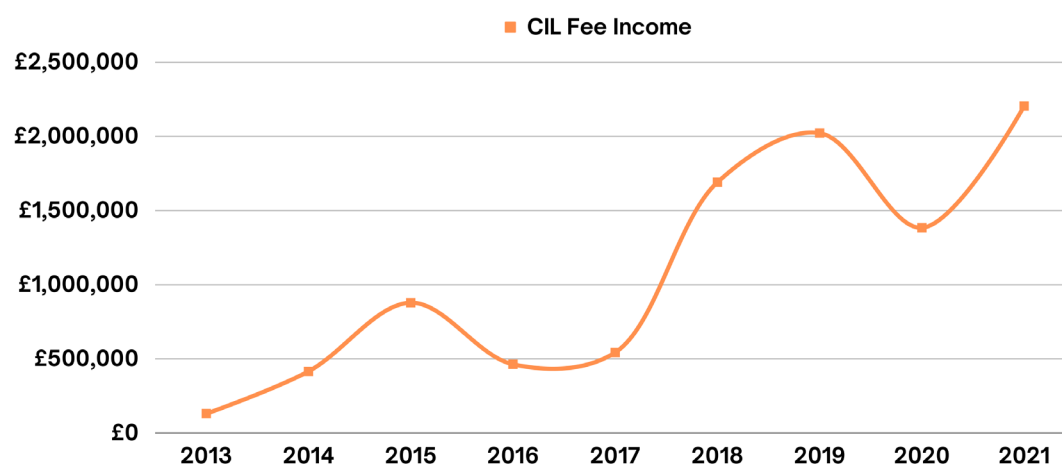


Polka Theatre, Wimbledon

An illustration of the scale of CIL fee income accrued by a District Council arising from new development is presented in Table F. Newark and Sherwood District Council was the first council to adopt a CIL fee regime in England, in December 2011.

Table F: Newark & Sherwood District Council

Financial Year	CIL Fee Income	% of Total CIL Income Collected	% year on year change
2013/14	£130,676.01	1.34%	0%
2014/15	£415,938.77	4.27%	218%
2015/16	£878,690.61	9.03%	111%
2016/17	£463,745.06	4.76%	-47%
2017/18	£543,708.74	5.59%	17%
2018/19	£1,690,563.45	17.73%	211%
2019/20	£2,021,621.45	20.77%	20%
2020/21	£1,383,861.71	14.22%	-32%
2021/22	£2,204,195.00	22.65%	59%
TOTAL	£9,733,000.80		



Over the years to 2021/22, over £9.733m has been accrued in CIL fee income by Newark & Sherwood DC. Though the scale of CIL fee income has risen substantially over this nine-year period, this has not been at a consistent rate. Because of different levels and pace of new development over this period, the annual totals follow an erratic path. Since 2018/19, the CIL fee income breached the £1million-threshold for the first time, and for two separate years broke through to over £2m in 2019/20 and the last reported financial year of 2021/22²³.

²³ Remember, the level of CIL receipts mirrors the state and position in the property cycle.

Conclusion and Checklist

08

In summary, it is essential that all local service providers understand the funding position of their local council and the rules under which they can attempt to seek and secure funding through S106 agreements. Securing S106 agreements can be onerous, but once secured there is certainty of outcome and delivery.

With respect to gaining access to CIL fee income, this depends on whether your local council has a CIL fee regime in place and, if so, the scale of CIL fee income collected by them arising from new (housing) development. The route to success also requires you to engage with the local planning system and plans but the legal barriers to accessing CIL fee income is less onerous than S106, given that CIL funds are pooled from across all qualifying land uses in the charging authority. It must be noted, too, that our survey of IFSs and interviews with those in receipt of CIL funds, revealed that the route to success seems to have been relatively straightforward, with light touch monitoring and reporting post CIL funding award.

Checklist: Getting Started

- **What is the current status of the adopted Local Plan in your council area?** Remember, only around 40% of all local plans are up-to-date. This gives you an opportunity to engage in and influence its strategic goals locally. Establish when your local plan is due for an update, and the process and timeline for updating it and what information, on local need and demand impact on your service, is required.
- **Has your local planning authority prepared a Supplementary Planning Document or Protocol setting out its preferred approaches towards using developer contributions?** If so, find out what is in it.
- **Do you understand that there are differences between the roles, purposes and operation of S106 legal agreements and securing funding from CIL?** Choosing the appropriate instrument is important.
- **What is included under the term ‘local infrastructure’?** It is vital to understand this, as it will dictate how your LPA treats your request for funding support. Many arts organisations and museums have made the case for funding under the ‘community infrastructure’ heading.
- **Have you read your local council’s IFS?** This public document provides vital information on your council’s record of securing S106 legal agreements and a record of CIL receipts, spending and unspent balances, covering the last financial year. It provides good examples of the types of projects that have been funded.
- **How do you make your case for funding support, especially if this is an entirely new challenge?** Some councils have established guidelines that must be followed in making a funding bid. LPAs follow different processes for prioritising and allocating CIL funding, though this often includes a requirement to demonstrate community need, benefit and/ or support. If your LPA is a CIL charging authority, find out what are the priorities for funding and how to apply. Even if museums and arts are not explicitly listed, they can be funded as ‘community facilities’.

- **What else might persuade my local planners to allocate funding for museums and arts?** Speak to your planners or district plan-makers to ascertain if they are willing to allocate CIL funding for local museums and/or arts improvements and projects. And what evidence you need to apply. Smaller grants tend to be light touch with a straightforward application process and reporting requirements.
- Our research shows that those organisations involved in major applications to the National Lottery Heritage Fund and other funders have found it straightforward to reuse that information to make a case for funding. The ‘return on investment’ argument may also be helpful in demonstrating that a relatively small amount of local CIL funding will work to release larger investment in the local area. You can also use sector research into the economic, educational, social and well-being impact of museums and arts provision to demonstrate community benefit.

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Appendix 01

Incidence and Value of Developer Contributions in English regions, 2018-19

Table 1: English Regions	Community Infrastructure Levy (£m)		S106 Legal Agreements* (£m)					
	CIL Fee Income	% of Total by Region	Open Space & The Environment	Travel & Transport	Community Works & Leisure	Education	Other	TOTAL
East of England	£81	7.9%	£6	£20	£12	£110	£16	£165
East Midlands	£11	1.1%	£13	£40	£10	£128	£62	£252
Greater London	£629	61.0%	£12	£86	£2	£5	£39	£144
North East	£4	0.4%	£7	£10	£3	£34	£9	£64
North West	£22	2.1%	£35	£51	£6	£10	£1	£103
South East	£196	19.0%	£53	£34	£17	£42	£35	£180
South West	£43	4.2%	£8	£27	£1	£34	£15	£84
West Midlands	£13	1.3%	£7	£20	£10	£67	£9	£113
Yorkshire & Humber	£32	3.1%	£15	£6	£0	£9	£2	£33
England Total	£1,031	100.0%	£157	£294	£62	£439	£187	£1,138
Source: see Table 3.8, p.49 for the CIL fee income and Table 3.15 for the value of S106 legal agreements in MHCLG (2020) <i>The Incidence, Value and Delivery of Planning Obligations and Community Infrastructure Levy in England in 2018-19</i> , August.								
*These figures exclude the estimated value of affordable housing secured using S106 legal agreements (i.e., c.£6.5bn).								

The most recent national study²⁴ of the incidence and value of developer contributions shows that councils in the English regions have collected over £1.03bn in CIL fee income and almost £1.14bn was the value of appropriate mitigation measures secured using S106 legal agreements in the financial year 2018-19. The figures above confirm large regional variations on the reliance of CIL fee income, with two English regions (Greater London and South East) collecting 80% of the English total.

For S106 legal agreements, councils in the East Midlands and South East and East of England regions secured the highest value of mitigation measures. Despite a very low reliance on CIL fee income, the northern regions in the North East and North West secured only 15% of the total value of S106 legal agreements. Mirroring their low reliance on CIL fee income, the South West and the Yorkshire and Humber and North East regions secured the lowest value of mitigation measures through S106 legal agreements.

²⁴ See MHCLG (2020) *The Incidence, Value and Delivery of Planning Obligations and Community Infrastructure Levy in England in 2018-19*, August.

Appendix 02

A summary of findings from a survey of Infrastructure Funding Statements (IFSs)

Our survey, which involved a narrow search and reading of a sample of IFSs, the majority were either published for financial years 2020-21 or 2021-22, which covered over two-thirds of English Councils, the figures below show the presence and the use of both instruments in the English regions in Table 1; and for cultural policy areas of Libraries, Archives, Museums and Arts the number of projects cited that have been funded by one or both types of developer contributions in Table 2.

Table 1: Region	Number of Councils (& other bodies if relevant]	Number of CIL Charging Councils	% of Councils with adopted CIL	Number of Projects Cited*	
				S106 only	CIL+S106
East Midlands	37	10	27.03%	26	8
East of England	58	19	32.76%	30	22
Greater London	33	31	93.94%	1	20
North East	12	3	25.00%	5	3
North West	39	9	23.08%	15	6
South East	69	48	69.57%	19	47
South West	37	25	67.57%	4	19
West Midlands	34	12	35.29%	17	14
Yorkshire & Humber	21	10	47.62%	6	8
England	340	167	49.12%	123	147
*Review conducted over a period of 6 months, ending in March 2023.					

Those councils relying solely on S106 legal agreements (123 out of over 300) to secure additional infrastructure provision via the planning system, are either unitary (urban-based) councils or lower-tier District councils. Where councils (147 out of over 300) rely on both S106 legal agreements and CIL fee income, these are found to be either unitary or district councils.

Table 2: Region	Infrastructure Funding Statements (IFS) Reviewed*	% of All IFS Reviewed by Region	Libraries	Archives	Museums	Arts
East Midlands	36	97.30%	14	0	0	0
East of England	57	98.28%	13	0	0	0
Greater London	21	63.64%	10	2	5	8
North East	10	83.33%	0	1	1	1
North West	25	64.10%	0	0	1	1
South East	66	95.65%	32	2	7	4
South West	23	62.16%	10	1	5	2
West Midlands	31	91.18%	2	1	1	1
Yorkshire & Humber	14	66.67%	0	0	1	1
England	283	83.24%	84	7	24	18
*Review conducted over a period of 6 months, ending in March 2023. Numbers refer to number of IFSs citing library, archive, museum and arts organisations as having received or been allocated funding.						

Table 3: Region	1 Number of IFS Reviewed **	2 No mention of MLAA*in IFS, 2019 to 2022	2 as a % of 1	Summary Comments
East Midlands	36	11	30.56%	Active role being taken by Leicestershire & Nottingham CCs in seeking collaboration with their District Councils for funding their projects. But, only a limited number of projects.
East of England	57	26	45.61%	Active role being taken by Essex CC and Suffolk CC in seeking collaboration with their District Councils for funding their projects. But, only on a limited number of projects.
Greater London	21	1	4.76%	Of all the IFS reviewed, only 1 London Borough fails to mention MLAA. Good number of examples of projects or contributions for museums, libraries and arts. Is this because the funding base (CIL and/or S106) is substantially higher compared to other regions?
North East	10	8	80.00%	IFS rarely mention MLAs. Priorities are clearly focused on other policy service areas.
North West	25	14	56.00%	Sporadic/occasional use of CIL/S106 for Libraries and other 'cultural' assets. Other policy areas given higher priority.
South East	66	6	9.09%	Largest number of Councils in any one region. Our coverage of IFS is very high, with a small number not mentioning MLAA at all. Some good examples of projects include, for example, in Milton Keynes; and by Oxfordshire CC being very active with its District Councils that have adopted a CIL regime.
South West	23	5	16.13%	Our coverage of IFS is lower (i.e., two-thirds) relative to other regions. However, a number of good examples occur. Gloucestershire CC are active, though CIL is kept by its District Councils. Two urban extensions in Devon triggered new facilities, including new libraries but, as expected, via S106 rather than CIL.
Yorkshire & Humber	14	5	35.71%	Sporadic/occasional use of CIL/S106 for Libraries and other 'cultural' assets. Other policy areas given higher priority.
West Midlands	31	15	48.39%	Warwickshire CC active in seeking funds for Libraries from its District Councils. Though, some of the unitary authorities are active depending upon priorities and funding availability.
England	283	91	32.16%	Large regional differences in seeking and securing S106 and/or CIL. London Boroughs stand out from the rest of the regions. Active County Councils do draw on both S106 and, to a lesser extent, CIL for additional funding for their services (predominantly libraries). Very occasionally, however, funding is secured for museums (e.g., Cambridge; Ely; Aylesbury; Milton Keynes (including for Archives too) and arts' venues (e.g., Durham; Gateshead; Fareham).
*MLAA refers to Museums, Libraries, Archives, Arts				
**Review conducted over a period of 5 months, ending in March 2023				

Appendix 03

Standard of Provision: The benchmarks for provision and the metric calculation and charge for additional capacity (a cost update)

Preamble

In this briefing paper on guidance on seeking and securing developer contributions for Museums and Arts provision in England, it is made clear that a high proportion of new housing growth is not at a scale that triggers the delivery of entirely new facilities but necessitates expansion of current provision to accommodate the additional demand arising locally. In these circumstances, at least for museums and arts provision, making your case for CIL funding support is the best way forward.

However, there still remains a potential role for the standard charge methodology (as set out in ‘Arts, Museums and New Development: A Standard Charge Approach, MLAC 2010) even though it has yet to be adopted by local authorities. It could be best applied when new housing growth is being planned at a scale of new urban extensions or where the cumulative growth in new housing and its resident population warrants the establishment of new centres of retail, commercial and cultural services. Good examples include Cranbrook in East Devon District Council; Sherford located on the borders of Plymouth City Council and South Hams District Council; Northstowe in Cambridgeshire; the new community at Waverley in Rotherham Metropolitan Borough Council; and the strategically planned development at Basingthorpe Farm in Rotherham Metropolitan Borough Council.

For the sake of completeness therefore, we have updated the ‘standard charge approach’ cost calculations based on updated figures sourced from the RICS Building Cost Information Service, at 2nd Quarter 2023 prices. For those that wish to use it, see below for details.

Standard of Provision: The benchmarks for provision and the metric calculation and charge for additional capacity

Community-based arts and museum provision takes many forms. Through processes of discussion, and surveys of arts and museum facilities, a typology has been established to reflect building, spatial and functional cost concerns. Four categories of provision, within which there are broadly similar cost and space requirements, have been identified. These are:

- galleries housing permanent collections and temporary exhibitions;
- multi-use arts venues and theatres;
- production, rehearsal and education space for arts; and
- museums

The range of relevant actions in the context of growth and regeneration may include:

- providing new or enhanced (conversion, extension or refurbishment) arts and museum facilities to cater for additional use and demands;
- improving the size and/or quality of existing arts and museums buildings to cater for additional use and/or to address environmental efficiency;
- taking opportunities to make joint provisions on school, FE or HE sites; and/or
- promoting other joint use provisions as public service needs and demands evolve.

For **additional arts capacity** the applied average standard²⁵ is **45m² per 1,000 population**. For **additional museum capacity** the applied average standard is **28m² per 1,000 population**. This approach emulates other planning policy areas, especially in the provision of additional library facilities, new school places²⁶ or additional capacity in local primary health centres and doctors' surgeries to support new housing growth²⁷.

Where an arts organisation or museums is unable to meet these standards due to new residential development, a reasonable contribution can be requested towards the service based on the adopted floorspace standards, the arts and museums building cost per square metre (£/m²) and the additional population arising from the proposed residential development.

Calculating the Developer Contribution

Two methodologies are used for calculating museum and arts local infrastructure contributions. These have to be locally tailored on the basis of required contributions and the nature of museums and arts provision in local authority areas.

Both museum and arts local infrastructure contributions are determined by the population adjustment resulting in a square-metre demand for both cultural services. The square-metre (SQM) demand is multiplied by a cost multiplier which determines the total contribution:

Total Developer Contribution = Extra Space Required X Cost Multiplier.

²⁵ Based on the original research for 'Public Libraries, Archives and New Development: A Standard Charge Approach' (ACE 2010). Many Councils have adopted this standard that relates library service provision to population numbers.

²⁶ DfE (2019) Securing Developer Contributions for Education, Department for Education, November.

²⁷ NHS (2018) Securing Section 106 and Community Infrastructure Levy – A Guide, NHS Improvement.

The extra museum and arts space is the space in square metres per 1,000 population.

The square-metre demand for museum and arts floorspace is likely to vary across a council's area and parishes based on available local infrastructure capacity and the settlement population in each particular catchment/locality. The local floorspace demand (LFD) figure for museums is set at 45 square metres per 1,000 people and the same metric for arts is set at 28 square metres per 1,000 people. It is generated with each individual calculation relating to a proposed new residential development:

$$\text{Additional Square Metre Demand} = (\text{Adjusted Population} \times \text{LFD}) / 1,000$$

The basis of the cost multiplier comprises four separate elements as displayed in Table A below.

Table B: Explanation of the components comprising the Standard Metric Charge for Public Libraries & Archives				
A	B	C	D	SUM
Median cost of building as at April 2023 with local cost adjustment factor, inclusive of preliminaries and contractor's overheads and profit	15% added for external works, including car and cycle parking, hardstanding, landscaping, security, and signage.	15% of A and B added for design costs	A variable % of A+B for fitting-out costs, specialist equipment such as IT	Total Sum (£/m ²)
Exclusions: Any land costs or exceptional site-factors are additional to this calculation of £/m ² .				

Table B below, illustrates the costs per m2 for Museums and Arts at 2nd Quarter 2023 prices, and the cost per 1000 persons (£/m2) in new housing.

Table B: Museums and Arts Provision Cost Multipliers per Person: (BCIS Local Adjustment Factor UK=100)					
BCIS	A	B	C	D	TOTAL SUM
UK (at 2 nd Quarter 2023 prices)	Median ²⁸ Build Prices (£/m ²)	Plus 15% of A for External Works (£/m ²)	Design Costs at 15% of A+B (£/m ²)	Fit-out Costs at a variable ¹ rate ² of A+B (£/m ²)	Total BC and Fit-out Costs (£/m ²)
Museums	£4,027.33	£604.10	£694.72	£1,204.17	£6,530.32
Arts Type* 1	£5,001.11	£750.17	£862.69	£345.08	£6,959.05
Arts Type 2	£4,956.00	£743.40	£854.91	£911.90	£7,466.21
Arts Type 3	£3,445.56	£516.83	£594.36	£118.87	£4,675.62
*Type 1 = Galleries; Type 2: Multi-use arts venues & theatres; & Type 3: Production, rehearsal and educational spaces.					
1 These are as follows: Museums: 26% uplift; Type 1: 6% uplift; Type 2: 16% uplift; & Type 3: 3% uplift.					
2 This includes IT facilities and other specialist equipment					
Exclusions: Any land costs or exceptional site-factors are additional to this calculation of £/m ² .					

²⁸ This is the cost of building with preliminaries apportioned, excluding external works, contingencies and design fees. The "price" includes the contractors' overheads and profits included in the contract, which is presently operating at 5.3% according to BCIS data source. Sourced from Royal Institute of Chartered Surveyors' Building Cost Information Service.

The figures in Table C below summaries the different cost multipliers for both Museums and Arts to deliver the additional capacity, triggered by new housing growth. The cost per dwelling assumes 2.4 people per new dwelling (OPCS, 2023).

Table c: Cost Multipliers for Museums and Arts (£/Person and £/Dwelling)			
UK at 2 nd Quarter 2023 prices		Cost per 1000 population	
BCIS Local Cost Adjustment Factor (UK = 100]	Standard Space Metric (m2)	Costs/Person (£)	Cost/New Dwelling* (£)
Museums	28	£182.85	£438.84
Arts** Type 1	45	£313.16	£751.58
Arts Type 2	45	£335.98	£806.35
Arts Type 3	45	£210.40	£504.97
*By applying the current average occupancy rate for UK of 2.4 persons; each LPAs rate is likely to be different (OPCS, 2023]			
** Type 1 = Galleries; Type 2: Multi-use arts venues & theatres; & Type 3: Production, rehearsal and educational spaces.			

To arrive at cost multipliers for specific council areas, the figures in Table C shall need to be adjusted by applying the council's area local cost adjustment factor; these are sourced from Royal Institute of Chartered Surveyors' Building Cost Information Service. For example, if you are seeking the cost multiplier for Oxford City Council, the BCIS local cost adjustment is presently 113, meaning that underlying costs in this council area is 13% points higher than the UK base-line of 100. Similarly, for example for Rotherham, its BCIS local cost adjustment factor is presently 88, meaning that in this council area the underlying costs are 12% point below the UK29 base line of 100.

The above figures shall need to be **annually updated** by reference to **median building prices** sourced from Royal Institute of Chartered Surveyors' Building Cost Information Service and having applied the local cost adjustment factor for the specific local council area.

²⁹ BCIS does not generate a similar sum for England alone.

What is the key message?

Planned new housing growth is likely to generate the need for additional capacity in both museums and arts services locally. A standard metric can be applied to generate requisite S106 funding, so long as the local planning authority has appropriate planning policies in its adopted Local Plan. The costs that are triggered shall always be tailored to local circumstances.

Standards and Quality Control in new or expanded buildings and services

In the delivery of new and expanded museums and arts buildings and services, planning authorities shall require developers to commit to a high-quality design and performance which will be achieved through a councils planning and building control procedures, ensuring compliance with national standards. These include the Chief Cultural & Leisure Officers Association (CLOA) guidance, output specification and other relevant national professional or design standards and local guidance.³⁰

Additionally, it has become the norm now for councils to include a mechanism to intervene in situations where delivery of the new or expanded museums and arts provision falls through, by including longstop clauses to ensure that the land for these new or expanded facilities is transferred early enough for it to intervene and provide the additional facilities at the right time. In these situations, the legal agreement shall require financial contributions to be made in lieu of the “in kind” provision of the new or expanded building by the applicants, making use of a review mechanism³¹ where necessary to respond to changing circumstances.

Regular Reviews, Updates and Reporting

As a matter of good practice, Councils’ guidance and approaches towards securing developer contributions for museums and arts (as well as other service provision) are always carefully and regularly reviewed, taking into account updates to National Planning Policy Framework, National Planning Practice Guidance Notes, and specific guidance provided by the Department for Digital, Cultural, Media & Sport (DCMS). Additionally, it is good practice for local planning authorities to rebase the data they apply in their local planning guidance (i.e., Supplementary Planning Document or Protocol) with reference to BCIS Tender Price index on an annual basis.

Ordinarily, parties to a S106 legal agreement can be released from their obligations after five years. However, local planning authorities and their local partners may from time-to-time require that this period be extended. Therefore, some LPAs require applicants to agree to a minimum of 10 years, which also includes a regular monitoring, reporting and review mechanism agreed with all signatories (including third parties such as a Community Interest Company) to a legal agreement.

In all of the above circumstances, all financial contributions must be paid to the Local Planning Authority under the terms of the S106 legal agreement. The LPA will arrange to release such funds in liaison with the relevant council’s Cultural Services, in order that the financial contributions can be co-ordinated, and in some cases pooled with other developers’ financial contributions, so that the needs arising from new housing growth locally can be delivered at the appropriate scale and with maximum effect.

³⁰ See CLOA Improving Culture, Arts and Sporting Opportunities Through Planning: a good practice guide, published by the TCPA, 2013.

³¹ These shall be explicitly set out as an obligation in the legal agreement

What is the key message?

Securing funding using S106 agreement is usually time-limited. All parties to such agreements, especially the LPA and local service providers may need to adopt a more flexible approach so that secured funding is committed and delivered in a timely fashion, and not lost.

Such legal agreements shall typically contribute towards expansion, increased opening hours, and improved facilities to mitigate the impacts of increasing numbers of users of local museums and arts services and facilities directly arising from new housing development.

Routinely, **Local Planning Authorities** require that the relevant **Cultural Services Department**, or independent museums and arts organisations, **provide an audit trail and written reports of the funds received from developer contributions** as part of a planning authority's regular (i.e., annual) monitoring and review procedures covering developer contributions. Such reporting is ordinarily included and published in a council's Infrastructure Funding Statement, which is a publicly available document.

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