



May 2018

## Ministry of Housing, Communities and Local Government

### Draft revised National Planning Policy Framework consultation

1. UK Music is the umbrella body representing the collective interests of the UK's commercial music industry, from songwriters and composers to artists and musicians, studio producers, music managers, music publishers, major and independent record labels, music licensing companies and the live music sector.
2. UK Music exists to represent the UK's commercial music sector, to drive economic growth and promote the benefits of music to British society. A full list of UK Music members can be found in annex.

### The UK Music Industry

3. The UK creative industries are of huge economic and cultural importance. According to the most recent DCMS economic estimates the creative industries account for £91.8 billion in GVA.<sup>1</sup>
4. The UK creative industries also lead the world in terms of soft power. The reach and volume of our national cultural output supports our strength in soft power. According to The Soft Power 30, the UK is second to the US in terms of cultural soft power.
5. The UK is a world leading music industry. The sector contributed £4.4 billion to the economy in 2016, growing by 6 per cent.<sup>2</sup> The UK is the home to diverse and innovative music companies and creators that support this growth. Their endeavours form part of a dynamic ecosystem that is consistently delivering for music fans and consumers. The music industry generates exports of £2.5 billion and employs 142,208 people.
6. Despite an overall strong economic picture, smaller grassroots venues are finding it increasingly difficult to operate. In the past ten years the sector has seen a decline of 35 per cent in the total number of grassroots music venues trading in the UK. UK Music's 2017 *Wish You Were Here* report showed a 13 per cent drop in the level of direct spending at smaller music venues - those with capacity of under 1,500 - in 2016 and a 21 per cent fall in the number of overseas visitors to smaller venues.

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<sup>1</sup>[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/662958/DCMS\\_Sectors\\_Economic\\_Estimates\\_2016\\_GVA.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/662958/DCMS_Sectors_Economic_Estimates_2016_GVA.pdf)

<sup>2</sup> <https://www.ukmusic.org/research/measuring-music-2017/>

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## **Agent of Change**

7. A growth in demand for property across the UK has led to a competitive residential market with rising rents and more landlords selling their property and land to developers. This has placed rising financial burdens on pre-existing operators of grassroots music venues, who are often situated in areas that are popular for redevelopment, and made them vulnerable to a more liberalised planning system.
8. “Agent of change” means those bringing about a change take responsibility for its impact. If new developments are to be introduced near pre-existing businesses the “agent of change” principle places the onus on the developer to ensure solutions are put in place to mitigate any adverse impacts on existing businesses from the new development. For example, new residential accommodation may increase the likelihood of noise complaints that threaten a music venue business. The “agent of change” principle would require those responsible for the new residential accommodation to put measures in place to allow venues to continue to operate and co-exist, such as sound-proofing.

## **Draft NPPF**

9. In response to Question 35 of the Consultation Proposals document UK Music is very supportive of the inclusion of the Agent of Change principle in the draft National Planning Policy Framework (NPPF). This creates a vital framework to support music venues within the planning system. We recommend that the introduction of the Agent of Change principle within the revised NPPF is aligned with communication via a letter from central Government to local authorities. We advise reviewing whether local authorities have taken appropriate account of the Agent of Change principle following the implementation of the new NPPF. We will continue to review whether local authorities are adhering to the revised NPPF.
10. UK Music believes that the wording of point 180 in the draft text for consultation could be amended to better reflect its purpose of protecting existing businesses including music venues. UK Music recommends that the term “unreasonable restrictions” be substituted for “unreasonable consequences”. This is the term used in John Spellar MP’s Planning (Agent of Change) Bill and we believe that “restrictions” poses too harsh a term. A further suggestion would be to use the term “additional restrictions” in order to make it less of a subjective judgement.
11. The phrase “unreasonable restrictions” in the draft NPPF mirrors language in the existing NPPF which was produced before evidence of the substantial threats faced by music venues from the planning system was known. The wording, for example, could not be relied on to protect music venues such as The Square in Harlow despite support from the local authority. We are concerned that retaining the phrase “unreasonable restrictions” may not result in the protections for music venues that the Government is now committed to achieving. Modification of the language to “unreasonable consequences” or “additional restrictions” would therefore mark a huge improvement on the existing situation and provide a positive basis for the inclusion of the Agent of Change principle in the new NPPF.

## **Draft Planning Policy Guidance**

12. UK Music understands that the accompanying Draft Planning Practice Guidance is being reviewed over a longer time period. However, we would like to present our thoughts on the existing draft. Page four paragraph four references viability, particularly that plans are 'aspirational but deliverable.' We believe that the aspiration of those affected by the planning should be an important consideration. Although there may be cost implications on the developer to realise the Agent of Change principle, this should not render the delivery of the principle unviable.
13. When defining land value on page 8 of the draft guidance consideration must also be given to the financial cost of a venue closing down. For example this could include the loss of cultural assets or a negative impact on the night time economy of the local area. It is important to note that many young people wish to move to developments in areas with a vibrant social and cultural scene.
14. UK Music welcomes the wording on page 11, paragraph four. It is very important that developers remain accountable to communities. The impact of their work can make a significant impact on the wider local area and should remain a prominent part of the guidance.
15. UK Music believes that when defining 'heritage assets' there needs to be greater clarity as to whether this applies to existing buildings and businesses. There should be further explicit information as to what this constitutes and whether this includes live music venues.
16. Overall there needs to be greater cohesion between planning and licencing authorities to ensure that everyone is mindful of the objective of the Agent on Change principle. This when paying particular regard to issues such as statutory versus public nuisance.
17. Ultimately we very much welcome the Government's commitment to the 'Agent of Change' in the draft NPPF as a key means through which to ensure that music venues receive the support they need. We believe the key hurdle to overcome will be to ensure that this commitment is sufficiently communicated to local planning and licencing authorities to ensure that this policy is replicated on the ground.

## **Annex**

UK Music's membership comprises of:-

- AIM – The Association of Independent Music – the trade body for the independent music community, representing over 850 small and medium sized independent record labels and associated music businesses.
- BASCA exists to celebrate, support and protect the professional interests of all writers of music.
- BPI - the trade body of the recorded music industry representing 3 major record labels and over 300 independent record labels.
- FAC – The Featured Artists Coalition represents and promotes the interests of featured recording artists in the music industry.

- MMF – Music Managers Forum - representing over 500 UK managers of artists, songwriters and producers across the music industry with global businesses.
- MPG - Music Producers Guild - representing and promoting the interests of all those involved in the production of recorded music – including producers, engineers, mixers, re-mixers, programmers and mastering engineers.
- MPA - Music Publishers Association - with 260 major and independent music publishers in membership, representing close to 4,000 catalogues across all genres of music.
- Musicians' Union representing 30,000 musicians.
- PPL is the music licensing company which works on behalf of over 90,000 record companies and performers to license recorded music played in public (at pubs, nightclubs, restaurants, shops, offices and many other business types) and broadcast (TV and radio) in the UK.
- *PRS for Music* is responsible for the collective licensing of rights in the musical works of 114,000 composers, songwriters and publishers and an international repertoire of 10 million songs.
- UK Live Music Group, representing the main trade associations and representative bodies of the live music sector

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