



TECHNICAL CONSULTATION ON PLANNING

RESPONSE FROM THE BRITISH SCREEN ADVISORY COUNCIL (BSAC)

TO QUESTION 2.17: DO YOU AGREE THAT THERE SHOULD BE A NEW PERMITTED DEVELOPMENT RIGHT FOR COMMERCIAL FILM AND TELEVISION PRODUCTION?

26 September 2014

Introduction

We welcome the opportunity to comment on the Technical Consultation on Planning.

The British Screen Advisory Council (BSAC) is an independent, industry-funded membership organisation, which uniquely brings together business leaders representing all aspects of the audiovisual value chain within the UK. The breadth of our membership enables us to draw upon a wide range of expertise from all sections of the UK film industry, including independent producers, digital technology companies, studios, US majors with interests in the UK, NDGB's, distributors and exhibitors, as well as a number of other interested stakeholders.¹

Over the years, BSAC has worked closely with UK and EU officials and contributed to many of the debates on film and television policy and the creative industries with the goal of developing and strengthening these sectors within the UK. BSAC was instrumental in securing the UK Film Tax Credit in 2006, and we produced a contribution to Lord Chris Smith's Film Policy review in 2011.² More recently, we engaged with the UK Government over the design and implementation of the new tax reliefs for animation, high end TV and video games, and with the European Commission's Cinema Communication.^{3, 4}

¹ See BSAC's Membership at <http://bsac.uk.com/membership-list.html>

² See our response to the Film Policy Review (2011) at

<http://bsac.uk.com/2011.html?download=110:filmpolicyreviewrevised>

³ See our response to the Draft Legislation on Creative Sector Tax Reliefs (2013) at

<http://bsac.uk.com/2013.html?download=230:bsac-response-to-draft-legislation-on-creative-sector-tax-reliefs>

⁴ See our response to the European Commission's Cinema Communication (2013) at

<http://bsac.uk.com/2013.html?download=250:bsac-response-to-eu-cinema-communication>

The UK Creative Industries

BSAC welcomes the Government's continuing focus on the film and television sector. In recent years, the creative industries in general, and the film and TV sectors in particular, have achieved significant economic growth, which has been considerably greater than that of most other economic sectors.⁵

According to the BFI, in 2013, the value of UK film production was £1,069m, 81% of which – £860m – consisted of inward investment. The UK is ranked third in terms of the value of feature film production, behind the USA and Japan.⁶

In 2011, Oxford Economics estimated that the core UK film industry was responsible for supporting 117,400 FTE jobs, contributing over £4.6 billion in UK GDP and contributing over £1.3 billion to the Exchequer (gross).⁷

In 2014, PACT estimated that annual revenues for UK independent television were £3 billion, and that UK primary commissioning of indie programming was valued at £1.67 billion.⁸

We are fully supportive of any policies that will support the continued and sustainable growth of the audiovisual sector and that will deliver further benefits to the UK economy.

We recognise that, in light of the current success of the industry and the effect of the recently introduced tax incentives, there is growing pressure for access to studio space and production facilities within the UK. While a testament to the success of the industry, and of the attractiveness of the UK as a location for film and television production, it is possible that the continued growth and success of these industries might be restricted in the future by a developing shortage of studio capacity.

We welcome any outcome that will underpin and ensure the continuing and sustainable long term development of the UK film and TV production industries.

⁵ See DCMS Creative Industries Economic Estimates – January 2014 https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/271008/Creative_Industries_Economic_Estimates_-_January_2014.pdf

⁶ See BFI statistical Yearbook 2014 (p. 179) <http://www.bfi.org.uk/sites/bfi.org.uk/files/downloads/bfi-statistical-yearbook-2014.pdf>

⁷ See The Economic Impact of the UK Film Industry (2012) at <http://www.bfi.org.uk/sites/bfi.org.uk/files/downloads/bfi-economic-impact-of-the-uk-film-industry-2012-09-17.pdf>

⁸ See PACT Independent Production Sector Financial Census and Survey 2014 at <http://www.pact.co.uk/support/document-library/documents/independent-production-sector-financial-census-and-survey-2014/>

Proposal I: Permitted Development Right for the Film and Television Industries

We have consulted our Membership, all of whom are fully supportive of and welcome the intention of the Proposal, namely the aspiration to reduce ‘red tape’ around commercial film or television productions within the UK.

However, we have received a number of viewpoints that diverge in a number of important points of detail contained within Proposal I.

This Response constitutes a synopsis of the key points raised by our Members to the Proposal in the hope that you will find these to be informative.

The majority of our Members have been supportive of the Proposal as a whole, and would welcome the creation of a new permitted development right to facilitate the use of buildings and land as locations for temporary filming.

One particular factor that has been cited as a barrier to starting filming under the current system is that the existing planning regulations are frequently applied inconsistently by different local authorities. This unpredictability makes it difficult for producers to quantify and make provision for liabilities for planning claims, and so adds to the costs of starting productions.

However, one of our Members has disagreed that there is a need for a new Permitted Development Right, on the basis that many of the intended outcomes of the Proposal can currently already be achieved within the confines of the current planning systems. For example, it is already possible for buildings and land to be successfully temporarily converted into locations for filming. Further to this, they have expressed concern that the Proposal might have the unintended consequence of undermining the viability of commitments to the expansion of professional studio spaces and permanent facilities, something that might undermine the continuing and sustainability of the development of the sector in the future. They have recommended that the economic impact of any changes to the planning regulations be fully assessed before implementation, and that reforms only be introduced if the intended beneficial outcomes are supported by robust evidence.

Paragraph 2.82

All of our Members recognise and welcome that filming can bring economic benefits, cultural enrichment and community interest and engagement to areas.

However, one of our Members has raised a point of concern around implementation. While the Proposal would make approval for filming contingent upon a number of conditions being met, it would also grant automatic permission for developments, unless the local planning authority responds within 56 days of an application being

made, and would also require local authorities to monitor, measure and enforce these conditions, something that they might not necessarily be resourced to do effectively. They have highlighted the potential for poorly regulated or unscrupulous organisations to use the Proposal for activities that would adversely impact upon local communities, something that might damage the popular perception of the sector and deter potential sources of future investment, which would be to the detriment of the long term and sustainable development of the industry.

Paragraph 2.83

The majority of our Members are supportive of the measures within this paragraph.

However, one of our respondents has questioned why the permitted development rights are restricted to outside single sites of up to one hectare in area, and limited to a maximum period of nine months in any rolling 27 month period.

Paragraph 2.84

The majority of our Members are supportive of the measures within this paragraph; however, we have received a number of comments relating to the wording.

One respondent has noted that, under the Proposal, no physical alteration of an existing building would be permitted. They have suggested that, as long as they were neither permanent nor structural in nature, it would be beneficial if this were reworded so as to enable temporary physical alterations to be made, as this would allow art department facades to be installed. The installation of any modifications of this kind would have to be subject to full compliance with the subsequent requirement, that land and buildings be reinstated to their original condition as soon as it is reasonably practical to do so.

One respondent has noted that, under the Proposal, outside sets would be restricted to a height of a maximum of 10 meters from ground level. They have questioned whether this restriction is unduly restrictive, given that compliance with existing building code requirements should already mitigate any safety concerns relating to taller structures.

One respondent has noted that the specific exclusion of the filming of listed buildings from the permitted development right might be unnecessarily restrictive. While sympathetic to the additional considerations around these, this respondent feels that there may be circumstances where a more permissive wording would enable these to be filmed, whilst still remaining in compliance with the intended spirit of the Proposals.

One respondent has noted that Green Belt land has not been included in the list of designated areas excluded from development under the Proposal, and has considered that this is an unintentional omission.