**‘Blade’ by Nayan Kulkarni – temporary artwork proposed for Queen Victoria Square, Hull**

**Summary review of planning issues.**

1. Intrinsic to the artist’s concept is the intention to install ‘Blade’ as a ‘surprise’, such that its arrival in Queen Victoria Square will provide a unique and dramatic moment to mark the opening of Hull UK City of Culture 2017. It will be beautiful and visually breath taking. Like a ‘ship in a bottle’ it will invoke a sense of wonder – how did they do that? More importantly it will generate pride in that the blade will have been made in Hull and its remarkable display delivered through the enterprise of the city. It will generate media coverage on a scale already achieved with Spencer Tunick’s commission ‘Sea of Hull’.

2 In accordance with planning law, installation of an object of >4m in height for a period of >28 days would class as “development” and therefore planning permission would need to be sought. The process of submitting a planning application would require the promoter - Hull 2017 – to provide a detailed description of the artwork and this information would be subject to a 28 day public consultation. By making this information public, the element of “surprise” would be severely compromised if not lost altogether.

3 Should a planning application be submitted, there is a risk that the planning committee may refuse to consent the proposal.

4 Alternatively the planning committee could “defer” their decision which would mean that the approval (or otherwise) would be delayed by a minimum of one month. No specific grounds need to be given for the planning committee to defer the application and such an action could be therefore instigated by external pressures, public objection or a request for further information.

5 Should Hull 2017 submit a planning application, it would be illegal for Hull 2017 to install the sculpture if the planning application has been either refused or the decision deferred. Therefore, there is a risk that refusal or deferment would mean that ‘Blade’ could not be installed on 1st January 2017.

6 It is legal to install an object of >4m in height for a period of up to 28 days without applying for planning consent. The approval of the landowner (in this case Hull City Council) will be required and an “Events Licence” will also need to be sought (from Hull City Council). As part of the events licence, consultation will take place with the emergency services regarding the safety of the proposed event.

7 Following the installation of the sculpture, should events change (for example there high public interest in the installation) the developer [Hull 2017] could make a decision during the 28 day period, to apply for planning consent to leave ‘Blade’ in position for a longer period. Whilst the planning application is being considered, or should planning consent be granted, ‘Blade’ may remain in position.

8 A planning application submitted in mid January would be subject to a 28 day public consultation prior to going to planning committee. It is likely that an application made in mid January would not be determined until mid March at the earliest.

9 Should planning permission not be sought before the end of the 28 day period or should an application be refused, the Planning Authority (Hull City Council) would serve an Enforcement Notice on the owner of the land (in this case Hull City Council) requiring the landowner to remove the sculpture. It would be reasonable for the Enforcing Authority to allow a reasonable time period to be able to remove the installation safely (for example to arrange for police escort and permissions to transport the Blade from the site).

10 Having considered their options and the potential risks, Hull 2017 wish to install ‘Blade’ for an initial 28 day period. Following installation, they will review how the installation is received and consider whether to submit a formal application to retain the installation for an extended period.

11 Hull 2017 have discussed this issue with Planning at Hull City Council and they have acknowledged that such an approach could be viable and that there are precedents.

12 Hull 2017 may also consider seeking ‘pre-application consultation’ with the City Council’s Planning committee. This would provide an opportunity to advise members of the committee with regard to the objectives and details of ‘Blade’, but could compromise the issue of ‘surprise’ as elected members may not be subject to the project’s NDAs.

12 Hull 2017 will hold further informal discussions with Planning to clarify this view. Feedback from these meetings can be provided to Siemens if required.

13 It is noted that, under the Siemens–H2017 draft agreement, Hull 2017 are responsible for obtaining all necessary licences/permits/consents to install ‘ Blade’. In accepting this responsibility, it is reasonable for Hull 2017 to determine how best to obtain the required licences/permits/consents in order to fulfil their obligations under the agreement.

14 The approach to install the Blade for 28 days is legal and achieves the objective of creating a “surprise”. Noting the degree of support which this proposal has generated within the City, Hull 2017 are confident that, should an application be made to extend the period of the installation, then consent is likely to be granted.