

The Provision of Public Art

Adopted Supplementary Planning Guidance

Adopted Swindon Borough Local Plan, 1999
Swindon Borough Local Plan 2011 Revised Deposit Draft

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The Provision of Public Art

1. Introduction

1.1 Swindon Borough Council's Public Art Policy, adopted in 1988, uses a principle called Percent for Art. The policy was adopted to acknowledge the recognition of the role that artists can have in enhancing and improving the quality of the public domain. It was established to maximise opportunities to engage artists in making artworks for Swindon. The policy encourages developers to allocate a percentage (i.e. 1%) of the capital costs of any new building, refurbishment and landscaping scheme towards the production of works of public art.

1.2 Percent for Art is an internationally used funding mechanism for the commissioning of public art. The Arts Council of England endorsed Percent for Art in 1988 as an important means to integrate the work of artists into the planned development of public space. Percent for Art schemes have been established in more than 200 local authorities, development corporations, and NHS Trusts, in a variety of towns and cities where normal practice is for at least 1% of the capital costs to be allocated for public art. Robert Carnwath, QC, on behalf of the Arts Council of England when advocating for Percent for Art being adopted by local authorities stated...

"The local planning authority will, in appropriate cases, encourage the provision of new works of art as part of schemes of development and, in determining applications for planning permission, will have regard to the contribution made by such works to the appearance of the scheme and to the amenities of the area."

1.3 Whilst there is no statutory requirement for the 1% contribution for public art, the length of time the practice has been operating and the breadth to which the contribution is sought does mean that the provision of public art has become more widespread and commonplace. The local authorities role is one of encouragement in most cases, though in some circumstances, a contribution will be required under Government Circular 1/97 (see para 4.1).

2. What is Public Art?

2.1 Public art is the commissioning of artists and craftspeople to make new site specific work that can be permanent, temporary, internal or external. It can also involve artists' unique creative abilities in the development and design of new spaces and regeneration schemes. Public art includes work that is integrated into a development, from street furniture, lighting, brickwork and landscaping designs to internal

details of a building, its furniture, flooring, ceramics and textiles. It can also be sculpture, photography, performance, moving image and events. Public art need not be within public spaces, but has to be accessible to the public realm, or available in the semi-public areas of completed developments. Examples of public art projects in Swindon are detailed at Annex 2.

- 2.2 Public art is not an artform but a principle. It is a principle of improving the changing environment through the arts and is a term given to the practice of involving artists in the conception, development and transformation of public space. It is specifically commissioned for a known site and its audience is the public or community who occupy that space.

3. Policy Context

- 3.1 The starting point for this Supplementary Planning Guidance (SPG) is the adopted Swindon Borough Local Plan, which covers the period 1991-2001, but remains the operative development plan until replaced. Policy SEV5 of the Adopted Plan states that:

SEV5

THE PROVISION OF NEW WORKS OF ART AS PART OF MAJOR DEVELOPMENT SCHEMES IS ENCOURAGED TO ENHANCE THE APPEARANCE OF THE DEVELOPMENT AND THE AMENITY OF THE AREA

The Revised Deposit Draft Swindon Borough Local Plan, 2011 contains a public art policy, ENV7. This policy states that:

ENV7

~~Contributions to the Council's Provision of, or a contribution to, Public Art policy will shall be sought where the following development is proposed ~~on the following sites:~~~~

- a) residential development on allocated housing sites (as identified in policy H2) and housing development on sites greater than 0.4ha or 10 dwellings (whichever is the smaller);
- b) allocated employment sites and renewal of commitments on Key Employment Areas defined in policy E1, and any other employment development of greater than 235sqm floorspace;
- c) significant recreational or tourist development within Use Classes C1 and D;
- ~~e) new public open space provision.~~
- d) retail (Class A1) developments of 2,500sqm floorspace, or more; and

e) significant public/community facilities developments.

The supporting text for both of these policies appears at Annex 1 of this SPG. This SPG provides additional guidance as to the expectations of contributions, and detail as to how they are to be sought, managed and implemented.

Procedures to be followed

- 3.2 The Local Plan aims to be clear in stating that public art is one of a number of developer contributions that may be sought on development sites. Developers and their agents are strongly encouraged to discuss proposals with the Public Art Officer at the earliest possible opportunity in the development process. The Council's policy is to encourage involvement of artists at the earliest stages of development of new architectural, landscape and environmental schemes, so that their work is integral to the planning, development and realisation of that scheme, rather than added on at the end of the process. The Council's Public Art Officer would also wish to advise on the commissioning process and act in an advisory role where developers wish to provide their own public art.
- 3.3 Swindon Borough Council works in partnership with developers to bring forward high quality public art projects. The Council's Public Art Officer will offer advice and expertise on the commissioning of public art to further developers applications within the Borough, and, after the determination of planning applications, will advise on the development and management of new projects. The Council does not have a policy to work with local artists, but where it is appropriate to employ a local artist and/or support local creative industries, this would add to the economic development of the Borough.
- 3.4 In order that developers do give consideration to public art issues in the preparation of their development proposals, the Borough Council will be seeking information at both the outline and detailed application stages. Where a site is expected to be delivered in phases, the Council would like the developer to present a public art strategy for the whole site. The type of application will determine the detail of information, but in each case such information will include:
- proposals for the involvement of artists;
 - demonstration of a contribution to the environment and community;
 - information about procurement and commissioning;
 - budget details and allocation;
 - proposals for future care and maintenance.
- The Council has a pack of information that is available on request.
- 3.5 The Council encourages the commissioning rather than the purchase of public art works. Commissioned work is created to respond specifically to a site, both to its physical environment and to the needs

and desires of those who use it. The artist of a commissioned work may involve members of the community in the creation of a piece of art through consultation and community involvement, and thereby encourage their sense of ownership and appreciation of the work. Public art budgets can also be effectively employed to enhance capital budgets for elements within the scheme e.g. street furniture, lighting, landscaping, glass work, paving, etc. as a means of improving these areas of a development.

- 3.5 The Council encourages developers to adhere to its Code of Practice for the commissioning of public art as set out in Annex 3. The Council recommends the appointment of professional public art managers to initiate and project manage the provision of public art works. Skilled project management is essential to ensure the best communication between artists, clients and the community. Professional management of projects ensures high quality in terms of selection of artists, the drafting of imaginative and comprehensive briefs for artists, professional contracting of artists and experienced project management. Professional project management can also bring neutrality and impartiality into a project, and ensures high quality in artist and audience engagement and project process and outcome.

4. The Developer's Contribution

- 4.1 Swindon Borough Council will seek 1% of the capital costs of the proposed development to be provided for the provision of public art on significant sites. Set out in Policy ENV7, the Council considers such sites to be;
- Residential development on all sites of greater than 0.4 hectares or 10 dwellings, (whichever is the smaller);
 - Allocated employment sites and renewal of commitments on Key Employment Areas, and any other development of greater than 235sqm floorspace;
 - Retail developments of 2,500sqm or more;
 - Significant recreational and tourist development; and
 - Significant public buildings and community facilities.

In all cases contributions will only be sought where the Council can successfully demonstrate that its provision meets the stringent requirements of Circular 1/97 "Planning Obligations". Public art aims to enhance the quality of the environment and make places better through providing identity, character and a sense of place among other things. The developments listed by the emerging plan Policy ENV7 will be the major developments occurring in the Borough in the plan period. These developments will have an impact on the public realm, both for occupiers and visitors to these sites, and the provision of public art on these developments has the potential to improve the quality of development, and therefore the quality of Swindon's built environment.

In all these cases, the Council will be seeking contributions because it feels that they can be justified.

4.2 Where a contribution can be negotiated, the Borough Council will seek to secure Percent for Art funding either through planning conditions or, where this cannot be achieved, through Section 106 Agreements. Contributions are held by the Council in a designated fund, and drawn down for payment for each individual project. Where it is agreed by the Borough Council and applicant that the contribution may be put towards a larger public art project or artwork, which may need funding from several schemes, then those contributions would be held by the Council in a designated funds and drawn down for payment when the fund is sufficient to cover the cost of the public art project or artwork.

4.3 Where parties agree that it is not feasible to spend the contribution to public art on the development site, the agreed sum may be placed in a central fund held by the Council (To be used within a prescribed time period or returned after the duration of that time period) and used to fund a public art project or artwork off-site.

4.4 Maintenance of the artwork will fall to the owner of the work. Each individual public art project will be different depending on who the owner is - in some cases it will be temporary and long term maintenance may not be an issue. However, for surety, each scheme will need to address the following matters prior to implementation:

- clear responsibilities of the owner of the site and/or owners of the work;
- responsibilities for the costs of maintenance;
- the payment of maintenance;
- the method and manner recommended by the artist for maintaining the work;
- a maintenance manual/schedule prepared by the artist;
- frequency of health, safety and deterioration surveys, and by whom;
- arrangements for the artist being informed or consulted when maintenance or renovation is required;
- public liability insurance and payment of premiums.

If the developer is paying the contribution over to the Council, and a permanent work is commissioned for the public domain, then it will be the Council's responsibility for maintenance (with funds for this built into the commissioning budget). If the work is integrated into a private development, and funds never pass to the Council, the maintenance falls to the owner.

4.5 Expenditure on public art may also include project management fees and integrated audience development programmes as well as artists' fees and fabrication/installation costs.

4.6 For further information contact:

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Supporting Text for adopted policy SEV5

The Borough Council has adopted a Public Arts policy, the objective of which is the furtherance of artistic quality into the environment, and to advocate this approach to design to the private sector. The policy has initiated a Public Art Programme within the Council's own capital schemes and revenues programmes. Public art may take many forms, and may be either outside or inside buildings in situations where it can be seen and enjoyed by either the general public, or internally by the client public for whom the building may be intended to cater. Quality public art adds greatly to the public enjoyment of development and encourages a sense of place and identity. Public art should be complementary to good building design. It is in no sense a substitute for good design or amelioration of poor design, and is best achieved by means of an integrated approach through collaborations between artists and as appropriate architects, landscape architects, engineers, interior designers etc.

The Borough Council's Public Arts Unit should be contacted at an early stage regarding the opportunities a development may offer or present. This policy is introduced in the plan in furtherance of the Public Arts policy approved by the Borough Council in 1988.

Policy Justification for Revised Deposit Draft policy ENV7

The Council adopted a public art Policy in 1988 to encourage the provision of new works of art and craft in future development, refurbishment and improvement schemes within the Borough. The Council and Swindon Artscape believe that public art has a significant impact on the urban and rural environment, creating a sense of identity and community, and improving the quality of the environment and people's lives. Public art increases the use of open spaces reducing vandalism by encouraging a sense of pride and ownership.

Public art, however, is not simply large-scale sculptures or more obvious statements. Public art can be subtle and small scale, temporary or permanent, internal or external. *Its application may comprise activities ranging from performing arts to building design and management.* Schemes in Swindon include the Stained Glass Panels at Lesley-Anne Skeete Court, The Wish Hounds at Croft Wood and the Gardner House New Garden Project in Park South.

The Council's Public Art Policy, backed up in this Policy in the Local Plan, aims to promote quality and innovation in development, building and planning by involving professional artists and craftspeople. Beyond this, there is a desire to spark debate about art and enhance the physical fabric of the area – whilst building on its sense of identity – through art and craft.

The Policy is based on Percent for Art, a scheme whereby a proportion of a capital costs of a new development, refurbishment or landscaping scheme is allocated to commission works of art or design that will be integral to the site. All of this plan's allocations will be subject to this Policy (i.e. the housing allocations listed at Policy H2, the employment allocations at E2, E4 and E5,

and the Strategic Development Areas identified in DS2). Equally, the provisions of Policy DS78 will apply to public art, which may only be sought when it accords with the provisions of circular 1/97. ~~The Council considers 1% of the total costs could provide the minimum sum necessary for the successful provision and commissioning of works of arts and craft.~~

In addition, developments that make some large contribution to the town – larger housing developments, larger retail developments, and proposals where people are likely to be drawn as visitors or employees in sufficient numbers to fund public art – will also have to investigate the possibility of some provision. The term ‘significant’ referred to in Criteria c) and e) of the Policy relates to any such development that would serve a Borough-wide catchment area or in the case of Class C1 proposals, development that includes 50 or more bedrooms.

~~To ensure successful implementation of the Percent for Art scheme, Policy ENV7 is supported by draft SPG “The Provision of Public Art”. This SPG details what is covered by the term ‘public art’, when and how the Council’s public art Policy will be applied and the procedures for instigating artworks. It also provides linkages to Circular 1/97 and contains information on the Council’s management of monies for art. It stresses that early contact with the Council will enable decisions to be made more quickly and effectively, and will be of benefit to both parties.~~

Annex 2

The provision of Public Art : Examples of Public Art Projects in Swindon Borough

Gardner House New Garden Project

A lottery funded garden in the grounds of a sheltered housing scheme in Park South, Swindon.

Residents were consulted on what artwork they would like to see resulting from the Percent for Art contribution on the refurbishment of their building. They unanimously agreed on a new garden that was accessible, modern and easily maintained, an outdoor room. Designers Dean and Jason Harvey developed seating, water features and a pergola that all considered the need for accessibility and the limited mobility of the residents. They worked closely on the landscaping with Swindon Borough Council's landscape architect Michael Hurlow and residents and visitors have enjoyed the garden since May 2000.

Celebrating Swindon: Artists at Asda WalMart

A two year temporary public art project based at Asda WalMart, Haydon Wick.

Asda and Swindon Borough Council engaged artists Grennan & Sperandio to work with the local community and to devise temporary artworks in response to their research. The outcome was a six month billboard campaign and an artist designed custom painted double decker bus which travelled between the town centre and Asda WalMart until November 2003.

Swindon Arts Centre – Applause

A Percent for Art contribution on an Old Town housing development that was allocated to benefit the refurbishment of the Arts Centre particularly the new courtyard entrance.

A work was commissioned that would enliven the space, welcome visitors and reflect the activity of the Arts Centre. The outcome was a sculptural work by local artist Mark Amis.

Some of the projects that Swindon Borough Council has been involved with are illustrated over the next few pages.

For up-to-date examples of public art projects there are informative regional web sites:

www.swindonartscape.co.uk

Swindon Borough Council's Artscape web site contains information specifically about Swindon's recent and past public art projects.

www.publicartonline.org.uk

The South West Arts Office public art web site with information of projects and the commissioning process together with a comprehensive links page.

www.artpoint-trust.org.uk

Artpoint is a public art commissioning agency who have project managed several large public art schemes on behalf of Developers and Swindon Borough Council.

The Provision of Public Art: Commissioning Code of Practice

There are a range of commissioning practices that may be adopted. The scale and location of the commission will be important considerations in determining the most appropriate process. However, there are principles of good practice for commissioners that should be considered in the provision of public art:

- where appropriate, artists should be commissioned at an early stage so that their work can be integrated into, rather than added to any development.
- each commission, however small, should be accompanied by an artist's brief which gives information on the aims of commission, site, budget, timescale and selection process.
- the artist's brief should not be prescriptive, and should aim to foster rather than restrict the creativity and imagination of artists.
- commissioning agencies should consider having a selection panel with representatives from key interests having a stake in the commission.
- Swindon Borough - based artists working in the appropriate medium and with the appropriate experience should be considered as part of any selection process.
- commissioned artists should be issued with contractual agreements.
- commissioning agencies should consider using the expertise of arts professionals in managing commissions.
- commissioning agencies should consider appropriate ways of involving the public, whether through consultation, exhibitions or education programmes.