

PUBLIC ART

Supplementary Planning Guidance

Public Art

(Approved by Council 22 June 2006)

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1. INTRODUCTION

- 1.1 This guidance supplements Policy 11 (Design and Aesthetic Quality) of the City of Cardiff Local Plan (adopted January 1996) by encouraging the provision of public art in association with development proposals. It explains:
- The basis for the Council's request for the integration of public art as part of development proposals.
 - The issues that should be taken into consideration during the development of an artwork proposal.
- 1.2 The guidance has been the subject of consultation as outlined in Appendix A, and Appendix B identifies the main proposed changes and other responses to the comments received. It was approved by the Council on 22 June 2006.
- 1.3 The Welsh Assembly Government supports the use of supplementary planning guidance (SPG) to set out detailed guidance on the way in which development plan policies will be applied in particular circumstances or areas. SPG must be consistent with development plan policies and national planning policy guidance and may be taken into account as a material planning consideration in planning decisions.
- 1.4 The Council placed the Cardiff Unitary Development Plan on deposit in October 2003. However, following introduction of the European SEA (Strategic Environmental Assessment) Directive, in May 2005 the Council resolved, with the agreement of Welsh Assembly Government, to cease preparation of the Cardiff UDP and commence preparation of a Local Development Plan (LDP). Welsh Assembly Government guidance¹ indicates that the deposited UDP may remain a consideration in development control decisions until such time as the LDP is adopted. Appendix A indicates references in the UDP to matters which are the subject of this guidance.

¹ *Revisions to Draft Local Development Plans Wales (Welsh Assembly Government October 2005, paragraph 7.8)*

2. POLICY CONTEXT

- 2.1 The development and integration of public art is actively encouraged throughout the planning policy framework:

Planning Policy Wales

- 2.2 Planning Policy Wales (2002) highlights the importance of good design in new development and identifies the provision of public art through Technical Advice Note 12: Design (paras 5.40 and 5.43), where it is stated that:

“Public art can play an important part in creating or exploiting individuality and raising the profile of our towns, villages and landscape. Focusing public art at key locations, at important junctions, meeting places or entry points can enhance existing townscape features and help to make the area more legible. There is considerable scope for integrating public art into the townscape, ranging from the dramatic to the subtle, from traditional free-standing landmark sculpture to the innovative design of functional objects. Through careful choice of location and use of tactile materials, public art can and should be made accessible to all. Increasingly, imaginative design of floorspace, railings, lighting and signage is being used to personalise everyday objects” (Para 5.40)

- 2.3 It is also states that:

“Public art should be considered early in the design process and be integral to the overall design of a building, public space or place. The choice of artwork should be the subject of full collaboration from the outset between the artist, the local community and professionals involved in the design process. Engendering a sense of local ownership and public responsibility for artwork is critical to the long-term success of public art projects” (Para 5.43)

City of Cardiff Local Plan

- 2.4 This guidance supplements Policy 11 (Design and Aesthetic Quality) of the City of Cardiff Local Plan (adopted January 1996), which states:

‘All new development should be of good design which has proper regard to the scale and character of the surrounding environment and does not adversely affect the aesthetic quality of the area.’

The contribution that public art can make to good design and environmental quality is identified in paragraph 4.6.9, where it is stated that:

“Where appropriate, the City Council will also seek to achieve, via the grant of planning permission, social or community benefit related to the needs of the locality. Such ‘planning gain’ will vary according to the scale, location and type of planning application, and could include the provision of..... ‘a percentage for art’where appropriate.”

3. BACKGROUND

Public Art Strategy

- 3.1 This guidance should be read in conjunction with the Cardiff Public Art Strategy. The Strategy provides definitions of public art, illustrates development opportunities that have given rise to existing artworks within the city and highlights the issues that should be taken into consideration during the implementation of a public art project.

Benefits of Public Art

- 3.2 Public art can enhance and add value to development, contributing to all aspects of design, from street furniture and paving to building design and landscape. Incorporated into any publicly accessible or visible space, public art can contribute towards the quality and design of a development, creating local distinctiveness for residents, employees and visitors to the city.

Defining Public Art

- 3.3 Public art can be diverse in form and function. It should be noted that public art does not only encompass sculptural or monumental features, but can also include elements integrated into the design of buildings, artworks defining routes and interchanges across a site, or artistic design enhancing proposed elements of a scheme, such as seating or signage.
- 3.4 Through incorporation into functional items, for example lighting, pedestrian railings and access ramps, public art can form a valuable tool in responding to the requirements of a site or the surrounding environment and these issues should be taken into consideration when assessing opportunities for public art initiatives.
- 3.5 Public art is considered to include:
- Large scale three-dimensional artworks
 - Artist designed street furniture
 - Integrated two and three-dimensional works
 - Interior commissions in areas freely accessible to the public
 - Commemorative Works
 - Temporary or time-based commissions

A full definition of public artworks can be found in the Cardiff Public Art Strategy.

Community Engagement

- 3.6 Public art can form a valuable tool in helping to create a connection between a new development / scheme and the surrounding community. It can enable people to become actively involved in discussion and decision making about their environment and can create a range of educational opportunities through active participation with local community groups, schools and youth organisations.

Essential criteria for defining Public Art

3.7 It is important for those involved in the development of new initiatives to be clear from the outset about the criteria which should be followed in the commissioning and development of public artworks, these are:

- Original work of a living or acknowledged artist or craftsperson, that is physically or visually accessible to the public and which may be created as a result of a collaborative process involving other groups, such as architects, planners and members of the local community.
- Work that is site specific and not a mass-produced object or reproduction of an original artwork or a previously unrealised design.
- Work that relates in time and place to Cardiff and to the city's unique identity and distinctive sense of place

4. DEVELOPMENTS TO WHICH THE GUIDANCE APPLIES

4.1 Public art can enhance the environment, contributing to all aspects of urban design, from street furniture and paving to building design and landscaping. With community involvement, it can be effectively employed to:

- Enhance the environment, making a real difference to the quality of life of its inhabitants
- Aid regeneration by developing a positive identity for an area and improving its image
- Encourage people to value their surroundings, contributing to a reduction in vandalism and fear of crime and creating a healthier, safer and sustainable environment.

4.2 Public art can contribute to the character and identity of an area and aid legibility by:

- Creating landmarks that provide reference points and enable people to orientate themselves
- Defining routes and pathways
- Making connections between places and spaces
- Emphasising entrances, gateways and key junctions
- Creating local distinctiveness and a sense of place.

4.3 The principles established within this guidance will be applied to public and private sector developments on a countywide basis. In general, the Council will seek to encourage the provision of public art within the following instances:

- Development proposals that require a Master Plan or Site Development Brief
- Large scale redevelopment projects
- Development within the Central and Waterfront Business Areas
- Development within District and Local Centres
- Major greenfield development sites (housing or employment)
- Landmark sites, for example; entry points to the city, major road junctions, major transport interchanges and other sites of local significance

5. APPROPRIATE CONTRIBUTIONS

Percent for Art

- 5.1 The Council will encourage developers to apply the principle of 'Percent for Art' when considering public art as part of a development proposal. 'Percent for Art' is a method whereby a proportion of the capital cost of a new development or renovation project (usually 1%) is allocated to the integrated provision of public art. The concept is flexible in that the level of financial support can be negotiated within the basic principle and should be considered as a guide when assessing a scale of contribution.
- 5.2 The overriding principle of 'Percent for Art' is that the sum established should be set aside at the start of a development process in order that provision can be made for public art that is integral to the development proposal.

The Amount of Public Art to be Provided

- 5.3 Public art need not necessarily be expensive and the cost of each artwork will vary according to its relationship to a site.
- 5.4 When assessing a contribution, developers will be expected to demonstrate how public art will be incorporated into their scheme that reasonably relates to the scale, location and use of the site.
- 5.5 Public art should form part of an overall design vision, with concepts being an integral part of a building or its setting. Where a site is expected to be delivered in phases, the developer will be expected to present a public art plan for the whole site.
- 5.6 Artists, where appropriate, should work in consultation with the local community i.e. those people who will be affected by the site and the installation.
- 5.7 In all negotiations, the specific circumstances of the proposed development will be considered, including the capacity of the site / development to yield contributions and the extent and scale of contributions that may be sought for other purposes.

6. WHERE PUBLIC ART IS TO BE PROVIDED

- 6.1 The preferred course of action is that public art should be provided 'on-site', either being integrated into the structure of the development, or as a freestanding artwork. Developers and their agents are strongly encouraged to involve artists at the earliest stages of the planning / development process, as outlined in Tan 12: Design.
- 6.2 When it is not practicable to provide an on-site artwork, opportunities should be considered to provide public art within the reasonable vicinity of the development. The provision of public art within the vicinity of a development will be effected by the issue of land ownership; consequently it may be appropriate for the Council to seek to secure a financial contribution toward public art and to undertake the project itself. In these circumstances, the Council will consult widely on proposals and where appropriate acknowledge the developer accordingly.
- 6.3 In all circumstances the Council encourages the commissioning of innovative new artworks that respond specifically to the site.

Construction Hoardings

- 6.4 For all development schemes the opportunity exists to incorporate public art into the temporary hoardings located around the construction site.
- 6.5 Hoardings provide a key opportunity to engage with the local community. Artist run workshops can be used to create painting or design competitions with local schools or youth organisations and can provide educational opportunities by exploring the local history of the site, or the proposed landuse.
- 6.6 The integration of public art within site hoardings should be considered as an opportunity during the construction phase of the project and not as a sole contribution for public art as part of a development proposal.

7. SUITABILITY OF ARTWORK

7.1 The diversity of what constitutes public art means that the processes for undertaking a project and the type of artwork created will vary between developments. There are however a series of issues common to the development of any artwork project and will be taken into account when assessing a public art contribution, these are:

- How the artwork will contribute toward the development proposal
- Involvement of an artist or craftsperson
- Appropriateness of the proposal in relation to scale and design context of the site
- Suitability with regard to location, public usage and surrounding environment
- Quality of the artwork with regard to the use of materials
- Links to educational programmes and engaging the local community
- Provision for maintenance and aftercare
- Documentation of project information

Art Agencies

- 7.2 Arts Agencies are well placed to provide considerable experience in the development of artworks within the public realm. In most cases, particularly for the larger and more complex commissions, the involvement of an arts agency will be encouraged.
- 7.3 The Cardiff Public Art Strategy provides guidance on developing an artwork proposal and elaborates on the issues raised above.

8. MAINTENANCE AND DUTY OF CARE

- 8.1 Provision will be expected to be made for future maintenance costs associated with an artwork and this should be built into the overall project budget. Maintenance costs will vary according to the nature of an artwork and an assessment will need to be made in the context of the proposal.
- 8.2 When establishing maintenance and duty of care it is recommended that:
- Where a public artwork is integral to a building, or provided within the curtilage of a development, the maintenance responsibility and duty of care will be expected to remain with the site and building owners.
 - Where a public artwork is provided by the developer within the vicinity of a development an agreement should be made between the developer and the Council to establish maintenance responsibilities. In cases where duty of care is passed to the Council a financial contribution will be expected for maintenance.
 - Where a financial contribution is provided toward public art which the Council then commissions, an agreed sum will be reserved for maintenance. The duty of care will rest with the Council.
- 8.3 For all new artworks, the commissioner will be required to provide a complete maintenance schedule and register details of ownership and duty of care.

9. IMPLEMENTATION

- 9.1 The provision of public art on site will normally be secured and implemented through planning conditions. In the case of a financial contribution, or the off site provision of an artwork, this will normally be delivered through an agreement under Section 106 of the Town and County Planning Act 1990.
- 9.2 Public Artworks that form part of an application for a development, or artworks that require a planning application in their own right will be determined by the Council's planning committee with appropriate consultation as necessary.

APPENDIX A: CONSULTATION ON THE DRAFT SPG

- A.1 Consultation on this guidance was undertaken between 14 February and 14 March 2006. A Press Notice was placed in the South Wales Echo on Tuesday 14 February 2006 and notices and copies of the draft guidance were placed in all Cardiff Libraries. The draft guidance was also published on the Council's website.
- A.2 Letters notifying that consultation was being undertaken on the draft guidance were sent to Cardiff Councillors, the Welsh Assembly Government, Environment Agency, Countryside Council for Wales, Community Councils in Cardiff and the following who are known to have a general interest in planning in Cardiff, or a potential interest in this guidance:
- Arup
 - Arts Council for Wales
 - Artworks Wales
 - Atkins
 - Baker Associates
 - Barton Willmore Planning Partnership
 - Boyer Planning
 - Cardiff Chamber of Commerce
 - Cardiff University***
 - CBAT: The Arts and Regeneration Agency
 - CDN Planning
 - Chartered Institute of Housing Cymru
 - Design Commission for Wales***
 - Development Planning Partnership
 - DLP Consultants
 - DTZ Pida Consulting
 - Enviro Consultancy
 - GL Hearn Planning
 - GVA Grimley
 - Halcrow
 - Harmers Ltd
 - Home Builders Federation***
 - John Robinson Planning & Design
 - Lovell Partnership
 - Mason Richards Planning
 - MVM Planning
 - Robert Turley Associates
 - RSAW
 - RTPi Wales Branch
 - South Wales Police
 - Stride Treglown Town Planning
 - Wales Tourist Board
 - WDA (South East Division)
 - White Young Green Planning
- A.3 Comments specifically or generally relevant to the draft guidance were received from the above consultees indicated *** and from:
- Hephher Dixon
 - RPS Planning
 - Nathaniel Lichfield and Partners

APPENDIX B: CONSULTATION REPRESENTATIONS AND RESPONSES

REFERENCE²	REPRESENTATION	COUNCIL RESPONSE
General	We endorse the content of this document and the importance which is placed on encouraging and facilitating the provision of public art.	The Public Art SPG seeks to promote and encourage opportunities for the integration of public art within development proposals.
General	The provision of public art has to be encouraged, negotiated and be agreed rather than imposed. Urge that the SPG is seen as guidance.	The SPG does not seek to impose public art, it aims to encourage / promote public art and add value to development.
General	Well designed schemes should be capable of creating an attractive public realm, including attractive street furniture, paving and signage without the necessity of set pieces which may be costly to maintain.	Issue identified in paragraph 3.4. Through incorporation into functional items, for example street furniture, public art can form a valuable tool in responding to the requirements of a site. However the final item must meet the criteria identified in paragraph 3.6 (Essential criteria for defining public art)
General	Suggested that this policy be considered on a site by site basis which would be more inline with the objectives of Planning Policy Wales.	Each development would be assessed on its merits, having regard to all material planning considerations. Consideration should be given to the contribution public art can make to a development, by creating local distinctiveness or responding to a specific functional issue within the site or in the immediate vicinity of the development. This issue is acknowledged in paragraph 3.2.

² Reference to paragraph in Consultation Draft of SPG

General	The document fails to emphasise the benefits of working with public art professionals.	Arts agencies are able to provide considerable experience in the development of artworks within the public realm. This issue is acknowledged in paragraph 7.3
General	The guidance should be promoted at the earliest possible stages, in pre-application or outline discussions.	The Public Art SPG and Cardiff Public Art Strategy documents aim to increase awareness and promote the development of public art through the development process.
3. Background	Public art definitions should include reference to projects which may not necessarily result in physical works, but may provide a vehicle for community engagement.	The development of public artworks can create an opportunity for community engagement, particularly during the development phase of a project by creating a means of communication and help create a connection between a new development / scheme and the surrounding community. This issue is acknowledged in paragraphs 3.5 and 3.6.
Para 3.6	The public art criteria is supported, though it must be adaptable to ensure that artworks are allowed to manifest themselves in high quality design.	Paragraph 5.5 identifies that public art should form part of an overall design vision, with concepts being an integral part of a building or its setting.
5.1 Percent for Art	Important to make the public art contribution commensurate with the location so that it makes a statement in strategic locations. To this end the 'percent for art' contribution needs to be given serious consideration as to its justification.	The SPG does not seek to impose public art, it aims to encourage / promote public art and add value to development. 'Percent for Art' is provided as an initial guide for developers when considering public art as part of a development proposal. Public art should form part of an overall design vision and reasonably relate to the scale, location and use of the site.

5.1 Percent for Art	Remain unconvinced that the essence of the document is to encourage / promote public art. Suggest that paragraph 5.1 be amended to read "The Council will seek to encourage developers to adopt the principle of 'percent for art'.	The SPG does not seek to impose public art, it aims to encourage / promote public art and add value to development. 'Percent for Art' is provided as an initial guide for developers when considering public art as part of a development proposal. This issue is acknowledged in Paragraph 5.1.
5.1 Percent for Art	Reservation about the use of 'percent for art' as a fixed formula.	The SPG does not seek to impose public art, it aims to encourage / promote public art and add value to development. 'Percent for Art' is provided as an initial guide for developers when considering public art as part of a development proposal.
5.1 Percent for Art	Concern regarding any element of compulsion in the provision of public art.	The SPG does not seek to impose public art, it aims to encourage / promote public art and add value to development. 'Percent for Art' is provided as an initial guide for developers when considering public art as part of a development proposal.
Para 5.5	A site may have obtained outline planning consent from one individual, but subsequent reserve matter applications will be applied for by various different applicants (over a phased period of time). In this scenario it might then be difficult for a public art strategy to be introduced comprehensively at an early stage. Therefore any amendment should specify that any public art strategy should form part of the reserve matters submission package when appropriate.	Public Art should form part of an overall design vision for a site, with concepts being an integral part of a building or its setting. The creation of a public art strategy for the whole site at an early stage that considers the layout of the site, the potential integration of artworks and themes and topics to be explored will help to ensure a consistent approach to the development of public art and provide a coordinated framework for future developers.

6. Where Public Art is to be provided.	Acknowledgement should be made that developers could also make an off-site financial contribution to public art.	This issue is identified in paragraph 6.2.
8. Maintenance and Duty of Care	Circular 13/97 states that the costs of subsequent maintenance and other recurrent expenditure should normally be borne by the body or authority in which the asset is to be vested. As a general rule, planning authorities should not attempt to impose commuted maintenance sums.	Public art should form part of an overall design vision, with concepts being an integral part of a building or its setting. Where a public artwork is integral to a building, or on land that is privately owned, the maintenance responsibility would be expected to remain with the site and building owner. In circumstances where a public artwork is to be sited on land within Council ownership an agreement should be made between the commissioner and the Council to establish maintenance responsibilities.

APPENDIX C: THE CARDIFF UNITARY DEVELOPMENT PLAN

- C.1 The Cardiff Unitary Development Plan was placed on deposit in October 2003. Following introduction of the European SEA (Strategic Environmental Assessment) Directive in 2004 and subsequent up-dated guidance from the Welsh Assembly Government on development planning, the Council has sought the agreement of the Assembly to cease preparation of the Cardiff UDP and commence preparation of a Local Development Plan (LDP).
- C.2 Guidance issued by the Welsh Assembly Government in respect of LDPs indicates that where a UDP has been put on deposit it may remain a consideration in development control decisions until such time as an LDP has been placed on deposit. Generally, the weight to be attached to policies in emerging UDPs depends on the stage of plan preparation, the degree of any conflict with adopted plans, and the number and nature of any objections and/or representations in support of the policy.
- C.3 Policy 2.56 (Public Art) of the deposited Cardiff UDP states:
- Public art will be sought to enhance the character and appearance of development and public spaces.*
- C.4 Representations were made at deposit objecting to this proposed policy.

For more information please contact:

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