

Per Cent for Public Art

JUNE 2001 (Updated July 2003)



This guidance note is aimed at developers of sites where the provision of public art, as part of the environmental enhancement, may be required. It includes advice on :

- **Background**
 - Definition of Public art
 - The Benefits of Public Art
 - Good Practice Examples.
- **Implementation of Public Art**
 - When a Provision for Public Art will be required.
 - How to provide for Public Art in a development project.
 - How to include Public Art in a planning application.
- **Useful Contacts and Addresses.**
- **Appendices**
 - UDP Policy EN1/6 (Appendix 1)



1 - INTRODUCTION

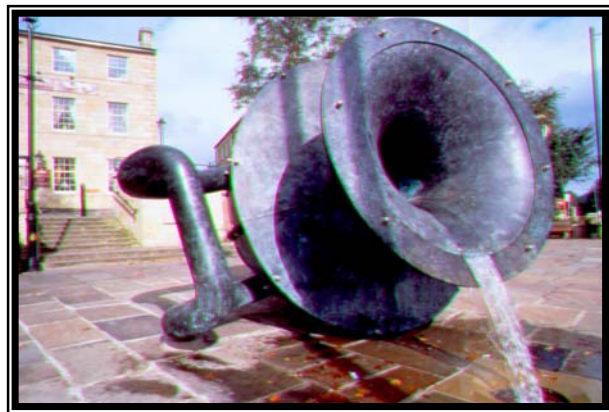
- 1.1 Bury MBC recognises that decisions about where to invest, shop and live are not simply based on the availability of infrastructure, but also on the attractiveness of the Borough's environment. Public Art has a vital role in enhancing the quality of the environment and can make a major contribution to the visual quality and character of our towns and villages. It can contribute to developing civic pride and create an enhanced sense of community identity, elements that are essential to securing the vitality and viability required within the local environment. This Development Control Policy Guidance Note, therefore, expands the Council's planning policy in respect of Public Art as set out in Policy EN1/6 of the Bury UDP (see Appendix 1 for details) and offers advice on the implications of its implementation.

Background

Definition Of Public Art

- 1.2 Public Art can be any form of art that adds *value* to development. It is essentially the principle of utilising the arts to assist in increasing quality in the environment.
- 1.3 Public Art is not a new phenomenon. Evidence of existing Public Art can be seen in the detailed craftsmanship on some of the Borough's finer buildings. However, it is of increasing importance today, as people are more conscious than ever of the need to protect and improve the quality of our physical environment. It is of particular relevance to the Metropolitan Borough of Bury due to the Council's development of the Irwell Sculpture Trail, which runs the length of the Borough. This is the largest Public Art project in the UK and demonstrates the Council's commitment to cultural development in the Borough, as well as emphasising the contribution to physical regeneration that such Public Art provision can sustain.

Tilted Vase, Ramsbottom Market Place, by Ed Allington. The focus of the successful regeneration of this key town centre space.



The Benefits of Public Art

- 1.4 Public Art does not simply mean the creation of free-standing sculptures in civic spaces although, of course, these are important. It need not be restricted to high profile sites either, although the impact of artworks in such locations will be particularly beneficial. Public Art can, in fact, be quite small scale, located within public areas in buildings or designed to create interest in shopping centres, or even parks, road junctions and pedestrian underpasses. Successful examples of

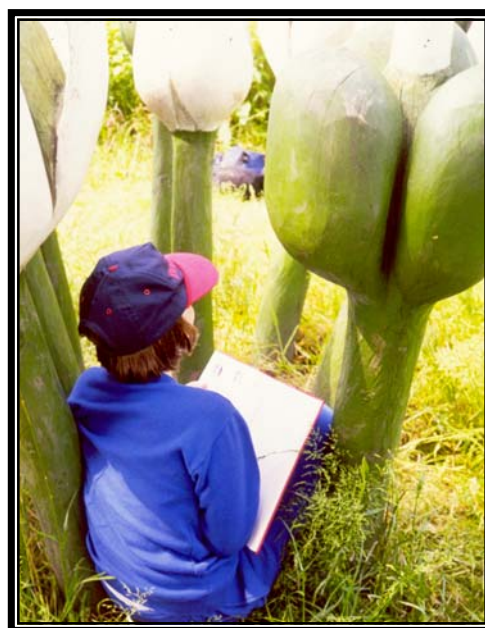
all the above have been implemented in recent years in the Borough, providing evidence of the potential of artworks to enhance public spaces.

1.5 Introducing artwork into new development will have commercial, as well as aesthetic, benefits including relatively cheap and positive site promotion. Furthermore, the following benefits will also be achieved:

- Artworks create a visual enhancement to built form raising the perceptible quality of new development, at relatively low expense.
- Artworks create local landmarks, which promote a positive identity for new built development, defining public spaces and helping to integrate it into local centres.
- Provision of artwork will emphasise the relevance of a new development to the regeneration of the Borough and demonstrate an understanding of the important relationship to the Irwell Sculpture Trail.
- A provision for Public Art offers the potential to involve the community directly in new developments, creating a sense of local pride and goodwill.



"Stone Cycle" Burrs by Julie Edwards



*"Seek & You Will Find" by Kerry Morrison.
Sculptures of indigenous flora at Nuttall
Park, Ramsbottom*

Examples of Good Practice

1.6 Securing good Public Art provision involves a process of identifying opportunities to create artwork in places and buildings to which the public has access. There are number of successful examples of Public Art within the Borough (see illustrations) which demonstrate a recognition of the positive visual and commercial benefits of accommodating artworks in development schemes, by both publicly funded organisations and private developers.

- 1.7 The Council will demonstrate best practice in the implementation of the Public Arts policy, by ensuring that any future development on sites owned or being marketed by the local authority, that there is an appropriate percentage provision for Public Art.
- 1.8 Irwell Valley Housing Association have completed artworks at their housing scheme in Radcliffe, for which they had made budget accommodation of £30,000 under the 'Per Cent For Art' banner (see below). The 'Floodlights' is a fine example of how arts can be integrated within complex development criteria – in this case, lighting a landmark listed building.

"Nailing Home" by Jack Wright for Irwell Valley Housing Association. A successful example of creating a local landmark, identifying new housing provision.

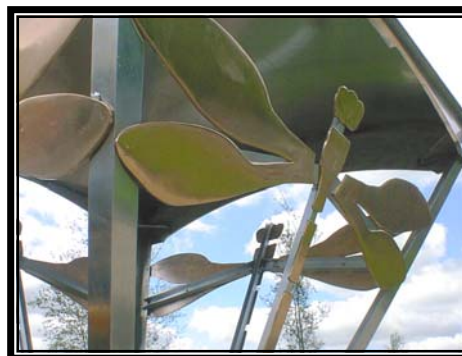


"Floodlights by Janet Lubinska on the Arts and Crafts Building, Broad Street, Bury.

2- IMPLEMENTATION ADVICE

When will a Provision for Public Art be sought in development proposals ?

2.1 The provision of public art is often voluntarily undertaken, in a partnership between developers, the artistic community and the local authority. However, major developments offer real opportunities for enhancement through the provision of artworks and will, therefore, be encouraged to accommodate the Public Art policy.



"Dragonfly" at the entrance of Outwood Viaduct by Janet Lubinska

2.2 Therefore, provision for Public Art will be treated as a material planning consideration when determining major planning applications which fall into the following categories:

- residential developments comprising 25 or more dwellings; and
- other developments where the gross floor space to be built is 2,500 sq m or more, or where the site area is 1 hectare or more, including office and retail developments.

For the avoidance of doubt, outline planning permissions on suitable large sites will be conditioned to ensure compliance with the Policy. Additionally, developers who intend to phase their schemes will be required to provide appropriate contributions to public art at the different stages.

2.3 In all cases, adequate provision should be made for long-term maintenance, whether this is by the developer or a third party.

2.4 Below these thresholds, encouragement will be given to developers to seek to include Public Art within their scheme as a means of enhancing the quality of their development, particularly sites in prominent locations.

2.5 In line with the advice given by the Arts Council of England, the Council will seek to negotiate a contribution towards the provision of public art to the value of 1% of the construction costs of a capital project. For the purpose of this advice, the construction costs of a capital project consists of the erection costs of buildings and infrastructure but excludes the purchase of land.

2.6 For schemes where the construction costs are £3m or over, the Council will seek to ensure that the public art provision is appropriately integrated on-site, through the design and layout of the scheme. The following sections of this note advise on the incorporation of public art in a development project and further guidance on commissioning public art is available from the Council's Art Officer (see contacts for details).

- 2.7 For schemes where the construction costs are less than £3m, the Council will seek to negotiate that the 1% contribution is made either as an integral artwork scheme or, alternatively, the monies be used to secure an appropriate artwork scheme off-site.
- 2.8 The Council's preference for on or off-site provision for schemes of less than £3m will depend on the location, type and size of the development. The Council will normally encourage on-site provision for schemes which occupy high profile and prominent sites, or sites that are in easily accessible public areas, such as town centres. This will help to define key public spaces or animate principal elevations. Conversely, for schemes that are not in prominent locations, the Council will normally seek to encourage an off-site contribution to ensure that monies are spent in locations that will gain wider recognition.

- 2.9 For off-site contributions to public art, the Council will seek to collect a payment to be paid into a 'central fund' that will be used to fund appropriate public art schemes within the Borough, such as the Irwell Sculpture Trail. In such instances, the Council will seek to secure monies through a S106 agreement. In order to ensure a quality feature of public art, the Council may need to accumulate funds from a number of schemes until it has sufficient expenditure to cover all costs of a project.



Sculptures at Outwood Forest Park by Ulrich Ruickriem on the Irwell Sculpture Trail

- 2.10 In the eventuality of off-site provision, the Council will inform the developers of the end use of the sum and will credit the developer (s) accordingly.
- 2.11 The Council considers that the innovative inclusion of public art in a scheme need not generate significant additional cost, as it can form an existing functional element of a project (e.g. replacement of standard railings with railings that incorporate public art features – see next section on how to 'provide for public art'). However, the Council is aware that the development of some previously developed sites can be marginal and that the full 1% requirement of construction costs for public art may make a scheme economically unviable. This may harm regeneration efforts in certain parts of the Borough. Therefore, in exceptional circumstances the Council will allow a developer to submit evidence to demonstrate why the requirement for public art would not yield sufficient profits for an appropriate scheme to go ahead and why public art cannot be built into a scheme. If the evidence is deemed acceptable it could result in partial or full removal of the requirement.
- 2.12 However, for the avoidance of doubt, the Council will enter into such negotiations on an 'open book' basis (whereby an applicant lays out all costs involved) and on the assumption that a site has been bought (or is being purchased) at a price

which includes all known development constraints and planning requirements, including the provision of open space, affordable housing and public art.

How to Provide for Public Art in a Development Project

2.13 Public Art provision need not be expensive and will add value to the development scheme. In order to adequately address this public art policy it will be incumbent on the developer to make adequate provision in their development costs for the provision of Public Art. As discussed above this is usually expected to be around 1% of capital cost. Where the Public Art is not identified as part of the approved plans, planning conditions may be added to require details of the artwork provision to be submitted to the local authority prior to commencement on site. Alternatively, and particularly where the developer proposes to contribute to Public Art provision off-site or is to hand over control of public spaces to a third party, an agreement may be entered into, under Section 106 of the Town & Country Planning Act 1990, to contribute an equivalent sum to the Council to create an artwork on a nearby and appropriate site, such as the Irwell Sculpture Trail.

2.14 **The key to the successful implementation of the Public Art policy is to consider the provision of artworks at the earliest stage of design and project development. In this way, the design of public spaces or building features may well start to be defined, or refined, by the provision of the public artwork.**

2.15 Experience has shown that ideally the artist should be commissioned at the earliest possible stage of the project development. **Indeed for large projects, it is recommended that the artist is employed to work as a member of the design team.** If included at the earliest stages the artists will be able to fully contribute to the aesthetics of the construction project. This may be through the arrangement of spaces, the selection of materials and/or determining the nature and siting of the works of art to be integrated into the development.



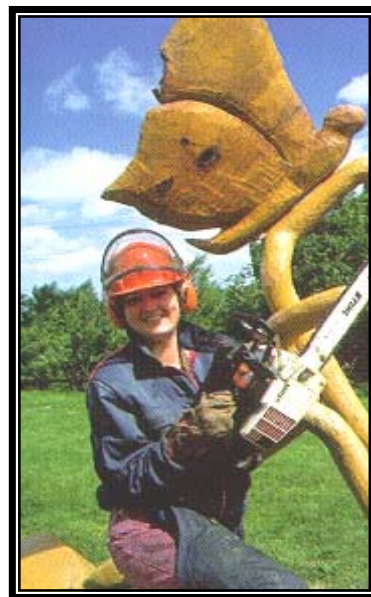
*"Picnic Area" at Burrs Country Park
area by David Fryer*

- 2.16 Integrated works of art might include:
- (a) free-standing sculptures, including fountains;
 - (b) building features such as gates, piers, railings, fences, lighting or seating;
 - (c) wall-hung work such as paintings, murals or photography; and
 - (d) collections of objects for display.

The final artwork will be chosen by the commissioning developer but will be expected to have a clear relevance to its wider context.

How to Include Public Art in a Planning Application

- 2.17 At the planning application stage, developers will be expected to show how their proposal can secure a positive contribution to the quality of the local environment. A scheme involving a provision for Public Art will be seen as a positive step towards bringing about environmental enhancement. However, a provision for Public Art will not be viewed as a substitute for good quality building design. It should complement good design rather than try to compensate for a poor scheme.
- 2.18 The contribution of Public Art to the enhancement of the environment will be a material consideration in the determination of planning applications.
- 2.19 If the piece of Public Art is to form part of a proposed development, it may be considered on the same planning application as the development itself. However, there may be circumstances, depending on size and location, when a free-standing artwork will be considered to be 'development' within the meaning of the Town and Country Planning Act 1990 in which case planning permission would be needed for it to be erected/displayed. Similarly, works of art that might materially alter the appearance of an existing building may also require the submission of a planning application. It is advisable to check with a planning officer before embarking on such a project.



Artist Kerry Morrison at work on one of her sculptures

Officer Advice

- 2.20 There is great interest in built quality and cultural development among residents and Councillors within Bury MBC and a broad appreciation of the importance of public art provision to contribute to environmental enhancement. The Council has, therefore, established the knowledge and skills within its Arts Unit, which will assist developers in successfully addressing Public Arts Policy and help implement the provision of public artworks. Details of who to contact are set out below.



2.21 Officers in the Planning Division and Arts Units can, therefore :

- Advise on the appropriateness or otherwise of the provision for public art in development proposals.
- Arrange briefings to discuss the potential opportunities for public art provision, relevant to individual schemes.
- Advise on the mechanisms for developing the *Per Cent for Art* policy initiative with potential developers.

3 - Conclusion

3.1 Nationally the provision of securing Public Art provision through a *Per Cent for Art* is well established. This Development Control Policy Guidance Note is, however, the first structured step towards addressing the implementation of Bury MBC's Public Art policy.

3.2 The challenge is, therefore, to encourage all parties in the development process to recognise the benefits of contributing to the cultural development and environmental enhancement of the Borough through Public Art provision.

4 - Background Documents

- The Bury Unitary Development Plan (August 1997)



"Waterwheel" by David Kemp, the entrance feature to the regenerated industrial site at Burrs, now a country park.

5 - Contacts

For information on the implementation of Policy EN1/6 of the UDP contact:

Crispian Logue, Senior Planning Officer
Bury Metropolitan Borough Council
Department of Development and Environmental Services
Craig House
Bank Street
Bury
BL9 0DN
Tel: 0161 253 5306
e-mail: c.logue@bury.gov.uk

For information on the Council's Art policy and on incorporating Public Art into a specific development, contact:

Tony Trehy, Principal Arts Officer
Bury Metropolitan Borough Council
Department of Personal and Community Services
Cultural Services Division
Athenaeum House
Market Street
Bury
BL9 0BN
Tel: 0161 253 5869
e-mail: t.trehy@bury.gov.uk

Arts Council of Great Britain

14 Great Peter Street
London
SW1P 3NQ
Tel: 0207 – 333 0100

Royal Institute of British Architects

66 Portland Place
London
W1
Tel: 0207 580 5533

North West Arts Board

22 Bridge Street
Manchester
M3 3 AB
Tel: 0161 228 3062

The Landscape Institute

6-8 Barnard Mews
London
SW11 1QU
Tel: 0207 350 5200

The Crafts Council

44a Pentonville Road
London
N1 9BY
Tel: 0207 – 278 7700

APPENDIX 1 – POLICY EN1/6 OF THE BURY UNITARY DEVELOPMENT PLAN

The purpose of the Council's Public Art policy is to encourage developers to include a provision for Public Art in any new development, especially those in prominent locations and those with public access such as retail and housing development. The overall aim is to add interest and cultural references to new development and to emphasise local relevance through the use of artworks, while contributing to the attractiveness of the development. The development of Public Art forms one component of the Council's *Culture Strategy* in the Borough, which is designed to contribute to the creation of a lively and healthy place to live.

The underlying objectives of the Public Art policy are therefore, to:

- Establish Bury Metro as a place where art and culture are prominent and integral to the quality of the environment and quality of life;
- Support and maintain standards of excellence in architecture and the arts;
- Stimulate economic regeneration by reinforcing the Borough's cultural identity;
- Contribute to the local economy by creating employment opportunities for artists and local manufacturers;
- Develop positive identities for the different areas of the Borough;
- Encourage adventurous commissioning, producing works of art in a variety of art forms;
- Create opportunities and spaces for the further development of the arts.

The Policy and its justification are set out below:

EN1/6 - Public Art

The Council will encourage the incorporation of works of art in appropriate new developments.

Justification

The Arts Council has requested Local Authorities to accept the principle of promoting works of art in the context of new developments. Public Art can provide an important social function by enlivening the street scene and promoting a sense of well being. The Council will, therefore, encourage developers to include Public Art in developments, especially those in prominent locations and those with public access, (for example, retail developments). Such developments can be made more interesting through the use of paintings, sculptures, murals, tiling and photographs, and in creating additional interest have the potential to increase the marketability and attractiveness of the development.



Art Gallery Security Gates by Ian Judd, an example of a decorative and functional artwork

The Bury Unitary Development Plan (UDP) was adopted in August 1997.

Supplementary Planning Guidance has been produced in the form of Development Control Policy Guidance Notes to support the adopted UDP. These Notes give a more formal basis to advice which is given to applicants on a regular basis.

This Note was approved by the Council's Cabinet and Executive Committee (on 11th and 18th July Respectively). A statement on the consultation and publicity exercise undertaken in the preparation of this Note is available on request.

Any queries you may have regarding this Note or the Bury UDP in general should be directed to the UDP team on 0161 253 5283.