PER CENT FOR ART

CONSULTATION DRAFT SUPPLEMENTARY PLANNING GUIDANCE

Borough of Poole

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1. Introduction

1.1 Since 1998 the Council has had a statutory policy in its local plan that seeks developer contributions towards public art works. Until now this policy has been implemented on an ad hoc basis outside of a public art strategy. The result of this is one off pieces of work included as part of development proposals.

1.2 The production of a public art strategy (ref) and action plan enables the Council to set out in this planning document how it intends to implement its % for Art provision and ensure that contributions from developers are reasonable, relate to development proposed and are linked to an overall public art strategy.

1.3 Public art offers the opportunity for Poole and the people of Poole to express what is already special about this place and to further enhance that uniqueness. Public art can make a significant contribution to the quality of a place through enhancement of it's streets and squares, it's public and commercial buildings, it's engineering structures, parks and promenades, the appearance of its rail and bus stations and the aesthetics and sensitivity of its lighting. Public art can help to foster a sense of civic pride in a place through involvement and ownership by stakeholders and delivery of pieces of works that the public can feel proud of and responsible for.

1.4 The quality of design in the built environment is a key factor in determining the quality of life of residents and influences perceptions of Poole in the minds of people who live, work, are educated or do business here. The council believes that both the integration of art into the built environment and adopting the highest standards of design and architecture can be hugely influential factors in establishing a prosperous new future for everyone in Poole.

1.5 The term Public Art is used in context to encompass a great may different ways of working. Antony Gormleys 'Angel of the north' is probably the best known public artwork in the country but there are high quality examples on our own doorstep, for example:

- At Lighthouse – Poole's centre for the arts, artist Peter Freeman has lit the whole façade of the building; Andy Plant has built a huge interactive clock on the first floor landing; Danny Lane has designed a beautiful glass and steel counter for the bar and other smaller pieces have been commissioned
- At the Study Gallery, Tony Cragg has created a beautiful stone sculpture in the courtyard
- On Poole Quay Simon Watkinson has designed an LED illuminated Parallel Plotter.

1.6 The defining characteristics are that Public Art should be in the public domain, accessible or visible to the public and designed by an artist/s. It can be freestanding or integrated into the architecture, engineering, landscape or light environment of a development. The art forms can include sculpture, tapestries and textile works, internal and external craft including street furniture,

environmental art, performance art, photography, digital projected installations and other media related work.

1.7 Artistic involvement can also be used to influence building design, streetscape and landscape features and be used to address issues of place, identity and community. Such works may be permanent, temporary or celebratory. They should be integral to the development and it's setting rather than just decorative.

2. Objectives

2.1 This guidance on % for Art provision will be a contribution to achieving the objectives of the local plan

2.2 Key objectives of the guidance are:

- To express Poole's determination to integrate art into the public realm and provide a means of making it happen.
- Improve the built environment by employing the talents of Britains artists and craftspeople

3. Policy Context

3.1 The % for Art SPG is a mechanism by which a percentage of the construction costs of a development is allocated to public art. It has its roots in the 1989 Arts Council of Great Britain "Per Cent for Art" campaign and has since gained momentum nationally with a great many local authorities actively pursuing the integration of art into the built environment. The works created by the artists would normally be located within or adjacent to the development or in the general vicinity. In exceptional cases, where the building and it's setting are not a suitable location for art or craft works, then a more general contribution applied over a wider area may be appropriate.

3.2 Poole's public art strategy sets out the Council's vision and objectives for public art. The Council's vision is:

"To develop contemporary public art in Poole which celebrates the distinctiveness of 'the beautiful place' and adds to the future history of the town.

To develop a broad range of excellent and imaginative public art projects in Poole, which are integral to the area plan, enhance the environment, improve the quality of life of residents, and make Poole a stimulating place to live, work, learn, and visit.

To ensure that public art is considered as a means of enhancing economic, social, educational, and cultural well-being in all areas and for all sections of the community.

3.3 The supplementary planning guidance is one strand of the implementation of Poole's Public art Strategy. Policy BE9 of Poole Local Plan First Alteration (Adopted March 2004), below, creates the mechanism for negotiating with

developers while this supplementary planning guidance explains how this will be done and what is expected of developers where contributions are forthcoming. The current legal framework for planning obligations is Section 106 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991. Circular 1/97 contains the Secretary of State's detailed guidance.

POLICY BE9 PUBLIC ART:
"NEGOTIATION WILL TAKE PLACE WITH DEVELOPERS FOR THE PROVISION OF WORKS OF ART AT GATEWAY LOCATIONS AND OTHER PROMINENT SITES."

3.4 The Borough of Poole's commitment to the incorporation of Public Art into development proposals is exemplified by the proposals for the regeneration of Poole's Central Area and, in particular, the regeneration plans for West Quay Road and Lower Hamworthy. Supplementary Planning Guidance titled Poole Bridge Regeneration Initiative lays down principles for development and specifically refers to the role of public art in delivering quality local environments. Poole's regeneration plans will create significant new areas of public space in the form of focal points, pathways and streets and how these spaces relate to buildings both old and new provide opportunities for the inclusion of art work.

3.5 A Public Art Strategy for Poole draws upon the 4 cornerstones established in Poole Bridge Regeneration Initiative draft spg and identifies how art can contribute to its overall aims. The spg under the cornerstones of environmental quality and community and economic wellbeing identifies the principle of the integration of art and artists and states:

"*The involvement of high calibre artists will be encouraged and should be integrated into design teams from the earliest possible stage of project planning to add creativity and richness. Public art should encourage participation, provoke debate, affect the function and usefulness of the public realm and individual developments, stir the emotions, present information, have local relevance and support the community's aspirations. The widest range of techniques should be employed, including artists in residence and on design teams, free standing artworks, artist designed landscapes, digital technologies, artist lightworks and signage and temporary projects."*
(Source Poole Bridge Regeneration Initiative, Planning and Urban Design Guidance for the Central Area of Poole supplementary planning guidance, December 2004)

3.6 Poole's Public Art Strategy identifies Poole's Central Area as a priority for the delivery of art projects. One such example of the implementation of this is Poole's proposed second Harbour crossing which is the catalyst for Poole's regeneration proposals. Public Art issues have informed the design process from the beginning allowing the bridge designers to fully integrate public art into the design and not treating it as an after thought. The incorporation of art is viewed by the Council as adding value to the design process and consequently aiding and improving the quality of the final product. The Council therefore

encourages developers to use the services of artists from the outset in their projects within Poole's framework for the delivery of public art.

3.7 It should be stressed that normally expected high standards of design and finish in developments should not be considered substitute for the uniqueness of an artists' work.

4. % for Art for the Borough of Poole

4.1 This document provides advice and guidance for officers and developers. Contributions to public art will normally be secured through Section 106 agreements. Developers and house builders are encouraged to get advice from the Arts Development Unit at Poole Council on how to include public art into the design process and following receipt of planning permission to fulfil public art commitments in section 106 agreements.

4.2 The Arts team offer guidance on how to write an artists brief, how to select an artist, how to commission an artist, and how and when to involve them and the local community in the process. They can show models of best practise, offer advice on where to find artists who work in particular artforms and can assist developers in procuring professional public art management support. They can also access appropriate training on request.

4.3 It is essential that the opportunities for per cent for art be realised at an early stage in the development process, preferably before the planning application is submitted. The following principles will be employed by the Council in negotiating % for art:

- During pre-application discussions, officers within the planning department will identify appropriate schemes and will advise prospective developers if it is felt the percent for art policy should be applied.
- Where no pre-application discussions have taken place, appropriate schemes will be identified within the earliest stages of consideration of a submitted planning application
- In situations where the Borough of Poole has prepared a planning brief for a site the requirements of the development to meet the per cent for art provision, if appropriate, will clearly be stated in the brief following discussions with Arts development staff and any other relevant officers.
- Where the Borough of Poole is either the landowner and/or developer, the council will apply the policy on the same basis that it is applied to private development.
- Where the Borough of Poole is the landowner, the council may make it a requirement of any development agreement that the principle of percent for art is applied and public art is fully integrated
- Once a development has been identified as suitable for the per cent for art policy and the budget has been agreed, the councils Arts team will be involved in all future discussions with regard to the per cent for art project.

- If the relevant development is granted planning permission, all parties will agree that a section 106 agreement will be entered into formalising the agreement on percent for art and thereby requiring the developer to contribute a specific sum of money towards the creation of original art and craft works on the development, in the vicinity, or exceptionally in another part of the Borough – such works to be largely visible and available for the public to enjoy. It is at this stage that discussion will take place relating to how the money will be allocated and where the funds will be placed.
- It would not be normal practice for the type of artwork to be decided prior to planning permission being granted, unless the art/craft element was to be incorporated in some manner in the development. For example, the use of architectural glass in a stair tower or a mosaic floor. The developer may in this case indicate the type of feature he/she would want to put his/her contribution towards, but this would not normally be specified in the section 106 Agreement. A certain amount of flexibility is advisable at the development stage. It should be borne in mind that there might be a period for 5 years, or even longer between the granting of planning permission and completion of development. Any financial contribution or value will be index linked and re negotiated on subsequent renewal.
- The Borough of Poole expects to be consulted on the appointment of artists to respond to the conditions of Percent for Art. As an example take a case of a large development affecting a significant element of the town such as the promenade:- here the council would expect to see a complete public art strategy devised for the development in line with the purpose and function of the buildings and spaces. This should be devised by a public art professional with acknowledged expertise. This strategy should be submitted to the Council and subject to its acceptance a selection panel including membership from the Council set up to choose artists.

APPENDIX A - Involving Artists

Artists on design team

One of the most effective ways to develop a building or landscaping design project is to employ an artist as a member of the design team from the start. They can perform many functions in the highly complex web of tasks and relationships common to most developments and can add conceptual and design skills to the collaborative process, particularly at the concept stage and add value to the final development.

In this instance an artist should be involved as early as possible in the design process and enabled to inspire those around them, leading to distinctive solutions such as in the Twins sail Bridge and the Screetscape design team.

Lead Artistic advisor

The above process can sometimes be realised via the involvement of a lead artistic advisor, appointed at an early stage in the design and development. The lead artistic advisors role will be to manage the public art element of the project and its interrelation to other concerns of the project, keeping a focus on the conceptual framework and advising what opportunities are for other artists but not necessarily becoming involved with the day to day management and handling of budgets but being part of the team who select them advise them and keep the overall concept strong. The advisor may also be commissioned to create their own work. The Lighthouse-Pooles centre for the arts worked in this way with lead artistic advisor Jane Macdonald.

Artists as designers

Artists can create a design for a prototype, which a manufacturer, working closely with the artist, can make in limited edition,. Examples of this exist with street bollard design, lighting and the design for walking surfaces.

Artists as designers and makers

Artists and crafts people commonly design and fabricate work themselves or with sub-contrators. The artist will be responsible for concept and detail design, production, delivery and can take on installation where required. This process will usually involve liaising closely with a manufacturer and the clients project team. An example of this is the Parellel Plotter fo the sea defence wall at the Poole Quay by Simon Watkinson.

APPENDIX B – The Commissioning Process

A project brief is required for the commissioning of an artwork. This can be prepared by the Arts Development unit, planning officer or developers public art consultant or architect. It must be agreed by the Borough of Poole including Development Control and the Arts Development unit and should contain the following.

- The aims, objectives and outcomes of the commission; for example, archiving, creating functional pieces of work, providing a new environment, celebrating an event
- The exact nature of the site
- Relevant historical, social or other contextual detail
- Any community or public involvement required
- Any specifications about materials, availability, durability, aesthetics etc
- Project constraints
- The design team that the artist will collaborate with
- Main contact for the artist
- The budget for design, production and installation
- Time-scale for design stage, production and installation
- Description of artists role
- Budget
- Planning permission requirements
- Maintenance requirements

The Borough of Poole equal opportunities policy must be adhered to and any project should also adhere to the terms of the DDA.

It is extremely important that the art elements are seen as an integral and contributory factor to the improved urban and rural landscapes. Briefs for projects should seek to build on, or reflect upon issues and materials which connect with the existing site. They should not be used as an excuse for copying what has gone before but the accent should be upon exploring and extending the individual possibilities of each site.

APPENDIX C – Budget

The Budget needs to cover the following:

- Artist recruitment and selection costs
- Competition costs and/or interview expenses
- Artists design fees
- Exhibition costs (if client wishes to exhibit designs and maquettes for comment/information or if they wish to hold an exhibition of archived material)
- Artists commission fee.
- Structural Design and professional certification
- Materials and fabrication costs
- Safety Audit if necessary
- Travel expenses and workshops
- Professional Liability Insurance/public liability
- DPM regulation adherence, Planning Supervisor etc.
- Installation (site preparation, electricity, water, landscaping, labour etc)
- Transport and security costs
- Professional fees and legal costs
- Consultation costs
- Publicity costs
- Maintenance costs
- VAT (Define what can be reclaimed)
- Contingency

APPENDIX D – Contracts

Any commissioned artwork should be governed by contract and this contract would be integrated with the Section 106 Agreement. Contracts should be clearly agreed prior to any work taking place. Draft Contracts are available from the Arts Development Unit. They cover the following:

- Definition of involved parties, names and addresses
- Details of the commission, the design phase and the artists brief
- The responsibilities of the commissioner
- Delivery of work, installation and insurance requirements including professional indemnity, public liability
- Warranties and repairs
- Fees and methods of payment
- Ownership/adoption
- Risk of loss or damage
- Maintenance agreement
- Copyright, reproduction rights, credits and moral rights
- Relocation
- Termination of agreement
- Disputes procedure
- Role of consultant (if applicable)
- Schedule of work

APPENDIX E – Selecting the Artist

Selecting the right artist for the job.

It is essential to select an artist with the appropriate skills for each commission. The following are methods for selecting suitable artists.

Direct invitation or approach.

An artist or group of artists are invited to submit a proposal and payment is made for the research and design stage. This model commends itself in circumstances where a brief is extremely clear cut or in projects where the time scale may preclude the advertising of the commission. It can be an appropriate model where a commission would be enhanced by the work or reputation of a particular artist.

Limited Competition

A small number of artists are invited to develop and submit proposals for a site, following a site visit and in response to the artists brief. A fee is paid to each artist for a proposal, which would include outline ideas, a drawing or maquette, draft budget, time-scale and maintenance schedule. The artwork content of a proposal will normally remain the property of the artist on completion of the project.

This approach allows for selection between ideas. It is a contained process, which allows for the active involvement of developers with an invited panel.

Open Competition

The competition is announced by placing advertisements describing the site and commission in appropriate journals and newspapers (officers can advise on this). A full artist brief can be sent out at this stage. Artists are invited to send a brief C.V. and up to 12 slides, showing examples of recent work (these will need to be returned). A panel of appropriate people then selects a small number of these artists. These artists are then either interviewed and selected (paying expenses) or paid a fee to draw up proposals as in a limited competition.

This approach ensures equality of opportunity and involves a range of people in the selection process.

One of the drawbacks of open competitions is that many of the more established artists do not apply and the quality of submissions can suffer. To combat this, it is not unusual to introduce an invited section to the competitive process so that a shortlist drawn up from the open submission then competes with a small group of invited artists for the final commission.

Artist in residence

This is a potentially valuable method of working. The artist is based at a location near to, or within the community where the public artwork will be placed and is able to draw influence from the surroundings and the host community.

This is a good method of raising local awareness and participation. Residencies need clearly defined briefs and active good management. An artist should not be abandoned in a community already hostile to the development.

WHAT MAKES A GOOD SELECTION PANEL

The keys to an effective selection panel are securing public art commissioning expertise, end user/community representation, knowledge of site constraints and Planning Issues , Senior Client/Funder presence and an effective Chair who is able to balance interests.

Where possible members of the selection panel should be involved from the earliest stage in the selection process and should see the stages through to completion.

The artist's brief including agreed selection criteria, should be made available to each member of the panel.

Timescales

Timescales are apt to change when dealing with development schemes. This should not deter the introduction of an artist at the earliest stages. The earlier an artist is introduced to a scheme the better the results can be.

Timetabling

Commissioning and shortlisting –artist should be given 4-6 weeks to submit initial designs.

Fabricating and installation – Timescales will need to be discussed and are based on many factors including development scheme time frame, artists work schedule, community consultation. Key dates should be stated in the artists brief for clarity. When the piece of work is installed it can act as an opening or launch of a place or development.

APPENDIX F – Consultation Procedures

The scale and scope of public consultation will depend on the nature of the project and its suitability for widespread public involvement. Decisions regarding this will be taken in conjunction with Development Control and the Arts Development Unit at the inception of the project.

There are many ways that the community can be involved with a new commission:

- Community consultation, arranging and inviting members of the public to come and deliberate on ideas and designs and help formulate the brief for the project.
- Participation in artist led workshops to either inform the work of the artist or actually create or design the piece
- Community involvement in the selection panel
- Exhibition led consultation where the community see the finished proposed designs for a project
- Participation workshops relating to the piece but not impacting on it artistically

Artists must always be informed as to their expected involvement with the community prior to appointment and in some cases it may be necessary to involve artist who are more specialised in community work to carry out the consultation and involvement part of the project in communication with a (Lead) artist who designs and creates the piece.

Community involvement can create understanding and ownership of a development scheme; it can be extremely beneficial to both the participants and the commissioners. This work needs to be managed sympathetically with communities and should involve communication with the Arts Development Unit.

APPENDIX G – Public Relations

Creating and maintaining a positive media and public image is important for the Borough of Poole and also for developers. Percent for art projects offer excellent opportunities for developers and the public authorities to promote positive messages about quality services, particularly in terms of regeneration and environmental improvement. Each scheme should be encouraged to maximise it's potential for public relations.

A marketing plan relating to schemes should be created involving the corporate PR department, these should outline how best and at what stage to involve the media, what local, regional and national publications etc should be targeted, including trade magazines and professional journals.

The above will only be possible if the scheme is successfully archived, if excellent images and precise documentation are created at each stage, they can be used as tools for creating good press releases. A launch event is also an excellent opportunity for coverage.