



29<sup>th</sup> January 2008

## REPORT OF THE INTERIM HEAD OF DELIVERY AND DEVELOPMENT

### **Re-consultation on Appendix D “Art Guidelines” of Draft Supplementary Planning Document (SPD) “Designing a Better Walsall”**

#### **1. PURPOSE OF REPORT**

To advise Members of the revised proposals for the collection of developer contributions through Section 106 agreements towards public art contained in Appendix D of the draft “Designing a Better Walsall” SPD.

#### **2. RECOMMENDATIONS**

- i) That the report be noted;
- ii) That Cabinet be recommended to adopt the proposals contained in Appendix D

#### **3. FINANCIAL IMPLICATIONS**

This draft SPD seeks to collect developer contributions towards public art. The costs of providing public art would be met from these resources and therefore there would be no financial implications for the council’s existing budgets.

#### **4. POLICY IMPLICATIONS**

Within Council policy. Policy ENV34 of the Unitary Development Plan requires the provision of public art as part of new development to enhance the quality of the environment. Appendix D of this draft SPD provides greater detail to Policy ENV34 to clarify the level of contributions required from developers and how they will be collected.

#### **5. LEGAL IMPLICATIONS**

Any developer contributions would be collected via Section 106 agreements dealt with by Legal Services.

6. **EQUAL OPPORTUNITY IMPLICATIONS**

The proposals in Appendix D place community engagement in the design and creation of public art at their centre and seek to maximise opportunities for all parts of the community to be involved in improving the built environment.

7. **ENVIRONMENTAL IMPACT**

Through strengthening Policy ENV34 of the Unitary Development Plan the proposals will improve environmental quality across the borough where public art is implemented.

8. **WARD(S) AFFECTED**

All.

9. **CONSULTEES**

None.

10. **CONTACT OFFICER**

Katy Craddock – Extension 3653

11. **BACKGROUND PAPERS**

Draft SPD Designing a Better Walsall  
Circular 5/2005 Planning Obligations

Katy Craddock, Principal Urban Designer

1. Members will recall the draft “Designing a Better Walsall” SPD being discussed at the previous Development Control Committee on 8<sup>th</sup> January 2008. Particular discussion focussed on Appendix D of the document which set out proposals for the council to collect Section 106 contributions from developers for the provision of public art. The resolution of the Committee was to recommend that the Cabinet adopt the draft SPD with further consideration of Appendix D to take place before a recommendation to Cabinet was made.
2. Appendix D has been revised following the comments of the Committee. A copy of the revised wording is attached as an Appendix to this report. The threshold for size of developments to be eligible for Section 106 contributions towards public art have been increased to match other adopted and draft SPDs to reduce the number of legal agreements that would previously have been required. The number would be reduced from approximately 250 developments a year requiring a Section 106 for public art to approximately 40 developments.
3. Further investigation is on-going regarding the amount developers will be charged per development and this information will be provided in the supplementary paper to be circulated at the meeting on the 29<sup>th</sup> January, 2008.

## Appendix D Public Art Guidelines

### Introduction

Designing a Better Walsall SPD, along with these guidelines, places responsibility for the promotion of public art as part of the public realm within the work of all parts of the council, its partners and the developers they work with in regenerating Walsall's communities and built environment.

The public art guidelines are an important and significant milestone in Walsall's ability to work together to make lasting improvements to the environment and to people's quality of life. The guidelines are designed to show how Walsall Council and its partners will work with developers in the public and private sectors to make and install public art works of the highest quality in the public realm.

### Endorsement

*Public art is what all of us who live and work in the borough want to make of it. It is as varied and versatile as our imaginations will allow it to be. Public art is a contemporary expression of how we want our environment to be and how we want to interact with it. It is about us in Walsall expressing ourselves; our hopes, our aspirations, our dreams of our borough in our time.*

Councillor Adrian Andrew

### What is public art?

The following can be accepted as a good summary of public art:

*'Public Art is a mirror that reflects the local environment, cultural values, and artistic vitality of a community in which it exists. At its best, public art is more than just art installed in public places. Public Art is any work of visual art or craft produced by an artist or crafts person... It may be new work commissioned specifically for a particular site, or a work sited in a public place but not necessarily created for that location. It may be made by an individual artist or as a result of a collaborative process involving other design professionals, such as architects, urban planners or landscape designers, or members of a local community.'* (Bristol Council Public Art Strategy, 2001)

This broad definition can be usefully developed further:

*'It can incorporate paving, hard and soft landscaping, fencing, brickwork, glass work, grilles, gates, windows, lighting, seating, children's play areas, carved letter forms and plaques. It may take the form of tapestries, carpets, weaving, textiles, hangings, banners, use of colour, design of spaces, mobiles, ceramics, tiling, interior lighting, signage and flooring. It could be sculpture, photography, prints, paintings, moving images, computer generated images, performance, events, and music commissions. It can introduce narrative or text, be decorative or humorous, beautiful, subtle or contentious. It may refer to our heritage or celebrate the future, highlight specific areas and issues, or be conceptual. Work can be permanent or temporary, internal or external, integral or free standing, monumental or domestic, large or small scale, design or ornament. In whatever form, public art has one consistent quality: it is site-specific and relates to the context of that site.'* (Bristol Council Public Art Strategy, 2001)

### Definition of public art in Walsall

Although it is difficult to produce a simple short definition of what public art means in the Walsall context it is a given in these guidelines that all public art work will have community consultation and involvement at its core, which will be achieved through a collaborative approach to public art championed by the Public Art Steering Group.

- Public art development in Walsall should contribute to all aspects of urban design, whether the urban design be landmarks, paving, street furniture, building design or landscaping;
- Public art works should champion local distinctiveness and be specific to the locality in which it sits; it should create and support a clear sense of local identity;
- Public art works should be commissioned through a collaborative process which involves local people, working with the support and advice of experienced creative specialists;

- Public art works should be of a character and quality which stretches peoples' perceptions of what art can do and what art can be;
- Public art works should be of a technical specification appropriate to its purpose and anticipated lifespan;
- Over time, public art works should make a real difference to not only the quality of the built environment in Walsall but also the quality of life here, contributing to a positive image of Walsall and strengthened sense of civic pride.

## **A short history of public art in Walsall**

In Walsall's history of commissioning public art works some pieces have been more successful than others. Experience has shown that where finished work has been poorly received it has always been when the work created has been without the knowledge, agreement and involvement of local people.

Walsall Council has an existing UDP policy relating to public art, Policy ENV34, which sets out that new development is required to provide public art to enhance the quality and local distinctiveness of the environment. Designing a Better Walsall's Policy DBW9 High Quality Public Realm reinforces and adds greater detail to Policy ENV34. Policy DBW9 establishes the thresholds for requiring financial contributions from developers towards the provision of public art.

## **The need to engage local communities**

Walsall's approach to engaging with local communities is influenced by Sir Richard Rogers' 1999 Urban Task Force Report and reflected in the adopted Statement of Community Involvement. This report sets the government's agenda for the importance of public art in instigating urban renaissance. The main themes in the Urban Task Force Report are that:

- Government departments and agencies and local authorities should work together to the same agenda;
- Local government is the prime engine for securing urban renaissance;
- Urban renaissance will only succeed if local communities are energised and empowered.

## **Principal aims of these public art guidelines**

The aims and objectives of these public art guidelines are:

- To engage local people in the decision making process, to make apt and appropriate pieces of public art in the places they live in by facilitating collaborative working between the Council, its partners, developers, the community and artists;
- To embed public art and the Council's adopted UDP Policy ENV34 as part of new private or public sector developments within Walsall borough;
- To create opportunities for the best artists, artisans and craftspeople to work in the borough (particularly those who live and work in the borough and the Black Country when appropriate);
- To develop and deliver a coherent framework for delivering public art in Walsall borough;
- To make Walsall a borough that recognises the enormous potential benefits that high quality public art can bring to social, economic and physical regeneration, in particular civic pride;
- To develop, commission and deliver high quality public art through public agencies and the independent and commercial sectors;
- To develop and maintain public art, both permanent and temporary as a part of the drive to meet the aims of the Black Country Study;

- To evaluate all projects in order to improve future delivery by monitoring their success.

### **Objectives of the guidelines**

- To establish the development thresholds for Section 106 contributions and construct a framework to set down how these funds will be allocated to public art projects;
- To establish working processes through which local people may work with artists to improve the quality of the visual environment in which they live and work, to enhance locally distinctive identities and to develop a real sense of pride;
- To establish working processes through which all relevant Council Departments and related agencies may work together to lead, stimulate and support such a public art programme;
- To establish processes for the use of existing Council budgets for creative developments and for the attraction of new funds to the Borough in support of such a public art programme;
- To establish processes for encouraging the greater understanding and enjoyment of the role and value of public art in the borough;
- To establish appropriate mechanisms for the proper maintenance of all public art in the borough.

### **The guidelines in the local authority context**

In drawing up these guidelines the Council and its partners have agreed to work together using common principles and methods when developing commissioning and making public art works. These common principles are designed to ensure a unified approach to the development and creation of public art works throughout the borough of Walsall.

These common principles are:

1. Artists and craftspeople will be involved in project development from the earliest opportunity;
2. A Public Art Steering Group will oversee the application of these guidelines in all projects that include public art works across the borough of Walsall and through the planning process will be able to advise on the inclusion of public art in major development schemes and the discharge of planning conditions;
3. Local people will be consulted and involved in decision making around the nature of public art works in their area;
4. Artists will be appointed to projects after applying to a brief and undergoing interview by the Public Art Steering Group, which will form a collaborative process between the Council, its partners, the developer and community representatives;
5. All artists employed will be under contract to ensure highest standards in their work.

Walsall Council sees the public art programme as a means of improving the quality of the environment in which people live and to provide them with the opportunity to influence directly how that environment takes shape. Local identity and pride in the local environment are important features of Walsall Council's vision for the future development of the borough.

Public art, as part of a high quality public realm, will assist in promoting a positive and creative image for the borough and will enhance the quality of life for its residents and attract both visitors and investment, thereby contributing to improving the economy of the borough.

### **Creating a High Quality Public Realm**

## **Policy DBW9 New development must seek to ensure it creates places with attractive environmental quality**

Streets and spaces form the 'public realm' – those parts of towns and villages that are available for use by everyone. The public realm is the public 'face' of Walsall, where people walk, meet, rest and interact. An attractive public realm enhances people's quality of life and the perception of a place. Public space includes streets, squares, canals, parks, public art and recreational areas; it is an integral part of the urban fabric and should make a positive contribution to reinforcing the local distinctiveness of the built environment of Walsall.

A quality public realm plays a key role in establishing the environmental quality experienced by people within the borough. It is achieved through details, materials and activities; investment in these key elements can turn public spaces into memorable and enjoyable places. The layout of public space, the way it is enclosed, the activity that takes place round its edges and within it, the choice of surface treatments and the maintenance of the space all contribute its image and quality.

### **Developer Contributions**

All types of development attract increasing numbers of people into and across the borough, making it ever more important that the public realm, or public face, of Walsall is of the highest quality and reflects Walsall's own unique character and locally distinctive attributes. Policies DBW9(b) to 9(d) below set out how development will be expected to contribute towards the provision of public art.

### **Policy DBW9(b) Qualifying Development**

**All types of development that meet the following criteria will be required to contribute towards the provision of all types of public art as set out in the following policies:**

- Residential development for 15 units or more;
- Other full planning applications for non-residential developments of 1,000sqm or more;
- 0.5 ha and above for outline developments

### **Policy DBW9(c) Planning Obligations**

**The Council will negotiate Planning Obligations (Section 106 agreements), which may include unilateral undertakings, to secure benefits in line with the UDP and this SPD with respect to developments that meet the criteria outlined in Policy DBW9 (b).**

### **Policy DBW9(d) Scale of Contributions**

- The scale of contribution required from qualifying development will be as set out in the table below
- The scale of contribution will be the same in all parts of the borough, subject to the Land Value Adjustment.
- The scale of contributions is set at current house prices and will be subsequently linked to inflation in the average house price in the borough of Walsall.
- On-site provision within a development will be taken into account when calculating any residual off-site contribution that may be required although the Council must be satisfied that any on-site public art provision will fulfil the requirements of Designing a Better Walsall SPD that the community will be fully engaged throughout the process.

**Table showing grade of developer contributions (to be completed)**

### **Policy DBW9(e) Use of Contributions**

**a) Contributions will be used according to the proportions set out below:**

- Human Resources 10%
- Borough (inc. Maintenance and public events at sites such as Barr Beacon or the Arboretum) 10 – 15%
- LNP 10 – 20%
- Local 55 – 70%

**b) Funds collected towards set up will be spent as soon as reasonably practicable after receipt by the Council, but in any case within 5 years of receipt**

**c) 10% of the total contribution will be payable on completion of the Section 106 agreement**

### **Management of public art programmes in Walsall**

Any public art management process needs to deal with the following issues:

- All the usual Local Authority contractual requirements
- Demanding technical and maintenance specifications
- The legitimate rights and needs of artists
- The legitimate rights and needs of the receiving public

The management of a public art programme is a complex process. It involves not only all the usual commissioning processes that would apply for any public contract (brief preparations, tendering, tender analysis, contracts supervision, etc.) but also a range of aesthetic and emotional issues not easily contained within traditional commissioning approaches.

Art made for public spaces needs to be strong enough physically to resist attack of a kind which few other public facilities will have to endure. Maintenance issues will be significant, especially in an urban environment where graffiti and atmosphere pollution may be a hazard.

### **Walsall Public Art Steering Group**

The Council will establish a Public Art Steering Group for the borough made up of appropriate officers from all the Service Areas associated with the public art guidelines together with representatives of significant partner bodies and local people. The group will include an elected member nominated from the Council's Cabinet to ensure that the political implications of the public art programme are properly considered. The Steering Group's primary responsibility will be to provide leadership for the public art programme. The Group will also bring together all the specialist skills and resources necessary to support public art project management and will assist the assembly of appropriate funding packages. The Steering Group's formal purposes will be:

- To review centrally-generated projects and budgets with a view to identifying their potential for locally-generated public art projects;
- To determine the route through which local communities may be involved in the projects identified and to ensure that every opportunity for that involvement to take place is provided;
- To prepare model briefs, contracts, etc., for use in public art project management;
- To ensure that the quality of both product and process is uniformly high for all public art projects throughout the borough;
- To ensure that the practice of public art throughout the borough is consistent with Council policy as a whole;
- To prepare and present appropriate reports to Council.

### **The Commissioning Process**

The core of a successful public art programme lies in the commissioning process. When problems arise, they can usually be traced back to inadequate thought or care at this stage.

The commissioning process has four essential elements:



- The assembly of the contractual documentation, including the brief and the artist's contract

The brief is the crucial document in all public art projects, and requires very careful thought about the project's purpose, and its implications for materials, technical specification, and maintenance. It will set out clearly all consultation processes with which the artist will be expected to comply. The artist's contract must reflect all these aspects of the brief, and must also be clear on the sequence and conditions for payments to be made. Particular care must be taken if the artist needs to sub-contract any of the work. Where large sub-contracts are necessary the Council will place and manage these sub contracts directly.

- The selection and appointment of the artist

Once the brief has been written it should provide a useful tool for the assembly of a short-list of artists from the long-list of artists invited to tender, or from those showing interest in an advertisement. The brief must be used rigorously at the appointment stage if the project is to achieve the purpose for which it is intended. This is a demanding point in the process since it is here that the creative quality of the submissions is also being judged.

- The management of the project

Projects can change as they proceed, and as artists develop a relationship with their clients. Here again constant reference needs to be made to the project brief and any changes to it should be clearly agreed by the project management group.

- Evaluation

Project managers should be required to produce a short report at the completion of each of the stages of the commissioning process outlined above. Attempts should also be made to gather comment from the wider community around the artwork concerned. These evaluation reports should be addressed to the Public Art Steering Group and should form a routine element of their agendas. The PASG should use them as a tool through which to monitor the effectiveness of project management processes throughout the borough and should modify those processes if necessary on the basis of the experience gained.

It has to be said that the commissioning process is a demanding one in terms of the staff time required. The process can be eased by the development of model briefs and contracts which can be used as checklists. It may well be necessary, however, either to appoint a public art officer to work full time on supporting public art project management across the borough.

## **Maintenance of public art works**

Arguably one to the greatest weaknesses of public art programmes generally is that insufficient attention has been given to the issue of maintenance. As a result, much work around the country looks dirty and damaged, to the detriment of artists, commissioning bodies and the quality of the public realm.

Public art works, once installed, must be maintained. Clear responsibilities, mechanisms and budgets must be established to secure the long-term maintenance of all artworks commissioned. Funds from the borough-wide part of the developer contributions will be used, in part, to maintain public art around the borough.

## **Ownership of public art works**

In each case a clear decision must be taken on the long-term ownership of individual artworks created.

Where an artwork is a freestanding object, ownership will be Walsall Council and will be recorded and curated as part of the Council's art collections at the New Art Gallery Walsall. Where an artwork is also something else (such as a railing, a seat or paving), ownership will be vested in the Committee controlling the site concerned (such as Highways, Green Spaces, etc.)

Every project contract should provide for the transfer to the New Art Gallery of final drawings and maquettes no matter who the final owner of the work will be.

## **Conclusions**

There are several straightforward conclusions to be drawn from the above guidelines:

1. the involvement of local people is crucial to the work commissioned.
2. such involvement can improve the quality of the artwork.
3. local involvement can influence the character of press coverage.
4. there should be an ongoing process of consultation on local needs (i.e. consultation should not just begin when someone has identified a potential project)
5. commissioners and artists need to have a genuine feel for the needs of the people receiving the work.
6. artists should be commissioned as early as possible in the project.
7. the quality, finish, durability and maintenance specifications must be appropriate to the purpose of the project.
8. close attention needs to be given to the commissioning process in order to ensure that the right people are involved in decisions, including those with specialist professional skills, and that contractual specifications meet the needs of the project concerned.
9. That evaluation of projects takes place and that the results of the recommendations are learnt for future delivery.

**The Walsall Public Art Guidelines were researched and written by:**

|                       |                                 |  |
|-----------------------|---------------------------------|--|
| <b>Tim Challans</b>   | <b>Assistant Director</b>       | <b>Walsall Council Leisure, Culture and Lifelong</b> |
| <b>Steven Snoddy</b>  | <b>Learning</b>                 |  |
| <b>Simon Tranter</b>  | <b>Director</b>                 | <b>New Art Gallery Walsall</b>                       |
| <b>Katy Craddock</b>  | <b>Manager</b>                  | <b>Walsall Council Environmental Regeneration</b>    |
| <b>Maureen Jaques</b> | <b>Principal Urban Designer</b> | <b>Walsall Council Environmental Regeneration</b>    |
| <b>Glen Buglass</b>   | <b>Partnership Manager</b>      | <b>Advantage West Midlands</b>                       |
| <b>Bob Scrivens</b>   | <b>Manager</b>                  | <b>Walsall Council Creative Development Team</b>     |
|                       |                                 | <b>Walsall Council Development Control</b>           |

