

SPG

supplementary planning guidance

Developer contributions towards public art



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Supplementary planning guidance

DEVELOPER CONTRIBUTIONS TOWARDS PUBLIC ART

1. This supplementary planning guidance was approved in June 2006 and amended in November 2006 and August 2008. It requires that all developers of larger housing and retail schemes and certain other significant new developments are required to provide public art initiatives, or funding towards such initiatives, in order to enhance the new environments being created and West Lothian as a whole. This is based on Policy COM 11 of the West Lothian Local Plan (adopted 13 January 2009) which requires that developers will be required to fund, or contribute to the cost of, works of art appropriate to the setting and scale of major developments and their surrounding area.

2. In addition to this supplementary planning guidance, it should also be noted that Policy COM 12 of the Local Plan promotes the implementation of a public art project on a site at



Junction 3 and at other suitable locations on the M8 and that Policy TC 5 of the Local Plan requires that major development proposals in Almondvale Town Centre, Livingston will include public art.

3. The guidance should be read in conjunction with the council's Public Art Strategy which outlines the benefits of public art, its relationship to national policy and guidance and sets the context for the commissioning, implementation, delivery and guardianship of new public art projects in West Lothian. Copies of the strategy are available on request from the addresses on page four.

4. All qualifying developments fall into one or more of a number of categories as outlined in the attached Schedule of Developer Contributions to Public Art. Within

each category is the minimum anticipated value of developer provided public art project or contribution to the council for the purpose of delivering public art according to scale and type of development. These should form **the starting point** for discussions between the council and developers. Actual payments will be index linked to the increases indicated in the RICS Building Cost Information Service All in Tender Price Index using the second quarter of 2006 as the base date for indexation.

5. Some development proposals will fall into several of the categories (such as, for example, a new retail development with a major central public atrium) and in such cases the council's preference will be for solutions which have the maximum public benefit. In all cases, the provision of public art or equivalent contribution should not be regarded as a substitute for high quality design and materials or the provision of built features, landscaping or other elements that might be reasonably expected in any substantial or high profile development.

6. Industrial, office, storage and other non-retail commercial development is generally exempt from formal developer requirements. This exemption does not apply to large, high profile developments in prominent locations, particularly those visible from the M8 and other major roads and in the centre of Livingston at Almondvale, which are covered by the local plan policies mentioned above or those that already carry obligations through existing consents. However, it is hoped that developers of all substantial projects will give consideration to how they can make a public art contribution to benefit the evolving environment and economy of West Lothian.

7. Developers can contribute to public art in two ways. Some may commission, implement and own the art while others may agree to make a contribution to the council's **Public Art Fund**. This fund is designed to assist the gathering of smaller contributions from a number of developments over time in order to support the commissioning of projects in the areas subject to development. The detail and programming of developer



led public art projects and contributions will be the subject of legal agreements between the developer and the council. Legal agreements will contain provisions that any developer who enters into a legal agreement to commission and implement a public art project but subsequently fails to meet the terms of the agreement will be required to make an equivalent financial contribution to the council's Public Art Fund.

8. A statement outlining how the applicant intends to address the requirements for contributions towards public art should accompany any planning application for qualifying developments. Where the developer intends to commission and implement a project rather than make a financial contribution, the planning application should include a **Public Art Plan**. Guidance on the scoping and preparation of such plans is attached to this document.

9. It is requested that all developers and applicants of qualifying applications should engage with the council at the earliest stage, preferably prior to submission of any application for planning permission.

For further information or advice please contact

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The Public Art Plan

Where there is a requirement for public art through the supplementary planning guidance and it is the intention of the developer to pursue a specific project rather than make a contribution to council promoted projects through the Public Art Fund, the applicants will be expected to submit a Public Art Plan as part of their planning application.

In preparing this plan the applicant should be aware of and satisfy the following best practice principles which are set out more fully in the council's Public Art Strategy:

- 1 Artists should be engaged at the earliest possible stage in the design process.
- 2 Applicants should recognise that adequate time should be allowed for the artists to respond to the brief, for researching and developing their ideas and for dialogue with the commissioner and the council as planning authority.
- 3 The commissioned public art should have a relevance to the community it is intended to benefit, informed by knowledge of the needs and expectations of those affected.
- 4 Artistic quality should be paramount. The public art should never be a substitute for, or alternative to, design quality or other elements of a development such as landscaping. Plaques, or off-the-shelf items do not constitute public art.

The precise scope of a plan will vary with the scale and type of project but will be expected to cover all of the following matters:

- A description of the proposed public art project, including its main aims.
- The specific objectives which have been set.
- How the success of the project will be measured.
- The process for selecting and appointing the artist(s).
- How artists have been / will be involved in the commissioning process and delivery of the project.
- A description of the work that will be realised through the involvement of artist(s).
- A statement of how the project will have local benefit. This should refer to any consultation, research undertaken, or community involvement. This may include those areas that the proposed project will have a positive impact on.
- How the project will be managed and by whom.
- The programme for implementing the project including key stages and time scales.
- The risks associated with the implementation of the project and how they will be minimised.
- The anticipated life span of the completed work.
- A statement on the public safety aspects of the project in implementation and on completion.
- How the project will be maintained and by whom.
- The threats to the future survival of the artwork.





- A budget for the project including its overall cost, a detailed breakdown of cost elements and the sums allocated for maintenance.
- Details of the ownership of the completed work.
- How the project will be recorded and the artist's work archived.
- How the project will be publicised.

The council will be pleased to assist applicants in the preparation of a Public Art Plan where necessary. In the case of larger developments the applicants may wish to engage

the services of an appropriately experienced public art consultant.

The council maintains an archive of examples of successful public art projects that may help stimulate thought as to how public art can make a significant contribution to a new development. The council can also provide details of other sources of guidance and information on the subject of public art.

An early meeting with Planning and Arts staff to discuss your response to the public art requirement is strongly recommended. To discuss public art requirements please contact the planning officer dealing with your application. To discuss the scope and content of your Public Art Plan please contact:

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Schedule of Developer Contributions

Actual payments will be index linked to the increases indicated in the RICS Building Cost Information Service All in Tender Price Index using the second quarter of 2006 as the base date.

RETAIL DEVELOPMENT

This applies to newly created retail floor space but excludes changes of use to retail and sites which obtained outline planning permission prior to 20 June 2006.

Single development of retail floor space over 5000 m²

- A contribution of **£15 per m²** of gross development area

This category aims to capture the largest, high impact developments.

Illustrative examples:

Very large retail complex 30,000 m ²	: £450,000
Large retail development 15,000 m ²	: £225,000
Retail building 10,000 m ²	: £150,000
Retail development 5,000 m ²	: £75,000

Alternatively, developers can arrange to provide public art of an equal value at their own cost implemented in accordance with a **Public Art Plan** approved as part of the planning application and including acceptable arrangements for long term maintenance of the art work.

Note: Policy TC 5 of the Finalised West Lothian Local Plan 2005 requires that major development proposals in Almondvale Town Centre, Livingston will include public art.

Single development of retail floor space 1500 - 4999 m²

- A contribution of **£10 per m²** of gross development area

Illustrative examples:

Supermarket 4,000 m ²	: £40,000
Medium supermarket development 3,000 m ²	: £30,000
Small supermarket 1500 m ²	: £15,000

In the case of this scale of development (generating between £15,000 and £40,000) it would be appropriate with all but the largest developments to add the payments to the council's Public Art Fund as it would be impossible to achieve a significant on-site element from such a low contribution. Such contributions will not be accepted as a substitute for design quality.

Note: Policy TC 5 of the Finalised West Lothian Local Plan 2005 requires that major development proposals in Almondvale Town Centre, Livingston will include public art.

Single development of retail floor space 500-1499 m²

- A contribution of **£5 per m²** of gross development area

In this category the contribution is set lower to avoid discouraging new small-scale retail and developments.

Illustrative examples:

Shops 800m ²	: £4,000
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With this scale of developments (with a maximum contribution of £4,995) it will always be appropriate to add the contribution to the Public Art Fund as it would be impossible to achieve a significant on-site element at such a low contribution. Such contributions should not be a substitute for design quality.

RESIDENTIAL DEVELOPMENT

This applies to all new build housing but excludes changes of use to residential and sites which obtained outline planning permission prior to 20 June 2006.

Single developments of residential schemes of 50 or more houses

- A contribution of **£250 per unit**.

This category is designed to capture large-scale housing developments. However, for very large development schemes and Core Development Areas see the additional considerations below.

Illustrative examples:

Development of 500 houses : £125,000

Development of 250 houses : £62,500

Development of 100 houses : £25,000

Development of 50 houses : £12,500

Note: Alternatively, developers can arrange to provide public art of an equal value at their own cost implemented in accordance with a **Public Art Plan** approved as part of the planning application and including acceptable arrangements for long term maintenance of the art work. Contributions or public art projects should not be a substitute for design quality or the provision of normally anticipated elements such as landscaping or entrance features.

Single developments of residential schemes of 10 - 49 houses

- A contribution of **£150 per unit**.

Illustrative examples:

Development of 49 houses: £7,350

Development of 25 houses : £3,750

Development of 10 houses : £1,150

Note: With this scale of developments it would be appropriate to make a contribution to the Public Art Fund as it would not be possible to achieve a significant on-site element at such a low contribution. Contributions should not be a substitute for design quality or the provision of normally anticipated elements such as landscaping or entrance features.

Core Development Areas (West Livingston/Mossend and Calderwood, and at Armadale and East Broxburn/Winchburgh) or other large scale developments which might be undertaken in a series of smaller packages

- The requirements will be negotiated with the above standards as a guide. In such large-scale schemes developers will be expected to include highly developed Public Art Plans as part of their overall proposals for the communities being created.

OTHER QUALIFYING DEVELOPMENT

This refers to new build projects only but excludes changes of use and sites which obtained outline planning permission prior to 20 June 2006. The precise level of contributions will be negotiated on a case by case basis.

Public buildings such as schools, hospitals, old-persons homes etc...

- Integration of artwork with the design concept where it can be enjoyed by both public and users/residents.
- This includes projects developed or promoted by the council.

Publicly accessible buildings with atriums, courtyards etc...

- Artwork in the publicly accessible areas where it can be enjoyed by all users.

Publicly funded schemes such as National Lottery supported projects

- Appropriate art components in publicly accessible areas.

Single prominent developments in traditional town and village centres

- Small artwork or hand crafted components on facades such as carvings, gates, date stones etc...

Single developments in prominent locations in the landscape

- Individual artworks of an appropriate scale and location.

Single developments in prominent locations adjacent to the strategic road network

- Individual artworks of an appropriate scale and location.
- Note that Policy COM 12 of the Finalised West Lothian Local Plan 2005 promotes the implementation of a public art project on a site at Junction 3 and at other suitable locations on the M8.

New developments in historic areas or buildings constructed in a historic fashion

- Artistic, hand crafted date stones or other devices designed to reveal the age of the building and enhance the character of the area.





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