



**DEVELOPMENT AND TRANSPORT POLICY DEVELOPMENT AND SCRUTINY PANEL**

**CONTINUATION OF DEVELOPER CONTRIBUTIONS FOR PUBLIC ART**

**REPORT BY HEAD OF PLANNING AND ECONOMIC DEVELOPMENT**

**A. PURPOSE OF REPORT**

The purpose of this report is to advise the panel of the proposed continuation of the reduced developer contributions for public art.

**B. RECOMMENDATION**

It is recommended that the panel:

1. notes that the temporary changes previously agreed by Council Executive regarding developer contributions for public art came to an end on 31 March 2015;
2. notes that public consultation be carried out on the proposed changes with the outcome reported to Council Executive;
3. notes that, subject to public consultation, it is proposed that the current reduced public art contributions are continued until 31 March 2018, when they will be reviewed again; and
4. considers and comments on the proposed changes to the supplementary planning guidance.

**C. SUMMARY OF IMPLICATIONS**

**I Council Values**

- Focusing on our customers' needs;
- being honest, open and accountable;
- making best use of our resources; and
- working in partnership.

**II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)**

The implementation of the West Lothian Local Plan (WLLP) 2009 will require substantial funding for infrastructure and substantial developer contributions.

It is a key requirement of the WLLP and the approved Strategic Development Plan for Edinburgh and South East Scotland that development should not proceed beyond existing infrastructure capacity and that planning permission should not be granted until relevant infrastructure is provided or committed.

Policy IMP 17 of the WLLP indicates that planning agreements (now planning obligations) will be entered into where appropriate and that developer contributions will be sought in accordance with circular 12/1996 – Planning Agreements (this circular has been replaced by circular 3/2012).

Policy COM 10 of the WLLP requires developer contributions for public art. This will be continued into the forthcoming local development plan (LDP).

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| <b>III Implications for scheme of delegation</b>           | None.  |
| <b>IV Impact on performance and performance indicators</b> | None.  |
| <b>V Relevance to Single Outcome Agreement</b>             | Outcome 3 - Our economy is diverse and dynamic and West Lothian is an attractive place to do business.   |
| <b>VI Resources - (Financial, Staffing and Property)</b>   | Developer contributions for public art continue to be added to the West Lothian Public Art Fund that is overseen by the Public Art Steering Group. |
| <b>VII Consultations at PDSP</b>                           | D&T PDSP on 4 August 2011 and 14 November 2013.  |
| <b>VIII Other consultations</b>                            | Community Arts Service.  |

## **D. TERMS OF REPORT**

### **D1 Background**

West Lothian Council adopted the West Lothian Local Plan in January 2009. The plan proposes major growth and, as a consequence, substantial developer contributions are required to support the strategy.

The local plan was prepared at a time of strong economic growth but, as a consequence of the recession, the strength of the national and local economy declined significantly. While some national indicators identify that parts of the economy have now returned to pre-recession levels, the construction sector, and particularly housebuilding activity, has not recovered to the same extent.

The council approved its *Housing Recovery Action Plan (2)* in February 2013 and this included a commitment to consider if there was scope to reduce further the developer contribution burden for housing developments.

As a response to this, Development & Transport PDSP considered proposed changes to developer contributions on 14 November 2013 and noted that consultation would be carried out. The outcome was reported to Council Executive in April 2014 and reduced rates of public art contributions were approved along with the removal of the contribution for affordable housing providers. The contribution rates were to be in place until the end of March 2015 and to be reviewed thereafter.

## D2 Public Art

West Lothian is an area with a rich cultural heritage and the council recognises that arts and culture make a significant contribution to the quality of life in the area. Building on the foundation provided by the creation of the West Lothian Public Art Fund and the linked Supplementary Planning Guidance for developer contributions to public art, a sustainable basis for future public art developments exists.

The Scottish Government's current policy context for public art remains "*Creating Places - a policy statement on architecture and place for Scotland*", June 2013. It refers to the importance of good design and highlights the opportunities for creating distinctive works of art in the built environment:

*"Art and place making can draw upon the physical and cultural history of places to reinforce identity and engender civic pride."*

## D3 Public Art Contributions

The council approved Supplementary Planning Guidance (SPG) for Public Art in June 2006. In January 2012, the Council Executive agreed a temporary reduction in the developer contribution rates for public art. While the temporary reduction ended on 9 January 2014, the changes that were introduced, as outlined below were, continued and put in place until 31 March 2015:

- Single development of retail floorspace over 5000 m<sup>2</sup> :
  - contribution reduced from £15 per m<sup>2</sup> to **£12 per m<sup>2</sup>** (a reduction of 20%).
- Single development of retail floorspace 1500 - 4999 m<sup>2</sup> :
  - contribution reduced from £10 per m<sup>2</sup> to **£8 per m<sup>2</sup>** (a reduction of 20%).
- Single development of retail floorspace 500 - 1499 m<sup>2</sup> :
  - contribution reduced from £5 per m<sup>2</sup> to **£4 per m<sup>2</sup>** (a reduction of 20%).
- Single development of residential schemes of 50 houses or more :
  - contribution reduced from £250 per unit to **£190 per unit** (a reduction of 24%).
- Single development of residential schemes 10 - 49 units :
  - contribution reduced from £150 per unit to **£110 per unit** (a reduction of 27%).

In all cases, actual contributions are indexed to changes indicated in the Building Tender Price Index using first quarter 2006 as the base date.

The public art requirements within major Core Development Areas (CDAs) are negotiated with the above standards as a guide.

As economic conditions remain difficult, it is proposed to continue with the reduced developer contribution rates for public art until 31 March 2018 when they will be reviewed again. This position is supported by the council's Community Arts Service but will be the subject of wider consultation that will be reported to the Council Executive.

Given the continued high priority given by the council to the delivery of affordable housing, it is recommended that all affordable housing land should continue to be exempt from public art contributions.

For the avoidance of doubt, where a development comprises mainstream private housing and affordable housing, only the mainstream private housing element will attract public art contributions.

It is normal practice to collect public art contributions from many developments and to use these to deliver a limited number of public art developments in appropriate locations. Therefore, there is no guarantee that contributions from housing developments will be used to deliver public art within these developments. Locations for public art developments continue to be decided on a case by case basis.

## **E. CONCLUSION**

The proposed changes described above will improve development viability and will continue to send out the message that West Lothian is open for business. It is recommended that consultation is undertaken on the proposed changes, the outcome of which would be reported to the Council Executive.

## **F. BACKGROUND REFERENCES**

- Edinburgh and South East Scotland Strategic Development Plan (2013).
- West Lothian Local Plan (2009).
- Supplementary Planning Guidance (SPG) for Public Art (2006).
- Public Art Strategy (2008 - 2011) and related update 2014 – 2018.
- Scottish Government Circular 3 / 2012 - Planning Obligations and Good Neighbour Agreements.

Appendices/Attachments - None

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