

Leader and Cabinet Member for Military-Civilian Integration, Health and Wellbeing, Economic Development, Heritage, Arts, and Tourism

Cllr Richard Clewer

Leisure, Culture and Communities

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Arts and Design in the Public Realm - 2024 Guidance

Purpose of Report

1. To outline the updated 'Arts and Design in the Public Realm in Wiltshire – 2024 Guidance' and to approve its use in securing S106 Developer Contributions for the delivery of public art.

Relevance to the Council's Business Plan

2. Art and design in the public realm supports the Council's Business plan including:
 - **Resilient Society** – the development of public art will have an impact allowing communities 'access to arts, heritage and culture'. This new Guidance also feeds in to the 'a review or the pre-application planning service and how major applications are supported as it provides clear information and advice to developers on the development of meaningful public art schemes. It outlines what Wiltshire Council expects regarding the delivery of public art schemes.
 - **Thriving Economy** – this guidance will 'help create and support vibrant town centres' through a more coherent delivery of public art across the county.

Background

3. There is a rich history of arts, culture and heritage throughout Wiltshire. It is important to embed this creativity within our communities through public art. Public art can express community values, enhance our environment, transform a landscape, heighten our awareness, or question our assumptions. Placed in public sites, this art that is there for everyone, a form of collective community expression.
4. The 2011 Advice note that sets out that public art contributions will be sought under the following conditions: developments 50 + dwellings calculated at £300 per dwelling. Contributions £15,000 to £40,000 have been transferred to the council to manage the development of public art projects. Contributions over £40,000 have remained with the Developer to deliver the public art scheme with a caveat that no more than 10% of the contribution could be spent on a public art consultant who developers employ to develop and deliver the scheme.
5. However, there is no clear guidance in place which has left the council open to developer challenge.

Main Considerations for the Council

6. The Art and Design in the Public Realm in Wiltshire – 2024 Guidance Developed with guidance and advice from colleagues in Planning and Legal. It has also been informed by research of other local authorities and input from Arts Council England.
7. Decision taken to retain the £300 fee after discounting the 1991 Arts Council England (ACE) 'Percent for Art Scheme'. Discussion with ACE, they deem it no longer fit for purpose to provide contributions that will provide meaningful public art projects and now see public art contributions as the remit for local authorities. This level of the contribution fee secures a necessary budget to enable the creation of high-quality public art schemes.
8. Funding will still be sought via S106 agreement and the contribution level remains at 50+ dwellings
9. However, all contributions will now be transferred to Wiltshire Council to manage the development and delivery of public arts schemes. And 10% of public art contributions will be used to fund a Public Art officer post.
10. This new guidance clearly outlines the planning policy that underpins the guidance. It provides clear information and advice to developers on the development of meaningful public art schemes and outlines what Wiltshire Council expects regarding the delivery of public art schemes. It will support a more coherent delivery of public art across the county. It will also provide robust guidance that will mitigate possible future developer challenge.

Overview and Scrutiny Engagement

11. The guidance has been shared with the Chairman and Vice-Chairman of the Environment Select Committee and the Cabinet Member for Planning with the former receiving a verbal briefing.

Safeguarding Implications

13. There are no safeguarding implications as this report deals with the mechanism for securing developers public art contributions.

Public Health Implications

14. The primary focus for Public Health is to improve population health and wellbeing, preventing ill health and enabling communities to live their best life.
15. A vibrant and exciting programme of public art will have a positive impact on people's mental health and also the wider community as a whole. [BMC Public Health study](#) conclusion states: "*Arts engagement amongst the population as a whole may help enhance positive mental health and life satisfaction and protect against mental distress. These results are independent of a wide range of time-constant confounding factors.*" The 2017 Arts Council England [Creative Health and Wellbeing study](#) states: "*Making and experiencing creativity and culture transforms people and communities' quality of life.*"

16. Public Art can have a key impact in place shaping which in turn can have a positive impact on resident's mental well-being.

Procurement Implications

17. All procurement associated with the delivery of any future public art schemes will take place within the Council's procurement and commercial strategy and in conjunction with the Council's procurement team.

Equalities Impact of the Proposal

18. There are no direct equalities impact arising from the proposal.

Environmental and Climate Change Considerations

19. Any future public art scheme developed under this new guidance will take into consideration the environmental impact the development of a scheme might entail and to ensure steps are taken to mitigate that impact. It will seek to produce public art schemes that are sustainably produced.

Workforce Implications

20. There has been an initial discussion with HR regarding the creation of a new post for a Public Art Officer and the development a job description.

Risks that may arise if the proposed decision and related work is not taken

21. Potentially lead to successful developer challenge that risks that no public art scheme will be implemented.

Risks that may arise if the proposed decision is taken and actions that will be taken to manage these risks

22. In the unlikely event that any developer wants to continue to manage a public art schemes on site, council will enter in to discussions to understand the developers drive for this and seek to work with the developer so that a public art scheme is managed by the council's public art officer.

Financial Implications

23. The guidance sets out how the council will secure developer contributions to fund public art schemes. The Public Art Officer who will be appointed to manage future public art projects will be funded out of the developer contributions.

Legal Implications

24. This new guidance will standardise the process of drafting S106 agreements as a single public art contribution definition will be drafted which will be implemented on all agreements.

Options Considered

25. Consideration was given to the following options:

- Reducing the trigger level to 10 dwellings – discounted as this would place a high burden on smaller developers that they potentially cannot sustain.
- Removing the £300 per dwelling fee and replacing it with Percent for Art – discounted as while this scheme was implemented in 1991 by Arts Council. However, they deem it no longer fit for purpose to provide contributions that will provide meaningful public art projects and now see public art contributions as the remit for local authorities. Further discussion with ACE and other Local Authorities indicate that this level of the contribution fee secures a necessary budget to enable the creation of high-quality public art schemes.
- Retaining the split in delivery mechanism in that some funding is transferred to the council while some is retained by the developer – discounted as it has created some confusion and disparity of delivery of public art. It is felt that by transferring all the public art contributions to Wiltshire Council to manage there will follow a more coherent programme of public art that will enrich both communities and residents' lives.

Conclusions

26. The updated 'Arts and Design in the Public Realm for Wiltshire – 2024 Guidance' will provide clear information to developers regarding the planning policy that underpins the mechanism by which Wiltshire Council will secure the S106 developer contribution for public art and the formula by which the contributions will be calculated.
27. The guidance outlines how Wiltshire Council will manage the delivery of more coherent public art schemes across the county. It will better support Wiltshire Council's place shaping agenda.

Proposal

28. To adopt the Arts and Design in the Public Realm for Wiltshire – 2024 Guidance

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Appendices

Arts and design in the public realm – 2024 Guidance

Background Papers

None