

Art and design in the public realm in Wiltshire - 2024 Guidance



Wiltshire Council



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1. Introduction

Purpose

- 1.1 Wiltshire is a thriving county that enables and positively encourages healthy living in strong, inclusive, and prosperous communities. We are proud of our heritage and for having a strong community spirit where people come together to support each other, get involved in events and activities, and take responsibility for what matters to them. That is what makes us unique and it's at the heart of everything we do.
- 1.2 The Art and Design in the Public Realm in Wiltshire - 2024 Guidance, prepared by Wiltshire Council, has been prepared to support the implementation of the **2015 Wiltshire Core Strategy**. The guidance aims to ensure the development of public art within Wiltshire as part of place-shaping infrastructure where it is appropriate. It also advises developers, town and parish councils and other organisations on Wiltshire Council's approach to public art across the county.
- 1.3 The aims and objectives of the guidance are to:
 - i Outline the policy context within which public art schemes should be developed.
 - ii Outline how Wiltshire Council will seek to secure public art contributions via S106 agreements.
 - iii Promote the benefits of public art in new developments as part of place-shaping infrastructure that will enhance the built or natural environment and the quality of life of residents and visitors and thereby create a unique sense of place and connections for residents and visitors to the local community.
 - iv Outline how public art schemes should be implemented.

Legal and policy context

- 1.4 The legislative and policy framework for planning obligations includes the following:
 - i **Town and Country Planning Act 1990**
 - ii **The Community Infrastructure Levy Regulations**
 - iii **The National Planning Policy Framework ("NPPF")**
 - iv **The Planning Practice Guidance ("PPG")**
 - v **2015 Wiltshire Core Strategy**
- 1.5 Planning obligations (under the Town and Country Planning Act 1990) may restrict the development or use of land in some way, require operations or activities to be carried out, on, under or over land, require land to be used in a particular way, and require payment of financial sums to be made to a local planning authority.



- 1.6 Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 requires planning obligations to be necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development as set out in, which is also stated in paragraph 57 of the NPPF.

Paragraph 131 of the NPPF also states:

'The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.'

The integration of public art has an important role to play in providing 'high quality, beautiful' environments that can support the building of a new community. Public art can provide focal points and enhances a sense of place and connection for residents with their community and therefore its inclusion can support the development of 'better places in which to live'.

- 1.7 The Wiltshire Core Strategy ('the plan') was formally adopted on 20 January 2015. The plan provides a positive and flexible overarching planning policy framework for Wiltshire for the period up to 2026. Paragraph 6.129 [page 284] states 'Good design helps to provide a sense of place, creates or reinforces local distinctiveness, and promotes community cohesiveness and social wellbeing.'

The development and integration of public art through new developments is particularly supported by:

- i. Core Policy 57: Ensuring high quality design and place shaping, which states

'A high standard of design is required in all new developments, including extensions, alterations, and changes of use of existing buildings. Development is expected to create a strong sense of place through drawing on the local context and being complementary to the locality. Applications for new development must be accompanied by appropriate information to demonstrate how the proposal will make a positive contribution to the character of Wiltshire through... (amongst other criteria)the integration of art and design in the public realm' [paragraph xii]

- ii Core Policy 3: Infrastructure Requirements and its supporting text, which identifies 'public art and streetscape features' as place-shaping infrastructure.

- 1.8 The **Wiltshire Design Guide 2024**, Supplementary Planning Document, has been prepared to support the implementation of Core Policy 57 of the Wiltshire Core Strategy, its vision states:



'Wiltshire has a distinct environment and heritage. Appreciating context and focussing on what is important for shaping the future should give a clear direction to designs coming forward in Wiltshire, allowing them to make a positive contribution to its character.'

Section 7.3, stipulates that public spaces should be 'inclusive and support social interaction', paragraph 7.3.5 goes on to highlight that 'Developers are encouraged to take an integrated approach to art and design, to achieve overall design quality in architectural and landscape terms by involving artists and the local town or parish councils, in the design process from the earliest stage.' Paragraph 7.3.6 states that 'Applicants and assessors should refer...to local guidance on the Council's approach to the integration of public art in developments.' This guidance has been prepared to update the one referred to in the following document.

- 1.9 Wiltshire Council's **Revised Planning Obligations Supplementary Planning Document ("SPD") (October 2016)** identifies the planning obligations that will be sought by the Council for development that generates a need for new infrastructure. While it is not part of the statutory development plan, the SPD is a material consideration in determining planning applications.
- 1.10 This Art and Design in the Public Realm in Wiltshire – 2024 Guidance replaces the 2011 Guidance Note as stated in the SPD.
- 1.11 Wiltshire Council is currently reviewing the Wiltshire Core Strategy, known as the **Wiltshire Local Plan**, the Plan will extend the plan period to 2038 and continues to include policies in relation to design and infrastructure, recognising the importance of public art.

Benefits of public art

- 1.12 Public art provides social, economic, environmental, and cultural benefits. Public art should enhance the fundamental principles of urban design, improve the quality of the built environment, and provide distinction and character. Successful public art should aim to deliver benefits through the following roles:

Community

- i Helping people to reflect on the nature of where they live, work, or socialise.
- ii Ownership and engagement with spaces and places.
- iii Contributing to the creation of the artwork.
- iv Improving community safety in the public realm.
- v Contributing to community building and social cohesion.
- vi Empowering and involving the community in decision making.

Placemaking

- i Identity, both citywide and locally.
- ii Orientation, giving information about the place and its meaning.
- iii Making connections that link the various meanings of the place and its relationship to its context.
- iv Giving directions through the place and along routes and spaces.



- v Animating the place and building on its uses and activities.
- vi Improving the environmental quality through the creation of artworks that provide visual and emotional delight.

Wellbeing

- i Promoting social engagement, relaxation and encouraging public health.

1.13 The benefits of public art that is delivered through developments can include:

- i Enhancing the quality of the development and hence its market value.
- ii Reinforcing the developer's profile and reputation.
- iii Generating local goodwill and support for the development.

Role of public art as a planning obligation

1.14 Public art, while not a substitute for high design standards within planning applications, can support good design. All developments will have, in varying degrees, several impacts that public art schemes can potentially aid in mitigation, not all of which are possible to identify in abstraction from specific schemes, but which may include:

- i The loss of existing habitat or built fabric.
- ii Changes to the appearance of an area.
- ii Changes to the social and economic character.
- iv Changes to the overall identity and sense of place.
- v Adverse changes to the area through less sympathetic buildings and primary impacts such as traffic generation.

1.15 Art and design in the public realm is a recognised, integral part of design quality that adds value to a development.

1.16 Wiltshire Council will seek to deliver appropriate public art schemes based on the heritage of the location or that support public art with a central theme that link Wiltshire communities together and provide a unique sense of place for the benefit of tourism e.g. a county-wide art trail. The Council will seek to formalise public art proposals through planning obligations in its section 106 agreements with developers.

1.17 A section 106 (S106) agreement is a legally binding agreement or "planning obligation" between a local planning authority, like Wiltshire Council, and a developer. The purpose of a S106 agreement is to mitigate the impact of the development on the local community and infrastructure. Without these agreements, the developments would be unacceptable in planning terms. These obligations cover the provision of essential services as well as public art provision



2. What is public art

Definition of public art

- 2.1 Public art and site-specific installations can bring out a sense of uniqueness in a new development and enliven and animate a public space by creating a visually stimulating and mentally engaging environment.
- 2.2 Successful public art and site-specific installations resonate with the site, place, and context, and create an opportunity for those using the site to engage with it. By involving artists in the conception, development and transformation of the public realm, such installations can contribute to urban and rural regeneration.

What is meant by public

- 2.3 For the art to be 'public' it should normally be in the public realm where the public has free and easy access, including public buildings (such as hospitals and community centres), paths, streets and roads, squares, parks, and open spaces. Artwork provided within the private boundary of a site, but fully visible and can be enjoyed by the public, is also considered 'public' - it is important that the art interacts with the space.

Appropriate art works

- 2.4 Categories of public art can be, but not limited to, the following:

Category	Type of work
Permanent	<ul style="list-style-type: none"> Sculpture Water features Kinetic works Land art Memorials, plaques, and inscriptions Text based works - publication or interpretative materials Murals Arts infrastructure
Interior commission (in buildings accessible to the public)	<ul style="list-style-type: none"> Sculpture Architectural glass Textiles Painting, prints and photography Floor treatments Furnishings



Category	Type of work
Embedded	Boundary treatments Facades and cladding Lighting Skyline features Landscape schemes and trees Purpose and artist designed street furniture Architectural detailing, glass & door furniture

2.5 For the purpose of this guidance, public art will not normally include mass produced objects, reproductions of original artworks or previously unrealised designs

Achieving quality

2.6 It is important that all new projects strive for high quality and are original in conception and execution. Public art programmes in the county must pursue best contemporary art practice. Success here will depend on clear objectives for the works, effective commissioning, and putting the artist at the heart of the process. Public art projects must strive to show that:

- i The proposed work is of high artistic quality through the physical work.
- ii The project supports existing artists and develops emerging artistic talent.
- iii The work is sensitive and appropriate to its location and community.
- iv The art works are integrated into a broad design strategy that supports its constituent parts.
- v There is a defined public benefit for the community.
- vi There is effective community liaison.
- vii The project is technically and financially viable and can be delivered.
- viii Best practice principles, such as equal opportunities and sound artist/ developer/ Council management, are in place.
- ix The local and natural environment can absorb any additional visitors.

3. Funding

Development contribution for public art

- 3.1 Art and design in the public realm can help to mitigate the impact of development by contributing to good design, place-shaping, infrastructure and engage communities with the development.
- 3.2 Wiltshire Council actively seeks to ensure the integration of public art across the county to, as stated previously, enhance the quality of residents' lives.



- 3.3 The level of developer investment has been set to provide the level of resource that enable the development of meaningful public art that positively impacts on both its location and residents.
- 3.4 The developer will provide a public art contribution as set out in points 3.6 and 3.7 and Wiltshire Council will, working with developers (see paragraphs 4.5 to 4.9 below), deliver a relevant public art scheme based on the heritage of the location or that support's public art with a central theme that link Wiltshire communities together and provide a unique sense of place within the development or the vicinity of the development.
- 3.5 The Council will seek to formalise public art proposals and/or contributions through planning obligations in its section 106 agreements.
- 3.6 Developers will provide public art funding contributions for sites as follows:
- i Residential developments of 50 dwellings or more.
 - ii Commercial development sites including retail, hotels, industrial sites, business and employment sites (e.g. industrial/trading estates) of 5,000 square metres or more, or of any size within a mixed-use development which includes 50 dwellings or more.
 - iii Key new public buildings including health, education and community centres, libraries, leisure or existing buildings undergoing major redevelopment
- 3.7 Wiltshire Council is committed to creating vibrant communities. To achieve this aim where a development meets the criteria above, developers will be required to commit/contribute a sum of £300 per dwelling for residential sites, and £3 per sq. metre for commercial sites/public buildings (This contribution is calculated as 1% of the set sum for a residential dwelling). This level of contribution has previously supported a range of public art schemes across the county that have had a positive impact on enhancing the location and of benefiting local residents. Its level will remain the same to provide the necessary funding to support Wiltshire Council's commitment to creating public art for the 21st century.
- 3.8 Public art contributions will be paid to Wiltshire Council to deliver a public art scheme. Public art schemes must be both achievable and value-adding for both the scheme and the area rather than an unnecessary and expensive 'add on'.
- 3.9 The public art contribution payment would be required prior to the commencement of development to enable a cohesive public art scheme that can be incorporated into the development or its vicinity.

Pooling contributions from smaller developments

- 3.10 To support a more strategic approach to delivering public art, public art contributions may be pooled together to provide a wider public arts scheme for the area. Regulation 11 of The Community Infrastructure Levy (Amendment) (England) (No.2) Regulations 2019 removed the previous Regulation 123 restrictions on pooling more than five planning obligations towards a single piece of infrastructure. Therefore, subject to meeting the three tests of **Regulation 122** of The Community Infrastructure Levy Regulations 2010, Wiltshire Council can use the funds from section 106 planning obligations to pay for the same piece of public art regardless of how many planning obligations have already contributed to that item.



- 3.11 Wiltshire Council will develop a list of strategic public art projects that the funding can be used for as per **Regulation 121A** as stated in Regulation 10 of The Community Infrastructure Levy (Amendment) (England) (No.2) Regulations 2019. Decisions on the use of funding for a public art scheme will be done on a case-by-case basis following discussion with the developer to determine whether this is on site or for a wider public art scheme.

4. Implementation of a public art scheme

Role of Wiltshire Council

- 4.1 Wiltshire Council will undertake to work with developers to create public art schemes that will provide a unique sense of place. The work will include:
- i Supporting the importance of art in sustainable communities across the county.
 - ii Demonstrating and supporting good practice in public art.
 - iii Taking a strategic lead.
 - iv Identify opportunities to pool smaller contributions to deliver strategic public art schemes.
 - v Initial support and advice to developers.
 - vi Work with town and parish council on art schemes arising from smaller developments.
 - vii Initiating in project groups for larger developments.
 - vii Managing the S106 Public Art Initiative.
- 4.2 Wiltshire Council will use not more than 10% of each public art contribution to fund a Public Arts Officer.
- 4.3 The Public Art Officer will work with developers and ensure that there is an integrated approach to art and design, to achieve overall design quality in architectural and landscape terms by involving artists in the design process from the earliest stage, rather than being commissioned to make several features to be added to and placed around a particular development site.
- 4.4 Wiltshire Council will ensure that the artwork commissioned is of a high quality, that artists are paid professional rates and that the work represents value for money.

Role of the developer

- 4.5 Developers should recognise the value of public art to their schemes and ensure that consideration of it is built in from the outset as an important aspect of the investment and with the opportunity to enhance their reputation.
- 4.6 Developers should consider the integration of public art from the outset of their planning so that any art works are organically incorporated into that design rather than as a 'bolt on'.
- 4.7 Developers should contact the council's Public Arts Officer at the earliest point in the planning of their development to discuss how any potential art scheme can be incorporated.



- 4.8 Developers will provide public art funding via a section 106 agreement.
- 4.9 The developer will work with the council's Public Art Officer to ensure that the artwork commissioned is of a high quality, that artists are paid professional rates and that the work represents value for money. The main roles of the developer will be to:
- i Provide funding and add value to public art.
 - ii Work with the council's Public Art Officer to develop meaningful public art scheme.
 - i Include Public Art proposals within the planning application.

Role of the art brief

- 4.10 Wiltshire Council will work with developers to create the public art brief that clarifies precisely the kind of artwork and therefore the type of artist required for a particular public art scheme.
- 4.11 The brief should clearly establish: a theme; locations; budget programme; identity of the client; and required community involvement and contacts.

Recruitment of an artist

- 4.12 Wiltshire Council will appoint an artist against clear criteria based on the objectives of the commission. According to the nature of the brief, one of the following main methods of recruitment should be used:
- i **Open submission:** Opportunities would be advertised nationally or locally, and applications sought from artists.
 - ii **Limited submission:** A short-list of artists would be drawn up from a recognised register or by recommendation and paid to produce proposals or invited to interview.
 - iii **Direct invitation:** Preferred artist(s) could be approached directly and invited to undertake the commission(s).
 - iv **Purchase of contemporary work:** Artworks may in certain circumstances be purchased direct from the studio, gallery, or arts organisation from open/limited submission.

Role of the artist

- 4.13 Arts Council England state:

'Commissioning for complex capital projects depends on good teamwork. The arts consultant is a key player in the commissions team which will often include other professionals such as architects, engineers, planners and community leaders as well as artists and makers. Even small commissions may need co-ordination and professional guidance from the beginning of the scheme.'



- 4.14 The defining quality of public art is the artist's intent and the connection that this intent has with the place that art works are located as well as the viewers or audience.
- 4.15 Artists should be engaged as integral players in a project's design process from an early planning stage. They will be expected to develop their work in collaboration with the local community and users of the public building or site. Artists should always have due regard to health and safety issues in respect of the art works.
- 4.16 Main roles that artists can have include working:
- i As members of design teams and with architects to enhance aesthetic aspects of the public art scheme.
 - ii As researchers and curators drawing on, for example, views expressed in parish plans, the local history of a place and its surroundings or its proposed future use to inform the art works

Maintenance, operations, and decommissioning

- 4.17 The cost of maintenance, operations, and decommissioning must be considered. It is expected that part of the investment in the artwork would be put aside for maintenance or decommissioning the artwork. Therefore, this will need to be factored into any public art scheme budget.
- 4.18 Wiltshire Council will liaise with town and parish council to negotiate the responsibility for the proper maintenance, repair and conservation of the work and ensure that successive owners accept this responsibility.
- 4.19 The responsibility for maintenance of the artwork will need to be established at the initial stage of each public art project. Maintenance for artist-designed street furniture or works located on public highway or park land would need to be agreed in negotiation with the local authorities and landowners concerned.
- 4.20 Maintenance during the artworks life and the decommissioning process should be included in the legal documents prior to the transfer as freehold. Clarity on the existing and likely future ownership of artworks is essential.

5. Contact

For any questions relating to this guidance or a public art scheme please contact the Arts and Funding Manager at arts@wiltshire.gov.uk



