



# Supplementary Planning Guidance Note

No. 30 Public Art

Adopted by Flintshire  
County Council on 17th  
January 2017



## Purpose

It is Flintshire County Council's intention to prepare and keep up to date a series of Supplementary Planning Guidance (SPG) Notes which will provide detailed guidance on a range of development issues and topics. The purposes of these Notes are:

- To assist the public and their agents in preparing planning proposals and to guide them in discussions with officers prior to the submission of planning applications,
- To guide officers in handling, and officers and councillors in deciding, planning applications, and
- To assist Inspectors in the determination of appeals

The overall aim is to improve the quality of new development and facilitate a consistent and transparent approach to decision making.

## Planning policies: the Flintshire context

### The Development Plan

Under planning legislation, the planning policies for each area should be set out formally in the Development Plan. Flintshire County Council, as the Local Planning Authority (LPA), has a legal duty to prepare and keep up to date a development plan for the County, and the Flintshire Unitary Development Plan was adopted in 2011. The UDP provides broad policies together with allocations of land for all the main uses such as housing, employment and retailing, and will help to shape the future of Flintshire in a physical and environmental sense as well as influencing it in economic and social terms. The Plan therefore seeks:

- To help the Council make rational and consistent decisions on planning applications by providing a policy framework consistent with national policy and
- To guide development to appropriate locations over the period up to 2015.

### The need for Supplementary Planning Guidance

Despite the Plan containing policies with which the Council can make consistent and transparent decisions on development proposals, it cannot in itself give all the detailed advice needed by officers and prospective applicants to guide proposals at the local level, such as house extensions or conversions of agricultural buildings. The Council's intention is to prepare a range of Supplementary Planning Guidance notes (SPG) to support the UDP by providing more detailed guidance on a range of topics and issues to help the interpretation and implementation of the policies and proposals in the UDP. The review of the Local Planning Guidance Notes will be undertaken on a phased basis and details of the available SPG's can be found on the Council's website. Where there is a need to refer to another SPG this will be clearly referenced. These SPG Notes are freely available from Planning Services, Directorate of Environment, County Hall, Mold, Flintshire CH7 6NF (telephone 01352 703228), at the Planning Services reception at County Hall and can be downloaded from the Planning Web pages [www.flintshire.gov.uk/planning](http://www.flintshire.gov.uk/planning)

## The status of Supplementary Planning Guidance

Supplementary planning guidance can be taken into account as a material consideration in the decision making process. The National Assembly will give substantial weight to SPG which derives out of and is consistent with the development plan. In accordance with National Assembly advice the Council's suite of SPG's has been the subject of public consultation and Council resolution. The draft of this SPG was approved for public consultation on 19.06.14 (Council Minute no.5). The SPG was the subject of a public consultation exercise between 18.12.15 and 12.02.16. The 9 comments submitted to the Council have been taken into account and where appropriate amendments have been incorporated into this final draft which was approved by the Council on 17.01.17 (Council Minute no.8) for use as a material consideration in determining planning applications and appeals. A summary of the representations and the Council's response is set out in Appendix 5.

**This document should therefore be afforded considerable weight as a material planning consideration.**

# No. 30 Public Art

## 1 - Introduction

1.1 - This is one of a series of Supplementary Planning Guidance notes designed to explain and clarify the policies in the Flintshire Unitary Development Plan (UDP). Although this guidance note will focus specifically on incorporating Public Art into new developments and the developer contribution required, the same guidelines apply to all forms of Public Art.

### Definition of Public Art

1.2 - Broadly public art can be understood as a process of engaging artists' creative ideas in the public realm and within the community. Art can be used to assist in enhancing the environmental quality of a place and encourage public engagement with that place.

1.3 - Public art is... 'accessible work of any kind that cares about, challenges, involves, and consults the audience for or with whom it was made, respecting community and environment'. – (Lucy Lippard is an internationally known writer art critic and curator from the USA)

1.4 - Public Art does not simply mean the creation of free-standing sculptures in civic spaces although, of course, these are important. It need not be restricted to high profile sites either, although the impact of artworks in such locations will be particularly beneficial. Public Art can, in fact, be quite small scale, located within public areas and buildings to create public interest or even incorporated into functional items such as street furniture

### Policy Context

1.5 - The Flintshire Unitary Development Plan 2000-2015 (D6) states that in all major, publicly accessible development, the Council will require the incorporation of public art. (see full policy wording in Paragraph 3.1)

1.6 - TAN 12 Design 2009 recognised the importance of Public Art in the overall design of a scheme or town centre and states; '5.15.1. Public art plays an important part in creating or enhancing individuality and distinctiveness, and in raising the profile of our towns, villages, cities and urban and rural landscape. 5.15.4. Public art should be considered early in the design process and be integral to the overall design of a building, public space or place.'

1.7 - Flintshire Art Strategy 2008- 2013 (currently reviewing and developing a new Arts Strategy for 2014 -17) 'The vision of the Arts Strategy is to support and develop the arts infrastructure, networks and partnerships within Flintshire and encourage enjoyment, participation and equal access to the arts. To facilitate the provision of quality arts opportunities for artists, the people of Flintshire and visitors to Flintshire to ensure that the arts are an integral part of Flintshire's cultural identity.'

## **Benefits of Public Art**

1.8 - Introducing artwork into new development will have commercial, as well as aesthetic, benefits including relatively cheap and positive site promotion. Furthermore, the following benefits for developers will also be achieved:

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

1.9 - Successful public art should also aim to deliver other benefits through the following :

### **Community**

- Helping people to reflect on the nature of where they live or work or socialise
- Ownership and engagement with spaces and places
- Contributing to the creation of the art work
- Improving community safety in the public realm
- Contributing to community building and social cohesion
- Empowering and involving the community in decision making

### **Placemaking**

- Giving places an identity, both citywide and locally
- Orientation, giving information about the place and its meaning
- Making connections that link the various meanings of the place and its relationship to its context
- Giving directions through the place and along routes and spaces
- Animating the place and building based on its uses and activities
- Improving the environmental quality through the creation of artworks that provide visual and emotional delight

### **Education**

- Developing and enabling formal and informal learning opportunities in, and through, the arts

### **Arts**

- Increasing public perception of and interest in art
- Increasing public perception of and interest in how artists work and the artistic process
- Providing opportunities for artists to create work and have it seen by large numbers of people

## **Good Practice Examples in Flintshire**

1.10 - Securing good Public Art provision involves a process of identifying opportunities to create artwork in places and buildings to which the public has access. There are a number of examples of Public Art within the County (see illustrations) which demonstrate a recognition of the positive visual and commercial

benefits of accommodating artworks in development schemes, by both publicly funded organisations and private developers.

1.11 - Homebase have completed artwork at their Mold Store called the 'Hidden Gold (Aur Cudd)' which is a fine example of how arts can be integrated within a development successfully. It was devised by Susan Mann, with the individual tiles being designed by pupils from local primary schools. The piece is inspired by local history (the gold cape discovered at Bryn yr Ellyllon) and is on a prominent wall highly visible from the neighbouring roundabout.

## 2 - Implementation of Public Art

### When a provision for public art will be required

2.1 - The provision of public art is often voluntarily undertaken, in a partnership between developers, the artistic community and the local authority. However, major developments offer real opportunities for enhancement through the provision of artworks and will, therefore, be required to accommodate Public Art.

2.2 - Therefore, provision for Public Art will be treated as a material planning consideration when determining planning applications for all major, publically accessible development which fall into the following categories:

- residential developments comprising 100 or more dwellings; and
- other developments where the gross floor space to be built is 1,000 sq m or more, or where the site area is 0.5 hectare or more, including office and retail developments.

2.3 - For the avoidance of doubt, outline planning permissions on suitable large sites will be conditioned to ensure compliance with the Policy. Additionally, developers who intend to phase their schemes will be required to provide appropriate contributions to public art at the different stages. Conditions are attached to Planning Permissions when there is a physical provision of art and when there is a financial contribution a legal Section 106 Agreement is used. In all cases, adequate provision should be made for long-term maintenance, whether this is by the developer or a third party. Below these thresholds, encouragement will be given to developers to seek to include Public Art within their scheme as a means of enhancing the quality of their development, particularly sites in prominent locations.

2.4 - In line with the advice given by the Arts Council of Wales the Council will seek to negotiate a contribution towards the provision of public art to the value of 1% of the construction costs of a capital project. For the purpose of this advice, the construction costs of a capital project consists of the erection costs of buildings and infrastructure but excludes the purchase of land. The 1% contribution excludes the preparation of



Talacre Gateway  
Sculptures by Craig  
and Mary Matthews,  
Camm Design

materials required to be submitted with the planning application, e.g. a Public Art Strategy or Public Art Delivery Plan. The 1% contribution should not be a replacement for standard capital items and the added value of the contribution must be demonstrated.

The contribution will cover:

- a) artist's fees, fabrication and installation;
- b) specialist advice and project management;
- c) public engagement and consultation costs;
- d) long term maintenance and decommissioning plan;
- e) linked promotion, community and education programmes; and
- f) project evaluation costs

2.5 - For larger schemes, where the construction costs are £3m or over, the Council will seek to ensure that the public art provision is appropriately integrated on-site, through the design and layout of the scheme. The following sections of this note advise on the incorporation of public art in a development project and further guidance on commissioning public art is available from the Council's Art Officer (see contacts for details).

2.6 - For schemes where the construction costs are less than £3m, the Council will seek to negotiate that the 1% contribution is made either as an integral artwork scheme or, alternatively, the monies be used to secure an appropriate artwork scheme off-site.

2.7 - The Council's preference for on or off-site provision for schemes of less than £3m will depend on the location, type and size of the development. The Council will normally encourage on-site provision for schemes which occupy high profile and prominent sites, or sites that are in easily accessible public areas, such as town centres. This will help to define key public spaces or animate principal elevations. Conversely, for schemes that are not in prominent locations, the Council will normally seek to encourage an off-site contribution to ensure that monies are spent in locations that will gain wider recognition.

2.8 - For off-site contributions to public art, the Council will seek to collect a payment to be paid into a 'central fund' that will be used to fund appropriate public art schemes within the County. In such instances, the Council will seek to secure monies through a S106 agreement. In order to ensure a quality feature of public art, the Council may need to accumulate funds from a number of schemes until it has sufficient expenditure to cover all costs of a project.

2.9 - In the eventuality of off-site provision, the Council will inform the developers of the end use of the sum and will credit the developer(s) accordingly.

2.10 - The Council considers that the innovative inclusion of public art in a scheme need not generate significant additional cost, as it can form an existing functional element of a project (e.g. replacement of standard railings with railings that incorporate public art features – see next section on how to 'provide for public art'). However, the Council is aware that the development of some previously developed sites can be marginal and that the full 1% requirement of construction costs for public art may make a scheme economically unviable. This may harm regeneration efforts in certain parts of the County. Therefore, in exceptional circumstances the Council will allow a developer to submit evidence to demonstrate why the requirement for public art would not yield sufficient profits for an appropriate scheme to go ahead and why public art cannot be built into a scheme. If the evidence is deemed acceptable it could result in partial or

full removal of the requirement.

2.11 - However, for the avoidance of doubt, the Council will enter into such negotiations on an 'open book' basis (whereby an applicant lays out all costs involved) and on the assumption that a site has been bought (or is being purchased) at a price which includes all known development constraints and planning requirements, including the provision of open space, affordable housing and public art.

## How to Provide for Public Art in a Development Project

2.12 - Public Art provision need not be expensive and will add value to the development scheme. In order to adequately address this public art policy it will be incumbent on the developer to make adequate provision in their development costs for the provision of Public Art. As discussed above this is usually expected to be around 1% of capital cost. Where the Public Art is not identified as part of the approved plans, planning conditions may be added to require details of the artwork provision to be submitted to the local authority prior to commencement on site. Alternatively, and particularly where the developer proposes to contribute to Public Art provision off-site or is to hand over control of public spaces to a third party, an agreement may be entered into, under Section 106 of the Town & Country Planning Act 1990, to contribute an equivalent sum to the Council to create an artwork on a nearby and appropriate site.

2.13 - Ideally the artist should be commissioned at the earliest possible stage of the project development. Indeed for large projects, it is recommended that the artist is employed to work as a member of the design team. If included at the earliest stages the artists will be able to fully contribute to the aesthetics of the construction project. This may be through the arrangement of spaces, the selection of materials and/or determining the nature and siting of the works of art to be integrated into the development.

2.14 - Integrated works of art may include:

- (a) free-standing sculptures, including fountains;
- (b) building features such as gates, piers, railings, fences, lighting or seating;
- (c) wall-hung work such as paintings, murals or photography; and
- (d) collections of objects for display.

2.15 - The final artwork will be chosen by a Community Panel set up by Flintshire County Council involving the Arts Council for Wales, the commissioning developer, the Town or Community Council and local people. This is to ensure that any artwork has a clear relevance to its locality and wider context.



Holywell  
'The Miracle' by Michael Johnson



'One Voice' (Mold) – Brian Fell

## Maintenance and Decommissioning

2.16 - All public art is subject to the passage of time and may be the target for vandalism. Stone and metal sculptures may be very robust, while murals and ceramic work may be more fragile. In general, a public artwork should be designed to endure in a location, for as long as is appropriate, given the surrounding environment, other physical objects in the space, and the use the space is intended for. The County Council requires commissioned artworks to be as durable and maintenance light as possible.

2.17 - All works will require a Maintenance and Decommissioning Plan and it is important to identify funding and responsibility for this. The maintenance of public art work within the private boundary of a site provided through a S106 agreement will be the responsibility of the developer or landowner. The maintenance of public art work in the public realm will be the responsibility of the County Council:

- Where this is a County Council initiative, maintenance will be funded by the County Council;
- Where it is funded through a S106 agreement funding must be from the developer through a commuted sum within that agreement; and
- Where the County Council supports public art works on the highway they will be the responsibility of the County Council, not the Highway Authority.

2.18 - A decommissioning plan allows for changing circumstances to be taken into account, such as the change of use of a site, or user, which necessitates the decommissioning (removal, re-siting or storage) of a work. In the case of temporary artworks, the Decommissioning Plan forms an important part of the public artwork proposal submission.

2.19 The cost of maintenance and decommissioning must be taken into account for a public art proposal

and submitted to the County Council for approval. Part of the 1% contribution for the artwork will be put aside for its maintenance, up to 25 years, or for its decommissioning. This applies to public art in both the public realm and on private land. The specified period for maintenance is over 25 years, but the County Council recognises that the maintenance period will vary depending on the type of proposed artwork, e.g. embedded artwork may require maintenance in perpetuity, whereas artist designed play equipment may have a life of up to 10 years. Maintenance Plans will be agreed with the County Council on a case-by-case basis.

## How to Include Public Art in a Planning Application

2.20 - At the planning application stage, developers will be expected to show how their proposal can secure a positive contribution to the quality of the local environment. A scheme involving a provision for Public Art will be seen as a positive step towards bringing about environmental enhancement. However, a provision for Public Art will not be viewed as a substitute for good quality building design. It should complement good design rather than try to compensate for a poor scheme.

2.21 - The contribution of Public Art to the enhancement of the environment will be a material consideration in the determination of planning applications. If the piece of Public Art is to form part of a proposed development, it may be considered on the same planning application as the development itself. However, there may be circumstances, depending on size and location, when a free-standing artwork will be considered to be 'development' within the meaning of the Town and Country Planning Act 1990 in which case planning permission would be needed for it to be erected/displayed. Similarly, works of art that might materially alter the appearance of an existing building may also require the submission of a planning application. It is advisable to check with a planning officer before embarking on such a project.

## 3 - Background Documents

3.1 - The Flintshire Unitary Development Plan (September 2011)

### **D6 Public Art**

**In all major, publicly accessible development, the Council will require the incorporation of public art.**

Public art can make a dramatic contribution to the local scene, enlivening civic spaces as well as adding interest and variety to large new employment, retail or community developments. The commissioning of schemes such as statues, fountains, sculptures, patterned walls, brickwork and floor spaces, creative landscaping and street furniture can improve the image of an area, enhancing local distinctiveness, reinforcing civic pride, and reducing the prevalence of vandalism. The County Council has an adopted and updated Arts Strategy and will seek the provision of suitable works of art, where there would be social, aesthetic, cultural and educational benefits. Discussion between developers and the Council's Conservation and Design Officer, Libraries, Culture and Heritage sections will be welcomed in order to devise suitable schemes.

- Technical Advice Note 12 Design 2009
- Flintshire Art Strategy 2008- 2013 (FCC is currently reviewing and developing a new Arts Strategy for 2014 -17)

## 4 - Contacts

Gwenno E. Jones -  
Flintshire County Council Arts Culture and Events Officer  
Arts Culture and Events  
Lifelong Learning,  
Flintshire County Council.  
Tel 01352 702471

Policy contact Victoria Weale  
Flintshire County Council Planning Policy,  
Environment Directorate,  
Flintshire County Council  
Tel:01352 703206

Arts Council of Wales, North Wales  
North Wales Office  
Princes Park II  
Princes Drive  
Colwyn Bay  
LL29 8PL  
Tel: 01492 533440  
Royal Institute of British Architects  
66 Portland Place, London, SW1P 3NQ  
Tel: 0207 580 5533

The Landscape Institute  
6-8 Barnard Mews, London, SW11 1QU  
Tel: 0207 350 5200

North West Arts Board The Landscape  
Institute  
22 Bridge Street, Manchester, M3 3AB  
Tel: 0161 228 3062

The Crafts Council  
44a Pentonville Road, London, N1 9BY  
Tel: 0207 278 7700

Public Art Online - [www.publicartonline.org.uk](http://www.publicartonline.org.uk)



'Steam Wheel' (Mold) – Martin Williams

Appendix 3

Supplementary Planning Guidance Note (SPGN) Public Consultation, (Dec 18th 2015 and Feb 12<sup>th</sup> 2016) comments and responses to SPGN No 29. Management of Surface Water for New Development

| Commenting body /Individual                                   | Comment  | Response   | Recommendation   |
|---|--|--|--|
| <b>No. 29 Management of Surface Water for New Development</b> |  |  |  |
| Dwr Cymru / Welsh Water                                       | 1.8 – The hierarchy which is listed does not correspond with the Welsh Government ‘Recommended non-statutory standards for SUDS in Wales’ January 2016, or the wording of Part H of the Building Regulations. Whilst the use of the term “surface water sewer” is welcomed, clarification is needed as to what is meant by ‘other’? Does this mean a combined sewer, or would it include highway drains too? | The hierarchy has now been amended to correspond with the Jan 2016 WG standards.<br><br>The term ‘other’, has been removed and options further clarified in the updated hierarchy. | <b>Amend Paragraph 1.8 to read:-</b><br>Flintshire County Council advocates that surface water run-off should be controlled as near to its source as possible. Preferably sustainable drainage systems (SuDS) should be utilised. The variety of SuDS techniques available means that virtually any development should be able to include a scheme based around these principles. Surface water should be disposed of to the destinations as prioritised below in keeping with the Jan 2016 Welsh Government’s: <i>Recommended non-statutory standards for sustainable drainage (SuDS) in Wales.</i><br><br>Priority level 1: Surface water runoff is collected for use;<br>Priority level 2: Surface water runoff is infiltrated to ground; |

|                         |   |  |  |
|-------------------------|---|--|--|
|                         |   |  | <p>Priority level 3: Surface water runoff is discharged to a surface water body (watercourse);</p> <p>Priority level 4: Surface water runoff is discharged to a surface water sewer, highway drain, or another drainage system</p> <p>Priority level 4: Surface water runoff is discharged to a combined sewer.</p>  |
| Dwr Cymru / Welsh Water | <p>1.16 - should also include reference to the Welsh Government 'Recommended non-statutory standards for SUDS in Wales' January 2016 as the guidance which is being recommended by Government. This should also be reflected in Appendix 2.</p>   | <p>Amended to include reference to the Jan 2016 Welsh Government SUDS standards.</p>   | <p><b>Amend first two sentences of Paragraph 1.16 to read:-</b></p> <p>It is suggested that applicants refer to the Welsh Government's document: '<i>Recommended non-statutory standards for sustainable drainage (SuDS) in Wales – designing, constructing, operating and maintaining surface water drainage systems</i>' Jan 2016. The SUSDRAIN website, CIRIA Guidance and other publications are further sources of detailed information on sustainable drainage (see Appendix B).</p> |
| Dwr Cymru / Welsh Water | <p>Appendix 2 refers to Ciria C697 –this has now been updated and the SuDS Manual is C753.</p>  | <p>Amended to include reference to the SuDS Manual C753.</p>   | <p>Amend reference to CIRIA C697 to C753 in Appendix 2.</p>  |
| Mold Town Council       | <p>There are no contact details such as that in SPGN No. 28</p> <p>This document lacks ambition to allow for climate change and a wetter environment, it does not allow for a projected raise. It needs to be more robust.</p> <p>It does not allow for incremental housing growth on one site. The impact can be irrespective of the number of dwellings. It</p> | <p>Appropriate contact details are provided in paragraph 1.5, 1.17 but in order to clarify add ,</p> <p>"Flood and Coastal Risk Management Team, Flintshire County Council at" FloodRiskManagement@flintshire.gov.uk</p> | <p>In order to clarify add,</p> <p>"Flood and Coastal Risk Management Team, Flintshire County Council at" FloodRiskManagement@flintshire.gov.uk</p> <p>To the final sentence of paragraph 1.5 and 1.17.</p>  |

|  |  |  |  |
|--|--|--|--|
|  | <p>should apply to all developments, e.g. permeable tarmac, tree planting, mitigation.</p> | <p>To the final sentence of paragraph 1.5 and 1.17.</p> <p>Climate change allowances are referenced throughout the document as this is fundamental to the subject matter e.g. paragraph 1.9.</p> |  |
|--|--|--|--|