

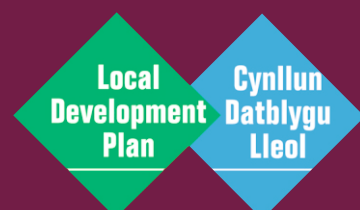
Vale of Glamorgan Local Development Plan 2011-2026

# Public Art in New Development



Draft Supplementary  
Planning Guidance

April 2018



# Public Art in New Development

## Draft Supplementary Planning Guidance

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**April 2018**

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## 1. Introduction

- 1.1. To support its commitment of achieving high standards of design in developments and the enhancement of public places, the Vale of Glamorgan Council has sought to incorporate public art in major new developments since it introduced a public art policy in July 2003. This has helped to foster a sense of place and uniqueness in new development which in turn contributes to the well-being and sense of pride that future occupiers have for their development.
- 1.2. The Vale of Glamorgan Council's Adopted Local Development Plan (LDP) 2011-2026 contains a number of policies for managing future development in the Vale of Glamorgan which are relevant to the design of new developments and the successful integration of public art. This Supplementary Planning Guidance (SPG) seeks to support these policies by explaining the Council's approach to incorporating public art in new developments.

## 2. Purpose of the Document

- 2.1. This SPG has been prepared to provide guidance on how public art in the context of new development proposals will be provided. The guidance will assist planners, developers and landowners to meet the Council's proactive approach towards achieving design quality within and around new developments through the provision of public art.
- 2.2. This SPG:
- Sets out the legislative and policy framework which supports the Council's request for public art as part of new development proposals;
  - Provides a definition for public art; the benefits it can have in terms of creating sustainable developments in the Vale of Glamorgan;
  - Sets out when public art will be required; how public art contributions will be calculated, and how public art should be delivered as part of new development proposals;
  - Identifies key steps for the successful delivery of a public art proposal;
  - Identifies mechanisms by which the expertise of professional artists may be procured to assist in the creation of a distinctive and vibrant place to live; and
  - Ensures that best practice is followed in a consistent and open manner.
- 2.3. The Council does not propose a blanket approach towards the provision and commissioning of public art, however, this SPG sets out a protocol which developers should follow in order to maximise the value of the public art contribution to the development and the local community.
- 2.4. The Council will seek to secure a contribution towards the provision of public art either through planning conditions or, where appropriate, through Section 106 Agreements.
- 2.5. This SPG also supports the Council's Public Art Strategy for the Vale of Glamorgan (2014-2017) which sets out the Council's aspirations for the implementation of its Public Art Policy across the Vale of Glamorgan.

### **3. Status of the Guidance**

- 3.1. This SPG was approved as a draft for public consultation on the 30th April 2018. The Council will take account of the comments received during the consultation exercise before finalising the document for development management purposes.
  
- 3.2. Planning Policy Wales (PPW) Edition 9 (November 2016) advises that SPG may be taken into account as a material consideration where it has been prepared in consultation with the general public and interested parties and is consistent with the development plan. Once adopted, the SPG will be a material consideration in the determination of future planning applications and appeals in the Vale of Glamorgan.

## 4. Legislation and Policy Context

### 4.1. Relevant Legislation

- 4.1.1. Section 106 of the Town and Country Planning Act 1990, as amended by Section 12 of the Planning and Compensation Act (1991) and the Community Infrastructure Levy Regulations 2010 (as amended), provides the legislative framework to secure public art as a planning obligation. Alternatively, public art can be secured via a condition.
- 4.1.2. **The Well-being of Future Generations (Wales) Act 2015** places a requirement on all public bodies to take action to support the principles of sustainable development, in accordance with the seven well-being goals that define what sustainable development is within Wales. Art is included within these wellbeing goals under the objective of 'A Wales of vibrant culture and thriving Welsh Language', which is defined as being *"A society that promotes and protects culture, heritage and the Welsh language, and which encourages people to participate in the arts, and sports and recreation"*.

### 4.2. National Policy

- 4.2.1. **Planning Policy Wales (Edition 9, November 2016) (PPW)** sets out the land use planning framework for Wales. PPW defines 'Sustainable Development' as, meaning *"the process of improving the economic, social, environmental and cultural well-being of Wales by taking action, in accordance with the sustainable development principle, aimed at achieving the well-being goals"*. The arts are recognised as part of the cultural well-being of Wales.
- 4.2.2. **Technical Advice Note (TAN) 12: Design (2016)** recognises the important part public art plays in creating or enhancing individuality and distinctiveness, and in raising the profile of towns, villages, cities and urban and rural landscape (Section 5.15 of the TAN refers).

*"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. The integration of the skills or work of a professional artist can add value and can also be employed at key locations to enhance legibility and public realm. There is considerable scope for integrating public art into the townscape,*

*ranging from the dramatic to the subtle, from traditional landmark sculpture, commemorative works and smaller incidental interventions, to integrated works using contemporary and interactive media such as sound or lighting. The innovative design of street furniture or other functional objects can also be considered and increasingly, imaginative design of floorscape, railings, lighting and signage is being used to give everyday objects a unique appearance and identity. Through a considered choice of location and use of tactile materials, public art can and should be made accessible to all, whilst not itself compromising general accessibility.*

*5.15.2 Public art adds a social and cultural dimension to a town centre visit and may also enhance the cultural economy and support cultural tourism, as well as providing a stimulating environment where shoppers and visitors can linger, with obvious benefits to local traders. Implicit in achieving this is a commitment to quality in concept, design, craftsmanship and materials in all artwork commissions.*

*5.15.3 The unique role of public art as a regenerative tool has long been recognised in Wales and internationally and the production and adoption of Public Art Strategies by a number of local planning authorities is helpful. There is considerable precedent and potential for private sector sponsorship of public art projects, particularly where large developments are proposed. Innovative, well considered and contemporary approaches can also attract contributions from dedicated trusts and foundations, as well as adding substantial publicity and marketing value.*

*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. The choice of artists and the nature of subsequent work should be the subject of full collaboration from the outset between the artist, the local community and professionals involved in the design process. Engendering a sense of local ownership and public responsibility for artwork is critical to the long-term success of public art projects. Public art professionals should be consulted at the earliest possible stage to identify opportunities and provide professional advice to local planning authorities and developers.”*

- 4.2.3. **Light Springs through the Dark: A Vision for Culture in Wales (2016)** sets out the Welsh Government’s commitment for culture, including the arts, music, literature and heritage. Within this document, it demonstrates the Welsh Government’s commitment to promote different forms of culture, in order “to create diverse, vibrant and viable places”.



### 4.3. Local Policy

4.3.1. **The Vale of Glamorgan Council's Adopted Local Development Plan (LDP) 2011-2026** constitutes the development plan for the area. In order to support the vision for the plan, a number of key strategic objectives have been developed. The key objectives in relation to public art are Objectives: 4, 5, 9, 10:

- Objective 4: To protect and enhance the Vale of Glamorgan's historic, built, and natural environment.
- Objective 5: To maintain, enhance and promote community facilities and services in the Vale of Glamorgan.
- Objective 9: To create an attractive tourism destination with a positive image for the Vale of Glamorgan, encouraging sustainable development and quality facilities to enrich the experience for visitors and residents.
- Objective 10: To ensure that development within the Vale of Glamorgan uses land effectively and efficiently and to promote the sustainable use and management of natural resources.

4.3.2. In order to support the objectives of the plan, there are a number of policies for managing future development in the Vale of Glamorgan which are relevant to the design of new developments and the successful integration of public art. These include:

- **Policy MD2 (Design of New Development)** which sets out the key principles and considerations for the creation of high quality, healthy, sustainable and locally distinct places that development proposals should respond to. The policy requires new developments to be of a high standard of design that positively contributes to the context and character of the surrounding environment (criterion 1). The policy also requires developments, where appropriate, to provide new or enhanced areas of public realm, particularly in key locations such as town centres, major routes and junctions (criterion 3).
- **MD4 (Community Infrastructure and Planning Obligations)** sets out the Council's requirement for public art, where appropriate and having regard to development viability.

- 4.3.3. These policies are shown at Appendix 1. When considering the provision of public art, it would be worthwhile to consider other policy requirements and how these requirements may present opportunities for the integration of public art, such as public open space (Policy MD3 Provision of Open Space).
- 4.3.4. **The Planning Obligations Supplementary Planning Guidance (SPG)** provides clarification of where, what, when and how planning obligations will be sought to assist the Council in creating sustainable communities that provide social, economic, and environmental benefits. Appendix 2 within the SPG sets out the development threshold for public art.
- 4.3.5. The **Household and Residential Development SPG** provides guidance on the various design considerations that should be taken into account in planning new residential development and the integration of public art where appropriate is one of those considerations.
- 4.3.6. **Arts and Culture Strategy: An Aspirational and Culturally Vibrant Vale 2017 – 2022.** This strategy sets out a delivery plan for increasing arts activity in the Vale of Glamorgan and developing new opportunities to create a 21st century arts programme that reinforces a sense of cultural identity and belonging, and to ensure access and engagement opportunities across all arts and culture is accessible to all residents and visitors to the Vale of Glamorgan. This strategy is centred around the Welsh Government published the Well-being of Future Generations (Wales) Act 2015 and the Council's four well-being outcomes outlined in the Corporate Plan 2016-2020:
- An Inclusive and Safe Vale.
  - An Environmentally Responsible and Prosperous Vale.
  - An Aspirational and Culturally Vibrant Vale.
  - An Active and Healthy Vale.
- 4.3.7. The strategy reiterates that; each new development is required to set aside a minimum one per cent of the overall budget for commissioning artists to contribute to the public realm element of the project and is included in special planning guidance, under a Section 106 agreement, and art work proposals are subject to approval by the Vale of Glamorgan Council.
- 4.3.8. The strategy straddles two areas embracing Public art:
- **An Environmentally Responsible and Prosperous Vale:**

Working with arts professionals for the delivery of public art commissions, creative workshops, training & skills-sharing and design.

- **An Aspirational and Culturally Vibrant Vale:** that identifies: All Vale of Glamorgan citizens have opportunities to achieve their full potential.

4.3.9. Council departments work closely together to identify opportunities for delivering public art projects, usually commissioned by, or working in collaboration with, developers, architects, landscape designers and other stakeholders. The Vale of Glamorgan's Public Art Strategy requires the Council will seek to secure a minimum of 1% of the development project costs for the commissioning of public art.

4.3.10. Artworks in the public realm can help to create a distinct local identity, enhancing the environment and creating a sense of place. The emphasis is on good design, a collaborative, creative approach, problem solving and innovation and, therefore, public artworks are site-specific, unique and are by no means a mass-produced object, or reproduction.

## 5. Public Art – Definition, Benefits and Roles

### 5.1. What is Public Art?

5.1.1. ‘Public Art’ encompasses a vast spectrum of art practices and forms: from permanent sculptures to temporary artworks; monuments; memorials; socially-engaged practices; community-based projects; off-site museum and gallery programmes; earthworks and land art; site-specific works; street furniture, urban design, and integrated architectural designs. All can be classified under the term ‘art in the public realm’.

5.1.2. As such public art is a multifaceted field, which is continually shifting and evolving to further engage the wider community. At its most fundamental, it is site-responsive, and is about the process of artists’ responding to people, place, culture and heritage.

5.1.3. The Council encourages all developers seeking planning permission (whether for new build, rehabilitation, restoration, or external landscape work), to consider how public art may be integrated within their schemes. Such works can include:

- **Permanent Works** such as, large-scale three-dimensional artworks, bespoke street furniture, commemorative works or integrated two and three-dimensional works;
- **Temporary, Ephemeral or Experiential Commissions** from installations and exhibitions to performance and participatory works on view from hours to years, offer exciting opportunities to artists and the wider public while being responsive to changing community and site development needs. This includes Artist in Residencies that encourages artists in all disciplines to explore new working methods and develop socially engaging, interactive art experiences in community settings; and
- **Interior Commissions** where there is unhindered access to the public all or most of the time.

5.1.4. For the purposes of this guidance, public art refers to works of art in any medium that is the work of a living, professional artist or designer and is created for a particular place, commissioned by or working in collaboration with others such as developers, local authorities, arts officers, planners,

architects, landscape designers or the local community and their representatives.



**Image:**

**Barry Waterfront – Public Art on new bridge**

**Image:**

**Jackson's Quay Barry Public art – metal tree sculpture**



**Image:**

**Merthyr Street, Barry – Public Art in boundary railings**

## **5.2. What are the Benefits of Public Art?**

5.2.1. The overarching benefit of commissioning public art lies in the contribution that artists' design and architects make to the public perception of place, adding a sense of originality and identity. Over and above this, well-designed, well-planned and well-executed public art projects can deliver a wide spectrum of positive outcomes that benefit people, places and developers alike, as follows:

### **Community:**

- Ownership and engagement with spaces and places;
- Contributing to community building and social cohesion;
- Empowering the community in decision making;
- Decrease vandalism and increase community pride and concern for the local environment;
- Placing making:
- Enhance the quality of the built environment;
- Contribute to local distinctiveness;
- Enhance important spaces and increase the use of open spaces;
- Help to integrate new developments with the existing built environment;
- Set a development apart from similar schemes;
- Improving the environmental quality through the creation of artworks;
- Improving connectivity throughout a development;

### **Developer:**

- 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.

## **6. Public Art Requirements**

### **6.1. When will Public Art be required?**

6.1.1. Public art will be required on all major residential and non-residential (i.e. commercial) developments, which for the avoidance of doubt, includes proposals for:

- 10 or more dwellings or site area of 0.5 hectares or more; or
- 1000sqm of new floor space or for outline applications where the site area is 1 hectare or more.

### **6.2. How will Public Art contributions be calculated?**

6.2.1. The Council will require developers to set aside a minimum of 1% of their project budget, based upon build costs, for the provision of public art. To calculate the 1% for public art, the developer will need to provide a detailed written estimate of the build costs of their proposal. Build costs will generally encompass all costs related to the construction of the buildings on site, but excludes the cost for the purchase of land, site infrastructure, professional fees and abnormal costs.

6.2.2. Where a developer contends that viability is an issue, or that the public art requirement is too onerous and will potentially make the scheme unviable, the developer will be expected to submit a breakdown of the development costs and sales values and anticipated profits based on properly sourced evidence. The Council's adopted Affordable Housing SPG sets out in more detail the information required to support a viability appraisal and the process for considering such matters.

6.2.3. In the event that viability is proved to be an issue the value of any public art contribution will be determined on a site specific basis taking into account the nature of the site and development in accordance with LDP Policy MD4.

### **6.3. How will Public Art be delivered?**

6.3.1. Public art can be delivered in three ways as part of new development proposals:

- **Option 1:** The developer procures and implements the public art **on-site** 'in kind' integral to the development. In the majority of cases, this will be the Council's preferred option.
- **Option 2:** The developer procures and implements public art **off-site**, 'in kind', within the vicinity of the development site, on land which is accessible to the public, such as at parks and open spaces; public buildings, community facilities and strategic highway developments, subject to agreement with the relevant land-owner or in the case of Council-owned land, the relevant Council department.
- **Option 3:** The developer pays the Council an **off-site financial contribution**, for the Council to deliver public art in vicinity of the site or in areas where public art intervention would benefit a community or area as stated in 5.1.1.
- Or a combination of the above options.

6.3.2. In the first instance, the Council will require developers to consider public art on site integral to the development (Option 1). The Council will only agree to an off-site contribution either 'in kind' or financially (options 2 and 3) on the basis that:

- i. exceptional circumstances are demonstrated to explain why public art cannot be provided on site, for example, the site is physically constrained and has limited opportunity for public art; and/or
- ii. It is in the public interest and the interest of the future occupiers of the development for the public art to be provided off site, either 'in kind' or as a financial contribution; for example if, the public art contribution would enhance a regeneration project on-going in the area.

6.3.3. This will be considered on a site by site basis, based upon the characteristics of the development proposal, and the opportunities within the surrounding area.



## **7. Planning Application Requirements**

- 7.1. Public art proposals will be dealt with by the Council as a material consideration in determining planning applications for major development proposals. Ideally applications will be supported by a public art strategy and provide details of the way in which public art has been considered in the design process and will be integrated in the final development.
- 7.2. There is a statutory requirement for developers to submit a Pre Application Consultation (PAC) report as part of any planning application for “major” development. As part of the PAC process, developers are required to undertake pre application consultation with “community consultees” and “specialist consultees”. This provides an ideal opportunity to seek early engagement with the local community about public art proposals, and the PAC report provides an opportunity to identify key issues relating to this.
- 7.3. In the event that details are not included as part of the planning application, public art will be secured either via a planning condition or via a Section 106 Agreement.
- 7.4. The following details will be required to discharge the condition/comply with the obligation:
  - A breakdown of build costs, in order to determine the 1% public art contribution;
  - A costed scheme for the provision of public art, including detailed drawings;
  - A schedule for implementation;
  - Description of commission or selection process;
  - Evidence of complying with this SPG,
  - Details of future care and maintenance of the art work/s.

## **8. Implementation**

### **8.1. Commissioning Guidelines**

- 8.1.1. The following advice should be considered by developers and land owners at the earliest possible stage of the design process when considering the provision of public art ‘in kind’, either on site or off-site.
- 8.1.2. For schemes with a public art contribution value of up to £15,000, developers may opt to solely undertake the commissioning of artworks. However, for schemes with a public art contribution value greater than £15,000, it is recommended that developers employ an arts organisation or independent public arts consultant whose specialist knowledge will provide a curatorial vision for the development and links with artists and the community.
- 8.1.3. Developers should commission artists’ based on the context of their practice and in line with an artist’s brief, and/or site-response art plan or strategy.
- 8.1.4. The Council will require developers to demonstrate that they have procured an artist fairly via an open process. The Council will not support developers using one artist over a number of development sites as this can stagnate public art possibilities.
- 8.1.5. In most cases the developer and the selected arts organisation/consultant, together with the Council’s Arts Development Officer, shall undertake the selection and commissioning process outlined in the guidelines below. There will however, be instances where the Council may deem it necessary to convene a ‘Public Art Panel’ to assist in the selection and commissioning of public art works, for example; where the value of the public art is large, and/or the development site is of strategic importance.
- 8.1.6. It is important that public art is discussed between the developer and the Council at the earliest possible opportunity to be worthwhile for all those involved, and to ensure the best possible outcomes are achieved. The earlier artists are involved, the more effectively they can contribute to a development. It is recommended that the artist, or arts consultant, 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.

8.1.7. The Council does not wish to be prescriptive about the integration of artworks in development proposals, as each project should be unique in its scope, approach and appearance. Consequently, the following sections offer best practice guidance on key stages involved in identifying opportunities, artist selection and for the commissioning of art in the public realm.

## **8.2. Protocol for Commissioning Public Art**

### **Stage 1 - Assessment of Opportunities**

8.2.1. Since the most successful forms of art are those integrated within the design of the building phase or its external areas and spaces this initial phase should identify opportunities for the integration of artists' work within the planned development. Developers are encouraged to suggest opportunities for public art to be incorporated.

8.2.2. It is at this stage that the public art contribution will need to be agreed with the Local Planning Authority, in addition to an outline breakdown of allocated costs and a schedule for implementation.

8.2.3. The public art contribution will need to cover the costs for:

- Artist recruitment and selection;
- Artists fees and fabrication;
- Specialist advice and project management;
- Links to community engagement and education programmes;
- Installation and maintenance;
- Future management and maintenance of the completed work; and
- De-commissioning.

### **Stage 2- Artist Brief**

8.2.4. Artist selection will involve the drafting of an 'Artist's Brief'. The Brief will set out the context, background and technical information relating to the scheme as well as setting out what is required and expected of the artist and of the resulting artwork. The brief does not need to be lengthy, but should contain all relevant information and requirements. It should strike a

balance between being open enough to allow an artist room to be able to develop the work creatively as an artist, yet detailed enough to ensure a professional outcome for all. As an indication, the brief should include the following information:

- Aims and objectives of the commission;
- Background information that provides the context, history of project, maps, drawings, special requirements etc.;
- A description of artist's role;
- Details of the project team and their roles and responsibilities (including any specialist project management for the commission);
- Description of site and conditions (taking into account accessibility, impact, safety and financial implications and, where possible, involve the artist in selecting the site);
- Include an appropriate degree of community participation, who will manage the process etc.;
- Timetabling and phasing, including deadline, short-listing and interview date (if applicable);
- Budget;
- Any planning permissions required;
- Description of and criteria for selection process;
- Maintenance programme and durability requirement and who will be responsible for long-term maintenance;
- Artist's copyright position and clarification of ownership of work;
- Any documentation required or planned;
- Any review period planned;
- A Decommissioning policy where applicable.

### **Stage 3 - Artist Selection**

8.2.5. Best practice indicates that the details contained within the artist brief should also form the criteria by which artists are short-listed and finally selected. This approach is advised as this avoids the possibility of choices being made on the basis of personal taste and subjectivity.

8.2.6. Artist selection will usually be undertaken by the commissioner (developer), the architect, the appointed public art agency and the Council's Arts Development Officer, the Art Panel (where convened). Where public consultation has been undertaken a representative of the local community or ward member should also be invited on to the

selection panel. The selection panel should be involved from the earliest stage and also see the process through to completion.

## **Stage 4 - Collaboration**

8.2.7. Following the appointment of the artist/s, best practice recommends that, the artist is closely involved in the design process, particularly where the proposed public art is integrated into the fabric of buildings or associated public realm. This approach will allow for the production of the best results in relation to design quality, value and development opportunities. This design phase will include:

- Management of design process to the satisfaction of the developer and design team;
- Site meeting for the client to meet with artist/s and design team;
- Establish and monitor a community workshop phase (where necessary);
- Monitor and assess the workshop and design processes;
- Administrative support, contractual and financial management;
- Quality and financial assessment of artists' designs;
- Agree artist designs with client and design team;
- Submission of development detailed planning application together with detailed artwork designs.

8.2.8. The Council will require the artist/s and/or arts consultant to undertake a public consultation within the community where the development has occurred and where the public art will be sited. The community should play an intrinsic role in informing the artist/s final designs. This will ensure that public art is successful, in terms of ownership and engagement; social cohesion and community empowerment.

8.2.9. The level of consultation will depend upon the size of the contribution. Advice can be sought from the Council's Arts Development Officer and Section 106 Officer regarding the level of consultation.

## **Stage 5 - Commencement of Build Programme and Artist Fabrication**

8.2.10. Duties within this final phase include:

- Management of commissioning process to completion of works;
- Client and design team meetings with artists, commissioning agency or freelance consultant, contractors and sub-contractors;
- Further public consultation as necessary;
- Administrative support, contractual and financial management;

- Management of artist and/or sub-contractor fabrication of artwork/s;
- Final site visits, any snagging, hand over and certified completion;
- Continued maintenance programme;
- Decommissioning programme.

8.2.11. In the case of bespoke artworks fabricated by the artist/s, a 3-way contract between the artist, client and commissioning arts agency or independent arts consultant is recommended covering all responsibilities undertaken by the separate parties and liabilities as indicated in Contracts section below.

8.2.12. The above advice is also applicable to Council departments when receiving off-site financial contributions.

## 9. Contracts

9.1. A successful commission programme within any development needs to be implemented within a solid contractual framework, endorsed by all parties. This framework will describe the aims and objectives, responsibilities and liabilities of the client, artist(s), and commissioning agent. Responsibility for drafting the contracts should lie with the commissioning agent or independent art consultant under the direction of the client. Contractual arrangements may vary according to the circumstances of projects but, in general, should adhere to the following pattern:

- Consultancy contract or agreement between Client and Commissioning Agent;
- Design agreement with appointed Artist(s) to secure design proposal(s);
- Three way contract between Client, Artist(s) and Commissioning Agent, to secure implementation of the agreed work(s);
- Standard sub-contractual agreements.

9.2. Contracts should cover the following:

- Responsibilities and obligations of the contracted parties;
- Relevant Insurances;
- Fees;
- Commissioning period (start and completion date);
- Provision of services by the contracted parties;
- Copyright and ownership;
- Health and Safety Issues;
- Maintenance Obligations;
- Ownership and Duty of Care / maintenance;
- Duration of location or display of the work in the public domain;
- Decommissioning programme.



## **10. Legal Ownership and Maintenance**

- 10.1. Where art works form part of the public realm offered for adoption to the Council, the Council will require an assessment of the maintenance requirements and this cost is included as an inseparable part of the public art provision. In this instance, the Council will seek commuted sums to ensure the long-term maintenance of such pieces through the use of section 106 agreements.
- 10.2. The Council considers maintenance to be the responsibility of the owner of the property and this responsibility should be included in any transfer of ownership. The maintenance of the artwork should be included in regular maintenance schedules for all aspects of the property.
- 10.3. When public art is commissioned with insufficient thought to long-term maintenance the result is that the effects of general wear and tear, damage, vandalism, dirt and simple deterioration are not prevented or rectified, the asset is devalued, and the reputations of all those involved are placed at risk.
- 10.4. Maintenance does not need to be a burden. Careful planning during the Commissioning Process appropriate precautions and the effective identification and application of resources are crucial in avoiding the pitfalls.

## 11. Further Information and Advice

- 11.1. Further advice on all aspects of this guidance can be sought from the Planning Department and the Council's Arts Development Officer. Prior to the formal submission of a planning application, the Council encourages applicants utilise the Council's pre-application services which can save unnecessary work, costs and delay through negotiation. Further information on the Council's pre-application advice services can be found on the Council's website [www.valeofglamorgan.gov.uk/planning](http://www.valeofglamorgan.gov.uk/planning)
- 11.2. There are various specialist public art agencies and consultants who are able to advise on and manage all aspects of commissioning Public Art. For further advice on working with artists, independent arts consultants and commissioning agencies funding opportunities and specialist advice relating to working in the area of public arts contact the Vale of Glamorgan Council's:

### **Arts Development Officer**

Town Hall, Kings Square,

Holton Road

Barry

CF63 4RW

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## 12. Appendices:

### 12.1. Appendix 1: Local Development Plan Policies

#### **POLICY MD2 - DESIGN OF NEW DEVELOPMENT**

In order to create high quality, healthy, sustainable and locally distinct places development proposals should:

1. Be of a high standard of design that positively contributes to the context and character of the surrounding natural and built environment and protects existing features of townscape or landscape interest;
2. Respond appropriately to the local context and character of neighbouring buildings and uses in terms of use, type, form, scale, mix, and density;
3. Where appropriate, provide new or enhanced areas of public realm particularly in key locations such as town centres, major routes and junctions;
4. Promote the creation of healthy and active environments and reduce the opportunity for crime and anti-social behaviour. In the case of retail centres, developments should provide active street frontages to create attractive and safe urban environments;
5. Provide a safe and accessible environment for all users, giving priority to pedestrians, cyclists and public transport users;
6. Have no unacceptable impact on highway safety nor cause or exacerbate existing traffic congestion to an unacceptable degree;
7. Where appropriate, conserve and enhance the quality of, and access to, existing open spaces and community facilities;
8. Safeguard existing public and residential amenity, particularly with regard to privacy, overlooking, security, noise and disturbance;
9. Provide public open space, private amenity space and car parking in accordance with the council's standards;
10. Incorporate sensitive landscaping, including the retention and enhancement where appropriate of existing landscape features and biodiversity interests;
11. Provide adequate facilities and space for the collection, composting and recycling of waste materials and explore opportunities to incorporate re-used or recyclable materials or

products into new buildings or structures; and

12. Mitigate the causes of climate change by minimising carbon and other greenhouse gas emissions associated with their design, construction, use and eventual demolition, and include features that provide effective adaptation to, and resilience against, the current and predicted future effects of climate change.

#### **POLICY MD4 - COMMUNITY INFRASTRUCTURE AND PLANNING OBLIGATIONS**

Where appropriate and having regard to development viability, the council will seek to secure new and improved community infrastructure, facilities and services appropriate to the scale, type and location of proposed developments through the use of planning obligations. Community infrastructure may include the provision or improvement of:

1. Affordable housing;
2. Educational facilities;
3. Transport infrastructure and services for pedestrians, cyclists, public transport and vehicular traffic;
4. Public open space, public art, leisure, sport and recreational facilities;
5. Community facilities;
6. Healthcare facilities;
7. Service and utilities infrastructure;
8. Environmental protection and enhancement such as nature conservation, flood prevention, town centre regeneration, pollution management or historic renovation;
9. Recycling and waste facilities; and
10. Employment opportunities and complementary facilities including training.

## 12.2. Appendix 2: Recent Successful Examples of Public Art



**'Constellations'  
Plinth**

Rhws Primary School Workshop

Artwork Open Day

*Photographs: Vale of Glamorgan Council*

<b>Site Name: Channel Heights, Rhoose</b>	<b>Planning App. Ref: 2012/00937/FUL</b>
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**Background:**

As part of the planning application for new residential development at land off Trem Echni, Rhoose, the developer agreed via a Section 106 Agreement to provide public art on site, to the value of £41,139.00 (equalling 1% of the project build costs). Taylor Wimpey South Wales, the developer, employed Studio Response as the designated Arts Consultants for the project. Studio Response prepared a Public Art Plan specifically for the site, outlining a series of aims and objectives; a vision for the site; a context overview; a schedule for implementation; a budget breakdown; a series of recommended areas for potential projects throughout the site, and suggested a diverse range of artists who may be able to respond and engage with the development.

Cardiff-based artist David Mackie was appointed via an interview process, and was influenced by the coastal panoramic position the site benefits from, which lends itself to the theme of star gazing as visually rich, playful and educational theme for artwork. In developing his proposals, Mackie had several workshop sessions with Years 4 and 5 at Rhws Primary School. The workshops provided the children with an introduction to the solar system, and children used models to help identify and draw constellations and interpret imagery and the myths behind them.

The permanent artwork which was created is titled 'Constellations'. The artwork takes the form of an educational viewing platform which also acts as a functional seating area. The artwork comprises a low crescent shaped plinth in pennant stone with a capping of blue pennant stone. The surface incorporates a sequence of individual bronze reliefs depicting some of the constellations such as Sagittarius, Aquila, Orion, and Circinus to name a few.

The artwork was unveiled in October 2016, and Rhws Primary pupils were able to see how their ideas from the workshops fed into the final designs.

**Artist: David Mackie**



*Photographs: Emma Price*

**Site Name: Golau Caredig, Barry**

**Planning App. Ref: 2011/00067/FUL**

**Background:**

The Council secured an on-site public art contribution of £56,000 (1% build costs) as part of the application for the redevelopment of the former Theatre Royal, Broad Street, Barry, to an extra case development providing 42 flats and associated communal areas

The artwork commission was appointed by the developer, Hafod Care Association, to architectural glass artist Kate Maestri. The work comprised a visual beacon, fully integrated with the architecture of the Golau Caredig and its surroundings. Maestri drew inspiration for the artwork presented on the curved glass facade from the history of Barry and the local landscape.

The changing light floods the central staircase with colour and creates a vibrant vista on the front elevation. Shades of green echo the countryside around Barry, while the yellow and blue suggest the coastline, which is so closely linked with the town's past and present. The dramatic abstract design represents Barry's heritage. The vertical lines are reminiscent of the concentration of railway lines which once made Barry the biggest coal exporting port in Britain.

The horizontal edging pays homage to the theatre and cinema which once stood on the present site of Golau Caredig.

**Artist: Kate Maestri**



*Photographs: Phillip Roberts*

**Site Name: Badgers Brook, Ystradowen** | **Planning App. Ref: 2013/00856/OUT**

**Background:**

As part of the planning application for new residential at Badgers Brook Rise, Ystradowen the developer agreed via a Section 106 Agreement to provide public art on site, to the value of £19,500 (equalling 1% of the project build costs).

Bellway Homes, the developer, employed Studio Response as the designated Arts Consultants for the project. Studio Response prepared a Public Art Plan specifically for the site, outlining a series of aims and objectives; a vision for the site; a context overview; a schedule for implementation; a budget breakdown; a series of recommended areas for potential projects throughout the site, and suggested a diverse range of artists who may be able to respond and engage with the development.

Jin Eui Kim, a ceramic artist based in Cardiff, was commissioned by Bellway Homes and Studio Response to create a site-specific public artwork and to provide an artistic design solution for the site's Welsh Water pumping station. During Jin's research, he observed that the new houses did not come with door numbers, and given the simplistic design of the dwellings, this fired his imagination to create an artistic offering of a ceramic door plaque for each of the 40 houses built on site to create uniformity.

In addition to the door plaques, Jin also creates a design through applying the principles of creating illusory space through gradient in tone. The illusory phenomena created in these ways are intended to be intriguing, to capture the viewer's imagination, and to offer new possibilities for the decoration of both ceramic artworks and through painting of the exiting pump station's fence. These schemes have added value to the dwellings, and created a distinctive element of the development site.

**Artist: Jin Eui Kim**



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