



PUBLIC CONSULTATION

Percentage for Art Draft Supplementary Planning Guidance Discussion Paper

Issued by the Planning and Environment Department on 04 August 2006

PURPOSE OF CONSULTATION: To secure comment about the content of the draft Supplementary Planning Guidance: Percentage for Art (August 2006) and specifically to secure answers to the following questions:

1. The suggested development thresholds, where a Percentage for Art contribution is to be encouraged, are based on those commonly employed in the UK. Are they at the right level for Jersey?
2. The suggested level of contribution to public art is based on that commonly secured in the UK. Is it at the right level for Jersey?
3. What do you think are the financial implications of applying a Percentage for Art policy to certain developments in Jersey?
4. Is the guidance about how to procure public art clear and helpful?
5. Is it clear what will be required when making a planning application that will involve public art?
6. What role do you think the various public agencies should play in helping to bring about more public art in Jersey?

DEADLINE FOR RESPONSES: Monday 02 October 2006

FURTHER INFORMATION AND FEEDBACK: Please send your comments to:

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DETAILS OF THIS PROPOSAL HAVE BEEN SENT TO THE FOLLOWING INDIVIDUALS / ORGANISATIONS

- States of Jersey Environment Scrutiny Panel
- Jersey Heritage Trust
- Jersey Arts Centre
- Jersey Arts Trust
- Jersey Public Sculpture Trust
- Societe Jersiaise
- Jersey Artists Group
- Bob Tilling
- Highlands College of Art
- Art in the Frame
- States of Jersey Department for Economic Development
- States of Jersey Department for Education, Sport and Culture
- Chief Minister's Communications Unit Consultative Panel
- Dandara
- A.C. Mauger
- G.R. Langlois
- Camerons
- Waterfront Enterprise Board
- Association of Jersey Architects
- Jersey Construction Council
- All media

SUPPORTING DOCUMENTS

Percentage for Art: discussion paper (August 2006)

Supplementary Planning Guidance
Planning Advice Note #

Percentage for Art

August 2006

About Supplementary Planning Guidance

Supplementary planning guidance builds upon the policies in the Island Plan 2002 and provides more detailed advice on the way in which those policies are likely to be interpreted and applied. The guidance falls into two basic types, area or site based guidance and topic or issue based guidance.

Guidance documents are prepared in consultation with interested parties and/or those who might use them and, in appropriate circumstances, will only be adopted following public consultation.

This guidance does not have the same status as the policies in the Island Plan, which remains the first consideration when making decisions on development proposals. It will, however, be a material consideration in the determination of planning applications and can be given substantial weight.

The current supplementary planning guidance is listed and can be viewed on the States of Jersey website www.gov.je/PlanningEnvironment/Planning. Documents which pre-date electronic production will be added to the website for viewing or downloading following review, as appropriate. Hard copies of all supplementary planning guidance can be obtained from Planning and Building Services, Planning and Environment Department, South Hill, St Helier, JE2 4US. Telephone: 01534 445508 email: planning@gov.je

Introduction

Jersey's collection of public art proudly reflects its history and identity. Evidence elsewhere has proven the potential of public art to enhance the quality of public places and to contribute to local distinctiveness and cultural identity. It has also demonstrated the potential of public art to attract visitors and to reflect and generate confidence, with consequential economic benefits.

Percentage for Art is an internationally recognised funding mechanism where developers are encouraged to allocate a percentage of the capital costs of any new building(s), refurbishment or landscaping scheme towards the provision of public art.

Public recognition of the benefits of public art, together with Percentage for Art as a funding mechanism, will allow a much wider range of opportunities to be explored and for the Island to assert its cultural identity and to express its confidence in the future.

Purpose of guidance

This guidance has been produced to offer advice to those involved in the development process where the provision of Percentage for Art, as part of the overall environmental improvement, may be required. It provides a definition for public art and Percentage for Art; describes what the benefits are; identifies when it will be sought and encouraged; and outlines how it can be procured as part of a development project.

Who is it for?

This guidance is of relevance to;

- sponsors of major development – landowners and developers, both private and public – where the provision of a Percentage for Art will be strongly encouraged; and those sponsors wishing to incorporate public art within their proposals;
- planners, architects, landscape architects and others who have a responsibility for and interest in the quality of the built and rural environment;
- other organisations and individuals who have an interest in public art.

Percentage for Art: policy context

The 2002 Island Plan supports public art as a way of adding to the enjoyment of buildings and spaces and reinforcing the Island's cultural identity. Policy BE12 states that:

The Planning and Environment Committee will seek to negotiate the voluntary allocation of an appropriate percentage of design and development costs to the provision of public art. Agreements will be sought where it is considered that;

- *both the scale and location of a new development are appropriate for the inclusion of public art; and*
- *the provision of public art would enhance the public's enjoyment of the building or space.*

The States' Cultural Strategy, approved in October 2005, adds further support by seeking to:

Strengthen the existing Percent for Art policy for all future developments, both public and private

The Strategy recommends that supplementary planning guidance is issued to developers and others on the implications and practical implementation of the Percentage for Art policy.

What is public art?

The Commission for Architecture and the Built Environment (CABE) offers a definition of public art as;

“permanent or temporary works of art visible to the general public, whether part of the building or free standing; can include sculpture, lighting effects, street furniture, paving, railings and signs”

Although traditionally public art has consisted mainly of monuments, sculptures and fountains, a much wider range of possibilities are available today. Forms of artistic expression employed in public art projects have broadened greatly over the past 20 years or so, resulting in changes about what is understood by the term public art. There are a number of reasons for this:

- changes in technology and, in particular, developments in digital technology;
- the possibilities of art as a public process, and not always the expression of the artist alone;
- the recognition of art as a valuable process leading to other educational objectives (particularly with children and young people);
- the role of art in reinforcing identity.

As a consequence of this broadening of the definition of public art, it is considered more valuable to focus on the defining elements that characterise public art which are;

- that a professional artist or craftsman is commissioned;
- that the work should be unique; and
- that the work is publicly visible.

Under the aegis of this broader, more contemporary definition, examples of public art include;

- sculptures, monuments, memorials, fountains (including the restoration of existing statuary);
- signs, maps, text, inscriptions;
- floorworks such as paving, pebbles, mosaics, tiles, ceramics;
- wallworks such as glass, murals, ceramics, photography;
- festivals including music, dance, poetry;
- street furniture including seating, lighting, railings, gates, clocks;
- new media including film, video, light, sound, holographics;
- hard and soft landscaping and “hortisculpture”;
- creative educational/ environmental and community projects;
- artist-in-residence schemes

It may be that semi-permanent and temporary works or artistic events or cultural festivals within public spaces will best meet area based strategies. Percentage for Art contributions may also be considered for the care of existing works that have no formal or adequate maintenance agreement, or for their restoration.

What is important is that Percentage for Art contributes to and/ or is complementary to policy objectives for art, culture and the enhancement of the public realm.

What are the benefits of public art?

There are many benefits to the strong encouragement and procurement of public art in Jersey: these benefits can operate at a strategic ‘Island-wide’ level and/or be realised at a local/site level.

At a strategic level, of value to the Island, public art can;

- express Jersey’s cultural identity and engender pride and ownership;
- enhance the quality and experience of the Island’s public realm;
- create a contemporary image for Jersey;
- celebrate cultural diversity and confidence in Jersey;
- promote cultural production by local artists;
- promote collaborative working;
- play a role in community development.

At a local level, of value to a development, public art can;

- contribute to a sense of place and the character and identity of an area;
- raise the profile of the developer and presents a positive image;

- be an effective marketing tool;
- attract people;
- add value to and create uniqueness for the development project;
- contribute to environmental improvements

Percentage for Art: when does it apply?

In development schemes where it is felt that the inclusion of art will be of public benefit a contribution to public art of up to one percent of the total construction cost of the development will be encouraged.

In general, and in common with best practice elsewhere this is likely to be applied to development projects of a more significant scale. On this basis, the following development thresholds will be used to determine where Percentage for Art will be strongly encouraged as an element of a development project.

- residential development of 5 or more dwellings;
- residential development of 0.25ha (0.6 acres or 1.4 verges) or more;
- non-residential development of 1,000sq.m or more;
- non-residential development on a site of 1ha (2.5 acres or 5.6 verges) or more.

The potential encouragement of Percentage for Art contributions may be instigated in one of the following ways:

- by planning officers encouraging applicants to consider a Percentage for Art contribution, dependent upon the nature, scale and location of development, as part of the planning application process;
- as a factor identified in development briefs and regeneration strategies for specific sites or areas;

In all cases, the process will be facilitated and lead by the Planning and Environment Department.

The States of Jersey has already shown its commitment in this important area by endorsing Percentage for Art in the Island Plan and there will, therefore, be an expectation that it will wish to set an example. Accordingly, those preparing briefs for new public/ community buildings such as libraries, schools, hospitals, health and community centres should be encouraged to include public art, to be secured through the Percentage for Art mechanism, as should those leading on area or site based regeneration/ improvement initiatives such as the St. Helier Development and Regeneration Strategy, the development of the St Helier Waterfront and the procurement of the Town Park.

Examples of projects offering scope for public art include;

- major new public and private developments including commercial, residential, tourism, leisure and community projects;
- heritage, cultural and tourism initiatives;
- town centre redevelopment/ regeneration projects including traffic and transport and environmental improvement schemes;
- landscaping, woodland, coastal, park and public open space schemes;
- signage and interpretation;
- restoration of important buildings/ architectural features.

Enlightened developers, and those with past experience of incorporating public art will see percent for art as a real opportunity. It is hoped that those new to the policy will reap the many benefits outlined above.

How much is Percentage for Art?

This will depend upon the following factors:

- location, scale, type, and setting of the development;
- design context and extent of public use of the development;
- whether the art is an integral part of the development or in a nearby public space;
- whether the artist has been commissioned as part of the development team;
- maintenance and liability issues

Developers will be encouraged to provide up to 1% of the total construction cost of a development for public art. This figure or level of contribution is not, however, prescriptive and the level of contribution will be determined on a site by site basis through negotiation and agreement.

It is possible that, where appropriate, all or some of the agreed funds may, through negotiation and agreement, be pooled and held in a restricted account for specified future public art opportunities/ initiatives.

The extent, form and use of Percentage for Art contributions will be the subject of agreement with development sponsors through the use of planning obligation agreements and/or conditions attached to development permits.

Making it happen

Procurement options

Developers are strongly advised to discuss proposals at the earliest opportunity, so that the work is integral to the planning of the scheme, rather than added on at the end of the process. The planning officer will advise on who to approach for specialist help.

Public art can be procured in a variety of ways, including;

- employing an artist or craftsperson at an early stage of the development to work with the architect, landscape architect, and/or other members of the development team to secure an artistic input as an integral design element of the project;
- commissioning specific works on or around the building or space;
- making a financial contribution towards public art. This could include contributions for specific artworks and/or form part of a wider fund for future public art initiatives.

Alternatively, it may be that a combination of the above options is employed. Where a site is to be delivered in phases, the developer should present a public art strategy for the whole site. Where parties agree that it is not feasible to spend the public art contribution on the development site, it may be held by the Planning and Environment Department in a fund (to be used within a designated time period or returned), and either used for a public art project off-site, or be used as a part contribution towards a bigger public art project.

Establishing budgets

It is important to establish a realistic budget as early as possible, and to be clear about roles and responsibilities and their associated costs. The budget may therefore include the following:

- selection costs – advertising, fees and expenses for those shortlisted;
- project management fees – someone experienced in managing public art projects other than the artist or craftsperson should usually supervise the project;
- artist's design fees;
- commission - sometimes payable depending on how the artist was procured;
- materials and fabrication costs;
- installation costs including the costs of all the associated infrastructure, foundations, landscaping, paving, lighting etc and including professional fees for structural engineer/ surveyor etc;
- transport and security costs;
- other professional and legal costs;
- insurances;
- documentation, education, marketing/ PR, opening/ launch event costs;
- maintenance costs, where appropriate;
- contingency – based on an assessment of risk.

Writing the brief

Public art should look beyond individual developments and should seek to contribute to wider regeneration and cultural development objectives. Where possible, therefore, it is considered beneficial to engage artists and to engage with those agencies responsible for public art and culture in Jersey at the earliest possible stage of development projects to consider the potential contribution of proposals to wider strategic objectives.

It is important that the brief sets the parameters and opportunities for the project without giving all the answers, so that the artist/ craftsperson can think creatively about the project. Normally the brief should contain some or all of the following:

- the general and specific aims of the commission relative to the development project and public art in Jersey;
- a scaled site plan showing relevant information;
- site context and possible themes to be explored;
- the role of the artist – eg as community facilitator, member of design team, lead artist, project manager etc. It is important to identify which skills are required before commissioning anyone;
- performance and maintenance specification for the work – how long should it last, exposure to the elements, risk of vandalism etc;
- the budget and what it is to be spent on. For example the artist's budget may include for design production and installation but may not include project management/ supervision and associated works eg hard landscaping, lighting etc;
- time scale which may be critical eg for a planned opening, in which case a penalty clause may be incorporated into the contract documentation;
- is a planning permit required and if so who will be responsible for this and what implications will it have on the programme;
- information about the selection process

Selecting an artist/ craftsperson

This is generally done in one of three ways:

- commissioning a named artist based on reputation and suitability for the project. This method may be beneficial where the programme prohibits a longer competition process, or where an unusual range of skills are required. For example if an artist is brought in at a very early stage to become part of the design team his or her ability to work with the architect and others is important;
- limited competition where a shortlist of suitable candidates (usually no more than 5) are invited to submit proposals. In order to encourage serious entries it is often beneficial to pay a nominal fee and be specific about what is expected by way of a presentation. It is advisable to

contact the artist after they have received the brief and invitation, and confirm with them that they will be making a submission. This is an effective method in that it provides a range of possibilities at reasonable cost;

- open competition where invitations are published through appropriate publications such as Artists Newsletter and arts organisations (nationally) and other media locally. Artists are invited to submit examples of work together with a CV and a shortlist is generated from this. The shortlist will be issued with a brief and at this point the process will be similar to that of a limited competition. Clearly this approach requires more time and money but may have benefits, particularly with high profile/ high budget projects, where there may be value in the added publicity.

The process must be clearly justified at each stage to ensure its transparency. It is also important to remember that the cultural identity of a place is influenced by the work both of indigenous artists whose link to the community can give them special insights, and the work of artists from elsewhere who bring experiences and sometimes techniques not otherwise available. Proposals should normally be selected on the basis of merit i.e. the extent to which they accord with the brief. However, the increasing number of talented artists in the Island should encourage the commissioning of work by local artists, and establishing competitions directed at Jersey artists in circumstances where their local insight is especially relevant.

In addition there may be opportunities to involve Jersey artists working under a lead artist from elsewhere so that skills and techniques can be disseminated among local practitioners. Other forms of mentoring could also be explored that could benefit local artists, especially those training at Highlands School of Art, who may wish to become professional artists.

Selection criteria

Selection criteria should be drawn up for each project. These should of course be based upon the extent to which the proposal meets the conditions of the brief but should also consider the following characteristics, which, depending on the project, may be appropriate:

- to be unique rather than derivative;
- to be imaginative and distinctive;
- to be relevant to Jersey;
- to integrate well;
- to be thought provoking and stimulating;
- to be challenging and experimental;
- to be engaging, inspiring or reflective;
- to be diverting or amusing in some way;

- to contribute to the quality of the environment/ development;
- to contribute to the community;
- to contribute to the character of an area;
- to comply with the principles contained in this guidance;

Submission requirements

Where a Percentage for Art contribution is deemed appropriate and the principle is established and agreed through negotiation, additional details will be required to be submitted as part of any planning application. Submission requirements may vary depending on the nature of the proposals, but will normally include the following;

- detailed models/ drawings of the proposals in the context of the development and the locality;
- a design statement to include the public art brief and a detailed statement as to how the proposals satisfy the objectives of the brief, which should include reference to the development project; the public realm and the objectives for public art in Jersey;
- a process statement, describing the commissioning process and providing details of costings; proposed procurement; installation (where appropriate); and future maintenance and management.

Ownership and maintenance

If the work is on public land it will be in public ownership and responsibility for maintenance will be with the appropriate public body, with funds being included in the commissioning budget. If the work is on private land or forms part of a privately owned development, then it will be owned by the owner of the development, who will be responsible for maintenance. In all cases a schedule for maintenance should be provided by the artist.

Advice and support

A number of agencies have a role to play in assisting the procurement of public art, through Percentage for Art, in Jersey, as set out below;

- **Department for Planning and Environment** – responsible for administering planning policy in relation to public art;
- **Department for Education, Sport and Culture** – responsible for facilitating the delivery of the Island’s Cultural Strategy;
- **Jersey Tourism** – responsible for the sponsoring, facilitation, management and promotion of some of the Island’s major cultural events;
- **Council for Culture** - responsible for matters of cultural identity and the procurement of public art;

Whilst the Planning and Environment Department will seek to facilitate public art through the development process, it will engage the support of these other agencies in assessing the detail and nature of public art proposals and commissions, as appropriate. The involvement of other agencies, through the Planning and Environment Department, may be beneficial at an early stage of the development process.

Generally, the earlier a commitment to public art is agreed, the better and more cost effective for all involved.

Useful contacts

Planning and Building Services

Planning and Environment Department, South Hill, St Helier, Jersey, JE2 4US

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