

# Brighton & Hove City Council

## Tourism, Equalities, Communities & Culture Committee

## Agenda Item 82

**Subject:** Public Art – Planning Advice Note and Developer Contributions Calculator

**Date of meeting:** 10 March 2022

**Report of:** Executive Director, Economy, Environment & Culture

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**Ward(s) affected:** All

### For general release

#### 1. Purpose of the report and policy context

1.1 The report seeks approval for a Public Art Planning Advice Note (PAN) to inform and advise on the delivery of Public Art through the planning system. The PAN supports the Public Art Strategy 2021-2031 approved by this committee in November 2021.

1.2 The report also seeks approval for a Public Art Developer Contributions Calculator to be included, as an update, to the current Developer Contribution Technical Guidance. The calculator clarifies and updates the method used to calculate an appropriate developer contribution for public art. The incorporation of a minimum threshold for a contribution reflects costs associated with the necessary processes and the outcomes required for successful public art.

#### 2. Recommendations

2.1 That the Committee approves the publication of the Public Art PAN (Appendix 1) to inform the delivery of public art through the planning system, subject to any minor alterations (grammatical, non-material text and illustrative) to be agreed by the Head of Planning.

2.2 That the Committee approves the inclusion of the Public Art Developer Contributions Calculator and associated minimum threshold (Appendix 2) as an update to the Developer Contribution Technical Guidance, subject to any minor alterations (grammatical and non-material text) to be agreed by the Head of Planning.

- 2.3 That the committee notes responses to consultation on the proposed calculator and associated minimum threshold (Appendix 3) as well as the evidenced review (Appendix 4) which informed those rates.

### **3. Context and background information**

- 3.1 The Public Art PAN and the developer contributions calculator support the council's *Public Art Strategy 'One Landscape, Many Views'* approved by this committee in November 2021. The intention to bring forward a PAN was referenced in that committee report and is also referenced in the Strategy itself. The calculator supports the PAN. A *Public Art Commissioning Toolkit* is also being produced and will sit beneath the Public Art Strategy as a comprehensive outline of how to commission public art.

#### Public Art Planning Advice Note

- 3.2 The purpose of the Public Art PAN is to provide detailed planning guidance and technical information to assist and support the delivery of public art. The advice is intended for use by developers and their designers; architects; landscape designers; planners; artists and communities amongst others.
- 3.3 The PAN sets out best practice advice and shows the steps required for delivering public art through the planning system. It reviews plans and information required to be included at outline and full planning application stage and encourages the use of Public Art Delivery Plans. The PAN sets out options for public art and illustrates the benefits of delivering public art within new development. It discusses the importance of working with recognised public art professionals as well as encouraging community engagement and involvement.
- 3.4 Good practice examples of public art are included throughout the document. Some images show local examples of public art, such as 'An Alphabet for Black Rock', and some are national good practice examples.

#### Public Art Calculator

- 3.5 The Public Art Developer Contributions Calculator provides an updated and transparent method to work out the developer contribution relating to on-site public art provision. As a result, the contribution can be known from the earliest stages of scheme development. The calculator is identified in the PAN for working out developer contribution public art sums.
- 3.6 The calculator is based upon an evidenced review (Appendix 4) which considered all major developments within Brighton & Hove which secured a public art developer contribution as part of their planning approval granted between Jan 2013 to June 2021.

- 3.7 The calculator uses the publicly available Gross Internal Area (GIA) of a scheme to understand the scale and impact of that development. The method multiplies the GIA in £ per square metre by a rate set out in the calculator based on broad locations which reflect the CIL charging zones that have been established for the city. The evidence review demonstrates that the proposed contribution rates reflect the sums achieved for public art contributions between 2013 and 2021. The rates are therefore considered robust and justified.
- 3.8 Developer contribution sums falling below £25,000 will not be requested. This minimum threshold reflects the costs of the processes involved in the creation of successful public art and required material outcomes, including long term durability of public art works.

#### **4. Analysis and consideration of alternative options**

- 4.1 The Public Art Strategy already approved by this committee defines the council's strategic intentions to improve the quality and diversity of art in public places. Not producing a PAN to support this strategy would diminish its impact as the PAN sets out clear planning advice and good practice examples to demonstrate how public art can be successfully integrated in new developments across the city.
- 4.2 Not including an updated and transparent calculator and minimum threshold for public art developer contributions within the published Developer Contributions Technical Guidance would increasingly challenge the ongoing provision of public art as an on-site developer contribution. This would not support the council's commitment which recognises the importance of public art in terms of creative placemaking.

#### **5. Community engagement and consultation**

- 5.1 The Public Art Strategy forms the context for the PAN and engagement on this strategy has been extensive including workshops, open events and stakeholder conversations. The Statement of Community Involvement (2015) which sets out the council's approach to community engagement in planning does not require PANs to be subject to wider community consultation as they contain technical planning guidance. Internal consultation has been undertaken to ensure the PAN's information and guidance is correct and helpful.
- 5.2 The proposed calculator rates and associated minimum threshold were the subject of a six week on-line consultation on the council's portal between 28 October 2021 and 8 December 2021, following the principles of the Community Engagement Framework. 169 groups and organisations drawn from the planning policy, projects and heritage mailing list were contacted. Analysis of the consultation responses suggests the calculator, its rates and minimum threshold are robust and justified. Further details and analysis to issues raised are set out in a Consultation Report, attached as Appendix 3.

## **6. Conclusion**

- 6.1 The delivery of successful public art in the city will be strengthened by the Public Art PAN and Developer Contribution Calculator. The PAN provides clear guidance to deliver public art through the planning system and the Calculator sets out an updated and transparent method to work out developer contributions for public art to be published in the Developer Contributions Technical Guidance.
- 6.2 Both documents support and accord with the council's Public Art Strategy 'One Landscape, Many Views' which was agreed by this council in November 2021.

## **7. Financial implications**

- 7.1 There are no direct financial implications arising from this report.

Name of finance officer consulted: John Lack Date consulted: 03/02//22

## **8. Legal implications**

- 8.1 The Public Art PAN and the Developer Contributions Calculator are not statutory documents but will assist in the development management process when public art is required in connection with proposed development.
- 8.2 Name of lawyer consulted: Hilary Woodward Date consulted 4/2/22

## **9. Equalities implications**

- 9.1 The policies within City Plan Part 1 have been the subject of a Health & Equalities Impact Assessment. The PAN gives technical advice on how to deliver public art through this planning policy framework. The developer contributions calculator is an updated and transparent method of working out an existing developer contribution based on policies within City Plan Part 1.

## **10. Sustainability implications**

- 10.1 The PAN promotes the benefits of delivering public art within new development, which includes its contribution to sustainable placemaking, and links to the Sustainability Action Plan as a relevant document in public art delivery.

## **Supporting Documentation**

### **1. Appendices**

1. Public Art Planning Advice Note

2. Public Art Developer Contributions Calculator and associated minimum threshold
3. Developer Contributions Calculator for on-site public art provision and associated minimum threshold level Consultation Report March 2022
4. Evidenced Review of all major developments within Brighton & Hove to have secured a public art developer contribution as part of their most recent planning approval granted between Jan 2013 to June 2021

