

**Developer Contributions Calculator for on-site public art provision  
and associated minimum threshold level**

**Consultation Report March 2022**

Consultation held between 28 October 2021 to 8 December 2021

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# Developer Contributions Calculator for on-site public art provision and associated threshold level

## Summary

The council seeks to introduce an online developer contributions calculator to calculate the appropriate contribution for the provision of on-site public art with an associated threshold level.

The calculator will be included within the council's [Developer Contributions Technical Guidance](#).

Introducing this approach improves the existing process for determining contributions within very large development schemes as it provides a more practical and transparent way to calculate public art developer contributions.

This allows a clear understanding of the costs which may be sought for on-site public art provision at very early stages in the development process.

## Background

### Developer Contributions Calculator

The calculator is based on an evidenced review of those development schemes within Brighton & Hove which have secured public art contributions as part of their most recent planning approval granted between 2013 – June 2021. The artistic component sums suggested in the calculator are those achieved by the majority (at least 80%) of schemes within their location.

The reviewed schemes were sorted into their location within the existing [CIL \(Community Infrastructure Levy\) charging zones for residential development](#). Using these zones places the proposed contributions within a citywide framework which has been tested through the CIL examination. CIL zones demonstrate broad areas of comparable development viability. Where a site falls within a Nil CIL Charge Zone the surrounding CIL residential zone will be applicable. Nil CIL zones are not precluded from site specific developer contributions such as S106 planning obligations.

To calculate the developer contribution, the scheme's Gross Internal Area (GIA) in square metres is used as a measure to understand the scale and significance of the proposed development, and hence the appropriate scale of the artistic component mitigation requested. Both the CIL residential zone and a scheme's GIA are publicly available information.

Once a sum has been calculated using the Public Art Developer Contribution calculator, the final public art developer contribution will be a matter for the case

officer to test against other developer contributions requirements for the development.

### Threshold

The approach also includes an associated minimum threshold of £25,000 for the contribution. Public art developer contribution sums falling below this threshold will not be requested. This threshold reflects the costs of the processes involved in the creation of successful public art; and the material outcomes required including long term durability of the delivered public art.

These costs include:

- Artist's design fees
- Practitioner/Artist commission fees
- Materials and fabrication costs and fees
- Installation costs

## **Consultation Methodology**

An on-line consultation was held on the council's consultation portal for a period of 6 weeks between 28 October 2021 and 8 December 2021.

Emails inviting comments on the consultation were sent to **169** groups and organisations drawn from the planning policy, projects and heritage mailing list and included developers, agents, architects, community and resident groups, forums, civic societies, friends' groups, statutory organisations.

Along with this the Arts and Culture team were asked to forward an email with an invitation to comment on the consultation to their contacts as appropriate.

The Planning Agent's Forum were directly consulted for their views on the consultation.

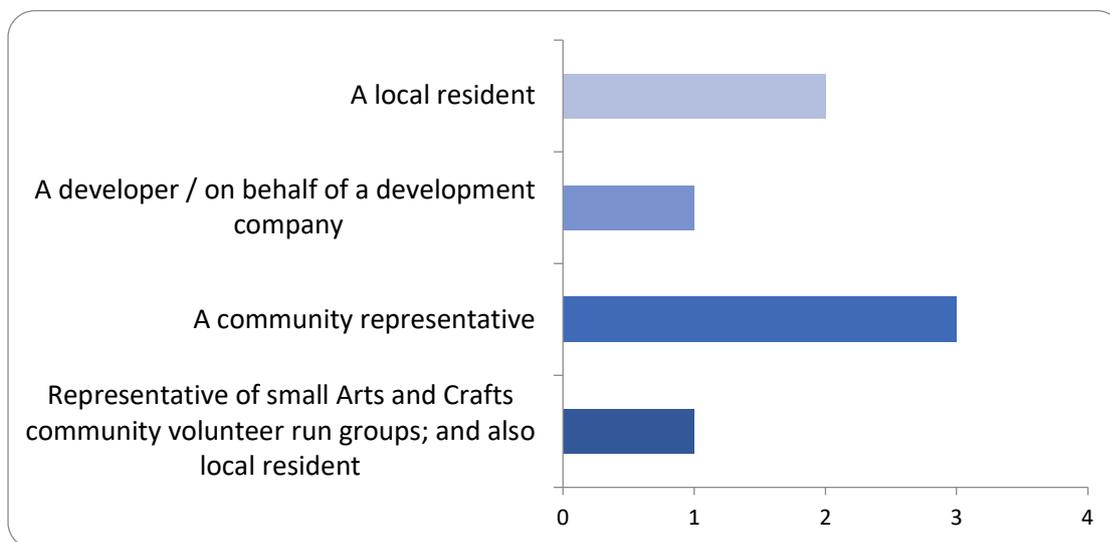
The invitation to comment was also circulated internally to colleagues.

## **Responses**

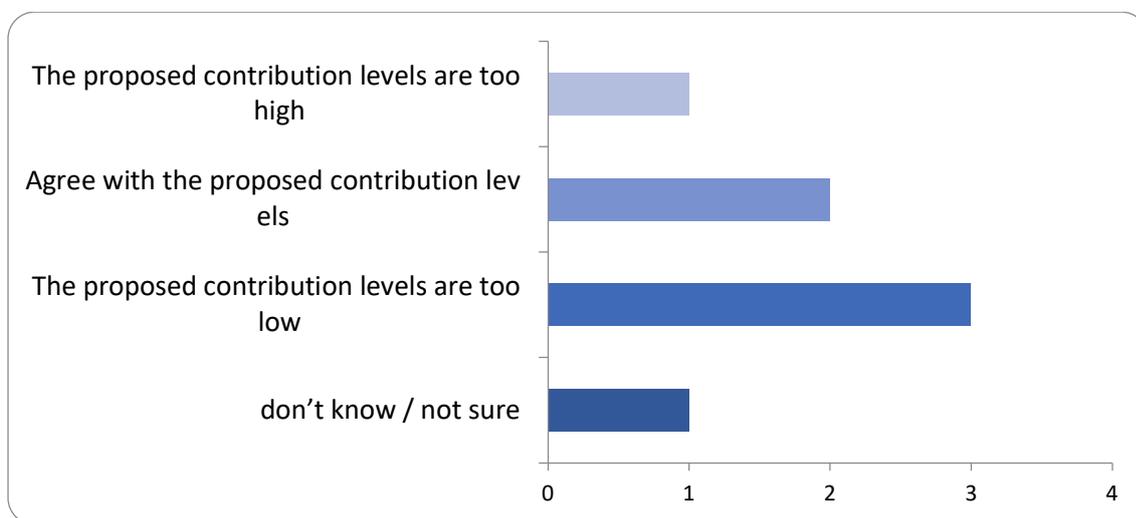
7 responses were received.

5 responses were made fully within the Consultation Portal; 1 response was made within the Consultation Portal and linked to a supplementary emailed response; 1 response was made by email only.

## Who Responded



**Question: To what extent do you agree or disagree with the proposed developer contribution levels for the provision of on-site public art which may be sought from development schemes?**

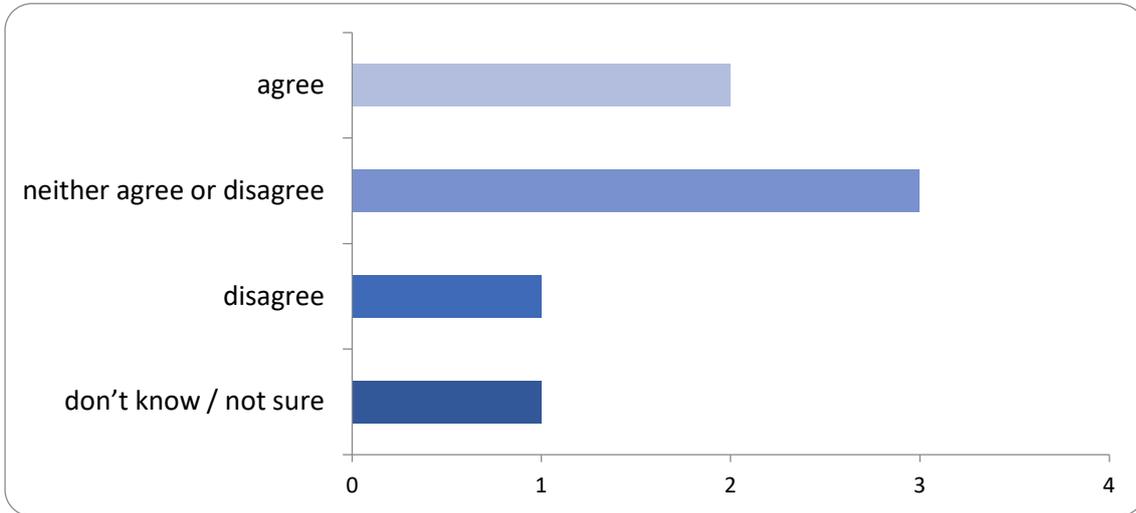


Respondent	General Comment Summary	BHCC Response
Developer	Agrees that public art can help to create and enhance local distinctiveness in the public realm, help develop a desirable sense of place, improve legibility. However this should be developed /	A comprehensive review was undertaken of rates achieved in each CIL charging zone and

	considered on a case-by-case basis to reflect the unique characteristics of each site. Not appropriate to apply a formulaic approach to something that is not formulaic in its nature. Further details of how the rates have been derived are needed, as the tariffs applied would appear to generate disproportionately high sums on major developments.	are considered reasonable, setting out rates which at least 80% of sites achieved. The calculated sum is for the case officer to test against other required developer contributions on a case-by-case basis
A community representative	As your review indicates the figures proposed seem to create numbers that are about what has been agreed in the past. If it was OK then, it should be OK now.	Comment noted and welcomed
A community representative	<p>1)The proposed levels are lower than the average achieved in the period 2013-2021 and would therefore result in a reduction of contributions for on-site public art. The difference is particularly marked for Zone 2 which proposes £4 per sqm GIA compared to recent average £5.4</p> <p>2)The development at the former Texaco Garage, Hove is not included in the review</p> <p>3) the public art scheme at Hove Lagoon is not included in the review</p> <p>3)Recommend a value for money audit of public art projects delivered by s106 funds over last 10 years</p>	<p>Comments noted;</p> <p>1) the proposed contributions reflect past practice and need to be balanced against other contributions</p> <p>2)The former Texaco Garage scheme has now been added to, but does not significantly alter, the review.</p> <p>3) The contribution relating to the Hove Lagoon scheme was secured prior to 2013</p> <p>4) outside the scope of this consultation on Technical Guidance</p>
Arts & crafts & local resident	<p>The quality and scope of the public art across all areas should have the same level of costs and income, and not a three tiered system as the quality of the artists and the relevance to those living there is equal.</p> <p>Central city sites and those who live there are not more important than those living on the urban fringe of the city, and neither should our public art be inferior in costs and design and payments to artists than the city central sites.</p>	Developer Contributions take account of development viability which varies geographically across the city. The review demonstrates the contribution levels achieved historically correspond

	One scale of payments for all sites, depending upon all round development costs.	to viability levels within CIL zones.
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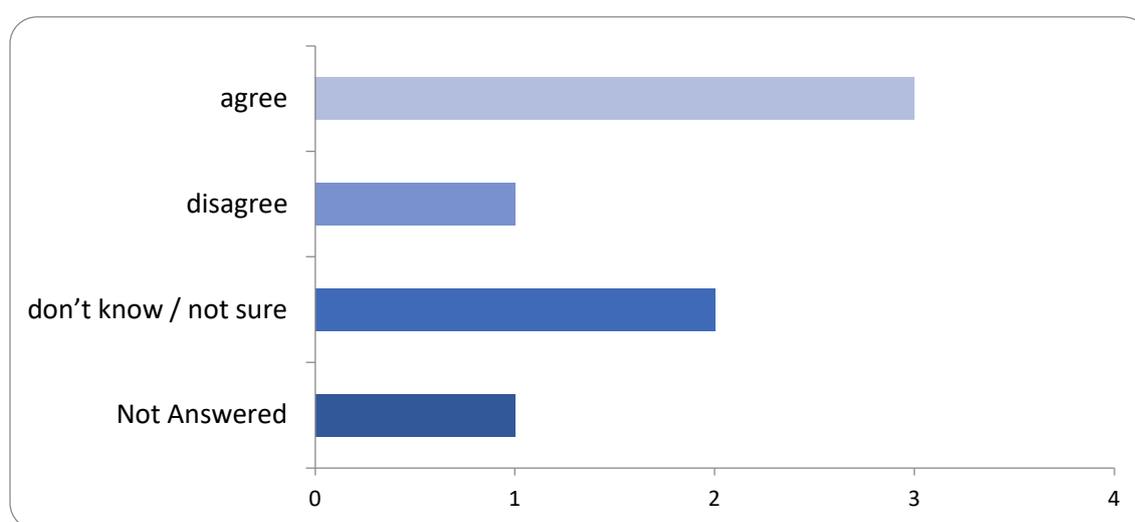
**Question: To what extent do you agree or disagree with using the CIL residential zones to define the proposed area boundaries ?**



Respondent	General Comment Summary	BHCC Response
Developer	The calculator is based on the CIL zones - we understand this to mean that the proposed calculator does not apply to Nil CIL sites.	Comment noted. Sites within a Nil CIL charging zone are not exempt from relevant S106 contributions. Where a site falls within a Nil CIL Charge Zone the surrounding CIL residential zone is applicable. This will be clarified in a note supporting the calculator
A community representative	The CIL areas seem to reflect the value set by developers on various areas of the city.	Comment noted and welcomed.
Arts & crafts & local resident	<p>1) All areas of the city on the urban fringe to be brought up to central city standards and become destinations for their facilities and public arts, not just places to travel away from.</p> <p>2) To become a vibrant city of the future, several local shopping and arts and cultural hubs needed on</p>	<p>Comments noted.</p> <p>1) Developer Contributions take account of development viability which varies geographically across the city. The review demonstrates the contribution levels</p>

	the urban fringe estates to enable more even travel within the city, and to use every part of the beautiful area and landscapes in rural area, which is currently a wasted resource of our national parks and countryside and urban fringe estates.	achieved historically correspond to viability levels within CIL zones.  2) outside the scope of this consultation
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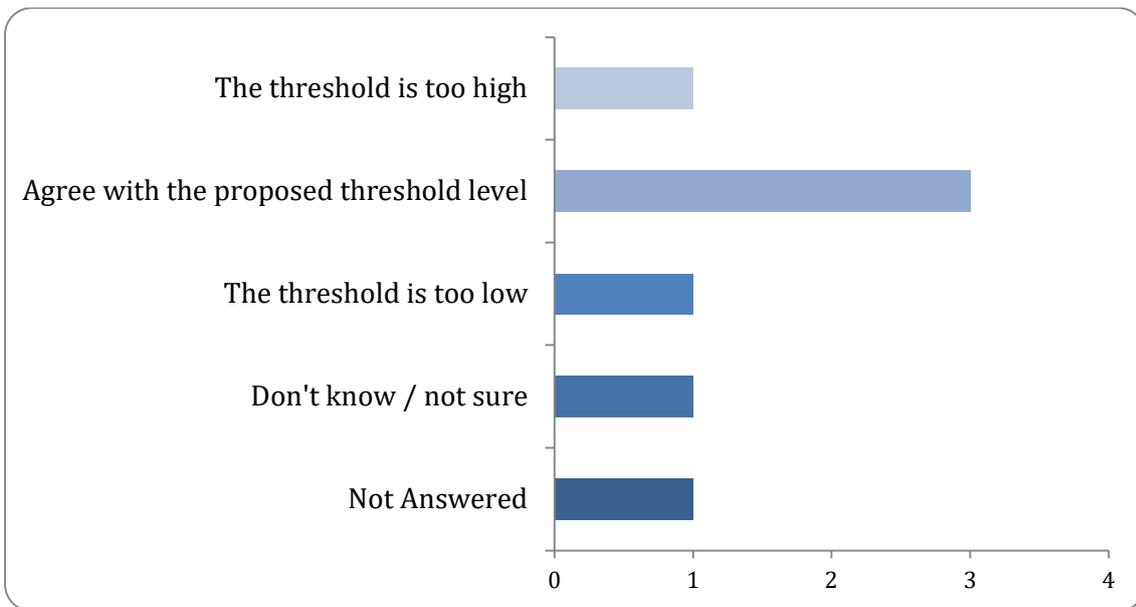
**Question: To what extent do you agree or disagree with using the Gross Internal Area (per square metre) of development schemes within the proposed developer contributions calculator**



<b>Respondent</b>	<b>General Comment Summary</b>	<b>BHCC Response</b>
A local Resident	It should be based on the valuation of the building to become a progressive contribution.	Comment noted. The calculator uses site size (GIA) and location, so providing a link to general development values
A community representative	The only better measure might have been total building volume, or some sort of measure of overall visual impact. Floor area is close to volume and readily available, whilst a measure of visual impact would be open to criticism on all and any details.	Comments noted. Floor area (GIA) is 1) similar to volume, and 2) publicly available data; leading to its use as a measure to identify the significance and scale of development, which in turn impacts upon the scheme's visual impact.
Arts & crafts & local resident	A difficult question for the uninitiated general public to answer.	Comments noted. The consultation material did provide an explanation of the proposed approach

		<p>but it is acknowledged that some aspects are technical as it will be included in Developer Contribution Technical Guidance.</p> <p>The consultation sought to reach a wide range of groups and organisations with a wide range of interests within the built environment, and the Planning Agent's Forum.</p>
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**Question: To what extent do you agree or disagree with the threshold of £25,000 for the provision of on-site public art?**



Respondent	General Comment Summary	BHCC Response
A community representative	It might as well be set at this at first sight rather high figure, because the cost of a well designed and long-life artwork will be in thousands, even 10s of thousands, excluding identifying the artist (s) and writing the commissioning document, and seeing through the whole process.	Comment welcomed
A community representative	This seems a reasonable threshold	Comment welcomed

A community representative	The evidenced review shows that for 2013-2021 the total amount achieved for schemes below the proposed £25K threshold was £274,300, a considerable sum that the city would miss out on if this threshold was implemented. Whilst we agree that contributions of less than £25K are too low to provide a substantial single public art contribution, we propose that this money is pooled between schemes to maximise the benefit for the city.	Comment noted. The Developer Contribution Technical Guidance sets out that s106 developer contributions may be sought for on-site public realm provision including artistic element. Where it is not possible for on-site provision, off-site contributions are addressed through CIL
Arts & crafts & local resident	Not enough information given for the general public to comment / have a realistic opinion on this subject.	Comment noted. The threshold is based on detailed processes involved in the creation of successful public art

