

Public Art Strategy Ro-innleachd Ealain Phoblaich



Introduction

Ro-ràdh

This guidance has been developed to supplement the Highland-wide Local Development Plan, and also partly in response to the Highland Culture Strategic Board (a partnership of The Highland Council, HIE and Creative Scotland) commissioned report "[Highland Public Art - A Strategic Framework](#)"¹ which reviewed the current public art practices in Highland and recommended a number of changes in approach. Furthermore it supports the aims and outcomes of the Highland Culture Strategic Board Strategy².

One of the key characteristics of many successful places is that they have a distinct identity. The Scottish Government considers that Public Art can have a vital role to play in creating a unique identity for places. This is supported through The Scottish Government's policy statement Designing Places, and Planning Advice Notes on Improving Town Centres (PAN 59) Planning and Open Space (PAN 65), Design Statements (PAN 68) and Master Planning (PAN 83).

To help create places with distinctive identities and a clear sense of identity, this guidance seeks the inclusion of developer funded Public Art where appropriate in new developments, in line with Policy 29 Design Quality and Place-Making of the Highland-wide Local Development Plan. Whilst it is primarily focused on the delivery of public art as part of wider development proposals, some parts of this guidance are equally applicable to independent public arts proposals, for example those that are community led or part of regeneration proposals.

Structure of this Guidance

This guidance is split into two sections:

- **Public Art Strategy** – introduces public art and outlines key guiding principles;
- **Delivering Public Art** – explains what developments should incorporate public art, where to get advice and planning mechanisms for securing and implementing public art.



Image: The Conch (Sound Studio], Zoë Walker & Neil Bromwich, North Kessock, 2010

1 Sorcha Carey (2011) Highland Public Art – A Strategic Framework

2 Highland Culture Strategic Board (2012) Highland Culture Take Pride, Take Part

Status of the Guidance

This guidance was adopted by The Highland Council on dd/mm/yy as Supplementary Guidance to Policy 29 – Design and Place-Making of the Highland-wide Local Development Plan under the Planning Etc. (Scotland) Act 2006. As required by the Act, the original draft of this guidance was the subject of public consultation. Where considered appropriate comments received during the public consultation period have been reflected in this final iteration of the guidance.

This guidance will be applicable to appropriate applications under consideration at the date of the adoption of this guidance and any future applications validated either on or from the date of adoption. The guidance will not be applied retrospectively to applications which have already received planning consent or those which are currently approved subject to the conclusion of a legal agreement.

To facilitate the creation of successful places with distinctive identities, this guidance should be read in conjunction with other Highland Council Supplementary Guidance including (but not limited to) Open Space in New Residential Development, Developer Contributions and Residential Design and Layout.

The Council will monitor the effectiveness of the guidance and update and review the guidance at regular intervals. The guidance as a whole will be reviewed every 5 years.

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What is Public Art?

For the purposes of this guidance, the term Public Art will be used to refer to:

Any visual art activity that takes place outside a formal gallery context, including temporary projects which facilitate engagement with visual art practice outside the gallery, as well as permanent projects where an artwork is commissioned to remain on permanent display in a public space or as part of building.

Public art in new developments can take a number of different forms including:

- Large scale sculptural works;
- Bespoke street furniture;
- Bespoke lighting fixtures and schemes;
- Bespoke paving and surface treatments;
- Sculptural landscaping;
- Bespoke internal fixtures and fittings;
- Interior art and craftworks; and
- Contemporary or traditional glass treatments (e.g. etching or stained glass).



Images: (left) Cathedral, Mike Inglis, Crown Road Wall, Inverness (right) Victorian Market entrances, DUFI, Inverness

What are the benefits of Public Art?

Public Art can deliver a wide range of benefits to communities and developers. These benefits can be significant when well managed, adequately funded and successfully executed. Public Art can:

- Help create a well-designed, distinctive place;
- Increase public engagement leading to an enhanced sense of ownership and responsibility for public spaces;
- Increase visitor footfall;
- Increase the attractiveness of the local environment;
- Provide opportunities for artists and crafts people to develop and be employed locally;
- Help to deliver good quality urban infrastructure;
- Provide access to external investment from funds ring-fenced for the arts, and ensure help continue development of high quality spaces, in a challenging economic climate;
- Celebrate the significance of a place or community;
- Provide an attractive gateway or landmark feature;
- Contribute to the ongoing development of Highland as a destination for tourism;
- Raise the profile of the Highlands.

Key Guiding Principles

The key aim of the following guiding principles is for public art in new developments to help produce well-designed, distinctive places with a clear sense of identity across Highland

To deliver public art in new developments throughout Highland any new public art initiative should aim to follow the key guiding principles set out below. Public art initiatives should illustrate how they address each of the key guiding principles within their Public Art Brief.

1. Creating a Sense of Place

Developments should seek to create or add to a settlement's identity and sense of place. Public art projects within new development should build upon history, environment and community to create places that respond to and reinforce local distinctiveness.

Plans for the major redevelopment of John O' Groats include provision for a series of Public Art commissions in an effort to develop a sense of place which lives up to the reputation that this famous landmark has in the popular imagination.

Image: are we there yet? detail featuring Fraser Gray and Martin McGuinness, John O' Groats, 2011



2. Promoting Good Quality Design

Good quality design requires early interaction and engagement by developers with all professionals involved in place-making. Arts professionals should be involved in the development process early enough to make best use of existing budgets and to ensure that public art projects are delivered throughout Highland.

The Centre for Health Sciences, Ness Islands and the City of Inverness Streetscape projects demonstrate that the involvement of art professionals - public art managers/producers and artists - from the very first stages of the development process helps to deliver high-quality public space with a strong sense of identity.

This is evident not simply in the artworks that have been commissioned for these sites, but more importantly in the creation of an overarching vision through the involvement of art professionals. This vision extended to minor details such as the colour of railings, and size and design of bins on Ness Islands; or the type of furniture used in the Centre for Health Sciences. It is an approach which does not have significant cost implications, and indeed may often be the most cost-effective way to give a strong sense of individuality and quality to a place.



Images: (bottom) The Blaeberry and the Deer, Mary Redmond, Centre for Health Science, 2008 (top) Wooden bench, Nigel Ross, Ness Islands

3. Facilitating Debate and Community Engagement

All public art initiatives should consider communities and community engagement from an early stage. Community engagement should be a central consideration as it is the community that will take ownership of the products of public art initiatives.

IOTA's *Imagining the Centre* and *Re-imagining the Centre* projects in Inverness demonstrated the valuable role art can play in facilitating a community-wide process of engagement and debate, as well as generating a sense of civic pride.

These temporary events have been widely acknowledged as an extremely effective tool to:

- engage the local community in a debate about what they want from their public spaces;
- generate new ideas about, and approaches to, Inverness' ongoing development;
- build a sense of ownership and confidence among the local community in the changes facing their city.



Images: (top) What's Pants About Inverness? : *Imagining the Centre*, Sarah Barnes, 2006 (bottom) *Re-Imagining the Centre*, Kirsty Whiten, 2009

4. Developing New Audiences for the Visual Arts

Public art projects should be accessible to everyone within the community and developed/implemented in such a manner as to reach out into communities and actively encourage people's interest in the visual arts, perhaps through public events and educational-based opportunities in communities and schools.

Public art projects allow people with no specialist knowledge of the visual arts to gain access to contemporary visual art practice. This is an important benefit, particularly in a region like Highland where there can be long distances to travel to gain access to visual art where they might not have ready access to a gallery or museum.

5. Creating Opportunities for Professional Development

Public art projects can provide opportunities for Highland artists to develop their skills, either through direct involvement in the projects or through shadowing or other indirect methods.

Public art projects, and the commissioning platform they afford, not only present opportunities for potential employment by artists living in Highland, they also present an important opportunity for Highland artists to engage with contemporary practice from elsewhere in the UK and Europe, and to develop their own practice in the process.

6. Raising the Profile of Highland as a Creative Hub

All public art projects should be of a high quality to ensure that they contribute positively to the profile of Highland as a creative region, and thus contribute to the attractiveness of Highland as a tourist destination.

Some Highland art projects have already attracted considerable profile outside the local area and Scotland, and as such cast an important spotlight on the region. It is important that future commissions look at ways in which they can develop their reach and impact of projects beyond Highland, as well as embedding them in local communities.

Public art projects regularly attract national press coverage and this has an impact on many levels – political, social and economic.

The Harbour Fish at Helmsdale harbour was commissioned to stimulate the use of the harbour as a tourist facility.

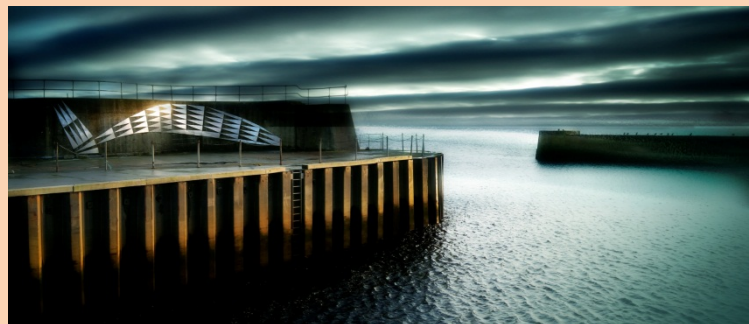


Image: Harbour Fish, Helmsdale Harbour, Julian Meredith, 2007

Delivering Public Art

A' Lìbhrigeadh Ealain Phoblach

What developments are required to contribute towards public art?

Policy 29 Design and Place Making of the Highland-wide Local Development Plan requires new development should be designed to make a positive contribution to the architectural and visual quality of the place in which it is located and, where appropriate, should consider the incorporation of public art as a means of creating a distinct sense of place and identity in line with the Council's Public Art Strategy for the Highlands.

The following types of development are considered to be appropriate for the incorporation of public art:

- National or Major developments³ - for example developments of 50 or more dwellings and most other types of developments over 2 hectares;
- Prominent Sites – local developments⁴ that are in a prominent public location and/or will have a significant impact on the local environment; and
- Sites of historic or cultural significance – local developments, for example, the redevelopment of a site historically used for different purpose, such as a former factory or post office, to allow the significance of a site to leave a lasting legacy.

Engagement

To prevent opportunities being missed, or encountered too late in the process for public art to make a meaningful contribution to developments early engagement with the planning system and local communities is essential. The sections below describe key ways to do this.

Pre-Application Advice

Public art should be considered at the earliest possible stage in bringing forward new developments to ensure the full range of delivery options for public art can be considered

Guidance can be sought on how to meet the key guiding principles of this guidance to explore and realise the benefits of public art for the new development through the

³ As defined by The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009

⁴ All other developments lower than the thresholds set out in The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009

lifetime of a development through early engagement with The Highland Council's Pre-Application Advice Services.

Design Review Panels

The purpose of design review panels are to raise the quality of the built environment by securing well designed places and buildings that respect and contribute positively to their settings, promote aspiration and a sense of belonging and use resources sensibly. The design review process, through appraisal and evaluation, assists those responsible for the development of the built environment by offering informed advice on the design quality of proposals and how to best utilise public art to improve developments.

There are two design review panels which you may be able to utilise, (contact details for both panels are provided at the end of this document):

PLACE - Inverness Design Review Panel

PLACE brings together experts in architecture and design to consider projects ahead of planning applications being submitted to Highland Council. The design review panel considers the environmental aesthetic and the quality of the architecture not cost or whether it would be acceptable in terms of planning policy. It is supported by the Inverness Architectural Association, the Royal Town Planning Institute, Inverness Civic Trust and the Inverness City Heritage Trust. PLACE makes recommendations to applicants and its report forms part of the material available to planning officers and where necessary Planning Application Committee.

Architecture and Design Scotland Design Forum

Architecture and Design Scotland is the national champion for good architecture and sustainable place making. Their primary focus is on development of national importance and/or strategic significance but do also consider other projects that raise design issues of wider relevance. Two forums of direct engagement are offered, Design Forum Workshops and written scoping responses. The forum comprises an Architecture and Design Scotland Design Advisor and independent panel members that represent a broad variety of design and development professionals, all of who have a through understanding of design and track record of achievement.

Communities

Local communities are key audiences for development proposals. They often possess a wealth of local knowledge and their support is vital to delivering a successful public art project. The design team for each individual development should encourage local people, including schools, to become involved in a project's development to ensure public art is relevant to the community. For National and Major Developments pre-application consultation is a statutory part of the planning process; for Local Developments that are appropriate for the inclusion of public art

public consultation is strongly encouraged. Community Councils and other officially constituted local groups are useful starting points for establishing the scope of consultation.

Securing Public Art

'Percent for Art' is an internationally recognised and widely used scheme for the funding of public art programmes. It is a simple philosophy whereby developers allocate around 1% of the capital construction costs to works of art in or around new developments. Whilst the Council does not insist upon a set percentage of the developments capital budget, developers must support the principle of providing for an input into the arts and taking pride in making a contribution of significance to the local environment.

On-Site Provision

The Council's preference is for Public Art to be an integral part of the overall design of a development, as such in all but exceptional circumstances, public art should be provided on site.

Developments required to incorporate public art should set aside a proportion of the capital budget of a building for commissioning public art. The scale and characteristics of new developments will determine what proportion of the capital budget is appropriate, however it is expected that around 1% of the capital budget is appropriate for most developments. Once planning permission has been granted, the developer will take responsibility for funding and managing the approved public art project; this will include commissioning, manufacturing, installing and maintaining it.

It is important to note that the implementation of a public art policy may not necessitate significant additional costs to developers, as there is potential for development budgets for standard items such as railings, lighting, benches, paving etc. to be used to contribute towards a development's art obligations. This would only apply where standard items of street furniture and/or hard landscaping are substituted by bespoke items that are used innovatively to form an integral part of the overall design of the development.

The Inverness Streetscape works contain a number of artistic interventions within standard items such as paving slabs and drain covers. Early intervention is key to maximising and making best use of existing budgets for Public Art initiatives.

Image: Street Texts, DUFI, Inverness, 2009



There is potential for developments that incorporate public art to attract matched-funding from Creative Scotland, increasing the possibilities, reach and scope of public art initiatives.

Off-site Provision

As an exception The Highland Council may agree that a developer is unable to deliver public art of a sufficiently high quality on site. In these circumstances the Council may secure public art by planning condition legal agreement where the developer is taking responsibility for the management and delivery of the installation. Alternatively a contribution up to the value of 1% of the capital budget could be collected by Council and secured by means of a legal agreement. There is potential for the Council to collect contributions for public art from several development projects for the delivery of public art in the wider area. The Council will negotiate with the developer to agree which is the most appropriate method for the management, implementation and maintenance of off-site public art.

For general guidance on how and when The Highland Council will seek developer contributions please see the Developer Contributions: Supplementary Guidance.

Community Delivery of Public Art

It is recognised that not all public art projects will be delivered through new development, a high proportion of projects will be brought forward and delivered by community groups, individuals or public agencies. In these cases when planning permission is required, the information as required in the Public Art Brief (described overleaf) should be provided to support a planning application to aid assessment of the application.

Additional funding

To help ensure better and long-lasting outcomes for individual communities and Highland as a whole it is vital that each public art project is properly funded. There are a number of funding sources which may be available to public art projects which may not otherwise be available to either public or private development projects. Organisations including the Heritage Lottery Fund and Creative Scotland can provide funding for public art projects and may also be able to provide additional advice on additional funding sources.

Creative Scotland is the national leader for Scotland's arts, screen and creative industries. Creative Scotland consider that Scotland needs to become more competitive in public art and as such, has introduced a priority investment strand based on the theme of 'place' which looks to invest in a programme of public art projects that help define places. For more information visit the Creative Scotland website: <http://www.creativescotland.com>.

The decision to include public art projects within the new Streetscape programme for Inverness, redevelopment of John O'Groats and Helmsdale Harbour all enabled significant additional funds from public and private sources, including the National Lottery, Creative Scotland and private investors to be levered.

Public Art Brief

To ensure public art is an integral part of the overall design of a development it is the preference of The Highland Council that planning permission for public art is sought as part of a planning application for entire development proposals.

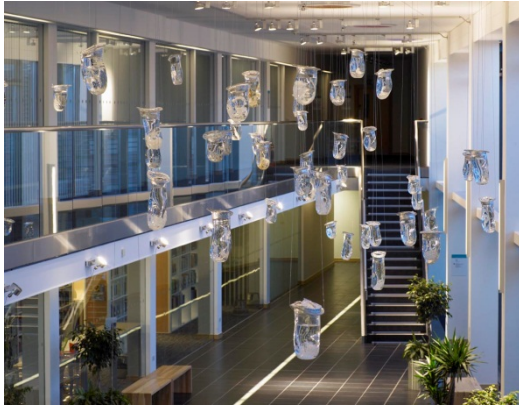
Planning applications that are required incorporate public art are expected to be accompanied by a Public Art Brief. This brief should normally be prepared by a public art professional in collaboration with other members of the design team. It will show how the developer is providing opportunities for public art. For National and Major Developments this should be included as part of a Design and Access Statement and submitted alongside a planning application; for Local Developments where public art is considered appropriate it should be submitted as a standalone document to support the planning application.

The level of detail required in the Public Art Brief will be dependent upon whether an application is for Planning Permission in Principle or Full Planning Permission/Application for Approval of Matters Specified in Condition. Applications for Planning Permission in Principle should describe outline concepts whereas other applications should provide more detailed information on each of the elements described below.

The Public Art Brief should be prepared as early in the development process as is practicable. This will make it possible for the artist(s) engaged by the developer to gain an involvement at a sufficiently early juncture to enable them to best influence the development process, and in particular, help identify elements of existing budgets which can contribute towards the Public Art project(s).

The Public Art Brief should contain information on the following:

- The aims, objectives and expected outcomes of the commission - e.g. independent artwork, functional pieces within a new development, the creation of new public space;
- How the project will address each of the key guiding principles in this guidance;
- A description of the exact nature of the site;
- Relevant historical, social or other contextual detail;
- Sketches and/or drawings (where available) of proposed public art installation;
- Specifications of materials and access;
- Timescales and trigger points for implementing public art; and



- Details of ownership, maintenance and decommissioning.

Images: Ecbolic Winter Garden, Christine Borland, Centre for Health Science, Inverness, 2008

Planning Assessment

The assessment by Council Planning Officer's of planning applications that incorporate public art will be based upon the key guiding principles in this guidance; general design policies in the Highland-wide Local Development Plan and other national guidance and policy. The Public Art Brief forms a key part of this assessment and therefore is a material consideration in the determination of a planning application.

The public art element of proposals will be assessed against the following criteria:

- Appropriateness of location in terms of positioning, size, form, massing, proportion, scale, materials and colours;
- Extent to which public art creates or contributes to a sense of place and complements local character;
- Whether proposed timing of implementation of public art is acceptable;
- Whether proposed ownership, maintenance and decommissioning arrangements are acceptable;
- Other technical matters for example, any impact upon road safety.

Whilst it is acknowledged that public art can be a subjective topic and that Planning Officers are not experts in this area the Council is confident that the assessment of applications based on the above criteria will help to produce well-designed, distinctive places.

Implementation

Once the developer has been granted planning permission, they will take responsibility for funding and managing the approved project. This will include

commissioning, manufacturing, installing and maintaining pieces of public art. In most situations the developer will remain the owner of the physical pieces and responsible for their long term care.

Successful Public Art Delivery and Management

- Getting budget right and agreed from the outset
- Getting the project team right and having strong artistic expertise and project management
- Identifying/appointing suitably skilled artists
- Managing any difficulties along the way to the satisfaction of all parties
- Remaining flexible
- Having a clear brief and contractual arrangement with the artists
- Maintaining good and regular communication throughout
- Ensuring that the public/participants who've been actively involved are acknowledged or thanked as part of the overall process in suitable ways
- Document the process



Image: Land drawing, Kate Whiteford, Eden Court Theatre, Inverness

Appendix 1 – Contacts

The Highland Council

Planning Gain Negotiator

01463 702899

Development Management

North

Sutherland
Ross and Cromarty
Skye and Lochalsh
Caithness

01349 886606

planning@highland.gov.uk

South

Inverness
Nairn
Badenoch and Strathspey
Lochaber

01349 886606

planning@highland.gov.uk

Development Planning

01463 702259

devplans@highland.gov.uk

Design Review Panels

PLACE – Inverness Design Review Panel

Andrew Bruce (current co-chair)

HRI Architects

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Tel: 01463 240066

Email: admin@hri-architects.com

Architecture and Design Scotland

Bakehouse Close

146 Canongate

Edinburgh

EH8 8DD

Tel: 0845 1800642

Email: design.forum@ads.org.uk

Images Credits:

- Front cover Three Virtues, Matt Baker, Church Street, Inverness, 2008 Courtesy of IOTA (photo: Fin Macrae)
- Page 2 The Conch [Sound Studio], Zoë Walker & Neil Bromwich, North Kessock, 2010 Courtesy of IOTA (photo: Ewen Weatherspoon)
- Page 3 Cathedral, Mike Inglis, Crown Road Wall, Inverness, 2011 Courtesy of IOTA (photo: Fin Macrae)
- Victorian Market entrances, DUFI, Inverness, 2011 Courtesy of IOTA (photo: John Paul)
- Page 5 are we there yet? DUFI in collaboration with Richie Cumming, Fraser Gray, Martin McGuinness, and Mike Inglis, John O' Groats, 2011
Courtesy of Highlands and Islands Enterprise (photo: Lynn Robinson)
- The Blaeberry and the Deer, Mary Redmond, Centre for Health Science, Inverness, 2008 (photo: Ewen Weatherspoon)
- Wooden Bench, Nigel Ross, Ness Islands, Inverness
- Page 6 What's Pants About Inverness?: Imagining the Centre, Sarah Barnes, Inverness, 2006. Courtesy of IOTA (photo: Tom Baker)
- Re-Imagining the Centre, Kirsty Whiten, Inverness, 2009 Courtesy of IOTA (photo: Ewen Weatherspoon)
- Page 7 Harbour Fish, Helmsdale Harbour, Julian Meredith, 2007 Courtesy of Sue Pernie Limited (photo: Susie Mackenzie)
- Page 10 Street Texts, DUFI, Inverness, 2009 Courtesy of IOTA (photo: Fin Macrae)
- Page 12 Ecobolic Winter Garden, Christine Borland, Centre for Health Science, Inverness, 2008 (photo: Ewen Weatherspoon)
- Page 14 Land Drawing, Kate Whiteford, Eden Court Theatre, Inverness Courtesy of Sue Pernie (photo: Sue Pernie)



Getting Involved

If you would like more information or to get involved in the production of future plans please contact us in one of the following ways:

Telephone

(01463) 702259

Post

Director of Planning and Development, The Highland Council, Glenurquhart Road, Inverness IV3 5NX

Email

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Fax

(01463) 702298

For the most up to date news on the work of the Development Plans Team (and more) please follow our twitter account, 'Like' our Facebook page and check out our blog:

Twitter

www.twitter.com/highlanddevplan

Facebook

www.facebook.com/highlandLDPs

Blog

hwldp.blogspot.co.uk

Feedback

If you have any experience of Development Planning that you would like to comment on please complete a customer satisfaction survey:

<http://www.surveymonkey.com/s/X89YVTY>

