

The background of the cover features a low-angle photograph of modern architecture. On the right, a large, curved, metallic structure with a circular opening is visible. In the foreground on the left, a large, white, spherical sculpture with a grid of small rectangular perforations is mounted on a white pedestal. The sky is a pale, overcast grey.

Basildon Borough Council

Public Art Topic Paper

July 2021

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1. Background

- 1.1. Basildon Borough Council has prepared its Local Plan in order to set out how places in Basildon Borough will change over the period from 2014 to 2034, to accommodate sustainable development and growth. The National Planning Policy Framework (NPPF) and Planning Policy Guidance (PPG) emphasise the importance of good design in planning for sustainable development, therefore, it is an integral part of delivering the Local Plan's growth ambitions.
- 1.2. The Basildon Borough Revised Publication Local Plan (RPLP) includes policies in relation to good design that set out the quality of development expected in the borough. In particular, Policy DES6 'Public Art and Cultural Interpretation' of the RPLP encourages the provision of high quality, sustainable, public art within the borough to enhance the aesthetics, character and interest of the public realm and inspire community pride and ownership.
- 1.3. Policy DES6 advocates a 'Percent for Art', whereby developers use 1% of the development cost for commissioning artwork. This policy was based on guidance within the 'Essex Public Art Guide', which has since been rescinded. In addition, changes to the national planning system and planning regulations mean that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:
 - a. necessary to make the development acceptable in planning terms;
 - b. directly related to the development; and
 - c. fairly and reasonably related in scale and kind to the development.
- 1.4. This means that the practice of seeking S106 contributions for public art projects is now restricted. As such, the scope of allocating a percentage of capital construction costs of a development as budget for public art is becoming ever more challenging.
- 1.5. The policy wording would also suggest that every application would need to submit a cost plan, showing what the forecast construction costs would be so that 1% of this can be identified and put into the S106 deed or through a planning condition. This raises uncertainty as to whether the policy can be enforced, and whether it is proportionate for the local planning authority to request this.
- 1.6. This topic paper proposes a new approach to delivering public art in the borough, in accordance with the NPPF and PPG. It provides more detail, evidence and explanations on how the Council has arrived at this new approach to public realm policies. The policy recommendations detailed at the end of this report are intended to be proposed as Main Modifications to the Local Plan, for consideration by the Inspector. These modifications are deemed necessary in order to address issues which have emerged since the Council submitted the Local Plan for examination in March 2019.

2. National and Local Policy Context

NPPF, PPG, and The National Design Guide

- 2.1 Section 12 of the NPPF 'Achieving well-designed places', aims to ensure the creation of high quality buildings and places which is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creating better places to live and work.
- 2.2 The NPPF requires Local Plans to include robust and comprehensive policies that set out the quality of development expected in the area, based on the understanding and evaluation of its defining characteristics. Planning policies and decisions should ensure that developments will function well and add to the overall quality of the area; are visually attractive; are sympathetic to local character and history; establish or maintain a strong sense of place; optimise site potential; promote safety, inclusivity and accessibility. However, their level of detail and degree of prescription should be tailored to the circumstances in each place, and should allow a suitable degree of variety where this would be justified.
- 2.3 The PPG further explains that planning policies can set out the design outcomes that development should pursue as well as the tools and processes that are expected to be used to embed good design.
- 2.4 The National Design Guide 2019, illustrates how well-designed places can be achieved in practice. This document forms part of the government's collection of planning practice guidance and should be read alongside the separate planning practice guidance on design process and tools. It addresses the question of how we recognise well-designed places, by outlining and illustrating the Government's priorities for well-designed places in the form of ten characteristics, one of which is 'public spaces'. The guidance advocates that the design of a public space should encompass its siting and integration for different purposes such as movement or parking, hard and soft surfaces, street furniture, lighting, signage and public art. This is because public art contributes to the public realm, thus meaning public art has a role in achieving well-designed sustainable places.

The Essex Design Guide

- 2.5 The Essex Design Guide (EDG) has been endorsed by the Council as a material consideration that may be taken into account when determining planning applications in Basildon Borough. It is widely recognised as an example of good practice in promoting better design, and often used as a reference guide to help create high quality places, with an identity specific to its Essex context.
- 2.6 The EDG notes that the narrative of public art can vary significantly and will only be considered successful if the art is site specific and relates well to its locality. In terms of finding the most sustainable approach to public art, the Essex Design Guide recommends Local Authorities set a requirement of £250 per dwelling for all

developments over 20 dwellings, where considered suitable across the county. However, the guidance states that the Local Planning Authority may have a policy/strategy to guide the commissioning of public art; and if so, developers should follow it.

Basildon Borough Revised Publication Local Plan 2018

- 2.7 Policies DES5 ‘High Quality Landscaping and Public Realm Design’ and DES6 ‘Public Art and Cultural Interpretation’ relate to public art within the emerging Local Plan.
- 2.8 Within policy DES5, proposals for the development of prominent sites within town centres, and for developments comprising 50 homes or more, or 1,000m² or more in other locations will be expected to be supported by a Public Realm Strategy. This includes the incorporation of public art, in accordance with policy DES6.
- 2.9 Policy DES6 details an approach for public art in Basildon. The policy advocates a ‘Percent for Art’ whereby developers contribute 1% of development cost for commissioning artwork, subject to viability.

Policy DES6

Public Art and Cultural Interpretation

1. The Council will encourage the provision of high quality, sustainable, new or extended public art within the Borough.
2. The provision of all public art and interpretation/information infrastructure must contribute positively to the locality, be site specific, and have regard to all other relevant policies in this plan.
3. The Council will require the provision of public art within the following types of development. The scale of public art provision should be proportionate to the scale of development, with a value equivalent to 1% of the construction value of the development, subject to viability:
 - a. Developments comprising 50 or more residential dwellings;
 - b. Developments comprising 1,000m² or more commercial floorspace;
 - c. Developments which are likely to have a significant impact upon the public realm due to their nature or location; or
 - d. Developments which are likely to have a high degree of public access.
4. The Council will seek the protection of existing public art, requiring the appropriate reinstatement or re-siting of artworks and other objects of cultural significance when such buildings or sites are redeveloped. Planning Conditions, or, if necessary, Planning Obligations, will be used to secure arrangements for protecting public art affected by development activities.

- 2.10 At the time of preparing the RPLP, it was considered that a less stringent criteria to public art would not provide a sufficient degree of certainty regarding the provision of public art. Therefore, an alternative policy approach was rejected.
- 2.11 The 'Basildon Local Plan and CIL Viability Update Study Report February 2018' provided a high-level viability assessment of the emerging Local Plan. At the time, Policy DES6 was considered to only have a slight potential impact on viability and considered unlikely to undermine the delivery of the Local Plan. As such, the associated policy cost was not tested for viability.
- 2.12 However, given the changing context for securing public art S106 contributions and uncertainty on how the policy can be enforced, a reasonable policy alternative to DES6 is necessary which will help achieve the right balance to enhance the borough's public realm.

Basildon Borough Leisure and Cultural Policy 2020-2025

- 2.13 The Council has adopted a Leisure and Cultural Policy which sets an overall vision that will guide future decisions made by the Council with regard to its leisure and cultural provision, including sport, art, community assets, parks and open spaces. The policy is also focused on achieving the promises and outcomes outlined in the council's Corporate Plan 2019-22 and the Health and Wellbeing Policy 2018, whilst taking account of the appropriate outcomes at national and regional level.
- 2.14 One of the identified priorities which will contribute to achieving the relevant outcomes of the Leisure and Cultural Policy is to:

'Seek opportunities to raise Basildon's prestige as a cultural centre and to use art and culture to help foster a sense of community identity by supporting staff, residents and partners to utilise expertise and skills available to contribute to Basildon's cultural and creative future'.

3. The Role of Public Art in Basildon Borough

- 3.1. Cultural vibrancy and lifestyle are significant factors influencing where people choose to live and where businesses choose to locate their premises; and successful public art helps improve the quality of an environment, making it a more attractive place to work or live.
- 3.2. Ixia, the national think tank which provides guidance on the role of public art, defines public art as three types of activity, one or more of which may be relevant or appropriate for a particular site:
- Art in public places, for example permanent artworks like the Angel of the North or temporary interventions as part of a series or festival;

- Art as public space, when artist collaborate with design and other professionals and members of the public on the function and design of buildings and spaces; and
- Socially-engaged practice, when the involvement of individual members of the public or specific group is at the centre of the artist's work.

3.3. In line with the Local Plan Vision, the Council wishes to improve Basildon Borough's cultural offer. Through the planning system, the Council can positively influence the investment in public art and the quality of that public art. By describing what public art is and can do, an appropriate public art policy will support those involved with the process of placemaking including planners, developers, local residents, artists, creative businesses and other decision-makers and influencers to embed public art in their plans and proposals. This will ultimately create better places and spaces in Basildon Borough. The benefits of public art in Basildon Borough will include:

- Contributing to a dynamic public realm;
- Celebrating the borough's unique characteristics;
- Encouraging new investment in the borough;
- Celebrating change and creating legacy;
- Reflecting Basildon's status as a new town.

3.4. It is clear that great places are essential to the health and wellbeing of the people in Basildon and the success of the borough, and that public art plays a crucial role in supporting the successful delivery of places. This emphasises the importance of seeking the most sustainable approach towards public art provision across the borough.

4. Policy Recommendations

4.1. The Council intends to be flexible in the way public art requirements can be met within developments, so that such requirements do not undermine the deliverability of the plan, in line with the NPPF. Rather than proposing a generic formula, best practice guidance recommends that the amount of money proposed for allocation to artworks should be negotiated on an individual basis with developers at the pre-planning stage. This new approach to policy will focus on the overarching priorities and opportunities for public art in Basildon Borough, and will encourage partnership working in delivering public art. It will also promote the early integration of public art within development proposals. It is therefore expected that developers either at pre-application stage or as part of the initial submission of a formal application, will make explicit how the artistic aspect has been incorporated into the development scheme

for the public benefit. Public art proposals can then be formalised through planning conditions or S106 agreements as appropriate.

- 4.2. The Council will also encourage community involvement in the development of public art projects, to uncover the local community’s relationship to the site and its significance, as well as encouraging a sense of ownership. Again, the nature of such involvement will vary from site to site, and commission to commission. Early engagement with the public, artists, developers, decision makers and other professionals in the creative process is key to a successful public art project and is widely acknowledged as good practice.
- 4.3. Given that public art is complementary to the design and use of public spaces, it is proposed that an integrated approach should be taken towards their provision throughout the borough. According to Ixia, the term "public art" encompasses art, craft and design within the public realm. The range of artistic activities it represents includes art and craft commissioned as part of the designed environment and in response to the specifics of the public realm. Consequently, it is proposed that the policy requirement for public art provision within the Basildon Borough Local Plan should be incorporated within the overarching policy on public realm. It should however be noted that any provision for public art will be in addition to the provision of other public realm and environmental enhancements.

Recommendation 1 – Policy DES1

- 4.4. It is recommended that ‘Policy DES1: Achieving Good Design’ is amended to clarify the Council’s aspiration for public realm improvements, as follows:

RPLP Paragraph/Policy Reference	New Paragraph/Policy Reference	Proposed Changes
Policy DES1 – Point 1	Policy DES1 – Point 1	Amend to read: Working with partners to deliver regeneration and public realm improvements in the Borough's town centres as set out in policies R2 to R6, and to increase investment in well-designed places across the Borough;

Recommendation 2 – Policy DES5

- 4.5. It is recommended that ‘Policy DES5: High Quality Landscaping and Public Realm Design’ is amended to incorporate the requirement for public art as part of public realm provision, enhancement and maintenance, as follows:

RPLP Paragraph/Policy Reference	New Paragraph/Policy Reference	Proposed Changes
Paragraph 12.39	Paragraph 12.39	<p>Amend to read:</p> <p>The Borough’s public realm comprises streets, movement corridors, squares, parks, and areas of open space, and public art within the built and natural environment which are publicly accessible. Public realm is not limited to land within public ownership, but can also include privately owned spaces, or those areas within communal developments which the public have access. Its role is vital for social and community cohesion and ensures people remain in places to shop or do business, sit, interact with others and generally have the freedom to spend time outside. As the Borough's population increases, so will the importance of having a range of high quality public spaces to make communities sustainable.</p>
-	Paragraph 12.48	<p>Insert a new paragraph after paragraph 12.47 to read:</p> <p>12.48 Public art can enhance the aesthetics, character and interest of the public realm and can attract further investment and high quality forms of development into an area. Public art can be incorporated into development in a number of ways, through the introduction of physical elements such as sculptures and monuments, to elements of detailing in paving, elevation treatment, as well as space for temporary art exhibitions or installations. It is important to consider what the public art is seeking to achieve and how appropriate it is to its surroundings. The Council will therefore assess each site on its size, situation and significance at the earliest stages, to ensure a fully integrated public art scheme. Early engagement with residents, artists, developers, decision</p>

		makers and other professionals will be key to ensuring that high quality public art is built into development schemes.
Policy DES5 – Point 2(g)	Policy DES5 – Point 2(g)	Amend to read: Incorporate public art in accordance with policy DES6 and cultural interpretation/infrastructure based on the particular characteristics of the site, and in consultation with relevant stakeholders;
Policy DES5 – Point 5	Policy DES5 – Point 5	Amend to read: Integrated or incidental landscaping, and existing public realm features that will be disturbed or removed during construction of development will be expected to be reinstated following the development's completion to a standard the same, or better, than that which existed prior to the development occurring. This will be secured by a planning condition, or where necessary a planning obligation.
-	Policy DES5 – Point 6	Insert a new point after Point 5 to read: 6. For all other development proposals not defined by Part 2 of this policy, the Council will welcome applications where the provision and/or enhancement of high quality landscaping and public realm are built on meaningful local context and stakeholder engagement.

Recommendation 3 – Policy DES6

4.6. It is recommended that 'Policy DES6: Public Art and Cultural Interpretation' is deleted in its entirety, together with the supporting text as set out in paragraphs 12.49 to 12.54. A new policy approach has been proposed instead, in recognition of the latest policies and guidance with regard to public art provision.

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