

**WRITTEN QUESTION TO THE MINISTER FOR PLANNING AND ENVIRONMENT  
BY DEPUTY G.C.L. BAUDAINS OF ST CLEMENT**

**ANSWER TO BE TABLED ON TUESDAY 4th DECEMBER 2007**

**Question**

With regard to the 'Percentage for Art' policy would the Minister –

- (a) advise why it was necessary to advertise for personnel to administer this, and what precisely the person engaged will do;
- (b) confirm that the situation as per the 2002 Island Plan still pertains, namely that the Percentage For Art contribution is entirely voluntary;
- (c) form members whether the contributions are mainly for on-site works integral to the development and that the contributions, when offered, will not exceed 0.75% of construction cost;
- (d) assure members that, despite the reference to 'strong encouragement' on page 1 of the Interim Supplementary Planning Guidance Advice Note 3 of December 2006, no pressure will be applied to developers;
- (e) advise whether he intends to undertake further consultation and debate on this new initiative before its full implementation to ascertain whether, given the Island's financial position, the public may prefer this new levy to fund basic infrastructure rather than art?

**Answer**

- (a) To help realise the provision of public art through the planning process in Jersey, there is a need to secure the provision of professional advice, both to the Minister for Planning and Environment and to the development industry about the application of funds generated by a Percentage for Art policy and the procurement of public art.

The main role of this service provider will be to -

- (i) provide advice to the Minister for Planning and Environment and his department about the application of funds generated by the Percentage for Art policy in respect of individual planning applications specifically in relation to the critical appraisal of public art proposals - including public art briefs; selection and commission processes; form and nature of the public art; and methodologies for procurement, project management and integration/ installation;
- (ii) liaise with the Department for Education, Sport and Culture's Percentage for Art Panel, to facilitate the provision of advice to the Minister for Planning and Environment about the application of funds generated by the Percentage for Art policy from a local cultural development perspective, in respect of individual planning applications;
- (iii) provide advice to the development industry about all aspects of the procurement of public art – to include advice about; the development of a public art brief for a site; the selection and commissioning of an artist; the integration and/or installation of public art into a development project; and public art project management and maintenance, as appropriate;
- (iv) provide advice to the Minister for Planning and Environment relative to the satisfactory discharging of any conditions or obligations related to Percentage for Art.

It is envisaged that these services would be provided on a retained consultancy basis, to be funded from Percentage for Art contributions from the development industry.

- (b) 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. The policy framework for the operation of this mechanism is provided by Policy BE12 of the 2002 Island Plan which 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 policy clearly states that any allocation of development costs towards the provision of public art is through the *negotiation of a voluntary allocation*. This approach is re-iterated in the supplementary planning guidance (SPG: Planning Advice Note 3: *Percentage for Art (December 2006)*) which supports this policy and which states that -

*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 0.75 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 500sq.m or more;*
- *non-residential development on a site of 1ha (2.5 acres or 5.6 verges) or more.*

- (c) As stated in the supplementary planning guidance, it is envisaged that the majority of Percentage for Art contributions will be on-site and integral to the development of that site.

Developers will be encouraged to provide up to 0.75% of the total construction cost of a development, where it is of a significant scale, for public art: this relates to the physical cost of developing the site and includes the cost of building and the provision of infrastructure. 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.

Because the notion of Percentage for Art is based on the voluntary principle, it is clearly up to the developer as to whether any public art budget exceeds the value of 0.75% of construction costs.

In discussing the level of contribution towards public art as part of a development project regard may be had to the extent of other costs that might be associated with infrastructure that is essential to the development.

- (d) see response to (b) above;

- (e) 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: it is based on a voluntary allocation of funds and is only encouraged for developments of a certain scale and cannot, thus, be considered to be a levy.

As stated above, the Minister will have regard to the level of infrastructure that is required to be provided as an integral element of a development as part of the negotiations and discussion about any contribution towards public art. It is not, therefore, a question of 'infrastructure or art': developments which do not provide the requisite level of basic infrastructure required to sustain them will not be approved, irrespective of whether they include public art.

The policy framework to enable the provision of public art is provided by Policy BE12 of the 2002 Island Plan which was the subject of extensive consultation and which was approved by the States.

The supplementary planning guidance which supports this policy was adopted in December 2006 following a consultation process which was open to the public and which engaged stakeholders from both the Island's art community and the development industry, as well as States Members, including the Environment Scrutiny Panel.

On the basis of the fact that the policy and guidance has already been through a process of consultation, scrutiny and review, the Minister does not intend to hold any further consultation on the mechanism presently but is issuing new guidance which will provide more information about the operation of the mechanism for the development industry.

The operation and effectiveness of the policy and guidance will, however, be monitored and assessed over time.