

## **New Corporate Policy**

**New Statues, Monuments and Public Artworks in parks, open spaces and the public realm owned by Nottingham City Council.**

## **Corporate Guidance**

### **1. Introduction**

**1.1** This document aims to provide guidance to private individuals, businesses or groups proposing the installation of a statue or piece of public art on land either owned or maintained by Nottingham City Council.

#### **1.2 What types of proposals are covered by this guidance?**

- a) Statues and Memorials – large and / or prominent installations including anything intended to celebrate, honour or memorialise a prominent person, group, or event.**
- b) Public Art – including works of art in any physical media that are proposed with the specific intention of being either sited or staged on the public realm for a duration of more than 6 months.**

#### **1.3 What types of proposals are not covered by this guidance.**

- a) smaller installations intended to memorialise deceased residents i.e. benches, trees etc in public parks which will continue to be administered through the current processes by the Parks and Open spaces team.**
- b) temporary installations being created or displayed as part of a wider event.**
- c) murals and painted street art on Council property,**
- d) any installations on private land, although these may still require planning permission.**

**1.4** This policy is to support decisions around proposals for installations on land owned by Nottingham City Council, for specific questions about this guidance and the decision making process **please contact [sportandculture@nottinghamcity.gov.uk](mailto:sportandculture@nottinghamcity.gov.uk) for further support and advice.**

### **2. Summary of considerations for any proposal**

**2.1** This document sets out the main factors that will be considered by the City

Council as the land owner when a proposal for a statue or piece of public art to be located on land owned by the Council, is received.

2.2 In summary, the main factors that will be considered are:

- **Relevant Planning Policy:** Where relevant, applications should be mindful of local planning policies such as [Policy 10 of the Aligned Core Strategies](#) and [Policies DE1 and DE2 of the Local Plan Part 2](#).
- **Funding and management:** applications must detail how the commissioning, creation and installation of the project will be funded and give details of how the proposal will be maintained in the future. Has the proposal considered issues of safety and criminal behaviour – such as criminal damage and anti-social behaviour, and how these will be managed?
- **Community support and issues of equality, diversity and inclusion:** Does the proposal have the support of the local community. Does it reflect the diversity of our local communities and demonstrate a strong connection/relevance to our local communities and Nottingham more widely? Does it support the high levels of community cohesion in the city?
- **Quality:** Is the proposal of sufficient standard and in keeping with the quality of other statues/memorials and public artworks in the public realm? Does it enhance the local area and neighbourhood/city overall? Larger and more imposing installations which have a greater impact on the public realm would be expected to meet a higher evidential threshold for permission to be granted.
- **Appropriateness of location:** Is the proposal appropriate for the location it is proposed for? For example, does it respect the surrounding area and public realm, including the historical environment (e.g. existing buildings/statues/public works)? Does it have a clear historical and/or conceptual connection between the proposal and the location – this is likely to strengthen the case for a proposal. This is particularly the case for proposals at prominent locations in the City such as tourist attractions, civic buildings or key entrance points to the City. Such sites may require a higher evidential threshold.

2.3 More detail of each of these factors is set out in the remainder of this guidance under Section 3.

### 3 The main factors that will be considered

#### 3.1 Funding and management of the installation

When developing a proposal, consideration will need to be given to the following:

- The cost of developing the concept and how that will be met by the applicant.

- Consultation - developing your proposal in conjunction with local people and interested stakeholders.
- The cost of producing the concept and how that will be met by the applicant.
- Installation - the cost of delivery, site preparation, site safety and restoration after work is complete.
- Project management - an experienced project manager may be required to provide advice.
- Maintenance period - how future maintenance will be paid for, the cost of insurance and for how long.
- Ownership, moral rights and copyright, certainty on who owns the work and who has rights to reproduce the work.
- Adoption or removal – when the maintenance period has elapsed, whether ownership and responsibility for the work will transfer to the City Council or whether the work will be removed at the applicant's cost.
- Applications on or near the public highway may be liable to additional checks, licencing and charges relating to access to the site and the impact of the installation on associated works. It is recommended that applicants contact the Highways team ([HighwaysDM@nottinghamcity.gov.uk](mailto:HighwaysDM@nottinghamcity.gov.uk)) at an early stage for their advice on issues relating to the proposed location.

It may be that legal advice will be needed on some of these issues, and when approached to consider a proposal, the authority reserves the right to ask for details of how the above considerations will be met.

Where a proposal seeks to locate a statue or artwork in one of our parks, open spaces or in the public realm or on a public highway or associated land, the City Council will want to see reassurance that the development group or proposer can fund the entire project cost. This should include continuing maintenance of the installation for a reasonable period of time (a minimum of five to ten years is suggested but applicants may suggest longer periods), including activity such as graffiti removal and general cleaning to maintain it in good order, including any associated ongoing landscaping requirements, and to a clear written specification agreed by the City Council.

**We will be unable to consider proposals that do not address reasonable ongoing maintenance and sustainability issues.**

### 3.2 Community Support

The City Council encourages active engagement with our local communities - any proposal will need to demonstrate that consultation and proactive engagement has taken place with local people and locally representative organisations (where appropriate), and that local views have been listened to. Views should be obtained from local residents, businesses and users of the proposed site and not just from the applicant and their local network. Where there are reasonable

objections to the proposal the applicant should address these objections and how they will mitigate against them.

Engagement needs to take place in an open and inclusive manner and the level of support needed to demonstrate support for any proposal should be proportionate to the impact of the proposal. In particular, proposals relating to prominent sites in the City such as tourist attractions, civic buildings or key entrance points to the City should be able to demonstrate the highest levels of support.

Any proposal needs to consider safety and anti-social behaviour issues.

Some statues and memorials can become a focus of anti-social behaviour and graffiti because of the controversial nature of the person or event they portray. Installations marking politicians or political events can also become the subjects of vandalism or demonstrations.

Careful design and sensitive placing can help to reduce these risks.

If the City Council assesses that a proposal poses unacceptable safety concerns, or has the potential for attracting anti-social behaviour, it may not be approved.

The level of community support required for an installation will increase based upon the significance and prominence proposed:

<b>Type of Installation</b>	<b>Description of proposed installation</b>	<b>Community Support that needs to be demonstrated</b>
Community Level	<ul style="list-style-type: none"> <li>• Smaller physical size and prominence</li> <li>• Mainly viewed by members of the local community</li> <li>• Less prominent location (e.g. residential streets, local parks)</li> </ul>	<ul style="list-style-type: none"> <li>• General support from the local community</li> <li>• Little or no controversy</li> </ul>
Local Level	<ul style="list-style-type: none"> <li>• Medium physical size and prominence</li> <li>• Viewed more widely by city residents and passers-by</li> <li>• Prominent location (e.g. site of heavy travel / major infrastructure / town centres)</li> </ul>	<ul style="list-style-type: none"> <li>• Wider support from the local community</li> <li>• Wide support from interested and relevant community groups beyond the proposer(s)</li> <li>• Evidence of support from site users businesses and the Voluntary and Community Sector</li> </ul>

		<ul style="list-style-type: none"> <li>• Little or no controversy or where reasonable objections have been identified, evidence of how you will mitigate these</li> </ul>
City Level	<ul style="list-style-type: none"> <li>• Significant scale, size and prominence</li> <li>• Viewed by all people who live, work or visit the city and site</li> <li>• Location of city-wider significance (e.g. Nottingham Castle, Old Market Square, Council House and the city centre)</li> </ul>	<ul style="list-style-type: none"> <li>• Strong and robust evidence of city wider support</li> <li>• Strong evidence of support from multiple groups and communities beyond the proposer(s)</li> <li>• Strong and robust evidence of support from site users businesses and the Voluntary and Community Sector</li> <li>• Little or no controversy or where reasonable objections have been identified, evidence of how you will mitigate these</li> </ul>

### 3.3 Diversity and Inclusion

Nottingham is a diverse city and we are proud of our strong sense of community.

We are committed to being an inclusive and fair city, which recognises our shared values as well as the distinct needs of our many different groups and communities, particularly the most vulnerable and disadvantaged.

We are more likely to support initiatives and proposals for artworks and statues that recognise the wide variety of experiences and cultures in Nottingham, consider issues of diversity and inclusion and commemorate and celebrate people and events that have a clear connection to our local communities and the city overall.

### **3.4 Quality**

Nottingham wants to see new artworks and statues that are high quality, respect and enhance the public realm, and enrich the vibrant feel of the city.

The quality of a proposal can be enhanced by commissioning experienced artists and using an experienced panel to carry out the selection process.

Commissioning can be by open invitation or it can be by a direct commission where the artist has an established reputation for producing work appropriate to the proposal.

We appreciate that different works suit different environments across the city and we welcome proposals that capture the culture of Nottingham through high quality contributions to the public realm.

It is also worth considering employing qualified architects and landscape architects as their professional guidance and judgement can greatly enhance a proposal.

As well as the aesthetic quality of the proposal, a judgement will be made on the quality and suitability of the materials to be used.

Consideration of this will need to be given during the concept phase of the development of the proposal. Applicants will need to show that their chosen materials are sympathetic to the local area, appropriate for their location and durable and straightforward to maintain.

Applicants should also consider the environmental implications of their proposal and choice of materials. Installations using low carbon materials or proposals which seek to offset their carbon usage will be more likely to gain permission, in line with Nottingham's commitment to be carbon neutral by 2028. Installations will also be looked on favourably if they consider and enhance the natural environment either directly through the design of the installation or, through improvements in the area where it will be sited.

### **3.5 Appropriateness of location**

Applications will be strengthened if a link to the proposed location can be demonstrated. Again, this will be a particular consideration in the most prominent sites in the City. Local research should be carried out by the applicant outlining the appropriateness of the location and other potential locations, before a proposal is made to Nottingham City Council.

### **3.6 Relevant Planning Policy**

If a proposal is deemed to meet the requirements set out in this policy guidance, then the next stage is an application for planning permission.

Nottingham's existing Adopted Local Plan, including the Aligned Core Strategy, Land and Planning Document, relevant Planning Policies, Development Policies and Supplementary Planning Documents will apply to all proposals for the development of statues and artworks in Nottingham City.

Neighbourhood Plans may also have a bearing on proposals.

Applications to be sited on or near the public highway will need to consult with the Highways team in relation to the following points

- The applicant will need to check whether there is any apparatus or accesses in the area that could be affected, such as an underground electrical cable in the way of any foundations.
- Anything that will be installed on or near the public highway will need a road safety audit to ensure that it will not cause any problems
- Anything that goes on the public highway requires a licence and checks to see if there are works planned in the area.
- Any necessary changes to the highway and the installation/maintenance methods will need to be approved.

Note: Even if approval is given by Nottingham City Council as the land owner, Planning Permission must be sought, via the existing planning process before any proposal can progress.

## **4 Other factors which may be considered**

4.1 A broad principle, in line with English Heritage guidance, that 20 years should pass between the death of an individual or the date of an event before a proposal to commemorate them, or it, will be considered. This principle can be waived if there is overwhelming public support for a proposal.

4.2 Where a statue or installation commemorates an individual, it should only be created with the permission of the individual's family. Evidence should also be submitted detailing their achievements and any existing memorials to their life and/or work.

4.3 There is currently no part of the City which is designated a saturation zone for statues and public art, but this could be a consideration in the future in order to widen the distribution of such installations across the City. Areas which do not currently feature extensive public art or statuary, may be preferred for new installations.

## 5 The Process

5.1 Officers at the City Council should be contacted at an early stage, before planning permission is sought, and prior to commissioning any work on a particular concept for a proposed site. The email address [sportandculture@nottinghamcity.gov.uk](mailto:sportandculture@nottinghamcity.gov.uk) should be used as an initial point of contact.

5.2 Nottingham City Council welcome discussions on initial proposals with all interested parties. Once initial discussions have taken place, we will then consider any formal proposal/application against the general considerations set out in this corporate policy guidance document.

5.3 As part of this process, we ask parties considering submitting proposals for a statue/public art in Nottingham to complete the following form [[Draft form attached at Annex 1](#)].

5.4 Providing key information about your proposal and how it meets the considerations above will help us fully consider your proposal at an early stage.

**5.5 We will be unable to consider proposals that do not provide a sufficient level of detail of how they will address the factors set out in this guidance.**

**5.6 You should note that agreeing your proposal meets our corporate guidelines does not automatically mean that you will be granted planning permission.**

## 6 Taking the Proposal Forward

6.1 After initial discussions have taken place and key information has been provided, your proposal will be considered by the Portfolio Holder with responsibility for Culture. Their decision will be supported, at their discretion, by other relevant Portfolio Holders (e.g. for Property, Community and Highways), by the local ward Councillors and relevant senior officers [for example the Director for Sport & Culture, the Director of Planning]. The views of the One Nottingham Board and the Nottingham Project may also be sought and for significant or potentially controversial applications, proposals may be considered by a Citizen's panel.

6.2 In reaching a decision on a proposal, the Portfolio Holders, ward councillors and Senior Officers will be assisted by relevant expert officers from across the organisation [for example in Sport & Culture, Planning, Highways, Public Realm, Community Protection] to ensure any decision is evidence based and well informed, based on the key factors set out in **Sections 2 and 3 of this guidance**.



**6.3 Who confirms the proposal meets the corporate guidance?** The Portfolio Holder with responsibility for Culture will take the final decision. Their decision will be communicated to you in writing. [via email/letter or both?]

6.4 The process is outlined at Annex 2:

## **7. Other Important Information**

7.1 We reserve the right to decommission or move any memorial or artwork on our land. We will of course make every effort to contact the owner and/or artist to discuss the decommissioning.

7.2 We cannot guarantee the location if we need to move the memorial or artwork.

Also, we cannot guarantee that we will be able to eventually move it back to the original location.

7.3 Artwork installed without permission being granted through this process and/or which does not adhere to these guidelines may be subject to enforcement action.

## **8. Contact details, links to other key documents (e.g. planning) and relevant form for process**

**Xxxx**

**Xxxx**

## Version Control

<b>Current version no.</b>	5.3
<b>Status</b>	Draft
<b>Effective date</b>	09.03.2022
<b>Author</b>	Dean Goodburn / Geoff Oxendale
<b>Organisation</b>	Nottingham City Council

## Document history

Revision date	Version number	Author of changes	Summary of changes
28.02.2022	1	DG	First draft shared for discussion
09.03.2022	2	DG	First draft revised for circulation to relevant officers for input
27.04.2022	3	GO	Updated draft for DLT/CLT/ Leadership
28.04.2022	3.1	JS/GO	Update
03.05.2022	3.2	PS/SA/GO	update
09.05.2022	4	GO	Updates following discussion at Residents services DLT
11.05.2022	4.1	GO	Updates following discussion at Growth and City Development DLT
11.05.2022	4.2	JS/GO	Table on different requirements for community support and Annex 2 showing proposed process for assessment of applications
01.06.2022	5	GO	Change to Portfolio Holders responsible
05.07.2022	5.1	GO	Additional requirement related to Highways added to sections 3.1 and 3.5 Generic sportandculture@nottinghamcity.gov.uk email address added to sections 1.4 and 5.1
07.07.2022	5.2	GO	On advice of governance colleagues, the decision should be taken by the portfolio holder for culture. A new section 3.3 on diversity and inclusion.
08.07.2022	5.3	GO/BB	Amends and notes added by Beth Brown, Head of Legal and Governance.
12.07.2022	5.4	GO	Submission version for O and S Chair
21.07.2022	5.5	GO	Addition to section 3.4 Quality, referring to the environmental and carbon impacts of proposals

