

London Borough of Lewisham Public Art Strategy

October 2009





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1. Executive Summary

1.1 Vision for Public Art in Lewisham

Commissioning art in the public realm should be an integral and key part of Lewisham's urban and social development, creating stimulating and attractive places to live and work, helping to boost the creative potential and local economy of the borough. Public art should be used as an important driver in the implementation of Council policies across the borough, particularly by integrating with development control and the planning process.

Public art can help to achieve long-term improvements to the urban environment, addressing the issues of sustainability, heavy traffic, 'routes and links' and public open space, particularly through major developments and regeneration schemes in the borough.

Commissioning public art can help to build a sense of place and identity through iconic landmarks and social engagement to strengthen the community cohesion and ambition for the future. It can also support the borough's aims to promote a vibrant arts sector through active engagement of its diverse communities.

Lewisham has a very good record of commissioning public art over many years. This strategy can build on this and help to promote Lewisham as a centre of excellence in public art commissioning and design of the public realm.

1.2 Context

- A broad definition of public art should be employed to include temporary commissions and events – to maximise opportunities and potential for diversity and community engagement
- An early and integrated approach that is part of the planning and urban design process will be far more successful than art that is 'added on' as an afterthought
- Where art commissions are integrated within a large redevelopment scheme, a modest budget can help to leverage larger allocations assigned to other elements, such as landscaping and environmental budgets
- The strategy and other documents will inform and guide Council staff, developers and the public about good practice in public art commissioning, maximising benefits and leading to the best results.

1.3 Policy and Strategic Aims

 Use public art as an important driver in the implementation of Council policies and strategic aims across the borough, particularly stressing the systematic integration of public art in development control and the planning process

- Help to fulfil London, regional and national strategic aims and meet Government guidance for good design as set out in the London Plan and Planning Policy Guidance
- Work with London regional and national partners (eg health services, transport, museums, educational institutions) and national agencies (Arts Council England, RSA, CABE etc.) to promote Lewisham as a centre of excellence in public art commissioning and the design of the public realm
- Deliver long-term improvements to the urban environment including 'routes and links' and public open space helping to build a sense of place and identity and strengthen the sense of community and ambition for the future
- Embed public art in key renewal projects and neighbourhood identity within the Local Development Framework particularly in Catford and Lewisham town centres
- Support the Council's regeneration, sustainable development, lifelong learning and social inclusion priorities.

1.4 Opportunities

- Adopt a broad strategy that encompasses permanent and temporary work, educational activities and community engagement that maximises opportunities and leads to more rewarding results
- Encourage a more integrated and collaborative artist practice in the public realm
- Actively work to seek opportunities for public art and artists' collaborations within major regeneration plans, particularly in Lewisham and Catford centres, and other important sites
- Develop links with health services in the borough, and Lewisham Hospital in particular which has an active art programme, for commissioning public art and engaging artists as part of refurbishment plans or new building developments
- Develop links with schools in the borough, and lock into the schools refurbishment programme for commissioning art
- Collaborate closely with artists' groups and studios drawing on extensive collective knowledge of artists in the borough
- Seek opportunities for inclusion of public art in developments of public open space, green corridors and riverside routes such as Waterlink
- Work closely with Transport for London and other transport agencies to develop ongoing opportunities for public art that enhance travelling experiences and encourages the use of public transport.

1.5 Good Practice

- High standards of commissioning art are set, whether by local, national or international artists, leading to excellence in artistic production and design of the public realm, celebrating local identity and integration of the community
- Innovation, new approaches and ideas are encouraged
- Developers are advised on public art opportunities at the pre-planning permission stage of new-build developments
- Artists are treated fairly and paid appropriate fees in line with national guidelines
- Locally based artists are encouraged but ultimately artists are appointed according to quality of ideas, experience and suitability
- A collaborative approach is established between artists, designers or craftspeople and architects, landscape designers, structural engineers, etc. as part of major schemes and initiatives
- Community involvement is built in through active and imaginative consultation, education and interpretation programmes and learning and skills development
- Systematic evaluation is carried for public art commissions to improve practice and keep a record for the future, such as through the production of a catalogue or entry on to websites, to create a positive legacy and raise awareness of the benefits of public art amongst the wider public.

1.6 Implementation

For the Public Art Strategy to be successful it is vital that it is fully integrated into working practices and strategic aims of the Council across relevant departments. The key areas of implementation are:

- through the planning system using Section 106 agreements inclusion of public art in design and access statements, guidelines to planning officers
- strategic approach to off-site commissions ie through pooling of funds and the introduction of the new Community Infrastructure Levy
- independent commissioning by developers or landowners should be encouraged and supported by the Council, with match funding where possible
- building working relationships with health authorities, schools and educational institutions
- through the Council's own developments and building programme.



2. Context and Background

2.1 Why the Need for a Public Art Strategy

2.1.1 Public art commissioning in Lewisham is well established and policy is defined in the current UDP (now being replaced with the Local Development Framework). But commissioning art in the public realm can be used in a more ambitious, far reaching and strategic way to benefit the borough's urban design fabric, sense of place and identity, matching opportunities for integrating art with future large scale developments and urban regeneration. The adoption of this strategy will help to grasp these opportunities, establish good practice and the commissioning of high quality artwork that enthuses, challenges and benefits communities and places in the borough. It is also an opportunity to expand the field of commissioning in the public realm to include temporary works, new technologies and considered artistic approaches that engage with people and communities.

2.1.2 Increasingly, public art is being commissioned in the UK as a result of planning agreements with developers. However, the demands of the planning process are not always matched with appreciation of the public art commissioning process and understanding of artistic practices. Often, commissioning is started too late for the creation of high quality work and can suffer through lack of sufficient funding, resources or real commitment.

2.1.3 Whilst Lewisham has a good record in commissioning public art, its implementation in the borough is not always consistent. This strategy and associated documents will provide guidance to Lewisham Council staff, planners and others in the public art commissioning process and help to ensure that commissioning public art is seen in the wider context, maximising benefits locally and borough-wide.

2.2 Definition of Public Art

2.2.1 Public art, also referred to as art in the public realm, should encompass a broad definition that maximises the possibilities and approaches that can be adopted. Essentially, public art should include art that is easily and freely accessible to the public, i.e. not in a special venue, gallery or museum. Work in hospitals and schools or other public buildings can generally be included. A simple definition of public art used by Ixia, the national forum for public art, is: 'a process of engaging artists' creative ideas in the public realm'. [1]

2.2.2 This can be expanded by defining the way in which an artist might work, for example:

- An artist working collaboratively with architects and engineers as a member of a design team
- An artist working creatively with communities to develop significant and relevant ideas
- Artists located in a public institution or venue on a 'residency' to research and develop ideas with users or staff
- Artists working as commentators or provocateurs to engender debate and discussion, or as part of a consultative process for regeneration or development plans.

2.2.3 Public art commissions may include a wide range of media, materials and artistic approaches – from lighting, digital technology, to wood and stone – that may be temporary, or permanent.

2.3 Benefits of Public Art

2.3.1 A broad definition of public art, coupled with a strategic approach to its application across a range of Council policy priorities, can maximise the benefits improving the quality of urban design and the environment and encouraging engagement with communities.

2.3.2 The perceived benefits can be summarised as follows:

- Encourage pride and a sense of ownership in a locality
- Improve the quality of the environment and public open space
- Provide new visual amenity to the built environment
- Increase a sense of community and cultural identity
- Contribute to high quality of urban design and image
- Encourage investment in an area, contributing to the local economy
- Encourage visitors and tourists from elsewhere
- Engage with communities and contribute to educational development
- Provide access to contemporary art where this is otherwise difficult
- Create a sense of place, distinction and a unique identity
- Help to reduce crime and fear of crime.

2.4 Lewisham's History of Public Art Commissioning

2.4.1 Lewisham has had a long record in commissioning and promoting public art in the borough going back several years, including major infrastructure projects such as 'Ridgeway' in Molesworth Street, by John Maine, and public-private partnerships, for example 'Waterline', by Oliver Barratt, with Desiman Ltd at Eros House, Catford. Media and approaches that have been used include a digital online commission, 'Decorative Newsfeeds' by Thomson and Craighead in Sainsbury's shop window, Forest Hill and wall

Context and Background continued

murals, such as 'His 'n' Hers', by Artmongers, Giffin Square, Deptford. Temporary art commissions and events have also been supported, notably as part of Deptford X, an annual visual art festival that exploits a variety of public spaces, galleries and studios in Deptford to promote the best contemporary art to the widest possible audience. [2]

2.4.2 Commissioning has been undertaken and managed directly by the Council and by other agencies including Creative Process (previously Creative Lewisham Agency), which works closely with the Council to encourage the creative sector and improve the public realm and urban fabric of the area.

2.5 How the Strategy will be Used

2.5.1 The successful implementation of this strategy depends on people, processes and working methods within the Council and beyond: it cannot reach the full potential of developing the benefits of public art commissioning on its own. It is a working document that should be used in conjunction with other Council policies and procedures, particularly in development control and planning. It should be regularly reviewed and updated in line with other Council policies and commitments.

2.5.2 Above all, public art should be seen as part of a process within the wider context of development control and good urban design, strengthening local identity and community cohesion. Public Art will be least successful when it is compartmentalised as final punctuation once everything else has been considered, designed and built.

- **2.5.3** The key uses of the strategy are:
- Guidance for Lewisham Council staff, raising awareness of opportunities and good practice in commissioning public art
- Guidance and advocacy for implementation of public art within development control and planning process, also raising awareness of opportunities and good practice
- Guidance for developers planning larger scale developments in the borough, assisting in the procurement of high quality public art commissioning
- Explanation and advocacy of public art commissioning process and good practice to elected members and the wider public in the borough.

2.6 Summary – General

- Full benefits of public art can be realised with a more cohesive and strategic approach that is linked to broader Council strategies
- A broad definition of public art should be employed to maximise opportunities and potential for community engagement
- An early and integrated approach that is part of the planning and urban design process will be far more successful than art that is 'added on' as an afterthought
- The strategy and other documents will inform and guide Council staff, developers and the public about good practice in public art commissioning, maximising benefits and leading to the best results.

Public Art: a process of engaging artists' creative ideas in the public realm



Lewisham has had a long record in commissioning and promoting public art in the borough



3. Policy and Strategic Aims

3.1 Vision for Public Art in Lewisham

3.1.1 Public art commissions have already made a significant contribution to local developments in the borough, through the Council's own initiatives and several developed by Creative Process (formerly Creative Lewisham Agency), helping to create local identities and adding to the richness and layering of the urban fabric and environment. Employed in a bolder, more strategic but considered way, public art could have a far wider beneficial impact in Lewisham, strengthening many of the Council's broader aims. For this to be realised, public art policy needs to be woven into the Council's strategic thinking, particularly in planning and development control, economic development and tourism.

3.1.2 There are numerous examples of towns and cities using public art to 'up the game', and create a general positive impact that goes far beyond the reaches of the immediate art commission itself. The examples of Gateshead and Barcelona are amongst the most well-known but also more recently Coventry, Ashford and many parts of London including Paddington Basin, More London and South Bank Arts Centre developments are notable examples.

3.1.3 For Lewisham, the one-off, large-scale landmark approach is less likely to be relevant – an imaginative, longer-term process accumulating over time will ultimately be more successful.

3.1.4 The Vision for Public Art in Lewisham is Summarised as Follows:

- Use public art as an important driver in the implementation of Council policies across the borough, particularly stressing the systematic integration of public art in development control and the planning process
- Deliver long-term improvements to the urban environment including addressing the issues of sustainability, heavy traffic, 'routes and links' and public open space
- Exploit the potential for public art commissioning through major developments and regeneration schemes in the borough
- Capitalise on the borough's assets both physical and social to build a sense of place and identity through iconic landmarks and social engagement to strengthen the sense of community and ambition for the future
- Embrace a wide interpretation of public art, including temporary commissions, performance and events in the public realm, supporting the borough's aims to promote a vibrant arts sector through active engagement of its diverse communities
- Boost the borough as an attractive, forward thinking place to live and work,

generating economic and tourist benefits

- Link potential for public realm commissioning to support other festivals and events such as Deptford X, Brockley Max etc. and tourist routes and sites
- Promote Lewisham as a centre of excellence in public art commissioning and the design of public realm.

3.2 National Policy Government

3.2.1 There is a lack of guidance specifically relating to public art at a national government level. Partly to compensate for this, Ixia, the public art think tank, is currently undertaking a review of public art and the planning system. Partly as a result of this, the emphasis for commissioning art in the public realm has tended to fall into the spatial policy bracket – linked closely to urban design the planning system. However, this is starting to change with more government led policy stressing the need for community consultation, potentially opening up greater scope for socially engaged practice and temporary commissions.

3.2.2 A number of Government policy initiatives have been produced that inform development at national, regional and local levels and put public art into context. These include Our Towns and Cities: the Future – Delivering an Urban Renaissance (Urban White Paper), The Sustainable Communities Plan – Building for the Future, Homes for All and People Places and Prosperity. **[3]**

3.2.3 The government's Planning Policy Guidance Notes (PPG) are being replaced by Planning Policy Statements (PPS) which advise local authorities on the implementation of planning policy within the Local Development Framework (LDF). Although they don't refer to public art they state that sustainable development should involve good design and community involvement, clearly relevant to public art commissioning and artists working in the public realm.

3.2.4 It is now well established that Section 106 planning agreements – set up by the Town and Country Planning Act 1990, (Circular 05/2205 and Circular 11/95) – can be effectively used for the delivery of public art. Although changes in legislation are under way with the introduction of the Community Infrastructure Levy (CIL), Section 106 agreements will continue to operate remaining effective for public art funding, but likely to be more specific and possibly at a reduced level. CILs will have a wider remit including health, open space etc. and there is a danger that public art will be squeezed between these demands and a reduced level of Section 106 funding.

3.2.5 Crucial to good practice in the implementation of public art is its consideration at an early stage. More recent planning legislation (The Planning and Compulsory Purchase Act 2004, 2006 amendments to The Town and Country Planning Order 1995 and Circular 01/2006 [move to refs]) requires developers to submit a Design and Access statement with either outline or full planning applications. According to Lewisham's own policy, public art should be a considered as part of all major developments in the borough: it is essential therefore that the impact of public art and its procurement are contained within Design and Access statements for these developments.

3.2.6 Planning Policy Statement 12, under Design and Access states:

"...Planning Policy Statement 1 makes clear that good design, including consideration of access issues are crucial to the delivery of sustainable development, not separate from it.

"...Well designed development responds well to the local physical, social and economic context, being safe, clean, attractive and accessible for all users. Local development documents should therefore include policies that set out strategic design and access objectives in line with Planning Policy Statement 1."

Arts Council England

3.2.7 For many years the Arts Council has supported a number of commissioning agencies in different parts of the country, including Commissions East, Artpoint and Public Art South West. These typically promote innovative commissioning of artists and crafts people in public places to improve the quality of the environment and produce a cultural legacy for both rural and urban areas.

3.2.8 Arts Council England, London now supports Art in the Open (hosted by Open House) London's first advocacy and advisory body for art in the public realm that encourages a more integrated and collaborative approach to the involvement of art and artists. [ref, also Open Space, Art in the Public Realm 1995 – 2005]

3.2.9 The Arts Council also supports the national forum for public art, Ixia, which promotes good practice and encourages debate about commissioning art in the public realm.

3.2.10 In addition, the Arts Council's Visual Arts policy particularly relevant to public art states:

"We will develop the impact of visual arts in the wider community, working with visual arts practitioners and partners in rural and urban environments and in education, health and criminal justice sectors to help develop sustainable and well-designed communities."

3.3 Changes in Planning Legislation – Community Infrastructure Levy

3.3.1 The Government's new Planning Bill, due to become law in 2009, aims to speed up the process of planning applications and enable local authorities to spend some funds accruing from Section 106 agreements with developers in more strategic ways. The new legislation will introduce a Community Infrastructure Levy (CIL) that can be spent both within and outside the authority's boundaries. Section 106 agreements will continue to exist as the legal mechanism, and will still be able to fund public art, but are likely to be applied much more locally and specific to the development.

3.3.2 In general, the CIL will be used to support the aims set out in the Local Development Framework: public art is not specifically referenced in Lewisham's LDF, so it will be necessary to seek opportunities for commissioning art within other priority areas, such as the development of public open space. Current Government guidelines for the use of CILs include:

- Roads and transport facilities
- Flood defences
- Schools and educational facilities
- Medical facilities
- Sporting and recreational facilities
- Open spaces
- Some types of affordable housing.

3.3.3 The need for coherent and imaginative approach to levering public art, and the rigorous and creative application of this strategy, will become vital with the introduction of CILs.

3.3.4 Rules pertaining to the new levy include:

- The local authority must account for how the levy is spent
- Rates applied must be published
- The local authority can pass funds to another body to spend
- Expenditure already incurred can be covered by the levy
- Funds can be kept for future projects
- Administrative costs for projects can be funded by the levy.

3.4 London Policy

3.4.1 Urban design and planning falls within the 'London Plan' (which replaces the previous strategic planning guidance for London) that sets the Mayor of London's spatial development strategy.

3.4.2 As with government planning guidance, the London Plan does not deal specifically with public art, but stresses the need for good urban design, of which public art is an important contributor. It states:

"Design is the essential process which transforms development strategy into real buildings and spaces. Good design is rooted firmly in an understanding and appreciation of the social, historical and physical context, including urban form and movement patterns.

"Two thousand years of building in London have left layers of history, illuminating the city's social, political and economic heritage. Creating a more densely developed and intensively-used urban environment imposes particular challenges. All development design needs to support the objective of creating a safe, secure, sustainable and inclusive city. Good design attracts economic investment, and contributes to regenerating the poor, hostile environments often associated with social exclusion."

3.4.3 As part of its Blue Ribbon (waterways) strategy, The London Plan encourages the use of public art for improvements to waterside developments. With reference to waterside developments, Policy 4C.20 Design states that such developments should:

"...integrate [public art] into the public realm, especially in relation to walking and cycling routes and borough open space strategies. Public art will often be appropriate in such locations as well as clear signage, information and lighting to promote the use of waterside spaces by all."

Design for London

3.4.4 Established by the Mayor's office to promote excellence in urban design and architecture in the capital, Design for London believes careful and integrated design can create a climate for growth while improving the lives of Londoners and visitors alike. Design for London also promotes high standards of environmental performance, legible and accessible streets and public spaces, innovation and research into best practice and encouraging broader spatial thinking and master planning. The organisation recognises and supports the integrated and intelligent commissioning of public art.

3.5 Lewisham Council policy

People, Prosperity, Place

3.5.1 Lewisham's Regeneration Strategy 2008-20 People, Prosperity, Place **[4]**, sets out future aspirations for the borough for key aspects of life to be achieved through regeneration. Following national and London policy guidelines, the strategy aims to achieve a high quality of life 'through attractive, liveable, accessible and safe neighbourhoods' through, amongst other things, 'ensuring that new development is to the highest standards of design and accessibility'. It also stresses the need to support creativity in local communities and encourage creative industries and as an important element in economic growth of the borough.

Shaping our Future – Lewisham's Sustainable Communities Strategy

3.5.2 Public art should be seen as part of this overall commitment to high standards of design and accessibility, but also a means of bridging Council policy in other areas. It can therefore be relevant to a number of the priorities outlined in Shaping our future [5] such as improvements to parks, open spaces and biodiversity, regeneration of town centres, transport links, improving health, complimenting education initiatives, helping economic growth and contributing to cultural vitality. Public art can contribute to aspirations for 'distinctiveness' and 'locality' outlined in the Strategy.

3.5.3 Shaping our future presents an opportunity to expand the breadth of commissioning art in public in the borough, incorporating temporary projects and socially engaged art practice. This approach should not be limited to 'community workshops' but should draw on the best practice for engaging artists whose work involves genuine and considered social engagement: it should not be patronising nor inaccessible. In the right hands, this approach can raise debate on current concerns and issues that the Council may not be able to tackle through other means.

3.5.4 Lewisham Arts Strategy

The Public Art Strategy should be used closely with the recently produced Lewisham Arts Strategy 2008 – 2015. The Arts Strategy's vision is to:

"Make Lewisham a creative borough with a thriving arts sector, vibrant communities and active residents".

One of the Arts Strategy's key aims is to promote a 'Sense of Place'

"...to develop Lewisham's identity as a vital, creative place to live, work and learn through innovative and sustainable design and the provision of high quality creative destinations."

3.5.5 There is a huge potential to bring the potential for opportunities and resources through urban regeneration and planning gain to bear on delivery of the borough's Arts Strategy – a broad interpretation of public art can encompass the wider delivery of arts programming in the borough, with a complementary wider participation of communities, young people and other groups.

3.5.6 The inclusion of temporary commissioning and events within the scope of public art would also expand the potential for development of the arts within Lewisham's diverse communities, its BME and disability arts organisations.

3.5.7 Linking broader arts provision with urban regeneration may also help local arts organisations secure other funding resources, particularly capital funds, through planning gain. This will have mutual benefit in strengthening the creative industries sector in the borough, attracting further inward investment.

3.5.8 Public Art Policy

Lewisham Council policy specifically refers to Public Art in its Unitary Development Plan (UDP) Art in Public Places (URB 29), which states:

'The Council will strongly encourage the provision of public art in association with all major development schemes in the borough. It will also seek such provision with regard to smaller developments on prominent sites such as within town centres, and in parks and open spaces. The artistic works should contribute to the environment and embellish and enliven areas frequented by the public, and regard will be had to these qualities when assessing applications for this type of development in addition to other requirements in this Plan. The Council will negotiate with developers to provide murals or other artistic works to screen prominent sites which are boarded up for more than six months.'

This is now being superseded by the Local Development Framework (LDF) and its accompanying Development Planning Documents.

3.6 Local Development Framework (LDF) - New Policy

3.6.1 The Local Development Framework is currently being developed by the Council in compliance with new government policy for planning (brought in by the Planning and Compulsory Purchases Act 2004) that brings together a collection of documents setting out the Council's planning policies and strategies.

3.6.2 There are four key Development Plan Documents (DPD) within the LDF – the Spatial (Core) Strategy, Development Policies and Sites Allocations, Area Action Plans (AAP) for Lewisham and Catford centres and the Proposals Map. **[6]** The Spatial (Core) Strategy, which conforms to the London Plan, sets out the spatial vision and planning policies for the borough and its localities. As far as public art in the borough is concerned, the Development Policies and Site Allocations Document is the most important and relevant document, (used together with the Proposals Map that outlines land use designations) and is intended to act as the spatial implementation of the Community Strategy. It sets out the Council's policy and criteria to be taken into consideration when assessing planning applications for development. After statutory consultation the Document will be adopted as policy from 2009.

3.6.3 The Development Policies and Site Allocations Document contains the Council's policy statement for public art which will be applied on the whole to large development schemes:

'The Council will strongly encourage the provision of public art in association with all major development schemes in the borough, either as part of Section 106 Agreements or other type of arrangement. Public art will be considered on a strategic, borough-wide basis as an integral part of other provision supported by the Community Infrastructure Levy (CIL). It will also seek such provision with regards to smaller developments on prominent sites such as within town centres, and in parks and open spaces. The artistic works should contribute to the environment and embellish and enliven areas frequented by the public, and regard will be had to these qualities when assessing applications for this type of development in addition to other requirements in the Plan. The Council will encourage good practice in the procurement of public art and the early engagement of artists in the design process to ensure high standards of artistic quality and maximum benefits to stakeholders and wider communities in the borough

The Council will negotiate with developers to provide murals or other artistic works to screen prominent sites which are boarded up for more than six months.'

3.6.4 Planning Obligations Supplementary Planning Document (SPD)

The Council is currently preparing a Supplementary Planning Document for the implementation of Planning Obligations, referred to as Section 106 agreements, as part of the Local Development Framework. These agreements have been widely used to finance Public Art throughout the country and this document will be an important reference for future public art commissions in the borough. The Planning Obligations SPD will provide details on the implementation of these agreements, including an overview of the Council's approach to negotiating the agreements, details of different areas that may be covered, and formulae for calculating the expected contributions from developers.

3.7 Commemorative and Issue-based Commissioning

3.7.1 Perhaps one of the oldest of all forms of public art, commissioning work to commemorate a well-known individual or historic event, or to celebrate a particular theme, has a long and varied evolution. The challenge for contemporary public art practice is to do this in a way that meets the expectations or aspirations of those initiating the commission with the need for artistic integrity and contemporary relevance.

3.7.2 It is partly the historical legacy and also one of patronage that can lead to commissioning artworks that are unsatisfactory or not welcomed. This may be because the impetus for the commission has come from a narrow set of interests, or even an individual with influence, or it is a political imperative. In the past, such commemorative commissions have been implemented in any case, either through state or private patronage, imposing the character of a public space from above. For most local authorities, there is greater willingness to seek a wider endorsement for commemorative or issue based commissions – partly because council members depend on popular support in their areas. Sometimes this pressure can push the pendulum too far in the opposite direction, laying down an 'inclusive' imperative that stifles the artistic process.

3.7.3 It is important when commissioning art in this field to strike a balance between the demands of the brief to celebrate a specific person, event or issue and the need for artistic integrity. Commissioners, or individuals promoting the commission, who specify what the artwork should be like and what it should contain immediately limit artistic scope and define the type of artwork and indeed the kind of artist likely to undertake it. It is better to encourage a broader outlook early on, prepare a brief that allows for creativity and exploration of ideas, and engage an artist at an early stage in the process.

The development of the commission can then proceed collaboratively and increase opportunities for wider consultation and involvement of local people.

3.8 Summary and Recommendations – Strategic Aims

The strategic aims are summarised as:

- Use public art as an important driver in the implementation of Council policies and strategic aims across the borough, particularly stressing the systematic integration of public art in development control and the planning process
- Help to fulfil London regional and national strategic aims and meet government guidance for good design as set out in the London Plan and Planning Policy Guidance
- Work with London regional and national partners (eg health services, transport, museums, educational institutions) and national agencies (Arts Council England, RSA, CABE etc.) to promote Lewisham as a centre of excellence in public art commissioning and the design of public realm
- Deliver long-term improvements to the urban environment including 'routes and links' and public open space helping to build a sense of place and identity and strengthen the sense of community and ambition for the future
- Embed public art in key renewal projects and neighbourhood identity within the Local Development Framework particularly in Catford and Lewisham town centres
- Boost the borough as an attractive, forward thinking place to live and work, generating economic and tourist benefits.
- Support the Council's regeneration, sustainable development, lifelong learning and social inclusion priorities.



4. Opportunities

4.1 General Approach

4.1.1 In adopting a broad definition of public art – artists engaging their ideas in the public realm – and an imaginative approach to where this might be applied, there is an enormous range of activities and outcomes that can be realised. These could include artist-led sessions with schools, using new and exciting methods or media, collaborations with engineers on unusual structures such as bridges, to innovative approaches to signage and way-marking for walking and cycling routes.

4.1.2 It is important that the opportunities for public art extend beyond its more conservative interpretation – the commissioning of a stand-alone piece of sculpture in a public place or work that only has a spatial reference. The extent to which this is possible will of course depend on circumstances of each commission and the requirements of the client or developer. But even with permanent commissions, there should be an accompanying or integral educational or interpretative programme that helps to engage with people and develop an appreciation and understanding of the work. This approach can help to secure a long-lasting legacy and appreciation of the commission amongst the wider community.

4.1.3 Artists can be employed to lead a creative engagement with local people as part of a consultation process prior to a new development or regeneration programme, often eliciting an understanding that more conventional methods cannot achieve.

4.1.4 However, whilst high standards in commissioning art should be a priority, public art commissions rarely meet with universal approval, and controversy and debate should not necessarily be shied away from. Local views and issues should be dealt with sensitively, but with careful handling of press and publicity the profile of an area can be significantly and positively enhanced.

4.2 Major Developments and Regeneration Plans

4.2.1 This strategy does not deal in detail with actual opportunities as these are continually changing. However, there are some long-term regeneration plans in the borough for which there are important opportunities for commissioning public art.

4.2.2 Lewisham Town Centre

The most significant of these major opportunities is Lewisham Town Centre regeneration, referred to as Lewisham Gateway, drawing on Lewisham's strategic location

as a transport hub between central London and the South East. A Development Strategy has been commissioned, building on the previous Urban Renaissance for Lewisham regeneration programme. Under new legislation this will become an Area Action Plan – a comprehensive set of policies and proposals for the town centre. Plans involve the provision of over a million square feet of shops, cafes, restaurants, homes and offices, plus a new town square and leisure facilities. There will also be a new school at Lewisham Bridge, improved links between the town centre and transport interchange, and a new road layout. The programme is due to start in 2008 and will be completed by 2012. A new town centre park, Cornmill Gardens, alongside the River Ravensbourne, has already been completed.

4.2.3 There are numerous potential opportunities for public art commissioning in the scheme including artists collaborating in the design team for the new town square, signage and way-markers for new pedestrianised routes, contributions to the design of public areas around new housing and artists' collaboration in landscaping other public space. There may also be opportunities for artworks to be incorporated into expanded and improved transport facilities.

4.2.4 Educational, interpretative and temporary projects should be considered to complement any permanent commissions and integrated design collaborations. A rich variety of issues and themes will be generated by the scheme including ecology, rivers, environment, renewable energy, sustainable transport, and communications.

4.2.5 Catford Town Centre

The regeneration of Catford Town Centre is also governed by an Area Action Plan (AAP) **[7]**. Catford is the civic heart of the borough and its location on major road and rail routes has identified the town as an important centre. The plans include a major new shopping centre, leisure uses and new homes, stretching from the old dog track site to Rushey Green.

4.2.6 Longer-term plans under discussion involve the re-routing of the South Circular (A205) to the south of the Council's accommodation in Laurence House and the creation of a new, elongated public square between Laurence House and Catford Broadway. This will improve pedestrian access to the town centre and the setting for Broadway Theatre. Additional new public space will be provided with the redevelopment of the shopping centre.

Opportunities continued

4.2.7 Other sites to be developed include the old Greyhound Stadium site with a new building for Catford Station, better links and new public space between this and Catford Bridge station and improvements to the River Ravensbourne watersides and Waterlink Way. The site currently occupied by Wickes DIY store is also earmarked for redevelopment for mixed-use residential, retail, community facilities and naturalised riverside areas.

4.2.8 There will be extensive opportunities for public art commissioning as part of the regeneration programme over coming years, particularly associated with the new shopping centre, improvements to stations and riversides, and new public open space.

4.2.9 As with Lewisham Town Centre regeneration, there will also be opportunities for educational and interpretative art activities.

4.3 Other Important Centres and Sites

4.3.1 It is important that the Public Art Strategy is used in conjunction with the Development Policies and Sites Allocations document, a key part of the LDF. This document lists development sites in the borough of strategic importance with relevance to employment and economic development, housing, health, schools and leisure facilities etc. Opportunities for commissioning or including art in the design of these developments will arise at various stages.

Other key centres for regeneration in the borough relevant to public art include:

4.3.2 Deptford Creek

An area of mixed use, old industrial sites and housing bordering onto Greenwich, now accommodating a number of arts and cultural organisations including the Laban Centre, APT Studios and Cockpit Arts, has been the focus of a new approach to urban design – the Deptford Creekside Charrette **[8]**. Development in the past has been problematic due to the large number of disparate landowners and dislocations due to rail, road and river links. This new approach to urban design, linked to the Deptford Creek Opportunity Area (directed by the London Plan), bringing together architects, planners, environmental experts and artists, has led to the development of a Masterplan for Creekside. The Plan includes proposals for public art commissions and other artists' interventions that can be realised through future developments. The Creekside urban design process will help to reinforce the regeneration of Deptford centre, with a strong creative impetus, linking with Giffin Street and Deptford Station developments. With Goldsmiths College and Laban Centre, and the concentration of artists in the area, Deptford is one of the most important opportunity locations for art in the public realm in the borough.

4.3.3 Deptford Centre

There are two important sites contributing to the regeneration of Deptford centre: the $\pounds 25$ m redevelopment of Deptford station and associated sites, Giffin Street and Giffin Square, immediately off the High Street. Both offer good potential for commissioning public art, and importantly, for ongoing temporary installations and performance based events in the future. The $\pounds 25$ m Deptford station development and improvements to the listed carriage ramp will include new shops, public square, new housing and a live/ work scheme. The installation of a railway carriage on the site for use as a cafe, project headquarters and arts space by local design group Raw Nerve and developers Cathedral , is an imaginative example of effective temporary approaches to public art that can be adopted. The Giffin Street development includes the relocation of Tidemill School, The Deptford Lounge, a multi-purpose library and information centre, and refurbished Giffin Square for existing market stalls and for use as an arts performance area.

4.3.4 Convoys Wharf

A large site of warehouses next to the River Thames in Deptford earmarked for redevelopment for tourism, heritage and leisure uses, commercial use, high density housing including possible live-work units and a possible cultural quarter. Part of the site has been designated a protected wharf by the Secretary of State, so new development will need to satisfy criteria that the wharf is no longer viable to be released from protection. The site would offer varied and interesting opportunities for the inclusion of public art.

4.3.5 New Cross Gate, Kender Triangle

An area of mostly residential streets bordering the New Cross Road (A2) is being regenerated through New Cross Gate New Deal for Communities (NDC) in a five year programme ending in 2011. The NDC has a public art strategy and commitment to the inclusion of public art with new developments, in particular a new health centre and housing complex within the Kender Triangle. The possible future redevelopment of Sainsbury's car park as a new 'town square', linked to the redevelopment of New Cross Gate station with a new pedestrian bridge also offers good potential for the involvement of artists.

4.3.6 Forest Hill

A public art strategy for Forest Hill was produced in 2003 and adopted as Planning Guidance for new developments focussing on the route from Forest Hill Station along London Road to Horniman Museum, with the aim of enhancing the route to the museum. One commission has been completed in the redeveloped Sainsbury's store on London Road and others are planned. New opportunities may arise with the redevelopment of Forest Hill station for the new East London Line extension to Croydon.

4.4 Art and Health

4.4.1 Partly due to Government encouragement there has been a growth of art in hospitals and other NHS facilities in recent years, with increasing evidence that a sympathetic environment, in which art can be a part, aids recovery. The key site in the borough is Lewisham Hospital, which has an active art programme boosted by allocations through the new PFI-funded Riverside wing. Public art commissions in the new building have been completed, and the PFI funded programme runs until 2011. Further developments at the hospital are likely in the future which will offer sites for the inclusion of art.

4.4.2 The public art strategy should encourage opportunities for commissioning art or engaging artists with other facilities, including doctors' surgeries and clinics throughout the borough. A pooled acquisitions and commissioning scheme could be established allowing surgeries to contribute to funds for artworks to be located in waiting rooms, foyers etc. that could be rotated from site to site.



Above: Annie Cattrell, Chris Marshall, Rana Begum and Michael Pinsky at Lewisham Hospital

4.5 Schools

4.5.1 A number of Lewisham schools are due for redevelopment in coming years

and offer potential for art commissions, activities and projects. Notably, a new school – Lewisham Bridge School – is planned for a Lewisham town centre site. Other sites include Lewisham College (Lewisham Way) and Deptford Green School which has already commissioned public art.

4.5.2 Opportunities for commissioning art may be tied in with the Building Schools for the Future programme through Private Finance Initiative (PFI) agreements.

4.5.3 A clear benefit for commissioning art as part of school building or refurbishment is the potential for inclusion of educational activities and artist-led sessions that link to or enhance the National Curriculum.

4.6 Open Space, Routes and Links

4.6.1 The development and use of open space in the borough is set out in the Open Space Strategy for Lewisham 2005-10, and aims to protect and improve the quality and accessibility of open space for all. This is further defined in the Proposals Map, part of the LDF. Building development will be strictly controlled within Public Open Space and Urban Green Space, but there is a long tradition of inclusion of art in parks and open space, and this can be applied also to Lewisham. There is a requirement for all major new developments to include areas of open space, and new open space may be created by other developments, although there is constant pressure on all sites to meet the demands for housing.

4.6.2 Open spaces are also links between ecological sites and provide routes for biodiversity to develop. The Council promotes 'green corridors' including the South East London Green Chain where planning controls will limit developments to those that enhance these routes.

4.6.3 Sustrans' proposed Waterlink Way **[9]** that runs south from the Thames to Eastbourne, linking parks and river corridors in the borough, will provide other routes and open space and encourage wildlife habitats. These routes can be enhanced with the sensitive application of public art commissioning such as that pioneered by Sustrans.

4.6.4 The Strategy should also build on potential partnerships with other environmental organisations such as the Environment Agency (such as the Manor Park commission in 2007) and Groundwork.

4.7 Transport and Communications

4.7.1 There is a long pedigree of linking art with transport in the UK, with both permanent and temporary commissions, which Lewisham has contributed to with John Maine's linear 'Ridgeway' dividing the dual carriageway in Molesworth Street.

4.7.2 Major public transport developments in the borough include the East London Line extension and improvements to the Docklands Light Railway (DLR), overground train station and bus station as part of the Lewisham Gateway redevelopment. The DLR Public Art Strategy **[10]** marks the start of a major new commitment to public art by the railway, aiming to improve the quality of travelling experience for passengers, and instil local ownership and pride. It will encourage a broad range of practice from poetry – already established on the Tube – through to temporary interventions, sound and live art, as well as permanent landscaping and lighting schemes in public open spaces.

4.7.3 A new public art strategy has been produced for the DLR to develop public art commissions as part of station and track improvements, building on the success of the Platform for Art programme on the London Underground. **[11]**

4.7.4 The East London Line tube extension linking Highbury and Islington with West Croydon will pass through New Cross Gate, Brockley, Honor Oak Park, Forest Hill and Sydenham, and is likely to offer further opportunities for commissioning public art as part of station redevelopments. It is due for completion in 2011.

4.7.5 Art commissioning could range from integrated schemes as part of new stations and infrastructure to temporary projects that highlight a particular mode of transport or route. The most successful often employ methods that are an intrinsic part of the transport facilities, such as advertising spaces, display screens etc. that engage with people as part of their experience of travelling.

4.7.6 The Deptford Station development by Cathedral Group is a good example of phased integration of creative projects, helping to animate public space prior to the refurbishment of the station and development of the site. Raw Nerve, a Deptford based design agency established a cafe in a converted, painted railway carriage on the site of two shops, providing a central focus for the new development with artistic and cultural activities and a project HQ.

4.7.7 New media communications have also been sites for art commissions, using mobile phone, satellite technologies and the internet which can make links between virtual and physical geographies in creative ways through interaction and public authoring.

4.8 Summary and Recommendations

- Adopt a broad strategy that encompasses permanent and temporary work, educational activities and community engagement that maximises opportunities and leads to more rewarding results
- Encourage a more integrated and collaborative artist practice in the public realm
- Actively work to seek opportunities for public art and artists' collaborations within major regeneration plans, particularly in Lewisham and Catford centres, and other important sites
- Develop links with health services in the borough, and Lewisham Hospital in particular which has an active art programme, for commissioning public art and engaging artists as part of refurbishment plans or new building developments
- --- Develop links with schools in the borough, and lock into the schools refurbishment programme for commissioning art
- Collaborate closely with artists groups and studios drawing on extensive collective knowledge of artists in the borough
- Seek opportunities for inclusion of public art in developments of public open space, green corridors and riverside routes such as Waterlink
- Work closely with Transport for London and other transport agencies to develop ongoing opportunities for public art that enhance travelling experiences and encourages the use of public transport.



5. Public Art Commissioning – Good Practice

5.1 Process Overview

5.1.1 Good practice in public art commissioning is not confined to a list of guidelines, but should be the starting point for encouraging the most exciting and rewarding results within the given context and resources. Public art should, when properly implemented, encourage inclusion of communities and users, support collaboration between artists and other design professionals, and find solutions that balance sensitivity to local issues with challenging or questioning art practice.

5.1.2 All commissions and artists' engagement in the borough should follow the basic principles of good practice, covering artists' selection and contracting, briefing, artists' fees, consultation, project management and evaluation.

- **5.1.3** In general, good practice includes:
- Clarity of aims normally set out in a project or commission brief prepared by or on behalf of the client prior to the engagement of an artist
- Early appointment by far the best results are achieved if the artist is engaged at an early stage in the development, preferably at or before the outline planning application stage contributing to first design proposals in the Design and Access statement
- Management of process commissioning public art requires expertise and can take place over months or years. Capacity for management of the commission needs to be in place from the start and able to see through the whole process
- Artists' remuneration artists working in this field are professionals like others and for many this is their only source of their livelihood. Budgets need to reflect relevant fees to artists and contracts should be set up to ensure that artists are paid from commencing a commission
- Consultation it is important that artworks commissioned in public places involve some kind of consultation and publicity about the aims of the commission and what the artist is trying to achieve
- Evaluation each commission should be evaluated by a simple system that assesses how well the original brief has been realised, the views of local communities, and how it has been received by peers and the external arts community.

5.2 Briefing and Selection of Artists

5.2.1 The aims and intentions of any public art commission are normally set out in a brief for artists – the first stage in the process – it should be reiterated that this should start as early as possible in the development process, ideally at the pre-application stage

of the planning process for permanent commissions. Briefs should be as flexible and open as possible to allow the maximum creative and artistic development of ideas by the artist. Briefs that stipulate kinds of media or materials, or how these should be applied, tend to lead to less successful results. There are usually ample opportunities for the client and others involved to influence or guide the direction the commission is taking during the research and design stage.

5.2.2 The commission brief provides the basis for selection of the artist. The selection process should be transparent and clear from the start, and should be fully recorded for future reference or queries that may be raised within the Council or publicly. This also ensures that all artists applying to the commission have a fair opportunity. Normally a selection panel comprising all interested parties is established at the start, and should remain the same for the whole selection process. It is a good idea if this panel continues to play a role in overseeing the whole commissioning process.

5.2.3 There are various levels of publicising commission opportunities, which depend on circumstances at the time, from a fully advertised competition, to limited competition for invited artist applicants. For commissions supported by the Council and involving public funds, some kind of competitive selection process should be employed. These can be summarised as:

- Full public competition: commissioning opportunity advertised to artists locally and more widely, public display of shortlisted proposals, selection on interview
 provides good publicity and open process, but can take two months or more
- Limited competition: commission advertised to artists, artists also invited to submit proposals, selection on interview – less publicity but can take less time
- Curated or appointed selection: artists chosen by a curator or commissioning agency in conjunction with the client and partners – less publicity and accountability, but can be organised more quickly.

5.2.4 Local artists should be encouraged to apply for commissions, but ultimately the final selection must be guided by the relevance of ideas, experience and suitability of the artist for a particular commission. It is also important to note that good artistic practice thrives on the constant exchange of ideas at a local, national and international level – the cultural life of localities can greatly benefit from artists from elsewhere, even other countries, working in the area. This should be balanced with the need to support and encourage locally based artists.

5.3 Contracting and Commission Stages

5.3.1 Artist's Contract

Once selected, the artist is normally contracted in stages, i.e. a design stage and an implementation stage. In some cases there may be an outline design stage at the start in which more than one artist is invited, for a fee, to develop first ideas to be presented for selection. A contract will be required for the artist at each stage, clearly setting out the terms, fees, budgets, roles and responsibilities. Usually there is a separate design contract that allows a break in the commissioning process for both the client and artist to determine whether to proceed to the implementation stage. The design contract will confirm the detailed design and costings for the commission.

5.3.2 Ownership, Maintenance and Decommissioning

The Client is the ultimate owner of the work, taking responsibility for maintenance and future care. Allowance for maintenance should be made in the initial budget, a schedule should be agreed liaising with the artist. The artist will be responsible for any defects (for permanent pieces this agreement should last for up to three years) but the client is responsible for day to day maintenance. When the artwork is commissioned this area should be gone through in detail between the stakeholders, and should be a consideration when selecting the final piece, based on how much budget is available. The artist can be paid to undertake the maintenance work.

Once artwork is installed it will need long-term care. If the artwork requires specialist care and maintenance then these costs and requirements need to be understood from the artist and the site owners. It should be made clear within contracts if the artist is responsible for the long-term care of artwork and where this is a requirement, then costs should be built in so that the artist is paid to carry out this management, as outlined above.

With regard to public art already in existence that belongs to the Council and is in a poor state of repair, if the maintenance of this cannot be built into existing street care and there is no budget available to refurbish, then a decision should be taken on whether the piece should be decommissioned (removed).

Lewisham Council has many pieces of public art under its care. Occasionally issues arise regarding the condition or location of artworks and their impact on the borough, its communities and visitors which involves proposal to move or remove public artworks.

Reasons may include the reconfiguration of a public space, the condition of an artwork, the context of the space changes or a community is unhappy about the impact the artwork is having. At all times, respect should also be shown to the creators of the work.

The options for removal are outlined below.

- a) Relocation can be considered, but as good public art should be relevant to it's location this is often not appropriate.
- b) Storage can also be an option if an area is undergoing development but the artwork will be returned to its location afterwards.
- c) Full removal (decommissioning) is a last resort.

In order to decommission the following steps should be made, which have been incorporated into a simple form that can be supplied by the Creative Industries Officer:

- a) Assessment against 3 stated criteria: the artwork is beyond cost effective repair, the work has serious faults in design or workmanship or the work was unsolicited.
- b) The decisions should be made by the Arts Service and supported by the member who is Champion of public art.
- c) The Council should seek agreement from the artist that the work will be removed. An offer to take images of the work should be made before it is removed.

5.3.3 Copyright

Copyright is vested in the originator of the artwork by law – unless the artist agrees to forego this right in a written agreement. The artist's rights should be respected, and normally copyright remains with the artist but the client can agree a clause in the contract allowing for use of designs etc. for publicity purposes.

5.3.4 Moral Rights

The artist's moral rights as creator of the work should also be respected, ensuring that they are properly attributed and that they are informed of any changes in circumstances that may affect the integrity of the work.

Public Art Commissioning – Good Practice continued

5.4 Management

5.4.1 From the outside, the management of the commission needs to be assessed. If it is intended to manage the process 'in-house' the Council needs to ensure that staff have the expertise, time and capacity to support all stages of the commission.

5.4.2 Otherwise, a consultant, agency or artist with relevant skills should be employed to manage the commissioning process. A separate contract will be required between the client, or the client's agent (sometimes the architect), and the public art manager. Although the manager or consultant will be ultimately responsible to the client, it is normal for a project committee to be formed, representing the client, local representatives, other professionals and the Council, to which the public art manager or consultant reports.

5.5 Evaluation

5.5.1 Evaluation of public art commissioning is the subject of ongoing debate nationally. Good evaluation is important for learning lessons, assessing problems and providing guidance for future commissions. A separate evaluation process should be adopted for public art commissioning, either initiated by the Council or for external organisations.

5.5.2 Research has been carried out by Ixia and OPENspace (the research centre for inclusive access to outdoor environments) to look at problems in evaluation of public art commissions – the difficulty in defining quality and success, defining aims, the number of people involved in delivery and the difficulty of measuring perceived benefits. This has led to the production of an evaluation toolkit for commissioners of public art. **[12]** The Toolkit will assist users to:

- carry out an appraisal of the feasibility of a public art commission
- maximise the potential of a public art commission and identify different goals
- identify and agree the outcome measures that are appropriate to assess impact
- agree systems for collecting, storing, analysing and reporting on data gathered.

The Toolkit should be used as a guide to evaluation.

5.6 Summary and Recommendations

Good practice in implementing the public art strategy will help to ensure:

- high standards of commissioning art are set, whether by local, national or international artists, leading to excellence in design of the public realm, celebrating local identity and integration of the community
- innovation, new approaches and ideas are encouraged
- developers are advised on public art opportunities at the pre-planning permission stage of new-build developments
- artists are treated fairly and paid appropriate fees in line with national guidelines
- locally based artists are encouraged but ultimately artists are appointed according to quality of ideas, experience and suitability
- a collaborative approach is established between artists, designers or craftspeople and architects, landscape designers, structural engineers, etc. as part of major schemes and initiatives
- community involvement is built in through active and imaginative consultation, education and interpretation programmes and learning and skills development
- systematic evaluation is carried out of public art commissions to improve practice and keep a record for the future.

Community involvement is built in through active and imaginative consultation, education and

interpretation programmes and learning and skills development

6. Implementation

6.1 Key Areas for Delivery

6.1.1 The Public Art Strategy should be used as a guide to encourage and advocate a wide variety of commissioning opportunities throughout the borough. The most important ways in which public art can be initiated, funded and delivered are:

- through the planning system using Section 106 agreements
- strategic approach to off-site commissions ie through pooling of funds and the introduction of the new Community Infrastructure Levy
- independent commissioning by developers or landowners
- building working relationships with health authorities
- working with schools and educational institutions
- independently funded commissions initiated by the Council or other body
- through the Council's own developments and building programme.

A rolling programme of advocacy should be undertaken to stress the added value of commissioning art, and benefits to communities in these areas.

6.2 Delivery Through Planning System

6.2.1 The key to successful and consistent public art in the borough remains through the planning process. Section 106 agreements are and will remain a valuable source of funding – however, more emphasis should be placed on pre-application discussions with developers to promote the benefits of public art and ensure the engagement of artists at an early stage. In some cases, developers may agree to public art provision without a formal Section 106 agreement. Public art should be flagged up within the guidelines for Design and Access statements.

6.2.2 It is essential that there is good internal communication between the Arts Service and Planning Department, and that advice and guidance on public art procurement and the planning process flows easily both ways and is updated regularly. A series of practical actions that are integrated within the planning process should be defined and agreed to enable good public art practice to be carried out. A programme of internal advocacy and advice sessions should be initiated, that may include talks and presentations by artists, architects and public art experts. Guidelines to planning officers should also be issued.

6.2.3 Lewisham's policy within the LDF is to strongly encourage public art as part of all major developments in the borough – to enforce this, guidance on public art commissioning and its benefits should be give prior to planning application – ie on the developers initial approach to the planning department.

6.2.4 This strategy does not as yet provide a detailed guide to the procurement and commissioning of public art.

6.2.5 With the introduction of the Community Infrastructure Levy with new planning legislation it will become even more essential that there is a clear policy on allocation of funds that may be used for public art as part of borough-wide, or inter-borough, strategic provision across various priority areas.

6.3 Developers – Private Sector

6.3.1 Both large and smaller, independent developers remain a vital component in providing resources for the procurement of public art. There is now a good body of research that supports the perceived benefits of public art for developers, including **[13]**:

- economic and environmental benefits that contribute to the quality of a development, and its subsequent value
- reclaiming of previously derelict land or buildings for arts use
- helping to change image through social and community engagement
- adding to distinctiveness and character of a development scheme.

6.3.2 These benefits should be actively promoted to developers working in the borough, or bidding for contracts as part of regeneration plans. Relationships should be maintained with developers who have previously supported or encouraged public art. It should be remembered that developers can include all kinds of commercial businesses, including supermarkets, DIY stores, housing associations and leisure providers as well as housing associations and non-profit organisations.

6.4 Health and Education

6.4.1 Links that the Council already has with health services, schools and educational institutions should be actively pursued to realise opportunities for promoting public art commissioning.

6.4.2 The use of Private Finance Initiatives (PFI) for funding major redevelopment or new build schemes for hospitals and schools can include arrangements for supporting art programmes and commissions, as already shown at Lewisham Hospital. The need for consideration of art at an early stage should be doubly stressed, as PFI contracts are notoriously difficult and expensive to amend once agreed.



References and Links

[1]

Ixia – Public Art and the Planning System and Process in England **www.ixia-info.com**

[2]

Deptford X www.deptfordx.org

[3]

Department of Communities and Local Government www.communities.gov.uk/corporate/publications/all

[4]

Lewisham's Regeneration Strategy 2008-20 *People, Prosperity, Place* www.lewisham.gov.uk/CouncilAndDemocracy/PoliciesAndStrategies/ PeopleProsperityPlace.htm

[5]

Shaping our future – Lewisham's sustainable community strategy www.lewisham.gov.uk/CouncilAndDemocracy/PoliciesAndStrategies

[6]

Lewisham Council – Local Development Framework www.lewisham.gov.uk/Environment/Planning/PlanningPolicy/ LocalDevelopmentFramework [7] Catford Area Action Plan www.lewisham.gov.uk/Environment/Planning/PlanningPolicy/ LocalDevelopmentFramework/CatfordTownCentreAreaActionPlan.htm

[8] Deptford Creekside Charrette www.creeksidecharrette.org

[9] Sustrans National Cycle Network route 21 – Waterlink Way www.sustrans.org.uk

[10]

Docklands Light Railway Public Art Strategy – DLR Public Arts Programme **www.dlrart.co.uk**

[11]

Platform for Art – Art on the Underground
www.tfl.gov.uk/tfl/corporate/projectsandschemes/artmusicdesign/
pfa/default.asp

[12]

Evaluation Toolkit – Ixia, Public Art Think Tank www.ixia-info.com/wp-content/uploads/2009/02/ public-art-a-guide-to-evaluation.pdf

[13]

Public Art in Private Places – Commercial Benefits and Public Policy, Prof Marion Roberts



For Lewisham, the one-off, large-scale landmark approach is less likely to be relevant...

... an imaginative, longer-term process accumulating over time will ultimately be more successful

Appendices

I. Consultation

The Public Art Strategy was circulated for consultation to:

APT - Art in Perpetuity Trust AMEC Ampurius Artmongers **ASC Studios** BPTW Catherdral Group Cockpit Arts Deptford Cor Blimey Arts Creekside Artists Deptford Arts Network/don'tasknothing Deptford X Galliard Homes Ltd Goldsmiths, University of London Havelock Walk Studios Lee Green Open Studios Lewisham Art House Lewisham College Lewisham Education Arts Network Other World Arts McDonald Egan Nicholas Burwell Architects Limited St James /Berkeley Group

Responses have been incorporated where appropriate.

Internal consultation within the Council has been carried out with planning, regeneration and arts officers.

II. Typical Project Costs

The following is a typical budget for a commission with a budget of \pounds 55,500. VAT is not shown, it is important to establish at the start whether the artist is VAT registered and whether VAT is inclusive or exclusive.

ltem	£ Total
Stage 1 – competition, selection	
Artist fees – outline designs 3 x 500	1,500
Display, expenses	550
Sub total	2,000
Change D	
Stage 2 – detailed design Artist fees	
	2,500 200
Planning application	
Engineers fees	2,600
Sub total	5,300
Stage 3 implementation	
Artist fee	7,500
Materials, fabrication	15,000
Installation, transport	5,000
Foundations	6,000
Insurances	1,000
Contingency	1,500
Sub total	36,000
Marketing	
Printing, advertising	1,200
Launch	500
Subtotal	1,700
Education, interpretation	1,000
Evaluation	500
Project management	7,500
Maintenance (first period)	1,500
Total	£55,500

III. Model Contract

Typical public art commission contract for Lewisham Council – this is an example only and should not be used without legal consultation.

TITLE Public Art Commission IMPLEMENTATION CONTRACT

For

THIS Contract is made this

day of

year

between the Mayor and Burgesses of the London Borough of Lewisham ("the Council") of Town Hall Catford London SE6

of the first part

and

("the Artist")

of

of the Second part

Where as:

A. The Council wishes to commission the Artist to undertake, or arrange, the commission [title] to be sited at [address] ("the Commission").

- B. The Artists will complete the Commission for the Agreed Fee.
- C. The Artists will be paid according to the pricing document and schedule attached to this contract.

IT IS HEREBY AGREED as follows:

Definitions

1.1 The following words and phrases shall have the following meanings except where the context requires otherwise:-

"Artist"

Means the firm or persons or organisation appointed to carry out the Commission and their personnel, sub Artists and agents, including any partner or Director.

"Artist's Materials"

Means all documents drawings designs data and databases written reports and any other information produced by the Artist in connection with the Commission.

"Agreed Completion Date"

Means the date by which the installation of the Work at the Location is required to be completed.

"Agreed Fee"

Means the sum of money paid to the Artist for completion of the Commission as provided for in the Contract Documents plus VAT in accordance with the terms hereof which is inclusive of all direct and indirect overheads and incidental or other costs or expenses.

"Brief"

Means the agreed brief for the Commission attached hereto.

"Contract Documents"

Means these Conditions, Schedules, the Brief and the Pricing Document.

"Council's Materials"

Means the Council's documents drawings data and databases written reports and any other information that the Council provides to the Artist under this Contract.

"Contract Period"

Means the period from[date] until the date that this Contract is terminated in accordance with clause 20.

"Date for Delivery"

Means the date notified by the Council to the Artist for the delivery of the Work to the Location to take place.

"Location"

Means the [address] known as the Location Licence.

"Location Licence"

Means the agreement dated between the Site Owner and the Council permitting the Council to install and maintain the Work at the Location.

"Pricing Document"

Means the pricing document setting out the Agreed Fee and how it is to be paid attached hereto

"Site Owner"

[owner]

"Work"

[description]

- **1.2** Words importing one gender shall be construed as importing the other and words Importing the singular shall be construed as importing the plural and vice versa.
- **1.3** This Contract shall be deemed to include the Contract Documents.

Artist's Obligations

- 2. The Artist will:
- **2.1** complete the Commission as identified in the Brief and the Contract Documents;
- **2.2** complete the Commission in a timely and efficient manner within the agreed budget and to a professional standard in accordance with the Contract Documents;
- **2.3** comply with all relevant legislation;

- **2.4** without prejudice to the generality of clause 2.3 comply with all relevant Acts, Regulations and Codes of Practice (and any amendments or re-enactments thereof) relating to Health and Safety.
- **2.5** comply (so far as applicable) with the terms of the Location Licence attached at Schedule and not to or permit to be done anything which causes or could cause the Council to be in breach of the Location Licence;
- **2.6** comply with all requirements of the Site Owner notified to the Artist during the installation of the Work at the Location or the provision of the Maintenance Service;
- 2.7 if so required by the Council attend such meetings at the Council's premises in connection with the Commission as may be reasonably required by the Council;
- **2.8** submit to the Council forthwith such information receipts or other documentation as may be reasonably required by the Council in support of any invoice or request for payment submitted by the Artist;
- **2.9** submit to the Council such reports and information as are required by the Contract Documentation or as may reasonably be requested by the Council within any time limits specified.

Council's Obligations

- **3.** The Council will:
- **3.1** perform its obligations as set out in this Contract;
- **3.2** purchase and provide the [equipment if relevant] to the Artist for the purposes of the Commission
- **3.3** purchase the associated installation services for the purposes of the Commission [if relevant]
- **3.4** provided it is satisfied that completion of the Commission is being carried out in a satisfactory manner and in accordance with the terms hereof, pay to the Artist the Agreed Fee in accordance with the Pricing Document;
- **3.5** subject to the provisions of clause 3.1 payment will be due within 28 days of the Council receiving an Invoice or request for payment from the Artist for the same.

Staff

4. All staff or other persons engaged by the Artist in connection with this Contract shall be suitably qualified and experienced and the Artist shall, when requested by the Authorised Officer supply forthwith a list of all persons engaged in connection with this Contract together with details of their relevant qualifications and experience.

Records

5. The Artist shall maintain a record of all expenditure incurred in relation to this Contract and shall retain all invoices receipts accounting records and other relevant financial information for a period of at least 6 months after the expiration or termination of the Contract, or until the resolution of any dispute between the Council and the Artist (if later). The Artist shall provide the Council with copies or originals of all such documents forthwith upon the Council's written request.

Equal Opportunities

6. The Artist shall not commit any acts of discrimination against any person or body on grounds of their colour race religion ethnic origin gender sexuality age or disability and shall comply with the requirements of the Sex Discrimination Act 1975 the Race Relations Act 1976 and the Disability Discrimination Act 1996.

Documents, Data, Copyright and Confidentiality

- **7.1** Subject to clause 7.2 the Artist's Materials and the copyright and other rights contained therein shall be and shall remain the exclusive property of the Artist.
- **7.2** The Artist agrees to grant the Council an irrevocable and royalty-free nonexclusive licence to copy and use the Artist's Materials for purposes agreed in advance with the Artist such agreement not to be unreasonably withheld or delayed.
- **7.3** Upon request by the Council and in any event upon expiration or termination of this Contract the Artist shall forthwith deliver to the Council all copies of the Council's Materials then in its custody or control.
- **7.4** The Council will at all times acknowledge the Artist as creator of the Work.

Insurance

- 8.1 The Artist must take out and maintain with reputable insurers such policy or policies of insurance as may in the view of the Council be necessary to insure the Artist against all risks as may be reasonably anticipated in connection with the Commission and in particular must maintain the following: public liability [amount].
- **8.2** Reasonable evidence of such insurance being maintained must be made available to the Council if requested within a reasonable time of such request.
- **8.3** The Artist will make arrangements to be insured and the Council indemnified against his/her death, illness or accident prior to completion of the Commission.

The Work

9.1 The Work will be fabricated, supplied, delivered and installed entirely in accordance with this Contract and the requirements of the Brief.

Delivery, Time of the Essence and Liquidated Damages

- **10.1** Subject to clause 10.3 below, the Artist will comply with the timetable for the Commission agreed with the Council
- **10.2** Subject to clause 10.3 below, the Work will be delivered to the Location for installation on the Date for Delivery and the installation of the Work at the Location shall be completed by the Agreed Completion Date
- **10.3** The Artist shall not be liable under this clause 10 for any delays which are not caused by the Artist or which are outside of the Artist's reasonable control.

Brief

- **11.1** The Artist's Materials must comply in all respects with the requirements of the Brief and conform with any specifications and other descriptions which form part of or arise from the performance of the Contract.
- **11.2** The Artist shall be responsible for ensuring that all materials and workmanship in connection with the Commission (including for the avoidance of doubt the materials and workmanship of the suppliers referred to at clauses 3.2, 3.3 and 3.4 above) will be to the required standard as stated in the Brief.

Acceptance and the Council's Right to Reject

- **12.1** The Council shall be entitled to reject the Artist's Materials at any time prior to their acceptance by the Council if they do not conform in every respect with the Brief and this Contract.
- **12.3** In the event that the Artist's Materials are rejected under Clause 12.1, then the Artist will replace or repair them at its expense to the satisfaction of the Council in accordance with the Contract. In the event that this does not occur then the Council shall be entitled to terminate this Contract immediately and claim damages from the Artist, including without limitation any reasonable additional costs associated with having to commission the Artist's Materials from an alternative provider, the Council's reasonable administrative costs (including the costs of a new tender process) and any reasonable additional costs (above what the Artist would have charged under the terms hereof) charged by an alternative provider for the provision of equivalent goods and services and the provisions of clause 20.3 shall apply.

Installation

- **13.1** The installation of the Work may be carried out by a contractor appointed by the Council or by a contractor appointed by the Artist. For the avoidance of doubt the Artist shall be responsible for overseeing the performance of any services or works undertaken by any contractor employed or engaged by the Council in connection with the Commission and shall ensure that any contractor is aware of and complies with any relevant requirements in relation to the services or works that they undertake.
- **13.3** The Artist will be responsible for ensuring that the Location is suitable for the installation of the Work. Without prejudice to any specific requirements on the part of the Artist in relation to the Location contained in this Contract or the Brief, the Artist shall as maybe necessary liaise and communicate with and co-ordinate its activities with any consultants' contractors or sub-contractors working at the Location and shall ensure that the Commission is carried out without causing unnecessary or unreasonable interference with others.
- **13.4** The Artist will give two weeks' notice to the Council prior to the completion of the Work.
- **13.5** The Council will be responsible for ensuring that all necessary Site Owner consents, planning consents and approvals of any statutory authority required in connection with the installation of the Work at the Location have or will be obtained prior to the Agreed Installation Date and the Artist will not be responsible for any costs associated therewith.

Maintenance

- **14.1** The Artist will advise the Council, in writing, of the necessary maintenance requirements relating to the Work, on the completion of the Work.
- **14.2** subject to clause 14.3, where at any time within the [number] year period commencing on the date that the Council confirms in writing its acceptance of the Artist's Materials, the Artist's Materials are not, in the opinion of the Council, providing the facilities and functions described in the Contract, the Artist shall provide a fix or acceptable workaround to the problem.
- 14.3 Where the problem is to the Council's satisfaction evidenced by the Artist to be:14.3.1 in modifications to the Artist's Materials not carried out or authorised by the Artist; or
 - **14.3.2** as a result of the improper use, operation or neglect of the Artist's Materials by the Council; or
 - 14.3.3 as a result of the loss, damage or destruction of the Artist's Materials

where this is due to the act or default of the Council

the Artist shall notify the Council forthwith in writing. The Artist and the Council shall then agree what steps (if any) should be taken in order to fix the problem and, the Artist shall, if requested by the Council use its best endeavours to fix the problem PROVIDED THAT the Artist reserves the right to charge for all its effort relating to the investigation and fixing of the problem on a time and materials basis, plus expenses, at the rates current at the time.

14.4 The Council shall not alter the appearance of the Work without consultation with the Artist.

Removal and Decommissioning

- **15.1** The Council reserves the right to remove the Work at any time and for any purpose, whether temporary or permanent. Upon permanent removal of the Work from the Location this Contract shall automatically come to an end. The Council will notify the Artist in the event that the Work is removed for any reason and will, so far as practicable, invite the Artist to be present at the time of removal. For the avoidance of doubt, the provisions of clause 7.2 will continue to apply in the event that the Work is removed for any reason.
- **15.2** The Council will notify the Artist if it sells, lends or otherwise parts with possession of the Work, and such notice will include the name and address of the person/institution which has acquired possession of the Work or where the Work is housed.

Corrupt Gifts

16. The Artist shall not offer or give to any member or employee of the Council any gift inducement or reward for doing or for refraining from doing any act in relation to this Contract or any other Contract or matter and in the event of such gift inducement or reward having been offered or made the Council may terminate this Contract in accordance with the terms hereof.

Conflict of Interest

17. The Artist shall notify the Council as soon as it becomes aware that it may have a conflict of interest in any matter connected with the provision of the Service or that such potential conflict has arisen or is likely to arise.

Warranty and Indemnity

18.1 Nothing in this Contract shall render the Council liable to indemnify the Artist

in respect of any loss liability or damage of any kind incurred by the Artist save where such loss liability or damage is due to the negligent act or omission of the Council.

- **18.2** The Artist warrants that:
 - a) all information representations and other matters of fact communicated to the Council by the Artist are true to the best of its knowledge and complete and accurate in all respects;
 - b) it is entitled to use and disseminate all or any of the information used by it in preparing the Artist's Materials and completing the Commission and agrees to indemnify the Council in respect of all costs claims actions demands and proceedings made against it by third parties as a result of a breach by the Artist of this warranty or any copyright or on account of infringement of any other protected right contained therein.

Sub-Contracting and Assignment

- **19.1** Neither party shall assign or otherwise transfer this Contract or any of the rights benefits or liabilities arising under it without the prior written consent of the other party.
- **19.2** The Artist will not sub-contract any part of this Contract without the prior written consent of the Council notwithstanding that this Contract may anticipate that the Artist will sub-contract certain parts of the Service.

Breach of Contract and Termination

- **20.1** If the Artist commits any breach of this Contract then:
 - a) in the case of a breach which is capable of being remedied the Artist shall at its own expense within seven days of receiving notice from the Council remedy such breach and shall compensate the Council in respect of any loss which may have arisen as a result of the breach; and
 - b) in the case of a breach which is not capable of being remedied or in the case where the Artist has failed to remedy a breach in accordance with paragrapha) above the Council may terminate this Contract forthwith by serving notice on the Artist that the Contract has been so terminated.
- **20.2** The Council may terminate this Contract at any time if the Artist becomes insolvent or is wound up or is otherwise dissolved or if an administrator or receiver is appointed or being an individual has an interim order or bankruptcy order made against them or if the Artist makes a composition or arrangement with its creditors or a liquidator is appointed OR if any other events or

circumstances arise which affect or are likely to affect the ability of the Artist to carry out the Commission.

- **20.3** Upon termination or expiration of this Contract whether pursuant to this clause 20 or pursuant to any other right to terminate contained in this Contract the Artist shall return to the Council forthwith the Council Materials and any other property equipment or information belonging to the Council and any part of the Agreed Fee which relates to any part of the Commission which will not then be carried out by the Artist.
- **20.4** The provisions of clauses 5,7 and 15 shall survive the expiration or termination of this Contract.

Variation

21.1 Subject to Clause 21.2 below this Contract may only be varied by the agreement of both parties and any such variation shall be made in writing and signed by both parties and endorsed upon or annexed to both parts of this Contract.

Severability

22. If any provision in this Contract shall be adjudged by a court to be unlawful void or unenforceable such provision shall to the extent required be severed from this Contract but shall in no way affect the validity or enforceability of the remainder of this Contract.

Waiver

23. No forbearance or delay by either party in enforcing their respective rights under this Contract will prejudice or restrict the rights of that party to enforce such rights and nor shall they be deemed to have waived those rights unless expressly provided in writing but where any rights have been so waived by a party in accordance with the terms hereof this shall not be deemed to affect any of their other rights under this Contract or Terms hereof.

Notices

24.1 All notices consents or approvals given under this Contract shall be in writing and shall be personally delivered or sent by pre-paid first class post to the parties at their respective addresses shown above or to such other address in England or Wales as may be notified to the other party in writing AND in the case of delivery by post the notice consent or approval will be deemed to have been delivered two working days after the date of posting.

24.2 The Artist will notify the Council in writing of any change of his/her address, including the address of his/her studio, within seven days of any such change.

Force Majeure

25. Neither party shall be liable for any losses which arise as a result of any delay in performing their obligations under this Contract where such delay is caused by events or circumstances which are beyond the reasonable control of the party so delaying.

Jurisdiction

26. This Contract is governed by English Law and the parties agree to submit to the exclusive jurisdiction of the English Courts.

Contracts (Rights of Third Parties) Act 1999

27. It is hereby expressly agreed and declared that none of the provisions of this Contract are intended to or will operate to confer any benefit pursuant to the Contracts (Rights of Third Parties) Act 1999 on any person who is not named as a party to this Contract.

Sign				
Date				
Position				
Signed for	and on beha	lf of the Ar	tist by	
	and on beha	lf of the Ar	tist by	
Signed fo r	and on beha	If of the Ar	tist by	

Signed for and on behalf of the Council by

Position

IV. Exemplars

1.

Decorative Newsfeeds, Thomson & Craighead Forest Hill Sainsbury's

For their first major public commission, Thomson & Craighead successfully reworked Decorative Newsfeeds, a live, online LED screen for Sainsbury's new extension to their store in Forest Hill, south London.

Using a live feed from the web, Decorative Newsfeeds presents up to the minute headline news from around the world as a series of gently meandering animations, allowing viewers in the street to keep informed on world events while contemplating a kind of readymade sculpture.

The LED screen, built by Jayex, allows viewers passing from a distance to experience a quiet, shifting animation; closer inspection reveals the pathos and interplay apparent in the intersecting headline news.

Jon Thomson & Alison Craighead, based in London, work primarily with video, sound and electronic networked space to create gallery and site-specific artworks and installations. They have exhibited widely both nationally and internationally, having earned an excellent reputation as leading UK practitioners who use communications systems and technology in Art.

The installation has been funded by Sainsbury's through a planning agreement with Lewisham Council. It is the first in a series of art commissions to be undertaken as part of the Forest Hill Art Strategy, commissioned by Creative Process and written by Ben Eastop, that is now part of Lewisham Council's planning guidelines for the development of the town centre. The project is managed by Creative Process for Lewisham Council. A lead artist, Michael Pinsky, has been selected to advise on further commissions, and is developing a new work of his own to be located beneath a railway bridge in Forest Hill.

Title of work: 'Decorative Newsfeeds' **Artists:** Thomson & Craighead **Location:** Sainsbury's store, London Road, Forest Hill, London **Commission budget:** £27,000 **Completion date:** 20-12-05 **Client:** L B Lewisham, Sainsbury's Supermarkets plc

2.

Art at the Centre, Reading

Art at the Centre, Reading is a four year programme aiming to involve artists in the regeneration of Reading's city centre. Artists have been encourage to be actively involved in the process, introducing planning briefs from the outset and placing artists as an equal part of the planning team. The scheme is managed by Reading Arts and Venues, and operated collaboratively with other RBC departments and with local organisations "to create appropriate contexts for commissioning work". The Arts Council has committed £50,000 per year for four years, a sum matched by RBC with additional funding from other RBC departments, as well as smaller external grants.

The programme is divided into two strands, Art in Context involving longer term commissions and high profile collaborations, and Art Links, short term projects. Completed commissions have included Ten Banners by Marc Camille Chaimowicz, installed at pedestrianised entrance area to the Oracle Shopping Centre, Operation Owl Club by Adam Dant – part of RBC's new signing for the town centre, working with children to create a notional "children's police force", replacing surveillance cameras with a "network of little watchers". Dwelling, by David Ward was commissioned as part of the environmental improvements to Friar Street, involving the addition of illuminated stained glass panels to the frontages of 16 buildings above eye level.

www.aatc.org.uk

V. Useful Contacts

1. Artpoint www.artpointtrust.org.uk

2. Arts Council England www.artscouncil.org.uk

3.a-n – Artist Information Companywww.a-n.co.uk

4. Axis www.axisweb.org

5. The Commission for Architecture and the Built Environment – CABE – **www.cabe.org.uk**

6. Commissions East www.commissionseast.org.uk

7. Department of Communities and Local Government www.communities.gov.uk/corporate

8. Department of Culture, Media and Sport www.culture.gov.uk 9. Environment Agency www.environment-agency.gov.uk

10. Greater London Authority – GLA www.london.gov.uk/gla

11. Groundwork UK www.groundwork.org.uk

12. Ixia www.ixia-info.com

13. London Borough of Lewisham **www.lewisham.gov.uk**

14. Public Art South West www.publicartonline.org.uk

15. Royal Society for Arts **www.thersa.org**

16. Sustrans www.sustrans.org.uk



Actively working to seek opportunities for public art and artists' collaborations within major regeneration plans,

particularly in Lewisham and Catford centres, and other important sites across the borough