



### ***Motion on Street Art Policy***

***Street art is an emerging form of public art which can enhance the streetscape of a city. Conscious of the lack of clarity and guidelines around the production of street art this SPC agrees to develop a 'Street and Mural Art' policy for the City.***

Cllr Rebecca Moynihan

### **Introduction**

Following the passing of the above motion on Street Art at the meeting of the SPC for Arts, Culture and Recreation on the 22<sup>nd</sup> of January, 2018 there are a number of issues which need to be teased out in considering a proposal for a specific policy on Street Art and Murals.

### **Defining Street Art**

Street Art and Graffiti Art are terms often applied to visual art created in locations outside formal galleries such as on walls, buildings and streets. The production of the art is often unsanctioned and can vary from slogans and political messages to a purely aesthetic response to a subject or location. While many painting techniques are used in its production Street Art and Graffiti Art are most often produce using spray cans. 'Tagging' is included by some and not by others as part of this art movement. Therefore, as with all attempts to define art there is no clear-cut definition for Street Art so while the terms and labels such as Street Art, Graffiti Art are appropriate to some practitioners, to others, it is merely Art.

There are a number of complex issues relating to Street Art and the creative environment which pertains to the artists who create such work. The most obvious of these is the fact that the art is purposely created in the public realm on public and private property often creating a tension between the rights of expression to those of property rights. This situation leads to, on the one hand a desire to regulate (by local authorities) and on the other (artists) the believing they are being over controlled and regulated. Additionally, other issues are raised as the practice ranges from the purely aesthetic, to political and commercial content. So the challenge ultimately is, how can a policy be developed for a cultural expression which by its nature is often 'unsanctioned'?

### **Permissions**

As with all interventions in the public realm, there are a number of legislative issues relating to the creation of Street Art and where it can be located but a mechanism for such installations does exist.

As per the Planning and Development Act 2000 (as amended) murals on a building constitute development and as such require planning permission through the usual planning application process. However they may be exempt from planning in certain circumstances, for example.

- 1) Where it involves the painting of a hoarding in accordance with Class 12 of Schedule 2 of the Planning and Development Regulations 2001 (as amended)  
or
- 2) It is carried out on behalf of, jointly or in partnership with local authority  
or
- 3) It is carried out by the local authority and the estimated cost of the public art and associated works is less than €126,000.

In relation to 2) and 3) above the written consent of the Planning Department will be required.

In any event, any public art piece including a mural painted on a hoarding, in compliance with Class 12, shall have no commercial or advertising content. This is because inclusion of such material makes it an advertising structure which requires planning permission.

### **Legal Walls**

Dublin City Council has trialled the concept of legal walls for street art and is supportive in principle to such proposals. Consent was given for locations in the city in the past, however owner permissions was withdrawn due to additional tagging of the general area and antisocial behaviour such as painting late at night, noise etc. The implementation of a legal wall would require permission of the owner, consent of the City Council, consultation with local businesses and residents. They are normally curated or managed by a Street Artist within guidelines and are painted out once a year.

### **Proposed Action**

Given the complex nature of this issue it is proposed to bring together with the Arts Office, relevant officials from local Area Offices, Public Realm, Planning and Development Department to consider the various issues relating to Street Art.

It is also thought important to hear the voices of Street Artists and in this respect it is proposed to create a forum where these can also be heard and learned from. Communication through the forum of process and guidance would benefit all operating in the arena.

**Ray Yeates,  
City Arts Officer.**