

The Gathering Place - Sans Façon and OSA

Background and Concept

The Gathering Place/My Ness is the main component within the overall programme for artwork along the River Ness. It will provide a sense of place and focus for locals and visitors and also for Inverness ambitions to be a progressive and nationally important city, whilst fundamentally enriching public experience of biodiversity and drawing attention to the city natural assets

The original concept for the Gathering Place/My Ness was selected on the actual design presented by the artists (The Tilting Pier) whereas the design for the Gathering Place/My Ness was developed through a process of co-curation with the community. The process of co-creation brings different parties together in order to jointly produce a mutually valued outcome. This has resulted in the new proposals for the Gathering Place which were based on the results of this process.

Gathering Place is the centrepiece of River Ness Public Art Project and the concept for the new artwork has been developed by the artists through consultation with people who know, love, live by and use the river.

It will be a piece of art designed to bring people together to a special place sited to provide a focal point and an overview of the River Ness. The design is based on the form of an amphitheatre and the circular form is picked up on the opposite bank thereby framing the river. It is a highly crucial element within the overall programme for River Ness.

The site is Long Isle Pool, near the Fishermen's Car Park.

Update August 2019

A planning application was submitted on the 20th December 2018 and was granted under delegated powers on 19th February 2019 after being advertised in January 2019.

A tendering process for contractors to carry out the work has been completed. This contract is between the artists Sans Façon and the contractor. Negotiations between the artists and building contractors have been ongoing and are now complete. This has resulted in a number of proposed changes to the design and build to ensure that the structure is affordable. The proposed changes include:

- the thickness of the stone has been reduced from 40mm to 25mm
- the number of piles has been reduced from three to two
- the cantilever has been reduced in length by 1 metre

- the downstream end of the structure on the fisherman's hut side of the river has been reduced in length by 1 metre
 - the small bench on the opposite bank has been reduced in length by 1 metre
- The Working Group is yet to consider these proposed changes.

As a result of these proposed changes, advice is being sought from Planning as to whether these result in a material change which would require a further planning application.

Next steps for this project, subject to any decisions taken at the Special meeting of CIAC, is to seek approval from the ICARTS Working Group on whether to proceed with the revised plans.

Planning

The artists consulted with the Area Planning Manager and were advised that a planning application would be required for the artwork.

Planning permission ref: **18/05911/FUL - Installation of a public artwork consisting of a bridge/ bench | Land 130M SE of Ballifeary Home of Rest 14 Ness Walk Inverness.**

A press release was issued on the day the planning application was lodged to give potential objectors and supporters a chance to make themselves informed: https://www.highland.gov.uk/news/article/11547/my_ess_planning_application_lodged

The application could be viewed on the Council's online ePlanning website at: <https://wam.highland.gov.uk/wam/> Search on ref: **18/05911/FUL**

The Planning application details were advertised in the Inverness Courier and also listed on the Highland Council ePlanning webpages weekly list – week commencing 17th December 2018.

The application was advertised in January 2019. It was dealt with under Delegated Powers. Should there have been 5 representations or more before the expiry date or objections from statutory consultees as set out within the scheme of delegation, then this would have been considered by the South Planning Applications Committee, however there were not sufficient representations received.

The Report of Handling was finalised on 18 February and was signed off on 19 February. The Decision Notice was subsequently issued. All planning considerations and issues raised by consultees, public and community council have been addressed

Ballifeary Community Council was consulted upon as part of the planning process. A response was received after the cut-off date, however the information and issues contained within it had already been taken into consideration i.e. there were no additional material considerations. A further meeting took place between Ballifeary Community Council, the Area Planning Manager and Principal Project Manager (Property). A copy of the minutes of the meeting are available.

Approved drawings show four category 'C' trees on the west bank and one category 'U' tree on the east bank proposed for removal. A further two trees may also need to be removed due to adverse impact on tree roots during construction. This will be assessed after consultation with D&I tree officers before construction works take place. Tree barriers will also be installed to protect retained trees.

The trees in the vicinity of the Gathering Place artwork are legally protected by a Conservation Area. Trees identified for removal form part of the planning permission and will be removed under the instruction of D&I tree officer and if required the successful approval to carry out work to trees subject to a Tree Preservation Order or within a Conservation Area

A copy of the Decision Notice can be found online:
https://wam.highland.gov.uk/wam/files/F350FF6170B56E1443A4DF1CABE11157/pdf/18_05911_FUL-DECISION_NOTICE-1737794.pdf

Consultation

Consultation was carried out through the following methods for the River Ness Art Programme

- Public consultation events
- Public Survey - launched January 2016
- Exhibition
- Artist – led community consultation and co-curation
- Informal public consultation by artists and team members
- Community engagement and research in development of artists' briefs
- Professional advice (evaluation panel)
- Meetings with specific community and business groups
- Stakeholder events (including community councils)
- Education Programme
- Social media and website
- ICArts Working Group - Member engagement with Community Councils, Inverness BID and the Lochness Tourism BID

Public consultation events (all commissions)

- Trinity Hall - 2nd April 2015 – all Community Councils invited. Attended by Community Council representatives who received a presentation on the concept of linking the River and the Community. This embedded the theme of the project programme which has underpinned all work to date
- Eastgate Centre - 23 January 2016 – Full details of the project programme were displayed in the central forecourt on the 1st floor. Display Boards and Members of the ICArts Working Group along with the Lead Artist and Officers were present and discussions took place with members of the public who were informed about the projects. This fed into project development which allowed for continuing focus on linking the River with the Community.
- Inverness Museum & Art Gallery exhibition and media launch - 19th January 2016 – a further opportunity was given to meet the Artists and provide information to Media from which significant TV and Newspaper coverage followed. This event was designed to increase the profile of the Project Programme and again gave clear focus on linking the River and the Community.

Public events specifically for Gathering Place/(My Ness)

- Major Project Launch and community event and consultation drop-in and displays at Inverness Railway Station and Eastgate Centre 21st and 22nd October 2017. When the City of Inverness Area Committee instructed a new project for the Gathering Place on 1st July 2016, it was agreed that Artist selection would be based on a revised Artist Brief applying co-curation as detailed below. Sans Facon are internationally recognised Artists who bring spaces and people together. The principal display was in the middle of the Railway station with a large-screen TV displaying a specially commissioned film of the River from the Lade through to the Harbour. The event was designed to inspire thoughts from as many members of the public as possible on what they valued most about the River. The Stands were attended by the principal members of the Project Team and the Artists.

Many members of the public left written comments on postcards and these reflected the value people had in sharing the quality environment provided by the River, with others. The Angling Community came through as a strong conduit which would allow the Artists to embellish the connection between the River and the Community. This allowed the Artists to start to formulate the Concept of 'My Ness' into a proposal. The Film was made available on the Highland Council's Website. A selection of the stories and memories the artists collected can be viewed on the HC website at http://www.highland.gov.uk/homepage/39/river_ness_art_project

- Highland Archive Centre 24th May 2018 - public and press launch to which interested parties including local Community Councils were invited. Discussions involved the Chair of the Evaluation Panel, Professor Jim Mooney giving clarity on the benefits of the new My Ness concept as well as presentations from the Artists. Comments were largely positive in support of the proposals, which were reflected in Media coverage following the event. Public reaction was very positive and as had been the case with all the Minutes of the of the ICArts Working Group since July 2016, the decision to proceed to develop My Ness from Concept to Detailed Design, was approved through approval of the Minutes at the City of Inverness Area Committee.
- The artists also created a webpage www.myriverness.com for people to add their own stories and memories. The responses can be viewed online.

Co- curation

- The artists' brief for My Ness was to develop the concept for the new artwork through a process of co-curation with people who know and use the river. The process of co-curation brings different people together in order to jointly produce a mutually valued outcome. This consultation was part of the artists' research in responding to the brief and developing the concept for the artwork. It was not an Highland Council exercise for capturing public opinion and therefore the Council does not hold the information and the artists were not required to produce it as such. However, a selection of the stories and memories the artists collected can be viewed on the HC website http://www.highland.gov.uk/homepage/39/river_ness_art_project

Specific Activities undertaken as part of the Engagement Events

Exhibition – Promotional Opportunities

- An exhibition about all the River Ness Art Projects was displayed at the Engagement Events held in the Eastgate Centre Inverness on Saturday 23 January 2016 and then viewed in Inverness Museum and Art Gallery until 20 February 2016.
- A series of 6 pull up banners were commissioned and maquettes of some of the artworks were exhibited.

Stakeholder events (including Community Councils)

- The Engagement Events at Eden Court - 23rd January 2016 (all commissions) and
- Eden Court - 22nd June 2017 (My Ness) provided for input from cross – sections of the Community including Business Representatives, those with an interest in the built environment and Community Councils.

Education programme -

- Schools project with Architecture + Design Scotland - this was undertaken as part of the Development Phase of the Project Programme in 2013/14. It involved engagement with young people about what they thought of the River and how they believed the Project Programme could be developed to best reflect their views.

Social Media

- Email icarts@highland.gov.uk
- Twitter #rivernessarts
- Facebook
- http://www.highland.gov.uk/homepage/39/river_ess_art_project

Impact Assessments

- **Environment**

An environmental Impact Assessment was undertaken by Mott MacDonald and formed part of the Ness River Flood Alleviation Scheme planning application ref 08/008628/FUL. The available document can be found on the following link https://wam.highland.gov.uk/wam/files/E9D516DBBD7AC272BD8082C8868B18B8/pdf/08_00862_FULIN-ENVIRONMENTAL_MANAGEMENT_PLAN-521084.pdf

As part of the planning process the planning officer consults statutory bodies to seek their views. In the case of My Ness this included:

- Access Officer Inverness
- Historic Environment Scotland
- SEPA
- Scottish National Heritage- South
- Principal Environmental Health Officer Inverness
- HQ Forestry
- D&I Flood Team

The following issues were raised by consultees and subsequently detailed and responded to appropriately. These included:

- Scottish National Heritage - Do not think there will be an impact to fish species
- SEPA - Offered no objection and assumed would have minimal influence on localised flood levels
- Flood Risk Management Team - No objections subject to conditions, would classify the project as water compatible and concerned its unlikely to significantly hinder the free flow of water in the event of a flood
- Access Officer- Raised concerns of the impact on canoeists, the flow of the river, access to the river's edge and how public access is to be managed during construction.
- Forestry Officer- The trees in the conservation area are protected however they requested a schedule tree contracts plan, a tree constraints plan, tree protection plan and tree compensatory plan. This has been actioned.
- Points raised by Third Parties- The impact on wildlife and natural habitats. The insertion of 10-metre-deep piles on sections. The use of reinforced concrete. Concerns of industrial waste on concrete left unused.

Once a contractor has been appointed, further discussion will be undertaken with SEPA prior to building commencing. As part of the Council's general biodiversity duty, the contract will include measures to mitigate the effects upon the environment i.e. specify when and when not certain activities can be carried out.

- **Access**

To encourage engagement, inclusion and accessibility of the artworks by all potential river users the project contained a community consultation period for artists in developing proposal.

An impact assessment on the project is underway. This has highlighted that there may be impacts for access for wheelchair users. Access to the art piece is as follows:

- Access to the art piece is currently proposed over the existing grassed areas
- There are two sections to the art piece:
 - To the left is a seated area on the art piece.
 - To the right is the cantilevered walkway. The width of the walkway is 900mm which allows wheelchair users to access but users will need assistance as there is no turning area within the current design.
- As this is a design and build contract, a final design has not yet been concluded and further amendments and revisions will be made. This includes exploring widening the end of the cantilever to provide a wider turning circle for wheelchair access.
- The walkway has limited access as currently designed to enable full wheelchair access.

- **Risk**

A full risk assessment will be produced at detailed design stage and completed and signed off prior to the construction phase. It will be completed after consultation with the Corporate Resources Occupational Health, Safety and Well Being Manager and D&I CDM Officer before being checked and signed off by D&I Property Head of Service.

An assessment is required noting the new duty on Local Authorities through Scotland’s Drowning Prevention Strategy 2018-2026. An initial assessment has been carried out which indicated there were likely to be no concerns, although appropriate signage will be required.

After completion, routine maintenance of groundworks, physical structure or related elements will be monitored. Maintenance arrangements, cleaning repair, security monitoring etc will be factored in advance with key planning stages and discussed with key contacts. Previous permanent public art projects are managed successfully this way.

Funding

Funding for My Ness is from:

- Inverness Common Good Fund
- Creative Scotland
- Highlands and Islands Enterprise
- Highland Council Development and Infrastructure Service
- Highland Council Cities Gateway

The budget for the project is as follows:

Project	Agreed Budget	Spends to Date	Remaining Budget
Gathering Place	£300,000	£108,716	£191,284

Funders Position on Programme Termination/Adjustment

1. Programme Termination -

Creative Scotland - it is unlikely that Creative Scotland would seek to recoup payments already made, unless those payments were not used for the agreed purposes.

Highlands And Islands Enterprise (HIE) would withdraw the offer of any further funding and seek to recover from the Highland Council the sums paid out to-date of £10,374 on the grounds that the project was not completed following a decision made by the Council not to do so.

2. Termination of the Gathering Place (My Ness) Project and retention of the Children's Water Feature and Trail (the latter being agreed to be funded from the Education allocation within the Grant)

Creative Scotland – Noting the terms of the Grant, Creative Scotland would review their commitment to the Project Programme

HIE would withdraw the offer of any further funding and would review what had been achieved so far against the project's original goals. It is possible, following that review that HIE might seek to recover from the Highland Council the sums paid out to-date of £10,374 on the grounds that the project was not completed, on a decision made by the Council, to a degree to warrant the payment of the claim. The payment being made on the expectation that the project would be completed as agreed.

3. Termination of the current Gathering Place Project and agreement to seek a new Project for the Gathering Place/My Ness element

Creative Scotland - would not agree to support any further project to replace the current Gathering Place/My Ness element of the River Ness Public art project. Creative Scotland agreed to award funds based on the Stage 2 Capital application which remains the point of reference for releasing any funds relating to the project. It should be noted Creative Scotland's considerable concern at the level of expenditure incurred to date on the River Ness Public Art project, in particular the Gathering Place/My Ness design development, should all or part of the programme be terminated providing very limited public benefit for the cost incurred. Creative Scotland have confirmed their position is to see this project delivered as outlined in Highland Council's Stage 2 funding application

HIE - would withdraw the offer of any further funding and would review what had been achieved so far against the project's original goals and whether the original funders and particularly Creative Scotland remained in place. It is possible, following that review that HIE might seek to recover from the Highland Council the sums paid out to-date of £10,374 on the grounds that the project was not completed, on a decision made by the Council, to a degree to warrant the payment of the claim. The

payment being made on the expectation that the project would be completed as agreed.

4. Termination of the Project Programme with funds being allocated to amenity improvements decided upon by the Council in consultation with Communities and funding partners.

Creative Scotland – position is as stated above

HIE - would withdraw the offer of any further funding and seek to recover from the Highland Council the sums paid out to-date of £10,374 on the grounds that the project was not completed following a decision made by the Council not to do so.

Highland Council – Funding was originally confirmed in August 2013 by the Planning Environment and Development committee when it approved funds from the City Gateway project for the ICArts riverside project. The initial funding of £66k was supplemented by a further £40k at a later stage as another project was cancelled.

£40,000 of Development and Infrastructure funding has been drawn down into the Common Good account. £6,150 has been spent to date. The remaining £66,000 is unspent. The Director of Development and Infrastructure has advised that in the event of any of the above decisions being reached, any decision to continue funding would be referred to the Environment Development and Infrastructure Committee.

Fisherman's Hut

The Ness Angling Club approached the Council in 2016, prior to the Gathering Place/My Ness Project being considered, with a view to seeking support from the Inverness Common Good Fund (ICGF), for a refurbishment and extension of the Fisherman's Hut. The Inverness City Area Manager met with Club Office Bearers on several occasions during 2018 when it became apparent that the Fisherman's Car Park site was being considered as a site for the Gathering Place. NAC have been supportive of the My Ness development.

A contemporaneous refurbishment/replacement of the Hut was proposed. The original plan was to seek funding for a new Hut with the Club carrying out the construction with help in kind from their Members who had construction experience and who could supply materials at cost. Between July and November 2018 enquires with Planning revealed that the type of design required to meet current policies, due to the site being within a conservation area, unavoidably meant that the costs of a full reconstruction were proving too high.

To help overcome these challenges, the Council has assisted with the initial project preparation noting that the construction costs remain to be met by the NAC with potential support from the ICGF.

Despite appearances, the Office Bearers of the NAC and the ICArts Team, are in on-going discussions on a solution which is likely to involve the original idea of refurbishing/extending the current Hut rather than a new build. In summary:

1. The NAC continue to support the Gathering Place/My Ness Project. Any representations that Members may receive from ordinary Club Members are expressing their opinions as individuals and they do not speak on behalf of the NAC and:
2. Plans are being drawn up for an economical solution which will provide an improvement to the current Fisherman's Hut. This may be in the form of an extension to the current Hut or a replacement.