

Rest Spaces – Dress for the Weather

Background and concept

This Rest Space is a small viewing platform entitled 'Explore' which projects over the river. The original site intended for this piece was on Bank Street opposite the Mercure Hotel. This was by far the most popular of the designs put forward by the artists. The original intention was for a series of 5 rest spaces but due to budget restrictions, only one is affordable.

Update August 2019

The Artwork has been constructed and is currently being stored at the Council's Lotland Street Depot. This follows the decision taken to consider re-locating the artwork following the application of new guidelines for risk assessing the placing of installations near water in terms of the new guidance for local government on water safety: Scotland's Drowning Prevention strategy 2018-26.

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 were 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.

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.

Social Media

- Email icarts@highland.gov.uk
- Twitter [#rivernessarts](https://twitter.com/rivernessarts)
- Facebook
- http://www.highland.gov.uk/homepage/39/river_ness_art_project

Planning

This project was commissioned in 2014 and due process was undertaken with preliminary work being carried out on Bank Street opposite the Mercure Hotel. Original planning advice at that time was that Planning Permission was not necessary as the artwork was deemed to be permitted development as part of the Flood Alleviation Scheme.

As outlined in the August 2019 Update, a new location is being sought for the artwork as a result of guidance now available to local government on water safety and subsequent initial assessment of risk on the proposed location. Advice will be sought from planning whether planning permission would be required for installing the artwork at the proposed new location once this has been identified.

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 08/00862/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

- **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.

The Inverness Access Panel was consulted at an early stage (November 2013) to share artists' briefs and initial designs and to seek practical advice. An impact assessment has been undertaken on the overall programme. The assessment identified that this piece of artwork would not be accessible to all users due to the main component of steps on the piece. There is no mitigation that can be put in place for this piece, however this is only one component of the overall art programme. After consultation with the Access Panel it was agreed that it would not be possible to have wheelchair access to this piece of artwork due to steps which form part of the main body of the artwork.

- **Risk**

The artwork and foundation platform have been constructed however installation has been on hold whilst additional risk and safety assessments were considered. Since the original design was developed in 2014 new guidance for local government on

water safety has come into force: Scotland's Drowning Prevention Strategy 2018-2026.

Further assessments undertaken have identified that the proposed site would not be the best location for such a feature. This is due to the following considerations:

- Its proximity to several places of entertainment and the purpose of the design is to attract people to the waterside
- The fast-flowing nature of the river would mean that the placement of life rings would likely be ineffective in the event that an individual entered the water
- Additional features would be recommended to the installation including, a gate which could be locked at high risk times, signage, monitored CCTV coverage and night time patrols.

On this basis, it is an officer recommendation that installation of the piece in the proposed location does not progress. Instead, alternative sites for the piece have been proposed including within the new park area at Torvean and between the two canal bridges as a viewing platform for the canal. The latter would retain the original concept of a connection with water but the piece would not overhang the canal and its location not present the risks outlined above.

Funding

Funding for Rest Spaces is from:

- Creative Scotland
- Inverness Common Good Fund

The budget for the project is as follows:

Project	Agreed Budget	Spends to Date	Remaining Budget
Rest Spaces	£ 40,000.00	£40,646	-£646

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.
