

Subject: Halo Panopticon

Status: For Publication

Report to: Cabinet

Date: 19 September 2006

Report of: Head of Street Scene and Liveability

Portfolio

Holder: Cabinet member for Street Scene and Liveability

Key Decision:

NO/YES (Please highlight)

Forward Plan General Exception Special Urgency "X" In Relevant Box

1. PURPOSE OF REPORT

- 1.1 To inform members that following the 'in principle' approval at Executive Committee for the 'Halo' Panopticon project in April 2005, that the funding for the project has now been secured and planning consent obtained.
- 1.2 To seek final approval from members to enable the project to go forward having secured funding to ensure the Panopticon 'Halo' and associated landscaping works are undertaken.
- 1.3 To confirm future maintenance arrangements, and grant permission to Groundwork, Lancashire CC and Mid Pennine Arts and their agents to enter the site to carry out the approved works.

2. CORPORATE PRIORITIES

- 2.1 The matters discussed in this report are linked to and support the following corporate priorities:
 - The council is committed to improving the areas of open space within the Borough and as such this project contributes to that priority.
 - Contributes to the councils overall regeneration strategy.

3. RISK ASSESSMENT IMPLICATIONS

- 3.1 All the issues raised and the recommendation(s) in this report involve risk considerations as set out below:

- That the Council's reputation may be damaged if it does not take advantage of the funding opportunity for the scheme. Two Panopticons are now completed in Blackburn and Ribble Valley and construction of a third in Burnley is due to start soon.
- Supportive partners have invested substantial time, money and effort in backing and developing this project which will also result in reclaiming an RBC owned landfill site at minimal cost to the council along with ensuring Rossendale has the opportunity to be at the forefront of a major landmark project helping to promote East Lancashire and stimulate economic regeneration in the Borough.
- The spending of the funds on certain items and activities is time limited, some requiring works to be underway by December 2006, others requiring completion by the end of March 07 and some soon after. A decision has to be made now so that the landscape works can be tendered and these timescales complied with.

4. BACKGROUND AND OPTIONS

- 4.1 Top 'O' Slate landfill site is in the ownership of Rossendale council and as such the council has certain statutory duties under the licensing regulations from the Environment Agency (EA). These duties are to carry out monitoring and remediation work to the site in accordance with the EA, currently the council pays an annual license fee of £5303 pa and £400 per annum for gas monitoring. As the landfill site is now closed the council must now progress with the remediation and testing as above.
- 4.2 The council was first approached to consider the Panopticon Scheme in October 2003 and at that time the above was identified as the ideal site for the sculpture; this was done in consultation with various agencies, residents and RBC Councillors.
- 4.3 In April 2005 the Executive Committee agreed to take the project forward and allow the site to be used and gave an 'in principle' agreement for Groundwork Rossendale to submit funding applications to ensure the 'Halo' and the surrounding landscaping works could be completed.
- 4.4 Planning permission was granted in October 2005 subject to certain conditions. These conditions particularly relate to details of lighting, foundations, materials, planting, management regimes and certain user surveys relating to access and parking. Work on each particular element cannot proceed on site until these conditions are approved.
- 4.5 The level of funding which has been successfully achieved is in excess of £540,000. Details of the funding raised are in Appendix 1. Landscaping includes collecting of heather seeds, covering of landfill, re-profiling of the shale mound, treatment of invasive weeds, installation of paths throughout the site and improvements to some of those leading up to it, boundary improvements with stone wall entrance features, fencing, kissing gates to restrict motorbikes but encourage disabled visitors, with historical, wildlife, archaeological and geographical interpretation, heath land re-establishment, some appropriate tree

planting, picnic areas, seats, litter bins and the Halo installed on site, with car parking for the disabled along with some tree felling at Duckworth Clough and access and interpretation improvements.

- 4.6 LCC Highways Laboratory funded through Remade has conducted a Stage I and a detailed Stage II Assessment of site conditions. This report recommends:
- The site remediation (smoothing, levelling and covering of the landfill and also funded through Remade) which contributes towards a 'Closure Notice';
 - Landscape Works to regenerate and improve access as detailed;
 - Modification of the landfill license; and
 - Installation of 6 No water monitoring vents around the landfill area by the quarry face and collection and testing of samples from them. This statutory monitoring is a requirement of the Environment Agency and forms part of the requirements of the Closure Notice. The likely one off cost of siting the monitoring vents is £12,000 which would have to be met by RBC.
- 4.7 The Environment Agency is advising the project team along with LCC Highways Lab. The existing site license allows for smoothing, levelling, covering (remediation) to occur before the license is modified and once complete will reduce the existing license fee from £5303 per year to a subsistence fee of £303 per annum payable by RBC, the subsistence charge would remain in operation until the site was fully surrendered.
- 4.8 The length of time between modification and surrender will partly depend on the frequency of collecting and testing the samples, the projected cost for testing is in the region of £8,000 per annum. If the results are below the recommended thresholds then the license can be surrendered, this would result in a one off cost (at 2006/07 rates) of £6685 payable by RBC.
- 4.9 After completion of the landscape works in approx March 2007 there will be a 3 year aftercare period when the principal contractor will be responsible for certain aftercare procedures such as planting establishment and stone path topping-up. Some tree felling at Duckworth Clough is funded over a 3 year period so this will be ongoing until 2009. A series of other small on-going pieces of community art and workshops are also intended to occur and be positioned on/leading up to the site, commissioned by East Lancashire Environmental Arts Network.
- 4.10 Litter picking, bin emptying, cleaning information boards, general site tidying or vandalism, will be the responsibility of RBC the estimated cost to the council is £4,000 per annum.
- 4.11 Detailed calculations and drawings are being prepared for the wider site and the Halo structure. Up until Practical Completion, LCC Remade and Mid Pennine Arts will be the clients for the remediation/landscape regeneration and the Halo respectively and will award and sign contracts and pay those invoices. Structural Engineering Consultants and the LCC Highways Lab. are undertaking the structural calculations and will be responsible for inspecting

and approving the Halo (constructed by the Design & Build Contractors) and its foundations.

- 4.12 An independent lighting consultant has been appointed by Mid Pennine Arts and is advising the team. Details of the lighting will be submitted to RBC planning department for approval.
- 4.13 Groundwork Rossendale have been appointed by LCC/Remade to undertake the Project Management and the Planning Supervisor (PS) role. Health & Safety consultancy will be via a structural steel specialist. Leading up to and at Practical Completion of the Halo Panopticon, an independent structural engineer can be appointed on behalf of RBC to approve the Council taking on the ownership of the sculpture. In the past Zurich Insurance have been asked to comment by RBC on installation drawings/details for other structures.
- 4.14 Practical Completion for the wider site and the Halo may happen at different times and they will both have different Defect/Liability (D/L) periods. The Contract Administrator for the wider site landscaping will be Groundwork Rossendale and after the D/L period, the H&S file will be handed over to RBC.
- 4.15 Rossendale Leisure Trust has indicated that they would be happy to manage and promote the facility, subject to the provision of an adequate maintenance budget being provided.
- 4.16 Options for consideration are;

Option 1 - Not to continue with the project

The council has a statutory obligation to carry out remedial works to the landfill site at Top 'O' Slate. If the scheme does not progress the cost to the council of such remedial works is in excess of £150,000 and the council would still be liable for the costs identified in Table 1 (1-4) for licensing and monitoring of the site and surrender of the licence.

Option 2 - To continue with the project

The remedial work and a substantial landscaping scheme to the area together with the cost of the Halo will be met in full by the funds raised in Appendix 1. The council does have to identify a budget for the ongoing maintenance of the landscaping and the sculpture as laid out in Table 1. The Halo will be the gateway Panopticon into East Lancashire and will be the subject of considerable national and regional coverage on completion next year. The NWRDA and Mid Pennine Arts are committed to its installation at Top O Slate and have shown considerable support in the form of publicity, time extensions and extra funding, as too have REMADE and Lancashire County Council.

5. COMMENTS OF THE HEAD OF FINANCIAL SERVICES

- 5.1 Table 1 indicates the statutory investment (See lines 1-4) required by RBC, as the owner of the landfill site, which relates to the works required by the

Environment Agency for operators of 'Closed' landfill sites. This has become apparent after the Stage II Assessment by LCC Highways Lab joint meetings with the Environment Agency and RBC, as well as recent statutory requirements by landfill operators. The figures below are subject to inflation and would be affected by any change to charges from other Agency's. The current budget for the site is £5703 per annum.

Table 1

No	RBC Activity	Approx Cost (as supplied by LCC)
1	Ongoing Subsistence fee for License from 2007 to surrender (Statutory requirement)	£303 per annum
2	One off cost of installation of vents for monitoring water/gas in 2006/07 (Statutory requirement)	£12,000.00
3	One off cost for Surrender of the license in 3 to 5 years (Statutory requirement)	£6685 (2006/07 rates)
4	Collecting and testing of water/gas samples over a 3 – 5 year period. (Statutory requirement)	£8,000 per annum
5	Litter picking, bin emptying, cleaning information boards, general site tidying or vandalism	£4,000 per annum
6	Cost of Full site maintenance after 3 years handover from 2010 onwards.	£8,000 per annum

- 5.2 The identified costs for annual maintenance of the scheme in the first three years are £12,300 (See 4-5) it is hoped that after 3 years the testing will not be required (however this is not confirmed) should this be the case the cost of maintenance of the whole site after the first three years are approx. £12,000 per year (See 5-6).
- 5.3 After Practical Completion RBC will be responsible for litter picking, bin emptying, cleaning information boards, general site tidying etc and the possible cost implications of vandalism.
- 5.4 The principal contractor will be responsible for certain aftercare procedures such as planting establishment (watering, firming in, securing ties, pruning back, weeding), mowing path edges, weed killing and stone path topping-up for a period of 3 years. After this time these procedures will revert back to RBC. There will also be a Defect Liability Period of 12 months on all hard and soft works.

6. COMMENTS OF THE HEAD OF LEGAL AND DEMOCRATIC SERVICES

- 6.1 A legal agreement is required to outline all the future liabilities together with licences to access our land for all partners to the scheme. A draft Agreement has not been circulated for comment.

7. COMMENTS OF THE HEAD OF HUMAN RESOURCES

- 7.1 N/A

8. CONCLUSION

- 8.1 The Rossendale Panopticon has achieved almost the maximum funding originally outlined in the original report to Executive Committee of £540,000.
- 8.2 The opportunity for such a scheme to be funded in this fashion is highly unlikely to be made again for what is, in the main, remediation of a council owned landfill site and enhancement of neighbouring inaccessible conifer woodland. This is a unique opportunity for the Council to access funding for remediation, regeneration and environmental artwork as well as a significantly huge investment in the enhancement of the area.

9. RECOMMENDATION(S)

- 9.1 That full approval be granted for the project to enable the funding to be used to remediate the landfill site, regenerate the area including improving many of the links to site, landscape the Top O Slate, improve access and visibility at Duckworth Clough and install the Halo sculpture as the gateway Panopticon to East Lancashire.
- 9.2 That a maintenance budget be established as indicated in the report to ensure all future requirements for the project are met.
- 9.3 That consideration be given to the transfer of the 'Halo' to Rossendale Leisure Trust for future management and promotion, subject to the budget provision and agreement of Rossendale Leisure Trust.

10. CONSULTATION CARRIED OUT

- 10.1 All stakeholders will have the opportunity to comment and the outline suggested is in sympathy with openspace strategy designations. Since planning approval, a group of local residents have attended a joint meeting with representatives from the project steering group, where they received information on the levels and types of consultation undertaken. They were assured that if there were any significant changes to the scheme approved, such as the lighting, appearance or position of the Halo they would be informed.

Contact Officer	
Name	Carole Todd
Position	Head of StreetScene & Liveability
Service / Team	StreetScene & Liveability
Telephone	01706 252551
Email address	caroletodd@rossendalebc.gov.uk

Background Papers	
Document	Place of Inspection
Halo Panopticon Report Executive Committee April 2005	

Appendix 1

COST/BENEFIT ANALYSIS

Actual August 2006

Source of Funding	Purpose	Secured/ Unsecured /Spent	Deadline for spend	Payable to	Total
REMADE	Contaminated land investigations Topography survey Staff time Extra intrusive investigations	Spent	End March 05	LCC Highways Lab	£64,000.00
	Outline design proposals inc Concepts, Cost Estimates, Sketch designs, Planning application, Project management	Spent	End March 05	Groundwork Rossendale	£16,000.00 approx
	Detail Design, Tender Action, Contract Administration, Planning Supervisor Project Management	Secured	End march 07	Groundwork Rossendale	£21,000.00
	Part Implementation of Landscape Proposals/remediation, Halo foundations Electrical supply	Secured	End March 06	Principal Contractor	£150,000.00
				SUB TOTAL for REMADE	£251,000.00 + 3% inflation

Source of Funding	Purpose	Secured/ Unsecured /Spent	Deadline for spend	Payable to	Total
Northwest Regional Development Agency, EL Partnership, Mid Pennine Arts	Part Halo structure	Secured	Spring 07	Morton's. Booth King, John Kennedy, Lighting Consultant	£97,000.00
Groundwork Rossendale and REMADE have sourced funding from the following funders:- Biffa ALSF LEF LCC Forestry Commission -	Fundraising Landscape contractor Regeneration Contribution to Project Management & administration	Secured	March 07	Contractor Groundwork Admin & Management fee	(£192,976.00) as below £50,000 £88,976 £25,000 £14,000 £15,000
				APPROX SCHEME TOTAL	£540,976.00 +VAT

