



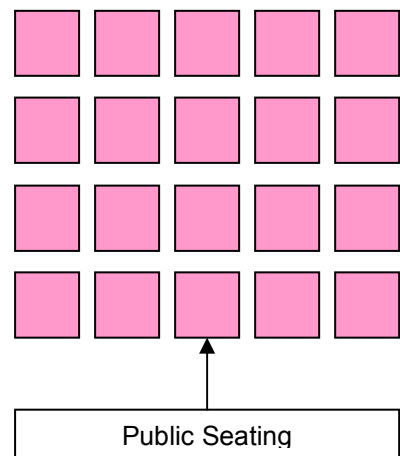
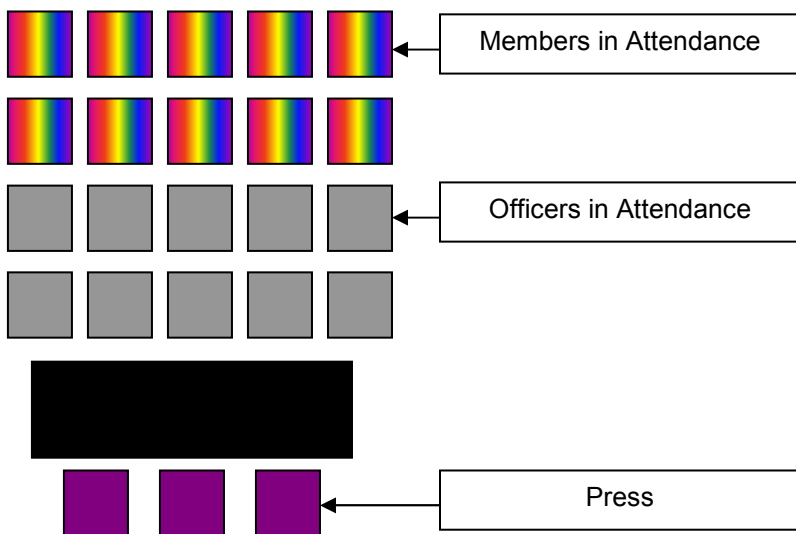
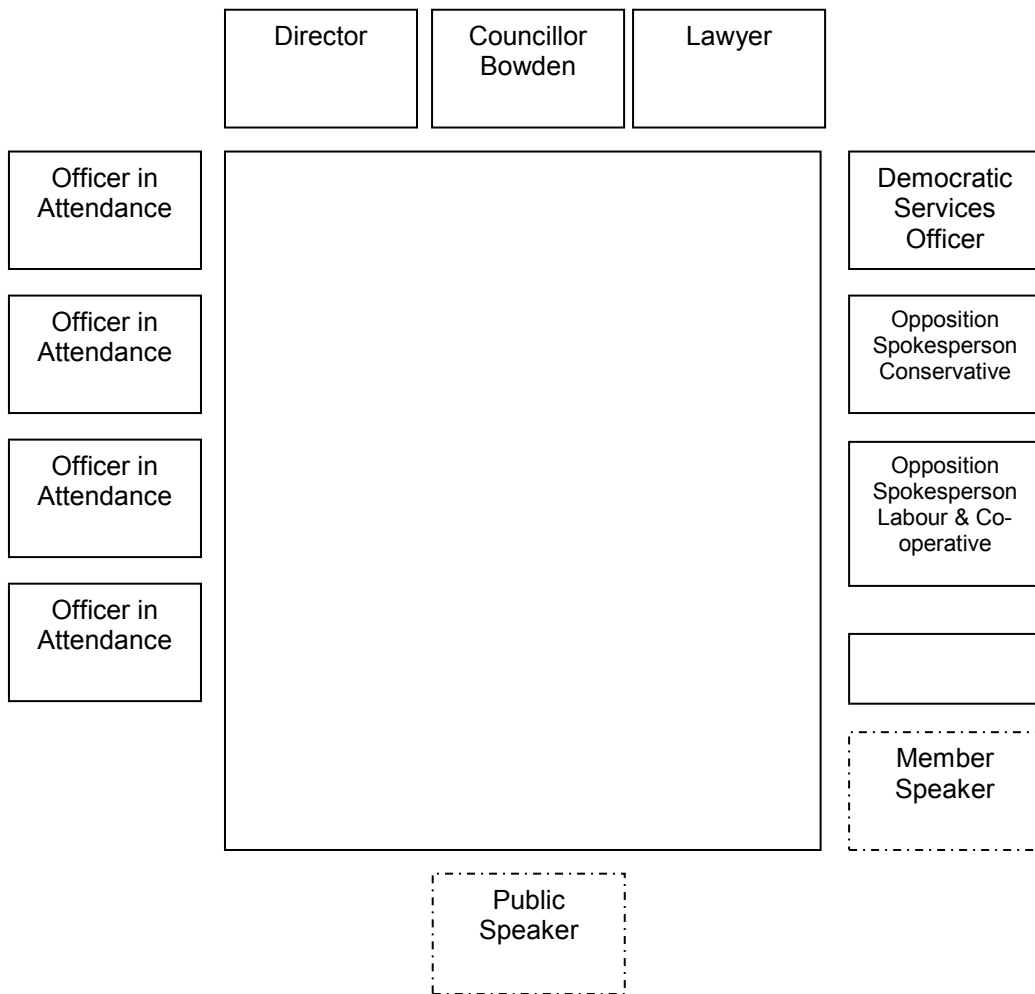
Brighton & Hove  
City Council

# Cabinet Member Meeting

Title:	<b>Culture, Recreation &amp; Tourism Cabinet Member Meeting</b>
Date:	<b>7 February 2012</b>
Time:	<b>4.00pm</b>
Venue	<b>The Council Chamber, Hove Town Hall</b>
Members:	<b>Councillor:</b> Bowden (Cabinet Member)
Contact:	<b>Penny Jennings</b> Democratic Services Officer 01273 291065 penny.jennings@brighton-hove.gov.uk

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# Democratic Services: Meeting Layout



## AGENDA

### 50. PROCEDURAL BUSINESS

- (a) Declarations of Interest by all Members present of any personal interests in matters on the agenda, the nature of any interest and whether the Members regard the interest as prejudicial under the terms of the Code of Conduct.
- (b) Exclusion of Press and Public - To consider whether, in view of the nature of the business to be transacted, or the nature of the proceedings, the press and public should be excluded from the meeting when any of the following items are under consideration.

*NOTE: Any item appearing in Part 2 of the Agenda states in its heading either that it is confidential or the category under which the information disclosed in the report is exempt from disclosure and therefore not available to the public.*

*A list and description of the categories of exempt information is available for public inspection at Brighton and Hove Town Halls.*

### 51. CABINET MEMBER'S COMMUNICATIONS

### 52. ITEMS RESERVED FOR DISCUSSION

- (a) Items reserved by the Cabinet Member
- (b) Items reserved by the Opposition Spokespersons
- (c) Items reserved by Members, with the agreement of the Cabinet Member.

*NOTE: Public Questions, Written Questions from Councillors, Petitions, Deputations, Letters from Councillors and Notices of Motion will be reserved automatically.*

### 53. PETITIONS

No petitions received by date of publication.

### 54. PUBLIC QUESTIONS

\*(The closing date for receipt of public questions is 12 noon on 31 January 2012)

No public questions received by date of publication.

### 55. DEPUTATIONS

## CULTURE, RECREATION & TOURISM CABINET MEMBER MEETING

\*(The closing date for receipt of deputations is 12 noon on 31 January 2012)

No deputations received by date of publication.

### 56. LETTERS FROM COUNCILLORS

\*No letters have been received.

### 57. WRITTEN QUESTIONS FROM COUNCILLORS

\*No written questions have been received.

### 58. NOTICES OF MOTIONS

\*No Notices of Motion have been received by the date of publication.

**\*PLEASE NOTE :** As this is a specially convened Cabinet Member meeting items may only be raised under items 54-58 above if they relate specifically to matters in relation to items 59 – 61 below.

### 59. ECO TOURISM

**1 - 6**

Report of the Strategic Director of Communities (copy attached)

*Contact Officer: Paula Murray*

*Tel: 29-2536*

*Ward Affected: All Wards*

### 60. VISIT BRIGHTON CONVENTION BUREAU

**7 - 12**

Report of the Strategic Director of Communities (copy attached)

*Contact Officer: Julia Gallagher*

*Tel: 29-1614*

*Ward Affected: All Wards*

### 61. GHOST TRAIN : PUBLIC ART

**13 - 36**

Report of the Strategic Director of Communities (copy attached)

*Contact Officer: Paula Murray*

*Tel: 29-2536*

*Ward Affected: St Peter's & North Laine*

## CULTURE, RECREATION & TOURISM CABINET MEMBER MEETING

The City Council actively welcomes members of the public and the press to attend its meetings and holds as many of its meetings as possible in public. Provision is also made on the agendas for public questions to committees and details of how questions can be raised can be found on the website and/or on agendas for the meetings.

The closing date for receipt of public questions and deputations for the next meeting is 12 noon on the fifth working day before the meeting.

Agendas and minutes are published on the council's website [www.brighton-hove.gov.uk](http://www.brighton-hove.gov.uk). Agendas are available to view five working days prior to the meeting date.

Meeting papers can be provided, on request, in large print, in Braille, on audio tape or on disc, or translated into any other language as requested.

For further details and general enquiries about this meeting contact Penny Jennings, (01273 291065), email [penny.jennings@brighton-hove.gov.uk](mailto:penny.jennings@brighton-hove.gov.uk) or email [democratic.services@brighton-hove.gov.uk](mailto:democratic.services@brighton-hove.gov.uk)

Date of Publication - Monday, 30 January 2012



**CULTURE, RECREATION &  
TOURISM CABINET  
MEMBER MEETING**

**Agenda Item 59**

Brighton & Hove City Council

**Subject:** Eco-Tourism development  
**Date of Meeting:** 7 February 2012  
**Report of:** Strategic Director: Communities  
**Contact Officer:** Name: Paula Murray Tel: 29-2534  
E-mail: [paula.murray@brighton-hove.gov.uk](mailto:paula.murray@brighton-hove.gov.uk)  
**Wards Affected:** All All

**1. SUMMARY AND POLICY CONTEXT**

- 1.1 Brighton and Hove is a successful tourist destination; over a number of decades, the city has refreshed and renewed its visitor offer; to create more jobs, to be competitive and to change the visitor profile. The development of a strand of eco-tourism as part of this strategy is key to continuing the city's aspiration to continually develop and refresh its offer. It is also a commitment in the Council's Corporate Plan.

This report outlines the council's commitment to developing, launching and delivering a successful strand of eco-tourism.

**2. RECOMMENDATIONS:**

- 2.1 That the Cabinet Member agrees to the launch, consultation around and implementation of an eco-tourism strand of activity for Brighton and Hove.

**3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS**

- 3.1 The city's tourism economy is very significant in terms of visitor numbers and economic impact. The visitor figures are upwards of 8 million per year and the economic impact over £780m. A key part of the ongoing growth and success of the visitor economy has been the city's ability to add to and develop its offer. The city has grown a long way from being a seaside kiss me quick destination. However, the reinvention cannot stop – it must continue, the city must find its next identity, its next market and stay ahead as a destination of choice.

Reinvention, new and unique offers and creating things that are not found elsewhere are all essential to maintaining and improving the tourist industry; to retaining local jobs and supporting local businesses. Very importantly in addition, a healthy tourist economy also creates an offer for local residents that would not be there otherwise.

- 3.2 The Council through its Corporate Plan has pledged to reduce the ecological footprint of the city and to increase employment opportunities for residents as part of a refreshed, sustainable economic strategy. Successful tourism means jobs and thriving businesses, focus on public spaces and cultural and leisure opportunities. However, it is also consumptive. In supporting the ongoing development and success of tourism, there is also a responsibility to address this through more a more sustainable tourism strategy. Eco-tourism is a strand of tourism that seeks to be sustainable inherently and to highlight issues of sustainability. By using a One Planet approach to sustainability, the council can shape this in a way that is good for the local economy as well as reducing environmental impacts.
- 3.3 Introducing and developing a high profile, nationally and internationally marketed strand of eco-tourism provides a response and a solution to these key issues of growth and sustainability. There is an emerging market for an increasing range of choices of places to go and things to do that meet a particular informed consumer demand.
- 3.4 Brighton and Hove is committed to making a bid to gain United Nations designated Biosphere status. One of the key elements of this is the ability of an area seeking the designation to be able to show positive social and economic impacts as a result. A strand of eco-tourism in the city would support the bid, particularly in terms of the economic impact criteria. It would also contribute to the aspiration of the authority to operate according to the ten principles of One Planet Living, the comprehensive framework for sustainability developed by the Worldwide Fund for Nature and Bioregional. Eco-tourism could fit well under two of the principles, Culture & Community, and Equity & Local Economy.
- 3.5 There is already a range of activity in the city that is clearly identifiable as eco-tourism and Brighton & Hove is seen nationally and internationally as one of the most 'eco-friendly' cities in the UK.
- 3.5.1 The city has a range of businesses that put environmental consciousness at the heart of their strategy, including Infinity Foods, Vegetarian Shoes, Due South and Paskins Townhouse for example. The UK's foremost environmental online travel agency; Responsible Travel ([www.responsibletravel.com](http://www.responsibletravel.com)) is based in the city. Additionally several eco-tourism related schemes operate in Brighton & Hove, including the Green Tourism Business Scheme' - <http://www.green-business.co.uk/> and Sussex Breakfast Scheme.
- 3.5.2 There are a selection of 'stand-out' eco buildings which have national & international recognition; Jubilee Library, Jury's Inn Hotel and Earthship Brighton and the potential for a Sustainable Living Centre in the city is also being explored.
- 3.5.3 Our Visitor Information Services already operate mainly online and the level of print produced is minimal. There are already a number of sections in our online information that highlight aspects of the city's eco-tourism offer.



- 3.6 There is an alignment between developing eco-tourism and other aspects of the city's ongoing economic development such as the focus on the creative and digital media sectors and emerging environmental industries sector. There are the skills and experience in the city to use creative technology to articulate the offer in the most exciting way.
- 3.7 Brighton and Hove is on the threshold the South Downs National Park and much of the city actually sits within its boundaries. This opens up a whole new range of opportunities for the city to explore in terms of its profile and identity and visitor offer.
- 3.8 This development is a natural next step for a direction of travel for tourism. The tie in with other strands of economic development, with the city's health and sustainable food agenda are also compelling. Additionally, there are significant aspects that tie in with education and learning objectives and the development of the offer for families and children. The move can be gradual with much achieved within existing resources, requiring only a change of emphasis or direction. Longer term and more radical shifts will require resources, or invest to save business case development.
- 3.9 In advance of the redevelopment of the city's Economic Strategy and any larger refresh of the Tourism Strategy, there are a number of proposals around the development of eco-tourism that can be achieved in the short to medium term as outlined below. More complex and longer term potential changes that cross portfolio areas would need to come forward as and when they are developed such as those that might involve different uses of our farmland for example.
- 3.9.1 In the immediate term, all existing promotion of aspects of the city likely to engage the eco-tourist can be easily brought together in a more coherent offer. This consolidation would take the form of online activity, with the introduction of targeted social media activity and better signposting.
- 3.9.2 In the short to medium term, there is a range of additional information, offers and opportunities that can be fairly easily developed and created to add to what the city already has. This might be the creation of additional 'trails' or information leaflets or specialist maps and information boards at sites of special interest. Additionally, the relationship with specific journalists and publications would be cultivated alongside the new opportunities.
- 3.9.3 The relationship with the South Downs National Park and the development of a joint offer with it and neighbouring authorities focussing on the wealth of the natural environment visitors to this area have easy access to, is also something for the short term.
- 3.9.4 In the longer term, we may wish to pursue a more radical re-branding of visitor services and the profile of the city as a destination in line with Brighton and Hove as the number one eco-destination of choice.

- 3.9.5 There are also more significant additions to the current visitor offer that could be pursued, such as the development of campsites, glamping or pop up temporary campsites. We could also add to the festivals and events offer with themed events that emphasise sustainability and environmental issues.
- 3.9.6 There is also the opportunity to develop a visitor (and resident) offer which would enhance the city's status as an eco-tourism destination by the development of a city centre interactive biodiversity/environmental interpretation centre. Such a centre could make more of the city's nationally significant geological, biological and archaeological collections- many from the local area and South Downs. Themes which can be explored and presented include environmental change, biodiversity, human origin, migration, ecology. In effect encouraging understanding in relation to stewardship of natural resources. There are also opportunities to use the collections on digital platforms as part of offer to visitors to the South Downs.
- 3.10 The eco-tourism strand will be launched with local partners this year and a range of other opportunities are expected to develop from this consultation.

#### **4. CONSULTATION**

- 4.1 There has been consultation with senior service specific managers across a range of relevant services, the Lead Cabinet Member for Culture, Recreation and Tourism and for Environment.

#### **5. FINANCIAL & OTHER IMPLICATIONS:**

##### **5.1 Financial Implications**

Any financial implications arising from the proposals outlined as short to medium term would be funded from existing resources. The proposals outlined for the longer term would require more significant business planning and financial modelling and would be included in future budget strategies.

*Finance Officer Consulted: Michelle Herrington*

*Date: 24/01/12*

##### **5.2 Legal Implications**

There are no legal implications to the proposals outlined as short to medium term that are not already covered in the existing business arrangements for our tourism and visitor services. There may be legal implications from some of the more significant longer term proposals in terms of the council's role as landowner in particular and these would be addressed in further reports relating to specific proposals.

*Lawyer Consulted: Bob Bruce*

*Date: 24/01/12*

##### **5.3 Equalities Implications:**

There are positive equalities implications in terms of the support that the tourism industry provides for local employment.

- 5.4 Sustainability Implications:  
There are positive sustainability implications inherently in the development of an eco-tourism strand of delivery that actively seeks to minimise environmental impacts and highlight sustainability issues.
- 5.5 Crime & Disorder Implications:  
By making a significant contribution to local employment opportunities, there are positive implications for the reduction of crime and disorder.
- 5.6 Risk and Opportunity Management Implications:  
Each specific proposal would have risk management analysis conducted as part of the business planning. As the initiative is launched with partners and increases in profile, it is anticipated that there will be additional opportunities for activity.
- 5.7 Corporate / Citywide Implications:  
The impact of tourism benefits the city as a whole in terms of employment and expenditure. The strand of eco-tourism additionally offers an opportunity to highlight some of the areas and assets that we have across different areas of the city such as the Elms collection for example

## **SUPPORTING DOCUMENTATION**

### **Documents in Members' Rooms**

None

### **Background Documents**

None



# **CYLTURE, RECREATION & TOURISM CABINET MEMBER MEETING**

## **Agenda Item 60**

Brighton & Hove City Council

<b>Subject:</b>	<b>Review of VisitBrighton Convention Bureau Conference Partnership</b>		
<b>Date of Meeting:</b>	<b>7 February 2012</b>		
<b>Report of:</b>	<b>Strategic Director, Communities</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Julia Gallagher</b>	<b>Tel: 291614</b>
	<b>Email:</b>	<b>Julia.gallagher@visitbrighton.com</b>	
<b>Key Decision:</b>	<b>No</b>	<b>Forward Plan No: N/A</b>	
<b>Ward(s) affected:</b>	<b>All</b>		

### **FOR GENERAL RELEASE**

#### **1. SUMMARY AND POLICY CONTEXT:**

- 1.1 To seek member support to discontinue the fixed-fee conference partnership and move to a commission-based model, with charges being levied on business placed in hotels and venues. This will create a more equitable fee structure plus increase revenues to the service. The review would also allow us to off-set Brighton & Hove City Council savings targets.

#### **2. RECOMMENDATIONS:**

- 2.1 That the fixed-fee conference partnership ceases.
- 2.2 That a commission-based conference partnership model is approved and introduced from 1 April 2012.
- 2.3 That approval is gained to charge partners commission on room hire and pre-booked food and beverage at a rate of 10% (exc. VAT).

#### **3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:**

- 3.1 VisitBrighton Convention Bureau handles over 100 enquiries a year from political parties, unions and associations who may be interested in hosting their conference in Brighton. We source venues, negotiate rates and availability and book accommodation for these clients, persuading them to host their conferences in Brighton rather than competitor destinations, which include Manchester, Liverpool, Edinburgh, Birmingham, London and Bournemouth.

- 3.2 Annually we confirm business with a direct economic benefit of £20m to the City, which generates revenues of approx. £1m to hoteliers and venues in terms of venue hire and food and beverage receipts.
- 3.3 For the current financial year, 2010-11, we have nine conference partners who pay a flat fee of £2200 p.a. to be represented by the VisitBrighton Convention Bureau to conference buyers who may subsequently book events at these venues.
- 3.4 Five additional partners pay 10% (exc. VAT) commission on any business (venue hire and food and beverage spend) placed in their venues. The commission deals were brokered after the partners concerned declined to pay the flat fee partnership. It was felt they enhanced the City's portfolio of conference venues and that clients would place business with them, and hence it would be prudent to agree a commission deal to maximise our revenue opportunities.
- 3.5 All partners currently pay 10% commission on accommodation bookings generated.
- 3.5 From Apr 2010 – Mar 2011 conference level partnership generated £19,800 (exc. VAT) of revenue.
- 3.6 There are a number of issues that are encouraging us to consider re-structuring the conference partnership fee structure:
- The current fixed fee structure is wholly inequitable; it does not acknowledge the differential in volume and value of conference business that individual partners receive from the convention bureau. Indeed, it could be argued that the smaller venues are financially supporting the conference partnership whilst the larger venues and properties are reaping the fiscal rewards.
  - We are currently operating on two different levels of conference partnership, fixed fee and commission which creates inequity in the partnership and effectively a two tier partnership.
  - The VisitBrighton Convention Bureau is the only UK bureau identified as not operating on a commissionable basis.
  - The fixed fee structure is not maximising potential receipts from this revenue stream.
  - An increased revenue stream will ensure we are able to keep our membership fees within the reach of a wide range of local organisations meaning that the Convention Bureau's offer to clients is comprehensive and representative of the destination as a whole. We will be able to sustain the service of the Convention Bureau, which currently brings conferences with an economic benefit of £60million to the City, and supports jobs in tourism.

#### **4. COMMUNITY ENGAGEMENT AND CONSULTATION**

- 4.1 Individual consultation has been carried out with conference level partners including: Holiday Inn – Brighton Seafront; Mercure Brighton Seafront; Hilton

Brighton Metropole; The Grand; Thistle; Brighton Centre; The Dome and The Seattle.

Those consulted were supportive of the changes proposed, recognising the value of the Convention Bureau service to their businesses and eager to safeguard it's future. Stakeholders requested reassurance that:

- Only new enquiries would be commissionable
- Flexibility on commission levels charged would be exercised for enquiries from historic clients
- No additional charges would be levied
- A percentage of any additional monies raised would be ring-fenced for additional Convention Bureau activity.

4.2 Group consultation was carried out with Brighton & Hove Hoteliers Association (BHHA) Large Hotels Group.

4.3 Consultation was carried out across the English competitor convention bureaux which indicates that Brighton is the only bureau not charging commission:

<b>Destination</b>	<b>CVB commission charges on venue bookings and F&amp;B</b>
NewcastleGateshead Initiative	8% (exc. VAT)
Liverpool	10% (exc. VAT)
Cardiff	10% (exc VAT)
Bournemouth	12% (exc. VAT)
Bristol	8% (exc. VAT)
Sheffield	10% (inc VAT)
York	10% (inc. VAT)

## **5. FINANCIAL & OTHER IMPLICATIONS:**

### Financial Implications:

5.1 The Conference partnership currently generates income of £20,000 (exc.VAT) per annum. Basing projections on business placed with partners in previous financial years, it is anticipated that the full year effect of a commission-based partnership would generate approx £60,000 to £70,000 per annum. This would be subject to annual variation with commission claims being submitted to partners on completion of business. As conferences /meetings are generally booked anything between 6 months and 24 months prior to completion, we would anticipate that commission claims for 2012/13 based on current information would be equal to the existing partnership contribution of £20,000, with this being significantly exceeded in subsequent years. Any new business secured during 2012/13 would contribute to the savings target of £50,000 as included in the draft budget strategy presented to Cabinet on 8 December 2011 to be considered by Council on 23 February 2012.

*Finance Officer Consulted Michelle Herrington*

*Date: 24/01/12*

### Legal Implications:

- 5.2 These proposals are considered to be reasonable and there are no direct legal implications arising from the report. Bob Bruce Principal Solicitor 03.11.11."

*Lawyer Consulted: Bob Bruce, Principal Solicitors*

*Date: 03.11.11*

Equalities Implications:

- 5.3 An Equality Impact Assessment has not been carried out. An existing evaluation of VisitBrighton's service has identified that there are no equalities impacts with regard to the conference partnership.

Sustainability Implications:

- 5.4 Not applicable.

Crime & Disorder Implications:

- 5.5 Not applicable.

Risk and Opportunity Management Implications:

- 5.6 Risks and opportunities for the council and the city have been considered influencing the choice of moving to a commission-based model.

Public Health Implications:

- 5.7 Not applicable.

Corporate / Citywide Implications:

- 5.8 The proposal will affect current conference level partners who represent hotels and venues across the City.

**6. EVALUATION OF ANY ALTERNATIVE OPTION(S):**

- 6.1 None considered.

**7. REASONS FOR REPORT RECOMMENDATIONS**

- 7.1 Conference level partnership fees are a significant source of income for VisitBrighton and it is critical that this revenue stream is optimised.

**SUPPORTING DOCUMENTATION**

**Appendices:**

None.

**Documents in Members' Rooms**

None.



## **Background Documents**

None.



**CULTURE, RECREATION &  
TOURISM CABINET  
MEMBER MEETING**

**Agenda Item 61**

Brighton & Hove City Council

**Subject:** Ghost Train – Public Art  
**Date of Meeting:** 7 February 2012  
**Report of:** Strategic Director: Communities  
**Contact Officer:** Name: Paula Murray Tel: 29-2534  
E-mail: [paula.murray@brighton-hove.gov.uk](mailto:paula.murray@brighton-hove.gov.uk)  
**Wards Affected:**

**1. SUMMARY AND POLICY CONTEXT**

- 1.1 As part of the New England Quarter development a programme of public art commissions were designed and fabricated by a team of two artists and a landscape designer, funded by Section 106 contributions. All of these commissions have been successfully installed except one piece of sculpture which is due to be installed in the urban greenway where the path meets the old railway bridge. This piece – The Ghost Train - has planning permission and has been built by local metalworker Jon Mills and is waiting to be installed. As the piece overhangs Network Rail owned the council need to enter into a licence with Network Rail before the piece can be installed.
- 1.2 This report describes the history of the council's commitment to the public art scheme and the implications of the council signing the licence.

**2. RECOMMENDATIONS:**

- 2.1 That the Cabinet Member gives delegated authority for the Strategic Director: Communities to:
- a) enter into an agreement with the artist and Quoin Estates and Developments Ltd to provide for
    - (i) the ownership of The Ghost Train to be transferred for nil consideration to the Council and
    - (ii) the Council to be indemnified in relation to any costs it incurs as a result of entering into the Licence with Network Rail referred to in b) below; and
  - b) enter into a licence with Network Rail to enable The Ghost Train to be installed on the listed railway bridge over New England Road when he is satisfied with the detailed provisions of that licence.

### **3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:**

- 3.1 The New England Quarter public art scheme was commissioned in 2004 using percent for art monies on the relevant blocks within the overall development. The artist team comprising of Steve Geliot, Jon Mills and Fiona Atkinson created a strategy for integrated public art interventions and also for areas of influence throughout the development. The sums attached to the strategy were recommended by planning officers in conjunction with the overall planning applications and a steering group, including council officers, artists, developers, architects, the head of a local trading association and of the local primary school was created and appointed to oversee the implementation of the strategy. For this particular piece extra funds were also raised from the lottery to cover additional costs associated with fabrication and installation.
- 3.2 The piece takes the traditional form of a train to reflect the historic usage of the now disused railway bridge which runs over New England Road. The artwork has been created specifically for this Grade 2 listed bridge, taking the form of a silhouetted outline of a contemporaneous steam locomotive, the Jenny Lind. The work will be fabricated in a method which emulates a Victorian etching, which has been inspired by the bridge and will ensure that the work sits well within its surroundings.
- 3.3 The concept behind the piece is that the train looks as if it is barely there and the lighting will fade in and out so the form of the train appears and disappears creating a ghostly presence. As the piece will be lit from below, the additional lighting will be unobtrusive for vehicles passing under the bridge. This will be an accessible and popular addition to the area and will encourage people to use the new green corridor running through the New England Quarter site.
- 3.4 Jon Mills, who has designed the artwork, is a renowned metalworker who has work in the public realm all over the UK. He has made two stretches of railings which are situated very near to the proposed site for the sculpture, plus some large scale pieces representing railway tools along the greenway itself thus creating a visual link and continuity across areas of the city.
- 3.5 The Ghost Train was always going to be the last piece to be installed as the artist team needed to wait until the Urban Greenway was built and landscaped and all agreements were in place with Sainsburys (the greenway land owner), Network Rail and Brighton & Hove City Council regarding the on-going maintenance of the space.
- 3.6 Planning permission was submitted in late 2008 and granted in 2009, these are attached at Appendix One. Usual consultation was conducted as part of the planning process with public notices, letters to residents and consultation with the Conservation Action Group and the Heritage Railway Association.

- 3.7 The greenway opened to the public in 2011 and since then Quoin Estates and Developments Ltd (QED) has been negotiating the licence with Network Rail. However, it is now a requirement of Network Rail that the licence is entered into by the Council as, in Network Rail's view, it is only the Council that will be in a position to give acceptable indemnities. In July QED approached Brighton & Hove City Council about completing the licence with Network Rail and offered to pay the one-off licence fee of £1,300. Council officers are currently considering the terms of the draft licence but legal and financial advice received stresses that, in order that the Council's insurance policies cover the artwork once installed, it is necessary for ownership of, and maintenance responsibilities for, The Ghost Train to be transferred to the Council. The Council will therefore need to enter into an agreement with the owner of the artwork to enable ownership to be transferred to it (at nil cost) and for QED to agree to indemnify the Council against any costs the Council incurs as a result of entering into the licence with Network Rail.
- 3.8 The artwork is now made and ready to be installed, the support beam for the work is already on site and the artist is ready to install the work once the licence has been signed.

#### **4. CONSULTATION**

- 4.1 During the planning process there has been consultation with residents, ward councillors, conservation and Heritage Railway Association.

#### **5. FINANCIAL & OTHER IMPLICATIONS:**

##### **5.1 Financial Implications**

Any fees associated with the creation of the licence will be covered by QED. The artwork would be included in the Council's existing public liability insurance policy at no extra cost, although this would not cover vandalism. Future maintenance costs are expected to be minimal, as detailed in appendix 3 and could, if necessary, be funded from the Public Art Maintenance budget held jointly by the Section 106 Officers and Arts & Cultural Projects Team. However, it is intended that where possible, any costs incurred will be recharged to QED.

Finance Officer Consulted: Michelle Herrington

24/01/12

##### **5.2 Legal Implications**

As referred to in the body of the Report the installation of the artwork on Network Rail land will require a licence to be granted by Network Rail to the Council and, prior to the completion of this licence, for the Council to enter into an agreement with the artist and QED to enable the ownership of the artwork to be transferred to the Council and for the Council to obtain satisfactory indemnities.

No adverse human rights implications are considered to arise from this Report.

Lawyer consulted: Hilary Woodward                      25 January 2012

- 5.3 Equalities Implications:  
Public art is free and accessible to all to view and engage with.
- 5.4 Sustainability Implications:  
There are no sustainability implications inherently in the installation of the piece.
- 5.5 Crime & Disorder Implications:  
By populating the development of the Urban Greenway was designed to create a new, safe, green space for the city and a through route that would increase footfall and discourage antisocial behaviour. The artworks and interesting features are part of this strategy.
- 5.6 Risk and Opportunity Management Implications:  
Risk analysis has informed the design, fabrication and installation plans for the piece of work in terms of weight and positioning. The planning process covered risk analysis in terms of potential highways impact.
- 5.7 Corporate / Citywide Implications:  
This will be a key piece of artwork for the city which, alongside the pieces across the city as a whole, will help to maintain the reputation of Brighton and Hove as a leading cultural destination.

## **SUPPORTING DOCUMENTATION**

### **Documents in Members' Rooms**

None

### **Background Documents**

Appendix One:        Planning Application and Permission  
Appendix Two:        Draft Licence  
Appendix Three:      Maintenance Schedule



# Brighton & Hove City Council

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19 OCT 2008

## DEVELOPMENT CONTROL

Brighton and Hove City Council  
Town Hall  
Norton Road  
Hove BN3 3BQ

Application for Planning Permission and listed building consent for alterations, extension or demolition of a listed building.

Town and Country Planning Act 1990

Planning (Listed Buildings and Conservation Areas) Act 1990

### Publication of planning applications on council websites

Please note that with the exception of applicant contact details and Certificates of Ownership, the information provided on this application form and in supporting documents may be published on the council's website.

If you have provided any other information as part of your application which falls within the definition of personal data under the Data Protection Act which you do not wish to be published on the council's website, please contact the council's planning department.

Please complete using block capitals and black ink.

It is important that you read the accompanying guidance notes as incorrect completion will delay the processing of your application.

**1. Applicant Name and Address**

Title:  First name:

Last name:

Company (optional):

Unit:  House number:  House suffix:

House name:

Address 1:

Address 2:

Address 3:

Town:

County:

Country:

Postcode:

**2. Agent Name and Address**

Title:  First name:

Last name:

Company (optional):

Unit:  House number:  House suffix:

House name:

Address 1:

Address 2:

Address 3:

Town:

County:

Country:

Postcode:

**3. Description of Proposed Works**

Please describe details of the proposed development or works including details of proposals to alter, extend or demolish the listed building(s):

Has the development or work(s) already started?  Yes  No

If Yes, please state the date when the development or work(s) were started (DD/MM/YYYY):

(date must be pre-application submission)

Have the development or work(s) been completed?  Yes  No

If Yes, please state the date when the development or work(s) were completed (DD/MM/YYYY):

(date must be pre-application submission)

#### 4. Site Address Details

Please provide the full postal address of the application site.

Unit:  House number:  House suffix:

House name:

Address 1: "THE GREENWAY"

Address 2: FORMING PART OF THE

Address 3: NEW ENGLAND QUARTER,

Town: OFF STROUDLEY ROAD

County: BRISTOL

Postcode (optional):

Description of location or a grid reference. (must be completed if postcode is not known):

Easting:  Northing:

Description:

#### 5. Pre-application Advice

Has assistance or prior advice been sought from the local authority about this application?  Yes  No

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If Yes, please complete the following information about the advice you were given. (This will help the authority to deal with this application more efficiently):

Please tick if the full contact details are not known, and then complete as much as possible:

Officer name: KATHLENE BOWLINS

Reference: ELTHORST ROAD, THE GREENWAY

Date (DD/MM/YYYY):

(must be pre-application submission)

Details of pre-application advice received?

#### 6. Pedestrian and Vehicle Access, Roads and Rights of Way

Is a new or altered vehicle access proposed to or from the public highway?  Yes  No

Is a new or altered pedestrian access proposed to or from the public highway?  Yes  No

Are there any new public roads to be provided within the site?  Yes  No

Are there any new public rights of way to be provided within or adjacent to the site?  Yes  No

Do the proposals require any diversions /extinguishments and/or creation of rights of way?  Yes  No

If you answered Yes to any of the above questions, please show details on your plans/drawings and state the reference of the plan (s)/drawings(s)

#### 7. Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste?  Yes  No

If Yes, please provide details:

Have arrangements been made for the separate storage and collection of recyclable waste?  Yes  No

If Yes, please provide details:

#### 8. Neighbour and Community Consultation

Have you consulted your neighbours or the local community about the proposal?  Yes  No

If Yes, please provide details:

#### 9. Council Employee / Member

Is the applicant or agent related to any member of staff or elected member of the council?  Yes  No

If Yes, please provide details:



### 10. Demolition

Does the proposal include the partial or total demolition of a listed building?  Yes  No

If Yes, which of the following does the proposal involve?

- a) Total demolition of the listed building:  Yes  No  
 b) Demolition of a building within the curtilage of the listed building:  Yes  No  
 c) Demolition of a part of the listed building:  Yes  No

If the answer to c) is Yes:

i) What is the total volume of the listed building?(cubic metres)	
ii) What is the volume of the part to be demolished?(cubic metres)	
iii) What was the (approximate) date of the erection of the part to be removed? (MM/YYYY) (date must be pre-application submission)	

Please provide a brief description of the building or part of the building you are proposing to demolish:

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Why is it necessary to demolish or extend (as applicable) all or part of the building(s) and or structure(s)?

--	--

### 12. Listed Building Grading

Please state the grading (if known) of the building in the list of Buildings of Special Architectural or Historic interest? (Note: only one box must be ticked)

- Grade I  Ecclesiastical Grade I   
 Grade II\*  Ecclesiastical Grade II\*   
 Grade II  Ecclesiastical Grade II   
 Don't know

### 14. Vehicle Parking

Please provide information on the existing and proposed number of on-site parking spaces:

Type of Vehicle	Total Existing	Total proposed (including spaces retained)	Difference in spaces
Cars			
Light goods vehicles/ public carrier vehicles	N/A		
Motorcycles			
Disability spaces			
Cycle spaces			
Other (e.g. Bus)			
Other (e.g. Bus)			

### 11. Listed Building Alterations

Do the proposed works include alterations to a listed building?  Yes  No

If Yes, do the proposed works include: (you must answer each of the questions)

- a) Works to the interior of the building?  Yes  No  
 b) Works to the exterior of the building?  Yes  No  
 c) Works to any structure or object fixed to the property (or buildings within its curtilage) Internally or externally?  Yes  No  
 d) Stripping out of any internal wall, ceiling or floor finishes (e.g. plaster, floorboards)?  Yes  No

If the answer to any of these questions is Yes, please provide plans, drawings, photographs sufficient to identify the location, extent and character of the items to be removed, and the proposal for their replacement, including any new means of structural support and state references for the plan(s)/drawing(s):

--

### 13. Immunity From Listing

Has a Certificate of Immunity from Listing been sought in respect of this building?

- Yes  No  Don't know

If Yes, please provide the result of the application:

--

# 15. Materials

Please provide a description of existing and proposed materials and finishes to be used in the building (demolition excluded):

	Existing (where applicable)	Proposed	Not applicable	Don't Know
External walls	N/A	N/A	<input type="checkbox"/>	<input type="checkbox"/>
Roof covering			<input type="checkbox"/>	<input type="checkbox"/>
Chimney			<input type="checkbox"/>	<input type="checkbox"/>
Windows			<input type="checkbox"/>	<input type="checkbox"/>
External doors			<input type="checkbox"/>	<input type="checkbox"/>
Ceilings			<input type="checkbox"/>	<input type="checkbox"/>
Internal walls			<input type="checkbox"/>	<input type="checkbox"/>
Floors			<input type="checkbox"/>	<input type="checkbox"/>
Internal doors			<input type="checkbox"/>	<input type="checkbox"/>
Rainwater goods			<input type="checkbox"/>	<input type="checkbox"/>
Boundary treatments (e.g. fences, walls)			<input type="checkbox"/>	<input type="checkbox"/>
Vehicle access and hard standing			<input type="checkbox"/>	<input type="checkbox"/>
Lighting			<input type="checkbox"/>	<input type="checkbox"/>
Others (add description)			<input type="checkbox"/>	<input type="checkbox"/>

DATE 13 OCT 2008

Are you supplying additional information on submitted drawings or plans?  Yes  No

If Yes, please state plan(s)/drawing(s) references:

THIS IS A PUBLIC ART PIECE OF STEEL CONSTRUCTION FIXED TO A CONCRETE BASE OFF THE GREENWAY, BUT OVERHANGING BY WAY OF A CANTILEVERED STEEL BEAM, THE LISTED RAILWAY BRIDGE OVER NEW ENGLAND ROAD.

### 16. Foul Sewage

Please state how foul sewage is to be disposed of:

- Mains sewer
- Cess pit
- Septic tank
- Other
- Package treatment plant

Are you proposing to connect to the existing drainage system?  Yes  No

If Yes, please include the details of the existing system on the application drawings and state references for the plan(s)/drawing(s):

*MA*

### 17. Assessment of Flood Risk

Is the site within an area at risk of flooding? (Refer to the Environment Agency's Flood Map showing flood zones 2 and 3 and consult Environment Agency standing advice and your local planning authority requirements for information as necessary.)

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- Yes
- No

If Yes, you will need to submit a Flood Risk Assessment to consider the risk to the proposed site.

Is your proposal within 20 metres of a watercourse (e.g. river, stream or beck)?  Yes  No

Will the proposal increase the flood risk elsewhere?  Yes  No

How will surface water be disposed of?

- Sustainable drainage system
  - Existing watercourse
  - Soakaway
  - Pond/lake
  - Main sewer
- N/A.*

### 18. Biodiversity and Geological Conservation

Is there a reasonable likelihood of the following being affected adversely or conserved and enhanced within the application site, or on land adjacent to or near the application site?

a) Protected and priority species:

- Yes, on the development site
- Yes, on land adjacent to or near the proposed development
- No

b) Designated sites, important habitats or other biodiversity features:

- Yes, on the development site
- Yes, on land adjacent to or near the proposed development
- No

c) Features of geological conservation importance:

- Yes, on the development site
- Yes, on land adjacent to or near the proposed development
- No

### 19. Existing Use

Please describe the current use of the site:

UNUSED

Is the site currently vacant?  Yes  No

If Yes, please describe the last use of the site:

RAILWAY LINE

When did this use end (if known)? (DD/MM/YYYY)

1960's

(date where known may be approximate)

Does the proposal involve any of the following:

Land which is known to be contaminated?  Yes  No

Land where contamination is suspected for all or part of the site?  Yes  No

A proposed use that would be particularly vulnerable to the presence of contamination?  Yes  No

If you have answered Yes to any of the above, you will need to submit an appropriate contamination assessment.

### 20. Trees and Hedges

Are there trees or hedges on the proposed development site?  Yes  No

And/or: Are there trees or hedges on land adjacent to the proposed development site that could influence the development or might be important as part of the local landscape character?  Yes  No

If Yes to either or both of the above, you will need to provide a full Tree Survey, with accompanying plan before your application can be determined. Your Local Planning Authority should make clear on its website what the survey should contain, in accordance with the current 'BS5837: Trees in relation to construction - Recommendations'.

### 21. Trade Effluent

Does the proposal involve the need to dispose of trade effluents or waste?  Yes  No

If Yes, please describe the nature, volume and means of disposal of trade effluents or waste

**22. Residential Units (Including Conversion)**

Does your proposal include the gain, loss or change of use of residential units?  Yes  No  
 If Yes, please complete details of the changes in the tables below:

13 OCT 2008 Existing Housing

Market Housing	Not known	Number of Bedrooms					Total
		1	2	3	4+	Unknown	
Houses	<input type="checkbox"/>						
Flats and maisonettes	<input type="checkbox"/>						
Live-work units	<input type="checkbox"/>						
Cluster flats	<input type="checkbox"/>						
Sheltered housing	<input type="checkbox"/>						
Bedsit/studios	<input type="checkbox"/>						
Unknown type	<input type="checkbox"/>						
<b>Totals (a+b+c+d+e+f+g)=</b>							

Market Housing	Not known	Number of Bedrooms					Total
		1	2	3	4+	Unknown	
Houses	<input type="checkbox"/>						
Flats and maisonettes	<input type="checkbox"/>						
Live-work units	<input type="checkbox"/>						
Cluster flats	<input type="checkbox"/>						
Sheltered housing	<input type="checkbox"/>						
Bedsit/studios	<input type="checkbox"/>						
Unknown type	<input type="checkbox"/>						
<b>Totals (a+b+c+d+e+f+g)=</b>							

Social Rented	Not known	Number of Bedrooms					Total
		1	2	3	4+	Unknown	
Houses	<input type="checkbox"/>						
Flats and maisonettes	<input type="checkbox"/>						
Live-work units	<input type="checkbox"/>						
Cluster flats	<input type="checkbox"/>						
Sheltered housing	<input type="checkbox"/>						
Bedsit/studios	<input type="checkbox"/>						
Unknown type	<input type="checkbox"/>						
<b>Totals (a+b+c+d+e+f+g)=</b>							

Social Rented	Not known	Number of Bedrooms					Total
		1	2	3	4+	Unknown	
Houses	<input type="checkbox"/>						
Flats and maisonettes	<input type="checkbox"/>						
Live-work units	<input type="checkbox"/>						
Cluster flats	<input type="checkbox"/>						
Sheltered housing	<input type="checkbox"/>						
Bedsit/studios	<input type="checkbox"/>						
Unknown type	<input type="checkbox"/>						
<b>Totals (a+b+c+d+e+f+g)=</b>							

Intermediate	Not known	Number of Bedrooms					Total
		1	2	3	4+	Unknown	
Houses	<input type="checkbox"/>						
Flats and maisonettes	<input type="checkbox"/>						
Live-work units	<input type="checkbox"/>						
Cluster flats	<input type="checkbox"/>						
Sheltered housing	<input type="checkbox"/>						
Bedsit/studios	<input type="checkbox"/>						
Unknown type	<input type="checkbox"/>						
<b>Totals (a+b+c+d+e+f+g)=</b>							

Intermediate	Not known	Number of Bedrooms					Total
		1	2	3	4+	Unknown	
Houses	<input type="checkbox"/>						
Flats and maisonettes	<input type="checkbox"/>						
Live-work units	<input type="checkbox"/>						
Cluster flats	<input type="checkbox"/>						
Sheltered housing	<input type="checkbox"/>						
Bedsit/studios	<input type="checkbox"/>						
Unknown type	<input type="checkbox"/>						
<b>Totals (a+b+c+d+e+f+g)=</b>							

Key worker	Not known	Number of Bedrooms					Total
		1	2	3	4+	Unknown	
Houses	<input type="checkbox"/>						
Flats and maisonettes	<input type="checkbox"/>						
Live-work units	<input type="checkbox"/>						
Cluster flats	<input type="checkbox"/>						
Sheltered housing	<input type="checkbox"/>						
Bedsit/studios	<input type="checkbox"/>						
Unknown type	<input type="checkbox"/>						
<b>Totals (a+b+c+d+e+f+g)=</b>							

Key worker	Not known	Number of Bedrooms					Total
		1	2	3	4+	Unknown	
Houses	<input type="checkbox"/>						
Flats and maisonettes	<input type="checkbox"/>						
Live-work units	<input type="checkbox"/>						
Cluster flats	<input type="checkbox"/>						
Sheltered housing	<input type="checkbox"/>						
Bedsit/studios	<input type="checkbox"/>						
Unknown type	<input type="checkbox"/>						
<b>Totals (a+b+c+d+e+f+g)=</b>							

**Total proposed residential units (A+B+C+D)=**

**Total existing residential units (E+F+G+H)=**

**TOTAL NET GAIN or LOSS of RESIDENTIAL UNITS (Proposed Housing Grand Total - Existing Housing Grand Total):**

### 23. All Types of Development: Non-residential Floorspace

Does your proposal involve the loss, gain or change of use of non-residential floorspace?  Yes  No

If you have answered Yes to the question above please add details in the following table:

Use class/type of use	Not applicable	Existing gross internal floorspace (square metres)	Gross internal floorspace to be lost by change of use or demolition (square metres)	Total gross internal floorspace proposed (including change of use)(square metres)	Net additional gross internal floorspace following development (square metres)
A1	<input checked="" type="checkbox"/>				
Shops	<input checked="" type="checkbox"/>				
Net tradable area:	<input checked="" type="checkbox"/>				
A2	<input checked="" type="checkbox"/>				
Financial and professional services	<input checked="" type="checkbox"/>				
A3	<input checked="" type="checkbox"/>				
Restaurants and cafes	<input checked="" type="checkbox"/>				
A4	<input checked="" type="checkbox"/>				
Drinking establishments	<input checked="" type="checkbox"/>				
A5	<input checked="" type="checkbox"/>				
Hot food takeaways	<input checked="" type="checkbox"/>				
B1 (a)	<input checked="" type="checkbox"/>				
Office (other than A2)	<input checked="" type="checkbox"/>				
B1 (b)	<input checked="" type="checkbox"/>				
Research and development	<input checked="" type="checkbox"/>				
B1 (c)	<input checked="" type="checkbox"/>				
Light industrial	<input checked="" type="checkbox"/>				
B2	<input checked="" type="checkbox"/>				
General industrial	<input checked="" type="checkbox"/>				
B8	<input checked="" type="checkbox"/>				
Storage or distribution	<input checked="" type="checkbox"/>				
C1	<input checked="" type="checkbox"/>				
Hotels and halls of residence	<input checked="" type="checkbox"/>				
C2	<input checked="" type="checkbox"/>				
Residential institutions	<input checked="" type="checkbox"/>				
D1	<input checked="" type="checkbox"/>				
Non-residential institutions	<input checked="" type="checkbox"/>				
D2	<input checked="" type="checkbox"/>				
Assembly and leisure	<input checked="" type="checkbox"/>				
OTHER	<input checked="" type="checkbox"/>				
Please specify	<input checked="" type="checkbox"/>				
	<input checked="" type="checkbox"/>				
Total		0	0	0	0

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In addition, for hotels, residential institutions and hostels, please additionally indicate the loss or gain of rooms

Use class	Type of use	Not applicable	Existing rooms to be lost by change of use or demolition	Total rooms proposed (including changes of use)	Net additional rooms
C1	Hotels	<input checked="" type="checkbox"/>			
C2	Residential Institutions	<input checked="" type="checkbox"/>			
Other	Hostels	<input checked="" type="checkbox"/>			

### 24. Employment

Please complete the following information regarding employees:

	Full-time	Part-time	Total full-time equivalent
Existing employees	0	0	0
Proposed employees	0	0	0

### 25. Hours of Opening

Please state the hours of opening for each non-residential use proposed:

Use	Monday to Friday	Saturday	Sunday and Bank Holidays	Not known
	N/A.			

### 26. Site Area

Please state the site area in hectares (ha)

## 27. Industrial or Commercial Processes and Machinery

Please describe the activities and processes which would be carried out on the site and the end products including plant, ventilation or air conditioning. Please include the type of machinery which may be installed on site:

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Is the proposal a waste management development?  Yes  No

If the answer is Yes, please complete the following table:

	Not applicable	The total capacity of the void in cubic metres, including engineering surcharge and making no allowance for cover or restoration material (or tonnes if solid waste or litres if liquid waste)	Maximum annual operational throughput in tonnes (or litres if liquid waste)
Inert landfill	<input type="checkbox"/>		
Non-hazardous landfill	<input type="checkbox"/>		
Hazardous landfill	<input type="checkbox"/>		
Energy from waste incineration	<input type="checkbox"/>		
Other incineration	<input type="checkbox"/>		
Landfill gas generation plant	<input type="checkbox"/>		
Pyrolysis/gasification	<input type="checkbox"/>		
Metal recycling site	<input type="checkbox"/>		
Transfer stations	<input type="checkbox"/>		
Material recovery/recycling facilities (MRFs)	<input type="checkbox"/>		
Household civic amenity sites	<input type="checkbox"/>		
Open windrow composting	<input type="checkbox"/>		
In-vessel composting	<input type="checkbox"/>		
Anaerobic digestion	<input type="checkbox"/>		
Any combined mechanical, biological and/or thermal treatment (MBT)	<input type="checkbox"/>		
Sewage treatment works	<input checked="" type="checkbox"/>		
Other treatment	<input type="checkbox"/>		
Recycling facilities construction, demolition and excavation waste	<input type="checkbox"/>		
Storage of waste	<input type="checkbox"/>		
Other waste management	<input type="checkbox"/>		
Other developments	<input type="checkbox"/>		

Please provide the maximum annual operational throughput of the following waste streams:

Municipal	
Construction, demolition and excavation	
Commercial and industrial	
Hazardous	

If this is a landfill application you will need to provide further information before your application can be determined. Your waste planning authority should make clear what information it requires on its website.

## 28. Hazardous Substances

Does the proposal involve the use or storage of any of the following materials in the quantities stated below?  Yes  No  Not applicable

If Yes, please provide the amount of each substance that is involved:

Acrylonitrile (tonnes) <input type="text"/>	Ethylene oxide (tonnes) <input type="text"/>	Phosgene (tonnes) <input type="text"/>
Ammonia (tonnes) <input type="text"/>	Hydrogen cyanide (tonnes) <input type="text"/>	Sulphur dioxide (tonnes) <input type="text"/>
Bromine (tonnes) <input type="text"/>	Liquid oxygen (tonnes) <input type="text"/>	Flour (tonnes) <input type="text"/>
Chlorine (tonnes) <input type="text"/>	Liquid petroleum gas (tonnes) <input type="text"/>	Refined white sugar (tonnes) <input type="text"/>

Other:

Other:

Amount (tonnes):

Amount (tonnes):



**Brighton & Hove  
City Council**

**Development Control**

Environment  
City Planning  
Hove Town Hall, Norton Road  
Hove BN3 3BQ

**Application No: BH2008/03317**

Mr Chris Gilbert  
QED  
1 The Parade  
High Street  
Findon  
Worthing  
West Sussex  
BN14 0SU

**BRIGHTON AND HOVE CITY COUNCIL**

**Planning (Listed Buildings and Conservation Areas) Act 1990**

**LISTED BUILDING CONSENT**

**IN PURSUANCE of their powers under the above-mentioned Act, the Council hereby notify you that they grant LISTED BUILDING CONSENT for the following works:**

**Situation: Railway Bridge New England Road Brighton**

**Description: Installation of public art feature "ghost train" (retrospective).**

**In accordance with the application and plans (as modified by any undermentioned conditions) submitted to the Council on 13 October 2008 and SUBJECT to compliance with any condition(s) specified hereunder:**

- 1 Notwithstanding the details hereby approved, no further installation works, including the ghost train sculpture or lighting, shall take place until a 1:5 scaled cross section to illustrate the position of the LED lights embedded in the Grade II listed bridge, has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the lighting scheme shall be implemented in accordance with the approved details.  
Reason: To protect the historic character and appearance of the Grade II listed bridge, to comply with policy HE1 and of the Brighton and Hove Local Plan.

**Informatives:**

1. This decision is based on drawing nos. 487-DHA-PA-GT1 Block Plan received on 16 December 2008, 0556\_G Plan B Site G Development Plan received on 16 December 2008, Unnumbered plan Existing Elevations received on 16 December 2008, Unnumbered Plans Ghost Train West and East Elevation received on 26 November 2008, Unnumbered Plan Ghost Train North Elevation; Ghost Train Plan View received on 16 December 2008, Design

(01273) 290000

[www.brighton-hove.gov.uk](http://www.brighton-hove.gov.uk)

Director of Environment: Jenny Rowlands

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and Access Statement (Amended) received on 3 February 2009, Heritage Statement received on 26 November 2008, Drawing No. 3697 02 Ghost Train Supporting Structure received on 16 December 2008, Structural Engineering Calculations received on 13 October 2008, Unnumbered drawing 2-D Full Scale Profile of 1847 Jenny Lind locomotive received on 13 October 2008, Unnumbered Ghost Train Lighting (Amended) received on 23 January 2008, Unnumbered drawing Alteration to Chainlink fence line (Amended) received on 24 February 2009.

2. This decision to grant Listed Building Consent has been taken:

(i) having regard to the policies and proposals in the Brighton and Hove Local Plan 2005 set out below:

Brighton and Hove Local Plan 2005:

HE1 Development affecting the character and appearance of a listed building

Supplementary Planning Guidance (SPGs)

SPGBH 3: Brighton Station Site Brief

(ii) for the following reasons:-

The proposed art installation in this location would cause no harm to the historic character and appearance of the listed bridge. The proposal is considered to be in accordance with Development Plan policies.

**Dated this 18 March 2009**



Jenny Rowlands  
Director - Environment

NOTE: This decision does not give approval of plans for the purposes of the Building Regulations 1991. If an application for such approval has been made a decision has or will be given separately.



LICENCE

DATE	:	
LICENSOR	:	NETWORK RAIL INFRASTRUCTURE LIMITED (company no.2904587) and having its registered office at 90 York Way, London, N1 9AG ("the Company")
LICENSEE	:	BRIGHTON AND HOVE CITY COUNCIL and having its registered office at King's House, Grand Avenue, Hove BN3 2LS
PRIVILEGES	:	right to attach art work and lighting to be supported off the Company's bridge at the described location
LOCATION OF PRIVILEGES	:	New England Quarter Brighton redundant Listed railway Bridge over New England Road, as shown edged red on the attached plan number 47257 at BTL 0m 0512 yards and VTB3 50m 0568yards
LICENCE COMMENCEMENT DATE	:	
YEARLY LICENCE FEE (subject to payment of value added tax) consideration	:	Licence to be granted at Nil
THE SURVEYOR	:	the Company's Surveyor, currently of Network Rail Operational Estate Team South, Suite 3, Floor 3, Waterloo General Offices, SE1 8SW
PERIOD OF NOTICE	:	3 months written notice

## Licence

1. The Company permit the Licensee to enjoy the Privileges from and including the Licence Commencement Date

## Payments

2. The Licensee is to pay the Company without deduction:
  - 2.1 the Costs Contribution for the Company's costs of preparation of this Licence plus value added tax chargeable
  - 2.2 the cost of any works which the Company do where the Licensee defaults

## Nature of Privileges

3. The Privileges are granted in common with the use of the Location of the Privileges by the Company and all others authorised by the Company or otherwise enjoying rights and :
  - 3.1 it is the Licensee's responsibility to obtain all necessary consents from the Company's tenants and others who may be affected by the exercise of the Privileges
  - 3.2 the benefit of this Licence is personal to the Licensee and is not transferable
  - 3.3 the Company do not warrant that the Privileges are physically or legally capable of being exercised

## Licensee's responsibilities

4. The Licensee is:
  - 4.1 to observe all present or future legal requirements regulating the exercise of the Privileges
  - 4.2 to indemnify the Company and their employees from all losses, costs and third party claims or other liability (including for death or personal injury) arising in any way from the grant or existence of this Licence and anything done as a result of its grant or existence
  - 4.3 to release the Company from any such claim or other liability on the part of the Licensee (except where in the case of liability for death or personal injury this would be unlawful)

- 4.4 at the end of this Licence to remove from the Company's property any works carried out in the exercise of the Privileges and restore the Company's property to a good state and condition to the satisfaction of the Company (failing which the Company may do this and charge the Licensee)

End of Licence

- 5. This Licence may be ended by the following means:
  - 5.1 the Company or the Licensee giving to the other written notice of not less than the Period of Notice expiring at any time
  - 5.2 the Company giving to the Licensee written notice expiring at any time following failure by the Licensee to comply with any of the terms of this Licence

Notices

- 6. Any written notice which is under the terms of this Licence to be given to the Company is to be treated as effectively served if and only if sent through the post by recorded delivery service addressed to the Surveyor or as the Company may direct and any written notice which is to be given to the Licensee is to be treated as effectively served if sent through the post by recorded delivery service addressed to the Licensee at his last known place of business or abode in the United Kingdom or at the Licensee's registered office (as applicable)

Schedules

- 7. Where any Schedule of additional terms is attached to this Licence those terms form part of this Licence

SIGNED by the said \_\_\_\_\_ )  
 \_\_\_\_\_ )  
 \_\_\_\_\_ )  
 \_\_\_\_\_ )  
 .....)

Occupation .....

SIGNED by the said \_\_\_\_\_ )  
 \_\_\_\_\_ )

)  
)  
)

.....)

Occupation .....

DRAFT

## SCHEDULE

The Licensee will:

1. (if not already done) construct the works which are the subject of the Privileges ("the Works") in accordance with plans and sections approved in writing by the Company's Engineer
2. at all times maintain the works in good and safe repair and condition to the satisfaction of the Company's Engineer
3. complete the Works (once having begun them) speedily and so as to cause the least interference with the railway
4. not make any alterations or additions to the Works without first obtaining the written consent of the Company's Engineer for the widening or alteration of the railway or other use of the Company's property
5. carry out at the request of the Company's Engineer such alterations to the works as may be necessary in the opinion of the Company's Engineer for the widening or alteration of the railway or other use of the Company's property
6. notify the Company's Engineer at once of any accident to or leakage from the Works and repair them accordingly
7. not carry out any works at or come upon the Company's property:
  - 7.1 other than at such times as may be approved by the Company's Engineer and (if so required) under his supervision
  - 7.2 other than to the satisfaction of the Company's Engineer and in accordance with methods of working approved by him
  - 7.3 without causing the minimum inconvenience to the Company and making good all damage caused to the Company's property
8. pay to the Company all costs, losses and expenses (as certified by the Company's Engineer) which the Company may incur consequent upon or in connection with the existence of the Works or the carrying out of any works in relation to them including (but not limited to) those which arise:
  - 8.1 in consequence of any special traffic working or speed restrictions or substitution or diversion of railway services

- 8.2 in the employment of inspectors signalmen operating supervisors handsignalmen and lookoutmen
- 8.3 in relation to any electrical isolation of the Company's equipment
- 8.4 in the protection of the Company's railway and property and any additional maintenance and renewal
- 8.5 in supporting railway structures and other property and in accommodating the effect of any subsidence
- 8.6 in carrying out any of the Licensee's works which the Company do by agreement or where the Licensee defaults or where in the opinion of the Company such action is required in the interests of the safety and/or operation of the railway
- 8.7 in consequence of the Company being unable to provide in timely manner train paths for which it has contracted with third parties

The Licensee will ensure that:-

- 1. Materials and installation must be agreed with Network Rail prior to progressing the commission
- 2. Murals of a permanent nature must be protected with an anti-graffiti coating so that illegal graffiti tags can be cleaned off.
- 3. All requests for public art or community art on Network Rail infrastructure must be approved by the local Government and Corporate Affairs team
- 4. they take full responsibility for maintenance and removal costs, if directed by Network Rail
- 5. at all times they maintain the Works in good and safe repair and condition to the satisfaction of Network Rail's Engineer;
- 6. Up lighters to be mounted on Train inside bespoke integral mountings
- 7. All electrical connections will be taken back to the plinth and connected into existing street light circuits.

8. all wiring to be enclosed in conduit on east side of the train, and not visible from footpath and all connections in appropriate junction boxes
9. Train is supported on a cantilevered beam fixed to a concrete base already constructed within the 'greenway' to the south of the bridge.

DRAFT





## GHOST TRAIN MAINTENANCE SCHEDULE

### General cleaning:

If required, the powder coat finish can be washed down with a car wash brush and a light detergent solution.

### Graffiti:

Graffiti can either be removed using a proprietary cleaner such as that available from Solvent Solutions at [www.solventsolutions.net](http://www.solventsolutions.net) or similar, or otherwise painted over with one of the following Ral colours.

Ral 7046 (satin)

Ral 7016 (satin)

Ral 9011 (satin)

Ral 7035 (satin)

### Vandalism:

The steelwork has been zinc-sprayed prior to powder-coating. Vandalism with a sharp object is unlikely to penetrate the layer of zinc, but the powder coat can be touched up with one of the 4 paint colours above. If zinc layer has been scored and breached, then a zinc rich primer should be applied to the scratch prior to touching up with paint.

### Lighting:

Light fittings used are Enyo uplighters at wheel level and Noctis mini units along chassis level, all available from: Urbis Lighting, 1 Telford Road, Houndmills, Basingstoke, Hampshire RG21 6YW. Tel: Int + 44 1256 354446

## **Estimated maintenance cost over 25 years.**

### **Occasional removal of graffiti:**

1 litre of touch up paint: £14.99

(4 touch-up colours required)

Estimated 8 litres required over 25 years (due to deterioration in storage),

**ie: a one off payment of £120 or £4.80 p.a.**

### **Light fittings:**

Quantity of LED Enyo and Noctis Mini up-lighter units.

Total price as at 2011: £2070

These have exceptionally long life expectancy with some units capable of 100,000 hours:

@12 hours per day = 4368 hrs p.a.

At maximum life expectancy, all lights would need replacing once after 22 years,

**ie: a one off payment of £2070 or £82.80 p.a.**

If half this life expectancy (50,000 hrs) was achieved, all lights would need replacing at 11 year intervals:

**ie: 2No. one off payments of £2070 or £165.60 p.a.**