

EXECUTIVE BOARD DECISION



REPORT OF: Executive Member for Growth and Development

LEAD OFFICERS: Director of Environment & Operations

DATE: Thursday, 11 March 2021

PORTFOLIO(S) AFFECTED: Growth and Development

WARD/S AFFECTED: (All Wards);

KEY DECISION: Y

SUBJECT:

Repair and restoration of Darwen Jubilee Tower

1. EXECUTIVE SUMMARY

Darwen Tower is a Grade 2 listed octagonal Jubilee Tower which was built in 1898 by public subscription to celebrate Queen Victoria's Diamond Jubilee. The Tower is located high upon Darwen Moors and is exposed to the elements, it is in very poor condition and needs to be repaired and restored.

The Board of the Darwen Town Deal invited the Council to submit an application for funding to repair the Tower. After considering the application, the Board subsequently awarded a maximum of £225,000 towards the cost of repairing the Tower. This funding coupled with the £70,000 raised through local fund raising efforts led by Darwen Rotary and a £10,000 contribution from Blackburn with Darwen Borough Council provides sufficient funding to complete the necessary repairs to Darwen Jubilee Tower.

A procurement process is underway to select a main building contractor to repair the Tower. Five specialist historic building contractors, all of which have experience of restoring Grade 2 listed buildings, have been invited to submit a tender for the works required. The contract will be awarded in March 2021 with the successful contractor starting works on site in April 2021. There is requirement to use Lime Mortar to repoint walls of the Tower to ensure they are weatherproof and watertight. The use of Lime Mortar requires dry weather with ambient temperatures above 5°C, so whilst the works are programmed to commence in April 2021, it is weather dependent. Nevertheless, we are confident that the repair works will be completed between April and September 2021.

The repair works involves the transportation of building materials, heras fencing and scaffolding onto site. Vehicular access can only take place along Belgrave Road and along the main access track to the Tower. The main track has been ravaged by heavy rainfall and the harsh winter weather and is in a very poor condition. The Council's highways service will undertake repairs to the main access track in March 2021 to enable the building contractor to deliver the building materials and equipment to the Tower.

The Tower is located within the West Pennine Moors, Site of Special Scientific Interest (SSSI) which supports an extensive assortment of habitats and wildlife. The Council must ensure that wildlife will not be harmed by the proposed repair works with particular emphasis on the protection of Bats and of Ground Nesting Birds. The Council has commissioned an ecologist to produce a

Method Statement containing reasonable avoidance measures to ensure the protection of Bats and of Ground Nesting Birds whilst the repair works are carried out.

Planning approval in support of the works set out in this report was achieved on 21 January 2021.

2. RECOMMENDATIONS

That the Executive Board:

- Notes the contents of the report and the procurement process to appoint a main building contractor to repair Darwen Jubilee Tower.
- Approves adding the project to the Capital Programme on the basis of the funding set out below.
- Notes that the Director of Place shall award the contract following the procurement process, in consultation with the Executive Member for Growth and Development.

3. BACKGROUND

Darwen Tower is a Grade 2 listed octagonal Jubilee Tower on Beacon Hill known by the name of the town it overlooks. The Tower was built in 1898 by public subscription to celebrate Queen Victoria's Diamond Jubilee.

The location of the Tower is what makes it iconic, but it is also its weakest feature, being cited on top of a hill is wonderful for visibility but the building condition report outlines the physical deterioration that has occurred as a result of being so exposed to the elements. The roof has already been replaced twice but more difficult and less visible issues with the building also need remedial work.

In July 2020, the Council was invited to submit an application to repair Darwen Tower the Board of The Darwen Town Deal. The Board considered the application and subsequently approved a maximum contribution of up to £225,000 from the Town Deal's accelerated projects fund towards the cost of repairing and restoring the Tower.

The Town Deal funding coupled with c.£70,000 generated from fund raising led by Darwen Rotary and a £10,000 contribution from the Council will provide sufficient funding to undertake the repairs necessary to ensure the long-term sustainability of the Tower and allow this landmark to remain open to the public for future generations.

The capital works comprise of repair to the rainwater disposal system, repair to the weathering and deck of the upper observation level, repointing and consolidation of the walls, replacement of polycarbonate windows, improvements to access and installation of interpretation boards.

Given the Grade 2 listed status of the Tower, there is requirement to use Lime Mortar to repoint walls to ensure they are weatherproof and watertight. These works will need to be undertaken in dry weather with ambient temperatures above 5°C. The Council will appoint the specialist building contractor in March 2021 with the Darwen Town Deal funding fully committed by 31 March 2021. The building works will commence in April 2021 and will be completed by September 2021.

The proposed repair works involve the transportation of building materials, heras fencing and scaffolding onto site. Vehicular access must only take place along Belgrave Road and along the main access track to the Tower.

The Council's highways service will undertake repairs to the main access track in March 2021 to enable the building contractor to deliver the building materials and equipment to the Tower in April

2021. The required planning approvals in support of this scheme were secured on 21 January 2021.

4. KEY ISSUES & RISKS

Due to the sites location within the West Pennine Moors SSSI, and the requirements of the Wildlife and Countryside Act 1981 (as amended), the Council must ensure that wildlife will not be harmed by the proposed repair works.

In order to ensure wildlife is protected, the Council has commissioned an Ecologist and Bat Consultant to produce a Method Statement which contains reasonable avoidance measures to protect Bats and Ground Nesting Birds.

A scoping survey visit has been undertaken to assess Darwen Jubilee Tower for bat roosting potential and to assess the likelihood of the repair works causing disturbance to ground nesting birds. The Tower was observed to offer negligible to low potential for roosting bats, where gaps and crevices were present, they are generally shallow and exposed, therefore the presence of bats within the Tower structure is unlikely.

The Tower is located in an area of heather moorland which is considered to be optimal nesting habitat for moorland birds. However within the immediate vicinity of the Tower, there is high footfall from people visiting the Tower and the location is popular with dog walkers, with dogs commonly off the lead. For these reasons, it is considered unlikely that ground nesting is taking place on the moorlands close to the Tower.

Prior to work commencing, walkover surveys will be carried out in March/April 2021 to confirm presence/absence and location of ground nesting birds on site, both in the vicinity of the Tower and along the access track. If nesting birds are identified these will be clearly identified to contractor site managers and project managers and appropriate mitigation instigated.

Heras fencing around the tower base will be fitted with screening material, as necessary, to minimise visual impact of human activity. The screen will obscure the plant and workforce from the nesting birds. Regular monitoring of the nesting birds and young will continue for the duration of works to ensure no disturbance.

An ecologist will also be present on-site during the initial works to ensure that the operations do not cause disturbance to nesting birds and to determine if further monitoring/supervision is required.

5. POLICY IMPLICATIONS

The repairs to Darwen Jubilee Tower and installation of interpretation boards will encourage more people to walk onto the Moors and to visit the Tower. The repairs to the main track will also improve public access onto the Moors. These improvements will promote physical activity and support the Council's commitment to increasing the health and wellbeing of residents of the Borough.

6. FINANCIAL IMPLICATIONS

A maximum budget of £305,000 has been secured for the repair of Darwen Jubilee Tower. The budget is made up of £225,000 from the Town Deal's accelerated projects fund, £70,000 generated from fund raising led by Darwen Rotary and a £10,000 contribution from the Council.

Based on pre-tender estimates, the available funding is sufficient to undertake the necessary repairs to ensure the long-term sustainability of the Tower and allow this landmark to remain open to the public for future generations.

The tender and specification for the repair of Darwen Jubilee Tower has been placed on The Chest: North West Procurement Portal as a Restricted tender. Five specialist historic building contractors, all of which have experience of restoring Grade 2 listed buildings, have been included on the select list and have been invited to submit a tender for the works required.

Tenders that have passed the Selection stage will be evaluated to determine the most economically advantageous Tender, with 50% of the score awarded to Price and 50% of the score awarded to Quality. The procurement timetable is detailed below

Stage	Date(s)/time
Approval of procurement strategy	w/c 4 January 2021
Issue of Invitation to Tender	1 February 2021
Submission of Tenders via The Chest e tendering portal only	No later than 12 noon 26 February 2021 (deadline for clarifications is 5pm, 18 February)
Evaluation of Tenders	5 March 2021
Senior Officer/Executive member approval and decision published	12 March 2021
Notification of result of evaluation	15 March 2021
Standstill period	15 March – 24 March 2021
Expected date of award of Contract	25 March 2021

7. LEGAL IMPLICATIONS

The tender and specification for the repair of Darwen Jubilee Tower has been placed on The Chest: North West Procurement Portal as a Restricted tender in accordance with Council contract procurement procedure rules and procurement law.

Officers in the Contracts and Procurement team will review the submitted tenders to ensure the contract is awarded in compliance with procurement law. The contract shall be in a form approved by legal officers in the Contracts and Procurement team.

The Ministry of Housing, Communities and Local Government have confirmed that the Council do not need to refer the application to them as none of the Historic Amenities Societies have objected to the Listed Building consent application.

Prior to the commencement of the repair works on the Tower, it will be necessary to temporarily divert the Public Right of Way leading up to the Tower and the Public Right of Way which is located close to the Tower.

8. RESOURCE IMPLICATIONS

Officers from Environmental Services, Corporate Property Services and the Procurement Services will be involved managing and overseeing the project. The officers will be aided by JubbClews, a chartered surveyors practice accredited by the RICS in historic building conservation.

9. EQUALITY AND HEALTH IMPLICATIONS

Please select one of the options below.

Option 1 Equality Impact Assessment (EIA) not required – the EIA checklist has been completed.

Option 2 In determining this matter the Executive Member needs to consider the EIA associated with this item in advance of making the decision.

Option 3 In determining this matter the Executive Board Members need to consider the EIA associated with this item in advance of making the decision.

10. CONSULTATIONS

As part of the Listed Building Consent process, the Council carried out the following consultations:

- Officers in Planning services notified:
 - Three Ward Councillors:
 - Darwen Town Council
 - Natural England
 - Historic England
 - The National Historic Amenity Societies:
 - Society for the Protection of Ancient Buildings
 - The Georgian Group
 - The Victorian Society
 - The Twentieth Century Society
 - The Council for British Archaeology
 - Lancashire Archaeology Advisory Service
 - Greater Manchester Ecology Unit

A Press Notice advertising the proposals was placed in the Lancashire Telegraph and site notices were erected at Sunnyhurst Woods, Ryal Fold and Bury Fold Lane

Commons registration Act 1965:– Council has written to the eight people listed on the register of common land who have commoners’ rights over the Moors to inform them that the Council has submitted a Listed Building Consent application to restore Darwen Jubilee Tower along with a web link to the listed building consent application in full. One of the people with commoner’s rights has provided feedback that ground nesting birds should be protected during the nesting season when the repair works are being undertaken.

MHCLG – The Council has consulted with the Ministry for Housing, Communities and Local Government, we have had confirmation that we do not need to refer the application to MHCLG as none of the Historic Amenities Societies have objected to the application.

11. STATEMENT OF COMPLIANCE

The recommendations are made further to advice from the Monitoring Officer and the Section 151 Officer has confirmed that they do not incur unlawful expenditure. They are also compliant with equality legislation and an equality analysis and impact assessment has been considered. The recommendations reflect the core principles of good governance set out in the Council’s Code of Corporate Governance.

12. DECLARATION OF INTEREST

All Declarations of Interest of any Executive Member consulted and note of any dispensation granted by the Chief Executive will be recorded in the Summary of Decisions published on the day following the meeting.

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DATE:	12 February 2021
BACKGROUND PAPER:	