

REPORT TITLE: REPAIRS TO THE WEIRS ADJACENT TO THE RIVER ITCHEN,  
WINCHESTER

19 JUNE 2019

REPORT OF CABINET MEMBER Cllr Murphy, Environment

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WARD(S): ST MICHAEL

PURPOSE

Repairs are required to the western bank of the River Itchen between Bridge Street and Wharf Mill, along the footpath known as The Weirs. Existing wooden piles have rotted so that the river has scoured material from behind them, leaving the footpath unsupported in places due to the resulting voids beneath it. An initial trial and the first phase of works, procured by HCC, have been completed, using new piles and injecting grout into the voids. A further three phases are required to complete the job over the next three years.

As a riparian landowner (that is, an owner of land adjacent to a watercourse), Winchester City Council is responsible for maintaining the bank. Hampshire County Council as highway authority has an interest as the surface of The Weirs is adopted highway. The funding for the project to date has seen the majority fall to Winchester City Council as the adjoining landowner that is most at risk, with a £50,000 contribution per phase from Hampshire County Council (to be confirmed for last two phases).

RECOMMENDATIONS:

1. That total expenditure of £725,000 required for the remaining three phases of repair works to the river bank at The Weirs, Winchester and as detailed in paragraph 2.2 be approved.
2. That approval is delegated to the Corporate Head of Regulatory Services to carry out an open tender procurement process and to appoint a Contractor to carry out the repair works to the river bank at the Weirs Winchester.
3. That it is agreed to vary Contract Procedure Rule 29.1 re Tender Evaluation which provides for a 60:40 ratio for cost and quality so that the quality requirement for this procurement is increased to 60% and cost reduced to 40%.

IMPLICATIONS:1 COUNCIL STRATEGY OUTCOME

- 1.1 Repairing the river bank at The Weirs accords with the Council's 'Improving the quality of the District's environment' outcome. The works would ensure that Winchester City Council land at The Weirs is protected from scour and erosion, and is retained as a popular area of parkland in a historic setting.

2 FINANCIAL IMPLICATIONS

- 2.1 When setting the budget in February, it was anticipated that the Council would fund 50% of the costs via prudential borrowing with the remainder from external contributions. With the exception of £50,000 as detailed below, the Council has been unable to identify other funding sources and it will now be necessary to fund the majority of the expenditure by prudential borrowing.

	2019/20 £000	2020/21 £000	2021/22 £000	Total £000
Capital budget	175	215	335	725
<b>Financed by (revised):</b>				
Prudential borrowing	125	215	335	675
External contributions	50	0	0	50
<b>Total</b>	<b>175</b>	<b>215</b>	<b>335</b>	<b>725</b>

- 2.2 While no additional capital budget is required, the annual borrowing costs are now estimated to amount to £36,000 per annum (£933,000 in total over the life of the asset) versus £19,000 per annum (£502,000 in total) estimated when February budget was set. Further details are provided in Appendix A.
- 2.3 Hampshire County Council, as highway authority, has an interest in protecting the adopted footpath along the river bank. The trial and initial phase of repair works were managed by Hampshire County Council and financed by Winchester City Council. £50,000 has been contributed by the County Council for the next phase and the Council continues to work with its partners to identify any further external contributions; any additional contribution will reduce the annual revenue cost impact of the scheme.

3 LEGAL AND PROCUREMENT IMPLICATIONS

- 3.1 Indicative quotes for the remaining three phases of the works were sought from three contractors who are on Hampshire County Council's specialist diver call-off contract. Unfortunately this call off contract has not been procured in a way that allows WCC's to utilise it. Of the three contractors, two responded, providing an indication of the costs involved. However, as mentioned above, the City Council is unable to procure the works via HCC's call-off contract and needs to conduct its own advertised tender process in accordance with Contract Procedure Rules.

- 3.2 Due to the specialist nature of the works it is important to consider more than just the value of the works in the tender evaluation process, and approval is sought to vary the usual 60:40 ratio for cost and quality respectively so that the quality requirement is increased to 60% and the cost requirement reduced to 40%.

#### 4 WORKFORCE IMPLICATIONS

- 4.1 The project can be managed within existing staff resources.

#### 5 PROPERTY AND ASSET IMPLICATIONS

- 5.1 Winchester City Council, as a riparian owner, has responsibilities relating to maintaining the River Itchen where it is adjacent to Winchester City Council land. It is reasonable therefore for the City Council to fund the majority of the costs involved in this work.
- 5.2 The land at risk from scour is the unregistered land beneath the adopted footpath at The Weirs. Adjacent parkland is registered in the name of Winchester City Council and is also potentially at risk. Following initial investigations, it has not been possible to identify the ownership of this unregistered land
- 5.3 The adopted footpath is at risk of collapse due to the scour beneath it, therefore Hampshire County Council have contributed financially to the works.

#### 6 CONSULTATION AND COMMUNICATION

- 6.1 The work requires footpath closures and diversions. The Weirs footpath is adopted highway, maintained by Hampshire Highways. Details of closures and diversions would need to be advertised in advance.
- 6.2 A significant effort to consult with possible landowners has been undertaken to confirm the ownership of the unregistered subsoil beneath the adopted footpath, however none of the likely owners could confirm evidence of ownership. These included Hampshire County Council, the Church Commissioners and Winchester College.
- 6.3 Permission to work in the watercourse has already been given by the Environment Agency.

#### 7 ENVIRONMENTAL CONSIDERATIONS

- 7.1 Any work within the channel of a 'main river' (as designated by the Environment Agency) requires permission from the Environment Agency. Permission that was granted for the trial and initial phase of works remains applicable to the subsequent phases.

8 EQUALITY IMPACT ASSESSEMENT

8.1 None required

9 DATA PROTECTION IMPACT ASSESSMENT

9.1 None required

10 RISK MANAGEMENT

<b>Risk</b>	<b>Mitigation</b>	<b>Opportunities</b>
<i>Property</i> If the Weirs are not repaired and fail adjoining Council land is at risk.	Agree to fund the repair works whilst seeking third party contributions.	-
<i>Community Support</i> Restricted access to footpath could affect public relations	Advanced warning of closures and diversions will be a requirement	-
<i>Timescales</i> Over-running and winter working	Work can be prioritised so that sections adjacent to the narrowest stretches of channel are worked on at times of low water (i.e. summer)	-
<i>Project capacity</i>		
<i>Financial / VfM</i> Reduction in contributions from partner organisations	Budget for total costs without third party contributions.	-
<i>Legal</i> Ownership challenge over unregistered land	Unlikely due to the liabilities involved, the most likely owners have already been approached and ownership remains unknown.	Winchester City Council to register the land and avoid future uncertainty over responsibilities
<i>Innovation</i> Minimal risks as a trial was undertaken and the first phase has been completed	-	-
<i>Reputation</i> There is a greater risk to reputation if the work is not completed and a	Undertake repairs.	-

public safety issue emerges as a result. The loss of the footpath route would be likely to attract criticism from the public.		
<i>Other</i>		

## 11 SUPPORTING INFORMATION:

- 11.1 The river bank at The Weirs is protected by timber piles in front of a concrete capping beam. Granular fill and in-situ earth lie behind and the adopted footpath is constructed on top of this. Where timber piles have rotted away, the river has been able to scour some of the fill material away, leaving voids beneath the footpath and capping beam.
- 11.2 The initial trial and first phase of works have been completed successfully, managed by the County Council and financed by the City Council. New timber piles have been installed, and grout injected into the voids behind. It would be beneficial if all remaining phases were considered together for procurement purposes, and to ensure consistency in quality.
- 11.3 It is important to protect the footpath as it is an adopted highway, and the adjacent grounds. Public safety should be a priority and the public perception to a failure of the footpath should be considered. The County Council may be able to pursue legal action if the integrity of the footpath is compromised.
- 11.4 The land beneath the footpath is unregistered, and Hampshire County Council, the Church Commissioners and Winchester College have offered no evidence to prove ownership. Winchester City Council owns the adjacent park areas which are also potentially at risk. Hampshire County Council maintains the adopted footpath.
- 11.5 The schedule for remaining works is to complete Phase 2 in summer 2019 (anticipated cost of £175,000), Phase 3 in summer 2020 (£215,000) and Phase 4 in summer 2021 (£335,000) - all subject to funding. The County Council have provided a financial contribution for Phase 2 (£50,000).

## 12 OTHER OPTIONS CONSIDERED AND REJECTED

- 12.1 To do nothing would mean that the issue of public safety and allowing damage to a public highway detailed in 11.4 would become inevitable. This is not acceptable as the damage cannot be seen until a collapse occurs. City Council-owned land adjacent to the unregistered land is also at risk.
- 12.2 Other potential landowners have been approached but there is no evidence that any other parties have a claim to the unregistered land, suggesting that financial contributions from parties other than the highway authority will be very unlikely.

BACKGROUND DOCUMENTS:-

Previous Committee Reports:-

None

Other Background Documents:-

None

APPENDICES:

Appendix A – Financial appraisal

Appendix B – Plan of the Weirs showing extent of the proposed works