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| Subject: | River Wall at Victoria Way, Rawtenstall | Status: | For Publication |
| Report to: | Full Council | Date: | 23 rd September 2020 |
| Report of: | Facilities Management Officer | Portfolio Holder: | Resources |
| Key Decision: | <input checked="" type="checkbox"/> Forward Plan <input checked="" type="checkbox"/> | General Exception | <input type="checkbox"/> Special Urgency <input type="checkbox"/> |
| Equality Impact Assessment: | Required: | No | Attached: No |
| Biodiversity Impact Assessment | Required: | No | Attached: No |
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1. RECOMMENDATION

- 1.1 To approve £100,000 additional capital funding for the reconstruction of the retaining river wall at Victoria Way, Rawtenstall.

2. PURPOSE OF REPORT

Following the approval of the £250k capital monies at Full Council the works to rebuild Victoria Way retaining river wall was tendered and this has identified that the total cost of the works is higher than anticipated and this additional funding requires members' approval.

3. BACKGROUND

- 3.1 £250k of capital was approved by Full Council on the 15th July 2020 for works to rebuild Victoria Way retaining river wall in Rawtenstall. The works were tendered with a return date of 7th August 2020. The lowest tender received following adjustments was £350k.
- 3.2 The tendering process revealed the complexity of the temporary works required given the river site. These works will enable the main rebuilding works to the wall to commence i.e. temporary access road, temporary propping and stabilisation of culvert up stream of wall, access from gas works and working platform within the river. The scale of these temporary works was not anticipated to this extent in the original tender. Therefore additional funding is required to be approved for £100k.
- 3.3 A claim was submitted to the Council's insurance company Zurich and a loss adjustor has confirmed that the reconstruction of the wall falls outside the remit of the Council's insurance policy. The account manager has confirmed that such structures, that is retaining river walls, are normally not insurable.

4. RISK

- 4.1 The council has the licence from the Environment Agency to proceed with the works which is for a 12 month period. However, if the works are not started for 1st October 2020 they cannot begin until May 2021 because of spawning season. If the works are left until next May with higher river levels over the winter period there is a risk of a further collapse of the wall or land putting the Victoria Way industrial units in jeopardy.

5. FINANCE

- 5.1 As at 31st March 2020 the council had £2.082m of unallocated capital receipts. Officers will give consideration as to the optimum funding arrangements, which may include: use of capital receipts, internal borrowing and any other requirements for PWLB borrowing.

6. LEGAL

- 6.1 There are a number of aged leases which appear to include the river wall within its red edge save for one lease where the red edge falls short of the river wall. As the Council has seen with its policy, it is unlikely that the tenants' insurers will cover the cost of repair to the wall and it is further unlikely that the tenants will be in a position to contribute. Officers are conducting an audit to ascertain cover and all reasonable attempts will therefore be made to seek recovery of apportioned costs from the tenants under the terms of the lease where the Council is able to do so. The works need to progress in order to protect the council's assets and to ensure further damage does not occur during future inclement weather.

7. POLICY AND EQUALITIES IMPLICATIONS

- 7.1 No policy or equalities implications.

8. CONCLUSION

- 8.1. Additional capital funding is required for the reconstruction of the retaining river wall at Victoria Way, Rawtenstall.

| Background papers | |
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| Reconstruction of River Wall – Full Council, 15 July 2020 | https://www.rossendale.gov.uk/meetings/meeting/1199/council |