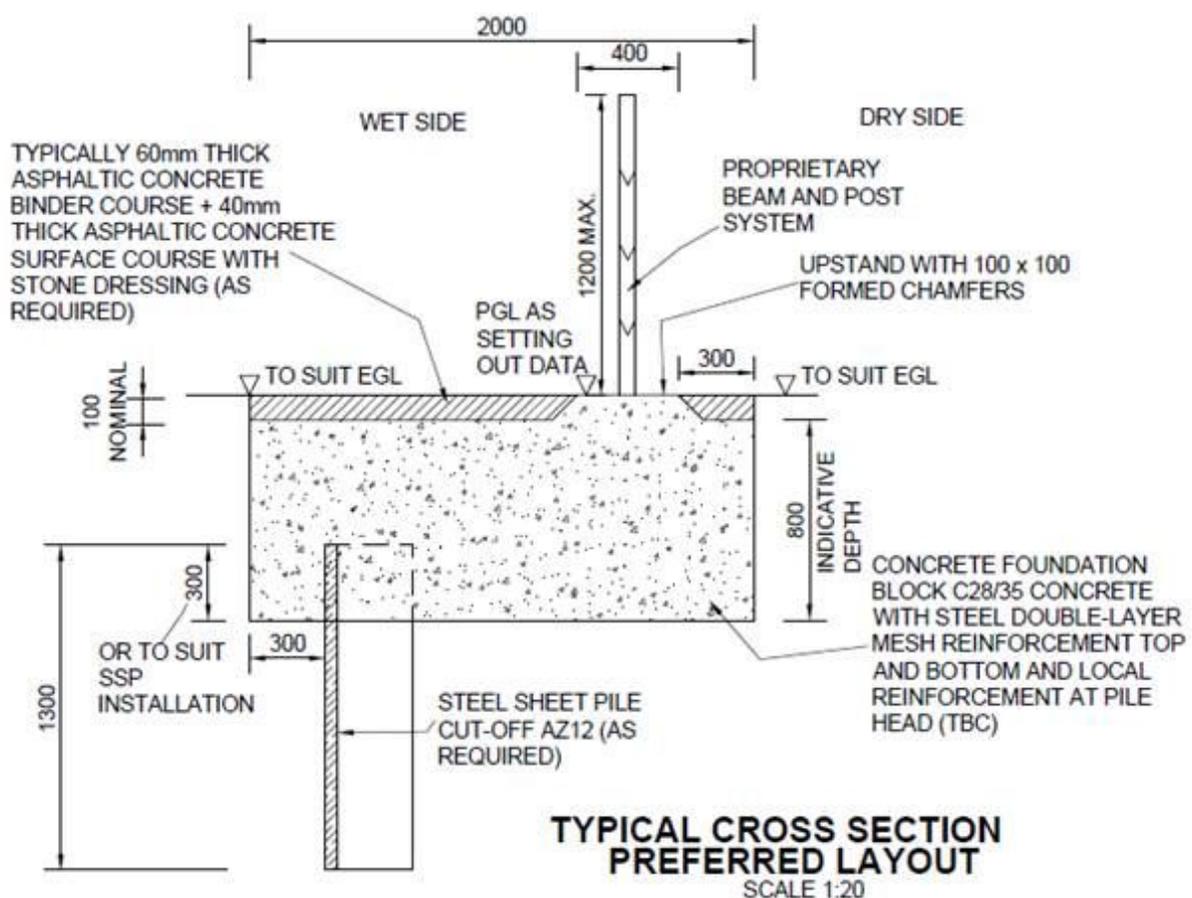


Dear Cllr Banks,

Thank you for meeting earlier on today to discuss the 'Section 50 license' and 'Closure of Flooded Roads agreement' for the Lane, West Mersea Flood Alleviation Scheme. As discussed, these two elements of the scheme can only be arranged between the Highway Authority and Mersea Town Council, hence the need for the town council to be involved in the ongoing maintenance and operation. As things stand at the moment Olive is happy with the proposed diversionary route and traffic management arrangements agreed for the Closure of Flooded Roads Agreement but will not progress further with the Section 50 license until such point as the town council are satisfied with the maintenance responsibilities for the permanent fixtures being installed in the public highway.

In terms of the Section 50 license, on completion of the scheme the town council will be required to adopt and maintain any permanent fixtures that would not normally form part of the public highway. I have provided below an extract of the design drawings which show a section through the structure as it crosses the Lane (approx. 5 -6m long) that comprises of a concrete block foundation as follows:



In terms of the wider scheme and an update on progress with this, having spoken to our legal teams about the ongoing operation and maintenance of the structure once this has been installed it has been concluded that the structure would be transferred from Essex County Council (ECC) to an

appropriate group via a legal 'Grant Agreement'. As discussed, we have been advised that the Public Liability and Employers Liability associated with this would be **£10million** and **£5million** respectively.

ECC can only enter into the Grant Agreement with a group having appropriate legal status. One option could be that West Mersea Town Council (WMTC) enter into this with ECC directly, however this would mean that WMTC would take on sole responsibility for the operation and maintenance of the structure which, from historic conversations with the Town Council is suspect would not be favourable. An alternative would be for the Town Council, Residents and Volunteers to form a Community Emergency Group (CEG) as an 'Incorporated Association' and ECC enter into the Grant Agreement with the CEG which I suspect would be more favourable as this would directly involve the residents and volunteers in the ongoing operation and maintenance of the scheme.

This arrangement can be discussed in more detail at our stakeholder update meeting in April but in the first instance if you could discuss with members of the council and forward over any initial questions they might have so we can prepare answers for the meeting ? To aid in discussions I have attached a copy of the presentation I made at the Waterside Committee group meeting which explains in more detail the CEG arrangement and you may also wish to seek specialist advice on the requirements for setting up an Incorporated Association.

It would also be useful if some initial discussions were had with members about a site for storage of the structure when it is not in use. The manufacturer has advised that the structure and traffic management would need to be stored in a 20ft container and this would need to be accessible 24/ 7.

I hope this information is of some assistance and I will follow up in due course confirming dates/ a venue for the stakeholder update meeting.

Yours sincerely,

Lee Sencier
Surface Water Planning Engineer
Flood and Water Management