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Date: 27 July 2020

By email to c.hall@somersetwestandtaunton.gov.uk

Dear Chris

Without Prejudice - Funding for construction of coastal defences to mitigate the risk of failure of the B3191 at Blue Anchor

Following our initial proposal on this matter dated 2 July 2020 and our subsequent discussion and email exchange, I am pleased to issue you with a revised proposal which I hope addresses any remaining issues of concern. As discussed, this remains an 'in-principle offer' in outline form and will need to be formalised by way of a detailed funding agreement between the parties.

I would be grateful if you could confirm that this is acceptable in-principle so that the funding agreement can now be prepared accordingly.

Our outline proposal is as follows:

- As per the draft memorandum of understanding between SCC, SW&T and EA on the matter; Somerset West & Taunton Council will take a lead client role and responsibility for the design and construction of the works, undertaking all associated statutory processes and obtaining all necessary land, consents and licenses etc utilising the powers available to you as planning authority and coastal protection authority.
- Somerset County Council will undertake to fund the design and construction of the works and associated scheme development costs with the purpose of protecting the road from risk of failure in the future. We will allocate an initial £2.5m from our highways capital grant for 20/21 to enable you to undertake the works through a funding agreement. Noting that with 60% optimism bias the upper cost estimate for the works is £4m we will allocate up to a further £1m towards the works if necessary in 21/22, which together with other projected partnership funds should be sufficient for you to undertake the

works with minimal risk that any construction cost will fall to your authority. Allocation of funding is subject to a formal Cabinet Member decision.

- Should other funding bids lead to alternative sources of finance being secured for these works prior to completion we will reduce our contribution accordingly.
- The sole reason for SCC funding construction of this coastal protection scheme is to protect the surrounding land from further recession such that it does not put the highway at risk, and to avoid a more expensive alternative road diversion scheme.
- The coastal protection measures clearly also afford protection to land and property in the area outside of SCCs ownership, and the asset itself will be created on land outside of our ownership at some distance from the highway. The asset will therefore not become a highway asset or part of the highway maintainable at public expense.
- Given the wider implications of the new asset for coastal protection we propose that Somerset West and Taunton Council become the owners of the asset and are responsible for ongoing inspection and maintenance. Somerset County Council will provide a one-off commuted sum to Somerset West and Taunton Council to cover projected future inspection and maintenance costs of the asset. This agreement and the associated calculation of the commuted sum will be secured by way of the funding agreement. We would also expect that any relevant landowners would need to be party to an agreement regarding the ownership of the asset, its future maintenance, and rights of access to it.
- As discussed, we will work with you to agree a clause within the funding agreement which will limit your liabilities in respect of the highway were the new coastal asset to fail at some point in the future due to unforeseen circumstances. We anticipate being able to agree a clause such that Somerset West and Taunton is not liable for future costs of repair or replacement of the highway should the coastal asset fail.

Yours sincerely



Mike O'Dowd-Jones

Strategic Commissioning Manager – Highways and Transport