

Thank you for your letter on behalf of Mundon Parish Council regarding the Mundon Wash Road closure.

The works were originally planned to start in spring and complete in the summer months. The vegetation around the working area was cleared in advance of the work to avoid nesting of any birds, however the work continued ahead of programme until a Moorhen nested and laid 5 eggs during a weekend. Ecologist imposed a ban on working within 5 metres of the nest until the Moorhen and the chicks fled the nest. This delay was out of our control and cost 29 working days, which is around 6 weeks. Due to this we have also lost time carrying out the works in dry months and further delays have since occurred due to heavy rain and flooding issues. We would like to inform you due to the above delays we were forced to extend our programme until Sunday 22 December 2019.

At the time of the Parish Council meeting we believed that this work could be carried out within the six months allowed for the contractor, and the tender programme submitted by all the tenderers reflected our estimation. As these works involve in-situ concrete construction it would not be able to be completed within one month period. As previously advised, the delays are due to factors which are out of our control.

In regards to the local economy suffering with logistical and financial consequences; as per the request from the business and the parish council "Business open as usual signs" were erected. However, please note there are no businesses within the vicinity of the road closure.

Blind Lane does not form part of the official diversion route, however improvement works were undertaken to upgrade passing places. This work was limited due to health and safety reasons as we were unable to close the road to effectively implement all the upgrades.

In regards to the points you want confirmation on, I can confirm the following:

- **Are there time/price penalties on this and other projects? If not, why not?** This Subcontract was let under an NEC ECS Apr 13 standard form incorporating Main Option C (i.e. Target subcontract with activity schedule) and Secondary Option X7 (Delay damages). Under this form of Subcontract only the Subcontractor's Defined Cost is paid up to the value of the target cost which may be adjusted in the event of the occurrence of a compensation event (i.e. a change of works or the occurrence of something unknown and not reasonable to have been foreseen etc.). Through the inclusion of Secondary Option X7 (Delay damages) the Subcontractor must pay the delay damages from the planned Subcontract Completion Date until the earlier of the actual Completion Date or the date that we take over the works. Obviously if a compensation event occurs the Subcontract Completion Date may be extended accordingly in which the Subcontractor's liability for any associated delay damages would commence from the revised date.

The above approach is typical of our Subcontracts however each is reviewed and assessed on its own merit.

- **What was the original cost, and now expected cost due to extensions?** Original Order Value for Works is £595,300; discussions are ongoing over the assessments of compensation

events which have occurred to date with the range between our respective assessments of £65,000 to £91,000.

- **Will the issues in Blind Lane be rectified as a matter of urgency, and then maintained till project completion?** As previously mentioned, Blind Lane is not part of the official diversion route, however we cannot make any further improvement unless we fully close the road and this cannot be undertaken while Mundon Road is closed.

Thank you for taking the time to contact me and I trust you find the above information useful.

Cllr. Kevin Bentley

Deputy Leader and Cabinet Member for Infrastructure
Member for Stanway and Pyefleet
Essex County Council