



FROM: West Mersea Town Council

TO: Local Plan Committee, Colchester City Council

DATE: 24 August 2026

SUBJECT: West Mersea 300 dwellings allocation – unresolved Marine Conservation Zone (MCZ) Statutory Order, wastewater, cumulative impacts and evidence of deliverability – Please see section 8 of this letter for consideration of specific matters that the Committee is respectfully requested to address,

Dear Committee,

West Mersea Town Council wishes to place on record its serious concerns regarding the proposed allocation of approximately 300 dwellings at West Mersea, particularly the adequacy of the evidence supporting the allocation in relation to wastewater infrastructure and the Blackwater, Crouch, Roach and Colne Marine Conservation Zone (MCZ).

Our concern is not simply that the MCZ was initially absent from the Regulation 18 Plan. It is that the Council was put on notice of the environmental issue during plan preparation, Natural England specifically requested evidence demonstrating no effect, and the material uncertainty identified subsequently does not appear to have been resolved before the Regulation 19 stage.

1. Natural England specifically requested evidence of no effect

The most significant matter for WMTC is the position previously taken by Natural England.

Natural England wrote to CCC requesting evidence demonstrating no effect in relation to the relevant environmental concerns.

This is important because the issue was therefore not merely whether the MCZ should appear on the Policies Map or be mentioned in a policy. The Council's statutory nature conservation adviser had identified the need for evidence capable of demonstrating the absence of the relevant environmental effect.

During the Regulation 18 consultation, WMTC and residents raised concerns regarding the omission of the MCZ, wastewater infrastructure, cumulative development and potential effects upon the Blackwater and its shellfish interests.

CCC subsequently raised those concerns with Natural England. We understand that Natural England forwarded CCC's concerns to Defra.

CCC then approached the Marine Management Organisation (MMO) in April 2026, seeking advice concerning how the MCZ should be addressed through the Local Plan process.

WMTC considers this chronology highly significant:

Natural England requests evidence of no effect → CCC receives and raises Mersea-specific concerns
→ Natural England forwards those concerns to Defra → CCC subsequently seeks MMO advice on the MCZ and the Local Plan process.

WMTC therefore asks:

What evidence did CCC subsequently obtain or produce which answered Natural England's request for evidence demonstrating no effect, and where is that evidence contained within the Regulation 19 evidence base?

2. The MCZ is not the same as the HRA

The Regulation 19 material now recognises the MCZ. However, WMTC is concerned that references to the Habitats Regulations Assessment (HRA) may give the impression that the MCZ issue has thereby been assessed.

The HRA and MCZ regimes are separate statutory regimes. The HRA concerns European sites under the Habitats Regulations, whereas the MCZ is designated under the Marine and Coastal Access Act 2009, with its own conservation objectives and protected features.

WMTC is not suggesting that CCC must produce a document with a particular title, such as a “Strategic MCZ Assessment”.

The question is more fundamental:

What evidence did CCC rely upon in deciding that the strategic allocation of approximately 300 dwellings could proceed without hindering achievement of the MCZ conservation objectives?

If CCC considers that this evidence is contained within the HRA, Water Cycle Study, Sustainability Appraisal, site assessment or another document, WMTC asks the Council to identify the specific document, section, methodology, evidence and conclusion relied upon.

3. The environmental sensitivity of the MCZ is established by existing scientific evidence

The need for evidence is particularly important because the MCZ is not an environmentally neutral receiving environment.

University of Essex research was instrumental in demonstrating that the Essex estuaries were a stronghold for the European native flat oyster (*Ostrea edulis*) and in supporting designation of the Blackwater, Crouch, Roach and Colne MCZ. The research records a 95% decline in native oyster populations over the previous 200 years, identifying pollution amongst the pressures contributing to that decline.

The MCZ has a specific recovery objective for native oysters and native oyster beds. Research subsequently established population baselines and has been used to inform restoration and management.

The Essex Native Oyster Restoration Initiative (ENORI) is actively seeking to restore native oyster populations and beds within the MCZ. Its conservation management material expressly identifies

restoration of native oysters and native oyster beds within the MCZ as its purpose and refers to the MCZ conservation objective of recovery.

This matters because the Council is considering additional wastewater loading into an estuarine system where:

- the protected feature is subject to a recovery, rather than merely maintenance, objective;
- scientific evidence establishes historical and continuing pressures on the species, including pollution;
- active restoration is taking place; and
- a substantial scientific evidence base already exists.

WMTC is not suggesting that these matters, individually, prove that the proposed 300 dwellings will harm the MCZ. They demonstrate instead that there is a material and site-specific environmental sensitivity which the Council needed to address in reaching its strategic allocation decision.

4. Existing sanitary-survey and pollution evidence

There are also relevant Mersea-specific sanitary-survey and water-quality evidence concerning microbial pollution and shellfish waters.

The Environment Agency has commissioned Anglian Water investigations into pollution and water-quality issues around West Mersea, including investigation of pollution sources which have not been fully identified.

That evidence is particularly relevant because it demonstrates that the Council is not assessing additional wastewater loading into an uncontested receiving environment. There are existing water-quality concerns which have required investigation.

WMTC therefore asks the Council to identify how the relevant Food Standards Agency sanitary-survey evidence, Environment Agency information and Anglian Water investigations have been incorporated into the evidence supporting the West Mersea allocation.

5. Cumulative development has to be addressed

The proposed 300 dwellings cannot reasonably be considered in isolation from other development on Mersea.

WMTC is concerned that the cumulative implications of the proposed allocation, together with approximately 300 dwellings associated with the Dawes Lane and Brierley developments, existing development and existing wastewater discharges, have not been demonstrated through the evidence base.

The potential pathway is:

existing and proposed development → sewer network → West Mersea WRC → discharge → Blackwater Estuary → MCZ protected features.

The relevant question is therefore not simply whether one future development can technically demonstrate wastewater capacity.

It is whether the combined wastewater consequences of existing, consented and proposed development have been assessed against:

- existing wastewater infrastructure performance;
- the capacity and timing of proposed infrastructure improvements;
- the condition of the receiving environment;
- existing sanitary-survey and water-quality evidence;
- the MCZ protected features; and
- the MCZ conservation objectives.

WMTC asks:

Where is the cumulative assessment demonstrating that the proposed West Mersea allocation, considered alongside the Dawes Lane and Brierley developments and existing wastewater pressures, will not hinder achievement of the MCZ conservation objectives?

6. Future infrastructure does not itself demonstrate deliverability

The allocation appears to depend, at least in part, upon future improvements to wastewater infrastructure.

WMTC asks the Council to identify:

- the infrastructure upon which the allocation depends;
- the additional capacity it is expected to provide;
- who will deliver it;
- its funding;
- its expected delivery and operational date;
- how delivery will be secured before additional demand is created; and
- the evidence that the resulting infrastructure will be environmentally effective.

A policy requiring a future applicant to demonstrate wastewater capacity is a safeguard at application stage. It does not, without supporting evidence, demonstrate that the strategic allocation itself is presently justified and deliverable.

The same distinction applies to MCZ assessment. A future applicant may need to undertake detailed project-level assessment. But that does not answer the prior question of whether CCC has sufficient evidence **now** to justify allocating the site for approximately 300 homes.

The NPPF requires plans to be underpinned by relevant and up-to-date evidence, to be justified on proportionate evidence and to be effective and deliverable over the plan period. Strategic matters are to be dealt with rather than simply deferred.

7. The central unresolved question

The sequence of events appears to leave a fundamental question unanswered.

CCC was aware of Mersea-specific environmental concerns.

Natural England requested evidence demonstrating no effect.

CCC subsequently raised the concerns with Natural England, which forwarded them to Defra.

CCC then sought advice from the MMO concerning how the MCZ should be addressed through the Local Plan.

Yet the Regulation 19 position appears to rely substantially upon future developer-level assessment and future wastewater infrastructure, rather than identifying the evidence which resolved the uncertainty at the strategic plan-making stage.

WMTC therefore asks:

What changed between Natural England's request for evidence demonstrating no effect, the subsequent referral of the concerns to Defra, and CCC's April 2026 correspondence with the MMO, such that CCC is now satisfied that the environmental uncertainty has been sufficiently resolved to justify the strategic allocation?

8. Request to the Committee

Before recommending the Plan for publication/submission, WMTC respectfully asks the Committee to require the Council to identify:

1. The evidence demonstrating that the approximately 300-home allocation will not hinder achievement of the MCZ conservation objectives;
2. Where and how the existing sanitary-survey, water-quality, native-oyster and restoration evidence has been considered;
3. Where the cumulative effects of the proposed allocation together with the Dawes Lane and Brierley developments have been assessed;
4. The evidence demonstrating that the wastewater infrastructure required by the allocation is funded, deliverable and available at the required time; and
5. The specific evidence which answered Natural England's request for evidence demonstrating no effect.

WMTC is not asking the Council to prejudge matters which properly belong to a future planning application. It is asking the Council to demonstrate that the strategic environmental and infrastructure questions necessary to justify the allocation have been sufficiently resolved before the Plan is advanced.

The central concern is that the uncertainty appears to have been transferred rather than resolved:

MCZ assessment → future developer
wastewater solution → future infrastructure
cumulative environmental effects → future assessment

That does not, without further evidence, demonstrate that the allocation is presently justified, effective and deliverable.

West Mersea Town Council therefore asks the Committee to address these matters before proceeding with the proposed allocation and reserves its position regarding the legal compliance and soundness of the Local Plan and the West Mersea allocation.

Yours faithfully,

West Mersea Town Council