

Summary of Evidence Supplied by Mersea Island Environmental Alliance (MEA) and Environmental Law Foundation (ELF).

Conclusion MIEA and ELF do not ask the Inspector to determine the source of every bacterial event in the Blackwater. They do not ask the Inspector to conclude that West Mersea WRC is operating unlawfully.

They do not ask the Inspector to infer that PP23 will necessarily damage native oysters. Nor do they suggest that the absence of a document specifically entitled “Strategic MCZ Assessment” automatically makes the Plan unsound. The concern is more fundamental. **The available evidence identifies a credible potential pathway between: additional development → additional wastewater → wastewater infrastructure → receiving estuarine waters → protected MCZ features and conservation/recovery objectives.**

That pathway was identified during the plan-making process. Natural England raised wastewater and designated-site issues. CCC's Water Cycle Study identified relevant pathways and risks. The FSA identified a population/wastewater/bacterial/shellfish pathway. Anglian Water has separately identified foul-network capacity and pollution concerns on Mersea.

Ofwat's subsequent evidence provides greater clarity concerning the history and purpose of works at West Mersea WRC. The MCZ contains protected native-oyster features subject to active restoration. ENORI activities within the same MCZ have previously been subject to an identifiable MCZ Stage 1 Assessment. [EV32] CCC itself has participated in collaborative work involving ENORI and oyster/coastal resilience research. [EV33] 24 And Regulation 19 LC4 now expressly recognises the need for MCZ screening where potential pathways exist.

Against that evidential background, MIEA and ELF respectfully consider that CCC should be able to demonstrate a clear, transparent and reviewable evidential chain showing how the MCZ issue was considered before PP23 was carried forward. In particular, CCC should identify:

1. what MCZ features and conservation/recovery objectives were considered;
2. what wastewater pathway was assessed;
3. what cumulative development was included;
4. how WRC treatment headroom was distinguished from network and environmental capacity;
5. how the condition of the receiving environment was considered;
6. how Natural England, FSA, Anglian Water and other relevant evidence was reconciled;
7. what consideration was given to native-oyster recovery and ENORI;
8. what information was before the MMO when its advice was obtained;
9. why the Council considered the resulting evidence sufficient to allocate PP23; and 10. why any remaining MCZ assessment could appropriately be deferred to development-management stage.

The critical examination question is therefore not: “Can MIEA/ELF prove that PP23 will harm the MCZ?” It is: “Has CCC demonstrated, through proportionate and reviewable evidence, that the potential implications of PP23 for the MCZ and its conservation and recovery objectives were adequately considered when the strategic allocation was made?”

If the answer is yes, the evidence and reasoning should be identifiable. If that evidential chain cannot be demonstrated, MIEA and ELF respectfully submit that there remains a material question as to whether the environmental implications of PP23 were adequately understood and whether the allocation is sufficiently justified.