

WEST MERSEA TOWN COUNCIL

REPRESENTATION TO THE REGULATION 19 SUBMISSION DRAFT LOCAL PLAN 2026

Submitted by: West Mersea Town Council

1. INTRODUCTION

West Mersea Town Council (WMTC) submits this representation in response to the Colchester City Council (CCC) Submission Draft Local Plan 2026 Regulation 19 consultation.

WMTC continues to object to the allocation of approximately 300 dwellings at PP23 – Land East of Dawes Lane, West Mersea.

WMTC's concerns arise from the scale of the proposed development and the particular circumstances of Mersea Island, including:



- its single tidal road connection to the mainland;
- limited transport resilience;
- existing pressures on healthcare and community services;
- infrastructure capacity and delivery;
- flood and emergency-access considerations;
- the cumulative effect of existing and proposed development; and
- the ability of the proposed infrastructure and mitigation measures to be delivered at the appropriate time.
- PP23, Land East of Dawes Lane, does not adequately demonstrate that the additional development can be accommodated without increasing pressure on the island's wastewater system and receiving marine environment

WMTC recognises that the Regulation 19 test is whether the Submission Draft Local Plan is legally compliant and sound.

WMTC considers that PP23 has not yet been demonstrated to be sufficiently justified, effective and deliverable.

A separate technical representation has been submitted by the Mersea Island Environmental Alliance (MIEA) and Environmental Law Foundation (ELF) addressing the detailed legal, ecological and evidential issues concerning the Marine Conservation Zone, wastewater pathway and the CCC's obligations under the Marine and Coastal Access Act 2009.

WMTC has considered the technical and environmental evidence prepared by the Mersea Island Environmental Alliance (MIEA) and the Environmental Law Foundation (ELF) and supports the relevant concerns identified in those submissions.

THE SCALE OF PP23

PP23 proposes approximately 300 dwellings at Land East of Dawes Lane.

WMTC considers that the allocation cannot reasonably be considered as an isolated development site.

West Mersea has already experienced substantial development, and further development is either built, under construction, committed or proposed. PP23 would therefore add to an existing population and infrastructure baseline.

CCC's own supporting text recognises the particular constraints of Mersea Island, including the fact that there is one road in and out and that the island can become isolated during high tides.

WMTC considers these constraints fundamental to the question of whether another large housing allocation is appropriate.

The issue is not whether 300 dwellings can physically be placed on the site.

The issue is whether the settlement and its infrastructure can accommodate the resulting population without creating pressures that the Plan has not demonstrated can be effectively addressed.

The environmental implications of PP23 should also be considered in light of Anglian Water's September 2026 evidence that the WRC works are unlikely to have a tangible impact on bathing-water quality and that the source of occasional extreme bacterial contamination remains unconfirmed.

2. VISION AND APPROACH TO LOCAL PLAN

Themes and Objectives

Objective:

“Create communities which reduce the need to travel, particularly by car for most of their daily needs.”

See also NPPF paragraphs 109 and 110 – Promoting sustainable transport.

WMTC Comment: UNSOUND

West Mersea and the wider Mersea Island context require particular consideration against this objective. The Island is geographically constrained and has a single road access route onto and off the Island. This creates a fundamentally different transport context from locations where residents have a choice of rail, bus, walking and cycling connections to employment centres, schools and services.

The proposed allocation of approximately 300 dwellings at PP23 therefore needs to be assessed against the Plan's stated objective of creating communities where there is less reliance on private cars for everyday needs.

The issue is not simply whether individual elements of the development can be designed to encourage walking or cycling. The relevant question is whether the location itself is capable of supporting the Plan's objective of reducing the need to travel by car, having regard to the Island's geography, its single road access, the location of employment, higher-order services and transport connections, and the additional population generated by the proposed allocation.

This is particularly relevant in light of the Government's current approach to locating housing in areas which are well connected to transport and where people can live closer to work, schools and the services they rely upon.

Mersea Island does not have a railway station or equivalent high-capacity public transport connection. Residents travelling off the Island are dependent upon the road network, including the single access route. The location therefore presents particular constraints in achieving the stated objective.

These constraints become more significant when considered alongside the scale of PP23. The allocation would introduce approximately 300 additional dwellings and therefore has the potential to increase daily movements to and from the Island for employment, education, healthcare, shopping and other services.

WMTC considers that the Plan should demonstrate, with appropriate evidence, how a development of this scale at PP23 is consistent with the Plan's stated objective of reducing car

dependency and creating communities where most daily needs can be met without reliance upon private vehicles.

This should include consideration of:

- the availability, frequency and capacity of public transport;
- the ability of residents to access employment and higher-order services without a private car;
- the Island's single road access;
- existing transport constraints and congestion;
- the likely travel patterns associated with approximately 300 additional dwellings;
- opportunities for walking and cycling; and
- whether the location as a whole is consistent with the Plan's objective of reducing the need to travel, rather than simply whether individual development measures can mitigate some transport impacts.

WMTC therefore considers that the allocation of PP23 requires further justification against the Plan's own strategic objective and the current national emphasis on directing development towards locations with strong transport connectivity.

The concern is that future housing development should be provided in West Mersea when appropriate infrastructure has been provided. Though the extent should be limited owing to its island position. The concern is whether this scale of additional development in this particular location has been demonstrated to be consistent with the Plan's stated objective of reducing reliance on private cars and creating communities in which people can readily access their everyday needs.

WMTC therefore considers the Plan unsound in this respect unless the evidence base demonstrates that PP23 is appropriately located and capable of achieving the stated sustainable transport objective.

3. Strategic Policies

ST1: Health and Wellbeing

WMTC Comment: UNSOUND

Summary

No data has been provided for the patient-to-doctor ratio or how the additional demand generated by new development is going to be mitigated without prejudicing existing patients. There are also significant access issues to off-Island medical facilities because of tidal flooding and the lack of reliable public transport.

Reason for Objection

Policy ST1(f) requires that new development provides access for all to health facilities and services.

However, the health assessment provides no forecast data for West Mersea Surgery showing how existing and future patient demand will be accommodated as a result of the proposed growth.

Current medical provision is insufficient, with the doctor-to-patient ratio at approximately 1 full-time doctor for 2,800 patients, significantly above the national standard of 1 for 1,800, and the local patient list is closed. Reference Mersea Island Surgery - Register with the Surgery (<https://westmerseasurgery.co.uk>). “We are currently not accepting new patients. If you live in Mersea and need to register with a GP practice, please contact NHS Essex Integrated Care Board (ICB)”. Published 5 May 2023 and updated 15 May 2026.

Previously reported weighted patient numbers were 8,183 at 102 East Road (3 August 2020) and 8,238 at Dawes Lane (6 March 2020), based on the Carr-Hill formula.

NHS Essex response dated 29 June 2026 to Planning Application 260566 -102 East Road West Mersea, states that the GP practice does not have the capacity for approximately 120 new residents. It further states “the capacity of primary healthcare facilities in the area of the proposed development is already below the recognised standards of provision for the existing population. APP/A1530/W/21/3285769
Carr-Hill Formula

Summary of position for healthcare services within a 2km radius of (or closest to) the proposed development GP surgeries West Mersea Surgery Weighted List Size 1 7,882 NIA (m 2) 2 163 Capacity 3 needed for current weighted list size 540 Spare Capacity (NIA m2) 4 - 377 Last figure represent a negative provision of -377

The weighted list size of the GP Practice based on the Carr-Hill formula; this figure more accurately reflects the need of a practice in terms of resource and space and may be slightly lower or higher than the actual patient list.

"NHS Essex response dated 29 June 2026 to Planning Application 260566 -102 East Road West Mersea”

Mersea Island Surgery

Registration “We are currently not accepting new patients. If you live in Mersea and need to register with a GP practice, please contact NHS Essex Integrated Care Board (ICB)”. <https://westmerseasurgery.co.uk>. Published 5 May 2023 and updated 15 May 2026.

While the Plan indicates potential extensions to existing medical facilities, there is no commitment to increasing the number of doctors to meet patient demand. Consequently, the Plan does not demonstrate how the additional population arising from the proposed development will be accommodated without adversely affecting access to healthcare for existing residents.

There are also particular access constraints for Mersea Island residents requiring healthcare outside the Island. Access to off-Island medical centres is constrained by the tidal causeway and limited public transport, creating practical barriers to timely healthcare. These constraints

are particularly relevant where medical appointments or specialist services are not available locally and where tidal flooding can restrict or delay movement on and off the Island.

The issue is therefore not simply whether health facilities can potentially be extended. The Plan should demonstrate that sufficient healthcare capacity will be available to serve both the existing population and the additional population generated by the proposed development.

The national planning framework places importance on planning for healthy communities and on plan-making being informed by existing deficits in community facilities and public service infrastructure, together with additional requirements arising from proposed development and changes in population.

In this case, the evidence provided does not demonstrate how the identified existing deficit at West Mersea Surgery will be addressed or how additional demand arising from the proposed allocations will be met.

Without evidence of increased medical capacity, a clear mechanism for delivering that capacity, and appropriate mitigation for the practical difficulties of accessing off-Island healthcare, ST1(f) cannot be demonstrated to be effective.

WMTC therefore considers that the Plan is unsound in this respect and that further evidence and appropriate provision or mitigation are required before the proposed level of development can be considered consistent with ST1(f).

ST2: Environment and the Green Network and Waterways

WMTC Comment: UNSOUND

Summary

See the Main Environmental / MCZ Summary Document, which sets out the detailed evidence and concerns previously raised during Regulation 18 and the matters which remain unresolved. **[EV01; EV12–EV14; EV18; EV24–EV30-R; CCC-WCS; CCC-HRA]**

Reason for Objection

Policy ST2 commits to protecting and enhancing Colchester's natural environment, including rivers, estuaries and coastal areas, and ensuring sustainable management of water resources.

On Mersea Island, WMTC considers that the submitted Plan does not demonstrate that these objectives can be achieved in relation to the scale of development proposed.

The principal concerns, which were already raised during the Regulation 18 consultation, are:

i) Cumulative housing development — existing, under construction and proposed, approximately 600 homes — has not been fully assessed for its impact on water quality, nutrient loading or sensitive habitats. **[CCC-WCS; CCC-HRA; EV01]**

ii) Significant bacterial spikes have been recorded in bathing waters, with Environment Agency / Anglian Water investigations providing evidence relevant to wastewater infrastructure, receiving-water quality and the existing environmental baseline. Anglian Water states that the exceptionally elevated September 2025 result remains without a confirmed source and that no WRC storm-overflow discharge or reported pollution incident was identified during the preceding 72 hours. **[EV18; EV29-R; EV30-R]**

iii) Natural England's February 2025 advice specifically stated:

“We are keen to ensure that the Local Plan is able to evidence adequate sewage treatment infrastructure / Water Recycling Centre (WRC) capacity to serve new development without increasing the nutrient and pollutant load of WRC final effluent discharges and adverse impact to sensitive, designated sites including Essex Estuaries Special Area of Conservation (SAC) and Blackwater, Crouch, Roach and Colne Estuaries Marine Conservation Zone (MCZ).” **[EV03 – July 2024]**

iv) The 2021 Sanitary Survey (Carcinus Ltd / FSA) raised concerns that housing development increases bacterial loading, with potential consequences for shellfish and oysters and the recovery of protected marine features. **[EV25]**

v) The Regulation 18 Plan did not adequately reference the MCZ or demonstrate sufficient WRC capacity in the context of the proposed growth. WMTC considers that the subsequent changes to the Plan, including new policy provisions concerning the Islands and MCZ, should be assessed against whether they have actually resolved the underlying evidential concerns. **[EV21–EV23; EV27; CCC-WCS; CCC-HRA]**

The detailed evidence supporting these matters, including the Water Cycle Study, FSA evidence, Natural England advice, wastewater pathways, shellfish waters, the MCZ and native oyster restoration, is contained in the Main Environmental / MCZ Summary Document and should be read alongside this representation. **[EV12–EV14; EV17; EV24; EV25; CCC-WCS; CCC-HRA]**

WMTC's concern is therefore not simply whether the Plan now contains a policy referring to the MCZ. The issue is whether the evidence base demonstrates that the cumulative effects of the proposed development on water quality, wastewater loading, sensitive estuarine habitats and protected marine environments have been properly assessed and whether the Plan's environmental objectives can realistically be achieved.

WMTC considers that failure to demonstrate this is inconsistent with the objectives of ST2 and means that the Plan is unsound in this respect.

The current NPPF continues to require plan-making to identify environmental opportunities and safeguards using relevant environmental evidence, and national water-resource policy emphasises the need to protect and improve the water environment while planning for growth.

WMTC therefore relies upon the Main Environmental / MCZ Summary Document for the detailed evidence and considers that the unresolved matters identified there demonstrate that ST2 requires further evidence, assessment and/or amendment before the Plan can be considered sound.

Principal supporting evidence: EV01; EV03; EV12–EV14; EV17; EV18; EV21–EV30-R; CCC-WCS; CCC-HRA.

Cross-reference: Main Environmental / MCZ Summary Document; EN1–EN3; LC4; NZ3; PP23; HRA.

ST3: Spatial Strategy

WMTC Comment: UNSOUND

Summary

West Mersea is identified as a larger settlement outside Colchester, but its geographical position on Mersea Island creates significant connectivity constraints. Major facilities and services are approximately 13 km away, while the main railway station, hospital and larger recreation facilities are located on the north side of Colchester. Access to these facilities requires travel through existing traffic pinch points. Public transport is also difficult, including the need to cross the tidal Strood and, for some journeys, change buses in Colchester. Public transport is difficult with the tidal Strood and change of buses at a chaotic bus station in Colchester.

Reason for Objection

WMTC recognises that West Mersea is a larger settlement outside Colchester. However, its designation as such should not in itself be treated as demonstrating that the location is suitable for the scale of development proposed.

Mersea Island is geographically remote from many of the major facilities and services on which residents depend. Major facilities are approximately 13 km away, while the main railway station, hospital and larger recreation facilities are located on the north side of Colchester. Travel to these facilities therefore requires residents to negotiate the existing road network and traffic pinch points.

Public transport presents additional difficulties. Journeys off the Island are dependent upon crossing the tidal Strood, and journeys onward to destinations in Colchester can require a change of bus, including at Colchester's bus station. WMTC considers that these practical constraints need to be properly reflected in the Plan's spatial strategy.

Secretary of State for Housing, Communities and Local Government Angela Rayner said: 17th August 2026 government's policy statement on the final NPPF consultation "By unlocking thousands of homes around well-connected transport hubs, we're helping people live closer to work, school and the services they rely on, while backing local businesses and driving growth in our communities

MHCLG (Ministry of Housing, Communities and Local Government) press release, 17 August 2026

The Government's accompanying announcement states that the revised NPPF seeks to direct housing towards well-connected locations and introduces a default approach for homes within reasonable walking distance of well-connected stations. **[MHCLG, 17 August 2026]**

WMTC recognises that this policy is principally concerned with the opportunities presented by well-connected transport locations and does not constitute a prohibition on development in locations without rail access. Nevertheless, it provides an important current national policy context for assessing whether a proposed allocation is appropriately located to achieve the Plan's own objective of reducing the need to travel, particularly by car.

The national planning approach places increasing emphasis on directing development towards locations which are well connected to jobs and services, and which provide genuine opportunities to reduce reliance upon private cars. The Government's August 2026 planning changes emphasise building homes closer to stations and in well-connected areas, with the objective of improving access to jobs and services. **[MHCLG, 17 August 2026]**

The December 2025 draft NPPF also proposed, under S5: Principle of development outside settlements, support for housing and mixed-use development in locations within reasonable walking distance of a railway station providing a high level of connectivity to jobs and services, where the development is physically well-related to the station and can be accommodated by available infrastructure.

WMTC does not suggest that the absence of a railway station automatically prevents development at West Mersea. The concern is that the spatial strategy should properly demonstrate why a location with these connectivity constraints is appropriate for the proposed scale of growth.

This is especially important where development would increase the number of residents who need to travel regularly to employment, healthcare, education, shopping, recreation and other services outside the Island.

WMTC therefore considers that the Plan should demonstrate, with evidence, that the proposed scale of development at West Mersea is consistent with the spatial strategy and its objectives for sustainable development and accessibility.

This should include proper consideration of:

- the distance from West Mersea to major employment, healthcare, education and other services;
- the location and accessibility of Colchester's main railway station and other higher-order facilities;
- existing traffic pinch points;
- the constraints created by the tidal Stood;
- the availability, reliability and capacity of public transport;
- the practical consequences of bus changes for journeys to Colchester;
- the ability of residents to access everyday needs without reliance upon a private car; and
- whether the scale of development proposed can be accommodated without reinforcing an unsustainable pattern of travel.

WMTC therefore considers that ST3 is unsound unless the evidence demonstrates that the proposed spatial distribution of development, including the scale proposed at West Mersea, is appropriately located and supported by realistic transport and service connectivity.

Principal supporting evidence: Strood/tidal-access evidence; public-transport evidence; connectivity/service-location evidence; MHCLG 17 August 2026; December 2025 draft NPPF.

Cross-reference: PP23 – Strood Access, Emergency Access, Transport and Connectivity.

ST7: Infrastructure Delivery and Impact Mitigation

WMTC Comment: UNSOUND

Summary

WMTC does not believe that the electricity supplier has fully understood the requirements of Mersea Island or the likely level of future electricity demand. In particular, the supplier's estimated peak demand for 2041 is considered unrealistic and does not provide sufficient confidence that the electricity infrastructure required to support the level of development proposed has been properly assessed.

Reason for Objection

Policy ST7 is intended to ensure that infrastructure required to support development is identified, planned and delivered, and that the impacts of development on existing infrastructure are appropriately addressed. [CCC-ST7]

WMTC's concern is that the evidence supporting the Plan does not adequately demonstrate that the electricity infrastructure capacity required for Mersea Island has been properly assessed against the level of development proposed.

WMTC does not believe that the electricity supplier has fully understood the particular requirements of the Island or the likely future level of electricity demand. The estimated peak demand for 2041 is considered unrealistic and therefore raises concerns about whether the infrastructure assessment provides a reliable basis for planning the level of growth proposed.

This is important because infrastructure requirements should be considered at the plan-making stage rather than left to be resolved only when individual planning applications are submitted. The current NPPF requires strategic planning authorities to plan for infrastructure necessary to support development and to work with relevant infrastructure providers on strategic matters.

The Government's proposed approach to planning for energy and water infrastructure, published in December 2025, also emphasised the importance of early engagement between plan-making authorities, utility providers, regulators and network operators to establish a clear understanding of energy supply and network capacity and to identify potential constraints arising from current or anticipated infrastructure shortfalls.

WMTC considers this particularly important on Mersea Island because the Island's geographical circumstances and existing infrastructure constraints mean that the consequences of underestimating future demand cannot simply be assumed to be capable of being accommodated without further assessment.

The Plan should therefore demonstrate that the electricity network has sufficient capacity, or that the necessary reinforcement can be delivered in an appropriate timeframe, to accommodate the proposed level of development and the associated increase in demand.

WMTC's concern is not that electricity infrastructure can never be upgraded. Rather, it is that the Plan should not rely upon an apparently understated future peak-demand forecast when determining whether the proposed level of development is capable of being supported by the available infrastructure.

If the 2041 peak-demand estimate is understated, the resulting assessment may also understate the infrastructure reinforcement required and the costs, timing and practical requirements associated with delivering it.

WMTC therefore considers that further evidence is required to establish:

- the basis for the electricity supplier's 2041 peak-demand forecast;
- how the forecast takes account of the proposed level of housing growth on Mersea Island;
- existing electricity demand and known constraints on the Island;
- changes in electricity consumption and demand over the Plan period;
- the infrastructure reinforcement required to accommodate planned growth;
- the anticipated timing of any required reinforcement; and
- whether that infrastructure can realistically be delivered alongside the proposed development.

Until this has been demonstrated, WMTC considers that the Plan has not established a sufficiently robust evidence base to demonstrate that the infrastructure requirements arising from the proposed growth can be delivered.

WMTC therefore considers ST7 unsound unless CCC can demonstrate, through appropriate evidence from the relevant electricity network provider, that the forecast demand is realistic and that the electricity infrastructure necessary to support the proposed level of development on Mersea Island can be delivered in a timely manner.

ST7a: Sustainable Transport and Connectivity

WMTC Comment: UNSOUND

Summary

WMTC considers that the proposed level of development on Mersea Island is not supported by adequate sustainable transport and connectivity.

In particular:

a) Dawes Lane is not a suitable access route for buses.

The proposed development at West Mersea needs to demonstrate that realistic and deliverable public transport provision can be provided. WMTC considers that Dawes Lane is not a suitable access route for buses and therefore questions how effective bus access to the proposed development can be achieved.

b) The Strood, infrequent bus services and school buses

Mersea Island is dependent upon the Strood as its only road connection to the mainland. The Strood is subject to tidal flooding, which can temporarily restrict access to and from the Island.

Existing bus services are infrequent and do not provide a sufficiently attractive or reliable alternative to private car use for many journeys. School transport also contributes to the transport requirements of the Island and should be considered as part of the overall assessment of future transport demand. “More than 400 secondary-age pupils being transported off the Island – ECC/school transport evidence.”

Based on ECC’s statutory transport returns and Mersea’s school-age demographics, more than 400 pupils are transported off the Island each school day.” (*DfE Home to School Transport LA Data Collection, 2025–26*)

Reason for Objection

ST7a seeks to promote sustainable transport and connectivity. However, WMTC considers that the particular geographical and transport constraints affecting Mersea Island have not been adequately addressed in relation to the proposed scale of growth.

The current National Planning Policy Framework places continuing importance on sustainable transport and on the relationship between the location of development and realistic alternatives to private car travel.

For Mersea Island, particular consideration should therefore be given to:

- the suitability of Dawes Lane for bus access;
- the frequency, capacity and reliability of existing bus services;
- school transport requirements arising from additional development;
- dependence upon the Strood for access to and from the Island;
- disruption caused by tidal flooding of the Strood; and
- whether residents of the proposed development would have a realistic alternative to private car use for everyday journeys.

These matters should also be considered cumulatively with the existing and committed development on Mersea Island, rather than considering the proposed allocation in isolation.

WMTC considers ST7a unsound unless there is sufficient evidence to demonstrate that sustainable public transport provision is realistic and deliverable and that the proposed

growth will not result in increased dependence upon private cars because of the Island's inherent transport constraints.

Principal supporting evidence: CCC Transport/Highways evidence; Dawes Lane access evidence; Strood/tidal-access evidence; current bus-service/timetable evidence; school-transport evidence; NPPF 2026 TR1 and TR3.

Cross-reference: ST3 Spatial Strategy; PP23 – Strood Access, Emergency Access, Transport and Connectivity.

EN1: ENVIRONMENTAL RESPONSE: PP23, WASTEWATER AND THE MARINE CONSERVATION ZONE

Introduction

WMTC remains concerned that the evidence supporting the proposed allocation of approximately 300 dwellings at PP23 does not adequately demonstrate that the additional development can be accommodated without increasing pressure on the island's wastewater system and receiving marine environment.

The concern is not simply whether there is nominal treatment capacity at West Mersea Water Recycling Centre (WRC).

The relevant question is whether the combined effect of existing development, committed development and the additional housing proposed through PP23 can be accommodated without increasing pollutant and bacterial loading or hindering the recovery and conservation objectives of the protected marine environment.

This is particularly important because Mersea Island is surrounded by a sensitive estuarine environment, including the Blackwater, Crouch, Roach and Colne Estuaries Marine Conservation Zone (MCZ) and the Essex Estuaries Special Area of Conservation.

WMTC's concerns have been informed by evidence and technical work undertaken with local environmental organisations, including Mersea Island Environmental Alliance (MIEA), and by specialist environmental legal assistance provided through the Environmental Law Foundation (ELF).

MIEA and ELF have submitted a separate technical representation addressing the legal, ecological and evidential issues concerning the MCZ, wastewater pathway and CCC's duties under the Marine and Coastal Access Act 2009.

WMTC supports the relevant concerns raised in that submission. This section nevertheless sets out the WMTC's own environmental concerns and stands independently as part of its Regulation 19 representation.

WMTC asks CCC to demonstrate that the environmental concerns raised during Regulation 18 have been properly resolved before PP23 is carried forward.

a) The MCZ and Policy LC4

The Submission Draft now contains specific protection for the MCZ within Policy LC4.

Policy LC4 states that development proposals on Mersea Island which are within, adjacent to, or have a potential pathway of impact to the MCZ must undertake an MCZ screening assessment and, where indicated, a Stage 1 or Stage 2 MCZ Assessment in accordance with MMO guidance. It also expressly requires cumulative effects to be considered.

WMTC welcomes the inclusion of this policy requirement.

However, the existence of the policy does not itself demonstrate that the strategic allocation of approximately 300 dwellings has been adequately assessed.

WMTC's concern is therefore straightforward:

Where is the evidence demonstrating that the approximately 300 dwellings proposed at PP23, when considered alongside existing and committed development on Mersea Island, will not hinder the conservation objectives of the MCZ?

WMTC is not suggesting that a particular standalone MCZ assessment must necessarily have been produced simply because the allocation is included in the Local Plan.

The issue is whether the CCC has produced a transparent evidential assessment of the potential pathway and cumulative environmental effects sufficient to justify the allocation.

If the CCC considers that no further assessment was indicated at plan-making stage, it should identify the evidence and reasoning supporting that conclusion.

b) The wastewater pathway is already identified

There is a clear and identifiable environmental pathway between additional housing on Mersea Island and the receiving marine environment:

additional population → additional wastewater flows → foul sewer network → West Mersea WRC and storm-overflow performance → discharge → receiving waters → shellfish and marine environment → MCZ protected features.

The CCC's evidence base considers the relationship between wastewater infrastructure, receiving waters and designated sites.

The environmental question therefore cannot be reduced to whether an individual development can technically obtain a sewer connection.

It is necessary to consider the whole system, including:

- foul sewer capacity;
- WRC treatment capacity;
- storm-overflow performance;
- pollutant and bacterial loading;
- receiving-water conditions;
- shellfish waters;
- cumulative development; and
- the sensitivity and recovery status of the protected marine environment.

Further Anglian Water evidence:

Anglian Water has confirmed in a September 2026 EIR response that works at West Mersea WRC are “unlikely to have a tangible impact on bathing water quality at the designated bathing water.” It further states that occasional extremely elevated bacterial results, including that recorded in September 2025, remain “with no confirmed source.” [EV29-R; EV30-R]

This is material to the environmental baseline. The infrastructure works should not therefore be treated as demonstrating that existing receiving-water quality concerns have been resolved. The continuing presence of significant but incompletely attributed bacterial contamination should be recognised when assessing further development and cumulative environmental effects.

c) Cumulative development must be considered

PP23 cannot reasonably be considered in isolation.

The approximately 300 dwellings proposed at PP23 would be added to development already built, under construction or committed on Mersea Island, including earlier Dawes Lane and Brierley Paddocks development.

The question is not whether PP23 alone can theoretically be accommodated.

The question is:

What will be the combined effect of existing, committed and proposed development on wastewater flows, pollutant loading, bacterial loading and receiving-water quality, and what evidence demonstrates that the cumulative effect will not compromise the protected marine environment?

Policy LC4 now expressly requires cumulative effects to be considered.

WMTC therefore asks CCC to identify precisely where this cumulative assessment has been undertaken and where its conclusions can be found in the Regulation 19 evidence base.

d) West Mersea WRC — capacity is not the same as environmental capacity

WMTC recognises that CCC's evidence identifies available capacity at West Mersea WRC and that wastewater evidence has informed the CCC's assessment of proposed growth.

However, treatment capacity is not the same thing as environmental capacity.

Available treatment headroom does not automatically demonstrate that:

- the wider foul sewer network has adequate capacity;
- storm-overflow performance will not result in additional pollution;
- pollutant and bacterial loading will not increase;
- receiving waters will not be adversely affected;
- shellfish waters will remain adequately protected; or
- the MCZ conservation objectives will not be hindered.

WMTC therefore considers that CCC needs to demonstrate how the WRC capacity assessment has been reconciled with evidence concerning the actual performance of the wastewater system and receiving environment.

Approximately £2.4 million of wastewater infrastructure improvements were completed in 2024. WMTC recognises that investment and does not suggest that the upgrades were ineffective. [EV20; EV30-R; EV31]

Additional Ofwat evidence: Subsequent evidence obtained from Ofwat clarifies that the 2024 works were undertaken to deliver a U_IMP5 environmental driver requiring an increase in Flow to Full Treatment (FFT) at works identified through PR19 as having a low permitted FFT/DWF ratio. Anglian Water reported the West Mersea U_IMP5 scheme cost to Ofwat as £1.731 million. Ofwat further confirms that these works are separate from the AMP8 (2025–2030) storm-overflow reduction scheme, for which Anglian Water was given an allowance of £1.169 million (2022/23 prices). Ofwat found no strong indications of capacity constraints at the WRC itself. However, its response does not state that the 2024 works were undertaken to provide additional capacity for future housing development. [EV31]

However, infrastructure improvements should not be treated as proof that all environmental risks have been eliminated.

The subsequent environmental record remains relevant. In particular, bacterial events recorded in 2025 demonstrate why actual post-upgrade environmental conditions should be examined rather than relying solely upon theoretical treatment capacity.

CCC should therefore explain:

- what capacity is available at the WRC;
- what assumptions underpin the capacity calculation;
- whether the assessment relates solely to treatment capacity or also takes account of the sewer network and storm-overflow system;
- what post-upgrade monitoring has been considered; and
- how the resulting evidence supports the conclusion that PP23 can proceed without increasing environmental pressure.

e) Food Standards Agency evidence

WMTC considers the Food Standards Agency (FSA) evidence particularly important because it provides an independent evidence-based link between population growth, wastewater infrastructure, bacterial loading and shellfish waters.

In correspondence dated 1 March 2024, the FSA referred to its 2021 Blackwater Sanitary Survey and explained that increased population without corresponding wastewater treatment improvements would lead to increased bacterial loading to coastal receiving waters. [EV23; EV24]

The FSA further indicated that increased housing within the West Mersea catchment, particularly on Mersea Island, could increase bacterial loading and could adversely affect shellfish harvesting classification unless wastewater infrastructure improved.

This evidence predates completion of the 2024 wastewater upgrades and must therefore be considered in that context.

However, completion of the upgrades does not remove the need to examine subsequent environmental evidence.

WMTC therefore asks:

What evidence did CCC obtain following completion of the wastewater upgrades to demonstrate that the risk identified by the FSA had been adequately addressed?

In particular, CCC should identify whether post-upgrade bacterial monitoring and receiving-water evidence were considered in determining the environmental acceptability of PP23.

f) Shellfish, bathing waters and public health

The environmental significance extends beyond the ecological condition of the MCZ.

The Blackwater is also an important shellfish and recreational environment. Water quality therefore has implications for:

- shellfish harvesting;
- the local oyster industry;
- recreation and bathing;
- tourism; and
- public health.

The FSA recognises the relationship between sewage contamination and contamination of oysters, including potential exposure to pathogens such as norovirus.

WMTC is not suggesting that PP23 has been demonstrated to cause a particular public-health event.

Rather, where the evidence identifies an established pathway between wastewater discharges, bacterial contamination and shellfish waters, CCC should demonstrate that the pathway has been properly considered before allocating a further 300 dwellings.

g) Receiving-water quality

WMTC has previously drawn CCC's attention to evidence concerning the condition of the Blackwater receiving environment, including investigations associated with wastewater discharges from West Mersea.

This evidence is important because the environmental question is not simply:

Can the WRC technically treat the additional wastewater?

It is also:

What is the condition of the receiving environment into which treated and, where applicable, storm-overflow wastewater ultimately enters?

Where receiving-water quality is already subject to investigation and concern, additional development should be supported by evidence demonstrating that cumulative wastewater pressures can be accommodated without worsening environmental condition or compromising recovery objectives.

WMTC therefore asks CCC to identify the receiving-water evidence considered in reaching its conclusion on PP23 and to explain how that evidence informed the allocation.

h) Native oyster recovery and ENORI

The native oyster is an important part of the environmental significance of the Blackwater, Crouch, Roach and Colne Estuaries Marine Conservation Zone (MCZ).

The Essex Native Oyster Restoration Initiative (ENORI) is undertaking substantial work to restore native oyster populations and native oyster-bed habitat within the estuarine environment.

WMTC considers this restoration context directly relevant to the Local Plan and the assessment of PP23.

Previous HRA and MCZ Stage 1 Assessment

WMTC has identified further evidence which raises an important question concerning the consideration of the MCZ in the assessment of PP23.

The Essex Native Oyster Restoration Initiative prepared a document expressly entitled:

“Habitats Regulation Assessment and MCZ Stage 1 assessment: Management and monitoring of the *O. edulis* restoration box for the purpose of BCRC MCZ Conservation Management Plan.” [EV32]

The assessment relates to activities within the Essex Estuaries SAC, Mid-Essex Coast SPAs and the Blackwater, Crouch, Roach and Colne Estuaries MCZ and identifies activities including dredge and grab monitoring, cultch relaying and installation of native-oyster settlement cages.

The significance for WMTC is that activities undertaken for the **management, monitoring and restoration of native oysters themselves were subject to an identifiable MCZ Stage 1 assessment.** [EV32]

WMTC does not suggest that the statutory circumstances of those works and the allocation of land for development under PP23 are identical, nor that EV32 alone establishes that precisely the same assessment procedure was legally required for PP23.

It does, however, provide important local evidence of the assessment approach previously applied where activities had potential implications for protected features within this particular MCZ.

CCC's Direct Knowledge of ENORI

This is particularly relevant because CCC was not remote from ENORI's work.

On 6 March 2023, the University of Essex reported that its researchers were working on an innovative project **with Colchester City Council and ENORI**, examining the viability of using natural resources in coastal-defence development in response to climate change. [EV33]

Further University material described the work as a collaborative project involving local oyster fishermen, ENORI, Colchester City Council and University researchers.

This evidence demonstrates that CCC had direct involvement with ENORI-related oyster and coastal-resilience work before the Regulation 19 Local Plan was prepared.

It therefore raises a reasonable question as to whether CCC was aware of the previous ENORI HRA and MCZ Stage 1 Assessment and, if so, whether that local experience informed the environmental assessment of PP23.

Relationship with PP23

PP23 proposes approximately 300 additional dwellings at West Mersea.

WMTC has separately identified the following potential pathway requiring consideration:

additional development → increased wastewater generation → additional pressure upon wastewater infrastructure → potential additional pollutant and bacterial loading → sensitive estuarine receiving waters → potential effects upon protected MCZ features and their recovery objectives.

Mersea Island and West Mersea WRC form part of the wider estuarine system in which native-oyster restoration is taking place.

Additional wastewater pressure therefore needs to be considered in the context of an environment in which significant scientific and conservation resources are being invested in native-oyster recovery.

The issue is not whether the ENORI conservation works and PP23 are equivalent activities.

Nor is WMTC asserting that EV32 proves that PP23 will harm native oysters or the MCZ.

The issue is one of **consistency and adequacy of assessment**.

If activities intended to monitor and assist the recovery of native oysters within this MCZ were considered through a specific MCZ Stage 1 assessment, WMTC considers that CCC should clearly explain how the potential effects arising from a major strategic allocation at West Mersea were screened and assessed against the conservation and recovery objectives of the same MCZ. [EV32; EV33]

Relationship with Regulation 19 LC4

The position is further reinforced by the Regulation 19 Plan itself.

Policy LC4 now recognises the MCZ and introduces MCZ screening and, where appropriate, further MCZ assessment for proposals where potential impact pathways exist, including consideration of cumulative effects.

WMTC welcomes this change.

However, the introduction of project-level MCZ screening for future development raises an important strategic question:

What consideration of the MCZ and its conservation and recovery objectives informed the decision to allocate approximately 300 dwellings at PP23 in the first place?

The requirement for future applicants to undertake assessment does not, by itself, demonstrate that the strategic allocation has already been adequately assessed at plan-making stage.

MMO Advice

This evidence also raises a question concerning the advice subsequently provided by the Marine Management Organisation to CCC. [EV25]

WMTC considers clarification is required as to:

1. whether the MMO and CCC were aware of the previous ENORI HRA and MCZ Stage 1 Assessment when considering the Local Plan and PP23;
2. if so, whether that assessment and the approach it demonstrates were taken into account;
3. how the potential wastewater pathway between PP23 and the MCZ was screened against the MCZ conservation and recovery objectives; and
4. why, if future proposals with potential pathways to the MCZ are now expected to undergo MCZ screening and potentially further assessment under LC4, an identifiable strategic consideration of that pathway is not apparent from the evidence supporting the allocation of PP23.

Evidence Required

WMTC therefore asks CCC to identify:

- where native-oyster evidence was considered in the assessment of PP23;
- where ENORI and the relevant restoration and recovery objectives were considered;
- what evidence was used concerning the existing environmental condition of the receiving environment;
- whether the previous ENORI HRA and MCZ Stage 1 Assessment was known to or considered by CCC;
- how the additional wastewater burden associated with PP23 was assessed against the conservation and recovery objectives of the protected marine environment; and
- where the cumulative effect of PP23 together with existing and committed development was assessed in relation to that pathway.

Conclusion

The substantive evidence is straightforward.

EV32 demonstrates that activities associated with native-oyster restoration within the local MCZ were subject to a specific **HRA and MCZ Stage 1 Assessment**.

EV33 demonstrates that Colchester City Council itself subsequently worked with the University of Essex and ENORI on oyster-related coastal-resilience research.

LC4 now expressly recognises the need for MCZ screening and further assessment where potential impact pathways exist.

Against that background, WMTC considers it reasonable to require a clear explanation of **what strategic consideration, screening or assessment of the MCZ was undertaken in relation to PP23**, particularly concerning cumulative development, wastewater pathways and the conservation and recovery objectives of the MCZ.

The issue is not whether PP23 has already been shown to damage native-oyster populations.

The question is whether CCC has produced sufficient evidence to demonstrate that the potential additional wastewater and pollutant pressures associated with the allocation have been adequately assessed against the conservation and recovery objectives of the protected marine environment.

If no such strategic assessment was undertaken, CCC should explain why it was considered unnecessary notwithstanding the previous local use of MCZ Stage 1 assessment, CCC's familiarity with ENORI and the MCZ, and the stronger MCZ assessment provisions which now appear in the Regulation 19 Plan.

Principal supporting evidence: EV25; EV32; EV33; CCC-WCS; CCC-HRA; Regulation 19 LC4; PP23.

Cross-reference: EN1; EN3; LC4; NZ3; PP23; Sustainability Appraisal; Main Environmental / MCZ evidence concerning Natural England, MMO, wastewater and cumulative effects.

WMTC considers this restoration context relevant to the Local Plan.

Mersea Island and West Mersea WRC form part of the wider estuarine system in which this restoration is taking place. Additional wastewater pressure therefore needs to be considered in the context of an environment in which significant scientific and conservation resources are being invested in native oyster recovery.

The issue is not whether PP23 has been shown to damage oyster populations.

The question is whether CCC has produced sufficient evidence to demonstrate that the additional wastewater and pollutant pressures associated with the allocation will not hinder the recovery and conservation objectives of the protected marine environment.

WMTC therefore asks CCC to identify:

- where native-oyster evidence was considered;
- where ENORI and restoration objectives were considered;
- what evidence was used concerning existing environmental condition; and
- how the additional wastewater burden from PP23 was assessed against recovery of the protected marine environment.

i) Chemical and pollutant pressures

WMTC also considers that environmental assessment should not be limited to conventional measures of sewage-treatment capacity.

Wastewater can contain a range of contaminants, including nutrients, bacterial contaminants and chemical substances of potential environmental significance.

WMTC is not asking CCC to assume that PP23 will necessarily cause harm from any particular chemical contaminant.

Rather, where the receiving environment contains protected marine features undergoing recovery, CCC should demonstrate that relevant pollutant pathways have been properly considered.

WMTC therefore asks CCC to identify what consideration was given to pollutant loading and receiving-water quality, rather than simply wastewater volume and treatment headroom.

j) HRA does not answer every environmental question

WMTC recognises that the HRA and Water Cycle Study provide important parts of the evidence base.

However, the existence of an HRA does not, by itself, answer every question concerning the MCZ, receiving waters and cumulative wastewater effects.

The MCZ is subject to a separate statutory marine conservation regime.

WMTC therefore considers that CCC should clearly identify:

- what MCZ-specific evidence was considered;
- how the MCZ conservation objectives were considered;
- how the wastewater pathway was assessed;
- how cumulative development was considered; and
- how this evidence informed the decision to retain PP23.

WMTC welcomes the fact that Policy LC4 now expressly requires MCZ screening where a potential pathway of impact exists and requires cumulative effects to be considered.

However, a policy requirement for future development proposals does not itself demonstrate that the strategic allocation has been adequately justified.

k) What has changed since Regulation 18?

This is an important question for the Regulation 19 stage.

During Regulation 18, WMTC and others identified concerns concerning:

- the MCZ;
- wastewater capacity;
- cumulative wastewater effects;
- receiving-water quality;
- shellfish waters;
- native oyster recovery; and

- the relationship between PP23 and the wider environmental designations surrounding Mersea Island.

CCC has now progressed to Regulation 19.

WMTC therefore asks:

What new evidence has been obtained or produced since Regulation 18 which resolves the environmental concerns raised at that stage?

In particular:

1. Where is the evidence demonstrating that approximately 300 dwellings at PP23 will not hinder achievement of the MCZ conservation objectives?
2. Where and how have sanitary-survey, water-quality, shellfish, native-oyster and restoration evidence been considered?
3. Where has the cumulative effect of PP23 together with earlier Dawes Lane and Brierley Paddocks development been assessed?
4. What evidence demonstrates that wastewater infrastructure required to serve PP23 is funded, deliverable and available at the required time?
5. What evidence did CCC obtain following Natural England and other statutory-consultee engagement concerning wastewater treatment, pollutant loading and designated sites, and where is that evidence contained in the Regulation 19 evidence base?
6. Where is the post-2024 evidence demonstrating whether the wastewater infrastructure improvements have addressed the environmental risks previously identified?
7. Where is the evidence concerning actual receiving-water conditions following those improvements?
8. How has CCC distinguished between WRC treatment capacity and the wider environmental capacity of the receiving estuarine system? **[EV01; EV30-R; EV31; CCC-WCS; CCC-HRA]**

1) What West Mersea Town Council considers necessary

WMTC considers that the environmental evidence supporting PP23 should demonstrate, before the allocation is relied upon, that:

- wastewater infrastructure can accommodate the proposed growth;
- the infrastructure is funded and deliverable;
- the wider foul sewer and storm-overflow system has been considered;
- cumulative development has been assessed;
- actual receiving-water evidence has been considered;
- shellfish and bathing-water implications have been considered;
- native-oyster restoration and recovery have been considered;
- the MCZ conservation objectives have been considered;
- the MCZ pathway identified in Policy LC4 has been properly addressed; and
- appropriate safeguards can be delivered before additional dwellings are occupied.

WMTC does not consider that these matters can be satisfactorily resolved solely by relying upon future requirements for individual developers to undertake assessments.

There needs to be sufficient evidence at Local Plan stage to demonstrate that the strategic scale and location of development proposed at PP23 are environmentally justified.

m) West Mersea Town Council environmental position

WMTC therefore maintains its concern regarding the allocation of approximately 300 dwellings at PP23.

The concern is not based upon an assertion that every additional dwelling will necessarily cause environmental harm.

It is based upon the absence, to date, of a sufficiently transparent and comprehensive evidential chain demonstrating that the cumulative environmental consequences of the allocation have been properly understood and addressed.

WMTC considers that the Submission Draft should not rely upon a distinction between plan-level and project-level assessment to avoid answering the strategic environmental question.

The Local Plan is making the decision to accommodate approximately 300 additional dwellings at PP23.

It must therefore provide sufficient evidence to demonstrate that this scale of development can be accommodated without unacceptable consequences for the wastewater system, receiving waters, shellfish environment and protected marine environment.

WMTC asks CCC to provide clear, document-specific answers to the questions above and to identify precisely where the supporting evidence can be found in the Regulation 19 evidence base.

n) Overall West Mersea Town Council position and requests

Taking the representation as a whole, WMTC considers that PP23 has not yet been demonstrated to be a sound, effective and deliverable allocation.

WMTC therefore asks that the following matters are addressed before PP23 is relied upon as part of the Submission Draft Local Plan:

9. Demonstrate that the scale of PP23 is justified by the capacity of West Mersea and the island's infrastructure.
10. Provide clear evidence of infrastructure capacity and delivery, including funding, responsibility and timescale.
11. Demonstrate that healthcare and other essential community services will be available when required, without prejudicing existing residents.
12. Provide a robust assessment of transport and access, including the effects of PP23 on The Strood, the B1025, congestion and public transport.
13. Demonstrate how emergency access and island resilience have been considered, including periods of tidal isolation and flooding.
14. Ensure that occupation cannot occur ahead of essential infrastructure and service provision.
15. Demonstrate that the allocation has been informed by the specific constraints identified in Policy LC4, rather than leaving fundamental questions of capacity and deliverability to the planning-application stage.
16. Demonstrate that cumulative development has been properly considered, including the interaction between existing, committed and proposed development.

17. Provide a clear and reviewable environmental evidential chain, including the wastewater pathway, receiving-water evidence, MCZ considerations and cumulative effects.
18. Identify precisely where the evidence supporting the retention of PP23 can be found within the Regulation 19 evidence base.

Conclusion

WMTC recognises the need for appropriate housing provision and supports development that is properly planned, appropriately located and supported by the infrastructure and services required to make it sustainable.

However, West Mersea is not a conventional mainland settlement.

Its single tidal access route, constrained infrastructure, community-service pressures, emergency-access considerations and sensitive receiving environment create particular circumstances that must inform the strategic planning decision.

WMTC's objection is therefore not to the principle of housing development in West Mersea.

It is to the scale, cumulative implications and present lack of demonstrated deliverability of PP23.

WMTC considers that the evidence currently before the Council, does not yet provide a sufficiently clear basis for concluding that approximately 300 additional dwellings can be accommodated without placing unacceptable additional pressure upon infrastructure, transport, community services and the receiving environment.

WMTC therefore asks that PP23 should not be relied upon as a sound allocation unless the outstanding issues identified in this representation are satisfactorily demonstrated and secured.

Where the necessary evidence and delivery mechanisms cannot be demonstrated, WMTC considers that the allocation should be reconsidered as part of the examination of the Submission Draft Local Plan.

EN2: Biodiversity Net Gain

WMTC Comment: UNSOUND

Summary

See this section already covered at Regulation 18.

Natural England considers that Maydays Farm provides an excellent opportunity to create valuable habitat for wading birds and enhance habitat connectivity. The site is strategically located adjacent to the Colne Estuary SSSI. The land is entirely below 5m AOD and adjacent to the Pyefleet Channel, making it suitable for the creation of grazing marsh and associated freshwater habitats. It may also be suitable for the creation of intertidal habitats.

WMTC supports appropriate habitat creation and enhancement at Maydays Farm.

However, WMTC remains concerned that biodiversity or other environmental mitigation associated with development on Mersea Island should not simply be displaced elsewhere where this would fail to address the local ecological effects of development on Mersea itself.

Reason for Objection

Mersea Island is surrounded by a highly sensitive estuarine and coastal environment containing internationally, nationally and locally important habitats and designations. **[CCC-HRA; EV02; EV17; EV24; EV25]**

The proposed development under PP23: Land East of Dawes Lane therefore needs to demonstrate how biodiversity impacts will be avoided, mitigated and, where appropriate, compensated in a manner which maintains and enhances local habitat connectivity and ecological resilience. **[CCC-HRA; CCC-SA]**

National BNG arrangements allow off-site biodiversity gains. However, the biodiversity metric incentivises off-site gains closer to the development so that communities local to development benefit from biodiversity enhancement. **[GOV – Statutory Biodiversity Metric / BNG guidance]**

WMTC therefore considers that the existence of potential habitat creation at Maydays Farm should not, by itself, be treated as demonstrating that the biodiversity consequences of development on Mersea Island have been adequately addressed.

Where environmental mitigation is required specifically because of development on Mersea Island, priority should be given, where practicable and appropriate, to measures which address the ecological effects of that development and strengthen the relevant local ecological network.

This is particularly important given the cumulative scale of existing, committed and proposed development on Mersea Island and the sensitive coastal and estuarine environment surrounding it. **[CCC-WCS; CCC-HRA; CCC-SA]**

The detailed evidence concerning the MCZ, designated sites, wastewater, native oysters and cumulative environmental effects is contained in WMTC's Main Environmental / MCZ Summary Document. **[EV01; EV02; EV12–EV14; EV17; EV18; EV21–EV31; CCC-WCS; CCC-HRA]**

Conclusion

WMTC recognises the ecological opportunities presented by Maydays Farm. However, habitat creation there should not be relied upon as a substitute for addressing the biodiversity and ecological effects arising from development on Mersea Island itself.

WMTC considers EN2 unsound in its relationship with PP23 unless it is demonstrated how the biodiversity consequences of the proposed development will be addressed in accordance with the biodiversity gain hierarchy and how appropriate local habitat connectivity and ecological resilience will be maintained and enhanced.

Principal supporting evidence: Natural England Maydays Farm evidence; CCC-HRA; CCC-SA; CCC-WCS; EV01; EV02; EV12–EV14; EV17; EV18; EV21–EV31; statutory BNG guidance.

Cross-reference: EN1; EN3; LC4; PP23; Sustainability Appraisal; Main Environmental / MCZ Summary Document.

EN3: Biodiversity and Geodiversity

WMTC Comment: UNSOUND

Summary

See this section already covered at Regulation 18 and the Main Environmental / MCZ Document.

Policy EN3 requires development to protect biodiversity and geodiversity and provides for appropriate ecological assessment, avoidance, mitigation and compensation.

On Mersea Island, the sensitive estuarine habitats, salt-marshes, mudflats and intertidal areas are already subject to environmental pressures. WMTC's Regulation 18 representations identified particular concerns regarding cumulative development, additional wastewater loading from West Mersea WRC and the potential consequences for the surrounding designated marine and estuarine environment. [EV12; EV13; EV14; EV20; CCC-WCS]

Additional housing, without adequate cumulative assessment and mitigation, risks increasing wastewater loading and associated nutrient, pollutant and bacterial pressures upon receiving coastal and estuarine waters. Anglian Water has separately identified foul-network capacity constraints and pollution risk in relation to further development [EV01]. These pressures require assessment in relation to protected habitats and species, including native oyster beds and the wider MCZ environment. [EV12; EV13; EV24; EV25]

These issues are directly relevant to whether the objectives of EN3 can be achieved in relation to PP23: Land East of Dawes Lane. [CCC-WCS; CCC-HRA]

Reason for Objection

The Regulation 19 version of EN3 requires appropriate ecological assessment and mitigation and seeks to ensure that biodiversity impacts are properly understood before development is determined.

WMTC welcomes these safeguards.

However, the existence of protective development-management policy does not, by itself, demonstrate that the environmental consequences of allocating approximately 300 dwellings at PP23 have been adequately assessed at the plan-making stage.

WMTC would submit that the relevant potential pathway requiring consideration is:

additional development → increased wastewater loading → increased pressure on wastewater infrastructure → potential additional pollutant and bacterial loading → effects upon receiving coastal and estuarine waters → potential effects upon protected habitats, species and ecological recovery.

The existence of a wastewater pathway between development at West Mersea, West Mersea WRC and the receiving Blackwater environment is identified within the CCC's own Water Cycle Study. [CCC-WCS] Anglian Water's evidence concerning foul-network capacity constraints and pollution risk is also relevant to that pathway. [EV01]

WMTC would submit that this pathway should be considered cumulatively with existing and committed development on Mersea Island. [CCC-WCS; CCC-HRA]

WMTC believes that particular consideration should be given to:

- sensitive estuarine and intertidal habitats;
- salt-marshes and mudflats;
- the Essex Estuaries SAC and other designated sites;
- the Blackwater, Crouch, Roach and Colne Estuaries MCZ;
- native oysters and native oyster beds;
- shellfish waters;
- wading birds and other species dependent upon the estuarine environment; and
- the cumulative consequences of additional wastewater and pollutant loading.

[EV12; EV13; EV14; EV24; EV25; CCC-WCS; CCC-HRA]

Native Oyster Habitats and Restoration

Native oysters and native oyster beds are protected features of the Blackwater, Crouch, Roach and Colne Estuaries MCZ, where the applicable conservation objectives include their recovery.

The Essex Native Oyster Restoration Initiative (ENORI) is actively working towards self-sustaining populations of native oysters and the recovery of associated native oyster-bed habitat.

The environmental baseline should therefore not be considered simply in terms of avoiding immediate loss of existing habitat. WMTC considers that consideration should also be given to whether additional environmental pressures could impede the recovery and restoration of protected MCZ features.

This is relevant because the evidence already identifies water-quality and shellfish-water sensitivities within the receiving environment. [EV12; EV13; EV14; EV24; EV25; EV32; EV33]

Additional housing, without full assessment and mitigation, risks increasing wastewater loading and associated nutrient, pollutant and bacterial pressures upon receiving waters. Those potential pressures require assessment in relation to native oyster beds and the conservation and restoration objectives of the MCZ. [EV01; EV12; EV13; CCC-WCS]

WMTC therefore considers that the cumulative effects of existing, committed and proposed development should be assessed against both the need to avoid deterioration or additional harm and the objective of recovering native oysters and native oyster-bed habitat.

Further evidence concerning native oysters, ENORI, shellfish waters, wastewater and the MCZ is contained in WMTC's Main Environmental / MCZ Summary Document.

Existing Water-Quality Uncertainty

The environmental baseline is also relevant to the application of EN3.

Published monitoring and investigation evidence identifies continuing water-quality pressures affecting the West Mersea receiving environment and shellfish/bathing waters. [EV12; EV13; EV14; EV18; EV24; EV25; EV28]

More recent Anglian Water evidence is particularly relevant. Anglian Water states that the exceptionally elevated bacterial result recorded in September 2025 remains without a confirmed source and that its investigation identified no West Mersea WRC storm-overflow discharge or reported pollution incident during the preceding 72 hours. Anglian Water also states that works at West Mersea WRC are unlikely to have a tangible impact upon bathing-water quality. [EV30-R]

This evidence does not establish that West Mersea WRC caused the September 2025 bacterial event. Rather, it demonstrates continuing uncertainty concerning the source of significant bacterial contamination within the receiving environment.

WMTC considers that this existing and incompletely attributed contamination should form part of the environmental baseline against which the cumulative effects of additional development are assessed. [EV18; EV29-R; EV30-R]

Relationship with PP23

The principal soundness question is whether CCC has demonstrated, through the evidence supporting PP23, that the additional development can be accommodated without causing unacceptable direct, indirect or cumulative effects upon biodiversity and the designated marine and estuarine environment.

This is distinct from requiring a future planning applicant to undertake ecological surveys or provide mitigation.

The allocation itself should be supported by sufficient evidence to demonstrate that the proposed scale of development is environmentally deliverable.

This question is particularly relevant in light of:

- Anglian Water's evidence concerning foul-network capacity constraints and pollution risk [EV01];
- historic and continuing investigation of bathing-water and shellfish-water quality [EV12; EV13; EV14; EV24; EV25];

- CCC's Water Cycle Study and HRA [CCC-WCS; CCC-HRA];
- concerns and correspondence concerning consideration of the MCZ during preparation of the Plan [EV15; EV16; EV21; EV22; EV23; EV27];
- MMO advice received by CCC concerning the MCZ [EV02]; and
- recent evidence of significant bacterial contamination whose source remains unconfirmed, and which Anglian Water states the WRC works are unlikely to materially improve [EV18; EV30-R].

The detailed evidence concerning West Mersea WRC, the Water Cycle Study, Natural England's advice, the HRA, MCZ, shellfish waters, native oysters, ENORI and cumulative development is contained in WMTC's Main Environmental / MCZ Summary Document.

Conclusion

Without robust assessment of the cumulative and indirect effects arising from PP23, including additional wastewater and pollutant loading, WMTC considers that it has not been demonstrated that the requirements and objectives of EN3 can be achieved.

There is a particular need to consider whether additional environmental pressures could hinder the recovery of native oysters and native oyster beds within the MCZ and the wider ecological resilience of Mersea Island's estuarine environment.

The recent Anglian Water evidence adds to this concern because significant bacterial contamination remains incompletely attributed and Anglian Water states that the works at West Mersea WRC are unlikely to have a tangible impact upon bathing-water quality. [EV30-R]

WMTC therefore considers EN3 unsound in its relationship with PP23 unless sufficient evidence demonstrates that the proposed development can be accommodated without unacceptable effects upon biodiversity, protected habitats and species, or the recovery objectives of the designated marine environment.

Principal supporting evidence: EV01; EV02; EV12; EV13; EV14; EV15; EV16; EV18; EV20; EV21–EV25; EV27–EV30-R; CCC-WCS; CCC-HRA.

Cross-reference: WMTC Main Environmental / MCZ Summary Document and accompanying Evidence Schedule.

EN4: Irreplaceable Habitats

Regulation 18 Comment: UNSOUND – because missing

Regulation 19 Position

WMTC's Regulation 18 concern was that adequate provision for irreplaceable habitats was missing.

The Regulation 19 Submission Draft now includes Policy EN4: Irreplaceable Habitats. [CCC-R19 – EN4]

The policy provides that proposals resulting in the loss of irreplaceable habitats will not be permitted unless there are wholly exceptional reasons. It also requires detailed survey information where adverse impacts are predicted and requires an appropriate compensation strategy where the exceptional circumstances test is satisfied. **[CCC-R19 – EN4]**

The Regulation 19 policy therefore substantially addresses WMTC's original Regulation 18 concern that provision for irreplaceable habitats was missing.

Conclusion

Original Regulation 18 concern: addressed.

WMTC acknowledges that Policy EN4 has now been included in the Submission Draft Plan and therefore does not propose to carry forward the original objection simply on the basis that protection for irreplaceable habitats is missing.

This demonstrates that WMTC has reviewed the changes made following Regulation 18 and is bringing forward only those objections which remain unresolved or inadequately addressed.

5. Green Network and Waterways

GN1: Open Space and Green Network and Waterways

WMTC Comment: UNSOUND

Summary

WMTC considers GN1 unsound because the Plan does not adequately recognise and identify the important contribution made by the West Mersea harbour, surrounding waters and coastal environment to Mersea Island's green network and waterways. **[CCC-R19 – GN1; CCC GREEN/BLUE INFRASTRUCTURE MAPPING]**

The definition of open space is wide-ranging and includes open space of public value. Green and blue infrastructure also encompasses waterways and other natural features capable of providing environmental, recreational, health and wellbeing benefits. **[NPPF 2026; PPG – Natural Environment/Green Infrastructure]**

The harbour and surrounding coastal waters of Mersea Island are extensively used and appreciated for recreation, sailing, boating, walking, wildlife observation and visual amenity. At the same time, much of the surrounding estuarine environment is subject to some of the highest levels of environmental protection. **[MCZ/DESIGNATED-SITES EVIDENCE; CCC-HRA]**

WMTC considers that this important green-and-blue network should be appropriately recognised within the Plan and its supporting mapping.

Reason for Objection

Policy GN1 seeks to establish a coherent and multifunctional green network and waterways system. The submitted Plan recognises that Colchester's green network and waterways should provide connections for people and wildlife and that Colchester's distinctive character includes its countryside and coast. **[CCC-R19 – GN1]**

For Mersea Island, the relationship between the settlement, harbour, coast and surrounding estuarine waters is fundamental to that network.

The West Mersea harbour area and surrounding waters provide important opportunities for:

- recreation and water-based activities;
- access to and appreciation of the coast;
- visual amenity;
- health and wellbeing;
- wildlife and biodiversity;
- ecological connectivity; and
- connection between the terrestrial and marine environments.

These functions are particularly significant on Mersea Island because the surrounding waters and coastal habitats are also subject to extensive nature conservation designations, including the SSSI, SPA, Ramsar, Essex Estuaries SAC and Marine Conservation Zone. **[CCC-HRA; MCZ/DESIGNATED-SITES EVIDENCE]**

WMTC therefore considers that the harbour and surrounding coastal waters should be appropriately identified and recognised within the Plan's green network and waterways framework.

This does not mean that environmentally sensitive marine areas should be treated simply as recreational open space. Their recreational and visual value must be recognised alongside, and subject to, the requirements arising from their nature conservation designations. **[CCC-HRA; MCZ/DESIGNATED-SITES EVIDENCE]**

Relationship with PP23

This issue is also relevant to PP23: Land East of Dawes Lane.

Approximately 300 additional dwellings would increase the population using Mersea Island's existing green, coastal and recreational resources. The Plan should therefore properly identify the existing green-and-blue network upon which the new population would depend and consider the potential for increased recreational pressure upon sensitive coastal and estuarine areas.

This should be considered alongside the Plan's provisions for new open space, SANG and mitigation of recreational effects upon designated sites.

Conclusion

WMTC considers GN1 unsound because the Plan does not adequately recognise and identify the West Mersea harbour, surrounding waters and coastal environment as an important component of Mersea Island's green network and waterways.

The harbour and surrounding waters have substantial recreational, visual, ecological and health and wellbeing value while also forming part of a highly protected estuarine environment. **[PPG – Green Infrastructure; CCC-HRA; MCZ/DESIGNATED-SITES EVIDENCE]**

WMTC considers that these areas should be appropriately recognised within the Plan and supporting mapping, with their recreational and visual functions considered alongside the need to protect their sensitive nature conservation interests.

Principal supporting evidence: Regulation 19 Policy GN1 and associated mapping; CCC-HRA; CCC-SA; MCZ/designated-sites evidence; NPPF 2026; Planning Practice Guidance – Natural Environment/Green Infrastructure.

Cross-reference: **EN1; EN2; EN3; LC4; PP23; Main Environmental / MCZ Summary Document.**

6. Landscape and Coast

LC1: Landscape

WMTC Comment: UNSOUND

Summary

See this section already covered at Regulation 18 and the Main Environmental / MCZ Summary Document.

WMTC's Regulation 18 representation raised concerns regarding the landscape and coastal consequences of further development on Mersea Island. **[WMTC-R18]**

The development proposed under PP23: Land East of Dawes Lane falls within the Coastal Protection Belt and comprises productive farmland. **[CCC-R19 – PP23; CCC-LCA]**

The Landscape Character Assessment identifies the sensitivity of the relevant landscape and states on pages 262 and 279:

“New development within the area should be avoided.” **[CCC-LCA, pp.262 & 279]**

WMTC considers that the allocation of approximately 300 dwellings at PP23 requires clear justification against this landscape evidence and the requirements of LC1. **[CCC-R19 – LC1; CCC-R19 – PP23; CCC-LCA]**

Reason for Objection

Policy LC1 seeks to protect and enhance landscape character, settlement-edge character, rural openness, sense of place and the coast.

Importantly, the Regulation 19 version of LC1 now specifically requires development to:

“assess and mitigate cumulative and indirect effects on landscape character”

including effects on the water and coastal environment where relevant. **[CCC-R19 – LC1]**

WMTC welcomes this strengthened wording.

However, the existence of stronger development-management policy does not, by itself, demonstrate that the landscape and coastal consequences of allocating PP23 have been adequately assessed and justified at the plan-making stage.

Coastal and Estuarine Context

Mersea Island has an unusually sensitive landscape, coastal and estuarine setting. **[CCC-LCA; CCC-HRA; CCC-R19]**

The surrounding environment includes:

- the Coastal Protection Belt (CPB);
- Site of Special Scientific Interest (SSSI);
- Special Protection Area (SPA);
- National Nature Reserve (NNR);
- Ramsar Site;
- Essex Estuaries Special Area of Conservation (SAC);
- Marine Conservation Zone (MCZ); and National Character Area 81 – Greater Thames Estuary.

[CCC-HRA; CCC-LCA; MCZ/DESIGNATED-SITES EVIDENCE]

These landscape and environmental constraints need to be considered together when assessing further settlement expansion and its cumulative effects. **[CCC-LCA; CCC-HRA; CCC-R19]**

Additional sewerage and wastewater arising from development can also create indirect effects upon watercourses, estuaries and coastal waters. The potential consequences for the water and coastal environment are therefore relevant to LC1's express requirement to assess cumulative and indirect effects. **[EV01; EV12–EV14; EV18; EV29-R; EV30-R; EV31; CCC-WCS; CCC-HRA]**

The detailed evidence concerning wastewater, designated sites, the MCZ and cumulative environmental effects is contained in WMTC's Main Environmental / MCZ Summary Document.

PP23: Land East of Dawes Lane

The development proposed under PP23 falls within the Coastal Protection Belt and comprises productive farmland. **[CCC-R19 – PP23; CCC-LCA]**

The Landscape Character Assessment identifies the sensitivity of the landscape and advises that:

“New development within the area should be avoided.” **[CCC-LCA, pp.262 & 279]**

The allocation of approximately 300 dwellings therefore requires clear evidence demonstrating why development of this scale is justified notwithstanding the identified landscape sensitivity and how it can satisfy the requirements of LC1.

This is particularly important because LC1 requires development to safeguard rural openness, sense of place and settlement-edge character and to take account of the sensitivity of the particular landscape to accommodate change. **[CCC-R19 – LC1]**

Relevant Appeal Decision

The importance of the wider landscape and coastal context of Mersea Island is demonstrated by appeal decision APP/A1530/W/21/3285769 – Land at 102 East Road, West Mersea. **[PINS – APP/A1530/W/21/3285769]**

The Inspector identified the appeal site as lying within the Mersea Island Coastal Farmland Landscape Character Area and noted that conserving and enhancing the landscape setting of West Mersea was a landscape strategy objective. Pressure from expansion of the settlement edges was also identified as a key planning and land-management issue. **[PINS – APP/A1530/W/21/3285769]**

The Inspector additionally considered the site's wider context within National Character Area 81 – Greater Thames Estuary and the Coastal Protection Belt. **[PINS – APP/A1530/W/21/3285769]**

Significantly, although the appeal site was not immediately adjacent to the coast, the Inspector found that it remained within the Coastal Protection Belt and concluded that the detrimental landscape effect conflicted with policies protecting the character of the coast. **[PINS – APP/A1530/W/21/3285769]**

WMTC considers this decision relevant because it demonstrates that assessment of development on Mersea Island should not be confined to sites immediately adjoining the shoreline. The wider coastal landscape, settlement edge, rural character and relationship between West Mersea and its surrounding countryside are also material considerations. **[PINS – APP/A1530/W/21/3285769]**

Conclusion

a) The Local Plan cannot be considered sound unless it adequately assesses and mitigates the cumulative and indirect effects of development upon Mersea Island's sensitive landscape and coastal environment, including relevant effects associated with additional sewerage and

wastewater, consistent with LC1, ST2 and EN3. **[CCC-R19 – LC1; CCC-WCS; CCC-HRA; EV01; EV29-R; EV30-R; EV31]**

b) The development proposed under PP23: Land East of Dawes Lane falls within the Coastal Protection Belt and comprises productive farmland. **[CCC-R19 – PP23; CCC-LCA]**

c) The Landscape Character Assessment identifies the sensitivity of the relevant landscape and states on pages 262 and 279 that “New development within the area should be avoided.” **[CCC-LCA, pp.262 & 279]**

d) Appeal decision APP/A1530/W/21/3285769 provides relevant local evidence concerning the sensitivity of West Mersea's settlement edge, Coastal Protection Belt and wider coastal landscape. **[PINS – APP/A1530/W/21/3285769]**

WMTC therefore considers LC1 unsound in its relationship with PP23 unless sufficient evidence demonstrates why approximately 300 dwellings are justified in this sensitive landscape and how the allocation is consistent with LC1 and CCC's own landscape evidence base.

See also WMTC's Main Environmental / MCZ Summary Document for the detailed evidence concerning wastewater, designated sites, cumulative effects and the marine and coastal environment.

Principal supporting evidence: CCC Landscape Character Assessment 2024, particularly pp.262 and 279; Regulation 19 Policies LC1 and PP23; CCC-HRA; CCC-WCS; appeal decision APP/A1530/W/21/3285769; EV01; EV12–EV14; EV18; EV29-R; EV30-R; EV31.

Cross-reference: ST2; EN1; EN3; LC3; LC4; PP23; Sustainability Appraisal; Main Environmental / MCZ Summary Document.

LC3: Coastal Areas

WMTC Comment: UNSOUND

Summary

See this section already covered at Regulation 18. **[WMTC-R18]**

WMTC considers Policy LC3 insufficiently clear because the Plan does not include an appropriate map or plan identifying the existing and permitted houseboat area at Coast Road, West Mersea, despite the policy making specific provision for houseboats in this location.

The submitted LC3 expressly refers to Coast Road, West Mersea and distinguishes between proposals for new permanent residential houseboat moorings, historical vacant sites, existing houseboats and replacement or altered houseboats. **[CCC-R19 – LC3; WMTC HOUSEBOAT PLAN]**

WMTC considers that the geographical context of these provisions should be clearly illustrated within the supporting justification.

Reason for Objection

Policy LC3 specifically provides that proposals for new moorings for permanent residential houseboats will not be permitted in coastal areas, including Coast Road, West Mersea, because of their landscape and environmental impact on designated habitats sites. **[CCC-R19 – LC3]**

The policy nevertheless recognises circumstances involving historical vacant sites and contains separate provisions concerning infrastructure for existing houseboats and replacement or altered houseboats. **[CCC-R19 – LC3]**

This makes it important that the Plan clearly identifies the existing and permitted Coast Road houseboat area.

Without an appropriate plan or illustration, there is potential uncertainty as to the geographical extent and context of the houseboat area referred to by the policy. **[CCC-R19 – LC3; WMTC HOUSEBOAT PLAN]**

The Coast Road houseboats form a distinctive and established element of West Mersea's maritime character and sit within an environmentally sensitive coastal location containing saltmarsh, mudflats, oyster beds and other designated habitats. **[CCC-HRA; MCZ/DESIGNATED-SITES EVIDENCE]**

Clear mapping would therefore assist interpretation of LC3 by showing the relationship between:

- the existing and permitted houseboat area;
- Coast Road;
- the surrounding coastal and intertidal environment;
- existing and historical moorings; and
- the environmentally sensitive areas which LC3 seeks to protect.

[CCC-R19 – LC3; WMTC HOUSEBOAT PLAN; CCC-HRA]

Requested Amendment

WMTC requests that the existing and permitted houseboat area at Coast Road, West Mersea, is clearly identified by an appropriate map or plan within the justification/supporting material for Policy LC3.

The plan supplied by WMTC should be included, or an equivalent CCC-prepared plan provided, to identify clearly the area referred to by the houseboat provisions of LC3.

The purpose is not to create or extend rights for additional houseboat moorings, but to provide clarity regarding the established geographical context to which the policy applies.

Conclusion

WMTC considers LC3 unsound because it is insufficiently clear in its treatment of the Coast Road houseboat area.

The policy specifically regulates houseboats at Coast Road but does not adequately illustrate the existing and permitted area to which these provisions relate. [CCC-R19 – LC3]

The inclusion of the supplied plan, or an equivalent definitive CCC plan, within the justification/supporting material would provide the necessary clarity and make the policy easier to interpret and apply consistently.



Area shown in red the area of existing and permitted houseboats on Coast Road West Mersea referred to in the Policy LC3.

Principal supporting evidence: Regulation 19 Policy LC3 and supporting material; WMTC Regulation 18 representation; WMTC Coast Road houseboat plan; relevant CCC coastal/designated-site mapping.

Cross-reference: LC1; LC4; Main Environmental / MCZ Summary Document.

LC4: Islands

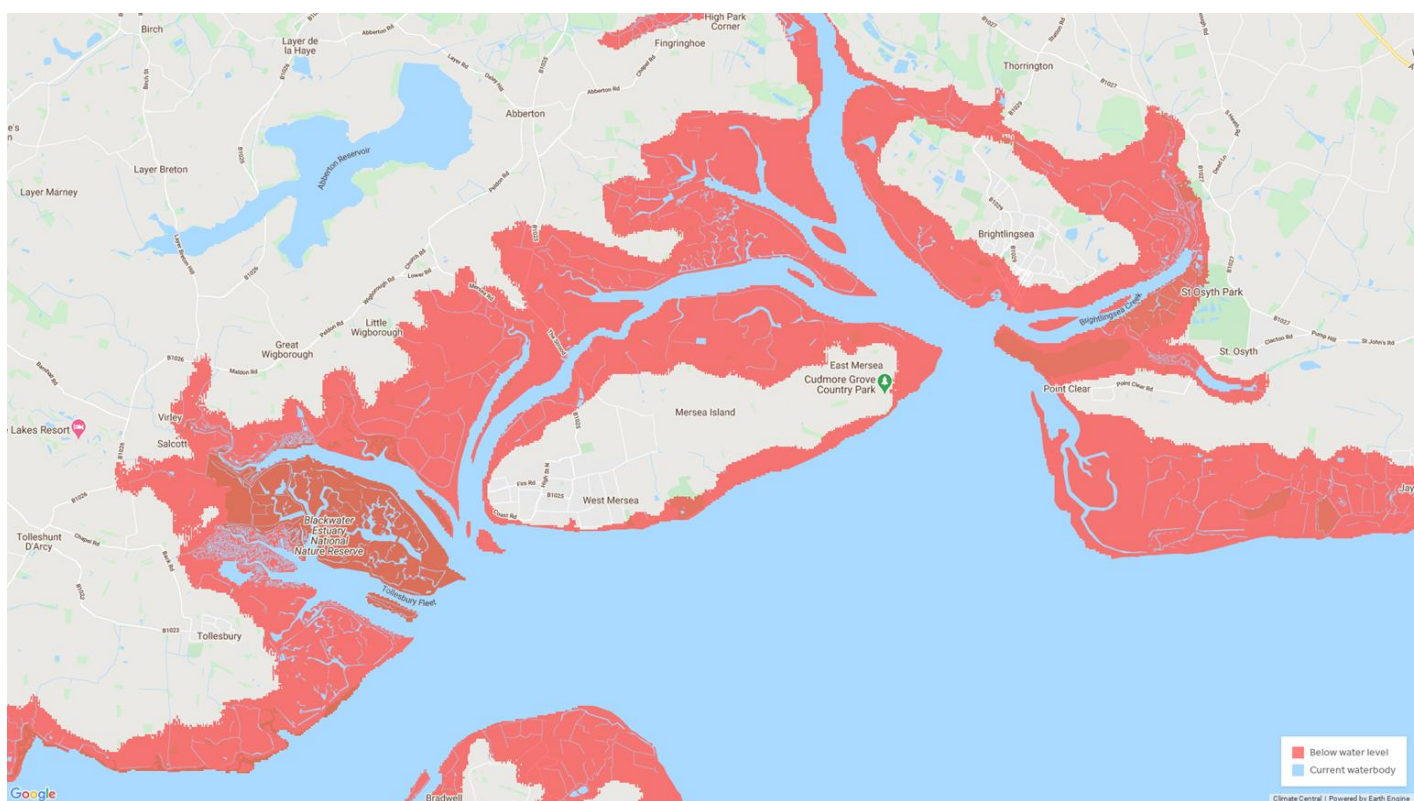
WMTC Comment: UNSOUND

Summary

The policy acknowledges that the Island has one road on and off the Island which can be cut off by high tides. However, the demonstration of safe and suitable access has yet to show how this could actually be achieved. [CCC-R19 – LC4; CCC-R19 – PP23]

An Essex County Council (ECC) / CCC Emergency Evacuation Plan has yet to be seen.

Red area below indicates areas flooded to the 5m Ordnance Datum Level this would be equivalent to about 7.2 m surge high tide (1953 Flood Tide Height 6.9 m) which overtops the seawalls, Lidar maps later showing the slump of seawalls



Source: Climate Change Centre

(Whilst there is mention in LC4 b) & c

b) Proposals must demonstrate that safe and suitable access can be achieved and maintained having regard to the island's tidal access constraints, including the potential for isolation during high tides. Proposals should set out appropriate emergency access arrangements and consider the implications for residents, emergency services and service delivery.

c) Proposals must demonstrate how they respond to the island's heightened vulnerability to flood risk and climate change, including safe evacuation where appropriate, and residual risk associated with tidal flooding, in accordance with Policy EN8. [CCC-R19 – LC4]

However also under Justification in:

6.23 it states, “The policy requires proposals to demonstrate how they respond to the specific constraints of an island location, including tidal access, flood risk” and

6.24 Mersea Island has restricted access due to its single tidal road, The Strood. The island includes the parishes of West Mersea and East Mersea.” [CCC-R19 – LC4, paras 6.23–6.24]

It is not understood how a new development can comply with these requirements/ statements when all the Islands existing dwellings must surely have the same requirement.

Also preamble to PP23 for West Mersea 12.64 West Mersea “the island has one road in and out which at times is cut off by high tides which is a concern in relation to the potential increase in wildfires and the impact of climate change on rising sea levels. This vulnerability is noted on the policies map.” [CCC-R19 – PP23, para 12.64]

Therefore, this should come under the ECC / CCC Emergency Evacuation Plan?

However, where and what is this evacuation plan that would comply with this requirement?

National Planning Policy Framework

The current National Planning Policy Framework reinforces this concern.

Policy **F7: Ensuring development is safe from flooding** provides that where development is proposed in a location known to be at risk from any form of flooding, now or in the future, development should be refused unless, among other requirements:

- the development will be safe throughout its lifetime, taking account of the vulnerability of its users;
- any residual risk can be safely managed; and
- safe access and escape routes are included where appropriate as part of an agreed emergency plan.

[NPPF 2026 – F7]

Also, the December 2025 NPPF Para. 18. Managing flood risk and coastal change

F7: Ensuring development is safe from flooding

a) Where development is proposed in a location known to be at risk from any form of flooding, now or in the future, it should be refused unless:

- b) The development will be safe throughout its lifetime taking account of the vulnerability of its users;
- c) Any residual risk can be safely managed, and safe access and escape routes are included where appropriate, as part of an agreed emergency plan;

Para. 18 Annexe F table 2: Flood risk vulnerability classification Essential Infrastructure requires:

“Essential transport infrastructure (including mass evacuation routes) which has to cross the area of at risk”

“Essential utility infrastructure which has to be located in a flood risk area for operational reasons, including infrastructure for electricity supply including generation, storage and distribution systems; and water treatment works that need to remain operational in times of flood”

Essex County Council (ECC) / CCC Emergency Evacuation Plan has yet to be seen.

LC4: Islands

WMTC Comments: Unsound

Summary

The policy acknowledges that the Island has one road on and off the Island which can cut off by high tides. However, the demonstration of safe and suitable access has yet to be shown how this could actually be achieved. Essex County Council (ECC) / CCC Emergency Evacuation Plan has yet to be seen.

LC4 itself now expressly recognises these issues.

LC4(b) states:

“Proposals must demonstrate that safe and suitable access can be achieved and maintained having regard to the island's tidal access constraints, including the potential for isolation during high tides. Proposals should set out appropriate emergency access arrangements and consider the implications for residents, emergency services and service delivery.”

LC4(c) states:

“Proposals must demonstrate how they respond to the island's heightened vulnerability to flood risk and climate change, including safe evacuation where appropriate, and residual risk associated with tidal flooding, in accordance with Policy EN8.”

[CCC-R19 – LC4]

The supporting justification reinforces this position.

Paragraph 6.23 states:

“The policy requires proposals to demonstrate how they respond to the specific constraints of an island location, including tidal access, flood risk”

and paragraph 6.24 states:

“Mersea Island has restricted access due to its single tidal road, The Strood. The island includes the parishes of West Mersea and East Mersea.”

[CCC-R19 – LC4, paras 6.23–6.24]

The preamble to PP23 also expressly acknowledges the issue. Paragraph 12.64 states that:

“the island has one road in and out which at times is cut off by high tides which is a concern in relation to the potential increase in wildfires and the impact of climate change on rising sea levels. This vulnerability is noted on the policies map.”

[CCC-R19 – PP23, para 12.64]

WMTC welcomes the fact that the Regulation 19 Plan now expressly recognises these constraints.

However, it is not understood how the proposed development can demonstrate compliance with these requirements when the existing population and approximately 300 additional dwellings would ultimately remain dependent upon the same single tidal road.

This raises the question of the ECC / CCC Emergency Evacuation Plan.

Where and what is the emergency evacuation plan, or equivalent emergency-planning evidence, upon which CCC relies in concluding that the requirements of LC4 can be met?

National Planning Policy Framework

The current National Planning Policy Framework reinforces the need to address this issue.

Policy F7: Ensuring development is safe from flooding provides that where development is proposed in a location known to be at risk from any form of flooding, now or in the future, development should be refused unless, among other requirements:

- the development will be safe throughout its lifetime, taking account of the vulnerability of its users;
- any residual risk can be safely managed; and
- safe access and escape routes are included where appropriate as part of an agreed emergency plan.

[NPPF 2026 – F7]

Annex F, Table 2 also identifies as **Essential Infrastructure**:

- essential transport infrastructure, including mass evacuation routes, which has to cross the area at risk; and
- essential utility infrastructure which has to be located in a flood-risk area for operational reasons, including infrastructure for electricity supply and water treatment works that need to remain operational in times of flood.

[NPPF 2026 – Annex F, Table 2]

Reason for Objection

WMTC's concern is not simply that The Strood is occasionally covered by water. That constraint is already acknowledged by CCC in LC4 and PP23.

The issue is whether the evidence supporting the strategic allocation of approximately 300 additional dwellings at PP23 demonstrates that the consequences of that constraint can be safely managed.

The access constraint occurs on the strategic route connecting the Island to the mainland. It cannot therefore necessarily be resolved simply by providing suitable access within the development site itself.

The evidence supporting PP23 should therefore demonstrate:

- the safe access and escape arrangements relied upon for PP23;
- the conditions under which The Strood would become unavailable or unsafe;
- the implications of future sea-level rise and climate change;
- the implications of a major incident occurring while The Strood is impassable;
- arrangements for emergency-service access during periods of isolation;
- whether evacuation of residents would ever be required and, if so, how it would be achieved;
- whether an ECC / CCC emergency or evacuation plan exists which addresses these circumstances;
- how approximately 300 additional dwellings have been incorporated into any such emergency planning; and
- how the requirements of LC4 and NPPF F7 have been demonstrated at the plan-making stage rather than being deferred entirely to a future planning application.

[CCC-R19 – LC4; CCC-R19 – PP23; NPPF 2026 – F7; FLOOD/LiDAR EVIDENCE]

Conclusion

WMTC considers LC4 **unsound in its relationship with PP23** unless there is sufficient evidence demonstrating how safe and suitable access, emergency access, safe evacuation and residual tidal-flood risk can realistically be managed for the proposed development.

The Regulation 19 Plan itself acknowledges the fundamental constraint: Mersea Island is dependent upon a single tidal road which can be cut off by high tides. LC4 consequently

requires proposals to address potential isolation, emergency access, climate change, residual flood risk and safe evacuation. [CCC-R19 – LC4; CCC-R19 – PP23]

WMTC therefore seeks identification of the evidence and emergency-planning arrangements upon which CCC relies in concluding that approximately 300 additional dwellings at PP23 can satisfy those requirements.

Principal supporting evidence: Regulation 19 Policy LC4 and paragraphs 6.23–6.24; PP23 and paragraph 12.64; flood/LiDAR evidence; NPPF 2026 F7 and Annex F.

Cross-reference: ST2; ST7a; EN8; PP23; Sustainability Appraisal.

7. Net Zero Homes

NZ3: Wastewater and Water Supply

WMTC Comment: UNSOUND

Summary

Before any further allocations of housing on Mersea Island, CCC must assess cumulative wastewater impacts, provide clear evidence of WRC capacity, and ensure mitigation measures are in place to protect sensitive coastal and estuarine habitats. [EV01; EV12; EV13; EV31; CCC-WCS; CCC-HRA]

See this section **ALREADY COVERED IN Regulation 18** as well.

Policy NZ3 requires that new development has **adequate wastewater treatment and water supply infrastructure** in place before occupation, and that development does not compromise environmental quality or designated sites. [CCC-R19 – NZ3]

Key issues for CCC

1. Wastewater Capacity

WMTC considers that the Local Plan does not provide sufficient evidence that the wastewater system can accommodate the additional load from proposed development, including existing allocations (approximately 280 homes) and new allocations (approximately 600 homes in total), without unacceptable infrastructure or environmental effects. [EV01; EV20; EV31; CCC-WCS]

The 2024 operational change increased Flow to Full Treatment (FFT). Subsequent evidence obtained from Ofwat clarifies that these works were undertaken to deliver a U_IMP5 environmental driver requiring an increase in FFT at wastewater treatment works identified through PR19 as having a low permitted FFT/DWF ratio. Anglian Water reported the West Mersea U_IMP5 scheme cost to Ofwat as £1.731 million. [EV31]

Ofwat states that West Mersea WRC had no exceedances of its DWF or FFT permit conditions during the period examined and that there were no strong indications of capacity constraints at the WRC itself. WMTC acknowledges that evidence. However, Ofwat's response does not state that the 2024 works were undertaken to provide additional capacity for future housing development. [EV31]

Ofwat further confirms that the 2024 U_IMP5 works are separate from the AMP8 (2025–2030) scheme intended to deliver further storm-overflow reductions at West Mersea WRC. [EV31]

Anglian Water has subsequently confirmed that the relevant WRC works are unlikely to have a tangible impact on bathing-water quality. [EV30-R]

WMTC therefore considers that an important distinction remains between WRC treatment headroom, foul-network capacity, storm-overflow performance and the environmental capacity of the receiving waters. [EV01; EV30-R; EV31; CCC-WCS; CCC-HRA]

2. Environmental Impacts

Additional wastewater and effluent have potential implications for the Essex Estuaries SAC and Blackwater, Crouch, Roach and Colne Estuaries MCZ and their protected features and conservation objectives. [EV12; EV13; EV14; EV24; EV25; CCC-HRA]

Increased nutrient, bacterial and chemical loading could undermine biodiversity objectives (EN3), affect landscape and coastal interests (LC1/LC3), and hinder the objectives of ST2/ST3. [EV12; EV13; EV14; EV24; EV25]

The environmental issue cannot therefore be determined solely by whether the WRC possesses theoretical treatment headroom. The potential effects of wastewater upon the receiving estuarine environment also require consideration. [EV30-R; EV31; CCC-WCS; CCC-HRA]

3. Cumulative Impacts

NZ3 requires infrastructure planning to consider cumulative impacts. A full assessment must include existing, committed and proposed dwellings to ensure that the wastewater system and water supply can support growth without unacceptable environmental harm. [EV01; EV20; EV31; CCC-WCS; CCC-HRA]

This is particularly important because the proposed development does not occur against a zero-development baseline. Existing and committed development, together with PP23 and other proposed growth, contributes cumulatively to population, wastewater generation and infrastructure demand.

4. Recommendation

Before further allocations, CCC must assess cumulative wastewater impacts, provide clear evidence of WRC and foul-network capacity, and ensure mitigation measures are in place to

protect sensitive coastal and estuarine habitats. [EV01; EV30-R; EV31; CCC-WCS; CCC-HRA]

Economic Impacts of Pollution on Mersea

Policy EN1 provides protection for nature-conservation designated sites and requires consideration of adverse effects upon protected habitats and sites. [CCC-R19 – EN1]

The current national planning policy also requires planning policies and decisions to address unacceptable pollution, including cumulative effects. [NPPF 2026 – pollution/public protection provisions]

Oyster Industry

Native oyster beds are protected features of the MCZ and are sensitive to changes in environmental and water-quality conditions. [EV12; EV13; EV24; EV25; MCZ EVIDENCE]

Pollution from WRC effluent or storm-overflow events could degrade water quality, hinder oyster recovery and potentially affect the livelihoods associated with the local oyster industry. [EV12; EV13; EV14; EV24; EV25]

WMTC considers that these potential economic consequences should be considered alongside the ecological consequences because the oyster industry depends directly upon the quality of the surrounding estuarine environment.

Tourism and Recreation

Elevated bacterial and chemical levels in estuaries and bathing waters can reduce recreational value. [EV06; EV18; EV29-R]

A deterioration in water quality could consequently affect tourism, water sports and hospitality businesses dependent upon Mersea Island's coastal environment.

Cumulative and Event-Based Pollution

Storm-overflow events and cumulative wastewater arising from existing, committed and proposed development require assessment as part of the overall environmental baseline. [EV11; EV19; EV27; EV28; CCC-WCS]

Unmanaged or inadequately mitigated wastewater pressures could threaten the long-term sustainability of aquaculture and coastal tourism as well as the protected environment upon which those activities depend.

Policy Implications

WMTC considers that Local Plan policies including **LC1, LC3, EN3, ST2/ST7 and NZ3** should take account of the potential economic as well as ecological consequences of additional pollution.

Colchester City Council Response – 8 September 2026

A response was received from Shelley Blackaby, Principal Planning Policy Officer (Environment), Colchester City Council, dated 8 September 2026, following a request by WMTC through the Town Clerk, Kirsty Wadsworth, for clarification concerning the MCZ and cumulative effects of wastewater treatment. **[EV32 – CCC correspondence, 08/09/2026]**

CCC stated that the MCZ, wastewater infrastructure, cumulative effects and deliverability of the proposed allocation had been considered through the Local Plan evidence base, including the HRA and Water Cycle Study.

CCC also acknowledged that the Blackwater, Crouch, Roach and Colne Estuaries MCZ is subject to a separate statutory regime from the Habitats Regulations and stated that wording in its Officer Summary would be reviewed to ensure that distinction was accurately reflected. **[EV32]**

CCC stated that neither Natural England nor its HRA consultants had advised that a stand-alone strategic MCZ assessment was required and that advice received from the MMO had not identified a specific deficiency in CCC's evidence base or indicated that a stand-alone MCZ assessment was necessary. **[EV32]**

Importantly, however, CCC concluded:

“Alongside the consultation we will be actively engaging with Natural England and the Marine Management Organisation to seek their views specifically on the Dawes Lane allocation and whether further action is required to demonstrate no impact on the Marine Conservation Zone objectives. We will seek to ensure this issue is specifically addressed as part of a statement of common ground with Natural England.”

[EV32]

WMTC considers this significant because it confirms that, as at 8 September 2026, CCC intended to undertake further engagement specifically concerning Dawes Lane, the MCZ objectives and whether further action was required.

WMTC therefore considers that the outcome of that engagement, including any resulting Statement of Common Ground and any further advice from Natural England or the MMO, is directly relevant to the examination of NZ3, PP23 and the adequacy of the environmental evidence supporting the allocation. **[EV02; EV04; EV15; EV16; EV25; EV26; EV32]**

Conclusion

WMTC considers NZ3 **unsound in its relationship with PP23** unless CCC can demonstrate, through a robust and up-to-date evidence base, that:

- sufficient wastewater treatment capacity exists;
- sufficient foul-network capacity exists;
- the increased FFT resulting from the 2024 U_IMP5 works has been correctly distinguished from capacity specifically created for future development;
- the separate AMP8 storm-overflow works and their timing have been properly understood;
- cumulative existing, committed and proposed development can be accommodated;
- the environmental capacity of the receiving estuarine waters has been adequately assessed;
- designated sites and MCZ conservation objectives will not be adversely affected; and
- the outcome of the further Natural England/MMO engagement identified by CCC on 8 September 2026 has been taken into account.

[EV01; EV02; EV04; EV12–EV16; EV18–EV20; EV24–EV26; EV29-R; EV30-R; EV31; EV32; CCC-WCS; CCC-HRA]

Principal supporting evidence: EV01; EV02; EV04; EV06; EV11–EV20; EV24–EV32; CCC-WCS; CCC-HRA.

Cross-reference: ST2; EN1; EN3; LC1; LC4; PP23; Sustainability Appraisal; Main Environmental / MCZ Summary Document.

8. HOMES

H2: Affordable Housing

WMTC Comment: UNSOUND

Summary

WMTC considers that the proposed scale of development at **PP23: Land East of Dawes Lane** should make specific provision for affordable housing which responds to the identified needs of the existing Mersea Island community. [CCC-R19 – H2; CCC-R19 – PP23; CCC-HOUSING EVIDENCE]

The draft submission for **PP23: Land East of Dawes Lane** makes no specific provision for affordable housing which responds to the identified needs of the existing Mersea Island community. [CCC-R19 – PP23]

In particular, WMTC considers that **almshouses or an equivalent form of community-led affordable housing for local people in housing need should form part of the affordable housing provision arising from significant new development on Mersea Island if approved.**

Reason for Objection

Policy H2 recognises that there is a clear and acute need for affordable housing and requires 30% affordable housing on qualifying developments, with social rented housing prioritised. [CCC-R19 – H2]

WMTC supports this objective.

However, the delivery of a substantial new development on Mersea Island should also respond directly to evidenced local housing needs within the Island community.

Almshouses can provide secure and genuinely affordable accommodation for eligible local residents and can help people with established local connections remain within their community.

WMTC therefore considers that developments of more than 20 dwellings on Mersea Island should consider provision for **almshouses or an equivalent community-led affordable housing model, where supported by evidence of local housing need.**

For a development of the scale proposed at PP23, this should be considered as part of the overall affordable housing provision rather than as an additional requirement outside the affordable housing contribution.

Local Connection

The purpose of this proposal is to ensure that a proportion of affordable housing generated by substantial development on Mersea Island responds directly to the needs of the existing local community.

Provision should therefore have regard to eligible households with an established local connection to Mersea Island and identified housing need, subject to the appropriate housing allocation, charitable and legal requirements applying to the particular form of accommodation.

Conclusion

WMTC considers H2 **unsound in its relationship with PP23** because it does not provide sufficient assurance that the affordable housing generated by major development on Mersea Island will specifically respond to evidenced local housing needs.

WMTC seeks provision within significant new developments, including PP23, for **almshouses or an equivalent community-led form of genuinely affordable housing for eligible local people in housing need, where supported by appropriate evidence.**

This provision should form part of the development's required affordable housing contribution and should be secured through an appropriate mechanism.

Principal supporting evidence: Regulation 19 Policy H2; PP23; CCC housing-needs/affordable-housing evidence; any WMTC/local housing-needs evidence.

9. ECONOMY

Policies E1, E2 and E3

WMTC Comment: UNSOUND

Summary

See this section already covered at Regulation 18 and the Main Environmental / MCZ Summary Document.

Mersea Island's economy is closely connected to the quality of its coastal and estuarine environment.

The oyster and shellfish industry, tourism, hospitality, sailing, water sports and other recreational activities all depend, directly or indirectly, upon maintaining a high-quality marine environment and Mersea's reputation as a distinctive coastal destination. **[EV17; EV23; EV24; MCZ/DESIGNATED-SITES EVIDENCE]**

WMTC considers that the potential economic consequences of additional development and wastewater pressures have not been given sufficient consideration.

In particular:

- i) The deterioration or loss of productive oyster beds, or deterioration in shellfish-water quality, could have serious consequences for Mersea Island and Colchester's economy, tourism, cultural heritage and maritime identity. **[EV17; EV23; EV24]**
- ii) Tourism and aquaculture should therefore be explicitly considered in planning and infrastructure decisions affecting Mersea Island, particularly where additional development could increase pressure upon wastewater infrastructure and receiving coastal waters. **[EV01; EV12–EV14; EV29-R; EV30-R; EV31; CCC-WCS]**

See also **CS5 – Tourism, Leisure, Arts and Culture (Oyster Impact Focus)**.

Reason for Objection

The economic importance of Mersea Island cannot be considered separately from the environmental quality of the estuary.

Mersea has a long-established association with oysters and shellfish. The oyster industry is not simply an environmental interest: it forms part of the Island's employment, tourism offer, cultural heritage, identity and reputation. **[EV17; EV23; EV24]**

Similarly, visitors are attracted to Mersea by its coast, harbour, beaches, sailing, seafood, wildlife and wider maritime environment.

Consequently, deterioration in coastal water quality has the potential to create both **environmental and economic effects**.

Oyster Industry

Native oyster beds within the **Blackwater, Crouch, Roach and Colne Estuaries MCZ** are protected features and are subject to recovery objectives. [MCZ CONSERVATION ADVICE; EV24]

The local commercial oyster and shellfish industry also depends upon suitable water quality. [EV17; EV23; EV24]

Additional wastewater loading and significant pollution events could potentially affect shellfish waters, harvesting conditions and the reputation of locally produced seafood. [EV12; EV13; EV17; EV23; EV24]

WMTC therefore considers that assessment of further development should consider not only ecological consequences but also potential effects upon:

- commercial oyster and shellfish production;
- employment and livelihoods associated with the industry;
- the reputation and marketability of Mersea oysters;
- restaurants and hospitality businesses associated with local seafood;
- the Island's maritime heritage; and
- tourism associated with Mersea's oyster identity.

Experience at Whitstable

“Sewage spills threaten to ‘wipe out’ Whitstable’s oyster farmers”

<https://www.thetimes.com/uk/environment/article/sewage-spills-threaten-to-wipe-out-whitstables-oyster-farmers-clean-it-up-rrh87tn2v>

The experience of **Whitstable in Kent** provides a relevant example of why wastewater pollution and shellfish-water quality should also be regarded as economic and cultural issues.

Whitstable, like Mersea, has a nationally recognised historic association with oysters.

The Environment Agency has previously recorded a pollution incident affecting coastal waters containing commercial shellfish beds and specifically described those shellfish beds as an integral part of Whitstable's economy and heritage. Local businesses expressed concern about the effect of pollution upon the reputation of the Whitstable oyster brand.

Subsequent pollution incidents have included untreated sewage entering coastal waters at Whitstable and significantly affecting water quality.

There have also been reported occasions when local oyster businesses have been unable to harvest or use local water following pollution events and have had to obtain oysters from elsewhere.

WMTC does not suggest that the circumstances at Whitstable are identical to those at Mersea Island. However, the experience provides a relevant example of the **type of economic, cultural and reputational consequences that deterioration in water quality can create in a coastal community whose identity and economy are closely associated with oysters and shellfish.**

For Mersea Island, this reinforces the need to assess wastewater infrastructure and environmental capacity before committing to substantial additional development.

Tourism and Recreation

Water quality is also important to the wider visitor economy.

Elevated bacterial or pollutant levels in estuaries, bathing waters and recreational waters can reduce their attractiveness and potentially affect: **[EV06; EV18; EV28; EV29-R]**

- swimming and bathing;
- sailing and boating;
- water sports;
- recreational fishing;
- wildlife tourism;
- restaurants and hospitality;
- visitor perceptions of Mersea Island; and
- the wider reputation of the Island as a coastal destination.

The potential consequences therefore extend beyond the oyster industry.

Cumulative and Event-Based Pollution

WMTC's concern includes both cumulative wastewater pressures arising from additional development and individual pollution or overflow events. **[EV11; EV19; EV27; EV28; CCC-WCS]**

The relevant potential economic pathway is:

additional development → increased wastewater loading → increased pressure on wastewater infrastructure → potential deterioration or pollution events in receiving waters → effects upon shellfish harvesting, recreation and visitor perceptions → potential consequences for local businesses, employment and Mersea's reputation.

This pathway should be considered alongside the environmental pathway described in WMTC's **Main Environmental / MCZ Summary Document.**

Relationship with PP23

The proposed allocation of approximately 300 dwellings at **PP23: Land East of Dawes Lane** should therefore be assessed not only in terms of housing delivery and infrastructure capacity but also in terms of the potential consequences for existing economic activities which depend upon the quality of Mersea's coastal environment. [CCC-R19 – PP23; CCC-WCS; EV01; EV30-R; EV31]

The economic benefits attributed to new development should be considered alongside potential risks to established industries and businesses, particularly aquaculture, tourism, recreation and hospitality.

Conclusion

WMTC considers Policies **E1, E2 and E3 unsound in their relationship with PP23** unless adequate consideration is given to the dependence of Mersea Island's economy upon its coastal and estuarine environment.

The deterioration or loss of productive oyster beds or shellfish-water quality could have serious economic, cultural and reputational consequences.

The experience at Whitstable provides an example that wastewater pollution in an oyster-producing coastal community can have consequences extending beyond ecological harm to businesses, tourism, heritage and the reputation of the local oyster industry.

WMTC therefore considers that **aquaculture, tourism and the economic value of clean coastal waters should be explicitly considered in infrastructure and development decisions affecting Mersea Island.**

See also **CS5 – Tourism, Leisure, Arts and Culture (Oyster Impact Focus)** and WMTC's **Main Environmental / MCZ Summary Document.**

<https://www.thetimes.com/uk/environment/article/sewage-spills-threaten-to-wipe-out-whitstable-oyster-farmers-clean-it-up-rrh87tn2v>

Principal supporting evidence: **EV01; EV06; EV11–EV14; EV17–EV19; EV23–EV24; EV27–EV31; CCC-WCS; MCZ conservation evidence; Whitstable/EA evidence.**

Cross-reference: **EN1; EN3; NZ3; LC1; PP23; CS5; Main Environmental / MCZ Summary Document.**

10. COMMUNITY AND SOCIAL INFRASTRUCTURE

CS2: Enhancement of and Provision for Community Facilities

WMTC Comment: UNSOUND

Summary

See this section already covered at Regulation 18.

WMTC considers that insufficient evidence has been provided to demonstrate how approximately 300 additional dwellings at **PP23: Land East of Dawes Lane** can be supported by existing health and community infrastructure on Mersea Island. [CCC-R19 – CS2; CCC-R19 – PP23]

Particular concerns remain regarding access to GPs and NHS dentistry, access to medical facilities off the Island, and the Island's unusual dependence upon locally based voluntary and retained emergency services when tidal conditions restrict access across the Strood.

The ageing population also creates an additional challenge both for demand upon health and community services and for recruitment of younger, active volunteers needed to maintain locally based emergency support.

Census data considered by WMTC shows that the proportion of the population aged over 60 increased from approximately **39.9% to 44.2% between 2011 and 2021**, with the 2021 data showing approximately **18% aged over 75**. [ONS/CENSUS 2011 & 2021]

Reason for Objection

Policy CS2 requires development, where necessary, to provide or contribute towards community facilities to meet the needs of new and expanded communities and mitigate impacts upon existing communities. [CCC-R19 – CS2]

WMTC supports this principle.

However, to determine what mitigation and additional provision is required, there must first be adequate evidence of the capacity of existing facilities and services and the additional demand arising from proposed development.

WMTC considers that this has not been adequately demonstrated for Mersea Island.

a) Health and Medical Provision

WMTC raised at Regulation 18 that there was insufficient data concerning the medical situation on Mersea Island. [WMTC-R18]

The concerns included:

- West Mersea Surgery's patient list having been closed since July 2024;
- no adequate assessment of existing patient numbers and GP capacity;
- no clear GP-to-patient ratio demonstrating existing and future capacity;
- uncertainty as to how residents of approximately 300 additional dwellings would register with a GP if local capacity remained constrained;
- potential displacement of demand onto GP practices off the Island;
- lack of available NHS dental capacity; and

- the practical difficulties of accessing alternative medical facilities off Mersea Island.

The issue is therefore not simply the physical capacity of the existing surgery building.

The Plan needs to demonstrate that **healthcare services themselves can accommodate the additional population.**

Potential extension or improvement of premises does not, by itself, demonstrate that sufficient GPs, dentists and other healthcare professionals will be available to serve the additional population.

Access to Off-Island Healthcare

Where healthcare needs cannot be met on Mersea Island, residents must travel to facilities elsewhere.

This presents particular difficulties because Mersea Island has a single road connection to the mainland via **the Strood**, which can become impassable during high tides. [CCC-R19 – LC4; CCC-R19 – PP23]

Public transport is also limited. [TRANSPORT/BUS EVIDENCE – REF TO BE ASSIGNED; see ST7a]

The assessment of healthcare provision should therefore consider not only whether services theoretically exist elsewhere but whether those services are **realistically and reliably accessible** to the population that would be created by further development.

This is particularly important for elderly residents, people without access to a private car and residents requiring regular medical treatment.

b) Voluntary and Retained Emergency Services

Mersea Island has an unusual dependency upon locally based voluntary and retained emergency services.

These include:

- retained/on-call firefighters;
- the RNLI lifeboat station and its volunteer launching and boat crews;
- the Coastguard rescue team; and
- Community First Responders.

Because Mersea Island can temporarily become isolated from mainland support when the Strood is affected by tidal flooding, these locally based services provide an important element of community resilience. [CCC-R19 – LC4; CCC-R19 – PP23]

Their continued operation depends upon having sufficient numbers of appropriately trained, active personnel or volunteers able to respond when required.

WMTc's Regulation 18 evidence identified particular concern regarding the retained fire service, with approximately seven personnel and nearly 300 call-outs reported for 2025.

This level of reliance upon locally based emergency provision needs to be considered when assessing the infrastructure consequences of substantial additional development.

Ageing Population and Volunteer Recruitment

WMTc's Regulation 18 evidence also identified a significant demographic issue.

Census information considered by WMTc showed that the proportion of the population aged over 60 increased from approximately **39.9% to 44.2% between 2011 and 2021**, with approximately **18% of the population aged over 75 in 2021**. [ONS/CENSUS 2011 & 2021]

An ageing population potentially increases demand for health and emergency services while simultaneously reducing the proportion of younger, economically active residents from whom locally based emergency volunteers may be recruited.

For an island community dependent upon retained and voluntary emergency provision, this is an infrastructure and community-resilience issue which should be considered alongside conventional assessments of buildings and facilities.

Relationship with PP23

Approximately 300 additional dwellings at PP23 would create additional demand upon:

- GP and primary healthcare provision;
- NHS dentistry;
- ambulance and emergency healthcare;
- retained fire and rescue provision;
- lifeboat and Coastguard resources;
- Community First Responders; and
- other community facilities and services.

[CCC-R19 – PP23; HEALTH/EMERGENCY-SERVICE EVIDENCE]

CS2 permits developer contributions towards facilities where necessary. However, financial contributions alone do not necessarily resolve **service-capacity and staffing constraints**, particularly where services depend upon healthcare professionals or locally based volunteers.

The evidence supporting PP23 should therefore demonstrate what additional demand will arise, what existing capacity is available, what mitigation is required and whether that mitigation is realistically deliverable.

Conclusion

WMTc considers CS2 **unsound in its relationship with PP23** because insufficient evidence has been provided to demonstrate that Mersea Island's health, community and emergency-

support infrastructure can accommodate the additional population arising from approximately 300 dwellings.

Particular concerns remain regarding GP and NHS dental capacity, access to off-Island healthcare, tidal isolation and the Island's dependence upon locally based retained and voluntary emergency services.

The Island's ageing population adds to these concerns by potentially increasing demand for health and emergency services while creating additional challenges for recruitment of younger active volunteers.

Before PP23 is considered sound, WMTC considers that clear evidence is required demonstrating:

- existing healthcare and community-service capacity;
- additional demand arising from PP23;
- GP and NHS dental capacity;
- accessibility of alternative off-Island healthcare;
- emergency-service implications of additional population;
- the resilience of retained and voluntary emergency provision;
- the implications of the Island's demographic profile;
- the mitigation required; and
- how and when that mitigation will actually be delivered.

Principal supporting evidence: Regulation 19 Policy CS2; PP23; LC4; WMTC Regulation 18 representation; ONS Census 2011 and 2021 evidence; healthcare/ICB evidence; fire and emergency-service evidence; transport evidence.

Cross-reference: LC4; ST7; ST7a; PP23.

CS3: Education Provision

WMTC Comment: UNSOUND

Summary

See this section already covered at Regulation 18.

WMTC considers that insufficient evidence has been provided to demonstrate how the educational needs arising from approximately 300 additional dwellings at **PP23: Land East of Dawes Lane** can be sustainably accommodated, particularly at secondary-school level. [CCC-R19 – CS3; CCC-R19 – PP23]

Mersea Island has no secondary school. WMTC's Regulation 18 representation identified that over 400 secondary-age students are already transported off the Island to secondary schools. [WMTC-R18; ECC SCHOOL-TRANSPORT EVIDENCE – REF TO BE ASSIGNED]

This dependence upon off-Island education creates particular transport and accessibility issues because all journeys must cross the Strood, the Island's single tidal road connection. **[CCC-R19 – LC4; CCC-R19 – PP23]**

During high spring tides, the return journey can be disrupted, creating the potential for schoolchildren to be unable to cross the Strood and return home until tidal conditions permit.

<https://www.firstbus.co.uk/essex/plan-journey/journey-planner/mersea-island-tide-tables>

Reason for Objection

Policy CS3 seeks to safeguard and provide appropriate education facilities. It also requires new or enhanced community facilities to demonstrate safe and inclusive access by active and sustainable modes of travel. **[CCC-R19 – CS3]**

For Mersea Island, however, secondary education is inherently dependent upon travel off the Island.

WMTC considers that the educational consequences of further substantial residential development therefore need to be assessed not only in terms of the number of available school places but also in terms of how pupils can safely, reliably and affordably access those places.

Existing Secondary-School Travel

WMTC's Regulation 18 evidence identified that more than 400 secondary-age pupils are already transported from Mersea Island to secondary schools on the mainland. **[WMTC-R18; ECC SCHOOL-TRANSPORT EVIDENCE]**

The principal secondary-school destinations include Thomas Lord Audley School and Thurstable School at Tiptree, with some pupils attending other schools requiring more complex public-transport journeys. **[ECC/SCHOOL-TRANSPORT EVIDENCE]**

Essex County Council has historically recognised the particular transport implications for secondary-age pupils living on Mersea Island, including the need for home-to-school transport to mainland secondary schools. **[ECC SCHOOL-TRANSPORT EVIDENCE]**

The Strood and Tidal Access

Every secondary-school journey from Mersea Island must cross the Strood.

<https://www.firstbus.co.uk/essex/plan-journey/journey-planner/mersea-island-tide-tables>

The Strood is the Island's only road connection to the mainland and can become impassable during high tides. **[CCC-R19 – LC4; CCC-R19 – PP23]**

This creates a particular problem for school transport because high spring tides can coincide with afternoon school-return times.

Where this occurs, pupils travelling home may be delayed on the mainland side of the Strood until it becomes safe and passable. **[STROOD/TIDAL EVIDENCE]**

The issue is therefore not simply journey distance. It concerns the **reliability and resilience of access to education from a tidal island**.

Approximately 300 additional dwellings at PP23 would potentially generate additional secondary-school pupils dependent upon the same constrained route. **[CCC-R19 – PP23]**

Cost and Practicality of School Transport

WMTC is also concerned about differences in the availability and cost of transport to secondary schools.

Where school transport is not provided free of charge, parents may face additional transport costs. **[ECC HOME-TO-SCHOOL TRANSPORT POLICY]**

For pupils attending other schools, including schools requiring changes between public bus services, journeys can involve considerable additional travel time at the beginning and end of the school day

<https://www.firstbus.co.uk/essex/plan-journey/journey-planner/mersea-island-tide-tables>

These factors should be considered when assessing whether educational provision is genuinely accessible to residents of new development on Mersea Island.

Relationship with PP23

The assessment supporting PP23 should therefore identify:

- the number of additional primary and secondary pupils likely to arise from approximately 300 dwellings;
- existing and projected capacity at the relevant schools;
- where additional secondary pupils would be expected to attend;
- the additional school-bus requirement;
- whether sufficient transport capacity is available;
- the cost and funding arrangements for additional school transport;
- journey times;
- the implications of tidal closure of the Strood;
- arrangements for pupils where the Strood is temporarily impassable; and
- whether the resulting education journeys are consistent with the Plan's sustainable-transport objectives.

[CCC-R19 – CS3; CCC-R19 – PP23; ECC EDUCATION/TRANSPORT EVIDENCE]

This should be considered alongside **ST7a: Sustainable Transport and Connectivity** and **LC4: Islands**.

Conclusion

WMTC considers CS3 **unsound in its relationship with PP23** because it has not been adequately demonstrated how the additional secondary-school demand generated by approximately 300 dwellings can be accommodated in a safe, accessible and sustainable manner.

Mersea Island has no secondary school and existing secondary pupils are already dependent upon transport across the tidal Strood to mainland schools.

Further evidence is required demonstrating school capacity, additional pupil numbers, school-transport requirements, costs, journey times and arrangements for occasions when high tides prevent pupils returning to the Island.

The educational consequences of PP23 should therefore be assessed as both an **education-capacity and transport-accessibility issue**.

Principal supporting evidence: Regulation 19 Policy CS3; PP23; LC4; WMTC Regulation 18 representation; ECC education and home-to-school transport evidence; Strood/tidal evidence.

Cross-reference: ST7a; LC4; PP23.

CS5: Tourism, Leisure, Arts, Culture and Heritage

WMTC Comment: UNSOUND

Summary

See this section already covered at Regulation 18 and the Main Environmental / MCZ Summary Document.

Mersea Island's tourism, leisure, culture and heritage are intrinsically connected to its coastal and estuarine environment.

The oyster and shellfish industry, harbour, commercial and leisure boating, beaches, sailing, water sports, seafood, restaurants and maritime heritage all contribute to the distinctive character and visitor economy of Mersea Island.

WMTC considers that the potential consequences of additional development and wastewater pressures upon these assets have not been adequately addressed in relation to **PP23: Land East of Dawes Lane. [EV01; EV12–EV14; EV17; EV23; EV24; EV29-R; EV30-R; EV31; CCC-WCS]**

In particular, deterioration in oyster beds, shellfish waters or wider coastal water quality could have significant consequences for Mersea's tourism economy, cultural heritage, recreation and maritime identity. **[EV17; EV23; EV24]**

Oyster Industry as an Economic and Cultural Resource

Native oyster fishing and cultivation have a long-established cultural and economic importance within the Essex estuaries. [EV17; EV24]

Native oysters and native oyster beds are protected features of the **Blackwater, Crouch, Roach and Colne Estuaries MCZ** and are subject to active recovery through the Essex Native Oyster Restoration Initiative (ENORI). [MCZ CONSERVATION ADVICE; ENORI EVIDENCE]

The oyster industry should therefore be considered not simply as a commercial activity or biodiversity interest but also as part of Mersea Island's:

- cultural and maritime heritage;
- tourism identity;
- local employment;
- seafood and hospitality economy;
- visitor experience; and
- distinctive sense of place.

Additional wastewater loading, without adequate cumulative assessment and mitigation, risks increasing nutrient, pollutant, chemical and bacterial pressures upon receiving coastal and estuarine waters. [EV01; EV12–EV14; EV23; EV29-R; EV30-R; CCC-WCS]

These pressures require assessment in relation to native oyster beds, commercial shellfish waters and the recovery objectives of the MCZ. [EV17; EV23; EV24; MCZ CONSERVATION ADVICE]

Any deterioration affecting oyster harvesting, oyster recovery or the reputation of Mersea oysters could consequently have effects extending beyond biodiversity to tourism, heritage and the local economy.

Native Oyster Restoration

ENORI is actively working towards self-sustaining populations of native oysters and recovery of associated oyster-bed habitat within the MCZ.

<https://repository.essex.ac.uk/23921/3/A1.2%20Essex%20Native%20Oyster%20Restoration%20Initiative%20Habitat%20Regulation%20Assessment%20for%20Conservation%20Management%20Plan.pdf>

This is particularly relevant because the environmental baseline should not simply be considered in terms of avoiding immediate loss of existing habitat.

Development should also be considered in the context of whether additional environmental pressures could impede the recovery of a protected feature which is already subject to active restoration.

The cultural importance of the native oyster is itself recognised by ENORI, alongside the objective of achieving sustainable fisheries.

<https://repository.essex.ac.uk/23921/3/A1.2%20Essex%20Native%20Oyster%20Restoration%20Initiative%20Habitat%20Regulation%20Assessment%20for%20Conservation%20Management%20Plan.pdf>

Tourism and Recreational Impacts

Mersea Island's tourism economy depends heavily upon the quality and reputation of its coastal environment.

Deterioration in estuarine or coastal water quality could potentially affect:

- bathing and recreational waters;
- beaches;
- sailing and boating;
- water sports;
- wildlife and nature-based tourism;
- recreational fishing;
- seafood experiences;
- restaurants and hospitality businesses;
- oyster-related events and heritage activities; and
- visitors' perceptions of Mersea Island as a coastal destination.

[EV06; EV18; EV28; EV29-R]

Pollution incidents, bacterial spikes or visible deterioration of the coastal environment therefore have the potential to create tourism and reputational consequences as well as environmental effects. **[EV18; EV28; EV29-R]**

Harbour and Boating

The West Mersea harbour area is particularly important to the Island's economy, recreation and maritime identity.

Protection of the harbour and surrounding waters for both commercial and leisure boating is therefore important to CS5.

The harbour should be considered as part of the interconnected tourism, leisure and cultural infrastructure of Mersea Island, alongside its environmental importance and protected coastal habitats. **[CCC-R19 – CS5; MCZ/DESIGNATED-SITES EVIDENCE]**

Cumulative Effects

WMTC's concern relates to the cumulative effects of existing, committed and proposed development on Mersea Island rather than PP23 being considered in isolation. **[EV01; CCC-WCS; CCC-HRA]**

The relevant potential pathway is:

additional development → increased wastewater loading → increased pressure upon wastewater infrastructure → potential additional pollutant and bacterial loading → effects upon coastal and estuarine water quality → potential effects upon oysters, shellfish harvesting, recreation and visitor perceptions → consequences for tourism, heritage and the local economy.

[EV01; EV12–EV14; EV18; EV23; EV29-R; EV30-R; EV31; CCC-WCS]

Storm-overflow and other significant pollution events may create additional event-based pressures alongside cumulative wastewater loading. **[EV11; EV19; EV27; EV28]**

The detailed evidence concerning West Mersea WRC, shellfish waters, the MCZ, native oysters, ENORI and cumulative development is contained in WMTC's **Main Environmental / MCZ Summary Document**.

Relevant Experience at Whitstable

The experience of Whitstable provides a useful comparison because it demonstrates the relationship between wastewater pollution, oysters, tourism and cultural heritage in another historic oyster-producing coastal community.

Environment Agency evidence concerning a sewage pollution incident at Whitstable recorded restrictions on bathing and potential restrictions upon locally harvested shellfish immediately before the Whitstable Oyster Festival.

The Environment Agency specifically described the commercial shellfish beds as an integral part of Whitstable's economy and heritage and recorded concerns from local businesses about damage to the reputation of the Whitstable oyster brand.

More recent pollution incidents at Whitstable have also significantly affected coastal water quality.

WMTC does not suggest that the circumstances at Whitstable and Mersea Island are identical.

However, Whitstable provides a relevant example of how wastewater pollution in an oyster-producing coastal community can have consequences extending beyond ecological damage to tourism, recreation, cultural heritage, commercial shellfish production and the reputation of the destination itself.

This reinforces the importance of protecting Mersea Island's coastal water quality when considering substantial additional development.

<https://www.thetimes.com/uk/environment/article/sewage-spills-threaten-to-wipe-out-whitstables-oyster-farmers-clean-it-up-rrh87tn2v>

Relationship with PP23

Approximately 300 additional dwellings at PP23 would increase wastewater generation and place additional population pressure upon Mersea Island's existing coastal and recreational resources. [CCC-R19 – PP23; EV01; CCC-WCS]

Before the allocation is considered environmentally and economically deliverable, WMTC considers that there should be adequate evidence demonstrating that the cumulative effects of development can be accommodated without unacceptable consequences for:

- oyster and shellfish waters;
- native oyster recovery;
- bathing and recreational waters;
- the harbour and boating;
- tourism and hospitality;
- Mersea's maritime and oyster heritage; and
- the Island's reputation as a coastal visitor destination.

Required Measures

WMTC considers that the evidence supporting PP23 should include:

1. Full cumulative assessment of wastewater and relevant storm-overflow impacts associated with existing, committed and proposed development. [EV01; EV11; EV19; EV27; CCC-WCS]
2. Identification and timely delivery of any necessary WRC and sewer-network infrastructure improvements. [EV01; EV30-R; EV31; CCC-WCS]
3. Appropriate mitigation to prevent unacceptable deterioration of oyster beds, estuarine habitats, shellfish waters and recreational water quality. [EV12–EV14; EV17; EV23; EV24]
4. Assessment of the potential consequences for tourism, recreation, aquaculture, maritime heritage and the harbour economy.

Conclusion

WMTC considers CS5 **unsound in its relationship with PP23** unless adequate consideration is given to the dependence of Mersea Island's tourism, leisure, cultural heritage and maritime economy upon the quality of its coastal and estuarine environment.

Native oysters and oyster cultivation are an important part of Mersea's heritage and identity as well as its economy. The harbour and surrounding waters similarly support commercial and leisure boating, recreation and tourism.

The experience at Whitstable demonstrates the potential for wastewater pollution in an oyster-producing coastal community to have environmental, economic, cultural and reputational consequences.

<https://www.thetimes.com/uk/environment/article/sewage-spills-threaten-to-wipe-out-whitstables-oyster-farmers-clean-it-up-rrh87tn2v>

WMTC therefore considers that PP23 should not be regarded as sound unless cumulative wastewater effects and necessary infrastructure and mitigation have been adequately demonstrated.

See also **Policies E1–E3** and WMTC's **Main Environmental / MCZ Summary Document**.

Principal supporting evidence: EV01; EV06; EV11–EV14; EV17–EV19; EV23–EV24; EV27–EV31; CCC-WCS; CCC-HRA; MCZ conservation advice; ENORI evidence; Whitstable/EA evidence.

Cross-reference: E1–E3; EN1; EN3; NZ3; LC4; PP23; **Main Environmental / MCZ Summary Document**.

11. PLACE AND CONNECTIVITY POLICIES

PC2: Active and Sustainable Travel

WMTC Comment: UNSOUND

Summary

WMTC considers that the transport evidence supporting **PP23: Land East of Dawes Lane** does not adequately address the particular transport constraints of Mersea Island. [CCC-R19 – PC2; CCC-R19 – PP23; CCC TRANSPORT EVIDENCE]

The fundamental constraint is the Island's dependence upon **the Strood as its single road connection to the mainland**. The Local Plan itself recognises that this route can be affected by high tides and that Mersea Island can consequently become temporarily isolated. [CCC-R19 – LC4; CCC-R19 – PP23]

This is not simply a conventional highway-capacity issue.

WMTC therefore considers that the transport evidence must address **network resilience, tidal isolation and realistic sustainable transport provision**, rather than principally assessing normal-day traffic conditions.

Colchester Local Plan Review: Further Transport Evidence – 28 October 2025

WMTC has reviewed the **Colchester Local Plan Review: Further Transport Evidence dated 28 October 2025**. [CCC TRANSPORT EVIDENCE – 28/10/25]

Paragraph 2.4 explains that the assessment uses the North Essex Model (NEMO) to understand the unmitigated transport impacts of housing and employment growth. [CCC TRANSPORT EVIDENCE – 28/10/25, para. 2.4]

WMTC's concern is that the conventional transport-modelling approach does not adequately represent the exceptional physical constraint affecting Mersea Island: **there is only one**

principal highway route onto and off the Island and that route can become temporarily impassable because of tidal conditions. [CCC-R19 – LC4; CCC-R19 – PP23;

Emergency-Service Access and Strood Resilience:

Figure 1(Strood Camera) 2026 :



FIGURE 2 (Fire engine congestion, Strood 2026)



For every tide expected to cover the Strood, Essex County Fire & Rescue Service deploys a fire appliance from the mainland to Mersea Island before the causeway becomes impassable, supplementing the Island's retained fire provision. This is an operational practice rather than a formal written agreement and is understood to apply when a tide of approximately **5.2m or above** is predicted.

The photographs above provide direct visual evidence of the practical constraint. Figure 1, taken from the Strood Cam, shows tidal flooding covering the B1025 causeway. Figure 2 shows a fire appliance on the Strood being impeded by traffic associated with the restricted crossing.

The photographs are not relied upon to establish the precise depth or duration of flooding. They demonstrate the practical issue identified by WMTC: **tidal flooding of the Island's single mainland road can coincide with congestion affecting emergency access.**

For PP23, the question is therefore straightforward: **has safe and reliable emergency access been demonstrated for approximately 300 additional dwellings when the Island's only road connection is affected by a covering tide?**

“The number of retained firefighters and call-outs – Fire Service evidence.”

Essex County Fire & Rescue Service does not publish the number of retained firefighters or annual call-outs for individual stations.

This demonstrates why PP23 must be assessed for emergency-access and network resilience during tidal restriction, including the effect of additional traffic from approximately 300 dwellings, rather than normal-day highway capacity alone.

[Cross-reference: LC4; PC2; ST7a; CS2; PP23]

Figure 2.2 – PP23 and the Wider Access Route

Figure 2.2 identifies PP23 at West Mersea. However, the area illustrated does not adequately represent the complete access route between the development and the mainland. **[CCC TRANSPORT EVIDENCE – 28/10/25, Fig. 2.2]**

Consequently, the fundamental constraint at the Strood is not sufficiently apparent from consideration of the site and its immediate highway network.

The relevant transport network for PP23 cannot stop at the edge of West Mersea.

For many journeys associated with employment, secondary education, healthcare, shopping and other services, the effective access route extends from PP23 through West Mersea and across the **B1025 Strood causeway to the mainland**. **[CCC-R19 – LC4; CS2; CS3]**

There is no alternative highway route when the Strood is impassable.

Tidal Closure of the Strood

The transport evidence should specifically assess the consequences of tidal closure or restriction of the B1025 at the Strood.

https://merseaweek.org/wp-content/uploads/2026/04/Tide-Table-2026.pdf?utm_source=chatgpt.com

Over 5m is usually a covering tide

Depending upon tidal conditions, the highway can be covered by seawater for periods ranging from relatively short interruptions to substantially longer periods.

Tidal effects are partly predictable through published tide information but can also be affected by weather and tidal surges, meaning actual water levels and the duration of disruption may differ from predicted astronomical tides.

When the Strood becomes impassable, the issue is not simply congestion or reduced highway capacity: **the road connection between Mersea Island and the mainland is temporarily severed.**

Traffic can also queue on the mainland approach while waiting for the route to become passable.

This has implications for:

- residents travelling to and from employment;
- buses and public transport;
- secondary-school transport;
- access to hospitals and other healthcare;
- emergency services;
- deliveries and servicing; and
- the general resilience of an increased Island population.

https://www.firstbus.co.uk/essex/plan-journey/journey-planner/mersea-island-tide-tables?utm_source=chatgpt.com

[CCC-R19 – LC4; CS2; CS3; ST7a]

Transport Modelling and Network Resilience

WMTC considers that the conclusions of the transport evidence should therefore distinguish between:

normal-day highway capacity; and

network resilience when the Island's only mainland road connection is restricted or unavailable.

A transport model demonstrating acceptable junction performance or journey times during conventional peak periods does not, by itself, demonstrate that approximately 300 additional dwellings at PP23 can be sustainably accommodated on an Island dependent upon a single tidal road.

The assessment should therefore consider the frequency, duration and consequences of tidal disruption and how the additional population would be managed during periods when the Strood is impassable.

This should also be considered alongside **LC4: Islands**, particularly its requirements concerning safe and suitable access, potential isolation, emergency access and flood risk. [CCC-R19 – LC4]

Alternative Access

If substantial additional development is considered sustainable despite the vulnerability of the only mainland highway connection, the evidence should explain what realistic alternative access or resilience arrangements are available when the Strood is impassable.

WMTC is not aware of any alternative highway connection.

If reliance is placed upon any alternative form of transport, including water-based transport, its feasibility, capacity, availability, funding and emergency role would need to be demonstrated.

Figure 4.2 – Proposed Bus Route

WMTC is also concerned by the apparent change to the bus route indicated in Figure 4.2, involving buses travelling via **Dawes Lane** to serve the proposed development. [CCC TRANSPORT EVIDENCE – 28/10/25, Fig. 4.2]

Dawes Lane is not considered by WMTC to be suitable for regular bus operation.

The road is constrained in width in places and the junction with East Road is tight.

No data exists that we are aware of, that the road meets operational safety requirements for width, visibility, pedestrian protection, or

manoeuvrability. PP23's assumption of bus provision via Dawes Lane is therefore undeliverable, unsound, unless until evidence is provided.

WMTC has also received the following response from Konectbus regarding this proposal:

“It is unlikely that we would be able to run buses along Dawes Lane due to the junction with East Road being quite tight.”

This is important because the transport evidence should not rely upon a proposed sustainable-transport intervention unless its practical deliverability has been established with the relevant operator and highway authority.

Existing Bus Route and Existing Residents

WMTC is also concerned that rerouting the existing service through Dawes Lane could disadvantage existing residents and visitors currently served by the route via **Chapman Lane**.

The existing route serves the eastern part of West Mersea, including the vicinity of **Waldegraves Holiday Park and the Blue Row stop**.

Any proposed alteration should therefore be assessed not simply in terms of providing a service to PP23 but also in terms of its effect upon existing passengers.

A sustainable-transport mitigation measure for new development should not result in a poorer or less accessible service for the existing community.

WMTC therefore considers that the proposed Dawes Lane routing has **not yet been demonstrated to be physically feasible, operationally deliverable or beneficial to the existing bus network**.

Walking and Footway Provision

WMTC also considers that safe pedestrian connectivity between PP23 and the existing settlement requires further attention.

Walking access from PP23 towards West Mersea would require improvements at the southern end of Dawes Lane where it meets East Road.

Provision should include consideration of a safe and continuous footway connection along **the north side of East Road**, extending westwards from the proposed development to connect with the existing pedestrian network.

Such infrastructure should be demonstrated as physically deliverable and secured as part of the development rather than left as an aspiration for subsequent consideration.

[PP23/TRANSPORT/HIGHWAY EVIDENCE – REF TO BE ASSIGNED]

Conclusion of the Further Transport Evidence

WMTC is concerned that the conclusions of the October 2025 Further Transport Evidence do not adequately address the potential **complete temporary blockage of the B1025 at the Strood**. **[CCC TRANSPORT EVIDENCE – 28/10/25]**

This can occur predictably around certain high tides but can also be affected by less predictable tidal and weather conditions. **[STROOD/TIDAL EVIDENCE]**

The consequences extend beyond the period during which water physically covers the road because queues can develop on the mainland and Island approaches.

For Mersea Island, transport resilience must therefore be considered as part of the assessment of sustainable development.

Relationship with PP23

Before PP23 is considered sound, WMTC considers that the transport evidence should demonstrate:

- the consequences of approximately 300 additional dwellings for traffic crossing the Strood;
- the effects of tidal closure and subsequent traffic queues;
- the frequency and duration of significant tidal disruption;
- effects upon buses and school transport;
- implications for emergency access;
- realistic arrangements when the Strood is impassable;
- the feasibility of the proposed Dawes Lane bus route;
- effects of bus rerouting upon existing passengers;
- safe pedestrian connections between PP23 and the existing settlement; and
- how the proposed development can genuinely increase active and sustainable travel rather than increasing dependence upon private cars.

https://www.firstbus.co.uk/essex/plan-journey/journey-planner/mersea-island-tide-tables?utm_source=chatgpt.com

[CCC-R19 – PP23; CCC TRANSPORT EVIDENCE; LC4; ST7a; CS2; CS3]

Conclusion

WMTC considers PC2 **unsound in its relationship with PP23** because the transport evidence does not adequately demonstrate the resilience and deliverability of transport arrangements for approximately 300 additional dwellings on a tidal island.

The October 2025 Further Transport Evidence identifies PP23 but does not adequately address the consequences of the Strood becoming temporarily impassable.

<https://www.firstbus.co.uk/essex/plan-journey/journey-planner/mersea-island-tide-tables>

First Bus terminates at Peldon, the Rose PH bus stop (Colchester side of the Strood) when the tide is covering as can be seen in their timetable:

<https://www.firstbus.co.uk/essex/plan-journey/journey-planner/mersea-island-tide-tables>

The apparent proposed bus diversion through Dawes Lane also requires reconsideration because its physical and operational feasibility has not been demonstrated and it could disadvantage existing passengers.

WMTC therefore seeks a transport assessment which addresses **the whole journey from PP23 to the mainland, including tidal closure of the Strood, together with demonstrably deliverable bus and pedestrian infrastructure.**

See also ST7a – Sustainable Transport and Connectivity, CS3 – Education Provision and LC4 – Islands.

Principal supporting evidence: CCC Regulation 19 PC2; PP23; LC4; Colchester Local Plan Review Further Transport Evidence dated 28 October 2025; Konectbus correspondence; Strood/tidal evidence; ECC highway and school-transport evidence; existing bus-route evidence.

Cross-reference: ST7a; LC4; CS2; CS3; PP23.

12. Place Policies

PP23: Land East of Dawes Lane, West Mersea

WMTC Comment: UNSOUND

Summary

See also WMTC's individual representations and Main Environmental / MCZ Summary Document.

WMTC considers PP23 unsound because the evidence does not adequately demonstrate that approximately 300 additional dwellings can be sustainably and safely accommodated on Mersea Island. [CCC-WCS; CCC-HRA]

The principal unresolved matters concern:

- cumulative wastewater capacity and environmental effects;
- the MCZ, SAC, shellfish waters and native oyster recovery;
- the Island's single tidal access across the Strood;
- public transport and dependence upon off-Island services;
- healthcare capacity;
- education and school transport;
- emergency access and community resilience; and
- the cumulative effects of existing, committed and proposed development.

These matters should be considered together when assessing whether PP23 is justified and deliverable, rather than individually as matters to be resolved following allocation.

Regulation 18

WMTC raised substantial concerns regarding PP23 at Regulation 18. [EV21; EV22; EV23]

These included Mersea Island's restricted tidal access, wastewater infrastructure, the Marine Conservation Zone, cumulative environmental effects, transport, healthcare and other infrastructure constraints. [EV21; EV22; EV23]

The Regulation 18 record confirms that WMTC's objection was that Mersea is an Island with restricted access through a single tidal road, internationally protected estuarine habitats, an MCZ and nationally important native oyster fishery, and that cumulative wastewater, transport and healthcare matters required further consideration. [EV21; EV22; EV23]

The Regulation 19 Plan contains a number of changes which WMTC welcomes, including greater recognition of Mersea Island's particular circumstances. [CCC-HRA; CCC-WCS]

However, the central soundness question remains:

Has sufficient evidence now been provided to demonstrate that approximately 300 additional dwellings at PP23 can be sustainably, safely and environmentally accommodated?

WMTC considers that this has not yet been demonstrated.

1. Wastewater Capacity and Cumulative Development

PP23 requires development to:

“Demonstrate adequate capacity for managing wastewater including proposed phasing requirements or alternative solutions to the satisfaction of the CCC and Anglian Water.”

WMTC welcomes the inclusion of this requirement.

However, requiring a future development proposal to demonstrate wastewater capacity does not, by itself, demonstrate that the allocation of approximately 300 dwellings is presently deliverable.

The assessment should consider the cumulative wastewater implications of:

- existing development;
- committed Local Plan and Neighbourhood Plan housing;

- PP23;
- other proposed development; and
- seasonal demands associated with caravan and holiday sites.

WMTC's Regulation 18 concern related to approximately 600 existing, committed and proposed dwellings when the various housing commitments and PP23 were considered cumulatively. **[EV20; CCC-WCS]**

The assessment should address not simply physical connection to the sewer network but:

- foul-flow capacity;
- sewer-network capacity;
- treatment capacity at West Mersea WRC;
- storm and overflow pressures;
- final-effluent loading;
- effects upon receiving waters;
- necessary infrastructure improvements;
- timing and phasing of those improvements; and
- responsibility and funding for their delivery.

See NZ3 – Wastewater and Water Supply and the Main Environmental / MCZ Summary Document. **[EV01; EV20; CCC-WCS; CCC-HRA]**

2. Environmental Effects

West Mersea WRC is hydrologically connected with sensitive estuarine and coastal receiving waters. **[EV12; EV13; CCC-WCS]**

These include internationally and nationally protected habitats and the Blackwater, Crouch, Roach and Colne Estuaries Marine Conservation Zone, whose protected features include native oysters, native oyster beds and intertidal habitats. **[EV02; EV12; EV13; EV24; EV25]**

WMTC's concern is therefore not simply whether the sewerage system can physically accommodate additional dwellings.

The relevant question also concerns the environmental capacity of the receiving waters to accommodate additional wastewater pressures without unacceptable effects.

Additional development creates a potential pathway:

additional population → additional wastewater → increased pressure upon sewerage and treatment infrastructure → potential nutrient, chemical and bacterial loading → receiving coastal waters → potential effects upon protected habitats, shellfish waters, recreation and ecological recovery.

These potential effects require appropriate cumulative assessment and mitigation. **[EV01; EV12; EV13; CCC-WCS; CCC-HRA]**

Further Anglian Water evidence is also relevant to the existing environmental baseline.

Anglian Water states that the exceptionally elevated bacterial result recorded in September 2025 remains without a confirmed source and that its investigation identified no West Mersea WRC storm-overflow discharge or reported pollution incident during the preceding 72 hours.

Anglian Water also states that works at West Mersea WRC are unlikely to have a tangible impact upon bathing-water quality. **[EV18; EV29-R; EV30-R]**

The detailed evidence is contained in WMTC's Main Environmental / MCZ Summary Document. [EV01; EV12; EV13; EV18; EV20; EV24; EV25; EV28; EV30-R; CCC-WCS; CCC-HRA]

3. Native Oysters, Shellfish and MCZ Recovery

Native oysters and native oyster beds are protected features of the MCZ and are subject to active restoration. [EV24; EV25]

WMTC considers that the environmental baseline must therefore take account not simply of preventing immediate habitat loss but also of avoiding additional pressures which could hinder achievement of the MCZ's recovery objectives.

The allocation should consequently be supported by sufficient evidence demonstrating that cumulative wastewater and other development-related pressures will not undermine the recovery of protected marine features.

See EN1, EN3, NZ3 and the Main Environmental / MCZ Summary Document. [EV02; EV12; EV13; EV24; EV25; CCC-WCS; CCC-HRA]

4. Economic, Tourism and Cultural Consequences

Mersea Island's coastal environment supports:

- oyster and shellfish production;
- aquaculture;
- tourism;
- restaurants and hospitality;
- sailing and boating;
- beaches and water recreation; and
- the Island's maritime and oyster heritage.

Potential deterioration in coastal water quality could therefore have environmental, economic, recreational and reputational consequences. [EV12; EV13; EV17; EV24; EV25]

The experience of other oyster-producing coastal communities, including Whitstable, demonstrates why wastewater pollution should not be regarded solely as an ecological matter.

See E1–E3 – Economy and CS5 – Tourism, Leisure, Arts, Culture and Heritage.

5. Island Location and the Strood

The Regulation 19 Plan now expressly recognises that Mersea Island has one road in and out and that this can be cut off by high tides. [CCC Regulation 19 Plan / LC4]

WMTC welcomes this recognition.

However, recognition of the constraint does not itself demonstrate that approximately 300 additional dwellings can be safely and sustainably accommodated.

The B1025 across the Strood is the Island's only principal highway connection with the mainland.

When it becomes impassable there is no alternative highway route.

This affects:

- residents;
- buses;
- secondary-school transport;
- access to healthcare;
- employment journeys;
- emergency services;
- deliveries; and
- other essential services.

The transport assessment should therefore consider network resilience and temporary isolation, rather than normal-day highway capacity alone.

See LC4 – Islands, ST7a – Sustainable Transport and Connectivity and PC2 – Active and Sustainable Travel.

6. Emergency Access and Evacuation

LC4 requires proposals to demonstrate safe and suitable access having regard to tidal constraints and potential isolation during high tides. **[CCC Regulation 19 Plan / LC4]**

It also requires appropriate consideration of emergency access and safe evacuation where appropriate. **[CCC Regulation 19 Plan / LC4]**

WMTC has not seen evidence of an Essex County Council / CCC emergency or evacuation arrangement which demonstrates how the additional population arising from PP23 would be safely managed during a significant tidal, flooding, wildfire or other emergency affecting the Strood.

Before PP23 is considered sound, the evidence should demonstrate how these requirements can actually be satisfied.

See LC4 – Islands.

7. Access to Services

PP23 is situated towards the eastern side of West Mersea.

WMTC's measurements identify approximate distances from the proposed development of:

- Primary school – 2.1 km
- West Mersea GP/Medical Centre – 2.06 km
- West Mersea village centre – 2.51 km
- Thomas Lord Audley School – approximately 9.5 km
- Thurstable School, Tiptree – approximately 13.2 km

These figures should be confirmed against the agreed site access and measurement methodology, but they illustrate an important issue.

Many everyday services are not immediately accessible from PP23, while major services, secondary education, hospital facilities and rail connections require longer journeys, many of them off the Island.

WMTC does not rely upon the 800m provision in CS1 as a general maximum distance for new housing. That provision relates specifically to replacement community facilities.

Nevertheless, the distances from PP23 remain relevant to assessing accessibility, active travel, public transport and likely dependence upon private vehicles.

8. Healthcare

WMTC has separately identified the absence of adequate evidence demonstrating how additional residents would be accommodated by existing GP and NHS dental provision.

The issue is particularly important because alternative healthcare provision is generally located off the Island and requires travel across the Strood.

The assessment should demonstrate not merely whether physical healthcare premises exist, but whether sufficient service and staffing capacity will be available for the population generated by PP23.

See ST1 – Health and Wellbeing and CS2 – Community Facilities.

9. Education

Mersea Island has no secondary school.

More than 400 secondary-age pupils were identified in WMTC's Regulation 18 evidence as already travelling to mainland secondary schools.

Additional dwellings would generate additional pupils dependent upon transport across the Strood.

The assessment should therefore demonstrate school capacity, additional pupil numbers, transport requirements and arrangements when tidal conditions disrupt access.

See CS3 – Education Provision.

10. Public Transport

The sustainability of PP23 depends substantially upon whether residents have realistic alternatives to private-car travel.

WMTC has identified concerns regarding:

- frequency and destination of existing bus services;
- disruption when the Strood is impassable;
- the proposed routing of buses via Dawes Lane;
- the suitability of Dawes Lane for regular bus operation;
- effects upon existing passengers if services are diverted; and
- the need to change services for some important destinations.

The transport evidence should demonstrate that any proposed bus mitigation is physically feasible, operationally deliverable and capable of being maintained over the long term.

See PC2 and ST7a.

11. Walking and Cycling

WMTC supports improvements to walking and cycling infrastructure.

However, active-travel improvements within PP23 cannot overcome the fundamental geographical fact that significant employment, secondary education, hospital, rail and other services are located off the Island.

Safe pedestrian connections between PP23, East Road and the existing settlement must nevertheless be secured as part of the development.

See PC2 – Active and Sustainable Travel.

12. Flood Risk and National Policy

WMTC's earlier evidence referred to the December 2025 draft NPPF provisions concerning safe access, escape routes and emergency planning. **[WMTC Regulation 18 evidence]**

Those draft provisions formed part of the national-policy context at that time.

For the Regulation 19 representation, WMTC's principal reliance should now be upon the current national planning policy and the submitted Local Plan itself, particularly LC4 and the Plan's explicit recognition of Mersea Island's tidal-access and climate-change vulnerability.

[CCC Regulation 19 Plan / LC4]

The fundamental issue remains whether safe access, emergency resilience and management of residual flood risk have been demonstrated for the additional population proposed at PP23.

13. Cumulative Assessment

WMTC's principal concern is that the constraints affecting PP23 should not be considered separately.

Approximately 300 additional dwellings would simultaneously create:

additional residents → additional wastewater → additional traffic → additional school journeys → additional healthcare demand → additional emergency-service demand → additional recreational pressure → additional pressure upon existing Island infrastructure and the coastal environment.

The soundness of PP23 therefore depends upon whether the combined and cumulative consequences of the allocation have been adequately assessed and whether the necessary mitigation is demonstrably deliverable.

14'.The Glebe

WMTC supports PP23(k) contributions.

Overall Conclusion

WMTC considers PP23 unsound because sufficient evidence has not demonstrated that approximately 300 additional dwellings at Land East of Dawes Lane can be sustainably, safely and environmentally accommodated. [CCC-WCS; CCC-HRA]

The Regulation 19 Plan contains welcome improvements recognising Mersea Island's particular constraints and introducing additional safeguards. [CCC Regulation 19 Plan / LC4; CCC-WCS; CCC-HRA]

However, policy safeguards requiring matters to be addressed at application stage do not, by themselves, establish that an allocation of this scale is justified and deliverable.

Before PP23 is considered sound, WMTC considers that the evidence should demonstrate:

1. **adequate cumulative wastewater and WRC capacity;**
2. **necessary infrastructure improvements and their timing;**
3. **protection of the MCZ, SAC, shellfish waters and native oyster recovery;**
4. **resilient access across the Strood and appropriate emergency arrangements;**
5. **realistic and deliverable public transport;**
6. **adequate healthcare and education provision;**
7. **safe walking and cycling connections; and**
8. **that the cumulative effects of approximately 300 additional dwellings can be satisfactorily mitigated.**

WMTC's detailed evidence on each matter is contained in the relevant policy representations and the Main Environmental / MCZ Summary Document.

Principal supporting evidence: EV01; EV02; EV12–EV14; EV17–EV30-R; CCC-WCS; CCC-HRA; CCC Regulation 19 Plan / LC4.

PP23a: Mersea Island Caravan Parks

WMTC Comment: UNSOUND

Summary

WMTC recognises the important contribution that Mersea Island's caravan and holiday parks make to the local tourism economy.

However, development, extension or intensification of caravan parks can also increase seasonal population, wastewater generation, traffic and recreational pressure upon the Island's sensitive coastal environment.

WMTC considers PP23a should therefore contain a clear requirement that any development or intensification of caravan parks demonstrates adequate wastewater and sewage infrastructure capacity and considers its effects **cumulatively with existing, committed and**

proposed development on Mersea Island. [EV01; EV12–EV14; EV20; EV30-R; EV31; CCC-WCS; CCC-HRA]

This is particularly important because the caravan parks and additional housing ultimately place demands upon the same Island infrastructure and sensitive receiving environment.

Wastewater Capacity

WMTC notes that the previous Local Plan policy for Mersea Island caravan parks expressly required proposals to demonstrate adequate wastewater treatment and sewage infrastructure capacity. **[PREVIOUS LOCAL PLAN – CARAVAN PARK POLICY]**

WMTC considers that this principle remains important.

Any extension, intensification, change of use or change in activities which materially increases wastewater generation should demonstrate that adequate wastewater infrastructure and treatment capacity is available **before the additional demand occurs**.

The assessment should include, where relevant:

- sewer-network capacity;
- West Mersea WRC capacity;
- additional foul-water flows;
- storm and overflow pressures;
- final-effluent loading;
- seasonal peak demand; and
- any infrastructure improvements required to accommodate the proposal.

[EV01; EV11–EV14; EV19; EV20; EV27; EV30-R; EV31; CCC-WCS]

The distinction between different elements of wastewater infrastructure is important.

The evidence obtained from Ofwat confirms that the 2024 U_IMP5 works at West Mersea WRC were undertaken to increase **Flow to Full Treatment (FFT)** at a works identified through PR19 as having a low permitted FFT/DWF ratio. Ofwat also confirms that these works are separate from the AMP8 scheme intended to deliver further storm-overflow reductions. **[EV31]**

Anglian Water has separately confirmed that the relevant WRC works are unlikely to have a tangible impact upon bathing-water quality. **[EV30-R]**

WMTC therefore considers that WRC treatment headroom, sewer-network capacity, storm-overflow performance and the environmental capacity of receiving waters should not be treated as interchangeable measures of infrastructure capacity. **[EV01; EV30-R; EV31; CCC-WCS]**

Cumulative Effects

Caravan-park wastewater should not be assessed in isolation.

Mersea Island contains existing and committed housing development, the proposed approximately 300 dwellings at PP23, caravan and holiday parks and other development.

Caravan parks can also create significant seasonal increases in the Island's population.

The appropriate question is therefore whether the **combined wastewater loading from permanent residents, committed development, proposed housing, caravan parks and other relevant development** can be accommodated without unacceptable pressure upon wastewater infrastructure or the receiving environment.

[EV01; EV20; EV30-R; EV31; CCC-WCS; CCC-HRA]

This should form part of the cumulative assessment set out in WMTC's Main Environmental / MCZ Summary Document.

MCZ, SAC and Coastal Waters

The receiving coastal and estuarine environment includes highly sensitive designated sites, including the **Essex Estuaries SAC** and the **Blackwater, Crouch, Roach and Colne Estuaries MCZ**. **[EV12–EV14; EV17; EV23–EV25; CCC-HRA; MCZ CONSERVATION EVIDENCE]**

Protected MCZ features include native oysters, native oyster beds and intertidal habitats. **[MCZ CONSERVATION EVIDENCE]**

WMTC welcomes the strengthened provisions elsewhere in the Regulation 19 Plan concerning MCZ assessment and the requirement that proposals for new or extended holiday parks demonstrate that they will not harm designated coastal bathing-water quality. **[CCC-R19 – LC4/PP23a]**

However, these environmental safeguards need to be supported by adequate wastewater infrastructure.

The relevant potential pathway is:

caravan-park development/intensification → increased seasonal population → increased wastewater generation → additional pressure upon sewerage/WRC infrastructure → potential additional pollutant and bacterial loading → sensitive coastal receiving waters.

[EV01; EV12–EV14; EV18–EV20; EV28; EV29-R; EV30-R; EV31; CCC-WCS]

The cumulative effect of this pathway should be considered alongside housing and other development.

Oyster Beds, Bathing Waters and Tourism

Protection of coastal water quality is particularly important to Mersea Island because environmental quality and the visitor economy are closely connected.

Potential deterioration in water quality could affect:

- native oyster recovery;
- commercial oyster and shellfish production;
- bathing and recreational waters;
- beaches;
- sailing and boating;
- tourism and hospitality; and
- Mersea Island's reputation as a coastal visitor destination.

[EV06; EV12–EV14; EV17; EV18; EV23; EV24; EV28; EV29-R]

The caravan parks themselves depend upon the attractiveness and environmental quality of Mersea Island.

It is therefore in the long-term interests of the tourism economy that development or intensification of holiday accommodation does not contribute to deterioration of the environmental assets upon which that economy depends.

[Cross-reference: E1–E3; CS5]

Seasonal Loading

WMTC considers that particular attention should be given to **seasonal peak demand**.

The population associated with caravan and holiday parks is not necessarily reflected by consideration of permanent resident numbers alone. During peak holiday periods, additional visitors can increase demand upon wastewater, transport, community and recreational infrastructure at the same time.

For wastewater purposes, the relevant assessment should therefore demonstrate that infrastructure can accommodate the **combined seasonal loading from residents, visitors, caravan and holiday parks and existing, committed and proposed development**, rather than relying solely upon average annual population or flow assumptions.

[CCC-WCS; CARAVAN-PARK/CAPACITY EVIDENCE – REF TO BE ASSIGNED]

Required Measures

WMTC considers PP23a should clearly require:

1. **Full cumulative assessment of wastewater impacts**, including the contribution of caravan parks alongside existing, committed and proposed residential development and, where relevant, WRC and storm-overflow pressures. **[EV01; EV11; EV19; EV27; EV30-R; EV31; CCC-WCS]**
2. **Confirmation of adequate wastewater treatment and sewerage infrastructure capacity** before any development or intensification which would materially increase wastewater demand commences or is brought into use. **[EV01; EV30-R; EV31; CCC-WCS]**

3. **Identification and delivery of any necessary infrastructure improvements or phasing requirements** before the additional wastewater demand arises.
4. **Appropriate mitigation to prevent unacceptable effects** upon the MCZ, SAC, native oyster beds, shellfish waters, bathing waters and other sensitive coastal habitats. [EV12–EV14; EV17; EV18; EV23; EV24; CCC-HRA]
5. **Consideration of the cumulative implications for tourism, recreation, aquaculture and the wider coastal economy.** [EV17; EV23; EV24; cross-reference E1–E3 and CS5]

Conclusion

WMTC considers PP23a **unsound unless adequate wastewater capacity and cumulative environmental effects are expressly addressed.**

The Regulation 19 Plan contains welcome additional protection for habitats, the MCZ and coastal bathing waters. However, environmental assessment and mitigation cannot be separated from the capacity and performance of the wastewater infrastructure serving Mersea Island.

Caravan-park development and intensification should therefore be considered cumulatively with permanent residential growth, including PP23.

WMTC seeks clear policy wording requiring **adequate wastewater infrastructure capacity, cumulative assessment and delivery of any necessary improvements before additional wastewater demand arises.**

See also NZ3 – Wastewater and Water Supply, EN1, EN3, LC4, CS5, PP23 and the **Main Environmental / MCZ Summary Document.**

Principal supporting evidence: EV01; EV06; EV11–EV14; EV17–EV20; EV23–EV24; EV27–EV31; CCC-WCS; CCC-HRA; MCZ conservation evidence; previous Local Plan caravan-park policy.

Cross-reference: NZ3; EN1; EN3; LC4; E1–E3; CS5; PP23; **Main Environmental / MCZ Summary Document.**

Sustainability Appraisal

West Mersea – Dawes Lane and Brierley: MCZ and Cumulative Impacts

WMTC Comment: UNSOUND

Summary

WMTC considers that the Sustainability Appraisal does not adequately demonstrate that the cumulative environmental effects of development at West Mersea have been assessed, particularly in relation to the Blackwater, Crouch, Roach and Colne Estuaries Marine

Conservation Zone (MCZ), wastewater infrastructure and sensitive receiving waters. [CCC-SA; CCC-WCS; CCC-HRA]

The original Dawes Lane and Brierley allocations were brought forward without adequate consideration of the MCZ and the potential pathways between development, wastewater infrastructure and protected estuarine habitats. [EV21; EV22; EV23; EV27]

The proposed additional allocation of approximately 300 dwellings at PP23 substantially increases the importance of assessing these matters cumulatively rather than considering individual sites in isolation. [CCC-SA; CCC-WCS; CCC-HRA]

Marine Conservation Zone

The Blackwater, Crouch, Roach and Colne Estuaries MCZ was designated under the Marine and Coastal Access Act 2009.

Its protected features include native oysters, native oyster beds and intertidal habitats

<https://repository.essex.ac.uk/23921/3/A1.2%20Essex%20Native%20Oyster%20Restoration%20Initiative%20Habitat%20Regulation%20Assessment%20for%20Conservation%20Management%20Plan.pdf>

WMTC raised at Regulation 18 that the Sustainability Appraisal and environmental evidence did not adequately consider the MCZ in assessing development at West Mersea. [EV21; EV22; EV23]

This is particularly important because the Regulation 19 Local Plan now expressly recognises that West Mersea is environmentally constrained by the MCZ, alongside the SPA, Ramsar sites and Essex Estuaries SAC. [CCC-SA; CCC-HRA]

Policy LC4 has also subsequently introduced a requirement for development proposals with potential impact pathways to the MCZ to undertake MCZ screening and, where indicated, further MCZ Assessment, including consideration of cumulative effects.

WMTC welcomes these changes.

However, the introduction of stronger requirements for future development proposals does not, by itself, demonstrate that the strategic allocation of PP23 was adequately assessed through the Sustainability Appraisal before being carried forward into the submitted Plan. [CCC-SA]

Sustainability Appraisal of PP23

The February 2025 Sustainability Appraisal assessed PP23: Land East Dawes Lane for approximately 300 dwellings. [CCC-SA]

For SA8: Biodiversity and Geodiversity, the site was initially assessed as having a negative effect (-), which became neutral (0) after taking account of mitigation within Policy PP23.

WMTC considers that this conclusion requires further justification given the subsequent evidence concerning:

- the MCZ [EV02; EV16; EV21–EV23; EV26; EV27];
- West Mersea WRC [EV01; EV12; EV13; EV20; CCC-WCS];
- wastewater pathways to sensitive receiving waters [EV12; EV13; CCC-WCS];
- native oyster beds and their recovery [EV13; EV17; EV24; EV25];
- shellfish waters [EV12; EV13; EV17; EV24; EV25];
- cumulative housing growth [CCC-WCS; CCC-HRA]; and
- the potential for additional nutrient, pollutant and bacterial pressures [EV01; EV12; EV13; EV18; EV28; EV30-R].

The question is whether the mitigation relied upon by the SA was sufficient to justify a neutral biodiversity conclusion when these wider pathways and cumulative effects are taken into account. [CCC-SA; CCC-WCS; CCC-HRA]

Cumulative Development

WMTC's principal concern is that the environmental effects of individual development sites should not be considered in isolation.

Existing and committed development at West Mersea, together with PP23 and other relevant development, creates a cumulative increase in population and wastewater generation. [CCC-WCS; CCC-HRA]

The relevant potential pathway is:

existing and committed development + PP23 + other relevant development → increased population → increased wastewater generation → additional pressure upon the sewer network and West Mersea WRC → potential additional nutrient, pollutant and bacterial loading → sensitive estuarine receiving waters → potential effects upon designated habitats, shellfish waters and MCZ recovery objectives.

Anglian Water's evidence concerning foul-network capacity constraints and pollution risk is relevant to this potential pathway. [EV01]

This pathway should be assessed cumulatively. [CCC-WCS; CCC-HRA]

Wastewater Recycling Centre and Storm Overflows

Additional development increases foul-water flows to the wastewater system.

The Sustainability Appraisal should therefore consider not simply whether development can physically connect to the sewerage network but whether cumulative development can be accommodated without unacceptable environmental consequences.

Relevant matters include:

- West Mersea WRC treatment capacity;

- sewer-network capacity;
- storm-overflow and spill risks;
- final-effluent loading;
- nutrient and pollutant loading;
- bacterial loading;
- receiving-water quality; and
- necessary infrastructure improvements and their timing.

[EV01; EV12; EV13; EV14; EV19; EV28; CCC-WCS]

Recent Anglian Water evidence is also relevant to this assessment. Anglian Water states that the exceptionally elevated bacterial result recorded in September 2025 remains without a confirmed source and that its investigation identified no West Mersea WRC storm-overflow discharge or reported pollution incident during the preceding 72 hours. Anglian Water also states that works at West Mersea WRC are unlikely to have a tangible impact upon bathing-water quality. **[EV30-R]**

This evidence does not establish that West Mersea WRC caused the September 2025 bacterial event. It demonstrates continuing uncertainty concerning the existing water-quality baseline and the source of significant bacterial contamination. **[EV18; EV29-R; EV30-R]**

These matters are addressed in greater detail in WMTC's Main Environmental / MCZ Summary Document and representation concerning NZ3: Wastewater and Water Supply.

Strategic Biodiversity Evidence

The Strategic Biodiversity Assessment and Emerging Allocations Biodiversity Study form part of CCC's environmental evidence base. **[CCC-BA]**

WMTC considers that this evidence should be read alongside the subsequent wastewater, MCZ and designated-site evidence. **[EV01; EV02; EV12; EV13; CCC-WCS; CCC-HRA]**

The assessment of PP23 should not be limited to habitats located within the physical boundary of the development site.

Potential functional and indirect pathways between development and sensitive coastal and estuarine habitats also require consideration.

For PP23, wastewater provides one such potential pathway. **[CCC-WCS]**

Relationship with the Habitats Regulations Assessment

WMTC recognises that the Sustainability Appraisal, Habitats Regulations Assessment and MCZ regime perform different statutory functions.

The concern is therefore not that the SA should substitute for either an HRA or an MCZ Assessment.

Rather, the SA should be informed by the relevant environmental evidence when comparing reasonable alternatives and assessing the likely sustainability effects of the proposed spatial strategy and allocations. [CCC-SA; CCC-HRA; CCC-WCS]

The existence of separate HRA and MCZ processes does not remove the need for the SA to take account of relevant cumulative environmental consequences when assessing PP23.

Regulation 19 Changes

WMTC acknowledges that the Regulation 19 Plan now contains substantially stronger recognition of Mersea Island's environmental constraints.

The submitted Plan expressly identifies the MCZ at West Mersea and Policy LC4 introduces MCZ screening and assessment requirements, including cumulative effects.

PP23 also now requires a foul drainage strategy and adequate wastewater capacity before development takes place.

These are welcome changes.

However, they also reinforce the importance of establishing whether the Sustainability Appraisal itself has been updated sufficiently to reflect the environmental issues which are now expressly recognised by the submitted Plan. [CCC-SA; CCC-WCS; CCC-HRA]

The central question for examination is therefore:

Has the Sustainability Appraisal demonstrated that the cumulative environmental effects of approximately 300 additional dwellings at PP23, together with existing and committed development at West Mersea, have been adequately assessed in relation to wastewater, designated receiving waters and the MCZ?

SA Objective 8 – Biodiversity and Geodiversity

WMTC considers particular attention should be given to whether the assessment of PP23 is consistent with the Sustainability Appraisal's objective of protecting and enhancing the natural environment and securing biodiversity gains. [CCC-SA]

The assessment should take account of:

- designated habitats;
- the MCZ;
- native oyster beds;
- ecological recovery objectives;
- indirect wastewater pathways; and
- cumulative development effects.

[EV02; EV12; EV13; EV17; EV24; EV25; CCC-WCS; CCC-HRA]

A conclusion that mitigation reduces the biodiversity effect of PP23 to neutral should be supported by evidence demonstrating that these matters have been adequately considered. [CCC-SA]

Water Management

The Sustainability Appraisal should also adequately consider the relationship between development and sustainable water management.

For West Mersea this includes not only water efficiency and flood mitigation but the consequences of additional wastewater generation for existing infrastructure and sensitive receiving waters. [EV01; EV12; EV13; CCC-WCS]

The sustainability of PP23 therefore depends upon both infrastructure capacity and environmental capacity. [CCC-WCS; CCC-HRA]

Conclusion

WMTC considers the Sustainability Appraisal unsound in its assessment of PP23 unless it can be demonstrated that the MCZ, wastewater pathways and cumulative effects of development at West Mersea have been adequately considered.

The Regulation 19 Plan now expressly recognises the MCZ and introduces stronger environmental safeguards. WMTC welcomes these changes.

However, future project-level assessment requirements do not themselves demonstrate that the strategic decision to allocate approximately 300 additional dwellings at PP23 has been adequately tested through the Sustainability Appraisal. [CCC-SA]

WMTC therefore seeks clear evidence demonstrating that the SA has considered:

1. the Blackwater, Crouch, Roach and Colne Estuaries MCZ [EV02; EV16; EV26; EV27];
2. cumulative existing, committed and proposed development at West Mersea [CCC-WCS; CCC-HRA];
3. wastewater and West Mersea WRC pathways [EV01; EV12; EV13; CCC-WCS];
4. relevant storm-overflow and pollution risks [EV01; EV14; EV19; EV28; EV30-R];
5. effects upon designated coastal and estuarine habitats and native oyster recovery [EV12; EV13; EV17; EV24; EV25]; and
6. whether the resulting evidence supports the SA conclusions reached for PP23 [CCC-SA].

The detailed environmental evidence should remain within Section 4 – EN1, EN2 and EN3 and WMTC's Main Environmental / MCZ Summary Document, with this Sustainability Appraisal representation cross-referring to that evidence rather than duplicating it.

Principal supporting evidence: CCC-SA; CCC-WCS; CCC-HRA; CCC-BA; EV01; EV02; EV12–EV14; EV16–EV19; EV21–EV30-R.

Cross-reference: EN1, EN2, EN3, NZ3, PP23 and WMTC Main Environmental / MCZ Summary Document.

OVERALL CONCLUSION – REGULATION 19 REPRESENTATIONS

WMTC does not object to appropriately scaled and sustainable development on Mersea Island in principle. However, WMTC considers that CCC has not yet demonstrated that allocation PP23 is justified, effective or deliverable having regard to the Island's unique constraints.

In particular, WMTC considers that insufficient evidence has been provided regarding tidal access, emergency resilience, healthcare capacity, wastewater infrastructure, cumulative environmental effects, Marine Conservation Zone impacts and infrastructure delivery.

Until these matters are resolved through a clear and transparent evidence base, WMTC considers that PP23 should not be relied upon as a sound allocation within the Submission Draft Local Plan.

Habitats Regulations Assessment – Regulation 19 Representation

West Mersea Town Council

1. Introduction

West Mersea Town Council (WMTC) acknowledges that the Regulation 19 Habitats Regulations Assessment (HRA) and completed Water Cycle Study (WCS) materially develop the evidence available at Regulation 18.

WMTC welcomes the further assessment. However, it considers that the Regulation 19 HRA should demonstrate clearly whether the substantive concerns raised during Regulation 18, including those identified by the Environmental Law Foundation (ELF), have been fully resolved. [EV21; EV22; EV23; CCC-HRA; CCC-WCS]

The principal issue is whether there is sufficient evidence to conclude that Policy PP23, Land East of Dawes Lane, alone and in combination with existing, committed and proposed development at West Mersea, will not adversely affect the integrity of relevant habitats sites through wastewater and water-quality pathways.

2. Regulation 18 concern raised by ELF

The Regulation 18 representation submitted by ELF identified that the CCC's wastewater evidence recognised:

- a hydrological connection between West Mersea Water Recycling Centre (WRC) and the Essex Estuaries SAC;
- indirect links between West Mersea WRC discharges and designated bathing and shellfish waters;
- a very significant risk associated with storm overflows and sewer spills;
- the need to manage overall pollutant loading;
- the need for improvements to discharge quality;
- the need for measures to manage sewer-network capacity; and
- the need to prevent surface water generated by allocated development from entering the foul sewer network.

ELF identified that the HRA conclusion depended upon relevant WCS recommendations being incorporated into Local Plan policy and successfully implemented. **[EV21; EV22; EV23]**

ELF's concern was that those recommendations had not been adequately incorporated into PP23 and that reliance upon general environmental policies did not clearly secure the particular wastewater mitigation identified as necessary by the evidence base.

3. Regulation 19 position

WMTC recognises that the position has developed since Regulation 18.

CCC has now produced an updated HRA and completed WCS and has strengthened relevant environmental and wastewater policies. **[CCC-HRA; CCC-WCS]**

The issue at Regulation 19 is therefore no longer simply whether wastewater effects have been considered.

The remaining question is whether the updated evidence and policy framework have actually resolved the substantive concern identified at Regulation 18.

Where the HRA conclusion of no adverse effect on integrity depends upon mitigation identified in the WCS or elsewhere, WMTC considers that CCC demonstrate that each necessary measure is sufficiently certain, secured and deliverable through the submitted Local Plan.

4. Treatment capacity is not the complete HRA question

WMTC considers it important to distinguish between treatment capacity at West Mersea WRC and the environmental consequences of additional wastewater passing through the wider sewerage system.

Evidence that West Mersea WRC has numerical treatment headroom does not, by itself, demonstrate that additional development will not:

- increase pressure upon the foul sewer network;

- contribute to sewer spills or storm-overflow events;
- increase final-effluent loading;
- increase nutrient, pollutant or bacterial loading to receiving waters; or
- contribute to deterioration in receiving-water quality capable of affecting relevant habitats sites.

The complete pathway requiring consideration is:

additional development → increased wastewater loading → foul sewer network → West Mersea WRC → final effluent/storm overflows/sewer spills → receiving waters → potential effects upon relevant habitats sites.

The HRA conclusion should therefore be supported by evidence addressing this complete pathway rather than treatment capacity alone.

5. Cumulative and in-combination development

A particularly important issue for WMTC is whether the HRA has assessed the true cumulative and in-combination wastewater consequences of development at West Mersea.

PP23 proposes approximately 300 additional dwellings. This development would not occur in isolation. **[CCC-HRA; CCC-WCS]**

The assessment should include existing and committed development, including development arising from the earlier Dawes Lane and Brierley Paddocks allocations, together with other relevant committed and proposed development served by the West Mersea foul sewer network and WRC.

WMTC therefore requests that CCC identifies clearly where these developments are incorporated within the Regulation 19 HRA and WCS assumptions.

In particular, the evidence should identify:

1. The existing and committed development included within the baseline;
2. The dwellings arising from the earlier Dawes Lane and Brierley Paddocks allocations;

3. The approximately 300 additional dwellings proposed through PP23;
4. Other relevant committed or proposed development using the West Mersea sewerage system;
5. The resulting population and wastewater-flow assumptions;
6. The cumulative effect upon the foul sewer network and West Mersea WRC; and
7. How these cumulative pressures have informed the HRA's conclusion of no adverse effect on integrity.

The existence of treatment headroom at the WRC does not itself establish that the cumulative effect upon the sewer network, discharges and receiving environment has been adequately assessed.

6. Anglian Water – identified capacity constraints and pollution risk

WMTC considers that weight should be given to evidence from Anglian Water concerning the West Mersea foul sewer network.

In relation to a proposed development of approximately 52 dwellings at West Mersea, Anglian Water stated:

“Anglian Water objects to any connection into our foul water network from the proposed development due to capacity constraints and pollution risk.” **[EV01]**

This evidence is significant because the objection refers not merely to treatment capacity but expressly to capacity constraints and pollution risk.

The objection does not, by itself, demonstrate that PP23 will cause an adverse effect upon a habitats site. It does, however, provide important evidence of an identified sewer-network constraint and pollution pathway.

The Regulation 19 evidence should therefore explain how that identified constraint has subsequently been overcome.

7. £2.4 million Anglian Water improvements

WMTC recognises that Anglian Water subsequently invested approximately £2.4 million in improvements to the West Mersea wastewater system, with works completed in 2024 to meet regulatory requirements. **[EV20; EV30-R; EV31]**

This substantial investment is acknowledged.

Subsequent evidence obtained from Ofwat now explains why the Flow to Full Treatment (FFT) rate at West Mersea WRC was increased. Ofwat states that the 2024 works were undertaken to deliver a U_IMP5 environmental driver, which required water companies to increase FFT flows at wastewater treatment works identified through PR19 as having a low

permitted FFT/DWF ratio. Anglian Water reported the cost of the West Mersea U_IMP5 scheme to Ofwat as £1.731 million. [EV31]

The increase in FFT should therefore be understood in its regulatory context. On the evidence provided by Ofwat, the 2024 works were required to address the existing FFT/DWF relationship and meet the U_IMP5 environmental driver. The Ofwat response does not state that those works were commissioned to provide additional capacity for future housing development. [EV31]

Ofwat further confirms that the 2024 U_IMP5 scheme is separate from the AMP8 (2025–2030) scheme intended to deliver further storm-overflow reductions at West Mersea WRC, for which Anglian Water was given an allowance of £1.169 million (2022/23 prices). [EV31]

However, completion of those works does not, by itself, establish that the capacity constraints and pollution risks previously identified by Anglian Water have been removed or that sufficient additional capacity has been created to accommodate the cumulative development now proposed. [EV01; EV31]

An important distinction exists between works required to improve existing performance or achieve regulatory compliance and infrastructure specifically designed to provide additional capacity for future development.

The HRA/WCS evidence should therefore identify:

- what the reported approximately £2.4 million works were designed to achieve;
- how that figure relates to the £1.731 million U_IMP5 scheme cost reported by Anglian Water to Ofwat;
- the extent to which the increased FFT was required to satisfy the U_IMP5 environmental driver;
- whether the 2024 works were designed to accommodate additional development;
- what additional network or treatment capacity, if any, they created;
- how those works differ from the separate AMP8 storm-overflow reduction scheme;
- whether either scheme has been relied upon to support the additional development proposed through PP23; and
- whether further improvements are necessary to accommodate existing, committed and proposed development. [EV01; EV31; CCC-WCS; CCC-HRA]

8. Post-improvement spills and bacterial evidence

Actual performance following completion of the 2024 improvements is particularly relevant.

Spill events have continued following the works. [EV19; EV28; EV30-R]

Although recorded spill frequency and/or duration has reduced during the relatively dry conditions experienced over the last two years, WMTC considers that caution is required before interpreting this reduction as evidence that the underlying capacity or pollution pathway has been resolved.

WMTC also draws attention to exceptionally high bacterial concentrations recorded during 2025, including contamination which Anglian Water states remains without a confirmed

source and which its WRC works are unlikely materially to improve. The significance of this evidence should be assessed alongside the reduced spill figures. **[EV18; EV29-R; EV30-R]**

A reduction in the number or duration of spills does not necessarily demonstrate a corresponding reduction in environmental risk if monitoring continues to identify very high bacterial concentrations within receiving waters.

The relevant question is therefore not simply whether the number of recorded spills has fallen, but what the actual environmental consequences of wastewater and other pollution sources are for the receiving environment.

9. Weather variability and unresolved bacterial contamination

New evidence supplied by Anglian Water reinforces the uncertainty surrounding the environmental baseline at West Mersea.

The EA bathing-water sample of 3 September 2025 recorded 540 cfu/100ml *E. coli* and 990 cfu/100ml intestinal enterococci and was graded Poor. Rainfall had occurred during the preceding period. However, a later sample on 12 September, following substantially higher-intensity rainfall, recorded only 36 *E. coli* and 64 intestinal enterococci and was graded Excellent. **[EV18; EV29-R]**

Anglian Water has further confirmed that its investigation of the 3 September result identified no WRC storm-overflow discharge or reported pollution incident during the preceding 72 hours and that the exceptionally elevated result remains without a confirmed source. Anglian Water also states that works at West Mersea WRC are unlikely to have a tangible impact on bathing-water quality. **[EV30-R]**

The evidence therefore does not establish a simple relationship between rainfall, WRC storm-overflow operation and bacterial contamination. Rather, it demonstrates significant unexplained variability within the receiving environment.

WMTC considers that this uncertainty should form part of the environmental baseline. The HRA and supporting evidence should demonstrate how existing unexplained contamination, weather variability, sewer-network performance and additional wastewater arising from cumulative development have been considered before concluding that further development will not result in adverse environmental effects.

10. Unresolved pollution sources and environmental baseline

A further important uncertainty arises from the existing pollution burden affecting the waters surrounding Mersea Island.

Investigations undertaken by Anglian Water in response to Environment Agency concerns have examined deteriorating water quality and microbial contamination. **[EV12; EV13; EV14]**

The investigations identify significant existing pollution pressures but do not, so far as WMTC can establish, definitively identify and quantify all sources responsible for the observed contamination.

This is important.

The relevant environmental baseline is not simply the permitted discharge from West Mersea WRC. It must reflect the actual existing pollution burden within the receiving environment, including identified sources and any sources which remain unidentified or insufficiently quantified.

The cumulative pathway is therefore:

existing identified pollution + existing unidentified/unquantified pollution + WRC final effluent + storm overflows/sewer spills + existing and committed development + proposed PP23 wastewater loading → receiving waters → potential cumulative environmental effects.

If investigations demonstrate significant contamination but do not establish the complete source and magnitude of that pollution, CCC should explain how a sufficiently robust environmental baseline has been established against which the additional effects of PP23 have been assessed.

WMTC therefore considers that the evidence should demonstrate:

1. What existing sources of bacterial, nutrient and other pollutant loading have been identified and quantified;
2. What pollution remains unidentified or insufficiently quantified;
3. How unidentified or unquantified pollution has been incorporated into the environmental baseline;
4. Whether an appropriate precautionary allowance has been made for that uncertainty;
5. How actual post-2024 wastewater-system performance has been incorporated;
6. How continuing spills, dry-weather conditions, intense rainfall and first-flush effects have been considered;
7. How existing and committed development has been incorporated; and
8. How the additional approximately 300 dwellings at PP23 have then been assessed cumulatively.

WMTC is not suggesting that the existence of an unidentified pollution source proves that PP23 will adversely affect the integrity of a habitats site.

The concern is one of evidential uncertainty.

If a material component of the existing pollution burden remains unidentified or unquantified, CCC should demonstrate how that uncertainty has been incorporated into the baseline and cumulative assessment relied upon to support the HRA conclusion.

Without that explanation, it is difficult to understand how calculations of additional environmental loading attributable to future development can be relied upon without an appropriate allowance for the existing unresolved pollution burden.

11. The cumulative evidential position

Taken together, the chronology is important:

Anglian Water identifies foul-network capacity constraints and pollution risk → approximately £2.4 million of improvement works are undertaken → works are completed in 2024 → spill events nevertheless continue → exceptionally high bacterial concentrations are recorded in 2025 → the complete source of existing pollution remains unresolved → existing and committed development continues to add wastewater loading → approximately 300 additional dwellings are proposed through PP23. **[EV01; EV18; EV19; EV28; EV29-R; EV30-R; CCC-WCS; CCC-HRA]**

WMTC considers that these matters should be assessed together rather than individually.

If circumstances have changed sufficiently to overcome Anglian Water's previous capacity and pollution concerns, the evidence should demonstrate what has changed and quantify the improvement.

If substantial pollution remains after the £2.4 million works and its complete source has not been identified, that uncertainty should form part of the environmental baseline rather than being excluded from the cumulative assessment.

12. Receiving-water quality

WMTC considers that the HRA should demonstrate clearly how potential deterioration in receiving-water quality has been assessed.

The assessment should consider whether additional wastewater arising from PP23, in combination with existing, committed and proposed development, could increase nutrient, pollutant or bacterial loading through final effluent, storm overflows or sewer spills.

It should then demonstrate how any resulting changes to receiving-water quality have been considered when assessing potential effects upon the qualifying features and integrity of relevant habitats sites.

The relevant question is therefore not simply whether West Mersea WRC can process the calculated additional wastewater flow, but what effect additional development may have upon the sewerage system, discharges and ultimately the receiving environment.

13. Natural England advice

Natural England has advised the CCC of the need to evidence adequate sewage-treatment infrastructure/WRC capacity to serve new development without increasing nutrient and pollutant loading from WRC final-effluent discharges or adversely affecting sensitive designated sites. [EV03; EV27]

WMTC considers the distinction between capacity and pollutant loading important.

Demonstrating capacity to accommodate additional wastewater is not necessarily equivalent to demonstrating that pollutant loading will not increase or that the environmental condition of receiving waters will not deteriorate.

The Regulation 19 HRA should demonstrate how both matters have been addressed.

14. Food Standards Agency and shellfish-water evidence

WMTC also draws attention to Food Standards Agency evidence concerning shellfish harvesting waters affected by wastewater discharges. [EV17; EV24; EV25]

The FSA evidence identifies the potential for increased development within the West Mersea catchment to increase wastewater-network loading and potentially bacterial loading to coastal receiving waters, with possible consequences for shellfish harvesting classifications unless the network is improved. [EV24; EV25]

WMTC recognises that shellfish-water classification is subject to a separate regulatory regime and is not itself an HRA test.

However, the evidence is relevant because it concerns the same physical wastewater pathway: increased population → increased wastewater loading → sewer network/WRC → discharges → bacterial loading to coastal receiving waters.

It therefore provides relevant evidence when considering whether the wastewater pathway relied upon in the HRA has been adequately understood.

15. Mitigation relied upon by the HRA

The central concern raised by ELF at Regulation 18 therefore remains important.

Where the HRA conclusion of no adverse effect on integrity depends upon mitigation or recommendations contained within the WCS, WMTC considers that the CCC should identify:

1. each mitigation measure and WCS recommendation upon which the HRA relies;
2. where that measure is secured within PP23 or another submitted Local Plan policy;
3. whether the measure is a firm requirement rather than a matter left for subsequent investigation;
4. whether the necessary infrastructure is technically and practically deliverable;
5. when that infrastructure or mitigation must be operational relative to occupation;
6. how cumulative and in-combination development at West Mersea has been incorporated;
7. how the existing unresolved pollution burden has been incorporated; and
8. how sewer-network loading, storm overflows, sewer spills, final effluent and potential deterioration in receiving-water quality have been addressed.

The evidential chain should be clear:

identified environmental risk → robust baseline → cumulative assessment → necessary mitigation → secured Local Plan requirement → deliverable and timely measure → environmental outcome → conclusion of no adverse effect on integrity.

If an essential link remains dependent upon future assessment, unresolved pollution sources, agreement or infrastructure which is not sufficiently certain, WMTC considers that CCC should demonstrate how the necessary certainty for the HRA conclusion has nevertheless been achieved.

16. Relationship with the Marine Conservation Zone

WMTC recognises that effects upon the Blackwater, Crouch, Roach and Colne Estuaries Marine Conservation Zone are subject to a separate statutory regime and does not suggest that the HRA substitutes for appropriate consideration of the MCZ. **[EV02; EV16; EV26]**

However, the HRA, WCS, Natural England advice, Food Standards Agency evidence, Anglian Water evidence and MCZ evidence concern overlapping physical pathways involving wastewater, pollution, the sewerage network, discharges and coastal receiving waters.

The same unresolved pollution baseline is therefore relevant to understanding cumulative environmental pressure upon the MCZ.

Where the MCZ's protected features are already subject to environmental pressure and recovery objectives, WMTC considers it particularly important that additional development is assessed against the actual cumulative environmental baseline, rather than solely against modelled additional wastewater flows.

Any unidentified or unquantified component of the existing pollution burden should therefore be appropriately recognised when considering whether additional pressures from PP23 could hinder achievement of the MCZ's conservation objectives.

This is a separate statutory question from the HRA, but both assessments should be informed by a coherent understanding of the same receiving environment.

17. Conclusion

WMTC acknowledges that the Regulation 19 HRA and completed WCS represent a material development from the Regulation 18 position. WMTC also acknowledges the approximately £2.4 million investment made by Anglian Water in improvements completed in 2024. **[CCC-HRA; CCC-WCS; EV20; EV30-R]**

However, neither production of updated assessments nor completion of infrastructure works, by itself, demonstrates that the substantive environmental concerns have been resolved.

The central question is whether the Regulation 19 HRA demonstrates with sufficient certainty that PP23, alone and in combination with existing, committed and proposed development, will not adversely affect the integrity of relevant habitats sites through the complete wastewater pathway.

This requires reconciliation of:

- Anglian Water's previous identification of foul-network capacity constraints and pollution risk;
- the purpose and capacity effect of the £2.4 million improvements;
- continuing post-improvement spill events;
- the influence of recent relatively dry weather upon spill records;
- exceptionally high bacterial concentrations recorded during 2025;

- Environment Agency bathing-water evidence recording a history of contamination affecting West Mersea, including investigations indicating a source to the west of the bathing water which has not been definitively identified and quantified;
- intense-rainfall and first-flush effects;
- existing pollution for which the complete source and magnitude have not been established;
- existing and committed development, including Dawes Lane and Brierley Paddocks;
- the approximately 300 additional dwellings proposed through PP23; and
- the mitigation relied upon by the HRA to conclude no adverse effect on integrity.

WMTC therefore seeks clear evidence demonstrating:

- (a) precisely what existing, committed and proposed development has been incorporated within the HRA and WCS;
- (b) how the foul sewer network, rather than WRC treatment capacity alone, has been assessed;
- (c) how Anglian Water's evidence concerning capacity constraints and pollution risk has been reconciled with the Regulation 19 conclusions;
- (d) what the £2.4 million improvements actually achieved and whether they provided capacity for additional development;
- (e) how actual post-improvement spills and 2025 bacterial monitoring evidence have been considered;
- (f) how the Environment Agency's evidence concerning historic contamination, source-apportionment investigations and the continuing uncertainty regarding pollution sources affecting West Mersea has been incorporated into the environmental baseline;
- (g) how dry-weather conditions, intense rainfall and first-flush effects have been incorporated;
- (h) how unidentified or insufficiently quantified existing pollution has been allowed for within the environmental baseline;
- (i) what mitigation is necessary to support the conclusion of no adverse effect on integrity; and
- (j) where that mitigation is sufficiently secured and demonstrated to be deliverable.

The Environment Agency evidence is particularly relevant because the issue is not simply whether West Mersea WRC has theoretical treatment headroom. The environmental baseline includes existing bacterial contamination and pollution pathways which have been subject to investigation but have not been completely source apportioned. WMTC does not suggest that this evidence establishes that West Mersea WRC is the source of all such contamination. Rather, it demonstrates the importance of accounting for existing and incompletely quantified pollution when assessing the cumulative effect of additional wastewater loading.

Until these matters are clearly demonstrated, WMTC considers that the substantive Regulation 18 concern identified by ELF remains relevant to the Regulation 19 HRA. **[EV21; EV22; EV23]**

Detailed supporting evidence is contained within WMTC's Main Environmental / MCZ document and accompanying evidence.

Principal supporting evidence: EV01; EV02; EV03; EV12–EV14; EV17–EV30-R; CCC-WCS; CCC-HRA.