

06/06/25

Karen Syrett
Joint Head of Planning
Planning Policy Team
Colchester City Council
Rowan House
33 Sheepen Road,
Colchester CO3 3WG
By Email and Post: Karen.Syrett@colchester.gov.uk; Sandra.Scott@colchester.gov.uk

FAO: Karen Syrett

RE: Environmental Concerns Relating to Brierley Paddocks, Dawes Lane, and any Potential Local Plan Allocation – Mersea Island

Dear Karen,

West Mersea Town Council (WMTc) writes further to our previous correspondence on the 7th May, in which we raised serious and ongoing concerns regarding the environmental implications of housing development on Mersea Island. Regrettably, we have yet to receive any formal response.

We remain deeply concerned about the cumulative environmental pressures posed by the Brierley Paddocks and Dawes Lane developments, all planning applications under active consideration and the possible allocation of further dwellings for West Mersea under the emerging Local Plan. These developments, taken together, represent a significant and foreseeable increase in wastewater loading to the West Mersea Water Recycling Centre (WRC), which discharges treated effluent into or near Shellfish Waters, Bathing Waters, and a Marine Conservation Zone (MCZ) — all of which are protected under national and retained EU environmental law.

To date, no Environmental Impact Assessment (EIA) or equivalent cumulative environmental appraisal appears to have been undertaken for these developments, despite formal concerns raised by Natural England (NE) and the Food Standards Agency (FSA). The absence of such assessment raises serious procedural and legal questions, given the ecological sensitivity of the receiving waters and the statutory protections that apply to them.

We wish to highlight a crucial regulatory point that appears to be consistently overlooked in the planning context. The Urban Waste Water Treatment Directive (91/271/EEC) — as retained in UK law following EU exit — continues to define and govern the use of Population Equivalent (PE) as the legal basis for determining treatment capacity and permit conditions at wastewater treatment facilities. This definition remains enshrined in UK environmental legislation and forms the core of the Environment Agency's permitting regime.

PE determines the allowable pollutant load (e.g. BOD, ammonia, suspended solids) and is not interchangeable with flow-based measures such as Dry Weather Flow (DWF) or Q80/Q90. These latter values are monitoring tools, not licensing thresholds. Critically, a WRC may remain within permitted flow while exceeding its PE-based limits, thus breaching its permit. Such breaches pose significant risks to protected receiving waters, especially where microbiological and nutrient sensitivity is high — as is the case around Mersea.

NE and the FSA have raised credible and material concerns regarding the effect of increased sewerage load on water quality, shellfish health, and public safety. These concerns are grounded in statutory duties relating to Shellfish Water Protected Areas, Bathing Water Regulations, and the Conservation of Habitats and Species Regulations 2017 (as amended). The Environment Agency has an ongoing statutory obligation to prevent environmental degradation — an obligation that cannot be discharged by reference to flow figures alone.

In light of the above, and the legal framework that applies, we now formally request a response addressing the following:

1. Why no Environmental Impact Assessment or equivalent cumulative appraisal has been undertaken for the Brierley Paddocks and Dawes Lane developments and possible future dwellings that may be allocated in the new Local Plan for West Mersea;
2. How the formal concerns of Natural England and the Food Standards Agency have been accounted for in these two developments and in any individual site allocations that are under consideration;
3. Whether Colchester City Council will now review the Brierley Paddocks and Dawes Lane sites and any future further proposed dwelling allocation in light of credible evidence of pressure on West Mersea WRC and the statutory protections in place for surrounding marine environments.

We remind the City Council of its legal responsibilities under the Environmental Impact Assessment Regulations 2017, the Water Framework Directive Regulations 2017, the Habitats Regulations 2017 (as amended), and the retained provisions of the Urban Waste Water Treatment Directive. A failure to properly consider cumulative environmental impacts in such a context, risks both environmental harm and legal challenge.

Given the urgency and seriousness of the issues raised, we request a full written response by 1st July so it can be considered by our Council that will be meeting in the early part of July.

Yours sincerely,

Kirsty Wadsworth
Town Clerk
West Mersea Town Council

Telephone: 01206 382128

Copy to: Chief Executive, Colchester City Council; Leader, Colchester City Council; Sir Bernard Jenkin MP; City Councillors Powling, Davidson, Parsons; Cllr.Jowers Essex CC.