

Dawes Lane POS Consultation

Responses Received

16th - 30th October 2024

- 1

I have been made aware of the message sent out on social media from WMTC in respect of the above, although have yet to receive a direct message via a mailing list which I understood was to be another method of communicating with the residents of Mersea regarding this this very important matter.

I was at the most recent meeting of WMTC & feel that the way this 'communication' has been made is completely wrong & totally misleading!

You have totally ignored what the other options were, ie, that management of the area would be the responsibility of the developers, with NO cost to the other residents of Mersea, or Colchester City Council would take it over.

In addition, you have failed to highlight that the costs are estimated only, with no hard figures to support the estimates, or the ability of WMTC to carry out the maintenance without significant additional investments in staff or equipment.

I feel this illustrates once again a failing of the current structure of WMTC in not being totally transparent with Mersea residents.

This communication needs to be reworded immediately.

Await your individual comments.
- 2

I am fully supportive, provided this land remains for the benefit of West Mersea's residents.

As such, I would also suggest a restrictive covenant be placed on this land to prevent future sale for development.
- 3

I support the purchase of this scrubland, **only IF** there is easy access from Dawes Lane, and space for car parking envisaged on the land.

(Without these features, it's pointless.)

If the above features were to be so, it would be a suitable space for families without gardens say, to enjoy "greenery" in general.

11 acres is not a massive area in that context, and the upkeep of sub £15K pa, reasonable.

In fact, might it might be a suitable space to train up apprentice groundsmen???? , who could then be employed keeping cemeteries, verges etc etc up to scratch, for the council???

Whatever, it's essentially free land for the council portfolio.

4

I object to the West Mersea Town Council taking over the 4.4 Ha of Open Space on the terms laid out in planning application 241842, with no monies being provided for the maintenance of this open space. I believe that the land should be managed by a management company appointed for the purposes of managing and maintaining the Open Space as laid out in the original Section 106 agreement.

This management company will be made up of the owners of the dwellings on the site which this open space serves and as per the planning and Covenant conditions laid down in original planning consent.

It would be good to see the residents of these new dwellings given the opportunity to look after and manage this area which surrounds them. This area is designated as open space and as SuDS area for the estate in the planning conditions.

The area does not now contain any formal sports facility as was envisaged by the Local Plan Section 12a stipulation. In fact there is no room for any formal sports activity on this open space, as the SuDS areas dominate the layout and restrict any possible future changes.

The area to the south of the site is largely made up of a sunken drainage area (SuDS) for the estate whilst the northern section which is much bigger, and has again a much larger drainage area together with a fenced dog off lead area, a small apple orchard, four small woodlands, grassland and footpaths.

There is also considerable hedging and grass verge along the Dawes Lane boundary together with hedging around other parts of the site. There is also a 2.7 Km "Circular Walking" route to be maintained.

From figures gleaned from the Town Council's accounts and minutes a conservative estimate of the costs of looking after all the present open spaces maintained and managed by WMTC some 21.156 Ha (52.28 acres) is:

Three Groundsmen £84,000 @ 80% of groundsman time/cost

Skippers grass cutting £33,000 Years contract cost £28,440 + extra cuts

Groundwork contracted out £25,000 Stump removal, Trees, Hedges @ £15,000 etc.

Emptying of Bins all types £15,000 As this is done for all our open space

Council Tax there will be a car park on the new site

Insurance £1,000 Allocation to open spaces

Rushmere depot costs £8,000 Rent £5750, council tax, services, machinery service, etc.

Managing overheads £10,000 H & S retainer £1500

£176,000 per annum

Area to be maintained under Section 106 is 4.4 Ha plus CL1 & CL2 of 0.7 Ha therefore total to be maintained is 5.1 Ha.

This means by taking on this new area of the Dawes Lane site increases the open space area by about 24% on the existing open space managed.

Therefore 24% of the cost of maintaining this extra area would be $0.24 \times £176,000 = £42,000$ per annum

However, Cllr Jenkins estimates in his business case presented to the Council meeting 10/10/24 that the running cost of this 5.1 Ha of this open space at some £14,600. If one uses his cost for maintaining just this area and apply it to the existing 21.156 Ha of open space the Town Council maintains the maintenance cost would be only some £60,564

per annum. This is clearly unrealistic. I note that the cost has now been reduced to £14,400 per annum.

It should be also noted that the Town Council leases from Colchester City Council Glebe 2 some 6.3 Ha and jointly owns with Colchester City Council the top section of Mersea Park some 1.4 Ha.

This Dawes Lane Open Space already has the protection of Planning conditions and Legal agreements as to its use. Therefore, the area will always be available for the community to use but be managed by the group of dwelling on site, under the planning conditions and covenants laid out.

- 5 To whom it may concern. What about Sanderling Reach? The land is owned by City and Country but maintained at a cost by the majority of its homeowners for the people of Mersea to use and benefit from.

Let the Dawes Homes residents maintain their area for the use of the people of Mersea, as Sanderling residents do at no extra council tax to Mersea people or request that City & Country gift the land at Sanderling to the council or its current owners for Mersea use. Otherwise, City will build more housing in a year or two on Sanderling. Should not be one rule for one and one rule for another.

Yes, I understand that Mersea Homes have offered to sell the land - City offered a surgery and was allowed to get away with not completing that, yes they ended up gifting 6 bungalows, so why couldn't they have gifted a surgery.

All very very wrong.

- 6 I would like to confirm that I am in complete agreement with the proposed buy of the land in Dawes Lane. It would be great for our community to have open land. Just to say I do not own a dog, so I am not doing this as a dog owner.

- 7 In response to your email concerning the proposed purchase of Dawes Lane open space, in principle I support (and welcome) this proposal.

However, I feel that a breakdown of the estimated maintenance cost - 'in the region of £14,400 per annum' - would be useful to enable residents to make better informed comments on the proposal.

- 8 My husband, my son and I are very pleased to see this opportunity and urge West Mersea town council to go ahead and purchase the land. The green space provided will be an asset to the Island and the community. It will also be beneficial to the wildlife.

- 9 In broad terms I am in favour of more open spaces on Mersea, to mitigate the onward march of housing estates and where people can enjoy the more rural nature of our lovely Island. There are two caveats:

If this is originally the area designated as being made available for a new GP Surgery, then I think more should be done to see if this could still be an option, perhaps even if the land is given to the Town Council for £1 and then the village seeks funds to build the new surgery from a variety of sources.

Whilst I can appreciate that some residents would prefer to have a fenced off area for dogs to walk in rather than see them on the beach, I think we should be encouraging people to exercise with or without dogs. Perhaps a better use of that land would be an outdoor gym, similar to the one in the Colchester Recreation Ground. There may even be some central funding available for this, something the council could look into by looking at Healthy Communities work that the Integrated Care System are involved in.

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- 10 Having read the information about the above proposed purchase I felt it necessary to write to say personally I am NOT in favour of this, as a local resident, as I understand that whether it is purchased or not I along with all other residents of Mersea would still be entitled to use the space but without incurred costs?
- 11 I am somewhat baffled by your statement that if our community donates £14k p.a., that will pay for the upkeep of the recreational and common space.
It is my understanding that the developers, Mersea Homes, are responsible for that. I fail to understand why you think our community should provide, what is in effect, financial support for the extremely wealthy developers.
Can you please explain?
- 12 Would like it to be known that I am against the purchase of said land. As this would have financial implications, on WMTC.
My understanding of the situation is the land will be available as a public space, regardless, of WMTC owning the land.
Therefore I see no benefit in owning it.
- 13 We are against the purchase of the above land,
as this would have a financial implication on WMTC.
The land is a public space, regardless of WMTC owning it.
So we see no benefit in purchasing it.
- 14 Seems like a good plan to me. The maintenance of this land and its cost must be secondary to the value of the land to the Mersea population.
- 15 Dawes Lane is a no brainer in my opinion to stop further housing development. The Island infrastructure is pushed to its limits to sustain quality of life for its residents. I'm sure a community group of volunteers could be put together to eliminate or drastically reduce costs. Let's all take control of our Island and work together to improve open spaces for all. Would be happy to volunteer.
I see this as a great investment.

- 16 I support the purchase and maintenance of the land whole heartedly-it would be lovely to see some rewilding and could benefit the community
- 17 In response to your circulation e-mail of 15th October, and being residents that share the Dawes Lane development boundary (their south boundary), the following points occur to us and are attached:
1. In principle for the long-term public good we would agree that WMTC should purchase the land to the north and south of the 'Mersea Homes' development providing the funds to maintain this are available or organized to be such for the future. We believe this would be entirely consistent with the precedence of other significant developments within the area of the Council's responsibility.
 2. If the purchase goes ahead our property, amongst others, will share the (southern) boundary of the development. This boundary is currently marked by a temporary and moveable fence but was previously defined by the ditch which we and our neighbours have regularly maintained for 22+ years. The ditch function has now been somewhat superseded by the SUDS construction but does still take fresh water run-off from the boundary properties. The area discussed is within the plan extract below:
 3. We would be pleased to have acknowledged that any formal purchase of land by WMTC would include the exact boundary definition. Additionally it would also be good to learn that WMTC can include within future contracts the maintenance of the ditch if this should be required.
 4. We have not yet heard how the southern open space will be secured but of course all our bordering properties will have an interest in how this is to be resolved.
- 18 Yes, I think that the proposal for open space in the Dawes Lane area is a very good idea. As the Council has the option I feel that it should be taken up. This will help to mitigate the new build and infill housing.
More power to your elbow!
- 19
- 20 Thank you for inviting comments about the proposal to purchase the Dawes Lane Open Space.
Reading through the complex Planning Applications my comments are as follows:
i) Document 15321248, Open Space Schedule 3,
para 6.1 states to the effect that:
following issue of the works completion certificate the Owner can then transfer the Open Space to the Management Company.
The Management Company would then be financially responsible for the upkeep of the Open Space, funded by charging the estate property owners.

- ii) The document also states that if WMTC wish to take over this responsibility, then it can be by payment of £1.
- iii) The Open Space is for public use, what benefit would ownership by WMTC bring?
- iv) WMTC have stated that ownership would cost approx £14,400 per year in grounds maintenance.
- v) I believe that WMTC should NOT take on this responsibility.

21 I do not think that purchasing land at Dawes Lane for £1, with estimated annual costs of £14,400 for maintenance, is a good use of our money. It should be maintained by the developer at their own expense, though I understand the cost will also be borne by the purchasers of those properties. If the developers are prepared to 'give it away' at a nominal price they obviously don't want to be responsible for it themselves. Don't touch it with a barge pole; especially as the public will have access to the land anyway.

22 I am surprised that West Mersea Town Council even considers the purchase of this land as a future public open space.
The section 106 agreement to provide this facility would have been agreed by the Developers with the Colchester City Planners and as such should be offered to Colchester City Council, including the cost of maintenance.
The present and future generations may feel that the cost of £14,400 per year should not be at a cost to the town when a similar scheme in the City would be paid for by all residents, including those of West Mersea.
With the reorganisation of local government in 1974, the idea was for the main council to cover the whole borough area and parish/ town councils to support projects of special interest to their area and to take on such concurrent functions to be agreed to enhance the local peoples facilities and give them a higher standard than otherwise provided.
The Town Council should not accept any responsibility for this area, it should be passed straight to the City Council.
At present, West Mersea has poorer facilities than the City area. Residents pay the full rates for the Borough and in addition pay the Town Council local rates. This is a very unfair system in this case as we have many people from other areas who visit Mersea at little or no financial or other gain to the residents.
West Mersea needs more facilities. Car parking for the glebe, which has expanded its use and there are plans for further increased usage, resulting in more parking in local housing areas. The need for a better facilities for the medical practice is another problem.
Now is not the time to put more of a financial burden on the local people.

23 I agree that it a purchase well worth for the future protection of open space for all of us. It has my support.

24 Re the purchase of land in Dawes Lane-I fully support this purchase (as do my neighbours here in Coast Road).
Absolutely wonderful offer for the people of the island.
Many thanks

- 25 To me this is a no brainer. Please buy the land and protect it for our children and grandchildren.
- 26 Please delete and ignore my previous email if it is true that if you proceed we lose the S106 monies
- 27 I support the purchase.
I think it benefits all of us for the council to own more Public Spaces.
I am saddened to read comments on FB which are misleading and shellfish. It would be good for the council to have a way to state their side.
- 28 As a resident of Dawes Lane I find it unbelievable that such a proposal is even considered.

The developer surely has been granted permission with the condition of developing the open space into parkland, after all the developer is using the tag line “set in parkland” in their sales campaign.

What happens to the land if WMTC doesn't buy it? It has to be maintained by the developer or related company. Even if it's left not landscaped that still provides more biodiversity than the previous cultivated field provided.

Will the developer pay for the initial landscaping? I'm guessing not.

Nobody needs this piece of land to be parkland more than the developer, who needs it to sell his houses.

Also, the “parkland” is in such a cumbersome location that I doubt anyone other than the new residents of Kingsfield will use it. Mersea already has plenty of other recreational spaces.

This arrangement benefits the developer greatly but not the WMTC.

Surely there are better things to do with the GBP 14400/year that will go for the maintenance of the “park”.

This proposal should be rejected.

- 29 1. This land is designated as public land already and the developer is proposing to sell it for £1.00 to the Council once landscaping is completed. It seems that the land is subject to a number of covenants which will mean it can never be sold, and will require continued management (something that does not appear to have been evaluated at all), so will remain a continuing drain on resources for the whole community, when the intention under the S106 guidance was that a management body could be appointed and be responsible for management of the land and that the local residents in the Dawes Lane development would be responsible for funding the upkeep. If this is correct, it makes no sense at all for the Council to take on responsibility for this land and the continuing cost of maintenance.
2. Why was all this detail not made clear in the consultation document

3. Why was there such a short period for consultation
4. Why was the consultation conducted by email
5. Why have the council not followed best practice with regard to public consultations

Having read the more detailed background to this proposal, I now withdraw my agreement to the proposed purchase.

- 30 Please note my objection to the proposed purchase plan of the above as set out in the Town Council's email and further illustrated in the Courier issue number 849.

I am concerned that the council will be assuming liability unnecessarily for land which is already scheduled for public use and is already scheduled to be paid for by other parties as per the terms of the section 106 agreement.

- 31 In response to the above I would first say that I agree and endorse the comments of C Wood as published in the article.

While I am not familiar with this specific case, it is normal for the developer to pay a commuted sum to the adopting authority as an endowment towards the cost of future maintenance.

To take-on the responsibility for maintenance of this open-space without proper financial provision would be foolhardy in the extreme.

The full cost of maintenance and particularly and SuDS (Sustainable Drainage System) liability must be independently verified before any decision to 'purchase this land for £1' is considered.

The Parish Council may well be the best organization to own and maintain this land for the benefit of Mersea residents and the wider public and it's location being close to the Glebe and other wild-life areas does make sense, but only at the right price.

I should tell you that I have some professional experience in the relevant field and would be happy to follow-up this email with the officer in charge at WMPC.

However, I do not want my contact details made public.

- 32 It seems to me the developers are just trying to off load their responsibilities by hoodwinking the gullible council into thinking they are doing WMTC a favour they are obviously not as the proposal was trying to be held behind closed doors with certain councillors and not open to the public or the rest of Westmersea councillors for consultation /or consideration £1 for land that you rights to anyway ?

- 33 I'm writing to voice my opposition to the proposed acquisition of Land. This seems to be an uneconomic purchase for residents given that the land will be designated public space anyway; in effect all that is being proposed is the transfer of liability for maintenance to the public from the Developer.

- 34 Please note my objection to the proposed purchase plan of the above as set out in the Town Council's email and further illustrated in the Courier issue number 849.

I am concerned that the council will be assuming liability unnecessarily for land which is already scheduled for public use and is already scheduled to be paid for by other parties as per the terms of the section 106 agreement.

- 35 As a lifetime resident on our beautiful Island I feel very strongly about change on the island.
I understand that many residents are upset that we have now two new housing developments taking place here that they feel is unfair due to the infrastructure of services being at full capacity, especially the doctors surgery.
With regards to the new Kingsfield development in Dawes Lane there are a few points that I would like to present.
I support WMTC's decision to purchase and maintain this public open space. It offers valuable opportunities for young families, island walkers, and local residents to enjoy the area, enhancing our community.
I believe the recent article in the local paper is unbalanced. Mersea Homes has consistently demonstrated a commitment to quality and community engagement, in contrast to City & Country, whose poor workmanship and reputation has left homeowners dissatisfied, also what has City & Country given back to the community? Mersea Homes has built a strong reputation for delivering quality homes and foster positive relationships within the community.
The fact that the 12 acres that Mersea Homes have almost gifted the community with an average of price of £300,000 per acre in the UK I think is an amazing opportunity for the council, and so with this in mind I would also like to ask what happened to the monies set aside for purchase the old police station to create another doctors surgery? Why aren't you looking at this land for a new medical centre?
I do not want this opportunity to be missed, please stop thinking and promoting this opportunity so negatively.
- 36 No I do not think the WMTC should purchase the land offered in Dawes Lane. This land is already designated as a public open space and islanders should not be lumbered with the cost of maintaining it.
- 37 I write having read the article regarding the potential land purchase in the Courier (Issue No. 849), which details the council's consultation process, and also the questions that arise.
I note in the article that the developer has, within the terms existing terms of the planning consent, a responsibility to provide and maintain the Public Open Space, and this is detailed within the S106 agreement, within schedule 3
Within the article a letter from a C. Wood referred to a meeting held between the developer and councillors Weaver and Powling, at which the proposal for West Mersea Town Council to purchase the land was developed.
Apparently no declaration of this meeting was made to the full Council or indeed the public. No minutes have been produced.
There seems to me to be at least a policy of omission by the council or some of its officials. Why was the fact that the developer had already entered into an agreement to landscape

and manage the site not stated clearly, and why in that case was there any requirement for the Council to assume responsibility for future maintenance of the site?

I would ask the Council to provide a full statement on this matter, detailing any conflict of interest certain councillors may have, and explaining the purpose of any meeting held that the full council was unaware of and its contents not supported by minutes.

I am deeply concerned regarding the management and transparency of our elected Town Council, following the issues arising from poor accountancy practice, and continual withdrawal of elected councillors.

- 38 I read with interest the recent article in the Courier regarding the purchase of Dawes Lane Open Space.
One of the reasons given that this land will be open for all to enjoy.
I live on Sanderling Reach. The residents are in the process of being advised what we are going to have to pay to maintain the public area on Sanderling Reach.
I know for a fact after speaking to people while working in our own front garden that they enjoy working around the estate which the Sanderling Reach residents will be paying for.
May I ask why the West Mersea council are willing to purchase the land in Dawes Lane? Why didn't they purchase the land on Sanderling Reach for all to enjoy. It does not seem fair.
I'm afraid I'm unable to attend the meeting on 29th October.
- 39 Having given this matter some further deliberation, I would like to retract my previous request for my objection to the above and change it to one of support.
- 40 Thank you for your email. I'm sorry to be contrary, but, having given the matter more thought, I would now like to withdraw my earlier email and would ask you to note my support for the Council purchasing these areas of land. I now understand that there was more to this matter than set out in the Courier.
- 41 I think the West Mersea Town Council should purchase the 11 acres to the north of Dawes Lane for £1 for us as a public green open space for the recreational benefit of present & future generations of Mersea Island community.
- 42 I am in favour of the West Mersea town council purchasing the 11 acres of land to north of Dawes Lane development for use as open space for public amenity to benefit present and future residents of Mersea.
- 43 I have read various information about this proposal, and I don't really see the advantage in the Council taking on the responsibility and the cost of maintaining this area if indeed planning includes that this land has to be landscaped, maintained and is open to the public. So my vote is 'no'.
If in fact this is not the case then I feel we need clarity about the details.
- 44 I am writing as I don't agree with this proposal as I note that in the article in the courier the developer has within the terms of the existing terms of the planning consent a

responsibility to provide and maintain the public open space and this is detailed within the S106 agreement, schedule 3.

While it seems "nice" that the developer is giving this land back for all the stated reasons in the email, surely it should not be given back and the responsibility of maintaining it handed over to the council too? This just shows they can't do anything else with the land and would be pleased to just hand back the costs too. I'm sure they could afford to cover the annual costs as a gesture of good will, I won't hold my breath. I believe the council should have made the meeting public. This comes across as underhand or perhaps not legitimate?

Minutes of the meeting should be available to those interested and for something so important, where the council will be taking responsibility for another cost, the residents should be consulted, it seems like this meeting has already gone ahead without following proper procedures? The council has already wasted money on the compactor bins that are no different to any standard bin but come with an extortionate cost!

45 I agree the Town Council should be given the opportunity to purchase this land. This space should be used for recreational purposes and supporting wild life. Protecting present and future generations.

46 As a resident of West Mersea for the last 27 years I **object** to the purchase of the Open Space offered by the developers of the Dawes Lane site. As I understand it the developers are obliged to develop the Open Space and maintain it for the use of residents of West Mersea under the planning consent given to develop the Dawes Lane site. Why would any council want to take on the maintenance of such land when the developers are already legally bound to do so? I cannot see any advantage in our Council purchasing the land, it will tie up a large amount of our precept funds for future generations.

47 **It is the opinion of the xxxxxx that purchasing the Dawes Lane Open Space and agreeing to maintain it in the manner as stipulated by the developer is NOT an acceptable idea.**

Residents of the Dawes Lane development will have primary use and enjoyment of this open space and will have to pay a maintenance company to look after it, as stated in the original planning agreement.

If this Open Space is purchased by WMTC, **we will not get the 106 monies as agreed to in the original planning agreement.** We spend £1, gain an increase in maintenance expenses, and lose the 106 money which was to go toward MICA roof.

The estimated cost of maintaining the Dawes Lane Open Space could be in excess of £39,000 annually, calculated as an additional 24% of West Mersea's existing open space maintenance costs.

The public, residents of West Mersea, deserve a better level of service than the suggested purchase of Dawes Lane Open Space, as the 106 monies are for community betterment.

48 I wish to comment on the suggested acquisition of 11 acres north of the Dawes Lane development.

Having been at the recent council meeting when this was on the agenda I don't feel the notice put to the public is an accurate portrayal of what was discussed. There's no mention of the alternative which I understood from the meeting to be that a management company run and funded by the residents of that estate would manage the land at no cost to the wider public.

The fact that the community can use the land and facilities even if WMTC don't own it has also been omitted from the details put in front of the community.

I think it's nonsensical to spend at least £14k per year on maintenance of ground we can all use without costing WMTC a penny.

I'm sure many other areas or projects could be funded with our money if Mersea Homes were told to arrange a management company for their Dawes Lane residents.

49 We are responding to the request from WMTC for comments in respect of the proposal to purchase the above land from Mersea Homes.

Firstly, feel that the communication/request as published by the council is totally misleading. I attended the last council meeting when the subject was raised, (despite not being on the agenda) & the various options available were discussed. The fact that one option of a management company to take over the maintenance of the areas from the developer, & it still remains an 'open space', but with NO cost to the residents of West Mersea has been totally ignored.

We feel that the full maintenance costs indicated have not been fully or accurately calculated; in addition, the loss of S106 monies as reported in last week's Courier should have been included in the communication.

In our view, this whole matter has been completely mishandled by WMTC.

Please accept this mail as two residents totally opposed to the purchase.

50 I note that an application to vary the S106 agreement relating to the housing development in Dawes Lane to allow the Developer to sell land designated as Public Open Space to WMTC was lodged with the planning Delt on 11/09/24 and is due for decision by 6/11/24. Your e-mail of 15/10/24 gives very limited information about the proposal and certainly not enough information for residents to give an informed opinion before your deadline of 29/10/24 for comments.

The information provided by the council to date is incomplete and therefore very misleading. The proposal leaves the community taking on a huge annual cost going forward, costs that the council has not explained or justified.

It is essential that a proper community consultation with full information available occurs before any move by WMTC to take over responsibility for this open space from the Developer goes ahead.

I would feel very strongly that a public meeting to discuss the matter should be arranged.

51 Re the offer to the council of the purchase of land for £1.
We strongly object to this.

The original planning permission included the requirement for the maintenance of this land by the residents of the development, with the land open for all to access. This is exactly what happens at our daughter's house on a new development in Somerset. It works well. Why should the residents of Mersea now pay for the maintenance of a piece of land which should be maintained by Kingsfield residents, a condition of the original planning consent?

The council can't afford to waste £14,000 a year on something it is not required to maintain.

52 I do not agree with the £1 purchase of the land in Dawes lane—or rather not with a service charge this would make the council liable for,

53 I understand WMTC is seeking opinions regarding the possibility of the Council purchasing land from the developer re Dawes Lane. The land being an area designated as public open space as part of the planning conditions imposed on the developer at application to CTC when seeking to build an estate of new housing. Despite the land being offered to WMTC at cost of £1.00, I am at a loss to understand why WMTC would wish to consider such a proposal. The developers are legally required to comply with planning consent, already agreed, to ensure they develop a public amenity space and maintain it. Whilst that is at cost to the home owners on the development, this is entirely normal with most new estates. People purchasing the properties should be aware of the maintenance fees before purchasing the homes. Although the land is considered amenity land for all residents on Mersea, the likelihood is that it will mainly be used by residents living on/off Dawes Road. If WMTC purchase the land, the cost of maintenance would fall to the Council, ultimately reducing the potential for the Council to make necessary improvements on the island that benefit a greater percentage of Mersea residents. The developers have clearly come to the realisation that the cost of upkeep of the space will be significant, particularly if the costs quoted in The Courier are correct. I am sure the developers are likely now very concerned about the financial impact on new home purchasers. If the cost is indeed £14 400 , there are 100 properties proposed which would therefore equate to each household having to contribute £144 per annum towards management of the amenity land, on top of whatever additional management expenses would be incurred. In the current climate, with increasing interest rates and living costs, I'm sure the developers are concerned the management fees will reduce buyer interest. The points I have raised lead me to strongly reject any proposal by WMTC to purchase the land. I would also raise my concerns that WMTC does not appear to have followed due process in terms of consideration of the proposal, or indeed, the relevant requirements for open consultation with residents.

54 Having read the details of the proposed purchase of land at the north of the housing development on Dawes Lane by Mersea Homes, I cannot see why the council should buy this land. Why should the Mersea residents be liable for the cost of maintaining this land, when this was part of the Section 106 agreement when planning permission

was granted. There is already a covenant to keep and maintain this as open space for all residents, so why should we pay for the upkeep rather than the developers who have made all the profit?

It is another case of developers wriggling out of their responsibilities. As with City and Country initially promising a GP surgery, but over time getting permission for extra housing and thereby getting more profit and giving nothing back to the community. Please do not waste any more of your ratepayers' money, when everyone is struggling in the current financial climate.

55 This is a letter objecting to purchase of open land at Dawes Lane. As per the local plan policy SS12A West Mersea development will be supported at Dawes Lane which provides public open space including sports pitches. The plan does not support or require the purchase of said open space by WMTC. The land in question is a public open space and would require an act of parliament to approve any planning which is highly unlikely. Therefore, there is no reason to purchase open space land. Any such purchase would incur unjustifiable costs and therefore is not in the interest of local people who would pick up said costs.

56 This is a letter objecting to purchase of open land at Dawes Lane. As per the local plan policy SS12A West Mersea development will be supported at Dawes Lane which provides public open space including sports pitches. The plan does not support or require the purchase of said open space by WMTC. The land in question is a public open space and would require an act of parliament to approve any planning which is highly unlikely. Therefore, there is no reason to purchase open space land. Any such purchase would incur unjustifiable costs and therefore is not in the interest of local people who would pick up said costs.

57 1. It is welcomed that that there is consultation with residents. This is an important matter where residents and others should have the ability to provide views.

2. It is of importance I feel that consultation is based upon what is a requirement by legal authority. Also, it provides an opportunity for residents and others to consider what is the factual basis for alternatives.

3. I therefore ask if the Council has considered what is known as the Gunning Principles? I would like to request a specific answer to this question, and this is addressed before the Council considers the replies it has received.

4. Please see the attached. As can be seen, the Gunning Principles are the requirements on Consultation as published by the Local Government Association (LGA) defined below.

“A consultation is only legitimate when these four principles are met:

1. proposals are still at a formative stage, a final decision has not yet been made, or predetermined, by the decision makers

2. there is sufficient information to give ‘intelligent consideration’ The information provided must relate to the consultation and must be available, accessible, and easily interpretable for consultees to provide an informed response

3. there is adequate time for consideration and response. There must be sufficient opportunity for consultees to participate in the consultation.

4. ‘conscientious consideration’ must be given to the consultation responses before a decision is made Decision-makers should be able to provide evidence that they took consultation responses into account.

5. It is the position in the current circumstances whatever view is taken on the proposal, that insufficient information has been given in the consultation. Also, that the matter has been pre-determined by some Councillors that they are in favour of the purchase in advance of this consultation. It is also the position that information has been withheld; that the figures put forward for cost of maintenance so understated that in my view could be regarded as misleading.

6. In respect to 2, a claim that the land could be built on, or made a car park, if a material consideration was not included in the published statement put to residents. This claim is believed was stated by a Councillor to certain residents subsequently. It has not been made available to all residents and there would, in my view, be contrary to 2 of the Gunning Principles.

7. In respect to 4, the fact that it has been disclosed that some Councillors had met the developer and reached an agreement in the Summer, would indicate that a conclusion has been made prior to the consultation and that they have undertaken prior determination.

8. On the merits of the purchase, I say:

-that maintenance should be borne by the householders on the development;

- the cost stated by WMTC for maintenance is a gross underestimate;

-the is no material advantage in the land being under the control of WMTC (to allow a misconception that the land will be owned by WMTC is misleading to residents as the land would if purchased be owned by the City Council and leased to WMTC as in the case of the Wellhouse development.

9. Overall, the purchase would saddle future residents of West Mersea with a very high cost of maintenance and could mean that additional ground staff would be required.

10. In summary, it is my view that the proposal is deficient and costly and, if approved, would be regarded overall by generations of residents as an imposition without material benefit.

58 Can you please be aware that I can see no benefit for the residents of Mersea Island if the Council were to proceed with the purchase of the Dawes Lane open space, in fact quite the reverse in that the residents through taxation would be paying for the maintenance, repairs and replacements, I assume there would also be a cost for providing insurance cover..

59 I am writing to confirm my support for the purchase of land to the North of Dawes Lane, plus a small strip to the south. Not only does this create fantastic open protected space for wildlife but could also create the opportunity to improve the health and welling of residents.

60 **I strongly object to the purchase by West Mersea Town Council of Dawes Lane Open Space land.**

61 **I strongly object to the purchase by West Mersea Town Council of Dawes Lane Open Space land.**

62 Thank you for carrying out the consultation to offer views on the merits of purchasing land at Dawes Lane.

I support the idea for the following reasons –

- There is no loss of s106 planning mitigation contributions by taking up this offer.
- WMTC would own a total of c.12.7 acres in this location given to it by the development (community land & open space land added together) which is an excellent asset for the community especially as it is contiguous with the existing Glebe. This ownership would give greater control as per the rest of the Glebe, rather than the alternative of it being owned by a residents management company.
- Although it will add a modest increase to the grounds staff time and budget, I believe it is money and time well spent.

It is a shame that online comments in social media and local newspaper articles seem to have misinformed members of the public but I hope that WMTC have all the facts to ensure a properly reasoned decision.

63 Please can you register my response to the consultation regarding the land at Dawson Lane?

I do NOT agree to the land being bought or adopted by WMTC.

64 i am against purchasing this land

I wish to record my vehement opposition to the proposal to purchase land at The Glebe, and to this sham consultation.

My points of challenge to this consultation (sic) are as follows:

1. The cost of this proposed acquisition is NOT £1.00. As I pointed out in the Public Participation section of the WMTC meeting 10/10/24, and even acknowledged by Cllr. Jenkins in the debate regarding this acquisition, the cost of this land also includes the loss – to the residents of West Mersea – of the S106 monies in respect of this open space. Presenting the cost as just £1.00 is fundamentally misleading
2. The consultation process is fundamentally flawed and does not follow best-practice. A number of Councillor's have opposed the proposal and certainly the content of the narrative of the consultation.

The LGA provides specific advice on the principles of a consultation and I see very significant failings against these principles, namely:

- a. Consultations should be clear and concise.
 - b. Consultations should be informative... Give enough information to ensure that those consulted understand the issues and can give informed responses.
 - c. Consultations should last for a proportionate amount of time.
 - d. Consultations should be targeted Consider the full range of people, business and voluntary bodies affected by the policy, and whether representative groups exist... Ensure they are aware of the consultation and can access it. Consider how to tailor consultation to the needs and preferences of particular groups, such as older people, younger people or people with disabilities that may not respond to traditional consultation methods .
 - e. **Consultations should be agreed before publication.** Seek collective agreement before publishing a written consultation, particularly when consulting on new policy proposals.
3. No alternative to this proposal is presented, indeed the positioning of this proposed acquisition as securing access for the residents of West Mersea is also fundamentally misleading.

Residents will already enjoy access to this open space, it is enshrined in the planning consent for Dawes Lane and the developer is obliged to landscape and maintain the open space under a management company, if it is not able to pass-off its liabilities to a commercially naïve and gullible Town Council.

4. The proposed costs for maintaining this open space beggar belief... They lack credibility, they just don't stack-up, and will be to the detriment of the upkeep of other open spaces – which WMTC are already failing to deliver!

This consultation talks only about benefits, there is no risk vs. benefit analysis, the risks and liabilities have not been properly considered, calculated or presented.

5. The origins of this proposal were a secret meeting between the developer and just two Councillors: Cllr. Weaver and Cllr. Powling, and The Clerk... completely unconstitutional. The existence of the meeting has been hidden. The meeting was not minuted, the content of the meeting not shared with full council or the public.

Accordingly I believe that this proposal should be withdrawn.

66 I would like to object to the parish Council scheme to purchase, for a nominal price of £1, open land surrounding the new housing on Daws Lane . This land is designated for the use of the community in the present planning permission, together with a scheme for its upkeep to a set standard, and we gain nothing except the cost of this upkeep if we own the land.

So I state that the council should NOT buy this land.

67 I am very definitely opposed to buying the land for £1.
Please count my vote as **against**.

68 This looks like an attractive proposal (too good to be true) but I would not want the Council to be annually burdened with a large sum of money to maintain the plots. It may be £14000 now but how much will this increase in the future? If the alternative is for the developer to continue to service and maintain the plots, WMTC would be able to have an impact by routinely checking the standard of the maintenance. I think this would be a more acceptable course of action.

I would not support the WMTC purchase of the Dawes Lane plots.

69 I am writing on behalf of Mrs x xxxxxx and myself who live at xxxxxx Avenue. We are responding to the invitation to comment on the proposal to purchase the 11 acres of public open space at Dawes Lane for the sum of £1.

Our initial reaction to the invitation contained on the West Mersea Town Council web site was of the lack of information that has been provided. There is no background information given about this development and the legal framework governing the development. No mention has been made of the planning condition set out by the planning authority, Colchester City Council and no mention of the Section 106 agreement between the developer and Colchester City Council which sets out in detail the arrangements for the future maintenance of the public open space and the finance available.

You have indicated that the estimated annual cost to maintain the public open space is in the region of £14,400. How have you arrived at this figure? Have you obtained estimated costs from specialist landscape management companies or has it been derived in house. What standards of maintenance have been used in building your estimate and are they likely to change at times in the future?

Why is West Mersea Town Council taking on the responsibility of the maintenance rather than Colchester City Council or a maintenance company as allowed for in the provisions of the Section 106 agreement?

To refresh your memory the Section 106 agreement paragraph 1 allows for An Open Space Management Plan to be prepared by the Owner and approved in writing by the Council for the ongoing management and maintenance of the Open Space. Has this plan been approved and if not how has the annual maintenance cost figure been derived?

Paragraph 1 also defines the Open Space Maintenance Sum to be used towards future maintenance of the Open Space. Has this sum been communicated to the Council and if so why is no mention of it been made in the West Mersea Town Council web site?

Further in the 106 Agreement paragraphs 6.1 sets out that the transfer of the Open Space is to be for the sum of £1 as you have identified on the web site but why has not mention that this is a legal requirement rather that try to give the impression that the Town Council has been given an opportunity that was unexpected?

Paragraph 6.2 sets out how the Open Space Maintenance Sum will be paid to the Council for use towards the maintenance costs. Later in the Section 106 agreement Annex A gives the costs per hectare to be paid to the Council. These cost will amount to about £200,000, depending upon the area to maintained and the amount of index linking to be applied. Why was your web site only identifying the costs and not the commuted sums?

Without satisfactory answers to the above question our view is that the future maintenance would be best left to a management company as allowed for in the provisions of the Section 106 agreement.

70 As I and my family are becoming residents of Mersea Island within the next two weeks, I would like to express my concern at the information I have been given that the council have put forward a proposal to purchase the Dawes Lane open space. As I understand the land without council purchase would be open and available for all residents with no ongoing expense or cost, if correct then I believe the council would be unable to provide any proof of any benefit from such purchase. Please note that we strongly oppose any such purchase by the Council.

71 I refer to my earlier email which was sent to you at 17.51 this evening. The email was unfinished and was sent by mistake. I have amended the email and it is set out below. I am writing on behalf of xxxxxx and myself who live at xx xxxxxxxx Avenue. We are responding to the invitation to comment on the proposal to purchase the 11 acres of public open space at Dawes Lane for the sum of £1. Our initial reaction to the invitation, contained on the West Mersea Town Council web site, was the lack of information that has been provided. There is no background information given about this development and the legal framework governing the development. No mention has been made of the planning condition set out by the planning authority, Colchester City Council, and no mention of the Section 106 agreement between the developer and Colchester City Council, which sets out in detail the arrangements for the future maintenance of the public open space and the finance available.

You have indicated that the estimated annual cost to maintain the public open space is in the region of £14,400. How have you arrived at this figure? Have you obtained estimated costs from specialist landscape management companies or has it been derived in-house. What standards of maintenance have been used in building your estimate and are they likely to change at times in the future?

Why is West Mersea Town Council taking on the responsibility of the maintenance rather than Colchester City Council or a maintenance company as allowed for in the provisions of the Section 106 agreement?

The Section 106 agreement paragraph 1 allows for An Open Space Management Plan to be prepared by the Owner and approved in writing by the Council. Has this plan been approved and if not how has the cost of annual maintenance been derived?

Paragraph 1 also defines the Open Space Maintenance Sum to be used towards future maintenance of the Open Space. Has this sum been communicated to the Council and if so why is there no mention of it on the West Mersea Town Council web site?

Further in the 106 Agreement paragraphs 6.1 sets out that the transfer of the Open Space is to be for the sum of £1 as you have identified on the web site. Why is there no mention that this is a legal requirement rather than try to give the impression that the Town Council has been given an opportunity that was unexpected?

Paragraph 6.2 sets out how the Open Space Maintenance Sum will be paid to the Council for use towards the maintenance costs. Later in the Section 106 agreement Annex A gives the costs per hectare to be paid to the Council. These costs will amount to approx. £200,000, depending upon the area to be maintained and the amount of index linking to be applied. Why was your web site only identifying the costs and not the commuted sums?

We would like you to answer the above questions for us and indeed for all the other residents who are querying this proposal.

72 Please register the fact that I am totally against the proposed purchase of the amenity space at Dawes Lane, any suggestion that the purchase would benefit the residents of Mersea Island bears no relationship to the truth, which would be that we would be responsible for all ongoing costs for eternity, with absolutely no added benefit. To pretend otherwise would suggest that there are other factors which have not been divulged.

73 I write in regard to the ask for comments on the above proposal. I'm struggling to reconcile the estimated annual cost of upkeep against the size of the plots and the various complexities of the different types of areas within. I'm concerned that £14,400 per annum (£1,200 per month) will quickly prove to be insufficient and that WMTC will then need to find additional funds in order to provide sufficient upkeep. I understand that there is an alternate option available whereby a new management company formed by the residents of the Dawes Lane development would take ownership of the land in question and therefore also become responsible for the ongoing upkeep. But at the same time, the land would remain accessible to the general public.

It seems to me that if there is no need for WMTC to incur this additional cost for no additional benefit then why choose to do that? If there was some other tangible benefit

as a result of ownership then there may be justification for doing so but as the land will remain accessible to all regardless, it seems to me that the most sensible option would be for a management company to take ownership. This is the option that I support.

74 Further to the above subject matter I would like to register my opposition to the proposed purchase by WMTC of the public open space associated with the Dawes Lane development. I do not consider it to be in the financial interest of the West Community to take on the financial responsibility for maintaining the land at public expense when the developers or proxies of, are clearly and clearly designated as responsible for the future upkeep of the open space. It is my understanding that if WMTC do not purchase the land for the token £1.00, this would not impact in anyway on the community in terms of use and access.

75 I am writing to you as a West Mersea resident to ask a few questions about the proposed purchase of open space from Mersea Homes and the subsequent requirement to pay for the on-going upkeep and maintenance of the facility. Whilst I understand that the land will become an asset for the local community, my question is whether the purchase of this land impacts any of the S106 funding from the development? The original plan was for Mersea Homes to provide 12 acres of public open space parkland (incl dog walking and community orchard) and an additional 1.7 acres of land was being gifted FoC to WMTC for another use. Mersea Homes are also providing £32,000 for recreation facilities at the Glebe, £170,000 to build community facilities and £73,000 to the GP surgery. Can WMTC confirm that none of these monies will be impacted by the purchase of this land? Could WMTC also confirm that the cost of turning the purchased land into the “public open space land with dog walking area and community orchard” will be covered by Mersea Homes? Finally, could WMTC also provide information about how the additional £14,400 per annum (not incl. inflation) will be funded from the council’s core budget going forwards? Will any other services have to be cut to ensure a balanced budget? Will the council’s S151 officer confirm this can be managed without any impact to other services? If WMTC can confirm that there is no impact on S106 monies, that the cost to create the Public open space as per the design scheme is covered by Mersea Homes and that the cost to maintain this land is able to be covered by additional funding and no impact to council services will occur, then I would be supportive of this plan, however, if this cannot be confirmed, then I am opposed, as there would be no benefit to West Mersea residents, as the Public Open space and long term management of it, would be the responsibility of the management company for the Dawes Lane development and the S106 funding is sorely needed.

76 I strongly disagree with the proposal to purchase the recreational land from the developers. The ongoing maintenance cost to local taxpayers is unacceptable and will create financial burden for years to come.

That cost should remain with the developers, as indeed they accepted on the grant of planning permission.

77 In theory it sounds like a good deal, all that land for £1 and the Council would be able to landscape it as they wish that would cost a lot of money. They would then have to maintain the area at an estimated annual cost of £14,000 per annum. This would be an open space for all residents on Mersea Island. We all have access to an amazing open space that is there for all ages to enjoy - the shore that surrounds our Island. Please do not agree to this proposal, it would be a total waste of ratepayer's money without any benefit to the people of Mersea Island but of great benefit to the Developer!

78 My response is as follows but first, an observation;
It was very difficult to locate the consultation details which were buried in 'Latest' then in 'Council news'. I suspect many will have been unable to locate it.
I oppose the plan to purchase the Dawes Lane site as it imposes a burden on the council without any benefit. It absolves the developer from an obligation agreed as part of the process whereby they obtained permission to develop.
If the council insist on taking this outrageous plan forward, they must face the electorate to whom they are responsible, in a public meeting.

79 I object to the above purchase as follows.

Maintenance £14400 per annum – Grossly underestimated, cost does not include the additional member of grounds staff needed to deal with extra work.

Loss of S106 money. Secret meeting between 2 councillors and builder.

Public will still have the same access rights if council do not take on this financial burden.

80 I object to the above purchase, which will put a further financial burden on the local Council. I was not fully aware of the implication of this purchase from the article in the Courier, which did not make it clear of the financial burden. This has since been explained fully to me by somebody outside of the Town Council.

Barbara Atkins

81 Dear wmtc I strongly object to the proposal for to purchase the land at Dawes Lane. The developer, in exchange for planning permission, agreed to landscape and maintain the land. We already have access to the land. Those that have purchased properties that are part of the development will have been aware of any management fees they would incur. I think the right thing to do is to answer the recent letter in the courier with the reasons why incurring £14k of maintenance by the council, rather than the developer, is a good idea. I hope this suffices as a formal objection.

82

The consultation document does not state that the developer is otherwise required to provide and maintain that land for recreational use itself under the conditions of an earlier planning permission which is further protected by covenants. The failure of WMTC to disclose this and that in previous meetings between the developer and the Council it had agreed to purchase this land suggests that this “consultation” is a sham as it is worded to support that decision. The previous attendance by Councillors at a meeting with the developer and their agreement to purchase the land contravenes the Council’s Financial Regulations and is also “pre-determination” which is then subject to sanction. If WMTC purchase the land it transfers the considerable cost of maintaining that land from the developer and the residents on its estate to all other residents here which then increases their Council Tax precept but with no additional benefit. The Council should consider the “opportunity cost” of other uses of the expense of maintaining that land ie the benefit of using that amount for other purposes such as enhancing its existing public open spaces to improve them which have low amenity value. The cost of maintaining the land to the specification required is not supported by quotations by third party suppliers eg commercial ground and tree care companies noting the Council already contracts out work ie does not have excess capacity to do this in-house. I am advised that members of the public who have objected to the purchase have been telephoned by Councillors who support the project and have attempted to persuade them to support the purchase or withdraw their response which is unacceptable.

83

There was a typo in the fifth paragraph of my earlier response. I have corrected it below and ask if you could use this copy.

The consultation document does not state that the developer is otherwise required to provide and maintain that land for recreational use itself under the conditions of an earlier planning permission which is further protected by covenants. The failure of WMTC to disclose this and that in previous meetings between the developer and the Council it had agreed to purchase this land suggests that this “consultation” is a sham as it is worded to support that decision. The previous attendance by Councillors at a meeting with the developer and their agreement to purchase the land contravenes the Council’s Financial Regulations and is also “pre-determination” which is then subject to sanction. If WMTC purchase the land it transfers the considerable cost of maintaining that land from the developer and the residents on its estate to all other residents here which then increases their Council Tax precept but with no additional benefit. The Council should consider the “opportunity cost” of other uses of the expense of maintaining that land ie the benefit of using that amount for other purposes such as enhancing its existing public open spaces to improve them which else have low amenity value. The cost of maintaining the land to the specification required is not supported by quotations by third party suppliers eg commercial ground and tree care companies noting

the Council already contacts out work ie does not have excess capacity to do this in-house.

I am advised that members of the public who have objected to the purchase have been telephoned by Councillors who support the project and have attempted to persuade them to support the purchase or withdraw their response which is unacceptable.

84 I'd like to register my objection to the proposed purchase of the Dawes Lane land. It has the potential of landing the council with considerable bills for its maintenance, which I don't feel is good use of limited resources.

85 I would like to lodge my objection to the possible purchasing of the Dawes Lane open space by the council. In my opinion there is nothing to gain by it been purchased by the council and it will put an additional unnecessary strain on the already limited funds available.

86 I would like to register my objection to the proposal to buy the land in Dawes Lane, and for the council to take over responsibility.
The reason being that I feel we need to put resources and funds for green space to the areas of responsibility the council already has. The reason I have been given for not maintaining current spaces/hedges/trees has been lack of funds and manpower and I was told the expense of surveys for the trees was so high that there was little money left to complete the works recommended.
I am aware of several times that the trees have become unsafe due to splitting and fallen branches.
Therefore, I believe we should reject the offer to buy the land and work on catching up on maintaining the green spaces the council already own.

87 Leaving aside the rights & wrongs of the process adopted for the so-called public consultation on this subject, I fail to understand what the positive arguments are for going ahead with the acquisition of the land in question. The town council has failed to explain what they see are the positives and thus we are left to consider only the negatives i.e. the cost of maintaining the land to be acquired and associated additional costs, together with the loss of section 6 monies.
This proposal obviously has not been given sufficient thought and consideration, and one wonders what, if any, ulterior motive exists to underpin the concept the proposal to acquire this land makes any real sense, financially or is beneficial to Mersea residents/ tax payers.
Re-consideration in an open forum is clearly necessary before any commitment is made.

88 I would like to add my voice of concern (or if possible objection) to this proposal by WMTC to purchase land at Dawes lane that is part of the developer's duty to upkeep/make available to all Residents of the island for future use. I read that several other projects had to be halted due to accounting issues/Vat repayments.
I hope this unnecessary maintenance burden isn't being added to our finances when we need other projects to progress more urgently.

89

We would like to change our support of council purchasing land at Dawes Lane development to an objection-having now read all the facts we feel misled. The developers have an obligation to maintain the land at their expense not the taxpayers.

90