

WEST MERSEA TOWN COUNCIL

MINUTES OF THE EXTRAORDINARY COUNCIL MEETING HELD ON THURSDAY 31 OCTOBER 2024

In attendance:

Cllr Bob Jenkins (Deputy Mayor)	Cllr David Baker	Cllr Dave Boylan
Cllr Malcolm Greenleaf	Cllr Nigel Hinderwell	Cllr Carl Powling
Cllr Teresa Webster	Petra Palfreyman, Locum Clerk	8 members of the public

24/231 RECORDING OF MEETING

Chairman requested anyone present to identify their intention to record the meeting.

Cllr Hinderwell, Cllr Webster and the Locum Town Clerk confirmed they were recording. The office recording device was also used.

24/232 APOLOGIES FOR ABSENCE

Cllr Weaver & Cllr Jowers. A vote of acceptance was taken with all in favour.

24/233 DECLARATIONS OF INTEREST

Cllr Powling declared he is a Colchester City Councillor.

24/234 PUBLIC PARTICIPATION

A period of up to 15 minutes (maximum of 3 minutes per person) for members of the public to ask questions or submit comments about items on the agenda.

MOP 1 - wanted to make the Council aware that a large ditch has been dug out at the edge of Stable Close, which adjoins the new development, to stop the bungalows flooding. Mersea Homes have put in a suds and a water pumping station and wanted to confirm that if the Council took responsibility for the POS, would they also take responsibility for that. Also could the Council take responsibility for the rest of the ditch, including landscaping, management of the wildlife and drainage.

MOP 2 - stated the public meeting should have taken place before the public consultation and that the planners should have acted earlier on the original S106 agreement to provide alternative options and secure Annex A maintenance fund. The developer is obliged to set up a management company to look after the open space. CL1 and CL2 will transfer to the Town Council. The maintenance plan is detailed and expensive and it should be left to the local management of the new estate. The Neighbourhood Plan states we have an excess of amenity space.

MOP 3 - stated the consultation is a sham and the narratives do not agree with the LGA guidelines.

MOP 4 - referred to the advice by the LGA in respect of the consultation and concerns about the long-term impact on the community. There should be a further thorough consultation stating the pros and cons.

MOP 5 - has submitted a letter about joint car park charges and also requested a meeting of the waterside committee to discuss the grounds on the beach and the loss of beach material.

24/235 To discuss and agree car parking charges for 2025

Proposed charges for 2025	High Street	Coast Road	Seaview	Esplanade	Willoughby	% increase
Up to 1 hour		Free	Free			
Up to 2 hours	Free	£4.20	£4.20	£4.20	£4.20	5.00%
Up to 4 hours	£7.00	£7.00	£7.00	£7.00	£7.00	7.14%
Over 4 hours (to 6pm)	£9.00	£9.00	£9.00	£9.00	£9.00	6.50%
Overnight charge (6pm to 8am)	Free	Free	£1.00			0.00%

Parking permits		% increase
Traders seasonal	£100.00	5.26%
Beach hut owners/windsurfers	£ 90.00	5.88%
Residents	£100.00 (Esplanade & Willoughby car parks) (Based on 25 visits during the season – linked to vehicle registration and proof of residency West Mersea)	

The schedule of revised charges had been previously circulated for discussion. Following discussion **it was resolved** unanimously to submit the proposal to the North Essex Parking Partnership for inclusion in their parking increases.
Proposed: Cllr Jenkins, Seconded: Cllr Hinderwell. All in favour

Items 24/236 & 24/237 discussed together

24/236 To discuss the comments from the consultation about the Dawes Lane Public Open Space

24/237 To consider extending the deadline for the consultation and agree a date for any extension

The consultation results were as follows:

90 comments in total (some residents commented twice)
61 comments against
20 comments in support
75% not in favour. 25% in favour

Comments from the consultation included:

- Financial burden on the Council
- Consultation not adequate/long enough
- Should have followed due process
- Restrictive covenants in place
- Use the money to maintain areas we already have
- Good idea to have more land
- Supports asset to community
- Complete agreement with buying the land

The councillors made the following comments:

- Going forward the Council should get as much information out as possible.
- The Council did seek the advice of the Monitoring Officer in terms of wording and duration.
- What is the advantage to the Council?
- The decision feels rushed and consultation was not long enough.
- The Council has a duty to get the best outcome for the residents.
- The process has been a learning curve.

- Standard practice is that this type of development would use a management company to maintain the land.
- The future benefits could be that publish ownership protects the land from future development.
- Allows flexibility to extend CL1 and CL2.
- The land will be well maintained by the Council.
- S106 funds will not be lost. They are secure and will be passed to the Council.
- The funds that were originally included in the deed of variation have been withdrawn.
- Actual maintenance costs are unknown but calculations were based on the contracts we already have for the land we already have.
- The land will not be handed over for several years, at which time it should be established by the developers. If it is not, the Council do not have to accept it.
- There have not been secret meetings with the developer to discuss the transfer of the land.
- There are covenants on the S106 agreement which prevents CL1 and CL2 being extended.
- The pipes in the suds are the responsibility of Anglian Water. The Council are responsible for the swales and the basins.
- The developer was willing to extend the deadline to 8 December 2025, but that offer was made before there were issues with the legal advice mentioned below.

During a conversation with CCC senior planners, the clerk and two councillors were advised that they were seeking legal advice of the validity of the developers not offering the land to CCC. The developer's position was that by proposing and having a Management Company accepted, they assumed the land did not need to be offered to CCC. Legal advice is being sought and the outcome will be advised.

Following discussion **it was resolved** unanimously to wait for the legal opinion via the planners, gather more facts and if we get an extension from the developer that is long enough, we could consult again with more information. Proposed: Cllr Greenleaf, Seconded: Cllr Webster. All in favour.

The clerk will ask the developer to extend the deadline to reply to the New Year.

24/238 To agree Terms of Reference for Dawes Lane Public Open Space

Not discussed as not relevant.

24/239 To hold a public meeting to advise the facts and answer the public's questions (date and time to be agreed)

Not discussed as not relevant.

Meeting closed at 8.40pm.