



Policy and Public Initiatives Panel

Item
8

31 July 2019

Report of	Assistant Director, Policy and Corporate	Author	Owen Howell ☎ 282518
Title	Use of the River Colne		
Wards affected	Lexden and Braiswick, Castle, Greenstead, Old Heath and the Hythe, Wivenhoe, Mersea and Pyefleet, Rural North		

1. Executive Summary

1.1 This report presents information regarding current uses made of the River Colne and information to aid the Panel's discussion as to potential ways to increase recreational activities whilst recognising environmental and other constraints. This report focuses on the length of the Colne from the disused lido at Colne Bank Avenue through to the Colne Estuary, as this is the stretch owned by the Council. The Panel may however wish to also discuss whether there is potential for increasing recreational riverside activities to the North West of Colchester, running to the Borough's border to the West of Wakes Colne.

2. Action Required

- 2.1 To note the information provided within this report.
- 2.2 To consider whether to recommend to Cabinet that a strategy, framework or vision document be developed for the River Colne to increase recreational use.

3. Reason for Review

3.1 On 9 January 2019, the Panel were asked to consider holding an open discussion regarding ways to better utilise the Colne, from a recreational, social and sporting perspective. This was recommended by the Panel and approved by Cabinet as an item for the Panel's work programme.

4. Background Information

Guests to address the Panel

- 4.1 Invited guests who will provide evidence and views to the Panel on the subject of this report are:
- Mr. James Thomas, Harbour Master of Brightlingsea
 - Dr. Jonathan Scales, Co-ordinator of ColneWatch

A range of stakeholders and groups using the river for recreational purposes have also been invited and may wish to address the Panel within the 'Have Your Say!' section of this item.

General background

- 4.2 There is currently no overarching Colchester Borough Council (CBC) strategy or policy in place regarding the use and stewardship of the River Colne. The Council does however work with stakeholders and agencies to address enforcement issues regarding antisocial behaviour around the River and to facilitate legitimate and lawful recreational and commercial activities upon and around the Colne. This work is overseen by Stephen Collis, Parks, Contracts and Volunteering Specialist.
- 4.3 Officers have noted that a number of individuals and organisations wish to be involved in helping to provide stewardship for the river and that the Council may be well-placed to draw them together to produce a strategy or guiding document for ongoing and increased use of the Colne and enforcement of bylaws and restrictions. Over the last three years, 'Days of Action' with Marine Police, and information provided by witnesses has led to 11 prosecutions being successful in cases where byelaws and speed restrictions have been flouted. Evidence of less-serious antisocial behaviour has led to Police advice and warnings being issued.

Ownership of land and existing rights of use

- 4.4 The River Colne upstream of the Colne Bank Avenue lido is in private ownership, with limited opportunities for the Council to affect its use.
- 4.5 The Council has limited ownership of land around the River Colne and its estuary, with the majority being in private ownership and some owned and used by the Ministry of Defence. This can give rise to potential difficulties when considering new or expanded activities, construction or work upon and aside the river. It has also meant that regeneration work and provision of new amenities has mostly been through conditions set on developers as part of the planning system, rather than proactively carried out by Colchester Borough Council.
- 4.6 Regarding mooring agreements and licences, some agreements are with the Council's Environment Directorate and others are administered within Colchester Commercial Holdings Ltd. In some cases, there are well established moorings for which no agreements are in place, due to the length of time for which the mooring point has been in use and the riparian rights that have been established.
- 4.7 It should be noted that Policy SS12b (Coast Road Mersea) within the Emerging Local Plan 2017-33 prohibits new moorings for residential houseboats in coastal areas, due to their impact on the landscape and environment of designated habitats. An exemption may be applied in the case of houseboats of historical maritime significance.

Existing use and users of the Colne

- 4.8 Current groups using the River Colne for recreational and nature-based or conservation activities include:
- Wivenhoe Sailing Club
 - West Mersea Yacht Club
 - Dabchicks Sailing Club (West Mersea)
 - Colne Yacht Club
 - Brightlingsea Sailing Club
 - Brightlingsea Coastal Rowing Club

- Pioneers Sailing Trust
- WIVGIGS Rowing Club
- Wivenhoe Corsairs Rowing Club
- Rowhedge Coastal Rowing Club
- Wivenhoe Canoe and Kayak Club
- Essex Wildlife Trust
- Royal Society for the Protection of Birds
- Wivenhoe and Rowhedge Ferry
- Hythe Boaters

4.9 In addition to these groups, there is recreational use made of the river by individual residents and visitors who engage in navigating the river, walking or cycling the riverside paths and cycle routes, or other activities such as flying drones or swimming. On Mersea Island there are currently nine private slipways and one public slipway, in use for recreational sailing and boating activities.

4.10 Pedestrian and cycle access to the land adjoining the Colne includes cycle and footpaths through Castle Park and the Wivenhoe and Rowhedge Trails. The Rowhedge Trail is designated a Riverside Walk but is not currently an official cycle route. Access on this route for cyclists and pedestrians is due to be improved later this year. The safeguarding of access and river walkways is an issue that is considered when river-side development proposals are submitted. The Colchester Local Plan 2001-2021 and Emerging Local Plan 2017-2033 both seek to provide protection from development that would obstruct strategic green links (see Policy ENV3: Green Infrastructure). These green links include riverside footpaths and cycle routes. The primary Colne green link runs from Colne Bank Avenue through to the border with Tendring District, to the South-East of Wivenhoe. Along its length can be found a number of nature reserves and specific conservation areas which attract visitors and recreational users, including:

- Lower Lodge Farm (Colne Local Nature Reserve)
- Wivenhoe Woods (Colne Local Nature Reserve)
- Hythe Lagoons
- Fingringhoe Wick
- East Mersea Flats
- Cudmore Grove (Mersea Island)

To the North West of Colchester, the Colne Valley also includes environmental conservation areas such as Lexden Springs Nature Reserve, Cymbeline Meadows and the Chappel Millennium Green.

4.11 In addition to established moorings used by organisations utilising the Colne for recreational sporting and navigation activities, there are also a number of agreements and licences in place to secure rights for residential moorings, as well as moorings and structures in use for commercial purposes.

Existing problems and enforcement

4.12 Current issues affecting the Colne include watercraft exceeding the set speed limits, sunken or abandoned craft, and difficulties caused by deteriorating banks in the Hythe area, leading to large timbers becoming dislodged and at times obstructing the navigation channel. Silting remains an issue and is, in some areas, a barrier to the mooring/docking of recreational craft and prevents the development of an attractive waterfront from which to conduct recreational

activities. There are also limitations on the navigation of the Colne due to its tidal nature up to East Mill where the weir creates a barrier to watercraft travelling between tidal and non-tidal stretches.

4.13 Environmental issues include odours emanating from the sewage treatment works on Haven Road and regular flooding in that area, dumping of shopping trolleys and rubbish and the disturbance of seabird and wading bird roosts by use of craft such as jet skis and canoes.

4.14 Work is currently underway to address issues relating to obsolete mooring fittings and security concerns in the Hythe area. Investment to fund the replacement of malfunctioning mooring bollards in the Hythe area (which provide electricity and water to moored craft) has already been agreed by the Council's Revolving Investment Fund Committee. It is anticipated that increased mooring facilities and security measures along the Quay area (such as already-scheduled installation of CCTV along the King Edward Quay) will lead to greater demand for mooring by high-quality craft, to allow for mooring fees to be increased and for increased use of the area for recreational activities, including walking and cycling.

4.15 Issues affecting the Colne are monitored and addressed by the Council, in collaboration with external agencies and groups. These include:

- Brightlingsea Harbour Commission
- Essex Police and Marine Police
- Wivenhoe Town Council
- East Donyland Parish Council
- Natural England
- The Environment Agency
- ColneWatch (representing a number of individual and group stakeholders in the River Colne)
- West Mersea Waterside Committee
- Natural England
- RSPB
- Essex Wildlife Trust

4.16 Interest has also been expressed by ColneWatch stakeholders in reforming the Colne Estuary Partnership. Administrative support and resourcing would need to be sourced before this would be able to proceed.

Background Documents and Local Plan Policies

4.17 A number of Local Plan Policies contain content regarding the protection of existing open spaces and green travel links, and the development of health and wellbeing in the Borough. The following policies are taken from the Adopted Local Plan and are expected to be replaced by similar policies in the Emerging Local Plan:

- Policy SP5 (Infrastructure and Connectivity)
- Policy SP6 (Place Shaping Principles)
- Policy ENV3 (Green Infrastructure)
- Policy EC2 (East Colchester/Hythe Special Policy Area)
- Policy EC3 (East Colchester)
- Policy EC4 (Transport in East Colchester)
- Policy SS12b (Coast Road, West Mersea)
- Policy OV2 (Countryside)

- Policy DM1 (Health and Wellbeing)
- Policy DM4 (Sports Provision)
- Policy DM5 (Tourism, Leisure, Culture and Heritage)
- Policy DM17 (Retention of Open Space and Recreation Facilities)
- Policy DM20 (Promoting Sustainable Transport and Changing Travel Behaviour)
- Policy DM23 (Flood Risk and Water Management)

4.18 Information relating to the Council's approach to developing the Hythe riverside areas can be found within the Colne Harbour Master Plan (2008). Whilst this document mainly focusses on planning considerations to guide development of the historic port area at the Hythe, it gives significant guidance on preserving and managing public realm open space and is intrinsically linked to the Colne's ability to attract more visitors and recreational users, whilst preserving strategic green links. The historic commercial harbour of Colchester (incorporating facilities at the Hythe and Rowhedge) was closed following the enacting of the Colchester Borough Council Act (2001). The Council continues to work to guide appropriate residential and recreational development in the historic port areas.

4.19 Members should note that Castle Park is a Grade 2 Registered Park and Garden, which will have implications regarding the use of the Colne in that area.

Suggestions for enhanced use of the Colne

4.20 The length of the River is split into a number of stretches of different character, with some potential additional recreational uses and complimentary public realm improvements listed below. The following have been gathered from engagement with stakeholders, officers and members. Please be aware that this is not an exhaustive list and that it covers a range of items, some of which have been suggested, but have not been subject to viability assessment or any form of cost/benefit analysis:

- Increased use of boats and sports craft around Wivenhoe, Alresford Creek and Brightlingsea (up to the East Mill Weir).
- Possible public realm improvements, lighting, facilities for boats and additional moorings to address the waiting list for moorings at King Edward Quay (Hythe, Colchester). Additional moorings have been identified as a possibility, should issues regarding silting and abandoned craft be addressed.
- Protection of, and investment in, open spaces and public realm within the Gas Quay developments (Hythe, Colchester).
- Recreational and sporting activities from East Street Weir to Middle Mill, through the Castle Park stretch, including paddle-boarding, canoeing and use of the river banks to give families better access to the waterside. This could involve the use of Century House (North Station Road) to enhance river use, possibly through providing facilities for recreation (canoeing, paddleboats or paddle boards) on the river and café premises.
- Seeking possible recreational uses for the disused lido to the North of Colne Bank Avenue. It should be noted that this now falls within the boundary of Colchester Conservation Area 04 (North Station Road and Environs).

- Potential improvements to the length of the Colchester to Wivenhoe cycle route to allow for this to be extended and provide riverside cycle access from Colchester to Brightlingsea.
- Improved links from Colchester Hythe Station and Greenstead Estate to the riverside. Improved access to the Wivenhoe Trail from the University, addressing current limitations of the footbridge across the railway, sited behind B&Q. Work with the University is currently underway to carry out a study of costed options for this.
- Potential ways to promote walking routes including some to and along the river, working with the University and student accommodation providers. Work is also ongoing with the County Council to improve walking and cycling links in Colchester, potentially improving links to and around the riverside areas. Investment as part of the Government Local Cycling and Walking initiative is likely in the medium term.
- A new, predominantly traffic-free and traffic-calmed route for cyclists from the Hythe to the town centre. No safe and attractive route currently exists for cyclists who wish to cycle through town to the Wivenhoe and Rowhedge trails.

4.21 Work is currently underway to identify ways to use a Community Development Contribution of £88k (from the developers of The Maltings on King Edward Quay). This contribution is to be used on work to improve King Edward Quay for visitors, quay users and residents and a consultation exercise is scheduled for September 2019. Ideas proffered so far include improvements to the public realm, additional facilities for boaters' use, and activities/events for residents and visitors. Improvements to the area already scheduled include WiFi and CCTV camera coverage along the Quay, to be funded and installed by the Department of Culture, Media and Sport Fibreoptic project later this year.

4.22 The Panel will need to note the environmental constraints when considering potential recreational activities upon and around the Colne, and the possibilities for overcoming these. Appendix C consists of maps which display the areas designated as being of special conservation and environmental value.

4.23 The Panel will need to consider whether they wish to recommend to Cabinet that a strategy, vision document or framework be produced to set out the Council's stewardship duties and priorities for the Colne. This could be a formal strategy on use of the river (and enforcement to prevent antisocial and illegal behaviour), which is prescriptive in its nature. The creation and enforcement of such a strategy would however require resources to be sourced and allocated to it.

4.24 An alternative to a formal strategy would be a recommendation to Cabinet that a vision document and framework of principles for the Colne be produced, which would then inform formal Council policies and strategies which touch upon the use and stewardship of the Colne. Such a document could be used to guide existing workstreams and project work, where they relate to the river. It would also assist the drafting of Neighbourhood Development Plans for areas around the Colne to ensure that these address the care and use of the river and its banks.

5. Equality, Diversity and Human Rights implications

- 5.1 There are no human rights implications to this report. There are equality and diversity implications regarding use of the river insofar as the Panel should be mindful of the need to ensure that access points to the River, and its riparian footpaths, are as accessible as possible to those with physical disabilities and members of the public with limited mobility.

6. Strategic Plan References

- 6.1 This report has implications regarding the following priorities of the Strategic Plan 2018-21:

Growth

- Help make sure Colchester is a welcoming place for all residents and visitors
- Promote inward investment to the Borough

Responsibility

- Create new routes for walking or cycling and work with partners to make the Borough more pedestrian-friendly.

Opportunity

- Promote and enhance Colchester borough's heritage and visitor attractions to increase visitor numbers and to support job creation
- Promote initiatives to help residents live healthier lives.

Wellbeing

- Help residents adopt healthier lifestyles by enabling the provision of excellent leisure facilities and beautiful green spaces, countryside and beaches.

7. Consultation

- 7.1 A number of stakeholders have been consulted and asked to take part in the discussion of this item. This includes the Harbour Master of Brightlingsea and representatives of ColneWatch, an organisation which monitors speeding and other antisocial behaviours along the River and is backed by a range of recreational clubs and organisations using the Colne, as well as by Wivenhoe Town Council.
- 7.2 Members of the Public are invited to give their views to the Policy and Public Initiatives Panel at this meeting.
- 7.3 It should be noted that any specific recommendations to Cabinet regarding increasing recreational use of the Colne should take into consideration the likely effects that these may have on existing users of the river, and appropriate consultation would need to be considered accordingly.

8. Publicity Considerations

- 8.1 There are no direct publicity considerations at this time, however these may arise in relation to specific actions which may be recommended by the Panel to Cabinet. These would be considered as part of any decision-making process by Cabinet or portfolio holders.

9. Financial implications

- 9.1 Recommendations put forward by the Policy and Public Initiatives Panel are likely to have financial implications, which will need to be discussed and considered. Increased recreational use of the Colne is likely to increase income to the Borough Council, either directly (if the Council or Colchester Amphora Trading Ltd provides successful recreational activities) or indirectly, via an increase in visitors to the Borough, who bring revenue and increase the customer base for potential new or expanded businesses.
- 9.2 There is currently no resource identified to fund the creation and operation of a formal strategy for the Colne. An alternative would be for a vision document and framework of principles to be put in place, to guide individual projects and actions within existing workstreams. This could potentially be produced within existing budgets.
- 9.3 Should the Panel wish to recommend improvements to Council assets or the public realm in order to make additional/increased recreational activities possible, the cost of this work would need to be assessed and considered by Cabinet.
- 9.4 It is likely that more-intensive use of the River would increase the need for enforcement action to prevent anti-social behaviour and speeding, with an increase in the cost of providing that enforcement function. This increased cost is likely to apply to the Council and the partner agencies with which the Council works. The financing for enforcement options would need to be decided in consultation with these external partner agencies and bodies.
- 9.5 The Brightlingsea Harbour Commission has indicated that there is currently the potential to take advantage of EU funding opportunities in order to develop opportunities for additional activity and enforcement relating to the River.

10. Health, Wellbeing and Community Safety Implications

- 10.1 Health and wellbeing is influenced by a number of factors, many of which fall under the responsibility of the Council. These include planning, housing, access to green space, licensing, environmental health protection and economic development. The council must do all it reasonably can to promote positive health benefits to our residents whilst reducing, removing or minimising any unintended consequences to health that may arise from services or decisions. The development of additional recreational activity along the Colne must maximise access to green space whilst ensuring environmental health protection and that any negative externalities from economic and residential development are minimised.
- 10.1 Colchester Borough Council has stewardship duties regarding the River Colne. The Council carries out enforcement action and works with partner organisations in order to ensure all legal restrictions and regulations to safeguard community safety are complied with by river users. As numbers using the Colne and its riverside increase, there may be a need to examine whether additional CCTV coverage should be provided in order to aid in the detection of antisocial and/or illegal activities.

11. Health and Safety Implications

11.1 There are no direct health and safety implications, although the Panel will need to consider the health and safety implications of any specific recommendations which it may choose to make to the Council's Cabinet.

12. Risk Management Implications

12.1 There are no specific risk management implications to this report. There will potentially be risk management implications to any recommendations for additional uses of the Colne.

Appendices

Appendix A – Locations of moorings and current organisations using the River for recreational purposes.

Appendix B – Map detailing Strategic Green Links and Riverside Walks.

Appendix C – Maps displaying areas of environmental interest in and around the Colne, specifically:

- Environment Agency Floodzones
- Environmentally Sensitive Areas
- Sites of Special Scientific Interest
- RAMSAR Areas (Ramsar Convention on Wetlands of International Importance especially as Waterfowl Habitat)
- EU Special Areas of Conservation