

# POLICY AND PUBLIC INITIATIVES PANEL

## 31 July 2019

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| <b>Attendees:</b>    | Councillors Chuah, Jowers, Loveland, Scordis and Warnes.  |
| <b>Substitutes:</b>  | Councillor Chapman (for Councillor Arnold)<br>Councillor Scott-Boutell (for Councillor Coleman) |
| <b>Also Present:</b> | Councillor Mark Cory and Councillor Adam Fox  |

### 35. Minutes

*RESOLVED* that the minutes of the meeting held on 19 June 2019 be confirmed as a correct record.

### 36. Public Initiatives

**Councillor Jowers (by reason of being a member of Essex County Council) declared a non-pecuniary interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(5).**

Councillor Robert Johnstone (of Myland Community Council) addressed the Panel to suggest that the Council investigate ways to recommend improvements to the manner in which the Highways Authority installs cycleways on existing footpaths, especially where this results in a mixed-use, unsegregated cycleway/footpath.

Councillor Johnstone described the example of the mixed-use foot/cycleway on Mile End Road, raising concerns regarding the lack of consultation, poor planning and problematic implementation. The concerns raised included lack of transparency regarding funding, and the lack of before and after traffic studies to assess the impact of the installation. Only one 'information' (rather than consultation) session had been held prior to work commencing, and public dissatisfaction was such that the design was then altered. Implementation work lasted 28 weeks, rather than the 14 weeks scheduled. The approximate cost was £0.75m, funded by the South East Local Enterprise Partnership (SELEP).

The Panel were informed of the range of dangers to cyclists and pedestrians from unsegregated cycle/footways and Local Transport Note 1/12 was noted, regarding its summary of the potential disadvantage of using unsegregated cycle/footways.

The Panel discussed Councillor Johnstone's request, as to whether there should be a recommendation submitted to Cabinet that the matters raised be formally reviewed and, if so, how this should go forward.

Panel members agreed that there were examples in Colchester of problems arising

from the installation of certain cycleways. The Panel noted that the installation of cycleways was a matter for Essex County Council, as the local Highways Authority, and that there was little that Colchester Borough Council could do directly regarding problems with the way in which installation is conducted. A member informed the Panel that Councillor Kevin Bentley (Essex County Council Cabinet Member for Infrastructure) had agreed to examine the use of 'shared spaces' and demarcation options. It was suggested that a letter of support for Councillor Bentley's work on this could be written by the Council.

A Panel member asked whether any information had been provided to Colchester Borough Council by Essex County Council regarding the cycleway installation on Mile End Road. It was stated that local consultation should be a necessary part of any future plans to install cycleways and that it would be good practice for a protocol to be in place for local authorities to advise highways authorities as to where a need for cycleways had been identified.

Councillor Johnstone addressed the Panel to note that Colchester Borough Council was the local planning authority and had powers to direct how cycleways be planned within new developments. One recent development had been permitted with on-pavement cycleways on footpaths, next to 14-meter-wide roads. He stated that Local Transport Note 1/12 guidance had not been followed by Essex County Council regarding cycleways. The Panel noted that Highways Authority views would have been sought as part of the planning process for this.

*RECOMMENDED* to CABINET that a letter be sent to Essex County Council, supporting the work of Councillor Bentley in examining this issue, noting protocols and statutory consultation rights regarding cycleway installations, and stating Colchester Borough Council's support for segregated cycleways, wherever feasible.

### **37. Use of the River Colne**

**Councillor Jowers (by reason of being a member of West Mersea Yacht Club and having allocated locality budget funding to assist local user groups for gigs) declared a non-pecuniary interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(5).**

Mr Darius Laws addressed the Panel pursuant to the provisions of Meetings General Procedure Rule 5(1). He explained his concerns which had led him to request that the Panel consider recreational use of the Colne and ways to improve it. These included environmental problems (such as algal blooms and overgrown weeds leading to death of fish) and physical difficulties at certain points, such as lack of access and portage points. It was his view that, in relation to its potential, the Colne is not currently well used.

Mr Laws urged the Council to examine ways to improve access and gave examples of where portage points would be useful, including at East Gates and Middle Mill where portage to avoid weirs/obstructions is currently difficult. It was suggested that developers of riverside properties could be asked for contributions to assist with the funding of this work. Mr Laws also suggested that a jetty could be installed close to North Bridge (North Station Road). Mr Laws posited that quick wins could be gained by improving the number of easy-access points, both in the upper and lower Colne.

Mr Mark Nowers, RSPB Conservation Officer, addressed the Panel pursuant to the provisions of Meetings General Procedure Rule 5(1). He stressed the importance of the Colne, from a conservation viewpoint, and the need to balance recreational activities with ensuring that the conservation areas are not damaged.

Mr Nowers gave a detailed explanation of the damage done by disturbance of wintering birds, present along the Colne from July to April, by noise, wash from powered water craft and a range of antisocial behaviours. The Panel was informed that damaging disturbance can occur, even in instances where birds do not take flight. There are a number of scheduled species of birds which nest in or use the Colne Estuary, which is one of the two most-important sites in the UK.

Mr Nowers supported engagement with river users to give them positive contact with nature, whilst avoiding damaging behaviours and directing certain activities away from the more sensitive areas of the Colne.

Mr Tony Evans, Chair of the WivGigs rowing club, addressed the Panel pursuant to the provisions of Meetings General Procedure Rule 5(1). WivGigs were happy to contribute and support the review into recreational river use. A key issue identified by Mr Evans was the need to look at access points for mid-sized craft (such as gigs). There were currently two points, both at Wivenhoe and leased to the Wivenhoe Sailing Club, and no free launching/recovery access along the length of the Colne from Colchester to Brightlingsea. Of the two, the hard at the bottom of Anchor Hill presents several difficulties for use, with the new hard being preferable, but use of either requires payment to be made to the Sailing Club. The floating pontoon at Wivenhoe was only appropriate for use by very small craft such as canoes, kayaks and paddleboards. WivGigs requested that consideration be given to the provision of free launching/recovery access points along the Colne.

Mr Evans stressed his organisation's support for efforts to cut antisocial and damaging behaviours along the river, including work to tackle speeding. Enforcement was key, and a request was made for consideration to be given to the banning of high-powered craft upriver from Alresford Creek.

Mr Chris Parkin, Chair of Colchester Canoe Club, addressed the Panel pursuant to the provisions of Meetings General Procedure Rule 5(1). Mr Parkin gave the Club's history and background, operating from the old pumping room of the former lido at Colne Bank Avenue, leased from the Council. The activities and river and sea canoeing training offered by the Club was described, with most activity focused on the stretch from Spring Mill to East Gates.

The Club holds a license with the Council for exclusive use of this part of the river for boating activity and regularly works with the Council to identify problems relating to water quality and preserving the river's visual and practical amenities. Problems such as weed build up (leading to de-oxygenation) were detailed. The Club works with River Care and Colchester in Bloom to rectify obstructions and other issues within its area of operation. The Club is keen to continue working with the Council and asked that it be noted amongst the existing user groups and stakeholder groups, and that increased canoe and paddleboard use be listed amongst the options for future use of the Colne.

Mr Colin Bachelor, Secretary of Colchester Canoe Club, addressed the Panel pursuant to the provisions of Meetings General Procedure Rule 5(1). An offer was given to assist the Council in developing a plan for the use of the upper Colne, and a request was made for additional Council help to allow the Club to increase its environmental protection/enhancement and community-based work on the river.

A sewage leak had been identified by the Club from a local sewage pumping station and this was contrasted with the current inability of the Club to provide toilet facilities, due to a lack of functioning drainage. Council help was requested for rectifying this, with the Club then being responsible for upkeep.

The Club has been lobbying the Environment Agency to take a more proactive approach to managing issues on the Colne, such as water quality and removal of obstructions. Council involvement was requested in lobbying and in removing low tree branches which contribute to blockages forming.

Mr Bachelor offered help to identify appropriate portage points on the upper Colne.

Councillor Adam Fox, Portfolio Holder for Housing attended and, with the consent of the Chairman, addressed the Panel to confirm the Council's commitment to developing the green assets of the Colne and its riverside areas. Recreational use would continue to be balanced with environmental conservation and cleanliness. Councillor Fox committed to ongoing support for the Colchester Canoe Club's work to make the river usable and pleasant.

Councillor Fox drew attention to the residential use of the Colne, such as by the Hythe Boaters, based around King Edward Quay, and the potential for the gaining of developer funding for the purposes of improving the riverside areas for use by residents and visitors.

Uses of the river around Rowhedge were described, and Councillor Fox stated that there was a high level of support for the installation of a footbridge across the Colne and noted that a temporary bridge had been installed during World War One to allow soldiers to walk to Wivenhoe and access the station. In 2018, Councillor Bentley had suggested that he would provide funding to investigate the possibility of a new bridge that would not impede the navigation channel.

Councillor Cory, Portfolio Holder for Strategy and Leader of the Council attended and, with the consent of the Chairman, addressed the Panel to emphasise his view that a vision is needed for the Colne, produced in consultation with users and stakeholders and covering fair and safe use of both the upper and lower river and the operational foci of tackling antisocial behaviour and safeguarding the environment. The Council was being proactive to address biodiversity and ecological issues and has recently set up a Conservation and Environmental Sustainability Task and Finish Group to help avoid harmful policies and protect green assets. Councillor Cory backed the creation of a vision document, especially given the need for the Council to be proactive in the wake of cut backs to the Environment Agency, and the effect this has had in reducing the action it took. Such a vision document could then be consulted whenever river-side planning applications are decided.

Mandy Jones, Assistant Director (Policy and Corporate) presented the report and its main points, supported by Stephen Collis, Parks, Contracts and Volunteering Specialist. She clarified that the user groups and potential ideas for increased use, as given in the report, were not prescriptive or fully comprehensive, but meant to be illustrative of the groups and options available. Further user groups were invited to make themselves known and take part in any future engagement regarding this subject.

The Assistant Director reiterated that there was currently no plan/strategy for the Colne and that the Panel was being asked whether it wished to recommend that Cabinet have one produced, underneath the Council's Strategic Plan 2018-21, whilst being mindful of the financial implications of any content.

Dr Jonathan Scales, representative of ColneWatch, attended and, with the consent of the Chairman, addressed the Panel to describe the work done by his organisation. ColneWatch was not a formally-constituted organisation but was a collection of active groups which address the level of antisocial behaviour experienced on the Colne, especially in relation to high-powered craft and speeding. It was also a forum for issues to be discussed regarding river usage.

An increase in speeding and low-level antisocial behaviour has been noted, with some caused by ignorance and other incidents the result of intentional transgression. There are concerns regarding potential environmental damage (including by noise and wash of craft) and regarding safety of other river users, e.g. swimmers. Dr Scales noted that there was currently very limited Police resource for taking preventative and enforcement action and that patrols by the Dracula Pilot Vessel, operating from Brightlingsea, had been restarted and were proving effective but would require future funding to continue.

ColneWatch and its organisations' actions were described, including efforts to encourage reporting of incidents and speeding, use of social media and training sessions by the Nottage Maritime Institute on responsible river use. Better signage along the river had also been requested by ColneWatch.

Future potential for the work of ColneWatch was discussed, including the potential for a new Colne Estuary Partnership to be formed. It was noted that such an organisation would require funding, and that in order to obtain funding, it would need to formally constitute itself as a not-for-profit entity, and that hard work and time would need to be volunteered for such a partnership to be successful.

James Thomas, Brightlingsea Harbour Master, and William Coulet, representing Exo Environmental Ltd, attended and, with the consent of the Chairman, addressed the Panel and gave a presentation on current and potential future work to improve use and conservation of the Colne and its estuary. Their presentation covered challenges experienced by recreational users of the Colne, such as siltation, limited clearance along certain stretches at low tide, and antisocial or inconsiderate behaviour by a minority of users. Efforts were being made to move excess mud and silt from navigational channels and use this to form saltmarshes to protect the coastline and improve biodiversity conservation.

Regarding antisocial behaviour, much is due to unwitting behaviour. Speeding is policed by the harbour whilst Colchester Oyster Fishery polices the use of sailing

craft in the lower Colne, however there has been limited investment in this. The use of buoys is overseen by Trinity House, who also audit navigational audits carried out by the Brightlingsea Harbour. In addition to speeding issues, danger to swimmers and unlicensed/impromptu mooring and abandoned craft, incursions into the restricted area surrounding the nearby firing range have caused disruption to the armed forces and enforcement activities. There is currently no authority managing Arlesford Creek whilst Wivenhoe is mostly overseen by the Wivenhoe Sailing Club, although without any enforcement powers.

The need for new activities to generate income was highlighted, and it was suggested that funding for river improvements could be raised by instigating a river levy for user groups and companies. Current levels of income were not sufficient to pay for thorough management. James Thomas suggested the formation of a management group to identify ways to raise funding, with a board incorporating borough and district councils and stakeholders in the river. He advised that this be done in-house, in consultation with stakeholders, and that resources should be provided and maintained going forwards, and that the management group take a stewardship role regarding the Colne. Ineffective stewardship would lead to greater costs in comparison (e.g. from needing to clear wrecks/abandoned craft, dealing with effluent and other hazards to conservation).

It was noted that EU funding had been obtained to help resource projects around Brightlingsea, including efforts to tackle siltation. William Coulet explained the effect and dangers caused by siltation, including increased likelihood of flooding and a reduction in river use which, in turn leads to more-rapid siltation. It was argued that, as a first step towards dealing with the siltation issue, a survey of the river bed should be carried out.

With reference to regeneration of the Hythe area, the challenges facing the area were summarised, including unpleasant views caused by mud stretches, deteriorating residential boats in poor condition, caravan users along the riverside, rubbish and hazardous substances and difficulty in establishing retail businesses in the area. Mr Coulet provided a case study of Breda, in the Netherlands, where the infilling of a disused harbour area had been reversed, and the riverside successfully developed to attract visitors and additional river users. He argued that such a development project could successfully improve the Hythe. This could include regeneration of the waterside areas, additional moorings and facilities, add marina facilities and welcome in private enterprise and services.

The Panel thanked their guests for presenting. A member of the Panel gave a brief summary of the history of commercial port operations at Colchester (including Rowhedge). A weir had been investigated as an option following the end of commercial operations, however this had been ruled out on cost grounds. A less-costly turning basin had been installed, at the cost of around £1m, but had been rarely used. It was highlighted that the commercial port had meant that recreational use had not been possible and that this had started almost from nothing in the wake of the closure. Difficulties included that there was no statutory power held by the Council regarding the river, that the majority of oversight powers regarding the riverbanks had been divested to the Marine Management Organisation (MMO), that the leasing arrangement regarding the river bed was restrictive, and that it had been difficult to install access points and ensure that they remain available for public use.

Councillor Nigel Chapman, Chair of the Dedham Vale Area of Natural Beauty, compared the Colne to the Stour and stated that the Colne was as good as the Stour, but had been neglected. Partnership working and research of options were identified as necessities, and it was explained that the Council had worked with Braintree District Council on the Colne Partnership in the upper river area, but both had pulled out. Councillor Chapman informed the Panel that parish councils in the upper river area were interested in setting up partnership arrangements to improve amenity and protection for the river.

Options suggested by Panel members included a fish-gate weir at Rowhedge, allowing higher water and more recreational potential upstream and increased portage points. However, it was noted that the options for increasing water levels at the Hythe had been explored in past years and had been found to be prohibitively expensive (including a 2002 study on the feasibility of a tidal lock at the Hythe). Drainage problems, water quality concerns and habitat issues had also been factors raised. A member of the Panel asked whether a half-tide gate could be possible and would mitigate any drainage issues.

The Panel was briefed on current work to improve the Hythe area, including the tackling of caravans and the waste produced, work to increase mooring numbers, facilities and revenue, and improvement of public realm areas. Future work would be needed to manage and protect public access, police antisocial behaviour, provide information boards and to bring user groups, residents and other stakeholders together.

The Colne Bank Lido was discussed, and the increased popularity of outdoor swimming noted. Brightlingsea lido is well-used and well-regarded. One member recalled discussions that had been held in the past regarding whether a yacht basin could be created in that area, attracting visitors. The mooring of historic vessels could also bring in further visitors, as evidenced by the success of Brightlingsea and Maldon harbours.

The Panel suggested that the Council's neighbouring district councils along the course of the river be approached, and their views sought regarding the Colne. It was also noted that Environment Agency input would be valued and that there may be value in conducting dialogue with owners of the banks. It was also noted that Councillor Bentley could be asked to provide an update on whether the County Council would be investigating the potential for a new swing bridge between Rowhedge and Wivenhoe. It was stated that there had been some concern in Rowhedge regarding the possibility that a bridge would lead to commuters parking in the village and walking to Wivenhoe Station.

The Panel stated that a phased approach would be best, with quick actions where possible, whilst longer-term actions are put into place. Panel members considered the improvement of access to be possible in the short-term, with longer-term projects including reducing the mud deposits and siltation. Funding should be sought, with options including the requirement of residential developments in riverside areas to contribute financially to river improvements.

Councillor Cory agreed that more could have been done in the past to proactively steward the Colne and that he was keen to take back control of the river, in

partnership with stakeholders and interested parties. The administration was currently working to improve the rights and powers it held over the river and had already started examining options for reducing the mud and siltation problem. Funding options could be examined, as although EU grants were likely to be unavailable in the near future, other sources such as UK Government and the South East Local Enterprise Partnership were still available. The possibilities of dredging and installing weirs could be investigated and feasibility assessed.

In response to a question, Councillor Cory explained that the Safer Colchester Partnership had been approached regarding whether they can take enforcement action over antisocial behaviour on the river in the Colchester Borough area, but the Partnership have maintained that this was not possible for them to do. Alternative enforcement options would be examined, including the possibility of volunteer involvement in identifying antisocial behaviour.

*RESOLVED* that the Panel noted the information provided within this report.

*RECOMMENDED* to *CABINET* that: -

- a) The Cabinet approves the drafting of a vision document for a River Colne partnership involving all local authorities along the Colne, stakeholders and interested others to seek out funding and implement a vision that accounts for the upper, middle and lower River Colne and estuary, to be developed in a phased way starting with access and control and with the Hythe and funding options as focal points, and;
- b) This document be brought back to the Policy and Public Initiatives Panel for further discussion and public comment before being sent to the Cabinet for approval.

### **38. Work Programme 2019-20**

The Panel considered the draft Work Programme for 2019-20, presented by Owen Howell, Democratic Services Officer, including the proposed scheduling for new items covering secure cycle storage, feasibility of the Council providing a Youth Zone and a review of the Leader and Cabinet model of local authority administration.

*RESOLVED* that the Work Programme for 2019 be noted and the proposed items be scheduled as noted within it.