

PORTFOLIO HOLDER FOR ASSETS AND COMMUNITY SAFETY

1 JULY 2025

A.1 TERMS FOR THE GRANT OF AN EASEMENT, OVER LAND LYING TO THE NORTH OF STANDLEY ROAD, WALTON (Report prepared by Izaak Marshall)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To consider the principle of granting an easement and agreeing terms for the same over land to the north of Standley Road, Walton, as shown edged red on the Location Plan in Appendix A.

EXECUTIVE SUMMARY

Anglian Water has approached the Council with a proposal to construct a storm attenuation tank on part of the Council's freehold land. This land is currently used as an overflow car park, although it is used infrequently outside of the summer season.

The approximate dimensions of the storm attenuation tank are a 25-metre diameter circular shaft, or a 20-metre by a 35-metre oval. The introduction of this will improve the bathing water quality for Frinton and Walton and will aim to improve its current blue flag status from "good" to "excellent". This will be achieved through the increased capacity for the temporary storage of water, allowing for gradual release and treatment, and reducing the amount of pollutants entering the bathing waters. On the adjacent land is a sewage treatment plant, operated by Anglian Water, which will be directly connected to the new tank to facilitate the transfer of the stored water to the treatment plant, where it will be treated before being discharged. During times of excessive rain, the storm water runoff can overwhelm the treatment plant meaning excess untreated water is discharged to the sea. This scheme is designed to increase the capacity of water storage and therefore reduce the number of overflow discharges to less than 2 per bathing water season. As a comparison, the untreated discharge count was 11 for the bathing water season in 2024.

The proposed tank will have 3 stormwater pumps; however, only 2 active pumps are required for it to operate effectively. The additional pump will remain on standby, providing contingency in case one of the other pumps fail. The design of the tank will consider the fact that there are 2 existing main sewers going through this land. It will be supported by 25m deep columns, and there will be a series of access chambers for pumps to assist with managing and maintaining the stormwater system. A man-riding cage will also be included for maintenance and cleaning purposes, as the tank will require annual maintenance. The access into the field will be widened to allow access for tankers and maintenance vehicles; however, this will be secured with fencing/gates where appropriate, and both the Council and Anglian Water will have access to the area. The proposal will result in the permanent loss of 2-3 car parking spaces, and some spaces will be lost temporarily during maintenance periods. However, Anglian Water must agree such periods in advance with the Council to cause minimal disruption, although it is likely to be arranged out of season.

Anglian Water is looking at a construction start date at the end of summer/autumn 2025, with a view to concluding works between winter 2026 and spring 2027.

It is proposed that the works to be formalised and carried out under agreement, as this way the Council will retain some control over their freehold land. The Location Plan in Appendix A shows the approximate area that will be reinstated as grasscrete, a suggestion contributed by Council Officers to enable wider use of this area, which Anglian Water has agreed to in principle.

Alternatively, should the Council disengage or be unwilling to negotiate an agreement, it is likely that Anglian Water will use their statutory powers by serving a written notice on the Council, and their works will be carried out under this notice. This is not recommended, as it gives the Council less input and control in respect of the works.

RECOMMENDATION(S)

It is recommended that: The Portfolio Holder for Assets and Community Safety:

- (i) agrees the principle of granting an easement over the land to the North of Standley Road, Walton; and
- (ii) authorises the Corporate Director for Planning and Community to complete the easement in accordance with the details and plan set out in this report and such other terms as he sees fit.

REASON(S) FOR THE RECOMMENDATION(S)

- To improve the bathing water quality across Frinton and Walton.
- To significantly reduce the number of combined sewer overflow discharges per bathing season.
- In order for the Council to be involved in the project, rather than Anglian Water using their Statutory Powers.

ALTERNATIVE OPTIONS CONSIDERED

To not grant an easement – not proposed. Anglian Water can exercise their statutory powers to undertake the work. By formalising such works under an easement, the Council can have more control over their freehold land by working collaboratively with Anglian Water and having them consider proposed amendments put forward by Council Officers.

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

The potential transaction is pertinent to the following Council priorities:

- Championing our local environment.
- Working with partners to improve quality of life.

OUTCOME OF CONSULTATION AND ENGAGEMENT

The Local Ward Member is aware of this report and its recommendations and is supportive of the project. In addition, Frinton and Walton Town Council have been consulted on the project and would like to it proceed.

LEGAL REQUIREMENTS (including legislation & constitutional powers)

Is the recommendation a Key Decision (see the criteria stated here)	NO	If Yes, indicate which by which criteria it is a Key Decision	☐ Significant effect on two or more wards ☐ Involves £100,000 expenditure/income ☐ Is otherwise significant for the service budget
		And when was the proposed decision published in the Notice of forthcoming decisions for the Council (must be 28 days at the latest prior to the meeting date)	Not applicable.

In coming to decisions in relation to management of assets, the Council must act in accordance with its statutory duties and responsibilities. Cases assessing principles of Section 120 of Local Government Act 1972 confirm that the Council is obliged to ensure that the management of its assets are for the benefit of the District;

Section 123(1) Local Government Act 1972 indicates that, a local authority may dispose of land held by it in any way it wishes so long as (section 123 (2)) the land is disposed for a consideration not less than the best that can reasonably be obtained.

☐ **The Monitoring Officer confirms they have been made aware of the above and any additional comments from them are below:**

FINANCE AND OTHER RESOURCE IMPLICATIONS

Anglian Water to apply for planning consent, which will be entirely at their cost and their risk.

Anglian Water will be fully and solely responsible for maintaining, repairing and servicing the storm attenuation tank.

Officers have requested that when the work is complete, the area be reinstated with grasscrete rather than turfed over, which will provide an area that can be used for a variety of purposes over a longer portion of the year than currently.

☐ **The Section 151 Officer confirms they have been made aware of the above and any additional comments from them are below:**

USE OF RESOURCES AND VALUE FOR MONEY

The following are submitted in respect of the indicated use of resources and value for money indicators:

A) Financial sustainability: how the body plans and manages its resources to ensure it can continue to deliver its services;	The improvements to the bathing water quality from this project come at no financial cost to TDC. Following the project completion the area will still be able to be used as an overflow car park and for a longer season due to the installation of grasscrete rather than turf. This may also open up this area for additional uses.
B) Governance: how the body ensures that it makes informed decisions and properly manages its risks, including; and	Anglian Water have statutory powers in respect of their function here. Should TDC not grant consent, they could proceed with a notice under those powers and carry out the work anyway. Engaging with them and providing consent for the project ensures that TDC are involved and have an input into the work.
C) Improving economy, efficiency and effectiveness: how the body uses information about its costs and performance to improve the way it manages and delivers its services.	This project aims to increase the bathing water quality and reduce the number of foul water discharges to the sea. This should improve the visitor experience across Walton and Frinton

MILESTONES AND DELIVERY

If planning consent is required, this application will likely take around 8 – 12 weeks. If planning consent is granted, then TDC's legal team will be instructed to draft the easement.

In respect of the project itself, Anglian Water would like to start construction works in the autumn of 2025 with a proposed completion in Winter 2026/Spring 2027

ASSOCIATED RISKS AND MITIGATION

The works in this area will mean the overflow car park will be out of commission for the summer 2026 season. This may be inconvenient on very busy days, but the main car parks will still be available, as well as the other overflow car park to the north east of the site. Following completion of the work, this overflow car park will be back in use and with a new grasscrete surface, which should be more versatile and useable for a longer season.

EQUALITY IMPLICATIONS

This is considered not to apply to this transaction.

SOCIAL VALUE CONSIDERATIONS

This is considered not to apply to this transaction.

IMPLICATIONS FOR THE COUNCIL'S AIM TO BE NET ZERO BY 2030

This is considered not to apply to this transaction.

OTHER RELEVANT CONSIDERATIONS OR IMPLICATIONS

Consideration has been given to the implications of the proposed decision in respect of the following and any significant issues are set out below.

Crime and Disorder

This is considered not to apply to this disposal.

Health Inequalities	Improving the bathing water quality for Frinton and Walton will have wider health benefits for users of these beaches.
Area or Ward affected	Walton.

3 – SUPPORTING INFORMATION

BACKGROUND
The are of land the subject of this easement is owned freehold by Tendring District Council. It is used as an overflow car park during the very busy summer period and used as recreational space for dog walkers and residents during other times. It can get quite boggy during the winter and high rainfall periods. This land is in a flood zone 3 and is protected open space, so has limited options when it comes to development or other uses.
PREVIOUS RELEVANT DECISIONS
None
BACKGROUND PAPERS AND PUBLISHED REFERENCE MATERIAL
None

APPENDICES
Appendix A: Location plan

REPORT CONTACT OFFICER(S)	
Name	Izaac Marshall
Job Title	Assets Surveyor
Email/Telephone	imarshall@tendringdc.gov.uk