




Environment and Sustainability Panel

Item

7

05 March 2024

Report of	Head of Sustainability	Author	Fiona Shipp
Title	Ferry Marsh Nature Reserve improvements		 01206 589250
Wards affected	Wivenhoe		

1. Executive Summary

- 1.1 Ferry Marsh Nature Reserve in Wivenhoe is managed by the Council's Countryside Team and in recent years, there has been a change of habitat with a significant increase in biodiversity due to the site having wetter conditions and reduced human access. As responsible landowners of the site, in the context of the Climate Emergency, and following public consultation, agreement is sought to protect the increase in biodiversity as a result of these changes.
- 1.2 In partnership with Natural England, Essex Wildlife Trust and Wivenhoe Town Council, the Council would like to introduce a system to control the water levels to an acceptable level that encourages the new wildlife to flourish, whilst minimizing the disruption to existing wildlife and still enabling the Rangers and Volunteers to maintain the site as per the management plan. This will help protect the biodiversity to continue to flourish at this site.
- 1.3 This revised paper contains key changes under 6.6, 10.1, 13.3 and appendices B,C,and D.

2. Recommended Decision

- 2.1 To recommend to Cabinet that it approve of the changes to Ferry Marsh Nature Reserve as set out in the report.

3. Reason for Recommended Decision

- 3.1 To control the water levels to an acceptable level that encourages the new wildlife to flourish, whilst minimizing the disruption to existing wildlife and still enabling the Rangers and volunteers to maintain the site as per the management plan. This is aligned to feedback received from public consultation and supports objectives set out in the Council's Climate Emergency Action Plan and in its Strategic Plan.

4. Alternative Options

- 4.1 If no further work is carried out to manage water levels, then we will not be able to maintain optimal water level for biodiversity, and benefits gained during recent flooding may be permanently lost. It will not be possible to fully deliver the sites management plan which recommends wetness of the site maintained for marsh and ditch assemblages. It may also not be possible to improve the Site of Special Scientific Interest condition to 'favourable'. If access is reinstated to the closed path, then disturbance by people and

dogs will increase, which is likely to affect sensitive bird life. More dogs accessing the water is likely to affect water quality and invertebrate life because of the effects of flea medications on dogs.

5. Background Information

- 5.1 Ferry Marsh (part of Colne Local Nature Reserve) in Wivenhoe is managed by the Council's Countryside Team and in recent years, there has been a change of habitat with a significant increase in biodiversity due to the site having wetter conditions and reduced human access.
- 5.2 In light of the current climate and biodiversity emergency faced by Colchester, the Council have been encouraged by the increase in biodiversity at this site, and as responsible landowners would seek to protect this.
- 5.3 In 1999, Colchester Borough Council took over the management of Ferry Marsh which is designated as a Local Nature Reserve and a Site of Special Scientific Importance (SSSI) These designations both place priority on the wildlife of the site and although managed by the Countryside Team, the site has never been designated a 'Country Park' where human activities should have greater priority.
- 5.4 From 2002 – 2017, the site largely remained a dry marsh gradually improving in quality due to the management by CBC, especially after 2010 when a section was placed off limits to people and dogs by the creation of ditch habitats for Water Voles under the guidance of Essex Wildlife Trust (EWT).
- 5.5 During this drier period however there is evidence that the site was becoming wetter with the Environment Agency unblocking the sluice three times during flooding events. Evidence from notes in previous management plans indicates that there had at times been limited access to the site due to its wet nature. There were resulting changes in the wildlife: Water Voles increased; Sea Barley arrived bringing another 'yellow' Nationally Scarce plant into the site.
- 5.6 In 2018, the sluice onsite blocked, water levels started to rise and access across the marsh was restricted by flooding. The sluice was no longer the original Environment Agency (EA) installed sluice, but a replacement installed by a developer that had now liquidated. The EA no longer unblocked the sluice, which thus remained blocked.
- 5.7 In 2020, the higher levels of water had greatly enlarged the areas of reedbed and by 2022 this had started to be broken up by natural pools forming in the centre, ideal for wildlife especially birds. In the summer of 2020, 40 pairs of Reed Warblers were spotted, 2 pairs of Reed Buntings, new species including 5 singing Cetti's Warbler, 4 pairs of Little Grebes together with Cuckoos. (Dr. Chris Gibson 2020 - bird survey records)
- 5.8 In 2022, all the Nationally Scarce qualifying plants still remained, and further species have also been discovered such as Divided Sedge. The other components of the Site of Special Scientific Interest are changing too, with Barrier Marsh having a thriving population of National Scarce Mousetail. The Outfall was cleared resulting in a significant change to the biodiversity on site which had built up over the years. Breeding bird numbers dropped instantly as the habitat changed and disturbance and predation factors such as foxes, dogs and cats moved in.
- 5.9 Fortunately, Cetti's Warblers remained and as Schedule 1 breeding birds this necessitated the closure of the cross-marsh path by CBC.

- 5.10 In 2023, in partnership with Essex Wildlife Trust, the ditch network was checked to monitor the water vole population. Although this was not a full survey due to not wishing to disturb nesting birds, it found water voles exploiting all the ditches, which was an expansion on their previous distribution, and reassurance that the population survived well through the flooded period. This shows there is scope for a controlled higher water level without adversely affecting the water vole population.
- 5.11 In partnership with Natural England, Essex Wildlife Trust and Wivenhoe Town Council, proposals were discussed to introduce a system to control the water levels to an acceptable level that encourages the new wildlife to flourish, whilst minimizing the disruption to existing wildlife and still enabling the Rangers and Volunteers access to maintain the site as per the management plan, to help protect the biodiversity to continue to flourish at this site.
- 5.12 A public consultation was designed to allow users and local residents to give feedback to our proposals which included:
- Adapt the external sluice to minimise future maintenance and remove the need to unblock to prevent flooding.
 - Introduce an internal system to control the water levels to an acceptable level that encourages the new wildlife to flourish, whilst minimizing the disruption to existing wildlife and still enabling the Rangers and Volunteers access to maintain the site as per the management plan.
 - An internal water level control system could be in the form of a sluice or system of sluices that would allow the Rangers to regulate the water levels on site.
 - Water level to be established which optimises the wetland habitat and not compromising the banks already engineered for Water Voles
 - Creation of a reliable system which avoids flooding beyond the set level and reduces the risk of flooding burrows significantly.
 - Modifying the access to the site by creating a short loop to enable users to walk through a small section of reedbed.
 - Improving the surface of the sea wall to provide easier access.
 - Installing a viewing platform / screen along Rowhedge Ferry Road
 - Expanding the Nature Reserve by acquiring and managing the Crown Estate owned land adjacent to Ferry Marsh
- 5.13 In December 2023, Colchester City Council carried out the consultation asking local residents their thoughts and opinions on the following options (Results in Section 6.3 - 6.5) and Visual Summary in Appendix A):
- How do you currently access and enjoy Ferry Marsh? *Options: A walkthrough route to Wivenhoe Trail, watching local wildlife, Dog Walking, exercise, peace and tranquillity, photography, cycle route, taking children/family, Other*
 - What improvements would you like to see made to Ferry Marsh? *Please rank the below in order of priority – Management of water Levels in order to prevent flooding, Management of water levels to increase wildlife and diversity and abundance,*

improve surfacing along the sea wall path, Installation of bird hide/screen, Seasonal access to marsh, management to decrease level of disturbance, more benches

- The marsh does not currently include land adjacent to Old Ferry Road, it is own by Crown Estate. Would you support Colchester City Council expanding the nature reserve to include the Crown Estate land? *Yes/No/No Preference*
- Would you support Colchester City Council in introducing further methods to manage the water levels on site? *Yes/No/No Preference*
- Would you support Colchester *City Council in protecting the biodiversity through modified access to the marsh? Yes/No/other*
- Any other comments

5.14 A working group which comprised of Council officers, local Councillors for Wivenhoe Town Council, Ward Councillors for Wivenhoe and representatives from Essex Wildlife Trust and Natural England met in March 2023 to review the results of the consultation. All parties were supportive to proceed with all options listed above including keeping the main path in the Marsh closed to the general public, introducing a short circular walk so that people can still enjoy 'entering' the Marsh but with minimal disturbance to the wildlife and progressing the site improvements such as a viewing screen.

5.15 Colleagues in Natural England and Essex Wildlife Trust are satisfied that the above actions do not put at risk the Site of Special Scientific Interest designation for the site and in introducing a water control system, the Site of Special Scientific Interest status will be in a better position to achieve a more favourable condition.

5.16 Should agreement be given to this proposal, then the next steps include the following:

- Understanding the water levels and what they should be within the Marsh and carrying out a formal level survey and installing datum points.
- Work with Essex Wildlife Trust as they have experience of installing a water control system on the River Stort.
- Work with Essex Wildlife Trust to undertake a Water Vole survey.
- Create the short loop at the northern part of the site – ensure that dogs can't breach the loop and jump into the Marsh.
- Create bird screens - one near the Old Rowhedge Ferry Road track and one off of the short loop walk.
- Seek formal Natural England Ascent for any works, allowing for 28 days' notice.
- Determine exactly what the land ownership boundaries are for the houses and the Crown Estate Land and start a dialogue around potentially managing the Crown Estate owned land and what liabilities would come with managing the land.

5.17 It might not be possible to achieve all the above simultaneously, however having a commitment to deliver them would mean including them into the Ranger's Site Action Plan for the coming year.

6. Consultation

- 6.1 In December 2023, Colchester City Council carried out a consultation asking local residents their thoughts and opinions around the options above. There were 4 drop-in sessions organised in Wivenhoe (Tuesday 13th December; Saturday 17th December; Tuesday 10th January; Saturday 14th January 2023). A total of 217 people attended the four in-person sessions whereby they were able to view information boards, engage with Council officers, ask questions to the Natural England representative, and generally find out more.
- 6.2 There was also an online consultation which ran for 6 weeks, and a total of 175 people responded to the online consultation.

See Appendix A for a visual summary of the results.

- 6.3 Over 70% of the respondents supported protecting the biodiversity of the site through modified access to the Marsh. This question is the main point of the consultation as in essence, either the Council re-allows access through the marsh which will have an adverse effect on the biodiversity of the site, or the Council continues to restrict access (modify in this case by providing an alternative) which some local residents were against.
- 6.4 There was over 65% support in introducing further measures to control the water levels on site and over 80% support for the Council to expand the land management of the marsh to include the Crown Estate section.
- 6.5 Interestingly, responses indicated that it was a greater priority to manage the water levels to increase wildlife and biodiversity closely followed by management of water levels to prevent flooding. Management to decrease / limit disturbance to wildlife in the marsh was the third highest priority.
- 6.6 There was some concern raised at the previous Environment & Sustainability Panel in September 2023 that the consultation wording was confusing causing people to potentially answer incorrectly, and that people weren't asked directly about the path removal. However, reassurance has been received from the team that ran and attended the sessions that they tried to speak to all people who attended to explain the questions and what was being asked and what the impact of this would be.

7. Equality, Diversity and Human Rights implications

- 7.1 An [Equality Impact Assessment](#) (EIA) has been completed.
- 7.2 It is considered that the proposals do not breach human rights as a service will continue to be offered.

8. Strategic Plan References

- 8.1 The proposal directly links to the vision, themes and objectives of the Strategic Plan 2023-26, specifically 'Respond to the Climate Emergency', particularly 'Conserve and enhance our biodiversity'.

9. Publicity Considerations

- 9.1 The decision will be published in a press release and available on the Council's website. The working group referenced earlier in this report will also be advised of the decision.

10. Financial implications

10.1 Implementation of the above next steps will rely on budget being available part of which will be funded through the Countryside Team's site budget and installed by the Ranger Team and volunteers.

Creation of simple bird screen and fencing around short loop path.

- £2,000 Total for Chestnut paling fencing and field gate for short loop path
- £500/bird screen for timber.

The following will need to be funded separately and preferably from external grant funding.

- GPS Site survey and installation of datum points £1,600+VAT - Contractor
- Creation of an internal water control system. £6,082.85/Drop board sluice UNIT (max 2) Plus installation of drop board sluice and pipe under grass path x 1 £3,963.17 Plus mobilisation £650 = £16,778.87 - Contractor

Item	Cost (ex VAT)	Funding Source
Fencing & Field gate	£2,000	Existing Site Revenue Budget
Bird Screen	£500/screen x2	Existing Site Revenue Budget
GPS Survey	£1,600	External Grant Funding
Drop Board Sluices	£6,082.85/Drop board sluice x 2	External Grant Funding
Contractor Mobilisation	£3,963.17/Drop Board Sluice & Pipe under path x1 £650x1	
Total for all Proposed Works	£21, 378.87	
Total for Grant Funding	£18, 378.87	

10.2 No additional funding has been identified for taking on management of Crown Estate land and this would need to be sourced before agreeing to taking this on and would form a separate paper.

11. Health, Wellbeing and Community Safety Implications

11.1 The provision of rich green open spaces for communities is incredibly important in supporting the health and wellbeing of our communities. The provision and protection of this site ensure the Council continues its responsibilities in this regard, and to promote

the positive health benefits to our residents of our countryside site, parks and open spaces.

- 11.2 Ensuring that the site is well managed and maintained will help support creating safe, clean and green neighbourhood, which can help to reduce the fear of crime in local areas.
- 11.3 This site has particularly high-quality visual landscape benefits for the local community and visitors with sweeping views over the marsh and across the River Colne.

12. Health and Safety Implications

- 12.1 The Ferry Marsh, marshland and ditches is part of the Council Water Safety review programme. Any actions recommended through the review will be actioned as appropriate.

13. Risk Management Implications

- 13.1 There is a risk that should the decision not be supported then;

- There would be continued expenditure for clearing out the sluice pipe on a more regular basis.
- There would be potential to be unable to control flooding to the site and Wivenhoe Trail.
- Continuation of repeating the cycle of flooding and sudden loss of water when the sluice pipe is unblocked, with potential cycle of boom and bust for aquatic biodiversity.
- The status of the Site of Special Scientific Interest compartment is unlikely to be ever improved to 'favourable' condition.
- Inability to fully fulfil recommendations in management plan and make the proposed biodiversity gains.
- If the central path remains open, preventing disturbance to wildlife will be virtually impossible, potentially impacting biodiversity, and reducing breeding activity, with increased effects of dog flea treatments on aquatic life.
- An open central path would also likely be frequently wet and impassable. Installation of a boardwalk to make it more accessible would then be high cost, with high on-going maintenance costs and make site maintenance in general more difficult.

- 13.2 In proceeding with the recommendations there is a risk that;

- We are unable to fulfil all the suggested mitigation for closing the path due to budget/funding (bird screen, resurfaced paths, internal water level management etc).
- As there will be reduced public access to the site, with access limited to the perimeter and short loop path, this may cause complaints despite the consultation.
- Finding ideal water levels may take time and require further level surveys which may have cost implications.
- The Bird Screens may attract anti-social behaviour.

- There will be ongoing maintenance costs of the fences and bird screens.
 - We do not find funding to take on the maintenance of the Crown Estate land and are unable to manage this as a contiguous part of the site.
- 13.3 Concerns have been raised that the site has a covenant on it with a designation of Public Open Space and that this prevents any restriction on use of existing paths within the site. This could be classed as a risk to the Council if they breached a Covenant, and research has been undertaken to understand the nature of such designations.

The Transfer of the land in the title is dated 29 November 1999 and it was made between (1) Wivenhoe Quay Limited (Transferor) and (2) Colchester Borough Council (Council) and it contains the following covenants:-

"The Council hereby covenants with the Transferors for the benefit of the remainder of the Retained Land as follows:

5.1 not to use the Property otherwise than for public open space

5.2 to keep the Property in a clean and tidy state and condition and to maintain the same to an appropriate standard"

Under those terms the Covenant is still capable of being enforced.

When the site was transferred it already held the status of Site of Special Scientific Interest (SSSI) which it was designated in 1992.

As access is not specifically covered in the covenant and the path in question is not a Public Right of Way. The Council could make a decision to restrict access for the purposes of protecting wildlife as part of its legal obligation to manage the site effectively and appropriately to conserve the special features of the site as required by its SSSI status.

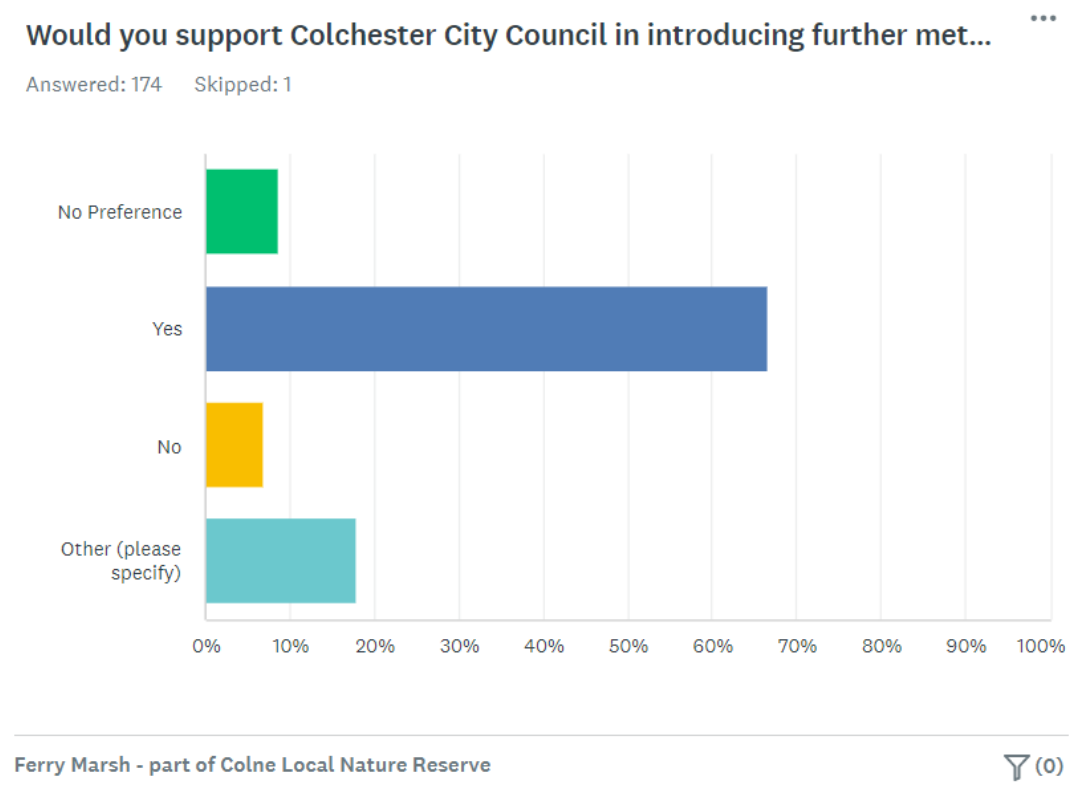
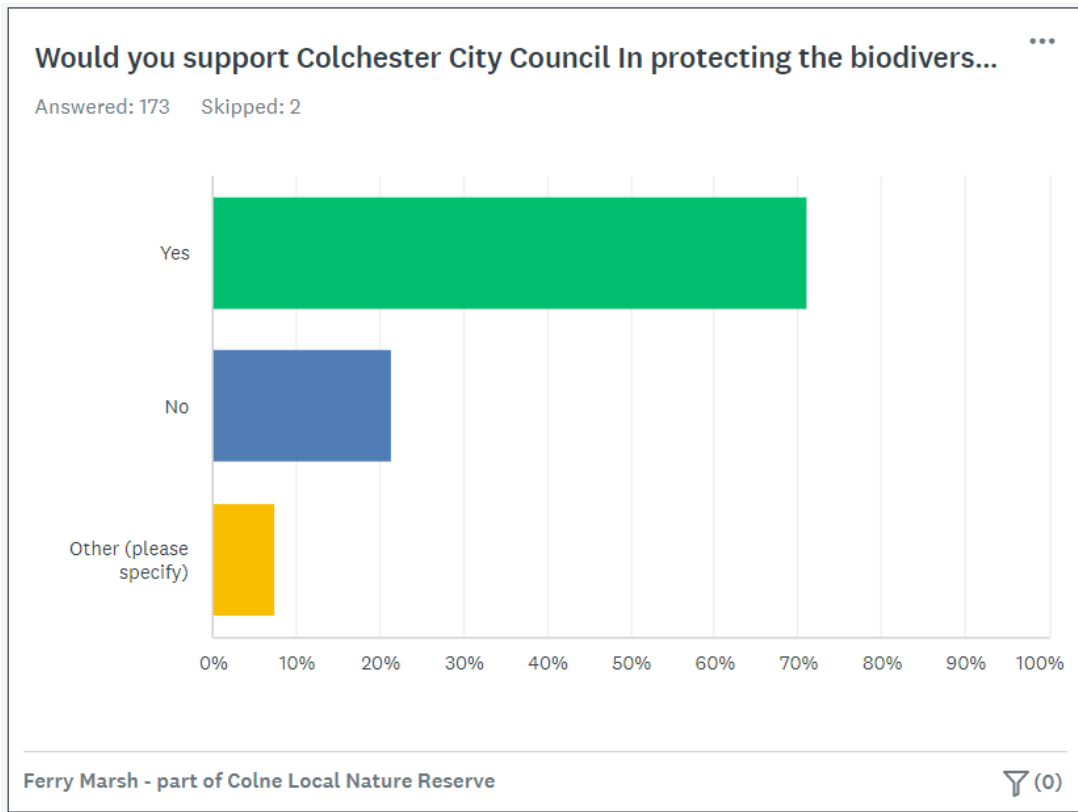
14. Environmental and Sustainability Implications

- 14.1 The consideration of environmental and sustainability implications of the decision being taken is set out in the table below:

Sustainability theme	Positive environmental impact	Neutral impact/ Not applicable	Negative environmental impact	What are the positive and negative impacts on carbon reduction / environment?	How will positive impacts be enhanced/ encouraged? And negative impacts minimized or eliminated
Energy		✓		n/a	n/a
Waste		✓		n/a	n/a
Procurement		✓		n/a	n/a
Biodiversity and green spaces	✓			Measures proposed encourages the new wildlife to flourish, minimize the disruption to existing wildlife whilst still enabling the	

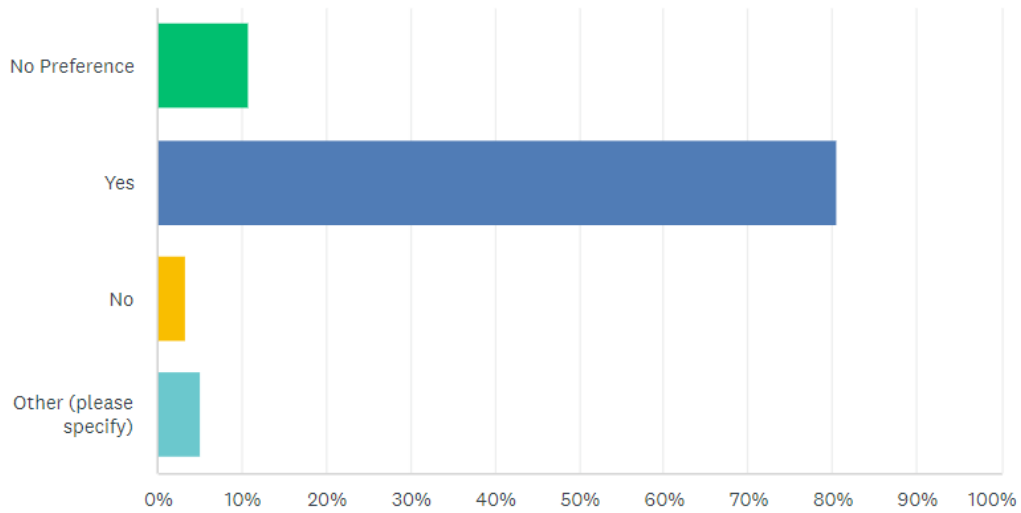
				Rangers and Volunteers to maintain the site as per the management plan, to help protect the biodiversity to continue to flourish at this site.	
Transport		✓		n/a	n/a
Adaption		✓		n/a	n/a
Water	✓			Maintaining the wetness of the site, whilst avoiding uncontrolled flooding will provide valuable fresh and brackish water habitats particularly in times of drought. Preventing dogs accessing ditches will reduce the negative effects of flea treatments on aquatic invertebrates and disturbance to waterfowl.	
Digital		✓		n/a	n/a
Community	✓			The site continues to be publicly accessible but with enhancements to the wildlife and biodiversity that the public can experience	n/a
Housing/ Development		✓		n/a	n/a
Carbon Emissions saving	✓			A wet site provides good carbon sequestration.	Rotational dredging of ditches will release carbon but very infrequently in small amounts and is outweighed by other biodiversity gains.

Appendix A – Results of consultation



The marsh does not currently include the land adjacent to Old Ferry R... ...

Answered: 175 Skipped: 0

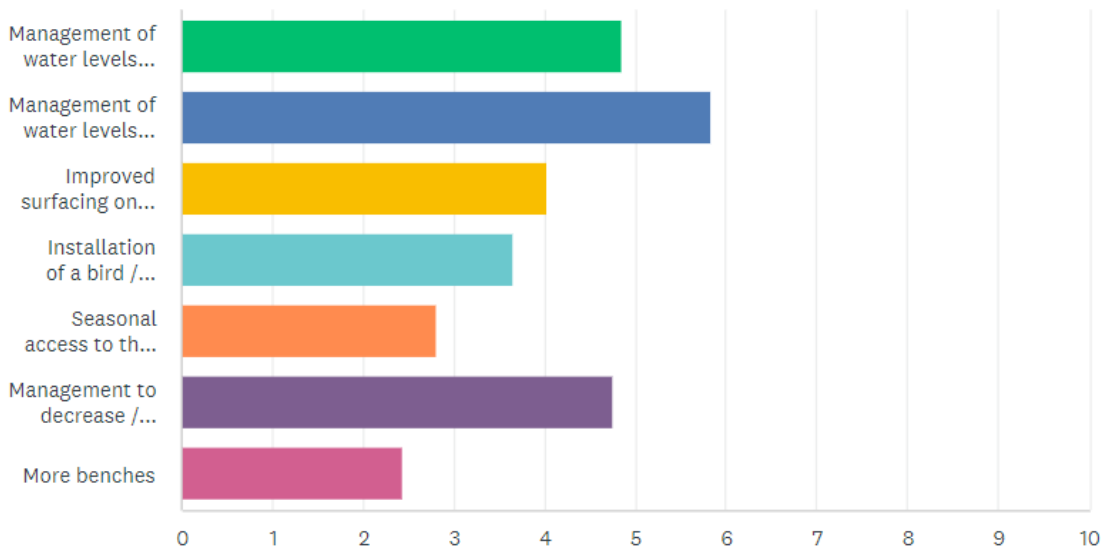


Ferry Marsh - part of Colne Local Nature Reserve

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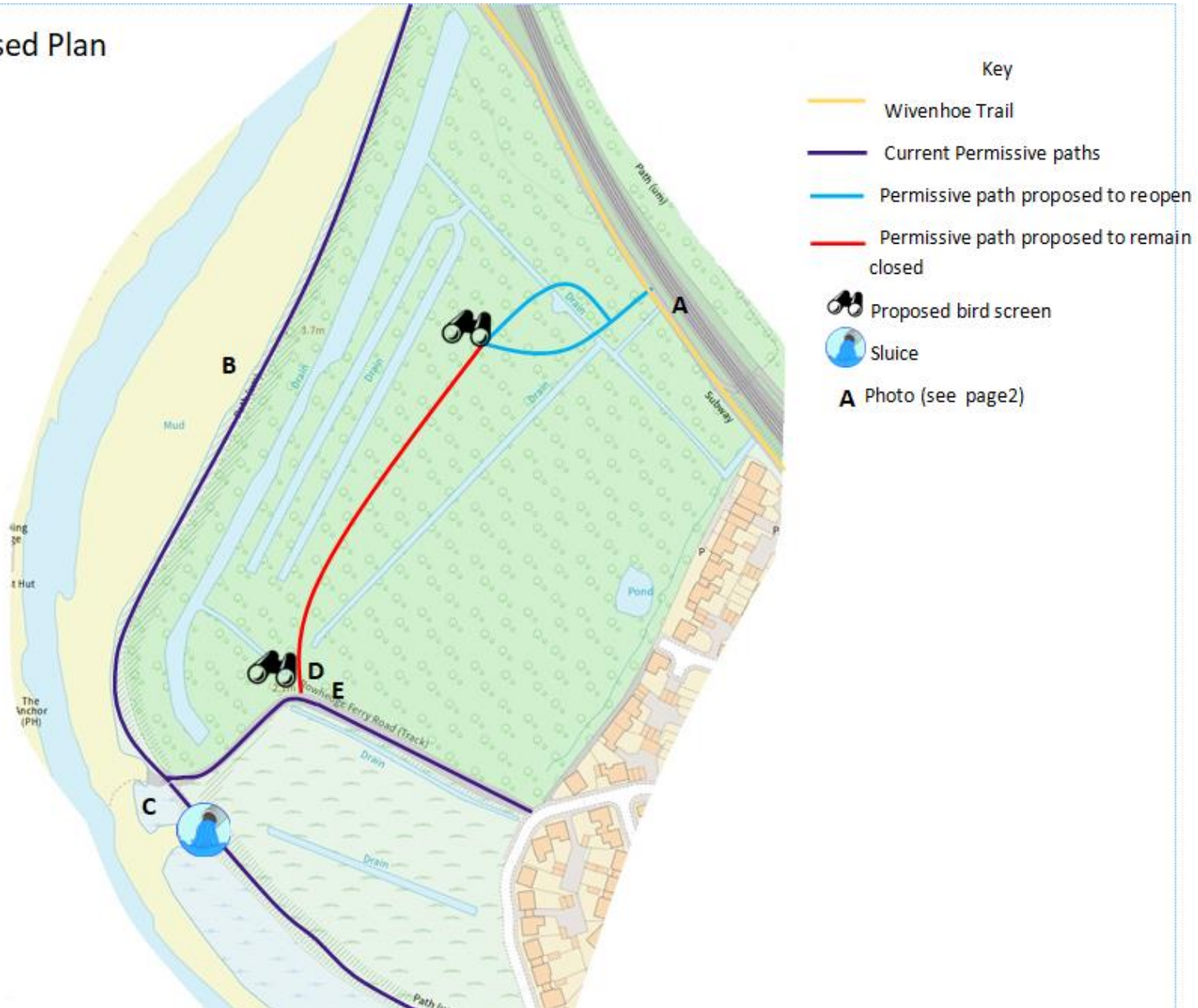
What improvements would you like to see made at Ferry Marsh? Pleas... ...

Answered: 175 Skipped: 0



Appendix B – Site Plan Showing Proposed Path Closure & Photo Locations

Ferry Marsh: Proposed Plan



Appendix C – Site Photos



Top Left: Looking in to Ferry Marsh from Wivenhoe Trail

Top Right: Looking across Ferry Marsh from the river wall path

Bottom Left: Looking down Old Ferry Road Track from River Wall



Top Left: Looking in to Ferry Marsh from Old Ferry Road Track

Bottom Right: Looking along Old Ferry Road Track towards road



Appendix D – Current Land Ownership

Ferry Marsh: Current Land Ownership

