

Agenda item 7(i)

Ferry Marsh Nature Reserve Improvements – Extract from the minutes of the Environment and Sustainability Panel meeting of 21 September 2023

The Panel considered a report inviting it to recommend to Cabinet changes to Ferry Marsh Nature Reserve, subject to approval of the capital programme for which Ferry Marsh Nature Reserve is included.

Fiona Shipp, Parks, Countryside and Greening Operations Manager, attended the meeting to present the report and assist the Panel with its enquiries. The Panel heard that the Ferry Marsh Nature reserve was located next to the River Colne and Wivenhoe. It was an area of land that Colchester City Council (the Council) had taken control of in 1999 as a dry marsh area. Over time there had been a number of flooding events at the site, and the pipe which led from the site out to the river Colne had a tendency to become blocked by silt and frequently needed unblocking. The Environment Agency used to manage this area and had unblocked the pipe regularly, however, due to changes in the way the area was now managed the Council was now responsible for keeping the pipe clear of debris. It was noticed that as the site had become wetter more species had made it their home, and in 2010 work had been undertaken with Essex Wildlife Trust to manage ditches in the area to try to improve the habitat of water voles there.

It was now proposed that the area was managed as a wetland marsh area by installing water control measures on the site to allow the water level to be regulated to maximise the benefit to the environment there. Additionally, the outlet pipe needed to be extended into the river to reduce the amount of silt which accumulated in it and increase the capacity to remove excess water from the area. As a consequence of the increased water on the site, it was proposed that the public path through the middle of the marsh be removed, although the path along the riverbank which connected with the Wivenhoe Trail would continue to be maintained. A further small path would be added from the Wivenhoe Trail to enable members of the public to access the marsh to benefit from the environment that had been created, and a bird screen would be erected there. It was considered that the Council was in a position to have a really positive impact on the site which was already a Site of Special Scientific Interest.

Officers acknowledged that the proposals would have an effect on local people and visitors to the site, as access to the site would be altered. Because of this a consultation had been carried out, with 217 people attending drop-in sessions held locally, together with 170 responses to an online survey which had run for 6 weeks. Of those who responded, 70% were in favour of supporting the biodiversity of the site and modifying access to help achieve this, and 65% supported the implementation of further water control measures.

The Panel was asked to make a recommendation to Cabinet that the works be included in the Council's Capital Programme so that the pipe could be extended to enable management of the water levels on site. It was hoped that the other changes which were proposed in the Officer's report which was before the Panel would be able to be funded from the site budget over the next few years.

Jane Black attended the meeting and addressed the Panel in accordance with the Council's Have Your Say! provisions. She stated that her views had been endorsed by the Committee of the Wivenhoe Society, and she considered that there were 2 main issues, which were public access and the correct water level. When the Council had acquired the site it had entered into a covenant which stated "the Council hereby covenants with the transferers for the benefit of the remainder of the retained land as follows: not to use the property otherwise than as public open space". For well over a decade the residents of the retained land and other people of lower Wivenhoe had greatly enjoyed walking across the marsh which was part of a round walk including the river wall. The marsh was the only space which was given as part of the housing development on the old port, and was one of only two places in Wivenhoe where a public path gave access to marshland. The Panel heard that the survey which had been carried out did not ask whether the public supported the closure of the path across Ferry Marsh, and it was considered that the proposed small loop was a poor substitute for the previous path across the marsh. It was accepted that people and dogs could disturb birds, but a compromise was needed, and it was suggested that the main path should be retained with the requirement that all dogs remained on lead in this area. A permanent repair of the sluice was required, and the maintenance of water levels in the ditches was desirable, although there was concern that local roads would flood if the water level ever rose above the level of the ditches.

The Parks, Countryside & Greening Operations Manager suggested that the provision of public open space did not require that the same paths were constantly maintained, and that the location of public access to the site had not been set. A circular walk around the site would still be available, and the intention was not to exclude people from the site, but rather to enhance it. As owners of the site, the Council was under an obligation to manage it as a Site of Special Scientific Interest and to try to improve it as far as possible. If the proposal was approved by Cabinet, then an expert would be engaged to consider the water levels in the marsh to ensure that these were at the correct level which would not cause any additional risk to the surrounding area.

Jane Black summarised her position by saying that she did not consider that the provisions of the covenant were satisfied by the provision of a small loop walk, and thought that insufficient access to the site was being provided.

Rob Neve attended the meeting and addressed the Panel in accordance with the Council's Have Your Say! provisions. He had been a resident of Wivenhoe for 18 years, and for 14 of those years had enjoyed walking across the marsh. He considered that repairing the sluice was essential and urgent work, but that any additional expenditure on the site would be foolish and unnecessary. There were concerns that if the area was flooded completely then nearby railway track could be undermined, and Old Ferry Road had also flooded when the water levels in the marsh had been raised. The path through the middle of the marsh should be re-opened, and dogs required to be on leads if necessary, but other than the repair of the sluice, the area needed no other improvement.

The Parks, Countryside & Greening Operations Manager explained that the proposals were intended to enhance the site, although it was accepted that not everyone would agree with the project. Mr Neve confirmed that he did not agree with

the proposals, and a number of other people he was aware of did not agree either. He considered that the right questions were not asked in the Council survey, and asked that the Panel consider the budgetary implications of the proposed scheme in the light of the financial pressures the Council was facing.

A Panel member considered that a balance had to be struck between maintaining public access to the site in its current form, and enhancing biodiversity. The enhancing of the biodiversity and the modification of public access was an interesting way forward for the site and the proposal was a good one.

The Parks, Countryside & Greening Operations Manager clarified to the Panel that the bird screen proposed would be a wooden screen which resembled the front of a bird hide and which would provide an opportunity for members of the public to go into the marsh and observe wildlife through the screen without disturbing it.

In discussion, the Panel expressed some concern about the covenant which had been mentioned. It considered that it was essential that the existence and exact terms of the covenant be confirmed to ensure that the Council's proposals were not in breach of this. Consideration was given to recommending the scheme to Cabinet with the caveat that additional assurance was offered in respect of the covenant.

It was noted that the extension of the outlet pipe would cost in the region of £46,000 subject to the works being included within the Council's Capital Programme. There was some concern expressed about the budget implications of this additional pressure, given the Council's current financial position. It was explained to the Panel that the Environment Agency had stopped maintaining the pipe because a new flood barrage had been installed in the river Colne, and the work of the Agency had been reduced in the area as a result of this. The Panel determined that more detailed information on the cost of the works and possible sources of funding for this would be very useful to consider. The Parks, Countryside & Greening Operations Manager confirmed that the proposals for which cost had not specifically been identified in the report were fairly low cost to implement and could be met out of the current site budget. A detailed survey would be required on the site and the cost of this was unknown at the present time.

The Panel recognised the concerns which had been raised by residents, and wondered whether any alternative arrangements for the site had been submitted for consultation. It was necessary to ensure that the proposals which had been put forward were not carried out to the detriment of other existing open spaces. It was clarified that there was no proposal being made at this time in respect of the Crown Estate land at the location, as no decision had been taken to take on this piece of land at the present time. Any such proposal would be the subject of public consultation in the future. The river wall did form part of the walk around the site and this was owned by the Council and would be maintained as part of the asset. There were no issues with anti-social behaviour in the area.

The panel note that a number of additional queries had been raised in respect of the project during the course of the debate, and indicated that it would be happy to receive an amended report at its next meeting providing more information on the points which had been raised. The Parks, Countryside & Greening Operations

Manager confirmed that such a delay in making any recommendation to Cabinet would have no significant implications for the site, however, the repair of the sluice gate and extension of the drainage pipe were the most urgent items of work to allow flooding on the site to be managed.

Following further discussions, the Panel considered that the most effective way forward was to recommend that the extension and repair work on the outlet pipe be put forward to Cabinet with the recommendation that this work be included in the Council's Capital Programme, and the remaining information which had been requested in relation to the site be resubmitted to the Panel at a time to be determined by Officers.

RECOMMENDED TO Cabinet that:

- Work to extend the outfall pipe leading from the sluice at Ferry Marsh Nature Reserve be included within Colchester City Council's Capital Programme.

RESOLVED that:

- A further report be presented to the Environment and Sustainability Panel containing additional detail in relation to:
 - o The covenant which was in place on the Ferry Marsh Nature Reserve, and whether or not the proposed works would be in breach of this
 - o Greater analysis of the cost elements of the proposal, and the source of the funding for these elements
 - o Additional clarifying information in relation to the surveys which had been carried out among local residents.

Please note that the report submitted to the Environment and Sustainability Panel is attached for information.