

**MINUTES OF THE PROCEEDINGS AT THE MEETING OF THE  
COMMON LIAISON COMMITTEE  
HELD AT THE COUNCIL OFFICE, 13 HIGH STREET, CANVEY ISLAND ON  
WEDNESDAY 13<sup>TH</sup> DECEMBER 2023 AT 11.00AM**

**PRESENT:** Mayor Cllr L. McCarthy-Calvert, Cllr S. Brooke, Cllr S. Sayes, Cllr G. Isaacs and Cllr D. Jones

Also present: Mrs E. De Can – Town Clerk  
Mrs A. Hutchings – CEO Castle Point Borough Council  
Mrs A. Wakenell – Community Warden  
5 members of the public  
Sgt Preston and Sgt Risdén

Before the meeting proceeded, the Town Clerk explained the composition of the committee as there has been a question regarding the validity of the meeting. It was confirmed that the Borough Council is satisfied that the Town Council has made reasonable effort to secure an independent chair as per the Management Agreement but that it has not been possible to do so. The CPBC Mayor is constitutionally independent so far as the Borough Council is concerned and, on that basis, the Borough Council has no objection to her chairing the meeting. Angela Hutchings, Chief Executive Officer on behalf of the Borough Council, has confirmed that she has administrative consent to depart from the terms of the Lease for these purposes. As per the Management Agreement the committee appoints its own chair, therefore, the committee members **APPROVED** the appointment of the Mayor as chairman of the committee until further notice.

**CL/001/23 - APOLOGIES FOR ABSENCE**

All members were present.

**CL/002/23 – TO RECEIVE DECLARATIONS OF INTEREST IN ITEMS ON THE AGENDA**

No declarations of interest were received.

**CL/003/23 – PUBLIC FORUM – TO RECEIVE QUESTIONS FROM MEMBERS OF THE COMMUNITY OF CANVEY ISLAND OF WHICH NOTICE HAS BEEN RECEIVED FOR A PERIOD NOT EXCEEDING TEN MINUTES**

**Questions to the Leader of the Council:**

**From: Mr Ian Coxon:**

Question 1:

“In 2012, this Committee cancelled all dredging of the Lake based on the 'possible' existence of water voles, and then immediately cancelled the water vole survey. In 2014, a water vole survey was commissioned which 'found no evidence' of water voles at any point around the lake. In light of this, do the current committee members agree that the vital dredging of the lake was cancelled due to misinformation? What are they going to do to ensure this mistake doesn't happen again?”

The Mayor responded on behalf of the Leader of the Council in relation to Question 1:

The Town Council took the decision to re-evaluate the work required at Canvey Lake in 2012 in light of the planning requirements and potential costs involved at the time. The initial water vole survey found that there was a possible habitat of water voles present, however, the suggested costs at the time to relocate the voles could not be met by the Council and further investigation was needed. Various discussions continued with advice from relevant contractors and a phased plan was agreed and commenced in 2013 with Phase 1 creating fishing swims, reed removal and maintenance, a bird feeding station and bank reinforcement and clearance works. The Town Council commissioned a water vole survey in 2014 in anticipation of its planned 5-year maintenance programme which was conducted between 2014 and 2019

and included reed removal and maintenance, channel works, dredging and pennywort removal. No evidence of water voles was found in the areas that work was anticipated which covered various sections of the lake.

Question 2:

“The Committee tried a cheap alternative called siltex to attempt to reduce the severe levels of silt in the lake, but this failed. In light of this, will the Committee accept that the only serious way to reduce silt levels is dredging?”

The Mayor responded on behalf of the Leader of the Council in relation to Question 2:

Siltex was recommended as a possible solution but was not intended to be used long-term and had little success. The Town Council will be considering various options following professional consultation.

**Questions to the Leader of the Council:**

**From: Sean Quartermaine**

Question 3:

“Cllrs Blackwell and Anderson had been members of this Committee since its formation in 2010 until the last meeting was held, and they voted to stop the dredging of the lake. Why have they suddenly disappeared from the committee, and been replaced by a group of councillors who will now be forced to clear up their mess and shoulder the blame for a situation they did not create?”

The Mayor responded on behalf of the Leader of the Council in relation to Question 3:

Cllr Blackwell ceased being a member of this committee in 2018 and Cllr Anderson in 2020. At a meeting of the Town Council on the 4<sup>th</sup> September 2023 and upon request to reinstate the committee neither member were nominated as members of the committee.

Question 4:

“For all 10 years of meetings of the Committee an independent (real independent, not 'independent party') person chaired the committee. Why has this arrangement suddenly changed?”

The Mayor responded on behalf of the Leader of the Council in relation to Question 4:

The Borough Council are satisfied that the Town Council has made reasonable effort to secure an independent chair as per the Management Agreement but that it has not been possible to do so. The CPBC Mayor is constitutionally independent so far as the Borough Council is concerned and, on this basis, the Borough Council had no objection to her chairing the meeting. Angela Hutchings as Chief Executive Officer under the Borough Councils constitution is permitted to give consent on behalf of the Borough Council to depart from the terms of the Lease for this meeting.

**Questions to the Leader of the Council:**

**From: Alan Tibbert**

Question 5:

“For most of the 10 years of the Committee meeting the committee was comprised of an independent chairman, 2 Canvey Town Council CIIP councillors, and 1 Castle Point Councillor (usually Ray Howard) who represented a Canvey ward. Why do we suddenly have just 2 Canvey councillors on this committee regarding Canvey Lake, and 3 councillors (a majority) from Castle Point Council who all represent mainland residents?”

The Mayor responded on behalf of the Leader of the Council in relation to Question 5:

The composition of the committee as part of the Management Agreement is 2 Town Councillors, 2 Borough Councillors and 1 independent person representing a nationally recognised environment organisation.

Question 6:

“What does this Committee think of the public calls for video surveillance to be installed at critical points around the lake to deter anti-social and criminal behaviour, and assist the police?”

The Mayor responded on behalf of the Leader of the Council in relation to Question 6:

The committee cannot comment on this question at this time as it is not an agenda item.

**Questions to the Leader of the Council:**

**From: Chas Mumford**

Question 7:

“Will the Committee commit to restoring Canvey Lake as a recreational fishery?”

The Mayor responded on behalf of the Leader of the Council in relation to Question 7:

The Town Council will make a decision on this subject once the 3-year fish removal scheme comes to an end.

Question 8:

“If the Committee proceeds with plans to not dredge the lake and leave it to fester, will it acknowledge that this will have a disastrous effect on wildlife and the lack of dredging will leave thousands of Canvey residents at greater risk of flooding? “

The Mayor responded on behalf of the Leader of the Council in relation to Question 8:

The presence of silt in the Lake does not mean that the overflow function is necessarily compromised. The letter from the EA to Rebecca Harris MP dated 13 July 2023 states:

“Canvey Lake is fed by run-off from its surrounding catchment area, receiving flows from several dykes and surface water sewers around the lake. A weir on the northern bank in the centre of the lake retains the water level, with an overflow to a tributary of Tewkes Creek. As you highlight, in that sense the lake is part of the drainage system for Canvey, provided a route for surface water to flow from the island through a network of drains and dykes into the lake then out to the sea. However, as the weir retains the water at a fixed level and the lake is ordinarily “full” the capacity to store flood water is limited. As the water level is retained at a fixed level, the lack of desilting of the lake will not have increased flood risk to the nearby properties. “

**CL/004/23 - TO CONFIRM AND SIGN AS A TRUE RECORD THE MINUTES OF THE MEETING HELD ON 4<sup>TH</sup> MARCH 2020**

Members noted the minutes of the meeting held on the 4<sup>th</sup> March 2020 and agreed that as no current committee member was present at this meeting they were unable to confirm the minutes as a true record, however, did **CONFIRM** that the minutes could be signed by the chairman as a record of the proceedings.

**CL/005/23 – TO NOTE AN UPDATE FROM THE CHIEF EXECUTIVE OFFICER, CPBC, ON THE ONGOING ISSUES SURROUNDING CANVEY LAKE.**

Angela Hutchings, Chief Executive Officer, CPBC provided a precis of the main points relating to Canvey Lake from the Borough Council’s perspective and confirmed that they would continue to provide support to the Town Council and re-consider arrangements due to matters changing in the last 13 years since the lease was originally signed:

**The Lease**

It was noted that this briefing is not intended to constitute legal advice as to the Council’s interpretation of the terms of the arrangements of the lease as between the Town Council and the Borough Council and independent legal advice should be taken before relying upon it.

1. The Borough Council granted a lease (the "Lease") to the Town Council on 1 March 2010 for a parcel of registered land known as Canvey Lake and its surrounding landscaped areas. The Lease is on a peppercorn rent (£1) and is for a term of 99 years.
2. Clause 5.4.1 of the Lease places an obligation on the Town Council to maintain the land (which includes the Lake and its surrounds) in accordance with (a) the Management Agreement and (b) the Feasibility Study contained within the Management Agreement.
  - a. Clause 3 of the Management Agreement sets out a number of obligations of the Town Council for routine land maintenance of the land which comprises the Lake and its surrounds.
  - b. The Management Agreement is defined (clause 2.5) as "*the agreement between the [Borough] Council and the Town Council detailing how the Town Council will maintain and manage the Land which forms part of this Lease and is enclosed as Schedule 5*".
3. Clause 5 of the Lease creates the Common Liaison Committee (the "Committee") as the body which will oversee "*the advancement of the agreement*". The Committee is described as comprising representatives from both councils and "*one independent person representing a nationally recognised environment organisation*".
4. The Management Agreement imposes a number of specific obligations on the Committee to manage and maintain the Land in accordance with the Feasibility Study which eclipses the more general and routine sole obligations of the Town Council set out in clause 3. Indeed, the Committee is charged with the finances and budgeting of the management and maintenance in clause 5.9 of the Management Agreement however the Committee is not empowered to enforce those obligations on either council.
5. I am satisfied, however, that the way in which the Management Agreement is drafted indicates that the intention of the parties was to work together under the auspices of the Committee to implement the projects identified in the Feasibility Study. This is how the two councils appear to have been working in practice.
6. Outside of the obligations in clause 3 which relate to the Town Council only, there is no express obligation on the Town Council to pay or provide funds to deliver the projects identified in the Feasibility Study (including dredging) and there is no obligation on either the Town Council or the Borough Council to pursue other avenues of funding.
7. A review of the Borough Council records has found that since 2010, the only payments to the Town Council from the Borough Council have been:
  - a. £58.50 on 9th April 2010. We have no detail about what it was for.
  - b. There were two payments to CITC in Feb 2011, totalling £2,500 but again our records don't show what these were for.

### **The Common Liaison Committee**

8. The Borough Council agreed with the Town Council by way of a contractual side letter, on 10 May 2021 that the Committee be suspended "*indefinitely or until further agreement*".
9. Both councils have now agreed to reinstate the Committee and we have also agreed that the Mayor will chair the Committee in the absence of an "*independent person representing a nationally recognised environment organisation*", given that the Town Council has sought representation from TSA, RSPB and EWT but without any of those organisations being able to field a representative.
10. The Committee has effectively been superseded by multi-agency partnership working and the Lease provisions should, therefore, be reconsidered. I consider that whilst the Town Council rightly has day to day responsibility for the operational looking after of the Lake (i.e. under Clause 3) anything relating to its functionality and its future designation/purpose as described in this note has

all been carried out in partnership with the Borough Council and the other statutory and advisory bodies who are all stakeholders in that wider obligation.

### Multi-agency partnership working

11. The primary function of the Lake is to provide surface water attenuation. The Lake forms part of Canvey Island's surface water drainage system. It operates as an overflow, with pumps activated to pump away the water once a particular level is reached. In the Canvey Island 6-Point Plan from November 2015, there was recognition from the multiple agencies that removal of silt would improve the efficiency of the surface water drainage but that it would cost £1.5m with ongoing maintenance of £500,000 to continue to remove silt build up. Although the document states that the scheme would be run and managed by the Town Council, to the best of my knowledge, no funding was ever made available by the Borough Council for this task.
12. Notwithstanding the primary function of the Lake, the surrounding landscape has always been part of the aesthetic of the area and both Councils have aspired to maintain the surrounding landscape to create a high quality urban green space. The Town Council has taken the lead on this initiative and under the terms of the Lease, has operational day to day management of the Lake. But the Town Council has no control over the water that goes into the Lake. That comes from the surrounding land and roads. Any pollutants entering the surface drainage system can enter the Lake. The Town Council can only control the environment around the Lake as a means of mitigating pollutants entering the water.
13. The health of the water is the remit of the Environment Agency (EA) the statutory role of which is to be responsible for :
  - a. regulating major industry and waste
  - b. treatment of contaminated land
  - c. water quality and resources
  - d. fisheries
  - e. inland river, estuary and harbour navigations
  - f. conservation and ecology
  - g. managing the risk of flooding from main rivers, reservoirs, estuaries and the sea.
14. In relation to the list above, the EA's responsibility for water quality and resources means the regulatory element – permitting and enforcement against landowners and statutory undertakers. The main responsibility for managing the watercourse itself remains with the landowner. The EA is not responsible for improving the water quality – they can only provide advice/ support or enforcement. The Environmental Permitting (England and Wales) Regulations form the main environment permitting regime which controls potentially polluting activities (waste, industry, water quality, groundwater, radioactive substances and waste, mining waste) through a system of permits and exemptions.
15. Responsibility for water quality has been the subject of much debate primarily because of the primary function of the Lake means that it is filled with surface water drained from the surrounding area. It is, then, already not the best quality water and there is nothing that the Town Council or the Borough Council can do to improve the quality of water which enters it. There are things, however, which we can do to improve the quality of water which remain in the Lake, for the time that it is there. The challenges of doing that are well documented and are why the issue has come to prominence again.
16. The EA is also responsible for enforcement of fisheries legislation (for example, under the Salmon and Freshwater Fisheries Act 1975) and has responsibility for flood risk management on main rivers and coasts under primary, secondary and local legislation including a general supervisory duty for all flood and coastal erosion risk management and a power to issue flood warnings.

17. It is important to reiterate that whilst the Feasibility Study contemplated desilting of the Lake, the Lease does not compel it. It was an issue when the Town Council took on the Lease. This is not a new situation. Removal of the silt has previously been investigated both in 2012 and most recently in 2017 by a multi-agency group run by the Borough Council. The conclusion to date, which is supported by the multiple agencies who have been involved, is that the nature of the Lake is that de-silting is not a once and for all solution. It is something which would have to be monitored and repeated as necessary. The specialist nature of the dredging process and the high cost of undertaking the works and removing the spoil (in itself a specialist regulated process) means that it is not an economically viable option. Consequently, a nature based solution (to be curated as described below) is the current recommended option and is the route being explored by the Town Council, with the support of the Borough Council and other agencies.
18. The presence of silt in the Lake does not mean that the overflow function is necessarily compromised. The letter from the EA to Rebecca Harris MP dated 13 July 2023 states *“Canvey Lake is fed by run-off from its surrounding catchment area, receiving flows from several dykes and surface water sewers around the lake. A weir on the northern bank in the centre of the lake retains the water level, with an overflow to a tributary of Tewkes Creek. As you highlight, in that sense the lake is part of the drainage system for Caney, provided a route for surface water to flow from the island through a network of drains and dykes into the lake then out to the sea. However as the weir retains the water at a fixed level and the lake is ordinarily “full” the capacity to store flood water is limited. As the water level is retained at a fixed level, the lack of desilting of the lake will not have increased flood risk to the nearby properties.”*
19. Agencies such as EA, Anglian Water and Essex County Council as the Lead Local Flood Authority are part of the multi-agency approach to the management of the Lake’s functionality, meaning that we have clear lines of communication and escalation and access to subject matter expertise which neither council on its own would have.
20. An example of that is the 3 year fish management plan which the Town Council has put in place with the support and advice of the EA. The Town Council, worked closely with the EA to manage the removal of dead and diseased fish and has reduced the level of fish within the Lake to enable the biodiversity of the Lake to recover. The live fish were diseased, with Koi Herpes Virus and were able to be humanely re-homed rather than euthanised.
21. In addition, the Town Council, the Borough Council, ECC, EA and Anglian Water all convened on 19 June 2023 to review plans and prepare proactively for the risk of a similar situation arising this summer as we experienced in summer 2022. The Town Council was able to provide assurance that it was prepared, evidencing on-going liaison with the EA and bringing in Essex Wildlife Trust to advise on a nature based solution for the future management of the Lake i.e. a solution based on sustainable management and use of natural features and processes, for example using reed beds to treat the silt or creation of water movement to improve aeration. The parties to the multi-agency meeting were agreed that a nature based solution was a viable alternative to dredging. Furthermore, the support provided by the EA in relation to the blue/green algal bloom experienced at the Lake has again proved invaluable.

## **Future arrangements**

22. The Town Council continues to plan for the future of the Lake and the Borough Council is an active partner and stakeholder. The opportunity to revisit the Lease arrangements is clear albeit that both councils will have to undertake their own internal corporate governance arrangements before any changes can formally be made.

## **CL/006/23 - TO NOTE AN UPDATE FROM THE TOWN CLERK DETAILING WORKS COMPLETED TO DATE AND THE INTENTION TO DEVELOP THE SITE TO ENHANCE IT AS A NATURE RESERVE AND IMPROVE ITS NATURAL HABITAT**

The Town Clerk advised members of the phased response agreed by the Town Council on the 26<sup>th</sup> June 2023:

- Phase 1 – Removal of Fish – 3-year programme – 1<sup>st</sup> removal took place Feb 2023.
- Phase 2 – Water Quality – investigate aeration options and review grass cutting changes.
- Phase 3 – Enhance the site as a Nature Reserve

It was noted that the following actions have been taken since August 2022:

- Over 800 fish removed from the lake on 20<sup>th</sup> February 2023 and 2<sup>nd</sup> removal scheduled same time each year.
- Community aerators were installed at the Oysterfleet end of lake on 14<sup>th</sup> June 2023 with electric supply provided by the Oysterfleet pub and to be reimbursed by the Town Council.
- Investigations have taken place into permanent electric supplies with the 1<sup>st</sup> being approved at Denham Road and work in underway to install the electric.
- A further application will be submitted to UK Power Networks to provide a cost for a permanent power supply at Short Road if this is deemed necessary.
- Oxygen levels were taken daily by the Town Council to keep a check on the algae outbreak during 2023 which was confirmed as no longer being present in October 2023.
- Samples were taken from the lake by the Environment Agency on the 15<sup>th</sup> June 2023 for water quality and further algae testing on the 20<sup>th</sup> October 2023.
- The Environment Agency continue to recommend a non-fishery use.
- Designation of a local fishery has been removed from CEFAS.
- Investigation work has been undertaken to review the potential of re-profiling the lake.
- Costs have been obtained for a Biodiversity Management Plan.
- It has been recommended by the Essex Wildlife Trust to trial a different way of grass cutting to create a naturalisation of the areas around the body of water. Currently, the compacted earth and short grass areas are exacerbating run-off. Path pollution such as goose excrement and other debris are being washed easily into the water during high rains. This in turn is worsening the water quality. It has been recommended that we set aside areas to be unmanaged which will encourage natural regeneration of more scrubby sites. If trial sites are successful, these can be replicated across the entire area. These areas will provide insect food and help with flooding impact, as well as erosion around the lake. During the winter these areas will be able to hold more water, as well as filter any water making its way into the lake. This is currently being made difficult by the volume of geese remaining at the lake as there are large areas which have been padded down and no grass remains.

## **CL/007/23 – TO CONSIDER AND REVIEW THE PURPOSE OF THE COMMITTEE AND THE RECOMMENDATION TO FORMULATE A STAKEHOLDER GROUP**

Members discussed the purpose of the committee and the formation of a stakeholder group. It was acknowledged that a stakeholder group would formalise the work that the multi-agency group had already started and that there needs to be a balance between an advisory group and the Town Council having the difficulty in approving and funding any recommendation as it has the autonomy of the financial responsibility. It was recognised that the Borough Council has a responsibility towards the lake as the landowner as it's within the borough of Castle Point. It was noted that any stakeholder meetings may have to be held online due to the availability of different groups meeting together. Members noted concerns of how the councils can obtain a balance of assistance for the Town Council and its financial restraints. Cllr Isaacs proposed and Cllr Sayes seconded the **RECOMMENDATION** that the Town Council make a request to the Borough Council to review its existing lease and negotiate new terms of the management agreement as a joint partnership agreement with the Borough Council including the replacement of the Common Liaison Committee with a Stakeholder Group (of which the composition is to be agreed) which can review, advise, and support the Town Council in its management and maintenance of the open space.

**CL/008/23 - TO CONSIDER A PROPOSAL FOR RE-PROFILING THE LAKE, THE RECOMMENDATIONS OF THIS PROCESS AND AGREE INVESTIGATIONS INTO OBTAINING QUOTES FOR A WATER/SILT DEPTH SURVEY AND A TOPOGRAPHIC SURVEY TO ASSIST WITH THE ANALYSIS OF THE WORKS REQUIRED.**

Members considered the proposal for re-profiling the lake and **RECOMMENDED** that the Town Council investigate the costs for a survey to determine the silt depths and topographic survey of islands which will provide an informed description of the lake for future maintenance requirements along with any other management plans.

**CL/009/23 - TO CONSIDER THE QUOTE OF £1,725 FROM THE ESSEX WILDLIFE TRUST TO PROVIDE CONSULTANCY SERVICES AND DEVELOP A BIODIVERSITY MANAGEMENT PLAN.**

Members considered the quote received and Cllr Isaacs proposed, and Cllr Brooke seconded the **RECOMMENDATION** that the Town Council consider the appointment of the Essex Wildlife Trust to provide consultancy services and develop a biodiversity plan at a cost of £1,725.00.

The meeting closed at 11.45am.

CHAIRMAN

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