

# Detailed Report: Legal Responsibilities and Maintenance of Canvey Lake, Canvey Island

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My parliamentary office has compiled the following report based on evidence supplied by the House of Commons Library and publicly available research. This report should be used as an aid for local Canvey residents concerned about the environmental state of Canvey Lake and its resident wildlife, to hold locally elected councillors to account. It does not constitute legal advice and should not be taken as such.

## Executive Summary

This report examines the situation concerning the maintenance and flood defence role of Canvey Lake. It establishes that:

- ✓ The lease agreement between Castle Point Borough Council and Canvey Island Town Council indicates that Canvey Island Town Council is the effective riparian owner of Canvey Lake.
- ✓ Canvey Island Town Council holds full legal and financial responsibility for the lake's management, maintenance, and upkeep.
- ✓ Canvey Lake is designated as a watercourse under Environment Agency mapping, making it part of the island's drainage infrastructure.
- ✓ The lake plays a strategic role in flood risk mitigation, recognised by multiple public bodies, including the Environment Agency, Anglian Water, Essex County Council, and Castle Point Borough Council.
- ✓ A report in 2015 by all responsible authorities recommended urgent dredging and ongoing maintenance of the lake, which remains unfulfilled.
- ✓ A bylaw introduced by Canvey Island Town Council in 2016 prevents third-party maintenance, worsening the risks arising from neglect.
- ✓ Failure to maintain the lake undermines flood resilience, reduces the effectiveness of emergency fire response, and breaches legal obligations.

Immediate action is suggested to:

- Revoke or amend the restrictive bylaw introduced by Canvey Island Town Council.
- Carry out recommended dredging and maintenance works.
- Legally secure the lake's long-term environmental and flood defence function through mechanisms such as a Conservation Covenant.

## Background and Context

Canvey Lake is a historic and functional part of Canvey Island's drainage system. It is also a haven for birds and other wildlife and a popular leisure spot for many Canvey residents.

In 2010, Castle Point Borough Council leased Canvey Lake to Canvey Island Town Council for a term of 99 years. Since then, the lake's condition has deteriorated due to increased siltation, overgrowth, and obstructions, significantly reducing its capacity as both a flood storage area and an emergency water resource.

## Riparian Ownership and Responsibilities

The Environment Agency confirms that riparian ownership responsibilities transfer with leased land unless explicitly reserved in legal documents. The lease agreement from 2010 between Castle Point Borough Council and Canvey Island Town Council:

- Does not appear to reserve riparian rights to Castle Point Borough Council.
- Places full responsibility for maintenance, management, and financial costs on Canvey Island Town Council.

As the riparian owner of Canvey Lake, Canvey Town Council is legally obligated to:

- Maintain the lake to a suitable standard.
- Remove blockages, silt, and obstructions.
- Ensure the lake does not increase flood risk for surrounding properties or infrastructure.

The Environment Agency's official river mapping classifies Canvey Lake and its associated dykes as a watercourse, confirming its role within the island's drainage infrastructure.

As riparian owners of a designated watercourse, Canvey Island Town Council holds statutory duties to maintain Canvey Lake as part of flood management for the island.

## Strategic Flood Defence Role of Canvey Lake

### Historical Acknowledgement

- A government report published in 2014 under Section 19 of the Flood and Water Management Act identified the build-up of silt and reduced water storage capacity in Canvey Lake as factors that worsen flood risk.
- Public statements from Castle Point Borough Council in 2014 described the lake as a "strategic" flood management asset but failed to clarify maintenance responsibilities.

The 2015 Canvey Island Six Point Flood Plan

This plan was produced jointly by:

- Anglian Water
- The Environment Agency
- Castle Point Borough Council
- Essex County Council

The plan recommended:

- Dredging Canvey Lake to restore its flood storage capacity.
- A capital works programme valued at one and a half million pounds.
- Ongoing annual maintenance costs of five hundred thousand pounds, with the expectation that these would be funded and delivered by Canvey Island Town Council.

Current Status: None of these recommendations have been implemented to date.

### **Relevant statutory framework**

Failure to maintain Canvey Lake places Canvey Island Town Council at risk of breaching the following legal obligations:

- Fire and Rescue Services Act of 2004: Requires the provision of adequate water supplies for firefighting; Canvey Lake forms part of this provision.
- Flood and Water Management Act of 2010: Places duties on authorities and riparian owners to manage flood risk effectively.
- Civil Contingencies Act of 2004: Requires preparedness for emergencies, including flood and fire response capabilities.
- Environment Act of 2021: Provides for Conservation Covenants to legally protect important environmental and flood defence assets.

### **Canvey Island Town Council Bylaw (2016)**

In 2016, Canvey Island Town Council introduced a bylaw prohibiting public access and maintenance activities on Canvey Lake. Key concerns include:

- No clear evidence of the legally required public consultation during the introduction of the bylaw.
- The bylaw prevents residents, community groups, and third parties from carrying out maintenance tasks, such as clearing overgrown vegetation or removing obstructions.
- Enforcement of the bylaw, including actions taken against individuals attempting to maintain the lake, has worsened neglect.

There are concerns that the bylaw has contributed directly to the deterioration of the lake, increased flood risk, reduced emergency water availability, and undermined statutory

obligations.

### **Public Safety Concerns: Essex Police, Fire and Crime Commissioner**

The Essex Police, Fire and Crime Commissioner, Roger Hirst, has publicly raised concerns about:

- The fire service's reliance on Canvey Lake for emergency water during incidents.
- The silting up of the lake reduced the availability of this water
- The impact of poor lake maintenance on the island's flood resilience.

Implication: The current neglected state of Canvey Lake poses a clear and preventable risk to public safety and breaches legal responsibilities concerning emergency preparedness.

### **Recommendations**

Based on the available evidence, environmental risks, and safety concerns, the following actions are recommended:

#### **Immediate Actions**

- Canvey Island Town Council must formally acknowledge its status as the riparian owner and accept full legal responsibility for lake maintenance.
- Urgent clearance works must be undertaken to remove silt, overgrowth, and obstructions, restoring water storage capacity.
- The restrictive bylaw introduced in 2016 should be suspended or revoked, pending proper public consultation and revision.

#### **Medium-Term Measures**

- The recommendations of the 2015 Six Point Flood Plan should be implemented, including full dredging of the lake and restoration of its drainage function.
- Canvey Island Town Council should collaborate with the Environment Agency, Anglian Water, Essex County Council, and other relevant bodies to secure funding and technical expertise for long-term maintenance.

#### **Long-Term Safeguarding**

- A legally binding Conservation Covenant should be established under the Environment Act of 2021 to permanently protect Canvey Lake's environmental, drainage, and flood defence role.
- A comprehensive, sustainable maintenance plan should be developed, clearly defining responsibilities and involving the local community.

### **Conclusion**

The legal, environmental, and public safety evidence indicates that Canvey Island Town Council, as leaseholders and riparian owners, hold clear responsibility for the maintenance of Canvey

Lake. Historical reports, statutory duties, and the 2015 joint flood management plan provide a clear roadmap for restoring and protecting the lake.

Neglecting the lake exposes Canvey Island to increased flood risk, reduces firefighting capabilities, and undermines legal obligations. In contrast, proactive maintenance and legal protection of the lake will:

- Strengthen flood resilience.
- Safeguard public safety.
- Preserve a vital environmental and community resource.