

South Cumbria Rivers Trust (SCRT) works in collaboration with the Environment Agency (EA) and Natural England (NE) to identify, scope and deliver work that benefits the special nature of the River Kent. The River Kent and its tributaries are designated as a Site of Special Scientific Interest (SSSI) and a Special Area of Conservation (SAC).

# BOWSTON WEIR REMOVAL PROPOSAL UPDATE: Biodiversity group meeting 2021



ISSUE DATE: Thursday 28<sup>th</sup> January 2021

South Cumbria Rivers Trust (SCRT) met with the Burneside Parish Council Biodiversity group on 6<sup>th</sup> January 2021, to discuss their proposal in regard to the Bowston weir removal. In line with our Local Community Engagement Plan, this document is a record of the meeting, contains questions raised at the meeting and our responses (in orange) to these questions. For GDPR purposes we have anonymised information to protect privacy.

**Date:** Wednesday 6<sup>th</sup> January 2021, online Zoom meeting.

**Attendees:** Representatives from South Cumbria Rivers Trust, and the Biodiversity and Sustainability group- subgroup of Burneside Parish Council.

## **AGENDA (TO BE USED IN ANY ORDER):**

*Welcome and Introductions*

*Biodiversity group proposal*

*Case Studies – Other weir removals*

*SLDC Planning Priorities*

*Funding – Additional habitat improvements*

*Strategy – Other weirs on the Kent*

*Design review*

*Local Community Engagement Plan - Evaluation*

*Next Steps – future engagement and support*

*Q & A – If required.*

*Notes and summary report*

*End*

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**Welcome-** Welcome by Director of SCRT

*SCRT have been trying to meet with biodiversity group for a while, we have been keen to speak with you. This was following a representative attending the interest group meeting in November 2020.*

*We hope this meeting will help us make progress from here.*

*During the interest group meeting, early ideas about the biodiversity proposal came to light. In that meeting SCRT expressed they would be happy to form a partnership with the biodiversity group and that offer still stands. However, that offer has to be based on two main guiding principles-*

*Aims and objectives of SCRT &*

*Principles of the CRRS*

*We will start with answering some last-minute questions sent to SCRT by a member of the biodiversity group.*

**1 - Background - SCRT – What is SCRT’s mission and how is it achieved?**

*SCRT reply - We are a not-for-profit organisation, independent small environmental charity, established in 2006.*

*Main aims are to monitor, conserve and protect aquatic environments of South Cumbria, covering the River Duddon in the west to the River Bela in the east. We also aim to rehabilitate riverine habitats and species.*

*SCRT have to bid for funding from different funding streams for our project work.*

**2 - What is SCRT’s vision for the Kent catchment and which bodies share this vision?**

*SCRT reply - River Kent fits firmly into the Cumbria River Restoration Strategy (CRRS).*

*The CRRS has been going for 10 years and it concentrates on 3 main riverine sites that have special riverine designations Special Site of Scientific Interest/Special Area of Conservation (SSSI/SAC); River Kent, River Derwent and the River Eden. SSSI highest designation in the UK and SAC the highest designation in Europe. The River Kent is in SCRT’s catchment area.*

*Led by Natural England who are the competent authority for the SSSI/SAC and are supported by the Environment Agency. Our catchment approach to the River Kent is CRRS which is the driving force and the main reason we produce proposals to meet the aims and objective of this strategy.*

**3- Beyond weir removal what vision do SCRT have for our local reach of the river Kent?**

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*SCRT reply - What do you constitute your local reach?*

*Biodiversity group member - Our local stretch is from Burneside weir up to Cowan Head.*

*SCRT reply – The vision resides within the CRRS strategy. One element of this is weir removal, much like the proposal currently with the planners, Bowston weir removal.*

*Beyond that, we are interested as an organisation to bring about improvements/enhancement where they can fit within the CRRS strategy. Weir removal is the most important element to date but does not stop there. We have open minds as to what other interventions can be considered that meet the aims and objectives to enhance biodiversity/habitats through this re-naturalisation process.*

*SCRT vision for the River Kent is the CRRS. Beyond that, interested in bringing about improvements. Interventions can be considered if it fits with our aims and objectives as a Trust.*

*Return to Agenda –*

*SCRT - Agenda created from an e-mail sent to SCRT by a biodiversity group member, containing information surrounding the biodiversity group proposal, put in as an objection to the weir removal.*

*Biodiversity group to take points in any order, SCRT do not want to control the meeting format.*

*Biodiversity group member - Complication of the planning process that we have to object to get the planners to take note of our alternative view.*

*We don't want it to be seen as undermining you - we have sent our proposal to other organisations for comment, which is a transparent and open process.*

*Amazed that the wider habitat issues have not been taken into account at the beginning—everything since stems from that. An objection had to happen for the SLDC planning committee to recognise there is an issue. If we had stated support for the removal with conditions as to this habitat, it would have been ignored.*

*In exchange with other bodies, their own narrative on freshwater habitat has elements supporting a habitat mosaic and given that's what we are suggesting and it doesn't impede the river, critical that someone raise this case. We do not want to be adversarial but this should have been considered as part of the planning application.*

*SCRT reply – We appreciate your comments.*

*What we now have in the realms of planning, is a proposal that is in a formal state and in the hands of the planners and consultees to determine, which can go either way.*

*Perhaps there has been a misconception though. The assumption that the habitats upstream of the river have been forgotten about/overlooked is not correct.*

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*Going back to the CRRS, for SSSI/SAC rivers – the removal of weirs is seen as the prize. The removal of a weir then kickstarts the readjustment of the river back to its former natural state - a mosaic of in river habitats, flow diversity patterns, microhabitats for all sorts of species – it is not that the habitats you propose to keep have been overlooked, it is that through re-naturalisation of the river, the relevant body will obviously consider natural habitats in advance of artificial habitats. Artificial habitats that might not be the correct term.*

*It is the belief of experts in respect of Bowston weir, these being fluvial geomorphologists- experts in river processes, how rivers react, sediment transport etc that the habitats upstream are artificial in being because they are only there because the weir is there. Without the weir being there, they would not be supported. From the SSSI/SAC, NE/EA priorities, they will choose natural habitat over artificial habitat – that is their main thrust and explained in guidance and documentation relating to re-naturalisation. The current design removed these artificial habitats because they would not be there naturally – advice given to us by geomorphologists/experts.*

*It is now in the realms of determination through the planning process - you have a point of view, we have a point of view and it is for the determination process to consider these points.*

*Biodiversity group member – The notion of artificial is spurious. Those habitats have been there over 100 years. Interesting in the paper, referenced by the Natural England review in 2016, Penny Williams et al, about semi-permanent habitats and how vital they are. So, again we come back to suggest they are beneficial habitats in a wider sense of the ecology of the area because they support different species – the only reason not to accommodate them would be because of lack of funding or a narrowness of thought.*

*We want to see an imaginative view of the habitats and from conversations there is a landscape aesthetic issue, this could be ameliorated if people saw these habitats retained – a win-win situation, without the loss of aesthetic.*

*Difficult to talk about what is natural/unnatural, because if we were to remove artificial habitat, we would remove various habitats that support wildlife. We have a differing view, let's move on.*

*SCRT reply- I will come back to the aesthetics point.*

*As explained the habitat that is there is because of the weir. Without the weir being there, could that habitat be retained and still provide the re-naturalisation of the river which is the fundamental reason for taking out the weir. Can they be brought together and can some sort of compromise be achieved?*

*Your point about aesthetic has been taken on board –we will bring you up to date with some information that we are happy to share.*

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*Note that we would be happy to help the biodiversity group with improvements/enhancements to the rivers, as long as fulfil principles of CRRS and aims of SCRT. We are keen to be a part of this and think we can do good things together.*

*The retention of this island habitat idea came in November from the Biodiversity group. Shortly after that a 'Blue-Sky thinking' document was sent to SCRT from a Biodiversity group member, a picture over-looking the weir and ideas about what could be done to retain this habitat. This formed part of the objection adopted by the biodiversity group regarding the weir removal proposal.*

*Overview – we cannot go into too much detail at this time but what we can say is that when we received this document, we called a meeting with the Bowston technical group.*

*We have taken this seriously and have been working closely on it since. We have been trying to get a meeting together with the Biodiversity group to discuss this sooner but this has not happened until today. We have returned at looking at what could be done, to see if there is a compromise to be had - give you something that you are looking for in terms of retaining this habitat/biodiversity above the weir and aesthetic point of view for the habitat upstream.*

*We continue to look at it and have brought in our original designer, cbec as well as the EA and an independent fluvial geomorphologist to look at what could be possible; something that gives us what we need to see without having to heavily engineer the river and has the potential to at least give you some of what you want.*

*We have been looking at how the current design could be tweaked to approach the weir removal in another way that could give you some of what you want to see, since before Christmas. It is very early days, these models have to gather a lot of data, then calculate this information. We also have to consider that we do not worsen flood risk. Currently there is a neutral flood risk- just one vital element that cannot change/get worse.*

*In essence, we have heard what you have said and we are looking to see if there is any opportunity. It hasn't been dismissed out of hand and we are working hard to see if there is an alternative - without deteriorating the current elements of the design. We have to be able to achieve the re-naturalisation following the weir removal.*

*There are no guarantees and we cannot make promises that you will get what you want but we impress upon you that we are working hard to see if it is possible.*

*Biodiversity group member – May I ask a question about landownership?*

*With all these proposed changes, a public footpath on both sides of the river and possible habitat renewal or change, how will this affect the land on the left bank, where there are stiles/sheep? Who owns that land and who gives permission for the possible extension of the habitats into that field?*

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*SCRT reply - There are two landowners on the fields opposite, on the left bank. They have been approached and there will be some changes. In the current proposal the river will readjust - good idea of what it will look like following the sluice failure. There are some things we need to attend to following removal; how we keep cattle out of the river, how we will ensure a drinking water supply following the removal. There will be fencing in the future and we will need to create a drinking water supply because we cannot allow the stock to access the river directly. There will be no impact to the footpath or stiles, the river will retreat from its current bank position to a narrower flow down the middle of the gravels in the river.*

*Biodiversity group member – SCRT have mentioned in the past that you are constrained by the July date, i.e. the end of grant and now you are potentially planning on other possibilities that will co-ordinate more with a non-natural habitat, who is going to pay for that? What about the removal of objects in the river, where will you get the money to do all the rest of this?*

*SCRT reply: What do you mean by all the rest of it?*

*Biodiversity group member: All the rest of the adaptations we would like to see and examples like cattle not getting into the river, all of that needs to be paid for.*

*SCRT reply- The fencing and drinking water supply are all part of the current project. We of course cannot do the work we are proposing and allow the stock to enter the river so these works are part of the current proposal. It should also be noted that it comes to an end in September 2021. As it is a highly protected river, we can only work under consent from EA, between June - September. That is the in river working period and our working window to do the work. In extenuating circumstances, you may get an extension to middle of October but we are aiming for the end of September.*

*Biodiversity group member – Going back to your Bowston technical group, who are looking at the design.*

*A formal statement should be made about that at the public hearing – receive it well but it would need to be presented to the public at an appropriate point. Another key thing - you can still retain that habitat without affecting the channel of the river and migratory fish. It does not need to be modelled on a computer, you can stand there and see it. Especially from photos when the sluice gate failed which we used for our visual modelling (Blue-Sky thinking document).*

*Funding – It seems there is one net gainer out of this process and that is Croppers PLC. They are getting public money, whether it has come from the EU or not, your efforts are going into sparing them their liabilities and maintenance costs. The biodiversity group have started a dialogue with them and asked them to contribute to a local nature reserve. They are aware of*



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*their public standing and maybe even embarrassed that they have said they are neutral but they have given their permission for removal.*

*Whatever the plans come back with, those plans should be in view before the public hearing, which might change people's attitudes.*

*Funding could be dealt with in creative ways, other funding streams, public campaign etc.*

*I would be upset if there was good plan that was allowed to wait a year to degrade - needs to be done concurrently. So, I applaud you have a group looking at it but it's important plans come to realisation sooner rather than later, so we all might look at where we get funding from.*

*Especially as you are a small charity and cannot support this directly.*

*SCRT reply— Important to not oversimplify the existence of the habitat – especially in the scenario that the weir is removed. There is a huge problem which does require careful and complex consideration in terms of the sediment that has deposited there, purely because of the effect of the weir and deposition of the fine sediments.*

*The Kent is a SSSI/SAC, it is highly designated and to leave these deposits in situ following the removal and have them worked by the corrosive forces of the river and in flood thereafter, carrying them downstream and depositing them in the river will not be considered at all – the only way you can then consider how you protect that sediment deposit is some sort of engineering means – that is part of the complex relook at the scheme in response to your proposal/concern. If that turns out to have a high engineering element to it, it will not fulfil the ambitions of the re-naturalisation of the stretch of river, and it would be discounted. If there are other ways, to keep part of it in this redesign and it acceptable to NE/EA meeting with their aims, then there could be a solution. But it is far more complex than just looking at what the river did after the sluice failure.*

*Funding – If following what is approved or not, which is in the realms of determination, further habitat improvement work can be looked at and then look for funding sources. SCRT can help you with navigating this system, consents, permissions, landowner engagements etc, happy to be involved and may be able to bring more to the table than just assistance – looking at community funding streams etc. But obviously it has to be appropriate in relation to our aims and objectives.*

*Biodiversity group member – Seems to be the use of the conditional all the time. If we are to move forward we need to have trust in the process. Needs to also meet the aims of objectives of the biodiversity group.*

*SCRT reply - SCRT deal with these issues on a daily basis. We are a small team working hard to see things put in place that make a difference which in turn makes the hard work worthwhile. Our position allows us to form relationships with larger organisations. Trust can only be built by*

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*starting this dialogue. Whichever way the decision goes, we are still interested to see good things for the River Kent and our offer of help stands and we welcome it.*

*Biodiversity group member – An idea about funding. Is there potential to free up some of the funding, for example fencing, with the possibility of approaching landowners and using countryside stewardship grant. Then that would free up funds for leaky dam work on the other side.*

*SCRT reply – Good idea, we work with landowners on a daily basis, so we can see if that is a possibility.*

*The funding that is available, and currently being held for us – we have been successful at taking it across into 2021 – this however is very limited, because taking a weir down is an expensive job and we are conscious there are no spare funds for any further works at this stage. That we do not see as a problem. As with any major restoration project, the river will need to readjust and it is bad practice to consider further habitat improvements until at least post removal monitoring has been completed. We have got a monitoring programme in place following the removal of the weir and it would be bad practice to put too much in place until the river has been given time to readjust. Establishment of riparian zones, tree planting etc. are exactly the sort of things we'd interested in, in time to come following the adjustment of the river.*

*Biodiversity group member – We do not want to leave it too long because funding is only going to get more difficult, especially following a pandemic. We don't want to lose impetus.*

*SCRT reply- We appreciate that. Beyond Bowston SCRT are also concerned with our own survival. If there is something appropriate that we can start to work on together, in a small way, we could start to discuss it.*

*Biodiversity group member – Question about the grant situation and our country being in turmoil; projected removal of more weirs looks less and less likely and one of the key elements of the strategy is that further weirs above and below should also be removed. Is that really likely?*

*SCRT reply- SCRT have received indicative costs from EA, to look at other weir removals. Funding is looking healthy into 2021 and we are still being directed to look at other weir removal opportunities on the River Kent. Bowston funding is the last European funding available.*

*CRRS – It is now entirely funded by the Flood defence programme within the EA, DEFRA.*

*Biodiversity group member – Something to add there, it is obvious that Cowan Head weir should be the next one removed and I know you have explained that finding the owner has been*



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*difficult. It has been mentioned recently to me that the owner could be Bentley - not sure how correct this information is. Or has it been passed to the management company? Someone must know who owns it.*

*SCRT reply - Investigations into weir removals and indeed ownership can be difficult to establish. Structure owners sometimes don't come forward as they have responsibilities for maintenance. Many have been lost in time.*

*It was thought that United Utilities owned it, this has now been discounted.*

*The Biodiversity member to follow this up.*

*Biodiversity group member - Is it the bed ownership you have to find out or is it who owns the land at the side?*

*SCRT reply – In normal circumstances, in law it is known as riparian ownership – this describes a landowner who owns property up to a watercourse – they then own the river bed up to the middle point. This is not always the case, things change over time.*

*Weirs can be the same, there have been situations in the past where owners own half the weir to the middle point or own the whole structure. It is on a case-by-case basis.*

*SCRT - Any further points/questions?*

*Biodiversity group member – Just to reiterate the plans that come from the Bowston technical group- make these available to us when appropriate. Do we know what is going to happen with SLDC planning process – relatively smooth so far but this may change due to current lockdown.*

*SCRT reply – We have heard nothing so far. We do expect it to close soon, under normal circumstances this is 6 weeks after validation.*

*SCRT – Are you happy for this information/comments to be made public? Are you happy with the summary process to date? If so the notes will be compiled as soon as possible and distributed.*

*Biodiversity group - Yes*

*SCRT - Local Community Engagement Plan – We will also be writing up an evaluation of comments and meetings to date, an aim of our medium-term ambitions. We hope to get this sent out before the determination but it may be after – there is a lot of information to compile.*

*SCRT - When we get to the next stage, we can pick it up again and see where we go from there. Either way, we hope to have a positive future.*

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*Thank you for joining.*

*End*

***Close meeting***

## CONTACT US

Please contact us at [admin@scrt.co.uk](mailto:admin@scrt.co.uk) if you have any questions and we will do our best to answer them as soon as possible.

All information and updates to date can be found on our our website: <https://scrt.co.uk/what-we-do/current-projects/bowston>