**Ward Event**

Esk and Wauchope River Management

5 December 2022

Councillor Dryburgh and Councillor Male proposed this event, which brought together community representatives, Annandale East and Eskdale Councillors and staff from Dumfries and Galloway Council and the Scottish Environment Protection Agency, to discuss the management of the Esk and Wauchope rivers.

Community representatives shared their concerns during the event and Dumfries and Galloway Council thanks them for their contribution.

For more information, or to discuss this note, please contact:

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**Overview of Community Concerns**

* The community are concerned that rivers need to be managed, their flow is changing, and the build-up of gravel is endangering Langholm.
* There’s particular concern amongst the community that flooding in Caroline Street will occur and a big flood could pull out the gravel from under the road on George Street.
* The community believe that exposed single sewage pipe running across the Esk could be burst by debris in the river during a flooding / high velocity event.
* The community are concerned because of diminishing number of fish in the river, e.g. Sea Trout.
* There is concern amongst the community as there has been no removal of Japanese Knotweed in recent months.

**Responsibilities**

The responsibilities that are held by the Local Authority are as defined in the Flood Risk Management (Scotland) Act 2009, specifically sections 18 and 59. In brief, section 18 requires the Council to assess bodies of water (that includes watercourses) and determine whether any works of clearance (removing obstructions or things that could become obstructions) or works of repair to the artificial bed or banks could substantially reduce flood risk. If any works are identified, they must be scheduled for completion. Section 59 puts the duty upon the Council to undertake these works. Contained on our [website](https://dumgal.gov.uk/article/15220/Watercourse-inspections-and-clearance) is the details of the schedules.

The Scottish Environment Protection Agency (SEPA) has assessed the rivers in Langholm and, as they’re fairly natural and the wildlife (invertebrates, river plants, fish) is able to thrive, the classification assessment as required under WEWS reports their status as “good condition”.

Buccleuch Estates (BE) owns the Esk throughout most of Langholm.

**Open Discussion**

**The removal of fallen, dead and overgrown trees encroaching the river**

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|  | **You said** | **We are doing… or we can’t because…** |
| 1 | Local angling organisations don’t have an issue with trees in the river as we can deal with trees up to four inches (e.g. a branch) and report anything bigger. | SEPA: Diverse riparian vegetation, including trees, plays a key role in ensuring the health and resilience of rivers – reducing pollution input pathways, trapping sediment, stabilising banks, adding shade and roughness so that temperatures are regulated, and flows are slowed. Removing riparian vegetation increases sediment supply in the river, creating unbalanced systems, erosive banks and so larger sediment deposits downstream.SEPA accepts in some places too much plant debris may lead to increased flood risk e.g. close to low bridges, screens etc., and we work with LA’s on this matter accordingly as appropriate. |
| 2 | Who removed the big trees from below the Skippers Bridge? Who do we contact if a tree comes down? | BE has been extracting trees when possible. Contact Dave Nicholson, the Woodlands Manager at BE, if a tree comes down and extraction is necessary and possible.  |
| 3 | Bottles are washed out of ‘The Dump’ every time it floods. This area needs to be tested - it was not tested when a football pitch was put on top of it. A local resident is concerned that the gravel beds are being allowed to grow, which means the river doesn’t behave sensibly. This also impacts upon the outfall from the old culvert.Who is responsible for the assessment of the Wauchope. For example, the trees and issues with the dump? Trees are washing up in the river next to the Church.Did RPS do anything on the Wauchope?  | Dumfries and Galloway Council (DGC) will request their Contaminated Land Officer attends the site to assess this concern.The culvert belongs to DGC and is being attended to. The local resident has been informed.SEPA: Previous management on the complex confluence in Langholm has concentrated on treating the issue and not the problem – increased flashier flows and eroding sediment supply.DGC have responsibilities for assessment of all watercourses as defined by the 2009 Act. This assessment may include an inspection. Concerns about debris e.g. fallen trees, blocking a watercourse or bridge should be reported to the Council. RPS have modelled the Wauchope as part of the hydraulic model build for the river network in Langholm. |

Actions agreed:

* Local organisations should contact Dave Nicholson, the Woodlands Manager at BE, if a tree comes down and extraction is necessary and possible.
* Stuart Hamilton of DGC will highlight the request for testing at ‘The Dump’ to the Contaminated Land Officer.

**The presence of non-native species, primarily Knotweed in the river environment**

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|  | **You said** | **We are doing… or we can’t because…** |
| 1 | Ditch the Drain (DtD) has:* 600 signatures on a petition for gravel removal
* permission from SEPA to remove gravel along a 1km stretch of the river
* Two contractors interested in undertaking the work for free
 | SEPA highlighted that there were no grounds for them to deny Ditch the Drain (DtD) their permit, and the removal of gravel will not have a negative impact on the natural environment if done to the prescriptions of the permit. Gravel can usually be removed from short lengths every 3 years if appropriate and consented. K-type activity is small scale to ensure habitats for aquatic life are protected and reduces the risk of downstream unintended consequences.The wording of the K-type permit is as follows after the meeting for clarity:Activity K Removal of sediment from individual exposed sediment deposits Sediment must not be removed from: a) more than one third of the total number of individual exposed sediment deposits in a 1km stretch of the affected watercourse; and b) **the same individual exposed sediment deposit more frequently than once every three years**. Sediment must only be removed from: a) a total length of no more than 30 metres (when measured along the bank) within; and b) no more than 50% of the surface area of; any individual exposed sediment deposit. Sediment must not be removed from any part of an individual exposed sediment deposit that is: a) within a buffer zone of 1 metre from the wetted edge of that deposit, for sediment deposits that are less than 10 metres wide at their widest points; b) within a buffer zone of 2 metres from the wetted edge of that deposit, for sediment deposits that are 10 metres wide or more at their widest points; and c) below the level of the highest point of the buffer zone. Removed sediment must not be left on the banks of any watercourse, such that its placement heightens the banks. Must not be undertaken during the period in which fish are likely to be spawning in the affected watercourse nor in the period between such spawning and the subsequent emergence of the juvenile fish.There have been instances were disturbance to wildlife e.g., nesting birds or in the vicinity of otter holts have caused concern to other agencies and non-government organisations – it is the responsibility of the permit holder to check for potential wider impacts well before the works.Once the registration is in place work can be carried out once every three years – hence the recommendation for planning and records, photos etc.“Traditional” river management damages the river habitats, beds, banks and shores and can have unintentional complications on surrounding infrastructure and downstream, especially set within the context of unprecedented, changing climate. BE highlighted that the presence of Japanese Knotweed and Himalayan Balsam limits what can be done, and the weeds need to be extracted (eradicated) before gravel can be removed. The eradication of weeds can take several years, and source material needs to be treated too. BE stated the gravel discussed will amount to thousands of tonnes of stones, which will take several weeks to remove. One of DtD’s contractors is wary about taking the gravel if he is liable for the cost. There must be an end use to doing the work. The Galloway Fisheries Trust (GFT) have worked in the catchment in the past and has some funding available to survey and treat invasive species. At DGC’s request, GFT conducted further survey work on a short section within Langholm that identified Japanese Knotweed and Giant Hogweed. DGC advised:* they will share GFT’s report with attendees.
* treatment of invasive, non-native species must be done on a catchment basis, following full survey works.
* everyone has a duty to avoid spreading these species but there is no duty on anyone to manage or treat them.
* Prosecution under the Wildlife and Countryside Act can be used if known spreading is identified – particularly with regard to JK.
* Whilst there are a few issues with these species along the Esk, there are other areas of the region which are experiencing more problems.
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| 2 | SEPA has restricted DtD to working within a 1km stretch. Are there thresholds which can be looked at so that the areas around it can be included too, to make the solution more holistic? For example, there are two gravel beds at one end of the stretch, and one gravel bed at the other end.  | SEPA have not restricted the work, rather the registered activity applies a limit on gravel extraction – and this must be adhered too. If a larger stretch of river management is desired, then a more expensive and comprehensive CAR licence must be sought by DtD from SEPA, and this will need further determination from SEPA (see K-type wording above).This threshold for lengths and proportions in the registered activity is in place, across Scotland, in order to protect aquatic life and their habitats and reduce the risk of unintended consequences to infrastructure and downstream. If this treatment is to be applied in other years, with notification to SEPA, then SEPA would encourage DtD to produce a sustainable comprehensive plan, especially if the lengthy treatment and removal of INNS species is required.DtD would also need to ensure that removal of gravel doesn’t result in an INNS infestation somewhere else, which could be a wildlife crime. Speaking to Nature Scot is also encouraged.Modelling work by RPS has shown that removal of gravel will not reduce flood risk in Langholm. Consequently, the Council could not undertake to fund such works from a flood risk management point of view.SEPA supports the view of the Council with regard flood risk and gravel extraction – any “space” gained can be refilled very quickly by “new” or displaced gravel during a flood event - understanding sediment supply is needed. There is the risk unintended consequences occur to infrastructure or downstream. |
| 3 | Last year, local angling organisations dealt with over 400 Japanese Knotweed and Giant Hogweed plants in the Canonbie area. However, the person who was trained to spray these is no longer with us. Would it be possible for GFT to train some more local people to spray these?There is lots of Himalayan Balsam from Canonbie to where the Liddle comes in. You can treat it with a grub that eats it. | DGC will pass GFT’s contact details onto the Canonbie Angling Club (CAC) for training to be arranged. |

Actions agreed:

Stuart Hamilton will share GFT’s report with attendees and their contact details with CAC.

**The changing channel of the Esk leading to the exposure of utility pipes**

Scottish Water were invited to attend and offered their apologies. However, they have visited Langholm to inspect the pipe network in question and advised that no defects were detected, and the pipe continues to operate as designed.

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|  | **You said** | **We are doing… or we can’t because…** |
| 1 | Just below the bridge in Canonbie, sludge is coming out of a pipe, which we are concerned looks like untreated sewage. We have phoned SEPA several times to express our concerns. | DGC will ask Scottish Water when the new wastewater treatment works at Canonbie will be commissioned.SEPA will follow up these phone calls - would appreciate a location/National Grid Reference please. |

Actions agreed:

* Stuart Hamilton will ask Scottish Water when the new wastewater treatment works at Canonbie will be commissioned.
* CAC to supply location of issue and Anna Griffin of SEPA will follow up.

**Other Issues**

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|  | **You said** | **We are doing… or we can’t because…** |
| 1 | How does DGC assess bodies of water, and does it publish thresholds for its work?Does that include drains? | DGC has duties defined with the 2009 Act. Assessment is desk-based, with inspections focused on locations where properties and infrastructure are at risk from flooding, and where it is known that works of clearance and/or repair would substantially reduce the risk of flooding. This is generally on smaller watercourses, particularly where they pass through pipes or culverts or under roads. Regular inspection and maintenance is undertaken at specific higher-risk locations. These are published on our [website](https://dumgal.gov.uk/article/15220/Watercourse-inspections-and-clearance).The watercourses in Langholm are so large that the removal of debris is not going to substantially reduce flooding. DGC commissioned hydraulic modelling shows that gravel removal in the Esk will not reduce the flood risk in Langholm.Road drainage (gullies) are the responsibility of DGC Roads Service. DGC flood risk management team have responsibility for bodies of water as defined in Section 17 of the 2009 Act.  |
| 2 | DtD:* think that a multi-agency, river management partnership would work well. A church representative will work with DtD if there is an engineer from DGC or BE involved, and DGC has already offered DtD access to an engineer. DtD is happy to discuss this further with BE and contractors, particularly if there is a cost-neutral, joint project going forward.
* has a lot of people who are keen to see the gravel removed, particularly George Street residents. That is its aim to date - to deal with flood risk management.
* has engineers on its team who disagree that the removal of gravel will not change the flood risk to Langholm.
* is proposing a raft of projects that could be progressed under a local umbrella organisation such as The Langholm Initiative or The Langholm Alliance.
 | DGC will support the community in its aspirations to remove the gravel. However, this work will not change the flood risk to Langholm. DtD have a CAR K-type registration to remove some gravel – within tolerances which protect aquatic life and reduce risk to infrastructure and downstream.Without intervention upstream, riparian areas will continue to be eroded, leading to continued sediment movement and gravel deposition along stretches of the river, including within the Langholm area. Timescales for removed gravel banks to reform are unknown – can be short!SEPA advised that water will be travelling through the gravel so it might be worth having a more detailed chat with one of their hydrogeomorphologists at some point. DGC have published a report on the impacts of gravel berms on flooding, produced by CBEC.DGC requested that DtD provide the evidence they use to refute the outcomes of detailed analysis undertaken by CBEC in terms of the consequences of undertaking gravel removal. Whilst DtD has fully developed modelling on benefits of gravel removal it is not in a position to share this information with DGC. |
| 3 | Gravel is eroding in local riverbanks.There is 10-12 feet of erosion in Canonbie and it’s getting worse.  | If the erosion is happening next to a private property, it’s the responsibility of the owner. A licence for any works relating to the river must be sought. If the erosion is not having a negative impact on the Council infrastructure e.g. roads, DGC have no duty to repair / prevent.The gravel experienced in Langholm and Canonbie is coming from upstream, due to loose materials on and in the river banks. Within your overall plan, you could seek to change how you manage the river upstream. By planting trees upstream in the riparian zone, this could potentially reduce the amount of gravel seen in Langholm and Canonbie each year. But this requires a catchment approach with input from those experienced in this kind of work.There is a risk that changes in Langholm could impact downstream.SEPA and DGC recommends the community look at the work of the Tweed Forum.  |
| 4 | Is the channelling of the Esk causing a risk to the wall next to George Street? Who is responsible for that? | DGC has a duty to assess the retaining structures which support Council roads and car parks. DGC undertake inspections and assessments every two and six years. However, we will ask DGC Engineering Design when the George Street retaining wall was last investigated and when it can be looked at again.  |
| 5 | The gravel at the Kiln Green Car Park means that the Ewes is now flowing up the Esk and washing away the corner of Elizabeth Street and Mary Street. When was it last assessed? | Whilst the gravel may have increased there may not be enough of a risk to warrant the removal of gravel. DGC will look to investigate whether there is any risk to roads infrastructure at the Mary Street / Elizabeth Street corner. |
| 6 | Who is responsible for underground rainwater courses in Langholm?  | DGC is responsible for road drainage. DGC is also responsible for works of clearance and repair where underground rainwater runs from Langholm Golf Course into the Esk. It has no duty to provide additional capacity for pipework and culverts but does have discretionary powers to upsize undersized pipes and culverts if lack of capacity is leading to flooding. DGC is not responsible if groundwater issues e.g. that leads to flooding in basements.  |
| 7 | Why is the Council not doing more to remove gravel in Langholm, like Scottish Borders Council did in Newcastleton? | A community group sought a K-type authorisation to remove gravel in Newcastleton (in the same way that SEPA has granted authorisation to DtD in Langholm). Scottish Borders Council may have managed the work that was being done in Newcastleton, for the community. |
| 8 | A local resident recommended that everyone watch the recent TV programme called ‘Riverwoods’, narrated by Peter Capaldi, to increase their understanding of the issues being discussed today and help identify actions.  | DGC will circulate the programme link to attendees. |

Actions agreed:

* DGC will support the community in its aspirations to remove the gravel but noting that there is no benefit in terms of flood risk reduction.
* Stuart Hamilton will research the Tweed Forum, including its structure, for the community.
* Stuart Hamilton will ask DGC’s Roads Service when their last inspection of George Street took place, when the next inspection is due to take place and to further investigate what is under George Street.
* Stuart Hamilton will circulate the ‘Riverwoods’ link to attendees.
* DtD and its partners will investigate funding sources for the work it wishes to undertake.
* Canobie Angling Club to forward location and details of pipe causing concern to Anna Griffin.
* A further meeting, which could include representatives from other agencies, will be held in the New Year. CAC do not wish to be involved in the next session and Stuart Hamilton will inform them of developments.

**Evaluation Form Feedback**

**12 people attended the event and 3 returned evaluation forms (25%)**

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| We asked if the purpose of the Ward Event (to discuss the management of the Esk and Wauchope rivers) had been achieved. | 100% said YES |

We asked how strongly they agreed with the following statements:

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| The purpose of the meeting was **meaningful** to me | 66.7% Agreed or Strongly Agreed |
| The **day and time** was convenient | 100% Agreed or Strongly Agreed |
| The **venue** was suitable and in a good location | 100% Agreed or Strongly Agreed |
| Staff were **helpful** | 100% Agreed or Strongly Agreed |
| The information provided was **easy to understand** | 100% Agreed or Strongly Agreed |
| I felt that I was **fully involved** in the discussion | 66.7% Agreed or Strongly Agreed |
| My views were **listened** to | 0% Agreed or Strongly Agreed |
| I know how to find out **what happens next** | 100% Agreed or Strongly Agreed |
| This was a good way to **connect** with my local Councillors | 100% Agreed or Strongly Agreed |
| My attendance was **worthwhile** | 66.7% Agreed or Strongly Agreed |