

NEWTON STEWART FLOOD PROTECTION SCHEME – APPROVAL TO PUBLISH

1. Purpose of Report

To provide Members with an update on the Newton Stewart Flood Protection Scheme and seek approval to publish the Scheme (the “Scheme”) in accordance with the Flood Risk Management (Scotland) Act 2009 (the “2009 Act”) and associated Flood Risk Management (Flood Protection Schemes, Potentially Vulnerable Areas and Local Plan Districts) (Scotland) Regulations 2010 (the “2010 Regulations”).

2. Recommendations

Members are asked to:

2.1 agree that the Newton Stewart Flood Protection Scheme can be published as a Flood Protection Scheme in accordance with the Flood Risk Management (Scotland) Act 2009 (the “2009 Act”) and associated Flood Risk Management (Flood Protection Schemes, Potentially Vulnerable Areas and Local Plan Districts) (Scotland) Regulations 2010 (the “2010 Regulations”), scheduled for May 2023 (paragraph 3.3);

2.2 recommend that Members consider updating the current total project cost estimate to £18.5m in the Capital Investment Strategy as part of the development of the 2023/24 budget with the Scottish Government funding £14.8m (80% of the total estimated project cost) and the Council funding £3.171m (20% of the total estimated future project cost less Sustrans contribution). This would require the Council contribution to the project to be increased by £2.014m (paragraph 3.4);

2.3 note that due to the severity of recent weather and incidents that formal publication of the Scheme will take place in May 2023 (paragraph 3.1.3); and

2.4 note that the cost estimate provided in this report of £18.5m remains subject to future change as the scheme progresses through the statutory approval period, detailed design and finalisation of the works contract. The estimate includes all costs incurred to date and all estimated future costs to project completion. The estimate has been developed in compliance with civil engineering industry norms for the proportion of risk and optimism bias appropriate for this stage in the design process. As the scheme progresses further cost estimating exercises will be undertaken and reported to members at the appropriate point.

3. Considerations

3.1 Background

3.1.1 At the meeting of the Communities Committee on 6 December 2022 it was noted that the outline design of the Newton Stewart Flood Protection Scheme was almost completed and would soon be finalised for publication.

3.1.2 The project has now progressed and is at a stage where it can be formally published as a Flood Protection Scheme.

3.1.3 It was anticipated that the Scheme would progress to formal publication in March 2023. However, the severity of the recent winter storms and flooding related incidents, resulted in the Flood Risk Management Team being fully committed to dealing with these incidents and the resulting essential clean up and review work. It is planned that resources will be available to undertake the formal publication in May 2023.

3.2 Requirement for a Scheme

3.2.1 A Strategic Flood Risk Appraisal was carried out by Dumfries and Galloway Council in 2007 which highlighted Newton Stewart as one of the top five settlements in the region in terms of the numbers of properties at flood risk. Newton Stewart was identified as a Potentially Vulnerable Area (PVA) by the Scottish Environment Protection Agency (SEPA) in their national Flood Risk Management Strategies (FRMS). Further need for intervention has been highlighted by several recent and severe flood events. The FRMS placed an action on Dumfries and Galloway Council to reduce the risk of flooding to properties in Newton Stewart from the River Cree. In response to the FRMS, Dumfries and Galloway Council produced a Local Flood Risk Management Plan (LFRMP) in which they committed to the actions placed on them by SEPA.

3.2.2 In March 2017, Sweco were appointed as the Council's design consultants to develop a sustainable Flood Protection Scheme based on the initial modelling and early appraisal work undertaken by Kaya Consulting.

3.2.3 The Scheme was developed using an 'Option Review' process which involved producing an extensive long list of options, reducing this to a short list, and then selecting a preferred option. This process included meetings at each stage with all key stakeholders and extensive community engagement.

3.2.4 The preferred solution consists primarily of a combination of walls and embankments which provide a 1 in 200 level of flood protection. The defences start on the east side of the Penkiln Burn, following north to the River Cree and along to the new Sparling Bridge. On the west the defences start adjacent to Arthur Street heading north to the new Sparling Bridge. There will be work undertaken to replace all of the bank protection on the west side from the new Sparling Bridge to the A75 Road Bridge (which includes reprofiling under this bridge).

3.2.5 The replacement of the Sparling Bridge is part of the overall Scheme. Given the necessary removal of the original structure following flood damage in 2015, its replacement was carried out as a priority, with a new structure installed in 2019.

3.2.6 There is a separate study ongoing into the replacement of the bank protection referenced in paragraph 3.2.4 to assess if this also requires to be undertaken as advanced works.

3.3 Publication of the Scheme Necessary Documentation

3.3.1 Section 60 of the 2009 Act requires that a proposed Flood Protection Scheme made by a local authority, must:-

- (a) contain a description of the operations the local authority proposes to carry out;
- (b) include such maps, plans and specifications as may be specified by regulations by the Scottish Ministers;

- (c) state how the operations will contribute to the implementation of current measures described in any relevant local flood risk management plan; and
- (d) inasmuch as they will not so contribute, state the reasons why the local authority considers carrying them out will not affect the implementation of those measures.

3.3.2 With respect to (c), the construction of a Flood Protection Scheme for Newton Stewart was an action contained within the Solway Local Plan District Local Flood Risk Management Plan, agreed by Committee on 15 March 2016. Consequently, (d) does not apply.

3.3.3 Copies of the Newton Stewart Scheme Statement and the Newton Stewart Scheme Drawings as required by the 2009 Act and 2010 Regulations can be found in **Appendix 1** and **Appendix 2** respectively. These are in a final format but may be subject to minor technical or drafting amendments following the ongoing additional engagement with affected owners and final review of all documentation prior to publication in May 2023.

3.3.4 Notice of the intention to promote the Scheme must be published. The notification requirements are set out at Schedule 2 to the 2009 Act. A notice given must:

- (a) contain a general description of the effect of the proposed Scheme including:
 - (i) a summary of the operations to be carried out, and
 - (ii) a summary of the benefits which the local authority considers are likely to be derived from carrying out the operations,
- (b) state where and at what times the Scheme documents can be inspected in pursuance of paragraph 2, and
- (c) state that objections can be made about the proposed Scheme to the local authority before the expiry of the period of 28 days beginning with the date notice is first published under sub-paragraph (1)(a).

3.3.5 A copy of the Scheme Notice to be published can be found in **Appendix 3**. Further details on the process for publication can be found in **Appendix 4**.

List of those to be Notified

3.3.6 In accordance with Schedule 2 of the 2009 Act, the Council must give notice of the Newton Stewart Flood Protection Scheme in at least one local newspaper, the Edinburgh Gazette and in a prominent position in the locality of the operations to be carried out. Furthermore, in addition to advising SEPA, Historic Environment Scotland, NatureScot, and any Statutory Undertakers who may be affected, the Council must advise every person known to the local authority:-

- to have an interest in any land on which the proposed operations are to be carried out; or
- whose interest in any other land may be affected by any of the proposed operations or by any alteration in the flow of water caused by any of the proposed operations.

3.3.7 The Project Team in conjunction with Legal Services are finalising the list of those to be notified and this will be completed to enable the relevant notices to be served.

3.3.8 In accordance with recently published guidance on the 2009 Act, the Project Team has engaged with officers within Planning and Regulatory Services and will continue to do so, effectively following the normal planning guidance, but without the requirement for neighbour notification, as this is effectively achieved through publishing the Newton Stewart Flood Protection Scheme.

Environmental Impact Assessment

3.3.9 It has been determined, following the Environmental Scoping process (where impacts of a proposed Scheme are analysed to determine if a full assessment is required), that the Scheme does not require an Environmental Impact Assessment. An Environmental Statement will however be published as part of the Scheme documents.

Summary and Overview (Design Justification) Report

3.3.10 In addition to the documentation required by the 2009 Act and 2010 Regulations, there will be a Summary and Overview (Design Justification) Report produced. This document will supplement the statutory and technical documents to include the background and development, the options considered, and full details of the engagement processes. This Report supports the documentation required by the legislation to assist in understanding the Scheme. A draft is included in **Appendix 5**.

3.4 Finance

3.4.1 The Scottish Government has identified funding for all flood protection schemes that were included in the 14 Local Flood Risk Management Plans published by the Lead Local Authorities. For the Newton Stewart scheme, the Council has provided an indicative spend profile and has already received 80% funding of eligible design costs to date. Ultimately, the Scottish Government has committed to fund 80% of the design and construction costs.

3.4.2 The Newton Stewart Flood Protection Scheme is currently included as a priority scheme within the Council's 10 Year Capital Investment Strategy (CIS) with an estimated cost of £8M (based on an historic preliminary cost estimate). However, it is clear that this will not be sufficient to complete the project, given the project changes/amended timescales and recent construction cost inflation and it is considered to be an appropriate time to update the scheme cost estimate in the Council's Capital Investment Strategy given that scheme publication is imminent.

3.4.3 In the latest return to the Scottish Government whole life scheme costs for the project were estimated at £18.5M (these costs are based on the mid-point construction of 2026 and costs incurred to date of £1.986M, and costs to confirmation of £0.15M). It should be noted that the scheme cost of £18.5m includes an optimism bias of 60% to cover future cost contingencies and risks, and that this scheme estimate is subject to further revision based on the outcome of the publication process varying the project, the process of detailed design influencing the scope of the project and future cost inflation effects. The scheme cost will only effectively be locked down following a future tender process. 80% of these costs will be met by Scottish Government, leaving the Council responsible for the remaining 20% of the costs less any partner contributions. **Table 1** below summarises the current position with regards to the funding of the scheme.

	Costs to end of 22/23 (000's)	Future Costs (000's)	Total Projected Project Cost (000's)	Current Project Budget (000's)	Additional Budget Required (000's)
Project Costs	£1,986	£16,514	£18,500	£8,429	£10,071
Funded by:					
SG Contribution	£1,589	£13,211	£14,800	£6,743	£8,057
Council Funding Requirement	-£132	£3,303	£3,171	£1,157	£2,014
Sustrans	£529	£0	£529	£529	£0

Table 1 – summary of current funding position

3.4.4 Members are recommended to include the updated project cost of £18.5Million in the Capital Investment Strategy as part of the development of the 2023/24 budget, recognising that this requires the Council contribution to the scheme to increase by £2.014 Million.

4. Governance Assurance

The Council Management Team has been consulted and agrees with the terms this report.

5. Impact Assessment

This report does not seek to develop or implement a new policy and therefore an impact assessment is not required.

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Approved by

NAME	DESIGNATION
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Appendices – 5

Appendix 1 – Scheme Statement

Appendix 2 – Scheme Drawings

Appendix 3 – Scheme Notice

Appendix 4 – Publication Process Explanation and Detailed Flowchart

Appendix 5 – Summary and Overview (Design Justification) Report

Background Papers

[Agenda for Communities Committee on Tuesday, 6th December, 2022, 10.30 am \(moderngov.co.uk\)](#)

Communities Committee 6 December 2022 – Public Realm Capital Programme 2022/23: Finance and Progress Monitoring

Wigtown Area Committee 3 November 2021 - Communities Directorate End of Year Assessment of Business Plans 2019 - 2023 Performance (1 April 20 - 31 March 21) – Item 6

[Agenda for Wigtown Area Committee on Wednesday, 3rd November, 2021, 10.00 am \(moderngov.co.uk\)](#)

Communities Committee 29 June 2021 – Flood Protection Schemes Update Report – Item 20

[Agenda for Communities Committee on Tuesday, 29th June, 2021, 10.30 am \(moderngov.co.uk\)](#)

Finance, Procurement and Transformation Committee, 11 February 2021, Item 8
Further Development of the Capital Investment Strategy

<https://dumfriesgalloway.moderngov.co.uk/documents/s28491/Further%20Development%20of%20the%20CIS.pdf>

Dumfries and Galloway Full Council 17 December 2020 – Standing Order 18 Requisition Communities Committee – 1 October 2020, Flood Protection Scheme (Whitesands Project Flood Protection and Public Realms Improvements) – Report – Item 19

<https://dumfriesgalloway.moderngov.co.uk/ieListDocuments.aspx?CId=137&MId=4996>

Communities Committee 10 November 2020 – Solway Local Flood Risk Management Plan, Cycle 2 (2022-2028) – Item 15

<https://dumfriesgalloway.moderngov.co.uk/ieListDocuments.aspx?CId=148&MId=4977>

Communities Committee 1 October 2020 – Flood Protection Schemes Update Report – Item 13

<https://dumfriesgalloway.moderngov.co.uk/ieListDocuments.aspx?CId=148&MId=4966>

Dumfries and Galloway Full Council 25 June 2020 – Further Development of the Capital Investment Strategy – Item 9

[Dumfries and Galloway Council 25 June 2020](#)

Communities Committee 17 September 2019 – Flood Protection Schemes Update Report – Item 12

<https://dumfriesgalloway.moderngov.co.uk/ieListDocuments.aspx?CId=148&MId=4503&Ve r=4>

Economy, Environment and Infrastructure Committee 14 May 2019, Flood Risk Management Update Report – Item 5

<https://dumfriesgalloway.moderngov.co.uk/ieListDocuments.aspx?CId=151&MId=4473&Ve r=4>

Economy, Environment and Infrastructure Committee 18 April 2019, Newton Stewart Flood Protection Scheme – Sparling Bridge Replacement – Item 4

<https://dumfriesgalloway.moderngov.co.uk/ieListDocuments.aspx?CId=151&MId=4726#AI1996>

Economy, Environment and Infrastructure Committee 22 January 2019, Flood Risk Management Update Report – Item 8

<https://dumfriesgalloway.moderngov.co.uk/ieListDocuments.aspx?CId=151&MId=4471&Ver=4>

Economy, Environment and Infrastructure Committee 23 November 2018, Newton Stewart Flood Protection Scheme and Langholm Flood Protection Scheme Update – Item 10

<https://dumfriesgalloway.moderngov.co.uk/ieListDocuments.aspx?CId=151&MId=290&Ver=4>

Economy, Environment and Infrastructure Committee 13 July 2018, Flood Risk Management Update – Item 10

<https://dumfriesgalloway.moderngov.co.uk/CeListDocuments.aspx?Committeed=151&MeetingId=1580&DF=13%2f07%2f2018&Ver=2>

Economy, Environment and Infrastructure Committee 20 March 2018, Newton Stewart Flood Protection Scheme – Update on Flood Protection Scheme and Sparling Bridge – Item 9

<https://dumfriesgalloway.moderngov.co.uk/CeListDocuments.aspx?Committeed=151&MeetingId=1578&DF=20%2f03%2f2018&Ver=2>

Economy, Environment and Infrastructure Committee 23 January 2018, Newton Stewart Flood Protection Scheme – Preferred Option and Public Engagement Report – Item 8

<https://dumfriesgalloway.moderngov.co.uk/CeListDocuments.aspx?Committeed=151&MeetingId=1577&DF=23%2f01%2f2018&Ver=2>

Economy, Environment and Infrastructure Committee 12 September 2017, Newton Stewart Flood Protection Scheme – Update Report – Item 20

<https://dumfriesgalloway.moderngov.co.uk/CeListDocuments.aspx?Committeed=151&MeetingId=1575&DF=12%2f09%2f2017&Ver=2>

Dumfries and Galloway Council 27 June 2017, Whitesands Project – Update and Preliminary Decision – Item 10

<https://dumfriesgalloway.moderngov.co.uk/CeListDocuments.aspx?Committeed=137&MeetingId=1429&DF=27%2f06%2f2017&Ver=2>

Dumfries and Galloway Council 28 February 2017, The Budget and Council Tax – Item 4

<https://dumfriesgalloway.moderngov.co.uk/CeListDocuments.aspx?Committeed=137&MeetingId=1426&DF=28%2f02%2f2017&Ver=2>

Solway Local Plan District Local Flood Risk Management Plan, June 2016

https://www.dumgal.gov.uk/media/18252/Solway-Local-Flood-Risk-Management-Plan/pdf/Solway_LPD_Local_FRM_V_Committee_14_June_2016.pdf?m=63601150268080000

Economy, Environment and Infrastructure Committee 15 March 2016, Flood Risk Management (Scotland) Act 2009 - Local Flood Risk Management Plan - Action Prioritisation – Item 7

<https://dumfriesgalloway.moderngov.co.uk/CeListDocuments.aspx?Committeed=151&MeetingId=1566&DF=15%2f03%2f2016&Ver=2>

Flood Risk Management Strategy for the Solway District, SEPA Dec 2015

<http://apps.sepa.org.uk/FRMStrategies/solway.html>

Economy, Environment and Infrastructure Committee 11 March 2014, Newton Stewart Flood Risk Assessment – Update Report – Item 9

<https://dumfriesgalloway.moderngov.co.uk/CeListDocuments.aspx?Committeed=151&MeetingId=1551&DF=11%2f03%2f2014&Ver=2>

The National Flood Risk Assessment, December 2011

http://www.sepa.org.uk/flooding/flood_risk_management/national_flood_risk_assessment.aspx

Newton Stewart FLOOD PROTECTION SCHEME

NEWTON STEWART FLOOD PROTECTION SCHEME – STATUTORY DOCUMENT
FLOOD PROTECTION SCHEME STATEMENT



Dumfries
& Galloway



SWECO



Document Number 118908-DOC-400-001**Change list**

VER.	DATE	CHANGE CONCERNS	ORIGINATOR	REVIEWED	APPROVED
V1	6/12/18	FIRST ISSUE	JJ	GO	DE
V2	21/12/18	REVISED FOR CLIENT COMMENTS	JJ	GO	DE
V3	8/7/19	REVISED WITH MINOR CHANGES	JJ	GO	DE
V4	18/10/19	REVISED FOR CLIENT COMMENTS	JJ	GO	DE
V5	25/05/20	REVISED FOR CLIENT COMMENTS	JJ	ARW	DE
V6	20/07/20	REVISED FOR CLIENT COMMENTS	ARW	DE	DE
V7	30/06/21	REVISED FOR CLIENT COMMENTS	BMD	DE	DE
V8	21/10/22	UPDATED FOR REVISED DEFENCES	BMD	DE	DE
V9	22/11/22	MINOR UPDATES	BMD	DE	DE
V10	06/01/23	MINOR UPDATES	BMD	DE	DE

1 General

In exercise of the powers conferred upon them by Part 4 of the Flood Risk Management (Scotland) Act 2009, (hereinafter referred to as “the Act”) Dumfries and Galloway Council (hereinafter referred to as “the Council”) hereby make the following Flood Protection Scheme (hereinafter referred to as “the Scheme”), the purpose of which is to mitigate the flooding of residential, non-residential, commercial and agricultural land in the towns of Newton Stewart and Minnigaff from the River Cree and Penkiln Burn.

The intention to make this scheme is aligned with the Flood Risk Management Strategy published by the Scottish Environment Protection Agency in December 2015 and the associated Local Flood Risk Management Plan published by the Council (the Lead Local Authority) on 22 June 2016, as outlined in Section 36 of the Act. In accordance with Section 60(2) (c), all aspects of the Scheme contribute to the implementation of the measures identified in the Solway Local Flood Risk Management Plan to reduce the risk of river flooding in Newton Stewart.

The dimensions and level information contained within this document are approximate based on the best data currently available.

2 Terms of the Scheme

The terms of the Scheme are as detailed in Sections 3 to 8 hereunder.

3 Site of the Flood Protection Operations

The site at which the Flood Protection Operations (hereinafter referred to as “the Operations”) are to be carried out in terms of the Scheme are situated at Newton Stewart and Minnigaff and shown on the plans numbered 118908/400/101, 118908/400/102, Flood Protection Scheme Layout Plan, annexed and executed as relative hereto.

4 Descriptions of the Operations

The Operations to be carried out in terms of the Scheme are as shown on the plan(s) marked, annexed and executed as relative hereto, and are as follows:

Layout Plan	Detailed	Cross Sectional
118908/400/101	118908/400/111	118908/400/150
118908/400/102	118908/400/112	118908/400/154
	118908/400/113	118908/400/155
	118908/400/114	
	118908/400/115	
	118908/400/116	
	118908/400/117	

Penkiln Burn

PR1	Construction of 100m of flood wall to provide protection from the design flood event to the properties at Minnigaff, as generally shown on the plans numbered 118908/400/101, 118908/400/111 and 118908/400/112, and detailed on the typical cross-section numbered 118908/400/150.
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APPENDIX 1

PB2	Construction of 207m of flood embankment, set back from the Penkiln Burn to provide protection from the design flood event to the properties at Stewart of Garlies, Meal Mill Retirement Housing and Millcroft Road, as generally shown on the plans numbered 118908/400/101, 118908/400/111, 118908/400/112, and detailed on the typical cross-section numbered 118908/400/150.
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Millcroft Road

MR3	Construction of 421m of flood wall to provide protection from the design flood event to the properties at Millcroft Road, as generally shown on the plans numbered 118908/400/101, 118908/400/112, 118908/400/113, 118908/400/114, and detailed on the typical cross-section numbered 118908/400/150 and specific cross section numbered 118908/400/154.
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King Street

KR1	Construction of 59m of flood wall to provide protection from the design flood event to the properties at King Street, as generally shown on the plans numbered 118908/400/101, 118908/400/113 and detailed on the typical cross-section numbered 118908/400/150
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Arthur Street

AB2	Construction of 104m of flood embankment where indicated, set back from the River Cree to provide protection from the design flood event to the properties at Arthur Street, as generally shown on the plans numbered 118908/400/101, 118908/400/113, and detailed on the specific cross-section numbered 118908/400/154.
AR3	Construction of 186m of flood wall to provide protection from the design flood event to the properties at Arthur Street, as generally shown on the plans numbered 118908/400/101, 118908/400/113, 118908/400/114 and detailed on the specific cross-section numbered 118908/400/154.

Riverside Road

RR4	Construction of 517m of an increase in height to the existing masonry flood wall to provide protection from the design flood event to the commercial and residential properties at Riverside Road and Victoria Street, as generally shown on the plans numbered 118908/400/102, 118908/400/114, 118908/400/115 and detailed on the typical cross-section numbered 118908/400/150 and specific cross section numbered 118909/400/154. and 118909/400/155
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Cree River

CR5	Construction of 48m of flood wall to provide protection from the design flood event to the properties at Creebridge, as generally shown on the plans numbered 118908/400/102, 118908/400/114 and detailed on the specific cross-section numbered 118908/400/154.
CB6	Construction of 125m of flood embankment to provide protection from the design flood event to the properties at Creebridge, as generally shown on the plans numbered 118908/400/102, 118908/400/114, and detailed on the specific cross-section numbered 18908/400/154.
CR7	Construction of 137m of flood wall to provide protection from the design flood event to the properties at Creebridge, as shown on the plans numbered 118908/400/102, 118908/400/114, 118908/400/115 and detailed on the typical cross-section numbered 118908/400/150 and the specific cross section numbered 118908/400/155.
CR8	Construction of 122m of flood wall, and ramp, and retaining wall to provide protection from the design flood event to the properties at Creebridge, as shown on the plans numbered 118908/400/102, 118908/400/115 and detailed on the specific cross section numbered 118908/400/155.
CB9	Construction of 155m of flood embankment where indicated, set back from the River Cree to provide protection from the design flood event to the properties at Holmpark Drive, as shown on the plans numbered 118908/400/102, 118908/400/115, and detailed on the specific cross section numbered 118908/400/155.

Goods Lane

GG5	Re-profiling of 417m of the west riverbank and installation/repair of existing erosion protection from the design flood event to maintain the existing river channel width across the River Cree at this location due to the flood defences proposed on the east riverbank of the River Cree, as generally shown on the plans numbered 118908/400/102, 118908/400/116, 118908/400/117.
GC6	Re-profiling of 25m of the right riverbank below the A75 bridge as shown on 1189098/400/102, 118908/400/117.

Sparling Footbridge

SC9	Replacement of the Sparling Bridge to provide a new pedestrian/cycle bridge (completed as advance works in 2019) and Re-profiling of 291m of the left riverbank and installation of erosion protection to maintain the existing river channel width across the River Cree at location due to the flood defences proposed on the right bank of the River Cree, as generally shown on the plans numbered 118908/400/102, 118908/400/115, 118908/400/116.
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5 Land

The land which will be affected by the Operations and the land upon which entry is required for the purpose of carrying out the Operations and of executing temporary works is as shown on the said plan(s) and numbered respectively.

118908/400/101	118908/400/102
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6 Secondary Flooding Protection Works**Penkiln Burn**

SFW1	Combined outfall and flap valve system at the new defence walls and embankment between Penkiln Burn and Cumloden Road
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King Street

SFW2	Combined Kerb , drainage and outfall system at King Street
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Michelle Terrace and King Street

SFW3	Combined Kerb , drainage and outfall system at Mitchell Terrace and King Street
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Arthur Street

SFW4	Combined Kerb , drainage and outfall system at Arthur Street
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Mortons Entry and Riverside Street

SFW5	Surface water pumping station at Mortons Entry and Riverside Street
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Riverside Road

SFW6	Combined drainage system, underground surface water storage tank and pumping station at car park area at Riverside Road.
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7 Diversion and Protection of Services/Public Utilities

The following ancillary operations shall be undertaken:

Penkiln Burn Diversion or Protection of services DP1 & DP2

Plan Reference	Operation Reference	Ancillary Operations Required
118908/400/112	PB2/DP1	The overhead power line is to be protected or diverted during the operations.
118908/400/112	PB2/DP2	The sewer mains are to be protected or diverted during the operations.

Millcroft Road Diversion or Protection of services DP3 to DP5

Plan Reference	Operation Reference	Ancillary Operations Required
118908/400/113	MR3/DP3	The sewer mains are to be protected or diverted during the operations.
118908/400/113	MR3/DP4	The telecommunication ducts are to be protected or diverted during the operations.
118908/400/113	MR3/DP5	The sewer mains are to be protected or diverted during the operations.

King Street Diversion or Protection of services DP14

Plan Reference	Operation Reference	Ancillary Operations Required
118908/400/113	KR1/DP16	The sewer mains are to be protected or diverted during the operations.

Arthur Street Diversion or Protection of services DP15 & DP16

Plan Reference	Operation Reference	Ancillary Operations Required
118908/400/113	AB2/DP17	The sewer mains are to be protected or diverted during the operations.
118908/400/113	AB2/DP17	The telecommunications ducts are to be protected or diverted during the operations.
118908/400/113	AB2/DP17	The sewer mains are to be protected or diverted during the operations.
118908/400/113	AB2/DP17	The watermains are to be protected or diverted during the operations.
118908/400/113	AB2/DP17	The gas main is to be protected or diverted during the operations.
118908/400/113	AR3/DP18	The surface water sewer and outfall is to be protected or diverted during the operations.

Services crossing B7079 Bridge over River Cree located at the ends of AR3 and RR4. The AR3 and RR4 operations will not affect these services located at the bridge.

SW Water Main	SSE Low Voltage	SGN Gas Mains	BT Cable	Street Lighting
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Riverside Road Diversion or Protection of services DP17 to DP20

Plan Reference	Operation Reference	Ancillary Operations Required
118908/400/114	RR4/DP19	The telecommunications ducts are to be protected or diverted during the operations.
118908/400/114, 118908/400/115	RR4/DP19	The sewer mains are to be protected or diverted during the operations.
118908/400/114, 118908/400/115	RR4/DP19	The gas mains are to be protected or diverted during the operations.
118908/400/114, 118908/400/115	RR4/DP20	The telecommunications cables are to be protected or diverted during the operations.
118908/400/114, 118908/400/115	RR4/DP20	The street lighting is to be protected or

		diverted during the operations.
118908/400/115	RR4/DP20	The sewer mains are to be protected or diverted during the operations.
118908/400/115	RR4/DP20	The gas mains are to be protected or diverted during the operations.
118908/400/115	RR4/DP21	The telecommunications cables are to be protected or diverted during the operations.
118908/400/115	RR4/DP21	The street lighting is to be protected or diverted during the operations.
118908/400/115	RR4/DP22	The surface water outfall is to be protected or diverted during the operations.
118908/400/115	RR4/DP22	The telecommunications cables are to be protected or diverted during the operations.
118908/400/115	RR4/DP22	The sewer mains are to be protected or diverted during the operations.
118908/400/115	RR4/DP22	The street lighting is to be protected or diverted during the operations.
118908/400/115	RR4/DP22	The overhead power line is to be protected or diverted during the operations.

Goods Lane Diversion or Protection of services DP23 to DP25

Plan Reference	Operation Reference	Ancillary Operations Required
118908/400/115, 118908/400/116	GG5/DP23	The sewer mains are to be protected or diverted during the operations.
118908/400/115, 118908/400/116	GG5/DP23	The telecommunications cables are to be protected or diverted during the operations.
118908/400/115, 118908/400/116	GG5/DP23	The street lighting is to be protected or diverted during the operations.
118908/400/116	GG5/DP24	The sewer mains are to be protected or diverted during the operations.
118908/400/116	GG5/DP24	The street lighting is to be protected or diverted during the operations.
118908/400/116	GG5/DP25	The sewer mains are to be protected or diverted during the operations.
118908/400/116	GG5/DP25	The street lighting is to be protected or diverted during the operations.

River Cree Diversion or Protection of services DP6 to DP12

Plan Reference	Operation Reference	Ancillary Operations Required
118908/400/114	CR5/DP6	The sewer mains are to be protected or diverted during the operations.
118908/400/114	CR5/DP7	The sewer mains are to be protected or diverted during the operations.
118908/400/114	CB6/DP8	The overhead power line is to be protected or diverted during the operations.
118908/400/114	CB6/DP9	The street lighting is to be protected or diverted during the operations.
118908/400/114	CB6/DP9	The sewer mains are to be protected or diverted during the operations.
118908/400/114	CB6/DP9	The water main is to be protected or diverted during the operations.
118908/400/114	CB6/DP9	The gas main is to be protected or diverted during the operations.
118908/400/114	CB6/DP10	The street lighting is to be protected or diverted during the operations.
118908/400/114, 118908/400/115	CR7/DP10	The sewer mains are to be protected or diverted during the operations.
118908/400/114, 118908/400/115	CR7/DP10	The gas main is to be protected or diverted during the operations.
118908/400/114, 118908/400/115	CR7/DP10	The water main is to be protected or diverted during the operations.
118908/400/114, 118908/400/115	CR7/DP10	The surface water outfall is to be protected or diverted during the operations.
118908/400/115	CR8/DP11	The sewer main is to be protected or diverted during the operations.
118908/400/115	CB9/DP12	The sewer main is to be protected or diverted during the operations.

Re Profiled Channel Near Sparling Bridge Diversion or Protection of services DP13, to DP15

Plan Reference	Operation Reference	Ancillary Operations Required
118908/400/115	SC9/DP13	The sewer mains are to be protected or diverted during the operations.
118908/400/115	SC9/DP14	The sewer main is to be protected or

APPENDIX 1

		diverted during the operations.
118908/400/115	SC9/DP15	The overhead power line is to be protected or diverted during the operations.

A significant number of locations have been identified where the Scheme conflicts with the existing services and due to the fact that these are in close proximity to residential and industrial areas, there may be additional locations or alterations to those identified.

- Any operations to existing water mains will be in association with Scottish Water or other organisation as appropriate.
- Any operations to existing sewer mains will be in association with Scottish Water or other organisations as appropriate.
- Any operations to existing gas mains will be in association with Transco or other organisations as appropriate.
- Any operations to existing telecoms will be in association with British Telecommunication or other organisations as appropriate.
- Any operations to existing power cables will be in association with Scottish and Southern Energy or other organisation as appropriate.
- Any operations to street lighting in association with Dumfries And Galloway Council

8 Powers

The Scheme is a Flood Protection Scheme for the purposes of Section 60 and Schedule 2 of the Act and shall be implemented in reliance upon the powers conferred by Section 56 and otherwise as specified in Part 4 of the Act.

Insofar as the Scheme involves development in terms of the Town and Country Planning (Scotland) Act 1997, Scottish Ministers must direct that planning permission under Section 57 of the Town and Country Planning (Scotland) Act 1997 shall be deemed to be granted, either upon their confirming the Scheme or following a request by the local authority where they have confirmed the Scheme, the deemed planning permission shall be subject to such conditions (if any) as may be specified in the direction.

9 Cost

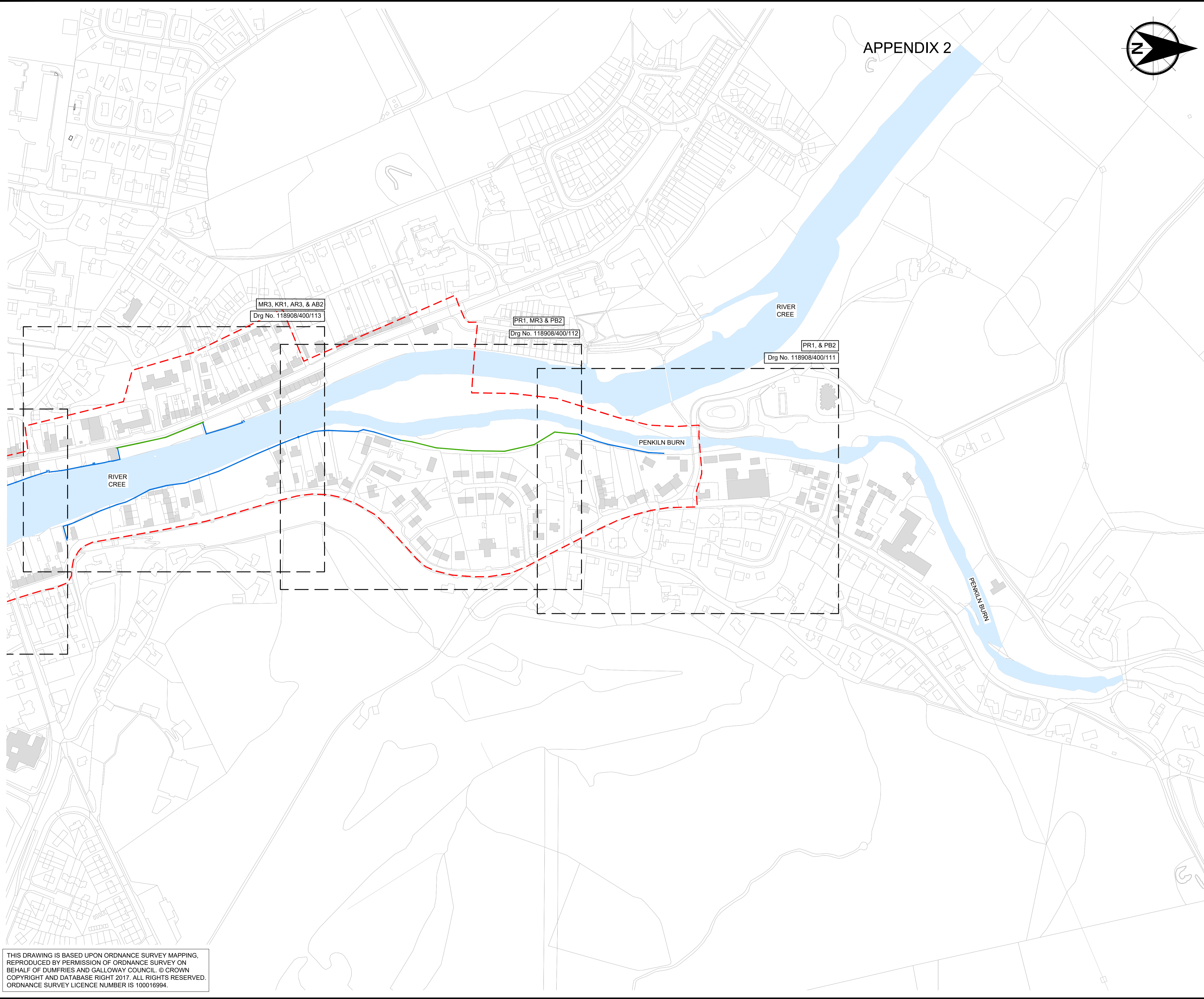
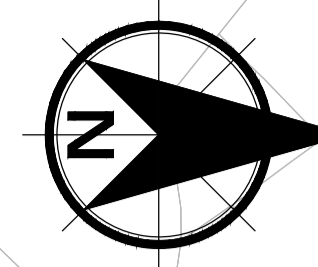
The estimated cost of the Operations as at the date hereof is twelve million, three hundred and seventy eight thousand pounds (£12,378,000) sterling.

Made by the Dumfries & Galloway Council on the day of 2023

..... Proper Officer of the Council

..... Dated

APPENDIX 2



NOTES

1. LEVELS AND HEIGHTS IN METRES.
2. THIS DRAWING IS PREPARED IN ACCORDANCE WITH REQUIREMENTS OF SECTION 60 AND SCHEDULE 2 OF FLOOD RISK MANAGEMENT (SCOTLAND) ACT 2009.
3. THIS DRAWING IS TO BE READ IN CONJUNCTION WITH THE NEWTON STEWART FLOOD PROTECTION SCHEME STATEMENT.
4. THE DESCRIPTION OF THE OPERATIONS REFERRED TO ON THIS DRAWING CAN BE FOUND IN THE FLOOD PROTECTION SCHEME STATEMENT.
5. INFORMATION RECEIVED FROM STATUTORY UNDERTAKERS HAS BEEN USED TO IDENTIFY LOCATIONS OF SERVICES. EXACT LOCATION OF THESE SERVICES WILL BE DETERMINED DURING DETAILED DESIGN.
6. THE LOCATION AND HORIZONTAL EXTENT OF THE OPERATIONS MAY VARY BY THESE LIMITS (WHERE APPLIED) AS NOTED IN THE FLOOD PROTECTION SCHEME STATEMENT.
7. CLADDING AND WALL FINISHES TO BE CONSIDERED AT THE DETAILED DESIGN STAGE.
8. THE USE OF GLASS PANELS TO RETAIN VIEWS & VISIBILITY WILL BE CONSIDERED DURING FUTURE ENGAGEMENT AT THE DETAILED DESIGN STAGE.
9. EXISTING ACCESS POINTS AND ANY ADDITIONAL ACCESS POINTS THROUGH THE NEW DEFENCES WILL BE CONSIDERED AT THE DETAILED DESIGN STAGE.

- FLOOD PROTECTION KEY**
- INDICATIVE LOCATION OF FLOOD WALLS
 - INDICATIVE LOCATION OF EROSION PROTECTION
 - INDICATIVE LOCATION OF FLOOD EMBANKMENT
 - RETAINING WALL TO FORM RAMP OVER DEFENCES
 - INDICATIVE LOCATION OF RE-PROFILED CHANNEL
 - SITE OF SPECIAL SCIENTIFIC INTEREST (SSSI)
 - - - SCHEME BOUNDARY

- STRUCTURE REFERENCE**
- PR1**
- ↑ STRUCTURE NUMBER (NUMBERED NORTH TO SOUTH ALONG EACH RIVER BANK IRRESPECTIVE OF STRUCTURE TYPE OR LOCATION)
 - ↑ STRUCTURE TYPE
 - ↑ LOCATION
- LOCATION:**
 P = PENKILN BURN
 M = MILLCROFT ROAD
 K = KING STREET
 A = ARTHUR STREET
 C = CREE BRIDGE
 R = RIVER SIDE ROAD
 G = GOODS LANE
 S = SPARLING BRIDGE
- STRUCTURE TYPE:**
 B = FLOOD EMBANKMENT
 R = FLOOD WALL
 C = CHANNEL
 G = EROSION PROTECTION

09	09/01/23	MINOR REVISIONS	BBMD	DCE	DCE
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Rev.	Date	Amendment Details	Drawn	Chk'd	App'd

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 COUNCIL

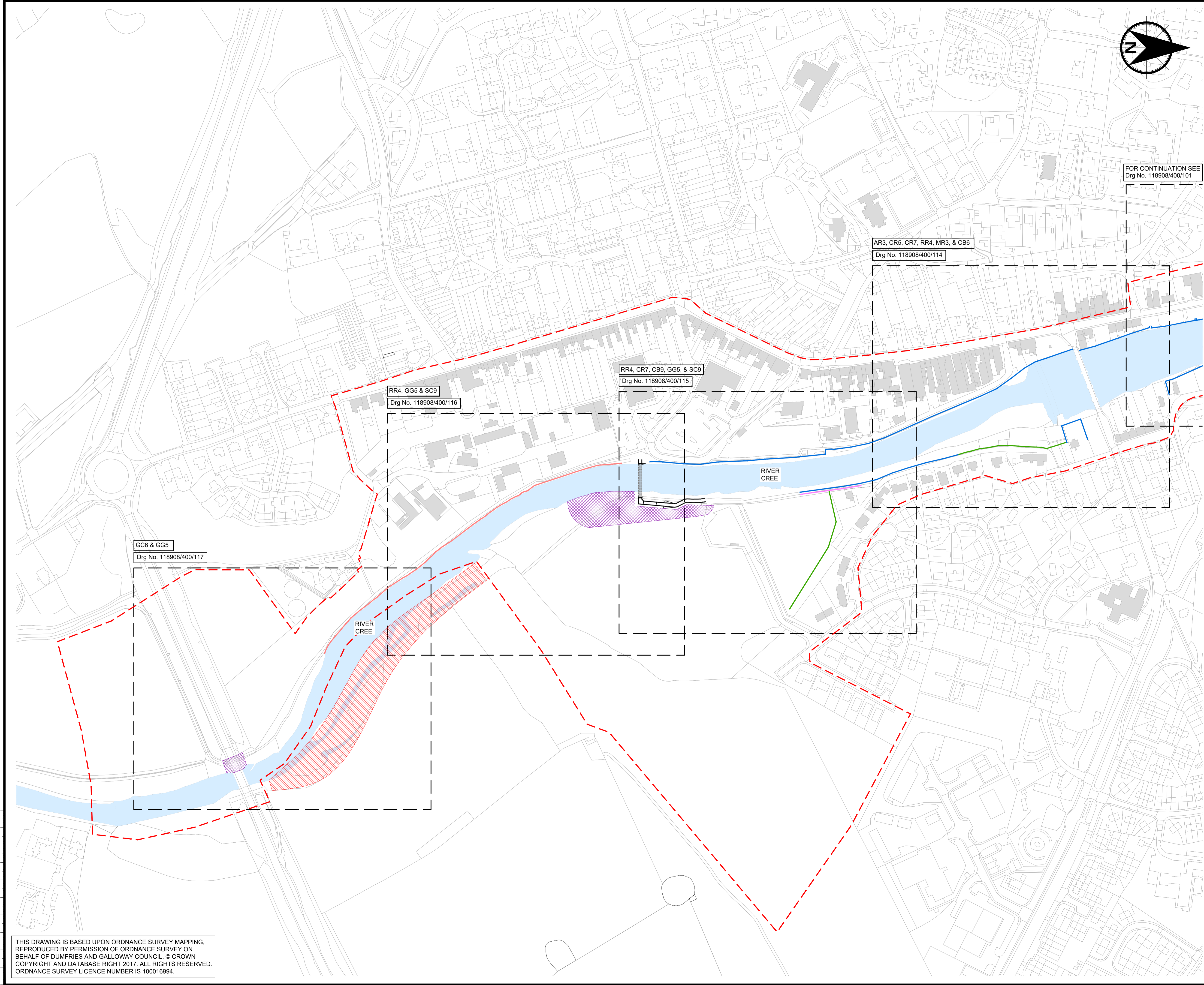
Drawing Status
FOR INFORMATION

Project Title
**NEWTON STEWART
 FLOOD PROTECTION SCHEME**

Drawing Title
**FLOOD PROTECTION SCHEME
 LAYOUT PLAN
 SHEET 1 OF 2**

Scale	1:2000	Designed	GO	Drawn	JN	Checked	DCE	Approved	DL	
Original Size	A1	Date	17/08/18	Date	17/08/18	Date	17/08/18	Date	17/08/18	
Drawing Number	118908/400/101								Revision	09

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 - INDICATIVE LOCATION OF EROSION PROTECTION
 - INDICATIVE LOCATION OF FLOOD EMBANKMENT
 - RETAINING WALL TO FORM RAMP OVER DEFENCES
 - INDICATIVE LOCATION OF RE-PROFILED CHANNEL
 - SITE OF SPECIAL SCIENTIFIC INTEREST (SSSI)
 - SCHEME BOUNDARY

- STRUCTURE REFERENCE**
- PR1**
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- STRUCTURE TYPE LOCATION
- LOCATION:**
 P = PENKILN BURN
 M = MILLCROFT ROAD
 K = KING STREET
 A = ARTHUR STREET
 C = CREE BRIDGE
 R = RIVER SIDE ROAD
 G = GOODS LANE
 S = SPARLING BRIDGE
- STRUCTURE TYPE:**
 B = FLOOD EMBANKMENT
 R = FLOOD WALL
 C = CHANNEL
 G = EROSION PROTECTION

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Rev.	Date	Amendment Details	Drawn	Chk'd	App'd

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Drawing Status

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Project Title

NEWTON STEWART FLOOD PROTECTION SCHEME

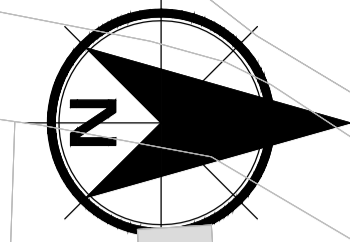
Drawing Title

FLOOD PROTECTION SCHEME LAYOUT PLAN SHEET 2 OF 2

Scale	1:2000	Designed	GO	Drawn	JN	Checked	DCE	Approved	DL	
Original Size	A1	Date	17/08/18	Date	17/08/18	Date	17/08/18	Date	17/08/18	
Drawing Number	118908/400/102								Revision	10

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CONTINUED ON
DRAWING No.
118908/400/112



RIVER CREE

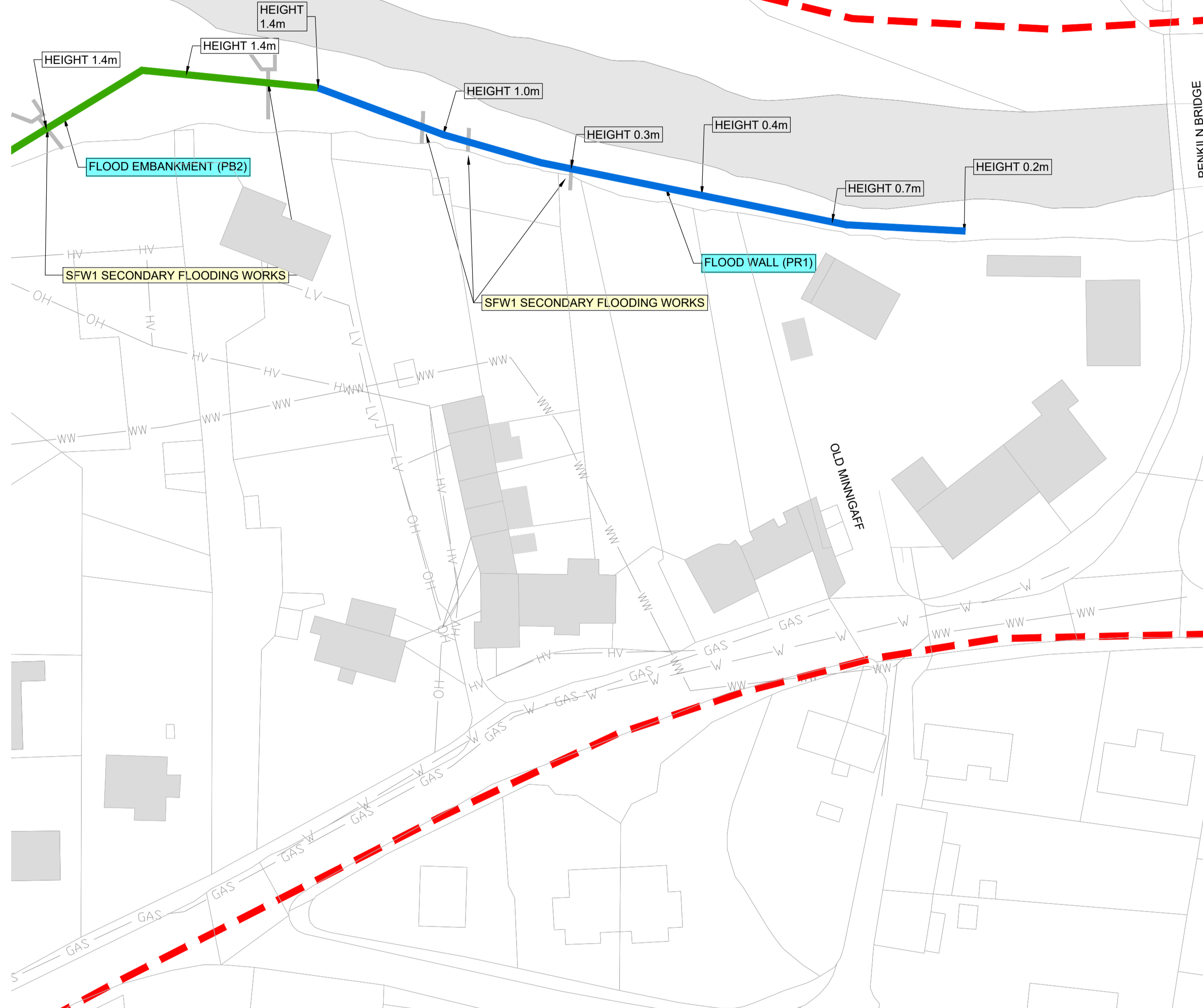
MINNIGAFF
PARISH
CHURCH

PENKILN BURN

BURNSIDE
COURT

CUMLODEN ROAD

OLD MINNIGAFF



NOTES

1. LEVELS AND HEIGHTS IN METRES.
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FLOOD PROTECTION KEY

- INDICATIVE LOCATION OF NEW FLOOD WALLS
- INDICATIVE LOCATION OF FLOOD EMBANKMENT
- SCHEME BOUNDARY

PUBLIC UTILITIES KEY

- WASTE WATER NETWORK
- LP GAS MAIN
- WATER MAIN
- UNDERGROUND LV ELECTRIC
- UNDERGROUND HV ELECTRIC
- OVERHEAD POWER LINE

STRUCTURE REFERENCE

- PR1**
- ↑ STRUCTURE NUMBER (NUMBERED NORTH TO SOUTH ALONG EACH RIVER BANK IRRESPECTIVE OF STRUCTURE TYPE OR LOCATION)
 - ↑ STRUCTURE TYPE
 - ↑ LOCATION

- LOCATION:**
P = PENKILN BURN
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G = GOODS LANE
S = SPARLING BRIDGE
- STRUCTURE TYPE:**
B = FLOOD EMBANKMENT
R = FLOOD WALL
C = CHANNEL
G = EROSION PROTECTION

DIVERSION/PROTECTION REFERENCE

- DP1**
- ↑ NUMBERED NORTH TO SOUTH DIVERSION / PROTECTION WORKS

SECONDARY FLOODING WORKS REFERENCE

- SFW1**
- ↑ NUMBERED NORTH TO SOUTH SECONDARY FLOODING WORKS

11	09/01/23	MINOR REVISIONS	BMD	DCE	DCE
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Rev.	Date	Amendment Details	Drawn	Chk'd	App'd

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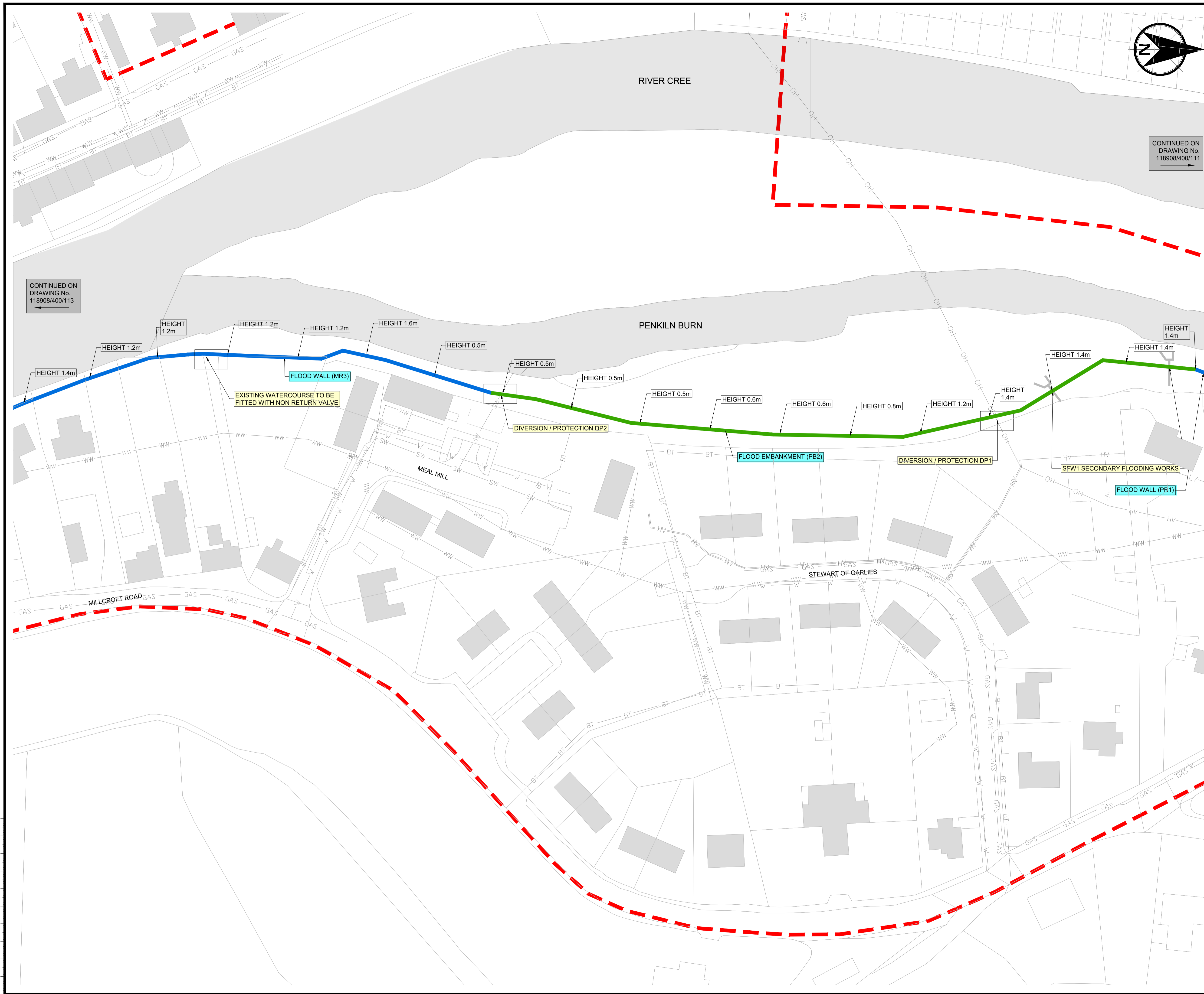
Drawing Status **FOR INFORMATION**

Project Title
**NEWTON STEWART
FLOOD PROTECTION SCHEME**

Drawing Title
**FLOOD WALLS PR1
FLOOD EMBANKMENT PB2
PENKILN BURN**

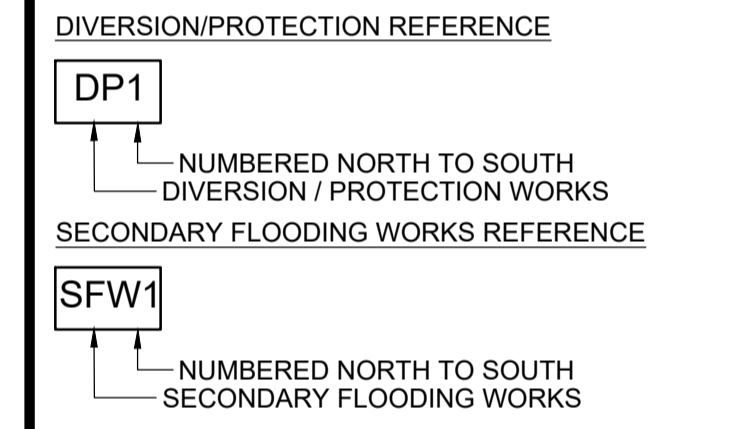
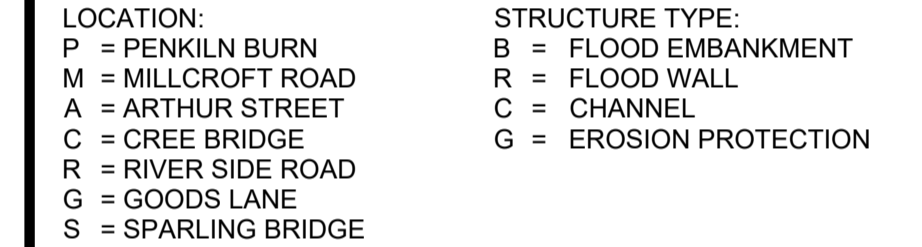
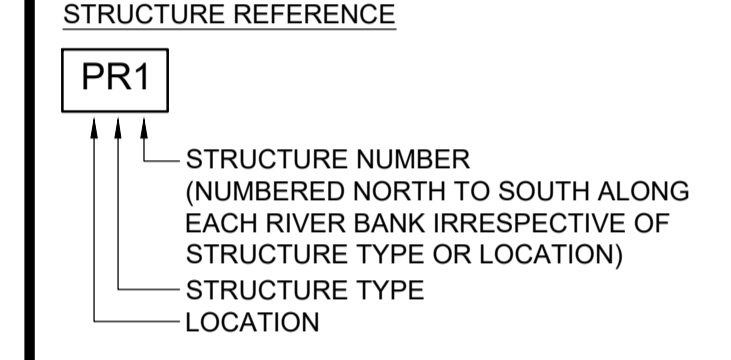
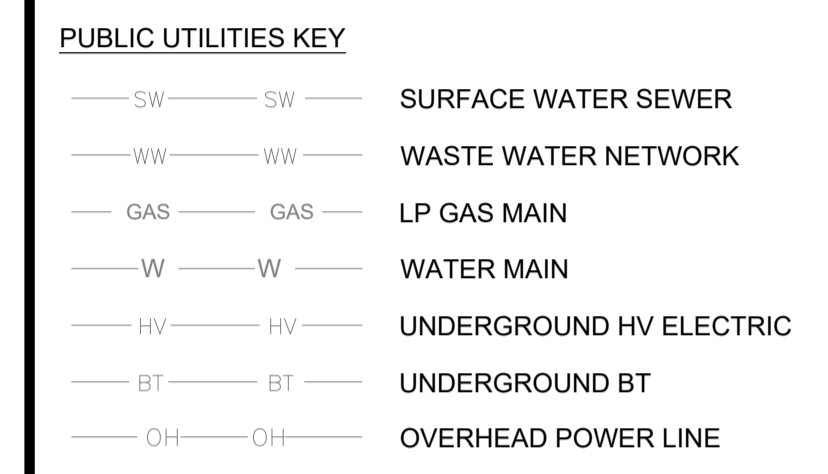
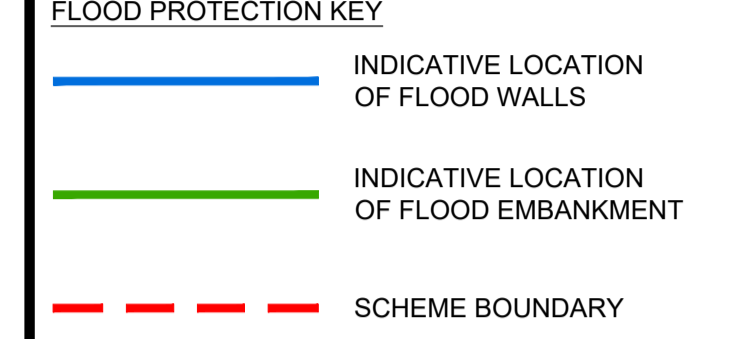
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Original Size	A1	Date	17/08/18	Date	17/08/18	Date	17/08/18	Date	17/08/18

Drawing Number **118908/400/111** Revision **11**



NOTES

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Drawing Status

FOR INFORMATION

Project Title

NEWTON STEWART FLOOD PROTECTION SCHEME

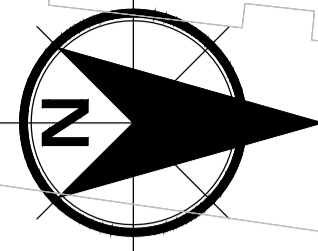
Drawing Title

FLOOD WALLS PR1 & MR3 FLOOD EMBANKMENTS PB2 PENKILN BURN

Scale	1:500	Designed	GO	Drawn	JN	Checked	DCE	Approved	DL
Original Size	A1	Date	17/08/18	Date	17/08/18	Date	17/08/18	Date	17/08/18

Drawing Number: 118908/400/112

Revision: 11



NOTES

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- FLOOD PROTECTION KEY**
- INDICATIVE LOCATION OF NEW FLOOD WALLS
 - INDICATIVE LOCATION OF FLOOD EMBANKMENT
 - SCHEME BOUNDARY

- PUBLIC UTILITIES KEY**
- SW - SURFACE WATER SEWER
 - WW - WASTE WATER NETWORK
 - GAS - LP GAS MAIN
 - W - WATER MAIN
 - LV - UNDERGROUND LV ELECTRIC
 - HV - UNDERGROUND HV ELECTRIC
 - BT - UNDERGROUND BT

- STRUCTURE REFERENCE**
- PR1**
- STRUCTURE NUMBER (NUMBERED NORTH TO SOUTH ALONG EACH RIVER BANK IRRESPECTIVE OF STRUCTURE TYPE OR LOCATION)
 - STRUCTURE TYPE
 - LOCATION

- LOCATION:**
- P = PENKILN BURN
 - B = FLOOD EMBANKMENT
 - M = MILLCROFT ROAD
 - A = ARTHUR STREET
 - C = CREE BRIDGE
 - R = RIVER SIDE ROAD
 - G = GOODS LANE
 - S = SPARLING BRIDGE
- STRUCTURE TYPE:**
- F = FLOOD EMBANKMENT
 - R = FLOOD WALL
 - C = CHANNEL
 - G = EROSION PROTECTION

- DIVERSION/PROTECTION REFERENCE**
- DP1**
- NUMBERED NORTH TO SOUTH DIVERSION / PROTECTION WORKS

- SECONDARY FLOODING WORKS REFERENCE**
- SFW1**
- NUMBERED NORTH TO SOUTH SECONDARY FLOODING WORKS

12	09/01/23	MINOR REVISIONS	BBMD	DCE	DCE	
Rev.		Date	Amendment Details	Drawn	Chk'd	App'd
FOR PREVIOUS REVISIONS SEE REVISION 11						

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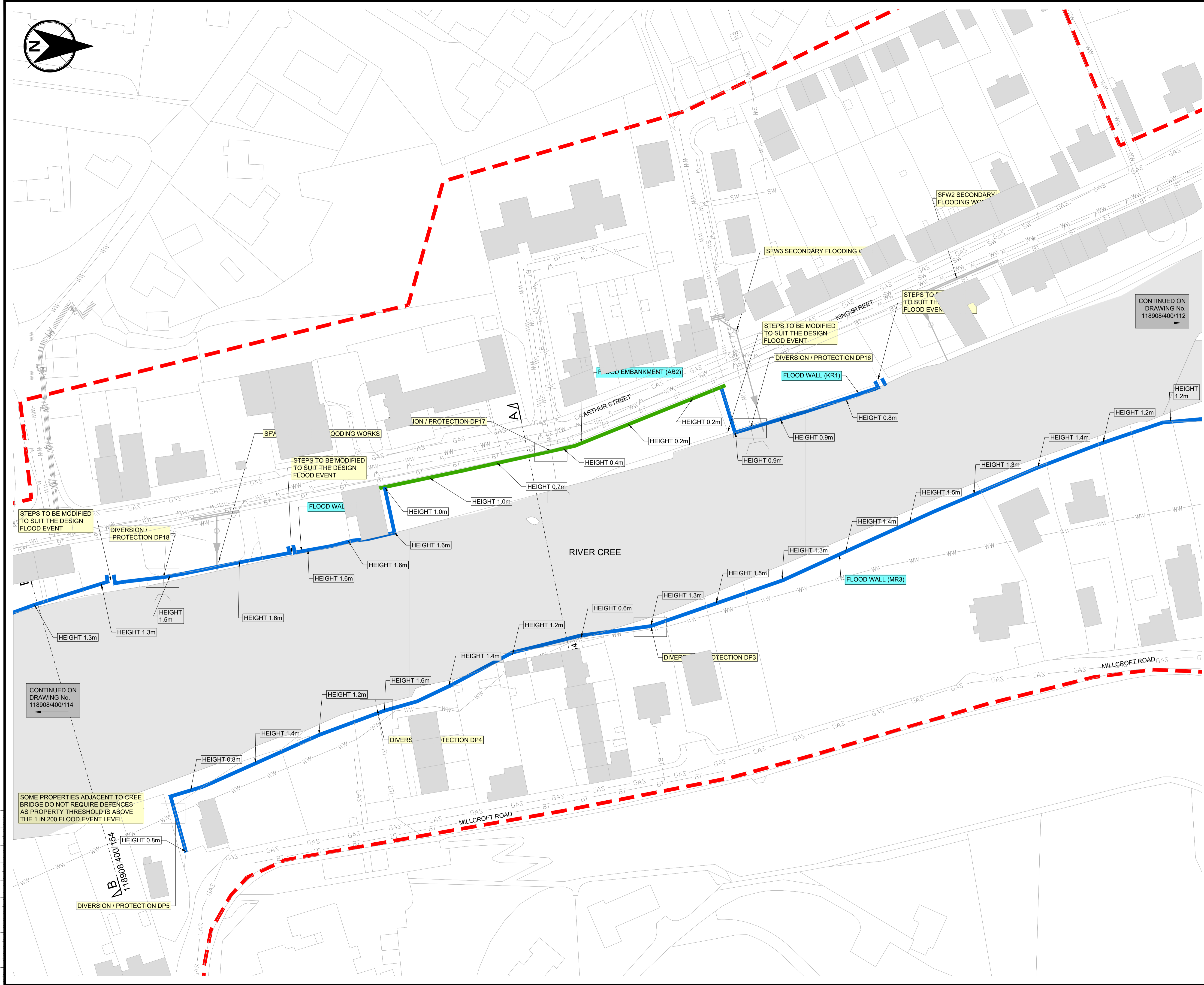
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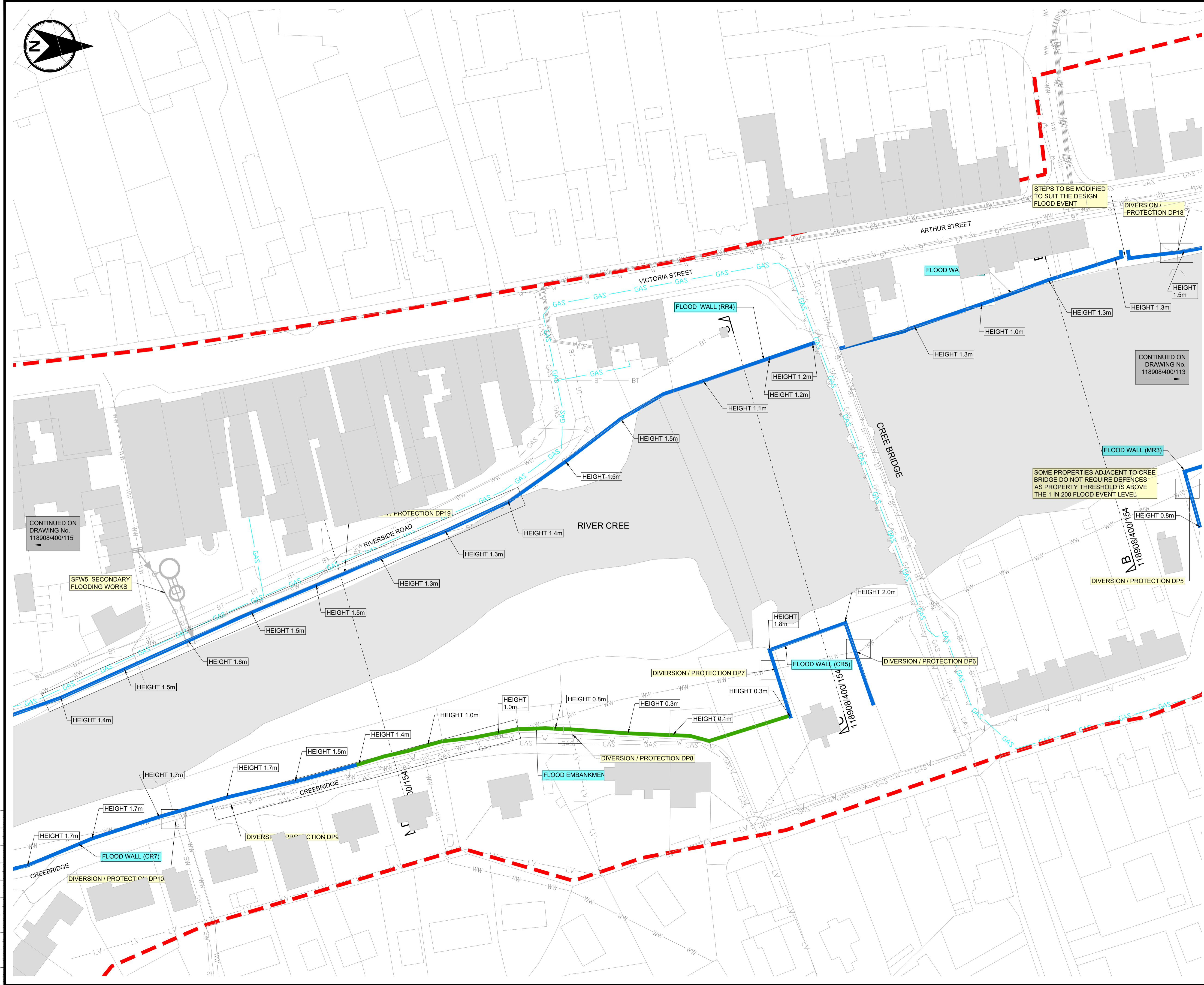
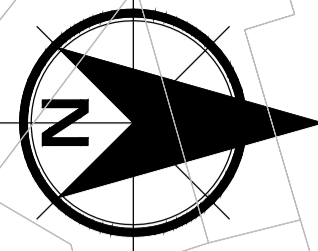
Drawing Status
FOR INFORMATION

Project Title
NEWTON STEWART FLOOD PROTECTION SCHEME

Drawing Title
FLOOD WALLS MR3, KR1, AR3 FLOOD EMBANKMENT AB2 RIVER CREE

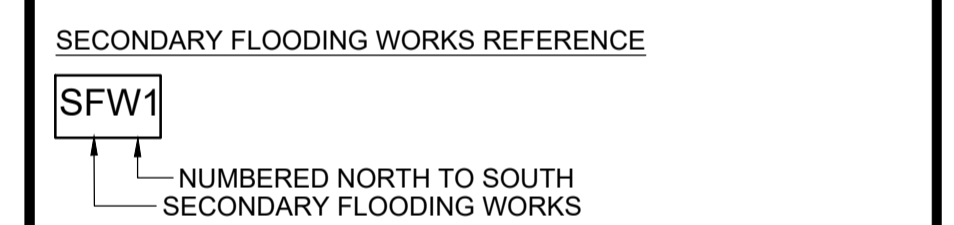
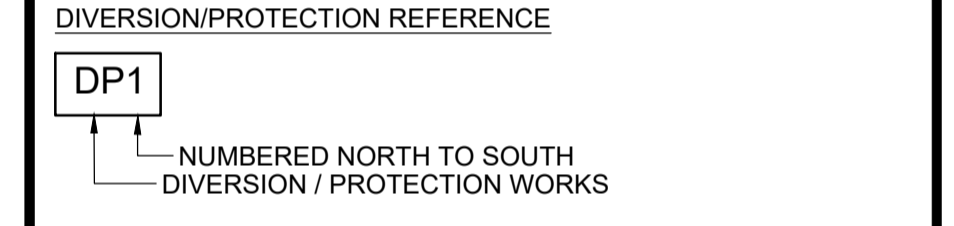
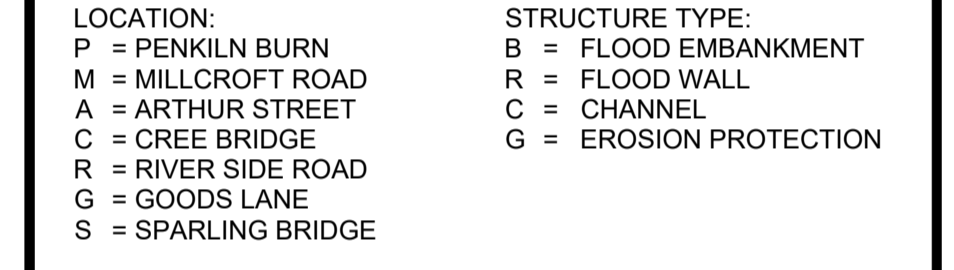
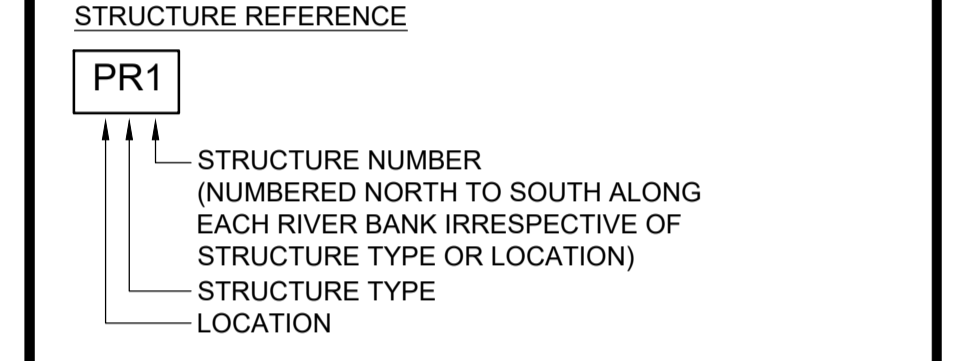
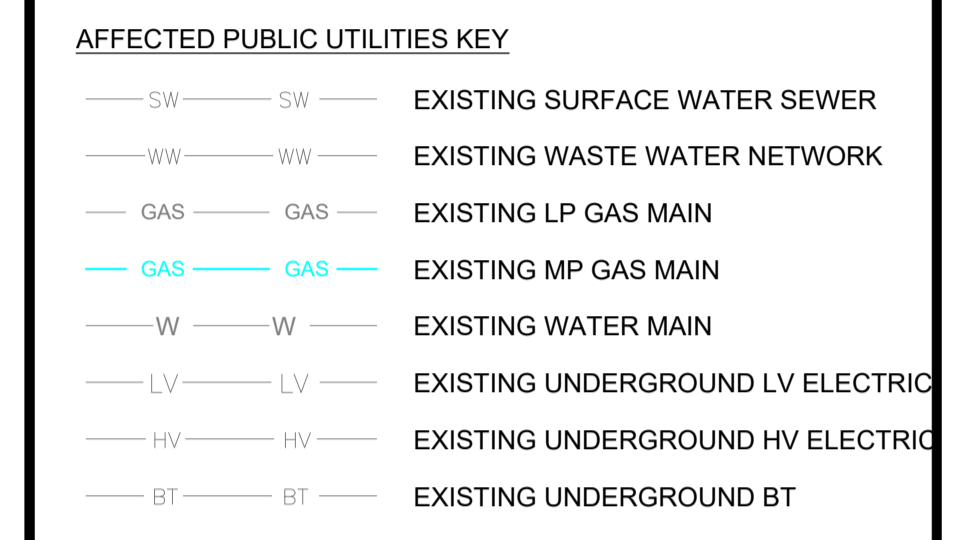
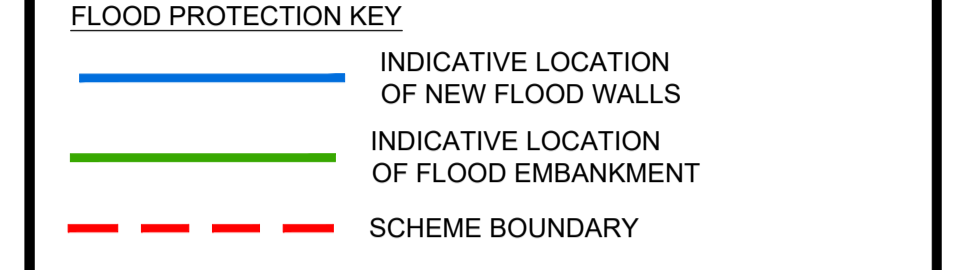
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Original Size	A1	Date	17/08/18	Date	17/08/18	Date	17/08/18	Date	17/08/18	
Drawing Number	118908/400/113								Revision	12





NOTES

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7. EXISTING ACCESS POINTS AND ANY ADDITIONAL ACCESS POINTS THROUGH THE NEW DEFENCES WILL BE CONSIDERED AT THE DETAILED DESIGN STAGE.



12	09/01/23	MINOR REVISIONS	BBMD	DCE	DCE
FOR PREVIOUS REVISIONS SEE REVISION 11					
Rev.	Date	Amendment Details	Drawn	Chk'd	App'd

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Client

Dumfries & Galloway COUNCIL

Drawing Status

FOR INFORMATION

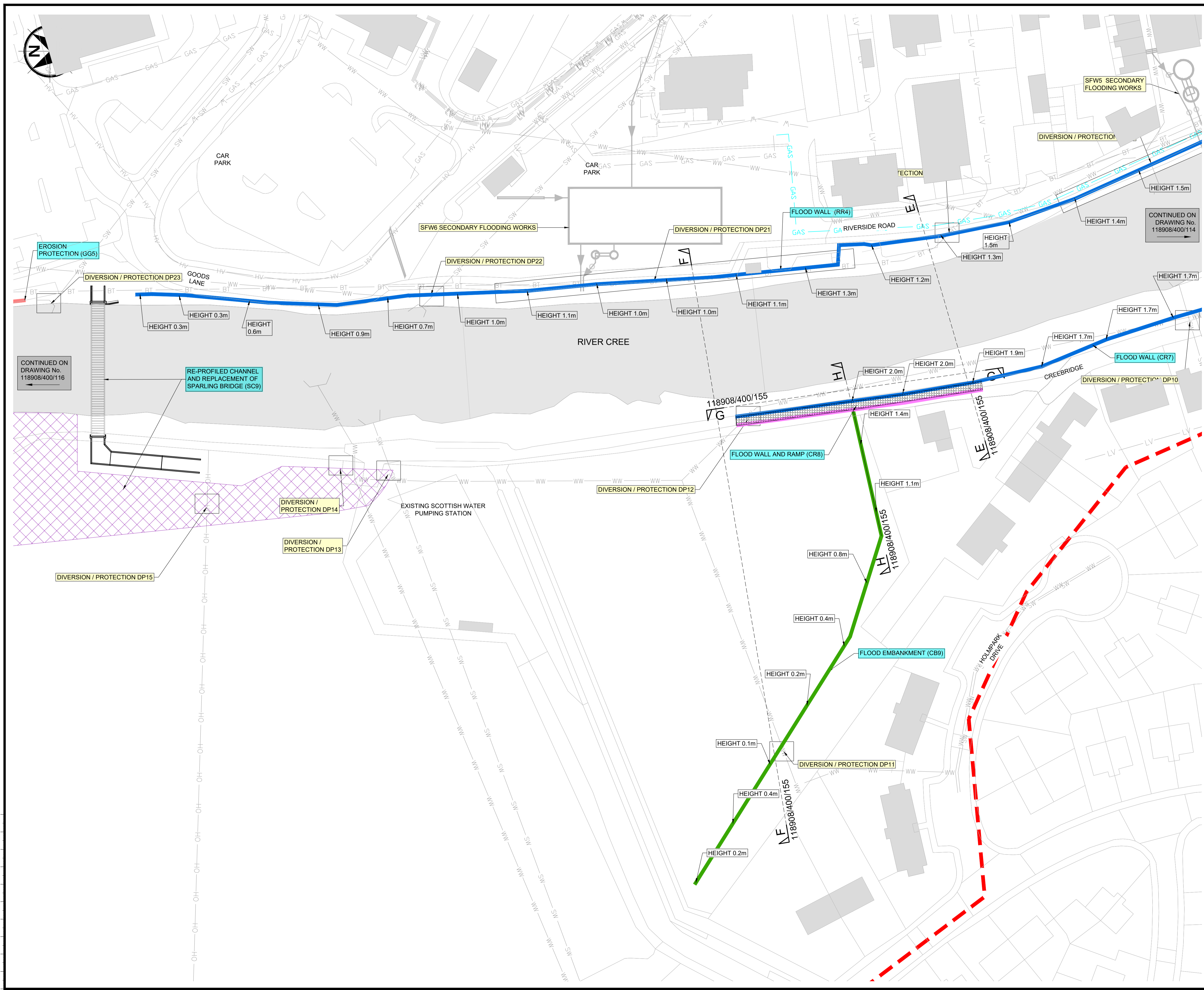
Project Title

NEWTON STEWART FLOOD PROTECTION SCHEME

Drawing Title

FLOOD WALLS AR3, CR5, CR7, RR4, MR3 FLOOD EMBANKMENT CB6 RIVER CREE

Scale	1:500	Designed	GO	Drawn	JN	Checked	DCE	Approved	DL	
Original Size	A1	Date	17/08/18	Date	17/08/18	Date	17/08/18	Date	17/08/18	
Drawing Number	118908/400/114								Revision	12



NOTES

- LEVELS AND HEIGHTS IN METRES.
- ALL HEIGHTS AND LENGTHS ARE APPROXIMATE.
- FOR ADDITIONAL NOTES REFER TO DRAWING Nos. 118908/400/101 & 102.
- INDICATED HEIGHTS ARE RELATIVE TO ADJACENT GROUND LEVEL AT APPROXIMATELY 10M INTERVALS
- CLADDING AND WALL FINISHES TO BE CONSIDERED AT THE DETAILED DESIGN STAGE
- THE USE OF GLASS PANELS TO RETAIN VISIBILITY & VISIBILITY WILL BE CONSIDERED DURING FUTURE ENGAGEMENT AT THE DETAILED DESIGN STAGE
- EXISTING ACCESS POINTS AND ANY ADDITIONAL ACCESS POINTS THROUGH THE NEW DEFENCES WILL BE CONSIDERED AT THE DETAILED DESIGN STAGE

- FLOOD PROTECTION KEY**
- RETAINING WALL TO FORM RAMP OVER DEFENCES
 - INDICATIVE LOCATION OF NEW FLOOD WALLS
 - INDICATIVE LOCATION OF FLOOD EMBANKMENT
 - INDICATIVE LOCATION OF RE-PROFILED CHANNEL
 - SCHEME BOUNDARY

- PUBLIC UTILITIES KEY**
- SW - SURFACE WATER SEWER
 - WW - WASTE WATER NETWORK
 - GAS - LP GAS MAIN
 - GAS - MP GAS MAIN
 - W - WATER MAIN
 - LV - UNDERGROUND LV ELECTRIC
 - HV - UNDERGROUND HV ELECTRIC
 - BT - UNDERGROUND BT
 - OH - OVERHEAD POWER LINE

- STRUCTURE REFERENCE**
- PR1**
- STRUCTURE NUMBER (NUMBERED NORTH TO SOUTH ALONG EACH RIVER BANK IRRESPECTIVE OF STRUCTURE TYPE OR LOCATION)
 - STRUCTURE TYPE
 - LOCATION
- LOCATION:**
- P = PENKILN BURN
 - M = MILLCROFT ROAD
 - A = ARTHUR STREET
 - C = CREE BRIDGE
 - R = RIVER SIDE ROAD
 - G = GOODS LANE
 - S = SPARLING BRIDGE
- STRUCTURE TYPE:**
- B = FLOOD EMBANKMENT
 - R = FLOOD WALL
 - C = CHANNEL
 - G = EROSION PROTECTION

- DIVERSION/PROTECTION REFERENCE**
- DP1**
- NUMBERED NORTH TO SOUTH DIVERSION / PROTECTION WORKS
- SECONDARY FLOODING WORKS REFERENCE**
- SFW1**
- NUMBERED NORTH TO SOUTH SECONDARY FLOODING WORKS

12	09/01/23	MINOR REVISIONS	BBMD	DCE	DCE
FOR PREVIOUS REVISIONS SEE REVISION 11					
Rev.	Date	Amendment Details	Drawn	Chk'd	App'd

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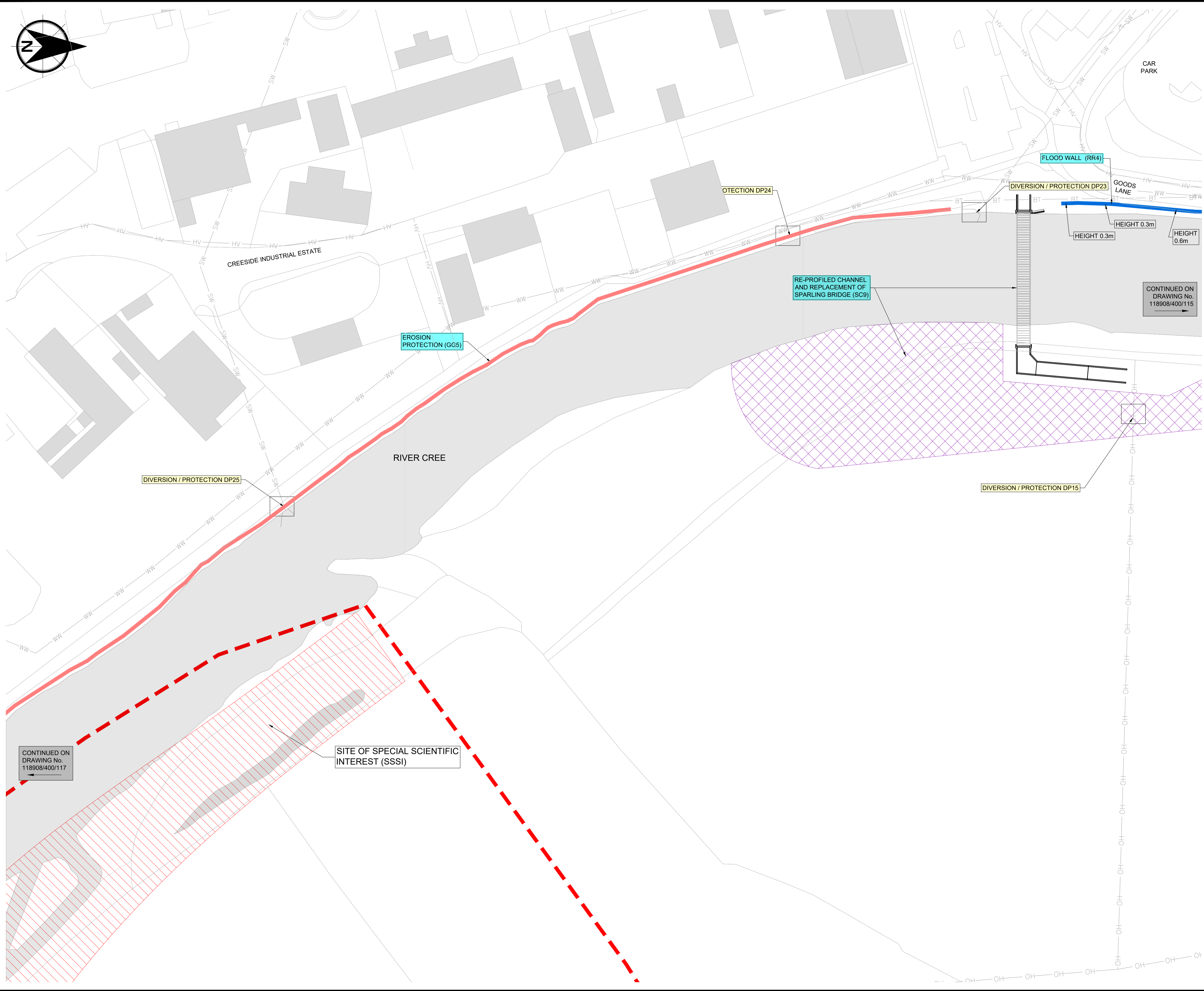
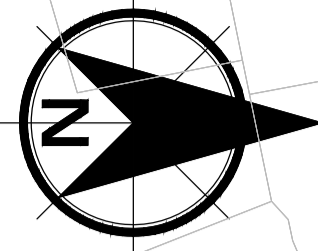
Client: **Dumfries & Galloway COUNCIL**

Drawing Status: **FOR INFORMATION**

Project Title: **NEWTON STEWART FLOOD PROTECTION SCHEME**

Drawing Title: **FLOOD WALLS RR4, CR7 & CR8 FLOOD EMBANKMENT CB9 RIVER BANK WORKS SC9 & GG5 AND SPARLING BRIDGE**

Scale	Designed	Drawn	Checked	Approved
1:500	GO	JN	DCE	DL
Original Size	Date	Date	Date	Date
A1	17/08/18	17/08/18	17/08/18	17/08/18
Drawing Number	Revision			
118908/400/115				12



NOTES

- LEVELS AND HEIGHTS IN METRES.
- ALL HEIGHTS AND LENGTHS ARE APPROXIMATE.
- FOR ADDITIONAL NOTES REFER TO DRAWING Nos. 118908/400/101 & 102.
- CLADDING AND WALL FINISHES TO BE CONSIDERED AT THE DETAILED DESIGN STAGE
- THE USE OF GLASS PANELS TO RETAIN VIEWS & VISIBILITY WILL BE CONSIDERED DURING FUTURE ENGAGEMENT AT THE DETAILED DESIGN STAGE
- EXISTING ACCESS POINTS AND ANY ADDITIONAL ACCESS POINTS THROUGH THE NEW DEFENCES WILL BE CONSIDERED AT THE DETAILED DESIGN STAGE

FLOOD PROTECTION KEY

- INDICATIVE LOCATION OF NEW FLOOD WALLS
- INDICATIVE LOCATION OF EROSION PROTECTION
- INDICATIVE LOCATION OF RE-PROFILED CHANNEL
- SITE OF SPECIAL SCIENTIFIC INTEREST (SSSI)
- SCHEME BOUNDARY

AFFECTED PUBLIC UTILITIES KEY

- EXISTING SURFACE WATER SEWER
- EXISTING WASTE WATER NETWORK
- EXISTING WATER MAIN
- EXISTING UNDERGROUND HV ELECTRIC
- EXISTING UNDERGROUND BT
- EXISTING OVERHEAD POWER LINE

STRUCTURE REFERENCE

- PR1**
- STRUCTURE NUMBER (NUMBERED NORTH TO SOUTH ALONG EACH RIVER BANK IRRESPECTIVE OF STRUCTURE TYPE OR LOCATION)
 - STRUCTURE TYPE
 - LOCATION
- LOCATION:**
 P = PENKILN BURN
 M = MILLCROFT ROAD
 A = ARTHUR STREET
 C = CREE BRIDGE
 R = RIVER SIDE ROAD
 G = GOODS LANE
 S = SPARLING BRIDGE
- STRUCTURE TYPE:**
 B = FLOOD EMBANKMENT
 R = FLOOD WALL
 C = CHANNEL
 G = EROSION PROTECTION

DIVERSION/PROTECTION REFERENCE

- DP1**
- NUMBERED NORTH TO SOUTH DIVERSION / PROTECTION WORKS

10	09/01/23	MINOR REVISIONS	BBMD	DCE	DCE
		FOR PREVIOUS REVISIONS SEE REVISION 09			
Rev.	Date	Amendment Details	Drawn	Chk'd	App'd

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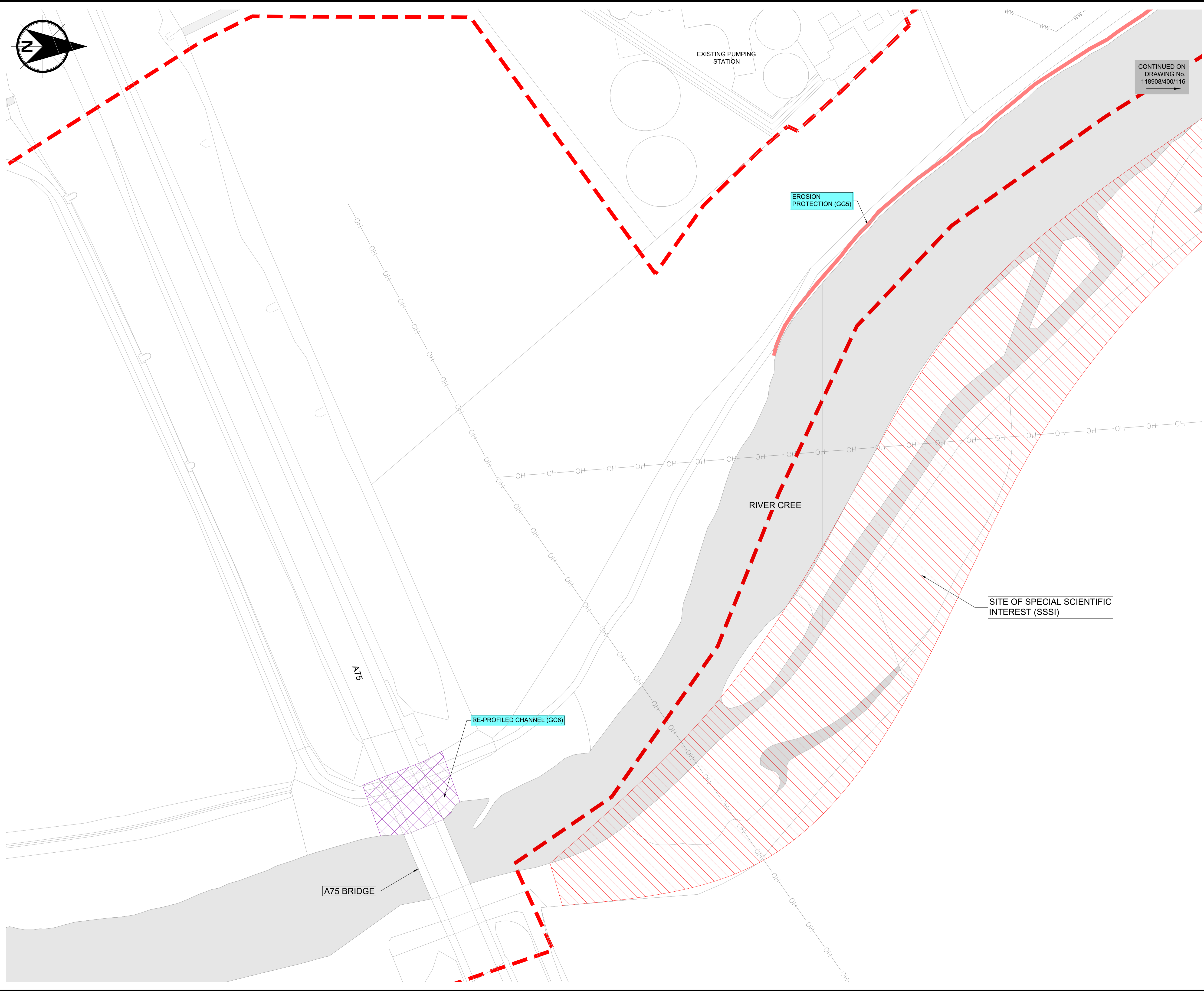
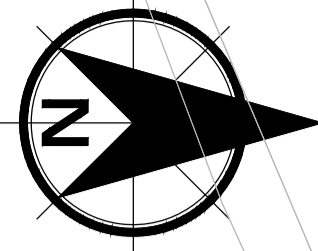
Client
Dumfries & Galloway COUNCIL

Drawing Status
FOR INFORMATION

Project Title
NEWTON STEWART FLOOD PROTECTION SCHEME

Drawing Title
**FLOOD WALL RR4
 EROSION PROTECTION GG5
 RE-PROFILED CHANNEL SC9
 AND SPARLING BRIDGE**

Scale	Designed	Drawn	Checked	Approved
1:500	GO	JN	DCE	DL
Original Size	Date	Date	Date	Date
A1	17/08/18	17/08/18	17/08/18	17/08/18
Drawing Number	118908/400/116			Revision
				10



NOTES

1. LEVELS AND HEIGHTS IN METRES.
2. ALL HEIGHTS AND LENGTHS ARE APPROXIMATE.
3. FOR ADDITIONAL NOTES REFER TO DRAWING Nos. 118908/400/101 & 102.
4. CLADDING AND WALL FINISHES TO BE CONSIDERED AT THE DETAILED DESIGN STAGE
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6. EXISTING ACCESS POINTS AND ANY ADDITIONAL ACCESS POINTS THROUGH THE NEW DEFENCES WILL BE CONSIDERED AT THE DETAILED DESIGN STAGE

- FLOOD PROTECTION KEY**
- INDICATIVE LOCATION OF EROSION PROTECTION
 - INDICATIVE LOCATION OF RE-PROFILED CHANNEL
 - SITE OF SPECIAL SCIENTIFIC INTEREST (SSSI)
 - SCHEME BOUNDARY

- AFFECTED PUBLIC UTILITIES KEY**
- EXISTING WASTE WATER NETWORK
 - EXISTING OVERHEAD POWER LINE

- STRUCTURE REFERENCE**
- PR1**
- STRUCTURE NUMBER (NUMBERED NORTH TO SOUTH ALONG EACH RIVER BANK IRRESPECTIVE OF STRUCTURE TYPE OR LOCATION)
 - STRUCTURE TYPE
 - LOCATION

- LOCATION:**
- P = PENKILN BURN
 - M = MILLCROFT ROAD
 - K = KING STREET
 - A = ARTHUR STREET
 - C = CREE BRIDGE
 - R = RIVER SIDE ROAD
 - G = GOODS LANE
 - S = SPARLING BRIDGE
- STRUCTURE TYPE:**
- B = FLOOD EMBANKMENT
 - R = REINFORCED CONCRETE FLOOD WALL
 - C = CHANNEL
 - E = EXISTING FLOOD WALL
 - G = EROSION PROTECTION
 - X = INCREASE IN HEIGHT OF EXISTING FLOOD WALL

- DIVERSION/PROTECTION REFERENCE**
- DP1**
- NUMBERED NORTH TO SOUTH DIVERSION / PROTECTION WORKS

10	09/01/23	MINOR REVISIONS	BBMD	DCE	DCE
		FOR PREVIOUS REVISIONS SEE REVISION 09			
Rev.	Date	Amendment Details	Drawn	Chk'd	App'd

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Dumfries & Galloway COUNCIL

Drawing Status
FOR INFORMATION

Project Title
NEWTON STEWART FLOOD PROTECTION SCHEME

Drawing Title
EROSION PROTECTION GG5 RE-PROFILED CHANNEL GC6 RIVER CREE

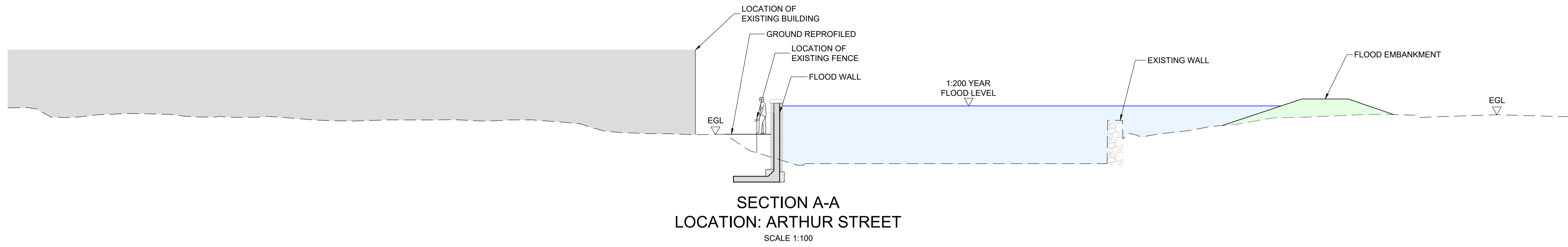
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1:500	GO	JN	DCE	DL
Original Size	Date	Date	Date	Date
A1	17/08/18	17/08/18	17/08/18	17/08/18

Drawing Number
118908/400/117

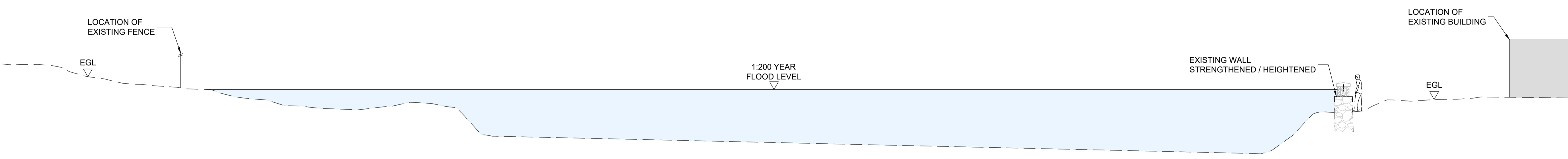
Revision
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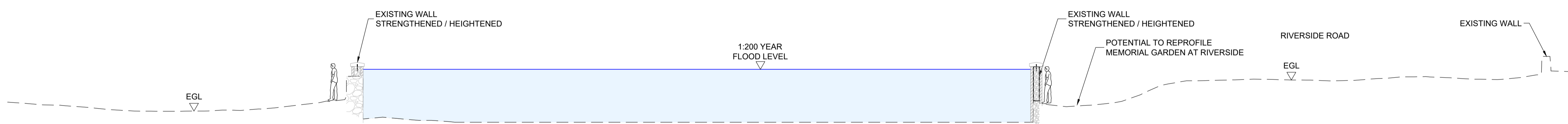
1. LEVELS AND HEIGHTS IN METRES.
2. FOR ADDITIONAL NOTES REFER TO DRAWING No. 118908/400/101 TO 102.
3. THIS DRAWING SHOULD BE READ IN CONJUNCTION WITH DRAWING No. 118908/400/111 TO 118908/400/117 AND THE NEWTON STEWART FLOOD PROTECTION SCHEME STATEMENT.
4. THIS PLAN IS IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION 60(2) OF THE FLOOD RISK MANAGEMENT (SCOTLAND) ACT 2009.
5. CLADDING AND WALL FINISHES TO BE CONSIDERED AT THE DETAILED DESIGN STAGE
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8. THE ABBREVIATION EGL REPRESENTS THE EXISTING GROUND LEVEL
9. THE WALL LEVELS INCLUDE A FREEBOARD WHICH IS AN ADDITIONAL MARGIN OF SAFETY ABOVE PREDICTED FLOOD LEVEL
10. THE FIGURE PLACED BESIDE THE WALL REPRESENTS A PERSON OF 1.8M HEIGHT



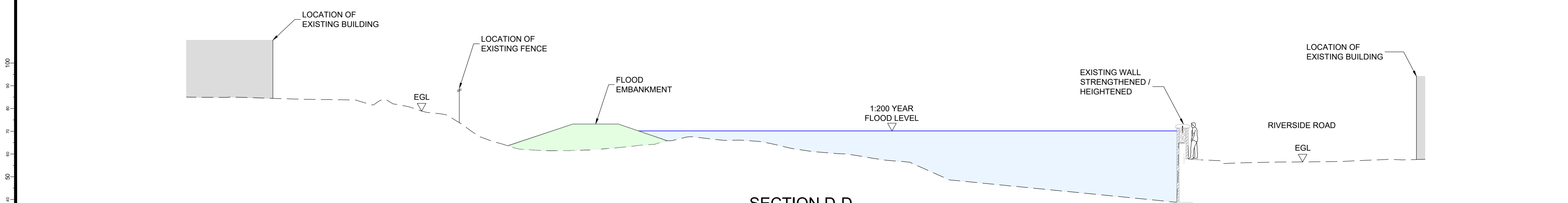
SECTION A-A
LOCATION: ARTHUR STREET
SCALE 1:100



SECTION B-B
LOCATION: NORTH OF CREE BRIDGE
SCALE 1:100



SECTION C-C
LOCATION: SOUTH OF CREE BRIDGE
SCALE 1:100



SECTION D-D
LOCATION: RIVERSIDE ROAD
SCALE 1:100

07	09/01/23	MINOR REVISIONS	BBMD	DCE	DCE	
Rev.		Date	Amendment Details	Drawn	Chk'd	App'd

FOR PREVIOUS REVISIONS SEE REVISION 06
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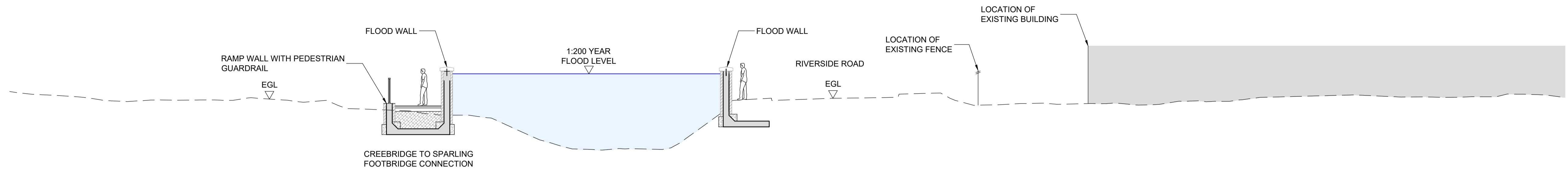
Client
Dumfries & Galloway COUNCIL

Drawing Status
FOR INFORMATION

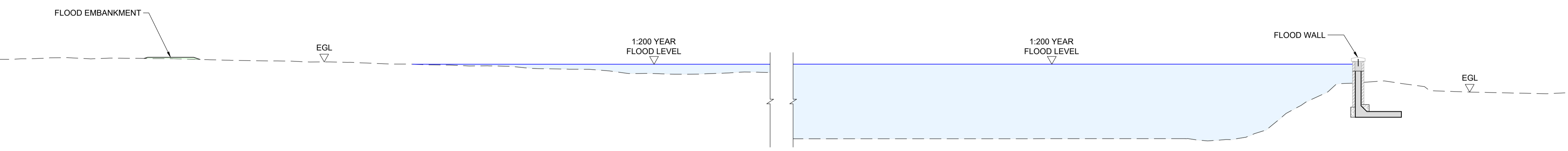
Project Title
NEWTON STEWART FLOOD PROTECTION SCHEME

Drawing Title
FLOOD DEFENCES SPECIFIC CROSS-SECTIONS SHEET 1 OF 2

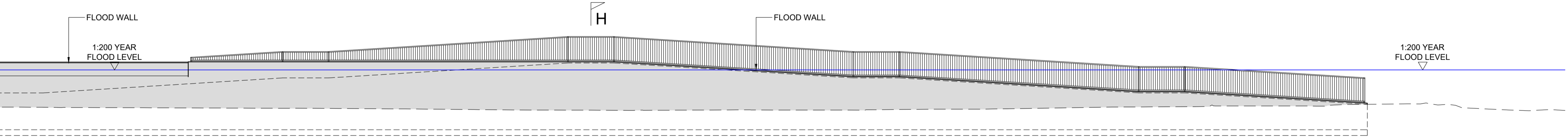
Scale	Designed	Drawn	Checked	Approved
AS SHOWN	GO	BDJ	DCE	DL
Original Size	Date	Date	Date	Date
A1	19/12/18	19/12/18	19/12/18	19/12/18
Drawing Number	118908/400/154			Revision
				07



SECTION E-E
LOCATION: NORTH OF RIVERSIDE CAR PARK
 SCALE 1:100

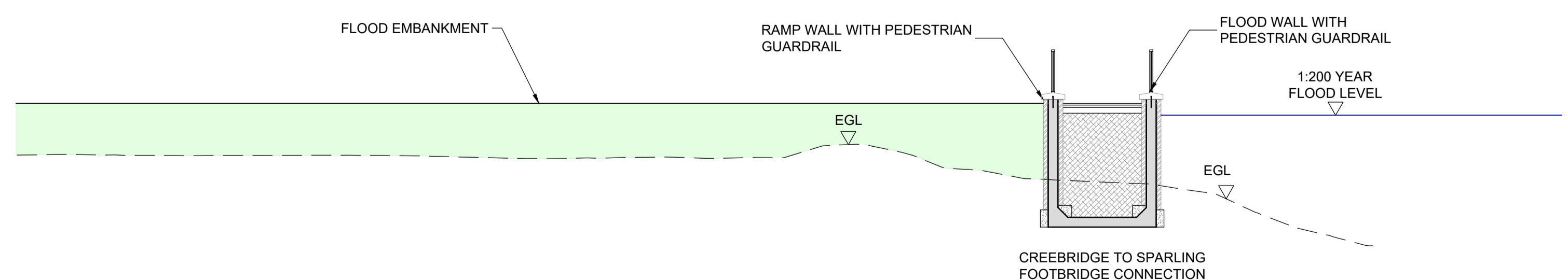


SECTION F-F
LOCATION: ADJACENT TO RIVERSIDE CAR PARK (LOOKING SOUTH)
 SCALE 1:100



SECTION G-G
LOCATION: ADJACENT TO CREEBRIDGE AT ACCESS OVER FLOOD EMBANKMENT
 SCALE 1:100

100
90
80
70
60
50
40
30
20
10
0



SECTION H-H
LOCATION: ADJACENT TO CREEBRIDGE AT ACCESS OVER FLOOD EMBANKMENT
 SCALE 1:100

NOTES

1. LEVELS AND HEIGHTS IN METRES.
2. FOR ADDITIONAL NOTES REFER TO DRAWING No. 118908/400/101 TO 102.
3. THIS DRAWING SHOULD BE READ IN CONJUNCTION WITH DRAWING No. 118908/400/111 TO 118908/400/117 AND THE NEWTON STEWART FLOOD PROTECTION SCHEME STATEMENT.
4. THIS PLAN IS IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION 60(2) OF THE FLOOD RISK MANAGEMENT (SCOTLAND) ACT 2009.
5. CLADDING AND WALL FINISHES TO BE CONSIDERED AT THE DETAILED DESIGN STAGE
6. THE USE OF GLASS PANELS TO RETAIN VIEWS & VISIBILITY WILL BE CONSIDERED DURING FUTURE ENGAGEMENT AT THE DETAILED DESIGN STAGE
7. EXISTING ACCESS POINTS AND ANY ADDITIONAL ACCESS POINTS THROUGH THE NEW DEFENCES WILL BE CONSIDERED AT THE DETAILED DESIGN STAGE
8. THE ABBREVIATION EGL REPRESENTS THE EXISTING GROUND LEVEL
9. THE WALL LEVELS INCLUDE A FREEBOARD WHICH IS AN ADDITIONAL MARGIN OF SAFETY ABOVE PREDICTED FLOOD LEVEL
10. THE FIGURE PLACED BESIDE THE WALL REPRESENTS A PERSON OF 1.8M HEIGHT

07	22/11/22	MINOR REVISIONS	BBMD	DCE	DCE
		FOR PREVIOUS REVISIONS SEE REVISION 06			
Rev.	Date	Amendment Details	Drawn	Chk'd	App'd

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Client
Dumfries & Galloway COUNCIL

Drawing Status
FOR INFORMATION

Project Title
NEWTON STEWART FLOOD PROTECTION SCHEME

Drawing Title
FLOOD DEFENCES SPECIFIC CROSS-SECTIONS SHEET 2 OF 2

Scale	Designed	Drawn	Checked	Approved
AS SHOWN	GO	BDJ	DCE	DL
Original Size	Date	Date	Date	Date
A1	16/01/19	16/01/19	16/01/19	16/01/19
Drawing Number	118908/400/155			Revision
				07

NOTICE OF NEWTON STEWART FLOOD PROTECTION SCHEME
BY
THE DUMFRIES AND GALLOWAY COUNCIL
PURSUANT TO
FLOOD RISK MANAGEMENT (SCOTLAND) ACT 2009
AND
**FLOOD RISK MANAGEMENT (FLOOD PROTECTION SCHEMES,
POTENTIALLY VULNERABLE AREAS AND LOCAL PLAN DISTRICTS)
(SCOTLAND) REGULATIONS 2010 (as amended)**

NOTICE is hereby given that The Dumfries and Galloway Council (the “Council”) proposes to carry out the Newton Stewart Flood Protection Scheme (the “Scheme”) in exercise of its powers pursuant to Section 60 and Schedule 2 of the above Act. This constitutes a notice under Paragraph 1 of Schedule 2 to the Flood Risk Management (Scotland) Act 2009 (the “Act”) and under Regulation 7 of the **Flood Risk Management (Flood Protection Schemes, Potentially Vulnerable Areas and Local Plan Districts) (Scotland) Regulations 2010 (as amended)** (the “Regulations”).

General Description of the Effect of the Scheme

The operations to be carried out under the Scheme and their effect(s) will be:

- construction of flood defences comprising a combination of embankments and walls to reduce the risk of flooding to residential, community and business properties, public roads and car parking in the towns of Newton Stewart and Minnigaff;
- provision of improved drainage and installation of pumping stations to manage surface water and waste water to generally reduce the risk of flooding to residential, community and business properties in the towns of Newton Stewart and Minnigaff;
- reprofiling the riverbank and installation of erosion protection at various locations along the River Cree within the Scheme Boundary to reduce the risk of embankment loss and flooding to residential, community and business properties, public roads and car parking in the towns of Newton Stewart and Minnigaff.

Availability of Scheme Documents

The Scheme documents shall be made available for public inspection from xxx 2023 at the following locations until a final decision is made to confirm or reject the Scheme as the case may be:

- **Dumfries and Galloway Council**, DG Customer Services - Newton Stewart, Church Street, Newton Stewart, DG8 6ER on Monday to Friday 10:00 – 16:00.
- **Online:** www.dumgal.gov.uk/newtonstewartFPS

Objections

Objections to the Scheme should be made in writing to the Council at: Newton Stewart Flood Protection Scheme, Dumfries and Galloway Council, , Cargen Tower, Garroch Business Park, Dumfries, DG2 8PN or via email at newtonstewartFPS@dumgal.gov.uk **before the expiry of the period of 28 days** commencing xxx 2023. If you wish to object, the Act and Regulations require that any such objection:

- a. is made in writing;
- b. includes the name and address of the objector, and
- c. is accompanied by a statement of reasons for the objection.

If you have a legal interest in any land¹ (1) on which the proposed operations are to be carried out, or (2) which may be affected by any of the proposed operations, or by any alteration in the flow of water caused by any of the operations, and wish to object you must additionally provide details of:

- a. the relevant land in which you have an interest;
- b. the nature of your interest in the land; and
- c. which aspects of the proposed operations affect your interest / land.

¹ This would generally be taken to mean those persons that own, lease or occupy the relevant land or those with servitude rights over or holding security in respect of the relevant land.

Process & Possible Decisions

- A. No valid objection(s):** If there are no valid objections to the Scheme after the date by which objections may be made to the Scheme, the Council will take a final decision to confirm or reject the Scheme.
- B. Valid Objection(s):** If a valid objection is received and not withdrawn, after considering the objection and any other matters it considers appropriate, the Council must make a preliminary decision either to confirm (with or without modification) or reject the Scheme.

The Council must notify every person who made a valid objection (a relevant objector) of its preliminary decision. Thereafter the procedure depends upon whether or not the Scottish Ministers are notified.

The Council are obliged to notify the Scottish Ministers of the preliminary decision where any relevant objector is within a category specified within paragraph 5(6) of Schedule 2 of the above Act. Where the Scheme is notified to the Scottish Ministers:-

- I. The Scottish Ministers must decide whether they will or will not consider the Scheme; the Scottish Ministers are expected to make this decision within 28 days of receipt of notice from the Council.
- II. If the Scottish Ministers decide to consider the Scheme, they must cause a public local inquiry to be held unless all objections made by relevant objectors have previously been withdrawn.
- III. If the Scottish Ministers decide not to consider the Scheme, the Council must hold a hearing to consider the Scheme. Notice of the hearing will be given and relevant objectors will be invited to attend the hearing.
- IV. After any hearing (or public local inquiry) the final decision must be taken by the Council (or the Scottish Ministers where there has a public local inquiry) to confirm the Scheme (with or without modification) or reject the Scheme.

Where the Scottish Ministers do not require to be notified, the Council will take the final decision to confirm the Scheme (with or without modification) or reject the Scheme.

Notification of the final decision on the Scheme, whether made by the Council or the Scottish Ministers, will be given by the Council in accordance with relevant provisions of the Act.

Queries regarding the Scheme can be sent to newtonstewartFPS@dumgal.gov.uk or by calling 030 33 33 3000.

Flood Protection Scheme Publication Process and Legal Flowchart

Procedure for a Flood Protection Scheme

Notices will be published and copies of the statutory and supporting documents will be available to view on-line and in paper copy at the Newton Stewart Library. Any person can submit a representation in writing or to a dedicated email address.

Objections to the Scheme

Anyone has the right to object or make representations to the proposals contained within the documents. Full details of how and where to make an objection will be given when the Scheme is published. To be valid, objections must be made within a 28-day publication period and must be made in writing (email is acceptable) and include the objector's name and address, as well as the statement of the reasons for objection. Objectors should also disclose the nature of their interest (if any) in land affected by operations to be carried out under the Scheme.

Post Publication Process

If no valid objections are received the Council must decide to either confirm or reject the Scheme. The Council may decide to hold a hearing before making its decision. If the Council decide to make modifications to the Scheme the publication process will be followed again in relation to the modified Scheme.

If valid objections are received, the officers will contact all persons who have submitted a valid objection to see if further information, discussion, or compromise can be reached leading to the withdrawal of all or part of their objection. If any objections remain (not withdrawn or resolved) the Council will consider the objections and make a preliminary decision on whether the scheme will be confirmed, confirmed with modifications, or rejected, before referring it to Scottish Ministers to consider.

The Council will give notice of their decision to any objector. If the valid objection was raised by someone with an interest in any land and property needed for the Scheme operations or someone whose interest in land may be affected by any of the Scheme operations or by any alteration in the flow of water caused by any of the Scheme operations or by SEPA, NatureScot, or any authority responsible for Flood Risk related functions or any statutory undertaker, the Council must also give notice of their decision to Scottish Ministers.

Scottish Ministers' Options

Public Local Inquiry

Within 28 days of receiving notice the Scottish Ministers will advise whether or not they will consider the Flood Protection Scheme. If Ministers decide to consider the Scheme, there will be a Public Local Inquiry (PLI,) which can be a lengthy procedure, with no specific completion date. An independent reporter will be appointed, and the Council and any objectors will be given time to prepare their statements ahead of any submission and/or attendance at the PLI. After the PLI, the Reporter produces a report for the Scottish Ministers to aid in their decision-making e.g. to confirm the Scheme, confirm the Scheme with modifications, or reject the Scheme.

Public Hearing

If Scottish Ministers decide not to consider the Flood Protection Scheme, then the Scheme will be returned to the Council, who are then required to hold a Hearing. An independent Reporter will be appointed to hear the arguments and make a recommendation, which will subsequently be reported to a Council Committee to aid in their decision-making e.g. to confirm the Scheme, confirm the Scheme with modifications, or reject the Scheme.

Final Decision

Where the Scottish Ministers have decided to consider Scheme, they can decide to confirm the Scheme, confirm the Scheme with modifications, or reject the Scheme.

If the Scheme is confirmed, either by the Council or Scottish Ministers, then notification of the Final decision will be made in local newspapers, and notice given to those who were notified at publication stage and any persons who subsequently made representation. There will be six weeks for any appeals to be lodged.

If the Scheme is confirmed but with modifications, either by Scottish Ministers or the Council, the publication process detailed above will be followed again in relation to the modified Scheme.

Appeals and Commencement of Scheme

The decision to confirm the Scheme may be appealed on limited statutory grounds by any person affected by the confirmed Scheme. In absence of a valid appeal, the Scheme will become operative 6 weeks after giving notice of the Final decision.

Land Entry and Acquisition

The Council may require entry to third party land to carry out Scheme operations. The Council would look to do so by means of agreement with persons with an interest in the land but failing this the Council may acquire land by agreement or if necessary compulsorily using its statutory powers. The Council will not require to acquire land in all situations. Any person authorised by the Council is entitled to enter land required for Flood Protection works, for a number of reasons, including;

- Preparing maps and reports.
- Assessing a body of water or area of land.
- Carrying out both temporary and permanent Scheme operations and flood protection works.
- Maintaining flood protection works and Scheme operations.

(Under the terms of the Act, it is an offence to prevent or obstruct any authorised person from carrying out work in relation to the Scheme).

The above summary is not intended for use as a legal guide to the process and clarification on any aspect should be sought by reference to the Flood Risk Management (Scotland) Act 2009 and associated regulations. A more detailed flowchart of the process is shown below.

Once the Scheme is confirmed, detailed design will be undertaken to enable tender documents to be prepared for construction.

Planning Process - Deemed Planning Consent

On confirming the Scheme pursuant to the 2009 Act, the Scottish Ministers must direct that Planning Permission for the development is deemed to be granted¹. Separate planning permission for the works comprised in the Scheme and confirmed per the flood protection order is therefore not required.

Where the Scheme has been confirmed by the Council, the 2010 Regulations specify the documentation that the Council must include in a written request to the Ministers for such a direction in relation to deemed planning permission:

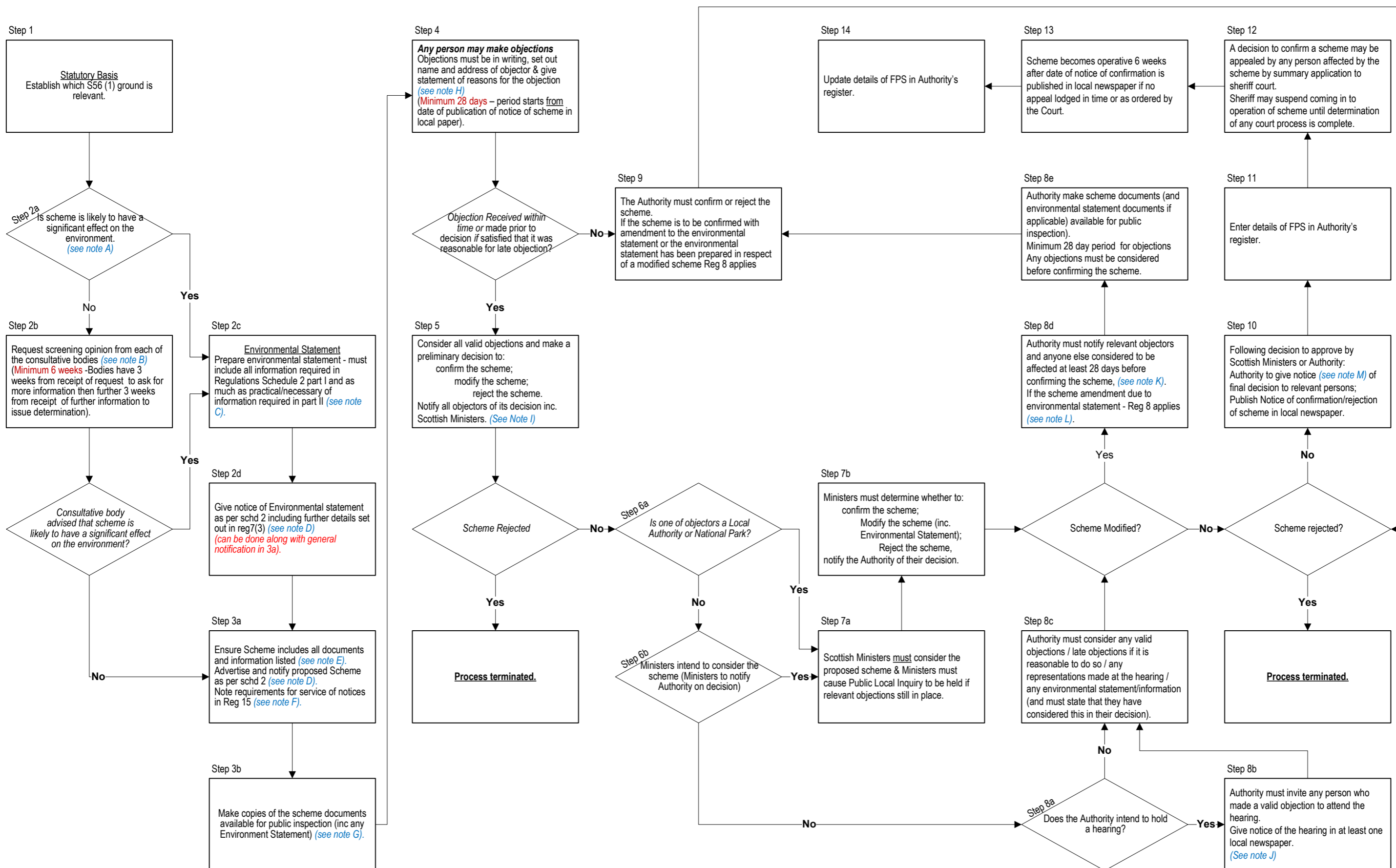
- a brief description of the nature and purpose of the confirmed scheme;
- a copy of the confirmed scheme;
- a summary of the scheme documents; and
- a summary of the environmental statement (if any)².

¹ 2009 Act, section 65, which amends section 57 of the Town and Country Planning (Scotland) Act 1997

² 2010 Regulations, regulation 14

Legal Process

It has been assumed that technical appraisals, design, costing and initial informal public consultation has all been done



Note A – factors which must be considered in determining whether a scheme is likely to have a significant effect on the environment.

1. **Characteristics of scheme**

The characteristics of the scheme must be considered, having regard, in particular, to—

- (a) the size of the scheme;
- (b) the cumulation with other schemes;
- (c) the use of natural resources;
- (d) the production of waste;
- (e) pollution and nuisances; and
- (f) the risk of accidents, having regard in particular to substances or technologies used.

2. **Location of scheme**

The environmental sensitivity of geographical areas likely to be affected by the scheme must be considered, having regard, in particular, to—

- (a) the existing land use;
- (b) the relative abundance, quality and regenerative capacity of natural resources in the area; and
- (c) the absorption capacity of the natural environment, paying particular attention to the following areas—
 - (i) wetlands;
 - (ii) coastal zones;
 - (iii) mountain and forest areas;
 - (iv) nature reserves and parks;
 - (v) areas classified or protected under legislation;
 - (vi) special protection areas designated pursuant to Council Directive 2009/147/EC on the conservation of wild birds and Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora;
 - (vii) areas in which the environmental quality standards laid down in [EU] ¹ legislation have already been exceeded;
 - (viii) densely populated areas; and
 - (ix) landscapes of historical, cultural and archaeological significance.

3. **Characteristics of the potential impact**

The potential significant effects of development must be considered in relation to criteria set out under [paragraphs 1 and 2](#) above, and having regard, in particular, to—

- (a) the extent of the impact (geographical area and size of the affected population);
- (b) the transfrontier nature of the impact;
- (c) the magnitude and complexity of the impact;
- (d) the probability of the impact; and
- (e) the duration, frequency and reversibility of the impact.

Note B –list of consultative bodies

- (a) SEPA;
- (b) Scottish Natural Heritage;
- (c) Scottish Water;
- (d) any planning authority whose district is likely to be affected by the proposed flood protection scheme (other than the Authority proposing the scheme); and
- (e) any other body designated by statutory provision as having specific environmental responsibilities which, in the opinion of the Authority proposing the flood protection scheme, has an interest in relation to the environmental effects of that scheme;

Note C – contents of the environmental statement

Regulation 6 requires the Authority to prepare an Environmental Statement assessing the scheme's environmental effects.

Schedule 2 Part I lists the **required** content of an Environmental Statement prepared by a Authority under Regulation 6:

1. An environmental statement must identify, describe and assess the direct and indirect effects of the proposed scheme on the following factors—
 - (a) human beings, flora and fauna;
 - (b) soil, water, air, climate and the landscape;
 - (c) material assets, including architectural and archaeological heritage; and
 - (d) the interaction between the factors mentioned in sub-paragraphs (a) to (c).
2. An environmental statement must include—
 - (a) A description of the scheme comprising information on the site, design and size of the scheme.
 - (b) A description of the measures envisaged in order to avoid, reduce and, if possible, remedy significant adverse effects.
 - (c) The data required to identify and assess the main effects which the scheme is likely to have on the environment.
 - (d) The main alternatives studied by the Authority and the main reasons for its choice, taking into account the environmental effects.
 - (e) A non-technical summary of the information provided under a to d above.
3. **And** such of the information **below** as is reasonably required to assess the environmental effects of the proposed scheme and which, having regard in particular to current knowledge and methods of assessment, the Authority can reasonably be required to compile.
 - (a) A description of the scheme, including in particular—
 - (i) a description of the physical characteristics of the whole scheme and the land-use requirements during the construction and operational phases;
 - (ii) a description of the main characteristics of the production processes, for instance, the nature and quality of the materials used;
 - (iii) an estimate, by type and quantity, of expected residues and emissions (water, air and soil pollution, noise, vibration, light, heat, etc.) resulting from the operation of the proposed scheme.
 - (b) A description of the aspects of the environment likely to be significantly affected by the scheme, including, in particular, population, fauna, flora, soil, water, air, climatic factors, material assets, including the architectural and archaeological heritage, landscape and the inter-relationship between the above factors.
 - (c) A description of the likely significant effects of the scheme on the environment, which should cover the direct effects and any indirect, secondary, cumulative, short, medium and long-term, permanent and temporary, positive and negative effects of the scheme, resulting from—
 - (i) the existence of the scheme;
 - (ii) the use of natural resources;
 - (iii) the emission of pollutants, the creation of nuisances and the elimination of waste, and the description by the Authority of the forecasting methods used to assess the effects on the environment.
 - (d) A description of the measures envisaged to prevent, reduce and where possible offset any significant adverse effects on the environment.
 - (e) A non-technical summary of the information provided above
 - (f) An indication of any difficulties (such as technical deficiencies or lack of know-how) encountered by the Authority in compiling the required information.

Note D – Schd 2 notification requirements

1. The Authority must give notice of a proposed flood protection scheme:
 - (a) in at least one newspaper circulating in the Authority's area (which must, if practicable, be a local newspaper),
 - (b) where any of the proposed operations are to take place in another local authority's area, in at least one newspaper circulating in that area (which must, if practicable, be a local newspaper),
 - (c) in the Edinburgh Gazette,
 - (d) to every person known to the Authority—
 - a. to have an interest in any land on which the proposed operations are to be carried out, or
 - b. whose interest in any other land may be affected by any of the proposed operations or by any alteration in the flow of water caused by any of the proposed operations,
 - (e) where any of the proposed operations are to be carried out on land affected by an improvement order, to each of the authorised persons,
 - (f) to the following persons—
 - (i) SEPA,
 - (ii) Scottish Natural Heritage,
 - (iii) any local authority in whose area any of the proposed operations are to be carried out,
 - (iv) where any of the proposed operations are to be carried out in a National Park, the National Park authority for that National Park,
 - (v) any responsible authority whose flood risk related functions may be affected by any of the operations or by any alteration in the flow of water caused by any of the operations (insofar as the authority has not been notified under another provision of this sub-paragraph),
 - (vi) any statutory undertaker whose statutory undertaking may be affected by any of the operations or by any alteration in the flow of water caused by any of the operations,
 - (vii) any other person specified by order by the Scottish Ministers, and
 - (g) in such other manner as the authority considers appropriate.
2. The Authority must also display a notice of the proposed flood protection scheme in a prominent position in the locality in which the operations are to be carried out.

Requirements of the Notice

3. A notice must —
 - (a) contain a general description of the effect of the proposed scheme including—
 - (i) a summary of the operations to be carried out, and
 - (ii) a summary of the benefits which the Authority considers are likely to be derived from carrying out the operations,
 - (b) state where and at what times the scheme documents can be inspected in pursuance of paragraph 2, and
 - (c) state that objections can be made about the proposed scheme to the Authority before the expiry of the period of 28 days beginning with the date notice is first published under sub-paragraph (1)(a).
4. Notices must be given or, as the case may be, displayed no later than the date that notice is first published in the local newspaper.

Plus - for 2d only:
5. Notices must, in addition to the information above, include a statement—
 - (a) that the scheme is likely to have a significant effect on the environment;
 - (b) that the scheme documents are accompanied by an environmental statement which is available for public inspection;
 - (c) describing the circumstances under the Act in which the Scottish Ministers may cause a public inquiry into the application; and
 - (d) setting out the nature of possible decisions that may be taken in relation to the scheme.

Note E – contents of scheme documents

1. A proposed flood protection scheme must include a description, by reference to maps, plans and specifications, of—
 - (a) the extent and scale of the scheme operations;
 - (b) the land which the Authority considers may be affected by those operations; and
 - (c) any land on which the Authority would require to enter (whether temporarily or otherwise) for the purposes of carrying out the operations.
2. The maps and plans referred to in paragraph (1) must be at an appropriate scale to enable interested persons to identify whether their land will be affected by the scheme operations.
3. A proposed flood protection scheme must include an estimate of the cost of the scheme operations proposed to be carried out.

Note F – requirements for service of Notices

Regulation 15 makes provision about methods of service of notices or other documents.

- Any notice or other document to be sent, served or given under these Regulations or under schedule 2 to the Act may be sent, served or given either—
 - by delivering it to the person on whom it is to be served or to whom it is to be given;
 - by leaving it at the usual or last known place of abode of that person, or, in a case where an address for service has been given by that person, at that address;
 - by sending it in a prepaid registered letter, or by the recorded delivery service, addressed to that person at their usual or last known place of abode, or, in a case where an address for service has been given by that person, at that address;
 - in the case of an incorporated company or body, by delivering it to the secretary or clerk of the company or body at its registered or principal office, or by sending it in a prepaid registered letter, or by the recorded delivery service, addressed to the secretary or clerk of the company or body at that office; or
 - in a case where an address for service using electronic communications has been given by that person, by sending it using electronic communications, in accordance with the condition set out in paragraph (2), to that person at that address.
- The condition mentioned in paragraph (1)(e) is that the notice or other document must be—
 - capable of being accessed by the person mentioned in that provision;
 - legible in all material respects; and
 - in a form sufficiently permanent to be used for subsequent reference, and for this purpose "legible in all material respects" means that the information contained in the notice or document is available to that person to no lesser extent than it would be if served or given by means of a notice or document in printed form.

Note G – making documents available for public inspection

Paragraph 2 of the Act makes provision about the availability for public inspections of documents relating to the proposed scheme in both the area of the Authority taking forward the scheme and that of any other local authority where work would be carried out.

- The Authority **must** make a copy of the scheme documents available for public inspection in a place in the authority's area **AND**
- Where the proposed operations are to be carried out in another local authority's area, the authority **must** also make the scheme documents available for public inspection in a place in the other authority's area **AND**
- The scheme documents must be available for inspection at all reasonable times during the period from the date notice is given in at least one newspaper circulating in the Authority's area which must, if practicable, be a local newspaper, until the date a decision is made

Note H – objection period

- Any valid objection to a proposed flood protection scheme must be accompanied by a statement of the reasons for the objection.
- Where an objector, where the objection is valid, has an interest in any land on which the proposed operations are to be carried out or which may be affected by any of the proposed operations, or by any alteration in the flow of water caused by any of the operations, that person's objection must include—
 - details of the land** in which the objector has an interest;
 - disclosure** of the nature of the objector's interest in the land; and
 - details** of which aspects of the proposed operations affect the objector.

Note I – listed persons

- A person who made an objection is referred to as a "relevant objector".
- Where** any relevant objector is a person,
 - having any interest in any land on which the proposed operations are to be carried **OR**
 - whose interest in any other land may be affected by any of the operations or by any alteration in the flow of water caused by any of the operations **OR**
 - where any of the proposed operations are to be carried out on land affected by an improvement order, to each of the authorised persons **OR**
 - the following persons—
 - SEPA,
 - Scottish Natural Heritage,
 - any local authority in whose area any of the proposed operations are to be carried out,
 - where any of the proposed operations are to be carried out in a National Park, the National Park authority for that National Park,
 - any responsible authority whose flood risk related functions may be affected by any of the operations or by any alteration in the flow of water caused by any of the operations (insofar as the authority has not been notified under another provision of this sub-paragraph),
 - any statutory undertaker whose statutory undertaking may be affected by any of the operations or by any alteration in the flow of water caused by any of the operations,
 - any other person specified by order by the Scottish Ministers.
 - then** the Authority **must** also give to the Scottish Ministers notice of its decision together with —
 - the scheme documents,
 - a summary of the objections received by the Authority,
 - copies of those objections, and
 - copies of any other material considered by the local authority.

Note J – Authority Hearing

The Authority **must**—

- invite to the hearing each objector who has made a valid objection (unless withdrawn) or a late objection which the authority intends to consider, and
- give notice of the hearing in the manner –
 - in at least one newspaper circulating in the Authority's area (which must, if practicable, be a local newspaper) **AND**
 - where any of the proposed operations are to take place in another Authority's area, in at least one newspaper circulating in that area (which must, if practicable, be a local newspaper),
- An invitation must be given not less than 28 days before the proposed hearing.
- Notices must be published at least 21 days before the proposed hearing.

Note K – Notice of modification

- The Authority must give notice:
 - in at least one newspaper circulating in the Authority's area (which must, if practicable, be a local newspaper),
 - where any of the proposed operations are to take place in another local authority's area, in at least one newspaper circulating in that area (which must, if practicable, be a local newspaper),
 - in the Edinburgh Gazette,
 - to every person known to the Authority —
 - to have an interest in any land on which the proposed operations are to be carried out, or
 - whose interest in any other land may be affected by any of the proposed operations or by any alteration in the flow of water caused by any of the proposed operations,
 - where any of the proposed operations are to be carried out on land affected by an improvement order, to each of the authorised persons,
 - to the following persons —
 - SEPA,
 - Scottish Natural Heritage,
 - any local authority in whose area any of the proposed operations are to be carried out,
 - where any of the proposed operations are to be carried out in a National Park, the National Park authority for that National Park,
 - any responsible authority whose flood risk related functions may be affected by any of the operations or by any alteration in the flow of water caused by any of the operations (insofar as the authority has not been notified under another provision of this sub-paragraph),
 - any statutory undertaker whose statutory undertaking may be affected by any of the operations or by any alteration in the flow of water caused by any of the operations,
 - any other person specified by order by the Scottish Ministers, and
 - in such other manner as the authority considers appropriate.

- The Authority must also display a notice of the proposed flood protection scheme in a prominent position in the locality in which the operations are to be carried out.
- Notices must be given or, as the case may be, displayed no later than the date that notice is first published in the local newspaper.

Requirements of the Notice

- A notice must—
 - contain a general description of the effect of the proposed scheme including—
 - a summary of the operations to be carried out, and
 - a summary of the benefits which the Authority considers are likely to be derived from carrying out the operations,
 - state where and at what times the scheme documents can be inspected in pursuance of paragraph 2, and
 - state that objections can be made about the proposed scheme to the Authority before the expiry of the period of 28 days beginning with the date notice is first published under sub-paragraph (1)(a).

Note L – Notice of modification – additional requirements where the environmental statement has been updated/amended/modified

As per Note K plus further requirements in Reg8(3)

- Requirements of the Notice will **also**:
 - Contain a statement
 - That the proposed scheme has been modified
 - Describing the modifications
 - Explaining the reasons for the modifications
 - That the modified scheme is likely to have a significant impact on the environment
 - That the scheme documents are accompanied by an environmental statement which is available for public inspection
 - Describing the circumstances under the Act in which the Scottish Minister may casue a public inquiry into the application
 - Setting out the nature fo the possible decisions that may be taken in relation to the modified scheme

Note M – Notice of Final Decision

- Notice must be given—
 - to every person given notice in relation to the proposed scheme (to every person known to the Authority
 - to have an interest in any land on which the proposed operations are to be carried out,
 - whose interest in any other land may be affected by any of the proposed operations or by any alteration in the flow of water caused by any of the proposed operations OR anyone mentioned in Note G above)
 - to every objector
 - to anyone else who was notified by a) Scottish Ministers given notice of the proposed modification to the relevant objectors and anyone else the Scottish Ministers consider is affected by them at least 28 days before confirming the scheme, OR
 - a Local Authority given notice of the proposed modifications to the relevant objectors and anyone else who the Authority considers is affected by them at least 28 days before confirming the scheme and
 - where the decision is to confirm the proposed scheme (with or without modifications),
 - in at least one newspaper circulating in the Authority's area (which must, if practicable, be a local newspaper),
 - where any of the proposed operations are to take place in another local authority's area, in at least one newspaper circulating in that area (which must, if practicable, be a local newspaper) **AND**
 - in the Edinburgh Gazette,

Newton Stewart

FLOOD PROTECTION SCHEME

Overview and Summary (Design Justification) Report

Introduction

The Newton Stewart Flood Protection Scheme has been developed over a number of years with extensive consultation and engagement events being held with stakeholders and the local community. The scheme will substantially reduce the risk of flooding to the town and is being designed to keep any visual and environmental impacts to a minimum.

Background

National Flood Risk Assessment

Newton Stewart was identified in the National Flood Risk Assessment (NFRA) published by SEPA in December 2011 as a Potentially Vulnerable Area (PVA). This confirmed the work undertaken previously by Dumfries and Galloway Council in the publication of the 2007 Strategic Flood Risk Appraisal which ranked Newton Stewart as one of the top five settlements in the region in terms of numbers of properties at flood risk.

Since 2011, and in accordance with the Flood Risk Management (Scotland) Act 2009, SEPA progressed the development of the Flood Risk Management Strategies for the 14 Local Plan Districts across Scotland including the Solway LPD.

In December 2015, SEPA published the Flood Risk Management Strategy which set out a plan-led, risk-based, sustainable approach to flood risk management across Scotland.

The delivery of the actions required to reduce flood risk across Dumfries and Galloway were agreed by the Council and the Solway LPD Local Flood Risk Management Plan was published in June 2016.

Flooding in Newton Stewart

In November 2012, Newton Stewart suffered from the worst flooding event experienced 'in living memory'. A flood event of approximately a 1 in 35 year return period on the River Cree led to property flooding on both the west and east sides of the river. The Sparling Bridge, the footbridge at the south end of the town, was surcharged and partially blocked. A number of residents were rescued by the Dumfries and Galloway Fire and Rescue Service by boat.

Following this event, Dumfries and Galloway Council tendered for the production of a Flood Study and Kaya Consulting Limited were duly appointed to undertake the flood modelling and study/report.

Kaya and Initial Hydraulic Modelling

Kaya were appointed in 2013 to undertake hydraulic (river) modelling of the River Cree and Penkiln Burn, to produce flood inundation mapping for various return periods, and to consider feasible options for flood protection.

Further Flooding in December 2015

In December 2015 a flood event in excess of that in November 2012, approximately a 1 in 50 year return period, impacted upon Newton Stewart. The flood led to collapse of the riverside wall at the War Memorial exacerbating flooding in Victoria Street. Again, the Sparling footbridge was surcharged but this time significant scour to the east abutment meant the bridge had to be removed for public safety.

Details on the replacement of the bridge are included later in this report. The replacement was classed as advance works of the Flood Protection Scheme as it was a priority to have this vital link between the Communities in Minnigaff and Newton Stewart restored but in a more flood resilient manner, and at a level so as not to impact upon upstream water levels during a high flow event.

The 2015 flood event led to the further commissioning of Kaya to refine their modelling work reflecting the impacts of the event, and to help inform a future commission to design a flood protection scheme to a standard that would, as a minimum, avoid a repeat of flooding events of December 2015.



Rescue boat – Riverside car park

Outline Design

Following a tender process, Sweco were appointed to undertake outline design work based on the findings of Kaya and to prepare the necessary documentation and information for the publication of a Flood Protection Scheme.

Included in the technical work to develop an effective scheme, a community engagement strategy was prepared and this led to extensive consultation and discussion with all parties throughout including community meetings, a regular newsletter and specific project webpage.

At each key stage the Project Team met with stakeholders to assess the various options, and this was then followed by engagement events with the community.

Value Management (VM1) Meeting

Sweco and the Council held a value management meeting on 1 August 2017 with the intention of assessing the 24 high level options and reducing these to a short list of potentially practicable options to be taken forward. The meeting was attended by representatives of the following groups;

- Elected Members
- Cree Valley Community Council
- Scottish Environment Protection Agency
- Scottish Natural Heritage
- Scottish Water
- Forestry Commission Scotland
- Royal Society for the Protection of Birds
- Galloway Fisheries Trust
- Kaya Consulting



Value Management Meeting

The 24 options are listed below. Each of the options were considered using a multi-criteria assessment under the headings of technical, economic, environmental and social. Results of the multi-criteria assessment were presented at the VM1 meeting and discussion took place to reach consensus as to whether an option should remain on the short-list for further consideration.

- Upstream Storage at Glenhapple
- Upstream Storage at Linloskin Bridge (**Shortlisted**)
- Upstream Storage at Frankie Hill
- Installation of Obstructions on River Cree (**Shortlisted**)
- Installation of Obstructions on Penkiln Burn
- Construction of Direct Defences (**Shortlisted**)
- Increase Flow Area Beneath A75T Bridge (**Shortlisted**)
- Removal of A75T Embankment
- Increase A75T Flood Relief Culvert Size/Numbers (**Shortlisted**)
- Removal of Gravel Berm
- Removal of In-Line Weir (Town Centre)
- Removal of In-Line Weir (Upstream of Town)
- Reconnect Penkiln Burn and River Cree Upstream
- Remove Mill Island
- Remove Sediment Around Key Structures
- Divert Penkiln Burn
- Dredging of River
- Disconnect Former Mill Lade
- Re-profile Land at Broomisle (**Shortlisted**)
- Reinstate Flood Storage Area at Water of Minnoch (**Shortlisted**)
- Upstream Storage at The Ghyll (**Shortlisted**)
- Upstream Storage in River Cree Tributaries (**Shortlisted**)
- Mitigation of Forest Management
- Re-profile Land Around Pumping Station (**Shortlisted**)

Value Management (VM2) Meeting

Sweco and the Council held the second value management meeting on 7 November 2017 with the intention of assessing the 10 short list options and selecting a preferred option, or options, to be taken forward for outline design.

- Upstream storage at Linloskin Bridge
- Obstructions on River Cree
- Construction of Direct Defences (***Taken Forward***)
- Increase Flow Area Beneath A75 Bridge (***Taken Forward***)
- Increase A75 Flood Relief Culvert Size/Number
- Re-profile Land at Broomisle
- Reinstate Flood Storage Area at Water of Minnoch
- Upstream Storage Area at The Ghyll
- Upstream Storage in River Cree Tributaries
- Re-profile Land Around Pumping Station/Sparling Bridge (***Taken Forward***)

As with the first VM meeting this was an inclusive process which was attended by the main stakeholders.

The conclusion of the meeting was that the option which had the greatest benefit and provides the optimum solution for flooding was the construction of direct defences. This was to be progressed in combination with the replacement of the Sparling Bridge (at a location further downstream and above the defended flood event level), reprofiling around the new Sparling Bridge, and increasing flow beneath the A75 bridge.

Public Engagement Event (PE1)

As part of the overall Scheme Programme and the Stakeholder Engagement Plan a public engagement event was held following the VM2 meeting.

The event was held in the McMillan Hall on 30 November to 2 December 2017.

The event included a number of display boards, plans and proposals, and was staffed by the Project Team. The display boards were shared on the project webpage the week following the event.



The total number of people attending the event was 107, with 57 questionnaires completed.

A summary of the main feedback was;

- 100% want to see a Flood Protection Scheme provided in Newton Stewart,
- 86% agreed with the approach being taken to develop a scheme,

- 77% agreed all the available options to address the flooding had been included and considered.

Following the event all the feedback, including queries and comments (and response to the same) were compiled into a report and published on the project webpage.

Value Management (VM3) Meeting

The third VM meeting was held on the 5 June 2018 and as with the previous VM meetings attendance included all the main stakeholders and interested parties.

Discussion was held on the outline design of the preferred scheme with details presented on the construction type, height and location of the direct defences.

All in attendance agreed the outline proposals with the next step in the process being a public engagement event.

Public Engagement Event (PE2)

The event was held in the McMillan Hall on 21 June to 23 June 2018.

The event included a number of display boards, plans and proposals, and was staffed by the Project Team. The display boards were put on the project webpage the week following the event.

Over the three days the total number of people attending the event was 124 with 64 questionnaires completed.

A summary of the main feedback was;

- 100% want to see a Flood Protection Scheme provided in Newton Stewart
- 82% agreed with the approach being taken to develop a scheme
- 68% agreed all the available options to address the flooding had been included and considered.

Following the event all the feedback, including queries and comments (and response to the same) were compiled into a report and published on the project webpage.

Replacement of Sparling Bridge

The old Sparling Bridge was removed in late 2016 following extensive flooding in the town (the bridge was acting as a dam and was a contributing factor in flooding to the town).

The proposal was to install the old bridge at a higher level but at the request of the Cree Valley Community Council an alternative location further downstream was put forward. The choice of location was then put to the Community, who voted for the new location.

A further request was then received from the Community Council to ask if there was a possibility of installing a new bridge rather than the old one.

This was considered by Dumfries and Galloway Council who agreed to proceed with the design of a new structure at the preferred location for community benefit. Sweco were appointed to lead on the design and work alongside Sustrans, the Community Council, and the Council to design a combined cycle/footbridge.

Engagement ran alongside the main scheme and has involved regular meetings, Committee reports, newsletters, project webpage and updates.

The Community Council outlined their aspirations for the new bridge which were taken on board by the Design Team leading to the final design which received the support of all parties.



Bridge under construction

The replacement of the bridge is an integral part of the Flood Protection Scheme but was undertaken as an advanced phase due to it being a priority to reconnect the communities of Minnigaff and Newton Stewart and provide a safe route which was accessible to all users.

Construction work commenced in early 2019 with the bridge officially opened on 2 December 2019.

Website Update to Include Interactive PDF and Continue Engagement During COVID-19 Restrictions

An interactive PDF was added to the project's website in May 2021, to present information in a more engaging way. With this tool, the viewer could click on banners to access documents. The documents included the scheme overview board (showing locations, types and approximate heights of defences) banners presenting key information on the scheme, a scheme fly-through and a summary of the publication process.

Public Engagement (PE3) and Individual discussions with owners of Most Affected Properties

This event was held in the McMillan Hall on 21 September to 25 September 2021.

The event included a number of display boards, plans and proposals, and was staffed by the Project Team. This event included engagement with the owners of property directly impacted by the construction of the proposed defences.

At these engagement sessions and site meetings it was noted that there was a need to undertake additional survey work to enable a review and revision of the alignment and height of the proposed defences.

The surveys were completed in 2022 and the data gathered has been assessed and modelled to enable the completion of updated plans to be produced for the forthcoming publication process.

Common Themes and FAQ's

During the Value Management meetings, and at the various Community Engagement Events, the Project Team were presented with alternative solutions and asked for further information on a few common themes. These are detailed below with explanation and reasoning why they discounted as part of the Scheme development.

Sediment Management (Dredging)

A number of options were considered to remove gravel and build-up within the river channel namely:

- Removal of Gravel Berm
- Removal of Mill Island
- Remove Sediment Around Key Structures
- Dredging of River

These options were considered and modelled but the results clearly demonstrated that they did not reduce water levels during a flood event and could not therefore be taken forward. This very much aligns with the report prepared by Chartered Institution of Water and Environmental Management, called Floods and Dredging¹.

Furthermore, any dredging may also have a detrimental effect on the stability of the Cree Bridge, it will raise silt and debris in the river affecting fish and through natural processes it will simply return.

Natural Flood Management

Natural Flood Management (NFM) uses the environment to store or slow down flood water. The planting of woodlands, wetland and storage creation and river restoration are some of the measures that can help. In addition to benefitting flood control, NFM can also increase biodiversity, water quality, and can increase resilience to climate change. Commercial Forestry Practices (tree species, drainage works, road construction and felling operations etc.) can also have an influence on flood risk and improvements to these practices can contribute towards reducing flood risk downstream during less extreme events.

Improvements within the catchment that provide NFM opportunities can be progressed as part of the overall catchment management by those currently in control of the land. The Council along with stakeholders would support any future development in that regard. NFM does have the potential to offer minor reductions in flood risk and should be encouraged. However, their implementation will be a long term approach and would never replace the need for the proposed defences within the town.

Accordingly extensive consideration was given to these matters from the outset of the scheme with numerous options on upstream storage and NFM being modelled and benefits assessed, namely:

- Upstream Storage at Glenhapple
- Upstream Storage at Linloskin Bridge
- Upstream Storage at Frankie Hill
- Installation of Obstructions on the River Cree
- Installation of Obstructions on Penkiln Burn
- Reinstate Flood Storage Area at Water of Minnoch

¹ **Floods and Dredging – a reality check.** <https://www.ciwem.org/assets/pdf/Policy/Reports/Floods-and-Dredging-a-reality-check.pdf>.

- Upstream Storage at the Ghyll
- Upstream Storage on River Cree Tributaries
- Natural Flood Management as part of forest management.

None of these options have a positive benefit cost ratio and some had extensive negative impacts. Therefore, they could not be taken forward to the preferred option stage.

Height of Defences and Impact on Views

The height of walls and embankments varies throughout the town to maintain a consistent 1 in 200 year return period standard of protection. Where there is sufficient width, the preference is usually to build an embankment, as this generally is more in keeping with the riverbank environment.

There is no doubt that in certain locations there will be a significant impact on views of the river but unfortunately, this is the trade-off when providing effective, long-term protection from flooding. To assist in reducing the impact on river views glass panels can be used on top of solid walls to maintain visibility.

The location of glass panels will vary and could be continuous lengths or smaller sections. This will be part of the detailed design but the emphasis will be on keeping the defences as transparent as possible and maintaining as much visibility to the river as we can.

With regard to current access routes and use of some of the river banks for recreation, fishing etc., this will form part of the detailed design process. The defences will include access points (these can for example be stepped arrangements over low walls, sloped pathways, or even gates).

Secondary flooding

Secondary flooding (the surface water behind the defences) will be considered in more detail during the detailed design phase. With the defences in place the surface water will still flow freely to the river as it does now. During times when river levels are high then this may prevent the surface water draining directly to the river and therefore storage and pumped systems may be required to ensure there is no ponding or flooding from surface water.

An initial 'Surface Water Options Report has been completed which includes work identified to mitigate any adverse effect including water storage and underground pumping stations. Work will continue throughout the project to manage any surface water flood risk.

COMMUNITIES COMMITTEE

Meeting of Thursday, 2nd February, 2023
at 10.30 am in Council Offices, English Street, Dumfries

Present**Members**

Archie Dryburgh (Chair – 2 February 2023)	– Annandale East and Eskdale;
Linda Dorward (Chair)	– Lochar;
John Campbell (Vice-Chair)	– Nith;
Ian Blake	– Abbey;
Dougie Campbell	– Dee and Glenkens;
Ben Dashper	– Stranraer and the Rhins;
Jim H Dempster	– Mid and Upper Nithsdale;
John Denerley	– Dee and Glenkens;
Pauline Drysdale	– Castle Douglas and Crocketford;
Andy Ferguson	– North West Dumfries;
Chrissie Hill	– Stranraer and the Rhins;
Iain Howie	– Castle Douglas and Crocketford;
David Inglis	– Mid Galloway and Wigtown West;
Maureen Johnstone	– Lochar;
Emma Jordan	– North West Dumfries;
Tracey Little	– Lochar;
Kim Lowe	– Abbey;
Gail Macgregor	– Annandale North;
Denis Male	– Annandale East and Eskdale;
Jackie McCamon	– Mid Galloway and Wigtown West;
Sean W Marshall	– Annandale South;
Davie Stitt	– Abbey;

Officials

Derek Crichton	– Director Communities
Nick Evans	– Democratic Services Manager
Claire Rogerson	– Senior Governance Officer
Richard Grieveson	– Head of Community Services
Harry Hay	– Head of Neighbourhood Services
Steven Herriott	– Head of Roads and Infrastructure
Vlad Valiente	– Head of Governance and Assurance
Ian Barr	– Economic Development Officer
Karen Brownlie	– Community Assets Manager
Lorna Campbell	– Financial Wellbeing and Revenues Manager

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- Stuart Caven – Team Leader Road Network Management East
- Garry Dempster – Clerk of Works
- Sandra Harkness – Community Protection Manager
- Derek Hextall – Ward Worker
- Lindsey Little – Development Management Assistant
- William Neil – Team Leader, Infrastructure Assets
- Kasia Romanowska – Finance Officer
- Lee Seton – Wellbeing Manager
- Michael Smith – Project Manager Newton Stewart Flood Protection Scheme
- Brian Templeton – Team Leader Flood Risk Management
- Tony Topping – Team Leader Network Strategy and Road Safety

Derek Crichton
Director Communities

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1 SEDERUNT, APOLOGIES AND CHAIR'S APPROVAL OF MEMBERS' REMOTE PARTICIPATION

PROCEDURE – It was noted that the meeting was quorate and the meeting was adjourned at 10.35am to be reconvened the following week to allow for British Sign Language interpreters to be in attendance.

PROCEDURE – The meeting reconvened at 10.30am on Friday 10 February 2023.

PROCEDURE – Linda Dorward assumed the role of Chair as agreed at Full Council on 3 February 2023.

PROCEDURE – The Chair advised Members that Item 10 – Waste Service – Update on the Dumfries Zero Waste Park Project – Report by Head of Roads and Infrastructure had been withdrawn from this Agenda.

20 Members present and 1 Member not present at the start of the meeting.

5 Members present in the Council Hall being:- Linda Dorward, John Campbell, Maureen Johnstone, Denis Male and Davie Stitt.

15 Members present via MS Teams being:- Ian Blake, Dougie Campbell, Ben Dashper, Jim Dempster, John Denerley, Pauline Drysdale, Andy Ferguson, Chrissie Hill, David Inglis, Emma Jordan, Tracey Little, Kim Lowe, Gail Macgregor, Jackie McCamon and Sean Marshall as **AGREED** by the Chair.

2 DECLARATIONS OF INTEREST

MEMBER – Ian Howie entered the meeting – 21 Members present.

2.1 Chrissie Hill declared an interest at Item 7 – Dumfries and Galloway Events Strategy – 2023/24 Major Events Strategic Fund and Community Events Fund by virtue of the fact that she had attended an event at Dumfries Ice Bowl, presented the awards, noted the quality of the facility and commended the staff but determined that her interest was such that she would not leave the meeting during consideration of that matter.

2.2 Pauline Drysdale declared an interest at Item 7 – Dumfries and Galloway Events Strategy – 2023/24 Major Events Strategic Fund and Community Events Fund by virtue of the fact that her family business has two contracts at two of the events mentioned in the report but determined that her interest was such that she would not leave the meeting during consideration of that matter.

2.3 David Inglis declared an interest at Item 7 – Dumfries and Galloway Events Strategy – 2023/24 Major Events Strategic Fund and Community Events Fund and Item 8 - Public Realm Capital Programme: 2022/23 Finance and Progress Monitoring and Public Realm Capital Programme 2023/24 Carriageways Programme Scheme by virtue of the fact that he is Chair of Newton Stewart Initiative but determined that his interest was such that he would not leave the meeting during consideration of these matters.

3 MINUTE OF PREVIOUS MEETING - 6 DECEMBER 2022

Decision

APPROVED.

4 COMMUNITIES - REVENUE BUDGET MONITORING REPORT 2022/23 - FOR THE PERIOD ENDED 31 DECEMBER 2022 - REPORT BY DIRECTOR COMMUNITIES

Decision

NOTED

4.1 the projected outturn positions for each service function as detailed in Appendix 1 of the report which highlights that all expenditure is anticipated to be contained within the overall resources available to Communities by the end of the financial year;

4.2 that while Communities are anticipated to be impacted by current inflationary pressures, particularly in relation to Fuel and Energy costs, that these are being reviewed on a corporate basis and reported to the Finance, Procurement and Transformation Committee; and

4.3 progress against the delivery of agreed Policy Development allocations applied to the 2022/23 budget as detailed in Appendix 2 of the report.

5 WELFARE, REVENUES AND BENEFITS UPDATE REPORT - REPORT BY HEAD OF NEIGHBOURHOOD SERVICES

Decision

AGREED

5.1 to receive a report in April 2023 detailing the Scottish Welfare Fund 2023/24 funding position as detailed in paragraph 3.4.3 of the report; and

5.2 the proposed approach regarding unallocated Tenant Support Grant funds as detailed in paragraph 3.7.2 of the report.

6 COASTAL BENEFIT FUND: MONITORING REPORT 2021/22 AND ARRANGEMENTS FOR ROUND 4 - REPORT BY HEAD OF COMMUNITY SERVICES

Decision

6.1 **REVIEWED** the performance monitoring information from projects which received support from the Dumfries and Galloway Coastal Benefit Fund in 2021/22 as detailed in Appendix 1 of the report.

AGREED

6.2 to extend the delivery timeframe of the Kirkcolm/Loch Ryan Active Travel path to 31 March 2024 as detailed in paragraph 3.5 of the report; and

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6.3 to extend the delivery timeframe of the Public Toilet Refurbishment programme as detailed in paragraph 3.6 of the report.

NOTED

6.4 that the total Coastal Benefit funding allocated to Dumfries and Galloway for 2023/24 is £674,924.96;

6.5 that the total budget for Round 4, taking into account previous decisions, is £762,342.24 as detailed in paragraph 3.10 of the report; and

6.6 the Scoring Framework as set out in paragraph 3.19 of the report and **CONSIDERED** and **AGREED** the updates to the Guidance and Criteria as detailed in Appendix 2 of the report.

6.7 **AGREED** the arrangements as detailed in paragraphs 3.18 and 3.20 of the report and to open the Fund for applications.

7 DUMFRIES AND GALLOWAY EVENTS STRATEGY - 2023/24 MAJOR EVENTS STRATEGIC FUND AND COMMUNITY EVENTS FUND - REPORT BY HEAD OF NEIGHBOURHOOD SERVICES

Decision

AGREED

7.1 there has been a material change in circumstances to merit a change to the Major Festivals and Events Budget spending profile as required by Council Standing Order 16.3 as detailed in paragraph 3.3 of the report; and

7.2 the revised spending profile of the Major Festival and Events budget for 2023/24 as detailed in Table 1 of paragraph 3.3) of the report and **FURTHER AGREED** to delegate authority to the Head of Neighbourhood Services for the spend of up to £7,720 for local event sector marketing and development in delivery of the Major Festival and Events Strategy 2023 to 2027.

7.3 **NOTED** that the Southern Uplands Partnership Services Limited have secured the commission to deliver a Greener Events toolkit for Dumfries and Galloway Council as detailed in paragraph 3.6 of the report.

AGREED

7.4 the recommended grant awards totalling £73,500 from the Major Events Fund as detailed in Appendix 1 of the report, subject to the recipient submitting any required documentation and agreement to the Council's conditions of grant award;

7.5 the recommended grant awards totalling £45,280 from the Community Events Fund as detailed in Appendix 2 of the report, subject to the recipient submitting any required documentation and agreement to the Council's conditions of award; and

7.6 to receive a report to the June 2023 meeting of this Committee detailing funding proposals for the recognised Signature Events as detailed in paragraph 3.8 of the report.

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8 PUBLIC REALM CAPITAL PROGRAMME 2022/23: FINANCE AND PROGRESS MONITORING AND PUBLIC REALM CAPITAL PROGRAMME 2023/24 CARRIAGEWAYS PROGRAMME SCHEMES - REPORT BY HEAD OF ROADS AND INFRASTRUCTURE

MEMBER – Jim Dempster left the meeting during consideration of this item – 20 Members present.

Decision

NOTED

8.1 the financial position of the Public Realm Asset Class Capital Programme 2022/23 as detailed in Appendix 1 of the report; and

8.2 the progress of the Public Realm Asset Class Capital Programme 2022/23 as detailed in Appendix 2 of the report.

AGREED

8.3 to changes in the following agreed schemes in the Public Realm Asset Class Capital Programme 2022/23 programmes:- • Carriageway Strengthening as detailed in paragraph 4.6 and 4.7 of the report • Planned Structural Overlays Programme as detailed in paragraph 4.9 of the report • Carriageway Drainage as detailed in paragraph 4.11 of the report • Forestry Programme as detailed in paragraph 4.13 of the report • Footways Programme as detailed in paragraph 4.15 and 4.16 of the report • Car Parks Programme as detailed in paragraph 4.18 of the report • Street Lighting Programme as detailed in paragraph 4.20 of the report • Structures Programme as detailed in paragraph 4.22 of the report • Harbours Programme as detailed in paragraph 4.24 of the report • Coastal Programme as detailed in paragraph 4.28 of the report • Intelligent Transport Systems Programme as detailed in paragraph 4.30 of the report • Road Safety Programme as detailed in paragraph 4.32 of the report • Active Travel Programme as detailed in paragraph 4.37 of the report • Waste Programme as detailed in paragraph 4.39 of the report • Land Programme as detailed in paragraph 4.44 of the report • Dumfries Cemetery as detailed in paragraph 4.46 of the report;

8.4 the addition of the following schemes in the Public Realm Asset Class Capital Programme 2022/23 as highlighted in the following programmes; • Road Safety Programme as detailed in paragraph 4.33 of the report • Speed Limits and Traffic Calming Programme as detailed in paragraph 4.35 of the report • Waste Programme as detailed in paragraph 4.41 of the report; and

8.5 to the proposed list of carriageways schemes as detailed in Appendix 4 of the report to be undertaken in 2023/24 as detailed in paragraph 4.48 of the report.

8.6 **NOTED** further proposed schemes to be undertaken in 2023/24 within the Public Realm Asset Class for approval will be presented to this Committee on 4 April 2023 as detailed in paragraph 4.49 of the report.

9 NEWTON STEWART FLOOD PROTECTION SCHEME - APPROVAL TO PUBLISH - REPORT BY HEAD OF ROADS AND INFRASTRUCTURE

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Decision

9.1 **AGREED** that the Newton Stewart Flood Protection Scheme can be published as a Flood Protection Scheme in accordance with the Flood Risk Management (Scotland) Act 2009 (the “2009 Act”) and associated Flood Risk Management (Flood Protection Schemes, Potentially Vulnerable Areas and Local Plan Districts) (Scotland) Regulations 2010 (the “2010 Regulations”), scheduled for May 2023 as detailed in paragraph 3.3 of the report.

9.2 **AGREED to CONSIDER** updating the current total project cost estimate to £18.5m in the Capital Investment Strategy as part of the development of the 2023/24 budget with the Scottish Government funding £14.8m (80% of the total estimated project cost) and the Council funding £3.171m (20% of the total estimated future project cost less Sustrans contribution). This would require the Council contribution to the project to be increased by £2.014m as detailed in paragraph 3.4 of the report.

NOTED

9.3 that due to the severity of recent weather and incidents that formal publication of the Scheme will take place in May 2023 as detailed in paragraph 3.1.3 of the report.

9.4 that the cost estimate provided in this report of £18.5m remains subject to future change as the scheme progresses through the statutory approval period, detailed design and finalisation of the works contract. The estimate includes all costs incurred to date and all estimated future costs to project completion. The estimate has been developed in compliance with civil engineering industry norms for the proportion of risk and optimism bias appropriate for this stage in the design process. As the scheme progresses further cost estimating exercises will be undertaken and reported to members at the appropriate point.

ADJOURNMENT OF MEETING – The meeting was adjourned at 11.50am and reconvened at 12 noon with 20 Members present.

MEMBER – Jim Dempster re-entered the meeting and Jackie McCamon left the meeting – 20 Members present.

10 WASTE SERVICE - UPDATE ON THE DUMFRIES ZERO WASTE PARK PROJECT - REPORT BY HEAD OF ROADS AND INFRASTRUCTURE

Decision

NOTED that this report was withdrawn from the Agenda.

11 REGIONAL INDOOR TENNIS CENTRE - REPORT BY HEAD OF NEIGHBOURHOOD SERVICES

VOTE

11.1 **MOTION** proposed by **DAVIE STITT** seconded by **ANDY FERGUSON** to consider an additional capital allocation of £221,163 towards an indoor regional tennis centre as part of the Budget Development Process for 2023/24 as detailed in paragraph 3.6 of the report.

11.2 **AMENDMENT** proposed by **JOHN DENERLEY** and seconded by **DAVID INGLIS** to delay the proposal to consider an additional capital allocation of £221,163 towards an indoor

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regional tennis centre as part of the Budget Development Process for 2023/24 as detailed in paragraph 3.6 of the report.

On a vote taken by roll call, Members voted as follows:

11.3 **Motion – 18 Votes** being:-

Linda Dorward, John Campbell, Ian Blake, Dougie Campbell, Ben Dashper, Jim Dempster, Pauline Drysdale, Andy Ferguson, Chrissie Hill, Iain Howie, Maureen Johnstone, Emma Jordan, Tracey Little, Kim Lowe, Gail Macgregor, Denis Male, Sean Marshall and Davie Stitt.

11.4 **AMENDMENT – 2 Votes** being:-

John Denerley and David Inglis

Decision

11.5 **NOTED** the revised project costs of £2,013,488 for provision of an indoor tennis centre and the potential funding options as detailed in paragraph 3.5 of the report and this remains subject to future change as the project progresses through procurement and finalisation of the works contract. The estimate includes all costs incurred to date and all estimated future costs to project completion. The estimate has been developed in compliance with construction industry norms for the proportion of risk and optimism bias appropriate for this stage in the design process. As the project progresses further cost estimating exercises will be undertaken and reported to Members at the appropriate point.

11.6 **CONSIDERED** an additional capital allocation of £221,163 towards an indoor regional tennis centre as part of the Budget Development Process for 2023/24 as detailed in paragraph 3.6 of the report.

11.7 **AGREED** to receive a further report to a future meeting of this Committee detailing an update on the development of the indoor tennis centre and the revised Partnership Agreement to reflect the enhancement of facilities.

12 HEAD OF SERVICE SIX MONTH ASSESSMENT (1 APRIL 2022 - 30 SEPTEMBER 2022) OF COMMUNITY SERVICES BUSINESS PLAN 2019/2023 PERFORMANCE-REPORT BY DIRECTOR COMMUNITIES

MEMBER – Jim Dempster left the meeting during consideration of this item – 19 Members present.

Decision

12.1 **REVIEWED** the six month summary of performance for the Community Services Business Plan for the period 1 April 2022 to 30 September 2022 which includes the performance information on Health and Safety and the management of the risks within the Service's Risk Register as detailed in Appendix 1 of the report.

12.2 **SCRUTINISED** the exception reporting and consider whether the actions proposed are adequate to improve performance and future monitoring of areas which have not met the target as detailed in Appendix 2 of the report.

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13 HEAD OF SERVICE SIX MONTH ASSESSMENT (1 APRIL 2022 - 30 SEPTEMBER 2022) OF NEIGHBOURHOOD SERVICES BUSINESS PLAN 2019/2023 PERFORMANCE-REPORT BY DIRECTOR COMMUNITIES

Decision

13.1 **REVIEWED** the six month summary of performance for the Neighbourhood Services Business Plan for the period 1 April 2022 to 30 September 2022 which includes the performance information on Health and Safety and the management of the risks within the Service's Risk Register as detailed in Appendix 1 of the report.

13.2 **SCRUTINISED** the exception reporting and consider whether the actions proposed are adequate to improve performance and future monitoring of areas which have not met the target as detailed in Appendix 2 of the report.

13.3 **AGREED** the proposed amendments to current Business Plan measures as detailed in Appendix 3 of the report.

14 HEAD OF SERVICE SIX MONTH ASSESSMENT (1 APRIL 2022 - 30 SEPTEMBER 2022) OF ROADS AND INFRASTRUCTURE SERVICE BUSINESS PLAN 2019/2023 PERFORMANCE - REPORT BY DIRECTOR COMMUNITIES

MEMBER – David Inglis left the meeting during consideration of this meeting – 18 Members present.

Decision

14.1 **REVIEWED** the six month summary of performance for the Roads and Infrastructure Service Business Plan for the period 1 April 2022 to 30 September 2022 which includes the performance information on Health and Safety and the management of the risks within the Service's Risk Register as detailed in Appendix 1 of the report.

14.2 **SCRUTINISED** the exception reporting and consider whether the actions proposed are adequate to improve performance and future monitoring of areas which have not met the target as detailed in Appendix 2 of the report

14.3 **AGREED** the proposed amendments to current Business Plan measures as detailed in Appendix 3 of the report.

15 HEAD OF SERVICE SIX MONTH ASSESSMENT (1 APRIL 2022-30 SEPTEMBER 2022) OF GOVERNANCE AND ASSURANCE SERVICE BUSINESS PLAN 2019/2023 PERFORMANCE - REPORT BY DIRECTOR COMMUNITIES

MEMBER – David Inglis re-entered the meeting during consideration of this item – 19 Members present.

Decision

15.1 **REVIEWED** the six-month summary of performance for the Governance and Assurance Service Business Plan for the period 1 April 2022 to 30 September 2022 which includes the performance information on Health and Safety and the management of the risks within the Service's Risk Register as detailed in Appendix 1 of the report.

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15.2 **SCRUTINISED** the exception reporting and consider whether the actions proposed are adequate to improve performance and future monitoring of areas which have not met the target as detailed in Appendix 2 of the report.

15.3 **AGREED** the proposed amendments to current Business Plan measures as detailed in Appendix 3 of the report.

16 GOVERNANCE AND ASSURANCE REVIEW PHASE 1 FINDINGS AND RECOMMENDATIONS - REPORT BY HEAD OF GOVERNANCE AND ASSURANCE

MEMBERS – Gail Macgregor and Pauline Drysdale left the meeting during consideration of this item – 17 Members present.

Decision

NOTED

16.1 the findings and recommendations of Phase 1 of the Governance and Assurance Review, specific to the Legal Service; and

16.2 that the funding requirement is being considered within the budget setting process as detailed in paragraph 3.10 of the report.

17 DUMFRIES AND GALLOWAY BRITISH SIGN LANGUAGE PLAN 2018 TO 2024 - UPDATE - REPORT BY HEAD OF COMMUNITY SERVICES

MEMBERS – Iain Howie and Dougie Campbell left the meeting during consideration of this item and Gail Macgregor re-entered the meeting – 16 Members present.

Decision

17.1 **NOTED** the contents of our previously agreed British Sign Language Plan as detailed in the Appendix of the report.

AGREED

17.2 to receive a progress report on the 2018 to 2024 Action Plan in June 2023 as detailed in paragraph 3.8 of the report; and

17.3 to receive a report in June 2023 on the approach to developing the 2024 to 2030 British Sign Language Plan including the Consultation Mandate as detailed in paragraph 3.9 of the report.

18 GULL MANAGEMENT UPDATE - REPORT BY HEAD OF GOVERNANCE AND ASSURANCE

Decision

18.1 **NOTED** that (as of 31 December 2022), £67k of the annual £84k Policy Development funding had been allocated and **AGREED** to receive annual updates on future expenditure as detailed in paragraphs 3.3 to 3.6 and Appendix 1 of the report.

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18.2 **CONSIDERED** and **AGREED** the draft Action Plan as detailed in paragraph 3.7 to 3.8 and Appendix 2 of the report.

19 ANY OTHER BUSINESS DEEMED URGENT BY THE CHAIR DUE TO THE NEED FOR A DECISION

Decision

NOTED that there were no items of business deemed urgent by the Chair due to the need for a decision.