

**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, walls, floodgates, and a replacement pedestrian cycle/footbridge (undertaken as advanced works) 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 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 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 25 May 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/newtonstewartfloodprotection](http://www.dumgal.gov.uk/newtonstewartfloodprotection)

**Objections**

Objections to the Scheme should be made in writing to the Council at: Newton Stewart Flood Protection Scheme, Dumfries and Galloway Council, Council Headquarters, English Street, Dumfries, DG1 2DD or via email at [newtonstewartFPS@dumgal.gov.uk](mailto:newtonstewartFPS@dumgal.gov.uk) **before the expiry of the period of 28 days** commencing 25 May 2023 (and ending on 23 June 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 land<sup>1</sup> (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.

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<sup>1</sup> 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](mailto:newtonstewartFPS@dumgal.gov.uk) or by calling 030 33 33 3000.