

## NEWTON STEWART FLOOD PROTECTION SCHEME – PRELIMINARY DECISION FOLLOWING PUBLICATION

### REPORT APPROVED BY DIRECTOR COMMUNITIES

#### 1. Reason for Report

1.1 Members are asked to consider the outcome of the formal publication of the Newton Stewart Flood Protection Scheme (the “Scheme”), undertaken 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”).

1.2 To seek Members approval to make a preliminary decision to confirm the Scheme without modifications and thereafter notify the Scottish Ministers of that decision pursuant to Schedule 2 of the 2009 Act.

#### 2. Recommendations

Members are asked to:

2.1 note the process that was followed in publishing the Newton Stewart Flood Protection Scheme, and consider the representations/objections received as detailed in paragraphs 4.1 to 4.7;

2.2 agree to make a preliminary decision to confirm without modifications, the Newton Stewart Flood Protection Scheme, which was previously agreed by the Communities Committee on 2 February 2023, as detailed in paragraph 4.13;

2.3 note that, in making a preliminary decision to confirm the Scheme without modifications, as there are relevant objectors either who have an interest in any land on which the proposed operations are to be carried out and 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 it will be necessary to advise Scottish Ministers of this decision; and

2.4 further note that, as detailed in paragraph 4.12, upon receiving notice of the decision, Scottish Ministers will decide whether they wish to consider the proposed Scheme. If they choose to “call the Scheme in” they will require to hold a Public Local Inquiry. Alternatively, if they do not “call the Scheme in”, the Council will be required to hold a Hearing.

#### 3. Executive Summary

3.1 The Communities Committee on 2 February 2023 approved the publication of the Newton Stewart Flood Protection Scheme.

3.2 This report gives details of the publication process and the next steps the Council must take to continue to progress the Scheme.

#### 4. Detail and Analysis

4.1 On 26 May 2023 the Council formally published the Scheme, with a 28-day period for the submission of representations. In accordance with the legislation, the 28-day period began with a notice posted in a local newspaper, with letters (also containing the notice) delivered to affected parties (a full land search was undertaken to identify all those affected by the Scheme). Similar letters were posted or emailed to Statutory Consultees and Key Stakeholders.

4.2 The Notice contained details of the Scheme and where information on the Scheme could be found online, with hard copies at the Newton Stewart Library. A member of the Project Team was also available at the McMillan Hall each week. Full details of the publication process and copies of the notice and letter are still available to view on the webpage.

4.3 Every representation was acknowledged (either by email or letter) with the objector advised the Council may contact them again regarding their objection. For a representation to be valid, it must be in writing, contain the name and address of the objector, and reason for objection. In cases where there was such information missing, the Project Team contacted the individual and asked them to supply the missing data.

4.4 There was one representation received pre-publication, and one a few days after the publication period closed. Both were accepted as valid (it is discretionary for the Council to accept such representations). Two organisations, the Galloway Fisheries Trust and SEPA, asked for an additional week to submit their representations and this was granted.

4.5 Since the closure of the notification period, the Project Team has spent time reviewing all the representations. In total 58 representations were received. Of these 24 have been classed as 'general objections' (from property owners or individuals who object to the Scheme) and 34 'fishing objections' (from organisations or individual who object primarily on potential impact on fishing or fish species). Of the 24 general objections, 15 have an interest in land within the Scheme boundary. The Newton Stewart and District Angling Association also have an interest in land. There was also a representation submitted from SEPA and this is to be considered and responded to as part of the development of the Scheme. A summary of all objections is attached as **Appendix 1**.

4.6 The Project Team will be engaging further with all objectors to address all the points raised in the representations. A summary of the responses is attached as **Appendix 2**. This not only includes additional information on the Scheme but notes any additional actions and mitigation that could be included in future work on the Scheme. The letter asks the objector if they were satisfied with the response and if so, are they willing to withdraw the objection.

4.7 There is no legal requirement for the Council to reply to the objectors, but it is considered good practice to do so as this could result in some of the objectors either withdrawing all, or part, of the objections meaning there would be less matters to consider either by the Council, or Scottish Ministers. It also helps focus the points at issue for any Public Local Inquiry or Hearing which follows.

The need to make a Preliminary Decision following objections.

4.8 Having completed the formal notification phase and received objections, the Council must now, in accordance with Schedule 2 Paragraph 5(1) of the 2009 Act, make a preliminary decision to:-

- (a) confirm the proposed Scheme without modification,
- (b) confirm the proposed Scheme with modifications, or
- (c) reject the proposed Scheme.

4.9 Should the Committee approve a preliminary decision to confirm the Scheme, then Scottish Ministers must be informed of the decision. Scottish Ministers will then decide whether they wish to consider the Scheme or refer it back to the Council.

4.10 If the Scottish Ministers decide to consider the Scheme, they will arrange for a Public Local Inquiry to be held, unless all objections have been withdrawn. Following the inquiry Scottish Ministers would then decide to:-

- (a) confirm the Scheme without modification
- (b) confirm the Scheme with modifications
- (c) reject the Scheme

4.11 Confirmation of the Scheme in this context carries with it deemed planning permission.

4.12 Should Scottish Ministers decide not to consider the Scheme, then the matter will be referred back to the Council for a final decision. In the event that there are still outstanding objections, and this includes those with an interest in land within the Scheme extents, there will be a requirement for the Council to arrange and hold a Hearing to consider these objections and the proposed Scheme. While the Hearing is less formal than a Public Local Inquiry, each objector is still required to be notified of the Hearing and invited to present their objection. Following the Hearing, the independent Reporter will submit a report containing recommendations. Based on this report recommendations, the Council would then decide to:-

- (a) confirm the Scheme without modification
- (b) confirm the Scheme with modifications
- (c) reject the Scheme.

Recommendation to make a Preliminary Decision to Confirm the Scheme without modifications.

4.13 The Scheme, as promoted on 26 May 2023, is that which Members agreed at Communities Committee on 2 February 2023. Following analysis of the objections received it is considered that the issues raised in the objections were considered at the time the Scheme was submitted to Members and have already been addressed so far as it is considered feasible at this stage. No modifications have therefore been made to the design following the publication process and this effectively removes the option to confirm the Scheme with modifications from further consideration.

4.14 Many of the objections relate to matters which will be considered at the Detailed Design stage or can be addressed by the mitigations and actions proposed in the responses to the objections. Nevertheless, it is likely that some objections will remain. It is on this basis that it is recommended that Members make the preliminary decision, in accordance with Schedule 2 Paragraph 5(1) of the 2009 Act, to **confirm the Scheme**

**without modifications**, thus triggering the next stages which will lead either to a Public Local Inquiry or a Local Authority Hearing.

- 4.15 On the basis that Members make this decision, the following will be undertaken:-
- In accordance with Schedule 2 Paragraph 5(3) of the 2009 Act, we will give notice to all objectors of this decision.
  - In accordance with Schedule 2 Paragraph 5(5) of the 2009 Act, we will provide Scottish Ministers with notice of this decision along with:-
    - the Scheme documents,
    - a summary of the objections received by the local authority,
    - copies of those objections, and
    - copies of any other material considered by the local authority.

4.16 It is the view of Officers that the Scottish Ministers are unlikely to ‘call this Scheme in’ and thus preparations for a Local Authority Hearing in terms of determining the availability of an independent reporter are being made. This should hopefully shorten the time to complete the hearing process, which will be beneficial in terms of meeting funding deadlines. Additionally, the Project Team will be obtaining advice on the options available for procuring the next stages of the Scheme (detailed design and construction) to ensure there are no delays once the Local Authority Hearing (or ‘call in’) process is concluded.

4.17 The Scottish Government funding for Flood Protection Schemes now has ‘cut-off’ points which were recommended by COSLA:-

- A Scheme must be published by 31 March 2023. This has been achieved for Newton Stewart Flood Protection Scheme.
- A Scheme must have the main construction works signed contract in place by 31 March 2026.

The Local Hearing (or PLI should Scottish Ministers decide to ‘call the Scheme in’) will add delays to the programme and increase the risk that the ‘cut-off’ point for main construction could be missed. It is anticipated, however, that the timeline could be paused, or the ‘cut-off’ point extended if there are exceptional circumstances such as the requirement to hold a hearing or inquiry.

4.18 Further updates will be provided to this Committee on the response from Scottish Ministers, assuming Members agree to Confirm the Scheme without modifications, with timelines for a Local Authority Hearing.

**5. Council Plan Outcomes and Principles** (How do the proposals contribute to the delivery of the Council’s strategic outcomes and impact the principles as published?) [Themes and Strategic Outcomes](#)

Aligning with the principle of Safeguarding our future, the delivery of a Flood Protection Scheme for Newton Stewart addresses the climate emergency. Within the Themes and Strategic Outcomes, under the Travel, Connectivity and Infrastructure section, the Scheme clearly delivers on the need to ensure that Communities are protected from the impact of floods.

## 6. Implications and Risk

### Financial: (what resources are required/is it budgeted for?)

The Scheme is included in the Corporate Investment Strategy as a Priority Project with an allocation of £145k for 2023/24.

### Legal: (are there legal implications to be considered?)

The Scheme is being progressed in accordance with the Flood Risk Management (Scotland) 2009 Act.

### Workforce: (do the proposals have any implications for or impact upon employees?)

There are no identified workforce implications.

### Impact Assessment: (is the proposal such that an [impact assessment](#) is required?)

The report does not propose a change in policy, the formal adoption of a plan, policy or strategy or propose a service change and it is therefore not necessary to complete an impact assessment.

## 7. Governance Assurance

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

### Author(s)

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### Approved by

CHIEF OFFICER	DESIGNATION
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### Appendices – 2

Appendix 1 – Summary of Objections

Appendix 2 – Summary of Council Response

### Background Papers and Relevant Committee Decisions

[www.dumgal.gov.uk/newtonstewartfloodprotection](http://www.dumgal.gov.uk/newtonstewartfloodprotection)

Communities Committee 10 February 2023 Newton Stewart Flood Protection Scheme – Approval to Publish

[Agenda for Communities Committee on Friday, 10th February 2023, 10.30 am - Dumfries and Galloway Council \(moderngov.co.uk\)](#)

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

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

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&Ver=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&Ver=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](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](http://www.sepa.org.uk/flooding/flood_risk_management/national_flood_risk_assessment.aspx)



## Newton Stewart Flood Protection Scheme – Summary of Objections

## APPENDIX 1

No.	Summary
	<p><b>There were 24 objections received which were classed as general (ie covering a variety of topics which are listed below as G1 to G24)</b></p>
G1	<p>I own a property in Creebridge which although it has never flooded, I do understand the risks in that happening due to climate change. I have seen both the proposals online and visited the office in town to view the proposals more clearly. I do have to voice my concerns and objections in that if I understand it correctly, a brick wall possibly over 5 ft high is to be built starting approximately at my property and proceeding south along Creebridge on the eastern bank for some distance. If , again if I have read the proposal properly the new wall will be built on or very close to the riverside boundary of the metalled road surface, then you will be creating a strong chance of serious injury to foot traffic, cyclists, children, dog walkers etc. Creebridge is already very narrow and currently all non-vehicle users have to step onto the grass verge on the river side of the road for every vehicle using the road. Likewise if two cars meet on the road then one has to drive onto the grass to let each other pass. The ability to do any of these manoeuvres will cease unless a wide footpath for the hundred or so daily users of Creebridge who use the road to get access to and fro to the shops and recreational walkers, joggers, holidaymakers who must have some sort of pedestrian refuge to get out of the way of both commercial traffic and local residents who drive down the road to get to their homes. Also if a wall is to be built close to the road surface extra expenditure will be needed to build passing places to allow delivery vehicles, refuse collection, access for fire vehicles and ambulance who currently have to use the grass verge to be sure of access. I would like my concerns as to public safety and impracticality of the placing of any such wall be noted and officially logged.</p>
G2	<p>I wish to lodge my objection to The Newton Stewart Flood Protection Scheme. As a property owner I am one of the most affected properties. After several meetings and looking at the plans I formally object to this scheme. We have lived in this property for almost 40 years and never been flooded. My husband and I have both been brought up in Newton Stewart and have a great deal of local knowledge. Unfortunately the Flood Protection team do not want to listen to the local people with ideas of different schemes that would have less impact than an absolutely disgusting wall . Unfortunately, Newton Stewarts Victoria Street did flood but that was because the substandard single brick wall breached, there was no maintenance to it and unfortunately had devastated consequences. Another case of no maintenance is the drains. This is said in your literature to be a 1 in 200 year event. It is definitely not worth ruining our town for this. I feel this scheme is being put forward for the gratification of those concerned i.e Scottish Government, D and G Council and Sweco. Please listen to those concerned. When viewing the plans initially I had to point out that the wall was going through the War memorial at the bridge end . I was then told it was a typing error. I am not a planner, surely, they should have proof read their plans. Even in our several meetings the planners they could not confirm, construction material, final height or width of the wall and how much of my garden would be taken. What have they actually been doing all this time-wasting millions of pound in an economic crisis when we can't even give our residents a palative care bed. When Mr Ferguson originally came, I was disgusted by his bullish attitude and It was very obvious from the first 30 seconds of our meeting it did not matter what we thought. The engineer (she kept reminding me she was an engineer) was exactly the same. If I asked a question, she obviously could not answer all I got was, I am an engineer! My fear is that this contract is awarded to a company like Fergusson shipyard, we obviously known the story of that disaster. We are trying to get National Park status to Improve tourism in our wonderful area. This would certainly not help with that. You would ruin everything about our town including fishing on the river Cree and it's hatchery. By raising the water levels in the middle of the river it will cause devastated damage to our fabulous Cree Bridge. Please look at different schemes for example getting rid of rubbish and trees that is lying on our riverbed. We are continually told that would not make a difference. Any small difference is fabulous, you are not even willing to try.</p>

## Newton Stewart Flood Protection Scheme – Summary of Objections

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No.	Summary
	<p>I believe a local contractor offered free of charge to remove river debris after the flood and was point blanking refused. As I also own a business premises in Newton Stewart, I have an even bigger interest in this scheme. People of Newton Stewart do not want this scheme. Please listen to the people who pay your wages. Can you please acknowledge you have received my objection. As you will see I see have included The Secretary of State for Scotland , I have been in constant contact with him and Radio Scotland who are interested in my feedback from you</p>
G3 & G4	<ul style="list-style-type: none"> <li>• The wall model is vastly over exaggerated and will be a life threatening eyesore on the town.</li> <li>• Although the Penkiln Burn is a steeply falling river, it is prone rise swiftly and if an angler is caught in that rapid rise, how will they exit the river quickly with such a wall? I fear their lives will be placed in unnecessary danger by this.</li> <li>• It will be an ugly, dirty, Council neglected eyesore.</li> <li>• The handful of houses that DID flood would be better served by individual flood defences, and the balance spent of renovating the Galloway Arms and Grapes Hotel, both of which are eyesores and dangerous to passers by.</li> <li>• We have lived here for nearly 16 years and can't even get the Council to repair the road, send a road sweeper, put a salt bin in, fix the manhole cover around the corner( picture attached)</li> <li>• Tigh na Cree was the only affected property down this side of the road, and that got 14" of water in the GARAGE, so a wall of 2.8 meters outside is ludicrous and dangerous!</li> <li>• I feel a petition would serve a more balanced view of peoples opinions as to whether the wall is wanted in Newton Stewart.</li> <li>• As far as we're concerned the two major problems have been addressed...the wall across from us has been repaired and re-inforced, and the new bridge has been raised and moved below the obstruction of the Scottish Water pumping station, receiving flow to natural flood plane.</li> <li>• Who will compensate us for the loss of view of the river from our homes, a significant part of why we bought them in the first place?</li> <li>• In short , I know of no one along this road that wants this scheme, and I would ask for the "hundreds of names" FOR the scheme to be made public to us please? We do NOT want this monstrosity forced upon us.</li> <li>• This river is a VERY important salmon and sea trout river and MUST be preserved at all costs, and was only given one sentence in your latest letter. It may not be important to you, but it is very important to hundreds of people in the area, and vitally important to the preservation of the species, and the town is greatly reliant on the tourism that salmon angling brings to it!</li> </ul>
G5 & G6	<p>Having received plans outlining the defence proposal at the bottom of our property adjacent to the Penkiln burn, we are concerned that there will be a wall approximately one third the width of our garden then an embankment adjoining the wall that will cover the rest. We agree that flood defence is of top priority and a necessity. We are not objecting to the proposal for flood defence, but do not like the idea of having two different defences in view at the bottom of our garden. Therefore I would like to request that a wall spanning the full width of our property be built as this would be more attractive and blend in with the landscape and improve our outlook.</p>
G7	<ol style="list-style-type: none"> <li>1. Flooding occurred in exceptional circumstances because existing infrastructure was inadequate at the time. Improvements have been made to the Sparling Bridge and the wall by the park mitigating most of the risk. These improvements have taken away enough risk of flooding for the town's needs.</li> <li>2. The proposed scheme is extensive. It is much more than what's needed. Construction work will disrupt the day to day business of the town for a long time and cost a fortune. It will not add to the town's appeal as a destination for shoppers and tourists.</li> </ol>

## Newton Stewart Flood Protection Scheme – Summary of Objections

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No.	Summary
	<p>3. The money would be better spent on planned development of the town centre infrastructure, derelict and underused sites fronting Victoria Street, improving the town centre by planned development of roads, commercial and residential sites, improving vehicle, pedestrian access layout and sewerage. The town centre is in great need of improving and tidying up empty, unused shops, and accommodation with better access.</p>
G8	<p>I am a retired conservationist, lived in Minnigaff for 40 years with a keen interest in birds and bats. I was rather alarmed at the lack of knowledge of bats in and around the scheme.</p> <p>I will make a few observations that I hope will help direct the proposed surveys for this year.</p> <p>The road Bridge in town has a long established Daubenton's maternity bat roost, most years numbering between 20-40.</p> <p>The Meal Mill in Minnigaff has the largest Pipistrelle roost known in the region with 1200 counted emerging a few years ago, mainly Soprano's. Other buildings have male roosts of both Soprano and Common Pips.</p> <p>The metal suspension bridge stretch of river is a favoured area for hunting Daubenton's and the mature oaks to the east of the Bridge at the north end of Mill island is one of the best places for early emerging Soprano Pips with a few Commons pips as well. I strongly suspect that they roost in these trees. Audiomoth recording 2 nights ago produced over 900 files of Daubentons, Soprano and common pips near the suspension bridge.</p> <p>Other bats regularly recorded hunting along the river are Natterer's, Leisler's, Brown Long-eared's, Noctule.</p> <p>Common Pips are regular around Monnigaff church and roost there.</p> <p>Otters are regularly seen in town. They regular cross from the Penkiln to the Cree at the north of Mill island. Regularly seen passing under the road bridge in town. In fact a dense scrubby bush about 30m north of the Bridge on the east bank is used as an occasional laying up site during the day. They regularly us the dense cover on Mill island.</p> <p>Reptiles in the area- Slow worms are abundant in most gardens.</p> <p>In view of the very important bat roost at Meal Mill, along with the bird interest (breeding tawny owls) it is imperative to maintain as many mature trees around this area as possible. I note in the screening report p15 that the Embankment on the east bank of the Penkiln has been set back to maximise retention of Mature Trees. It is absolutely essential that this is adhered to and special attention by supervisors is to be made to respect this. Also leave all of the trees as they are on Mill island.</p> <p>Kingfishers used to regularly breed on the east back about 40 m south of the A75 with another pair about 1km south of that. 4 pair of Dipper used to breed in the town but sadly no longer, hopefully with improved water quality they might return. Mallard regularly loaf on the Penkiln under the shade of the trees.</p> <p>I shall continue to scan the various reports and hope that these comments are of value.</p> <p><b>Amendment (further email 12 June)</b></p> <p>I have now had a chance to read the Flood Management Preferred Option &amp; Economics Appraisal</p> <p>I note with horror sect 1.4 Geomorphology and Tree Loss</p>

## Newton Stewart Flood Protection Scheme – Summary of Objections

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	<p>P13 the proposal to remove and estimated 550 trees. Which I find absolutely appalling. Surely the carbon footprint of this project coupled with the removal of 550 trees at this time of Global Crisis is abhorrent and to be strongly discouraged.</p> <p>Have the designers of this scheme looked at removing flood banks north of the town to fully re-instate the old flood plains. These banks stretch from Boreland farm, include the Wood of Cree, Larg Farm, Brighton and the Holm Farm.</p> <p>This would considerably increase the holding capacity of flood plains north of the town and removing the banks south of the town would also alleviate the surge tide effect and should at least be fully considered.</p>
G9	<p>I would like to comment on the recent proposals for a flood prevention scheme in Newton Stewart. I have Salmon fishing's from the East bank ( SSSI) down stream and extending below Machermore castle. I am not the land owner, but do have the Salmon fishing rights.</p> <p>The scheme is absolutely necessary in order to avoid the catastrophic flooding the town experienced a few years ago now on 30th Dec. I have made submissions about this already.</p> <p>However i have looked at the plans and although i agree with some of these, i think the scheme could negatively impact many people including those living along side the river, business's and angling interests.</p> <p>The crux of the problem stemmed from unprecedented amounts of rain and a wall structure at the back of home hardware that was flimsy at best ! .. The town only flooded when this wall collapsed ! - the wall has been patched up, but as per the flood prevention plan this wall needs to be made higher and reinforced from the weir down to Aldi.</p> <p>If this is done this will for the most part alleviate any future negative flood events. This should be the PRIORITY above all others.</p> <p>Some other observations &gt;&gt;</p> <ul style="list-style-type: none"> <li>~ there are a lot of trees on the left bank immediately below the weir- these should be taken away and underneath these perhaps some of the gravel build up stripped off. (but not the main channel)- this has to be an impediment to flow?</li> <li>~ at the back of home hardware is a concrete structure (about 4m wide x 2m high) - i understand this is some sort of sewerage pumping point/ hatch ? - So a cross section of concrete sticking out into the channel 4m x 2m has to massively obstruct the flow ?? this should be relocated away from the river channel - this will ease the flow ..</li> <li>~ Massive plantations of Sitka commercial forest on the Cree catchment have massively changed the rivers hydrology over the last 40 years. What was once boggy land with sphagnum moss has been ditched and drained and now when it rains it goes straight into the river. There needs to be less forestry and restoration of Bog and Peatlands. Before the forestry the bog lands helped to retain and dissipate the water into the rivers over a period of time - now in the winter it just drains straight into the river via forest ditches (these need to be blocked to slow the flow)</li> <li>~ would it not be possible to have some parts of the flood wall that are temporary - ie a well drilled flood prevention team could have a few sections slotted into place within a couple of hours.</li> <li>~ any wall would have to allow access via certain gates to the recreational resource of the river - fishing etc</li> </ul>

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	<p>~ Very little mention of Salmon in the plans..... extreme care needs to be taken not to dig away spawning gravels and loosen it to such an extent it all washes away and fills in the Salmon pools.</p> <p>~ Will compensation be given to those recreational and fishing resources effected by this scheme - both in the construction phase and future. Newton Stewart anglers (and to some degree myself) could be adversely effected and our angling opportunities curtailed. I can envisage a situation where anglers cant even get to the river because of large flood barriers ??</p> <p>~ the field below Broomisle cottage acts as a natural flood plain ..... but not sure if any more channels need to be made ? - perhaps some flood plains could be opened up in the catchment further up the catchment though ..... a scheme could be in place to compensate farmers adversely effected by this in a flood event ?</p> <p>~ I agree some sort of reinforcement of the bank at the back of Galloway granite works / Jewsons needs to take place - the bank is badly eroded ..... but only a section of about 20 metres at slaughterhouse pool - a few gabion baskets would fix this..</p> <p>In summary i think the flood prevention scheme has gone too far in many respects and that the concerns of the population of Newton Stewart need to be taken into consideration.</p> <p><b>The bottom line is there was an old wall at the back of home hardware that collapsed and only when this happened did the town actually flood ! ..... if a strong wall that is higher is built from the weir down to Aldi that will be 98% of the solution !</b></p>
G10	<p>In 2002 I purchased the property known as.....which is a unique building and only one of two which have river frontage and landscaped gardens. I am concerned that your plans are directly going to affect my property therefore the following objections I wish to place on record.</p> <p>The construction of a reinforced concrete/sheet piled wall at a height f 0.8 – 1.4m above ground level,</p> <p>A) will be near the gable end of the property hence will restrict daylight into my lounge</p> <p>B) denied access onto the river garden to carry out gardening tasks ie grass mowing/weeding/hedge-cutting</p> <p>C) recreational usage; entertaining friends; fishing for the elusive salmon</p> <p>D) the loss of mature oak trees and beech hedge</p> <p>D) privacy enjoyed from my garden</p> <p>F) loss of land/value to property</p>
G11	<p>I wish to express my very deep concern regarding the removal of trees and other forms of habitat to make way for the flood protection scheme. Once again the natural environment has to pay the price for the benefit of a few humans. Trees ,that support so many living things ( including us ) are more essential than ever given the decline in bird, bat and insect populations due to man’s interventions, including the exacerbation of climate change , to be axed to make way for man-made structures yet again.</p> <p>Urbanisation at a huge cost to flora and fauna yet one of the best natural flood and erosion preventers are trees. The preferred option indicates a pretty large removal of existing trees with their replacement and landscaping at an estimated cost of £60,000 when most of the existing trees are an invaluable, developed habitat with an anchoring effect of their root systems.</p> <p>Any replacements ( if absolutely necessary) should be native broad-leaf and close scrutiny of any work an ongoing process as there is no opportunity, in such a natural environment, to rectify the damage that can be done by carelessness , after it’s been done.</p>

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	<p>The preferred option indicates a pretty large removal of existing trees with their replacement and landscaping at an estimated cost of £60,000 when most of the existing trees are an invaluable, developed habitat with an anchoring effect of their root systems.</p> <p>Any replacements (if absolutely necessary) should be native broad-leaf and close scrutiny of any work an ongoing process as there is no opportunity, in such a natural environment, to rectify the damage that can be done by carelessness, after it's been done.</p>
G12 & G13	<p>Following on from our visit on 14th June to the Flood Protection information meeting at McMillan Hall, Newton Stewart, we are lodging our areas of concern and interest regarding the above scheme.</p> <p>Due to the lack of detail presented regarding the proposed wall (height, position and material construction) we are expressing our concerns. We have approximately 90 metres of river frontage and as such our house is the most affected in Newton Stewart/Minnigaff.</p> <p>Our main concerns are:</p> <ol style="list-style-type: none"> <li>1. Material construction and position of the wall.</li> <li>2. Accessibility of the river for guests and ourselves. We have certain fishing rights and many guests choose to step down into the water for various activities.</li> <li>3. We have a minimum of 15 trees on the riverbank, all of which are protected by a conservation order. No details regarding these trees have been made available.</li> <li>4. There is no detail in the proposal regarding maintenance of both sides of the wall and bank.</li> <li>5. We are very concerned regarding the affect of the wall on our business. Guests enjoy sitting on the riverbank. It is important that we will maintain the views which draw them to Minnigaff.</li> </ol> <p>We look forward to being fully informed by the Management Team as and when more information and details become available.</p>
G14	<p>I would like to strongly object to the proposed Newton Stewart Flood Protection Scheme.</p> <p>The Scheme will only benefit a small number of people and property owners. It will totally destroy the aesthetic appeal of the town and drive away tourists and visitors to the area who will then go elsewhere.</p> <p>This in turn will start an economic downturn to the area. It will affect every type of accommodation provider. That is to say Hotels and caravan sites etc. This in turn will obviously affect the turnover in all the local shops as well.</p> <p>People believe that to raise the height of existing walls slightly plus a few strategically placed additions would be adequate.</p> <p>I would also like to point out to you that this Scheme would have a vastly destructive effect on the banks of the river Cree and the river bed. This will ruin angling in the area for Brown Trout, Sea Trout and Salmon. This would add to the economic downturn of the area as well as destroying the habitat and spawning areas for several native fish species.</p>



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	<p>Let me make it clear to you that the Atlantic Salmon is now a declining and threatened species which is protected by law. Vast amounts of work have been carried out locally to try to increase the numbers of these fish and to improve their habitat at no small investment of both time and money to those involved. Lampreys are also in decline and are a threatened species which are present in the river Cree. Sparlings are a declining and threatened species found in the river Cree as is the European Eel. Both of these are protected by law. It is very probably illegal to adversely affect or destroy the habitat or spawning areas of all these fish. The proposed Scheme would undoubtedly do this.</p> <p>If you were to actively ask people living in the Newton Stewart area then you would find that very few want this Scheme to go ahead. Please do not destroy the ecology of the river Cree.</p>
G15	<p>I should like to raise an objection to the flood protection proposed plans for the river Cree.</p> <p>In the interest of conservation of endangered species in the Cree these proposals are totally unacceptable.</p> <p>In the interests of safety what if a fisherman is fishing and it floods they would not be able to get out.</p> <p>The plans do not take into consideration the social and economic impact on the town. Many visitors come to Newton Stewart, the sight of large stone walls and ugly screens blocking the lovely views, the ability to sit and have lunch by the river no longer an option is hardly inviting the visitors to come back.</p> <p>In these times of a cost of living crisis can spending this vast amount of money be justified, whilst children are hungry and nurses are using food banks, surely this money should be diverted to those in the area who need it far more than diverting a flood that happens occasionally.</p> <p>Please reconsider this decision and listen to the many reasons not to do this.</p>
G16	<p>I am writing to you as the owner and occupier of the above property.</p> <p>I object to the proposal to build an embankment / wall across the back of my garden, taking out an 8mts strip across its width of my property adjacent to the Penkiln Burn.</p> <p>This will destroy a natural wood land area I have created nurtured and planted since my family have been resident here. It will mean the loss and damage to many trees and woodland bulbs and bee nesting sites we have encouraged over the years.</p> <p>As well as adjacent to my property and this area is Meal Mill, which is inhabited with bats and includes special nesting boxes for them put in after its recent restoration of the building. My garden area here acts as a feeding ground for them and has been monitored by RSB for species type for which there are many.</p> <p>The Cree is the wildlife corridor for the wood of Cregan with many nesting sites and mammal life along it's banks. The destruction caused by these construction activities as well as its carbon footprint is unacceptable when the solution requires less evasive work up river where old flood plains should be restored.</p> <p>Compensation due for my loss of land will not make up for the destruction of the biosphere and who will be responsible for maintaining it / upkeep of this bank / wall? I will also be losing the fencing I have bordering my ground to keep the deer out from destroying my garden and vegetable patch.</p>



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G17	<p>Further to attending the recent Newton Stewart Flood Protection Scheme Community Engagement Event held at the McMillan Hall on Saturday 25th September 2021 I am writing at the request of your team to draw your attention to my concerns regarding how the proposed plans will impact upon the above property and would ask that you take the following information into account and hopefully adjust the works accordingly to help protect our home and not as I will indicate exacerbate the potential flood damage.</p> <p>We have owned the property as a second home for approximately 14 years now and unfortunately we were severely impacted by the major flood occurrence of 30th December 2015. During this flood the lower level of our house flooded internally by approximately one to one and a half feet of river water.</p> <p>Externally the river was flowing past three feet up the patio doors. The lower floor consists of a small staircase leading to a corridor serving a bedroom and then the main bedroom which has a triple patio door leading to a balcony which projects out over the Brewery Pool of the River Cree. The weed debris when the flood subsided was a third of the way up the balcony railings. I was notified of the flood and arrived to observe the above standing in the main bedroom looking out towards the river. The river also partially flooded the bottom corner of our rear drive having risen through a drain hole in the lowest corner adjacent to the river wall. On the opposite bank the observable height of the river was up to the facing brick/harling level on the bungalow directly opposite on the far bank.</p> <p>The insurance bill to repair was approximately £17,500.00.</p> <p>At this time the river was unobstructed on the opposing bank and therefore could and did dissipate a huge mass of its volume up the far bank. Having studied your proposals which indicate the building of a 1.9m wall and glass panel containment feature on the opposing bank but also indicate that your containment on our side of the river starts way down river of our property with no intended works to protect it .I would thus voice that I am deeply concerned that this will actually exacerbate the potential flood level at our property by channeling the water to an even greater level as it will not now have the opportunity to level out on the far bank and the volume will thus be compressed to an even higher level because of this. This could indeed risk the flooding of the next and main level of our home, which includes our kitchen, dining room, a small bathroom, the main bathroom, summer room, a large bedroom, boiler room and main reception hall, thus leading to an enormously increased amount and thus value of damage. This would also exaggerate the effect of a lesser flood than in 2016 on our property and cause it to flood with less water and sooner than previously occurred.</p> <p>I am, therefore, expressing my deep concerns regarding your present proposals and hope that you can take cognisance of the above information and hopefully incorporate some means of protecting our property into the plans. Simple sandbags would not suffice but some form of similar glass flood prevention barrier and waterproof sealing of the balcony floor and sides and a a door sealing system of some kind could be investigated to be incorporated into the scheme by you.</p>
G18	<p>I am a long term resident of the Cree Valley. I object to the proposed flood prevention scheme on the following grounds</p> <p>1) No account has been taken of the likely impacts on the various natural aquatic habitats currently existing within the River Cree. The creation of a hard engineered canal to replace over half a mile of natural river is bound to have numerous impacts on the life in the river, particularly the salmon and fresh water mussels. Unintended disturbance to the river bed and contamination of the water are likely to be major issues during the construction phase. The FPS must not proceed until a full riparian EIA has been carried out.</p>

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	<p>2) The river is what makes Newton Stewart a desirable place to live and a pleasant place for tourists to visit. A walled in, glazed in, canal in the centre of the town could easily destroy the appeal of the place. The socio economic impact of the proposed FPS must therefore be considered before it can possibly be allowed to go ahead. The final detailed FPS plans need to be presented to everyone and then a comprehensive attitude survey of both residents and visitors must be undertaken. The FPS may have appeared to be a welcome concept to the fifty odd people who could be bothered to fill out the initial questionnaire but the views these few people do not necessarily represent those of the many who will be detrimentally affected by the scheme. If the final design is anything like the most recent plans, I view the Newton Stewart FPS as abhorrent and would like the chance to have a say in preventing it from going ahead. Thousands of people will have to live with what is decided. They must all be given a chance to stop it.</p> <p>3) The Main Street of Newton Stewart is slowly becoming derelict. If the council has £10 or £15 million to invest in the town it would be best spent renovating the Grapes Hotel, the Galloway Arms Hotel, and the empty shops in the town. There is no point building flood defences for 1 in 200 year floods which can only effect a handful of properties. The town needs investment not a metoo flood scheme</p>
G19	<p>I wish to formally raise an objection to the above scheme. My objection, in general terms, is regarding the scale, scope and cost of the scheme. In particular, I would most strongly object to the scale of defences proposed for SE of Cree Bridge. The December 2015 flood, the largest in living memory, caused minimal damage to one property in this area and yet the proposed scheme is showing a hard defence of embankment and wall up to 2m in height. I cannot believe that level of protection proposed can be justified.</p> <p>In April and November 2015 Kaya Consulting produced a report which was commissioned by Dumfries and Galloway Council, with an Addendum following the December 2015 flooding, with a further draft dated May 2017. I found those reports quite easy to understand and the findings and proposed solutions appeared to be fair and reasonable. I cannot find reference to that report being considered by the Council, or indeed why the Council appeared to ignore this report and subsequently commissioned SWECO to produce a second report. What was the reason for that? Is it recorded within Council minutes?</p> <p>The Sweco report was exhaustive and examined a number of options, most of which were not proceeded with for varying reasons, with the predominant option being hard defences along both banks of the river Cree, from the Penkiln to the Sparling Bridge, alongside a small number of other measures such as reprofiling of the land around the A75 bypass bridge. As far as I can make out, the Kaya report came up with pretty much the same conclusion, albeit with a lower level of protection. In simple terms, following their cost benefit analysis, they seemed to be suggesting minimal works on the NW side of the Bridge of Cree, property level protection on NE bank, a wall on Riverside Road on SW bank and nothing on SE (Creebridge) side. They also suggested building a new wall on the road side of the existing wall along Riverside Road and making this road one way to compensate for the narrowing of the road. Seems to be a cheaper engineering option.</p> <p>The costs and benefits as identified in both reports seemed to differ substantially with Kaya suggesting that a scheme providing 1 in 200 year level of protection is unlikely to be economically viable and unlikely to attract grant aid from the Scottish Government. One estimated cost was £25.8M (2016 figures) for a scheme perceived to be less substantial than that proposed by SWECO. In any day and age that is an enormous sum, but given the present economic climate asking Scottish taxpayers (the most heavily taxed in the UK) and the Council Tax payers of Dumfries and Galloway to fund the scheme seems to me to be quite shameful. It may be a somewhat cynical view but has any publically funded major engineering project ever come in on budget?</p> <p>Kaya, SWECO, Council Officers and Members have worked hard on the Newton Stewart Flood Protection Scheme and should be applauded for their hard work. I do believe however, that if D&amp;G Council had repaired, strengthened and perhaps lengthened the wall alongside Riverside Road in the years prior to 2015 we would not be going through this process now. If the wall behind the old town hall had not failed flood damage in Victoria</p>

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	<p>Street would probably have been quite minimal and the Kaya reports of 2015 possibly enacted upon. I also believe that the consultation process, whilst following the protocol dictated by Government, was less than effective. The commercial property and house holders directly affected should have been much more directly involved in the process. The Regulations dictate that the Community should be heavily involved in whether a scheme goes ahead or not and I do not believe that the part of the community most affected have been involved as much as they should have been. The 100 or so commercial and residential properties most at risk should have been much more involved than the wider community.</p> <p>In conclusion, do the flood defences in Newton Stewart need improving? Most certainly. Does the flood protection scheme need to be as extensive and costly as proposed? Most certainly not. My observations are obviously not scientific, but having lived on the side of the river for 24 years and seen and experienced every flood over that time, and having absorbed as best as I could, the findings of all the reports, feel as though a smaller, more cost effective along the findings of the Kaya report should be revisited, ie minimal works NW of Bridge, property level protection NE bank of Bridge, wall on SW side (not 2metres in height, visual impact on an area much walked by locals and tourists would be awful) and no measures need on SE side, other than perhaps individual mitigation measures should any householder request it.</p> <p>I wish to state that my property would be directly affected, albeit quite minimally, by the Scheme.</p>
G20	<p>Statement: I do not believe this scheme will help or benefit the town of Newton Stewart with regards to Tourism or Wildlife Conservation and think that other less intrusive flood prevention ideas could be explored further upstream and possibly less expensive.</p> <p>My objections (based on living here and observations) are:-</p> <p>The Wildlife corridor is definitely going to be massively affected. We have resident wildlife at the bottom of our garden including the following:-</p> <ul style="list-style-type: none"> <li>Roosting bats</li> <li>Kingfishers</li> <li>Hedgehogs</li> <li>Heron</li> <li>Corvids</li> <li>Ducks with ducklings</li> <li>Endangered Bee colonies</li> <li>Wide array of birds including owls, siskens, woodpeckers plus many garden birds</li> <li>Not to mention (although I have not seen), otters.</li> </ul> <p>Tourism - why would people want to visit anymore?</p> <p>The river - the walking on either side are one of the main things I see people doing when they get here. If it is aesthetically ugly, why bother coming here?</p> <p>Fishing - how will the locals be able to do this?</p> <p>I am not in favour at all. Also, you are asking the households directly affected but do not seem to have asked any other residents of Newton Stewart who may have valid opinions on how it would affect the whole look and ethos of the town.</p>

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G21	<p>I would like to lodge an objection to the proposed flood protection scheme on the Following Grounds</p> <p>Visual impact on our property            Disruption to Business            Loss of use of our land located along the banks of the river cree quite a large area            Loss of land use in our field            Loss of soft landscaping and trees on the banks of river cree , these have already been removed and reinstated a number of years back during the last major works carried out by scottish water a contract which orve ran by approx 2 years, we now have 10 years of growth which we do not wish to remove            Loss of access to river cree and Banks</p>
G22	<p>The prospect of the removal of so many trees in this area is of grave concern.</p> <p>Removing any trees on the banks of the Penkiln, Bluebell Island and around the suspension bridge will destroy an irreplaceable ecosystem. This supports a wide range of birds, bats, animals and insects as well as providing an invaluable recreational amenity for residents and visitors. In addition the visual impact will be a disaster.</p> <p>This area is also a key link in the chain of native woodland created by the Millenium "From Source to Sea" project, started by the RSPB in 2000 to create a corridor of native woodland the length of the river. This has been enormously successful in promoting biodiversity.</p> <p>I understand the necessity of flood prevention measures but urge a more far sighted approach upstream.</p>
G23	<p>Previous flooding was caused by the rising river reaching above deck level of the Sparling Bridge (the pedestrian footbridge). This resulted in it being blocked with debris, causing an additional obstruction to the river flow, and therefore to the town and nearby properties.</p> <p>Sparling bridge was re-built and opened in 2019, to a new design of increased height, and farther down the river, to remove the previous damming properties of the previous bridge, which contributed to the flooding of nearby properties and the town.</p> <p>A potential wall being built near the bend by the Villa Cree property would cause a restriction of access, and an obstruction to vehicles waste and recycling vehicles, delivery vehicles, and more significantly it would potentially prohibit emergency vehicles eg Fire Appliances, from gaining access to the properties along the road from Villa Cree to Sparling Bridge area.</p> <p>The potential height of the wall could be 2 Metres. This would detract from the natural environment for fishermen, withdrawing current easy access to the riverside for fishing rights. I am of the opinion the measures being proposed do not take adequate account of the potential damage to the integrity of the River Cree, nor to the immediate and ongoing potential impact on those species who's natural habitat is the river Cree, including fish, otters and voles.</p> <p>I am also very concerned at the lack of entry and exit points along the proposed works, which gives rise to concerns for the safety of those using the river recreationally, including anglers who often have to exit the river very quickly when an unexpected spate occurs. It would also have an adverse effect on the enjoyment of those using wheel chairs, electric scooters etc that aid mobility, as the wall in parts would restrict their enjoyment and view of the riverside and embankment.</p>

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	<p>It would also make it less attractive to tourists and the much needed income brought to the town from visitors, and those with restricted mobility, which the Sparling bridge was re-designed to include easier access for all.</p> <p>There is no clear indication on the diagrams or "fly through" of the exact positioning, or height of the wall. These are diagrams not actual plans, as evidence by it being unclear where the unadopted road is on these diagrams.</p> <p>The "flythrough" gives the impression of there being a very wide and extensive grassed riverbank, which is not the reality. This further adds to the lack of clarity as the positioning of a wall or defense embankment.</p> <p>At the time, Tigh-na-Cree was the only property, on this road, with evidence of water flooding, amounting to a few inches. Subsequently, flood boards were fitted to the external doors, and air brick flood defences were fitted to protect the property further. This would surely be a sensible flood prevention plan, more cost effective, and less intrusive to the environment, and impact on the locality and tourists.</p> <p>Question: Has this option been considered, for properties by the river, as there is no evidence to this effect?</p>
G24	<p>We attended the flood protection scheme meeting at the McMillan Hall on Wednesday 21st June and spoke to a member the Flood Risk Management Scheme about our concerns around the height of the wall and depth of glass relating to our property. We were instructed and understand that this level of detail is not yet being discussed at this stage. However, we would like it recorded that although we are in principle happy for the overall scheme to go ahead, this is very much based on our property getting a proportionate amount of glass as not to obstruct or block our view with the river or reduce what little terrace space we currently have. We have previously had a meeting with your staff who visited our property and they saw first-hand that any heightening of the wall above its current position would completely spoil the aesthetics of the property and have a detrimental effect to its attraction as a self catering holiday let and indeed as our home when we are there. We look forward to having further discussions at the appropriate time.</p>
	<p><b>There were 34 objections received which were principally about fishing or fishing rights. These were from the Newton Stewart and District Angling Association, Cree Salmon Fisheries Board, Galloway Fisheries Trust and 29 which were a standard template response from Members or Supporters of the Angling Association. (The standard template is detailed under numbers F3, F5, and F7 to F34).</b></p>
F1	<p>I wish to register my <b>objection</b> to the proposed Newton Stewart Flood Protection Scheme.</p> <p>My reasons are:</p> <ol style="list-style-type: none"> <li>1. There is very little DETAIL contained in any of the current documentation</li> <li>2. There is no detail on access or exit points from the river. With the proposed flood defence scheme in place, it will not be possible to enter (or more importantly, exit) the river as users currently do. There is a very real risk of someone drowning if they cannot exit the river quickly and easily</li> <li>3. The Atlantic Salmon and Seatrout for which the River Cree &amp; Penkiln are rightly famous are only briefly mentioned in the EIA screening report, and not mentioned AT ALL in the PEAR report – this is completely unacceptable. The Atlantic Salmon is designated as a priority conservation species and currently considered to be under threat</li> </ol>

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	<p>4. The Hydrology report has not considered the short, medium or long term effects on the river bed, and the existing pools and riffles which form important habitat for salmon &amp; seatrout. The pools and riffles also form a very important rod angling fishery (for salmon &amp; seatrout). This is owned by a local angling association and has a capital value of millions of pounds. The fishery also brings significant community benefit from visiting anglers and angling tourism. There is no mention of compensation for loss of income during the works (angling will not be possible during the works) or for any potential future loss of the angling asset due to the existing pool and riffle habitats being destroyed by the FPS</p> <p>5. The River Cree District Salmon Fishery Board have not been included in the list of statutory consultees – despite several requests. District Salmon Fishery Boards have statutory powers and duties to protect and improve Salmon &amp; Seatrout fisheries within their district. DSFB's are constituted &amp; governed under The Salmon &amp; Freshwater Fisheries (Consolidation) (Scotland) Act 2003.</p> <p>Please record this email as a formal <b>OBJECTION</b> to the proposed Newton Stewart flood Protection Scheme</p>
F2	<p>I write as Secretary to Newton Stewart &amp; District Angling Association on their behalf in response to the Notice of Newton Stewart Flood Protection Scheme ( the Scheme). We wish to lodge an objection to the NSFPS in accordance with the undernoted Statement of Reasons.</p> <p>I confirm that NSDAA has a relevant interest in the land impacted by the Scheme. We are Riparian Owners of the river Cree over the entire length of your proposed works in addition to owners of the salmon fishing rights. Our club membership currently stands at 208 including Associate Members and have an average of 135 rod days per season from visiting anglers. We have a current value of our asset in the region of £750,00.</p> <p><b>STATEMENT OF REASONS FOR OBJECTION.</b></p> <p>1 As owners of a significant part of the impacted river banking we have not been accorded any involvement in the development of plans to date and because of that we are concerned that NSDAA's interests have not been sufficiently considered as part of the process.</p> <p>2 We have not been contacted by the Schemes developers regarding negotiation of access and egress points to the land in our ownership which is subject to the Schemes works. Without agreement on access and egress to our land with ourselves as landlord this Scheme should not be approved.</p> <p>3 The scheme works will have a material negative impact on the ability of NSDAA members to utilise their fishing rights. This will cause not only loss of amenity but also outright financial loss. Works are scheduled to be carried out outwith the migratory season of November to May, which means they will be carried out between June and October. This is precisely the timing of the salmon and sea trout run and when we do the bulk of our business, and members enjoy the sport. We predict considerable loss of membership and income for the two seasons the work is scheduled to take place, and fear they will not return. No consideration has been given to how the design and construction of the Scheme can be done in a way that minimises impact to our members or what level of compensation would be appropriate in the light of the anticipated loss. I would draw to your attention to section 82 of the Flood Risk Management (Scotland)Act 2009 which DGC are obliged to observe.</p> <p>4 The engineering works to river banks carries the risk of materially changing the configuration and productivity of pools comprising our fishery. To date there has been no consideration of how the design and execution of the Scheme may materially alter the behaviour of the river in a way that may negatively impact upon our fishery. If the works materially impact the capacity of the river to maintain pools suitable for holding salmon then this may have a significant negative impact on the value of our fishery given that the proposed works impact a significant proportion of our fishery. No conversation has been had with us as to mitigation or compensation for this potential loss.</p>



## Newton Stewart Flood Protection Scheme – Summary of Objections

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No.	Summary
	<p>5 NSDAA refute the claim in Environmental Impact Report item 7.6 which states “ that no significant impact is predicted with regards to public access, recreation or amenity, therefore no further assessment is needed”. There has been no recognition of the contractor’s requirement to produce a Construction Phase Health and Safety Plan, which will almost certainly exclude the public from working areas.</p>
F3	<p>I object to the Scheme for the reasons mentioned below.</p> <p><b>STATEMENT OF REASONS FOR THE OBJECTION</b></p> <ol style="list-style-type: none"> <li>1. I reiterate the reasons mentioned in the objection of Newton Stewart and District Angling Association (“NSDAA”) shown in the Appendix to this objection. I am a member of NSDAA, which is an unincorporated association. As such, I have an interest in the land (including salmon and sea trout fishing rights) owned by NSDAA. The Appendix adequately describes which aspects of the proposed operations affect my interest in the land.</li> <li>2. The EIA screening report and the PEAR report fail to consider adequately or at all the impact of the Scheme on salmon and sea trout populations in the River Cree and Penkiln Burn.</li> <li>3. The proposed operations set out in the Scheme are unreasonably excessive in relation to the flood risks sought to be addressed.</li> </ol> <p><b>APPENDIX</b></p> <ol style="list-style-type: none"> <li>1 As owners of a significant part of the impacted river banking we have not been accorded any involvement in the development of plans to date and because of that we are concerned that NSDAA’s interests have not been sufficiently considered as part of the process.</li> <li>2 We have not been contacted by the Schemes developers regarding negotiation of access and egress points to the land in our ownership which is subject to the Schemes works. Without agreement on access and egress to our land with ourselves as landlord this Scheme should not be approved.</li> <li>3 The scheme works will have a material negative impact on the ability of NSDAA members to utilise their fishing rights. This will cause not only loss of amenity but also outright financial loss. Works are scheduled to be carried out outwith the migratory season of November to May, which means they will be carried out between June and October. This is precisely the timing of the salmon and sea trout run and when we do the bulk of our business, and members enjoy the sport. We predict considerable loss of membership and income for the two seasons the work is scheduled to take place, and fear they will not return. No consideration has been given to how the design and construction of the Scheme can be done in a way that minimises impact to our members or what level of compensation would be appropriate in the light of the anticipated loss. I would draw to your attention to section 82 of the Flood Risk Management (Scotland) Act 2009 which DGC are obliged to observe.</li> <li>4 The engineering works to river banks carries the risk of materially changing the configuration and productivity of pools comprising our fishery. To date there has been no consideration of how the design and execution of the Scheme may materially alter the behaviour of the river in a way that may negatively impact upon our fishery. If the works materially impact the capacity of the river to maintain pools suitable for holding salmon then this may have a significant negative impact on the value of our fishery given that the proposed works impact a significant proportion of our fishery. No conversation has been had with us as to mitigation or compensation for this potential loss.</li> </ol>



## Newton Stewart Flood Protection Scheme – Summary of Objections

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No.	Summary
	<p>5 NSDAA refute the claim in Environmental Impact Report item 7.6 which states “ that no significant impact is predicted with regards to public access, recreation or amenity, therefore no further assessment is needed”. There has been no recognition of the contractor’s requirement to produce a Construction Phase Health and Safety Plan, which will almost certainly exclude the public from working areas.</p>
F4	<p>I am writing to you as Chairman of the River Cree District Salmon Fishery Board (RCDSFB)</p> <p>I wish to register the RCDSFB <b>objection</b> to the proposed Newton Stewart Flood Protection Scheme.</p> <p>The reasons for the RCDSFB objecting to the scheme as proposed are:</p> <ol style="list-style-type: none"> <li>1. There is very little DETAIL contained in any of the current documentation</li> <li>2. The Atlantic Salmon and Seatrout for which the River Cree &amp; Penkiln are rightly famous are only briefly mentioned in the EIA screening report, and not mentioned AT ALL in the PEAR report – this is completely unacceptable. The Atlantic Salmon is designated as a priority conservation species and currently considered to be under threat</li> <li>3. There is no detail on access or exit points from the river. With the proposed flood defence scheme in place, it will not be possible to enter (or more importantly, exit) the river as users currently do. There is a very real risk of someone drowning if they cannot exit the river quickly and easily</li> <li>4. The Hydrology report has not considered the short, medium or long term effects on the river bed, and the existing pools and riffles which form important habitat for salmon &amp; seatrout. The pools and riffles also form a very important rod angling fishery (for salmon &amp; seatrout). This is owned by a local angling association and has a significant capital value. The fishery also brings significant community benefit from visiting anglers and angling tourism. There is no mention of compensation for loss of income during the works (angling will not be possible during the works) or for any potential future loss of the angling asset due to the existing pool and riffle habitats being destroyed by the FPS</li> <li>5. The River Cree District Salmon Fishery Board have not been included in the list of statutory consultees – despite several requests, including visits by myself to the Open Meetings and providing the required details. District Salmon Fishery Boards have statutory powers and duties to protect and improve Salmon &amp; Seatrout fisheries within their district. DSFB’s are constituted &amp; governed under The Salmon &amp; Freshwater Fisheries (Consolidation) (Scotland) Act 2003. I would respectfully request that those involved in the flood prevention scheme familiarise themselves with this legislation.</li> </ol> <p>The Cree DSFB require a full EIA and PEAR report into the impact of the proposed flood prevention scheme on salmon, seatrout, the aquatic invertebrates, ecology and habitat of the river.</p> <p>In addition, a Hydrology report detailing the changes to the river bed, substrate, structure and flow – in the short, medium and long term requires to be undertaken. The hard engineering proposed WILL change the river. It must be clearly demonstrated that this will not affect the salmon or seatrout or the river environment</p> <p>The RCDSFB will support all the fisheries affected by this proposal and also vigorously defend and protect the salmon and seatrout (and their habitat) within the area of the proposed flood prevention scheme.</p> <p>Please record this email as a formal <b>OBJECTION</b> to the proposed Newton Stewart flood Protection Scheme</p>

## Newton Stewart Flood Protection Scheme – Summary of Objections

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No.	Summary
F5, F7 to F34	<p>I wish to object, in the strongest possible terms, to the above proposed scheme. Having studied the published details, I am of the opinion that the measures being proposed do not take adequate account of the potential damage to the integrity of the River Cree, nor to the immediate and ongoing potential impact on those species which inhabit the Cree, including salmon, sea trout and brown trout.</p> <p>I am also very concerned at the lack of entry and exit points along the proposed works, which gives rise to concerns for the safety of those using the river recreationally, including anglers who often have to exit the river very quickly when an unexpected spate occurs – this is a known and regular danger to most locals, but appears to have been overlooked by those involved in the planning of the scheme.</p> <p>In addition, from the published material available, the visual impact of the scheme on those who live alongside the river and those who spend time near or on the river, has the potential to spoil the entire area for locals and visitors alike. The River Cree is the centre of Newton Stewart; an iconic symbol of our area and both the river and its surroundings should be protected as an absolute priority when any Flood protection Scheme becomes reality.</p> <p>Thank you in anticipation of my comments being given full consideration.</p>
F6	<p>Galloway Fisheries Trust wish to make the following comments:</p> <ul style="list-style-type: none"> <li>• GFT have detailed previously that we consider natural flood management should be an important consideration to reduce flood risk to Newton Stewart. Land ownership in the Cree catchment is mostly publicly owned and managed by Forestry and Land Scotland making this the perfect catchment for natural flood management options which could hold back more water for longer in the upper catchment to help reduce flood peaks. Appropriate use of these options could then mean that the physical works in Newton Stewart could be reduced and have less impact on the visibility and public use of the Cree. SEPA, NatureScot and the Scottish Government all, via their websites, suggest strong support for the principle of natural flood management. Natural flood management should be a key part of the solution to reduce flood risk in Newton Stewart.</li> <li>• GFT have raised previously the sensitivity of the lower River Cree due to the rare and important fish populations resident and migrating through this river section. There is obviously significant risk that constructing a flood prevention scheme could impact on water quality, habitats and the ecology of the river unless adequate mitigation is in place. It is unacceptable that the two ‘Environmental Statement’ reports hardly mention fish at all. Unless there is adequate recognition of the fish species present and their life histories then how can it be properly assessed and considered at the design and construction stages to ensure the fish populations are adequately protected? It is hard to understand why there is so much detail on badgers, water voles etc but so little on fish? Key fish populations present in the proposed work area, which may be resident or migrating through, include many protected fish species including Atlantic salmon, Sea/Brown trout, European eel, Sea lamprey, River lamprey, Brook lamprey and Sparling. Further downstream in the estuary critically endangered Allis shad and Twaité shad are also found. The life history and use of the lower Cree by all these fish species needs to be considered to ensure they are protected during any works and long term impacts – only mentioning when to avoid salmon / trout spawning times is not acceptable.</li> <li>• There is a lot of angling undertaken within the proposed work area. There appears to be limited consideration and detail regarding how anglers (or members of the public) will be able to access the river during and after the proposed works. This needs to be addressed.</li> <li>• Protection of riparian habitats should be prioritised during any design phase and during the construction phase. Riparian habitats are important ecologically and also to protect banks from erosion. If riparian areas are degraded then this would be expected to impact on surrounding instream habitats, water quality and aquatic ecology including fish populations.</li> </ul>

## Newton Stewart Flood Protection Scheme – Summary of Objections

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No.	Summary
	<p><b>A representation was received from SEPA which is detailed below.</b></p>
	<p>Thank you for consulting SEPA on the Newton Stewart Flood Protection Scheme (FPS) on 23 May 2023. We acknowledge the project is identified as an action within the published Flood Risk Management Plan: Solway Local Plan District (22 December 2021) and that it has been developed with early engagement with us.</p> <p>We have reviewed the FPS Statement (dated 27 April 2023), accompanying reports and technical drawing package and can confirm we have no objection to the FPS. However, the engineering works associated with the project will require a separate authorisation from SEPA under the Water Environment (Controlled Activities) (Scotland) Regulations 2011 (CAR). We strongly recommend you engage in pre-CAR application discussions with our Water Permitting Team (waterpermitting@sepa.org.uk) as based on the information currently available to us it is likely this project may require a derogation determination.</p> <p>Please note our further advice and recommendations below.</p> <p>Advice for the planning authority</p> <p>1. Flood risk</p> <p>1.1 We have no objection to the principle of the scheme development. There is no requirement for schemes to meet a 200 year plus climate change standard of protection, however the higher the level of protection offered, the more benefit the scheme is likely to provide. It should be ensured that the works do not result in an increase in flood risk elsewhere.</p> <p>1.2 We note the supporting Hydrology and Hydraulic Modelling report was undertaken in 2012 and refined in 2017 and 2018, with climate change flows updated in 2019. In that time there have been updates to policy, guidance and data. Ahead of the scheme construction commencing, we recommend that the underlying data in the modelling is brought up to date to ensure the best understanding of what level of protection the scheme will offer.</p> <p>1.3 As per our climate change allowances guidance, the current level of climate change to be applied in the Solway region is 53% flow uplift for catchments over 50km<sup>2</sup> and 38% rainfall uplift for catchments between 30 and 50km<sup>2</sup>. The predicted sea level rise is 0.88m by 2100.</p> <p>1.4 The Hydrology and Hydraulic Modelling report states that the 1 year coastal flood level of 5.81mAOD was taken from the Coastal Flood Boundary (CFB) dataset and used in the joint probability analysis. This was taken from the dataset point 1524-20-Main-M. The CFB dataset was updated in 2018. Based on the current extrapolated estuary dataset, the point closest to Newton Stewart is 1524-17-Estuary-Main with a 1 year level of 6.06mAOD.</p> <p>1.5 We also recommend that the observed flow records are brought up to date for undertaking the flow estimation. At present the 2015 flood event remains the highest on record at the Newton Stewart gauging station. We are aware that the 2015 event damaged the footbridge downstream of the gauge due to a build of debris against it, the bridge was removed in 2016 (this is also mentioned in the Hydrology and Hydraulic Modelling report). This may have elevated flood levels during the 2015 event and future floods of the same magnitude may produce a slightly lower peak flood level for the same flows.</p> <p>2. Engineering works in the water environment</p> <p>2.1 The installation of flood walls, embankments and erosion protection will require authorisation from us under the CAR. Given the need to protect Newton Stewart from flooding we have no objection to the project however due to potential morphological impacts it may be subject to a derogation determination to assess this further. We have offered further comments on the potential morphological impacts of the FPS in Appendix 1.</p>

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	<p>2.2 We strongly recommend you engage in pre-CAR application discussions with our Water Permitting Team as soon as possible to discuss the licence activities required for this project and regulatory requirements. Please note applications need to be submitted before determination can commence and the process can take up to 4 months.</p> <p>2.3 The erosion protection proposed on the righthand bank downstream of the Sparling Bridge (GG5) should be clarified at the regulatory stage. We previously recommended the use of trees for riverbank protection along this stretch which could be implemented under General Binding Rule (GBR) 25 of CAR. The FPS presents an opportunity to explore greener bank protection which would be more environmentally friendly and beneficial for biodiversity.</p> <p>2.4 Further information regarding the reprofiling planned at the A75 bridge (GC6) and Sparling Bridge (SC9) will also be required at the CAR stage as it is not clear what this will involve.</p> <p>2.5 Please note this advice is given without prejudice to any decision made on elements of the proposal regulated by us, which may take into account factors not considered at this stage.</p> <p>3. Construction management and pollution prevention</p> <p>3.1 The risk of silt pollution entering the rivers during construction is very high therefore strict well planned pollution prevention measures are required. We welcome the commitment to prepare and implement a Construction Environmental Management Plan (CEMP) to describe the methods and techniques to be employed to reduce the risk of pollution.</p> <p>3.2 Construction sites that discharge water run-off to the water environment covering an area greater than 4ha require a licence under CAR. Below this threshold you need to comply with GBR10 which requires, amongst other things, all reasonable steps be taken to ensure the discharge does not result in pollution of the water environment. We may also request a Pollution Prevention Plan (PPP) to demonstrate thorough process of mitigation. It may be advisable to include a PPP with the CEMP. We recommend the regulatory requirements in relation to construction run off are discussed with our Water Permitting Team.</p> <p>Disclaimer: This advice is given without prejudice to any decision made on elements of the proposal regulated by us, as such a decision may take into account factors not considered at this time. We prefer all the technical information required for any SEPA consents to be submitted at the same time as the planning or similar application. However, we consider it to be at the applicant's commercial risk if any significant changes required during the regulatory stage necessitate a further planning application or similar application and/or neighbour notification or advertising. We have relied on the accuracy and completeness of the information supplied to us in providing the above advice and can take no responsibility for incorrect data or interpretation, or omissions, in such information. If we have not referred to a particular issue in our response, it should not be assumed that there is no impact associated with that issue. For planning applications, if you did not specifically request advice on flood risk, then advice will not have been provided on this issue. Further information on our consultation arrangements generally can be found on our website planning pages - <a href="http://www.sepa.org.uk/environment/land/planning/">www.sepa.org.uk/environment/land/planning/</a></p> <p>3.3 The River Cree is the location for the sparling fish to spawn, this occurs around February time. Works should not be carried out around the River Cree during spawning season (October to May). The Galloway Fisheries Trust will have an interest in this project and should also be consulted.</p>

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	<p>3.4 We understand biosecurity measures to prevent the inadvertent spread of invasive non-native species are to be provided in the CEMP which we welcome. This should include measures such as the check-clean-dry procedure. There is further information on invasive non-native species on our website and in the Biosecurity and management of invasive non-native species for construction sites and Controlled Activities guidance.</p> <p>4. Surface water drainage</p> <p>4.1 We understand a surface water drainage system is to be constructed on the dry side of the FPS to collect and convey water that would otherwise pool behind the defences. Any discharge of surface water to the water environment must be in accordance with the principles of the SUDS Manual (C753) and CAR (specifically GBR 10). Further information on this matter can be found on our website and within our CAR Practical Guide.</p> <p>5. Site waste management</p> <p>5.1 Any waste materials imported to the site must be stored and used only in accordance with a waste management licence or exemption under the Waste Management Licensing (Scotland) Regulations 2011 (WML). Similarly, any waste materials removed from the site must be disposed of in accordance with these regulations. The applicant should also be fully aware of the relevant requirements relating to the transport of controlled waste by registered carriers and the furnishing and keeping of duty of care waste transfer notes.</p> <p>6. Other planning matters</p> <p>6.1 For all other planning matters, please see the standing advice in Table 2 of our triage framework and standing advice.</p> <p>7. Regulatory advice</p> <p>7.1 Details of regulatory requirements and good practice advice can be found on our website. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the local compliance team at: <a href="mailto:SWS@sepa.org.uk">SWS@sepa.org.uk</a>. If you have queries relating to this letter, please contact us at <a href="mailto:planning.south@sepa.org.uk">planning.south@sepa.org.uk</a>.</p>

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Each of the objections were analysed and considered with the additional information below, and proposed mitigation/actions, included as an attachment as part of a full response to the objection (General objections receiving Section 1, and Fishing/Fishing Right objections, Section 2)

Topic	Response	Actions/Mitigation
<b>SECTION 1</b>		
<p>River should be Dredged/River Management/River Maintenance</p>	<p>In some instances, the removal of sediment (gravel) from a river channel will increase the capacity, however any positive impact will only be seen during low flows. In Newton Stewart, within the Scheme extents, the amount of sediment in the river was found to be negligible compared to the amount of flow during flood/extreme events. Removal of the sediment would offer no significant or long-term benefits on water levels in a flood event that impacts property or infrastructure.</p> <p>Sediment management is an ongoing process. The river will naturally carry and deposit sediment and so removal would need to be repeated on a regular basis. The removal of sediment, in addition to not being a solution for extreme flood events, will generally have a negative environmental impact on the river ecosystem resulting in a loss of wildlife and habitats. It is acknowledged that dredging was undertaken in the past, and while this may have been undertaken to reduce bed levels at specific locations, the evidence shows that overall effects would be minimal at all but low flow events. It should also be acknowledged that another reason dredging was undertaken here, and at many other locations across the region, was for a supply of washed gravel, useful in farm drainage works or as a general source of aggregate. Several specific options were considered during the optioneering stage for the Scheme namely:</p> <ul style="list-style-type: none"> <li>• Removal of Gravel Berm</li> <li>• Removal of Mill Island</li> <li>• Remove Sediment Around Key Structures</li> <li>• Dredging of River</li> </ul> <p>These options were considered and modelled but the results from the Hydraulic Modelling clearly demonstrated that they would not either individually, or in combination, reduce water levels during the high flood events and could not therefore be taken forward.</p> <p>There are a number of reports available on this topic which outline that dredging is not a solution to flood risk and can in fact have detrimental consequences.</p> <p><a href="https://environmentagency.blog.gov.uk/2021/12/23/floods-and-dredging">https://environmentagency.blog.gov.uk/2021/12/23/floods-and-dredging</a></p>	<p><b><i>No further action proposed – dredging/sediment management would not reduce levels to any significant degree and could have adverse environmental impacts.</i></b></p>



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Topic	Response	Actions/Mitigation
	<p><a href="https://www.sepa.org.uk/media/147022/floods_dredging_and_river_changes.pdf">https://www.sepa.org.uk/media/147022/floods_dredging_and_river_changes.pdf</a></p> <p><a href="https://www.ciwem.org/assets/pdf/Policy/Reports/Floods-and-Dredging-a-reality-check.pdf">https://www.ciwem.org/assets/pdf/Policy/Reports/Floods-and-Dredging-a-reality-check.pdf</a></p> <p>Further information can be found at in the Flood Management Optioneering Report at <a href="http://www.dumgal.gov.uk/newtonstewartfloodprotection">www.dumgal.gov.uk/newtonstewartfloodprotection</a></p>	
Loss of Views and Visual Impact	<p>In developing the Scheme, the Council has been mindful of the need to balance the visual impact of the flood defences with achieving the highest standard of protection possible. There is already a wall along the riverside road for example, and this will be rebuilt or adapted to provide a flood wall with increased height where necessary. Where new walls are to be built, consideration will be given to cladding/materials which complement the existing surroundings and the use of glass panels (which are a tried and tested flood defence) to maintain views/visibility, or raising of footways to allow views to the river over the defences.</p> <p>The height of walls and embankments varies throughout the town to maintain a consistent 1 in 200 year 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.</p>	<p><b><i>The Project Team will undertake further consultation with NatureScot and Planning Conservation Officers to better inform the developing design of the defences. Landscape Architects will form a key part of the detailed design process to ensure that where possible opportunities to improve the area are identified and included in the final Scheme.</i></b></p>
Concern over Cost of Scheme	<p>The present cost estimate of the Scheme is £18.5 Million. This is based on the Scheme being completed in 2027. The cost is funded by Scottish Government (80%) and Dumfries and Galloway Council (20%). The replacement of Sparling Bridge which is included in the overall cost attracted a grant of over £0.5 Million from Sustrans. The cost is a 'whole-life' (up to 100 years) cost and includes all work from the modelling stage, options appraisals, design, construction, and future maintenance.</p> <p>A Scheme is only considered to be viable if the benefits of the Scheme outweigh the potential damages. The benefit-cost ratio (BCR) looks at the reduction in damages due to a defence option (i.e. the benefit) divided by the cost of the work. If the BCR is greater than 1.00, this is considered an indicator of economic viability. (in essence the cost of the Scheme is lower than predicted cost of accumulated future damages)</p> <p>The benefit calculations consider the impact of damages (flood recovery, clean-up, rebuild/replacement etc) avoided through construction of the scheme on the following:</p> <ul style="list-style-type: none"> <li>•Residential properties,</li> </ul>	<p><b><i>No further action is proposed as the Economic Appraisal provides a positive BCR.</i></b></p>



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Topic	Response	Actions/Mitigation
	<ul style="list-style-type: none"> <li>•Non-residential properties (e.g. shops/industry);</li> <li>•Road closures;</li> <li>•Evacuation of residential properties;</li> <li>•Damage to vehicles;</li> <li>•Costs on the emergency services; and</li> <li>•Impacts on health.</li> <li>•Recovery and Clean up</li> </ul> <p>For the Newton Stewart Scheme the estimated benefits exceeds the cost of the project and is therefore a cost-effective Scheme.</p> <p>The Economic Appraisal carried out by Sweco using industry standard methods demonstrates the cost of the Scheme is less than the predicted costs of flood events over the whole life of the Scheme.</p> <p>Further information can be found in the Preferred Option and Economic Appraisal Report at <a href="http://www.dumgal.gov.uk/newtonstewartfloodprotection">www.dumgal.gov.uk/newtonstewartfloodprotection</a></p> <p>This scheme has been prioritised nationally for 80% Scottish Government Grant funding dedicated to flood protection schemes. This funding affords the council major investment in this priority project whilst only requiring to contribute 20% of the funding.</p>	
Alternative Scheme	<p>Alternative schemes were considered and costed, but ruled out through an iterative process which has involved extensive engagement. The Optioneering Report includes details of alternative Schemes and show that there are no other alternatives which provide either the same level of protection or are cost effective.</p> <p>Whilst the introduction of walls/embankments is often viewed as a draconian measure, it is the optimum solution to the risk of future flood events in Newton Stewart.</p> <p>Further information can be found in the Flood Management Optioneering Report at <a href="http://www.dumgal.gov.uk/newtonstewartfloodprotection">www.dumgal.gov.uk/newtonstewartfloodprotection</a></p>	<p><b><i>No further action is proposed as the optioneering and value management process concludes that the published Scheme is the optimum solution.</i></b></p>
Money Should Be Spent Elsewhere	<p>Scottish Government funding for the Scheme is 80% and includes design costs, construction costs and compensation payments. The grant funding is dedicated to flood protection only, and cannot be used on other Council works e.g. road maintenance, town centre improvements etc.</p>	<p><b><i>No further action is proposed – the 80% grant funding can only be used for the Flood Protection Scheme.</i></b></p>

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Topic	Response	Actions/Mitigation
Adverse Effect On Shops and Businesses	There is provision under the Flood Risk Management (Scotland) Act 2009 for claims for depreciation or damage as a consequence of any operation (i.e. the construction of the Flood Defences). In the longer term it is expected that the robust flood protection and improved footways, landscaping, and sympathetic design will mitigate any adverse effect and vastly reduce future flood risk and damage to the town and improve confidence in shops/businesses/homes and stimulate future investment.	<b><i>There will be early engagement by the Project Team with the Valuation Office to provide additional information to potentially affected parties.</i></b>
Maintenance of Defences	The Flood Risk Management (Scotland) Act 2009 places duties upon the Local Authority to inspect and maintain the defences comprised in the Scheme. They will therefore be kept in good condition and repair to ensure they are effective against flood events. All the defences involved in the Scheme are designed to, and will be constructed to, appropriate industry standards.	<b><i>The maintenance of the Scheme will be included in the detailed design stage with the development of a Maintenance and Operational Schedule.</i></b>
Increase of Flooding Elsewhere	Using the findings of the hydraulic modelling, the Scheme has been designed so that areas within the Scheme extent where defences are not proposed, or those areas out-with the Scheme extent, will not be adversely affected by changes in water levels.	<b><i>It is one of the key requirements of the Scheme that flooding will not be increased elsewhere. Additional modelling will be undertaken as the Scheme develops to ensure this remains the case.</i></b>
Upstream Storage and Natural Flood Management	<p>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.</p> <p>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 would be supported. However, their implementation will be a long-term approach and would never replace the need for defences within the town.</p> <p>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:</p>	<b><i>Natural Flood Management of itself will not provide sufficient benefit to reduce the risk of flooding in Newton Stewart. However, better practices and interventions will form part of future considerations to future-proof the level of protection provided by the Scheme.</i></b>

Newton Stewart FPS – Summary of Response to Objectors and Proposed Actions/Mitigations – Communities Committee August – **APPENDIX 2**

Topic	Response	Actions/Mitigation
	<ul style="list-style-type: none"> <li>• Upstream Storage at Glenhapple</li> <li>• Upstream Storage at Linloskin Bridge</li> <li>• Upstream Storage at Frankie Hill</li> <li>• Installation of Obstructions on the River Cree</li> <li>• Installation of Obstructions on Penkiln Burn</li> <li>• Reinstate Flood Storage Area at Water of Minnoch</li> <li>• Upstream Storage at the Ghyll</li> <li>• Upstream Storage on River Cree Tributaries</li> <li>• Natural Flood Management as part of forest management.</li> </ul> <p>None of these options have a positive benefit cost ratio and some had extensive negative impacts and they could not be taken forward to the preferred option stage. The Council will however continue to work with stakeholders to explore improvements upstream and in the wider catchment.</p> <p>Further information can be found in the Flood Management Optioneering Report at <a href="http://www.dumgal.gov.uk/newtonstewartfloodprotection">www.dumgal.gov.uk/newtonstewartfloodprotection</a></p>	
Disruption During Works	<p>The Council and its appointed Contactor will endeavour to minimise disruption by phasing the works in such a way to accommodate the movement of traffic, residents, recreational users, shoppers, and visitors. Compensation for demonstrable damage / loss is available for those impacted by the Scheme in the manner specified by the 2009 Act.</p>	<p><b><i>The construction of the Scheme will be done on a phased basis and include engagement before work commences and during the construction phase to minimise disruption where possible.</i></b></p>
Lack of Engagement	<p>The Scheme has been developed over several years, with major consultation events involving the community held on a regular basis. Throughout the process the Council and Project team have sought input and feedback from the community and Council Members as it has reviewed and developed the Project. Amendments and improvements have been made to the design because of the engagement process and attempts made to address the main concerns raised by the local community and the Elected Members within technical, budgetary and other constraints, whilst still achieving the required level of flood protection for the town.</p> <p>Further information can be found in the Flood Management Optioneering Report, Summary and Overview (Design Justification) Report, and the Community Engagement Report at <a href="http://www.dumgal.gov.uk/newtonstewartfloodprotection">www.dumgal.gov.uk/newtonstewartfloodprotection</a></p>	<p><b><i>The Project Team will continue to engage with individuals and organisations as the Scheme develops and look to set up various liaison groups through the detailed design phase.</i></b></p>

Newton Stewart FPS – Summary of Response to Objectors and Proposed Actions/Mitigations – Communities Committee August – **APPENDIX 2**

Topic	Response	Actions/Mitigation
Health and Safety	All aspects of the Scheme will comply with the relevant regulations and standards. Health and safety will be a particular consideration during the detailed design stage.	<b><i>This will be considered and included as part of the detailed design stage.</i></b>
Do Nothing/Scheme Not Needed	If the proposed Scheme does not go ahead then the town will continue to be at risk of future flooding which is predicted to become more severe and more frequent as a result of Climate Change. Whilst there are areas where defences are provided which have never experienced flooding, the Scheme is designed to protect these areas against predicted future events	<b><i>It is one of the actions contained in the Councils Flood Risk Management Plan that a Flood Protection Scheme be progressed for Newton Stewart.</i></b>
Concern on Effect to Access Road at Creebridge	The outline design includes a wall along the edge of the access road at Creebridge. At the detailed design stage consideration will be given to maintaining or widening the width of the road to ensure that safe vehicle, pedestrian, and cycle movements are maintained.	<b><i>The Project Team recognise this section of defences will have a significant effect on Creebridge and will therefore set up a residents liaison group to work with property owners as the Scheme develops.</i></b>
Loss of Biodiversity	An Environmental Impact Assessment screening was completed as part of the outline design, and this is available to view on the Project website. The impact on wildlife is a major concern of any Scheme and a significant number of investigations have already been made to identify and inform what is located/affected within the Scheme area. With respect to Tree loss/removal, it is recognised that many of the existing trees are of significant importance. Efforts will be made to minimise the removal where possible and to replace or offset tree removal elsewhere in the area.	<b><i>Any tree removal will be made in conjunction with approved procedures and in consultation with the Environmental Planners, seeking expert advice and reports during the development of the Scheme.</i></b> <b><i>During the detailed design phase there will be numerous further surveys and studies undertaken to ensure any proposals consider the impact and legislative requirements when designing and constructing around protected species.</i></b> <b><i>A construction phase plan will be prepared before any work starts on site to take full account of any breeding or nesting seasons.</i></b>

Newton Stewart FPS – Summary of Response to Objectors and Proposed Actions/Mitigations – Communities Committee August – **APPENDIX 2**

Topic	Response	Actions/Mitigation
Adverse Impact on Creebridge	Inspections will be completed on the bridge to assess the potential impacts of the change in flows. The bridge is on the Council's inspection programme, and this will continue to happen on regular basis even after the Scheme is completed.	<b><i>Inspections to be carried out as prescribed.</i></b>
Some Areas have Never Flooded	Whilst it is recognised that there are areas where defences are to be built which have never flooded, the Scheme is designed to consider the increased risk of flooding in future if a Scheme were not constructed, which includes the potential increase in both frequency and severity of flood events.	<b><i>No further action proposed.</i></b>
Lack of Detail	<p>The purpose of publication of a Scheme is to notify the public with an interest in land and statutory consultees of the Council's intention to propose a Flood Protection Scheme. The Council is legally required to publish Scheme documents which show, in outline only, the defences proposed, and the extent of the land affected. This is limited to descriptions and drawings in sufficient detail to identify and understand the proposed defences. There is no requirement at this stage in the process to provide detailed or precise information (including drawings), or to obtain any formal agreements from owners.</p> <p>If the Scheme is confirmed following publication, there will then be a detailed design phase which will include production of construction drawings, land entry agreements, individual engagement with affected owners etc. At this stage it is anticipated that construction will start in 2025, with completion in 2027.</p>	<b><i>No further action proposed at present, but engagement will be a continual process and further detail will be provided as the Scheme progresses.</i></b>
Fishing (General)	<p>Several specific objections on fishing have been received from Fishery Boards, Associations, and individual objectors. These raise issues such as effect on protected fish species and breeding/spawning as well as fishing rights, and the increased risk of access/egress through the defences.</p> <p>These detailed matters will be considered at the next phase of design and the Council is committed to engage with those affected to introduce mitigation and safeguards and this will include working with appropriate organisations ensuring all matters are addressed.</p> <p>It is acknowledged that many protected fish species including Atlantic salmon, sea/brown trout, European eel, sea lamprey, river lamprey, brook lamprey and spurling are resident and migrating through the River Cree and Penklin Burn, and that it is important to protect the fish and the river during construction of the Scheme. To ensure that there are no permanent changes to the riverbed, substrate, structure and flow, the flood defences have been designed to be set back from the riverbank and none are located in the river. Detailed design and construction phases will be informed by aquatic surveys and in consultation with the local fishing bodies.</p>	<b><i>It is recommended that organisations such as the Galloway Fisheries Trust, River Cree District Salmon Fishery Board and Newton Stewart and District Angling Association assist with a mapping exercise of the river/pools is undertaken for DGC. This information will inform the detailed design and contractor to construct the Scheme in a way that avoids and reduces impacts to fish and does not alter the behaviour of the river.</i></b>

Newton Stewart FPS – Summary of Response to Objectors and Proposed Actions/Mitigations – Communities Committee August – **APPENDIX 2**

Topic	Response	Actions/Mitigation
	No in-water working will take place during the spawning season (October – May inclusive) and all works would have to be licenced and approved by SEPA	
Compensation/Effect on Value	<p>The Flood Risk Management (Scotland) Act 2009 confers powers on the Council to enter land and carry out any operations to which a flood protection scheme relates and an accompanying duty to compensate any person who has sustained damage in consequence of this. Claims for compensation are dealt with in terms of sections 82 and 83 of the 2009 Act. In general, a person is treated as having sustained damage if either the value of their interest in land has been depreciated or their enjoyment of land has been disturbed, although there are exceptions. Claims must be made within the statutory time limits stated in section 83.</p> <p>In managing the issue of compensation payments, the Council will engage the Valuation Office Agency (VOA) to ensure expertise and independence in decisions on compensation amounts due. In accordance with the 2009 Act, any dispute on compensation between the VOA and the claimant will be determined by the Lands Tribunal for Scotland.</p>	<b><i>The Project Team will make early contact with the Valuation Office and provide additional information on this aspect during the detailed design phase.</i></b>
Bank Erosion	The riverbank on the west side of the Cree between the Sparling Bridge and the A75 Road Bridge currently has protection in the form of gabion baskets. This protection is failing in places and as part of the Scheme it has been identified that the full length should be replaced. A study is underway to look at this and consider the type of protection required. and whether this should be as required as advanced works or in the first phase of construction.	<b>A separate report is being prepared to assess this section of work and should be completed shortly</b>
Adverse Effect on Access	The effect of the Scheme on current access routes and use of some of the riverbanks for recreation, fishing etc, 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), the location of which will be determined through consultation and may be in the same location as existing points or relocated depending on the outcome of engagement.	<b><i>This will be considered and included as part of the detailed design stage.</i></b>
Carbon Footprint	Providing Flood Protection Schemes can increase carbon and other Green House Gas emissions during the construction phase, however consideration will be given on how to offset these emissions through best practice during all stages of development. This needs to be considered in relation to the cost of 'doing nothing' and the carbon emissions from flood events being allowed to continue.	<b>The detailed design stage will assess the impacts of the Scheme and the tender documents will consider and include mitigation measures.</b>



Newton Stewart FPS – Summary of Response to Objectors and Proposed Actions/Mitigations – Communities Committee August – **APPENDIX 2**

Topic	Response	Actions/Mitigation
	<p>A study by the Department of Environment, Food and Rural Affairs (DEFRA) on the impact of Flood and Coastal Erosion Risk Management (FCERM) activities on the causes of climate change has found that although FCERM activities are a contributor to GHG emissions, these activities largely represent a net reduction in emissions when compared to the lack of flood risk management measures, due to the flood alleviation that they provide, which reduce damages from flooding and consequential GHG emissions associated with those damages. The council through detailed design will also consider other ancillary project works within the catchment that may provide multiple benefits such as carbon sequestration and sediment management, or flood risk reduction.</p>	
<b>SECTION 2</b>		
Lack of Detail	<p>The purpose of publication of a Scheme is to notify the public with an interest in land and statutory consultees of the Council's intention to propose a Flood Protection Scheme. The Council is legally required to publish Scheme documents which show, in outline only, the defences proposed, and the extent of the land affected. This is limited to descriptions and drawings in sufficient detail to identify and understand the proposed defences. There is no requirement at this stage in the process to provide detailed or precise information (including drawings), or to obtain any formal agreements from owners. If the Scheme is confirmed following publication, there will then be a detailed design phase which will include production of construction drawings, land entry agreements, individual engagement with affected owners etc. At this stage it is anticipated that construction will start in 2025, with completion in 2027.</p>	<p><b><i>No further action proposed at present but engagement will be a continual process and further detail will be provided as the Scheme progresses.</i></b></p>
Affect on Entry and Exit Points (Health and Safety)	<p>The drawings published state that 'Existing access points and any additional access points through the new defences will be considered at the detailed design stage'. The Project Team recognise that there are existing access routes to some of the river banks and river for recreation, fishing etc. and this will form part of the detailed design process. Access points and exit points will be incorporated into the Scheme (these can for example be stepped arrangements over low walls, sloped pathways, or even gates).</p>	<p><b><i>This will be considered and included as part of the detailed design stage.</i></b></p>



Newton Stewart FPS – Summary of Response to Objectors and Proposed Actions/Mitigations – Communities Committee August – **APPENDIX 2**

Topic	Response	Actions/Mitigation
Compensation	<p>There is provision under the Flood Risk Management (Scotland) Act 2009 for claims for depreciation or damage as a consequence of any operation (i.e. the construction of the Flood Defences). The District Valuer will be appointed to consider and determine any claims.</p> <p>The Flood Risk Management (Scotland) Act 2009 confers powers on the Council to enter land and carry out any operations to which a flood protection scheme relates and an accompanying duty to compensate any person who has sustained damage in consequence of this. Claims for compensation are dealt with in terms of sections 82 and 83 of the 2009 Act. In general, a person is treated as having sustained damage if either the value of their interest in land has been depreciated or their enjoyment of land has been disturbed, although there are exceptions. Claims must be made within the statutory time limits stated in section 83.</p> <p>In managing the issue of compensation payments, the Council will engage the Valuation Office Agency (VOA) to ensure expertise and independence in decisions on compensation amounts due. In accordance with the 2009 Act, any dispute on compensation between the VOA and the claimant will be determined by the Lands Tribunal for Scotland.</p>	<p><b><i>The Project Team will make early contact with the Valuation Office and provide additional information on this aspect during the detailed design phase.</i></b></p>
Lack of Consultation	<p>The River Cree District Salmon Fishery Board, Newton Stewart and District Angling Association, Galloway Fisheries Trust are all key consultees (as were other similar organisations) and were contacted by letter and by email when then the Scheme was published.</p>	<p><b><i>It is proposed that organisations such as the Galloway Fisheries Trust, River Cree District Salmon Fishery Board and Newton Stewart and District Angling Association are fully engaged in the detailed aspects of the Scheme and this will include a mapping exercise of the river/pools. This information will inform the detailed design and contractor to construct the Scheme in a way that avoids and reduces impacts to fish and does not alter the behaviour of the river.</i></b></p>

Newton Stewart FPS – Summary of Response to Objectors and Proposed Actions/Mitigations – Communities Committee August – **APPENDIX 2**

Topic	Response	Actions/Mitigation
Adverse Impacts during Construction and Access during Works	It will be a formal requirement for a Contractor to produce Construction Phase Plans etc for approval before any works can commence.	<b><i>Undertake early contractor engagement to consider the phasing and timing of works to minimise disruption wherever possible.</i></b>

**COMMUNITIES COMMITTEE**

Meeting of Tuesday, 22nd August, 2023  
at 10.30 am in Council Hall - English Street, Dumfries

**Present****Members**

Ian Blake (Chair)	– Abbey;
Jackie McCamon (Vice-Chair)	– Mid Galloway and Wigtown West;
Dougie Campbell	– Dee and Glenkens;
John Campbell	– Nith;
Ian Carruthers	– Annandale South;
Ben Dashper	– Stranraer and the Rhins;
Lynne Davis	– Annandale North;
Jim H Dempster	– Mid and Upper Nithsdale;
John Denerley	– Dee and Glenkens;
Linda Dorward	– Lochar;
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;
Tracey Little	– Lochar;
Kim Lowe	– Abbey;
Sean W Marshall	– Annandale South;
David R Slater	– Nith;
Davie Stitt	– Abbey;
Keith Walters	– Nith;

**Officials**

Derek Crichton	– Director Communities
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
Lorna Campbell	– Financial Wellbeing and Revenues Manager
Stuart Caven	– Team Leader Road Network Management East
Paula Doherty	– Team Leader Benefits and Welfare
Stephen Hall	– External Advisor

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- Nik Lane – Let Property Officer
- Liz Manson – Community Planning and Engagement Manager
- Duncan McDonald – Engineering Design Manager
- James McLeod – Infrastructure Manager
- William Neil – Team Leader, Infrastructure Assets
- Kasia Romanowska – Finance Officer
- Gillian Ross – Finance and Accounting Manager
- Michael Smith – Project Manager Newton Stewart Flood Protection Scheme
- Tony Topping – Team Leader Network Strategy and Road Safety
- Laura Whitelaw – Solicitor

**Derek Crichton**  
Director Communities

<b>Minutes</b>		<b>Minutes</b>
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## **1 SEDERUNT, APOLOGIES AND CHAIR'S APPROVAL OF MEMBER'S REMOTE PARTICIPATION**

**PROCEDURE** – The Chair advised Members that he had agreed to consider one urgent item of business in relation to Waste Collection Matters, which was intended to be taken as exempt and taken as item 17b. This report was issued to Members in advance of the meeting but there would be a short adjournment to allow Members time to read and consider the contents.

21 Members present.

9 Members present in the Hall being:- Ian Blake, Jackie McCamon, Ben Dashper, Lynne Davis, John Campbell, Andy Ferguson, Kim Lowe, David Slater, Davie Stitt.

12 Members present via MS Teams being:- Dougie Campbell, Ian Carruthers, Jim Dempster, John Denerley, Linda Dorward, Pauline Drysdale, Chrissie Hill, Iain Howie, David Ingis, Tracey Little, Sean Marshall and Keith Walters as **AGREED** by the Chair.

## **2 DECLARATIONS OF INTEREST**

**NONE** declared.

## **3 MINUTE OF PREVIOUS MEETING - 6 JUNE 2023**

### Decision

**APPROVED.**

## **4 COMMUNITIES - REVENUE BUDGET OUTTURN REPORT 2022/23 - FOR THE PERIOD ENDED 31 MARCH 2023 - REPORT BY DIRECTOR COMMUNITIES**

### Decision

**NOTED**

4.1 that Communities returned an underspend of £42k for the financial year 2022/23, as detailed at section 4.1 and Appendix 1 of the report;

4.2 the delivery of the agreed Policy Development allocations applied to the 2022/23 Communities budget as detailed in Appendix 2 of the report; and

4.3 that resources of £42k were transferred to Service Reserves to support service commitments, as agreed by the Finance, Procurement and Transformation Committee on 20 June 2023.

## **5 COMMUNITIES - REVENUE BUDGET MONITORING REPORT 2023/24 - FOR THE PERIOD ENDED 30 JUNE 2023 (QUARTER 1) - REPORT BY DIRECTOR COMMUNITIES**

**PROCEDURE** – Members were advised of a clerical error at 4.2 of the report where further details on the impact of recent HMRC guidance were reflected in paragraph 4.14 which should read paragraph 4.18.

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## Decision

### NOTED

5.1 the budget realignment approach that has been undertaken with the Communities Management Team to ensure that the budgets reflected for each Service function represent planned income and expenditure levels for the year ahead, as detailed in sections 4.1 to 4.5 of the report;

5.2 that the information from the detailed budget realignment has been reviewed in conjunction with the Quarter 1 monitoring information and highlighted that it is estimated that the Communities Service will return a breakeven position, as detailed in Appendix 1 of the report, by the end of the financial year;

5.3 that while it is anticipated that Communities will be further impacted by current inflationary pressures, particularly in relation to energy costs, that these are being reviewed on a corporate basis, with the Finance, Procurement and Transformation Committee due to consider the overall requirements for the Council on 29 August 2023; and

5.4 progress against the delivery of agreed Savings applied to the Communities budget in 2023/24, as reflected in Appendix 2 of the report.

## **6 WELFARE, REVENUES AND BENEFITS UPDATE REPORT - REPORT BY HEAD OF NEIGHBOURHOOD SERVICES**

### Decision

6.1 **CONSIDERED** the 22 recommendations from the Scottish Government action plan 'Strengthening the safety net' set out in Appendix 4 of the report, and **AGREED** the Council's approach in working with Scottish Government to improve delivery as set out in paragraph 4.3.4 and 4.3.5 of the report; and

6.2 **AGREED** the Council's approach to supporting customers migrating to Universal Credit as detailed in paragraph 4.7 of the report.

## **7 HOUSING OPTIONS AND HOMELESS SERVICE STRATEGY - REPORT BY HEAD OF NEIGHBOURHOOD SERVICES**

### Decision

### AGREED

7.1 the approach taken to incorporate the Councils Rapid Rehousing Transition Plan with the new Homeless Strategy 2018-2028 as detailed in paragraph 3.1 of the report;

7.2 the new Homeless Strategy 2018-2028, including the Rapid Rehousing Transition Plan and action plan as detailed in Appendix 1, Appendix 2 and Appendix 3 of the report;

7.3 the Rapid Rehousing Transition Plan Monitoring Return to the Scottish Government as detailed in paragraph 4.7 and Appendix 4 of the report; and



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7.4 to receive a future report to the appropriate committee on the working partnership arrangements between the Homelessness Service, Strategic Housing and the Integration Joint Board.

## **8 ROADS SERVICE INVESTMENT - REPORT BY HEAD OF ROADS AND INFRASTRUCTURE**

### **Decision**

8.1 **NOTED** the contents of this report in respect of progress made in Roads Service improvement activities.

8.2 **AGREED** to the approach to the indicative allocation of the additional capital resources over the period 2024/28, as set out at paragraphs 4.7 to 4.10 of the report in order to enable planning of these activities to commence and the necessary approaches to be developed through the Annual Status and Options Report which will be reported to this Committee in December 2023, **FURTHER NOTING** that this would be subject to change and review during the period.

8.3 **NOTED** the additional carriageway defect repairs to be undertaken this year as set out in paragraph 4.11 of the report and the associated method of funding for these.

## **9 NEWTON STEWART FLOOD PROTECTION SCHEME - PRELIMINARY DECISION FOLLOWING PUBLICATION - REPORT BY HEAD OF ROADS AND INFRASTRUCTURE**

### **Decision**

9.1 **NOTED** the process that was followed in publishing the Newton Stewart Flood Protection Scheme, and consider the representations/objections received as detailed in paragraphs 4.1 to 4.7 of the report.

9.2 **AGREED** to make a preliminary decision to confirm without modifications, the Newton Stewart Flood Protection Scheme, which was previously agreed by the Communities Committee on 2 February 2023, as detailed in paragraph 4.13 of the report.

9.3 **NOTED** that, in making a preliminary decision to confirm the Scheme without modifications, as there are relevant objectors either who have an interest in any land on which the proposed operations are to be carried out and 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 it will be necessary to advise Scottish Ministers of this decision; and

9.4 **FURTHER NOTED** that, as detailed in paragraph 4.12 of the report, upon receiving notice of the decision, Scottish Ministers will decide whether they wish to consider the proposed Scheme. If they choose to “call the Scheme in” they will require to hold a Public Local Inquiry. Alternatively, if they do not “call the Scheme in”, the Council will be required to hold a Hearing.

**ADJOURNMENT OF MEETING** – the meeting was adjourned at 12.25pm and reconvened at 1pm with 21 Members present.

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## 10 PUBLIC REALM CAPITAL PROGRAMME 2023/2024: FINANCE AND PROGRESS MONITORING - REPORT BY HEAD OF ROADS AND INFRASTRUCTURE

**PROCEDURE** – Members were advised that an updated Appendix 2 had been provided and that in respect of the C61a Roads Project - In April 2023 Members approved £908k of capital funding for the C61a Planned Structural Overlay project. A pre-tender estimate of £1,128k was identified supported with a funding contribution of £220k from Scottish Power Energy Networks following negotiations. Tender returns have recently been received at £1,262k, which is an increase of £134k over the pre-tender estimate. Members were asked to agree to fund this increase to progress this project with the extra funding being met by increasing the Public Realm over commitment from £1.3m to £1.43m.

### Decision

#### **NOTED**

10.1 the financial position of the Public Realm Asset Class Capital Programme 2023/24 as detailed in Appendix 1 of the report;

10.2 the progress of the Public Realm Asset Class Capital Programme 2023/24 as detailed in Appendix 2 of the report; and

10.3 the additional £1.066m of slippage from Public Realm Asset Class Capital Programme 2022/23, which following reprofiling gives a revised budget of £15.221m for 2023/24 as detailed in paragraph 3.4 and 3.5 of the report.

#### **AGREED**

10.4 to the addition of a Planned Patching programme as detailed in paragraph 4.2 of the report;

10.5 to the addition of £36k to the Public Realm Asset Class from Scottish Government 2023/24 Coastal Adaptation Grant as detailed in paragraph 4.28 of the report;

10.6 to the utilisation of £1.066m slippage for additions to the following programmes in 2022/23:- Planned Patching as detailed in paragraph 4.2 of the report, Intelligent Transport Systems as detailed in paragraph 4.31 of the report, New Abbey Road/Pleasance Avenue/Park Road Junctions Improvement as detailed in paragraph 4.39 of the report, Land as detailed in paragraph 4.42 of the report, Scottish Government Play Park Renewal Fund as detailed in paragraph 4.48 of the report and Memorial/Headstone Safety Project as detailed in paragraph 4.50 of the report;

10.7 to changes in the following approved programmes in 2023\24 following reprofiling:- Carriageway Strengthening as detailed in paragraph 4.8 of the report, Carriageway Drainage as detailed in paragraph 4.11 of the report, Forestry as detailed in paragraph 4.14 of the report, Footways as detailed at paragraph 4.15 of the report, Car Parks as detailed at paragraph 4.19 to 4.21 of the report, Structures as detailed in paragraph 4.22 and 4.23 of the report, Flood Risk Management as detailed in paragraph 4.25 and 4.26 of the report, Active Travel as detailed in paragraph 4.36 and 4.37 of the report, Waste Service Infrastructure Programme as detailed in paragraph 4.40 and 4.41 of the report and Land as detailed in paragraph 4.44 to 4.47 of the report; and

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10.8 to fund the increase to the C61a Planned Structural Overlay project with the extra funding being met by increasing the Public Realm over commitment from £1.3m to £1.43m.

## **11 A75 AND A77 IMPROVEMENTS AND LOBBYING PROGRAMME - REPORT BY DIRECTOR COMMUNITIES**

### **Decision**

11.1 **NOTED** the recent developments in relation to the A75 and A77 as set out in paragraphs 4.2 to 4.8 and Appendix 1 of the report.

11.2 **CONSIDERED** and **AGREED** on the emerging Lobbying Strategy and Action Plan as referenced in paragraph 4.9 and in Appendix 2 of the report.

## **12 COMMUNITY SERVICES AND COMMUNITIES BUSINESS MANAGEMENT SERVICE PLAN 2023/24 - REPORT BY DIRECTOR COMMUNITIES**

### **Decision**

**AGREED** the Community Services and Communities Business Management Service Plan for 2023/24 as set out in paragraphs 4.3 to 4.7 and included in the Appendix to the report.

## **13 GOVERNANCE AND ASSURANCE SERVICE PLAN 2023/24 - REPORT BY DIRECTOR COMMUNITIES**

**MEMBER** – Linda Doward left the meeting – 20 Members present.

### **Decision**

**AGREED** the Governance and Assurance Service Plan for 2023/24 as set out in paragraphs 4.3 to 4.7 and included in the Appendix to the report.

## **14 NEIGHBOURHOOD SERVICES SERVICE PLAN 2023/24 - REPORT BY DIRECTOR COMMUNITIES**

### **Decision**

**AGREED** the Neighbourhood Services Service Plan for 2023/24 as set out in paragraphs 4.3 to 4.7 and included in the Appendix to the report.

## **15 ROADS AND INFRASTRUCTURE SERVICE PLAN 2023/24 - REPORT BY DIRECTOR COMMUNITIES**

### **Decision**

**AGREED** the Roads and Infrastructure Service Plan for 2023/24 as set out in paragraphs 4.3 to 4.7 and included in the Appendix to the report.

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## 16 SURPLUS PROPERTY IN DUMFRIES AND GALLOWAY - REPORT BY HEAD OF ECONOMY AND DEVELOPMENT

### Decision

**AGREED** the five areas of land as detailed in paragraphs 4.3 to 4.7 and Appendices 1 to 5 of the report are surplus to the requirements of the Communities Directorate and should be managed in accordance with the Disposal and Acquisition Policy.

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

### Decision

**NOTED** that that there was one item of business deemed urgent being as advised at the start of the meeting.

**MEMBER** – Keith Walters left the meeting – 19 Members present.

**ADJOURNMENT OF MEETING** – the meeting was adjourned at 1.50pm to allow Members time to consider the paper and reconvened at 2pm with 19 Members present.

## 17a LOCAL GOVERNMENT (SCOTLAND) ACT 1973

### VOTE

17A.1 **MOTION** proposed by **ANDY FERGUSON** and seconded by **JOHN CAMPBELL** not to exclude the public from the meeting for this urgent item of business.

17A.2 **AMENDMENT** proposed by **IAN BLAKE** and seconded by **LYNNE DAVIS** to agree the adoption of resolution to exclude the public from the meeting in terms of 50A (4) and paragraphs 1 and 11 of Part 1 of Schedule 7A of the Local Government (Scotland) Act 1973.

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

17A.3 **MOTION** – 8 votes being:- Dougie Campbell, John Campbell, Ben Dashper, Andy Ferguson, Tracey Little, Kim Lowe, Sean Marshall and Davie Stitt.

17A.4 **AMENDMENT** – 11 votes being:- Ian Blake, Jackie McCamon, Ian Carruthers, Lynne Davis, Jim Dempster, John Denerley, Pauline Drysdale, Chrissie Hill, Iain Howie, David Inglis and David Slater.

### Decision

**AGREED** adoption of resolution to exclude the public from the meeting in terms of 50A (4) and paragraphs 1 and 11 of Part 1 of Schedule 7A of the Local Government (Scotland) Act 1973.

## 17B WASTE COLLECTION MATTERS – REPORT BY DIRECTOR COMMUNITIES

**Summary of Report** – The report provided Members with information in relation to recent and upcoming temporary interruptions to the usual waste collection service in a number of areas of Dumfries and Galloway.

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**Decision****NOTED**

17B.1 the contents of this report in respect of the recent temporary interruptions to usual domestic waste collection services in a number of areas across Dumfries and Galloway;

17B.2 the challenges currently being experienced in the waste collection service that have created the circumstances whereby there were temporary interruptions to the usual levels of service as detailed Table 1 in Section 4 of the report; and

17B.3 the actions that have and continue to be implemented across the waste service in response to the challenges currently being experienced.