

# Newton Stewart

## FLOOD PROTECTION SCHEME

### NEWTON STEWART FLOOD PROTECTION SCHEME STATEMENT

FLOOD PROTECTION SCHEME STATEMENT IN TERMS OF REGULATION 11 OF THE FLOOD RISK MANAGEMENT (FLOOD PROTECTION SCHEMES, POTENTIALLY VULNERABLE AREAS AND LOCAL PLAN DISTRICTS) (SCOTLAND) REGULATIONS 2010 (AS AMENDED)





## Document Number 118908-DOC-400-001

### Change list

VER.	DATE	CHANGE CONCERNS	ORIGINATOR	REVIEWED	APPROVED
V1	6/12/18	FIRST ISSUE	JJ	GO	DE
V2	21/12/18	REVISED FOR CLIENT COMMENTS	JJ	GO	DE
V3	8/7/19	REVISED WITH MINOR CHANGES	JJ	GO	DE
V4	18/10/19	REVISED FOR CLIENT COMMENTS	JJ	GO	DE
V5	25/05/20	REVISED FOR CLIENT COMMENTS	JJ	ARW	DE
V6	20/07/20	REVISED FOR CLIENT COMMENTS	ARW	DE	DE
V7	30/06/21	REVISED FOR CLIENT COMMENTS	BMD	DE	DE
V8	21/10/22	UPDATED FOR REVISED DEFENCES	BMD	DE	DE
V9	22/11/22	MINOR UPDATES	BMD	DE	DE
V10	06/01/23	MINOR UPDATES	BMD	DE	DE
V11	27/04/23	FLOOD GATES ADDED	BMD	DE	GA

## 1 General

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

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

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

The regulations referred to are the Flood Risk Management (Flood Protection Schemes, Potentially Vulnerable Areas And Local Plan Districts) (Scotland) Regulations 2010 (As Amended).

## 2 Terms of the Scheme

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

## 3 Site of the Flood Protection Operations

For the purposes of regulation 11(1)(c), the site at which the Flood Protection Operations (hereinafter referred to as “the Operations”) are to be carried out in terms of the Scheme are situated at Newton Stewart and Minnigaff and shown on the plans numbered 118908/400/101, 118908/400/102, Flood Protection Scheme Layout Plan, annexed and executed as relative hereto.

## 4 Descriptions of the Operations

For the purposes of regulation 11 (1) (a), the Operations to be carried out in terms of the Scheme are as shown on the plan(s) marked, annexed and executed as relative hereto, which are in conformance with regulation 11(2) and are as follows:

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

### Penkiln Burn

PR1	Construction of 100m of flood wall to provide protection from the design flood event to the properties at Minnigaff, as generally shown on the plans numbered 118908/400/101, 118908/400/111 and 118908/400/112, and detailed on the typical cross-section numbered 118908/400/150.
PB2	Construction of 207m of flood embankment, set back from the Penkiln Burn to provide protection from the design flood event to the properties at Stewart of Garlies, Meal Mill Retirement Housing and Millcroft Road, as generally shown on the plans numbered 118908/400/101, 118908/400/111, 118908/400/112, and detailed on the typical cross-section numbered 118908/400/150.

### Millcroft Road

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

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

AB2	Construction of 104m of flood embankment where indicated, set back from the River Cree to provide protection from the design flood event to the properties at Arthur Street, as generally shown on the plans numbered 118908/400/101, 118908/400/113, and detailed on the specific cross-section numbered 118908/400/154.
AR3	Construction of 186m of flood wall to provide protection from the design flood event to the properties at Arthur Street, as generally shown on the plans numbered 118908/400/101, 118908/400/102, 118908/400/113, 118908/400/114 and detailed on the specific cross-section numbered 118908/400/154.

### Riverside Road

RR4	Construction of 467m of increased height flood wall, flood walls, flood gates and reconstruction or replacement of existing walls where necessary to provide protection from the design flood event to the commercial and residential properties at Riverside Road and Victoria Street, as generally shown on the plans numbered 118908/400/102, 118908/400/114, 118908/400/115 and detailed on the typical cross-section numbered 118908/400/150 and specific cross section numbered 118909/400/154. and 118909/400/155
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### Cree River

CR5	Construction of 48m of flood wall to provide protection from the design flood event to the properties at Creebridge, as generally shown on the plans numbered 118908/400/102, 118908/400/114 and detailed on the specific cross-section numbered 118908/400/154.
CB6	Construction of 125m of flood embankment to provide protection from the design flood event to the properties at Creebridge, as generally shown on the plans numbered 118908/400/102, 118908/400/114, and detailed on the specific cross-section numbered 18908/400/154.
CR7	Construction of 259m of flood wall and flood gate to provide protection from the design flood event to the properties at Creebridge, as shown on the plans numbered 118908/400/102, 118908/400/114, 118908/400/115 and detailed on the typical cross-section numbered 118908/400/150 and the specific cross section numbered 118908/400/155.
CB8	Construction of 155m of flood embankment where indicated, set back from the River Cree to provide protection from the design flood event to the properties at Holmpark Drive, as shown on the plans numbered 118908/400/102, 118908/400/115, and detailed on the specific cross section numbered 118908/400/155.

### Goods Lane

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

### Sparling Footbridge

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

For the purposes of Regulation 11(1) (b), the land which will be affected by the Operations and the land upon which entry is required for the purpose of carrying out the Operations and of executing temporary works is as shown on the said plan(s) and numbered respectively.

118908/400/101	118908/400/102
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## 6 Secondary Flooding Protection Works

For the purposes of regulation 11 (1) (a), secondary flooding protection works will be carried out as follows:

### Penkiln Burn

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

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

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

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

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

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

For the purposes of regulation 11 (1) (a), the following ancillary operations shall be undertaken:

### Penkiln Burn Diversion or Protection of services DP1 & DP2

Plan Reference	Operation Reference	Ancillary Operations Required
119808/400/111, 118908/400/112	PB2/DP1	The overhead power line is to be protected or diverted during the operations.
118908/400/112	PB2/DP2	The sewer mains are to be protected or diverted during the operations.

**Millcroft Road Diversion or Protection of services DP3 to DP5**

Plan Reference	Operation Reference	Ancillary Operations Required
118908/400/113	MR3/DP3	The sewer mains are to be protected or diverted during the operations.
118908/400/113	MR3/DP4	The telecommunication ducts are to be protected or diverted during the operations.
118908/400/113, 118908/400/114	MR3/DP5	The sewer mains are to be protected or diverted during the operations.

**King Street Diversion or Protection of services DP16**

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

**Arthur Street Diversion or Protection of services DP17 & DP18**

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

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

SW Water Main	SSE Low Voltage	SGN Mains	Gas	BT Cable	Street Lighting
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## Riverside Road Diversion or Protection of services DP19 to DP22

Plan Reference	Operation Reference	Ancillary Operations Required
118908/400/114	RR4/DP19	The telecommunications ducts are to be protected or diverted during the operations.
118908/400/114, 118908/400/115	RR4/DP19	The sewer mains are to be protected or diverted during the operations.
118908/400/114, 118908/400/115	RR4/DP19	The gas mains are to be protected or diverted during the operations.
118908/400/114, 118908/400/115	RR4/DP20	The telecommunications cables are to be protected or diverted during the operations.
118908/400/115	RR4/DP20	The street lighting is to be protected or diverted during the operations.
118908/400/115	RR4/DP20	The sewer mains are to be protected or diverted during the operations.
118908/400/115	RR4/DP20	The gas mains are to be protected or diverted during the operations.
118908/400/115	RR4/DP21	The telecommunications cables are to be protected or diverted during the operations.
118908/400/115	RR4/DP21	The street lighting is to be protected or diverted during the operations.
118908/400/115	RR4/DP22	The surface water outfall is to be protected or diverted during the operations.
118908/400/115	RR4/DP22	The telecommunications cables are to be protected or diverted during the operations.
118908/400/115	RR4/DP22	The sewer mains are to be protected or diverted during the operations.
118908/400/115	RR4/DP22	The street lighting is to be protected or diverted during the operations.
118908/400/115	RR4/DP22	The overhead power line is to be protected or diverted during the operations.

**Riverside Road / Goods Lane Diversion or Protection of services DP23 to DP25**

<b>Plan Reference</b>	<b>Operation Reference</b>	<b>Ancillary Operations Required</b>
118908/400/115,	RR4/DP23	The sewer mains are to be protected or diverted during the operations.
118908/400/115,	RR4/DP23	The telecommunications cables are to be protected or diverted during the operations.
118908/400/115,	RR4/DP23	The street lighting is to be protected or diverted during the operations.
118908/400/115,	RR4/DP23	The high voltage electric supply to be protected or diverted during the operations.
118908/400/116	GG5/DP24	The sewer mains are to be protected or diverted during the operations.
118908/400/116	GG5/DP24	The street lighting is to be protected or diverted during the operations.
118908/400/116	GG5/DP25	The sewer mains are to be protected or diverted during the operations.
118908/400/116	GG5/DP25	The street lighting is to be protected or diverted during the operations.

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

<b>Plan Reference</b>	<b>Operation Reference</b>	<b>Ancillary Operations Required</b>
118908/400/115	SC9/DP13	The sewer mains are to be protected or diverted during the operations.
118908/400/115	SC9/DP14	The sewer main is to be protected or diverted during the operations.
118908/400/115, 118908/400/116	SC9/DP15	The overhead power line is to be protected or diverted during the operations.

## River Cree Diversion or Protection of services DP6 to DP12

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

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

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

**8 Powers**

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

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

**9 Cost**

For the purpose of regulation 11 (3), the estimated cost of the Operations (including all costs incurred to date and with an estimated construction of 2025/26) at the date hereof is Eighteen Million, Five Hundred Thousand Pounds (£18,500,000) sterling.

Made by the Dumfries & Galloway Council on the 25th day of May 2023



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Steven Herriott (Head of Roads and Infrastructure)