

CORRESPONDENCE ON LOCAL RECORDS OF NON-STATUTORY ENVIRONMENTAL SITES

NB all correspondence is via the Programme Officer

Reporter's initial question 28 to Council, 20 June 2024

The Preliminary Ecological Appraisal Report recommends that the Council provides their data on nonstatutory sites of scientific interest within 2km. Has this been done? Provide a copy.

Council's response to Reporter's initial question 28, 6 August 2024

(To assist in our response we noted that this comment relates to the following paragraph in the PEAR: 7.2 Non-Statutory Designated Sites, Ancient Woodland and NWSS Sites Non-statutory sites within 2km could not be identified as the local biological records South-West Scotland Environmental Information Centre (SWSEIC) did not respond to a data request and this information is not readily available online. It is therefore recommended that Dumfries & Galloway Council is contacted and a request is made for their non-statutory site data.)

Response: Relevant services within the Council have been approached and they do not hold this information nor are they under a duty to hold it. If the Reporter believes that this information is required, the Council suggest that SWSEIC are asked by the Reporter through the Programme Officer to provide this information.

Reporter to Council, 12 August 2024

The Reporter has asked me to inform you that he has considered the Council's response to his initial question 28 on this matter.

His basic view is that, for the most part, it is not for him to seek out evidence but to assess the evidence that is put before him in support of the flood protection scheme or otherwise. He may, of course, ask one or more of the parties, including the Council, to provide relevant evidence where this is lacking.

In this case, the Reporter notes that it was the Council's own consultants who specifically recommended in their Preliminary Ecological Appraisal Report (PEAR) that information on non-statutory sites within 2 km of the site should be provided. Presumably it was anticipated that this would support the Council's case for the scheme. The Reporter also notes that, although no comprehensive record is currently available, the PEAR does contain certain information about various matters within 2 km of the site.

If the Council considers that its case on these environmental matters is sufficiently robust, in the light of the objections, and in the light of further statements that objectors may make, for there to be no need to provide the comprehensive information referred to above, he invites the Council to say so.