

Your Ref:

Our Ref: NmgFRM12

21 September 2023

Communities

Flood Risk Management Team
Cargen Town, Garroch Business Centre
Cargenbridge, Dumfries, DG2 8PN

Any enquiries please contact,

Flood Risk Management Team

Direct Dial 030 33 33 3000

Email: newtonstewartFPS@dumgal.gov.uk

Dear Sir/Madam,

**Newton Stewart Flood Protection Scheme
Flood Risk Management (Scotland) Act 2009 (the "Act")**

I refer to the above project which, as you are aware, is on the priority list of Flood Protection Schemes as identified in the SEPA Flood Risk Management Strategy published in December 2015 and the Solway Local Plan District Local Flood Risk Management Plan, published in June 2016.

In accordance with the Flood Risk Management (Scotland) Act 2009, the Scheme was published for a 28 day period from 25 May to 23 June 2023. A 'Publication to Preliminary Decision Summary' document is attached to outline the steps taken in the publication process.

During that period 58 objections were received with some of the objections from persons who either:

- (a) have an interest in any land on which the proposed operations are to be carried out; or
- (b) have an 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.

Therefore, in accordance with Schedule 2 paragraph 5(5) of the Act Dumfries and Galloway Council ("the Council") hereby give notice of its decision as follows:

'Elected Members of the Council, at its Communities Committee meeting on the 22 August 2023, agreed, in accordance with Sections 5(1) and 5(2) of Schedule 2 to the Act, to **confirm the proposed scheme without modifications.**'

Furthermore, the following information as required by Section 5(5) of Schedule 2 to the Act as follows is attached (and is referenced and numbered in the 'Publication to Preliminary Decision Summary').

- a) The Scheme Documents included when the Scheme was formally published on 25 May 2023. These documents have not changed since that date and are still available to access at www.dumgal.gov.uk/newtonstewartfloodprotection. If hard copies are required these can be provided upon request.

- b) A Summary of the objections received. You will note from the summary that every effort was made by the Project Team to ensure all objections received were counted, for example:
- One objection was received before the 25 May and one after the 23 June. Both were accepted as formal objections.
 - 4 representations that were received were considered invalid. The Project Team contacted the objector to advise, and all responded to validate their objection.
 - SEPA and the Galloway Fisheries Trust contacted the Council during the publication period to request an extension for their response and both were granted with responses duly submitted.
 - The submission by the Galloway Fisheries Trust is included within the objections and the SEPA response is included separately in the documents provided.
 - A letter was sent to all objectors which provided a comprehensive response to all issues raised in the objections in the week commencing August 2023. Objectors were given the opportunity to withdraw their objection based on the letter and to date 4 have indicated they wish to withdraw their objection. We shall continue to discuss with objectors up until such time as a Public Local Inquiry or Public Hearing is held.
- c) Copies of the objections. All the objections received by the Council have been published online at www.dumgal.gov.uk/newtonstewartfloodprotection in a summary (with personal details redacted) together with the Council response to the various topics with proposed mitigation/actions where appropriate. A list of the names and addresses of those who made representation, with reference numbers that relate to the online redacted versions is included for your consideration (but was not published online).
- d) Any other material considered by the Council including:
- A copy of the Committee paper (and minute) to the Communities Committee on 2 February 2023 seeking agreement to publish the Scheme.
 - A copy of the Committee paper to the Communities Committee on 22 August 2023 which sought agreement to confirm the scheme without modifications, is included.
 - A copy of the communications sent to all those who objected to the Scheme such as a full response to the objections raised and later advising them of the preliminary decision of Council to approve the scheme without modifications.

I hope that the above and associated documents meet your requirements, but should you have any further queries or wish to discuss any matters, please don't hesitate to contact me.

Yours sincerely,