

Newton Stewart Flood Protection Scheme – Council Response to Objection (Fishing and Fishing Rights)

Topic	Response	Actions/Mitigation
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><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></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><i>This will be considered and included as part of the detailed design stage.</i></p>
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</p>	<p><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></p>

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	compensation between the VOA and the claimant will be determined by the Lands Tribunal for Scotland.	
Lack of Consultation	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.	<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>
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.	<i>Undertake early contractor engagement to consider the phasing and timing of works to minimise disruption wherever possible.</i>