

Our Ref:

20 January 2021

**Communities**

Legal Services

Council Offices

English Street

Dumfries

DG1 2DD

Any enquiries please contact

**Flood Risk Management Team**

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

Dear Sir/Madam

**Notice of Final Decision - Whitesands Project (Flood Protection Scheme and Public Realm Improvements) 2017**

**Flood Risk Management (Scotland) Act 2009 (“The 2009 Act”) And The Flood Risk Management (Flood Protection Schemes, Potentially Vulnerable Areas And Local Plan Districts) (Scotland) Regulations 2010 (“The 2010 Regulations”)**

I refer to the Whitesands Project (Flood Protection Scheme and Public Realm Improvements) 2017 promoted by Dumfries and Galloway Council and am writing to notify you of the decision taken by Scottish Ministers following the Public Local Inquiry held in Dumfries in November/December 2018 and submission of the Reporters’ report and recommendation to them on 13 September 2019.

You are receiving this correspondence either because you were notified about the Scheme in February 2017 and/or because you made representations (objections) to the Scheme during the notification period in February/March 2017.

**The Scottish Ministers’ Decision**

By letter dated 17 March 2020, the Scottish Government Deputy Director, Natural Resources, advised Dumfries and Galloway Council of the following:

“The Scottish Ministers, having duly considered the Reporters’ conclusions and recommendations and taken into account the environmental information referred to in the regulation 10(3) of the 2010 Regulations, the Scottish Ministers have decided, under paragraph 7(4) of Schedule 2 of the 2009 Act to confirm the Scheme without modifications.”

Furthermore, that

“Subject to the conditions set out in Annex 3, Scottish Ministers direct under section 57(2B) of the Town and Country Planning (Scotland) Act 1997 that planning permission be deemed to be granted as set out in the Notice of the Scheme published by Dumfries and Galloway Council on 1 February 2017.

A copy of the Reporters’ report and recommendation along with the letter from Scottish Ministers to Dumfries and Galloway Council advising of the decision can be found at [www.dpea.scotland.gov.uk](http://www.dpea.scotland.gov.uk) by typing FPS-170-1 into the search facility. A copy of the decision notice placed in the local newspaper (Dumfries and Galloway Standard) will also be on display and available to view outside the Ewart Library, Dumfries and on the Council’s Whitesands Project webpage, along with further information on the Scheme at : [www.dumgal.gov.uk/whitesands](http://www.dumgal.gov.uk/whitesands).

### Commencement of Scheme and Right of Appeal

In accordance with paragraph 11 of Schedule 2 of the 2009 Act, the Scheme will become operative six weeks after notice of its confirmation is first published in a locally circulating newspaper. The decision by the Scottish Ministers to confirm the Scheme may be appealed in terms of paragraph 12 of Schedule 2 of the 2009 Act before the expiry of the six-week period beginning with the date of that notice (being 22 January 2021). The appeal is to the appropriate Sheriff, using the required process, as stated at paragraph 12(3) and is solely on the grounds stated in paragraph 12(5).

### Conclusion

Should you wish to discuss any matter concerning the Scottish Ministers’ decision, please contact the Flood Risk Management Team on 030 33 33 3000 or [WhitesandsProject@dumgal.gov.uk](mailto:WhitesandsProject@dumgal.gov.uk).

Should you require advice or assistance regarding the Court process for raising an appeal please consult the Scottish Courts website <https://www.scotcourts.gov.uk/> and or the Citizens Advice Bureau <https://www.citizensadvice.org.uk/scotland/> or a solicitor <https://www.lawscot.org.uk/for-the-public/> .

Yours faithfully

*Robin Fletcher*

Robin Fletcher  
Legal & Licensing Manager