

## PE1537/B

Dumfries and Galloway Council Letter of 20 March 2015

### Introduction

The online petition was detailed in what it was asking the public to sign. The paper petition, which is yet to be presented to the Council, is understood to simply ask signatories to “save our sands – car parks and views”. While not in any way under-estimating the strength of feeling, our Council must be mindful that in responding to the authors of the petition, it needs to ensure that everyone who has signed fully understands the proposals, the reasons why certain alternative options are not suitable and how many of the concerns raised have been mitigated. We have been informed that the paper petition is signed by 4,000 people and while engagement has been extensive and inclusive, nowhere near those numbers of people have attended the public engagement sessions. The question is, how many of the 4,000 people objecting to the proposals have availed themselves of the facts before signing. Our Council are concerned that many may have signed the petition based on opinions raised through authors’ correspondence in the local press that are not always fully representative of the facts.

### Public Engagement

The Petition is critical of our Council’s public engagement process making statements that our Council continue to “push through ... a scheme ... people do not want” and that scheme progression is being “driven by ego”. Unsurprisingly given the extensive public engagement and reporting to Council Committees that has been undertaken, issue must be taken with these statements.

Dumfries and Galloway Council and its predecessors have considered options for reducing flood risk on the Whitesands for well over 60 years it is only now that a potential solution has reached design stage. This latest project has taken a novel approach by using the findings of the hydraulic modelling of the flood events, stakeholder engagement through a Charrette process and design solution for both reducing flood risk but also improving the public realm.

This approach reflected Elected Members’ agreement that “*modelling works should not be seen in isolation but as informing town centre regeneration activity, balancing flood risk reduction with the aspirations of improvements in the public realm*”. At all times this process has been Member led through both Service Committees and Area Committees, at all times open and transparent to the public.

Following the five-day Charrette, the design was presented to the public in a two-day public display with the feedback received presented to Members and used to inform the continued design of the Project. The most recent formal presentation of the design, held on 10 December 2014, had addressed the concerns raised by the public and Members. At that public meeting many concerns were raised, the majority of which had already been addressed e.g. loss of parking (re-provisioned), dredging to reduce flood risk (insignificant benefit), impact of the scheme upon peak water levels making flooding worse upstream or downstream (neutral impact achieved through scheme design), flooding from sewer network (being addressed through engagement with Scottish Water).

However, at the meeting on the 10 December 2014, the Nithsdale Area Committee Chair, Provost Thompson, agreed that further public engagement would be undertaken and in January 2015 three days of public display of proposals were undertaken along with the construction of a full scale model of a 5m section of the proposed embankment constructed on the Whitesands and models of wall construction. The display and model build were well attended and much

feedback was received. The main area of concern was undoubtedly the visual impact of the Project, followed by the loss of parking and the impacts of the construction upon the businesses during the construction period.

While accepting that there are clearly many people who do not wish the preferred design to be constructed, it is unhelpful of the petition authors to pertain to speak for the whole of the community when in fact there is support for the proposals which put an emphasis on public realm improvements, to facilitate the regeneration of the Regional Capital, combined with flood protection.

### Parking

The Committee should be aware that on 10 September 2013 Members of our Council's Planning, Housing and Environment Services Committee instructed officers to provide alternative parking to mitigate the 230 spaces being lost by the scheme. This has been a crucial challenge for the design team undertaking the Project, and has been achieved. Full details can be found on a report to our Service Committee on 11 November 2014, but in summary, parking will be re-provisioned at a number of locations. The key locations are detailed below.

Forty of the 57 existing spaces in front of the shops will be retained and the acquisition of an underused private car park (underused because unlike all Council parking in Dumfries, which is free, there is a charge for parking on this site) adjacent to the Whitesands will provide a further 60 spaces. The nearby Greensands, approximately 300-400m walk away, will provide an additional 64 spaces and 75 on-street spaces will be available across the town through the removal of waiting restrictions, thus providing a wider benefit to all town centre businesses. In general, the spaces being lost as part of the scheme construction are free, un-restricted spaces, which arguably offer little benefit to businesses on the Whitesands given they are used mainly by commuters who park all day. The short-stay provision, which will benefit those using services on the Whitesands will be similar pre and post scheme construction. References to impacts of car parking changes upon the post office and bank need to be considered in the short stay context and it should also be noted that both have their own private car parks which will not be affected by the works.

### Visual Impact of the Works

The views of the river will be altered by the scheme construction.

Certain elements of the walled sections are significant in height – particularly between Assembly Street and Suspension Bridge where the narrow space between the carriageway and the river prevents the use of more sympathetic permanent defences e.g. the embankment. Our Council is conscious that this element needs review to minimise the visual impact, particularly from the adjacent footways and carriageway. At the embankment section, the carriageway is some distance from the river and existing views from a car are somewhat impacted by the presence of parked vehicles. The same can be said for the views of the river from the shop fronts where there are four rows of parked vehicles and two lanes of traffic between the shop fronts and the river.

Actual views of the river, which are best obtained from the riverside path, will remain and additional views from the crest of the embankment will put a new perspective on the river. Given feedback from the recent engagement sessions, the design team is actively investigating options to reduce the visual impact of the embankment and walls whilst still maintaining the 1:75 year return period standard of protection.

### Alternative options

The Petition presents details of a company with whom the petition authors have engaged and who offer a self-rising flood barrier that is claimed to be more cost effective than the scheme proposed by our Council. Our Council is well aware of the product offered by this company, having visited their largest scheme at Cockermouth, a self-rising barrier some 125m in length and approximately 1.0m high. Impressed with the product, our Council considered how this could be used in the Whitesands Project (where defence length is more than 1000m and up to 3.0m high) whilst still maintaining the principles of the Project promoted by the Charrette process.

The use of self-rising flood barriers to reduce the visual impact has not been ruled out, but the benefits of such an option need to be considered with a full understanding of all costs involved in construction and installation and compared with the alternatives. The Project to date has been progressed as a creative, highly transformational regeneration project that includes flood protection. Any proposed alternative needs to respect that ethos developed and advocated by the Charrette process, member and public engagement.

Our Council will continue to engage with companies that offer flood protection measures such as a barrier system, glass barriers or demountable units that offer reduced visual impact as part of the review process.

#### Project costs and value for money

The cost and funding of the Project is a critical consideration. If our Council is to draw down Government funding for the Project it needs to demonstrate that the benefits of constructing the scheme outweigh the costs that also include a maintenance element. The current benefit cost ratio (even with an appropriate 30% optimism bias) is 2.6. In other words for every £1 invested, £2.60 of benefit is realised, which in our view would represent a best value return on investment.

The scheme was submitted to the Scottish Government for consideration in January 2014, with officers aware that it would not meet the requirements for achieving funding. However, a decision was made to undertake the submission on the grounds that it kept the focus on the Project from both a civil servant and ministerial point of view. To a certain extent our Council was encouraged to submit at that stage by the Scottish Government.

When a scheme is confirmed following a statutory consultation period and assuming any subsequent objections can be resolved, our Council will be in a position to re-apply for external funding when invited to do so by the Scottish Government.

#### Responses to other issues

Public toilet removal is likely to form part of the project, principally to ease sewer diversion works. However, our Council has clearly stated, at Committee and in public meetings, that public toilets will be re-provisioned at the same location or nearby. The advantages of moving them are to allow an improved view of the Devorgilla Bridge and to locate them nearer the proposed new bus interchange.

The Council has met with the organiser of the Rood Fair in an attempt to accommodate this biannual tradition on the Whitesands. Reduced space will impact upon the fair but the acquisition of an additional car park should hopefully allow the fair to continue to locate in the Whitesands area. This remains under discussion.

The Petition raises concerns about construction time and potential for a flood. Any works in a floodplain comes with a risk, a risk that in a standard approach will be managed by the contractor. There is a SEPA operated flood early warning system for the Whitesands, and our Council and contractor would work very closely with SEPA to ensure as much warning as possible to any flood event that may impact upon the works. Critical events would be programmed for times when river levels were low and not predicted to rise. In fact one of the reasons for designing the Project out of the river environment is to reduce the likelihood for issues associated with high flows. The concept of building a structure e.g. a self-rising flood barrier system, within the river channel comes with significantly more risk of being impacted, damaged or delayed by flow events and tidal events, and scrutiny by SEPA on river and environmental issues.

Safety of accessing the path along the crest of the embankment was also raised as a concern. The side slopes are 1:3 but there is no reason to believe that suddenly pedestrians will be falling down the slopes. A 1:3 gradient is easily manageable by the average able-bodied person. There is a towpath walk and shared cycle path further south on the Nith where one of the side slopes is steeper and unprotected. The slopes in Princes Street Gardens, Edinburgh are unprotected and much steeper. Note that formal access points to the crest footpath will be provided, both stepped and ramped at 1:21 or less to be DDA compliant. Cyclists will not be permitted on the crest footpath.

The design of the embankment for flood protection, a recognised form of flood defence (embankments are being used for the Selkirk Flood Protection Scheme) will have a clay core to ensure impermeability and will have grass and vegetation designed to resist erosion from high flows. With respect to the responsibility for design, to be absolutely clear, the structural element of all the flood defences is undertaken by the lead designer, the multi-disciplinary consultant Mouchel and not the landscape architect Gillespies. While urban regeneration and public realm improvement are drivers for the project, robust, safe design is critical. It is interesting to note that New York is looking at a flood protection scheme to protect Lower Manhattan that incorporates significant lengths of grass embankments.

In summary our Council would reiterate that it is looking again at the proposals in light of the feedback from the further public engagement undertaken in January 2015. But the main objective remains a Project that delivers both public realm improvements and flood protection, thus making the continued regeneration of the Regional Capital.

Our Council will continue to engage with the public as has been done extensively over the years, listening to feedback and addressing concerns. Our Council strongly encourages all who wish to influence the design of this transformational project to engage with the design team and ensure they are fully aware of the facts. Council officers are happy to meet individuals or groups who wish to know more about the Project.

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