

APPENDIX A

**REDACTED VERSION OF AN OBJECTION
RESPONSE LETTER
(WITHIN THE LIMIT OF FLOODING)**

Please ask for:

Our Ref:

Hawick FPS

Your Ref:

E-Mail:

Date:

15 June 2017

Dear [REDACTED]

Thank you for your recent correspondence relating to the Hawick Flood Protection Scheme (HFPS), which constitutes a valid objection in accordance with Schedule 2, Paragraph 3(2) of the Flood Risk Management (Scotland) Act 2009 (FRM).

Scottish Borders Council (SBC) consider that you are a person to whom Paragraph 5(6)(b) of Schedule 2 of the FRM applies, as you have interest in land where the flow has been altered as a result of the flood protection operation (i.e. your property is no longer flooded by the 1 in 75 year flood event).

We have considered the content of your correspondence and offer the following responses to your concerns, which we hope explains why SBC has chosen this particular scheme to reduce the flood risk to over 700 residential and business properties in Hawick.

General Information

SBC is committed to a three phased approach to deliver the most effective flood risk management solutions for Hawick and the River Teviot catchment:

- Phase 1 took place in 2013 and 2016/17 to deliver small scale works to provide local improvements to managing flood risk during very low return period floods (up to the 1 in 10 year event), including the provision of kerbs along Duke Street and Mansfield Road and the raising of the Common Haugh car park exit. This programme is ongoing.
- Phase 2 refers to the HFPS which will provide protection against the 1 in 75 year return period flood event (for reference, the October 2005 flood had a 1 in 50 year return period). 1 in 75 is the minimum standard of protection for properties to be considered by insurers to be protected against flooding; noting that many flood prone properties currently cannot obtain affordable insurance. It is currently planned to complete the HFPS in 2021.
- Phase 3 refers to the feasibility assessment and subsequent delivery of flood risk management measures within the wider River Teviot catchment upstream of Hawick, which could include measures such as natural flood management (NFM) and deliberate flooding of farmland. Our analysis shows that Hawick cannot be protected to the required minimum standard by these measures alone. These measures could enhance the HFPS standard of protection and provide flood risk reduction throughout the catchment, but the emerging nature of the analysis techniques to prove the effectiveness of NFM measures means that their flood risk benefits are likely to take many years, if not decades, to be realised.

In August 2012, SBC presented the results of a comprehensive option appraisal process at a public exhibition, which explained why options such as river dredging, natural flood management and deliberate flooding of farmland upstream could not be taken forward under the Phase 2 HFPS.



Your Specific Concerns

With regard to your concern relating to wall heights:

The walls along [REDACTED] require to be constructed to the proposed height to ensure that the minimum standard of flood protection (protect against the effects of the 1 in 75 year flood event) can be provided.

SBC have continually recognised the impact that the proposed HFPS may have on the ability of tourists, pedestrians and residents to continue to enjoy views of the river from the riverside footpaths, as well as the wider concerns on general visual impact. These concerns have been raised at the many public events we have hosted and have led to the design of the HFPS being refined over the last year to include the following measures.

- Full Environmental Impact Assessment which considers the visual impact of the walls and develops specific mitigation measures to reduce that impact, including how the walls will be finished (stone, patterned concrete);
- Setting walls back from the edge of the river wherever possible, such that existing riverside paths can be maintained with uninterrupted views of the river (Hawick High School, Common Haugh, Little Haugh);
- Raising of footpaths wherever possible to maintain a maximum height between wall cope and footpath of 1.4m, to reflect the minimum requirement for edge protection for combined foot/cycle paths. Such paths are proposed to be provided along Teviot Road (new path), Duke Street and Glebe Mill Street;
- Provision of glass viewing panels at a number of locations to allow views of the river to be maintained. The exact distribution and dimensions of the viewing panels is still to be determined during the detailed design stage;
- Provision of a formal viewing area at the upstream end of the Little Haugh where the height of the wall will be reduced to 1.0m above the footpath to allow panoramic views of the river;
- Maintain and, where possible, enhance existing Key Greenspace as set out in the SBC Local Development Plan 2016.
- New unhindered views of the river by virtue of a new footpath on the flood defence embankment crest at Weensland, and;
- Maintain ability to safely access the riverbank at the Cobble Cauld, Common Haugh, upstream end of Duke Street and on the haugh opposite Hawick RFC.

We acknowledge your scepticism over the provision of viewing windows and art projects and, subject to scheme approval being granted later this year, will ensure that the detailed design takes into account all feedback we have received on the scheme proposal to date.

The design team has worked with SBC's heritage and landscape department to devise a series of wall finishes which will compliment the local area. The type of finish will depend on the predominant land use adjacent to the wall, but in general where the wall face can be viewed by the public, the finish will either be stone, reconstituted stone or patterned concrete, complimented with a stone and/or concrete coping detail. Please refer to our Environmental Statement¹ for a series of plans which explain the proposed distribution of these wall finishes.

¹ http://www.hawickfloodscheme.com/finalscheme/5_ES/Hawick%20FPS%20ES_Volume%201_FINAL.pdf

We are also focusing on delivering a number of multiple benefits as part of the HFPS design which integrate with the ongoing projects such as the Wilton Lodge Park improvements, including:

- Enhanced landscaping works at Common Haugh, Little Haugh, Weensland and Duke Street;
- A combined foot / cycle path from Wilton Park to Weensland, and;
- Community art project.

With regard to your concern about water backing up through the drains:

The HFPS aims to provide protection against a number of sources of flooding, including surface water backing up through drains which cannot discharge into the river when it is in flood. We intend to deal with the surface water drainage issue in the following manner:

- With no HFPS in place, if heavy rainfall generates surface water flows which are greater than the capacity of the road drainage network, excess water would pond and then flow over the banks into the river.
- With the HFPS in place, the walls could create a barrier to this escape mechanism and cause flooding. Our design includes for a high capacity drainage system along the back of the new walls to take the excess flows to a large chamber. If the river levels aren't high (eg summer thunderstorm), the water will discharge via gravity from the chamber into the river. If the river is in flood (eg winter storm), the excess water will be pumped from the chamber via an underground pumping station into the river.

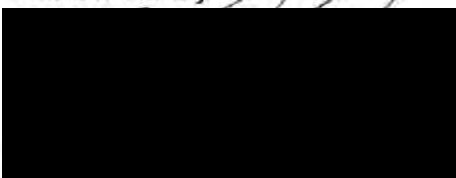
Whilst your property has not flooded directly from the River Teviot in the past, the most extreme event in recorded history was the October 2005 event, which was a 1 in 50 year event. Our computer model of the river shows that the 1 in 75 year event we are protecting against will cause flooding of the ground floor of your property

Many of the points raised above will require further development during the detailed design stage, which is planned to take place between summer 2017 and summer 2018. We will ensure that the public will be kept informed of progress and have the opportunity to comment on the details via newsletters, public engagement sessions and our website and Facebook pages.

We hope that the information provided above in response to your written objection offers you the evidence that SBC will effectively and proactively mitigate the impacts the HFPS may have on the River Teviot and the businesses and residents of Hawick.

In order to conclude this matter to the mutual satisfaction of all parties, we would be keen to meet with you at a venue and date to suit you. We will be in contact shortly with you to arrange.

Yours sincerely



Project Executive

APPENDIX B

**REDACTED VERSION OF AN OBJECTION
RESPONSE LETTER
(OUTWITH THE LIMIT OF FLOODING)**

Please ask for:

Our Ref:

Your Ref:

E-Mail:

Date:

Hawick FPS

21 June 2017

Dear

Thank you for your recent correspondence relating to the Hawick Flood Protection Scheme (HFPS), which constitutes a valid objection in accordance with Schedule 2, Paragraph 3(2) of the Flood Risk Management (Scotland) Act 2009 (FRM).

We have considered the content of your correspondence and offer the following responses to your concerns, which we hope explains why Scottish Borders Council (SBC) has chosen this particular scheme to reduce the flood risk to over 700 residential and business properties in Hawick.

General Information

SBC is committed to a three phased approach to deliver the most effective flood risk management solutions for Hawick and the River Teviot catchment:

- Phase 1 took place in 2013 and 2016/17 to deliver small scale works to provide local improvements to managing flood risk during very low return period floods (up to the 1 in 10 year event), including the provision of kerbs along Duke Street and Mansfield Road and the raising of the Common Haugh car park exit. This programme is ongoing.
- Phase 2 refers to the HFPS which will provide protection against the 1 in 75 year return period flood event (for reference, the October 2005 flood had a 1 in 50 year return period). 1 in 75 is the minimum standard of protection for properties to be considered by insurers to be protected against flooding; noting that many flood prone properties currently cannot obtain affordable insurance. It is currently planned to complete the HFPS in 2021.
- Phase 3 refers to the feasibility assessment and subsequent delivery of flood risk management measures within the wider River Teviot catchment upstream of Hawick, which could include measures such as natural flood management (NFM) and deliberate flooding of farmland. Our analysis shows that Hawick cannot be protected to the required minimum standard by these measures alone. These measures could enhance the HFPS standard of protection and provide flood risk reduction throughout the catchment, but the emerging nature of the analysis techniques to prove the effectiveness of NFM measures means that their flood risk benefits are likely to take many years, if not decades, to be realised.

In August 2012, SBC presented the results of a comprehensive option appraisal process at a public exhibition, which explained why options such as river dredging, natural flood management and deliberate flooding of farmland upstream could not be taken forward under the Phase 2 HFPS.

Your Specific Concerns

With regard to your concern over the height of walls on Duke Street and Mansfield Road and visual impacts generally:

The wall heights proposed across the HFPS, and including Duke Street and Mansfield Road, are necessary to protect the town against the effects of the 1 in 75 year flood event. The design team has made considerable effort to reduce these wall heights, including:

- Raising of the Lawson, Victoria and Mansfield footbridges by up to 1.0m to allow wall heights upstream of the bridges to be lowered by up to 1.0m;
- Setting back the defences in the Common Haugh and Little Haugh to allow space for flood water to bypass the bridges, further reducing the flood level by up to 0.4m.

SBC have continually recognised the impact that the proposed HFPS may have on the ability of pedestrians and residents to continue to enjoy views of the river from the riverside footpaths. These concerns have been raised at the many public events we have hosted and have led to the design of the HFPS being refined over the last year to include the following measures:

- Full Environmental Impact Assessment which considers the visual impact of the walls and develops specific mitigation measures to reduce that impact, including how the walls will be finished (stone, patterned concrete);
- Setting walls back from the edge of the river wherever possible, such that existing riverside paths can be maintained with uninterrupted views of the river (Hawick High School, Common Haugh, Little Haugh);
- Raising of footpaths wherever possible to maintain a maximum height between wall cope and footpath of 1.4m, to reflect the minimum requirement for edge protection for combined foot/cycle paths. Such paths are proposed to be provided along Teviot Road (new path), Duke Street and Glebe Mill Street;
- Provision of glass viewing panels at a number of locations to allow views of the river to be maintained. The exact distribution and dimensions of the viewing panels is still to be determined during the detailed design stage;
- Provision of a formal viewing area at the upstream end of the Little Haugh where the height of the wall will be reduced to 1.0m above the footpath to allow panoramic views of the river;
- New unhindered views of the river by virtue of a new footpath on the flood defence embankment crest at Weensland, and;
- Maintain ability to safely access the riverbank at the Cobble Cauld, Common Haugh, upstream end of Duke Street and on the haugh opposite Hawick RFC.

The design team has worked with SBC's heritage and landscape department to devise a series of wall finishes which will complement the local area. The type of finish will depend on the predominant land use adjacent to the wall, but in general where the wall face can be viewed by the public, the finish will either be stone, reconstituted stone or patterned concrete, complimented with a stone and/or concrete coping detail. Please refer to our Environmental Statement for a series of plans which explain the proposed distribution of these wall finishes.

We are also focusing on delivering a number of multiple benefits as part of the HFPS design which integrate with the ongoing projects such as the Wilton Lodge Park improvements, including:

- Enhanced landscaping works at Common Haugh, Little Haugh, Weensland and Duke Street;
- A combined foot / cycle path from Wilton Park to Weensland, and;
- Community art project.

With regard to your concern that the Duke Street and Mansfield Road trees are being felled:

From the inception stage of the project SBC have been committed to minimising the environmental impact of the scheme. Since July 2012 the project team have met with key environmental stakeholders to gain an understanding of the potential impact, as the scheme progressed SBC established working groups to ensure the design was constantly monitored by external third parties who had a keen interest to the environmental impact. Members of these groups included representatives from Scottish Environmental Protection Agency (SEPA), Scottish National Heritage (SNH), Hawick Angling Club and Scottish Water, to name a few. The feedback the team received from these groups proved invaluable; as a result of this feedback the design team adopted a construction methodology which minimised the footprint of the proposed flood walls. This alternative method will result in less trees being removed than would have been required with a more traditional method.

The felling of the trees along Duke Street is a decision the Council has taken following review of the probable health and safety impacts during and after construction. The sheet pile foundations of the flood wall will sever the roots of the trees, causing them to potentially suffer from stability problems in the future. The first time we may notice such deterioration could well be after a winter gale which has caused the tree to fall on top of someone, their house or car. Such a risk is deemed to be unacceptable. Following completion of the construction works, the remediation of Duke Street is proposed to include:

- Raised footpath / cycleway to with maximum surface to wall cope height of 1.4m;
- Viewing windows installed at locations along Duke Street (distribution and dimensions to be confirmed);
- Planting of new heavy standard (semi-mature specimens up to 3.5m in height) streetscape style trees, and;
- Removal of the overhead telecommunications poles and lines.

SBC is committed to providing at least two new trees for every tree which is felled as part of the HFPS, with the exact location, distribution and species of trees to be confirmed during the forthcoming detailed design phase.

With regard to your concern over enclosing of the Teviot Crescent grass area and playpark in 2 metre high walls:

We presume that your concern relates the safety and security of people using the Little Haugh. In designing flood defence schemes, we are encouraged to set the walls and embankments back from the river where possible to allow the river to flood naturally onto parts of the flood plain which is not occupied by property. In this instance, the setback defences allow water to flood onto the Little Haugh, reducing the wall heights by around 600mm in conjunction with raising the Victoria footbridge. This explains why the flood defence alignment runs around the park, rather than along the edge of the river.

SBC are committed to investigating all possible options for the reinstatement and landscaping works for to the Little Haugh. We believe that the following design attributes go some way to mitigating the safety and security issues:

- Safe means of egress from the park via the ramped access the southern (upstream) end;
- The entire park will be visible from the proposed raised platform at the southern end of the Little Haugh, and from the raised Victoria Bridge, and;
- The path network in the park will be accompanied by replacement lighting columns to improve safety at night.

It is noted that the existing hedge which runs along the eastern side of the park creates a visual barrier from Teviot Road, which will be made no worse by construction of the flood defences.

With regard to your concern over the reduction in space of the main upper Common Haugh and use of ramps to access the bridge.

The Common Haugh car park overall plan area will be temporarily reduced during the flood defence construction works. The grassed area to the northwest of the car park will be used as a site compound during the construction period. Upon completion of the works, this site compound area will be converted into the same area of parking lost as a result of the new floodwall alignment, preserving the 400 spaces which are currently available. The strip of land between the flood wall and the river is one of our four key areas for delivering landscape improvement. We are unsure why you are objecting to the ramps to access the bridge, which will have a gradient of less than 1 in 20 – please confirm the reason for your objection.

With regard to your concern over the wall in front of the cricket pitch and the general wall alignment at Volunteer Park:

The relatively recently created leisure / sports infrastructure in Volunteer Park has not been protected against flooding due to the following reasons:

- In designing flood protection schemes, there is an obligation on the designer to retain as much of the existing flood plain as possible, unless there are over-riding human safety / health issues. In this case, there is adequate egress to a point of safety during a flood event for all users of the sports pitches.
- The new 3G pitch has been subject to a rigorous flood risk assessment, to ensure that the pitch level is high enough to provide a standard of protection against the 1 in 50 year flood event. Apart from its far northwest corner, the majority of the 2G hockey pitch is similarly protected by virtue of its location and level.
- Please note that a flood embankment alongside the river to Wilton Lodge Park was considered during the option appraisal stage, but was rejected due to the unacceptable increase to the flood levels and wall heights further downstream towards the Common Haugh and High School.

The alignment of the wall to the west of the cricket pavilion is necessary to avoid the following difficulties with routing the wall to the east of the pavilion:

- A zone of dead space would be created between the pavilion and wall, leading to the probable accumulation of rubbish and difficult maintenance;
- The High School access road would require to be narrowed, leading to traffic safety concerns, and;
- The pavilion would remain at risk of flooding.

In order to maintain views of the cricket matches, we will discuss options with the Hawick and Wilton Cricket Club during the detailed design stage, which may include the provision of glass panelling, or alternative viewing arrangements built into or adjacent to the flood wall.

With regard to your concern over the use of numerous ramps to gain access to footbridges:

Can you please provide us with further details of your objection in relation to the access ramps, which will be fully compliant with the requirements of the Disability Discrimination Act.

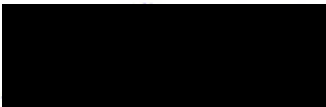
With regard to your concern over disconnection and separation:

We feel that the use of high quality materials to enhance the appearance of the walls, combined with measures to mitigate the visual impact of their height, provide the most appropriate balance between delivering the minimum standard of flood protection to Hawick and limiting the impact on the outstanding landscape and environment. The various regulatory bodies and the public have provided the design team with comments on the HFPS over the last two years of design development, which will be taken into account during the final detailed design stages.

Many of the points raised above will require further development during the detailed design stage, which is planned to take place between summer 2017 and summer 2018. We will ensure that the public will be kept informed of progress and have the opportunity to comment on the details via newsletters, public engagement sessions and our website and Facebook pages.

We hope that this response offers you some comfort that SBC is committed to providing Hawick's residents, businesses and visitors with the most appropriate balance between effective flood protection and the impacts the HFPS may have. If you would like further information or clarification, we are available to meet you in person at a venue and date to suit you. Please contact the undersigned to arrange.

Yours sincerely



Project Executive

APPENDIX C

PUBLISHED REDACTED OBJECTIONS

From: [REDACTED]
Sent: 17 May 2017 18:00
To: Legal
Subject: Hawick Flood Prevention Scheme 2017 Objection

***** This email was received from the GCSX *****

Dear Sirs

I wish to raise a formal objection to the Hawick Flood Prevention Scheme Report 2017. My husband and I travel to Hawick shopping with our two young granddaughters regularly. [REDACTED]

[REDACTED]. We mainly visit Morrison's Supermarket both to shop and visit their cafe [REDACTED]. We then usually go across to the river Teviot at Duke Street. There we can enjoy the river, its sounds, its view and its wildlife. [REDACTED]

[REDACTED]. [REDACTED]

None of us will now be able to get a natural view of the river as a planned Flood wall of height 1.8 metres is to be constructed along Duke Street. Our enjoyment of the river will be completely ruined. My husband might be able to see out of a small viewing window which will be no substitute for a panoramic view of the river. Myself and my two granddaughters will not be able to use the viewing windows which to be honest are no substitute for the experience we currently enjoy there.

We might not return to Hawick again if this Proposed Flood Prevention Scheme is implemented as we have lost our rights to enjoyment of the land at the riverside. I hope you will give due regard to the points I have raised. If for any reason you need to contact me please only contact me by email [REDACTED]

Yours Faithfully

[REDACTED]

17.05.2017

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For more information please visit <http://www.symanteccloud.com>

From: [REDACTED]
Sent: 22 May 2017 15:34
To: Legal
Subject: Hawick Flood Defences

***** This email was received from the GCSX *****
Dear Sir or Madam,

We wish to object most strongly about the 2m high flood protection walls which are solution proposed to protect the low-lying areas of the town from flooding. They will completely spoil the pleasant views of the river which is one of its attractions. To think of Duke Street with no trees and just a concrete monstrosity either side of the river is a travesty.

From the point of view of tourism, visitors to the town will get the impression they are entering a warzone and as for residents looking out on the bare concrete wall it will certainly seem as if they are staring at the Berlin Wall.

Please can you register our opposition to this proposal and re-consider other alternatives.

Yours sincerely,

[REDACTED]

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For more information please visit <http://www.symanteccloud.com>

-----Original Message-----

From: [REDACTED]
Sent: 23 May 2017 09:44
To: Legal
Subject: Hawick Flood Scheme

***** This email was received from the GCSX *****

[REDACTED]

I would like to object to the height of the proposed walls in the above scheme, I feel they are too high and will have a detrimental effect on the town by obliterating the riverside views the town is known for as well as creating a divide between one side of the town and the other.

Many householders will be faced with a massive wall as an outlook and this could also have an impact on property values in areas where houses already struggle to sell.

I agree that some kind of flood defence is required but do not feel that this is the best option available and urge that other options are considered.

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For more information please visit <http://www.symanteccloud.com>

From: [REDACTED]

Sent: 24 May 2017 11:58

To: Legal

Subject: Hawick Flood Scheme

***** This email was received from the GCSX *****

I object to the current Flood Scheme proposals for Hawick on the following grounds:

1. Hawick relies significantly on its position on the River Teviot to attract visitors and encourage passing visitors to pause awhile in the town. Erection of flood walls along Commercial Street and the bank opposite Commercial Street will significantly disrupt the connection between the river and the town centre conservation area both physically and visually.
2. The council has argued that the impact of the flood walls might be lessened by the raising of ground levels behind them. In effect that argument supports the case for removing spoil from the river as there is no practical difference between the raising of the height of a wall and the lowering of the ground level on one or other side of it
3. The council uses the argument that the options to use natural flood prevention methods and lowering the river bed should be discounted because they may be controversial. Since controversy and planning are often closely intertwined this argument could be used to avoid making almost any planning decision. In using this argument the council admit to not having fully explored these options and cannot, therefore, present either their preferred option or alternative option as the best available.
4. The government requires a certain level of cost benefit for the support of the scheme. A number of the cells, principally those against which objection is lodged, fall below or far below that target. ~There is no comparable cost/benefit analysis for the options preferred by many townspeople of dredging the river and restoring the watercourse to its natural channel supported by dispersal of floodwater by flooding at the points established in earlier centuries which could still be renovated at significantly lower cost than that of the proposed scheme.



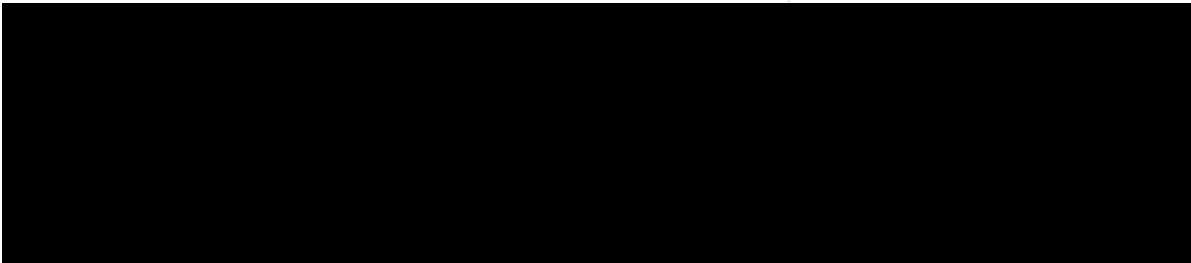
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For more information please visit <http://www.symanteccloud.com>

Regulatory Services

25 MAY 2017

Legal & Licencing




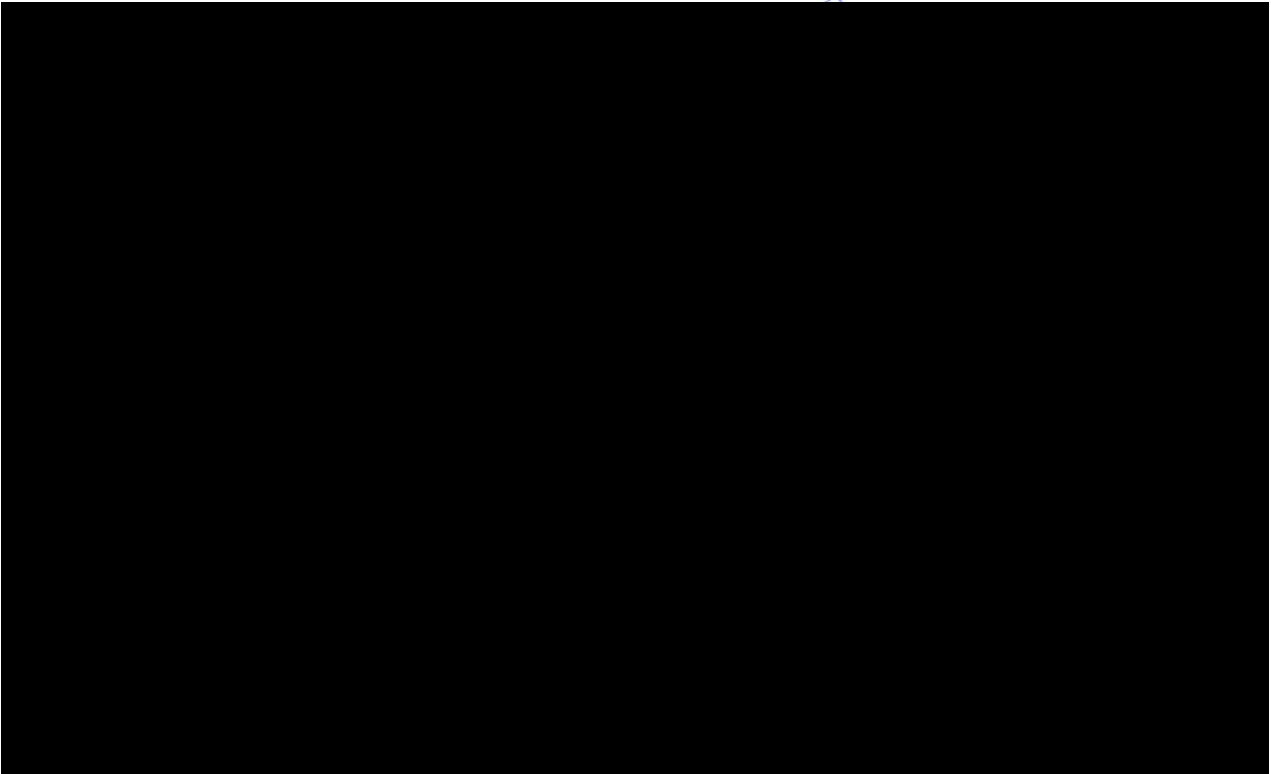
Chief Legal Officer
Scottish Borders Council, Council Headquarters,
Newtown St. Boswells,
Melrose, TD6 0SA.

24th May 2017.

Dear Ms. 

Hawick Flood Protection Scheme

We, the undersigned, are joint owners of land registered with title number  shown on the attached plan. The southern course of the River Teviot (in normal flow) is marked blue, with our riparian ownership extending to the centre of the river. We are therefore persons to whom Paragraph 5(6)(b) of Schedule 2 of the Flood Risk Management (Scotland) Act 2009 applies, and we set out our objections to the Hawick Flood Protection Scheme 2017 for the reasons in the attached statement.



Statement of Reasons for Objection.

██████████ has been involved with the Hawick Flood Protection Scheme team at every stage of stakeholder engagement. However, despite verbal statements to the effect that the Flood Protection Scheme will not affect ██████████ as there is a requirement to ensure flood risk is not exacerbated elsewhere as a result of any flood protection scheme implemented under the Flood Risk Management (Scotland) Act 2009”, we note statements within the Flood Protection Scheme documentation that indicate that this will not be the case. We object on the following five grounds.

1. Upstream Flood Storage Areas.

██████████ is concerned that this key alternative to the preferred scheme has not been fully tested as required by the EIA legislation. It seems to have been dismissed at an early stage on the grounds of cost, and the likely attitude of landowners. However, the Preferred Scheme Report states that one advantage of the Upstream Flood Storage Areas solution would be to “offer a degree of flood risk reduction to much of Teviotdale, including Denholm” (our emphasis). Source: Section 4 of the Preferred Scheme Report; Response to Feedback; page 3 – 11. It therefore seems to ██████████ that the preferred Flood Protection Scheme will exacerbate flooding in Denholm, as an alternative scheme has been identified that would reduce the flood risk to the ██████████, but has not been pursued to any great extent.

Nevertheless, as the report states: “flood storage remains technically viable and is part of Scottish Borders Council’s overall long term Teviot catchment flood risk management strategy”.

For this reason, ██████████ believes that this alternative should have been tested in far more depth, as it is part of a long term strategy and that this matter must be reviewed.

2. Cell 6 : Flood Wall

██████████ notes that the flood wall shown on Work Section 32 is designed to protect allotment gardens. (Source: Report of Review of Public Exhibition Appendix A, Page 11). We object to this. The area of ground covered by the allotments must be considered to comprise part of the existing functioning flood plain, must not be lost, and should be retained as such to alleviate risk of flooding downstream. In Table 4 – 1 it states that the flood embankment proposed to the north of Weensland Mill is designed to retain the use of land between the River Teviot and the setback defences as functioning floodplain. However, Figure B4.1 clearly shows that this land is outwith the flood plain at present and, with the allotments being protected the Cell 6 works as designed will exacerbate flooding downstream.

3. Culmination with other Schemes

The Flood Risk Management (Flood Protection Schemes, Potentially Vulnerable Areas and Local Plan Districts) (Scotland) Regulations 2010 state, in Schedule 1: Characteristics of the Scheme; that the characteristics of the scheme must be considered having regard

to the cumulations with other schemes. [REDACTED] note that the Environmental Statement; Volume 1, Main Report, Part 15 Cumulative Impacts, page 333, looks at the impact on the Jedburgh Flood Protection Scheme. However, it ignores other operations between the two Flood Protection Schemes that have, and could continue to come forward outwith the control of Statutory Undertakers and the Council. Two flood embankments have been created between Hawick and Denholm in recent years.

- a. The Deanfoot Farm Embankment constructed in 2006.
- b. The Honeyburn Farm Embankment constructed in 2016.

Both these embankments are designed to reduce the area of existing floodplain over agricultural land adjacent to the River Teviot. When both were under construction representations were made by members of [REDACTED] to both Scottish Borders Council and SEPA, but no action was deemed necessary to control construction. [REDACTED] is therefore extremely concerned that these two precedents could extend to other farmland between Hawick and Denholm thus reducing the area of existing flood plain with the potential to exacerbate flooding conditions at [REDACTED]. In order to comply with the request to consider the cumulation with other schemes (whether identified or not), [REDACTED] would request that Scottish Borders Council seek an Article 4 Direction under the Town and Country Planning (General Permitted Development) (Scotland) Order 2011 that restrict Part 6: Agricultural Operations under Classes 18A and 20, Land Drainage Works. At present this allows agricultural operations that comprise the carrying out of any works in connection with the improvement or maintenance of watercourses. Such a Direction would not affect Statutory Undertakers who would be exempt under the terms of Article 4, (6)(b)(v), but would prevent farmers from unilateral and uncontrolled action to alter flood plains by construction of embankments, in the vicinity of the Hawick Flood Protection Scheme and to the detriment of [REDACTED].

4. Increase in Flood Risk at Denholm

At the meeting held in Denholm on 18th May 2016 it was stated that:

" ... the Flood Protection Scheme will not materially increase the flood risk to any other property including those in Denholm " (our emphasis). Source: Environmental Statement Volume 1: Main Report; Part 5 Stakeholder Engagement (Page 44). This is a clear indication that there will be some element of an increase of flood risk at [REDACTED].

[REDACTED] has appointed [REDACTED] to advise us and to produce sections and levels of the River Teviot in relation to the [REDACTED].

[REDACTED] These surveys can be made available electronically if requested. The sections show that, on the highest observed flood level on 5th December 2015, the river level rose to 74.309 mAOD. At that time the freeboard to the lowest property threshold [REDACTED] was only 386m. In 4.5 Freeboard on page 4 – 3 of the Preferred Scheme Report, [REDACTED] note that the Hawick Flood Protection Scheme has adopted a consistent allowance of 600 mm across the whole scheme. At [REDACTED] the highest river level is in excess of the design allowance by 155%, showing the extreme sensitivity of the location.

██████████ therefore objects to the Hawick Flood Protection Scheme on the ground that any increase to the flood risk of property in Denholm is unacceptable.

5. ██████████ River Teviot SSSI:Nationally Important Insect

It may interest the Design Team to know that the Teviot riverbank at ██████████ is the only location in Scotland for the rare moth *Ethmia quadrillella*, which is reliant on its food plant, comfrey. It was discovered here in May 2017. Scotland's leading expert on micro-moths states that at ██████████

"This makes your colony really important and I do hope that your comfrey patch is safe from disturbance". (Dr Mark Young, University of Aberdeen, May 2017.)

It is noted in The Environmental Statement; Volume 1; Main Report; Part 11 Geomorphology, 11.4.4 Page 246 Downstream Teviot Catchment that:

"The channel becomes more active with reduced bank protection and evidence of eroding banks and large bars". There is no recommendation within the Preferred Scheme as to whether this effect is to be monitored in the future, should the Scheme proceed.

This erosive action could have a detrimental effect on the only population of *Ethmia quadrillella* in Scotland, in conflict with Paragraph 2.3.5 of the Preferred Scheme Report which sets out to adhere, as a minimum, to have a neutral impact on the environment.

From: [REDACTED]

Sent: 26 May 2017 14:26

To: Legal

Subject: Hawick Flood Prevention Scheme

***** This email was received from the GCSX *****

Dear Sirs

I am writing to object to the proposed plans for the Hawick Flood Prevention Scheme.

While I understand, all too well, the need for measures to be put in place, I believe the proposed measures are in the extreme and will completely ruin Hawick and it's river side.

The proposed height of walls through the town are ludicrous, and will turn what is a picturesque stretch of river into a concrete barrier between the two sides of town. While I understand the need to try and keep the water in the river is there really any need for the walls to be made so high. And if the water is so high it would go over the already existing wall at the High School I am sure the river will have flooded much more than those on it's banks, by making its way behind any proposed barriers before it even gets to them. These wall may be to keep the water coming from the Teviot side but what about the water coming for the houses sides it need a way to escape. There also has to be a balance between prevention and everyday life. Hawick's waterways play a big part in making Hawick look and feel as it does these plans do not seem to take this into account. Stop using flood planes for building on, stop turning natural slow soaking land areas into built areas (such as the Astro pitch and £G at the Volunteer) which cause water to run off much more quickly.

Also I believe there is a proposal to lift all bridges by 1 meter, Surely it would be less costly and more sensible to lower the river bed levels, yes they fill up again, but they will still fill up even if the bridges are lifted, thus negating the change in height, easier to remove stone regularly.

Regards

[REDACTED]

[REDACTED]

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From: [REDACTED]

Sent: 28 May 2017 11:08

To: Legal

Subject: Hawick Flood Prevention Scheme

***** This email was received from the GCSX *****

I attended the consultation exercise in Hawick Town Hall in 2016 and discussed issues with members of the presentation team.

Last week I spent almost 2 hours examining the extensive information provided in the Town Hall Offices.

Objections to the scheme are:

1) there is insufficient planning and a lack of proposals to implement river basin management upstream of Hawick.

The Borthwick and Teviot characteristically react rapidly to heavy rainfall and subside just as quickly after it has cleared.

High water levels in Hawick would be reduced if measures to minimise rapid surface run-off and use haughlands as storage basins were implemented.

Clear-felling of large areas should be limited and planting of native species such as alder should be carried out. These measures would be cheaper than the extensive wall building program envisaged in the plan.

The use of haughland as emergency flooded areas would, in all probability, be of the order of less than once in 20 years - based on past experience. Such measures have been used extensively in the United States and Europe to reduce the impact of flooding in sensitive areas.

2) the proposed height of the walls will have a major impact on the visibility of and access to the river by locals, changing forever the character of the relationship between townsfolk and the river and its wildlife.

3) confining the river between ever higher walls will increase the speed and depth of the river and its ability to move ever larger material which could cause greater damage to unprotected areas.

4) high walls with flaps on drainage outlets will mean that surface run-off from the growing area of built-up land within the town will be prevented from access to the river causing back-up in the drains to reach more areas than previously.

To conclude, there is no objection to building flood prevention walls but the proposed heights are likely to create problems as much as solve problems.

[REDACTED]

From: [REDACTED]
Sent: 26 May 2017 18:22
To: Legal
Subject: Flood defences

***** This email was received from the GCSX *****

The reason I am infuriated at the proposals is that I have seen what they look like at Selkirk. I walk a lot, including Selkirk and this year faced the Great Wall from the car park at the west end. After passing the dump I found myself walking in a corridor caused by a huge wall which prevented me seeing anything of note. I can't believe such a high wall is needed, for example, has there ever been a time when the river even approached two metres.? After walking for about two hours I still couldn't get it out of my head.

To see this monstrosity in Hawick is really unbelievable. We talked about it and even forecast the effect it would have.

We wondered who on earth was responsible and what planet do they live on. As for viewing Windows, that is surely for the likes of The Eiger.

I suggest a wall more like the one up river at Selkirk which allows one to see the surrounding area. I can't imagine tourist walking up a drain like this.

[REDACTED]
[REDACTED]
[REDACTED].

[REDACTED]

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From: [REDACTED]

Sent: 27 May 2017 12:32

To: Legal

Subject: Flood Defences Hawick

***** This email was received from the GCSX *****

I would like to put my objections forward to the flood defences proposed for Hawick. In my opinion the river is the focal point of the town and to encase it in a high wall all the length of the river from the Haugh to Mansfield seems to me to be using a sledgehammer to crack a nut. To spend millions of pounds on a scheme to prevent a flood that would probably only occur once in 10 or five years seems to me to be utterly ridiculous. I live at [REDACTED] and have installed our own flood defences by [REDACTED]. Please allow common sense to take priority over a ridiculous flood prevention scheme in its current form. I am sure there are less obtrusive and cheaper ways to prevent flooding.

[REDACTED]

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From: [REDACTED]

Sent: 27 May 2017 20:57

To: Legal

Subject: Fwd: Hawick Flood Scheme - Objections

***** This email was received from the GCSX *****

FAO Chief Legal Officer,

Please regard this email as an official objection to the proposed scheme for the Hawick Flood Defence.

There are a number of areas where I would like to object:

1. The feeling of trees in Duck Street
2. The feeling of trees in Mansfield Road
3. The height of the proposed wall in Duke Street & Mansfield Road
4. The proposed wall that is aligned with the A7 in Buccleuch Road & cuts in front on the cricket pavilion.

The trees in Duke Street & Mansfield Road are of great importance to the town and the people living in the vicinity. The trees help soften what would be a stark outlook on to a long and featureless terraced row of flats. Many of these flats do not have their own garden and there is already a lack of green space in this area. The thought of losing these trees and the wildlife that goes with them would be extremely detrimental to the town. These streets are viewed by those travelling through Hawick whilst crossing the river at the Station or travelling down Mansfield Road to the rugby ground.

The height of the wall is far too high being proposed for Duke Street & Mansfield Road. Never has the river come up so high. Past flooding in these areas is a result of water backing up not the river toppling the embankment. A wall of 1 foot high is more than adequate providing the water doesn't back up from down river.

It is unacceptable for the people of the town to view the river by looking through glass panels!!!! These will be covered in scratch marks and graffiti in no time, making a view impossible through an opaque window!!! Do the designers know nothing about the importance of the river Teviot to the manufacturing of Cashmere in the town?? The softness of the water is unique in this industry and makes Hawick the home of Cashmere manufacturing throughout the world. Why would we want to block off the view of the river that makes the town famous?

I really do not understand the proposed design where the defence wall will follow the A7 down Buccleuch Street and cut back in front of the cricket pavilion. Why do the designers think it is a good idea to create a flood plain

where the 2g hockey pitch, the newly built 3g pitch and the new tennis courts are??? How are people going to view a cricket match if there is wall in front of the pavillion - do we sit on top?

These areas should be equally protected by creating a new embankment to follow the river through Wilton Lodge Park.

I would appreciate acknowledgement of my objections by return.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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From: [REDACTED]
Sent: 28 May 2017 14:07
To: Legal
Subject: Objection to Proposed Hawick Flood Defences

***** This email was received from the GCSX *****

Dear Sirs,

I would like to register my objection to the proposed flood prevention scheme due to be constructed along the Teviot through Hawick. Having looked at the scale of the proposed walls I was shocked by the impact which they will undoubtedly have on the look of the town. I am amazed that, in this day and age, a gigantic monolithic wall is the most advanced solution that the council can come up with. The glass viewing panes which are supposed to punctuate this wall seem to me a feeble attempt to maintain some relationship between the town and the river. Surely if you are going to acknowledge that the river should be seen and appreciated then there are other ways to implement flood defences. Land in the borders is relatively cheap and I am certain that a comprehensive tree-planting program upstream would provide an equal benefit in the long term without leaving a scar across Hawick for generations to come.

I understand that the town needs to be made safe quickly and that the money will go elsewhere if it is not spent soon but this process feels incredibly rushed and I do not believe that the council has engaged with or consulted locals and residents sufficiently. The proposals seem heavy handed and completely unsympathetic to the town or its inhabitants. I am sure that other towns in exactly the same situation have negotiated the perils of seasonal flooding without carving themselves in two.

Yours sincerely,

[REDACTED]

[REDACTED]

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From: [REDACTED]
Sent: 28 May 2017 18:01
To: Legal
Cc: [REDACTED]
Subject: Hawick Flood Scheme Formal Objection

***** This email was received from the GCSX *****

Dear Chief Legal Officer

I hereby wish to formally object to the Hawick Flood Scheme Report and the preferred option that lies within it. There are 4 points of objection I wish to raise.

My first point of objection involves the permanent closing off of a Right of Way. A Right of Way currently exists within cell 2 of your plan on the north side of the River Teviot. This path is accessible from Commercial road and is a riverside path that goes underneath the bridge known locally as the Burns Club Bridge. The path allows you to come out next to the Hawick Haugh. If I have studied the flood scheme report correctly then the proposal put forward for consideration would involve permanently closing off this Right of Way. I am prepared to offer more details in relation to this path if subsequently required.

My second point of objection is related to health and safety. Over the years there have been many accidents involving people or pets within the river Teviot. If for example someone was to fall from the Station Road Bridge into the river Teviot it would be almost impossible to save them if your plan was implemented. The likelihood that they would be seen falling into the river would be significantly reduced. The ability to reach them in order to help them would be virtually impossible as it would involve climbing on average a 2 metre high wall to reach them. If they themselves managed to scramble to the river banking they could possibly be trapped and injured behind a flood wall possibly with no one knowing they were there. If the current carried them down river how would rescuers know where they were and how would they attempt to get them out of the water? This argument would also hold true for anyone climbing over a flood wall in order to access the riverside who later found themselves in difficulty. In addition to this, there is a specific part of the flood plan in cell 5 where you plan to allow river access at the bottom of Mansfield opposite the rugby ground. If the flood plan is approved this will essentially be the only place on the north side of the river Teviot outside of the Haugh where children can access the river. Apart from a view from the access ramp this riverside location will be entirely hidden from view by a 2.3m wall. This huge wall will mean that this location will be far too dangerous to be left open in case children are tempted to access the riverside there unattended.

My third point of objection is related to tourism and commerce. Hawick is currently a beautiful riverside town. The people of Hawick have made a great effort over the years to improve the town's amenities and make the town more attractive to tourists. There is a realistic possibility that the Waverley Line will be extended to Hawick and then onto Carlisle. There has recently been media coverage of a six month study and plan to open a rail line between Leeds and Edinburgh via Hawick. With all the improvements that have been made to increase the attractiveness of Hawick to both tourists and day shoppers and the real prospect of a rail connection coming to the town it would be incredibly catastrophic to implement this flood scheme. The ramifications of hiding the River Teviot with giant flood walls and uprooting so much of the beautiful natural environment at this time might be incalculable. It is imperative that other flood plan options should be looked into more thoroughly including new innovative methods that have been developed during the time it has taken for this flood scheme to progress.

My fourth point of objection is that my own enjoyment of the river Teviot and its riverbanks and its paths will be severely depreciated. The uprooting of much of the natural environment next to the river Teviot, along with the closing of direct access in many places, and the building of disproportionate high walls parallel to the river Teviot will seriously disturb and impact upon my enjoyment of the land. I live in Hawick and I am married with two children. I either visit or directly pass by the River Teviot every day often with members of my family, accessing the natural environmental green space that almost exclusively lies within the areas the flood scheme report described as cell 2, 3, 4, and 5. I would therefore state that my interest in this natural environmental green space land that sits within and next to the river Teviot will be unequivocally destroyed.

I wonder if you would be kind enough to send me an email receipt for this email.

Yours faithfully

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28 May 2017

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[REDACTED]
[REDACTED]
[REDACTED]

Hawick Flood Prevention Scheme.

Let me start by saying I welcome the idea of a flood prevention scheme for Hawick. In the 16 years we have owned a property in the town there have been at least 3 major floods.

Before we moved permanently to Hawick we lived in [REDACTED] which, like Hawick, has a confluence of 2 rivers in the town centre. Like Hawick this means that the town centre is liable to flooding. Unlike in Hawick when the Environment Agency planned the flood defence scheme for [REDACTED] they realised that the towns major visual asset was its riverside views, this resulted in the defence walls having large, panoramic , viewing windows to retain the riverside views.

In Hawick the major visual asset is the riverside views, the proposed scheme will destroy this asset. Solid walls with small viewing windows will not enhance the visual amenity of the town. I have heard it described as the Berlin wall, it will effectively split the town in two with the people on one side of the river being unable to see anything on the other.

What is needed is the same approach as the one taken in [REDACTED] where the riverside was recognised as a major asset and steps were taken to preserve it, the scheme proposed for Hawick seems determined to destroy the town's major visual asset.

The council say they are prioritising the regeneration of Hawick with tourism as a major focus, how will this proposal help this aspiration?

This scheme needs to be turned on its head with panoramic windows strengthened by periodic pillars preserving the asset of the riverside views. This will protect both the riverside properties and the riverside views.

[REDACTED]

From: [REDACTED]
Sent: 28 May 2017 20:03
To: Legal
Subject:

***** This email was received from the GCSX *****

Sent from Windows Mail
Proposed Hawick Flood prevention scheme

With reference to the above I feel I must record my objection to the scheme as planned. I have viewed the details of the proposed scheme and feel strongly that they will have a massive detrimental effect on Hawick far outweighing their intended purpose. Of course a flood prevention scheme is required to prevent a repeat of previous floods but these plans go way over the top and the effects will be even more detrimental to the town.

Plans to build massive substantial walls on both sides of the river will without doubt alter the visual amenity of the river Teviot for residents and visitors alike. Walls of 2 metres in height cannot be disguised as anything other than what they are. The views of the river will be obliterated to locals and visitors alike. No amount of viewing panels or view points will ever change this fact.

Hawick is trying hard to entice tourists to the town and surrounding area, this scheme would make this effort very much more difficult. This project would have a devastating effect on tourism and visitor numbers with the local economy suffering accordingly.

This plan would in effect split Hawick in two parts, possibly to be named hawick north and hawick south in the future. This is not required and goes against the traditional spirit of the people of Hawick.

There are very many alternative solutions which could be implemented which would not have such a detrimental impact on the town.

[REDACTED]

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From: [REDACTED]

Sent: 28 May 2017 20:50

To: Legal

Subject: Hawick Flood prevention scheme

***** This email was received from the GCSX *****

To Whom It may Concern

I am writing to express my concerns about the proposed flood prevention measures in Hawick. although I havnt heard much about it until recently and I am not fully informed I was alarmed to be told that there are going to be walls built at the sides of the river, possibly even blocking it from view!

Hawick is a town which has been built on a river and is important to its heritage. The river is an integral part of the town and adds to its attraction. Myself and many others love to walk beside the river, to hear and see the birds there, sometimes otters, and take the kids or dogs to the riverbank to throw stones in.

I know the river has been destructive when in flood recently and something needs to be done to address this. I remember walking in Selkirk recently and there appeared to be an embankment built up which I could walk along to still be able to see the river there. Im sure there must also be other options available.

I and many others I have spoken to do not consider it an option to build walls and hide the river from view in our town to the detriment of the majority of people. I think we need some other suggestions and let people see mock-ups of what it will look like. Not enough information has been given to the people in the town.

Regards

[REDACTED]

--

[REDACTED]

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From: [REDACTED]

Sent: 28 May 2017 20:52

To: Legal

Subject: Flood Scheme - Hawick

***** This email was received from the GCSX *****

I strongly object to the proposed flood prevention scheme for Hawick. I find it incredible that the solution is to cut down beautiful trees and build ridiculously high walls so the river will not be visible. The river is a much loved part of the town, so surely this must be looked at much more sympathetically. A balance must be found between flood prevention and preserving the view of the area, as well as keeping as many trees as possible.

[REDACTED]

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From: [REDACTED]

Sent: 28 May 2017 21:02

To: Legal

Subject: Flood Prevention Scheme for Hawick

***** This email was received from the GCSX *****

I am writing to object to the proposed flood scheme for Hawick. I believe that the scheme will be visually intrusive, ruin views of the river and spoil the look of the town. I realise that some measures must be taken, but a compromise, such as lower wall height should be considered.

[REDACTED]

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From: [REDACTED]
Sent: 28 May 2017 21:34
To: Legal
Subject: Hawick Flood Prevention Scheme 2017

***** This email was received from the GCSX *****

Dear Sir,

I object to this scheme for the following reasons.

The scheme takes insufficient account of the importance of the Rivers Teviot and Slitrig to Hawick. These rivers formed and shaped Hawick. Their waters powered the mills. Their economic importance as a source of energy has waned but because they flow through the centre of the town they are vital constituents of the town. Most people in Hawick will see the rivers during the day, they will enjoy the open views they provide and the wildlife and vegetation; they notice whether the river is up or down. They can get to the rivers to swim, to fish or to walk their dogs. The rivers are an essential amenity for Hawick. Perhaps they are taken for granted.

These plans will completely sever the close and dynamic link between town and the Teviot, in particular. They will create a hard physical barrier between the people of Hawick and their river. In many cases the river will no longer be visible except through a glass viewing pane, a pathetic substitute for unmediated contact with the river and its atmosphere. In some places there are to be raised walkways. But that brings an artificiality to the whole experience of being near the river. The wonder of the river experience as it exists is that it is immediate and ever present. There are many places where you can walk down to the river, without worrying about climbing a wall or going through a gap in the wall.

These concerns are recognised in the Environmental Statement ("ES"); the proposers of the scheme however pretend that the effects of this traumatic severance can be mitigated by certain measures: the viewing panes, viewing points, public art (I assume they mean graffiti) and tree planting (after many trees are cut down). In my view, none of these will go anywhere near repairing the damage. The view of the river will be of a watercourse confined within massive barriers. The river will no longer be seen in relation to the buildings and the life going on along its banks. The experience will be akin to looking at a canal in an industrial estate, or eating a Mars bar with the wrapper on.

Consider the Teviot between Mansfield Road and Duke Street. Here there are wide tree lined boulevards. The Johnstons of Elgin building is a fine edifice; looking at it, you are transported to the Continent. Here is how it is described on the website of British Listed Buildings: "The administration block at Eastfield Mills has the grandest façade of any of the textile buildings in Hawick and it makes a major contribution to the streetscape. Its French Renaissance chateau style is highly distinctive and the building is both imposing and impressively detailed." If you sit in the Johnstons' restaurant you look out through the large windows and the trees at the attractive cottages on the south bank. Not surprisingly it is a popular place to go. This will be utterly changed if this scheme goes ahead. The huge walls will obstruct the view of the river and of the buildings on the other bank.

I do not believe that Hawick is so rich in places of genuine charm and beauty that it can afford to diminish such an important area as this in the interests of flood protection. It seems to me that Hawick has a great, if as yet poorly exploited potential for a certain type of tourism. It is relatively difficult to get to and has remained unspoiled as a result. It is surrounded by beautiful countryside and historic places and towns. In my view, it could do even more to push itself as a centre for walking and cycling. But there is competition in the market for tourism: Hawick isn't chocolate box pretty; I find it beautiful but not everyone does. This flood prevention scheme will be ugly and will divorce the river from the town. I cannot see how it could be anything but detrimental to the town's economic prospects in the long term.

How has Hawick got to the point where it is even considering this monster remedy? I am not a hydrologist, but I believe that it is accepted that the best way to deal with flooding is to slow the effect of gravity on rainwater: in other words you try to keep the rain where it lands as long as possible and slow its eventual course to the sea. The techniques are known as Natural Flood Management ("NFM") and involve inter alia planting deciduous trees and creating dams on the burns feeding the bigger rivers. NFM was indeed considered by the project sponsors: it is option 38 in the ES. But it seems to have been dismissed at a very early stage as a front runner, being relegated to stage 3, after the flood walls in Hawick have been built. The reasons given are at page 37 of the ES: they are "Currently difficult to make a sound economic case, and difficult to quantify the flood risk reduction at this time. Would require a

culture shift by upland landowners and farming community. NB Would deliver the Scheme objective for NFM, so is considered as part of the phase 3 longer term ". From the brief note of the meeting with the upstream landowners and farmers on 12 September 2012 it seems that they were against keeping the water on farmland for as long as possible. It is not entirely clear why. So NFM was relegated to a subsidiary measure.

Judging by the ES, the sponsors simply failed to engage with the landowners and farmers energetically enough. They are reasonable people and I am sure that they would be willing to help were it explained to them that if they did not wholeheartedly and urgently embrace NFM they would condemn Hawick to these ghastly flood protection measures. And to make it easier for them to do so they could of course be offered compensation when flooding occurs on their land.

The benefits of massive NFM measures cannot be overstated. Not only will large scale deciduous planting help save the planet, it will also be an invaluable tourism resource and will help redress the damage done to the Border hills by sheep and commercial forestry. If, as some predict, Brexit will destroy the UK's lamb industry as well as removing the existing subsidy regime, famers may find that planting the hills and accepting occasional flooding provides a valuable means of diversification. They may now be more receptive to NFM. How wonderful would it be to have a new Border forest a la Carrifran between Hawick and MossPaul.

Finally, the public consultation has in my view been a failure. I do not live in the town but I have worked here for 24 years and I am interested in what goes on. I only found about the **scale** of the Scheme 14 days ago. I immediately started to ask people if they knew about the plans. I would say that 70% of the people I asked had no idea and they all live in the town. Most of those to whom I spoke were appalled when I told them what was proposed. I appreciate that there have been public exhibitions, albeit thinly attended. But for a scheme of this magnitude and importance to the town there should have been something dramatic like a mock up of the flood wall along Duke Street. The residents would have said "what the hell is going on" and a real debate would have started. Instead, the scheme has crept forward under most people's radar, without any rigorous public scrutiny.

Yours sincerely,

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From: [REDACTED]
Sent: 28 May 2017 21:59
To: Legal
Cc: [REDACTED]
Subject: Chief Legal Officer Hawick Flood Scheme

***** This email was received from the GCSX *****

28 May 2017

Dear Chief Legal Officer

I hereby wish to formally object to the Hawick Flood Scheme Report and the preferred option that lies within it.

My objection involves the conservation of bats. Findlay Ecology Services of Kelso carried out an initial surveys scoping survey in 2015 and then carried out a full bat survey report in 2016. The report stated that the level of bat foraging activity was high along the length of the proposed Flood Prevention Scheme. The report concluded that if any of the proposed works directly or indirectly impacted the roosts sites identified within this report it would be necessary to obtain a derogation licence from the Scottish Natural Heritage Species Licensing Team before the planned works could take place. The authors of the flood scheme report acknowledge that they will have to apply for these derogation licences for this scheme to be implemented. As derogation licences can only be obtained when there is no satisfactory alternative to the granting of a licence it is therefore reasonable to assume that the preferred option cannot be altered any way that would negate the need to apply for such a licence.

In my opinion this could mean one of two things, firstly that the progression of this flood proposal to this stage is either a huge gamble or that there is a belief that the licence will be granted because there is a strong argument that the benefits of implementing the preferred option outweighs the negative impact it would have on bats. However in my opinion it cannot be argued that there is no alternative solution and the licence should not be sought or granted. The report states there were originally 50 flood protection options, even after only having studied flood option one section table 4.6 in the Main Report Environmental statement it is clear that this option was not thoroughly expanded upon. The report cannot be more specific than stating that between 5 and 9 upstream online storage areas would be needed. This is incredibly vague considering that the report states that average price of each upstream online storage area is £7.5 million The report fails to give any details on the flood defences that would be needed to be setup in Hawick to compliment the upstream online storage, nor does it give any indication of the impact that option one would have on the local bat population if it was implemented.

In my opinion it is clear that option one is still a viable alternative option and it was not investigated thoroughly enough to argue that there is no satisfactory alternative available that would prevent the need for issuing a derogation licence. This option appears to have been dismissed at such an underdeveloped stage because of resistance from the sections of the farming community who either attended a public exhibition or attended the farmers meeting in 2012. What exactly did the farmers reject to 5,6,7,8 or 9 upstream online storage areas being sited? Also on realising the impact that the preferred option would have on bat conservation and that there would need to be an application for a derogation licence I would have expected to have seen evidence in the flood report that other options including new ones would have been looked at in some depth again. My understanding of bat derogation licences are that they provide the licensee temporary immunity from prosecution from carrying out an illegal act. Hence they really only should be applied for and granted in exceptional circumstances when there really is no alternative. Could you please acknowledge this objection.

Kind regards

[REDACTED]

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-----Original Message-----

From: [REDACTED]

Sent: 28 May 2017 22:15

To: Legal

Subject: Hawick Flood Prevention Scheme 2017

***** This email was received from the GCSX *****

Dear Sir,

I would like to object to the proposed Hawick Flood Prevention scheme. Recently Hawick has been badly flooded, residents have had their houses badly damaged and there does need to be a flood prevention scheme to protect the town. But the proposed scheme is not in the right one for the following reasons;

It would partition the town from the Teviot river. The river is an intrinsic part of Hawick both historically and aesthetically. The town would lose a great deal of its charm and the residents would lose much of the pleasure they take in living alongside the river. The massive walls proposed would be oppressive and unattractive. The touristic appeal of Hawick would also be much reduced.

The proposed scheme would channel any flood between vertical and immovable walls. The effect of this would be to increase the speed of the river in flood through Hawick and so to increase the risk from flooding for places such as Denholm which are downstream of Hawick.

In the past the risk of flooding in Hawick was reduced by allowing the river to flood upstream or by damming it upstream. If farmers were payed a reasonable sum of money to allow their fields either to be subject to flooding or to operate some type of sluice system to divert flood waters away from Hawick this would be a much more environmentally friendly and sustainable way of dealing with the floods. I find it hard to believe that farmers would not be prepared to take part in such a scheme if adequately rewarded especially since agricultural subsidies are likely to decrease after Brexit. If the potential flood risk was reduced in this way there would not be a need for such a massive and intrusive scheme in Hawick itself. In the longer term planting trees would also help to alleviate the flood risk.

The right scheme for Hawick needs to balance the gain from flood prevention with the negative impact of the scheme itself. The proposed scheme will have a very substantial negative effect on the town and the downstream area. It is my belief that if other flood prevention measures were implemented then a much less obtrusive and hopefully cheaper scheme could be built.

[REDACTED]

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-----Original Message-----

From [REDACTED]

Date: 19-May-2017 10:20

To: <legal@scotborders.gov.uk>

Subj: Hawick Flood Scheme Objection

Dear Sir or Madam

19 May 2017

I wish to raise a formal objection to the proposed Hawick flood prevention scheme 2017. I was brought up next to the river and would describe Hawick as a river town. I have planned to spend the rest of my life here in this beautiful town. The river is an integral part of Hawick, it is both part of the towns culture and history. In my view the river Teviot is the lifeblood of the town. Many people choose to traverse the town via the various paths that adjoin the river. The proposed flood prevention proposal will involve socially excluding most of the residents of Hawick from the river. Walls some in excess of 2 metres in height will hide the river from the people of the town. The people of Hawick depend on the environment around them for their physical and mental health and general well being. These walls will exclude much of the river Teviot and the associated green space from the people of Hawick. [REDACTED]

[REDACTED] I personally rely on the river for my general well being and all the areas of the river I am currently able to access will be lost to me if this proposed plan is put into place. To clarify I am objecting to the plan because I believe that the exclusion from the river that I will have to endure will prevent me from being able to enjoy the river and will thus have an effect on my health and wellbeing.

I am also objecting to the plan because I believe that the people of Hawick and the surrounding area will be excluded from accessing the vast majority of the river Teviot that flows through the town. It is this social exclusion from the river that will prevent the people of Hawick from fully being able to enjoy the river. This I argue will also have an effect on the health and wellbeing of many of the residents of Hawick.

Regards

[REDACTED]

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From: [REDACTED]
Sent: 28 May 2017 11:17
To: Legal
Subject: RE: rivers

***** This email was received from the GCSX *****

Subject : Hawick Flood Protection Scheme - OBJECTION

Dear Sir,

I object to the proposed flood protection in Hawick Why? Simply no common sense whatever has been applied to this project and this is all that is needed to solve the problem. For the benefit of the people who spent to long sitting in university rather than in the real world getting their hands dirty I will explain the obvious!!! Floods in Hawick in my [REDACTED] years in the town were all but unheard of due to the fact the river banks were maintained and islands that now exist were simply not present nor were the river banks allowed to grow outwards in the Summer when water levels are low [are you going to wait until it joins in the middle? !!!!] helped in its quest by gravel build up. I will not attempt to point out any one part of the river Teviot running through the town as between the High School and Mansfield Park the majority of this stretch is a disgrace and one wonders if anyone really looks at the so very obvious problem with the bare minimum of common sense. Would it not make good sense to look back at the way the rivers were maintained in the past not forgetting in the Burgh of Hawick days people had brains then just the same and unless I am much mistaken floods were not a problem in the town.

Talking to a resident form Mansfield Road last week about the problem was very interesting a couple over [REDACTED] years of age by all accounts who had lived there many years and seen all the changes to the river over those years shared my opinion and to be frank many people seem to doubt the merits of this scheme.

Wildlife has been raised as a reason for not pulling the banks back to allow greater flow of the water yet when in flood where does the wildlife go ? Are the poor people in the affected houses not more important ?

There is talk of a body outwith the borders council who seem to have a say on what happens as regards the waterways if this is indeed the case and it is there incompetence to blame for the scheme put forward steps must be taken - whatever it takes to bring control back to the council in the hope of a logical way to tackle the problem.

The idea of walls all round town is going to look hideous at best not to mention the major upset + delays to the roads throughout the town to put the proposal into operation! do we also leave the River Teviot in the unkempt state it is now? I have never seen it look so untidy and uncared for.

I do not doubt for a moment this complaint will have any impact but if nobody makes comment I have never made comment such as this before in my lifetime living in Hawick but for my own piece of mind simply could not let this go forward without making my personal feelings be known, please look at this problem with just a little common sense and ask people in the town the best way to sort out this problem - you will find most share my logical opinion.

From: [REDACTED]
Sent: 28 May 2017 11:21
To: Legal
Subject: Objection to hawick flood defence proposal

***** This email was received from the GCSX *****

Dear sir,

I would like to object to the proposed plans for Hawick flood scheme.

I have viewed the proposed plans and I have great concerns over the size of the retaining walls within the town at 2metres tall they will have the effect of dividing the town in two, also blocking views of the river. This proposal will have a very detrimental impact on the landscape within the town. I think this will have a very bad effect on visitors to the town and subsequently damage the town's economy.

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED].

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From: [REDACTED]
Sent: 28 May 2017 14:54
To: Legal
Cc: [REDACTED]
Subject: Hawick Flood Scheme Formal Objection

***** This email was received from the GCSX *****
28 May 2017

Chief Legal Officer

I hereby wish to formally object to the Hawick Flood Scheme Report and the preferred option that lies within it. There are 3 points of objection I wish to raise.

I have set up home in Hawick and live here with my husband and two young sons [REDACTED] [REDACTED]. After having read the Report I wish to raise the following points of objection.

My first point of objection is that my family and I will no longer be able to experience the River Teviot unless we visit Hawick Park. On a day to day basis we all travel by the river, often on foot and sometimes by car. All the services we use within the town and the people and places we visit will mean viewing high walls instead of a beautiful riverside. This means we will no longer be able to truly experience the river Teviot on a daily basis. Things like taking the children to feed the ducks next to the nursery will no longer be possible. In my opinion we will no longer be living in a riverside town because the flood plan essentially involves enclosing the river Teviot behind two large walls as it travels through Hawick. This plan is too severe and will completely destroy the relationship my family and I and the people of Hawick currently have with the river Teviot.

My second point of objection is that the plan states that the Scheme will take years to complete. In my opinion the disruption caused during the building of the flood scheme will be too severe. My [REDACTED] [REDACTED] and the possibility of having to take numerous detours to access shops, nurseries and services is worrying me. I also read that some play facilities within the town would have to be dismantled during the process and will not be reinstated until a considerable amount of time had elapsed.

My third objection involves the issue of health and safety. I will give you an example of one riverside walk that I often take with my children. The walk I am referring to is on the south side of the river Teviot and sits within cell 4 of your flood plan. At the end of the walk there is a small play park. I do not think I would take this walk in future if the planned walls were built. While on this walk I can currently see and be seen from the other side of the river. The other side of the river is usually quite busy, with people coming and going from places like the nursery, a mill and commercial garages that are there. People are often in their gardens or at their windows looking over enjoying the view from the Mansfield side. I feel somewhat reassured by this and believe that if I was faced by either a real or perceived threat that someone on the other side would notice what was happening, particularly if I shouted out for help. I would not now have this feeling of security if large walls being built on both sides of the river blocking any view of this path from the north side. Other vulnerable people including those who have no choice but to use this path might now do so both with a feeling of trepidation and with an actual increased level of risk. I think this

argument would hold for the majority of riverside paths in Hawick where there are plans to build large high walls.

I wonder if you could furnish me with an email receipt of this emailed Objection

Yours Faithfully

A large black rectangular redaction box covering the signature area.

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From: [REDACTED]

Sent: 28 May 2017 23:08

To: Legal

Subject: Hawick flood protection scheme

***** This email was received from the GCSX *****
To whom it may concern.

I hereby log my objection to the design of the scheme within residential areas of Hawick. My objection is in regard to the solid block style design where the river is hidden from view. Other than a few all windows. This will adversely affect residents daily environs and have a huge impact on visitors to the town and future developments along the rivers.

I would highlight the keswick scheme where long areas of see through walls are used. I would like to see this approach taken to all residential areas, and the solid style used in industrial and non residential areas.

The benefits must not outweigh the costs incurred.

Kind regards

[REDACTED]

[REDACTED]

Sent from Samsung Mobile

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-----Original Message-----

From: [REDACTED]

Sent: 29 May 2017 10:45

To: Legal

Cc: [REDACTED]

Subject: Hawick Flood Scheme Formal Objection

***** This email was received from the GCSX *****

Chief Legal Officer

29 May 2017

I hereby wish to formally object to the Hawick Flood Scheme Report and the preferred option that lies within it.

My first point of objection is that the implementation of this flood proposal will completely alter and almost destroy the relationship that the people of Hawick have with the River Teviot. Hawick will no longer be a riverside town because its residents will be unable to access or experience the River Teviot in the ways that they currently enjoy. I am great grandmother who was born in Hawick and I have lived here my entire life. [REDACTED]

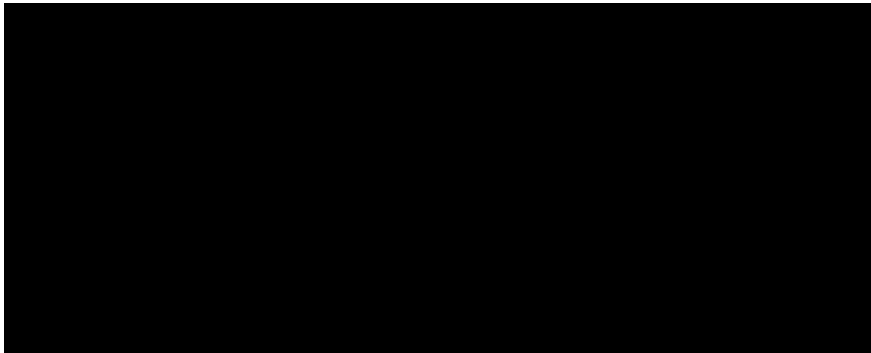
[REDACTED] The people in these areas of the town have a specific relationship with the river which is not dissimilar to the relationship people who live by the sea have with the coast. As a child I often frequented the riverside to experience its beauty and wildlife. The areas of Mansfield and Trinity which includes Duke Street are riverside areas of Hawick. These areas are many comprised of tenement housing, around 90 per cent of which are council tax band A. It is this very relationship that people from these areas have with the river Teviot that makes these areas attractive to the people who live there.

If you build high walls along both sides of the river then they will no longer really be riverside areas. If the preferred option is put in place there will be two large tenement areas next to two large walls with no access to the river. This in my view can do nothing but lead to a decrease in attractiveness of these areas. Tenement properties within Hawick have become increasingly difficult to sell or rent out in recent years. How attractive are these areas going to be to prospective buyers or tenants when they basically become walled up tenement areas? Also please consider the children and pensioners from these areas who will have no choice but to lose their relationship with the river. In general I believe that this flood proposal will be seriously detrimental to the town of Hawick, but being more specific I believe that it will be catastrophic for the people whose homes are in the Mansfield and Trinity areas of Hawick.

My second point of objection is that my own interest and enjoyment of the land at the riverside will be lost. I will no longer be able to experience the river Teviot in the ways I currently do. I also believe that the implementation of this proposal will not only decrease the enjoyment I have of Hawick in general but that it will also reduce my enjoyment of own home. I have worked, invested and made decisions for my future all based on the fact I would retire and live in Hawick for the rest of my life. When I made these decisions it was not reasonable for me to assume that there would be a flood plan for Hawick that would be on a scale or a level of severity of the one proposed. The scale and severity of this proposal is so great that if it is implemented I will essentially be living in a different town. It is also stated within the report that the preferred option will take years to complete. On no occasion during my life when I made important decisions relating to property, investments or pensions did I ever consider that I could be spending most of my retirement in Hawick while massive works were being carried out, which will cause massive disruption, dust and noise.

Please could you send me an email receipt of this objection.

Yours Faithfully



22/05/2017

Chief Legal Officer
Scottish Borders Council
Council Headquarters
Newtown St Boswells
TD6 0SA

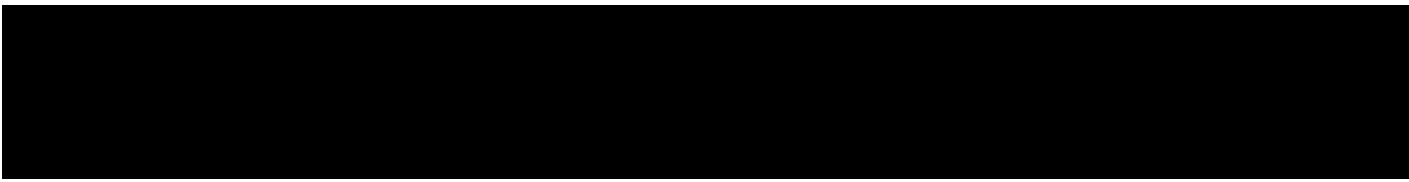
Regulatory Services
26 MAY 2017
Legal & Licensing

Dear Sirs

I wish to put in an objection regarding the flood defence scheme planned for the A7 in Commercial Road Hawick.

I have [redacted] along Commercial Road Hawick, which is going to be one of the areas in the path of this proposal.

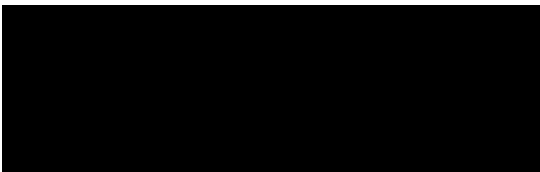
My objection is mostly about the closure of the main A7 Road, in regards to the length of time this is to be closed (6 months plus being the current estimate for this work). I would also like to know what access is going to be given regarding [redacted] am I going to be able to take my car along to the [redacted], this may seem trivial but I am [redacted] would like to know that I can drive to outside [redacted] rather than have to walk from the car park which is some distance away.



I think the flood defence scheme is being railroaded forward without any thought to the various companies and businesses in this area.

I therefore wish to put in a strong objection to this planned scheme along the A7 in Commercial Road Hawick.

Yours faithfully



From: [REDACTED]
Sent: 29 May 2017 12:24
To: Legal
Subject: Hawick Flood Protection Scheme - objection.

***** This email was received from the GCSX *****

The Chief Legal Officer
Scottish Borders Council
Council Headquarters
Newton St Boswells
Melrose
TD6 OSA

May 29th, 2017

Dear Sir/Madam

Hawick Flood Protection Scheme 2017

Thank you for your letter of April 21st advising that the Council is now promoting the Hawick Flood Protection Scheme 2017 (" the scheme"). We have reviewed the scheme documents at the Council's offices in Hawick and would comment as follows

Proposed construction method on Commercial Road – from the watercourse

- We are concerned that the proposed cantilever wall construction represents a risk to [REDACTED]. [REDACTED] The proposals for working in the river in particular do not take into account the impact on [REDACTED].
- [REDACTED]
- We are concerned that the proposed construction method using vibro-driving or vibro-piling will threaten both [REDACTED] and the pipework under the A7 [REDACTED].
- We acknowledge the efforts made to reduce the wall height on the left hand bank from the initial 2.3m to the current 1.68m. However we remain concerned about the visual impacts in relation to the view across the river to the Wee Haugh and with the design's immediate impact on neighbouring buildings. The [REDACTED] and we have not seen in the current scheme any reflection of the importance of maintaining the Town's connection to the River.

Further, we remain concerned that the impact of a high wall in such close proximity to [REDACTED] will be detrimental to the working conditions for staff [REDACTED].

- We note that the proposals to use the Wee Haugh as the entry point to the River for the part of the scheme that concerns Commercial Road. We are concerned that the potential noise and visual impacts have not been quantified.

- We are concerned that the scheme acknowledges the need to remove trees but does not offer any solutions in mitigation other than replacement in another unspecified location.

Proposed Road Closure – A7

- We do not consider that the current proposals offer sufficient detail for businesses along Commercial Road to realistically assess the impact on trading. All of the businesses are dependent on the number of visitors/clients/shoppers that can access their premises. We acknowledge that some disruption is inevitable but see no proposals for detailed prior planning , mitigation or commitments to timescales.
- We cannot ascertain from the current proposals what the implications are for Bath Road [REDACTED]
[REDACTED]

We acknowledge the importance of the scheme for Hawick and in particular for those residents downstream from Commercial Road . It is in this spirit that we offer these objections for your consideration.

Yours Sincerely

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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From: [REDACTED]
Sent: 29 May 2017 14:12
To: Legal
Subject: Fw: HAWICK FLOOD PROTECTION SCHEME

***** This email was received from the GCSX *****

From: [REDACTED]
Sent: Monday, May 29, 2017 1:54 PM
To: LEGAL@SCOTBORDER.GOV.UK
Subject: HAWICK FLOOD PROTECTION SCHEME

We at [REDACTED] **object** on the grounds that we have major concerns on the building work that will be carried out on the **Mansfield Road** area of the Town. We have had nobody in contact with us in regard to this matter. We have no idea if there will road closures or what kind of obstructions will be in place. We at [REDACTED] fear that any road closures will have a severe impact on our business and affect our livelihood. We can not ignore this and hope the Council also doesn't ignore our concerns.

Regards

[REDACTED]

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From: [REDACTED]
Sent: 29 May 2017 14:41
To: Legal
Subject: Hawick Flood Protection Scheme

***** This email was received from the GCSX *****

Ref: The Hawick Flood Protection Scheme under the Flood Risk Management (Scotland) Act 2009 (the Act) and the Flood Risk Management (Flood Protection Schemes, Potentially Vulnerable Areas and Local Plan Districts) (Scotland) Regulations 2010 (the Regulations).

Dear Sirs,

I write to lodge my objection to the flood protection walls that have been proposed in the report that has recently been made available to the public. I fully accept and support that something has to be done to avoid the types of floods we have seen in recent years, however I feel that 2 metre high concrete walls being built the length of the town, which would completely obscure the river from view in parts of the town, would be detrimental to Hawick.

The town is currently trying to rebuild and regenerate after the significant decline of the textile industry, and one of these regeneration schemes has been to improve the Wilton Lodge and Volunteer parks. The river is a fundamental part of these tourist attractions in the town, and to hide it from view would be ridiculous. People have worked hard to make the park an area of natural beauty, and tourists (and locals) do not want to come to such a place and look at concrete walls. There is also regeneration ongoing in Commercial Road with retail and tourist attractions opening, i.e. the new Whisky Distillery and the large children's soft play centre, as well as the new Aldi retail unit. Could the current wall not be replaced or reinforced at its current height? The river is also recognised during the town's Common Riding festival, how will towns people and tourists see the Cornet dip his flag in the Cobble Pool when there is a 2 metre wall stopping access?

This river is an important landmark in the town and should not been hidden behind concrete walls. As stated above, I fully support a flood protection scheme for the town and those most at risk, but this proposal should be a last resort after all less invasive options have been exhausted.

Yours faithfully

[REDACTED]

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From: [REDACTED]

Sent: 29 May 2017 22:38

To: Legal

Subject: Hawick Flood Scheme

***** This email was received from the GCSX *****

Hi,

I am objecting against the felling of trees in Duke Street and Mansfield Road and the very high walls that will make it difficult to see the river.

Thank you

[REDACTED]

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From: [REDACTED]

Sent: 29 May 2017 22:43

To: Legal

Subject: Hawick Flood Scheme

***** This email was received from the GCSX *****

Hello,

I do not want the trees to be chopped down in Duke street. The trees are nice and make the street green and are a home for birds.

I am scared that if you fall in the river that you will not climb out because the walls are very very tall and no one will see you.

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

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From: [REDACTED]

Sent: 29 May 2017 22:42

To: Legal

Subject: Object to Hawick flood protection scheme

***** This email was received from the GCSX *****

I am [REDACTED] Hawick and wish to object to the size of the protection wall outside my property. I have lived here for [REDACTED] years and in that time have NEVER seen the river flood outside my property. I understand that some sort of protection is needed but a wall the size of what is proposed is ridiculous. Anything higher than a metre would just be monstrous. I also object to the removal of the lovely trees.

[REDACTED]

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From: [REDACTED]
Sent: 29 May 2017 22:34
To: Legal
Subject: Hawick Flood Scheme

***** This email was received from the GCSX *****

Hi,

I would like to object to the beautiful trees in Duke Street and Mansfield Road being chopped down.

[REDACTED]

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From: [REDACTED]
Sent: 29 May 2017 22:31
To: Legal
Subject: Hawick Flood Protection Scheme Objections

***** This email was received from the GCSX *****

Hello,

I would like to make the following objections with the design of the proposed Hawick Flood Protection Scheme.

1. The height of the walls in Duke Street & Mansfield Road
2. The felling of the mature trees in Duke Street & Mansfield Road
3. The enclosing of the Teviot Crescent (lower haugh) grass area and playpark in 2mtr high walls
4. The reduction in space of the main upper common haugh and the use of ramps to access the bridge
5. The 2mtr high wall that will run in front of the cricket pavilion cutting the building off from the pitch
6. Using the new 3g pitch, the hockey pitch and the new tennis courts as a flood plain
7. The use of numerous ramps throughout the town to gain access on to foot bridges
8. The negative visual impact to visitors and tourists
9. The disconnection between the river and the town
10. The distinct separation and barrier that will be created on both sides of the town

[REDACTED]

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From: [REDACTED]

Sent: 29 May 2017 22:13

To: Legal

Subject: Flood Prevention Scheme Hawick

***** This email was received from the GCSX *****
[REDACTED]

My objection to the proposed scheme are:

Height of wall, 2.3m seems excessive. It will be an eyesore and block the view of the river, spoiling the heart of the town. Will this solve the problem of the water backing up through the drains?

Would flood plains outside the town be an alternative?

Could the river bed be lowered?

I would like to add that the information was very difficult to find. I think that artists impressions of the proposed scheme should have been displayed in the windows of Hawick's empty shops to obtain the views of the townsfolk.

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Formal Objection to Hawick Flood Scheme Proposal

29 May 2017

Dear Chief Legal Officer,

I am writing to object to the proposal put forward May 2017 relating to the Hawick Flood Scheme. The reasons of which are stated clearly below.

Environmental Impact

In particular the concrete walls and disruption to the river habitat will undoubtedly impact on the natural environment. Specific indigenous plant life and associated wildlife will be detrimentally affected by their removal during the construction process. This natural environment will never be replaced despite proposals for 'landscaping'. Many species and their habitats will inevitably be lost including the bats that roost along the many established trees along the Duke Street section of the river. These are a protected species that rely on strict legislation to ensure they do not become endangered or extinct.

Children's Participation

Within Scotland, we are bound to the ratification of the United Nations Convention of the Child, 1989. The Children and Young Peoples Commissioner for Scotland has to actively promote and uphold the UN Articles and advocate on behalf of the children and young people of Scotland to their legal right to be fully informed and consulted. Such a project as this definitely falls into these legal categories. The children and young people of Hawick, and recently Selkirk, have been manipulated and tokenised at all stages of the Scheme. In the specific area of Duke Street and the Mansfield area of the river, children will cease to have a view or ready access to the river or its banks.

Children (Scotland) Act 1995 and the relatively new legislation of Children and Young People (Scotland) Act 2014 specifically make provision for full Participation. Participation is a term which does not merely describe 'taking part' but rather denotes a full unequivocal right to have a voice, empowering the young people of Scotland to have shared autonomy with adults. This has definitely not been incorporated within this proposal.

The Equality Act 2010 is also breached due to the protected characteristic of age as much of the proposal will severely impact on the children and young people of Hawick placing them as being directly discriminated against.

Disability

The Equality Act 2010 also states that Disability is a protected characteristic. Anyone with a disability has been directly discriminated against from the planning stages, published proposal, public scrutiny process and the entire proposal for the Flood Scheme. Not one member of the Flood Protection Scheme has taken into account the very real issues faced by individuals with a disability. It took an emailed

complaint before Flood Scheme planning notice posters were placed at a lower height so wheelchair users could read the plans. Concrete walls will prevent the viewing of the river areas and even the 'planned viewing windows' are to be placed at a minimum height of 1.4m. The average height of a seated wheelchair user is 98cm. These are just one or two examples of direct discrimination and the construction of the Flood Scheme has not even begun.

Tourism and Commerce

In recent years Hawick has experienced a decline in the number of manufacturing jobs, the once booming mill town is experiencing times of real economic hardship and an aging demographic. The one shining gem we have as a town is that of its historical beauty, the river being a major part within this. The river is the lifeblood of the town and with tourism within Scotland on the increase, it is essential that Hawick taps into this market. The highly successful mills such as Johnston's of Elgin are placed along the Mansfield/Duke Street area of the river and benefit from a large number of tourists who visit them. The new distillery currently under construction further upriver will also boost the tourist numbers that visit each year. Part of their brand within any Hawick Company is the town's heritage and beauty and this cannot be emphasised enough. It is therefore imperative that the river and surrounding Green space areas retains their aesthetic if the economic future of the town is to be secure.

Personal Safety

My final reason for objection is that of perceived or actual threat. Many of the current routes will be made very unsafe due to the nature of the proposed walls and the subsequent reduction in footfall. Some areas of the proposed scheme will in fact become extremely unsafe due to being obstructed from view leading to antisocial behaviour and may even place individuals at risk. In relation to this aspect, there are also the health and safety factors to consider if someone was to find oneself in the river, essentially becoming trapped or unable to call for help.

Thank you very much for considering these objections, if I could possibly have an emailed acknowledgement that would be very much appreciated.

Yours faithfully

[Redacted signature block]

From: [REDACTED]

Sent: 29 May 2017 19:56

To: Legal

Subject: Hawick Flood Scheme

***** This email was received from the GCSX *****

I have read the article on the above and was horrified to hear that you would even consider building a wall on the side of the river Teviot. I am now well over [REDACTED], attended Hawick High School and have lived in the Teviot valley all my life and would hate to see the town and river vandalised in this way. I have seen high rivers in my time but not the destruction of recent years probably because common sense was used and the river was dredged regularly and farmers up the valley were allowed to use gravel for gateways, roads etc.

Please stop this harebrained idea before it is too late.

[REDACTED]
[REDACTED]
[REDACTED]

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From: [REDACTED]
Sent: 29 May 2017 19:42
To: Legal
Subject: Hawick Flood Protection Scheme - Objection

***** This email was received from the GCSX *****

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

I reside in the area of Hawick affected by flooding and I have serious reservations about the 'belt and braces' flood prevention scheme currently being proposed. My neighbourhood will be adversely changed by the construction of a 2 metre high wall down [REDACTED] and the planned removal of the beautiful trees would be organisational vandalism. The Teviot River is celebrated in song, poetry and paintings and obliterating it from view will leave the town of Hawick a poor relation in terms of aesthetics -we are supposed to be encouraging tourists. Who wants to look at walls with windows? I also object to being fobbed off with contemporary works of art being placed strategically along the route - nature transcends art - I'd rather watch the wildlife. My [REDACTED] mother lives in [REDACTED] and experienced the aftermath of flooding in 2005 - she was out of her home for [REDACTED] living with [REDACTED] whilst repairs were carried out so I am fully aware of the consequences if no measures are taken. With regard to [REDACTED] it was the [REDACTED] [REDACTED] which flooded - the water came up through the drains, not the river, so a high wall in front of the building would have been of no use. Before these drastic measures are taken I implore the powers that be to investigate alternative flood prevention schemes. We do not need a Berlin Wall running through Hawick and I am deeply concerned that the only winners in this debacle will be the outside construction firms who will be given a blank cheque to ruin our proud town.

Yours sincerely
[REDACTED]

Sent from Samsung tablet

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From: [REDACTED]
Sent: 29 May 2017 18:36
To: Legal
Cc: [REDACTED]
Subject: Hawick Flood Scheme Objections

***** This email was received from the GCSX *****
Chief Legal Officer

I hereby wish to formally object to the Hawick Flood Scheme Report and the preferred option that lies within it.

My first point of objection is that the implementation of this plan will lead to a significant reduction in natural green space in Hawick. The entire river Teviot that flows through Hawick and the vegetated land that surrounds it is green space. The vast majority of this will be lost if the preferred option is implemented. The flood scheme report and associated documentation fails to truly acknowledge that the river Teviot and its riverbanks are green space. The loss of this green space and the knock on effects it will have on areas such as health and wellbeing will be too great if the preferred option is implemented.

My second point of objection is that I believe that Scottish Borders Council and the agents acting on its behalf have failed to eliminate unlawful discrimination under the Equality Act 2010. In my opinion the flood scheme report fails to show that due regard was given to people with the protected characteristics of age (primary school children) or disability (wheelchair or mobility scooter users). The flood scheme report states that viewing windows will be placed in certain areas to provide an alternative to the current natural view. The flood report also states that the viewing windows will on average start from a height of 1.4metres. In my opinion it is clear from the report that there is a general assumption that viewing windows starting at a height of 1.4 metres will provide an acceptable alternative to the current natural view of the river. However these windows cannot provide an acceptable alternative view to a primary school child or any person with a disability who uses a wheelchair or mobility scooter. The people with these protected characteristics will be unable to see the river Teviot from these windows. In my opinion the flood report completely fails to acknowledge this fact. The report also fails to give any reasons why discriminating against people with these protected characteristics would be justifiable when placing the viewing windows at a height starting at 1.4 metres. Nowhere within the report do I recall seeing any attempt to specifically obtain the views of people with these protected characteristics on the issue of viewing window heights. I have also failed to find any evidence within the report of any meaningful explanation being given to people with the above mentioned protected characteristics as to why the viewing windows will be placed at a height that prevents them from participating in the same way as everyone else at the riverside. These failures have led me to believe that Scottish Borders Council and the agents acting on their behalf have failed to eliminate unlawful discrimination under the Equality Act 2010 and will continue to do so if they approve this preferred option.

My third point of objection is that the flood report does not provide enough evidence that alternative options have been thoroughly considered. This is particularly important considering the size, scale cost and impact of the preferred option. The report mentions an earlier report from 2004 which states that a flood scheme similar to the one being proposed might have a severe effect on the amenity of Hawick. Therefore I was surprised to see that many of the fifty original

flood plan options were disregarded very quickly. For example the option to create upstream online storage areas was dropped because a few people from the farming community objected to it at while attending a public exhibition or at later farmers meeting that took place in 2012. This does not give me confidence that the preferred option is the best or indeed the only available option. Also the apparent ease of which these other options appear to have been rejected seriously weakens any argument the Council might use to justify breaching the Human Rights of the people of Hawick in carrying out their duty to reduce the likelihood of flooding.

My fourth point of objection is that my own personal enjoyment of the land next to the river Teviot will be lost. I live in the Weensland area of Hawick and always walk into the town. There are only two ways to walk into the centre of Hawick from where I live, one is down the main road the A698 and the other is via the riverside. Currently I will almost always walk by the riverside to reach my destination. I take this route to visit family and friends, the library, the health centre and the shops. I also visit the sports grounds in Mansfield by walking by the riverside. I currently enjoy a beautiful panoramic view of the river while walking this route. If this plan is implemented I will be shadowed by high walls for the entire journey. This on average is 15 minute walk. There is no way I will continue to use these riverside paths and roads if these walls are built. The main reason I walk by the river is to see it and experience it. The buildings that run parallel to the river Teviot on the walks I currently take include boarded up mills, tenement blocks, and sewage works. It is the beauty of the riverside that balances out the ugliness of some of the buildings that run parallel to the Teviot. Replacing this panoramic riverside view with a wall will turn these routes into ugly areas that hardly anyone will want to walk along. Also if I no longer travel by riverside routes then I will no longer visit any pubs, shops, cafes or sports grounds that are accessible on this route. In conclusion my own enjoyment of the land next to the riverside will be lost and I will now traverse the town of Hawick using completely different routes.

My fifth point of objection is related to connectivity. The preferred option report mentions increasing connectivity by adding some very short paths to the areas next to the river. However how can this possibly be expected to increase connectivity when the plan is to simultaneously build high walls next to these short paths that will block the natural view of the river. The preferred option completely fails to understand that the main reason people in Hawick travel by the river are to see and experience it. For example no child from Burnfoot, which is the Scottish Borders largest housing estate, will be able to get a natural view of the river if they travel by the river to the town centre. This is an average 25 minute walk. Not only is this shocking in its own right but will also mean that the children themselves will probably take the main road into the town and completely avoid these bricked up riverside routes that are next to places like the sewage works and Council yards.

In conclusion, I hope you seriously consider all of the above objections on each of their own merits.

Please could you forward me an email receipt for this objection?

Yours Faithfully

A large black rectangular redaction box covering the signature area of the letter.

29 MAY 2017

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From: [REDACTED]

Sent: 29 May 2017 18:29

To: Legal

Subject: Objection to Hawick Flood Scheme

***** This email was received from the GCSX *****

Chief Legal Officer

I hereby wish to formally object to the Hawick Flood Scheme Report and the preferred option that lies within it.

My first point of objection is that the implementation of this plan will lead to a significant reduction in natural green space in Hawick. The entire river Teviot that flows through Hawick and the vegetated land that surrounds it is green space. The vast majority of this will be lost if the preferred option is implemented. The flood scheme report and associated documentation fails to truly acknowledge that the river Teviot and its riverbanks are green space. The loss of this green space and the knock on effects it will have on areas such as health and wellbeing will be too great if the preferred option is implemented.

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online storage areas was dropped because a few people from the farming community objected to it at while attending a public exhibition or at later farmers meeting that took place in 2012. This does not give me confidence that the preferred option is the best or indeed the only available option. Also the apparent ease of which these other options appear to have been rejected seriously weakens any argument the Council might use to justify breaching the Human Rights of the people of Hawick in carrying out their duty to reduce the likelihood of flooding.

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In conclusion, I hope you seriously consider all of the above objections on each of their own merits.

Please could you forward me an email receipt for this objection?

Yours Faithfully

A large black rectangular redaction box covers the signature area.

29 MAY 2017

From: [REDACTED]
Sent: 29 May 2017 17:12
To: Legal
Subject: Hawick Flood Scheme Proposal - Comments and Objections

***** This email was received from the GCSX *****

To Whom it May Concern,

We are (very belatedly) writing to put forward our objections regarding the plans for the proposed flood prevention scheme. As [REDACTED] of [REDACTED] which flooded on 5th December 2015 we know first hand what flooding can do to a home, business, town and community! [REDACTED] flooding however, **did not come from the river bursting it's banks**. Yes there was flooding on the road behind [REDACTED] from the river, but it DID NOT reach the [REDACTED] our flooding came through the basement walls.....this was caused by the level of the water table rising underground....something which no wall will stop! Other flooding is caused by the water 'backing up' from the river downstream when the water downstream has nowhere to go. We now live in [REDACTED] which is in the flood zone.and granted we are on the [REDACTED] floors, we do have our entrance and a pretty private courtyard on ground level and our property is built on foundations which have flooded in the past, so any severe flooding could potentially still affect us personally. But STILL we are against the level of change proposed.

The building of the proposed wall will destroy many trees and will really spoil the look of a town built on the river...these rivers were the lifeblood of Hawick, what the town was built on, and to block the river from view in so many places along the banks is an awful prospect.

The trees and benches along the river banks of Mansfield rd, Duke st, and Common Haugh for instance which look to be removed to make way for the wall, are a huge asset to not only these streets and areas but are also seen and appreciated from every angle, including being seen from the main road which many passers by will see when coming through Hawick. Many properties are without gardens, what lovely spots to enjoy and be proud of, to sit in and walk through.

The proposed Perspex panel and the wall itself are just blank canvasses for vandals and will soon just become covered in graffiti, the panels themselves becoming scratched and not at all easy to see through.

The 3G,2G, Tennis Courts and Cricket pitch are included in the flood plain?? These areas have had huge amounts of money put into them, why are they not even protected by the wall?

Basically what we are saying is that we (and many people we have spoken) to feel that the wall and the destruction which will come with it is going to ruin the look of central parts of the town and that there is absolutely no need to have this height of wall placed in these beautiful areas central to the town.

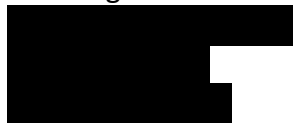
We appreciate that our letter is coming to you very late in the day but we weren't aware that there was an opportunity to object, let alone that there was a deadline! It was just through chance that a friend was handed a leaflet and shared it on Facebook!

We feel we could have so much more to say, but this letter has been rushed through as we didn't have much time, so we would certainly have more to add had we had more time to study the plans and proposals in more detail.

Hopefully our comments will be taken on board,

We look forward to hearing from you,

Kind Regards



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From: [REDACTED]

Sent: 25 May 2017 23:02

To: Planning & Regulatory Services

Subject: Hawick flood prevention scheme!

I object strongly to the wall being constructed as part of flood prevention on the grounds it will destroy the towns economy! Be detrimentally damaging to wildlife!

From: [REDACTED]

Sent: 25 May 2017 22:42

To: Planning & Regulatory Services

Subject: Hawick flood prevention scheme. 'The wall'.

I am completely apposed to this style of flood prevention on the grounds of damage to conservation. Division of the town. And safety to towards the public.

28/5/17

Re HANWICK FLOOD PROTECTION SCHEME

I am objecting to the building of a fortress around a common ground in Teviot Road, and along the river bank. £42m! The riverside is and should remain a pleasant walkway. Dredging the river would be less costly, less unpleasant for residents and businesses to live with. And the Council could recoup some of the cost by selling the removed stone.

The flooding has become more frequent with the build-up of rocks and debris.

Please, for once, listen to your employers, i.e. the taxpayers.

From: [REDACTED]

Sent: 24 May 2017 08:19

To: Legal

Subject: Hawick Flood Scheme proposal - river wall

***** This email was received from the GCSX *****

I would like to make my views known on this matter. I am unhappy that alternative proposals are not being discussed. Please consider dredging and filtering systems/works so as to retain the view of the river.

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-----Original Message-----

From: [REDACTED]

Sent: 26 May 2017 08:23

To: Legal

Subject: Hawick Flood Prevention Scheme

***** This email was received from the GCSX *****

I am contacting you to express my concern at the height of the proposed wall stretching along the riverside.

While I do believe that the town requires flood defences I think some of the other options should be considered rather than destroying the access to and views of the river with such a high wall.

[REDACTED]

[REDACTED]

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-----Original Message-----

From: [REDACTED]

Sent: 22 May 2017 12:45

To: mail@hawickfloodscheme.com

Subject: Feedback Form from Hawick FPS Website [EXTERNAL]

Below is the result of your feedback form. It was submitted by
[REDACTED] on Monday, May 22, 2017 at 12:44:55

name: [REDACTED]

address: [REDACTED]
[REDACTED]
[REDACTED]

email: [REDACTED]

phone: [REDACTED]

comments: The Scheme proposes a monstrously ugly solution, which would irrevocably damage a beautiful Borders town. Not enough thought has gone into this. I propose a redesign, which mitigates the flood risk, while taking into account the need to preserve views of the river and trees.

contactviaemail: Yes

APPENDIX D

OBJECTOR ENGAGEMENT TRACKER

HAWICK FLOOD PROTECTION SCHEME
OBJECTION TRACKER



Project Code:	██████████
Revision Date:	11/10/2017
Completed By:	Gillian Douglas

Count	Date Received	Objection Reference	Comment / Objection Details				Objection Publication	Correspondance							
			How Contact was Made	Summary of Concern / Objection	Considered Yes / No	Valid Objection Yes / No		Response to request to publish objection	Trigger referral to Ministers - Section 5 (5) Yes / No	Action	Date of Response Letter sent	Request to publish Objection	Request for meeting sent	Date of Meetings held	Date Objection Removed
1	17/05/2017	HFPS-Objection-001-██████████	Email	Loss of view and enjoyment of River	Yes	Yes		No	Provide response to objection letter	21/07/2017	11/07/2017				
1	22/05/2017	HFPS-Objection-002-██████████	Email	Loss of view and enjoyment of River	Yes	Yes	Yes	No	Provide response to objection letter	21/07/2017	11/07/2017	27/09/2017			
1	23/05/2017	HFPS-Objection-003-██████████	Email	Loss of view to River Division of Town Impact on property values	Yes	Yes		No	Provide response to objection letter	21/07/2017	11/07/2017	27/09/2017			
1	24/05/2017	HFPS-Objection-004-██████████	Email	Disrupt connection between Town and River Height of Walls Discounting of NFM Many flood cells fall below BCR - No BCR analysis undertaken for dredging	Yes	Yes		No	Provide response to objection letter	21/07/2017	11/07/2017				
1	24/05/2017	HFPS-Objection-005-██████████	Letter	NFM not been fully tested Cell 6 works will exacerbate flooding downstream No consideration of Deanfoot Farm and Honeyburn Farm Embankments Increase in Flood Risk to Denholm	Yes	Yes	Yes	Yes	Clarification required on issues they are objecting about - Meeting required Matter of disputed fact - Have data to state does not increase flooding - Do not believe this triggers section 5 (5) No decision taken at this time - Objection to be further considered	20/06/2017	11/07/2017		08/08/2017	03/10/2017	
1	26/05/2017	HFPS-Objection-006-██████████	Email	Height of Walls Division of Town Suggest lowering River bed levels	Yes	Yes		No	Provide response to objection letter	21/07/2017	11/07/2017	27/09/2017			
1	28/05/2017	HFPS-Objection-007-██████████	Email	Lack of River Basin Management upstream Height of walls Confining River will increase speed and depth Surface run-off will be prevented from access to River	Yes	Yes	Yes - Only name to be published	No	Provide response to objection letter	13/07/2017	11/07/2017		28/07/2017 27/09/2017		
1	26/05/2017	HFPS-Objection-008-██████████	Email	Height of Walls	Yes	Yes		No	Provide response to objection letter	21/07/2017	11/07/2017	27/09/2017			
1	27/05/2017	HFPS-Objection-009-██████████	Email	Scheme in general is ridiculous Cheaper and less obtrusive ways to prevent flooding	Yes	Yes	Yes - No personal information to be published	Yes	Could consider has interest in land as lives there - Could trigger section 5 (5) Engagement with ██████████ required	15/06/2017	11/07/2017			01/09/2017	
1	27/05/2017	HFPS-Objection-010-██████████	Email	Tree Felling Height of Walls Using 2G/3G/Tennis Courts as Flood Plain	Yes	Yes		No	Provide response to objection letter	21/07/2017	11/07/2017				
1	28/05/2017	HFPS-Objection-011-██████████	Email	Height of Walls Suggest tree planting upstream Public engagement not sufficient	Yes	Yes		No	Provide response to objection letter	20/07/2017	11/07/2017				
1	28/05/2017	HFPS-Objection-012-██████████	Email	Closing off of Right of Way Path Health and Safety concern re. Difficulty in rescuing those who may have fallen in River Detrimental to Tourism Loss of enjoyment of River	Yes	Yes		No	Provide response to objection letter	21/07/2017	11/07/2017				
1	28/05/2017	HFPS-Objection-013-██████████	Email	Consider what has been done at Northwich by EA	Yes	Yes		No	Provide response to objection letter	21/07/2017	11/07/2017		02/10/2017		
1	28/05/2017	HFPS-Objection-014-██████████	Email	Height of Walls Division of Town Detrimental to Tourism	Yes	Yes		No	Provide response to objection letter	21/07/2017	11/07/2017	Error - Email undelivered			
1	28/05/2017	HFPS-Objection-015-██████████	Email	Height of Walls	Yes	Yes		No	Provide response to objection letter	21/07/2017	11/07/2017	27/09/2017			
1	28/05/2017	HFPS-Objection-016-██████████	Email	Tree Felling Height of Walls	Yes	Yes		No	Provide response to objection letter	20/07/2017	11/07/2017	27/09/2017			
1	28/05/2017	HFPS-Objection-017-██████████	Email	Visually Intrusive Loss of view of River	Yes	Yes		No	Provide response to objection letter	21/07/2017	11/07/2017	27/09/2017			
1	28/05/2017	HFPS-Objection-018-██████████	Email	Rivers essential amenity Sever link between Town and Teviot Loss of enjoyment of River Detrimental to Town's economic prospects Consider NFM Failure to engage energetically enough Public Consultation failure	Yes	Yes	Yes	No	Provide response to objection letter	21/07/2017	11/07/2017		20/07/2017 27/09/2017		
1	28/05/2017	HFPS-Objection-019-██████████	Email	Conservation of Bats Option 1 not investigated thoroughly enough	Yes	Yes		No	Provide response to objection letter	21/07/2017	11/07/2017	27/09/2017			
1	28/05/2017	HFPS-Objection-020-██████████	Email	Sever link between Town and Teviot Increase flood risk to Denholm Upstream flood storage to be relocated at	Yes	Yes	Yes	No	Provide response to objection letter	21/07/2017	11/07/2017		27/09/2017		
1	19/05/2017	HFPS-Objection-021-██████████	Email	Height of Walls Loss of enjoyment of River	Yes	Yes		No	Provide response to objection letter	21/07/2017	11/07/2017				
1	28/05/2017	HFPS-Objection-022-██████████	Email	Dredge River banks Hideous Walls Disruption during construction	Yes	Yes		No	Provide response to objection letter	21/07/2017	11/07/2017	27/09/2017	02/10/2017	10/10/2017	
1	28/05/2017	HFPS-Objection-023-██████████	Email	Height of Walls Division of Town Damage Town's economy	Yes	Yes		No	Provide response to objection letter	21/07/2017	11/07/2017	27/09/2017			
1	28/05/2017	HFPS-Objection-024-██████████	Email	Loss of enjoyment of River Disruption during construction Safety concerns due to lack of visibility because of high walls	Yes	Yes		No	Provide response to objection letter	21/07/2017	11/07/2017				

1	28/05/2017	HFPS-Objection-025-████████	Email	Impact on Tourism Use see through walls in all residential areas	Yes	Yes		No	Provide response to objection letter	13/07/2017	11/07/2017			
1	29/05/2017	HFPS-Objection-026-Loftus	Email	Sever link between Town and Teviot Loss of enjoyment of River Difficulty in selling properties Disruption during construction	Yes	Yes		No	Provide response to objection letter	21/07/2017	11/07/2017			
1	22/05/2017	HFPS-Objection-027-████████	Letter	Closure of A7 Disruption to Businesses	Yes	Yes		Yes	Engagement with ██████████ required	15/06/2017	11/07/2017		20/07/2017	
1	29/05/2017	HFPS-Objection-028-████████	Email	██████████ ██████████ ██████████ Visual Impacts Height of Walls Lack of tree replanting plan Closure of A7	Yes	Yes		Yes	Engagement with ██████████ required	15/06/2017	11/07/2017		10/07/2017 21/09/2017	
1	29/05/2017	HFPS-Objection-029-████████	Email	No contact from SBC Disruption during Construction	Yes	Yes		Yes	Engagement with ██████████ required	15/06/2017	11/07/2017		10/07/2017	10/07/2017
1	29/05/2017	HFPS-Objection-030-████████	Email	Height of Walls Loss of view of River Impact on Tourism	Yes	Yes		No	Provide response to objection letter	21/07/2017	11/07/2017	27/09/2017		
1	29/05/2017	HFPS-Objection-031-████████	Email	Tree Felling Height of Walls	Yes	Yes		No	Provide response to objection letter	21/07/2017	11/07/2017			
1	29/05/2017	HFPS-Objection-032-████████	Email	Tree Felling Height of Walls	Yes	Yes		No	Provide response to objection letter	21/07/2017	11/07/2017			
1	29/05/2017	HFPS-Objection-033-████████	Email	Tree Felling Height of Walls	Yes	Yes		Yes	Engagement with ██████████ required	15/06/2017	11/07/2017		28/07/2017	05/09/2017
1	29/05/2017	HFPS-Objection-034-████████	Email	Tree Felling	Yes	Yes		No	Provide response to objection letter	21/07/2017	11/07/2017			
1	29/05/2017	HFPS-Objection-035-████████	Email	Height of Walls Tree Felling Enclosing of Teviot Crescent Reduction in Common Haugh Cutting off Cricket Pavilion for Pitch Using Volunteer Sport facilities as Flood Plain Use of ramps to access bridges Negative visual impact to Visitors and Tourists Disconnection between River and Town Barrier created between two sides of the town	Yes	Yes		No	Provide response to objection letter	21/07/2017	11/07/2017			
1	29/05/2017	HFPS-Objection-036-████████	Email	Height of Walls Loss of view of River Information difficult to find	Yes	Yes	No	No	Provide response to objection letter	21/07/2017	11/07/2017	27/09/2017		
1	29/05/2017	HFPS-Objection-037-████████	Email	Environmental Impact No consultation with Children People with disabilities not taken into consideration Impact of Tourism and Economic future Height of Walls - H&S Issue	Yes	Yes		No	Provide response to objection letter	21/07/2017	11/07/2017			
1	29/05/2017	HFPS-Objection-038-████████	Email	Height of Walls Dredge River	Yes	Yes	Yes - Name only to be published	No	Provide response to objection letter	21/07/2017	11/07/2017	27/09/2017		
1	29/05/2017	HFPS-Objection-039-████████	Email	Height of Walls Tree Felling Impact of Tourism	Yes	Yes	Yes - No personal information to be published	Yes	Engagement with ██████████ required	15/06/2017	11/07/2017		10/07/2017 22/09/2017	
1	29/05/2017	HFPS-Objection-040-████████	Email	Reduction of Green Space Failed to eliminate unlawful discrimination Alternative option not been fully considered Loss of Enjoyment of River Loss of Connectivity	Yes	Yes	Yes - Name & address only	No	Provide response to objection letter	21/07/2017	11/07/2017		21/09/2017	
1	29/05/2017	HFPS-Objection-041-████████	Email	Reduction of Green Space Failed to eliminate unlawful discrimination Alternative option not been fully considered Loss of Enjoyment of River Loss of Connectivity	Yes	Yes	Yes - Name & address only	No	Provide response to objection letter	21/07/2017	11/07/2017		21/09/2017	
1	29/05/2017	HFPS-Objection-042-████████	Email	Tree Felling Loss of Amenity Perspex panels will be damaged Using Volunteer Sport facilities as Flood Plain Height of Walls	Yes	Yes		Yes	Engagement with ██████████ required	15/06/2017	11/07/2017		20/07/2017 20/09/2017	10/10/2017
1	29/05/2017	HFPS-Objection-043-████████	Email	Detrimental to Economy	Yes	Yes		No	Provide response to objection letter	13/07/2017	11/07/2017	27/09/2017		
1	29/05/2017	HFPS-Objection-044-████████	Email	Damage to Conservation Division of Town Safety of Public	Yes	Yes		No	Provide response to objection letter	13/07/2017	11/07/2017	27/09/2017		
1	28/05/2017	HFPS-Objection-045-████████	Letter	Building of Flood Wall Loss of Riverside Walkway Dredge River	Yes	Yes		No	Provide response to objection letter	21/07/2017	11/07/2017			
1	24/05/2017	HFPS-Objection-046-████████	Email	Alternative proposals not being discussed Loss of view of River Dredge River & use Filtering Systems	Yes	Yes		No	Provide response to objection letter	13/07/2017	11/07/2017			
1	26/05/2017	HFPS-Objection-047-████████	Email	Height of Walls Consider other options	Yes	Yes		No	Provide response to objection letter		11/07/2017			
1	22/05/2017	HFPS-Objection-048-████████	Email	Monstrously ugly solution Damage to Town Propose Redesign	Yes	Yes		No	Provide response to objection letter	21/07/2017	11/07/2017	27/09/2017		

APPENDIX E

SCHEME NOTICE

AND

LEGISLATION LEGAL PROCESS FLOW CHART

SCOTTISH BORDERS COUNCIL

FLOOD RISK MANAGEMENT (SCOTLAND) ACT 2009 AND THE FLOOD RISK MANAGEMENT (FLOOD PROTECTION SCHEMES, POTENTIALLY VULNERABLE AREAS AND LOCAL PLAN DISTRICTS) (SCOTLAND) REGULATIONS 2010

HAWICK FLOOD PROTECTION SCHEME 2017

In accordance with Section 60 and Schedule 2 of the above Act and Parts II, III & IV of the above Regulations, the Council proposes the Hawick Flood Protection Scheme (the scheme). This constitutes a notice under Paragraph 1 of Schedule 2 of the Act and under Paragraph 7 of the Regulations.

The effects of the proposed flood protection operations will be:

- To mitigate the effects of flooding from the River Teviot to residential, community and business properties on the left hand bank of the River Teviot in Hawick, through the provision of flood defence walls at or in the vicinity of the Common Haugh, Commercial Road and Mansfield Road.
- To mitigate the effects of flooding from the River Teviot to residential, community, and business properties on the right hand bank of the River Teviot in Hawick, through the provision of flood defence walls and embankments at or in the vicinity of Volunteer Park, Hawick High School, Royal Mail Sorting Office, Orrock Hall, Sonia's Bistro, Teviot Road, Little Haugh, Laidlaw Terrace, Duke Street, Glebe Mill Street and at Weensland.
- To mitigate the effects of flooding from the River Teviot to residential, community and business properties on both banks of the River Teviot through raising of the Lawson, Victoria and Mansfield footbridges.
- To mitigate the effects of flooding from the Slitrig Water to residential, community and business properties on both banks of the Slitrig Water from Drumlanrig Bridge to the River Teviot confluence, through provision of flood defence walls.
- To mitigate the effects of flooding from the Stirches Burn and backwater effects of the River Teviot at the Scottish Borders Council Roads Depot, through provision of a new culvert.

The scheme is likely to have a significant effect on the environment and consequently an environmental impact assessment has been undertaken. The results of the environmental impact assessment have been incorporated into an environmental statement which is included with the other scheme documents. These documents can be inspected from 28/04/2017 until the date a decision is made under paragraphs 4(1), 7(4) or, as the case may be, 9(1) of Schedule 2 of the above Act at:

1. Scottish Borders Council, Council Headquarters, Newtown St Boswells, Melrose, TD6 0SA, between 8.45am and 5.00pm, Mon to Thurs and between 8.45am and 3.45pm on Fri.
2. Scottish Borders Council Contact Centre, High Street, Hawick, TD9 9EF, between 9.00am and 5.00pm on Mon, Tues and Thurs; between 9.30am and 5.00pm on Wed and 9.00am and 3.45pm on Fri.
3. Online at www.hawickfloodscheme.com

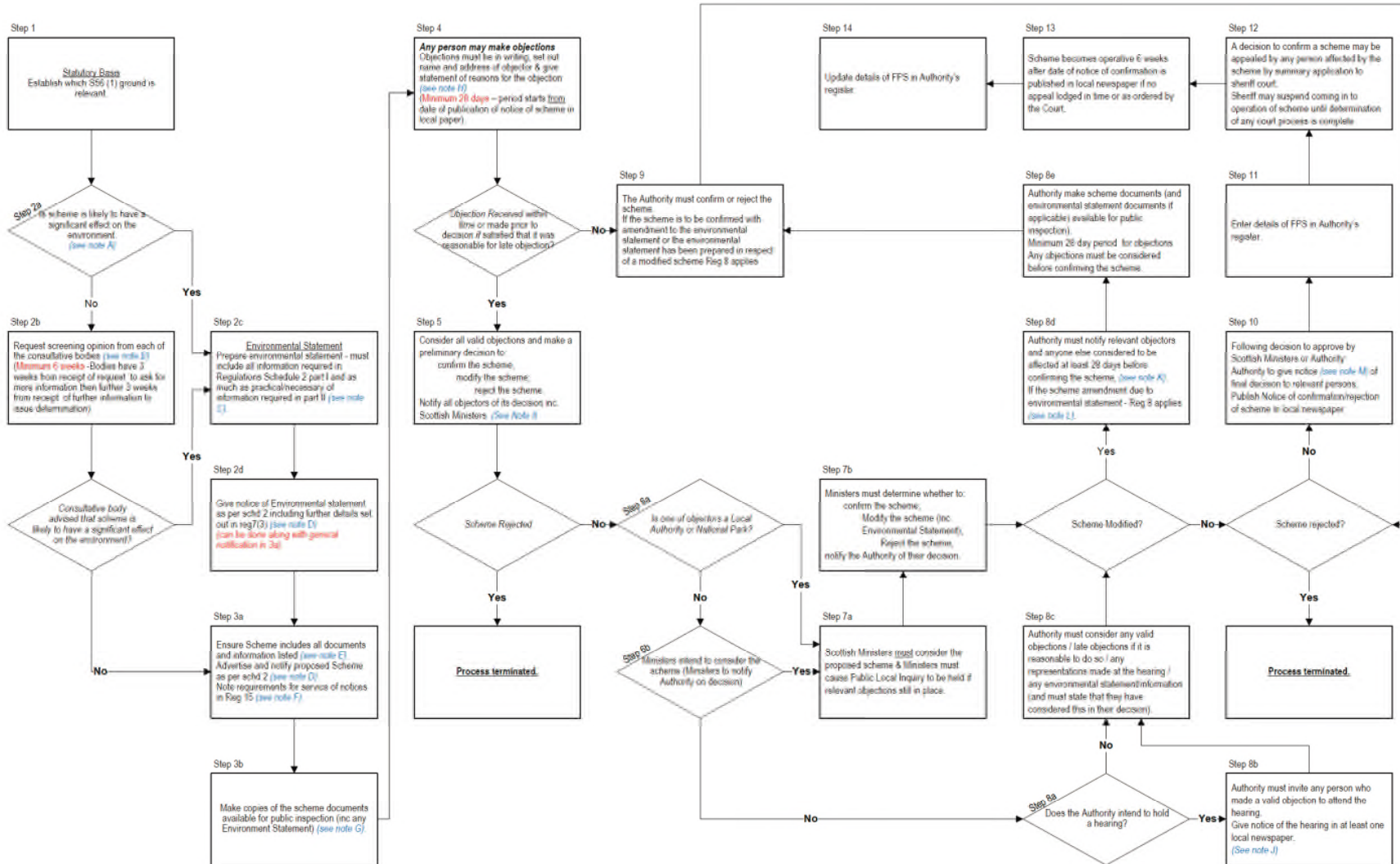
Please note that both offices will be closed on Monday, 1st May 2017.

Objections in writing can be made about the scheme during the period from 28/04/2017 to 29/05/2017 inclusive to: the Chief Legal Officer, Scottish Borders Council, Council Headquarters, Newtown St Boswells, Melrose TD6 0SA or by email to: legal@scotborders.gcsx.gov.uk. Any objection to the proposed scheme must be accompanied by a statement of reasons for the objection. Where an objector has an interest in any land on which the proposed operations are to be carried out or which may be affected by any of the proposed operations or by any alteration in the flow of water caused by any of the operations that person's objection must include details of the land in which the objector has an interest, disclosure of the nature of the objector's interest in the land, and details of which aspects of the proposed operations affect the objector. If no valid objections are made to the scheme, then the Council must make the final decision to confirm or reject the proposed scheme. If, however there are objections which are not valid objections under Paragraph 3(2) of Schedule 2 of the Act, the Council may make a preliminary decision and hold a hearing to consider the proposed scheme, before confirming or rejecting the scheme. Where valid objections are made to the scheme, the Council will consider the objections and make a preliminary decision to either (a) confirm the proposed scheme without modification, or (b) confirm the proposed scheme with modifications, or (c) reject the proposed scheme. Where an objection is received from a relevant objector, who is a person to whom Paragraph 5(6) of Schedule 2 of the Act applies, the Council must notify Scottish Ministers of the preliminary decision. The Scottish Ministers must then decide whether to consider the scheme or not. If the Scottish Ministers decide to consider the scheme and valid objections remain, then the Scottish Ministers must cause a Public Local Inquiry to be held. After considering the outcome of the Public Local Inquiry, the Scottish Ministers must make the final decision to: (a) confirm the proposed scheme without modification, or (b) confirm the proposed scheme with modifications, or (c) reject the proposed scheme. Where the Scottish Ministers decide not to consider the scheme; the Council must hold a hearing to consider the proposed scheme. Following the outcome of the hearing, the Council must make the final decision to (a) confirm the proposed scheme without modification, or (b) confirm the proposed scheme with modifications, or (c) reject the proposed scheme. Notification of the final decision, whether made by the Council or the Scottish Ministers will be given.

Nuala McKinlay, Chief Legal Officer, Scottish Borders Council, Council Headquarters, Newtown St. Boswells, TD6 0SA.

Legal Process

It has been assumed that technical appraisals, design, costing and initial informal public consultation has all been done



APPENDIX F

SUMMARY OF ADHERENCE TO FRM ACT 2009

Procedure 1 – Publication

3.1 Overview

Section 60 and Schedule 2 (Paragraphs 1 and 2) of the FRMA and Parts II and III of the FRMR make detailed provision for how the Local Authority should prepare, notify and advertise the flood protection scheme. For flood protection schemes with an environmental statement, Regulations 4 and 7 of the FRMR make further provision with regard to notification and duty to consider the effects of the scheme of the environment.

The following sections take each part of the legislation in turn associated with the publication processes and demonstrate how the project team have complied with it. Copies of the relevant compliance documentation is contained in Appendix C1, or where relevant, hyperlinks to the electronic copies which are available on the Scheme website, hawickfloodscheme.com.

3.2 Compliance with FRMA

3.2.1 Section 60 – flood protection schemes

Only paragraph 2 within section 60 of the FRMA places specific duties on the Local Authority with regard to publishing a flood protection scheme. Table 3-1 reproduces those duties and summarises the compliance measures undertaken by Scottish Borders Council:

Clause	Local Authority Duty under FRMA	Compliance Measure	Date completed
60 (2)	A proposed flood protection scheme must:		
(a)	Contain a description of the operations the local authority proposes to carry out	Full description of the operations are provided in the Scheme document entitled "Schedule of Scheme Operations". Refer to hyperlink A at bottom of this table	Posted on Scheme website 26 th April 2017
(b)	Include such maps, plans and specifications as may be specified by regulations by the Scottish Ministers	Full suite of plans, cross sections and descriptions as stipulated by Section 11 of the FRMR (see table 3-8 for further details). Refer to hyperlink B at bottom of this table	Posted on Scheme website 26 th April 2017
(c)	State how the operations will contribute to the implementation of current measures described in any relevant local flood risk management plan (LFRMP)	Refer to Section 1.2 of this report. The HFPS is contained within the implementation part of the LFRMP of PVA 13/12 for Hawick within the Tweed LPD. The preamble to the Schedule of Scheme Operations contains a statement to this effect	Posted on Scheme website 26 th April 2017
(d)	Inasmuch as they will not contribute, state the reasons why the local authority considers carrying them out will not affect implementation of those measures	Not Applicable in this case	

Table 3-1: Section 60 compliance

Hyperlink A:

http://www.hawickfloodscheme.com/finalscheme/1_Scheme_Operations/Schedule%20of%20Operations_V1.0_ISSUE.pdf

Hyperlink B:

http://www.hawickfloodscheme.com/finalscheme/2_Scheme_Drgs/Scheme%20Drawings%20COMBINED_V1.0_ISSUE.pdf

3.2.2 Schedule 2, Paragraph 1 - Notification

Within Paragraph 1 of Schedule 2, sub-paragraphs (1) to (4) are relevant. Table 3-2 reproduces the requirements within those sub-paragraphs and summarises the compliance measures undertaken

Clause	Local Authority Duty under FRMA	Compliance Measure	Date completed
Sched 2, Para 1, sub para (1)	The local authority must give notice of a proposed flood protection scheme:		
Sub para (a)	In at least one newspaper circulating in the local authority's area	Adverts placed in the Hawick News and Hawick Paper, refer to Appendix C1-1	28 th April 2017
(b)	Not applicable		
(c)	In the Edinburgh Gazette	Advert placed in the Edinburgh Gazette – refer to Appendix C1-1	Gillian, can you please add to C1-1
(d)	To every person known to the local authority – (i) To have an interest in any land on which the proposed operations are to be carried out (ii) Whose interest in any other land may be affected by any of the proposed operations or by any alteration in flow of water caused by any of the operations	Major exercise carried out to determine land ownership and serve notice on land owners within three separate zones: 1) those with an interest in land within the limit of land affected by the operations, as shown on the Scheme plans; 2) those whose land was previously flooded by the 1 in 75 year flood event which will now be protected 3) a wider area beyond zones 1 and 2 to capture all land and property who may be indirectly affected by the works Utilised combination of SBC records, one to one discussions and specialist external land ownership consultants to obtain some gap site information. Resulted in database of over 3700 land and property owners and occupiers	Database complete 21 st April 2017 Notices served 21 st , 24 th and 25 th April 2017 Notices received latest 28 th April 2017
(e)	Not applicable		
(f)	To the following persons- (i) SEPA (ii) Scottish Natural Heritage (iii) Not applicable (iv) Not applicable (v) Any responsible authority whose flood risk related functions may be affected by any of the operations..... (vi) Any statutory undertaker whose statutory undertaking may be affected by the operations..... (vii) Any other person specified by order of the Scottish Ministers, and	Notice was served to a large number of statutory and non-statutory stakeholders and undertakers – refer to Appendix C1-2 for details of the database	Database complete 21 st April 2017 Notices served 25 th April 2017 Notices received latest 28 th April 2017
(g)	In such other manner as the authority considers appropriate	Not applicable for this project	
Sched 2 Para 1	The local authority must also display a notice of the proposed flood protection scheme in a	The Scheme notice was displayed at 135 locations across Hawick. The notices were maintained	Complete by 27 th April 2017

sub para (2)	prominent position in the locality in which the operations were carried out	throughout the 28 day objection period. Appendix C1-3 contains a plan showing the locations of the notices and a schedule of their maintenance. Photographs of the notice locations are available on request.	
Sched 2 Para 1 sub para (3)	<p>A notice given under sub-paragraph (1) or (2) must –</p> <p>(a) Contain a general description of the effect of the proposed scheme including-</p> <p>(i) A summary of the operations to be carried out, and</p> <p>(ii) A summary of the benefits which the local authority considers are likely to be derived from carrying out the operations</p> <p>(b) State where and at what times the scheme documents can be inspected in pursuance of paragraph 2, and</p> <p>(c) State that objections can be made about the proposed scheme to the local authority before the expiry of 28 days beginning with the date notice is first published under sub-paragraph (1)(a)</p>	A copy of the notice is contained within the Scheme website – see hyperlink C at bottom of this table.	<p>Posted on Scheme website 26th April 2017.</p> <p>Completed</p>
Sched 2 Para 1 sub para (4)	Notices under sub-paragraph (1)(d) and (f) and sub-paragraph (2) must be given or, as the case may be, displayed no later than the date that notice is first published under sub-paragraph (1)(a)	All notices posted to those under sub-paras (1)(d) and (1)(f) and displayed under sub-para (2) were completed prior to the adverts appearing in the local newspapers and the Edinburgh Gazette – refer to Appendix C1-1 for details of the relevant dates	
Sched 2 Para 1 sub para (5)	Not applicable		

Table 3-2: Schedule 2, Paragraph 1 compliance

Hyperlink C: http://www.hawickfloodscheme.com/finalscheme/8_Notice_Letter/HFPS_notice.pdf

3.2.3 Schedule 2, Paragraph 2 – Public Inspection of scheme proposal

Within paragraph 2 of Schedule 2 of the FRMA, all sub-paragraphs are relevant to the HFPS. Table 3-3 reproduces the requirements within those sub-paragraphs and summarises the compliance measures undertaken by Scottish Borders Council

Clause	Local Authority Duty under FRMA	Compliance Measure	Date completed
Sched 2, Para 2, sub para (1)	The local authority must make a copy of the scheme documents available for public inspection in a place in the authority's area	The documents were made available at the Council HQ in Newtown St Boswells, TD6 0SA and at the SBC offices in Hawick High Street, TD9 9EF and on the Scheme's website hawickfloodscheme.com	27 th April 2017, available for inspection from 28 th April 2017
Sub para (2)	Not applicable		
Sub para (3)	The scheme documents must be available for inspection at all reasonable times during the period from the date notice is given under paragraph 1(1)(a) until the date a decision is made under paragraph 4(1), 7(4) or 9(1)	Hard copies continue to be made available at the locations identified above (during their normal periods of opening identified on the scheme notice) until such time a decision is made in accordance with this sub-para. The documents are also available for inspection on the website.	27 th April 2017, available for inspection from 28 th April 2017

Table 3-3 – Schedule 2, Paragraph 2 compliance

3.3 Compliance with FRMR

3.3.1 Regulation 4 – duty to consider environmental impact of proposed flood protection scheme

Within Regulation 4 of the FRMR, the local authority must consider if the scheme is likely to have a significant impact on the environment. Table 3-4 reproduces the requirements within that section and summarises the compliance measures undertaken by Scottish Borders Council.

Clause	Local Authority Duty under FRMR	Compliance Measure	Date completed
Reg 4, para (1)	<p>Prior to-</p> <p>(a) Giving notice of a proposed flood protection scheme under paragraph 1 of schedule 2 to the Act</p> <p>(b) See procedure 4 in this document</p> <p>(c) See procedure 5 in this document;</p> <p>the local authority must consider whether the scheme as proposed at that stage is likely to have a significant effect on the environment</p>	The preferred Scheme report in March 2013 identified that any scheme taken forward by Scottish Borders Council to protect Hawick to a 1 in 75 year standard of protection was likely to have potentially significant impacts on the environment. During the Outline Design stage, consideration of Schedule 1 to the FRMR confirmed that the risk of significant effect on the environment remained. The notice identified in Hyperlink C to this document states this to be the case.	Ongoing throughout project

Table 3-4: Regulation 4 compliance

3.3.2 Regulation 5 – screening opinions

If the local authority considers that the scheme is likely to have a significant effect on the environment, it must seek a screening opinion from each of the consultative bodies, with requirements and compliance measures set out in Table 3-5.

Clause	Local Authority Duty under FRMR	Compliance Measure	Date completed
Reg 5, para (1)	Where a local authority considers that a propose flood protection scheme is likely to have a significant effect on the environment, it shall request a screening opinion from each of the consultative bodies	In September 2015, the Scheme designer, CH2M, wrote to SBC Planning to advise that the Scheme was likely to have a significant effect on the environment and that a screening and scoping opinion for an EIA was requested. SBC Planning requested that the bodies identified in Appendix C1-4 provide the screening and scoping opinions	CH2M letter to SBC 15/9/2015

Reg 5, other paras	These procedures relate to timescales for the consultative bodies to respond and other information that may be required and are not within the scope of this document		
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Table 3-5: Regulation 5 compliance

3.3.3 Regulation 6 – environmental statements

Table 3-6 identifies the specific environmental statement (ES) requirements and compliance measures undertaken by Scottish Borders Council for Regulation 6 of the FRMR.

Clause	Local Authority Duty under FRMR	Compliance Measure	Date completed
Reg 6, para (1)	<p>Where –</p> <p>(a) A local authority considers under regulation 4 that a proposed flood protection scheme is likely to have a significant effect on the environment; or</p> <p>(b) A consultative body has concluded in a screening opinion under Regulation 5 that a proposed flood protection scheme is likely to have a significant effect on the environment,</p> <p>The local authority must prepare an environmental statement in accordance with paragraph (2)</p>	<p>Both the local authority and consultative bodies concurred with the project team’s original position that the scheme is likely to have a significant effect on the environment.</p> <p>An environmental statement was produced to accompany the flood protection scheme documents and plans. Hyperlinks D, E, F, G and H link to the appropriate documentation</p>	Uploaded to website on 26 th April 2017
Reg 6, para (2)	<p>An environmental statement must identify, describe and assess the direct and indirect effects of the proposed scheme on the following factors-</p> <p>(a) Human beings, flora and fauna</p> <p>(b) Soil, water, air climate and the landscape</p> <p>(c) Material assets including architectural and archaeological heritage; and</p> <p>(d) The interaction between the factors mentioned in sub-paragraph (a) to (c)</p>	<p>The relevant chapters which identify, describe and assess the impacts (and identify mitigation measures) within the environmental statement are:</p> <p>Stakeholder engagement; population, recreation and amenity; Biodiversity and nature conservation; noise and vibration; townscape / landscape and visual impacts; water and resilience to climate change; geomorphology; soils, geology and land contamination; archaeology and cultural heritage; traffic and transportation; cumulative impacts</p>	Uploaded to website on 26 th April 2017
Reg 6, para (3)	<p>An environmental statement must include –</p> <p>(a) The information referred to in Part 1 of Schedule 2; and</p> <p>(b) Such of the information referred to in Part II of Schedule 2 as reasonably required to assess the environmental effects of the proposed scheme and which, having regard in particular to current knowledge and methods of assessment, the local authority can reasonably be required to compile.</p>	<p>The environmental statement fully complies with the requirements of Part 1 of Schedule 2 which are:</p> <ol style="list-style-type: none"> 1. Description of the scheme comprising information on the site, design and size of the scheme (Chapter 4 of ES) 2. A description of the measures envisaged in order to avoid, reduce and, if possible, remedy significant adverse effects (Chapter 16 summary) 3. The data required to identify and assess the main effects which the scheme is likely to have on the environment (all chapters of the ES contain 	Uploaded to website on 26 th April 2017

		<p>desk study and survey data)</p> <p>4. The main alternatives studied by the local authority and main reasons for its choice, taking into account the environmental effects (Chapter 4.7 of the ES)</p> <p>5. A Non-technical summary (Volume 3 of the ES, see hyperlink H below)</p> <p>The environmental statement fully complies with the requirements of Part II of Schedule 2:</p>	
Reg 6, para (4)	Only required if the Scheme requires to be confirmed with modification	Currently not applicable	

Table 3-6: Regulation 6 compliance

Hyperlink D – http://www.hawickfloodscheme.com/finalscheme/5_ES/Hawick%20FPS%20ES_Volume%201_FINAL.pdf

Hyperlink E – http://www.hawickfloodscheme.com/finalscheme/5_ES/ES_Appendix_A.pdf

Hyperlink F – http://www.hawickfloodscheme.com/finalscheme/5_ES/ES_Appendix_B.pdf

Hyperlink G – http://www.hawickfloodscheme.com/finalscheme/5_ES/ES_Appendix_C.pdf

Hyperlink H – http://www.hawickfloodscheme.com/finalscheme/5_ES/Hawick%20FPS%20ES_Volume%201_FINAL.pdf

3.3.4 Regulation 7 – notification of scheme with environmental statement

Regulation 7 applies to the Hawick FPS because SBC has prepared an environmental statement. Table 3-7 highlights the additional notification requirements for schemes with an environmental statement and the compliance measures undertaken by SBC.

Clause	Local Authority Duty under FRMR	Compliance Measure	Date completed
Reg 7, para (2)(b)	<p>The local authority must make a copy of the environmental statement available for public inspection alongside the scheme documents that are made available in accordance with paragraph 2 of schedule 2 to the Act</p> <p>NB: Para (2)(a) covered elsewhere</p>	ES was part of the overall package information made available for public inspection at Council HQ and SBC contact centre in Hawick. Also published on the website as per hyperlinks E to H above.	Uploaded to website on 26 th April 2017, available for public inspection from 28 th April 2017
Reg 7, para (3)	<p>A notice under paragraph (2)(a) must, in addition to the information required by paragraph 1(3) of schedule 2 to the Act include a statement-</p> <p>(a) that the scheme is likely to have a significant effect on the environment;</p> <p>(b) that the scheme documents are accompanied by an environmental statement which is available for public inspection;</p> <p>(c) describing the circumstances under the Act in which the Scottish Ministers may cause a public inquiry into the application;</p> <p>(d) setting out the nature of possible decisions that may be taken in relation to the scheme</p>	The notice which was issued / displayed at the commencement of the notification process (refer to Hyperlink C) contains all of the required information	
Reg 7,	The local authority must supply a copy of the scheme documents and the environmental	The following bodies were made aware of the publication of the ES on the Scheme website and	26 th April 2017

para (4)	statement to the consultative bodies no later than the date that the notice referred to in paragraph (2)(a) is given	<p>follow up phone calls made to ensure the information was able to be downloaded:</p> <ul style="list-style-type: none"> • Scottish Environment Protection Agency, Mossilee Road, Galashiels; • Scottish Natural Heritage, Galashiels • River Tweed Commission, Drygrange, Melrose <p>and electronically transferred to all Scottish Borders Council officers involved in the screening and scoping opinion</p>	
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Table 3-7: Regulation 7 compliance

3.3.5 Regulation 11 – maps, plans and specifications

Regulation 11 relates to the specific requirements associated with the plans accompanying the scheme operations. Table 3-8 highlights the requirements and compliance measures undertaken by Scottish Borders Council


Clause	Local Authority Duty under FRMR	Compliance Measure	Date completed
Reg 11, para (1)	<p>A proposed flood protection scheme must include a description, by reference to maps, plans and specifications of:</p> <p>(a) The extent and scale of the scheme operations</p> <p>(b) The land which the local authority considers may be affected by those operations, and;</p> <p>(c) Any land on which the local authority would require to enter (whether temporarily or otherwise) for the purposes of carrying out the operations</p>	<p>The plans referred to in Hyperlink B of this document are:</p> <p>Drawn to a scale of 1 in 250 at A3</p> <p>Clearly identify the limit of land affected by means of a red dashed line, and;</p> <p>Describe that red dashed line as:</p> <p>Limit of the land which the local authority considers may be affected by those operations; and any land on which the local authority would require to enter (whether temporarily or otherwise) for the purposes of carrying out the operations</p> 	
Reg 11, para (2)	The maps and plans referred to in paragraph (1) must be at an appropriate scale to enable interested persons to identify whether their land will be affected by the scheme operations	The plans are drawn to a scale of 1 in 250, with full OS background mapping, which is more than adequate to interpret land ownership extents and boundary features	26 th April 2017
Reg 11, para (3)	A proposed flood protection scheme must include an estimate of the cost of the scheme operations proposed to be carried out	The Schedule of Scheme Operations (hyperlink A of this document) contains the scheme cost estimate	26 th April 2017

Table 3-8: regulation 11 compliance

3.3.6 Regulation 15 – serving of notices

To be completed after prelim decision

Procedure 2 – Objections

4.1 Overview

Schedule 2 (Paragraphs 3 and 5) of the FRMA and Regulations 12 and 13 of the FRMR make provisions for how the Local Authority should manage objections associated with the flood protection scheme before making its preliminary decision. This method is required for the Hawick FPS, because the option to confirm the scheme under paragraph 4 is not available due to the presence of at least one valid objection.

The following sections take each part of the legislation in turn associated with the publication processes and demonstrate how the project team have complied with it. Copies of the relevant compliance documentation is contained in Appendix C2, or where relevant, hyperlinks to the electronic copies which are available on the Scheme website, hawickfloodscheme.com.

4.2 Compliance with FRMA

4.2.1 Schedule 2, paragraph 3

It is noted that Schedule 2, paragraph 3 of the FRMA does not place any specific duty on the local authority in terms of legislation compliance – it sets out the criteria by which an objection to the scheme must be assessed once received.

For the Hawick FPS:

- There were 48 valid objections, which were received in a time period which started on the 28th April 2017 and concluded on the 29th May 2017, a duration of 31 calendar days (in excess of the minimum 28 day period to account for the local elections and bank holiday Monday);
- All were considered to be valid;
- None were late objections

4.2.2 Schedule 2, paragraph 5

Paragraph 5 of Schedule 2 identifies the need for the local authority to make a preliminary decision in the event it has received valid objections. The specific requirements placed on the local authority in relation to managing the objections are detailed in table 4-1 along with the compliance measures taken by Scottish Borders Council.

It is noted that under sub-paragraphs 5(5) and 5(6) that 8 of the 48 objections were received from persons with either an interest in the land affected by the operations, or by persons whose interest in the land has been affected by an alteration in the flow of water caused by the operations. These objections could require Scottish Ministerial review unless withdrawn.

Clause	Local Authority Duty under FRMR	Compliance Measure	Date completed
Sched 2, para 5, sub-para (2)	<p>Before making its preliminary decision, the local authority-</p> <p>(a) Must consider-</p> <p>(i) And valid objections (unless withdrawn), and</p> <p>(ii) Any late objection if the authority is satisfied that it was reasonable for</p>	<p>SBC have carried out the following exercises to fully consider the objections:</p> <p>1) Written a specific letter to each of the 48 objectors which fulfils the following duties:</p> <ul style="list-style-type: none"> • acknowledge that they have made a valid objection; • identify that the local authority is 	<p>Letters issued by 21st June</p> <p>Face to face discussions took place between 10th July and 24th August</p> <p>Public meetings</p>

	<p>the objector to make the objection after the deadline for doing so.</p> <p>(b) May also consider any other matters it considers appropriate</p>	<p>considering their objection;</p> <ul style="list-style-type: none"> • provide a response to each of the points raised in the objection • offers contact names, numbers and email addresses for further discussion <p>2) Carried out face to face discussions with 18 of the 48 objectors</p> <p>3) Written to all 48 objectors to invite them to the public meetings on 29th, 30th and 31st August 2017</p>	<p>took place between 29th and 31st August</p> <p>Preliminary decision anticipated to be made at full Council on 28th September 2017</p>
<p>Note that all other compliance requirements will be documented after the Preliminary decision is made</p>			

Table 4-1: Schedule 2, paragraph 5 compliance

4.3 Compliance with FRMR

4.3.1 Regulation 12 – Objections

Regulation 12 of the FRMR makes further provision for assessing the validity and categorization of objections received. There are no legislative duties placed on the local authority within this regulation.

All 48 objections received set out the reasons for the objection (thus complying with paragraph (1)), and those that had an interest in the land or had an interest in land affected by alteration in the flow of water caused by the operations set out (a) details of the land in which the objector has an interest, (b) disclosure of the nature of the objector’s interest in the land, and (c) details of which aspects of the proposed operations affect the objector

4.3.2 Regulation 13 – Withdrawal of objections

Regulation 13 of the FRMR discusses the procedures associated with objection withdrawal after the local authority has made a preliminary decision to confirm the proposed scheme. Further details to be provided as necessary.

APPENDIX G

STATUTORY REPRESENTATIONS

Dear [REDACTED]

Background

The scheme involves the construction of new and replacement flood walls and embankments on the banks of the River Teviot and at the bottom of Slitrig Water through Hawick Town Centre. The River Tweed Commission (RTC) has engaged in detailed pre application discussions with Scottish Borders Council (SBC), SEPA and SNH, which has included attending SBC's Environmental Consent Working Group.

RTC Appraisal

The River Tweed Commission (RTC) is charged under The Scotland Act 1998 (River Tweed) Order 2006 with the general preservation and increase of Salmon, Sea Trout, trout and other fresh water fish in the River Tweed and its Tributaries. This consultation process on the River Teviot at Hawick has proved to be constructive and extremely positive, and I take this opportunity to thank you for your consultation on the above proposal. In looking at issues concerning Migration of Fish and potential issues re spawning beds, the RTC has consulted with River Tweed Foundation Biologists.

Migration of salmon and Sea Trout through this part of the Teviot at Hawick can usually be expected between the start of October and the end of January, however, this can alter due to weather, climate and flood events. Where unpredictability exists must also be a willingness to work closely on the ground with Contractors and other Agencies, allowing flexibility to adapt and if necessary change. The RTC is fully committed to this flexible approach working closely with other Agencies involved in this project.

In summary, I can cover the following points thus :-

Migration of Salmon and Trout

For Salmonid migration, we do not know whether piling vibration will deter fish from moving upstream. With the construction of the access channels for machinery, it would be expected that a lot of vibration would be damped out by the time it reaches the river. This, combined with the higher flows when fish migrate suggests that vibration in the water column will be minimal and therefore the probability of Adult Salmonids being affected is minimal.

Disturbance to Spawning Beds

It is important to note that most spawning (but not all) happens at night when there would presumably be no works being carried out, although adults can hold in spawning areas during the day and could be disturbed. Narrowing the river to allow vehicle access will also affect flows and this may then affect spawning site selection. If work is to be restricted in the proposed areas, then it would ideally be from early November to the end of January. It could be reasonable to suggest that vibratory piling could be used near spawning areas in the spawning period, but not hammer driving.

Access

The RTC will require to have access to the River at all times, for law enforcement issues (eg Poaching), obstacle clearance, and monitoring of fish numbers and spawning beds etc. This will necessitate access onto work sites, and as such RTC Staff and Tweed Foundation Biologists must undergo Induction Procedures as soon as contractors begin this process. Finally, further to my discussion with Steven Vint, it is essential that some form of access and exit points/slip ways are included so that a boat may be launched if required (eg in Emergency).

If I can be of any further assistance please do not hesitate to contact me.

Yours sincerely

[Redacted]

Superintendent
The River Tweed Commission

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Scottish Natural Heritage

All of nature for all of Scotland

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26 May 2017

Our ref: CDM145838
Your ref: TS11/3G/JW/IM

Dear [REDACTED]

**Hawick Flood Protection Scheme 2017
Flood Risk Management (Scotland) Act 2009
River Tweed Special Area of Conservation (SAC)
River Tweed Site of Special Scientific Interest (SSSI)**

Thank you for your consultation on the above proposal dated 21 April 2017.

Summary

There are natural heritage interests of national and international importance on the site, but in our view, these will not be adversely affected by the proposal.

Background

The scheme predominantly consists of the construction of new and replacement flood walls and embankments on the banks of the River Teviot and Slitrig Water through Hawick. We have engaged in detailed pre-application discussions with Scottish Borders Council (SBC), SEPA and the River Tweed Commission (RTC) over a number of years, including attending SBC's Environmental Consent Working Group. This has enabled us to provide advice in relation to natural heritage interests as the scheme has developed, in particular the potential impacts of the scheme on the SAC. We have also had the opportunity to comment on a draft Environmental Statement (ES) and Appropriate Assessment (AA) as part of this process.

We are aware that some details of the scheme design, relating to construction practices, will only be finalised once a contractor has been appointed. However, we note that this has been taken into account in the AA, and that the contractor will operate within pre-defined thresholds, as set out in the current scheme design.

Much of the engineering work for the scheme also requires authorisation from SEPA under the Water Environment (Controlled Activities) (Scotland) Regulations 2011 (As amended) (CAR).

SNH Appraisal of the Proposal

The River Teviot and the Slitrig Water are part of the River Tweed SAC, which is designated for its Atlantic salmon, river lamprey, brook lamprey, sea lamprey, European otter and as a watercourse characterised by water crowfoot species. The River Teviot is also part of the River Tweed SSSI, which is designated for its Atlantic salmon, sea, river and brook lamprey, flies, beetles, vascular plants and trophic range river/stream.

The site's SAC status means that the requirements of the Conservation (Natural Habitats, &c.) Regulations 1994 as amended (the "Habitats Regulations") or, for reserved matters the Conservation of Habitats and Species Regulations 2010 as amended apply. Consequently, SBC is required to consider the effect of the proposal on the SAC before it can be consented (commonly known as Habitats Regulations Appraisal (HRA)). Our website has a summary of the legislative requirements (<http://www.snh.gov.uk/docs/A423286.pdf>).

In our view, this proposal is likely to have a significant effect on the qualifying interests of the SAC. Consequently, SBC, as competent authority, is required to carry out an AA in view of the site's conservation objectives for its qualifying interests.

We note that SBC have already produced a draft AA, which has been updated following initial comments from ourselves, SEPA and RTC. We are also aware that SEPA are conducting their own AA as part of their HRA under CAR, and that there has been ongoing liaison between SBC and SEPA during this period. We note that SEPA's initial advice is that the scheme is potentially consentable under CAR.

With the above in mind, in our view, the content of SBC's AA adequately addresses the potential impacts of the scheme on the SAC and we agree with the conclusion that the proposal will not adversely affect the integrity of the site.

We are also satisfied that the potential impacts of the scheme on the designated interests of the River Tweed SSSI have been adequately covered and addressed in both the ES and AA.

Please do not hesitate to contact me at our Galashiels office if you have any queries on the above advice.

Yours sincerely

By email



Operations Officer (Southern Scotland)

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