

**From:** Redpath C (Carol-Anne)  
**Sent:** 28 June 2010 17:59  
**To:** 'James McCulloch'  
**Subject:** FW: CASE 137216/7 - APPEAL UNDER REGULATION 46(a) RIVER NITH, DUMFRIES (DUMFRIES AND GALLOWAY COUNCIL) (CAR/L/1033622)

Jim

E-mail acknowledgement sent to SEPA and reminder letter issued to Mr Slater.



Cheers

C-A

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**From:** Redpath C (Carol-Anne)  
**Sent:** 28 June 2010 17:37  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** CASE 137216/7 - APPEAL UNDER REGULATION 46(a) RIVER NITH, DUMFRIES (DUMFRIES AND GALLOWAY COUNCIL) (CAR/L/1033622)

Dear Ms Watson

**WATER ENVIRONMENT (CONTROLLED ACTIVITIES) (SCOTLAND) REGULATIONS 2005  
APPEAL UNDER REGULATION 46(a) RIVER NITH, DUMFRIES (DUMFRIES AND  
GALLOWAY COUNCIL) (CAR/L/1033622)**

Thank you for your letter of 23 June together with copies of representations received in response to the advertised application in relation to the above case.

Yours sincerely

**Carol-Anne Redpath**  
Processing & Decisions Manager

The Scottish Government  
Directorate for Planning and Environmental Appeals  
4 The Courtyard  
Callendar Business Park  
Falkirk  
FK1 1XR

Tel: [REDACTED]  
Fax: [REDACTED]

E-mail [REDACTED]

[www.scotland.gov.uk/Topics/Built-Environment/planning/decisions-appeals/Appeals/dpea](http://www.scotland.gov.uk/Topics/Built-Environment/planning/decisions-appeals/Appeals/dpea)

Telephone: 01324 696465 F: 01324 696444  
E: [dpea@scotland.gsi.gov.uk](mailto:dpea@scotland.gsi.gov.uk)



Our ref: Case 137216/7

28 June 2010

Dear Mr Slater

**WATER ENVIRONMENT (CONTROLLED ACTIVITIES) (SCOTLAND)  
REGULATIONS 2005  
APPEAL UNDER REGULATION 46(a) RIVER NITH, DUMFRIES (DUMFRIES AND  
GALLOWAY COUNCIL) (CAR/L/1033622)**

I refer to my letter of 2 June concerning the above appeal (copy enclosed for your ease of reference).

As you know the reporter was unable to read the material you sent on DVD. Are you now in a position to send another copy of this material to ensure that it may be taken into account by him?

In the meantime, please do not hesitate to contact me at the number or email address above if you have any questions about the appeal.

Yours sincerely

**Carol-Anne Redpath**  
Processing & Decisions Manager

**SCOTTISH GOVERNMENT INQUIRY REPORTS UNIT  
REQUEST FOR A SITE INSPECTION, HEARING OR PUBLIC INQUIRY**

Notes on completion of this form are given overleaf

<p><b>1. SUBJECT MATTER OF CASE</b> (including address of site)</p> <p>Dumfries and Galloway Council (the Appellants) submitted an application under the Water Environment (Controlled Activities) (Scotland) Regulations 2005 to carry on controlled activities, namely the removal of vegetation and gravel banks approximately 13 metres north of Buccleuch Street Bridge, Dumfries. On 18 mmay 2009 SEPA issued its decision to refuse to grant an authorisation in respect of the application. The Appellants submitted an appeal against the refusal on 13 August 2009.</p>	
<p><b>1. REQUEST FOR</b> (Please tick ONE box)</p> <p><input type="checkbox"/> Site Inspection                      <input type="checkbox"/> Hearing                      <input type="checkbox"/> Public Local Inquiry</p>	
<p><b>2. LOCAL (OR STATUTORY) AUTHORITY</b> (Note 1)</p> <p><i>Name</i>                      SEPA                      <i>Contact</i> Susan Watson – Regional Solicitor</p> <p><i>Address</i>                      [REDACTED]                      Telephone No [REDACTED]</p> <p>[REDACTED]</p>	
<p><b>3. OTHER MAIN PARTY</b> (Note 2)</p> <p><i>Name:</i> Dumfries and Galloway Council</p> <p><i>Contact:</i> Mr W Barker</p> <p><i>Address:</i> Planning and Environmental Services, Dumfries and Galloway Council Militia House, English Street, Dumfries, DG1 2HR</p> <p><i>Phone No.</i> [REDACTED]</p> <p><i>Email:</i> [REDACTED]</p> <p><i>Site Address:</i> River Nith, Dumfries</p>	
<p><b>5. NAME OF ANY DEPARTMENTAL WITNESS</b> (Note 3)</p> <p>.....</p>	<p><b>6. LENGTH OF HEARING/PUBLIC INQUIRY</b> (Note 4)</p>
<p><b>7. ANY SPECIAL FEATURES OR COMPLICATIONS</b> (Note 5)</p>	

This form should be sent to:-

Scottish Government Directorate of Planning & Environmental Appeals  
4 The Courtyard  
Callendar Business Park  
Callendar Road  
Falkirk  
B3847791

Signed .....  
Room No and Address  
The Scottish Government,  
Env Determinations Team, Mail Point 13,  
Area 1 – G (North), Victoria Quay, Edinburgh

FK1 1XR

EH6 6QQ Tel No:



B3847791

**THIRD PARTIES**

**Colin Clark**



**David Slater**



**Michael Russell, MSP**

**From:** Nicoll L (Lindsey)  
**Sent:** 26 May 2010 12:47  
**To:** Redpath C (Carol-Anne); Kinnaird A (Andy)  
**Subject:** RE: Environmental Appeals - Suggested wording for Appellant/Agent re transfer

Sorry, should have said that this could be adapted for Jim's River Nith case by saying: Your case has been allocated to a reporter who has reviewed the case and who EITHER has asked me to raise the following issue with you: add Jim's text OR who notes that + Jim's text. Hope this makes sense !

Lindsey

I've done a bit of tweaking to try to make it clearer that we will now be determining the appeals (although I'm not sure that the uninformed reader would grasp that !) and to avoid a reference to reporters being employed by DPEA. What do you think ?

L

I am writing to let you know that responsibility for environmental appeals was transferred to the Scottish Government's Directorate for Planning and Environmental Appeals (DPEA) with effect from 19 April 2010. Please address any further correspondence on the appeal to this office.

Scottish Ministers have formally delegated authority to hear and determine environmental appeals to DPEA reporters. Your case has been allocated to a reporter who is currently reviewing the papers. We will write to you shortly regarding what further procedure, if any, the reporter considers necessary in this case.

In the meantime, please do not hesitate to contact me at the number or email address above if you have any questions about the appeal.

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**From:** Redpath C (Carol-Anne)  
**Sent:** 25 May 2010 18:38  
**To:** Kinnaird A (Andy)  
**Cc:** Nicoll L (Lindsey)  
**Subject:** FW: Environmental Appeals - Suggested wording for Appellant/Agent re transfer

Andy – didn't quite read right so had made a small tweak!

Thanks

C-A

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**From:** Redpath C (Carol-Anne)  
**Sent:** 25 May 2010 18:31  
**To:** Kinnaird A (Andy)  
**Cc:** Nicoll L (Lindsey)  
**Subject:** Environmental Appeals - Suggested wording for Appellant/Agent re transfer

Andy

Have attached below the wording which we will be putting in the cover letter to SEPA/appellant enclosing the decision notice for Fair City Skip Hire case.

“Since the hearing the determination of environmental appeals has been delegated by Scottish Ministers to reporters employed by the Directorate for Planning and Environmental Appeals. Instead of reporting with a recommendation to Scottish Ministers, as would have been the procedure previously, the reporter is now appointed under section 114(1)(a) and (2)(a)(ii) of the Environment Act 1995 to determine the appeal. The Minute of Appointment is dated 30 March 2010”

We could use this as a basis to write out to the appellant's/agents informing them that we will now determine their appeal. We can then simply copy the letter to SEPA/Scottish Water for info.

How about the following as a starter:

“I am writing to let you know that the determination of environmental appeals which was previously carried out by the Scottish Government's Environmental Appeals Team (Determinations Team) has been transferred to the Scottish Government's Directorate for Planning and Environmental Appeals (DPEA) as of 19 April 2010.

This means that we have taken over the appeal and that any future correspondence will be issued by us including the final decision notice. Scottish Ministers have delegated the authority to determine environmental appeals to reporters employed by DPEA.

We will be in touch in due course if, further information is needed, if the exchanges are not complete or, to advise you of the appeal decision.

Please do not hesitate to contact me at the number or e-mail address above if you need to discuss this matter”.

Thanks

Carol-Anne



[REDACTED]

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**From:** Redpath C (Carol-Anne)  
**Sent:** 21 June 2010 14:57  
**To:** Jim McCulloch  
**Subject:** FW: APPEAL UNDER REGULATION 46(A) RIVER NITH, DUMFRIES (CAR/L/1033622)

Jim

For info – will let you know as soon as I receive anything.

Regards

C-A

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**From:** Redpath C (Carol-Anne)  
**Sent:** 21 June 2010 14:52  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** APPEAL UNDER REGULATION 46(A) RIVER NITH, DUMFRIES (CAR/L/1033622)  
**Importance:** High

Dear Ms Watson

I refer to my letter of 2 June 2010 concerning the above appeal and would now be grateful to know if you are in a position to provide the information requested.

Yours sincerely

**Carol-Anne Redpath**  
Processing & Decisions Manager

The Scottish Government  
Directorate for Planning and Environmental Appeals  
4 The Courtyard  
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**From:** Brown E (Emma) (DPEA)  
**Sent:** 20 July 2010 16:15  
**To:** Redpath C (Carol-Anne)  
**Subject:** FW: appeal, river nith Dumfries

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

[Carol-Anne](#)

This is in connection with environmental appeal reference Case 13721617.

[Thanks](#)

[Emma](#)

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**From:** DPEA  
**Sent:** 20 July 2010 15:51  
**To:** Brown E (Emma) (DPEA)  
**Subject:** FW: appeal, river nith Dumfries

[Emma, does this mean anything to you. Carol knows nothing, and I can't see anything obvious in either the CHS or the Environmental Appeals spreadsheet.](#)

[Dougie](#)

**FORWARDED FROM THE DPEA INBOX**

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**From:** DAVID SLATER [mailto:[\[REDACTED\]](#)]  
**Sent:** 20 July 2010 13:37  
**To:** DPEA  
**Subject:** appeal, river nith Dumfries

Dear Carol

You wrote to me recently concerning the appeal reference the river Nith in Dumfries. I wish to continue with the appeal. I can send another DVD FOR YOUR ATTENTION. The films are important, the reason being, I believe show what the problems are and what our town and its people have to endure in times of flooding which can be quite frequent. The flooding adds precious minutes on to the emergency services as alternative routes to hospital have to be sought. Can you send me the info as what I will have to do and send the film.. I am sorry I have just replied as I have been in the process of moving house. My new address is as follows. 1 lime grove Dumfries Scotland DG1 4SQ.

Kind regards

David R Slater

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[REDACTED]

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**From:** Redpath C (Carol-Anne)  
**Sent:** 02 August 2010 12:15  
**To:** [REDACTED]  
**Subject:** FW: appeal, river nith Dumfries

Dear Mr Slater

**WATER ENVIRONMENT (CONTROLLED ACTIVITIES) (SCOTLAND) REGULATIONS 2005  
APPEAL UNDER REGULATION 46(a) RIVER NITH, DUMFRIES (DUMFRIES AND GALLOWAY  
COUNCIL) (CAR/L/1033622)**

Thank you for your e-mail.

As stated in my letter of 2 June, the DVD attached to your letter received on 30 September 2009 was unreadable. You can either send another copy of the DVD or consider printing the material that it contains to ensure that it may be taken into account. It would be helpful if you could send the information to me by 16 August.

In the meantime, please do not hesitate to contact me at the number or email address below if you have any questions about the appeal.

Yours sincerely

**Carol-Anne Redpath**  
Section Manager – Development Plans & Case Work South

The Scottish Government  
Directorate for Planning and Environmental Appeals  
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**Sent:** 20 July 2010 13:37  
**To:** DPEA  
**Subject:** appeal, river nith Dumfries

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David R Slater

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