

Mr John Burrow  
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OUR REF AJMC/POW0039.0001  
YOUR REF  
3 October 2017

Dear Mr Burrow

### **Proposal for Installing Beaver Proof Gates at the Pow of Inchaffray ("the Pow")**

### **The Pow of Inchaffray Drainage Commissioners ("the Commissioners")**

### **Pow of Inchaffray Drainage Commission (Scotland) Bill**

We act on behalf of the Commissioners.

As you are aware, the Commissioners have introduced the Pow of Inchaffray Drainage Commission (Scotland) Bill ("the Bill") into the Scottish Parliament and it is currently being scrutinised by the Pow of Inchaffray Drainage Commission (Scotland) Bill Committee ("Committee"), established by the Scottish Parliament to examine the Bill and report to Parliament.

We have noted the terms of your submission to the Committee dated 13 September 2017 in relation to the Bill and in particular your acknowledgement that you have received costs estimates from the Commissioners for installing Beaver Proof Gates at the Pow.

For completeness, we attach as **Appendix 1** to this letter a quote for installing one such gate from a reputable contractor, Mr Ian R Ralston, in the sum of £20,840 (Excluding VAT). As you will be aware, two such gates will be required for the Pow, which will amount to £41,680 (Excluding VAT). However, these figures do not include agents/landowners' fees or ongoing maintenance costs.

You indicate in your submission that you will be discussing the potential level of funding support, or its availability, with the Scottish Government, before reverting to the Commissioners. It is the Commissioners' stance that the costs of installing the two Beaver Proof Gates together with any associated costs should be funded 100% by SNH or the Scottish Government.

The function of the Pow is to drain a total of 1,930 acres of land and that drainage function directly benefits agricultural, commercial and residential land through flood alleviation, surface drainage and foul

drainage. The Commissioners act on a voluntary "not for profit" basis and their proposed functions as defined in the Bill are to maintain, repair, renew and improve the Pow for the benefit of all affected proprietors ("Heritors"). The Commissioners currently recover the costs of these works through an annual assessment/charge levied on the Heritors under the 1864 Act, an Act which will be superseded by the Bill if and when it is enacted. Annual assessments for all works in relation to the Pow are around £20,000 (Excluding VAT), with these costs shared amongst the Heritors.

The Pow, as it is set in a flat landscape, is particularly susceptible to dam-building by beavers which are now present in the Pow and which are already significantly and adversely affecting the drainage function of the Pow. This will lead to very material increases in expenditure by the Commissioners in the exercise of their statutory duties. The requirement by the Commissioners to install Beaver Proof Gates and ongoing costs associated with beaver management are items of extraordinary and unanticipated cost.

The Commissioners have no source of income for undertaking these works other than the annual assessment/charge which requires to be paid by the Heritors. The costs alone of installing the Beaver Proof Gates would amount to a very significant increase (over 200%) in the annual assessment/charge payable by the Heritors, which would increase to around £62,000 (Excluding VAT) (i.e. £20,000 annual assessment (Excluding VAT), plus around £42,000 (Excluding VAT) for the gates).

It is considered reasonable that the additional costs of addressing the issues created by the beavers should be borne completely by SNH and/or the Scottish Government and not by the Heritors. This is because the presence of the beavers in the Pow and the need to exclude them is a direct consequence of policies of SNH and the Scottish Government which have supported the reintroduction and now protection of beavers. We understand that an initial figure of potential funding in the sum of £10,000 has been suggested by SNH as a contribution to the costs of installing and maintaining the Beaver Proof Gates. For the reasons given in this letter, this is completely inadequate but may have been offered at a time when the true costs of the gates had not been fully ascertained.

The Committee is due to meet again on 25 October 2017 and, if necessary, 1 November 2017, to consider a draft Preliminary Stage report to the Parliament on the Bill. The costs associated with the Beaver Proof Gates and the level funding available from SNH and/or the Scottish Government is an important issue and it would be most beneficial for all affected parties if this matter could be resolved as soon as possible in order to provide certainty for the Commissioners and the Heritors.

The Commissioners would wish to be involved in the discussions that you intend to have with the Scottish Government on this matter and would be wish to attend a meeting with you and the Scottish Government to further discuss the issues.

Yours sincerely



Alastair McKie  
Partner  
Anderson Strathern LLP

Cc Nick Hawthorne ( Nick.Hawthorne@parliament.scot) Clerk to the Pow of Inchaffray Drainage Commission (Scotland) Bill Committee

Appendix 1

**IAN R. RALSTON**  
**PLANT HIRE & DRAINAGE CONTRACTOR**

Mid Crieffvechter Farm, Crieff, Perthshire PH7 3QJ  
Telephone: 01764 655982, 07831 195 724

Savills Perth  
Earn House,  
Lamberkine Drive,  
Perth.  
PH1 1RA

Date **25.8.17**

V.A.T. Reg. No. 658 8006 26

Invoice No. **Idea of costs 8.17**

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**Pow of Inchaffray.**

**Proposed Beaver Gate.**

Gate to include 250mm x 250mm 8mm box section to support the gate, gate made from 80mm tube hung individually from the main box beam with, lower ends of the gate to be flexibly linked with spacers and an interconnecting steel rope, all steel is to be galvanized. A 5m long section of the ditch is to be lined with pre-cast concrete panels, and 150m of small square, dug in fence has been allowed for each banking.

Costs:

Gate materials and manufacturing.

Steel including galvanizing	5,200.00	
Concrete panels	3,690.00	
Manufacturing costs	<u>3,000.00</u>	11,890.00
Installation costs of the gate and concrete panels		6,250.00
Fence 300m, plus fixings to the gate and installation		2,700.00
		<hr/>
<b>Total excluding VAT</b>		<b>£ 20,840.00</b>

BEAVER GATE

SCALE 1/100

