

POW OF INCHAFFRAY DRAINAGE COMMISSION (SCOTLAND) BILL

Written submission received by Dr W T & Mrs F J Dove

The purpose of this submission is to present our concerns about the proposed new Bill and to suggest some points that the Committee may wish to consider making to the Bill.

As fully paid-up Heritors (who acknowledged and complied with the extant 1846 Pow Water Drainage Act since moving in on 24th August 2006), we see no reason for similarly paid-up Heritors to incur further costs should a reassessment/remapping exercise be deemed necessary. We respectfully suggest that such undertakings should be financed by those Heritors that are in arrears and – only if said recovered funds prove insufficient – should the extra burden be laid equally amongst all Heritors.

There is a complete lack of detail regarding the relationship between Balgowan estate and the Pow. The impact of homes at Balgowan over the few hundred metres that they front the Pow is unquantified. Assuming our waste water is discharged in to the Pow then it is either cleansed before doing so at the waste water treatment works, or it is surface/drain water which will have marginal environmental impact on the Pow. In contrast the water which is being discharged in to the Pow from the remainder of the 16+ miles of it which it drains comes mainly from farmland containing silt, agricultural fertiliser, etc. which could have significant impact in comparison.

Adoption of the waste water plant within the Balgowan estate will happen when the plant is brought up to the standard required by Scottish Water. At this point residents will be liable for the waste water collection charge to be added to council tax bills. At the point of adoption the technical collection of water and disposal will remain unchanged for residents: the house builder, which currently owns and operates the plant at their expense, does not in itself have an impact on the new Bill. As the collection and removal of waste water is currently done by the house builder, they therefore should be responsible for any discharge in to the Pow. This will change at some point once the responsibility of Scottish Water and therefore that body should be responsible for any charges being levied to the homes served by the Pow, not the householders who will effectively otherwise pay twice for the collection and removal of the waste water generated (once to the Commission and again to Scottish Water).

Points for consideration

1. The new Bill should include specific detail to avoid any conflict of interest between Heritors and those undertaking professional duties for the Commissioners: this should also include a requirement to tender any of the works required for maintenance or improvement works. It is essential to seek best value for money to ensure the annual cost of works on the Pow is as low as possible.
2. There must be absolute transparency of the proposed costs for the annual Pow charge. There must be an open book approach so it is clear to all the Heritors how the bill and the amount that they will be charged is calculated.

3. There must be the ability to seek a review of the annual assessment if required (e.g. a substantial increase over the previous year's charge): this must be a meaningful process which might actually result in amendments to the assessment if justified.

4. Significant increases of the annual charge must be controlled and restricted.

5. There must be a provision to engage with the community group at Balgowan estate. This should only take place if the group is formally constituted. This engagement could take the place of the requirement for three individual Commissioners from the estate but the group should have the power of at least 3 Commissioners. The estate constitutes over 70% of the Heritors and should have a significant and meaningful voice within the Commission.