

May 2016



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**Pow of Inchaffray Drainage Commission Bill - Consultation**

We are writing to you as you are the owner of property located within the area of land which benefits from the drainage provided by the Pow of Inchaffray.

As you may be aware, the Pow of Inchaffray is a drainage ditch that flows from Methven Moss to the River Earn. It is managed by the Pow of Inchaffray Commissioners.

The arrangements for maintaining and improving the Pow are contained in the Pow of Inchaffray Drainage Act 1846 ("the 1846 Act"). Part of these arrangements incorporates a scheme whereby the costs of improvements to and maintenance of the Pow can be levied against the owners of the lands benefiting from the Pow. The 1846 Act, including the levy scheme, now requires to be updated to ensure that the Pow can be effectively maintained and, where required, improved in the future.

Landowners and householders in the Balgowan development have been making payments to the Commission. You have not received an assessment in the past but as your property has now been identified as benefiting from the Pow, you may be affected by the current proposals.

The Commissioners propose to update the legislation by introducing a Private Bill in the Scottish Parliament. The key points to be aware of are:

- (1) The Commissioners have the power to charge the owners of the land benefited by the Pow a levy towards the works carried out in relation to the Pow. The scheme for assessing the value of this land and therefore the amount due by you may be altered by the proposed Bill.
- (2) The Commissioners would have a statutory right of access to your land where necessary to carry out their statutory functions, subject to reinstatement made necessary by any resulting damage.
- (3) If you propose to carry out works to your land that may disturb the banks of the Pow you would need a licence from the Commissioners to do so.

- (4) As the owner of land benefiting from the drainage of the Pow you would be entitled to attend meetings and vote on arrangements relating to the Pow, including the appointment of Commissioners.

The Commissioners' proposals are set out in detail in the enclosed consultation document. The Commissioners would welcome any feedback or comments from you in relation to these proposals.

**This consultation will run until 15 July. A public meeting will be held on Friday 17 June at 7.00 pm in the Gask Hall, which you are invited to attend. This will give you the opportunity to raise any questions or concerns you might have about the proposals to amend the 1846 Act. Please submit written responses before 15 July. Information on responding to the consultation is included in section 5 of the consultation document.**

Once the consultation period closes, the Commissioners will consider responses and whether any amendments should be made to the draft Bill proposal in advance of introducing the Private Bill in the Parliament. Once the Bill has been introduced in Parliament, there will be a 60-day objection period. At the end of that period the Bill will be considered as part of a three-stage process. A specially formed committee of 3-5 MSPs will be formed to scrutinise the Bill. At the first stage (Preliminary Stage), the Committee will consider the general principles of the Bill and whether it should proceed as a Private Bill. It will also consider any objections in principle to the Bill. The Committee then produces its Preliminary Stage Report which will be debated by the Parliament as a whole which will be asked to consider whether the Bill should proceed to the next stage. If the general principles of the Bill are agreed by the Parliament, the Bill passes to a second stage (Consideration Stage) when the Committee will consider any objections in detail to the Bill and any amendments. Once the Bill has completed its Consideration Stage, it passes on to its Final Stage. At this point Parliament considers any further amendments and will then be asked to decide on whether the Bill should be passed in final form. More information on the Private Bill procedure can be found on the Scottish Parliament website at: <http://www.scottish.parliament.uk/parliamentarybusiness/Bills/29669.aspx>

Any questions regarding this consultation exercise should be directed to McCash & Hunter LLP, 25 South Methven Street, Perth PH1 5PE.

As a reminder, in order that your views on the Bill proposals can be taken into account please provide your response to the consultation document in writing to McCash & Hunter no later than 15 July 2016.

Yours faithfully

McCash & Hunter LLP  
Clerk to the Commissioners of the Pow of Inchaffray