

THE POW OF INCHAFFRAY DRAINAGE COMMISSION (SCOTLAND) BILL

Supplementary written evidence received by Tom Davies

1. Within the Promotors Memorandum (para 14, p4) it states 'it is vitally important that the pow is maintained to prevent flooding in the area'. I have read through the bill and can see no reference to flooding, in fact the word seems impossible to find. Therefore it appears the Commission, who have used the flooding argument in the heritors meetings and the memorandum have no obligation to protect any property from flooding or if any property does flood, have any duty to complete the necessary works to manage the pow to remove the cause of the flood. This seems remarkable given it is considered 'vitally important'. I ask the question - why make such a strong case yet not include any responsibility on the commission to manage the flood risk or commit to carrying out remedial works on the pow in the event of a flooding event.
2. The bill is not written in plain language nor does it contain easily understood detail regarding the likely costs to heritors of the new bill.
3. The bill includes provision to appoint a surveyor but doesn't explicitly state how this professional will be independent of the commissioners.
4. A new commissioner from the Balgowan development is proposed - this is welcomed. However, this individual would not be able to veto any proposal the commissioners make (within their legal powers) due to the voting arrangements. Therefore, in reality the new commissioner appears to be powerless.