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## OFFICIAL REPORT AITHISG OIFIGEIL

# Pow of Inchaffray Drainage Commission (Scotland) Bill Committee

Wednesday 23 May 2018



The Scottish Parliament Pàrlamaid na h-Alba

Session 5

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## Wednesday 23 May 2018

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## POW OF INCHAFFRAY DRAINAGE COMMISSION (SCOTLAND) BILL COMMITTEE 4<sup>th</sup> Meeting 2018, Session 5

#### CONVENER

\*Tom Arthur (Renfrewshire South) (SNP)

### **COMMITTEE MEMBERS**

\*Mary Fee (West Scotland) (Lab) \*Alison Harris (Central Scotland) (Con)

\*attended

CLERK TO THE COMMITTEE Nick Hawthorne

LOCATION

The Sir Alexander Fleming Room (CR3)

## **Scottish Parliament**

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

Wednesday 23 May 2018

[The Convener opened the meeting at 10:01]

## Pow of Inchaffray Drainage Commission (Scotland) Bill: Consideration Stage

**The Convener (Tom Arthur):** Good morning, and welcome to the fourth meeting in 2018 of the Pow of Inchaffray Drainage Commission (Scotland) Bill Committee.

Agenda item 1 is to consider the merits of the three objections to the bill. Evidence on the objections was taken at our meeting on 13 December 2017. Following that meeting, we received the responses we sought from the promoters and Scottish Water. Earlier this year, committee agreed to defer further the consideration of the objections until the issue of the accuracy of the land plans had been resolved. Now that new land plans and an accompanying explanatory report have been submitted and considered by the committee, we return to consider the objections.

Given all the evidence that we have taken to date, we will now consider the merits of each objection. Although the committee is required to consider the merits of objections, it is optional for it to accept or reject the objections.

The first objection is in the name of Gareth Bruce. I invite members to comment on Mr Bruce's objection.

Mary Fee (West Scotland) (Lab): The main thrust of Gareth Bruce's objection is that his property does not drain into the pow because it is too far away. Given the evidence that we have heard and the investigations that we have done, I am content that Mr Bruce's property benefits from the pow as surface and foul water from his property drains directly into it. Therefore, he is liable for costs. I am also content that the bill contains suitable safeguards relating to the definition of land categories, which is another area that concerns Mr Bruce. I am minded to reject the objection.

Alison Harris (Central Scotland) (Con): I agree—I, too, am minded to reject Mr Bruce's objection on the basis of those points and various

others. I do not think that he fully appreciates the issues. In his objection, he refers to a surveyor using "fictitious values" and he calls for the commissioners to pay compensation. I do not think that he appreciates that it is the heritors who pay into the commission and it is not the commissioners' money as such. The overriding consideration is that his property definitely benefits from the pow and, as such, he should be included and should pay the charge.

The Convener: Is it therefore the committee's view that none of the reasons for Mr Bruce's objection should be upheld, that it disagrees with Mr Bruce and that his property benefits from the pow?

#### Members indicated agreement.

**The Convener:** In that case, I confirm that the committee rejects Mr Bruce's objection in full.

The second objection is in the joint names of Mr and Mrs Bijum. I invite members' comments on their objection.

Mary Fee: In a similar vein, Mr and Mrs Bijum's objection is that their property does not have any benefit from the pow and they are not liable to any costs. Again, because of the committee's investigations and the responses that we have bill's promoters-the received from the commissioners-I am content that Mr and Mrs Bijum's property benefits from the pow and they are liable to pay a charge towards its upkeep. The fact that they have not paid before is unfortunate, but the land plans have been redrawn and it is quite clear that everyone who benefits should pay. I am minded to reject the objection.

Alison Harris: I agree with Mary Fee. The points that she raised are correct and I am also minded to reject the objection.

**The Convener:** It is clear that the committee does not wish to uphold the objection in the name of Mr and Mrs Bijum. The committee's decision is that the objection is rejected in full.

The third objection is in the name of Tom Davies. I invite members to comment.

Alison Harris: Tom Davies is in a slightly different position. When we took evidence from him, he had to admit that liability to pay is included in his title deeds and that he should pay. If the requirement to pay is in his title deeds, it is only correct that we uphold that and that he should be involved in paying the charge.

**Mary Fee:** I agree with Alison Harris. Tom Davies raises several points. He raises a fair point on the right of appeal against the level of the annual budget that is set. Having a right of appeal is something that the commissioners should look on very favourably. On the remaining points of his objection, when Tom Davies gave evidence to the committee, he acknowledged by the end of it that he was liable to pay, given the proximity of his property to the pow. He accepted that point. However, I would uphold that part of his objection relating to a right of appeal.

#### Alison Harris: I agree.

**The Convener:** There are three elements to the objection lodged by Mr Davies. Is the committee content that the first two parts of the objection, relating to benefited land and the requirement for heritors to pay towards the promotion of the bill, should not be upheld?

#### Members indicated agreement.

**The Convener:** Is the committee content to uphold the element of Mr Davies's objection that relates to the right to appeal the level of the annual budget?

#### Members indicated agreement.

**The Convener:** I confirm that the committee rejects the two parts of Mr Davies's objection concerning benefited land and the requirement for heritors to pay towards the promotion of the bill. However, the committee upholds the element of the objection relating to the right to appeal the level of the annual budget.

That concludes our consideration and disposal of the objections. Objectors will be contacted by the clerk and informed of the decisions that we have taken.

We will shortly go into private session to consider our draft report but, before that, I confirm that members of the committee are now able to lodge amendments to the bill and the clerk will liaise with the promoters accordingly.

The next meeting of the committee will be on Wednesday 20 June 2018 at 10 am. At that meeting, the committee will consider any amendments lodged for consideration stage and decide, under rules 9A.9.7B and 9A.9.7C, whether any adversely affect private interests and, if so, whether they have sufficient merit that there is a possibility of their being agreed to after further scrutiny.

#### 10:08

Meeting continued in private until 11:06.

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Published in Edinburgh by the Scottish Parliamentary Corporate Body, the Scottish Parliament, Edinburgh, EH99 1SP

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