



The Scottish Parliament  
Pàrlamaid na h-Alba

# POW OF INCHAFFRAY DRAINAGE COMMISSION (SCOTLAND) BILL COMMITTEE

## MEETING DETAILS

2nd Meeting, 2018  
**Wednesday 7 March 2018**  
The Sir Alexander Fleming Room (CR3)  
Meeting starts at **10.00 am**

## COMMITTEE PAPERS

Agenda  
Clerk's cover note

## ADDITIONAL INFORMATION

The Pow of Inchaffray Drainage Commission (Scotland) Bill and accompanying documents

- Bill (As introduced) (458KB pdf posted 17 March 2017)
- Explanatory Notes (313KB pdf)
- Promoter's Memorandum (741 KB pdf)
- Promoter's Statement (194KB pdf)
- Maps of the area
- Pow of Inchaffray Drainage Act 1846 (2.63MB pdf)

## NOTICES

Next Meeting  
18th April 10.00 am, Committee Room 3



The Scottish Parliament  
Pàrlamaid na h-Alba

**POW OF INCHAFFRAY DRAINAGE COMMISSION (SCOTLAND) BILL  
COMMITTEE**

**AGENDA**

**2nd Meeting, 2018 (Session 5)**

**Wednesday 7 March 2018**

The Committee will meet at 10.00 am in the Sir Alexander Fleming Room (CR3).

1. **Pow of Inchaffray Drainage Commission (Scotland) Bill:** The Committee will consider a written submission from the promoters of the Bill.

Nick Hawthorne  
Clerk to the Pow of Inchaffray Drainage Commission (Scotland) Bill Committee  
Room T2.60  
The Scottish Parliament  
Edinburgh  
Tel: 0131 348 5417  
Email: [private.bills@parliament.scot](mailto:private.bills@parliament.scot)

The papers for this meeting are as follows—

**Agenda item 1**

Clerk's Cover Note

POI/S5/18/2/1

**Pow of Inchaffray Drainage Commission (Scotland) Bill Committee****2nd Meeting, 2018 (Session 5), 7 March 2018****Consideration Stage – phase one****Background**

1. The Committee published its Preliminary Stage report on 3 November 2017.<sup>1</sup> This report was debated during the Preliminary Stage debate held in the Parliament on 16 November 2017.<sup>2</sup> The Parliament agreed to the general principles of the Pow of Inchaffray Drainage Commission (Scotland) Bill and that it should proceed as a Private Bill. The Bill therefore has proceeded to Consideration Stage.

2. The purpose of Consideration Stage is to consider the detail of the Bill. In this instance, the Stage will consist of two distinct phases. The first phase includes the Committee meeting in a quasi-judicial capacity to consider and dispose of the objections, as well as a consideration of the further evidence submitted to the Committee, and the second phase will see the Committee meeting in a legislative capacity to consider and dispose of any amendments lodged to the Bill and to consider each section, schedule, and the Long Title of the Bill.

3. Once Consideration Stage has been completed the Bill will proceed to Final Stage, which consists of the Parliament considering any further amendments lodged and then deciding whether to pass the Bill.

**Phase one – land plans issue and other written submissions**

4. During phase one of Consideration Stage to date, the Committee has received numerous written submissions<sup>3</sup>. One batch of submissions, from an individual (Peter Symon), raised the issue of potential inaccuracies in the land plans submitted by the promoters to the Parliament when the Bill was introduced, and which are published on the Parliament's website. These plans fundamentally underpin the Bill by showing the benefited land, and therefore who should pay towards the upkeep of the Pow, and it is therefore critical that they are as accurate as possible.

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<sup>1</sup> Pow of Inchaffray Drainage Commission (Scotland) Bill Committee (2017). Preliminary Stage report. Available at:

<https://digitalpublications.parliament.scot/Committees/Report/POI/2017/11/3/Pow-of-Inchaffray-Drainage-Commission--Scotland-Bill---Preliminary-Stage-Report#>

<sup>2</sup> Scottish Parliament. Official Report, 16 November 2017. Pow of Inchaffray Drainage Commission (Scotland) Bill Preliminary Stage debate. Available at:

<http://www.scottish.parliament.uk/parliamentarybusiness/report.aspx?r=11196&i=102063>.

<sup>3</sup> Pow of Inchaffray Drainage Commission (Scotland) Bill Committee. Written submissions at Consideration Stage. Available at:

<http://www.parliament.scot/parliamentarybusiness/CurrentCommittees/104907.aspx>.

5. The Committee took oral evidence from the promoters of the Bill on 24 January 2018<sup>4</sup>, predominantly on the land plans issue, but also on a range of other issues raised in other written submissions made to the Committee.

6. At that meeting the promoters acknowledged that the land plans submitted by them when the Bill was lodged are not accurate, as they were not aware (until highlighted by Peter Symon) that a land plan from 1848, a Book of Reference and Estimate of Expense dated 1847, and an Estimate of Increased Value dated 1851, were in the public domain.

7. The meeting clarified two possible options for next steps—

- that the promoters commission Savills to re-draw the land plans, using all of the acknowledged available information; or
- that a complete new reassessment of the land be undertaken (the promoters were due to meet with the Association of Drainage Authorities (ADA) to explore the viability of this option further).

8. The promoters also stated that they would try to gain access to a plan from 1851 (the existence of which was brought to their attention by Peter Symon) which they had not seen but which was held by the National Records of Scotland.

9. The promoters agreed to write to the Committee once they had decided which option they wished to pursue.

10. The promoters subsequently sent a written submission to the Committee on 21 February 2018 which also included a note of a meeting with the ADA; a memo from Savills re the 1851 Map (actually from 1850); and the Minutes of a Commissioners' Meeting held on 5 February 2018. The submission and all attachments can be seen at the Annexe.

11. The submission confirms that, following a meeting with the ADA, the Commissioners have concluded that, as a re-assessment would be prohibitively expensive and is not necessary, the best way forward would be the first option – that Savills be commissioned to re-draw the land plans based on all the available information. The memorandum from Jonathan Willet at Savills confirms that the 1850 plan has now been accessed and can be used in the preparation of the new plans.

12. The submission also addresses the issue of the land at Dollerie, following previous evidence and discussion. It confirms that the land at Dollerie has never been charged due to an agreement in 1846 with the then land owner and asks the Committee's guidance on whether/how to charge the Dollerie lands.

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<sup>4</sup> Pow of Inchaffray Drainage Commission (Scotland) Bill. *Official Report*, 24 January 2018. Available at: <http://www.scottish.parliament.uk/parliamentarybusiness/report.aspx?r=11333>.

13. The submission also confirms that the Commissioners are agreeable to the Bill being amended to allow for three Commissioners for the Balgowan section, giving nine Commissioners in total, requiring a quorum of five for meetings, and confirms that RPI is the proposed index to be used for linking the annual budget in terms of a right to appeal the budget should it exceed £60,000.

14. **The Committee is asked—**

- **whether it has any views on the promoters proceeding as proposed and commissioning Savills to redraw the land plans based on the available plans (1846, 1848, and 1850), the Book of Reference and Estimate of Expense dated 1847, and the Estimate of Increased Value dated 1851;**
- **to invite the promoters to submit the new plans and explanatory report (see below) to the Committee if possible by 9 April 2018 (which allows for the four weeks the promoters and Savills estimated would be required to complete the work, and allow the Committee too meet to consider the plans on 18 April 2018);**
- **to invite the promoters to submit an explanatory report along with the new plans which details—**
  - **the methodology used for drawing the plans;**
  - **the outcome/consequences of the new plans;**
  - **how the plans affect current heritors;**
  - **if the plans identify any new heritors;**
  - **how and when the Commission will engage with heritors old and new regarding the new plans and the consequences;**
  - **an updated list of all heritors (agricultural, residential and commercial) under the new plans, and how much each heritor would pay based on an annual budget of £20,000, using the method of calculation set out in the Bill (rather than the alternative method proposed, by which residential properties would be charged on a five times the footprint basis); and**
  - **that the Commission has taken all reasonable steps to ensure that all relevant documents have been considered.**
- **whether it has any views on the Dollerie lands, and whether those should continue to be exempted;**
- **to note the promoters' willingness to allow for three Balgowan section Commissioners (and nine in total, with a quorum of five for meetings);**
- **to note the promoters' intention to use RPI to index-link the budget for the purposes of an individual right to appeal an annual budget in excess of £60,000.**

### Phase one - objections

15. During its Preliminary Stage scrutiny the Committee considered the three objections (made by Gareth Bruce, Mr and Mrs Bijum and Tom Davies)<sup>5</sup> which had been lodged and agreed not to reject any of them.

16. Accordingly, the first phase of Consideration Stage included taking evidence on the objections in a quasi-judicial setting (which took place on 13 December 2017<sup>6</sup>). The promoters made a written submission<sup>7</sup> ahead of the meeting, and circulated and referred to a pack of papers<sup>8</sup> during the meeting.

17. Following the meeting, the Committee contacted the promoters and Scottish Water to ask for clarification on various matters. The responses can be found online<sup>9</sup>.

18. On 24 January 2018 the Committee agreed to defer further consideration and disposal of the objections until the land plans issue was suitably resolved.

### Phase two - amendments and detailed consideration of the Bill

19. The Committee will not proceed to phase two of Consideration Stage (the consideration of any amendments and detailed consideration of the Bill) until the land plans issue has been suitably resolved, and the objections to the Bill have been further considered and disposed of. The Committee has agreed to publish a report to detail its phase one Consideration Stage deliberations.

20. Following the consideration and disposal of the three objections, members of the Committee will be able to lodge amendments to the Bill, and a deadline will be set (see below). More information relating to phase two of Consideration Stage can be found in paper POI/S5/17/6/1<sup>10</sup>.

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<sup>5</sup> The three objections made to the Bill are available at:

<http://www.scottish.parliament.uk/parliamentarybusiness/CurrentCommittees/104909.aspx>.

<sup>6</sup> Pow of Inchaffray Drainage Commission (Scotland) Bill Committee. Official Report, 13 December 2017. Available at:

<http://www.parliament.scot/parliamentarybusiness/report.aspx?r=11267>.

<sup>7</sup> Written submission at Consideration Stage by Anderson Strathern on behalf of the Pow of Inchaffray Commissioners. Available at:

[http://www.scottish.parliament.uk/S5PrivateBillsProposals/Letter\\_from\\_Promoters\\_6\\_December\\_2017.pdf](http://www.scottish.parliament.uk/S5PrivateBillsProposals/Letter_from_Promoters_6_December_2017.pdf).

<sup>8</sup> Papers referred to by the promoters at the Pow of Inchaffray Drainage Commission (Scotland) Bill Committee meeting on 13 December 2017. Available at:

[http://www.scottish.parliament.uk/Pow%20of%20Inchaffray%20Drainage%20Commission%20\(Scotland\)%20Bill/20171213\\_Promoters\\_Papers.pdf](http://www.scottish.parliament.uk/Pow%20of%20Inchaffray%20Drainage%20Commission%20(Scotland)%20Bill/20171213_Promoters_Papers.pdf).

<sup>9</sup> Pow of Inchaffray Drainage Commission (Scotland) Bill Committee. Written submissions at Consideration Stage. Available at:

<http://www.parliament.scot/parliamentarybusiness/CurrentCommittees/104907.aspx>.

<sup>10</sup> Pow of Inchaffray Drainage Commission (Scotland) Bill Committee meeting on 22 November 2017. Paper POI/S5/17/6/1. Available at:

[http://www.scottish.parliament.uk/S5PrivateBillsProposals/20171122\\_Public\\_Pack.pdf](http://www.scottish.parliament.uk/S5PrivateBillsProposals/20171122_Public_Pack.pdf).

**Remaining provisional Consideration Stage timetable**

7 March Consideration of the written submission from the promoters on the land plans issue.

31 MARCH–15 APRIL EASTER RECESS

18 April Consideration of the new land plans and accompanying explanatory report.

2 May Consideration and disposal of the three objections;  
Consideration and agreement of a Consideration Stage report.

*The Bill would then be open for amendments with a provisional deadline for lodging of Monday 21 May.*

23 May Consideration of whether any amendments lodged adversely affect private interests and, if so, pass the merits test\*.

27 June Evidence from any objectors to particular amendments (should the Committee have determined that any amendments lodged adversely affect private interests and, if so, pass the merits test and have set an objection period for those amendments).

30 JUNE–2 SEPTEMBER SUMMER RECESS

12 September Consideration and disposal of any objections lodged to particular amendments.

26 September Consideration of any amendments and consideration of the sections, schedules and Long Title of the Bill.

*\*the merits test involves the Committee determining whether the amendments have (in the Committee’s opinion) “sufficient merit that there is a possibility of their being agreed to after further scrutiny” (Rule 9A.9.7C of the Parliament’s Standing Orders).*

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

**Written submission from Commissioner Hugh Grierson to the Clerk of the Committee, dated 21 February 2018**

As you know I will now be the point of contact between the Pow Commission and the Committee.

Following our meeting in Parliament on 24th January you raised several points in your E-mail to Alistair McKie and I would like to begin answering them.

Jo Guest, Jonny Willett and myself met with Innes Thomson the chief executive of ADA on 25th January. In that meeting and subsequently at a meeting of the Pow Commissioners on 5th February we concluded that it is not possible to use ADA to decide the limits of the lands benefited by the Pow. We concluded that the best method was to follow the limits set by the 1846 Act. I enclose Notes of the ADA meeting for the record.

We have also received copies of the '1851 map' and Savills have had time to look at it. We now propose referring to it as the '1850 Map' as that is the date used in its title. We are pleased to report that it shows the same information as previous maps but in greater clarity. We think it would be useful to the surveyors in transferring the boundaries of the 1846 Act into modern format. I attach a memo from Jonny Willett regarding the map.

As a result of these two factors we believe that the best way to determine the limits of benefited land is to instruct Savills to use all the information from the 1846 Act to determine the boundaries used in that Act and then transfer the information into modern format. If the Committee is in agreement then we can draw up a detailed methodology for Savills to follow and also a methodology for communicating with heritors and others who may be affected by the changes. We would not proceed until these methodologies satisfied the Committee.

In order to draw up the methodology we need to decide how to charge Dollerie. The 1846 survey plan shows a narrow section of land adjacent to the Pow at Dollerie as benefiting from the works. However, it was agreed by the Commission in 1846 that Mr Murray, the owner, that Dollerie would be exempted from any share of the expense of the works. This agreement is confirmed in the Report and Book of Reference 1847 in which the surveyor states—

“I have now not apportioned any part of the estimated expense of the works etc to Mr Murray of Dollerie as by the agreement entered into betwixt him and the committee of heritors for carrying the bill through Parliament, it was provided that he was not to be liable in any part of the expenses. I must also state that I have prepared the plans of works in terms of that agreement the effect of which is that the amount of the

expense of the works have been very considerably increased above what is necessary for the purpose of the drainage or expedient for Mr Murray's own interest. I may further add that I could have executed the works so as not only to improve the amenity of Dollerie as a residence, but also to give the estate all advantages of drainage that it will have by the plan now proposed".

It has been explained to the Committee for the present bill, that deepening the Pow through the bed of sandstone at Dollerie has been and continues to be the key feature for improving the drainage of all the benefited land upstream of Dollerie. The works carried out at Dollerie following the 1846 Act and again in 1995 caused very substantial disruption to Dollerie and could not have been executed without the goodwill and cooperation of the Murrays at Dollerie which had been obtained by the exemption from sharing the cost agreed in 1846. The land at Dollerie has not been charged any assessment since 1846. The Commissioners considered this at their recent meeting. The Commissioners agree that there is an area of land that is recorded as benefited but for which no assessment is paid. They believe that this arrangement has been to the benefit of all heritors in the past and would prefer to continue it in the new act. However they heard the Committee's concerns and realise that this may not be possible. The problem now for the Commissioners is that they find it hard to propose a deviation from the 1846 Act. The 1846 Agreement includes an agreement not to charge the benefited land at Dollerie. Counsel's opinion is that the Commissioners should leave the land at Dollerie out of account due to the agreement in 1846. If the Commission is not proposing to follow every part of the 1846 Act then it is using its own judgement to reallocate payments between heritors. If, however, the Committee had looked at the matter and decided that, in this instance, there was good reason to deviate from the 1846 Act then the Commissioners would follow this course. The Commissioners concluded by agreeing to ask the Committee for guidance as to how to charge the Dollerie benefited land. I enclose a copy of the minutes from the Commissioners' meeting to be made public.

The Commissioners also considered which index to use. They decided that RPI was the most widely used and understood index and therefore propose using RPI.

The Commissioners also considered the number of Commissioners and concluded that the Balgowan Section should have 3 Commissioners as they will be paying approximately a third of the assessments. They also concluded that a quorum of 5 would be appropriate for the increased number of Commissioners.

Enclosed for publication on Parliament's website:

1. Notes from Meeting with ADA.
2. Memo from Savills re 1850 Map.
3. Minutes from Commissioners' Meeting 5<sup>th</sup> February 2018.

**NOTE OF MEETING**

**POW OF INCHAFFRAY DRAINAGE COMMISSION**

**AT EARN HOUSE, LAMBERKINE DRIVE, PERTH**

**ON 25th JANUARY 2018**

**Present**

**Innes Thomson (IT) Chief Executive Association of Drainage Authorities (ADA) Hugh Grierson (HG) Pow of Inchaffray Drainage Commissioner J B Guest (JG) Pow of Inchaffray Drainage Commissioner Jonny Willett (JW) Savills**

1. IT explained that ADA's origins date back to 1937, as an organisation representing internal drainage boards (IDB) and interested parties in England and Wales. There are currently 110 full IDB members along with a number of associate trade members. Full members comprise IDBs, local authorities and other statutory bodies with an interest in arterial water courses in England and Wales. In addition to IDB members, other full members include 40 English local authorities, all of England's Regional Flood & Coastal Committees (RFCCs), a water company, the Coal Authority and national agencies including the Environment Agency, Natural Resources Wales and Department for Infrastructure (NI).

As well as providing legal and technical support to members, ADA acts as the representative body on IDBs' behalf between the IDB and DEFRA. IDBs predominantly operate under the Land Drainage Act 1991 (which does not apply in Scotland).

ADA's IDB members range in size with a total industry turnover of around £70million per annum. The smallest Boards have annual incomes of around £10k and the largest in excess of £3.5million so the Pow of Inchaffray Drainage Commission would be among a group of the smaller scale Boards.

Membership of ADA reflects the area managed by each member. On the basis that the benefitted area for the Pow of Inchaffray Drainage Commission is approximately 2,000 acres, membership costs would be £542 plus VAT per annum.

**2. Provision of Experts**

There was discussion regarding the requirement for an independent expert to decide appeals raised by the heritors. IT advised that ADA would be able to provide an expert from a group of experienced professionals dealing with the management of arterial water courses.

The cost of an expert including expenses is likely to be in the region of £1,000. This typically covering a visit over two days, travel, overnight accommodation costs and the preparation of a technical advice note covering the meeting(s).

### **3. Hearing in Parliament 24th January 2018**

There was discussion of the issues raised at the parliamentary hearing on 24th January. IT emphasised the importance of community engagement and explained that the usual practice for IDBs is for there to be a website which shows detailed information relating to the administration of the IDB. ADA would be able to advise the Commission on setting up a simple website based on a template already used for English IDBs.

ADA is also currently preparing guidance on the principles of good governance guidance for Internal Drainage Boards and, if they choose to become members of ADA, the Pow of Inchafray Commissioners would stand to benefit from best-practice advice and other guidance on the successful future management of the Commission.

### **4. Land Plans**

IT explained the approach taken by ADA in preparing land plans for new IDBs. He explained that ADA operates under the statutory and policy framework that applies in England.

IT explained that as part of the consideration of flood risk, it is common practice to look at an area in the "what if" state where there are no flood defences or assisted drainage, with regard to the general hydrology of the area and using available historic flood data.

When the circumstances of the Pow of Inchafray were further considered, IT considered it as normal that when establishing new drainage districts, appropriate studies are carried out to assess the extent of flood risk to determine the boundary of benefit. In this case where the Pow of Inchafray is a long established Commission with defined drainage district boundaries on existing plans, and with respect to the size of operation of the Commission, it would be unnecessary and financially unjustifiable to carry out new, detailed flood risk assessment work.

It appeared that there is difference of approach between the process set out in the ADA guidance note and the objectives of the Pow of Inchafray Drainage Commission which are the provision of drainage and the provision of outfalls for surface water and foul drainage as well as flood alleviation.

It was also noted that the Pow bill takes no account of works carried out to form and improve the Pow prior to 1846. The basis of the bill is to assess the benefit to heritors in terms of the provision of drainage and the provision of outfalls for surface water and foul drainage as well as flood alleviation by works carried out since 1846.

It was also noted that when taking into consideration the team of specialist advisers that would be required to carry out the work, the cost of preparing plans on the basis set out in the ADA note would be very substantial. In a situation such as the Pow of Inchaffray the cost would be prohibitive for the modest means of the budget, which is funded solely by the heritors and would be out of all proportion to any consequent adjustment of the assessments paid by individual heritors.

IT concluded that in his opinion, in order to identify benefitted land for the purposes of the bill there would be no better source of information than the plans and surveys carried out under the auspices of the 1846 Act and that it was entirely appropriate for the land plans for the new bill to be prepared on this basis. He was also of the opinion that given the statutory framework for the land plans under the 1846 Act, that it was not necessary to undertake a reassessment of the benefitted area using a team of specialist professionals. IT reiterated ADA's willingness to act as an independent expert and provide a professional opinion if the need were to ever arise.

**Memo from Jonathan Willett, Surveyor, Savills, to the Committee re the 1850 Map, dated 9 February 2018**

A copy of the Plan of the Lands Benefitted by the Drainage of Pow of Inchaffray 1850 was supplied by the National Records of Scotland on 9th February 2018.

Following an initial inspection I am satisfied that this is a fair and final copy of the 1848 plan showing the land benefitted by the works carried out under the 1846 Act. This is confirmed by the five docketts on the plan.

Further to this, the makeup of the plan is final in its presentation. In contrast to the 1848 plan, which had faded guidelines and markings showing the Limit of Deposit, the 1850 plan has clear and bold boundaries.

On this understanding, I believe using this plan as a template for the creation of the plan of benefitted land for the Pow of Inchaffray Drainage Commission (Scotland) Bill is the best course of action. The improved boundaries will reduce the area requiring subjectivity to an acceptable amount.

If acceptable to the Committee, Savills wish to prepare an updated plan based on the 1850 plan. The 1848 plan, the Book of Reference and the Valuation Schedules would also be used as a reference tool to ensure we plot the boundaries accurately and fairly.

**POW OF INCHAFFRAY DRAINAGE COMMISSION**

**MINUTES of MEETING of the COMMISSIONERS held within the Offices of MCCASH & HUNTER LLPs, 25 South Methven Street, Perth, on Monday 5 February 2018 at 10.00 am**

**PRESENT:-**

Commissioners:- Hugh Grierson (HG)  
Bill Drummond-Moray (BDM)  
Jonathan Guest (JG)  
John McKenzie (JMK)  
James England (JE)

In attendance: Shirley Davidson (SD) and Stephen Cranston (SC) of  
McCash & Hunter  
Jonny Willett (JW) of Savills plc

**1. Chairman**

Hugh Grierson was appointed Chairman.

**2. Parliamentary Committee meeting 24 January 2018**

HG reported on the Committee meeting held on 24 January. The matters arising as set out in the Clerk's e-mail of same date require to be addressed. The priority is to obtain the 1851 plan held by the National Library referred to by Peter Symon and which is at present "unfit for production". SD to contact National Library.

**3. Inclusion of Dollerie land as benefited land and subject to assessment**

It was noted that the land at Dollerie in accordance with agreement reached following the 1846 Act has not been included as benefited land. The commissioners agreed however that if the Committee's position was that the exemption of the land at Dollerie should not be continued under the bill that they would accept this decision.

**4. Additional Balgowan Commissioner**

It was agreed that there should be 3 Commissioners for the Balgowan Section and that the proposed quorum for Commissioners' meetings should be 5.

**5. Sewage treatment works at Balgowan**

It was noted that the Committee appeared to have accepted that if Scottish Water took over the private sewage works at the Balgowan

Estate, there would be no reduction in the assessments levied on householders.

**6. Indexation of amount above which an individual heritor could refer a proposed annual budget for review (£60,000)**

It was agreed that the preferred Index would be the Retail Prices Index as the longest established and best understood Index, and to date has given a higher rate than the Consumer Prices Index (which leaves the cost of homes such as mortgage payments and Council Tax out of the basket of goods the cost of which is measured; RPI takes account of these costs).

**7. Services out to tender**

It was noted that the Committee had indicated that it would consider that putting services out to tender would be good practice for the future.

**8. Association of Drainage Authorities (ADA)**

JG and JW advised that they and HG had met with Innes Thomson, the chief executive of ADA, on 25 January. The Parliamentary Committee had requested clarification of the Commission's intentions with regard to the definition of benefited land in the Bill i.e. whether the option of carrying out a fresh assessment of land benefited by the Pow was a realistic proposition, as an alternative to using the plan(s) prepared under the 1846 Act which had been the stated intention of the Commission until the alternative was proffered on 24 January. A draft note of the meeting had been prepared by them and forwarded to Mr Thomson who had made some comments. The draft note was considered and it was agreed to finalise this with Mr Thomson before forwarding it to the Clerk for production to the Committee. It was agreed that the alternative to using the 1846 plans, Books of Reference and Schedules was not feasible.

**9. Legal costs**

HG referred to the e-mail from Alistair McKie of Anderson Strathern which had been circulated previously. It was agreed to proceed on the basis set out.

**10. Assessments**

SC was instructed to send out assessments to all heritors including those agricultural heritors who were in credit for the current year.

**11. Thanks to the Chairman.**