

FINDHORN BAY LOCAL NATURE RESERVE (FBLNR)

MINUTES OF THE MANAGEMENT COMMITTEE MEETING

**HELD IN THE JAMES MILNE INSTITUTE, FINDHORN AT 1900HRS
ON WEDNESDAY 28 SEPTEMBER 2016**

Committee members present:

Roy Dennis (RHD) - Chair
Mo Hyde (MH) - Vice Chair, also representing Findhorn Heritage
Ian Hampson (IH)- Treasurer, also representing Findhorn Fairway Committee
Mike Crutch (MC) - installed as Secretary

Bill Barber (WB), Findhorn Angling Club
Colin Bell (CB), The Moray Council
Pat Carroll (PC), Findhorn & Kinloss Community Council
Cllr. Lorna Creswell (LC), The Moray Council
Karen Cunningham (KC), RSPB
Pete Finch (PF), Findhorn Foundation
Lisa Mead (LM) installed as a member representing Friends of Findhorn Bay
Cllr. Anne Skene (AS), The Moray Council
Richard Somers-Cocks (RS-C), conservation
Colin Shedden (CS), BASC
Ian Suttie (IS), conservation
David Shaw (DS), Dyke & Landward CC
Davina Thomas (DT), Findhorn Village Centre

Guest attendees:

Tom Brown (for the Kinloss nature trail), Christine Hunt (for The Findhorn Village Conservation Company - TFVCC). Twelve local residents were also present for the public session part of the meeting.

Apologies:

Donald Muir, Glenn Buchanan

1. Welcome & recent news

RHD welcomed everyone and stated that he would like to see each meeting start with a brief overview of recent happenings on the bay. RHD reported that of the seven Osprey nests he monitors that regularly rely on the bay as a food source, they had raised a total of 16 young this year. RS-C gave an overview of the building numbers of wading birds and duck species, while Pink-footed Geese numbers have risen in the last 24 hours from just under 600 to over 4,000 so migration is fully underway - a sighting of a Snow Goose by a local resident was also confirmed.

RHD introduced Mike Crutch as the new Secretary of the committee, and welcomed David Shaw as representative for the Dyke & Landward Community Council. Karen Cunningham returns as RSPB representative.

2. Public session

RHD outlined his vision for the structure of future meetings, in that he would like to move to conducting the whole meeting as a public session. However for tonight's meeting at least, especially with the ongoing wildfowling debate - as well as other administrative and organisational aspects to discuss in committee - he would limit the public session.

On the wildfowling issue itself, RHD announced that he is putting forward the creation of a dedicated sub-group which will convene as soon as possible with the intent to report back at the next FBLNR committee meeting on 6 December. RHD will act as chair, and Stephen Cooper - Head of Direct Services, The Moray Council (TMC) - will attend first meeting. He will look to have four representatives from the wildfowling community, and four representing other users of the bay. RHD undertook to act as an impartial chairman for the sub-group, with due governance, as well as engage with all parties individually ahead of the meeting in order to pave the way for effective debate and, hopefully, a resolution. TMC's mediation services had been offered, but RHD hoped that this would not be needed from the outset due to the approach being taken to construct the sub-group and prepare it for the debate.

The floor was opened to the public. A question of public safety was raised by a parent, her son having heard gunshots whilst attending Kinloss Primary School earlier that day. RHD strongly empathised with the situation, and recommended that any such incidents should be reported to the Police by calling 101. RHD will also include the matter in his next discussions with Forres police.

A Netherton resident reported that he had an encounter, whilst dogwalking, with a group of six wildfowlers in total darkness in recent days and their language abusive and attitude very poor. In the same area, hare coursing has also taken place recently as well as some questionable shooting activity which possibly infringed the 500 metre rule from property. RHD encouraged apparent crimes to be reported to the Police, and even if their response isn't timely to deal directly with an incident, the formal recording of such provides a body of information for future use. RHD also invited residents directly affected to e-mail him to again use as reference in any relevant discussions.

A question was asked as to who was responsible for health and safety on the bay - PC responded that it was The Moray Council.

Local residents had observed, and in some cases removed, intimidating signs placed on a footpath in the southeast corner of the bay, apparently been placed by pro-

wildfowling person/s. RHD was aware of them and said it was indicative once again for the need to reduce tensions and proceed with the structured dialogue that will be the aim of the forthcoming sub-group.

Following an e-mail exchange the day before the meeting, RHD invited Christine Hunt of TFVCC to speak to the meeting regarding land ownership around the bay. TFVCC has taken over a good proportion of the bay following purchase from Novar Estates. Christine said that caveats of sale had been to work with FBLNR and Findhorn Fairways Committee, therefore a local management plan would need to be drawn up. Christine also stated that the Crown Estate will be devolving to new body in Scotland from April 2017, initially for five years, and this could also have implications for the FBLNR. RHD said the committee was fully aware that various leases were due for renewal in the next 8 or so years, and it was prudent that a meeting be convened with TFVCC to establish a future framework. *Secretary's Note: The matter was discussed in committee later in the meeting and action assigned - see under AOB.*

The public session was brought to a close, and RHD thanked attendees for their input.

3. Minutes of meeting held on 21 June 2016

PC was missed off the list of attendees. LC wanted to enhance her comment as recorded - it should have clearly stated the intent to improve communications between TMC and the FBLNR committee, the beach hut planning application being a prime example of where the status quo proved inadequate.

The minutes of the last meeting were accepted with these amendments, proposed by PC, seconded by MH.

4. Matters arising

RHD reported that TMC had visited the bird hide car park to check on caravan use. The owners moved with the caravan soon after.

5. Chairman's report and update on wildfowling

RHD stated that he had been familiarising himself with various aspects and documents associated with the post, and had written to TMC for guidance on his role and responsibilities. TMC had sent him an up to date map defining the limits of the FBLNR together with the respective landowners, and the details regarding the FBLNR's leases from such. RHD has also taken steps to establish or re-affirm the committee's relationship with TMC, especially regarding planning issues as alluded to by LC earlier in the meeting.

RHD recommended that in light of any possible future sale of Kinloss Barracks/airfield, the future ownership of the strip of land along the bay on the west side of the public road, belonging to MOD, should be safeguarded for the FBLNR. This could be achieved by transferring it to TMC's present landholding at Findhorn Bay; it has been noted by TMC but no progress as yet, dependent on the future of the MOD tenure.

The wildfowling issue has, of course resulted in a great deal of work – RHD has attended two meetings at TMC HQ to observe mediation by them between Friends of Findhorn Bay and Martin Gauld, as well as a meeting with Scottish Association for Country Sports. TMC elected members (George Alexander and Aaron Maclean) had also engaged with RHD, and a TMC meeting on 20 September generated the recommendation for the FBLNR committee sub-group discussed earlier in the meeting to deal specifically with the issue; this was re-affirmed in a meeting between RHD and Stephen Cooper, Head of Direct Services TMC and Alasdair McEachan, Head of Legal and Democratic Services TMC on 26 September.

With much ongoing media interest, RHD has kept comments as chairman to a minimum as part of his wider move to lower the temperature of the overall situation and concentrate on focussed discussion through the sub-group as discussed earlier, with a vision to achieve a workable voluntary agreement which could be tested across the wildfowling season 2017/2018 which could form the basis of future byelaw framework. The committee agreed the move, and RHD will now pursue this course of action. **ACTION RHD**

6. Treasurer's update

IH reported no change to the accounts since the report at the AGM. RHD is now a signatory for the bank account.

7. Website update

RHD passed on the committee's thanks to RS-C for his efforts, who was supported by PC/MH. RS-C asked if whether the website should contain a contact facility (for e-mail enquiries, etc.) but, after a short discussion, it was agreed not at this time.

PC requested that with the initial project complete, the committee should now be able to sign off on it and thus request the funds in order to pay the web developer, Canary Dwarf; IH confirmed this would be £1.040 including VAT and an invoice from Canary Dwarf would be required. **ACTION PC**

Regarding use of the website for notification of forthcoming meetings, etc., publication of such in print media was agreed to be limited to the Forres District edition of *Spotlight* magazine and no further entries be placed in the *Forres Gazette*. **ACTION RS-C (website)/MC (print media)**

8. Information boards

RHD reported that an application to the Berry Burn Wind Farm Community Fund has been submitted. Eight information board sites had been prepared, with a further three required; PC will contact Ian Smart for such. **ACTION PC**

RS-C stated that a lot of the existing board stands needed appraising due to the rotten wood, etc., but it was confirmed by IH/PC that all of the present signs and stands would be replaced under this project.

Tom Brown asked about signage for the proposed nature trail, to which RS-C gave an outline on where the FBLNR boards will be positioned. Tom stated that as part of his nature trail project he had a budget for signage, as long as such met SNH's approval in terms of construction and content, therefore cross-funding could be an option should FBLNR be in need of such. IH requested that Glenn Buchanan be involved in any new funding requirement, while RHD asked those involved with the FBLNR sign project ensure all necessary landowner's involvement and agreement had been sought.

9. Nature trail at Kinloss

RHD reported he had met with Tom Brown to view the initial planned layout for the nature trail. Tom gave a short presentation to the committee, emphasising the project was designed with the aim to give disabled persons and those with poor mobility better access to the bay.

There is a potential Phase 2 for the project, seeing a trail extend to the north of the Phase 1 layout, and RHD aired concerns with regard to wading birds disturbance due to the proximity of the trail to their main feeding and roost areas. Tom said Phase 2 may not happen, but will keep FBLNR apprised. As the project currently stands, it is awaiting final sanction from SNH (due to its impact on the bay's SSSI status), as well as planning permission for the pavilion that will be erected at the northern end of the trail.

MC queried as to the litter potential as picnics on the trail were encouraged as part of the project, to which Tom said that SNH did not want any bins erected. RS-C stressed the need for some form of proper demarcation of the trail itself that will deter people from leaving it, thus preventing increased foot-fall on the important habitat and bird sensitive areas; RHD suggested that display boards used by the trail should promote awareness of disturbance of such. MH remarked that promotion of the FBLNR bird hide could also be included on the signs. RHD thanked Tom for attending, and to keep the committee fully informed of the project's progress.

10. Membership procedures and AGM date

RHD noted that in light of recent events, the composition of the FBLNR Management

Committee was in need of review. As the Constitution allows for the co-opting of 'other legitimate organisations' without the need for TMC's approval, RHD recommended the Friends of Findhorn Bay be represented accordingly. After a short discussion and agreement, Lisa Mead was installed as member of the committee, representing the Friends of Findhorn Bay, proposed by RHD and seconded by CB.

At the previous meeting, the FKCC was asked to recommend a member from Kinloss but no nomination had been forthcoming; a request had also been received from Manja Hannan who lives at the Whiteinch area of the bay. AS clarified such membership would be as an individual (specifically as a local resident), as opposed to community council representative, which RHD confirmed. PC will raise at the FKCC meeting on 29/9/16. **ACTION PC**

RHD had been reminded by IH regarding Findhorn Angling Club representation, and WB was attending in that capacity at the meeting tonight. RHD also suggested Bob Laughton, as Director of the Findhorn, Nairn & Lossie Fisheries Trust (FNLFT), would also be worthy of co-option due to work he and his organisation undertakes not only from the fishery perspective but also such conservation activities as hogweed eradication, etc.. The committee agreed FNLFT representation would be appropriate **ACTION RHD**

Lastly, RHD had been discussing SNH representation, specifically for the AGM which is currently schedule each June. The timing of such for SNH, as well as some other committee members can be problematic and therefore - without any fiscal year restrictions due to the status of the committee - RHD proposed that the AGM be moved to March with effect from 2017. The committee agreed the move, and RHD will communicate this to TMC for their information, and IH make any necessary adjustments to the accounting aspects. **ACTION RHD/IH**

11. Tern island

RHD commented that tern species are in overall decline along the Moray coast, and locally the loss of breeding habitat following the RAF's withdrawal from Kinloss meant that no such birds now nest around the bay. It was therefore proposed that an anchored island, to rise and fall with the tide and similar to others elsewhere in the UK, be constructed for placing in a central part of the bay. The meeting agreed the initiative, and RHD will progress in due course. **ACTION RHD**

12. Mosset Burn clean up

RHD congratulated RS-C on his efforts to remove a great deal of waste (car tyres, etc.) from the burn in recent weeks. The items have now been stockpiled near the disused rifle butts and are in need of disposal. CB will look into options for such, including possible use of people performing community service. **ACTION CB**

13. Management plan progress

RHD has been in discussion with Scottish Government environment representatives who reminded him on the need for an active management plan for the FBLNR. PC stated that he has a part draft, focussed on SNH specified aspects. CB offered to assist with the drafting, including possible assistance from TMC's countryside ranger staff member. **ACTION PC/CB**

14. Any other business

IH suggested that those committee members involved with the direct management of the bird hide be reviewed, in particular those who are contactable for passing the access code to visitors, as well as general maintenance in and around it. PF volunteered to be included, joining PC/IH. IH also commented that vegetation growth this summer meant that the forward view was hampered. RHD suggested that a work party be organised at some point, and maybe take place twice a year (Spring and late Summer) - CB will look at community service involvement in this too. **ACTION PF/CB** *Secretary's note: following the meeting, RS-C was able to trim the vegetation in front of the hide*

RHD commented that the land ownership aspects and related FBLNR leases as raised by Christine Hunt earlier in the meeting required action. After a short discussion it was agreed that a sub-group consisting of RHD along with DT, MH and DS will keep an overview of the issue, and RHD will arrange a meeting with Christine Hunt. **ACTION RHD/DT/MH/DS**

IS raised the question of possible wildfowling imbalance on planned sub-group for the issue. RHD replied that his vision of the structure and conduct of the meeting would not be one that would see the need for a vote to be held on any aspect, therefore the number of members representing the interests should not be an issue.

PC raised the matter of the revised planning application for the yard at to the west of the B9011 (opposite the Seaview Caravan Park) , initially refused due to Coastal Protection Zone aspects. The reduction in overall impact of the development was felt by the committee not raise any objections.

PC announced that he was now the holder of a spraying licence for hogweed eradication and such activity will now proceed next year.

PC raised the issue of rusted, and therefore inoperable, flap valves on waste overflow pipes into the bay from Findhorn village. Scottish Water and SEPA have been informed previously, but no action thus far. The committee was happy for PC once again make representations on their behalf to both agencies. **ACTION PC**

15. Date of next meeting

The next meeting will be held on Tuesday 6 December 2016 at 1930hrs, at the James Milne Institute, Findhorn.

2017 meetings will be held as follows, again at the JMI:

Tuesday 28 March at 1900hrs (includes AGM)

Wednesday 21 June at 1930hrs

Thursday 21 September at 1930hrs

Tuesday 5 December at 1930hrs

prepared by Mike Crutch, Secretary FBLNR