

FINDHORN BAY LOCAL NATURE RESERVE MANAGEMENT COMMITTEE
MINUTES FOR THE MEETING OF TUESDAY 5 APRIL 2022
MAIN HALL, JAMES MILNE INSTITUTE, FINDHORN AT 5PM

Those present:

Roy Dennis (RHD) - Chair
Mike Crutch (MC) - Secretary
Colin Bell (CB) - The Moray Council (TMC)
Glenn Buchanan (GB) - RFYC
Karen Cunningham (KC) - RSPB
Pete Finch (PF) - Findhorn Ecovillage
Ann Griffin (AG) - Kinloss Barracks
Manja Hannon (MH) - Friends of Findhorn Bay
Dr Colin Shedden (CS) - BASC
Anne Skene (AS) - Findhorn & Kinloss Community Council
Richard Somers-Cocks (RSC) - ornithological rep.
Sarah Theman (ST) - The Findhorn Village Conservation Company
Carl Wright (CW) - Dyke Community Council

Apologies: Claire Feather, for what would have been her final meeting as a local councillor

1. Welcome & recent news

RHD welcomed everyone, with KC returning as RSPB representative.

RSC gave an overview of the avian flu/H5N1 situation around the bay in the past two weeks, with issues having been co-ordinated as they arose with MC, CB (who engaged with TMC's Senior Environmental Health Officer) and AS (for community council aspects). So far, some 50-60 Pink-footed Geese have been found dead in the period along with small numbers of other species; most are concentrated along the southern and eastern edge, typical of their roosting locations, though of course tidal effects will move these around the Bay.

Having recovered some dead birds for analysis, DEFRA have yet to confirm as to whether any of those have tested positive for H5N1. Northerly winds are restricting the movement of these geese - which have flown in from their wintering locations in southern Scotland and England - returning to their breeding grounds; this had led to a peak of some 33,700 counted last weekend, an exceptional springtime count. TMC's Environmental Health team have placed signage at certain access points to the Bay, however this is not comprehensive and weatherproof, and this has been fed back to them for improvement of both aspects.

RHD thanked RSC for the update, and stated that similar cases of apparent H5N1 have been reported around the inner/outer Moray Firth coastal stop-off sites, while CS reported that BASC had been involved with the loss of some 4,000 Barnacle Geese on the Solway Firth over the winter.

2. Actions from the meeting held on 28 September 2021

2.1 Engagement with 39 Regt/Kinloss Barracks

RSC/AG arranged for a site visit over winter with particular focus on the tern breeding location. The barracks remain keen to support efforts where possible, and RSC recommended a further site visit be made during the breeding season this year (late May/ June timeframe) to ascertain the exact area and numbers of terns nesting, and in turn assess the possibility of increasing the habitat for such through clearance of scrub, etc.. RHD commented that breeding terns occur only in small pockets around the Moray Firth, and such maintenance and expansion of breeding habitat would be important. **ACTION RSC/AG**

2.2 Status of the FBLNR/engagement with Ariane Burgess MSP

Following a suggestion by Davina Thomas at the last meeting, RHD met with the local Scottish Greens MSP on 4 April to discuss various conservation issues, including the status and importance of the FBLNR. Ms Burgess was understanding of the reserve's importance, the part it plays in the region's wider ecology and its SSSI/Ramsar/SPA aspects despite remaining 'just' a Local Nature Reserve; the MSP was also aware of the conflicts and time-consuming activity caused as a result of opinions towards wildfowling in recent years. Discussion was also had on the intended path of the A96 dualling project, through farmland to the southern edge of the Bay, however it was believed that the project will now be subject to a review which could see plans for the bypassing of Nairn and Elgin along the route but not the full dualling between Inverness and Aberdeen as originally intended by Scottish Ministers.

Going back to the status of the FBLNR, RHD voiced his continued frustration that we as a committee have been constrained both by the lack of support from NatureScot (formerly SNH) and other bodies to elevate the status from a Local to a National Nature Reserve, the result of which would enable clear benefits such as action on various protection measures of habitat and breeding/roosting birds, and education and controls on recreational users of the Bay - including wildfowling. RHD added that at this moment in time, large amounts of funding from various sources is available which could be used to the benefit of the FBLNR, however the constraints of being an organisation parented by TMC prevent fund acquisition, and at present only the efforts of Christine Hunt and the TFVCC to fund a warden position (see later) is possible by having that post as an employee of TFVCC. One vision of the future continues to be that of a purpose-built observation and educational facility at the southern end of the bay. Various committee members echoed similar frustrations at the 'marked time' feeling of the last six years, and a discussion was held regarding 'cost' and 'no cost' options.

RHD recommended that, having engaged with the MSP, he would widen that formal discussion to a meeting this summer involving elected members at all levels, as well as senior management of Nature Scot to put the case forward for the FBLNR to be elevated to NNR status, parented by an organisation which would provide the infrastructure for robust and developmental management of flora, fauna and visitors as well as provide enrichment for new areas in the reserve to promote and protect wildlife. The committee agreed that this should be progressed. **ACTION RHD**

2.3 Bird hide maintenance

PF reported that slow progress is being made, with some three visits now having been made by the work parties led by TMC. RHD thanked PF for his continued efforts.

Secretary's Note: Item will be removed from agenda unless specific action/discussion required.

2.4 FBLNR wardening funding provision

Having been unable to secure appropriation from any sources last year, ST reported that an application is being submitted by TFVCC at present for a NatureScot funding round which has particularly emphasis on supporting wardening efforts. **Item carried forward**

2.5 FBLNR land lease agreements

CB updated the meeting as follows:

Staffing issues

Colleagues in Legal Services continue to experience a significant shortage of staff, currently operating at less than 50%. Even although they now have some outside legal support they still have a backlog, but certainly have not forgotten about the leases and understand the importance of renewing them.

Crown Estate Scotland

Crown Estate Scotland want to agree a global lease for all agreements covering marine areas. This includes harbours, sea defences, LNR, bridges and paths. There are several other parties who need to agree to this in the Council. Currently the target is on agreeing the lease style with CES . Basically this is reviewing and updating the format of the lease and ensuring that it is fit for purpose. This summer, the style should be agreed with CES, after that we need to agree style with other landowners.

TMC Legal & Property will provide us with a timeframe to complete all the lease renewals as soon as possible, as they need to agree a plan and then assess if any unique terms apply to any specific site.

Lastly, CB also commented that fees will be incurred as a result of the legal processes, which as yet have not been budgeted for by TMC.

3. Annual General Meeting aspects

3.1 Chairman's report

RHD stated that the effects of the pandemic obviously impacted upon activities and the due process of the committee. He appreciated the efforts by TFVCC with regard to the establishment of the warden post.

3.2 Treasurer's report

MC had received a note from Simon Paterson that no expenditure had been incurred since FY2019/2020; due to a change in banking processes requiring physical attendance to obtain a bank statement, SP will provide a statement of accounts in due course.

3.3 Election of officers

Chair, Treasurer and Secretary were all prepared to continue for one more year, leaving the vacant Vice Chair positions to be filled - CW put himself forward. The four appointments were formally proposed by RSC, seconded by AS.

4. New matters arising

4.1 Findhorn Village Fair 17 July 2022

GB suggested that the FBLNR may like to be represented at the forthcoming event. Discussions earlier in the meeting regarding the status of the FBLNR included raising the public profile and understanding, therefore the event would indeed be a good opportunity for such. MC/MH (at least) will attend, and will liaise with GB in due course. **ACTION GB/MC/MH**

5. Any other business

5.1 New Wildlife Crime Officer

CS informed the meeting that PC Hannah Haywood had been appointed as the new Police Scotland 'A' Division WCO, replacing Doug Darling; MC will engage with her as the position is a nominated representative to this committee. CS also reported that an individual had been charged with culpable and reckless conduct with regards to disrupting wildfowling activities on the Bay over winter 2021/22, and was awaiting an update on the progression of the case from the Procurator Fiscal.

RHD stated that the past wildfowling season, again influenced by the pandemic as per the previous year, had seen a marked reduction in such activity on the Bay, with CS confirming that it was a Scotland-wide decline along with some other outdoor pursuits.

5.2 Use of plastic wadding in cartridges

CS updated the meeting with regards to the ongoing move to replace plastic wads with one made from biodegradable material, which would reduce to 'mush'-type state within a matter of hours.

6. Next meeting - September/October 2022 (date to be advised)