

**FINDHORN BAY LOCAL NATURE RESERVE
MANAGEMENT COMMITTEE
MINUTES FOR THE MEETING OF THURSDAY 1 DECEMBER 2022
JAMES MILNE INSTITUTE, FINDHORN AT 5PM**

Those present:

Roy Dennis (RHD) - Chair
Carl Wright (CW) - Vice Chair/Dyke Community Council
Mike Crutch (MC) - Secretary
Colin Bell (CB) - The Moray Council (TMC)
Draeyk van der Horn (DH) - Forres Ward Councillor
Pete Finch (PF) - Findhorn Ecovillage
Ann Griffin (AG) - Kinloss Barracks
Manja Hannon (MH) - Friends of Findhorn Bay
Dr Colin Shedden (CS) - BASC
Karen Cunningham (KC) - RSPB
Anne Skene (AS) - Findhorn & Kinloss Community Council
Christine Hunt (CH) - The Findhorn Village Conservation Company
Alex Hunt (AH) - Fairways Committee

Apologies: Glenn Buchanan, Neil Cameron, Richard Somers-Cocks

1. Welcome & recent news

RHD welcomed everyone present. Following last year's local council elections, Neil Cameron was appointed as the committee's elected member representative of The Moray Council (TMC) but was unable to attend. However, new Forres Ward councillor Draeyk van der Horn was present at the meeting, and it is likely that he will replace Mr Cameron as the official representative due to location and DH's 'climate champion' role within TMC.

2. Actions from the meeting held on 5 April 2022

The minutes were accepted.

2.1 Engagement with 39 Regt/Kinloss Barracks

Through AG's auspices, RSC conducted a site visit of those areas of the barracks likely to hold nesting habitat for tern species; a small number of birds had nested, though failed due to apparent availability of sand eels in the coastal waters nearby - this is in stark contrast to a large number of terns that bred on RAF Lossiemouth. AG stated that the old weapons storage area favoured by the birds is overgrown and funding to clear this is not forthcoming; MC requested that AG engage with Defence Estates/MOD wildlife conservation officers responsible for the region to see if any funding could be forthcoming from those sources. **ACTION: AG**

RHD observed that some 15 pairs of Curlew had attempted breeding on the old airfield part of the barracks, thus being one of the most important breeding sites in Moray. Contractors, however, destroyed these nests during widespread grass cutting in early summer; MC/AG had discussed the matter at the time, and with airfield-specification land management no longer required for those areas around the runway and taxiways, the contractors involved had been suitably advised by the barracks command staff.

2.2 Development of the FBLNR

RHD continued this discussion from past meetings, re-stating the fact that the FBLNR is maintaining/increasing in value for bird species when other Moray Firth areas are suffering in numbers due to human disturbance and similar factors. Although a longer-term vision is the creation of a charitable trust to effect fund raising and projects within the FBLNR, the main issue is that the local and visiting public's understanding and appreciation of the FBLNR is poor. To go some way to rectify this, the vision is that an improved bird hide/education facility be built on the southern edge of the Bay, near the rifle butts and with the area of saltmarsh in between the two being turned into four lagoons (two saltwater, two freshwater) to provide nesting, feeding and roosting habitat for an array of bird species, some of which are not readily apparent on the Bay in its current state.

RHD met with the landowner of that area, receiving positive feedback and support as well as starting dialogue with Peter Graham Associates who provides factor services to that estate. RHD/MC met with the RSPB (KC along with Hywel Maggs) in the early summer to discuss the development and understand what funding sources would provide both the necessary feasibility studies and for executing the changes.

The positive nature of that meeting was in contrast to one held with NatureScot (Shirley Read and Mike Smedley) in October, who were very cautious and thought that any excavation of the saltmarsh to achieve the lagoons would be opposed by them. Despite the observed fact that that particular area of saltmarsh holds none of very few breeding birds and is becoming more and more prone to use by dogwalkers and other recreational users of the Bay, they did not want to see a loss of that habitat type. One alternative they could consider as more acceptable would be a diversion of the Mosset Burn, running a channel from it to the east.

RHD stated that the next steps for the project would be to assess the importance of that small area of saltmarsh in relation to the whole habitat within the SSSI, which includes the saltmarsh of the Nairn and Culbin Bars. KC suggested that funding to conduct such work by professionals could be accessed with relative ease. The committee agreed that the project should continue to move ahead. **ACTION RHD/MC/KC**

2.3 FBLNR wardening funding provision

Following unsuccessful attempts to secure funding over the past 18 months, CH stated that the Findhorn Village Conservation Company (under whom such a warden position would be employed) had identified a number of entries under the Moray Local Action Fund whereby funding could be forthcoming, and progress accordingly. **ACTION CH**

2.4 FBLNR land lease agreements

CB reported that the issues reported at the April meeting remain outstanding for action, the main cause of the delay being the continued reduced staff levels in TMC Legal/Property Services. Prior to his departure from the post later this month, CB will request that his legal colleagues provide a realistic timeline for when the leases will be renewed. It is understood at this time that without standing lease agreements, landowners forming parts of the FBLNR do so on a goodwill basis. **ACTION CB**

2.5 Findhorn Village Fair

MH reported that she and MC represented the FBLNR at the event in July, using a stall arranged through Glenn Buchanan. Public engagement was good, and highlighted that most locals are unaware of the 'nature reserve' status and what it means to them in the course of their activities. The committee agreed that annual attendance at the event would be a positive move.

3. New matters arising

3.1 Highly Pathogenic Avian Flu (HPAI) on Findhorn Bay

RHD summarised the great deal of activity that had been taking place since cases became suspected in recent weeks. RHD, MC, CB and CS had been working hard to press NatureScot into action to provide clear guidance, both for the public as well as TMC when it came to matters such as disposal of carcasses. Due to their slow response, the Chair/Secretary released the following press statement on 23 November:

A rise in apparent Highly Pathogenic Avian Influenza, or 'bird flu', cases at Findhorn Bay is causing Local Nature Reserve volunteers concern. Over the past week, sick and dead birds have been noted by birdwatchers, including 45 Herring Gulls, 14 Pink-footed Geese, two Curlew and a single Puffin.

Roy Dennis, chair of the Findhorn Bay Local Nature Reserve Management Committee, said "Apparent cases have doubled since this time last week. Although we understand that there is no direct risk to human health at the present time, areas where these dead birds are being found are on shingle and saltmarsh frequented by recreational users of the Bay, who - in turn - run the risk of spreading the disease on their footwear, walking sticks, dog's paws, etc.."

Although the Scottish Government set up a dedicated HPAI task force - led by the agency NatureScot - during the Summer to tackle the many issues that Avian Influenza can bring, specific public guidance for the Findhorn Bay outbreak is yet to be published. Mr Dennis said "We, with our colleagues in The Moray Council, are pressing NatureScot for action to contain the situation, including signage to heighten awareness for visitors and locals. It is likely that activities such as wildfowling will be temporarily suspended, and we are using our usual channels via our committee members that represent the shooting community to press for effective guidance."

Mike Crutch, also a member of the Findhorn Bay Local Nature Reserve's volunteer committee added: "We also see walkers and birders that visit the Bay's saltmarsh, mud and shingle areas, sometimes as part of a wider Moray coast visit. It is these people that we urge to disinfect footwear, and anything else that contacts the ground, to prevent spreading the virus, or simply avoid those Bay areas completely where bird faeces can be present, until the situation improves."

The committee then discussed the matter in detail. AS observed that the local coastal rowing club had ceased activities, due to the required passage across shingle littered with dead birds by their members. CS commented that, as any restriction of wildfowling is evidence-based, one element is the confirmation of HPAI infections, however he believes that the laboratories involved are currently overwhelmed as well as suspects that priority testing is given to suspected cases in commercial poultry. CS also confirmed, following a question from AS, that the human consumption of infected/possibly infected birds downed by wildfowling is fine as long as the bird is cooked properly, being no different as the cooking process removes viruses of all types.

CS outlined his experiences of HPAI on the Solway Firth last winter, with some 4,000 confirmed Barnacle Geese affected. He also stated that it is only Scottish Ministers that can decree a ban on wildfowling, with NatureScot and the HPAI Task Force that it leads remaining purely an advisory body.

KC reported that RSPB now have a HPAI policy officer in place, and will update them on the FBLNR situation.

The main concern across the committee was the lack of public guidance outwith press releases, with NatureScot having finally produced one in recent days. CB reported that TMC's Environmental Health officers will be deploying signage, and MC would provide suggested locations for such. **Secretary's Note: along with input from others, this was supplied the morning following the meeting** MH asked with others things could be done, MC stating that a 'one voice' approach is needed and - subsequent to the meeting - a request was made of TMC for an electronic copy of the signage to be placed around the Bay should be made available to members for passing to local businesses, etc.. CW expressed surprise at the lack of clear direction on public access noting that if this had been an outbreak of Foot & Mouth Disease there would be immediate restrictions on access to prevent the spread of the virus.

In addition, committee members attention is drawn to DEFRA and Scottish Government websites for advice on the subject:

<https://www.gov.uk/guidance/avian-influenza-bird-flu>

<https://www.gov.scot/publications/avian-influenza-outbreaks/>

3.2 Dogwalking disturbance

A recent incident observed by a committee member of a dogwalker taking a group of dogs onto the middle of the bay at low tide, disturbing groups of feeding birds, was reported to the police and the person given suitable advice. Following discussions on the subject between MC and PC Hannah Corbett, the divisional Wildlife Crime Officer, she plans to visit the Bay in early 2023 and conduct targeted engagements with recreational users,

such as dogwalkers, to widen the awareness of disturbance under the Wildlife & Countryside Act 1981.

CH reported that, following prompting by Richard Somers-Cocks, measures will be taken to protect breeding Ringed Plovers in the area of the spit from Spring 2023.

3.3 Dunes area development

FVCC contractors have been very active in the dunes area in recent months; Richard Somers-Cocks regularly engages with CH on the subject as many seem unaware of the flora and fauna aspects when operating heavy machinery, etc..

4. Any Other Business

As this was his last meeting before retirement from TMC, RHD thanked Colin Bell for his hard work and superb support of the FBLNR during his time as TMC's Environmental Protection Manager, and especially for his work with the current Chair and Secretary; a presentation was made with the committee's grateful thanks. Ian Douglas, TMC's Open Space Access & Policy Officer, will be the future council officer representative and point of contact.

5. Date of next meeting

The next meeting will take place in Spring 2023, date to be advised.