

MINUTE OF MEETING OF THE SPEY
DISTRICT FISHERY BOARD IN OPEN
SESSION held at the Craigellachie Hotel,
Craigellachie commencing at 9.30 a. m. on
Friday 17th May, 2019

Present: -

Chairman	Dr Alexander Scott	Craigellachie Fishings
Proprietors	Angus Gordon Lennox David Greer Peter Graham Toby Metcalfe William Mountain Callum Robertson Oliver Russell Dr CMH Wills	Brae Water Trust Seafield Estates Roths & Aikenway Crown Estate Delfur Fishings Easter Elchies Ballindalloch Knockando
In Attendance	Roger Knight Brian Shaw Alistair Galloway Jennifer Heatley William Cowie	Director Biologist SEPA SNH Clerk

1. WELCOME, INTRODUCTIONS AND APOLOGIES

Apologies had been received from Grant Mortimer, Richard Fyfe (SEPA) and Craig Mackay. The Director has circulated and asked all new Board Members to complete conflict of interest reporting forms and the Chairman welcomed all to the meeting.

2. DIRECTOR'S REPORT

This was as reported in the extract annexed but the following particular additional points were noted using numbering in report: -

2.2.1 Spey Dam and GFG alliance

The Director reported that no answer had yet been received from GFG, but Alistair Galloway confirmed that Multiconsult had been approached to conduct the assessment of Spey Dam. Contact had been made and the review would be carried out in September, when fish were likely to be utilising the fish pass.

2.2.2

Abstraction

The Director noted that proposed increases in the Aviemore borehole abstraction was a serious concern. The Board's issue was that the resource was finite and any additional abstraction would inevitably affect the water table as a whole. The proposal from Kenny MacDougal had only been received that morning and the Director had not yet had a chance to review this but would like to pass on a recommendation to proceed and invited questions: -

Q Peter Graham was concerned regarding Simec about the delay until September when the fish passage was assumed to be optimal. He was concerned that unless there was a good scientific reason to delay until then we must ensure that the whole matter was not simply being delayed.

A Alistair Galloway from SEPA confirmed that the choice of September was placed purely on optimal fish passage.

Q Peter Graham also had concerns regarding the Dipple Wellfield and the amount of water was equivalent to twice the bore consumption of the Macallan Distillery each day.

Q Angus Gordon Lennox also had serious concerns regarding Scottish Water's behaviour and how they had dealt with matters at the Brae Water, leaving a loose pipe in the river which was both dangerous and unsightly. He also felt that the amount of abstraction was extremely concerning.

A In response, Alistair Galloway confirmed that as far as they were aware, Scottish Water were not seeking to increase the volume of abstraction, but SEPA do not themselves monitor the method of abstraction, but rather how much. The determination of how it is taken is a planning matter.

Q Peter Graham questioned whether taking water from a bore hole was the same as taking it from the river and he suggested that SEPA join with the Board to instruct an updated report from Dr Kenny MacDougal on this matter. The Board's view was that the abstraction question must be looked at on a holistic basis with the impact of the whole of the ecosystem and he invited SEPA to join with the Board in updating the Envirocentre Report.

A In response, Alistair Galloway advised that SEPA were limited in their areas of involvement through their licencing boundaries.

Q Alistair Gordon Lennox again asked how water abstraction was considered to be a planning issue.

A Alistair Galloway in response assumed this was the case, but the question of whether this was permitted development or not would need to be investigated further.

Q Toby Metcalfe would like to review the remit of the Envirocentre Report to include other solutions for water abstractions and the Chairman agreed that underground supplies were also an issue and must be included within the remit to be looked at. There remained concern about who was responsible for determining how abstraction took place.

A Alistair Galloway confirmed that he would check and report further on this aspect in due course.

ACTION POINT – ALISTAIR GALLOWAY TO REPORT ON THE AUTHORISATION OF WATER ABSTRACTION AS PERMITTED DEVELOPMENT.

The Chairman then sought approval from the Board to proceed with the Envirocentre Report and this was given subject, to a review of the remit.

William Mountain also requested a site visit at Dipple and this was supported by Angus Gordon Lennox, who had experience of very poor controls with contractors on site.

Alistair Galloway also reported to the Board on water scarcity and noted that organisations were mobilising on this, having learnt lessons from the previous year. Changes in how SEPA worked and in the consultation structure were being proposed and SEPA's intention would be to have a much more proactive involvement.

The basis of the review would be to focus on the "flow impact" rather than in environmental harm to ensure earlier intervention. There was also an intention to liaise more quickly and in a common forum with Scottish Water so that there could be an earlier trigger on warning signals.

Angus Gordon Lennox enquired whether the CAR Licences were restricted to local use and Alistair Galloway undertook to investigate and report on this as well.

ACTION POINT – ALISTAIR GALLOWAY TO INVESTIGATE WHETHER CAR LICENCES ARE RESTRICTED TO LOCAL USE.

Finally, as a comment Toby Metcalfe felt it was important reports avoided the term "drinking water" rather than abstraction of water in general.

2.3 Predators

Brian Shaw added that minnows had been abundant this year and were featuring heavily in the Goosanders' diet, but this was not in his view typical.

2.4 Atlantic Salmon Trust

Congratulations were offered to Brian Shaw on his involvement in the Moray Firth tracking project.

2.5 Spey Board Strategy & Action Plan Briefing

The Director requested that comments on the briefing were given to him in writing by a deadline of the end of the following week and the briefings would then be distributed to as wide an audience as possible via the Ghillies' huts.

2.8 Fishery Management Scotland

Angus Gordon Lennox requested that the monthly update reports from Fisheries Management Scotland was included in all Board papers. The Director would include updates with the papers in the future.

ACTION POINT DIRECTOR TO INCLUDE FMS MONTHLY UPDATE REPORTS WITH BOARD PAPERS.

2.9 Stocking

A draft Marine Scotland stocking policy was circulated with the papers for the meeting and the Director reported the issues from a meeting with Marine Scotland, Marine Scotland Science and Scottish Natural Heritage, during which the Scottish Government had been much more forthright in their approach and particularly direct.

In the Chairman's summary of the meeting, he was struck that the world had moved on and regulation was increasingly being centralised. The influence of FMS would be critical and they must be involved with the consultation process to ensure that this was clear and open. The Board were adamant that a simple sign-off by Scottish Ministers of the Stocking Policy was not sufficient and he sought support from the Broad to put pressure on FMS to, in turn, ensure they were involved.

The meeting had been testy and it had been made clear that the Scottish Government had the intention of bringing overall control of the regulatory process "in house". He felt that the Board must ensure that there was an open and transparent process to determine the stocking policy in due course.

Peter Graham, who had also attended the meeting, felt that the MSS and SNH officials had in some way taken offence from the Board. He also felt that decisions taken by the Board in connection with the Stocking application the previous year had been as a result of pressure from the Ghillies, which the

officials considered had damaged the Board's position. For his part, and on behalf of the Scientific Committee, he felt that the Board should fight for involvement in the determination of the regulation process, but should recognise that in terms of legislation, the Scottish Government did indeed have the power to take matters in-house.

The Chairman felt that the atmosphere of the meeting was understandable, as both sides were new to this particular regulation, but it remained most important to have a clear and transparent process which would clarify stocking proposals for the future and would resolve this particular, important issue. Peter Graham stressed that the review must also involve consideration of the economic benefit provided by the river and proprietors must be ready to be involved and active in the consultation, along with the Board and FMS.

The Chairman also cautioned against knee-jerk regulation caused by a crisis of numbers. It was important that proprietors made it clear what the impact of regulation would have on local people and the economy.

Discussion then followed regarding the involvement of FMS in this matter. It was suggested by Peter that FMS involve the Board and this, according to Angus Gordon Lennox, would need to include consideration of who it was on the FMS Board who represented the Spey. The Chairman concurred and added that he felt strongly that FMS should be aware that they represent all Boards in the same way as a "trade body".

Peter Graham reported that there had been a lot of responses to the draft Stocking Policy which were important and, Jennifer Heatley enquired whether the intention was to submit the current year's proposal in early June. She indicated that SNH would be happy to help and she could assist by involving the Board in completion of a pro forma Habitat Regulations Appraisal for Natura sites. This would take into account the economic considerations by the Board which would not normally be considered by SNH. She reminded the Board Members that it was important that the language was correct in the pro forma and volunteered to have a meeting with the Director and the Biologist to go through the draft pro forma and review the terminology in it. This offer was accepted by the Chairman, the Director and the Biologist.

ACTION POINT – JENNIFER HEATLEY TO ARRANGE MEETING TO REVIEW PRO FORMA HABITAT REGULATIONS APPRAISAL ON NATURA SITES.

Jennifer Heatley also advised that whilst Scottish Natural Heritage could not include financial considerations in any determination they made, the Scottish Government may be able to take these into account and the ideal situation would be to have an application which SNH had already preapproved and accepted.

Peter Graham advised that details of the timing of the application would be considered at the Spey Scientific Committee meeting on the 27th May, with an

aim for submission to Marine Scotland Science by the end of June and the offer to help by Jennifer Heatley was very welcome.

Finally, Angus Gordon Lennox enquired what the Salmon Summit would entail and in response it was noted this would perhaps have 3 to 4 speakers and a short question and answer session to follow. He enquired whether this should not be Scotland-wide, but the Director advised that he had so far struggled to encourage interest from other rivers.

Angus Gordon Lennox recommended that this should be a matter driven forward by FMS to encourage involvement from other rivers and it was suggested that this be remitted back to FMS to progress with a wider scope.

ACTION POINT - DIRECTOR TO ENCOURAGE WIDER INVOLVEMENT IN SALMON SUMMIT

3. BIOLOGIST'S REPORT

There were no further additions to the paper report circulated to add to the Minute, but the Biologist then invited questions: -

Q With regard to the Tommore Burn, Angus Gordon Lennox asked if the Biologist would remind the Board of the explanation of “fry in” to “smolt out”.

A In response, the Biologist confirmed that the trap functioned well and numbers had increased, but it was numbers of salmon parr that were the most noticeable number reported. He confirmed his view that the Tommore trap was working well, but against this, Angus Gordon Lennox felt this should be balanced against the cost of producing the numbers.

By way of an aside, the Chairman felt that Steve Brand should be written-to and thanked for his involvement.

ACTION POINT – LETTER OF THANKS TO ISSUE TO STEVE BRAND.

Q William Mountain enquired regarding the data base of the 12 pressures and asked whether this had been populated.

A Brian Shaw reported that the Board had been part of a trial with 6 other rivers, but it did not appear that this had been progressed.

The Director would take matters up with FMS to put pressure on Simon Dryden to advance.

ACTION POINT – DIRECTOR TO ASK FMS TO SEEK PROGRESS BY MARINE SCOTLAND ON 12 PRESSURES.

The Biologist reported that adult tagging had been successful and productive, but he must be careful that there was no suggestion of any corollary with saprolegnia.

Q The Chairman enquired whether we had heard from the Atlantic Salmon Trust about progress of the tracking project.

A The Biologist reported that they had not yet had this, but the receivers were due to be retrieved in July, with the first report in September.

Q Peter Graham enquired when the Board might receive the result of the National Electrofishing Programme.

A In response Brian Shaw advised that he had been sent these initially in draft, but they were not yet ready for wide circulation. However, he was the lead for this and would make details available as soon as permitted.

Q Toby Metcalfe enquired whether, in the Biologist's view, there was likely to be a change in the regularity in the categorisation of the rivers.

A In response, the Biologist felt that this would still take place annually, but it was likely that the methodology would remain the same for the next few years.

Q Callum Robertson enquired regarding invertebrate research.

A The Biologist confirmed that this had been an interest of his in coming to the Board and there were indeed some programmes ongoing which were showing good numbers.

Q Callum Robertson asked what research was ongoing regarding pollution and digestants etc.

A The Biologist reported that there was an aspiration to do more on this and Peter Graham also confirmed that scientists from SEPA had been invited to take part in the next meeting of the Spey Scientific Committee. This would be pursued and confirmed by Alistair Galloway.

Q Callum Robertson enquired whether the Biologist was happy with smolt numbers this year.

A The Biologist confirmed that there was general evidence to show that there should be a good smolt run this year, including from the Avon.

4. PUBLIC AWARENESS

The Director reported the Cairngorm National Park's involvement in promoting the work of the Spey Catchment Initiative and the Biologist and the Director's meeting with "Twin Peaks". One of the issues being considered was a Fishery Development Officer, as on the Dee, with a full-time employee.

The Chairman was conscious that this was the weakest area of the Board's activity with public relations and communications and wanted to develop this much more strongly. He had been to see Macallan, who had confirmed that they were happy to contribute funding for a "Macallan Burn" sponsorship and the Chairman would follow-up on other possible financial support.

5. DATES OF NEXT MEETING

These were fixed for Friday 16th August and for Friday 22nd November with an aim to meet in November at Macallan Distillery Visitors Centre but, if not, in Grantown, as the Craigellachie Hotel would not be available on the 22nd November 2019.

The meeting then closed at 12.10 p.m.