

## **MINUTES**

**of the MEETING of the NORTHERN  
DISTRICT SALMON FISHERY BOARD  
held on TUESDAY 24th September 2013  
at 2.30pm in the BETTYHILL HOTEL**

### **Present:**

Lord Iliffe (Chairman)

Mr F Drummond

Mr J Gray

Mr D Lindsay

The Hon. G Lopes

Mr J Mason (Mandatory Mrs M Stone)

Mr J Mackay

Mr P Butterworth

### **In attendance:**

Mr C Cook (Clerk, Bell Ingram)

Lord Joicey (The Flow Country Rivers Trust)

Mr A Nicholson (Clebrig Estate)

### **Public Attendance**

Mr P Bakker

Mr R Cooper

The Hon. Mrs G Lopes

The Hon. M Lopes

Mr I McMyn

Mr J Nicholson

Mr K Stark

### **Apologies:**

Mr V Hackel

Hon. E Iliffe

Mr M Stone

Mrs M Stone

Mr P Gwyn

## **1. APOLOGIES**

Apologies were received from: Mr V Hackel, The Hon. E Iliffe, Mr M Stone, Mrs M Stone, and Mr P Gwyn.

## **2. MINUTES OF MEETING HELD ON 30th APRIL 2013**

The Minutes of the Board meeting held on the 30th April 2013 were agreed and signed by the Chairman as an accurate record of the meeting.

### **3. MATTERS ARISING**

There were no matters arising.

### **4. COMPLAINTS PROCEDURE**

Members discussed and approved the Complaints Procedure as laid out in the papers supplied and they were duly signed by the Chairman.

### **5. THE FLOW COUNTRY RIVERS TRUST**

The Chairman welcomed Lord Joicey to the meeting. Lord Joicey gave some background to the proposed creation of a Rivers Trust covering the Flow Country rivers (from the Kinloch to the Dunbeath) and an overview to the draft Memorandum of Understanding and draft Articles of Association that had been supplied as meeting papers. He explained that the Trust would be a standalone charitable entity with certainly one appointee each from the Northern and Caithness DSFB's. The extent of the staff and other resources it would employ are unknown at this time beyond the services of the secretariat supplied by the lady currently offering that role to the CDSFB. He said the organisers of the group at this time envisaged making use of facilities within the University of the Highlands and Islands such as the Rivers and Lochs Institute and the Environmental Research Institute for Scientific study.

Lord Joicey explained that it would be a helpful conclusion of his part of the meeting if he could secure the Board approval of the Memorandum of Understanding and Articles of Association and confirmation of the amount of start up funding the Board could make available to the Trust for the next three years. After some discussion the Board approved the two papers with the conclusion that it was important to give the Trust life but that it was important to stay close to influence and be happy with its development. The Board agreed an annual sum for the next three years which will be intimated to Lord Joicey in writing by the Clerk.

Lord Joicey pointed out that an essential part of the Memorandum of Understanding included suggestions for work that the Board could use the Trust to carry out. The Chairman confirmed that the Board would consider this and make comment to the Trust in due course.

The Clerk explained his experience of a working relationship between a Board and Trust where each year the Trust would make a funding proposal to the Board including and pricing work it hoped to do in the year ahead and the Board considered the list of work and agreed a donation based on what was proposed. During the course of the year the Trust reported on progress and at the end of the year reported on what it had actually achieved and the Board either made the donation or occasionally a smaller donation if not all the work had been done. In this way the Board was certain it was making a proportionate donation and one only towards work that was consistent with its statutory brief.

Lord Joicey reiterated that a Board is always at liberty to conduct its own research if it prefers to do so, rather than use a Trust".

**6. ALTNAHARRA/CREAG RIABHACH WINDFARM**

As this item had been covered under the Annual Report item in the meeting of Qualified Proprietors earlier in the afternoon – see Minutes of that meeting - it was not discussed again.

**7. PENTLAND FIRTH**

As this item had been discussed in the meeting of Qualified Proprietors earlier in the afternoon – see Minutes of that meeting - it was not discussed again except that James Mackay agreed to supply information to the Clerk about the down turn in fish numbers in the Solway Firth following the introduction of marine based wind turbines.

**8. NORTH COAST SEA PATROL**

The 2013 North Coast Sea Patrol was discussed with Iain McMyn, temporarily in post as the Naver Superintendent. All agreed the importance of the Patrol with Mr MacKay encouraging more foot patrols in preference to boat patrols. The cost of the Patrol was discussed and the fact that the benefit of the patrol was enjoyed as much by those to the east of the District and down the east coast as within the District. The Clerk said he had raised this with the ASFB and had also recently written to the east coast Districts to encourage them to share some of the cost. Mr Gray said that he felt sure that there would be European and other funding sources available and the Chairman asked Mr Gray to pass on contact details to the Clerk. Mr Lopes said that the bill for the patrols should be produced ahead of the September meeting in order that its payment can be approved by the Board. The Chairman said that with 19 of the 20 expected boat patrols having been completed he anticipated the bill would be within budget. Mr Lopes said that he was disappointed the monthly updates to Proprietors had not been made this year and hoped that would be corrected next year.

The Clerk said that no helicopter patrols were carried out this year, Iain McMyn advised that this fishery protection service was not currently available and Mr Mackay queried the benefit of it in any event.

**9. FINANCIAL REPORT**

Mr Cook presented the Financial Report. There were no questions. Mr Cook explained that the Halladale and Melvich Proprietors have still to pay their Assessment. It was agreed that Mr Cook should write giving 14 days notice to pay under threat of legal action to recover the funds.

**10. BUDGET AND ASSESSMENT - YEAR TO THE 31st DECEMBER 2014**

The Clerk presented the Budget and Assessment for the year to the 31<sup>st</sup> December 2014. He explained that the paper was prepared on the basis of the existing Proprietors Roll but that its revision, being undertaken by the Assessors Office, would be complete before the end of the calendar year. The new Proprietors Roll would be used in 2014 and so the Assessment would be calculated and notified to Members by the Clerk on the basis of the approved budget figure for expenditure.

The Clerk confirmed there were sufficient funds in the bank account to cover the payment of the first of the three agreed annual payments to the Flow Country Rivers Trust if a request is made for it in 2014 but that it was not budgeted for in 2014.

Members discussed and agreed this approach and approved the expenditure as budgeted.

## **11. ANY OTHER BUSINESS**

The Chairman welcomed Mr Andrew Nicholson, Proprietor of the Clebrig Estate to the meeting.

Mr Nicholson explained he is planning to build a 90kw run of river hydro scheme on a small feeder burn (the Clebrig Burn) near the top of Loch Naver and drew Member's attention to the meeting papers that were supplied for the meeting. He said he recognise that the Board would be a Statutory Consultee during the planning process and consequently felt it important to explain his development to the Board.

He explained he has applied to SSE for a grid connection and to SEPA for a Controlled Activities Regulation license to cover the abstraction of water necessary for the development. He explained that SEPA following the electro-fishing have requested that the pipe be shortened to cut out two of the lower sections of the pipe to the relatively low gradient at the proposed lower end. He explained that his intention is to shortly apply for planning permission.

Mr Nicholson said that Construction Method Statements, of the type which he is required to submit to SEPA, and which must be adopted and implemented on site by civil engineering contractors, are now well developed, as SEPA has been considering what these should include on a national scale. The possibility of silt entering the watercourse is present in nature but the CMS mitigates this risk to make siltation events, on a scale which could adversely affect fisheries, as low as reasonably possible during construction works.

The principle activities are a robust diversion of the burn to allow the intake structure to be built, an adequate cofferdam on the side of the burn to allow the outfall to be built and a multitude of silt traps located throughout the site at positions agreed with SEPA which are logged and monitored on a daily basis during the works.

The diversion of water from the burn into the pipe reduces the amount of water in the burn. Hands off Flow "HOF" which is the flow volume in m<sup>3</sup>/second which must always be left in the burn downstream of the water abstraction point will be controlled by the installation of an orifice plate in the weir. This is a passive control set by design and which cannot be altered unless the plate is removed and a different plate substituted. It may be that SEPA will require a larger HOF in fish spawning months. If this is the case then the SEPA CAR abstraction licence will state what the HOF volume required in these months is and a second plate will be manufacturer to allow adherence to the licence. SEPA's fish biologists will be the principal party to the setting of any increase in HOF required during spawning months.

Mr Nicholson speculated that as the scheme at 90kW is small relative to the generation capacity of the burn, circa 350kW, it may well be the case that one flow plate with a single HOF will satisfy SEPA.

He said length of the burn which will be depleted of water during hydro generation is partly accessible to migratory fish (section 2-4 on the plan supplied). SEPA have already requested that the depleted reach of the burn be reduced. With the powerhouse in the original position at the bridge a total of 700m of burn length accessible to fish was affected. With the power house moved upstream the length of burn accessible to fish affected is reduced to 314m.

Given that the electro-fishing was done in July when the burn was at a very low level and it was all in good order, the real risk is the impact on spawning. With the revised turbine location, the estimated area impacted is about 5-6 sqm of spawning habitat which will he said be protected by the HOP defined by SEPA.

Mr Lopes said that, like Strathy South and Creag Riabhach when its planning permission comes to be submitted, so this development should have the scientific data supplied with the application peer reviewed in order that the Board can make an informed response to the consultation process. He also said he thought the Board should also have the burn independently electro-fished. Any form of degradation of a system must be treated seriously he said.

Mr Mason said that any Hydro scheme normally takes two years of research.

Iain McMyn commented that in his experience a rule of thumb used for estimating the number of eggs deposited in a burn is about 5 eggs/sqm – or roughly 30 eggs potentially affected in the impacted spawning ground.

Mr Lopes also asked who would be in charge of the compensation flow and changing the level of flow at the different times of the year. Mr Nicholson said that would be his responsibility but that a bailiff would be able to check it was properly set at any time.

The Chairman asked if there was any other business:

Mr Mackay said he is currently the Chairman of the Salmon Net Fishing Association of Scotland. He explained that for the last 14 years netmen had operated under a voluntary code whereby they did not fish for the first 6 weeks of the open season (i.e Mid Feb – End March). He warned that Association members were going to end this voluntary arrangement as they were fed up with a lack of compensation and a lack of thanks for what they did. He said he understood that anglers had adopted a catch and release policy but proprietors of those fisheries still earned an income from rents whereas the voluntary restraint by his members earned them nothing.

Following expressions of disappointment the Board noted Mr Mackay's comments.

Mr Mackay also said that he would shortly receive details of the findings of the tagging work he was involved with earlier in the year and agreed to pass the details to the Clerk for circulating to Members.

## **11. DATE OF NEXT MEETING**

The first Public Meeting will be held at 2pm on Tuesday 6<sup>th</sup> May 2014 followed by the next Board meeting at 2.30pm. It was planned that both meetings would take place at the Bettyhill Hotel.

## ACTION LIST

Suggestions to FCRT ref possible activities it could perform for NDSFB	CRWC/RI
Make contributions to FCRT for three years from 2014	CRWC/RI
Supply Clerk with contact details for Sea Patrol funding	JG
Write to Clebrig and Creag Riabhach developers with notice of Peer Review policy	CRWC
Pursue Halladale and Melvich Proprietors for unpaid Assessments	CRWC
Re-issue 2014 Budget in final form when assessment figure is calculated	CRWC
Description and Photos of farmed fish to CRWC for note to Proprietors	JM/CRWC
Supply details of tagging survey data to Clerk	JM
Arrange venue for the next meeting	CRWC

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CRWC/NT/1/3  
October 2013