

**MINUTES of the MEETING of the NORTHERN DISTRICT SALMON FISHERY BOARD held on
TUESDAY 29th SEPTEMBER 2015 at 2.30PM at the BETTYHILL HOTEL**

Present: Mr M T Ward (Convener)
The Hon G Lopes
Mr J Gray
Lord Iliffe
Mr S Green
Mr A Nicholson
Mr D Hurst-Brown
Mr D Lindsay
Mr J Stewart
Mr V Hackel (via Skype)

Mr J MacKay

In attendance: Mrs S Lopes
Mr D Buchan
Mr J Mason
Mr M Heeps
Mr T Chetwynd
Mr T Clover
Mrs A MacAuslan (Clerk)
Mr A Laing (Chairman, ASFB) - For item 11 only
Mr A Wallace (Chairman, RAFTS) - For item 11 only

1. APOLOGIES

Apologies were received from Mr P Gwynn (Mandate - Mr S Green).

2. CO-OPTION OF REPRESENTATIVES OF SALMON ANGLERS AND TENANT NETSMEN

The Clerk advised that the first duty of the newly formed Board was to co-opt representatives of salmon anglers and tenant netsmen from the District. The Clerk informed the Board that Mr P Butterworth who had previously been co-opted as a representative of salmon anglers, had recently moved down to Yorkshire. Mr J Mackay confirmed that he was the new Chairman of the Bettyhill Angling Club and that the club was currently in a period of transition therefore it was not in a position at present to propose any members to be co-opted onto the Board. The Clerk confirmed that co-option of representatives of salmon anglers could occur at any time during the Board's tenure and Mr Mackay agreed to inform the Board as and when there were members interested in being co-opted onto the Board.

3. ELECTION OF CHAIRMAN

The Clerk advised that the Board was required to elect a Convener from amongst the elected members. Lord Iliffe proposed that Mr T Ward continue as Convenor; this

proposal was seconded by Mr J Gray and Mr T Ward was duly re-elected as Chairman of the Board.

4. **DECLARATIONS OF INTEREST**

No adjustments were required to the existing members' declarations of interest. The Clerk undertook to circulate a declaration of interest form to new members of the Board (Mr S Green and Mr J Stewart) to complete.

5. **MINUTES OF MEETING HELD ON 12th MAY 2015**

The minutes of the meeting held on 12th May 2015 were confirmed as an accurate record, having previously been approved by the Board via email following the May 2015 meeting.

6. **MATTERS ARISING**

At the Board Meeting in May 2015, the Clerk undertook to investigate the advantages/disadvantages of the Board becoming VAT registered. The Clerk advised that should the Board wish to become VAT registered, the only main expenditure on which they could recover the VAT would be that from the North Coast Sea Patrol invoice (£3,600 VAT in 2015). VAT may be recovered on services paid six months prior to VAT registration. Administrative work involved in obtaining and maintaining VAT registration would include the initial online registration, quarterly tax returns and book-keeping. The other option for reclaiming VAT on the North Coast Sea Patrol invoice which was suggested at the previous meeting was that individual proprietors are invoiced for their share of the payment. With 17 different qualified proprietors in the District, this option was not thought to be viable.

The Board considered that if the Board was likely to be in operation for the next 18 months or so it was worth considering becoming VAT registered. Mr D Hurst-Brown intimated that the Halladale Partnership may have some resource which would undertake the work to become VAT registered at no extra charge to the Board and it was agreed that he would take this forward.

The Clerk confirmed that all other action points agreed at the meeting on 12th May 2015 had been completed. There were no further matters arising.

7. **NORTH COAST PATROLS AND BAILIFF LIAISON GROUP**

Mr M Heeps, Superintendent for the River Naver, provided the Board with an update on the 2015 Coastal Patrol season summarising the main points in the paper relating to this agenda item which had been circulated prior to the meeting.

13 coastal patrols were carried out in the 2015 season from two launch sites which ensured complete coverage of the full coastal area.

M Heeps confirmed that the coastal patrol was liaising with Police Scotland and he had been informed that a full time police presence was due to be put in place at Tongue.

One net was seized this season due to information shared by the liaison group and all correct procedures were followed with regards retrieving the net.

It was noted that there would need to be more coverage of the Armadale section of the coast from next year as Mr J Mackay will not be netting in this area.

The Board recorded their thanks to M Heeps and all the bailiffs involved in the coastal patrols throughout the season.

8. **FLOW COUNTRY RIVERS TRUST UPDATE**

Mrs S Lopes provided the Board with a verbal update on the Flow Country Rivers Trust.

The FCRT is keen to support the smolt tracking project in conjunction with the Moray Firth offshore wind farm. This was due to be undertaken with smolts from the River Berriedale but is now planned for the River Wester.

The FCRT Chairman and John Mackay are keen to find historical data for rod catch figures prior to 1952 and historical netting figures. Mr J Mackay advised that Jackie Anderson from Marine Scotland will have a lot of these figures. It was agreed that Mrs S Lopes would ask James Fleming to contact Mr J Mackay to discuss further.

Mrs S Lopes reported that Loch Watten had had a good season this year following their problems with Canadian pond weed.

The Trust will be bringing out a newsletter in the Autumn and Mrs S Lopes asked for any suggestions to be taken forward to their next Trust meeting in November. Lord Iliffe asked if the Trust would be organising another raffle and Mrs S Lopes agreed to mention this at the next meeting. The Trust is planning on giving free membership to the Trust for all ghillies and bailiffs in the area.

9. **FINANCIAL REPORT**

9.1 **Revised Budget for Year Ending 31st December 2015**

The Clerk presented the budget for 2015 which had been revised following the Board meeting in May 2015. It was confirmed that the invoice for the 2015 North Coast Sea Patrol could be paid and the Clerk undertook to action this. There were no further comments raised regarding this budget.

9.2 **Statement of Income & Expenditure - Year to Date**

The Clerk presented the statement of income and expenditure from 1st January 2015 to 8th September 2015. She confirmed that all assessments for 2015 had been received with the exception of the assessment from Armadale Net Salmon Fishings. Mr J Mackay explained his reasons for not yet paying his assessment which were set out in an email and circulated to all Board Members prior to the meeting. Mr Mackay felt disappointed that the NDSFB did not support him fully regarding the 3 year suspension of coastal netting. He noted that both T Ward and G Lopes had met with him and agreed to put forward some of his points however he did not feel this went far enough in terms of support. He wished it noted that he appreciated Mr P Gwyn's letter of support and visit.

Mr Mackay stated that he objected paying into an organisation that he was not getting much out of and did not feel that he should contribute to the ASFB subscription costs as ASFB did not support the netsmen in relation to the ban on coastal netting.

Mr Mackay advised that it is likely that the Scottish Government will pay the assessment rate for coastal netting stations for the next three years as part of the compensation package. There is also some discussion at present that netsmen may be employed through some EU subsidy to carry out scientific and research work, however these discussions are still ongoing.

The Chairman advised Mr Mackay of his duty to pay his assessment if he was still on the valuation roll and confirmed that all Board members were keen for him to remain on the Board. At this point it was agreed that Mr J Mackay would leave the meeting for a short while to allow the rest of the Board members to discuss this issue.

The Board Members all agreed that Mr Mackay knows the North Coast well and wished to retain this knowledge and local support. Potential options discussed included utilising Mr Mackay's license to shoot seals, assistance with the North Coast Patrol and undertaking research for the Board. On Mr Mackay's return to the discussion, the Chairman confirmed the Board's commitment to Mr Mackay remaining actively involved in the Board and it was agreed that the Chairman and Mr Mackay would sit down within the next week to agree together what may be mutually possible and beneficial for the next few years.

9.3 Draft Budget for Year Ending 31st December 2016.

The Clerk presented the draft budget for the year ending 31st December 2016. She explained that the proposed income remained at the current rate of 38p per rateable pound which would derive an income of £41,857 however she would circulate to the Board members a rolling scale of income based on different assessment poundages.

The proposed 2016 costs for the North Coast Sea Patrol were discussed. Mr D Hurst-Brown felt that the proposed cost of £18,000 + VAT was too high. The Hon G Lopes reported that the River Naver Fisheries had planned their commitment to provide this service for next year based on current year costs and any changes to this would impact on contracts for seasonal staff. It was suggested that additional support could be provided for the coastal patrols by Willie Grant of the Halladale and/or James Mackay. It was agreed that members of the Coastal Patrol sub group would discuss this outwith the meeting and come to an agreement within two weeks.

The decision regarding an agreed assessment poundage was deferred to the meeting in May 2016 once the draft expenditure had been agreed. Lord Iliffe asked whether the Board had any overdraft facility and the Clerk agreed to look into this.

Mr S Green requested that draft budgets be discussed and approved at the meeting for which they were prepared in the future rather than defer decisions, in order to allow all proprietors definitive budgets to work on. The Chairman noted this point and agreed that this would be actioned.

10. **PLANNING CONSULTATIONS/APPLICATIONS UPDATE**

The Clerk provided the Board with a verbal update on planning consultations which the Board have had input to since the meeting in May 2015.

Strathy South Wind farm Proposal

As part of the public inquiry into this application, objecting parties submitted their closing submissions by 18th August 2015. Closing submissions for the applicant and supporting parties were due by 1st September however the applicant has been granted an extension to 29th September 2015 due to ill health of one of their legal team.

No timescale has been given for the Reporter's submission of his report to the Scottish Ministers.

Strathy Wood Wind farm Proposal

In June 2015 E-on submitted an amended Further Environmental Information (FEI) document after a revision of the proposed development. This included a reduction in the proposed number of turbines from 26 to 18.

Alan Youngson reviewed the FEI on behalf of the Board and raised no further concerns following the Board's original objection to the development lodged in February 2014.

Creag Riabhach Wind farm Proposal

On 15th September 2015, The Highland Council approved the proposal for the development of this wind farm, however the final decision rests with the Scottish Government due to its size and proposed operating capacity. No date for this decision has been made.

11. **WILD FISHERIES REFORM**

The Chairman confirmed that he had had initial discussions with both the Chairmen of the Caithness and Helmsdale Boards about the possibility of forming an FMO moving forward and the discussions were quite positive to date. The Board agreed that they would be happy to form a partnership with these two Districts. The Chairman then reported that Andrew Wallace and Alasdair Laing had met with the Chair of the North and West Fisheries Trust and former Chair of the North and West Board to discuss how they may fit into a future FMO structure. The current structure and format of the North & West DSFB was discussed and there was some concern raised that the area included fish farms which was not a feature in any other Northern or Eastern Districts.

Both Alasdair Laing and Andrew Wallace joined the meeting for this agenda item and A Laing gave an update on the Wild Fisheries Reform since his last visit in May 2015. He reported that there had been two major consultations since May 2015. A revised proposed outcome on the ban on the killing of wild salmon except under licence was issued yesterday.

Both ASFB and RAFTS submitted a response to the main consultation on the Wild Fisheries Reform in August 2015. It was acknowledged that there is still concern

regarding the constitutional structures of FMOs. A decision on this is not forthcoming at present however A Laing suggested that it is likely that 'form will follow function', i.e. once the functions of FMOs have been agreed, the form that the FMO will take can then be decided upon.

A further concern is the potential that all funding will be centralised. A Laing reported that all indications are that it is quite possible that the collection of funding will be kept at a local level. Additionally, he advised that politically it is now possible that some form of angler contribution will be accepted. It is obvious that there is not enough money in the system to carry out all the functions proposed in the reform. It was intimated however that the Scottish Government are aware of this and also aware that salmon and sea trout proprietors are contributing the vast majority of current funding.

On the bailiffing and enforcement front, A Laing advised that there does not seem to be a conflict between charitable status and enforcement powers. A Laing stressed that there is still quite a degree of flexibility with the negotiations with the Scottish Government who do seem to be listening to concerns and ideas.

Draft legislation on the Wild Fisheries Reform is due out in early 2016. This will lead to further consultation and no legislation will be passed through the Scottish Parliament until after the Holyrood elections in May 2016. The likely timescales are that full legislation will be passed by mid/late 2016 with an Act passed in mid/late 2017. A further period of bedding in means that some of the outcomes of the Act will not be realised until around 2018-2020.

Andrew Wallace confirmed that approximately two thirds of the recommendations contained in the Wild Fisheries Reform do not require legislation to implement. Whilst FMOs cannot be formally enacted until the Act has been passed, Boards and Trusts should be working much more closely together to prepare themselves for the new structure.

There are currently 65 organisations (Boards and Trusts) within Scotland and the Government is looking to reduce this number significantly. The main function of FMOs is to deliver credible, high quality fisheries management. This will involve the functions of management, enforcement, angling development, education, research and monitoring. A mean budget for an FMO to deliver this has been estimated at between £350k and £450k. A Wallace alluded to current ongoing discussions that are taking place with other Highland Boards. ASFB and RAFTS are hoping to provide the Scottish Government with a draft proposal on the geographical spread of FMOs within the next 6-8 weeks.

The Hon. G Lopes enquired about the funding for FMOs and where the money will be coming from if proprietors are already spending the money on employing their own staff, e.g. bailiffs etc. A Wallace confirmed that this current spending can be factored into the overall spend figure for an FMO and that different FMOs in different areas may have differing priorities on what the money is to be spent on. It was intimated that FMOs will have significant leeway on how the money is spent within certain

parameters and as long as this is done in parallel with an agreed fisheries management plan.

Mr J Gray asked what the benefits of a new FMO structure were likely to be over the current Board and Trust structure. He stated that the main priority needed to be improving salmon and freshwater fish stocks in the rivers. In order to address this, issues such as North Sea pelagic trawling and predation out at sea needed to be addressed. Mr Gray stated that the majority of rivers in the Northern region are spate rivers and the issue of seal predation will continue to have a significant impact on salmon populations, particularly when the water levels are low and particularly in light of the proposed closure of coastal netting stations. It was acknowledged that the marine mortality issue was a very complex issue and no solutions were forthcoming although it was acknowledged that the involvement of other parties such as the North Atlantic Salmon Trust was required.

The Hon. G Lopes proposed that the Board needed to start working on a skeleton plan identifying our priorities, key issues and proposals for delivery. A Wallace advised that the Ness/Beaully/Cromarty Board are working on a draft business plan and critical analysis and this could be used as a basis for developing the Board's plan. A Wallace agreed to circulate this plan once available.

The geographical structure of a Far North FMO was discussed. There was some concern raised about the presence of fish farming in the current North & West Board which was not the case with the rest of the areas that the Northern DSFB was currently in discussion with.

The Hon. G Lopes confirmed that there had been some initial informal discussions with the Kyle of Sutherland Board. It was suggested that it may be possible to have one larger FMO which shared scientists/biologists etc as long as enforcement could be kept at a local level. There was some level of support for this proposal and A Laing and A Wallace agreed to share these discussions and thoughts with the Kyle Board.

The proposed membership of FMOs was discussed and A Laing reported that it was likely to consist of a wide group of 'trustees' that may include SEPA, SNH, Local Authority and river proprietors. That wider group would elect a Management Board to undertake the day to day management of the FMO.

It was agreed that the Board required to work on producing a plan within the next two months which identified the preferred options for the geographical structure of an FMO and a skeleton plan on what the FMO might look like in terms of management structure, priorities and key issues. It was agreed that the Chairman would initially have discussions with the Chairs of the Caithness and Helmsdale Boards about initiating discussions with the North and West Board.

The Chairman thanked Alasdair Laing and Andrew Wallace for joining the meeting for this useful discussion and it was agreed there was much work to do in the next couple of months.

12. **ANY OTHER BUSINESS**

12.1 *Scientific Consultation/Support*

The Clerk reported that she had been in discussion with Alan Youngson regarding his fees for providing scientific advice on planning consultations and applications to date this year. Alan Youngson has proposed an arrangement similar to that he has with the Caithness Board in which he will cover all of the Board's day to day queries for an honorarium of £600 per half year. This is roughly equivalent to one or two days work and any very large projects that come up may therefore have to be dealt with separately. This proposal was approved by the Hon G Lopes and seconded by Mr D Hurst-Brown. The Clerk undertook to respond to Alan Youngson and to arrange payment for the work carried out this year (for which there is sufficient budgeted funds).

12.2 *Strathy Point Fishing Rates Removal*

The Clerk reported that she had received correspondence from the legal team representing Scottish Ministers who wish to renounce their rights to fish for salmon at Strathy Point and to be removed from the rates valuation roll. The Clerk advised that a Board may remove a name from the roll showing the upper and lower proprietors in a District and the values of their fisheries as entered in the valuation roll, by virtue of Section 40(9) of the Salmon and Freshwater Fisheries (Consolidation) (Scotland) Act 2003 (if satisfied that it should be removed). The Clerk confirmed that the Scottish Ministers had paid their assessment for 2015 therefore this would be effective from 2016 forward. The proposal was approved by Mr D Lindsay and seconded by the Hon G Lopes. The Clerk undertook to inform Scottish Ministers of the Board's decision and noted that the 2016 draft budget had been prepared with this fishery removed from the valuation roll.

12.3 *Mr Fred Drummond*

The Chairman noted his and the Board's sorrow at the passing of Mr Fred Drummond in August 2015. He advised that he had written to Fred's wife, Evelyn, to convey the sympathies of the Board.

13. **DATE OF NEXT MEETING**

The Annual Public Meeting and Board Meeting will be held on Tuesday 10th May 2016 at the Bettyhill Hotel. The Annual Public Meeting will start at 2pm followed by the Board Meeting at about 2.30pm.

LIST OF ACTIONS ARISING FROM MEETING

Inform the Clerk of any members of the Bettyhill Angling Club interested in being co-opted onto the Board	J Mackay
Issue declaration of interest forms to Mr S Green and Mr J Stewart	Clerk
Arrange administration for VAT Registration of Board	D Hurst-Brown
Arrange for James Fleming to contact James Mackay regarding historical net and rod catch data	S Lopes
Arrange payment of 2015 North Coast Sea Patrol Invoice	Clerk
Discuss possible options for J Mackay to continue to actively be involved in the Board's activities	T Ward/J Mackay
Circulate a sliding scale of income based on different 2016 assessment poundages	Clerk
Discuss and agree budget for 2016 North Coast Sea Patrol service by 13.10.15	Coastal Patrol Sub Group
Investigate Board's current overdraft arrangements	Clerk
Circulate draft business plan & critical analysis from Ness/Beaully/Lochaber area	Clerk/A Wallace
Have discussions with Caithness & Helmsdale Boards regarding potential inclusion of North & West Board	T Ward
Advise Alan Youngson of agreement for honorarium charge and arrange payment for 2015	Clerk
Write to Scottish Ministers approving removal of Strathy Point netting station from valuation roll.	Clerk
Arrange venue for the next meeting	Clerk