

**NITH DISTRICT SALMON FISHERY BOARD**  
**MINUTES OF**  
**BOARD MEETING**  
**HELD AT FRIARS CARSE COUNTRY HOUSE HOTEL,**  
**AULDGIRTH, DUMFRIES**

**on**

**15<sup>th</sup> September 2015 at 10:00 am**

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**PRESENT**

Percy Weatherall – Chairman  
Peter Hutchinson – Netting Representative  
Thomas Florey – Angling Representative  
Wally Wright – Netting Representative  
David Kempell – Dumfries & Galloway Angling Association  
Danny Marshall – Upper Nithsdale Angling Association  
Nick Wright – Closeburn Castle Fishings  
John Kingan – Netting Representative  
Nick Brown – Friars Carse

**IN ATTENDANCE**

Roderick Styles – Clerk  
James Henderson – Fishery Director (FD)  
Deborah Parke – Nith Catchment Fishery Trust (FB)

**APOLOGIES**

Robbie Cowan  
Duncan Mackison – Buccleuch Estates Limited  
Peter Landale – Dalswinton

The Board was informed that a new factor was in place at Buccleuch Mr Derek Bathgate and it is intended that he will attend meetings of the Board in future.

**1. DECLARATION OF MEMBERS' FINANCIAL INTERESTS**

No changes

**2. BOARD MINUTES OF THE MEETING OF 6<sup>th</sup> JULY 2015**

Point 4 - Freshwater Fishery Review rather than Forum.

Minute approved as accurate.

The FD wrote to Sarah Denholm from SEPA who provided a written response regarding the modifications to the flood bank at Nunholm. FD was unhappy with the response and has contacted the Police. He has given a statement and there will be charges pressed. The FD is to report back to the Board on progress.

The minutes from 24<sup>th</sup> March and were approved.

### 3. REPORTS

(a) River Report – Quarterly Report.

FD reported that there had been a rush for renewable energy projects following the announcement that feed in tariffs are likely to reduce.

There had been an outstanding invoice from a coal mine that had been liquidated. An invoice has been issue with additional charges added.

The River Nith sea trout event was run this June/July and it was very successful and has provided some good PR for the river. Not a huge number of sea trout caught due to new teams on new beats every week but it got people fishing and has received many requests for it to be run again. DK asked if we would consider doing a salmon one as well. Everyone had good things to say about the event and DGAA has got a couple of new memberships as a result. Permits were purchased as a result. It was discussed as to whether to run it again in the future making changes such as reducing the event to 4 weeks.

There have been a lot more fish reported in the river

Blackwood run a week's fishing for kids and that will be repeated next year. It was a great event and experience gained this year will improve next years.

TCF enquired if we had agreed schedules of work for mining operations going forward and how is the lack of bonds affected this? Kier have bonds attached to their works. East Ayrshire Council is stipulating bonds for all mining operations after the collapse of Scottish Coal.

NW enquired what we are doing about the non-active mines that are being restore and how they might affect the river. We continue to monitor sites like House of Water and Glenmuckloch. Currently keeping a careful eye on Kier's progress as it gets closer to the river.

Currently working with Glenmuckloch OCCS on their proposed wind farm and pumped hydro site. Glenmuckloch has been a disaster in terms of fish. All of the watercourses draining the site have lost fish due to changes in hydrology. FD taking this up with Hargreaves but believes that it will be blamed on ATH's work. Grievehill is no longer operating. It is unlikely that any new mines will be started as coal is finishing. Coal prices have dropped significantly.

FD stated that we are coming to the end of the original agreement with House of Water. A 20 year agreement has been agreed with Kier which has been enshrined in planning. Kier is up for sale but this agreement will continue with the new owners.

Biggest environmental risk in the upper catchment – High powered interconnector could cause a peat slip that could cause environmental harm. Mining companies have the facilities

to be able to deal with these issues whereas wind farms and OHPL don't. The FD is also concerned about the cumulative effects of hydro schemes.

(b) Report from SEPA – there was no report form SEPA provided for the meeting.

FD stated that he is progressing slowly with the SEPA Pilot Project and is currently working on paperwork. East Ayrshire council is also working on flood management in the New Cumnock area. SEPA would like FD to manage the Crichhope Linn and Laggan projects in addition to the upper Nith. It is planned to construct a new Gas pipe line going through the Cargen area.

PH - What percentage of spawning stock occupies the upper catchment? There are a number of A-grade tributaries that are vital to supporting. The upper Nith is not a massive percentage in spawning terms but if a disaster occurs at this location it could have a bigger impact on the river.

NW – raised concerns regarding erosion on the Crawick and were there any plans to recover the materials from the washed out habitat scheme? FD stated that he had it in hand and that electrofishing would be carried out in advance of repairs being conducted at Corsebank. Fish rescues will be carried out. It was agreed that erosion could have a negative effect on the river i.e. smothering redds downstream, and resulting in a lack of cover. Previous electrofishing showed very good numbers of fish in the crawick.

(c) Report from SNH – will not be providing any future reports.

#### **4. UPDATE ON FRESHWATER FISHERY REFORM**

Chair reported that he met with the Alastair Jack, chair of the Annan Board/Trust and Mary Nicolson, chair of the GFT. It is likely that FMO's will take over the role of Boards and that there is the possibility of a Solway FMO. The meeting discussed the possible implications of this. The meeting was inconclusive. Broadly the interests of the Annan and the Nith are similar but that the GFT are different and it was felt that further meetings were inappropriate at this time.

The Clerk updated the Board members – at the last meeting it was decided to take forward an agenda where the Nith would be independent and able to stand on their own. The Clerk contacted Mark Cummings, Invictas to promote the Nith's interests. A meeting was set up and with two or three Board members. Mr Cummings understands the WFR very well and has other clients involved with the process. In order to save the Nith FMO we would have to achieve some triggers that were key to Scottish Government (SG) rather than try to promote what we do now. Boards are not seen to be politically acceptable by the SG.

It became apparent that it was unlikely that there would be 20-30 FMO's and it was likely there would only be approx. 15 FMO's . the Clerk and FD had attended the SG meeting at the Cairndale and there was very little further information forthcoming. It was necessary to do the best for the area – Three possible options:

one Solway coast, Solway plus Ayrshire, Solway, Ayrshire plus Clyde. It was felt that the largest option was not tenable. Emphasis changed from protecting the Nith to protecting the Solway. As a result, a meeting was convened with Solway Boards. However, the GFT has clearly signalled that they are not interested in a Solway FMO and are going to fight for a Galloway FMO or join with Ayrshire.

We have not engaged Mark Cummings. At the moment we are currently waiting to see what happens next before we make any major decisions. Alastair Jack is the sole proprietor representative at the Stakeholders Group. Early on, it was felt that there was no proprietorial representation and was AJ asked to sit on the Group. FD was asked to sit on the strategic group to pursue the vision of future fisheries.

SG are driving through the legislation on licence to kill salmon for 2016. It was suggested that speaking to our council representative to put forward the economic argument.

FD read out the letter asking him to sit on the strategic group. A strategic draft is required by the end of the year and the group will be sitting every three weeks till then. This group seeks to set out the roadmap for the next 20 years. FD detailed the members sitting on the group. FD is there in his role of chairing the Bailiff Development group for Scotland.

Even if there are no legal challenges, which SG fully expect there to be, changes to the current system would not occur until the end of 2017 before obtaining Royal Assent. Post that assentation; there would be a period of transition. There is a lack of detail for the future i.e. how the killing licence will be administered.

The clerk informed that the SG has announced that they have planned to ban all net fishing out with estuarial limits. This was not discussed in any consultations prior to this announcement. The estuarial limits were set in 1868 and for the Nith are a line drawn from Carsethorn - Skinburness. This effectively eliminates the Douglas Hall stake net.

PH felt that the Board was bound to inform the members and that we are seeing a lack of professionalism coming out of Scottish Government. For the next two years we still have statutory duties to continue to position ourselves for the future. Keep abreast of all development and keep the Board members informed.

JK enquired if the cash held in the Board's in bank would be considered to be the proprietors or will it be given to the FMO. The Board's position was unsure but it was believed that the Board's assets could be distributed amongst the Board members.

What are ASFB doing on our behalf? – we understand that Andrew Wallace is to retire at the end of this and Alistair Laing is a landowner and has nothing to gain by following SG. To date they have followed a route of appeasement. It was questioned as to whether they were in dereliction of their duties to represent their members.

The assets of the Board were discussed and what would happen to those assets. Not able to abolish Trust so this is something that we have to be aware of.

TCF enquired about sporting rates – a rate may be charged and a secondary rate could also be applied to provide additional funds.

The Chair and Clerk concluded that it was difficult to determine what effective actions the Board can embark on other than keeping everyone informed. That way the appropriate action could be taken at the right time. Business should proceed as usual with regard to day to day running of the Board and Trust.

**5. AOB – No other business was discussed**

The Board Meeting thereafter closed 11:25am.