



RIVER DOON DISTRICT **SALMON FISHERY BOARD**

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MINUTES

for

Meeting of River Doon District Salmon Fishery Board

Tuesday 6 December 2022 at 4pm,

Western House Hotel, 66 Craigie Road, AYR KA8 0HA

1. Persons Present

<i>Alan Macdonald (AM)</i>	<i>Doonside Estate (Chairman)</i>
<i>Iain K Clark (IKC)</i>	<i>Gilson Gray LLP (Clerk to the Board)</i>
<i>Stuart Brabbs (SB)</i>	<i>Ayrshire Rivers Trust</i>
<i>David Cosh (DC)</i>	<i>Doonfoot Fishings, Board Member</i>
<i>Martin Donachy (MD)</i>	<i>Woodlands, Board Member</i>
<i>Carlos Van Heddegem (CVD)</i>	<i>Holms Fishing, Board Member</i>
<i>Peter Kennerley (PK)</i>	<i>Auchendrane House, Board Member</i>
<i>Lawrence Dalgleish</i>	<i>Blackhill, Rozelle, Board Member</i>
<i>Mark Colman</i>	<i>Smithston Fishings Club</i>
<i>Roger Pirie</i>	<i>River Stinchar DSFB</i>

2. Apologies

None

3. Declaration of Members' Interests

In accordance with the Board's good governance obligations, the Board has agreed a Meetings Protocol and Policy on Members Interests. All Board Members have signed a Declaration and the Board maintains a Register of Relevant Interests, pursuant to *Section 46E of the Salmon and Freshwater Fisheries (Consolidation) (Scotland) Act 2003 ("the 2003 Act")*. All Board Members present were invited to declare new/amend existing interests. No such interests were declared or amended.

In addition, the Clerk notified those present of the requirements of the Meetings Protocol. It was agreed that those present would each be noted as representing the interests of their Beat or organisation; and any other additional relevant financial interest should be declared under the *2003 Act*.

Martin Donachy notified the Board that he was also now a Trustee and Member of Ayrshire Rivers Trust. No additional interests were declared.

4. Minutes of the Last Meeting

The Minutes of the previous Board Meeting held on 15 June 2022 had been circulated and approved by the Board on 14 September 2022 and thereafter published on the Board's Website.

5. Matters Arising from Previous Meeting

- (a) The Clerk confirmed that a £500 Donation was made to ART, as previously agreed, to assist them in developing the Brockloch Project.
- (b) Further to discussions at the previous Board Meeting regarding weirs there was correspondence clarifying the Auchendrane Weir is not an issue that requires to be revisited following the installation of the non-technical fish pass in 2015. SB clarified that it is the remaining weirs elsewhere that are of concern. If the Board wished to address those, then the recommendation from ART is to have them subject to SNIFFER assessment – which is a technical way of assessing fish passage and porosity through weirs, flow rates – relates to flow rates etc, This was done at the Auchendrane Weir and led to the action taken to resolve any fish passage issues that were evident at each. This was something the Board could do, and could stagger these assessments and was an objective and repeatable basis to do so.
- (c) As previously requested, the Clerk made enquiries with the Board’s Accountants, regarding why it was considered necessary for some DSFBs to pay Corporation Tax and some not. The explanation given was that Corporation Tax arose because the Board gains interest on the monies it holds from Fishery Assessments; and that requires Tax to be paid on that income.
- (d) The Clerk confirmed that he had developed a Welcome Information Pack which is now sent out to all New Riparian Owners (and had previously been circulated to all existing Owners, Tenants, Clubs and Associations). The individual documents have also been uploaded to the Board’s Website on the “*About Us*” page, so that any member of the public can download the relevant documents:
 - i. River Doon DSFB Code of Practice updated at 3 December 2021
 - ii. FMS - A Guide to Best Practice in Catch-and-Release
 - iii. ART Invasive Weeds Information 30.06.21
 - iv. FMS - Wanted Poster 03.06.21
 - v. FMS Guidance re Farmed Salmon 08.06.20
 - vi. FMS Guidance re Pink-salmon 19.05.21
 - vii. River Doon Gyrodactylus salaris Declaration Form 29.06.21
 - viii. River Doon River Watch Scheme - Leaflet 05.10.22
 - ix. River Watch Scheme Poster (final)

SB commented this was proactive work and to be encouraged.

6. Reports from Ayrshire Rivers Trust

SB presented his Scientific Report (attached). Highlights included:

SWS Pylon route – monitoring agreements in place. Wood Plc let everyone down by not instructing surveys until October, too late in the season. It was noted this was just unacceptable, when we got a commitment to monitor impacts and this makes it impossible for an agency to monitor what they are doing. ART have raised concerns with them.

Solar Farm proposal. There was a meeting on the way here. There is a consultation in Coylton regarding the Loch Fergus land, Marchburn to Pochlewan Burn and there is a potential for pollution in a pathway to the river and the biggest concerns is regarding the

properties, currently tagged at 50. ART will make sure the Board's interests are protected.

South Kyle – been doing fish and macro invertebrate impacts and there do not appear to be any impacts from that development. There has been a request for data loggers and they will be planting trees in the head waters there. SB commented that across the Ayrshire rivers, including the Rivers Ayr, Stinchar and Doon, the water temperatures getting higher and we need to start planting trees desperately. The Government predicting a rise in temperature of 4 degrees in 50 years.

Some of issues re drought are ameliorated by flow from Loch Doon, but lack of tributaries for River Doon. ART see opportunities for planting in Cummock of broadleaf trees and to put in fencing. For example, tried to get fencing on opposite bank at Barnford – but the proprietor is not very keen on fencing that at present.

Brockloch project – silt had built up but is now cleaner by gravel improvement. A good example of successful management is the Culroy Burn, which has now got salmon fry in it.

CBEC Report – cost would be around £2,000. It would involve a ½ day visit and 1 day report. ART advised it is something Board should consider, but there will be challenges. There may also be problems trying to convince all the landowners to allow a restoration package. If we were to do this, we could see a lot of money spent on it, but would probably need to seek funding also from the Nature Restoration Fund.

Fencing Initiative – There have been discussions. One of the owners was not really interested in a stock proof fence, and they need to understand the value for it, because sheep can be very damaging to the watercourses. ART had a meeting with the new owner of the Netherton Burn and with the owner at Barnford and discussions are ongoing. They are also looking upstream of Drumgrange Farm and also have to do green engineering there and help cut inputs there. If this is possible, ART will come with a price to the Board to do them together.

SB also presented the ART River Doon Electrofishing Fish Survey Report 2022

It was noted that we had a particularly good season last year for angling – not as good results for electrofishing – we don't know exactly why. Upper end of river pretty productive. Very lower reaches not particularly productive – perhaps the impacts of profuse pollution. Upper river holding its own.

7. Report from Clerk to the Board

The Clerk presented his detailed Report.

It was noted that the corrected balance of funds held at 14 June 2022 was £26,558.45, to take into account interest accrued on funds held in a deposit account; and an adjustment relating to an Outlay payable to Azets for their work in relation to the preparation of the Board's Accounts to 31 December 2021.

Taking account of the Additional Income from Fishery Assessments and expenditure since 15 June 2022, the balance of funds held at 5 June 2022 was £28,662.99.

The Clerk sought approval of the immediate anticipated Expenditure detailed in his Report to take the Board up to 31 December 2022, which was unanimously approved.

The Clerk also presented a budgetary update as regards various Project Work for 2022/2023.

The Board discussed and then agreed.

Budgeted Contracted Expenditure for River Watch Scheme	£ 250.00
Available Balance of River Watch Scheme Budget - additional patrols?	£ 281.43
CBEC Report re Chapelton Burn	£ 3,000.00
Budgeted for Fencing Grants	£10,000.00
Available Additional Budget for other expenditure e.g. tree planting?	£ 2,031.56

Drumgrange & Keirs Angling Club - Trees and guards £3 to stake and guard a tree – ART will give them the trees (value of £1,000) through Scottish Woodlands as a gesture good will.

The approved budget would still leave a reserve fund of £10,000, as the Board previously agreed.

8. Correspondence/Actions since Previous Meeting

The Clerk updated the Board on various elements of his work since the last Board Meeting, as follows:

(a) SEPA Wild Fish & Sea Lice Framework Engagement

The Clerk had attended Consultation Workshops organised by SEPA in relation to the proposed new Sea Lice Framework on 28 June 2022 and 5 December 2022. SB of ART had also been involved. He circulated the slides from both meetings, together with his notes in the Board Pack. The Board thanked the Clerk and SB for their input and agreed to continue to monitor and engage with the Consultation process, as appropriate.

(b) Consultation Response re River Doon Scottish Government Grading 2023

ART and the Clerk had made submissions on behalf of the Board to the Scottish Government (SG) Consultation on the proposed 2023 River Gradings. In short, they sought to persuade SG that the River Doon should be categorised as a Category 3 River, as the Board was of the view that would reflect the fact that the numbers of salmon have been declining over the last 10 years; and, despite improved numbers last year, the Board believes that its statutory function can be better fulfilled, if the Board were able to take enforcement action regarding a Mandatory Catch and Release Policy, instead of the voluntary policy which is part of the Board's Code of Practice that has been regularly updated and circulated to all existing Owners, Tenants, Clubs and Associations, and published on the Board's Website. However, the Clerk exhibited the response from SG which was to decide that the River Doon will be classified as Category 2 for 2023.

The Board noted it was very disappointed in the response from SG.

(c) Freshets

As agreed with the Board, the Clerk organised Freshets from Loch Doon Dam in cooperation with SEPA and Drax, and with support from SB, in June, July, August and September 2022.

- (d) The Clerk had various discussions with the Secretary and President of Drumgrange & Keirs Angling Club and sent correspondence on behalf of the Board in advance of the Salmon Fishing Competition held on 15 October 2022. The Board was pleased to note that its concerns about the timing of the event by comparison to the season; the possibility of affecting; and the desire to have mandatory catch and release; and noted that the Board's River Watch Patrol Coordinator and River Watch Coordinator were in attendance on the day and issued information packs which had been prepared and sponsored by the Board's Solicitors, Gilson Gray LLP on the day. The River Watch Team have offered to make a presentation to the Club, should it wish, at any of its meetings.

(e) Updating of Board's Records

The Clerk has been working to maintain the up to date records for the Board. There is a concern that some Riparian Owners and Tenants are not keeping the Clerk informed of changes of ownership etc. The Board emphasised the importance of up to date records – especially due to the forthcoming Re-Valuation exercise to be conducted by Ayrshire Valuation Joint Board (AVJB), as noted below.

(f) Consultations with the Board

The Clerk had received correspondence regarding a number of proposals, but expressed concerns that the relevant organisations were not automatically contacting the Board for those purposes. On most occasions there was limited consultation with the Board, or the organisation originally contacted ART, who then explained the statutory role of the River Doon DSFB in such processes.

The Board discussed the following such proposals/projects:

- i. Knockippen Wind Farm
- ii. MachairWind offshore wind farm
- iii. Proposed works at A713 Dunaskin Bridge Widening, Waterside near Dalmellington – supposed to go to DSFB and Trust – exclusion period
- iv. Proposed works to Muck Burn, Dalmellington

The Clerk will correspond with Ayrshire Roads Alliance, South Ayrshire Council and East Ayrshire Council, as appropriate, with support from ART, regarding the Board's role as consultee on such projects.

9. River Doon River Watch Scheme

- (a) The Clerk updated the Board that Contracts were finalized and signed for River Patrol Coordinator and River Watch Coordinator
- (b) The Clerk arranged Publicity for the launch of the River Doon River Watch Scheme and produced the articles which had been published as follows:
- i. On the Board's Website on 23.09.22

- ii. On Facebook by *East Ayrshire Councillor, Drew Filson* on 25.09.22
- iii. On Facebook by *Ayrshire Daily News* on 18.10.,22
- iv. In the *Ayr Advertiser* on 19.10.22
- v. In the *Daily Record* on 21.10.22
- vi. In the *Cumnock Chronicle* on 22.10.22
- vii. In the November 2022 issue of *Alloway & Doonfoot's Going Out*

The Board noted, with thanks, the efforts made by the Clerk and others, including Martin Donachy, Alan McDowall and Alan Shannon in this connection.

- (c) Warning Notices had been prepared and posted by the River Patrol Coordinator and River Watch Coordinator, with assistance from the Clerk, MD and Wildlife Crime Officer, Steven Prendergast of Police Scotland
- (d) The Clerk tabled short reports from the River Patrol Coordinator and River Watch Coordinator and thanked them for their efforts throughout the season and their expected support with increased patrols throughout the spawning season.
- (e) The Clerk updated the Board on the fact that the work on the River Watch Scheme had, so far, been delivered under budget
- (f) The Clerk highlighted the limitations on the Board in carrying out Enforcement action, due to the SG decision to fix the River Grading for the River Doon at Grade 2. Interestingly, there has been discussions with one Angling Club representative who had enquired about whether the River Ayr DSFB may replicate the model in the River Ayr catchment

(g) Future Steps

- i. The Clerk is to give an Interview for an Article in the January/February Issue of *Ayrshire Magazine*
- ii. The River Patrol Coordinator and River Watch Coordinator will be arranging more meetings with Proprietors to discuss putting up Warning Notices and carrying out patrols, during the spawning season. The Board granted permission to release contact details of the Riparian Owners, Tenants, Clubs and Associations to them, in order that they can support the Board in carrying out its statutory obligations in this connection.
- iii. Standing that the Scheme had been progressed under budget, and the timing of the spawning season, the Clerk proposed and the Board agreed to extend the period of the contract of the River Patrol Coordinator to cover the spawning season.
- iv. Standing the success of the Scheme, the Clerk recommended that the renewal of the Contracts for both the River Patrol Coordinator and the River Watch Coordinator be placed on the Agenda for the next Board Meeting in February 2023.
- v. It was also noted by the Board that there was an offer to any Clubs and Associations that the River Watch Team (and any Board Members who were available) would be happy to engage with them regarding their work at their AGMs or other Committee or Club/Association Meetings, as part of the Board's role of fishery protection and enforcement.

10. Update re Fishery Assessments

The Clerk reported on discussion and correspondence with Ayrshire Valuation Joint Board (AVJB) and various correspondence and calls with Riparian Owners and Tenants; and outlined the latest updates to the various beats on the river.

Regarding a longstanding dispute regarding ownership of one set of fishings, the Clerk explained his understanding that, unless the fishing rights are 'carved out' or separated from the sale/transfer, then they would be expected to automatically transfer with the land. Following recent discussions with the Senior Valuer at AVJB, they have confirmed in writing that their understanding is that fishing rights generally are sold with the land, unless they are specifically excluded. The land owner would therefore need to clearly demonstrate that their ownership excludes any fishing rights, albeit further legal research may be required, including checking the title deed and the Clerk will advise further whether it is appropriate to correspond further with the new proprietor or his Solicitor, as previously discussed.

With the exception of one other beat which is currently vacant, the Clerk reported 100% recovery of all Arrears and Fishery Assessments for the year 2022/2023. The Board thanked the Clerk for his efforts in this regard.

11. Ayrshire Valuation Joint Board Re-Valuation Process

- (a) Outline of procedure - The Clerk outlined the procedure, as recently discussed with the Senior Valuer of AVJB, when informing them of the Board's request to have the fishing rights on the River Doon revalued as at 1 April 2023.
- (b) The Board granted authority to the Clerk to send the Annual Catch Return Data which the Board has gathered for the last 5 years to the AVJB in response to its request for same, as it will support Riparian Owners in the Re-Valuation process to be undertaken by April 2023
- (c) The Clerk explained that the Draft Valuation Roll will be updated by AVJB, as it receives more information from the Board and Riparian Owners etc.
- (d) The Board noted that the Chairman and DC offered to meet with AVJB regarding the valuation basis for beats on the river.
- (e) The new Valuation Roll will then be issued after 1 April 2023.

12. Proposed Assessment Rates for 2022/2023

The Clerk suggested that the Board place this on the Agenda for the next Board Meeting

13. Proposed Budgetary Expenditure

The Clerk presented a short paper on the current financial position and proposed further expenditure. The Board discussed and agreed:

- (a) Balance of River Watch Expenditure
- (b) Report from CBEC re Chapelton Burn
- (c) Further instalment of fees for Clerk to the Board Services
- (d) Fencing Grants
- (e) Possible tree-planting?

- (f) Appointment of Azets as Accountants for preparation of Annual Accounts and Corporation Tax Return was approved by the Board

14. Annual Catch Returns

The Clerk presented a Summary Report (attached), together with detailed statistics which had been gathered so far from the Annual Catch Returns.

15. Annual Meetings

The Clerk outlined the procedures and timescales for the various Annual meetings. The Board agreed to provide draft Reports to the Clerk by *15 January 2023*

- (a) Preparation of Annual Report
- (b) Notices

16. Any Other Business

DRAX Fish counter – it was noted this had not operated for quite a while. ART are in discussions with them and will report further in due course.

FMS – the Annual Report was produced and there was some discussion regarding the numbers of salmon nationally and concerns still being voiced by FMS, DSFBs and other organisations of the crisis in relation to wild Atlantic Salmon.

The licence for the bird cull of piscivorous birds was once again being coordinated by Alan MacDonald, as Chairman, on behalf of the Board. We have permission to cull:

4 Mergansers
11 Goosanders
4 Cormorants

17. The Board agreed the following Dates of Next Meetings:

- (a) Board Meeting: Thursday 16 February 2023, 4pm
- (b) Annual + Triennial Meetings of Qualified Proprietors: Thursday 23 March 2023, 7:30pm
- (c) Annual Public Meeting: Thursday 20 April 2023, 7:30pm

The Meeting concluded at 17:48

Documents Appended

- (1) Ayrshire Rivers Trust - Biologists Report Doon - December 2022
- (2) Ayrshire Rivers Trust - River Doon Electrofishing Fish Survey Report 2022
- (3) Scottish Government Reply re River Grading 2023 - 3 November 2022
- (4) Summary of Annual Catch Returns for River Doon 2022 as at 5 December 2022