

# River Ayr District Salmon Fishery Board

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## **Minutes from River Ayr DSFB meeting 24<sup>th</sup> October 2022 7pm at Kilmarnock Supporters Club Mauchline**

Minutes are prepared by Stuart Brabbs from a recording of the meeting

In attendance – Alan Hill (AH), Alex Reid (AR), Max Stobbs (MS), Gordon Millar (GM), Charles McDade (CMcD), Nick Wright (NW), Forbes Watson (Clerk) (FW), Stuart Brabbs (ART) (SB)

Apologies received from Ian Walker, Robin Wilson, Struan Candlish (ART)

### **Minutes from the last meeting**

#### **Points arising**

AR pointed out that Tarbolton A.C. had not asked for a rebate but this was given by Crown Estates to all clubs renting water. It was agreed that the minutes would be corrected to reflect this.

FW informed the meeting that no response had been received from MSS/Scottish Government on the request to redefine the upper/lower boundaries of the river as the Board suggested.

AH is writing to Antje Branding regarding the issue of funding bailiffs and other actions on the river. The RADSFB feel there isn't adequate support coming to help a Category 3 river improve matters. AH will circulate the draft to Board members for comment before issue.

SB pointed out that MSS funded the Ayr counter at a cost of over £110K, not an insignificant investment and of benefit for management. SB added that a replacement counter had been installed which will take time to verify the accuracy. This should provide an accurate count of salmon and trout entering the river. MS pointed out that the Categorisation process hasn't worked since conservation measures were introduced. MS suggested that the Board and anglers should ignore the measures and do as they please.

SB pointed out that the data from the counter would improve accuracy of the conservation gradings and to go against them, would be a criminal act and liable to prosecutions. AH confirmed this.

George Leslie Ltd have paid £200 to the RADSFB as settlement for the pollution incident claim. No further progress is likely regarding recovering costs.

No other comments, alterations or corrections required so minutes were approved.

#### **Agenda item 2**

Parking at the Kilmarnock Supporters Club (KSC). 2 Board members were penalised after parking in the KSC car park during the last meeting. New measures have been introduced and no one was aware of this. The penalties have been paid however, as no one informed the Board in advance of the last meeting, these charges are felt to be unfair. The Board has written to KSC asking them to refund both Board members but as yet no response has been received. AH and CMcD will speak to the management to try and sort this out.

#### **Agenda item 3 - Fishery Management Plan**

SB had a hard copy of draft FMP with him but due to the size of the document it was felt inappropriate to print copies for the Board at this stage. An internet link will be provided for DSFB members to allow them to read and comment on the plan ahead of it being finalised and adopted as a working guide to manage the river. This link will be circulated by ART asap.

The FMP uses knowledge accrued by ART over many years and makes recommendations on what the Board can do to improve aspects of the catchment in need of restoration/improvement. The final chapter provides a prioritised list of actions.

SB Suggested that Board members submit their comments within 2 weeks before the plan is finalised.

NW asked if this plan followed the FMS format for FMPs?

SB responded that as yet no templates have been issued for a standardised FMP to the best of his knowledge protracted discussions of this happening coming from MSS over many years. SB pointed out that a 'template for all rivers' approach is a big ask as every river has its own unique issues. This FMP follows the format of other used in Ayrshire but is unique to the River Ayr catchment and its own peculiar issues. Any new requirement 'standardised plan' can be integrated or used as additional aid later.

CMcD asked if this is an extension of an existing plan. SB responded that this is a new plan from scratch. CMcD asked if it had targets for improvement? SB responded it has suggested priority actions. CMcD asked how these actions will be delivered? SB responded that this will be up to the Board to deliver these actions. CMcD asked if the FMP details how these improvements will be measured in terms of achievement and timescale? SB responded 'no but any recommendation that is actioned should be measured. How this will be assessed will depend on the action.'

Asked if this was a one or three year plan, SB responded that it could be viewed as a 5 year plan but that could change should Scottish Government/MSS introduce a mandatory template.

AH suggested that each Board member read the FMP and the Board could meet in December before the next scheduled Board meeting to discuss this. The Board could then consider the priorities and decide which they wish to progress.

NW agreed this would be valuable and asked if there had been any similar plan previously?  
SB responded that has taken this Board around 10 years to agree for a plan to be produced.

SB also pointed out that ART had produced a Fisheries Habitat Report in 2004 and while many issues may have been resolved, there will still be actions to deliver from that report or changes to the habitat that have taken place that may benefit from being updated to keep this document current too. The FMP and Habitat report should both be regarded as working documents to guide the Board's actions. He added, 'it may be worth also updating the habitat report at some point in the near future.'

AR pointed out that some of the actions such as fencing are not the responsibility of the Board and he couldn't keep asking his members to keep providing more money particularly as 'the river is in the worst state it has ever been in'.

SB asked on what basis was this assessment made? AR responded the 'figures and ART's figures for fry'.

SB pointed out that the 'health or condition of the river' is not the salmon fry data, that data is just part of the overall picture. AR then pointed out that the catches are poor. SB pointed out that the 2021 catch around Scotland was the worst on record. He added the trout numbers in the river are very good but AR responded that people are paying for salmon fishing and the trout are good because Cumnock has been stocking the Lugar every year for a long time. SB dismissed this as the reason for good trout numbers.

AH suggested the Board members look at the document online and come back with their comments.

AR asked why an awful lot of 'wee salmon' of 2.5 – 3lb are coming back to the river? He stated there were 'were seen going over Ochiltree Weir in the last few days'. SB pointed out that in all the observations made at Nethermills so far, ART has viewed very few small salmon and a predominance of MSW, which equates to more eggs deposited in the river. SB added that he hadn't viewed all the data yet so it may be happening but to date, he hadn't seen any evidence of this. SB added 'on one hand AR is claiming the 'river is worse than ever' and on the other stating 'there's a lot of wee fish coming back'.

AR again questioned why the fish coming back are small? SB replied 'the size issue is most likely related to problems at sea with the food supply and possibly linked to climate change'.

GM then asked why the Tay has had over 5500 big fish and we are getting small fish back to the Ayr? SB responded saying that ART work on evidence alone and to date, the evidence reviewed for May, June and July indicates, the fish going through the new Ayr counter are predominantly multi MSW salmon or grilse but not unusually wee fish. AR's claims cannot yet be substantiated but if they show up in the counter data, ART will inform the DSFB. SB pointed out the counter data provided to the Board from Catrine may not be the most accurate but they did reveal the run timings coming up the Ayr have changed. This is borne out by the Nethermills counter data. It reveals there was a decent back end run but earlier in the year, the main runs came in in May, June and July. The traditional Autumn runs in August and early September were lacking as they are on other local and west coast rivers. This is most likely due to issues at sea.

When asked if the counter was missing wee fish, SB highlighted the difficulties with the new counter at Ayr and progress made. While the counter had failed to record every fish, the cameras had recorded any going through and this allows biologists to manually assess the runs but this is very laborious. In future, things should only improve. MS stated that the fish could be running over the dam and missed by the counter and SB acknowledged that a proportion will do this in large spates but during summer months, the fish pass was the only route into the river on virtually every day. The upper fish pass was by far the most attractive flow and easiest passage, even during spates on most days.

CMcD stated that club members are asking why this river remains at Category 3? SB responded it is a lack of fish. CMcD asked why the data on which the Category is set, has not improved since the advent of Conservation Regulations that their members abide by. Is it not reasonable to expect things to improve? CMcD then asked if the suggestions within the FMP will change the results?

SB responded – 'not necessarily as factors at sea, affect marine survival and are beyond the control of Board and biologists, but actions in the FMP should help make the freshwater environment healthier which in turn should help. By improving the freshwater environment, then you are improving the chances of juvenile production and survival'.

CMcD then asked how the past 5 years of work had changed the data for the better. SB pointed out that the Board had delivered no actions in the last 5 years. The only work to improve river habitat was performed by the Trust or a club.

CMcD replied that the clubs had voluntarily performed catch and release. SB acknowledged that C&R obviously meant that more fish were on the redds to spawn so had to be a sensible action whether mandatory or voluntary.

CMcD suggested that SB was stating that the problem really lies out-with the river at sea.

SB acknowledged that there are problems at sea but that doesn't mean improvements can't be made in the freshwater environment that will help. There are plenty of problems to address.

SEPA and ART work with landowners to cut diffuse pollution and improve aspects of the freshwater environment. CMcD replied but none of this has changed the data!

GM pointed out that the trout were doing well.

SB also pointed out that salmon have a 4/5 year lifecycle so looking for results now may be too soon. Recovery takes time and the river environment is only part of the problem.

CMcD reiterated that he is looking for a change and not full recovery. He stated that anything that is being done or has been done has not helped as things are getting worse.

SB pointed out that the Board must start to implement changes to ensure future generations have the chance to fish the river and to have fish in the river. Unless efforts are made to improve habitat and defend against climate change, then there may be no salmon left. Water temperature data already

indicates critically high peak summer water temperatures. We have to start somewhere to address these issues. GM and CMcD agreed. SB reiterated that impacts from climate change are occurring in the freshwater habitat and we are aware of the urgent need to make changes. This is where the Board should focus efforts.

MS then stated that the problems are linked to sewage sludge applied in North Kyle Forest. 'This was killing the river'. SB responded that he had been surveying the North Kyle burns last week and saw no sewage sludge applied but was aware of local council compost being applied. Any sewage applied would be a licensed activity. AH agreed. MS was adamant that it was sewage sludge and not compost that was being applied.

AH suggested that if there was a genuine concern and evidence that sewage sludge was affecting rivers, then the Board should write to SEPA on this matter.

#### **Agenda Item 4 - ART Report.**

SB stated that as it was only 6 weeks since the last meeting there was not much to report. The report was given verbally.

ART have been monitoring fish populations in the North Kyle Forest area ahead of a 49 turbine wind farm development commencing next spring. Sites on the Burnock Water and tributaries have been surveyed. Hopefully ART will monitor this over the lifespan of the development and beyond.

Trout numbers appear to have declined since SB last surveyed these burns although this may be partially due to the late request to perform the surveys. SB indicated these assessments should have been instructed earlier and performed in summer, not October and ART will highlight this in the report to the developers.

Burnock Mill dam acts as a barrier to migration and despite anecdotal evidence that salmon could progress beyond this obstacle, Art have only once recorded a juvenile salmon upstream of this. We aim to have this obstacle eased and are hopefully meeting with SEPA on this matter soon. MS stated that Blueboots Runner was an important spawning burn. SB responded that ART had been there last week.

AR stated that SB had previously stated that the Burnock was 'clinically dead'. SB categorically rejected this claim outright.

MS then stated that the Burnock was one of the best spawning areas of the catchment. SB didn't disagree but stated that it had gone badly downhill but in recent years ART have found good numbers of salmon in the lower reaches since around 2017/2018.

MS stated salmon can easily migrate beyond the Burnock Mill dam but SB rejected this and stated that the weir had deteriorated and was probably currently more passable to trout than salmon.

AR suggested it would be a big job to remove the weir. SB agreed, but didn't feel it was too big if we had agreements with SEPA and the landowner to deliver this. SEPA have downgraded the Burnock & Black Water due to ART highlighting the issues and the lack of year classes of salmonids upstream of the barrier. Removal will take time. SB added, 'in fisheries, nothing ever happens quickly'. The fact that there has been a downgrade will help prioritise action and ART will continue to push SEPA for this before 2027.

SB added that problems elsewhere on the Fail are issues that SEPA have yet to address despite repeated calls for improvement. The Landfill at Tarbolton requires restoration and we are seeking confirmation that SEPA are making progress. However, there are no instant fixes.

The Water of Fail has been downgraded to 'bad' due to morphological changes they consider too great to address within the timescales of River Basin Management Plan 3 (2027). However, ART consider the immediate problems to be with pollution arising from the site that impacts the Fail and downstream of the confluence on the Ayr (in our opinion). ART continue to press SEPA for improvements at the landfill, particularly treatment of the leachate reaching the river and control of Giant hogweed. To date ART has seen no progress.

The combined impact of the challenges ART see reflect on the fish population and that's why we believe the Category 3 status is correct currently. AR and CMcD agreed.

CMcD returned to the issue of indications of improvement within the data used to determine the categorisation of the river. He asked SB again, 'did he expect to see a change in the data by now?' SB responded that he would like to see changes but didn't expect them so early in the process. He suggested it was unrealistic to look for an instant fix.

CMcD replied stating he isn't looking for an instant fix but expects to see a change in the data by now. SB reiterated that while he was sure everyone wishes to see that (improvement), he feels that perhaps it is too soon to expect this; there has only been one lifecycle since the conservation measures were introduced. It is still early in the process.

SB added that the marine phase is critical and survival at sea is key to producing returning adults and increasing fry numbers. He pointed out that in 2 recent years, the Ayr had experienced good runs of adult salmon returning from the sea. But, he also stated that the number of smolts being produced can be improved. If marine survival was at the same levels as during the 60's, then there would be far more salmon returning to the river but things have changed and survival varies from year to year but appears to be much reduced on previous decades. Maximising smolt output is essential.

GM raised the question of why the Tay are reporting good numbers (best in 10 years). SB suggested waiting until the catch data is produced next year before believing this. More discussion revolved around the Tay catches. Rod effort was believed to be high.

CMcD asked what data ART held on smolts. SB explained that there had been several smolt trapping exercises between 2010 and 2018. There were issues highlighted at Catrine dam following these exercises that led to improvements for fish passage at Catrine dam being implemented in 2020. SB pointed out that smolt trapping and assessment is a hugely time consuming and expensive process. No current data is available on smolt migration.

AR stated that Jim Storie from SEPA had blamed ART for the position of the smolt by-wash at Catrine. SB rejected this as inaccurate and this by-wash was poorly constructed in a compromised position. It had been poorly designed and installed and consequently didn't work well. ART's work highlighting these issues had led to the second by-wash being constructed in 2020. ART has suggested using a bywash outside the penstock but this had been rejected by CCT.

AR questioned the use of Allum as a flocculant. SB stated it was not used in the volume it was historically if at all now. AR stated it is still a problem and needs addressed. SB pointed out that ART had expressed concerns about the use of Allum during the opencast era and indeed an alternative peat based flocculant had been substituted.

AR added that he thought a Category 4 designation was warranted and had suggested this at a regional meeting with FMS. He felt this should be available to help secure funding. SB pointed out that he suggested this to the wrong people and instead of asking FMS, he should be asking MSS as they are the Government agency responsible. SB then stated that the Board must take responsibility and start engaging with agencies and Government rather than expecting the Trust to do everything for them. SB

stated that it is only recently that he has seen the RADSFB improving how it delivers its statutory role and engaging with others. He welcomed this and encourages the Boards' action without delay.

GM suggested that the Board should identify some 'quick fixes' from the FMP and deliver them to demonstrate they are doing something to improve the river. SB agreed there are quick fix options in the management plan to consider and the Board and ART could work together to deliver them.

### **AOCB**

AH indicated that he will visit every angling club and owners on the system and try to encourage them to be represented onto the Board. This would help overcome complaints about Board inactivity and improve the strength and clout of the Board and those they represent.

AH encouraged unity on the Board and between the proprietors and clubs. The Board welcomed this.

### **Financial update**

As of today's date, the board has £36,327 and that includes admin and GHW control in 2023. These figures were lower than budgeted for.

Discussion then revolved around the late payment of levies by Annbank Club and how best to address this and hopefully resolve it going forwards. The Board agreed to await AH reporting back on this matter.

Mr Shearer's payment is overdue and Cumnock Club (AR) will pay this resolving the matter. The payment will be made in March.

Mauchline & Ballochmyle AC issue has been resolved.

SB reiterated that going forwards, collecting levies should be much simplified by the modernised system.

### **Budget**

The Board has contributed to the Giant hogweed control over the last 3 years up to a max of £2000. AH indicated that both GHW and Japanese knotweed need controlled and he proposed increasing ART's contribution to £4000 to help get on top of the situation as the Board has adequate reserves to do this. The Board was supportive of this for the coming season.

MS asked if there has been improvement on the JK situation. SB responded that ART hasn't delivered any JK control for years due to the lack of funding available (other than that at Barskimming, Stairaird and at the Mauchline Ballochmyle Club stretch in the last 2 seasons).

SB pointed out that if JK is not cut or broken, it won't spread. AR asked how ART proposed to get rid of it. ART recommends stem injection but ART are not responsible. ART can deliver this control for the Board if required.

SB highlighted that the Stinchar DSFB released £4000 towards JK control in 2022 as they had adequate reserves. This was delivered by stem injection and although a laborious task, if it is strategically controlled from year to year, progress will be possible. The Board should set a budget for JK control as they have done for GHW. Sustained effort will achieve results.

MS asked about Himalayan Balsam as this is increasing. SB pointed out that Bill Menzies and Board had rejected any control when it first appeared.

The Board fixed the Levy rate at £0.40/ pound.

AH suggested that the Board could apply for funding to address aspects of the management plan. GM suggested that planting trees should be a priority. AR asked the species of trees to plant and SB gave a list.

CMcD asked if other local Boards had been successful securing funding from external agencies? SB responded stating that they don't try and therefore hadn't been successful but ART do and work on behalf of the boards. But ART would welcome the RADSFB attempting to do this.

CMcD suggested that Windfarm developers may fund the DSFB. SB responded that they may be more likely to fund Clubs or the Trust rather than a statutory body but it was worth a try. CMcD asked if the Board is a statutory body? SB confirmed this.

### **Valuation Review**

NW reminded the Board there is a revaluation underway. FW confirmed this and stated the returns are required per beat. ART does not have comprehensive records from prior to 2020.

AR asked if he could have assistance with beats etc. and SB confirmed he was willing to assist if AR came into the office to see us.

In Robin Wilson's absence, he raised the need to encourage and remind clubs to submit accurate returns. AR highlighted the failure particularly of Muirkirk AA in this respect. This was agreed.

CMcD asked for the catch data to be made public, beat by beat. It was agreed that this should be available on the web site.

AH had met with Chief Inspector Nathan Calderwood and spoken to the wildlife crime officers to engage with them on bailiffing. AH will continue to work on this and report back in due course. This was supported by the Board.

SB informed the Board that the Trust has delayed the application for the large restoration project in the upper catchment but this should be submitted next spring. This will include developing a local tree nursery to help the Boards across Ayrshire. Work in this respect is already well underway.

**DONM** to be arranged by email; date provisionally for end of January.