

FINDHORN BAY LOCAL NATURE RESERVE - STATUS

Findhorn Bay was designated as a Local Nature Reserve by the Council in 1998. This designation, under the National Parks and Access to the Countryside Act 1949, places the reserve under the Council's management and gives the Council the option to promote bye-laws to regulate activities on the reserve.

The reserve land is owned by various owners who have all agreed that their land forms part of the reserve.

Wildfowling has taken place in Scotland in its present form (i.e. shooting birds in flight) since the mid-18th century and we would assume that this is when it started in the Findhorn Bay. The wildfowling season for foreshore wildfowling in Scotland is 1 September to 20 February.

Management has been passed to the FBLNR Management Committee whose members represent formal bodies such as the Council, HIE and Scottish Natural Heritage (SNH), as well as groups who have an interest in the bay such as the local community councils, Findhorn Foundation, conservationists, wildfowlers and water sports groups.

The FBLNR Management Committee Constitution allows the Committee and those with a legitimate interest in FBLNR to recommend bye-laws to the Council. Since designation there have been requests from the Management Committee to introduce bye-laws to regulate wildfowling by introducing a monitored permit system. Reports on this subject have been considered and rejected by the Council's former Environmental Services Committee on two previous occasions in 2004 and 2006. The Council refused both requests in the light of financial and health and safety implications essential for the enactment, supervision and enforcement of bye-laws.

If FBLNR's status was to change to that of National Nature Reserve (NNR), the responsibility for promoting byelaws would be SNH's. A NNR may be run by SNH or by a range of public, private, community and voluntary organisations. To be designated a NNR, an application must be made to SNH, demonstrating that SNH's NNR selection criteria and standards have been met. Any landowner, community or organisation interested in attaining the NNR accolade may apply to SNH. Whoever manages the NNR must either own or have sufficient control over the land. This would mean that new agreements would have to be entered into between the NNR managers and the constituent landowners.

There are over 40 designated NNRs in Scotland with SNH having made byelaws on just one occasion in 2006 relating to the NNR at Caerlaverock, in Dumfries and Galloway. NNRs generally tend to be located remotely, some distance from population centres. Designation of Findhorn Bay as an NNR would be an SNH decision, and the LNR would require to be de-designated

prior to this. De-designation would be a formal process , similar to that of designation, and would have resource implications for the Council, as well as the potential for public enquiry if there were significant objections to the Council de-designation and FBLNR losing its Local Nature Reserve Status..

Initial discussions with SNH would suggest that they would be unwilling to support the re-designation and would require significant resources by the Council not only to go through legal process but also to demonstrate that the reserve meets the national reserve criteria.