

Financial Plan

Background

A Financial Plan for the Association was prepared and agreed in 2010. An update was considered and approved at the last meeting of the Association in January 2018. The updated financial plan allowed for a gradual inflation of lease fees in line with the current inflation rate.

At the January 2018 meeting there was some discussion of how the increase in lease fees would affect different operators, and it was considered appropriate to discuss options for determining lease fees for different areas.

Recommendations

1. That the Association should consider whether or not it is appropriate to revise the formula for setting lease fees for layings in the Menai Strait Oyster and Mussel Fishery Order 1962.
2. That the Association should consider whether the scenarios set out in this report (or any alternative scenario) could form the basis for revising the lease fees for layings in this Fishery Order.

1. Financial Plan

- 1.1 The first Financial Plan for the Association was agreed in October 2010 and revised in 2013. The plan was updated again in January 2018, when it was agreed that income should be increased at a rate of 2.8%pa (the current rate of inflation) for the duration of the Menai Strait Oyster and Mussel Fishery Order 1962. This rate of increase was felt likely to cover the foreseeable expenses associated with renewal of the Fishery Order.
- 1.2 The main source of income for the Association is the fee charged for the 8 cultivation areas ("layings") in the Fishery Order. The increase in income to the Order will be met by an increase in the fee charged to the lessee for each laying.

2. Lease fees for layings

- 2.1 At the January 2018 meeting of the Association there was some discussion about the formula used to determine the lease fees for individual layings. The current formula is based on an equal fee for each area, irrespective of its size or current productivity. There was a view that an alternative approach might be more equitable.
- 2.2 The current "equal fee" formula was adopted by the Association in 2013 following discussions with lease holders at that time, and replaced the *ad-hoc* arrangements that had been in place previously. Other options that were considered at that time included the previous *ad-hoc* arrangements, and also an area-based scenario.

2.3 This report considers the possibility of changing the formula for determining lease fees in the Fishery Order. Several alternative lease fee formulas are considered. For each alternative scenario an illustration has been provided which shows the consequence in terms of the fee that would be charged for each laying. These scenarios considered are not intended to be exhaustive, but are offered as the basis for discussion. The different scenarios considered are:-

- a) **Status quo / equal fee** – this option is presented for reference.
- b) **Area based** – under this option, operators would pay an equal fee per hectare of leased fishery. The total leased area is 632.3ha, and the leased areas vary in size from 15ha to nearly 170ha.
- c) **Dynamic allocation** – in this scenario the operators would pay a fee based on the previous year's production. To illustrate how this might work, some arbitrary production figures have been used, based on the general historical performance of different layings. Three different options have been considered under this scenario:-
 - i. **No annual fee** – under this option the fee charged for each laying is based solely on that laying's performance in the previous year.
 - ii. **Annual fee of £1000** – under this option all lessees would pay a £1,000 annual fee, with the remainder of their fee being determined by the annual productivity of the laying.
 - iii. **Annual fee of £2000** – as above, but with a £2,000 annual fee.

2.4 The illustrations of the consequences for each laying in the 2018-19 FY are set out in Table 1 & Table 2 of this report. To facilitate comparison of the different scenarios the illustrations all show the actual fee change from the current scenario, and also the proportion of the overall lease income to the Association that each operator would contribute.

3. Other considerations

3.1 The leases issued for each laying specify that the tenant of each laying is required to use their best endeavours to prevent them from being or becoming unused, and also that any dispute of lease fees shall be referred to the sole arbitration of the Director of the Shellfish Association of Great Britain.

4. Next steps

4.1 The Association is invited to consider whether or not it is appropriate to revise the basis for determining lease fees for layings in the Fishery Order, and whether or not any of the scenarios presented (or an alternative option) would provide a suitable basis for this.

Table 1: Comparison of "status quo" and area-based lease fee allocations.*

Lay	Area (ha)	Company	Illustration for 2018-19				
			Current (Equal allocation)		Equal Price / ha		
			Fee	% of total	Fee	Change	% of total
1	92.8	Myti Mussels	£ 3,899.62	12.5%	£ 4,578.79	£ 679.17	14.7%
2	117.1	Myti Mussels	£ 3,899.62	12.5%	£ 5,777.76	£ 1,878.14	18.5%
3	57.0	Extramussel	£ 3,899.62	12.5%	£ 2,811.91	-£ 1,087.71	9.0%
4	25.7	Deepdock	£ 3,899.62	12.5%	£ 1,265.58	-£ 2,634.04	4.1%
5	169.2	Ogwen Mussels	£ 3,899.62	12.5%	£ 8,348.39	£ 4,448.77	26.8%
6	50.2	Deepdock	£ 3,899.62	12.5%	£ 2,478.37	-£ 1,421.25	7.9%
7	105.3	Menai Mussels	£ 3,899.62	12.5%	£ 5,195.54	£ 1,295.92	16.7%
8	15.0	Môn Mariculture	£ 3,899.62	12.5%	£ 740.60	-£ 3,159.02	2.4%
Total	632.3		£31,196.92		£ 31,196.92		

Table 2: Comparison of "status quo" with dynamic (production based) scenarios using annual fixed fees per laying of £0, £1000 and £2000. Note that the production values given are arbitrary; either tonnage or monetary value could be used. The production values should not be regarded as indicative of the relative production of different areas in recent years, but have simply been used to allow illustration of the scenario.*

Lay	Production (arbitrary units, illustrative only)	Company	Illustration for 2018-19											
			Current (Equal allocation)		Share: No Annual Fee			Share: Plus Annual Fee			Share: Plus Annual Fee			
			2018-19	% of total	2018-19	Change	% of total	2018-19	Change	% of total	2018-19	Change	% of total	
1	80	Myti Mussels	£ 3,899.62	12.50%	£ 6,239.38	£ 2,339.77	20.0%	£ 5,639.38	£ 1,739.77	18.1%	£ 5,039.38	£ 1,139.77	16.2%	
2	80	Myti Mussels	£ 3,899.62	12.50%	£ 6,239.38	£ 2,339.77	20.0%	£ 5,639.38	£ 1,739.77	18.1%	£ 5,039.38	£ 1,139.77	16.2%	
3	40	Extramussel	£ 3,899.62	12.50%	£ 3,119.69	-£ 779.92	10.0%	£ 3,319.69	-£ 579.92	10.6%	£ 3,519.69	-£ 379.92	11.3%	
4	20	Deepdock	£ 3,899.62	12.50%	£ 1,559.85	-£ 2,339.77	5.0%	£ 2,159.85	-£ 1,739.77	6.9%	£ 2,759.85	-£ 1,139.77	8.8%	
5	80	Ogwen Mussels	£ 3,899.62	12.50%	£ 6,239.38	£ 2,339.77	20.0%	£ 5,639.38	£ 1,739.77	18.1%	£ 5,039.38	£ 1,139.77	16.2%	
6	80	Deepdock	£ 3,899.62	12.50%	£ 6,239.38	£ 2,339.77	20.0%	£ 5,639.38	£ 1,739.77	18.1%	£ 5,039.38	£ 1,139.77	16.2%	
7	10	Menai Mussels	£ 3,899.62	12.50%	£ 779.92	-£ 3,119.69	2.5%	£ 1,579.92	-£ 2,319.69	5.1%	£ 2,379.92	-£ 1,519.69	7.6%	
8	10	Môn Mariculture	£ 3,899.62	12.50%	£ 779.92	-£ 3,119.69	2.5%	£ 1,579.92	-£ 2,319.69	5.1%	£ 2,379.92	-£ 1,519.69	7.6%	
Total	400		£31,196.92	100.00%	£ 31,196.92			£31,196.92			£31,196.92			
Annual Fixed Fee per Lay			NA		£ -			£ 1,000.00			£ 2,000.00			

* Please note that in both tables the actual sum of laying fees may differ by a few pence from the total shown. This is a result of rounding of the fee for each laying to the nearest penny. It does not affect the overall outcome.

Welsh Government Activity

Background

The Welsh Government is responsible for managing inshore fisheries in Wales. This report provides a brief update on some Welsh Government Activities that may be relevant to the work of MSFOMA.

Recommendations

1. That the report is received, along with any verbal updates from Welsh Government officials at the meeting.
2. That the Association should agree to make a response to the consultation on the Welsh Government's Draft Welsh National Marine Plan before the deadline on 29th March 2018.

1. Background

- 1.1 The Welsh Government website provides information about consultations and meetings of various stakeholder groups that are relevant to the Welsh Fishing industry. A brief summary of recent activity is provided below.
- 1.2 Officers from Welsh Government are due to be attending this meeting, and may provide further verbal background on the items reported below and other areas of Welsh Government Activity.

2. Meetings of Fisheries Groups

- 2.1 Welsh Government has established several groups to assist with the administration and management of Welsh fisheries. The key groups are:-
 - a) **Inshore Fisheries Groups** - these groups provide stakeholder with a forum for communicating and engaging with Welsh Government. There is no information available about these groups on the WG website at present. Recent MSFOMA meetings have been advised by WG officials that the future role of these meetings was due to be considered by the Welsh Marine Fisheries Advisory Group.
 - b) **Welsh Marine Fisheries Advisory Group** - this group was established to assist with the formulation of appropriate policies, plans, strategies and laws relating to marine fisheries in Wales. The WG website reports that the most recent meeting of this group took place on December 5th 2016.
 - c) **Aquaculture Advisory Group** - this Group was established to help Welsh Government meet its targets for aquaculture production of 2,000t of finfish and 16,000t of shellfish by 2020. No information about recent activities of this group is available on the WG website.
- 2.2 A verbal update on any recent meetings of these and related groups will be provided at the meeting by Members who attend their meetings.

3. Meeting with Cabinet Secretary

- 3.1 Members of the Association have met with the Cabinet Secretary, Lesley Griffiths AM at a meeting in February 2018. Minutes of this meeting are not available, but a verbal update will be provided to the Association by those that attended.

4. Consultation on Draft Welsh National Marine Plan

- 4.1 During December 2017 the Welsh Government launched a consultation on the Draft Welsh National Marine Plan (Draft WNMP). The consultation on this plan is open until the 29th March 2018.
- 4.2 At the January 2018 meeting of the Association it was agreed that MSFOMA should submit a response to this consultation. This has not yet been drafted, but will be circulated in good time to all members.

MSFOMA Secretariat
February 2018

North West Inshore Fisheries and Conservation Authority Activity

Background

The North West Inshore Fisheries and Conservation Authority (NWIFCA) is responsible for managing sea fisheries, including mussel fisheries, in the coastal waters lying between the Dee and the Solway Firth. This area includes the UK's largest seed mussel resource, which is vital to the ongoing success of the Menai Strait mussel fishery. This report provides a brief update on NWIFCA activities that could have an impact on the Menai Strait mussel fishery.

Recommendations

1. That the report is received.

1. IFCA Meetings

- 1.1 Since the last meeting of the Association the NW-IFCA has held one Technical, Scientific and Byelaws Sub-Committee met once (on the 6th February 2018).
- 1.2 Some of the matters that are relevant to the Menai Strait mussel fishery that have been considered by the NW-IFCA are summarised briefly below.

2. Changes to Byelaws

- 2.1 The NW-IFCA is presently working on changes to one byelaw that is relevant to the activities of the mussel industry in the Menai Strait. This is the existing Byelaw 3 which establishes a permit scheme for cockles and mussels.
- 2.2 **Byelaw 3 (Permit to fish for Cockles & Mussels).** This byelaw sets the minimum size for cockles and mussels within the NW-IFCA District; requires people gathering cockles and mussels by hand to obtain a permit; allows the IFCA to impose spatial and temporal closures; and provides the IFCA with various other powers and duties associated with the management of these fisheries.
- 2.3 The current Byelaw 3 was made by the IFCA in 2012 and is currently under review. During June 2017 the NW-IFCA carried out a consultation with stakeholders to inform this review, which MSFOMA responded to. The consultation responses were considered at a meeting of the NW IFCA Technical Scientific and Byelaws Sub Committee in August.
- 2.4 The potentially most contentious part of the proposed new byelaw is the proposal for the IFCA to establish a scheme requiring that a "trading permit" is obtained by any person wishing to purchase cockles or mussels gathered in the NWIFCA District and restricting trading permit holders from purchasing cockles or mussels from anyone other than a Byelaw 3 permit holder. There is a risk that this proposal may have unintended consequences, and it is considered that the Association should keep this under careful review.

3. Bivalve Mollusc Working Group

- 3.1 There have been no recent meetings of the Bivalve Mollusc Working Group (BuMWaG). Representatives from MSFOMA participate in BuMWaG and will provide a verbal update on any issues arising.

MSFOMA Secretariat
February 2018

Menai Strait Oyster & Mussel Fishery Order 1962

Background

The Menai Strait Oyster and Mussel Fishery Order was made in 1962, and provides the legal foundations for the mussel fishery in the eastern Menai Strait. The Order was made for a period of 60 years and is due to expire in 2022. MSFOMA needs to consider options for renewal of the Fishery Order to protect the local businesses and jobs that depend upon it.

Recommendations

1. That the report is received
2. Comments on the draft application forms are invited, with a view to submitting the application for renewal of the Fishery Order by the end of March 2018.
3. Comments are invited on progress to date and proposals for work in the next quarter.

1. Introduction

- 1.1 The Menai Strait Fishery Order sets out provision for both the cultivation of mussels and oysters and for the regulation of the fishery for wild mussels in the eastern end of the Menai Strait. It has been the most successful Fishery Order in the UK, allowing the Menai Strait mussel industry to develop and flourish.
- 1.2 The existing Fishery Order will expire on 31st March 2022. The experience of the mussel farmers in the Western Menai Strait indicates that it can take many years for a Fishery Order to be renewed.
- 1.3 It is imperative for the businesses and jobs that depend on the Menai Strait Oyster and Mussel Fishery Order that a new Fishery Order has been made before the existing Fishery Order expires.
- 1.4 At the July 2016 meeting of the Authority it was resolved that work should start on the process of renewing this Fishery Order. A timetable for renewal of the Order was agreed at that meeting and has been kept under review at subsequent MSFOMA meetings. This report provides a further update on progress with the renewal of the Order.

2. Progress Update

- 2.1 The priority areas of work identified at previous meetings have been to meet with all of the landowners that have a significant interest in the Fishery Order area and to initiate consultations with Natural Resources Wales (NRW) before engaging in wider consultation.
- 2.2 The work that has been carried out with respect to consultation about the renewal of the Fishery Order area is summarised below.

- a) **Land ownership:** the owners of all of the land within the Fishery Order area have now been identified. With regard to individual land owners:-
- i. The Crown Estate – a productive meeting took place at Port Penrhyn in July 2017. Liaison with The Crown Estate is continuing. A verbal report on the most recent feedback from the Crown Estate’s land agent will be presented to the meeting.
 - ii. Penrhyn Estate – following two meetings, the Estate has written to support the renewal of the Fishery Order.
 - iii. Ynys Môn County Council – the Chair of the Association, Mr Kim Mould and Dr Jim Andrews had a productive meeting with officers of the council on the 9th January 2018.
 - iv. Gwynedd County Council – discussions have taken place with Gwynedd County Council to determine the extent of the Council’s land ownership. This was confirmed in December 2017. It is intended to meet with the Council in early 2018.
 - v. Bangor City Council – the Council owns Bangor pier. The extent of ownership was confirmed following discussions with The Crown Estate during late 2017. It is intended to meet with the Council in early 2018.
 - vi. Anglesey Boat Company – this company owns a small area of foreshore at Gallows Point, and also has a lease with The Crown Estate covering a larger area. The Chair of the Association, Mr Kim Mould and Dr Jim Andrews had a productive meeting with the directors of Anglesey Boat Company on the 9th January 2018...
- b) **Public bodies / statutory consultees** – an initial consultation with the public bodies & statutory consultees with an interest in the area has been carried out (see Annex F of this report).
- c) **Habitats Regulations Assessment (HRA)** – Natural Resources Wales have been consulted on the HRA for the renewal of the Fishery Order which is now complete, pending clarification of a few minor details. This document is required to support the application for the Order.
- 2.3 Regular telephone conferences are being held between the Secretariat and the mussel farmers in the eastern Menai Strait to ensure that progress is being maintained and that this area of work is being carried out efficiently.
- 2.4 Information about the renewal of the Fishery Order has been placed on the MSFOMA website (www.msfoma.org). Stakeholders are able to register their interest in the renewal of the Fishery Order on the website, which will ensure that we are able to communicate with all interested parties.

3. Proposed timetable for renewal

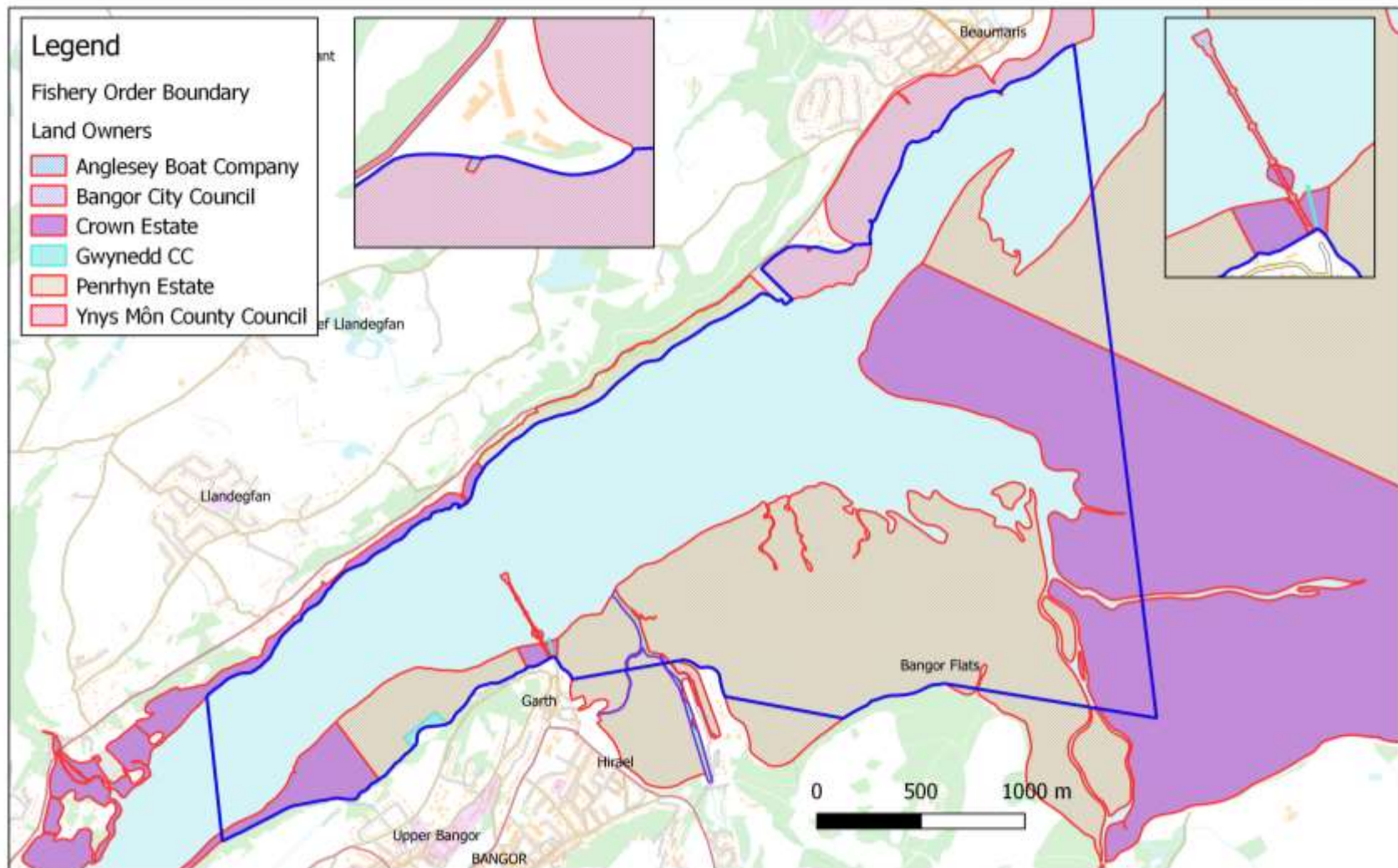
- 3.1 At previous meetings the Association has drawn up a timetable for progressing the renewal of the Fishery Order. It is important that this is kept under review to ensure that adequate progress is being made.
- 3.2 A copy of the timetable is attached at Annex B, along with an update on progress.

4. Application for renewal of the Fishery Order

- 4.1 In order to move the renewal process along, draft application forms have been completed. These are appended to this report as follows:-
 - a) **Annex C:** This part of the application replicates the Schedule of *The Several and Regulated Fisheries (Form or Application) Regulations 1987* (SI1987 No 217). Completion of this form is a statutory requirement.
 - b) **Annex D:** Several and Regulating Order Management Plan - this Welsh Government form must be completed as part of the application process.
 - c) **Annex E:** Additional Information Sheet - this Welsh Government form also has to be completed as part of the application process.
- 4.2 The attached application forms are presented for Members' approval.
- 4.3 Members' comments and input to the draft application forms are invited.
- 4.4 Subject to further amendment, it is recommended that these application forms should be submitted to Welsh Government by the end of March 2018.

MSFOMA Secretariat
February 2018

Annex A: Map of the Menai Strait Oyster & Mussel Fishery Order 1962 and the extent of land titles registered with the Land Registry (correct as of 4th January 2018). Inset maps show detail for Gallows Point area and Bangor Pier. Scale bar only accurate for main map.



Annex B: Timetable for progressing the renewal of the Menai Strait Oyster and Mussel Fishery Order 1962 (updated in February 2018).

Year	Quarter	Activities	Update / Progress
2016	Q4	a) Formal notice to WG of intent to renew Fishery Order	<ul style="list-style-type: none"> Letter sent to WG in October 2016.
		b) Preparation for consultation activity (mapping of Order boundaries, communication with Crown Estate & Land Registry over land ownership and occupancy).	<ul style="list-style-type: none"> Mapping completed.
2017	Q1 & 2	c) Continue preparation for consultation (land ownership & occupancy).	<ul style="list-style-type: none"> Initial consultation with Crown Estate Title deeds obtained from Land Registry
		d) Initiate consultation with NRW	<ul style="list-style-type: none"> Formal consultation with NRW in January 2017 Initial meeting with NRW staff March 2017 Draft Assessment of Likely Significant Effect (ALSE) sent to NRW in July 2017.
		e) Initiate liaison with landowners.	<ul style="list-style-type: none"> Ongoing. Initial round of meetings commenced in February 2017 Meetings now held with all major landowners / tenants
	Q3	f) Initial consultation with statutory bodies & utilities	<ul style="list-style-type: none"> Completed Q1 2018.
	Q4	g) Ongoing liaison with stakeholders, NRW, land owners.	<ul style="list-style-type: none"> Ongoing liaison with landowners. Preparations made for consultation with public bodies. HRA almost completed with NRW
2018	Q1	h) <u>Submit formal application for renewal of Fishery Order.</u>	<ul style="list-style-type: none"> Draft application forms presented to MSFOMA meetings in January & February.
		i) Initial consultation with wider stakeholder community (public, recreational users, NGOs)	<ul style="list-style-type: none"> In preparation
	Q2	j) Liaison with WG. k) Keep stakeholders informed.	

Year	Quarter	Activities	Update / Progress
	Q3	l) Liaison with WG m) Keep stakeholders informed	
	Q4	n) (Possible) Formal consultation on Fishery Order.	
2019		o) Respond to consultation feedback. p) Address consultation issues either informally or through Public Inquiry.	
2020		q) Progress application process.	
2021		r) Progress application process.	
2022	1st April	s) DEADLINE FOR NEW ORDER	

SCHEDULE

Application for an Order under Section 1 of the Sea Fisheries (Shellfish) Act 1967, as amended by the Sea Fisheries Act 1968 and the Fishery Limits Act 1976 and as extended by the Fisheries Act 1981.

To the ~~*Minister for Agriculture, Fisheries and Food~~

~~*Secretary of State for Wales~~

~~*Secretary of State for Scotland~~

1. Application is hereby made by

Menai Strait Fishery Order Management Association

Of

Port Penrhyn, Bangor, Gwynedd, LL57 4HN

2. The land to which this application relates is known as

Is owned by:-

The Crown Estate, Penrhyn Estate, Gwynedd County Council, Anglesey County Council and Anglesey Boat Company (see attached map showing extent of land ownership).

Has an area of:-

760 hectares.

And its boundaries are as follows:-

See attached map. The boundary is specified in the Menai Strait Oyster and Mussel Fishery (Amendment) Order 1964 (SI1964 No. 550).

3. The past and present use of the land for shellfish cultivation and the type and extent and location by marine pests and diseases are as follows:-

The area has been used for shellfish cultivation since 1962. There are no known marine pests, diseases or invasive non-native species in the area. Full details of the past history and status of the site are given in the supporting management plan and additional information.

4.

a. If a Several Order is made it is intended to:-

i. Stock / cleanse / restock / cultivate

Mussels (*Mytilus edulis*) will be cultivated in layings within the Fishery Order area.

ii. Erect the following structures

If oyster cultivation takes place on the site, then oyster frames may be installed on the site with the permission of the relevant landowner(s).

b. If a Regulating Order is made it is intended to:-

i. Make the following regulations, restrictions on fishing, tolls and charges and provisions for improving and cultivating the fishery (indicate general intentions):-

The number of operators will be restricted to match the stock of wild mussels in the Fishery Order. The area of operation will be restricted to exclude areas within shellfish layings. A fee shall be charged for permits (currently £100 per year). The regulations and restrictions on fishing shall be determined and varied by MSFOMA in accordance with the Articles and Memoranda of the Company.

- ii. **To exercise, for the purpose of regulating the fishery, authority under (here indicate statutory powers which the applicant is in a position to exercise).**

The powers granted under the terms of the Fishery Order, in accordance with the relevant provisions of the Sea Fisheries (Shellfish) Act 1967 (as amended).

5. The applicant considers the following additional information to be relevant to this application.

See attached management plan and additional information.

Signature:

Date:

Annex D: Draft Management Plan

Welsh Assembly Government
Fisheries Policy Branch
FFMDD, Rhodfa Padarn
Llanbadarn Fawr, Aberystwyth, SY23 3UR
General Enquires: 0300 062 2184
Email: fisheries@wales.gsi.gov.uk



Llywodraeth Cymru
Welsh Government

Several and Regulating Orders Management Plan

1.

2. **Applicants for Several and Regulating Orders are required to submit a management plan for a minimum five year period (unless the application is for less than 5 years). Applicants must undertake to improve the cultivation/management of the fishery.**

The purpose of the management plan is to establish what you intend to achieve through the granting of an Order. It will enable us to assess the merits of your application and will constitute a tool against which performance in the fishery can be monitored. If conditions in the fishery change so that the plan is no longer relevant, you will need to let us know and draw up a new one.

Please complete all relevant sections after reading the Notes for Guidance on Several/Regulating Order applications, using additional sheets of paper as necessary. Send the completed form and the other application documents to the address above.

Please note that the Countryside Council for Wales (CCW) are consulted about all applications for Several and Regulating Orders. In some circumstances they make recommendations regarding the proposed activity at the site. You are advised to consult all interested parties before you apply.

Version Control

Document Version

1.0

Date

January 2018

Part 1 Fishery Overview

What is the location (Co-ordinates) and size of area, in hectares, of the site?

Menai Strait (Afon Menai) in the Counties of Gwynedd and Ynys Mon. The location is illustrated in the map overleaf.

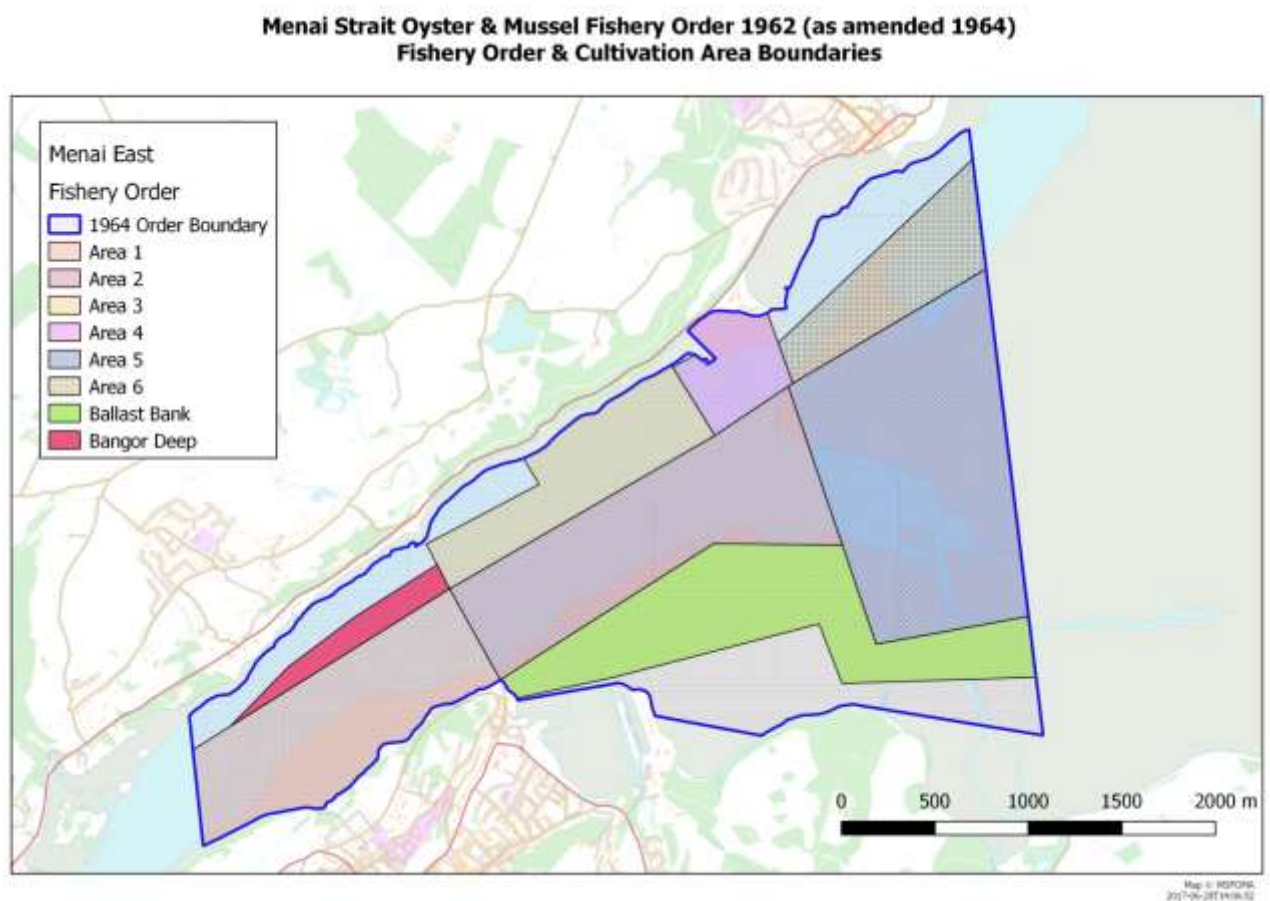
The total Fishery Order area is 760 hectares. Within this area there are 8 layings that are leased to private operators, comprising:-

Area 1: 93ha
Area 2: 117ha
Area 3: 57ha
Area 4: 25ha
Area 5: 163ha
Area 6: 47ha
Bangor Pool: 15ha
Ballast Bank: 105ha

What kind of Order are you applying for and which species will it cover?

Type of Order: Hybrid Order (Several and Regulating Order)

Species: Mussels (*Mytilus edulis*)
 Oysters (Ostreidae)



■ **Part 2 Cultivation and Management Practices**

Please give details of the following:

For a Several fishery (or the Several areas of a Hybrid Order)

- Proposed method of cultivation (e.g. inter tidal; sub-tidal; ground, trestles (trays, bags); floating; long line; suspended);
- Husbandry plans (e.g. control of pests/fouling organisms; removal of sediment; provision of cultch (where from and how much); establishment of artificial reefs, general stocking densities);
- Type of supply of seed and where from (natural resources available as seed; hatchery reared stock)
- Location of seed source (is this source from within an SPA/SAC)
- Proposed harvesting methods (Including timing (season), frequency of harvest, time spent on beds)
- Estimated production of each species to be cultivated during the proposed timescale if under 5 years or for the first five years of the Order if longer.
- Details of Access to the shellfish beds

For a Regulated fishery (or the Regulated areas of a Hybrid Order)

- Proposed regulations and restrictions to be applied to the fishery;
- Number of licences likely to be issued against each likely demand; and the criteria you intend to use to allocate licences;
- Proposed harvesting methods (Including timing (season), frequency of harvest)
- Estimated landings for each species to be cultivated during the proposed timescale if under 5 years or for the first five years of the Order if longer.

In this section you will need to cover *any* mitigating measures that you intend to employ and detail any codes of practice that you adhere to.

Please make use of extra sheets if required

Several Fishery

Method of Cultivation

All mussels would be cultivated on the seabed & seashore. No trestles or other equipment would be place on the seabed or seashore.

If oyster cultivation took place on the site, the oysters would be contained in bags placed on trestles on the site.

Husbandry Plans

No artificial agents would be used for anti-fouling, growth promotion or for any other purpose.

There are no proposals to create artificial reefs or artificial structures of any kind but the order should allow for such developments in the future. The position of any artificial sea-bed structures would require separate agreements with landowners and other stakeholders as under current legislation.

Any pest control issues would be managed by other forms of fishing, such as potting to control shore crabs (*Carcinus maenas*).

Cultivation and Management Practices Continued

Supply of Seed

Seed mussels will initially be source from wild seed mussel beds (principally in Morecambe Bay, Caernarfon Bar and the Dee Estuary) in accordance with the Menai Strait Code of Good Practice, which ensures that all seed are sources from areas free of disease and Invasive Non-Native Species.

Trials of mussel spat collectors are being conducted by mussel farmers at present. If these trials are successful and operations can be scaled up to be commercially viable, then seed may be partially or wholly obtained from the spat collectors rather than by dredging. The spat collector locations are outside the Several Order area.

If oysters were cultivate on the site, only hatchery-reared seed oyster guaranteed to be free of contamination with alien species or disease would be obtained. The Pacific oyster management strategy will be followed, and after 1st July 2018 only triploid oysters will be introduced to the site.

Harvesting methods

Mussels will be harvested by dredging from vessels.

Any oysters cultivated on the site would be harvested by hand, using vehicles and / or boats to access the oyster cultivation areas.

Estimated production

Mussel production is likely to be in the region of 5-10,000t of mussels per year, the figure varying in response to market demand and also seed mussel supply.

Oyster production, if it takes place, is likely to be less than 500t per year.

Details of access

Mussel beds will only be accessed for harvesting by boat.

Oyster frames, if they are installed on the site, may be accessed either by boat or by vehicle.

Occasional access on foot will take place in order to inspect shellfish at low tide.

Regulating Order

Proposed Regulations

The only regulations that will be applied to the regulated fishery will affect the time and location of fishing activity, in order to ensure that it does not extent into the several areas.

Number of licences

The number of licences would be adjusted in accordance with fluctuations in mussel stock outside the several area, and following consultation with Natural Resources Wales. In recent years no more than 2 licences have been issued annually.

Harvesting methods

Only gathering by hand or with a rake would be permitted.

Estimated landings

Landings from the regulated fishery in the past few years have consistently been less than 20t.

Part 3 Enforcement and Monitoring

Please explain your plan for the enforcement and monitoring of the Order

We propose that leases would be issued by MSFOMA and would be allocated for a period of 7 years. The lays would be inspected as necessary by WG fishery officers to ensure that operators complied with terms of the Order.

Ongoing monitoring of nature conservation features within the Order and in adjacent areas by Natural Resources Wales (NRW) will ensure that any impacts on marine habitats or species are detected and addressed through management action.

Key aspects of monitoring of the fishery are summarised below.

1. **Nature conservation features:** the possible impacts of the Order on all designated and notified nature conservation features within or near the area of the Order under UK and EU legislation have been reviewed in discussion with Natural Resources Wales (NRW). The Order has been treated as a project under the terms of the Habitats Regulations and has been subject to a Habitats Regulations Assessment that has been approved by NRW, prior to submission for approval by the Welsh Minister.
2. **Alien Species:** there is a risk of introducing alien species with imported shellfish seed. Biosecurity precautions implemented under the Menai Strait (East) code of conduct which has been agreed with statutory bodies and the operators aim to ensure that no alien species are introduced.

The Code of Good Practice for mussel movements developed by Bangor Mussel Producers Association and adopted as the *Menai Strait (East) Code of Good Practice for Mussel Movements* will be followed.

3. **Water quality:** Shellfish culture is expected to have a generally beneficial impact on water quality because shellfish filter organic matter and pollutants from the water column. No artificial agent or chemicals would be used for anti-fouling, growth promotion, or for any other purpose.

No significant changes in shellfishery production activities or methods are proposed from those agreed during the current Menai Strait Fishery Order. The order helps to provide a stable shellfish population in the Strait which is of benefit to the bird populations which feed on the shellfish. The management of pest species such as shore crab (*Carcinus maenas*) also ensures that an imbalance in predator-prey relationships is avoided.

3. I the undersigned here by confirm that the information contained within this document is correct

Name
Printed

Date

--

Signature

Please now send this form to the Welsh Assembly Government at the address given on the front page

Annex E: Draft "Additional Information"

Welsh Government
Fisheries Policy Branch
FFMDD. Rhodfa Padarn
Llanbadarn Fawr, Aberystwyth, SY23 3UR
General Enquires: 0300 062 2184
Email: fisheries@wales.gsi.gov.uk



Llywodraeth Cymru
Welsh Government

Application for an Order under Section 1 of the Sea Fisheries (Shellfish) Act 1967 (as amended)

Additional Information Sheet

Please complete all relevant sections after reading the Notes for Guidance on Several/Regulating Order applications, using additional sheets of paper as necessary. Send the completed form and the other application documents listed in the Checklist on page 7 to the address given above.

This form is in addition to the completion of the schedule to **The Several and Regulated Fisheries (Form of Application) Regulations 1987** and the management plan proforma

Please note that the Countryside Council for Wales (CCW) are consulted about all applications for Several and Regulating Orders. In some circumstances they make recommendations regarding the proposed activity at the site. You are advised to consult all interested parties before you apply.

General details

Please give the applicant's:

- name

Menai Strait Fishery Order Management Association

- full postal address

Port Penrhyn Bangor Gwynedd LL57 4HN

- telephone number
(including national dialling code)

01248 354878

- fax number
(including national dialling code)

01248 351651

Fishery Overview

1. What is the location (description and Co-ordinates of the boundary) and size of area, in hectares, of the site?

See Management Plan document.

2. What kind of Order are you applying for and which species will it cover?

See Management Plan

3. How long do you want the Order to last? Please explain why.

We request a duration for the Fishery Order of at least 35 years (the current Order was made for a period of 60 years in 1962).

The request for this duration of the Order is linked to the cost of operations. Large purpose-built mussel dredgers are used in cultivation operations. These vessels are expensive to buy, maintain and operate. The investment and operating costs associated with the fishery can only be met if the duration of the Order is long enough to provide the security that private companies require to be able to obtain a return on the necessary capital investment.

4. Please give details of any businesses or activities, including other fisheries, currently operating on, or in the vicinity of, the site (you should make such parties aware of your proposals at an early stage). Please explain how the Order is likely to affect them.

Shellfisheries for Non-designated species within the current Order

- Some periwinkle (*Littorina spp*) gatherers operate periodically. This is an opportunistic fishery practised in order to supplement other forms of income.
- There is a cockle (*Cerastoderma edule*) fishery at Traeth Lafan to the east of the Fishery Order area. There is no overlap between the cockle fishery and the Fishery Order.

Bait collection

- Recreational anglers and bait collectors may gather shore crabs (*Carcinus maenas*) and worms (ragworms (*Nereis spp*) and lugworms (*Arenicola spp.*)) within and adjacent to the Fishery Order Area.
- Some concerns have been raised in the past about localised depletion of shore crabs when potting for shore crabs was being carried out as part of pest control operations associated with the Fishery Order.

Sea angling

- The current Fishery Order has no adverse impact on sea angling. Smaller

seed mussel attract bottom feeding species such as plaice (*Pleuronectes platessa*), Flounder (*Pleuronectes flesus*) and dab (*Limanda limanda*)

Navigation

- The pilotage authority within the Order area is Ynys Môn County Council.
- There have been no navigation issues associated with the operation of the current Fishery Order.

Watersports

- Watersports (particularly sailing) are practised at high water. There are good relations between sailors and shellfish farmers.

Local Residents

- No direct impact arises from current or proposed future shellfish farming operations.

5. Please give the last three years' annual production figures of the fishery by volume and value.

To be added

6. Please give details of any previous shellfish cultivation on the site

Shellfish have been cultivated on this site under the current Fishery Order since 1962, and the history of shellfish cultivation in the eastern Menai Strait extends back to the late 19th century.

The operations proposed under the renewed Fishery Order would take place in the same locations, and at a similar scale using the same cultivation techniques as under the existing Fishery Order, which is due to expire on the 31st March 2022.

The current Fishery Order provides the legal foundation for the operation of several successful companies and provides full-time skilled employment for more than 20 local people. The future of these companies and jobs depends on the renewal of the Fishery Order.

7. Please give details of any consultations with interested parties to date, including any objections raised and any agreements reached regarding future use of the fishery.

Has your Management Plan been agreed with CCW?

Land owners

The land owners with an interest in the site have been identified from Land Registry records. MSFOMA [have / will] consult with the following land owners prior to submitting the application for renewal of the Fishery Order:-

- The Crown Estate;
- Penrhyn Estate;
- Ynys Môn County Council;
- Gwynedd County Council;
- Bangor City Council
- Anglesey Boat Company.

The extent of each landowner's interest with respect to the Fishery Order area is shown in the map overleaf.

Natural Resources Wales:

Natural Resources Wales have been consulted and a Habitats Regulations Assessment has been completed (appended to this application).

Other public bodies

All public and statutory bodies have been informed of MSFOMA's intention to renew the Fishery Order through a formal notification in early 2018.

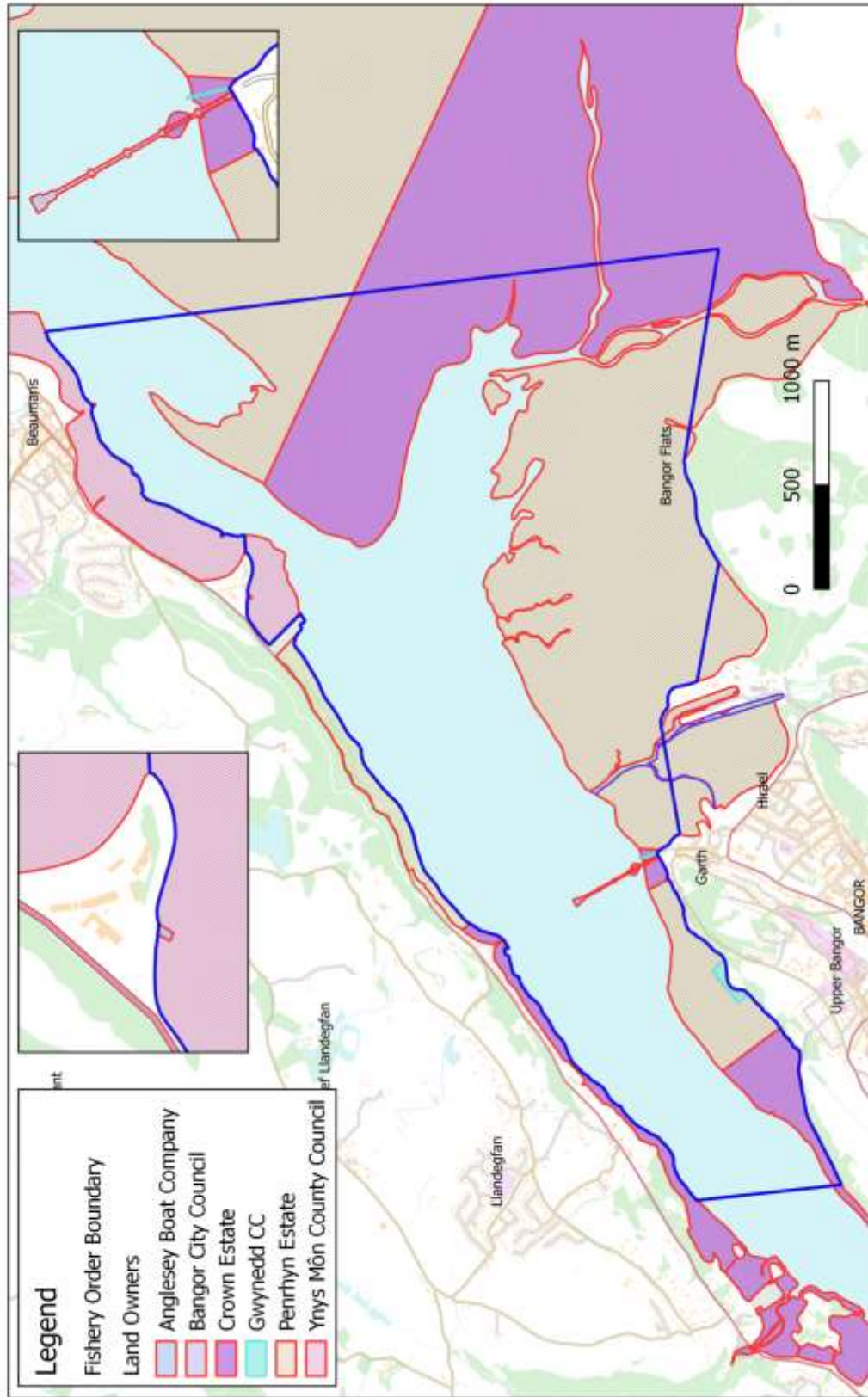
Wider consultation

Consultation and liaison with users of the site and local stakeholders is scheduled to take place during 2018.

Objections

[To be confirmed] No objections have been received at the time of making this application.

Menai Strait Oyster & Mussel Fishery Order 1962 (as amended 1964) **Fishery Order Boundary & Land Ownership**



■ Hygiene and disease

8. Regulation 2004/854/EEC requires classification of shellfish harvesting areas. What is the current hygiene classification status of the area to be covered by the Order?

Has any part of the site been designated under Directive 2006/113/EC on the quality of shellfish waters as transposed by S.I. 1997/1332.

Please give details.

The area has been granted a long term "B" shellfish hygiene classification.

The area has been designated under the surface waters (Shellfish) (Classification) Regulations 1997 classification of waters in Wales.

9. Please give detail of any history of shellfish disease problems (e.g. *bonamia*, *martellia*) in the area.

4.

There have been no shellfish disease problems in the eastern Menai Strait.

Recently *Bonamia ostreae* has been identified in western the Menai Strait. FHI designation is in place.



The environment

10. Is any part of the site adjacent to or has been designated as any of the following:

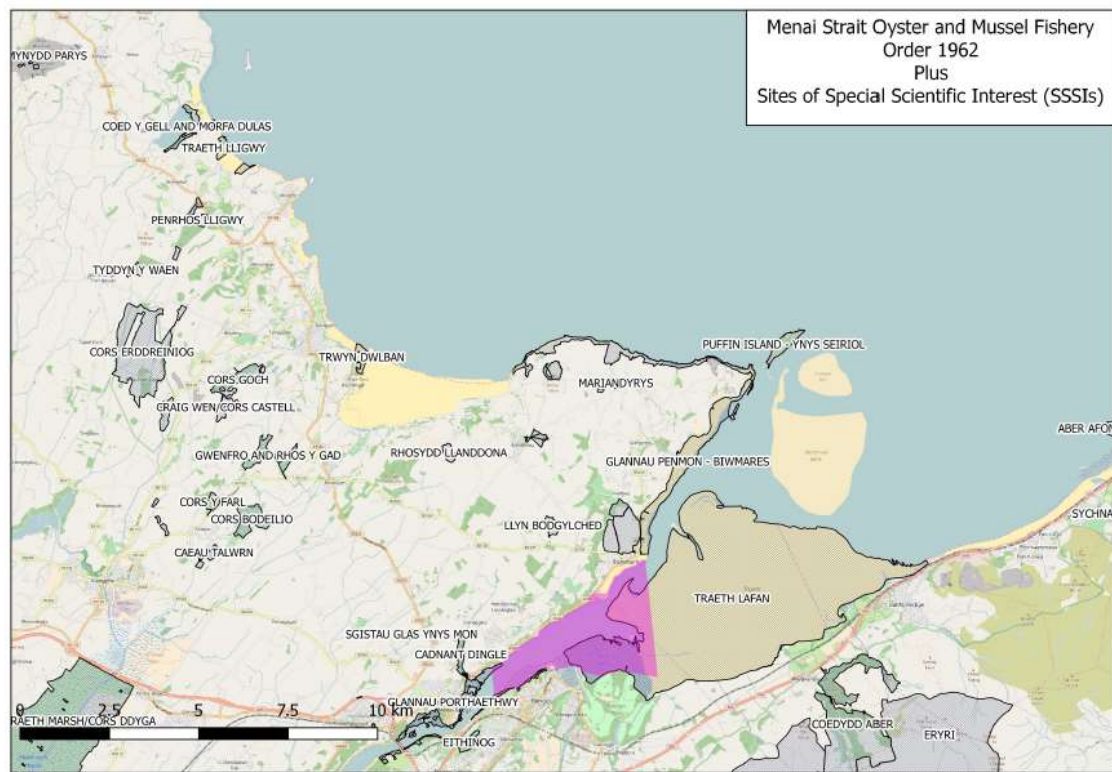
- a Special Area of Conservation (SAC) under the Habitats Directive? YES ☒ NO ☐
- a Site of Special Scientific Interest (SSSI)? YES ☒ NO ☐
- a protected wetland under the Ramsar Convention? YES ☒ NO ☐
- a Special Protection Area (SPA) under the Wild Birds Directive? YES ☒ NO ☐

If YES please give details:

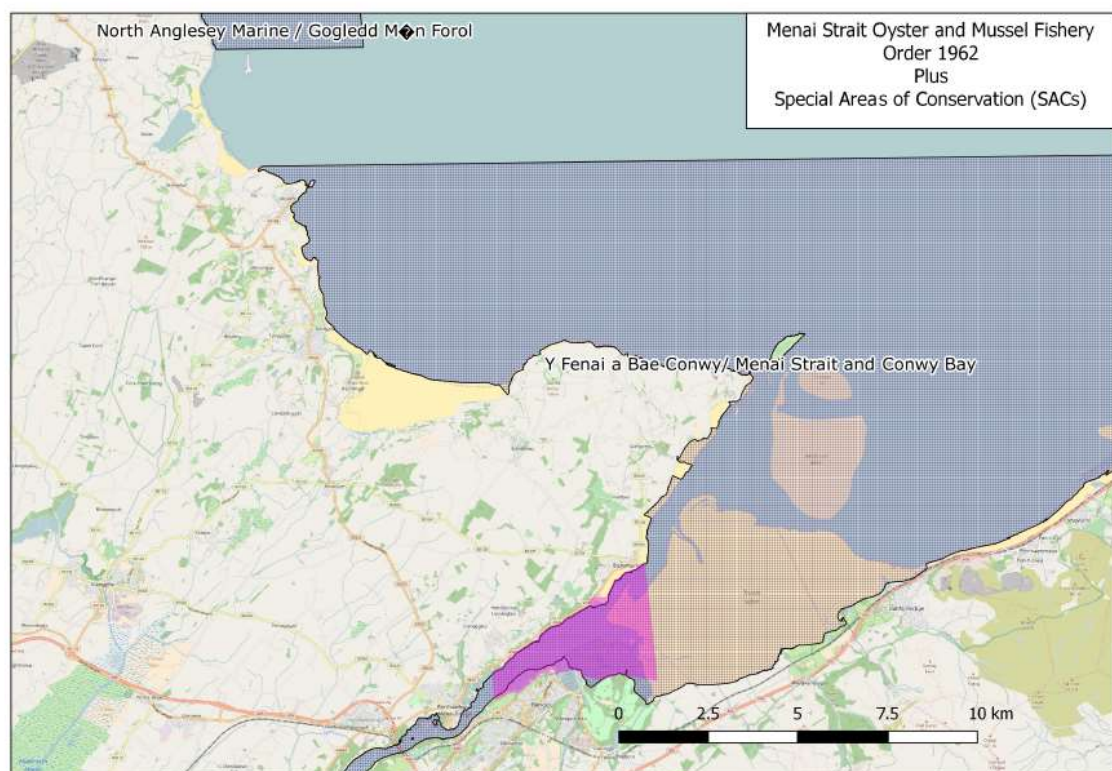
The relationship between the site and nature conservation designations is shown in the maps overleaf. The interaction between shellfish cultivation operations and nature conservation features has been assessed through consultation with Natural Resources Wales.

The current and proposed future shellfish cultivation operations are considered to be compatible with nature conservation features in the area.

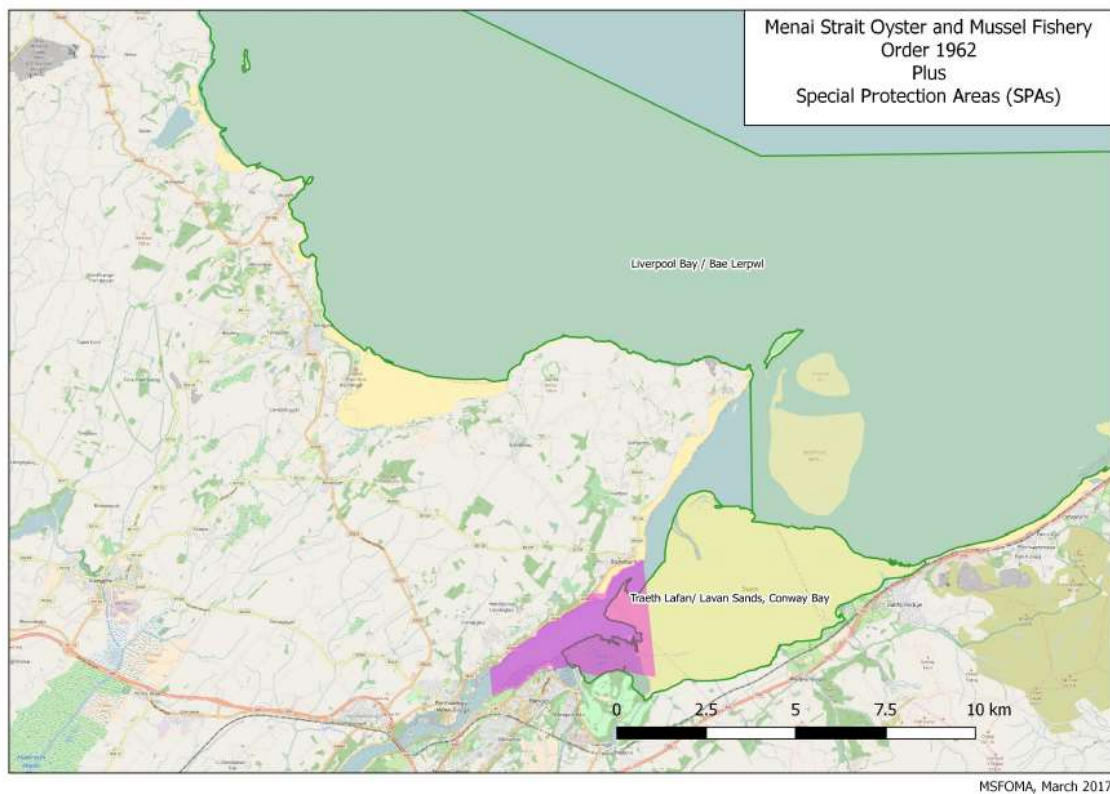
Nature conservation designations:-



MSFOMA, March 2017



MSFOMA, March 2017



11. Please give any other information that you consider relevant and is not covered in the Management Plan or Environmental Statement

For discussion by MSFOMA.

■ Checklist of documents to accompany this Application

- | | Tick Box |
|---|-------------------------------------|
| • Your completed Management Plan | <input checked="" type="checkbox"/> |
| • Two copies of the Admiralty chart of the area, one with the fishery marked on it | <input checked="" type="checkbox"/> |
| • All necessary agreements | N/A <input type="checkbox"/> |
| • Environmental Statement | <input checked="" type="checkbox"/> |
| • For companies incorporated under the Companies act, a copy of the Memorandum and Articles of Association and any Special Resolution | <input checked="" type="checkbox"/> |
| • For other corporate bodies, copies of relevant instruments of incorporation, charter or local Acts of Parliament | <input type="checkbox"/>
N/A |
| • Additional sheets | <input checked="" type="checkbox"/> |

5. Data Protection Act 1998

WG will use this information, including personal data, provided on this form primarily for purposes of considering applications and the issuing and monitoring of Several and/or Regulating Orders as described in the Notes for Guidance.

WG may also use the information, including personal data and annual return figures, for other legitimate purposes including Disease control (both in monitoring and outbreak situations) and compliance with quotas and other fisheries restrictions. The information may also be disclosed to other Fisheries Departments in the UK, their agencies and authorised agents and to other government departments for these same purposes.

Information (including personal data) may be released on request, including under the Environmental Information Regulations, the Code of Practice on Access to Government Information and the Freedom of Information Act 2000.

Signature:

Date:

Please now send this form and the documents listed above to the Welsh Government at the address given on the front page

Annex F: Letter sent to inform statutory bodies of intent to renew Fishery Order, February 2018.

Menai Strait Fishery Order Management Association

Porth Penrhyn, Bangor, LL57 4HN

«First_Name» «Second_Name»
«Organisation»
«Address»
«Address_2»
«Town»
«County»
«Post_Code»

8th February 2018

Dear «Salutation»

Renewal of the Menai Strait Oyster and Mussel Fishery Order 1962

I am writing further to inform you of plans to renew the legislation that allows for the cultivation of shellfish in the eastern Menai Strait.

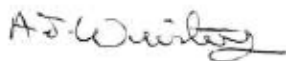
The legislation currently in place (The Menai Strait Oyster & Mussel Fishery Order) was made by the Government in 1962 for a period of 60 years. The Menai Strait Fishery Order Management Association (MSFOMA) is responsible for the management and administration of this legislation. We are planning to apply to the Welsh Government next year for the renewal of this Fishery Order. This will protect the local jobs and businesses that depend on this legislation.

We intend to submit our application for renewal of the Fishery Order in the early part of 2018. Our application will be for the "like-for-like" renewal of the Fishery Order. We do not anticipate any changes in the nature and scale of shellfish cultivation in the area. Our application will request that a new Fishery Order is put in place when the current Fishery Order lapses in 2022.

The Fishery Order application process includes a formal consultation stage. We intend to carry out informal consultations next year to ensure that all key stakeholders in the area are aware of our proposals, and to ensure that we take account of local issues in our future management of the area.

I have attached an information note to this letter to provide further background to our proposals. More information, including information about the legislation concerned, is available on our website (www.msfoma.org). If you have any queries, or if you would like to meet with us to discuss this proposal, please do not hesitate to get in touch.

Yours sincerely



ALAN WINSTONE
Chair, MSFOMA

Encs.

Menai Strait Fishery Order Management Association
Company registered in England and Wales No. 07163689

List of Recipients

Ian Jones
Bangor City Council
City Council Offices
Ffordd Gwynedd
Bangor
Gwynedd LL57 1DT

British Gas Wales
4 Callaghan Square
Cardiff
CF10 5BT

Jeff Oatham
Centrica
Millstream
Maidenhead Rd
Windsor
Berks SL4 5GD

Donna Watts
Cyngor Cymuned Llandygai
26 Stryd Fawr
Bethesda
Gwynedd LL57 3AE

Fergus O'Brien
Dwr Cymru
By e-mail.

Barry Davies
Gwynedd County Council
Maritime & Country Parks Office
Embankment Road
Pwllheli
Gwynedd LL53 5AA

T.W. Ashenden
Beaumaris Town Council
Town Hall
Castle Street
Beaumaris
Anglesey LL58 8AP

British Telecom
BT SWAMP - PP 404B
Telecom House
Stoke on Trent
Staffordshire ST1 5ND

J. Alun Foulkes
Cyngor Cymuned Cwm Cadnant
By e-mail: alun1965@btinternet.com

Donna Watts
Cyngor Cymuned Llanllechid
26 Stryd Fawr
Bethesda
Gwynedd LL57 3AE

Dusitaporn Thomas
Dwr Cymru
By e-mail.

HM Coastguard Holyhead
Prince of Wales Rd
Holyhead
Anglesey LL26 1ET

David Vaughan Owen
Llanfairpwllgwyngyll Community Council
Community Council Office
Behind Memorial Hall
Llanfairpwll
Anglesey LL61 5JB

N Hughes
MANWEB
Team Leader
Wales Regional Office
Wrexham
LL14 4DU

Maritime & Coastguard Agency
Gorsewood Drive
Hakin
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Pembrokeshire SA73 3HB

Clive Thomas
Ministry of Defence
Defence Estates
The Barracks
Brecon
Powys LD3 7EA

Timothy Bull
National Grid
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Hinckley
Leicestershire LE10 0NA

National Grid
Land Development Group
NGT House
Warwick
Warwickshire CV34 6DA

National Power
Director of Property Services
Windmill Hill Business Park
Swindon
Wilts SN5 6PB

Rowland Sharp
Natural Resources Wales

Trinity House Lighthouse Service
Navigation Directorate
Tower Hill
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Tim Croucher
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Marine Enforcement Team Leader
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Conwy LL31 9RZ

Stuart Evans
Welsh Government
Head of Fisheries Policy
Marine and Fisheries Division
Aberystwyth
Ceredigion SY23 3UR

Jeremy Frost
Welsh Government
Marine and Fisheries Division
Aberystwyth
Ceredigion SY23 3UR

West & Wales Utilities
Wales & West House
Spoonier Close
Coedkernew
Newport NP10 8FZ

David Benyon
Western Power Systems
The Mapping Centre
Lamby Way
Cardiff
CF3 2EQ

Iwan Huws
Ynys Môn County Council
Head of Property Services
Council Offices
Llangefni
Anglesey LL77 7TW

Renewing the Menai Strait East Fishery Order: Update, January 2018

Background

The eastern Menai Strait is the most important aquaculture site in all of Wales, and the single largest mussel farming area in the whole of the UK. The success of this area is due to the unique natural environment that is perfect for mussels; and also the legal protection (known as a "Fishery Order") that allows local mussel farmers to cultivate mussels here without the fear that they will be stolen by others.

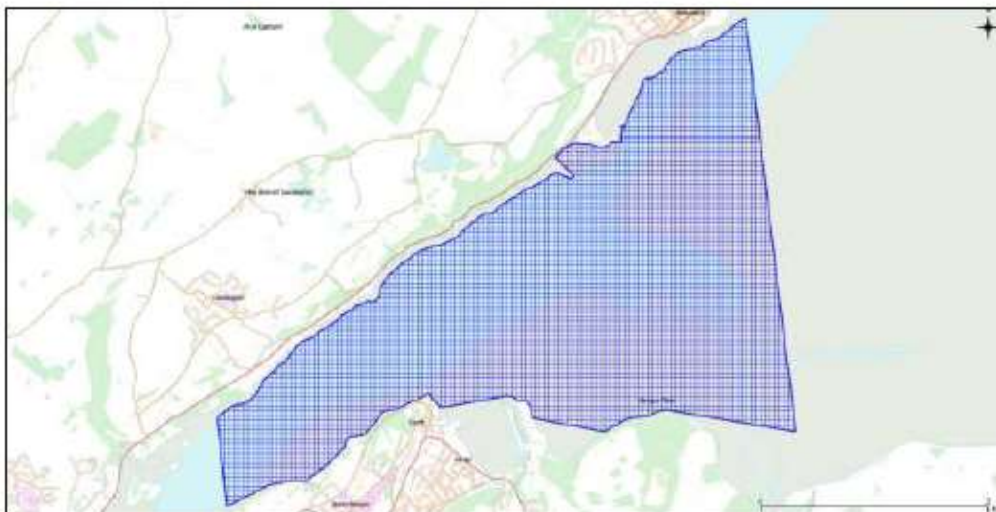
In 2022 the "Fishery Order" that the Government made in 1962 is due to expire. If it is not replaced then Wales will lose its leading place in UK aquaculture, and the local businesses and jobs that depend on the mussel fishery will vanish. The renewal of this Fishery Order is important for Wales and for the local economy.

The mussel farmers that work in the Menai Strait are now starting the process of renewing the "Fishery Order" so that in 4 years' time new legislation will be ready to take the place of the Order that was made in 1962.

What is proposed?

We are proposing a like-for-like renewal of the existing "Fishery Order". Experience and science tells us that areas that are suitable for mussel farming are few and far between. Over the past 55 years we have identified the best places to farm mussels in the Menai Strait. No changes to the extent of mussel farming are being proposed.

The location of the mussel farming areas in the eastern Menai Strait is shown in the map below.



What is the timetable?

We are still in the early stage of the application process. We are currently consulting with key organisations in the area and raising awareness of our plans. We are hoping to submit our formal application to the Cabinet Secretary for the renewal of this Order in early 2018.

What will happen in these areas?

Mussel farming

Mussels have been cultivated in the Menai Strait since 1962. Mussels are farmed in areas that are leased to each mussel farmer. Each farmer harvests small "seed" mussels and puts them on the shore in the sheltered waters of the Menai Strait. The mussels grow fast here, and within a couple of years they are big enough to harvest and eat. Mussel farming is done directly on the seabed – no nets or equipment are placed on the shore.

Do mussel farmers use chemicals?

No. There is no need to treat farmed mussels with chemicals to control pests. They don't need to be fed either – they filter their food from the seawater, cleaning the water in the process. In Sweden and Denmark, mussel farming is being used to clean up polluted waters. Mussels are good for water quality.

Would there be lots of boat traffic?

No. Mussel farmers work on the shore when the tide is out. Mussel farmers use boats, but are only on site when re-laying and harvesting mussels. Vessel operations are limited to high water periods, mainly in the autumn-spring period, and generally between Monday and Friday.

Is this sustainable?

Yes. Mussel farming in the Menai Strait has been independently certified as a sustainable fishery by the Marine Stewardship Council. In fact it was the first mussel farming area in the world to be certified as sustainable. Mussel farmers are constantly working with scientists from the Centre for Applied Marine Science to improve farming methods and ensure that the sustainability of the fishery is always improving.

Would this stop me from.....

Sailing in the area?

No. There are no restrictions on sailing over the shellfish farming areas. There would be very few days per year when mussel boats are working, and work is planned to avoid key sailing events (such as races).

Walking on the beach or foreshore?

No. The Fishery Order does not restrict access to the beach or foreshore. You will still be able to walk on the shore.

Beaching a boat on the shore?

No. The Fishery Order does not prevent or interfere with beaching of boats whether for picnics or for maintenance.

Angling in the Menai Strait?

No. There would be no new restrictions on angling from the shore or from boats.

What is the Menai Strait Fishery Order Management Association?

The Menai Strait Fishery Order Management Association (MSFOMA) was set up in 2010 to oversee the management of the shellfish farming areas in the eastern Menai Strait. It is an independent not-for-profit organisation. Its membership comprises 2 representatives of the fishing industry, and 1 representative from each of Natural Resources Wales, Gwynedd County Council, Ynys Mon County Council, and the University of Bangor. It is chaired by Alan Winstone, an independent fisheries expert from Anglesey.

What is a “Fishery Order”?

In Wales, a “Fishery Order” is an Order made by the Welsh Ministers that assigns the existing public fishing rights in the sea for certain species of shellfish to an individual or organisation. A Fishery Order does not create any new fishing rights, but by privatising the fishing rights it allows for proactive management and cultivation of shellfish. The first Fishery Orders were made in the late 19th century. There are presently 24 Fishery Orders in the UK, which form the backbone of our mussel and oyster exports.

Where can I find out more?

There are several ways you can find out more about the proposal. There is some information on the internet at www.msforma.org; and you can contact us by e-mail at info@msforma.org. If you would prefer to talk to us in person, you can call Jim Andrews on 07908-225865.

Adnewyddu Gorchymyn Pysgodfa Dwyrain Afon Menai: Diweddariad mis Ionawr 2018

Cefndir

Dwyrain Afon Menai yw'r safle dyframaethu pwysicaf yng Nghymru gyfan, a dyma'r ardal fwyaf ledled y DU ar gyfer ffermio cregyn gleision. Mae llwyddiant yr ardal hon i'w briodoli i'r amgylchedd naturiol unigryw sy'n berffaith i gregyn gleision, yn ogystal â'r amddiffyniad cyfreithiol (a elwir yn "Orchymyn Pysgodfa") sy'n galluogi ffermwyr cregyn gleision lleol i feithrin cregyn gleision yma heb ofni y bydd eraill yn eu dwyn.

Yn 2022, bydd y "Gorchymyn Pysgodfa" a wnaeth Llywodraeth y DU yn 1962 yn dod i ben. Oni osodir Gorchymyn newydd yn ei le, bydd Cymru'n colli ei lle blaenllaw ym maes dyframaeth y DU, a bydd y busnesau a'r swyddi lleol sy'n dibynnu ar y pysgodfa cregyn gleision yn diflannu. Mae'n bwysig i Gymru ac i'r economi leol fod y Gorchymyn Pysgodfa hwn yn cael ei adnewyddu.

Erbyn hyn, mae'r ffermwyr cregyn gleision sy'n gweithio yn Afon Menai yn dechrau'r broses o adnewyddu'r "Gorchymyn Pysgodfa" fel y bydd deddfwriaeth newydd yn barod ymhen 4 mlynedd i gymryd lle'r Gorchymyn a wnaed yn 1962.

Beth sy'n cael ei gynnig?

Rydym yn cynnig adnewyddu'r "Gorchymyn Pysgodfa" presennol â Gorchymyn newydd cyfatebol. Mae profiad a'r wyddoniaeth yn dweud wrthym fod ardaloedd sy'n addas ar gyfer ffermio cregyn gleision yn brin iawn. Dros y 55 mlynedd ddiwethaf, rydym wedi canfod y mannau gorau i ffermio cregyn gleision yn Afon Menai. Ni chynigir dim newidiadau i'r graddau y caiff cregyn gleision eu ffermio.

Mae lleoliad yr ardaloedd ffermio cregyn gleision yn nwyrain Afon Menai i'w weld yn y map isod.



Beth yw'r amserlen?

Rydym yn dal ar ddechrau'r broses ymgeisio. Dros y misoedd nesaf, byddwn yn ymgynghori â sefydliadau allweddol yn yr ardal ac yn codi ymwybyddiaeth o'n cynlluniau. Rydym yn gobeithio cyflwyno ein cais ffurfiol i Ysgrifennydd y Cabinet am gael adnewyddu'r Gorchymyn hwn erbyn yn gynnar yn 2018.

Beth fydd yn digwydd yn yr ardaloedd hyn?

Ffermio cregyn gleision

Bu cregyn gleision yn cael eu meithrin yn Afon Menai ers 1962. Caiff cregyn gleision eu ffermio mewn ardaloedd sy'n cael eu gosod ar brydles i bob ffermwr cregyn gleision. Mae pob ffermwr yn casglu cregyn gleision "hadu" bychain ac yn eu rhoi ar y lan yn nyfroedd cysgodol Afon Menai. Mae'r cregyn gleision yn tyfu'n gyflym yma, a chyn pen tua dwy flynedd maent yn ddigon mawr i'w casglu a'u bwyta. Caiff y cregyn gleision eu ffermio'n uniongyrchol ar wely'r môr – nid oes dim rhwydi nac offer yn cael eu gosod ar y lan.

A yw ffermwyr cregyn gleision yn defnyddio cemegion?

Nac ydynt. Nid oes angen trin cregyn gleision fferm â chemegion er mwyn rheoli plâu. Nid oes angen eu bwydo ychwaith – maent yn hidlo'u bwyd o ddŵr y môr, gan lanhau'r dŵr wrth wneud hynny. Yn Sweden a Denmarc, defnyddir y broses o ffermio cregyn gleision i lanhau dyfroedd llygredig. Mae cregyn gleision yn dda i ansawdd y dŵr.

A fyddai yna lawer o draffig cychod?

Na fyddai. Mae ffermwyr wystrys yn gweithio ar y lan pan fo'r llanw allan. Mae ffermwyr cregyn gleision yn defnyddio cychod, ond maent ar y safle dim ond pan fônt yn ailosod cregyn gleision ac yn eu casglu. Mae'r gwaith â'r cychod yn cael ei wneud pan fo'r llanw'n uchel yn unig, a hynny rhwng yr hydref a'r gwanwyn yn bennaf, ac fel arfer rhwng dydd Llun a dydd Gwener.

A yw hyn yn gynaliadwy?

Ydy. Mae'r Cyngor Stiwardiaeth Forol wedi ardystio'r fferm cregyn gleision yn Afon Menai yn annibynnol yn bysgodfa gynaliadwy. Yn wir, dyma oedd yr ardal ffermio cregyn gleision gyntaf yn y byd i gael ei hardystio'n gynaliadwy. Mae ffermwyr cregyn gleision yn gweithio gyda gwyddonwyr o'r Ganolfan Gwyddor Môr Gymhwysol yn barhaus i wella dulliau o ffermio a sicrhau bod cynaliadwyedd y bysgodfa'n gwella drwy'r amser.

A fyddai hyn yn fy atal rhag.....

Hwyllo yn yr ardal?

Na fyddai. Nid oes dim cyfyngiadau ar hwyllo dros yr ardaloedd ffermio pysgod cregyn. Ychydig iawn o ddiwrnodau a fyddai bob blwyddyn pan fo gwaith yn cael ei wneud â chychod cregyn gleision, ac mae'r gwaith yn cael ei gynllunio er mwyn osgoi digwyddiadau hwyllo pwysig (fel rasys).

Cerdded ar y traeth neu'r blaendraeth?

Na fyddai. Nid yw'r Gorchymyn Pysgodfa yn cyfyngu ar y gallu i fynd i'r traeth neu'r blaendraeth. Bydd modd o hyd ichi gerdded ar y lan.

Dod â chwch i'r lan?

Na fyddai. Nid yw'r Gorchymyn Pysgodfa'n atal pobl rhag dod â chychod at y lan, boed ar gyfer picnic neu waith cynnal a chadw, nac yn ymyrryd â hynny.

Pysgota â gwialen yn Afon Menai?

Na fyddai. Ni fyddai dim cyfyngiadau newydd ar bysgota â gwialen o'r lan neu o gychod.

Beth yw Cymdeithas Rheoli Gorchymyn Pysgodfa Afon Menai?

Sefydlwyd Cymdeithas Rheoli Gorchymyn Pysgodfa Afon Menai (MSFOMA) yn 2010 i oruchwyllo'r gwaith o reoli'r ardaloedd ffermio pysgod cregyn yn nwyrain Afon Menai. Mae'n sefydliad dielw annibynnol. Mae ei aelodau'n cynnwys 2 gynrychiolydd o'r diwydiant pysgota, ac un cynrychiolydd o bob un o'r sefydliadau a

ganlyn: Cyfoeth Naturiol Cymru, Cyngor Gwynedd, Cyngor Sir Ynys Môn, a Phrifysgol Bangor. Caiff ei gadeirio gan Dr Sue Utting, sef arbenigwr annibynnol ym maes pysgodfeydd, o Fae Colwyn.

Beth yw “Gorchymyn Pysgodfa”?

Yng Nghymru, mae “Gorchymyn Pysgodfa” yn Orchymyn a wneir gan Weinidogion Cymru sy’n dyrannu’r hawliau i bysgota yn y môr am rywogaethau pysgod cregyn penodol i unigolyn neu sefydliad. Cafodd y Gorchymynion Pysgodfeydd cyntaf eu gwneud ar ddiwedd y 19eg ganrif. Ar hyn o bryd, mae 24 o Orchymynion Pysgodfeydd yn y DU, sy’n asgwrn cefn i’n hallforion o gregyn gleision a wystrys.

Ble y galla i ddod o hyd i ragor o wybodaeth?

Mae sawl ffordd y gallwch chi ganfod rhagor am y cynnig. Mae rhywfaint o wybodaeth ar y rhyngwrdd yn www.msforma.org; a gallwch gysylltu â ni drwy anfon e-bost at info@msforma.org. Os yw’n well gennych siarad â ni’n bersonol, gallwch gysylltu â Jim Andrews drwy ffonio 07908-225865.

Menai Strait West Fishery Order Application

Background

In 2012 the Association resolved to work with shellfish farmers from the western Menai Strait to renew the Menai Strait West Fishery Order, which lapsed in 2008. The renewal of the Order is essential to secure the future development of shellfish farming in this area.

A public consultation on the proposal to renew the Menai Strait West Fishery Order was carried out by the Association in October-November 2015. A significant number of objections were submitted. Since then the Association has been working with local stakeholders to address these concerns.

This report provides an update on progress.

Recommendations

1. That the report is accepted

1. Update on Renewal of Fishery Order

- 1.1 The Menai Strait (West) Fishery Order was established in 1978 for a period of 30 years. This Fishery Order provided the basis for the development of some oyster and mussel farming activity in the western Strait. The Order lapsed in 2008, preventing the further development of these businesses. In May 2015, the Association received confirmation from Welsh Government that the Order would be re-created. A draft Order was sent to the Association in October 2015.
- 1.2 A formal consultation was carried out on the draft Order period in line with WG directions between the 29th October - 29th November 2015. Responses were received from 75 individuals and organisations. 57 of the response were objections; 15 were letters of support; 2 were requests for minor alterations to the Order from navigation authorities; and 1 was an offer of assistance from local Gwynedd Councillor Sian Gwenllian.
- 1.3 Since November 2015, representatives of the Association and the proponents of the Fishery Order have been working with stakeholders to try to identify ways in which their objections could be addressed.
- 1.4 On the 4th July 2017 the Chair of the Association wrote to the Cabinet Secretary for Environment and Rural Affairs (Lesley Griffiths AM) to ask her to determine the Fishery Order Application. An acknowledgement was received later in July.
- 1.5 At the MSFOMA meeting in October 2017, WG officials indicated that the Cabinet Secretary was shortly due to be presented with a report to enable her to determine the application. Over the past few months this reassurance has been repeated several times in conversation with WG officials, but no determination has yet been made by the Cabinet Secretary.

- 1.6 In response to the absence of any significant progress with the application at this point, the Chair has written to the Cabinet Secretary to encourage progress (copy of letter attached at Annex A).
- 1.7 WG officials have been invited to attend this meeting of the Association to provide an update on recent progress.

2. Next steps

- 2.1 At this point no further action is required by MSFOMA, other than to liaise with the Cabinet Secretary and Welsh Government officials to expedite progress with this application.

3. Costs

- 3.1 At the last Association meeting it was resolved that all of the proponents of the Fishery Order should be advised of the costs accrued to date and the procedure for managing costs. Expenditure needs to be kept under careful review and the four proponents informed of costs accordingly.

MSFOMA Secretariat
February 2018

Annex A: Copy of letter from Chair to Cabinet Secretary, February 2018.

Menai Strait Fishery Order Management Association

Port Penrhyn, Bangor, LL57 4HN

Lesley Griffiths, AM
Cabinet Secretary for Environment & Rural Affairs
National Assembly for Wales
Cardiff Bay
Cardiff
CF99 1NA

16th February 2018

By Post and e-mail

Dear Cabinet Secretary

RENEWAL OF MENAI STRAIT (WEST) FISHERY ORDER

I am writing on behalf of the Menai Strait Fishery Order Management Association to make enquiries about the progress with the renewal of this Fishery Order.

To recap very briefly, the Association wrote to you in July last year with an update on the extensive consultation and liaison work we carried out between 2015 and 2017, and asking for you to make your determination of our application under the Sea Fisheries (Shellfish) Act 1967.

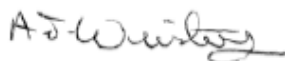
Since we wrote to you we have had some very positive meetings with your officials. Late last year they informed us that a report about the determination of the Fishery Order was due to be submitted to you shortly, an assurance that has been repeated several times over the past few months.

As winter now turns to spring we are becoming concerned that unless a determination is made soon the shellfish farmers in the western Menai Strait will face yet another year of uncertainty and frustration because they are unable plan for the future or develop their businesses.

On behalf of these shellfish farmers, please could I respectfully ask you to encourage your officials to expedite progress with this matter.

I hope that you can assist with this request. If you have any comments or queries about this letter, please get in touch with me.

Yours sincerely



ALAN WINSTONE
Chair, MSFOMA

cc. Mr Stuart Evans, Head of Fisheries Policy, Welsh Government

Menai Strait Fishery Order Management Association
Company registered in England and Wales No 07163689

Fishery Management Issues

Background

This agenda item provides an opportunity for the Association to consider any issues that may arise within the Fishery Order area that may have an effect on shellfish or the activities of MSFOMA.

Most of the items considered under this item are subject to verbal reports. Occasionally there is some documentation, which is reported here.

Recommendations

1. That the report is received, along with any verbal updates from CAMS and industry operators.

1. Coastal / Marine Developments

- 1.1 Coastal and marine developments are intended to include any infrastructure developments that may affect shellfish cultivation in the Menai Strait.
- 1.2 The following coastal and marine development information is brought to the Association's attention for discussion at this meeting:-

- a) **Former Dickies Boatyard development** – the site of the old Dickies Boatyard on the Bangor shore of the Menai Strait is being re-developed for housing. The re-development of this site involves substantial work being carried out to make the ground suitable for a housing development. A considerable amount of material is being transported on to the site, and the seaward edges of the site are due to be reinforced. This work is being carried out under the authority of planning permission from Gwynedd County Council, and also a Marine Licence from Natural Resources Wales.

The Association has been consulted on this proposed variation to the planning permission by Gwynedd County Council. The deadline for comment is the 26th February 2018. A letter from the developer outlining their request for the variation is attached at Annex A of this report.

The development is causing considerable concern among local residents. A group of local residents have recently sent the Association a copy of their objection to a proposal to vary a condition of the planning consent for this development. This objection refers, *inter alia*, to a risk of pollution of the Menai Strait as a consequence of the development work at this site. A copy of the objection and a supporting e-mail are attached at Annexes B and C of this report.

Members' are invited to consider how to respond to this issue.

2. Environmental / Health Issues

- 2.1 Environmental and health issues cover any issues which are associated with water and environmental quality in the Menai Strait and which may affect shellfish cultivation in the area.
- 2.2 There are no documents associated with these issues for consideration at this meeting.

MSFOMA Secretariat
February 2018

Annex A: Letter from Watkin Jones Group to Gwynedd County Council seeking a variation from planning conditions associated with the Dickies Boatyard development.



3 ABBOTS PARK, PRESTON BROOK, RUNCORN, CHESHIRE, WA7 3GH
TELEPHONE: 01928 785 900 FAX: 01928 785 950

9th November 2017

Dafydd Gareth Jones
Senior Minerals and Waste Planning Officer
Neuadd Penrhyn
Tan y Fynwent
Ffordd Gwynedd
Bangor
LL57 1DT

Dear Gareth,

Re: Dickies Phase II, Beach Road, Bangor – Section 73 Application to amend Condition 2 of Planning Ref. C15/1081/11/LL

Further to the meeting that took place on 16th October 2017 between yourself and Anthony Siddall, Technical Manager at Watkin Jones and following receipt of your email dated 18th October 2017, I am pleased to enclose a package of information to form a S73 application requesting the variation of Condition 2 associated with planning consent C15/1081/11/LL which was approved in October 2016.

Condition 2 relates to the timescales associated with the construction works and states:

'All construction works, import of materials and land raise operations implemented in accordance with the application plans and details shall cease within nine months of the notification of commencement of development. The site shall be cleared of all plant machinery, equipment, materials, buildings, structures and timber hoardings by that date. Restoration of the site shall thereafter commence within three years of the cessation of development in accordance with the requirements of condition 19 of this permission, unless a further application to develop the land is granted'.

Condition 2 restricts the timescale for implementing the permission to a period of nine months from the notification of commencement (4th April 2017), meaning that currently the rip-rap construction needs to be completed in accordance with the approved plans by no later than 4th January 2018.

As Anthony discussed during your meeting, the reason for seeking an extension of time to this condition is due to the requirement to reapply to Natural Resources Wales (NRW) for a new Marine Licence. Although a Marine Licence for the works was originally granted in March 2017, it was later realised that it did not cover the extent of the required riprap or sheet piling around the dock and it did not facilitate sufficient access requirements for plant to access the shore to enable the placing of the riprap.

The application for the Marine Licence was submitted in August 2017 and it is anticipated that the new Marine Licence will be granted early January 2018. Following receipt of the Marine Licence, 10 days' notice will need to be given to the coast guard, NRW and marine enforcement officers prior to commencement of works. In view of these timescales, we would like to seek an extension of 8 months to the timescales for carrying out the works from 4th January 2018. The following revised wording is therefore proposed to the condition:

'All construction works, import of materials and land raise operations implemented in accordance with the application plans and details shall cease within 17 months of the notification of commencement of development. The site shall be cleared of all plant machinery, equipment, materials, buildings, structures and timber hoardings by that date. Restoration of the site shall thereafter commence within three years of the cessation of development in accordance with the requirements of condition 19 of this permission, unless a further application to develop the land is granted'.

The fee cheque for £190 which covers the planning application fee for a variation of condition application has been submitted to Gwynedd Council separately via post.



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The information submitted as part of this planning application should provide you with all the relevant information considered necessary to validate the application, however, should you require any further information, or have any queries regarding the information submitted, please do not hesitate to contact me.

Yours sincerely,
For the Watkin Jones Group

A handwritten signature in dark ink, appearing to read 'CDroog', written in a cursive style.

Clare Droog
Associate Planner

Annex B: Letter from local residents' group to Gwynedd County Council concerning the Dickies Boatyard development.

54 Y Bae
Bangor
LL57 2SZ
Tel: 01248 362977

16 February 2018

Mr Dafydd Gareth Jones
Senior Minerals and Waste Planning Officer
Swyddfa'r Cyngor
Gwasanaeth Cynllunio
Ffordd y Cob
PWLLHELI
Gwynedd LL53 5AA

Dear Mr Jones

Application No: C17/0186/11/LL WJG Application to vary condition 2 on planning permission
Cross ref: C15/1081/11/LL etc

We write to object to the above application on the following grounds:

- i) That the developer continues to operate a piecemeal approach to the development, being selective in those conditions that they choose to implement and not necessarily in the right order, whilst not conforming to other aspects and in contravention of the method statements provided
- ii) The developer breached many conditions with the raising of land level operation (Summer 2017) and this was brought to the attention of the Senior Minerals and Waste Planning Officer on 1 June 2017 e.g. access/egress was through the City Centre and not from the direction of Llandygai. Lack of wheel washing, speed of vehicles on site, travelling with dust-protection sheet open and general dust within the atmosphere was a particular problem.
- iii) According to a letter from NRW (as part of the marine license process) the developer should have set the rip-rap before raising the level of land with quarry waste. This would have allowed large machines to work from 'mainland'. Because the level raising has taken place first, the rip-rap process is now complicated. If this application is approved, residents of Y Bae will face another summer of noise, dust and disturbance while the heavy appliances of the developer work a few yards of our houses. As the applicant has so much fault to do the previous work in the wrong order, we believe our right to tranquillity should come first.
- iv) We continue to have grave concerns that the land in question may be heavily contaminated, leading to concerns about disturbance of these items and potential pollution (maybe mercury and general leaching) affecting the Menai Strait and mussel beds. There are many anecdotal and credible eyewitness accounts of the former C&A Hospital being dismantled and 'dumped' at the site in the early-mid 1980's. This was identified in the 2009 Supplementary Planning Guidance *"Given its former industrial*

nature, it is possible that parts of the site are polluted. This would have to be dealt with effectively before any further development would be allowed on these areas"

- v) No documentation has been provided to indicate that the full and necessary work has been undertaken to prove beyond doubt that the site is suitable for any possible residential development and that the safety of the Marine life and industry along the Menai Strait and Porth Penrhyn is secure before proceeding.
- vi) There is no supporting evidence with regard to water sampling results (condition 13) - reference point (i) above
- vii) Japanese Knotweed – the Schedule of works provided by the specialist company indicates a minimum three-year period to effectively eradicate the species. Their schedule proposes commencement in May 2018 concluding October 2020. How can the developer proceed with (rip-rap) works that would effectively cover the Knotweed and make its eradication virtually impossible. In order to meet the requirements of many Mortgage Lenders, the plan and its execution need to be undertaken by a member of a recognised trade association. Its total eradication prior to further works is essential so as not to spread to adjacent properties
- viii) Winter Bird Survey (Middlemarch report RT-MME-126872-02-Rev B). This interim report identifies the bird species and numbers that were recorded using the site during the surveys undertaken in December 2017, further surveys are scheduled for January, February and March 2018. The application is therefore premature as the March survey has not been undertaken
- ix) Reports on the environment show that the site is important to wildlife and the use changes seasonally. However, there is no comprehensive report showing the use of the site over a whole year. Some residents have taken numerous photographs of birds in the area, which confirms the importance of the site with 600 Dunlin using the area as 'high tide roost' in one picture. The Middlemarch report says that allowing the work to go ahead would mean "All habitat to be lost". We believe that there is a lot more research into the effects on wildlife before this work could be allowed to go ahead.
- x) We also point out that there is little mention of bats in any of the reports. The environment around the area (Coed Menai, Roman Camp, Bangor Mountain and Penrhyn Estate land) offers perfect shelter for bats and residents and former residents of nearby houses (Glandŵr Terrace) state that the area "is thick with bats" over the summer months. Studies in Essex and Swansea show that bats are happy to feed in estuaries/inlets - and two rivers run into the sea at Hiraef Bay. Has any specialist study been done on bats in the area? Is it illegal to interfere with 'foraging habitat'?

Yours sincerely

Barry & Sue Jones

Annex C: E-mail from local residents' group about the Dickies Boatyard development.

Subject: URGENT - Phase 2 planning applications
Date: Thu, 15 Feb 2018 14:45:19 +0000
From: Sue Jones
To:
CC:

Annwyl bawb / Dear All

There is much going on at the moment with WJ applications for phase 2 flying in all directions, and there are two specific applications which require replies/objections to Gwynedd Council within the next couple of weeks. Many have said that this is so complicated, that it's getting confusing, so here's my simple attempt to try and clarify for you:

1) **Application C17/1086/11/LL** (cross references to earlier planning permission granted under C15/1081/11/LL in December 2016). **C17/1086/11/LL** requires a response to Gwynedd Council by **Monday 26 February**. This is because WJ have made a huge mistake in raising the land level with slate last summer, as they should have put the boulders, also known as rip raps, around the edges before the slate and completed all of this work by 8th January 2018. WJ have failed to do so. Hence the Council wanted to know why, thus the latest application to extend to September 2018. In the meantime, we still have grave concerns as to possible contamination deep down below the slate which have not been addressed in any reports. This raises serious questions about possible 'leaching' of contaminants such as mercury or lead into the sea at some future point. There is known to be Japanese Knotweed on the seashore boundaries now, brought in with the slate. They have submitted a report stating how it can be eradicated, which would take 2 or more years to be done, if the work started in May 2018. Placing giant boulders for the riprap on top of the Knotweed before treatment is completed, would make eradication virtually impossible. The phase 2 site is known to be an important wildlife and bird roosting/nesting site. Hundreds of Dunlin have been winter-roosting there and the RSPB in Wales class their susceptibility as 'red' listed. And then there's the issue of bats, which have been seen in the summer by many people. Nothing has been mentioned about them.

In addition to planning permission, WJ also require a marine licence from Natural Resources Wales (NRW) and whilst WJ expected this in January, thus far it has not been issued as they too have concerns as to how everything works and have not yet had satisfactory replies.

PLEASE will you write to the Council with your objections? I enclose a template letter for your guidance, and you are welcome to use all of it, add to it, or take out any parts that you don't like. It can be sent electronically by following the link or you can post a letter if you prefer. The email address is cynllunio@gwynedd.llyw.cymru. It really is "the more the merrier" and the council do take note of how many objections they receive when it comes to Planning meetings. Not many letters = not much concern.
<https://diogel.gwynedd.llyw.cymru/swiftlg/apas/run/wphmakerep.displayURL?ApnID=C17/1086/11/LL>

2) **Application C18/0084/11/LL** - this is a first time application asking for permission to extend engineering work at the 'northern development parcel' i.e. the smaller piece of land near to the jetty. This is to put the rip-rap (boulders) by the wall which faces out to the sea. At the same time, WJ want to place new steel sheeting in the dock area in front of the rusty sheeting that exists already. This would require large cranes and very noising 'piling' into the sea bed. Again, another mistake by WJ as this should have been applied for under C15/1081/11/LL or at least under C17/1086/11/LL. The same issues apply as with the objections above - it is still land that is likely to be contaminated, it has Japanese Knotweed on it and the noise will not only affect us during the summer, but inevitably will disturb the birds and bats over the too. I will forward a template for this within the next 48 hours if you do not feel confident to do so yourself. **Objections have to be submitted by Thursday 1 March.**

The link for this is
<https://diogel.gwynedd.llyw.cymru/swiftlg/apas/run/wphmakerep.displayURL?ApnID=C18/0084/11/LL>

AND FINALLY

WJ have posted notices/sent letters notifying their intention to apply for full planning permission for 55 residential units on the (contaminated) land. At this stage it is only a consultation, but WJ are requesting comments/observations to the building of some houses and a number of 'tower blocks' as flats by **Wednesday 28 February**. They are required by law to consult with neighbours, so the Committee will draft another template for you by early next week. If we don't forward our concerns, then WJ will be able to go to the Council and say that the residents of Y Bae are happy with their proposals. Far from it!

Should you have any queries or concerns please feel free to email or phone me or Barry and we will do our very best to help you (or as they say, find a man who can).

Cofion cynnes iawn/very best wishes

Sue