

Financial Plan

Background

A Financial Plan for the Association was prepared and agreed in 2010. An update was considered at the last meeting of the Association in April 2013, and again in September 2013 when a medium-term financial plan was agreed. In March 2014 the Association agreed to change the lease fees for the lays in the Menai Strait in order to achieve this plan. As the Association is now commencing a major new activity in the renewal of the Fishery Order in the eastern Menai Strait, a review of the Financial Plan is appropriate.

Note: The report below is identical to the report that was considered by the Association in October 2017, apart from some minor corrections to ensure that the same inflation rate (2.8%) is applied to both overheads and income, and also to correct the dates in the financial projections.

Recommendations

1. That the proposed Financial Plan should be discussed, and subject to any amendments, agreed by the Association.
2. That proposals for altering the budget and income to the Order over the next few years are discussed and subject to any amendments, agreed by the Association.
3. That the Association should consult with the lease and licence holders, and also with WAG before implementing any changes to lease or licence fees.

1. Financial plan

- 1.1 The first Financial Plan for the Association was agreed in October 2010 and revised in 2013. This set out projections for income and expenditure over a 5 year period.
- 1.2 All of the income to the Association is derived from the fees paid by mussel operators to either lease cultivation areas (which provides most of the income to the Order) or to gather wild mussels from the Fishery Order area.
- 1.3 The key financial challenges that are likely to arise for the Association over the coming 5 years are to meet all of the costs associated with the day-to-day administration of the Order; and to maintain a reserve fund that will support the renewal of the Order before it expires in 2022. The costs associated with renewing the Order could be significant, and this process is likely to take several years.
- 1.4 With these challenges in mind, the key goals for the 5-year financial plan agreed in 2010 were:-
 - To meet the ongoing management and administrative expenses associated with the Menai Strait Fishery Order; and
 - To accrue a reserve of £25,000 by the end of the 2015-2016 FY.

- 1.5 In September 2013 the Association further agreed to make an allowance to support the application to renew the Menai Strait (West) Fishery Order out of its reserve. This allowance would be recovered from the applicants for that Fishery Order.
- 1.6 The goals that were set in 2010 have been achieved. The Association continues to meet all of the management and administrative expenses associated with the Fishery Order in the eastern Menai Strait, has provided funding for the renewal of the Fishery Order in the western Menai Strait, and has accrued and maintained a reserve of more than £25,000. The reserve presently stands at £37,000.

2. Financial outlook

- 2.1 The annual running costs for MSFOMA have remained relatively constant at around £6,000 - £7,000 per year since the Association was established. The main financial challenges for the Association are likely to be the ongoing costs associated with the renewal of the Menai Strait (West) Fishery Order, and also the costs associated with the renewal of the Menai Strait Oyster and Mussel Fishery Order, which has recently begun (progress on both items is reported in items 10 and 11 on the agenda for today's meeting).
- 2.2 The costs arising from the renewal of the Menai Strait Oyster and Mussel Fishery Order to date have been just under £2,600. The cost arising from the renewal of the Menai Strait (West) Fishery Order over the period 2015-present has been just under £17,200. Both the eastern and western Fishery Order renewal processes are likely to require financial support in the future. The likely outlook for each is considered below.
- 2.3 **Menai (West) Fishery Order** - it is likely that the bulk of the costs associated with the application for renewal of this Order have been incurred, although an allowance must be made for the possibility of a Public Inquiry in the current or next Financial Year. If this Fishery Order is ultimately approved by the Minister, then an additional source of revenue will be created for the Association; but if the Minister should refuse the Fishery Order application or there is any further delay, then the sole source of revenue will remain the lease fees from the eastern Menai Strait Fishery Order. For the time being it would be prudent to consider that there will be no income from this Order, but that some additional costs (estimated at £12,000) would be incurred in the 2018-19 FY.
- 2.4 **Menai Strait Oyster and Mussel Fishery Order 1962** - it can be anticipated that significant costs will accrue during the next FY associated with submitting the application for this Fishery Order. These have been estimated at £15,000. Once the application has been submitted, the annual costs associated with renewal are likely to be relatively small (estimated at £6,000). It can be anticipated that costs are likely to increase in the period prior to the renewal of the Fishery Order (estimated at £15,000 for 2 years). For this Fishery Order there is a strong possibility that the Association would incur significant legal fees during the renewal process, so it would be wise to continue to accrue a reserve to meet such costs.
- 2.5 A projection of the likely income and expenditure associated with the two Fishery Order areas for the period from 2017-2023. On the basis of these projections, the 2018-19 budget is likely to be in deficit, but all other years show a surplus.

- 2.6 Two income scenarios have been considered in this projection. One assumes no change in income from the leases issued in the eastern Menai Strait. The other scenario is based on an annual increase of lease fee by 2.8%. The charge per laying under this latter scenario is shown in Table 2. This incremental increase would increase the charge per laying by around £400 per year over the 5-year period.

Table 1: Financial projections for MSFOMA for the period 2017-2023.

Item	Financial Year					
	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23
1. Recurring Expenditure - inflated at 2.8%.						
Administration of the Order*	£6,500.00	£6,682.00	£6,869.10	£7,061.43	£7,259.15	£7,462.41
Enforcement activity*	£1,200.00	£1,233.60	£1,268.14	£1,303.65	£1,340.15	£1,377.68
Corporate core*	£1,200.00	£1,233.60	£1,268.14	£1,303.65	£1,340.15	£1,377.68
Renewal of Fishery Orders						
Menai East	£2,600.00	£15,000.00	£6,000.00	£15,000.00	£15,000.00	£6,000.00
Menai West	£8,200.00	£12,000.00				
Research & monitoring*	£1,800.00	£1,850.40	£1,902.21	£1,955.47	£2,010.23	£2,066.51
Total Expenditure	£21,500.00	£37,999.60	£17,307.59	£26,624.20	£26,949.68	£18,284.27
2. Recurring Income - no inflation applied						
Leases for lays	£30,347.20	£30,347.20	£30,347.20	£30,347.20	£30,347.20	£30,347.20
Licences	£235.00	£235.00	£235.00	£235.00	£235.00	£235.00
Total	£30,582.20	£30,582.20	£30,582.20	£30,582.20	£30,582.20	£30,582.20
Operating surplus / deficit	£9,082.20	-£7,417.40	£13,274.61	£3,958.00	£3,632.52	£12,297.93
Reserve	£37,000.00	£29,582.60	£42,857.21	£46,815.21	£50,447.73	£59,113.14
3. Recurring Income - inflated at 2.8% to increase value of reserve.						
Leases for lays	£30,347.20	£31,196.92	£32,070.44	£32,968.41	£33,891.52	£34,840.49
Licences	£235.00	£235.00	£235.00	£235.00	£235.00	£235.00
Total	£30,582.20	£31,431.92	£32,305.44	£33,203.41	£34,126.52	£35,075.49
Operating surplus / deficit	£9,082.20	-£6,567.68	£14,997.85	£6,579.21	£7,176.84	£16,791.22
Reserve	£37,000.00	£30,432.32	£45,430.17	£52,009.37	£59,186.22	£75,977.43

* Costs inflated at 2.8% annually (this was the 12-month inflation rate in November 2017)

Table 2: Illustration of lease fees for Menai Strait Oyster & Mussel Fishery Order 1962 for the period 2017-2023 if an annual increment of 2.8% is applied.

Year	Total Income to MSFOMA	Annual fee per laying
2017-18	£30,582.20	£3,793.40
2018-19	£31,431.92	£3,899.62
2019-20	£32,305.44	£4,008.80
2020-21	£33,203.41	£4,121.05
2021-22	£34,126.52	£4,236.44
2022-23	£35,075.49	£4,355.06

- 2.7 These projections and illustrations are presented for discussion and feedback from the Association.
- 2.8 The Association is advised that the Cabinet Secretary must be consulted over any changes to lease arrangements in the Fishery Order area, which would include the proposed changes to lease fees.

3. Financial Plan

- 3.1 The illustrations above could provide the basis for amending the financial objectives that were agreed for the MSFOMA Financial Plan in 2010. Revised objectives could be:-
- To meet the ongoing management and administrative expenses associated with the Menai Strait Fishery Order; and
 - To maintain a reserve of at least £25,000 for the remainder of the duration of the Fishery Order.
- 3.2 Both of the scenarios illustrated in Table 1 are likely to be consistent with these objectives and could thus form the basis of a financial plan for the next 5 years.

4. Next steps

- 4.1 The Association is invited to discuss the proposals presented here and to determine the favoured Financial Plan for both the Menai Strait Oyster and Mussel Fishery Order in the eastern end of the Menai Strait.
- 4.2 Once a decision about the Menai Strait (West) Fishery Order has been taken by the Cabinet Secretary the Association will need to consider the level at which to set lease fees for that Fishery Order.

MSFOMA Secretariat
January 2018

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. The last meeting was advised by WG that the future role of these meetings was due to be considered at the next meeting of 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. No further information is available.
 - 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. Consultation on Draft Welsh National Marine Plan

3.1 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.

3.2 The Welsh National Marine Plan is described on the WG website consultation page¹ as:-

This is the first marine plan for Welsh seas. It covers the inshore and offshore marine plan areas for which Welsh Ministers are the marine planning authority.

We are consulting on the draft Welsh National Marine Plan which:

- *introduces a framework to support sustainable decision-making for our seas*
- *sets out our vision and strategic objectives*
- *presents general policies (economic, environmental and social)*
- *includes policies specific to the sectors that operate in our seas (aquaculture, aggregates, defence, etc.).*

3.3 There are several documents about the Marine Plan available on the WG website, including:-

- a) **Consultation document** – this sets out the questions that WG are seeking to answer through this consultation.
- b) **An overview of the developing Welsh National Marine Plan** – this document sets out the policy context and background for the plan.
- c) **Draft Welsh National Marine Plan** – this is the plan itself. The key section relevant to the Association is titled “Aquaculture”, starting on page 140 of the 305 page document.
- d) **Habitats regulations assessment** – this assesses the impact of the proposed plan on Natura 2000 sites.
- e) **Sustainability appraisal report** – this report considers how the proposed marine plan will deliver WG objectives for sustainable development.
- f) **Review of interim marine aggregate dredging policy** – this part of the consultation considers the implications of the WG withdrawing its aggregate dredging policy that currently applies in the Bristol Channel and replacing it with a Wales-wide policy in the draft WNMP.

3.4 In addition to these supporting documents, a consultation response form can be downloaded from the consultation website.

¹ <https://consultations.gov.wales/consultations/draft-welsh-national-marine-plan>

- 3.5 It has not yet been possible to thoroughly review the Draft WNMP and set out a response for the Association to consider at this meeting. It is proposed that a formal response from MSFOMA should be drawn up and circulated to members for agreement prior to the end of the consultation period.

MSFOMA Secretariat
January 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 Quarterly Meeting (on the 8th December 2017). The Technical, Scientific and Byelaws Sub-Committee met once (on the 31st October 2017). There Bivalve Mollusc Working Group met on the 10th July 2017.
- 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 two byelaws which are relevant to the activities of the mussel industry in the Menai Strait. These are a new Byelaw 11, which will regulate fishing with dredges; and a revision to the existing Byelaw 3 which establishes a permit scheme for cockles and mussels.
- 2.2 **Byelaw 11 (Restrictions on use of a dredge):** following some delays in the approval process, this byelaw was formally confirmed by Defra in December 2017. It will provide the basis for managing dredging activities (including mussel dredging) in the NW IFCA District. A copy of the approved version of the byelaw is attached at Annex A. The byelaw will impose a fee of £9,000 for a permit to allow vessels over 15m LOA to dredge in the NW-IFCA District.
- 2.3 **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.
- 2.4 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. The byelaw was further considered at a TSB meeting in

October 2017. The latest version of the draft byelaw is attached at Annex B for members' information.

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
January 2018

Annex A: Copy of the new NW-IFCA dredge byelaw, approved by Defra in December 2017.

ANNEX A

North Western Inshore Fisheries and Conservation Authority (NWIFCA)

Marine and Coastal Access Act 2009 (c.23)

Restrictions on the use of a dredge byelaw 2017

The Authority for the North Western Inshore Fisheries and Conservation District in exercise of its powers under sections 155 and 156 of the Marine and Coastal Access Act 2009 makes the following byelaw for that District.

Interpretation

1. In this byelaw:
 - a. "AIS" means an operational transceiver of Class A or Class B design that transmits and can exchange accurate information with shore based facilities;
 - b. "the Authority" means the North Western Inshore Fisheries and Conservation Authority as defined in articles 2 and 4 of the North Western Inshore Fisheries and Conservation Order 2010 (S.I. 2010/2200);
 - c. "the District" means the North Western Inshore Fisheries and Conservation District as defined in articles 2 and 3 of the North Western Inshore Fisheries and Conservation Order 2010;
 - d. "dredge" means a dredge, scoop, or similar device and any auxiliary hydraulic equipment that is designed for or capable of taking sea fisheries resources;
 - e. "specified vehicle" means a vehicle for which a permit to dredge has been issued under this byelaw;
 - f. "specified vessel" means a vessel for which a permit to dredge has been issued under this byelaw;
 - g. "permit" means a permit issued by the Authority in accordance with this byelaw.

Prohibition

2. A person must not use a dredge for the exploitation of sea fisheries resources except in accordance with a permit issued under this byelaw.

Exception

3. Paragraph 2 does not apply to any person performing an act that would otherwise constitute an offence under this byelaw, if that act was carried out in accordance with a written permission issued by the Authority permitting that act for scientific, stocking or breeding purposes.

Permits

4. The Authority may issue a permit in respect of a specified vessel or specified vehicle authorising the use of a dredge to fish or take shellfish.
5. Contravention of a permit condition or a flexible permit condition constitutes an offence under this byelaw.

Permit conditions

6. A person may apply for a permit only in respect of:
 - a. a vessel for which the person is the owner, the majority shareholder in the company that is the owner, the leaseholder or the charterer or;
 - b. a vehicle for which the person is the owner, the majority shareholder in the company that is the owner or the leaseholder.
7. An undamaged identity tag supplied by the Authority must be permanently attached to a specified vehicle.
8. Permit applications may only be made using the form available from the Authority.
9. A permit is valid from the date of issue to 31 December of the same year unless specified in the permit
10. A fee is payable prior to issue for each permit as follows:

a.	Vessels over 15m overall length	£9,000
b.	Vessels 15m or under 15m overall length	£1,000
c.	Vehicles	£1,000
11. The Authority may charge a fee of £50 to issue a replacement permit or vehicle tag.
12. A permit:
 - a. is not transferable from a specified vessel or specified vehicle to another vessel or vehicle;
 - b. must be available for inspection by an IFC officer during a compliance visit to a vessel or vehicle;
 - c. remains the property of and must be surrendered to the Authority if no longer required.
13. A permit holder must not obstruct an IFC Officer.
14. Fishing returns must be filed as required by the Authority providing dates, times and locations of dredging and the quantity of fish taken. Returns including nil returns may be required for all months for which permits are valid.
15. The Authority may suspend a permit until outstanding returns have been filed.
16. A specified vessel used in conjunction with a permit must have a fully functioning AIS transmitting information including the vessel's identity course and speed at all times when the vessel is not stationary in port.

17. A permit holder must notify the Authority by phone, text or email at least 2 hours prior to commencement of fishing in conjunction with a permit.
18. A permit holder must notify the Authority of any change in the information provided to obtain a permit during the period when the permit is valid.

Flexible permit conditions

19. On receipt of the information specified in paragraph 21, the Authority may, in order to promote sustainable exploitation of sea fisheries resources, attach flexible conditions to a permit including some or all of the following:
 - a. dates, times or tides during which using a dredge for the exploitation of sea fisheries resources is permitted;
 - b. areas where using a dredge for the exploitation of sea fisheries resources is permitted;
 - c. species for which using a dredge to fish is permitted;
 - d. the type, size or design of dredge which is permitted;
 - e. the maximum number of permits which can be issued for a fishery;
 - f. the maximum number of dredges or total length of dredges that a vessel or vehicle may use in a fishery;
 - g. the total catch limit permitted within a specified period or a specified area.

Review procedure

20. The Authority will review flexible permit conditions no less than once every 4 years as follows:
 - a. the Authority will consult in writing with permit holders and such other stakeholders, organisations and persons as appear to the Authority to be representative of the interests likely to be substantially affected by changes in permit conditions;
 - b. the Authority will decide whether to add, vary or remove any permit condition taking account of the consultation responses and information received in accordance with paragraph 21;
 - c. following a decision by the Authority, permit holders will be notified in writing and permits will be amended as necessary with no charge.
21. The information in paragraph 20 is:
 - a. information and advice received from permit holders;
 - b. scientific and survey information gathered by the Authority or provided to the Authority by any other organisations or persons as the Authority thinks fit;
 - c. advice provided by Centre for Environment Fisheries and Aquaculture Science or Natural England or any other organisations or persons as the Authority thinks fit;
 - d. an impact assessment of any proposed changes;

- e. information from any other relevant source.

Revocation of byelaws

22. The byelaw with the title "Byelaw 12 Restrictions on fishing for bivalve molluscan shellfish" made by the North Western and North Wales Sea Fisheries Committee under the Sea Fisheries Regulation Act 1966 (c.38) section 5 and confirmed on 21 January 1998 is revoked.
23. The byelaw with the title "NWIFCA Emergency Byelaw: Restrictions on fishing for bivalve molluscan shellfish 2016" first signed by the Minister on 3 February 2016 and signed as extended on 31 January 2017 is revoked.

Explanatory Note

(This note does not form part of the byelaw)

This byelaw prohibits the use of dredges towed by vessels or vehicles for fishing within the NWIFCA District without a permit. The permit application requirements and the conditions of use are set out in the byelaw. In addition the Authority may attach conditions which may be varied to promote sustainable exploitation of sea fisheries resources. The procedure by which permit conditions may be varied is set out in the byelaw.

Vessels for which permits have been issued must carry a functional automatic identification system (AIS) which meets Class B design (tested and certified compliant by a notified body under the Radio Equipment Directive) or the higher specification Class A design (International Maritime Organisation (IMO) performance standard in the SOLAS Convention Chapter 5 Regulation 19 Section 2.4.5).

Annex B: Copy of the NW-IFCA CEO report on the proposed new Byelaw 3, from the papers submitted to the October Technical, Science and Byelaw Sub-Committee meeting.

**NWIFCA Technical, Science and Byelaw
Committee
31 October 2017.**

**AGENDA
ITEM NO.
10**

BYELAW 3 REVIEW

Purpose: To consider a first draft of a revised cockle and mussel permit byelaw

Recommendation: TSB considers the measures in the draft at Annex A. Written comments to be returned by end November 2017 and a further draft prepared.

Background

1. The cockle and mussel permit byelaw, confirmed in 2012 has proved effective in regulating these fisheries. However, experience has taught us that some changes could improve the working of the byelaw.
2. A consultation in 2017 followed by analysis at the August TSB meeting identified potential changes which could be useful.

A Draft Byelaw

3. Members are asked to consider the draft at Annex A and indicate how the Authority should proceed with developing the byelaw.
4. It may be appropriate to set a deadline for written comments in order to bring a further draft back to TSB at the February meeting.

Issues for discussion

5. **Deadlines for Renewal applications:** The current byelaw 3 allows renewals anytime within the year for which the permit is valid. For example the permit for 2016-7 could be renewed right up to 31 August 2017. This system whereby a holder retains entitlement to a permit without renewing until just before the following permit was due has created an administrative blockage with applications for 2 years overlapping. The system creates risk of confusion over validity of permits and risk of errors in handling permit applications. The system should be tightened to require permits to be renewed before the existing permit expires. The new draft byelaw requires applications for permits for 1 September each year to be filed and payment to be made by 1 August in the same year.
6. **Transitional arrangements:** There has now been 5 years when all fishers in the Dee and Cumbria could have obtained full cockle and mussel permits under byelaw 3. The draft includes ending transitional arrangements 5 years after the byelaw comes into force..
7. **Support worker permits:** As agreed in August provision for support workers will not be included in the revised byelaw.
8. **Boat safety provisions:** Responsibility for boat safety is not clearly within the IFCA remit and these sections are removed from the revised byelaw.
9. **Trading Permits:** An important question is whether to include a shellfish trading permit in this byelaw. In August, members suggested this might be over complex. Officers have considered the matter further and consider it would greatly support good regulation of the fisheries if shellfish merchants could be legally required to:

- a. Only purchase cockle and mussels from the District from gathering permit holders.
 - b. Submit sale returns to show better assessments of how much cockle and mussel is being harvested from the District.
 - c. Therefore these provisions are included in the draft.
10. **Applications for permits:** Information required on application forms does not have to be specified in the byelaw. The Authority will operate the following system.
- Applicants are required to provide and keep their address up to date.
- New applicants will be placed on the waiting list on the production of:
- a. A completed valid permit application form;
 - b. Evidence of the applicant's identity, containing a photograph and signature;
 - c. Proof of the applicant's address;
- For the first 10 applicants on the waiting list, New permits will be issued to applicants on production of:
- a. a valid foreshore gatherers safety training certificate course;
 - b. evidence that the applicant has registered for payment of tax with HMRC in the current or previous tax year by providing a SA300 form if self-employed or a payslip if employed showing payment of tax by PAYE.
 - c. their National Insurance number;
 - d. 2 passport photographs taken in the last year;
 - e. payment of the relevant fee;
- Applicants under the age of 16** may be placed on the waiting list. If they become eligible for a permit before they reach the age 16 (when they can receive a National Insurance Number), they will remain eligible until they receive a NINO. When they receive a NINO they will be included in the first 10 from the waiting list and be eligible for a permit for the following year.
- Deadlines:** If an offer of a permit from the waiting list is declined or not accepted within 3 weeks of the offer being sent by the Authority, the applicant may be deleted from the waiting list and the permit offered to the next person on the waiting list.

CEO 17th October 2017

Annex A

North Western Inshore Fisheries and Conservation Authority

Marine and Coastal Access Act 2009

Permit to gather cockles and mussels by hand byelaw 2017

The Authority for the North Western Inshore Fisheries and Conservation District in exercise of its powers under sections 155 and 156 of the Marine and Coastal Access Act 2009 makes the following byelaw for that District.

Interpretation

1. In this byelaw:
 - a) "Authority" means the North Western Inshore Fisheries and Conservation Authority (NWIFCA) as defined in articles 2 and 4 of the North Western Inshore Fisheries and Conservation Order 2010
 - b) "cockle" means a shellfish of the species *Cerastoderma edule*;
 - c) "District" means the North Western Inshore Fisheries and Conservation District as defined in articles 2 and 3 of the North Western Inshore Fisheries and Conservation Order 2010 (S.I. 2010/2200);
 - d) "first sale" means sale, exposure or offer for sale for the first time, cockles or mussels that have been gathered from a fishery within the District;
 - e) "fishery" means an area of sea, seabed, exposed estuary, seashore or other marine environment;
 - f) "foreshore gatherers safety training certificate" means a certificate issued by Seafish Industry Group Training Association, or a trainer approved by the Authority, certifying that the person named on the certificate has completed a safety training course approved by the Authority for inter-tidal shellfish gathering;
 - g) "gather" includes all activities related to fishing by hand of cockles or mussels within or from a fishery including harvesting, taking, moving and transporting;
 - h) "gathering permit" means a permit issued by the Authority to gather cockles or mussels;
 - i) "MACAA" means the Marine and Coastal Access Act 2009;
 - j) "mussel" means a shellfish of any species of the genus *Mytilus*;
 - k) "sales note" means a document that contains the name, address, trading permit holder registration number of the buyer; the name and permit number of the gathering permit holder, the date of purchase and date of landing of the shellfish, the live weight, species and location of gathering;
 - l) "trading permit" means a permit issued by the Authority to first sale purchase of cockles or mussels;

Prohibitions

2. A person must not gather cockles or mussels from a fishery unless they have in their possession while gathering a valid gathering permit issued to them by the Authority.
3. A person must not gather cockles or mussels except:
 - a. by hand using only a rake;
 - b. in the case of cockles by using a, craam, tamp or jumbo;
 - c. in accordance with a gathering permit.

4. A person must not have in their possession any article for use in the course of or in connection with gathering cockles or mussels within or from a fishery in breach of this byelaw.
5. A person must not take from a fishery any cockle which will pass through a gauge having a square opening of 20mm measured across each side of the square or any mussel less than 45mm in length.
6. A person must not have in their possession, retain, transport or store any cockle or mussel gathered in breach of this byelaw. Any person who possesses or removes cockles or mussels the removal of which is prohibited by these byelaws or any Act of Parliament must immediately redeposit the same without injury as nearly as possible in the fishery from which they were taken or under the written authority of the NWIFCA on another suitable fishery and shall spread them thinly and evenly through the fishery.
7. No person shall gather any cockle within or from a fishery on or between 1st May and 31st August in the same year.
8. A person must not purchase first sale cockles or mussels caught within the District unless they have in their possession a trading permit issued to them by the Authority.

Exemptions

9. This byelaw does not apply to any person performing an act that would otherwise constitute an offence against this byelaw if that act was carried out in accordance with a written permission issued by the Authority permitting that act for a scientific, management, stocking or breeding purpose or in the exercise of any right of common held by that person.
10. This byelaw shall not apply to a person gathering less than 5kg of cockles and 5kg of mussels during a calendar day from a fishery which is not closed under this or any other byelaw or Act of Parliament nor designated a commercial area under paragraph 21d of this byelaw nor part of the District managed under the Dee Estuary Cockle Fishery Order (2008) without a licence to fish issued under the terms of that Order.

Permit conditions

11. A gathering or trading permit:
 - a. is issued by the Authority to a named person ("the permit holder")
 - b. is not transferrable from the permit holder to another person
 - c. is annually renewable
 - d. is valid from 1 September to the following 31 August inclusive unless otherwise stated on the permit.
12. Only holders of a gathering permit under this byelaw shall be entitled to renew the gathering permit for the next year.
13. Holders of gathering or trading permits must:
 - a. file returns to the Authority by mail or post on the Authority website on a correct valid return form providing all the information requested to the Authority, not later than the 5th day of each calendar month, including nil returns, or more frequently if stipulated in a permit condition.
 - b. Notify the Authority of any changes of name or address;
 - c. not obstruct pursuant to MACCA s292(4) an IFCA carrying out a relevant function pursuant to MACCA s287.
14. A gathering permit holder must:
 - a. Apply for renewal at least 1 month before the permit expires.

- b. Hold a valid foreshore gatherers safety training certificate.
- 15. A trading permit holder must:
 - a. purchase all first sale cockles or mussels taken from the District from a gathering permit holder.
 - b. maintain and retain for a minimum of 5 years, separate records of all first sale purchases of cockles or mussels fished or taken from within the District and make records available for inspection by the Authority at all reasonable times.
- 16. The Authority shall keep a waiting list of new permit applications in the order received. New gathering permits may be issued each year for the permit year starting 1 September in that year to a maximum of the first 10 applicants on the waiting list.
- 17. Failure to produce on the reasonable demand of a properly warranted Officer a valid permit when carrying out any activity for which a permit is required constitutes a breach of this byelaw.
- 18. Permits may be suspended by the Authority until returns have been filed;
- 19. Application for a trading permit or renewal of a trading permit may be made at any time
- 20. Applications for permits must be made using the correct forms available from the Authority's offices or website and providing all the information requested.
- 21. A fee of £500 shall be payable for each permit prior to issue upon application. The fee may be varied by no more than the annual percentage change in the Consumer Price Index on the 1st December each year.
- 22. No fee is payable for a trading permit issued to a person holding a gathering permit.

Flexible permit conditions

- 23. On receipt of the information specified in paragraph 26. the Authority may in accordance with the review procedure in paragraph 25 and in order to promote sustainable exploitation of sea fisheries resources, attach or vary flexible conditions to a permit including some or all of the following:
 - a. Dates, times or tides during which gathering cockles or mussels is permitted;
 - b. Areas where gathering cockles or mussels is permitted;
 - c. Close for a specified period not exceeding 1 year any cockle or mussel bed or part of a bed for fishery management purposes or to control the rate of exploitation of stock;
 - d. Designate 'commercial cockle fishing areas' of maximum size 100 sq km for defined periods not exceeding 6 months where S.10 of this byelaw does not apply;
 - e. The total catch limit permitted within a specified period or a specified area;
 - f. Methods or equipment permitted within a specified period or a specified area.
- 24. Failure to comply with any of the permit conditions constitutes a breach of this byelaw.

Review procedure

- 25. The Authority will review the permit conditions no less than once every 4 years as follows:
 - a. The Authority will consult in writing with permit holders and such other stakeholders organisations and persons as appear to the Authority to be representative of the interests likely to be substantially affected by the proposed future management options;
 - b. The Authority will decide to attach, vary or remove any permit conditions based on the consultation responses obtained in accordance with sub-paragraph 25a and the information listed in paragraph 26.

- c. Following a decision being made by the Authority, permit holders will be notified in writing and permits will be amended as necessary at no cost to the permit holder.
- 26. The information includes any one or more of the following:
 - a. Data collected from permit holders
 - b. Scientific and survey data gathered by the Authority or provided to the Authority by such other bodies, organisations or persons as the Authority shall think fit;
 - c. Advice provided by Cefas, Natural England or such other bodies, organisations or persons as the Authority shall think fit;
 - d. An impact Assessment of any proposed changes
 - e. Information from any other relevant source.

Transitional Arrangements

- 27. A NWIFCA Byelaw 3 (revoked by this byelaw) gathering permit holder is only entitled to apply for a gathering permit under this byelaw in the year this byelaw comes into force and the Byelaw 3 permit expires.
- 28. A person who provides evidence to the satisfaction of the Authority that they held a permit issued under Cumbria Sea Fisheries Committee byelaws 21 (Cockles permit scheme) or 23 (Mussels permit scheme) (revoked by NWIFCA Byelaw 3) prior to confirmation of this new NWIFCA Byelaw 3 may apply to the Authority for written consent to fish for cockles or mussels in the Cumbria Sea Fisheries Committee District without being in possession of a gathering permit under this byelaw.
- 29. A person who provides evidence to the satisfaction of the Authority that they fished for mussels in the NWIFCA area of the Dee Estuary outside the North Western Sea Fisheries Committee District may apply to the Authority for written consent to fish for mussels within that area of the Dee Estuary without being in possession of a gathering permit under this byelaw.
- 30. All obligations of this byelaw apply to consents issued under paragraphs 28 or 29 but no fee is payable.
- 31. The transitional arrangements in paragraphs 28 and 29 will cease 5 years after the date of this byelaw coming into force.

Revocation of Byelaws

- 32. NWIFCA Byelaw 3 (Permit to fish for Cockles (*Cerastoderma edule*) and Mussels (*Mytilus edulis* 2012) is revoked.
- 33. The following byelaws made by the North Western and North Wales Sea Fisheries Committee are revoked:
 - a) Byelaw 13a Cockle and Mussels – management of the fishery;
 - b) Byelaw 16 Shellfishery – temporary closure.
- 34. Cumbria Sea Fisheries Committee Byelaw 18 (Shellfishery temporary closure) is revoked.

Explanatory Note*(This note does not form part of the byelaw)*

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

4. That the report is received
5. Comments are invited on progress to date and proposals for work in the next quarter.

4. Introduction

- 4.1 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.
- 4.2 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.
- 4.3 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.
- 4.4 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.

5. Progress Update

- 5.1 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.
- 5.2 The work that has been carried out with respect to landowners in 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.

- ii. Penrhyn Estate – following two meetings, the Estate has written to support the renewal of the Fishery Order.
 - iii. Ynys Môn County Council – an initial meeting was held with officers of the council in July 2017 and a further meeting is due to take place 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. Plans are being made 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. A meeting with Anglesey Boat Company is due to take place on 9th January 2018.
- b) Public bodies / statutory consultees – an initial consultation with the public bodies & statutory consultees with an interest in the area is due to take place in January 2018.
 - c) Habitats Regulations Assessment (HRA) – Natural Resources Wales have completed the HRA for the renewal of the Fishery Order, pending clarification of a few minor details. This document is required to support the application for the Order.
- 5.3 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.

6. Proposed timetable for renewal

- 6.1 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.
- 6.2 A copy of the timetable is attached at Annex B, along with an update on progress.

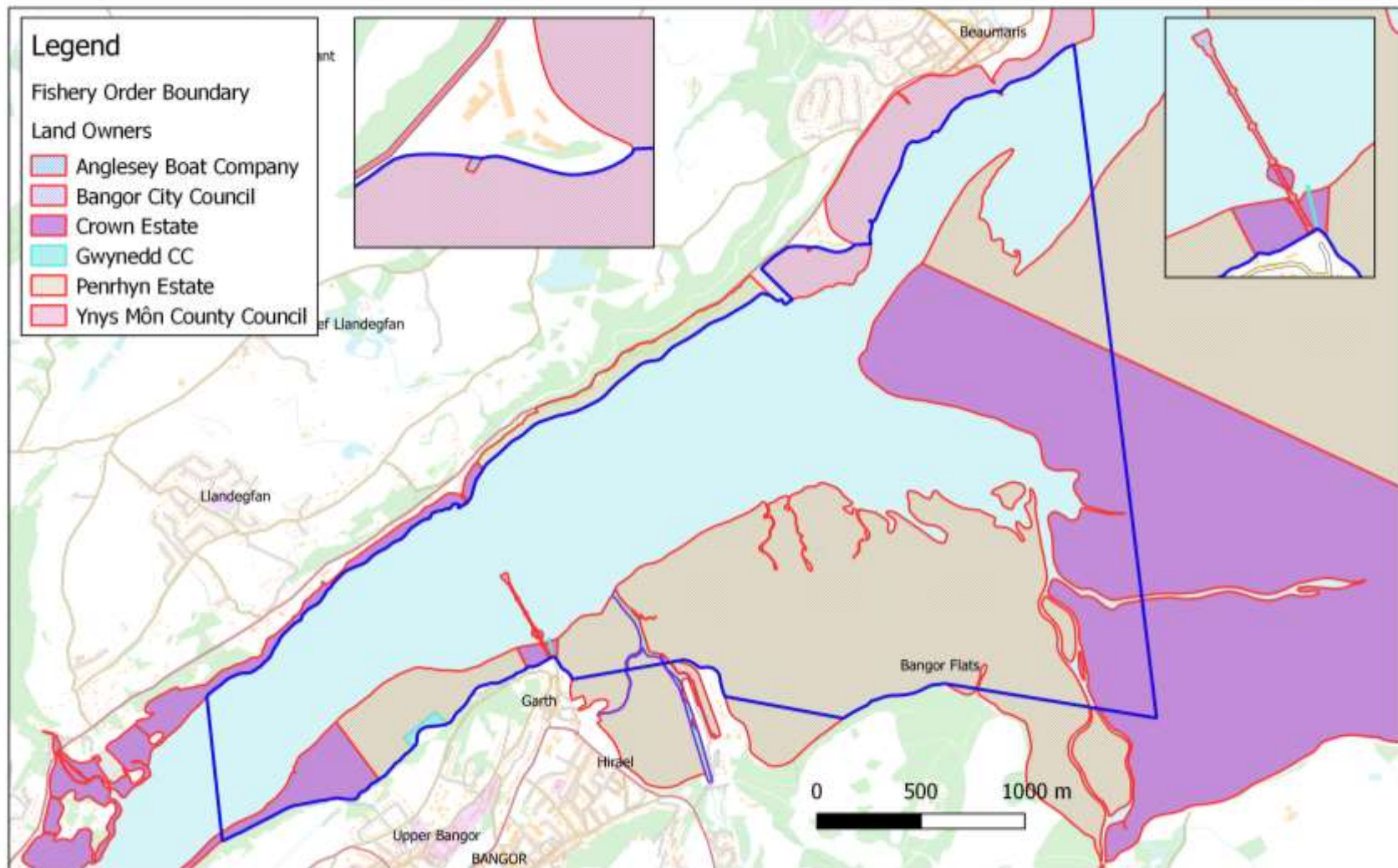
7. Application for renewal of the Fishery Order

- 7.1 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.
- 7.2 The attached application forms are very much a draft. Where separate forms ask for identical information, a reference to this has been made, rather than duplicating the information presented. For some parts of the forms the Secretariat will require additional information in support of the application, and this also has been indicated.
- 7.3 Members' comments and input to the draft application forms are invited.

MSFOMA Secretariat
January 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.

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"> In preparation
	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 meeting.
		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:

DRAFT

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

Type of Order: Hybrid Order (Several and Regulating Order)	
Species:	Mussels (<i>Mytilus edulis</i>) 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 X-XX,000t of mussel 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 XX,000 pieces 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 the nature conservation agency 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. The following potential environmental impacts have to be considered.

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

Name
Printed

Signature

Date

--

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

DRAFT

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 28 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

seeded 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 the Caernarfon Harbour Trust.
- 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 [will] have been informed of MSFOMA's intention to renew the Fishery Order through a formal notification in early 2018.

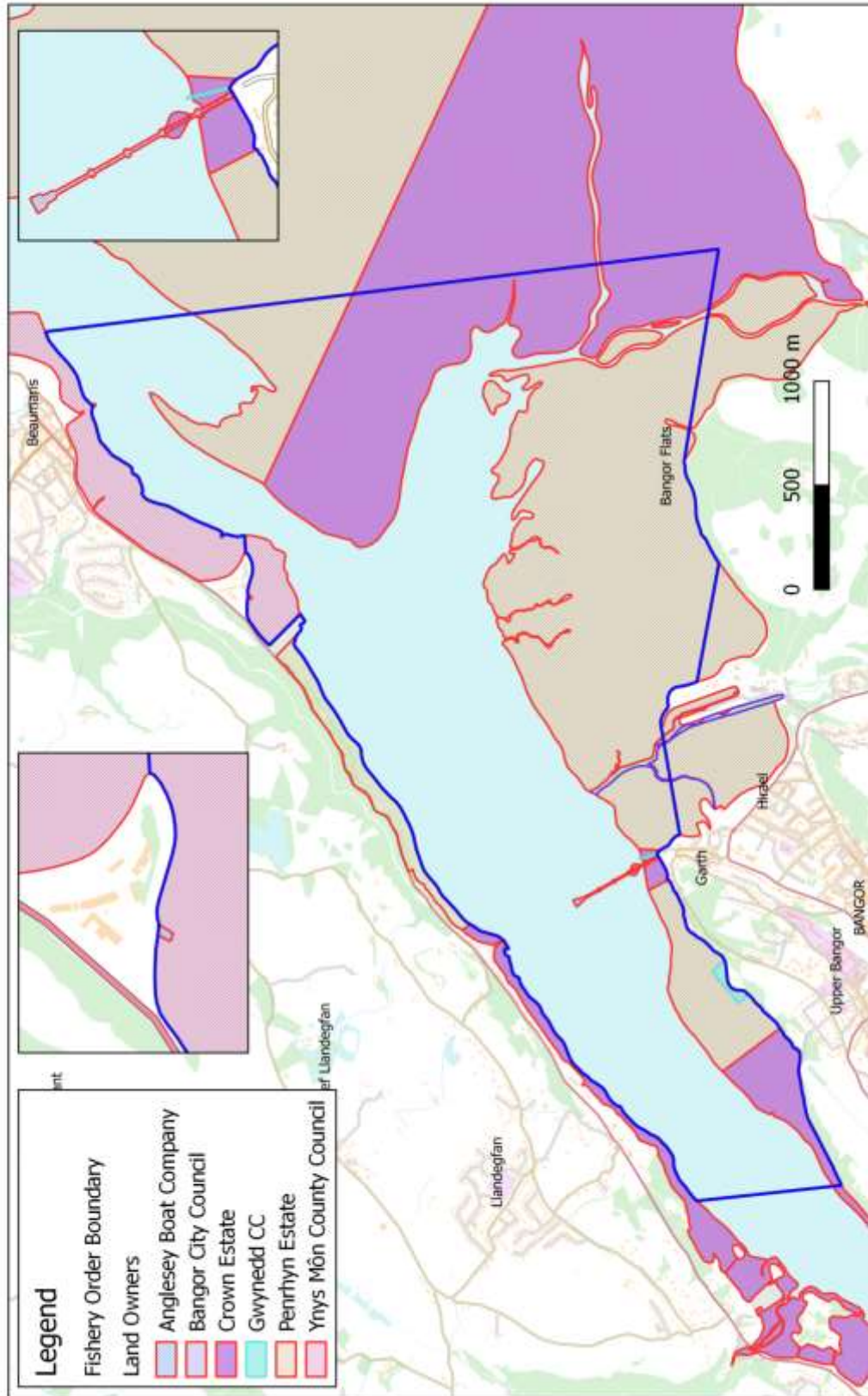
Wider consultation

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**



Map © MRCOAS
2018/01-07/14-22/26

■ 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:

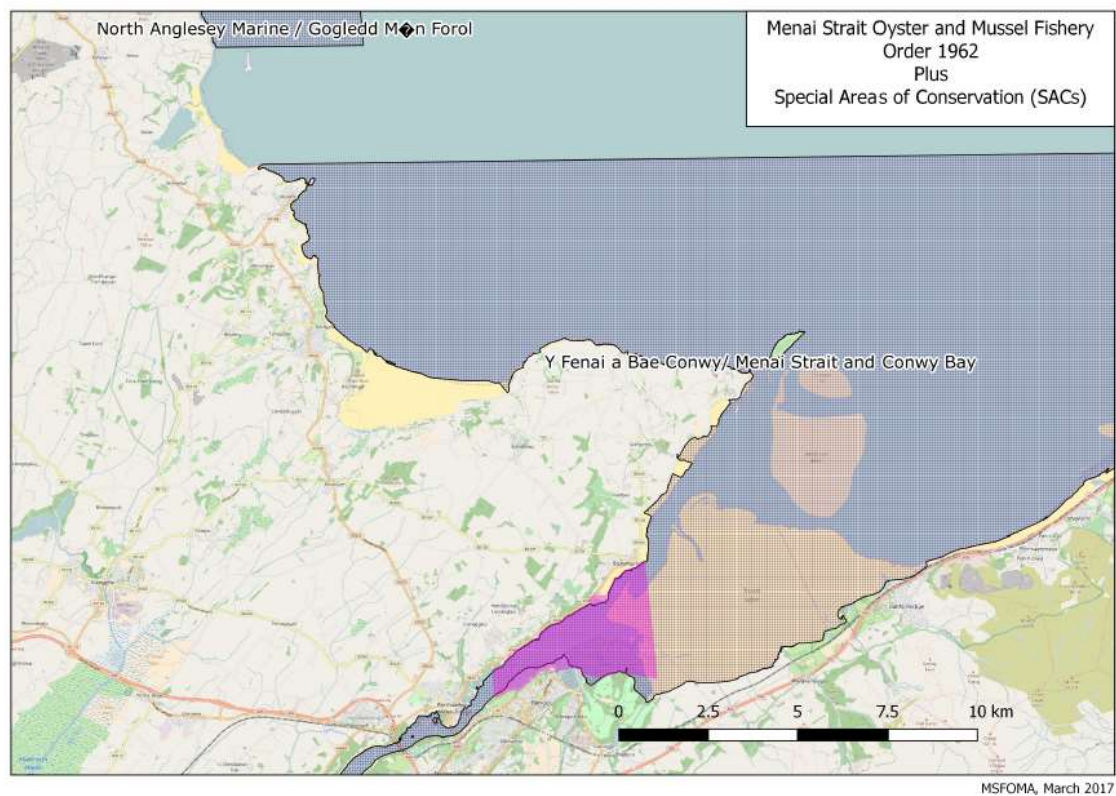
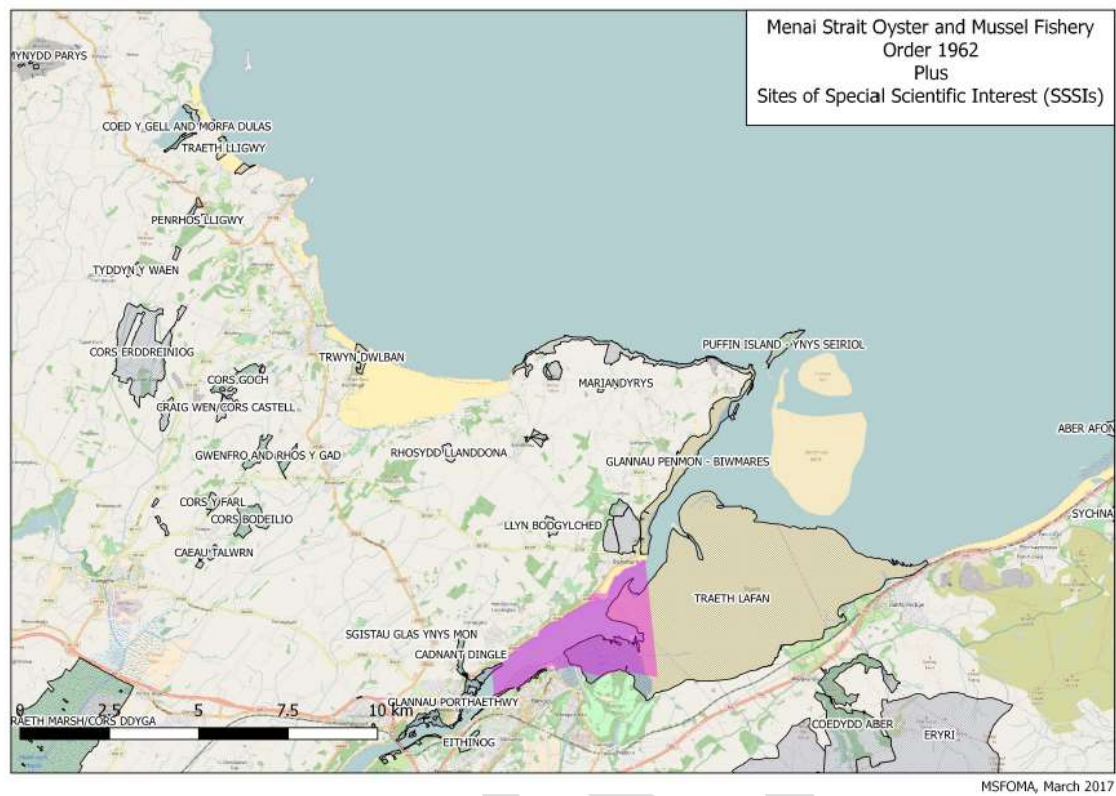
- a Special Area of Conservation (SAC) under the Habitats Directive? YES ☒ NO ☐
- a Site of Special Scientific Interest (SSSI)? YES ☒ NO ☐
- a protected wetland under the Ramsar Convention? YES ☒ NO ☐
- a Special Protection Area (SPA) under the Wild Birds Directive? YES ☒ NO ☐

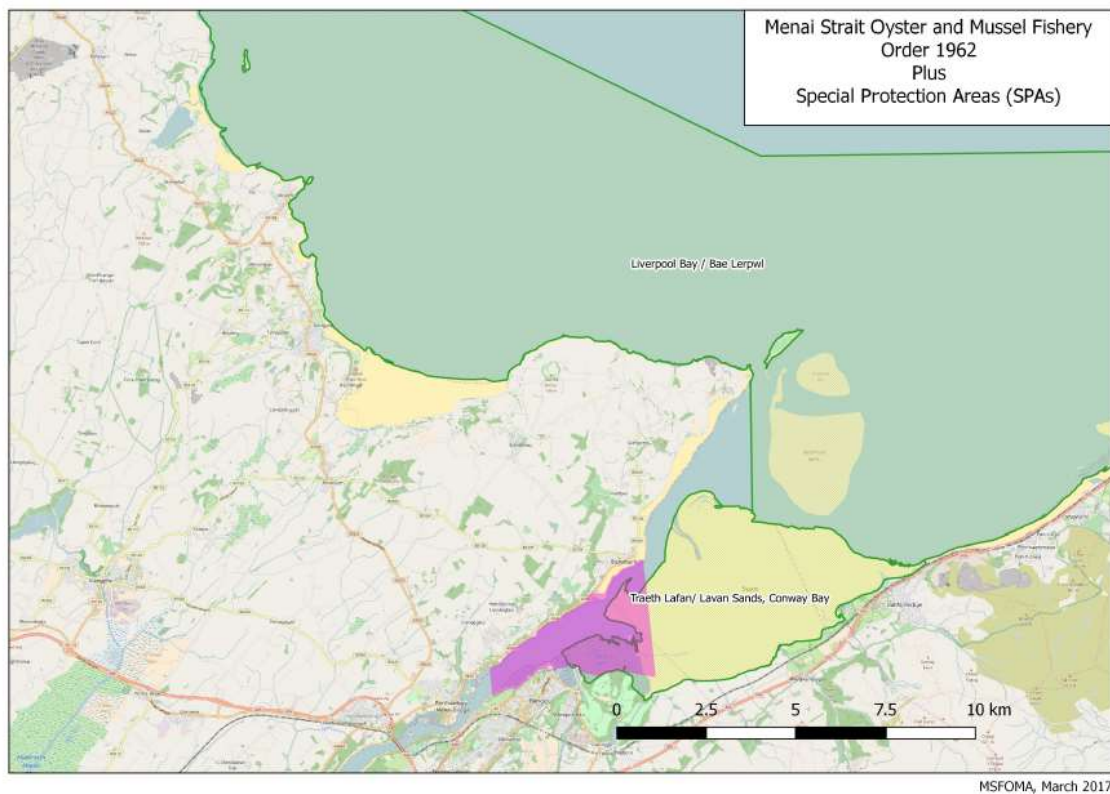
If YES please give details:

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:-





DRAFT

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.

DRAFT

■ 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 | N/A <input type="checkbox"/> |
| • 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

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 In March 2017 the Association resolved that it would formally agree to implement an "Operating Plan" which addresses the concerns raised by stakeholders and was agreed with them over the period 2015-17. In May 2017 the Association conducted an informal consultation with the objectors to the Order. Of the original objectors, 15 withdrew their objections, and 3 upheld their objections. No response was received from the other objectors.
- 1.5 On the 26th June 2017 a letter was sent to MSFOMA by the solicitors representing one of the objectors, Roberts of Port Dinorwic. This letter indicated that the company would be prepared to withdraw its objection to the Fishery Order if the

Fishery Order was revised to ensure that no oyster cultivation took place within 30m of the company's effluent outfall.

- 1.6 At the last meeting of the Association in October 2017 it was reported that the Chair of the Association had written to the Cabinet Secretary on the 4th July 2017 to ask her to determine the Fishery Order Application. An acknowledgement was received later in July.
- 1.7 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. WG officials are expected to attend this meeting of the Association and will be able 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 Welsh Government officials.

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
January 2018

Offshore Proposals

Background

At the October 2017 meeting of the Association it was proposed that MSFOMA could work with the Centre for Applied Marine Sciences (CAMS) and shellfish farmers in the Menai Strait to develop proposals for using offshore areas to complement existing mussel cultivation activities in the Menai Strait. This report provides an update on progress with these proposals.

Recommendations

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

1. Context

- 1.1 At the October 2017 meeting of the Association a verbal report was provided by the Centre for Applied Marine Sciences (CAMS) and their industry partners, indicating that trials of offshore seed mussel collection on spat collectors had progressed well during 2017.
- 1.2 In order to progress offshore trials further, CAMS informed the meeting in October of its proposal to submit an application for EU funding under the European Marine Fisheries Fund (EMFF). Local industry partners and possibly MSFOMA would provide support to this bid.
- 1.3 During a subsequent discussion it was agreed that the offshore area could present opportunities for shellfish farming in North Wales and that MSFOMA could play a role in the future administration and management of offshore areas. It was further agreed that progress with offshore cultivation proposals and the EMFF bid should be kept on the agenda at future MSFOMA meetings.

2. Progress

- 2.1 Since the last Association meeting in October 2017 there have been further discussions between CAMS, the Crown Estate, Natural Resources Wales and industry operators. It has been agreed that the consenting process associated with developing a larger offshore area was not likely to be compatible with the relatively tight timescale associated with a bid for EMFF funding.
- 2.2 As an alternative proposal, CAMS and Deepdock Ltd are proposing to make fuller use of the area that is currently leased from the Crown Estate to the SW of Puffin Island. Negotiations are currently underway with the Crown Estate to increase the operational area and the term of the lease for this area, to allow for the trials that would form part of an EMFF project to take place.
- 2.3 At this point, MSFOMA would not need to play an active role in the EMFF project (other than to offer support). The smaller-scale project will provide proof of viability for cultivation methods, and also provide information on site characterisation and ecological effects that would be beneficial if any future expansion of offshore cultivation activities was to take place.

- 2.4 In the longer term, if the project proves successful, then it could be appropriate for MSFOMA to play a role in applying for a larger commercial area for offshore shellfish cultivation. Members of the Association are invited to discuss this proposal.

MSFOMA Secretariat
January 2018