

Welsh Government Activity: Update

Background

The Welsh Government has carried out a number of activities that are relevant to the Association since our last meeting. This report provides a brief report on these activities to inform discussions at the Association meeting.

Recommendations

1. That the Association should note the progress made with the Menai Strait West Fishery Order proposal.
2. That the Association should discuss how to implement and resource the procedure for creating the Menai Strait West Fishery Order.

1. Meetings & Correspondence

- 1.1 On 15th July 2015, James Wilson was invited to give evidence to the Welsh Government Environment & Sustainability Committee.
- 1.2 In June 2015 the Chair wrote to WG officials in connection with the re-creation of the Menai Strait West Fishery Order (Annex A), the renewal of leases in the eastern Menai Strait (Annex B) and in response to the consultation on the WG Environmental Bill (Annex C). WG officials have responded with a detailed response to the enquiry about the procedure for renewing the Menai Strait West Fishery Order (Annex D). Each of these items is considered below.

2. Menai Strait West Fishery Order Proposal

- 2.1 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. Unfortunately the Order lapsed in 2008, preventing the further development of these businesses. The operators who had been working in this area before 2008 have been progressing an application for a new Fishery Order to set the foundations for developing sustainable shellfish cultivation in the western Menai Strait.
- 2.2 In May 2015, the Association received confirmation that the Order would be re-created. During June and July there was some e-mail correspondence with WG officials on points of detail in the application, and also to confirm the boundaries of cultivation areas in the Fishery Order. These details are now understood to have been resolved. The draft Order is understood to be with the translators, and WG officials have indicated that it will be made available very shortly.
- 2.3 In response to queries from the Chair, WG officials have clarified the procedure for completing the process of creating the Order (see Annex D).
- 2.4 It would be appropriate for the Association to consider how best to progress with the creation of this Fishery Order.

3. Environment (Wales) Bill

- 3.1 The Environment (Wales) Bill is a Welsh Government Bill that was introduced on the 11th May 2015 by the Minister for Natural Resource, Carl Sargeant AM. Information about this Bill is provided on the National Assembly for Wales website [here](#). The purpose of this Bill is described in supporting documentation as:-

“The overarching aims of the Environment (Wales) Bill (“the Bill”) are to put in place legislation that will enable Wales’ resources to be managed in a more proactive, sustainable and joined-up manner and to establish the legislative framework necessary to tackle climate change. The Bill supports the Welsh Government’s wider work to help secure Wales’ long term well-being, so that it benefits from a prosperous economy, a healthy and resilient environment and vibrant, cohesive communities.”

- 3.2 Among many other things, the Environment (Wales) Bill proposes some amendments to the Sea Fisheries (Shellfish) Act 1967 that are relevant to the proposed new Fishery Order in the Western Menai Strait and will also apply to any new Fishery Orders made in Wales once this Bill is enacted. These proposals were discussed at the MSFOMA meeting in June.
- 3.3 The Chair submitted a response to the consultation on this Bill, which is attached at Annex C.

MSFOMA Secretariat
September 2015

Annex A: Letter from Chair to Mr W. Somerfield about renewal of the Menai West Fishery Order.

Menai Strait Fishery Order Management Association

Port Penrhyn, Bangor, LL57 4HN

15th June 2015

Bill Somerfield
Welsh Government
Sea Policy Executive
Rhodfa Padarn
Llanbadarn Fawr
Aberystwyth
Ceredigion
SY23 3UR

Dear Bill

MENAI STRAIT WEST FISHERY ORDER

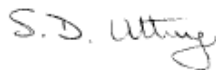
I am writing further to your e-mail of 1st May informing us that our application for this Fishery Order is being progressed.

We are hoping that it will be possible to progress the remainder of the process for creating the new Order swiftly, as there is a chance that it might be possible to start stocking the area with shellfish later in the year so that the various operators can start recovering the considerable investment that they have made in this Order.

We have been looking at the requirements of the Sea Fisheries (Shellfish) Act 1967 with respect to the next steps, and would very much appreciate your guidance and confirmation of how we should proceed. It seems to us that the next steps are those set out in Schedule 1 of the Act. We have considered each of these steps, and have a few queries, which are summarised in the enclosure to this letter.

We hope that you will be able to answer these queries so that we can meet all of the Minister's requirements for the remainder of this process. If you have any questions about this procedure, or if you feel it might be useful for us to meet so that we can discuss these matters in more detail, please do not hesitate to get in touch.

Yours sincerely



SUE UTTING
Chair, MSFOMA

Enc.

SEA FISHERIES (SHELLFISH) ACT 1967

SCHEDULE I

1. Where an application for an order under section 1 of this Act is made to the appropriate Minister, that Minister may either refuse the application or prepare a draft order and serve a copy of it on the applicants.

Queries

- *Can you confirm the likely timescale for the draft order being served on us?*
- *Can you confirm that both a paper and electronic copy of the Order will be provided?*

2. Where a draft order is prepared and a copy thereof served on the applicants under paragraph 1 above, the applicants shall cause printed copies of the draft order to be published and circulated in such manner as the appropriate Minister thinks sufficient and proper for giving information to all parties interested, and shall give notice of the application, in such manner as that Minister directs or approves, to the owners or reputed owners, lessees or reputed lessees, and occupiers, if any, of the portion of the sea shore to which the proposed order relates and of the lands adjoining thereto.

Queries

- *To meet part of this requirement it has been past practice to place advertisements in news publications (typically Fishing News and then one local and one regional newspaper). Could you confirm that this is still the case, and on how many occasions we will be required to advertise the Order?*
- *Is it acceptable to circulate information to interested parties using electronic media rather than paper copies?*
- *Can you specify all of the consultation activities that are likely to be required?*

3. During the period of one month after the first publication of the draft order under paragraph 2 above, the appropriate Minister shall receive any objections or representations made to him in writing respecting the proposed order.

Queries

- *Will it be acceptable for objections & representations to be made via e-mail?*
- *Is there an e-mail address that the Minister would like us to use for this?*

4. Provisions relate to Public Inquiries.

5. Provisions relate to Public Inquiries.

6. As soon as conveniently may be after the expiration of the period of one month referred to in paragraph 3 above or after the receipt by the appropriate Minister of any report of the inspector under paragraph 4(7) above, that Minister shall, after considering the objections or representations, if any, that have been made with respect to the proposed order and any such report, either refuse the application or settle and make an order in such form and containing such provisions as he thinks expedient.

Queries

- *Do you have any indications how long this step will take?*

7. Where the appropriate Minister makes an order under section 1 of this Act, the applicants for the order shall cause notice of the making of the order to be published in such manner as that Minister thinks sufficient for giving information to all parties interested and shall give notice of the making of the order, in such manner as that Minister directs or approves, to the owners or reputed owners, lessees or reputed lessees, and occupiers, if any, of the portion of the sea shore to which the order relates and of the lands adjoining thereto.

Queries

- *As for section 2 of the schedule – what activities are required in order to meet this requirement?*

8. All expenses incurred by the appropriate Minister in relation to any application for an order under section 1 of this Act or to any order made in consequence thereof shall be defrayed by the applicants; and the appropriate Minister shall, if he thinks fit, on or at any time after the making of the application, require the applicants to pay to him such sum as he thinks requisite for or on account of those expenses, or to give security to his satisfaction for the payment of those expenses on demand.

Queries

- *Do you anticipate that the Minister shall require payment to be made to defray costs associated with this application?*

MSFOMA
15 June 2015

Annex B: Letter from Chair to WG about the procedure for lease renewal.

Menai Strait Fishery Order Management Association

Port Penrhyn, Bangor, LL57 4HN

15 June 2015

Bill Somerfield
Welsh Government
Sea Policy Executive
Rhodfa Padarn
Llanbadarn Fawr
Aberystwyth
SY23 3UR

Dear Bill

MENAI STRAIT OYSTER AND MUSSEL FISHERY ORDER 1962 – LEASE RENEWALS

At the most recent meeting of the Association we discussed the need to renew 6 of the 8 leases issued under this Order in the Menai Strait before the end of March 2016. These leases would be renewed for a period of just over 6 years, and would expire on 2nd April 2022.

The procedure for renewal of these leases requires consideration of the requirements of the EU Habitats Directive, since the Fishery Order is located entirely within the Menai Strait and Conwy Bay Special Area of Conservation, and is adjacent to the Traeth Lafan Special Protection Area.

We will liaise with Natural Resources Wales over the next few months, with a view to having addressed the issues that will need to be considered in respect of the EU Habitats & Birds Directives for this area by the time of our next Association meeting in September 2015. We will then submit this information to the Minister for his consent, in fulfilment of the requirements set out in the 1962 Order.

We are planning to submit our request for Ministerial consent to you in late November / early December 2015, to give the Minister plenty of time for consent to be determined. To ensure that we are adequately prepared, I wonder if you could confirm that:-

1. The Minister will be able to consent the renewal of these leases ahead of the expiry date (31st March 2016) if we submit the request for consent in late 2015; and
2. If there are any delays that prevent the Minister from granting such consent, that the Minister would permit a request for a short extension (of up to 6 months) to the term of existing leases to ensure that fulfilment of administrative requirements does not impact on shellfish aquaculture production from the area.

I look forward to hearing from you on this matter. If you have any queries about this request please contact me.

Yours sincerely



SUE UTTING
Chair, MSFOMA

Annex C: Response from the Chair to WG on the Environment Bill consultation.

Menai Strait Fishery Order Management Association

Porth Penrhyn, Bangor, LL57 4HN

Committee Clerk
Environment & Sustainability Committee
National Assembly for Wales
Cardiff Bay
CF99 1NA

11th June 2015

By post and e-mail

Dear Sir / Madam

Consultation on the Environment (Wales) Bill

We are grateful for the opportunity to respond to the consultation on the Environment (Wales) Bill.

The Menai Strait Fishery Order Management Association is responsible for the administration of shellfish cultivation in the Menai Strait. The mussel farming industry in the eastern Menai Strait is the largest and most successful shellfish cultivation area in the UK, and it is based upon the legal framework established by the Sea Fisheries (Shellfish) Act 1967.

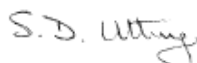
The shellfish farming industry in the Menai Strait provides dozens of skilled jobs and year-round employment for local people in this part of rural Wales; and it is also a multi-million pound industry that provides valuable export trade for Wales and the UK overall. Apart from these economic benefits, mussel farming here in the Menai Strait makes a valuable contribution to achieving the objectives of Welsh, UK and EU strategies for sustainable development of marine aquaculture. We are also very proud of the fact that this rural Welsh industry became the first shellfish farming operation in the world to be awarded a Marine Stewardship Council certificate.

Our response to the Bill is attached. In summary, we broadly welcome the proposed changes that the Environment (Wales) Bill will make to the Sea Fisheries (Shellfish) Act 1967. We feel that these changes will help to integrate this Act with the requirements of EC nature conservation legislation. We hope that this will address the concerns that have held up the creation of new Fishery Orders in Wales and that have stood to jeopardise delivery of the objectives of the *Welsh Marine and Fisheries Strategic Action Plan*. Overall, we congratulate the Welsh Government on the content of the Bill.

We have made comments on a few matters of detail and the interpretation of the proposed changes where we feel that these could bring further improvements. We are confident that you will be able to address these through minor amendments or by providing clarifications in supporting guidance and policy documents.

We hope that these comments are helpful. If we can be of any further assistance with this Bill, please do not hesitate to contact us.

Yours sincerely



SUE UTTING
Chair, MSFOMA

cc. Rhun Ap Iwerth, A.M.

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

Consultation Questions for Inquiry into Environment (Wales) Bill

Part 1: Natural Resources Management

- Do you agree with the Welsh Government's proposals on definitions for 'natural resources' and 'sustainable management of natural resource'? Are there things missing that you think should be included?
- What are your views on the proposals for a National Natural Resource Policy? Is the Bill clear enough about what this will include?
- Do you agree with the proposals for area statements? What should these cover and is the process for their development clear enough in the Bill?
- What are your views on the proposal to strengthen the biodiversity duty on public authorities operating in Wales?
- Are you content with the proposals for NRW to have wider powers to enter into land management agreements and have broader experimental powers?

MSFOMA Response

We have no specific comments on this part of the Bill.

Part 2: Climate Change

- Do you agree with the proposals for the 2050 target?
- For your views as to whether the interim targets should be on the face of the Bill?
- Do you believe that the introduction of carbon budgets is a more effective approach than the 3% annual emissions reduction target that is currently in place in Wales?
- What are your views on what emissions should be included in targets? All Welsh emissions or those within devolved competence?
- Do you agree with the Bill's proposals as to what should happen if the Welsh Ministers fail to meet emissions targets or carbon budgets?
- What should the role of an advisory body on climate change be?

MSFOMA Response

We have no specific comments on this part of the Bill.

Part 3: Carrier Bags

- Do you agree with the proposal that Welsh Ministers should have powers to raise a charge on all types of carrier bags not only single use bags?
- Do you agree with the proposal that Welsh Ministers should have powers to raise different charges on different types of bags on?
- Do you agree that the profits from the sale of carrier bags should be directed to all charitable causes rather than just environmental ones?

MSFOMA Response

We have no specific comments on this part of the Bill.

Part 4: Collection and Disposal of Waste

- For your views on whether the Welsh Ministers need further powers to require that certain types of waste are collected, treated and transported separately?
- Do you agree that non-domestic premises should be required to put their waste out for collection in line with any separation requirements set out by the Welsh Government?

- **Appeal against site protection notice** - the inclusion of an appeals procedure is a welcome precaution. We would suggest that it could be improved by some minor amendments:-
 - **Timeframes** for the appeals process could be included to give all parties a clear understanding of the schedule for submitting and hearing an appeal. These would provide both the Minister and any person bringing an appeal with some certainty about the process.
 - **Persons (§5C(2))** – the list of persons in the Bill could preclude the lessees in the Menai Strait Fishery from appealing against a site protect notice. This is because these lessees are not the Grantees of the Order (which is MSFOMA). If it is appropriate to give the licensed operators in a Regulating Order the right to appeal (2(b)), this right to appeal should also be granted to the lessees in a Several Order.
- **Supplementary Provisions (§5F(3))**. We can see no good reason why §5B *et seq* should not apply to existing Fishery Orders once the Bill is enacted. This provision could leave the Minister at risk of being unable to issue site protection notices, with the associated risks of infraction. It would seem a much better idea to apply these new measures with immediate effect to the established fisheries (all of which operate under management arrangements approved by Natural Resources Wales and which are thus highly unlikely to be the subject of such notices).

c) Other provisions

We would suggest that during this period of updating the Sea Fisheries (Shellfish) Act 1967, it could be useful to consider ensuring that §8 of the Shellfish Act and the procedures set out in Schedule I of the Act are compatible with modern times, where is it more effective to distribute notices and copies of the draft electronically rather than “*cause printed copies of the draft order to be published and circulated*” as presently required.

Part 7: Flood and Coastal Erosion and Land Drainage

- Do you agree with the proposals to replace the Flood Risk Management Wales committee with a Flood and Coastal Erosion Committee for Wales?
- Whether you agree with the proposal for powers to be given Welsh Government agents to enter land to investigate alleged non-compliance with an Agricultural Land Tribunal order in relation to drainage?

MSFOMA Response

We have no specific comments on this part of the Bill.

Overarching Question

For your views on the relationship between this Bill and the Well-being of Future Generations Act 2015 and the Planning (Wales) Bill? Are the links and connections between them clear?

MSFOMA Response

We have no specific comments on this aspect of the Bill.

Finance Questions

What are your views on the costs and benefits of implementing the Bill? (You may want to consider the overall cost and benefits or just those of individual sections)

MSFOMA Response

We consider that the Bill should bring benefits to the Welsh shellfish farming industry, as it seems to squarely address the problems that are considered to exist concerning the administration and regulation of shellfisheries in European Marine Sites. By creating clear and straightforward

provisions, the Bill should have a net benefit both to the industry, and to the Welsh Government department responsible for this area.

You may also want to consider:

- How accurate are the costs and benefits identified in the Regulatory Impact Assessment?
- Whether there are any costs or benefits you think may have been missed?
- What is the cumulative impact of the costs or benefits of the Bill's proposals for you/your organisation?
- Do you think 10 years (2016-17 to 2025-26) is an appropriate time period over which to analyse the costs and benefits?
- The cumulative cost and/or benefit to organisations who will be affected by the Well-being of Future Generations (Wales) Act 2015, the Planning Bill and the Environment Bill?
- Are there any other options that would achieve the intended effect of the Bill in a more cost effective way?

MSFOMA Response

We would highlight that the proposed changes to the Sea Fisheries (Shellfish) Act 1967 will endure for more than 10 years, and that limiting the time period for assessing costs and benefits to a shorter period would fail to capture the full potential benefits for these aspects of the Bill.

MSFOMA
11 June 2015

Annex D: WG Response on the procedure for renewing the Menai Strait West Fishery Order.

From: Mr W. Somerfield

Date: 7th July, 2015

1. Where an application for an order under section 1 of this Act is made to the appropriate Minister, that Minister may either refuse the application or prepare a draft order and serve a copy of it on the applicants.

Queries

☐ *Can you confirm the likely timescale for the draft order being served on us?*

Answer – The matter is with Welsh Government Legal Services, and other pressures on their resources make estimating a timescale very difficult for me. I hope to have a draft order ready to send to you within 6-8 weeks, and if possible well before that.

☐ *Can you confirm that both a paper and electronic copy of the Order will be provided?*

Answer – Yes. A paper and electronic (PDF) copy of the draft Order will be provided.

2. Where a draft order is prepared and a copy thereof served on the applicants under paragraph 1 above, the applicants shall cause printed copies of the draft order to be published and circulated in such manner as the appropriate Minister thinks sufficient and proper for giving information to all parties interested, and shall give notice of the application, in such manner as that Minister directs or approves, to the owners or reputed owners, lessees or reputed lessees, and occupiers, if any, of the portion of the sea shore to which the proposed order relates and of the lands adjoining thereto.

Queries

☐ *To meet part of this requirement it has been past practice to place advertisements in news publications (typically Fishing News and then one local and one regional newspaper). Could you confirm that this is still the case, and on how many occasions we will be required to advertise the Order?*

Answer – I can confirm that the best practice in this regard has not changed, and is set out for your information below:

Under the terms of the Sea Fisheries (Shellfish) Act 1967 you will be required to place the Order for advertisement, and I will send you an example of a suitable form of words for you to use at that time. The advert should be placed in the following newspapers: Fishing News, Western Mail and a local newspaper for the area of proposed SO.

In addition you will need to arrange for copies of the notice to be posted up in handbill form where fishermen and other interested parties in the area of the application may see it, at least 1 month before the last date by which objections may be made (i.e. from the same date that the advert appears in the paper). You will need to provide us with evidence of the adverts and the handbills for our records.

In accordance with Schedule 1 paragraph 2 you must also consult any reputed owners, lessees or reputed lessees and occupiers of the land that will be the subject of the order and which adjoins the area of the proposed Several Order.

You will also be required to consult with the following organisations, and to provide the Welsh Government with evidence of the outcome of those consultations:

Natural Resources Wales

Royal National Lifeboat Institution

Local Harbour Authority

Local Council

Trinity House Lighthouse Service

Ministry of Defence

British Gas Wales

Welsh Water

Local Wildlife Trusts

Local Marine Users

You will need to have written confirmation that you have complied with these requirements, along with copies of the adverts, and any responses from consultees.

It is advisable for you to consult any other parties likely to be affected by the granting of the Several Order, such as local fisheries groups, local environmental groups, recreational and sporting interests. This can reduce the chances of objections being made.

The proposed Order will be available for inspection at the Aberystwyth office and you should also make it available for inspection on demand, as well as providing any copies which may be required. Any objections received by the Welsh Government will be copied to you, and it will be for you to seek written withdrawal of objections by negotiation.

☒ Is it acceptable to circulate information to interested parties using electronic media rather than paper copies?

Answer – See answer above, but Yes, if you are sure that the some recipients are content to receive the information this way, but paper copies should be issued if you are not sure of this.

☒ Can you specify all of the consultation activities that are likely to be required?

Answer – See answer above.

3. During the period of one month after the first publication of the draft order under paragraph 2 above, the appropriate Minister shall receive any objections or representations made to him in writing respecting the proposed order.

Queries

☒ *Will it be acceptable for objections & representations to be made via e-mail?*

Answer – Yes.

☒ *Is there an e-mail address that the Minister would like us to use for this?*

Answer – Yes. This will be provided when the draft order is sent to you, but is likely to be the

Marineandfisheries@wales.gsi.gov.uk .

4. Provisions relate to Public Inquiries.

5. Provisions relate to Public Inquiries.

6. As soon as conveniently may be after the expiration of the period of one month referred to in paragraph 3 above or after the receipt by the appropriate Minister of any report of the inspector under paragraph 4(7) above, that Minister shall, after considering the objections or representations, if any, that have been made with respect to the proposed order and any such report, either refuse the application or settle and make an order in such form and containing such provisions as he thinks expedient.

Queries

☒ *Do you have any indications how long this step will take?*

Answer – It will depend on the number of, and nature of, any objections received, but we would hope to complete this process within 4-8 weeks

7. Where the appropriate Minister makes an order under section 1 of this Act, the applicants for the order shall cause notice of the making of the order to be published in such manner as that Minister thinks sufficient for giving information to all parties interested and shall give notice of the making of the order, in such manner as that Minister directs or approves, to the owners or reputed owners, lessees or reputed lessees, and occupiers, if any, of the portion of the sea shore to which the order relates and of the lands adjoining thereto.

Queries

☒ *As for section 2 of the schedule – what activities are required in order to meet this requirement?*

Answer – I believe this is covered by my answer to section 2 above

8. All expenses incurred by the appropriate Minister in relation to any application for an order under section 1 of this Act or to any order made in consequence thereof shall be defrayed by the applicants; and the appropriate Minister shall, if he thinks fit, on or at any time after the making of the application, require the applicants to pay to him such sum as he thinks requisite for or on account of those expenses, or to give security to his satisfaction for the payment of those expenses on demand.

Queries

Do you anticipate that the Minister shall require payment to be made to defray costs associated with this application?

Answer – No.

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.

Recommendation

1. That the report is received.

1. IFCA Meetings

- 1.1 Since the last meeting of the Association the IFCA Technical, Scientific and Byelaws Sub-Committee has met (on the 11th August 2015). The next Quarterly meeting is due to take place on the 18th September 2015. The first meeting of the new "Bivalve Mollusc Working Group" took place on the 30th April 2015.
- 1.2 Some of the matters that are relevant to the Menai Strait mussel fishery that have been considered by the IFCA are summarised briefly below.

2. Technical, Scientific & Byelaws Sub-Committee (TSB)

- 2.1 The TSB meeting on the 11th August 2015 considered:-
 - a) A revised version of Byelaw 2 (vessel size)
 - b) Proposed changes to NWIFCA Standing Orders

3. Quarterly meeting.

- 3.1 The Quarterly meeting due to take place on the 18th September 2015 will consider:-
 - a) Proposed changes to NWIFCA Standing Orders
 - b) Defra amendments to NW IFCA byelaws (to meet landing obligations)
 - c) Chief Officers report
 - d) Science report and byelaw review update

4. Bivalve Mussel Working Group (BMWG)

4.1 A verbal account of the activities of this group will be presented to the meeting.

MSFOMA Secretariat
September 2015

Annex A: Letter from Chair to NWIFCA, thanking the CEO for various actions.

Menai Strait Fishery Order Management Association

Port Penrhyn, Bangor, LL57 4HN

Stephen Atkins
North West Inshore Fisheries and Conservation
Authority
1 Preston St
Carnforth
Lancs LA5 9BY

6th July 2015

Dear Stephen

SHELL FISHERY MANAGEMENT

I am writing further to a recent meeting of our Association in June at which some of the actions of your Authority in recent months were discussed. It was agreed by our Members that I should write to you in connection with these matters.

1. Bivalve Mollusc Working Group

The Members of our Association who are either Members of your own Authority or members of BMWG reported that this Group seems to be achieving its objectives. BMWG members who subsequently observed a meeting of your Authority's TSB Committee were pleased that the discussions at the first BMWG meeting were faithfully relayed to the recent TSB meeting and went on to inform discussions by the TSB. Our Association would like to commend you and your staff for establishing BMWG, and we hope that it will continue to provide an effective conduit for information to guide bivalve fishery management by your Authority.

2. Slipper limpets


We were delighted to read about the enforcement action taken by your officers in response to news of the sale of slipper limpets at Liverpool fish market as angling bait. As you know, slipper limpets pose a dire threat to mussel beds, and if any of those slipper limpets had been discarded alive in the Menai Strait they could have caused untold damage both to mussel stocks and to the marine environment. We are very grateful that you took this action.

3. Changes to the IFCA constitution

We discussed this report at our meeting, and I gather that there was also some detailed discussion at the subsequent quarterly meeting. Our Members were keen to see that any constitutional changes at the IFCA should maintain the transparency and openness that has been the hallmark of inshore fisheries management under the IFCAs since their creation and of predecessor management organisations. We shall be interested to see how your Authority progresses these changes at future meetings.

We hope that these comments are helpful. Please do not hesitate to get in touch with me if you have any comments or queries.

Yours sincerely



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

SUE UTTING
Chair, MSFOMA

cc Trevor Jones
James Wilson
Kim Mould
David Jarrad, SAGB
Ron Graham, Chair NWIFCA TSB
Cllr A. Markley, Chair NWIFCA

Developing Shellfish Aquaculture in North Wales

Background

The eastern Menai Strait is the UK's leading shellfish aquaculture site. There are opportunities for developing shellfish aquaculture elsewhere in North Wales. The expertise and involvement of MSFOMA could help to develop these opportunities and make a significant contribution to Welsh Government commitments to double shellfish aquaculture production by 2020. This paper considers these opportunities and the role that MSFOMA could play in developing them.

NOTE: This report is a duplicate of that submitted to the last meeting, and is re-submitted in order to assist discussions.

Recommendation

1. That the report is received.

1. Strategic Objectives

- 1.1 Developing the shellfish aquaculture industry in North Wales can make a significant contribution to Welsh Government, UK and EU strategic objectives including:-
 - a) **EU Blue Growth Strategy, Atlantic Strategy and reformed CFP** - the EU has recognised that overall aquaculture production has been more or less constant in volume since 2000. These strategies and the reformed CFP are intended to drive an increase in aquaculture production throughout the EU, with each Member State required to make a contribution to growth.
 - b) **Welsh Marine and Fisheries Strategic Action Plan** - this sets sustainable growth targets for both finfish and shellfish aquaculture. It aims to increase shellfish production in Wales from 8,376t p.a. in 2012 to 18,000t p.a. in 2020. The document can be downloaded [here](#).
 - c) **Towards Sustainable Growth: An Action Plan for the Food and Drink Industry, 2014-20** - this document has been produced following a consultation with the food and drink industry in 2014. The Minister's Strategy sets a target of growing the production of food and drink in Wales by 30% by 2020. The strategy recognises that fish and shellfish make up 12% of exports from Wales (the third largest sector), and proposes that sector managers shall be appointed to prepare development plans for key sectors, including fisheries. The document can be downloaded [here](#).
 - d) **Green Growth Wales: Investing in the Future** - this document "*sets out how the sustainable use of our natural resources can create a new economic model that will deliver wealth creation and economic growth both today and in to the future.*" Within it, the Minister states that "*The Welsh Government will help create an environment where businesses can invest with confidence. We will create the conditions that will nurture and drive green growth, with a regulatory climate that will be able to respond positively and quickly to new opportunities.*" The document also mentions that "*Our coastline of 1,200 km*

and around 32,000 km² of sea offers significant opportunity for 'blue' growth. We have considerable knowledge and expertise in a range of developing industries, including marine energy and aquaculture". This document can be downloaded [here](#).

- 1.2 It is clear that by looking aquaculture development opportunities in North Wales, MSFOMA could make a valuable contribution to delivering Welsh Government, UK and EU objectives in this sector.

2. Development Opportunities

- 2.1 The Association has considered potential shellfish aquaculture development opportunities at previous meetings. These opportunities include:-

- a) **Conwy Estuary** - the potential for developing shellfish aquaculture in the Conwy has been considered at previous MSFOMA meetings. Whilst it is clear from experimental trials carried out over the past 100 or more years that this is an area where shellfish cultivation will work, it is not clear whether the local fishing community would support this transition. At past meetings it has been considered appropriate to maintain a watching brief on the Conwy; it may be appropriate to review this position.
- b) **Menai Strait East** - the Fishery Order for the eastern Menai Strait is the foundation for the success of Welsh shellfish cultivation. This Order is due for renewal in 2022, and the Association has already started taking steps to prepare for the renewal of this Order.
- c) **Menai Strait West** - this area is considered elsewhere on the agenda for this meeting. The prospects for creating a new Fishery Order in this area have recently improved. If progress is maintained then this area could soon become a significant production area for both mussels and oysters.
- d) **Offshore Areas** - experimental work has been carried out by Deepdock Ltd in offshore areas along the North Welsh coast (see brief report at Annex A of this report). Offshore areas have the potential to serve as a reliable and independent source of seed mussels, as well as an area for on-growing of mussels where conditions are suitable. It could be appropriate to consider how MSFOMA might most effectively promote further trials and development of offshore areas.

- 2.2 It is understood that the Welsh Government has commissioned a report entitled "*A spatial assessment of the potential for aquaculture in Welsh waters*". This report has not yet been published, but it is hoped that it might identify other development opportunities and also provide the basis for a strategic approach to aquaculture development in North Wales.

3. Next steps

- 3.1 The Association is invited to consider the opportunities outlined in this brief report and to consider how best to encourage the development of the shellfish aquaculture industry in North Wales.

MSFOMA Secretariat
September 2015

Annex A: Submission from Deepdock Ltd concerning development of offshore areas.

Possible future expansion of the near Offshore – A request for consideration by MSFOMA

As members may be aware, Deepdock Ltd worked with Bangor University on an A4B project over the period 2012-15, that had the principle aim of investigating the potential for both the cultivation and use of a range of macroalgae species. Part of this project required the development of a cultivation metier and site. A suitable area was identified, statutory procedures were undertaken and cultivation equipment and plants were acquired. The system – which is relatively discrete with approximate dimensions of 250m² - is located in an area to the East of Puffin Island in water with an average depth of 20m. The system was deployed in early summer 2014 and ropes, some with algae some clean as controls, were attached over the summer, with the headline set 4m below the surface. The site and growth has been monitored over the intervening period on a number of occasions. One of the first things that became apparent was that there had been a significant settlement of mussel seed on the clean ropes – the ropes between 6-8m long – had more significant coverage higher up the rope with less evident on the bases. These mussels have continued to grow over the winter, and whilst the site has suffered some impacts from weather and tide, these have not been too significant. Mussels on site now in some places are in excess of 50mm although this is not uniform.

For context – I need to introduce here two pieces of other external information, that may be considered serendipitous. As members will be aware, vessels from Bangor had considerable difficulties accessing the seed mussel resource in Morecambe Bay in 2014. Whilst the extreme winter had scoured clean the areas in the bay which are most regularly settled (South America Skear, Falklands Skear) there was considerable settlement in areas adjacent to these sites and elsewhere around the bay. After much turmoil and delay – some seed fishing was undertaken but a very limited amount of seed was fished and relaid in the Menai Strait (+/- 1000t as opposed to the usual figure which is 3 -5 times that level). Big change big issue

Also both Trevor Jones and I attended the biannual Dutch Shellfish Conference in Neeltje Jans in January. There was much discussion at this event about mussel seed, both in terms of getting hold of it and getting better rates of survival from the seed used in benthic cultivation. In terms of procuring seed mussel, the NL industry has committed to/ been forced to commit to a complete cessation of mussel seed dredging by 2020 – as such much effort has been applied to the development of seed collecting systems or MZI's as they are known. The Dutch sector is now collecting (2013) 18,000mt of seed from these systems and although the cost of this seed is considerable (between 40-60 €cent/kg) this has reduced considerably over the last 5yrs from more than €1/kg

The stars align.

We can demonstrate the possibility that mussel seed can be settled on offshore media and will survive overwinter; we have a need perhaps to overcome some uncertainties associated with the settlement and access to seed mussel on a year on year basis and we have some technology available – more or less off the shelf which has a proven track record in terms of effectively 'collecting' considerable quantities of mussel seed.

I have identified a much more substantial area within the vicinity of the existing site – this runs to some +600ha in size. Having had some early discussion with both NRW to establish any conservation

issue and also Crown Estates in terms of ownership and other competing / existing concerns – I feel as though there are no significant unbridgeable issues that might have to be overcome to procure a lease on this site.

Why am I bringing this to MSFOMA?

Deepdock Ltd has a long established connection with the development of the offshore, within the context of multi-use/co-location and as a stand alone activity inside the framework of the current project. Bangor University have also demonstrated an interest in further exploring the potential possibilities for expanding aquaculture in the offshore (?). Both these parties could apply to Crown Estates individually or cooperatively with some legitimacy for the expanded site.

However MSFOMA is now recognised and respected by Welsh Government and other Stakeholders as a legitimate body associated with the management of shellfish cultivation activities in the Menai Strait – with the East and soon the West fishery order areas. There is an obvious symmetry in MSFOMA also becoming the applicant for the expanded offshore area. IN addition, there is an interest (certainly from Deepdock Ltd & Mon Mariculture Ltd) in exploring the possibilities of offshore mussel seed collector systems and also systems for growing mussels, and other suitable species of shellfish, to market or near market size.

Whilst a site has been identified and no high level outstanding issues that could derail any application have been identified, there is a formal procedure that has to be undertaken before any lease is granted by Crown estates for use of the site. This includes the application for a marine licence from Welsh Govt (although NRW administer this on behalf), the production of an assessment of the impact of the proposal on the conservation feature of a Natura 2000 marine site, consultation with other marine users whose use of the area in question may be altered by the proposal and finally negotiation and agreement with the Crown Estates over the terms, conditions and length of any lease awarded. This route will incur cost as unlike applications made through the 1967 Sea fisheries (shellfish) act, there are clear charges evident – both for the production of the marine licence and for any lease agreed with CE but also in the preparation and submission of an AA and with the dialogue with other marine users. The site will have to be appropriately marked physically on site and also on update nautical charts.

In principle I would humbly request that MSFOMA discuss and consider this issue and perhaps the pertinent matters in question can be best brigaded within the following two questions:-

Should MSFOMA be taking on this responsibility?

If so should MSFOMA take on the upfront costs associated with procuring the site and then seek to claim those costs back through sub lease arrangements with companies undertaking activities within the site.