

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 9th December 2016). The Technical, Scientific and Byelaws Sub-Committee met once (on the 1st November 2016). The "Bivalve Mollusc Working Group" also met once, on the 10th October 2016.
- 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 During the past 3 months, the IFCA has concentrated on developing Byelaw 11. This byelaw was discussed at the November TSB meeting, following which a revised draft was circulated to TSB members in order that a new Byelaw could be "made" at the December IFCA meeting. Ultimately this has not happened; the byelaw is not due to be considered or "made" at the December meeting.
- 2.3 The Chair of the Association wrote to the IFCA in connection with the proposed new Byelaw. A copy of the letter is attached at Annex A. The IFCA response is attached at Annex B.
- 2.4 No further progress can be made with the dredging byelaw until it is discussed and "made" at an Authority meeting. The next meetings are due to take place on 7th February (TSB Committee) and 17th March (Authority). Members of the Association will be present at both meetings, so a briefing on any impending changes can be provided if and when further progress is made.
- 2.5 The Association has registered as a stakeholder on the NWIFCA website to facilitate formal consultation by the IFCA on any changes to the management regime.

3. Bivalve Mollusc Working Group

- 3.1 A note of the BMWG meeting held on 10th October 2016 is attached at Annex B. Members will note that this meeting was mainly concerned with the management of Morecambe Bay cockle stocks. The key item of note for the Association is that Deepdock Ltd have been working with the IFCA to demonstrate the value of using Acoustic Ground Discriminating Echo sounders to improve understanding of the extent of mussel beds in Morecambe Bay.

MSFOMA Secretariat
December 2016

Annex A: Letter from Chair of MSFOMA to NWIFCA, October 2016.

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

XXth October 2016

Dear Stephen

SHELL FISHERY MANAGEMENT

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

1. Morecambe Bay seed mussel dredge fishery

The Association received a verbal report from Mr Kim Mould, who is a member of the IFCA Bivalve Mussel Working Group, and who praised the action of the Authority and this Group in progressing the seed mussel fishery in July of this year. The Association resolved that we should formally record our gratitude to the IFCA and its Officers for their swift and pragmatic approach to managing this fishery resource.

2. New Byelaw 11 (Dredging)

We noted with interest the proposed new dredging byelaw. We see that this has been considered by both the Technical, Scientific & Byelaws Sub-Committee and by the Authority. Before this byelaw proceeds to the formal consultation phase, we wonder if you might be able to clarify the following matters:-

- a. Vessel ownership – the byelaw presently states that a person may only apply for a permit for a vessel that they own. Does this include part-ownership of a vessel, and does it preclude the use of a chartered vessel?
- b. Permit conditions – could you clarify the procedure for consultation on the proposed permit conditions referred to in section 17 of the byelaw.
- c. Consultation – please could you include this Authority in your list of organisations that you will consult that are referred to in section 18(a) of the byelaw.
- d. Transitional arrangements – can you confirm whether vessels that have been previously authorised to fish for bivalve molluscs under the existing NW-IFCA Byelaw 12 will have a track record that can be transferred to the new byelaw regime?
- e. Dredge size – we note that the report submitted to the September Authority meeting referred to “dredge size”. Could you clarify whether this reference is for individual dredges or is an aggregate dredge width?

The Association noted that the NW-IFCA carried out an informal consultation with the fishing industry in August-September of this year. Further to previous requests in this regard, please could we ask you to add this Association to your Authority's list of consultees for fishery management issues that could affect the Menai Strait mussel industry.

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

3. New Byelaw 3: Cockle & Mussel Fisheries

We note that the existing cockle & mussel byelaw is under review, and that it will ultimately be replaced by a new Byelaw 3.

I wonder if you could clarify whether the new Byelaw 3 will apply to the activities of mussel dredging vessels in the same way as its predecessor, or whether this requirement will be negated by the new Byelaw 11?

4. Morecambe Bay Mussel Management Plan

We see that the Authority is working on a management plan for the mussel stocks in Morecambe Bay. We note that it is proposed that there should be a Minimum Spawning Stock Biomass (MSSB) of mussels in the Bay (defined as the stock of mussels with a shell length of 45mm or greater).

We understand that this plan is still in development and has not yet been circulated for wider comment. We have identified several points which seem to be central to this management approach and which seem to be missing from the current draft of the document. To assist with the development of this management plan, could we suggest that the following items may need some attention:-

- a. Size at maturity – the document could usefully explain the evidence base for determining the lower size limit for the spawning stock of mussels at 45mm. The scientific literature shows that mussels elsewhere and in NW England mature at a much smaller size than this.
- b. Stock-recruitment relationship – to support the use of MSSB as management metric, information about mussel stock-recruitment relationships in Morecambe Bay should be included in the rationale for adopting this management approach and for determining the MSSB value. The MSSB value would, we presume, be based upon a change that has been identified in the stock-recruitment relationship at a certain stock biomass, and is vital for this management approach.
- c. Larval dispersal and recruitment sources – given the planktonic habit of mussel larvae, could evidence is needed in the management plan to confirm that the mussel beds in Morecambe Bay are self-recruiting. This is essential to ensure that the right stock is being managed in order to safeguard future mussel recruitment in Morecambe Bay.

We hope that these comments are helpful. If you have any comments or queries about our comments, please do not hesitate to get in touch with me.

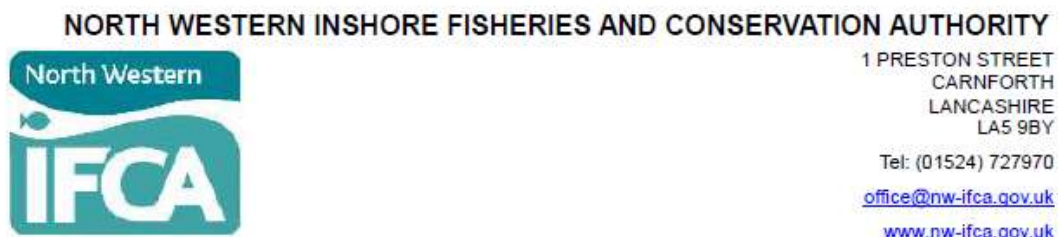
Yours sincerely

SUE UTTING
Chair, MSFOMA

cc Trevor Jones
James Wilson
Kim Mould
David Jarrad, SAGB

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

Annex B: NWIFCA response to MSFOMA letter.



To Sue Utting
Chair MSFOMA

27 October 2016

Re: Shell Fishery Management

Dear Sue,

Thanks for your letter of 18 October, I am very pleased to hear the Association found that seed mussel management worked well this year.

I will answer your further queries using your numbering:

2a. It is usual in IFCA byelaws to require vessel owners to apply for permits for their vessels but this may not be necessary. I have prepared a version of the dredge byelaw without this provision for TSB next week and later comments by MMO. It would be useful if you could brief Trevor on the Association's view of the approach in this version.

2b. I am not clear what further clarification is needed. I have used a model in other IFCA byelaws which has been accepted by MMO/Defra. Again this can be raised by Trevor at TSB if you wish.

2c. For the byelaw the explicit requirement is to consult statutory bodies again using an approved byelaw model. Obviously all users will also be consulted on any changes before they are implemented.

2d. We have no plans to use track record to support permit applications in the future but maintain complete records of all previous authorisations in case they are needed.

2e. The reference to dredge size is unspecific. It may be useful to provide for conditions in future which may include either individual or aggregate dredge size depending on circumstances.

Your members were consulted at the informal consultation. I assume you are asking that the Association be consulted separately so have added it to the list for the future.

3. Byelaw 3 relates to hand working only. There are no plans to create a separate permit scheme for cockle and mussel dredging. I hope one will not be needed but the Authority may consider this if you wish to include it.

4. MSSB has been considered and no doubt will be again by TSB and BMWG however, I am not clear that we have a way of measuring this. Similarly, I don't think we have data to answer questions a b or c which may require new research. Meanwhile the Authority has a duty to manage the resource

sustainably and it will continue to aim to do this with available resources, using past experience and in collaboration with users.

The Authority should seek to answer the bigger questions you raise but may not be able to tackle them alone. University level research may be needed. The Authority would contribute to the development of a research programme but has limited resources. Any advice that MSFOMA is able to provide will be utilized in ongoing development of the Mussel management plan.

Please let me know if you have further questions.

Yours sincerely

Stephen M Atkins PhD
CEO NEIFCA

Annex C: Copy of the note of the Bivalve Mollusc Working Group meeting held on 10th October 2016.

ANNEX B

Bivalve Mollusc Working Group – Meeting 10th October 2016 – 10:00 Carnforth

NOTES of Meeting

Present:

Stephen Atkins	Rob Benson
Andrew Deary	Emily Hardman (in place of Mark Johnston)
Callum Booth	Anthony Graham
Emily Baxter	Abi Carroll
David Harpley	Belinda Vause
Colin Brydon	Mandy Knott
Terry Davies	Ian Dixon
Michael Wilson (in place of Gary Pidduck)	Trevor Jones* (in place of Kim Mould)
Tim Manning	Graham Wood*

(*Arrived at 11am and were not present for the cockle report discussions)

Apologies:

Kim Mould, Gary Pidduck, Kelsey Thompson

1. Chairman's Introduction

Anthony Graham, NWIFCA's newly appointed Digital Communications Officer was introduced to the group.

2. Notes of Last meeting- no comments

3. Matters arising- none

4. Cockle survey results

MK read through the report and opened discussions. TD said everyone he'd spoken to wanted Leven and Pilling open at the same time. On 8/10/16 cockles at Pilling were 24-27mm and nothing fell through the riddle, to the east of the bed there was a denser area of smaller cockle. Re Access to beach – TM - last time they fished 4x4's were used not quadbikes, and were parked on the beach. TD guessing around 300kg per man per tide at Pilling, enough for steady fishing. MK raised concerns over damage to undersize if fishery is open.

Discussion around how results are presented/means calculated. RB - should the means be calculated using the zero counts? This can change the way a 'bed' is portrayed. TM suggested a cut off- any sites with less than 5 cockles are left out of the calculation?

Middleton and Warton - MK suggests use these beds for mitigation for now and resurvey in future. No objections. TD - every bed should be used as mitigation at some point to give it a chance to recover.

Flookburgh- TM - there is a gutter that runs between Leven and Flookburgh - natural divide defining the two separate beds. BV - looks like west of what we call Flookburgh and Leven are one stock from an ecological perspective. ID – classification still a C at Flookburgh and B at Leven. Lewis Coats (Cefas) will update on this.

Aldingham and Newbiggin - MK suggests leave for birds - use as mitigation. No objections.

MK - never fish the stock right down again and don't have all the beds open, with the hope of a sustainable cockle fishery.

MK read out stakeholder comments from emails.

C. Bryden - market is flooded at the moment - Spain closed fishing due to over production, Ireland can't sell because there is so much. 8500 tonnes just came off the Wash.

RB - leave all beds closed for now, re-assess closed season so in line with rest of country. Desperate for cockles for the live markets starting from now. The problem with smaller cockle is that it needs to have a greater volume to make it worthwhile for the production plants to operate. A realistic market price is about £400/tonne. If left to grow on until next year will probably get £1200-£1300/tonne. Concerned that harvesting resource now results in less financial return than if left and harvested next year.

MW - should be open so everyone has the option to fish for themselves - some permit holders will come and take a couple of bags on a tide, will only go as far as Leven and Flookburgh.

SA summarized the view of the BMWG as wanting Pilling and Leven Sands opened as soon as possible. This proposal should be put to the Authority (TSB). No objections.

Actions: Officers to contact Authority for approval;
Science Team to complete HRAs.
AD and MK to work on the authorisations. Open all tides all dates unless there is an issue with compliance. Will need monthly returns.
Provisional opening date: 7th November until 30th April.

5. Byelaw 3 Permit Numbers

AD gave an update on current numbers: 93 permits in the system, 76 active. 10 more each year from the waiting list of 60 people. So a maximum of 103 for 2016-17.

6. Heysham Flat Size Mussel HRA – exclusion zone for both seed and size

MK has produced an HRA for size mussel, something that hasn't been needed in the past. It has been written assuming the same level size of mussel and of fishing that occurred last year. An Exclusion Zone needs to be in place for both the seed and the size mussel fishery to protect the honeycomb worm reef from trampling. This has been discussed with Natural England. There is no mechanism in the current Byelaw to enforce an exclusion zone whilst a size mussel fishery is ongoing - needs to be a gentleman's agreement for now and will be recommended to TSB that Byelaw 6 be amended to change the size and shape of exclusion zone currently in that Byelaw, and to include hand-gathering at Heysham.

There were some questions raised by buyers and permit holders over the need to protect the worms, when the area used to be ridden and fished over with no apparent damaging effects. The reef comes back year after year and has a cyclic existence.

RB - exclusion zone takes a massive area out of the fishery. Needs an access route at least. TJ - needs adaptive management. EH - it's the 3D structure that needs protection.

BV - if the NWIFCA designate an access route could that cause issues if, through natural processes, the designated route becomes unsafe e.g. very deep mud?

On another issue – TM - concerned about how the council carpark attendant treats them going about their legitimate activity. RB - need to talk to the council about what they are doing.

Actions: MK to take to TSB for approval to progress amendment to Byelaw 6.
Science Team to look at possible access route and monitor *Sabellaria alveolata* along that route, against rest of reef – joint work with NE?

7. Deepdock survey area off Foulney - GW use of AGDE – lessons learned

GW provided maps and photos to show what was found in scientific dredging with NE observer on board. GW requested another scientific dispensation to get more information in the same area off Foulney. TJ - there is a need for co-operative data gathering and sharing- science team don't have capacity to do everything. MK - helicopter can only show so much; in future, it would be great to use GW vessel, AGDE and ground truthing at the beginning of the season.

TM - since the dredgers have been in the starfish have moved onto the mussel at Foulney because there is nothing left for them to eat.

Actions: Science Team - overlay the low water lines provided by TM and BV onto GW maps for reference.
MK to notify Authority of action to issue further scientific dispensation to Deepdock.
Science team to issue scientific dispensation to Deepdock for 11/10/16 to the end of the current authorised dredge fishery- 31/10/16.

8. Date of next meeting

After spring cockle surveys - April 2017 unless needed before. MK will send doodle poll nearer the time to arrange a date.

9. AOB

TJ would like to see a copy of the BMWG notes sent to TSB for information prior to TSB meetings.

Action: Science team will endeavour to get draft notes produced and checked by BMWG prior to each TSB.

Menai Strait Oyster & Mussel Fishery Order 1962

Background

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

Recommendations

1. That the Association should agree a timetable for applying for the renewal of the Menai Strait Oyster & Mussel Fishery Order 1962.
2. That the financial implications of renewing the Fishery Order are considered.

1. Introduction

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

2. Renewal of leases

- 2.1 The leases for all of areas 1-6 have now been signed by all parties, and formally re-issued.
- 2.2 The period of tenancy for all leases in the Menai Strait now runs to the date that the present Fishery Order is due to terminate, on 31st March 2022.

3. Proposed timetable for renewal

- 3.1 At its last meeting the Association agreed to progress with the renewal of the Fishery Order. A timetable was agreed at that meeting and is appended at Annex B with an update on progress.
- 3.2 As a first step in this process, the Chair has written to Welsh Government to declare the Association's intention to progress an application.

- 3.3 To assist and pave the way for consultation with stakeholders, work has also been carried out to create accurate digital GIS and web-based maps of the Fishery Order and leased areas that can be shared with stakeholders and consultees. This process has taken longer than anticipated, to ensure that the maps produced are aligned with the latest Ordnance Survey digital maps of the area. This has, in turn, delayed progress with the initial consultation meetings; the view was taken that accurate electronic mapping is now an essential pre-requisite to such consultations.
- 3.4 It will be noted that because of this, progress is presently behind schedule. No formal dialogue with stakeholders has yet been opened, and this is now a priority for early in 2017. The top priorities in this regard will be meetings and initial consultations with NRW and the Crown Estate.
- 3.5 In October 2017 an initial list of stakeholders was compiled and circulated to MSFOMA members for comment. This list is attached at Annex C for consideration.
- 3.6 Views are invited on the timetable attached at Annex B and comments invited on progress to date.

4. Costs

- 4.1 As noted at our last meeting, costs will be incurred by the Association during the process of renewing the Fishery Order. These will arise from seeking specialist advice and support (for instance from lawyers and other professionals); hiring meeting rooms; and potentially for funding a Public Inquiry should that be necessary.
- 4.2 The Association has accrued a reserve fund to meet the costs of renewing the Order. It will nevertheless be important to carefully manage the renewal process to ensure that it is kept within an appropriate budget.
- 4.3 It is possible that if the application process is protracted or requires a Public Inquiry then extra funds may have to be secured by the Association, through an increase in the levy on operators. This will need to be kept under review during the application process.
- 4.4 Members are advised that costs incurred on the renewal of the Order to date have been negligible.

Annex A: Letter to Welsh Government concerning renewal of the Menai Strait Oyster and Mussel Fishery Order 1962.

Menai Strait Fishery Order Management Association

Port Penrhyn, Bangor, LL57 4HN

14th October 2016

Margaret Rees
Welsh Government
Sea Policy Executive
Rhodfa Padarn
Llanbadarn Fawr
Aberystwyth
SY23 3UR

Dear Margaret

MENAI STRAIT OYSTER AND MUSSEL FISHERY ORDER 1962 –RENEWAL

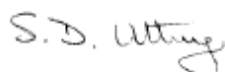
We are writing to inform you of our intention to apply for the renewal of the Menai Strait Oyster and Mussel Fishery Order 1962. Since this Order was made it has become the foundation for the most successful aquaculture production area in Wales. Local businesses and local jobs depend upon it.

The current Fishery Order is due to expire on the 1st April 2022. With just over 5 years to run, we are writing to confirm that this Association wishes to apply for the renewal of this Order. We make this request further to our previous notice to Jodi Massey in June 2013 (attached).

Because of the importance of long-term stability for the businesses in the Menai Strait, we will be requesting that a new Order is made for as long a period as possible. In an ideal world we would be seeking renewal for a further period of 60 years, but we recognise that with the changes in legislation and the use of the coast that it would be more prudent to ask for a shorter period of, say, 35 years.

We will be starting the preliminary work on our formal application for a new Fishery Order over the coming months. At this point we would like to seek your views on our proposal, and would welcome the opportunity to meet with you and your colleagues to discuss how best to progress our application.

Yours sincerely



SUE UTTING
Chair, MSFOMA

Enc.

cc. Graham Rees, Deputy Director, Marine

Menai Strait Fishery Order Management Association

Port Penrhyn, Bangor, LL57 4HN

Jodi Massey
Sea Policy Executive
Marine and Fisheries
Welsh Government
Rhodfa Padarn
Llanbadarn Fawr
Aberystwyth
Ceredigion
SY23 3UR

28 June 2013

Dear Jodi

The 1962 Menai Strait East Fishery Order

As you will be aware, the 1962 order is due to expire in 2022, having been granted for a period of 60 years. The Menai Strait Fishery Order Management Association, as the current Grantee of the order, would like to inform Welsh Government that it wishes to begin the procedure of application for a following order – which will in essence be a new fishery order.

We are mindful of the time it has taken to progress the Menai Strait West fishery order application to date and also a number of other Several Order applications at other locations in Wales. We are also of course aware of the changes in principle that Welsh Government are proposing to make to the 1967 Act through the Welsh Government Environment Bill/Act in 2016. Whilst we are fully in support of these in principle, we are concerned of the additional time before these reach the statute book, and the implications of this on the process to develop a following order for Menai Strait East.

Could you take this letter as formal notification that we wish to begin this process and we will be in touch with you again in the near future on this matter.

Yours sincerely

SUE UTTING
Chair, MSFOMA

CC Graham Rees – Deputy Director, Marine
Members of MSFOMA

Annex B: Timetable for progressing the renewal of the Menai Strait Oyster and Mussel Fishery Order 1962. Items that are behind schedule are highlighted in red.

Year	Quarter	Activities	Update / Progress
2016	Q3	a) Formal notice to WG of intent to renew Fishery Order	Letter sent to WG in October 2016.
		b) Initial contact with stakeholders.	Pending.
	Q4	c) Meetings with WG officials to discuss renewal.	Pending.
		d) Meetings with NRW to discuss renewal.	Pending.
		e) Initial stakeholder meetings (with key sectoral groups such as RYA, NRW, Wildlife Trust, Beaumaris Yacht Club).	Pending.
		f) Communication & meetings with landowners & tenants	Pending.
2017	Q1	g) Consultation & agreement with NRW	
		h) Wider stakeholder meetings (e.g. "drop in" sessions & evening meetings).	
		i) Ongoing liaison with NRW	
	Q2	j) Work on application for Order.	
	Q3	k) Ongoing liaison with stakeholders, NRW, land owners.	
	Q4		
2018	Q1	<u>l) Submit formal application for renewal of Fishery Order.</u>	
	Q2	m) Liaison with WG.	
	Q3	n) Liaison with WG	
	Q4	o) (Possible) Formal consultation on Fishery Order.	
2019		p) Respond to consultation feedback.	

Year	Quarter	Activities	Update / Progress
		q) Address consultation issues either informally or through Public Inquiry.	
2020		r) Progress application process.	
2021		s) Progress application process.	
2022	1st April	t) DEADLINE FOR NEW ORDER	

Annex C: Initial consultee list for Menai Strait Oyster and Mussel Fishery Order consultation process (for comment).

Category	Organisation
Anglers	Welsh Federation of Sea Anglers
Environmental	Natural Resources Wales
Environmental	North Wales Wildlife Trust
Environmental	RSPB Cymru
Environmental	RSPB Cymru (North Wales Office)
Fishing Organisations	North Inshore Fishery Group
Fishing Organisations	North Wales Fishermen's Cooperative
Industry bodies	Deepdock
Industry bodies	Menai Oysters and Mussels Ltd
Industry bodies	MSFOMA
Industry bodies	MSFOMA
Industry bodies	MSFOMA
Industry bodies	Myti Mussels
Industry bodies	SAGB
Industry bodies	Welsh Fishermen's Association
Industry bodies	
Landowner	Anglesey Sea Salt Company Ltd
Landowner	Anglesey Sea Zoo
Landowner	Crown Estate Commissioners
Local Council	Bangor Town Council
Local Council	Beaumaris Town Council
Local Council	Gwynedd County Council
Local Council	Ynys Môn County Council
Local Harbour Authority	Caernarfon Harbour Trust
Marine Users	Bangor University
Marine Users	British Association of Shooting and Conservation
Marine Users	Felinheli / Port Dinorwic Sailing Club
Marine Users	Plas Menai
Marine Users	Plas Newydd Country House and Gardens
Marine Users	RNLI Beaumaris Lifeboat Station
Marine Users	RNLI Holyhead Lifeboat Station
Marine Users	Royal Anglesey Yacht Club
Marine Users	Royal National Lifeboat Institution
Marine Users	RYA
Marine Users	RYA Cymru Wales
Marine Users	Trinity House Lighthouse Service
Marine Users	UK Hydrographic Office
MSFOMA	Gwynedd County Council

Category	Organisation
Statutory consultees	HM Coastguard Holyhead
Statutory consultees	Maritime & Coastguard Agency
Statutory consultees	Ministry of Defence
Statutory consultees	Welsh Government
Statutory consultees	Welsh Government
Statutory consultees	Welsh Government
Utility companies	British Gas Wales
Utility companies	British Telecom
Utility companies	Centrica
Utility companies	Dwr Cymru
Utility companies	Dwr Cymru
Utility companies	MANWEB
Utility companies	National Grid
Utility companies	National Grid
Utility companies	National Power
Utility companies	West & Wales Utilities
Utility companies	Western Power Systems

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 on the consultation for the Menai Strait (West) Fishery Order is noted and discussed.
2. That the Association considers how it would prefer to proceed with the application for this Fishery Order.

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. An update on liaison with different sectoral groups is provided below.

2. Liaison with sailing, recreation and local resident stakeholders

- 2.1 At the last meeting of the Association in October it was reported that a sequence of productive meetings had been held with local stakeholders. As a result of these, the Association had established a "Liaison Group" and a smaller "Working Group" to facilitate engagement and develop a partnership approach to managing cultivation operations in the western Menai Strait.
- 2.2 A copy of the "Operating Plan" that has been developed with these stakeholders is attached at Annex A of this report, along with a note of the meeting of the Liaison Group that took place on the 13th October (Annex B).
- 2.3 Members of the Association are advised at a meeting on the 14th July the RYA raised concerns about the legal status of the "Operating Plan" (see Annex C). In response to these concerns, the Chair organised a conference call with key RYA personnel in September 2016.
- 2.4 The situation at present is that the RYA feels unable to advise their members to withdraw their objections until they have some reassurance that the proposed Operating Plan will be enforceable.
- 2.5 This matter was discussed at the last Association meeting in October, following which the Chair wrote to the Welsh Government seeking guidance (letter attached at Annex D). This letter seeks guidance on the Association's favoured management approach and also alternatives put forward by the RYA.
- 2.6 A response from the Welsh Government was received on 5th December and is attached at Annex E. No substantive response has been sent to WG yet.
- 2.7 The RYA and Port Dinorwic Sailing Club have been informed of the WG response to the different proposals. An initial response from the RYA is attached at Annex F, and includes a further proposal for amendment of the Operating Plan. Members' views are invited on these proposals.
- 2.8 A further meeting with stakeholders is scheduled for the evening of the 14th December in Port Dinorwic.

3. Liaison with commercial stakeholder - Roberts of Port Dinorwic

- 3.1 One of the respondents to the consultation on the proposed Fishery Order was a firm of solicitors, acting on behalf of the company Roberts of Port Dinorwic. This company was concerned about the possible impact of oyster cultivation within Plot D of the proposed Fishery Order on the effluent outfall pipe from their premises (see letter at Annex G).
- 3.2 Mr Wyn Roberts from Roberts of Port Dinorwic has attended Liaison Group meetings in April, July and October at which he has raised concerns about impacts on his business. Following the last discussion with Mr Roberts, his solicitors sent a further communication to the Association (Annex H). The Association has made a formal response to this letter and the earlier concerns raised by this company (Annex I).

- 3.3 The Association is advised that a site visit has now been agreed with representatives from Roberts of Port Dinorwic and representatives from MSFOMA. This is due to take place in Port Dinorwic on the afternoon of Monday 12th December. A verbal update on this site visit will be provided at the Association meeting.

4. Next Steps

- 4.1 It had been hoped that the Liaison Group meetings in July and October this year would have provided a platform for progressing the Fishery Order application. An e-mail referendum of objectors was planned, to enable them to either sustain or withdraw their objections. Following the RYA's statement to the July meeting, and sustained concerns at the October meeting, it was decided that it would not be appropriate to progress with this referendum yet, pending feedback from the Welsh Government on the proposals to use an "Operating Plan" to address stakeholders' concerns.
- 4.2 We have now received a response from Welsh Government on this issue (Annex E). This response has been forwarded to the RYA, to allow them to determine whether or not they feel that it provides a basis for them to advise their members to withdraw their objections. The meeting scheduled for the evening of the 14th December will provide an opportunity for discussion of these views.
- 4.3 Taking this into account it is not clear at this point when, if ever, it will be possible to get to a position where all objections are withdrawn. After discussions with the proponents of the Fishery Order, it is clear that they feel there is a need to move forwards with the application.
- 4.4 The next step in the application process required the Cabinet Secretary to take a decision on whether to approve the application; to refuse it; or to call a Public Inquiry if there are outstanding objections to an Order that are "*neither frivolous or irrelevant*" (under §4 of the Sea Fisheries (Shellfish) Act 1967).
- 4.5 Members' views are sought on how they feel it would be best to proceed, bearing in mind that discussions with stakeholders are still ongoing at that there will be a Liaison Group meeting in the evening following the Association meeting.

5. Costs

- 5.1 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
December 2016

Annex A: Proposed “Operating Plan” for Menai Strait West Fishery Order

Menai Strait Fishery Order Management Association: Menai West Fishery Order Proposal Operating Plan

Purpose

1. This operating plan sets out provisions for shellfish farming operations in the proposed Menai Strait (West) Fishery Order that will apply throughout the duration of the Fishery Order and are intended to:-
 - a. mitigate and address the objections that were made to the Order during the formal consultation period in October-November 2015; and
 - b. Address concerns about shellfish farming operations that may arise if the Fishery Order is subsequently “made” by the Minister

Status

2. The provisions of this operating plan shall be incorporated in the statutory and legal management framework governing operations in the Menai Strait (West) Fishery Order. It shall be incorporated in:-
 - a. The Management Plan approved by the Minister in support of the Fishery Order;
 - b. The leases issued to shellfish farmers by the Menai Strait Fishery Order Management Association (MSFOMA); and
 - c. Any other components of the statutory and legal framework deemed necessary to give a formal and binding effect to the provisions of this plan.
3. The incorporation of this operating plan in the statutory and legal framework for the Fishery Order shall make any act or omission that is not compatible with the terms of the operating plan a breach of the relevant provision (i.e. the Order and / or any leases issued under the authority of the Order).

Definitions

4. “MSFOMA” means the Menai Strait Fishery Order Management Association.
5. “Liaison Group” means the group of stakeholders with an interest in the western Menai Strait that has met on the 15th December 2015 and again on the 14th April 2016. The membership of this group is open to all. Terms of Reference for this group are set out in Annex 1 of this document.
6. “Working Group” means the group of representatives of the Liaison Group that may be established on an ad hoc basis to address specific tasks associated with the management of shellfish farming in the western Menai Strait. Terms of Reference for this group are set out in Annex 2 of this document.

Management of Shellfish farming activities

General provisions applying to entire area

7. In order to ensure that recreation and such activities can continue unhindered, neither the grantee of the Order nor any shellfish farmers operating in the areas shall take any action to prevent access to the Fishery Order areas in connection with activities (including recreational activities) that will cause no significant or malicious harm to either the shellfish under cultivation or any equipment being used for cultivation activities (such as oyster frames and bags). Nor will the grantees or

lessees take any enforcement action against any third parties who may innocently or inadvertently cause disturbance to the shellfish under cultivation or equipment used or cultivation activities.

8. In order to address concerns that shellfish cultivation activities could interfere with sailing races in the Menai Strait, neither the grantee of the Order nor any shellfish farmers operating in the areas shall take any action to prevent the installation of temporary racing marks within or adjacent to the areas. As a matter of good practice, the party/ies installing such marks shall inform and consult with the navigation authority and other users (including shellfish farmers) prior to the installation of such marks.
9. The existence and extent of the Fishery Order and its implications for members of the public shall be communicated at appropriate locations on the nearby seashore, in consultation with the Working Group. Additional communication mechanisms (such as direct communication and the use of electronic media) shall also be used, as appropriate.
10. In order to address concerns raised by recreational users and navigation authorities with respect to any navigation marks that may be required in the area, any navigation marks (such as buoys or perches) that the Minister requires to be installed in the Fishery Order area shall be compatible with the requirements of the local navigation authority.
11. In order to address concerns raised by recreational users of the area that mussel dredging operations will either interfere with, or pose a hazard to, watersports activities in the area, prior to shellfish farming operations that will require the use of vessels (either to relay or harvest shellfish), the operators shall consult with relevant recreational organisations (such as the Port Dinorwic Sailing Club, and Plas Menai) to plan operations in a way that will minimise and ideally avoid any interference with either casual or formal recreation activities in the area.
12. In order to address concerns raised about the potential hazard posed by old oyster frames on the shore, operators shall keep their area in good order and remove any redundant cultivation equipment from the shore that could pose a hazard to other users of the sea or seashore.
13. In order to ensure that the operating plan is adaptive, MSFOMA shall consult with the Liaison Group and if necessary convene meeting(s) of the Working Group prior to making any changes to the extent of shellfish farming operations in the Fishery Order area, to address impacts that these operations might cause.
14. In order to address concern that communication between MSFOMA and interested parties in the area has been poor, MSFOMA will establish formal liaison arrangements to ensure regular meeting with stakeholders that have expressed an interest in this area. The location and frequency of such meetings will be agreed by the participants.
15. The preceding provisions are additional to, and can neither duplicate nor interfere with any statutory requirements to consult with the Minister, Welsh Government, Natural Resources Wales and/or other statutory bodies (or their successor bodies) by MSFOMA and shellfish farmers as required by the Fishery Order and any other relevant legislation.

Specific provisions for Plot A (mussel cultivation only)

16. In order to ensure that recreation on the Moel y Don sandbank is not affected by shellfish cultivation operations or ancillary activities, any leases issued for all or part of Plot A shall prohibit shellfish cultivation in the area to the north and east of a line drawn on a bearing 145°T (true) from point 53° 10.86667'N, 004° 14.0833'W to the low water mark (coordinates referenced to the WGS84 datum) (see Figure 1).

Specific provisions for Plot B (oyster and mussel cultivation)

17. No specific issues have been raised for this area.

Specific provisions for Plot C (mussel cultivation only)

18. No specific issues have been raised for this area.

Specific provisions for Plot D (oyster cultivation only)

19. In order to ensure that oyster frames are kept at an appropriate distance from areas where watersports activities may be taking place, oyster cultivation shall not take place further north and east of a line drawn 330° true from the point 53° 10.025'N 004° 14.885'W (coordinates referenced to the WGS84 datum) (see Figure 1).

Review of this plan

20. This plan shall be reviewed as required and at least on an annual basis by MSFOMA and stakeholders. A review of the plan can be called for by any stakeholder during a Liaison Group meeting (see Terms of Reference for the Liaison Group at Annex I of this plan).
21. Any changes proposed to this plan shall be discussed by the Liaison Group and then agreed by the Working Group before being sent to the Minister for approval, after which the amended plan shall replace the previous version for all activities carried out under the authority of the Order.

MSFOMA
August 2016



Figure 1: Map of proposed cultivation plots (red) and operating lines for Plot A and Plot D. Image available to view on Google Maps [here](#).

Annex I: Liaison Group Terms of Reference

Purpose

1. The Liaison Group has been established to provide a mechanism for regular formal and informal communication between stakeholders and shellfish farmers in the western end of the Menai Strait.
2. Meetings of the Liaison Group will provide an opportunity for:-
 - a. Raising issues of concern and requesting management and/or mitigation action in response to them;
 - b. Exchanging information between shellfish farmers and other stakeholders;
 - c. Discussing opportunities for better integration between shellfish farming activities, other users of the Menai Strait, and local community interests; and
 - d. Discussing management and/or mitigation proposals agreed by a smaller "Working Group" comprising representatives of the Liaison Group.
3. To provide a mechanism for gathering stakeholders' views about shellfish farming in the Western Menai Strait for subsequent dissemination to the relevant statutory and non-statutory management organisations (e.g. Welsh Government, RYA), either by Liaison Group members or the Working Group.

Membership

1. Membership is open to all individuals and organisations that have an interest in the western Menai Strait.

Meetings

1. Liaison group meetings shall take place on an *ad-hoc* basis and at least annually.
2. Meetings shall be chaired by a representative of the Felinheli community council or its successor organisation.
3. Brief notes of meetings and agreed actions will be circulated to all participants and published by MSFOMA by appropriate means.
4. At least 3 weeks' notice of meetings shall be given. Notices of meetings will be circulated to all previous participants and published by MSFOMA by appropriate means.

Review

1. These terms of reference will be reviewed annually by the Liaison Group.

Annex II: Working Group Terms of Reference

Purpose

1. The working group shall meet to discuss and identify possible solutions to
 - a. the concerns raised during the consultation on the proposed Menai Strait West Fishery Order during 2015; and subsequently
 - b. ongoing management issues associated with shellfish cultivation in the Menai Strait West Fishery Order if it is subsequently "made" by the Minister
2. To prepare, agree, and keep under review, a set of mitigation and / or management options that will be implemented under the management regime for the proposed Fishery Order.
3. To produce an initial set of proposals for consideration by the wider liaison group in July 2016.
4. To provide a mechanism for communicating stakeholders' views about shellfish farming in the Western Menai Strait to the relevant management organisations (both statutory and non-statutory).

Membership

1. The membership of the Working Group emerged from the Liaison Group meeting held on 14th April 2016. This includes:-
 - a. Chair: Cyngor Cymuned Y Felinheli Community Council
 - b. MSFOMA representatives (3)
 - c. Porth Dinorwic Sailing Club representatives (3)
 - d. Y Felinheli residents (1)
 - e. RYA Cymru (1)
 - f. RYA Legal Dept (1): tbc
 - g. Plas Menai (1)
 - h. Plas Coch (1)
 - i. Ribride / Porth Daniel (1): Phil Scott
 - j. Anglesey Sea Salt (1)
 - k. Secretariat (non voting)
2. Additional members may be invited or co-opted to participate in meetings as required, with the agreement of the Working Group Members.

Meetings

1. Meetings shall be chaired by a representative of Cyngor Cymuned Y Felinheli Community Council or its successor organisation.
2. The quorum for a meeting shall be 7 (including the Chair).
3. Where a consensus view cannot be reached, resolutions shall be made in accordance with the majority of members present (and entitled to vote). In the event of a tie, the Chair shall have a casting vote.
4. Brief minutes and agreed actions shall be recorded and circulated to participants.

Review

1. These Terms of Reference shall be reviewed by the Working Group at least annually.

Annex B: Note of Liaison Group meeting, 13th October 2016

**Menai Strait Fishery Order Management Association:
Menai West Fishery Order Proposal
Liaison Group
Minutes
13th October 2016, 1900
Port Dinorwic Sailing Club, Port Dinorwic**

1. Attendance

Angela Burton	Independent Researcher
Paul Green	Port Dinorwic Sailing Club
Gareth Griffith	Cyngllorydd / Councillor
Helen Roberts	Live in the village
David Lea-Wilson	Mona Seafoods / Halen Môn
Shaun Krijnen	Menai Oysters & Mussels Ltd
Trevor Jones	Menai West Lay Holder
Wyn Roberts	Roberts of Port Dinorwic
Mike Thomas	Port Dinorwic Sailing Club
Jo Powell	Port Dinorwic Sailing Club
Ffion Bailey	Port Dinorwic Sailing Club
Jac Bailey	Port Dinorwic Sailing Club
Ruth Iliffe	RYA Cymru
Jamie Johnson	Plas Menai
Graham Ford-Keyte	Individual
Kim Mould	RYA Member
Jon King	Salt Water Aquaculture
Sue Utting	Chair, MSFOMA
Daniel Williams	Cyngor Cymuned Y Felinheli Community Council
Jim Andrews	Secretariat, MSFOMA
Apologies	
Terry & Fredrica Blamire	
Steve Morgan	Plas Menai

2. Minutes of last meeting

Mr Wyn Roberts (Roberts of Port Dinorwic) asked that the minutes of the previous meeting be corrected. The corrections were accepted and amended minutes were agreed.

The actions from the previous meeting had been discharged and most would be considered at this meeting.

3. Discussion of operating plan

The operating plan was considered page-by-page, and some minor amendments to the wording were agreed. MSFOMA would make these changes.

Action: MSFOMA

Plot D – MSFOMA again suggested to Mr Roberts that a site visit to this area would be useful. It was noted that the existing proposed limit to oyster farming activities on this site had been agreed with Plas Menai in 2005, when Dr Jon King was farming oysters in the area under the previous (1978-2008) Fishery Order. Mr Roberts agreed to consider a site visit. Daniel Williams and Sue Utting both offered to attend and facilitate discussions.

Action: MSFOMA

4. Next steps & timescale

MSFOMA and the RYA are presently discussing the most satisfactory way to ensure that the “Operating Plan” is implemented by MSFOMA. There was presently a difference of opinion between MSFOMA and RYA lawyers. MSFOMA and RYA officers had been in discussion, and have agreed to seek guidance from Welsh Government on how best to proceed.

Action: MSFOMA

Following a response from Welsh Government, it would be appropriate for MSFOMA to re-consult all of the people that had objected to the Fishery Order proposal, and then correspond with the Cabinet Secretary to inform her of the outcome and ask for a determination of the application. MSFOMA hoped to conduct this consultation in the next few weeks.

Action: MSFOMA

The Government could either approve the application, refuse it, or call a Public Inquiry to determine how best to proceed.

5. Any Other Business

No additional items were raised.

6. Date for next meetings

Provisionally 14th December, 7pm, Port Dinorwic Sailing Club

MSFOMA
October 2016

Annex C: RYA e-mail concerning Operating Plan

Jim Andrews (AWJ)

From: Emma Barton <Emma.Barton@rya.org.uk>
Sent: 12 August 2016 15:17
To: MSFOMA
Cc: Ruth Iliffe; "N UTTING"; jim@awjmarine.co.uk
Subject: RE: Menai Strait Fishery Order Proposal

Jim,

How does Tuesday 27th work for you? I'm free all day and looks as though Ruth is too. Happy to set up the call if that days suits.

In summary, our legal advice up to this point has been as follows:

- There is no explicit reference to the operating plan in the draft order (or the management plan version 1.0) and it is therefore not explicitly incorporated into the order. In paragraph 3 and 4 of the operating plan it specifically refers to the operating plan being incorporated into the statutory framework through the management plan, leases and '*any other components of the statutory and legal framework*'. The management plan is also not explicitly referred to in the draft order. Although the management plan is required by the Welsh Minister before he will grant such an order, there is no clear statutory basis for a management plan. It would be useful to have clarity on exactly what basis you consider the operating plan to be incorporated into the statutory framework.
- Even if the management plan did incorporate the operating plan (an update to the management plan to explicitly incorporate the operating plan), enforcement of the terms of the operating plan, though the management plan, would be cumbersome. However, any obligations and/or restrictions should be included on the management plan to establish the legitimate expectation.
- Paragraph 3(b) of the operating plan refers to incorporation of the operating plan through leases issued to shellfish farmers who would become the tenants. Again it is unclear exactly how you will seek to incorporate the terms of the operating plan into the statutory framework through incorporation of the terms in any such lease. The drafting of this paragraph is not particularly clear and it creates uncertainty.
- However this is done, we would be reliant on you incorporating the terms of the operating order into a lease but would have no control over whether they are in fact incorporated into a lease. This also raises the question of how we would be able to enforce the terms of a lease and enforcement action against the tenant for breach of lease would be difficult.
- A contractual side agreement would provide the greatest level of certainty and the most straight forward method of enforcing any breaches of the obligations and restrictions. Such an agreement could be based on the same or very similar terms to those set out in the operating plan.

Hopefully that makes sense, obviously its greatly abbreviated! Prior to our call, it would be useful if you could send us any updated versions of the management plan or operating plan. Last time we discussed whether WG were close to making a decision are you aware of the Welsh Minister's view on the draft order?

Thanks,

Em.

From: MSFOMA [mailto:info@msfoma.org]
Sent: 10 August 2016 17:59
To: Emma Barton <Emma.Barton@rya.org.uk>

Annex D: Draft letter to Welsh Government.

Menai Strait Fishery Order Management Association

Porth Penrhyn, Bangor, LL57 4HN

Lesley Griffiths, AM
Minister for Natural Resources
National Assembly for Wales
Cardiff Bay
Cardiff
CF99 1NA

18th October 2016

Dear Cabinet Secretary

Menai Strait West – Proposed Fishery Order

May I take this opportunity on behalf of the Menai Strait Fishery Order Management Association to congratulate you on your appointment. We look forward to working with you, and I hope that we will have an opportunity to meet in the near future.

I am writing further to our correspondence with your predecessor to keep you informed of progress with the proposed renewal of the Menai Strait West Fishery Order, and to seek your views on how best to proceed with this proposal.

1. Consultation & stakeholder engagement

During October and November 2015 we carried out a formal consultation on the draft Fishery Order for the western Menai Strait. Our proposal would see the reinstatement of the Fishery Order that was in place in this area between 1978 and 2008.

We consulted over 50 individuals and organisations in the area directly by post and e-mail, posted notices in several newspapers (Fishing News, North Wales Chronicle and the Western Mail), and also posted signs around the area to alert the general public to the proposed Fishery Order. By the end of the consultation period we had received 75 responses ourselves, most of which (57) were objections to the proposal. The focus of all but 2 of these objections was on just one of the four proposed cultivation areas. The objections were mainly related to concerns about the potential impact of the proposed new Fishery Order on sailing and recreational activities.

Over the past 10 months we have held several meetings with local stakeholders to discuss their concerns. At our last meeting in July we agreed an "Operating Plan" with these stakeholders (attached) which addresses the main concerns raised during the consultation process.

At the meeting in July and more recently during a teleconference call, the Royal Yachting Association (RYA) raised concerns about how the "Operating Plan" which we have agreed could be made enforceable. They felt unable to advise their members to withdraw their objections to the renewal of this Fishery Order until this issue is addressed.

2. Options for implementing the "Operating Plan"

The options for implementing an "Operating Plan" for the proposed Fishery Order that have been considered during our discussions with the RYA are briefly summarised below:-

a. Append Operating Plan to leases

The option initially proposed by MSFOMA was that the Operating Plan should be included as an Appendix to the leases for cultivation areas issued by MSFOMA. Tenants would be required to observe this Operating Plan, and failure to do so could result in penalties, including the loss of their lease.

The RYA has raised concern about this approach because they consider that any breach of the Operating Plan can only be addressed by MSFOMA, and not by a 3rd party (see appended e-mail from the RYA).

MSFOMA considers that because the Association is a company limited by guarantee that has been granted specific statutory powers by the Welsh Government, it is directly accountable to Government. Both Welsh Government and MSFOMA are also responsible for ensuring that activities are managed in a way that is compatible with the Menai Strait Natura 2000 site. Our view is that this legislative framework makes this approach enforceable. This is also the view of NRW, who have asked that the fishery "Management Plan" for the Natura 2000 site is appended to the leases in order to ensure it is enforceable.

Because of its concerns about whether an Operating Plan appended to a lease would be enforceable, the RYA has put forward two additional options for consideration. These are briefly summarised below and set out in more detail in their e-mail appended to this letter.

b. Amend draft Order

The RYA has proposed that the Draft Order could be amended by Welsh Government so that it makes an explicit reference to the "Operating Plan" for the Fishery Order and requires that the Grantee should implement the Operating Plan.

The RYA has indicated that this would make compliance with the Operating Plan a statutory requirement which is subject to independent scrutiny, and favour this approach.

c. Establish as a "side agreement" with RYA

The RYA has suggested that in the absence of an explicit reference to the Operating Plan in the Order, it could be made enforceable by a 3rd party through a "side agreement" between MSFOMA and the RYA (or any other 3rd parties).

Such an agreement would ensure that the powers granted under the Order are exercised by the Grantee in a way that is agreed with the party(ies) to the side agreement.

We would very much welcome your views on which of these options, (or any alternative options you might suggest) would be acceptable from a Government perspective.

3. Next steps

It is now nearly a year since the consultation on the draft Fishery Order, and we are aware there is a need to ensure that some progress is made in the coming months.

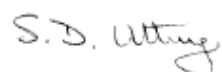
We are still hoping that it will be possible to get to the point where the objectors feel able to retract their objections to the proposed Fishery Order, which would enable you to make the Order. However we are aware that if this is not possible, then it may be necessary to call a Public Inquiry at which the various different points of view would be considered by an independent Inspector.

We are keen to ensure that we observe any deadlines that you may set for this process, and would welcome a discussion with you on how best to proceed.

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

I hope that this update is helpful. If you or your officers have any queries about this matter please do not hesitate to get in touch with me.

Yours sincerely



Dr SUE UTTING
Chair, MSFOMA

Encs.

cc. Rhun Ap Iorwerth, A.M.
Bethan Jones, Seafood Market & Supply Chain Manager, Welsh Government
Andrew Fraser, Head of Fisheries, Welsh Government.

Jim Andrews (AWJ)

From: Emma Barton <Emma.Barton@rya.org.uk>
Sent: 12 August 2016 15:17
To: MSFOIMA
Cc: Ruth Illife; "N LUTTING"; jim@awjmarine.co.uk
Subject: RE: Menai Strait Fishery Order Proposal

Jim,

How does Tuesday 27th work for you? I'm free all day and looks as though Ruth is too. Happy to set up the call if that days suits.

In summary, our legal advice up to this point has been as follows:

- There is no explicit reference to the operating plan in the draft order (or the management plan version 1.0) and it is therefore not explicitly incorporated into the order. In paragraph 3 and 4 of the operating plan it specifically refers to the operating plan being incorporated into the statutory framework through the management plan, leases and 'any other components of the statutory and legal framework'. The management plan is also not explicitly referred to in the draft order. Although the management plan is required by the Welsh Minister before he will grant such an order, there is no clear statutory basis for a management plan. It would be useful to have clarity on exactly what basis you consider the operating plan to be incorporated into the statutory framework.
- Even if the management plan did incorporate the operating plan (an update to the management plan to explicitly incorporate the operating plan), enforcement of the terms of the operating plan, though the management plan, would be cumbersome. However, any obligations and/or restrictions should be included on the management plan to establish the legitimate expectation.
- Paragraph 5(b) of the operating plan refers to incorporation of the operating plan through leases issued to shellfish farmers who would become the tenants. Again it is unclear exactly how you will seek to incorporate the terms of the operating plan into the statutory framework through incorporation of the terms in any such lease. The drafting of this paragraph is not particularly clear and it creates uncertainty.
- However this is done, we would be reliant on you incorporating the terms of the operating order into a lease but would have no control over whether they are in fact incorporated into a lease. This also raises the question of how we would be able to enforce the terms of a lease and enforcement action against the tenant for breach of lease would be difficult.
- A contractual side agreement would provide the greatest level of certainty and the most straight forward method of enforcing any breaches of the obligations and restrictions. Such an agreement could be based on the same or very similar terms to those set out in the operating plan.

Hopefully that makes sense, obviously its greatly abbreviated! Prior to our call, it would be useful if you could send us any updated versions of the management plan or operating plan. Last time we discussed whether WG were close to making a decision are you aware of the Welsh Minister's view on the draft order?

Thanks,

Em.

Annex E: Response from Welsh Government.

Jim Andrews (AWJ)

From: Margaret.Rees@wales.gsi.gov.uk
Sent: 05 December 2016 15:45
To: sutting003@btinternet.com
Cc: jim@awjmarine.co.uk; trevormussels@yahoo.com; j.w.king@bangor.ac.uk; david@halenmon.com; theoysterman@btopenworld.com; Stuart.Evans@wales.gsi.gov.uk; Jose.Constantino@wales.gsi.gov.uk; Robert.Floyd@wales.gsi.gov.uk
Subject: Menai Strait West - Proposed Order

Dear Sue

Thank you for your letter of 18 October, which was sent to the Cabinet Secretary for Environment and Rural Affairs and your email of 30 November.

Please find below a response in relation to the 3 options you presented.

- Option A; making the OP a requirement of the lease.

We note the concerns raised by the Royal Yachting Association (RYA), however, we are unable to provide you with any specific legal advice in relation to this option as it is ultimately a private law matter. As such I would suggest you discuss with your own legal advisers on this issue.

- Option B; Amend draft Order to make reference to the Operating Plan.

This is not possible as it amounts to sub-delegation. However it may be possible to replicate much of the Operating Plan on the face of the Order itself. However this option is not without complications. For example the Order once made can not simply be amended (it would require an application, advert and a new Order). Further legal analysis of the measures within the Operating Plan would be needed, and some may not be possible, and others measures will need to be reworked. The Order would then need to be significantly redrafted. This option would likely lead to a significant delay in proceeding with the Order.

- Option C: Side agreement.

Again as with Option A. we are unable to provide advice on this matter as it is a private law matter.

Ultimately it is for MSFOMA and the RYA to reach a position which is agreeable to both parties.

I would like to clarify, in reference to paragraph 3 of option A, that MSFOMA, while the grantee of an Order under the 1967 Act, is still in law a private limited company. Please let us know once MSFOMA has decided on an approach.

We are also aware of a further ongoing objection by Roberts & Sons which relates to activities within Area D of the Order. We would be grateful if you could provide confirmation if this objection has now been resolved, or alternatively what steps you are taking to resolve this issue.

Thank you for the invitation to attend the MSFOMA meeting on 14 December, unfortunately neither I nor my colleague Jose Constantino is able to attend on this occasion.

Regards

Margaret

From: Susan Utting [mailto:sutting003@btinternet.com]
Sent: 29 November 2016 16:12
To: Rees, Margaret (ESNR-AFM-Marine & Fisheries)
Cc: Jim Andrews; Trevor Jones; Jonathan King; David; Shaun Krijnen
Subject: Re: Recent Correspondence to Cabinet Secretary

Dear Margaret

It's a while since we provided you with a copy of the Operating Plan that we developed to overcome the concerns of those who sent in objections from the recreational sector to the proposed FO in Menai Strait West. MSFOMA has its next meeting on 14 December when we will need to make decisions on where we go next. It is still our firm belief that we will be able to implement the Operating Plan as a condition of the leases that MSFOMA will issue to the proposed lease holders. We are still waiting for WG opinion on this (as requested in my letter to the Cabinet Secretary).

It will soon be the start of another new year and a new growing season for shellfish producers. They need to be taking advantage of this and putting stock on to the ground with the full protection that a Fishery Order will give them. The continued delay is having a significant drain on the finances and resources of MSFOMA and the proposed lease holders. We ask you to get back to us urgently on this.

Again, I am inviting you or a WG official to come to the MSFOMA meeting on 14 December. We always welcomed Bill Somerfield and found it extremely helpful to have him with us.

Could you please copy your reply to all the recipients of this e-mail as I have to be away for a few days from Thursday.

I look forward to hearing from you very, very soon.

Regards
Sue Utting

Sent from my iPad

On 21 Oct 2016, at 13:09, Jim Andrews (AWJ) <jim@awjmarine.co.uk> wrote:

Margaret

Please find a copy of the "Operating Plan" attached.

If you have any further queries please don't hesitate to get in touch.

Regards

From: Susan Utting [mailto:sutting003@btinternet.com]
Sent: 20 October 2016 18:58

To: Jim Andrews
Cc: margaret.rees@wales.gsi.gov.uk
Subject: Fwd: Recent Correspondence

Jim

Can you please forward Margaret a copy of the Operating plan please.

Sue

Sent from my iPad

Begin forwarded message:

From: <Margaret.Rees@wales.gsi.gov.uk>
Date: 20 October 2016 at 11:31:07 BST
To: <sutting003@btinternet.com>
Subject: Recent Correspondence

Hi Sue

Further to your recent correspondence to the Cabinet Secretary, this has now been passed to me to provide a response. The Operating Plan was not included you're your letter (as stated), are you able to provide me with a copy please.

Thanks

Margaret

Margaret S Rees

Is-adran Môr a Physgodfeydd / Marine & Fisheries Division
Llywodraeth Cymru / Welsh Government
Llys y Ddraig
Parc Busnes Penllergaer / Penllergaer Business Park
Abertawe / Swansea. SA4 9NX
Ffon / Tel : (0300 790 4555)
Facs / Faxes: (0300 790 2483)

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Wrth adael Mewnwyd Ddiogel y Llywodraeth nid oedd unrhyw feirws yn gysylltiedig â'r neges hon. Mae'n ddigon posibl y bydd unrhyw ohebiaeth

drwy'r GSi yn cael ei logio, ei monitro a/neu ei chofnodi yn awtomatig am resymau cyfreithiol.

<MSW Working Group Operating Plan Proposals Revised 131016.pdf>

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Wrth adael Mewnwyd Ddiogel y Llywodraeth nid oedd unrhyw feirws yn gysylltiedig â'r neges hon.

Mae'n ddigon posibl y bydd unrhyw ohebiaeth drwy'r GSi yn cael ei logio, ei monitro a/neu ei chofnodi yn awtomatig am resymau cyfreithiol.

Annex F: Correspondence from RYA following communication of WG advice in Annex E.

Jim Andrews (AWJ)

From: Emma Barton <Emma.Barton@rya.org.uk>
Sent: 07 December 2016 16:30
To: jim@awjmarine.co.uk; Ruth Iliffe; Jo Powell; Dan
Cc: "N UTTING"
Subject: RE: Menai Strait West - Proposed Order - Meeting on 14th December and response from Welsh Govt

Dear Jim,

Thanks for the update – obviously we will wait for the outcome of discussions between MSFOMA and your legal advisors.

At the last meeting, the issue of the use of moorings/racing marks was raised. We've since developed some wording to cover this to include in the appropriate place in the Management Plan and para 8 of the Operating Plan (or what it eventually becomes). As follows:

In order to ensure that recreation and such activities can continue unhindered, neither the grantee of the Order nor any shellfish farmers operating in the areas shall take any action to prevent access to the Fishery Order areas in connection with activities (including recreational activities) that will cause no significant or deliberate harm to either the shellfish under cultivation or any equipment being used for cultivation activities (such as oyster frames and bags). Nor will the grantees or lessees take any enforcement action against any third parties who may innocently or inadvertently cause minor disturbance to the shellfish under cultivation or equipment used or cultivation activities. For the purpose of section 7(4) of the Sea Fisheries (Shellfish) Act 1967, any recreational user of the Fishery Order area who lays race marks in that area shall be deemed to be acting as agent of the grantee and for a lawful purpose of navigation.

Hope that makes sense? Please let me know if you have any queries.

Unfortunately I am not able to travel to you on the 14th, but I can see that Ruth has the meeting in her diary so will hopefully be able to attend.

Thanks,

Em.

Emma Barton
Planning and Environmental Manager
Royal Yachting Association

T: 02380 604222 M: 07795564386
E: emma.barton@rya.org.uk
W: www.rya.org.uk/environment



RYA House, Ensign Way, Hamble, Southampton, Hampshire, SO31 4YA
www.rya.org.uk T: 02380 604100 F: 02380 604299



From: Jim Andrews (AWJ) [mailto:jim@awjmarine.co.uk]
Sent: 07 December 2016 16:08
To: Ruth Iliffe <ruth.iliffe@ryacymruwales.org.uk>; Emma Barton <Emma.Barton@rya.org.uk>; Jo Powell <hornet_mainsheet@hotmail.com>; Dan <daniel.llewelyn@btinternet.com>
Cc: "N UTTING" <sutting003@btinternet.com>
Subject: Menai Strait West - Proposed Order - Meeting on 14th December and response from Welsh Govt

Dear Ruth, Emma, Jo and Daniel

I hope that you are all well.

I am writing with an update on recent events concerning the proposed Menai Strait West Fishery Order and to confirm (I hope) the proposal for a meeting on the 14th December.

Further to our previous discussions and correspondence, we have now had a response from the Welsh Government to Sue Utting's letter of the 18th October, enquiring about options for ensuring that any future operations within the proposed new Menai Strait (West) Fishery Order are compatible with recreational activities. (I have attached our letter for your reference).

You will see that the response does not steer us in any particular direction.

Before receiving this response we had been wondering whether or not to proceed with the proposed meeting on the 14th December in Porth Dinorwic, simply because there was nothing new to discuss. Having now received this, we have canvassed our members and consider that it would now seem appropriate to progress with the meeting in order to raise awareness of the WG response and allow time for discussion about it.

Sue Utting and I also thought that you would all appreciate early sight of this advice so that you can consider your own response to it ahead of the meeting.

I hope that you are all still available for a meeting on the 14th December, and apologise for the late confirmation – as you can see it is due to circumstances beyond our control. I will send out a reminder / invitation to all of the other participants either later today or early tomorrow (once I have had a chat to Jo to check that the sailing club is available).

In the meantime, if you have any queries please don't hesitate to get in touch with me.

Regards

Jim

From: Margaret.Rees@wales.gsi.gov.uk [mailto:Margaret.Rees@wales.gsi.gov.uk]
Sent: 05 December 2016 15:45
To: sutting003@btinternet.com
Cc: jim@awjmarine.co.uk; trevormussels@yahoo.com; j.w.king@bangor.ac.uk; david@halenmon.com; theoysterman@bopenworld.com; Stuart.Evans@wales.gsi.gov.uk; Jose.Constantino@wales.gsi.gov.uk; Robert.Floyd@wales.gsi.gov.uk
Subject: Menai Strait West - Proposed Order

Annex G: Letter from Hill Dickinson Solicitors, November 2015

HILL DICKINSON

COPY

Welsh Government Fisheries and Menai Strait Fishery Order
Unit Management Association
Rhodfa Padarn Port Penrhyn
Aberystwyth Bangor
SY23 3UR Gwynedd
LL57 4HN

Your Ref:
Our Ref: 102236.21.EE.hbw
Doc Ref: 136549391.1
Date: 27 November 2015

Direct Line: +44 (0)151 600 8807
elwyn.edwards@hildickinson.com

Please ask for Elwyn Edwards

Sent by email to marineandfisheries@wales.gsi.gov.uk and
info@msfoma.org

Dear Sirs

Re: **Consultation : Menai Strait (West) Fishery Order
Application for a Several Order under the Sea Fisheries (Shellfish) Act 1967, as
amended
Plot D : Approximately 4 hectares of the bed of the Menai Strait**

We act on behalf of the Roberts of Port Dinorwic group of companies based at Griffiths Crossing Industrial Estate, Griffiths Crossing, Caernarfon, Gwynedd LL55 1TS. The above consultation process has come to the attention of our client who is extremely concerned at the possible impact of the proposals on our client's business, insofar as the same relate to the area described as Plot D at the Menai Strait.

Our client owns and operates a substantial meat processing business immediately adjacent to Plot D and the business is dependent upon the continued use of certain installations and facilities which are located within Plot D, on the bed of the Menai Strait. Accordingly, we are instructed to lodge an objection to the proposed application, so far as it relates to Plot D, and to make the representations below.

Installations and Structures within Plot D:

The factory and office buildings within our client's property was constructed by Welsh Seafoods Limited in approximately 1973 and, at the same time, a discharge pipe, pumping station, sea water tank and suction pipe were constructed and located within Plot D, to serve the factory. The property, including the factory and offices, was acquired by our client in 1983 and our client's business relocated from Felinheli to Griffiths Crossing as part of a large expansion project. The property is approximately 7 acres in area and is shown edged red on the attach Land Registry title plan.

hildickinson.com

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Meat and other products] is processed at the factory and any waste produced during the process is treated in a sophisticated waste treatment plant situated within the property. The treated waste material, in the form of polished water, together with all surface water from the site is then discharged into the Menai Strait through a discharge pipe which is laid upon and passes across Plot D.

The position of the discharge pipe, and the other structures and installations, is best illustrated by the enclosed plan which was attached to a Lease of Plot D dated 2nd November 1988 granted by The Crown Estate Commissioners to our client company. The attached plan shows the position of the discharge pipe and also a pump room, suction pipe and sea water tank, all of which are located within Plot D on the bed of the Menai Strait. Indeed, the whole of Plot D, being the area between the points marked A-A and B-B was demised to our client by the said Lease. The discharge pipe is laid on the bed of the Menai Strait and, although in places partially buried, is visible along its whole length until it reaches the mean low water mark. The existence of the discharge pipe and the adjacent concrete sea tank (which is a very substantial structure) is marked (for navigation purposes) by a steel perch and beacon, as required by Trinity House.

The freehold to Plot D is owned by Her Majesty the Queen, represented by The Crown Estate Commissioners, but is occupied by our client, originally under the provisions of the said Lease dated 2nd November 1988 but currently under the terms of an Agreement dated 24th May 2002. Such Agreement allows our client to place and maintain the installations and structures on the "land" and imposes obligations on our client to maintain and keep all of the installations and structures in good, safe and substantial repair and condition.

In addition, foul water from our client's property is treated at a separate treatment plant and is then discharged into the Menai Strait at a point in the north easterly corner of the property, via a stream.

The two discharges into the Menai Strait are authorised by two Discharge Permits (both current permits being dated 14th April 2015) issued by Natural Resources Wales pursuant to the Environmental Permitting (England and Wales) Regulations 2010.

Background to Roberts of Port Dinorwic:

The business was established in 1924, in nearby Felinheli, as Roberts & Sons Curers Limited, and has been run by the Roberts family from the outset. The enterprise is still a family owned and run business and is currently led by two sisters who are the 4th generation of the Roberts family. Originally, the business involved the slaughter of locally bred animals, the curing of bacon and the sale and distribution of processed meat to the local market. Today, the Group runs a complex meat processing operation supplying processed meat products to restaurant chains, wholesalers and retailers both nationally and internationally. The Group has a current annual turnover of over £12m and employs 110 workers at the Griffiths Crossing site.

In addition, the livelihood of countless other businesses and individuals in the north Wales area, and beyond, is dependent upon the continued success of our client's business. These include the suppliers of raw material, electricians, builders, waste contractors, IT support contractors, plumbers, hauliers, distributors and laundry companies.

The Group also runs extensive training programmes providing significant technical support to its employees and others and providing vital interaction with Government agencies, other businesses and the community. All such training programmes are delivered in the medium of both Welsh and English.

Possible Impact of the Menai Strait (West) Oyster and Mussel Fishery Order Plot D:

The documents and information referred to in the Consultation Notice, or associated with the consultation process, do not provide any detail of any physical works which will be undertaken in connection with the establishment and development of Plot D as a fishery area for oysters. Furthermore, our client can only speculate as to the precise process and methods which will be employed in the laying, nurturing and harvesting of the oyster beds. It is feared, however, that such operations will involve the physical disturbance and excavation of the bed of the Menai Strait and, on past experience elsewhere in the Menai Strait, could lead to the silting of the seabed.

Without a full explanation of the works that will be involved in the establishment of Plot D as a fishery and proper consideration of the impact of those works and the subsequent use of the fishery on our client's property/infrastructure/rights/operations the Welsh Ministers are not in a position to be able to confirm the proposed Order.

We are instructed to emphasise that any interference with, obstruction or interruption of the use of the discharge pipe will inevitably result in the immediate closure of our client's factory. The meat processing operation is entirely dependent upon the undisturbed and uninterrupted discharge of treated waste through the discharge pipe which is laid across the whole breadth of Plot D. Any such interference, interruption or obstruction would have a catastrophic impact upon our client's business and, consequently, upon its employees and all others dependent upon the business for their livelihood. Any operational interruption will lead to substantial losses in respect of work in progress and the disposal of perishable stock, which at any given time can have a value of between £300,000 and £500,000.

The potential impacts of the development of a fishery on Plot D on our client, which is a significant local employer, is a material consideration to which the Welsh Ministers should attach significant weight in determining whether or not to confirm the Order.

It is submitted that the existence of the discharge pipe and the other substantial installations and structures within Plot D, renders the area wholly unsuitable for the establishment and development of a fishery area for oysters. The proposed Order should not be confirmed, insofar as it relates to Plot D, because of the potentially serious adverse impact upon our client's business, the local economy and the employment market.

Finally, the establishment of the fishery on Plot D pursuant to any Order would potentially breach the rights of our client (and its employees) under the European Convention of Human Rights (including, but not limited to, Article 1 of the First Protocol : protection of property).

If, despite our client's representations and objection, the proposed Order is confirmed in relation to Plot D, then the Order should provide that the eventual "Tenant" (the fishery bed operator) will be responsible to our client in respect of the following:

1. All and any physical damage caused to the discharge pipe and other structures within Plot D caused by the establishment, development or use of the fishery bed.
2. All and any damages, losses and expenses suffered or incurred by our client as a result of the development and use of the fishery bed. Such losses will include business interruption and loss of profit arising from the temporary or permanent disruption to our client's business.
3. Any additional costs incurred by our client in relation to the repair, maintenance, renewal or replacement of the discharge pipe arising from the development and use of the fishery bed, including any additional dredging work necessary to ensure the free flow of waste from the discharge pipe.

If the Order is to be confirmed, our client would look to the Welsh Ministers and the Menai Strait Fishery Order Management Association to protect and safeguard its interests and require any Tenant to provide adequate and fully supported indemnities in relation to the potential damages and losses which may be suffered by our client.

We would be grateful if you could acknowledge safe receipt of these representations and in the meantime, our client reserves the right to expand upon the grounds of objection set out in this letter, particularly if further information is forthcoming from the Association.

Yours faithfully

Hill Dickinson LLP

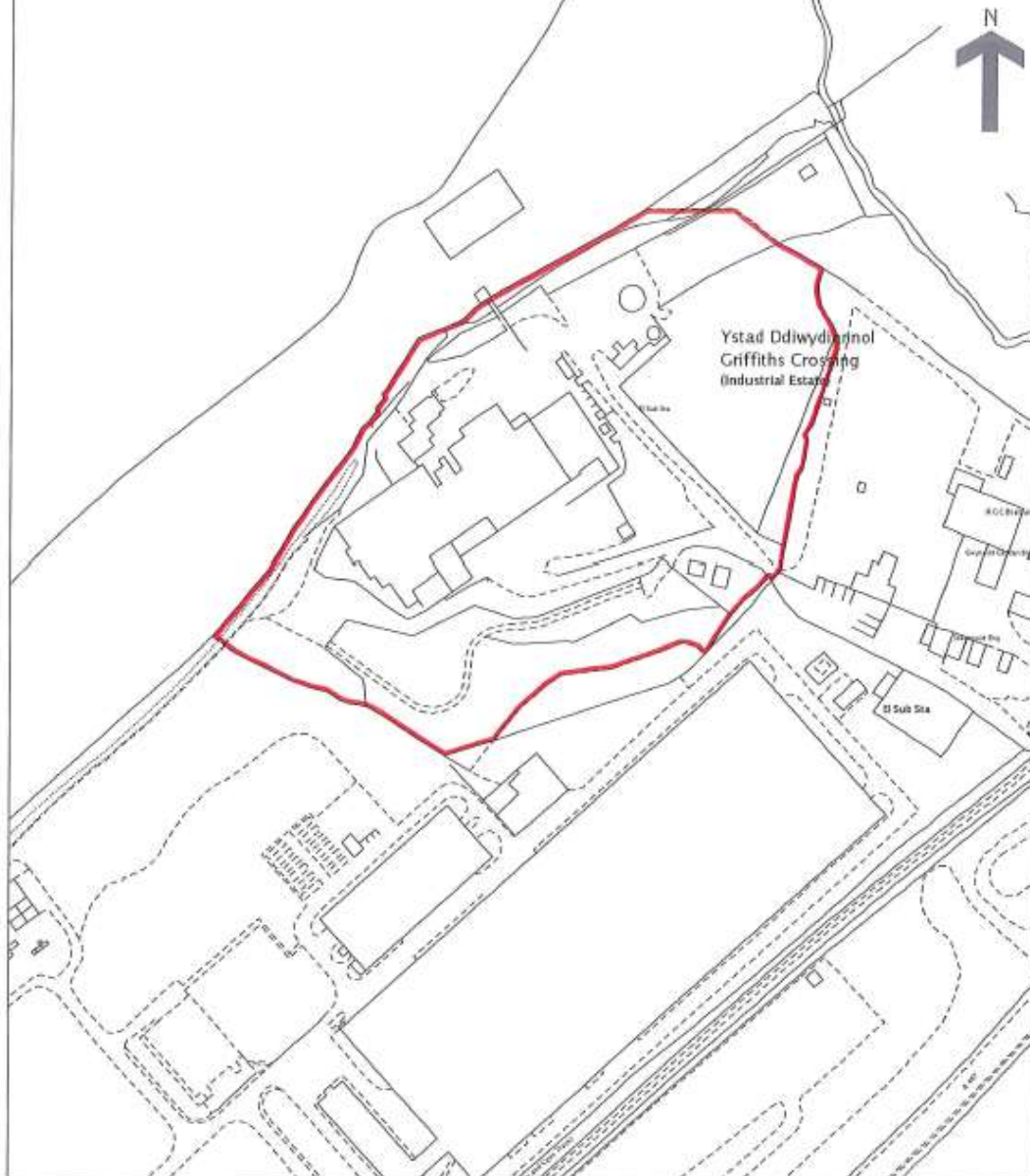
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Land Registry
Official copy of
title plan

Title number **CYM516995**
Ordnance Survey map reference **SH4965NE**
Scale **1:2500**
Administrative area **Gwynedd**



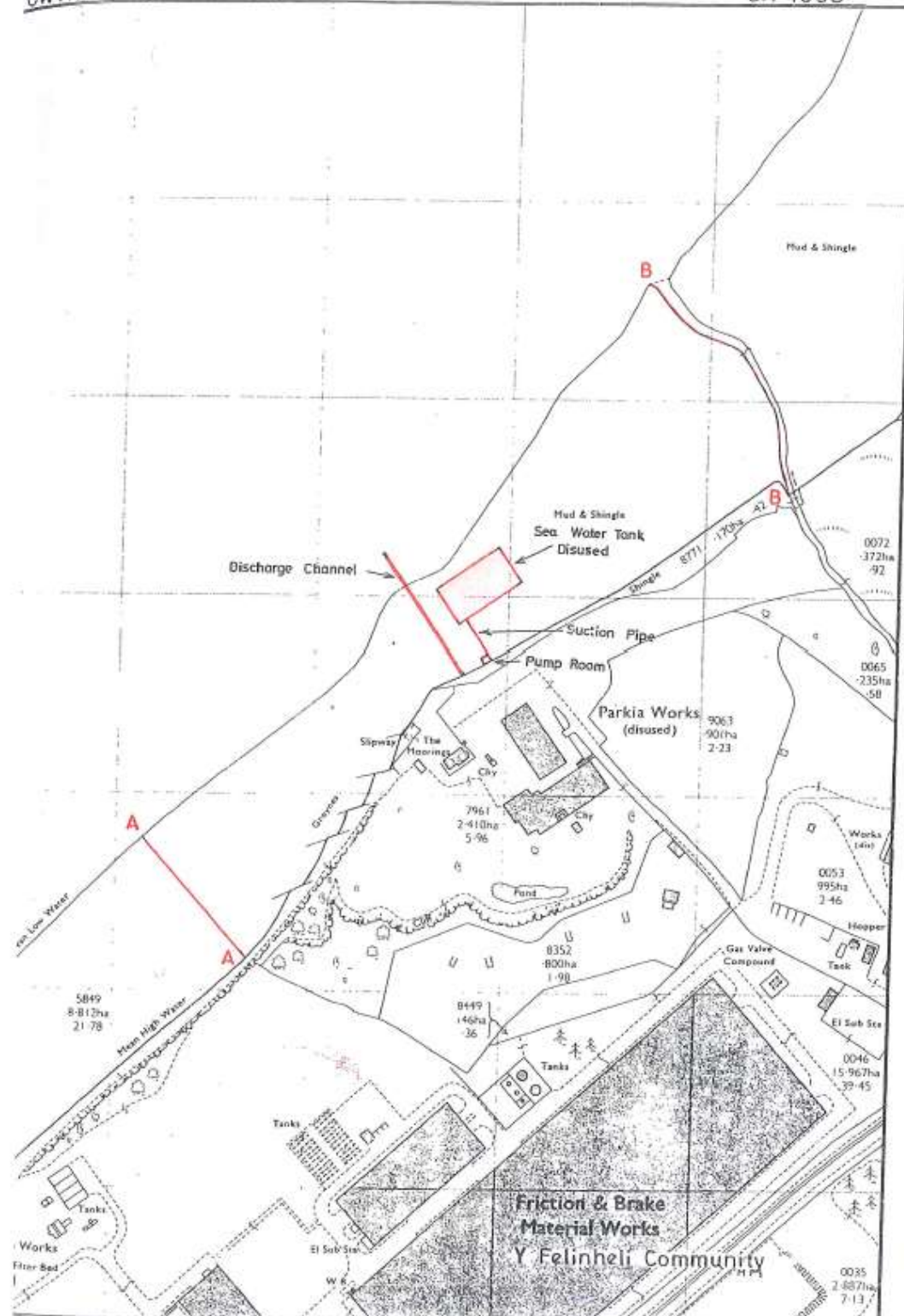
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Mae'r copi swyddogol hwn yn anghyflawn heb y dudalen nodiadau flaenorol.

GWYNEDD (CAERNARVON)

SH 4965



on Estate Office
all Mail London SW1Y 5ES

SCALE 1:2500

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Annex H: E-mail from Hill Dickinson Solicitors, October 2016

MSFOMA

From: Andrew Williams <Andrew.Williams@hilldickinson.com>
Sent: 28 October 2016 11:52
To: chair@msfoma.org; info@msfoma.org
Cc: Roger Pointon
Subject: Proposed Menai Strait West Fishery Order [HD-UKLive.FID6116975]
Attachments: 20161028113903155.pdf

To : The Chair , MSFOMA

Dear Ms Utting,

I refer to previous correspondence in this matter and confirm that this Firm continues to act for the Roberts of Port Dinorwic group of companies

We previously wrote to you on 27th November 2015 by way of our formal letter of objection submitted on behalf of our clients (copy attached) by Elwyn Edwards

Please note that Mr Edwards has now retired and I would ask you to amend your contact details so that my email address (andrew.williams@hilldickinson.com) is included on your contact list for the purposes of receiving all future communications pertaining to this matter

Can you please also ensure that (if not already the case) my colleague Roger Pointon (roger.pointon@hilldickinson.com) is also included on all communication / contact lists. In addition, I am aware that Sara Roberts of our client (sara.roberts@roberts-wales.co.uk) has recently been added to your communication list and I would confirm for the avoidance of doubt that she should remain on that list in addition to myself and Mr Pointon

I have recently been provided with copies of the minutes relating to the meeting of the Association on 14th July 2016 ("the July Minutes ") and I have been asked to contact you with regard to the contents of the July Minutes

In the July Minutes (paragraph 2.e.) it is stated that "further discussions should take place" between Mr Roberts (of our client) and the proposed tenant for Plot D .In this regard please note the following :

- 1.My client has not entered into any discussions with the proposed tenant of Plot D and as such we do not believe the reference to "further" discussions to be correct as no discussions have taken place to date
- 2.My client does not believe that any discussions with regard to Plot D are viable given that they do not see that it is possible to address the concerns they have with regard to Plot D
- 3.As such we wish to make very clear that our clients' position is that they continue to object, in the strongest possible terms, to the proposed application
- 4.The position has already been outlined in considerable detail in our letter dated 27th November 2015 and by way of reminder our clients are concerned as to the potential risk of loss of employment of 110 workers at their Griffiths Crossing site and the onwads impact on the livelihood of numerous other business and individuals in the North Wales area which are reliant upon the continued success of our clients' business.
- 5.We would ask that the minutes of the meeting of 14th July 2016 are amended to note that our clients objection remains as set out above .We would also ask that this communication is brought to the attention of all concerned in order to avoid any possibility of misunderstanding or misinterpreting our client's position with regard to Plot D and their consequent objection to the proposed application

We are also aware that a further meeting took place on 13th October .We look forward to receiving minutes of that meeting and reserve the right to comment on those as required in due course

I should be grateful if you could acknowledge this in the first instance as a matter of urgency and look forward to hearing from you

Kind regards,

Andrew Williams
Member
Property - Corporate and Investment
Hill Dickinson LLP

No.1 St Paul's Square, Liverpool, L3 9SJ
TEL: +44 (0)151 600 8759
FAX: +44 (0)151 600 8001

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Annex I: Response to Hill Dickinson Solicitors from MSFOMA, November 2016

Menai Strait Fishery Order Management Association

Port Penrhyn, Bangor, LL57 4HN

Andrew Williams
Hill Dickinson LLP
No. 1 St Paul's Square
Liverpool
L3 9SJ

14th November 2016

Your Ref: 102236.21.EE.hbw
By Post & e-mail

Dear Mr Williams

PROPOSED MENAI STRAIT WEST FISHERY ORDER

Many thanks for your e-mail of 28th October advising us of staffing changes at your practice and raising a number of points with respect to the proposed Menai Strait West Fishery Order. Your letter and previous correspondence raise a number of points which I hope we have addressed below.

We have amended our database of contacts according to your instructions. Future updates on the proposed Menai Strait West Fishery Order will now be sent to andrew.williams@hilldickinson.com and roger.pointon@hilldickinson.com as well as your client, sara.roberts@roberts-wales.co.uk. I wonder if you could confirm whether you would like us to remove helen.bale-williams@hilldickinson.com from this list.

We have considered the issues raised in the numbered items in your e-mail, and our responses are given below.

1. Minutes of meeting, July 2016.

The minutes you refer to are those of the "Liaison Group" meeting that took place on the 14th July date. You have requested on your client's behalf that the word "further" is removed because Mr Roberts states that he has not entered into any discussions with the proposed tenant of Plot D.

Our own records show otherwise. On the afternoon of the 14th April 2016 Mr Roberts and his wife attended a "drop in" session at Port Dinorwic Sailing Club where they discussed their concerns with Dr Jon King (the proposed tenant for Plot D) and Dr Jim Andrews. Mr & Mrs Roberts returned to attend another meeting that evening in the sailing club to reiterate their concerns, which was attended by 22 other local stakeholders, as well as Dr King, Dr Andrews, as well as myself and Mr Trevor Jones from MSFOMA. Again there was discussion at that meeting between Mr Roberts and Dr King about Plot D.

At the meeting on the 14th July 2016 Mr Roberts reiterated the concerns that he had raised in April. These concerns were discussed with the representatives of MSFOMA that were present at that meeting in July (myself and Dr Andrews).

It therefore appears to us that by the time of the meeting on 14th July, Mr Roberts had met with Dr King twice on the 14th April to discuss his concerns about Plot D, and discussed this further with us at the meeting on the 14th July. In this context, the wording of the minute appears to us to be appropriate.

Page 1 of 5

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

2. Discussions about Plot D

We note that your client feels that discussions about Plot D are not viable.

We are disappointed that Mr Roberts has not accepted our invitations to meet with him to discuss his concerns about Plot D in further detail, as we are sure that this could help to build a better understanding of each party's position and in all probability resolve all of the concerns.

3. Continued objection

We note that your client wishes to sustain their objection to the renewal of the Fishery Order in this area.

4. Grounds for objection

You have referred to your letter of the 27th November 2015 as setting out the grounds for objection to the proposal. We responded to the information requests in that letter earlier this year, and also suggested that it would be helpful to meet with yourselves and Mr Roberts to discuss his fears about the potential impact of oyster cultivation on his business. As already noted, that offer has not been accepted, and Mr Roberts has declined further invitations to meet with Dr King and representatives of MSFOMA to discuss his objection.

Given the passage of time and items (2) and (3) in your correspondence, it seems appropriate to respond more formally to the issues raised in your letter of 27th November 2015. We have responded in sequence to the issues raised in your letter, using the headings in that letter to assist in linking your concerns to our responses.

a. Installations and structures within Plot D

We note that your client's business started operations at Griffiths Crossing in 1983 and has an agreement with the Crown Estate Commissioners relating to the foreshore areas dated 2nd November 1988. You indicate that the "*whole of Plot D...was demised to our client by the said lease*".

In response to these comments:-

- i. Chronology – at the time Mr Roberts' business relocated to Griffith's Crossing and until 2008, oysters have been cultivated in Plot D. The extent, method, and location of the oyster cultivation area under a new Fishery Order will be no different to that which was permissible from 1978-2008 under the original Menai Strait (West) Fishery Order 1978. Dr Jon King, who operated in this area under the previous Fishery Order is the proposed new tenant.

It would be very helpful to us if your client could explain what aspects of oyster cultivation operations that took place without apparently adversely affecting his business in the past will now pose a threat to the ongoing operation of his business.

- ii. Demised rights and the Crown Estate Commissioners – our own communications with the Crown Estate Commissioners, and a recent proximity check carried out by them indicates that Mr Roberts has been granted a licence to operate a discharge on this land, rather than a lease of the land itself.

It would seem that your client and the Crown Estate may have a different view of what rights and privileges may or may not have been granted to your client. Given the uncertainty here, it is not for us to comment on this matter until the Crown Estate Commissioners have clarified the situation. We will make our own enquiries in this regard, as we are sure you also will.

Page 2 of 5

b. Background to Roberts of Port Dinorwic

There do not seem to be any comments in this part of the letter that form part of the objection. We do, however, note the long heritage of this company and its valuable contribution to local employment and the economy.

c. Possible impact of the Menai Strait (West) Oyster and Mussel Fishery Order Plot D.

The letter refers to uncertainty about the nature of operations that are proposed for Plot D, and states that:-

"The documents and information referred to in the Consultation Notice [...] do not provide any detail any physical works which will be undertaken in connection with the establishment and development of Plot D as a fishery areas for oysters. Furthermore, our client can only speculate as to the precise process and methods which will be employed in the laying, nurturing and harvesting of the oyster beds. It is feared, however, that such operations will involve the physical disturbance and excavation of the bed of the Menai Strait and, on past experience elsewhere in the Menai Strait, could lead to the silting of the seabed.

Without a full explanation of the works that will be involved in the establishment of Plot D as a fishery and proper consideration of the impact of those works and the subsequent use of the fishery on our client's property / infrastructure / rights / operations the Welsh Ministers are not in a position to be able to confirm the proposed Order.

We are instructed to emphasise that any interference with, obstruction or interruption of the use of the discharge pipe will inevitably result in the immediate closure of our client's factory. [...]

It is submitted that the existence of the discharge pipe and the other substantial installations and structures within Plot D, renders the area wholly unsuitable for the establishment and development of a fishery area for oysters. The proposed Order should not be confirmed, insofar as it relates to Plot D, because of the potentially serious adverse impact upon our client's business, the local economy, and the employment market.

Finally, they establishment of the fishery on Plot D pursuant to any Order would potentially breach the rights of our client (and it's employees) under the European Convention of Human Rights (including, but not limited to, Article 1 of the First Protocol: protection of property)."

In response to these comments:-

- i. **Information about proposed operations** – we have now met with Mr Roberts on several occasions and have explained to him the nature of operations that were permitted on the site previously, and that future operations would be of a similar nature.

Mr Roberts has declined our invitations to meet with him on-site to discuss these operations and observe the oyster frames that remain *in situ* on the site from the previous period of operations. We remain of the view that this would allay his concerns, and our offer remains open.

- ii. **Interference or interruption of the use of the outfall** – we appreciate that the uninterrupted use of the outfall is vital to Mr Roberts' business. However it is evident that oyster farming operations have been permitted in Plot D since 1978 and therefore throughout the period that Mr Roberts' business has operated at Griffiths Crossing. Oyster farming has not, to our knowledge, caused any interference with the outfall at any time. .

Page 3 of 5

The proposed tenant of Plot D, Dr Jon King, has cultivated oysters in this area before (for a period of 6 years), again without any apparent impact on Mr Roberts' outfall or business activities. Dr King has undertaken to carry out his future activities in the same manner as previously, and has demonstrated through his engagement with Plas Menai watersports centre that he is happy to enter into dialogue and agreement with other users of the area to ensure that potential interference between his activities and other users is avoided.

Again, we note that Mr Roberts has been invited by us to meet and discuss his concerns about the outfall and how oyster cultivation operations might impact upon it, but has declined these invitations. We feel that such a meeting would help us to understand his concerns better, and we believe it would reassure him that, as in the past, oyster cultivation poses no threat to his business.

In the meantime, it would be very helpful to us if Mr Roberts can detail any past occasions when oyster cultivation operations on the site have interfered in any way with the outfall.

- iii. Suitability of Plot D for oyster cultivation – we note the view expressed in your letter that the structures on the site make it unsuitable for oyster cultivation. However, as evidenced by the use of this site without apparent issue previously, it is clear that Plot D is in fact very suitable for inclusion in a Fishery Order and for oyster cultivation.

There has not, to our knowledge, been any significant change to the structures on the site since 2008 or any change in Mr Roberts' use of the area that would indicate otherwise. *In lieu* of a site visit to discuss such matters at the locations concerned it would be very helpful to us if Mr Roberts could advise us whether there have been changes in the physical nature of the site since 2008 that would now render it unsuitable for oyster cultivation.

- iv. Human Rights violation – for all of the reasons set out above, coupled with the safeguards set out in the relevant legislation, we do not consider that the proposed operations will breach Mr Roberts' human rights.

The letter of 27th November goes on to request that the occupant of Plot D should be responsible to the client in respect of damage to the outfall pipe and any associated losses or costs incurred by Mr Roberts, and states that:-

"If the Order is to be confirmed, our client would look to the Welsh Ministers and the Menai Strait Fishery Order Management Association to protect and safeguard its interests and require any Tenant to provide adequate and fully supported indemnities in relation to the potential damages and losses which may be suffered by our client."

In response to this request, MSFOMA had hoped that a site visit and further meetings with Mr Roberts would either reassure him that since oyster cultivation in the past has not impacted his business, the same activity in the future will also have no impact and that as a consequence any indemnities are unnecessary; or alternatively give him the opportunity to point out to us the real risks associated with the activity and convince MSFOMA that indemnification would be prudent. Again, because Mr Roberts has declined such meetings we are unable to make an informed response to this request. We cannot of course speak for the Cabinet Secretary in this regard.

5. Amendment to minutes

It is not within the gift of MSFOMA to amend the minutes of the Liaison Group meeting without the approval of that Group, and it would be inappropriate for us to take this action. The minutes of the meeting must be agreed and approved by its participants.

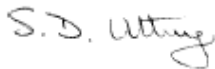
At the most recent meeting of the liaison group on 13th October, Mr Roberts asked for the minute to be amended. The wording in the minutes that you have referred to was agreed with Mr Roberts at that meeting. The Liaison Group then formally agreed that the minutes should be accepted subject to this agreed amendment being incorporated in them.

The next meeting of the Liaison Group is due to take place on 14th December 2016. If you wish, we can ask the Liaison Group to consider your client's request in the light of your correspondence and the information included in item (1) above and decide whether or not the minute is accurate.

I hope that these comments are helpful. We will keep you and your client informed about upcoming meetings and any further developments. At risk of repeating ourselves, we remain of the view that a meeting on-site with Mr Roberts and the proposed tenant would be a great benefit in resolving this matter. Both Mr Roberts' business and oyster cultivation thrived side-by-side at this location for 25 years previously, and we remain of the view that both can flourish here in the future.

In the meantime, if you have any further comments or queries please do not hesitate to get in touch.

Yours sincerely



SUE UTTING
Chair, MSFOMA

Fishery Management Issue: **Morecambe Bay Cable Tunnel**

Background

National Grid are planning to upgrade the electricity transmission infrastructure in Cumbria to link the proposed Moorside nuclear power station to the electricity network. The new link will cross Morecambe Bay in a tunnel. In November 2016 the Association was consulted about the proposal.

Recommendations

1. That the Association should respond to the consultation received from National Grid.

1. Proposal

- 1.1 On the 23rd November 2016 the Association was consulted about a proposal to extend the electricity network in Cumbria, which will result in a cable tunnel being constructed across Morecambe Bay. A copy of the e-mail seeking the Association's initial feedback on this proposal is attached at Annex A.
- 1.2 The News Release enclosed at Annex B provides some information about the proposals. Very briefly, the new Moorside power station in western Cumbria will need to be linked to the electricity network and new transmission lines will need to be built between the power station site and the national grid at Heysham in Lancashire. A decision on whether or not the power station will be built is due to be taken by the Government in 2018.
- 1.3 The proposed electricity connection will cross Morecambe Bay. The route for crossing the Bay is shown in Annex C. It is understood that the tunnel will be installed without disturbing the surface sediments of the Bay. The red circle shown on the chart indicates the location of a ventilation shaft that will extend from the tunnel and above the water level in the central part of the Bay.
- 1.4 Members will note that the tunnel route is to the north-east of the mussel skears in Morecambe Bay that are an important seed mussel resource for the Menai Strait mussel farming industry.
- 1.5 Members' views are sought on the response that the Association should make to this proposal.

MSFOMA Secretariat
December 2016

Annex A: E-mail to MSFOMA from National Grid Fishery Liaison Officer

MSFOMA

From: Colin Richards <colinrichards@networkmarine.fsnet.co.uk>
Sent: 23 November 2016 09:52
To: info@msfoma.org
Subject: NWCC Morecambe Bay Tunnel Project
Attachments: 20161014 NWCC Consultation Announcement PR FINAL.pdf;
Revised_Tunnel_Alignment.pdf

Flag Status: Flagged

Dear Sirs

Please see attached and below Press Release information regarding formal consultations that are taking place in connection with the NWCC Project and the building of the Morecambe Bay tunnel.

As the appointed fisheries liaison representative for the project and aware that you operate vessels that may occasionally operate in the waters of Morecambe Bay, I am contacting you to ensure that you are aware of the project and to provide fishing interests with a point of contact for any project communications.

Initial marine survey works were carried out in 2015 and marine borehole works along the tunnel route were also carried out during the summer of 2016, and you may have received Notice to Mariners information regarding these marine operations. Further marine borehole works along the tunnel route and in the vicinity of an islet location in the central Yeoman Wharf area of Morecambe Bay are being planned for early 2017.

It would be useful if you could advise me in which periods of the year you would usually operate in the waters of Morecambe Bay, the area of operation, and if you feel you are likely to be affected by the project. I will keep you advised of project scheduling and please don't hesitate to contact me if you require any further information or would like to discuss any concerns or issues you may have.

Kind regards

Colin Richards
Fishing Liaison – Intertek MBP
NetWork Marine Services
Office: +44 (0)1404 46323
Mobile: +44 (0)7702 693 660

“North West Coast Connections – formal consultation now open

As someone who has registered to receive updates about the North West Coast Connections (NWCC) project, I am writing to let you know that formal consultation on our detailed proposals for the connection is now open.

The consultation will run for 10 weeks. **All responses need to be received by us no later than 5pm on Friday 6 January 2017.**

Copies of all the consultation documents, detailed technical reports, maps and plans we have prepared to explain the proposals we're consulting on and help you provide feedback, are now available on our project website www.northwestcoastconnections.com. A copy of the Statement of Community Consultation (SoCC) we have prepared to explain how we are carrying out this consultation is also available.

It's likely to be the last time we consult on our proposals before we apply for consent, so it's really important that you tell us what you think. We'll review our proposals in light of feedback we receive to see if there are any changes we need to make as we finalise the application we submit to the Planning Inspectorate.

While we will record and acknowledge all the feedback submitted to this consultation, we will be unable to respond to you individually. We will address all the issues and themes you raise in your feedback and explain how we've taken your views into account in developing our final proposals in a Consultation Report that will be submitted as part of our application.

We will continue to keep you updated as the consultation progresses and welcome your comments on our proposals. You can supply feedback online on our website, www.northwestcoastconnections.com. You can also reply using a feedback form, which can be collected at a consultation event or from information points (details on these are available on our website), or on request from the project team. These can then be posted to FREEPOST NG NWCC, or handed to staff at a consultation event. Any written submissions sent to our freepost address, or emails sent to nationalgrid@northwestcoastconnections.com, will also be accepted as feedback.

Should you need any assistance, please do not hesitate to contact the project team by phone on 0800 876 6990, or by sending an email or letter to the addresses set out above.

Yours sincerely,



Robert Powell
National Grid
Project Manager – North West Coast Connections

NOTE: If you do not wish to receive further information about the North West Coast Connections project, please reply to this message including the word 'Unsubscribe' in the subject line. Please reply from the email account that you wish to remove from our mailing list."

Unique ID: 110155



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14 October 2016

News Release

National Grid announces start date for consultation on £2.8bn Cumbrian connection

- New connection needed to link the proposed Moorside nuclear power station in Cumbria into the electricity network
- National Grid announces 28 October as start date for consultation on detailed design
- Thirty public information events to take place during November and December
- Six years of work behind proposal which aims to find a balance between protecting landscapes and the cost passed on to bill payers

National Grid has announced that it will start consultation on Friday 28 October on the detailed proposals for the £2.8bn project to connect the proposed new nuclear power station at Moorside in Cumbria into the electricity network.

A series of 30 public information events will be held in Cumbria and Lancashire to share information for the first time on the technologies which could be used to make the new connections and exactly where in the landscape they could be built. (See Notes to Editors for a full list of event times, dates and venues).

Robert Powell, North West Coast Connections Project Manager said: "We have been working on this project for six years now and, in that time, we've had thousands of conversations with communities and key groups. We have listened to their views and these have helped us shape our plans.

"This work has taken a long time but we feel that it is important for us to get the balance right between the cost of the project, which is ultimately passed on to bill payers and the desire to protect treasured landscapes.

"When we start consultation, we will show people exactly where in the landscape our pylons, underground cables and substations could sit."

People are being urged to have their say on the latest proposals. National Grid is aiming to apply to the Government next year for permission for the connection to be built. This means that the forthcoming consultation could be the last to cover the whole route.

Robert added: "People's views have played an important role in helping us refine our project and we are keen to hear their opinions on the plans we have now developed. The next step is for us to apply for consent for the connections to be built, so it is important that people make the most of what could be the final opportunity to have a say on the project as a whole."

CONSULTATION

Consultation starts on 28 October 2016 and runs until 6 January 2017. People can register online now for project updates and further information on how to participate in the consultation is available on the website and will be sent to homes and businesses along the route.

The project website can be found at: www.northwestcoastconnections.com

For further information about the project, please contact the project team direct using any of the following methods:

- **Freephone:** 0800 876 6990
- **Email:** nationalgrid@northwestcoastconnections.com
- **Freepost:** Freepost NG NWCC

Contact for media information only:

Jeanette Unsworth
National Grid Media Relations
+44 (0) 7785 290230
jeanette.unsworth@nationalgrid.com
Out of hours: 0845 366 6769.

Photos:

For photos relating to this news release please visit <http://media.nationalgrid.com/>
Follow us on [Twitter](#)

Notes to Editors:

Consultation Event Programme

A full schedule of all the information events taking place, including details of the dates and venues, is listed below.

1. **Tuesday 01 November, 2pm-8pm – Rampside**
Rampside Village Hall, Roa Island Road, Rampside, Barrow-in-Furness, LA13 0PY
2. **Wednesday 02 November, 2pm- 8pm – Beckermest**
Reading Rooms, Sellafeld Road, Beckermest, CA21 2XN
3. **Thursday 03 November, 2pm-8pm – Seascale**
Seascale Methodist Church, Gosforth Road, Seascale, Cumbria, CA20 1PU

4. **Friday 04 November, 2pm – 8pm – Distington**
Distington Community Hall, Church Road, Distington, Workington, Cumbria, CA14 5TE
5. **Saturday 05 November, 10am-3.30pm – Lindal in Furness**
Buccleuch Hall, The Green, Lindal in Furness, Cumbria, LA12 0LX
6. **Tuesday 08 November, 2pm-8pm – Askam-in-Furness**
Askam Community Hall, Duke Street, Askam-in-Furness, Cumbria, LA16 7AD
7. **Wednesday 09 November, 2pm -8pm – Moresby Park**
Moresby Rugby Union Club, Walkmill Park, Moresby, Whitehaven, CA28 8XW
8. **Thursday 10 November, 2pm-8pm – Heysham**
Heysham Library, 396 Heysham Road, Heysham, Morecambe, Lancashire, LA3 2BJ
9. **Friday 11 November, 2pm-8pm – Broughton in Furness**
The Victory Hall, Station Road, Broughton in Furness, Cumbria, LA20 6HN
10. **Saturday 12 November, 10am-3.30pm – The Green**
Thwaites Village Hall, The Green, Millom, Cumbria, LA18 5HZ
11. **Tuesday 15 November, 2pm-8pm – Stainburn**
Helena Thompson Museum, Park End Road, Workington, CA14 4DE
12. **Wednesday 16 November, 2pm-8pm – Great Orton**
Great Orton Village Hall, Great Orton, Carlisle, Cumbria, CA5 6LU
13. **Thursday 17 November, 2pm-8pm – Silecroft**
Silecroft Village Hall, Main Street, Silecroft, Millom, Cumbria, LA18 4NU
14. **Friday 18 November, 2pm-8pm – Bootle**
Bootle Village Hall, Bootle Station, Cumbria, LA19 5UY
15. **Saturday 19 November, 10am-3.30pm – Roosecote**
Roose Community Primary School, North Row, Barrow in Furness, Cumbria, LA13 0HF
16. **Tuesday 22 November, 2pm-8pm – Aspatria**
Aspatria Rugby Club, Station Rd, Wigton, Cumbria, CA7 2AJ
17. **Wednesday 23 November, 2pm-8pm – Ravenglass**
Muncaster Parish Hall, Main Street, Ravenglass, Cumbria, Cumbria, CA18 1SQ
18. **Thursday 24 November, 2pm-8pm – Heysham**
Heysham Library, 396 Heysham Road, Heysham, Morecambe, Lancashire, LA3 2BJ
19. **Friday 25 November, 2pm-8pm – Newton-in-Furness**
Newton Village Hall, Newton Cross Rd, Newton-in-Furness, Cumbria, LA13 0ND
20. **Saturday 26 November, 10am-3.30pm – Grizebeck**
The Community Hall, Grizebeck, Kirkby-in-Furness, Cumbria, LA17 7XH
21. **Tuesday 29 November, 2pm-8pm – Egremont**

Egremont Market Hall, Market Street, Egremont, Whitehaven, Cumbria, CA22 2DF

22. **Wednesday 30 November, 2pm-8pm – Rockcliffe**
The Rockcliffe Centre, Rockcliffe, Carlisle, CA6 4AA
23. **Thursday 01 December, 2pm-8pm – Seaton**
Seaton Village Hall (Welfare Hall), Welfare Lane (off Causeway Road), Cumbria, CA14 1PN
24. **Friday 02 December, 2pm-8pm – Wigton**
The Market Hall, Church Street, Wigton, Cumbria, CA7 9AA
25. **Saturday 03 December, 10am-3.30pm – Kirkby-in-Furness**
Burlington C of E Primary School, School Road, Kirkby-in-Furness, Cumbria, LA17 7UH
26. **Tuesday 06 December, 2pm-8pm – Whitehaven**
NuGen's Moorside Information Centre, Civic Hall, Whitehaven, Cumbria, CA28 7SH
27. **Wednesday 07 December, 2pm-8pm – Carlisle West**
Morton Community Centre, Wigton Road, Carlisle, Cumbria, CA2 6JP
28. **Thursday 08 December, 2pm-8pm – Millom**
Millom Network Centre, Salthouse Road, Millom, Cumbria, LA18 5AB
29. **Friday 09 December, 2pm-8pm – Drigg**
Drigg & Carleton Parish Hall, Drigg Holmrook, Cumbria, CA19 1XF
30. **Saturday 10 December, 10am-3.30pm – Natland**
Natland & Oxenholme Village Hall, Oxenholme Lane, Kendal, Cumbria, LA9 7QQ

National Grid is one of the largest investor-owned energy companies in the world and was named Responsible Business of the Year 2014 by Business in the Community. This accolade acknowledges all of our efforts in getting involved with the things that really matter to us and to society. We own and manage the grids that connect people to the energy they need, from whatever the source. In Britain and the north-eastern states of the US we run systems that deliver gas and electricity to millions of people, businesses and communities.

In Britain, we run the gas and electricity systems that our society is built on, delivering gas and electricity across the country. In the North Eastern US, we connect more than seven million gas and electric customers to vital energy sources, essential for our modern lifestyles.

National Grid in the UK:

- We own the high-voltage electricity transmission network in England and Wales, operating it across Great Britain
- We own and operate the high pressure gas transmission system in Britain
- Our gas distribution business delivers gas to 10.9 million homes and businesses
- We also own a number of related businesses including LNG importation, land remediation and metering
- National Grid manages the National Gas Emergency Service free phone line on behalf of the industry - 0800 111 999 (all calls are recorded and may be monitored).
- Our portfolio of other businesses is mainly concerned with infrastructure provision and related services where we can exploit our core skills and assets to create value. These businesses operate in areas such as Metering, Grain LNG Import, Interconnectors and Property. National

Grid Carbon Ltd is a wholly owned subsidiary of National Grid. It undertakes Carbon Capture Storage related activities on behalf of National Grid.

National Grid in the US:

- National Grid delivers electricity to approximately 3.5 million customers in New England and upstate New York
- We own 3.8 gigawatts of contracted electricity generation, providing power to over one million LIPA customers
- We are the largest distributor of natural gas in northeastern U.S., serving approximately 3.6 million customers in New York, Massachusetts and Rhode Island.

Find out more about the energy challenge and how National Grid is helping find solutions to some of the challenges we face at www.nationalgridconnecting.com

National Grid undertakes no obligation to update any of the information contained in this release, which speaks only as at the date of this release, unless required by law or regulation.

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