

## **Welsh Government Activity**

### **Background**

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

### **Recommendations**

1. That the report is received, along with any verbal updates from Welsh Government officials at the meeting.
2. That the Association should consider ideas for aquaculture projects eligible for funding under EMFF.

### **1. Background**

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

### **2. Meetings of Fisheries Groups**

- 2.1 Welsh Government has established several groups to assist with the administration and management of Welsh fisheries. Their recent activity is summarised below.
- 2.2 **Inshore Fisheries Groups** - these groups provide stakeholder with a forum for communicating and engaging with Welsh Government. The most recent IFG meetings took place in September 2016.
- 2.3 **Welsh Marine Fisheries Advisory Group** - this group was established to assist with the formulation of appropriate policies, plans, strategies and laws relating to marine fisheries in Wales. The most recent meeting of this group took place on December 5<sup>th</sup> 2016.
- 2.4 **Aquaculture Advisory Group** - this Group was established to help Welsh Government meet its targets for aquaculture production of 2,000t of finfish and 16,000t of shellfish by 2020.

### **3. Consultation on UK Fisheries Concordat**

- 3.1 The 2012 Fisheries Concordat between UK administrations was open for consultation between December 2016 and February 2017. This Concordat was focussed on the licensing of fishing vessels and allocation of fish quota received through the EU CFP. As such it had limited direct relevance to MSFOMA. The Association was not

consulted directly about this Concordat. The consultation letter issued by Defra describing this Concordat is included at Annex A of this report.

#### **4. Call for Aquaculture Project Ideas**

- 4.1 On 3<sup>rd</sup> March 2017, the Welsh Government announced support for Aquaculture is available under the European Maritime and Fisheries Fund (EMFF). Calls for ideas for shellfish production projects are called for between 1<sup>st</sup> March and 12<sup>th</sup> April 2017 (see Annex B of this report). The maximum indicative allocation to aquaculture projects (shellfish, finfish, algae and seaweed) is approximately £2.5M.

MSFOMA Secretariat  
March 2017

**Annex A:** Summary of Fisheries Concordat consultation document (from Defra website).



Department  
for Environment  
Food & Rural Affairs

T: 03459 335577  
helpline@defra.gsi.gov.uk  
www.gov.uk/defra

BY E-MAIL:

Owners of English, Northern Irish and Welsh fishing vessels  
Holders of licence entitlements  
Fish Producer Organisations  
Members of the Fisheries Management and Conservation Group  
UK Fisheries Administrations  
Other interested parties

**Date: 7 December 2016**

Dear Sir/Madam

**CONSULTATION ON REVISED FISHERIES CONCORDAT AND MORATORIUM ON  
TRANSFER OF FIXED QUOTA ALLOCATION (FQA) UNITS FROM ENGLISH, WELSH AND  
NORTHERN IRISH LICENCES TO SCOTLAND**

1. I am writing to advise you that, the Department for Environment, Food and Rural Affairs in England, Welsh Government (Wales) and The Department of Agriculture, Environment and Rural Affairs (Northern Ireland) are seeking your views on proposed changes to the existing Fisheries Concordat that has been in place between England, Northern Ireland, Scotland and Wales since 2012. The Concordat sets out the licensing of fishing vessels and the allocation of fish quota received through the EU's Common Fisheries Policy. It strengthens arrangements about the transfer of fishing vessels between UK Administrations. Owners will continue to be permitted to move the management of their vessels from one UK Administration to another, but only after the vessel has physically moved its operations to the country that the owners wish to administer their vessel.
2. The new Concordat also offers to each of the UK Administrations enhanced flexibility to maintain the quota allocations available to the vessels fishing from their ports. In future, each Administration will have the option to retain their existing share of UK quotas, except when vessels move fishing operations to another UK country and are given permission to change country of administration. In these circumstances, it will be permitted to move quota allocations between UK countries. Industry and stakeholder views are being sought on the proposed changes.
3. The English, Northern Irish and Welsh Government encourage all consultees to respond to the consultation to ensure that there are no unintended consequences arising as a result of the proposed changes. We will reflect on the consultation responses before proceeding with the adoption of a new Concordat. In the interim the 2012 Concordat will remain in



effect. The consultation document can be found at <https://consult.defra.gov.uk/>. You can respond to the consultation by email to: [Concordatconsultation@defra.gsi.gov.uk](mailto:Concordatconsultation@defra.gsi.gov.uk)

Or by post to

Fisheries and Conservation

**Area 8A Millbank**

**17 Smith Square**

**London**

**SW1P 3 JR**

4. However you choose to reply, please make sure your response reaches us by 17:00 on 28 February 2017.
5. In conjunction with the consultation on the changes to the Concordat the English, Welsh and Northern Irish administrations have with immediate effect today , 7 December 2016 suspended the issue of FQA transfer forms (FQA 2 forms), until further notice. Exceptional circumstances relating to the suspension will be subject to correspondence with Marine Management Organisation (MMO) in England. This moratorium relates only to applications that involve proposed transfers from an English, Northern Irish, or Welsh licence to a Scottish licence. This means that the Fisheries Administrations in England, Wales and Northern Ireland will issue forms to applicants wishing to transfer units onto an English, Northern Irish or Welsh licence from whatever source. The UK Government is currently developing policy in respect of fishing opportunities and allocation of these opportunities post EU exit. The purpose of the moratorium is to provide for stability in the overall number of FQA during these considerations. This policy is in response to the existing moratorium that Scotland has had in place since January 2014 in which FQAs are allowed to be transferred into but not out of Scotland.
6. The moratorium on transfers of FQA units will have no effect on in year quota transfer arrangements.
7. The English, Northern Irish and Welsh Government's will keep the requirement for a moratorium under review.




Andy Welberry  
Domestic Fisheries Management Reform Team  
Area 8a, Millbank, Nobel House, 17 Smith Square, London, SW1P 3JR  
Email: [andy.welberry@defra.gsi.gov.uk](mailto:andy.welberry@defra.gsi.gov.uk)  
Tel: 02080264317

## Annex B: Welsh Government announcement of support for aquaculture under the European Maritime and Fisheries Fund (from Welsh Government website).

3/18/2017

Welsh Government | Support for Aquaculture

The Welsh Government, working for a fairer and more prosperous Wales

 Llywodraeth Cymru  
Welsh Government

[Home](#) > [Topics](#) > [Environment and countryside](#) > [Marine and Fisheries](#) > [European Maritime and Fisheries Fund](#) > [Support for Aquaculture](#)

# Support for Aquaculture

Last updated 01 March 2017

The EMFF offers support for projects and investments relating to:

- stimulating innovation in aquaculture
- supporting productive investments and driving growth in aquaculture, including through increasing production, modernisation, diversification, increasing resource efficiency and promoting closed recirculation systems
- the setting-up of sustainable small and micro aquaculture enterprises by new aquaculture farmers
- participation in ex-situ conservation and reproduction of aquatic animals.

Applicants will be expected to demonstrate that good and sustainable market prospects exist for their product.

### Grant Amounts:

The amount of grant offered would relate to individual circumstances and would always be the **minimum amount necessary** to allow the project to go ahead, subject to a minimum of £2,400.

### How to find out more:

Further details can be obtained by reading the 'Support for Aquaculture Guidance Notes'.

### Call for Project Ideas:

The Welsh Government is holding a call for Aquaculture project ideas with the potential to submit EMFF applications aligning strongly with EMFF and Welsh Government priorities.

Project ideas must be submitted using the Aquaculture Project Idea Form.

Those Project Ideas achieving the strongest scores against the stated scoring criteria may be invited to submit an application for EMFF grant funding.

Please refer to the following documents for details:

- Support for Aquaculture - Call for Project Ideas: Scoring Criteria and Project Idea Form
- Sustainable Aquaculture in Wales - Policy Priorities

### Timescales:

The Call for Project Ideas will be divided into the following three Strands:

#### Strand 1 – Shellfish Production

## Environment and countryside

- [Marine and Fisheries](#)
  - [European Maritime and Fisheries Fund](#)
    - [How to Apply for an EMFF Grant](#)
    - [Fisheries Business Development Advisors Scheme \(FBDA\)](#)
    - [Support for Added Value for Fisheries Products and Improvements to Shore-Based Facilities](#)
    - [Support for Aquaculture](#)
      - [Support for Investments on Board Fishing Vessels](#)
      - [Support for Investments on Board Fishing Vessels – Measure 1.8 \(Article 32: Health & Safety\)](#)
      - [Support for Marketing and Processing](#)
      - [Support for partnerships, information sharing and advisory services](#)
      - [Support for the Marine Environment and Inland Aquatic Flora and Fauna](#)

### RELATED LINKS

[Request documents in a different format](#)

Tell us if you want any of the documents on this page in an alternative format.

<http://gov.wales/topics/environmentcountryside/marineandfisheries/european-maritime-fisheries-fund/support-for-aquaculture/?lang=en>

1/2

Window for submitting project ideas: 1 March – 12 April 2017

Assessment of project ideas: 13 April – 12 May 2017

Provision of feedback on project ideas: week commencing 15 May 2017

## Strand 2 – Finfish Production

---

Window for submitting project ideas: 27 March – 12 May 2017

Assessment of project ideas: 15 May – 16 June 2017

Provision of feedback on project ideas: week commencing 19 June 2017

## Strand 3 – Algae and Seaweed Aquaculture Projects

---

Window for submitting project ideas: 8 May – 16 June 2017

Assessment of project ideas: 19 June – 21 July 2017

Provision of feedback on project ideas: week commencing 24 July 2017

Only one project idea per organisation can be submitted under each Strand.

## Funds Available:

---

The maximum indicative allocation for aquaculture projects is approximately £2.5 million (this figure may vary due to exchange rate fluctuations).

Please note that EMFF grant applications will not be accepted from organisations, businesses or individuals who:

- have been convicted of fraud under the European Fisheries Fund (EFF) or the EMFF
- have been convicted of a 'serious infringement' or fraud in the 12 months before applying

Please see the EMFF Guidance on Serious Infringements and Fraud.

## DOCUMENT DOWNLOAD

---



[Support for Aquaculture - Guidance Notes](#) (File size: 981KB)



[Support for Aquaculture - Policy Priorities](#) (File size: 511KB)



[Support for Aquaculture - Scoring Criteria and Project Idea Form](#) (File size: 700KB)

## **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 17<sup>th</sup> March 2017). The Technical, Scientific and Byelaws Sub-Committee met once (on the 7<sup>th</sup> February 2017). There has not been a meeting of the Bivalve Mollusc Working Group.
- 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 No recent progress has been made by the NW-IFCA with Byelaw 3. The NW-IFCA annual plan for 2017-18 lists this at the 4<sup>th</sup> in a list of 7 priorities for byelaw development.
- 2.3 During the past 6 months, the IFCA has concentrated on developing Byelaw 11. This byelaw was discussed at the February TSB meeting, following which a revised draft was circulated to TSB members in order that a new Byelaw could be "made" at the March IFCA meeting.
- 2.4 A copy of the proposed new byelaw is attached at Annex A of this report. Members will note that there are two versions of the text, each with a different approach to charging tolls. This is in response to feedback to IFCA's from Treasury officials concerning differential charging scales in IFCA byelaws. The NW-IFCA is keen to avoid delays during consultation on the byelaw, so is making two versions of the same byelaw, with one as a "fallback" to be used in case the Treasury should oppose the making of a byelaw with a differential scale of charges in it.

- 2.5 If the byelaw is “made” at the meeting on 17<sup>th</sup> March, it will then pass through a formal consultation process before the Secretary of State is invited to confirm the byelaw. A copy of the byelaw making process is appended at Annex B for information.
- 2.6 Members are advised that the Association has registered as a “stakeholder” via the NW-IFCA website, and that two representatives from MSFOMA are NW-IFCA members. A verbal update on progress will be provided to the meeting, and the Association will be consulted if and when the new byelaw is made.

### **3. Bivalve Mollusc Working Group**

- 3.1 There have been no further meetings of the Bivalve Mollusc Working Group since the last MSFOMA meeting. The NW-IFCA Senior Scientist reported to the TSB meeting in February that a meeting of BMWG would be held once the spring surveys of shellfish beds had taken place. At the time of writing this report no meeting has been scheduled.

MSFOMA Secretariat  
March 2017



## **Annex A: Proposed new Byelaw 11.**

### **ANNEX A**

#### **North Western Inshore Fisheries and Conservation Authority (NWIFCA)**

#### **Marine and Coastal Access Act 2009 (c.23)**

#### **Restrictions on the use of a dredge byelaw 2017**

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

#### **Interpretation**

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

#### **Prohibition**

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

#### **Exception**

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

#### Permits

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

#### Permit conditions

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

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

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

#### **Flexible permit conditions**

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

#### **Review procedure**

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



- e. information from any other relevant source.

#### **Revocation of byelaws**

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

#### **Explanatory Note**

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

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

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

## **ANNEX B**

### **North Western Inshore Fisheries and Conservation Authority (NWIFCA)**

#### **Marine and Coastal Access Act 2009 (c.23)**

#### **Restrictions on the use of a dredge byelaw 2017**

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

#### **Interpretation**

2. In this byelaw:

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

#### **Prohibition**

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

#### **Exception**

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

### **Permits**

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

### **Permit conditions**

28. A person may apply for a permit only in respect of:
  - a. a vessel for which the person is the owner, the majority shareholder in the company that is the owner, the leaseholder or the charterer or;
  - b. a vehicle for which the person is the owner, the majority shareholder in the company that is the owner or the leaseholder.
29. An undamaged identity tag supplied by the Authority must be permanently attached to a specified vehicle.
30. Permit applications may only be made using the form available from the Authority.
31. A permit is valid from the date of issue to 31 December of the same year unless specified in the permit
32. A fee of (£1,000 - £5,000 to be agreed on 17 March) is payable prior to issue for each permit.
33. The Authority may charge a fee of £50 to issue a replacement permit or vehicle tag.
34. A permit:
  - a. is not transferable from a specified vessel or specified vehicle to another vessel or vehicle;
  - b. must be available for inspection by an IFC officer during a compliance visit to a vessel or vehicle;
  - c. remains the property of and must be surrendered to the Authority if no longer required.
35. A permit holder must not obstruct an IFC Officer.
36. Fishing returns must be filed as required by the Authority providing dates, times and locations of dredging and the quantity of fish taken. Returns including nil returns may be required for all months for which permits are valid.
37. The Authority may suspend a permit until outstanding returns have been filed.
38. A specified vessel used in conjunction with a permit must have a fully functioning AIS transmitting information including the vessel's identity course and speed at all times when the vessel is not stationary in port.
39. A permit holder must notify the Authority by phone, text or email at least 2 hours prior to commencement of fishing in conjunction with a permit.



40. A permit holder must notify the Authority of any change in the information provided to obtain a permit during the period when the permit is valid.

#### **Flexible permit conditions**

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

#### **Review procedure**

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

#### Revocation of byelaws

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

#### Explanatory Note

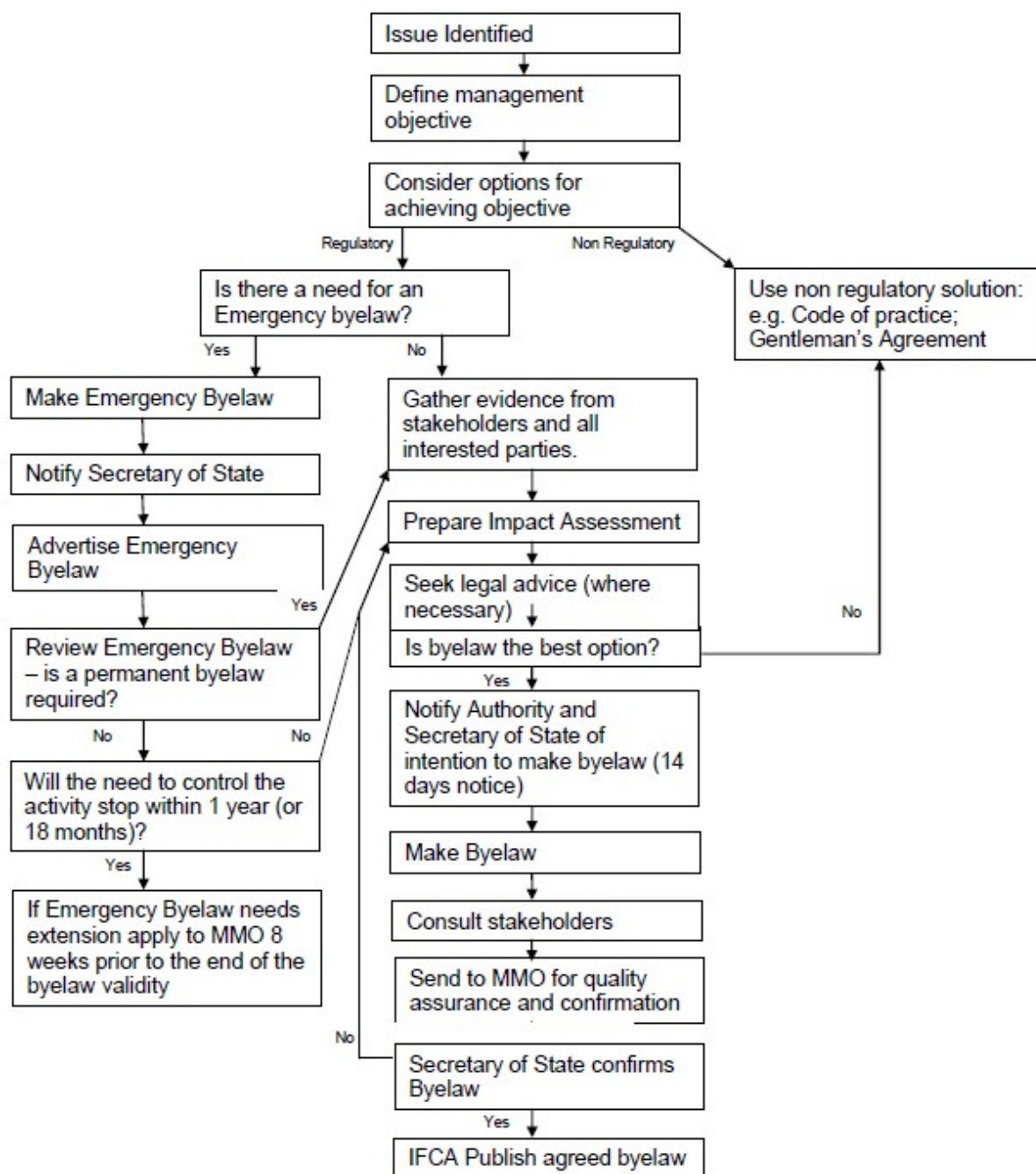
*(This note does not form part of the byelaw)*

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

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



**Annex B:** IFCA byelaw making procedure (from IFCA Byelaw Guidance issued by Defra, March 2011).



## **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 on 31<sup>st</sup> March 2022. The experience of the mussel farmers in the Western Menai Strait indicates that it can take many years for a Fishery Order to be renewed.
- 1.3 It is imperative for the businesses and jobs that depend on the Menai Strait Oyster and Mussel Fishery Order that a new Fishery Order has been made before the existing Fishery Order expires.
- 1.4 At the July 2016 meeting of the Authority it was resolved that work should start on the process of renewing this Fishery Order. In October 2016 the Chair wrote formally to Welsh Government officials to initiate this process (see Annex A).
- 1.5 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. Proposed timetable for renewal**

- 2.1 At its meeting in October 2016 Association agreed to progress with the renewal of the Fishery Order. A timetable for progress was agreed at that meeting. Following discussions at the December 2016 meeting of the Association, correspondence with the Welsh Government and a telephone conference involving the current lay holders in the Menai Strait, a revised timetable has been drawn up and is attached at Annex B.
- 2.2 Work is presently focussing on confirming the occupancy of intertidal and subtidal land in the area through consultation with the Land Registry and Crown Estate, as well as initiating formal discussions about the renewal of the Fishery Order with Natural Resources Wales.

- 2.3 The Chair is due to hold a meeting with the NRW Team Leader for Anglesey and Gwynedd on the morning of 22<sup>nd</sup> March and will provide a verbal report on this meeting.
- 2.4 In preparation for wider public engagement, some text explaining the renewal of the Fishery Order has been drafted. This could be used both in printed form and on the MSFOMA website. This is attached at Annex C of this report. Comments are invited. Once a final version is agreed, a Welsh translation will be prepared.
- 2.5 Views are invited on the timetable attached at Annex B and the text at Annex C. Comments invited on progress to date and suggestions on the proposed timetable are welcomed.

MSFOMA Secretariat  
March 2017

**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 1<sup>st</sup> 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

---

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

**Annex B:** Timetable for progressing the renewal of the Menai Strait Oyster and Mussel Fishery Order 1962.

Year	Quarter	Activities	Update / Progress
2016	Q4	a) Formal notice to WG of intent to renew Fishery Order	<ul style="list-style-type: none"> <li>Letter sent to WG in October 2016.</li> </ul>
		b) Preparation for consultation activity (mapping of Order boundaries, communication with Crown Estate & Land Registry over land ownership and occupancy).	<ul style="list-style-type: none"> <li>Mapping completed.</li> </ul>
2017	Q1	c) Continue preparation for consultation (land ownership & occupancy).	<ul style="list-style-type: none"> <li>Initial consultation with Crown Estate</li> <li>Title deeds obtained from Land Registry</li> </ul>
		d) Initiate consultation with NRW	<ul style="list-style-type: none"> <li>Formal consultation with NRW in January 2017</li> <li>Initial meeting with NRW staff March 2017</li> </ul>
		e) Initiate liaison with landowners.	<ul style="list-style-type: none"> <li>Ongoing.</li> <li>Initial round of meetings commenced in February 2017</li> </ul>
	Q2	f) Initial consultation with statutory bodies & utilities	
		g) Initial consultation with wider stakeholder community (public, recreational users, NGOs)	
	Q3	h) Ongoing liaison with stakeholders, NRW, land owners.	
	Q4		
2018	Q1	<b>i) <u>Submit formal application for renewal of Fishery Order.</u></b>	
	Q2	j) Liaison with WG. k) Keep stakeholders informed.	
	Q3	l) Liaison with WG m) Keep stakeholders informed	
	Q4	n) (Possible) Formal consultation on Fishery Order.	
2019		o) Respond to consultation feedback.	

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



**MSFOMA**

*The Menai Strait Fishery Order  
Management Association*

---

## Renewal of the Eastern Menai Strait Fishery Order

*Note – this is draft text, comments welcomed.*

### Background

The eastern Menai Strait is the most important aquaculture site in all of Wales, and the single largest mussel farming area in the whole of the UK. The success of this area is due to the unique natural environment that is perfect for mussels; and also the legal protection (known as a “Fishery Order”) that allows local mussel farmers to cultivate mussels here secure in the knowledge that they can harvest the mussels that they cultivate.

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

The mussel farmers that work in the Menai Strait are now starting the process of renewing the “Fishery Order” so that in 5 years’ time new legislation will be ready to take the place of the Order that was made in 1962.

### What is proposed?

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

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

Menai Strait Fishery Order 1962 Official Boundary ☆





## What is the timetable?

We are still in the very early stage of the application process. Over the next few months we are consulting with key organisations in the area and raising awareness of our plans. We are hoping to submit our formal application to the Cabinet Secretary for the renewal of this Order by the end of 2017.

## What will happen in this area?

### Mussel farming

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

### Do mussel farmers use chemicals?

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

### Would there be lots of boat traffic?

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

### Is mussel farming sustainable?

Yes. Don't just take our word for it – in 2010 the Menai Strait mussel fishery was successfully certified against the Marine Stewardship Council's standard for sustainable fisheries by a team of independent experts. It was the first mussel farming area in the whole world to attain this coveted award. The fishery is inspected annually by independent experts to make sure that we maintain this high standard of operation. You can find out more about this on the MSC website [here](#).

To make sure that Wales continues to lead the world in sustainable mussel farming, we work in partnership with scientists from the Centre for Applied Marine Sciences at Bangor University. Since the early 1990s we have sponsored 15 PhD and MSc studentships and provided funding for research that has been published in peer-reviewed scientific journals.

Our scientific work has examined the interaction between mussel farming and the marine environment and has enabled us to ensure that our operations are sustainable and compatible with the unique wildlife of the area.

Right now we are working to better understand the relationship between shorebirds and mussels, and also to examine how mussel farming can help to improve water quality by mopping up excess nutrients from the land.

### Why do you have such big boats?

We need big boats for harvesting seed mussels from either Morecambe Bay or Caernarfon Bar. This is not because we need a huge amount of seed mussels, but because we often have just a few days each year to collect enough of them to last us for one or two years.

The mussel dredgers in Porth Penrhyn are designed to harvest 2-300t of seed mussels on each trip to the seed mussel beds before the small mussels are swept away by autumn storms. Often the tides, wind and weather give us just a few days each year to fish for seed mussels, so we need big boats to make sure we can do this safely.

## Would this stop me from.....

### Sailing in the area?

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

### Walking on the beach or foreshore?

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

### Angling in the Menai Strait?

No. The Fishery Order does not restrict access to the shore or the use of boats. You be able to go angling in the area just as you always have done.

### Beaching a boat on the shore?

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

## What is the Menai Strait Fishery Order Management Association?

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

## What is a "Fishery Order"?

A "Fishery Order" is an Order made by the Government that assigns the fishing rights in the sea for certain species of shellfish to an individual or organisation. The first Fishery Orders were made in the late 19<sup>th</sup> century. There are presently XX Fishery Orders in the UK, which form the backbone of our mussel and oyster exports.

## Where can I find out more?

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

---

**MSFOMA**

*Proudly powered by WordPress.*

## **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 29<sup>th</sup> October - 29<sup>th</sup> 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 previous meetings of the Association it has been 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 At the last meeting of the Association on December 14<sup>th</sup> 2016 it was reported that an “Operating Plan” has been agreed with stakeholders, but that the RYA and their members had concerns about its enforceability which made them reluctant to withdraw their objections. The RYA had indicated that it would prefer to enter into a “side agreement” with MSFOMA that would ensure that the RYA would be able to take action against MSFOMA if there was a breach of the Operating Plan that MSFOMA did not address.
- 2.3 The Association felt at the last meeting that a “side agreement” seemed to be unnecessary, and that appending the “Operating Plan” to the leases issued in the Order would make it adequately enforceable.
- 2.4 At the subsequent meeting of the “Liaison Group” on the 14<sup>th</sup> December the Chair and Dr Jim Andrews advised the RYA and other stakeholders of MSFOMA’s position. After some discussion at that meeting it was agreed that the Chair and Dr Andrews would have an exploratory discussion with the RYA to establish what a “side agreement” would entail so that the Association might reach a more informed and final view on this issue.
- 2.5 A telephone conference took place between the Chair, Jim Andrews and RYA officials on 17<sup>th</sup> January 2017. Following this meeting the RYA provided MSFOMA with a slightly revised version of the “Operating Plan” including some minor changes proposed by their lawyers, and also a copy of a “Side Agreement” prepared by their lawyers. These are attached at Annexes A and B of this report respectively.
- 2.6 The Chair has discussed these proposals with Mr Trevor Jones, who has in turn held a discussion with his colleagues who are the prospective occupants of the leased areas in the Menai West Fishery Order. They have made a formal response to MSFOMA following consideration of the RYA proposals, which is attached at Annex C. In brief, they feel that it is not appropriate or necessary for MSFOMA to enter into such an agreement and that the Association should now ask the Cabinet Secretary to determine the Fishery Order application.
- 2.7 One concern that been raised by the operators is that this agreement is one-way, only addressing the potential harm that shellfish cultivation could cause to recreational activities. It is felt that if this type of agreement is to be made equitable, then the risk of recreational activities harming shellfish cultivation (for instance from impacts on microbial water quality and through the risk of introducing Invasive Non Native Species) should also be addressed.
- 2.8 Members’ views are sought on how the Association should proceed with this matter.

- 2.9 A further meeting with stakeholders is scheduled for the evening of the 22<sup>nd</sup> March in Port Dinorwic. This meeting will provide an opportunity to directly communicate the Association's views to stakeholders.

### **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. This company has a licence from the Crown Estate to operate this pipe.
- 3.2 A site visit to inspect the area of foreshore concerned took place on 12<sup>th</sup> December 2016. This was attended by representatives of Roberts of Port Dinorwic and MSFOMA (the Chair, Dr Jon King and Mr Trevor Jones). At this site visit it became apparent that the key concern from Roberts of Port Dinorwic was the risk that access to their outfall pipe might be impeded by mussel cultivation activities. In response Dr King has offered to establish a 30m buffer either side of the pipe within which he would place no oyster frames or cultivation apparatus. Dr King is also in discussion with the Crown Estate about the lease arrangements that would be appropriate for his proposed activities on their land.
- 3.3 At the time of writing this report there has been no substantive response from Roberts of Port Dinorwic or their solicitors on this issue. Their last communication, on 22<sup>nd</sup> February indicated that they will respond formally within the next few weeks.

### **4. Next Steps**

- 4.1 At this point it is not clear when, if ever, it will be possible to get to a position where all objections are withdrawn. The proponents of the Fishery Order have made it clear that they need to move forwards with the application.
- 4.2 The next step in the application process requires 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).
- 4.3 Members' views are sought on how they feel it would be best to proceed, bearing in mind that discussions with stakeholders are still ongoing and 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.



**Annex A:** Proposed “Operating Plan” for Menai Strait West Fishery Order including proposed modifications from RYA (shown as “track changes”)

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

**Purpose**

1. This ~~e~~Operating ~~p~~Plan sets out provisions for shellfish farming operations in the proposed Menai Strait (West) Oyster and Mussels Fishery Order (“the 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”~~approved by the appropriate Minister

**Definitions**

- 2 “MSFOMA” means the Menai Strait Fishery Order Management Association.
- 3 “Liaison Group” means the group of stakeholders with an interest in the western Menai Strait that has met on the 15<sup>th</sup> December 2015 and again on the 14<sup>th</sup> 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.
- 4 “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.

**Status**

- 5 The provisions of this ~~e~~Operating ~~p~~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 appropriate 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.

- ~~2-6~~ The incorporation of this ~~e~~Operating ~~p~~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 ~~e~~Operating ~~p~~Plan a breach of the relevant provision (i.e. the Order and / or any leases issued under the authority of the Order).

**Definitions**

- 2-1 “MSFOMA” means the Menai Strait Fishery Order Management Association.
- 4-1 “Liaison Group” means the group of stakeholders with an interest in the western Menai Strait that has met on the 15<sup>th</sup> December 2015 and again on the 14<sup>th</sup> 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.

~~5.1. "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

- ~~6.7.~~ 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.
- ~~7.8.~~ 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. For the purpose of section 7(4) of the Sea Fisheries (Shellfish) Act 1967, it is agreed that the laying of race marks in the Fishery Order area for the purpose of recreational use is not prejudicial nor likely to be prejudicial to any such shellfish, bed or fishery, and the laying of race marks shall be deemed to be for a lawful purpose of navigation. 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.
- ~~8.9.~~ 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.
- ~~9.10.~~ 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 appropriate Minister requires to be installed in the Fishery Order area shall be compatible with the requirements of the local navigation authority.
- ~~10.11.~~ 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.
- ~~11.12.~~ 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.
- ~~12.13.~~ 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.

~~13-14.~~ In order to address concern that communication between MSFOMA and interested parties in the area has been poor, MSFOMA will ~~establish~~ maintain formal liaison arrangements to ensure regular meeting with stakeholders that have expressed an interest in this area through meetings of the Working Group and the Liaison Group. The location and frequency of such meetings will be agreed by the participants.

~~14-15.~~ The preceding provisions are additional to, and can neither duplicate nor interfere with any statutory requirements to consult with the appropriate 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)

~~15-16.~~ 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)

~~16-17.~~ No specific issues have been raised for this area.

#### Specific provisions for Plot C (mussel cultivation only)

~~17-18.~~ No specific issues have been raised for this area.

#### Specific provisions for Plot D (oyster cultivation only)

~~18-19.~~ 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

~~19-20.~~ This Operating Plan shall be reviewed as required and at least on an annual basis by MSFOMA, the Liaison Group and Working Group stakeholders. A review of the Operating 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).

~~20-21.~~ Any changes proposed to this Operating Plan shall be discussed by the Liaison Group and ~~then must be~~ agreed by a majority of the members of the Working Group entitled to vote before being sent to the appropriate Minister for approval, ~~subject to~~ subject to which ~~approval~~ approval the amended Operating Plan shall replace the previous version for all activities carried out under the authority of the Order.

MSFOMA

~~[December/February] 2016~~ 2017



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~~ approved by the appropriate 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 14<sup>th</sup> 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 Wales (1)
  - f. RYA Cruising, Legal & Government Affairs 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), except in the case of a revision to the Operating Plan where the revision must be agreed by a majority of the members of the Working Group entitled to vote.
- ~~3.4.~~ In the event of a tie, the Chair shall have a casting vote.
- ~~4.5.~~ 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:** Proposed “Side Agreement” from RYA

DATED 2017

(1) MENAI STRAIT FISHERY ORDER MANAGEMENT  
ASSOCIATION

and

(2) THE ROYAL YACHTING ASSOCIATION

---

AGREEMENT  
RELATING TO THE PROPOSED MENAI STRAIT (WEST) OYSTER  
AND MUSSEL FISHERY ORDER

---



BIRCHAM DYSON BELL

50 Broadway London T +44 (0)20 7227 7000  
SW1H 0BL, United Kingdom F +44 (0)20 7222 3480  
DX 2317 Victoria W [www.bdb-law.co.uk](http://www.bdb-law.co.uk)

DATE:

2017

#### PARTIES

- (1) Menai Strait Fishery Order Management Association incorporated and registered in England and Wales with company number 07166989 whose registered office is at Porth Penrhyn, Bangor, LL57 4HN ("MSFOMA")
- (2) Royal Yachting Association incorporated and registered in England and Wales with company number 878357 whose registered office is at RYA House, Ensign Way, Hamble, Southampton, SO31 4YA ("RYA")

Together the Parties.

#### BACKGROUND

- (A) MSFOMA is currently promoting The Menai Strait (West) Oyster and Mussel Fishery Order proposal ("the Order"), and the grant of which will give MSFOMA a right of several fishery for mussels and oysters over an area of approximately 96 hectares of the bed of the Menai Strait in the Counties of Ynys Mon and Gwynedd for a period of 28 years starting from the day the Order is granted in accordance with the Sea Fisheries (Shellfish) Act 1967 (the 1967 Act).
- (B) The Order prevents MSFOMA from operating the fishery in its corporate capacity, MSFOMA, as grantee can however grant leases to other parties ("the Tenants") over all or any part of the fishery order, subject to prior written agreement from the Welsh Ministers. The leases would allow the Tenants to exercise the right of the fishery as if the Tenants were the grantees of the Several Orders made under the 1967 Act.
- (C) RYA and its members are users of the Menai Straits. RYA wishes to ensure the interests of its members are not adversely affected by the Order. In order to protect such interests RYA objected to the proposals in the Order by way of letter to the Welsh Government dated 26 November 2015, pending resolution of its points of concern.
- (D) MSFOMA will submit a Several and Regulating Orders Management Plan to the Welsh Government which will establish what MSFOMA intends to achieve through the Order and performance standards. In addition MSFOMA and members of the Working Group have developed the Menai Straits Fishery Order Operating Plan (see Appendix 1 to this Agreement). The Operating Plan sets out the provisions for shellfish farming operations in the proposed Order and how objectors' concerns can be mitigated.
- (E) The Operating Plan is not incorporated into the Order. The RYA is concerned that without a statutory basis it would be difficult for RYA or any other third party to take action to ensure compliance with the terms of the Operating Plan.
- (F) The Parties are entering into this Agreement to ensure MSFOMA complies and enforces the terms of the Operating Plan and enable the RYA to withdraw its objections to the Order.

15135876.3

## **1 Interpretation**

- 1.1 The "Operating Plan" means the plan at Appendix 1 or any replacement version of that plan as amended in accordance with the terms of the Operating Plan and this Agreement.
- 1.2 "RYA Cymru Wales" means the Royal Yachting Association Cymru Wales, incorporated and registered in England and Wales with company number 02908378 whose registered office is at 8 Llys-y-Mor, Plas Menai, Caernarfon, Gwynedd, LL55 1UE

## **2 Commencement and duration**

- 2.1 This Agreement shall commence on the date on which it is signed by the Parties and shall continue for as long as the Order remains in force.

## **3 MSFOMA's obligations**

- 3.1 MSFOMA shall:
  - 3.1.1 comply with the terms of the Operating Plan in force.
  - 3.1.2 explicitly incorporate the terms of the Operating Plan in force into any lease granted by MSFOMA pursuant to article 5 of the Order.
  - 3.1.3 ensure that any Tenant complies with the terms of the Operating Plan in force including taking any necessary enforcement action to secure such compliance on becoming aware of any non-compliance by a lessee with the terms of the Operating Plan.
  - 3.1.4 ensure that the RYA and RYA Cymru Wales are both notified and consulted prior to any proposed amendments to the Operating Plan and the terms of reference for the Working Group.

## **4 RYA's obligations**

- 4.1 As soon as reasonably practicable (and in any event within [ten] working days from the date of this Agreement) the RYA shall withdraw in writing its objection to the Order and agree not to make any further objections to the Order except insofar as material amendments may be proposed to the Order.

## **5 Assignment**

- 5.1 Neither party shall assign or transfer any or all of its rights and obligations under this Agreement without the prior written consent of the other party.



**6 Entire agreement**

- 6.1 This Agreement constitutes the entire agreement between the Parties and supersedes and extinguishes all previous agreements, promises, assurances, warranties, representations and understandings between them, whether written or oral, relating to its subject matter.

**7 Variation**

- 7.1 No variation of this Agreement shall be effective unless it is in writing and signed by the Parties (or their authorised representatives).

**8 Severance**

- 8.1 If any provision or part-provision of this Agreement is or becomes invalid, illegal or unenforceable, it shall be deemed modified to the minimum extent necessary to make it valid, legal and enforceable. If such modification is not possible, the relevant provision or part-provision shall be deemed deleted. Any modification to or deletion of a provision or part-provision under this clause shall not affect the validity and enforceability of the rest of this Agreement.

**9 Notices**

- 9.1 Any notice or other communication given to a party under or in connection with this Agreement shall be in writing and shall be delivered by hand or by pre-paid first-class post or other next working day delivery service at its registered office.

**10 Counterparts**

- 10.1 This Agreement may be executed in counterparts, each of which, when executed, shall be an original, and the counterparts together shall constitute the one agreement.

**11 Third party rights**

- 11.1 The Contracts (Rights of Third Parties) Act 1999 shall not apply to this Agreement.

**12 Governing law and Jurisdiction**

- 12.1 This Agreement and any dispute or claim (including non-contractual disputes or claims) arising out of or in connection with it or its subject matter or formation shall be governed by and construed in accordance with the law of England and Wales.
- 12.2 The Parties irrevocably agree that the courts of England and Wales shall have exclusive jurisdiction to settle any dispute or claim (including non-contractual disputes or claims) arising out of or in connection with this Agreement.



Executed as a Deed by

[NAME OF DIRECTOR] for  
and on behalf of MSFOMA

) .....  
) Director

[NAME OF WITNESS]  
[ADDRESS OF WITNESS]

) .....

[NAME OF DIRECTOR] for  
and on behalf of RYA

) .....  
) Director

[NAME OF WITNESS]  
[ADDRESS OF WITNESS]

) .....

**APPENDIX 1- MENAI STRAIT FISHERY ORDER MANAGEMENT ASSOCIATION: MENAI WEST  
FISHERY ORDER PROPOSAL OPERATING PLAN**

DRAFT

15135876.3

5

**Annex C:** Response of the proponents of the Menai West Fishery Order following consideration of the proposed RYA “side agreement”.

*Dear Dr. Utting,*

*You requested on the 20th February that I get feedback from my fellow tenants to the message you received from the RYA on the 17th February. A meeting was held on the 7th March and the agreed feedback is as follows:*

*We are extremely grateful to you for all the efforts you and other members of MSFOMA have made to bring this lengthy renewal process to a conclusion.*

*We are also firmly of the opinion that this whole process has gone on for long enough. We feel that all of the original objections have been dealt with during the post consultation period of more than one year through your engagement with the liaison and working groups.*

*We are dismayed that some of the original objections still stand after the concerns of the objectors have been allayed.*

*We are of the opinion that the consultation process has now run its course and that the next due step is for MSFOMA to convey the full history and present position of the process to the Cabinet Secretary so that she may decide upon any appropriate future action.*

*We request that this proposition be fully considered at the forthcoming meeting of MSFOMA on the 22nd March.*

*Yours sincerely, for and on behalf of the Menai (West) tenants,*

*Trevor Jones*

**Annex D:** Proposed response to the Cabinet Secretary drafted by the proponents of the Menai West Fishery Order.

Dear Cabinet Secretary

**Menai Strait West – Proposed Fishery Order**

8<sup>th</sup> March 2017.

I am writing further to our correspondence to you on 18<sup>th</sup> October 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 our proposal.

The 4 mussel farmers appointed MSFOMA in October 2011 to negotiate on their behalf with Welsh Government to secure a long term future.

Over 5 years later there is no result in law and yet we are aware of the Government commitment to expand aquaculture significantly by 2020

**1. Consultation & stakeholder engagement**

During October and November 2015 MSFOMA 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), held two drop-in sessions 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. The Port Dinorwic sailing club was the catalyst for the majority of the objections. A significant number of meetings have been held since then and there is now good understanding between recreation and aquaculture. The RYA now, however, seem set on an additional safeguard i.e. a formal side agreement that, in our opinion would make mussel farming more difficult. We believe that all their concerns have already been addressed by the operating plan that has come out of the joint meetings and been agreed by all parties.

There are only 3 broad objections from

a. the RYA

b. one local business (Roberst of Port Dinorwic) with a an unspecified objection

c. the approximate 55 individual objections from a sailing club whose concerns have been addressed by the creation of the operating plan.

## **Options**

The options that have been identified are-

### **A. Append Operating Plan to leases and Issue the Order**

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 Liaison Group that has been set up as a result of our attempts to allay concerns from the objectors will be a forum for ensuring the Operating Plan remains fit for purpose.

MSFOMA considers that because the Association is a company and Competent Authority 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.

MSFOMA have invested approx. £20,000 in fees and advice and the mussel farmers have spent £6,000 on scientific advice and the proposed operating plan is the outcome.

### **B. Reject our proposal completely**

### **C. Appoint an inspector and hold a public inquiry**

### **D. Propose an alternative yet to be identified**

**(We have carefully considered the RYA proposals and believe we have addressed all their concerns in the operating plan and therefore no side agreement or similar is sensible because this would set a precedent and encourage every group to seek a similar agreement in future Fishery Order applications.)**

It is now well over a year since the consultation on the draft Fishery Order, and we are aware there is an urgent need to ensure that progress is made.

It is now nearly a decade since the last leases expired and the industry has dwindled in this area mainly due to the absence of a secure tenure or planning base.

I hope that this update is helpful and that you are in a position to decide on the Order. If you or your officers have any queries about this matter please do not hesitate to get in touch with MSFOMA or the proposed mussel and oyster farmers who will be the new leaseholders. They are finding their position at the moment very frustrating particularly as it is the beginning of a new growing season and they are still in this position of insecurity.





## **Developing Shellfish Cultivation in North Wales**

### **Background**

The purpose of this report is to stimulate discussion about shellfish cultivation opportunities in North Wales. Shellfish farmers in North Wales are part of network of shellfish producers in northern Europe that have built a closely-knit and very competitive industry over the past few decades. With significant challenges on the horizon (including but not limited to Brexit, water quality issues and Invasive Non-Native Species) it is important and appropriate for MSFOMA and the shellfish industry to keep future opportunities and threats under review.

### **Recommendations**

1. That the report is received.
2. That ideas for developing shellfish cultivation emerging from discussion are developed at future MSFOMA meetings.

### **1. Context**

- 1.1 The eastern Menai Strait, based on the Menai Strait Oyster and Mussel Fishery Order 1962 is the leading shellfish producing area in the whole UK. It was not a success overnight; its leading status results from years of investment and research by the current operators.
- 1.2 The Menai Strait mussel fishery could form the nucleus of a thriving shellfish cultivation industry in North Wales. Some of the challenges, opportunities and uncertainties facing the development of this industry are discussed here for consideration by the Association.

### **2. Challenges**

- 2.1 Some of the challenges that will need to be faced in developing shellfish cultivation in North Wales are briefly considered below. This is not an exhaustive list; it is intended to frame a realistic view of prospects for aquaculture development.
- 2.2 **Invasive Non Native Species (INNS)** - the Menai Strait industry has a Code of Conduct in place that is designed to prevent the mussel industry from inadvertently introducing INNS to the area. This approach is not universal, and the risk of INNS being introduced is real (as demonstrated by the invasive sea squirt *Didemnum vexillum*, subject to an eradication campaign in Holyhead).
- 2.3 **Water quality** - as has recently been seen at the national and EU level, concerns about water quality and health issues (such as Norovirus) present a challenge. Water quality issues could constrain the development of new cultivation areas and threaten the future of established areas.
- 2.4 **Spatial constraints** - there are a very limited number of proven and potential shellfish cultivation sites in Wales. These are locations where the aspect and topography of the coast and hydrographic conditions exist that are congenial to

shellfish cultivation. The known areas where shellfish could be cultivated in Wales are illustrated in Annex A in a map which also shows the location of European Marine Sites. The key point to note from this is that there are a limited number of shellfish cultivation sites available and all of them are in European Marine Sites – not an obstacle to progress, but requiring that management is founded on sustainable principles from the outset.

- 2.5 **Competition** – one of the key challenges to the North Wales shellfish sector at the moment has been a change in the nature of the mussel market in Europe in the past 1-2 years. The mussel industries in Netherlands and Germany appear to have solved the problems with seed mussel supply that have held production back. Market conditions and prices in Europe are presently challenging, and the UK industry will need to respond to this, either by becoming more competitive or developing the domestic market for mussels. An example of the competitive nature of the European market place is provided by the MSC certification details for the “trans-shipment fishery” in the Oosterschelde in the Netherlands (Annex B to this report). This fishery sources MSC-certified mussel from 7 different fisheries (in Ireland, Northern Ireland, Denmark, Germany and the Netherlands as well as from the Menai Strait).
- 2.6 **Access to seed mussel resources** – mussel cultivation in North Wales is dependent on access to seed mussel resources that can be transplanted to the Menai Strait for on-growing. In recent years there have been difficulties obtaining adequate seed mussels. These difficulties result from sporadic seed mussel settlements at Caernarfon Bar and in Morecambe Bay, coupled with administrative delays in opening fisheries.
- 2.7 **Creation of cultivation areas** – as MSFOMA has found in the western Menai Strait, the creation of cultivation areas is a protracted process (even for an area where cultivation has happened before. Even before local objections to the renewal of this Fishery Order had been raised, it had taken several years to get agreement from Welsh Government to the idea that a new Fishery Order could endure for an adequate period of time for operators to get a return on their investment.

### 3. Opportunities

- 3.1 Although the shellfish cultivation industry faces some significant challenges, there are also some great opportunities for development of shellfish cultivation in North Wales. Some of these opportunities are considered below.
- 3.2 **Mussel farming & pollution mitigation** – research is being carried out in Scandinavian countries (Sweden & Denmark in particular) into the use of farmed mussels as a means of improving coastal water quality. Research in the Limfjord in Denmark has shown that mussel farms can be an effective way to sequester nutrients in eutrophied water bodies. In response to this the Danish Government has revised fisheries legislation to make it easier to establish new mussel farms. A similarly far-sighted approach in Wales could promise both economic and environmental benefits.
- 3.3 **Development of offshore areas** – given the limited number of sites available for shellfish cultivation on the foreshore, the obvious location for further development of the industry lies in offshore areas. MSFOMA members have been working on a proposal for this off the North Wales coast following promising

trials. If the consenting process for such areas could be streamlined, there is considerable potential for developing offshore areas for both seed collection and the cultivation of shellfish.

- 3.4 **Agile management** - as noted previously, a challenge to the mussel farming industry has been administrative delays associated with the opening of seed mussel fisheries. A more agile approach to management in Wales could pave the way for self-sufficiency in seed mussel supply.
- 3.5 **Development of UK markets** - the UK mussel industry has been heavily dependent on a strong export trade, and domestic shellfish consumption is low. The development of the UK market is an important opportunity, particularly given the level of competition in the EU market place, and the uncertainties associated with Brexit.
- 3.6 **Science** - the Menai Strait industry has nurtured a close relationship with marine scientists from Bangor University's Centre for Applied Marine Science. The close links between science and industry has provided funding for research that has led to a better understanding of mussel cultivation and a refinement of cultivation methods to minimise impacts and optimise efficiency. This scientific information should allow for greater confidence in permitting and managing shellfish cultivation in European Marine Sites where the lack of information and understanding would otherwise be an obstacle to progress.
- 3.7 **Streamlining administration** - as previously noted, it took several years for Welsh Government to agree that the Fishery Order in the western Menai Strait could be renewed for a period of more than 7 years. Now that this issue has been addressed, there is an opportunity to avoid similar administrative delays in the renewal of other areas (such as the eastern Menai Strait) and the development of new cultivation areas.
- 3.8 **Welsh Government strategy** - documents such as "*Green Growth Wales: Investing in the Future*" and "*Towards Sustainable Growth: An action plan for the Food and Drink Industry 2014-20*" and the "*Welsh Marine and Fisheries Strategic Action Plan*" create a comprehensive strategy framework for growth of this sector, demonstrating that there is political support for the growth of the shellfish industry (including the target of attaining shellfish production levels of 18,000t per year by 2020).
- 3.9 **EMFF funding** - as noted elsewhere in the agenda, the Welsh Government is inviting bids for funding under the European Maritime and Fisheries Fund for shellfish cultivation projects. North Wales is the heart of this sector, and this is a great opportunity for development.

#### 4. Uncertainties

- 4.1 The future is always uncertain; never more so than now, with Brexit negotiations imminent.
- 4.2 **Brexit** - there is no way to tell at this point what effect that leaving the EU could have on the UK and Welsh shellfish cultivation sector. A close relationship with EU businesses has been vital for the growth of this sector over the past few decades. An unfavourable trade agreement with the EU could have a significant

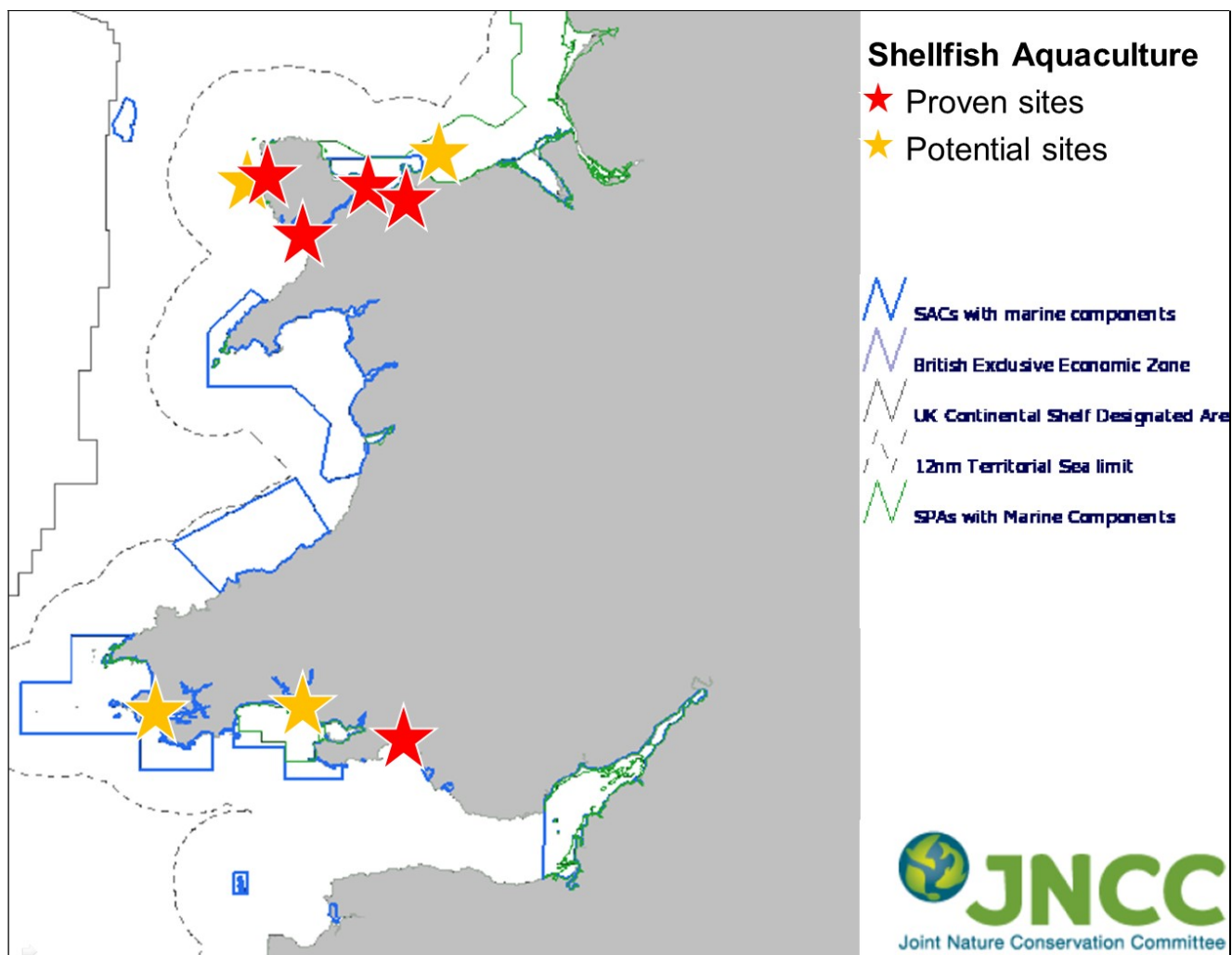
impact on the operation of the industry. The development of the UK shellfish market could be an important insurance against this risk.

## **5. Discussion**

- 5.1 Views on prospects for development of the shellfish industry in North Wales are invited in the light of the context set out in this document.

MSFOMA Secretariat  
March 2017

**Annex A:** Map illustrating the location of proven and potential shellfish cultivation sites in Wales relative to European Marine Sites.




**Annex B:** Screenshot of the description of the Oosterschelde MSC-certified mussel translocation fishery (from Marine Stewardship Council website).

## Mussel translocation by members of the Vereniging van Importeurs van Schelpdieren into the Oosterschelde

Certifier :	ME Certification Limited
Certified status :	Certified
Certified since :	24 Feb 2016
Certificate expires :	23 Feb 2021

[Overview](#)  
[About this fishery](#)  
[Certificates and Traceability](#)  
[Market Information](#)  
[Assessments](#)  
[Contacts](#)

### About



This fishery operates in the Oosterschelde (Eastern Scheldt) in Zeeland, Netherlands. The mussels it produces are actually harvested from other MSC certified fisheries around North West Europe.

The Vereniging van Importeurs van Schelpdieren (Shellfish Importers Organisation) move the mussels to the Oosterschelde for stocking and depuration (purification) before they are sold to Dutch and Belgian markets.

The importing client was already certified for MSC Chain of Custody (supply chain traceability), but the operation required assessment as a fishery. The assessment was needed to cover any gaps in the chain and measure potential impacts on the Oosterschelde ecosystem, as well as management of these impacts. The fishery was certified as meeting the MSC Fisheries Standard in 2016.

The Oosterschelde mussels are sourced from the following fisheries:

- [North Menai Strait mussel](#)
- [Ireland bottom-grown mussel](#)
- [Northern Ireland bottom-grown mussel](#)
- [Isefjord and East Jutland blue-shell mussel \(Denmark\)](#)
- [Seafood Romo East Jutland and Isefjord blue-shell mussel dredge \(Denmark\)](#)
- [Germany lower Saxony mussel dredge and culture](#)
- [Netherlands blue-shelled mussel culture \(Waddensee UoC\)](#)

Blue shell mussel (*Mytilus edulis*) image © Scandinavian Fishing Year Book

© 2017 Marine Stewardship Council [Contact Us](#)

[MSC staff login](#)