

# **Menai Strait Fishery Order Management Association**

**Agenda & Papers- 18<sup>th</sup> June 2019, 1000**

## **Quarterly Meeting**

Marine Centre Wales, Menai Bridge

1. Chair's announcements
2. Apologies
3. Declarations of interest
4. Minutes of last meeting ([attached](#))
5. Matters Arising
6. Membership of the Association ([report](#))
7. Articles of Association ([report](#))
8. Register of interests ([report](#))
9. Financial update (verbal)
10. Public Profile of the Association (report)
11. Welsh Government Activity ([report](#))
12. North West IFCA Activity ([report](#))
13. Menai Strait East ([report](#))
14. Menai Strait West Fishery Order ([report](#))
15. Project funding update (verbal)
16. Fishery management issues
  - a. Coastal / marine developments
    - i. Bangor Pier
    - ii. Dickies development
    - iii. Sand in the dock
  - b. Environmental / health issues
    - i. *Bonamia* in the western Strait
    - ii. Non-native species
    - iii. Norovirus - update
17. Any Other Business (verbal)
  - a. Correspondence
18. Dates for next meetings:-
  - a. Q2 2019 - this meeting
  - b. Q3 2019 - 17<sup>th</sup> Sept 2019
  - c. Q4 2019 - 4<sup>th</sup> Dec 2019 [Note: this is also the AGM]

# Menai Strait Fishery Order Management Association

Meeting, 13<sup>th</sup> March 2019  
Marine Centre Wales, Menai Bridge

## Minutes

### Attendance

#### Members

Alan Winstone  
James Wilson\*  
Keith Andrews\*  
Lewis le Vay

Chair  
Bangor Mussel Producers Ltd  
Licensed hand pickers  
Bangor University

#### Observers

Gareth Roberts  
Howard Mattocks  
Iwan Huws  
Kim Mould  
Michelle Billing  
Rowland Sharp

Bangor City Council / Gwynedd C.C.  
Beaumaris Town Council  
Isle of Anglesey County Council  
BMWAG  
Welsh Government  
Natural Resources Wales

#### Advisors

Jim Andrews

MSFOMA Secretariat

*\* These Members are also Directors of the Association*

### 1. Chair's announcements

The Chair welcomed Michelle Billing (Welsh Government) Cllr Gareth Roberts (Bangor City Council) and Cllr Howard Mattocks (Beaumaris Town Council) to the meeting.

### 2. Apologies

Bethan Jones  
Ioan Thomas  
Janet Perry  
Trevor Jones

Welsh Government  
Gwynedd County Council  
Welsh Government  
Menai Strait (West)

### 3. Minutes of last meeting

The minutes of the meeting that took place on 13<sup>th</sup> December 2018 were accepted.

### 4. Matters Arising

It was considered that most of the matters arising from the last meeting were addressed on the agenda for the current meeting.

Two documents that had been discussed at the December meeting had been circulated along with the papers for the current meeting:-

- A global review of the ecosystem services provided by bivalve aquaculture (Reviews in Aquaculture 1-23)

- Shellfish Production in Wales – Opportunities, Constraints and Research Needs (report of workshop held at Marine Centre Wales, Bangor University, 4<sup>th</sup> December 2018)

Some items raised at the December meeting were discussed:-

### **Management Accounts**

James Wilson would ask the accountants to prepare management accounts after the invoices for the next period (starting 1<sup>st</sup> April) had been raised.

**Action: JW**

### **Community Fund**

The role of The Crown Estate in managing the marine environment was discussed. It was felt that it was appropriate to continue to encourage TCE to participate in / advise upon the creation of a Community Fund for the Menai Strait.

**Action: Secretariat**

### **Code of Good Practice**

Rowland Sharp reported that work on revisions the code of good practice had nearly been completed and this should be ready by the end of March 2019.

**Action: Rowland Sharp**

### **5. Membership of the Association**

The report was discussed and accepted.

It was agreed that the Articles of Association should be amended to permit a widening of formal participation in MSFOMA meetings by Beaumaris Town Council and Bangor City Council.

**Action: Secretariat**

It was noted that the formal participation of all statutory bodies other than NRW had been confirmed. Rowland Sharp explained that NRW were due to confirm their position in April once changes in personnel had been completed.

**Action: Rowland Sharp**

### **6. Articles of Association**

The report was discussed and accepted.

It was agreed that lawyers should be instructed to amend the Articles of Association as outlined in the report and within a budget of £2,000. The amended Articles should be presented to the next meeting of the Association in June 2019.

**Action: Secretariat**

### **7. Register of Interests**

It was agreed that the Association should be open and transparent and that a register of interests should be maintained for Members and Directors. It was also agreed that this should be in the public domain.

It was agreed that a proforma that could be used to gather and present this information should be drawn up and circulated for discussion at the next meeting, and that a form should be circulated at the start of each meeting so that a record could be maintained of each participant's interests for each meeting.

**Action: Secretariat**

## **8. Financial Update**

James Wilson indicated that the accountants would be asked to draw up management accounts for circulation in early April.

**Action: James Wilson & Secretariat**

## **9. Public Profile of the Association**

Andy Olivier gave a presentation on the use of social media by individuals and organisations. The members of the Association discussed options and opportunities for the use of different social media platforms to raise awareness.

It was agreed that the purpose of using social media for an organisation like MSFOMA should be to promote the benefits of shellfish farming and eating shellfish. It was further agreed that it would not be appropriate for MSFOMA to enter into on-line debate with stakeholders using social media. Other organisations with a similar interest (such as NW-IFCA) could be emulated.

After some discussion it was agreed that MSFOMA should have a Twitter account and that the Secretariat should liaise with MSFOMA participants (observers, members & directors) to create an appropriate Twitter feed. Progress with this should be reviewed at the next meeting after 3 months' activity

**Action: Secretariat**

The Association thanked Andy Olivier for his input and advice, which had been very valuable.

## **10. Welsh Government Activity**

Progress with the fisheries groups established by Welsh Government was reported by delegates who had attended these meetings as follows:-

- **Inshore Fisheries Groups** - are still suspended, so there have been no recent meetings.
- **Welsh Marine & Fisheries Advisory Group** - it was reported that Trevor Jones had attended the last meeting of this group.
- **Aquaculture Advisory Group** - James Wilson reported that following a disappointing meeting in November the industry participants in this Group were due to be holding a meeting on 28<sup>th</sup> March with a view to establishing a new forum / group that would have a more positive and collaborative approach.

## **11. NW IFCA Activity**

The report on recent activities of the NW IFCA was received and accepted by the meeting.

It was noted that the NW IFCA has initiated a survey programme in Morecambe Bay following the record of 2 Chinese mitten crabs (*Eriocheir sinensis*) (CMCs) in the Walney Channel in 2018. It was agreed that a letter welcoming this initiative should be sent to the NW IFCA.

**Action: Secretariat**

It was noted that new information on the life history of this species was being incorporated in the new Code of Good Practice. In particular it now seemed that juvenile CMCs are unlikely to be found post-settlement on mussel beds as they migrate from the sea into brackish water within a short time after settlement. The main risk period in coastal waters is likely to be between March and April, when adult CMCs return to coastal areas after overwintering in deeper water.

## **12. Menai Strait East Fishery Order**

The report on this Fishery Order was received and discussed.

### **a) Renewal of the Fishery Order**

It was noted that the Minister had replied to the Chair's recent enquiries about the procedure for progressing the renewal of the Fishery Order. The Minister had indicated that the application for renewal could be progressed under existing procedures or through new procedures that would give greater clarity and which it was expected would be in place later in 2019.

Michelle Billing provided some context to the Minister's response and in particular stressed that the Association was not being asked to withdraw and re-submit its application, but rather to decide the process that should be used for determining the application.

There was some discussion about the Minister's proposal. Whilst the progress was welcomed, the uncertainty around the two options was a concern. It was noted that unlike other applications, the eastern Menai Strait was already an active shellfish farming area and over 20 peoples' livelihoods depend upon the seamless transition to a new Order. After this discussion it was agreed that a formal reply should be sent to the Minister which would:-

- a. Welcome the Minister's commitment to progress;
- b. Ask for further clarification on the two options, and in particular the likely timescales for delivery under each option;
- c. Enquire about the process for prioritising existing applications (given that the Menai East application was the most recently submitted, but was also the largest shellfish producing area in the UK and that a purely chronological approach to processing applications did not seem appropriate);
- d. Request that a "safety net" should be considered in order to minimise risks of the renewal process not being completed by 31<sup>st</sup> March 2022.

**Action: Secretariat**

Jim Andrews reported that he had attended a meeting of the Caernarfon Harbour Trust on the 12<sup>th</sup> March at which he had provided an update on the renewal of both the Menai West and Menai East Orders. He had also planned to meet with the RYA in the afternoon of the 12<sup>th</sup> March, but the RYA officer had been taken ill and was unable to attend the meeting. A meeting had also been sought with the Royal Anglesey Yacht Club but no response had been received. JA indicated that he would continue to attempt to organise meetings with RYA and RAYC. Cllr Howard Mattocks (Beaumaris Town Council) offered to make contact with the Commodore of the RAYC to expedite progress.

**Action: Cllr Mattocks, Secretariat**

**b) Lease fees**

The Association considered the leasing arrangements for the areas leased to James Wilson and Keith Andrews. These operators left the meeting for the duration of this discussion.

The remaining meeting participants discussed options for balancing the requirement to ensure that the Association generated revenue from the leased areas with the desire to encourage the development of the industry.

It was noted that both operators had cited the absence of seed mussels had prevented them from starting cultivation operations in either area. This shortage of seed mussel supply over the past few years could not have been anticipated. The operators had also pointed out that they had incurred costs in the creation of these new areas; and that there was uncertainty about the renewal of the Fishery Order at present.

It was recognised that the constitution of the Association meant that a resolution on this issue could not be made at this meeting or until the Articles were amended to allow for the appointment of Directors or Members without a prejudicial interest in this matter.

It was agreed that legal advice should be taken on both the options for progress with these leased areas, and also with the changes that should be made to the Articles to ensure that the Association is appropriately constituted to make a resolution on this matter.

**Action: Secretariat & Chair**

**c) Code of Good Practice**

As reported previously, work was ongoing on the revised code of good practice, and this was due to be finalised at the end of March 2019.

**Action: James Wilson, Rowland Sharpe, Secretariat**

**13. Menai Strait West**

**a) Renewal of the Fishery Order**

The Cabinet Minister had responded to several letters from the Chair and had set out an outline proposal for renewing the Fishery Order by August 2019. The Minister's letter indicated that because of the delay in the process some additional scientific advice would be required to allow the application to be determined.

Professor Lewis Le Vay reported that the Centre for Applied Marine Science (CAMS) had been contracted by Welsh Government to review the Habitats Regulations Assessment (HRA) for this fishery order application. Prof. Le Vay had declared an interest in the project through his involvement with MSFOMA and was not participating in this work. He had informed the Chair and Secretariat of his action formally prior to the meeting.

Prof. Le Vay reported that his understanding was that WG had asked CAMS to review some specific aspects of the HRA concerning Pacific oysters (*Crassostrea gigas*). In particular this review would examine how the anticipated changes in sea temperature might affect the risk of Pacific oyster colonisation of the Menai

Strait; modelling of water movements to determine where larval settlement in the Menai Strait may come from (and where larvae from the Menai Strait might go to); and modelling of the effect of oyster trestles on the geomorphology of the shore. It was anticipated that this research would be completed by the end of April 2019.

It was agreed that the Minister's response should be welcomed.

**Action: Secretariat**

It was further agreed that the news of progress should be communicated to the stakeholders who had assisted with the development of the "Operating Plan" over the period 2015-2017.

**Action: Secretariat**

There were felt to be some areas of uncertainty in the proposed process which it would be useful for WG officials to clarify before this information was shared. Michelle Billing agreed to work with WG lawyers and the Association to assist with this.

**Action: Michelle Billing & Secretariat**

#### **14. Funding proposals**

Lewis LeVay provided an update on the funding proposals being progressed by the University:-

- **Menai Offshore Subsurface Shellfish Systems (MOSSS)** - funding for this project was confirmed in October using EMFF funds. The pilot test site is established, and will be used for further trials of seed mussel collection to emulate the Dutch cultivation approach (seed collection and bottom cultivation). Trials of offshore cultivation are also planned.
- **Shellfish Centre** - the report from the workshop in December had been circulated prior to the meeting. Lewis Le Vay indicated that the Shellfish Centre was working to set up bilateral projects with the fishing industry. It was agreed that MSFOMA should try to identify potential projects and that this should be put on the agenda for discussion at the next meeting.

**Action: Secretariat, All**

#### **15. Fishery Management Issues**

##### **1. Coastal / marine developments**

###### **i. Bangor Pier**

Work on the pier is still ongoing.

###### **ii. Dickies Boatyard Development**

There had been no further consultations about this project.

###### **iii. Beaumaris Pier**

Iwan Huws indicated that he was making arrangements for the pier to be painted in May-June of this year.

###### **iv. Sand in the dock**

It was reported that the lease for use of the quayside of Penrhyn dock for storing sand was being renegotiated. James Wilson has spoken to the

Estate to raise concerns about the accumulation of sand in the dock. There was some discussion about whether the deposit of the sand in the dock (or indeed its subsequent removal) might require a marine licence. It was agreed that further discussions should be held with the Estate.

**Action: JW, Secretariat**

## **2. Environmental / health issues**

### **i. *Bonamia***

No additional news.

### **ii. Invasive Alien Species (IAS) / Invasive Non Native Species (INNS)**

As noted previously, NRW is working with the industry to develop a new code of practice.

### **iii. *Norovirus***

No additional news.

## **16. Any Other Business**

Jim Andrews reported that Caernarfon Harbour Trust had provided information about the charges for fishing vessel operations in the area managed by the Trust. James Wilson and Kim Mould indicated that they will pay these fees if they conduct any operations in this area; and also enquired whether these fees are charged equitably for all fishing vessels. It was agreed that they would contact the Trust to discuss the fees that may need to be paid.

**Action: Kim Mould & James Wilson**

## **17. Date for next meeting (and AGM)**

18<sup>th</sup> June, 10am.

It was agreed that the Marine Centre meeting room was an excellent venue. Lewis Le Vay was asked if it would be possible to host future meetings, and agreed to book the room.

**Action: Lewis Le Vay**



## Summary of Actions

Item	Action	Responsibility
1.	Management Accounts - to be circulated prior to next meeting.	JW
2.	Community Fund - continue to encourage The Crown Estate to participate in / advise upon this.	Secretariat
3.	Code of Good Practice - work on this to be completed by the end of March 2019	Rowland Sharp
4.	NRW to formally confirm their position on MSFOMA.	Rowland Sharp
5.	Articles of Association to be amended to address institutional and administrative changes identified in Secretariat report, within a budget of £2,000.	Secretariat
6.	Register of Interests - draw up a proforma for recording interests and a form for circulation at the start of each meeting.	Secretariat
7.	Present management accounts at future Association meetings.	JW, Secretariat
8.	Social media - set up Twitter account and liaise with MSFOMA participants to create an appropriate Twitter feed. Review progress at next meeting.	Secretariat
9.	NW IFCA - write to welcome the survey programme for Chinese Mitten Crabs in Morecambe Bay.	Secretariat
10.	Menai East - write to Minister to welcome progress, seek clarification on options, enquire about process for prioritising applications, request that a "safety net" is established.	Secretariat
11.	Menai East - progress liaison with RYA Cymru and RAYC	Secretariat, Cllr Mattocks.
12.	Menai East - consult legal advisors about options for managing lease fee arrears.	Secretariat
13.	Menai West - write to Minister to welcome her response and outline timetable for progress.	Secretariat
14.	Menai West - liaise with WG officials to clarify uncertainties before publicising news of progress.	Michelle Billing , Secretariat
15.	Menai West - communicate with stakeholders to provide an update on progress.	Secretariat
16.	Shellfish Centre - all to consider opportunities for bilateral projects for discussion at next	All, Secretariat

	meeting.	
17.	Sand in Dock - JW to discuss this issue further with Penrhyn Estate and liaise with MSFOMA over outcome.	JW, Secretariat
18.	Caernarfon Harbour Trust - clarify charges for fishing vessels.	Kim Mould, James Wilson
19.	Date for next meeting - 18 <sup>th</sup> June 2019	Secretariat
20.	Book Marine Centre Wales conference room for upcoming meetings.	Lewis Le Vay

DRAFT

## **Membership of the Association**

### **Background**

This Association was established on 1<sup>st</sup> April 2010 for the sole purpose of acting as Grantee of the Menai Strait Oyster and Mussel Fishery Order area. Over the past 9 years, the Association has accepted the invitation to act as Grantee for any future Menai Strait (West) Fishery Order and has also considered that it could play a beneficial role in the development of other shellfish cultivation activities in North Wales.

At MSFOMA meetings during 2018 it was agreed that the membership of the Association should be widened, and in March 2019 the Association welcomed representatives from Beaumaris Town Council and Bangor City Council. This report provides an update on some remaining membership issues for the Association's consideration.

### **Recommendations**

1. That the report is discussed.

### **1. Summary of Management Framework**

- 1.1 The Menai Strait Fishery Order Management Association is a company limited by guarantee. It was incorporated on 19<sup>th</sup> February 2010. The management framework for the Association comprises of "Articles of Association", which identify the individuals and organisations that can participate in meetings of the Association, and "Standing Orders" which govern how the Association is required to carry out its business.
- 1.2 Under the Articles of Association, organisations can participate in MSFOMA as Observers, Members and Directors. A summary of each role is provided at Annex A to this report.

### **2. Current Members, Directors & Observer**

- 2.1 The list of potential Members and Directors of the Association was first set in 2010. It was revised by the Association's lawyers in 2014 to allow for representation from the Menai Strait (West) Fishery Order when that Order is renewed.
- 2.2 The current status of the organisations participating in the Association is summarised in the table overleaf.

Status	Organisation (and current representative)
Member	Chair (Alan Winstone) Mussel Farmers (James Wilson) Hand pickers (Keith Andrews) Bangor & University (Lewis leVay) Gwynedd County Council (Ioan Thomas)
Director	James Wilson Keith Andrews
Observer	Bangor City Council (Gareth Roberts) <sup>1</sup> Beaumaris Town Council (Howard Mattocks) <sup>1</sup> Ynys Môn County Council (Iwan Huws) Natural Resources Wales (Rowland Sharp) <sup>2</sup> Bivalve Mollusc Working Group (Kim Mould) Menai West (Trevor Jones) Welsh Government (Michelle Billing)
Advisor	Secretariat (Jim Andrews)

**Key:**

- 1 Status of organisation may change after amendment of Articles.
- 2 Role of organisation due to be confirmed.

- 2.3 Representatives of Beaumaris Town Council and Bangor City Council are currently participating in MSFOMA meetings as observers. Revisions to the Articles and Standing Orders of the Association will allow these two authorities the option of becoming either Members or Directors of the Association in the future (the revision of these documents is considered in Item 6 of the agenda).

MSFOMA Secretariat  
June 2019

## **Annex A:** Summary of the MSFOMA Management Framework

### **1. Management Framework**

1.1 The management framework for the Association comprises of:-

- a) **The Articles of Association** – this is a legal document that sets out the constitution of the Association. The Articles were made in 2010 and limited the role of the Association to acting as Grantee for the Menai Strait Oyster and Mussel Fishery Order 1962.

The Articles were subsequently revised in 2014 to allow the Association to take on the role of Grantee of other Fishery Orders in North Wales. The revisions included an amendment to the Articles to increase the number of Directors of the Association.

- b) **Standing Orders** – these are a set of procedures that determine how the Association should conduct its business. They include, for instance, requirements to appoint a Chair biennially; a requirement to hold an AGM, and directions on the Order of Business for Association meetings.

1.2 The Articles of Association allow for organisations to become “Members” and optionally “Directors” of the Association and determine the quorum for meetings. The list of Members and Directors of the Company set out in the Articles of Association was drawn up in 2010 to replicate the balanced composition of local authority, scientific and fishing industry members seen in the Association’s predecessor organisation the North Western and North Wales Sea Fisheries Committee. The objective at that time was to maintain continuity.

1.3 The role of Directors and Members is set out in the Standing Orders. In summary, their role is to ensure that the Association carries out its functions correctly, and to be a spokesperson and ambassador for the Association. Directors & Members also ensure that the work of the Association is transparent and subject to independent scrutiny.

1.4 The powers and duties of Members and Directors are briefly outlined below.

- a) **Members of the Association** are defined as the subscribers to the memorandum of association. They are entitled to vote on motions discussed at meetings of the Association.

The maximum number of Members is set at 8, drawn from the statutory bodies around the Menai Strait (NRW, Gwynedd County Council and Ynys Môn County Council); the School of Ocean Sciences; a representative of the lease holders in Menai East; a representative of the licensed fishermen in Menai East; and a representative from the Menai West Fishery Order (if and when it is made). The Chair of the Association is also a Member.

The Members of the Association are currently the Chair, James Wilson, Keith Andrews, Lewis le Vay and the representative appointed by Gwynedd County Council.

NRW have indicated in the past that it is inappropriate for them to be a Member of the Association, and attend meetings as an Observer. Ynys Môn County Council have adopted the same approach.

The quorum for meetings of the Members of the company is set at 3, unless the number of directors is less than 3 in which case the quorum is all of the Members.

- b) **Directors of the Association** are responsible for the management of the Company's business.

All of the Members of the Association are eligible, under the Articles of Association, to become Directors. The public bodies that are Members have declined the invitation to do so because it is considered inappropriate for them to take on this role.

There are presently two directors of the company: James Wilson and Keith Andrews.

The quorum for meetings of the directors of the company is set at 3, unless the number of directors is less than 3 in which case the quorum is all of the directors.

- 1.5 The Articles also allow for organisations that are eligible to be Directors or Members but have not taken on that role to participate in meetings as Observers. The Minister is also entitled to send a representative to meetings as an Observer. Observers can speak at meetings but cannot vote and do not contribute to the quorum.

## **Articles of Association**

### **Background**

As a company limited by guarantee, the Association is required by the Companies Act to have "Articles of Association" which set out how the company is run and governed. The Articles of Association were agreed in 2010 when MSFOMA was established and were revised in 2014 to allow for wider participation.

MSFOMA recently resolved to widen participation (see item 5 on the agenda), and there have been some institutional changes in the administration of the marine environment since the Articles of Association were last revised in 2014. This report provides an update on progress with the revision of the Articles of Association to ensure that they are up-to-date and fit for purpose.

### **Recommendations**

1. That progress since the last meeting of the Association is noted.
2. That revised Articles should be presented for discussion at the next Association meeting in September 2019.

#### **1. The need for change**

- 1.1 The current Articles of Association were revised and agreed by the Association in 2014.
- 1.2 The key driver for changes to the Articles is the recent decision to widen participation in the business of the Association to include Beaumaris Town Council and Bangor City Council. It would be appropriate to make formal provision for these local authorities to become Observers, Members or Directors of the Association.
- 1.3 In addition to these changes, it is appropriate to keep the Articles under review to ensure that they take account of the legal, institutional and administrative changes that have occurred in the 5 years since the Articles were last reviewed.

#### **2. Scope for changes**

- 2.1 The last Association meeting agreed to make changes to the Articles of Association in several key areas, summarised below:-
  - a) **Updating** – there have been some institutional changes (notably the merging of Environment Agency Wales and the Countryside Council for Wales) that need to be accommodated in the Articles. It is also appropriate to review changes in Company Law to ensure that the Articles are fully compliant with the current regulatory regime.
  - b) **Widening scope** – a wider scope is required to allow for the possibility of Bangor City Council and Beaumaris Town Council wishing to become either formal observers, members or directors of the Association.
  - c) **Administrative** – in order to ensure that the Association is able to operate efficiently and effectively it may be appropriate to make some administrative

changes to ensure that meetings are quorate and that potential conflicts of interest can be appropriately accommodated. To achieve this, it is proposed that two Officers of the Association (the Chair and Secretariat) are permitted to become Directors. This would ensure that the Association has some Directors available to take decisions on matters (such as the allocation of leases) that the current Directors might have a prejudicial interest in.

### **3. Process for change**

- 3.1 Lawyers were instructed to start work on amendments to the Articles during April 2019. It has been hoped that revised Articles would be available for discussion at this meeting, but this has not been possible.
- 3.2 It is therefore proposed that the Secretariat and Chair should continue to liaise with lawyers so that revised Articles can be presented at the September meeting of the Association, with a view to the new Articles being adopted at the AGM in December.

MSFOMA Secretariat  
June 2019



## **Register of Interests**

### **Background**

Following revisions of codes of good governance in other sectors of public and corporate administration, the Association has recently discussed the need to take formal account of the interests of participants in its meetings. It was agreed at the March 2019 meeting of the Association that a robust procedure should be established for ensuring that a register of interests is maintained so that potential conflicts of interest are avoided.

This report provides an update on progress since the last MSFOMA meeting and proposes some new arrangements for implementing the decisions taken at the last meeting.

### **Recommendations**

1. That this report is accepted.
2. That the changes to the Order of Business for this and subsequent meetings of the Association are noted and endorsed.
3. That the Association establishes a “Register of Interests” that is appropriate for a public body based on the proposals set out in this report.
4. The Association should consider whether its Register of Interests is published on the internet.

### **1. Principles**

- 1.1 One of the principles of public administration in the UK is that organisations and institutions which have been established by the Government to discharge a statutory function do so without acting to benefit the Members or Officers of that institution.
- 1.2 When MSFOMA was established, the potential for conflicts of interest was addressed by including a procedure for registering and reviewing potential conflicts of interest in the Articles of Association (at §18 of the Articles).
- 1.3 For many organisations and institutions, the Government has set out statutory rules and formal guidance which requires that potential “conflicts of interest” are declared and evaluated. Such procedures ensure that individuals do not participate in decisions in which they have some kind of undeclared prejudicial interest.
- 1.4 The Association is a unique organisation, and there are no formal rules in place that apply directly or specifically to its activities. It was agreed at the last Association meeting agreed that procedural changes should be made to ensure that its business is conducted in a manner that is consistent with that of comparable organisations.

### **2. Progress**

- 2.1 It was agreed at the last Association meeting that the agenda for all subsequent meetings should include a “Declaration of Interests” prior to any discussion of business. This change has been made for this meeting, and will be reflected in an amendment to the Order of Business set out in §7 of the Articles of Association.

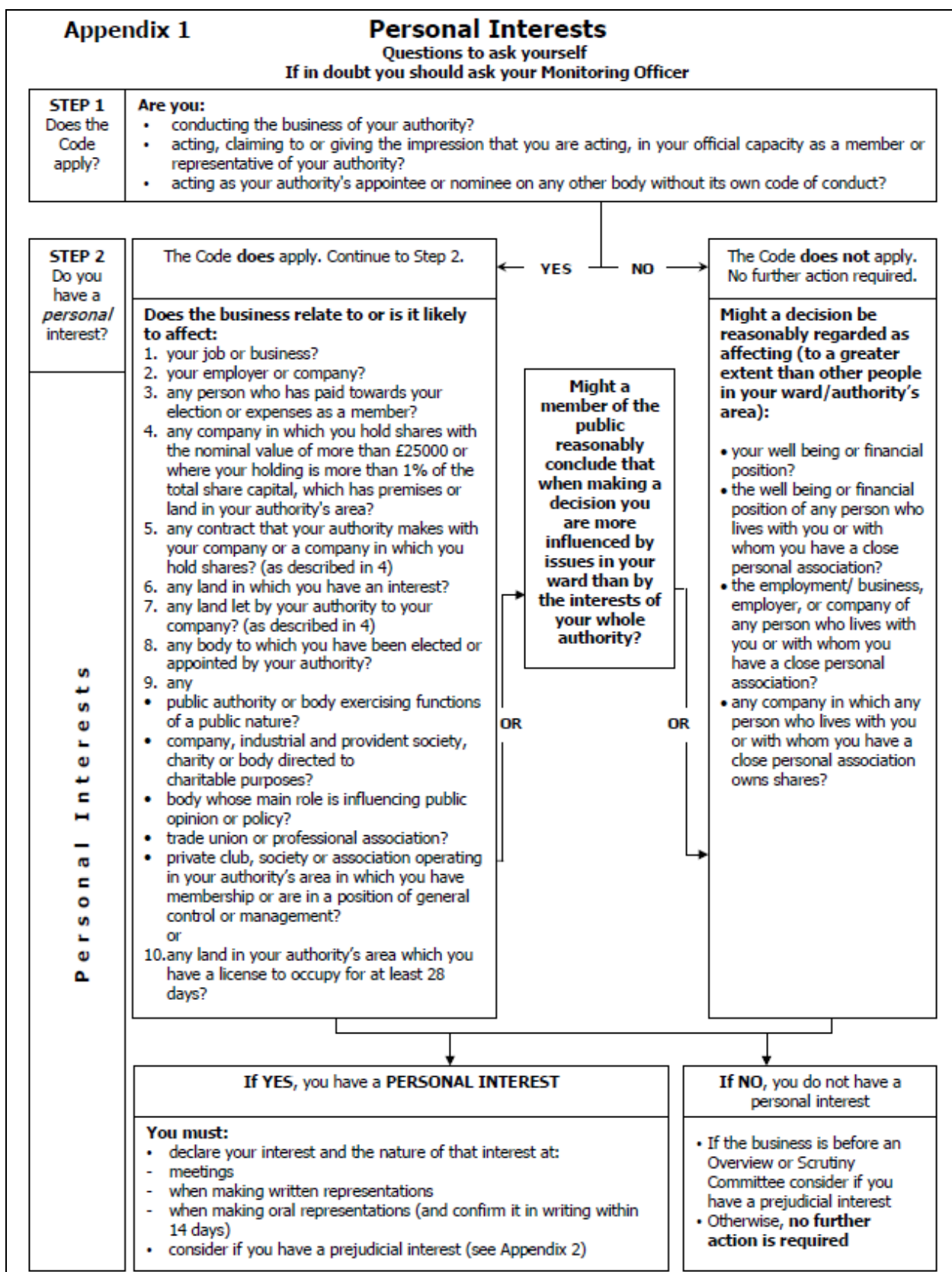
- 2.2 The Public Services Ombudsman for Wales has published a Code of Conduct for Members of Local Authorities in Wales<sup>1</sup>. This document provides useful guidance on how Members of Local Authorities can identify Personal and Prejudicial Interests, and also guidance on the Registration of Interests. This guidance is reproduced in Annexes A and B of this report.
- 2.3 It was further agreed at the last meeting that a Register of Interests is established for all participants in MSFOMA meetings. A proforma for registering interests is presented at Annex C of this report. Comments are invited on this proforma. It is proposed that this version should be revised following the meeting and circulated to all participants, so that a formal Register of Interests can be established.
- 2.4 The Secretariat has noted that some other organisations have made their Register of Interests available on the internet. Views are sought on whether this would be appropriate for the Association.

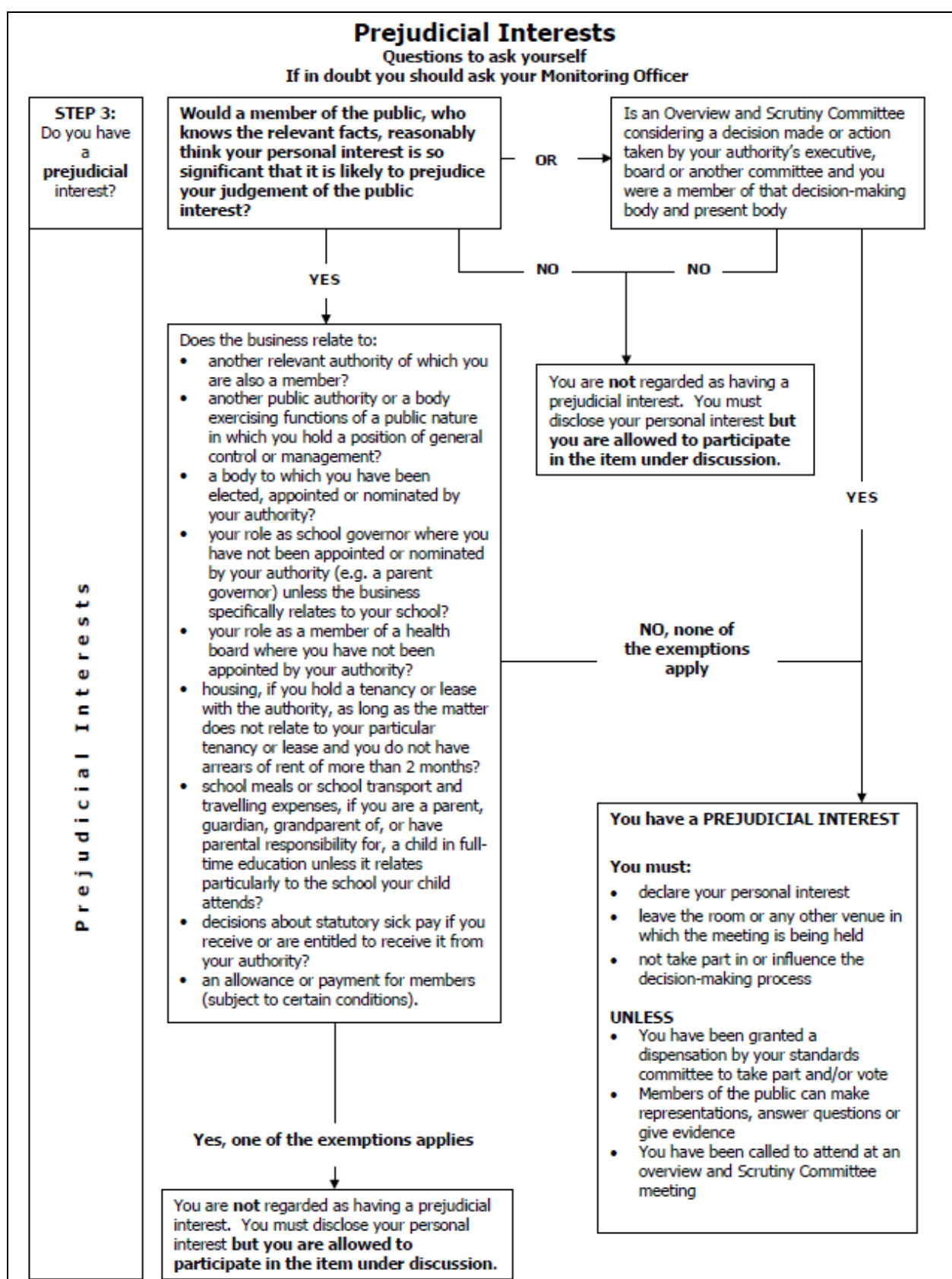
MSFOMA Secretariat  
June 2019

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<sup>1</sup> Available here: <https://www.ombudsman.wales/wp-content/uploads/2018/03/Code-of-Conduct-CC-CBC-NPA-August-2016.pdf>

**Annex A:** Flowcharts for identifying Personal and Prejudicial Interests (copied from the Code of Conduct for Members of Local Authorities in Wales).





## 4. Registration of Interests

### See Paragraph 15

#### Key points

All members of authorities have to provide a record of their interests in a public register of interests. If you are a member of a county or county borough council, fire authority or national park authority, you must tell your Monitoring Officer in writing within 28 days of taking office, or within 28 days of any new or change to your register of interests, of any interests which fall within the categories set out in the Code, outlined below.

The register is a document that can be consulted when (or before) an issue arises, and so allows others to know what interests you have, and whether they might give rise to a possible conflict of interest.

The register also protects you. You are responsible for deciding whether you should declare an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be declared by you or other members, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

As previously mentioned, you must tell your Monitoring Officer in writing within 28 days of taking office, or within 28 days of any new or change to your register of interests, of any interests which fall within the categories set out in the Code. These categories include:

- your job(s) or business(es)
- the name of your employer or people who have appointed you to work for them
- the name of any person who has made a payment to you in respect of your election or expenses you have incurred in carrying out your duties
- the name of any person, company or other body which has a place of business or land in the authority's area, and in which you have a shareholding of more than £25,000 (nominal value) or have a stake of more than 1/100th of the share capital of the company
- any contracts between the authority and yourself, your firm (if you are a partner) or a company (if you are a paid director or if you have a shareholding as described above) including any lease, licence from the authority and any contracts for goods, services or works. Where the contract relates to use of land or a property, the land must be identified on the register
- any land and property in the authority's area in which you have a beneficial interest (or a licence to occupy for more than 28 days) including, but not limited to, the land and house you live in and any allotments you own or use
- your membership or position of control or management in:
  - any other bodies to which you were elected, appointed or nominated by the authority
  - any bodies **exercising functions of a public nature** (described above), or directed to



charitable purposes, or whose principal purposes include the influence of public opinion or policy, including any political party or trade union

- any private club, society or association operating within your authority's area.

Recent changes to the Code now also require members when disclosing a personal interest for the first time to register it in the register of interests by giving written notice to the Monitoring Officer.

## **Sensitive information**

### **See Paragraph 16**

#### **Key points**

You may be exempt from having to include sensitive information on your register of interests. If your personal interest in a matter under discussion at a meeting is sensitive information, you will need to declare that you have a personal interest but you will not have to give any details about the nature of that interest.

Sensitive information may include your sensitive employment (such as certain scientific research or the Special Forces) or other interests that are likely to create a serious risk of violence or intimidation against you or someone who lives with you should they become public knowledge.

You should provide this information to your Monitoring Officer and explain your concerns regarding the disclosure of the sensitive information; including why it is likely to create a serious risk that you or a person who lives with you will be subjected to violence or intimidation. You do not need to include this information in your register of interests, if your Monitoring Officer agrees. Ultimately, you must decide what information to include on your publicly available register of interests. If information on your register ceases to be sensitive you must notify your Monitoring Officer within 28 days asking them to amend the information accordingly.

## **Gifts and hospitality**

### **See Paragraph 17**

#### **Key points**

You must register any gifts or hospitality worth more than the amount specified by your authority that you receive in connection with your official duties as a member and the source of the gift or hospitality.

You must register the gift or hospitality and its source within 28 days of receiving it. Like other interests in your register of interests, you may have a **personal interest** in a matter under consideration if it is likely to affect a person who gave you a gift or hospitality that is registered. If that is the case, you must declare the existence and nature of the gift or hospitality, the person who gave it to you, how the business under consideration relates to that person and then decide whether that interest is also a **prejudicial interest**. It is also good practice to

provide a note of any offers of gifts which you have declined.

**Is the gift or hospitality connected to my official duties as a member?**

You should ask yourself, would I have been given this if I was not on the Council? If you are in doubt as to the motive behind a gift or hospitality, I recommend that you register it or speak to your Monitoring Officer.

You do not need to register gifts and hospitality which are not related to your role as a member, such as Christmas gifts from your friends and family, or gifts which you do not accept. However, you should always register a gift or hospitality if it could be perceived as something given to you because of your position or if your authority requires you to.

**What if I do not know the value of a gift or hospitality?**

The general rule is, if in doubt as to the value of a gift or hospitality, you should register it, as a matter of good practice and in accordance with the principles of openness and accountability in public life. You may have to estimate how much a gift or hospitality is worth. Also, an accumulation of small gifts you receive from the same source over a short period that add up to the value specified by your authority or over should be registered.

The Code also refers to material benefit or advantage. The measure of this would be if an informed independent observer could conclude that you might be perceived to be better off as a consequence.

**Annex C: Proposed proforma for Register of Interests**

**Menai Strait Fishery Order Management Association**

**Register of Members' Interests**

I, ..... as Member/Director/Observer/Advisor\* of the **Menai Strait Fishery Order Management Association (MSFOMA)** have set out below my interests in accordance with the organisation's conflicts of interest policy.

[\* Delete as appropriate]

I understand and acknowledge the following:

1. I must complete, sign and return this form within 28 days of MSFOMA's adoption of a Register of Interests.
2. If my circumstances change I must within 28 days of becoming aware of any changes to the interests specified here provide written notification to the MSFOMA Secretariat of that change.
3. Disclosable Pecuniary Interests include not only my own interests but also the interests of "relevant persons", which may include the following: my spouse or civil partner (or any person with whom I am living as if there were a spouse or civil partner), a family member, or a person with whom I have some other direct personal, financial or business relationship.
4. If I feel that I have an interest which if disclosed on a public register could lead to myself or a relevant person being subject to violence or intimidation, then I must disclose this as a sensitive interest but need not declare the nature of the interest.

Full Name: .....

Signature<sup>2</sup>: .....

Date completed: .....

---

<sup>2</sup> Signatures will be redacted from any copies of this document issued to the public.



Category of Interest	Details of interest <sup>3</sup> and whether it applies to yourself or a “relevant person” <sup>4</sup> .
<b>Disclosable Pecuniary Interests</b> Please provide a declaration of any pecuniary interests	
<b>Employment, Office, Trade, Profession or Vocation</b> Any activity carried out for profit or gain (please include name, address and description of activity)	
<b>Sponsorship</b> Any payment or provision of any other benefit (other than from MSFOMA) made or provided within the relevant period in respect of carrying out duties.	
<b>Contracts</b> Any contract with of benefit to you and / or a relevant person that is relevant to MSFOMA.	
<b>Land</b> Any beneficial interest in land within the area occupied by Fishery Orders for which MSFOMA is Grantee.	
<b>Licences &amp; Leases</b> Any licences or leases which relate to rights exercised within the Fishery Orders for which MSFOMA is Grantee (including leases/licences from landowners and leases / licences issued by MSFOMA).	
<b>Securities</b> Any beneficial interest in securities of a body where that body has a place of business, land, leases or licences in that area of the Fishery Orders for which MSFOMA is Grantee.	
<b>Sensitive Interests</b>	
Do you or any relevant person have any “sensitive interests” that disclosure	Yes / No [Delete as appropriate]

<sup>3</sup> If you do not have an interest in any category please write “None”.

<sup>4</sup> A “relevant person” means a member of your immediate family, connected persons, or person(s) with some other direct personal, financial or business relationship with you.

Category of Interest	Details of interest <sup>3</sup> and whether it applies to yourself or a “relevant person” <sup>4</sup> .
could lead to the risk of violence and / or intimidation?	
<b>Non-Pecuniary Interests</b> Please provide details of your membership of, or your occupation of a position of control or management in any of the following:	
Bodies to which you have been appointed by MSFOMA as its representative (e.g. Harbour Authorities).	
Public authorities or bodies exercising functions of a public nature that you have been appointed to (e.g. Inshore Fisheries Groups / Seafish Industry Authority).	
Bodies directed to a charitable purpose (e.g. Freemasons Lodge)	
Bodies one of whose principal purposes include the influence of public opinion or policy (e.g. Political Party, Trade Union).	

## **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 the Welsh Government officials invited to the meeting.
2. That a response is submitted to the consultation on the UK Marine Strategy which reflects the comments made at this meeting in time for the deadline of 20<sup>th</sup> June 2019.
3. That a response is submitted to the consultation on the Marine and fisheries policies for Wales after Brexit which reflects the comments made at this meeting in time for the deadline of 21<sup>st</sup> August 2019.

### **1. Background**

- 1.1 The Welsh Government website provides information about consultations and meetings of various stakeholder groups that are relevant to the Welsh Fishing industry. A brief summary of recent activity is provided below.

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

- 2.1 Welsh Government has established several groups to assist with the administration and management of Welsh fisheries. The key groups are:-
  - a) **Inshore Fisheries Groups** – these groups provide stakeholder with a forum for communicating and engaging with Welsh Government. The Association has been advised that the future role of these groups will be determined by the Welsh Marine Fisheries Advisory Group.
  - b) **Welsh Marine Fisheries Advisory Group** – this group was established to assist with the formulation of appropriate policies, plans, strategies and laws relating to marine fisheries in Wales. Information about this group is now available from <https://beta.gov.wales/wales-marine-fisheries-advisory-group>. The most recent WMFAG meeting took place on 7<sup>th</sup> February 2019. No issues of immediate relevance to MSFOMA seem to have been discussed at these meetings. The agenda for the meeting held on 7<sup>th</sup> February 2019 is appended at Annex A to this report.
  - c) **Aquaculture Advisory Group** – this Group was established to help Welsh Government meet the targets it set in the 2013 Wales Marine and Fisheries Strategic Action Plan for aquaculture production of 2,000t of finfish and 16,000t of shellfish by 2020. The last meeting of this group was held in November and a verbal report was provided to the MSFOMA meeting in December.

- 2.2 A verbal update on recent meetings of these and related groups will be provided at the meeting by Members and Observers who attend these meetings.

### 3. Consultations

- 3.1 WG presently has two consultations open that are relevant to the work of MSFOMA. These are summarised below.

- 3.2 **Marine Strategy Part One - UK updated assessment and good environmental status:** this consultation opened on 9<sup>th</sup> May and closes on 20<sup>th</sup> June. The consultation seeks views on the updated UK marine strategy. In particular it asks whether the UK Government has accurately assessed the state of UK marine waters; identified the right criteria to monitor progress towards Good Environmental Status (GES); and proposed effective targets to achieve and maintain GES for UK seas. The consultation is hosted on the Defra website<sup>5</sup>. A copy of the consultation letter is set out in Annex B of this report. The consultation document is 100 pages long. Key points to note in this are:-

- a) Marine aquaculture is predicted to grow strongly in coming decades.
- b) The only relationships between the marine environment and marine aquaculture and Good Environmental Status in UK seas are the adverse impacts associated with the introduction of invasive non-native species and eutrophication.
- c) The report does not identify the ecosystem services that are provided by shellfish cultivation and which have recently been reviewed by scientists from Bangor University.
- d) Only online responses can be submitted. A copy of the online consultation questions is attached at Annex C for discussion.

- 3.3 **Marine and fisheries policies for Wales after Brexit:** this consultation opened on 1<sup>st</sup> May 2019 and is due to close on 21<sup>st</sup> August. The consultation document seeks views on how the Welsh Government should approach the management of fisheries in Wales after Brexit. The consultation document is available online<sup>6</sup> and is 40 pages long. Key sections of the document are reproduced in Annex D of this report. In summary:-

- a) Shellfish fisheries are the largest sector of the commercial sea fishing industry in Wales, accounting for landings valued at £13.6M in 2016. Cultivated shellfish were estimated to have a value of £4M in 2016, and accounted for 80% of aquaculture value that year (and 93% of production by volume).
- b) Most of the fish and shellfish landed into Wales is exported (100% of whelks; 90% of mussels; and 90% of cockles). The Welsh industry is very dependent on trade with small number of countries: Spain takes around 57% of Welsh exports, and all

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<sup>5</sup> The consultation document is available here: <https://consult.defra.gov.uk/marine/updated-uk-marine-strategy-part-one/>

<sup>6</sup> The consultation document is available here: <https://gov.wales/sites/default/files/consultations/2019-05/marine-and-fisheries-policies-for-wales-after-brexite-consultation-document.pdf>

of the whelk exports from Wales are sent to South Korea. Seafood exports from Wales are estimated to have a value of £22M pa.

- c) The report recognises that shellfish would continue to play a large part in future fisheries policy (largely because shellfish are not subject to quota restrictions). The report also recognises that there is “*great potential to grow our aquaculture industry*”. It goes on to state that:-

***Sustainable growth of shellfish and aquaculture products***

*The Welsh Government is committed to the continued sustainable growth of shellfisheries and aquaculture. It helps to underpin sustainable economic growth, particularly in rural and coastal communities and has significant potential to contribute further.*

*However, we recognise the process of applying for a Several or Regulating Order to have exclusive access to the seabed for a period of time for aquaculture is currently lengthy. The mechanism for creating Several and Regulating Shellfishery Orders under the Sea Fisheries (Shellfish) Act 1967 could be considered to no longer be the most appropriate management tool.*

*We intend to incorporate an adaptive management system, where both fisheries and aquaculture for shellfish can be flexibly managed so policy changes can be responsive and quick. We wish to introduce an improved aquaculture management regime to facilitate stronger growth within the shellfish sector, and remove the current doubts of the operators. The licensing regime could remove the need for such aquaculture operations to be established by subordinate legislation and we are keen to work with aquaculture businesses to understand how this process would continue to safeguard their investment whilst maintaining the environment for the duration of the management agreement.*

***Aquaculture***

*Aquaculture is one of the UK's key food production sectors and helps to underpin sustainable economic growth, particularly in rural and coastal communities. Beyond this, it has significant potential to contribute further, investing to provide quality and securing jobs. Aquaculture has been identified as a particular sector for growth, both within the draft Welsh National Marine Plan and other strategies across Europe. Commercial aquaculture for human consumption in Wales has traditionally been focused on shellfish production, mainly mussels and some small scale native, and pacific oyster production. The cultivation of shellfish is seen as a low impact and sustainable form of food production. The production of farmed finfish in Wales is relatively small and is confined to on-shore salmonid in ponds and, more recently, purpose-built state of the art recirculation facilities for cleaner fish for the farmed salmon sector.*

*Over the past two years, £2.5 million of European Maritime and Fisheries Fund (EMFF) money has been allocated to support various innovative aquaculture projects, including funding to develop offshore rope systems for collection of mussel seed and mussel on-growing, and the commissioning of aquaculture systems for the production of carp and other species.*

*The Welsh Government's priorities for the development of aquaculture focus on three core areas – developing new and existing shellfish activities, supporting new and existing operations to increase finfish production, and promoting diversification of commercially viable species in the marine and inland areas.*

- d) A response form has been produced by Welsh Government to enable feedback to be made on the proposals set out in the document. This form is reproduced in Annex E of this report. The questions that relate to the text quoted above are numbers 11, 12, and 13.

- e) The Association may wish to consider how it responds to the idea that the existing, tried and tested management foundation for shellfish cultivation established by the Sea Fisheries (Shellfish) Act 1967 should be replaced with a new “*adaptive management regime*” as well as the other proposals in this document.

#### **4. Welsh Government Officials**

- 4.1 A very constructive meeting was held on 23<sup>rd</sup> May 2019 in Menai Bridge between representatives of MSFOMA and officials from Welsh Government (Alison Kitchener and Michelle Billing). The purpose of the meeting was to discuss the internal procedure that WG are developing to allow them to process applications for Fishery Orders more efficiently. The meeting was one of two that were organised with industry representatives in May (the other being in South Wales). Feedback from WG officials after the meeting indicated that it had been very helpful to them, and that they will now establish a new internal process which will be applied to all other Fishery Order applications.
- 4.2 There have been some significant changes in the staffing arrangements in the WG fisheries department since the last MSFOMA meeting. These are briefly summarised below.
  - a) **Janet Perry** took early retirement during April 2019. Since early 2018 Janet has been the officer responsible for progressing Fishery Order applications. Her post has not been filled. Her main duties have been taken on by an existing member of staff, Michelle Billing.
  - b) **Graham Rees** has been the Deputy Director for Marine and Fisheries at Welsh Government for many years. He has been appointed to a senior post connected with the Brexit process. His role is presently being filled by Gareth Bevington, previously the Deputy Director for Marine and Internal Negotiations and who had been working alongside Mr Rees.
  - c) **Alison Kitchener** was appointed Deputy Head of Marine and Fisheries in late 2018, and in May 2019 moved on to another role within WG after 6 months in post.

#### **5. Communications with Cabinet Minister**

- 5.1 There have been no further meetings with Cabinet Minister Lesley Griffiths AM since June 2018. The Chair has been in correspondence with the Minister in connection with the Menai Strait (East) Fishery Order (see item 13 on the agenda).

MSFOMA Secretariat  
June 2019

**Annex A:** Agenda for Welsh Marine and Fisheries Advisory Group meeting of 1<sup>st</sup> October 2018.

**WALES MARINE FISHERIES ADVISORY GROUP**

Meeting on Thursday 7<sup>th</sup> February – 10:00-16:00

Welsh Government Offices, Rhodfa Padarn, Aberystwyth



Llywodraeth Cymru  
Welsh Government

**AGENDA**

Item	Item		Lead
1.	Welcome & Apologies		Chair
2.	Approval of Notes of Meeting held on 1 <sup>st</sup> October 2018 and matters arising	Paper 1	Chair
2(a)	Actions from previous meeting	Paper 2	Chair / Secretariat
3.	Fisheries Operations	Paper 3	Julian Bray
4.	Brexit – Update	Paper 4	To be tabled at meeting
5.	Summary of Key Workstreams i) Catch / Export Certificates ii) U10m reporting iii) Inshore VMS iv) Whelks v) Scallops vi) Cockles vii) Assessing Welsh Fisheries	Paper 5	
6.	Common Fisheries Policy Update	Paper 6	Mike Jones
7.	Use of Social Media – Amendments to Terms of Reference	Paper 7	Julian Bray
8.	Items for Information: (i) Angel shark Roadshows (ii) Are you Brexit Ready Brexit Update No. 3 (iii) Marine and Coastal Access Act 2009 - Report to the National Assembly for Wales on Marine Protected Areas in Wales & Written Statement (iv) Updated dates of meetings for 2019	Paper 7	Chair
9.	Any other business		Chair

**Refreshments and a buffet lunch will be provided**

Following lunch a presentation will be made by Caroline Dawson of Menter a Busnes, on their EMFF Market Development Project, Seafood Cluster Activity, they also show their recently commissioned 'Meet the Fishermen' video which will be premiered to industry mid Feb.

## Annex B: Consultation letter for the Marine Strategy Part 1.



Department  
for Environment  
Food & Rural Affairs

Seacole Building  
2 Marsham Street London  
SW1P 4DF

T 03459 335577  
[defra.helpline@defra.gov.uk](mailto:defra.helpline@defra.gov.uk)  
[www.gov.uk/defra](http://www.gov.uk/defra)

Dear Stakeholder

### Consultation on the Marine Strategy Part 1: UK Updated Assessment and Good Environmental Status

#### Updated assessment of progress towards achieving Good Environmental Status (GES) and proposals for new objectives, targets and indicators for the next 6 years

Defra, the Department of Agriculture Environment and Rural Affairs Northern Ireland, the Scottish Government and the Welsh Government are seeking views on the UK's updated assessment of the progress made towards achieving GES for UK Seas and the proposed objectives, targets and indicators that will be used for the next 6 year cycle.

The consultation covers the assessment of progress made towards achieving the targets set for GES in the Marine Strategy Part 1 in 2012. These relate to biological diversity, non-indigenous species, commercially exploited fish and shellfish, food webs, human-induced eutrophication, sea floor integrity, hydrographical conditions, contaminants, contaminants in fish and other seafood, marine litter and introduction of energy (including underwater noise).

It also sets out proposals for updated high level objectives, targets and operational targets to be used for 2018 to 2024. These build on those set in 2012 and take account of the assessment findings and developments toward achieving coordinated targets, indicators and thresholds nationally, in the European Union and in the OSPAR Convention for the Protection of the North East Atlantic.

This consultation covers the updated UK Marine Strategy Part 1 only. It does not cover the UK's marine monitoring programme set out in the Marine Strategy Part Two, or the UK's programme of measures set out in the Marine Strategy Part 3. Updates to these will be made in 2020 and 2021 respectively.

The consultation document can be found on Defra's website:  
<https://consult.defra.gov.uk/marine/updated-marine-strategy-part-one>. You can find more information on the MSFD at: <https://www.gov.uk/government/policies/protecting-and-sustainably-using-the-marine-environment/supporting-pages/implementing-the-marine-strategy-framework-directive>



INVESTORS  
IN PEOPLE



## Responses

We welcome your views and comments on the proposals. Please send responses online - June 2019 via the consultation page at <https://consult.defra.gov.uk/marine/updated-marine-strategy-part-one>

Alternatively

Email: [marine.strategy@defra.gov.uk](mailto:marine.strategy@defra.gov.uk)

Post: Marine Strategy Implementation Team

1<sup>st</sup> Floor Seacole block

2 Marsham Street

Westminster

London

SW1P 4DF

If you wish to obtain a hard copy of this consultation please use the contact details above.

## Consultation Criteria

This consultation is in line with the government's Consultation Principles. This can be found at [www.gov.uk/government/publications/consultation-principles-guidance](http://www.gov.uk/government/publications/consultation-principles-guidance).

Copies of responses will be made available to the public on request. If you do not want your response – including your name, contact details and any other personal information – to be publicly available, please say so clearly in writing when you send your response to the consultation. Please note, if your computer automatically includes a confidentiality disclaimer, that won't count as a confidentiality request.

Please explain why you need to keep details confidential. We will take your reasons into account if someone asks for this information under freedom of information legislation. But, because of the law, we cannot promise that we will always be able to keep those details confidential.

We will summarise all responses and place this summary on our website at: [www.gov.uk/defra](http://www.gov.uk/defra).

This summary will include a list of names of organisations that responded but not people's personal names, addresses or other contact details.

If you have any comments or complaints about the consultation process, please address them to Defra Consultation Co-ordinator: email [consultation.coordinator@defra.gov.uk](mailto:consultation.coordinator@defra.gov.uk).

Thank you for your help in this matter. If you have any queries please contact us as above.

Yours sincerely,

Marine Strategy Implementation team

Defra

**Annex C:** Response proforma for UK Marine Strategy Consultation

## Marine Strategy Part One: UK Updated Assessment and Good Environmental Status

Page 1 of 3

Closes 20 Jun 2019

### Introduction

#### 1. Would you like your response to be confidential?

##### ► Confidentiality and data protection information

(Required)

☐ Yes

☒ No

If you answered Yes to this question please give your reason.

## 2. What is your name?

Name

Jim Andrews

## 3. What is your email address?

If you enter your email address then you will automatically receive an acknowledgement email when you submit your response.

Email

info@msfoma.org

## 4. What is your organisation?

Organisation

Menai Strait Fishery Order Management Association (MSFOMA)

## 5. Does the UK Marine Strategy Part One provide an accurate reflection of the state of UK marine waters and the economic and social uses of those waters?

TBC

**6. To what extent are the proposed new criteria and associated targets sufficient to guide progress towards achievement of Good Environmental Status?**

TBC

**7. To what extent are the proposed operational targets sufficient to achieve Good Environmental Status?**

TBC

**8. Where gaps have been identified do you have suggestions on how these could be filled?**

TBC

Save and come back later...

Continue >

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Citizen Space (<http://www.citizenspace.com>) from Delib (<http://www.delib.net>)

## Annex D: Extracts from Marine and fisheries policies for Wales after Brexit consultation document.

### Ministerial Foreword by Lesley Griffiths AM

Our coasts and seas are an incredible natural asset, contributing to our wellbeing, as well as millions to the economy of Wales, supporting thousands of jobs and providing a rich heritage and culture. Over 60% of the Welsh population live near our shores, with all our major cities and many large towns located on the coast.

Leaving the European Union (EU) and having the opportunity to set our own policy is a significant moment for the marine environment and fishing industry in Wales. How we leave the EU will have a significant impact on the fishing industry.

The last two years have brought into sharp focus the interconnected nature of our supply chains and markets with other Member States, around 90% of our exports go to other EU Member States. The rules and regulations which lead to non tariff barriers are a significant challenge to the way our industry operates. Whilst we have been doing all we could to be prepared for a no deal exit, the importance of unfettered access is clear. The extension of Article 50 is therefore welcomed – the negative impact of a 'no deal' exit on the fishing industry must be avoided.

Welsh Government continues to make the case for continued full and unfettered access to the Single Market and participation in a Customs Union, protecting our seafood exports.

European fisheries are managed by the Common Fisheries Policy (CFP). Leaving the EU, and therefore the CFP provides the opportunity to tailor our policies to meet Welsh needs. The Welsh fishing industry is distinct from those in other parts of the UK. Whilst many of the challenges will be the same others will not. Devolution and our exit from the EU gives us the opportunity to develop and shape a system which works for Wales.

This consultation is the first stage in the process of creating a new policy and fit for purpose management regime underpinned by an appropriate

legislative basis to ensure the Welsh marine environment and fishing fleets can prosper in a post EU world.

Management of marine and fisheries is complex, given the scale of ecosystems and distribution of fish stocks it is undertaken on an international stage, involving Welsh, UK and EU legislation together with multinational and international agreements.

Our network of Marine Protected Areas (MPAs) contribute to an ecologically coherent network of MPAs in the north east Atlantic. All MPAs, whether UK-designated European marine sites or national sites designated under the Marine and Coastal Access Act (2009), contribute to the OSPAR network of MPAs. Fish stocks are also managed on an international scale under the umbrella of the United Nations Convention on the Laws of the Sea and the Straddling Fish Stocks Agreement. Wales, as a globally responsible nation, already does, and will continue to work collaboratively on the international stage.

Since the referendum in 2016, the Welsh Government has been working with fisheries administrations across the UK to ensure powers in relation to fisheries management will continue to be exercised appropriately. We are ensuring all legislation is operable once we exit the EU with over 100 pieces of former marine and fisheries EU legislation being retained on the UK statute book immediately after we exit the EU.

In considering the future arrangements we commit to retaining, and enhancing where needed, to ensure stability and continuity in key areas as follows:

- We are committed to the principles and ways of working of Well-being and Future Generations (Wales) Act 2015 (WFG) and this is enshrined in the first Welsh National Marine Plan.
- We will continue to implement the Environment (Wales) Act 2016, the Marine and Coastal Access Act 2009 and the Nature Directives to improve biodiversity and work toward ecosystem resilience.

- Welsh Government will continue to ensure environmental standards are upheld and enforced, where appropriate, in Welsh waters and the broad framework, as currently set out in the Common Fisheries Policy (CFP), continues for the time being.
- We are investing in new systems, new staff and new vessels to enforce standards and seek to prosecute those who do not comply.

Our commitments in these areas are vitally important to how we sustain, support and maximise the opportunities for Wales after we leave the EU. Over the next few years we will need to consider if and how we will do things differently in Wales. This consultation is the start of a longer conversation and will help us better understand your priorities.

Welsh fishers do not receive a fair share of fishing opportunities as outlined in the Wales Centre for Public Policy report 'Implications of Brexit for Fishing Opportunities in Wales'. As we leave the EU, the Welsh Government will be arguing for a greater share of fishing opportunities. This includes a fairer deal and a fairer system which benefits our marine environment, the fishing industry and our coastal communities in line with the WFG Act. The issue of fishing opportunities is complex and contentious and there are significant risks and opportunities which need to be explored in more detail.

Trade in fisheries products is at the forefront of our minds. In Wales, approximately 90% of our fisheries exports are to the EU, with the remainder largely relying on EU trade deals and agreements with other nations. Our future in this area will be dependent on our future relationship with the EU.

The fishing and aquaculture industries in Wales cannot stand still. Fishing is a primary industry and part of the global economy. In order to survive and thrive it needs to innovate and develop. The industry has relied on primary production, insulated from both tariff and non-tariff barriers, exporting live products

to the EU and beyond. This means the industry is susceptible to fluctuating prices and changes in consumer demand which makes it vulnerable. We believe the industry needs greater consistency of opportunity, more job security and greater wealth creation; markets outside the EU may become increasingly important.

This consultation seeks to hear your views on a number of areas, including:

- Managing fishing opportunities on behalf of the people of Wales in line with the WFG Act. As we leave the EU, any negotiated additional fishing opportunities for Wales would be managed on behalf of the people of Wales to offer greater benefit for our coastal communities and sustainable growth for the fishing industry.
- We will introduce more sustainable management practices for species with commercial value based on robust scientific evidence. This could include adaptive management which would introduce a monitoring system to sustain certain stocks and provide the flexibility to open and close fisheries in response to environmental impacts and variations. Our intention is to ensure that over time adaptive management would further enhance our ecosystem resilience.

I am pleased to be able to seek your views on what are very important issues for the people of Wales and, in particular, for our coastal communities as we leave the European Union.

I know how passionate people are about our marine environment and I look forward to your responses.



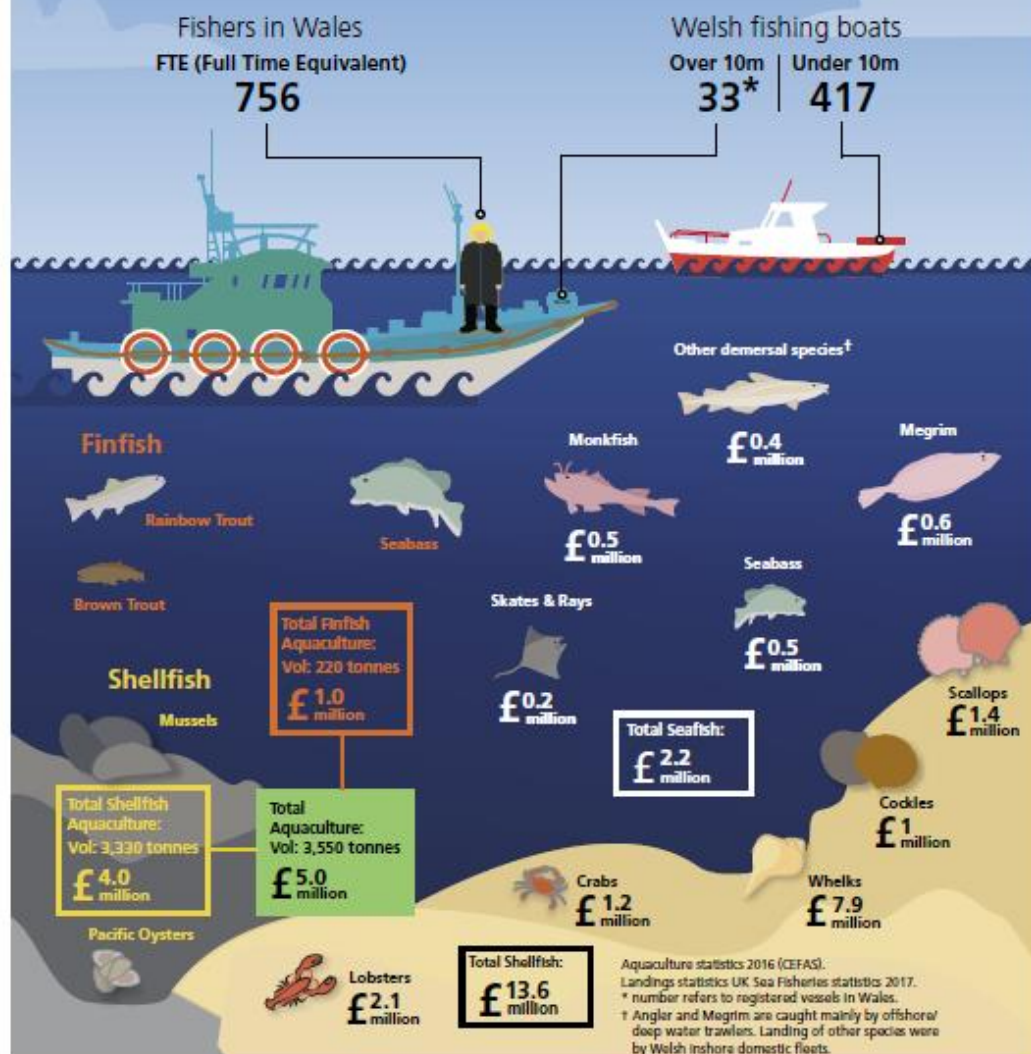
**Lesley Griffiths AM**

Minister for Environment, Energy and Rural Affairs



# Sea Fisheries and Aquaculture in Wales

Sea fishing and aquaculture is worth millions of pounds to the Welsh economy and supports hundreds of jobs around the Welsh coast.





## Shellfish and aquaculture

The majority of Wales' seafood industry consists of shellfish, with aquaculture a significant contributor to the total value of shellfish catch. The Welsh Government is committed to continue sustainable growth in this sector and to ensuring there are appropriate management tools to sustain our natural and cultivated shellfish populations in the future.

The shellfish catch is not subject to quota restrictions and the Welsh fleet has historically relied on this resource as the main (and in some cases the only) source of income. Reductions in the availability of fishing opportunities for fin fish and reduced vessel capabilities have also played a part in this reliance. When Wales leaves the EU it is clear shellfish will continue to play a large part in any future fisheries policy and there is great potential to grow our aquaculture industry. This means safeguarding this resource and creating a fair and simple management process for future generations is of vital importance.

### **Sustainable growth of shellfish and aquaculture products**

The Welsh Government is committed to the continued sustainable growth of shellfisheries and aquaculture. It helps to underpin sustainable economic growth, particularly in rural and coastal communities and has significant potential to contribute further.

However, we recognise the process of applying for a Several or Regulating Order to have exclusive access to the seabed for a period of time for aquaculture is currently lengthy. The mechanism for creating Several and Regulating Shellfishery Orders under the Sea Fisheries (Shellfish) Act 1967 could be considered to no longer be the most appropriate management tool.

We intend to incorporate an adaptive management system, where both fisheries and aquaculture for shellfish can be flexibly managed so policy changes can be responsive and quick. We wish to introduce an improved aquaculture management regime to facilitate stronger growth within the shellfish sector, and remove the current doubts of the operators. The licensing regime could remove the need for such aquaculture operations to be established by subordinate legislation and we are keen to work with aquaculture businesses to understand how this process would continue to safeguard their investment whilst maintaining the environment for the duration of the management agreement.

### **Aquaculture**

Aquaculture is one of the UK's key food production sectors and helps to underpin sustainable economic growth, particularly in rural and coastal communities. Beyond this, it has significant potential to contribute further, investing to provide quality and securing jobs. Aquaculture has been identified as a particular sector for growth, both within the draft Welsh National Marine Plan and other strategies across Europe.

Commercial aquaculture for human consumption in Wales has traditionally been focused on shellfish production, mainly mussels and some small scale native, and pacific oyster production. The cultivation of shellfish is seen as a low impact and sustainable form of food production. The production of farmed finfish in Wales is relatively small and is confined to on-shore salmonid in ponds and, more recently, purpose-built state of the art recirculation facilities for cleaner fish for the farmed salmon sector.

Over the past two years, £2.5 million of European Maritime and Fisheries Fund (EMFF) money has been allocated to support various innovative aquaculture projects, including funding to develop offshore rope systems for collection of mussel seed and mussel on-growing, and the commissioning of aquaculture systems for the production of carp and other species.

The Welsh Government's priorities for the development of aquaculture focus on three core areas – developing new and existing shellfish activities, supporting new and existing operations to increase finfish production, and promoting diversification of commercially viable species in the marine and inland areas.

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#### Question 11 of 29

Do you agree with proposals to manage shellfish flexibly? Can you provide any example where flexible management would be of benefit?

#### Question 12 of 29

Do you agree with our proposals to introduce a new management regime for aquaculture? Please consider whether there are any other functions you think the management regime should cover.

#### Question 13 of 29

How could Wales increase its aquaculture production? What role do Welsh businesses and the Welsh Government have in this process?

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## Trade

The Welsh seafood industry is dominated by two key characteristics which makes it different from the rest of the UK. Firstly the industry is based on shellfish, not finfish. Secondly most exports are live, unprocessed and almost exclusively to the EU market; with almost no preservation or processing capability. The Welsh seafood sector is characterised by micro and small businesses which are important to coastal communities.

This means the possible impacts of Brexit on fisheries and aquaculture trade, are different to and arguably more significant, than elsewhere in the UK. Welsh Government is working with the UK Government to try to mitigate the impact of Brexit on the Welsh shellfish and aquaculture industries.

### **The role of exports in the Welsh fishing and aquaculture industries**

Shellfish and aquaculture in Wales generates £8.6m gross value added, the remaining wild capture sector generates £7.1m gross value added, while the fisheries processing sector generates £2.3m.

The Welsh Government has consistently argued for full and unfettered access to EU markets, because the Welsh seafood industry is almost entirely reliant on exports. Most of the fish and shellfish landed into Wales is exported. Most species sold from Wales are reliant on export; 100% of whelk, 90% of mussel and 90% of cockle, and a significant amount of crab, lobster and scallops are exported. The total value of Welsh seafood exports is currently about £22 million. Wales' contribution to the UK Seafood industry is significant; contributing approximately 22% of total UK seafood exports by value.

When we leave the EU, it is likely Wales will leave the European Single Market which includes some 500 million consumers. Approximately 90% of all Welsh seafood products are exported to the EU, with the principal destination being Spain, taking approximately 57% of the Welsh seafood product.

The EU has also negotiated a number of trade agreements with up to 50 other countries worldwide, on behalf of all the member states. The benefits to Wales of these agreements include; no tariffs with the EU members and favourable tariffs with other countries; most agreements result in reduced compliance checks and less paperwork. The whelk industry in Wales is particularly vulnerable to changes; 100% of the catch goes to South Korea, which is 14% of the total Welsh seafood export.

In the future, without these trade agreements or successor arrangements, tariffs may be levied on Welsh exports, potentially making them less profitable or even unviable. These species are not unique to Wales and importers in the EU and further afield will have a choice of provider. If these alternative providers are from within the EU, their prices will not incorporate tariffs. Welsh businesses will need to consider how to accommodate extra costs associated with additional tariffs to stay competitive; which will affect profit margins.

### **The possible impacts of leaving the EU on exports of live and fresh shellfish**

The majority of Welsh products are exported fresh or alive and changed export routes and increased travel time may negatively affect the product and its value. The industry relies on a seamless route to the market. Live and fresh products must arrive as quickly as possible because they are highly perishable.

Transport infrastructure issues are largely a reserved matter for the UK Government. The system includes; the UK Port Authorities, road traffic systems (particularly to and around ports on the south coast of England) and the system of haulier permits and licenses. The Welsh Government will continue to work with the UK to try to ensure these systems are fit for purpose as we leave the EU.

On leaving the EU, it is expected that additional paperwork will be required of exporters, by the EU. These will include export catch certificates, export health certificates and other associated documentation. Exporters will need to ensure all paperwork is appropriate and in place and does not cause a delay in travel. It is likely that export requirements to the EU may differ considerably to the conditions and requirements for export now. It is the role of Government to keep industry aware of these requirements as they become apparent.

Also live exports may have to be exported to the EU through Border Inspection Posts (BIPs). The EU are working to increase the number of BIPs that can process shellfish exports in Northern Europe. Exporters from Wales currently use ports that may not be BIPs and it is also unclear if there is sufficient current capacity at existing BIPs.

A further implication of fresh and live export is that there is very little 'value added' activity on Welsh products, which constrains the net contribution of the industry to the Welsh economy. EU consumer demand is for live and fresh produce; preservation such as freezing is not appropriate for all species and reduces the value of the product significantly.

This also reduces options if trade routes are disrupted and there is a reliance on daily and fluctuating prices of a primary product.

### **New market opportunities for shellfish**

The Welsh Government is undertaking activities to work with the industry to identify market opportunities for Welsh seafood outside of EU countries. The intention is to try to expand and grow markets. The Welsh Government is actively working to promote Welsh seafood globally. However, given the live nature of exports, distance and time to market are factors. This work includes attendance at trade shows and facilitating trade missions. Sector growth opportunities could also focus on improving transport systems to keep produce fresh and minimise wastage. Other opportunities could come from diversification to value added products for other export markets.

There may be potential to grow interest within the domestic market. The Welsh Government is keen to increase domestic consumer demand for Welsh seafood products to reduce the reliance on the export market. This would require a cultural change in attitudes to shellfish and could be multi-generational before there is benefit to the sector.

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### **Question 14 of 29**

How could market development be encouraged in future e.g. new markets and new products?

### **Question 15 of 29**

How could Welsh producers boost UK consumer interest in Welsh seafood produce?  
Does the Welsh Government have a role to play?

### **Question 16 of 29**

Could new markets for Welsh seafood, outside the EU be expanded, if so where and how?

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## Growth and innovation

Growth and innovation is vitally important to any industry which is facing change. Brexit offers an opportunity for the fishing and aquaculture industry in Wales to transform itself.

A potential increase in fishing opportunities, particularly for species in demand by UK markets, brings with it an opportunity to expand the fishing industry in Wales and meet some of these objectives. However, as previously discussed, the challenges of fleet capability may be an issue in the short-term. The production of farmed finfish in Wales is relatively small and is confined to on-shore salmonids in ponds and more recently, purpose-built state of the art recirculation facilities for cleaner fish for the farmed salmon industry.

### Adding Value

The processing of fisheries products in Wales is relatively small scale. Currently, there are 10 processing sites producing seafood for the domestic market. The Welsh Government is keen to create a stimulating environment for future growth and innovation. A focus on value-adding activities can contribute towards economic and social development. However, the opportunity for development is currently limited because many vessels which catch Welsh seafood do not currently land the catch in Welsh ports. Addressing the lack of access to fishing opportunities for the Welsh fleet could facilitate a diversification of fishing activities and generate environmental, economic, cultural and social benefits in coastal communities and beyond.

### Diversification in food production

The fishing industry will need to diversify in order to maintain the sustainability of fish stocks and sustain the economic viability of fishing businesses and the communities they support.

However these opportunities may not be traditionally pursued in Wales and re-skilling of the industry may be required. This might include training or support packages which would need to be tailored to meet the current and future needs of the fishing industry in Wales.

Learning to use a wider breadth of marine resources and making these profitable for existing fishers will be challenging. Any developments will need to meet sustainability requirements and reduce reliance and pressure on existing fisheries, leading to wealthier, healthier coastal communities.

### Non Food opportunities

The Welsh Government is keen to explore growth opportunities by exploring how fishing for non-food products could create commercial value. The intention is for entrepreneurs, academics, researchers and other stakeholders to work closely together to identify innovative ideas as to how resources in the marine environment in Wales could be sustainably used for commercial purposes. This could include the innovative re-use of by-products, or creating entirely new products. These developments will not happen overnight. In addition the timing and arrangements for EU withdrawal have not yet been finalised; they may affect the ability of the industry to start to utilise these opportunities in the short-term.

Non-food diversification of the fishing industry could also include marine expertise and resources for purposes other than commercial fishing or providing services to other marine industries or the Welsh Government.

There is potential for fishers to be more involved in tourism activities in Wales which could attract new revenue. Tourism in Wales is flourishing and the 1,200km coastline is the main attraction and campaigns through visit Wales have been very successful in attracting people from further afield to our coast and coastal towns. The Welsh Government

would like to see fishing businesses take more advantage of this opportunity and explore options to expand into the tourism industry. Such a move could also help attract the next generation of fishers to the industry and therefore enhance and diversify opportunities even further.

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#### Question 17 of 29

What role could the Welsh Government and others play to enable the industry to expand processing and other economic activities? How should coastal communities be engaged in developing new opportunities?

#### Question 18 of 29

How could the relationship between academia and industry be better improved?

#### Question 19 of 29

What opportunities are there to grow fishing businesses in Wales, in other activities e.g. tourism, providing services to marine industries and Government?

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## Evidence

### **Robust and transparent evidence is essential for the sustainable management of our marine environment and the natural resources it provides.**

Sound evidence is also critical to understanding and responding to the risks and opportunities that arise from both EU exit climate and change.

In line with the Welsh Government's vision that Welsh seas are clean, healthy, safe, productive and biologically diverse. We aim to achieve this vision by delivering marine and fisheries evidence and technology that enables:

- an ecosystem approach where science-based integrated management results in seas which are healthy and resilient and maintain and enhance marine biodiversity and ecosystems
- increased access to, and enjoyment of, the marine environment, improving people's health and well-being
- sustainable development and a thriving economy where more jobs and wealth are get created, helping coastal communities become more resilient, prosperous and equitable with a vibrant culture
- the responsible deployment of low carbon technologies within the Welsh marine area making a strong contribution to energy security and climate change emissions targets.

Towards this, the Welsh Government is developing a Marine Evidence strategy and has commissioned the Centre for Environment Fisheries and Aquaculture Science (Cefas) to review our knowledge and

understanding key fish species and stocks in Welsh waters. Any gaps identified can then be assessed, prioritised and where possible filled through the delivery of a Fisheries Evidence Plan.

Over £1.5m of funding has been secured – primarily through the EU Exit Transition Fund – for research and surveys to transform our fisheries evidence base. This evidence will be gathered and analysed through a collaboration and contracts with fisheries science organisations, industry, academia and private and public sector partners.

Many fisheries evidence priorities will be common across England and Wales, the UK, or internationally. We will continue to engage closely with the other UK Administrations on the collection and analysis of marine and fisheries data.

In relation to fisheries after EU exit, International Council for the Exploration of the Sea (ICES) advice will continue to underpin fishing allocations in Welsh waters and the UK will become an independent Member State in Regional Fisheries Management Organisations (RFMOs). The Welsh Government will continue to influence and be an integral part of future UK engagement with ICES and the RFMOs.

**Annex E:** Consultation response form for Marine and Fisheries policies for Wales after Brexit.

## Marine and fisheries policies for Wales after Brexit

**Consultation  
response form**

Your name:

Organisation (if applicable):

e-mail/telephone number:

Your address:

Responses should be returned by **21 August 2019** to

Marine and Fisheries Division  
Welsh Government  
Cathays Park  
Cardiff  
CF10 3NQ

or completed electronically and sent to:

e-mail: [Marine.Fisheries.EU.Exit@gov.wales](mailto:Marine.Fisheries.EU.Exit@gov.wales)

**Question 1 of 29**

What could the Welsh Government do to support the implementation of the Marine Plan once it's adopted?

**Question 2**

How could Wales enhance the health and resilience of the marine ecosystems to further support Welsh coastal communities to thrive?

**Question 3**

How could we support practical action for biodiversity gain to help secure marine



ecosystem resilience?

**Question 4**

What initiatives could be used to improve the long term sustainability of fisheries in Wales?

**Question 5**

How could the Welsh Government achieve greater administrative flexibility and responsiveness in fisheries management?

**Question 6**

How should adaptive management be introduced for a wider range of species, if so, which would be the priority?

**Question 7**

How might you see fish stocks being managed for the wider benefit of the people of Wales and their coastal communities?

**Question 8**

What mechanisms could you seek to help the Welsh fleet adapt to make the most of any new fishing opportunities?

**Question 9**

How could the industry and coastal communities generate sustainable funding or financing opportunities and where might these opportunities arise from?

**Question 10**

What do you think could be done to manage 'choke' species more effectively?

**Question 11**

Do you agree with proposals to manage shellfish flexibly? Yes/No/Don't know

Can you provide any example where flexible management would be of benefit?

**Question 12**

Do you agree with our proposals to introduce a new management regime for aquaculture? Yes/No/Don't know

Please consider whether there are any other functions you think the management regime should cover.

**Question 13**

- a) How could Wales increase its aquaculture production?
- b) What role do Welsh businesses and the Welsh Government have in this process?

**Question 14**

How could market development be encouraged in future e.g. new markets and new products?

**Question 15**

- a) How could Welsh producers boost UK consumer interest in Welsh seafood produce?
- b) Does the Welsh Government have a role to play?

**Question 16**

Could new markets for Welsh seafood, outside the EU be expanded, if so where and how?

**Question 17**

- a) What role could the Welsh Government and others play to enable the industry to expand processing and other economic activities?
- b) How should coastal communities be engaged in developing new opportunities?

**Question 18**

How could the relationship between academia and industry be better improved?

**Question 19**

What opportunities are there to grow fishing businesses in Wales, in other activities e.g. tourism, providing services to marine industries and Government?

**Questions 20**

How could the Welsh fleet be sustained and enhanced?

**Question 21**

How might the fishing industry, aquaculture businesses and coastal communities lever opportunities for sustainable growth from Wales' natural marine resources?

**Question 22**

What could be done to encourage new entrants into the maritime and fishing industries in Wales?

**Question 23**

What are the priority issues facing the marine environment that should be researched?

**Question 24**

What are the priority fisheries species and stocks that should be researched?

**Question 25**

What are the key economic, environmental and social factors that should be explored as part of this research?

**Question 26**

How can public sector, academic and other fisheries science projects be focussed and joined up to provide the evidence needed to develop and evaluate marine and fisheries policies and management?

**Question 27**

How should any successor to EMFF and other EU funded programmes be targeted in future and on what basis?

**Question 28**

Should Welsh Government consider discontinuing support for any current fisheries and marine activity and why?

**Question 29**

What opportunities are there to secure further investment for fishing and marine?

Responses to consultations are likely to be made public, on the internet or in a report. If you would prefer your response to remain anonymous, please tick here: ☐

## **North West Inshore Fisheries and Conservation Authority Activity**

### **Background**

The North West Inshore Fisheries and Conservation Authority (NWIFCA) are 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 14<sup>th</sup> March 2019) and a meeting of its Technical, Scientific and Byelaws Sub-Committee (on the 14<sup>th</sup> May 2019). The next quarterly meeting of the IFCA is scheduled for the 20<sup>th</sup> June 2019.
- 1.2 No new management measures that are directly related to the activities of MSFOMA were discussed at the recent IFCA meetings. There has been an ongoing discussion of the status of Chinese Mitten Crabs (*Eriocheir sinensis*, abbreviated to "CMC") in Morecambe Bay. The IFCA scientific staff continue to carry out regular CMC surveillance activities. The most recent survey (in May 2019) found no CMCs. The Secretariat has thanked IFCA staff on behalf of the Association for their ongoing commitment to CMC surveillance.

### **2. Changes to Byelaws**

- 2.1 The NW-IFCA is continuing to work on a revision of its existing Byelaw 3 which establishes a permit scheme for cockles and mussels. The latest draft of the revised byelaw was discussed at the TSB meeting in May 2019 and is due to be "made" at the quarterly meeting in June. This byelaw applies specifically to the gathering of cockles and mussels by hand. The only element of the byelaw that is directly relevant to the Menai Strait operators is the minimum legal size established for molluscs, which would remain at 45mm.

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

- 3.1 There have been no meetings of the Bivalve Mollusc Working Group since the last MSFOMA meeting.

MSFOMA Secretariat  
June 2019

## **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.

This report considers both some ongoing management issues associated with this Fishery Order and progress that has been made with its renewal.

### **Recommendations**

1. That the report is received
2. Comments are invited on the Minister's letter about the renewal of the Fishery Order (Annex A).
3. Comments are invited on progress with the renewal of this Fishery Order to date and proposals for stakeholder / public engagement work in the next quarter.
4. Options for mitigating the risk of a delay in the renewal of the Fishery Order should be discussed.

### **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.

### **2. Renewal of the Fishery Order**

- 2.1 The existing Fishery Order will expire on 31<sup>st</sup> March 2022. The formal application for renewal of the Fishery Order was submitted to the Cabinet Secretary for Environment and Rural Affairs (now the Minister for Environment, Energy & Rural Affairs) on the 9<sup>th</sup> August 2018.
- 2.2 The last Association meeting considered a letter from the Minister which outlined WG's intentions for progressing the application for renewal of the Fishery Order. The Chair wrote to the Minister on 4<sup>th</sup> April 2019 to relay the views of the Association (see Annex A). This letter asked about the likely timescales for renewal of the Fishery Order under the existing and proposed new administrative procedures in place; how Fishery Order applications will be prioritised; and asked the Minister to establish a "safety net" to address the risk of the Fishery Order not being renewed before 31<sup>st</sup> March 2022.

- 2.3 A response was received from the Minister later in April (Annex B). Key point to note are that timeframes have not been identified by the Minister, nor has a process for prioritising applications; and that the Minister considers that she is unable to extend the term of the Fishery Order.
- 2.4 Since the Minister's letter arrived there has been an opportunity to clarify some of these points at a meeting with WG officials (see item 11 on the agenda). Officials have indicated that the new process that is being implemented is the only formal procedure available for progressing a Fishery Order application; and that the new process is intended to take 2 years.
- 2.5 The Association is invited to consider this information and the appropriate response to make to the Minister.

### **3. Engagement with stakeholders**

- 3.1 At previous meetings the Association has drawn up a timetable for progressing the renewal of the Fishery Order. It is important that this is kept under review to ensure that adequate progress is being made. A copy of the timetable is attached at Annex A. This timetable has been updated to show progress to date.
- 3.2 It was agreed at the last meeting that whilst the uncertainties about the application process were being addressed it would be appropriate to temporarily suspend work on stakeholder engagement. Once these uncertainties are resolved it would be appropriate to resume this work, with key priorities being the need to liaise with the recreational users and to organise some "drop in" sessions for all stakeholders.
- 3.3 The Association is advised that information about the renewal of the Fishery Order has been available on the MSFOMA website ([www.msfoma.org](http://www.msfoma.org)) since February 2018.

### **4. Timescale for renewal**

- 4.1 The Association has submitted its application for renewing the Fishery Order in August 2018, giving a period of nearly 3½ years for Welsh Government to follow the renewal processes that are set out in legislation.
- 4.2 It is clear from the Minister's letter (Annex B) and discussions with WG Officials that no meaningful progress with the application has been made in the 10 months since the application was submitted.
- 4.3 WG officials have indicated that the new process that is due to be put in place by the autumn of this year will be designed to process a Fishery Order application in 2 years. On this basis the new Order could be ready for implementation in the autumn of 2021. The timescale is therefore becoming very tight.
- 4.4 It would seem appropriate for the Association to continue to consider contingency plans and mitigation options to respond to the risk of delay in the application process at its meetings and for the Chair to maintain correspondence with the Minister about the process for renewing the Fishery Order.



## **5. Lease fees**

- 5.1 Eight leases for cultivation areas in the Menai Strait are presently issued. The fee charged for each area is 1/8 of the total income required by the Association's Financial plan. The charge for each area in the 2019-20FY is just over £4,000.
- 5.2 At the April 2018 meeting of the Association it was agreed that the lease holders for the two layings that were established in 2016 should be granted a deferral of their lease fees for a period of 12 months. This decision was taken in recognition of the unprecedented shortage of seed mussels which is affecting all lease holders and the lessees for these new areas in particular.
- 5.3 At the March 2019 meeting of the Association it was determined that once amendments had been made to the Articles of Association it would be possible for the Association to determine how to proceed with respect to these layings. The revision of Articles is currently being progressed by the Association's lawyers (see item 7 on the agenda).

## **6. Code of Good Practice for mussel seed movements**

- 6.1 The Menai Strait mussel fishery operates in accordance with a Code of Good Practice which was drawn up in collaboration with the Countryside Council for Wales in 2008. The purpose of this Code is to manage the risk of Invasive Non-Native Species (INNS) being translocated as a consequence of mussel seed movements.
- 6.2 A verbal update on progress with the review of this Code will be provided at the meeting.

MSFOMA Secretariat  
June 2018

**Annex A:** Letter from MSFOMA Chair to Minister for Environment, Energy & Rural Affairs.

**Menai Strait Fishery Order Management Association**

Port Penrhyn, Bangor, LL57 4HN

Lesley Griffiths, AM  
Minister for Environment, Energy & Rural Affairs  
Welsh Government  
Cardiff Bay  
Cardiff  
CF99 1NA

4th April 2019

By Post and e-mail

Dear Minister

**Menai Strait (East) – Mussels and Oysters**

I am writing further to your letter of 28<sup>th</sup> February, which was discussed at the MSFOMA meeting during March.

On behalf of the Association I would like to thank you for acknowledging the Several Order renewal application that we submitted last August. We also welcome your proposal to review, standardise and streamline the application process for Fishery Orders in Wales. We are enthusiastic about these changes and offer whatever help we can to your officials in the development of this new process.

During your visit to Port Penrhyn last June we mentioned to you that the Fishery Order in the eastern Menai Strait is the foundation for the most successful aquaculture site in the UK. The future of this area, and the dozens of jobs that it supports, depends on this Fishery Order being renewed before it expires in 3 years' time. The successful renewal of this Fishery Order on schedule is absolutely vital for the future of Welsh fisheries and the credibility of the Welsh Government's Fisheries Department.

You have invited the Association to consider whether we wish our Several Order application to proceed under the current processes or whether we would prefer it to be considered under your proposed new process when this is available.

After careful consideration of this proposal, the Association has some important queries and observations which are summarised below.

1. **Timescales:** you have asked us to choose between 2 processes for progressing the Fishery Order application: either the existing or some new processes that are in preparation. We are ourselves unable to make a determination on this request until we have some idea of its implications, and in particular:-
  - a. How will the new process differ from the existing process?
  - b. What is the likely timescale for delivery under each process?

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

2. **Prioritisation:** we understand that all Fishery Order applications that have been submitted to you are due to be offered the same choice as us (with the exception of the application for the Menai West Fishery Order). We know from our colleagues elsewhere in Wales that some of these are for new, small scale ventures. We also know that staff resources at Welsh Government are limited and the you will be unable to progress all the applications simultaneously. Whilst we very much welcome and support the development of our sector, we feel that priority should be given to applications for renewal of existing Fishery Orders that already support jobs and livelihoods. We would therefore ask:-

- a. How will Fishery Order applications be prioritised under the new process?
- b. If you can confirm that the economic importance of existing Fishery Orders will be considered in determining priorities for progressing applications.

3. **Safety net:** bearing in mind that we are being asked to choose between an existing Fishery Order application process that is known to take several years to complete and a new process that is not due to be in place until the latter half of this year, we feel that it would be prudent for you to consider whether some kind of "safety net" could be put in place for the Fishery Order in the eastern Menai Strait. We would therefore ask you to consider the following request:-

- a. If the Menai Strait Oyster and Mussel Fishery Order 1962 (as amended) has not been renewed by the 1<sup>st</sup> April 2021, please could you make an Order to extend this Fishery Order by a period of up to 5 years to allow the renewal process to be completed.

You will appreciate I am sure that these are all important issues to clarify before we make a formal response to you. Local jobs and livelihoods in our community depend on the success of this process and the renewal of the Fishery Order on schedule.

We look forward to your response to these questions and thank you again for giving this important matter your attention.

Yours sincerely



ALAN WINSTONE  
Chair, MSFOMA

cc. Rhun Ap Iorwerth, AM  
Bethan Jones, Head of Fisheries Policy, Welsh Government

**Annex B:** Reply from Cabinet Minister Lesley Griffiths AM.

Lesley Griffiths AC/AM  
Gweinidog yr Amgylchedd, Ynni a Materion Gwledig  
Minister for Environment, Energy and Rural Affairs



Llywodraeth Cymru  
Welsh Government

Ein cyf/Our ref LG/05721/19

Alan Winstone

info@msfoma.org

17 April 2019

Dear Alan

Thank you for your letter of 4 April, regarding the Menai East Fishery Order.

I understand the importance of the Menai East Fishery Order and officials will consider a number of factors in establishing how the current list of applications are progressed when the new process is in place.

The new process will streamline and simplify the administrative procedures involved in processing Several Order applications. I expect clear guidance and clarity for applicants including, meaningful timeframes for each stage of the process and regular updates. The likely timescale for delivery will be determined once the administrative procedure review has been completed. At this point, my officials will undertake the detailed consideration of existing applications.

I note your request for an Order to extend the term of your current Fishery Order at Menai East. Unfortunately, Welsh Ministers are not able to vary or extend an existing Several Order in this way. The only mechanism available would be to remake the Order. Of course, any subsequent order would be subject to the current administrative procedures. As I have set out, I consider this current process is not currently operating as effectively as we would expect. I would like applicants to work with my officials to review the process. I understand officials have already contacted you about this and I would hope you take up opportunity.

Regards  
Lesley Griffiths

Lesley Griffiths AC/AM  
Gweinidog yr Amgylchedd, Ynni a Materion Gwledig  
Minister for Environment, Energy and Rural Affairs

Bae Caerdydd • Cardiff Bay  
Caerdydd • Cardiff  
CF99 1NA

Canolfan Cyswilt Cyntaf / First Point of Contact Centre:  
0300 0604400  
[Gohebiaeth.Lesley.Griffiths@llyw.cymru](mailto:Gohebiaeth.Lesley.Griffiths@llyw.cymru)  
[Correspondence.Lesley.Griffiths@gov.wales](mailto:Correspondence.Lesley.Griffiths@gov.wales)

Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

**Annex C:** Updated timetable for progressing the renewal of the Menai Strait Oyster and Mussel Fishery Order 1962.

Year	Quarter	Activities	Plan / Update / Progress
2018	Q1	a) Prepare application for renewal of Fishery Order	<ul style="list-style-type: none"> <li>Draft application forms presented to MSFOMA meetings in January &amp; February.</li> </ul>
		b) Ongoing liaison with stakeholders, NRW, land owners.	<ul style="list-style-type: none"> <li>Consultation carried out with public bodies (February 2018)</li> <li>Meetings held with Anglesey Boat Company, Ynys Môn County Council (landowners).</li> </ul>
	Q2	c) Prepare application for renewal of Fishery Order	<ul style="list-style-type: none"> <li>Review of application; discussions of requirements with Welsh Government.</li> </ul>
	Q3	d) <b><u>Submit formal application for renewal of Fishery Order.</u></b>	<ul style="list-style-type: none"> <li><b><u>Application submitted in August 2018.</u></b></li> </ul>
		e) Plan liaison with wider stakeholder community (public, recreational users, NGOs etc)	<ul style="list-style-type: none"> <li>Organisations have been identified.</li> </ul>
	Q4	f) Liaison with wider stakeholder community. g) Respond to WG queries about application.	<ul style="list-style-type: none"> <li>Initial approaches made to key organisations.</li> <li>Arrangements for stakeholder events to be agreed by MSFOMA.</li> </ul>
2019	Q1/Q2	h) Ongoing stakeholder liaison. i) Respond to WG queries about application.	<ul style="list-style-type: none"> <li>Discussion with RYA about renewal; meeting at Port Penrhyn scheduled.</li> <li>Attend Caernarfon Harbour Trust meeting.</li> <li>Liaison with WG officials about application</li> </ul>
	Q3/Q4	j) (Possible) Formal consultation on Fishery Order. k) Respond to consultation feedback. l) Address consultation issues either informally or through Public Inquiry.	<ul style="list-style-type: none"> <li><b>NOTE</b> - this now seems unlikely; it is more likely that a new application will be required to meet administrative changes due to be implemented by WG.</li> </ul>
2020		m) Progress application process.	
2021		n) Progress application process.	
2022	1 <sup>st</sup> April	o) DEADLINE FOR NEW ORDER	

## **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. An application for renewal of this Fishery was submitted to Welsh Government in 2013. 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 recent progress.

### **Recommendations**

1. That the report is received
2. That WG should be asked to provide a draft of the proposed new Fishery Order at the earliest opportunity so that plans for stakeholder engagement can be implemented.
3. That the Association considers how to recover costs accrued during the renewal process once the content of the new Order is clear and the timescales for recovering costs become apparent.

### **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. An application for renewal of the Order was submitted to Welsh Government by MSFOMA in 2013.
- 1.2 After a series of discussions with Welsh Government officials in the years following this application, a draft Fishery Order was published for consultation in 2015. This consultation generated many objections from the local community. The Association worked closely with the objectors during the period 2015-17 to allay and address their concerns. In July 2017 the Chair of the Association wrote to the Cabinet Secretary to ask her to determine the application for the Fishery Order.
- 1.3 This report provides an update on recent progress in response to that request.

### **2. Update**

- 2.1 At the last meeting of the Association it was reported that the Minister for Energy, Planning and Rural Affairs Lesley Griffiths AM had made a commitment to complete the process for making a new Menai West Fishery Order by August 2019, pending a review of the Habitats Regulations Assessment that had been submitted with the application in 2013. This review was being carried out by the

Centre for Applied Marine Science at Bangor University, and was due to be completed by the end of April 2019, after which a new Order would be drafted (a process expected to take 12-16 weeks). After this, the draft Order would be laid before the Assembly for a period of 21 days.

- 2.2 The Chair of the Association wrote to the Minister in April 2019 to thank her for this commitment and to seek some clarification from officials about stakeholder engagement (see letter at Annex A of this report).
- 2.3 The Secretariat wrote to WG officials immediately after the last Association meeting to seek clarification on the process for stakeholder engagement during the remainder of the process for making a new Order. Officials responded in May 2019 to indicate that there will not be a repeat of the formal consultation on the wording of the Fishery Order because this would not be compliant with the consultation process set out in the Sea Fisheries (Shellfish) Act 1967 and could hence be *ultra vires*.
- 2.4 Officials further advised that drafting instructions for the new Order had not yet been submitted to WG Legal (as of 15<sup>th</sup> May 2019). It is therefore currently uncertain exactly what will be included in the new Order from the original version published in 2015; from the “Operating Plan” agreed with stakeholders; and from the (as yet unseen) revised Habitats Regulations Assessment.
- 2.5 The Association have been advised to take steps to engage with stakeholders to raise awareness of the content of the New Order at the earliest opportunity.
- 2.6 It would seem appropriate to request WG officials to share the revised draft of the new Order at the earliest opportunity, and that this could trigger an informal consultation with stakeholders prior to the completion of the formal process.
- 2.7 The Association will recall the keen interest that Rhun Ap Iorwerth AM has shown in this issue. The Secretariat has liaised with his staff to ensure that he is kept aware of progress.

### **3. Costs**

- 3.1 At previous meetings of the Association it has been noted that costs have been accrued by MSFOMA in connection with the application for the Fishery Order. These costs will be recovered from the leaseholders in the new Fishery Order area.
- 3.2 Once there is greater clarity on the nature of the Fishery Order that is proposed for the western Menai Strat, the Association will need to consider options for recovering costs, taking account of the duration of leases for shellfish cultivation (7 years) and the proposed duration of the Fishery Order (28 years). Given the timescales proposed by the Minister, this could be considered at the next meeting of the Association in September 2019.

MSFOMA Secretariat  
June 2019



**Annex A:** Copy of letter sent to the Minister for Environment, Energy & Rural Affairs in connection with the renewal of the Menai Strait (West) Fishery Order, April 2019.

**Menai Strait Fishery Order Management Association**

Port Penrhyn, Bangor, LL57 4HN

Lesley Griffiths, AM  
Minister for Environment, Energy & Rural Affairs  
Welsh Government  
Cardiff Bay  
Cardiff  
CF99 1NA

4<sup>th</sup> April 2019

By Post and e-mail

Dear Minister

**Menai Strait (West) – Mussels and Oysters**

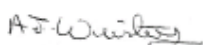
I am writing in response to your letter of 28<sup>th</sup> February 2019, which was discussed at a meeting of the Association last month.

The Association very much welcomed the news of progress with the application for renewal of this Fishery Order and the indicative timescale for the coming into force date. We appreciate that Brexit uncertainty may impact the timescale. However, we would stress that the shellfish farmers in the Menai Strait are impacted by both Brexit uncertainty and the uncertainty about renewal of the Fishery Order, so we would hope that you and your officials can now expedite progress with renewal of the Order as a way of mitigating the uncertainties..

There was considerable local public interest during the process of renewing this Fishery Order. Many local people were very concerned that shellfish farming may impact their enjoyment and use of the western Menai Strait. While we feel that these impacts are unlikely and have been mitigated by changes to the proposed Order area, we respect these points of view and feel that it is important that these stakeholders are proactively kept informed on the remainder of the renewal process. We have asked your officials for guidance on the plans for any further stakeholder engagement in the next steps for renewal and look forward to working with them on this.

On behalf of the Association I would like to thank you for your interest in progressing this application.

Yours sincerely



ALAN WINSTONE  
Chair, MSFOMA

cc. Rhun Iwan Jones, AM  
Bethan Jones, Head of Fisheries Policy, Welsh Government