

# Menai Strait Fishery Order Management Association

**Agenda & Papers- 17<sup>th</sup> September 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 (verbal)
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
  - b. Brexit implications
18. Dates for next meetings (2020 dates to be confirmed):-
  - a. Q4 2019 - 4<sup>th</sup> Dec 2019 [Note: this is also the AGM]
  - b. Q1 2020 - 17<sup>th</sup> / 18<sup>th</sup> March
  - c. Q2 2020 - 16<sup>th</sup> / 17<sup>th</sup> June
  - d. Q3 2020 - 15<sup>th</sup> / 16<sup>th</sup> September
  - e. Q4 2020 - 1<sup>st</sup> / 2<sup>nd</sup> December [AGM]

# Menai Strait Fishery Order Management Association

Meeting, 18<sup>th</sup> June 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

Howard Mattocks  
Kim Mould  
Michelle Billing†  
Rowland Sharp  
Trevor Jones

Beaumaris Town Council  
BMWAG  
Welsh Government  
Natural Resources Wales  
Menai Strait (West)

#### Advisors

Andy Olivier  
Jim Andrews

Bangor University  
MSFOMA Secretariat

#### Notes

\* These Members are also Directors of the Association

† Participating by conference phone.

### 1. Chair's announcements

No announcements.

### 2. Apologies

Bethan Jones  
Gareth Roberts  
Ioan Thomas  
Iwan Huws

Welsh Government  
Bangor City Council / Gwynedd C.C.  
Gwynedd County Council  
Isle of Anglesey County Council

### 3. Declarations of Interest

The Chair drew attention to the opportunity to declare an interest in agenda items on the meeting attendance register and the agenda item on the "Register of Interests" on this item. Members were asked to verbally declare their interests at the start of the meeting.

### 4. Minutes of last meeting

The minutes of the meeting that took place on 13<sup>th</sup> March 2019 were accepted.

### 5. Matters Arising

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

Some items raised at the March meeting were discussed:-

### **Management Accounts**

James Wilson gave a verbal update on the bank balance. It was agreed that JA & JW should work together to ensure that management accounts were presented at future meetings.

**Action: JW & JA**

### **Community Fund**

In the absence of feedback from The Crown Estate it was felt that MSFOMA should look at opportunities for positive engagement in community projects in the area by itself or with local partners.

**Action: Secretariat, All**

### **Code of Good Practice (CoGP)**

There was some discussion about progress with the revision of the CoGP. It was felt that this should clearly focus on species and spatial / site specific issues that are relevant to MSFOMA and the Menai Strait. It was noted that the revised draft CoGP had started to look at wider issues.

Rowland Sharp indicated that NRW were due to create and fill a new staff position and that the new recruit would be tasked with finalising the CoGP.

After some discussion it was agreed that there should be discussion between NRW and MSFOMA to refine the CoGP and to ensure that adequate resources (including the opportunity for experts from the Shellfish Centre to provide advice).

**Action: Rowland Sharp, Secretariat, JW**

### **Sand in Penrhyn Dock**

James Wilson reported that he had spoken to the Penrhyn Estate about this issue. There had been a change in the vessel transporting sand, but it was still accumulating in the dock. It was agreed that it would be appropriate for the Association to write to the Estate and the operator about this issue once again.

**Action: Secretariat**

### **Caernarfon Harbour Trust**

There was some discussion about the charges proposed by CHT for commercial fishing vessels operating in the harbour limits. It was agreed that MSFOMA should contact CHT to make enquiries about the basis for these charges.

**Action: Secretariat**

## **6. Membership of the Association**

The report was discussed and accepted.

It was noted that NRW had recently confirmed its participation as an "Observer" at Association meetings.

## **7. Articles of Association**

The report was discussed and accepted.

It was reported that lawyers had been instructed to amend the Articles of Association as within a budget of £2,000. It had been hoped that amended

Articles would be discussed at this meeting but they were not yet available. It was agreed that they should be presented to the next meeting of the Association in September 2019.

**Action: Secretariat**

## **8. Register of Interests**

The report on this subject was accepted and discussed.

After some discussion it was agreed that MSFOMA should be open & transparent. It was not felt that it was appropriate to maintain a register of interests. After some discussion it was agreed that MSFOMA should adopt the following measures to ensure that this was achieved:-

- a) Participants at meetings should declare their interests at the start of the meeting and record these on the attendance list.
- b) The revised attendance lists incorporating the declaration of interests should be retained by MSFOMA.
- c) Participants should provide a brief description of their role to MSFOMA that is suitable for publication on the MSFOMA website.
- d) Participants should comply with the Nolan Principles of public life and a statement about this should be put on the MSFOMA website.

**Action: Secretariat**

## **9. Financial Update**

James Wilson reported that the MSFOMA bank account had a balance of £52,969.44.

It was agreed that action would be taken to ensure that management accounts were available at the next meet.

**Action: James Wilson & Secretariat**

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

Andy Olivier gave an update on the use of Twitter by the Association locally. Andy has taken on the role of raising awareness and in the brief period he has been working on the MSFOMA twitter account has increased the number of followers and raised the profile of the Association.

Andy asked if all of the participants in MSFOMA could provide any information of interest for the MSFOMA Twitter feed. Examples of information that could be of interest included:-

- Past research papers & existing research activities (ideally with a photograph / figure from research).
- Food-related items (such as food festivals; items relating to Food & Drink Wales)
- Welsh Seafood Cluster activities
- Marine Stewardship Council (MSC) related items

**Action: All**

Any items can be sent to Andy Olivier ([avdsolivier@bangor.ac.uk](mailto:avdsolivier@bangor.ac.uk)).

## **11. Welsh Government Activity**

### **a) Meetings**

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** - Lewis Le Vay had attended the WMFAG meeting in February. No items of interest to the Association had been discussed at that meeting. The next meeting was scheduled for late June.
- **Aquaculture Advisory Group** - James Wilson reported that no meetings had been held recently. There had been a discussion in March about establishing a new forum / group that would have a more positive and collaborative approach but there was no evidence of this happening yet.

#### **b) Consultations**

The two consultations that are presently open were discussed. Key points were:-

- **Marine Strategy Part One** - it was agreed that it would be appropriate to respond to this consultation before the 20<sup>th</sup> June deadline, and to highlight the value of the ecosystem services provided by shellfish cultivation.

**Action: Secretariat**

- **Brexit and our Seas** - this document was discussed at some length. Concern was raised about its negative stance with respect to Fishery Orders and the vagueness of the proposals for future alternative arrangements. It was noted that a series of roadshows are being held to support this consultation, with an event scheduled for 8<sup>th</sup> July in Caernarfon. It was agreed that a response should be submitted to the consultation prior to the deadline of 21<sup>st</sup> August.

**Action: Secretariat**

#### **c) Staff changes**

It was noted that there had been some changes in the senior staff at WG fisheries department.

Michelle Billing reassured the Association that her post had been unaffected by these changes and that she would continue to work on Fishery Orders. The Association welcomed this and thanked Michelle for the update.

### **12.NW IFCA Activity**

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

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

The report on this Fishery Order was received and discussed.

It was noted that a very constructive meeting had been held in May with WG officials about internal administrative procedures for Fishery Orders. It was agreed that on the basis of the discussion at that meeting it would be appropriate to formally confirm that the Association would like the renewal of this Fishery Order to progress under the new process.

**Action: Secretariat**

It was further agreed that the response to the Minister should stress the importance of the Menai Strait Fishery Order to the local economy and that consideration should therefore be given to prioritising this application above others; and also that we remain of the view that contingency plans should be put in place to address the risk of a delay.

**Action: Secretariat**

It was agreed that a consultation / liaison meeting should be organised with RYA Cymru & RAYC.

**Action: Secretariat**

#### **14. Menai Strait West**

The report was received and discussed.

Michelle Billing (WG) confirmed that a draft of the revised assessment for Pacific oysters had been received, and that this was due to be sent to WG lawyers with instructions for a revised Fishery Order to be drafted by the end of the week.

It was confirmed that there would be a period of consultation on the revised Fishery Order through the formal process for making a Statutory Instrument.

All agreed that it would be important to let stakeholders know about progress at the earliest suitable opportunity. Michelle Billing (WG) agreed to let the Association know when a draft of the proposed Fishery Order would be available that could be shared with stakeholders.

**Action: Michelle Billing**

It was agreed that the Secretariat should liaise with WG to ensure that progress was maintained and that any information requests were addressed swiftly.

**Action: Secretariat**

#### **15. Funding proposals**

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

- **Shellfish Centre** – Lewis Le Vay indicated that the Shellfish Centre was keen to identify potential new collaborative research projects. Under the terms of Shellfish Centre funding, these must be research & innovation projects that are collaborative with an industry partner (rather than consultancy projects). An example of a project currently being progressed was one that is looking for *E. coli* environmental risk indicators for shellfish, linking with parallel projects in England and Northern Ireland in collaboration with SEAFISH and FSA. This project could include the Conwy Estuary and potentially extend to the eastern Menai Strait.. This project could be extended to the Conwy Estuary and potentially to the eastern Menai Strait.

Another project that was currently being considered for investigation is the collection of seed mussels at inshore locations (the Conwy Estuary).

All were asked to consider whether they had any research & innovation projects that would be suitable for the Shellfish Centre.

**Action: All**

- **Menai Offshore Subsurface Shellfish Systems (MOSSS)** – the pilot test site is established, and is being used for further trials of seed mussel collection to emulate the Dutch cultivation approach (seed collection and bottom cultivation). as well as longline on-growing. This work is a collaboration with Bangor Mussel Producers and is being assisted by vessel support from Conwy Harbour and Deepdock Ltd.

## **16. 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**

No news.

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

Further to the earlier discussion it was agreed that a letter about the accumulation of sand in the dock should be sent to the Penrhyn 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.

## **17. Any Other Business**

No items of AOB had been raised.

## **18. Date for next meeting**

17<sup>th</sup> September 2019.

## Summary of Actions

Item	Action	Responsibility
1.	Management Accounts - make sure that these are available for next meeting.	JW & Secretariat
2.	Community Fund - identify opportunities for local stakeholder engagement.	All, Secretariat
3.	Code of Good Practice - develop proposal to complete this and refine it for operations in the Menai Strait.	RS, JW, Secretariat
4.	Sand in Dock - write to Penrhyn Estate to raise further concerns about this issue.	JW / Secretariat
5.	Caernarfon Harbour Trust - write to CHT to enquire about the basis for the revised fees for commercial fishing vessels	Secretariat
6.	Articles of Association to be amended and presented to September MSFOMA meeting.	Secretariat
7.	Register of Interests - provide brief description of interest suitable for publication on MSFOMA website.	All
8.	Register of Interests - revise MSFOMA website to provide a statement of interests and reference to the Nolan Principles.	Secretariat
9.	Social media - send any items suitable for the MSFOMA Twitter feed to Andy Olivier ( <a href="mailto:avdsolivier@bangor.ac.uk">avdsolivier@bangor.ac.uk</a> ).	All
10.	Marine Strategy Part One Consultation - submit response before 20 <sup>th</sup> June deadline highlighting ecosystem services provided by shellfish cultivation.	Secretariat
11.	Brexit and our Seas - compile draft response & circulate to MSFOMA members; submit consolidated response by 21 <sup>st</sup> August deadline.	Secretariat, All.
12.	Menai East - write to Minister to confirm that MSFOMA wish to follow the new process for making Fishery Orders; to enquire about process for prioritising applications; and request that a "safety net" is established.	Secretariat
13.	Menai East - progress liaison with RYA Cymru and RAYC	Secretariat
14.	Menai West - provide confirmation of the point in the process when a draft Fishery Order is available that can be shared with stakeholders.	Michelle Billing
15.	Menai West - liaise with WG officials to maintain progress	Secretariat
16.	Shellfish Centre - all to consider opportunities for bilateral projects.	All, Secretariat
17.	Date for next meeting - 17 <sup>th</sup> September 2019	Secretariat

## **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 the revised Articles should be discussed and any further amendments agreed at this meeting.
3. That revised Articles should be presented to the AGM of the Association in December 2019 for formal adoption.

#### **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 Association meeting in March 2019 it was 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.
- 3.2 Proposed changes to the Articles were sent to the Secretariat in September and are attached as a separate document which shows the proposed changes as “track changes”.
- 3.3 After discussion at this meeting it would be appropriate to further amend these Articles and, with the Association’s approval, that they should be formally adopted by the AGM in December.

MSFOMA Secretariat  
September 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. Proposals were discussed at the June 2019 Association meeting, where it was agreed to adopt a simple process that would align the Association with the “Nolan Principles” of public life.

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 progress with developing a Register of Interests and Code of Conduct is noted.
3. That all Members and Observers complete their declaration of interests for MSFOMA and for publication on the MSFOMA website.

### **1. Context**

- 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 March Association meeting 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 Some proposals for recording Members’ interests and options for a Code of Conduct were discussed at the June meeting of the Association. It was agreed at that meeting that a simple solution was preferable to a detailed register of interests, and that the “Nolan Principles” for public life would be suitable for adoption by the Association.

- 2.2 It was further agreed at the June meeting that a proforma for recording Members' interests should be drawn up and circulated, and also that the MSFOMA website should be updated to reflect the decision to adopt the "Nolan Principles"
- 2.3 A proforma for recording interests was circulated to Members and Observers of the Association in August 2019. A copy of the proforma (including the "Nolan Principles" is attached at Annex A.
- 2.4 It is proposed that once sufficient forms have been returned to the Secretariat, the MSFOMA website will be updated with a list of Members' key interests.

MSFOMA Secretariat  
September 2019

**Annex A:** Copy of MSFOMA “Statement of Interests” proforma and list of the “Nolan Principles”.

### MSFOMA Statement of Interests

Name	
Organisation / Affiliation	
Statement of Interests <sup>1</sup>	
I agree to abide by the “Nolan Principles”* for holders of public office with respect to selflessness, objectivity, accountability, openness, honesty and leadership.	
Signed	
Date	

### \*The Nolan Principles

#### 1. Selflessness

Holders of public office should act solely in terms of the public interest.

#### 2. Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

#### 3. Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

#### 4. Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

#### 5. Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

#### 6. Honesty

Holders of public office should be truthful.

#### 7. Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

<sup>1</sup> Please include a brief summary of what you / your organisation does, and list any interests that are relevant to shellfish farming in the Menai Strait.

## **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 the responses to WG consultations are noted.
3. That the Association discusses the response received from the Minister about shellfish exports to Europe after Brexit.

### **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 were established to provide stakeholders with a forum for communicating and engaging with Welsh Government. The Association has been advised that these Groups have been suspended and have not met recently.
  - 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. It was attended by Lewis Le Vay from the Association. No issues of interest to MSFOMA were discussed.
  - 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. No meetings of this group have taken place recently.
- 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 There are presently no open consultations for “Marine and Fisheries” on the Welsh Government website. Two consultations were open at the last Association meeting, 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 closed on 20<sup>th</sup> June. The consultation was discussed at the last MSFOMA meeting, and a draft response circulated for comment before it was submitted. The agreed and final MSFOMA response to the consultation is appended at Annex A to this report.
- 3.3 **Marine and fisheries policies for Wales after Brexit:** this consultation opened on 1<sup>st</sup> May 2019 and closed on 21<sup>st</sup> August. The consultation document sought views on how the Welsh Government should approach the management of fisheries in Wales after Brexit. The consultation was discussed at the last MSFOMA meeting, and a draft response circulated for comment before it was submitted in August. The agreed and final MSFOMA response to the consultation is appended at Annex B to this report.

### 4. Welsh Government Officials

- 4.1 There have been no formal meetings with WG officials since the last MSFOMA meeting. The Secretariat has remained in close contact with officials over the process of establishing new Fishery Orders in the Menai Strait (see items 13 & 14 on the agenda).
- 4.2 There have been some significant changes in the staffing arrangements in the WG fisheries department in recent months. It is anticipated that some new staff members will attend the meeting to provide an update on the changes and the new roles and responsibilities of EG staff.

### 5. Communications with Cabinet Minister

- 5.1 The Chair has been in correspondence with the Minister in connection with the Menai Strait (East) Fishery Order (see item 13 on the agenda). The only other correspondence with the Minister has been a letter sent by the Chair concerning the implications of Brexit for shellfish exports (Annex C), which the Minister responded to in September (Annex D). Views on this response and the need for any follow-up are sought at this meeting.

MSFOMA Secretariat  
September 2019

## **Annex A:** MSFOMA response to WG consultation on Marine Strategy Part One.

### **Response ID ANON-KP78-ERHM-P**

Submitted to **Marine Strategy Part One: UK Updated Assessment and Good Environmental Status**  
Submitted on 2019-06-20 12:41:18

#### **Introduction**

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

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?**

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?**

Answer::

We have confined our comments below to our remit, which is the sustainable management of bivalve cultivation.

We agree with the potential for growth of marine aquaculture, an in particular bivalve cultivation, in the UK.

We note that Table 3 in the report identifies Descriptors, pressures and activities. With regard to this:-

1. Input or spread of NIS: we note that aquaculture is identified as a pressure that can cause the input or spread of NIS. We recognise this risk, and would highlight as "good practice" the approach that has been implemented in the Menai Strait to address this risk and would be keen to share this experience more widely to help address this issue.
2. Input of nutrients and input of organic material: here we are critical of the use of the "catch all" term "Aquaculture". We appreciate that some forms of aquaculture can result in inputs of nutrients and organic material. By contrast, bivalve shellfish cultivation is actually a sink for nutrients and provides valuable ecosystem services (we have cited scientific publications in our submission which support this view). We feel that it would be helpful to make this distinction.
3. Input of litter (solid waste matter including micro-sized litter: our comments here are similar to those above - benthic cultivation of bivalves does not generate litter.

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

Answer::

We have commented here on the descriptors, pressures and activities that are associated with aquaculture in Table 3 of the report.

1. Non-indigenous species: we note that the main vector for introduction of NIS is via international shipping. We support the criteria and targets specified in the consultation document.
2. Eutrophication: we support the criteria and targets for achieving nutrient concentrations, Chlorophyll a concentrations and Dissolved Oxygen content at levels which could lead to harmful effects.
3. Litter: we support the criteria and targets proposed for decreasing the presence of marine litter.

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

**Answer::**

1. NIS: We support the proposed improvements of monitoring and management.

In our own sector in the Menai Strait we have developed our own code of practice which has successfully addressed this issue. We would be happy to share this as an example of good practice which could be adopted elsewhere in the UK by our sector and applied to other sectors.

2. Eutrophication: the operational targets are limited to identifying threshold values and monitoring procedures. It would be helpful if they included targets which would identify and develop uses of the marine environment that will help to address eutrophication impacts, and in this regard would highlight the environmental services provided by bivalve cultivation (see the publications cited in Q8 below).

3. Litter: the operational targets are appropriate for improving monitoring and management of marine litter.

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

**Answer::**

The key gap that we would identify is the recognition of the environmental goods and services that are provided by bivalve cultivation that are very relevant to many aspects of GES (particularly with respect to eutrophication and other aspects of water quality).

To support this view we would highlight the following publications:-

van der Schatte Olivier, A., L. Jones, L. L. Vay, M. Christie, J. Wilson, and S. K. Maiham. 2018. A global review of the ecosystem services provided by bivalve aquaculture. *Reviews In Aquaculture*. <http://doi.wiley.com/10.1111/raq.12301>.

Smaal, A. C., J. G. Ferreira, J. Grant, J. K. Petersen, and Ø. Strand, editors. 2019. *Goods and Services of Marine Bivalves*. Springer International Publishing. <https://www.springer.com/gp/book/9783319967752>.

**Annex B:** MSFOMA response to WG consultation on Marine and Fisheries Policies for Wales after Brexit.

## Marine and fisheries policies for Wales after Brexit

### Consultation response form

Your name: Alan Winstone (Chair)

Organisation (if applicable): Menai Strait Fishery Order  
Management Association

e-mail/telephone number: [info@msfoma.org](mailto:info@msfoma.org)

Your address: Port Penrhyn, Bangor, LL57 4HN

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?

Welsh Government should ensure that its administration of fisheries in Wales is responsive to the state of fish stocks, the need to fish sustainably and also the social and economic importance of fishing to communities in Wales.

The key thing that WG can do in this regard is to champion and prioritise the fishery resources under its own jurisdiction. In the medium to long term, bivalve fisheries in Wales, and particularly the mussel fishery in the Menai Strait, represent the most important single sector in the Welsh fisheries portfolio. With the support of the Welsh Government this sector could thrive and grow sustainably. However WG must engage with the industry on a more open, honest and proactive basis on a local level and deliver on its commitments and promises. WG must also actively engage with, listen to and act upon feedback from the industry and build trust with stakeholders on a consistent basis.

#### Question 2

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

In our view the Welsh Government should, through the Marine Plan and other mechanisms, give a higher priority to the development of bivalve cultivation in Wales on the seabed and seashore and also in offshore suspended cultivation systems. This should include both fast-tracking applications for shellfish cultivation areas and also giving more financial support to research and development of these fisheries and the factors affecting them.

#### Question 3

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

There are three key areas which we would identify as being critical to securing marine ecosystem resilience:-

1. **Invasive Non-Native Species:** these present a huge threat to the marine ecosystem, and the Welsh Government should take action to manage this risk.
2. **Protecting water quality:** effluent runoff from land impacts water quality. Nutrients encourage algal blooms which can choke marine life and make the water unsafe for recreational use; and other pollutants can accumulate in marine organisms to become toxic either to the organisms themselves or to seafood consumers. The Water Framework Directive (WFD) requires the government to take measures to protect shellfish harvesting waters. It must first identify those waters where commercial shellfish harvesting is taking place, and then it must prevent any deterioration in water quality in these areas. We believe that WG should go further

and put in place plans to ensure the most economically important areas are improved to achieve class A shellfish quality as soon as practicably possible.

3. **Encouraging bivalve cultivation:** there is now overwhelming scientific evidence that bivalve cultivation improves coastal water quality, sequesters nutrients and carbon dioxide, and provides high quality seafood with little environmental impact. Forward-thinking Scandinavian Governments are encouraging bivalve cultivation to improve coastal water quality. The Welsh Government has a head-start in this area and could become a world-leader.

If the Welsh Government took action in these three areas it could make a big difference to marine ecosystem resilience.

#### Question 4

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

We are not in a position to comment on wild-capture fisheries.

With regard to aquaculture, a key initiative could be for the Welsh Government to renew its commitment to growing aquaculture production for both shellfish and finned fish. The commitments set out in the Wales Aquaculture and Fisheries Strategy in 2015 were to double production by 2020. While this goal is not attainable now, WG could improve the long-term sustainability of fisheries in Wales by making a fresh commitment to attain this target by 2025.

#### Question 5

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

We have experience of working both in England and in Wales. A key difference between England and Wales is that in England there are Inshore Fisheries and Conservation Authorities (IFCAs) which are locally focussed and locally-accountable bodies, with their own staff and (limited) management powers.

Whilst the IFCA model might not be appropriate in Wales, some institutional reform to make fishery management locally accountable could provide a platform for greater flexibility and responsiveness.

#### Question 6

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

It is not clear exactly what is meant by “adaptive management”. According to the text this means several things including:-

1. “[Managing] ....fishing activities which are not pursued by a licensed fishing boat” (para 1)
2. “...the possibility of habitat enhancement measures and co-location strategies to seek to improve and sustain the management of our resources further.” (para 2)
3. “Currently, only certain species are covered by the quota system. The intention is, over time and subject to available evidence, to introduce adaptive management to other elements in the marine environment which have a commercial value. [...] The intention is to prioritise those species of primary importance in Wales in the first instance and to develop a simpler way of opening and closing fisheries.” (para 3)

This lack of clarity and the open-ended nature of what is proposed makes it hard to respond to the question.

We would, be very concerned if this rather vaguely defined approach was applied to existing well-managed activities (such as shellfish farming under the Sea Fisheries (Shellfish) Act 1967) where the current management regime has a track record of delivering thriving and profitable fisheries for decades.

Whilst there may be species or fisheries for which this vision of adaptive management is suited, we would request that such untried ideas are NOT applied to oyster or mussel cultivation areas.

Our response to question 11 below provides further feedback to this idea.

#### Question 7

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

It is not clear how or to what extent Brexit will directly affect fish stocks in Welsh waters and hence the people of Wales: as the graphic on page 14 shows, most of our fisheries are based on inshore shellfish which will not be affected by Brexit either in terms of regulatory change or the abundance of the species concerned.

The greatest benefit that could be achieved post-Brexit would be to ensure that Welsh Government does the best job it can of managing the resources under its jurisdiction.

A fundamental aspect of managing natural resources sustainably is to focus on collaborative working to deliver better results at a local level. Local communities and industries are best placed to shape and understand local priorities and opportunities and to find practical solutions that bring the widest possible benefits. This is also a way that new solutions can be pioneered or piloted.

**Question 8**

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

Most of the Welsh fleet works in inshore waters and catches non-quota species. As the report points out, this fleet is not suitable for fishing further offshore, and it is currently unclear how access to offshore resources will be determined post-Brexit.

The main impact of Brexit on the fleet will not be caused by a lack of access to fish resources, but would result from the difficulty accessing the EU markets post-Brexit. The Welsh Government should focus on this issue through policy initiatives that will secure access to export markets; marketing activities that will boost domestic consumption; training for fishermen to boost product quality; and investment in onshore facilities to help develop new products. These are the foundations that the Welsh seafood industry will need post-Brexit.

**Question 9**

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

The document's approach to funding and investment in this section is unclear and the question does not appear to relate to proposals within the text. It is therefore difficult to make a meaningful response, other than to say that the Welsh industry would be keen to make use of the normal funding mechanisms (business loans from banks, investment partnerships with other companies, and applications for any grants that may be available from central or local government).

On the basis of the information presented in this consultation document it is evident that a clear policy direction is needed from Welsh Government on this matter. We would be happy to assist in this regard.

**Question 10**

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

This is an issue for wild capture fin fisheries and not an issue we would wish to comment on.

**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?

No, we do not agree with the proposal presented.

Our response to the rationale set out in support of this idea is set out below.

1. We welcome the commitment to the growth of our sector.
2. The statement that Several or Regulating Orders provide "...exclusive access to the seabed for a period of time..." is incorrect and reveals a fundamental misunderstanding of both the legislation and the distinction between Several and Regulating Orders.
3. We agree with the statement that the process for creating Several or Regulating Orders is lengthy. However this process is only lengthy in Wales. There are plenty of examples in England (for instance in Poole Harbour) where the applicant and the Government have been able to create new Fishery Orders swiftly. The problem, therefore, lies not with the national legislation but its implementation in Wales.
4. The key shortcoming (lengthy application process) identified in the document is a result of the lack of any internal administrative processes for making new Fishery Orders. We are working with WG officials to put these processes in place and these new administrative arrangements look set to work very well indeed, to the extent that they make the proposals in the consultation document seem redundant.
5. Shellfish cultivation in the sea can only be carried out if the public right to fish for the shellfish being fished is somehow removed (otherwise the shellfish being cultivated could be removed by members of the public). This is not something that can be done with a "licensing regime" as suggested. The public right to fish in the sea was established by Magna Carta in 1215, and it can only be removed (or "severed") by an appropriate legal mechanism.
6. The regime established under the Sea Fisheries (Shellfish) Act 1967 is the basis for the most successful shellfish cultivation in the whole UK, in the Menai Strait. This Act is arguably the most effective piece of UK fisheries legislation on the statute book and it should not be discarded lightly.
7. Finally, shellfish cultivation is complicated and requires considerable investment of time and resources. It took the best part of 20 years' for the shellfish farmers in the eastern Menai Strait to develop and refine the techniques for successful cultivation in this area, followed by another 20 years' of investment and hard work to achieve the levels of production that have made this the most successful aquaculture site in the UK. This investment has only been possible because the operators have had the security of a 60-year long Fishery Order, rather than a short-term licence.

In summary, we do not support the replacement of the Sea Fisheries (Shellfish) Act 1967 with an untested alternative; but we do support the streamlining of administrative procedures under this Act and are presently working very productively with the Minister and her officials on this very issue.

There may be circumstances where a streamlined approach running alongside the existing Several and Regulating Order system may be appropriate. For example this may be related to the geographic scale of the proposed operation, proximity to Protected Sites, and method and species being cultivated as a way of 'kick-starting' new cultivation initiatives. However this would need to be carefully designed and implemented to avoid undermining

the existing Several and Regulating Order approach which works well on some of the most successful shellfisheries in Wales.

#### 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.

We support some parts of the proposals but not others.

1. **Shellfish cultivation** – we do not support the proposal to replace the use of Several Orders made under the Sea Fisheries (Shellfish) Act 1967 with a vaguely defined “licensing regime”.
2. **Offshore rope systems** – these might not need the protection of a Several Order, so a new licensing regime for establishing these systems could have a very positive effect.
3. **Onshore finfish aquaculture** – we would support proposals to improve the management regime for our colleagues in this sector, but do not have any specific comments on the type of improvements that could be made here.
4. **Diversification** – we would support diversification of commercially viable species and would be keen to work with Welsh Government on such proposals.

#### Question 13

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

With regard to these questions:-

- a) The easiest way for Wales to increase its aquaculture production would be to increase shellfish production both on the seabed and in suspended rope cultivation systems.
- b) There are two aspects to this question:-
  - i. Welsh businesses' role is to identify opportunities (either alone or in partnership with Welsh Government) for aquaculture production.

- ii. Welsh Government's role is to facilitate the development of new aquaculture opportunities and safeguard the future operation of existing aquaculture production.

#### Question 14

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

We anticipate that the key challenge post-Brexit to the Welsh seafood sector generally and shellfish in particular will be maintaining access to the European export markets which consume most of our seafood production.

The long-term security and viability of the seafood sector (covering all parts of the supply chain from production to retail) will require the Welsh Government and fishing industry to encourage domestic (UK) consumption of our seafood as well as export to countries outside the EU (see the response to Question 17 below).

#### 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?

Again, there are two parts to this question

- a) Welsh producers can boost UK consumer interest by:-
  - i. Highlighting the quality and provenance of products.
  - ii. Developing new products that appeal to a generation of consumers that may be unfamiliar with seafood.
  - iii. Seeking new retail outlets: as well as local and national retailers, looking at sales over the internet.
- b) Welsh Government's role should be to:-
  - i. Promote "Welsh Seafood" as a brand (in the same way that the state of Alaska has done for its seafood industry).

- ii. Encourage engagement of overseas buyers.
- iii. Helps the industry to develop and market new products both nationally and to new overseas markets.

#### Question 16

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

The biggest seafood market in the world is in Asian countries (China, Japan, Korea).

Welsh fishermen are already marketing their seafood to these countries: exports of brown crab to China and whelks to Korea demonstrate this.

We have made some suggestions on how this could be done in our response to Question 17.

#### 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?

##### Welsh Government's role

1. At a policy level the key role of Welsh Government will be to ensure that Welsh seafood can be exported to EU and non EU countries competitively (i.e. without punitive trade tariffs or customs delays).
2. At a practical level Welsh Government could:-
  - a. Encourage fish buyers from the countries which consume the main Welsh products (whelks, mussels, cockles, brown crabs & lobsters) to visit Wales.
  - b. Identify funding opportunities to assist overseas investors and local Welsh communities to establish the necessary facilities to enable export to these countries.

##### Coastal Communities

1. Stakeholder engagement should be facilitated by WG to encourage local entrepreneurs to propose projects.

2. Business support should be provided to enable local entrepreneurs to develop effective business plans and put them in contact with investors and sources of funding.

#### Question 18

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

The example provided by the Shellfish Centre at the Centre for Applied Marine Science in Menai Bridge provides a demonstration of how this relationship can be improved and developed.

The Shellfish Centre has been established to deliver research and innovation projects that are focussed on real challenges and opportunities for our sector, working in collaboration with industry partners here in Wales, as well as in England and Northern Ireland in partnership with Seafish and regulatory agencies. We feel that this is an excellent model that builds on the close links already established in this part of Wales, and which will benefit our sector throughout Wales over the coming years.

#### 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?

Opportunities for diversification exist but are very area specific. For instance, some fishermen in Cardigan Bay have demonstrated the opportunity for diversifying into wildlife tourism, with dolphin watching and bird watching trips; and in north Wales, other commercial fishermen use their vessels to take anglers to sea. However, in both examples a serious commitment to the activity would require an additional and specialised vessel rather than using a fishing vessel for this task (as, for instance, there are maritime safety issues associated with taking members of the public to sea).

There may be opportunities for fishermen to work in other marine industries (indeed many of the skippers and crews of the Crew Transfer Vessels working on windfarms were previously commercial fishermen). However, diversification into other industries is challenging: as with recreational activities, marine industries nowadays demand specialised vessels rather than fishing vessels.

#### Questions 20

How could the Welsh fleet be sustained and enhanced?

We agree that the workforce has an ageing demographic and that it will be important to encourage new entrants. This could be achieved by developing a training and apprenticeship scheme to encourage new entrants into the fishing industry and providing financial support for such a scheme.

#### Question 21

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

Growth in the shellfish farming sector requires that there is a secure and reliable environment available both for the cultivation of shellfish and for businesses to invest in. If the Welsh Government can provide this, the fishing industry has the resources and initiative to deliver sustainable growth.

#### Question 22

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

For our own sector (shellfish aquaculture), the key thing that must be done is for Welsh Government to demonstrate that it is capable of servicing, developing and maintaining the robust long-term legislative foundation for shellfish farming that existing successes have been built upon.

#### Question 23

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

Our main concerns with respect to the marine environment are:-

1. **Water quality:** in coastal fisheries the runoff from both urban and rural areas can be a source of pollution that adversely affects water quality. This can hinder the growth of marine organisms or make them unsafe to eat. Maintaining and improving coastal water quality is a top priority.

2. **Invasive non-native species:** the risk of introducing and spreading invasive non-native species is widely considered one of the biggest threats to the marine environment. We have supported the work of Natural Resources Wales to prevent and manage this issue. Welsh Government should, in our view, prioritise this issue and direct more resources to both understanding and managing this risk.

#### Question 24

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

From our own perspective, the key fisheries species and stocks are bivalve shellfish. The priority species for research are:-

1. **Mussels:** research into cultivation of mussels on both the seabed and in suspended rope cultivation, which would help to identify the potential for developing new cultivation areas. Also the factors affecting distribution and numbers of mussel spat and their settlement, growth and survival. This could lead to the development of predictive models and methodologies to help the mussel industry manage supply of young mussels for cultivation which is currently reliant on highly variable and unpredictable natural sources.
2. **Pacific Oysters:** particularly research into the development of triploid and tetraploid oysters that would reduce the risk of Pacific oysters escaping from cultivation areas and could help to develop new skills in Wales.
3. **European Oysters:** research into whether native European oysters could be cultivated in Wales and identifying the area amenable for oyster cultivation.

#### Question 25

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

The key issues that should be explored are outlined in our response to Question 24 above. Research into the cultivation of each species should identify the potential economic benefits, environmental impacts (and how these can be mitigated) and social factors.

**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?

Focussing fisheries science projects from the different sectors listed would require the Welsh Government to provide a strategic focus and direction through a set of coherent fisheries management policies. Much of this work has already been done over the past 10 years through the formulation of policy documents; the missing piece of the jigsaw has been Government commitment to delivering the policy objectives.

**Question 27**

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

We would recommend building upon past efforts rather than reinventing the wheel.

In 2013 the Welsh Government developed the Wales Marine and Fisheries Strategic Action Plan. Fisheries and Aquaculture Strategy by working in closer partnership with the fishing industry. The priorities identified in that document remain relevant today and would provide good targets for future investment.

We would also very much support the idea of establishing Welsh Seafood as a recognisable and trusted brand.

**Question 28**

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

The three main funding areas outlined in the document (adapting to new regulations; funding for HEIs; and support for fisheries science) are all important and we would not advocate discontinuing support for any of these.

**Question 29**

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

We refer back to our response to Question 9 above. We would be keen to work with Welsh Government to help develop a clear funding strategy for our sector generally.

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: ☐

**Annex C:** Letter from Chair to Minister about shellfish hygiene and exports to the EU after Brexit.

**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

26<sup>th</sup> July 2019

By Post and e-mail

Dear Minister

**Post-Brexit Shellfish Exports to Europe: Shellfish Hygiene Issues**

I am writing to seek your advice and support over a serious matter of concern that has arisen as the shellfish industry here in north Wales and the rest of the UK makes preparations for Brexit. Action to address this issue is critical to the future of the Welsh Seafood sector.

During the run-up to the initial Brexit deadlines in March and April it became apparent that the rules that are in place for exporting live bivalve molluscs to the EU will change significantly after Brexit. The practical effect of these changes is that if the UK leaves the EU single market then most shellfish farmers and fishermen in Wales will no longer be able to export bivalves to the EU, which is their main export market. For Welsh fisheries, this would be a catastrophic blow.

These uncertainties stem from the legislation relating to shellfish hygiene and the export of live animals (including bivalves such as cockles and mussels). At present, shellfish farmers and fishermen operating within the commercial bivalve production areas in the EU are able to export live "classified" on the basis of their historical record of microbiological analyses.

The cleanest production areas are designated "Class A", bivalves these areas can be sold directly for human consumption. Bivalves from "Class B" areas have to be cleaned ("depurated") prior to human consumption; and bivalves from "Class C" waters have to be cooked prior to sale. Most of the shellfish production areas in Wales are "Class B". At present shellfish from these areas can be dispatched to the EU without the need to "depurate" the shellfish before export. This arrangement is critical to the future of bivalve fisheries in the UK (particularly cockles and mussels), which rely on export trade to the EU for most of their business. Given the importance of this sector in Welsh fisheries, any problems affecting the export of bivalves to the EU will have a disproportionately large impact on the Welsh seafood sector

The need for depuration in the UK before export would pose several problems: firstly there are not enough on-shore facilities available in the UK to depurate the current volume of bivalve exports to the EU; secondly such facilities are expensive to build and operate; and finally the process of depuration places stress on the bivalves so that in-transit mortality will increase. The net result would be that Welsh bivalves would become both more expensive and less attractive to EU buyers if the UK leaves the single market.

We are pleased to report that your officials in Welsh Government and at the Food Standards Agency in Wales have worked closely with shellfish farmers in north Wales to find a short-term solution to this issue. They have looked at historical shellfish hygiene data to see if there are any opportunities for "upgrading" the classification of shellfish hygiene production areas. For the Menai Strait mussel

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Menai Strait Fishery Order Management Association  
Company registered in England and Wales No 07163889

production areas, these are nearly all are likely to be upgraded to grade A from a long term grade B designation for waters. This will allow, at least in principle, trade to continue in the event of a no deal outcome. Naturally this solution can only be considered when there is robust data, and it is precarious: production areas are vulnerable to being downgraded (for instance in the event of a flood event that causes a decrease in water quality coinciding with a sampling date).

Whilst we are very grateful for the support we have had from Government and the FSA Wales, our industry needs a more robust long-term policy and legislative response to this matter from Government. If the Welsh Government does not take swift action to address this issue then the future for Welsh mussel, cockle and oyster production after Brexit looks very bleak indeed.

Could we respectfully ask you to direct your officials to find a way to ensure that after Brexit the bivalves from Wales that are gathered from "Class B" production areas can be exported to the EU post-Brexit in the same way that they are today.

Yours sincerely



ALAN WINSTONE  
Chair, MSFOMA

cc. David Jarrad, Shellfish Association of Great Britain

**Annex D:** Reply from Minister to Chair of MSFOMA about shellfish hygiene and exports to the EU after Brexit.

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/06594/19

Alan Winstone  
Chair, MSFOMA

info@msfoma.org

3 September 2019

Dear Alan

Thank you for your letter of 26 July regarding Post-Brexit Shellfish Exports to Europe: Shellfish Hygiene Issues.

I appreciate your concerns, in the event of a No Deal Brexit, and under current EU food hygiene regulations, bivalve molluscs from class B waters will need to be depurated prior to export to the EU. I am aware most bivalves are exported to the EU direct from vessels and they are depurated in Europe.

I understand an area covered by the Menai East Fisheries Order area has recently been re-designated as class A and exports from this area will be able to continue uninterrupted.

In the event of a No Deal EU Exit, the UK will revert to third country status. In these circumstances the UK will be required to adhere to Regulation 854/2004 for controls on products of animal origin intended for human consumption. Under this regulation shellfish exporters can register as an aquaculture production business and export bivalve molluscs under the cover of an aquaculture health certificate issued by the Fish Health Inspectorate. However, I appreciate this will not be economically viable for many businesses in the longer term.

It is possible during future trade negotiations with the EU issues around exports of molluscs from class B waters will be considered further. Trade negotiations cannot commence until the UK has left the EU.

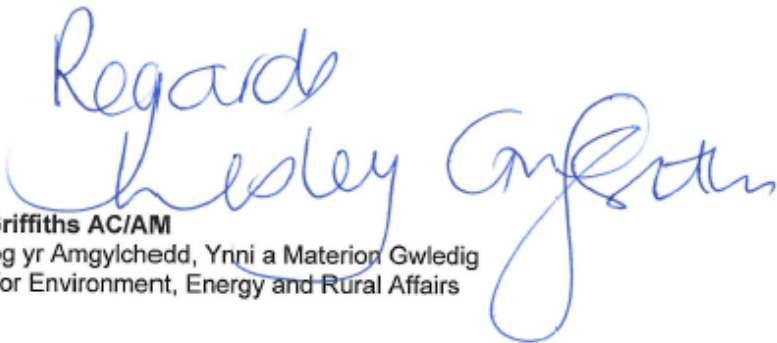
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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedl.

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.

In the interim my officials are working with other Administrations across the UK on contingency measures to support ongoing trade with the EU.

Regards  


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

## **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 20<sup>th</sup> June 2019 and the 13<sup>th</sup> September 2019) and a meeting of its Technical, Scientific and Byelaws Sub-Committee (on the 6<sup>th</sup> August 2019).
- 1.2 No new management measures that are directly related to the activities of MSFOMA were discussed at the recent IFCA meetings.

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

- 2.1 The NW-IFCA is continuing to work on a revision of its byelaws regulating fishing for sea fish using pots within its District. This byelaw has no implications for mussel fishing activities.

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

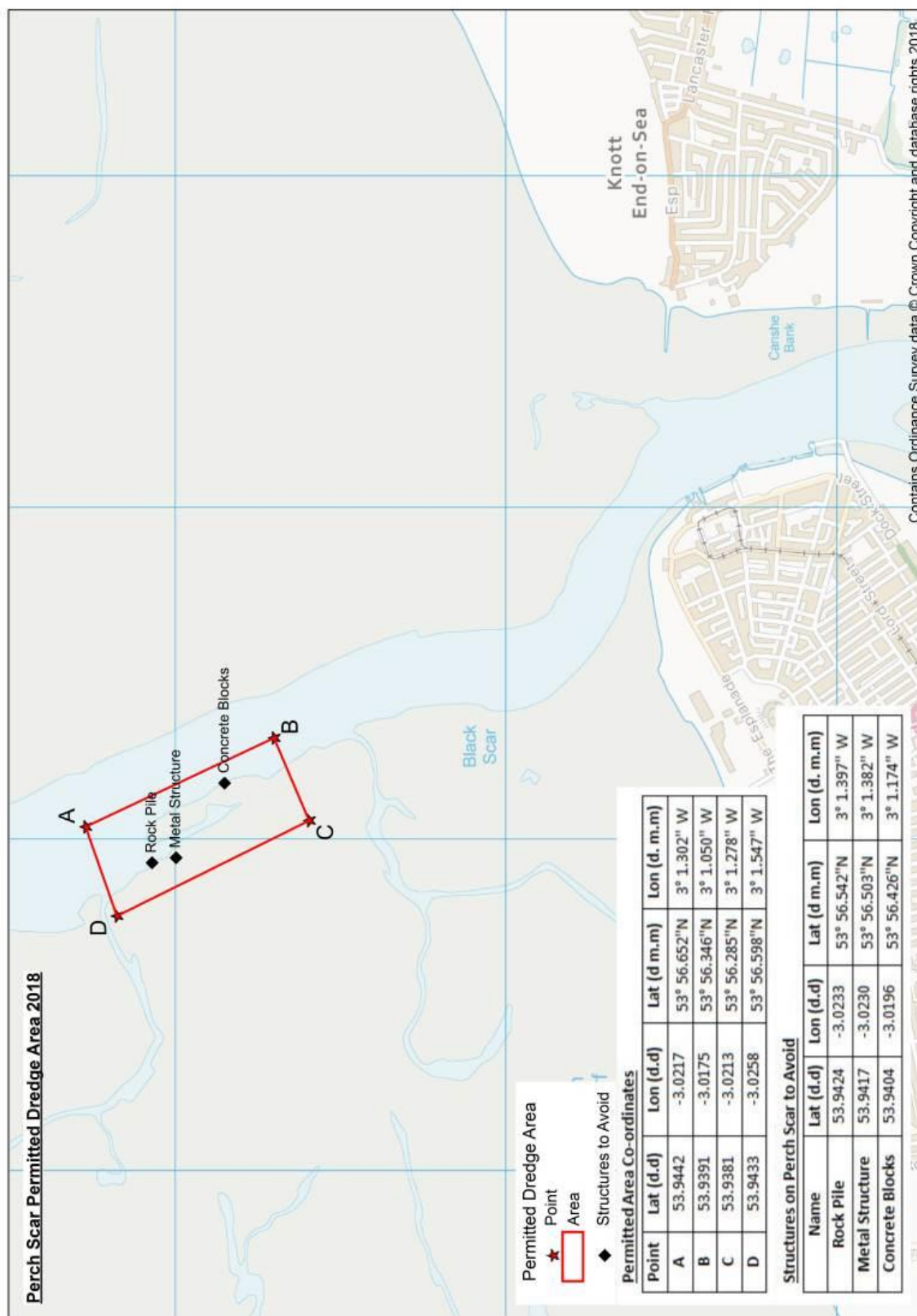
- 3.1 There have been no meetings of the Bivalve Mollusc Working Group since the last MSFOMA meeting.

### **4. Seed Mussels**

- 4.1 IFCA scientific staff have reported on seed mussel resources in Morecambe Bay over the past few meetings. This has been another year with poor settlement of seed mussels in the Bay.
- 4.2 IFCA staff recently identified a small patch of seed mussels in Morecambe Bay at Perch Scar on the Wyre estuary, and are in the process of seeking approval from the Authority to issue permits for dredging in this area, which may hold around 500t of mussels (see Annex A). IFCA staff have progressed the survey of this seed mussel bed and consultation with Natural England very swiftly in order to ensure that dredging can be permitted before the mussels are swept away. It would seem appropriate for the Association to thank the IFCA for their efforts in this regard.

MSFOMA Secretariat  
September 2019

**Annex A:** Map of area proposed for mussel dredging by the NWIFCA on the Wyre estuary, Morecambe Bay.



## **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. That the Association should work with WG officials to progress the renewal of the Fishery Order and at the same time should explore options for a “safety net” that would mitigate the consequences of a delay in the creation of a new Fishery Order prior to 1<sup>st</sup> April 2022.
3. That progress with stakeholder engagement is reviewed and that steps are taken to set up “drop in” sessions for the local community during the autumn.

### **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 submitted its application for a new 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 was noted at the last meeting of the Association that no meaningful progress had been made since the application for a new Fishery Order had been submitted. Prior to that meeting the Chair had written to the Minister to raise concerns about this. The Minister's response was considered at our last meeting, and it was agreed that the Association should continue to ask for work on the new order to be prioritised and for some further thought to be given to the need for a "safety net" to be used in case of any delays. A copy of the Chair's letter to the Minister is attached at Annex A of this report, and her reply is at Annex B.
- 4.3 WG officials have indicated that the new process that is due to be put in place by the autumn of this year, and that a further update on the implementation of this new process will be provided at the meeting.

## **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 It has been reported at recent meetings that this Code of Good Practice is under review. A verbal update on progress with the review will be provided at the meeting.

MSFOMA Secretariat  
September 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

22<sup>nd</sup> July 2019

By Post and e-mail

Dear Minister

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

I am writing in response to your letter of 17<sup>th</sup> April, which we discussed at our Association meeting last month.

The Association very much welcomes the work that your officials have been doing to streamline and simplify the process for making Fishery Orders. We had a very constructive meeting with them in Menai Bridge during May at which we discussed this new process.

Our previous correspondence has considered 3 key points concerning the renewal of the Fishery Order for the eastern Menai Strait. We have responded to each of these in turn below.

1. **Process:** On behalf of the Association I can confirm that we would like the application for a new Fishery Order in the eastern Menai Strait to progress under the new process that your officials are presently working on.
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 that you will be unable to progress all of the applications simultaneously. Whilst we very much support the development of our sector, we feel that priority should be given to applications for renewal of existing Fishery Orders that support existing jobs and livelihoods. Given that the Fishery Order in the eastern Menai Strait is the most productive aquaculture site in the UK, we feel that it should be given the highest priority of all.

We have raised this matter with officials, but have not yet had confirmation of the process that will be used to prioritise applications. We must 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.

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

3. **Safety net:** although you have indicated that it may not be possible to vary or extend the existing Fishery Order, we still 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 let us know if there are any options available to you for protecting jobs and livelihoods in the area from the consequences of any administrative or procedural delay in making a new Fishery Order.

Can I take this opportunity to thank you once again for giving this important matter your attention. We very much welcome the progress that you and your officials have made in recent months and look forward to your response to these questions.

Yours sincerely



ALAN WINSTONE  
Chair, MSFOMA

cc. Rhun Iŷ Iorwerth, AM

**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/06558/19

Alan Winstone

info@msfoma.org

30 July 2019

Dear Mr Winstone

Thank you for your letter of 22 July, regarding the Menai East Fishery Order renewal process.

I understand the importance of the Menai East Fishery Order and welcome your decision to proceed with your application under the proposed new process.

Following the meeting on 23 May, officials continue to develop the new administrative process to ensure it is fit for purpose, and ready to be implemented later this year. The new process will apply to all new and existing applications (with the exception of Menai West Fishery Order).

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 and will consider a number of factors in establishing how the current list of applications is progressed.

I note your enquiry regarding a possible 'safety net' being put in place for the Fishery Order in the eastern Menai Strait, and I recognise the concern regarding employment and social stability. Unfortunately, there are no options currently in place to accommodate such a request, however, officials will give the matter active consideration and explore options should the Order lapse. Simultaneously, officials will continue to develop a new streamlined process with timeframes to ensure consistent progress and limit delays.

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  
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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:** Reply 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

26th August 2019

By Post and e-mail

Dear Minister

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

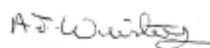
Thank you very much indeed for your letter of 30<sup>th</sup> July in response to our earlier correspondence.

It is great news that the new administrative processes for Fishery Order applications are due to be put into action very shortly. We will continue to liaise with your officials over the issue of prioritisation of applications under these new processes.

We also welcome your commitment that officials will give the idea of a “safety net” for this Fishery Order active consideration. You will appreciate that this needs to be done before the Fishery Order lapses, and we will work with your officials to explore the options that may be available. As a precursor to this we have instructed our own solicitors to identify the legal opportunities and constraints for a “safety net”, and will share this advice with you so that we can develop an appropriate safety net in good time.

Can I take this opportunity to thank you once again on behalf of the Association and the mussel farmers in the Menai Strait for giving this important matter your attention.

Yours sincerely



ALAN WINSTONE  
Chair, MSFOMA

cc. Rhun Iŷ Iorwerth, AM

**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>Attend Caernarfon Harbour Trust meeting.</li> <li>Liaison with WG officials about application</li> </ul>
	Q3/Q4	j) Meeting with RAYC k) Organise “drop in” sessions	<ul style="list-style-type: none"> <li>Meeting with RAYC scheduled for 17<sup>th</sup> September</li> <li>Dates &amp; locations for “drop in” sessions tbc.</li> </ul>
2020		l) (Possible) Formal consultation on Fishery Order. m) Respond to consultation feedback. n) Address consultation issues either informally or through Public Inquiry.	
2021		o) Progress application process.	
2022	1 <sup>st</sup> April	p) 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 liaison with stakeholders can be resumed.
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 March 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.

- 2.2 A report on progress was provided by WG at our June meeting. It is understood that WG officials have recently met with WG lawyers to try to finalise the revisions that are deemed necessary to the draft Order. Officials are expected to be able to provide a verbal update on progress to the Association meeting.
- 2.3 The Association will recall the keen interest in this matter previously, and the intensive consultation process involving the local community from 2015 to 2017. Until there is some clarity on the content of the revised Order and the timescale for progress the Association is unable to resume its liaison with stakeholders in the western Menai Strait.
- 2.4 It is hoped that WG officials will be able share the revised draft of the new Order at the earliest opportunity, and that this could trigger an informal consultation with stakeholders by the Association prior to the completion of the formal consultation process.
- 2.5 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 Strait, 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  
September 2019