

# Menai Strait Fishery Order Management Association

## Agenda & Papers- 17<sup>th</sup> September 2020, 1000 Quarterly Meeting

1. Chair's announcements
2. Apologies
3. Declarations of interest
4. Minutes of last meeting ([attached](#))
5. Matters Arising
6. Register of interests (verbal)
7. Financial update ([report](#))
8. Public Profile of the Association (verbal)
9. Welsh Government Activity ([report](#))
10. North West IFCA Activity ([report](#))
11. Menai Strait East ([report](#))
12. Menai Strait West Fishery Order ([report](#))
13. Project funding update (verbal)
14. Fishery management issues
  - a. Coastal / marine developments
    - i. Bangor Pier maintenance
    - ii. Bangor Pier – Tea Room restoration
    - iii. Sand in the dock
  - b. Environmental / health issues
    - i. Bangor Beach Road to Treborth rising main – further leak
    - ii. Shellfish hygiene classifications
    - iii. *Bonamia* in the western Strait
    - iv. Non-native species
    - v. Norovirus – update

15. Any Other Business (verbal)
  - a. Correspondence

16. Dates for next meetings:-
  - a. Q4 2020 – 2<sup>nd</sup> December [AGM]

# Menai Strait Fishery Order Management Association

Meeting, 17<sup>th</sup> June 2020  
Zoom Video Conference Call

## Minutes

### Attendance

#### *Members*

Alan Winstone\*  
Lewis le Vay

Chair  
Bangor University

#### *Observers*

Ioan Thomas  
Kim Mould  
Lisa Connaire  
Michelle Billing  
Rowland Sharp  
Trevor Jones

Gwynedd County Council  
BMWAG  
Welsh Government  
Welsh Government  
Natural Resources Wales  
Menai Strait (West)

#### *Advisors*

Jim Andrews\*

MSFOMA Secretariat

### Notes

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

#### **1. Chair's announcements**

The Chair welcomed everyone to the first MSFOMA meeting to be held using Zoom video-conferencing and outlined the protocols for the meeting.

#### **2. Apologies**

Gareth Roberts  
Howard Mattocks  
Iwan Huws  
Julian Bray  
Kate Griffith  
Keith Andrews\*  
James Wilson\*

Bangor City Council / Gwynedd C.C.  
Beaumaris Town Council  
Isle of Anglesey County Council  
Welsh Government  
Natural Resources Wales  
Licensed hand pickers  
Bangor Mussel Producers Ltd

#### **3. Declarations of Interest**

Because this meeting was conducted as a video-conference which prevented the register of interests being circulated, the Chair asked participants in the meeting to declare an interest in each agenda item before speaking.

#### **4. Minutes of last meeting**

The minutes of the meeting that took place on the 22<sup>nd</sup> April 2020 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 April meeting were discussed:-

### **Sand in Penrhyn Dock**

It was reported that sand was still accumulating in the dock at Port Penrhyn from the storage area on the western arm of the dock. James Wilson has discussed this recently with the Estate's land agent. No letter had yet been sent to the Estate from the Association. It was agreed that the Association should write to the Estate and propose a site meeting to discuss the concerns.

**Action: JW, Secretariat**

### **Moorings in the Strait**

It was reported that the Secretariat had sent a copy of the reassurances given to Beaumaris Town Council about the legality of the deep water moorings in the Menai Strait to Iwan Huws.

### **Articles of Association**

It was reported that the Articles of Association were now being circulated by post to allow Members of the Association (Ioan Thomas and Keith Andrews) to sign it.

### **Hydrographic Office / Admiralty Charts**

The Secretariat has corresponded with the Hydrographic Office about the possibility of showing the eastern Menai Strait fishery order on Admiralty Charts of the area.

### **Bangor pier**

It was agreed that the pier master should be asked for an update on progress with the proposal to reinstate the tea room at the end of the pier.

**Action: Secretariat**

## **6. Register of Interests**

No changes were recorded.

## **7. Financial Update**

The financial report was accepted. It was noted that both income and expenditure had been lower than expected for the first quarter of the year.

It was agreed that a sum of £2,000 should be allocated to a Community Fund, shared equally between projects on the Anglesey and Gwynedd sides of the Menai Strait and that Bangor

City Council and Beaumaris Town Council should be asked to nominate possible good causes which would be discussed at the next meeting.

**Action: Secretariat**

VAT registration was discussed. It was agreed that figures should be calculated to show the savings that the Association would make and the additional costs likely to accrue to lessees who are not VAT registered, and that a decision should be taken at the next Association meeting.

**Action: Secretariat**

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

Jim Andrews provided a quick update. Andy Olivier has continued to maintain the Association's Twitter account. He was happy to continue providing this service to the Association.

The number of tweets and profile of the Association continues to grow steadily. It now has 1,000 followers and had over 35,000 tweet impressions in the 28 days prior to this meeting.

All present were reminded of the value of the public profile of the Association and were asked to remember to send items of interest to Andy Olivier for him to Tweet.

**Action: All**

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

It was also agreed that appropriate 'headlines' from today's meeting would be produced and sent to Andy Olivier to use as tweets.

**Action: Chair, Secretariat**

## **9. Welsh Government Activity**

The Secretariat's report was noted and received.

### **a) Meetings**

It was reported that no recent meetings of WG fisheries groups had taken place since the last MSFOMA meeting. Trevor Jones reported that a meeting of the Welsh Marine Fisheries Advisory Group (WMFAG) was scheduled for later in June.

### **b) Consultations**

It was noted that there are no current WG consultations underway of relevance to MSFOMA.

### **c) Marine Planning**

Lewis LeVay reported that he and James Wilson are involved with the WG Expert Panel Group for Aquaculture. The main purpose of this Group is to review the ABP-Mer reports on aquaculture that were prepared as part of the Marine Planning project.

It was agreed that that Secretariat should contact Phil Coates from WG, who is leading much of the work on Marine Planning, to ensure that the interests of MSFOMA are not overlooked.

**Action: Secretariat**

#### **d) Fisheries Bill**

There was some discussion of the potential clash between some of the provisions of the new UK Fisheries Bill and the Sea Fisheries (Shellfish) Act 1967. It was agreed that these concerns should be drawn to the attention of the Shellfish Association of Great Britain in the first instance, and then if their legal experts agree on this issue, should be raised further with the UK and Welsh Governments.

**Action: Secretariat**

#### **e) WG officials**

It was noted that regular engagement with WG officials has continued and that this was proving to be beneficial.

### **10. NW IFCA Activity**

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

Trevor Jones provided a verbal update on the survey work that he had carried out and which had been reported by the NW-IFCA. He had found abundant seed mussels in areas of Morecambe Bay that were suitable for mussel dredging. There was also evidence that these areas were eroding and in some areas were subject to starfish predation.

The next NW-IFCA meeting was due to take place on the 18<sup>th</sup> June, and the next meeting of the Bivalve Mollusc Working Group was due to take place on 19<sup>th</sup> June. These meetings were likely to determine which areas in Morecambe Bay may be opened for seed mussel dredging in the next few weeks. It was understood that hand gatherers in Morecambe Bay were not enthusiastic about seed mussel dredging taking place in the northern part of the Bay.

Jim Andrews and Trevor Jones reported that they had raised the issue of the fee charged for dredge permits at the IFCA meeting in December. There had been no indication that the IFCA was likely to change its policy on this matter in the near future. In view of the importance of maintaining access to the seed mussel resources in the NW IFCA District it had been considered unwise to press the IFCA on the subject of the permit fee for the time being.

There was some discussion about NW-IFCA policies and procedures concerning seed mussel dredging. It was agreed that it may be a good idea for the Association to suggest to NW-IFCA that it would be useful to adopt a “decision tree” for seed mussel resources to make these processes transparent and consistent.

**Action: Secretariat**

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

The report on this Fishery Order was received and discussed.

**a) Licences**

The proposed procedure for determining the number of licences that could be issued by the Association annually and the process for managing applications was discussed.

It was agreed that the process for managing applications should be revised to clarify that applications should be submitted in writing by post. In the event of new licences becoming available, that would be issued to applicants on the waiting list in chronological order, and that in the event of multiple applications having been received simultaneously, the successful applicant would be selected at random.

It was further agreed that a lower age limit of 16 years should be set for licence holders.

Subject to these amendments it was agreed that the proposed procedures should be adopted by the Association and sent to Welsh Government.

**Action: Secretariat**

**b) New Fishery Order**

Michelle Billing had submitted some draft conditions for a new Fishery Order prior to the meeting. These were discussed, and it was agreed that comments should be sent to Michelle as soon as possible.

**Action: Secretariat**

Michelle Billing reported that she had been working closely with WG legal advisors (both external and internal). Work was progressing well. She was due to revise some of the deadlines in the outline timetable agreed in January, and would circulate this once these had been agreed internally.

**Action: Michelle Billing**

**c) Engagement with stakeholders**

It was agreed that engagement with stakeholders was important, but there was still some uncertainty about the timetable for progress, which made it difficult to make firm plans to progress this. It was agreed that the Chair and Secretariat should work together to identify and progress opportunities for this.

**Action: Chair & Secretariat**

## **12. Menai Strait West**

The report was received and discussed.

It was noted that WG Science & Policy staff are currently investigating the issues arising from the cultivation of Pacific oysters in the Menai Strait. A report that would inform WG policy on this issue was due to be completed in early July. There was some discussion about the scope of this report and the staff who were involved with its production.

All agreed that it was important to maintain progress with this application and that regular meetings between WG officials and the Association should continue.

**Action: Secretariat**

### **13. Funding proposals**

Lewis LeVay provided a brief update on the projects being progressed by the University that are relevant to MSFOMA. He reported that all staff were working from home under the current Covid-19 restrictions. Fieldwork and lab work has been delayed, and it was hoped that progress would resume shortly as the lockdown restrictions were relaxed.

One of the main research areas likely to be examined in 2020 is the effect of the location of spat collectors to optimise mussel settlement.

### **14. Fishery Management Issues**

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

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

There was no further news on the proposal to reinstate the tearooms on the pier. It was agreed that an update should be sought from the pier master.

**Action: Secretariat**

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

There had been no further consultations about this project.

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

It was understood that painting the would be progressed, subject to any constraints resulting from the response to the Covid-19 pandemic.

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

Further to the earlier discussion it was agreed that action should be taken to address this issue as appropriate.

**Action: JW, Secretariat**

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

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

No further update.

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

Rowland Sharp agreed to contact Kate Griffith to obtain more information about the specimens of the slipper limpet *Crepidula fornicata* that had been found in the Menai Strait during February. James Wilson had previously expressed concern about this issue, and all were keen that further investigations of the location and extent of this species should be carried out as a matter of urgency, whether by NRW staff or MSFOMA members (or a combination).

**Action: NRW / All**



iii. *Norovirus*

No further update.

iv. *Shellfish hygiene*

No updates

**15. Any Other Business**

a) **Correspondence**

No additional correspondence had been received.

**16. Dates for next meetings**

The dates for the remaining meetings in 2020 were confirmed as:-

b. Q3– 16<sup>th</sup> September 2020

c. Q4– 2<sup>nd</sup> December 2020 [AGM]

## Summary of Actions

Item	Action	Responsibility
1.	Sand in Dock –contact Penrhyn Estate to raise further concerns about this issue & propose site visit.	JW / Secretariat
2.	Liaise with Hydrographic Office about update to Admiralty Charts.	Secretariat
3.	Articles of Association to be signed by all and sent to lawyers.	Secretariat
4.	Bangor pier – ask pier master for update about tea room proposal.	Secretariat
5.	Finances – present quarterly updates to MSFOMA meetings.	Secretariat & JW
6.	Community Fund – invite local authorities to apply for funding up to a total of £2,000 this FY.	Secretariat
7.	VAT – check on costs for lessees and likely benefits for Association & present figures to next meeting.	Secretariat
8.	Social media – Secretariat to send a summary of headlines from today’s meeting, and all to 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
9.	Fisheries Bill – share concerns about potential impact of the Bill with SAGB. Raise concerns with Government if appropriate.	Secretariat
10.	NWIFCA – suggest to the Authority that it could adopt a more transparent procedure for determining seed mussel dredging requests.	Secretariat & TJ
11.	Menai East – revise licensing procedure as agreed.	Secretariat, Chair
12.	Menai East – provide response to WG proposals about conditions for the Order.	Chair, Secretariat
13.	Menai East – maintain monthly discussions with WG officials to ensure progress is maintained.	Secretariat
14.	Menai East – revise timetable for making the new Order.	Michelle Billing
15.	Menai East – progress stakeholder engagement as far as possible.	Secretariat
16.	Menai West – continue discussions with WG & NRW about Pacific Oysters and the making of this Order.	Secretariat
17.	INNS – obtain information about <i>Crepidula fornicata</i> reports & investigate any spread.	NRW / All
18.	Date for next meeting – 16 <sup>th</sup> September 2020	Secretariat

## **Financial Update**

### **Background**

The purpose of this report is to advise the Association on its current financial status with respect to the 5-year Financial Plan agreed in 2018, and to review items of financial significance.

### **Recommendations**

1. The update on actual and budgeted income and expenditure is received.
2. The Association should determine whether to register for Value Added Tax (VAT).

#### **1. Background**

- 1.1 The Association agreed a budget and Financial Plan in January 2018 for a period of 5 years. The key aspects of this Plan were that it should maintain a Reserve of at least £25,000 to cover costs associated with the renewal of Fishery Orders, and also that lease fees should be inflated at a rate of 2.8% pa.
- 1.2 The Financial Plan was revised at the December 2019 MSFOMA AGM. A summary of the revised Financial Plan is set out in Annex A of this report.
- 1.3 It is appropriate for the Association to keep all aspects of this Plan under review, and an update is provided in this report.

#### **2. Budget & Finance update**

- 2.1 An income and expenditure report for the Association for the first quarter of MSFOMA's Financial Year (starting on 1<sup>st</sup> March) is presented in Table 1 overleaf. This table shows both the actual and budgeted values for each item of income and expenditure.

**Table 1: Income and expenditure report for MSFOMA, 1<sup>st</sup> March – 30<sup>th</sup> June 2020**

Item	Year Budget	Quarter 1		Quarter 2	
	2020-21	Actual	Budget	Actual	Budget
<b>1. Expenditure</b>					
Administration of the Order*	£7,061.43	£7,347.61	£1,765.36		£1,765.36
Enforcement activity	£1,303.65	£0.00	£325.91	£0.00	£325.91
Corporate core*	£1,303.65	-	£325.91	-	£325.91
Renewal of Fishery Orders*			£0.00		£0.00
Menai East	£20,000.00	-	£5,000.00	-	£5,000.00
Menai West	£10,000.00	-	£2,500.00	-	£2,500.00
Research & monitoring	£1,955.47	£0.00	£488.87	£0.00	£488.87
Bank charges		£20.40		£19.00	
<b>Total Expenditure</b>	<b>£41,624.20</b>	<b>£7,368.01</b>	<b>£10,406.05</b>	<b>£19.00</b>	<b>£10,406.05</b>
<b>2. Income</b>					
Leases for lays	£32,968.41	£8,185.92	£16,484.20	£2,266.38	£0.00
Licences	£0.00	£0.00		£0.00	
<b>Total</b>	<b>£32,968.41</b>	<b>£8,185.92</b>	<b>£16,484.20</b>	<b>£2,266.38</b>	<b>£0.00</b>
<b>Operating surplus / deficit</b>	<b>-£8,655.79</b>	<b>£817.91</b>	<b>-£2,163.95</b>	<b>£2,247.38</b>	<b>-£2,163.95</b>
<b>Reserve</b>	<b>£29,804.37</b>	<b>£47,725.65</b>		<b>£49,973.03</b>	

\* The “Administration of the Order” budget head in this table includes costs incurred for the Corporate Core and Renewal of Fishery Orders budget heads.

## 2.2 Key points to note are that:-

- Income for the past two quarters has been lower than budgeted. Invoices were issued on 1<sup>st</sup> April 2020 and were payable within 60 days. The Secretariat will report on the outstanding accounts to the meeting and will send reminders to debtors.
- Expenditure has been much lower than expected this quarter. This is in part due to delays in payments to, and invoicing by, some suppliers.

## 2.3 The Association presently has a sum of £49,973 in its Reserves. This value is more than the target Reserve of £38,460 for the end of the 2019-20FY and more than the target of £29,804 for the end of this FY.

## 3. Community Fund

- At the last meeting of the Association it was resolved that local authorities around the Menai Strait should be invited to apply for the £2,000 allocated for the MSFOMA Community Fund. It has not yet been possible to progress this resolution, and it is recommended that it is carried forward to the next quarter.

#### 4. Value Added Tax (VAT) Registration

- 4.1 MSFOMA is not presently VAT registered. As a private company limited by guarantee MSFOMA is eligible to become VAT registered.
- 4.2 Following discussion of VAT registration at the last meeting of the Association it was agreed that the implications of VAT registration for lessees should be evaluated, along with the potential benefits for the Association.
- 4.3 The implications of VAT registration for lessees would be an increase in lease fees of around £800 per year. For those lessees that are VAT registered this fee would be reclaimed from HMRC.
- 4.4 Most of the invoices submitted to MSFOMA are from VAT registered companies. The effect of becoming VAT registered would be that MSFOMA would be able to offset the VAT charged by these suppliers against the VAT that MSFOMA charges itself. The net result will be that MSFOMA's overheads would decrease by nearly 20%.
- 4.5 The Association is advised that VAT registration is free. VAT returns can be submitted electronically by the Association, using the HMRC "Making Tax Digital" service. The accounting software used by the Association (Quick File) integrates seamlessly with this service. For the small number of transactions made by the Association each year the time cost involved with submitting VAT returns would be trivial compared to the savings that would be made.
- 4.6 The only negative implication of this change would seem to be the financial impact on businesses or individuals that are not VAT registered themselves who hold leases or licences issued by MSFOMA.

MSFOMA Chair & Secretariat  
September 2020

## Annex A: MSFOMA Financial Plan, as revised at December 2019 AGM.

Item	Financial Year					
	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23
<b>1. Recurring Expenditure - inflated at 2.8%.</b>						
Administration of the Order*	£6,500.00	£6,682.00	£6,869.10	£7,061.43	£7,259.15	£7,462.41
Enforcement activity*	£1,200.00	£1,233.60	£1,268.14	£1,303.65	£1,340.15	£1,377.68
Corporate core*	£1,200.00	£1,233.60	£1,268.14	£1,303.65	£1,340.15	£1,377.68
Renewal of Fishery Orders						
Menai East	£2,600.00	£15,000.00	£7,500.00	£20,000.00	£20,000.00	
Menai West	£8,200.00	£12,000.00	£5,000.00	£10,000.00		
Research & monitoring*	£1,800.00	£1,850.40	£1,902.21	£1,955.47	£2,010.23	£2,066.51
<b>Total Expenditure</b>	<b>£21,500.00</b>	<b>£37,999.60</b>	<b>£23,807.59</b>	<b>£41,624.20</b>	<b>£31,949.68</b>	<b>£12,284.27</b>
<b>2. Recurring Income - inflated at 2.8% to increase value of reserve.</b>						
Leases for lays	£30,347.20	£31,196.92	£32,070.44	£32,968.41	£33,891.52	£34,840.49
Licences		£0.00	£0.00	£0.00	£0.00	£0.00
<b>Total</b>	<b>£30,347.20</b>	<b>£31,196.92</b>	<b>£32,070.44</b>	<b>£32,968.41</b>	<b>£33,891.52</b>	<b>£34,840.49</b>
<b>Operating surplus / deficit</b>	<b>£8,847.20</b>	<b>-£6,802.68</b>	<b>£8,262.85</b>	<b>-£8,655.79</b>	<b>£1,941.84</b>	<b>£22,556.22</b>
<b>Reserve</b>	<b>£37,000.00</b>	<b>£30,197.32</b>	<b>£38,460.17</b>	<b>£29,804.37</b>	<b>£31,746.22</b>	<b>£54,302.43</b>

## 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 Association should keep a watching brief on the new Fisheries Bill to ensure it doesn't have any adverse unintended consequences for shellfish aquaculture.

### **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. They were disbanded several years ago, and at the same time the membership of the Welsh Marine Fisheries Advisory Group (WMFAG) was broadened and supported by ad-hoc “Task and Finish” groups. The most recent WMFAG meeting resolved to maintain this arrangement and to review its effectiveness in December 2020.
  - b) **Welsh Marine Fisheries Advisory Group (WMFAG)** – 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 next meeting of WMFAG is due to take place on 15<sup>th</sup> September 2020.
  - 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. The most recent WMFAG meeting confirmed that the AAG has been “...*suspended following poor attendance and dissatisfaction.*” WMFAG further resolved to remove a reference to the AAG from its own Terms of Reference “...*as that sub-group was disbanded.*”

- 2.2 Members and Observers at the Association meeting will be asked for a verbal update on any recent meetings of these and related groups that are not reported on the Welsh Government website.

### **3. Consultations**

- 3.1 There are presently no open consultations for “Marine and Fisheries” on the Welsh Government website.

### **4. New legislation**

- 4.1 As part of the preparations for the UK leaving the European Union, the UK Government is working on new fisheries legislation.
- 4.2 The new “Fisheries Bill” is currently passing through the House of Lords. The Bill is described as “A bill to make provision in relation to fisheries, fishing, aquaculture and marine conservation; to make provision about the functions of the Marine Management Organisation; and for connected purposes”.
- 4.3 At the last meeting of the Association some concerns about the potential unintended consequences of the Bill were identified. These concerns were subsequently raised with Welsh Government and the Shellfish Association of Great Britain (see Annex A of this report).
- 4.4 Although assurances have been given that the Fisheries Bill should not adversely affect aquaculture, some concerns remain about the risk of unintended consequences, and it may be appropriate for further enquiries to be made on this matter.

### **5. Welsh Government Officials**

- 5.1 There have been no meetings between MSFOMA representatives and WG officials since the last meeting.
- 5.2 There have been regular formal and informal discussions over the phone and in telephone conference calls with WG officials about various issues connected with the renewal of the two Fishery Orders in the Menai Strait (see items 11& 12 on the agenda).

### **6. Communications with Cabinet Minister**

- 6.1 The Chair wrote to the Cabinet Minister in September 2020 in connection with the renewal of the Fishery Order in the eastern Menai Strait (see item 11 on the agenda).

MSFOMA Secretariat  
September 2020



## Annex A: Correspondence with WG concerning the Fisheries Bill

From: [Robert.Floyd@gov.wales](mailto:Robert.Floyd@gov.wales)  
Date: Mon, 22 Jun 2020 at 16:01  
Subject: RE: Fisheries Bill  
To: [jamesmussels@gmail.com](mailto:jamesmussels@gmail.com)  
Cc: <Julian.Bray2@gov.wales>, <Tamsin.Brown@gov.wales>

Hi James hope you and the family are well.

Apologies for the delay in getting back to you. I have discussed with colleagues working on the Bill and development of the Joint Fisheries Statement (JFS) and had the following response.

The Bill has been drafted to replace the Common Fisheries Policy and we think the balance it strikes is right between Fisheries and Aquaculture, as it is in the CFP. For example, in the vast majority of cases the Bill is focused on fisheries, but where needed, such as some of the objectives and the financial assistance provisions, for example, aquaculture is included.

The JFS will set out our policies for achieving or contributing to the achievement of the objectives. Section 2(1)(c) of the Bill requires the JFS to contain a statement explaining how the fisheries objectives have been interpreted and proportionately applied in formulating the policies and proposals. It is the intention for the JFS to be developed with stakeholders, and we are keen for you to be involved to ensure we strike the right balance. We are aware and mindful of the need for the aquaculture and the fisheries sectors to be treated differently in the JFS. This point was fed back and taken on board at the first stakeholder workshop in July 2019, when the early thinking on scope was discussed with a small group of stakeholders.

It is not possible to prejudge the content of the JFS, however, early thinking is that the focus on JFS policies will be about ensuring aquaculture across the UK continues to be sustainable, that further sustainable growth is supported, and the health status of the UK is protected through the adoption of responsible farming practices underpinned by robust regulatory frameworks. This does not mean policies or management approaches by operators need to change necessarily. We expect aquaculture to be managed in much the same way it is now – at the domestic level, via the SRO regime.

I note aquaculture is one of several areas in the Welsh National Marine Plan identified as having significant potential for sustainable growth. The marine plan includes policy to support new aquaculture business and safeguard existing activity. It is Welsh Government's intention to work with stakeholders to determine if there is merit in introducing a Strategic Resource Area to help safeguard areas of good aquaculture potential. In terms of stability and certainty for the industry, the marine plan policies provide this by looking over a 20 year period. All functions of Welsh Government make are carried out in accordance with the marine plan. I would expect to see the JFS aligning with the policies in the marine plan. The Ecosystem Approach and the requirements of the Environment (Wales) Act in terms of ecosystem resilience have been applied through the marine planning process. I think you make a key point about the permitting regime, and again, I would expect (although I cannot pre-empt the final content of the JFS) these regulatory approaches and the associated environmental assessments, supported by good science and evidence, will be a key tool in delivering the ecosystem objective for aquaculture.

To be clear, it is not the intention that aquaculture and fisheries are managed in the same way as a result of the Fisheries Objectives. The policies set out in the JFS will be proportionate and reasonable and will need to balance the different nature of the sectors.

In terms of the progress of the Bill, following a long hiatus due to the disruption to parliamentary timing because of C-19, its due return to the Lords for report today (about now) and Wednesday, and should enter the Commons either just before summer recess or shortly afterwards. We are still waiting for confirmed dates for the commons.

Hope that helps?

Rob

Pennaeth, Y Môr a Physgodfeydd – Trefniadau Pontio UE - Head, Marine & Fisheries - EU Transition

Brexit a Deddfwriaeth - Brexit and Legislation

Ffon • Phone: 0300 062 5019

From: James Wilson <jamesmussels@gmail.com>  
Sent: 22 June 2020 11:12  
To: Floyd, Robert (ESNR - ERA - Marine & Fisheries) [Robert.Floyd@gov.wales](mailto:Robert.Floyd@gov.wales)  
Cc: Bray, Julian (ESNR - ERA - Marine & Fisheries) [Julian.Bray2@gov.wales](mailto:Julian.Bray2@gov.wales)  
Subject: Fisheries Bill

Morning Rob

Wonder if you might be able to provide me with an update on the progress of the Fisheries bill and any additional clarification that you might be able to offer regarding the issue that I raised previously - the conflict in time periods necessary to manage Marine Fisheries and those necessary to 'manage' aquaculture.

I am sure that when we discussed this issue previously you mentioned that it the supposition that i put forward, the basis of my concern, was correct, that it wasn't intentional. And whilst that is good to hear and stills the more active paranoid parts of my head, in the end it doesn't matter if the intention existed or not, if the effect is the same.

To briefly regurgitate - the inclusion of aquaculture inside a certain number of the Fisheries objectives by process, mean that aquaculture is caught within timings established for the Joint Fishery statements - i.e. review at least every 6 years but in effect at any time.

The fisheries objectives that cover aquaculture within the Fisheries bill - sustainability, ecosystem, science and climate change - are all good, sensible and appropriate issues for the aquaculture sector. What is not appropriate is shoe horning these obligations into a framework and the time frame which is fundamentally designed for the management of wild capture fisheries.

The mistake is the conflation of fisheries and aquaculture as being pretty much the same thing, when they are by definition not at all the same thing.

Anyway - would very much appreciate an update on this.

I accept that my reading of this could be entirely wrong - in which case dont hold back, tell me, but also show me how.

thanks

James

## **Annex B: Correspondence with SAGB concerning the Fisheries Bill**

**From:** Sarah Horsfall <sarah@shellfish.org.uk>

**Sent:** 24 June 2020 10:36

**To:** James Wilson <jamesmussels@gmail.com>; JimAndrews <jim@awjmarine.co.uk>

**Cc:** David Jarrad <david@shellfish.org.uk>; Alan Winstone <alanjwinstone@gmail.com>

**Subject:** Re: Fisheries Bill

Morning All,

With regard to the Fisheries Bill, we had it on the agenda for the recent Crustacea Committee meeting at the end of May. David Jones from DERFA was on the call and explained the legislation and the stage it was at in the parliamentary process. I then put the points mentioned below to him and also talked about the lack of ambition in the legislation which essentially characterises the fisheries and aquaculture industries as an annoyance which needs to be controlled and has no positives or benefits.

However, David Jones was not really interested, he described it as just a piece of legislation to fill a gap after Brexit and the CFP. He said if we wanted any changes then we needed to talk to the politicians.

Sorry I have nothing better to report.

Kind regards,

Sarah

**From:** James Wilson <[jamesmussels@gmail.com](mailto:jamesmussels@gmail.com)>

**Date:** Thursday, 18 June 2020 at 14:06

**To:** JimAndrews <[jim@awjmarine.co.uk](mailto:jim@awjmarine.co.uk)>

**Cc:** Sarah Horsfall <[sarah@shellfish.org.uk](mailto:sarah@shellfish.org.uk)>, David Jarrad <[david@shellfish.org.uk](mailto:david@shellfish.org.uk)>, Alan Winstone <[alanjwinstone@gmail.com](mailto:alanjwinstone@gmail.com)>

**Subject:** Re: Fisheries Bill

Jim and all

in respect of the JFS - its worse than every 6 years as

### 3 Joint fisheries statement: procedure

(1) The fisheries policy authorities ***may at any time prepare and publish a replacement JFS*** or amendments of a JFS. .... and

(4) The fisheries policy authorities must review a JFS ***whenever they consider it appropriate*** to do so and in any event—

(a) before the end of the period of 6 years beginning with the day on which it was published - etc etc

SO in effect they MUST be reviewed every 6 years, and thus conflict with well established timeframes within aquaculture specific legislation, **BUT** they can be changed at any time - thus totally undermining any potential comfort of longevity.

Whilst yes for sure this affects us who work in FO, would think that there are equal implications for those in fin fish as their consents are also time extensive.

I hope that the conflation of aquaculture with fisheries this is due to a general ignorance of the ways in which the activities are not at all the same within DEFRA and the DA's - but then you just never know.

James

On Thu, 18 Jun 2020 at 13:46, Jim Andrews (AWJ) <[jim@awjmarine.co.uk](mailto:jim@awjmarine.co.uk)> wrote:

Sarah, James, Alan, David

I hope you are all well.

I am quickly following up on James' e-mail below. We discussed this at our Menai Strait Fishery Order Management Association (MSFOMA) meeting yesterday. My summary of what seems to be the issue is reproduced below.

I wonder if you could let us know your views on this, and if you agree that there is a potential unintended consequence, then could you advise on who we should raise this issue with?

Please drop me a line if you have any queries or if you want to have a discussion about this.

Kind Regards

Jim

## **5. New legislation**

5.1 As part of the preparations for the UK leaving the European Union, the UK Government is working on new fisheries legislation.

5.2 The new "Fisheries Bill" is currently passing through the House of Lords. The Bill is described as "A bill to make provision in relation to fisheries, fishing, aquaculture and marine conservation; to make provision about the functions of the Marine Management Organisation; and for connected purposes".

5.3 The Fisheries Bill has now passed through its First and Second Readings and the Committee Stage in the House of Lords. Amendments have been made to the Bill, and the Report Stage is scheduled for 22nd-24th June 2020. The Third Reading is scheduled for the 1st July, after which it will pass to the House of Commons. Information about the Fisheries Bill's progress through the Houses of Parliament can be found [here](#).

5.4 Most of the text of the Bill is connected with wild capture fisheries. It does, however, make reference to aquaculture. The general objectives of the Bill provide support for the sustainable development of aquaculture. There are, however, some more detailed provisions in the Bill that may actually (and presumably accidentally) confound the sustainable development of aquaculture and in particular shellfish cultivation.

5.5 The detailed rationale for this view is quite convoluted. In short:

a) §10 of the Bill requires the "national fisheries authority" to exercise its powers with respect to fisheries and aquaculture in accordance with various policy and management documents created under the Bill (these are termed a "Joint Fisheries Statement", a "Secretary of State Fisheries Statement" and a "fisheries management plan").

b) The procedures for these different documents require that they are reviewed every 6 years (at §3(4), §5(4), & §8(4) of the Bill respectively).

c) It is not presently clear from the wording of the Bill how the new measures that it will introduce will integrate with existing UK legislation and in particular the Sea Fisheries (Shellfish) Act 1967. The Bill does not propose to revoke this Act.

d) The concern is that this short timescale for the review of statutorily binding documents that appear to determine the framework for UK aquaculture is not compatible with the period that it takes to make a return on the investment required to establish a shellfish farming

operation, and indeed is far shorter than the period of the Menai Strait Fishery Orders (the Order in the eastern Menai Strait was made initially for a period of 60 years in 1962).

5.6 Other aspects of the Bill can clearly be welcomed by the Association, notably the power to be granted to Welsh Ministers to give financial assistance to promote the development of commercial fish or aquaculture activities (Schedule 6 §2(1) et seq.).

5.7 The Association is aware that a solid and stable legal and policy foundation is essential to allow aquaculture businesses to secure financial investment. Informally, WG officials have provided reassurance that the Fisheries Bill is not intended to undermine these foundations. It would, nevertheless, seem prudent to obtain formal reassurance from a senior level of Government that this Bill will not adversely affect Fishery Orders made under the Sea Fisheries (Shellfish) Act 1967.

**From:** James Wilson <[jamesmussels@gmail.com](mailto:jamesmussels@gmail.com)>  
**Sent:** 18 June 2020 12:40  
**To:** Sarah <[sarah@shellfish.org.uk](mailto:sarah@shellfish.org.uk)>  
**Cc:** David Jarrard <[david@shellfish.org.uk](mailto:david@shellfish.org.uk)>  
**Subject:** Fisheries Bill

Hello Sarah

Was thinking of following up with WG on the issue associated with the inappropriate and damaging inclusion of aquaculture within the fisheries objectives of the fisheries bill and the subsequent bind into the timelines described for the production of the Joint fisheries statements.

I know that you did dig into this issue a bit at the time when I raised it with DEFRA - I wonder if you have heard anything more since. AM concerned as the next round of parliamentary engagement is due to begin pretty soon and feel as though the law of unintended consequences might apply.

At the MSFOMA meeting yesterday - there was a resolution to follow this up with WG but some interest in what SAGB had done too.

thanks

James



## **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.
2. That the Association considers the appropriate response to make to NW-IFCA in respect of the seed mussel resources in Morecambe Bay.

#### **1. IFCA Meetings**

- 1.1 Since the last meeting of the Association the NW-IFCA has held two meetings of its Technical, Science and Byelaws (TSB) Sub-Committee: an extraordinary meeting on the 4<sup>th</sup> August and a scheduled meeting on the 11<sup>th</sup> August 2020. A quarterly meeting of the IFCA was held on the 18<sup>th</sup> June, and the next quarterly meeting is due to be held on the 18<sup>th</sup> September 2020.
- 1.2 The mussel stock in Morecambe Bay has been the subject of detailed consideration by the IFCA in the past 3 months and also a degree of controversy. This is considered in more detail in item 4 of this report.

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

- 2.1 The next Authority meeting is being asked to consider a new byelaw regulating the Minimum Conservation Reference Sizes for fish and shellfish species. This byelaw does not mention mussels and therefore has no direct relevance to the Association's activities.

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

- 3.1 No meetings of the Bivalve Mollusc Working Group have taken place since the last MSFOMA meeting.

#### **4. Dredge fishery for mussels in Morecambe Bay**

- 4.1 It was reported to the last Association meeting that there were signs of a good seed mussel settlement in Morecambe Bay and that there were prospects for a successful dredge fishery in 2020.

- 4.2 In June 2020 the IFCA authorised a dredge fishery on two mussel beds in the vicinity of Fleetwood at Perch Scar and Black Scar. Menai Strait operators obtained permits from the Authority on the strength of this authorisation, and the fishing vessel *Mare Gratia* fished in this area.
- 4.3 In late July 2020 the IFCA's Senior Scientist recommended to the TSB sub-Committee that a seed mussel fishery for both hand gathering and dredging should be opened in the northern part of Morecambe Bay. This recommendation resulted in objections from 5 hand gatherers and triggered the an "extraordinary" meeting of the TSB on 4<sup>th</sup> August. The events that followed are summarised in the Senior Scientist's report to the upcoming quarterly meeting of the authority thus:-

- "4. TSB called an Extraordinary Meeting on 4th August to decide on management of the seed mussel resource on South America Skear. At that meeting TSB approved dividing the resource spatially between hand-gathering and dredge sectors, subject to HRA. The fishery would be reviewed following a month of fishing. Hand-gatherers said mussel would persist and grow through to size and was not ephemeral.*
- 5. The fishery was opened on 20th August to hand-gatherers and 24th August to those with dredge permits. All authorisation set to expire on 18th September. It is understood that no hand-gathering has occurred. North Morecambe Bay hand gatherers want and expect it to grow on and not be washed away. No other gatherers have shown interest. One dredge vessel fished the authorised areas for 3 hours removing 5 tonnes, which is an extremely low amount for that period of fishing,*
- 6. An inspection was made by officers on 23rd August, ie. prior to dredge fishing beginning, a report of which is provided below. As a result of this inspection it could be seen that large swathes of mussel had already been lost through washing out in storms. Some hard ground was uncovered as the mud had also eroded. Subsequently the permitted dredge area was reduced to ensure the fishery remained Habitats Regulations compliant.*
- 7. Hand-gatherers continue to maintain that much of the remaining seed will persist and grow to size. This will be monitored where possible however, with large areas already lost it appears NWIFCA officers were correct in expecting the seed to be ephemeral and washed away as it has been in almost all years when in the condition observed in July.*
- 8. Management of this fishery this year has been difficult as conflicting opinions on the potential future of the stock have sharpened. Time lost in reaching a decision to allow dredge fishing may well have resulted in the loss of a fishable stock. This dispute has occurred for over 40 years and was a prime reason for establishing the Bivalve Mollusc Working Group (BMWG) BMWG has sometimes been successful in bringing sectors together and reaching agreement. However this year BMWG meetings dissolved into disarray with no agreement being possible. TSB have requested that the Morecambe Bay Mussel Management Plan be revisited with the intention of finding an agreeable way forward. If possible a report will be provided for the November TSB."*

- 4.4 The consequence of these events is that a large seed mussel resource that could have been harvested by dredgers was lost. In response to this chain of events the Chair wrote to the NWIFCA to express disappointment at the loss of the opportunity to dredge for the abundant mussels at South America, and to request that the IFCA considers the possibility for dredging to take place at the locations known as the Falkland Islands, Tractor Bank and Small Island (see Annex A). The subsequent e-mail correspondence is attached at Annex B to this report.

- 4.5 At the Association meeting Mr Jones will be able to provide further information on his observations of the Falkland Islands mussels earlier this year, which may inform the Association's response to Dr Atkins' most recent e-mail ahead of the IFCA meeting on the 18<sup>th</sup> September.

MSFOMA Secretariat  
September 2020

**Annex A: Letter from MSFOMA to NWIFCA and subsequent e-mail correspondence concerning the dredge fishery in Morecambe Bay**

**Menai Strait Fishery Order Management Association**

Port Penrhyn, Bangor, LL57 4HN

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

8<sup>th</sup> September 2020

Dear Stephen

**MUSSEL DREDGE FISHERY, MORECAMBE BAY**

I am writing in connection with the management of the mussel fishery in Morecambe Bay by the North Western Inshore Fisheries and Conservation Authority.

Firstly, we are very grateful at the commitment of NW-IFCA scientific staff for resuming their work as soon as possible after the Covid-19 pandemic lockdown. Their efforts are very much appreciated by the operators in the Menai Strait. The opportunity to dredge for mussels at Perch Scar and Black Scar this year has been very welcome.

We note that following surveys by IFCA staff in the northern part of Morecambe Bay, a large seed mussel resource was identified at the South America mussel skear, which was reported by scientific staff in July as "*becoming loose and unstable*". The scientists' report recommended that this area should be opened to both hand gathering and dredging. Five objections to this recommendation were subsequently made by hand gatherers. These asserted, *inter alia*, that the mussel bed was not likely to be washed away and that the mussels would grow to size. The IFCA scientists were subsequently proved to be correct: this mussel bed was washed away within weeks of the objections being submitted and before any fishing activity could take place. This sequence of events has resulted in a major loss to the UK shellfish aquaculture sector.

Although the opportunity for dredging for mussels at South America skear this year has been lost, we note that there may remain an opportunity for mussel dredging at the locations known as the Falkland Islands, Trailer Bank and Small Island. Information about the character of the mussel stocks in these areas was gathered by Menai Strait operators and provided to the IFCA earlier in the year. We are very much hoping that the Authority will be able to consider the possibility of permitting mussel dredging in these areas, and trust that you will alert the Authority to this request at its forthcoming meeting.

If you have any queries about this request please do not hesitate to contact me.

Yours sincerely



ALAN WINSTONE  
Chair, MSFOMA

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

**Annex B: E-mail correspondence with NWIFCA staff concerning the dredge fishery in Morecambe Bay**

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From: Stephen Atkins <S.Atkins@nw-ifca.gov.uk>  
Sent: 11 September 2020 12:49  
To: alanjwinstone@gmail.com  
Cc: Jim Andrews <jim@awjmarine.co.uk>; Mandy Knott <M.Knott@nw-ifca.gov.uk>  
Subject: RE: Dredging for mussels in Morecambe Bay: Falklands, Trailer Bank, Small Island

Dear Alan, Jim,

I said I would come back on these beds. Unfortunately science team tell me that we have no NWIFCA data on these areas for 2020. They are inaccessible by ATV, Covid has restricted RIB use and more recently storms have aborted RIB attempts. MSFOMA provided your inspection reports and photographs in May 2020 but we must assume major changes over the summer months, with frequent storms and evidence of wash out on the South America bed.

Now with fading daylight, deteriorating weather and competing work we do not see much likelihood of our officers alone being able to carry out further survey of these sites this year. Therefore, I write to ask if you can help us acquire the necessary data by sharing anything more you have or having Science officers aboard your vessels to carry out joint survey. As you know we need data to show stock area, levels and condition in order to complete an HRA and permit fishing on these sites.

Please liaise with Mandy if you have any proposals we can consider. We understand that if fishing is to take place this year, survey is urgent.

Best regards

Stephen

Stephen Atkins

CEO NWIFCA

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From: [alanjwinstone@gmail.com](mailto:alanjwinstone@gmail.com) [<mailto:alanjwinstone@gmail.com>]  
Sent: 09 September 2020 13:31  
To: Stephen Atkins <[S.Atkins@nw-ifca.gov.uk](mailto:S.Atkins@nw-ifca.gov.uk)>  
Cc: Jim Andrews <[jim@awjmarine.co.uk](mailto:jim@awjmarine.co.uk)>  
Subject: Re: Dredging for mussels in Morecambe Bay

Thanks for your prompt response Stephen - it is much appreciated. Hope all is well with you. Let us know if MSFOMA can do anything to help.

With best wishes.

Regards Alan

Chair MSFOMA

Sent from my iPhone

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On 9 Sep 2020, at 10:09, Stephen Atkins <[S.Atkins@nw-ifca.gov.uk](mailto:S.Atkins@nw-ifca.gov.uk)> wrote:

Dear Jim,

I will include your letter in the HOE report for the meeting so it is available to all members and there will be opportunity for questions and discussion.

Your letter is also copied here to the Chairman. We will reply as soon as possible re fishing at Falkland's, Trailer Bank and Small Island.

Best regards

Stephen

Stephen Atkins

CEO NWIFCA

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From: Jim Andrews (MSFOMA) [<mailto:info@msfoma.org>]

Sent: 08 September 2020 11:47

To: Stephen Atkins <[S.Atkins@nw-ifca.gov.uk](mailto:S.Atkins@nw-ifca.gov.uk)>; Mandy Knott <[M.Knott@nw-ifca.gov.uk](mailto:M.Knott@nw-ifca.gov.uk)>

Cc: Alan Winstone <[alanjwinstone@gmail.com](mailto:alanjwinstone@gmail.com)>

Subject: Dredging for mussels in Morecambe Bay

Dear Stephen & Mandy

Please find attached a letter from the Menai Strait Fishery Order Management Association concerning the dredge fishery for mussels in Morecambe Bay.

Please could you bring this to the attention of the Authority's quarterly meeting next week?

Please get in touch if you have any queries about the letter.

Kind regards

Jim

Dr J Andrews BSc LLM

On Behalf of the Menai Strait Fishery Order Management Association, MSFOMA

T: +44(0)845-880-2540

M: +44(0)7908-225865

Skype: jimwandrews

## 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 is the basis for the most successful and productive aquaculture area in Wales.

The Order was made for a period of 60 years and is due to expire on 31<sup>st</sup> March 2022. MSFOMA needs to ensure that the Fishery Order is renewed on time to protect the local businesses and jobs that depend upon it.

This report considers the recent progress that has been made with the process for renewing this Fishery Order.

### **Recommendations**

1. That the report is received
2. Liaison with Welsh Government officials over the renewal process is noted.
3. Progress against the agreed timetable for renewal of the Order is noted, and the consequences of recent delays are considered.
4. That the Association should consider the proposed new management measures proposed for the Regulated Fishery and Several Fishery at Annexes G and H of this report respectively and, subject to revisions agreed at this meeting, these should be adopted.
5. The options identified for mitigating the risk of a delay in the renewal of the Fishery Order should be further 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. Discussions with WG officials about the renewal of this Order started in 2013, and 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. In October 2019 it was confirmed that Welsh Government had put in place a procedure to enable it to process the application. Since that date WG and MSFOMA have been working closely together to progress the renewal of the Fishery Order.

- 2.2 Since the last meeting of the Association in June 2020 the Secretariat has been liaising regularly with WG officials to discuss progress. Telephone conference calls have also been held by the Chair with WG officials on 28<sup>th</sup> July, 6<sup>th</sup> August and the 10<sup>th</sup> September.

### 3. WG Progress

- 3.1 A copy of the timetable for renewing the Order that was discussed with WG officials in January 2020 is attached at Annex A of this report for reference.
- 3.2 It had been anticipated that a draft of a new Fishery Order would be available for discussion by the Association earlier this year (initially in March, then in June and now at this meeting in September). Despite the delays earlier in the year, good progress had been made in recent weeks and both the Chair and Secretariat were optimistic that a Draft Order would be available for discussion at this meeting.
- 3.3 At the discussion with WG officials on 10<sup>th</sup> September 2020 the Chair and Secretariat were informed that this would not be possible. In response to this news the Chair and Secretariat wrote to the Minister (Annex B) as well as to WG officials (Annex C) to register concern about the implication of this further delay to the process. A response from a senior WG official is attached at Annex D.
- 3.4 WG officials are due to attend the meeting and will be able to provide further background on this matter.

### 4. Recent Issues / Queries

- 4.1 Some queries were raised with MSFOMA by WG officials following discussions in July and August. The responses submitted by the Chair and Secretariat to these queries are set out in Annex E to this report. The key points raised by WG can be briefly summarised as:-
- a) **Transparency** – there were concerns about the need for a clear and transparent process for issuing leases and licences under the proposed new Fishery Order (see item (5) below for a response to these concerns).
  - b) **Duration of Order** – there was a request for a better rationale to support the requested 35-year duration of the Order. In addition to the response set out in Annex E, the Secretariat also produced a spreadsheet which takes account of the fixed and recurring overheads for operators over a range of timescales and submitted the results to WG in support of the 35-year period (see Annex F).
- 4.2 The Chair and Secretariat understand following the discussion with WG officials on 10<sup>th</sup> September 2020 that all of their queries have been satisfactorily addressed, pending the agreement of a procedure for the allocation of leases (addressed under item 5.3(b) below).



## 5. Procedures for issuing leases and licences

- 5.1 At the last MSFOMA meeting the Association adopted a new procedure for issuing licences, which was an update of the procedure that the Association had inherited from the North Western and North Wales Sea Fisheries Committee back in 2010.
- 5.2 In response to queries from WG officials, the Chair and Secretariat recognised that the Association also needed to agree a clear procedure for issuing leases for cultivation areas and also establish a transparent mechanism for receiving applications for both licences and leases.
- 5.3 The Secretariat has responded to these requirements with the following documents which are presented here for discussion and, subject to comments at the meeting, adoption by the Association:-
- a) **Procedure for issuing licences** – this has been revised slightly since the last meeting of the Association and is attached at Annex G. The changes made since the last meeting are shown as “track changes”.
  - b) **Procedure for issuing leases** – a new procedure is proposed in Annex H of this report. The procedure seeks to codify the established practice, which is that leases are issued to the current lessee unless they do not wish to renew it (or have breached the terms of the lease), in which case it is offered to applicants on a waiting list.
  - c) **Application forms for leases and licences** – two versions are presented here, a paper version (Annex I) and a screenshot of the web-based application form (Annex J). A link to allow downloading of the PDF file copy of the paper is provided in the web-based application form, and hard copies of it will be available on request from the Secretariat.
- 5.4 The Association is advised that current leaseholders may wish to seek independent advice on the proposed procedure for issuing leases to ensure that it will not in any way undermine their security of tenure, which is vital for their businesses. Given the commercial importance of the leases and the delay in the process for making a new Order it would seem appropriate for the Association to provisionally adopt this process and to formally ratify the process at the next meeting.

## 6. Engagement with stakeholders

- 6.1 At previous meetings the Association has drawn up a timetable for progressing the renewal of the Fishery Order and ensuring that there is adequate engagement with stakeholders.
- 6.2 At the last meeting of the Association it was felt that in view of the combined uncertainties with the timetable for renewal of the Order and the Covid-19 pandemic it was inappropriate to organise stakeholder meetings as it was not clear what the Association would be able to communicate.
- 6.3 Stakeholder engagement is very important to this process and the Secretariat would recommend that meetings are convened with stakeholders once there is some certainty about the content of a new Order and the timescale for its implementation.

## 7. Contingency Plans

- 7.1 At the Association meetings earlier in the year it was resolved that contingency plans should be developed to address the risk of delay with the renewal of the Fishery Order. The advice provided to the June 2020 meeting is reproduced here in view of the continuing uncertainties associated with the process of establishing a new Fishery Order.
- 7.2 Following careful consideration of the legal options available and the management approaches adopted in other parts of England and Wales, the Secretariat has concluded that:-
- a) There are no legal options that would provide the secure foundations needed for shellfish cultivation other than the creation of a new Several Order under the Sea Fisheries (Shellfish) Act 1967; and
  - b) If the existing Fishery Order should lapse before a replacement Order has been made, the only option that would serve to protect mussels in cultivation from being gathered as if they were wild mussels would be an emergency byelaw made by Welsh Government under the Marine & Coastal Access Act 2009. This could serve as a “stop gap” for a short period to protect the livelihoods of the people and businesses that work in shellfish cultivation in the Menai Strait.
- 7.3 This contingency plan is far from ideal. It is not so much a “safety net” to protect the industry from injury, but is more akin to a “field dressing” that might prevent its premature demise.
- 7.4 The outcome of this contingency planning underlines the importance of a new Order being in place by the 31<sup>st</sup> March 2022.
- 7.5 It is noted that in England, the IFCA's have been able to implement the emergency byelaw provisions of the Marine & Coastal Access Act very swiftly (two IFCA's have done this within a month of identifying a serious issue). It may be appropriate to ensure that Welsh Government has appropriate procedures in place to enable a swift response using this mechanism should this prove necessary.

MSFOMA Secretariat  
September 2020

Annex A: Indicative schedule for the renewal of the Menai Strait Oyster & Mussel Fishery Order (from January 2020 discussions).

Milestones	Duration of step		Date	
	Time	w/m/d	Start	End
<b>WG Internal processes</b>				
Internal consultation period	32	d	16/10/2019	17/11/2019
Post-consultation activity - addressing feedback, legal advice, conditions	70	d	17/11/2019	26/01/2020
Agree drafting instructions for LS	21	d	26/01/2020	16/02/2020
Prepare draft SI (6 weeks)	42	d	16/02/2020	29/03/2020
		d	29/03/2020	29/03/2020
<b>External processes</b>				
MSFOMA comments on proposed order	1	m	29/03/2020	29/04/2020
Revision of proposed order after MSFOMA comments	2	m	29/04/2020	29/06/2020
Consultation on draft Order	1	m	29/06/2020	29/07/2020
Post-consultation activity (addressing consultation feedback, PI if necessary, Ministerial determination).	12	m	29/07/2020	29/07/2021
Revision of Order after post-consultation activity - incl. translation & checking	6	m	29/07/2021	29/01/2022
Signature MA/SI/EM etc to LS/LPGU	7	d	29/01/2022	05/02/2022
Signature MA/SI/EM etc to PS Office (within the above days)		d	05/02/2022	05/02/2022
SI signed by Minister	2	d	05/02/2022	07/02/2022
SI register with OPSI	2	d	07/02/2022	09/02/2022
SI forwarded to LPGU for laying	1	d	09/02/2022	10/02/2022
6		d	10/02/2022	10/02/2022
Lay before WG	21	d	10/02/2022	03/03/2022
<b>New Order ready</b>	<b>4.0</b>	<b>w</b>	<b>03/03/2022</b>	<b>31/03/2022</b>
<b>Expiry of existing Order</b>			-	<b>31/03/2022</b>

**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

11<sup>th</sup> September 2020

By Post and e-mail

Dear Minister

**Menai Strait (East) – Mussels and Oysters: Request for an urgent meeting**

I am writing to request a meeting with you to discuss how you may be able to address a threat to the ongoing success of mussel cultivation in the Menai Strait.

You will be aware from your visit to Porth Penrhyn in June 2018 that the Menai Strait Oyster and Mussel Fishery Order 1962 is the foundation for the single most successful aquaculture operation in Wales. The success of this area has been built by the hard work of two generations of local Welsh shellfish farmers since the 1960s. Dozens of livelihoods depend on the Fishery Order, which is due to expire on 31<sup>st</sup> March 2022.

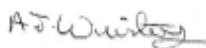
We have been working with your officials since 2013 to ensure that a new Fishery Order is in place for this area well in advance of the expiry date so that the area can continue to thrive. After a succession of delays due to legislative, administrative and personnel changes at Welsh Government over the years, we submitted a formal application for a new Order in August 2018. Since then we have been repeatedly assured that the new Order will be in place before the old one expires. However we have learned from your officials at a meeting this week that a re-prioritisation of duties within the Fisheries Division will cause further delays to the process of renewing this Fishery Order at what is now a critical stage in the renewal process.

This is very grave news. It seems very unlikely to us that the deadline for renewal in March 2022 can now be met. The decision about priorities within the Fisheries Division will therefore put jobs and businesses in Gwynedd and Anglesey at direct and unnecessary risk.

Given the importance of this matter to your fisheries portfolio we are writing to request an urgent meeting with you at your earliest convenience to discuss how these risks can be avoided and the future of shellfish farming in North Wales can be safeguarded.

I look forward to your reply and to meeting with you in the very near future.

Yours sincerely



ALAN WINSTONE  
Chair, MSFOMA

cc. Rhun Ap Iorwerth, AM

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

## Annex C: MSFOMA Response to WG fishery officials about delays to process, September 2020

### Jim Andrews

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**From:** Jim Andrews <jim@awjmarine.co.uk>  
**Sent:** 11 September 2020 11:15  
**To:** Julian Bray (julian.bray2@gov.wales); 'Gareth.Bevington@gov.wales'; Michelle.Billing@gov.wales  
**Cc:** Alan Winstone (alanjwinstone@gmail.com)  
**Subject:** Menai Strait East Fishery Order  
**Attachments:** Cabinet Minister Menai East 110920.pdf

Dear Julian, Gareth & Michelle

I am writing further to the discussion that took place yesterday morning between Julian, Michelle, Alan Winstone (Chair of the Menai Strait Fishery Order Management Association, cc'd here) and myself.

Julian informed us at the meeting yesterday that the next key stage in the process of creating a new Fishery Order for the eastern Menai Strait is due to be further delayed. The reason for this is apparently that staff from the Fisheries Division are due to be tasked with working on Brexit rather than working on the new Fishery Order.

This decision to re-prioritise work within the Division is very grave news indeed. The application for a new Fishery Order in this area was submitted over two years ago. The existing Fishery Order will expire on 31<sup>st</sup> March 2022 after an unparalleled 60 years of success. MSFOMA have worked closely with Michelle and her colleagues to progress the new Fishery Order, and our understanding is that they are very close to having a "Draft Order" ready for public consultation. The timescale for completing the renewal process is very tight indeed, and if the opportunity to initiate the public consultation in the next few weeks is missed we very much doubt that the overall process can be completed before 31<sup>st</sup> March 2022. The consequence of this will be the loss of jobs and livelihoods in North Wales.

It is very hard to overstate the importance of the eastern Menai Strait to the Welsh fisheries portfolio. To recap, this is the single most important aquaculture site in Wales; one of the most important shellfish producing areas in the entire UK; and the first shellfish producing area in the entire world to achieve the coveted Marine Stewardship Council certification for sustainable fisheries. The fishery in the eastern Menai Strait is the envy of shellfish farmers throughout Europe. All of this success is based on UK fisheries legislation, and the power to implement this legislation is entirely within the gift of the Welsh Minister. Neither Brexit nor the UK Fisheries Bill impinge upon this legislation, which makes this turn of events all the more frustrating.

We have written to the Minister today to raise our concerns and to seek an urgent meeting with her to encourage a re-evaluation of priorities within the Fisheries Division to avoid the risk of damaging a key element of her portfolio. I attach a copy of the letter we have sent to her for your information.

I must stress that the concerns expressed here are not about individuals; they are about priority-setting at the institutional level. We very much welcome the candour shown by Julian and Michelle today and the professionalism they showed during our discussion. We are keen to build on the close working relationship that we have built with you all, and hope this will lead to a constructive and successful outcome.

This matter will be on the agenda for the MSFOMA meeting next week, and we will no doubt be in touch after that meeting to report the views of the Association.

If you have any queries about this e-mail please do not hesitate to get in touch.

Kind regards

Jim

---

Dr J Andrews BSc LL.M  
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## Annex D: WG Response to MSFOMA Concerns, September 2020

### Jim Andrews

---

From: Gareth.Bevington@gov.wales  
Sent: 11 September 2020 13:30  
To: jim@awjmarine.co.uk; Julian.Bray2@gov.wales; Michelle.Billing@gov.wales  
Cc: alanjwinstone@gmail.com  
Subject: RE: Menai Strait East Fishery Order

Jim

Many thanks for copying this letter to me. To be clear there has been no reprioritising in the Division, and we are of course continuing to work on the Order. However, managing both Brexit and COVID 19 work – across the whole of Government not just in Marine and Fisheries Division– alongside all of our other priorities inevitably has an impact and caused this delay.

We are acutely aware of the March 2022 deadline, and while we recognise timing is tight, and any delay even by a weeks can have consequences, we still believe the March 2022 deadline is achievable.

Gareth

---

From: Jim Andrews <jim@awjmarine.co.uk>  
Sent: 11 September 2020 11:15  
To: Bray, Julian (ESNR - ERA - Marine & Fisheries) <Julian.Bray2@gov.wales>; Bevington, Gareth (ESNR - ERA - Marine & Fisheries) <Gareth.Bevington@gov.wales>; Billing, Michelle (ESNR - ERA - Marine & Fisheries) <Michelle.Billing@gov.wales>  
Cc: Alan Winstone <alanjwinstone@gmail.com>  
Subject: Menai Strait East Fishery Order

Dear Julian, Gareth & Michelle

I am writing further to the discussion that took place yesterday morning between Julian, Michelle, Alan Winstone (Chair of the Menai Strait Fishery Order Management Association, cc'd here) and myself.

Julian informed us at the meeting yesterday that the next key stage in the process of creating a new Fishery Order for the eastern Menai Strait is due to be further delayed. The reason for this is apparently that staff from the Fisheries Division are due to be tasked with working on Brexit rather than working on the new Fishery Order.

This decision to re-prioritise work within the Division is very grave news indeed. The application for a new Fishery Order in this area was submitted over two years ago. The existing Fishery Order will expire on 31<sup>st</sup> March 2022 after an unparalleled 60 years of success. MSFOMA have worked closely with Michelle and her colleagues to progress the new Fishery Order, and our understanding is that they are very close to having a "Draft Order" ready for public consultation. The timescale for completing the renewal process is very tight indeed, and if the opportunity to initiate the public consultation in the next few weeks is missed we very much doubt that the overall process can be completed before 31<sup>st</sup> March 2022. The consequence of this will be the loss of jobs and livelihoods in North Wales.

It is very hard to overstate the importance of the eastern Menai Strait to the Welsh fisheries portfolio. To recap, this is the single most important aquaculture site in Wales; one of the most important shellfish producing areas in the entire

## Annex E: MSFOMA Response to WG queries, July 2020

Query	Response
<u>Several Order</u>	
<p>1. Handling of leases</p> <p>This needs to demonstrate a fair system. Please provide the process for publicising, managing, assessing and letting leases, demonstrating this is done in a fair and equitable manner.</p>	<p>The process we have in place is the one that we inherited, and isn't detailed: essentially we have a waiting list and would offer any leases that are forfeit to the next person on the waiting list. This procedure has not been triggered for well over 20 years.</p> <p>Your queries on this matter (as with the licences) highlight the need for us to overhaul this process, and we will progress this over the coming weeks.</p>
<p>2. Rationale for 35 year Order</p> <p>Further evidence required for the 35 year duration – please provide a rationale for the 35 year lease and describe the impact if the lease were to be 21 or 28 years.</p>	<p>The ideal duration would be 60 years. A long period is desirable to allow for recovery of the considerable investment required to allow mussel cultivation.</p> <p>The Valente and Mare Gratia are each approaching 20 years' old and are likely to require replacement in the next 10 years. Each would cost around £6M to replace. Both vessels are due for overhauls in 2023 (engine replacements and equipment replacement) which in each case is due to cost around £1M. Running costs for the mussel farming operations in the Menai Strait are significant. The vessels cost around £350k pa each to run, and depreciation of the vessels and other equipment costs the operators a further £300k pa.</p> <p>The capital costs of building mussel dredgers cannot be met by the annual production from the Fishery Order – they have to be amortised over a period of 20-25 years. Thus the 35 year period is based on the calculation that each vessel will need to be replaced in the next 10 years and the costs of construction recovered over the following 20-25 years. Thus a Fishery Order made for a period of 21 or 28 years would not be sufficient to allow the operators to invest in the new equipment that is vital for the future viability of mussel farming in the area.</p> <p>There is an element of uncertainty in these predictions which would favour a longer, rather than shorter, period for the Order. Briefly these are:-</p> <ol style="list-style-type: none"> <li>1. <b>Brexit</b> – the impact of this on the industry will not be clear until the 2021 harvesting season. If, as anticipated, this adversely impacts exports of live shellfish to Europe then the profitability of operations will be adversely affected for a period of time while the industry identifies the appropriate response to this change. The response could be to develop new markets in the UK, and / or to establish local processing facilities for mussels, both of which would take time and add to costs.</li> </ol>



Query	Response
	<p>2. <b>Seed mussel supply</b> - in recent years access to seed mussels has become the limiting factor for the Menai Strait fishery. In the earlier period from the 1990s until a few years ago the Fishery Order was producing more than 5,000t pa. In the past few years production has fallen considerably, to less than half of this value. This is entirely due to problems with seed mussel supply (itself a consequence of both environmental change affecting the resources, and bureaucratic delays that have hindered access). The industry is responding to this change by working with Bangor University to develop alternative seed mussel sources, but this again adds to overheads and it will take several years until this is operating at a commercially viable scale.</p> <p>The duration of the Fishery Order has no significant adverse implications for Welsh Government. It does not cost the Welsh Government more to make a longer Order; nor does it expose the Government to greater risk. The Minister has the power to revoke a Fishery Order for various reasons, now including adverse impacts on the marine environment (as provided in Part 5 of the Environment (Wales) Act 2016) should any adverse impacts arise or if the Order is mismanaged. The long period of a Fishery Order is not a risky gamble on an uncertain future, but is a long-term commitment to create a secure future for shellfish farming in Wales.</p> <p>All of these factors indicate that a longer time period for a Fishery Order is preferable to a shorter one. Our own calculations would indicate that 35 years is the <u>minimum</u> period of time that is needed to provide the industry with the security they need to continue to make the investments that will maintain the eastern Menai Strait's position as the UK's leading shellfish production area.</p>
<u>Regulating Order</u>	
<p>1. TAC for hand-gathering Define the process for agreeing and managing the TAC. I understand from Phil you have sent him a proposed methodology, which he is broadly happy with. However, I would be grateful if you would provide me with the explanation as discussed last Tuesday.</p>	<p>We attach a copy of the document that we sent to Phil. If you have further queries please ask.</p>
<p>2. Assessment of scientific and enforcement capability of MSFOMA</p>	
<p>i. Whether MSFOMA is suitably independent, accountable and likely to be fair.</p>	

Query	Response
<p>The lawyers have asked that you provide the processes for awarding leases for the several areas and licences for the regulating areas. We discussed these last week and agreed you would provide an explanation of how the opportunity for a lease was/would be advertised; how applications for a lease were/would be assessed; and how the waiting list was/would be managed. You have previously provided a copy of the license application/assessment process.</p> <p>They have also asked for a copy of your anti-bribery/corruption policy or statement and a register of members.</p>	<p>See above – this process is overdue for an overhaul and we will progress this.</p> <p>Anti bribery / corruption policy: we carried out a review of how to address Members' interests last year (see agenda &amp; papers for the June and September 2019 MSFOMA meetings <a href="#">here</a>). This review didn't identify the need for an anti bribery/corruption policy. If this is necessary we will do so.</p> <p>All but two of our Members have signed a declaration to abide by the Nolan Principles (the only two omissions have for various reasons been unable to attend meetings since the register was agreed last September; we have just posted the necessary paperwork to them for completion).</p>
<p>ii. The involvement of public bodies in MSFOMA's decision-making;</p>	<p>Meetings of MSFOMA are attended by Gwynedd and Anglesey County Councils, NRW, Beaumaris Town Council, Bangor City Council, and Welsh Government. The University of Bangor (not strictly speaking a public body, but certainly independent) also attend MSFOMA meetings.</p> <p>Decisions are generally reached by consensus. The meetings are Chaired by an independent person with expertise in fisheries management.</p> <p>The Members of the Association that are entitled to vote on decisions include two from the mussel industry, Gwynedd County Council, the representative from Bangor University and the Chair of the Association. NRW and Anglesey County Council have been invited to become "Members" of the Association with voting rights but each has declined the invitation.</p> <p>Bangor and Beaumaris Councils are presently attending meetings as Observers as part of a trial exercise looking at widening the membership of the Association. The success of this trial will be reviewed later in 2020, and both organisations may then be invited to become Members. The Association amended its Articles in December 2019 to prepare for this.</p>
<p>iii. The scientific capability of MSFOMA, for the purposes of setting TAC; and</p>	<p>MSFOMA has the capacity &amp; expertise to carry out mussel stock surveys itself; however it is more likely to subcontract this work to the University of Bangor's shellfish centre should the need arise.</p>
<p>iv. The practical operations of MSFOMA – i.e. demonstrating MSFOMA has sufficient resources and the skills to undertake enforcement action.</p>	<p>The recently determined case concerning cockle fishery violations in the Wash (John Henry Loose v Lynn Shellfish (and others)) demonstrates how the owners of private fishery rights can take action to protect their interests in the Courts. MSFOMA has the capacity to take similar action.</p>

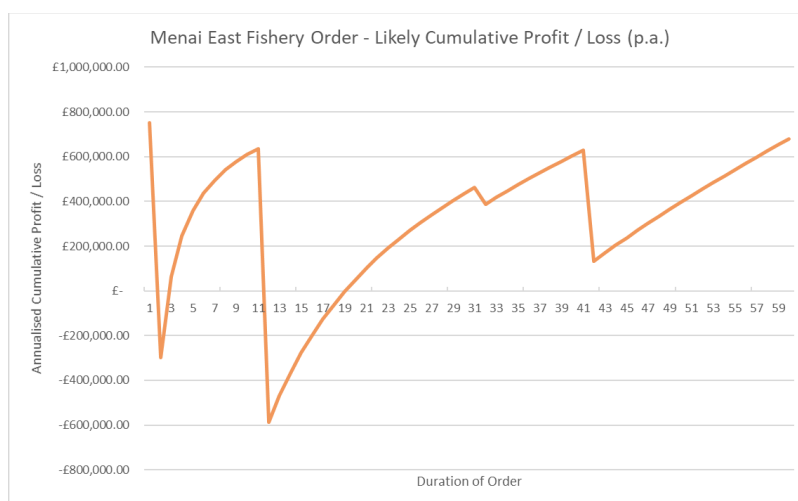
Query	Response
	<p>MSFOMA has sought since 2010 to agree a Memorandum of Understanding with Welsh Government Fisheries Department using the facility under s192 of the Marine &amp; Coastal Access Act, which enables the Welsh Minister to enter into arrangements to help with the enforcement of any provisions of an Order and for payments to be made for the provision of enforcement services (see papers for our 2<sup>nd</sup> meeting in July 2010 <a href="#">here</a>).</p>
<p>3. Benefit of RO v public fishery Evidence is required to show the benefit of conferring a regulating order to MSFOMA, versus such management being with Welsh Government or the area being a public fishery. Also, will hand-gatherers be charged for licences and, if yes, how much and how will this be calculated?</p>	<p>There are a number of clear benefits:-</p> <ul style="list-style-type: none"> <li>• Integrated management with several fishery particularly in relation to overspill of mussels from several area.</li> <li>• Local management and involvement of local stakeholders.</li> <li>• Opportunities for co-operation between layholders and licence holders in terms of husbandry, marketing and added-value products.</li> <li>• Future proofing – with Brexit on the horizon, the economics of shellfish production in the UK are likely to change, quite possibly in favour of hand gathering in a Regulating Order area.</li> <li>• Track record – looking at the Regulating Order in Wales:- <ul style="list-style-type: none"> <li>○ The only MSC-certified fisheries in Wales are in Regulating Order areas (Burry Inlet &amp; Dee); and the Menai Strait Fishery Order. This approach to management puts Welsh fisheries in the top tier globally.</li> <li>○ Conwy – the lapse of the Regulating Order here in 2008 triggered the collapse of the mussel industry that had thrived in the Conwy Estuary for over 100 years.</li> </ul> </li> <li>• There are no tangible disadvantages.</li> </ul> <p>WRT the licence fee – MSFOMA charged £117.50 per licence when they were last issued. This fee was the same as that previously charged by the NW&amp;NWSFC. The fee that MSFOMA would charge would be based upon the administrative costs of running the Order, issuing licences, and carrying out any stock husbandry should this be necessary. The licence fees are in the first year of a new Order (2022), should any be issued, are likely to be no more than £150 per licence.</p> <p>Just to clarify – being managed by Welsh Government and being a public fishery are, we think, the same thing.</p>

MSFOMA  
July 2020

## Annex F: Extracts from financial projections submitted to WG, August 2020

The cumulative profit / loss for a new Fishery Order in the eastern Menai Strait has been predicted in the figure below using the following assumptions:-

1. An annual inflation rate of 1.9% applies to both income and expenditure.
2. Expenditure is based on estimated fixed annual costs for 2020 (subject to inflation), and also recurring overheads of vessel replacement every 30 years and a vessel refit after 20 years of vessel life.
3. Income has been based on a mid-point between good and bad years in the current Order. For the past 10 years there have been more bad years than good. For the preceding 20-30 years there were more good years than bad, and in the early years of the Order the output was variable.



On the basis of a 7-year cycle of leases, the optimum Fishery Order durations under this scenario are 7, 35 and 56 years. A 7 year Order duration would provide inadequate security for investment. WG have indicated that an Order would not be granted for a period of 56 years. An ideal duration of 35 years is therefore indicated.

Duration (years)	Profit / Loss p.a.		
	Minimum	Maximum	Mid-Point
7	-£411,946	£1,402,160	£495,107
14	-£1,337,545	£604,297	-£366,624
21	-£939,394	£1,142,177	£101,391
28	-£745,356	£1,489,202	£371,923
35	-£726,503	£1,675,711	£474,604
42	-£1,159,972	£1,426,135	£133,082
49	-£1,028,887	£1,759,097	£365,105
56	-£934,840	£2,074,952	£570,056

Annex G: Proposed new procedure for issuing licences in the Regulated Fishery, showing minor revisions proposed since the June 2020 Association meeting

## Menai Strait Fishery Order 1962 – Regulated Fishery Harvest Control Rules

### Harvest Control Rules

#### 1. Input controls

- a. Licences shall only be issued to permit the removal of mussels from the Regulated Fishery if the Association has determined that fishing effort is sustainable in terms of the mussel stocks in the fishery, the quality of the environment, and the economic viability of mussel fishing in the Fishery Order.
- b. The Association shall only issue licences after consultations have been carried out with Natural Resources Wales and after notifying the Welsh Ministers of the intent to issue the licences.
- c. Licences issued by the Association shall only permit the removal of mussels from the Regulated fishery by hand or using a rake.
- d. The Association shall determine the number of licences that shall be issued for the regulated fishery in accordance with the sustainable management of the fishery (as set out in paragraph 1.a).
- e. Any licences shall be issued on the 1<sup>st</sup> April of each year and will expire on 31<sup>st</sup> March of the following year.

#### 2. Output controls: if it is determined that the Association should issue permits for the Regulated Fishery:-

- a. The Association may apply one or more of the following controls to the Regulated Fishery:-
  - i. Total Allowable Catch (TAC) to ensure that the fishery removals are sustainable;
  - ii. Spatial controls to limit the area where fishing is permissible; and
  - iii. Temporal controls to limit the period when fishing is permissible.
- b. The Association may determine a quota for each operator that may limit the quantity that they may gather in a specified period of time.
- c. Licensees shall be required to submit a return of fishing activity to the Association by the 10<sup>th</sup> day of the month following any month when fishing has taken place.
- d. The Association may close the fishery if the controls are breached or if necessary for the sustainable management of the fishery (as set out in paragraph 1.a).

### Administration

#### 1. Licences should be re-issued only to those individuals who:-

- a. ~~have f~~ished for mussels in the Fishery Order area during the ~~previous~~ most recent year when fishing was permitted in the Regulated Fishery by the Association; and
- ~~b. w~~Who have complied with all of the licence conditions and regulations applying to the fishery.

2. Additional licences shall only be issued if the Association agrees that the increased fishing effort is compatible with the sustainable management of the fishery (as set out in paragraph 1.a).
3. If additional licences are to be issued, the Association shall determine the number that shall be issued, having regard to the sustainable management of the fishery (as set out in paragraph 1.a).

4. Applications for additional licences must be submitted using the appropriate form published on the MSFOMA website or in writing by post (not by hand) to the Association's registered offices using the appropriate form or by e-mail to info@msfoma.org.
5. Additional licences shall be issued to
  - a. Individuals who have previously held a licence in earlier years and who remain eligible to hold a licence, having complied with all of the licence conditions and regulations applying to the fishery; and if additional capacity remains, then to
  - ~~b.~~ Applicants who have submitted an application and who have been written in asking to be placed on the waiting list. They shall be issued in chronological order, such that the applicant who has been waiting longest is the first to be offered a licence.
6. The issuing of additional licences to applicants on the waiting list shall be subject to the following conditions:-
  - a. In the event that more than one application was received at the Association's registered offices with either a postmark or e-mail receipt bearing the same date, the successful applicant(s) shall be selected at random from those applications.
  - ~~b.~~ Applicants shall not be placed on the waiting list until they are older than 16 years of age.
  - c. Licences shall not be issued to any applicant who is in debt to the Order, having failed to pay fully for a licence issued in any previous year.
7. At any meeting to determine the issuing of licences, the Association shall not be informed of the personal details of any licence holder or fisherman on the waiting list, to ensure that the decisions taken are objective and are not prejudiced in any way.
8. These rules shall be reviewed by the Association each year at its Annual General Meeting.

MSFOMA

JuneSeptember 2020

## Menai Strait Fishery Order 1962

### Several Fishery Lease Allocation Rules

#### Leases for Layings - General

1. The Menai Strait Fishery Order Management Association shall issue leases for the layings shown in Figure 1 of this document in accordance with the administrative rules set out below.
2. Leases shall only be issued in accordance with the requirements of the Menai Strait Oyster and Mussel Fishery Order 1962 (the "Fishery Order"), the Sea Fisheries (Shellfish) Act 1967 (the "Shellfish Act") and any legislation to which the Act and Order are subordinate.
3. Leases shall be issued for a period of not more than 7 years from their start date.
4. Leases shall terminate on or before the date on which the Fishery Order expires.
5. Leases may be issued to "lessees" who may be individuals or companies.

#### Administration

6. Prior to the expiry of a lease for a laying the Association shall write to the current lessee to determine whether they wish to renew the lease for a further period of up to 7 years.
7. Leases for layings shall be re-issued to existing lessees providing that:-
  - a. The lessee has complied with all of the lease conditions for that laying as required by the Association; and
  - b. The lessee has complied with all of the relevant requirements of the Fishery Order and the Shellfish Act.
8. If a lessee does not wish to renew their lease or if the requirements of paragraph (7) above are not met, the lease for the corresponding laying may be offered to Applicants who have submitted an application for a laying in the Fishery Order. They shall be issued in chronological order, such that the applicant who has been waiting longest is the first to be offered a lease.
9. Invitations issued to applicants by the Association to lease a laying shall be valid for a period of 28 days. If an applicant on the waiting list does not respond to their invitation then after 28 days have elapsed the Association shall invite the next applicant on the waiting list to lease that laying. This process shall be repeated until the invitation has been accepted or the end of the waiting list is reached, whichever is soonest.
10. Applications for leases must be submitted using the appropriate form published on the MSFOMA website or in writing by post (not by hand) to the Association's registered offices using the appropriate form or by e-mailing the appropriate form to [info@msfoma.org](mailto:info@msfoma.org).
11. It shall be each applicant's responsibility to ensure that their contact details are updated to reflect any change in their circumstances. The Association shall not be liable for any loss of opportunity arising from a change in circumstances that it was not aware of.

12. The Association shall maintain the waiting list by contacting all of the applicants on the waiting list annually and seeking confirmation that they wish to remain on the waiting list.
13. At any meeting of the Association to determine the issuing of leases, the Association shall not be informed of the personal details of any applicant, to ensure that the decisions taken are objective and are not prejudiced in any way.
14. These rules shall be reviewed by the Association each year at its Annual General Meeting.

MSFOMA  
September 2020

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## Annex I: Proposed application form (PDF version)

### Menai Strait Fishery Order Management Association

#### Application form for licences and/or leases

##### Your details

Please provide us with your contact details. You must inform us if your contact details change. Failure to do so will prevent us from contacting you with an offer of a licence or lease.

Providing information that is inaccurate or untrue will invalidate your application and will result in your removal from any waiting lists.

First Name	Second Name
<input type="text"/>	<input type="text"/>
Address (including postcode)	Telephone number
<input type="text"/>	<input type="text"/>
	Mobile phone number
	<input type="text"/>
	E-mail address
	<input type="text"/>
Application type (please tick one or both of the items below as appropriate)	
<input type="checkbox"/> Licence to gather shellfish by hand.	<input type="checkbox"/> Lease to cultivate shellfish
National Insurance Number	
<input type="checkbox"/> I confirm I have a valid UK National Insurance Number	
Data Protection	
<input type="checkbox"/> I consent to the information provided in this form being stored electronically by MSFOMA for the purposes specified.	
Signature	Date
<input type="text"/>	<input type="text"/>

##### For Information

You are advised to retain proof of postage when sending this form.


You will be sent written confirmation of being placed on the waiting list. If you do not receive written confirmation within 20 working days of submitting your application please contact the MSFOMA Secretariat via e-mail ([info@msfoma.org](mailto:info@msfoma.org)) or by phone (07908-225865).

Please Post this form to: Menai Strait Fishery Order Management Association, Port Penrhyn, Bangor, LL57 4HN.

MSFOMA Application form September 2020

## Annex J: Proposed application form (web-based)

**MSFOMA**The Menai Strait Fishery Order Management Association



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### Application form

If you would like to be placed on the waiting list for applications for either a licence to fish for mussels by hand or a lease to cultivate mussels in the eastern Menai Strait, please either enter your details in the form below or click on the link [here](#) to download a form that you can fill in and return to us.

First Name

Second Name

Email Address

Organisation (optional)

☐ Application Type

☐ Hand gathering licence waiting list

☐ Lease area waiting list

Please indicate whether you wish to apply for a hand gathering licence, a lease to cultivate shellfish, or tick both boxes for both a lease and a licence. Your application will be put on the relevant waiting list.

National Insurance Number

Please indicate whether you have a valid UK National Insurance Number

I confirm that the information given above is true and correct.

☐ Yes

☐ No

If you submit incorrect or false information your application will be void.


Consent

☐ I give MSFOMA permission to collect and use my data submitted in this form.


Please give consent for us to use the data you have entered for the purposes specified. This consent is needed so that we can comply with Data Protection Requirements. We will not share your information with other parties, and you can request its removal at any time.

X F Y X

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**Menai Strait Fishery Order Management Association**  
11 Sep

Effects of long-term exposure to microfibers on ecosystem services provided by coastal mussels [#mussels](#)



Effects of long-term exposure to microfibers on ecosystem services provided by coastal mussels

The biofiltration capacity of bivalve populations is known to alleviate the effects of coastal eutrophication. However, this important ecosystem servi... [www.scimondirect.com](#)

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## **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 MSFOMA and WG should continue to work together with the aim of producing a revised draft of the proposed new Fishery Order at the earliest opportunity.

#### **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 with this application.

#### **2. Update**

- 2.1 At the March 2019 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 At the Association meeting in September 2019 WG officials indicated that they were working with lawyers to determine the conditions that would be associated with the Fishery Order. It was anticipated that this would meet the December 2019 deadline proposed by the Minister.
- 2.3 In November 2019 WG officials provided some informal feedback from their legal advisors concerning a condition that could be included in the Order, requiring that Ministerial consent was given for leases before they were issued. This proposal was discussed at the last MSFOMA meeting and considered to be consistent with the approach set out in the 2015 Draft Order.
- 2.4 At the December 2019 Association meeting some concerns were raised by WG officials about the mitigation approach for Pacific oysters. At the April 2020 meeting it was reported that work was still underway to address these issues.
- 2.5 MSFOMA representatives have discussed the issues concerning Pacific Oysters in detail with WG and NRW officials on several occasions (on 17<sup>th</sup> December 2019, 31<sup>st</sup> January, 13<sup>th</sup> March, 7<sup>th</sup> April 2020, 5<sup>th</sup> May, 2<sup>nd</sup> June & 28<sup>th</sup> July). The issues arising from these discussions are considered in more detail below.

### 3. Pacific Oysters

- 3.1 Welsh Government is still working to determine an appropriate approach to managing and mitigating the risk of Pacific oysters (*Crassostrea gigas*) from cultivation areas becoming established in the wild as “feral” oysters (see the previous agenda item for some background on this issue).
- 3.2 At the most recent discussion of this matter on 28<sup>th</sup> July it was reported that WG Science have produced a draft desk study (“Pacific Oyster Review”) of the situation in the Menai Strait, assisted by the University of Bangor. This review is intended provide the evidence base for informing the Habitat Regulations Assessment (HRA) of leases for Pacific oyster cultivation in the Strait.
- 3.3 WG officials may be able to provide an update on the current status of this review at the meeting.

### 4. Consultation with stakeholders

- 4.1 It has been noted at meetings for over a year that the Association is keen to engage with stakeholders to raise awareness of the content of a new Fishery Order at the earliest opportunity. In the absence of certainty about what may be in a new Fishery Order, it is still not considered prudent to initiate stakeholder engagement.
- 4.2 As noted in the previous agenda item, both the delays in the process and the ongoing Covid-19 pandemic may influence the Association’s consultation strategy and it may be appropriate to use electronic media rather than more conventional methods to liaise with stakeholders in the area.

MSFOMA Secretariat  
September 2020