

# **Menai Strait Fishery Order Management Association**

## **Agenda & Papers- 9<sup>th</sup> June 2021, 1000 Quarterly Meeting Zoom Conference**

1. Chair's announcements
2. Apologies
3. Declarations of interest
4. Minutes of last meeting ([attached](#))
5. Matters Arising
6. Register & declarations of interests ([report](#))
7. Financial update ([report](#))
8. Public Profile of the Association ([report](#))
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
    - ii. Sand in the dock
  - b. Environmental / health issues
    - i. Shellfish hygiene classifications (see research proposal [here](#))
    - ii. *Bonamia* in the western Strait
    - iii. Non-native species
15. Any Other Business (verbal)
  - a. Correspondence
16. Dates for next meetings (all are the 2<sup>nd</sup> Wednesday of the month):-
  - a. Q3 2021 - 8<sup>th</sup> September
  - b. Q4 2020 - 8<sup>th</sup> December [AGM]

# **Menai Strait Fishery Order Management Association**

**Meeting, 10<sup>th</sup> March 2021  
Zoom Video Conference Call**

## **Minutes**

### **Attendance**

#### *Members*

Alan Winstone\*  
Ioan Thomas  
James Wilson\*  
Lewis le Vay

Chair  
Gwynedd County Council  
Bangor Mussel Producers Ltd  
Bangor University

#### *Observers*

Michelle Billing  
Julian Bray  
Kate Griffith  
Iwan Huws  
Trevor Jones  
Kim Mould  
Alex Scorey

Welsh Government  
Welsh Government  
Natural Resources Wales  
Isle of Anglesey County Council  
Menai Strait (West)  
BMWAG  
Natural Resources Wales

#### *Advisors*

Jim Andrews\*

MSFOMA Secretariat

#### Notes

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

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

The Chair welcomed everyone to the meeting. The Chair proposed, and it was agreed, that items 11 & 12 on the agenda should be discussed when Welsh Government officials joined the meeting as it was understood that they had other pressing engagements that would prevent them from participating in the entire meeting.

### **2. Apologies**

Gareth Bevington  
Gareth Roberts  
Howard Mattocks  
Keith Andrews\*

Welsh Government  
Bangor City Council / Gwynedd C.C.  
Beaumaris Town Council  
Licensed hand pickers

### **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 2<sup>nd</sup> December 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 December meeting that were not formally addressed on the agenda were discussed:-

##### **Sand in Penrhyn Dock**

James Wilson reported that the Penrhyn Estate has a new land agent who seems to be taking this issue more seriously. No remedial action has yet been taken. James agreed to keep the Association informed of progress, and it was agreed that if a letter of support was needed for addressing this issue it could be provided.

**Action: JW, Secretariat**

##### **Bangor pier**

The Secretariat had spoken to the Pier Master. The Pier Master reported that repair work had been largely completed, and the pier tea rooms were due to open for a take-away service by the end of March 2021. The toilets were not due to be operational until they have been connected to the public sewage system.

#### **6. Register of Interests**

No changes were recorded.

#### **7. Financial Update**

The financial report was accepted. It was noted that the Association presently has more funds in Reserves than budgeted.

The Secretariat reported that following the proposal by Cllr Mattocks (Beaumaris), the town clerk in Beaumaris had been contacted and a donation had now been made to the Town Council to assist with the renovation of the Happy Valley playground.

It was agreed that with the start of a new Financial Year, both Beaumaris Town Council and Bangor City Council should be approached again and asked to propose projects suitable for support from the Community Fund.

**Action: Secretariat**

The Secretariat and the Association's accountants had been working to progress VAT registration. The most recent advice from the accountant is that because all of the Association's outputs are VAT exempt, it is not possible to progress this further. Discussions are ongoing to determine if there are other options, and a further update will be provided to the next meeting.

**Action: Secretariat**

A proposal was set out in the report to extend the payment terms on the invoices issued on 1<sup>st</sup> April 2021 from one month to six months. This proposal was a response to the post-Brexit export problems that the shellfish industry is presently

experiencing. It was unanimously agreed that this proposal should be implemented.

**Action: Secretariat**

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

The Chair and Secretariat reported that regular meetings are now being held with Dr Andy Olivier to ensure that both the Association's website and Twitter account are being used to raise the profile of the Association more effectively. The Chair and Secretariat have worked with Andy to develop a communication strategy for the next few months, as agreed at the last Association meeting.

The number of tweets and profile of the Association continues to grow steadily. It now has over 1,200 followers and had over 21,400 tweet impressions in the 28 days prior to this meeting.

A key part of the communication strategy was to create an identity for the Association and the Menai Strait. All present were asked to provide a picture of themselves and a few paragraphs of text suitable for both Tweeting and posting on the MSFOMA website, to give MSFOMA a "face".

**Action: All**

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**

### **9. Welsh Government Activity**

Welsh Government officials Michelle Billing and Julian Bray were welcomed to the meeting.

The Secretariat's report was noted and received.

#### **a) Meetings**

A meeting of the Welsh Marine Fisheries Advisory Group (WMFAG) had taken place in December.

Trevor Jones is a member of WMFAG. He had tabled a question for the Minister about the importance of making progress with making new Fishery Orders for the Menai Strait at the December meeting of WMFAG, and it was noted that the response had been minuted.

Mr Jones reported that there was concern among WMFAG participants that the fishing industry in general was currently being impacted by both Covid and Brexit, and that Welsh Government support for the industry (both wild capture and cultivated stocks) was inadequate.

#### **b) Consultations**

It was noted that the Chair and Secretariat had responded on behalf of MSFOMA to a WG questionnaire about the future of WMFAG during February. The response was discussed and accepted.

#### **c) 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.

Concerns were again raised about the loss of capacity and continuity among IFCA scientific staff. It was noted that the Association had made an offer to the Authority to assist wherever possible. It was agreed that it would be appropriate to follow up this offer of assistance.

**Action: Secretariat**

Trevor Jones reported that he was now due to stand down as an appointee to the Authority in June, having served for 10 years. Kim Mould has applied to the Marine Management Organisation to be appointed to the Authority. It was reported that Mr Phil Capper (formerly a Fishery Officer at North Western & North Wales Sea Fisheries Committee) had recently been appointed to the Authority by the MMO. Mr Capper is a Councillor for Conwy County Borough Council and has a long-standing relationship with the mussel fisheries along the North Wales coast.

It was noted that NWIFCA is presently conducting a review of its Policies, Procedures and Governance. It has appointed a firm of consultants to carry out this review, and an online questionnaire is available for stakeholders to record their responses to the review. The Secretariat was asked to circulate information about this review to MSFOMA participants.

**Action: Secretariat**

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

The Chair introduced this item. It was noted that the Association had applied for a new Fishery Order in the eastern Menai Strait in August 2018. The existing Order is due to expire on 31<sup>st</sup> March 2022. Welsh Government officials were present to provide an update on the process of making a new Order.

Julian Bray and Michelle Billing reported that good progress was being made and that WG should be able to provide a Draft Order suitable to issue for consultation by the end of March.

It was agreed that regular meetings between WG staff and MSFOMA were helpful and that these should be maintained.

**Action: Secretariat**

There was some discussion of the consultation process, and the Secretariat confirmed that the lead-in time for posting advertisements in the three newspapers (Western Mail, North Wales Chronicle and Fishing News) would be 10 days, so the public consultation was likely to start shortly after Easter.

It was agreed that preparations for this public consultation should continue, and it was also agreed that there should be an informal meeting of MSFOMA participants in late March / early April when the Draft Order was available, to ensure that

everyone involved with MSFOMA was familiar with the content of the Draft Order before it was in the public domain.

**Action: Secretariat**

## **12. Menai Strait West**

The report was received and discussed.

The Chair and Secretariat reported that in an effort to address the delay in progress with this Fishery Order application that has been caused by uncertainties around Pacific Oysters, they had organised a series of meetings with shellfish farmers from the western Menai Strait and marine scientists from the Marine Centre Wales. Following the most recent meeting a summary of the key research questions had been drafted by Professor Lewis Le Vay from the Marine Centre.

Lewis outlined the questions:-

- **Feral Pacific Oysters** - a survey had been carried out in 2019 but not yet written up, and this could provide a useful baseline;
- **Potential for spawning** - some work had already been done on this issue and could usefully be repeated using new seawater temperature data from Menai Bridge;
- **Dispersal of larvae** - a study had been carried out for WG in 2018 and could be repeated once new information on the location of feral oysters was available; and
- **Reversion of triploids** - a desk study to compare the effectiveness of different methods for producing triploids would help to determine the level of risk associated with cultivating triploid Pacific Oysters.

All agreed that investigating these issues would be helpful. Lewis indicated that there would be benefits in collaborating with other research underway in Milford Haven. He also mentioned that Cefas were working on the spread of Pacific oyster larvae from Northern Europe to the south of the UK.

After discussing some aspects of Pacific oyster colonisation of the shoreline of other areas, and also its congener *Crassostrea angulata* (the Portuguese oyster), it was agreed that it would be appropriate to progress these areas of research. It was also agreed that it would be sensible to liaise with WG Science staff before committing to this work to ensure that there was no duplication of effort, and that the issues being investigated would help to inform policy development.

**Action: Lewis Le Vay, Secretariat**

Lewis indicated that he would be happy to progress this and to explore options for the Shellfish Centre to carry out this work with funding from MSFOMA. He was aware that there was a risk of a personal Conflict of Interest for him, as a Member of MSFOMA, and would liaise with colleagues to address this.

**Action: Lewis Le Vay**

The Secretariat reported that the next meeting to discuss this issue was scheduled for the 19<sup>th</sup> March and would provide an opportunity for further discussion.

Kate Griffith and Alex Scorey from NRW both asked if they could join the meeting on 19<sup>th</sup> March, and it was agreed that they should be invited.

**Action: Secretariat**

### 13. Funding proposals & Research Update

Professor Lewis Le Vay provided a brief update on progress with funding and research. In summary:-

- **Pacific Oysters** - some areas for research have been identified and are to be progressed (see Item 12 above).
- **Bonamia** - a survey has just been carried out in conjunction with the work on the native oyster restoration project in Conwy (the concern being the risk of spreading Bonamia as a result of this work). The results of this work are expected in the spring / early summer.
- **Water quality** - attention is turning to this issue given the increased importance of category "A" shellfish water classification with regard to exports to the EU. Key points were:-
  - i. Sources of effluent inputs and discharge monitoring are to be discussed with Dŵr Cymru this week.
  - ii. A virologist at the Shellfish Centre was due to start looking at sources of effluent inputs to the Menai Strait (these can be identified from the types of virus to distinguish agricultural runoff from sewage inputs).
  - iii. Nitrate Vulnerable Zone - the decision to make all of Wales a NVZ seemed likely to have a beneficial effect on coastal water quality.
  - iv. Weather events - the relationship between shellfish hygiene and weather is an area requiring further research.

### 14. Fishery Management Issues

#### 1. Coastal / marine developments

##### i. Bangor Pier

No additional update.

##### ii. 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. Bangor to Treborth rising main

James Wilson reported that Dŵr Cymru had been in touch to propose a meeting to discuss their strategy with respect to this outfall which has had problems recently. An update would be provided to the next meeting.

##### ii. Shellfish hygiene classification

No further update.

##### iii. Bonamia

No further update.

##### iv. Invasive Alien Species (IAS) / Invasive Non-Native Species (INNS)

*Crepidula fornicata* - Kate Griffith reported that an NRW marine scientist had found a total of 5 slipper limpets at Abermenai Point at the end of February. NRW are currently requesting funding to carry out survey work in the Menai Strait in the new Financial Year.

Kate requested that any observations of slipper limpets are sent to her, and also that if anyone should survey an area and find no slipper limpets that this information could also be shared to help with survey planning.

**Action: All**

It was agreed that information about slipper limpets should be put on the MSFOMA website to help raise awareness.

**Action: Secretariat**

**v. *Norovirus***

No further update.

**15. Any Other Business**

**a) Correspondence**

No additional correspondence had been received.

**16. Dates for next meetings**

The schedule of meetings for 2021 was confirmed:-

- c. Q2 2021 - 9<sup>th</sup> June
- d. Q3 2021 - 8<sup>th</sup> September
- e. Q4 2020 - 8<sup>th</sup> December [AGM]



## Summary of Actions

Item	Action	Responsibility
1.	Sand in Dock - keep under review, MSFOMA to write to Penrhyn Estate if necessary..	JW / Secretariat
2.	Community Fund - seek proposals for new projects from Bangor City and Beaumaris Town Councils.	Secretariat
3.	VAT - liaise with accountants to determine if / how VAT registration can be progressed.	Secretariat
4.	Payment terms - extend payment terms to 6 months for the invoices issued on 1 <sup>st</sup> April 2021.	Secretariat
5.	Website / Twitter - provide photograph and brief resume suitable for website and Twitter	All
6.	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@gmail.com">avdsolivier@gmail.com</a> ).	All
7.	NWIFCA - offer help with survey work if / when appropriate.	Secretariat
8.	Menai East - maintain monthly discussions with WG officials to ensure progress is maintained.	Secretariat
9.	Menai East - organise MSFOMA discussion for the end of March / early April before draft Order issued for consultation.	Secretariat
10.	Menai East - initiate formal consultation as soon as possible after receipt of draft Order.	Secretariat
11.	Menai West - liaise with Welsh Government Science about <i>C. gigas</i> research proposals.	Lewis Le Vay, Secretariat
12.	Menai West - maintain regular discussions with WG officials to ensure progress is maintained.	Secretariat
13.	Menai West - invite WG officers to next discussion on 19 <sup>th</sup> March.	Secretariat
14.	<i>Crepidula fornicata</i> - look out for slipper limpets and report sightings of any shells / individuals.	All
15.	<i>C. fornicata</i> - post information about this species on MSFOMA website.	Secretariat
16.	Date for next meeting - 9 <sup>th</sup> June 2021	Secretariat

## **Register and Declarations of Interest**

### **Background**

In 2019 the Association updated its approach to recording and publishing information about the outside interests of participants (Observers, Members and Directors). This report sets out proposals for updating these arrangements.

### **Recommendations**

1. That this report is accepted.
2. That the current published information is noted.
3. That all Directors, Members and Observers complete revised declaration of interest for MSFOMA and for publication on the MSFOMA website.
4. That all agree to receive information about declarations of interest from other participants by electronic means.

### **1. Context**

- 1.1 One of the principles of public administration in the UK is that organisations and institutions which have been established by the Government to discharge a statutory function do so without acting to benefit the Members or Officers of that institution.
- 1.2 When MSFOMA was established, the potential for conflicts of interest was addressed by including a procedure for registering and reviewing potential conflicts of interest in the Articles of Association (at §18 of the Articles).
- 1.3 For many organisations and institutions, the Government has set out statutory rules and formal guidance which requires that potential “conflicts of interest” are declared and evaluated. Such procedures ensure that individuals do not participate in decisions in which they have some kind of undeclared prejudicial interest.
- 1.4 The Association is a unique organisation, and there are no formal rules in place that apply directly or specifically to its activities. During 2019 the Association developed and implemented its own procedures for declaring, recording and reporting the participants’ interests.
- 1.5 The MSFOMA website now includes a list of participants, with their affiliation (Annex A) and also a declaration of interests (Annex B).

### **2. Update**

- 2.1 During discussions with Welsh Government recently, it has been suggested that the Association could improve its transparency still further. With this in mind, a revised declaration form has been prepared (see Annex C).

2.2 Comments are invited on the revised form at Annex C, and participants are requested to approve the sharing of information among MSFOMA participants in electronic form (as required by §184 of the Companies Act.

MSFOMA Secretariat  
June 2021

## Annex A: Text from MSFOMA website: [Membership & Participation](#)

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

### Membership & Participation

Our Articles of Association specify the membership of MSFOMA and how organisations and individuals can participate in meetings. These Articles were drafted to ensure that when MSFOMA was created in 2010 it retained cross-sectoral participation in the management of the Fishery Order, and were revised in December 2020 to broaden participation by including Beaumaris Town Council and Bangor City Council.

The organisations and individuals listed in the Articles can participate in the governance of MSFOMA as Directors, Members, or Observers. A list of the organisations that are permitted to participate in MSFOMA and an indication of their current role is provided below.

Organisation	Representative	Role*		
		Observer	Member	Director
Bangor City Council	Gareth Roberts	✓	–	–
Beaumaris Town Council	Howard Mattocks	✓	–	–
Centre for Applied Marine Sciences, Bangor University	Lewis Le Vay	–	✓	–
Gwynedd County Council	Ioan Thomas	–	✓	–
MSFOMA Chair	Alan Winstone	×	✓	✓
MSFOMA Director – Administration	Jim Andrews	×	×	✓
Mussel farmers	James Wilson	–	✓	✓
Mussel gatherers	Keith Andrews	–	✓	✓
Natural Resources Wales	Kate Griffith	✓	–	–
Welsh Government	Various	✓	×	×
Ynys Môn County Council	Iwan Huws	✓	–	–

\*In this table:-

- ✓ Indicates the role that a participant is presently fulfilling.
- Indicates a role that a participant could fulfil but is not at present.
- ×

### The different roles of participants

The Articles of Association of MSFOMA specify how Directors, Members and Observers can act. This ensures that MSFOMA meetings are well informed and are conducted in accordance with legal requirements in an orderly and businesslike manner. The Articles of Association can be viewed [here](#).

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In summary, Directors and Members are entitled to vote on motions. Observers are entitled to attend and speak at meetings, but not to vote on motions.

In addition to the organisations named specifically in its Articles, the Association can invite specialist Advisors to its meetings to ensure that it is adequately briefed on a subject before making decisions.

## Good conduct

All Members, Directors, Observers and Advisors are required to observe the “Nolan Principles” of public life (available [here](#)) and to declare any interests that they may have in agenda items prior to the start of any meetings.

The attendance by Members, Directors, Observers and Advisors at all MSFOMA meetings is recorded in the minutes of Association meetings, which can be found [here](#).

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## Annex B: Text from MSFOMA website: [Statement of Interests](#)

### MSFOMA

*The Menai Strait Fishery Order  
Management Association*

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#### Statement of Interests

The participants in MSFOMA meetings listed below have all agreed to abide by the “[Nolan Principles](#)” for holders of public office with respect to selflessness, objectivity, accountability, openness, honesty and leadership. For each participant a brief statement of their interests is provided.

#### MSFOMA Members

Members of the Association are entitled to attend meetings and vote on motions. The Members’ statements of interest are summarised below.

##### Alan Winstone, Chair\*

Alan has over 30 years of experience working in Fisheries Science and environmental management across Wales. At the Environment Agency Wales Alan was responsible for Fisheries Enforcement and management in North Wales for 15 years and led on the introduction of a Regulating Order for cockles in the Dee Estuary which resulted in the Fishery achieving MSC accreditation. Since retiring in 2014 has been actively involved in the Rivers Trust movement in Wales and is Chairman of the North Wales Rivers Trust.

##### Interests

- Chairman, Trustee and Director of the North Wales Rivers Trust
- Director and Trustee of Afonydd Cymru.

##### Professor Lewis Le Vay, Bangor University

- Research lead for a range of projects, some of which involve partnership working or co-funding from the shellfish industry.
- Member of the Shellfish Association of Great Britain

##### James Wilson, Bangor Mussel Producers Ltd\*

James has worked in many different roles in the seafood industry over the past 25 years, including the National Federation of Fishermen’s Organisations, Bord Iascaigh Mhara (BIM), Department of Fisheries and Oceans Pacific Region and as a researcher at CEMARE, University of Portsmouth. He has degrees in Marine Biology, Fisheries Economics, and Law. James is a founding Director of the Bangor Mussel Producers Ltd and MSFOMA. He is also director of Deepdock Ltd, one of the shellfish farming companies in the eastern Menai Strait. He is actively involved in various Committees and Associations (listed below), was a Board Member of Seafish from 2005-18, and has previously Chaired the Welsh Sea Fisheries Advisory Committee and the Shellfish Association of Great Britain Mollusc Committee.

##### Interests

- Mussel farmer, interested in all aspects associated with shellfish farming in the Fishery Order
- Board Member, Shellfish Association of Great Britain (2015-present)

- 
- Member of the Welsh Food Advisory Committee and Food Standards Agency (FSA), so interested in food safety issues (2017-present).
  - Board Member of Welsh Food & Drink Industry Board (FDIBW), so interested in matters of food policy and their application in a Welsh context (2015-present).

#### Keith Andrews, Menai Mussels Ltd\*

- No interests to declare.

#### Ioan Thomas, Gwynedd County Council

- Member of Gwynedd Council
- Member of Caernarfon Town Council
- Member of Caernarfon Harbour Trust
- Member of Plaid Cymru
- Member of Caernarfon Sailing Club
- Member of Prospect (Trade Union)
- Member of RICS (retired)

### Observers

Observers are representatives of organisations that are invited to attend meetings and observe the business of the Association. They are not entitled to vote on motions. The Observers' statements of interest are summarised below.

#### Julian Bray, Welsh Government

- Head of Domestic Fisheries Policy and Management Branch.

#### Michelle Billing, Welsh Government

- Domestic Fisheries Policy and Management Branch – Fishery Orders

#### Laura Harris, Welsh Government

- Domestic Fisheries Policy and Management Branch – Several Orders

#### Gareth Roberts, Bangor City Council

- No interests to declare

#### Iwan Huws, Isle of Anglesey County Council

- Also Chair of Y Felinheli Community Council
- No interests to declare.

#### Kim Mould, NW-IFCA Bivalve Mollusc Working Group Member

Kim Mould BSc(Hons) has 46 years of experience working in the shellfish industry in U.K., Eire and Europe. His company Myti Mussels was established in Bangor in 1982, and was responsible for the revitalisation of the mussel cultivation industry in the Menai Strait. He has served as a Council Member of the Shellfish Association of Great Britain and worked closely with Seafish developing modern depuration systems for live bivalve molluscs . Once a

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leading supplier of live mussels to the U.K. , Myti Mussels is now a leading company in the culture of *Mytilus edulis* for export.

#### Interests

- Leaseholder of lays in eastern Menai Strait Fishery Order
- Member of NW-IFCA's Bivalve Mollusc Working Group, established to advice on bivalve mollusc fisheries in Morecambe Bay.

#### Trevor Jones, Menai West Fishery Order Observer

- Leaseholder of a lay in the eastern Menai Strait Fishery Order area
- Prospective leaseholder for a lay in the western Menai Strait Fishery Order

#### Howard Mattocks, Beaumaris Town Council

- Beaumaris Bay is on the edge of the Fishery Order area.
- Beaumaris Town Council has an interest in the deep water mooring licensed by Anglesey County Council that are located within the Fishery Order area.

### Advisors

Advisors are individuals invited by the Association to provide advice on particular topics. Advisors are not entitled to vote on motions.

#### Jim Andrews, AWJ Marine Ltd

Jim has over 25 years' experience working in marine fisheries and environmental management. From 1992 to 2005 he worked first for English Nature and then for the North Western and North Wales Sea Fisheries Committee. At the NW&NWSFC he was responsible for managing three Fishery Orders in North Wales: at Conwy, the eastern Menai Strait and the western Menai Strait. He has subsequently provided expert advice to lawyers working on the Wash Fishery Order, and carried out a Marine Stewardship Council (MSC) assessment of the cockle fishery conducted in the Thames Fishery Order. He has carried out MSC assessments of bivalve fisheries in Denmark, Germany, India, Japan and Australia, and has worked on the management of bivalve shellfisheries with the Irish and Isle of Man Governments. He helped to establish MSFOMA in 2010, and has provided technical and administrative support to the Association for the past 10 years.

#### Interests

- Independent fisheries and environmental consultant
- Member of Shellfish Association of Great Britain
- MMO appointed Member of North West Inshore Fisheries & Conservation Authority (2015-present)

\* These individuals are also Directors of the Association. They are entitled to vote on motions in this capacity.

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**MSFOMA**

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## Annex C: Proposed new declaration form

### MSFOMA Statement of Interests

Name	
Organisation / Affiliation	
Address*:	
Dates of: Appointment to MSFOMA Departure from MSFOMA	
Statement of Interests <sup>1</sup>	
Conflict of Interests <sup>2</sup>	
<p>I agree to abide by the “Nolan Principles” (appended) for holders of public office with respect to selflessness, objectivity, accountability, openness, honesty and leadership.</p> <p>I confirm that I have declared all of my interest in accordance with the Companies Act 2006 (appended), and that I consent to the circulation of these interests to other Members and Directors of the Association.</p>	
Signed	
Date	

\* Participants’ addresses will not be released into the public domain.

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

<sup>2</sup> **For Directors Only:** please state directorships of companies that operate in similar commercial markets to MSFOMA.

# Appendices

## \*The Nolan Principles

### **1. Selflessness**

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

### **2. Integrity**

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

### **3. Objectivity**

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

### **4. Accountability**

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

### **5. Openness**

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

### **6. Honesty**

Holders of public office should be truthful.

### **7. Leadership**

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

## Extracts from the Companies Act 2006

The key sections of the Companies Act that relate to the declaration of interests are reproduced below.

The full text of the Act is available at <https://www.legislation.gov.uk/ukpga/2006/46/contents>

### **177 Duty to declare interest in proposed transaction or arrangement**

- (1) If a director of a company is in any way, directly or indirectly, interested in a proposed transaction or arrangement with the company, he must declare the nature and extent of that interest to the other directors.
- (2) The declaration may (but need not) be made—
  - (a) at a meeting of the directors, or
  - (b) by notice to the directors in accordance with—
    - (i) section 184 (notice in writing), or
    - (ii) section 185 (general notice).
- (3) If a declaration of interest under this section proves to be, or becomes, inaccurate or incomplete, a further declaration must be made.
- (4) Any declaration required by this section must be made before the company enters into the transaction or arrangement.
- (5) This section does not require a declaration of an interest of which the director is not aware or where the director is not aware of the transaction or arrangement in question.

For this purpose a director is treated as being aware of matters of which he ought reasonably to be aware.
- (6) A director need not declare an interest—
  - (a) if it cannot reasonably be regarded as likely to give rise to a conflict of interest;
  - (b) if, or to the extent that, the other directors are already aware of it (and for this purpose the other directors are treated as aware of anything of which they ought reasonably to be aware); or
  - (c) if, or to the extent that, it concerns terms of his service contract that have been or are to be considered—
    - (i) by a meeting of the directors, or
    - (ii) by a committee of the directors appointed for the purpose under the company's constitution.

### **182 Declaration of interest in existing transaction or arrangement**

- (1) Where a director of a company is in any way, directly or indirectly, interested in a transaction or arrangement that has been entered into by the company, he must declare the nature and extent of the interest to the other directors in accordance with this section.

This section does not apply if or to the extent that the interest has been declared under section 177 (duty to declare interest in proposed transaction or arrangement).
- (2) The declaration must be made—
  - (a) at a meeting of the directors, or
  - (b) by notice in writing (see section 184), or
  - (c) by general notice (see section 185).
- (3) If a declaration of interest under this section proves to be, or becomes, inaccurate or incomplete, a further declaration must be made.
- (4) Any declaration required by this section must be made as soon as is reasonably practicable.

Failure to comply with this requirement does not affect the underlying duty to make the declaration.
- (5) This section does not require a declaration of an interest of which the director is not aware or where the director is not aware of the transaction or arrangement in question.

For this purpose a director is treated as being aware of matters of which he ought reasonably to be aware.
- (6) A director need not declare an interest under this section—
  - (a) if it cannot reasonably be regarded as likely to give rise to a conflict of interest;
  - (b) if, or to the extent that, the other directors are already aware of it (and for this purpose the other directors are treated as aware of anything of which they ought reasonably to be aware); or
  - (c) if, or to the extent that, it concerns terms of his service contract that have been or are to be considered—
    - (i) by a meeting of the directors, or
    - (ii) by a committee of the directors appointed for the purpose under the company's constitution.

### **184 Declaration made by notice in writing**

- (1) This section applies to a declaration of interest made by notice in writing.
- (2) The director must send the notice to the other directors.
- (3) The notice may be sent in hard copy form or, if the recipient has agreed to receive it in electronic form, in an agreed electronic form.
- (4) The notice may be sent—
  - (a) by hand or by post, or

- (b) if the recipient has agreed to receive it by electronic means, by agreed electronic means.
- (5) Where a director declares an interest by notice in writing in accordance with this section—
  - (a) the making of the declaration is deemed to form part of the proceedings at the next meeting of the directors after the notice is given, and
  - (b) the provisions of section 248 (minutes of meetings of directors) apply as if the declaration had been made at that meeting.

**185 General notice treated as sufficient declaration**

- (1) General notice in accordance with this section is a sufficient declaration of interest in relation to the matters to which it relates.
- (2) General notice is notice given to the directors of a company to the effect that the director—
  - (a) has an interest (as member, officer, employee or otherwise) in a specified body corporate or firm and is to be regarded as interested in any transaction or arrangement that may, after the date of the notice, be made with that body corporate or firm, or
  - (b) is connected with a specified person (other than a body corporate or firm) and is to be regarded as interested in any transaction or arrangement that may, after the date of the notice, be made with that person.
- (3) The notice must state the nature and extent of the director's interest in the body corporate or firm or, as the case may be, the nature of his connection with the person.
- (4) General notice is not effective unless—
  - (a) it is given at a meeting of the directors, or
  - (b) the director takes reasonable steps to secure that it is brought up and read at the next meeting of the directors after it is given.

MSFOMA  
Declaration form V2.0  
June 2021

## **Financial Update**

### **Background**

The purpose of this report is to advise the Association on its current financial status with respect to the revised Financial Plan agreed in December 2020, and to review items of financial significance.

### **Recommendations**

1. The update on actual and budgeted income and expenditure for the 2020-21 FY is received.

#### **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 2020 MSFOMA AGM. A summary of the revised Financial Plan is set out in Annex A of this report. Note that this covers the period until the end of the 2021-22 FY.
- 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 MSFOMA 2020-21 Financial Year (starting on 1<sup>st</sup> March 2020) 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, 2020-21 FY**

Item	Year Budget	Quarter 1 (1st March - 31st May)		Quarter 2 (1st June - 31st August)		Quarter 3 (1st Sept. - 30th Nov.)		Quarter 4 (1st Dec. - 28th Feb.)		Year to Date	
	2020-21	Actual	Budget	Actual	Budget	Actual	Budget	Actual	Budget	Actual	Performance
<b>1. Expenditure</b>											
Administration of the Order*	£7,061.43	£7,347.61	£1,765.36		£1,765.36	£2,980.00	£1,765.36	£14,973.44	£1,765.36	£25,301.05	-£18,239.62
Enforcement activity	£1,303.65	£0.00	£325.91		£325.91	£0.00	£325.91		£325.91	£0.00	£1,303.65
Corporate core*	£1,303.65	£0.00	£325.91		£325.91	£0.00	£325.91	£360.00	£325.91	£360.00	£943.65
Renewal of Fishery Orders*			£0.00		£0.00		£0.00		£0.00	£0.00	£0.00
Menai East	£20,000.00	£0.00	£5,000.00		£5,000.00	£0.00	£5,000.00		£5,000.00	£0.00	£20,000.00
Menai West	£5,000.00	£0.00	£1,250.00		£1,250.00	£0.00	£1,250.00		£1,250.00	£0.00	£5,000.00
Research & monitoring	£1,955.47	£0.00	£488.87		£488.87	£0.00	£488.87		£488.87	£0.00	£1,955.47
Bank charges		£20.40		£25.50		£37.50		£37.50		£120.90	-£120.90
<b>Total Expenditure</b>	<b>£36,624.20</b>	<b>£7,368.01</b>	<b>£9,156.05</b>	<b>£25.50</b>	<b>£9,156.05</b>	<b>£3,017.50</b>	<b>£9,156.05</b>	<b>£15,370.94</b>	<b>£9,156.05</b>	<b>£25,781.95</b>	<b>£10,842.25</b>
<b>2. Income</b>											
Leases for lays	£24,726.30	£8,185.92	<b>£12,363.15</b>	£2,272.88	<b>£0.00</b>	£12,363.03	<b>£12,363.15</b>		<b>£6,181.58</b>	£22,821.83	-£1,904.47
Licences	£0.00	£0.00		£0.00		£0.00		£0.00		£0.00	£0.00
<b>Total</b>	<b>£24,726.30</b>	<b>£8,185.92</b>	<b>£12,363.15</b>	<b>£2,272.88</b>	<b>£0.00</b>	<b>£12,363.03</b>	<b>£12,363.15</b>	<b>£0.00</b>	<b>£6,181.58</b>	<b>£22,821.83</b>	<b>-£1,904.47</b>
<b>Operating surplus / deficit</b>	<b>-£8,655.79</b>	<b>£817.91</b>	<b>£3,207.10</b>	<b>£2,247.38</b>	<b>-£9,156.05</b>	<b>£9,345.53</b>	<b>£3,207.10</b>	<b>-£15,370.94</b>	<b>-£2,974.48</b>	<b>-£2,960.12</b>	<b>£8,937.78</b>
<b>Reserve</b>	<b>£34,804.37</b>	<b>£47,725.65</b>		<b>£49,973.03</b>		<b>£59,318.59</b>		<b>£43,947.65</b>		<b>£43,947.65</b>	<b>£9,143.28</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:-

- a) Expenditure was £10,842.25 lower than expected. This was due to delays in progress with the renewal of the two Fishery Orders.
- b) The Association finished the FY with a Reserve of £43,947.65. This value is more than the target Reserve of £34,804.37.

### **3. Invoices for layings in 2021**

- 3.1 It was agreed at the March 2021 Association meeting that the usual 30-day deadline for payment of invoices issued in April 2021 should be extended to a period of 6 months. This extension was implemented to provide time for resolution of the problems preventing exports to the EU and also give businesses some time to recover from the impact of Covid-19.
- 3.2 The Association's views are sought on this proposal and on any other ways in which shellfish farming businesses can be assisted at this difficult time.

### **4. Community Fund**

- 4.1 Beaumaris Town Council and Bangor City Council have both been asked to propose projects for support from the MSFOMA "Community Fund" no proposals have yet been received.

MSFOMA Secretariat  
June 2021

**Annex A: MSFOMA Financial Plan for the period 2020-2022, as revised at December 2020 AGM.**

Item	Financial Year	
	2020-21	2021-22
<b>1. Recurring Expenditure - inflated at 2.8%.</b>		
Administration of the Order*	£7,061.43	£7,259.15
Enforcement activity*	£1,303.65	£1,340.15
Corporate core*	£1,303.65	£1,340.15
Renewal of Fishery Orders		
	Menai East	£20,000.00
	Menai West	£5,000.00
Research & monitoring*	£1,955.47	£2,010.23
<b>Total Expenditure</b>	<b>£36,624.20</b>	<b>£36,949.68</b>
<b>2. Recurring Income - inflated at 2.8% to increase value of reserve.</b>		
Leases for lays	£32,968.41	£33,891.52
Licences	£0.00	£0.00
<b>Total</b>	<b>£32,968.41</b>	<b>£33,891.52</b>
<b>Operating surplus / deficit</b>	<b>-£3,655.79</b>	<b>-£3,058.16</b>
<b>Reserve</b>	<b>£34,804.37</b>	<b>£31,746.22</b>



## **Public Profile of the Association**

### **Background**

The public profile of the Association has been a recurring agenda item for several years. The purpose of this agenda item is to ensure that we communicate news of the activities of the Association and the mussel farming industry in the Menai Strait as effectively as possible. This report provides an update on some recent discussions and proposals to improve our public profile.

### **Recommendations**

1. That the Association note the work that is being done to raise the public profile of the Association.
2. All MSFOMA participants provide a photograph and brief resume that is suitable for both publication on the MSFOMA website and on Twitter.

### **1. Background**

- 1.1 The main avenues for the Association to present its public profile are through its website ([www.msfoma.org](http://www.msfoma.org)) and its Twitter account (@MSFOMA1). The Association has considered other communication mechanisms (such as Facebook and Instagram) but concluded some time ago that the combination of a website and Twitter was best suited to both our needs and our capacity to engage with a wider audience.
- 1.2 The roles served by the website and Twitter account are related but distinctly different.
  - a) The MSFOMA website is used to communicate the “nuts and bolts” information about the Association: our role, remit and membership. It also provides a platform for interested parties to sign up to receive e-mail newsletters about MSFOMA activities.
  - b) The MSFOMA Twitter account is more dynamic and is used to communicate more ephemeral information and items of passing interest (such as the current harvesting activity in the Strait; a new recipe; or an upcoming meeting with the Minister).
- 1.3 The Association’s website is maintained by the Secretariat, and the Twitter account by Dr Andy Olivier, formerly a student at the Marine Centre in Menai Bridge. Dr Olivier was given this role after making a detailed presentation on social media at an Association meeting in 2018.

### **2. Developing the public profile**

- 2.1 In response to discussions at recent MSFOMA meetings, the Chair and Secretariat have been working with Andy Olivier to develop a more coherent communication strategy for the Association. Monthly meetings are being held to refine and implement this strategy.

2.2 Both Twitter and the Association’s website were used to good effect during the recent consultation on the Menai East Fishery Order (see item 11 on the agenda). Key stages in the consultation process were publicised using both media, with the larger documents hosted on the website and smaller excerpts of these documents and links to them being hosted on Twitter. A simple communication strategy and timeline covering the next few months for this area of work has been drafted and is presented below for comment.

**Table 2: Proposed communication strategy for raising the Association’s profile in the coming months.**

<b>Month</b>	<b>Activity</b>	<b>PR / Tweet themes</b>
<b>June</b>	Post consultation	We had a consultation
<b>July</b>		Report of consultation details Summary of responses
<b>Sept</b>	Preparing for new Order	Benefits of mussel farming Importance of new Order How concerns have been addressed

2.3 A recurring theme in these discussions has been the desirability of giving MSFOMA a “face”. All MSFOMA participants are once again asked to provide a picture and brief resume suitable for publication on the MSFOMA website and use on Twitter.

MSFOMA Secretariat  
June 2021

## 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 most recent published WMFAG minutes were for the meeting on 15<sup>th</sup> September 2020 (published on 10<sup>th</sup> December 2020 [here](#)), which were reported and discussed at the last MSFOMA meeting. There is no news of further meetings.
  - 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 ([here](#)) that are directly relevant to MSFOMA.

3.2 It is noted that a UK-wide consultation on the conservation of dolphins, porpoise and minke whales is underway (hosted on the Scottish Government website [here](#)) and is due to end on the 14<sup>th</sup> June 2021. These species do not frequent mussel fishing areas, nor are there any records of interaction with them over the years. It does not, therefore, seem to be necessary for MSFOMA to submit a response to this consultation.

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

4.1 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).

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

5.1 There have been no communications with the Cabinet Minister since the last MSFOMA meeting.

MSFOMA Secretariat  
June 2021

## **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 should keep the need for a Morecambe Bay Mussel Management Plan on the future agenda for NWIFCA.

### **1. IFCA Meetings**

- 1.1 Since the last meeting of the Association the NW-IFCA has held a quarterly meeting on the 18<sup>th</sup> March 2021. A meeting of the Technical, Science and Byelaws Sub-Committee was due to be held on 18<sup>th</sup> May 2021 but was cancelled. The next quarterly meeting is scheduled to take place on 6<sup>th</sup> July, and the next TSB meeting is scheduled for 17<sup>th</sup> August 2021.

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

- 2.1 There are no proposals to alter any NWIFCA byelaws at its next meeting.

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

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

### **4. Staff changes**

- 4.1 It was reported to the last MSFOMA meeting that the NWIFCA were carrying out a recruitment process to fill the role of Senior Scientist. The deadline for applications was the 15<sup>th</sup> March 2021. There is not, as yet, any indication that a new Senior Scientist has been recruited.
- 4.2 It is understood that an existing member of staff, Mr Jonathan Haines, is presently filling the role of Senior Scientist. Another existing member of staff, Mr Elliott Waltho, has moved from the IFCA enforcement team to the science team. Nonetheless, the staff changes at the NWIFCA mean that the science team is presently short of staff and will need to rebuild its expertise over a period of time.

- 4.3 At the request of Trevor Jones and Jim Andrews (who are both MMO appointees to NWIFCA), the February meeting of the Technical, Scientific and Byelaws sub-Committee considered the research priorities for the IFCA in 2021. The surveys of cockle and mussel beds were prioritised, but the sub-Committee endorsed the Officers' recommendation that it would not be possible to proceed as intended with the implementation of the Morecambe Bay Mussel Management Plan.
- 4.4 Given the long-term importance of the Morecambe Bay Mussel Management Plan to the shellfish farmers in the Menai Strait, it will be important to also keep this item on the agenda for NWIFCA action, though it has to be accepted that this is unlikely to happen before 2022.

MSFOMA Secretariat  
June 2021

## **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 a new Fishery Order is in place by this 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 making a new Fishery Order.

### **Recommendations**

1. That the report is received
2. That the outcome of the consultation process is noted.
3. That the Association endorse the actions set out in section 5 of this report to ensure that progress with the making of a new Fishery Order is maintained.

### **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.

### **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 replacement of this Order started in 2013, and the formal application for a new Fishery Order was submitted to the Cabinet Secretary for Environment and Rural Affairs (now the Minister for Environment, Energy & Rural Affairs) on the 9<sup>th</sup> August 2018.
- 2.2 Since the last meeting of the Association in March 2021, the Minister has provided the Association with a Draft Order to replace the existing Order. This Draft Order was discussed at an Extraordinary Meeting of the Association on the 30<sup>th</sup> March 2021, prior to the consultation on the Draft Order commencing on 8<sup>th</sup> April 2021.
- 2.3 This report provides an update on the consultation process and feedback on the Draft Order, as well as an indication of the timetable for progress.

### **3. Consultation**

- 3.1 The requirements to consult on the Draft Order are set out in Schedule 1 of the Sea Fisheries (Shellfish) Act 1967 and also specified in the directions given by the Minister. These were reported to the Extraordinary meeting in March 2021. In summary, these

statutory directions require that a consultation is conducted for a period of one month and that all of the land owners and occupiers of the seashore and adjoining land are consulted (see Annex A).

3.2 In response to these directions, the Secretariat carried out the following actions:-

- a) An advertisement (copy at Annex B) was placed in three publications on the 8<sup>th</sup> April 2021:
  - i. Fishing News,
  - ii. Western Mail,
  - iii. Daily Post;
- b) Copies of the advert were placed in handbill form where fishermen and other interested parties may see it at the 18 locations shown in Annex C, and were on display at these locations throughout the consultation period;
- c) Letters were sent to a list of interested parties previously agreed with Welsh Government (Annex D);
- d) E-mails were sent to a list of 131 interested parties (Annex E);
- e) The draft Order was made available for inspection on demand on the MSFOMA website, and arrangements were made to provide paper copies as required.

3.3 Welsh Government also alerted stakeholders on their own database of the consultation on 24<sup>th</sup> March 2021. A copy of the e-mail and accompanying correspondence sent to these stakeholders is provided at Annex F.

3.4 In addition to these formal requirements, MSFOMA carried out the following actions using its website and Twitter account:-

- a) Immediately after the extraordinary meeting had approved the consultation process on 30<sup>th</sup> March 2021:-
  - i. The impending consultation was announced on both the Association's website and on Twitter; and
  - ii. An e-mail announcing the impending consultation was sent to all stakeholders on the Association's mailing list for the eastern Menai Strait (including all MSFOMA members).
- b) At the start of the consultation phase on 8<sup>th</sup> April 2021:-
  - i. The start of the consultation was announced on both the Association's website and on Twitter;
  - ii. Information about the new Order and the consultation process was published on the MSFOMA website; and



- iii. An e-mail was sent directly to all individuals and organisations on the Association’s mailing list for the eastern Menai Strait.
- c) During the consultation period:-
- i. The progress of the consultation was publicised on both Twitter and the MSFOMA website;
  - ii. The Twitter account was used to confirm that the new Order is a “like for like” renewal of the existing Order in response to some social media activity suggesting otherwise.

#### 4. Consultation responses

4.1 The outcome of the consultation process is summarised in the table below:

Item	Number
Consultation letters sent	34
E-mails sent	131
Of which were opened	55
Responses received (letter & e-mail)*	24
In support	6
Objections	8
Queries	4
Neutral / comments	6

4.2 This consultation outcome is very favourable. Members will recall that the last time that MSFOMA carried out a consultation for a new Fishery Order was in 2015 for the Menai West Order. That consultation exercise resulted in over 70 responses, including dozens of objections.

4.3 An acknowledgement thanking each respondent for their input has been sent by the Secretariat for the responses that were sent to MSFOMA.

4.4 The Association is advised that:

- a) **Numbers of responses are tentative** - this is because a some of the respondents did not follow the request to respond to both Welsh Government and MSFOMA, and chose to respond only to Welsh Government. This, coupled with GDPR requirements and the reluctance of some respondents to allow their responses to be sent in full to MSFOMA has complicated the process of checking the overall number of responses.
- b) **Late responses** - two late responses were received (one an objection, the other a neutral comment), and that these are included in the numbers above. The status of these late comments is only likely to become an issue if the Minister should call a Public Inquiry, at which point the Association may wish to argue that late submissions are inadmissible. Until such time it is appropriate to acknowledge these responses (one of which was sent to both MSFOMA and Welsh Government, the other which was sent to Welsh Government alone).

- 4.5 A list of all of the respondents and the full text of each response has been included as a separate 56-page Supplementary Report to these papers.
- 4.6 Some of the responding organisations and individuals may be unfamiliar. A quick summary of the status of each individual and organisation responding is provided below for reference, along with hyperlinks (where available) for each organisation.
- a) **Baron Hill Estate** - this Estate is a significant local landowners, with title to areas of foreshore adjacent to the Fishery Order area.  
<http://baronhillestate.co.uk/>
  - b) **Conway Club Cruising Association** - it is not clear which organisation this is. The website for the Conway Club Cruising Association relates to the old HMS Conway sail training vessel (rather than Conwy in North Wales) and lists a different Commodore; however this website does not seem to have been updated since March 2010 (<http://www.hmsconway.org/cruising.html>) . The parent "Conway Club" does not list Mr Butterfield among its current Club Committee members (<https://www.theconwayclub.org/people/>). Google searches for the "Conwy Cruising Club" show now website, but do contain results for the North Wales Cruising Club which is based in Conwy but which does not list Mr Butterfield as its Commodore. Further enquiries will be made to determine the status and locus of this organisation.
  - c) **Cruising Association** - this is based in London which is "*dedicated to those who cruise on small boats*" ([www.theca.org.uk/public/about](http://www.theca.org.uk/public/about)). Correspondence has been received from Derek Lumb and Nigel Robinson of this Association.
  - d) **Deepdock Ltd** - is a fishing company based on Anglesey that leases some of the layings in the existing Fishery Order area.
  - e) **Dr Sue Utting** - is the former Chair of MSFOMA and prior to that was a fisheries scientist based at the fisheries laboratory in Conwy.
  - f) **Maritime and Coastguard Agency (MCA)** - this is a UK Government agency sponsored by the Department of Transport that works to prevent the loss of life on the coast and at sea. <https://www.gov.uk/government/organisations/maritime-and-coastguard-agency>
  - g) **Myti Mussels Ltd** - is a shellfish farming company based in Port Penrhyn that leases some of the layings in the existing Fishery Order area.
  - h) **Natural Resources Wales (NRW)** - is the largest Welsh Government Sponsored Body, and is the principal advisor to Welsh Government about issues relating to the environment and its natural resources.  
<https://naturalresources.wales/?lang=en>
  - i) **North Wales Wildlife Trust (NWWT)** - is an environmental Non-Governmental Organisation based in North Wales and committed to enabling wildlife to survive and thrive across north Wales. <https://www.northwaleswildlifetrust.org.uk/>
  - j) **North West Venturers Yacht Club** - the website of this club reports that it was founded in 1961 and that it exists to foster good seamanship, training members and sailing in company. It was incorporated on 21<sup>st</sup> December 2020. Its

clubhouse is at Gallows Point, Beaumaris. The President of the NWVYC is Derek Lumb. <https://nwvyc.org.uk>

- k) **Royal Yachting Association (RYA)** - is national governing body for dinghy, yacht and motor cruising, all forms of sail racing, RIBs and sportsboats, windsurfing and personal watercraft and a leading representative for inland waterways cruising. <https://www.rya.org.uk/>
- l) **UK Hydrographic Office (UKHO)** - is a UK Government Executive Agency sponsored by the Ministry of Defence that specialises in marine geospatial data (i.e. maps) to support safe, secure and thriving oceans. <https://www.gov.uk/government/organisations/uk-hydrographic-office>
- m) **Welsh Fishermen's Association (WFA-CPC)** - is the national representative body of the Welsh fishing industry. <https://welshfishermensassociation.wordpress.com/>
- n) **Ynys Môn County Council (YMCC)** - is the county council for Ynys Môn, with a wide range of interests and responsibilities. The key interests of YMCC in connection with the Fishery Order are its role as the Harbour Authority between Menai Bridge and Ynys Seiriol (Puffin Island); as lessee of the foreshore and seabed around much of Anglesey from The Crown Estate; as the operator of the piers at Menai Bridge and Beaumaris, and as the lessor of moorings in the Menai Strait. <https://www.anglesey.gov.uk/en/Residents/Residents.aspx>

4.7 The main issues raised in the objections to the new Fishery Order are summarised in the table overleaf. For each issue, a list of the organisations raising the same concern is also provided.

4.8 The issue of concern emerging from the consultation that was raised more than any other single issue is the concern that the new Order may have an impact on moorings used by leisure craft in the Menai Strait (5 of the 8 objectors raised this issue). With regard to this issue, the Association is advised that:-

- a) This is a long-standing issue that has been raised in the past in particular with respect to the deep water moorings in Beaumaris Bay.
- b) Moorings are not made illegal by the granting of a Fishery Order;
- c) There is a possibility that the lessee of a laying in the Fishery Order could take legal action in response to the harm caused to their shellfish by a mooring that was placed on that laying. This risk only exists in the layings (i.e. not in the areas outside the layings), so the request to exclude the area outside the layings to remove the risk is *non-sequitur* - the risk does not exist in the areas that are not layings.
- d) The Association has accommodated and respected the location of existing moorings (notably at Glyn Garth where the creation of the new "Bangor Deep" laying specifically and deliberately excluded areas used for moorings.
- e) Finally, the new process proposed by Welsh Government for creating a "designated area" for layings before leases are issued creates two opportunities

for stakeholder input to be taken into account: the designated area has to be approved by the Minister; and the terms of new leases also have to be approved by the Minister.

**Table 3: Summary list of objections raised in response to the consultation on the proposed new Menai Strait (East) Oyster and Mussel Fishery Order 2022.**

<b>Issue (A-Z)</b>	<b>Raised By</b>	<b>Respondent</b>	<b>Summary response (proposed)</b>
<b>Beaumaris Pier</b> - overlap with Fishery Order, area should be altered accordingly.	Conway Club Cruising Association	WG	The boundary is specified by WG.
<b>Environmental degradation</b> - sediment disturbance after dredging; change to sandbanks; impact on cockles; decline of wildlife; damage to biodiversity; nasty scum on the sea; removal of all crabs; removal of starfish <i>Stichastrella rosea</i> .	Conway Club Cruising Association Russell Williams Redacted response #2 Redacted response #3	MSFOMA & WG	The available evidence is that mussel farming has more environmental benefits than costs, and that any impacts are short-term and reversible.
<b>Environmental Risk Assessment</b> - has this been carried out?	Cruising Association	WG	The query relates to the process of making the Order, which is in the purview of WG.
<b>Expansion of shellfish farming</b> - this should not be allowed to happen.	Russel Williams Redacted response #1	MSFOMA	Provide reassurance that this is “like for like” renewal. The expansion of activities is not proposed. Any expansion beyond the current extent would require WG approval and further consultation.
<b>Governance</b> - failure to consult with Harbour Board of Borough of Beaumaris and control of waters now ceded to MSFOMA	Redacted response #3	MSFOMA & WG	Neither comment seems to be accurate - YMCC are the harbour authority and have been consulted; and the Fishery Order does not grant any power to regulate navigation.
<b>Invasive Non-Native Species</b> -risk of introduction.	Redacted response #3	MSFOMA & WG	Refer to the Code of Good Practice and track record of the industry.
<b>Licensing of vessels</b> to allow import of shellfish from outside the Fishery Order area.	Redacted response #3	WG	This activity is licensed by WG appropriately.

Issue (A-Z)	Raised By	Respondent	Summary response (proposed)
<p><b>Moorings</b> - that the Order will make moorings illegal; it prevents Beaumaris from developing its commercial potential.</p> <p>Request that the areas used for moorings are removed from the Order area.</p>	<p>Tim Booth Cruising Association Conway Club Cruising Association North West Venturers Yacht Club Redacted response #3</p>	<p>MSFOMA &amp; WG</p>	<p>Existing moorings will not be affected by the proposed New Order. It will be “business as usual” for people using moorings in the area.</p>
<p><b>Multiple use of area</b> - that the Order should include an obligation to show areas used by other interests to minimise potential conflicts.</p>	<p>RYA</p>	<p>WG</p>	<p>This is a comment on the detailed wording of the Order and lies within the purview of WG.</p>
<p><b>Nature conservation interests</b> - various detailed comments relating to designated areas and species and to ensure that the Order refers to the most current legislation.</p>	<p>NRW</p>	<p>WG</p>	<p>The comments made relate to the detailed wording of the Order which lies within the purview of WG.</p> <p>[From a MSFOMA perspective, it would seem appropriate to support &amp; welcome the NRW comments and proposals.]</p>
<p><b>Navigation</b> - overlap between Order and navigable channel is inappropriate.</p>	<p>Conway Club Cruising Association</p>		
<p><b>Private foreshore area</b> - this should not form part of the Order.</p>	<p>Baron Hill Estate</p>	<p>MSFOMA &amp; WG</p>	<p>Confirmation has been provided by MSFOMA that the Order area does not cover Baron Hill land.</p>

## 5. Actions for MSFOMA

- 5.1 The timescale for renewal of the Order is now pressing - there is now a period of less than 10 months to complete the remainder of the process of making formally making the new Order. The Association is advised that if there is to be no loss of continuity, the new Order will need to be formally laid before Senedd Cymru on or before 10<sup>th</sup> March 2022 for the statutory period of 21 days.
- 5.2 During the period between this meeting and the 10<sup>th</sup> March 2022, the Minister will need to consider whether or not it is appropriate to appoint an Inspector to make an Inquiry concerning the Order and allow time for such an Inquiry to take place; or whether instead to either refuse or to settle and make an Order in such form and containing such provisions as seem expedient (see Annex A of this report).
- 5.3 Before asking the Minister to make such a determination, adequate responses could be sent by MSFOMA to the objectors to address the points that they have raised and to provide each objector with the opportunity to either uphold or withdraw their objection. It had been hoped that this process would have been completed by the time of this meeting but that has not been possible. An update will be provided to the meeting on progress with the process of responding to objectors.
- 5.4 If the new Fishery Order follows the form of the draft Order that was issued for consultation, it will give rise to some new procedures and duties for MSFOMA. If the Association is to ensure that the cultivation and sale of shellfish from the Fishery Order area can continue without interruption, we need to make the appropriate preparations well in advance. The main areas where preparations need to be made are considered to be:-

- a) **Creating of a “Designated Area”** - this is a requirement under §4 of the Draft Order. Before any layings for cultivation are leased out, the Minister must first of all approve a “Designated Area”.

The wording of the Order is not clear about whether there should be an individual “Designated Area” for each of the 8 layings, or whether just a single “Designated Area” would be needed, covering all of the layings. On the assumption that it is the latter, the geographic extent of the “Designated Area” is illustrated in Annex G of this report for comment.

- b) **Ministerial consent to lease** all or part of the several fishery area - this is a requirement under §8(2) of the Draft Order. The request must be made in writing and must include
- i. A copy of a draft lease; and
  - ii. A statement from the Grantee (MSFOMA) in support of this request.
- c) **Leasing vacant layings** - §12 of the Draft Order sets out a procedure for the Association to follow in the event that a laying becomes vacant. To ensure that the Association can make the transition between the existing 1962 Order and the new 2022 Order without any loss of continuity, a new administrative procedure will be needed. A proposed revision to the existing procedure is set out in Annex H of this report.

- 5.5 It will become immediately apparent that the swift execution of these new responsibilities by the Minister will be vital if there is to be no loss of production from the area. The Minister's power to consent to the designated area, the layings, and the leases will only come into existence when the new Fishery Order comes into force (on 1<sup>st</sup> April 2022). Unless the Minister is in a position to issue all of the necessary consents and authorisations immediately on that date, there will be an equally immediate impact on the businesses that operate in this area.
- 5.6 Guidance from WG officials will be sought on how to manage the transition between Fishery Orders and ensure that the Minister is able to issue the necessary consents on 1<sup>st</sup> April 2022, and reports on progress will be made at the September and December Association meetings.
- 5.7 The Association will appreciate that if the terms and requirements of the Order were to change from the Draft Order issued for consultation, then new responsibilities and duties may arise. The Chair and Secretariat will remain alert for any such changes and seek to develop appropriate responses swiftly.

MSFOMA Secretariat  
June 2021



**Annex A:** Schedule 1 of the Sea Fisheries (Shellfish) Act 1967 (as amended by the Marine & Coastal Access Act 2009).

## **SCHEDULES**

### **SCHEDULE 1** Section 1.

#### **PROVISIONS WITH RESPECT TO MAKING OF ORDERS UNDER SECTION 1**

**1** Where an application for an order under section 1 of this Act is made to the appropriate Minister, that Minister may either refuse the application or prepare a draft order and serve a copy of it on the applicants.

**2** Where a draft order is prepared and a copy thereof served on the applicants under paragraph 1 above, the applicants shall cause printed copies of the draft order to be published and circulated in such manner as the appropriate Minister thinks sufficient and proper for giving information to all parties interested, and shall give notice of the application, in such manner as that Minister directs or approves, to the owners or reputed owners, lessees or reputed lessees, and occupiers, if any, of the portion of the sea shore to which the proposed order relates and of the lands adjoining thereto.

**3** During the period of one month after the first publication of the draft order under paragraph 2 above, the appropriate Minister shall receive any objections or representations made to him in writing respecting the proposed order.

**4** ~~(1) The provisions of this paragraph shall have effect where any objection with respect to the proposed order which the appropriate Minister considers to be neither frivolous nor irrelevant has been duly made to that Minister under paragraph 3 above and has not been withdrawn.~~

(2) Where he considers it appropriate to do so, the appropriate Minister may ~~The appropriate Minister shall~~ as soon as conveniently may be after the expiration of the period of one month referred to in paragraph 3 above appoint some fit person to act as inspector respecting the proposed order.

(3) The inspector shall proceed to make an inquiry concerning the subject matter of the proposed order, and for that purpose to hold a sitting or sittings in some convenient place in the neighbourhood of the portion of the sea shore to which the proposed order relates and thereat to take and receive any evidence and information offered, and hear and inquire into any objections or representations made respecting the proposed order with power from time to time to adjourn any sitting.

(4) The inspector may for the purpose of the said inquiry take evidence, and by summons under his hand require the attendance of any person, and examine him and any person who attends before him, on oath or otherwise, as he thinks expedient, and may administer an oath or take any affidavit or declaration for the purposes of the inquiry.

(5) Any person so summoned who, after tender to him of his reasonable expenses, refuses or neglects to obey the summons, and any person who refuses or neglects to answer any question which the inspector is authorised to ask, shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 1 on the standard scale.

(6) Not less than twenty-eight days notice shall be published in such manner as the appropriate Minister may direct of every sitting of the inquiry other than an adjourned sitting.

(7) The inspector shall make a report in writing to the appropriate Minister, setting forth the result of the inquiry, and stating whether in his opinion the proposed order should be made, with or without alteration, specifying any alteration he recommends and his reasons therefor, and stating the objections and representations, if any, made on the inquiry and his opinion thereon.

(8) In the application of this paragraph to Scotland, in sub-paragraph (4) for the words “summons under his hand” there shall be substituted the words “an order signed by him”, and in sub-paragraph (5) for the words “summoned” and “summons” there shall be substituted the words “ordered” and “order” respectively.


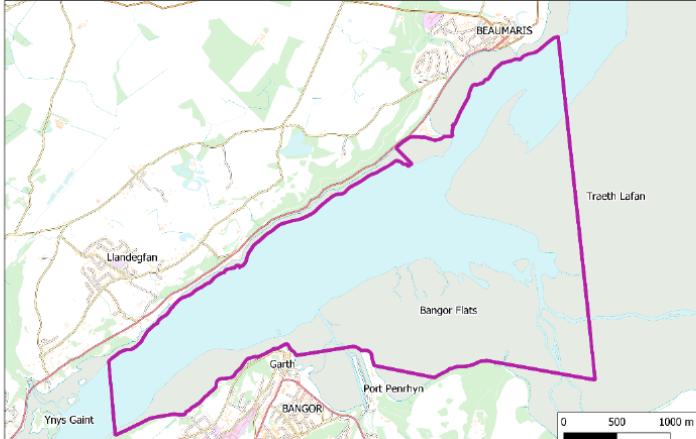

~~5 Without prejudice to paragraph 4 above, the appropriate Minister may, in the case of any proposed order, cause any such inquiry as he thinks fit to be held with respect thereto.~~

~~6~~ As soon as conveniently may be after the expiration of the period of one month referred to ~~in paragraph 3 above or~~, in a case where an inspector has been appointed under paragraph 4 above, after the receipt by the appropriate Minister of any report of the inspector under paragraph 4(7) above, that Minister shall, after considering the objections or representations, if any, that have been made with respect to the proposed order and any such report, either refuse the application or settle and make an order in such form and containing such provisions as he thinks expedient.

~~7~~ Where the appropriate Minister makes an order under section 1 of this Act, the applicants for the order shall cause notice of the making of the order to be published in such manner as that Minister thinks sufficient for giving information to all parties interested and shall give notice of the making of the order, in such manner as that Minister directs or approves, to the owners or reputed owners, lessees or reputed lessees, and occupiers, if any, of the portion of the sea shore to which the order relates and of the lands adjoining thereto.

~~8~~ All expenses incurred by the appropriate Minister in relation to any application for an order under section 1 of this Act or to any order made in consequence thereof shall be defrayed by the applicants; and the appropriate Minister shall, if he thinks fit, on or at any time after the making of the application, require the applicants to pay to him such sum as he thinks requisite for or on account of those expenses, or to give security to his satisfaction for the payment of those expenses on demand.

**Annex B:** Copy of the public notice published in Fishing News, Western Mail and Daily Post, posted at 18 public locations around the site, and published on the MSFOMA on 8<sup>th</sup> April 2021.

RHYBUDD CYHOEDDUS	PUBLIC NOTICE
<p><b>Deddf Pysgodfeydd Môr 1967 (Pysgod Cregyn)</b> (fel y'i diwygwyd)</p> <p><b>Gorchymyn Pysgodfa Wystrys a Chregyn Gleision Afon Menai (Dwyrain) 2022</b></p>	<p><b>Sea Fisheries (Shellfish) Act 1967</b> (as amended)</p> <p><b>Menai Strait (East) Oyster and Mussel Fishery Order 2022</b></p>
<p><b>RHODDIR HYSBYSIAD DRWY HYN FOD:</b></p>	<p><b>NOTICE IS HERE BY GIVEN THAT:</b></p>
<p>CYMDEITHAS RHEOLI GORCHYMYN PYSGODFA AFON MENAI (MSFOMA), PORTH PENRHYN, BANGOR GWYNEDD LL57 4HN wedi gwneud cais i Weinidogion Cymru am Orchymyn Rheoleiddio Pysgodfa Unigol dan Ddeddf Pysgodfeydd Môr (Pysgod Cregyn) 1967 (fel y'i diwygwyd), i roi hawliau rheoleiddio pysgodfa unigol iddynt ar gyfer wystrys a chregyn gleision yn ardal ddwyreiniol Afon Menai, a ddangosir ar y map isod (enghreifftiol yn unig yw'r map).</p>	<p>The MENAI STRAIT FISHERY ORDER MANAGEMENT ASSOCIATION OF PORT PENRHYN, BANGOR, GWYNEDD, LL57 4HN have applied to the Welsh Ministers for a Regulating and Several Order, under the Sea Fisheries (Shellfish) Act 1967 (as amended), which would confer on them both the right of regulating a fishery and of a several fishery for oysters and mussels in the eastern Menai Strait, as shown by the map below (map is for illustrative purposes only).</p>
  	
<p>Yn ystod y cyfnod o 1 mis o ddyddiad cyhoeddi'r Hysbysiad hwn, gellir gweld y cais a chopi o Orchymyn Drafft Afon Menai (Dwyrain) Oyster a Chysgod Cregyn Gleision (ynghyd â map o'r bysgodfa) yn <a href="http://www.msfoma.org">www.msfoma.org</a> ac yn <a href="https://llyw.cymru/gorchymyn-arfaethedig-pysgodfa-wystrys-ac-cregyn-gleision-afon-menai-dwyrain">https://llyw.cymru/gorchymyn-arfaethedig-pysgodfa-wystrys-ac-cregyn-gleision-afon-menai-dwyrain</a></p>	<p>During the period of 1 month from the date of publication of this Notice, the application and a copy of the draft Menai Strait (East) Oyster and Mussel Fishery Order (together with a map of the fishery) can be viewed at <a href="http://www.msfoma.org">www.msfoma.org</a> and at <a href="https://gov.wales/proposed-menai-strait-east-mussel-and-oyster-fishery-order">https://gov.wales/proposed-menai-strait-east-mussel-and-oyster-fishery-order</a></p>
<p>Gellir cael copi caled o'r Gorchymyn Pysgodfa drafft os oes angen drwy gysylltu â chyfeiriad swyddfa neu gyfeiriad e-bost Llywodraeth Cymru isod.</p>	<p>A hard copy of the draft Fishery Order can be provided if necessary by contacting the Welsh Government office address or email address given below.</p>
<p>Dylid cyflwyno unrhyw wrthwynebiadau neu sylwadau ynghylch y Gorchymyn Pysgodfa drafft yn ysgrifenedig i Is-adran Morol a Physgodfeydd Llywodraeth Cymru.</p>	<p>Any objections or representation concerning the draft Fishery Order should be made in writing to the Welsh Government's Marine and Fisheries Division.</p>
<p>Y ffordd fwyaf effeithiol o ymateb i Lywodraeth Cymru yw drwy anfon e-bost at <a href="mailto:MarineandFisheries@gov.Wales">MarineandFisheries@gov.Wales</a>. Fodd bynnag, croesewir ymateb mewn unrhyw ffurf ysgrifenedig a gellir ei anfon i'r cyfeiriad post a roddir isod. Os ydych yn anfon e-bost, a wnewch chi gynnwys yr ymadrodd 'Gorchymyn Pysgodfa Arfaethedig Afon Menai (Dwyrain)' yn y blwch testun.</p>	<p>The most effective way to respond to the Welsh Government is by emailing <a href="mailto:MarineandFisheries@gov.Wales">MarineandFisheries@gov.Wales</a>, however, a response is welcome in any written form and can be sent to the postal address given below. If emailing please include the phrase 'Menai Strait (East) Proposed Fishery Order' in the subject box.</p>
<p>Gorchymyn Arfaethedig Pysgodfa Afon Menai (Dwyrain), Is-Adran Morol a Physgodfeydd, Swyddfa Llywodraeth Cymru, Rhodfa Padam, Llanbadam Fawr, Aberystwyth, Ceredigion, SY23 3UR</p>	<p>Menai Strait (East) Proposed Fishery Order, Marine and Fisheries Division, Welsh Government Office, Rhodfa Padam, Llanbadam Fawr, Aberystwyth, Ceredigion, SY23 3UR.</p>
<p>Ar yr un pryd, byddai'n ddefnyddiol pe baech hefyd yn anfon copi o'ch cynnychiolaeth at Gymdeithas Rheoli Gorchymyn Pysgodfa Afon Menai naill ai drwy e-bost i <a href="mailto:info@msfoma.org">info@msfoma.org</a>, gan gynnwys yr ymadrodd 'Gorchymyn Pysgodfa Arfaethedig Afon Menai (Dwyrain)' yn y blwch testun neu drwy'r post i:</p>	<p>It would assist if you also forwarded a copy of your representation to MSFOMA either by email at <a href="mailto:info@msfoma.org">info@msfoma.org</a>, including the phrase 'Menai Strait (East) Proposed Fishery Order' in the subject box or by post to:</p>
<p>Cymdeithas Rheoli Gorchymyn Pysgodfa Afon Menai, Porth Penrhyn, Bangor, Gwynedd, LL57 4HN</p>	<p>Menai Strait Fishery Order Management Association, Port Penrhyn, Bangor, Gwynedd, LL57 4HN</p>
<p>Bydd unrhyw ymateb a anfonir i Lywodraeth Cymru, ond nad yw'n cael ei gopïo i Gymdeithas Rheoli Gorchymyn Pysgodfa Afon Menai, hefyd yn cael ei roi i Gymdeithas Rheoli Gorchymyn Pysgodfa Afon Menai i'w galluogi i ddansoddi'r ymatebion llawn i'r ymgynghoriad.</p>	<p>Any response sent to Welsh Government, but not copied to MSFOMA, will also be provided to MSFOMA to enable them to analyse the full responses to the consultation.</p>
<p>Mae'r Gorchymyn drafft yn adlewyrchu'r cais a wnaed ac fe'i drafftwyd at ddibenion ymgynghori yn unig. Bydd Gweinidogion Cymru yn rhoi ystyriaeth lawn i rinweddau'r cais a barn y cyhoedd ar ddiwedd yr ymgynghoriad.</p>	<p>The draft Order reflects the application made and is drafted for the purpose of consultation only. The Welsh Ministers will give full consideration to the merits of the application and the public view at the conclusion of the consultation exercise.</p>

**Annex C:** Map showing the location of the handbills posted around the site on 8<sup>th</sup> April 2021 (Google map with images available [here](#)).



**Annex D:** Copy of consultation letter sent by MSFOMA to stakeholders on 8<sup>th</sup> April 2021, with list of consultees.

**Menai Strait Fishery Order Management Association**

Port Penrhyn, Bangor, LL57 4HN

«First\_Name» «Second\_Name»

8<sup>th</sup> April 2021

«Organisation»

«Address»

«Address\_2»

«Town»

«County»

«Post\_Code»

Dear «Salutation»

**Sea Fisheries (Shellfish) Act 1967 – Formal Consultation Under Schedule 1  
Eastern Menai Strait: New Fishery Order for Shellfish Farming**

I am writing to consult you on a proposal to make a new "Fishery Order" in the eastern Menai Strait. The purpose of this new Fishery Order is to enable shellfish farming to continue in the Menai Strait just as it does today when the existing Fishery Order expires next year.

The new Fishery Order has been drafted by the Welsh Ministers in response to a formal application submitted by the Menai Strait Fishery Order Management Association ("MSFOMA") under the Sea Fisheries (Shellfish) Act 1967. The Welsh Ministers have instructed MSFOMA to carry out this consultation on the Draft Order.

The purpose of the new Fishery Order is to allow existing shellfish farming to continue in the eastern end of the Strait. The new Order will not impose any new restrictions or controls on existing day-to-day activities in the area. For shellfish farmers this new Fishery Order is vital for their future. For everyone else in the area it will be very much "business as usual".

In accordance with the Ministers' instructions, we are writing to consult with you and other interested parties. We have also issued Public Notices in the Fishing News, Western Mail and Daily Post, and have posted notices at locations around the eastern Menai Strait. I attach a copy of the Public Notice for your information. Additional information, including an electronic copy of the Draft Order and map of the area concerned, is also available on the MSFOMA website ([www.msfoma.org](http://www.msfoma.org)). If you would like a paper copy of any of these documents please contact us and we will send them to you free of charge.

The consultation period for this Fishery Order will extend from **8<sup>th</sup> April 2021 – 8<sup>th</sup> May 2021**. If you have any comments that you would like the Minister to consider before making this Order, please can you send them to both Welsh Government and MSFOMA at the following postal addresses:-

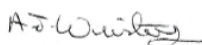
Menai Strait (East) Proposed Fishery Order, Marine and Fisheries Division, Welsh Government Office, Rhodfa Padarn, Aberystwyth, SY23 3UR (or by e-mail to [MarineAndFisheries@gov.Wales](mailto:MarineAndFisheries@gov.Wales) including the phrase "Menai Strait (East) Proposed Fishery Order" in the subject box).

Menai Strait Fishery Order Management Association, Port Penrhyn, Bangor, Gwynedd, LL57 4HN (or by e-mail to [info@msfoma.org](mailto:info@msfoma.org) including the phrase "Menai Strait (East) Proposed Fishery Order" in the subject box).

We are very keen that this consultation should engage all people and organisations with an interest in the area. We attach a list of the organisations that we have written to today. If you are aware of any organisations missing from this list please do not hesitate to let us know and / or alert them directly to this consultation.

We very much look forward to hearing from you. If you have any queries before responding please contact me.

Yours sincerely



ALAN WINSTONE  
Chair, MSFOMA

Encs

## Menai Strait Fishery Order Management Association

Port Penrhyn, Bangor, LL57 4HN

«First\_Name» «Second\_Name»

8<sup>th</sup> April 2021

«Organisation\_Cymru»

«Address»

«Address\_2»

«Town»

«County»

«Post\_Code»

Annwyl «Salutation»

### **Deddf Pysgodfeydd Môr (Pysgod Cregyn) 1967 – Ymgynghoriad Ffurfiol o dan Atodlen 1 Dwyrain Afon Menai: Gorchymyn Pysgodfa Newydd ar gyfer Ffermio Pysgod Cregyn**

Ysgrifennaf atoch i ymgynghori â chi ar argymhellid i wneud "Gorchymyn Pysgodfa" newydd yn nwyrain Afon Menai. Diben y Gorchymyn Pysgodfa newydd hwn yw galluogi ffermio pysgod cregyn i barhau yn Afon Menai yn union fel y mae heddiw pan ddaw'r Gorchymyn Pysgodfeydd i ben y flwyddyn nesaf.

Drafftwyd y Gorchymyn Pysgodfa newydd gan Weinidogion Cymru mewn ymateb i gais ffurfiol a gyflwynwyd gan Gymdeithas Rheoli Gorchymyn Pysgodfa Afon Menai ("MSFOMA") o dan Ddeddf Pysgodfeydd Môr (Pysgod Cregyn) 1967. Mae Gweinidogion Cymru wedi rhoi cyfarwyddo MSFOMA i gynnal yr ymgynghoriad hwn ar y Gorchymyn Drafft.

Diben y Gorchymyn Pysgodfa newydd yw caniatáu i'r ffermio pysgod cregyn presennol barhau ar ben dwyreiniol Afon Menai. Ni fydd y Gorchymyn newydd yn gosod unrhyw gyfyngiadau na rheolaethau newydd ar weithgareddau dydd i ddydd sy'n bodoli yn yr ardal yn barod. Mae'r Gorchymyn Pysgodfa newydd hwn yn hanfodol i ddyfodol ffermwyr pysgod cregyn. I bawb arall yn yr ardal, "busnes fel arfer" ydyw.

Yn unol â chyfarwyddiadau'r Gweinidogion, rydym yn ysgrifennu atoch i ymgynghori â chi a phartion eraill sydd â diddordeb. Rydym hefyd wedi cyhoeddi Hysbysiadau Cyhoeddus yn y Fishing News, Western Mail a'r Daily Post, ac wedi postio hysbysiadau mewn lleoliadau o amgylch dwyrain Afon Menai. Amgaeaf gopi o'r hysbysiad hwn, er gwybodaeth i chi. Mae gwybodaeth ychwanegol, gan gynnwys copi electoring o'r Gorchymyn Drafft a map o'r ardal dan sylw hefyd ar gael ar wefan MSFOMA ([www.msfoma.org](http://www.msfoma.org)). Os hoffech gael copi papur o unrhyw un o'r dogfennau hyn, cysylltwch â ni a byddwn yn eu hanfon atoch yn rhad ac am ddim.

Bydd y cyfnod ymgynghori ar gyfer y Gorchymyn Pysgodfa yn ymestyn o **8 Ebrill 2021 – 8 Mai 2021**. Os oes gennych unrhyw sylwadau yr hoffech i'r Gweinidog ei ystyried cyn gwneud y Gorchymyn hwn, a fydddechystal â'u hanfon at Lywodraeth Cymru ac MSFOMA i'r cyfeiriadau post canlynol:-

Afon Menai (Dwyrain) Gorchymyn Pysgodfa Arfaethedig, Isadran Forol a Physgodfeydd, Swyddfa Llywodraeth Cymru, Rhodfa Padarn, Aberystwyth SY23 3UR (neu drwy e-bost [MarineAndFisheries@gov.Wales](mailto:MarineAndFisheries@gov.Wales) a chynnwys y frawddeg Afon Menai (Dwyrain) Gorchymyn Pysgodfa Arfaethedig yn y blwch testun).

Cymdeithas Rheoli Gorchymyn Pysgodfa Afon Menai, Porth Penrhyn, Bangor, Gwynedd LL57 4HN (neu drwy e-bost [info@msfoma.org](mailto:info@msfoma.org) a chynnwys y frawddeg "Afon Menai (Dwyrain) Gorchymyn Pysgodfa Arfaethedig yn y blwch testun).

Rydym yn hynod awyddus i'r ymgynghoriad hwn ymgysylltu â phawb, yn bobl a sefydliadau sydd â diddordeb yn y maes. Atodwn restr o'r sefydliadau yr ydym wedi ysgrifennu atynt heddiw. Os ydych yn ymwybodol o unrhyw sefydliad sydd heb ei chynnwys ar y rhestr, yna byddem yn ddiolchgar pe bydddech yn rhoi gwybod i ni a/neu gadael iddynt wybod yn uniongyrchol am yr ymgynghoriad hwn.

Edrychwn ymlaen yn fawr iawn at glywed gennych. Os oes gennych chi unrhyw gwestiynau neu ymholiadau, mae croeso i chi gysylltu â mi.

Yn gywir



ALAN WINSTONE  
Cadeirydd, MSFOMA

Amg

MSFOMA: List of Organisations Consulted about Menai (East) Fishery Order

Organisation
Anglesey Boat Company
Anglesey County Council
Bangor City Council
Bangor University
Baron Hill Estate
Beaumaris Town Council
Bodorgan Community Council
British Association of Shooting and Conservation
Caernarfon Harbour Trust
Carter Jonas
CBI Wales
CLA Cymru
Crown Estate Commissioners
Cwm Cadnant Community Council
Cyngor Cymuned Llandygai
Cyngor Cymuned Llanllechid
Dickies Marine Services
Federation of Small Businesses - Gwynedd Branch
Gwynedd County Council
Jones Peckover
Llanddona Community Council
Llanfihangelesceifiog Community Council
Llangoed and Penmon Community Council
Member of Parliament - Arfon
Member of Parliament - Dwyfor Meirionnydd
Member of Parliament - Ynys Môn
Menai Bridge Town Council
North Inshore Fishery Group
North Wales Fishermen's Cooperative
North Wales Wildlife Trust
Plas Menai
Port Dinorwic Sailing Club
RNLI Beaumaris Lifeboat Station
RNLI Holyhead Lifeboat Station
Royal Anglesey Yacht Club
Royal National Lifeboat Institution
RSPB Cymru
RSPB Cymru (North Wales Office)
RYA
RYA Cymru Wales
Senedd Constituency Member, Aberconwy
Senedd Constituency Member, Arfon
Senedd Constituency Member, Ynys Môn
Senedd Regional Member
UK Hydrographic Office
Welsh Federation of Sea Anglers
West Cheshire & North Wales Chamber of Commerce

**Annex E:** Copy of consultation e-mail sent by MSFOMA to stakeholders on 8<sup>th</sup> April 2021, to 131 consultees.

**Jim Andrews**

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**From:** MSFOMA <info@msfoma.org>  
**Sent:** 08 April 2021 16:53  
**To:** jim@awjmarine.co.uk  
**Subject:** Eastern Menai Strait - Formal Consultation on new Fishery Order Begins, 8th April 2021  
**Attachments:** Cym-Eng-MSFOMA-Dwyrain-Menai-East-2021.pdf

Dear Jim

**Sea Fisheries (Shellfish) Act 1967 – Formal Consultation Under Schedule 1  
Eastern Menai Strait: New Fishery Order for Shellfish Farming**

I am writing to consult you on a proposal to make a new “Fishery Order” in the eastern Menai Strait. The purpose of this new Fishery Order is to enable shellfish farming to continue in the Menai Strait just as it does today when the existing Fishery Order expires next year.

The new Fishery Order has been drafted by the Welsh Ministers in response to a formal application submitted by the Menai Strait Fishery Order Management Association (“MSFOMA”) under the Sea Fisheries (Shellfish) Act 1967. The Welsh Ministers have instructed MSFOMA to carry out this consultation on the Draft Order.

The purpose of the new Fishery Order is to allow existing shellfish farming to continue in the eastern end of the Strait. The new Order will not impose any new restrictions or controls on existing day-to-day activities in the area. For shellfish farmers this new Fishery Order is vital for their future. For everyone else in the area it will be very much “business as usual”.

In accordance with the Ministers’ instructions, we are writing to consult with you and other interested parties. We have also issued Public Notices in the Fishing News, Western Mail and Daily Post, and have posted notices at locations around the eastern Menai Strait.

I attach a copy of the Public Notice for your information. Additional information, including an electronic copy of the [Draft Order](#) and map of the area concerned, is also available on the MSFOMA website ([www.msfoma.org](http://www.msfoma.org)). If you would like a paper copy of any of these documents please contact us and we will send them to you free of charge.

The consultation period for this Fishery Order will extend from **8<sup>th</sup> April 2021 – 8<sup>th</sup> May 2021**. If you have any comments that you would like the Minister to consider before making this Order, please can you send them to both Welsh Government and MSFOMA at the following addresses:-

- Menai Strait (East) Proposed Fishery Order, Marine and Fisheries Division, Welsh Government Office, Rhodfa Padarn, Aberystwyth, SY23 3UR (or by e-mail to [MarineAndFisheries@gov.Wales](mailto:MarineAndFisheries@gov.Wales) including the phrase “Menai Strait (East) Proposed Fishery Order” in the subject box).
- Menai Strait Fishery Order Management Association, Port Penrhyn, Bangor, Gwynedd, LL57 4HN (or by e-mail to [info@msfoma.org](mailto:info@msfoma.org) including the phrase “Menai Strait (East) Proposed Fishery Order” in the subject box).

We are very keen that this consultation should engage all people and organisations with an interest in the area. We attach a list of the organisations that we have written to today. If you are aware of any organisations missing from this list please do not hesitate to let us know and / or alert them directly to this consultation.

We very much look forward to hearing from you. If you have any queries before responding please contact me.

If you have any queries, please contact me using the details below or by [e-mail](#).



Kind regards

Jim Andrews

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Annwyl Jim

**Deddf Pysgodfeydd Môr (Pysgod Cregyn) 1967 – Ymgynghoriad Ffurfiol o dan Atodlen 1  
Dwyrain Afon Menai: Gorchymyn Pysgodfa Newydd ar gyfer Ffermio Pysgod Cregyn**

Ysgrifennaf atoch i ymgynghori â chi ar argymhelliad i wneud “Gorchymyn Pysgodfa” newydd yn dwyrain Afon Menai. Diben y Gorchymyn Pysgodfa newydd hwn yw galluogi ffermio pysgod cregyn i barhau yn Afon Menai yn union fel y mae heddiw pan ddaw’r Gorchymyn Pysgodfeydd i ben y flwyddyn nesaf.

Drafftwyd y Gorchymyn Pysgodfa newydd gan Weinidogion Cymru mewn ymateb i gais ffurfiol a gyflwynwyd gan Gymdeithas Rheoli Gorchymyn Pysgodfa Afon Menai (“MSFOMA”) o dan Ddeddf Pysgodfeydd Môr (Pysgod Cregyn) 1967. Mae Gweinidogion Cymru wedi rhoi cyfarwyddo MSFOMA i gynnal yr ymgynghoriad hwn ar y Gorchymyn Drafft.

Diben y Gorchymyn Pysgodfa newydd yw caniatáu i’r ffermio pysgod cregyn presennol barhau ar ben dwyreiniol Afon Menai. Ni fydd y Gorchymyn newydd yn gosod unrhyw gyfyngiadau na rheolaethau newydd ar weithgareddau dydd i ddydd sy’n bodoli yn yr ardal yn barod. Mae’r Gorchymyn Pysgodfa newydd hwn yn hanfodol i ddyfodol ffermwyr pysgod cregyn. I bawb arall yn yr ardal, “busnes fel arfer” ydyw.

Yn unol â chyfarwyddiadau’r Gweinidogion, rydym yn ysgrifennu atoch i ymgynghori â chi a phartion eraill sydd â diddordeb. Rydym hefyd wedi cyhoeddi Hysbysiadau Cyhoeddus yn y Fishing News, Western Mail a’r Daily Post, ac wedi postio hysbysiadau mewn lleoliadau o amgylch dwyrain Afon Menai. Amgaeaf gopi o’r hysbysiad hwn, er gwybodaeth i chi. Mae gwybodaeth ychwanegol, gan gynnwys copi electoring o’r [Gorchymyn Drafft](#) a map o’r ardal dan sylw hefyd ar gael ar wefan MSFOMA ([www.msfoma.org](http://www.msfoma.org)). Os hoffech gael copi papur o unrhyw un o’r dogfennau hyn, cysylltwch â ni a byddwn yn eu hanfon atoch yn rhad ac am ddim.

Bydd y cyfnod ymgynghori ar gyfer y Gorchymyn Pysgodfa yn ymestyn o **8 Ebrill 2021 – 8 Mai 2021**. Os oes gennych unrhyw sylwadau yr hoffech i’r Gweinidog ei ystyried cyn gwneud y Gorchymyn hwn, a fydddechystal â’u hanfon at Lywodraeth Cymru ac MSFOMA i’r cyfeiriadau post canlynol:-

- Afon Menai (Dwyrain) Gorchymyn Pysgodfa Arfaethedig, Isadran Forol a Physgodfeydd, Swyddfa Llywodraeth Cymru, Rhodfa Padarn, Aberystwyth SY23 3UR (neu drwy e-bost [MarineAndFisheries@gov.Wales](mailto:MarineAndFisheries@gov.Wales) a chynnwys y frawddeg Afon Menai (Dwyrain) Gorchymyn Pysgodfa Arfaethedig yn y blwch testun).
- Cymdeithas Rheoli Gorchymyn Pysgodfa Afon Menai, Porth Penrhyn, Bangor, Gwynedd LL57 4HN (neu drwy e-bost [iinfo@msfoma.org](mailto:iinfo@msfoma.org) a chynnwys y frawddeg “Afon Menai (Dwyrain) Gorchymyn Pysgodfa Arfaethedig yn y blwch testun).

Rydym yn hynod awyddus i’r ymgynghoriad hwn ymgysylltu â phawb, yn bobl a sefydliadau sydd â diddordeb yn y maes. Atodwn restr o’r sefydliadau yr ydym wedi ysgrifennu atynt heddiw. Os ydych yn ymwybodol o unrhyw sefydliad sydd heb ei chynnwys ar y rhestr, yna byddem yn ddiolchgar pe bydddech yn rhoi gwybod i ni a/neu gadael iddynt wybod yn uniongyrchol am yr ymgynghoriad hwn.

Edrychwn ymlaen yn fawr iawn at glywed gennych. Os oes gennych chi unrhyw gwestiynau neu ymholiadau, mae croeso i chi gysylltu â mi.

Cofion cynnes

Jim Andrews

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Menai Strait Fishery Order Management Association (MSFOMA)  
Port Penrhyn, Bangor, LL57 4HN  
www.msfoma.org  
T: +44(0)845-880-2540  
M: +44(0)7908-225865  
Company No 07163689.

MSFOMA is a company limited by guarantee that was established in 2010 in partnership with the Welsh Government to oversee the management of shellfish cultivation in the Menai Strait. The participants in MSFOMA include Gwynedd, Ynys Môn, Bangor, and Beaumaris Councils; Natural Resources Wales; the University of Bangor; and shellfish farmers from around the Menai Strait. Membership details are provided on our website [here](#).

Your privacy is important to us. You can view our privacy policy [here](#). You can manage your communications with us using this link: [Manage Subscriptions](#)

**Annex F:** Copy of consultation notice sent to stakeholders by Welsh Government on 24<sup>th</sup> March 2021.

**From:** Michelle.Billing@gov.wales on behalf of MarineAndFisheries@gov.wales  
**Sent:** 24 March 2021 11:01  
**Subject:** Consultation Notification - Menai Strait (East) Proposed Fishery Order  
**Attachments:** 2021-03-24 Consultation - Menai Strait (East) Oyster & Mussel Fishery Order 2022 (proposed) - Notification of consultation - C.pdf; 2021-03-24 Consultation - Menai Strait (East) Oyster & Mussel Fishery Order 2022 (proposed) - Notification of consultation - E.pdf

**MENAI STRAIT (EAST) PROPOSED FISHERY ORDER**

This email is to notify you of the consultation on the proposed Menai Strait (East) Oyster and Mussel Fishery Order 2022, which is being carried out by the applicant, Menai Strait Fishery Order Management Association, and not by the Welsh Government.

Please find enclosed a note of the arrangements for responses.

Regards,  
Michelle

**Michelle Billing**  
Is-adran Môr a Physgodfeydd/Marine and Fisheries Division  
Llywodraeth Cymru|Welsh Government  
Rhodfa Padarn, Llanbadarn Fawr, Aberystwyth, SY23 3UR  
Tel/Ffôn: 0300 062 2215  
E-mail/E-bost: [michelle.billing@gov.wales](mailto:michelle.billing@gov.wales)

Dylai unrhyw ddatganiadau neu sylwadau a wneir uchod gael eu hystyried yn rhai personol ac nid yn rhai gan Lywodraeth Cymru, unrhyw ran ohoni neu unrhyw gorff sy'n gysylltiedig â hi.

Any of the statements or comments made above should be regarded as personal and not those of the Welsh Government, any constituent part or connected body.

Sganiwyd y neges hon am bob feirws hysbys wrth iddi adael Llywodraeth Cymru. Mae Llywodraeth Cymru yn cymryd o ddifrif yr angen i ddiogelu eich data. Os cysylltwch â Llywodraeth Cymru, mae ein [hysbysiad preifatrwydd](#) yn esbonio sut rydym yn defnyddio eich gwybodaeth a sut rydym yn diogelu eich preifatrwydd. Rydym yn croesawu gohebiaeth yn Gymraeg. Byddwn yn anfon ateb yn Gymraeg i ohebiaeth a dderbynnir yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi. On leaving the Welsh Government this email was scanned for all known viruses. The Welsh Government takes the protection of your data seriously. If you contact the Welsh Government then our [Privacy Notice](#) explains how we use your information and the ways in which we protect your privacy. We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

**Is-adran y Môr a Physgodfeydd /  
Marine & Fisheries Division**



Llywodraeth Cymru  
Welsh Government

Anfonwyd drwy e-bost:

24 Mawrth 2021

Annwyl Randdeiliad

**GORCHYMYN PYSGODFA ARFAETHEDIG AFON MENAI (DWYRAIN)**

Mae Cymdeithas Rheoli Gorchymyn Pysgodfa Afon Menai wedi gwneud cais i Weinidogion Cymru am Orchymyn Rheoleiddio Pysgodfa a Physgodfa Unigol, o dan Ddeddf Pysgodfeydd Môr (Pysgod Cregyn) 1967 (fel y'i diwygiwyd), a fyddai'n rhoi'r hawl iddi reoleiddio pysgodfa ac yn rhoi hawl pysgodfa unigol ar gyfer wystrys a chregyn gleision ar ochr ddwyreiniol Afon Menai.

Rhoddyd Gorchymyn Pysgodfa hybrid (pysgodfa unigol a rheoleiddio) i Bwyllgor Pysgodfeydd Môr Gogledd-orllewin a Gogledd Cymru ar gyfer cynhyrchu cregyn gleision ac wystrys ym mhen dwyreiniol Afon Menai, o dan Ddeddf Pysgodfeydd Môr 1868, am gyfnod o 60 mlynedd ym 1962.

Pan ddiddymwyd Pwyllgor Pysgodfeydd Môr Gogledd-orllewin a Gogledd Cymru yn 2010, trosglwyddwyd swyddogaethau, eiddo, hawliau a rhwymedigaethau'r Pwyllgor o dan Orchymyn 1962 i Gymdeithas Rheoli Gorchymyn Pysgodfeydd Afon Menai. Sefydlwyd y Gymdeithas, yn dilyn ymgynghoriad gan Weinidogion Cymru, yn 2010 fel cwmni cyfyngedig drwy warant. Mae ei hamcanion yn cynnwys, ymhlith eraill, cyflawni'r holl rwymedigaethau statudol fel grantî o dan Orchymyn 1962 wrth arfer ei dyletswyddau a'i chyfrifoldebau sy'n deillio o'r ddeddfwriaeth pysgodfeydd.

Mae Gorchymyn presennol 1962 yn gweithredu wyth safle a brydlesir yn breifat o dan hawl pysgodfa unigol, gyda gweddill yr ardal yn gweithredu fel pysgodfa a reoleiddir. Daw'r Gorchymyn presennol i ben ar 31 Mawrth 2022. Gwnaeth y Gymdeithas gais am Orchymyn newydd i sicrhau bod cynhyrchiant yn parhau, bod busnesau presennol yn cael eu diogelu ac y gellir buddsoddi ymhellach. Y dyddiad y daw'r Gorchymyn newydd i rym yw 1 Ebrill 2022.

Yn unol ag Atodlen 1 i Ddeddf 1967, mae Gweinidogion Cymru wedi paratoi Gorchymyn drafft. Bydd y Gymdeithas yn ei hysbysebu yn y North Wales Chronicle, Western Mail a'r



Is-adran Môr a Physgodfeydd /  
Marine & Fisheries Division  
Llywodraeth Cymru / Welsh Government

Fishing News ar neu yn fuan wedi Dydd Llun 5 Ebrill a'i ddosbarthu i bartion â diddordeb. Yn ogystal, bydd Gweinidogion Cymru yn anfon y drafft ymlaen at eu rhestr o randdeiliaid.

Gellir gweld y cais, y map o'r ardal a'r Gorchymyn drafft ar gyfer Gorchymyn Pysgodfa arfaethedig Afon Menai (Dwyrain) yn [www.msfoma.org](http://www.msfoma.org) ac yn (**WG weblink**) pan aiff yr ymgynghoriad yn fyw.

Gellir darparu copi caled o'r Gorchymyn Pysgodfeydd drafft os oes angen. Os hoffech gael copi caled, cysylltwch â ni yn y cyfeiriad swyddfa neu'r cyfeiriad e-bost a roddir isod.

Cynhelir ymgynghoriad cyhoeddus am gyfnod o 1 mis gan ddechrau ar neu yn fuan wedi Dydd Llun 5 Ebrill.

Yn ystod y cyfnod ymgynghori, gall unrhyw berson sy'n dymuno anfon unrhyw sylwadau ar y drafft y maent am eu cyflwyno i Weinidogion Cymru.

**Mae'r Gorchymyn drafft yn adlewyrchu'r cais a wnaed ac wedi'i ddrafftio at ddibenion ymgynghori yn unig. Bydd Gweinidogion Cymru yn rhoi ystyriaeth lawn i rinweddau'r cais a barn y cyhoedd ar ddiwedd yr ymarfer ymgynghori.**

#### **Sut i ymateb**

Dylid cyflwyno unrhyw wrthwynebiadau neu sylwadau ynghylch y Gorchymyn Pysgodfa drafft yn ysgrifenedig i Is-adran y Môr a Physgodfeydd Llywodraeth Cymru. Y ffordd fwyaf effeithiol o ymateb i Lywodraeth Cymru yw anfon e-bost atom yn [MarineAndFisheries@gov.Cymru](mailto:MarineAndFisheries@gov.Cymru). Fodd bynnag, mae croeso i ymateb ar unrhyw ffurf ysgrifenedig a gellir ei anfon i'r cyfeiriad post a roddir isod. Os ydych yn anfon e-bost, dylech gynnwys yr ymadrodd 'Gorchymyn Pysgodfa Arfaethedig Afon Menai (Dwyrain)' yn y blwch pwnc.

Ein cyfeiriad post llawn yw:

Gorchymyn Pysgodfa Arfaethedig Afon Menai (Dwyrain)  
Is-adran y Môr a Physgodfeydd  
Swyddfa Llywodraeth Cymru  
Rhodfa Padarn  
Llanbadarn Fawr  
Aberystwyth  
Ceredigion  
SY23 3UR

Ar yr un pryd, byddai'n ddefnyddiol pe baech hefyd yn anfon copi o'ch cynrychiolaeth at Gymdeithas Rheoli Gorchymyn Pysgodfa Afon Menai naill ai drwy e-bost i [info@msfoma.org](mailto:info@msfoma.org), gan gynnwys y cymal 'Gorchymyn Pysgodfa Arfaethedig Afon Menai (Dwyrain)' yn y blwch pwnc neu drwy'r post i'r cyfeiriad a ganlyn:

Cymdeithas Rheoli Gorchymyn Pysgodfa Afon Menai  
Port Penrhyn  
Bangor  
Gwynedd  
LL57 4HN

**Bydd y dyddiad cau yn cael ei gadarnhau pan aiff yr ymgynghoriad yn fyw.**

### **Deddfwriaeth Gyffredinol ar Ddiogelu Data y DU (GDPR y DU)**

Bydd Llywodraeth Cymru a'r Gymdeithas Rheoli Gorchymyn Pysgodfa Afon Menai yn rheolwyr data yn eu rhinwedd eu hunain ar gyfer unrhyw ddata personol a ddarparwch fel rhan o'ch sylwadau. Mae gan Weinidogion Cymru bwerau statudol y byddant yn dibynnu arnynt i brosesu'r data personol hwn a fydd yn eu galluogi i wneud penderfyniadau gwybodus ynghylch sut y maent yn arfer eu swyddogaethau cyhoeddus. Bydd unrhyw ymateb a anfonwch atom yn cael ei weld yn llawn gan staff Llywodraeth Cymru sy'n delio â'r materion sy'n ymwneud â'r cais. Bydd unrhyw ymateb a anfonir at Lywodraeth Cymru, ond heb ei gopïo i'r Gymdeithas, hefyd yn cael ei ddarparu i'r Gymdeithas i'w galluogi i ddadansoddi'r ymatebion llawn i'r ymgynghoriad.

Gallwch weld Hysbysiad Preifatrwydd y Gymdeithas [yma](#)

Pan fydd Llywodraeth Cymru yn cynnal dadansoddiad pellach o'r cynrychiolaethau hyn yna gellir comisiynu'r gwaith hwn i'w wneud gan drydydd parti achrededig (e.e. sefydliad ymchwil neu gwmni ymgynghori). Dim ond o dan gontract y bydd unrhyw waith o'r fath yn cael ei wneud. Mae telerau ac amodau safonol Llywodraeth Cymru ar gyfer contractau o'r fath yn nodi gofynion caeth ar gyfer prosesu a chadw data personol yn ddiogel.

Er mwyn dangos bod yr ymgynghoriad wedi'i gynnal yn iawn, bydd y Gymdeithas yn cwblhau dadansoddiad ac yn cyhoeddi crynodeb o'r holl ymatebion a ddaeth i law. Mae Llywodraeth Cymru hefyd yn bwriadu cyhoeddi'r crynodeb hwn. Efallai y byddwn ni a'r Gymdeithas hefyd yn cyhoeddi ymatebion yn llawn. Fel arfer, cyhoeddir enw a chyfeiriad (neu ran o gyfeiriad) y person neu'r sefydliad a anfonodd yr ymateb gyda'r ymateb. Os nad ydych am i'ch enw a'ch cyfeiriad gael eu cyhoeddi, rhowch wybod i ni yn ysgrifenedig pan fyddwch yn anfon eich ymateb. Bydd y manylion hyn wedyn yn cael eu golygu cyn eu cyhoeddi.

Dylech hefyd fod yn ymwybodol o'n cyfrifoldebau o dan ddeddfwriaeth Rhyddid Gwybodaeth

Os cyhoeddir eich manylion fel rhan o'r ymateb i'r ymgynghoriad yna bydd yr adroddiadau cyhoeddedig hyn yn cael eu cadw am gyfnod amhenodol. Bydd unrhyw ran o'ch data a gedwir fel arall gan Lywodraeth Cymru yn cael ei gadw am ddim mwy na thair blynedd.

### **Eich hawliau**

O dan y ddeddfwriaeth diogelu data, mae gennych hawl:

- i gael gwybod pa ddata personol a gedwir amdanoch gan Lywodraeth Cymru a chael gafael arnynt;
- i'w gwneud yn ofynnol inni gywiro gwallau yn y data hynny;
- (o dan rai amgylchiadau) i wrthwynebu i'r data gael eu prosesu neu i gyfyngu ar hynny;
- (o dan rai amgylchiadau) i'ch data gael eu dileu;
- (o dan rai amgylchiadau) i gludadwyedd data;
- i gyflwyno cwyn i Swyddfa'r Comisiynydd Gwybodaeth, ein rheoleiddwr annibynnol ar gyfer diogelu data

I gael gwybod rhagor am yr wybodaeth a gedwir gan Lywodraeth Cymru a'r defnydd a wneir ohoni, neu os ydych am arfer eich hawliau o dan GDPR y DU, gweler y manylion cyswllt isod:

Y Swyddog Diogelu Data  
Llywodraeth Cymru

Parc Cathays  
CAERDYDD  
CF10 3NQ

e-bost: [Data.ProtectionOfficer@gov.wales](mailto:Data.ProtectionOfficer@gov.wales)

Mae manylion cyswllt Swyddfa'r Comisiynydd Gwybodaeth fel a ganlyn:

Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

Rhif ffôn: 01625 545 745 neu  
0303 123 1113  
Gwefan: <https://ico.org.uk/>

Yn gywir

Julian Bray  
Is-adran y Môr a Physgodfeydd

**Is-adran Môr a Physgodfeydd /  
Marine & Fisheries Division**



Llywodraeth Cymru  
Welsh Government

Sent by email:

24 March 2021

Dear Stakeholder

**MENAI STRAIT (EAST) PROPOSED FISHERY ORDER**

The Menai Strait Fishery Order Management Association (MSFOMA) have applied to the Welsh Ministers for a Regulating and Several Order, under the Sea Fisheries (Shellfish) Act 1967 (as amended), which would confer on them both the right of regulating a fishery and of a several fishery for oysters and mussels in the eastern Menai Strait.

A hybrid Fishery Order (several and regulating) was granted to the North West and North Wales Sea Fisheries Committee for the production of mussels and oysters at the east end of the Menai Strait (Menai East), under the Sea Fisheries Act 1868, for a period of 60 years in 1962.

When the North West and North Wales Sea Fisheries Committee was abolished in 2010 the Committee's functions, property, rights and liabilities under the 1962 Order were transferred to the Menai Strait Fishery Order Management Association (MSFOMA). MSFOMA was established, following consultation by the Welsh Ministers, in 2010 as a company limited by guarantee. Its objects include, amongst others, meeting all statutory obligations as a grantee under the 1962 Order in exercising its duties and responsibilities arising out of the fishery legislation.

The current 1962 Order operates eight privately leased lays under the several fishery, with the remaining fishery area operating as a regulated fishery. The existing Order expires on 31 March 2022. MSFOMA applied for a new Order to ensure production continues, existing businesses are safeguarded and further investment can take place. The proposed coming into force date of the new Order is 1 April 2022.

In accordance with Schedule 1 of the 1967 Act, the Welsh Ministers have prepared a draft Order. MSFOMA will advertise it in the North Wales Chronicle, Western Mail and the Fishing News on or shortly after Monday 5 April and will circulate it to interested parties. The application, map of the area and draft Order for the proposed Menai Strait (East) Fishery



Is-adran Môr a Physgodfeydd /  
Marine & Fisheries Division  
Llywodraeth Cymru / Welsh Government



Order will be available to view at [www.msfoma.org](http://www.msfoma.org) and at (**WG weblink**) when the consultation goes live.

A hard copy of the draft Fishery Order can be provided if necessary. If you would like a hard copy, please contact us at the office address or email address given below.

The public consultation will run for a period of 1 month between starting on or shortly after Monday 5 April.

During the consultation period any person who wishes may forward any representations upon the draft that they wish to make to the Welsh Ministers.

**The draft Order reflects the application made and is drafted for the purpose of consultation only. The Welsh Ministers will give full consideration to the merits of the application and the public view at the conclusion of the consultation exercise.**

### **How to respond**

Any objections or representation concerning the draft Fishery Order should be made in writing to the Welsh Government's Marine and Fisheries Division. The most effective way to respond to the Welsh Government is to email us at [MarineAndFisheries@gov.Wales](mailto:MarineAndFisheries@gov.Wales). However, a response is welcome in any written form and can be sent to the postal address given below. If emailing please include the phrase 'Menai Strait (East) Proposed Fishery Order' in the subject box.

Our full postal address is:

Menai Strait (East) Proposed Fishery Order  
Marine and Fisheries Division  
Welsh Government Office  
Rhodfa Padarn  
Llanbadarn Fawr  
Aberystwyth  
Ceredigion  
SY23 3UR

It would assist if you also forwarded a copy of your representation to MSFOMA either by email at [info@msfoma.org](mailto:info@msfoma.org), including the phrase 'Menai Strait (East) Proposed Fishery Order' in the subject box or by post to:

Menai Strait Fishery Order Management Association  
Port Penrhyn  
Bangor  
Gwynedd  
LL57 4HN

**Deadline for responses is will be confirmed when the consultation goes live.**

## **UK General Data Protection Legislation (UK GDPR)**

The Welsh Government and MSFOMA will each be data controllers in their own right for any personal data you provide as part of your representations. Welsh Ministers have statutory powers they will rely on to process this personal data which will enable them to make informed decisions about how they exercise their public functions. Any response you send us will be seen in full by Welsh Government staff dealing with the issues relation to the application. Any response sent to Welsh Government, but not copied to MSFOMA, will also be provided to MSFOMA to enable them to analyse the full responses to the consultation.

MSFOMAs Privacy Notice can be seen here [MSFOMA - Privacy Notice](#)

Where the Welsh Government undertakes further analysis of these representations then this work may be commissioned to be carried out by an accredited third party (e.g. a research organisation or a consultancy company). Any such work will only be undertaken under contract. Welsh Government's standard terms and conditions for such contracts set out strict requirements for the processing and safekeeping of personal data.

In order to show that the consultation was carried out properly, MSFOMA will complete an analysis and publish a summary of all responses received. The Welsh Government also intends to publish this summary. We and MSFOMA may also publish responses in full. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. If you do not want your name or address published, please tell us this in writing when you send your response. These details will then be redacted before publishing.

You should also be aware of our responsibilities under Freedom of Information legislation

If your details are published as part of the consultation response then these published reports will be retained indefinitely. Any of your data held otherwise by Welsh Government will be kept for no more than three years.

### **Your rights**

Under the data protection legislation, you have the right:

- to be informed of the personal data holds about you and to access it;
- to require us to rectify inaccuracies in that data;
- to (in certain circumstances) object to or restrict processing;
- for (in certain circumstances) your data to be 'erased';
- to (in certain circumstances) data portability;
- to lodge a complaint with the Information Commissioner's Office (ICO) who is our independent regulator for data protection.

For further details about the information the Welsh Government holds and its use, or if you want to exercise your rights under the UK GDPR, please see contact details below:

Data Protection Officer:  
Welsh Government

Cathays Park  
CARDIFF  
CF10 3NQ

e-mail: [Data.ProtectionOfficer@gov.wales](mailto:Data.ProtectionOfficer@gov.wales)

The contact details for the Information Commissioner's Office are:

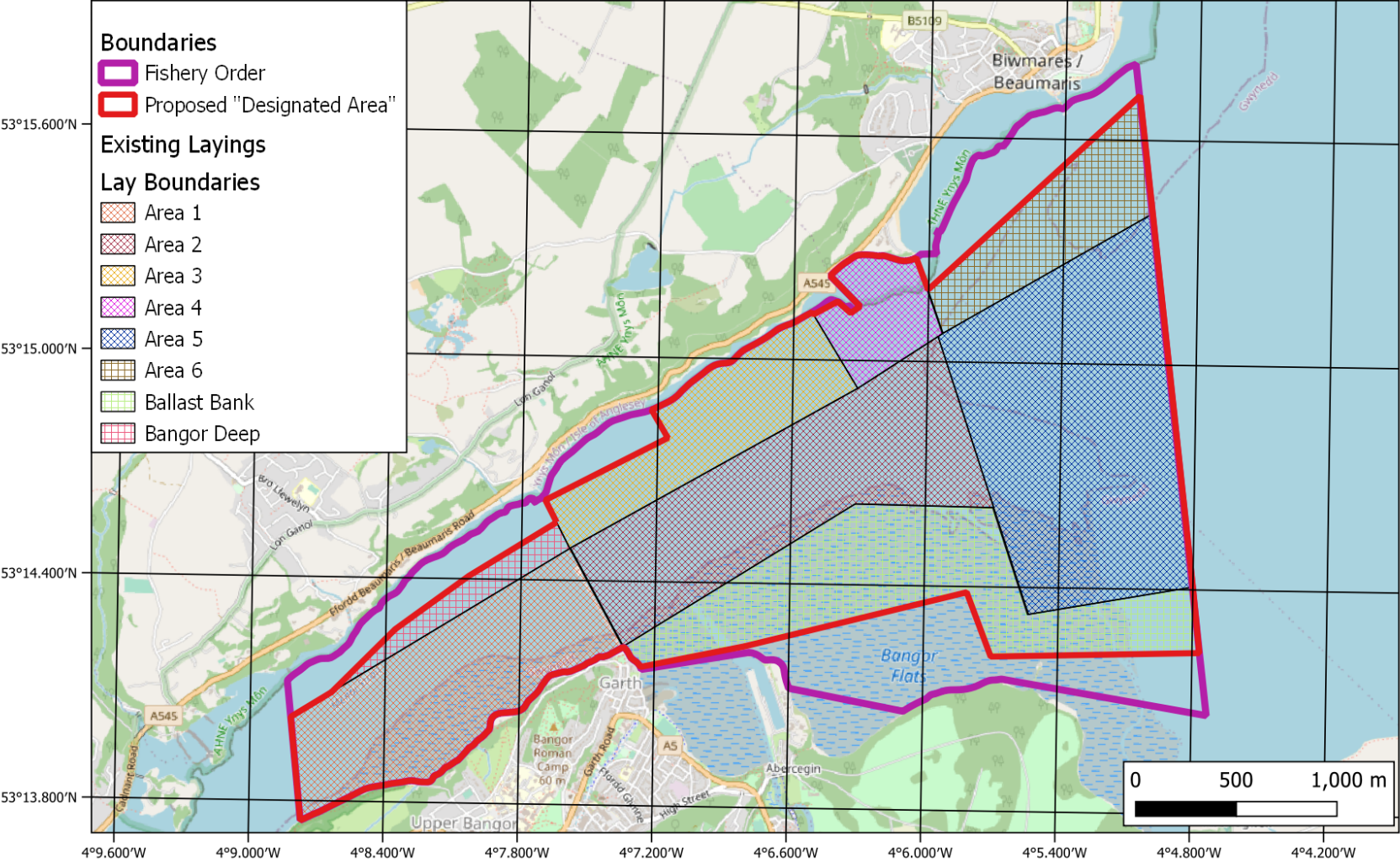
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

Tel: 01625 545 745 or  
0303 123 1113  
Website: <https://ico.org.uk/>

Yours faithfully

Julian Bray  
Marine & Fisheries Division

**Annex G:** Proposed boundary for the “Designated Area” for MSFOMA to submit to Welsh Government for approval in accordance with §4 of the Menai Strait (East) Oyster and Mussel Fishery Order 2022.



**Annex H:** Proposed new procedure for issuing leases to ensure continuity of tenure for existing businesses by adopting proposed new leasing procedures immediately. Proposed amendments to existing procedure shown as “track changes”.

## Menai Strait Fishery Order 1962 & Menai Strait Fishery Order 2022 Several Fishery Lease Allocation Rules

### Leases for Layings – General Policy

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.~~ 2. The Lease Allocation Rules set out in this document apply to any leases for layings issued under the Menai Strait Oyster and Fishery Order 1962 (the “1962 Fishery Order”) and to any subsequent Fishery Order made in 2022 (the “2022 Fishery Order”) made by Welsh Government that covers all or part of the geographic area of the 1962 Fishery Order

~~3.~~ 3. Leases shall only be issued in accordance with the requirements of either the 1962 Menai Strait Oyster and Mussel Fishery Order 1962 (the “Fishery Order”), or the 2022 Fishery Order (the “relevant Fishery Order”), the Sea Fisheries (Shellfish) Act 1967 (the “Shellfish Act”) and any legislation to which the Act and Fishery Orders are subordinate.

~~4.~~ 4. Leases shall be issued for a period of not more than 7 years from their start date.

5. Leases shall terminate on or before the date on which the relevant Fishery Order expires.

~~6.~~ 6. Leases may be issued to “lesseetenants” who may be individuals or companies.

### Administration

~~7.~~ 7. Prior to the expiry of a lease for a laying the Association shall write to the current lesseetenant to determine whether they wish to renew the lease for a further period of up to 7 years.

~~8.~~ 8. Leases for layings shall be re-issued to existing lesseetenants providing that:-

- a. The lesseetenant has complied with all of the lease conditions for that laying as required by the Association; and
- b. The lesseetenant has complied with all of the relevant requirements of the Fishery Order and the Shellfish Act.

9. During the transition from the 1962 Fishery Order to the 2022 Fishery Order, the tenant of a laying under the 1962 Fishery Order shall be eligible to lease a new laying under the 2022 Fishery Order in accordance with paragraph 8 above providing that this new laying covers all or part of the same geographic area as the tenant’s laying under the 1962 Fishery Order.

10. If an existing lesseetenant does not wish to renew their lease or if the requirements of paragraphs ~~(8 & 9)~~ (8 & 9) above are not met, the Association will follow the procedure set out below for the vacant laying:-

- a. Advertise the opportunity to apply for a lease for this laying on the MSFOMA website and in at least one local newspaper;

b. Publish the criteria for assessing applications received;

c. Allow a period of at least 28 days for submission of applications; and

d. Assess all applications according to the published criteria listed in paragraph (b) above.

#### Criteria for issuing leases to vacant layings

11. The criteria for issuing leases to vacant layings have been agreed by the Association as follows:-

~~8-a.~~ The lease for the ~~corresponding vacant~~ laying may be offered to Applicants who have submitted an application for a laying in the relevant 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-b.~~ 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-c.~~ 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-d.~~ 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~~ Update Date 2021



## **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 the proposals for research into Pacific Oysters in the Menai Strait attached at Annex A are discussed.
3. 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 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.
- 1.4 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.



- 1.5 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.
- 1.6 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.
- 1.7 This report provides an update on recent progress with this application.

## **2. Pacific Oysters**

- 2.1 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).
- 2.2 MSFOMA representatives discussed the issues concerning Pacific Oysters in detail with WG and NRW officials between December 2019 and July 2020. In July 2020 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 was intended provide the evidence base for informing the Habitat Regulations Assessment (HRA) of leases for Pacific oyster cultivation in the Strait. The Review has not yet been published for released.
- 2.3 Welsh Government reported to the Secretariat in March 2021 that they have made no further progress with this issue and have been focussing their resources on the Fishery Order in the eastern Menai Strait.
- 2.4 In an effort to make some progress from our side, the Chair and Secretariat have convened a series of 6 meetings since January 2021 involving the prospective oyster farmers from the western Menai Strait and scientists from the Marine Centre in Menai Bridge. Following the most recent meeting of this group on the 27<sup>th</sup> May 2021, Prof. Lewis Le Vay has put together an outline of some areas of research into Pacific Oysters that could help to both improve understanding of the risks posed by this species and the mitigation options available.

## **3. Consultation with stakeholders**

- 3.1 It has been noted at meetings over the past 2 years that the Association is keen to engage with stakeholders to raise awareness about progress and the content of a new Fishery Order at the earliest opportunity. In the absence of certainty about either the content or timescale for a new Fishery Order, it is still not considered prudent to initiate stakeholder engagement.

MSFOMA Secretariat  
June 2021

**Annex A:** Proposed research project for Pacific Oysters in the Menai Strait, May 2021.



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...



**Proposed research project**

**Pacific oyster abundance and reproductive potential in the Menai Strait**

**Background**

One of the key shellfish species produced in the Menai West Order area is the Pacific oyster *Crassostrea gigas*, which is also potentially a species of interest in the future for the eastern Menai Strait area. The Pacific oyster *C. gigas* is a non-native species that has considerably expanded its range forming naturalised populations following introductions into Europe in the 1960s. Initially it was thought *C. gigas* was incapable of spawning in the non-native low temperature waters of the UK. However, after a century of environmental conditioning *C. gigas* has had a number of successful spawns and settlement events in the lower latitude regions of the UK, particularly in the South of England. The aquaculture industry is aware of the potential impact of expansion from these wild *C. gigas* populations and has countered the anomaly through the production of chemically and genetically cultured triploid Pacific oysters. This method has proved largely successful in curbing the spawning capabilities of *C. gigas*. Nonetheless, concerns still exist within government and environmental stakeholders that rising sea temperatures and incomplete triploid transformation may lead to population spread of this cultured species. This represents a barrier to expansion of the shellfish industry in the Menai Strait (and across Wales), where uncertainty and lack of evidence is delaying both renewals of fisheries orders and approval of new production areas.

The Pacific oyster was introduced into the Menai Strait for trials in the 1960s. A survey in 1994 found *C. gigas* along the Menai Strait at several locations but in low abundance in small isolated patches and not established as an invasive population. This is thought to be due to sea temperatures in the Strait rarely reaching the prolonged periods of elevated temperatures required for successful spawning and settlement.

### **The proposed research aims/outputs**

#### *1. Data on current feral Pacific oyster population in the Menai Strait*

An intertidal survey to assess the abundance and distribution of Pacific oysters, providing a comparison with survey data from 1994. Analysis of population size frequency will be used to assess likely settlement history, and samples will be taken to assess reproductive condition.

#### *2. Potential for spawning by feral Pacific oysters*

Previous studies (Malham et al 2019) have investigated likelihood of spawning events based on modelled seawater temperatures. This work will be repeated and informed by additional seawater temperature data collected from CTD recording of sea-surface temperatures in Menai Bridge and intertidal temperature monitoring, which will assess more accurately the temperature regime that oysters are exposed to. This will allow an updated assessment of the potential for spawning currently and into the future

#### *3. Dispersal potential from spawning feral oysters*

Previous work on modelling dispersal for Pacific oysters conducted for Welsh Government will be reviewed to identify potential range of settlement of Pacific oysters originating in the Menai Strait.

#### *4. Review of effectiveness of triploid oysters in reducing reproductive potentials*

The use of triploid oysters to stock aquaculture sites has been used to mitigate the potential for reproduction by farmed stock contributing to the establishment of wild populations. Triploid oysters are considered to be infertile, and may be produced using two main methods through a shock treatment such as chemical, heat or pressure, or via crossing tetraploid males with diploid females. The use of tetraploid parents is thought to be the most reliable method for producing sterile triploid offspring, with the other methods producing a proportion of offspring that may be diploid and able to breed. A desk study will review evidence of the effectiveness of currently available methods of triploid production in Pacific oysters, the potential for incomplete conversion (ie proportion of diploid offspring) or the potential for reversion for triploids to diploids and the potential for triploid oysters to be reproductively viable via breeding with diploids.

#### 5. *Predictive population modelling for diploid vs triploid oysters*

Intertidal survey data for feral diploid *C. gigas* assemblages will be analysed using a Gunderson population model to predict the larval output from these oysters and the potential post-spawn settlement densities. The highest density sites from the intertidal survey will be revisited to ascertain if the current *in-situ* oyster population numbers match those of the model.

To predict the potential spawning output from a future farmed triploid oyster stocks a corresponding model will be undertaken using existing and proposed oyster production areas in the Menai West Several Order area as larval sources and the high-density sites (see above) as potential settlement zones. The potential settlement arising from diploid and triploid farmed stock will be compared, to assess the potential effectiveness of triploid oysters as a mitigation measure.

#### 6. *Assessing Larval Retention Sites for Long-term Monitoring*

In conjunction with the intertidal survey data and the predictive population modelling, a data layered Arc View<sup>®</sup> GIS map will be created as a monitoring tool for feral *C. gigas* outputs. The hydrodynamic and substrate type layers also of the map will also prove valuable in monitoring any potential settlements from future culture plots. Any future monitoring of settlement would be separate project

## **Research Proposal: Water Quality**

### **Background**

The water quality of the Menai Strait is affected by runoff from the adjacent land and waste water discharges. The runoff and discharges can affect both water quality and the shellfish hygiene classification for the mussels cultivated in the Menai Strait.

There is a very high commercial interest in understanding how water quality may affect shellfish hygiene classification and hence whether (or not) mussels from the area may be exported to the EU.

A research proposal has been prepared by Prof. Lewis Le Vay to identify opportunities for improving both water quality and shellfish hygiene classification in the Menai Strait. This is attached for information at Annex A.

### **Recommendations**

1. That the Association considers the research proposal attached at Annex A.
2. That the Association considers giving its support to this proposal.

# Annex A: Proposed research project for microbial source tracking in the Menai Strait, May 2021.



## Proposed research project

### Microbial source tracking in the Menai Strait, North Wales

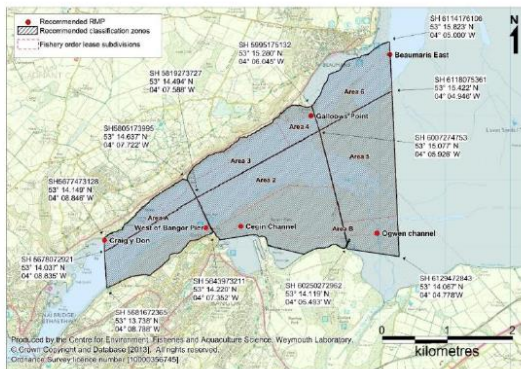
#### Background

The Menai East Several Order, in the eastern end of the Menai Strait contains historically one of the largest mussel fisheries in the UK. The area is affected by urban wastewater, however, agricultural and wildlife contamination may also affect the microbial quality. Most of the area have good quality mussels, however, due to occasionally high *E. coli* counts, most areas are classified as B. Bangor Mussel Producers, the cooperative of companies that operate the mussel production leases within the Several Order depend on exports to the EU, which since EU-exit requires that imported shellfish originate from class A waters. Thus there is very high commercial interest in understanding the causes and patterns of *E. coli* contamination in the area to help:

- i) identify potential improvements to the classification
- ii) inform potential future adaptation of the classification regime- eg adaptive management where high risk harvesting periods are avoided, using either environmental risk predictors (eg rainfall) and/or CSO operation alerts
- iii) identify best options for water quality improvement eg catchment agricultural land management changes and/or waste water infrastructure

The current classification is based on the analysis of shellfish samples taken monthly, which does not sufficiently explore the magnitude and frequency of microbial contamination and the effect of high-risk weather events. Furthermore, it lacks information on whether the pollution is human waste or agricultural-related. This project will help to identify the periods when pollution peaks as well as inform on the source of contamination and the duration of contamination wash-off.

The figure on the left shows the sites where environmental health officers takes shellfish samples on a monthly basis for classification.



### Project objectives

**The work would focus on the Ogwen RMP, which reports the highest frequency of high *E coli* results and which appears to be most directly affected by catchment run-off (potential both sewage and agricultural sources)**

1. Providing high frequency data on the concentrations of indicator bacteria and human faecal indicator virus in water and shellfish in the Menai Strait (Ogwen RM) to assess temporal patterns
2. Assessment of the relative contribution of human vs. agricultural pollution using viral indicators.
3. Identify potential benefits from improvements to agricultural land management and waste water infrastructure
4. Assessment of the fate, transport and die-off of pathogens in shellfish during/after high-risk events
5. Assessment of the potential for predicting water quality and shellfish hygiene using environmental predictors (eg rainfall, river flow) and data/alerts on CSO discharges.

### Project description

Over a 12 month period, water and shellfish samples will be collected at the Ogwen RMP and the Ogwen estuary in the Menai Strait. Water and shellfish samples will be collected every 1-2 weeks and, when possible, more frequently for short periods before and after high risk events (e.g. heavy rainfall).

Shellfish and water samples will be tested for faecal indicator bacteria (total coliform, *E. coli* and *Enterococci*). The shellfish samples taken biweekly will also be tested for a human faecal indicator virus (crAssphage) to assess the source of contamination. Samples taken before and after high risk events will be tested for indicator viruses (e.g. human and animal adenovirus, crAssphage, FRNA phages) and human pathogenic to assess the proportion of agricultural vs. human contamination and potential health risks. Water samples will also be analysed for nutrients.

The results will enable the assessment of the level of pollution and the effectiveness of environmental and CSO alert predictors on water quality and shellfish hygiene. Furthermore, viral indicators will identify the level of human vs. animal contamination due to human wastewater discharge and agricultural activities, respectively. This will help provide a baseline for potential improvements resulting from agricultural management changes in the catchment and will help inform Welsh Water regarding any potential future improvements in waste water infrastructure and flow monitoring .

The benefits to the mussel fishery in the Menai Strait will be significant, in identifying interventions required to improve environmental quality and reduce risk of microbial contamination of shellfish. The results will also inform wider development of assurance schemes for management of human health risk from shellfish in Wales, based on environmental predictors of risk - with the Menai Strait being a case study of how such a scheme can operate with demonstrating benefits in terms of potential to reduce periods of closure.