

Menai Strait Fishery Order Management Association

Agenda & Papers- 10th March 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 (verbal)
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12. Menai Strait West Fishery Order ([report](#))
13. Project funding update (verbal)
14. Fishery management issues
 - a. Coastal / marine developments
 - i. Bangor Pier maintenance
 - ii. Bangor Pier - Tea Room restoration
 - iii. Sand in the dock
 - b. Environmental / health issues
 - i. Bangor Beach Road to Treborth rising main - further leak
 - ii. Shellfish hygiene classifications
 - iii. *Bonamia* in the western Strait
 - iv. Non-native species
15. Any Other Business (verbal)
 - a. Correspondence
16. Dates for next meetings (all are the 2nd Wednesday of the month):-
 - a. Q2 2021 - 9th June
 - b. Q3 2021 - 8th September
 - c. Q4 2020 - 8th December [AGM]

Menai Strait Fishery Order Management Association

**Meeting, 2nd December 2020
Zoom Video Conference Call**

Minutes

Attendance

Members

Alan Winstone*

Chair

Observers

Gareth Bevington

Howard Mattocks

James Wilson*

Julian Bray

Kate Griffith

Kim Mould

Michelle Billing

Trevor Jones

Welsh Government

Beaumaris Town Council

Bangor Mussel Producers Ltd

Welsh Government

Natural Resources Wales

BMWAG

Welsh Government

Menai Strait (West)

Advisors

Jim Andrews*

MSFOMA Secretariat

Notes

** These individuals are also Directors of the Association*

1. Chair's announcements

The Chair welcomed everyone to the 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 Roberts

Ioan Thomas

Iwan Huws

Keith Andrews*

Lewis le Vay

Bangor City Council / Gwynedd C.C.

Gwynedd County Council

Isle of Anglesey County Council

Licensed hand pickers

Bangor University

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 16th September 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 September meeting that were not formally addressed on the agenda were discussed:-

Sand in Penrhyn Dock

James Wilson has now written several times to the Estate's land agent. The accumulation of sand has been significantly restricting the tidal window for access to Port Penrhyn. The company that had been leasing the dock and unloading sand had relinquished its lease. It was agreed that further efforts should be made to encourage removal of this sand.

Action: JW, Secretariat

Bangor pier

The Secretariat had contacted the Pier Master about the proposal to reinstate the tea rooms on Bangor Pier. He had sent his apologies for the meeting. It was agreed that this item should be rolled forward to the next meeting.

Action: Secretariat

6. Register of Interests

No changes were recorded.

7. Financial Update

The financial report was accepted. It was noted that both income and expenditure had been lower than expected for the first quarter of the year. The lower expenditure has been in part due to delays in the process for renewing the Menai Strait Fishery Orders. The Association presently has more funds in Reserves than budgeted.

The Secretariat had been in contact with Cllr Mattocks (Beaumaris) and Cllr Griffiths (Bangor) to explore opportunities for making donations to projects within each authority's district. Cllr Mattocks had spoken to the town clerk in Beaumaris and had identified the opportunity to make a contribution to work on a children's playground overlooking the Strait. He asked the Secretariat to contact the town clerk to progress this.

Action: Secretariat

It was agreed that Bangor City Council should be asked once again for any funding ideas.

Action: Secretariat

The Secretariat and accountant are working to progress VAT registration for the Association ready for the start of the next Financial Year.

Action: Secretariat

It was agreed that it would be appropriate to review the Association's approach to electronic banking, and that a paper about this should be presented to the next meeting.

Action: Secretariat

8. Public Profile of the Association

The number of tweets and profile of the Association continues to grow steadily. It now has over 1,100 followers and had over 23,000 tweet impressions in the 28 days prior to this meeting.

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

Action: All

The Chair and Secretariat had recently concluded that it would be appropriate to review the Association's social media strategy. Andy Olivier has successfully increased the following and readership of the Association's Twitter feed over the past year. It was agreed that a discussion should be held with him to develop a clear strategy for this area of work.

Action: Secretariat & Chair

9. Welsh Government Activity

Welsh Government officials Gareth Bevington, 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) was due to take place on the evening of the 3rd 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

No meetings of any other WG fisheries groups had taken place

b) Consultations

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

c) Fisheries Bill

Feedback from Welsh Government has been that this Bill will not affect the shellfish farming industry in the Menai Strait. The Secretariat has been in touch with the Shellfish Association of Great Britain about this issue, and representations were made to Defra about the risk of unintended adverse impacts on shellfish farming. No significant changes were made to the Act in response to this. On 24th November 2020, the Bill received Royal Assent.

d) 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.

It was noted with sadness that the IFCA's Senior Scientist, Mandy Knott, was leaving. Ms Knott has served for 10 years and has worked closely with the mussel industry. All agreed that she would be missed and that thanks should be passed on to her on behalf of the Association.

Action: Secretariat

Concerns were raised about the potential loss of capacity and continuity at the IFCA and it was agreed that the Association should extend an offer to the Authority to assist wherever possible.

Action: Secretariat

Trevor Jones reported that he was due to stand down as an appointee to the Authority at Easter, having served for 10 years. Kim Mould has applied to the Marine Management Organisation to be appointed to the Authority.

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 31st March 2022. Progress with the new Order had fallen behind schedule during 2020.

Gareth Bevington stated to the meeting that Welsh Government are committed to delivering a new Order for the eastern Menai Strait on time. He considered that the March 2022 deadline for making a new Order to replace the existing one was achievable. He referred to the Minister's recent letter to the Association as an indication of the level of commitment to Fishery Orders by the Welsh Government.

Gareth outlined several areas where Welsh Government had considered to be challenging (notably a lack of clarity about governance of the Association; whether a hybrid Order was necessary; the term of a new Order; and also whether it was appropriate to include oysters in the named species). These issues have now all been addressed. A case for making a new Order is being drafted for the Minister. If her approval is granted, a draft Statutory Instrument will then be prepared ready for the start of the formal consultation period.

Mussel farmers present welcomed the news of progress but were concerned that time was very tight. It was noted that the production cycle for mussels is such that any mussels relayed in the area in 2021 would not be harvested until late 2022 at the earliest, which is after the expiry of the existing Order. It was also felt that WG officials did not appreciate the business risks associated with mussel farming: annual overheads for all the operators are typically £3-400k per year.

The Association referred to the recommendations in the paper presented to the meeting and resolved to progress with "like for like" renewal of the Order.

The Association agreed to continue to work with WG officials to progress with the creation of a new Fishery Order for the eastern Menai Strait.

a) Leasing and licensing procedures

The revised procedures that were presented to the meeting were endorsed. The Secretariat was asked to publish these procedures on the MSFOMA website, along with the application forms (both the PDF and electronic application form).

Action: Secretariat

b) Engagement with stakeholders

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

Action: Chair & Secretariat

12. Menai Strait West

The report was received and discussed.

It was noted that the sticking point for this new Fishery Order concerns the policy and management approach to Pacific Oysters. It has been hoped that Welsh Government would be able to make progress with this issue independently, but it seems that the UK administrations are now adopting a unified approach.

Kim Mould reported that a briefing was given to a recent Shellfish Association of Great Britain Mollusc Committee meeting by Defra about Pacific Oysters. They have commissioned 3 research projects that are due to report in March 2021.

The Secretariat had previously been asked by WG officials to propose a “triploid conversion plan” to help to manage this issue in the Menai Strait. It was not clear whether this would now be regarded as appropriate mitigation, but the Secretariat was asked to investigate further (through liaison with SAGB) and take appropriate action between this and the next Association meeting.

Action: Secretariat

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

Action: Secretariat

13. Funding proposals

Lewis le Vay had tendered his apologies. An update on progress would be provided to the next meeting.

14. Fishery Management Issues

1. Coastal / marine developments

i. Bangor Pier

The pier master had given his apologies to the meeting. It was agreed that an update should be sought from the pier master.

Action: Secretariat

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)

Kate Griffith reported that NRW are trialling the use of ROVs to look for *Crepidula fornicata* in subtidal areas as a response to the Covid-19 restrictions that have prevented “normal” surveys.

Kate asked if anyone else had any underwater video footage of the seabed in the western Menai Strait, and if this could be shared with NRW.

Action: All

It was understood that Shaun Krijnen had found and reported a single empty *C. fornicata* shell, and that an NRW officer had found a cobble with 2-3 live individuals on it at Newborough.

Trevor Jones reported that he had looked carefully on the Anglesey shore opposite Port Dinorwic and found no *C. fornicata*.

Kate reported that the Marine Biological Association had recently produced a report about the risk of INNS for the Penllyn a'r Sarnau SAC MPA features. She offered to circulate this.

Action: KG / 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 agreed (all meetings being on the 2nd Wednesday of each month):-

- d. Q1 2021 – 10th March
- e. Q2 2021 – 9th June
- f. Q3 2021 – 8th September
- g. Q4 2020 – 8th December [AGM]

Summary of Actions

Item	Action	Responsibility
1.	Sand in Dock -contact Penrhyn Estate to raise further concerns about this issue & propose site visit.	JW / Secretariat
2.	Bangor pier - ask pier master for update about tearoom proposal.	Secretariat
3.	Finances - send reminders to debtors.	Secretariat
4.	Community Fund - progress proposal for funding playground in Beaumaris with local authority.	Secretariat
5.	Community Fund - ask Bangor City Council for suggestions for funding opportunities.	Secretariat
6.	VAT - progress registration of Association	Secretariat
7.	Electronic banking - paper for next Association meeting.	Secretariat
8.	Social media - Secretariat to send a summary of headlines from today's meeting, and all to send any items suitable for the MSFOMA Twitter feed to Andy Olivier (avdsolivier@gmail.com).	All
9.	Public profile - work with Andy Olivier on a strategy.	Secretariat, Chair.
10.	NWIFCA - thank Mandy Knott, Senior Scientist, for her work over the past 10 years.	Secretariat
11.	NWIFCA - help with survey work if / when appropriate.	Secretariat
12.	Menai East - publish revised procedures and application forms for leases & licences on MSFOMA website.	Secretariat
13.	Menai East - maintain monthly discussions with WG officials to ensure progress is maintained.	Secretariat
14.	Menai East - progress stakeholder engagement as far as possible.	Secretariat
15.	Menai West - liaise with SAGB about <i>C. gigas</i> discussions.	Kate Griffith
16.	Menai West - maintain regular discussions with WG officials to ensure progress is maintained.	Secretariat
17.	Look out for <i>Crepidula fornicata</i> and report sightings of any shells / individuals.	All
18.	Share any relevant underwater video with NRW.	All
19.	Share MBA report for Penllyn a'r Sarnau with MSFOMA members	Kate Griffith
20.	Date for next meeting - 10 th March 2021	Secretariat

Financial Update

Background

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

Recommendations

1. The update on actual and budgeted income and expenditure is received.
2. That the Association should offer lessees an extended term for payment of invoices for layings in the first half of 2021 in response to the challenges posed by Brexit and Covid-19.
3. Progress with spending of £1,000 of the Community Fund on the renovation of the Happy Valley playground in Beaumaris is noted.
4. Progress with VAT registration is noted.

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 B 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 first quarter of MSFOMA's Financial Year (starting on 1st March) is presented in Table 1 overleaf. This table shows both the actual and budgeted values for each item of income and expenditure.

Table 1: Income and expenditure report for MSFOMA, 1st March 2020 to date

Item	Year Budget 2020-21	Quarter 1 (1st March - 31st May)		Quarter 2 (1st June - 31st August)		Quarter 3 (1st Sept. - 30th Nov.)	
		Actual	Budget	Actual	Budget	Actual	Budget
1. Expenditure							
Administration of the Order*	£7,061.43	£7,347.61	£1,765.36		£1,765.36	£3,320.00	£1,765.36
Enforcement activity	£1,303.65	£0.00	£325.91		£325.91	£0.00	£325.91
Corporate core*	£1,303.65	-	£325.91		£325.91	-	£325.91
Renewal of Fishery Orders*			£0.00		£0.00		£0.00
Menai East	£20,000.00	-	£5,000.00		£5,000.00	-	£5,000.00
Menai West	£10,000.00	-	£2,500.00		£2,500.00	-	£2,500.00
Research & monitoring	£1,955.47	£0.00	£488.87		£488.87	£0.00	£488.87
Bank charges		£20.40		£19.00		£25.00	
Total Expenditure	£41,624.20	£7,368.01	£10,406.05	£19.00	£10,406.05	£3,345.00	£10,406.05
2. Income							
Leases for lays	£32,968.41	£8,185.92	£16,484.20		£0.00	£12,363.03	£16,484.20
Licences	£0.00	£0.00		£0.00		£0.00	
Total	£32,968.41	£8,185.92	£16,484.20	£0.00	£0.00	£12,363.03	£0.00
Operating surplus / deficit	-£8,655.79	£817.91	£6,078.15	-£19.00	-£10,406.05	£9,018.03	-£10,406.05
Reserve	£29,804.37	£47,725.65		£49,973.03		£59,318.59	

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

2.2 Key points to note are that:-

- Income in Q1 was lower than budgeted; this was in part due to the ongoing deferral of lease fees for the Ballast Bank and Bangor Deep layings; and in part due to late payment of 3 invoices. Reminders have been sent.
- All invoices were paid for Q3 with the exception of those for Bangor Deep and Ballast Bank (see (a) above).
- Expenditure has been much lower than expected this year. This is in part due to delays in progress with the renewal of the two Fishery Orders and also delayed payments to, and invoicing by, some suppliers.
- The Association presently has a sum of £59,318 in its Reserves. This value is more than the target Reserve of £29,804 for the end of this FY.
- The most recent bank statements are not available; however based on the Reserve at the end of December 2020 and know expenditure since that date, the Reserve is presently estimated to be over £45,000.

3. Invoicing for layings in 2021

- 3.1 Members may be aware that since the 1st January 2021 there have been considerable difficulties in the export of live bivalve molluscs (such as mussels) from the UK to the EU. A Defra statement about this issue is appended at Annex A to this report.
- 3.2 As a result of this problem, there are essentially no exports of mussels to the EU at present. Until this situation is resolved, the access to EU markets is likely to be difficult.
- 3.3 In the light of this export problem and the impact of Covid-19 on mussel farming businesses, as well as the fact that the Association's own financial targets are being met, it may be appropriate to consider what the Association can do to support the shellfish farming industry.
- 3.4 In the short term it is proposed by the Secretariat and the Chair that the usual 30-day deadline for payment of invoices for layings could be extended to a period of 6 months. This extension may 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.
- 3.5 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 At the last meeting of the Association, it was agreed that opportunities for spending the £2,000 allocated to the Community Fund should be pursued by the Secretariat.
- 4.2 Following discussions with the Town Clerk at Beaumaris Town Council a sum of £1,000 has now been donated to support renovation work at the Happy Valley playground in Beaumaris, which will include the purchase of a new swing for less able children. The Town Clerk provided a picture of the swings in the playground at the moment (see below), and has written to express the Council's gratitude for this donation.



Figure 1: Picture of playground swings at Happy Valley, Beaumaris.

- 4.3 At the time of writing this report, Bangor City Council have not responded to requests for funding opportunities.

5. VAT Registration

- 5.1 At the last meeting of the Association it was agreed that MSFOMA should register for VAT. The Secretariat has been working with the Association's accountants to progress this. Although this initially seemed a straightforward task, it has subsequently become apparent that MSFOMA may not be eligible to register, and our accountants are still making enquiries to determine if this is possible.
- 5.2 An update on progress will be provided to the meeting.

MSFOMA Secretariat
March 2021

Annex A: Copy of Defra Press Release concerning shellfish exports to the EU.

03/03/2021

Exporting live bivalve molluscs to the European Union - Defra in the media

Exporting live bivalve molluscs to the European Union

[Defra Press Office](#), 2 February 2021 - [marine](#)



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There has been coverage in the [BBC](#), [Independent](#), [Politics Home](#), [i News](#) and [Shetland News](#) of disruption to the export from the UK to the European Union of live bivalve molluscs.

The Government is in communication with the shellfish sector and will continue to raise the issue with the European Commission to find an appropriate solution.

What is the issue?

Shellfish such as oysters, mussels, clams, cockles and scallops (live bivalve molluscs) are generally harvested from waters that are either classified as Class A or Class B.

Class A waters means that it has been harvested from waters that are of good quality and they can be exported to the EU without being cleaned/purified, while Class B waters means that the shellfish aren't ready for human consumption before being purified. Exporters have previously exported class B shellfish to the EU where they were purified.

<https://deframedia.blog.gov.uk/2021/02/02/exporting-live-bivalve-molluscs-to-the-european-union/>

1/2

Now that the UK is classed as a third country, the EU Commission have voiced concerns about the trade in uncleaned live bivalve molluscs, harvested from Class B waters. The Government is in touch with the Commission to raise the issue and find an appropriate solution.

Shellfish harvested from Class A waters, or that have been cleaned and are ready for human consumption, can continue to be exported to the EU.

What can the sector do to minimise disruption?

To minimise delays and disruption, it is necessary for exporters to provide accurate information and to understand the requirements for the goods being exported. This includes ensuring they provide Certifying Officers with the correct customs codes and descriptions for all goods included in the consignment.

Exporters may also wish to check with trading partners whether the relevant EU Member State Border Control Post (BCP) is able to accept this consignment.

A Defra spokesperson said:

“ Live bivalve molluscs such as oysters, mussels, clams, cockles and scallops can continue to be exported to the EU if they're harvested from Class A waters or cleaned, or have cleared end product testing in the UK.

We will continue to raise the issue of live bivalve molluscs not ready for human consumption with the EU, to ensure the trade can continue securely.”

[Follow Defra on Twitter](#), and [sign up for email alerts here](#).

Tags: [EU exit](#), [exports](#), [shellfish](#)

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

Item	Financial Year	
	2020-21	2021-22
1. Recurring Expenditure - inflated at 2.8%.		
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	£20,000.00
Menai West	£5,000.00	£5,000.00
Research & monitoring*	£1,955.47	£2,010.23
Total Expenditure	£36,624.20	£36,949.68
2. Recurring Income - inflated at 2.8% to increase value of reserve.		
Leases for lays	£32,968.41	£33,891.52
Licences	£0.00	£0.00
Total	£32,968.41	£33,891.52
Operating surplus / deficit	-£3,655.79	-£3,058.16
Reserve	£34,804.37	£31,746.22

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) 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. Several meetings have been held to discuss this, and a further meeting is due to take place on the 4th March 2021.
- 2.2 The key outputs from these discussions are summarised below:-

- a) **Personalities** – the participants in the Association are all interesting local personalities, and it would be good to include a picture and brief resume of each participant on the MSFOMA website; in addition, this information could be Tweeted.
- b) **Frequently Asked Questions** – the recently drafted “FAQs” for the new Menai East Fishery Order (see item 11 on the agenda) are suitable for Tweeting and will be progressively Tweeted once these FAQs have been approved at this meeting.
- c) **Strategy** – a simple communication strategy and timeline covering the next few months has been drafted and is presented below for comment.

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

Month ¹	Activity	PR / Tweet themes
Feb	Working with WG on the draft Order	MSFOMA Participants FAQs
March	Consultation preparation	FAQs There’s a consultation coming Benefits of mussel farming
April	Consultation	It’s consultation time FAQs Benefits of mussel farming
May	Post consultation	We had a consultation
June		Report of consultation details Summary of responses
Sept	Preparing for new Order	Benefits of mussel farming Importance of new Order How concerns have been addressed

- 2.3 Views are sought on this outline strategy, and all MSFOMA participants are asked to provide a picture and brief resume suitable for publication on the MSFOMA website and use on Twitter.

MSFOMA Secretariat
March 2021

¹ All dates provisional – the date for the start of the consultation is dependent on Welsh Government.

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 15th September 2020 (published on 10th December 2020 [here](#)), at which it was reported that a review of the future of this group was due to be carried out (see item 3 below). The only minute of relevance to MSFOMA was:-

Menai East - currently on hold but will be discussing with MISFOMA shortly

Members are reminded that at the previous meeting of WMFAG in June 2020 it was reported that:-

Menai East - due to expire in April 22 - WG working to ensure that new order will start on the demise of the old one.

Julian said that he recognised the importance of Several Orders for Menai East and Menai West and understood the concerns for Menai East but the team is working in a systematic way and aiming for that date. It is currently on target.

- 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 In December 2020 WG officials issued a questionnaire as part of the review of the future for the Welsh Marine Fisheries Advisory Group, WMFAG. The Chair and Secretariat compiled a response to this questionnaire on behalf of the Association, which is appended at Annex A to this report.

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 The Secretariat wrote to the Cabinet Minister in December 2020 to confirm the adoption of new Articles of Association and the appointment of new Directors (see Annex B). The only other correspondence with the Cabinet Minister has been in connection with the renewal of the Fishery Order in the eastern Menai Strait (see item 11 on the agenda).

MSFOMA Secretariat
March 2021

03/02/2021

Wales Marine Fisheries Advisory Group

Wales Marine Fisheries Advisory Group

1. Do you think the Welsh Government requires an advisory group on marine fisheries management? If so, what would a successful advisory group look like?

Yes, an advisory group is a potentially valuable component of the Welsh marine fisheries management regime.

A successful advisory group would be one where the participants understood their role clearly, and felt that their advice was valued and made a contribution to fisheries management in Wales.

2. How should membership to WMFAG or an alternate successful marine fisheries management advisory group be selected?

It is important that an Advisory Groups should have appropriate sectoral and spatial representation to represent the diversity of the Welsh fisheries portfolio.

3. Could an advisory group provide a forum for stakeholder engagement as well as an advice function to the Welsh Government?

Stakeholder engagement and advice are distinct and different activities that should not be combined.

An advisory group should provide expert advice on policy development relating to specific sectors of the fisheries portfolio.

The purpose of stakeholder engagement is either to seek a wider range of views from a wide range of interest groups, or to build ownership and understanding of new policy ideas among specific groups.

4. Do WMFAG's Terms of Reference (below) accurately reflect the function WMFAG currently provides? If not, what is not being achieved or captured and how can this be resolved?

- a. Provide expert advice to the Marine & Fisheries Division and the Minister for Environment, Energy and Rural Affairs on fisheries matters;
- b. Assist the Marine & Fisheries Division in engaging all those with an interest in fisheries and the marine environment;
- c. Represent the views of fisheries and marine interests across Wales;
- d. Interact closely with the Wales Marine Action & Advisory Group and the Aquaculture Advisory Group;
- e. Support the establishment and co-ordination of Task & Finish Groups when required, and monitor the work of these groups;
- f. Contribute to the strategic planning of fisheries work and inform prioritisation decisions;
- g. Monitor and evaluate the effectiveness of policies and strategies relating to fisheries management

We don't participate directly in WMFAG, and it is hard to determine from WMFAG minutes whether or not it is achieving any of its ToRs. The feedback we have received from participants is that they do not feel that expert advice is heeded; that it does not contribute to strategic planning or prioritisation of decisions; nor does feedback inform monitoring of the effectiveness of policies and strategies.

5. In 2017, WMFAG underwent a Governance restructure. How have the changes from this review impacted the functioning and delivery of WMFAG?

We don't feel that we have enough evidence of WMFAG functioning and delivery before or after this review to comment on this.

6. In 2017 WMFAG moved to a system of 'Task and Finish' groups, what has worked well? How can they be improved?

Again, we have no experience of the Task and Finish groups so cannot comment.

7. WMFAG currently meet on a quarterly basis. In light of COVID19 and developments in home working, would you be in favour of moving meetings to virtually, increasing or decreasing their frequency, reducing their length and or changing the times of meetings?

Virtual meetings would seem to be appropriate for this as for other meetings. Without direct experience of WMFAG meetings we cannot comment on their frequency, length or timing.

8. Do you have any further comments or suggestions on governance or meeting format for the review?

As noted already, the feedback we have had from existing WMFAG participants has been negative. Frustrations seem to arise from a lack of clarity of the role of the group, and a feeling that the experience and expertise of participants is not valued and does not help to shape strategies, determine priorities, or assist with monitoring of the effectiveness of policies and strategies.

We wonder if it would be appropriate to recruit an independent, capable and respected individual to Chair these meetings and ensure that the Group operates within the ambit of its ToRs. This might address these concerns, which seem to stem from the dynamics of meetings rather than the constitution and purpose of WMFAG.

Finish Survey

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Annex B: Letter from Secretariat to Cabinet Minister concerning new Articles of Association and appointment of Directors.

Menai Strait Fishery Order Management Association

Port Penrhyn, Bangor, LL57 4HN

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

14th December 2020

By e-mail

Dear Minister

MENAI STRAIT FISHERY ORDER MANAGEMENT ASSOCIATION: NEW ARTICLES OF ASSOCIATION AND APPOINTMENT OF NEW DIRECTORS

I am writing to inform you that the Annual General Meeting of the Menai Strait Fishery Order Management Association in December 2020 agreed to adopt new Articles of Association and also to appoint two new Directors.

We have attached the new Articles of Association to this letter, along with a report that sets out the context for their revision. In brief, the changes have been made in order to improve representation of local community interests, and also to facilitate the development of new shellfish cultivation opportunities in North Wales. Our intention is that these changes will enable us to better support the Welsh Government's strategy for developing shellfish aquaculture.

The new Articles of Association also allow for the appointment of two new Directors. At the AGM it was unanimously agreed that Mr Alan Winstone and Dr Jim Andrews should be appointed as Directors of the Association. Mr Winstone has been appointed a director through his position as the Chair of the Association. Dr Andrews has been appointed as "Administrative Director", a new Directorship that has been established under the new Articles of Association.

The purpose of both new Directorships is to ensure that the Association is able to take decisions in instances where other Directors may have a Conflict of Interest. Our intention is to ensure that as an organisation we adhere to the "Nolan Principles" of good governance, and these changes were considered to be critical to ensure this.

If you have any comments or queries about the changes to the Articles or these appointments, please get in touch with me.

Yours sincerely



Dr JIM ANDREWS
MSFOMA Secretariat

cc. Mr Julian Bray, Marine & Fisheries Division, Welsh Government

Encs.

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

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 write to NWIFCA to formally offer practical support in response to the changes in the NWIFCA science team in recent months.
3. 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 meeting of its Technical, Science and Byelaws (TSB) Sub-Committee on the 9th February 2021. A quarterly meeting of the IFCA was held on the 10th December 2020, and the next quarterly meeting is due to be held on the 18th March 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 Senior Scientist, Mandy Knott, was leaving the Authority. Mandy took with her a wealth of knowledge and experience. The Secretariat wrote to her on her departure to thank her for her hard work and contribution to sustainable shellfishery management in the NWIFCA District.
- 4.2 Early in 2021 another member of the science team, Dr Melanie Hartley, also left the science team. The loss of both Ms Knott and Dr Hartley, coupled with an existing vacancy in the science team has resulted in a small science team of 5 officers being reduced to a team of 2.

- 4.3 NWIFCA are currently carrying out a recruitment process to fill the role of Senior Scientist. The deadline for applications is the 15th March 2021.
- 4.4 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.
- 4.5 Early in the New Year and following discussions with the Chair and the shellfish industry in the Menai Strait, the Secretariat made an informal offer of practical support to the NWIFCA (see Annex A). This offer was well received and a subsequent discussion took place with Mr Haines in which the opportunities for collaboration were discussed.
- 4.6 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.
- 4.7 Given the potential impact on the Menai Strait shellfish industry of any delay or constraint on shellfish surveys in Morecambe Bay, it would seem appropriate for the Association to write to NWIFCA more formally to offer support in response to these staff changes.
- 4.8 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
March 2021

Annex A: E-mail from Secretariat to Jonathan Haines, Acting Senior Scientist at NWIFCA

Jim Andrews

From: Jim Andrews <jim@awjmarine.co.uk>
Sent: 06 January 2021 11:58
To: Jonathan Haines (J.Haines@nw-ifca.gov.uk)
Cc: Trevor Jones
Subject: Mussel surveys 2021: offer of assistance from MSFOMA

Hi Jon

I hope you are keeping well.

I am just dropping a brief line with my "MSFOMA" hat on to extend the offer of practical support & assistance from the Menai Strait mussel farmers to help out with any survey work that you may be planning in Morecambe Bay this year. We very much appreciate that with the combination of the Covid restrictions and Mandy's departure it is going to be quite a challenge to carry out a normal schedule of mussel surveys this year. If we can help out with transport (such as Trevor's hovercraft or the mussel dredgers) or just additional pairs of hands / eyes, we would be only too happy to assist.

I will "see" you at the upcoming TSB meeting on 9th February, perhaps we can have a quick catch-up on your plans for the year around about then?

Best wishes for 2021.

Regards

Jim

Dr J Andrews BSc LL.M
AWJ Ltd, 58 Park Road, Windermere, Cumbria, LA23 2DJ
T: +44(0)845-880-2540
M: +44(0)7908-225865
Skype: jimwandrews
Company No 5838874 VAT Reg No 880 1291 32

Find us in www.seafishdirectory.com - the one-stop directory for the fishing industry.

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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 31st 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. Liaison with Welsh Government officials over the process for making a new Order is noted.
3. Progress against the agreed timetable for making a new Order is noted, and the consequences of recent delays are considered.
4. The Association note that MSFOMA is ready to progress with the formal consultation on a new Order within 10 days of being served with the draft Order by the Minister.

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 31st 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 9th August 2018. In October 2019 it was confirmed that Welsh Government had put in place a procedure to enable it to process the application. Since that date WG and MSFOMA have been working closely together to progress the renewal of the Fishery Order.
- 2.2 A copy of the timetable for renewing the Order that was discussed with WG officials in January 2020 is attached at Annex A of this report for reference. It had been anticipated that a draft of a new Fishery Order would be available for discussion by the Association early in 2020 and for a period of formal consultation during the rest of the year. These tasks have not yet happened, and the process of renewal is now over a year behind this schedule. This has been a matter of concern at Association meetings for some time.

- 2.3 Since the last meeting of the Association in December 2020 the Secretariat has been liaising regularly with WG officials to discuss progress. Telephone conference calls have also been held by the Chair with WG officials on the 14th December 2020, 18th January 2021, 12th February and 25th February.
- 2.4 In addition to these routine discussions, a meeting was also held on the 9th February with Lesley Griffiths AS (Minister for Environment, Energy & Rural Affairs) at the request of Rhun Ap Iorwerth AS for Ynys Môn. This meeting was attended by the Chair, and shellfish farmers from the eastern Menai Strait.

3. WG Progress

- 3.1 Following the productive meeting with the Minister and Rhun Ap Iorwerth AS on 9th February we are continuing to work constructively with WG to confirm points of detail on the proposed Order.
- 3.2 WG officials anticipate being able to update the Association on the likely timescale for providing a draft Order at the meeting.

4. Engagement with stakeholders

- 4.1 At previous meetings the Association has drawn up a timetable for progressing the renewal of the Fishery Order and ensuring that there is adequate engagement with stakeholders.
- 4.2 At the last meeting of the Association it was felt that in view of the combined uncertainties with the timetable for renewal of the Order and the Covid-19 pandemic it was inappropriate to organise stakeholder meetings as it was not clear what the Association would be able to communicate. There have, however, been some recent opportunities for stakeholder engagement which the Chair and Secretariat have responded to, and which are summarised here:-
- a) In late 2020 the Secretariat was approached by local representatives of the Royal Yachting Association, who were interested in progress with the new Fishery Order. This interest triggered a very constructive meeting between the Chair, Secretariat and RYA officials on the 11th January 2021.
 - b) In early 2021 the Secretariat approached the North Wales Wildlife Trust whilst making final preparations for the formal consultation on the new Order. This resulted in a very constructive discussion with Nia Jones from NWWT on the 11th February.
- 4.3 Both the RYA and NWWT indicated that they would welcome the opportunity to participate in further stakeholder engagement activities and also the formal consultation on the new Fishery Order.
- 4.4 Stakeholder engagement is very important to this process and the Secretariat would recommend that meetings are convened with stakeholders once there is some certainty about the content of a new Order and the timescale for its implementation.
- 4.5 In the absence of this clear certainty, the Chair and Secretariat have prepared a revised and more extensive briefing document about the Fishery Order and shellfish farming, including a list of “Frequently Asked Questions”. It is the intention that this document

and the FAQs will be “Tweeted” and published on the MSFOMA website to draw attention to the upcoming consultation on a new Fishery Order (see item 8 on the agenda for further information).

5. Formal Consultation

- 5.1 A key stage in the process of making a new Fishery Order is the formal consultation that MSFOMA is required to conduct. There is a 30-day consultation period specified in the Sea Fisheries (Shellfish) Act 1967 (see Annex D to this report).
- 5.2 In preparation for this consultation period, the Secretariat has:-
- a) Drafted advertisements for newspapers (Fishing News, North Wales Chronicle, Western Mail), and obtained approval from Welsh Government officials;
 - b) Confirmed with all of these newspapers that they will print these advertisements as Public Notices;
 - c) Drafted notices to place in public spaces around the Menai Strait during the consultation period and obtained approval from Welsh Government officials;
 - d) Translated the advertisements and notices so that they are accessible to both Welsh and English speakers;
 - e) Set up a mechanism for stakeholders to register for e-mail updates via the MSFOMA website (this system has been in place now for over 12 months) to facilitate consultation using e-mail; and
 - f) Prepared a mailing list of landowners and statutory consultees, as well as local stakeholders (such as sailing clubs) with an interest in the area so that formal letters can be sent to all of them.
- 5.3 The Association is advised that following these preparations the formal consultation on a new Order can begin within 10 days of the draft Order being issued by the Minister to the Association. This 10-day delay is due to the lead-in time for advertisements in the requisite newspapers.

MSFOMA Secretariat
March 2021

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

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

Annex B: MSFOMA Letter to Minister for Environment, Energy & Rural Affairs, February 2021

Menai Strait Fishery Order Management Association

Port Penrhyn, Bangor, LL57 4HN

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

12th February 2021

By Post and e-mail

Dear Minister

Menai Strait Oyster and Mussel Fishery Order 1962

I am writing to thank you and your officials for a very constructive meeting earlier this week.

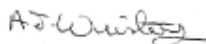
I can confirm that we are all ready to receive a draft of the new Fishery Order for the eastern Menai Strait next week. We were very reassured by your personal commitment to meeting this deadline. Your commitment means a great deal to the shellfish farmers whose livelihoods and futures depend on the new Fishery Order being in place on the 1st April 2022.

For our part, we have already prepared the public notices, mailing list and consultation letters for the 30-day public consultation on the new Fishery Order. We will act without delay to start this consultation once we have confirmation from your officials that this can begin.

I would also like to thank you for the very positive comments that you made about the current challenges facing shellfish farmers as a result of Brexit. As you will recall, one of the most accessible solutions to the problems preventing the export of live bivalve molluscs to the EU could be to review how the system for shellfish hygiene classification is administered. For an area like the Menai Strait, a more adaptive system (such as the Scottish system, or the approach used in EU Member States such as Denmark) could have many advantages. We are very keen to work with you and your officials to see how it might be possible to replicate the Scottish system in Wales, so that our shellfish farmers enjoy the same advantages.

We very much look forward to making progress over the coming weeks with the new Fishery Order and securing the future of the leading shellfish producing area in Wales.

Yours sincerely



ALAN WINSTONE
Chair, MSFOMA

cc. Rhun Iŷ Iorwerth, AM

Annex C: Copy of the consultation document prepared for the new Fishery Order by the Chair and Secretariat.

Mussel Farming in the Menai Strait
The Menai Strait East Fishery Order:
Update, February 2021

Background

The eastern Menai Strait is the most important aquaculture site in all of Wales, and the single largest mussel farming area in the whole of the UK. The success of this area is due to the unique natural environment that is perfect for mussels; and also the legal protection (known as a "Fishery Order") that allows local mussel farmers to cultivate mussels here without the fear that they will be stolen by others. Hand gathering of wild mussels within the area is also covered by the Order.

Since devolution, the mussel fishery in the Menai Strait has been managed by the Menai Strait Fishery Order Management Association (MSFOMA), which was granted these powers by the Welsh Government in 2010. In March 2022 the "Fishery Order" for the Menai Strait is due to expire. The replacement of this Fishery Order is vital for Wales to maintain its leading place in UK aquaculture, and to secure long-term jobs and businesses in the local economy.

What is proposed?

We are proposing a like-for-like replacement of the existing "Fishery Order". Experience and science tell us that areas that are suitable for mussel farming are few and far between. Over the past 59 years since the existing Fishery Order was established, Welsh mussel farmers have identified the best places to farm and harvest mussels in the Menai Strait. No changes to the extent of mussel farming or hand gathering are being proposed.

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



What is the timetable?

MSFOMA submitted a formal application to the Welsh Government for the replacement of the current Fishery Order in August 2018. We have been working closely with Welsh Government officials and providing

them with further information since that time. Welsh Government are producing a draft Order, and in spring 2021 this will be advertised as part of a formal public consultation.

MSFOMA are keen to consult with local community and stakeholder groups to raise awareness and encourage a favourable response to the new Fishery Order. Any representations received will be considered by both MSFOMA and Welsh Government before a decision on approving the Order is made by the Minister for Environment, Energy and Rural Affairs.

What will happen in the Order area?

Mussels have been cultivated in the Menai Strait since 1962. Mussels are farmed in areas that are leased to each mussel farmer. Each farmer harvests small “seed” mussels and puts them on the shore in the sheltered waters of the Menai Strait. The mussels grow fast here, and within 2-3 years they are big enough to harvest and eat. Mussel farming is done directly on the seabed – no nets or equipment are placed on the shore. Over the years the hand-gathering of mussels by licenced fishermen has also taken place from time to time when wild mussel numbers have reached harvestable levels.

Are the mussels chemical free?

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

Do the mussel farmers use boats?

Yes. Mussel farmers use boats but are only on site when re-laying and harvesting mussels. Vessel operations are limited to high water periods, mainly in the autumn-spring period, and generally between Monday and Friday.

How are seed mussels collected?

Small “seed” mussels are collected from ephemeral mussel beds that can be found in most years in Morecambe Bay and also from time to time at Caernarfon Bar. The seed mussels are collected using dredges.

Seed mussels settle from the plankton at these locations on to the cobbles and rocks left behind from the last Ice Age. To avoid damaging these vital seabed habitats, the mussel farmers wait until the young mussels have built up a layer of mud. This is typically in the period from August-October. After October the young mussels are swept away by stormy weather in the autumn and winter, leaving the cobbles and rocks exposed and ready for a new settlement of mussels the next year.

This process has repeated year after year for the past 50 years. In recent years the recruitment of seed mussels on the wild beds in Morecambe Bay and Caernarfon Bar has become less predictable, possibly as a result of climate change.

Mussel farmers are now working with scientists here in North Wales to develop other ways of collecting seed mussels, which has proved to be a more reliable source of seed mussels in other countries – the pictures below show some of these mussels growing on ropes near to Puffin Island.



<https://twitter.com/Wij66W/status/1336724417628561417>

How does mussel farming take place?

Mussels are farmed by taking small ("seed") mussels from ephemeral mussel beds and transporting them to the Menai Strait using specially designed mussel farming vessels. In the Menai Strait the seed mussels are returned to the sea (a process called "relaying") in the farmed areas (called "lays").

It usually takes 2 years for these seed mussels to reach market size. During this time the mussels may be moved from intertidal areas to subtidal areas by the mussel farmers to optimise their survival, growth, and quality.

A video showing mussel farming in operation can be found [here](#).

Is this sustainable?

Yes. Mussel farming in the Menai Strait has been independently certified as a sustainable fishery by the Marine Stewardship Council. In fact it was the first mussel farming area in the world to be certified as sustainable. Mussel farmers are constantly working with scientists from Bangor University's Shellfish Centre and Centre for Applied Marine Sciences to improve farming methods and ensure that the sustainability of the fishery is always improving.

What are the economic benefits to the local economy from the mussel industry?

The most obvious economic benefits are that more than 20 people are directly employed by the companies farming shellfish in the Menai Strait. There are then the many dozens of jobs that are partly dependent on shellfish farming: support services such as marine engineers, hauliers and local chandleries.

On top of this, the mussels farmed in the Menai Strait are destined for export, so their sale helps with the UK's foreign trade and brings revenue into the local economy.

Would I still be able to....?

Sail in the area?

Yes. There are no restrictions on sailing over the shellfish farming areas. The farmers liaise closely with sailing organisations to ensure that work is planned to allow the marking of courses and avoid key sailing events (such as races).

Continue to use boat moorings in the area?

Yes. The Fishery Order does not restrict access to the existing moorings in the area.

Walk on the beach or foreshore?

Yes. The Fishery Order does not restrict access to the beach or foreshore. You will still be able to walk on the shore.

Beach a boat on the shore?

Yes. The Fishery Order does not prevent or interfere with beaching of boats whether for picnics or for maintenance.

Go angling in the Menai Strait?

Yes. There would be no new restrictions on angling from the shore or from boats.

What is the Menai Strait Fishery Order Management Association?

The Menai Strait Fishery Order Management Association (MSFOMA) was set up in 2010 to oversee the management of the shellfish farming areas in the eastern Menai Strait. It is an independent not-for-profit organisation. Its membership comprises 2 representatives of the fishing industry, and 1 representative from each of Natural Resources Wales, Gwynedd County Council, Ynys Môn County Council, Beaumaris Town Council, Bangor City Council and the University of Bangor. Welsh Government also attend the quarterly meetings and it is chaired by Alan Winstone, an independent fisheries expert from Anglesey.

What is a “Fishery Order”?

In Wales, a “Fishery Order” is an Order made by the Welsh Ministers that assigns the existing public fishing rights in the sea for certain species of shellfish to an individual or organisation. A Fishery Order does not create any new fishing rights, but by privatising the fishing rights it allows for proactive management and cultivation of shellfish. It also can regulate the hand-gathering of wild mussels through a licensing system with appropriate conditions, such as minimum sizes and where and when harvesting takes place.

Can the existing Order be extended beyond March 2022?

No. The legislation prevents an Order for lasting more than 60 years. That’s why MSFOMA applied for a new Order.

What would happen if the Order were not replaced?

Jobs would be lost and the careful regulation of shellfish harvesting in the area would come to an end. The area would return to the public fishery, reliant on unpredictable wild mussel stocks, and typically fished by itinerant gangs of shell fishermen from outside the area.

How and why were the boundaries of the Order determined?

The boundaries were determined after experiments conducted by scientists from the fisheries laboratory in Conwy in the 1950s had identified the best areas for cultivating shellfish.

What species of shellfish can be farmed?

Blue mussels (*Mytilus edulis*) are the only species farmed in the eastern Menai Strait at the moment. Elsewhere in the Menai Strait oyster farming has been successful. Oyster farming is not planned for the eastern Menai Strait at the moment, but it could be a possibility in the future.

How does hand gathering of mussels take place?

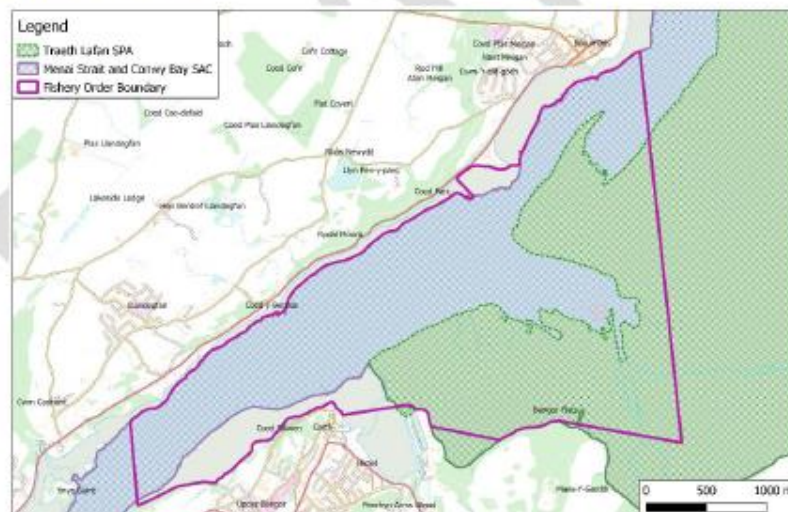
Hand gathering is very simple. Mussel fishermen walk down the shore and either pick individual mussels by hand or use a short handled rake to gather them, put them in sacks, and then transport them back up the shore.

Yes, hand gathering licence application forms can be downloaded from our website, and you can also apply online (both downloadable forms and the on-line application are [here](#)). Licences are only issued when there are sufficient mussels in the Fishery Order area outside the farmed areas. MSFOMA have not issued any licences for several years. If conditions change, licences would be issued on a first-come-first-served basis in accordance with formal procedures agreed by the Association (available [here](#)).

Yes, lease application forms can be downloaded from our website, and you can also apply online (both downloadable forms and the on-line application are [here](#)). Leases are only issued when an existing leased area becomes vacant. Leases are issued on a first-come-first-served basis in accordance with formal procedures agreed by the Association (available [here](#)).

Most of the cultivated mussels in the Menai Strait are in hard-to-reach areas of the shore. If you gather mussels from easier to access areas you are unlikely to be taking farmed mussels, so you can continue to enjoy gathering small quantities for personal consumption.

The Menai Strait is a nationally and internationally important site for marine wildlife and for coastal bird populations. The Fishery Order is located within the Menai Strait and Conwy Bay Special Area of Conservation (SAC) and overlaps with the Traeth Lafan Special Protection Area (SPA). The extent of these areas is shown in the map below.



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Does mussel farming benefit bird populations on the Menai Strait?

Yes. Observations in the late 1990s found that oystercatchers from nearby Traeth Lafan were feeding on the commercial mussel beds in the Menai Strait, and trials carried out by scientists found that mussel cultivation benefitted birds, with increased diversity observed in areas where mussels were being farmed.

Further details can be found in

- Caldow, R., H. A. Beadman, S. McGrorty, M. Kaiser, J. Goss-Custard, K. Mould, and A. Wilson. 2003. Effects of intertidal mussel cultivation on bird assemblages. *Marine Ecology-progress Series - MAR ECOL-PROGR SER* 259:173–183.
https://www.researchgate.net/publication/250217993_Effects_of_intertidal_mussel_cultivation_on_bird_assemblages
- Atkinson, P. W., N. A. Clark, S. G. Dodd, and D. Moss. 2005. Changes in Survival and Recruitment of Oystercatchers *Haematopus ostralegus* at Traeth Lafan, North Wales, in Relation to Shellfish Exploitation:42. https://www.bto.org/sites/default/files/shared_documents/publications/research-reports/2005/rr393.pdf

What precautions are taken to avoid spreading unwanted species into the Strait?

The mussel farmers are aware that Invasive Non-Native Species (INNS) are one of the greatest potential threats to the marine environment. To minimise risks, they have drawn up a “Code of Conduct” in consultation with Natural Resources Wales (available [here](#)). This was first published in 2008 and revised in 2019 to take account of the most up-to-date scientific information.

What are the wider environmental benefits and risks from mussel farming?

The environmental effects of mussel farming have been studied in detail by scientists from the Marine Centre of the University of Bangor in Menai Bridge. Mussels provide essential “ecosystem services” in the area including:

- Filtering seawater to make it cleaner (each mussel filters around 1 litre of seawater an hour, removing particles as small as 1 micron in diameter);
- Locking up carbon dioxide in their shells;
- Mopping up nutrients that can cause pollution problems;
- Providing valuable habitat for juvenile fish;
- Providing food for migrating birds; and
- Stabilising the shoreline to reduce rates of coastal erosion.

If you want to find out more, and how the “ecosystem services” of mussels and other shellfish in cultivation are valued around the world, the following publication may be of interest.

The role of mussels in the ecosystem means that mussel farming contributes to key Welsh Government strategies including the well-being of future generations, sustainable development, and the circular economy.

Further information about the benefits of mussel farming can be found in this review of the scientific literature:

- van der Schatte Olivier, A., L. Jones, L. L. Vay, M. Christie, J. Wilson, and S. K. Malham. 2018. A global review of the ecosystem services provided by bivalve aquaculture. *Reviews in Aquaculture* 12:3–25.
<https://onlinelibrary.wiley.com/doi/full/10.1111/raq.12301>

How can I raise any concerns or queries about the proposed new order or pledge my support?

You can contact MSFOMA and Welsh Government by e-mail or by post. There will be a formal period of consultation on the proposed new Fishery Order during the spring of 2021, when you will be able to inspect and respond to a draft of the proposed new Fishery Order.

Contact details for MSFOMA and Welsh Government are:-

- MSFOMA: info@msfoma.org or by post to MSFOMA, Porth Penrhyn, Bangor, LL57 4HN.
- Welsh Government: MarineandFisheries@gov.Wales or by post to Menai Strait (East) Proposed Fishery Order, Marine & Fisheries Division, Welsh Government Office, Rhodfa Padarn, Llanbadarn Fawr, Aberystwyth, Ceredigion, SY23 3 UR.

Where can I find out more?

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

MSFOMA
Porth Penrhyn
February 2021

Annex D: Extract of Schedule 1 of the Sea Fisheries (Shellfish) Act 1967 relating to the formal consultation on a new Fishery Order. Full text of the Act available [here](#).

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.

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 have discussed the issues concerning Pacific Oysters in detail with WG and NRW officials on 17th December 2019, 31st January, 13th March, 7th April, 5th May, 2nd June & 30th July 2020.
- 2.3 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.
- 2.4 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.
- 2.5 In an effort to make some progress from our side, the Chair and Secretariat have convened a series of meetings during January and February 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 22nd February 2021, Prof. Lewis Le Vay has put together an outline of some areas of research into Pacific Oysters that could help to inform the emerging UK and Welsh Government policy on the cultivation of this species. This outline is appended at Annex A of this report for discussion at this meeting.

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
March 2021

Annex A: Summary of proposed key research questions for Pacific Oysters in the Menai Strait (Draft)

The proposed research will address several key questions:

1. Lack of data on current feral Pacific oyster population in the Menai Strait

An intertidal survey will assess the abundance and distribution of Pacific oysters, providing a comparison with survey data from 1994 and 2019. 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 could be reviewed? To be discussed

4. Reliability of producing non-fertile triploid oysters

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. The reproductive potential of aquaculture farms stocked with triploids will be compared to the reproductive potential of existing feral oyster populations identified in the field surveys.