

Menai Strait Fishery Order Management Association

Agenda & Papers- 31st March 2022, 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)
7. Financial update ([report](#))
8. Public Profile of the Association (verbal)
9. Welsh Government Activity ([report](#))
10. North West IFCA Activity ([report](#))
11. Menai Strait East ([report](#))
12. Menai Strait West Fishery Order ([report](#))
13. Project funding update (verbal)
14. Fishery management issues
 - a. Coastal / marine developments
 - i. Bangor Pier
 - ii. Sand in the dock
 - b. Environmental / health issues
 - i. Shellfish hygiene classifications
 - 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 2nd Wednesday of the month except for the Q1 meeting which has been scheduled to coincide with the demise of the 1962 Fishery Order for the eastern Menai Strait):-
 - a. Q1 2022 - 31st March
 - b. Q2 2022 - 8th June
 - c. Q3 2022 - 14th September
 - d. Q4 2022 - 14th December [AGM]

Menai Strait Fishery Order Management Association

Meeting, 8th December 2021
Zoom Video Conference Call

Minutes

Attendance

Members

Alan Winstone*
Ioan Thomas
James Wilson*

Chair
Gwynedd County Council
Bangor Mussel Producers Ltd

Observers

Howard Mattocks
Kate Griffith
Kim Mould
Michelle Billing
Trevor Jones

Beaumaris Town Council
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. He reported that he had just been re-appointed to serve as Chair of the Association for a further two years at the AGM that had taken place earlier in the day.

It was reported that Keith Andrews, one of the founding directors of the Association, had formally tendered his resignation on 3rd December 2021. It was agreed that a formal letter of thanks for the support that Keith had given the Association since its creation should be sent to him.

Action: Secretariat & Chair

2. Apologies

Alex Scorey
Gareth Bevington
Gareth Roberts
Iwan Huws
Julian Bray
Keith Andrews*
Lewis le Vay

Natural Resources Wales
Welsh Government
Bangor City Council
Isle of Anglesey County Council
Welsh Government
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 8th September 2021 were accepted, subject to minor corrections.

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

Kim Mould reported that he understood that a marine licence would be needed from NRW to allow dredging of the sand in the dock. Kate Griffith confirmed that the sediment would need to be sampled to determine its composition and that a sediment sample plan may be required.

James Wilson reported that sand was still being unloaded, and that water sprinklers were not being used, so sand continue to blow into the dock.

It was agreed that this issue should be kept under review.

Action: JW, Secretariat

Deo Gloria

The vessel Deo Gloria had run aground on one of the layings on 5th November 2021, causing some damage to the mussels in cultivation. James Wilson had raised concerns about this damage with the operator and with Caernarfon Harbour Trust.

It was agreed that the Secretariat and tenant of this area should contact the Association's legal advisors to determine how best to proceed.

Action: JW, Secretariat

Bonamia

James Wilson reported that he had participated in a number of discussions with Cefas about revising the extent of the *Bonamia* restrictions in the area. He was highlighting the difference between EU and UK approaches to this issue, and was concerned that Cefas did not seem willing to adopt a more pragmatic approach. Discussions were ongoing, and an update would be provided to future meetings.

Action: James Wilson

Water quality

The importance of good water quality for the future of the mussel fishery was discussed. All agreed that improving water quality would address many of the problems affecting the export of Menai Strait mussels to the EU post-Brexit. Work is progressing on several fronts: the Shellfish Centre work working with Dŵr Cymru to identify the main effluent inputs that affect water quality; and the Food Standards Authority are considering the implications of changing the approach to classifying shellfish waters.

6. Register of Interests

The Chair reminded all participants to check their Statement of Interests on the MSFOMA website (https://www.msfoma.org/?page_id=478) to confirm whether it is accurate.

Action: All

7. Financial Update

The financial report was accepted.

It was agreed that the revised budget should be adopted, and that lease fees should be kept as low as possible in response to both the reduced costs facing the Association and the poor trading conditions being experienced by the industry. The proposal that lease fees should be set at £2,312pa for each of the 8 layings was accepted.

It was agreed that the Community fund proposal from Bangor City Council (to support the renovation of the HMS Conway kiosk on the pier) should be supported and that the Secretariat should liaise with the Council to progress this.

Action Secretariat

8. Public Profile of the Association

The Chair and Secretariat reported that regular meetings continue to be 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 number of tweets and profile of the Association continues to grow steadily. It now has over 1,300 followers.

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

The Secretariat's report was noted and received. There had been no meetings of WG fisheries groups.

The Chair provided an update on the video meeting with the Minister that had taken place on the 1st of December. The key messages appeared to be that the Minister wants to increase shellfish aquaculture production, but does not want to develop a new Strategy for this; at the same time it is acknowledged that the objectives of the 2013 Strategy have not been met, but it is claimed that the sector is now more diverse than it was. The meeting was attended by David Morris (Deputy Head, WG Food Division), who was very positive about the potential of the Welsh shellfish aquaculture sector.

James Wilson had also attended this event and the follow-up plenary session with officials. He reported that Robert Floyd and Gareth Bevington had made a commitment to follow up the Ministerial meeting to set out the next steps for this

sector. He also noted that Minister's reference to the 2013 Fisheries Strategy Objectives and the enthusiasm from David Morris.

During the discussions with WG it had been reported that the EU EMFF funding would be coming to an end and that a commitment had been made by WG to engage with industry partners to co-design future funding arrangements for this sector.

10. NW IFCA Activity

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

It was agreed that MSFOMA should continue to encourage NWIFCA to resume work on the Morecambe Bay Mussel Management Plan.

Action: Secretariat

11. Menai Strait East Fishery Order

The Chair introduced this item, noting the progress that has been made to allow for the introduction of a new Fishery Order in the eastern Menai Strait in April 2022 to follow on from the existing Fishery Order.

After discussion it was agreed that:-

- Written applications for new leases should be sought from the existing tenants of leased areas.
- The Chair and Secretariat should work with NRW and WG to progress a Habitats Regulations Assessment (HRA) for the new Order, for the Designated Several Area, and for the layings in the new Order.
- That the Chair and Secretariat should complete all of the administrative steps required for new leases to be issued for the layings in the new Fishery Order.
- That the Secretariat should invite those Members of the Association without a pecuniary or prejudicial interest in the leased areas to form a Lease Allocation Committee that would make a determination on applications for leased areas.

Action: Chair & Secretariat

It was further agreed that the close working relationship between MSFOMA and WG should be maintained, with regular meetings between Michelle, the Chair and the Secretariat.

Action: Chair & Secretariat

12. Menai Strait West

The Chair reported that MSFOMA have continued to organise meetings between the applicants for renewal of this Fishery Order and other parties including Natural Resources Wales, WG officials, and scientists from the Shellfish Centre at Menai Bridge. A key area of work that had been progressed through these meetings was a proposal for a review of management and mitigation options for Pacific oyster cultivation in the Strait, which had been reported to previous meetings.

At the last meeting between parties on 17th November it had been agreed that the draft report should be finalised in mid-January and discussed at a meeting of this group by the end of January. An update on this report and its findings could be brought to the next Association meeting.

Action: Secretariat

James Wilson reported on discussions at the SAGB Mollusc Committee about this issue. There have been discussions about the national policy for Pacific oysters at this meeting, and it appeared that further discussion and negotiation was needed between Natural England and Cefas to develop a settled policy. James agreed to provide an update on any progress at this level to future Association meetings.

Action: James Wilson

13. Funding proposals & Research Update

A brief update on progress with funding and research was provided. In summary:-

- **Pacific Oysters** - some areas for research have been identified and are to be progressed (see Item 12 above).
- **Bonamia** - James Wilson reported that he had been in touch with Cefas about the size of the current designated area, which extends from Conwy to Malltraeth and Llandwrog beyond the western end of the Menai Strait. Cefas had indicated that any change to this boundary would take time. JW will continue to pursue this issue and will update the Association.

Action: James Wilson

- **Spat collectors / MOSSS** - James Wilson reported that work was ongoing, and an application for a larger cultivation area was in preparation .
- **Water quality** - the Shellfish Centre was continuing to work with Dŵr Cymru and other partners to identify sources of effluent input to the

14. Fishery Management Issues

1. Coastal / marine developments

i. Bangor Pier

No additional update.

ii. Sand in the dock

This was discussed at the start of the meeting (see Matters Arising).

2. Environmental / health issues

i. Shellfish hygiene classification

No further update.

ii. Bonamia

No further update.

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

Kate Griffith reported that NRW would be holding a webinar looking at larval dispersal of Invasive Non-Native Species. She agreed to share information about this webinar via the Secretariat.

Action: Kate Griffith

All were reminded to keep an eye out for slipper limpets in the area.

Action: All

iv. *Norovirus*

No further update.

15. Any Other Business

a) Correspondence

No additional correspondence had been received.

16. Dates for next meetings

Proposed meeting dates for 2022:-

- a. Q1 2022 - 31st March
(Revised proposal - to mark the end of the old Order and the start of the new one)
- b. Q2 2022 - 8th June
- c. Q3 2022 - 7th September
- d. Q4 2022 - 14th December [AGM]

Summary of Actions

Item	Action	Responsibility
1.	Keith Andrews - letter of thanks	Chair & Secretariat
2.	Sand in Dock - keep under review.	James Wilson & Secretariat
3.	Deo Gloria grounding - determine how best to proceed.	James Wilson & Secretariat
4.	Register of Interests - review current Statement of interests on MSFOMA website (https://www.msfoma.org/?page_id=478) and confirm it is accurate.	All
5.	Community Fund - progress proposal for support to Bangor City Council for renovation of HMS Conway kiosk.	Secretariat
6.	Website / Twitter - provide photograph and brief resume suitable for website and Twitter	All
7.	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).	Secretariat
8.	NWIFCA - encourage adoption of Morecambe Bay Mussel Management Plan.	Chair & Secretariat
9.	Menai East - request written applications for new leases from existing tenants.	Chair & Secretariat
10.	Menai East - work with WG officials to progress HRAs of "Designated Area" and new leases.	Chair, Secretariat, NRW & WG
11.	Menai East - complete all steps needed for renewing existing leases & issuing new leases.	Chair & Secretariat
12.	Menai East - convene meeting of Lease Allocation Committee to determine lease applications.	Chair & Secretariat
13.	Menai East - maintain close working relationship with Welsh Government.	Chair & Secretariat.
14.	Menai West - provide summary of Pacific oyster research report to next meeting.	Secretariat
15.	Menai West - provide update on national Pacific oyster policy discussions at SAGB.	James Wilson
16.	<i>Bonamia</i> - James Wilson to liaise with Cefas about boundary of designated area and prospects for change.	James Wilson
17.	Water quality - Shellfish Centre to work with Dŵr Cymru and Bangor Mussel Producers to progress microbial source tracking project.	Lewis Le Vay, James Wilson, Kim Mould, Trevor Jones
18.	Invasive Alien Species - provide details of webinar for circulation to participants.	Kate Griffith
19.	<i>Crepidula fornicata</i> - look out for slipper limpets and report sightings of any shells / individuals.	All
20.	Date for next meeting - 31 st March 2022	Secretariat

Financial Update

Background

As a company limited by guarantee, the Association is required to submit a record of its accounts at the end of each Financial Year. This report provides a brief financial update for the past Financial Year and sets out proposals for amending the Association's financial plan to cover the next 5 years.

Recommendations

1. That performance with the 2021-22 budget is noted and approved.
2. That improvements to financial management arrangements are noted and approved.
3. That a report on revised financial procedures is presented to the next Association meeting.

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 2022 MSFOMA AGM to cover the period until the end of the 2026-27 FY. A copy of this Financial Plan is included for reference at Annex A.
- 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. Financial Management

- 2.1 The Chair and Secretariat have recognised over the past couple of years that the processes that we have had in place for managing the Association's finances have needed to be formalised and brought up to date.
- 2.2 During late 2021 and early 2022 several meetings have been held with the Association's accountants, who have provided valuable advice on improving mechanisms for financial control and management.
- 2.3 Improved measures have been put in place, including an automated electronic bank feed to our accounting software, and a book-keeping review of income and expenditure over the past few years, which has resulted in a clearer and more up to date perception of the Association's financial position. This work puts the Association in a good position to manage its accounts better and in particular keep track of debtors more effectively.
- 2.4 The Directors of the Association are continuing to work with the accountants to formalist and update financial procedures. It is proposed that a full report with revised procedures is presented to the next meeting of the Association.

3. Financial Statement for past Financial Years

- 3.1 The Financial Statement for the Financial Year (FY) ending 29th February 2022 is in preparation and will be reported to the next meeting.
- 3.2 The Financial Statement the FY ending 28th February 2021 was submitted in January 2022 and is appended as Annex B to this report.

4. Financial Update for the most recent Financial Year

4.1 An income and expenditure report for the Association for the MSFOMA 2021-22 Financial Year (starting on 1st March 2021) is presented in Table 1 overleaf. This table shows both the actual and budgeted values for each item of income and expenditure. The table covers the entire year up to 28th February 2022.

4.1 Key points to note are that:-

- a) Income for the year was as budgeted.
- b) Expenditure over the year was £12,554.17 less than budgeted.
- c) Over the course of the year income was £1,348.65 greater than expenditure.
- d) The Association made a donation of £1,000 from its Community Fund to Bangor City Council during the past FY. This donation will contribute to the restoration of the HMS Conway kiosk on Bangor Pier (see acknowledgement from Bangor City Council at Annex C).
- e) The reserve at the end of the FY was £9,282.31 lower than budgeted for 5 years' ago. The shortfall has no consequences for the Association now that the Minister has made the Menai East Fishery Order and no significant legal expenses or liabilities have accrued, which was the rationale for having a larger reserve fund.

4.2 The Association's bank balance on 25th March 2022 stood at £24,383.32.

MSFOMA Secretariat
March 2022

Table 1: Income and expenditure report for MSFOMA, 2021-22 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		
	2021-22	Actual	Budget	Actual	Budget	Actual	Budget	Actual	Budget	Actual	Budget	Performance
1. Expenditure												
Administration of the Order*	£7,259.15	£15,633.91	£1,814.79	£4,390.62	£1,814.79	£480.00	£1,814.79	£1,000.00	£1,814.79	£21,504.53	£7,259.15	-£14,245.38
Corporate core*	£1,340.15	£375.00	£335.04	£2,200.00	£335.04	£850.00	£335.04		£335.04	£3,425.00	£1,340.15	-£2,084.85
Renewal of Fishery Orders*										£0.00	£0.00	£0.00
Menai East	£20,000.00		£5,000.00		£5,000.00		£5,000.00		£5,000.00	£0.00	£20,000.00	£20,000.00
Menai West	£5,000.00		£1,250.00		£1,250.00		£1,250.00		£1,250.00	£0.00	£5,000.00	£5,000.00
Enforcement activity	£1,340.15	£0.00	£335.04	£0.00	£335.04	£0.00	£335.04	£0.00	£335.04	£0.00	£1,340.15	£1,340.15
Research & monitoring	£2,010.23	£0.00	£502.56	£0.00	£502.56	£0.00	£502.56	£0.00	£502.56	£0.00	£2,010.23	£2,010.23
Bank charges		£25.00		£37.50		£37.50				£100.00	£0.00	-£100.00
Total Expenditure	£36,624.20	£16,033.91	£9,156.05	£6,628.12	£9,156.05	£1,367.50	£9,156.05	£40.50	£9,156.05	£24,070.03	£36,624.20	£12,554.17
2. Income												
Leases for lays	£25,418.64	£12,709.34	£12,709.32		£0.00	£12,709.34	£12,709.32			£25,418.68	£25,418.64	£0.04
Licences	£0.00	£0.00		£0.00				£0.00		£0.00	£0.00	£0.00
Total	£25,418.64	£12,709.34	£12,709.32	£0.00	£0.00	£12,709.34	£12,709.32	£0.00		£25,418.68	£25,418.64	£0.04
Operating surplus / deficit	-£8,655.79	-£3,324.57	£3,553.27	-£6,628.12	-£9,156.05	£11,341.84	£3,553.27	-£40.50	-£9,156.05	£1,348.65		£12,554.21
Reserve	£34,804.37	£32,150.18		£25,522.06		£26,272.78		£24,397.32		£24,397.32		-£9,282.31

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

Annex A: MSFOMA Financial Plan for the period 2022-23 to 2026-2027, agreed at AGM in December 2021.

Item	Financial Year				
	2022-23	2023-24	2024-25	2025-26	2026-27
1. Expenditure - inflated at 3%.					
Administration of the Order	£7,500.00	£7,725.00	£7,956.75	£8,195.45	£8,441.32
Enforcement activity	£1,200.00	£1,236.00	£1,273.08	£1,311.27	£1,350.61
Corporate core*	£1,200.00	£1,236.00	£1,273.08	£1,311.27	£1,350.61
Renewal of Fishery Orders					
Menai East	£0.00	£0.00	£0.00	£0.00	£0.00
Menai West	£7,500.00	£7,500.00	£5,000.00	£0.00	£0.00
Research & monitoring*	£1,800.00	£1,854.00	£1,909.62	£1,966.91	£2,025.92
Community fund	£2,000.00	£2,060.00	£2,121.80	£2,185.45	£2,251.02
Total Expenditure	£21,200.00	£21,611.00	£19,534.33	£14,970.36	£15,419.47
2. Recurring Income - inflated at 0% to maintain value of a £20,000 reserve with 2.8% inflation rate.					
Leases for lays	£18,500.00	£18,500.00	£18,500.00	£18,500.00	£18,500.00
Licences	£0.00	£0.00	£0.00	£0.00	£0.00
Total	£18,500.00	£18,500.00	£18,500.00	£18,500.00	£18,500.00
Operating surplus / deficit	-£2,700.00	-£3,111.00	-£1,034.33	£3,529.64	£3,080.53
3. Reserve					
Predicted Reserve	£22,300.00	£19,189.00	£18,154.67	£21,684.31	£24,764.84
Target Reserve	£20,000.00	£20,600.00	£21,218.00	£21,854.54	£22,510.18

Annex B: Financial Statement for Financial Year ending 28th February 2021

REGISTERED NUMBER: 07163689 (England and Wales)

UNAUDITED FINANCIAL STATEMENTS FOR THE YEAR ENDED 28 FEBRUARY 2021

FOR

THE MENAI STRAIT FISHERY ORDER
MANAGEMENT ASSOCIATION
A COMPANY LIMITED BY GUARANTEE

THE MENAI STRAIT FISHERY ORDER
MANAGEMENT ASSOCIATION (REGISTERED NUMBER: 07163689)
A COMPANY LIMITED BY GUARANTEE

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FOR THE YEAR ENDED 28 FEBRUARY 2021

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THE MENAI STRAIT FISHERY ORDER
MANAGEMENT ASSOCIATION
A COMPANY LIMITED BY GUARANTEE

COMPANY INFORMATION
FOR THE YEAR ENDED 28 FEBRUARY 2021

DIRECTORS:

J Wilson
M K Andrews
A J Winstone
J W Andrews

REGISTERED OFFICE:

Port Penrhyn
Bangor
Gwynedd
LL57 4HN

REGISTERED NUMBER:

07163689 (England and Wales)

ACCOUNTANTS:

Fraser Wood Limited
Chartered Certified Accountants
Victoria House
Plas Llwyd Terrace
Bangor
Gwynedd
LL57 1UB

**THE MENAI STRAIT FISHERY ORDER
MANAGEMENT ASSOCIATION (REGISTERED NUMBER: 07163689)
A COMPANY LIMITED BY GUARANTEE**

**BALANCE SHEET
28 FEBRUARY 2021**

	Notes	28.2.21 £	29.2.20 £
CURRENT ASSETS			
Debtors	4	58,880	50,470
Cash at bank		<u>43,948</u>	<u>46,908</u>
		102,828	97,378
CREDITORS			
Amounts falling due within one year	5	<u>(8,198)</u>	<u>(8,658)</u>
NET CURRENT ASSETS		<u>94,630</u>	<u>88,720</u>
TOTAL ASSETS LESS CURRENT LIABILITIES		<u>94,630</u>	<u>88,720</u>
RESERVES			
Income and expenditure account		<u>94,630</u>	<u>88,720</u>
		94,630	88,720

The company is entitled to exemption from audit under Section 477 of the Companies Act 2006 for the year ended 28 February 2021.

The members have not required the company to obtain an audit of its financial statements for the year ended 28 February 2021 in accordance with Section 476 of the Companies Act 2006.

The directors acknowledge their responsibilities for:

- (a) ensuring that the company keeps accounting records which comply with Sections 386 and 387 of the Companies Act 2006 and
- (b) preparing financial statements which give a true and fair view of the state of affairs of the company as at the end of each financial year and of its surplus or deficit for each financial year in accordance with the requirements of Sections 394 and 395 and which otherwise comply with the requirements of the Companies Act 2006 relating to financial statements, so far as applicable to the company.

The financial statements have been prepared and delivered in accordance with the provisions applicable to companies subject to the small companies regime.

In accordance with Section 444 of the Companies Act 2006, the Income statement has not been delivered.

The financial statements were approved by the Board of Directors and authorised for issue on 19 January 2022 and were signed on its behalf by:

A J Winstone - Director

The notes form part of these financial statements

**THE MENAI STRAIT FISHERY ORDER
MANAGEMENT ASSOCIATION (REGISTERED NUMBER: 07163689)
A COMPANY LIMITED BY GUARANTEE**

**NOTES TO THE FINANCIAL STATEMENTS
FOR THE YEAR ENDED 28 FEBRUARY 2021**

1. STATUTORY INFORMATION

The Menai Strait Fishery Order Management Association is a private company, limited by guarantee, registered in England and Wales. The company's registered number and registered office address can be found on the Company Information page.

2. ACCOUNTING POLICIES

Basis of preparing the financial statements

These financial statements have been prepared in accordance with Financial Reporting Standard 102 "The Financial Reporting Standard applicable in the UK and Republic of Ireland" including the provisions of Section 1A "Small Entities" and the Companies Act 2006. The financial statements have been prepared under the historical cost convention.

Income

Income represents amounts receivable for membership and the supervision of the North West fishery order.

3. EMPLOYEES AND DIRECTORS

The average number of employees during the year was NIL (2020 - NIL).

4. DEBTORS: AMOUNTS FALLING DUE WITHIN ONE YEAR

	28.2.21	29.2.20
	£	£
Trade debtors	<u>58,880</u>	<u>50,470</u>

5. CREDITORS: AMOUNTS FALLING DUE WITHIN ONE YEAR

	28.2.21	29.2.20
	£	£
Trade creditors	4,958	7,688
Other creditors	<u>3,240</u>	<u>970</u>
	<u>8,198</u>	<u>8,658</u>

6. TRANSACTIONS WITH DIRECTORS

The company paid £2,635 to Whannock Marine Research Ltd. for consultancy work, a company of which J. Wilson is a director.

The company paid £18,391 to Andrews Ward James (AWJ) Limited for consultancy work, a company of which J. W. Andrews is a director.

7. LIMITED BY GUARANTEE

The company is limited by guarantee and the governance of the association is dealt with by the directors.

THE MENAI STRAIT FISHERY ORDER
MANAGEMENT ASSOCIATION
A COMPANY LIMITED BY GUARANTEE

REPORT OF THE ACCOUNTANTS TO THE DIRECTORS OF
THE MENAI STRAIT FISHERY ORDER
MANAGEMENT ASSOCIATION

The following reproduces the text of the report prepared for the directors in respect of the company's annual unaudited financial statements. In accordance with the Companies Act 2006, the company is only required to file a Balance sheet. Readers are cautioned that the Income statement and certain other primary statements and the Directors' report are not required to be filed with the Registrar of Companies.

In order to assist you to fulfil your duties under the Companies Act 2006 we have prepared for your approval the accounts of The Menai Strait Fishery Order Management Association for the year ended 28 February 2021 from the Company's accounting records and from information and explanations you have given us.

As a practising member firm of the Association of Chartered Certified Accountants, we are subject to its ethical and other professional requirements which are detailed at <http://rulebook.accaglobal.com>.

Our work has been undertaken in accordance with the requirements of the Association of Chartered Certified Accountants as detailed at <http://www.accaglobal.com/factsheet163>.

Fraser Wood Limited
Chartered Certified Accountants
Victoria House
Plas Llwyd Terrace
Bangor
Gwynedd
LL57 1UB

19 January 2022

This page does not form part of the statutory financial statements

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Annex C: E-mail from Bangor City Council to MSFOMA in response to the donation towards the restoration of the HMS Conway kiosk on Bangor Pier.

From: Office Bangor City Council <Office@bangorcitycouncil.com>
Sent: 28 March 2022 11:06
To: info@msfoma.org
Subject: Donation

Hello,

I just wanted to say thanks on behalf of Bangor City Council for your kind donation towards the pier restoration work.

Kind Regards

Llinos Fon Jones

Bangor Office
E: Office@bangorcitycouncil.com
T: 01248 352 421
M: 07776228538



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.

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](#)), which were reported and discussed previous MSFOMA meetings. There is no news of further meetings.
 - c) **Aquaculture Advisory Group** - this Group was established to help Welsh Government meet the targets that 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 The only open consultations for “Marine and Fisheries” on the Welsh Government website ([here](#)) are for the UK Joint Fisheries Statement ([here](#)) and for Cockle Fishery Management Measures 2022 ([here](#)). Neither are directly relevant to MSFOMA, and no response to either appears to be necessary.

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 Communications with the Cabinet Minister concerning Fishery Orders in the Menai Strait are reported in items 11 & 12 on the agenda.

MSFOMA Secretariat
March 2022

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 9th of December 2021 and the 24th of March 2022. A meeting of the Technical, Science and Byelaws (TSB) Sub-Committee took place on 1st February 2022. The next quarterly meeting is scheduled to take place on 23rd June, and the next TSB meeting is scheduled for 10th May 2022.
- 1.2 The recent TSB and quarterly meetings of NWIFCA

2. Changes to Byelaws

- 2.1 There are no proposals to alter any NWIFCA byelaws that may impact the mussel industry 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 The new NWIFCA Senior Scientist, Anna Plumeridge, took up her post in late October. She appears to have settled in well.

5. Morecambe Bay Mussel Management Plan

- 5.1 It was reported last year that MSFOMA participants in NWIFCA business had asked the Authority to proceed with the implementation of the Morecambe Bay Mussel Management Plan. It proved impossible for NWIFCA to progress this plan last year.

- 5.2 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. The Secretariat (also vice-Chair of NWFICA and the NWIFA TSB) will encourage action on this area of work.

MSFOMA Secretariat
March 2022

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 1st April 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 Association note and approve the progress that has been made to issue new leases for layings within the new Menai Strait (East) Mussel and Oyster Fishery 2022 when it comes into force on 2nd April 2022.

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.
- 1.2 The existing Fishery Order will expire on 1st April 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 of August 2018.

2. Update on new Fishery Order

- 2.1 A draft Fishery Order was provided to MSFOMA on 23rd March 2021. MSFOMA organised and conducted the formal consultation on this draft Order between 8th April and 8th May 2021. A full account of the consultation activities and stakeholder responses was presented to the June 2021 meeting of the Association, and an update on meetings with the four parties that had registered objections was presented to the September 2021 meeting.
- 2.2 Since the last meeting of the Association, we have been informed that the Minister “made” a new Fishery Order for the eastern Menai Strait on the 3rd of March 2022. This Order was laid before the Senedd on the 4th of March 2022 for a period of 21 days, and will come into force on the 2nd of April 2022. A copy of this Order is appended at Annex A.
- 2.3 The significance of this event is hard to overstate. This is the first new Fishery Order to be made in Wales for many years, and putting this Order in place has taken a major commitment of time and effort by both the Association and WG officials.

The Chair has written to the Minister to thank her, and some of her staff, for their commitment and dedication over the past few years (see Annex B).

3. Next steps

3.1 The new Fishery Order follows the form of the draft Order that was issued for consultation. It gives rise to some new procedures and duties for MSFOMA. Progress with preparations to implement these new procedures was reported to previous meetings of the Association. An update on progress is presented below.

3.2 The main areas where new duties arise were discussed MSFOMA meetings in June, September, and December 2022. An update on each of these is provided below:-

- a) **Notifying the public & stakeholders** - there is a requirement under Schedule 1 §7 of the Sea Fisheries (Shellfish) Act 1967 that the applicant (i.e., MSFOMA) 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.”

No direction has been given by the Minister to MSFOMA at this point about how we should inform these interested parties of the making of the Order. As a precaution, and after discussion with WG staff, the Secretariat sent an e-mail to all 133 individuals and organisations on our mailing list for this Fishery Order on 10th March 2022. A copy of this e-mail is attached at Annex C.

WG officials have subsequently advised that it would be appropriate for MSFOMA to post notices around the site as it had during the consultation on the draft Order last year, and also to use electronic and social media to inform stakeholders about the new Order. The Chair and Secretariat are implementing this advice, and will inform the meeting if any more formal instruction has been provided by the Minister.

- b) **Creating 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” within which the leased areas are located.

A “Habitats Regulations Assessment” (“HRA”) has been conducted for the Designated Area by the Association. Natural Resources Wales (NRW) have been consulted over this HRA (see Annex D) and agreed with the findings that the proposal will not adversely affect the integrity of any European site (Annex E). On receipt of this confirmation, an application to designate this area was immediately submitted to the Minister for approval on 18th March 2022 (see Annex F). A response from the Minister approving this area was received on 28th March 2022 (Annex G).

- c) **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.

At the time of writing this report, the Secretariat has submitted informal versions of both documents to Welsh Government. Feedback has been provided on the statement from the Grantee (current version included at Annex H), and is awaited on the lease document.

In the meantime, the Secretariat has been working with NRW on a HRA for the leased areas using the current version of the lease. Once the wording of the lease has been finalised, the HRAs for each of the 8 leases will be finalised, NRW will be formally consulted and (pending a favourable response from NRW), consent will be sought from the Minister to issue the new leases.

In parallel with this consenting process, the Secretariat is working with the Association's own legal advisors to ensure that leases are issued and engrossed correctly.

- d) **Leasing arrangements** are specified in the Draft Order. A revised procedure for issuing leases was discussed and approved at the September MSFOMA meeting.

A meeting of a Lease Allocation Committee took place in January 2022. Minutes of that meeting are appended at Annex E of this report. A verbal update on some outstanding issues concerning the allocation of leases shall be presented to the meeting.

- 3.3 The Association will note that this is still very much a "work in progress", and that some of these steps will not be completed until the very last minute. All of the participants in the steps described above are working hard to ensure that there is no delay, and the Association owes a debt of gratitude in particular to NRW staff, who have been very helpful throughout this process.

MSFOMA Secretariat
March 2022

Annex A: Menai Strait (East) Mussel and Oyster Fishery Order 2022 (electronic copy available [here](#)).



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2022 Rhif 213 (Cy. 69)

2022 No. 213 (W. 69)

**PYSGODFEYDD MÔR,
CYMRU**

SEA FISHERIES, WALES

PYSGOD CREGYN

SHELLFISH

Gorchymyn Pysgodfa Cregyn
Gleision a Wystrys Afon Menai
(Dwyrain) 2022

The Menai Strait (East) Mussel and
Oyster Fishery Order 2022

NODYN ESBONIADOL

EXPLANATORY NOTE

(Nid yw'r nodyn hwn yn rhan o'r Gorchymyn)

(This note is not part of the Order)

Mae'r Gorchymyn hwn yn rhoi i Menai Strait Fishery Order Management Association (Rhif Cwmni: 07163689) ("y Granti") yr hawl i bysgodfa unigol a'r hawl i reoleiddio pysgodfa am rywogaethau rhagnodedig o bysgod cregyn. Y rhywogaethau rhagnodedig yw cregyn gleision a wystrys. Mae'r hawliau yn bodoli dros ardal o tua 694 o hectarau o flaendraeth a gwely Afon Menai yn Siroedd Gwynedd ac Ynys Môn fel y'i pennir yn yr Atodlen i'r Gorchymyn hwn ("ardal y Gorchymyn"). Rhoddir yr hawl i bysgodfa unigol a'r hawl i reoleiddio pysgodfa i'r Granti am gyfnod o 35 o flynyddoedd yn dechrau ar 2 Ebrill 2022.

This Order confers on the Menai Strait Fishery Order Management Association (Company number: 07163689) ("the Grantee") a right of several fishery and a right of regulating a fishery for prescribed species of shellfish. The prescribed species are mussels and oysters. The rights subsist over an area of approximately 694 hectares of the foreshore and bed of the Menai Strait in the counties of Gwynedd and Anglesey as specified in the Schedule to this Order ("the Order area"). The right of several fishery and the right of regulating a fishery are conferred on the Grantee for a period of 35 years commencing on 2 April 2022.

Mae Rhan 1 o'r Gorchymyn yn gwneud darpariaeth ar gyfer materion rhagarweiniol. Mae erthygl 1 yn darparu ar gyfer enwi, cychwyn a chymhwyso'r Gorchymyn. Mae erthygl 2 yn darparu ar gyfer dehongli'r Gorchymyn.

Part 1 of the Order makes provision for introductory matters. Article 1 of the Order provides for the title, commencement and application. Article 2 provides for interpretation of the Order.

Mae Rhan 2 o'r Gorchymyn yn gwneud darpariaeth ar gyfer arfer yr hawl i bysgodfa unigol. Mae erthygl 3 yn rhoi'r hawl i bysgodfa unigol i'r Granti dros ardal y bysgodfa unigol. Mae erthygl 4 yn darparu y caniateir i'r Granti ddynodi, gyda chydysyniad Gweinidogion Cymru, unrhyw ran o ardal y Gorchymyn yn ardal y bysgodfa unigol. Mae erthygl 5 yn darparu ar gyfer chydysyniad Gweinidogion Cymru i'r dynodiad. Mae

Part 2 of the Order makes provision for the exercise of the right of several fishery. Article 3 confers a right of several fishery on the Grantee over the several fishery area. Article 4 provides that the Grantee may designate, with the consent of the Welsh Ministers, any part of the Order area as the several fishery area. Article 5 provides for the Welsh Ministers' consent to the designation. Article 6 provides that the Grantee

erthygl 6 yn darparu y caiff y Granti ganslo dynodiad ardal y bysgodfa unigol. Mae erthygl 7 yn darparu ar gyfer cydsyniad Gweinidogion Cymru i ganslo dynodiad. Mae erthygl 8 yn gwahardd y Granti rhag arfer yr hawl i bysgodfa unigol ac yn darparu y caiff y Granti, yn ddarostyngedig i gyfyngiadau penodol gan gynnwys gofyniad i gael cydsyniad Gweinidogion Cymru, roi les o'r hawl i bysgodfa unigol ar draws ardal y bysgodfa unigol gyfan neu ran ohoni ("magwrfa") i eraill ("y tenantiaid"). Mae erthygl 9 yn darparu ar gyfer cydsyniad Gweinidogion Cymru i roi les o'r hawl i bysgodfa unigol. Mae erthygl 10 yn ei gwneud yn ofynnol i'r Granti gymryd pob cam rhesymol i fonitro cydymffurfedd y tenant â les. Mae erthygl 11 yn darparu ar gyfer effaith les. Mae erthygl 12 yn darparu os yw magwrfa yn dod yn wag bod rhaid i'r Granti hysbysebu'r cyfle i wneud cais am les a'r meini prawf a ddefnyddir i asesu cais. Mae erthygl 13 yn ei gwneud yn ofynnol i'r Granti gynhwysu unrhyw renti a dderbynnir ganddo o dan les at ddibenion penoddedig.

Mae Rhan 3 o'r Gorchymyn yn gwneud darpariaeth ar gyfer arfer yr hawl i reoleiddio pysgodfa. Mae erthygl 14 yn rhoi'r hawl i reoleiddio pysgodfa mewn perthynas ag ardal y bysgodfa a reoleiddir. Mae erthygl 2 yn darparu mai ardal y bysgodfa a reoleiddir yw unrhyw ran o ardal y Gorchymyn nas dynodwyd yn ardal y bysgodfa unigol o dan erthygl 4. Mae erthygl 15 yn gwahardd unrhyw berson rhag cynryd, neu dreillio neu bysgota am unrhyw un neu ragor o'r rhywogaethau rhagnodedig yn ardal y bysgodfa a reoleiddir heb drwydded. Mae erthygl 16 yn darparu ar gyfer y materion y mae rhaid i'r Granti roi sylw iddynt wrth arfer ei swyddogaethau trwyddedu. Mae erthygl 17 yn darparu ar gyfer ceisiadau am drwydded, cyhoeddi gwybodaeth am y broses o wneud cais am drwydded, a drwygio trwydded. Mae erthygl 18 yn nodi manylion y mae rhaid eu cynnwys ym mhob trwydded. Mae erthygl 19 yn darparu ar gyfer y doll sy'n daladwy pan gyflwynir cais am drwydded. Mae erthygl 20 yn darparu y caniateir i'r Granti, gyda chydysyniad Gweinidogion Cymru, wneud rheoliadau mewn perthynas â chynryd, neu dreillio neu bysgota am unrhyw un neu ragor o'r rhywogaethau rhagnodedig yn y bysgodfa a reoleiddir. Mae erthygl 21 yn darparu ar gyfer cydsyniad Gweinidogion Cymru i reoliadau a wnaed o dan erthygl 20.

Mae Rhan 4 o'r Gorchymyn yn gwneud darpariaethau anrwydol sy'n gynnwys i'r ddwy hawl i bysgodfa. Mae erthygl 22 yn ei gwneud yn ofynnol i'r Granti sicrhau bod map dangosol o ardal y Gorchymyn ar gael i'r cyhoedd. Mae erthygl 23 yn ei gwneud yn ofynnol i'r Granti ddarparu i Weiniogion Cymru gyfrifon o incwm a gwariant, a gwybodaeth arall ynghylch y Gorchymyn, a chaniatau i Weiniogion Cymru arolygu ardal y Gorchymyn. Mae erthygl 24 yn

may cancel a designation of the several fishery area. Article 7 provides for the Welsh Ministers' consent to a cancellation. Article 8 prohibits the Grantee from exercising the right of several fishery and provides that they can, subject to certain restrictions including a requirement for Welsh Ministers' consent, grant a lease of the right of several fishery across all or part of the several fishery area ("a laying") to others ("the tenants"). Article 9 provides for the Welsh Ministers' consent to the grant of a lease of the right of several fishery. Article 10 requires the Grantee to take all reasonable steps to monitor the tenant's compliance with a lease. Article 11 provides for the effect of a lease. Article 12 provides that if a laying becomes vacant the Grantee must advertise the opportunity to apply for a lease and the criteria against which an application will be assessed. Article 13 requires the Grantee apply any rents received by them under a lease for specified purposes.

Part 3 of the Order makes provision for the exercise of the right of regulating a fishery. Article 14 confers a right of regulating a fishery in relation to the regulated fishery area. Article 2 provides that the regulated fishery area is any part of the Order area not designated as the several fishery area under article 4. Article 15 prohibits any person from dredging for, fishing for or taking any of the prescribed species in the regulated fishery area without a licence. Article 16 provides for the matters that the Grantee must have regard to when exercising their licensing functions. Article 17 provides for licence applications, for publication of information about the licence application process and for amendment of a licence. Article 18 sets out details which must be included in all licences. Article 19 provides for the toll payable upon a licence application. Article 20 provides that the Grantee may, with the consent of the Welsh Ministers, make regulations in relation to the dredging, fishing for or taking of any of the prescribed species in the regulated fishery. Article 21 provides for the Welsh Ministers' consent to regulations made under article 20.

Part 4 of the Order makes miscellaneous provision applicable to both rights of fishery. Article 22 requires the Grantee to keep publicly available an illustrative map of the Order area. Article 23 requires the Grantee to provide to the Welsh Ministers accounts of income and expenditure, other information regarding the Order and to permit the Welsh Ministers to inspect the Order area. Article 24 requires the Grantee to submit an annual catch return to the Welsh Ministers. Article 25

ei gwneud yn ofynnol i'r Granti gyflwyno datganiad daliadau yn flynyddol i Weinidogion Cymru. Mae erthygl 25 yn darparu y caiff Gweinidogion Cymru ofyn i'r Granti farcio terfynau ardal y Gorchymyn a'r ffin rhwng ardal y bysgodfa unigol ac ardal y bysgodfa a reoleiddir. Mae erthygl 26 yn darparu na chaff dim sydd yn y Gorchymyn hwn leihau effaith hawliau trefeddianwyr yn ardal y Gorchymyn. Mae erthygl 27 yn darparu na chaff dim sydd yn y Gorchymyn hwn leihau effaith unrhyw swyddogaethau statudol a arferir gan ymgymerydd statudol. Mae erthygl 28 yn darymu Gorchymyn Pysgodfa Wystrys a Chregyn Gleision Afon Menai 1962 (O.S. 1962/705) a Gorchymyn Pysgodfa Wystrys a Chregyn Gleision Afon Menai (Drwygio) 1964 (O.S. 1964/550).

Mae'r Atodlen i'r Gorchymyn hwn yn nodi cyfesurynnau ardal y Gorchymyn. Mae map dangosol o ardal y Gorchymyn hefyd wedi ei gynnwys ar ddiwedd y nodyn hwn.

Mae'r hawliau i bysgodfa a roddir gan y Gorchymyn hwn yn ddarostyngedig i adranau 5 i 5E o Ddeddf Pysgodfeydd Môr (Pysgod Cregyn) 1967 ("y Ddeddf"). Mae adran 5(1) o'r Ddeddf yn darparu pŵer i Weinidogion Cymru i derfynu'r bysgodfa os nad ydynt yn fodlon bod y Granti yn ffermio'r bysgodfa yn briodol neu'n gweithredu yn unol â'r Gorchymyn hwn. Mae adran 5A o'r Ddeddf yn darparu bod rhaid i unrhyw orchymyn a wneir gan Weinidogion Cymru o dan adran 1 o'r Ddeddf gynnwys darpariaeth briodol i atal niwed i unrhyw safle morol Ewropeaidd ac i ddiogelu'r amgylchedd morol. Mae adran 5B o'r Ddeddf yn darparu pŵer i Weinidogion Cymru i gyflwyno hysbysiad gwarchod safle i'r Granti os yw'n ymddangos i Weinidogion Cymru bod niwed i safle morol Ewropeaidd wedi digwydd, neu'n debygol o ddigwydd, o ganlyniad i unrhyw weithgarwch a gynhelir drwy arfer hawl a roddir o dan y Gorchymyn hwn. Caiff hysbysiad gwarchod safle ei gwneud yn ofynnol i'r Granti gymryd camau i atal niwed (neu niwed pellach) i safle morol Ewropeaidd. O dan adran 5C caiff y Granti apelio yn erbyn hysbysiad gwarchod safle. Mae adran 5D yn darparu y caiff Gweinidogion Cymru, os nad yw'r Granti yn cydymffurfio â hysbysiad, gymryd y camau a nodwyd yn yr hysbysiad eu hunain, ac adennill oddi wrth y Granti unrhyw gostau yr aed iddynt. Mae adran 5E yn darparu, os yw'r Granti yn methu â chydymffurfio â'r hysbysiad, ac nad yw wedi apelio yn ei erbyn, y caiff Gweinidogion Cymru amrywio neu ddarymu'r Gorchymyn hwn i adlewyrchu effaith yr hysbysiad gwarchod safle.

provides that the Welsh Ministers may request that the Grantee mark out the Order area and the boundary between the several fishery area and the regulated fishery area. Article 26 provides that nothing in this Order will affect prejudicially the rights of landowners in the Order area. Article 27 provides that nothing in this Order will affect prejudicially the exercise of any statutory functions by a statutory undertaker. Article 28 revokes the Menai Strait Oyster and Mussel Fishery Order 1962 (S.I. 1962/705) and the Menai Strait Oyster and Mussel Fishery (Amendment) Order 1964 (S.I. 1964/550).

The Schedule to the Order sets out the co-ordinates of the Order area. An illustrative map of the Order area is included at the end of this note.

The rights of fishery conferred by this Order are subject to sections 5 to 5E of the Sea Fisheries (Shellfish) Act 1967 ("the Act"). Section 5(1) of the Act provides the Welsh Ministers with a power to determine the fishery if they are not satisfied that the Grantee is properly cultivating or carrying into effect this Order. Section 5A of the Act provides that any order made by the Welsh Ministers under section 1 of the Act must contain appropriate provision to prevent harm to any European marine site and for protecting the marine environment. Section 5B of the Act provides the Welsh Ministers with power to serve a site protection notice on the Grantee if it appears to them that harm to a European marine site has occurred, or is likely to occur, as a result of any activity carried out in exercise of a right conferred under this Order. A site protection notice may require the Grantee to take steps to prevent harm (or further harm) to the European marine site. Under Section 5C the Grantee may appeal against a site protection notice. Section 5D provides that the Welsh Ministers may, in the event the Grantee does not comply with a notice, take the steps identified in the notice themselves, and recover any costs incurred from the Grantee. Section 5E provides that if the Grantee fails to comply with the notice, and has not appealed against it, the Welsh Ministers may vary or revoke this Order to reflect the effect of the site protection notice.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Aseidiadau Effaith Rheoleiddiol mewn perthynas â'r Gorchymyn hwn. O ganlyniad, lluniwyd asesiad effaith rheoleiddiol o'r costau a'r manteision sy'n debygol o ddeillio o gydymffurfio â'r Gorchymyn hwn. Gellir cael copi oddi wrth: Llywodraeth Cymru, Parc Cathays, Caerdydd CF10 3NQ.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to this Order. As a result, a Regulatory Impact Assessment has been prepared as to the likely costs and benefits of complying with this Order. A copy can be obtained from the Welsh Government, Cathays Park, Cardiff, CF10 3NQ.



2022 Rhif 213 (Cy. 69)

2022 No. 213 (W. 69)

**PYSGODFEYDD MŌR,
CYMRU**

SEA FISHERIES, WALES

PYSGOD CREGYN

SHELLFISH

Gorchymyn Pysgodfa Cregyn
Gleision a Wystrys Afon Menai
(Dwyrain) 2022

The Menai Strait (East) Mussel and
Oyster Fishery Order 2022

Gwnaed 3 Mawrth 2022
Gosodwyd gerbron Senedd
Cymru 4 Mawrth 2022
Yn dod i rym 2 Ebrill 2022

Made 3 March 2022
Laid before Senedd Cymru 4 March 2022
Coming into force 2 April 2022

Gwnaeth The Menai Strait Fishery Order Management Association (Rhif Cwmni: 07163689) ("y Granti") gais i Weinidogion Cymru am orchymyn sy'n rhoi hawliau i bysgodfa o dan adran 1(2) o Ddeddf Pysgodfeydd MŌr (Pysgod Cregyn) 1967(1) ("y Ddeddf").

The Menai Strait Fishery Order Management Association (Company Number: 07163689) ("the Grantee") made an application to the Welsh Ministers for an order conferring rights of fishery under section 1(2) of the Sea Fisheries (Shellfish) Act 1967(1) ("the Act").

Mae Gweinidogion Cymru wedi llunio Gorchymyn drafft ac wedi cyflwyno copi ohono i'r Granti yn unol â pharagraff 1 o Atodlen 1 i'r Ddeddf(2).

The Welsh Ministers have prepared a draft Order and served a copy of it on the Grantee in accordance with paragraph 1 of Schedule 1 to the Act(2).

Mae'r Granti wedi peri i gopïau printiedig o'r Gorchymyn drafft gael eu cyhoeddi a'u cylchredeg, ac wedi rhoi hysbysiad am y cais, yn unol â pharagraff 2 o Atodlen 1 i'r Ddeddf.

The Grantee has caused printed copies of the draft Order to be published and circulated, and has given notice of the application, in accordance with paragraph 2 of Schedule 1 to the Act.

- (1) 1967 p. 83. Diwygwyd adran 1 o Ddeddf Pysgodfeydd MŌr (Pysgod Cregyn) 1967 ("y Ddeddf") gan adran 9(1) o Ddeddf Terfynau Pysgodfeydd 1976 (p. 86), a pharagraff 15 o Atodlen 2 iddi; adranau 202(1), (2) a (3), 203 a 321 o Ddeddf y MŌr a Mynediad i'r Arfordir 2009 (p. 23), a Rhan 5(A) o Atodlen 22 iddi; ac adranau 71(1) a 74(1) o Ddeddf yr Amgylchedd (Cymru) 2016 (dccc 3). Mae adran 1 i'w darllen gydag adran 15(3) i (5) o Ddeddf Pysgodfeydd MŌr 1968 (p. 77). Gweler adran 22(1) o'r Ddeddf am ddiffiniad o "the appropriate Minister" ("y Gweinidog priodol").
- (2) Diwygwyd Atodlen 1 i'r Ddeddf gan adran 15(1) a (7) o Ddeddf Pysgodfeydd MŌr 1968 (p. 77); adran 31(6) o Ddeddf Cyfraith Trosedd 1977 (p. 45), adranau 37 a 46 o Ddeddf Cyflawnder Troseddol 1982 (p. 48) ac adranau 202(1), (4), 214(1) i (4) a 321 o Ddeddf y MŌr a Mynediad i'r Arfordir 2009 (p. 23), a Rhan 5(A) o Atodlen 22 iddi.

- (1) 1967 c. 83. Section 1 of the Sea Fisheries (Shellfish) Act 1967 ("the Act") was amended by section 9(1) of, and paragraph 15 of Schedule 2 to, the Fishery Limits Act 1976 (c. 86); sections 202(1), (2) and (3), 203 and 321 of, and Part 5(A) of Schedule 22 to, the Marine and Coastal Access Act 2009 (c. 23); and sections 71(1) and 74(1) of the Environment (Wales) Act 2016 (anaw 3). Section 1 is to be read with section 15(3) to (5) of the Sea Fisheries Act 1968 (c. 77). See section 22(1) of the Act for a definition of "the appropriate Minister".
- (2) Schedule 1 to the Act was amended by section 15(1) and (7) of the Sea Fisheries Act 1968; section 31(6) of the Criminal Law Act 1977 (c. 45); sections 37 and 46 of the Criminal Justice Act 1982 (c. 48) and sections 202(1), (4) and 214(1) to (4) and 321 of, and Part 5(A) of Schedule 22 to, the Marine and Coastal Access Act 2009.

Mae Gweinidogion Cymru wedi ystyried y gwrthwynebiadau a'r sylwadau a gyflwynwyd mewn cysylltiad â'r Gorchymyn drafft, yn unol â pharagraffau 3 i 6 o Atodlen 1 i'r Ddeddf, ac yn ystyried ei bod yn hwylus gwneud y Gorchymyn hwn.

The Welsh Ministers have considered the objections and representations made in respect of the draft Order, in accordance with paragraphs 3 to 6 of Schedule 1 to the Act, and consider that it is expedient to make this Order.

Mae Gweinidogion Cymru wedi rhoi sylw i bwerau a dyletswyddau Comisiynwyr Ystad y Goron o dan Ddeddf Ystad y Goron 1961(1) yn unol â pharagraff 6(2) o Atodlen 1 i'r Ddeddf.

The Welsh Ministers have had regard to the powers and duties of the Crown Estate Commissioners under the Crown Estate Act 1961(1) in accordance with paragraph 6(2) of Schedule 1 to the Act.

Mae'r Gorchymyn hwn yn cynnwys darpariaeth briodol i atal niwed i safleoedd morol Ewropeaidd ac at ddiben diogelu'r amgylchedd morol yn unol ag adran 5A o'r Ddeddf.

This Order includes appropriate provision to prevent harm to European marine sites and for the purpose of protecting the marine environment in accordance with section 5A of the Act.

Mae Gweinidogion Cymru yn gwneud y Gorchymyn a ganlyn drwy arfer y pwerau a roddir gan adrannau 1 a 4 o'r Ddeddf a freinir bellach ynddynt hwy(2).

The Welsh Ministers make the following Order in exercise of the powers conferred by sections 1 and 4 of the Act which are now vested in them(2).

RHAN 1

Materion thagarweiniol

Enwi, eychwyn a dehongli

1.—(1) Enw'r Gorchymyn hwn yw Gorchymyn Pysgodfa Cregyn Gleision a Wystrys Afon Menai (Dwyrain) 2022 a daw i rym ar 2 Ebrill 2022.

(2) Mae'r Gorchymyn hwn yn gymwys o ran Cymru.

Dehongli

2. Yn y Gorchymyn hwn—

mae i "amgylchedd morol" yr ystyr a roddir i "marine environment" yn adran 5A(2) o'r Ddeddf;

ystyr "ardal y bysgodfa a reoleiddir" ("the regulated fishery area") yw unrhyw ran o ardal y Gorchymyn nad yw am y tro wedi ei dynodi yn ardal y bysgodfa unigol;

PART 1

Introductory matters

Title, commencement and application

1.—(1) The title of this Order is the Menai Strait (East) Mussel and Oyster Fishery Order 2022 and it comes into force on 2 April 2022.

(2) This Order applies in relation to Wales.

Interpretation

2. In this Order—

"the Act" ("y Ddeddf") means the Sea Fisheries (Shellfish) Act 1967;

"co-ordinate" ("cyfesuryn") means a co-ordinate of latitude and longitude on the World Geodetic System 1984;

"the European marine sites" ("y safleoedd morol Ewropeaidd") means —

- (a) Anglesey Terns/Morwenoliaid Ynys Môn designated special protection area ((EU code UK 9013061);

(1) 1961 c. 55.

(2) Yn ddiwedd erthygl 2 o Orchymyn Cymiliad Cenedlaethol Cymru (Trosglywddo Swyddogaethau) 1999 (O.S. 1999/672), ac Atodlen 1 iddi, trosglywddwyd swyddogaethau'r Gweinidog priodol, fel y'i diffinir yn adran 22(1) o'r Ddeddf, i Gynulliad Cenedlaethol Cymru i'r graddau yr oeddent yn arferadwy o ran Cymru. Trosglywddwyd y swyddogaethau hynny a oedd gan Gynulliad Cenedlaethol Cymru wedi hynny i Weinidogion Cymru yn rhinwedd adran 162 o Ddeddf Llywodraeth Cymru 2006 (p. 32) a pharagraff 30 o Atodlen 11 iddi.

(1) 1961 c. 55.

(2) By virtue of article 2 of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) the functions of the appropriate Minister, as defined in section 22(1) of the Act, were transferred to the National Assembly for Wales in so far as exercisable in relation to Wales. Those functions of the Assembly were subsequently transferred to the Welsh Ministers by virtue of section 162 of, and paragraph 30 of schedule 11 to, the Government of Wales Act 2006 (c. 32).

ystyr "ardal y bysgodfa unigol" ("the several fishery area") yw unrhyw ran o ardal y Gorchymyn a ddynodir yn ardal y bysgodfa unigol yn unol ag erthygl 4(1);

ystyr "ardal y Gorchymyn" ("the Order area") yw'r ardal a ddisgrifir yn yr Atodlen i'r Gorchymyn hwn;

ystyr "cyfesuryn" ("co-ordinate") yw cyfesuryn lledred a hydred yn System Geodetig Fyd-eang 1984;

ystyr "y Ddeddf" ("the Act") yw Deddf Pysgodfeydd Môr (Pysgod Cregyn) 1967;

ystyr "y Granti" ("the Grantee") yw Menai Strait Fishery Order Management Association (Rhif Cwmni: 07163689) sydd â'i swyddfa gofrestredig yn d/o Myti Mussels Limited, Porth Penrhyn, Bangor, Gwynedd, LL57 4HN;

ystyr "hysbysiad gwarchod safle" ("site protection notice") yw hysbysiad a gyflwynir i'r Granti o dan adran 5B o'r Ddeddf(1);

ystyr "les" ("lease") yw les o'r hawl i bysgodfa unigol;

ystyr "llestr drwyddedig" ("licensed vessel") yw llestr a awdurdodir i bysgota drwy drwydded a ddyroddir o dan adran 14 neu adran 16 o Ddeddf Pysgodfeydd 2020(2);

ystyr "magwrfa" ("laying") yw rhan o ardal y bysgodfa unigol y caniateir rhoi, neu y rhoddwyd, les mewn cysylltiad â hi;

ystyr "rhif adnabod bad dŵr" ("watercraft identification number") yw rhif adnabod y darperir ar ei gyfer—

- (a) ym mharagraff 2.1 o Ran A o Atodiad 1 i'r Gyfarwydddeb fel y'i nodir yn Atodlen 1 i Reoliadau Badau Hamdden 2017(3);
- (b) ym mharagraff 2.1 o Ran A o Atodiad 1 i'r Gyfarwydddeb fel y'i nodir yn Atodlen 1 i Reoliadau Badau Hamdden 2004(4);
- (c) ym mharagraff 2.1 o Atodiad 1 i'r Gyfarwydddeb fel y'i nodir yn Atodlen 1 i Reoliadau Badau Hamdden 1996(5).

(b) Liverpool Bay/Bae Lerpwl designated special protection area (EU code UK 9020294);

(c) Traeth Lafan/Lavan Sands Conway Bay designated special protection area (EU code UK 9013031);

(d) Y Fenai a Bae Conwy/Menai Strait and Conwy Bay designated special area of conservation (EU code UK 0030202);

(e) Yuys Seiriol/Puffin Island designated special protection area (EU code UK 9020285);
in so far as they consist of marine areas;

"the Grantee" ("y Granti") means the Menai Strait Fishery Order Management Association (Company number: 07163689) whose registered office is at c/o Myti Mussels Limited, Port Penrhyn, Bangor, Gwynedd, LL57 4HN;

"laying" ("magwrfa") means an area of the several fishery area with respect to which a lease may be or has been granted;

"lease" ("les") means a lease of the right of several fishery;

"licence" ("trwydded") means a licence granted under section 4 of the Act;

"licensed vessel" ("llestr drwyddedig") means a vessel authorised to fish by a licence issued under section 14 or section 16 of the Fisheries Act 2020(1);

"marine environment" ("amgylchedd morol") has the meaning given in section 5A(2) of the Act;

"the Order area" ("ardal y Gorchymyn") means the area described in the Schedule to this Order;

"the prescribed species" ("y rhywogaethau rhagnodedig") means shellfish of the species *mytilus edulis* and *ostreidae*;

"the regulated fishery area" ("ardal y bysgodfa a reoleiddir") means any part of the Order area that is not for the time being designated as the several fishery area;

"the several fishery area" ("ardal y bysgodfa unigol") means any part of the Order area designated as the several fishery area in accordance with article 4(1);

(1) Mewnosodwyd adran 5B gan adran 73 o Ddeddf yr Amgylchedd (Cymru) 2016
(2) 2020 c. 22
(3) O.S. 2017/737 a ddiwygwyd gan O.S. 2019/696
(4) O.S. 2004/1464. Ddynwyd y Rheoliadau hyn gan reoliad 90(2) o Reoliadau Badau Hamdden 2017 ac eithrio o ran eu cynllwyniad i unrhyw fad dŵr a roddwyd ar y farchnad neu a ddefnyddiwyd am y tro cyntaf cyn 3 Awst 2017.
(5) O.S. 1996/1353. Ddynwyd y Rheoliadau hyn gan reoliad 90(1) o Reoliadau Badau Hamdden 2017 ac eithrio o ran eu cynllwyniad i unrhyw fad dŵr a roddwyd ar y farchnad neu a ddefnyddiwyd am y tro cyntaf cyn 1 Ionawr 2005.

(1) 2020 c. 22.

ystyr "y rhywogaethau rhagnodedig" ("the prescribed species") yw pysgod cregyn o'r rhywogaethau *mytilus edulis* ac *ostreidae*;

ystyr "y safleoedd morol Ewropeaidd" ("the European marine sites") yw—

- (a) ardal gwarchodaeth arbennig ddynodedig Môr-wenoliaid Ynys Môn/Anglesey Terns (cod yr UE UK 9013061);
- (b) ardal gwarchodaeth arbennig ddynodedig Bae Lerpwl/Liverpool Bay (cod yr UE UK 9020294);
- (c) ardal gwarchodaeth arbennig ddynodedig Traeth Lafan/Lavan Sands Bae Conwy (cod yr UE UK 9013031);
- (d) ardal cadwraeth arbennig ddynodedig y Fenai a Bae Conwy/Menai Strait and Conwy Bay (cod yr UE UK 0030202);
- (e) ardal gwarchodaeth arbennig ddynodedig Ynys Seiriol/Puffin Island (cod yr UE UK 9020285);

i'r graddau y maent yn cynnwys ardaloedd morol;

ystyr "tenant" ("tenant") yw person y rhoddir les iddo o dan erthygl 8(2);

ystyr "trwydded" ("licence") yw trwydded a roddir o dan adran 4 o'r Ddeddf.

ystyr "ymgymerydd statudol" ("statutory undertaker") yw unrhyw berson sydd, neu yr ystyrir ei fod, yn ymgymerydd statudol at ddibenion unrhyw ddarpariaeth o Ran 11 o Ddeddf Cynllunio Gwlad a Thref 1990(1).

"site protection notice" ("hysbystad gwarchod safle") means a notice served on the Grantee under section 5B of the Act(1);

"statutory undertaker" ("ymgymerydd statudol") means any person who is, or is deemed to be, a statutory undertaker for the purposes of any provision of Part 11 of the Town and Country Planning Act 1990(2);

"tenant" ("tenant") means a person to whom a lease is granted under article 8(2);

"watercraft identification number" ("rhif adnabod bod dŵr") means an identification number provided for—

- (a) in Part A, paragraph 2.1 of Annex 1 to the Directive as set out in Schedule 1 to the Recreational Craft Regulations 2017(3);
- (b) in Part A, paragraph 2.1 of Annex 1 to the Directive as set out in Schedule 1 to the Recreational Craft Regulations 2004(4);
- (c) in paragraph 2.1 of Annex 1 to the Directive as set out in Schedule 1 to the Recreational Craft Regulations 1996(5).

RHAN 2

Yr hawl i bysgodfa unigol

Yr hawl i bysgodfa unigol

3. Rhoddir yr hawl i bysgodfa unigol am y rhywogaethau rhagnodedig i'r Granti am gyfnod o 35 o flynyddoedd yn dechrau ar 2 Ebrill 2022 mewn perthynas ag ardal y bysgodfa unigol(2).

(1) 1990 p. 8.

(2) Nodir effaith rhoi hawl i bysgodfa unigol yn adran 2 o'r Ddeddf.

PART 2

The right of several fishery

The right of several fishery

3. The right of several fishery for the prescribed species is conferred on the Grantee for a period of 35 years beginning on 2 April 2022 in relation to the several fishery area(6).

(1) Section 5B was inserted by section 73 of the Environment (Wales) Act 2016.

(2) 1990 c. 8.

(3) S.I. 2017/737 amended by S.I. 2019/096.

(4) S.I. 2004/1464. These Regulations were revoked by regulation 90(2) of the Recreational Craft Regulations 2017 save as regard their application to any watercraft placed on the market or put into service prior to 3 August 2017.

(5) S.I. 1996/1353. These Regulations were revoked by regulation 90(1) of the Recreational Craft Regulations 2017 save as regard their application to any watercraft placed on the market or put into service prior to 1 January 2005.

(6) The effect of a grant of right of several fishery is set out in section 2 of the Act.

Dynodi ardal y bysgodfa unigol

4.—(1) Caniateir i'r Granti, o bryd i'w gilydd, gyda chydysyniad Gweinidogion Cymru, ddynodi ardal y bysgodfa unigol.

(2) Rhaid i'r dynodiad fod yn ysgrifenedig a rhaid iddo—

- (a) nodi pob ardal sydd i'w dynodi drwy gyfeirio at ardal oddi mewn i linell a dynnir rhwng cyfesurynnau a restrir;
- (b) cadarnhau ei fod wedi ei wneud o dan yr erthygl hon;
- (c) datgan y dyddiad y mae i gynyrd effaith; a
- (d) fod wedi ei lofnodi gan y Granti.

(3) Rhaid i'r Granti gyhoeddi'r dynodiad ar ei wefan cyn pen 7 niwmod ar ôl iddo gael effaith.

Cydsyniad Gweinidogion Cymru i ddynodiad a wneir o dan erthygl 4(1)

5.—(1) Rhaid i gais am gydsyniad Gweinidogion Cymru i ddynodiad o dan erthygl 4(1) gael ei wneud yn ysgrifenedig ac—

- (a) nodi ardal y bysgodfa unigol arfaethedig yn unol ag erthygl 4(2)(a);
- (b) cynnwys map dangosol o ardal y Gorchymyn gyda ffiniau arfaethedig rhwng ardal y bysgodfa a reoleiddir ac ardal y bysgodfa unigol wedi eu marcio arno;
- (c) cynnwys datganiad gan y Granti o blaid y cais; a
- (d) pan fo'r Granti wedi gwneud rheoliadau o dan erthygl 20, rhaid i'r cais gadarnhau bod y Granti wedi ystyried pa un a oes angen diwygio'r rheoliadau hynny.

(2) Ni chaniateir i'r Granti geisio cydsyniad Gweinidogion Cymru i ddynodiad o dan erthygl 4(1) sy'n cynnwys rhan o ardal y Gorchymyn y mae trwyddedau mewn grym mewn perthynas â hi.

(3) Caiff Gweinidogion Cymru ei gwneud yn ofynnol i'r Granti ddarparu iddynt unrhyw wybodaeth bellach sy'n rhesymol ofynnol ganddynt er niwyn ystyried y cais.

(4) Wrth ystyried pa un ai i roi cydsyniad i ddynodiad rhaid i Weiniogion Cymru roi sylw i—

- (a) effaith y dynodiad ar y safleoedd morol Ewropeaidd; a
- (b) effaith y dynodiad ar yr amgylchedd morol.

(5) Rhaid i gydsyniad Gweinidogion Cymru gael ei roi'n ysgrifenedig.

Designation of several fishery area

4.—(1) The Grantee may, from time to time, with the consent of the Welsh Ministers, designate the several fishery area.

(2) The designation must be in writing and must—

- (a) identify all areas to be designated by reference to an area within a line drawn between listed co-ordinates;
- (b) confirm that it is made under this article;
- (c) state the date upon which it is to take effect; and
- (d) be signed by the Grantee.

(3) The designation must be published by the Grantee on their website no later than 7 days after it takes effect.

Welsh Ministers' consent to a designation made under article 4(1)

5.—(1) A request for the Welsh Ministers' consent to a designation under article 4(1) must be made in writing and—

- (a) identify the area of the proposed several fishery area in accordance with article 4(2)(a);
- (b) include an illustrative map of the Order area with proposed boundaries between the regulated fishery area and the several fishery area marked on it;
- (c) include a statement from the Grantee in support of the request; and
- (d) where the Grantee has made regulations under article 20, confirm that the Grantee has given consideration to whether amendment of those regulations is necessary.

(2) The Grantee must not seek the Welsh Ministers' consent to a designation under article 4(1) that includes a part of the Order area in relation to which there are licences in force.

(3) The Welsh Ministers may require the Grantee to provide them with any further information as they reasonably require to consider the request.

(4) When considering whether to consent to a designation the Welsh Ministers must have regard to—

- (a) the impact of the designation on the European marine sites; and
- (b) the impact of the designation on the marine environment.

(5) The Welsh Ministers' consent must be given in writing.

Canslo dynodiad a wnaed o dan erthygl 4(1)

6.—(1) Caiff y Granti, o bryd i'w gilydd, gyda chydsyniad Gweinidogion Cymru, ganslo'r dynodiad a wnaed o dan erthygl 4(1).

(2) Rhaid i hysbysiad canslo'r dynodiad gael ei wneud yn ysgrifenedig a rhaid iddo—

- (a) cadarnhau ei fod wedi ei wneud o dan yr erthygl hon;
- (b) cadarnhau'r dyddiad y mae i gymryd effaith; ac
- (c) fod wedi ei lofnodi gan y Granti.

(3) Ni chaniateir i'r Granti geisio cydsyniad Gweinidogion Cymru i ganslo dynodiad sy'n cynnwys rhan o ardal y Gorchymyn y mae lesioedd mewn grym mewn perthynas â hi.

(4) Rhaid i hysbysiad canslo'r dynodiad gael ei gyhoeddi gan y Granti ar ei wefan cyn pen 7 niwmod ar ôl iddo gael effaith.

Cydsyniad Gweinidogion Cymru i ganslo dynodiad a wnaed o dan erthygl 4(1)

7.—(1) Rhaid i gais am gydsyniad Gweinidogion Cymru i ganslo dynodiad a wnaed o dan erthygl 4(1) gael ei wneud yn ysgrifenedig ac—

- (a) cynnwys datganiad oddi wrth y Granti o blaid y cais;
- (b) cadarnhau ei fod wedi ei wneud o dan yr erthygl hon;
- (c) cadarnhau'r dyddiad y mae'n cael effaith; a
- (d) fod wedi ei lofnodi gan y Granti.

(2) Caiff Gweinidogion Cymru ei gwneud yn ofynnol i'r Granti ddarparu iddynt unrhyw wybodaeth bellach sy'n rhesymol ofynnol ganddynt er mwyn ystyried y cais.

(3) Wrth ystyried pa un ai i roi cydsyniad i gais i ganslo rhaid i Weimidogion Cymru roi sylw i—

- (a) effaith y canslo ar y safleoedd morol Ewropeaidd; a
- (b) effaith y canslo ar yr amgylchedd morol.

(4) Rhaid i gydsyniad Gweinidogion Cymru gael ei roi'n ysgrifenedig.

Cyfyngiadau ar yr hawl i bysgodfa unigol

8.—(1) Ni chaniateir i'r Granti arfer yr hawl i bysgodfa unigol.

Cancellation of a designation made under article 4(1)

6.—(1) The Grantee may, from time to time, with the consent of the Welsh Ministers, cancel the designation made under article 4(1).

(2) A cancellation of the designation must be made in writing and must—

- (a) confirm it is made under this article;
- (b) confirm the date upon which it is to take effect; and
- (c) be signed by the Grantee.

(3) The Grantee must not seek the Welsh Ministers' consent to a cancellation that includes a part of the Order area in relation to which there are leases in force.

(4) The cancellation of the designation must be published by the Grantee on their website no later than 7 days after it takes effect.

Welsh Ministers' consent to cancellation of a designation made under article 4(1)

7.—(1) A request for the Welsh Ministers' consent to a cancellation of a designation made under article 4(1) must be made in writing and—

- (a) include a statement from the Grantee in support of the request;
- (b) confirm it is made under this article;
- (c) confirm the date upon which it takes effect; and
- (d) be signed by the Grantee.

(2) The Welsh Ministers may require the Grantee to provide them with any further information as they reasonably require to consider the request.

(3) When considering whether to consent to a cancellation the Welsh Ministers must have regard to—

- (a) the impact of the cancellation on the European marine sites; and
- (b) the impact of the cancellation on the marine environment.

(4) The Welsh Ministers' consent must be given in writing.

Restrictions on the right of several fishery

8.—(1) The right of several fishery may not be exercised by the Grantee.

(2) Caiff y Granti, o bryd i'w gilydd, gyda chydysniad Gweinidogion Cymru, roi les dros ran o ardal y bysgodfa unigol.

(3) Ni chaniateir i'r Granti, heb gydsyniad ysgrifenedig ymlaen llaw gan Weinidogion Cymru, lesio, aseinio neu mewn unrhyw ffordd arall drosglwyddo'r hawl i bysgodfa unigol i berson arall.

(4) Mewn perthynas ag unrhyw les a roddir gan y Granti—

- (a) ni chaniateir iddi barhau'n lwy na chyfnod o 7 mlynedd, a lle y bo'n gynnwys rhaid iddi ddod i ben ar y dyddiad y mae'r hawl i bysgodfa unigol yn dod i ben yn unol ag erthygl 3 neu cyn hynny;
- (b) rhaid iddi wahardd aseinio'r les, neu roi is-les a'i haseinio, heb gydsyniad ysgrifenedig ymlaen llaw gan Weinidogion Cymru;
- (c) rhaid iddi ei gwneud yn ofynnol i'r tenant gadw marciau'r fagwrfa yn eu lle ac mewn cyflwr da;
- (d) rhaid iddi ei gwneud yn ofynnol i'r tenant gadw'r fagwrfa er boddhad y Granti;
- (e) rhaid iddi ganiatáu i Weinidogion Cymru, neu unrhyw berson a awdurdodir ganddynt, gael mynediad i'r fagwrfa at ddiben—
 - (i) arolwg amgylcheddol;
 - (ii) monitro stoc;
 - (iii) monitro lledaeniad y rhywogaethau rhagnodedig;
 - (iv) atal clefydau; a
 - (v) casglu samplau.
- (f) rhaid iddi ganiatáu i'r Granti arolygu'r fagwrfa at ddiben monitro cydymffurfedd â'r les;
- (g) rhaid iddi ei gwneud yn ofynnol i'r tenant gydymffurfio ag unrhyw hysbysiad gwarchod safle sy'n ymwneud â'i fagwrfa a gyflwynwyd i'r Granti; ac
- (h) rhaid iddi ddarparu pe bai'r tenant yn torri'r les y caniateir i'r Granti—
 - (i) cynryd y camau angenrheidiol i unioni'r toriad; a
 - (ii) terfynu'r les.

Cydsyniad Gweinidogion Cymru i les

9.—(1) Rhaid i gais am gydsyniad Gweinidogion Cymru o dan erthygl 8(2) gael ei wneud yn ysgrifenedig a chynnwys—

- (a) copi o'r les ddrafft; a
- (b) datganiad oddi wrth y Granti o blaid y cais.

(2) The Grantee may, from time to time, with the consent of the Welsh Ministers, grant a lease over part of the several fishery area.

(3) The Grantee may not, without the prior written consent of the Welsh Ministers, lease, assign or in any other way transfer the right of several fishery to another person.

(4) Any lease granted by the Grantee must—

- (a) not exceed a term of 7 years and where applicable must expire on or before the date upon which the right of several fishery ceases in accordance with article 3;
- (b) prohibit assignment of the lease, or the grant of a sub-lease and assignment of it, without the prior written consent of the Welsh Ministers;
- (c) require the tenant to maintain laying markings in position and in good repair;
- (d) require the tenant to maintain the laying to the satisfaction of the Grantee;
- (e) permit the Welsh Ministers, or any person authorised by them, access to the laying for the purpose of—
 - (i) an environmental survey;
 - (ii) monitoring stock;
 - (iii) monitoring the spread of the prescribed species;
 - (iv) disease prevention; and
 - (v) the collection of samples.
- (f) permit the Grantee to inspect the laying for the purpose of monitoring compliance with the lease;
- (g) require the tenant to comply with any site protection notice relating to their laying served on the Grantee; and
- (h) provide that in the event of the tenant breaching the lease the Grantee may—
 - (i) take the necessary action to remedy the breach; and
 - (ii) terminate the lease.

Welsh Ministers' consent to a lease

9.—(1) A request for the Welsh Ministers' consent under article 8(2) must be made in writing and include—

- (a) a copy of the draft lease; and
- (b) a statement from the Grantee in support of the request.

(2) Caiff Gweinidogion Cymru ei gwneud yn ofynnol i'r Granti ddarparu iddynt unrhyw wybodaeth bellach sy'n rhesymol ofynnol ganddynt er mwyn ystyried y cais.

(3) Cyn rhoi cydsyniad i unrhyw les rhaid i Weinidogion Cymru roi sylw i—

- (a) effaith y les arfaethedig ar y safleoedd morol Ewropeaidd; a
- (b) effaith y les arfaethedig ar yr amgylchedd morol.

(4) Rhaid i gydsyniad Gweinidogion Cymru gael ei roi'n ysgrifenedig.

Dyletswydd Granti i fonitro cydymffurfedd â les

10. Rhaid i'r Granti gymryd pob cam rhesymol i fonitro cydymffurfedd tenant ag unrhyw les a roddir.

Effaith les

11. Mae les yn cael effaith fel pe bai'r hawl y mae'n ei rhoi i'r tenant wedi ei rhoi drwy orchymyn a wnaed o dan adran 1 o'r Ddeddf, ac fel pe bai unrhyw delerau ac amodau sydd wedi eu cynnwys yn y les wedi eu cynnwys mewn gorchymyn o'r fath.

Cyfleoedd les newydd

12.—(1) Pe bai magwrfâ yn dod yn wag, cyn rhoi les newydd, rhaid i'r Granti—

- (a) hysbysebu'r cyfle i wneud cais am les ar ei wefan ac mewn o leiaf un papur newydd lleol;
- (b) cyhoeddi ar ei wefan y meini prawf y bydd y Granti yn eu defnyddio i asesu'r ceisiadau a ddaw i law;
- (c) caniatáu cyfnod nad yw'n llai na 28 o ddiwrnodau ar gyfer cyflwyno ceisiadau; a
- (d) asesu pob cais yn umol â'r meini prawf cyhoeddedig ac yn umol â pharagraff (2).

(2) Wrth asesu ceisiadau sy'n dod i law oddi wrth ddarpar denantiaid, rhaid i'r Granti roi sylw i pa un a yw ymgeiswyr yn gallu dangos naill ai—

- (a) tystiolaeth o gymhwysedd i weithredu magwrfâ yn ddiogel; neu
- (b) cynigion i gael hyfforddiant neu gymwysterau perthnasol i gaffael cymhwysedd i weithredu magwrfâ yn ddiogel.

(3) At ddbenion paragraff (1), mae magwrfâ yn dod yn wag os yw tenant y fagwrfâ honno—

- (a) yn ildio ei les i'r Granti;
- (b) yn fforffedu ei les i'r Granti; neu

(2) The Welsh Ministers may require the Grantee to provide them with any further information they reasonably require to consider the request.

(3) Before consenting to any lease the Welsh Ministers must have regard to—

- (a) the impact of the proposed lease upon the European marine sites;
- (b) the impact of the proposed lease upon the marine environment.

(4) The Welsh Ministers' consent must be given in writing.

Grantee's duty to monitor compliance with a lease

10. The Grantee must take all reasonable steps to monitor the tenant's compliance with any lease granted.

Effect of a lease

11. A lease has effect as if the right which it confers on the tenant were conferred by an order made under section 1 of the Act, and as if any terms and conditions contained in the lease were contained in such an order.

New lease opportunities

12.—(1) In the event that a laying becomes vacant, before granting a new lease, the Grantee must—

- (a) advertise the opportunity to apply for a lease on their website and in at least one local newspaper;
- (b) publish on their website the criteria the Grantee will use to assess the applications received;
- (c) allow a period of at least 28 days for submission of applications; and
- (d) assess all applications according to published criteria and in accordance with paragraph (2).

(2) When assessing applications received from prospective tenants, the Grantee must have regard to whether applicants can demonstrate either —

- (a) evidence of competence to safely operate a laying; or
- (b) proposals to obtain relevant training or qualifications to acquire competence to safely operate a laying.

(3) For the purposes of paragraph (1), a laying becomes vacant if the tenant of that laying—

- (a) surrenders their lease to the Grantee;
- (b) forfeits their lease to the Grantee; or

(c) pan ddaw tymor un les i ben, yn peidio â gwneud cais am les newydd.

(c) at the expiry of the term of one lease, does not seek a new lease.

Incwm o ardal y bysgodfa unigol

13. Rhaid i'r holl incwm y mae'r Granti yn ei gael drwy rent sy'n daladwy o dan les gael ei gymhwyso at y dibenion a ganlyn yn y drefn o ran blaenoriaeth a restrir isod—

- (a) talu treuliau cael y Gorchymyn hwn;
- (b) marcio ffiniau ardal y bysgodfa unigol a'r magwrffeydd;
- (c) dimistrio plâu sy'n niweidiol i'r rhywogaethau rhagnodedig; a
- (d) rheoli, goruchwyllo a gwella ardal y bysgodfa unigol.

Income from the several fishery area

13. All income received by the Grantee by way of rent payable under a lease must be applied for the following purposes in order of priority listed below—

- (a) discharging the expenses of obtaining this Order;
- (b) marking out the boundaries of the several fishery area and layings;
- (c) the destruction of pests harmful to the prescribed species; and
- (d) management, supervision and improvement of the several fishery area.

RHAN 3

Yr hawl i reoleiddio pysgodfa

Yr hawl i reoleiddio pysgodfa

14. Rhoddir yr hawl i reoleiddio pysgodfa ar gyfer y rhywogaethau rhagnodedig i'r Granti am gyfnod o 35 o flynyddoedd yn dechrau ar 2 Ebrill 2022 mewn perthynas ag ardal y bysgodfa a reoleiddir(1).

Gofyniad trwyddedu yn y bysgodfa a reoleiddir

15. Ni chaniateir i neb gymryd, neu dreillio neu bysgota am unrhyw un neu ragor o'r rhywogaethau rhagnodedig yn ardal y bysgodfa a reoleiddir oni bai y gwneir hynny o dan awdurdod trwydded a ddyroddwyd gan y Granti.

Materion y mae rhaid i'r Granti roi sylw iddynt wrth arfer ei swyddogaethau trwyddedu

16. Wrth arfer ei swyddogaethau trwyddedu o dan y Gorchymyn hwn, rhaid i'r Granti roi sylw i'r effaith y gallai'r gweithgarwch trwyddedig ei chael ar—

- (a) y safleoedd morol Ewropeaidd; a
- (b) yr amgylchedd morol.

Ceisiadau am drwydded, a gwybodaeth am y broses o wneud cais a diwygio trwydded

17.—(1) Rhaid i gais am drwydded gael ei wneud yn mhaf ffurf a modd bymag a bennir gan y Granti.

(1) Nodir effaith ddi hawl i reoleiddio pysgodfa yn adran 3 o'r Ddeddf.

PART 3

The right of regulating a fishery

Right of regulating a fishery

14. The right of regulating a fishery for the prescribed species is conferred on the Grantee for a period of 35 years beginning on 2 April 2022 in relation to the regulated fishery area(1).

Licensing requirement in the regulated fishery

15. No person may dredge for, fish for or take any of the prescribed species in the regulated fishery area unless under the authority of a licence issued by the Grantee.

Matters the Grantee must have regard to when exercising their licensing functions

16. When exercising their licensing functions under this Order, the Grantee must have regard to the impact the licensed activities may have upon—

- (a) the European marine sites; and
- (b) the marine environment.

Licence applications, and information about the application process and amendment of a licence

17.—(1) An application for a licence must be made in such form and manner as the Grantee may specify.

(1) The effect of a grant of a right of regulating a fishery is set out in section 3 of the Act.

(2) Rhaid i'r Granti gyhoeddi ar ei wefan gopi o'r ffurflen gais am drwydded a gwybodaeth i ymgeiswyr ynghylch y broses o wneud cais.

(3) Caiff trwyddedai wneud cais ysgrifenedig i'r Granti i ddiwygio'r drwydded, a rhaid iddo ddarparu'r wybodaeth honno sy'n rhesymol ofynnol gan y Granti er mwyn iddo ystyried y cais.

Cynnwys trwydded

18. Rhaid i drwydded—

- (a) datgan enw a chyfeiriad y trwyddedai;
- (b) nodi manylion adnabod unrhyw lestr a awdurdodwyd i weithredu yn ardal y bysgodfa a reoleiddir, sef naill ai—
 - (i) enw a rhif trwydded llestr awdurdodedig; neu
 - (ii) rhif adnabod bad dŵr ar gyfer llestr ddirwydded;
- (c) pennu'r dulliau casglu a ganiateir;
- (d) pennu'r cyfnod o amser y mae trwydded yn ddilys amdano. Ni chaniateir i'r cyfnod hwnnw fod yn hwy nag i flwyddyn;
- (e) cynnwys amodau trwydded priodol; a
- (f) meddu ar rif adnabod unigryw.

Toll trwydded

19.—(1) Rhaid i ymgeisydd am drwydded dalu toll o £150 i'r Granti.

(2) Caniateir i'r Granti amrywio'r doll sy'n daladwy o dan baragraff (1) gyda chydysniad Gweinidogion Cymru.

Pŵer i wneud rheoliadau

20.—(1) Caniateir i'r Granti, gyda chydysniad Gweinidogion Cymru, wneud rheoliadau mewn perthynas â chymryd, neu dreillio neu bysgota am y rhywogaethau rhagnodedig yn ardal y bysgodfa a reoleiddir gyfan, neu ran ohoni.

(2) Caniateir i'r Granti ddiwygio neu ddirymu'r rheoliadau hynny, gyda chydysniad Gweinidogion Cymru.

(3) Rhaid i Reoliadau a wneir gan y Granti o dan baragraff (1)—

- (a) cynnwys y darpariaethau hynny (os oes rhai) y mae'r Granti yn ystyried eu bod yn briodol at ddiben—
 - (i) atal niwed i'r safleoedd morol Ewropeaidd; a
 - (ii) diogelu'r amgylchedd morol;

(2) The Grantee must publish on its website a copy of the licence application form and information for applicants about the application process.

(3) A licensee may make a written request to the Grantee for an amendment of the licence, and must provide such information as the Grantee may reasonably require to consider the request.

Contents of a licence

18. A licence must—

- (a) state the name and address of the licensee;
- (b) identify any vessel authorised to operate in the regulated fishery area by either—
 - (i) the name and licence number of a licensed vessel; or
 - (ii) the watercraft identification number of an unlicensed vessel;
- (c) specify the methods of gathering that may be used;
- (d) specify the period of time for which a licence is valid, which must not exceed 1 year;
- (e) include appropriate licence conditions; and
- (f) have an unique identification number.

Licence toll

19.—(1) An applicant for a licence must pay a toll of £150 to the Grantee.

(2) The Grantee may vary the toll payable under paragraph (1) with the consent of the Welsh Ministers.

Power to make regulations

20.—(1) The Grantee may, with the consent of the Welsh Ministers, make regulations in relation to the dredging for, fishing for or taking of the prescribed species in all or in part of the regulated fishery area.

(2) The Grantee may amend or revoke such regulations, with the consent of the Welsh Ministers.

(3) Regulations made by the Grantee under paragraph (1) must—

- (a) include such provision (if any) as the Grantee considers appropriate for the purpose of—
 - (i) preventing harm to the European marine sites; and
 - (ii) protecting the marine environment;

- (b) datgan y dyddiad y daw'r rheoliadau hynny i rym;
- (c) nodi'r rhan o ardal y bysgodfa a reoleiddir y maent yn gymwys iddi drwy gyfeirio at—
 - (i) ardal oddi mewn i linell a dynnir rhwng cyfesurynnau a restrir; a
 - (ii) map dangosol a atodir i'r rheoliadau yn dangos y rhan honno;
- (d) cael eu cyhoeddi ar wefan y Granti o leiaf 21 o ddiwrnodau cyn iddynt ddod i rym, oni bai bod rhaid gwneud rheoliadau ar frys i ddiogelu—
 - (i) y safleoedd morol Ewropeaidd; neu
 - (ii) yr amgylchedd morol.

(4) Bydd dangos copi o reoliadau a wnaed gan y Granti, ac a ardystiwyd gan Weinidogion Cymru fel copi gwir o'r rheoliadau gwreiddiol a gymeradwywyd ganddynt hwy, yn dystiolaeth derfynol o fodolaeth y rheoliadau.

Cydsyniad Gweinidogion Cymru i reoliadau a wnaed o dan erthygl 20(1)

21.—(1) Rhaid i gais am gydsyniad Gweinidogion Cymru o dan erthygl 20(1) gael ei wneud yn ysgrifenedig a rhaid iddo gynnwys—

- (a) copi o'r rheoliadau drafft; a
- (b) datganiad oddi wrth y Granti o blaidd y cais.

(2) Caiff Gweinidogion Cymru ei gwneud yn ofynnol i'r Granti ddarparu iddynt unrhyw wybodaeth bellach sy'n thesymol ofynnol ganddynt er mwyn ystyried y cais.

(3) Cyn rhoi cydsyniad i unrhyw reoliadau rhaid i Weinidogion Cymru roi sylw i—

- (a) effaith y rheoliadau ar y safleoedd morol Ewropeaidd; a
- (b) effaith y rheoliadau ar yr amgylchedd morol.

(4) Rhaid i gydsyniad Gweinidogion Cymru gael ei roi'n ysgrifenedig.

RHAN 4

Darpariaethau amrywiol

Dyltswydd i sicrhau bod map dangosol o ardal y Gorchymyn ar gael i'r cyhoedd

22. O fewn 7 niwrnod i wneud dynodiad o dan erthygl 4, neu ganslo dynodiad o dan erthygl 6, rhaid i'r Granti lunio map dangosol o ardal y Gorchymyn a sicrhau ei fod ar gael i'w weld ar ei wefan ac yn ei swyddfa gofrestrdig. Rhaid i'r map hwnnw gynnwys

- (b) state the date upon which they come into force;
- (c) identify the part of the regulated fishery area they apply to by reference to—
 - (i) an area within a line drawn between listed co-ordinates; and
 - (ii) an illustrative map annexed to the regulations showing that part;
- (d) be published on the Grantee's website at least 21 days before they come into force, unless regulations must be made urgently to protect—
 - (i) the European marine sites; or
 - (ii) the marine environment.

(4) The production of a copy of regulations made by the Grantee, and certified by the Welsh Ministers as a true copy of the original regulations approved by them, shall be conclusive evidence of the existence of the regulations.

Welsh Ministers' consent to regulations made under article 20(1)

21.—(1) A request for the Welsh Ministers' consent under article 20(1) must be made in writing and must include—

- (a) a copy of the draft regulations; and
- (b) a statement from the Grantee in support of the request.

(2) The Welsh Ministers may require the Grantee to provide them with any further information they reasonably require to consider the request.

(3) Before consenting to any regulations the Welsh Ministers must have regard to—

- (a) the impact of the regulations on the European marine sites; and
- (b) the impact of the regulations upon the marine environment.

(4) The Welsh Ministers' consent must be given in writing.

PART 4

Miscellaneous provisions

Duty to keep publicly available an illustrative map of the Order area

22. Within 7 days of making a designation under article 4, or a cancellation of a designation under article 6, the Grantee must produce and make available for inspection on its website and at its registered office an illustrative map of the Order area which must include

y ffin rhwng ardal y bysgodfa unigol ac ardal y bysgodfa a reoleiddir.

Cyfrifon o'r incwm a'r gwariant, gwybodaeth arall ac arolygu

23.—(1) Rhaid i'r Granti, erbyn 31 Gorffennaf bob blwyddyn, ddarparu i Weinidogion Cymru gyfrifon blynyddol o'i incwm a'i wariant o dan y Gorchymyn hwn ar gyfer y flwyddyn ariannol flaenorol.

(2) Rhaid i'r Granti ganiatáu i bersonau a awdurdodwyd gan Weinidogion Cymru i arolygu unrhyw gyfrifon neu unrhyw ddogfennau eraill sy'n ymwneud â'r Gorchymyn hwn sydd ym meddiant y Granti, a rhaid i'r Granti ddarparu i'r person hwnnw unrhyw wybodaeth bellach sy'n ymwneud â'r materion hynny sy'n rhesymol ofynnol gan y person hwnnw.

(3) Rhaid i'r Granti ganiatáu i bersonau a awdurdodwyd gan Weinidogion Cymru i arolygu ardal y Gorchymyn.

Datganiad daliadau

24.—(1) Rhaid i'r Granti gyflwyno datganiad daliadau i Weinidogion Cymru—

(a) am y cyfnod rhwng 2 Ebrill 2022 ac 31 Mawrth 2023, ar 30 Ebrill 2023 neu cyn hynny; a

(b) wedi hynny, am bob cyfnod o amser rhwng 1 Ebrill ac 31 Mawrth yn y flwyddyn ganlynol, ar 30 Ebrill neu cyn hynny yn y flwyddyn y mae'r cyfnod hwnnw'n dod i ben.

(2) Rhaid i ddatganiad daliadau gofnodi—

(a) cyfanswm blynyddol pwysau byw grawn y rhywogaethau rhagnodedig a heuwyd yn ardal y bysgodfa a reoleiddir ac ardal y bysgodfa unigol;

(b) lleoliad y ffynhonnell y daeth y grawn hwnnw ohoni;

(c) cyfanswm blynyddol pwysau byw y rhywogaethau rhagnodedig a gymerwyd o ardal y bysgodfa unigol ac ardal y bysgodfa a reoleiddir; a

(d) unrhyw wybodaeth bellach sy'n rhesymol ofynnol yn ysgrifenedig gan Weinidogion Cymru.

Marcio terfynau ardal y Gorchymyn

25.—(1) Rhaid i'r Granti, yn y cyfryw fodd y gofynnir amdano o dro i dro gan Weinidogion Cymru, farcio terfynau —

(a) ardal y Gorchymyn neu unrhyw ran ohoni; a

the boundary between the several fishery area and the regulated fishery area.

Accounts of income and expenditure, other information and inspection

23.—(1) The Grantee must by 31 July each year provide to the Welsh Ministers annual accounts of its income and expenditure under this Order for the preceding financial year.

(2) The Grantee must allow persons authorised by the Welsh Ministers to inspect any accounts or other documents relating to this Order in the possession of the Grantee, and must give that person any further information relating to those matters, which that person may reasonably require.

(3) The Grantee must allow persons authorised by the Welsh Ministers to inspect the Order area.

Catch return

24.—(1) The Grantee must submit a catch return to the Welsh Ministers —

(a) for the period between 2 April 2022 and 31 March 2023, on or before 30 April 2023; and

(b) thereafter, for each period of time between 1 April and the following 31 March, on or before the 30 April in the same year in which that time period ends.

(2) A catch return must record—

(a) the annual total live weight of seed of the specified species laid down in the regulated fishery area and in the several fishery area;

(b) the location from which that seed was sourced;

(c) the annual total live weight of the specified species taken from both the several fishery area and from the regulated fishery area; and

(d) any further information as may be reasonably requested in writing by the Welsh Ministers.

Marking out of the Order area

25.—(1) The Grantee must, in such manner as the Welsh Ministers may from time to time request, mark out—

(a) the Order area or any part of it; and

- (b) y ffin rhwng ardal y bysgodfa unigol ac ardal y bysgodfa a reoleiddir.
- (2) Cyn cais i farcio'r terfynau, rhaid i Weinidogion Cymru ymgynghori â'r canlynol—
- (a) Ymddiriedolaeth Harbwr Caernarfon(1); a
- (b) the Corporation of Trinity House of Deptford Strond(2).
- (3) Rhaid i'r Granti gadw'r marciau yn eu lle ac mewn cyflwr da.

Hawliau tirfeddianwyr

26. Nid oes dim yn y Gorchymyn hwn, neu mewn unrhyw gyfyngiad a osodir oddi tano, neu unrhyw reoliad a wneir oddi tano, yn lleihau effaith unrhyw hawliau, pwerau ac awdurdod—

- (a) person sy'n berchen ar ran o ardal y Gorchymyn; neu
- (b) person y mae person o'r fath wedi rhoi les iddo mewn cysylltiad â rhan o ardal y Gorchymyn.

Hawliau ymgymerydd statudol

27. Nid oes dim yn y Gorchymyn hwn, neu mewn unrhyw gyfyngiad a osodir oddi tano, neu mewn unrhyw reoliad a wneir oddi tano, sy'n lleihau effaith gweithgarwch cyfreithlon ymgymerydd statudol sy'n arfer ei swyddogaethau statudol.

Dirymu

28. Mae Gorchymyn Pysgodfa Wystrys a Chlegyn Gleision Afon Menai 1962(3) a Gorchymyn Pysgodfa Wystrys a Chlegyn Gleision Afon Menai (Dirwygio) 1964(4) wedi eu dirymu.

- (b) the boundary between the several fishery area and the regulated fishery area.
- (2) Prior to a request to mark out, the Welsh Ministers must consult—
- (a) Caernarfon Harbour Trust(1); and
- (b) the Corporation of Trinity House of Deptford Strond(2).
- (3) The Grantee must maintain markings in position and in good repair.

Rights of landowners

26. Nothing in this Order, or in any restriction imposed under it, or regulation made under it, affects prejudicially any rights, powers and authority of—

- (a) a person who owns part of the Order area; or
- (b) a person to whom such a person has granted a lease in respect of a part of the Order area.

Rights of statutory undertakers

27. Nothing in this Order, or in any restriction imposed under it, or in any regulation made under it, affects prejudicially the lawful activities of a statutory undertaker exercising its statutory functions.

Revocation

28. The Menai Strait Oyster and Mussel Fishery Order 1962(3) and the Menai Strait Oyster and Mussel Fishery (Amendment) Order 1964(4) are revoked.

Lesley Griffiths

Y Gweinidog Materion Gwledig a Gogledd Cymru, a'r Trefnydd, un o Weinidogion Cymru
3 Mawrth 2022

Minister for Rural Affairs, North Wales and Trefnydd,
one of the Welsh Ministers
3 March 2022

(1) <https://www.caernarfonharbour.org.uk/>
(2) <https://www.trinityhouse.co.uk/>
(3) O.S. 1962/705.
(4) O.S. 1964/550.

(1) <https://www.caernarfonharbour.org.uk/>
(2) <https://www.trinityhouse.co.uk/>
(3) S.I. 1962/705.
(4) S.I. 1964/550.

YR ATODLEN Erthygl 2

Ardal y Gorchymyn

Y rhan honno o Afon Menai sydd oddi mewn i linell sy'n cysylltu'r cyfesurynnau a rifwyd 1 i 331 yn y tabl isod, sy'n ymestyn i tua 694 o hectarau ac sy'n cynnwys glan a gwely'r môr ac unrhyw afon, sianel, cilfach, bae neu foryd yn yr ardal.

SCHEDULE Article 2

The Order area

That part of the Menai Strait which lies within a line joining the co-ordinates numbered 1 to 331 in the table below, which extends to approximately 694 hectares and includes the shore and bed of the sea and any river, channel, creek, bay or estuary in the area.

Pwynt	Hydred	Lledred
1	004° 4.7317' Gn	053° 14.0637' G
2	004° 5.6444' Gn	053° 14.1526' G
3	004° 5.6492' Gn	053° 14.1529' G
4	004° 5.6626' Gn	053° 14.1514' G
5	004° 5.6727' Gn	053° 14.1506' G
6	004° 5.6922' Gn	053° 14.1499' G
7	004° 5.7014' Gn	053° 14.1490' G
8	004° 5.7119' Gn	053° 14.1469' G
9	004° 5.7217' Gn	053° 14.1443' G
10	004° 5.7353' Gn	053° 14.1402' G
11	004° 5.7512' Gn	053° 14.1353' G
12	004° 5.7668' Gn	053° 14.1313' G
13	004° 5.7861' Gn	053° 14.1276' G
14	004° 5.8053' Gn	053° 14.1249' G
15	004° 5.8247' Gn	053° 14.1233' G
16	004° 5.8416' Gn	053° 14.1227' G
17	004° 5.8755' Gn	053° 14.1220' G
18	004° 5.8942' Gn	053° 14.1206' G
19	004° 5.9102' Gn	053° 14.1181' G
20	004° 5.9215' Gn	053° 14.1157' G
21	004° 5.9436' Gn	053° 14.1110' G
22	004° 5.9609' Gn	053° 14.1087' G
23	004° 5.9672' Gn	053° 14.1064' G
24	004° 5.9748' Gn	053° 14.1015' G
25	004° 5.9843' Gn	053° 14.0966' G
26	004° 6.0006' Gn	053° 14.0920' G
27	004° 6.0200' Gn	053° 14.0865' G
28	004° 6.0439' Gn	053° 14.0786' G
29	004° 6.0513' Gn	053° 14.0761' G
30	004° 6.0659' Gn	053° 14.0709' G
31	004° 6.0702' Gn	053° 14.0691' G
32	004° 6.0795' Gn	053° 14.0655' G
33	004° 6.0865' Gn	053° 14.0630' G
34	004° 6.5983' Gn	053° 14.1197' G

Point	Longitude	Latitude
1	004° 4.7317' W	053° 14.0637' N
2	004° 5.6444' W	053° 14.1526' N
3	004° 5.6492' W	053° 14.1529' N
4	004° 5.6626' W	053° 14.1514' N
5	004° 5.6727' W	053° 14.1506' N
6	004° 5.6922' W	053° 14.1499' N
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11	004° 5.7512' W	053° 14.1353' N
12	004° 5.7668' W	053° 14.1313' N
13	004° 5.7861' W	053° 14.1276' N
14	004° 5.8053' W	053° 14.1249' N
15	004° 5.8247' W	053° 14.1233' N
16	004° 5.8416' W	053° 14.1227' N
17	004° 5.8755' W	053° 14.1220' N
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25	004° 5.9843' W	053° 14.0966' N
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31	004° 6.0702' W	053° 14.0691' N
32	004° 6.0795' W	053° 14.0655' N
33	004° 6.0865' W	053° 14.0630' N
34	004° 6.5983' W	053° 14.1197' N

(The remaining 10 pages not included here - they are a list of all 311 boundary coordinates which can be viewed here:
https://www.legislation.gov.uk/wsi/2022/213/pdfs/wsi_20220213_mi.pdf)

Annex B: Letter from Chair to Minister for Rural Affairs, North Wales and Trefnydd, March 2022.

Menai Strait Fishery Order Management Association

Port Penrhyn, Bangor, LL57 4HN

Lesley Griffiths, MS
Minister for Rural Affairs and North Wales, and Trefnydd
Welsh Government
Cardiff Bay
Cardiff
CF99 1NA

25th March 2022

By Post and e-mail

Dear Minister

Menai Strait (East) Mussel and Oyster Fishery Order 2022


I am writing on behalf of the Menai Strait Fishery Order Management Association to thank you for your decision to make this new Order, which is presently laid before the Senedd.

May I take this opportunity to thank you and your staff (and in particular Michelle Billing and Julian Bray in the Marine and Fisheries Division) for your sustained commitment to delivering this new Fishery Order. The new Fishery Order will be a vital component for building a sustainable future for the shellfish farming industry in the Menai Strait.

I would like to invite you to visit us in Port Penrhyn at your convenience to both celebrate the creation of the new Fishery Order and to demonstrate how shellfish farmers in north Wales are facing the challenges and using their energy, creativity to rebuild and develop their businesses in the new post-Brexit world.

We very much look forward to welcoming you to Port Penrhyn to join us in marking the successful creation of this new Order which we hope heralds a new dawn for shellfish farmers in the area.

Yours sincerely



ALAN WINSTONE
Chair, MSFOMA

Annex C: E-mail sent to all 133 organisations and individuals on the MSFOMA mailing list for Menai East on 10th March 2022.

From: MSFOMA <chair@msfoma.org>
Sent: 10 March 2022 17:43
To: <<e-mail>>
Subject: Menai Strait Fishery Order Progress Update, March 2022

Dear <<Name>>,

I am writing to update you with the latest news about the proposed new Fishery Order for the eastern Menai Strait.

We are pleased to confirm that a new Fishery Order for the eastern Menai Strait has been "made" by Lesley Griffiths MS (Minister for Rural Affairs and North Wales, and Trefnydd) and was laid before the Senedd on 4th March 2022.

The new Order takes account of the comments that were made by stakeholders during the consultation last year. In particular, the boundary along the Anglesey coastline has been amended. This is in response to concerns about interactions with existing deep-water moorings that were raised by RYA Cymru and local sailing clubs.

In all other respects the new Order will provide the same secure long-term legal foundation as its predecessor, which is vital for local shellfish farmers. It is due to come into force on the 2nd of April and will endure for a period of 35 years. This is great news for the future of the Welsh shellfish farming, local businesses and livelihoods.

You can access a copy of the new Order on the Government legislation website [here](#). A map showing the boundary of the new Order can be accessed [here](#).

If you have any queries about this update, please don't hesitate to contact me.

Kind regards

Jim Andrews

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 D: Letter from MSFOMA to Natural Resources Wales concerning the Habitats Regulations Assessment of the proposal to Designate a Several Fishery, 15th March 2022.

Menai Strait Fishery Order Management Association

Port Penrhyn, Bangor, LL57 4HN

Alexander Scorey
Natural Resources Wales
Maes y Ffynnon
Penrhosgarnedd
Bangor
LL57 2DW

15th March 2022

By Post and e-mail

Dear Alex

**Menai Strait (East) Mussel and Oyster Fishery Order 2022 (SI 2022 No.213 (W.69):
Habitats Regulations Assessment of proposal to Designate a Several Fishery Area (54 & 5)**

I am writing to consult Natural Resources Wales about the intention of the Menai Strait Fishery Order Management Association (MSFOMA) to write to the Minister to seek her consent to "Designate a Several Fishery Area" under this new Fishery Order.

Under 54 of the Fishery Order, the Grantee (MSFOMA) may, with the consent of the Welsh Ministers, designate a several fishery area. Within this area the Grantee may subsequently issue leases for "layings" where shellfish may be cultivated (under 58 of the Order), again with the consent of the Minister.

The proposed Designated Area will lie within or adjacent to a number of Natura 2000 sites, including the Menai Strait and Conwy Bay Special Area of Conservation ("SAC"), Liverpool Bay Special Protection Area ("SPA"), Lavan Sands SPA, Anglesey Terns SPA and Puffin Island SPA.

MSFOMA has carried out a Habitats Regulations Assessment to test the Likely Significant Effect of the proposal to designate this area, and we have subsequently conducted an Appropriate Assessment. These are documented in the enclosure.

We have concluded that the proposal to designate this several fishery area under 54 of the new Order will not adversely affect the integrity of any Natura 2000 site within or adjacent to the designated area.

We would welcome any comments you may have on our assessment and any advice that you may have prior to our formal application to the Minister to designate this area.

Pending approval of this request we intend to conduct HRAs for the eight "layings" within the designated area, and hope to be in touch with you shortly about them.

Yours sincerely



ALAN WINSTONE
Chair, MSFOMA

Encs.

Annex E: Response to MSFOMA from Natural Resources Wales confirming the conclusions of the Habitats Regulations Assessment for the proposal to Designate a Several Fishery, 18th March 2022.



Eich cyf/Your ref.
HRA_MSFOA_MSE_Designated_Area_150322

Please reply to:

Maes y Flynnon
Penrhosgarnedd
Bangor
LL57 2DW
E-bost/Email: gabrielle.wyn@cyfoethnaturiolcymru.gov.uk
Ffôn/Phone: 03000 654849

Alan Winstone
Chair
Menai Strait Fishery Order Management Association (MSFOMA)
Port Penrhyn
Bangor
LL57 4HN

18 March 2022

Dear Alan

PROPOSAL TO DESIGNATE A SEVERAL FISHERY AREA UNDER SECTIONS 4 AND 5 OF THE MENAI STRAIT (EAST) MUSSEL AND OYSTER FISHERY ORDER 2022

Thank you for consulting Natural Resources Wales on the MSFOMA's Habitats Regulations Assessment for the proposal to designate a several fishery area under Sections 4 and 5 of The Menai Strait (East) Oyster and Mussel Fishery Order 2022, which will occur within or adjacent to Menai Strait and Conwy Bay SAC, Liverpool Bay SPA, Lavan Sands SPA, Anglesey Terns SPA and Puffin Island SPA.

Natural Resources Wales agrees with the conclusions of the MSFOMA's Habitats Regulations Assessment *HRA_MSFOA_MSE_Designated_Area_150322.docx*. In our view it is reasonable to conclude that the proposal will not adversely affect the integrity of any European Site.

Should you require further information please contact Alex Scorey
alexander.scorey@cyfoethnaturiolcymru.gov.uk.

Yours sincerely

A handwritten signature in black ink that reads 'Gabrielle Wyn'.

Gabrielle Wyn
Arweinydd Tim Cyngori Morol Cymru Gyfan/ Marine All Wales Advice Team Leader

Annex F: Letter to Minister for Rural Affairs, North Wales and Trefnydd, 18th March 2022, requesting consent for Designation of a Several Fishery Area.¹

Menai Strait Fishery Order Management Association

Port Penrhyn, Bangor, LL57 4HN

Lesley Griffiths, MS
Minister for Rural Affairs and North Wales, and Trefnydd
Welsh Government
Cardiff Bay
Cardiff
CF99 1NA

18th March 2022

By Post and e-mail

Dear Minister

**Menai Strait (East) Mussel and Oyster Fishery Order 2022:
Request for Ministerial Consent for Designation of Several Fishery Area (§4 & 5) in the proposed Order**

I am writing further to discussions with your Officers about the new Fishery Order in the eastern Menai Strait. This is due to come into force on 2nd of April 2022 to replace the existing Order which is due to expire on the 1st of April 2022.

It is very important to ensure continuity of tenure for the leased areas in the Fishery Order areas where mussels are presently being farmed. With this goal in mind, we are writing to formally request your consent to designate a several fishery area within the Fishery Order.

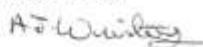
The Order that was published on the 4th March 2022 sets out the information that we are required to submit to you in support of these requests. These requirements are listed below, with relevant information provided either below or as enclosures.

1. **Written Designation of Several Area** – a draft notice is enclosed as Annex A to this letter which meets the requirements of §4 of the Order. Your comments are sought on this and your approval to publish it on the MSFOMA website before 9th April 2022 is also sought (this date being 7 days after the designation comes into effect).
2. **Request for consent to designate a Several Area** – the requirements for this request are set out in §5(1) of the Order. With regard to these requirements, we have enclosed Annex B which includes the following:
 - a. The area of the proposed designation;
 - b. An illustrative map of the Order area with the proposed boundary between the regulated fishery area and several fishery area.
 - c. A brief statement from the Grantee in support of this request.
 - d. Confirmation that there are presently no regulations in place that have been made under Article 20 of the proposed Order (nor the equivalent provisions of the existing Order).
 - e. Confirmation (pursuant to §5(2) of the Order) that there are presently no licences in force for the regulated fishery, and hence the designation does not include any part of the Order area for which licences are in force.

We have carried out a consultation with Natural Resources Wales to finalise the Habitats Regulations Assessment (HRA) for the designated area that we are seeking your consent for. NRW agree with our conclusion that the designated area will not adversely affect the integrity of any SAC, SPA or Ramsar site in Wales. We have attached a copy of our HRA at Annex C and NRW's letter in response to that at Annex D.

We hope that this information provides an adequate basis for you to progress our request. If you require any additional information please contact us.

Yours sincerely



ALAN WINSTONE
Chair, MSFOMA

Encs.

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

¹ Annexes referred to in this letter (77 pages) enclosed at the end of these papers

Annex G: Letter from Minister for Rural Affairs, North Wales and Trefnydd confirming approval for Designation of a Several Fishery Area, 28th March 2022.

Lesley Griffiths AS/MS
Y Gweinidog Materion Gwledig a Gogledd Cymru, a'r Trefnydd
Minister for Rural Affairs and North Wales, and Trefnydd



Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref LG/00172/22

Alan Winstone
Chair
MSFOMA

info@msfoma.org

28th March 2022

Dear Alan,

Thank you for your letter of 24 March regarding the draft designation of several fishery area and requesting the Welsh Ministers' consent to it, pursuant to the Menai Strait (East) Mussel and Oyster Fishery Order 2022.

I am pleased to confirm my consent to the designation pursuant to article 5 of the 2022 Order.

I welcome the constructive working relationship which has been built between officials and MSFOMA, and which has supported the timely delivery of the new Order.

Yours sincerely,

Lesley Griffiths AS/MS
Y Gweinidog Materion Gwledig a Gogledd Cymru, a'r Trefnydd
Minister for Rural Affairs and North Wales, and Trefnydd

Bao Caerdydd • Cardiff Bay
Caerdydd • Cardiff
CF99 1SH

Canoifan Cyswilt Cyntaf / First Point of Contact Centre:
0300 0604400
Gohoblaeth.Lesley.Griffiths@llyw.cymru
Correspondence.Lesley.Griffiths@gov.wales

Rydym yn croesawu derbyn gohoblaeth yn Gymraeg. Byddwn yn atob gohoblaeth a ddorbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

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

Annex H: Minute of meeting of the MSFOMA lease allocation committee, January 2022

Menai Strait Fishery Order Management Association

Lease Allocation Meeting 10th January 2022 Zoom Video Conference Call

Minutes

Attendance

Members

Alan Winstone*
Cllr Ioan Thomas
Lewis le Vay

Chair
Gwynedd County Council
Bangor University

Advisors

Jim Andrews*

MSFOMA Secretariat

Notes

* Also Directors of the Association

1. Chair's announcements

The Chair welcomed all to the meeting and explained that its purpose was to determine the allocation of leases for the layings under the proposed new Menai East Fishery Order which is due to come into effect on 1st April 2022. The meeting attendees had been restricted to Association Members who have voting rights under the Articles of Association. One member, James Wilson, has been excluded due to conflict of interests.

2. Lease Applications

The report was accepted.

The Secretariat reported that all of the existing tenants had applied for the renewal of their existing tenancies. Welsh Government had advised the Association that under these circumstances the layings should not be considered to be "vacant" when the new Order came into force, and that the process for public advertisement of vacant leases (§12(1) of the Draft Order) would not therefore apply. The Association's lease allocation rules (at §9) also make provision for existing tenant to retain their leased area during the transition from the existing Fishery Order to the new 2022 Order.

It was agreed that the Chair and Secretariat should check with Welsh Government whether this understanding would still apply if there was any delay between the expiry of the current Order and the new Order being made and its provisions for leasing cultivation areas were implemented.

Action: Chair, Secretariat

The Secretariat summarised the approach proposed for the determination of the applications. Very briefly, because the applicants are all known to the participants in this

meeting, the report sought to anonymise each application as far as possible, and provide an objective and impartial assessment of each one. The Secretariat would not vote on any of the applications to avoid his knowledge of the applicants; identities from compromising the impartiality of the process.

Cllr Thomas noted that the comment made by the Secretariat for applicants C, E & G that *"The late payment of lease fees has not impacted on the Association's activities."* was not a material consideration and should be disregarded in the determination of these applications. All agreed with this, and on this basis agreed to apply the decision-making process proposed in the report.

It was noted that because the new Order was not yet in place and that some consultations were still ongoing (notably over the Habitats Regulations Assessment for the Order, Designated Area, and individual layings), the Association would have to make any offer to issue a lease for a laying conditional upon the successful completion of these remaining steps in the process.

There was a lengthy discussion about applicants C, E & G, all of whom were reported to be in arrears with their payment of lease fees. Members all agreed that this placed the Association in a difficult position. There was a strong argument that these applicants had breached the terms of their lease. After careful consideration it was considered a pragmatic approach would be to allow these applicants a chance to repay the outstanding sum by the end of the term of their current lease or to propose a schedule for repayment of any outstanding sum for further consideration.

The merits of each application were considered in turn and a vote was taken on each application. The outcome is set out below.

Application	Determination
A	Application approved unanimously.
B	Application approved unanimously.
C	Conditional approval (dependent on resolution of arrears) agreed unanimously.
D	Application approved unanimously.
E	Conditional approval (dependent on resolution of arrears) agreed unanimously.
F	Application approved unanimously.
G	Conditional approval (dependent on resolution of arrears) agreed unanimously.
H	Application approved unanimously.

It was agreed that the Secretariat should write to the applicants in the following terms:-

- Applicants A, B, D, F, H should be offered a new lease subject to the successful creation of the new Order, Designated Area and layings; and
- Applicants C, E and G should be offered a new lease subject to the same terms and in addition should be required to either:-
 - i. Pay the Association the full sum owed by the end of March 2022; or
 - ii. Provide the Association with a binding proposal for repayment of the full sum owed over a specified period of time.

Action: Secretariat

Members considered the two additional matters raised in the report:-

- a) **Successor in title** - two of the applications had been made by private individuals, who had asked that a lease should be granted to themselves and their successors in title (i.e. family member(s) upon their retirement / death). It was agreed that the Secretariat should seek legal advice on how it may be possible to meet this request.

Action: Secretariat

- b) **Financial control** - it was noted that the situation concerning tenants being in arrears had only been confirmed by the Chair and Secretariat in December 2021, and in response had proposed at the last Association meeting that a meeting should be held with the Association's accountant for advice on how to improve financial control. This meeting took place on 5th January, and recommendations are being implemented. A further report on this matter will be made to the next Association meeting.

3. Dates for next meetings

A date was not set, but it was considered that a further meeting might be needed to evaluate any proposals from Applicants C, E & G with respect to payment of lease outstanding lease fees. The Chair and Secretariat would circulate responses so that all participants can determine whether or not a further meeting is required.

Action: Chair & Secretariat

Summary of Actions

Item	Action	Responsibility
1.	Ask Welsh Government whether advice on the transition from the current to new Order will be affected by any delay in the creation of a new Order, Designated Area, or layings.	Chair & Secretariat
2.	Write to Applicants A, B, D, F, H to offer a new lease subject to the creation of a new Order, Designated Area and layings.	Secretariat
3.	Write to Applicants C, E, H to offer a lease subject to these terms and additionally meeting requirements to pay outstanding lease fees.	Secretariat
4.	Obtain legal advice on how to amend lease to allow for successor(s) in title to be accommodated.	Secretariat
5.	Circulate responses from Applicants and determine if a further meeting is needed.	Chair & Secretariat

Menai Strait West Fishery Order Application

Background

In 2012 the Association resolved to work with shellfish farmers from the western Menai Strait to renew the Menai Strait West Fishery Order, which lapsed in 2008. An application for renewal of this Fishery was submitted to Welsh Government in 2013. The renewal of the Order is essential to secure the future development of shellfish farming in this area.

A public consultation on the proposal to renew the Menai Strait West Fishery Order was carried out by the Association in October-November 2015. A significant number of objections were submitted. Since then, the Association has been working with local stakeholders to address these concerns.

This report provides an update on recent progress.

Recommendations

1. That the report is received
2. That MSFOMA should consider and discuss how progress with this Fishery Order proposal can be made in the absence of an agreed UK-wide or Welsh national policy for Pacific oyster cultivation.
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. It is understood that once the new Menai East Fishery Order is in place it should be possible for WG officials to resume work on 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 10 meetings since January 2021 involving the prospective oyster farmers from the western Menai Strait and scientists from the Marine Centre in Menai Bridge. The most recent of these meetings took place on the 17th of November 2021, (see note of meeting at Annex A).
- 2.5 This sequence of meetings has been very successful and has provided the basis for a collaborative project involving the University of Bangor and local shellfish farmers. A project report was due to be discussed in January 2022, but this meeting has had to be postponed twice owing to difficulties compiling the final project report, in part due to the resurgence in Covid cases in March 2022. The next meeting will now take place after the Association meeting, and findings will be reported in June.

3. Next steps

- 3.1 The final outputs from the Pacific oyster research project may provide some answers to local concerns about this species, but are not likely to solve the problem that there is neither a UK-wide nor a Welsh national policy in place at the moment for managing the risks associated with Pacific oysters.

- 3.2 The Chair and Secretariat have discussed how MSFOMA might be able to make progress with the proposal for a new Fishery Order in the western Menai Strait in the absence of this policy guidance. One potential solution might be to use this site-specific information to carry out a Habitats Regulations Assessment (as has been done for mussel cultivation in the eastern Strait).
- 3.3 The Association is invited to consider this idea and to propose additional or alternative solutions that might enable progress with this Fishery Order proposal to resume.

4. Consultation with stakeholders

- 4.1 It has been noted at our 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 2022

Annex A: Note of meeting to discuss research into Pacific Oysters on 17th November 2021

**Menai Strait Oysters Discussion
Note of meeting, 17th November 2021**

Attendance

Alan Winstone
Alex Scorey
Ben Winterbourn
David Smyth
Jim Andrews
Jonathan King
Kate Griffiths
Lewis Le Vay
Shelagh Malham
Trevor Jones

Apologies

Shaun Krijnen

1. Research Update – evidence review and modelling project
 - a. **Survey / monitoring** – David provided an update. Surveys were carried out as planned in October. Key findings were a smaller population of Pacific oysters at the locations where they had previously been found, and that recruitment was both low and sporadic. A summary report could be produced for the upcoming MSFOMA meeting, with a full report later in the year.
 - b. All other aspects of the project were either complete or nearing completion.
 - c. **Admin:-**
 - i. Lewis & Trevor were to finalise paperwork showing contributions of time to the project **[Lewis & Trevor]**.
2. Timescales
 - a. Menai Strait project
 - i. Summary for next MSFOMA meeting by end November **[Lewis et al]**
 - ii. Draft report for 20th January 2022 **[Lewis et al]**
 - iii. Finalise following discussions on 27th January 2022
 - b. Milford report due to be completed a bit sooner.
3. Policy development
 - a. Alex Scorey & José Constantino to discuss policy development and report to next meeting **[Alex, José]**
4. Welsh Government –
 - a. Letter to Minister to be sent by MSFOMA [on completion of work] **[Jim, Alan]**
5. Water quality issues
 - a. Lewis is working with Dŵr Cymru on proposals to look at shellfish hygiene classifications, this is vital to all shellfish farmers (West & East). This is a separate project; he provided a brief update.
6. AOB
 - a. **Survey / Monitoring** [not discussed but put here as a reminder for our next meeting]- probably to be a separate project for next year, possibly looking at “Alien soup” (*C. gigas*, *Crepidula fornicata*, *Didemnum vexillum* etc) (subtidal and intertidal; possibly use ROVs / collaborate with NWWT?) **[Jim, Lewis, Kate, Shelagh]**
 - i. Noted that in S Wales they have a survey protocol / method, would be good to emulate / replicate to allow comparison.

Enclosure: Copy of the Annexes to the application for a Designated Several Fishery Area

The documents submitted in support of the request to designate a several fishery area are enclosed in the following pages for information.