

Menai Strait Fishery Order Management Association

Agenda & Papers- 8th September 2021, 1000 Quarterly Meeting Zoom Conference

1. Chair's announcements
2. Apologies
3. Declarations of interest
4. Minutes of last meeting ([attached](#))
5. Matters Arising
6. Register & declarations of interests ([report](#))
7. Financial update ([report](#))
8. Public Profile of the Association ([report](#))
9. Welsh Government Activity ([report](#))
10. North West IFCA Activity ([report](#))
11. Menai Strait East ([report](#))
12. Menai Strait West Fishery Order ([report](#))
13. Project funding update (verbal)
14. Fishery management issues
 - a. Coastal / marine developments
 - i. Bangor Pier
 - ii. Sand in the dock
 - b. Environmental / health issues
 - i. Shellfish hygiene classifications (see research proposal [here](#))
 - ii. *Bonamia* in the western Strait
 - iii. Non-native species
15. Any Other Business (verbal)
 - a. Correspondence
16. Dates for next meetings (all are the 2nd Wednesday of the month):-
 - a. Q3 2021 - 8th September
 - b. Q4 2020 - 8th December [AGM]

Menai Strait Fishery Order Management Association

**Meeting, 9th June 2021
Zoom Video Conference Call**

Minutes

Attendance

Members

Alan Winstone*
Ioan Thomas
Lewis le Vay

Chair
Gwynedd County Council
Bangor University

Observers

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

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

Advisors

Jim Andrews*

MSFOMA Secretariat

Notes

** These individuals are also Directors of the Association*

1. Chair's announcements

The Chair welcomed everyone to the meeting. The Chair proposed, and it was agreed, that items 11 & 12 on the agenda (Menai Strait East and West respectively) should be discussed at the start of the meeting when Welsh Government officials were available, so that they could leave the meeting to attend to other pressing engagements that would prevent them from participating in the entire meeting.

2. Apologies

Gareth Bevington
Gareth Roberts
Howard Mattocks
James Wilson*
Keith Andrews*

Welsh Government
Bangor City Council
Beaumaris Town Council
Bangor Mussel Producers Ltd
Licensed hand pickers

3. Declarations of Interest

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

4. Minutes of last meeting

The minutes of the meeting that took place on the 10th March 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 March meeting that were not formally addressed on the agenda were discussed:-

Sand in Penrhyn Dock

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

Action: JW, Secretariat

Beumaris Pier User Group

Iwan Huws reported that ABPmer had been commissioned to carry out a review of current maritime uses by Anglesey County Council. A presentation had been made to the pier user group about the scope and plans for this review on 11th May 2021 by Harry Aitchison from ABPmer. A PowerPoint presentation was available, and it was agreed that it would be informative for Iwan to circulate this to the Association.

Action: Iwan Huws

6. Register of Interests

The report was received. The Association noted that improvements had been made to the Association's website to make the role and interests of each participant in MSFOMA more transparent.

It was agreed that the Secretariat should continue to revise the presentation of information and the Register of Interests to ensure that they meet the requirements that Welsh Government have recently identified.

Action: Secretariat

7. Financial Update

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

It was agreed that both Beaumaris Town Council and Bangor City Council should be approached again and asked to propose projects suitable for support from the Community Fund.

Action: Secretariat

It was reported that the proposal to extend the payment terms on the invoices issued on 1st April 2021 from one month to six months had been implemented. Payment on these invoices would now be due at the end of September.

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 Chair and Secretariat have worked with Andy to implement the communication strategy, as agreed at the last Association meeting.

The number of tweets and profile of the Association continues to grow steadily. It now has over 1,250 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

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

The Secretariat's report was noted and received.

a) Meetings

There were no reports from any WG fisheries groups since the last Association meeting.

b) Consultations

It was noted that there had been no recent consultations of relevance to MSFOMA.

c) WG officials

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

d) Cabinet Minister

WG officials confirmed that Lesley Griffiths MS had been re-appointed although her portfolio had changed from Minister for Environment, Energy and Rural Affairs to the Minister for Rural Affairs, North Wales and Trefnydd.

10. NW IFCA Activity

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

Kim Mould (MSFOMA representative on the NW IFCA Bivalve Mollusc Working Group) reported that there had been no meetings of that group; however there were seed mussels in the northern part of Morecambe Bay. He was due to inspect the mussel beds by helicopter on the 26th June, with the intention of requesting their opening for dredging. Kim indicated that he had invited NW IFCA science staff to accompany him on this trip.

It was noted that the Technical, Scientific & Byelaws Sub-Committee that had been scheduled for 18th May had been cancelled at late notice. It was not clear when the next meeting would take place or whether this would discuss the seed mussel fishery.

There was some discussion about whether it would be appropriate for the Chair and Secretariat to encourage progress with the seed mussel fishery by writing to the CEO of the NWIFCA. It was decided that there was a risk that this could be counter-productive but that the Chair and Secretariat should keep this under review and consult with the Association if it was felt that this could be helpful.

Action: Chair & Secretariat

11. Menai Strait East Fishery Order

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

A draft of the new Fishery Order was provided to the Association on 23rd March 2021, following our last meeting. An Extraordinary Meeting had taken place on 30th March 2021 to discuss this draft. In accordance with the wishes of this meeting, the statutory consultation process for the new Order started on 8th April 2021 and ended on 8th May 2021.

During the consultation process the Association had taken all of the required actions to alert statutory bodies and stakeholders to the proposed new Fishery Order. Public Notices were placed in the press and at locations around the Menai Strait.

A total of 24 responses to the consultation had been received by Welsh Government and MSFOMA. Of these, just 8 were objections (4 sent to both MSFOMA and Welsh Government, and 4 sent to Welsh Government alone).

The key issue that had been raised by objectors was the potential impact of the new Order on moorings for yachts in parts of the Menai Strait. This issue was considered in detail in the report for the meeting and was discussed at the meeting. It was noted that the moorings that concerns had been raised about were all located within the existing Order.

It was agreed that the Chair and Secretariat should write to the objectors that had contacted MSFOMA directly, and offer to meet with them by the end of June, with a view to trying to resolve their concerns by the end of July.

Action: Chair & Secretariat

It was noted that some parties may be very set in their views. It may prove impossible to persuade them to adopt a different view. It may, therefore, be appropriate to agree to differ with these parties after a period of discussion, rather than initiate protracted negotiations which could result in failure to meet the deadline of having a new Order in place by 1st April 2022. The Minister has powers under the Shellfish Act to either amend the Order, overrule objections or to call an Inquiry, and it was felt that she should be given sufficient time to exercise these powers.

It was further agreed that MSFOMA should work with WG officials to progress the creation of a “Designated Area” under the new Fishery Order, and determine the process for the consultation on leases that is required under the new Order.

Action: Chair & Secretariat

The Association considered the process for issuing new leases under the existing and proposed new Fishery Order. It was agreed that these should be adopted, with the addition of a requirement to demonstrate an appropriate level of competence to operate safely (as specified in §12(2) of the Draft Order).

Action: Chair & Secretariat

12. Menai Strait West

It was reported that since the last Association meeting in March further work had been carried out to develop the research proposal for Pacific Oysters, which was intended to inform the concerns about cultivation of this species in the western Strait.

Lewis Le Vay summarised the scope of the research proposal, which had been developed through a series of meetings hosted by MSFOMA.

The next phase in the project would require industry partners to provide their support (in kind and / or in terms of practical assistance) for the project. This would enable the Shellfish Centre to progress the project.

It was agreed that MSFOMA should write to all of the prospective lessees in the western Menai Strait to seek their support for the research proposal.

Action: Secretariat

13. Funding proposals & Research Update

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

- **Pacific Oysters** - some areas for research have been identified and are to be progressed (see Item 12 above).
- **Bonamia** - a survey has just been carried out in conjunction with the work on the native oyster restoration project in Conwy (the concern being the risk of spreading *Bonamia* as a result of this work). The results of this work are expected in the spring / early summer.
- **Spat collectors** - it was reported that work is ongoing and that the 2021 trials are due to start shortly.
- **Water quality** - a brief report was submitted about a research project for microbial source tracking in the Menai Strait. The project was intended to focus on the Ogwen RMP ("Representative Monitoring Point") which appears to be the most directly affected by catchment run-off. The project would be progressed through a collaboration between Dŵr Cymru and the Shellfish Centre. It was agreed that MSFOMA should offer its support to this work. Lewis agreed to liaise with the members of Bangor Mussel Producers to progress the project.

Action: LLV, JW, KM, TJ

14. Fishery Management Issues

1. Coastal / marine developments

i. **Bangor Pier**

No additional update.

ii. **Sand in the dock**

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

Action: JW, Secretariat

2. Environmental / health issues

i. **Bangor to Treborth rising main**

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

ii. **Shellfish hygiene classification**

No further update.

iii. **Bonamia**

No further update.

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

Crepidula fornicata - Kate Griffith reported that some more slipper limpets had been recorded between Malltraeth and Brynsiencyn. NRW were

planning to carry out survey work in the vicinity of Caernfargon. Kate agreed to provide maps of recent records.

Action: Kate Griffith

Kate requested that any observations of slipper limpets are sent to her, and also that if anyone should survey an area and find an absence of slipper limpets that this information could also be shared to help with survey planning.

Action: All

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

v. *Norovirus*

No further update.

15. Any Other Business

a) Correspondence

No additional correspondence had been received.

16. Dates for next meetings

The schedule of meetings for 2021 was confirmed:-

- b. Q3 2021 - 8th September
- c. Q4 2020 - 8th December [AGM]

Summary of Actions

Item	Action	Responsibility
1.	Sand in Dock - keep under review, MSFOMA to write to Penrhyn Estate if necessary..	James Wilson & Secretariat
2.	Beaumaris Pier User Group - circulate presentation about review of current uses.	Iwan Huws
3.	Register of Interests - review presentation of information and ensure that WG requirements are met.	Secretariat
4.	Community Fund - seek proposals for new projects from Bangor City and Beaumaris Town Councils.	Secretariat
5.	Website / Twitter - provide photograph and brief resume suitable for website and Twitter	All
6.	Social media - Secretariat to send a summary of headlines from today's meeting, and all to send any items suitable for the MSFOMA Twitter feed to Andy Olivier (avdsolivier@gmail.com).	All
7.	NW IFCA - keep option of writing to encourage the opening of seed mussel beds for dredging under review.	Chair & Secretariat
8.	Menai East - write to objectors by end of June, seek meetings, aim to mitigate / address concerns by end of July.	Chair & Secretariat
9.	Menai East - maintain monthly discussions with WG officials to ensure progress is maintained.	Chair & Secretariat
10.	Menai East - work with WG officials to progress "Designated Area" an consultation on new leases.	Chair & Secretariat
11.	Menai East - revise procedure for renewing existing leases & issuing new leases.	Chair & Secretariat
12.	Menai West - maintain regular discussions with WG officials to ensure progress is maintained.	Secretariat
13.	Menai West - invite WG officers to next discussion about Pacific Oysters.	Secretariat
14.	Menai West - seek support from prospective lessees for the research proposal.	Secretariat
15.	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
16.	<i>Crepidula fornicata</i> - look out for slipper limpets and report sightings of any shells / individuals.	All
17.	<i>C. fornicata</i> - provide update on sightings for next meeting.	Kate Griffith
18.	Date for next meeting - 8 th September 2021	Secretariat

Register and Declarations of Interest

Background

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

Recommendations

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

1. Context

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

2. Update

- 2.1 Following discussions at the last MSFOMA meeting and feedback from Welsh Government officials, the MSFOMA website information about participants has been updated as follows:-
 - a) The page detailing Membership and Participation (Annex A) now also shows the period of participation by each individual or organisation in their current role(s); and

- b) The Statement of Interests page has been updated with information from the Companies House website on the directorships for each participant (Annex B).
- 2.2 At the last meeting of the Association a revised declaration form was approved (see Annex C), and participants have been requested to approve the sharing of information among MSFOMA participants in electronic form (as required by §184 of the Companies Act).
- 2.3 A copy of the “Register of Interests” that has been compiled from this information (and which is not presently published on the MSFOMA website) is attached at Annex D. MSFOMA is required to hold and maintain this Register by the Companies Act.

MSFOMA Secretariat
September 2021

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

MSFOMA

*The Menai Strait Fishery Order
Management Association*

Membership & Participation

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

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

Organisation	Representative	Role*		
		Observer	Member	Director
Bangor City Council	Gareth Roberts	✓ March 2019 to present	–	–
Beaumaris Town Council	Howard Mattocks	✓ March 2019 to present	–	–
Centre for Applied Marine Sciences, Bangor University	Lewis Le Vay	–	✓ January 2011 to present	–
Gwynedd County Council	Cllr. Ioan Thomas (formerly Cllr. Huw P. Hughes)	–	✓ October 2010 to present	–
MSFOMA Chair	Alan Winstone	×	✓ October 2017 to present	✓ December 2019 to present
MSFOMA Director – Administration	Jim Andrews	×	×	✓ December 2020 to present
Mussel farmers	James Wilson	–	✓ April 2010 to present	✓ February 2010 to present

Mussel gatherers	Keith Andrews	–	✓ April 2010 to present	✓ June 2010 to present
Natural Resources Wales	Kate Griffith (formerly Rowland Sharp)	✓ April 2010 to present	–	–
Welsh Government	Various	✓ April 2010 to present	×	×
Ynys Môn County Council	Iwan Huws (formerly Cllr. Hefin W. Thomas)	✓ April 2010 to present	–	–

*In this table:-

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

The different roles of participants

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

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

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

Good conduct

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

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

MSFOMA

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

MSFOMA

*The Menai Strait Fishery Order
Management Association*

Statement of Interests

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

For the Directors of the Association we have included a list of their other Directorships, which are published on the Companies House website (accessible [here](#)).

MSFOMA Members

Members of the Association are entitled to attend meetings and vote on motions.

Alan Winstone, Chair*

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

Interests

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

Directorships (listed [here](#))

- Afonydd Cymru Cyfyngedig Ltd
- Menai Strait Fishery Order Management Association Ltd
- North Wales Rivers Trust Ltd

Professor Lewis Le Vay, Bangor University

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

James Wilson, Bangor Mussel Producers Ltd*

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

2005-18, and has previously Chaired the Welsh Sea Fisheries Advisory Committee and the Shellfish Association of Great Britain Mollusc Committee.

Interests

- Mussel farmer, interested in all aspects associated with shellfish farming in the Fishery Order
- Board Member, Shellfish Association of Great Britain (2015-present)
- Member of the Welsh Food Advisory Committee and Food Standards Agency (FSA), so interested in food safety issues (2017-present).
- Board Member of Welsh Food & Drink Industry Board (FDIBW), so interested in matters of food policy and their application in a Welsh context (2015-present).

Directorships (listed [here](#), [here](#), [here](#) & [here](#))

- BM Marine Services Ltd
- Bwyd y Môr Ltd
- Deepdock Ltd
- Deepdock (NI) Ltd
- Fish on Line Ltd
- Menai Mussels Ltd
- Môn Mariculture Ltd
- Môn Shellfish Ltd
- The Menai Seafood Company Ltd
- The Menai Strait Fishery Order Management Association
- The Shellfish Association of Great Britain
- Tyfy & Associates Ltd

Keith Andrews*

Interests

- No interests to declare.

Directorships (listed [here](#))

- Menai Strait Fishery Order Management Association Ltd

Ioan Thomas, Cyngor Gwynedd Council

Ioan is a Member of Cyngor Gwynedd Council for the Menai ward in Caernarfon, and the current Cabinet Member for Finance. He also represents the Menai ward for Caernarfon Town Council. He has served as Mayor of Caernarfon on 4 occasions, which included the role of Deputy Constable of Caernarfon Castle. He is a Trustee of Caernarfon Harbour Trust and is currently its Chairman. Ioan's main interest is rugby (no surprise as he is originally from Llanelli), and he is also a member of Caernarfon Sailing Club.

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

Observers

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

Julian Bray, Welsh Government

- Head of Domestic Fisheries Policy and Management Branch.

Michelle Billing, Welsh Government

- Domestic Fisheries Policy and Management Branch – Fishery Orders

Laura Harris, Welsh Government

- Domestic Fisheries Policy and Management Branch – Several Orders

Gareth Roberts, Bangor City Council

- No interests to declare

Iwan Huws, Isle of Anglesey County Council

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

Kim Mould, NW-IFCA Bivalve Mollusc Working Group Member

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

Interests

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

Trevor Jones, Menai West Fishery Order Applicants

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

Howard Mattocks, Beaumaris Town Council

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

Advisors

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

Jim Andrews, AWJ Marine Ltd*

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

Interests

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

Directorships (listed [here](#))

- Andrews Ward James Ltd
- Menai Strait Fishery Order Management Association Ltd
- Morecambe Bay Shellfish Farms Ltd
- Sea Fish Directory Ltd

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

MSFOMA

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Annex C: Declaration form

MSFOMA Statement of Interests

Name	
Organisation / Affiliation	
Address*:	
Dates of: Appointment to MSFOMA Departure from MSFOMA	All: please refer to https://www.msfoma.org/?page_id=80 for your dates of appointment. If these are correct, please write “No Change” below.
Statement of Interests ¹	All: please refer to https://www.msfoma.org/?page_id=478 for your current statement of interests. If there has been no change please write “No Change” below.
Conflict of Interests ²	Directors Only: Please refer to https://www.msfoma.org/?page_id=478 for your current statement of potentially conflicting interests. If there has been no change please write “No Change” below.
I agree to abide by the “Nolan Principles” (appended) for holders of public office with respect to selflessness, objectivity, accountability, openness, honesty and leadership. I confirm that I have declared all of my interest in accordance with the Companies Act 2006 (appended), and that I consent to the circulation of these interests to other Members and Directors of the Association.	
Signed	
Date	

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

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

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

Appendices

*The Nolan Principles

1. Selflessness

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

2. Integrity

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

3. Objectivity

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

4. Accountability

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

5. Openness

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

6. Honesty

Holders of public office should be truthful.

7. Leadership

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

Extracts from the Companies Act 2006

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

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

177 Duty to declare interest in proposed transaction or arrangement

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

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

182 Declaration of interest in existing transaction or arrangement

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

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

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

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

184 Declaration made by notice in writing

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

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

185 General notice treated as sufficient declaration

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

MSFOMA

Declaration form V2.0

June 2021

Annex D: Revised Register of Interests, August 2021

**Menai Strait Fishery Order Management Association
Companies Act 2006: Register of Members**

A register of Members is a legal requirement for MSFOMA under the Companies Act 2006 (at §113). There is no standard format for a Register of Interests.

The information required under §113(2) of the Companies Act is provided in the table below.

Name	Address	Appointment Dates	
Professor Lewis le Vay	Centre for Applied Marine Sciences, School of Ocean Sciences, Menai Bridge, LL59 5AB.	January 2011	Ongoing
Cyngor Gwynedd Council (represented by Cllr. Ioan Thomas)	Shirehall St., Caernarfon, LL55 1SH	October 2010	Ongoing
Alan Winstone (Chair, MSFOMA)	Park Croft, Bwlch, Anglesey, LL74 8RF	October 2017	Ongoing
James Wilson	Bwthyn y Môr, Llanfaethlu, Holyhead, Anglesey, LL65 4HD	April 2010	Ongoing
Keith Andrews	20 Maes Dolfor, Llanfairfechan, Gwynedd, LL33 ORP	April 2010	Ongoing

Note that a list of membership and participation is published on the MSFOMA website [here](#). The website information lists the Members and their date of appointment, but does not list their addresses.

This information will be reviewed at the MSFOMA AGM to ensure that appointment and contact details are kept up to date.

MSFOMA Secretariat
August 2021

Financial Update

Background

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

Recommendations

1. The update on actual and budgeted income and expenditure for the 2021-22 FY is received.

1. Background

- 1.1 The Association agreed a budget and Financial Plan in January 2018 for a period of 5 years. The key aspects of this Plan were that it should maintain a Reserve of at least £25,000 to cover costs associated with the renewal of Fishery Orders, and also that lease fees should be inflated at a rate of 2.8% pa.
- 1.2 The Financial Plan was revised at the December 2020 MSFOMA AGM. A summary of the revised Financial Plan is set out in Annex A of this report. Note that this covers the period until the end of the 2021-22 FY.
- 1.3 It is appropriate for the Association to keep all aspects of this Plan under review, and an update is provided in this report.

2. Budget & Finance update

- 2.1 An income and expenditure report for the Association for the MSFOMA 2021-22 Financial Year to date (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.

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)		Year to Date		
	2021-22	Actual	Budget	Actual	Budget	Actual	Budget	Performance
1. Expenditure								
Administration of the Order*	£7,259.15	£5,633.91	£1,814.79	£4,390.62	£1,814.79	£10,024.53	£3,629.58	-£6,394.95
Enforcement activity	£1,340.15	£0.00	£335.04	£0.00	£335.04	£0.00	£670.08	£670.08
Corporate core*	£1,340.15	£375.00	£335.04	£2,200.00	£335.04	£2,575.00	£670.08	-£1,904.92
Renewal of Fishery Orders*						£0.00	£0.00	£0.00
Menai East	£20,000.00	£10,000.00	£5,000.00		£5,000.00	£10,000.00	£10,000.00	£0.00
Menai West	£5,000.00	£0.00	£1,250.00		£1,250.00	£0.00	£2,500.00	£2,500.00
Research & monitoring	£2,010.23	£0.00	£502.56		£502.56	£0.00	£1,005.11	£1,005.11
Bank charges		£25.00		£37.50		£62.50	£0.00	-£62.50
Total Expenditure	£36,624.20	£16,033.91	£9,156.05	£6,628.12	£9,156.05	£22,662.03	£18,312.10	-£4,349.93
2. Income								
Leases for lays	£25,418.64	£4,236.44	£12,709.32		£0.00	£4,236.44	£12,709.32	-£8,472.88
Licences	£0.00	£0.00		£0.00		£0.00	£0.00	£0.00
Total	£25,418.64	£4,236.44	£12,709.32	£0.00	£0.00	£4,236.44	£12,709.32	-£8,472.88
Operating surplus / deficit	-£8,655.79	-£11,797.47	£3,553.27	-£6,628.12	-£9,156.05	-£18,425.59		-£12,822.81
Reserve	£34,804.37	£32,150.18		£25,522.06		£0.00		-£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.
 ** Quarter 2 includes income and expenditure up to 22nd August 2021.

2.2 Key points to note are that:-

- a) Income in the year to date has been lower than budgeted, which is due to the Association altering the payment terms for leases earlier in the year. As a result payment has only been received for 2 layings to date (payment for the remainder is due later in September).
- b) Expenditure has been £4,349.93 higher than budgeted. This is due to the work that has been done on the consultation over the Menai Strait East Fishery Order during the year to date. When the Financial Plan was agreed it had been anticipated that this cost would have accrued in the previous Financial Year.
- c) The Association finished the second quarter of the 2021-22 FY with a Reserve of £25,522.06. This value is £9,282.31 lower than the target of £34,804.37. Most of this shortfall (£8,472.88) is due to the temporary adjustment of payment terms for lease fees.

3. Community Fund

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

MSFOMA Secretariat
September 2021

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

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

Public Profile of the Association

Background

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

Recommendations

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

1. Background

- 1.1 The main avenues for the Association to present its public profile are through its website (www.msfoma.org) and its Twitter account (@MSFOMA1). The Association has considered other communication mechanisms (such as Facebook and Instagram) but concluded some time ago that the combination of a website and Twitter was best suited to both our needs and our capacity to engage with a wider audience.
- 1.2 The roles served by the website and Twitter account are related but distinctly different.
 - a) The MSFOMA website is used to communicate the “nuts and bolts” information about the Association: our role, remit and membership. It also provides a platform for interested parties to sign up to receive e-mail newsletters about MSFOMA activities.
 - b) The MSFOMA Twitter account is more dynamic and is used to communicate more ephemeral information and items of passing interest (such as the current harvesting activity in the Strait; a new recipe; or an upcoming meeting with the Minister). MSFOMA currently has over 1,300 followers on Twitter, helped considerably by John Jones (skipper of the FV *Marie Gratia*) and his excellent photographs of the Menai Strait and mussel farming activity (see Annex A to this report).
- 1.3 The Association’s website is maintained by the Secretariat, and the Twitter account by Dr Andy Olivier, formerly a student at the Marine Centre in Menai Bridge. Dr Olivier was given this role after making a detailed presentation on social media at an Association meeting in 2018.

2. Developing the public profile

- 2.1 In response to discussions at recent MSFOMA meetings, the Chair and Secretariat have been working with Andy Olivier to develop a more coherent communication strategy for the Association. Monthly meetings are being held to refine and implement this strategy.
- 2.2 Both Twitter and the Association's website were used to good effect during the recent consultation on the Menai East Fishery Order (see item 11 on the agenda). Key stages in the consultation process were publicised using both media, with the larger documents hosted on the website and smaller excerpts of these documents and links to them being hosted on Twitter.
- 2.3 A simple communication strategy and timeline covering the next few months for this area of work has been drafted and is presented below for comment.

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

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

- 2.4 A recurring theme in these discussions has been the desirability of giving MSFOMA a "face". All MSFOMA participants are once again asked to provide a picture and brief resume suitable for publication on the MSFOMA website and use on Twitter. To date, the only people that have done this are:-
- a) Alan Winstone
 - b) Ioan Thomas
 - c) Kim Mould
- 2.5 All participants are encouraged to follow the good example of these Members.

MSFOMA Secretariat
September 2021

Annex A: Example of picture Tweeted by John Jones, skipper of FV *Mare Gratia*, and the ensuing dialogue.

The image is a screenshot of a Twitter post. On the left, there is a close-up photograph of a rope heavily encrusted with small, young mussels. The mussels are dark brown and orange, showing their characteristic shape. The background is dark and out of focus. On the right, the Twitter interface is visible. The tweet is from W J Jones (@Wj66W), posted on August 25, 2021, at 10:35 PM. The text of the tweet reads: "Beautiful colours on these young rope caught mussels, will need thinning out in the next few weeks to allow room for growth. The Wonderful natural food that nature provides from the sea here in North Wales". It includes several mentions: @MOSSNorthWales, @SAGB, @bwydadiodcymru, @WGRural, @prifysgolbangor, and @BangorUni. The tweet has 12 retweets and 50 likes. Below the tweet, there are four replies. The first reply is from Jess Madge (@Mad...) on August 26, asking if the mussels need to be thinned by hand. The second reply is from W J Jones (@Wj66W) on August 26, explaining they have a Heath Robinson contraption but need a soaking machine. The third reply is from David James (@djd...) on August 26, saying "Love mussels". The fourth reply is from Emyr Thomas (@E...) on August 26, saying "Bendigedig!". At the bottom of the screenshot, there is a URL: https://twitter.com/MOSSNorthWales.

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 it set in the 2013 Wales Marine and Fisheries Strategic Action Plan for aquaculture production of 2,000t of finfish and 16,000t of shellfish by 2020. No meetings of this group have taken place recently. The most recent WMFAG meeting confirmed that the AAG has been "...suspended following poor attendance and dissatisfaction." WMFAG further resolved to remove a reference to the AAG from its own Terms of Reference "...as that sub-group was disbanded."

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

3. Consultations

3.1 There are presently no open consultations for “Marine and Fisheries” on the Welsh Government website ([here](#)) that are directly relevant to MSFOMA.

4. Welsh Government Officials

4.1 There have been regular formal and informal discussions over the phone and in telephone conference calls with WG officials about various issues connected with the renewal of the two Fishery Orders in the Menai Strait (see items 11 & 12 on the agenda).

5. Communications with Cabinet Minister

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

MSFOMA Secretariat
September 2021

North West Inshore Fisheries and Conservation Authority Activity

Background

The North West Inshore Fisheries and Conservation Authority (NWIFCA) are responsible for managing sea fisheries including mussel fisheries in the coastal waters lying between the Dee and the Solway Firth. This area includes the UK's largest seed mussel resource, which is vital to the ongoing success of the Menai Strait mussel fishery. This report provides a brief update on NWIFCA activities that could have an impact on the Menai Strait mussel fishery.

Recommendations

1. That the report is received.
2. That the Association should formally thank NWIFCA scientific staff for progressing the opening of the seed mussel beds in Morecambe Bay.
3. That the Association should keep the need for a Morecambe Bay Mussel Management Plan on the future agenda for NWIFCA.

1. IFCA Meetings

- 1.1 Since the last meeting of the Association the NW-IFCA has held a quarterly meeting on the 17th June 2021. An Extraordinary meeting of the Technical, Science and Byelaws Sub-Committee was held on 30th June 2021, a scheduled meeting took place on 17th August 2021. The next quarterly meeting is scheduled to take place on 16th September, and the next TSB meeting is scheduled for 2nd November 2021.
- 1.2 The main event of note since the last MSFOMA meeting has been that the Extraordinary meeting of the TSB in June resolved to progress the opening of the seed mussel beds in Morecambe Bay to dredging. This has resulted in the first period of seed mussel dredging and relaying in the Menai Strait that has been seen for several years.

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 It was reported to the last MSFOMA meeting that the NWIFCA were carrying out a recruitment process to fill the role of Senior Scientist. The deadline for applications was the 15th March 2021. The NWIFCA Head of Enforcement reported to the TSB meeting on 17th August that this post has now been filled.

- 4.2 The Association has in the past offered to assist the scientific staff at NWIFCA during the period that they have been short-staffed. Assistance has been provided “in kind” by inviting NWIFCA and Natural England staff to accompany industry representatives on helicopter and hovercraft trips to inspect the outer mussel beds in Morecambe Bay. The opening of the seed mussel beds this year represents a significant achievement by NWIFCA scientific staff, and it would be appropriate for the Association to formally record its gratitude for the efforts of the short-staffed NWIFCA science team.

5. Morecambe Bay Mussel Management Plan

- 5.1 It was reported to the previous meeting that at the request of Trevor Jones and Jim Andrews (who are both MMO appointees to NWIFCA), the February meeting of the Technical, Scientific and Byelaws sub-Committee considered the research priorities for the IFCA in 2021. The surveys of cockle and mussel beds were prioritised, but the sub-Committee endorsed the Officers’ recommendation that it would not be possible to proceed as intended with the implementation of the Morecambe Bay Mussel Management Plan.
- 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, though it has to be accepted that this is unlikely to happen before 2022.

MSFOMA Secretariat
September 2021

Menai Strait Oyster & Mussel Fishery Order 1962

Background

The Menai Strait Oyster and Mussel Fishery Order was made in 1962 and provides the legal foundations for the mussel fishery in the eastern Menai Strait. The Order is the basis for the most successful and productive aquaculture area in Wales.

The Order was made for a period of 60 years and is due to expire on 31st March 2022. MSFOMA needs to ensure that a new Fishery Order is in place by this time to protect the local businesses and jobs that depend upon it.

This report considers the recent progress that has been made with the process for making a new Fishery Order.

Recommendations

1. That the report is received.
2. That the Association note that on 7th August 2021 the Chair wrote to the Minister for Rural Affairs and North Wales and Trefnydd to invite her to determine the application for a new Fishery Order in the eastern Menai Strait.
3. That the Association endorse progress with the actions set out in section 4 of this report to ensure that progress with making the new Fishery Order is maintained.

1. Introduction

- 1.1 The Menai Strait Fishery Order sets out provision for both the cultivation of mussels and oysters and for the regulation of the fishery for wild mussels in the eastern end of the Menai Strait. It has been the most successful Fishery Order in the UK.

2. Renewal of the Fishery Order

- 2.1 The existing Fishery Order will expire on 31st March 2022. Discussions with WG officials about the replacement of this Order started in 2013, and the formal application for a new Fishery Order was submitted to the Cabinet Secretary for Environment and Rural Affairs (now the Minister for Environment, Energy & Rural Affairs) on the 9th August 2018.
- 2.2 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, and considered by, the June 2021 meeting of the Association.
- 2.3 At the June 2021 meeting it was resolved that the Chair and Secretariat should contact the four parties that had registered objections with MSFOMA to see if they were prepared to enter into further discussions and determine if there were opportunities to address or mitigate their concerns. This report provides an update on these discussions and a summary of the subsequent actions taken to progress the Fishery Order application process.

3. Consultation update

- 3.1 At the last MSFOMA meeting it was reported that a total of 8 objections had been made to the proposed new Fishery Order. Four of these objections had been submitted to both MSFOMA and Welsh Government, whilst the other four had been submitted to Welsh Government alone. The objectors who had responded to Welsh Government alone had requested that their details should not be shared with MSFOMA.
 - 3.2 The Chair and Secretariat contacted the four objectors whose identities are known to MSFOMA on 18th June, inviting them to participate in a meeting to discuss their concerns. Of these four objectors, three accepted this offer (The Cruising Association, Conway Club Cruising Association, and North West Venturers), and meetings were held with them during July 2021.
 - 3.3 The meetings that were held by the Chair and Secretariat with the objectors were good natured and constructive. The objectors all raised the same central concern, which is that the proposed new Fishery Order would present a risk to the yacht moorings situated along the Anglesey coastline in the Menai Strait (specifically in Beaumaris Bay and in the vicinity of The Gazelle). Each of these objectors indicated that their objection would be addressed by removing these areas from the proposed Fishery Order. The areas of concern are illustrated in Annex A to this report.
 - 3.4 During the meetings, the Chair and Secretariat sought to reassure each party that the new Fishery Order provided no mechanism to require the removal of moorings from these areas, and also that the presence of moorings in these areas at the moment showed that the existing Order was also no impediment to moorings being place in these area. The proposed new Order includes new provisions to protect the interests of other marine users, by making specific reference to the Wales Marine Plan, which would provide some protection to the interests of mooring holders which the current Order does not provide.
 - 3.5 After careful consideration of the reassurances provided by the Chair and Secretariat, each objector indicated that they would prefer to sustain their objection rather than withdraw it. The Chair wrote to the Minister with an update on these discussions on the 27th July 2021 (see Annex B).
 - 3.6 The Chair convened a discussion on 5th August with MSFOMA participants to consider the possibility of accepting this boundary change proposed by the objectors. It was noted at that meeting that the existing moorings in the Strait had not been impacted by the current Order, nor would they be affected by the new Order. The mussel farmers in the Strait bore the yachting community no ill-will, and felt that retaining the existing boundary would have no adverse impact on any party. After careful consideration of these points and the issues raised by the objectors, the majority view of this meeting was that their objections did not warrant any change to the proposed boundary of the new Fishery Order.
 - 3.7 The Chair wrote to the Minister on 7th August to inform her of this view, and to ask her to make a determination on the Fishery Order application (see Annex C). The powers and duties of the Minister in this regard are set out in Schedule 1 of the Sea Fisheries (Shellfish) Act 1967 (included at Annex D to this report).
 - 3.8 It is understood that WG officials and lawyers are currently working to provide advice to the Minister in respect of the different options available to her under the Shellfish Act.
-

3.9 Copies of all correspondence with the objectors and other parties is presented in Annex E of this report for reference.

4. Next steps

4.1 The timescale for renewal of the Order is now pressing - there is now a period of less than 7 months to complete the remainder of the process of making formally making the new Order. The Association is advised that if there is to be no loss of continuity, the new Order will need to be formally laid before Senedd Cymru on or before 10th March 2022 for the statutory period of 21 days.

4.2 If the new Fishery Order follows the form of the draft Order that was issued for consultation, it will give rise to some new procedures and duties for MSFOMA. To ensure that the cultivation and sale of shellfish from the Fishery Order area can continue without interruption, the Association needs to make the appropriate preparations well in advance.

4.3 The main areas where preparations need to be made were discussed at the June MSFOMA meeting, and an update on each of these is provided below:-

- a) **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.

WG officials have confirmed that there would only need to be one “Designated Area” in the proposed new Fishery Order, encompassing all of the existing mussel layings. This area is illustrated in Annex F of this report. It covers a total of 6.3km².

It is understood that a “Habitats Regulations Assessment” (“HRA”) must be conducted before this area is approved (see below).

- b) **Ministerial consent to lease** all or part of the several fishery area - this is a requirement under §8(2) of the Draft Order. The request must be made in writing and must include

- i. A copy of a draft lease; and
- ii. A statement from the Grantee (MSFOMA) in support of this request.

A copy of a specimen lease for the proposed new Order area is attached for information and comment. This lease is based on the leases that are currently in place for the existing layings.

Again, it is understood that a HRA must be conducted before new leases are issued (see below).

- c) **Leasing vacant layings** - §12 of the Draft Order sets out a procedure for the Association to follow in the event that a laying becomes vacant. To ensure that the Association can make the transition between the existing 1962 Order and the new 2022 Order without any loss of continuity, a new administrative procedure will be needed.

A revised procedure for issuing leases was discussed and approved at the last MSFOMA meeting. A further minor revision was proposed at that meeting to ensure that this took account of all of the relevant provisions of the new Order, including those relating to the safe operation of layings (§12(2) of the Draft Order).

The Secretariat is presently uncertain whether the requirements for safe operation of layings are within the *vires* of the Minister when making a Fishery Order, and it is possible that this requirement might change.

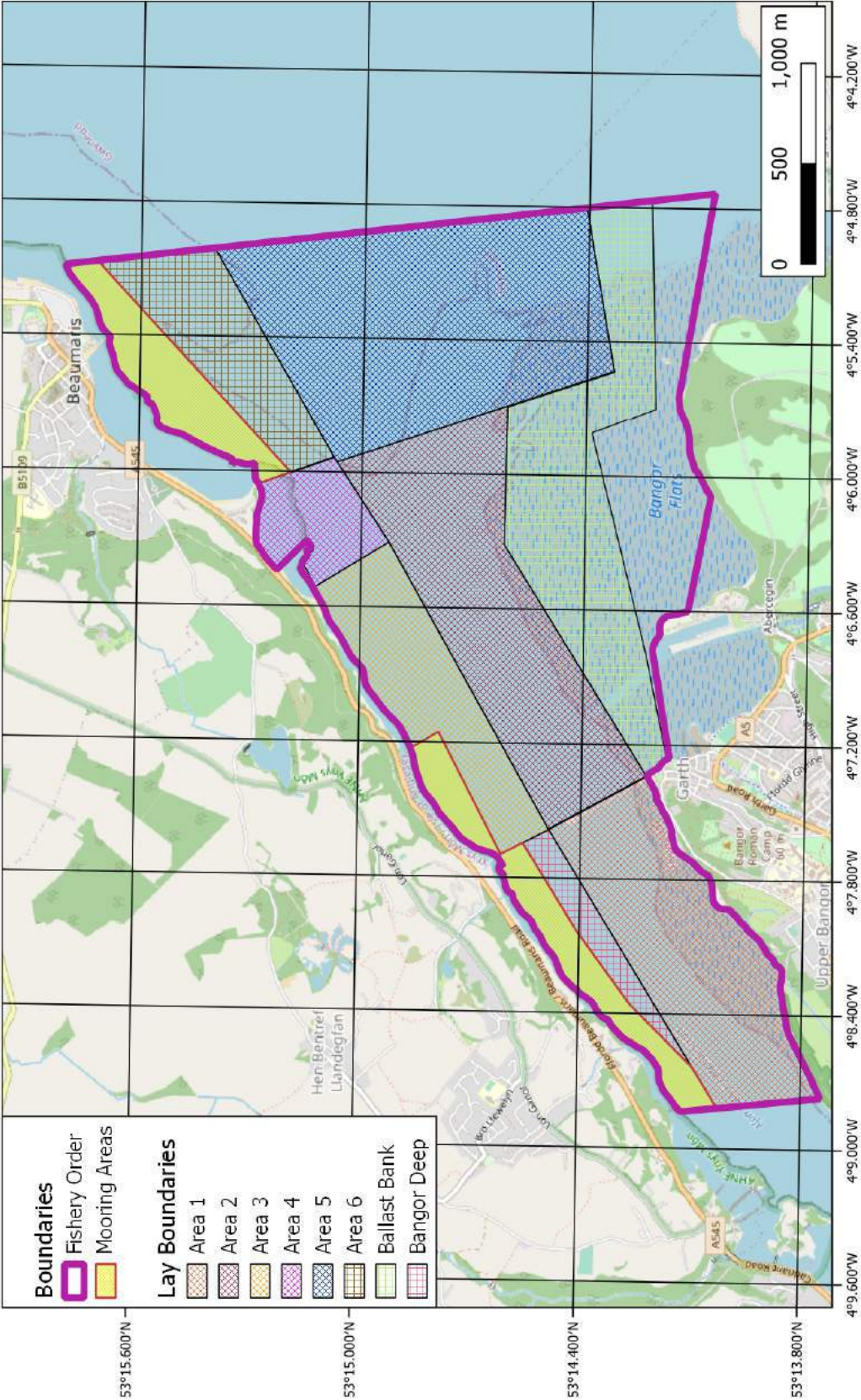
To provide for both the implementation of the current provision in the Draft Order and to safeguard against further changes, the criteria for issuing new leases has been amended to require that the applicant meets the requirements of the "*relevant Fishery Order*", which can apply to either the current Fishery Order or the terms of any new Order. This change is shown as "Track Changes" in the revised procedure set out in Annex H of this report.

- 4.4 It will become immediately apparent that the swift execution of these new responsibilities by the Minister will be vital if there is to be no loss of production from the area. The Minister's power to consent to the designated area, the layings, and the leases will only come into existence when the new Fishery Order comes into force (on 1st April 2022). Unless the Minister is in a position to issue all of the necessary consents and authorisations immediately on that date, there will be an equally immediate impact on the businesses that operate in this area.
- 4.5 Guidance from WG officials has been sought on how to manage the transition between Fishery Orders and ensure that the Minister is able to issue the necessary consents on 1st April 2022. A copy of their current draft procedures is included at Annex I of this report for information and comment.
- 4.6 A key step in the proposed process is to progress and complete the "Habitats Regulations Assessment" for the Designated Area and leases. The Association is advised that the Chair and Secretariat are presently liaising with Natural Resources Wales ("NRW") to agree a process for progressing these HRAs.
- 4.7 The Association will appreciate that if the terms and requirements of the Order were to change from the Draft Order issued for consultation, then new responsibilities and duties may arise. The Chair and Secretariat will remain alert for any such changes and seek to develop appropriate responses swiftly.
- 4.8 Reports on progress will be made at the December and March Association meetings.

MSFOMA Secretariat
September 2021

Annex A: Map showing the mooring areas of concern to the objectors to the proposed new Fishery Order.

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



Annex B: Letter from Chair to Minister for Rural Affairs, North Wales and Trefnydd, 27th July 2021 (see Annex E for enclosures).

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

27th July 2021

By Post and e-mail

Dear Minister

Menai Strait (East) Oyster and Mussel Fishery Order 2022

I am writing to update you on the outcome of the public consultation that our Association conducted for this proposed new Fishery Order between 8th April and 8th May 2021.

To summarise very briefly, this consultation was carried out by posting Public Notices in two local newspapers and also in "Fishing News"; directly e-mailing 131 individuals and organisations with an interest in the area; and posting copies of a Public Notice at 18 locations adjacent to the area.

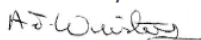
A total of 24 responses were made to MSFOMA and to Welsh Government in response to this consultation. Of these responses, 6 were letters of support and 8 were objections. The remainder were queries or comments which indicated neither support nor objection to the proposal.

After discussion with your officials we have now completed a series of post-consultation discussions with the four objectors who wrote to MSFOMA. To do this, we wrote to each of them and invited them to meet with us. Three of these objectors agreed to meet with us (Conway Cruising Club Association, North West Venturers Yacht Club, and The Cruising Association). They had each raised a very similar concern, which is that the proposed new Order would include areas presently occupied by moorings used by yachts, and that in their view the Order posed a threat to these moorings. As you are aware the boundaries of the proposed new Order are the same as the existing Order and the area of concern is along the Anglesey coast outside the cultivated 'layings' but within the Regulated area where we could licence the hand gathering of mussels in future. Although we have reassured them that we have neither the intention nor the power to exclude moorings from the uncultivated parts of the Order area, each objector has indicated that they wish to sustain their objection unless the areas occupied by moorings are excluded from the Fishery Order area. I attach for your information a note of the meetings we had with each objector. This note has been agreed with the Conway Cruising Club, and we await confirmation from the other parties.

Whilst it is ultimately your decision whether to make the Order with the boundary that was proposed in April or to modify that, we recognise that your decision on this matter would probably be assisted by a view from our Association on the consequences of your decision. I am presently carrying out an internal consultation with MSFOMA Members and Directors about the wisdom of making boundary changes, and hope to be able to advise you of their views within the next couple of weeks.

I hope that this update is helpful. Please contact me if you have any queries.

Yours sincerely



ALAN WINSTONE
Chair, MSFOMA

Encs

Annex C: Letter from Chair to Minister for Rural Affairs, North Wales and Trefnydd, 7th August 2021 (see Annex E for enclosures).

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

7th August 2021

By Post and e-mail

Dear Minister

Menai Strait (East) Oyster and Mussel Fishery Order 2022

I am writing further to my letter of 27th July to update you on the views of the Association on the objections to this proposed new Fishery Order which is intended to be a "like for like" replacement for the current Fishery Order that was made in 1962.

I attach a detailed review of the objections that have been raised with us during this consultation, and the outcome of our discussions with objectors. The main points that I would like to draw to your attention are that:

- The future of the mussel industry in the eastern Menai Strait is totally dependent on a new Order being in place and the leased areas continuing to be operational by 1st April 2022.
- Failure to have a new Order will result in businesses failing, jobs lost and over 90% of Wales's aquaculture industry being wiped out as well as the loss of an MSC-certified fishery.
- The current Order has operated successfully for many years with little or no conflict with other users of the eastern Menai Strait and no evidence of adverse impacts on the special features of the area.

I held a meeting this week with some of my colleagues from the Association and the mussel farmers in the Menai Strait to determine how to respond to the objectors' request that we amend the boundary of the Fishery Order along the Anglesey coast. The conclusion of the meeting was that whilst we respect the status and the views of the objectors, we find that their objections neither warrant nor require any amendment to the proposed Fishery Order boundary.

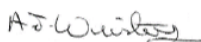
When I spoke to the mussel farmers from the Menai Strait, they had just returned from several days' successful fishing for seed mussels in Morecambe Bay. They have harvested over five hundred tonnes of seed mussels and transplanted them to the Menai Strait. They are looking forward to harvesting these mussels when they have grown to marketable size in late 2022 and into 2023. The cost of harvesting these seed mussels is considerable; and the benefit in terms of income will only be realised if and when the new Fishery Order is in place.

I cannot overstate the scale of investment and commitment that the mussel farmers have made in the future of the Menai Strait fishery this week. The harvesting and relaying of seed mussels demonstrates their trust in your ability to have the new Fishery Order in place on schedule. I know from our previous discussions with you here in North Wales that you understand the importance of the Menai Strait mussel fishery in a national context. We very much hope that the future of the businesses and livelihoods of the mussel farmers here are in safe hands.

We would therefore invite you to now make the determination required by the Sea Fisheries (Shellfish) Act 1967 on whether to make this new Fishery Order, refuse our application, or call an Inquiry.

If you require any further information from us before making your determination please do not hesitate to

Yours sincerely



ALAN WINSTONE
Chair, MSFOMA

Encs

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

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

SCHEDULES

SCHEDULE 1 Section 1.

PROVISIONS WITH RESPECT TO MAKING OF ORDERS UNDER SECTION 1

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Annex E: Copies of correspondence between MSFOMA and respondents since June 2021.

Menai Strait Fishery Order Management Association

Consultation on Menai Strait (East) Oyster and Mussel Fishery Order 2022

Post-Consultation Correspondence & Documentation

Item	Respondent	Organisation	Description	Page
1.	Nigel Robinson	The Cruising Association	a) Letter from MSFOMA to CA, 18 th June 2021 b) Reply to MSFOMA from CA, 5 th July 2021 c) Letter from MSFOMA to CA, 8 th July 2021 d) Letter from CA to WG & MSFOMA, 26 th July 2021 e) Email from CA to MSFOMA, 29 th July 2021 f) Note of meeting with CA	2 4 7 10 12 14
2.	Mike Butterfield	Conway Cruising Club	a) Letter from MSFOMA to CCC, 18 th June 2021 b) Note of meeting c) E-mail from CCC	17 19 24
3.	Margaret Hopkinson	NW Venturers	a) Letter from MSFOMA to NWVYC, 18 th June 2021 b) Draft note of meeting, 14 th July 2021	26 28
4.	Russell Williams		Letter from MSFOMA to Mr Williams, 18 th June 2021	32
5.	Andrea Winterton	Natural Resources Wales	Letter from MSFOMA to NRW, 18 th June 2021	34
6.	Gwenllian D. Owen	Ynys Môn County Council	Letter from MSFOMA to YMCC, 18 th June 2021	36
7.	Sir Richard Williams-Bulkeley	Baron Hill Estate	Letter from MSFOMA to Sir Richard, 18 th June 2021	37
8.	Richard Hill	Royal Yachting Association	Letter from MSFOMA to RYA, 18 th June 2021	38

Menai Strait Fishery Order Management Association

Port Penrhyn, Bangor, LL57 4HN

Mr Nigel Robinson
The Cruising Association
CA House
1 Northey St
Limehouse Basin
London E14 8BT

18th June 2021

By Post and E-mail

Dear Mr Robinson

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

I am writing to reply to your response of 6th May 2021 to this consultation which we received via Welsh Government on the 11th May 2021. Your response, along with the others sent to the MSFOMA during the consultation period earlier this year, was considered at our quarterly meeting on the 9th June 2021.

On behalf of MSFOMA I would like to thank you for considering our consultation documents and responding in a constructive and timely fashion. We very much appreciate the time and effort that you and your colleagues have committed to this process.

Having carefully considered your comments we feel that it would be useful for us to arrange a meeting between MSFOMA and the Cruising Association to build a better understanding of the concerns that you have raised, and for us to set out our understanding of the situation. Ideally such a meeting will resolve your concerns or find a way to mitigate them; and if it doesn't, then it would at the very least provide us all with clarity on the issues of concern and provide a constructive foundation for progress.

If you would be interested in having a meeting with us, please let me know. In the meantime, we have set out our preliminary responses to your comments below.

We note the concerns that you raise about the potential of the Fishery Order to affect the moorings situated within its boundary, with reference to Beaumaris Bay, and that your objection to the renewal of the Order would be withdrawn if the boundary was amended to exclude the licensed moorings.

One of the key points you make about the inclusion of Beaumaris Bay and the navigable channel within the new Fishery Order is that this area has not been used for cultivation during the 60 years since the existing Fishery Order was established, and that there would therefore seem to be no detriment to the mussel fishing industry in removing this area. You will appreciate that from our perspective the reverse is equally true: the Fishery Order does not interfere with the placement of moorings in this area (which are shown in the satellite picture included in your response), and nor has it done so over the past 60 years. We consulted Ynys Môn County Council, who are the lessor for these moorings, and they have not objected to the proposed new Order. We consider, therefore, that there is no detriment to recreational boat users in retaining this area and the Association would still like to see it included in the new Order.

You also raise a concern about the possibility of a new cultivation area being established in Beaumaris Bay or in areas where other moorings are located in the Strait, and that this possibility poses an ever-present threat to the mooring owners.

In response to these concerns, and as you also point out in your own response, the mechanism for creating a new cultivation area in the new Fishery Order area would require Ministerial consent. Rather than this being a

“Sword of Damocles”, we think that the mechanism provided for Ministerial consent in the new Order provides protection for the interests of mooring owners in the area. In particular, the proposed new Fishery Order places an obligation on the Minister (at §5(4)(a)) to take account of the Wales Marine Plan, which sets out a policy aim to safeguard and support Tourism and Recreation. This is a permanent feature embedded in the new Order, and the Wales Marine Plan provides a framework designed to protect all of the multiple uses of the area. In our view, the new Order therefore provides protection for mooring users, rather than being a “Sword of Damocles” suspended above their heads.

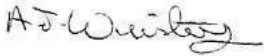
We hope that our responses above provide you reassurance that the existing moorings in the area will be unaffected by the proposed new Order.

In terms of the overall timescale for the process of making a new Fishery Order, we are working towards a new Fishery Order being in place by the 1st April 2022, so that mussel farming in the Strait can continue in the area. The next step in the application process for the new Order requires the Minister to consider all of the responses that have been received to the consultation and for her to determine whether to refuse our application, call an Inquiry, or to make a new Order (subject to modifications as she sees fit). To ensure continuity within the mussel industry we are planning to submit our request for the Minister to determine our application by mid-July.

With this timescale in mind, we would very much welcome the chance to meet with you and your colleagues to discuss the points raised in your objection in more detail within the next 2-3 weeks (either face to face or by video conference). If you would like to take us up on this offer, please let me know when it would be convenient for you to meet with us, and we will make the necessary arrangements. If you would prefer not to meet with us, then of course your objection will stand as submitted, and the Minister will have to take it into account.

If you have any queries before responding to this letter, please do not hesitate to contact me.

Yours sincerely



ALAN WINSTONE
Chair, MSFOMA

cc. Welsh Government



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Mr A Winstone
Menai Strait Fishery Order Management Association
Porth Penrhyn
Bangor
LL57 4HN

By Post and Email

Cc Welsh Government Office, Marine Fisheries Division
Anglesey County Council, Head of Regulation and Economic Development

Dear Mr Winstone

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

Thank you for your letter of the 18th June on behalf of MSFOMA.

It is a sound general principle that legislation and regulations should not be imposed without good reason. Your letter advances no such reason supporting the continuance of the new Fishery Order over the area of Beaumaris Bay and the adjacent channel ("the Disputed Area") other than the maintenance of the status quo. We submit this is not a valid reason on a renewal of an Order that will have effect for 35 years particularly when, as you say, there is no intention to exercise powers over the Disputed Area.

Please respond by stating any other reasons you have for seeking that the new Order should extend over the Disputed Area.

The Disputed Area is clearly important to the marine leisure industry. Having this within the Fishery has proved to be the main controlling factor against marine leisure development in this area of North Wales. The primary reason for rejecting the proposal for a Gallows Point Marina some years ago was because it was within your Fisheries Area; such rejection has significantly affected the facilities for marine leisure activities in this sector of North Wales to the detriment of local communities. The same could happen again on other similar or minor development or on the moorings themselves.

We do not accept your view that the Disputed Area should remain within your control. The users of the fishery have regularly stated that it is not useful to them, so why not remove it? The only reason we can see is that you may wish to control any development which is adjacent. This is surely beyond the scope of a Fishery and should rightly be in the hands of the Local Authority, MMO or Natural Resources of Wales.

We believe it is fundamentally bad practice to allow this order to be renewed if, as a consequence, legally licensed moorings continue to be illegal by virtue of the order. That the users of the fishery have no objection to the laying of moorings in an area covered by the order is welcome but as a matter of law they have no power to allow this.

Thank you for the suggestion of a meeting. We will respond to this once we hear further from you with, as requested above, your reasons for seeking that the new Order should extend over the Disputed Area

Yours sincerely



Nigel Robinson

For and on behalf of
The Regulations and Technical Services Committee of
The Cruising Association

Please reply to Nigel Robinson
Email pnjr@hotmail.co.uk

PS After looking again the Google image we provided previously does not represent a typical period in the summer season, it was taken in early season in April, before most boats are in the water.

Menai Strait Fishery Order Management Association

Port Penrhyn, Bangor, LL57 4HN

Mr Nigel Robinson
The Cruising Association
CA House
1 Northey St
Limehouse Basin
London E14 8BT

8th July 2021

By Post and E-mail

Dear Mr Robinson

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

Many thanks for your response to our letter of 18th June, which we received on the 6th July.

Your letter highlights that some confusion may have arisen. We will attempt to address this here, and hope that we will be able to have a meeting with you to discuss this matter further.

The key points which we may not have explained very clearly in our previous letter are set out below:-

1. Both the existing 1962 Fishery Order and the proposed new Order are “hybrid” Fishery Orders, which combine both the power to regulate a public fishery and also the power to create “several” areas, within which shellfish can be cultivated. I attach a map which shows the distinction between these areas. Beaumaris Bay lies outside the “several” areas used for cultivation, but within the Fishery Order boundary
2. The Sea Fisheries (Shellfish) Act 1967 serves only to protect shellfish within a “several” area. It provides no protection for shellfish within a regulated fishery. This means that the moorings within the Regulated Fishery in Beaumaris Bay are not affected whatsoever by the presence of the regulated fishery.
3. Even for the several fishery areas, activities associated with the lawful purpose of navigation (such as the maintenance and marking of navigable channels) are exempt from the protection provided by the Shellfish Act.
4. When we say that there is no intention to extend the area where shellfish cultivation is permitted, we mean that there is no intention extend the “several areas” into Beaumaris Bay. This does not, however, mean that the new Fishery Order would not be relevant or beneficial to this area. It provides MSFOMA with the power to regulate the gathering of wild mussels from the seashore.
5. The full extent of the existing and proposed new Fishery Order are shown in the attached map, along with the extent of the “several” areas in the Fishery Order. The key points to note from this are:-
 - a. **Intertidal area:** with regard to the “Disputed Area” shown in your map, the Fishery Order boundary follows the line of Mean Low Water in Beaumaris Bay, and thus has no impact on any intertidal moorings.
 - b. **Several areas:** the boundary of the several areas runs along the south eastern side of the navigable channel and does not extend into the area where moorings are situated.
6. The Fishery Order does not provide a mechanism to control adjacent development, nor does it make legally licensed mooring illegal in the regulated fishery area (i.e. in the “Disputed Area” shown in your

map). We agree with you that the power to regulate other activities lies with the relevant and competent authorities concerned, in just the same way that their jurisdiction does not extend into the management of shellfisheries in the area.

7. Issues of concern would only arise if there was an overlap between moorings and "several" areas, which is presently not the case. The proposed new Fishery Order's provisions relating to the Wales Marine Plan will protect moorings if there was a future decision to expand the several areas. We very much welcome Welsh Government's recognition of the importance of recreation and tourism in this area by making the Marine Plan a material consideration for the Minister.

Our view remains that the lack of any intent to cultivate shellfish in Beaumaris Bay does not negate the benefits of maintaining the Fishery Order boundary as it has been for the past 59 years; nor does the retention of this boundary present any threat or risk to the moorings and recreational use of this area. All it does is ensure that shellfish gathering below MLW can only take place with the consent of MSFOMA; given the problems that intertidal shellfishing can cause in other areas this is probably a benefit for the recreational and amenity value of the area.

We very much hope that this response addresses your concerns and reassures you that MSFOMA is not seeking to constrain existing or future recreational activity in this area. We look forward to the opportunity to meet with you, either in person or by video conference, at which we hope we can discuss your concerns and our response in further detail.

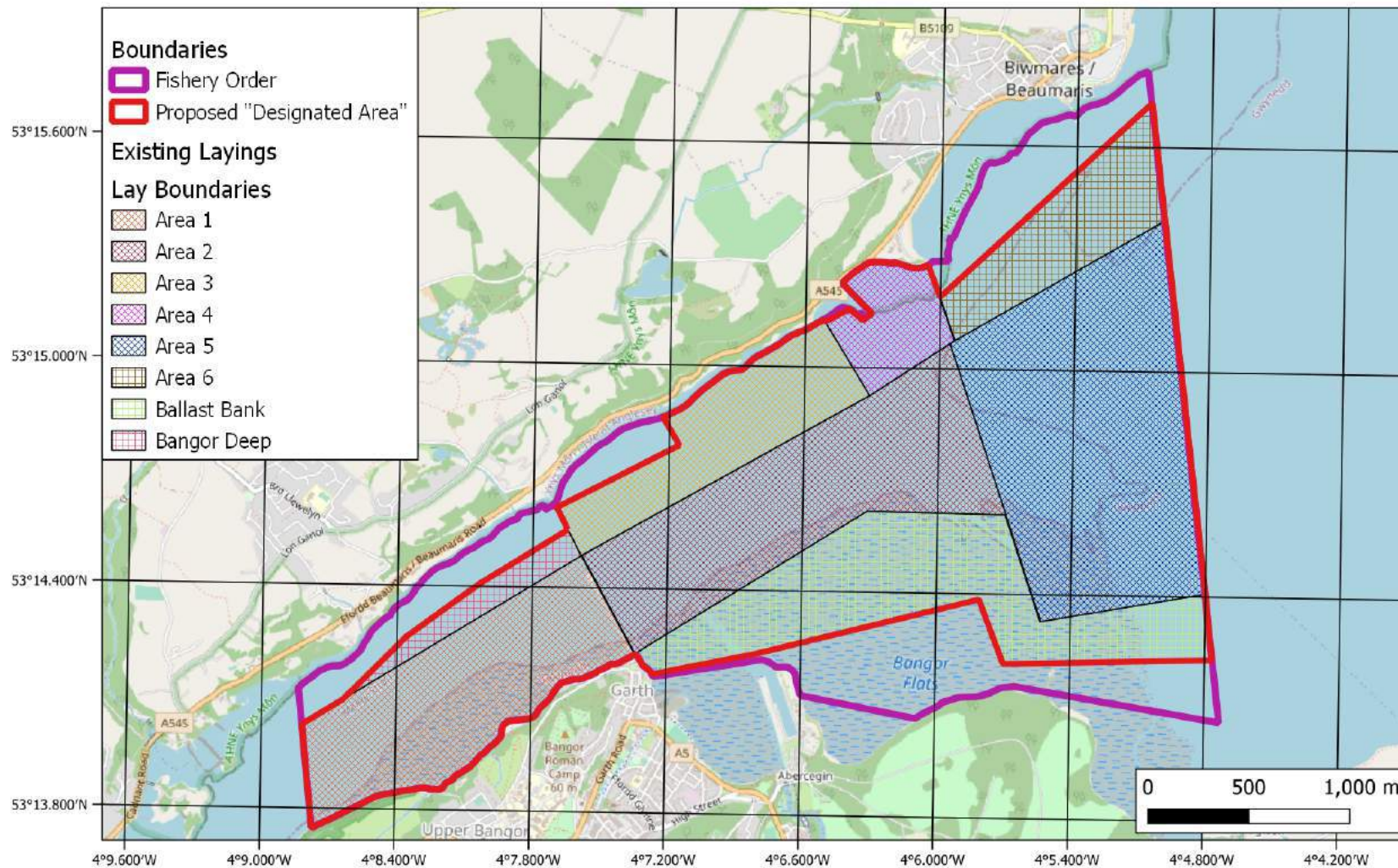
Yours sincerely



ALAN WINSTONE
Chair, MSFOMA

cc. Welsh Government

Menai Strait (East) Oyster and Mussel Fishery Order 2022 Proposed Boundary - Designated Area





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Menai Straits (East) Fishery Order
Marine and Fisheries Division
Welsh Government Office
Rhodfa Padarn
Llanbadarn Fawr
Aberwystwyth
Ceredigion, SY23 3UR

26/7/2021

cc MSFORA

Dear Sirs

Menai Straits (East) Oyster and Mussel Fishery Order 2022

Following previous correspondences with yourselves and MSFOMA we have had useful and informative discussions with MSFOMA including telephone conversations and a Zoom meeting.

Although we now understand their position and their present intensions, we are concerned that the long life of the Fisheries Order will undoubtedly produce changes of management over time and these later managements may take different views on the areas we have concern about. It is a sound general principle of legislation and regulation that they should not be imposed without good reason. It appears that the boundary is just repeating the previous boundary without thought for present and future needs of others. These areas are outside the Designated areas and so are not cultivated or fished but are only there to provide control over the low risk of harm or illegal fishing for wild mussels. This appears to us as unnecessary.

Moorings on the Anglesey shore of the Fishery, either side of the Gazelle Hotel and Beaumaris Bay, have been used for generations and are essential for the marine leisure industry in the area. More would be laid but for the perceived risk of them being considered illegal by the Fishery. We believe it is bad practice to just follow previous boundaries in a renewal with the long life of this Fishery Order, in this world of fast changing needs and requirements. We also believe it is a long-

term risk to our members and the marine leisure industry in the area, which is substantial and increasing. Legislation should be only for the necessary functions of the foreseeable. MSFOMA agree the areas of concern to us are of minimal value and does not affect their core operations.

We therefore formally object to the renewal of the Order with the present Order Boundaries. We would, however, withdraw objections if the Order Boundaries were modified to only including only the “Designated Areas” along the Anglesey shoreline.

Yours sincerely
Nigel Robinson

For and on behalf of

Regulations & Technical Services Group (rats@theca.org.uk)
The Cruising Association



Mobile/direct: 07718 631921 Please reply to: pnjr@hotmail.co.uk



Founded 1908 Patron: Sir Robin Knox-Johnston C.B.E.
Registered in England Company Registration No: 5838052 VAT Registration No: 233 2933 78

Jim Andrews (MSFOMA)

From: Nigel Robinson <pnjr@hotmail.co.uk>
Sent: 29 July 2021 10:55
To: info@msfoma.org
Subject: Re: Cruising Association

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Jim
Thank you for the minutes - I am happy with this as a record of the meeting.
Best wishes
Nigel Robinson

Sent from my iPhone

> On 27 Jul 2021, at 13:00, Jim Andrews (MSFOMA) <info@msfoma.org> wrote:

>

> Hi Nigel

>

> I hope you are well.

>

> It was good to talk to you last week. As agreed, I have drafted a note of the discussion (attached) for your consideration. Please feel free to edit / amend as necessary to ensure that this is an accurate account of our discussion.

>

> If you have any queries please don't hesitate to get in touch.

>

> Kind regards

>

> Jim

>

>

>

> -----Original Message-----

> From: Nigel Robinson <pnjr@hotmail.co.uk>

> Sent: 21 July 2021 11:34

> To: info@msfoma.org

> Subject: Re: Cruising Association

>

> Hi Jim

> Yes I am available 9.00 onwards on Thursday Nigel

>

> Sent from my iPad

>

>> On 21 Jul 2021, at 11:29, Jim Andrews (MSFOMA) <info@msfoma.org> wrote:

>>

>> Hi Nigel

>>

>> Good to hear from you - might you be free tomorrow (Thursday) at any time?

>>

>> Kind regards

>>

>> Jim

>>

>> -----Original Message-----

>> From: Nigel Robinson <pnjr@hotmail.co.uk>

>> Sent: 21 July 2021 09:04

>> To: info@msfoma.org

>> Subject: Cruising Association

>>

>> Jim

>> Sorry about the delay but I was out all yesterday in a zero reception area.

>> I can talk today but not between 10 and 12 as I have another zoom mtg.

>> However, our opinion is still the same - we cannot see why you need

>> control of the areas close to the Anglesey coast where you do not

>> actually collect mussels.

>> In our view the Fishery Order provides you with too much control over

>> an area that has many other users and that we do not believe is

>> necessary for your overall operation and that cannot be revoked for a very long time.

>> I do thank you for our last discussion from which I understood so

>> much more about your management of the fishery but we are not convinced by your case.

>> Feel free to call me on 07718 631921 or organise a zoom outside the

>> times above as you feel necessary.

>>

>> Kind regards

>>

>> Nigel Robinson

>>

>> For and on behalf of the

>> Regulatory And Technical Services

>> The Cruising Association

>>

>> Sent from my iPhone=

>>

> <MSFOMA-TCA Meeting Note 220721b.docx>

Menai Strait Fishery Order Management Association

Meeting Note: Menai Strait (East) Fishery Order Proposal

22nd July 2021
Zoom Video Conference Call

Attendance

Nigel Robinson (NR)	The Cruising Association
Alan Winstone (AW)	MSFOMA Chair
Jim Andrews (JA)	MSFOMA Secretariat

1. Introductions & purpose of meeting

All present provided a brief introduction outlining their involvement in the eastern Menai Strait.

NR represents the Regulation and Technical Services Committee of The Cruising Association ("CA")

AW and JA both have a professional background in fisheries administration and regulation, and use this expertise to support the administration of the Fishery Order in the eastern Menai Strait.

2. Issues of concern

NR indicated that the key concern of CA is that the proposed new Fishery Order would present a potential risk to yacht moorings in the area and that the areas that are currently within the Order boundary but not used for cultivation (i.e. the navigable channel and moorings in Beaumaris Bay) should be excluded from the new Order to address this.

JA & AW agreed that the area in Beaumaris Bay and those near to the Gazelle along the Anglesey coastline are not used for cultivation; however the renewal of the Fishery Order in this area did not in MSFOMA's view pose a threat to moorings.

JA referred to a map of the Fishery Order area (included here at Annex A) and described the proposed use of the different areas and their implications for mooring holders. In brief:-

- The existing "layings" are the only areas that are protected from harm by the Sea Fisheries (Shellfish) Act 1967. If a mooring was located in one of these areas and it also damaged mussels being farmed there, then the lay holder could take legal action.
- Outside the "layings" the Fishery Order creates no protection for mussels from 3rd party damage, and thus has no impact on moorings. This includes the area in Beaumaris Bay and also the areas near to The Gazelle.
- For the proposed new Fishery Order, Welsh Government had introduced the concept of a "Designated Area" which would bound all of the layings. The extent of this Designated Area would be determined by the Minister, having first taken

into account the Wales Marine Plan, which would prevent extension of cultivated areas into areas used for moorings.

JA & AW indicated that following this and other discussions with objectors MSFOMA would need to write to the Minister to ask her to progress the Fishery Order. The options for progress were that the Minister would either make the new Order as advertised; revise the Order in response to these and other comments; or hold a Public Inquiry into the issues raised. The decision on how to proceed would be taken by MSFOMA itself, and neither JA nor AW could take this decision on MSFOMA's behalf.

NR indicated that CA would sustain its objection to the inclusion of Beaumaris Bay and the area occupied by moorings further west near to The Gazelle. If the boundary of the Fishery Order was altered to follow that of the "designated area" (shown in Annex A) along the Anglesey side of the area, then these concerns should be addressed.

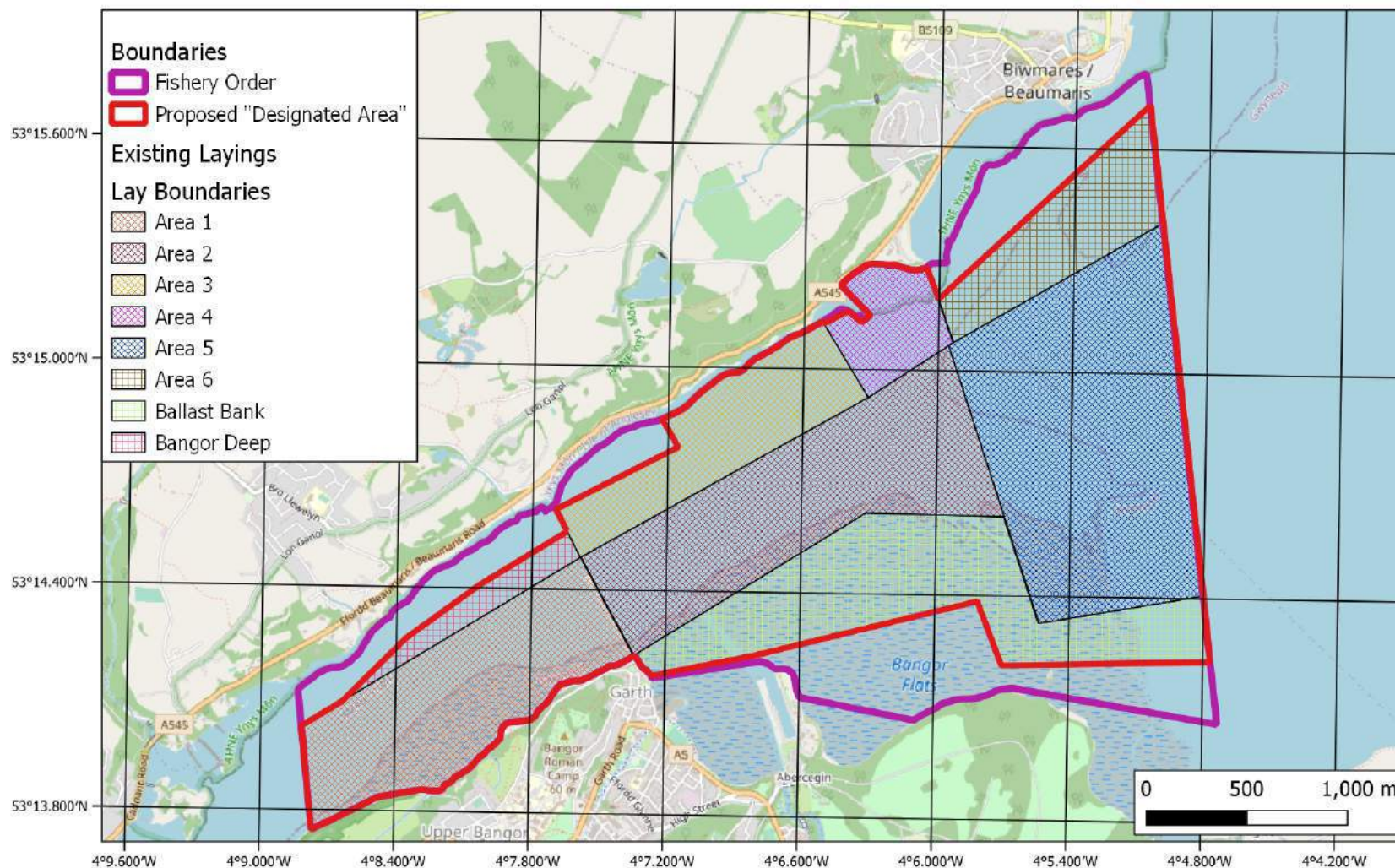
NR would have further discussions with his colleagues and would relay any further comments to MSFOMA.

3. Conclusions & Actions

- a) All agreed that the discussion was positive and productive and that there were areas of common interest between the CA and MSFOMA (such as the spread of invasive species) which might lead to future collaboration between the two organisations.
- a) NR indicated that the CA's concerns arose from the potential impact of the new Order on moorings and the navigable channel and that the simplest solution remained to exclude these areas from the Order since they are not used for cultivation. This would address the CA concerns.
- b) JA & AW agreed to relay this feedback to MSFOMA so that the Association could consider and agree how it wished to proceed with this application.
- c) JA agreed to draft a note of the meeting for circulation and approval by participants.

MSFOMA
14th July 2021

Annex A: Map showing extent of proposed new Fishery Order (purple boundary) and the “Designated Area” agreed by MSFOMA in June 2021 which would be subject to the protection of §7 of the Sea Fisheries (Shellfish) Act 1967 (red boundary). The existing cultivation areas are shown.



Menai Strait Fishery Order Management Association

Port Penrhyn, Bangor, LL57 4HN

Mr Mike Butterfield
Conway Club Cruising Association

18th June 2021

By e-mail

Dear Mr Butterfield

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

I am writing to reply to your response to this consultation that you submitted as Commodore of the Conway Club Cruising Association which we received on 5th May 2021. Your response, along with the others sent to the MSFOMA during the consultation period earlier this year, was considered at our quarterly meeting on the 9th June 2021.

On behalf of MSFOMA I would like to thank you for considering our consultation documents and responding in a constructive and timely fashion. We very much appreciate the time and effort that you and your colleagues have committed to this process.

Having carefully considered your response and comments within it, we feel that it would be useful to both parties to convene a meeting between MSFOMA and the Conway Club Cruising Association. This would help us to build a better understanding of the concerns that you have raised and provide us with an opportunity to discuss our perspective of these issues with you. Ideally such a meeting would resolve your concerns or find a way to mitigate them. If this is not possible then a meeting would at least provide us all with clarity on the issues of concern and provide a constructive foundation for progress.

If you would be interested in such a meeting with us, please let me know. In the meantime, we note that you made ten comments in your letter, and we have set out our preliminary response to each of them below:-

1. **Dredging:** the environmental impacts of cultivating mussels, including dredging them, have been assessed by scientists from the University of Bangor. Any impacts of mussel dredging and farming are found to be short-term and reversible (and thus contrast to the long-term impacts associated with other dredge fisheries on other seabed habitats). The environmental impacts of dredging and mussel cultivation are assessed and kept under review by Natural Resources Wales (NRW), without whose consent the fishery could not proceed.
2. **Sandbanks:** as noted above, environmental impacts are assessed and kept under review by NRW, who have not raised any concern with us about the issues you have raised here. If you have evidence of such changes we would be very happy to discuss them with you and NRW to determine whether they relate to mussel cultivation activities or other natural or anthropogenic influences.
3. **Cockles** - the main cockle beds in this area are well to the east of the Fishery Order, at Traeth Lafan. Although we cannot say categorically that there are no cockles within the Fishery Order area, any overlap is insignificant with respect to the overall population of cockles in the area.
4. **Navigable Channel:** you raise two issues here, considered in turn below.
 - a. **Cultivation:** as you say there is presently no cultivation activity in the navigable channel in Beaumaris Bay area, nor has there been over the past 60 years. However as you note in comment (2) above, the geomorphology of the area is subject to change, and it is quite possible that over the next 35 years the route of the navigable channel could change (and with it the location of areas that are suited to both moorings and cultivation). Given that the Fishery

Order in this area has been no impediment to moorings, recreation or other activity over the past 60 years, we do not consider it appropriate to alter the boundary.

- b. Navigation marks: it is our understanding that there is nothing in the Fishery Order which affects navigation marks being placed in Beaumaris Bay by the navigation authority.
5. **Beaumaris Pier:** the overlap between the pier and the Fishery Order does not pose any problem. On the other side of the Strait, Bangor Pier (built in 1896) has extended into the existing Fishery Order since it was made in 1962; there is no impediment to either the piers or the fishery from this overlap.
6. **Anchoring** in Area 6: there is indeed an indication on UKHO charts of an anchorage in The Swatch. The occasional use of this location for anchoring does not present a problem to shellfish farmers and we see no need to alter this.
7. **RAYC Racing Buoys:** these pose no problems and can be laid in the Fishery Order area. The mussel farmers have a very good relationship with RAYC and there is no need for the buoys to be removed nor any wish for this to happen.
8. **Moorings in Beaumaris Bay:** there is no dispute between MSFOMA and Ynys Môn County Council about these moorings. The Fishery Order does not present a threat to the moorings, nor *vice-versa*. We prefer to retain the boundary that has served the fishing industry so well for 60 years. In this regard, please note that we formally consulted with Ynys Môn County Council during this process and the Council raised no objection to the proposed renewal of the Fishery Order.
9. **Glyn Garth:** our response is as for Beaumaris Bay moorings.
10. **South of Bangor Pier:** again, the moorings in this area and shellfish farming are both compatible, so we see no reason to alter the Fishery Order boundary here.

We hope that these responses are helpful.

In terms of the overall timescale for the process of making a new Fishery Order, we are working towards a new Fishery Order being in place by the 1st April 2022, so that mussel farming in the Strait can continue in the area. The next step in the application process for the new Order requires the Minister to consider all of the responses that have been received to the consultation and for her to determine whether to refuse our application, call an Inquiry, or to make a new Order (subject to modifications as she sees fit). To ensure continuity within the mussel industry we are planning to submit our request for the Minister to determine our application by mid-July.

With this timescale in mind, we would very much welcome the chance to meet with you and your colleagues to discuss the points raised in your objection in more detail within the next 2-3 weeks (either face to face or by video conference). If you would like to take us up on this offer, please let me know when it would be convenient for you to meet with us, and we will make the necessary arrangements. If you would prefer not to meet with us, then of course your objection will stand as submitted, and the Minister will have to take it into account.

If you have any queries before responding to this letter, please do not hesitate to contact me.

Yours sincerely



ALAN WINSTONE
Chair, MSFOMA

cc. Welsh Government

Menai Strait Fishery Order Management Association

Meeting Note: Menai Strait (East) Fishery Order Proposal

2nd July 2021
Zoom Video Conference Call

Attendance

Mike Butterfield (MB)	Commodore, Conway Club Cruising Association; Chair RYA Cymru; Management Committee Member of NW Venturers Yacht Club; Former Commodore Royal Anglesey Yacht Club. Pwllheli SC and a Director of Plas Heli the Welsh National Water sports Centre. Hon Member RDYC and SCYC.
Alan Winstone (AW)	MSFOMA Chair
Jim Andrews (JA)	MSFOMA Secretariat

1. Introductions & purpose of meeting

All present provided a brief introduction outlining their involvement in the eastern Menai Strait.

MB and his family have had a long involvement in sailing in the eastern Menai Strait. He is an active and leading member of various sailing organisations (listed above), and a keen sailor.

AW and JA both have a professional background in fisheries administration and regulation, and use this expertise to support the administration of the Fishery Order in the eastern Menai Strait.

2. Issues of concern

MB indicated that he supported the notion of renewal of the Fishery Order, but was concerned that it would present a potential risk to yacht moorings in the area and that the areas that are currently within the Order boundary but not used for cultivation (i.e. the navigable channel and moorings in Beaumaris Bay) should be excluded from the new Order to address this.

It was agreed to discuss the issues raised in MB's objection in sequence to structure the discussion.

The discussion of each issue is summarised below.

- a) **Dredging** - MB reiterated the concern that dredges disturb the seabed, potentially causing damage and creating plumes of sediment that may ultimately impact other areas of the Menai Strait. He noted that supermarkets preferentially sell rope grown rather than dredged mussels.

AW & JA responded that the operations in the fishery have been studied by scientists from Menai Bridge and that the scale and nature of fishing activities are subject to assessment and approval by Natural Resources Wales.

MB indicated that this issue was not a central concern, but was an issue that he wished to draw attention to.

- b) **Mouth of the River Ogwen** - MB indicated his concern that there has been significant movement of the Ogwen opposite to Beaumaris, and that this may be associated with the relaying of mussels in that area. The key concern here was that this is an impact that is not monitored.

MB, AW & JA discussed the monitoring of sandbank and channel movements in the Strait. It was not clear whether data exist to show whether there has been a significant movement of the channel of the Ogwen and what may have caused any change.

Again, MB indicated that this was not a central concern, but another issue that he wished to draw attention to.

- c) **Cockles** - MB was unsure how the mussel fishery might impact cockles, if there are any in the area.

JA indicated that although there may be a small population of cockles in the Fishery Order area, the main cockle bed lies to the east of the Fishery Order on Traeth Lafan, and is unaffected by the Fishery Order.

MB indicated that this was a further issue that he had wished to draw attention to.

- d) **Navigable Channel & Moorings** - MB indicated that this was the issue that was the core of his objection. In brief, the navigable channel at Beaumaris is within the Fishery Order area and is not used for cultivation. The concern is that the Fishery Order makes the moorings illegal and that MSFOMA could require their removal. There is no gain for the fishery in retaining this area in the Order, and considerable risk to the moorings.

JA & AW agreed that the navigable channel in Beaumaris Bay is indeed not used for cultivation. This area lies within the proposed new Order boundary, but is outside the "layings" that are currently used for mussel cultivation, and which would be used for cultivation under the new Order.

There was some discussion between MB, AW & JA about the controls imposed on other activities by a Fishery Order under the Sea Fisheries (Shellfish) Act 1967. The key point was that the powers for protection of fisheries set out in §7 of that Act only apply to several fishery areas, and thus do not apply in Beaumaris Bay providing that MSFOMA does not designate any "layings" here.

JA & AW indicated that the new Order creates a requirement for MSFOMA to seek consent for a "Designated Area" from the Minister, which she can only consent after first taking account of a range of issues including the Wales Marine Plan (which includes provision for recreation & tourism).

MSFOMA's intention is for a "like for like" renewal of the Fishery Order, and has recently resolved to apply for a designated area that follows the exact boundary of existing cultivation areas (see map at Annex A to these notes).

JA & AW also noted that §7 of the Shellfish Act contains specific exemptions which include "*lawful purposes of navigation or anchorage*". This means that MSFOMA cannot prevent the navigation authority from installing navigation buoys nor interfere with areas used for anchorage.

MB welcomed these assurances and agreed to review the relevant section of the Shellfish Act to see if he agreed with the MSFOMA perception of the situation. JA agreed to send MB a consolidated copy of the Act which includes the changes introduced by the Marine & Coastal Access Act 2009.

Action: JA to send consolidated Shellfish Act to MB

MB remained of the view that the security of moorings in the area was best protected by making the Fishery Order boundary smaller. He would confirm his view after considering the Shellfish Act further.

Action: MB to provide feedback to MSFOMA

- e) **Beaumaris pier** - MB agreed that since the pier extended into the Order but not into a laying this area would not need to be removed from the Order if the explanation given were correct.
- f) **Anchorage opposite Beaumaris** - it was agreed that the concerns here had been addressed in the earlier discussion and that the anchorage would not seem to be affected by the proposed new Order if the explanation given were correct.
- g) **RAYC racing buoys** - again the concerns raised here had been covered in the discussion about the navigable Channel but were essentially different and could not be resolved, but they were not in the remit as RAYC was not represented.
- h) **Moorings in Beaumaris Bay** - this issue had been covered in the discussion under item (d) above. MB indicated that these two issues were the basis of his objection, and that most of the other issues were observations rather than objections.
- i) **Moorings in Glyn Garth** - JA & AW confirmed that these moorings lie outside the current and proposed "layings". On this basis, the issues raised here were considered to be identical to those covered under item (d) above.
- j) **Moorings to the South of Bangor Pier** - MB stressed that he did not represent the interests of mooring owners or operators in that area, but simply wished to draw attention to the presence of these moorings and the potential impact on other boat owners in the area.

JA & AW indicated that they were not aware of any problems associated with the existing moorings and cultivation activity in this area. Under the "like for like" renewal approach and with the constraints imposed by the new Order requiring

Ministerial consent after consideration of the Wales Marine Plan before any changes, JA & AW felt it was unlikely that adverse impacts would arise.

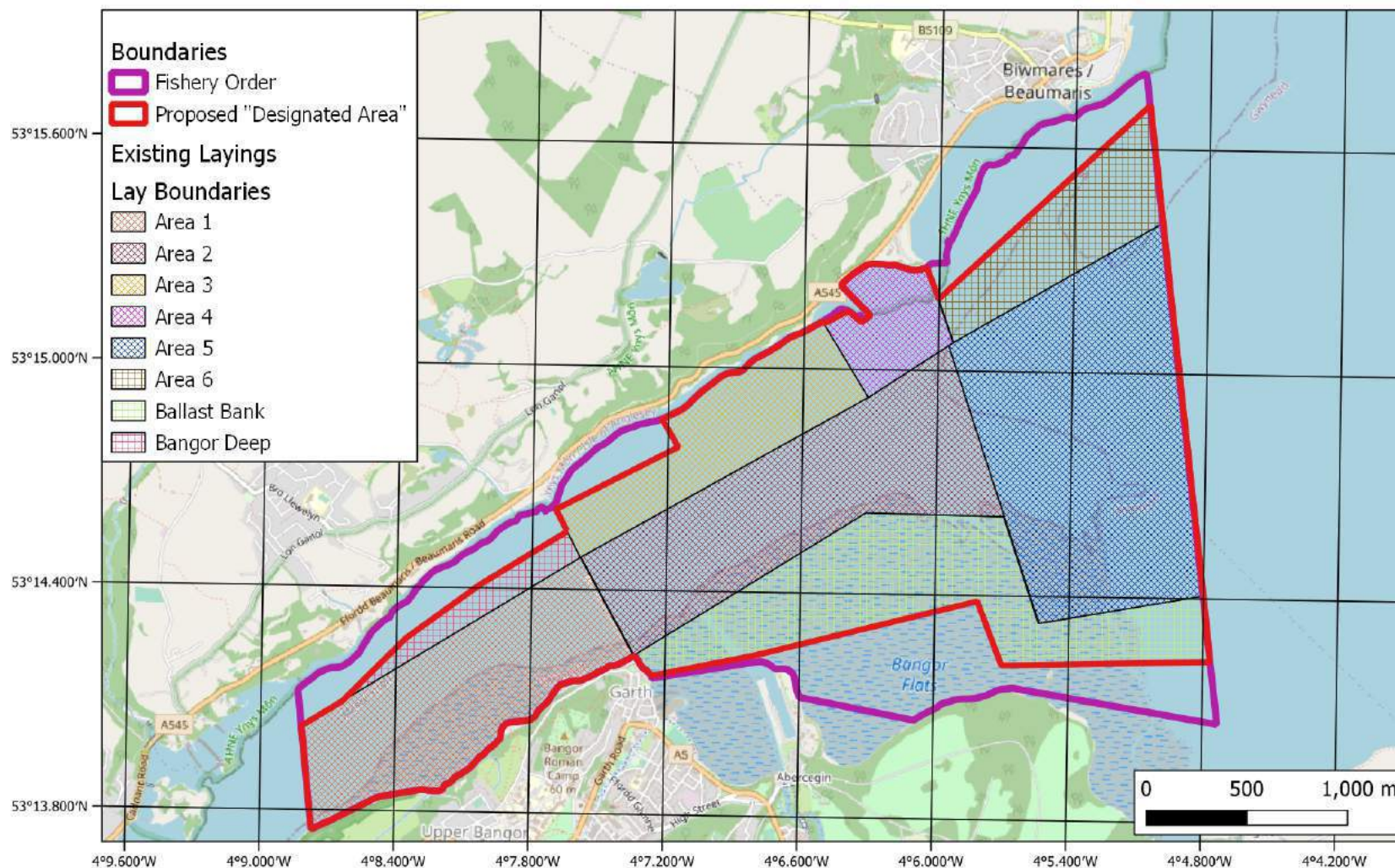
MFB CONCLUSION: With respect to H and I the only guaranteed way of protecting the moorings was to remove them from the fishery. No one could say what any party would do in the future, and all the participants may change. If the area of the fishery had not been used (which all accept they have not) there should be no objection to its removal from the fishery. This would remove most if not all objection to the fishery order, enabling in to be completed in a timely manner. The area on the map marked Proposed "Designated area" would seem fine but there is no issue with the area marked Bangor Flats.

3. Conclusions & Actions

- a) All agreed that the discussion had been productive and useful.
- b) MB indicated that his objection was focussed on the potential impact of the new Order on moorings and the navigable channel and that the simplest solution remained to exclude these areas from the Order since they are not used for cultivation. If this area was excluded, this concern would be addressed.
- c) MB agreed to review the Shellfish Act and provide feedback on whether (or not) this affected his view of the potential impact of the Order.
- d) JA agreed to send a copy of the Shellfish Act to MB.
- e) JA agreed to draft a note of the meeting for circulation and approval.

MSFOMA
6th July 2021

Annex A: Map showing extent of proposed new Fishery Order (purple boundary) and the “Designated Area” agreed by MSFOMA in June 2021 which would be subject to the protection of §7 of the Sea Fisheries (Shellfish) Act 1967 (red boundary). The existing cultivation areas are shown.



Jim Andrews (MSFOMA)

From: Mike Butterfield <pmbutterfield@msn.com>
Sent: 19 July 2021 17:04
To: info@msfoma.org
Cc: Alan Winstone
Subject: RE: Menai Strait Fishery Order

Yes happy for this to be shared.

Mike

Sent from [Mail](#) for Windows 10

From: [Jim Andrews \(MSFOMA\)](#)
Sent: 19 July 2021 13:12
To: '[Mike Butterfield](#)'
Cc: [Alan Winstone](#)
Subject: RE: Menai Strait Fishery Order

Hi Mike

Many thanks indeed for your response. Alan and I went through your comments, all looks good to us!

Would you be happy for us to share this note of the meeting with Welsh Government? They will need to see evidence that we've actually been talking to you!

Kind regards

Jim

From: Mike Butterfield <pmbutterfield@msn.com>
Sent: 14 July 2021 14:35
To: info@msfoma.org
Subject: RE: Menai Strait Fishery Order

I have made a few amendments if you do not agree come back to me of discuss on the phone.

Mike

07973228636

Sent from [Mail](#) for Windows 10

From: [Jim Andrews \(MSFOMA\)](#)
Sent: 07 July 2021 20:24
To: '[Mike Butterfield](#)'
Cc: [Alan Winstone](#)
Subject: Menai Strait Fishery Order

Dear Mike

Further to our discussion last week please find attached a draft note of our discussion for your consideration – feel free to edit as you see fit to ensure that it matches your own perception of the discussion.

I also found that I can download an individual section of the Shellfish Act from the legislation.gov.uk website, so I include a copy of s7 for you. The whole Shellfish Act is available here if you want to look at the rest of it:

<https://www.legislation.gov.uk/ukpga/1967/83/contents>

Thanks also for the tip-off about the bounced mail messages, which I have now resolved. We have had correspondence from the Cruising Association and from NW Venturers as well, thanks if you have encouraged them to talk to us.

If you have any further comments or queries please do not hesitate to get in touch.

Kind regards

Jim

Dr J Andrews BSc LLM
On Behalf of the Menai Strait Fishery Order Management Association, MSFOMA
T: +44(0)845-880-2540
M: +44(0)7908-225865
Skype: jimwandrews

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Menai Strait Fishery Order Management Association

Port Penrhyn, Bangor, LL57 4HN

Margaret Hopkinson
Secretary
NW Venturers Yacht Club Ltd
Gallows Point
Beaumaris
Isle of Anglesey LL58 8YL

18th June 2021

By post and e-mail

Dear Margaret

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

I am writing to reply to your response to this consultation, which we received on 4th May 2021. Your response, along with the others sent to the MSFOMA during the consultation period earlier this year, was considered at our quarterly meeting of on the 9th of June 2021.

On behalf of MSFOMA I would like to thank you for considering our consultation documents and responding in a constructive and timely fashion. We very much appreciate the time and effort that you and your colleagues have committed to this process.

Having carefully considered your comments we feel that it would be useful for us to arrange a meeting between MSFOMA and the NWVYC to build a better understanding of the concerns that you have raised, and for us to set out our understanding of the situation. Ideally such a meeting will resolve your concerns or find a way to mitigate them; and if it doesn't, then it would at the very least provide us all with clarity on the issues of concern and provide a constructive foundation for progress.

If you would be interested in having a meeting with us, please let me know. In the meantime, we have set out our preliminary responses to your comments below.

Your comments on the proposed new Fishery Order focus very much on its relationship with the deep-water moorings in the area. Just as you appreciate the economic value of the fishery to the area, so we also appreciate the value of the moorings and the boating and tourist community that they support. MSFOMA has no desire to intrude upon these areas, and indeed when we last created some new cultivation areas, we expressly avoided encroachment into areas used for vessel moorings.

We can reassure you that our proposal is a "like for like" renewal of the existing Order. There is no intention to extend the cultivated areas beyond their current extent, and hence the extent of deep-water moorings will not be affected by the new Order. Indeed the new Order will offer greater protection and security than ever before because of the introduction of a new step which requires that any cultivated areas are subject to scrutiny by the Minister, who has to take account of the Wales Marine Plan (see §5(4)(a) of the draft Order). The Plan sets out a policy aim to safeguard and support Tourism and Recreation. This is a permanent feature embedded in the new Order which is designed to protect the future of all of the multiple uses of the area. The proposed new Fishery Order therefore contains formal statutory provisions that require the Minister to take account of other users of the area, which provides a safeguard previously absent from the area.

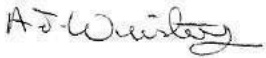
In terms of the overall timescale for the process of making a new Fishery Order, we are working towards a new Fishery Order being in place by the 1st April 2022, so that mussel farming in the Strait can continue in the area. The next step in the application process for the new Order requires the Minister to consider all of the responses

that have been received to the consultation and for her to determine whether to refuse our application, call an Inquiry, or to make a new Order (subject to modifications as she sees fit). To ensure continuity within the mussel industry we are planning to submit our request for the Minister to determine our application by mid-July.

With this timescale in mind, we would very much welcome the chance to meet with you and your colleagues to discuss the points raised in your objection in more detail within the next 2-3 weeks (either face to face or by video conference). If you would like to take us up on this offer, please let me know when it would be convenient for you to meet with us, and we will make the necessary arrangements. If you would prefer not to meet with us, then of course your objection will stand as submitted, and the Minister will have to take it into account.

If you have any queries before responding to this letter, please do not hesitate to contact me.

Yours sincerely



ALAN WINSTONE
Chair, MSFOMA

cc. Welsh Government

Menai Strait Fishery Order Management Association

Meeting Note: Menai Strait (East) Fishery Order Proposal

14th July 2021
Zoom Video Conference Call

Attendance

Margaret Hopkinson (MH)
Ed Hopkinson (EH)
Mike Butterfield (MB)

Secretary, NW Venturers Yacht Club
Treasurer, NW Venturers Yacht Club
Management Committee Member of NW
Venturers Yacht Club
MSFOMA Chair
MSFOMA Secretariat

Alan Winstone (AW)
Jim Andrews (JA)

1. Introductions & purpose of meeting

All present provided a brief introduction outlining their involvement in the eastern Menai Strait.

MH & EH represent NW Venturers Yacht Club which has 140 members sailing 71 cruising yachts, many of which are based in the Menai Strait.

MB is a member of the NWVYC Management Committee

AW and JA both have a professional background in fisheries administration and regulation, and use this expertise to support the administration of the Fishery Order in the eastern Menai Strait.

2. Issues of concern

MH indicated that NWVYC supported the notion of renewal of the Fishery Order, but were concerned that it would present a potential risk to yacht moorings in the area and that the areas that are currently within the Order boundary but not used for cultivation (i.e. the navigable channel and moorings in Beaumaris Bay) should be excluded from the new Order to address this.

JA & AW agreed that this area is not used for cultivation; however the renewal of the Fishery Order in this area did not in MSFOMA's view pose a threat to moorings.

JA referred to a map of the Fishery Order area (included here at Annex A) and described the proposed use of the different areas and their implications for mooring holders. In brief:-

- The existing "layings" are the only areas that are protected from harm by the Sea Fisheries (Shellfish) Act 1967. If a mooring was located in one of these areas and it also damaged mussels being farmed there, then the lay holder could take legal action.
- Outside the "layings" the Fishery Order has no impact on moorings. This includes the area in Beaumaris Bay and also the areas near to The Gazelle.
- For the proposed new Fishery Order, Welsh Government had introduced the concept of a "Designated Area" which would bound all of the layings. The extent

of this Designated Area would be determined by the Minister, having first taken into account the Wales Marine Plan, which would prevent extension of cultivated areas into areas used for moorings.

All referred to a map in Google Maps ([here](#)) which showed the location of the layings and Fishery Order boundary relative to existing moorings. It was noted that:-

- All of the existing moorings in the area lie outside existing cultivation areas;
- There is no history of cultivation of mussels in the areas the lie between the existing northern boundaries of the layings in the Menai Strait and the boundary of the Fishery Order along its northern edge.
- There is no evidence of any commercial collection of mussels between the northern boundary of the layings and the northern boundary of the Fishery Order.
- NWVYC consider that if the northern boundary of the Fishery Order was altered so that it followed the northern edge of the “designated area” there would be no loss in the extent of cultivated areas, and that moorings would protected from any future changes in MSFOMA governance or policy which could pose a threat.

There was some discussion of the possibility of other species or other cultivation methods being used in the area which might give rise to other impacts. JA indicated that:-

- The Fishery Order area is unsuitable for growing mussels on ropes.
- The existing Order and proposed new Order include the option of farming oysters.
- Oyster farming is not presently viable in the eastern Strait. It presently seemed very unlikely that this species would be cultivated in the Fishery Order area because of concerns about “feral” oysters, which meant that WG would not currently authorise cultivation of this species in the area.

JA & AW indicated that following this and other discussions with objectors MSFOMA would need to write to the Minister to ask her to progress the Fishery Order. The options for progress were that the Minister would either make the new Order as advertised; revise the Order in response to these and other comments; or hold a Public Inquiry into the issues raised. The decision on how to proceed would be taken by MSFOMA itself, and neither JA nor AW could take this decision on MSFOMA’s behalf.

NWVYC indicated that if the border of the Fishery Order along the Anglesey coast was revised to follow that of the “designated area” (shown in Annex A) then their concerns would be addressed and that no Inquiry would be necessary.

NWVYC confirmed that they had no further issues to raise.

3. Conclusions & Actions

- a) All agreed that the discussion had been productive and useful.
- b) MH indicated that the NWVYC concerns arose from the potential impact of the new Order on moorings and the navigable channel and that the simplest solution

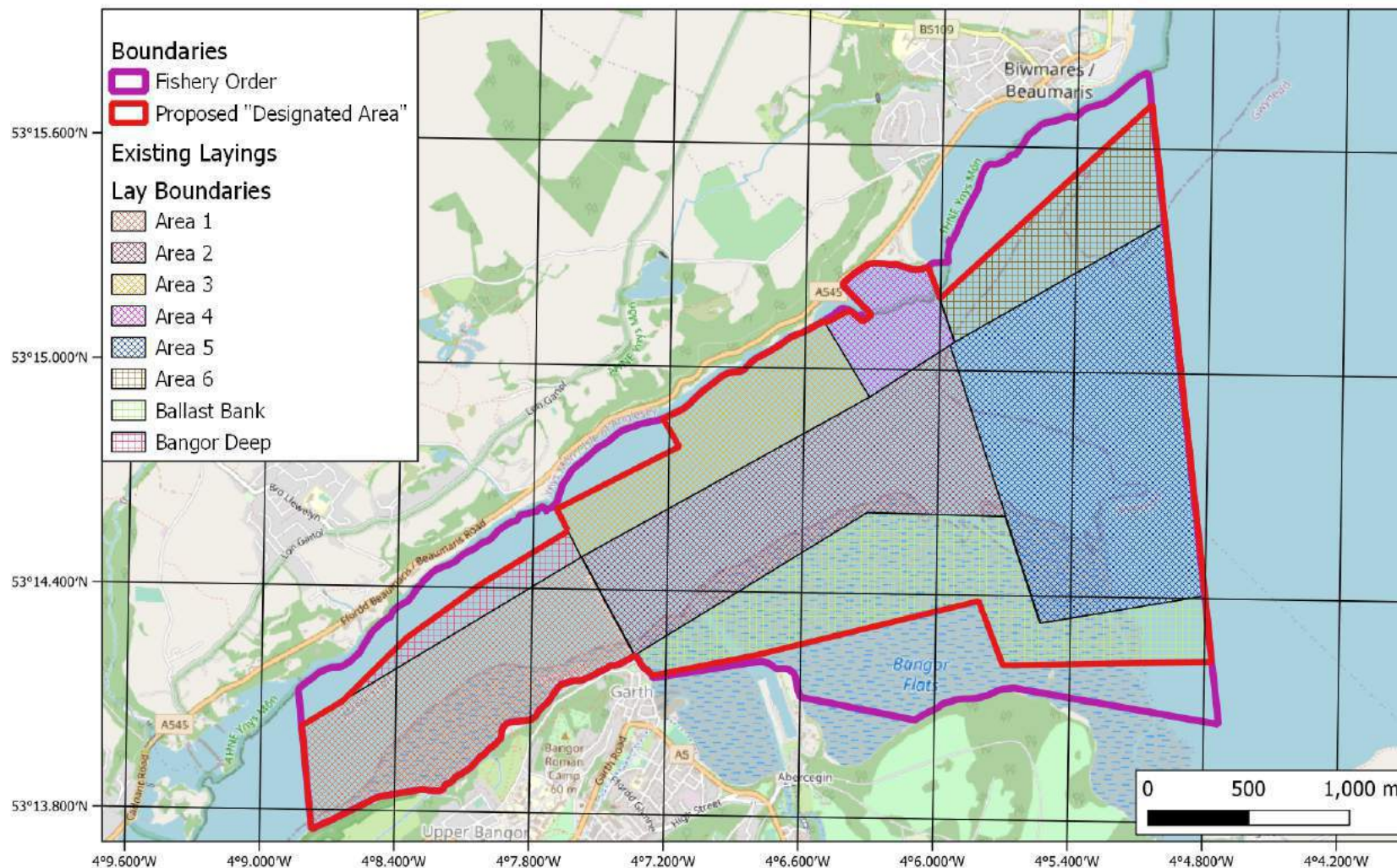
remained to exclude these areas from the Order since they are not used for cultivation. If this area was excluded, this concern would be addressed.

- c) JA & AW agreed to relay this feedback to MSFOMA so that the Association could consider and agree how it wished to proceed with this application.
- d) JA agreed to draft a note of the meeting for circulation and approval.

MSFOMA
14th July 2021

DRAFT

Annex A: Map showing extent of proposed new Fishery Order (purple boundary) and the “Designated Area” agreed by MSFOMA in June 2021 which would be subject to the protection of §7 of the Sea Fisheries (Shellfish) Act 1967 (red boundary). The existing cultivation areas are shown.



Menai Strait Fishery Order Management Association

Port Penrhyn, Bangor, LL57 4HN

Russell Williams

18th June 2021

By e-mail

Dear Mr Williams

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

I am writing to reply to your response to this consultation which we received on 4th May 2021. Your response, along with the others sent to the MSFOMA during the consultation period earlier this year, was considered at our quarterly meeting of on the 9th of June 2021.

On behalf of MSFOMA I would like to thank you for considering our consultation documents and responding in a constructive and timely fashion. We very much appreciate the time and effort that you have committed to this process.

Having carefully considered your comments we feel that it would be useful for us to arrange a meeting with you to build a better understanding of the concerns that you have raised, and for us to set out our understanding of the situation. Ideally such a meeting will resolve your concerns or find a way to mitigate them; and if it doesn't, then it would at the very least provide us all with clarity on the issues of concern and provide a constructive foundation for progress.

If you would be interested in having a meeting with us, please let me know. In the meantime, we have set out our preliminary responses to your comments below.

We note that your key concern is about the expansion of mussel farming activity in the area and the impact of mussel relaying on the Hirael Bay and Garth Point mudflats as well as Traeth Lafan to the east, and also the proximity of the mussel beds to Bangor Pier. Taking these concerns in turn, our responses are:-

1. **Expansion of mussel farming** – we are proposing the “like for like” renewal of the Fishery Order, with no expansion of mussel farming either at Siliwen or eastwards towards Traeth Lafan.
2. **Impact on Hirael Bay and Garth Point** – most of Hirael Bay lies outside the Fishery Order boundary and is not subject to muscle farming activity. We have no evidence to suggest that mussel farming has impacted on the sediment character of this area or on its wildlife. We work closely with Natural Resources Wales, who have assessed the impact of our proposals on the marine environment, and they have not raised any concerns about this. However, if you have any data or photographs to support the concerns that you have raised we would be very glad to review them and draw them to the attention of NRW.
3. **Proximity to the pier** – the extent of mussel farming relative to the pier has not changed significantly over the past few decades, nor are there any proposals to alter cultivation practices in this area.
4. **Moorings at Siliwen** – as noted above, there is no intention to extend the mussel farming beds in this area.
5. **Traeth Lafan** – again, there is no intention to extend the fishery or any cultivation activity towards Traeth Lafan.

We hope that our responses above provide you reassurance that the existing moorings in the area will be unaffected by the proposed new Order.

In terms of the overall timescale for the process of making a new Fishery Order, we are working towards a new Fishery Order being in place by the 1st April 2022, so that mussel farming in the Strait can continue in the area. The next step in the application process for the new Order requires the Minister to consider all of the responses that have been received to the consultation and for her to determine whether to refuse our application, call an Inquiry, or to make a new Order (subject to modifications as she sees fit). To ensure continuity within the mussel industry we are planning to submit our request for the Minister to determine our application by mid-July.

With this timescale in mind, we would very much welcome the chance to meet with you to discuss the points raised in your objection in more detail within the next 2-3 weeks (either face to face or by video conference). If you would like to take us up on this offer, please let me know when it would be convenient for you to meet with us, and we will make the necessary arrangements. If you would prefer not to meet with us, then of course your objection will stand as submitted, and the Minister will have to take it into account.

If you have any queries before responding to this letter, please do not hesitate to contact me.

Yours sincerely



ALAN WINSTONE
Chair, MSFOMA

cc. Welsh Government

Menai Strait Fishery Order Management Association

Port Penrhyn, Bangor, LL57 4HN

Andrea Winterton
Natural Resources Wales
Marine Service Manager, Operations
Llys Afon
Haverfordwest SA61 2BQ

18th June 2021

By Post and E-mail

Dear Andrea

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

I am writing to reply to your response to this consultation which we received on 4th May 2021. Your response, along with the others sent to the MSFOMA during the consultation period earlier this year, was considered at our quarterly meeting of on the 9th June 2021.

On behalf of MSFOMA I would like to thank you for considering our consultation documents and responding in a constructive and timely fashion. We very much appreciate the time and effort that you and your colleagues have committed to this process.

The comments that you have made are of a detailed nature and refer to specific aspects of the wording of the proposed new Fishery Order. The decision on whether or not to make changes to the wording of the Order is within the purview of Welsh Government rather than MSFOMA, so we have to leave it to WG officials to determine whether or not it is appropriate to alter the text of the Order. To try to expedite this process, we have summarised our response to your comments below (numbers relate to the numbered paragraphs in your letter).

4. We agree that full scientific names could be included in the description of prescribed species.
5. We agree – it would perhaps be best to specify *Crassostrea gigas* and *Ostrea edulis* rather than Ostreidae.

[...]
8. Agree with your comment.
9. Agree that off-site impacts to mobile species are also relevant. We don't expect to have much of an issue with the cetaceans, but the interaction with birds from Traeth Lafan is important (and indeed has been the subject of research in the past).
10. We agree that impacts on SSSIs are also relevant.
11. Agree with this approach to items 8-10.
12. Agree that a clear and unambiguous definition of "marine environment" is needed, perhaps by reference to another relevant statute (for instance §186(1) of the Marine & Coastal Access Act 2009) or duplication of this definition.

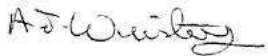
13. Agree that the Order should refer to the 2017 Habitats Regulations and not the (largely revoked) 2010 Regulations.
14. We agree, that MSFOMA is a “Competent Authority”, and Welsh Government have confirmed this with us. We look forward to continuing to work with NRW in this capacity.
15. Agree – indeed this is consistent with the comment above since the duties of competent authorities extend to §28-28S and 31 to 35A of the Wildlife & Countryside Act 1981.
16. We agree with the need to manage any farming of *C. gigas* appropriately given WG’s position on this as an Invasive Non-Native Species (INNS). We are presently working closely with local NRW staff, shellfish farmers, and scientists from Bangor University to assess risks and identify appropriate management strategies for this species. We do not intend to seek approval for *C. gigas* cultivation in the area until there is clarity on these matters.
17. Agree with your comment.
18. Agree with all of the typos, except that to our surprise “Publically” is apparently an acceptable alternative to “Publicly”. Like you, we prefer the latter.

The next step in the application process for the new Order requires the Minister to consider all of the responses that have been received to the consultation and for her to determine whether to refuse our application, call an inquiry, or to make a new Order.

We are planning to submit our request to take this next step to the Minister in mid-July. We will keep you informed about progress with our application and will update you and other stakeholders about any decisions taken by the Minister.

If you have any queries before responding to this letter, please do not hesitate to contact me.

Yours sincerely



ALAN WINSTONE
Chair, MSFOMA

cc. Welsh Government

Menai Strait Fishery Order Management Association

Port Penrhyn, Bangor, LL57 4HN

Gwenllian D. Owen
Ynys Môn County Council
Visitor Economy and Coastal Areas Manager
Anglesey Business Centre
Bryn Cefni Business Park
Llangefni
Anglesey LL77 7XA

18th June 2021

By post and e-mail

Dear Gwenllian

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

I am writing to reply to your response to this consultation which we received on 4th May 2021. Your response, along with the others sent to the MSFOMA during the consultation period earlier this year, was considered at our quarterly meeting of on the 9th June 2021.

On behalf of MSFOMA I would like to thank you and your colleagues for considering our consultation documents and responding in a constructive and timely fashion. We very much appreciate this.

The next step in the application process for the new Order requires the Minister to consider all of the responses that have been received to the consultation and for her to determine whether to refuse our application, call an inquiry, or to make a new Order.

We are planning to submit our request to take this next step to the Minister in mid-July. We will keep you informed about progress with our application and will update you and other stakeholders about any decisions taken by the Minister. If you have any queries in the meantime, please do not hesitate to contact me.

Yours sincerely



ALAN WINSTONE
Chair, MSFOMA

cc. Welsh Government

Menai Strait Fishery Order Management Association

Port Penrhyn, Bangor, LL57 4HN

Sir Richard Williams-Bulkeley
Baron Hill Estate
The Estate Office
Beumaris
Anglesey
LH58 8YT

18th June 2021

By Post and E-mail

Dear Sir Richard

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

I am writing to reply to your response to this consultation which we received on 5th May 2021. Your response, along with the others sent to the MSFOMA during the consultation period earlier this year, was considered at our quarterly meeting of on the 9th June 2021.

On behalf of MSFOMA I would like to thank you for considering our consultation documents and responding in a constructive and timely fashion. We very much appreciate this.

We are happy to confirm, further to the e-mail correspondence with our Secretariat, that the new Fishery Order will follow the exact boundary of the existing Order and will not therefore encroach upon the Estate's land. It will be very much "business as usual" for all parties in the area.

The next step in the application process for the new Order requires the Minister to consider all of the responses that have been received to the consultation and for her to determine whether to refuse our application, call an inquiry, or to make a new Order.

We are planning to submit our request to take this next step to the Minister by mid-July. We will keep you informed about progress with our application and will update you and other stakeholders about any decisions taken by the Minister. If you have any queries in the meantime, please do not hesitate to contact me.

Yours sincerely



ALAN WINSTONE
Chair, MSFOMA

cc. Welsh Government

Menai Strait Fishery Order Management Association

Port Penrhyn, Bangor, LL57 4HN

Richard Hill
RYA House
Ensign Way
Hamble
SO31 4YA

18th June 2021

By Post and E-mail

Dear Richard

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

I am writing to reply to your response to this consultation which we received on 14th May 2021. Your response, along with the others sent to the MSFOMA during the consultation period earlier this year, was considered at our quarterly meeting of on the 9th June 2021.

On behalf of MSFOMA I would like to thank you and your colleagues for considering our consultation documents and responding in a constructive and timely fashion. We very much appreciate this.

We note that in your response you emphasise the amenity value of the Menai Strait for the sailing clubs and businesses in the area. We would like to take this opportunity to reassure you that in practical terms the proposed new Fishery Order is very much a “like for like” renewal of the existing Fishery Order (though updated for the 21st century). The extent and nature of the shellfish farming activities that will take place in the new Order will be identical to those that have taken place alongside sailing and other activities in the area. We very much anticipate that for all of the sailing interests in the area the new Order will be very much “business as usual”.

You have made some proposals for detailed amendments to Articles 16 and 22 of the Order. Amendments to this text are beyond the purview of MSFOMA. We must leave it to Welsh Government to determine how to respond to these comments.

The next step in the application process for the new Order requires the Minister to consider all of the responses that have been received to the consultation and for her to determine whether to refuse our application, call an inquiry, or to make a new Order.

We are planning to submit our request to take this next step to the Minister by mid-July. We will keep you informed about progress with our application and will update you and other stakeholders about any decisions taken by the Minister.

If you have any queries about our plans for progressing this application, please do not hesitate to contact me.

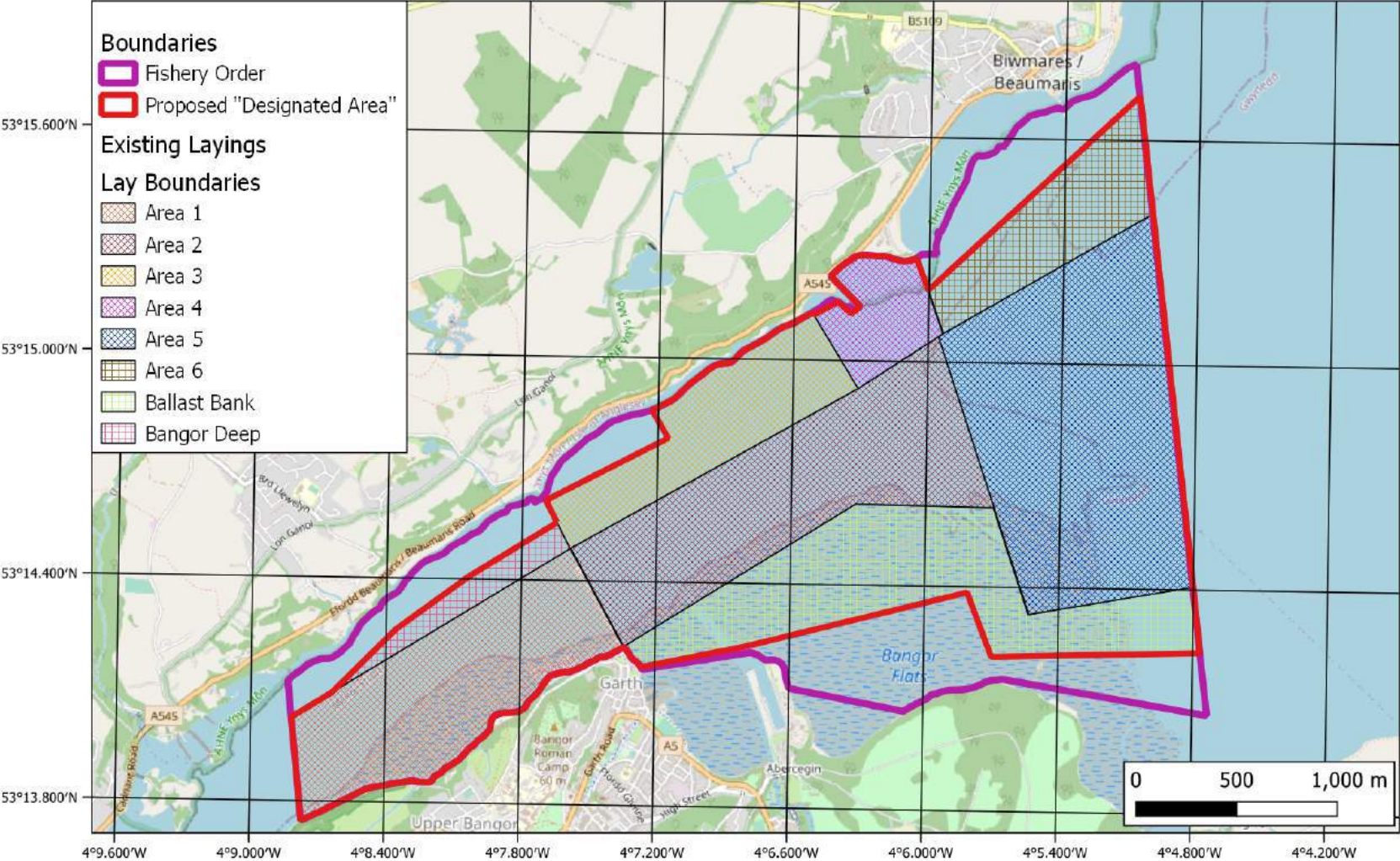
Yours sincerely



ALAN WINSTONE
Chair, MSFOMA

cc. Welsh Government

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



Annex G: Specimen lease for layings in the new Fishery Order area.

DATED _____ 2022

MENAI STRAIT FISHERY ORDER
MANAGEMENT ASSOCIATION

and

<Tenant>

LEASE

relating to

<Laying>

Menai Strait Oyster & Mussel Fishery Order 2022

Highlighted text indicates that is still to be agreed and/or that may be affected by changes to the text of the new Fishery Order

DRAFT

**MAIN TERMS AND
CONDITIONS**

- 1 The Landlord is The Menai Strait Fishery Order Management Association (Company Number 07163689) a company incorporated under the laws of England and Wales and having its registered office c/o Myti Mussels, Port Penrhyn, Bangor, LL57 4HN
- 2 The Tenant is **<Tenant>** of **<Address>**.
- 3 The Order is The Menai Strait Oyster and Mussel Fishery Order 2022 relating to parts of the foreshore and bed of the Menai Strait in the Counties of Gwynedd and Anglesey under which the Landlord is the Grantee and is empowered to set out and mark portions of the Fishery such portions being referred to in the Order as layings
- 4 The Rights are the rights to work and maintain the Layings as lays or layings or breeding or fattening grounds for the cultivation of mussels (*Mytilus edulis*) and/or oysters (Family Ostreidae, species tbc).
- 5 The Layings are the areas of the Fishery marked by the Landlord in accordance with the Order and coloured red on the plan annexed
- 6 The Fishery is the area within the limits defined in the Order.
- 7 The Term of this lease begins on 1st April 2022 and ends on 31st March 2029
- 8 The Rent is £XXXX per year (exclusive of Value Added Tax) until 31st March 2023. For the remainder of the Term the Rent will then be agreed between the Landlord and the Tenant and failing agreement any dispute will be referred to the sole arbitration of the Director of the Shellfish Association of Great Britain
- 9 The Rent is payable in advance by equal half yearly payments on every 1st April and 1st October the first payment to be made on the date hereof

LETTING AND RIGHTS

- 10 The Landlord lets the Rights to the Tenant at the Rent for the Term.
- 11 The Landlord reserves the right of:-
 - 11.1 the Department for Environment Food and Rural Affairs and the Welsh Government and the Crown Estate Commissioners and any persons duly authorised by them and the Landlord and their respective servants agents or workmen or persons duly authorised by the Landlord full right and liberty of

ingress egress and regress to upon and from the Layings for any purpose whatsoever

11.2 all estate rights powers privileges authorities or exemptions reserved by the Order to the Crown and all rights of navigation anchoring and mooring

TENANT'S OBLIGATIONS

12 The Tenant's Obligations to be observed throughout the Term are:-

12.1 The Tenant will pay the Rent and any value added tax chargeable on the Rent

12.2 The Tenant will pay all rates and outgoing in respect of the Rights or the Layings

12.3 The Tenant will repay on demand all sums hereafter expended by the Landlord in maintaining or replacing the marks (if any) indicating the limits of the Layings

12.4 The Tenant will use the Layings only for the purpose of layings for the breeding or fattening or cultivation of **mussels and / or oysters** ("shellfish") and ancillary purposes in connection therewith and at all times efficiently and properly to manage use and keep the Layings and to use his best endeavours to prevent them or any part from being or becoming wholly or partially dormant or unused or becoming choked or foul unless owing to silting of the bed of the Menai Strait or other circumstance beyond the control of the Tenant or (so far as the Tenant is reasonably able to prevent it) from containing any starfish or slipper limpet or any other creature or substance or thing which is or may be detrimental to mussels

12.5 The Tenant will so far as is reasonably practicable keep clean the Layings to the reasonable satisfaction of the Landlord

12.6 The Tenant will not assign transfer underlet or part with possession of the whole or any part of the Layings

12.7 The Tenant will not without the prior licence of the Welsh Government import into the Layings or any part of the Fishery any shellfish from outside the Fishery

12.8 The Tenant will observe and comply with all legislation including for the avoidance of doubt any byelaws or regulations relating to the Port of Caernarfon so far as the same affect or relate to the Rights or the Layings

12.9 The Tenant will not do or omit and (so far as such matters are within the control of the Tenant) use its

best endeavours to prevent the doing or omission of any act matter or thing on the Layings or in the Fishery which may constitute a contravention of the terms of the Order so far as such terms fail to be observed and performed by the Tenant PROVIDED that no byelaw under the Marine and Coastal Access Act 2009 shall be deemed to prevent the use of a dredge for the purpose of taking shellfish within the Layings and this proviso in so far as it may be lawful thereunder shall apply to any byelaw made under any statutory re-enactment or modification of the said Act

- 12.10 The Tenant will keep in existence and maintain in a proper state of repair to the satisfaction of the Landlord the marks (if any) indicating the limits of the Layings
- 12.11 The Tenant will not undertake or make any work constructions or disturbances of the sea bed in or around the Layings without the written consent of the Landlord and pay the Landlord's necessary charges
- 12.12 The Tenant will at all times provide to the Landlord on demand full and true accounts of all mussels sold by the Tenant and all other information required by the Landlord with reference to the Rights or the Layings or (so far as such information may be within the knowledge of the Tenant) to the Fishery in such form and made up to such date as the Landlord may from time to time reasonably require and to do all other acts and things whatsoever which may be requisite or necessary to enable the Landlord to comply with the requirements of the Welsh Government in so far as they affect or relate to the Rights or the Layings
- 12.13 The Tenant will from time to time whenever required by the Landlord submit to the Landlord or its authorised agents on reasonable notice or permit the Landlord or its authorised agents to enter upon the Layings to obtain samples of the mussels for the purpose of analysis or any other determination in connection with the maintenance management and development of the Fishery and at all times comply with any statutory or other requirements relating to public health including any Public Health Shellfish Order or similar Order in force or which hereafter may be brought into force in relation to the Fishery so far as the same affects or relates to the Layings
- 12.14 The Tenant will not deposit or allow to be deposited empty shells mud or other substances so as to interfere with or impede navigation by ships or boats in the Menai Strait or block or tend to make ineffective any drainage channel in or adjoining the said Strait or to cause nuisance

12.15 The Tenant will at the end of the term hereby granted or on the prior determination of this Lease (unless properly determined by the Tenant under Clause 14.3) deliver up the Layings in good and proper condition in accordance with the covenants contained in this Lease

FORFEITURE

13.1 The Landlord may without notice forfeit this Lease and re-enter the Layings if:-

13.1.1 any rents are overdue for 30 days or more (whether or not demanded); or

13.1.2 any of the obligations or provisions under this Lease or under the Order on the part of the Tenant are not performed or observed by the Tenant; or

13.1.3 the Tenant has an order made or resolution passed for winding up (unless for the purposes of reconstruction or amalgamation) or has a receiver appointed or

13.1.4 the Tenant enters into an arrangement or composition with creditors or

13.1.5 any distress or execution is levied on the Tenant's goods

and on re-entry the Term will end without any compensation for mussels in or on the Layings at the time of re-entry **PROVIDED** that the Landlord and the Tenant will retain any accrued rights in respect of any antecedent breaches of this Lease by the other

13.2 If the Tenant shall cease to actively operate and maintain the Layings the Landlord may without notice re-enter and take possession of the Layings (or any part as if entering the whole) without making any compensation for shellfish in or on the Layings at the time of re-entry **PROVIDED** that the Landlord and the Tenant will retain any accrued rights in respect of any antecedent breaches of this Lease by the other **PROVIDED** that if any dispute shall arise between the Landlord or the Tenant as to whether the Layings are being actively operated and maintained for the purposes of this clause the said dispute shall be referred to the sole arbitration of the Director of the Shellfish Association of Great Britain as hereinafter provided

GENERAL PROVISIONS

14 It is also agreed that:-

14.1 if any portion of the land the Layings are situated on shall be required by the owners of the land for any

works or for commercial purposes the Landlord shall be at liberty to give 28 (twenty-eight) days notice in writing to the Tenant expiring at any time that such portion is so required and on the expiration of such notice the Landlord shall be at liberty to re-enter and take immediate possession of the portion of the Layings so required and the term as regards the said portion shall absolutely cease and determine and this Lease shall continue in full force and effect as if such portion had not been included in the Layings

PROVIDED that:-

- 14.1.1 if there is reasonable anticipation of the productivity of the Tenant of the Layings being reduced by such cessation and determination then the rents hereby reserved shall be reduced to such amount as is reasonable in relation to the anticipated reduced productivity of the Tenant such reduced rent to take effect as from the date of re-entry and to be assessed by the Director of the Shellfish Association of Great Britain unless agreed between the parties hereto
- 14.1.2 **PROVIDED** further that if the effect of such cessation and determination is to render the Rights no longer economically viable or otherwise useful for the Tenants purposes then the Tenant shall have the option to determine this Lease on giving not less than 28 (twenty-eight) days notice in writing to the Landlord such notice to expire not later than 60 days (sixty) days from the date of such cessation and determination
- 14.2 Nothing herein contained shall affect any of the rights or powers mentioned in Sections 22, 23 and 24 of the Crown Lands Act 1866 or any of the rights conferred on the National Assembly for Wales or any Coast Protection Authority by the Coast Protection Act 1949
- 14.3 If owing to the silting of the bed of the Menai Strait the maintenance or working of the whole or of a substantial part of the Layings becomes impracticable then the Tenant shall be entitled to determine this Lease at any time on giving not less than 6 (six) months prior notice in writing to the Landlord and in the event of such determination there shall be an adjustment of rent to the date of determination
- 14.4 Save as the same may be required to be disclosed pursuant to statutory enactment or judicial order the Landlord shall regard the information supplied to it by the Tenant pursuant to clause 12.12 of this Lease as commercial in confidence and shall not be disclosed to any third party other than the Landlord's professional advisers

14.5 The Order (or a copy) has been inspected on behalf of the Tenant and the Tenant is deemed to have full knowledge of its terms and provisions

14.6 In case any dispute or difference shall arise between the Landlord and the Tenant during the Term touching or concerning this Lease or in any way relating to the user or occupation of the Rights or the Layings such dispute or difference shall be referred in accordance with the Arbitration Act 1996 or any statutory modification or re-enactment thereof for the time being in force to the sole arbitration of the Director of the Shellfish Association of Great Britain whose decision thereon shall be binding and conclusive on the parties thereto

SIGNED

SIGNED

(Landlord acting by two Members)

SIGNED

SIGNED

(Tenant acting by two directors or one director and the company secretary)

DATE OF THIS LEASE 2022

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

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

Leases for Layings – General Policy

1. The Menai Strait Fishery Order Management Association shall issue leases for the layings shown in Figure 1 of this document in accordance with the administrative rules set out below.
2. The Lease Allocation Rules set out in this document apply to any leases for layings issued under the Menai Strait Oyster and Fishery Order 1962 (the “1962 Fishery Order”) and to any subsequent Fishery Order made in 2022 (the “2022 Fishery Order”) made by Welsh Government that covers all or part of the geographic area of the 1962 Fishery Order
3. Leases shall only be issued in accordance with the requirements of either the 1962 Fishery Order or the 2022 Fishery Order (the “relevant Fishery Order”), the Sea Fisheries (Shellfish) Act 1967 (the “Shellfish Act”) and any legislation to which the Act and Fishery Orders are subordinate.
4. Leases shall be issued for a period of not more than 7 years from their start date.
5. Leases shall terminate on or before the date on which the relevant Fishery Order expires.
6. Leases may be issued to “tenants” who may be individuals or companies.

Administration

7. Prior to the expiry of a lease for a laying the Association shall write to the current tenant to determine whether they wish to renew the lease for a further period of up to 7 years.
8. Leases for layings shall be re-issued to existing tenants providing that:-
 - a. The tenant has complied with all of the lease conditions for that laying as required by the Association; and
 - b. The tenant has complied with all of the ~~relevant~~ requirements of the relevant Fishery Order and the Shellfish Act.
9. During the transition from the 1962 Fishery Order to the 2022 Fishery Order, the tenant of a laying under the 1962 Fishery Order shall be eligible to lease a new laying under the 2022 Fishery Order in accordance with paragraph 8 above providing that this new laying covers all or part of the same geographic area as the tenant’s laying under the 1962 Fishery Order.
10. If an existing tenant does not wish to renew their lease or if the requirements of paragraphs (8 & 9) above are not met, the Association will follow the procedure set out below for the vacant laying:-
 - a. Advertise the opportunity to apply for a lease for this laying on the MSFOMA website and in at least one local newspaper;
 - b. Publish the criteria for assessing applications received;

- c. Allow a period of at least 28 days for submission of applications; and
- d. Assess all applications according to the published criteria listed in paragraph (b) above.

Criteria for issuing leases to vacant layings

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

a. The lease for the vacant laying may be offered to Applicants who have submitted an application for a laying in the relevant Fishery Order that meets the requirements of the relevant Fishery Order.

a-b. They Leases shall be issued in chronological order, such that the applicant who has been waiting longest is the first to be offered a lease.

c. Invitations issued to applicants by the Association to lease a laying shall be valid for a period of 28 days. If an applicant on the waiting list does not respond to their invitation then after 28 days have elapsed the Association shall invite the next applicant on the waiting list to lease that laying. This process shall be repeated until the invitation has been accepted or the end of the waiting list is reached, whichever is soonest.

d. Applications for leases must be submitted using the appropriate form published on the MSFOMA website or in writing by post (not by hand) to the Association's registered offices using the appropriate form or by e-mailing the appropriate form to info@msfoma.org.

e. It shall be each applicant's responsibility to ensure that their contact details are updated to reflect any change in their circumstances. The Association shall not be liable for any loss of opportunity arising from a change in circumstances that it was not aware of.

15-12. The Association shall maintain the waiting list by contacting all of the applicants on the waiting list annually and seeking confirmation that they wish to remain on the waiting list.

16-13. At any meeting of the Association to determine the issuing of leases, the Association shall not be informed of the personal details of any applicant, to ensure that the decisions taken are objective and are not prejudiced in any way.

17-14. These rules shall be reviewed by the Association each year at its Annual General Meeting.

MSFOMA

Update Date 2021

Annex I: WG proposals for transition between the existing Menai Strait Fishery Order and proposed new Fishery Order.

Menai East Fishery Order 2022

Transition process – March/April 2022

Summary

We understand MSFOMA's concerns about day 1 transition from the current Order to the new Order and we are keen to work with you to ensure there is a smooth transition.

We understand the concerns relate to the timeframes and processes for designating the several fishery area and for current leaseholders to reapply without disruption to their operations.

To avoid any unnecessary delays we recommend MSFOMA have their requests for the Welsh Ministers consent of the 'designated area' and the requests for consent to the next set of leases for the several fishery lays ready to submit to the Welsh Ministers on the day the Order is made.

Based on projected timescales this will be by the end of February 2022.

The Welsh Ministers will then make the designation and consider the lease applications in the intervening period between the Order being made and coming into force (21 days).

Designation process

The decision on designating an area as a several fishery is expressly subject to Ministerial consent.

The draft Order provides for a single designation for the several fishery area, rather than per laying – Section 4.

To request the designation of the several fishery area MSFOMA must provide:

1. **A statement Identifying all areas to be designated** by reference to an area within a line drawn between listed coordinates - Section 4 (2)(a), see also Section 5 (1)(a);
2. **An illustrative map** with the proposed boundary between the regulated fishery and proposed several fishery marked on it – Section 5 (1)(b);
3. **A written statement** in support of the designation request – Section 5 (1)(c);

4. **Provide a HRA for the whole proposed several fishery area;**

5. **Confirmation from NRW they are content with the HRA.**

Leases

The decision on approving a lease for a several fishery lay is expressly subject to Ministerial consent.

To request the approval of a several fishery lay in accordance with Section 12 of the draft Order:

1. The current tenant must complete the **new lease application form** and submit this to MSFOMA for assessing.
2. MSFOMA must **assess the request in accordance with the criteria at Section 12 (2) of the draft Order.**

MSFOMA must then provide the Welsh Ministers with:

3. **A copy of the draft lease;**
4. **A written statement from the Grantees** in support of the lease application;
5. **A HRA for each of the proposed leases, with NRW approval.**

Consideration of designation and lease requests

All of the above should be provided to the Welsh Ministers on or immediately after the day the Order is 'made' – that is signed by the Welsh Minister.

The Order is then laid for 21 days before coming into force.

During this time the Welsh Minister, using the powers under Section 16 of the Legislation (Wales) Act 2016, may make the designation and consider the leases.

Menai Strait West Fishery Order Application

Background

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

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

This report provides an update on recent progress.

Recommendations

1. That the report is received
2. That the proposals for research into Pacific Oysters in the Menai Strait attached at Annex A are discussed.
3. That MSFOMA and WG should continue to work together with the aim of producing a revised draft of the proposed new Fishery Order at the earliest opportunity.

1. Update on Renewal of Fishery Order

- 1.1 The Menai Strait (West) Fishery Order was established in 1978 for a period of 30 years. This Fishery Order provided the basis for the development of some oyster and mussel farming activity in the western Strait. The Order lapsed in 2008, preventing the further development of these businesses. An application for renewal of the Order was submitted to Welsh Government by MSFOMA in 2013.
- 1.2 After a series of discussions with Welsh Government officials in the years following this application, a draft Fishery Order was published for consultation in 2015. This consultation generated many objections from the local community. The Association worked closely with the objectors during the period 2015-17 to allay and address their concerns. In July 2017 the Chair of the Association wrote to the Cabinet Secretary to ask her to determine the application for the Fishery Order.
- 1.3 At the March 2019 meeting of the Association it was reported that the Minister for Energy, Planning and Rural Affairs Lesley Griffiths AM had made a commitment to complete the process for making a new Menai West Fishery Order by August 2019.
- 1.4 At the Association meeting in September 2019 WG officials indicated that they were working with lawyers to determine the conditions that would be associated with the Fishery Order. It was anticipated that this would meet the December 2019 deadline proposed by the Minister.

- 1.5 In November 2019 WG officials provided some informal feedback from their legal advisors concerning a condition that could be included in the Order, requiring that Ministerial consent was given for leases before they were issued. This proposal was discussed at the last MSFOMA meeting and considered to be consistent with the approach set out in the 2015 Draft Order.
- 1.6 At the December 2019 Association meeting some concerns were raised by WG officials about the mitigation approach for Pacific oysters. At the April 2020 meeting it was reported that work was still underway to address these issues.
- 1.7 This report provides an update on recent progress with this application.

2. Pacific Oysters

- 2.1 Welsh Government is still working to determine an appropriate approach to managing and mitigating the risk of Pacific oysters (*Crassostrea gigas*) from cultivation areas becoming established in the wild as “feral” oysters (see the previous agenda item for some background on this issue).
- 2.2 MSFOMA representatives discussed the issues concerning Pacific Oysters in detail with WG and NRW officials between December 2019 and July 2020. In July 2020 it was reported that WG Science have produced a draft desk study (“Pacific Oyster Review”) of the situation in the Menai Strait, assisted by the University of Bangor. This review was intended provide the evidence base for informing the Habitat Regulations Assessment (HRA) of leases for Pacific oyster cultivation in the Strait. The Review has not yet been published for released.
- 2.3 Welsh Government reported to the Secretariat in March 2021 that they have made no further progress with this issue and have been focussing their resources on the Fishery Order in the eastern Menai Strait.
- 2.4 In an effort to make some progress from our side, the Chair and Secretariat have convened a series of 7 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 8th July 2021, (see note of meeting at Annex A), and a further meeting is scheduled for the 15th September 2021.
- 2.5 Following the most recent meeting of this group, the Secretariat circulated a request for support from industry partners for the proposed research (see Annex B).
- 2.6 A verbal update on progress with this research will be provided to the meeting.

3. Consultation with stakeholders

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

Annex A: Note of meeting to discuss research into Pacific Oysters on 8th July 2021

**Menai Strait Oysters Discussion
Note of meeting, 8th July 2021**

Attendance

Alan Winstone
Lewis Le Vay
Shelagh Malham
Jonathan King
Kate Griffiths
Alex Scorey
Jim Andrews

1. Research Update – evidence review and modelling project
 - a. **Admin** - need to get support for commercial partners for project to collate evidence [**Jim, Alan**]:-
 - i. Write to Shaun Krijnen, Jon King, David Lea-Wilson, Trevor, SAGB to invite to participate in project (seeking support in principle)
 - ii. LLV & SM to draft an agreement with the parties [**Lewis, Shelagh**].
 - b. **Modelling** by David Smyth to model likely reproductive potential of existing Pacific oysters in the Strait and effect of cultivating mussels (either 2n or 3n) is underway. Intertidal recruitment constrained by predation of juveniles.
 - c. **Triploids** - LLV has started work on a review of technology for 3n production and will complete this as part of the project.
 - d. **Distribution data** – historical data has been collated.
 - e. **Survey / Monitoring** - probably to be a separate project starting in the autumn (subtidal and intertidal; possibly use ROVs?) [**Lewis, Kate, Shelagh**]
 - i. LLV may need to apply for permit to dredge for oysters or determine alternative sampling method (divers?). [**Lewis**]
2. Timescales
 - a. Menai Strait project – aim to complete by end September
 - b. Milford report due to be completed a bit sooner.
3. Policy development
 - a. Lewis has attended discussion about Pacific Oysters in England involving Natural England, Defra, Cefas & industry bodies.
 - b. Natural England have indicated a presumption against Pacific oysters (both 2n and 3n) in N2k sites for the time being.
 - c. Defra thought to be in process of reviewing evidence about Pacific oysters.
 - d. Welsh Government keen to progress.
4. Welsh Government –
 - a. Letter to Minister to be sent after discussions at MSFOMA meeting: let her know about work and invite WG officials to participate [**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).
 - b. MSFOMA endorsed this work and agreed to provide support. [**Jim & Alan** to write letter]
 - c. Lewis & Alan to discuss extent to which Rivers Trust might participate (RT have good habitat date for catchments) [**Lewis, Alan**]
 - d. NRW to investigate if flow data area available [**Kate**]
6. For the next meeting
 - a. Invite Dave Smith and Andy Woolmer [**Jim, Lewis**]
 - b. Invite WG [**Jim**]

Annex B: Request for support for proposed research project for Pacific Oysters in the Menai Strait, May 2021.

Jim Andrews (MSFOMA)

From: Jim Andrews (MSFOMA) <info@msfoma.org>
Sent: 19 July 2021 12:10
To: Shaun Krijnen (theoysterman@btopenworld.com); 'Jonathan King'; Trevor Jones; Lee Cornwell (RWE); David Lea-Wilson (david@halenmon.com)
Cc: Le Vay,Lewis; 'Shelagh Malham'; Alan Winstone (alanjwinstone@gmail.com)
Subject: Menai Strait Pacific Oyster Research Proposal
Attachments: Menai Strait Pacific oyster project outline.pdf

Dear Shaun, Jon, Trevor & David

I hope you are well.

I am writing to seek your support for research into Pacific Oysters in the Menai Strait which we are hoping will pave the way for the renewal of the Fishery Order in the western end of the Strait.

Over the past 6 months, MSFOMA has been holding discussions with scientists from The Shellfish Centre at Bangor University about the cultivation of Pacific oysters in the Menai Strait. As you will be aware, Welsh Government's concerns about the risk of Pacific Oysters becoming established in the wild has been the main obstacle to making a new Fishery Order in the western Menai Strait. We have been trying to find a way to address these concerns.

Working with the Shellfish Centre, we have developed a proposal for a research project (attached) to look at the key issues associated with Pacific Oyster cultivation in the Menai Strait. The project has 6 distinct components, and the outputs from each of these components are intended to help Welsh Government and Natural Resources Wales to develop an evidence-based and pragmatic approach to managing Pacific oyster cultivation in the Menai Strait.

At the last MSFOMA meeting we agreed to give our support to this work. However, in order to progress this project further, The Shellfish Centre needs to secure formal support from commercial partners as well as MSFOMA (MSFOMA is a not-for-profit organisation, so does not adequately satisfy the rules for collaborative projects that the Shellfish Centre has to operate within). We are therefore writing to you and your colleagues with an interest in oyster cultivation in the Strait to ask if you would be willing to pledge your support to this research.

This is not a request for funding, your support can be given in kind through assistance with staff time/resources invested in survey work, involvement in design/delivery or write up of the project. This will all be done under umbrella of a research collaboration agreement with the Shellfish Centre/Bangor University. If you are willing to do this then Shellfish Centre Shelagh Malham and Lewis LeVay from the University will include you in drawing up the final scope and the collaboration agreement.

We hope that you are willing to support this work, which we think will be essential to unlock the current stalemate over the renewal of the Menai West Fishery Order.

If you have any queries about this request please do not hesitate to contact me or Lewis or Shelagh directly (both cc'd here).

Kind regards

Jim

Dr J Andrews BSc LLM
On Behalf of the Menai Strait Fishery Order Management Association, MSFOMA
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Proposed research project

Pacific oyster abundance and reproductive potential in the Menai Strait

Background

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

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

The proposed research aims/outputs

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

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

2. Potential for spawning by feral Pacific oysters

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

3. Dispersal potential from spawning feral oysters

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

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

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

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

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

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

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

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

Research Proposal: Water Quality

Background

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

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

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

Recommendations

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

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



Proposed research project

Microbial source tracking in the Menai Strait, North Wales

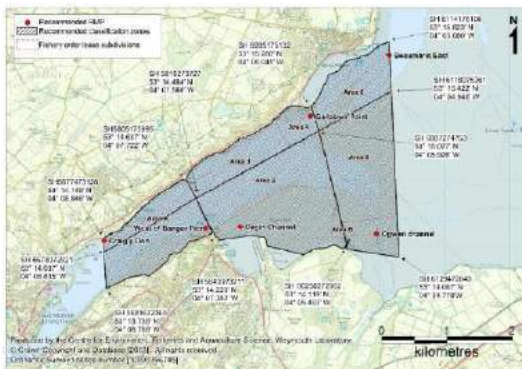
Background

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

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

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

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



Project objectives

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

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

Project description

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

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

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

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