

# **Menai Strait Fishery Order Management Association**

## **Agenda & Papers- 8<sup>th</sup> December 2021, 1030 Quarterly Meeting Zoom Conference**

1. Chair's announcements
2. Apologies
3. Declarations of interest
4. Minutes of last meeting ([attached](#))
5. Matters Arising
6. Register & declarations of interests (verbal)
7. Financial update ([report](#))
8. Public Profile of the Association (verbal)
9. Welsh Government Activity ([report](#))
10. North West IFCA Activity ([report](#))
11. Menai Strait East ([report](#))
12. Menai Strait West Fishery Order ([report](#))
13. Project funding update (verbal)
14. Fishery management issues
  - a. Coastal / marine developments
    - i. Bangor Pier
    - ii. Sand in the dock
  - b. Environmental / health issues
    - i. Shellfish hygiene classifications
    - ii. *Bonamia* in the western Strait
    - iii. Non-native species
15. Any Other Business (verbal)
  - a. Correspondence
16. Dates for next meetings (all are the 2<sup>nd</sup> Wednesday of the month except for the Q1 meeting which has been scheduled to coincide with the demise of the 1962 Fishery Order for the eastern Menai Strait):-
  - a. Q1 2022 - 31<sup>st</sup> March
  - b. Q2 2022 - 8<sup>th</sup> June
  - c. Q3 2022 - 14<sup>th</sup> September
  - d. Q4 2022 - 14<sup>th</sup> December [AGM]

# **Menai Strait Fishery Order Management Association**

**Meeting, 8<sup>th</sup> September 2021  
Zoom Video Conference Call**

## **Minutes**

### **Attendance**

#### *Members*

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

Chair  
Gwynedd County Council  
Bangor Mussel Producers Ltd  
Bangor University

#### *Observers*

Alex Scorey  
Howard Mattocks  
Kate Griffith  
Kim Mould  
Michelle Billing

Natural Resources Wales  
Beaumaris Town Council  
Natural Resources Wales  
BMWAG  
Welsh Government

#### *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  
Iwan Huws  
Julian Bray  
Keith Andrews\*  
Trevor Jones

Welsh Government  
Bangor City Council  
Isle of Anglesey County Council  
Welsh Government  
Licensed hand pickers  
Menai Strait (West)

### **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 9<sup>th</sup> of June 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. It was understood that they were looking for a contractor to carry out dredging work in the dock. This issue would be kept under review.

**Action: JW, Secretariat**

##### **Beaumaris Pier User Group**

The Secretariat confirmed that Iwan Huws had circulated the ABPmer PowerPoint presentation following the last meeting and agreed to circulate it again.

**Action: Secretariat**

#### **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.

All agreed to check their Statement of Interests on the MSFOMA website ([https://www.msfoma.org/?page\\_id=478](https://www.msfoma.org/?page_id=478)) and confirm that it is accurate.

**Action: All**

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

The financial report was accepted. It was noted that income in the past quarter and the Association's Reserve fund were presently both lower than budgeted. This was a consequence of implementing the decision taken in March 2021 to extend payment terms for leases in the first half of the current FY. Payment on these leases would be due at the end of September.

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**

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

The Chair and Secretariat reported that regular meetings continue to be held with Dr Andy Olivier to ensure that both the Association's website and Twitter account are being used to raise the profile of the Association more effectively. The number of tweets and profile of the Association continues to grow steadily. It now has over 1,300 followers.

All present were asked to provide a picture of themselves and a few paragraphs of text suitable for both Tweeting and posting on the MSFOMA website, to give MSFOMA a "face".

**Action: All**

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

**Action: All**

## **9. Welsh Government Activity**

The Secretariat's report was noted and received. There had been no meetings of WG fisheries groups, nor any consultations or engagement with WG officials outside of the ongoing work on renewing the two Fishery Order in the Strait.

## **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. He had worked closely with NWIFCA staff to assist with mussel bed inspections in Morecambe Bay, and that a fishery for seed mussels had briefly opened. This had allowed operators to dredge several hundred tonnes of seed mussels for relaying in the Strait. The opportunity for further dredging had been lost owing to some delays opening the initial fishery and changes in the character of the mussel beds (particularly the loss of mussel mud) which had made the remaining mussels unsuitable for dredging.

It was noted that the main challenge for seed mussel dredging in Morecambe Bay was that NWIFCA and Natural England staff seemed to be operating in a policy vacuum which was causing delays in the process that resulted in lost fishing opportunities. It was felt that NWIFCA should be encouraged to resume work on implementing the mussel management plan for Morecambe Bay which had nearly been finalised several years ago but had not yet been adopted.

**Action: Chair & Secretariat**

It was further agreed that NWIFCA scientific staff should be formally thanked for the work that they had done during the Covid-19 lockdown and whilst short-staffed to progress the opening of the seed mussel fishery.

**Action: Chair & Secretariat**

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

The Chair introduced this item. The Association had conducted a public consultation on the proposed new Fishery Order between 8<sup>th</sup> April and 8<sup>th</sup> May 2021. 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).

It had been agreed at the last meeting of the Association that the Chair and Secretariat should liaise with the four parties that had objected to MSFOMA. An update on progress with these discussions was provided in the report to the Association. In summary, meetings had been held with the 3 objectors that had responded to the Association's invitation.

The Chair and Secretariat reported that the discussions with the objectors had been good natured and constructive. The objectors had all raised the same central concern, which was 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.

After careful consideration of the reassurances provided by the Chair and Secretariat that the new Order would have no impact on the moorings, each objector indicated that they would prefer to sustain their objection rather than withdraw it.

The Chair convened a discussion on 5th August with MSFOMA participants to consider the possibility of accepting this boundary change proposed by the objectors. After careful consideration of 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. To expedite progress with the Order the Chair wrote to the Minister on 7<sup>th</sup> August to inform her of the outcome of these discussions and to ask her to make a determination on the Association's application for a new Fishery Order.

Michelle Billing (WG) provided an update on progress in the period since the Chair had written to the Minister. She and her colleagues were in the process of drafting Ministerial Advice, which would be submitted by the end of September.

If the remainder of the process could be completed without a Public Inquiry, it was anticipated that the new Order would be in place by the end of March 2022. WG legal had advised that if the Fishery Order application required a Public Inquiry, this would have both cost and time implications. A financial cost of around £20k would be likely, and also a delay for a period of several months so that the new Order would not then be in place by the time the existing Order expired.

Michelle advised that WG had been in contact with the four objectors who had only responded to WG. No further correspondence had been received from 3 of these objectors, and the fourth had written to reiterate their original views.

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

**Action: Chair & Secretariat**

It was further agreed that MSFOMA should work with WG and NRW officials to progress the Habitats Regulations Assessment (HRA) of the "Designated Area"

under the new Fishery Order within which leased areas would be located; and also the HRA for the leases.

**Action: Secretariat, NRW, WG**

It was also agreed that it would be appropriate for the Association to check with lawyers that the existing leases to ensure that they remained up to date with respect to relevant legislation.

**Action: Secretariat**

The Association considered the process for issuing new leases under the existing and proposed new Fishery Order. Comments were invited on the proposed process.

**Action: All**

It was agreed that the Chair and Secretariat should produce a flowchart to check that the process for issuing new leases covered all foreseeable circumstances.

**Action: Chair & Secretariat**

### **12. Menai Strait West**

It was reported that since the last Association meeting, 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 proposals, which had been developed through a series of meetings hosted by MSFOMA. Partners for progressing the work had been identified, and formal agreements between the Shellfish Centre and industry partners would be drawn up and circulated.

**Action: Lewis Le Vay**

There was some discussion with NRW representatives present about the Welsh policy on Pacific Oyster cultivation within and around protected areas. NRW staff stressed that although Welsh Government would determine its own policy with regard to Pacific Oysters this would have to be informed by science and consistent with the policy position elsewhere in the UK.

Lewis also reported that the Shellfish Centre had been in discussions with Dŵr Cymru and Intertek about the proposed water quality in the eastern Menai Strait. The purpose of the work proposed by the Shellfish Centre was to look in more detail at water and shellfish samples in the area with a view to determining the sources of effluent that may be affecting shellfish hygiene classification. Dŵr Cymru were very keen to progress this work, and all present offered their support for this work.

It was further agreed that the sequence of regular meetings with NRW, the Shellfish Centre and WG staff should be continued to ensure that progress is maintained with this Fishery Order application.

**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** - James Wilson reported that he had been in touch with Cefas about the size of the current designated area, which extends from Conwy to Malltraeth and Llandwrog beyond the western end of the Menai Strait. Cefas had indicated that any change to this boundary would take time. JW will continue to pursue this issue and will update the Association.

**Action: JW**

- **Spat collectors / MOSSS** - work was ongoing but had been impacted by Covid. EMFF funding was due to end in October, but an extension was being sought as a response to the delays.
- **Water quality** - an update had been provided under item 12 above.

Lewis Le Vay and the Chair agreed to hold discussions outside the meeting about the value of this research to the local Rivers Trust.

**Action: Lewis Le Vay, Chair**

- **Offshore water quality** - this was a new area of research, prompted by discussions between Deepdock and Dŵr Cymru about the potential effect of effluent discharge on water quality in some offshore shellfish cultivation sites being considered by Deepdock.

A workshop was due to be held in the autumn for this work, Lewis Le Vay agreed to invite all present to it.

**Action: Lewis Le Vay**

## 14. Fishery Management Issues

### 1. Coastal / marine developments

#### i. Bangor Pier

No additional update.

#### ii. Sand in the dock

As reported earlier, the Penrhyn Estate were understood to be looking into this issue.

### 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 further records had been found and that NRW had produced a video to aid identification of this species. This would be made available to MSFOMA for distribution.

**Action: Kate Griffith**

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

**Action: All**

James Wilson confirmed that the Code of Conduct for invasive species had been implemented for the recent seed mussel movements into the Strait from Morecambe Bay.

*Didemnum vexillum* - this species was still present in Holyhead but in lower abundance owing to the storm damage to the marina several years ago. NRW were keeping this under review. Trials of the use of ultrasound to remove this species had been scheduled.

**v. *Norovirus***

No further update.

**15. Any Other Business**

**a) Correspondence**

No additional correspondence had been received.

**16. Dates for next meetings**

- a. Q4 2021 - 8<sup>th</sup> December [AGM]

Proposed meeting dates for 2022:-

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

## Summary of Actions

Item	Action	Responsibility
1.	Sand in Dock - keep under review.	James Wilson & Secretariat
2.	Beaumaris Pier User Group - (re)circulate presentation about review of current uses.	Secretariat
3.	Register of Interests - review current Statement of interests on MSFOMA website ( <a href="https://www.msfoma.org/?page_id=478">https://www.msfoma.org/?page_id=478</a> ) and confirm it is accurate.	All
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 ( <a href="mailto:avdsolivier@gmail.com">avdsolivier@gmail.com</a> ).	All
7.	NWIFCA - encourage adoption of Morecambe Bay Mussel Management Plan.	Chair & Secretariat
8.	NWIFCA - thank scientific staff for their work to survey seed mussel beds in Morecambe Bay.	Chair & Secretariat
9.	Menai East - maintain regular discussions with WG officials to ensure progress is maintained.	Chair & Secretariat
10.	Menai East - work with WG officials to progress HRAs of "Designated Area" and new leases.	Chair, Secretariat, NRW & WG
11.	Menai East - check that lease wording remains appropriate with lawyers.	Secretariat
12.	Menai East - produce flow chart to check procedure for renewing existing leases & issuing new leases.	Chair & Secretariat
13.	Menai West - draw up formal agreements between Shellfish Centre and partner organisations.	Lewis Le Vay
14.	Menai West - maintain regular discussions with partners to ensure progress is maintained.	Secretariat
15.	<i>Bonamia</i> - James Wilson to liaise with Cefas about boundary of designated area and prospects for change.	JW
16.	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
17.	Water quality - consider possible partnership with Rivers Trust	Chair, Lewis Le Vay
18.	Water quality - Lewis Le Vay to invite all to upcoming workshop about offshore water quality.	Lewis Le Vay
19.	<i>Crepidula fornicata</i> - look out for slipper limpets and report sightings of any shells / individuals.	All
20.	<i>C. fornicata</i> - provide video on identification for publication on internet.	Kate Griffith
21.	Date for next meeting - 8 <sup>th</sup> December 2021	Secretariat

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## **Financial Update**

### **Background**

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

### **Recommendations**

1. That performance with the 2020-21 budget is noted and approved.
2. That the revised budgeting proposals for the next 5 years are discussed & agreed.

### **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 to cover the period until the end of the 2021-22 FY, which is when the current Menai Strait Oyster and Mussel Fishery Order will expire.
- 1.3 Given the good progress that has been made over the past 12 months for the creation of a new Fishery Order, it is appropriate for the Association to agree a new Financial Plan that will cover the 5-year period from 1<sup>st</sup> April 2022.
- 1.4 This report provides an update on It is appropriate for the Association to keep all aspects of this Plan under review, and an update is provided in this report.

### **2. Financial Statement past Financial Years**

- 2.1 The Financial Statement for Financial Year (FY) ending 29<sup>th</sup> February 2020 was not available at the last AGM and is included at Annex A for information.
- 2.2 The Financial Statement the FY ending 28<sup>th</sup> February 2021 is not yet available, and will be submitted to a future Association meeting

### **3. Financial Update for Current Financial Year**

- 3.1 An income and expenditure report for the Association for the MSFOMA 2021-22 Financial Year to date (starting on 1<sup>st</sup> 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
<b>1. Expenditure</b>								
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
<b>Total Expenditure</b>	<b>£36,624.20</b>	<b>£16,033.91</b>	<b>£9,156.05</b>	<b>£6,628.12</b>	<b>£9,156.05</b>	<b>£22,662.03</b>	<b>£18,312.10</b>	<b>-£4,349.93</b>
<b>2. Income</b>								
Leases for lays	£25,418.64	£4,236.44	<b>£12,709.32</b>		<b>£0.00</b>	£4,236.44	£12,709.32	-£8,472.88
Licences	£0.00	£0.00		£0.00		£0.00	£0.00	£0.00
<b>Total</b>	<b>£25,418.64</b>	<b>£4,236.44</b>	<b>£12,709.32</b>	<b>£0.00</b>	<b>£0.00</b>	<b>£4,236.44</b>	<b>£12,709.32</b>	<b>-£8,472.88</b>
<b>Operating surplus / deficit</b>	<b>-£8,655.79</b>	<b>-£11,797.47</b>	<b>£3,553.27</b>	<b>-£6,628.12</b>	<b>-£9,156.05</b>	<b>-£18,425.59</b>		<b>-£12,822.81</b>
<b>Reserve</b>	<b>£34,804.37</b>	<b>£32,150.18</b>		<b>£25,522.06</b>		<b>£0.00</b>		<b>-£9,282.31</b>

\* The "Administration of the Order" budget head in this table includes costs incurred for the Corporate Core and Renewal of Fishery Orders budget heads.  
 \*\* Quarter 2 includes income and expenditure up to 22<sup>nd</sup> August 2021.

### 3.2 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.

## 4. Financial Plan

4.1 The Financial Plan was revised at the December 2020 MSFOMA AGM. The key goal of this plan was to maintain a Reserve fund of at least £25,000 to cover unexpected costs associated with the renewal of the Menai East Fishery Order. A summary of the current Financial Plan is set out in Table 2. Note that this covers the period until the end of the 2021-22 FY.

**Table 2: MSFOMA Financial Plan for the period 2020-2022, as revised at December 2020 AGM.**

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

4.2 Now that the process of renewing the Menai East Fishery Order is nearing completion, it is appropriate to produce a revised Financial Plan which takes account of the reduced

expenditure on this area of work, and which also adjusts the Reserve to a sustained lower level that is more appropriate for the reduced risk of unexpected expenditure arising.

- 4.3 A proposed new Financial Plan is set out in Table 3 overleaf. The objectives and assumptions used in this proposal are:-
- a) Inflation is presently high (4.2% in October 2021) but over the past 20 years has typically been less than 3%. For this Financial Plan a 3% inflation rate has been used.
  - b) All recurring items of expenditure (administration, enforcement, corporate core, research and the community fund) will be set at a level consistent with recent expenditure and will be subject to the 3% rate of inflation.
  - c) For the two Fishery Order renewal projects, it is assumed that
    - i. Menai East: no additional extra costs will be incurred in the 2022-23 FY or thereafter, since the new Order will be in place; and
    - ii. Menai West: costs will be incurred for the first 3 FY in the new plan, totalling £20,000.
  - d) For the Association's Reserve Fund:
    - i. A Reserve of £25,000 will be held by the Association at the start of the 2022-23FY; and
    - ii. That the Reserve target of £25,000 that was accrued to meet contingencies associated with the new Menai East Order could now be reduced, aiming to achieve a sum equivalent to £20,000 by the end of this 5-year period.
- 4.4 The result of these assumptions is a reduction in expected annual expenditure over the next 5 years that would be in the range of £14,970 to £21,200, peaking in years 1 & 2, and averaging around £18,500pa over this period. This is significantly lower than the current expenditure of around £34,000 pa (see Table 2).
- 4.5 The expected reduction in expenditure could result in a corresponding reduction in the lease fees for operators in the fishery. Individual lease fees for the 8 layings in the Strait are presently £4,236.44pa and have been increasing at a rate of 2.8%pa for the past 5 years. Since the average expenditure over the next 5 FY is likely to be around £18,500pa, there is an opportunity to reduce lease fees by nearly £2,000 pa to £2,313pa for each of the 8 layings, and to maintain the fee at this level throughout the 5-year period. The only adverse consequence of this is that the Reserve fund may drop to around £18,154 in the 2024-25 FY, but it is expected to recover swiftly to a level just 1% below the (inflated) target by the end of this 5-year period (see Table 3).

**Table 3: MSFOMA proposed 5-year Financial Plan for the Financial Years 2022-23 to 2026-27. The plan assumes that all items of recurring expenditure are subject to an annual 3% inflation rate, and is designed to minimise and stabilise lease fees, whilst maintaining a target reserve (adjusted for inflation) of around £20,000 during this period.**

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

- 4.6 With regard to income from layings, the Association is reminded that lease fees have been waived for the two “new” layings in the current Fishery Order that were established in 2014, as a response to reduced seed mussel availability over recent years that has prevented these areas from becoming productive.
- 4.7 If the Association adopts the proposed reduction in lease fees in response to reduced expenditure, it will be important to ensure that adequate income is maintained. It would therefore be both appropriate and necessary for the Association to revisit its approach to the two “new” layings and to determine whether the lease waiver should continue (in which case the lease fee required to achieve an income of £18,500pa would be £3,083pa for each of 6 layings, rather than £2,312pa for each of 8 layings).

MSFOMA Secretariat  
December 2021

**Annex A: Financial Statement for Financial Year ending 29<sup>th</sup> February 2020**

**REGISTERED NUMBER: 07163689 (England and Wales)**

UNAUDITED FINANCIAL STATEMENTS FOR THE YEAR ENDED 29 FEBRUARY 2020

FOR

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

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

CONTENTS OF THE FINANCIAL STATEMENTS  
FOR THE YEAR ENDED 29 FEBRUARY 2020

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Balance sheet	2
Notes to the financial statements	3
Report of the accountants	4

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

COMPANY INFORMATION  
FOR THE YEAR ENDED 29 FEBRUARY 2020

**DIRECTORS:**

J Wilson  
M K Andrews  
A J Winstone

**REGISTERED OFFICE:**

Port Penrhyn  
Bangor  
Gwynedd  
LL57 4HN

**REGISTERED NUMBER:**

07163689 (England and Wales)

**ACCOUNTANTS:**

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

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

**BALANCE SHEET  
29 FEBRUARY 2020**

	Notes	29.2.20 £	28.2.19 £
<b>CURRENT ASSETS</b>			
Debtors	4	50,470	41,989
Cash at bank		<u>46,908</u>	<u>44,023</u>
		97,378	86,012
<b>CREDITORS</b>			
Amounts falling due within one year	5	<u>(8,658)</u>	<u>(9,373)</u>
<b>NET CURRENT ASSETS</b>		<u>88,720</u>	<u>76,639</u>
<b>TOTAL ASSETS LESS CURRENT LIABILITIES</b>		<u>88,720</u>	<u>76,639</u>
<b>RESERVES</b>			
Income and expenditure account		<u>88,720</u>	<u>76,639</u>
		<u>88,720</u>	<u>76,639</u>

The company is entitled to exemption from audit under Section 477 of the Companies Act 2006 for the year ended 29 February 2020.

The members have not required the company to obtain an audit of its financial statements for the year ended 29 February 2020 in accordance with Section 476 of the Companies Act 2006.

The directors acknowledge their responsibilities for:

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

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

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

The financial statements were approved by the Board of Directors and authorised for issue on 22 March 2021 and were signed on its behalf by:

J Wilson - Director

The notes form part of these financial statements

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

**NOTES TO THE FINANCIAL STATEMENTS  
FOR THE YEAR ENDED 29 FEBRUARY 2020**

**1. STATUTORY INFORMATION**

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

**2. ACCOUNTING POLICIES**

**Basis of preparing the financial statements**

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

**Income**

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

**3. EMPLOYEES AND DIRECTORS**

The average number of employees during the year was NIL (2019 - NIL).

**4. DEBTORS: AMOUNTS FALLING DUE WITHIN ONE YEAR**

	29.2.20	28.2.19
	£	£
Trade debtors	<u>50,470</u>	<u>41,989</u>

**5. CREDITORS: AMOUNTS FALLING DUE WITHIN ONE YEAR**

	29.2.20	28.2.19
	£	£
Trade creditors	7,688	8,403
Other creditors	<u>970</u>	<u>970</u>
	<u>8,658</u>	<u>9,373</u>

**6. LIMITED BY GUARANTEE**

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

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

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

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

In order to assist you to fulfil your duties under the Companies Act 2006 we have prepared for your approval the accounts of The Menai Strait Fishery Order Management Association for the year ended 29 February 2020 from the Company's accounting records and from information and explanations you have given us.

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

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

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

22 March 2021

This page does not form part of the statutory financial statements

This document was delivered using electronic communications and authenticated in accordance with the registrar's rules relating to electronic form, authentication and manner of delivery under section 1072 of the Companies Act 2006.

## 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 15<sup>th</sup> September 2020 (published on 10<sup>th</sup> December 2020 [here](#)), which were reported and discussed previous MSFOMA meetings. There is no news of further meetings.
  - c) **Aquaculture Advisory Group** - this Group was established to help Welsh Government meet the targets that it set in the 2013 Wales Marine and Fisheries Strategic Action Plan for aquaculture production of 2,000t of finfish and 16,000t of shellfish by 2020. No meetings of this group have taken place recently. The most recent WMFAG meeting confirmed that the AAG has been "...suspended following poor attendance and dissatisfaction." WMFAG further resolved to remove a reference to the AAG from its own Terms of Reference "...as that sub-group was disbanded."

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

### **3. Consultations**

- 3.1 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 Communications with the Cabinet Minister concerning Fishery Orders in the Menai Strait are reported in items 11 & 12 on the agenda.
- 5.2 Following a motion put to the Senedd by Sian Gwenllian (MS for Arfon) in November 2021, the Minister met with representatives of the aquaculture sector on Wednesday 1<sup>st</sup> December 2021. This meeting was attended by Alan Winstone and James Wilson, who will be able to provide a verbal update to the meeting.

MSFOMA Secretariat  
December 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 16<sup>th</sup> of September 2021. An meeting of the Technical, Science and Byelaws (TSB) Sub-Committee took place on 2<sup>nd</sup> November 2021. The next quarterly meeting is scheduled to take place on 9<sup>th</sup> December, and the next TSB meeting is scheduled for 1<sup>st</sup> February 2022.
- 1.2 An Extraordinary meeting of the TSB in June resolved to progress the opening of the seed mussel beds in Morecambe Bay to dredging. This resulted in the first period of seed mussel dredging and relaying in the Menai Strait for several years. Fishing was halted by the IFCA in late August. A helicopter survey was organised by the industry in September to inspect the outlying "Falklands" mussel skewer, but IFCA officers concluded that it was not appropriate to permit fishing in this area.

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

- 2.1 There are no proposals to alter any NWIFCA byelaws that may impact the mussel industry at its next meeting.

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

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

### **4. Staff changes**

- 4.1 The NWFICA Senior Scientist role has been filled by Anna Plumeridge, who formerly worked for the Kent & Essex IFCA. She took up her post in late October and attended the TSB meeting in November.

## **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  
December 2021

## **Menai Strait Oyster & Mussel Fishery Order 1962**

### **Background**

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

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

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

### **Recommendations**

1. That the report is received.
2. That the Association should invite written applications from existing tenants of leased areas under the existing Fishery Order for new leased areas under the proposed new Order.
3. That the Association should resolve to take the following actions:-
  - a) The Chair and Secretariat should work with Natural Resources Wales and Welsh Government officials to complete the Habitats Regulations Assessment (HRA) required to allow the Association to create a "Designated Area" and issue leases for "Layings" under the proposed new Fishery Order, and that subject to this HRA:-
  - b) The Chair and Secretariat should submit a written statement to the Welsh Ministers to request the creation of a "Designated Area" as illustrated in Annex F of this report and described as a polygon bounded by the points listed in Annex G of this report; and
  - c) The Chair and Secretariat should submit written statements in support of the lease application to the Welsh Ministers for the areas illustrated in that map in Annex F of this report, and subject to the terms of the lease included at Annex H of this report (as amended in response to the HRA and comments from WG officials).
4. That a group of Association Members or Directors without a pecuniary or prejudicial interest in the allocation of leases should meet to assess these applications and make a determination about to whom new leases may be issued.

### **1. Introduction**

- 1.1 The Menai Strait Fishery Order sets out provision for both the cultivation of mussels and oysters and for the regulation of the fishery for wild mussels in the eastern end of the Menai Strait. It has been the most successful Fishery Order in the UK.
- 1.2 The existing Fishery Order will expire on 31<sup>st</sup> March 2022. Discussions with WG officials about the replacement of this Order started in 2013, and the formal application for a new Fishery Order was submitted to the Cabinet Secretary for Environment and Rural Affairs (now the Minister for Environment, Energy & Rural Affairs) on the 9<sup>th</sup> of August 2018.

## 2. Update on new Fishery Order

- 2.1 A draft Fishery Order was provided to MSFOMA on 23<sup>rd</sup> March 2021. MSFOMA organised and conducted the formal consultation on this draft Order between 8<sup>th</sup> April and 8<sup>th</sup> May 2021. A full account of the consultation activities and stakeholder responses was presented to the June 2021 meeting of the Association, and an update on meetings with the four parties that had registered objections was presented to the September 2021 meeting.
- 2.2 Prior to the last Association meeting the Chair wrote to the Minister to request a determination by her of the application for a new Fishery Order (see letter at Annex A). The Minister responded in October with a letter confirming her intent to renew the Order, but with a revised boundary (see Annexes B & C), and seeking confirmation from MSFOMA that it is content with her decision.
- 2.3 In response to the Minister's proposal, the Chair and Secretariat called an extraordinary meeting of the Association which took place on the 3<sup>rd</sup> of November 2021. That meeting resolved that the Association should inform the Minister that it was content with her decision. A copy of the response sent to the Minister is attached at Annex D.

## 3. Next steps

- 3.1 The timescale for renewal of the Order is now pressing - there is now a period of less than 4 months to complete the remainder of the process of making formally making the new Order. The Association is advised that if there is to be no loss of continuity, the new Order will need to be formally laid before Senedd Cymru on or before 10<sup>th</sup> March 2022 for the statutory period of 21 days.
- 3.2 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.
- 3.3 The main areas where preparations need to be made were discussed at the June and September MSFOMA meetings, 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. The boundary of this area is illustrated in Annex F of this report. It covers a total of 6.3km<sup>2</sup>. The polygon bounding this area has 237 vertices, the coordinates for which are set out in Annex G of this report.

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 at Annex H of this report 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 arrangements** are specified in the Draft Order. A revised procedure for issuing leases was discussed and approved at the September MSFOMA meeting. WG officials have been provided with a copy of this procedure for comment, and it is understood to be appropriate for both the existing Order, the proposed new Order, and the transition between the two.
- i. **Occupied layings** – WG have required that the tenants of existing layings submit an application to MSFOMA for a lease under the new Order, to be assessed in accordance with the criteria set out in the Order.
  - ii. **Vacant layings** – §12 of the Draft Order sets out a procedure for the Association to follow in the event that a laying becomes vacant. It would only be necessary to carry out this procedure if layings are not issued to existing tenants for any reason.

3.4 The swift execution of these new responsibilities by the Minister will be vital if there is to be no loss of production from the area. The Minister’s power to consent to the designated area, the layings, and the leases will only come into existence when the new Fishery Order comes into force (on 1<sup>st</sup> April 2022). Unless the Minister is in a position to issue all of the necessary consents and authorisations immediately on that date, there will be an equally immediate impact on the businesses that operate in this area.

3.5 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 1<sup>st</sup> April 2022. A copy of their current draft procedures is included at Annex H of this report for information.

3.6 The Chair and Secretariat agreed a timetable for this transition process with WG officials in November, which is appended at Annex I of this report.

3.7 A vital step in the proposed process is to progress and complete the “Habitats Regulations Assessment” for the Designated Area and leases. Since the last Association meeting the Chair and Secretariat have had several meetings with Natural Resources Wales (“NRW”) and Welsh Government Science officials to agree how to progress with the duties and responsibilities that will be created for both the Association and Welsh Government under the new Order. Key points to note are:-

- a) In the first instance the HRA will only consider the ongoing cultivation of mussels within layings created in the “Designated Area” within the Fishery Order area. It will not consider cultivation of oysters, nor the gathering of mussels by hand outside the Designated Area. This is being done to keep the process simple, and to ensure a smooth transition for ongoing activities. HRAs for oyster cultivation and/or hand gathering outside the Designated Area will be prepared as and when necessary.
  - b) Although WG have requested a separate HRA for each leased area, all participants in the HRA discussions have concluded that at this point a single generic HRA will be appropriate since the nature conservation features and impacts (direct or indirect) are similar throughout the Designated Area and the layings within it.
  - c) A draft HRA was provided by WG to the Association on 29<sup>th</sup> November (see Annex J). This draft was discussed at a meeting with NRW on 1<sup>st</sup> December by the Chair and Secretariat and is in the process of being revised.
- 3.8 The other key task for the Association to perform will be to issue and assess applications from prospective tenants of layings in the new Fishery Order area. Whilst the process of inviting applications is straightforward, the assessment of each application is a formal process prescribed for the Association in the new Order. It would seem appropriate that this duty is discharged by individuals who are either Members or Directors of the Association, and who have no prejudicial or pecuniary interest in the outcome of the decision (which would exclude both Directors and Members who represent the fishing industry in the Fishery Order area).
- 3.9 The Association will appreciate that if the terms and requirements of the Order were to change from the Draft Order issued for consultation, then new responsibilities and duties may arise. The Chair and Secretariat will remain alert for any such changes and seek to develop appropriate responses swiftly.

MSFOMA Secretariat  
December 2021

**Annex A:** Letter from Chair to Minister for Rural Affairs, North Wales and Trefnydd, 7<sup>th</sup> August 2021.

**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 27<sup>th</sup> 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 1<sup>st</sup> 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.

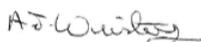
When I spoke to the mussel farmers from the Menai Strait, they had just returned from several days' successful fishing for seed mussels in Morecambe Bay. They have harvested over five hundred tonnes of seed mussels and transplanted them to the Menai Strait. They are looking forward to harvesting these 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

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

**Annex B:** Letter from Minister for Rural Affairs, North Wales and Trefnydd to Chair,  
20<sup>th</sup> October 2021.

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



Llywodraeth Cymru  
Welsh Government

Ein cyf/Our ref LG/3342/21

Alan Winstone  
Chair  
MSFOMA

[info@msfoma.org](mailto:info@msfoma.org)

20 October 2021

Dear Alan,

I am pleased to confirm I have made a decision on the Menai Strait Fishery Order Management Association's (MSFOMA) application for a mussel and oyster fishery in the eastern Menai Strait.

I have approved the drafting of an Order with a modified boundary. The new Order will exclude from the fishery three unutilised parts of the current Order on the Anglesey side of the proposed fishery area, those parts being outside of the green boundary as indicated on the enclosed map. MSFOMA have already indicated neither the right of regulating a fishery nor the right of several fishery has been exercised in these areas in the last 60 years, and there are no plans to use them in the short to medium term.

Such an Order would continue to provide MSFOMA with the security of tenure and protections provided under the current Order. It will safeguard all current mussel production along with the economic activity and employment it supports.

If you could acknowledge receipt of this letter and confirm you are content with my decision, I will instruct officials to finalise the Order.

Regards,

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

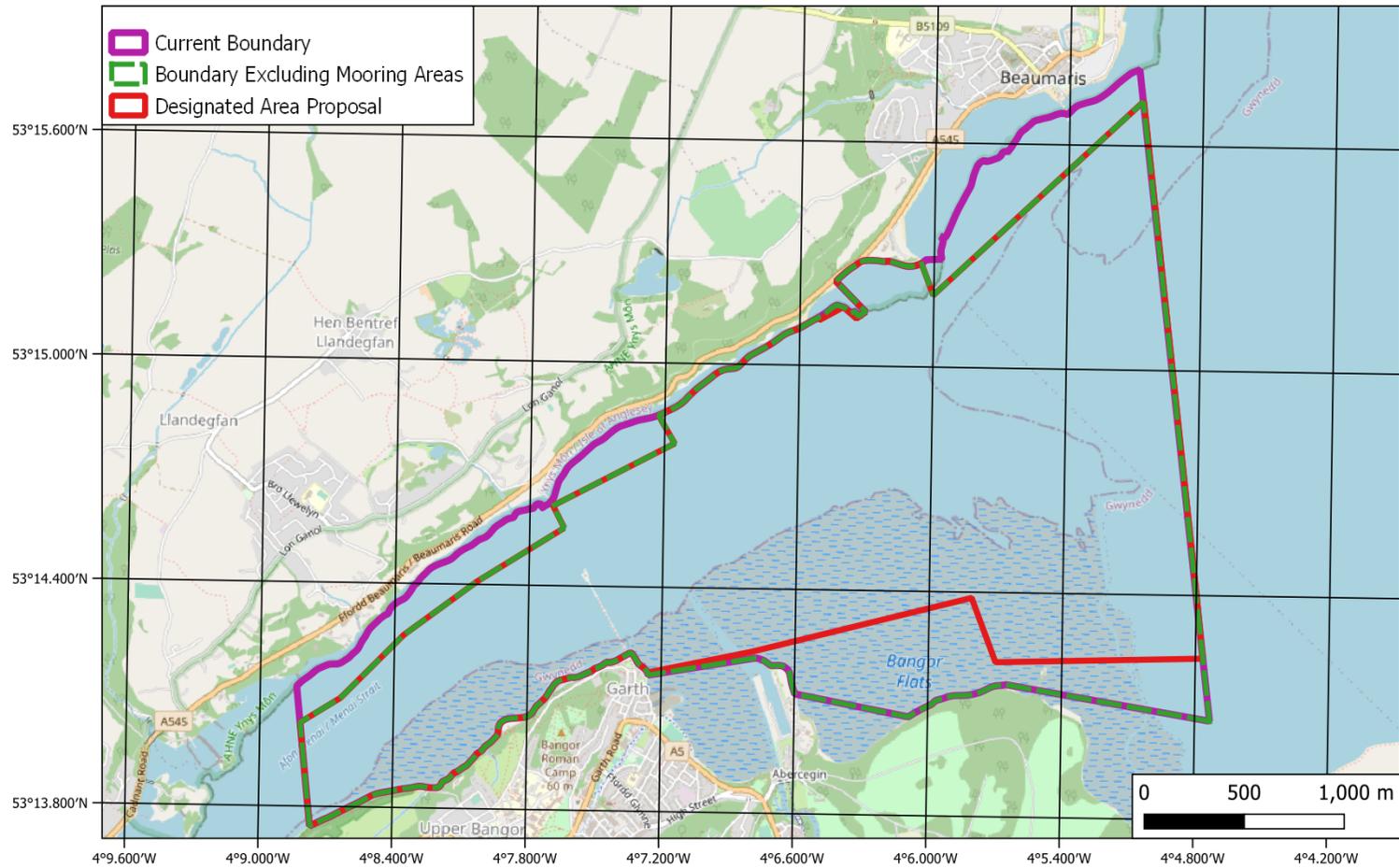
Bae Caerdydd • Cardiff Bay  
Caerdydd • Cardiff  
CF99 1SN

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:  
0300 0604400  
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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

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

**Annex C:** Map showing the proposed boundary for a new Fishery Order (green dashed line) relative to the existing boundary (purple solid line).



**Annex D:** Letter from Chair to Minister for Rural Affairs, North Wales and Trefnydd, 4<sup>th</sup> November 2021.

**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

4<sup>th</sup> November 2021

**By Post and e-mail**

Dear Minister

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

I am writing further to your letter of 20<sup>th</sup> October 2021, which sought confirmation that the Association is content with your decision to draft a new Order with a modified boundary.

We held an Extraordinary Meeting of the Association on the 3<sup>rd</sup> November to consider your request. During our discussion the Members and Directors resolved that certain matters should be drawn to your attention:-

1. That the Association remains of the view that the objections relating to these areas were all insubstantial.
2. At least one of the objections was received after the end of the statutory consultation deadline.
3. That the areas which would be excluded from the Order area have been part of the regulated fishery for nearly 60 years, and that this has had no impact on the moorings in this area.

We therefore consider that in deciding to modify the boundary of the area in response to the objections you are creating a precedent that may stand as an obstacle to the delivery of Welsh Government objectives for developing shellfish aquaculture. This is a regrettable situation and one that we feel could have been readily avoided if our application for a new Fishery Order had been progressed expeditiously by the Fisheries Department.

At risk of repeating ourselves, we submitted our application for a new Fishery Order in 2018 and had to wait for 3 years before we received a Draft Order. This means that we now have no opportunity to discuss the wisdom and longer-term implications of this decision with you.

After careful consideration of these issues, and also after considering the dire consequences for local shellfish farmers of not accepting your proposal, **the Members and Directors of the Association voted unanimously to confirm that they are content with your decision to create a new Order with this revised boundary.**

We are now very keen to ensure that no more time is lost. It is imperative that a new Order is in place by the end of March 2021. We enjoy a very productive and constructive relationship with the officials that are currently working on this project, and are due to be meeting them later this week to ensure that this deadline is met. We will keep you informed of progress.

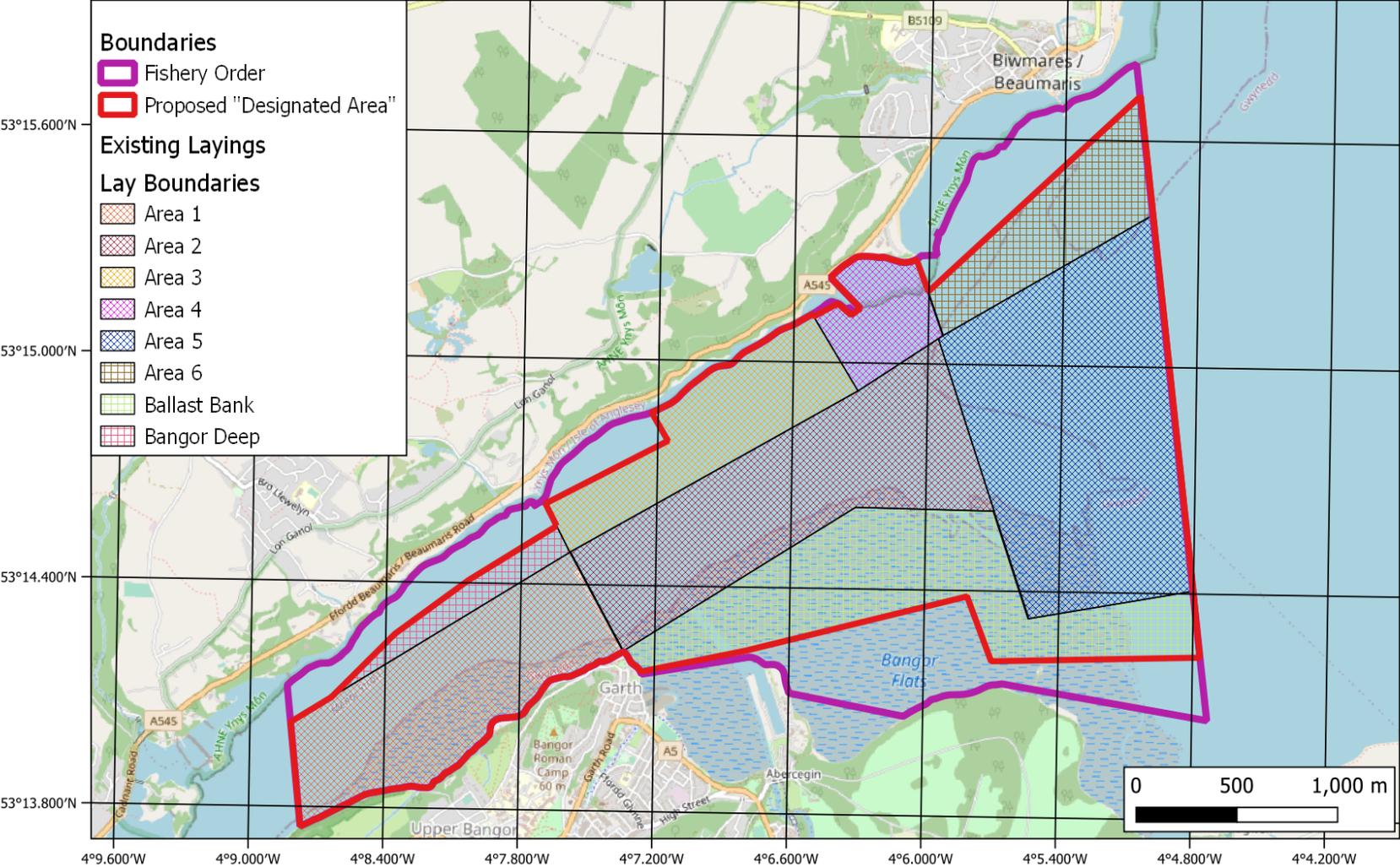
Notwithstanding the concerns raised here about the nature of this decision and the time that has been wasted over the past few years, can I take this opportunity to thank you personally for taking this particular decision promptly, and for letting us know about it so swiftly. We very much appreciate the commitment you have shown to the Welsh fishing industry.

Yours sincerely



ALAN WINSTONE  
Chair, MSFOMA

**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:** List of coordinates for the vertices of the Designated Area shown in Annex F (all coordinates referenced to WGS84 datum).

Point	Decimal		Degree decimal minutes	
	Longitude	Latitude	Longitude	Latitude
1	-4.1470025	53.2337054	004° 8.8202' W	053° 14.0223' N
2	-4.1439922	53.2348341	004° 8.6395' W	053° 14.0900' N
3	-4.1393326	53.237683	004° 8.3600' W	053° 14.2610' N
4	-4.1339005	53.240117	004° 8.0340' W	053° 14.4070' N
5	-4.127435	53.2425665	004° 7.6461' W	053° 14.5540' N
6	-4.1282971	53.2435508	004° 7.6978' W	053° 14.6130' N
7	-4.1192551	53.2464086	004° 7.1553' W	053° 14.7845' N
8	-4.1205031	53.2476569	004° 7.2302' W	053° 14.8594' N
9	-4.1204346	53.247672	004° 7.2261' W	053° 14.8603' N
10	-4.1202009	53.2477328	004° 7.2121' W	053° 14.8640' N
11	-4.119786	53.2478598	004° 7.1872' W	053° 14.8716' N
12	-4.1195935	53.2479156	004° 7.1756' W	053° 14.8749' N
13	-4.1194248	53.247966	004° 7.1655' W	053° 14.8780' N
14	-4.1192049	53.2480352	004° 7.1523' W	053° 14.8821' N
15	-4.1189697	53.2481228	004° 7.1382' W	053° 14.8874' N
16	-4.1187472	53.24822	004° 7.1248' W	053° 14.8932' N
17	-4.1186312	53.2482778	004° 7.1179' W	053° 14.8967' N
18	-4.118482	53.2483664	004° 7.1089' W	053° 14.9020' N
19	-4.1183323	53.2484709	004° 7.0999' W	053° 14.9083' N
20	-4.1181682	53.248572	004° 7.0901' W	053° 14.9143' N
21	-4.1180674	53.2486278	004° 7.0840' W	053° 14.9177' N
22	-4.117823	53.2487728	004° 7.0694' W	053° 14.9264' N
23	-4.1175877	53.248903	004° 7.0553' W	053° 14.9342' N
24	-4.1173593	53.2490073	004° 7.0416' W	053° 14.9404' N
25	-4.1171555	53.249102	004° 7.0293' W	053° 14.9461' N
26	-4.1170527	53.2491516	004° 7.0232' W	053° 14.9491' N
27	-4.1168525	53.2492447	004° 7.0112' W	053° 14.9547' N
28	-4.1166058	53.2493628	004° 6.9963' W	053° 14.9618' N
29	-4.1163559	53.2494942	004° 6.9814' W	053° 14.9697' N
30	-4.1161475	53.2495837	004° 6.9689' W	053° 14.9750' N
31	-4.1159898	53.2496423	004° 6.9594' W	053° 14.9785' N
32	-4.1158661	53.2496801	004° 6.9520' W	053° 14.9808' N
33	-4.1156835	53.2497227	004° 6.9410' W	053° 14.9834' N
34	-4.1154071	53.2497646	004° 6.9244' W	053° 14.9859' N
35	-4.1152099	53.2497785	004° 6.9126' W	053° 14.9867' N
36	-4.1149761	53.2497886	004° 6.8986' W	053° 14.9873' N
37	-4.1148102	53.2498078	004° 6.8886' W	053° 14.9885' N
38	-4.1146399	53.2498491	004° 6.8784' W	053° 14.9909' N
39	-4.1145239	53.2498956	004° 6.8714' W	053° 14.9937' N
40	-4.1143636	53.2499894	004° 6.8618' W	053° 14.9994' N
41	-4.1141785	53.2501165	004° 6.8507' W	053° 15.0070' N
42	-4.1140208	53.2502163	004° 6.8412' W	053° 15.0130' N
43	-4.1138426	53.2503156	004° 6.8306' W	053° 15.0189' N
44	-4.1136851	53.2503857	004° 6.8211' W	053° 15.0231' N
45	-4.1135895	53.2504203	004° 6.8154' W	053° 15.0252' N
46	-4.1133216	53.2505073	004° 6.7993' W	053° 15.0304' N
47	-4.113129	53.2505728	004° 6.7877' W	053° 15.0344' N
48	-4.1129096	53.250643	004° 6.7746' W	053° 15.0386' N
49	-4.112724	53.2507037	004° 6.7634' W	053° 15.0422' N
50	-4.1125357	53.2507708	004° 6.7521' W	053° 15.0462' N
51	-4.112341	53.2508432	004° 6.7405' W	053° 15.0506' N
52	-4.1122534	53.250876	004° 6.7352' W	053° 15.0526' N
53	-4.1120081	53.2509688	004° 6.7205' W	053° 15.0581' N
54	-4.1117352	53.2510883	004° 6.7041' W	053° 15.0653' N
55	-4.111459	53.2512117	004° 6.6875' W	053° 15.0727' N

Point	Decimal		Degree decimal minutes	
	Longitude	Latitude	Longitude	Latitude
56	-4.1112366	53.2513146	004° 6.6742' W	053° 15.0789' N
57	-4.1111102	53.2513628	004° 6.6666' W	053° 15.0818' N
58	-4.1109921	53.2513985	004° 6.6595' W	053° 15.0839' N
59	-4.1107075	53.2514742	004° 6.6425' W	053° 15.0885' N
60	-4.1105414	53.2515169	004° 6.6325' W	053° 15.0910' N
61	-4.1103944	53.2515505	004° 6.6237' W	053° 15.0930' N
62	-4.1102249	53.2515849	004° 6.6135' W	053° 15.0951' N
63	-4.1098747	53.2516853	004° 6.5925' W	053° 15.1011' N
64	-4.1094927	53.2518251	004° 6.5696' W	053° 15.1095' N
65	-4.1093126	53.2518927	004° 6.5588' W	053° 15.1136' N
66	-4.1090923	53.2519683	004° 6.5455' W	053° 15.1181' N
67	-4.1089408	53.2520202	004° 6.5364' W	053° 15.1212' N
68	-4.1087448	53.252085	004° 6.5247' W	053° 15.1251' N
69	-4.1086683	53.2521175	004° 6.5201' W	053° 15.1270' N
70	-4.1085544	53.2520102	004° 6.5133' W	053° 15.1206' N
71	-4.1067653	53.2526078	004° 6.4059' W	053° 15.1565' N
72	-4.1057749	53.2521012	004° 6.3465' W	053° 15.1261' N
73	-4.1050928	53.252411	004° 6.3056' W	053° 15.1447' N
74	-4.1073377	53.2537447	004° 6.4403' W	053° 15.2247' N
75	-4.1071844	53.2538488	004° 6.4311' W	053° 15.2309' N
76	-4.1070061	53.2539536	004° 6.4204' W	053° 15.2372' N
77	-4.1067961	53.2540665	004° 6.4078' W	053° 15.2440' N
78	-4.106641	53.2541513	004° 6.3985' W	053° 15.2491' N
79	-4.1064111	53.2542672	004° 6.3847' W	053° 15.2560' N
80	-4.1061733	53.2543682	004° 6.3704' W	053° 15.2621' N
81	-4.1060088	53.2544302	004° 6.3605' W	053° 15.2658' N
82	-4.1058508	53.2544977	004° 6.3510' W	053° 15.2699' N
83	-4.1057442	53.2545494	004° 6.3447' W	053° 15.2730' N
84	-4.1054964	53.2546479	004° 6.3298' W	053° 15.2789' N
85	-4.1052751	53.2546911	004° 6.3165' W	053° 15.2815' N
86	-4.1050623	53.2547073	004° 6.3037' W	053° 15.2824' N
87	-4.1047839	53.2547129	004° 6.2870' W	053° 15.2828' N
88	-4.1046012	53.2547119	004° 6.2761' W	053° 15.2827' N
89	-4.1042051	53.2547008	004° 6.2523' W	053° 15.2820' N
90	-4.1039199	53.2546758	004° 6.2352' W	053° 15.2805' N
91	-4.1037051	53.2546645	004° 6.2223' W	053° 15.2799' N
92	-4.1035867	53.2546822	004° 6.2152' W	053° 15.2809' N
93	-4.1034259	53.2546895	004° 6.2056' W	053° 15.2814' N
94	-4.1032328	53.2546669	004° 6.1940' W	053° 15.2800' N
95	-4.1030175	53.2546289	004° 6.1811' W	053° 15.2777' N
96	-4.1027616	53.2545833	004° 6.1657' W	053° 15.2750' N
97	-4.1023005	53.2545023	004° 6.1380' W	053° 15.2701' N
98	-4.1021202	53.2544778	004° 6.1272' W	053° 15.2687' N
99	-4.1019565	53.2544663	004° 6.1174' W	053° 15.2680' N
100	-4.1017544	53.2544681	004° 6.1053' W	053° 15.2681' N
101	-4.1014767	53.2544929	004° 6.0886' W	053° 15.2696' N
102	-4.1013013	53.2545223	004° 6.0781' W	053° 15.2713' N
103	-4.1011039	53.2545687	004° 6.0662' W	053° 15.2741' N
104	-4.1009654	53.2546114	004° 6.0579' W	053° 15.2767' N
105	-4.1000462	53.2531975	004° 6.0028' W	053° 15.1918' N
106	-4.0844674	53.2619913	004° 5.0680' W	053° 15.7195' N
107	-4.0833911	53.2567433	004° 5.0035' W	053° 15.4046' N
108	-4.0799891	53.2401168	004° 4.7993' W	053° 14.4070' N
109	-4.0794366	53.2371778	004° 4.7662' W	053° 14.2307' N
110	-4.0949666	53.23688	004° 5.6980' W	053° 14.2128' N
111	-4.0968243	53.2397299	004° 5.8095' W	053° 14.3838' N
112	-4.1132833	53.23717	004° 6.7970' W	053° 14.2302' N
113	-4.1210312	53.2361776	004° 7.2619' W	053° 14.1707' N

Point	Decimal		Degree decimal minutes	
	Longitude	Latitude	Longitude	Latitude
114	-4.1211462	53.2362845	004° 7.2688' W	053° 14.1771' N
115	-4.1213178	53.2363912	004° 7.2791' W	053° 14.1835' N
116	-4.1215999	53.236503	004° 7.2960' W	053° 14.1902' N
117	-4.121731	53.2365683	004° 7.3039' W	053° 14.1941' N
118	-4.121776	53.2366049	004° 7.3066' W	053° 14.1963' N
119	-4.1218649	53.236706	004° 7.3119' W	053° 14.2024' N
120	-4.1219915	53.236835	004° 7.3195' W	053° 14.2101' N
121	-4.1220751	53.2369133	004° 7.3245' W	053° 14.2148' N
122	-4.1222027	53.2369994	004° 7.3322' W	053° 14.2200' N
123	-4.1223652	53.2370576	004° 7.3419' W	053° 14.2235' N
124	-4.122416	53.2370229	004° 7.3450' W	053° 14.2214' N
125	-4.122637	53.2369559	004° 7.3582' W	053° 14.2174' N
126	-4.1234936	53.2366547	004° 7.4096' W	053° 14.1993' N
127	-4.1236391	53.2366383	004° 7.4183' W	053° 14.1983' N
128	-4.1238031	53.2365965	004° 7.4282' W	053° 14.1958' N
129	-4.1241546	53.2366139	004° 7.4493' W	053° 14.1968' N
130	-4.124206	53.236555	004° 7.4524' W	053° 14.1933' N
131	-4.1243538	53.2365009	004° 7.4612' W	053° 14.1901' N
132	-4.1244035	53.2364655	004° 7.4642' W	053° 14.1879' N
133	-4.1246411	53.2364014	004° 7.4785' W	053° 14.1841' N
134	-4.1247943	53.2363541	004° 7.4877' W	053° 14.1812' N
135	-4.1249423	53.2363347	004° 7.4965' W	053° 14.1801' N
136	-4.1250878	53.2362741	004° 7.5053' W	053° 14.1764' N
137	-4.1251946	53.2362087	004° 7.5117' W	053° 14.1725' N
138	-4.1253659	53.2361656	004° 7.5220' W	053° 14.1699' N
139	-4.1260629	53.2359699	004° 7.5638' W	053° 14.1582' N
140	-4.126214	53.2359307	004° 7.5728' W	053° 14.1558' N
141	-4.1264759	53.2358967	004° 7.5886' W	053° 14.1538' N
142	-4.1267312	53.2359104	004° 7.6039' W	053° 14.1546' N
143	-4.1271696	53.2358346	004° 7.6302' W	053° 14.1501' N
144	-4.1273904	53.2357997	004° 7.6434' W	053° 14.1480' N
145	-4.1275466	53.2357797	004° 7.6528' W	053° 14.1468' N
146	-4.1277672	53.2357191	004° 7.6660' W	053° 14.1431' N
147	-4.1279113	53.2356448	004° 7.6747' W	053° 14.1387' N
148	-4.1279901	53.2355856	004° 7.6794' W	053° 14.1351' N
149	-4.1282015	53.2353907	004° 7.6921' W	053° 14.1234' N
150	-4.1283296	53.2353078	004° 7.6998' W	053° 14.1185' N
151	-4.128481	53.2351348	004° 7.7089' W	053° 14.1081' N
152	-4.1286401	53.2349975	004° 7.7184' W	053° 14.0998' N
153	-4.1287867	53.234896	004° 7.7272' W	053° 14.0938' N
154	-4.1290115	53.2347668	004° 7.7407' W	053° 14.0860' N
155	-4.1292414	53.2346383	004° 7.7545' W	053° 14.0783' N
156	-4.1293156	53.2346024	004° 7.7589' W	053° 14.0761' N
157	-4.1294423	53.2344805	004° 7.7665' W	053° 14.0688' N
158	-4.1295653	53.2343438	004° 7.7739' W	053° 14.0606' N
159	-4.129713	53.2342335	004° 7.7828' W	053° 14.0540' N
160	-4.1299486	53.2341452	004° 7.7969' W	053° 14.0487' N
161	-4.1301744	53.2340994	004° 7.8105' W	053° 14.0460' N
162	-4.1303986	53.2340795	004° 7.8239' W	053° 14.0448' N
163	-4.1306196	53.2340638	004° 7.8372' W	053° 14.0438' N
164	-4.1308781	53.2340484	004° 7.8527' W	053° 14.0429' N
165	-4.1311898	53.2340333	004° 7.8714' W	053° 14.0420' N
166	-4.1314762	53.2340103	004° 7.8886' W	053° 14.0406' N
167	-4.1317093	53.233958	004° 7.9026' W	053° 14.0375' N
168	-4.1318608	53.2338975	004° 7.9116' W	053° 14.0338' N
169	-4.1319626	53.2338412	004° 7.9178' W	053° 14.0305' N
170	-4.1320615	53.2337541	004° 7.9237' W	053° 14.0252' N
171	-4.1321242	53.2336471	004° 7.9275' W	053° 14.0188' N

Point	Decimal		Degree decimal minutes	
	Longitude	Latitude	Longitude	Latitude
172	-4.1321398	53.2335579	004° 7.9284' W	053° 14.0135' N
173	-4.1321498	53.2334058	004° 7.9290' W	053° 14.0043' N
174	-4.1322076	53.2332673	004° 7.9325' W	053° 13.9960' N
175	-4.1323513	53.2331857	004° 7.9411' W	053° 13.9911' N
176	-4.1325734	53.2330293	004° 7.9544' W	053° 13.9818' N
177	-4.1327074	53.2329544	004° 7.9624' W	053° 13.9773' N
178	-4.132848	53.2328864	004° 7.9709' W	053° 13.9732' N
179	-4.1329782	53.2328346	004° 7.9787' W	053° 13.9701' N
180	-4.1331109	53.2327648	004° 7.9867' W	053° 13.9659' N
181	-4.1332639	53.2326505	004° 7.9958' W	053° 13.9590' N
182	-4.1333592	53.232586	004° 8.0016' W	053° 13.9552' N
183	-4.1334973	53.2325192	004° 8.0098' W	053° 13.9512' N
184	-4.1337183	53.2324406	004° 8.0231' W	053° 13.9464' N
185	-4.1338165	53.2323539	004° 8.0290' W	053° 13.9412' N
186	-4.1340189	53.2322098	004° 8.0411' W	053° 13.9326' N
187	-4.1342653	53.2320453	004° 8.0559' W	053° 13.9227' N
188	-4.1343654	53.2319758	004° 8.0619' W	053° 13.9185' N
189	-4.1345128	53.231886	004° 8.0708' W	053° 13.9132' N
190	-4.1346568	53.2318452	004° 8.0794' W	053° 13.9107' N
191	-4.134783	53.2317979	004° 8.0870' W	053° 13.9079' N
192	-4.1348787	53.2317458	004° 8.0927' W	053° 13.9047' N
193	-4.1350053	53.2317019	004° 8.1003' W	053° 13.9021' N
194	-4.1351827	53.2316205	004° 8.1110' W	053° 13.8972' N
195	-4.1353869	53.2315768	004° 8.1232' W	053° 13.8946' N
196	-4.1354973	53.2315191	004° 8.1298' W	053° 13.8911' N
197	-4.1356285	53.2314186	004° 8.1377' W	053° 13.8851' N
198	-4.1357513	53.2313358	004° 8.1451' W	053° 13.8801' N
199	-4.135889	53.2312753	004° 8.1533' W	053° 13.8765' N
200	-4.1360144	53.2312396	004° 8.1609' W	053° 13.8744' N
201	-4.1361922	53.2311991	004° 8.1715' W	053° 13.8719' N
202	-4.1363132	53.2311346	004° 8.1788' W	053° 13.8681' N
203	-4.1363705	53.231032	004° 8.1822' W	053° 13.8619' N
204	-4.1364597	53.2309622	004° 8.1876' W	053° 13.8577' N
205	-4.1365621	53.2309166	004° 8.1937' W	053° 13.8550' N
206	-4.1367147	53.2308895	004° 8.2029' W	053° 13.8534' N
207	-4.1371655	53.230889	004° 8.2299' W	053° 13.8533' N
208	-4.1374118	53.2309032	004° 8.2447' W	053° 13.8542' N
209	-4.1376024	53.2309221	004° 8.2561' W	053° 13.8553' N
210	-4.1377957	53.2309442	004° 8.2677' W	053° 13.8567' N
211	-4.1380849	53.2309438	004° 8.2851' W	053° 13.8566' N
212	-4.1382529	53.230926	004° 8.2952' W	053° 13.8556' N
213	-4.1384565	53.2308935	004° 8.3074' W	053° 13.8536' N
214	-4.1386241	53.2308734	004° 8.3174' W	053° 13.8524' N
215	-4.1390403	53.2308364	004° 8.3424' W	053° 13.8502' N
216	-4.1393281	53.2308117	004° 8.3597' W	053° 13.8487' N
217	-4.139477	53.2307959	004° 8.3686' W	053° 13.8478' N
218	-4.1398213	53.2307485	004° 8.3893' W	053° 13.8449' N
219	-4.1400445	53.2307224	004° 8.4027' W	053° 13.8433' N
220	-4.1405318	53.23067	004° 8.4319' W	053° 13.8402' N
221	-4.1409291	53.2306239	004° 8.4557' W	053° 13.8374' N
222	-4.1412523	53.2305706	004° 8.4751' W	053° 13.8342' N
223	-4.1414852	53.2305142	004° 8.4891' W	053° 13.8309' N
224	-4.1417468	53.2304366	004° 8.5048' W	053° 13.8262' N
225	-4.1421365	53.2303121	004° 8.5282' W	053° 13.8187' N
226	-4.1425158	53.2301882	004° 8.5509' W	053° 13.8113' N
227	-4.1427664	53.2301117	004° 8.5660' W	053° 13.8067' N
228	-4.1432889	53.2299538	004° 8.5973' W	053° 13.7972' N
229	-4.1435547	53.2298725	004° 8.6133' W	053° 13.7923' N

Point	Decimal		Degree decimal minutes	
	Longitude	Latitude	Longitude	Latitude
230	-4.1437461	53.2298147	004° 8.6248' W	053° 13.7889' N
231	-4.1447338	53.2295036	004° 8.6840' W	053° 13.7702' N
232	-4.144885	53.2294589	004° 8.6931' W	053° 13.7675' N
233	-4.1451118	53.2294091	004° 8.7067' W	053° 13.7645' N
234	-4.1455006	53.2292923	004° 8.7300' W	053° 13.7575' N
235	-4.1458446	53.2291898	004° 8.7507' W	053° 13.7514' N
236	-4.1460183	53.2291405	004° 8.7611' W	053° 13.7484' N
237	-4.1461728	53.2290995	004° 8.7704' W	053° 13.7460' N

**Annex H:** 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

**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 1<sup>st</sup> April 2022 and ends on 31<sup>st</sup> March 2029
- 8 The Rent is £XXXX per year (exclusive of Value Added Tax) until 31<sup>st</sup> 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 1<sup>st</sup> April and 1<sup>st</sup> 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:** 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.

**Annex I:** Timetable agreed with WG and NRW officials for the transition to a new Fishery Order in November 2021

Week	Date		Organisation				Stage / Notes
	Commencing		MSFOMA	NRW	WG Science	WG Fisheries	
45	08/11/2021				Provide latest version of HRA		
46	15/11/2021		Revise and update HRA for Order, Designated Area and Layings.				
47	22/11/2021						
48	29/11/2021	Prepare all relevant papers for MSFOMA Quarterly meeting.			Review revised HRA, provide feedback.		
49	06/12/2021	Revise and Finalise HRA					MSFOMA Quarterly Meeting on 8th December.
		Quarterly Meeting. MSFOMA write to lease holders about renewal of leases.					
50	13/12/2021	Formally submit HRA. Draft/trial request for Ministerial Consent for: a) Designated Area (§5(1)) b) Leased Areas (§9(1))			<i>? Provide final draft of Fishery Order</i>		
51	20/12/2021						Christmas / New Year hiatus
52	27/12/2021						
1	03/01/2022	<i>? Advertise vacant layings if necessary.</i>					
2	10/01/2022		NRW Sign-off HRA				
3	17/01/2022			Advise WG Fisheries on MSFOMA requests as necessary.	Finalise Order. Determine response to requests for consent from MSFOMA.		
4	24/01/2022						
5	31/01/2022	Deadline for formal request for Designated Area & Layings					
6	07/02/2022	MSFOMA Determine lease allocations					<b>Aim to have all paperwork ready by 10th February.</b>
7	14/02/2022						
8	21/02/2022						
9	28/02/2022						
10	07/03/2022	Issue leases for layings under new Order (effective from Friday 1st April).					<b>Deadline to Lay Order before Senedd on 10th March</b>
11	14/03/2022						
12	21/03/2022						
13	28/03/2022	Quarterly Meeting New Order & leases effective from Friday 1st April.					<b>New Order in place by 31st March.</b>
14	04/04/2022						

**Annex J:** Draft Habitats Regulations Assessment document provided by WG on 29<sup>th</sup> November 2021.

### [Proposal for a new Menai Strait \(East\) Fishery Order](#)

#### **Habitats Regulation Assessment: which includes a Test of Likely Significant Effect (TLSE) and Appropriate Assessment (AA) for a plan or project affecting a European Site**

##### **1. Legal and procedural context of this document**

Article 6.3 of Council Directive 92/43/EEC ('the Habitats Directive') states:

“Any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. In the light of the conclusions of the assessment of the implications for the site and subject to the provisions of paragraph 4, the competent national authorities shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned and, if appropriate, after having obtained the opinion of the general public.”

The summarised position from the Habitats Directive, the England and Wales transposing legislation (Conservation of Habitats and Species Regulations 2017 SI 2017 No.1012), guidance published by the European Commission, and case law is that any consent, permission or other authorisation for fishing or aquaculture activity in, or affecting a European marine site must be assessed in order that its impact is considered upon the features for which the site has been designated taking account their conservation objectives. In doing so, account must be taken of any reduction or avoidance measures or other factors (introduced or present) that will mitigate or ameliorate any impacts of the proposal.

This document has been prepared specifically to undertake a Habitats Regulations Assessment (HRA). The HRA is required to satisfy the obligation under Article 6.3 of the Habitats Directive as quoted above. Under the Habitats Regulations 2017 both Welsh Government and Natural Resources Wales have statutory responsibilities; Welsh Government are responsible for carrying out the HRA and Natural Resources Wales advise the Welsh Government on the content of their HRA.

## 2. Project description

2.1 Type of activity proposed	The Menai Strait Fishery Order Management Association (MSFOMA) have applied for a Regulating and Several Order, under the Sea Fisheries (Shellfish) Act 1967 (as amended), which would confer on them the both the right of regulating a fishery and of a several fishery for oysters and mussels in the eastern Menai Strait
2.2 Legislation under which the consent is sought	Sea Fisheries (Shellfish) Act 1967
2.3 Site location	Eastern Menai Strait, North Wales.
	Map? See Annex 1
2.4 Is the proposal directly connected with or necessary to the management of the site for nature conservation?	No
2.5 Site reference	See maps provided.
2.6 Brief description of proposal	Proposal for a new Menai Strait (East) fishery order via a new Hybrid (combined several and regulating order) Order which would confer both the right of regulating a fishery and of a several fishery for oysters and mussels in the eastern Menai Strait.
2.7 Proposal start date	01 April 2022
2.8 Proposed duration	35 years (individual leases under the order will only have a duration of 7 years before renewal is necessary)
2.9 Application details	<p>The Menai Strait Oyster and Mussel Fishery Order 1962 provides the legal foundation for the cultivation and harvesting of mussels and oysters in this area.</p> <p>The Menai Strait Oyster and Mussel Fishery Order 1962 area covers 763.24 hectares, split between private layings and a regulated hand gathered mussel fishery. The Fishery Order was made for a period of 60 years, and is due to expire on 31st March 2022.</p> <p>In August 2018 MSFOMA applied for a new Order to ensure production continues, existing businesses are safeguarded and further investment can take place.</p> <p>The proposed Order would cover the same area as the current Order – 763.24 hectares.</p> <p>The proposed new Order would come into place on 1 April 2022.</p> <p>A new Fishery Order would maintain the nature and scale of these mussel cultivation and harvesting operations.</p>

There are 8 areas (known as “lays” or “layings”) within the Fishery Order where mussels can be cultivated. These areas are leased by MSFOMA to private companies. Under the terms of their leases, tenants have the rights of private fishery owners within their individual lays. Four of the lays date back to the creation of the Fishery Order in the 1960s (Areas 1-4); two more were established in the late 1980s and early 1990s (Areas 5 & 6). More recently, two addition lays (“Bangor Pool” and “Ballast Bank”) were established in 2015. All of the leases for these layings were issued following a Habitats Regulation Assessment under Regulation 61 of the Conservation of Habitats and Species Regulations 2010. All of the leases are due to expire on the 31st March 2022.

It should be noted that the scope of this assessment for the renewal of the order only covers operations relating to the cultivation and harvesting of the common edible mussel (*Mytilus edulis*) on the site of the proposed hybrid order. The original 1962 Order also permits the cultivation of oysters on the site. The oyster species permitted for cultivation are not specified in the existing order and no oyster cultivation has taken place during this Order’s existence. It is the intention of the new order to permit the continued cultivation of the European oyster (*Ostrea edulis*) or the Pacific oyster (*Crassostrea gigas*). There are uncertainties about the potential long term impact of Pacific oyster cultivation due to changes in abiotic conditions promoting favourable conditions for this species’s reproductive success. This HRA in support of the new order will, therefore, only give detailed consideration to the cultivation and harvesting of mussels. Although both oyster species will be mentioned in the order, a further habitats regulation assessment of potential site specific and cumulative impact must be undertaken if any lease renewal or amendment intends to include either oyster species in shellfish cultivation operations within the Menai Strait East order area. Final permission to lay oysters must also receive approval from the relevant Welsh Minister.

### **The Several Fishery**

#### **Private Lays**

628.34 hectares have been designated as 8 several leased lays (Annex 1) where mussels are currently cultivated. Lays are leased by the Menai Strait Fishery Order Management Association (MSFOMA) to private aquaculture businesses. Under the terms of their leases, the tenants have several rights as private fishery owners within their individual lays. The lays are partitioned as follows:

Area 1: 93.75ha  
Area 2: 118.21ha  
Area 3: 58.11ha  
Area 4: 25.65ha  
Area 5: 164.53ha  
Area 6: 47.35ha  
Bangor Pool: 15.07ha  
Ballast Bank: 105.67ha

See map (Annex1).

Four of the lays date back to the creation of the Fishery Order in the 1960s (Areas 1-4); two more were established in the late 1980s and early 1990s (Areas 5 & 6). More recently, two addition lays (“Bangor Pool” and “Ballast Bank”) were established in

2015. All of the leases for these layings were issued following a Habitats Regulation Assessment under Regulation 61 of the Conservation of Habitats and Species Regulations 2010. All of the leases are due to expire on the 31st March 2022.

**Supply of mussel seed**

Seed mussels will initially be sourced from wild seed mussel beds (principally in Morecambe Bay, Caernarfon Bar and the Dee Estuary). Seed mussel will be collected over a 4 to 6 week period during late summer (August to October).

Collection will be in accordance with the *Menai Strait (East) Code of Good Practice for Mussel Movements* (Annex 3). This Code of Good Practice ensures that all seed are sourced from areas free of disease and Invasive Non-Native Species.

Mussel farmers are currently trialling mussel spat collectors in the sea to the north east of the Fishery Order area. If these trials are successful and operations can be scaled up to be commercially viable, seed may be partially or wholly obtained from spat collectors rather than by dredging. The spat collector locations are outside the Fishery Order area, and located on an area of seabed leased from the Crown Estate.

**Method of cultivation**

Seed will be relayed on the lays for on-growing to maturity prior to harvesting which may be up to 3 years after relaying. Relaying will usually take place over a 10 to 15 day period per annum but may be over as little as 4 to 6 days per annum depending on seed availability and the amount gathered.

Seed mussel will be relayed in the upper intertidal areas for 6 – 9 months before being moved to the deeper areas of the lays. The mussels will usually be thinned during the spring of each year to enable optimum growth prior to harvesting, from November through to March/April, up to 3 years after relaying.

All mussels will be cultivated on the seabed & seashore. No trestles or other equipment will be placed on the seabed or seashore.

**Husbandry plans**

Husbandry will be ad hoc and can be all year round, depending on mussel density and shore height. There will generally be less activity in summer than in winter and any activity will usually occur on neap tides.

No artificial agents will be used for anti-fouling, growth promotion or for any other purpose.

There are no proposals to create artificial reefs or artificial structures of any kind but the Order should allow for such developments in the future. The position of any artificial sea-bed structures would require separate agreements with landowners and other stakeholders as under current legislation.

Any pest control issues would be managed by other forms of fishing, such as baited pots to control shore crabs (*Carcinus maenas*).

The common starfish (*Asterias rubens*) has not been a problem for several years as a result of refinement of cultivation method. Seed mussels will be relayed in the intertidal, killing any juvenile starfish in the catch, prior to relaying in the sublittoral.

In the event of a common starfish invasion, the starfish would be removed from the mussel beds using nylon brush starfish dredges to which the starfish adhere. Any starfish taken would be relayed to an intertidal area where they perish.

#### **Harvesting methods**

Mussels will be harvested by dredging from vessels using a mussel dredge. Either 2 or 4 dredges per vessel will be used depending on the area fished and quantity of mussels required.

All dredges have the same overall design and three dredge widths, 2m, 2.5m or 3m, are used. Each dredge weighs between 200-250kg. Dredges frames are constructed from 10mm square section steel bar. Dredge bellies are constructed from either rubber or 50 diameter steel rings.

Dredges are towed for short durations of 15 seconds to 5 minutes, depending on the area fished and quantity of mussel required, at a speed of approximately 2 knots depending on tidal conditions.

#### **Biosecurity**

All activity from seed collection to harvesting will be in accordance with the *Menai Strait (East) Code of Good Practice for Mussel Movements* (Annex 3). All dredgers will carry Invasive Non Native Species (INNS) identification guides and copies of the Code of Good Practise in the wheelhouse. All crew members will be trained to recognise and identify the INNS covered in the Code.

#### **Estimated production**

Mussel production is likely to be in the region of 5,000 - 10,000 tonnes per year, the figure varying in response to seed mussel supply and market demand.

#### **Details of access**

Access to mussel beds for mussel harvesting will be by boat only.

Mussel beds will occasionally be accessed on foot to allow for low water inspection.

#### **The Regulated Mussel Fishery**

The remaining 134.90 hectare area will be operated as a regulated fishery called The Ballast Bank Mussel Fishery. Annual licenses will be issued to individual fishers for the hand gathering of mussels.

There is no intention of issuing licenses at this time. Mussels are reported to be of poor quality and there is no market currently for mussels hand gathered in the Menai Strait. Should there be a future change in this situation, the Regulated Fishery will be considered in detail in a separate dedicated HRA.

#### **Proposed regulations**

Regulations for the Regulated Fishery will be given more detailed consideration in a separate HRA dedicated to the Ballast Bank mussel fishery.

**Number of licences**

The number of licences would be adjusted in accordance with fluctuations in mussel stock outside the several area, and following consultation with Natural Resources Wales. In recent years no more than 2 licences have been issued annually; no licences have been issued since 2014.

**Harvesting methods**

Only gathering by hand or with a rake would be permitted.

**Estimated landings**

Total allowable catch (TAC) from the regulated fishery would be set subject to annual stock assessments.

**Details of access**

Only access by foot would be permitted.

**Oysters**

Any oysters cultivated on the site would be harvested by hand, using vehicles and/or boats to access the oyster cultivation areas.

There is no intention of cultivating oysters in the immediate future but, should this change, a separate HRA would be presented.

### 3. Test of Likely Significant Effect (TLSE)

The first stage of an HRA is a Test of Likely Significant Effect (TLSE) which is a screening assessment of impacts, to determine if an appropriate assessment is required.

Unless this screening assessment enables significant effects on any European site to be ruled out, the project will need to be subject to an appropriate assessment.

The legislation requires consideration of plans and projects “either alone or in combination with other plans and projects”. The test of likely significant effect is initially carried out by considering the proposal on its own (i.e. rather than in-combination with other plans or projects). If it is decided that the proposal alone is likely to have a significant effect, it is subject to appropriate assessment alone. An assessment in combination with other plans projects is only required if the proposal would be insignificant on its own, but has effects which may be significant if combined with the effects of other plans/projects which are also insignificant on their own. This is dealt with further in section 5.

This screening assessment is based on the application as submitted.

3.1 Which European sites might be affected by the proposal?	Based on the information in the application the assessment is that the following European sites have features which could be affected by the project:  - Y Fenai a Bae Conwy/Menai Strait and Conwy Bay SAC (Natura 2000 site code UK0030202) - Liverpool Bay / Bae Lerpwl SPA (Natura 2000 site code UK9020294) - Traeth Lafan/Lavan Sands SPA (Natura 2000 site code UK9013031)  The likelihood of significant effect on the features for which the above sites are designated is considered further below. It is not considered necessary to address potential impacts of the proposal on any other European sites.
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### 3.2. Screening assessment

The screening assessment indicates the possible pathways through which the proposal may impact upon the relevant European site features. Each designated feature (taken from the official Natural 2000 designation documents) is recorded in the left hand column below.

The assessment in the right hand column below is made in view of the conservation objectives for the European sites concerned, as set out in NRW's extant advice under Regulation 37 of the Conservation of Habitats and Species Regulations 2017 in relation to Menai Strait and Conwy Bay SAC, (document published by CCW, dated February 2009), Liverpool Bay SPA (document published by NE and CCW dated 2012) and Traeth Lafan SPA (document published by CCW, dated March 2008).

Colour coding is used as follows:

<b>= There is no impact pathway from the proposal to the designated feature</b>
<b>= There is an impact pathway in principle, but significant effects can be ruled out</b>
<b>= There is an impact pathway and significant effects cannot be ruled out</b>

As well as the above colour coding, the following numbers are used to describe the type of impact pathway considered to be present:

- 1 = Direct capture, damage or harm to a designated species feature.
- 2 = Damage to a designated habitat feature (including through direct physical impact, pollution, changes in thermal regime, hydrodynamics, light etc).
- 3 = Damage to the habitat of designated species features (including through direct physical impact, pollution, changes in thermal regime, hydrodynamics, light etc)
- 4 = Damage to a designated habitat feature via removal of, or other detrimental impact on, typical species.
- 5 = Removal of prey species of a designated species feature
- 6 = Damage to habitat of prey species.

Note that several impact pathways may be relevant to the same designated feature

European Marine Site and Conservation Features	Assessment of likelihood of significant effect	
	Relevant conservation objectives <i>*Insert relevant conservation objectives from NRW Reg 35 advice document</i>	Potential impact pathway <i>*For each row assign appropriate colour and number(s) (as above) and give short explanation as required</i>
<b>Menai Strait and Conwy Bay SAC</b>		
Sandbanks slightly covered by seawater all the time	Range Structure and Function Typical Species	

Mudflats and Sandflats not covered by seawater at low tide	Range Structure and Function Typical Species	2
Large shallow inlets and bays	Range Structure and Function Typical Species	2
Reefs	Range Structure and Function Typical Species	2
Submerged or partially submerged sea caves	Range Structure and Function Typical Species	
<b>Liverpool Bay / Bae Lerpwl SPA</b>		
Red-throated diver, <i>Gavia stellata</i>	Range Populations	1
Common scoter, <i>Melanitta nigra</i>	Range Populations	<b>There is an impact pathway in principle but due to the disparity in the area used by the scoter and the Fishery Order area there will be no significant effect on the species caused by the activity.</b>
Over wintering Assemblage inc Red-throated diver <i>Gavia stellata</i> , Common scoter, <i>Melanitta nigra</i>	Range Populations	1, 5, 6
<b>Traeth Lafan SPA</b>		
Overwintering Oystercatcher, <i>Haematopus ostralegus</i>	Range Populations	1, 5, 6

If ALL rows in the right hand column of the table above are blue or green\*, it can be concluded that the proposal is not likely to have a significant effect on any European site, and no further consideration under the Habitats Directive/Regulations is required in order to determine the application. Otherwise, an appropriate assessment is required.

**6 rows have been identified as yellow (There is an impact pathway and significant effects cannot be ruled out), this proposal shall go forward to the AA stage as no likely significant effect has been identified.**

#### 4. Appropriate Assessment

The following table contains the appropriate assessment for the proposal. The two left hand columns list the designated features and the impact pathways identified from the TLSE where likely significant effects are anticipated or cannot be ruled out. Any features recorded in the TLSE as blue or green are not considered in the appropriate assessment.

Table 4.1 first considers the potential impact in the absence of any additional conditions or restrictions intended to mitigate adverse effects. Table 4.2 then considers additional conditions or restrictions to mitigate any adverse effects.

##### 4.1 Assessment of proposal as submitted in application

Feature (from Table 3.2)	Impact pathway(s) (from Table 3.2)	Description of impacts	Assessment in view of conservation objectives	Can adverse effect be ruled out (Y or N)
<b>Menai Strait and Conwy Bay SAC</b>				
Mudflats and Sandflats not covered by seawater at low tide	2	<p><b>Laying and harvesting</b></p> <ol style="list-style-type: none"> <li>1. Increased sedimentation and sedimentation change due to the laying of the mussel.</li> <li>2. Sediment plumes</li> <li>3. Smothering</li> <li>4. Loss of habitat and species</li> </ol> <p><b>In situ</b></p> <ol style="list-style-type: none"> <li>5. Altering hydrodynamic regime</li> <li>6. Depletion food</li> <li>7. Change in nutrient flux</li> <li>8. Loss of habitat and species</li> </ol>	<p><b>Several Order Laying and Harvesting</b></p> <p>The Fishery Order was in place when the SAC was designated, and the habitat was highlighted as 'modified' from the time of designation. CCW (now NRW) stated that this habitat modification was accepted, and restoration of these areas of intertidal mudflat and sandflat would not be sought. Since then the scale and extent of the fishery has not significantly increased. The only change to the area used within the Fishery Order was in late 2014 when an application was made to change the use of the Bangor pool area and part of the Ballast Bank area, this application went through a Habitats Regulations Assessment (HRA) of any impact to the feature at the time and the HRA concluded No Adverse Effect (see supporting Document <i>HRA V5.0-04/07/2014 - RJ and PW</i>)</p> <p>Dredges are comparatively light (200 – 250kg per dredge), towed for short periods (15 seconds to 5 minutes) at around 2 knots. Only two or four dredges per vessel will be used.</p> <p>Research (Beadman <i>et al.</i>, 2004) and monitoring has been carried out in the area surrounding the Fishery Order to identify if there are or</p>	Y

			<p>have been any impacts on the mudflats and sandflats from the mussel industry. This research and monitoring has shown that there is no adverse effect on the intertidal mudflats of the SAC. Beadman <i>et al.</i>, (2004) state that the effects of a monoculture mussel bed were localised (0-10m) and not detectable at larger scales (10-100m).</p> <p>Riemann and Hoffmann (1991) showed that 30 minutes after dredging, levels of suspended sediment recorded in and around the area of dredging decreased significantly. After 60 minutes, levels of sedimentation had returned to initial background levels.</p> <p><b>In situ</b> The hydrodynamic regime will not be altered by the issuing of leases as the area is currently used as an operational mussel aquaculture business and there is no planned change to the existing operational densities or areas. Monitoring by Bangor University has shown that there is no adverse effect on the hydrodynamics of the water flow in the area of the existing mussel beds.</p> <p>Tweddle <i>et al.</i>, (2005) reported that, in the Menai Strait, the consumption of phytoplankton by filtration over the mussel beds reduced concentrations and resulted in a pronounced horizontal gradient. Losses to the filtration appeared to be compensated through transport of plankton rich water into the Menai Strait by the large residual flow. The strong tidal flow maintained a high level of turbulence, so that the water column was well mixed. Depletion of phytoplankton was therefore not present for most of the tidal cycle. Phytoplankton depletion was only noticeable across the mussel bed during slack water.</p> <p>There will be no loss of mudflat and sandbank feature as the mussels will not be laid outside of the current fishery order area also there will be no adverse effect on the filter feeding species within the mudflat and sandflat feature as there will be no adverse effect on the food supply to the filter feeders by the mussel fishery.</p> <p>Further supporting information can be found at <b>Annex 2</b></p> <p><b><u>Regulated fishery</u></b></p>	
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			<p>Sediment raised by hand raking of mussels may be deposited on feature habitat.</p> <p>Beadman <i>et al.</i>, (2004) conclude that effects of sediment deposition associate with mussel movements in the Menai Strait are typically localised. In comparison with such dredge based studies, the sediment loosened during intertidal hand gathering and potentially raised on an incoming tide will be insignificantly small.</p> <p>The previously permitted method of fishing using hand rakes and small number of fishers had a very low potential for impact and will cause no adverse effect.</p> <p>Low level of historic fishing and traditional low intensity methods associated with this fishery have ensured that there has been no significant impact on any habitat feature caused by past fisheries.</p> <p>There is no intention of issuing licenses at this time. Mussels are reported to be of poor quality and there is no market currently for mussels hand gathered in the Menai Strait. Should there be a future change in this situation, the Regulated Fishery will be considered in detail in a dedicated HRA.</p>	
Large shallow inlets and bays	2	<p><b>Laying and harvesting</b></p> <ol style="list-style-type: none"> <li>1. Increased sedimentation and sedimentation change due to the laying of the mussel.</li> <li>2. Sediment plumes</li> <li>3. Smothering</li> <li>4. Loss of habitat and species</li> </ol> <p><b>In situ</b></p> <ol style="list-style-type: none"> <li>5. Altering hydrodynamic regime</li> <li>6. Depletion food</li> <li>7. Change in nutrient flux</li> </ol>	<p><b>Laying and Harvesting</b></p> <p>The Fishery Order area is within the “Large shallow inlets and bays” feature of the SAC. The existing Fishery Order was in place prior to SAC designation, and the habitat was highlighted as ‘modified’ from the time of designation. The only change to the area used within the fishery order was in late 2014 when an application was made to change the use of the Bangor pool area and part of the Ballast Bank area. This application went through a HRA to assess any impact to the features of the SAC at the time and the HRA concluded “No Adverse Effect” (see supporting Document <i>HRA V5.0–04/07/2014 - RJ and PW</i>).</p> <p>Dredges are comparatively light (200 – 250kg per dredge), towed for short periods (15 seconds to 5 minutes) at around 2 knots. Only two or four dredges per vessel will be used.</p>	Y

		<p>8. Loss of habitat and species</p>	<p>Research (Beadman <i>et al.</i>, 2004) and monitoring has been carried out in the area surrounding the Fishery Order to identify if there are or have been any impacts to the Large shallow inlets and bays feature from the mussel industry. This research and monitoring has shown that there is no adverse effect on the intertidal mudflats which is a component of the Large shallow inlet and bay feature of the SAC or to the Large shallow inlet and bay feature itself. Beadman <i>et al.</i>, (2004) state that the effects of a monoculture mussel bed were localised (0-10m) and not detectable at larger scales (10-100m).</p> <p>Riemann and Hoffmann (1991) showed that 30 minutes after dredging the levels of suspended sediment recorded in the around the area of dredging significantly decrease. After 60 minutes levels of sedimentation had returned to initial background levels.</p> <p><b>In situ</b> The hydrodynamic regime will not be altered by the issuing of the leases as the area is currently used as an operational mussel aquaculture business and there is no planned change to the existing operational densities or areas and monitoring by Bangor University on the existing mussel beds has shown that there is no adverse effect on the hydrodynamics of the water flow in the area of the existing mussel beds.</p> <p>Tweddle <i>et al.</i>, (2005) reported that in the Menai Strait the consumption of phytoplankton by filtration over the mussel beds reduced concentrations and resulted in a pronounced horizontal gradient. Losses to the filtration appeared to be compensated through transport of plankton rich water into the Strait by the large residual flow. The strong tidal flow maintained a high level of turbulence, so that the water column was well mixed. Depletion of phytoplankton was therefore not present for most of the tidal cycle. Phytoplankton depletion was only noticeable across the mussel bed during slack water.</p> <p>There will be no loss to the Large shallow inlet and bay feature or to the component habitats of the feature as the mussels will not be laid outside of the current fishery order area also there will be no adverse effect on the filter feeding species within the Large shallow inlet and</p>	
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			<p>bay feature as there will be no impact on the food supply to the filter feeders or typical species of the feature by the mussel fishery.</p> <p>Further supporting information can be found at <b>Annex 1. <u>Regulated fishery</u></b> Sediment raised by hand raking of mussels may be deposited on feature habitat.</p> <p>Beadman <i>et al.</i>, (2004) conclude that effects of sediment deposition associate with mussel movements in the Menai Strait are typically localised. In comparison with such dredge based studies, the sediment loosened during intertidal hand gathering and potentially raised on an incoming tide will be insignificantly small.</p> <p>Low levels of historic fishing and traditional low intensity methods associated with this fishery have ensured that there has been no significant impact on any habitat feature caused by past fisheries.</p> <p>The previously permitted method of fishing using hand rakes and small number of fishers had a very low potential for impact and caused no adverse effect.</p> <p>There is no intention of issuing licenses at this time. Mussels are reported to be of poor quality and there is no market currently for mussels hand gathered in the Menai Strait. Should there be a future change in this situation, the Regulated Fishery will be considered in detail in a dedicated HRA.</p>	
Reefs	2	<p><b>Laying and harvesting</b></p> <ol style="list-style-type: none"> <li>1. Increased sedimentation and sedimentation change due to the laying of the mussel.</li> <li>2. Sediment plumes</li> <li>3. Smothering</li> <li>4. Loss of habitat and species</li> </ol> <p><b>In situ</b></p>	<p><b>Laying and harvesting</b></p> <p>The reef feature occurs along part of the western boundary of the proposed Fishery Order area and also in a section of the intertidal area within the Fishery Order area. Mussel cultivation will take place at least 100m away from the reef feature and will not take place within the intertidal zone where the reef feature exists.</p> <p>Dredges are comparatively light (200 – 250kg per dredge), towed for short periods (15 seconds to 5 minutes) at around 2 knots. Only two or four dredges per vessel will be used.</p>	Y

		<p>5. Altering hydrodynamic regime  6. Depletion food  7. Change in nutrient flux  8. Loss of habitat and species</p>	<p>A study by Beadman <i>et al.</i>, (2004) on the effects of transplanting mussels on species richness has found that the effects were localised (0-10m) and not detectable at larger distances (10-100m).</p> <p>Tweddle <i>et al.</i>, (2005) reported that in the Menai Strait the consumption of phytoplankton by filtration over the mussel beds reduced concentrations and resulted in a pronounced horizontal gradient. Losses to the filtration appeared to be compensated through transport of plankton rich water into the Strait by the large residual flow. The strong tidal flow maintained a high level of turbulence, so that the water column was well mixed. Depletion of phytoplankton was therefore not present for most of the tidal cycle. Phytoplankton depletion was only noticeable across the mussel bed during slack water.</p> <p>There will be no loss of reef feature as the mussels will not be laid outside the current fishery order area or on the areas of reef within the Fishery Order area.</p> <p>There will be no adverse effect on the reef species as neither the food supply to the filter feeders nor the typical species of the reef will be adversely affected by any smothering or removal emanating from the mussel fishery.</p> <p>Further supporting information can be found at <b>Annex 1</b>.</p> <p><b><u>Regulated fishery</u></b></p> <p>Sediment raised by hand raking of mussels may be deposited on feature habitat.</p> <p>Beadman <i>et al.</i>, (2004) conclude that effects of sediment deposition associate with mussel movements in the Menai Strait are typically localised. In comparison with such dredge based studies, the sediment loosened during intertidal hand gathering and potentially raised on an incoming tide will be insignificantly small. The permitted method of fishing using hand rakes and small number of fishers has a very low potential for impact and will cause no adverse effect.</p>	
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			<p>Low levels of historic fishing and traditional low intensity methods associated with this fishery have ensured that there has been no significant impact on any habitat feature caused by past fisheries.</p> <p>There is no intention of issuing licenses at this time. Mussels are reported to be of poor quality and there is no market currently for mussels hand gathered in the Menai Strait. Should there be a future change in this situation, the Regulated Fishery will be considered in detail in a dedicated HRA.</p>	
<b>Liverpool Bay / Bae Lerpwl SPA</b>				
Red-throated diver ( <i>Gavia stellate</i> )	1	Direct capture, damage or harm to a designated species feature.	Red-throated divers are not known to have been caught in a mussel dredge and generally do not feed in the area of the Mussel Fishery Order. If any seed mussel is gathered from within the Liverpool Bay SPA, any impact on the Red-throated diver will be considered before Welsh Government grants permission for removal of the undersized mussels.	Y
Common scoter ( <i>Melanitta nigra</i> )	1	Direct capture, damage or harm to a designated species feature.	Common scoters are not known to frequent the area of the Mussel Fishery Order as they prefer to avoid areas of high human activity (Kaiser <i>et al.</i> , 2006). The area of the Menai Strait where the mussel fishery occurs is also close to areas of high population and high boat traffic. If any seed mussel is gathered from within the Liverpool Bay SPA, any impact on the Common scoter will be considered before Welsh Government grants permission for removal of the undersized mussels.	Y
	5	Removal of prey species of a designated species feature.	Common scoters are not known to frequent the area of the Mussel Fishery Order as they prefer to avoid areas of high human activity and the area of the Menai Strait where the mussel fishery occurs is close to an area of high population and a busy waterway. The Common scoter prefers prey of between 5mm and 30mm in size (Fox, 2003) whilst mussels removed from the Fishery Order area are in excess of 30mm. If any seed mussel is gathered from within the Liverpool Bay SPA, any impact on the Common scoter will be considered before Welsh Government grants permission for removal of the undersized mussels.	Y
	6	Damage to habitat of prey species.	Common scoters are not known to frequent the area of the Mussel Fishery Order as they prefer to avoid areas of high human activity and the area of the Menai Strait where the mussel fishery occurs is close to an area of high population and a busy waterway. The Fishery Order will not have an adverse effect on any habitat that is important to the	Y

			prey of the Common scoter. Any impact from the mussel fishery is local to the Fishery Order area (Beadman <i>et al.</i> , 2004) and the common scoter is not known to forage in the area of the Fishery Order.	
Overwintering Assemblage including Red-throated diver ( <i>Gavia stellate</i> ), Common scoter, ( <i>Melanitta nigra</i> ).	1	Direct capture, damage or harm to a designated species feature.	<p>A number of birds considered in the Overwintering Assemblage could frequent the area of the Mussel Fishery Order across the winter period. This may be to shelter and feed during adverse weather conditions out in Liverpool Bay. The mussel dredge has a narrow mouth and is operated for a short period of time. There is no record of any bird species included in the Assemblage having been caught in a mussel dredge.</p> <p>The mussel order site is within the Menai Strait and adjacent to the SPA and therefore would only interact with the birds occasionally. Any adverse effects to the Overwintering Assemblage of birds through capture or disturbance can be ruled out.</p>	Y
	5	Removal of prey species of a designated species feature.	A number of birds within the Overwintering assemblage may eat shellfish. Only mussels over 45mm in length are harvested. All smaller mussels are left to grow ensuring ample amounts of shellfish for birds sheltering within the Menai Strait during extreme weather. The fishery brings seed mussel in to the area thereby increasing the amount of locally available food. The mussel fishery will not cause any loss of food to fish eating birds within the Assemblage.	Y
	6	Damage to habitat of prey species.	The fishery operates only within the Fishery Order area. Dredges skim the surface of the mussel mud below the mussels to remove them, therefore, the fishery has no impact on the seabed habitat. Seed mussel is laid down every summer and grows on over the winter period. No damage occurs to the habitat of the prey species of the Overwintering Assemblage of birds.	Y
<b>Traeth Lafan SPA</b>				
Overwintering Oystercatcher ( <i>Haematopus ostralegus</i> )	1	Direct capture, damage or harm to a designated species feature.	<p>The dredge fishery operates over high water while oystercatchers access the intertidal mudflat and sandflats over low water. While the foreshore is covered by the tide, the oystercatchers are either roosting or supplementing their feed on fields above high water mark. There will, therefore, be no interaction between oystercatchers and the mussel dredge fishery.</p> <p>There is a potential for interaction between hand gatherers within the regulated fishery and oystercatchers using the site. Historically low</p>	Y

			<p>fishing levels prosecuted by low intensity traditional methods ensured that previous fisheries had no significant impact on any habitat feature.</p> <p>There is no intention of issuing licenses at this time. Mussels are reported to be of poor quality and there is no market currently for mussels hand gathered in the Menai Strait. Should there be a future change in this situation, the Regulated Fishery will be considered in detail in a dedicated HRA</p>	
5	Removal of prey species of a designated species feature.	<p>Mussels removed from the fishery during both dredge and hand gathered harvesting operations are of a size preyed upon by oystercatchers. Oystercatchers prefer mussels in the 30-65mm size range and the minimum landing size for mussels in North Wales is 45mm. Mussels below 45mm are left on the beds to grow and are available as oystercatcher food. Removal of a portion of the area's mussels will not adversely affect oystercatchers.</p> <p>Traeth Lafan cockle is the area's main oystercatcher food resource. There is a permitted cockle fishery on Traeth Lafan and provision for sufficient food for overwintering oystercatchers is made when setting this fishery's annual Total Allowable Catch.</p>	Y	
6	Damage to habitat of prey species.	<p><b>Several fishery</b></p> <p>The fishery has been prosecuted under the current management regime since 1962. The area has a long history of both mussel and oyster cultivation prior to that date. The seabed and foreshore was a naturally occurring mussel habitat before the first mussels were laid.</p> <p>Comparatively light dredges (200 to 250kg) skim at around 2 knots, for between 5 seconds and 5 minutes, the surface of the mussel mud built up beneath the mussels. Mussels pass over a dredge bar (10mm square steel) into the belly of the dredge. The fishery has no impact on the underlying seabed habitat.</p> <p><b>Regulated fishery</b></p> <p>The low level of historic fishing and the traditional low intensity methods associated with this fishery have ensured that there has been no significant impact on any habitat feature caused by past fisheries.</p>	Y	

			<p>The previously permitted method of fishing using hand rakes by a small number of fishers had a very low potential for impact and caused no adverse effect on the underlying seabed habitat.</p> <p>There is no intention of issuing licenses at this time. Mussels are reported to be of poor quality and there is no market currently for mussels hand gathered in the Menai Strait. Should there be a future change in this situation, the Regulated Fishery will be considered in detail in a dedicated HRA.</p>	
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If all adverse effects can be ruled out (i.e. the right hand column is 'Y' for all features), no further consideration under the Habitats Directive/Regulations is required in order to determine the application. If adverse effect cannot be ruled out for specific features (i.e. any row in the right hand column is 'N') the assessment must go on to consider whether additional conditions or restrictions could enable adverse effects on the integrity of the European site(s) to be ruled out.

#### 4.2 Assessment taking into account additional mitigating conditions or restrictions

Feature (from Table 4.1)	Description of adverse effect(s)  (add some text on what the adverse effects are)	Can adverse effect(s) be mitigated Y or N	Description of mitigation measures, and how they would be applied	Can adverse effect be ruled out? (Y or N)

## 5.1 In-combination assessment

The other plans or projects which should be considered for potential in-combination effects with the proposal under consideration are those that fall into ALL of the following 3 categories:

(1) they have been subject to HRA and the HRA has either concluded no LSE or no adverse effect on site integrity, but residual effects remain

(2) their residual effects (net of any mitigation measures) could interact with the residual effects of the proposal under consideration, for example by magnifying the effects of the proposal, or making a habitat or species feature more sensitive to the effects of the proposal.

(3) they are one of the following:

- project started but not yet completed
- projects consented but not started
- ongoing projects subject to repeated authorisations (e.g. annual licences)
- applications lodged but not yet determined
- refusals subject to appeals procedures not yet determined
- projects not requiring consent but which have been approved by the competent authority concerned
- proposals in adopted plans
- proposals in draft plans published for consultation
- allocations or other forms of proposals in adopted development plans
- allocations or other forms of proposals in draft development plans published for consultation

Nature of residual effect resulting from the proposal	European site feature(s) subject to residual effect (from Table 3.2, 4.1 or 4.2)	Other plans/projects* with effects that could render the residual effect of the proposal significant	Nature of the in-combination effect and consideration of likelihood of adverse effect	Can adverse effect be ruled out? (Y or N)
Removal of food for birds	Overwintering Oystercatcher, <i>Haematopus ostralegus</i>	Welsh Government Cockle fishery on Traeth Lafan	The cockle fishery will also remove oystercatcher food, but the amount of cockle required by the oystercatchers across the winter period, currently estimated at 1000 tonnes, is reserved before the Total Allowable Catch (TAC) for the fishery is set. This ensures that the oystercatchers have enough food to survive the winter. The mussels are an	Y

			extra source of food in the event of an extremely cold winter or unexpected mass cockle mortality on Traeth Lafan.	
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No Adverse effects have been identified as a result of this in-combination assessment

## 6. Conclusion

No adverse effects on the integrity of any European Marine Site have been identified as resulting from this proposed plan or project. That conclusion has been reached as a result of the “Test of Likely significant effect” (TLSE) made in compliance with Article 6.3 of EC Council Directive 92/43/EEC.

## References

### Beadman *et al* (2004)

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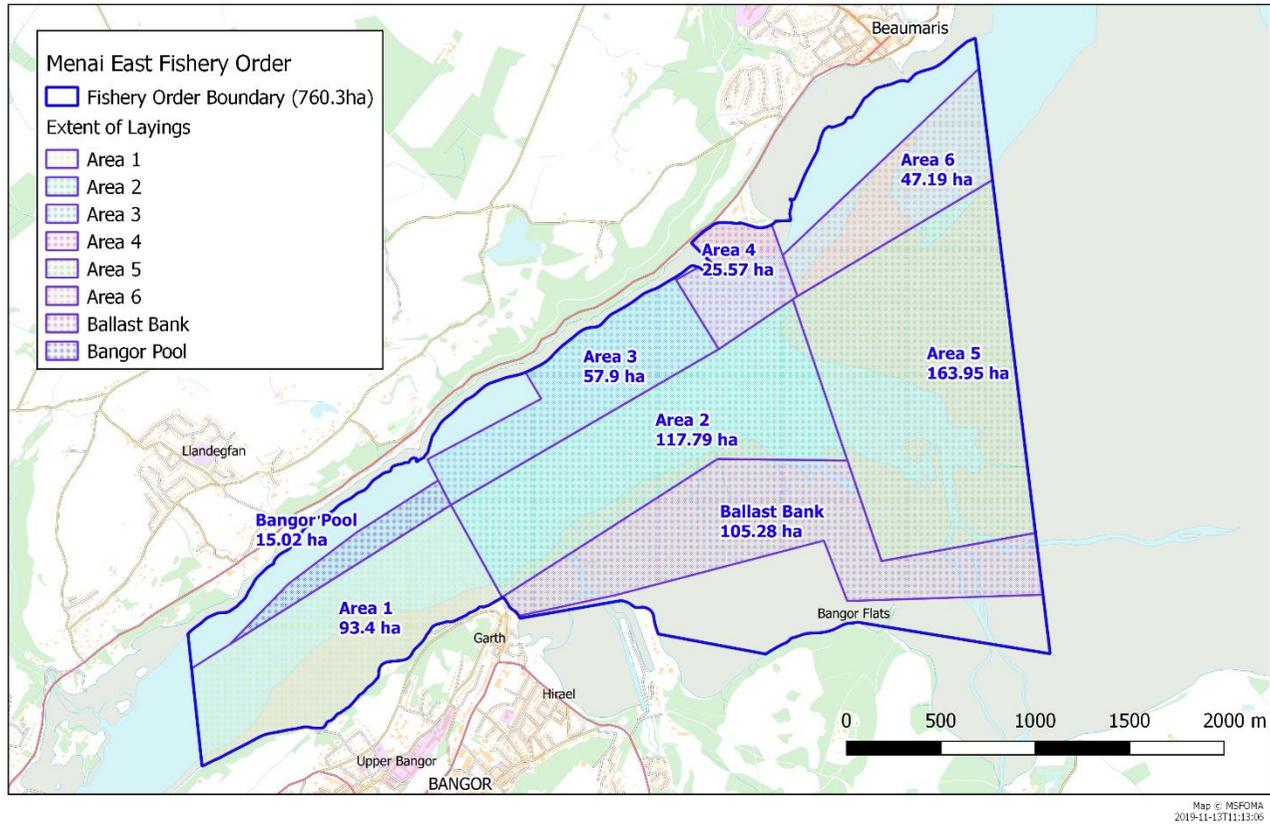
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## Annex 1

### Menai Strait Oyster & Mussel Fishery Order 1962 (as amended 1964) Fishery Order & Cultivation Area Boundaries



## **Annex 2**

### **Effects of mussel cultivation in the Menai Strait on nutrient flux and phytoplankton levels**

The feeding behaviour of mussels has been measured in situ in the Menai Strait and correlated with environmental factors (Saurel et al. 2007). They concluded that it was unlikely that, in terms of production carrying capacity, the Menai Strait has reached its maximum capacity. They found that food (as determined by chlorophyll a) was always available to the mussels and potential food depletion could only occur at slack water, at the point when the tide switches from flood to ebb. They stated that the seawater in the Menai Strait has a very short residence time of 2 to 3 days, and the clearance time by mussels was calculated at 15 days in the subtidal area (Gascoigne et al. unpubl. data). The influx of water that supplies the majority of the primary production over the mussel beds is derived from the Liverpool Bay. Once this phytoplankton patch has been partly depleted through mussel grazing, it is then advected back over the mussel bed when the tide has turned. There is an asymmetrical tidal regime in the Menai Strait, and the large input of chlorophyll a from Liverpool Bay to the Menai Strait comes from a part of the Irish Sea where the standing stock is characterized by high production. They recommended that chlorophyll a availability deserved further study due to the presence of a large mudflat at the Strait entrance, possibly acting as a large source of primary production (microphytobenthos), or possibly a sink (due to a high biomass of filter-feeders such as cockles).

Tweddle et al. (2005) investigated the role of hydrodynamics in controlling the food supply to benthic filter feeders in the Menai Strait. They found clear evidence of the influence of horizontal tidal advection on food supply. Consumption of phytoplankton by filtration over the mussel bed reduced concentrations and resulted in a pronounced horizontal gradient. However, losses to filtration appeared to be compensated through transport of plankton-rich water into the Strait by the large residual flow, while advection of the gradient by the tidal current resulted in large oscillations in chlorophyll a. The strong tidal flow maintained a high level of turbulence, so that the water column was generally well mixed vertically. Depletion of phytoplankton in the bottom boundary layer was, therefore, not present for most of the tidal cycle but on 2 occasions, when the observed Reynolds stress was close to zero at slack water, they did observe significant depletion. They interpreted this depletion as the effect of mussel feeding briefly out-competing the supply of phytoplankton by vertical diffusion for the period of low turbulence. They estimated the total supply of phytoplankton imported into the Menai Strait as 9 tonnes of carbon per day, and the amount consumed by filter feeders in the area of the mussel bed as 4.5 tonnes of carbon per day.

A further study by Simpson et al. (2007) confirmed the presence of a strong residual flow in the Menai Strait, transporting phytoplankton from the open sea into the channel where much of it is consumed by suspension feeders, mainly in commercial beds of *Mytilus edulis*. They found that progressive depletion of phytoplankton along the channel resulted in a strong horizontal gradient of plankton. Tidal displacement of this gradient causes large ( $\pm 50\%$  of mean) oscillations of chlorophyll a in the vicinity of the mussel beds. They also found that vertical mixing by the strong tidal flows is sufficiently vigorous for most of the tidal cycle to ensure that downward diffusion can resupply the near-bed layer although there were indications of some transient depletion around slack water. Their model predicted that only for a short period (about 30 min), close to slack water, was mixing sufficiently reduced to permit the development of a depletion boundary layer and then only within 1 m from the bottom.

On the basis of these studies, it was concluded by NWNWSFC that the mussel population in the Menai Strait clearly has a significant effect in removing phytoplankton through filtration. However, the strong residual flow, high degree of mixing and the regular input of plankton rich water from Liverpool Bay result in a high degree of replenishment, compensating for the removal by mussels. Importantly, depletion of the bottom boundary layer, which could impact other filter-feeding species, occurs only briefly.

### **Annex 3**

#### **Code of Good Practise for Mussel Seed Movement**



BMP-Code-of-Good-  
Practice-INNS-Septen

## **Menai Strait West Fishery Order Application**

### **Background**

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

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

This report provides an update on recent progress.

### **Recommendations**

1. That the report is received
2. That MSFOMA and WG should continue to work together with the aim of producing a revised draft of the proposed new Fishery Order at the earliest opportunity.

### **1. Update on Renewal of Fishery Order**

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

discussed at the last MSFOMA meeting and considered to be consistent with the approach set out in the 2015 Draft Order.

- 1.6 At the December 2019 Association meeting some concerns were raised by WG officials about the mitigation approach for Pacific oysters. At the April 2020 meeting it was reported that work was still underway to address these issues.
- 1.7 This report provides an update on recent progress with this application. It is understood that once the new Menai East Fishery Order is in place it should be possible for WG officials to resume work on this application.

## **2. Pacific Oysters**

- 2.1 Welsh Government is still working to determine an appropriate approach to managing and mitigating the risk of Pacific oysters (*Crassostrea gigas*) from cultivation areas becoming established in the wild as “feral” oysters (see the previous agenda item for some background on this issue).
- 2.2 MSFOMA representatives discussed the issues concerning Pacific Oysters in detail with WG and NRW officials between December 2019 and July 2020. In July 2020 it was reported that WG Science have produced a draft desk study (“Pacific Oyster Review”) of the situation in the Menai Strait, assisted by the University of Bangor. This review was intended provide the evidence base for informing the Habitat Regulations Assessment (HRA) of leases for Pacific oyster cultivation in the Strait. The Review has not yet been published for released.
- 2.3 Welsh Government reported to the Secretariat in March 2021 that they have made no further progress with this issue and have been focussing their resources on the Fishery Order in the eastern Menai Strait.
- 2.4 In an effort to make some progress from our side, the Chair and Secretariat have convened a series of 10 meetings since January 2021 involving the prospective oyster farmers from the western Menai Strait and scientists from the Marine Centre in Menai Bridge. The most recent of these meetings took place on the 17<sup>th</sup> of November 2021, (see note of meeting at Annex A), and a further meeting is scheduled for the 27<sup>th</sup> of January 2022.
- 2.5 This sequence of meetings has been very successful and has provided the basis for a collaborative project involving the University of Bangor and local shellfish farmers. A brief overview of this research is provided at Annex B of this report, and a verbal update on progress will be provided to the meeting.

## **3. Consultation with stakeholders**

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

MSFOMA Secretariat  
December 2021

**Annex A:** Note of meeting to discuss research into Pacific Oysters on 17<sup>th</sup> November 2021

**Menai Strait Oysters Discussion**  
**Note of meeting, 17<sup>th</sup> November 2021**

**Attendance**

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

**Apologies**

Shaun Krijnen

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

**Annex B:** Summary of research proposal for Pacific Oysters in the Menai Strait, May 2021.



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**Proposed research project**

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

**Background**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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