

# **Menai Strait Fishery Order Management Association**

**Agenda & Papers- 8<sup>th</sup> June 2022, 1000**

**Quarterly Meeting**

**Zoom Conference: |**

**Meeting ID XXXXX | Password XXXX | Phone in XXXXX**

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. Widening engagement in the Association - options and constitutional issues ([report](#)).
8. Financial update ([report](#))
9. Public Profile of the Association (verbal)
10. Welsh Government Activity ([report](#))
11. North West IFCA Activity ([report](#))
12. All Party Parliamentary Group: Shellfish Aquaculture ([report](#))
13. Menai Strait East ([report](#))
14. Menai Strait West Fishery Order ([report](#))
15. Project funding update (verbal)
16. 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
17. Any Other Business (verbal)
  - a. Correspondence
18. Dates for next meetings:-
  - a. Q3 2022 - 14<sup>th</sup> September
  - b. Q4 2022 - 14<sup>th</sup> December [AGM]

# **Menai Strait Fishery Order Management Association**

**Meeting, 31<sup>st</sup> March 2022  
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  
Trevor Jones

Natural Resources Wales  
Beaumaris Town Council  
Natural Resources Wales  
BMWAG  
Welsh Government  
Menai Strait (West)

#### *Advisors*

Jim Andrews\*

MSFOMA Secretariat

#### Notes

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

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

The Chair welcomed everyone to the meeting. He noted that it would be the last MSFOMA meeting conducted during the period of the Menai Strait Oyster and Mussel Fishery Order 1962, which is due to expire at midnight on 1<sup>st</sup> April. The new Menai Strait (East) Mussel and Oyster Fishery Order 2022 will replace it, coming into force on the 2<sup>nd</sup> April 2022.

The Chair proposed that the sequence of agenda items should be reorganised so that item 11 (Menai East) was discussed before item 7, to allow WG staff who were still working on some aspects of the Fishery Order replacement to report to the meeting and then leave to resume work on these matters. All agreed to this.

### **2. Apologies**

Gareth Bevington  
Gareth Roberts  
Iwan Huws  
Julian Bray  
Keith Andrews\*

Welsh Government  
Bangor City Council  
Isle of Anglesey County Council  
Welsh Government  
Licensed hand pickers

### **3. Declarations of Interest**

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

#### **4. Minutes of last meeting**

The minutes of the meeting that took place on the 8<sup>th</sup> December 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 December meeting that were not formally addressed on the agenda were discussed:-

##### **Keith Andrews**

It was agreed that a formal letter of thanks needed to be sent to Keith Andrews following his resignation in December.

**Action: Secretariat**

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

James Wilson and Kim Mould reported that a marine licence application was being progressed by the Penrhyn Estate & Dickies. It was understood that they were trying to identify a potential contractor to carry out dredging operations in the dock, and that this was likely to prove costly.

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

**Action: JW, Secretariat**

##### **Deo Gloria**

The vessel Deo Gloria had run aground on one of the layings on 5<sup>th</sup> November 2021, causing some damage to the mussels in cultivation. James Wilson had raised concerns about this damage with the operator and with Caernarfon Harbour Trust. It had not been possible to inspect the damage over the winter months, when the low tides that would reveal the damage all occurred during hours of darkness.

James Wilson and the Secretariat agreed to review options for progressing this matter and if necessary obtain legal advice on how to proceed.

**Action: JW, Secretariat**

##### **Bonamia**

James Wilson reported that he had participated in a number of discussions with Cefas about revising the extent of the *Bonamia* restrictions in the area. This has become a more pressing issue post-Brexit under new Environmental Health Controls. The current *Bonamia* restriction extended well beyond the area where it had been recorded in the western Strait, but posed a potential obstacle to addressing export restrictions for mussel, even though mussels are not listed as a *Bonamia* vector species.

Lewis Le Vay reported that the Shellfish Centre had been taking samples to determine the extent of *Bonamia* in the restricted zone, and that a report would be presented later this year.

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

### **Water quality**

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

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

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

**Action: All**

It was agreed that the Association could benefit from wider participation, and that it would be appropriate to consider how this might be achieved. A proposal on providing greater flexibility and scope for participation would be presented to the next meeting.

**Action: Secretariat**

### **7. Financial Update**

The financial report was accepted. It was noted that a sum of £1,000 for the renovation of the HMS Conway kiosk on Bangor pier had been donated, as agreed at the last Association meeting.

The Chair reported that some meetings had been held with the Association's accountants early in the year, and that acting on her advice some new financial procedures had been adopted. Work in this area had been paused while the new Menai Strait Fishery Order was being progressed, and would now resume. A report and recommendations on governance and monitoring procedures would be presented to the next Association meeting.

**Action: Chair, Secretariat**

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

The Chair and Secretariat reported that 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. These should continue.

**Action: Chair, Secretariat**

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.

Trevor Jones reported that there had been no meetings of any of the WG fisheries groups. He understood that the Welsh Fishermen's Federation had been liaising with the Minister about a meeting of the Welsh Marine Fisheries Advisory Group (WMFAG) and it was hoped that this group would meet at some point in the spring.

## 10. NW IFCA Activity

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

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

**Action: Secretariat**

## 11. Menai Strait East Fishery Order

The Chair introduced this item, and reported that the Minister had written to him in early March 2022 to confirm that a new Fishery Order had been "made" and would come into force on 2<sup>nd</sup> April 2022 to succeed the existing Fishery Order. This new Order would be the first "hybrid" Fishery Order that has been made in Wales for decades. He noted that this was a significant achievement that would not have been achieved without the commitment of WG officials including Michelle Billing, Julian Bray and Gareth Bevington.

The Secretariat reported that although the Order itself would be in place on 2<sup>nd</sup> April, there would be a slight delay with the implementation of some subordinate measures, including the creation of the "designated several fishery area" and the leases for the layings within the Fishery Order. With regard to these items:-

- **Designated Several Fishery Area:** the Minister had consented to the MSFOMA request for this area, and a formal notice announcing its designation would be issued on or before 9<sup>th</sup> April 2022.
- **Leased Areas** - a recent meeting of the MSFOMA Members without a prejudicial interest in leased areas had determined that leases could be issued to all of the lease holders in the current Menai Strait Fishery Order areas for the same leased areas in the new Fishery Order Area.
- **Habitats Regulations Assessment** - this was being conducted for the leased areas. It would be submitted first to NRW for approval prior to a formal request to the Minister to issue leases for these areas. If and when approval from both NRW and the Minister had been obtained, MSFOMA would be able to issue these leases.
- **Managed areas** - the HRAs for most of the leased areas presently established a 100m "managed area" designated around all of the reef features in the Strait, within which it would not be permissible to cultivate mussels unless and until it could be determined that this activity was appropriate.

It was agreed that leases should be sent to prospective lease holders in anticipation of a favourable outcome to the consultation process, and that if no further

amendments were needed after the HRA & consenting process had been completed, these could be signed, countersigned and exchanged swiftly.

**Action: Secretariat**

It was reported that some of the applicants for leases under the new Fishery Order were in arrears for lease payments under the existing Order. A meeting of the MSFOMA Lease Allocation Committee that took place on 30<sup>th</sup> March 2022 had determined that these applicants had made an appropriate formal commitment to repay the sum owing to the Association in full over a period of time. It was agreed that providing that this arrangement was made to be binding on the lessees (i.e. by making it part of their lease requirements) such that any further arrears would result in the loss of the leases concerned, this was acceptable. It was further noted that this debt recovery would result in a reduction in the lease fees paid by other lessees, such that there was no net commercial or financial advantage to any party. It was agreed that the Secretariat should respond to these applicants accordingly and issue leases to all of the applicants with the revised lease fees once the HRA and administrative processes outlined above have been completed.

**Action: Secretariat**

Some concerns were raised by lease holders about the necessity of providing a 100m “managed area” around “reef” features in the Menai Strait and Conwy Bay SAC. Kim Mould thought that two of the “reef” features (one in Area 1, another in Area 2) were actually disused waste water effluent outlets, and not natural reefs. The Secretariat indicated that the 100m boundary had been adopted as a precautionary measure to expedite progress, and it was anticipated that when site-specific information was available their extent would be considerably reduced (following consultation with NRW). It was agreed that the Secretariat should progress this process.

**Action: Secretariat**

It was reported that all stakeholders in the area had been formally notified of the new Fishery Order by an e-mail from MSFOMA earlier in March. WG had also asked that public notices should be posted around the Strait to alert stakeholders to the new Fishery Order. It was agreed that once the Public Notice text had been approved by WG and translated, they would be posted around the site.

**Action: Secretariat**

## **12. Menai Strait West**

The Chair reported that MSFOMA have continued to organise meetings between the applicants for renewal of this Fishery Order and other parties including Natural Resources Wales, WG officials, and scientists from the Shellfish Centre at Menai Bridge.

The Secretariat reported that the Shellfish Centre’s report about the issues associated with Pacific oyster cultivation in the Menai Strait had been delayed by Covid (several of its contributors had been ill during February and March). A meeting had been planned for discussion of the report and its findings, and this was being rescheduled for the period after Easter.

Lewis Le Vay provided a brief verbal summary of the key aspects of the report:-

- **Status of feral Pacific oyster population** - the previous 2018 population survey sites had been revisited. There was no evidence of any new recruits, and the population size was decreasing.

- **Temperature effects on spawning & recruitment** – analysis of data indicated that this was more complex than the traditional “degree days” formula. It appeared that a temperature of at least 18°C was needed for spawning to occur (which happened very rarely in the Strait); and that if the water temperature was lower than 17-18°C the development and survival of larvae were both adversely affected.
- **Triploids** – the effects and benefits of triploid oysters as a mitigation measure had been evaluated.
- **Temperature modelling** – this is still being revised. It is hard to make predictions of likely temperatures at the local scale and over periods of a few decades (even though larger scale and long term trends are clear); and it is consequently difficult to predict how such effect might influence Pacific oyster reproduction and recruitment in the area.

Lewis reported that similar work is being carried out for Milford Haven, and that opportunities for joint working between the two areas could be explored.

Lewis agreed to provide the draft report for circulation to all participants once it was available.

**Action: Lewis Le Vay & Secretariat**

There was some discussion about the opportunity for implementing local solutions to address the national (UK and Welsh) policy stalemate. There was also discussion about the need (or futility) of implementing local constraints on diploid oyster cultivation when there was the potential for recruitment from oysters outside the area, and indeed outside Wales.

The Secretariat agreed to progress with organising a new meeting date after Easter to discuss the Shellfish Centre report, and presenting recommendations to the next Association meeting.

**Action: Secretariat**

### **13. Funding proposals & Research Update**

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

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

**Action: James Wilson**

- **Spat collectors / MOSSS** – James Wilson reported that work was ongoing, and an application for a larger cultivation area was being progressed.
- **Water quality** – Lewis Le Vay provided an update on this work which was being progressed through a partnership between the Shellfish Centre, Dŵr Cymru, the Rivers Trust, Deepdock and MSFOMA. This

work was similar to a project being carried out in the Camel Estuary in Cornwall, so results would be comparable. Key points were:-

- New data are being gathered to try to provide a better understanding of effluent sources;
- A better time series of data are being gathered for representative monitoring points (RMPs) in the area;
- Different test methods are being evaluated to see which give the most accurate and reliable results;
- Some issues had become apparent that were under discussion:-
  - Beaumaris RMP - this is on the edge of the Fishery Order boundary, and its location may need to be considered;
  - The sanitary survey for the eastern Strait is overdue (the last one was conducted in 2014), and the timing for this was uncertain;
  - The Borth RMP and survey locations are not in the fished areas;
  - The timing of samples may affect results - EHOs typically sample mussels when the tide is out, but mussel harvesting takes place when the tide is in, and the bacterial content of samples may be affected by this.
- The work conducted in the Camel Estuary had shown that rainfall is a good predictor of *E. coli* load in shellfish (but not for norovirus).
- The Trefor WWTW is a Covid sampling site, and it may be possible to relate viral loads at this site to Norovirus in mussels in the Strait.

Lewis Le Vay also reported that the Shellfish Centre was due to be hosting some a conference or some workshops covering these issues in the autumn, and there could be a role for MSFOMA to support and / or participate. He agreed to provide details as these became available.

**Action: Lewis Le Vay**

## **14. Fishery Management Issues**

### **1. Coastal / marine developments**

#### **i. Bangor Pier**

No additional update.

#### **ii. Sand in the dock**

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

### **2. Environmental / health issues**

#### **i. Shellfish hygiene classification**

No further update.

#### **ii. Bonamia**

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

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



Kate Griffith agreed to circulate the link to the webinar on INNS larval dispersal.

**Action: Kate Griffith**

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

**Action: All**

**iv. Norovirus**

No further update.

**15. Any Other Business**

**a) Correspondence**

No additional correspondence had been received.

**b) Local Government elections & representation**

Ioan Thomas mentioned that local government elections were due to take place in May. He was standing as a candidate again, but nonetheless, elected Members might change. Howard Mattocks indicated that he was in the same position.

It was noted that some of the council representatives that were invited to participate in MSFOMA meetings had not attended for some time. It was agreed that the Secretariat should make enquiries to determine if these organisations wished to review their participation; it would also be useful to review the existing Articles & Standing Orders for the Association to ensure that they provide for adequate participation.

**Action: Secretariat**

**16. Dates for next meetings**

Meeting dates for 2022 are:-

- a. Q2 2022 - 8<sup>th</sup> June
- b. Q3 2022 - 7<sup>th</sup> September
- c. Q4 2022 - 14<sup>th</sup> December [AGM]

It was hoped that the next meeting might be conducted "in person" if Covid restrictions permit.

## Summary of Actions

Item	Action	Responsibility
1.	Keith Andrews – letter of thanks	Chair & Secretariat
2.	Sand in Dock – keep under review.	James Wilson & Secretariat
3.	Deo Gloria grounding – determine how best to proceed.	James Wilson & Secretariat
4.	Register of Interests – review current Statement of interests on MSFOMA website ( <a href="https://www.msfoma.org/?page_id=478">https://www.msfoma.org/?page_id=478</a> ) and confirm it is accurate.	All
5.	Participation – draft proposal for broader engagement for next meeting	Secretariat
6.	Finances – provide report and recommendations on governance and monitoring procedures for next meeting.	Secretariat
7.	Website / Twitter – provide photograph and brief resume suitable for website and Twitter	All
8.	Social media – organise meeting with Andy Olivier & Chair.	Secretariat
9.	Social media – 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
10.	NWIFCA – encourage adoption of Morecambe Bay Mussel Management Plan.	Chair & Secretariat
11.	Menai East – progress with process of HRAs for leases and exchanging them.	Secretariat
12.	Menai East – work with lessees and NRW to review extent of “managed areas” around reef features.	Secretariat
13.	Menai East – issue public notices for new Fishery Order and Designated Several Fishery Area as required.	Secretariat
14.	Menai West – complete draft Pacific oyster research report to next meeting.	Lewis Le Vay
15.	Menai West – organise meeting of stakeholders to consider draft report.	Secretariat
16.	Menai West – prepare briefing and draft recommendations for next meeting.	Secretariat
17.	<i>Bonamia</i> – James Wilson to liaise with Cefas about boundary of designated area and prospects for change.	James Wilson
18.	Conference / workshop details – provide these once available.	Lewis le Vay
19.	Invasive Alien Species – provide details of webinar for circulation to participants.	Kate Griffith
20.	<i>Crepidula fornicata</i> – look out for slipper limpets and report sightings of any shells / individuals.	All
21.	Date for next meeting – 8 <sup>th</sup> June 2022	Secretariat

## **Widening Engagement In the Association: Options and Constitutional Issues**

### **Background**

When MSFOMA was established in 2010 its constitution was established to replicate that of its predecessor organisation, the North Western and North Wales Sea Fisheries Committee. The number of organisations eligible to appoint directors was set in the Articles of Association at that time; this was altered in 2014 in response to changes in Government institutions, and again in 2019 to allow for participation by Bangor City Council and Beaumaris Town Council.

The purpose of this report is to consider how the Association should respond to changes in the number of directors and opportunities for securing wider involvement by organisations with an interest in the Menai Strait.

### **Recommendations**

1. That the report is received.
2. That the Association should invite the existing lessees in the Menai Strait (East) Mussel and Oyster Fishery Order 2022 area to nominate a second representative to become a Director and Member of the Association.
3. That the Secretariat should make arrangements for appointing a new Director if one of the existing lessees accepts this offer.
4. That the Association should consider whether it is appropriate to invite wider participation in MSFOMA meetings by other organisations, initially as "Observers".

### **1. Background**

- 1.1 The Articles of Association of MSFOMA set out how the Association must operate, and specify which organisations may participate as Members and Directors. Since MSFOMA was established in 2010 there have been three versions of these Articles in place, summarised below.
  - a) The original (2010) Articles of Association allowed for participation from a single representative from each of Gwynedd and Ynys Môn County Councils, the Countryside Council for Wales, Environment Agency Wales, the School of Ocean Sciences, and a representative from each of the lessees and licence holders in the Menai Strait Fishery Order area.
  - b) In 2014 the Articles were amended in response to the merging of CCW and Environment Agency Wales to form Natural Resources Wales, and to create provision to appoint a director / member from the lessees in the Menai Strait West Fishery Order, which the Association anticipated would be made in the near future at that time.
  - c) In 2020 further amendments were made to allow Beaumaris Town Council and Bangor City Council representatives to participate as Members or Directors. Changes were also made to recognise the need to be more flexible in the appointment of fishing representatives, allowing one or more representatives to

be appointed from each of three categories: lessees in the Menai East Fishery Order area; lessees in Menai West; and licence holders from Menai East.

- 1.2 It was reported at the last meeting of the Association that Mr Keith Andrews had decided to stand down as a Director. The Association must determine how to respond to the loss of a Director by inviting other eligible candidates to take up this role. It is also appropriate at this time to consider whether there may be benefits in widening involvement in the Association to include stakeholders from sectors that are not currently represented in the directorship and membership.

## **2. Replacing Keith Andrews**

- 2.1 Keith Andrews was appointed as a director of the Association in June 2010 as a representative of the licensed hand gatherers in the fishery. At the time he was appointed, the Association provided for two Directors from the fishing industry: one from the licensed hand gatherers; and one from the mussel farmers who hold leases for areas within the Fishery Order.
- 2.2 When the Articles of Association were amended in 2020, the provision for appointing Directors from the fishing industry were changed, and the current version is shown in Annex A of this report. The revised Articles allow for the appointment of “one or two” directors from the lessees of the Menai East Fishery Order, the licensed hand gatherers, and the lessees of the Menai West Fishery Order.
- 2.3 The Association has not issued licences for hand gathering for many years, so there are no candidate Directors or Members from that sector; and the Menai West Fishery Order has not yet been created, so there are no lessees from that Order who could be invited to participate as Members or Directors. The only option available to replace Keith Andrews would therefore be to invite another of the lessees in the Menai East Fishery Order to become one of the Directors and Members of the Association.
- 2.4 If the Association agree that this is an appropriate course of action, the Secretariat could be instructed to issue an invitation and progress with making the new appointment in advance of the next meeting of the Association.

## **3. Widening involvement**

- 3.1 On several occasions the Association has considered whether it would be appropriate to invite representatives from other organisations and from the local community to participate in its meetings. The purpose of this would be to facilitate and encourage better engagement, to raise the profile of the Association, and to demonstrate the openness and transparency of the organisation. The sectors that seem to be relevant to the Association would be recreational (local sailing clubs), and environmental Non-Government Organisations (such as local RSPB groups or Wildlife Trusts).
- 3.2 Although the intention of widening involvement would be to benefit the Association, there are some potential risks. These include the risk of swelling the membership too much and diluting the purpose of the Association; and also of alienating some stakeholders by inviting rival or sister organisations instead of them.
- 3.3 Members are advised that Bangor City Council and Beaumaris Town Council representatives participated as “Observers” at Association meetings for a period of time before the Articles were amended in 2020 to formalise their participation.

Observer organisations are permitted under the Articles of Association to attend meetings, and to participate in discussions, but not to vote on motions. This approach proved to be a successful first step for both Bangor City Council and Beaumaris Town Council. A similar approach may be appropriate for trialling wider involvement from the recreational and environmental NGO sectors.

- 3.4 Members of the Association are invited to consider whether it is appropriate to widen involvement in MSFOMA by inviting participation of additional organisations as “observers”, and to agree which local organisations it would be appropriate to invite to fulfil this role.

MSFOMA Secretariat  
May 2022

## **21. Number and Appointment of Directors**

(1) The number of directors shall not be less than one. The maximum number of directors shall be ten. In addition to the appointment of the Chairperson pursuant to article 16, each of the following proposed members of the Company shall be entitled to appoint director(s) of the Company and to remove from office any such director(s) appointed and to appoint another person in his place as specified below:

(a) One director from:-

- (i) Natural Resources Wales;
- (ii) Ynys Mon County Council;
- (iii) Gwynedd County Council;
- (iv) Bangor City Council;
- (v) Beaumaris Town Council;
- (vi) Bangor University Marine Centre Wales.

(b) One or two directors from each of (with not more than one director being appointed from any one relevant lessee):-

- (i) The lessees granted a lease under the Menai Strait East Order
- (ii) The lessees granted a lease under the Menai Strait West Order; and
- (iii) The licence holders granted a licence under the Menai Strait East Order.

(c) Directors of the Company appointed by the directors in accordance with articles 16 and 17A:-

- (i) the Chairperson
- (ii) Administrative Director

(2) Any appointment or removal of a director pursuant to this article shall be in writing and signed by or on behalf of the proposed member and served on each of the other members and the Company at its registered office, marked for the attention of the Company secretary or delivered to a duly constituted meeting of the directors of the Company. Any such appointment or removal shall take effect when received by the Company or at such later time as shall be specified in such notice.

(3) Any person who is willing to act as a director, and is permitted by law to do so, may be appointed to be a director—

- (a) by ordinary resolution, or
- (b) by a decision of the directors.

## **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 current and past Financial Year and sets out proposals for amending the Association's financial procedures.

### **Recommendations**

1. That performance with the 2022-23 budget is noted and approved.
2. That the Association approves a reduction in lease fees for the first half of the 2022-23 FY by  $\frac{1}{3}$  of the budgeted fee, in response to the delay issuing new leases.
3. That improvements to financial management arrangements are noted and approved.
4. That the Association endorses action to correct historical accounting errors.

### **1. Budgetary performance in current Financial Year**

- 1.1 The Association agreed a budget and Financial Plan at the December 2022 AGM to cover the period until the end of the 2026-27 FY. A copy of this Financial Plan is included for reference at Annex A.
- 1.2 An income and expenditure report for the Association for the MSFOMA 2022-23 Financial Year (starting on 1<sup>st</sup> March 2022) is presented in Annex B. This shows both the actual and budgeted values for each item of income and expenditure.
- 1.1 Key points to note are that:-
  - a) Income for the financial year to date is £0. This is because no invoices have been issued at the time of writing this report, which is in turn a result of the delays in approval of the Habitats Regulations Assessment for the leased areas (see item 12 on the agenda and also section 2 of this report below).
  - b) Expenditure has been slightly higher (£251.56) than the anticipated sum of £5,300. There are some expenditure details of note:
    - i. The Association has incurred liabilities of £5,511.06 in the past quarter. This is £251.56 over budget, and results principally from professional fees for work on the renewal of the Menai East Fishery Order (which it had been anticipated would be completed by now).
    - ii. Expenditure has been lower than budgeted for the Menai West Fishery Order and also for other heads or expenditure.
  - c) The consequence of the zero income in the first quarter and the expenditure incurred is that budgetary performance was £9,501.56 worse than planned.
- 1.2 The Association's bank balance on 27<sup>th</sup> May 2022 stood at £24,355.32.

## **2. Lease fees for 2022-23**

- 2.1 At the December 2021 AGM, the Association agreed to set its lease income at a total of £18,500p.a. for the next 5 years, split equally between the 8 lessees in the Fishery. This resolution was modified at the March 2022 meeting. The overall lease income of £18,500p.a. was retained, but the split between tenants was adjusted so that those who were in arrears would pay an increased fee, and those who were not would pay a reduced fee.
- 2.2 The Association is advised that owing to the length of time that it took for the completion of the Habitats Regulations Assessment (HRA) process for issuing leases, these were not engrossed until 24<sup>th</sup> May, rather than 2<sup>nd</sup> April as intended. This means that the lessees were unable to exercise their rights as tenants for nearly two months.
- 2.3 In response to this delay, and also in recognition of the difficult trading conditions faced by mussel farmers at present, it is proposed that the lease fees for the first half of the 2022-23 FY should be reduced by  $\frac{1}{3}$  (two months out of a six month period). The net effect of this would be to reduce MSFOMA's projected income for this FY by £3,083.34 from £18,500 to £15,416.
- 2.4 The Association is advised that if it adopted this proposal it would not affect the solvency of the organisation over the next 5 years.

## **3. Annual Accounts**

- 3.1 The Secretariat, Chair and the Association's accountants have had several discussions during early 2022 about the figures presented in the Association's accounts over the past few years. During these discussions it became clear that the accountant and the Secretariat had an identical perception of the sums paid out by the Association, the income received, and the cash in the bank, but a very different perception of the sums that were owed to the Association across several financial years.
- 3.2 During a discussion between the Secretariat and accountant on the 27<sup>th</sup> May 2022 it became apparent how most of this discrepancy had arisen. In essence, credit notes had not been issued by the Secretariat in response to the decision to waive lease fees for the Bangor Deep and Ballast Bank leased areas over a period of several years; and an income for hand gathering licences of £900 p.a. had been assumed when drawing up the accounts in years when in fact no licences had been issued.
- 3.3 It is important for an organisation like MSFOMA that it operates to the highest standards. The Secretariat and accountants therefore propose to the Association that corrections are made to the historical accounting records filed with Companies House and that these be adjusted for as a "prior year" adjustment in the year end 2022 financial statements.
- 3.4 These errors have been detected because of the new book-keeping processes that have been implemented by the Secretariat and Chair over the past 12 months. These new systems have enabled the Secretariat and accountants to identify where historical errors occurred. They will prevent similar errors arising in future. This system provides for both better credit control and easier, more transparent, financial reporting than we have had in previous years.



#### **4. Financial Control**

- 4.1 At past meetings of the Association it has been agreed that clearer systems for financial control should be put in place. The Chair and Secretariat have discussed this with the Association's accountants, who have put forward some proposals that would be appropriate for an organisation like MSFOMA. These are attached at Annex C of the report.
- 4.2 The Association is invited to review and comment on these proposals, with a view to formally adopting them either at this meeting or (subject to amendment) the next meeting of the Association.

#### **5. Community Fund**

- 5.1 During the last FY, the MSFOMA Community fund was used to support the replacement of a swing in the children's playground in Beaumaris, and also to fund the refurbishment of a kiosk on Bangor Pier commemorating HMS Conway.
- 5.2 It was agreed at the last MSFOMA meeting that the Secretariat should approach both Bangor City Council and Beaumaris Town Council as well as other local organisations to seek proposals for investment from the MSFOMA Community Fund during this FY.
- 5.3 The only proposal for funding received so far is from Beaumaris Town Council who are planning to create a community garden. The Secretariat has asked the Council to keep us informed about this proposal, and will continue to seek other opportunities. If MSFOMA participants have any additional suggestions they would be gratefully received.

MSFOMA Secretariat  
May 2022

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

Item	Financial Year				
	2022-23	2023-24	2024-25	2025-26	2026-27
<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>

**Annex B:** MSFOMA Financial performance for the 2022-23 FY.

Item	Year Budget	Quarter 1 (1st March - 31st May)		Year to Date		
	2022-23	Actual	Budget	Actual	Budget	Performance
<b>1. Expenditure</b>						
Administration of the Order*	£7,500.00	£2,418.90	£1,875.00	£2,418.90	£1,875.00	-£543.90
Enforcement activity	£1,200.00	£0.00	£300.00	£0.00	£300.00	£300.00
Corporate core*	£1,200.00	£0.00	£300.00	£0.00	£300.00	£300.00
Renewal of Fishery Orders*				£0.00	£0.00	£0.00
Menai East	£0.00	£3,092.16	£0.00	£3,092.16	£0.00	-£3,092.16
Menai West	£7,500.00	£0.00	£1,875.00	£0.00	£1,875.00	£1,875.00
Research & monitoring	£1,800.00	£0.00	£450.00	£0.00	£450.00	£450.00
Community fund	£2,000.00	£0.00	£500.00	£0.00	£500.00	£500.00
<b>Total Expenditure</b>	<b>£21,200.00</b>	<b>£5,511.06</b>	<b>£5,300.00</b>	<b>£5,551.56</b>	<b>£5,300.00</b>	<b>-£251.56</b>
<b>2. Income</b>						
Leases for lays	£18,500.00	£0.00	£9,250.00	£0.00	£9,250.00	-£9,250.00
Licences	£0.00	£0.00		£0.00	£0.00	£0.00
<b>Total</b>	<b>£18,500.00</b>	<b>£0.00</b>	<b>£9,250.00</b>	<b>£0.00</b>	<b>£9,250.00</b>	<b>-£9,250.00</b>
<b>Operating surplus / deficit</b>	<b>-£2,700.00</b>	<b>-£5,511.06</b>	<b>£3,950.00</b>	<b>-£5,551.56</b>	<b>£3,950.00</b>	<b>-£9,501.56</b>

**Annex C:** Advice on Financial Management from Fraser Wood Chartered Certified Accountants

*You asked for some guidance on financial controls and procedures to implement at MSFOMA. In principle, we are looking for segregation of duties and documented authorisation from the board.*

*I recommend the following:-*

*1. Regarding payments*

*Jim does the bookkeeping for the Association. It makes sense if the following is presented to the Board for approval:-*

- a) An aged creditors report – this lists the suppliers that are owed money. Attached to this report would be a copy of the individual supplier invoices.*
- b) The Board would then review the report & invoices before authorising the expenditure.*
- c) For completeness one of the directors would process the online bank payments to pay the invoices. At least 2 directors should be authorised on the bank account and have access to online banking.*

*The above would be documented in the Board minutes.*

*2. Regarding receipts*

- a) The invoices for the leases & licence are issued twice a year. Prior to issuing the invoices, the amounts should be confirmed at Board level & recorded in the Minutes.*
- b) Tracking of the debtors position (i.e. the unpaid leases) should be covered by a credit control procedure. The Board should decide what is appropriate but the following may be acceptable to you:-*
  - Invoice issued and due on presentation.*
  - For any unpaid invoices after 30 days, customers would receive a letter sent with copy invoice, advising that payment is overdue & expected in 7 days unless they contact the Association to discuss the matter e.g. to reach agreement regarding a payment schedule etc.*
  - If still not paid or there is a breach of an agreed payment schedule, the matter should be taken to Board level to discuss & agree a solution.*
  - Regarding any historical debt, the Board needs to agree how to resolve these debts. The Board needs to agree what payment plans would be agreeable to Association and affordable.*
  - An aged debtors report should be presented to the Board at each meeting and included in the Board minutes*

*You may need to modify the above if your Board meetings are not regular enough to authorise all bank payments. However the Association does not have many costs & most Boards that meet monthly can manage to implement the above. Once suppliers know when payment runs are made, they usually are very pragmatic about the timing of issuing their invoices.*

## 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.

It was reported at the last MSFOMA meeting what the Welsh Fishermen's Federation were liaising with the Minister about this group, and that it had been hoped that a meeting might take place in the spring. It is hoped that news of progress will be provided to the meeting.

- 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 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 12 & 14 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 12 & 14 on the agenda.

MSFOMA Secretariat  
May 2022

## **North West Inshore Fisheries and Conservation Authority Activity**

### **Background**

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

### **Recommendations**

1. That the report is received.
2. That the Association should keep the need for a Morecambe Bay Mussel Management Plan on the future agenda for NWIFCA.

### **1. IFCA Meetings**

- 1.1 Since the last meeting of the Association the NW-IFCA has not held a quarterly meeting (the last was on the 24<sup>th</sup> March 2022 and the next is on 23<sup>rd</sup> June 2022). A meeting of the Technical, Science and Byelaws (TSB) Sub-Committee took place on 10<sup>th</sup> May 2022. The next TSB meeting is scheduled for 2<sup>nd</sup> August 2022.

### **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. Morecambe Bay Mussel Management Plan**

- 4.1 It was reported last year that MSFOMA participants in NWIFCA business had asked the Authority to proceed with the implementation of the Morecambe Bay Mussel Management Plan. It proved impossible for NWIFCA to progress this plan last year.
- 4.2 Given the long-term importance of the Morecambe Bay Mussel Management Plan to the shellfish farmers in the Menai Strait, it will be important to also keep this item on the agenda for NWIFCA action. The Secretariat (also vice-Chair of NWIFCA and the NWIFA TSB) will encourage action on this area of work.

MSFOMA Secretariat  
May 2022

## **All Party Parliamentary Group: Shellfish Aquaculture**

### **Background**

All-Party Parliamentary Groups (APPGs) are informal cross-party groups that have no official status within Parliament. They are run by and for Members of the Commons and Lords, though many choose to involve individuals and organisations from outside Parliament in their administration and activities.

An APPG for Shellfish Aquaculture was set up by MPs and Peers on the 8<sup>th</sup> February 2022. The purpose of this brief report is to provide an update on the work of this group.

### **Recommendations**

1. That the report is received.
2. That the Association seek to liaise with MPs on the APPG from North Wales to inform them of the challenges facing shellfish farmers in this area.

### **1. Introduction**

- 1.1 The All Party Parliamentary Group (APPG) has been established by Simon Fell, MP for Barrow in Furness, and Anthony Mangnall, MP for Totnes and South Devon. Other MPs from around the country are participating in the Group including Hywel Williams, MP for Arfon. The MPs on this group are working closely with the Shellfish Association of Great Britain and its members, notably James Wilson who is one of the mussel farmers from the Menai Strait.
- 1.2 The purpose of this APPG is to examine the challenges presently facing shellfish farmers in the UK, including such issues as trade flow with the EU, the policy obstacles to Pacific oyster cultivation, and the opportunities for more streamlined application of food safety and hygiene controls in the UK.

### **2. Meetings and progress**

- 2.1 James Wilson (Deepdock Ltd) attended the first meeting of this APPG on 8<sup>th</sup> February 2022. The Group has subsequently met on 4<sup>th</sup> May 2022 (a meeting attended by MPs, industry representatives, and the Fisheries Minister Victoria Prentis MP); and on 11<sup>th</sup> May 2022 (at Fishmonger's Hall following the annual SAGB conference).
- 2.2 Copies of the briefing notes provided for the meeting on 4<sup>th</sup> May by SAGB are provided at Annexes A (Trade Flows) and Annex B (Pacific Oyster). A summary of these documents was prepared by the Secretariat for Hywel Williams and is attached at Annex C.
- 2.3 The APPG meeting on 11<sup>th</sup> May was provided with detailed presentations from industry representatives at the SAGB conference.
- 2.4 The Secretariat can report that the APPG appears to be raising awareness of the challenges facing the shellfish aquaculture sector very effectively. The opportunity to address the Minister was particularly welcome, and the overall feeling is that the audience is very receptive.



- 2.5 It would seem to be appropriate for the Association and its participants to augment and support the work of SAGB at the national level by building links with Hywel Williams MP and any other local MPs with an interest in shellfish farming. The Secretariat has been in touch with Mr Williams' constituency office to organise a visit to Port Penrhyn, which it is hoped will take place in the next few weeks.

MSFOMA Secretariat  
May 2022

**Annex A:** Shellfish Association of Great Britain report about Trade Flows, for Shellfish Aquaculture All Party Parliamentary Group.



Shellfish  
Association of Great Britain



**Summary of current situation with regard to shellfish and EU Trade flows**

- Britain has a long history of exporting bivalve shellfish to Europe and most of these shellfish are produced by aquaculture.
- There is limited, but slowly growing, demand in the UK for these products so most of the production has historically been exported to Europe where the consumption per capita is much higher.
- Over the last 30+ years, businesses in the UK have established and expanded using the model that they grow bivalve shellfish to marketable size in UK waters. These have then been exported, largely to the Netherlands, for purification (cleansing) before being sold for consumption across Europe.
- It is necessary to purify the shellfish after harvesting in UK waters as many of our waters around our coast are not deemed clean enough for the shellfish to be consumed directly after harvesting.
- The purification needs to be carried out in the Netherlands as that is where the facilities are, but also because the purification process weakens the animals and their survival rates during transport after purification in the UK are poor.
- However, after Brexit the EU will only accept shellfish which are already safe to eat and thus the UK industry cannot export the animals for purification any longer.
- This has meant a dramatic fall in exports of this product with many businesses being unable to operate at all.
- This is a barrier to trade which is not logical. The trade has existed for many years and nothing has materially altered; there is no reason for the trade not to continue as it was before.
- We are told that DEFRA do not agree with the current EU interpretation of the regulations and have raised this issue at the SPS committee, but we have seen no progress.
- After more than a year of very limited or no trade, many bivalve businesses are now facing bankruptcy and loss of employment in their areas.
- We feel that the negotiations by officials at the SPS committee are proceeding too slowly and with limited prospects of success.
- We ask that MPs use their influence to remove the artificial barriers to this trade and restore it whilst we still have an aquaculture industry.

**We ask for high level negotiations, at Ministerial level, to resolve the impasse.**

April 2022

The Shellfish Association of Great Britain

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Limited by Guarantee

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[www.shellfish.org.uk](http://www.shellfish.org.uk)

Registered in England Number 8804994

**Annex B:** Shellfish Association of Great Britain report about Pacific Oysters, for Shellfish Aquaculture All Party Parliamentary Group.



Shellfish  
Association of Great Britain

**Summary of current situation with regard to pacific oysters**

- Oyster farming is an environmentally friendly activity with great potential for expansion, but currently constrained by over-regulation.
- Shellfish aquaculture in the UK has suffered from lack of regulatory support for decades; there are issues with water quality, classification of waters, and now export restrictions as well. However, pacific oysters also have a problem with a lack of a government policy which is supportive of their production.
- From the latest figures we see the UK produced 2,680 tonnes of oysters in 2019, France produced 145,000 tonnes. Yet our coastline and hydrographical conditions are very similar.
- Over 95% of this production is Pacific (rock or 'gigas') oysters. This is the only species which can be cultivated successfully. Native oysters (flat or 'edulis') are prone to mortality from endemic diseases.
- There is evidence that the Pacific oyster has lived in UK waters for over 100 years, however the Government reintroduced the species to the UK, under quarantine, in the 1960's – to allow the expansion of the cultivation sector.
- With rising temperatures and cleaner waters, wild populations of Pacific oysters have established around much of the coastline in Europe as far as Norway and including the South coast and East coast of the UK. This is an inevitable process which will continue irrespective of farming.
- However, the pacific oyster is classed in the UK as an invasive, non-native species and hence Natural England has issued advice for Natura 2000 sites saying that it believes no new pacific oyster farms and no expansion of existing ones should be allowed. In the rest of Europe, they are considered ordinarily resident and fully compatible with all the aims of protected sites.
- This affects the majority of (potential) sites in the UK, which are deemed to be too close to Natura sites because the free-swimming larvae can travel large distances.
- For example, there is a policy of no new sites in the whole of Wales.
- Many existing sites are restricted to using 'triploid' (sterile) seed which is pointless when there are established wild populations.
- DEFRA believes it is inappropriate for it to have a policy on pacific oysters.

The Shellfish Association of Great Britain

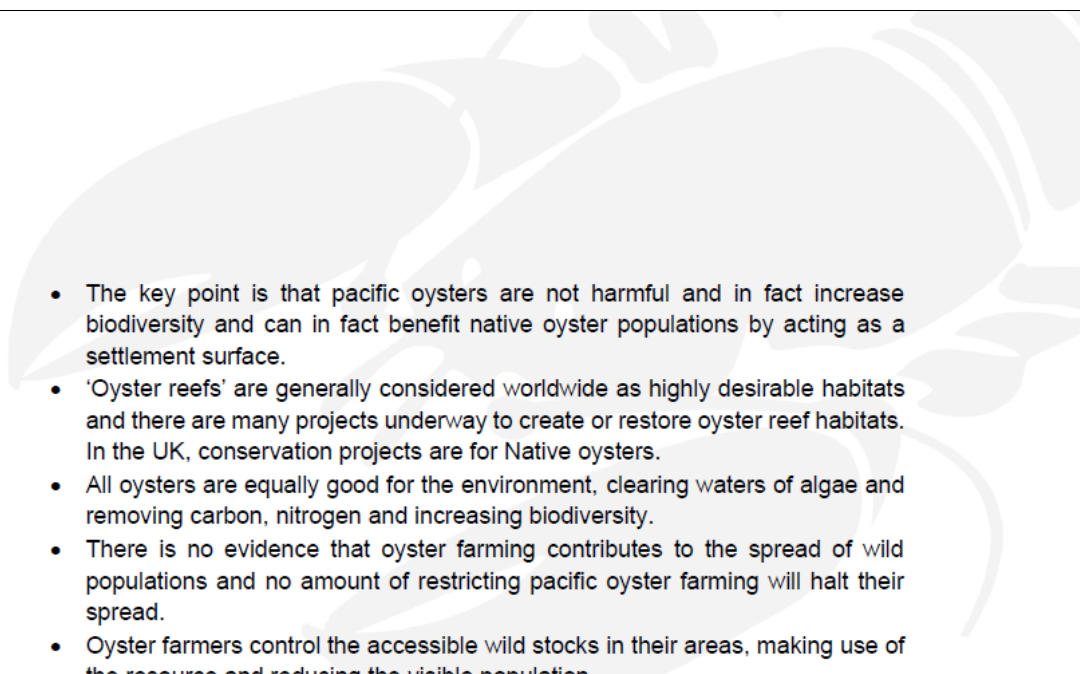
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- 
- The key point is that pacific oysters are not harmful and in fact increase biodiversity and can in fact benefit native oyster populations by acting as a settlement surface.
  - 'Oyster reefs' are generally considered worldwide as highly desirable habitats and there are many projects underway to create or restore oyster reef habitats. In the UK, conservation projects are for Native oysters.
  - All oysters are equally good for the environment, clearing waters of algae and removing carbon, nitrogen and increasing biodiversity.
  - There is no evidence that oyster farming contributes to the spread of wild populations and no amount of restricting pacific oyster farming will halt their spread.
  - Oyster farmers control the accessible wild stocks in their areas, making use of the resource and reducing the visible population
  - The Netherlands have found that attempts to control the wild population are ineffective and have accepted that pacific oysters are established and now actively exploit this valuable resource.
  - If we continue to restrict the UK industry, it will not stop the spread of pacific oysters. The popularity of pacific oysters is growing in the UK as evidenced by their demand. There are areas where the oyster festivals attract tourism and economic growth. Our European neighbours all recognise the benefits, why don't we?
  - We need a national policy which is realistic and pragmatic which takes a holistic approach to the species. We must stop relying on a policy from Natural England which only considers the issue from one precautionary perspective.
  - We have exhausted all avenues with DEFRA and their associated bodies; we now need political assistance to help alter the narrow interpretation of the legislation.

**We call on Defra to provide definitive clarity on the use of the species in order to allow their cultivation in a manner that does not restrict the industry.**

April 2022



## All Party Parliamentary Group: Shellfish Aquaculture

### Briefing from Menai Strait Fishery Order Management Association, MSFOMA<sup>1</sup> for Local MPs

#### Context

- This is a short briefing that has been prepared for North Wales MPs ahead of the APPG meeting on Shellfish Aquaculture scheduled for 1030 on the 4<sup>th</sup> of May 2022.
- This briefing covers the two issues that are due to be discussed on 4<sup>th</sup> of May. There are other issues that are important to the mussel and oyster farmers in the Menai Strait that are due to be discussed at future meetings. We will provide a short briefing for them in advance.
- Overall, our view is that many of the problems facing the UK shellfish sector are of UK administrations' own making. Our MPs need to "Take Back Control" by giving UK officials a clear mandate to remove the bureaucracy that is now suffocating businesses that were thriving just two years ago.

#### Issue 1: Pacific Oyster Farming – restricted in the UK but permitted in the EU.

- If you have eaten oysters anywhere in the UK or in Europe in the past 60 years, the chances are they were Pacific oysters. They are delicious, and are farmed around our shores without artificial food, chemicals or pesticides.
- Pacific Oysters were introduced into the UK and Europe from the Far East in the mid-20<sup>th</sup> century. At that time our waters were warm enough for Pacific Oysters to grow, but not to breed. Climate change has warmed the sea since then, and in some parts of Europe and the UK Pacific Oysters have been able to start breeding and colonise areas outside oyster farms.
- The response of the UK and EU Member States to this issue is starkly different. In the UK, Pacific oysters are now classed as an "invasive non-native species". In the EU they are not. In the UK our nature conservation agencies (Natural England, Natural Resources Wales and Nature Scot) are imposing restrictions on new oyster farms and the renewal of consent for existing farms. Their counterparts in the EU are not. Ironically, the UK nature conservation agencies are acting to protect the "Natura 2000" wildlife sites that were created under EU legislation prior to Brexit. Their EU counterparts are not and have accepted that Pacific oysters are here to stay.
- The UK policy is out of step with, and more restrictive than that of our European competitors; is entirely self-inflicted; is damaging UK industry; and will not protect the UK environment – for the simple reason that oyster larvae drift in the sea for several weeks before settling on the seabed. A ban on Pacific oyster farms in the UK will not stop French, Irish or Dutch oyster larvae settling on our shores. All it will do is penalise UK oyster farmers. **The UK policy on Pacific Oysters has more in common with King Canute's futile effort to hold back the tide than the UK vision of "Taking Back Control".**
- **Call for action:** MPs could help to save UK oyster farmers from being legislated out of existence by taking these simple steps:
  - Calling on Defra to provide direction and clarity on the use of Pacific oysters; and
  - Seeking a UK policy on Pacific oysters that is comparable with our EU competitors so that UK oyster farmers can compete with them on a level playing field.

<sup>1</sup> MSFOMA has statutory responsibility to manage the shellfish farming area in the eastern Menai Strait. Prior to Brexit this was the most productive aquaculture area in the entire UK, exporting thousands of tonnes of fresh live mussels to European markets every year, generating export revenue and securing local jobs. Output in 2021-22 was less than 100t. Many staff have been laid off by the shellfish farmers in the Strait.

## Issue 2: EU Trade Flow –halted by bureaucracy on each side of the Channel

- Shellfish farming in the Menai Strait has been dependent on a free flow of shellfish from Porth Penrhyn and across the Channel directly to markets in Europe for decades. This trade has dried up since the UK left the EU.
- There are no viable alternatives to the EU market for UK mussel farmers. There is no domestic alternative: the UK market for mussels is just a few hundred tonnes per year, while the EU market consumes tens of thousands of tonnes each year. On the global market outside the EU the UK industry cannot compete with the low production costs of mussels farmed in developing countries.
- Two years ago, live mussels left the quayside here in Porth Penrhyn throughout the fishing season to arrive in the Oosterschelde in the Netherlands less than 24 hours later, where they could be processed immediately or put back in the sea and grown there for sale at a premium price. Today it is more likely that the same mussels would perish on the M20 before crossing the Channel, turning what should be a valuable export into a worthless cargo of rotting mussel flesh suitable only for disposal as waste.
- The obstacles to trade flow are administrative and technical. There is no practical reason why the trade that flourished just two years ago could not resume – but unless swift action is taken the UK will lose the infrastructure and capacity that once made UK mussel farming at a large scale attractive to the EU market.
- **Call for action:** Time is of the essence. Sorting out EU Trade Flow will be vital for saving the mussel farming industry here in North Wales. We are calling on MPs to do the following:-
  - Demand that the key institutions here in the UK and in the EU adopt a more flexible and pragmatic approach to regulating and administering the export of UK shellfish.
  - Demand that UK Ministers make this issue a priority in negotiations with the EU over trade flow before irreversible harm is done to the UK shellfish farming industry.
  - Ensure that the paperwork is simplified and costs of processing this paperwork are reduced to manageable levels (an excellent BBC article “*Brexit: 71 pieces of paperwork for 1 lorry of fish*” can be viewed here: <https://www.bbc.co.uk/news/business-55887043>, and is relevant to shellfish as well).

Prepared on behalf of MSFOMA by  
Dr Jim Andrews, BSc, LL.M.  
07908-225865  
[info@msfoma.org](mailto:info@msfoma.org)

May 2022

## **Menai Strait (East) Mussel & Oyster Fishery Order** **2022**

### **Background**

The Menai Strait Oyster and Mussel Fishery Order was made in 1962 and provided the legal foundations for the mussel fishery in the eastern Menai Strait. This Order was the basis for the most successful and productive aquaculture area in Wales. The 1962 Order expired on 1<sup>st</sup> April 2022 and was succeeded by a new Order, the Menai Strait (East) Mussel & Oyster Fishery Order 2022.

This report considers the progress that has been made with implementing the new Fishery Order since it came into force on 2<sup>nd</sup> April 2022.

### **Recommendations**

1. That the report is received.
2. That the Association note and approve the progress that has been made to issue new leases for layings within the new Menai Strait (East) Mussel and Oyster Fishery 2022.
3. That the Association should acknowledge the hard work and dedication of staff from Natural Resources Wales who have helped to expedite progress with the implementation of the new Order.
4. That the Secretariat should work with NRW staff and mussel farmers to review the “Managed Areas” that have been established on a precautionary basis around the “reef” habitat features in the eastern Menai Strait.

### **1. Introduction**

- 1.1 Since 1962, a “Fishery Order” made by the Fisheries Minister under national legislation has provided the legal foundation 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. This has been the most successful Fishery Order in the UK.
- 1.2 The Menai Strait Oyster and Mussel Fishery Order 1962 expired on the 1<sup>st</sup> April 2022, and was immediately replaced by the new Menai Strait (East) Mussel and Oyster Fishery Order 2022, which will remain in force for 35 years. Although the wording of the new Fishery Order is different to its predecessor, and the boundary along the Anglesey coastline has been altered, it is in practical terms a “like for like” replacement which will allow mussel cultivation to proceed as before. A copy of the new Order can be viewed on the UK Government legislation website [here](#).
- 1.3 The significance of this event is hard to overstate. This is the first new Fishery Order to be made in Wales for many years, and putting this Order in place has taken a major commitment of time and effort by both the Association and key WG officials.
- 1.4 Over the past few weeks the Secretariat and Chair have been working with Welsh Government, Natural Resources Wales and mussel farmers in the Menai Strait to complete the implementation of the new Fishery Order. An update on progress is provided below.

## 2. Progress with implementation

2.1 The new Fishery Order gives rise to some new procedures and duties for MSFOMA. Progress with implementation of these new procedures was reported to previous meetings of the Association. An update on progress is presented below.

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

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

*“...cause notice of the making of the order to be published in such manner as that Minister thinks sufficient for giving information to all parties interested and shall give notice of the making of the order, in such manner as that Minister directs or approves, to the owners or reputed owners, lessees or reputed lessees, and occupiers, if any, of the portion of the sea shore to which the order relates and of the lands adjoining thereto.”*

No formal direction was given by the Minister to MSFOMA about how we should inform these interested parties of the making of the Order. As a precaution, and after discussion with WG staff, the Secretariat sent an e-mail to all 133 individuals and organisations on our mailing list for this Fishery Order on 10<sup>th</sup> March 2022.

WG officials also advised that it would be appropriate for MSFOMA to post notices around the site as it had during the consultation on the draft Order last year. The Chair and Secretariat implemented this advice, and notices were posted around the coast by the Chair and Mr Trevor Jones and left in place for a period of several weeks in April-May 2022.

- b) **Creating and announcing a “Designated Several Fishery 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. This approval was granted on 28<sup>th</sup> March 2022.

MSFOMA is required by §4(3) of the Order to post a notice on its website within 7 days of the “Designated Area” coming into force (this deadline was the 9<sup>th</sup> April, since the Designated Area could not come into force before the Order itself).

A notice about the Designation of a Several Fishery Area was placed on the MSFOMA website on the 8<sup>th</sup> April 2022 (see Annex A of this report).

- c) **Ministerial consent to lease** all or part of the several fishery area – this is a requirement under §8(2) of the Draft Order. The request must be made in writing and must include a list of the proposed leased areas, a statement in support of the request, a map showing the location of each laying, and the boundary coordinates for each of the layings.



In addition to this, MSFOMA has had to carry out a “Habitats Regulations Assessment” (HRA) for each leased of the 8 areas in consultation with Natural Resources Wales before submitting the request to the Minister.

The HRAs for the leased areas were completed by MSFOMA and submitted to NRW for review on the 1<sup>st</sup> April 2022 (see e-mail at Annex B). NRW responded very swiftly on 5<sup>th</sup> April 2022 (Annex C) confirming agreement with the MSFOMA conclusion that these leased areas would not adversely affect the integrity of any European site.

MSFOMA submitted a request for Ministerial approval to issue leases for these areas on the 7<sup>th</sup> April 2022 (Annex D). Approval was granted on 15<sup>th</sup> May 2022 (Annex E).

Upon receipt of Ministerial approval leases were issued to all prospective tenants, signed by them, and countersigned by two Directors of the Association (the Chair and Secretariat). The leases are being engrossed and will come into effect on 1<sup>st</sup> June 2022.

- 2.3 With the completion of the leases, the initial phase of implementing the new Fishery Order has now been completed. Although there has been a delay of 2 months between the new Order coming into force and new leases being in place for the leased areas, mussel farming operations can now take place in the new Order under a virtually identical regime to the old 1962 Order.
- 2.4 The Secretariat must formally record his gratitude to NRW staff (Alex Scorey and Kate Griffith) who worked closely with MSFOMA through much of March and early April 2022 to finalise the HRA documents for each of the 8 leased areas. Each HRA is a detailed document covering over 60 pages of text and maps, and each is tailored to the specific characteristics of each leased area. Their expert input was very helpful during this period, and their close involvement ensured a very rapid response when MSFOMA sought confirmation that the assessment of likely significant effect had been carried out appropriately.
- 2.5 It was noted at the last MSFOMA meeting that some further work is required to confirm the extent of some of the precautionary “managed areas” that have been established within leased areas. These areas set a 100m buffer around known reef features on the seabed. Over the next few months the Secretariat will work with the mussel farmers, and NRW to determine the extent to which these areas can be reduced without placing natural habitat features at risk.

MSFOMA Secretariat  
May 2022

## Annex A: Notice of Designation of a Several Fishery Area, MSFOMA website, 8<sup>th</sup> April 2022.

### MSFOMA

The Menai Strait Fishery Order  
Management Association

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#### Menai Strait (East) Mussel and Oyster Fishery Order 2022: Designation of Several Fishery Area

Posted on April 8, 2022 by Jim Andrews

The new Menai Strait (East) Mussel and Oyster Fishery Order 2022 came into force on Saturday the 2nd of April 2022, replacing the old 1962 Fishery Order that has covered this area since 1962 and which expired at midnight on Friday the 1st of April 2022.

During March 2022, the Menai Strait Fishery Order Management Association sought the consent of the Welsh Minister to designate a new “several fishery area” within the new Fishery Order. The Minister granted her consent on the 28th of March 2022 so that this designation could be implemented when the new Order came into force.

One of the requirements of the new Fishery Order is that MSFOMA must publish a notice announcing the “designated several fishery area” on its website no later than 7 days after it takes effect. This announcement, which has been posted on the MSFOMA website and sent directly to interested parties, meets that requirement.

The boundary of the new Fishery Order and the “Designated Several Fishery Area” within it are illustrated in the map below.



The designated area follows the outer boundary of the existing mussel farming areas in the Menai Strait. It is part of the “like for like” process of renewing the cultivation areas that were established under the previous Fishery Order under this new Order. The designated area does and will not create any new restrictions or constraints for existing users of the area.

A formal notice announcing this designation can be downloaded [here](#). The new Fishery Order can be accessed [here](#).

## HYSBYSIAD CYHOEDDUS

**Deddf Pysgodfeydd Môr 1967 (Pysgod Cregyn)  
(fel y'i diwygwyd)**

**Gorchymyn Pysgodfa Cregyn Gleision a Wystrys  
Afon Menai (Dwyrain) 2022 (2022 Rhif 213 (Cy. 69))**

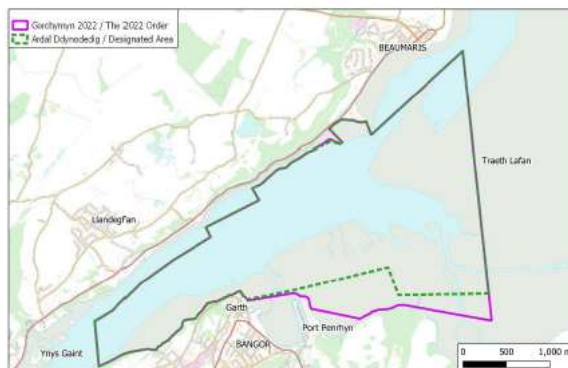
### RHODDIR HYSBYSIAD DRWY HYN FOD:

CYMDEITHAS RHEOLI GORCHYMYN PYSGODFA AFON MENAI (MSFOMA), PORTH PENRHYN, BANGOR GWYNEDD LL57 4HN ("MSFOMA"), sy'n gweithredu fel Derbynnnydd Grant Gorchymyn Pysgodfa Cregyn Gleision a Wystrys Afon Menai (Dwyrain) 2022 ("Gorchymyn 2022"), wedi dynodi'r ardal a ddisgrifir yn yr hysbysiad hwn fel yr ardal bysgodfa unigol yn unol ag adran 4 o Orchymyn 2022. Mae dynodi'r ardal hon wedi cael cydsyniad y Gweinidog Cymreig fel sy'n ofynnol o dan adran 5 o Orchymyn 2022 (gweler Atodiad A i'r hysbysiad hwn). Cyfeirir at yr ardal hon fel yr "Ardal Ddynodedig".

Mae'r hysbysiad wedi'i gyhoeddi yn unol ag adran 4(3) o'r Gorchymyn, sy'n ei gwneud yn ofynnol i'r dynodiad gael ei gyhoeddi ar wefan MSFOMA 7 niwrnod fan bellaf ar ôl iddo ddod yn weithredol.

Daw'r dynodiad hwn i rym ar 2 Ebrill 2022.

Dangosir hyd a lled yr Ardal Ddynodedig yn Ffigur 1, ac mae'r cyfesurynnau sy'n ei chyfyngu wedi'u rhestru dros y dudalen.



Gwneir y dynodiad hwn yn unol â phenderfyniad a wnaed gan MSFOMA yn ei gyfarfod ar 3ydd Rhagfyr 2021, ac fe'i llofnodwyd gan Gadeirydd y Gymdeithas.

*A. J. Winstone*

ALAN WINSTONE  
Cadeirydd, MSFOMA  
8ydd Ebrill 2022

**CYMDEITHAS RHEOLI GORCHYMYN PYSGODFA  
AFON MENAI  
PORTH PENRHYN, BANGOR,  
GWYNEDD, LL57 4HN**

[www.msfoma.org](http://www.msfoma.org)  
[info@msfoma.org](mailto:info@msfoma.org)

Tudalen 1 o 5

## PUBLIC NOTICE

**Sea Fisheries (Shellfish) Act 1967  
(as amended)**

**Menai Strait (East) Mussel and Oyster Fishery  
Order 2022 (2022 No. 213 (W. 69))**

### NOTICE IS HERE BY GIVEN THAT:

The MENAI STRAIT FISHERY ORDER MANAGEMENT ASSOCIATION OF PORT PENRHYN, BANGOR, GWYNEDD, LL57 4HN ("MSFOMA") acting as the Grantee of the Menai Strait (East) Oyster and Mussel Fishery Order 2022 ("the 2022 Order") has designated the area described in this notice as the several fishery area pursuant to §4 of the 2022 Order. The designation of this area has received the consent of the Welsh Minister as required by §5 of the 2022 Order (see Annex A of this notice). This area shall be referred to as the "Designated Area".

This notice has been published pursuant to §4(3) of the Order, which requires that the designation must be published on the MSFOMA website no later than 7 days after it takes effect.

This designation comes into effect on the 2nd April 2022.

The extent of the Designated Area is illustrated in Figure 1 and the coordinates bounding it are listed overleaf.

This designation is in accordance with a resolution made by MSFOMA at its meeting on 3rd December 2021 and is signed by the Chair of the Association.

*A. J. Winstone*

ALAN WINSTONE  
Chair, MSFOMA  
8th April 2022

**MENAI STRAIT FISHERY ORDER MANAGEMENT  
ASSOCIATION  
PORT PENRHYN, BANGOR,  
GWYNEDD, LL57 4HN**

[www.msfoma.org](http://www.msfoma.org)  
[info@msfoma.org](mailto:info@msfoma.org)

Page 1 of 5

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



Llywodraeth Cymru  
Welsh Government

Ein cyf/Our ref LG/00172/22

Alan Winstone  
Chair  
MSFOMA

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

28<sup>th</sup> March 2022

Dear Alan,

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

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

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

Yours sincerely,

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

Bee Caerdydd • Cardiff Bay  
Caerdydd • Cardiff  
CF99 1SN

Canolfan Cyswilt Cyntaf / First Point of Contact Centre:  
0300 0604400  
[Gohebiaeth Lesley Griffiths@llyw.cymru](mailto:Gohebiaeth.Lesley.Griffiths@llyw.cymru)  
[Correspondence.Lesley.Griffiths@gov.wales](mailto:Correspondence.Lesley.Griffiths@gov.wales)

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.



**Atodiad B: Cyfesurynnau'r Ardal Ddynodedig**

Mae'r Ardal Ddynodedig wedi'i chyfyngu gan y cyfesurynnau a restrir isod (wedi'u cyfeirio at ddatwm WGS84).

Pwynt / Point	Hydred / Longitude	Latitude / Lledred
1	004° 8.8202' W	053° 14.0223' N
2	004° 8.6395' W	053° 14.0900' N
3	004° 8.3600' W	053° 14.2610' N
4	004° 8.0340' W	053° 14.4070' N
5	004° 7.6461' W	053° 14.5540' N
6	004° 7.6978' W	053° 14.6130' N
7	004° 7.1553' W	053° 14.7845' N
8	004° 7.2302' W	053° 14.8594' N
9	004° 7.2261' W	053° 14.8603' N
10	004° 7.2121' W	053° 14.8640' N
11	004° 7.1872' W	053° 14.8716' N
12	004° 7.1756' W	053° 14.8749' N
13	004° 7.1655' W	053° 14.8780' N
14	004° 7.1523' W	053° 14.8821' N
15	004° 7.1382' W	053° 14.8874' N
16	004° 7.1248' W	053° 14.8932' N
17	004° 7.1179' W	053° 14.8967' N
18	004° 7.1089' W	053° 14.9020' N
19	004° 7.0999' W	053° 14.9083' N
20	004° 7.0901' W	053° 14.9143' N
21	004° 7.0840' W	053° 14.9177' N
22	004° 7.0694' W	053° 14.9264' N
23	004° 7.0553' W	053° 14.9342' N
24	004° 7.0416' W	053° 14.9404' N
25	004° 7.0293' W	053° 14.9461' N
26	004° 7.0232' W	053° 14.9491' N
27	004° 7.0112' W	053° 14.9547' N
28	004° 6.9963' W	053° 14.9618' N
29	004° 6.9814' W	053° 14.9697' N
30	004° 6.9689' W	053° 14.9750' N
31	004° 6.9594' W	053° 14.9785' N
32	004° 6.9520' W	053° 14.9808' N
33	004° 6.9410' W	053° 14.9834' N
34	004° 6.9244' W	053° 14.9859' N
35	004° 6.9126' W	053° 14.9867' N
36	004° 6.8986' W	053° 14.9873' N
37	004° 6.8886' W	053° 14.9885' N
38	004° 6.8784' W	053° 14.9909' N
39	004° 6.8714' W	053° 14.9937' N
40	004° 6.8618' W	053° 14.9994' N
41	004° 6.8507' W	053° 15.0070' N
42	004° 6.8412' W	053° 15.0130' N
43	004° 6.8306' W	053° 15.0189' N
44	004° 6.8211' W	053° 15.0231' N
45	004° 6.8154' W	053° 15.0252' N
46	004° 6.7993' W	053° 15.0304' N
47	004° 6.7877' W	053° 15.0344' N

Tudalen 3 o 5

**Annex B: Coordinates of Designated Area**

The Designated Area is bounded by the coordinates listed below (referenced to the WGS84 datum).

Pwynt / Point	Hydred / Longitude	Latitude / Lledred
48	004° 6.7746' W	053° 15.0386' N
49	004° 6.7634' W	053° 15.0422' N
50	004° 6.7521' W	053° 15.0462' N
51	004° 6.7405' W	053° 15.0506' N
52	004° 6.7352' W	053° 15.0526' N
53	004° 6.7205' W	053° 15.0581' N
54	004° 6.7041' W	053° 15.0653' N
55	004° 6.6875' W	053° 15.0727' N
56	004° 6.6742' W	053° 15.0789' N
57	004° 6.6666' W	053° 15.0818' N
58	004° 6.6595' W	053° 15.0839' N
59	004° 6.6425' W	053° 15.0885' N
60	004° 6.6325' W	053° 15.0910' N
61	004° 6.6237' W	053° 15.0930' N
62	004° 6.6135' W	053° 15.0951' N
63	004° 6.5925' W	053° 15.1011' N
64	004° 6.5696' W	053° 15.1095' N
65	004° 6.5588' W	053° 15.1136' N
66	004° 6.5455' W	053° 15.1181' N
67	004° 6.5364' W	053° 15.1212' N
68	004° 6.5247' W	053° 15.1251' N
69	004° 6.5201' W	053° 15.1270' N
70	004° 6.5133' W	053° 15.1206' N
71	004° 6.4059' W	053° 15.1565' N
72	004° 6.3465' W	053° 15.1261' N
73	004° 6.3056' W	053° 15.1447' N
74	004° 6.4403' W	053° 15.2247' N
75	004° 6.4311' W	053° 15.2309' N
76	004° 6.4204' W	053° 15.2372' N
77	004° 6.4078' W	053° 15.2440' N
78	004° 6.3985' W	053° 15.2491' N
79	004° 6.3847' W	053° 15.2560' N
80	004° 6.3704' W	053° 15.2621' N
81	004° 6.3605' W	053° 15.2658' N
82	004° 6.3510' W	053° 15.2699' N
83	004° 6.3447' W	053° 15.2730' N
84	004° 6.3298' W	053° 15.2789' N
85	004° 6.3165' W	053° 15.2815' N
86	004° 6.3037' W	053° 15.2824' N
87	004° 6.2870' W	053° 15.2828' N
88	004° 6.2761' W	053° 15.2827' N
89	004° 6.2523' W	053° 15.2820' N
90	004° 6.2352' W	053° 15.2805' N
91	004° 6.2223' W	053° 15.2799' N
92	004° 6.2152' W	053° 15.2809' N
93	004° 6.2056' W	053° 15.2814' N
94	004° 6.1940' W	053° 15.2800' N

Page 3 of 5

Pwynt / Point	Hydred / Longitude	Latitude / Lledred
95	004° 6.1811' W	053° 15.2777' N
96	004° 6.1657' W	053° 15.2750' N
97	004° 6.1380' W	053° 15.2701' N
98	004° 6.1272' W	053° 15.2687' N
99	004° 6.1174' W	053° 15.2680' N
100	004° 6.1053' W	053° 15.2681' N
101	004° 6.0886' W	053° 15.2696' N
102	004° 6.0781' W	053° 15.2713' N
103	004° 6.0662' W	053° 15.2741' N
104	004° 6.0579' W	053° 15.2767' N
105	004° 6.0028' W	053° 15.1918' N
106	004° 5.0680' W	053° 15.7195' N
107	004° 5.0035' W	053° 15.4046' N
108	004° 4.7993' W	053° 14.4070' N
109	004° 4.7662' W	053° 14.2307' N
110	004° 5.6980' W	053° 14.2128' N
111	004° 5.8095' W	053° 14.3838' N
112	004° 6.7970' W	053° 14.2302' N
113	004° 7.2619' W	053° 14.1707' N
114	004° 7.2688' W	053° 14.1771' N
115	004° 7.2791' W	053° 14.1835' N
116	004° 7.2960' W	053° 14.1902' N
117	004° 7.3039' W	053° 14.1941' N
118	004° 7.3066' W	053° 14.1963' N
119	004° 7.3119' W	053° 14.2024' N
120	004° 7.3195' W	053° 14.2101' N
121	004° 7.3245' W	053° 14.2148' N
122	004° 7.3322' W	053° 14.2200' N
123	004° 7.3419' W	053° 14.2235' N
124	004° 7.3450' W	053° 14.2214' N
125	004° 7.3582' W	053° 14.2174' N
126	004° 7.4096' W	053° 14.1993' N
127	004° 7.4183' W	053° 14.1983' N
128	004° 7.4282' W	053° 14.1958' N
129	004° 7.4493' W	053° 14.1968' N
130	004° 7.4524' W	053° 14.1933' N
131	004° 7.4612' W	053° 14.1901' N
132	004° 7.4642' W	053° 14.1879' N
133	004° 7.4785' W	053° 14.1841' N
134	004° 7.4877' W	053° 14.1812' N
135	004° 7.4965' W	053° 14.1801' N
136	004° 7.5053' W	053° 14.1764' N
137	004° 7.5117' W	053° 14.1725' N
138	004° 7.5220' W	053° 14.1699' N
139	004° 7.5638' W	053° 14.1582' N
140	004° 7.5728' W	053° 14.1558' N
141	004° 7.5886' W	053° 14.1538' N
142	004° 7.6039' W	053° 14.1546' N
143	004° 7.6302' W	053° 14.1501' N
144	004° 7.6434' W	053° 14.1480' N
145	004° 7.6528' W	053° 14.1468' N
146	004° 7.6660' W	053° 14.1431' N

Tudalen 4 o 5

Pwynt / Point	Hydred / Longitude	Latitude / Lledred
147	004° 7.6747' W	053° 14.1387' N
148	004° 7.6794' W	053° 14.1351' N
149	004° 7.6921' W	053° 14.1234' N
150	004° 7.6998' W	053° 14.1185' N
151	004° 7.7089' W	053° 14.1081' N
152	004° 7.7184' W	053° 14.0998' N
153	004° 7.7272' W	053° 14.0938' N
154	004° 7.7407' W	053° 14.0860' N
155	004° 7.7545' W	053° 14.0783' N
156	004° 7.7589' W	053° 14.0761' N
157	004° 7.7665' W	053° 14.0688' N
158	004° 7.7739' W	053° 14.0606' N
159	004° 7.7828' W	053° 14.0540' N
160	004° 7.7969' W	053° 14.0487' N
161	004° 7.8105' W	053° 14.0460' N
162	004° 7.8239' W	053° 14.0448' N
163	004° 7.8372' W	053° 14.0438' N
164	004° 7.8527' W	053° 14.0429' N
165	004° 7.8714' W	053° 14.0420' N
166	004° 7.8886' W	053° 14.0406' N
167	004° 7.9026' W	053° 14.0375' N
168	004° 7.9116' W	053° 14.0338' N
169	004° 7.9178' W	053° 14.0305' N
170	004° 7.9237' W	053° 14.0252' N
171	004° 7.9275' W	053° 14.0188' N
172	004° 7.9284' W	053° 14.0135' N
173	004° 7.9290' W	053° 14.0043' N
174	004° 7.9325' W	053° 13.9960' N
175	004° 7.9411' W	053° 13.9911' N
176	004° 7.9544' W	053° 13.9818' N
177	004° 7.9624' W	053° 13.9773' N
178	004° 7.9709' W	053° 13.9732' N
179	004° 7.9787' W	053° 13.9701' N
180	004° 7.9867' W	053° 13.9659' N
181	004° 7.9958' W	053° 13.9590' N
182	004° 8.0016' W	053° 13.9552' N
183	004° 8.0098' W	053° 13.9512' N
184	004° 8.0231' W	053° 13.9464' N
185	004° 8.0290' W	053° 13.9412' N
186	004° 8.0411' W	053° 13.9326' N
187	004° 8.0559' W	053° 13.9227' N
188	004° 8.0619' W	053° 13.9185' N
189	004° 8.0708' W	053° 13.9132' N
190	004° 8.0794' W	053° 13.9107' N
191	004° 8.0870' W	053° 13.9079' N
192	004° 8.0927' W	053° 13.9047' N
193	004° 8.1003' W	053° 13.9021' N
194	004° 8.1110' W	053° 13.8972' N
195	004° 8.1232' W	053° 13.8946' N
196	004° 8.1298' W	053° 13.8911' N
197	004° 8.1377' W	053° 13.8851' N
198	004° 8.1451' W	053° 13.8801' N

Page 4 of 5

Pwynt / Point	Hydred / Longitude	Latitude / Lledred
199	004° 8.1533' W	053° 13.8765' N
200	004° 8.1609' W	053° 13.8744' N
201	004° 8.1715' W	053° 13.8719' N
202	004° 8.1788' W	053° 13.8681' N
203	004° 8.1822' W	053° 13.8619' N
204	004° 8.1876' W	053° 13.8577' N
205	004° 8.1937' W	053° 13.8550' N
206	004° 8.2029' W	053° 13.8534' N
207	004° 8.2299' W	053° 13.8533' N
208	004° 8.2447' W	053° 13.8542' N
209	004° 8.2561' W	053° 13.8553' N
210	004° 8.2677' W	053° 13.8567' N
211	004° 8.2851' W	053° 13.8566' N
212	004° 8.2952' W	053° 13.8556' N
213	004° 8.3074' W	053° 13.8536' N
214	004° 8.3174' W	053° 13.8524' N
215	004° 8.3424' W	053° 13.8502' N
216	004° 8.3597' W	053° 13.8487' N
217	004° 8.3686' W	053° 13.8478' N
218	004° 8.3893' W	053° 13.8449' N
219	004° 8.4027' W	053° 13.8433' N
220	004° 8.4319' W	053° 13.8402' N
221	004° 8.4557' W	053° 13.8374' N
222	004° 8.4751' W	053° 13.8342' N
223	004° 8.4891' W	053° 13.8309' N
224	004° 8.5048' W	053° 13.8262' N
225	004° 8.5282' W	053° 13.8187' N
226	004° 8.5509' W	053° 13.8113' N
227	004° 8.5660' W	053° 13.8067' N
228	004° 8.5973' W	053° 13.7972' N
229	004° 8.6133' W	053° 13.7923' N
230	004° 8.6248' W	053° 13.7889' N
231	004° 8.6840' W	053° 13.7702' N
232	004° 8.6931' W	053° 13.7675' N
233	004° 8.7067' W	053° 13.7645' N
234	004° 8.7300' W	053° 13.7575' N
235	004° 8.7507' W	053° 13.7514' N
236	004° 8.7611' W	053° 13.7484' N
237	004° 8.7704' W	053° 13.7460' N

**Annex B:** E-mail from MSFOMA to Natural Resources Wales concerning the Habitats Regulations Assessment of the proposal to issue leases for mussel cultivation, 1<sup>st</sup> April 2022.

**info@msfoma.org**

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**From:** info@msfoma.org  
**Sent:** 01 April 2022 11:59  
**To:** 'Scorey, Alexander'; Griffith, Katherine  
**Cc:** Alan Winstone (alanjwinstone@gmail.com)  
**Subject:** MSFOMA: HRAs for Leased Areas

Dear Alex & Kate

Further to our correspondence over the past few months, I have pleasure in submitting a series of 8 Habitats Regulations Assessments that have been conducted by the Menai Strait Fishery Order Management Association for each of the 8 "layings" that MSFOMA propose to establish in the Menai Strait under the new Menai Strait (East) Mussel and Oyster Fishery Order 2022.

The HRAs incorporate all of the comments that have arisen in the discussions we have had with you over the past few months.

We have, after careful consideration, concluded that the only impacts that we can exclude from any of the areas are direct impacts associated with Area 3 and Bangor Deep on intertidal areas (since both are entirely subtidal); however this does not exclude the possibility of indirect effects (such as sediment suspension), which we have retained in the HRA for these areas as we have for all of the others. For similar reasons, we have retained the assessment of indirect impacts of mussel cultivation in Bangor Deep on reef features, even though this site is more than 100m from any known reef features in the Menai Strait SC.

Each of these HRAs is a large document, so I have placed them in a Dropbox folder that you can access via this secure link:-  
<https://www.dropbox.com/t/2vGrixgwaTWSQlvL>. If you have any difficulty accessing the files via this link please let me know.

The conclusion drawn by MSFOMA is that each of these layings will not adversely impact the features of any European Marine Sites in Wales. We would be very grateful for NRW's view on this conclusion before we submit our request to the Welsh Minister to issue leases that will permit mussel laying and harvesting in these areas.

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

Kind regards

Jim Andrews

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**Dr J Andrews BSc LLM**

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

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**Annex C:** Response to MSFOMA from Natural Resources Wales confirming the conclusions of the Habitats Regulations Assessment for the proposal to issue leases for the cultivation of mussels, 5<sup>th</sup> April 2022.



Eich cyf/Your refs:  
HRA\_MSFOA\_MSE\_\_Area1\_Merged\_010422  
HRA\_MSFOA\_MSE\_\_Area2\_Merged\_010422  
HRA\_MSFOA\_MSE\_\_Area3\_Merged\_040422b  
HRA\_MSFOA\_MSE\_\_Area4\_Merged\_010422  
HRA\_MSFOA\_MSE\_\_Area5\_Merged\_010422  
HRA\_MSFOA\_MSE\_\_Area6\_Merged\_010422  
HRA\_MSFOA\_MSE\_\_BallastBank\_Merged\_010422  
HRA\_MSFOA\_MSE\_\_BangorDeep\_Merged\_040422c

Please reply to:  
Maes Newydd  
Llandarcy  
Neath Port Talbot  
SA10 6JQ  
Epost/Email: [james.moon@cyfoethnaturiolcymru.gov.uk](mailto:james.moon@cyfoethnaturiolcymru.gov.uk)  
Ffôn/Phone: 03000 653348

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

05 April 2022

Dear Alan

PROPOSAL TO ISSUE EIGHT LEASES FOR THE CULTIVATION OF MUSSELS  
(*MYTILUS EDULIS*) UNDER SECTION 8(2) OF THE MENAI STRAIT (EAST) MUSSEL  
AND OYSTER FISHERY ORDER 2022

Thank you for consulting Natural Resources Wales on the MSFOMA's Habitats Regulations Assessments for the proposal to issue leases for eight areas within the designated several fishery area under Section 8(2) of The Menai Strait (East) Oyster and Mussel Fishery Order 2022. The Menai Strait (East) Oyster and Mussel Fishery Order 2022 is situated within or adjacent to Menai Strait and Conwy Bay SAC, Liverpool Bay SPA, Lavan Sands SPA, Anglesey Terns SPA and Puffin Island SPA.

Natural Resources Wales agrees with the conclusions of the MSFOMA's Habitats Regulations Assessments (document references:

HRA\_MSFOA\_MSE\_\_Area1\_Merged\_010422.pdf;  
HRA\_MSFOA\_MSE\_\_Area2\_Merged\_010422.pdf;  
HRA\_MSFOA\_MSE\_\_Area3\_Merged\_040422b.pdf;  
HRA\_MSFOA\_MSE\_\_Area4\_Merged\_010422.pdf;  
HRA\_MSFOA\_MSE\_\_Area5\_Merged\_010422.pdf;  
HRA\_MSFOA\_MSE\_\_Area6\_Merged\_010422.pdf;  
HRA\_MSFOA\_MSE\_\_BallastBank\_Merged\_010422.pdf;  
HRA\_MSFOA\_MSE\_\_BangorDeep\_Merged\_040422c.pdf). In our view it is reasonable to conclude that the issuing of the eight leases will not adversely affect the integrity of any European Site.

Tŷ Cambria • 29 Heol Casnewydd • Caerdydd • CF24 0TP  
Cambria House • 29 Newport Road • Cardiff • CF24 0TP  
Croeseir gohebiaeth yn y Gymraeg a'r Saesneg  
Correspondence welcomed in Welsh and English



Should you require further information please contact Alex Scorey  
[alexander.scorey@cyfoethnaturiolcymru.gov.uk](mailto:alexander.scorey@cyfoethnaturiolcymru.gov.uk).

Yours sincerely

A handwritten signature in black ink, appearing to read "James Moon".

James Moon  
Arweinydd Tîm Cyngori Morol Cymru Gyfan/ Marine All Wales Advice Team Leader

**Annex D:** Letter to Minister for Rural Affairs, North Wales and Trefnydd, 7<sup>th</sup> April 2022, requesting consent to issue leases.

**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

7<sup>th</sup> April 2022

By Post and e-mail

Dear Minister

**Menai Strait (East) Mussel and Oyster Fishery Order 2022:  
Request for Ministerial Consent to issue Leases (§9(1))**

I am writing further to discussions with your Officers about the proposed new Fishery Order in the eastern Menai Strait. This came into force on 2<sup>nd</sup> April 2022 and has replaced the existing Order which expired on 1<sup>st</sup> March 2022.

During March you gave us your consent to designate a several fishery area within the new Fishery Order. We are now writing to formally request your consent to issue leases for shellfish layings within this designated area. These layings will enable mussel cultivation to continue in the new Fishery Order, and replicate the layings that existed in the previous Fishery Order both in their extent and in terms of the activities that will take place within them.

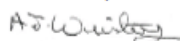
This request is subject to specific statutory requirements. The new 2022 Fishery Order sets out the process for MSFOMA to request your consent to lease these layings (at §9(1) of the Order). This process is also subject to the requirements of the Conservation of Habitats and Species Regulations 2017 (SI2017 No.1012), which are that MSFOMA carry out a "Habitats Regulations Assessment" (or "HRA") of the possible impact of the proposal on wildlife habitats.

We have carried out the HRA process and have received confirmation this week from Natural Resources Wales that they agree with our conclusion that the 8 leases we are requesting your consent to issue will not adversely affect the integrity of any SAC, SPA or Ramsar site in Wales. Having completed this process, we are now able to formally request your consent to issue these leases. In support of this request we have included the following Annexes with this letter:-

- A. A statement from MSFOMA which includes:-
  - i. A list of the proposed leased areas ("layings");
  - ii. A statement in support of the request;
  - iii. A map showing the location of each laying; and
  - iv. Boundary coordinates for each laying.
- B. A copy of the proposed lease that will be issued for these areas.
- C. HRAs for each of the 8 areas which also include a copy of the area specific lease and detailed maps of each laying.
- D. A letter from Natural Resources Wales confirming their view that these laying will not adversely affect protected wildlife features in Wales.

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

Yours sincerely



ALAN WINSTONE  
Chair, MSFOMA  
Encs.

---

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

**Annex E:** Letter from Minister for Rural Affairs, North Wales and Trefnydd confirming approval to issue leases, 11<sup>th</sup> May 2022.

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



Llywodraeth Cymru  
Welsh Government

Ein cyf/Our ref LG/00203/22

Alan Winstone  
Chair  
MSFOMA

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

11 May 2022

Dear Alan,

Thank you for your letter of 7 April regarding the issuing of leases for shellfish layings in the several fishery area and requesting the Welsh Ministers' consent to it, pursuant to the Menai Strait (East) Mussel and Oyster Fishery Order 2022.

I am pleased to confirm my consent to the issuing of leases pursuant to article 9 of the 2022 Order.

I am pleased MSFOMA have built up a constructive working relationship with my officials during this process and I know this has contributed to the timely delivery of 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 Cyswilt Cyntaf / First Point of Contact Centre:  
0300 0604400  
[Gohebiaeth.Lesley.Griffiths@llyw.cymru](mailto:Gohebiaeth.Lesley.Griffiths@llyw.cymru)  
[Correspondence.Lesley.Griffiths@gov.wales](mailto:Correspondence.Lesley.Griffiths@gov.wales)

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.

## **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 progress with the production of a research report by The Bangor University Shellfish Centre is noted by the meeting.
3. That MSFOMA should consider and discuss how progress with this Fishery Order proposal can be made in the absence of an agreed UK-wide or Welsh national policy for Pacific oyster cultivation.

### **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 12 meetings since January 2021 involving the prospective oyster farmers from the western Menai Strait and scientists from the Marine Centre in Menai Bridge.
- 2.5 This sequence of meetings has been very successful and has provided the basis for a collaborative project involving the University of Bangor and local shellfish farmers. A project report was due to be discussed in January 2022, but this meeting had to be postponed several times owing to difficulties compiling the final project report, and subsequently scheduling a meeting. The draft report was ultimately produced and discussed at a meeting of interested parties (shellfish farmers, Natural Resources Wales, MSFOMA and Welsh Government) on 23<sup>rd</sup> May 2022.
- 2.6 The report “*Current status of the Pacific oyster, Crassostrea (Magallana) gigas, in the Menai Strait, spawning potential and potential mitigation using triploid oysters*” covers 42 pages and is appended at the end of these papers as Annex A. It covers several key issues associated with this potentially invasive non-native species, including:-
  - a) An assessment of feral populations of Pacific oysters in the Menai Strait – this study looked at 19 sites in the Strait. It found very limited evidence of recent settlement of Pacific oysters in the Menai Strait in recent years, no expansion

of feral populations over the last 30 years and reduction in abundance since the previous survey in 2019.

- b) An assessment of the spawning potential of diploid Pacific oysters in the Menai Strait based on temperature conditions. This found that aquaculture of diploid Pacific oysters in the Menai Strait is not currently expected to contribute significantly to feral populations, as the temperature regime currently only rarely provides suitable conditions for spawning activity and larval settlement.
- c) A review of evidence of the effectiveness of triploid oysters in reducing risks of recruitment to the wild from aquaculture sites. Literature evidence shows that the risk of aquaculture contributing to feral oyster populations can be effectively mitigated by use of triploid stocks, that are functionally sterile.

### **3. Next steps**

- 3.1 The final outputs from the Pacific oyster research project appear to provide some answers to local concerns about this species. In brief, the existing population of feral oysters is dwindling; there appears to be very little risk at present of the diploid oyster cultivation giving rise to a “feral” population in the area; and any risk can be essentially eliminated by using triploid oysters.
- 3.2 Although WG aquaculture policy staff were present at the meeting they gave no indication about how this research may affect or inform WG policy with respect to oyster cultivation at this or other sites in Wales.
- 3.3 The Chair and Secretariat consider that it is very important to move this issue forwards to a clear resolution. Under current market conditions, Pacific oysters are one of the only shellfish species farmed in the UK that is not suffering badly from the post-Brexit obstacles to trade with Europe, because there is a stronger domestic market for this species than there is for other shellfish. The value of this species to the UK shellfish farming industry is now potentially greater than it was two years ago. Policy makers at Welsh Government and at the UK Government level should be encouraged to provide clarity and support to the UK shellfish industry at this important time.
- 3.4 It would therefore seem appropriate, if other MSFOMA participants agree, for the project report to be sent by the Chair to the both the Welsh Minister and the UK Fisheries Minister with a clear request that they try to find a way to permit new Pacific oyster farming areas to be created and existing areas extended.
- 3.5 If the meeting consider that it is not appropriate to raise this issue for policy resolution at Ministerial level, it may perhaps prefer the Association to seek a local solution, for instance by using the Shellfish Centre report to underpin a Habitats Regulations Assessment of Pacific oyster farming in the Menai Strait.

#### **4. Consultation with stakeholders**

- 4.1 It has been noted at our meetings over the past few 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  
May 2022



**Annex A:** Report - Current status of the Pacific oyster, *Crassostrea (Magallana) gigas*, in the Menai Strait, spawning potential and potential mitigation using triploid oysters.