

Menai Strait Fishery Order Management Association

**Agenda & Papers- 14th September 2022
Quarterly Meeting
Marine Centre Wales, Ffordd y Coleg, Menai Bridge, LL59 5AB**

Zoom Conference: Link | Meeting ID XXXX | Password XXXX | Phone in XXXX

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. Water quality in the Menai Strait (verbal: Natural Resources Wales)
10. Public Profile of the Association (verbal)
11. Welsh Government Activity ([report](#))
12. North West IFCA Activity ([report](#))
13. All Party Parliamentary Group: Shellfish Aquaculture (verbal)
14. Menai Strait East ([report](#))
15. Menai Strait West Fishery Order ([report](#))
16. Project funding update (verbal)
17. 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
18. Any Other Business (verbal)
 - a. Correspondence
19. Dates for next meetings:-
 - a. Q4 2022 - 14th December [AGM]

Menai Strait Fishery Order Management Association

**Meeting, 8th June 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
José Constantino
Rob Floyd
Trevor Jones

Natural Resources Wales
Beaumaris Town Council
Natural Resources Wales
BMWAG
Welsh Government
Welsh Government
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 this was the first MSFOMA meeting conducted during the period of the new Menai Strait (East) Mussel and Oyster Fishery Order 2022 which came into force on the 2nd April 2022.

2. Apologies

Gareth Roberts
Iwan Huws
Julian Bray

Bangor City Council
Isle of Anglesey County Council
Welsh Government

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 31st March 2022 were accepted.

5. Matters Arising

It was considered that most of the matters arising from the last meeting were addressed on the agenda for the current meeting.

Some items raised at the March meeting that were not formally addressed on the agenda were discussed:-

Keith Andrews

A formal letter of thanks had been sent to Keith Andrews following his resignation in December.

Action: Secretariat

Sand in Penrhyn Dock

James Wilson reported that a marine licence application was being progressed by the Penrhyn Estate & Dickies. The cost of dredging the sand was likely to be considerable, and would have to be borne with the Estate and / or the company leasing the quayside for unloading and storing sand. Members discussed the relationship between consenting of activities on land that could impact the marine environment and the need for better integration of the consenting regime generally.

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

Action: JW, Secretariat

Deo Gloria

The vessel Deo Gloria had run aground on one of the layings on 5th November 2021, causing some damage to the mussels in cultivation. James Wilson reported that some mussels had been harvested in this area in March and catches had been lower than expected. With the passage of time and harvesting activity, no signs of damage remain.

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, but that this seemed unlikely to be altered.

Lewis Le Vay reported that the University has been carrying out some work to investigate the presence of *Bonamia* DNA in species other than mussels and oysters in the Strait. He offered to circulate this report.

Action: Lewis Le Vay

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

Water quality

This issue was still important, and it was agreed that it should be discussed under agenda item 16.

Autumn workshop / conferences

Lewis Le Vay reported that the Shellfish Centre are planning to hold either a conference or series of workshops during the autumn (late September / early October) to discuss the findings of recent work on water quality, Pacific oysters and other areas of research. He would keep everyone informed.

Action: Lewis Le Vay

6. Register of Interests

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

Action: All

7. Widening engagement

The Chair introduced this item, which had been added to the agenda following a discussion at the previous meeting. The Secretariat had prepared a paper which addressed two key issues: how to replace Keith Andrews who has resigned as a director; and whether it is appropriate to widen participation at MSFOMA meetings.

After a short discussion, the meeting agreed that both Trevor Jones and Kim Mould would be suitable candidates to fill the vacant directorship. They were invited to agree between themselves who would be best placed to fill this role and to let the Chair and Secretariat know the outcome of this discussion so that one of them could be formally appointed.

Action: Kim Mould, Trevor Jones, Secretariat

All agreed that the Association could benefit from wider participation. The key non-fishing interests in the Strait are recreation (sailing) and wildlife. After some discussion it was agreed that RYA Cymru and the North Wales Wildlife Trust should be invited to attend the next MSFOMA meetings as Observers, and that if their participation proved mutually beneficial the Articles of Association should be updated to formalise their involvement.

Action: Secretariat

8. Financial Update

The financial report was accepted.

It was agreed that lease fees for the period 1st April - 30th September 2022 should be reduced by $\frac{1}{3}$ in response to the delay in Ministerial approval for the leases to be issued.

Action: Secretariat

The improvements to financial management arrangements were welcomed, and the Association agreed that historical accounting errors should be corrected in the accounts for the 2021-22 FY.

Action: Chair, Secretariat

It was agreed that the proposals set out by Fraser Wood for improving financial control should be modified to suit the needs of the Association and presented to the next meeting for formal adoption.

Action: Secretariat

It was noted that a sum of £1,000 had been donated to Bangor City Council to help with the restoration of the kiosk on the pier that commemorates HMS Conway. Photographs of this kiosk and also the playgrounds swing that had been funded by MSFOMA in Beaumaris had been requested and would be put on the MSFOMA website.

9. Public Profile of the Association

The Chair and Secretariat reported that Dr Andy Olivier had intended to attend the meeting but had been unable to do so. He had submitted a brief summary of the status of the Association's Twitter account. Key points were: we have just over 1,300 followers; that when we Tweet original material we get 10-40,000 views of them, compared to around 700 views of re-Tweeted material; that there is a paucity of new material from MSFOMA; and that a recent review of the demographic profile of different social media outlets suggested that Twitter remained the best "fit" for the MSFOMA target audience.

It was agreed that it was appropriate to continue to retain Andy Olivier to manage our profile. All present were reminded to send any items of interest to Andy Olivier for him to Tweet.

Action: All

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

10. Welsh Government Activity

The Secretariat's report was noted and received. There had been no meetings of WG fisheries groups. The meeting was informed that the Minister is due to be setting up a new structure for liaison between Government and the fishing sector which is due to start later in June 2022.

11. NW IFCA Activity

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

Kim Mould and Trevor Jones reported that there were some signs of seed mussel settlement in Morecambe Bay, and it was hoped that a dredge fishery would be permitted this year.

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

Action: Secretariat

12. All Party Parliamentary Group: Shellfish Aquaculture

The report on this Group was received and accepted by the meeting.

James Wilson provided an update on the meetings of this group that he had attended since its inception in February. He felt that it provided a valuable and influential forum for airing and discussing the key challenges facing this sector. MPs from all around the UK were participating in the meetings, including Hywel Williams MP for Arfon. Mr Williams was showing a keen interest in the fate of shellfish cultivation in North Wales, and it was hoped that he would shortly be visiting Port Penrhyn to discuss current challenges and future opportunities.

The meeting felt that this APPG should be welcomed and that MSFOMA should engage with the Group. There was some discussion about the sort of issues that it would be appropriate to raise, given its semi-official status. It was agreed that it

would be appropriate for MSFOMA to raise technical issues, but that it should not lobby or take a position on business or financial issues.

It was agreed that the Secretariat & Chair should draft a letter to the Chair of the APPG to set out the Association's perspective on the key technical challenges facing this sector (principally the difficulty exporting shellfish to Europe and shellfish hygiene / water quality issues), and circulate this for comment before sending it to the APPG.

Action: Secretariat & Chair

James Wilson noted that a similar cross-party group had been set up at Senedd Cymru by Mabon ap Gwynfor, MS for Dwyfor Meirionnydd. It was agreed that the Association should make contact with this group as well, again to raise technical issues.

Action: Secretariat, Chair, James Wilson

13. Menai Strait East Fishery Order

The Chair introduced this item, noting that the report was largely an update on the work that had been successfully carried out to put the new Fishery Order in place. He was pleased to report that the Order was now fully implemented, and that leases had been issued to the tenants on all of the layings.

The meeting expressed its gratitude to the Welsh Government officials and NRW staff who had worked hard during April and May to progress the "Habitats Regulations Assessments" that were needed to complete the implementation of the Order.

It was noted that the Secretariat needed to work with NRW and the tenants of the layings to review and ideally reduce the extent of the "Managed Areas" that had been set up on a precautionary basis to protect potential reef habitat features.

Action: Secretariat, NRW, tenants.

14. 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 informed the meeting that the Shellfish Centre's report about the issues associated with Pacific oyster cultivation in the Menai Strait had been formally presented to a meeting of interested parties shellfish farmers, Natural Resources Wales, MSFOMA and Welsh Government) on 23rd May 2022. The key findings were that there is no evidence of recent settlement of Pacific oysters in the Strait in recent years; that the abundance of "feral" oysters has declined since 2019; that the spawning potential of diploid Pacific oysters is very low; and that triploid oysters would provide a viable mitigation method for managing this very low risk.

The Association considered how the findings of this report could be used to resolve the current impasse caused by uncertainty at Government level about how best to manage Pacific oyster cultivation. MSFOMA understood that the absence of an

agreed Government policy (at either the Welsh or UK Government) was an obstacle. Robert Floyd (WG) remarked that decisions on new cultivation areas are made on a case-by-case basis, taking account of the facts relevant to each case.

It was agreed that the Chair and Secretariat should pursue the following actions:-

- a) Write to Lesley Griffiths, providing a summary of the report and encouraging her to progress with the making of the Fishery Order for Menai West either with or without a national policy on Pacific oysters; and
- b) Organising a meeting with WG officials (Michelle Billing & Julian Bray) to discuss how the new Order might be progressed; and
- c) Liaise with WG Policy advisors (Rob Floyd & José Constantino) to determine both the prospects of developing a policy for Pacific oyster cultivation and/or the possibility for progressing with the Fishery Order without a policy being in place.

Action: Chair & Secretariat

15. Funding proposals & Research Update

Lewis Le Vay indicated that the projects relevant to MSFOMA have been progressing since the last meeting. In summary:-

- **Pacific Oysters** - this report has been produced (see Item 12 above).
- **Spat collectors / MOSSS** -work was ongoing, and an application for a larger cultivation area was being progressed.
- **Water quality** -this work which was being progressed through a partnership between the Shellfish Centre, Dŵr Cymru, the Rivers Trust, Deepdock and MSFOMA.

Lewis Le Vay confirmed 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

16. 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

James Wilson reported that following poor shellfish hygiene sampling results in May, all of the shellfish beds in the eastern Menai Strait now had a "B" shellfish hygiene classification. This was a considerable setback - there had been hopes that an "A" classification would be attained for some areas prior to these results. This is vital for the future of shellfish farming

in the Strait, as mussels from “B” class shellfish beds can no longer be practically exported to the EU.

Shellfish farmers were taking action to challenge these particular results, which are outside the normal range seen in this area. The samples are taken by a firm of consultants, Carcinus Ltd.

It was noted that a 2021 report had found that the UK approach to sampling and classifying shellfish waters is less pragmatic than the approach implemented in other countries both within the EU and elsewhere in the world¹.

Shellfish farmers also have concerns about the decisions that have been taken by the Food Standards Agency (FSA) with regard to designating Representative Monitoring Points (RMPs) and determining the boundaries of areas, which have also been based on work carried out by Carcinus Ltd. These locations do not appear to adequately take account of local conditions.

Members of the Association discussed the role of local authorities, and in particular the “Local Action Group” (LAG) that was meant to provide liaison between environmental health officers and stakeholders over these issues. It was noted that the chairing of the LAG is rotated between different authorities, and that communication links were not always clear or consistent.

Lewis Le Vay reported that the Shellfish Centre are working closely with Dŵr Cymru and NRW to identify the sources of bacterial inputs to the Strait and address them. NRW have identified a goal of attaining Class A status for the area, and Dŵr Cymru are also keen to achieve improvements.

After lengthy discussion of these issues and their consequences it was agreed that:-

- MSFOMA should clarify lines of communication between MSFOMA and the LAG and seek to promote a constructive dialogue at the local level; and
- MSFOMA should contact Carcinus Ltd to encourage discussion of sampling, the location of sampling points, and the extent of shellfish hygiene boundaries.

Action: Chair, Secretariat

It was further agreed that a meeting should be held between the Chair, Secretariat, James Wilson and Lewis Le Vay to clarify some of the points discussed and to refine the approach for MSFOMA to adopt.

Action: Chair, Secretariat, James Wilson, Lewis Le Vay

It was also noted that shellfish hygiene and water quality were issues being considered by the APPG on Shellfish Aquaculture (item 12 on the agenda), and that these events could be presented to that group to

¹ Available here: <https://www.seafish.org/document/?id=621ffa11-4943-4698-bdd4-bcf3784bdda8>

demonstrate how the UK's approach to legacy EU requirements is putting UK industry at a disadvantage.

Action: Chair & Secretariat

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 had provided the Secretariat with the link to a simulation model for larval dispersal in the Irish Sea, to be circulated to all at the meeting .

Action: Secretariat

Kate Griffith reported that one *C. fornicata* specimen had been reported from the western Menai Strait, and another from Caernarfon Bay. All were reminded to keep an eye out for slipper limpets in the area.

Action: All

iv. *Norovirus*

No further update.

17. Any Other Business

a) Correspondence

No additional correspondence had been received.

b) Local Government elections & representation

Ioan Thomas and Howard Mattocks were both congratulated on their re-election.

It was noted that some of the council representatives had not yet been confirmed, and that some who are 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

18. Dates for next meetings

Proposed meeting dates for 2022:-

- a. Q3 2022 - 14th September
- b. Q4 2022 - 14th December [AGM]

It was agreed that the Secretariat and Lewis Le Vay should liaise to book the conference room at the Shellfish Centre for the next two meetings.

Action: Secretariat, Lewis Le Vay

Summary of Actions

Item	Action	Responsibility
1.	Sand in Dock - keep under review.	James Wilson & Secretariat
2.	Register of Interests - review current Statement of interests on MSFOMA website (https://www.msfoma.org/?page_id=478) and confirm it is accurate.	All
3.	<i>Bonamia</i> - share recent research into presence of <i>Bonamia</i> DNA in other species in the Strait.	Lewis Le Vay
4.	Autumn workshop / conferences - keep MSFOMA informed about plans for these events.	Lewis Le Vay
5.	Directors - appoint either Kim Mould or Trevor Jones as a new Director.	Kim Mould, Trevor Jones, Secretariat.
6.	Participation - invite RYA Cymru and North Wales Wildlife Trust to attend next meeting as observers.	Secretariat
7.	Finances - issue lease invoices with a 1/3 discount for the period April-September 2022.	Secretariat
8.	Finances - account for historical book-keeping errors in formal accounts submitted for 2021-22	Chair, Secretariat
9.	Finances - develop proposals for financial control for discussion at next MSFOMA meeting.	Secretariat.
10.	Social media - all to send any items suitable for the MSFOMA Twitter feed to Andy Olivier (avdsolivier@gmail.com).	All
11.	Website / Twitter - provide photograph and brief resume suitable for website and Twitter	All
12.	NWIFCA - encourage adoption of Morecambe Bay Mussel Management Plan.	Chair & Secretariat
13.	All Party Parliamentary Group - MSFOMA to write to Chair of this group to set out the key challenges facing the UK shellfish farming sector.	Chair & Secretariat
14.	Menai East - work with lessees and NRW to review extent of "managed areas" around reef features.	Secretariat, NRW, tenants.
15.	Menai West - write to Lesley Griffiths, summarising results of oyster study, encourage progress with new Fishery Order either with or without a policy on Pacific oysters.	Chair & Secretariat
16.	Menai West - organise meeting with WG officials (Michelle Billing & Julian Bray) to discuss options for progress.	Chair & Secretariat
17.	Menai West - keep WG Policy Advisors informed about MSFOMA action to encourage creation of a new Fishery Order in Menai West wither with or without a policy on Pacific oysters.	Chair & Secretariat
18.	Invasive Alien Species - circulate details of simulation model to participants.	Secretariat
19.	<i>Crepidula fornicata</i> - look out for slipper limpets and report sightings of any shells / individuals.	All
20.	Local authority participation - ask appointing bodies to review their representation and encourage participation.	Secretariat
21.	Date for next meeting - 14 th September 2022, Shellfish Centre	Secretariat & Lewis Le Vay

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 provide an update on how the Association has responded 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.

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; licence holders from Menai East; and (if it is made) lessees from the Menai West Fishery Order (see Annex A of this report).
- 1.2 At the last meeting of the Association, it was resolved that the existing lessees from the Menai East Fishery Order should be asked to nominate a replacement for Mr Keith Andrews, who has resigned as a Director of the Association. It was also resolved that the Secretariat should invite RYA Cymru and the North Wales Wildlife Trust to attend MSFOMA meetings as observers, with a view to further amendments to the Articles of

Association to allow these organisations to participate as Members or Directors if this was considered appropriate.

2. Progress Update

- 2.1 Following the June meeting of the Association, the lessees in the Menai Strait nominated Mr Kim Mould to replace Mr Keith Andrews as a Director of the Association. Mr Mould was formally appointed on the 1st July 2022.
- 2.2 The Secretariat has approached both RYA Cymru and North Wales Wildlife Trust to invite them to participate as observers at upcoming MSFOMA meetings. Both organisations welcomed this invitation and are enthusiastic about participating at MSFOMA meetings. The RYA Cymru representative (Ruth Iliffe) is due to attend the meeting on September 14th; the North Wales Wildlife Trust representative (Nia Jones) has a prior engagement that will prevent her attendance, but she is keen to attend subsequent meetings.

MSFOMA Secretariat
September 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 considers options for r

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 1st 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:-

a) Income:-

- i. The income figures in Annex B have been adjusted to take account of the decision taken by the Association in June 2022 to reduce the lease fees by $\frac{1}{3}$ for the first half of this FY (total income is therefore reduced to £15,416.66).
- ii. By the end of August 2022, the Association had received payment for £3,521.94 of the total sum of £6,166.66. Action has been taken to ensure that the outstanding rents of £2,644.72 are paid in Q3.

b) Expenditure during Q2 was significantly higher than budgeted (by £7,707.86). This was due to:

- i. Payment of invoices during this quarter that had been received by the Association during earlier accounting periods (both Q1 of this FY and the previous FY) for work on the administration of the fishery and the renewal of the Menai East Fishery Order;
- ii. Accountancy fees for the previous FY becoming due this quarter.

c) For the current FY to date, the Association has a deficit of £15,038.98 which is £10,605.64 greater than the budgeted deficit of £4,433.34.

- 1.2 The Association's bank balance at the end of August 2022 stood at £9,974.58. This is lower than the target reserve of £20,000. Rental income of £11,894.72 will be due for the remainder of this FY.
- 1.3 It is clear that income expenditure need to be carefully managed. The Chair and Secretariat have established new book-keeping and financial management processes which ensure that we have an up-to date understanding of our financial position. For the remainder of the FY it will be important to limit expenditure, which is principally associated with the administration of the Fishery Order by the Secretariat.

2. Annual Accounts

- 2.1 Full accounts were submitted to Companies House by the Association's accountants on 5th July 2022. These accounts include the correction to an historical book-keeping error that was detected by the Secretariat and the accountants earlier this year. They are attached at Annex C of this report.

3. Lease fees for 2022-23

- 3.1 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.
- 3.2 At the June 2022 quarterly meeting it was agreed that in response to administrative delays issuing new leases and in recognition of the difficult trading conditions faced by mussel farmers at present, the lease fees for the first half of the 2022-23 FY should be reduced by $\frac{1}{3}$ (two months out of this six month period). The net effect of this was to reduce MSFOMA's projected income for this FY by £3,083.34 from £18,500 to £15,416.
- 3.3 Invoices for the reduced lease fees were issued in June 2022. Invoices will be issued on 1st October 2022 for the remainder of the 2022-23 FY.
- 3.4 Lease fees were paid on time for five of the eight leased areas in the Fishery Order. The Leasing sub-Committee met on the 7th September to consider how to respond to the late payment of fees for the remaining three tenancies, and steps have been taken to secure payment of these fees.

4. Lease fees for future years

- 4.1 The Association will be aware of the difficult economic conditions facing the mussel farming industry at present. It is appropriate for the Association to keep costs under review and to consider where it may be able to reduce lease fees.
- 4.2 One of the more significant heads of expenditure in the MSFOMA budget is the cost of obtaining a new Fishery Order for the western Menai Strait (£7,500 for the 2023-24FY and £5,000 for the 2024-25FY). Progress with this new Fishery Order is reported under item 15 of the papers for this meeting. If the Association concludes that it is no longer appropriate to pursue this Fishery Order, it may be appropriate to remove this item from the Financial Plan and reduce costs accordingly.

5. Financial Control

- 5.1 At past meetings of the Association it has been agreed that clearer systems for financial control should be put in place. Prior to the June meeting of the Association 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 D of the report.
- 5.2 It was agreed at the last meeting that these proposals should be developed by the Secretariat. It has not yet been possible to do this. It is proposed that procedures should instead be presented to the next Association meeting.

6. Community Fund

- 6.1 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.
- 6.2 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. If MSFOMA participants have any additional suggestions they would be gratefully received.

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

* Note that following the June 2022 resolution to reduce rents by $\frac{1}{3}$ for the first half of 2022-23 the income for this FY will actually be £15,416; the reserve predictions for each year should therefore be reduced by £3,083.

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

Item	Year Budget	Quarter 1 (1st March - 31st May)		Quarter 2* (1st June - 31st August)		Year to Date (Cumulative)		
	2022-23	Actual	Budget	Actual	Budget	Actual	Budget	Performance
1. Expenditure								
Administration of the Order	£7,500.00	£2,418.90	£1,875.00	£11,383.62	£1,875.00	£13,802.52	£3,750.00	-£10,052.52
Enforcement activity	£1,200.00	£0.00	£300.00	£0.00	£300.00	£0.00	£600.00	£600.00
Corporate core*						£0.00		£0.00
Accountancy fees	£1,200.00	£0.00	£300.00	£1,366.00	£300.00	£1,366.00	£600.00	-£766.00
Bank charges		£42.00		£42.00		£84.00	£0.00	-£84.00
Renewal of Fishery Orders						£0.00		£0.00
Menai East	£0.00	£3,092.16	£0.00	£216.24	£0.00	£3,308.40	£0.00	-£3,308.40
Menai West	£7,500.00	£0.00	£1,875.00	£0.00	£1,875.00	£0.00	£3,750.00	£3,750.00
Research & monitoring	£1,800.00	£0.00	£450.00	£0.00	£450.00	£0.00	£900.00	£900.00
Community fund	£2,000.00	£0.00	£500.00	£0.00	£500.00	£0.00	£1,000.00	£1,000.00
Total Expenditure	£21,200.00	£5,553.06	£5,300.00	£13,007.86	£5,300.00	£18,560.92	£10,600.00	-£7,960.92
2. Income								
Leases for lays*	£15,416.66	£0.00	£0.00	£3,521.94	£6,166.66	£3,521.94	£6,166.66	-£2,644.72
Licences	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00
Total	£15,416.66	£0.00	£0.00	£3,521.94	£6,166.66	£3,521.94	£6,166.66	-£2,644.72
Operating surplus / deficit	-£5,783.34	-£5,553.06	-£5,300.00	-£9,485.92	£866.66	-£15,038.98	-£4,433.34	-£10,605.64
Reserve		£19,244.26	£20,000.00	£9,974.58	£20,000.00	£9,974.58	£20,000.00	-£10,025.42

* Note that these figures have been adjusted to account for the lease fee reduction for the first half of the 2022-23FY

Annex C: MSFOMA Accounts for the Year Ended 28th February 2022

REGISTERED NUMBER: 07163689 (England and Wales)

UNAUDITED FINANCIAL STATEMENTS FOR THE YEAR ENDED 28 FEBRUARY 2022

FOR

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

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

CONTENTS OF THE FINANCIAL STATEMENTS
FOR THE YEAR ENDED 28 FEBRUARY 2022

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Balance sheet	2
Notes to the financial statements	4
Report of the accountants	6

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

COMPANY INFORMATION
FOR THE YEAR ENDED 28 FEBRUARY 2022

DIRECTORS:

J Wilson
A J Winstone
J W Andrews

REGISTERED OFFICE:

Port Penrhyn
Bangor
Gwynedd
LL57 4HN

REGISTERED NUMBER:

07163689 (England and Wales)

ACCOUNTANTS:

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

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

**BALANCE SHEET
28 FEBRUARY 2022**

	Notes	28.2.22 £	28.2.21 restated £
CURRENT ASSETS			
Debtors	4	18,841	13,768
Cash at bank		<u>24,397</u>	<u>43,948</u>
		43,238	57,716
CREDITORS			
Amounts falling due within one year	5	<u>(8,963)</u>	<u>(8,198)</u>
NET CURRENT ASSETS		<u>34,275</u>	<u>49,518</u>
TOTAL ASSETS LESS CURRENT LIABILITIES		<u>34,275</u>	<u>49,518</u>
RESERVES			
Income and expenditure account		<u>34,275</u>	<u>49,518</u>
		<u>34,275</u>	<u>49,518</u>

The company is entitled to exemption from audit under Section 477 of the Companies Act 2006 for the year ended 28 February 2022.

The members have not required the company to obtain an audit of its financial statements for the year ended 28 February 2022 in accordance with Section 476 of the Companies Act 2006.

The directors acknowledge their responsibilities for:

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

The notes form part of these financial statements

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continued...

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

BALANCE SHEET - continued
28 FEBRUARY 2022

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

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

The financial statements were approved by the Board of Directors and authorised for issue on 30 June 2022 and were signed on its behalf by:

A J Winstone - Director

The notes form part of these financial statements

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

**NOTES TO THE FINANCIAL STATEMENTS
FOR THE YEAR ENDED 28 FEBRUARY 2022**

1. STATUTORY INFORMATION

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

2. ACCOUNTING POLICIES

Basis of preparing the financial statements

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

Income

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

3. EMPLOYEES AND DIRECTORS

The average number of employees during the year was NIL (2021 - NIL).

4. DEBTORS

	28.2.22	as	28.2.21
	£		restated £
Amounts falling due within one year:			
Trade debtors	2,589		13,768
Other debtors	720		-
	<u>3,309</u>		<u>13,768</u>
Amounts falling due after more than one year:			
Trade debtors	<u>15,532</u>		-
Aggregate amounts	<u>18,841</u>		<u>13,768</u>

Outstanding lease fees are owed by Ogwen Mussels Limited (£14,294) and Deepdock Limited (£3,826). A seven year payment plan has been agreed with the Board, with amounts being paid in equal instalments and no interest charged.

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

**NOTES TO THE FINANCIAL STATEMENTS - continued
FOR THE YEAR ENDED 28 FEBRUARY 2022**

5. CREDITORS: AMOUNTS FALLING DUE WITHIN ONE YEAR	28.2.22	as	28.2.21
	£		£
Trade creditors	7,363		4,958
Other creditors	<u>1,600</u>		<u>3,240</u>
	<u>8,963</u>		<u>8,198</u>

6. TRANSACTIONS WITH DIRECTORS

MSFOMA paid £33,799 to Andrews Ward James (AWJ) Limited for consultancy work, a company of which J.W. Andrews is a director & shareholder. In addition, included in Trade creditors is £7,363 owed to Andrews Ward James (AWJ) Limited.

J Wilson controls both Ogwen Mussels Limited & Deepdock Limited. These companies owe MSFOMA a total of £18,120 as of 28th February, 2022. A seven year repayment plan has been agreed with the Board, with outstanding amounts being paid in equal instalments (per note 5 above).

7. LIMITED BY GUARANTEE

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

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

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

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

In order to assist you to fulfil your duties under the Companies Act 2006 we have prepared for your approval the accounts of The Menai Strait Fishery Order Management Association for the year ended 28 February 2022 from the Company's accounting records and from information and explanations you have given us.

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

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

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

30 June 2022

This page does not form part of the statutory financial statements

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Annex D: 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 15th September 2020 (published on 10th 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 some 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 13 & 15 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 13 & 15 on the agenda.

MSFOMA Secretariat
September 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 progress with the opening of a seed mussel dredge fishery in Morecambe Bay is noted, and that NWIFCA scientific staff should be thanked for progressing this.
3. That the Association should keep the need for a Morecambe Bay Mussel Management Plan on the future agenda for NWIFCA.

1. IFCA Meetings

- 1.1 Since the last meeting of the Association the NW-IFCA has held a quarterly meeting on the 23rd June 2022. A meeting of the Technical, Science and Byelaws (TSB) Sub-Committee on the 2nd August 2022.
- 1.2 At the meeting of the TSB Sub-Committee in August, the Authority considered proposals for opening seed mussel fisheries within the District. The Sub-Committee has subsequently resolved to open two small areas for a seed mussel dredge fishery, one in the northern part of Morecambe Bay on the South America mussel bed, and another at Perch Scar on the western side of the Wyre Estuary. NWIFCA scientific staff have made a considerable effort to survey these areas and gain the necessary consents prior to proposing that dredging could be authorised.

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. Changes to Personnel

- 3.1 It is understood that the Chief Executive of the NWIFCA, Dr Stephen Atkins, has tendered his resignation. He is due to leave the Authority at the end of September after a period of 17 years in this role.

4. Bivalve Mollusc Working Group

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

5. Morecambe Bay Mussel Management Plan

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

MSFOMA Secretariat
September 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 1st 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 2nd April 2022.

Recommendations

1. That the report is received.
2. 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 1st 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 Association is advised that the process of implementing the new Fishery Order is now complete. Leases have been issued for all eight of the leased areas, and invoices for lease fees have been sent to all tenants.

- 2.2 It is noted under item 8 on the agenda that lease fees were paid on time for five of the eight leased areas in the Fishery Order. The Leasing Sub-Committee met on the 7th September 2022 to discuss the late payment of lease fees for the remaining 3 areas. The Secretariat has written to the tenants of these areas to set a deadline for payment and highlight the potential consequences of any further delay.
- 2.3 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. As the need arises, 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
September 2022

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. The Association worked with local stakeholders to address these concerns, and good progress was being made until late 2019 when WG officials indicated that concerns about cultivation of Pacific Oysters had arisen. Since that date the Association has been working with the shellfish farmers in the western Menai Strait and scientists from Bangor University to try to address these concerns.

This report provides an update on recent progress.

Recommendations

1. That the report is received
2. That action to encourage Welsh Government progress with the new Fishery Order is noted.
3. That the Association should determine how it wishes to proceed with this application.

1. Context

- 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, a draft Fishery Order was published for consultation in 2015. This consultation generated many objections from the local community. The Association worked closely with the objectors during the period 2015-17 to allay and address their concerns. In July 2017 the Chair of the Association wrote to the Cabinet Secretary to ask her to determine the application for the Fishery Order.
- 1.3 At the March 2019 meeting of the Association, it was reported that the Minister for Energy, Planning and Rural Affairs Lesley Griffiths AM had made a commitment to complete the process for making a new Menai West Fishery Order by August 2019.
- 1.4 At the Association meeting in September 2019 WG officials indicated that they were working with lawyers to determine the conditions that would be associated with the Fishery Order. It was anticipated that this would meet the December 2019 deadline proposed by the Minister.

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

2. Pacific Oysters

- 2.1 Welsh Government has been working since 2019 to determine an appropriate approach to managing and mitigating the risk of Pacific oysters (*Crassostrea gigas*) from cultivation areas in Wales becoming established in the wild as “feral” oysters.
- 2.2 MSFOMA representatives discussed these risks 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 had made no further progress with this issue and had been focussing their resources on the Fishery Order in the eastern Menai Strait.
- 2.4 To make some progress with this issue, the Chair and Secretariat convened a series of meetings starting in January 2021 involving the prospective oyster farmers from the western Menai Strait and scientists from the Marine Centre in Menai Bridge. This collaboration resulted in the production of a report entitled “*Current status of the Pacific oyster, Crassostrea (Magallana) gigas, in the Menai Strait, spawning potential and potential mitigation using triploid oysters*” that was presented at the June meeting of the Association.
- 2.5 The report provided answers to the key concerns about Pacific Oysters in the Strait. 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.
- 2.6 It was agreed at the June meeting of the Association that the Welsh Minister should be sent a copy of this report and invited to resume progress with the Fishery Order for the western Menai Strait. A copy of the letter sent to the Minister is attached at Annex A of this report. Her response is included at Annex B, with a reply from the Chair attached at Annex C.

3. Next steps

- 3.1 It is appropriate for the Association to consider at this meeting how to proceed with its work on the Fishery Order in the western Menai Strait. The following points are relevant to this discussion:-
- a) MSFOMA has received no income in terms of rents or levies from the western Menai Strait. All of the work on this Fishery Order has been underwritten by the Association's income from the eastern Menai Strait.
 - b) The rationale for this approach was that work on the Fishery Order in the western Strait would serve as a "dress rehearsal" to pave the way for making a new Fishery Order in the eastern Menai Strait. It is now clear that this was correct, but the rationale no longer holds now that the new Fishery Order is in place for the eastern Strait.
 - c) Trading and economic conditions have changed dramatically in the past two years. Shellfish exports to the EU from the Menai Strait have essentially ceased. It would be appropriate for MSFOMA to determine whether the scale and nature of cultivation activity that was proposed for the western Strait remains economically viable (and if so, whether a Fishery Order is still needed for this area).
 - d) MSFOMA needs to minimise its financial burden on the businesses in the eastern Menai Strait (see item 8 on the agenda).
 - e) It is not clear from the Minister's respond how Welsh Government intends to address the Pacific Oyster issue that has halted progress.
- 3.2 Finally, 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. Until there is some certainty about the next steps in this process, it is still not considered prudent to initiate stakeholder engagement.

MSFOMA Secretariat
September 2022

Annex A: Letter sent by Chair of MSFOMA to Minister for Rural Affairs & North Wales, July 2022

Menai Strait Fishery Order Management Association

Port Penrhyn, Bangor, LL57 4HN

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

25th July 2022

By e-mail

Dear Minister

Menai Strait (West) Fishery Order Application: Update

I am writing further to our correspondence about this Fishery Order application from 2019. At that time you were optimistic that a new Fishery Order would be in place by the end of 2019. Unfortunately no progress has been made since then due to issues around the proposed cultivation of Pacific Oysters and prioritising available resources to the making of the new eastern Menai Strait Order. We are writing to you again because we are optimistic that following the successful creation of the new Fishery Order in the eastern Menai Strait and some recent research in the western Menai Strait, it is now possible for you to make progress with the Western Menai Strait.

The key obstacle to progress with the proposed new Fishery Order in the western Menai Strait since 2019 has been concern about the risk that Pacific Oysters cultivated in the western Menai Strait could support a "feral" population of Pacific Oysters that would impact the marine environment.

In response to this concern, MSFOMA has been working with scientists from the University of Bangor to improve our understanding of the risks posed by Pacific Oysters in the Menai Strait. We have also investigated how these risks might be mitigated. This resulted in a detailed report, attached here.

During May 2022 we held a meeting that was attended by your officials to present the findings of this research. The key points to note are that:-

1. There is no evidence that historic or current cultivation of Pacific Oysters in the Menai Strait over a period of 30 years involving millions of oysters has resulted in an invasive population of "feral" oysters becoming established in the area.
2. The abundance of feral Pacific Oysters has not changed appreciably since they were first recorded in the area some 27 years ago.
3. The temperature regime in the Menai Strait only rarely provides suitable conditions for both spawning activity and larval recruitment.
4. The already low risk of a feral oyster population become established in the area can be made a negligible risk by cultivating triploid Pacific Oysters, which are functionally sterile.

It is our understanding that throughout the UK there is a delay in authorising new areas for Pacific Oyster cultivation because there is a national UK policy vacuum on this issue. This is a particularly grave concern in the post-Brexit shellfish marketplace, where the only buoyant sector is for Pacific Oysters. We believe that the current Welsh Government policy of assessing each application to cultivate Pacific Oysters on a case by case basis is both appropriate and pragmatic and provides the basis for progressing the western Menai Strait application. The experience gained by everyone involved through the successful making of the eastern Menai Strait Order, particularly the Habitats Regulation Assessment process, will also enable our limited resources to be used effectively.

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

Can we therefore ask you to build on the foundations that you have laid in the eastern Menai Strait and show the rest of the UK how the Welsh Government is supporting its shellfish farmers by authorising your officials to work with us to progress this Fishery Order application?

This Fishery Order provides you with an opportunity to do more for the Welsh shellfish farming sector than any of your predecessors. We very much hope that you will take this opportunity and we look forward to working with you and your officials on this new Order.

Yours sincerely



ALAN WINSTONE
Chair, MSFOMA
Encs.

Annex B: Reply to MSFOMA from Minister for Rural Affairs & North Wales, July 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

Eich cyf/Your ref
Ein cyf/Our ref LG/00435/22

Dr Jim Andrews

info@msfoma.org

17 August 2022

Dear Dr Jim

Thank you for your letter of 25 July, regarding the Menai Strait (West) Fishery Order application, in which you raise the issue of the cultivation of Pacific oysters (PO) in Wales.

I recognise the importance of the cultivation of PO to the aquaculture sector. I am also aware of the concerns about the risks of cultivating PO and the possible impacts on the marine environment.

My officials are considering the latest evidence, including the Bangor University Shellfish Centre report, about the cultivation of PO in Wales and other parts of the UK. This will inform future decision-making about the use of PO in Wales and will be discussed with my stakeholder advisory group.

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

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

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

Annex C: Reply to Minister for Rural Affairs & North Wales from MSFOMA, September 2022

Menai Strait Fishery Order Management Association

Port Penrhyn, Bangor, LL57 4HN

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

8th September 2022

Your Ref: LG/00435/22

By e-mail

Dear Minister

Menai Strait (West) Fishery Order Application: Update

Many thanks for your letter of 17th August responding to the report that we had sent to you in July concerning Pacific Oyster cultivation in Wales.

We are pleased to hear that your officials are considering this and other evidence about the cultivation of Pacific Oysters in Wales. We note that in your response you refer to your "*...stakeholder advisory group*" and indicate that this group is due to be discussing Pacific Oyster cultivation.

On behalf of our Association, can I enquire when this advisory group is due to meet, and also if it would be helpful for us to organise a presentation of the findings of our work to the group to facilitate their discussions of this important matter.

We very much look forward to hearing from you and further collaboration to build on the successful work that you and your officials have already achieved in the eastern Menai Strait.

Yours sincerely



ALAN WINSTONE
Chair, MSFOMA
Encs.