

Menai Strait Fishery Order Management Association

Agenda & Papers- 14th December 2023, 1030

Marine Centre Wales, Menai Bridge

Association Meeting

1. Chair's announcements
2. Apologies
3. Declarations of interest
4. Minutes of last meeting ([attached](#))
5. Matters Arising
6. Register & declarations of interests (verbal)
7. Financial update ([report](#))
8. Shellfish Hygiene Classifications in the Menai Strait ([report](#))
9. Dŵr Cymru / Welsh Water presentation (Emily Payne, DC/WW, verbal)
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 (verbal)
15. Menai Strait West Fishery Order (verbal)
16. Menai Strait Partnership Forum (verbal)
17. Fishery management issues (verbal)
18. Any Other Business (verbal)
 - a. Correspondence
19. Proposed dates for next meetings:-
 - a. 14th March 2024 [Note - Good Friday is 29th March] - Teams/Zoom
 - b. 19th September 2024 [2 weeks after the end of school summer holidays] - Teams / Zoom
 - c. 12th December 2024 [AGM followed by business meeting] - Marine Centre Wales

Menai Strait Fishery Order Management Association

**Meeting, 20th September 2023
Zoom Video Conference Call**

Minutes

Attendance

Members

Alan Winstone*
James Wilson*
Kim Mould*
Ioan Thomas
Lewis le Vay

Chair
Bangor Mussel Producers Ltd
Myti Mussels Ltd
Cyngor Gwynedd
Bangor University

Observers

David Salisbury
Howard Mattocks
Rowland Sharp
Trevor Jones

Ynys Môn County Council
Beaumaris Town Council
Natural Resources Wales
Menai Strait (West) Applicants

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.

2. Apologies

Alex Scorey
Emily Payne
Euryn Roberts
José Constantino†
Julian Bray
Michelle Billing
Nia Jones
Rob Floyd
Ruth Iliffe

Natural Resources Wales
Dŵr Cymru /
Natural Resources Wales
Welsh Government
Welsh Government
Welsh Government
North Wales Wildlife Trust
Welsh Government
Royal Yachting Association Cymru

3. Declarations of Interest

The Chair asked participants in the meeting to declare any interest in each agenda item before speaking.

4. Minutes of last meeting

The minutes of the meeting that took place on the 27th of April 2023 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 December meeting that were not formally addressed on the agenda were discussed:-

Sand in Penrhyn Dock

James Wilson reported that there had been no further progress with removal of the sand that had accumulated in the dock and was restricting access.

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

Action: JW, Secretariat

Bonamia

There had been no change to the Bonamia designated area, nor did this seem likely.

Water quality

This matter was due to be discussed under item 8 on the agenda.

Public profile of the Association

This item was due to be discussed under item 9 on the agenda.

At the last meeting of it had been suggested that the MSFOMA website would benefit from updates to better link to the work of participants. In the absence of any updates from participants no changes had been made - all were invited to send information that would be suitable to the Secretariat.

Action: All, Secretariat

Menai Strait West

The response of the Ministerial Advisory Group to the Chair's presentation about Pacific oyster cultivation is considered under item 10 on the agenda. It appeared that there was no reasonable prospect of progress in the short term.

Trevor Jones felt that the Fishery Order would be beneficial for mussel cultivation - the area that he had used for this had worked well, and the areas near Brynsiencyn were also viable.

An update had not been sent to the prospective tenants of the Order. It was agreed that all prospective tenants were aware of the situation and that this was not necessary. It would be appropriate to revisit the Association's strategy for this Order and consider whether a "mussels only" Order might be appropriate.

Action: Secretariat

Species ID training / Invasive Alien Species

North Wales Wildlife Trust had reported their plans for running a species ID course with an emphasis on IAS identification at the last meeting. It was recognised that this was important. NWWT would be asked to provide an update on this.

Action: Secretariat

There was no news of any *Crepidula fornicata* sightings. Trevor Jones reported that he had been looking on the shore at both ends of the Strait and around the Anglesey coastline. Lewis LeVay and Rowland Sharp reported of a proposal to use environmental DNA to detect the presence of *Crepidula*, and also to look at the potential movement of larvae in the Strait.

Rowland Sharp (NRW) offered to confirm the formal process for reporting sightings of *Crepidula* and other IAS.

Action: Rowland Sharp¹

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.

7. Financial Update

The meeting accepted the report that had been submitted about the Association's finances. Performance against the current financial plan was noted.

It was agreed that the Chair and Secretariat should work with the Association's accountants to prepare year-end accounts for 2022-23 for submission to the AGM in December.

Action: Secretariat & Chair

8. Water quality

The Chair introduced the report on shellfish hygiene classifications in the Menai Strait, which are critical to the financial viability of mussel farming here.

It was noted that this issue had been discussed at the last Association meeting, when a high *E. coli* sample from one Representative Monitoring Point (RMP) had triggered an "Action State" response in December 2022.

The meeting noted that high *E. coli* results had been recorded again, this time for all six of the RMPs in the eastern Strait on August 14th 2023. These samples had been preceded by a period of exceptional rainfall. An "Investigation State" had been triggered by the Local Action Group of local authority environmental health officers in response to this. The Chair had prepared a detailed report which showed that there had been exceptional rainfall over the 48 hours prior to the 14th August and correspondingly high river flows. This report was presented to the meeting,

¹ Rowland advised that these can be submitted to iRecord here: <https://irecord.org.uk/enter-casual-record>. Information (pictures and information of the area searched) can also be sent to the NRW participants in MSFOMA, rowland.sharp@cyfoethnaturiolcymru.gov.uk and alexander.scorey@cyfoethnaturiolcymru.gov.uk.

and had been submitted to the LAG by the Chair. All present thanked the Chair for his swift and detailed response.

It was agreed that these results warranted consideration at a meeting of the LAG. The Chair and Secretariat had already proposed this, and it was understood that this was likely to take place in early November.

There was some discussion of the practical nature of the sampling programme. Key points raised were to question the wisdom of proceeding to take samples after such a period of high rainfall, particularly at a time of year when no shellfish harvesting is taking place. Cefas records show that for one location (West of Bangor Pier) the *E. coli* count fell from 7,900 *E. coli* / 100g on the 14th August to 20 *E. coli* / 100g on the 24th August. No follow-up samples had been taken at other locations, apparently because the contractor used by Gwynedd and Ynys Môn County Council was unavailable.

The effect of these results on ongoing shellfish classification was discussed. It was noted that some of the results were “statistically anomalous” and that they should be discounted from use in determining classification results. It was noted, however, that such results appear to remain on the Cefas record, and that if they are used in subsequent calculations these results could mask future statistical anomalies. It was agreed that it was important to get clarification from the FSA about how these anomalous records would be used in future determinations.

Action: Chair, Secretariat

Alan Winstone clarified that the available evidence shows that the *E. coli* are from Waste water Treatment Works (WwTW) and Combined Sewage Outflows (CSOs) which can discharge untreated sewage when surface water runoff is excessive. Lewis LeVay mentioned that modelling can help to focus the future investment made by Dŵr Cymru on the WwTW in the Menai Strait catchment. It was felt to be appropriate to ask the LAG and Dŵr Cymru about any progress with modelling and confirm their findings.

Action: Chair, Secretariat

It was noted that Dŵr Cymru are installing a larger holding tank at the Beach Road CSO to reduce the frequency of discharges of untreated effluent.

The Chair reported that Emily Payne of Dŵr Cymru had given her apologies for this meeting several months ago, and that there would be an opportunity to discuss the plans for upgrading WwTW and CSOs at the December Association meeting.

James Wilson noted that the review of the Sanitary Survey for the Menai Strait was several years overdue. This document specifies the sampling methodology and the location of RMPs. The Food Standards Agency (FSA) had promised at the LAG meeting in March 2023 that a draft would be available for comment within 2-3 months. This draft had not yet been produced.

Operators noted that the location of RMPs at present does not align with the location of mussel harvesting areas, and that the sampling methods used (gathering mussels by hand at low water) had been demonstrated to give higher results than obtained from mussels dredged at high water, which is how mussels are gathered commercially.

All agreed that the FSA should be asked to provide an update on progress with the sanitary survey, and that the LAG should also be asked to put this on the agenda for their next meeting.

Action: Chair, Secretariat

Ioan Thomas remarked that this issue related to work carried out by officers of his authority, Cyngor Gwynedd. He asked for sight of correspondence between MSFOMA and these officers to ensure he was fully briefed in all discussion.

Action: Secretariat

9. Public Profile of the Association

The Chair and Secretariat reported that Dr Andy Olivier had been continuing to use Twitter to raise the profile of the Association. Andy had recently been in touch to ask if this service was still required.

It was agreed that the driver for improving the public profile of the Association had been to raise awareness of, and support for, the renewal of the Menai East Fishery Order. Now that a new Order was in place, this need had gone. The Association was also engaging in more “traditional” activities such as building the Menai Strait Partnership Forum.

It was agreed that it would be appropriate to contact Andy to thank him for the support he has given MSFOMA over several years, and to terminate the contract with him for this work.

Action: Chair, Secretariat

It was confirmed that the Association's account with X, formerly known as Twitter, would remain active, so that any news items could still be circulated by that medium if necessary.

10. Welsh Government Activity

The Secretariat's report was noted and received.

The Chair referred to the minutes of the meeting of the Ministerial Advisory Group for Welsh Fisheries (MAGWF) that he had attended in April. He had presented a paper to the meeting about the challenges facing Pacific oyster cultivation in Wales to that meeting. He had highlighted in particular how progress with shellfish cultivation in the western Menai Strait has stalled despite lots of work by MSFOMA and the shellfish industry over many years.

The Chair's recollection had been that Gareth Bevington, Deputy Director for Marine & Fisheries, had agreed to propose a way forward to the next meeting. However the minutes showed that WG had taken an action to “*consider a policy on Pacific Oysters*” which did not match his recollection. He would be pressing for a firmer commitment on this important matter at the next MAGWF meeting in October.

Action: Chair

The Chair also reported that he had been asked to comment on a draft Ministerial Statement on a strategic approach to fisheries and aquaculture. His main input had been to try to raise the profile of aquaculture. This document was not yet available for public comment, the Chair will circulate it to all when it is published for consultation.

Action: Chair

James Wilson commented that MAGWF had been set up following a Senedd resolution. He noted that concerns had been raised at MAGWF about the lack of resources available to make progress. It was clear that either the resources or commitment to build a better informed and more inclusive management regime were lacking. JW was concerned that MAGWF may not be able to meet the requirements of the Senedd resolution, and that this issue should be raised with the Minister. The Chair agreed with these concerns and felt that the time to raise them would be after the next MAGWF meeting in October, which would show whether this group and WG in general were capable of making a difference.

Action: Chair

The Chair agreed to provide an update on progress at MAGWF for the next MSFOMA meeting.

Action: Chair

11. NW IFCA Activity

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

It was noted that there had been a good seed mussel settlement in the NWIFCA District this year. The IFCA had opened some areas of seed mussels for dredging in the mouth of the Wyre estuary. They had not opened the larger and more easily dredge seed mussel beds known as “South America skear” and the “Falklands” in the northern part of Morecambe Bay. This was because of concerns that dredging might adversely impact seabed habitats, specifically cobbles.

Trevor Jones indicated that he had visited South America skear during August and September. There had been abundant seed mussels in August that were mostly gone in September. He had also visited the skears in the Wyre where dredging had been confined to specific areas. He could not understand how it had not been possible to find a similar way to permit at least some dredging at South America.

The difficulty gaining reliable access to seed mussels when they are available in the NWIFCA District remains a major concern for the mussel farmers in the Strait.

It was agreed that MSFOMA should continue to encourage NWIFCA to resume work on the Morecambe Bay Mussel Management Plan. It was further agreed that it would be useful for the Chair and Secretariat to meet with the new CEO of NWIFCA to raise his awareness of the importance of this sector to UK aquaculture and to try to build a constructive relationship.

Action: Secretariat

Trevor Jones noted that there may be some seed mussels at Caernarfon Bar this year. He, James Wilson and Kim Mould would be working with Welsh Government and NRW to see if a seed mussel fishery could be permitted here. The Chair and Secretariat offered to provide whatever support was necessary to progress this.

Action: Chair, Secretariat

12. All Party Parliamentary Group: Shellfish Aquaculture

James Wilson reported that there had been no recent meetings of this group. He understood that its Chair had changed, and that there would be further meetings.

Updates will be provided at future MSFOMA meetings.

Action: JW, Secretariat

13. Menai Strait East Fishery Order

It was noted that the only outstanding area of work for this Order was to review the “Managed Areas” around reef features. It was considered that in view of the low level of cultivation activity and the desire to minimise expenditure, this was not presently a priority and should be held in abeyance.

14. Menai Strait West

This matter had been discussed under Matters Arising. There was no further discussion.

15. Menai Strait Partnership Forum

The Chair and Secretariat provided an update on the “Menai Strait Partnership Forum” (MSPF) that had been set up in collaboration with the North Wales Rivers Trust, and using funding from the Welsh Government’s Coastal Capacity Fund.

Since the last MSFOMA meeting, the “Advisory Panel” had met, and had confirmed support for progressing this initiative. In response the Chair and Secretariat have worked with officers from NWRT to prepare a bid to fund a project officer to carry forward this initiative for a period of 18 months. The bid has been submitted to the Ynys Môn Local Nature Partnership. A decision on funding was due to be taken during October.

The Chair and Secretariat agreed to work with NWRT to progress this initiative and report back to future MSFOMA meetings.

Action: Chair, Secretariat

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

This was discussed earlier in the meeting (see item 9).

ii. Bonamia

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

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

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

iv. *Norovirus*

No further update.

17. Any Other Business

a) Correspondence

No additional correspondence had been received.

18. Dates for next meetings

Meeting dates were agreed for 2023:-

- a. 14th December 2023 [also AGM] (in person, not virtual)

DRAFT

Summary of Actions

Item	Action	Responsibility
1.	Sand in Dock - keep under review.	James Wilson & Secretariat
2.	Update MSFOMA website to include more information about the work of participants.	All, Secretariat
3.	Menai West - revisit proposals, consider if "mussels only" might work.	Chair & Secretariat
4.	Ask NWWT for update on species ID workshop	Secretariat
5.	Confirm process for reporting sightings of Invasive Alien Species	Rowland Sharp ²
6.	Prepare statement of accounts for AGM approval	Chair, Secretariat
7.	Ask FSA how "statistically anomalous" results are discounted from future calculations of statistical anomalies.	Chair, Secretariat
8.	Ask LAG and Dŵr Cymru about the use of modelling to identify sources of E.coli to inform investment in WwTW / CSO upgrades	Chair, Secretariat
9.	Ask FSA about progress with the review of the Sanitary Survey.	Chair, Secretariat
10.	Provide Ioan Thomas with update on correspondence between MSFOMA and Cyngor Gwynedd	Secretariat
11.	Group of MSFOMA participants to work together to determine best strategy for MSFOMA to influence local / national agenda on water quality and shellfish hygiene.	Chair, Lewis Le Vay, James Wilson, Secretariat.
12.	Press WG for a firmer commitment to develop a policy on Pacific Oyster cultivation	Chair
13.	Circulate information about consultation on new Ministerial Statement on fisheries and aquaculture when it is released.	Chair
14.	If necessary, raise concerns with Minister about resourcing / support for MAGWF in context of Senedd resolution.	Chair
15.	NWIFCA - encourage adoption of Morecambe Bay Mussel Management Plan.	Chair & Secretariat
16.	NWIFCA - arrange to meet with new CEO.	Chair & Secretariat
17.	Caernarfon Bar - provide support as necessary to support WG & NRW authorisation of dredging.	Chair & Secretariat
18.	APPG - provide update on progress to next meeting.	JW, Secretariat
19.	Work with NWRT to progress the Menai Strait Partnership Forum and report back.	Chair & Secretariat
20.	<i>Crepidula fornicata</i> - look out for slipper limpets and report sightings of any shells / individuals.	All
21.	Date for next meeting - 14th December 2023 (in person meeting, preceded by AGM)	All

² Rowland advised that these can be submitted to iRecord here: <https://irecord.org.uk/enter-casual-record>. Information (pictures and information of the area searched) can also be sent to the NRW participants in MSFOMA, rowland.sharp@cyfoethnaturiolcymru.gov.uk and alexander.scorey@cyfoethnaturiolcymru.gov.uk.

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.

Recommendations

1. That the Association considers performance within the current FY against the current financial plan (Annex B)
2. That the Association receives the financial statement for the year ended 28th February 2023 (Annex C).
3. That the Association considers the decision taken at the AGM for the budget in the 2024-25FY.

1. Financial Plan 2022-2028

- 1.1 The Association agreed a new Financial Plan at its Annual General Meeting in December 2022. This is included at Annex A of this report. This Plan was a response to the difficult economic and administrative environment that shellfish farmers are currently coping with. It minimises the financial burden of the Order on the Association's tenants by limiting MSFOMA operating costs.
- 1.2 The Association is advised that the economic and administrative environment for shellfish farmers is still challenging. It remains appropriate to keep to the 2022 Financial Plan.

2. Budgetary performance in current Financial Year

- 2.1 An income and expenditure report for the Association for the MSFOMA 2022-23 Financial Year (starting on 1st March 2023) against the revised Financial Plan is presented in Annex C. This shows both the actual and budgeted values for each item of income and expenditure.
- 2.2 Key points to note are:-
 - a) Income has been greater than expected. This is due to a grant of £6,000 that was received in March 2023 from the Welsh Government Coastal Capacity Building Fund. This sum was not included in the budget.
 - b) Expenditure this year has been lower than expected. The Association has made some savings, but it should also be noted that no invoice has been received for accountancy services in 2023 yet, and that the Secretariat has not invoiced for support work in Q3 & Q4.
 - c) The Association's bank balance at the end of November 2023 stood at £16,497.04. This is higher than the target reserve of £10,000.

3. Financial Statement for 2022-23FY

- 3.1 Accounts were prepared by the Association's accountants for the past FY and were submitted to Companies House in November 2022, in accordance with statutory requirements. A copy of the Financial Statement is attached at Annex C for information.

4. Budget for 2024-25FY

- 4.1 The budgetary performance for the current FY shows that the Chair and Secretariat are managing expenditure and income within the limits set by the Financial Plan, and that the overall intent of the Plan are being met.
- 4.2 It was recommended to the AGM on 14th December that it would be appropriate for the Association to adopt the proposed budget for the 2024-25FY (see Annex A), which will result in a slight increase in lease fees (by 3%) for tenants. This is lower than the current inflation rate, and will help to minimise the impact of lease fees on tenants' businesses.
- 4.3 A verbal report on the AGM decision on the budget for 2024-25FY will be provided to this meeting.

5. Funding Opportunities

- 5.1 At previous Association meetings it has been agreed that it is appropriate to pursue alternative funding opportunities for projects that are relevant to the objectives of MSFOMA and that would contribute both to achieving these objectives and bolstering the Authority's finances. An update on progress is provided here.
- a) **Coastal Capacity Building Fund 2023/2025** - a successful bid for funding from this fund was submitted in the spring, and supported the Menai Strait Partnership Forum activities (see item 16 on the agenda). During August the Chair worked with North Wales Rivers Trust and the Secretariat for a further bid for funding that will build on the work of the Menai Strait Partnership Forum. The bid was submitted on Friday 8th September. The Chair was informed on the 22nd November that this bid was one of 6 out of 35 that was successful. A verbal update on this will be provided to the meeting.
- b) **Nature Network Fund** - a bid for funding for a project entitled "*Interconnecting the Eryri Uplands with the Menai Strait Estuary Waters for Ecological Protection*" is being prepared in partnership with the North Wales Rivers Trust. A verbal update on this proposal will also be provided to the meeting.

MSFOMA Secretariat
December 2023

Annex A: Revised MSFOMA Financial Plan for the period 2022-23 to 2027-2028, adopted in December 2022.

Item	Financial Year					
	2022-23	2023-24	2024-25	2025-26	2026-27	2027-28
1. Revised Expenditure - inflated at 3%.						
Administration of the Order*	£12,000.00	£12,360.00	£12,730.80	£13,112.72	£13,506.11	£13,911.29
Enforcement activity*	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00
Corporate core*	£1,200.00	£1,236.00	£1,273.08	£1,311.27	£1,350.61	£1,391.13
Renewal of Fishery Orders						
Menai East	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00
Menai West	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00
Research & monitoring*	£500.00	£515.00	£530.45	£546.36	£562.75	£579.64
Community fund	£500.00	£515.00	£530.45	£546.36	£562.75	£579.64
Total Expenditure	£14,200.00	£14,626.00	£15,064.78	£15,516.72	£15,982.23	£16,461.69
2. Recurring Income - inflated at 0% to maintain value of a £10000 reserve with 3% inflation rate applying to expenditure.						
Leases for lays	£15,100.00	£15,100.00	£15,100.00	£15,100.00	£15,100.00	£15,100.00
Licences	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00
Total	£15,100.00	£15,100.00	£15,100.00	£15,100.00	£15,100.00	£15,100.00
Operating surplus / deficit	£900.00	£474.00	£35.22	-£416.72	-£882.23	-£1,361.69
3. Reserve						
Predicted Reserve	£ 10,687.17	£11,161.17	£11,196.39	£10,779.67	£9,897.44	£8,535.75
Target Reserve	£10,000.00	£10,000.00	£10,000.00	£10,000.00	£10,000.00	£10,000.00

Annex B: MSFOMA Financial performance for the 2023-24 FY against the updated (December 2022) Financial Plan.

Item	Annual Budget	Quarter 1 (1st March - 31st May)		Quarter 2** (1st June - 31st August)		Quarter 3 (1st Sept. - 30th Nov.)		Quarter 4 (1st Dec. - 28th Feb.)		Year to Date (Cumulative)		
	2023-24	Actual	Budget	Actual	Budget	Actual	Budget	Actual	Budget	Actual	Budget	Performance
										Q3	Q3	Q3
1. Expenditure												
Administration of the Order*	£12,360.00	£360.00	£3,090.00	£0.00	£3,090.00	£4,229.76	£3,090.00		£3,090.00	£4,589.76	£9,270.00	£-4,680.24
Enforcement activity	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00		£0.00	£0.00	£0.00	£-
Corporate core**										£0.00	£0.00	
Accountancy fees	£1,236.00	£0.00	£309.00	£0.00	£309.00	£0.00	£309.00		£309.00	£0.00	£927.00	£-927.00
Bank charges	£0.00	£24.00	£0.00	£24.00	£0.00	£24.00	£0.00		£0.00	£72.00	£0.00	£72.00
Renewal of Fishery Orders*										£0.00	£0.00	
Menai West	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00		£0.00	£0.00	£0.00	£-
Subscriptions	£0.00	£0.00	£0.00		£0.00	£150.00	£0.00		£0.00	£150.00	£0.00	
Research & monitoring	£515.00	£0.00	£128.75	£0.00	£128.75	£0.00	£128.75		£128.75	£0.00	£386.25	£-386.25
Community fund	£515.00	£0.00	£128.75	£0.00	£128.75	£0.00	£128.75		£128.75	£0.00	£386.25	£-386.25
Total Expenditure	£14,626.00	£384.00	£3,656.50	£24.00	£3,656.50	£4,403.76	£3,656.50	£0.00	£3,656.50	£4,811.76	£10,969.50	£-6,157.74
2. Income												
Leases for lays	£15,100.00	£7,550.00	£7,550.00	£0.00	£0.00	£7,550.00	£7,550.00		£0.00	£15,100.00	£15,100.00	£0.00
Licences	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00		£0.00	£0.00	£0.00	£0.00
Grant***	£0.00	£6,000.00	£0.00	£0.00	£0.00	£0.00	£0.00		£0.00	£6,000.00	£0.00	£6,000.00
Total	£15,100.00	£13,550.00	£7,550.00	£0.00	£0.00	£7,550.00	£7,550.00	£0.00	£0.00	£21,100.00	£15,100.00	£6,000.00
Operating surplus / deficit	£0.00	£13,166.00	£3,893.50	£-24.00	£-3,656.50	£3,146.24	£3,893.50	£0.00	£-3,656.50	£16,288.24		£12,157.74
Reserve	£10,000.00	£13,374.80	£10,000.00	£13,350.80	£10,000.00	£16,497.04	£10,000.00	£16,497.04	£10,000.00	£16,497.04	£10,000.00	£6,497.04

Annex C: MSFOMA Accounts for the Year Ended 28th February 2023

UNAUDITED FINANCIAL STATEMENTS FOR THE YEAR ENDED 28 FEBRUARY 2023

FOR

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

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

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FOR THE YEAR ENDED 28 FEBRUARY 2023

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

COMPANY INFORMATION
FOR THE YEAR ENDED 28 FEBRUARY 2023

DIRECTORS:

J Wilson
A J Winstone
J W Andrews
K Mould

REGISTERED OFFICE:

Port Penrhyn
Bangor
Gwynedd
LL57 4HN

REGISTERED NUMBER:

07163689 (England and Wales)

ACCOUNTANTS:

Fraser Wood Limited
Chartered Certified Accountants
2 Llys Onnen
Ffordd Y Llyn
Parc Menai
Bangor
Gwynedd
LL57 4DF

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

**BALANCE SHEET
28 FEBRUARY 2023**

	Notes	28.2.23 £	28.2.22 £
CURRENT ASSETS			
Debtors	4	15,474	18,841
Cash at bank		10,471	24,397
		<u>25,945</u>	<u>43,238</u>
CREDITORS			
Amounts falling due within one year	5	(2,487)	(8,963)
NET CURRENT ASSETS		<u>23,458</u>	<u>34,275</u>
TOTAL ASSETS LESS CURRENT LIABILITIES			
		<u>23,458</u>	<u>34,275</u>
RESERVES			
Income and expenditure account		23,458	34,275
		<u>23,458</u>	<u>34,275</u>

The company is entitled to exemption from audit under Section 477 of the Companies Act 2006 for the year ended 28 February 2023.

The members have not required the company to obtain an audit of its financial statements for the year ended 28 February 2023 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 2023

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 16 November 2023 and were signed on its behalf by:

AJ Winstone

A J Winstone - Director

The notes form part of these financial statements

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

NOTES TO THE FINANCIAL STATEMENTS
FOR THE YEAR ENDED 28 FEBRUARY 2023

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 (2022 - NIL).

4. **DEBTORS**

	28.2.23	28.2.22
	£	£
Amounts falling due within one year:		
Trade debtors	2,647	2,589
Other debtors	-	720
	<u>2,647</u>	<u>3,309</u>
Amounts falling due after more than one year:		
Trade debtors	<u>12,827</u>	<u>15,532</u>
Aggregate amounts	<u>15,474</u>	<u>18,841</u>

Outstanding lease fees are owed by Ogwen Mussels Limited £12,252 (28 February 2022 - £14,294) and Deepdock Limited £3,222 (28 February 2022 - £3,827). 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
A COMPANY LIMITED BY GUARANTEE

NOTES TO THE FINANCIAL STATEMENTS - continued
FOR THE YEAR ENDED 28 FEBRUARY 2023

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

	28.2.23	28.2.22
	£	£
Trade creditors	887	7,363
Other creditors	1,600	1,600
	<u>2,487</u>	<u>8,963</u>

6. **TRANSACTIONS WITH DIRECTORS**

MSFOMA paid £18,149 (28 February 2022 - £33,799) to Andrews Ward James (AWJ) Limited for consultancy work, a company of which J.W. Andrews is a director and shareholder. In addition, included in Trade creditors is £887 (28 February 2022 - £7,363) owed to Andrews Ward James (AWJ) Limited.

J. Wilson is a director and shareholder of Ogwen Mussels Limited and Deepdock Limited. These companies owe MSFOMA a total of £15,474 as of 28 February 2023 (28 February 2022 - £18,121). A seven year repayment plan has been agreed with the Board, with outstanding amounts being paid in equal instalments (per note 4 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 2023 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
2 Llys Onnen
Ffordd Y Llyn
Parc Menai
Bangor
Gwynedd
LL57 4DF

16 November 2023

This page does not form part of the statutory financial statements

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Shellfish Hygiene Classifications in The Menai Strait

Background

Water quality, and in particular the abundance of bacteria from effluent inputs, is an important factor determining the viability of shellfish harvesting and cultivation. Shellfish beds in the UK and EU are classified according to the abundance of bacteria in shellfish samples that are collected and analysed by environmental health officers from local authorities. There are six shellfish sample sites for mussels in the eastern Menai Strait.

Much of this report reproduces information from the last Association meeting, which is provided for reference and context.

The new parts of this report related to recent shellfish sample results, decisions about shellfish hygiene classifications, and their consequences for shellfish farmers in the Strait.

Recommendations

1. That the report is received, along with any verbal updates from participants at this meeting.
2. That the Association should note the change to shellfish hygiene classifications in the Strait and its consequences for shellfish farmers.
3. That the Association should determine its strategy for encouraging improvements to the shellfish hygiene classification regime and its application in the Menai Strait.

1. Introduction

- 1.1 There are 393 shellfish “production areas” in England and Wales, which are each classified in response to the abundance of a bacterium (*Escherichia coli*) in samples of shellfish taken within or near to the production areas. These production areas are designated for cockles, mussels, oysters and clams. *E. coli* is found in animal faeces and is used as an indicator of the likely level of sewage effluent that the shellfish have been exposed to, and hence as a measure of the public health risk of consuming shellfish.
- 1.2 Shellfish production areas may be designated Class A, B or C, according to the abundance of *E.coli* in shellfish flesh. The requirements and limits for each classification are set out in Annex III of EU Regulation (EC) 853/2004 and Articles 53, 54 and 55 of Retained EU Law Regulation (EU) 2019/627. They are summarised in Table 1.

Table 1: Summary of shellfish classification requirements.³

Classification	Minimum Number of samples per year	<i>E. coli</i> per 100g of flesh	
		Requirement	Limit
A	10	80% of samples \leq 230	700
B	8	90% of samples \leq 4600	46,000
C	8	All \leq 46,000	-
Unclassified	-	\geq 46,000	-

- 1.3 Class A shellfish can be harvested for direct human consumption without any further treatment. Class B shellfish must be either purified, relayed for a month in a Class A water, or heat treated prior to human consumption. Class C shellfish must be either relayed for 2 months in Class B waters and then purified; or relayed for 2 months in Class A waters; or heat treated prior to human consumption.
- 1.4 For most shellfish beds a single classification (A,B, C or unclassified) applies for 12 months of the year. It is also possible to grant a “seasonal” classification. Seasonal grant a high classification for part of the year when historic results have been good, and a lower classification for the rest of the year (for instance a Seasonal A/B or a Seasonal B/C). The criteria for allocating these seasonal classifications are set out in the current FSA “*Protocol for Classification of Shellfish Production Areas, England and Wales*”⁴ as follows:-

Seasonal Classification

4.6. *May be awarded when at least 3 full years’ worth of routine monitoring data shows a clear seasonal trend of results. The area may be classified as an A or B for part of the year and B or C for the rest of the year. The season must be at least 3 months in length and of benefit to industry.*

[...]

6.12. *At least 3 years’ worth of data (and a minimum 24 sample results within the ‘better’ season) showing a clear seasonal trend is necessary for a seasonal classification to be awarded. Seasonal classifications should comprise at least 3 consecutive months and be of benefit to industry (at a time they would usually harvest). Routine monthly monitoring is required throughout the full calendar year to provide sufficient compliance data.*

6.13. *A buffer period before the start of the season is required. This is one month for Class C to B areas and for Class B to A areas (two months for C to A). During the buffer period the monthly monitoring sample must show compliance with the higher or ‘better’ classification prior to the ‘better’ season commencing. Harvested products may only be processed at the ‘better’ classification at the start of the season and not during the buffer period. This is to allow for clearance of contamination during the buffer month/s.*

- 1.5 There are 88 shellfish production areas for mussels in England and Wales. Ten of these are “Class A”; five have a “Seasonal A/B” classification; three are “Seasonal

³ <https://www.food.gov.uk/business-guidance/shellfish-classification>

⁴ Food Standards Agency (2022) *Protocol for Classification of Shellfish Production Areas, England and Wales*, p. 24. Available at: <https://www.food.gov.uk/sites/default/files/media/document/Classification%20protocol%20-%20September%202022.pdf>.

B/C”; 55 sites are “Class B”; and just one site is “Class C”. Fourteen sites are listed as “Not Applicable”.

- 1.6 There are 6 shellfish production areas and sample sites in the eastern Menai Strait. During 2022-23 five of the six production areas had a “long term B” classification. One area (Areas 2 / B, sampled at Cegin Channel) had a “Seasonal A/B” classification, which means that it is a “Class A” from 1st October to 30th April, and a “Class B” at other times.
- 1.7 The location of sample sites and the current classification of their corresponding production areas are shown in Figure 1.

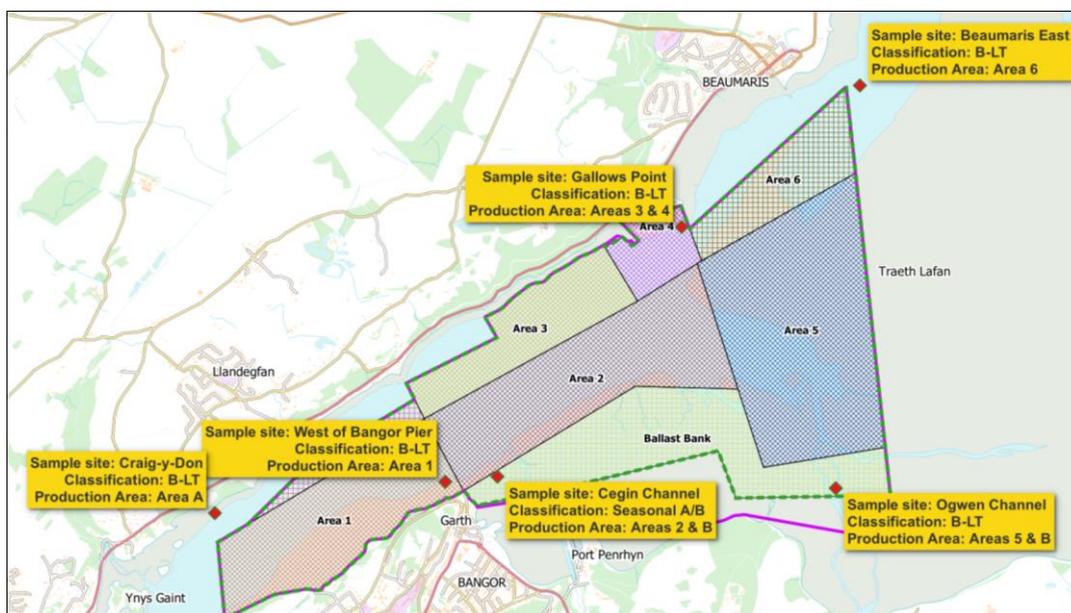


Figure 1: Map of the Eastern Menai Strait showing shellfish sampling locations, classification results, and production areas.

- 1.8 Prior to the UK’s departure from the EU the main market for shellfish from the Menai Strait was in Europe. Mussels from the Class B shellfish beds were exported directly from the Strait for relaying or purification in Europe.
- 1.9 Since the 1st January 2021 it has no longer been permissible to export Class B shellfish from the UK directly into Europe; they must be purified, relayed or heat treated prior to export. Only Class A shellfish can now be exported direct to EU markets.
- 1.10 The UK has very limited capacity for mussel purification (which also causes high in-transit mortality). Only 10 of the 88 mussel production areas in England and Wales have a “Class A” designation.
- 1.11 For the past 3 years the shellfish farmers in the Strait have been largely dependent on the seasonal A/B classification of production areas 2 & B, which is based on the sample results from the Cegin Channel RMP.
- 1.12 From this brief introduction it should be clear that an improvement to shellfish hygiene classifications in the eastern Menai Strait could re-open EU markets to the local industry; and any decline (in particular the loss of the Seasonal A/B classification) would have a devastating effect.

2. Shellfish hygiene classifications for 2023-24

- 2.1 Updated shellfish classifications were published on 5th December 2023 covering the period from 1st December 2023 – 30th November 2024⁵.
- 2.2 The new shellfish classifications, along with the classifications for the past 5 years, are shown in Table 2.

Table 2: Shellfish classifications for zones in the Eastern Menai Strait for the past 5 years. Green shading indicates a Class A classification, yellow shows Class B. Gradient shading shows when there were within-year changes. Data from FSA website.

RMP	Zone	2019-20	2020-21 [†]	2021-22	2022-23	2023-24
Beaumaris East	Area 6	A	B	B-LT	B-LT	B-LT
Cegin Channel	Areas 2 & B	B-LT	B→A→B →A/B*	A/B*	A/B*	B-LT
Craig-y-Don	Area A	A	B→A→B	B-LT	B-LT	B-LT
Gallows Point	Areas 3 & 4	A	B	B-LT	B-LT	B-LT
Ogwen Channel	Areas 5 & B	B-LT	B-LT	B-LT	B-LT	B-LT
West of Bangor Pier	Area 1	B-LT	B-LT	B-LT	B-LT	B-LT

Notes

† In 2020/21 the FSA state that “Classification is provisional due to insufficient sample results, either in number or period of time covered, or for those returning less than 10 samples in the review year.” All zones were designated “Class B” initially, two sites were upgraded to A, then downgraded to B following a poor result, after which Cegin Channel / Areas 2 & B were designated a seasonal A/B.

* Seasonal Class A” from 1st October to 30th April, and a “Class B” at other times

- 2.3 The most significant change for 2023-24 is that all zones are now classed as a long term “B”. This contrasts to the situation in 2019-20 when 3 of the 6 zones were “Class A”.
- 2.4 The downgrading of Areas 2 & B from seasonal A/B to a long term B classification is a result of shellfish hygiene results in 2022 & 2023. The downgrade will have a significant adverse impact on shellfish farming in the Menai Strait.
- 2.5 At least one of the shellfish farmers in the Strait as well as the Shellfish Association of Great Britain have written to the FSA to query the rationale behind this downgrade.
- 2.6 The rest of this report considers how shellfish beds are monitored and then examines the reasons behind this downgrading and consider how it may be addressed.

⁵ These are available from the FSA website here: <https://www.food.gov.uk/business-guidance/shellfish-classification#revision-log>

3. Managing and monitoring shellfish hygiene results

- 3.1 Shellfish samples are taken each month from the sample sites shown in Figure 1 by a contractor appointed by environmental health officers from Gwynedd and Ynys Môn County Councils. The samples are analysed in a laboratory, and the results are collated by Cefas (the Centre for Environment Fisheries and Aquaculture Science) prior to classification of the shellfish beds, which is administered by the Food Standards Agency (FSA).
- 3.2 To illustrate the nature of this information a time series of shellfish sample results over the past five years for Beaumaris East is shown in Figure 2. Most results are below the “A” requirement of 230 *E. coli* / 100g. A few results exceed this value, and just one exceeds the Class C requirements.

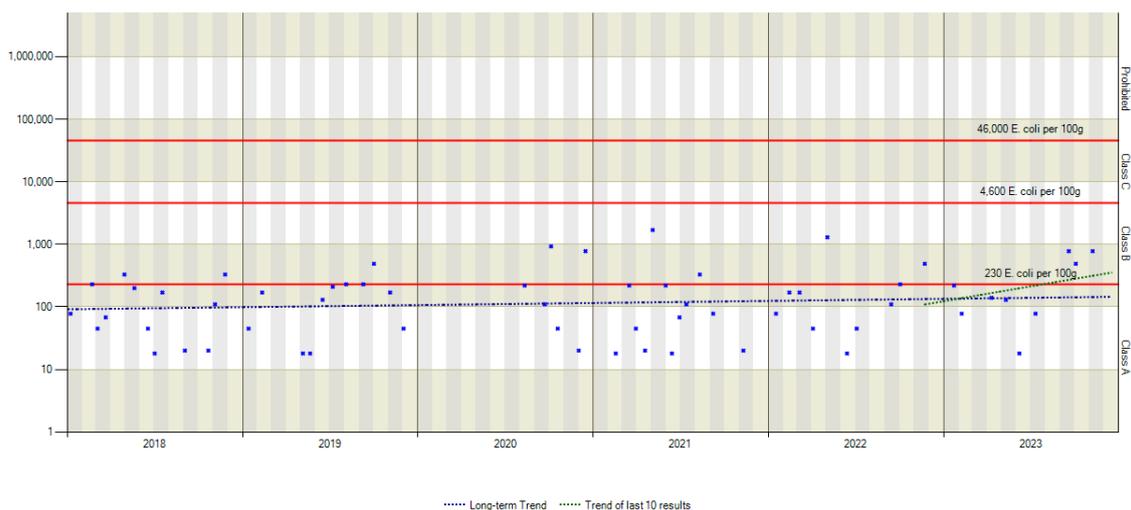


Figure 2: Shellfish hygiene results, 2018-2023, for the Beaumaris East sample site. Horizontal red lines show the boundaries for “A”, “B” and “C” classification. Note that the vertical axis is logarithmic.⁶

- 3.3 The FSA has issued guidance to local authorities on how to respond to high shellfish hygiene sample results. New guidance was issued earlier this year and came into force on the 1st August⁷. In summary:-

- a) An **“Investigation State”** is triggered when a result above the classification threshold is recorded in Class A & B beds (Class A - results between 230-700 *E. coli* per 100g, B - results between 4,600 – 18,000 *E. coli* per 100g). If these thresholds are exceeded, an investigation is carried out to gather information from the responsible LA and EA/ NRW to determine if the result can be attributed to a “one-off” event and therefore waived. This information is assessed by Cefas/FSA and outcomes communicated to the responsible LA. LAs can share the trigger notification with LAG members (including harvesters) and feedback any comments to the investigation, and confirm outcomes.

⁶ <https://www.cefas.co.uk/data-and-publications/shellfish-classification-and-microbiological-monitoring/england-and-wales/shellfish-monitoring-results/details/?species=MUS&connection=SHS&PointID=B055W>

⁷ Food Standards Agency (2023) ‘Guidance for Local Action Groups (LAGs) on handling high *E. coli* results, biotoxin results and pollution events.’, pp. 27. Available at: <https://www.food.gov.uk/sites/default/files/media/document/Local%20Action%20groups%20guidance%20Aug%202023.pdf>.

- b) An “**Action State**” is triggered when a result that is above the trigger level for a Class A,B or C shellfish bed is returned (i.e. over 700 E. coli for a Class A bed; 18,000 for Class B and over 46,000 for Class C).

If an Action State is triggered then immediate action is required to downgrade or close the relevant shellfish bed, and Cefas are required to carry out an investigation. As well as investigating the causes of the poor result, additional samples may be taken, and if they are at a lower level then any short-term control measures (downgrading / closure) can be revoked.

- c) High results may be disregarded if there is sufficient information available to justify this. Results would have to be attributed to unusual or “one off” events that have been resolved and are unlikely to recur. Exceptional events that may allow results to be waived are listed in the FSA guidelines and may include:-
- 1 in 5 year storm events;
 - Major sewage treatment works failure that has since been rectified;
 - Other exceptional pollution events e.g. slurry spill or septic tank spill - since rectified; and
 - Failure to comply with sampling protocol.

Results can also be disregarded if they are “statistically anomalous (i.e. that the high result is more than 3 times the standard deviation of log transformed results from the past 30 samples over a period of at least 30 months).

- 3.4 “Local Action Groups” that are led by local authorities are responsible for coordinating the response to both an “Investigation States” and “Action States”. The LAG is required to communicate the results to interested parties, including shellfish businesses, and to collate the information needed to determine whether there are any exceptional events that explain the high result.

4. Recent shellfish sample results

4.1 Over the past 12 months there have been some occasional high *E.coli* counts for shellfish samples taken in the Strait. All of the results from 2022 and 2023 are shown in Table 3.

Table 3: Shellfish hygiene sample results for a) 2022 and b) 2023 (Source: Cefas website). Green shading indicates a Class A result, yellow shows Class B, orange shows Class C. ~~Strikethrough font~~ shows results have been classified as "statistically anomalous" and removed from the record.

2022	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec
	16	13	6	3	3	13	3		13	2	22	
Beaumaris East	78	170	170	45	1300	18	45	NS	110	230	490	NS
Cegin Channel	130	20	78	18	780	130	20	NS	230	45	780	NS
Craig-y-Don	78	110	78	230	490	61	20	NS	220	20	330	NS
Gallows Point	230	45	45	330	2300	18	20	NS	330	130	780	NS
Ogwen Channel	170	78	78	230	490	20	78	NS	1100	230	170	NS
West of Bangor Pier	78	110	45	18	330	230	18	NS	780	78	2300	NS

2023	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug		Sept	Oct	Nov
	22	7		10	10	7	11	14	24	18	3	7
Beaumaris East	220	78	NS	140	130	18	78	22000		780	490	780
Cegin Channel	230	78	NS	330	330	18	130	3300		1400	170	170
Craig-y-Don	230	78	NS	330	230	20	92	17000		1700	130	170
Gallows Point	220	45	NS	780	330	170	78	17000		2300	45	110
Ogwen Channel	110	45	NS	170	230	45	130	7900		2200	110	130
West of Bangor Pier	330	78	NS	490	330	20	270	7900	20	330	170	170

4.2 There was a single high result of 780 for Cegin Channel in December 2022. Until August of this year (2023) the samples for this RMP and the other sites in the eastern Strait had returned to more normal levels, around the Class A/B threshold. However the samples taken on the 14th August 2023 for all RMPs were markedly higher than both the long-term trend and results from earlier in the year.

4.3 The Association was advised of the high results in August (as well as a high result on the same date at Llanfairisgaer in the western Strait) by Gwynedd and Ynys Mon EHOs the 22nd August 2023. This communication announced that an Investigation State had been triggered, noting that there had been very high rainfall on the 14th August, and also requesting submissions of information that may indicate exceptional circumstances by the 1st September 2023.

4.4 It was reported to the last Association meeting that the Chair had prepared and submitted a response to the Local Action Group on the 1st September 2023, and some further information about rainfall provided by NRW was sent to the LAG on the 4th September. The high results for all sites apart from Cegin Channel were classified as "statistically anomalous" by the FSA and have subsequently been removed from the classification record.

4.5 Sample results in September 2023 were also higher than normally seen for these sites (Table 3). The result for the Cegin Channel again exceeded the Action State threshold for this site, which was downgraded to "Class B" until the October result was received. The Chair carried out an investigation into this Action States and

submitted a response to the Local Action Group on the 17th of October (attached at Annex A). The key conclusions of this were that:-

- a) *“The elevated E.coli result recorded is likely to have been linked to a relatively small rainfall event causing elevated river flows, runoff and bacterial loadings into the Menai Strait immediately prior to the sampling time. The preceding period was characterised by prolonged wet and windy conditions which meant that river flows and other inputs probably reacted rapidly to a relatively small amount of rainfall. In addition, the sampling method at low water may have contributed to the high sample result.*
- b) *E.coli levels quickly returned to low levels which demonstrates the sensitivity of the Menai Strait to runoff - related bacterial loadings following a prolonged period of wet weather and a relatively small rainfall event. It also demonstrates the need to address the sources of the bacteria to reduce inputs to improve water quality to a more sustainable level.”*

- 4.6 On the 6th of November the Chair, Secretariat, and shellfish farmers from the Strait attended a meeting of the Local Action Group in Llangefni. The high results from August and September were discussed at this meeting, and also the pressing need for the Sanitary Survey to be reviewed (see section 6 of this report for more information about this issue).
- 4.7 It will be noted from Table 3 that no samples were taken in August and December 2022 or in March 2023. A repeat sample was taken in August 2023 at just one of the 5 sites that had returned extremely high results on the 14th of August. This was taken on the 24th August to the west of Bangor Pier by a Gwynedd EHO in person. The repeat sample showed just 20 E.coli per 100g (compared to 7,900 10 days previously).
- 4.8 It was reported by EHOs at the LAG meeting in November that repeat samples could not be taken at all RMPs in August 2023 because the contractor that takes the samples for Cyngor Gwynedd and Ynys Môn County Council was unavailable and that the West of Bangor Pier was the only one that could be accessed by an EHO. It is understood that the other gaps in the sampling record are also due to the availability of the contractor that takes the samples.
- 4.9 Because of the way that shellfish classifications are determined (i.e. a percentage of a certain overall number of samples above a below a threshold value), sites with a lower number of samples over a period of time are more vulnerable to being downgraded by an occasional high result or a missed sample than similar sites with a higher number of samples.
- 4.10 The number of samples taken at RMPs in the Menai Strait over the past 5 years is shown in Table 4. A comparable sample site, Foulney Island in Morecambe Bay shown for reference. A total of 61 samples were taken from Foulney Island over this 5-year period compared to a maximum of 50 at the Menai Strait RMPs.
- 4.11 For 2020-21 all of the Menai Strait sites were downgraded because too few samples were taken in 2020. A total of 6 samples were submitted for 5 of the Menai Strait RMPs in all of 2020, and 7 for the other RMP (compared to 12 at Foulney Island). The paucity of samples in the Strait was not, in the view of FSA, attributable to Covid-19 (they identified sites where Covid-19 had been a problem in their annual classification report, and this did not include any of the Menai East sites).

- 4.12 Over a longer time period, in 5 of the 8 years between 2015-2022 samples were not submitted in December for each Menai Strait East RMP. This has happened just once in December for the Foulney Island RMP over the same time period.
- 4.13 The gaps in the data for the Menai Strait RMPs put this area at a potential disadvantage to similar sites with better data especially with regard to attaining or re-attaining a seasonal A/B classification (see section 0 of this report).
- 4.14 The FSA procedures allow samples taken by appropriately trained industry operators to be used in the classification record. The LAG meeting in November was informed that one of the shellfish farmers from the Strait has been trained to take shellfish hygiene samples, and a second is due to be trained. This will hopefully mean that no future gaps arise in the sampling record.

Table 4: Summary of shellfish sample data for the six RMPs in the Menai Strait and, for comparison, Foulney Island in Morecambe Bay (designated a seasonal A/B in 2022 and retaining this classification in 2023-24)

Site & Year	Mean E.coli	Max E.coli	Min E.coli	No. Samples	Count of A	Count of B	%>=A
Beaumaris East	251.6	1700	18	48	38	10	79.2
2019	159.6	490	18	11	10	1	90.9
2020	350.8	930	20	6	4	2	66.7
2021	237.3	1700	18	12	10	2	83.3
2022	265.6	1300	18	10	8	2	80.0
2023	301.6	780	18	9	6	3	66.7
Cegin Channel	327.6	3300	18	50	36	14	72.0
2019	174.5	490	18	11	9	2	81.8
2020	186.0	330	18	6	4	2	66.7
2021	381.5	2200	20	13	9	4	69.2
2022	223.1	780	18	10	8	2	80.0
2023	615.6	3300	18	10	6	4	60.0
Craig-y-Don	256.6	3300	18	48	37	11	77.1
2019	114.8	490	20	11	9	2	81.8
2020	227.5	490	45	6	4	2	66.7
2021	422.7	3300	18	12	9	3	75.0
2022	163.7	490	20	10	8	2	80.0
2023	331.1	1700	20	9	7	2	77.8
Gallows Point	282.8	2300	18	48	34	14	70.8
2019	180.8	690	20	11	8	3	72.7
2020	261.7	690	40	6	4	2	66.7
2021	142.3	490	18	12	10	2	83.3
2022	422.8	2300	18	10	6	4	60.0
2023	453.1	2300	45	9	6	3	66.7
Ogwen Channel	454.4	7900	18	49	37	11	75.5
2019	927.4	7900	18	11	7	3	63.6
2020	353.0	1300	18	7	5	2	71.4
2021	315.2	1400	18	12	9	3	75.0
2022	264.4	1100	20	10	8	2	80.0
2023	352.2	2200	45	9	8	1	88.9
West of Bangor Pier	354.1	3300	18	50	33	17	66.0
2019	296.5	2300	18	11	9	2	81.8
2020	736.6	3300	78	7	3	4	42.9
2021	257.5	1100	20	12	9	3	75.0
2022	398.7	2300	18	10	7	3	70.0
2023	220.8	490	20	10	5	5	50.0
Foulney Island	274.1	2300	18	61	45	16	73.8
2019	367.8	2200	20	12	10	2	83.3
2020	262.7	1100	18	12	8	4	66.7
2021	291.3	780	40	12	7	5	58.3
2022	348.9	2300	20	11	8	3	72.7
2023	129.9	490	18	14	12	2	85.7

5. Local Action Group

- 5.1 Two meetings of the Local Action Group for the Menai Strait have taken place in 2023, each in response to high *E. coli* results.
- 5.2 The first meeting of the LAG took place in March 2023, with a focus on the high result for Cegin Channel in December 2022. This was a virtual meeting, attended by the Chair, Secretariat and mussel farmers. The LAG provided a valuable opportunity for sharing information and perspectives on the results.
- 5.3 The second meeting of the LAG took place in November 2023 in response to the high results from August and September 2023. This meeting took place in Llangefni, and again provided a good opportunity for exchanging views and information. The LAG meeting was also attended by a representative from the Food Standards Agency, providing an opportunity for participants to encourage progress with the long-awaited Sanitary Survey.

6. Sanitary Survey Review

- 6.1 A review of the “Sanitary Survey” for the Menai Strait has been commissioned by the Food Standards Agency Wales. This review will determine the future location of sample points and how they are sampled. It is hoped that this will result in sample points being located in areas where mussels are actually harvested, and also samples being taken in a more representative manner.
- 6.2 The review of the sanitary survey is several years overdue. In response to queries from MSFOMA at a meeting of the LAG in March 2023 FSA-Wales indicated that the sanitary survey would be completed within 2-3 months. This did not happen.
- 6.3 At the LAG meeting on the 6th of November 2023 the FSA representative responded to further enquiries from MSFOMA and indicated that the sanitary survey would be available “*imminently*”. An e-mail enquiry to the FSA from MSFOMA the following week resulted in a response on the 15th November that “*There has been further progress with this, and it should be sent around this week.*” The end of that week has passed and there has been no sign of a sanitary survey. The Secretariat made further enquiries and has been advised that FSA-Wales are “*aiming*” to have the draft sanitary survey available ahead of the Association meeting. If the FSA’s aspiration is met, a copy of the document will be tabled at the meeting for discussion.
- 6.4 Vigorous representations have been made over an extended period of time by the shellfish farmers in the Strait to the FSA and FSA Wales about the delay with the sanitary survey. The location of the current sample sites and method of sampling are not representative of industry practices and there is strong evidence that both factors will have adversely affected sample results.

7. Seasonal Classification Feasibility

- 7.1 The criteria for attaining a year-round “A” classification are clearly not met for any of the zones in the Strait at the moment (see Table 4). It is possible, however, that one or more of the sites might meet the requirements for a seasonal “A” classification. The feasibility of this option is considered here.
- 7.2 The FSA criteria for a seasonal classification are set out in section 1.4 of this report. The key points are that a period of at least 4 months in the year (3 months at the higher classification plus a 1 month “buffer” beforehand) covered by at least 24 samples over at least 3 years is required to justify a seasonal classification.
- 7.3 The recent seasonal A/B based on the Cegin Channel RMP (Table 2) established an “A” classification for the period 1st October – 20th April, and would hence require that the class A requirements were met during a “qualifying period” between September and April (the seasonal “A” period plus a “buffer” month) by at least 24 samples over the past 3 or more years. Cegin Channel does not currently meet the “A” requirements for these months of the year (though it did in 2017 and 2019-22).
- 7.4 Looking at all the data available for all 6 RMPs for the period since 2015, the months of the year that on average have the lowest *E.coli* counts are from December to April. The worst results are generally in May, August, September and November. Data for the 5 months from December to the following April could thus be the best to use as a “qualifying period”, which could result in a seasonal “A” classification that would run from 1st January to 30th April.
- 7.5 The low annual number of samples means that in order to obtain 24 samples for all sites in a “qualifying period” from December to April, a period of 7 years must be considered. These data have been examined, and the results are encouraging (see Table 5 & Table 6). Key points are:-
- a) Five of the six RMPs in the Strait achieve over 80% “A” class samples in the 5 month “qualifying period” from December to April (Table 5).
 - b) Looking at an upgraded “A” period from January to April, compliance with “A” classification would be attained by two sites (Ogwen Channel for the past 3 years; Beaumaris East in all years). Cegin Channel attains an “A” classification for more than 80% of samples in all years apart from 2023 during this period. Craig-y-Don and Gallows Point fall below the 80% “A” level for two of the past 3 years.
- 7.6 The results from the Strait compare favourably to the results for Foulney Island in Morecambe Bay, which has a seasonal “A” classification from the 1st March to the 31st May (see Table 7 & Table 8). By comparison to the Menai Strait:-
- a) During the “qualifying period” of 4 months from February-May over the period since 2018, Foulney Island has a lower percentage of “A” results (88.5%) than Beaumaris East and Cegin Channel in the Menai Strait between December-April since 2017 (each have 91.7% “A”). Cegin Channel and Foulney Island have the same maximum *E.coli* count within their respective qualifying periods. In two years (2021 and 2022), Foulney Island failed to attain an 80% “A” record between February and May; this only happened once (in 2020) for Beaumaris East and once (in 2023) for Cegin Channel.

- b) Comparing the “upgraded period” of 3 months from March-May for Foulney Island with the Menai Strait RMPs between January-April, Foulney is outperformed by Beaumaris East in the Strait. Looking at the years needed for 24 samples (2018-2023), Foulney has 94.7% “A” results; Beaumaris East has 95.2% “A”. However, Foulney Island only attained the “A” classification in 75% of samples in between March & May 2023, whilst Gallows Point attained 100% between January & April in all years except 2018 (80%) and 2020 (no data). Cegin Channel has a similar record to Foulney Island, including less than 80% “A” compliance in the upgraded period for the most recent year. All sites, including Foulney Island, have fewer than 24 samples during their “upgraded period”.
- 7.7 The Secretariat has compared the performance of sites in the Strait with other seasonal “A” and “A/B” sites. The overall performance of one or more RMPs in the Strait is comparable to, or better than, some of the current seasonal “A” or “A/B” classifications.
- 7.8 This information would seem to support a view that one or more of the RMPs in the Menai Strait have sample results that are similar to or better than a comparable site that has been granted a seasonal A/B classification for 2023-24. There would seem to be merit in asking the FSA to consider changing the current “B” classification for the Strait to a “seasonal A/B” between 1st January and 31st March.
- 7.9 Other seasonal classification permutations that may also be feasible can be considered at the meeting.

Table 5: Summary of shellfish sample data for the proposed "qualifying period" between December-April for the six RMPs in the Menai Strait. Note that this table does not include any results for December 2023.

Site & Year	Mean E.coli	Max E.coli	Min E.coli	No. Samples	Count of A	Count of B	%>=A
Beaumaris East	131.9	780	18	24	22	2	91.7
2017	50.0	110	20	3	3	0	100.0
2018	150.2	330	45	5	4	1	80.0
2019	86.7	170	45	3	3	0	100.0
2020	400.0	780	20	2	1	1	50.0
2021	75.8	220	18	4	4	0	100.0
2022	115.8	170	45	4	4	0	100.0
2023*	146.0	220	78	3	3	0	100.0
Cegin Channel	107.3	330	18	24	22	2	91.7
2017	86.0	220	18	3	3	0	100.0
2018	112.2	260	45	5	4	1	80.0
2019	109.3	230	20	3	3	0	100.0
2020	74.0	130	18	2	2	0	100.0
2021	99.0	230	20	4	4	0	100.0
2022	61.5	130	18	4	4	0	100.0
2023*	212.7	330	78	3	2	1	66.7
Craig-y-Don	138.7	490	20	24	20	4	83.3
2017	39.3	78	20	3	3	0	100.0
2018	203.0	490	20	5	3	2	60.0
2019	44.3	68	20	3	3	0	100.0
2020	185.0	230	140	2	2	0	100.0
2021	139.5	330	20	4	3	1	75.0
2022	124.0	230	78	4	4	0	100.0
2023*	212.7	330	78	3	2	1	66.7
Gallows Point	157.2	780	18	24	20	4	83.3
2017	27.7	45	18	3	3	0	100.0
2018	192.6	490	20	5	3	2	60.0
2019	71.3	78	68	3	3	0	100.0
2020	135.0	230	40	2	2	0	100.0
2021	137.0	230	18	4	4	0	100.0
2022	162.5	330	45	4	3	1	75.0
2023*	348.3	780	45	3	2	1	66.7
Ogwen Channel	185.9	1400	18	24	20	4	83.3
2017	212.7	490	18	3	2	1	66.7
2018	418.2	1400	45	5	3	2	60.0
2019	161.7	330	45	3	2	1	66.7
2020	48.0	78	18	2	2	0	100.0
2021	67.8	130	18	4	4	0	100.0
2022	139.0	230	78	4	4	0	100.0
2023*	108.3	170	45	3	3	0	100.0
West of Bangor Pier	139.7	490	18	24	19	5	79.2
2017	45.0	45	45	3	3	0	100.0
2018	187.6	450	78	5	4	1	80.0
2019	27.7	45	18	3	3	0	100.0
2020	284.0	490	78	2	1	1	50.0
2021	120.0	310	20	4	3	1	75.0
2022	62.8	110	18	4	4	0	100.0
2023*	299.3	490	78	3	1	2	33.3

* At the time of preparing this report data for December 2023 were not available.

Table 6: Summary of shellfish sample data for the proposed "upgraded period" between January-April for the six RMPs in the Menai Strait. Note that no data were gathered in 2020 at any sites in this time period.

Site & Year	Mean E.coli	Max E.coli	Min E.coli	No. Samples	Count of A	Count of B	%>=A
Beaumaris East	110.5	330	18	21	20	1	95.2
2017	50.0	110	20	3	3	0	100.0
2018	150.2	330	45	5	4	1	80.0
2019	107.5	170	45	2	2	0	100.0
2020	NS	NS	NS	NS	NS	NS	NS
2021	75.8	220	18	4	4	0	100.0
2022	115.8	170	45	4	4	0	100.0
2023	146.0	220	78	3	3	0	100.0
Cegin Channel	111.9	330	18	21	19	2	90.5
2017	86.0	220	18	3	3	0	100.0
2018	112.2	260	45	5	4	1	80.0
2019	125.0	230	20	2	2	0	100.0
2020	NS	NS	NS	NS	NS	NS	NS
2021	99.0	230	20	4	4	0	100.0
2022	61.5	130	18	4	4	0	100.0
2023	212.7	330	78	3	2	1	66.7
Craig-y-Don	137.6	490	20	21	17	4	81.0
2017	39.3	78	20	3	3	0	100.0
2018	203.0	490	20	5	3	2	60.0
2019	32.5	45	20	2	2	0	100.0
2020	NS	NS	NS	NS	NS	NS	NS
2021	139.5	330	20	4	3	1	75.0
2022	124.0	230	78	4	4	0	100.0
2023	212.7	330	78	3	2	1	66.7
Gallows Point	163.6	780	18	21	17	4	81.0
2017	27.7	45	18	3	3	0	100.0
2018	192.6	490	20	5	3	2	60.0
2019	73.0	78	68	2	2	0	100.0
2020	NS	NS	NS	NS	NS	NS	NS
2021	137.0	230	18	4	4	0	100.0
2022	162.5	330	45	4	3	1	75.0
2023	348.3	780	45	3	2	1	66.7
Ogwen Channel	202.7	1400	18	21	17	4	81.0
2017	212.7	490	18	3	2	1	66.7
2018	418.2	1400	45	5	3	2	60.0
2019	187.5	330	45	2	1	1	50.0
2020	NS	NS	NS	NS	NS	NS	NS
2021	67.8	130	18	4	4	0	100.0
2022	139.0	230	78	4	4	0	100.0
2023	108.3	170	45	3	3	0	100.0
West of Bangor Pier	131.7	490	18	21	17	4	81.0
2017	45.0	45	45	3	3	0	100.0
2018	187.6	450	78	5	4	1	80.0
2019	31.5	45	18	2	2	0	100.0
2020	NS	NS	NS	NS	NS	NS	NS
2021	120.0	310	20	4	3	1	75.0
2022	62.8	110	18	4	4	0	100.0
2023	299.3	490	78	3	1	2	33.3

Table 7: Summary of shellfish sample data for the "qualifying period" between February-May for Foulney Island (seasonal A/B from 1st March to 31st May).

Site & Year	Mean E.coli	Max E.coli	Min E.coli	No. Samples	Count of A	Count of B	%>=A
Foulney Island	112.7	330	18	26	23	3	88.5
2018	100.0	230	20	4	4	0	100.0
2019	134.5	230	68	4	4	0	100.0
2020	52.8	130	18	4	4	0	100.0
2021	146.3	330	40	4	3	1	75.0
2022	200.0	330	130	4	3	1	75.0
2023	65.8	270	20	6	5	1	83.3

Table 8: Summary of shellfish sample data for the "upgraded period" between March-May for Foulney Island (seasonal A/B from 1st March to 31st May).

Site & Year	Mean E.coli	Max E.coli	Min E.coli	No. Samples	Count of A	Count of B	%>=A
Foulney Island	108.1	270	18	19	18	1	94.7
2018	126.7	230	40	3	3	0	100.0
2019	142.7	230	68	3	3	0	100.0
2020	55.3	130	18	3	3	0	100.0
2021	85.0	170	40	3	3	0	100.0
2022	156.7	170	130	3	3	0	100.0
2023	88.8	270	20	4	3	1	75.0

8. Future Action

- 8.1 Over the past few meetings the Association has been considering how it should use its position and influence to best effect. It appears that there are several key areas where MSFOMA could take action to improve both the monitoring of shellfish hygiene in the Strait and potentially the classification of the shellfish here:-
- a) To encourage a more robust procedure for sampling RMPs in the Strait that will eliminate gaps in data (for instance by offering assistance to take samples when the regular contractor is unavailable);
 - b) To continue to encourage progress with the review of the sanitary survey; and
 - c) To encourage the FSA to designate one or more sites in the Strait as “Seasonal A/B” for the period from 1st January to 30th April (or an alternative period if preferred); and
 - d) To encourage improvements in water quality
- 8.2 It would be appropriate to further consider how the Association should act at the local and national level to encourage both a more appropriate response to shellfish sampling results as well as to encourage improvements in water quality.
- 8.3 In doing this it will be very important to ensure that the Association neither duplicates nor compromises action that is already being taken in this area.

MSFOMA Secretariat
December 2023

Annex A: Chair’s Response to the Action State Downgrade for Cegin Channel, October 2023

Investigation into the Action State Down Grade Menai Strait - East: SHS Microhygiene E.coli High result in buffer period for Bed B055T Cegin Channel (M. sp)

1. Background

The Menai Strait (East) Mussel and Oyster Fishery Order (“MSEMOFO”) area, in the eastern end of the Menai Strait, is administered by the Menai Strait Fishery Order Management Association (“MSFOMA” <https://www.msfoma.org/>) and contains one of the largest mussel fisheries in the UK.

The classified shellfish beds within the MSEMOFO have good quality mussels which are mostly consistent with regulatory Class A. However, due to occasionally high *E. coli* counts, only one of six areas has a seasonal “A” classification, with the remaining areas classified as “B”. Bangor Mussel Producers (the cooperative of companies that operate the mussel production leases within the Several Order) depend on export to the EU. Since EU-exit, this requires that live shellfish exported from the UK to the EU must originate from class “A” waters.

2. Issue

On 4th October 2023 MSFOMA and other members of the Local Action Group were notified of a result exceeding the Action State threshold (700) had been returned for the Cegin Channel monitoring point:

Production area	Menai Strait - East
RMP(s)	B055T,B055N
Species sampled	<i>Mytilus spp.</i>
RMP Name	Cegin Channel (M. sp)
NGR	SH58687331
Result	1400
Sample date and time	18 Sep 2023 17:45
Classification zone/species	Areas 2 and B West (<i>Mytilus spp.</i>)
Classification	SEASONAL-A (seasonal)
Current 1 year seasonal compliance with 230	50.0% (6 samples)
Current 3 year seasonal compliance with 230	77.3% (22 samples)

The result meant that the classification of the area was downgraded to Class B from the Seasonal Class A until further sampling is undertaken and a classification result under the 700 is recorded. A further classification sample was taken on 4th October 2023. In accordance with the revised guidance - Guidance for Local Action Groups (LAGs) on handling high *E. coli* results, biotoxin results and pollution events - classification and monitoring of live bivalve molluscs (August 2023) the temporary downgrade for Menai Straits East to C has now been revoked as follow up sampling result of 780 *E.coli*/100g.

Action state trigger results below 46,000 E. coli/100g In Class A and Class B areas where the trigger result is below 46,000 E. coli/100g, additional sampling may be undertaken as soon

as practicable: • If the result of the first re-sample is below the lower compliance threshold (230 and 4,600 *E. coli*/100g, respectively), and there are no other risks to public health, short-term control measures may be revoked; • If the result of the first re-sample is above the lower compliance threshold (230 and 4,600 *E. coli*/100g, respectively), further sampling should continue and short-term control measures remain in place until a compliant result (i.e. a result below the lower compliance threshold) is obtained. Additional sampling may be undertaken as soon as practicable in all circumstances.

Harvesting areas and monitoring points for Menai East are set out below. This shows that the Cegin Channel monitoring point is close to Penrhyn Dock and the lower Afon Cegin.

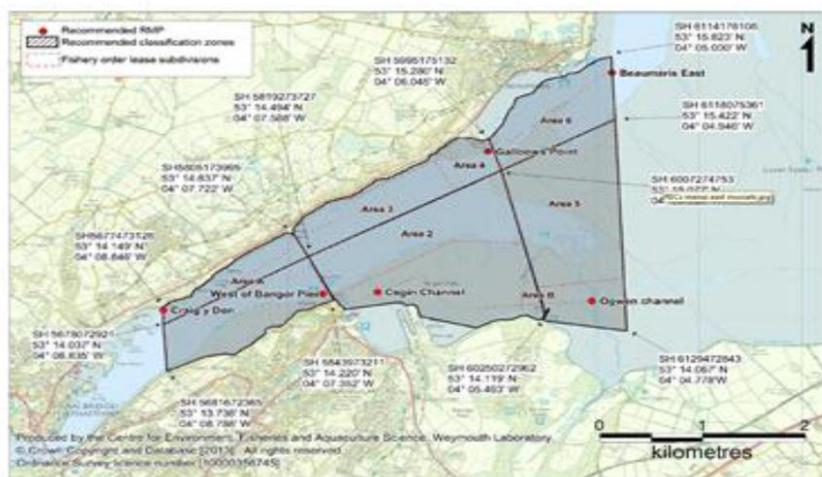
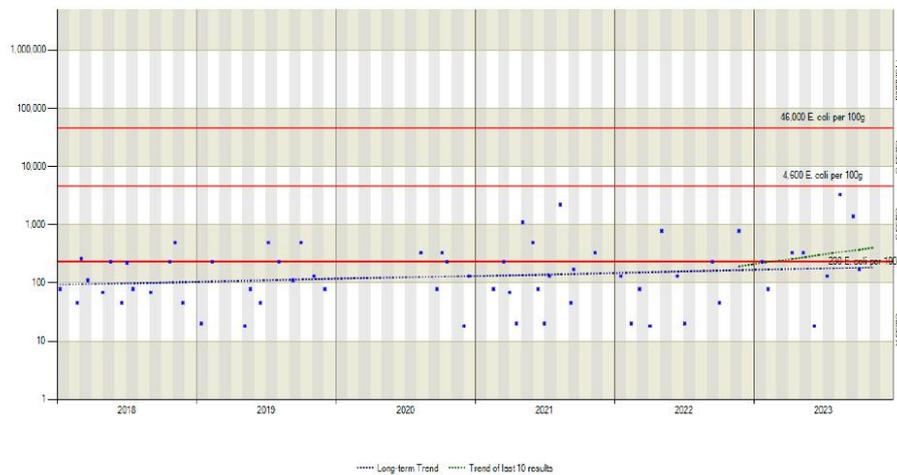


Figure 3.1: Recommended zoning and monitoring arrangements (mussels)

Monitoring results for the Cegin Channel for the past 5 years:



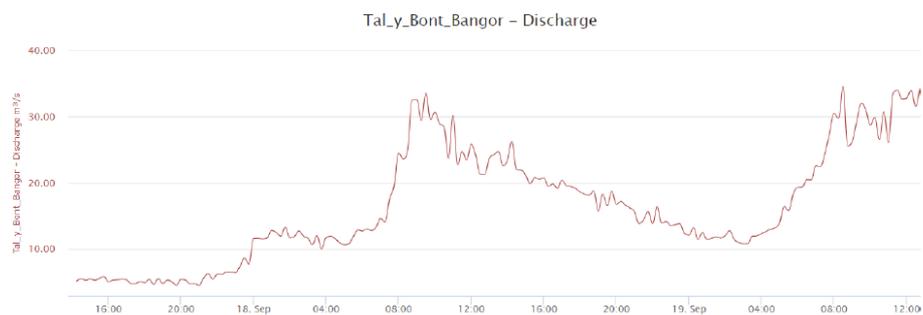
Monitoring results for the adjacent West of Bangor Pier in September showed a slightly elevated result (330 E. coli per 100g) whilst the Ogwen Channel showed an elevated result (3300 E. coli per 100g). At both sites E.coli returned to low levels in the October samples.

3. Environmental Conditions

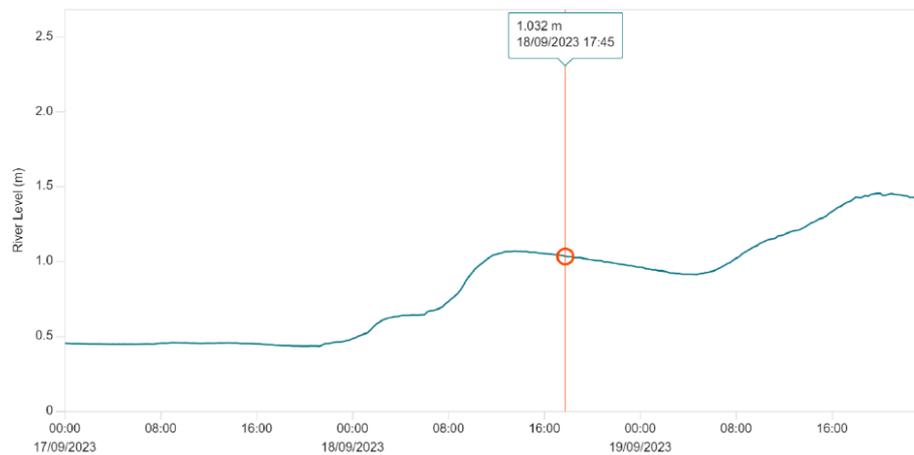
a. River Flows

The following data on river flows and rainfall over the sampling period in the vicinity of the eastern Menai Strait provide a picture of environmental conditions and likely inputs of bacterial loads from a variety of sources.

River level on River Ogwen at Tal y Bont on 18th and 19th September 2023 (North Wales Rivers Trust data):



River Level on the River Seiont at Pablic Mill:



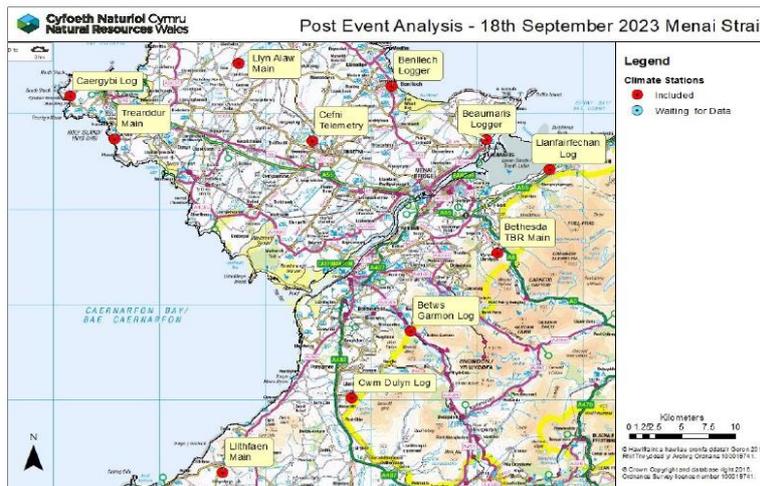
It has been previously noted that several rivers with significant catchments and populations discharge into the Menai Strait. The area is affected by urban and rural

municipal wastewater, discharge from wastewater treatment facilities and probably also by private septic tanks. Agricultural and wildlife-derived contamination may also affect the microbial water quality. It is therefore highly likely that there was increased run-off and bacterial loading into the Strait on 18th September when the sample was taken. It has also been previously noted that current sampling of mussels at low water rather than at high water, when the mussel dredgers operate, can give higher E. coli levels which may also have contributed to this high result. NRW have reported that they are not aware of any pollution incidents that could have caused the elevated result

b. Rainfall Data

NRW have provided the following information on rainfall in the area. Rainfall was investigated for the 120 hours leading up to 17:45 on 18th September 2023.

Figure shows the location of the rain gauges relevant for this analysis.

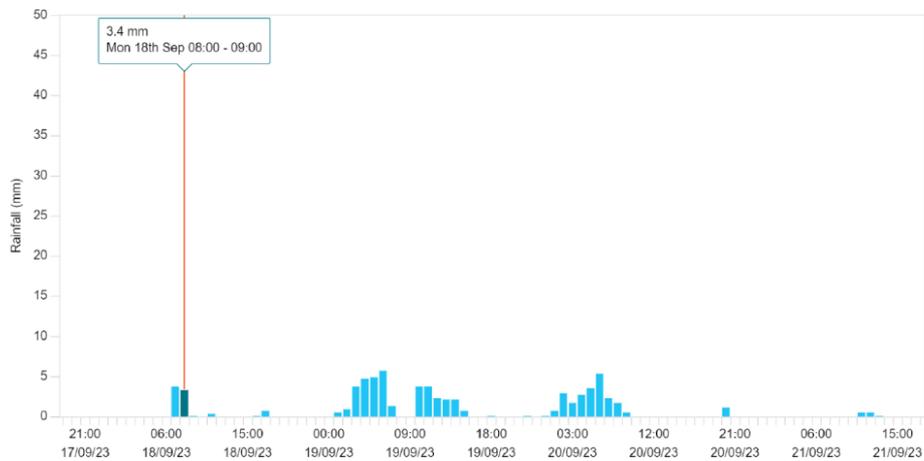


None of the stations have recorded significant rainfall events greater than 1 in 5 years. Table 1 below shows the largest return periods recorded at each station. No significant events were recorded at Llithfaen, Cwm Dulyn, Beaumaris and Caergybi stations.

Raingauge	Start Time and Date	Total Rainfall (mm)	Largest Return Period (years)	Time Duration for Return Period (Hours)
Llyn Alaw	17/09/2023 21:45	13.6	3	1
Trearddur	17/09/2023 20:45	27.0	2	10
Benllech	17/09/2023 21:00	15.8	2	1.75
Betws Garmon	18/09/2023 05:15	22.0	2	2.25
Bethesda	18/09/2023 05:30	17.2	2	1.5
Llanfairfechan	17/09/2023 20:45	11.6	2	1.25
Cefni	13/09/2023 19:15	57.0	2	108

Table 1: Largest return period and rainfall at rain gauge locations

NRW Bethesda Quarry Raingauge Rainfall Data:



NRW reported a period of wet and windy weather in the area with elevated / high / exceptional bacteria levels at a number of bathing waters (samples taken on the 18th September) at Trearddur Bay, Rhosneigr, Borth Wen and Porth Dafarch.

4. Conclusions

- The elevated E.coli result recorded is likely to have been linked to a relatively small rainfall event causing elevated river flows, runoff and bacterial loadings into the Menai Strait immediately prior to the sampling time. The preceding period was characterised by prolonged wet and windy conditions which meant that river flows and other inputs probably reacted rapidly to a relatively small amount of rainfall. In addition, the sampling method at low water may have contributed to the high sample result.
- E.coli levels quickly returned to low levels which demonstrates the sensitivity of the Menai Strait to runoff - related bacterial loadings following a prolonged period of wet weather and a relatively small rainfall event. It also demonstrates the need to address the sources of the bacteria to reduce inputs to improve water quality to a more sustainable level.

MSFOMA

17th October 2023

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.
 - 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."
 - d) **Ministerial Group for Welsh Fisheries (MAGWF)** - this group was created by Welsh Government in 2022. Information about this group is available from

<https://www.gov.wales/ministerial-advisory-group-welsh-fisheries>. An update on recent meetings is provided below.

3. Ministerial Group for Welsh Fisheries (MAGWF)

- 3.1 MAGWF has held one meeting, in November, since the last Association meeting. The Chair of the Association attended this meeting. Minutes of the meeting are not yet available.
- 3.2 Two key issues of relevance to the Association were raised by the Chair at this most recent meeting, summarised below:-
- a) **Resources** - in response to a comment at the last MSFOMA meeting the Chair asked if WG Fisheries were adequately resourced to meet the aspirations of the Minister and Senedd. MAGWF agreed to write to the Minister to express concerns about the disproportionate impact that any cuts would have on a small department such fisheries.
 - b) **Pacific Oysters** - WG officials gave an update on progress with a “Strategic Approach” for Pacific Oysters, which is due to be the subject of a Ministerial Statement. This Statement will apparently highlight links with the UK Joint Fisheries Statement. It is not thought likely that it will alter the need for applications for Pacific Oyster cultivation to be evaluated on a case-by-case basis.
- 3.3 Association Members and Observers 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.

4. Consultations

- 4.1 There are currently no open consultations for “Marine and Fisheries” on the Welsh Government website ([here](#)).

5. Welsh Government Officials

- 5.1 There have been some informal discussions over the phone and in telephone conference calls with WG officials since the last meeting, but none of significance.

6. Communications with Cabinet Minister

- 6.1 Communications with the Cabinet Minister concerning Fishery Orders in the Menai Strait are reported in items 13 & 15 on the agenda.

MSFOMA Secretariat
December 2023

North West Inshore Fisheries and Conservation Authority Activity

Background

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

Recommendations

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

1. IFCA Meetings

- 1.1 Since the last meeting of the Association the NW-IFCA has held two quarterly meetings, on the 21st September and the 7th December. A meeting of the Technical, Science and Byelaws (TSB) Sub-Committee took place on the 7th November 2023.

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. Seed mussel fishing opportunities

- 3.1 There were settlements of seed mussels within the NWIFCA District this year. NWIFCA were asked by the industry to open these beds for dredging. The IFCA opened an area in the mouth of the Wyre estuary off Fleetwood (Perch Scar and Black Scar) to seed mussel dredging between the 9th and 31st August 2023.
- 3.2 NWIFCA were also asked to open the larger stocks of seed mussels in the northern part of Morecambe Bay. Scientific staff surveyed this area on the 1st of September. This area was not subsequently opened for dredging.

4. Morecambe Bay Mussel Management Plan

- 4.1 The opening of seed mussel beds to dredging has once again proved to be controversial. Part of the difficulty is caused by the absence of a clear policy framework that would guide IFCA officers and also frame the expectations of interested parties.
- 4.2 It has been reported on several occasions that MSFOMA participants in NWIFCA business had asked the Authority to proceed with the development of the

Morecambe Bay Mussel Management Plan. It has not yet been possible for NWIFCA staff to resume work on this.

- 4.3 At the November TSB meeting, NWIFCA scientific staff presented a report setting out a "*Definition of Ephemerality for Seed Mussel*". This addresses one of the key controversies which arises each year, which is agreeing whether or not a mussel bed is likely to be ephemeral or not, and what the word "ephemeral" actually means in this context. A copy of this report is provided at Annex A.
- 4.4 Although this report was not provided for public comment, it is in the public domain, and it would be reasonable for the Association to respond if it is felt appropriate.
- 4.5 Although this definition addresses a controversial issue, it does not replace the need for a Morecambe Bay Mussel Management Plan. It will be important to keep the Management Plan on the agenda for NWIFCA action. The Secretariat will encourage action on this area of work.

MSFOMA Secretariat
December 2023

Annex A: NWIFCA report on the “*Definition of ephemerality for seed mussel*”, November 2023.

NWIFCA Technical Science and Byelaw Meeting

7th of November 2023: 10:00 a.m.

Agenda Item

10

DEFINITION OF EPHEMERALITY FOR SEED MUSSEL

Purpose: To provide information on the NWIFCA’s current definition of ephemerality regarding seed mussel.

Recommendation:

- 1) Receive the report
- 2) To approve the definition of seed mussel ephemerality.
- 3) To approve the process by which officers assess seed mussel ephemerality.

1. Background

A feature of Morecambe Bay is the occurrence of large and extensive mussel spat settlements which typically occur on South America, Fleetwood, Heysham and occasionally the Falklands beds.

These settlements are usually very dense with little or no embayment to the underlying substrate and quickly build up large amounts of sediment and pseudo-faeces (mussel mud).

Within a short space of time (~4 to 6 months) these populations become unstable and vulnerable to erosion through weather and/or tide, or predation from vast numbers of starfish. This mussel typically washes away before the winter, and is referred to as ‘ephemeral’. In comparison, stable mussel beds in the bay such as Foulney, remain consistent, not undergoing as frequent scouring events, and spat settlements typically remain to grow on and contribute to the natural turn-over of the bed.

The Authority takes the line that although spat are undersized, in areas where they are ephemeral, they should be fished before they wash out of the fishery and a valuable commercial resource is lost.

Officers undertake frequent inspections of these beds each year to determine their suitability for opening a fishery to hand raking and/or dredging. Though this has been a long-standing procedure, it is important that a definition of ephemerality and the means by which it is assessed is agreed by the Authority, in order to safeguard officers and assist in management decision.

2. Definition of seed mussel ephemerality

NWIFCA set up a stakeholder forum called the Bivalve Mollusc Working Group (BMWG) in 2015. The group was made up of NWIFCA officers, stakeholder representatives (including hand gathered and dredge fishers) and Natural England.

In 2017 BMWG agreed a definition of ephemerality in relation to the mussel resources to assist NWIFCA in making decisions on when mussel could be harvested as seed. This definition is:

‘Certain conditions need to occur for the NWIFCA to authorise fishing of seed mussel, namely that the stock has been assessed as in imminent likelihood of being lost to the fishery through natural causes, and subsequently that a high proportion of it will not grow through to reach size; and that conditions pertain to fishing being possible without risk of damage to the cobble and boulder substrate conservation features. These include:

settlement in high abundance and density, and;

- fast growing and high deposits of pseudofaeces (mussel mud), and;
- the mussel mud becoming very soft and loose and at risk of being washed out, taking the mussel with it;
- or dense settlement being heavily predated on by thousands of starfish.

The fishery is highly variable depending on the vagaries of the stock, and the changes in the dynamic environment of the north west coast and have to be assessed on a year by year basis.'

3. Process for determining ephemerality:

Every year science officers access the main ephemeral beds to see if they are suitable for seed fishing. During inspections, officers look for and record the following criteria to see whether stocks are 'imminently likely' to wash away:

Inspection criteria	Reason
The presence, thickness and extent of mussel mud	<p>The build-up of mussel mud can mean mussel is vulnerable to being washed away or 'scoured' as they do not typically have secure attachment to the mud.</p> <p>The presence of mud means fishers are less likely to contact the substrate when fishing for seed mussel and therefore not interact with the protected cobble and boulder feature beneath.</p>
Evidence of scouring and looseness of mussel	Areas where there is evidence mussel has already washed away (scoured), or where it has become loose and gathered in heaps is indicative of imminent wash off.
The extent of exposed cobble substrate	If large amounts of cobble is exposed or covered only by thin mud, it could mean fishing activity will interact with the protected feature.
High densities of seed mussel from that year	High densities of a single current year class, means the previous year has washed out enabling the new spat settlement, and the possibility it will undergo wash out again (dependent on the presence of the other factors)
Low levels of size mussel or mix of sizes – indicative of surviving the winter to grow on	If there are low densities, and mussel is patchy, or dispersed among size or a mix of

	sizes that have survived the winter and grown on, it is not considered ephemeral.
Presence of Sabellaria	Sabellaria is a protected feature and fishing activity must not interact with this.
Presence of large volumes of star fish.	Star fish can quickly remove large quantities of mussel if present.

Though some of these criteria do not directly relate to the ephemerality of the resource, they also help determine whether the fishery would be HRA compliant.

Officers go regularly to these areas for inspection (once a month on low spring tides) due to the highly variable nature of the environment and unpredictability of stock and ensure that authorisation / permitting of seed mussel removal only occurs when the mussel is in a vulnerable condition.

These detailed reports are subsequently made available to stakeholders via the website and presented to Members of the TSB committee for approval.

NWIFCA officers recommend:

- **Approval of the BMWG definition of ephemerality, and**
- **Approval of the process and considerations defined above as to how officers assess a bed as ephemeral and report back to the Authority.**