

Menai Strait Fishery Order Management Association

Agenda & Papers- 3rd December 2024

Marine Centre Wales

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. Public Profile of the Association (verbal)
10. Welsh Government Activity ([report](#))
11. North West IFCA Activity ([report](#))
12. All Party Parliamentary Group: Shellfish Aquaculture (verbal)
13. Menai Strait East (verbal)
14. Menai Strait West Fishery Order ([report](#))
15. Menai Strait Partnership Forum (verbal)
16. Fishery management issues (verbal)
17. Any Other Business (verbal)
 - a. Correspondence
18. Proposed dates for next meetings:-
 - a. Weds. 30th April 2025 (Virtual Meeting)
 - b. Weds. 17th September 2025 (Virtual Meeting)
 - c. Weds. 10th December 2025 [AGM followed by business meeting] - Marine Centre Wales

Menai Strait Fishery Order Management Association

Meeting, 19th September 2024
Teams 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

Michael Thomas
Howard Mattocks
Rowland Sharp
Trevor Jones
Nia Jones
Emily Payne
José Constantino
Oisín Lowe-Sellers

Ynys Môn County Council
Beaumaris Town Council
Natural Resources Wales
Menai Strait (West) Applicants
North Wales Wildlife Trust
Dŵr Cymru / Welsh Water
Welsh Government
Menai Strait Partnership Forum

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
Euryn Roberts
Julian Bray
Michelle Billing
Rob Floyd

Natural Resources Wales
Natural Resources Wales
Welsh Government
Welsh Government
Welsh Government

The Chair asked the Secretariat to make further enquiries about representation from Bangor City Council and the Royal Yachting Association.

Action: Secretariat

3. Declarations of Interest

The Chair asked participants in the meeting to declare if they have any interest in an agenda item before speaking.

4. Minutes of last meeting

The minutes of the meeting that took place on the 18th of April 2024 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 April meeting that were not formally addressed on the agenda were discussed:-

Letter to new Minister

It was noted that a letter had not yet been sent to the new Fisheries Minister to introduce MSFOMA. It was agreed that this would be appropriate.

Action: Secretariat

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

Pacific Oysters

There was a detailed discussion of the Welsh Government policy on approval of Pacific Oyster cultivation. Rowland Sharp had commissioned work within NRW to collate all available information so that the organisation would be able to provide advice that reflected current knowledge. This work was around 60-70% complete, and he would welcome input from MSFOMA participants. All offered to assist as necessary.

Action: Rowland Sharp

José Constantino confirmed that Welsh Government is still working to develop its policy on Pacific Oysters, based on evidence from its advisors.

It was agreed that this item should be kept on the agenda for future meetings.

Action: Secretariat

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 discussed. It was noted that expenditure had been greater than planned as a result of contributions to the cost of taking legal advice in the challenge of the FSA decision to change the shellfish hygiene classification of Area 2. At the same time, income has benefitted from the Welsh Government grant provided to support participation by MSFOMA in the Menai Strait Partnership Forum.

At the end of the past quarter the Association's bank reserve was £14,617, which is greater than the target reserve of £10,000 set in the Financial Plan.

8. Shellfish hygiene

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

The Secretariat explained the steps that had led to MSFOMA working with the mussel farmers to commence legal action against FSA Wales in January-February 2024 and the subsequent response from FSA Wales. The decision not to proceed with this action and instead to take up the offer from the Director of FSA Wales (Nathan Barnhouse) to work closely together has been successful.

Following Mr Barnhouse's visit to Port Penrhyn in April, FSA officers have met with the Chair and Secretariat regularly. Good progress has been made with the ongoing "Sanitary Survey". This was now ready for publication pending agreement from Cyngor Gwynedd and Ynys Môn County Council to allow delegated sampling by suitably qualified industry personnel. The key changes that had been made in the past few months included a revision of "Classification Zone" boundaries; moving all of the "Representative Monitoring Points" (RMPs); and agreement from the FSA that the Official Control Samples could be taken by fishing industry.

Having made all of these changes, the FSA and Cefas have concluded that for five of the eight new RMPs the sampling time series should start afresh. A new "provisional" classification will supersede the existing shellfish hygiene classification for these sites once 10 samples have been gathered at weekly intervals.

The Secretariat reported that although these changes addressed most of the key issues that MSFOMA had raised, there still remained a difference of opinion with the FSA about whether the time series of samples should be continued for the three RMPs where the classification would not start afresh.

This point was discussed at some length. It was noted that the existing and new RMP are in the same location for Area 4, but for Area 1 and Area B there was a significant distance between the old and new RMPs (247m and over 1km respectively). The FSA had been asked to query the basis for this with Cefas. It was agreed by the meeting that it did not seem appropriate to continue time series for RMPs that are separated by such a large distance. The Chair and Secretariat agreed to press the FSA and Cefas over this issue.

Action: Chair & Secretariat

James Wilson confirmed that all of the information requested by local authorities to allow industry sampling had been provided. There had been no feedback or confirmation for over 2 weeks. It was noted that this delay could diminish the benefit of agreeing the new Sanitary Survey because of the need to gather 10 samples before the new provisional classification was in place. Lewis LeVay confirmed that although samples gathered with dredges still showed occasional high results, the E.coli levels detected in samples taken by dredge at high water were generally lower than those detected in samples taken by hand at low water.

The Chair asked Ioan Thomas if he would be happy to make enquiries among officers at Cyngor Gwynedd to see if there as any fundamental problem and to try to expedite progress. Cllr Thomas agreed to do this.

Action: Chair & Cllr Thomas

It was noted that the delays in reviewing the Sanitary Survey had hindered the introduction of this new regime. The Sanitary Survey had been written by independent consultants, Carcinus Ltd, and the most recent draft still contained errors. FSA had indicated to the Chair and Secretariat that they did not have sufficient budget available to pay for the Sanitary Survey to be revised. All felt that this was a serious issue, and that uncorrected errors in the current report could be accepted as facts in the future. It was agreed that the FSA should be asked to ensure that the report was accurate.

Action: Chair, Secretariat

The meeting discussed the high E.coli results that had been detected in the September samples taken in the Menai Strait. The high values at two sites (West of Bangor Pier and Beaumaris East) had triggered an "Investigation State". The Local Action Group for the Menai Strait had requested that information which might explain the high results (such as high rainfall or pollution incidents) should be submitted by the 26th of September 2024. The Chair had drafted an initial response, noting that rainfall had been very high on the 2nd September and that at least two of the Combined Sewage Outfalls around the Strait had discharged untreated effluent on that day. All were asked to provide any additional information to the Chair so that this submission could be finalised and submitted.

Action: All

Lewis LeVay noted that the high result for Beaumaris East (13,000 E.coli) would have been disregarded from the classification time series as a statistically anomalous result if there had not also been a very high result (22,000) for this site in August 2023. Although the 2023 result had not been taken into account in the 2023-24 classification, it remained on record and it meant that this year's high result did not trigger the same "statistically anomalous" threshold. This approach created moving goalposts that could undermine longer term efforts to improve water and shellfish hygiene. It was agreed that this issue should be raised with the Chair of the FSA, Professor Susan Jebb.

Action: Chair, Secretariat

Concerns were raised about the lack of any follow-up sampling after the high results recorded in September. It was noted that although taking follow-up results was not mandatory for the E.coli levels that had been detected, such samples would provide vital additional information and could better protect public health.

9. Public Profile of the Association

The Chair confirmed that the Association's X/Twitter account was essentially dormant and that the focus of raising the profile of the Association lay currently in participation in projects such as the Menai Strait Partnership Forum.

10. Welsh Government Activity

The Secretariat's report was noted and received.

The Chair reported that the Ministerial Advisory Group for Welsh Fisheries (MAGWF) had met in April and July. He had been unable to attend, and has subsequently made arrangements so that Trevor Jones can attend when he is unavailable. No items of direct relevance to MSFOMA have been discussed at the two recent meetings. The main item considered at the last meeting was the proposal for an all-Wales Cockle Regulating Order to allow for better management of that fishery outside the Dee Estuary and Burry Inlet (which are already managed under Fishery Orders).

José Constantino informed the meeting that the Ministerial Statement on a strategic approach to fisheries and aquaculture had not been released before the new Cabinet Secretary for Rural Affairs, Huw Irranca-Davies had taken up his post. The Statement would be released once it had been updated to reflect current priorities.

11.NW IFCA Activity

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

Trevor Jones, has been appointed to NWIFCA, reported that there were some small areas of seed mussels within the NWIFC District that could have been fished this year but which were not opened to fishing. He felt that in the absence of a clear policy direction the NWIFCA science team were not being proactive with respect to the seed mussel fishery.

Trevor Jones indicated that he was due to attend the NWIFCA TSB and quarterly meetings next week and would try to foster a more proactive approach and better relations.

It was agreed that it would be appropriate to write to NWIFCA again to ask that consideration is given to developing the Morecambe Bay Mussel Management Plan.

Action: Chair & Secretariat

12.All Party Parliamentary Group: Shellfish Aquaculture

It was reported that the APPG had last met in March and had been due to consider shellfish hygiene at its next meeting. This plan had been disrupted by the results of the General Election in July when many of the APPG members had lost their seats. It was understood that work was underway to try to re-constitute the group.

Updates will be provided at future MSFOMA meetings.

Action: JW, Secretariat

13.Menai Strait East Fishery Order

No further update.

14. Menai Strait West

It was noted that progress with the renewal of the Fishery Order in the western Menai Strait had been halted by concerns over the cultivation of Pacific Oysters in the Strait.

Detailed submissions had been made by MSFOMA to Welsh Government on this issue in 2022. It was understood that the policy position in other parts of the UK was to decline permission for Pacific oyster farms in areas where there is no evidence of a feral population but to be less precautionary if there is evidence of feral oysters.

It was agreed that it would be appropriate for a report to be discussed at the next MSFOMA meeting that would consider current information on the status of feral Pacific oysters in the Strait and the policy position in Wales and the rest of the UK.

Action: Secretariat

15. Menai Strait Partnership Forum

Oisín Lee-Sellers 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.

Oisín was appointed as Project Officer for MSPF earlier this year and has spent the summer organising events to raise awareness of the value of the natural environment in the Strait and build better links between the user groups and communities around the Strait. MSPF is using a mixture of traditional awareness raising events including river and habitat surveys, meetings with user groups and litter cleanups; as well as innovative new approaches including citizen science and promoting the “#LovetheMenai” campaign on social media.

All welcomed the work that Oisín had carried out. The Chair noted that the project was half way through its period of funding and that a focus would need to be placed on securing further funds to enable progress to be maintained.

The next meeting of the MSPF Advisory Group is due to take place later on the 19th of September. The next public Forum meeting will be held at the Marine Centre Wales on 15th October 2025 at 1830.

The Chair and Secretariat agreed to work with NWRT to progress the work of MSPF and report back to future MSFOMA meetings.

Action: Chair, Secretariat

16. Fishery Management Issues

1. Coastal / marine developments

i. Bangor Pier

No updates on work at Bangor Pier have been received since the last meeting.

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 8).

ii. Bonamia

No update.

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

No update. There is a standing item to keep looking out for slipper limpets.

Action: All

iv. Norovirus

No further update.

17. Any Other Business

a) Correspondence

No correspondence of any significance had been received that was not covered by discussions of agenda items.

18. Dates for next meetings

Meeting dates were agreed for 2024:-

- a. 12th December 2024 [also AGM] (in person, not virtual)

Lewis LeVay offered to check that the Conference Room in Marine Centre Wales was available for the December meeting.

Summary of Actions

Item	Action	Responsibility
1.	Contact Bangor City Council to confirm representation at MSFOMA meetings.	Secretariat
2.	Contact RYA Cymru to confirm representation to replace Ruth Iliffe.	Secretariat
3.	Sand in Dock – keep under review.	James Wilson & Secretariat
4.	Pacific oysters – inform MSFOMA about progress with policy development work.	Rowland Sharp
5.	Update MSFOMA website to include more information about the work of participants.	All, Secretariat
6.	Shellfish hygiene – continue to encourage FSA to start new time series of results used to determine classifications for all new RMPs with the likely exception of Area 4.	Chair, Secretariat
7.	Shellfish hygiene – encourage FSA to ensure that the Sanitary Survey includes amendments to ensure that it is accurate.	Chair, Secretariat
8.	Shellfish hygiene – Ioan Thomas to enquire with Gwynedd EHOs about delay implementing delegated sampling proposal.	Chair, Secretariat & Ioan Thomas
9.	Shellfish hygiene – submit comments to Chair and Secretariat to inform response to Investigation State for the high September results at Beaumaris East and West of Bangor Pier RMPs.	All
10.	Shellfish hygiene – write to Chair of FSA to thank her for visiting Menai Strait and raise appropriate technical issues (such as the threshold for statistically anomalous results) with her.	Chair, Secretariat
11.	Write to new Cabinet Secretary for Rural Affairs to introduce MSFOMA and its work.	Chair, Secretariat
12.	NWIFCA – write to CEO to thank him for visiting and to encourage a clearer approach to the “mussel mud” part of the ephemeral mussel bed definition.	Secretariat
13.	APPG – provide update on progress to next meeting.	JW, Secretariat
14.	Menai West – update on status of feral oysters in the Strait and policy developments in the rest of UK to be reported to next meeting.	Secretariat
15.	Work with NWRT to progress the Menai Strait Partnership Forum and report back.	Chair & Secretariat
16.	<i>Crepidula fornicata</i> – look out for slipper limpets and report sightings of any shells / individuals.	All
17.	Date for next meeting – 12th December 2024	All

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 29th February 2024 (Annex C).
3. That the Association adopts the budget for the 2025-26FY set out in the current Financial Plan (Annex A).

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 2024) 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) **Expenditure** has been much higher than expected. This is due to the cost of legal advice and action taken against FSA Wales (see item 8 on the agenda). The total cost of this advice during this FY has been £14,080 (£5,000 was charged in the previous FY). These fees have been shared between the 3 mussel farmers and MSFOMA, with each party paying 25% of the total cost.
 - b) **Income** over the year has been greater than expected. This is due to:-
 - i. A grant of £11,000 that was received in March 2024 from the Welsh Government Coastal Capacity Building Fund. This sum was not included in the original budget.
 - ii. Payments of £9,540 for legal fees from the mussel farmers (note that a payment of £1,250 had been received in February 2024 and a payment of

£3,520 to cover 75% of the entire cost of this advice (£19,080 legal fees, remuneration of £14,310) as agreed).

- c) **Reserve:** the Association's bank balance on November 22nd 2024 stood at £22,117.31. This is higher than the target reserve of £10,000. .

3. Financial Statement for 2023-24FY

- 3.1 Accounts were prepared by the Association's accountants for the past FY and were submitted to Companies House in November 2024, 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 would be appropriate for the Association to adopt the proposed budget for the 2025-26FY (see Annex A). Lease fees will remain frozen for the time being. The Association is advised that this will result in a likely small deficit in the next FY, which is consistent with the Financial Plan.

MSFOMA Secretariat
December 2024

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 2024-25 FY against the updated (December 2022) Financial Plan.

Item	Updated Year Budget	Quarter 1 (1st March - 31st May)		Quarter 2 (1st June - 31st August)		Quarter 3 (1st Sept. - 30th Nov.)		Year to Date (Cumulative)		
	2024-25	Actual	Budget	Actual	Budget	Actual	Budget	Actual	Budget	Performance
								Q3	Q3	Q3
1. Expenditure										
Administration of the Order*	£12,730.80	£23,300.70	£3,182.70	£3,248.21	£3,182.70	£4,033.12	£3,182.70	£30,582.03	£9,548.10	£ 21,033.93
Enforcement activity	£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	£1,273.08	£0.00	£318.27	£0.00	£318.27	£0.00	£318.27	£0.00	£954.81	-£ 954.81
Bank charges	£96.00	£24.00	£24.00	£24.00	£24.00	£24.00	£24.00	£72.00	£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	£ -
Subscriptions	£900.00	£0.00	£225.00	£900.00	£225.00	£0.00	£225.00	£900.00	£675.00	
Research & monitoring	£530.45	£0.00	£132.61	£0.00	£132.61	£0.00	£132.61	£0.00	£397.84	-£ 397.84
Community fund	£530.45	£0.00	£132.61	£0.00	£132.61	£0.00	£132.61	£0.00	£397.84	-£ 397.84
Total Expenditure	£16,060.78	£23,324.70	£4,015.20	£4,172.21	£4,015.20	£4,057.12	£4,015.20	£31,554.03	£12,045.59	£ 19,508.45
2. Income										
Leases for lays	£15,100.00	£7,056.60	£7,550.00	£0.00	£0.00	£11,556.00	£7,550.00	£18,612.60	£15,100.00	£3,512.60
Legal Costs	£0.00	£9,255.10	£0.00	£3,520.00	£0.00	£0.00	£0.00	£12,775.10	£0.00	£12,775.10
Grant***	£0.00	£11,000.00	£0.00	£0.00	£0.00	£0.00	£0.00	£11,000.00	£0.00	£11,000.00
Total	£15,100.00	£27,311.70	£7,550.00	£3,520.00	£0.00	£11,556.00	£7,550.00	£42,387.70	£15,100.00	£27,287.70
Operating surplus / deficit	-£960.78	£3,987.00	£3,534.81	-£652.21	-£4,015.20	£7,498.88	£3,534.81	£10,833.67		£7,779.26
Reserve	£10,000.00	£15,270.04	£10,000.00	£14,617.83	£10,000.00	£22,117.31	£10,000.00	£22,117.31	£10,000.00	£12,117.31

Annex C: MSFOMA Accounts for the Year Ended 29th February 2024

DIRECTORS' REPORT AND
UNAUDITED FINANCIAL STATEMENTS FOR THE YEAR ENDED 29 FEBRUARY 2024
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 29 FEBRUARY 2024

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

COMPANY INFORMATION
FOR THE YEAR ENDED 29 FEBRUARY 2024

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
A COMPANY LIMITED BY GUARANTEE

DIRECTORS' REPORT
FOR THE YEAR ENDED 29 FEBRUARY 2024

The directors present their report with the financial statements of the company for the year ended 29 February 2024.

PRINCIPAL ACTIVITY

The principal activity of the company is the leasing and management of mussel beds in the Menai Straits.

DIRECTORS

The directors shown below have held office during the whole of the period from 1 March 2023 to the date of this report.

J Wilson
A J Winstone
J W Andrews
K Mould

STATEMENT OF DIRECTORS' RESPONSIBILITIES

The directors are responsible for preparing the Directors' report and the financial statements in accordance with applicable law and regulations.

Company law requires the directors to prepare financial statements for each financial year. Under that law the directors have elected to prepare the financial statements in accordance with United Kingdom Generally Accepted Accounting Practice (United Kingdom Accounting Standards and applicable law). Under company law the directors must not approve the financial statements unless they are satisfied that they give a true and fair view of the state of affairs of the company and of the surplus or deficit of the company for that period. In preparing these financial statements, the directors are required to:

- select suitable accounting policies and then apply them consistently;
- make judgements and accounting estimates that are reasonable and prudent;
- prepare the financial statements on the going concern basis unless it is inappropriate to presume that the company will continue in business.

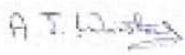
The directors are responsible for keeping adequate accounting records that are sufficient to show and explain the company's transactions and disclose with reasonable accuracy at any time the financial position of the company and enable them to ensure that the financial statements comply with the Companies Act 2006. They are also responsible for safeguarding the assets of the company and hence for taking reasonable steps for the prevention and detection of fraud and other irregularities.

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

DIRECTORS' REPORT
FOR THE YEAR ENDED 29 FEBRUARY 2024

This report has been prepared in accordance with the provisions of Part 15 of the Companies Act 2006 relating to small companies.

ON BEHALF OF THE BOARD:



A J Winstone - Director

14 November 2024

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

INCOME STATEMENT
FOR THE YEAR ENDED 29 FEBRUARY 2024

	29.2.24 £	28.2.23 £
TURNOVER	32,763	11,602
Administrative expenses	(38,738)	(22,419)
OPERATING DEFICIT and DEFICIT BEFORE TAXATION	(5,975)	(10,817)
Tax on deficit	-	-
DEFICIT FOR THE FINANCIAL YEAR	(5,975)	(10,817)

The notes form part of these financial statements

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

BALANCE SHEET
29 FEBRUARY 2024

	Notes	29.2.24 £	28.2.23 £
CURRENT ASSETS			
Debtors	4	31,101	15,474
Cash at bank		11,283	10,471
		<u>42,384</u>	<u>25,945</u>
CREDITORS			
Amounts falling due within one year	5	(24,901)	(2,487)
NET CURRENT ASSETS		<u>17,483</u>	<u>23,458</u>
TOTAL ASSETS LESS CURRENT LIABILITIES		<u>17,483</u>	<u>23,458</u>
RESERVES			
Income and expenditure account		<u>17,483</u>	<u>23,458</u>
		<u>17,483</u>	<u>23,458</u>

The company is entitled to exemption from audit under Section 477 of the Companies Act 2006 for the year ended 29 February 2024.

The members have not required the company to obtain an audit of its financial statements for the year ended 29 February 2024 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

Page 5

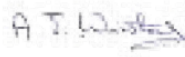
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THE MENAI STRAIT FISHERY ORDER
MANAGEMENT ASSOCIATION (REGISTERED NUMBER: 07163689)
A COMPANY LIMITED BY GUARANTEE

BALANCE SHEET - continued
29 FEBRUARY 2024

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

The financial statements were approved by the Board of Directors and authorised for issue on 14 November 2024 and were signed on its behalf by:



A J Winstone - Director

The notes form part of these financial statements

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

NOTES TO THE FINANCIAL STATEMENTS
FOR THE YEAR ENDED 29 FEBRUARY 2024

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.

£6,000 was received from Ynys Mon Council in regard to the Coastal Capacity Building Challenge Fund Project.

Taxation

The taxable income has been covered by allowable expenses which results in there being no net income chargeable to corporation tax.

3. EMPLOYEES AND DIRECTORS

The average number of employees during the year was NIL (2023 - NIL).

4. DEBTORS

	29.2.24	28.2.23
	£	£
Amounts falling due within one year:		
Trade debtors	19,600	2,647
	<u> </u>	<u> </u>
Amounts falling due after more than one year:		
Trade debtors	11,501	12,827
	<u> </u>	<u> </u>
Aggregate amounts	31,101	15,474
	<u> </u>	<u> </u>

Outstanding lease fees are owed by Ogwen Mussel Limited £11,231 (28 February 2023 - £12,252) and Deepdock Limited £2,918 (28 February 2023 - £3,222). 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 29 FEBRUARY 2024

5. CREDITORS: AMOUNTS FALLING DUE WITHIN ONE YEAR

	29.2.24	28.2.23
	£	£
Trade creditors	23,301	887
Other creditors	1,600	1,600
	<u>24,901</u>	<u>2,487</u>

6. TRANSACTIONS WITH DIRECTORS

MSFOMA were charged £16,890 (28 February 2023 - £18,149) by Andrews Ward James (AWJ) Limited for consultancy work, a company of which J. W. Andrews is a director and shareholder. Included in Trade creditors is £9,221 (28 February 2023 - £887) owed to Andrews Ward James (AWJ) Limited.

J. Wilson is a director and shareholder of Ogwen Mussel Limited, Deepdock Limited, Menai Mussels Limited and Mon Mariculture Limited. These companies owe MSFOMA a total of £22,810 as of 29 February 2024 (28 February 2023 - £15,474). A seven year repayment plan has been agreed with the Board for the outstanding lease fees owed by Ogwen Mussel Limited and Deepdock Limited, the amounts being paid in equal instalments (per note 4 above).

K. Mould is a director and shareholder of Myti Mussels Limited and a director of Ogwen Mussel Limited. These companies owe MSFOMA a total of £16,779 as of 29 February 2024 (28 February 2023 - £12,252). A seven year repayment plan has been agreed with the Board for the outstanding lease fees owed by Ogwen Mussel Limited, the 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

In order to assist you to fulfil your duties under the Companies Act 2006 we have prepared for your approval the accounts of The Menai Strait Fishery Order Management Association for the year ended 29 February 2024 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

14 November 2024

This page does not form part of the statutory financial statements

Page 9

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 recent Association meetings, which is provided for reference and context.

The new parts of this report comprise

- An update on the progress that has been made to finalise and implement the revised “Sanitary Survey” for the Menai Strait; and
- An update on recent high *E.coli* results which have triggered an “Investigation State” for two of the Representative Monitoring Points 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 progress that has been made to finalise and implement a new “Sanitary Survey” for the Menai Strait.
3. That the Association should note the information provided to the Local Action Group to assist the investigation of high *E.coli* results in October 2024 from the “Beaumaris East” and “West of Gallows Point” RMPs.

1. Introduction and Context

- 1.1 There are 400 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.¹

Classification	Minimum Number of samples per year	<i>E. coli</i> per 100g of flesh	
		Requirement	Limit
A	10	80% of samples ≤ 230	700
B	8	90% of samples ≤ 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. The FSA can also grant a “seasonal” classification: a higher 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*”²
- 1.5 There are currently 87 shellfish production areas for mussels in England and Wales. Nine of these are “Class A”; six have a “Seasonal A/B” classification; two are “Seasonal B/C”; 53 sites were “Class B”; and just two sites are “Class C”. Fifteen sites are listed as “Not Applicable”.
- 1.6 There are currently 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 was 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 classification of their corresponding production areas are shown in Figure 1.

¹ <https://www.food.gov.uk/business-guidance/shellfish-classification>

² Food Standards Agency (2023) ‘Protocol for Classification of Shellfish Production Areas, England and Wales’, p. 25. Available at: <https://www.food.gov.uk/sites/default/files/media/document/Classification%20protocol%20Aug%202023%20-%20FINAL%20for%20PUBLICATION.pdf>.

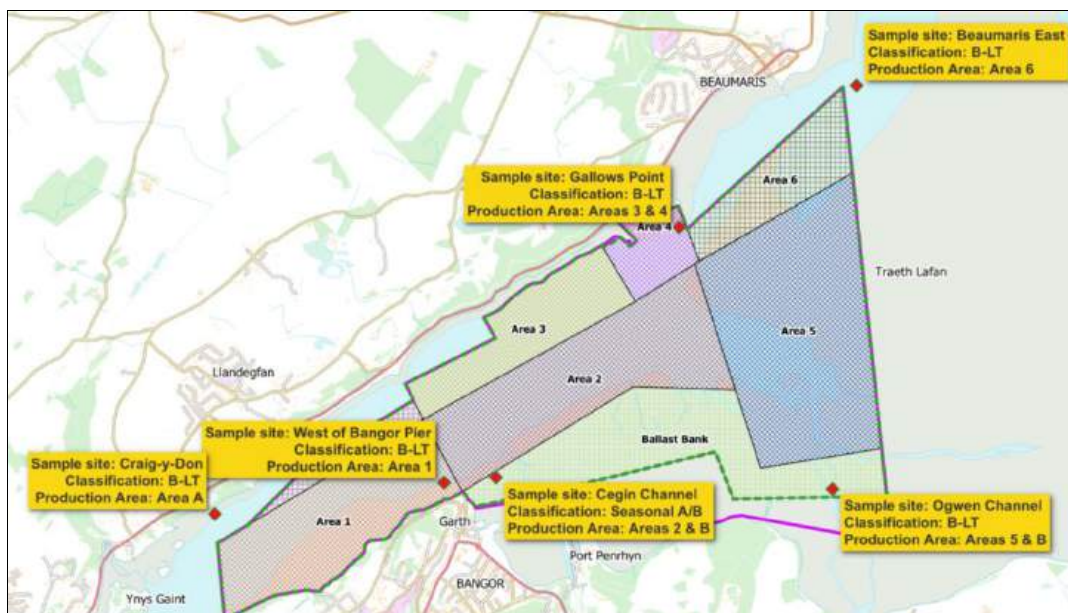


Figure 1: Map of the Eastern Menai Strait showing shellfish sampling locations, classification results, and production areas.

- 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 9 of the 87 mussel production areas in England and Wales currently have a "Class A" designation.
- 1.11 For the past few 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 (see Table 2).
- 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 the loss of the Seasonal A/B classification) would have a devastating effect.

2. Shellfish hygiene classifications in 2023-24

- 2.1 Updated shellfish classifications were published on 5th December 2023 covering the period from 1st December 2023 – 30th November 2024³.
- 2.2 The current shellfish classifications, along with the classifications for the past 5 years, are shown in Table 2.

³ These are available from the FSA website here: <https://www.food.gov.uk/business-guidance/shellfish-classification#revision-log>

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 was that all zones were classified 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 has had a significant adverse impact on shellfish farming in the Menai Strait.
- 2.5 At the last Association meeting it was reported that high *E.coli* results were recorded across all of the RMPs in the eastern Menai Strait in September 2024 (see Table 3). An “Investigation State” was triggered for the “Beaumaris - East” and “West of Bangor Pier” RMPs. Although these results are unusually high, they do not trigger the “statistically anomalous” threshold that allows certain results to be discounted
- 2.6 This meeting is advised that high *E.coli* results were also recorded in October 2024 (see Table 3). Again, both “Beaumaris - East” and “West of Bangor Pier” returned the highest results (4,900 in each case). These high results triggered an “Investigation State” by the local authority Environmental Health Officers to determine if they may have been due to pollution events or issues such as high rainfall. The response from MSFOMA is described in section 4.4 of this report.
- 2.7 The Association will note that the results from November 2024 were much lower than those for September and October. All sites had *E.coli* levels below the limit for an “A” classification in November.

Table 3: Shellfish sample results for RMPs in the Eastern Menai Strait during 2024. Green shading indicates a result in the "Class A" range, yellow shows Class B, rose shows "Investigation State" results. Figures are numbers of E.coli / 100g of mussel flesh. Grey shading indicates no sample was collected. Data from Cefas website.

RMP	2024										
	Jan	Feb	March	April	May	June	July	Aug	Sept	Oct	Nov
Beaumaris East	230	110		690	780	45	780	490	13000	4900	45
Cegin Channel	78	130		690	110	68	130	230	450	690	78
Craig-y-Don	1300	170		330	490	40	130	490	2300	780	110
Gallows Point	230	130		330	230	110	330	450	2300	780	18
Ogwen Channel	230			230	130	170	110	130	3300	490	20
West of Bangor Pier	45	170		230	780	130	110	1400	4900	4900	18

3. Communications with FSA Wales

- 3.1 Over the past 12 months the mussel farmers in the Strait and MSFOMA have worked very closely with FSA Wales.
- 3.2 The period from December 2023 to March 2024 was characterised by the mussel farmers and MSFOMA instructing lawyers to challenge the FSA decision on shellfish classifications proposed for 2023-24. In March 2024 both parties agreed to try to work together constructively. The Director of FSA Wales, Nathan Barnhouse, visited Porth Penrhyn on 15th April to meet mussel farmers and MSFOMA representatives. This meeting was very constructive. On August 12th the Chair of the FSA, Chair of the FSA, Professor Susan Jebb, and Rhian Jardine (FSA Board Member for Wales) also visited the Menai Strait to meet with mussel farmers and Professor Lewis LeVay for another very constructive discussion.
- 3.3 Since April, and to the current day, FSA Wales have organised a series of fortnightly meetings with Association representatives. The key output from these discussions has been substantial and swift revisions to the Sanitary Survey (see section 5 of this report below), and collaboration to expedite implementation of the revised Sanitary Survey.

4. Local Action Group

- 4.1 No meetings of the Local Action Group for the Menai Strait have taken place since the last Association meeting.
- 4.2 The mussel farmers in the Menai Strait have been in regular dialogue with the Local Action Group to agree arrangements to allow for shellfish hygiene samples to be taken by shellfish farmers rather than the contractor currently used by local authorities around the Strait. This will allow samples to be taken by dredge from cultivated areas when the tide is in, which is how mussels are gathered commercially. At present, samples are taken by hand when the tide is out and from areas that are generally not used for cultivation.
- 4.3 The Association is advised that in November a sampling schedule was agreed with local Environmental Health Officer and the laboratory at Ysbyty Gwynedd. This will

ensure that a series of 10 samples are taken at weekly intervals for the new Representative Monitoring Points (RMPs) in the Strait. The first samples are due to be taken on the morning of 25th November. An update on progress with this new sampling regime will be provided to the meeting.

- 4.4 The Association will note that an “*Investigation State*” was announced in response to the high results returned for the “Beaumaris East” and “West of Bangor Pier” RMPs in October 2024 (see para. 2.5 above). The Chair compiled a response to the request for information that may explain these high results, which was submitted on 21st October 2024 and is included at Annex A to this report.

5. Sanitary Survey Review

- 5.1 The location of shellfish sampling points, the sampling method, and the extent of the “Classification Zones” (CZs) around their “Representative Monitoring Points” (RMPs) are set out in a document produced on behalf of the Food Standards Agency and called a “Sanitary Survey”. The current extent of classification zones and the location of CZs and RMPs are shown in Figure 1.
- 5.2 It was reported at previous Association meetings that the review of the Sanitary Survey has been underway for several years and that a consultation draft was issued in December 2023. The Association met with the FSA and local authorities to discuss this draft in January 2024 and submitted a detailed response to this consultation. The response welcomed many aspects of the review, but questioned the wisdom behind the location of sampling points; the extent of the corresponding classification zones; and the retention of a sampling method (by hand at low tide) that is different to the commercial harvesting methods (by dredge at high tide).
- 5.3 During the period since the meeting with the Director of FSA Wales in April 2024 there has been rapid progress with the revision of the Sanitary Survey. The revised document has responded to many of our earlier comments. In particular:-
- a) **Classification Zones:** the boundaries of the CZs have been altered to better match the character of the Menai Strait and the boundaries of the Fishery Order.
 - b) **Representative Monitoring Points:** the location and number of RMPs has changed. There will now be 8 RMPs rather than 6. Seven of the RMPs will move so that they are located within areas that are actually used by mussel farmers.
 - c) **Sampling method:** official control samples will now be taken by mussel farmers using dredges when the tide is in rather than by hand when the tide is out.
- 5.4 These revisions represent a very substantial change in both pace and direction of travel from the FSA. The new RMPs and CZs are shown in Figure 2.
- 5.5 It is now understood that the revised Sanitary Survey will be published once the new series of 10 samples have been analysed for the new RMPs for the new Classification Zones. (Note that this is the reverse of our understanding in September which was that the publication of the Sanitary Survey would precede the collection of samples).

- 5.6 The FSA have invited further comments on the Sanitary Survey to take advantage of its publication after (rather than before) the samples are collected. A copy of the current draft of the Sanitary Survey has been sent to all MSFOMA participants, and the FSA have asked for responses by the 6th of December.

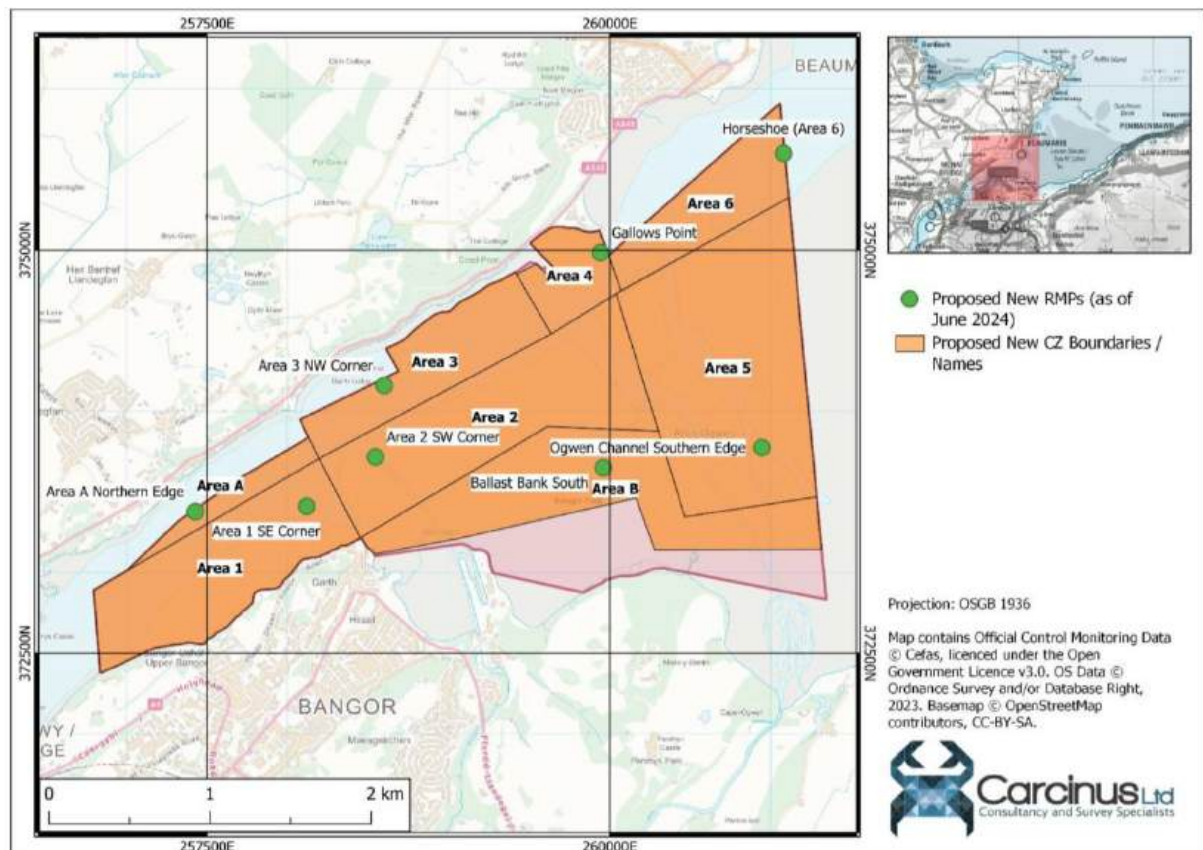


Figure 2: Map of the Eastern Menai Strait showing revised Representative Monitoring Points and Classification Zones.

- 5.7 The transition from the current Sanitary Survey to the new regime has been discussed with the FSA. The key points are:-
- Until sufficient samples are gathered for new CZs, the existing series of sample results from current RMPs will apply and the CZs will remain unchanged. The initial classifications for 2024-25 will be based on the current regime.
 - Five of the eight CZs (A, 2, 3, 5 and 6) will have a new “provisional” classification based on 10 samples taken from the new RMPs at least a week apart. Once the samples from new RMPs have been gathered and analysed the new “provisional” classification will supersede the current classification.
 - Three of the eight CZs (B, 1, and 4) will have time series that continue from the current series of samples.
- 5.8 It was reported the last meeting of the Association that we had asked the FSA to reconsider the decision to continue the time series for RMPs B, 1 and 4. This remains the most significant point of difference between MSFOMA and FSA. Our rationale for asking the FSA to think again is based on two concerns:-

- a) **Incomparable sampling methodology** - all of the new samples will be gathered by dredge and with the tide in rather than by hand when the tide is out. Research conducted by Bangor University has shown that sampling the same spatial location by these different methods on the same day will give different results. Taking one documented example, an official sample gathered by hand at low water in Cegin Channel at 1400 on 22nd December 2022 showed 780 E.coli per 100g; a sample taken by dredge from the same location earlier that day at 0819 had 490 E.coli per 100g. Comparing
- b) **Distance from existing RMPs** - only one of the new RMPs that is within 100m of the current RMPs (100m being the margin of tolerance outside which a dredge sample cannot be considered “official” and part of the data used for classification). Indeed, the new RMP “1” is nearly 250m from the existing “West of Bangor Pier” RMP; and the new RMP “B” is over 1km from both of the RMPs that lie within Classification Zone “B”. In fact, most of the cultivated mussels in CZ “B” are north of the RMP and are actually closer to the Area 4 RMP than to either the Cegin Channel or Ogwen Channel RMPs.

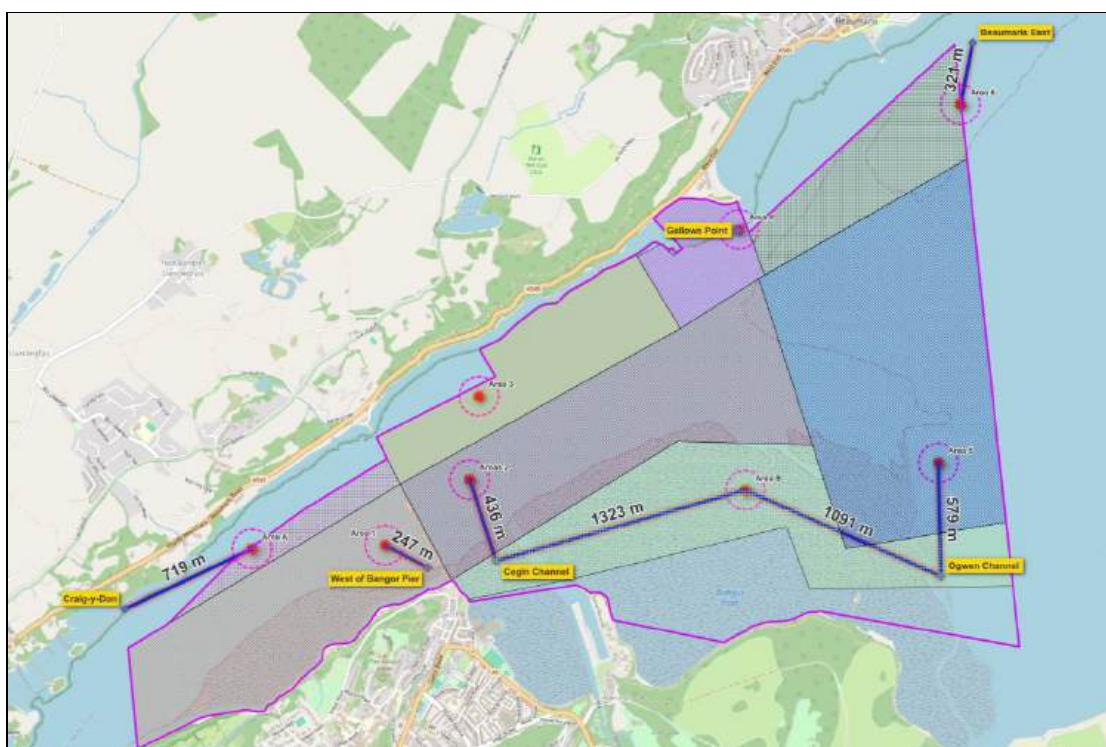


Figure 3: Map of the Eastern Menai Strait showing distance between new (red star) and old (blue diamond) Representative Monitoring Points for each Classification Zone (shaded areas). Purple dotted circles show the 100m margin of tolerance permitted for Official Control Samples.

- 5.9 It is understood that the FSA have been advised by Cefas that new time series are required for CZs that no longer contain an existing RMP. This appears to be the basis for the decisions on which CZs should be classified on the basis of historical records and which should begin with a clean slate.
- 5.10 The Chair and Secretariat have continued to press the FSA on these two points. The ideal outcome for shellfish farmers would be that all CZs and RMPs start with a clean slate. This outcome has to be balanced against the opportunity to implement

a new regime that is more relevant to cultivation practices in the Strait in time for mussel harvesting in 2024-25.

- 5.11 The next meeting between the Association representatives and FSA officers is due to take place on Wednesday 25th of November. The Chair and Secretariat will provide a verbal update on the outcome of this meeting to the Association meeting.

MSFOMA Secretariat
December 2024

Annex A: Response to “Investigation State” for West of Bangor Pier and Beaumaris East *E.coli* results in October 2024.

Menai Strait East – Investigation into a High *E. coli* Result in Mussels on 1st October 2024 - Draft 1 October 2024

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, all areas classified as “B”. Bangor Mussel Producers (the cooperative of companies that operate the mussel production leases within the Several Order) depend mainly 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 11th October 2024 MSFOMA and other members of the Local Action Group were notified that a result exceeding the classification threshold (4600) has been returned for the following 2 monitoring points:

Production area	Menai Strait - East
RMP(s)	B055S,B055D
Species	<i>Mytilus spp.</i>
RMP Name	West of Bangor Pier (M. sp)
NGR	SH58337328
Result	4900
Sample date and time	01 Oct 2024 15:55
Classification zone/species	Area 1 (<i>Mytilus spp.</i>)
Classification	B- LT
Current 1 year compliance with 4600	81.8% (11 samples)
Current 5 year compliance with 4600	96.1% (51 samples)

Production area	Menai Strait - East
RMP(s)	B055W,B055O
Species	<i>Mytilus spp.</i>
RMP Name	Beaumaris East (M. sp)
NGR	SH61157592
Result	4900
Sample date and time	01 Oct 2024 14:40
Classification zone/species	Area 6 (<i>Mytilus spp.</i>)

Classification	B- LT
Current 1 year compliance with 4600	81.8% (11 samples)
Current 5 year compliance with 4600	95.9% (49 samples)

Classification areas and monitoring points for Menai East are set out below:

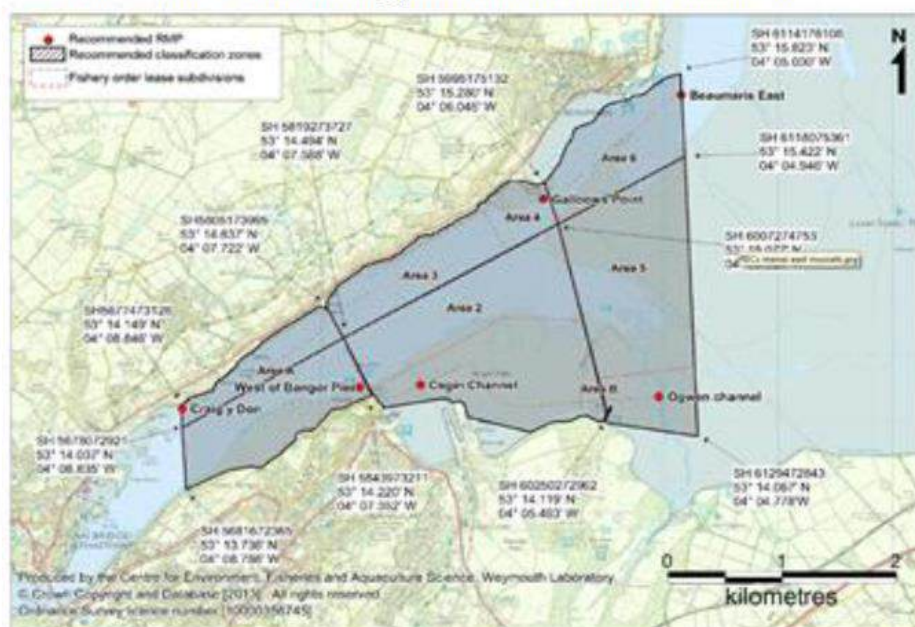
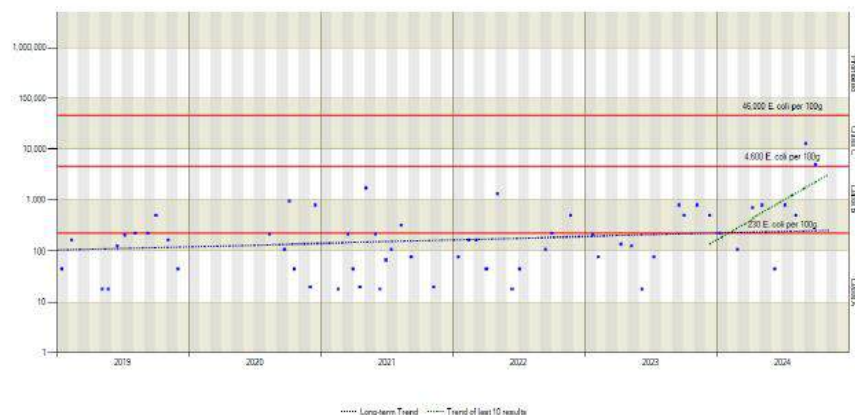
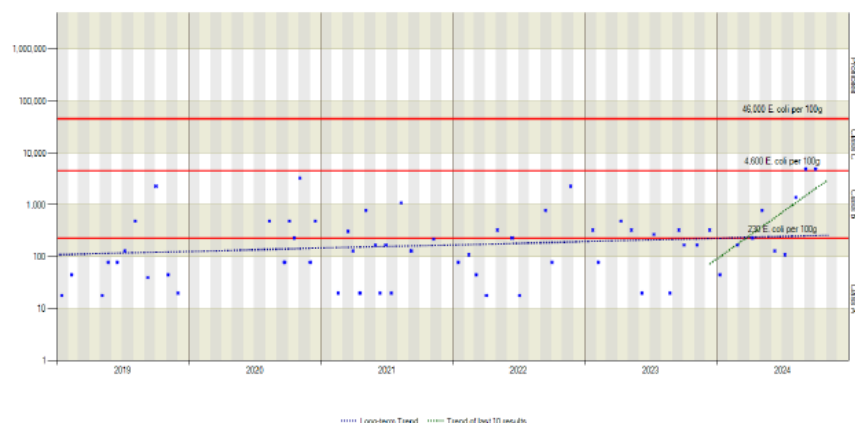


Figure 3.1: Recommended zoning and monitoring arrangements (mussels)

Monitoring results for Beaumaris East for the last 6 years are set out below:



Monitoring results for West of Bangor Pier for the last 6 years are set out below:



Slightly elevated E.coli levels were also recorded from other RMPs in the Eastern Menai Strait as shown below (see map above for location of Routine sampling sites):

Beaumaris East and West of Bangor Pier have now had two successive samples that are out of range (upper limit for “B” is 4,600).

RMP		1/10/2024	3/09/2024
B055W	Beaumaris East	4,900	13,000
B055S	West of Bangor Pier	4,900	4,900
B055V	Ogwen Channel	490	3,300
B055R	Craig-y-Don	780	2,300
B055U	Gallows Point	780	2,300
B055T	Cegin Channel	690	450

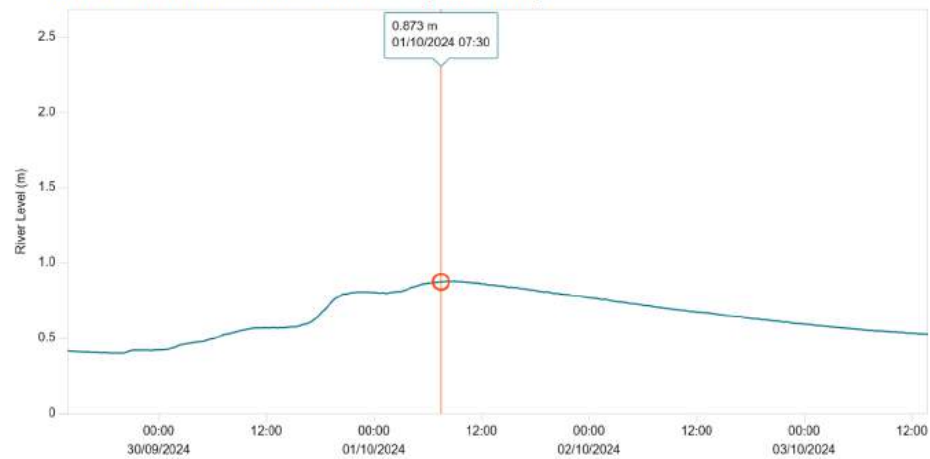
3. Environmental Conditions

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. Generally, this shows a widespread rainfall event in the afternoon of 30th September which resulted in elevated river flow in the Seiont. 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 30th September the day previous to when the samples were taken. It is also worth noting that new regulations on slurry spreading came into force in Wales earlier this year which introduced a close period for 3 months from 15th October 2024 to 15th January 2025 to prevent excess loss of nutrients to water. It is

likely that in the weeks leading up to the close period that farmers have increased their slurry spreading activities to maximise their slurry store capacity for the close period. This increase would result in a higher loading of nutrients and bacteria to land which would be at greater risk to rivers and coastal areas following rainfall. 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.

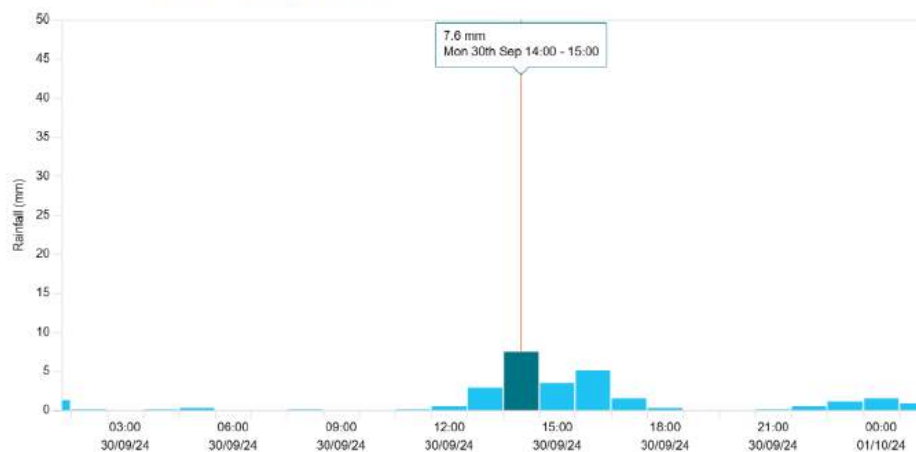
River level on the Seiont at Pablic Mill (NRW data):



b. Rainfall Data

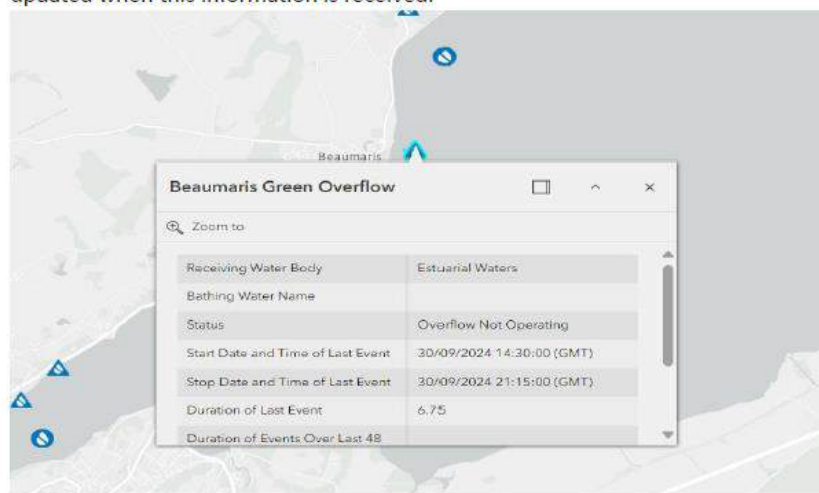
Data from the Natural Resources Wales (NRW) rain gauge at Bethesda shows peak rainfall between 1400 and 1500 on 30th September with a total of 21mm between 1200 and 1800.

Bethesda Rain gauge data:



c. **Combined Sewer Overflow (CSO) Data**

Near real time Information is available on the Dwr Cymru Welsh water (DCWW) website on when Combined Sewer Overflows (CSOs) are operating and the start and end date and time (and duration) of the last operating event. Whilst this information is useful it does not provide all the information over the period of 30th September and 1st October 2024 where overflows have had more recent activity. The exception is the Beaumaris Green Overflow which was discharging for 6.75 hours from 1430 to 2115 on 30th September 2024 (see below). Further information has been requested from DCWW on overflow activity at other CSOs which discharge into the Menai Strait for this period and this report will be updated when this information is received.



DCWW have confirmed that there are no known incidents or reactive issues from any of their assets in the Menai Strait catchment over this period. NRW have also stated that a pollution incident was reported to them on the Afon Braint on 5th October 2024 involving a sewage spill caused by a third party drainage rod causing a blockage in the sewer network in Dwyran. It is not known when this incident started and NRW are investigating the wider impacts of this incident on the Strait. Also, as far as they are aware, all slurry spreading activities in the Menai Strait catchment were compliant with Regulations.

4. **Conclusions**

- The sampling period of 1st October 2024 was characterised by a rainfall event the previous day and elevated river levels, CSO discharges and other run-off on the 30th September 2024. This is very likely to have caused a high bacterial loading into the Menai Strait. In addition, the sampling method at low water in the vicinity of known discharges is likely to have contributed to the high sample results.

MSFOMA – 16th October 2024

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.
2. That the Association considers whether it is appropriate for MSFOMA to respond to the Welsh Government consultation on Marine Licence exemptions.

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 most recently met on 7th November 2024. The Chair of the Association attended this meeting. He will provide a verbal update to the Association.

4. Consultations

- 4.1 The only open consultation for “Marine and Fisheries” that may be relevant to MSFOMA on the Welsh Government website concerns proposals to alter the criteria for Marine Licence Exemptions. The consultation is available on the WG website [here](#) and is open until the 14th of January 2025. The changes are described as:-

“The proposals will inform an order under Part 4, Section 74 of the Marine and Coastal Access Act. A full list of activities proposed to be exempt from requiring a marine licence are included in the consultation document. They include:

- maintenance of coast protection, drainage and flood defence works*
- shellfish propagation and cultivation*
- use of vehicles or vessels to remove marine litter and debris*
- navigational maintenance dredging*
- seagrass restoration”*

- 4.2 The consultation contains some proposals that are specific to shellfish cultivation (reproduced in Annex A). The Association’s views are sought about whether it is necessary or appropriate to respond to this consultation.

5. Welsh Government Officials

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

MSFOMA Secretariat
December 2024

Annex A: Extract from WG consultation document “Marine Licence Exemption Proposals” published in October 2024 for consultation.

(a) securing the safety of a vessel, aircraft or marine structure; (b) saving life; or (c) training for any purpose referred to in sub-paragraph (a) or (b).	(b) saving life; or (c) training for any purpose referred to in sub-paragraph (a) or (b), which must comply with any relevant health and safety requirements.	
Shellfish propagation and cultivation (1) the exemption applies to— (a) the deposit of any shellfish, trestle, raft, cage, pole, rope or line in the course of the propagation or cultivation of shellfish; (b) a removal activity or dredging activity carried on for the purpose of moving shellfish within the sea in the course of its propagation or cultivation. (2) But article 4 does not apply to any such deposit— (a) made for the purpose of disposal; (b) made for the purpose of creating, altering or maintaining an artificial reef; or (c) that causes or is likely to cause obstruction or danger to navigation.	Shellfish propagation and cultivation (1) the exemption applies to — (a) the deposit of any shellfish, trestle, raft, cage, pole, rope or line in the course of the propagation or cultivation of shellfish. (b) a removal activity or dredging activity carried on for the purpose of moving shellfish within the sea in the course of its propagation or cultivation. (2) The exemption is subject to the following conditions: (a) Condition 1 is that any person proposing to undertake shellfish propagation or cultivation activities must engage with the Maritime and Coastguard Agency and Trinity House prior to any activity commencing to seek written agreement on whether any activities cause or are likely to cause an obstruction or danger to navigation. (b) Condition 2 is that notification is given to the UK Hydrographic Office at least 5 days before any deposit activity commences, including details of any structures or markers and their positions using WGS84 coordinates. (3) But the exemption does not apply to - (a) any deposit made for the purpose of disposal, (b) any deposit made for the purpose of creating, altering, or maintaining an artificial reef,	Avoids duplication of regulation where a Several Order, or other relevant Regulating Order is already in place. The activity is low risk subject to the conditions of the exemptions being met.

	(c) any deposit or removal activity that causes or is likely to cause obstruction or danger to navigation, (d) any deposit, removal activity or dredging activity that is likely to have a significant effect on a Marine Protected Area, or (e) the expansion of shellfish propagation or cultivation activities within the boundaries of existing activities.	
Moorings and aids to navigation (1) the exemption applies— (a) to a deposit or works activity carried on by a person referred to in paragraph (2) for the purpose of providing a pile mooring, swinging mooring, trot mooring or aid to navigation; (b) to a removal activity carried on by any such person for the purpose of removing any such mooring or aid to navigation. (2) The persons are— (a) a harbour authority. (b) a lighthouse authority. (c) any other person, where the activity is carried on in accordance with a consent required from, and granted by, any such authority. (3) But the exemption does not apply to any such activity which consists of the deposit or the construction of a pontoon.	Moorings and aids to navigation (1) the exemption applies— (a) to a deposit or works activity carried on by a person referred to in paragraph (2) for the purpose of providing a pile mooring, swinging mooring, trot mooring or aid to navigation. (b) to a removal activity carried on by any such person for the purpose of removing any such mooring or aid to navigation. (c) to a deposit or removal activity carried on by a person referred to in paragraph (2) for the purpose of replacing or maintaining any such mooring or aid to navigation. (2) The persons are— (a) a harbour authority. (b) a lighthouse authority. (c) any other person, where the activity is carried on in accordance with a consent required from, and granted by, any such authority. (3) But the exemption does not apply to any such activity which consists of the deposit or the construction of a pontoon.	Low risk.

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 note the NWIFCA response to our request to keep the need for a Morecambe Bay Mussel Management Plan on their agenda.

1. IFCA Meetings

- 1.1 Since the last meeting of the Association the NW-IFCA has held one quarterly meetings, on the 26th September. The next quarterly meeting is scheduled for the 5th of December. Meetings of the Technical, Science and Byelaws (TSB) Sub-Committee took place on the 26th of September (an extraordinary meeting to discuss the opening of two cockle beds) and the 5th of November 2024.

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. Morecambe Bay Mussel Management Plan

- 3.1 The opening of seed mussel beds to dredging has been controversial in recent years, and this has restricted access to the available resources. This has not been an issue of concern to Menai Strait mussel farmers in 2024, who have been able to access a plentiful settlement of seed mussels at Caernarfon Bar this year.
- 3.2 Part of the difficulty opening seed mussel beds for dredging in the NWIFCA District has been caused by the absence of a clear policy framework that would guide IFCA officers and also frame the expectations of interested parties.
- 3.3 It has been reported on several occasions that MSFOMA participants in NWIFCA business have asked the Authority to proceed with the development of the Morecambe Bay Mussel Management Plan. It is evident that it has not yet been possible for NWIFCA staff to resume work on this.
- 3.4 It was agreed at the last MSFOMA meeting that the Chair should write formally to NWIFCA to raise this issue. A copy of the letter sent by the Chair and the response from NWIFCA is provided in Annexes A and B respectively. It is clear that NWIFCA

are planning to start work on a mussel fishery management plan (FMP) once they have completed work on the cockle FMP. It would seem appropriate to make further enquiries about this matter in early 2025.

MSFOMA Secretariat
December 2024

Menai Strait Fishery Order Management Association

Port Penrhyn, Bangor, LL57 4HN

Mark Taylor
North West Inshore Fisheries and Conservation Authority
1 Preston St
Carnforth
Lancs LA5 9BY

26th September 2024

Dear Mark

MUSSEL FISHERY, MORECAMBE BAY

I am writing on behalf of the mussel farmers in the Menai Strait and following a discussion at a meeting of our Association earlier this month.

We note from the papers presented to the September NWIFCA quarterly meeting that the NWIFCA has not considered it to be appropriate to open any of the seed mussel beds in Morecambe Bay to dredging this year. In most years this outcome would have been a big blow to the mussel farmers in the Menai Strait. They have been fortunate this year in that there has been an exceptionally good settlement of seed mussels at Caernarfon Bar. They have been able to fish here to restock their shellfish lays without needing to fish for seed mussels in Morecambe Bay.

We welcomed your work earlier this year to develop a practical definition of seed mussel ephemerality. Your science team have, we think, correctly identified the criteria that need to be taken into account. We also very much welcome how NWIFCA is embracing drone technology to survey remote areas; and also the work that is being done to develop a Morecambe Bay bird food model with Professor Richard Stillman. We can see that you are trying to create a strategic approach to managing this important resource.

We have experienced at first hand the challenging discussions that can arise when the Authority proposes to open seed mussel beds to dredging. We recognise that local fishermen who gather wild mussels of marketable size by hand have different perspectives about mussel beds to mussel farmers who gather small mussels for cultivation using dredges. However, time has shown us that these activities have coexisted for decades – at least since the Morecambe Bay Fishery Order was established nearly 50 years ago in 1978. Time has also shown us, unfortunately, that anxieties about the future of wild mussel fisheries often results in Authority Officers and Members becoming caught in the cross-fire between these different sectoral groups when seed mussel fisheries are discussed.

With an eye to the future, we are very keen to work with you to try to develop a more strategic approach to managing the seed mussel resources in Morecambe Bay. We feel that this will help everyone involved, from the different fishing sectors to Authority Science Officers, and also Authority Members. We have worked in the past with the IFCA to develop a draft Mussel Management Plan for Morecambe Bay, and consider that this could form a good foundation upon which to develop a new approach that will serve all interests better both within Morecambe Bay and potentially the entire NWIFCA District.

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

We hope that you can relay to your Officers and Members that our Association is enthusiastic about working with you all to deliver a more effective and efficient management regime for mussels in your District. We hope that this is welcomed and look forward to working with you all in future to develop this further.

Yours sincerely



ALAN WINSTONE
Chair, MSFOMA

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

Annex B: Reply from CEO of NWIFCA, September 2024

info@msfoma.org

From: Mark Taylor (CEO) <M.TaylorCEO@nw-ifca.gov.uk>
Sent: 30 September 2024 10:16
To: info@msfoma.org
Cc: Alan Winstone; Trevor Jones
Subject: RE: Mussels in the NWIFCA District

Dear Jim,

Many thanks for your email and the attached letter from Alan as the MSFOMA Chair. Your observations are noted, and we are grateful for the Association's recognition of the work we are doing to try and better define the Authority's management principles for our mussel fisheries across the district. Regarding a proposed Mussel Fisheries Management Plan, this is something I am looking to revisit in the new year. Officers are currently working to develop a formal *Cockle* Fisheries Management Plan for the district, and thereafter, our next priority will be an FMP for our mussel fisheries. Naturally, members and stakeholders will be consulted on the document's development at the relevant time.

I will ensure MSFOMA's observations are relayed to our relevant officers and members and that your letter is kept on record.

Kind regards,

Mark

Mark Taylor
Chief Executive Officer
North Western Inshore Fisheries and Conservation Authority
1 Preston Street
Carnforth
Lancashire
LA5 9BY
01524 727973
07443 073291
m.taylorceo@nw-ifca.gov.uk



Menai Strait West Fishery Order Application

Background

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

A public consultation on the proposal to renew the Menai Strait West Fishery Order was carried out by the Association in October-November 2015. A significant number of objections were submitted. The Association worked with local stakeholders to address these concerns, and good progress was being made until late 2019 when WG officials indicated that concerns about cultivation of Pacific Oysters had arisen. Since that date the Association has been working with the shellfish farmers in the western Menai Strait and scientists from Bangor University to try to address these concerns.

Over the past two years this area of work has been halted because of the issues associated with Pacific oysters, and in particular the absence of a clear policy on this matter.

This report provides a review of the information relating to this issue so that the Association can make an informed decision on how to proceed.

Recommendations

1. That the report is received
2. That the Association should determine how it wishes to proceed with this application.

1. Context

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

Fishery Order. It was anticipated that this would meet the December 2019 deadline proposed by the Minister.

- 1.5 In November 2019 WG officials provided some informal feedback from their legal advisors concerning a condition that could be included in the Order, requiring that Ministerial consent was given for leases before they were issued. This proposal was discussed at the last MSFOMA meeting and considered to be consistent with the approach set out in the 2015 Draft Order.
- 1.6 At the December 2019 Association meeting some concerns were raised by WG officials about the mitigation approach for Pacific oysters. Subsequently this has become the key obstacle to progress for the Order. A review of efforts to overcome this obstacle is provided below.

2. Pacific Oysters

- 2.1 Welsh Government has been working since 2019 to determine an appropriate approach to managing and mitigating the risk of Pacific oysters (*Crassostrea gigas*) from cultivation areas in Wales becoming established in the wild as “feral” oysters.
- 2.2 MSFOMA representatives discussed these risks with WG and NRW officials between December 2019 and July 2020. In July 2020 it was reported that WG Science have produced a draft desk study (“Pacific Oyster Review”) of the situation in the Menai Strait, assisted by the University of Bangor. This review was intended provide the evidence base for informing the Habitat Regulations Assessment (HRA) of leases for Pacific oyster cultivation in the Strait. The Review has not yet been published for released.
- 2.3 Welsh Government reported to the Secretariat in March 2021 that they had made no further progress with this issue and had been focussing their resources on the Fishery Order in the eastern Menai Strait.
- 2.4 To make some progress with this issue, the Chair and Secretariat convened a series of meetings starting in January 2021 involving the prospective oyster farmers from the western Menai Strait and scientists from the Marine Centre in Menai Bridge. This collaboration resulted in the production of a report entitled “*Current status of the Pacific oyster, Crassostrea (Magallana) gigas, in the Menai Strait, spawning potential and potential mitigation using triploid oysters*” that was presented at the June meeting of the Association.
- 2.5 The report provided answers to the key concerns about Pacific Oysters in the Strait. In brief, the existing population of feral oysters is dwindling; there appears to be very little risk at present of the diploid oyster cultivation giving rise to a “feral” population in the area; and any risk can be essentially eliminated by using triploid oysters.
- 2.6 It was agreed at the June 2022 meeting of the Association that the Welsh Minister should be sent a copy of this report and invited to resume progress with the Fishery Order for the western Menai Strait. A copy of the letter sent to the Minister is attached at Annex A of this report. Her response is included at Annex B, with a reply from the Chair attached at Annex C, and the Minister’s response at Annex D.
- 2.7 Later in 2022 the Chair asked the newly formed MAGWF group to consider the issue of Pacific Oyster cultivation. He subsequently gave a presentation about this issue summarising the findings of the research outlined above to MAGWF. WG officials

indicated that the Minister would be making a Statement to define her policy on this issue. This was not possible before the change in Minister.

3. Next steps

- 3.1 Since this issue was last discussed by the Association it has been agreed that we should seek to reduce costs. Work on the Menai Strait (West) Fishery Order generates no income for the Association, and this is unlikely to change unless and until Welsh Government agree a new policy for Pacific oyster cultivation. The Association consequently halted work on this Fishery Order in December 2022 to await an announcement on this issue.
- 3.2 The Association is invited to consider whether it is appropriate to review the decision taken 2 years ago to suspend work on this project. It would seem appropriate, at the very least, to remind the Minister that we have been waiting for nearly 2 years for some policy guidance on this matter and that this delay has consequences for shellfish farmers here and elsewhere in Wales.

MSFOMA Secretariat
December 2024

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

Menai Strait Fishery Order Management Association

Port Penrhyn, Bangor, LL57 4HN

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

25th July 2022

By e-mail

Dear Minister

Menai Strait (West) Fishery Order Application: Update

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

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

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

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

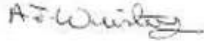
1. There is no evidence that historic or current cultivation of Pacific Oysters in the Menai Strait over a period of 30 years involving millions of oysters has resulted in an invasive population of “feral” oysters becoming established in the area.
2. The abundance of feral Pacific Oysters has not changed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

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

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

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

Yours sincerely



ALAN WINSTONE
Chair, MSFOMA
Encs.

Annex B: Reply to MSFOMA from Minister for Rural Affairs & North Wales, July 2022

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



Llywodraeth Cymru
Welsh Government

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

Dr Jim Andrews

info@msfoma.org

17 August 2022

Dear Dr Jim

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

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

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

Yours sincerely,

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

Bae Caerdydd • Cardiff Bay
Caerdydd • Cardiff
CF99 1SN

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:
0300 0604400
Gohebiaeth.Lesley.Griffiths@llyw.cymru
Correspondence.Lesley.Griffiths@gov.wales

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

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

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

Menai Strait Fishery Order Management Association

Port Penrhyn, Bangor, LL57 4HN

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

8th September 2022

Your Ref: LG/00435/22

By e-mail

Dear Minister

Menai Strait (West) Fishery Order Application: Update

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

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

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

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

Yours sincerely



ALAN WINSTONE
Chair, MSFOMA
Encs.

Annex D: Reply from Minister for Rural Affairs & North Wales to MSFOMA, October 2022

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



Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref LG/00548/22

Dr Jim Andrews
MSFOMA Secretariat
Menai Strait Fishery Order Management Association
info@msfoma.org

14th October 2022

Dear Alan,

Thank you for your letter of 8 September, regarding the Menai Strait (West) Fishery Order application.

I welcome your offer to present the findings of your work regarding pacific oysters at an upcoming meeting of the Ministerial Advisory Group for Welsh Fisheries to help facilitate discussions.

I understand the next meeting of group will be held in the coming weeks. My officials will be in touch to provide further details.

Lesley Griffiths AS/MS
Y Gweinidog Materion Gwledig a Gogledd Cymru, a'r Trefnydd
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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

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