



## **Application for an Order under Section 1 of the Sea Fisheries (Shellfish) Act 1967 (as amended)**

### **Additional Information Sheet**

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Please complete all relevant sections after reading the Notes for Guidance on Several/Regulating Order applications, using additional sheets of paper as necessary. Send the completed form and the other application documents listed in the Checklist on page 7 to the address given above.

This form is in addition to the completion of the schedule to **The Several and Regulated Fisheries (Form of Application) Regulations 1987** and the management plan proforma

**Please note that the Countryside Council for Wales (CCW) are consulted about all applications for Several and Regulating Orders. In some circumstances they make recommendations regarding the proposed activity at the site. You are advised to consult all interested parties before you apply.**

#### **General details**

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Please give the applicant's:

- name

Menai Strait Fishery Order Management Association

- full postal address

Port Penrhyn  
Bangor  
Gwynedd  
LL57 4HN

- telephone number  
(including national dialling code)

01248 354878

- fax number  
(including national dialling code)

01248 351651

## ■ Fishery Overview

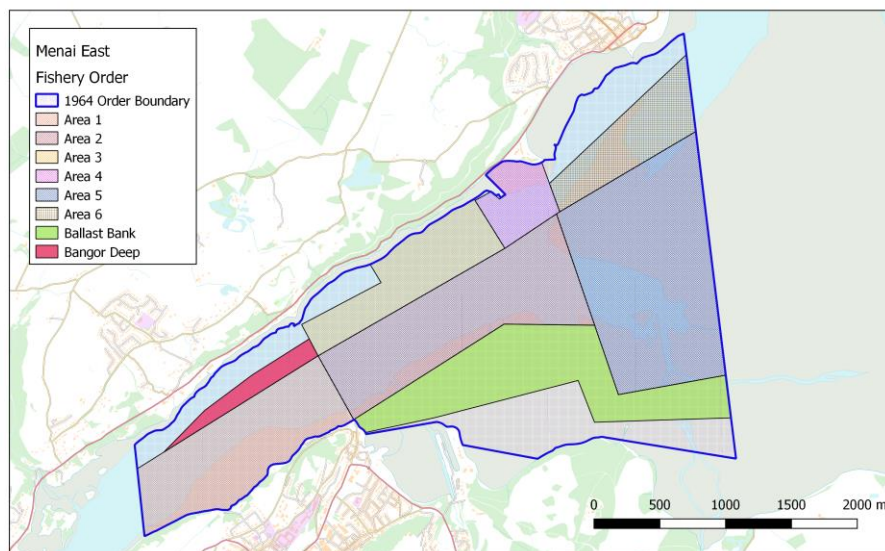
### 1. What is the location (description and Co-ordinates of the boundary) and size of area, in hectares, of the site?

Menai Strait (Afon Menai) in the Counties of Gwynedd and Ynys Mon. The location is illustrated in the map below.

The total Fishery Order area is 760 hectares. Within this area there are 8 layings that are leased to private operators, comprising:-

Area 1: 93ha  
Area 2: 117ha  
Area 3: 57ha  
Area 4: 25ha  
Area 5: 163ha  
Area 6: 47ha  
Bangor Pool: 15ha  
Ballast Bank: 105ha

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



A map of the Fishery Order is included with the application. The Fishery Order boundary and lays can be viewed on Google Maps here:

<https://drive.google.com/open?id=1hSMopcOTn1agvkhQBZxqmnLdWzA&usp=sharing>

### 2. What kind of Order are you applying for and which species will it cover?

Type of Order: Hybrid Order (Several and Regulating Order)

Species:       Mussels (*Mytilus edulis*)  
                  Oysters (Ostreidae)

### 3. How long do you want the Order to last? Please explain why.

We request a duration for the Fishery Order of at least 35 years (the current Order was made for a period of 60 years in 1962).

The request for this duration of the Order is linked to the cost of operations. Large purpose-built mussel dredgers are used in cultivation operations (see picture below). These vessels are essential for the success of cultivation as they enable large quantities of seed mussels to be gathered from ephemeral beds which can only be accessed for a brief period of time each year.



*The Menai Strait Mussel dredgers Valente and Mare Gratia in Port Penrhyn. These vessels were purpose-built to work in this area, and are the two largest vessels in the Welsh fishing fleet.*

These vessels are expensive to buy, maintain and operate. The investment and operating costs associated with the fishery can only be met if the duration of the Order is long enough to provide the security that private companies require to be able to obtain a return on the necessary capital investment.

### 4. Please give details of any businesses or activities, including other fisheries, currently operating on, or in the vicinity of, the site (you should make such parties aware of your proposals at an early stage). Please explain how the Order is likely to affect them.

#### **Shellfisheries** for Non-designated species within the current Order

- Some periwinkle (*Littorina spp*) gatherers operate periodically. This is an opportunistic fishery practised in order to supplement other forms of income.
- There is a cockle (*Cerastoderma edule*) fishery at Traeth Lafan to the east of the Fishery Order area. There is no overlap between the cockle fishery and the Fishery Order.
- There is some fishing for whelks (*Buccinum undatum*) within and adjacent to the Fishery Order. This fishery is conducted using pots, and has no adverse interaction with the mussel farming operations in the Fishery Order.
- There is some potting for lobsters (*Homarus gammarus*) within and adjacent to the Fishery Order. This fishery is conducted using pots, and has no adverse interaction with the mussel farming operations in the Fishery Order.

**Bait collection**

- Recreational anglers and bait collectors may gather shore crabs (*Carcinus maenas*) and worms (ragworms (*Nereis* spp) and lugworms (*Arenicola* spp.)) within and adjacent to the Fishery Order Area.
- Some concerns have been raised in the past about localised depletion of shore crabs when potting for shore crabs was being carried out as part of pest control operations associated with the Fishery Order.

**Sea angling**

- The current Fishery Order has no adverse impact on sea angling. Smaller seeded mussel attract bottom feeding species such as plaice (*Pleuronectes platessa*), Flounder (*Pleuronectes flesus*) and dab (*Limanda limanda*)

**Navigation**

- The pilotage authority within the Order area is the Caernarfon Harbour Trust.
- The navigation authority within the Order area is Ynys Môn County Council.
- There have been no navigation issues associated with the operation of the current Fishery Order.

**Watersports**

- Watersports (particularly sailing) are practised at high water. There are good relations between sailors and shellfish farmers.
- There are some deep water moorings within the Fishery Order area. These are located outside the areas that are suitable for mussel cultivation, and there is no adverse interaction between these moorings and mussel farmers.
- During the late 1990s and early 2000s there was a dispute between a local business (Anglesey Boat Company) and the Grantee of the Fishery Order about a proposal to develop a marina at Gallows Point near Beaumaris, which would have impinged on a shellfish laying. This dispute was resolved in the Courts.

**Local Residents**

- No direct impact arises from current or proposed future shellfish farming operations.
- Concerns have been raised in the past by residents in Beaumaris that mussel farming on the shore has an adverse impact on the view of Snowdonia from Beaumaris and impacts on the recreational amenity value of the area.

**Landowners**

- All of the landowners within the Fishery Order area have been identified and informed about the proposal to renew the Order.
- Meetings have been held by MSFOMA with all of the landowners prior to submitting this application.
- A map of the extent of the land owned by each landowner (based on Land Registry records) is provided below, along with a list of the individual landowners.
- No objections have been received from any landowner. A letter of support has been submitted by the Penrhyn Estate.

**5. Please give the last three years' annual production figures of the fishery by volume and value.**

The most recent production figures are summarised in the table below.

Year*	Quantity of Mussels		
	Laid Down	Harvested	Value
<b>2017-18</b>	110t	1040t	£0.74M
<b>2016-17</b>	1200t	2765t	£1.9M
<b>2015-16</b>	1600t	5200t	£3.1M
<b>2014-15</b>	1200t	6520t	£4.65M

\* The year starts on 1<sup>st</sup> April and ends on 31<sup>st</sup> March of the following year

North Wales and north-west England are currently seeing a period of poor recruitment to wild seed mussel beds (at Caernarfon Bar and in Morecambe Bay). This has constrained the quantity of seed mussels available for laying down in the fishery in recent years. The output from the Fishery Order is being affected by this: the output in 2017-18 was just 10% of the long-term mean output of 10,391t (for the period 2002-18).

The Menai Strait operators are working in partnership with scientists at the University of Bangor's Centre for Applied Marine Science to develop alternative sources of seed mussel supply using "spat collectors" to gather planktonic mussel larvae and to end the dependence of the fishery on unpredictable wild seed mussel resources.

**6. Please give details of any previous shellfish cultivation on the site**

Shellfish have been cultivated on this site under the current Fishery Order since 1962, and the history of shellfish cultivation in the eastern Menai Strait extends back to the late 19<sup>th</sup> century.

The operations proposed under the renewed Fishery Order would take place in the same locations, at a similar scale, and using the same cultivation techniques as under the existing Fishery Order, which is due to expire on the 31<sup>st</sup> March 2022.

The current Fishery Order provides the legal foundation for the operation of several successful companies and provides full-time skilled employment for more than 20 local people. The future of these companies and jobs depends on the renewal of the Fishery Order.

**7. Please give details of any consultations with interested parties to date, including any objections raised and any agreements reached regarding future use of the fishery.**

**Has your Management Plan been agreed with CCW?**

**Land owners**

The land owners with an interest in the site have been identified from Land Registry records. MSFOMA has consulted with the following land owners prior to submitting the application for renewal of the Fishery Order:-

- The Crown Estate;
- Penrhyn Estate;
- Ynys Môn County Council;
- Gwynedd County Council;
- Bangor City Council
- Anglesey Boat Company.

The extent of each landowner's interest with respect to the Fishery Order area is shown in the map overleaf.

**Natural Resources Wales:**

Natural Resources Wales have been consulted and a report to inform the Habitats Regulations Assessment has been completed (appended to this application).

**Other public bodies**

All public and statutory bodies have been informed of MSFOMA's intention to renew the Fishery Order through a formal notification in early 2018.

In early July 2018, representatives of MSFOMA attended a monthly meeting of Beaumaris Town Council to provide an update on the plans for renewal of the Fishery Order and to answer questions from the Council about this process.

**Wider consultation**

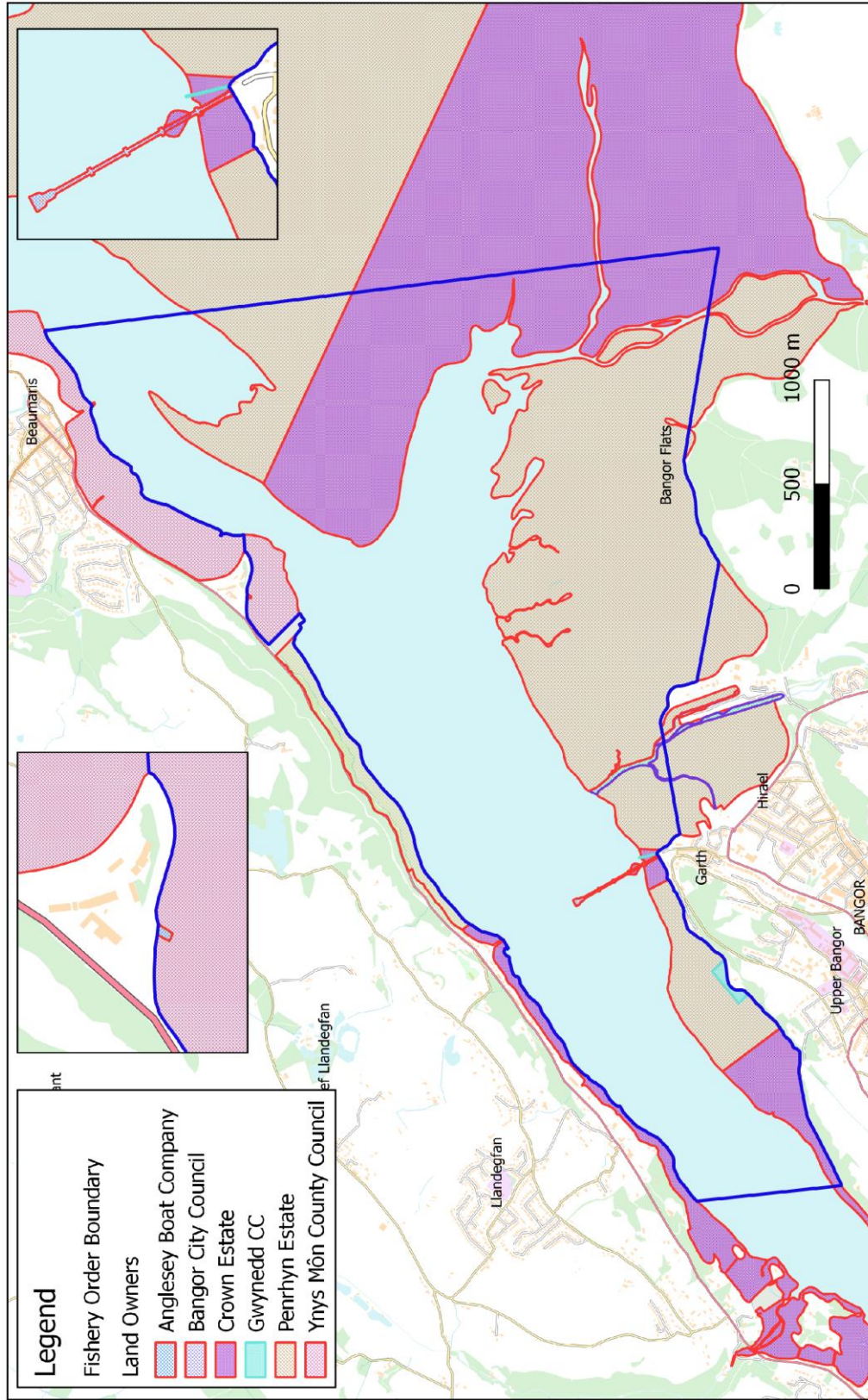
Consultation and liaison with users of the site and local stakeholders is scheduled to take place during the autumn of 2018 and throughout 2019.

MSFOMA has made information available about the proposed renewal of the Fishery Order on its website ([http://www.msfoma.org/?page\\_id=195](http://www.msfoma.org/?page_id=195)).

**Objections**

No objections have been received at the time of making this application.

# Menai Strait Oyster & Mussel Fishery Order 1962 (as amended 1964) Fishery Order Boundary & Land Ownership



## Hygiene and disease

8. Regulation 2004/854/EEC requires classification of shellfish harvesting areas. What is the current hygiene classification status of the area to be covered by the Order?

Has any part of the site been designated under Directive 2006/113/EC on the quality of shellfish waters as transposed by S.I. 1997/1332.

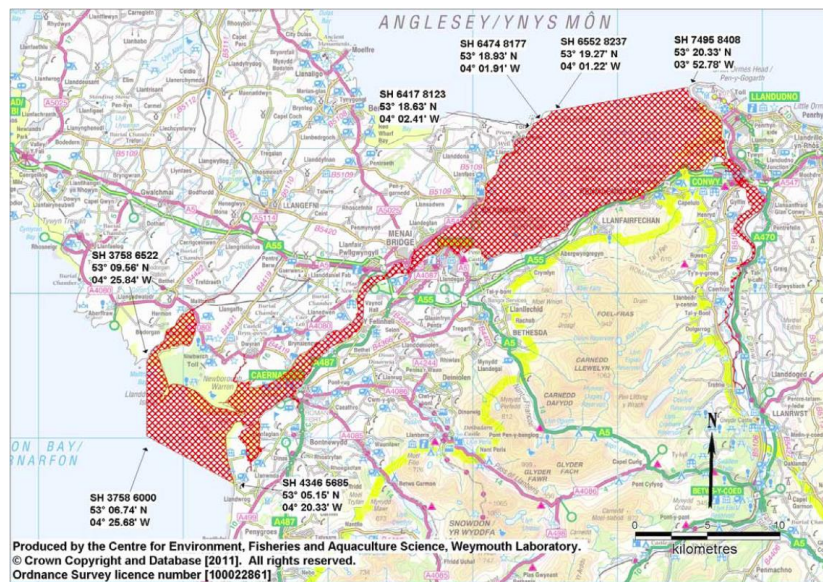
Please give details.

The area has been granted a long term "B" shellfish hygiene classification.

The area has been designated under the surface waters (Shellfish) (Classification) Regulations 1997 classification of waters in Wales.

9. Please give detail of any history of shellfish disease problems (e.g. *Bonamia*, *Marteilia*) in the area.

The Menai Strait and Conwy Bay was designated as a molluscan shellfish disease control area under The Aquatic Animal Health (England and Wales) Regulations 2009. This designation came into force on the 8<sup>th</sup> November 2011.



Map of the Menai Strait and Conwy Bay molluscan shellfish disease control area designated under The Aquatic Animal Health (England and Wales) Regulations 2009.

This designation was a response to the presence of the disease *Bonamia ostreae* in the western Menai Strait. This is a disease that affects oysters. Although the designated area extends throughout the Menai Strait, there are no records of *Bonamia* in the eastern Menai Strait.



## ■ The environment

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10. Is any part of the site adjacent to or has been designated as any of the following:

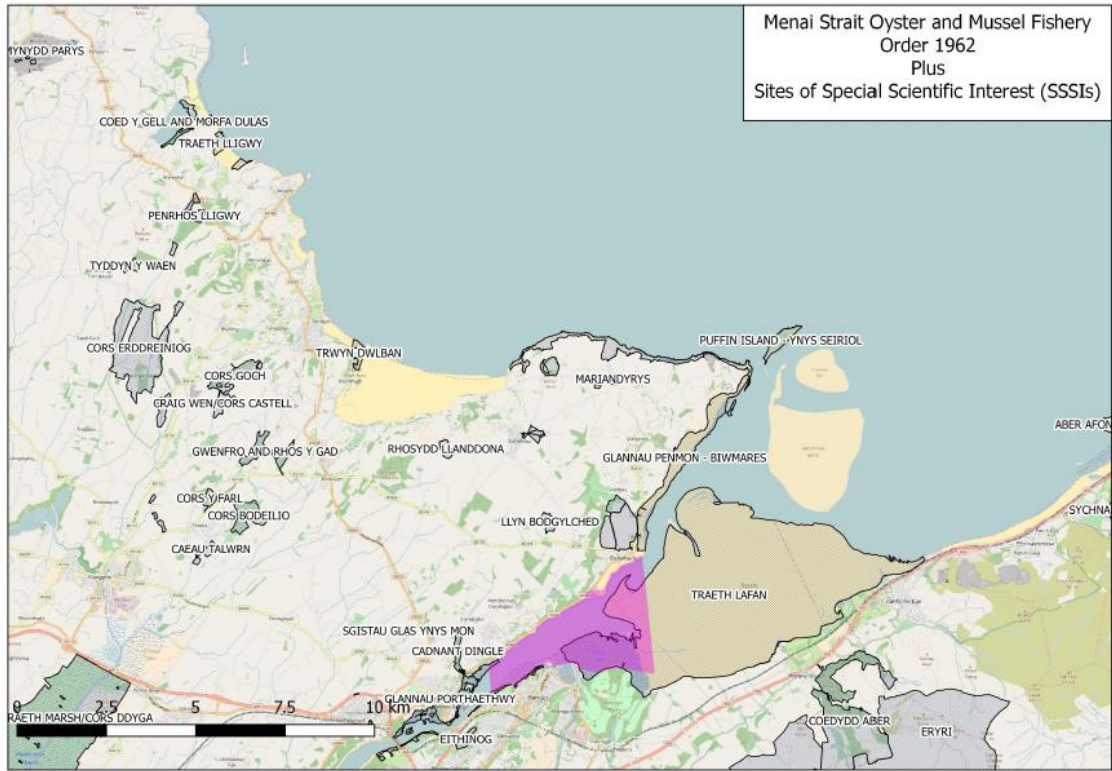
- a Special Area of Conservation (SAC) under the Habitats Directive? YES  NO
- a Site of Special Scientific Interest (SSSI)? YES  NO
- a protected wetland under the Ramsar Convention? YES  NO
- a Special Protection Area (SPA) under the Wild Birds Directive? YES  NO

If YES please give details:

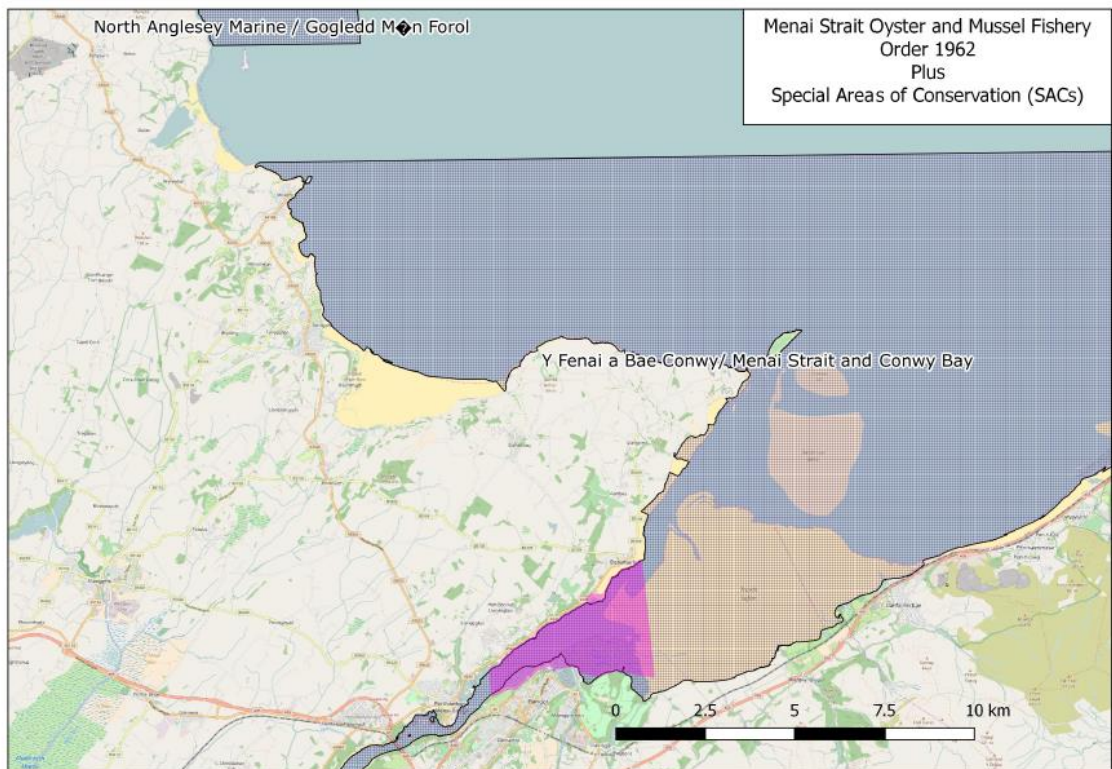
The relationship between the site and nature conservation designations is shown in the maps overleaf. The interaction between shellfish cultivation operations and nature conservation features has been assessed through discussions with Natural Resources Wales. MSFOMA has produced an "Assessment of Likely Significant Effect" in consultation with Natural Resources Wales (appended to this application). NRW was completed a "Document to Inform the Habitats Regulations Assessment" has been completed by NRW (also appended to this application).

The conclusion of both documents is that current and proposed future shellfish cultivation operations are considered to be compatible with nature conservation features in the area.

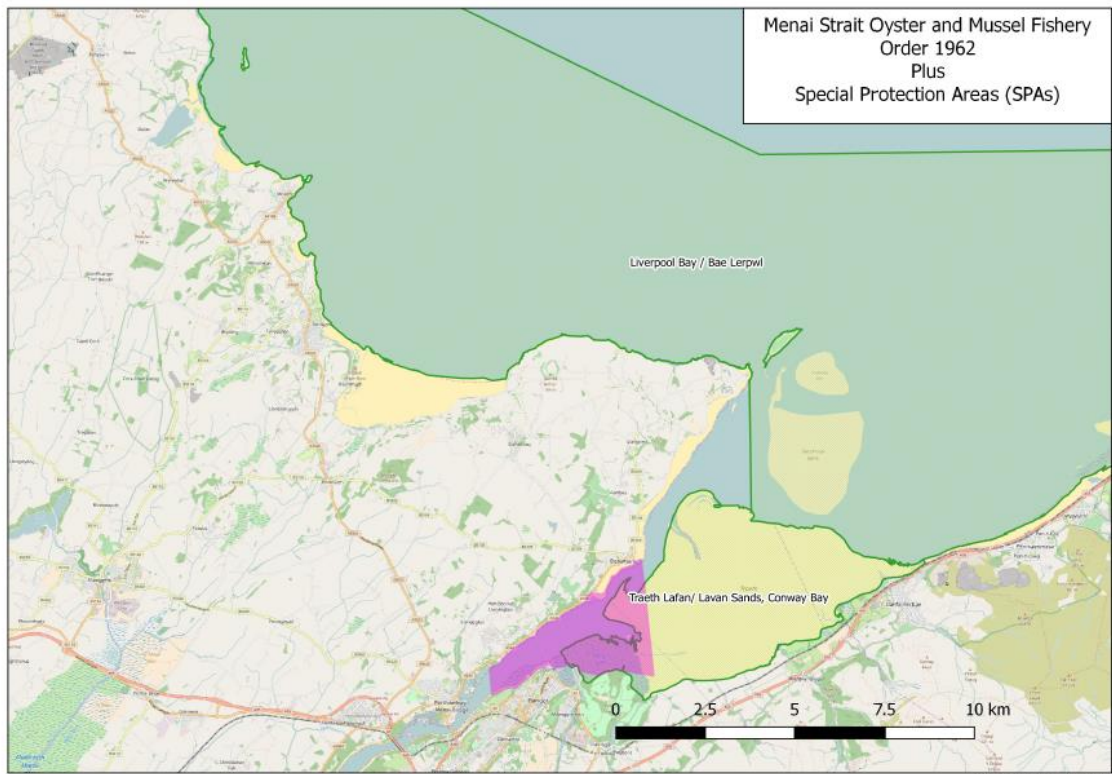
Nature conservation designations:-



MSFOMA, March 2017



MSFOMA, March 2017



MSFOMA, March 2017

**11. Please give any other information that you consider relevant and is not covered in the Management Plan or Environmental Statement**

During the 56 years since the Menai Strait Oyster and Mussel Fishery Order 1962 was made, the shellfish farmers working in this area have developed it into the most important shellfish farming site in the whole UK. It provides secure and sustainable jobs in the local area, funding for marine scientific research, and valuable export trade for the UK economy.

Shellfish farming in the Menai Strait is managed by the Menai Strait Fishery Order Management Association (MSFOMA). This Association is a company limited by guarantee that was established in 2010 to act as the Grantee of the Fishery Order and to manage this fishery. MSFOMA has a membership which brings together two local authorities (Gwynedd and Ynys Môn County Councils); Natural Resources Wales; the Centre for Applied Marine Science; and shellfishermen from the Menai Strait. MSFOMA is funded solely through a levy on shellfish farmers; no public funds are used to manage the fishery.

A brief summary of some of the key achievements of the shellfish farming industry is provided below:-

- **Scientific Research** – the shellfish industry in the Menai Strait works closely with the Centre for Applied Marine Science at Menai Bridge, and has funded several applied PhD and MSc studentships. Funding is presently being given to 3 PhD Projects:-
  - Balancing Commercial Seed Mussel Harvest and Shorebird Conservation - Alistair Feather, Line Cordes, Jan Hiddink (Bangor Univ) Co-sponsored by Myti Mussels Ltd
  - Valuing the ecosystem services provided by shellfish aquaculture - Andrew Olivier, Shelagh Malham, Lewis Le Vay (Bangor Univ), Laurence Jones (CEH), Mike Christie (Aberystwyth Univ). Co-sponsored by Deepdock Ltd
  - Simulating the temporal and spatial variability of North Wales mussel populations – Jonathan Demmer, Shelagh Malham, Peter Robins, Simon Neill (Bangor Univ). Co-sponsored by Extramussel Ltd
- **Blue Growth** – the eastern Menai Strait forms the backbone of the Welsh and UK contribution to “Blue Growth”. It is a central component of the Welsh Marine & Fisheries Strategy Action Plan which aims to double shellfish aquaculture production in Wales to 18,000t pa in 2020; and it typically accounts for around 30% of total UK shellfish production which is a vital contribution to the UK commitment to the EU Blue Growth Strategy.
- **Well being** – the Menai Strait mussel fishery provides secure jobs for 20 local people working on land and at sea, an important contribution to the well-being of the coastal community of North Wales.
- **Capacity building** – the shellfish farmers in the Menai Strait are working with the Welsh European Funding Office and the Centre for Applied Marine Science to develop the scientific and commercial capacity of the region. Projects that are currently being progressed include:-
  - Shellfish Centre – a new commercial facility that will add value to shellfish produced in the area for export, creating new skilled and secure jobs;
  - Research Group – a team of scientists that will provide on-hand expertise and advice for Welsh shellfish farmers and fishermen.

- Offshore cultivation – shellfish farmers, CAMs and the Crown Estate are presently working together to develop practical means of collecting seed mussels from the plankton offshore, with the aim of reducing dependence on ephemeral seed mussel resources.
- **Circular economy** – one of the core elements of the Welsh Government’s proposed strategy for Sustainable Management of Natural Resources is the promotion of circular economic activity. Mussel cultivation is a “circular” economic activity: it is sustainable, improves water quality and sequesters carbon dioxide whilst simultaneously producing high quality seafood with a low carbon footprint that creates secure jobs in the marine sector. These benefits have been widely recognised in Scandinavian countries, and there is an opportunity for the Welsh Government to reap these benefits.
- **Marine Stewardship Council** - following an independent of the Menai Strait mussel farms in 2010, the Menai Strait became the first shellfish farming area in the world to meet the Marine Stewardship Council’s global standard for sustainable fisheries. The fishery was re-assessed in 2015 and MSC-certified for a further 5 years, securing its position among the world’s most sustainable fisheries.

These are just some of the achievements of the shellfish farming industry in the Menai Strait over the past 56 years. MSFOMA is making plans for further success:

The renewal of the Fishery Order will protect skilled local jobs and support to the delivery of Welsh Government and UK policy commitments. It will also ensure that Wales maintains its leading position in the UK, EU and global shellfish farming sector.

**Documents submitted in support of this application**

1. Menai Strait Oyster and Mussel Fishery Order 1962 (SI1962 No.705)
2. Menai Strait Oyster and Mussel Fishery Order 1964 (SI1964 No.550)
3. Code of Good Practice, July 2008
4. Assessment of Likely Significant Effect, August 2018
5. Document to inform HRA, August 2018
6. Letter sent to statutory bodies & undertakers about renewal of Fishery Order, February 2018
7. List of recipients for letter at item 6
8. Public Information: Adnewyddu Gorchymyn Pysgodfa Dwyrain Afon Menai - Diweddariad mis Ionawr 2018
9. Public Information: Renewing the Menai Strait East Fishery Order: Update, January 2018
10. Specimen Lease for a laying in the Fishery Order area
11. Maps:
  - a. Boundary of Fishery Order and Layings
  - b. Land Ownership
  - c. Fishery Order boundary relative to Special Areas of Conservation
  - d. Fishery Order boundary relative to Special Protection Areas
  - e. Fishery Order boundary relative to Sites of Special Scientific Interest
  - f. Admiralty Chart 1977
  - g. Admiralty Chart 1977 with Fishery Order boundary shown

## Checklist of documents to accompany this Application

- |   | Tick Box                            |
|---|-------------------------------------|
| • Your completed Management Plan  | <input checked="" type="checkbox"/> |
| • Two copies of the Admiralty chart of the area, one with the fishery marked on it  | <input checked="" type="checkbox"/> |
| • All necessary agreements  | N/A <input type="checkbox"/>        |
| • Environmental Statement   | <input checked="" type="checkbox"/> |
| • For companies incorporated under the Companies act, a copy of the Memorandum and Articles of Association and any Special Resolution | <input checked="" type="checkbox"/> |
| • For other corporate bodies, copies of relevant instruments of incorporation, charter or local Acts of Parliament                    | <input type="checkbox"/><br>N/A     |
| • Additional sheets   | <input checked="" type="checkbox"/> |

### Data Protection Act 1998

WG will use this information, including personal data, provided on this form primarily for purposes of considering applications and the issuing and monitoring of Several and/or Regulating Orders as described in the Notes for Guidance.

WG may also use the information, including personal data and annual return figures, for other legitimate purposes including Disease control (both in monitoring and outbreak situations) and compliance with quotas and other fisheries restrictions. The information may also be disclosed to other Fisheries Departments in the UK, their agencies and authorised agents and to other government departments for these same purposes.

Information (including personal data) may be released on request, including under the Environmental Information Regulations, the Code of Practice on Access to Government Information and the Freedom of Information Act 2000.

Signature: 

Date: 10<sup>th</sup> August 2018

Alan Winstone  
Chair, MSFOMA

**Please now send this form and the documents listed above to the Welsh Government at the address given on the front page**