

Menai Strait Fishery Order Management Association

Agenda & Papers- 19th September 2024

Microsoft Teams

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 (verbal)
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. 12th December 2024 [AGM followed by business meeting] - Marine Centre Wales

Menai Strait Fishery Order Management Association

Meeting, 18th April 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

David Salisbury
Howard Mattocks
Rowland Sharp
Trevor Jones

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

Advisors

Jim Andrews*

MSFOMA Secretariat

Notes

* *These individuals are also Directors of the Association*

1. Chair's announcements

The Chair welcomed everyone to the meeting.

2. Apologies

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

Natural Resources Wales
Dŵr Cymru / Welsh Water
Natural Resources Wales
Welsh Government
Welsh Government
Welsh Government
North Wales Wildlife Trust
Welsh Government

It was noted at this and previous meetings that Cllr Gareth Roberts from Bangor City Council had neither attended a meeting or submitted apologies for some time. It was agreed that Bangor City Council should be asked to confirm their representation. It was noted that Emlyn Williams (Pier Master) was the most frequent point of contact and could be a more appropriate representative.

Action: Secretariat

The Chair indicated that Ruth Iliffe had left RYA Cymru. It was agreed that RYA Cymru should be asked to nominate a replacement.

Action: Secretariat

3. Declarations of Interest

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

4. Minutes of last meeting

The minutes of the meeting that took place on the 14th of December 2023 were accepted subject to some minor alterations:-

- a) The meeting was in-person, not virtual (correction need to heading); and
- b) Emily Payne had indicated that there was an action missing relating to her, which was to find out whether Carcinus Ltd had submitted an Environmental Information Request to Dŵr Cymru as part of their work on the Sanitary Survey.

5. Matters Arising

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

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

Dŵr Cymru / Welsh Water

The website showing information about sewage overflows was discussed. All agreed that it was a step in the right direction, but that the most critical information for the shellfish industry was the volume of sewage discharged.

The Secretariat read Emily Payne's update on spreading biosolids on farmland - very briefly, that since the start of 2020 a total of 3,126.16t had been spread on ~390 acres of farmland. She had sent a map showing the general location of the areas where this had been used as well as the risk analysis and information about soil sampling.

With regard to Environmental Information Requests, Emily had confirmed that Carcinus Ltd had not submitted an EIR to Dŵr Cymru.

All expressed their thanks to Emily for providing this information.

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

6. Register of Interests

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

7. Financial Update

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

The Chair and Secretariat reported that the costs for taking legal action against FSA Wales were being shared between MSFOMA and the three mussel farmers. An initial payment of £5,000 had been made at the start of this action. Further legal fees were due but had not yet been received.

Since the end of the 2023-24FY, MSFOMA had received a sum of £11,000 to cover its contribution to the Menai Strait Partnership Forum project.

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. After carefully considering this response, all parties to the legal action had agreed that it would be appropriate to explore the options for closer working that had been proposed by FSA Wales, rather than proceeding with the legal action. FSA were advised of this on the 22nd March 2024.

During early April the Chair and Secretariat had liaised with the Director of FSA Wales (Nathan Barnhouse) to organise a meeting with him. He visited the Menai Strait on the 15th of April to see the operation of the mussel farming industry at first hand and to discuss the challenges associated with shellfish hygiene.

James Wilson, Kim Mould, Trevor Jones and Lewis LeVay all met with Mr Barnhouse and his colleagues (Delyth Murray-Lines & Sarah Aza). They felt that Mr Barnhouse was very keen to work with the shellfish industry. It was also felt that it was fortunate that Delyth and Sarah had been present, as it allowed Mr Barnhouse to see both sides of several issues that need to be addressed.

Lewis LeVay highlighted the value of a pre-meeting the week before Mr Barnhouse's visit, which had benefitted from Aoife Martin (Director of Operations, Seafish). Aoife is a key member of the Shellfish Stakeholder Working Group (SSWG), which has been considering many of these issues for years. Lewis felt that it would be good to try to get Aoife directly involved in discussions about the Menai Strait, providing that FSA Wales were in agreement.

The meeting agreed that a follow-up letter should be sent to Mr Barnhouse to confirm the key points of agreement from the meeting and to propose swift action to address issues of concern. Wording was discussed and agreed, and the Chair & Secretariat agreed to send this to Mr Barnhouse as soon as possible.

Action: Chair & Secretariat

The meeting heard with dismay that the official control samples for shellfish in the Menai Strait had not been collected in March. The reason for this was not known. It was noted that March is one of the key months for shellfish production, and that the March sample was vital both from a public health protection perspective and also for efforts to reinstate the seasonal "A" classification for the Strait.

James Wilson reported that Sarah Aza from FSA was due to be contacting the LAG members about this and to encourage industry sampling. It would be appropriate for MSFOMA to follow up on this.

Action: Chair & Secretariat

Ioan Thomas offered to organise a meeting with Gwynedd Environmental Health Officers to discuss the missing samples and industry sampling if there isn't any feedback from FSA. The Chair agreed to contact Ioan about this if no feedback had been received by the 26th April.

Action: Chair & Secretariat

9. Public Profile of the Association

The Chair confirmed that the Association's 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.

Lewis LeVay and James Wilson reported that they had been interviewed by Michael Portillo as part of his "Great Railway Journeys" series. He had worn red trousers, they had not.

10. Welsh Government Activity

The Secretariat's report was noted and received.

The Chair reported that the Ministerial Statement on a strategic approach to fisheries and aquaculture had not been released before Lesley Griffiths had move on to her new role (Cabinet Secretary for Culture and Social Justice). She has been replaced as Cabinet Secretary for Rural Affairs by Huw Irranca-Davies.

It was agreed that it would be appropriate to write to the new Minister to introduce MSFOMA to him.

Action: Chair & Secretariat

The Chair reported that the next meeting of MAGWF was due to take place on the 25th of April. Much of that meeting, and much of WG Fisheries Division resources, are focussed on developing new Fishery Management Plans under the Fisheries Act 2020.

It was agreed that there was no need to respond to the consultation on tidal energy, as none of the areas concerned overlapped with the Menai Strait.

James Wilson noted that an NRW Fisheries & Aquaculture Group was due to meet in May. He would attend and provide an update on MSFOMA liaison with the FSA.

Rowland Sharp indicated that he is doing some work to review risks associated with Pacific Oyster cultivation to inform WG (and Defra) policy in this area. He

offered to keep MSFOMA informed about this work, which may affect the MSFOMA view on the Menai Strait West Fishery Order proposal.

Action: Rowland Sharp

11.NW IFCA Activity

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

James Wilson reported that concerns has been raised with NWIFCA about their perception of mussel dredge impacts being comparable to scallop dredges. It was hoped that this would be reflected in any new HRAs for 2024.

The new CEO of NWIFCA had visited Port Penrhyn in February to meet the mussel farmers and see operations at first hand. This meeting had been very positive.

The new NWIFCA definition of “ephemeral” mussel beds was discussed. It was agreed that the overall approach was appropriate, but that there were some specific details (such as how much mussel mud is enough) that would benefit from being better defined.

It was agreed that it would be appropriate to write to NWIFCA to ask for the issue of mussel mud to be better defined in the seed mussel policy document, and also to thank Mark Taylor for his visit to Port Penrhyn.

Action: Chair & Secretariat

12.All Party Parliamentary Group: Shellfish Aquaculture

James Wilson reported that the meeting about shellfish hygiene had been postponed (due to the legal action reported under item 8). Instead of this the meeting in March had been about Pacific Oyster cultivation. There had been a useful discussion of the key issues involving the shellfish industry and MPs. Unfortunately nobody from Defra attended to hear or contribute to this discussion.

Shellfish hygiene is due to be discussed at the next meeting. A change in Parliamentary rules means that the APPG may need to recruit different members in order for this meeting to take place (APPGs must have cross-party representation but not include cabinet or shadow cabinet Member - currently several Labour MPs on this group are in the shadow cabinet).

Updates will be provided at future MSFOMA meetings.

Action: JW, Secretariat

13.Menai Strait East Fishery Order

No further update.

14.Menai Strait West

No further update.

15.Menai Strait Partnership Forum

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

The next meeting of the MSPF Advisory Group is due to take place on the 24th April.

Funding has been secured and a Project Officer is now in post. Work on projects designed to improve water quality and awareness of key issues was underway, and more funding had been obtained to support future work.

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

Action: Chair, Secretariat

16. Fishery Management Issues

1. Coastal / marine developments

i. Bangor Pier

The Association had been informed that maintenance work that had not been finished in 2023 would be completed in 2024. It was understood that this will involve cleaning (shot blasting) the pier and repainting it. Rowland Sharp advised the group that the operators would be required to ensure that no pollutants entered the Strait. No concerns or objections were made.

ii. Habitat restoration, The Spinnies

The Secretariat advised that North Wales Wildlife Trust had informed the Association about some outfall restoration work it was carrying out on the upper shore. No concerns were raised about this.

iii. 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

The Chair advised that he had been informed about a Marine Licensing Workshop in May. He & the Secretariat would forward details on to MSFOMA Members.

Action: Chair

18. Dates for next meetings

Meeting dates were agreed for 2024:-

- a. 19th September 2024 (Teams / Zoom)
- b. 12th December 2024 [also AGM] (in person, not virtual)

DRAFT

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.	Update MSFOMA website to include more information about the work of participants.	All, Secretariat
5.	Shellfish hygiene - write to FSA Wales Director to follow up meeting on 15 th April and set out proposals for progress.	Chair, Secretariat
6.	Shellfish hygiene - follow up enquiries that FSA Wales make about the missing March 2024 official control samples.	Chair, Secretariat
7.	Shellfish hygiene - ask Ioan Thomas to organise a meeting with Gwynedd EHOs if no feedback received by 26 th April.	Chair, Secretariat & Ioan Thomas
8.	Write to new Cabinet Secretary for Rural Affairs to introduce MSFOMA and its work.	Chair, Secretariat
9.	Pacific oysters - inform MSFOMA about progress with policy development work.	Rowland Sharp
10.	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
11.	APPG - provide update on progress to next meeting.	JW, Secretariat
12.	Work with NWRT to progress the Menai Strait Partnership Forum and report back.	Chair & Secretariat
13.	<i>Crepidula fornicata</i> - look out for slipper limpets and report sightings of any shells / individuals.	All
14.	Date for next meeting - 19th September 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).

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.

Budgetary performance in the 2024-25 Financial Year

- 1.3 An income and expenditure report for the Association for the first two quarters of the MSFOMA 2023-24 Financial Year (starting on 1st March 2024) against the revised Financial Plan is presented in Annex B. This shows both the actual and budgeted values for each item of income and expenditure.
- 1.4 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 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 at the end of August 2024 stood at £14,617.83. This is higher than the target reserve of £10,000.

2. Budget for 2024-25FY

- 2.1 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.
- 2.2 The Financial Plan agreed in December 2022 was designed to minimise and freeze lease fees over a 6 year period between the 2022-23FY and the 2024-28FY. This plan is shown in Annex A of this report. It was resolved at the December 2024 AGM that this plan should remain in place.

3. Funding Opportunities

- 3.1 At previous Association meetings it has been agreed that it is appropriate to pursue alternative funding opportunities for projects that are relevant to the objectives of MSFOMA and that would contribute both to achieving these objectives and bolstering the Authority's finances. The contribution of £11,000 to allow the Association to support the work of the Menai Strait Partnership Forum has resulted from this. It would be appropriate to consider other potential sources of funding that would enable the Association to provide further support in the longer term.

MSFOMA Secretariat
September 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: Q2 Update.

Item	Updated Year Budget	Quarter 1 (1st March - 31st May)		Quarter 2** (1st June - 31st August)		Quarter 3 (1st Sept. - 30th Nov.)		Quarter 4 (1st Dec. - 29th Feb.)		Year to Date (Cumulative)		
	2024-25	Actual	Budget	Actual	Budget	Actual	Budget	Actual	Budget	Actual	Budget	Performance
										Q2	Q2	Q2
1. Expenditure												
Administration of the Order*	£12,730.80	£23,300.70	£3,182.70	£3,248.21	£3,182.70	£0.00	£3,182.70	£0.00	£3,182.70	£26,548.91	£6,365.40	£20,183.51
Enforcement activity	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£ -
Corporate core**										£0.00	£0.00	
Accountancy fees	£1,273.08	£0.00	£318.27	£0.00	£318.27	£0.00	£318.27	£0.00	£318.27	£0.00	£636.54	-£ 636.54
Bank charges	£96.00	£24.00	£24.00	£24.00	£24.00	£0.00	£24.00	£0.00	£24.00	£48.00	£48.00	£ -
Renewal of Fishery Orders*										£0.00	£0.00	
Menai West	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£ -
Subscriptions	£900.00	£0.00	£225.00	£900.00	£225.00	£0.00	£225.00	£0.00	£225.00	£900.00	£450.00	
Research & monitoring	£530.45	£0.00	£132.61	£0.00	£132.61	£0.00	£132.61	£0.00	£132.61	£0.00	£265.23	-£ 265.23
Community fund	£530.45	£0.00	£132.61	£0.00	£132.61	£0.00	£132.61	£0.00	£132.61	£0.00	£265.23	-£ 265.23
Total Expenditure	£16,060.78	£23,324.70	£4,015.20	£4,172.21	£4,015.20	£0.00	£4,015.20	£0.00	£4,015.20	£27,496.91	£8,030.39	£19,466.52
2. Income												
Leases for lays	£15,100.00	£7,056.60	£7,550.00	£0.00	£0.00	£0.00	£7,550.00	£0.00	£0.00	£7,056.60	£7,550.00	-£493.40
Legal Costs	£0.00	£9,255.10	£0.00	£3,520.00	£0.00	£0.00	£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	£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	£0.00	£7,550.00	£0.00	£0.00	£30,831.70	£7,550.00	£23,281.70
Operating surplus / deficit	-£960.78	£3,987.00	£3,534.81	-£652.21	-£4,015.20	£0.00	£3,534.81	£0.00	-£4,015.20	£3,334.79	-£480.39	£3,815.18
Reserve	£10,000.00	£15,270.04	£10,000.00	£14,617.83	£10,000.00	-	£10,000.00	-	£10,000.00	£14,617.83	£10,000.00	£4,617.83

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 consider whether to continue to ask the FSA to start the classification time series for Representative Monitoring Points “B”, “1” and “4” afresh.
4. That the Association should provide information to the Local Action Group to assist the investigation of high *E.coli* results in September 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 \leq 230	700
B	8	90% of samples \leq 4600	46,000
C	8	All \leq 46,000	-
Unclassified	-	\geq 46,000	-

- 1.3 Class A shellfish can be harvested for direct human consumption without any further treatment. Class B shellfish must be either purified, relayed for a month in a Class A water, or heat treated prior to human consumption. Class C shellfish must be either relayed for 2 months in Class B waters and then purified; or relayed for 2 months in Class A waters; or heat treated prior to human consumption.
- 1.4 For most shellfish beds a single classification (A,B, C or unclassified) applies for 12 months of the year. 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>.

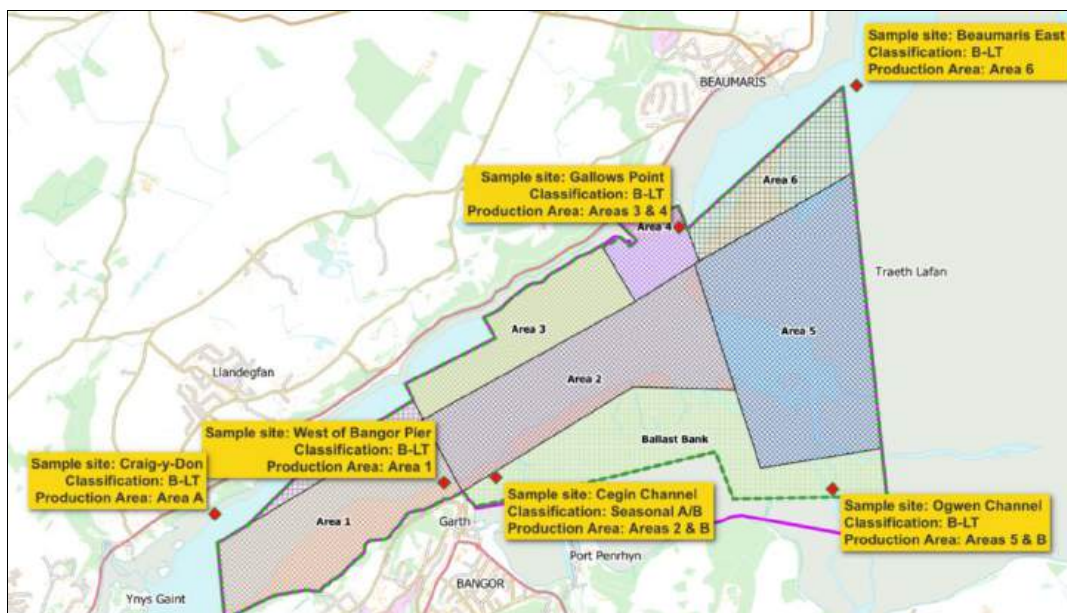


Figure 1: Map of the Eastern Menai Strait showing shellfish sampling locations, classification results, and production areas.

- 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 The Association is advised 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” has been 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; nor will they affect the “Long Term B” classification providing that results in October and November are within the “Class B” range and the requirement for 90% of samples to be below 4,600 is met over the preceding 12 months. In this latter regard it is disappointing that samples were not taken at any of the RMPs in March.

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
Beaumaris East	230	110		690	780	45	780	490	13000
Cegin Channel	78	130		690	110	68	130	230	450
Craig-y-Don	1300	170		330	490	40	130	490	2300
Gallows Point	230	130		330	230	110	330	450	2300
Ogwen Channel	230			230	130	170	110	130	3300
West of Bangor Pier	45	170		230	780	130	110	1400	4900

3. Communications with FSA Wales

- 3.1 During December 2023 the mussel farmers in the Strait asked FSA Wales to reconsider its decision to classify all of the areas in the eastern Menai Strait as “Long Term B”, and proposed that a shorter “Seasonal A” classification should be granted for several of the classification zones. FSA Wales responded on 22nd December 2023, indicating that in their view none of the classification zones could be granted a “seasonal A” classification.
- 3.2 During January 2024 the Secretariat and Chair had several discussions with the mussel farmers in the Strait about this decision and the Sanitary Survey review (see section 5 of this report). After careful consideration it was agreed during that it was appropriate to instruct a legal team to challenge the FSA’s decision not to grant a seasonal “A” classification to one or more of the classification zones in the eastern Menai Strait.
- 3.3 The correspondence between legal representatives from the Menai Strait and FSA during February and March 2024 was reported to the last Association meeting. The correspondence culminated with agreement from the Association that rather than progress to formal legal action it would be more appropriate to accept the offer from the FSA Wales to meet with their Director and find a more constructive way ahead.
- 3.4 It was reported verbally at the last Association meeting that the Director of FSA Wales, Nathan Barnhouse, visited Porth Penrhyn on 15th April to meet mussel farmers and MSFOMA representatives. The meeting had been very successful. The Chair wrote to Mr Barnhouse after the last Association meeting to thank him for his visit and to encourage a constructive partnership between FSA Wales and the Menai Strait shellfish farming industry (see letter at Annex A). Mr Barnhouse sent a very positive response to this letter on 1st May (Annex B).
- 3.5 The Association is advised that FSA Wales have responded proactively to these commitments. A series of fortnightly meetings have taken place between FSA Wales officers and 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).
- 3.6 The Association is further advised that the 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 our very own Professor Lewis LeVay on August 12th 2024. This visit was also very productive and has cemented the good relations established in May. In particular all parties identified the opportunity to encourage the new Government administrations in London and Cardiff to address many of the challenges concerning water quality, shellfish production and exports to the EU.

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 Association is advised that 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 will note that an Investigation State has been announced in response to the high results returned for the “Beaumaris East” and “West of Bangor Pier” RMPs in September (see para. 2.5 above). The LAG has asked for information from the industry about any pollution events, or issues such as high rainfall or slurry spreading that may have caused these high results. The deadline for providing this information has been set at 26th September 2024.

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 the last Association meeting 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 (full . 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 show a very substantial change in both pace and direction of travel from the FSA. The new RMPs and CZs are shown in Figure 2. Once the revised Sanitary Survey has been published, sampling can begin at the new RMPs for the new Classification Zones.

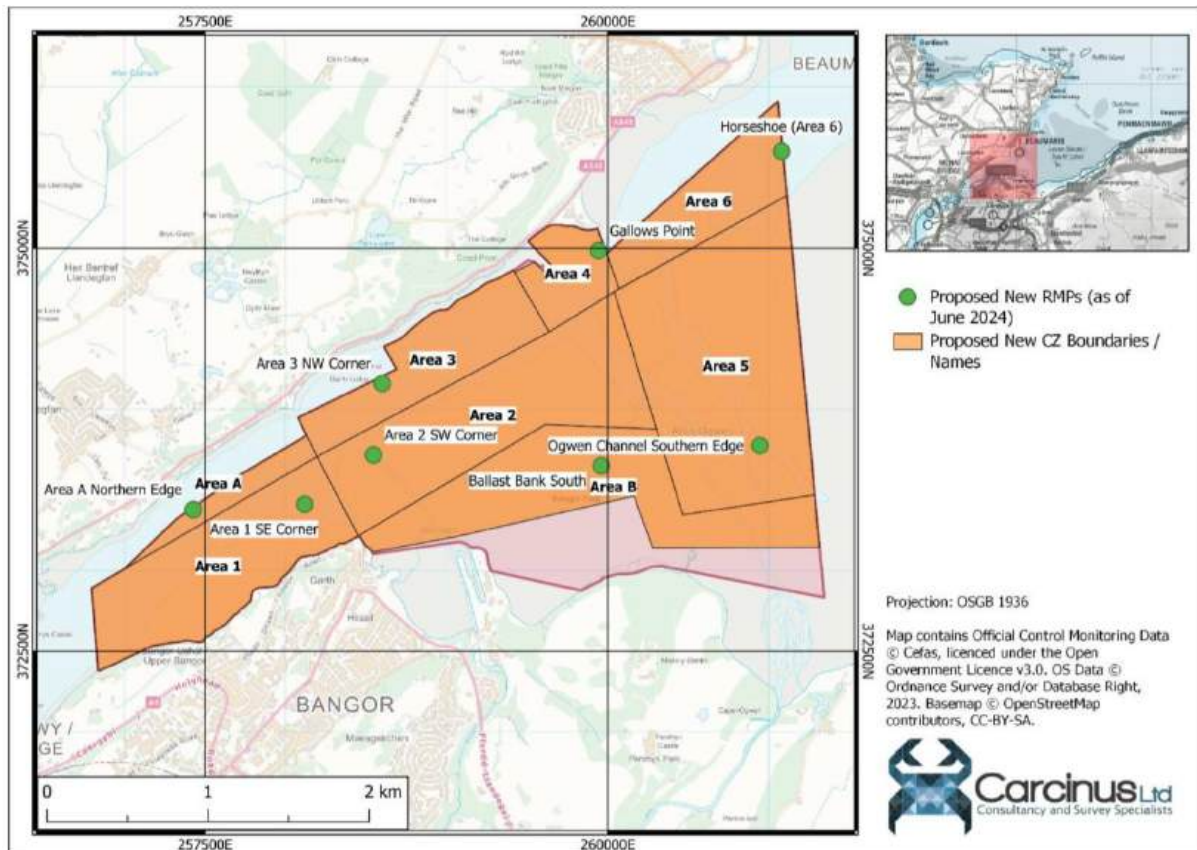


Figure 2: Map of the Eastern Menai Strait showing revised Representative Monitoring Points and Classification Zones.

5.5 At the time of writing this report the Sanitary Survey is ready for publication, pending confirmation from local authorities that they have agreed arrangements for delegating sample collection. Ynys Môn County Council and Cynor Gwynedd are progressing this. In August the local authorities asked mussel farmers to increase their insurance cover for this activity, which has been done.

5.6 The transition from the current Sanitary Survey to the new regime has been discussed with the FSA. The key points are:-

- a) 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 current (2023-24) classifications will apply and unless sufficient samples from new RMPs are gathered beforehand, the initial classifications for 2024-25 will be based on the current regime.
- b) 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. It is unlikely that these 10 samples will have been gathered and analysed prior to announcing the annual classifications for 2024-25. Once the samples from new RMPs have been gathered and analysed the new “provisional” classification will supersede the current classification.

- c) Three of the eight CZs (B, 1, and 4) will have time series that continue from the current series of samples.

5.7 We have asked the FSA to reconsider the decision to continue the time series for RMPs B, 1 and 4. This is currently 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.

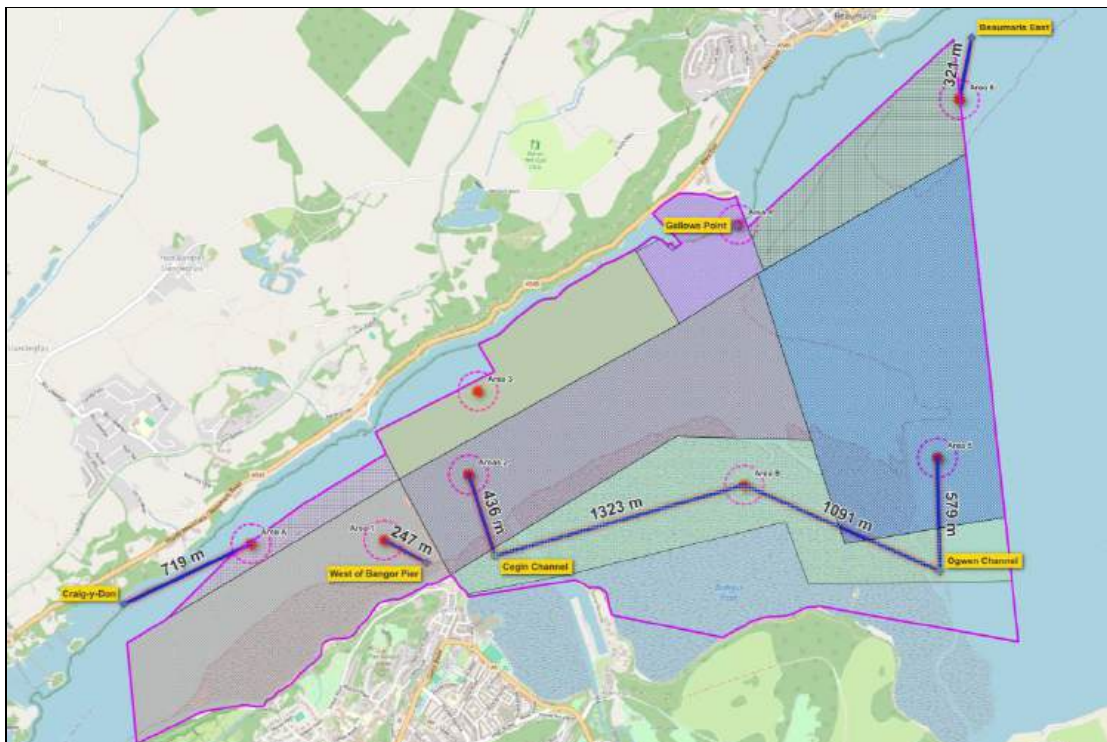


Figure 3: Map of the Eastern Menai Strait showing distance between new (red star) and old (blue diamond) Representative Monitoring Points for each Classification Zone (shaded areas). Purple dotted circles show the 100m margin of tolerance permitted for Official Control Samples.

- 5.8 It is understood that the FSA have been advised 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.
- 5.9 The Chair and Secretariat will continue 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.
- 5.10 The next meeting between the Association representatives and FSA officers is due to take place on Monday 16th September. The Chair and Secretariat will provide a verbal update on the outcome of this meeting to the Association meeting.

MSFOMA Secretariat
September 2024

Menai Strait Fishery Order Management Association

Port Penrhyn, Bangor, LL57 4HN

Nathan Barnhouse
Director
Food Standards Agency
4th Floor
Welsh Government Building
Cathays Park
Cardiff, CF10 3NQ

18th April 2024

By Post and e-mail

Dear Nathan

MENAI STRAIT EAST: SHELLFISH HYGIENE

I hear from my colleagues that your visit to Port Penrhyn on Monday of this week was very productive. I am very sorry that I was unable to be there and hope that we will have the opportunity to meet in the near future.

Many thanks for taking the time to make the visit – we hope it was informative. I am keen to make sure that we maintain the momentum generated on Monday by progressing the review of the sanitary survey document and with implementing any new sampling and management arrangements that result from it. From what I understand of the discussions on Monday there was agreement to the following:-

1. Implementation of the new sanitary survey by October / November this year.
2. A programme of regular meetings involving key parties (LAG members, FSA, Cefas, ourselves) to progress this – with an aim to get the key objectives in place by end of October.
3. Agreement on the issues that are “within scope” for such discussion – I gather that these included revisions to RMPs and CZs so that these reflect harvesting areas; support in getting industry sampling in place; as well as the sampling and analytical methods (sampling by dredge rather than by hand and analysis by pour plate rather than MPN).

Something which was left open for further discussion/clarification is the frequency of future sampling, with a view to building the evidence for the seasonal classification as quickly as possible – which clearly is of great importance for local shellfish farmers here in North Wales. As suggested in your correspondence last month, we would want to explore the potential for, and merits of, a period of accelerated sampling – and how this aligns with the approach to determining a seasonal trend. A period of fortnightly sampling, for instance, might halve the time needed to establish a “track record” under the new regime, and offers considerable potential benefits. For FSA Wales this would also offer the opportunity to show a proactive leadership role in this important area of work.

We look forward to hearing from you, to agree timescales and scope for the proposed series of meetings, and are ready and willing to engage at the earliest opportunity.

Yours sincerely



Alan Winstone
Chair, MSFOMA

Cc. Matthew McFeeley, Richard Buxton Solicitors
Corinne Cortes, FSA Wales

Annex B: E-mail response from Director of FSA Wales, May 2024

info@msfoma.org

From: Nathan Barnhouse <Nathan.Barnhouse@food.gov.uk>
Sent: 01 May 2024 14:21
To: info@msfoma.org
Cc: 'Alan Winstone'; Liz Conway; Owen Lewis; Sarah Aza; Delyth Murray-Lines
Subject: RE: Menai Strait East: Shellfish Hygiene - Follow up to meeting on Monday 15th April

Good afternoon Jim

I'd like to apologise again for the delay in getting back to you, which was due to me being off work for a short period. However, my team have continued to work away in the background so it's only my update to you that's slower than I'd hoped.

I agree that the meeting was positive and we appreciate the time taken by your colleagues to provide the team and I with a more detailed insight into the fishery on the Menai.

I also agree that momentum needs to continue and I hope that we can have regular engagement with yourselves and the local action group. I know that the team are working on the schedule of meetings, which we should be able to put in place once they have met with the local authorities.

My team has been working through what was agreed during our meeting. We see the following as three themes to be looked at in greater detail:

- The method of sampling by the local authority
- The timing of sampling by the local authority
- The positioning of the Representative Monitoring Points (RMPs) and the boundaries of the classification zones

I hope you will be pleased to learn that since our meeting the team has made some progress on each of these points.

Sarah Aza (Head of Local Authority Delivery, FSA) is meeting with the relevant local authorities today to discuss the points raised with us on the Official Control sampling on the Menai. Following this meeting, we will be in contact to discuss the next steps in relation to sampling.

In terms of the repositioning of the RMPS, we have been working through your response to the consultation to ensure it is reflected in the final draft and this is nearing completion. We are looking at the classified zones and RMPs and we will likely need follow-up discussions regarding these points. This is so we can ensure that if changes are made to the classified zones, and the position and number of RMPs, they are reflective of the harvesting taking place.

In the letter there is reference to the Sanitary Survey being implemented by October/November this year. In the interest of being open and avoiding ambiguity, although we did discuss that October/November would be a pragmatic target recognising the issues being faced and the need to plan for the season, we were not in a position to commit given other conversations needed to take place, and that we would need to take this away. We do appreciate the need for timescales that work for all parties, and we said we would update you in our next meeting on where the review is up to and what timescales are looking like. I hope that meeting will give us the opportunity to reach a shared understanding on the timescales for implementation.

Finally, my team will be in touch so that we can schedule meetings with you and your colleagues, as well as other partners in this, so that we can bring you up to date with the work that has been undertaken and to discuss the classified zones and sampling.

Thank you once again for the spirit in which we're working together,

All the best

Nathan

Cyfarwyddwr yr ASB yng Nghymru / Director of FSA in Wales [Ef / Fe // He / Him]
Asiantaeth Safonau Bwyd / Food Standards Agency
Llawr 4 / 4th Floor
Adeilad Llywodraeth Cymru / Welsh Government Building
Parc Cathays / Cathays Park
Caerdydd / Cardiff, CF10 3NQ
Symudol / Mobile: 07816 343290
www.food.gov.uk

Ôl-nodyn: Rydw i'n gweithio oriau hyblyg ac mae'n bosib y byddaf yn anfon negeseuon y tu allan i oriau ac ar y penwythnos. Peidiwch â themlo bod yn rhaid i chi ateb tan eich bod o fewn eich patrwm gwaith chi.

PS: I work flexibly and may email after hours and at the weekend. Please don't feel you need to reply until you're in work yourself.

From: info@msfoma.org <info@msfoma.org>

Sent: Thursday, April 18, 2024 2:21 PM

To: Nathan Barnhouse <Nathan.Barnhouse@food.gov.uk>

Cc: 'Alan Winstone' <alanjwinstone@gmail.com>; Liz Conway <Liz.Conway@food.gov.uk>; 'Matthew McFeeley' <mmcfeeley@richardbuxton.co.uk>; corrine.cortes@food.gov.uk

Subject: Menai Strait East: Shellfish Hygiene - Follow up to meeting on Monday 15th April

Please note, this e-mail originated from outside the FSA. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Nathan,

I am writing on behalf of the Association to follow up your visit to Port Penrhyn on Monday. We held an Association meeting this morning at which we discussed this. I gather from my colleagues that your visit was very productive. All of our members were very pleased that what could have been a confrontational situation has transformed into an opportunity to build a constructive partnership to tackle problems.

During the MSFOMA discussion this morning we agreed on the importance of maintaining momentum and building a stronger partnership with FSA Wales. The attached letter from our Chair summarises the points that were agreed on Monday, and proposes that we establish a programme of meetings between LAG members, FSA, Cefas and ourselves so that we can make progress on these issues.

We very much look forward to working with you and your colleagues so that we can all get to work to address the challenges that were discussed on Monday.

Kind regards

Jim Andrews

Dr J Andrews BSc LLM

On Behalf of the Menai Strait Fishery Order Management Association, MSFOMA

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Welsh Government Activity

Background

The Welsh Government is responsible for managing inshore fisheries in Wales. This report provides a brief update on some Welsh Government Activities that may be relevant to the work of MSFOMA.

Recommendations

1. That the report is received, along with any verbal updates from the Welsh Government officials invited to the meeting.

1. Background

- 1.1 The Welsh Government website provides information about consultations and meetings of various stakeholder groups that are relevant to the Welsh Fishing industry. A brief summary of recent activity is provided below.

2. Meetings of Fisheries Groups

- 2.1 Welsh Government has established several groups to assist with the administration and management of Welsh fisheries. The key groups are:-
 - a) **Inshore Fisheries Groups** - these groups were established to provide stakeholders with a forum for communicating and engaging with Welsh Government. They were disbanded several years ago, and at the same time the membership of the Welsh Marine Fisheries Advisory Group (WMFAG) was broadened and supported by ad-hoc "Task and Finish" groups. The most recent WMFAG meeting resolved to maintain this arrangement and to review its effectiveness in December 2020.
 - b) **Welsh Marine Fisheries Advisory Group (WMFAG)** - this group was established to assist with the formulation of appropriate policies, plans, strategies and laws relating to marine fisheries in Wales. Information about this group is now available from <https://beta.gov.wales/wales-marine-fisheries-advisory-group>. The most recent published WMFAG minutes were for the meeting on 15th September 2020 (published on 10th December 2020 [here](#)), which were reported and discussed previous MSFOMA meetings.
 - c) **Aquaculture Advisory Group** - this Group was established to help Welsh Government meet the targets that it set in the 2013 Wales Marine and Fisheries Strategic Action Plan for aquaculture production of 2,000t of finfish and 16,000t of shellfish by 2020. No meetings of this group have taken place recently. The most recent WMFAG meeting confirmed that the AAG has been "...suspended following poor attendance and dissatisfaction." WMFAG further resolved to remove a reference to the AAG from its own Terms of Reference "...as that sub-group was disbanded."
 - d) **Ministerial Group for Welsh Fisheries (MAGWF)** - this group was created by Welsh Government in 2022. Information about this group is available from

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

3. Ministerial Group for Welsh Fisheries (MAGWF)

- 3.1 MAGWF has not met since the last Association meeting.
- 3.2 The Association will recall that at previous meetings the Chair has asked whether MAGWF was adequately resourced to meet its own objectives. It appears that this concern had substance, since MAGWF has only met on four occasions, and not since November 2023.
- 3.3 Association Members and Observers meeting will be asked for a verbal update on any recent meetings of this and related groups that are not reported on the Welsh Government website.

4. Consultations

- 4.1 There are no open consultations for “Marine and Fisheries” that may be relevant to MSFOMA on the Welsh Government website ([here](#)).

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
September 2024

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 formally ask NWIFCA 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 27th June. Meetings of the Technical, Science and Byelaws (TSB) Sub-Committee took place on the 24th May and 13th August 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. It would be appropriate to make formal enquiries about plans to resume progress in 2025.

MSFOMA Secretariat
September 2024

SUPPLEMENTARY INFORMATION:

**REVISED SECTION OF MENAI STRAIT SANITARY
SURVEY CONSULTATION DOCUMENT
JUNE 2024**

7 Conclusion and overall assessment

The Menai Strait is the tidal channel that separates the Isle of Anglesey from mainland Wales. It contains two separate BMPAs, the Menai Strait – East and the Menai Strait West, both of which were last subject to a sanitary survey in 2013.

The shellfishery within the Menai Strait – East is under the jurisdiction of Gwynedd Council, Ynys Mon Council and Conwy Council for food hygiene purposes. Harvesting of mussels within the Menai Strait – East BMAPA is controlled under the new' Menai Strait (East) Mussel and Oyster Fishery Order 2022, which came into force in April 2022 and replaced the old order. The mussel fishery is managed by the Menai Strait Fishery Order Management Organisation (MSFOMA), who have designated an area within the Order Boundaries as a several fishery area, and all harvesting takes place within the designated area on cultivated mussel beds using dredges. No hand gathering of mussels from wild beds has taken place for over 10 years. The cockle fishery in the Menai Strait East is regulated under Welsh National legislation, which sets catch limits and other controls. Between September 2021 and February 2022, 170 tonnes of cockles were removed from the Lavan Sands area.

The shellfishery within the Menai Strait – West is under the jurisdiction of Gwynedd Council and Ynys Mon Council for food hygiene purposes. There is currently no Several Order that applies to the shellfish of the Menai Strait – West. The wording of the draft Menai Strait (West) Oyster and Mussel Fishery Order 2015 sets out the legal nature of the fishery in the Menai Strait West, and specifies four areas for either mussel, oyster, or both, that may be cultured, but this Order has not yet been made. The current output of the mussel and oyster fishery is unknown. Cockles are also harvested in the area, subject to Welsh National Legislation. In 2021, approximately 62 tonnes of cockles were harvested.

The results of the 2021 Census were compared to that of the 2011 Census to give an indication of population changes in the catchment since the 2013 Sanitary Surveys were published. These data suggest that the population of the catchment has increased by approximately 4.5%, but that the main population centres (Caernarfon, Bangor & Menai Bridge) have not changed. Most of the land in the catchment has a very sparse population, of less than 500 persons per km², and so the risk of urban-associated runoff is considered to be low. There is likely to be a seasonal influx of tourists during summer months, but we have received no evidence to suggest that the existing wastewater treatment network is insufficient to handle this increase.

No changes to either the treatment methodology or consented discharge volume at continuous water company discharges discharging to the eastern Menai Strait have occurred since the original sanitary survey was published, and so the risk that these pose remains similar. In the western Menai Strait, the consented discharge volume at Caernarfon has increased to 3352 m³/day from 2840 m³/day, meaning that the faecal loading is likely to have increased also. The availability of spill data from intermittent discharges means that

greater appreciation of the potential impacts of these assets can be gained. This spill data suggests that intermittent discharges in both the eastern and western Menai Strait spilled relatively frequently (> 50 times) in 2021 and 2022. The presence of an intermittent discharge near to or within the CZs of this BMPA should be given additional consideration in any updated sampling plan, as the spills from intermittent discharges are generally untreated.

Livestock populations in the Menai Strait catchment fell by 4.25% between 2013 and 2021, although most of this fall was driven by a large decrease in poultry populations in the Braint/Cadnant sub-catchment. Land cover maps show that the land immediately adjacent to the shoreline of the Menai Strait is very often reserved for pasture, meaning that the risk of agricultural runoff, particularly during wet weather periods, is relatively high. The risk is not considered to have changed significantly since the original sanitary survey was published, however. During initial consultations, Natural Resources Wales stated that they were not aware of any significant pollution events arising from slurry application in the catchments draining to the Menai Strait.

The Menai Strait supports a variety of wildlife populations due to the diversity of intertidal and subtidal habitats present. The group that are most likely to contribute significant levels of contamination to the shellfishery are wading birds, as they forage and defecate directly on intertidal shellfish beds. Count data suggest that the risk of this pollution source is greater in the eastern strait than the western, as average counts are about three times higher in the Lafan Sands area than the Traeth Melynog area. It is hard to reliably account for this source of pollution however as the aggregations of birds will shift from year to year based on the distributions of their prey, but it is likely that the large intertidal cockle CZs will be at greater risk than the smaller mussel CZs, and during certain times of year this may be a potentially significant source of contamination.

The main risk of contamination from boats comes from recreational craft of a sufficient size to contain on-board toilets, as commercial vessels are prohibited from making overboard discharges within 3 nm of land. This is unchanged from the situation described in the original sanitary survey. The areas at risk will continue to be the main navigational areas and any clusters of moorings outside of the marinas, and contamination levels are likely to be highest in summer months. Overall, the risk is not considered to have changed significantly since the original sanitary surveys were published.

Official Control monitoring at RMPs in the eastern strait suggests that shellfish hygiene has remained relatively stable since 2010. The highest contamination levels were found in cockle RMPs in the outer strait, but this is more likely due to differences in rates of *E. coli* uptake and clearance rather than a geographically driven pattern. No significant differences between the monitoring data from different RMPs were found, although results collected in winter tended to be lower than at other times of year. Elevated results in autumn are likely due to increased levels of runoff, whereas elevated results in spring and summer are more likely due to increased loading to the sewerage network caused by increased populations.

Official Control monitoring at RMPs in the western strait suggests that shellfish hygiene at mussel and Pacific oyster RMPs has been deteriorating in recent years, but it is likely that this has been caused by an overall increase in background contamination levels rather than any specific point source. Results from summer months tended to be higher than those recorded at other times of year. This is likely due to increased loading to the sewerage network caused by increased populations.

Initial consultations indicated that there are a number of issues with current RMPs within both BMPAs, including safe access and availability of suitable stock for sampling. This desktop assessment has not identified any significant knowledge gaps in terms of sources and timing of contamination that would justify a shoreline survey.

Having reviewed and compared the desk-based study with the findings of the original sanitary surveys in 2013, the FSA are also content that a shoreline assessment is not required.

8 Recommendations

Recommendations for the various classification zones within the Menai Strait – East BMPA are described in Section 8.1 and summarised in Table 8.1. Recommendations for the Menai Strait – West BMPA are described in Section 8.2 and summarised in Table 8.2.

8.1 Menai Strait – East

8.1.1 Mussels

Under the Menai Strait (East) Mussel and Oyster Fishery Order 2022, MSFOMA have designated a several fishery area within the eastern Menai Strait, and we understand that all fishing activity must take place from within this area. Within the Order Area, MSFOMA designate eight separate lease areas, and have also provided information as to the precise areas of current harvesting activity within each lease area. As such, a general recommendation of ensuring that all RMPs are placed within actively harvested areas is given, so that RMPs can be considered representative of the shellfish being harvested and also the worst-case contamination to protect Public Health. This is likely to result in a change of sampling methodology; currently all RMP samples are collected by hand, but the harvesting areas are subtidal and so it will be necessary to collect the samples by boat. The existing sampling plan includes three Classification Zones covering more than one lease area, however during consultation, it was suggested that the CZ boundaries be amended to align with individual lease areas. Figure 8.1 presents the changes to RMPs boundaries summarised in the paragraphs below.

8.1.1.1 Area A

This CZ covers an area of 0.42 km² and is the farthest innermost CZ on the northern side of the Strait. It is currently classified based on samples from the Craig-y-Don B055R RMP, which is located at the innermost shoreline corner of the CZ. This position was recommended in the original sanitary survey to capture contamination from large sewage treatment works to the west. Only a small proportion of the current zone boundaries are within the Several Fishery Area; all harvesting activity takes place in the south-eastern corner of the CZ. There are two intermittent discharges along the shoreline of this CZ, and it is recommended that the RMP be moved to the nearest edge of the harvesting area to the northern shore between these two discharges, around SH 5743 7338

8.1.1.2 Area 1

This zone covers an area of 0.98 Ha on the southern side of the eastern Menai Strait. The 2013 Sanitary Survey recommended placing the RMP for this zone to the west of Bangor Pier, to capture contamination from the rivers Cegin and Ogwen, identified to be the main contaminating influences on this zone. Harvesting within this CZ takes place in the eastern side of the zone. The intermittent discharges within the zone (120 m west of the harvesting area) are not very active (spilling for less than 3 hrs in 2021), and so it is considered that the RMP should be kept on the eastern side of the harvesting area. The RMP should be moved 230 m northwest of its current position, to SH 5812 7341. The current CZ boundaries closely

match those of the Several Fishery Area, and the RMP is placed within them, so it should be retained.

8.1.1.3 Area 3

This will be a new CZ, representing the western part of the previous *Areas 3 & 4 CZ*. The new CZ will cover an area of 0.58 km² and be bordered by the *Area A CZ* to the west, *Area 2 CZ* to the south, and *Area 4 CZ* to the east. The harvesting activity within this CZ takes place in the south-east part of the CZ. There are few direct sources of contamination to this CZ; the CZ is likely to be affected by releases from intermittent and private discharges further into (i.e. nearer the Menai Bridge) the Menai Strait. It is recommended that the RMP be placed at the nearshore western corner of the current harvesting activity, around SH 5860 7416. If harvesting activity expands shorewards or westwards, the RMP should be moved to the new nearshore western corner.

8.1.1.4 Area 4

This will be a new CZ, representing the eastern part of the previous *Areas 3 & 4 CZ*. The new CZ will cover an area of 0.26 km² and be bordered to the west by the new *Area 3 CZ*, to the south by the *Area 2 CZ* and to the east by the *Area 6*. The historic RMP Gallows Point B055U should be used to represent this CZ moving forward as it is well placed to capture any contamination from intermittent discharges off Beaumaris as well as the Llanfaes WWTW (ID 11), and is present within the active harvesting area for this CZ.

8.1.1.5 Areas 3 & 4

This CZ should be declassified as the previous area is now classified under the separate *Area 3* and *Area 4 CZs*.

8.1.1.6 Area 2

This will be a new CZ, representing all of the *Area 2* lease area. The new zone will cover an area of 1.1 km² and be bordered to the west by the *Area 1 CZ*, to the north by the *Area 3 CZ*, to the south by the new *Area B CZ* and to the west by the new *Area 5 CZ*. The current area of harvesting activity within this CZ is in the northern part of the CZ. The Cegin Channel will be the main source of contamination to this zone, and the RMP should be placed in a position as close to the mouth of the Cegin as stock allows within the *Area 2 Harvesting Area* (SH 5855 7372). As there are few direct sources of contamination to this zone (beyond the river Cegin), and the zone is large, the sampling tolerance is increased to 100 m to allow for stock shifts. A sampling tolerance of 100 m is generally considered to be the maximum tolerance that allows temporal consideration of the sampling results and should only be permitted where there are concerns over reliable stock availability in the identified location. The sample should always be taken as close to the mouth of the Cegin as stock or access allows.

8.1.1.7 Area B

This will be a new CZ, representing the entirety of Lease *Area B / Ballast Bank*, which was previously classified through the *Area 2 & B* and *Area 5 & B CZ*. The CZ will cover an area of 1.06 km², although currently harvesting only takes place from a smaller area in the north of

the CZ. The CZ will receive contamination from both the Cegin Channel to the south west and the Ogwen Channel to the south east. The RMP for this zone should be placed at the mid-point of the southern edge of the current harvesting area, around SH 5996 7365, to capture contamination from both channels. If harvesting activity moves further shore-ward, the RMP should be moved to be at the new southern edge.

8.1.1.8 Areas 2 & B

This CZ should be declassified, as the area that it classified will now be covered by the separate *Area 2* and *Area B* CZs.

8.1.1.9 Area 6

This CZ is the outermost CZ on the northern side of the Strait and covers an area of 0.86 km². Harvesting within the *Area 6* CZ takes place on the eastern end of the CZ from the Horseshoe lease area. The 2013 Sanitary Survey identified that there were no major contaminating influences within the boundaries of the CZ itself, and that contamination occurred on a gradient with maximum concentrations at the eastern end of the zone. No changes to the contamination sources affecting this zone have been identified, and so it is recommended that the RMP be moved eastern edge of the Horseshoe harvesting area, around NGR: SH 6108 7560.

8.1.1.10 Area 5

This will be a new CZ, covering the entirety of the *Area 5* lease area. It is the outermost CZ on the southern side of the strait, bordered to the north by the *Area 6* CZ and to the west by the *Area 2* and *Area B* CZs, covering a total area of 1.64 km². Harvesting within this CZ takes place from the middle of the CZ from the Ogwen Channel Harvesting Area. The 2013 Sanitary Survey identified that the river Ogwen was likely to be the main source of contamination to the area and recommended placing an RMP as close to the Ogwen drainage channel as possible. A recent modelling study undertaken by the University of Bangor supported this conclusion, finding a significant correlation between *E. coli* concentrations recorded in the Ogwen Channel and the B055V RMP. During initial consultation, Gwynedd Council identified that stock levels in the current RMP area are low. The RMP should be moved to a position as close to the mouth of the Ogwen as stock allows, around NGR SH 6095 7378. As there are few direct sources of contamination to this zone (beyond the Ogwen Channel), and the zone is large, the sampling tolerance is increased to 100 m to allow for stock shifts.

8.1.1.11 Area 5 & B

This CZ should be declassified as the area that it classified will now be covered by the separate *Area 5* and *Area B* CZs.

8.1.2 Cockles

8.1.2.1 Lavan Sands East

This zone represents the eastern half of the Lavan Sands cockle bed and covers an area of 6.90 km². The 2013 sanitary survey identified that the Llainfairfechan STW (ID 14) was likely to be the most significant source of contamination affecting the zone and recommended

placing an RMP adjacent to the drainage channel carrying this contamination over the zone. This discharge continues to be the main source of contamination affecting the bed and so the RMP should be retained.

8.1.2.2 Lavan Sands West

This zone represents the western half of the Lavan Sands cockle bed and covers an area of 8.2 km². The 2013 Sanitary Survey did not identify any point sources of contamination affecting the zone but did identify that diffuse contamination from the river Ogwen was likely to be dispersed over a relatively wide area due to the tidal circulation patterns in the area. It is recommended that this RMP be retained as its position continues to be representative of the contamination affecting this zone.

8.2 Menai Strait – West

8.2.1 Mussels

8.2.1.1 Barras

This zone is situated on the northern side of the Strait and covers an area of 1.78 km² from Tal-y-Foel house to Barras. Within the CZ are Plot B and Plot C of the designated areas specified in The Menai Strait (West) Oyster and Mussel Fishery Order 2015. In the 2013 survey, this zone is referred to as Areas 1 – 3, but consultation with the LEA indicated that the preferred name is Barras. The 2013 Sanitary Survey recommended that the RMP be placed at the eastern end of the CZ in order to capture contamination from the Brynsiencyn STW. No change to the main contamination sources affecting this CZ have been identified, and so it is recommended that the RMP be retained.

8.2.1.2 Area 11 East

This is a small zone, covering an area of only 0.16 km² on the southern side of the Strait. Within the CZ is the Plot D as designated under the Menai Strait (West) Oyster and Mussel Fishery Order 2015. In the 2013 Survey, this zone is referred to as Llanfairisgaer, but consultation with the LEA indicated that the preferred name moving forward is Llanfair. The 2013 Sanitary Survey identified that the small stream draining to this zone would likely carry the most significant contamination and recommended placing the RMP at the eastern end of the zone to capture this. This RMP should be retained moving forward as the main sources of contamination have not changed.

8.2.1.3 Fort Belan

This CZ is not currently classified, but during initial consultations the LEAs indicated that there was industry desire for reclassification, and so a recommendation is provided. This zone was discussed in the 2013 Sanitary Survey, and that report identified that there were no direct sources of contamination, but that some contamination may originate from the ebb plume of Foryd Bay, reaching the eastern end of the CZ first. It is recommended that the RMP proposed in the 2013 Sanitary Survey, at NGR SH 4451 6084, be reinstated should reclassification be required. This RMP is well placed to capture the main contamination source of this CZ which continues to be the ebb plume of Foryd Bay.

8.2.2 Cockles

8.2.2.1 Traeth Melynog

This CZ is situated at the mouth of the western Menai Strait and covers an area of 4.98 km². The 2013 Survey identified that the main contaminating influence would be the discharge from Newborough STW (ID 21) which is positioned near the mouth of the Afon Braint. It recommended placing an RMP as close to the Braint drainage channel as possible, and as far upstream as stocks extend, to capture this contamination. The current RMP position is 1200 m south of the recommended position, and it is presumed that no stock exists at the location proposed in the 2013 Survey. The Newborough STW continues to be the main contaminating influence on this zone, and so we seek clarification from the LEA that the current RMP position represents the closest location to the Newborough STW outfall that stock exists. Should stock exist closer, the RMP should be moved to that location.

8.2.3 Pacific Oysters

8.2.3.1 Barras

This zone is currently classified based on samples from the Barras Boat House RMP B042L RMP. Mussels are considered to be appropriate indicator species for Pacific oysters (Cefas, 2014), and so this practice can continue.

8.3 General Information

8.3.1 Location Reference

Production Area	Menai Strait - East
Cefas Main Site Reference	M055
Ordnance survey 1:25,000	Explorer 263
Admiralty Chart	1464
Production Area	Menai Strait – West
Cefas Main Site Reference	M055
Ordnance survey 1:25,000	Explorer 263
Admiralty Chart	1464

8.3.2 Shellfishery (Menai Strait – East)

Species	Culture Method	Seasonality of Harvest
Mussels (<i>Mytilus sp.</i>)	Wild/Cultured	Year Round
Cockles (<i>Cerastoderma edule</i>)	Wild	Year Round

8.3.3 Shellfishery (Menai Strait – West)

Species	Culture Method	Seasonality of Harvest
Mussels (<i>Mytilus sp.</i>)	Cultured	Year Round
Cockles (<i>Cerastoderma edule</i>)	Wild	Year Round
Pacific oyster (<i>Crassostrea gigas</i>)	Cultured	Year Round

8.3.4 Local Enforcement Authority(s)

Name	Cyngor Gwynedd Council Swyddfa Ardal Meirionnydd Cae Penarlwg, Dolgellau Gwynedd LL40 2YB
Website	n/a
Telephone number	01766 771000
E-mail address	Bwyd@gwynedd.llwy.cymru
Name	Ynys Mon Council County Offices Anglesey LL77 7TW
Website	www.ynysmon.gov.uk

Telephone	01248 750057
E-mail address	Ehealth@ynysmon.llyw.cymru
Name	Conwy County Borough Council PO Box 1 Conwy LL30 9GN
Website	n/a
Telephone number	n/a
E-mail address	Foodsafety-healthandsafety@conwy.gov.uk

Table 8.1 Proposed sampling plan for the Menai Strait – East BMPA. Suggested changes are given in **bold red** type.

Classification Zone	RMP	RMP Name	NGR (OSGB 1936)	Lat / Lon (WGS 1984)	Species Represented	Harvesting Technique	Sampling Method	Sampling Species	Tolerance	Frequency
Area A	TBC	Area A Northern Edge	SH 5743 7338	53°14.3'N, 004°08.26' W	Mussels	Bed Culture	Hand /Dredge	<i>Mytilus</i> sp.	50 m	Monthly
Area 1	TBC	Area 1 SE Corner	SH 5812 7341	53°14.316' N, 004°07.65' W	Mussels	Bed Culture	Hand /Dredge	<i>Mytilus</i> sp.	50 m	Monthly
Area 3	TBC	Area 3 NW Corner	SH 5860 7416	53° 14.73'N 04° 07.23'W	Mussels	Bed Culture	Hand /Dredge	<i>Mytilus</i> sp.	50 m	Monthly
Areas 4	B055U	Gallows Point	SH 5994 7498	53°15.200' N 04°06.048' W	Mussels	Bed Culture	Hand /Dredge	<i>Mytilus</i> sp.	50 m	Monthly
Areas 3 & 4					<i>To be declassified</i>					
Areas 2	TBC	Area 2 SW Corner	SH 5855 7372	53°14.5'N, 004°07.266' W	Mussels	Bed Culture	Hand /Dredge	<i>Mytilus</i> sp.	100 m	Monthly
Area B	TBC	Ballast Bank South	SH 5996 7365	53° 14.483'N, 004° 06.00'W	Mussels	Bed Culture	Hand /Dredge	<i>Mytilus</i> sp.	100 m	Monthly
Areas 2 & B					<i>To be declassified</i>					

Classification Zone	RMP	RMP Name	NGR (OSGB 1936)	Lat / Lon (WGS 1984)	Species Represented	Harvesting Technique	Sampling Method	Sampling Species	Tolerance	Frequency
Area 6	TBC	Horseshoe	SH 6108 7560	53°14.566' N, 004°05.116' W	Mussels	Bed Culture	Hand /Dredge	<i>Mytilus</i> sp.	50 m	Monthly
Areas 5	TBC	Ogwen Channel Southern Edge	SH 6095 7378	TBC	Mussels	Bed Culture	Hand /Dredge	<i>Mytilus</i> sp.	100 m	Monthly
Lavan Sands East	B055X	Lavan Sands East	SH 6624 7470	53°15.143' N 04°00.380' W	Cockles	Hand (rake)	Hand (rake)	<i>C. edule</i>	50 m	Monthly
Lavan Sands West	B055Y	Lavan Sands West	SH 6233 73460	53°14.415' N 04°03.863' W	Cockles	Hand (rake)	Hand (rake)	<i>C. edule</i>	50 m	Monthly

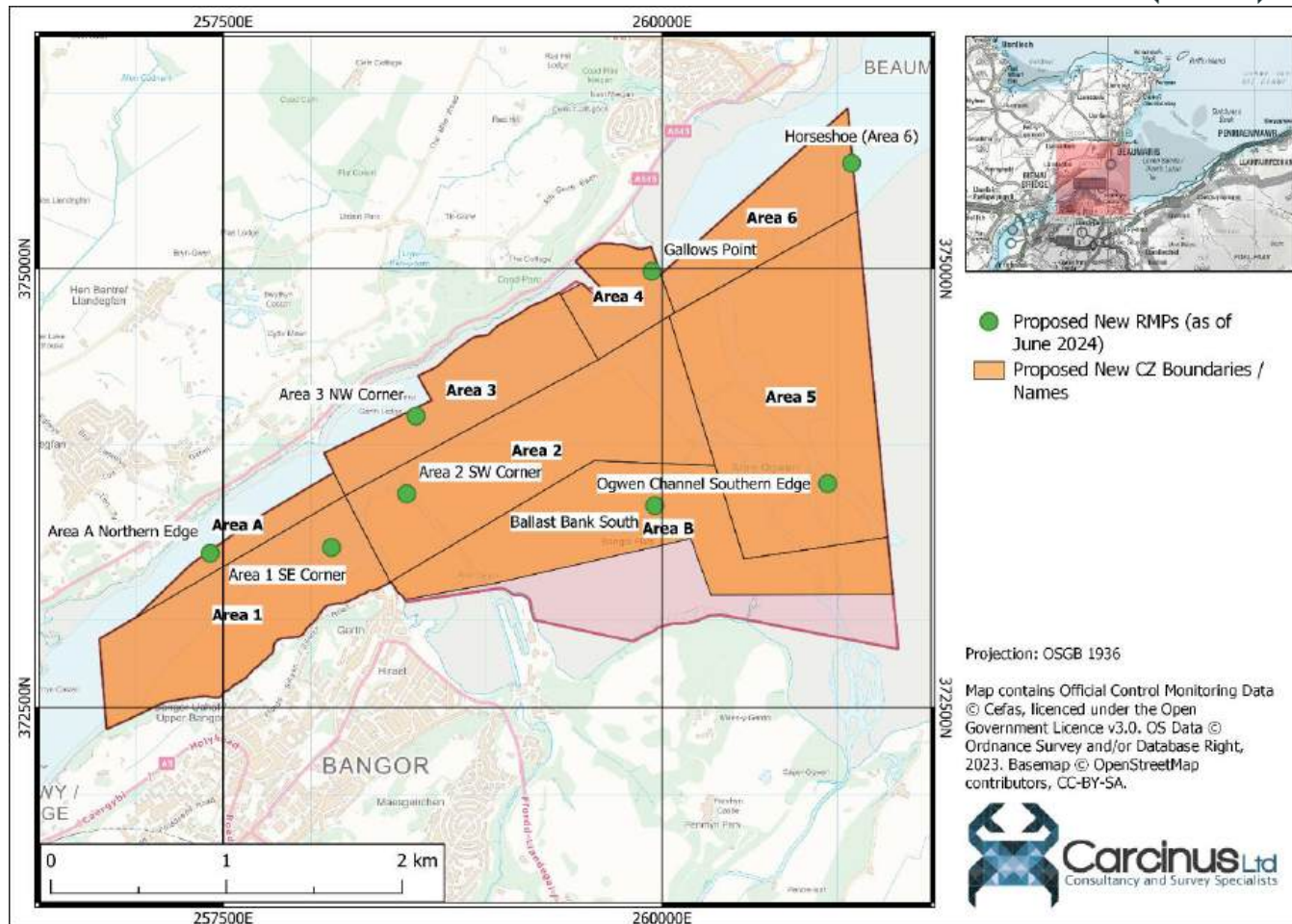


Figure 8.1 Proposed changes to CZ boundaries in the Menai Strait - East BMPA.

Table 8.2 Proposed sampling plan for the Menai Strait – West BMPA. Suggested changes are given in **bold red** type.

Classification Zone	RMP	RMP Name	NGR (OSGB 1936)	Lat / Lon (WGS 1984)	Species Represented	Harvesting Technique	Sampling Method	Sampling Species	Tolerance	Frequency
Barras	B042L	Barras Boat House	SH 4871 6570	53°10.011 'N 04°15.878'W	Mussels, P. oysters	Bed culture	Hand / Dredge	<i>Mytilus</i> sp.	10 m	Monthly
Llanfair	B042O	Area 11 East	SH 4991 6579	53°10.080'N 04°14.804'W	Mussels	Bed culture	Hand / Dredge	<i>Mytilus</i> sp.	10 m	Monthly
Fort Belan	B042P	Fort Belan	SH 4451 6084	53°07.320'N 04°19.503'W	Mussels	Bed culture	Hand / Dredge	<i>Mytilus</i> sp.	10 m	Monthly
Traeth Melynog	TBC	TBC	TBC	TBC	Cockles	Hand	Hand	<i>C. edule</i>	50 m	Monthly

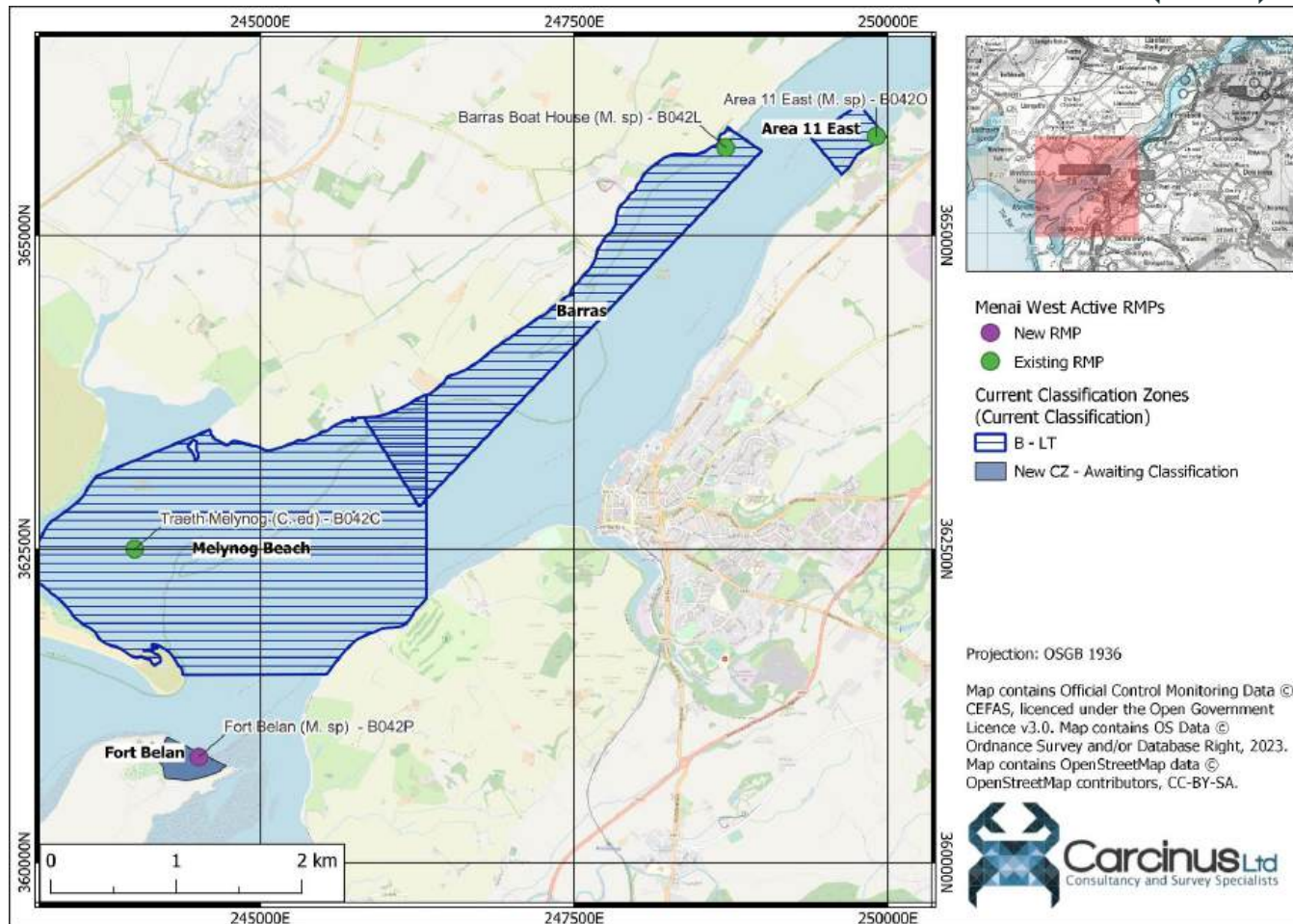


Figure 8.2 Proposed RMP changes for the Menai - West BMPA.