



The Portland Harbour Fishery Order

[2018]

Application Form & **DRAFT Management Plan**

v 7th August 2018

Content

Main Document

- 0. Introduction**
- 1. Applicant Details**
- 2. Cultivation and Management Practices**
- 3. Enforcement and monitoring**
- 4. Hygiene and Disease**
- 5. The Environment**
- 6. Checklist of documentation**
- 7. Data Protection Act 1998**

Annexes

- A. Admiralty Chart 2268**
- B. Biosecurity Plan Template**
- C. Aquaculture in Portland Harbour Potential**
- D. Nature Conservation Review**

Introduction

This document contains the completed application form and draft management plan and adheres to the template provided by the Defra representative.

It is understood that in making this application, the following points apply with regards to Defra's interests:

- Applicants are required to submit a draft management plan for a minimum five year period and must undertake to improve the cultivation/management of the fishery.
- The purpose of the application form is to inform Defra of the type of Fishery Order you intend to apply for.
- This draft management plan is required to establish what we intend to achieve through the granting of an Order. It will enable Defra to assess the merits of our application and will constitute a tool against which performance in the fishery can be monitored. If conditions in the fishery change so that the plan is no longer relevant, we will need to let Defra know and draw up a new one.
- It is necessary to complete all relevant sections after reading the Notes for Guidance on Several/ Regulating Order applications, using additional pages if necessary. The completed application, either electronically or by mail, to the address at the end of the form.
- All interested parties in the site intended for the Several Order should be consulted prior to sending this form. Natural England should also be consulted before sending this form, as they may have recommendations regarding the proposed activity at the site.

This document is also helpful in that it informs stakeholders of our intentions.

1. APPLICANT'S DETAILS

Official name

Full Postal Address

- Telephone number

- Mobile

- Email Address

The location is the same as that defined in the Portland Harbour Revision Order 1997 (<https://www.legislation.gov.uk/ukxi/1997/2949/contents/made>) as 'the harbour' and shown on Chart 2268 (see **Annex A**).

The size of the area is approximately 2000 hectares.

What kind of Order are you applying for and which species would you like it to cover?

Portland Harbour Authority are applying for a Several Order and it will cover "Shellfish" as defined in the Marine and Coastal Access Act 2009 as "crustaceans and molluscs of any kind".

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

The harbour authority is a long established statutory authority responsible for management of the harbour. A duration of 20 years is requested to enable long term planning and strategic management purposes.

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.

Portland Harbour Authority is a statutory harbour authority responsible for managing its jurisdiction in accordance with the Portland Harbour Revision Order 1997.

The harbour includes a diverse mix of users which are represented by a Consultative Committee. The membership and terms of this group is described in the 1997 Order <https://www.legislation.gov.uk/ukxi/1997/2949/article/6/made> and includes local government, nature conservation and environment, leisure, fisheries, shipping, defence and other interests.

The decision by the Harbour Authority to pursue this 'Order' evolved through discussion with the Consultative Committee who's interests are taken account of in this application. Members have been consulted throughout the process and the matter is discussed at each meeting and will remains an item on the agenda. Members are in agreement that the harbour authority with their strategic oversight of the harbour, is best placed to improve the cultivation/ management of the fishery. In securing this order we offer a greater chance of success where the piecemeal approach to date has failed.

The harbour authority's policy is one of

“being supportive of improving the cultivation/ management of the fishery but in doing so it must be mindful of the activities of its users and the environment.”

Where the order will covers areas that are currently used for fishing, please give the last three years' annual production figures of the fishery by volume and value

No official statistics available? - Further info on existing fishing related activity to be inserted.

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 the management plan been agreed with Natural England?

See previous comments relating to 'Consultative Committee'. The matter has also been raised by members of the Consultative Committee with their respective forums where these exist and fed back to the harbour authority and then incorporated into the decision-making and resulting application for this Several Order.

The Hamm Beach User Group was established by the harbour authority in order to manage the safety of watersports activity taking place off Hamm Beach located in the western part of the harbour comprising primarily kitesurfing and windsurfing. The matter of the Order has been included as a regular item on the agenda and members are supportive.

The matter has also been discussed with the Crown Estate who own the majority of the seabed who have also confirmed their support for our proposal. The remaining seabed is owned by the harbour authority comprising an area of seabed surrounding the breakwaters.

Natural England has also been consulted and confirmed their support.

In order to secure support of consultees, it is important to stress that although this management plan does not restrict any specific fishery and will instead treat any application on the merits of the proposal, the harbour authority must recognise that at present our users manage to go about their business without any negative impact on one another (in the main), any potential new user, such as in-water aquaculture, should be able to co-exist in a manner that is acceptable to the users of the harbour and the environment.

2. Cultivation and Management Practices

Please give details of the following:

- **For a Several Fishery (or the Several areas of a Hybrid Order)**

Proposed method of cultivation (e.g. intertidal; sub-tidal; ground, trestles (trays, bags); floating; long-line; suspended)

- Husbandry and biosecurity plans (include details on the. prevention of introduction and control of spread of pests/ listed diseases and non-native species; removal of sediment: provision of cultch; establishment of artificial reefs; general stocking densities)
- Sources of seed (natural resources available as seed; hatchery reared stock)
- Harvesting methods
- Estimated production of each species to be cultivated for the first five years of the Order.

The management of the fishery is anticipated as follows:

1. The harbour authority would have overall responsibility for cultivation/ management of the fishery
2. The harbour authority does not intend to operate the fishery and would instead issue licence(s) or lease(s) to third party operator(s)
3. Parties interested in operating within the harbour would be expected to firstly submit an expression of interest with outline details of their proposals
4. In considering any 'Expression of Interest' the Harbour Authority would take account of its policy relating to cultivation and management of the fishery, the potential viability and the interest of the Harbour Consultative Committee and other parties that the harbour authority considers might have an interest.
5. Successful applicants may then be invited to submit a formal application to the Harbour Authority for consideration.
6. In certain cases a tidal works license consent will need to be issued by the harbour authority and consent from the Crown Estate to lease the seabed.
7. In considering any application the Harbour Consultative Committee and other parties that the harbour authority considers might have an interest would again be consulted. Those matters that raise in 4. Above would remain critical considerations.

Continued on next page.

Cultivation and Management Practices continued _____

8. Successful applicants will be issued with a licence and a lease.

9. Enforcement and monitoring is discussed later in this Plan.

As guidance information that is expected as part of the formal application should at least include the following information:

1. Management Plan
2. Business plan (including annual laying and harvesting production and associated financial projections for the first five years of the Order,
3. Site location plan, design drawings and any construction/ installation method statements
4. Operational procedures to include as examples:
 - a. Cultivation methods (e.g. intertidal; sub-tidal; ground, trestles (trays, bags); floating; long-line; suspended)
 - b. Sources of seed (natural resources available as seed; hatchery reared stock)
 - c. Husbandry and Harvesting methods
5. Timetable of when and where operations will take place throughout the year,
6. An assessment and geographic plan to include details of the how the area is currently used and the nature of the seabed (geology, habitats and species)
7. A description and geographic plan to include details of what aquaculture will take place where and when
8. Biosecurity plan (see template at **Annex B**) – to include details on the. prevention of introduction and control of spread of pests/ listed diseases and non-native species; removal of sediment: provision of cultch; establishment of artificial reefs; general stocking densities)
9. Navigational Risk Assessment, Environmental assessment, Habitats Regulations Assessment and Water Framework Directive Assessment supported by technical surveys as required.

As a tool to improve understanding of the potential viability of any application and inform decision-making associated with future fishery-related activity in the harbour an independent study was commissioned by the harbour authority that focussed specifically on fishery opportunities in the harbour (see **Annex C**). The content includes the following:

1. Introduction
2. Aquaculture Species and Gear Review
 - Molluscs
 - Crustaceans
 - Finfish
 - Macroalgae
3. Annotated Aquaculture Map
4. Aquaculture Preferences for Portland Harbour

- **For a Regulated fishery (or the Regulated areas of a Hybrid Order)**
- Proposed regulations and restrictions to be applied to the fishery;
- Number of licences likely to be issued against each likely demand, and the criteria you intend to use to allocate licences;
- Proposed harvesting methods; and
- Estimated landings for each species to be cultivated for the first five years of the Order.

Not applicable

3. For BOTH Several and Regulated fisheries _____

Please explain your plan for the enforcement and monitoring of the Order and describe the ongoing process for reviewing and evaluating the management plan.

1. A licence or lease would be issued to any successful third party
2. Monitoring and compliance with any lease agreement, the Order and management plan would then be factored into normal daily operations
3. The requirements of the management plan and any associated supporting documentation would be factored into the normal management requirements of the port as will any compliance reporting required as part of this 'draft Order'.
4. The review and evaluation of the management plan would take place annually.
5. The Harbour Consultative Committee offers an additional forum for ongoing review and addressing matters arising.
6. Any enforcement necessary will be achieved using harbour authority powers. Assistance would be sought from the IFCA where any non-compliance falls within their remit.

4. Hygiene and Disease

Directive 91/492/EC requires classification of shellfish harvesting areas. What is the current hygiene classification status of the area to be covered by the Order?

Weymouth Port Authority responded with the following in January 2018:

1. The current classification status for the area is currently “unclassified.” There has been no commercial activity for approximately two years. However, we do hold previous sampling results for the former classified beds adjacent to the north-eastern breakwater.

2. Information regarding this point can be obtained from Defra, see the link below.

<http://webarchive.nationalarchives.gov.uk/20130123215433/http://www.defra.gov.uk/environment/quality/water/water-quality/shellfish-directive/>

Please give details of any shellfish diseases and disease controls in place (e.g. *Bonamia*, *Martelia*, OSHV-1 μ Var) in the area.

Bonamia spp. is a form of protozoa which can cause lethal infection of the haemocytes of European oysters. Infection rarely results in clinical signs of disease, and the only visual cue is often increased mortality or reduced growth. The disease can occur at any time of the year, although the prevalence and intensity of infection is known to increase during the warmer months. In the UK, prevalence is highest in September with significant mortality occurring at water temperatures of 12°-20°C. The disease can have very high infection and mortality rates (up to 80%) which have had a dramatic effect on wild stocks of the species in the UK. In an attempt to control the spread of the disease, DEFRA have set up designation areas for known infection spots. The area of Portland harbour falls inside one of these ‘Confirmed Designation Areas’ meaning the disease is confirmed as prevalent in the area. This places a restriction on the movement of *Ostrea edulis* (and indeed *Mytilus edulis*) in and out of the designated area unless with express consent of DEFRA or if it is going for direct human consumption. This includes movements to depuration facilities that do not discharge into the area.

Further information on the Confirmed Designation Area can be found at the following link;

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/545851/Dorset_Hampshire_Bonamia_Ostreae_CD02.pdf

5. The environment _____

Has any part of the site been designated as, or will the Order impact on any UK protected sites (Special Protection Area, Special Areas of Conservation, Ramsar, and SSSI)?

Yes

No

If **YES** for any of the above, please give details:

The location of the proposal is sited within 2 km of the following:

- Studland to Portland Special Area of Conservation (SAC)
- Isle of Portland Site of Special Scientific Interest (SSSI)
- Isle of Portland to Studland Cliffs SAC
- Portland Harbour Shore SSSI
- Chesil & The Fleet SSSI
- Chesil Beach & The Fleet SPA
- Chesil Beach & The Fleet SAC
- Chesil Beach & The Fleet Wetland Area of International Importance under the Ramsar Convention (Ramsar site)
- Chesil Beach & Stennis Ledges Marine Conservation Zone (MCZ)

Other considerations include: *Armandia cirrhosa*, seagrass beds (*Zostera spp.*) and mud habitats in deep water (sea-pen and burrowing megafauna communities).

See **Annex D** for separate nature conservation review for further details. Any proposal would need to consider the potential implications for designated sites and species and satisfy the tests of the various legislation before a lease could be granted.

Please give any other relevant information.

Any proposal would need to take account of harbour authority environmental considerations that might apply.
Regulatory approvals will vary depending on the project.

6. Checklist of documents to accompany the Management Plan _____

This form, completed

- Admiralty chart of the area (**Annex A** - attached) – the relevant chart is 2268 and the location is the same as that defined in the Portland Harbour Revision Order 1997 as ‘the harbour’.
- All necessary consents (only consent required is from Crown Estate and their response has been confirmed in the application form/ Management Plan)
- For companies incorporated under the Companies Act, a copy of the Memorandum and Articles of Association and any Special Resolution
- For other corporate bodies, copies of relevant instruments of incorporation, charter of local Acts of Parliament
- Additional word documents, with any supplementary information supplied – includes:
 - Portland Harbour – A high level review of aquaculture opportunities
 - Nature Conservation Review
 - Biosecurity Plan Template
- If the proposed Order is in an area protected under the Habitats Directive, an Appropriate Assessment

7. Data Protection Act 1998

Defra will use this information, including personal data provided in this form (Application Form and Draft Management Plan for several and regulating Orders) primarily for purposes of considering applications and the issuing and monitoring of Several and/ or Regulating Orders as described in form FIS 3 (Notes for Guidance).

Defra may also use the information including personal data and annual returns 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 governmental departments for the same purposes.

Information (including personal data) may also be released on request, including under the Environmental Information Regulations, the Code of Practice to Access to Government information and the Freedom of Information Act 2000. Defra or its appointed agents may contact you in connection with occasional customer research aimed at improving the services that Defra provides you.

Signature

Date

Please now send this by email to: michael.gubbins@defra.gsi.gov.co.uk

Alternatively, print and send to the address below:

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