



# **Proposed**

# **The Portland Harbour Fishery Order**

# **\*[2019]\***

# **Management Plan**

version  
30<sup>th</sup> May 2019

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## Introduction

This document is the 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.

**Submitted by email to:** [michael.gubbins@defra.gsi.gov.co.uk](mailto:michael.gubbins@defra.gsi.gov.co.uk)

**Alternatively, print and send to the address below:**

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## 1. APPLICANT'S DETAILS

Official name

Full Postal Address

- Telephone number

- Mobile

- Email Address

What is the location and size of area, in hectares, of the site? Include coordinates of the area applied for.

“The fishery area” means that area of Portland Harbour on the South coast of England described as “the harbour” in article 2 of the Portland Harbour Revision Order 1997 (<https://www.legislation.gov.uk/ukxi/1997/2949/contents/made>). ‘The harbour’ is also shown on Chart 2268 (see **Annex A**) and the size of the area is approximately 2500 hectares.

“The harbour” and therefore “fishery area” means so much of the sea to the south of Weymouth Bay below the level of high water as is within the following imaginary straight lines:—

(a) line drawn east (true) from a point at Latitude 50° 36.42' N, Longitude 02° 26.50' W (the Nothe Point, Weymouth) to a point at Latitude 50° 36.42' N, Longitude 02° 23.84' W, being coterminous with the southern limit of Weymouth Harbour;

(b) a line drawn south (true) from that point to a point at Latitude 50° 32.28' N, Longitude 02° 23.84' W;

(c) a line drawn west (true) from that point to a point at Latitude 50° 32.28' N, Longitude 02° 25.45' W (the north point of Church Ope Cove); and

(d) a line drawn across New Channel at its entrance to East Fleet coterminous with the western side of Ferry Bridge.

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

Portland Harbour Authority are applying for a Fishery 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 and sport, 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. These discussions go back as far as 2017 and members have been consulted throughout the process with the matter being an agenda item at each meeting. 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 the harbour’s existing users and the environment.”***

Where the order will cover 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.

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'. Of relevance, 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 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.

An initial draft of the completed application was circulated to HCC members and the Hamm Beach User Group and this was followed by a wider public consultation. This was circulated to all parties that expressed an interest and was available to the public on the Harbour Authority website until it was replaced in March 2019 with this latest application pack. A hard copy of the original draft was made available at the Portland Port offices for individuals to view as an alternative to online and the same can be said for the formal submission to Defra. To coincide with the circulation of the draft application, a drop-in session was held at the Chesil Beach Centre on Tuesday 17th between 3pm - 7pm. This was advertised through social media and notices were placed on Weymouth Harbour Authority Notice Boards and other locations where fishermen gather. Advice and assistance was sought from the representative on the Harbour Consultative Committee for local fishing interests to ensure we raised awareness about the event. The Chairs of fishing groups were also contacted by phone to give an overview and invitation to attend. Attendees included representatives from the Dorset FLAG, fishermen and the Dorset Wildlife Trust. In the notices interested parties were given the opportunity to contact us separately if they were unable to attend the event which remains an open invitation. The documentation was updated with responses from the consultation taken into account and a further consultation then took place. Defra have been updated on progress at key times and were also provided a hard copy of the draft at the time of consultation.

The document submitted in support of the application to Defra captures the responses to the extensive consultation that has taken place. It will be available to the public for the purpose of the application and the application for this Order advertised in the local paper and fishing news as required by the legal process of making this application.

Members of the Harbour Consultative Committee have been supportive throughout and any feedback during the process has been accommodated where possible.

Natural England has been consulted and the documentation updated to reflect their latest requirements.

Crown Estate have been consulted and provisions in our version of the Order (noting that Defra produce the official version) and Management Plan take account of their interest as owners of the seabed in part. We acknowledge that they have some concerns remaining, namely that although our version of the proposed Order correctly contains the standard form of Crown saving clause, they consider this has only limited utility given the over-riding provisions, in particular section 7, of the primary shell fisheries legislation. They have further referenced legislation where these limitations were confirmed, namely in the 2008 Court of Appeal case, Isle of Anglesey County Council and another v The Welsh Ministries [sic] and others. We also acknowledge that the Crown Estate does not waive any rights to support or promote a development proposal concerning the fishery area as a consequence of this application.

With regards to mooring holders, these are represented on the Harbour Consultative Committee and we have the support of the Committee for our approach.

It is also important to state for the benefit of all stakeholders that our proposals do not in any way intend to restrict existing development, operations and activities, or the potential for future development/ operations, and activities. These interests would be taken into account when deciding upon any application made under this Order and consulted upon accordingly. Our obligations under the Portland Harbour Revision Order 1997 takes precedence.

The RYA have also confirmed that they have no objections in principle on the basis that harbour stakeholders will be consulted following aquaculture proposals. Their position regarding aquaculture follows their guidance available online - [https://www.rya.org.uk/SiteCollectionDocuments/legal/Web%20Documents/Environment/RYA\\_Position\\_Aquaculture.pdf](https://www.rya.org.uk/SiteCollectionDocuments/legal/Web%20Documents/Environment/RYA_Position_Aquaculture.pdf). They recognise that we have given consideration to these requirements within the proposed management plan.

A meeting also took place with the Dorset Wildlife Trust (DWT) to discuss the proposal on Thursday 19<sup>th</sup> September and they subsequently responded with their comments. In response, the management plan and nature conservation review has been updated to take account of their feedback. DWT would be consulted on management plan reviews and any application for a lease under the through the local environmental representative on the harbour consultative committee who has been briefed accordingly. Their response to the 2<sup>nd</sup> consultation has been included as an Appendix to the Nature Conservation Review (**Annex E**).

Southern IFCA presented our proposal at their Technical Advisory Committee on the 30<sup>th</sup> August 2019 and have provided a letter of support (**Annex F**).

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 a lease in relation to this fishery order, should be able to co-exist in a manner that is acceptable to the users of the harbour and the environment. Consultation information is included at **Annex G**.

## 2. Cultivation and Management Practices

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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 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. Consent from the Crown Estate to lease the seabed may also be required.
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 lease.
9. Enforcement and monitoring is discussed later in this Plan.

As guidance, information that may be required as part of the formal application includes the following:

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 draft 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, Water Framework Directive Assessment and assessment of carrying capacity, 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 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 the '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

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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 $\mu$ 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](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:

### European Sites & RAMSAR

- 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)
- Studland to Portland Special Area of Conservation (SAC)
- Isle of Portland to Studland Cliffs SAC

### Marine Conservation Zones (MCZ) and Sites of Special Scientific Interest (SSSI's)

- Chesil Beach & Stennis Ledges MCZ
- Isle of Portland SSSI
- Portland Harbour Shore SSSI
- Chesil & The Fleet SSSI

### Species and Habitats

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

### Environmental Assessment

See **Annex D** for Habitat Regulation Assessment and **Annex E** for a Nature Conservation Review. 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 \_\_\_\_\_

- Admiralty chart of the area (**see Annex A**) – 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 (**none required**)
- For companies incorporated under the Companies Act, a copy of the Memorandum and Articles of Association and any Special Resolution (**see Portland Harbour Revision Order 1997**)
- For other corporate bodies, copies of relevant instruments of incorporation, charter of local Acts of Parliament (**see Portland Harbour Revision Order 1997**)
- Additional word documents, with any supplementary information supplied – includes:
  - Portland Harbour – A high level review of aquaculture opportunities (**see Annex B**)
  - Draft Biosecurity Plan Template (**see Annex C**)
  - Habitat Regulation Assessment (**see Annex D**)
  - Nature Conservation Review (**see Annex E**)
  - Letter of Support from Southern IFCA (**see Annex F**)
- If the proposed Order is in an area protected under the Habitats Directive, an Appropriate Assessment (**see Annex D referenced above**)

## 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.