Welsh Government

Marine and Fisheries Policy Branch

Cathays Park

Cardiff

CF10 3NQ



# **SEVERAL AND REGULATING ORDERS**

# **Information Form required to support an application for a fishery order under the Sea Fisheries (Shellfish) Act 1967**

Applicants for a Several or Regulating Order under the Sea Fisheries (Shellfish) Act 1967 (the ‘1967 Act’) are required to provide sufficient information about their proposed operation to allow Welsh Ministers to determine whether to refuse the application or produce a draft Order for publication.

The key details required by the Welsh Ministers are set out in the Schedule to the Several and Regulated Fisheries (Form of Application) Regulations 1987 (the ‘1987 Regulation’).

When applying to the Welsh Ministers for a fishery order you will need to complete:

1. The Form of Application as determined in the Schedule to the 1987 Regulations, which can be found here: [Several and Regulated Fisheries (Form of Application) Regulations 1987](https://www.legislation.gov.uk/uksi/1987/217/schedule/made);
2. The Information Form to support the application form;
3. A draft Management Plan.

The Information Form provides an opportunity for you to expand on the information provided in the Form of Application and each section refers back to a question on the application form. The information you provide will enable us to assess the merits of your application.

You must complete all relevant sections, making sure you give a full answer to each question and providing additional information which you feel will assist with your application.

If we have to request further information from you this will delay the processing of your application.

You must send your completed Form of Application with the Information Form and draft Management Plan, along with any other supporting documents to marineandfisheries@gov.wales.

If submitting a hard copy, please send to:

Welsh Government

Rhodfa Padarn

Llanvadarn Fawr

Aberystwyth

SY23 3UR

**Welsh Government Domestic Fisheries Policy and Legislation Branch Privacy Notice (*please read before filling in this form*)**

Your privacy is important to the Welsh Government and in line with the UK General Data Protection Regulations (UKK GDPR) we have developed a privacy notice that coves why we collect and use your information. This privacy notice ensures that your personal data will be processed fairly and lawfully and in a transparent manner.

1. **Background**

Please take a moment to familiarise yourself with our privacy practices and why we collect and process the data collected.

Upon receipt of your application the Welsh Government becomes the Data Controller for the personal data you provide us with.

The information we will collect and hold from your application may include your name, address, telephone/mobile number, email address, National Insurance number and evidence of your home address.

1. **What do we do with your information?**

Welsh Government will use this information for the purposes of considering applications and the issuing and monitoring of Several and/or Regulating Orders as described in the Notes for Guidance.

Welsh Government may also use the information, including personal data and annual return figures, for other legitimate purposes including Disease control (both in monitoring and outbreak situations) and compliance with quotas and other fisheries restrictions.

1. **Who do we share your information with?**

The information may also be disclosed to other Fisheries Departments in the UK, their agencies and authorised agents and to other government departments for these same purposes.

1. **How long will we keep your information?**

Welsh Government will only retain your personal data for 4 years and for the purposes set out in this document.

After this point the collated data will either rbe deleted or anonymised in line with best practices and used only for statistical and research purposes.

1. **Your rights in relation to your information.**

Under the data protection legislation, you have the right:

• to access the personal data the Welsh Government holds on you

• require us to rectify inaccuracies in that data

• to (in certain circumstances) object to or restrict processing

• for (in certain circumstances) your data to be ‘erased’

• to lodge a complaint with the Information Commissioner’s Office (ICO) who is our independent regulator for data protection

The contact details for the Information Commissioner’s Office are:

Customer Contact

Wycliffe House

Water Lane

Wilmslow

Cheshire

SK9 5AF

Telephone: 01625 545 745 or 0303 123 1113

Website: [www.ico.gov.uk](http://www.ico.gov.uk)

1. **The Freedom of Information Act and your Information**

The Freedom of Information Act 2000 and the Environmental Information Regulations 2004 allow the public to ask to see information held by public bodies, including the Welsh Government. The information you provide us may be the subject of a freedom of information request by another member of the public. We would consult with you to seek your views before responding to such a request.

1. **Changes to this policy**

The Welsh Government may make changes to this privacy policy at any time and you will be notified of any changes immediately.

For further information on your information rights

Data Protection Officer

Welsh Government

Cathays Park

CARDIFF

CF10 3NQ

Email: Data.ProtectionOfficer@gov.wales

**Version Control**

| **Version Number** | **Date of Change** | **Author’s Initials** |
| --- | --- | --- |
| 1 | 1 June 2021 | MB |
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**Section 1 - Applicant’s details**

**Type of Business**

**Sole proprietor** [ ]  **Partnership** [ ]

**Limited company** [ ]  **Co-operative** [ ]

| **Business Name** |  |
| --- | --- |
| **Address (inc. post code) to which correspondence should be sent** |  |
| **Contact Name** |  |
| **Telephone No.** |  |
| **Email address** |  |

**For Limited Companies**

| **Date Company registered** |  |
| --- | --- |
| **Registered No.** |  |
| **Address (inc. post code) of Registered Company** |  |

**N.B.**

* If the applicant is a company incorporated under the Companies Acts, the Memorandum and Articles of Association should be provided along with any registered Special Resolution of the company.
* If the applicant is a body incorporated in any other manner, the instrument of incorporation should be provided.

**What type of Fishery order are you applying for:**

**Several Order Yes No**

**Regulating Order Yes No**

**Hybrid Order Yes No**

If applying for a Several Order please complete Part 3.

If applying for a Regulating Order, please complete Part 4.

If applying for a Hybrid Order, please complete Parts 3 & 4.

**What species do you want the Order to cover?**

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**Period for which Several Order is sought and justification of duration**

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**Section 2 – Site details**

Location and size, in hectares, of proposed site(s) of Several Order. Please give full co-ordinates.

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Proposed number, type and cost of buoys to be used in marking site(s). (A diagram would be helpful. Please use supplementary sheet).

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**Section 3 – Past and present use for shellfish cultivation**

Including type and extent of infestation by pests and diseases.

1. **Cultivation and Management Practices**

Please give details of the following:

* Proposed method of cultivation (e.g. inter tidal; sub-tidal; ground, trestles (trays, bags); floating; long line; suspended);
* Husbandry plans (e.g. control of pests/fouling organisms; removal of sediment; provision of cultch (where from and how much); establishment of artificial reefs, general stocking densities);
* Type of supply of seed and where from (e.g. natural resources available as seed; hatchery reared stock)
* Location of seed source (is this source from within an SPA/SAC)
* Proposed harvesting methods (Including timing (season), frequency of harvest, time spent on beds)
* Estimated production of each species to be cultivated during the proposed timescale if under five years or for the first five years of the Order if longer.
* Details of Access to the shellfish beds

**Production System (by species)**

1. Sources of seed or spat for stocking site(s) e.g. natural settlement, hatchery.

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1. Cultivation system prior to deposition on sea bed.

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1. Harvesting technique e.g. hand gathering by diver.

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1. Stocking densities of each shellfish species.

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1. Proposed equipment.

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1. Expected growth time of shellfish to harvesting.

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1. Estimated annual production and value of each shellfish species over a five year period.

| **Estimated Output** |
| --- |
| **Species** | **Year** | 20 | 20 | 20 | 20 | 20 |
|  | **Tonnes** |  |  |  |  |  |
| **Value (£)** |  |  |  |  |  |
|  | **Tonnes** |  |  |  |  |  |
| **Value (£)** |  |  |  |  |  |
|  | **Tonnes** |  |  |  |  |  |
| **Value (£)** |  |  |  |  |  |

1. **Disease / Public Health / Environment / Aesthetic Issues**
2. Are there any disease implications historically on site?

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1. Are there any pests (e.g. starfish, crabs). If so, how do you propose to deal with these?

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1. Current public health classification as a shellfish growing area? Please provide official confirmation of this classification.

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1. Possible environmental issues which might affect the application, e.g.
* Pollution
* Is the area classified under the Shellfish Waters Regulations?
* Is the area located within a European Marine Site, Special Area of Conservation (SAC), Special Protection Area (SPA), Marine Protected Area (MPA) or Site of Special Scientific Interest (SSSI)?

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**Section 4a – Several Order: Employment & Markets**

i. Anticipated employment creation over a five year period.

| **Year** | **Full-time Employment** | **Part-time Employment** |
| --- | --- | --- |
| 20 |  |  |
| 20 |  |  |
| 20 |  |  |
| 20 |  |  |
| 20 |  |  |

ii. Location of markets and marketing arrangements.

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iii. Timescale for establishing viable business e.g. number of harvests to give adequate return on investment.

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iv. Minimum area (hectarage) required to undertake business and justification.

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**Section 4b – Regulating Order**

i. Description and hectarage of site(s) to be covered by the Regulating Order. Please give details of the landowner

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ii. Period for which Regulating Order is sought and justification of duration

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iii. Shellfish species to be managed. Please use a supplementary sheet if necessary

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iv. Details of stock assessment and plans for subsequent stock monitoring, assessment and evaluation

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v. Details of proposed management regime, regulations and restrictions to be applied in relation to the issue of licences and/or access to the fishery, levies or tolls to be imposed

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**Section 5 – Additional information relevant to the application**

1. **Enforcement and Monitoring**
2. Please explain your plan for the enforcement and monitoring of the Order.

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1. **Existing Business (if applicable)**
2. Brief description of present business including name, address and telephone/fax numbers. If a registered shellfish business provide business and site numbers.

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1. Business start-up date.

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1. Experience/qualifications on the cultivation of shellfish.

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1. Number of staff (full time and part time).

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1. Location of present business.

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1. Volume and value of shellfish production by species for last three years (if available).

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1. **Impact on other fisheries in the area of the proposed Several or Regulating Order**

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1. **Details of consultations undertaken, comments sought and obtained from other interests**

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1. **Details of outstanding objections or representations**

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1. **Details of the constitution of the applicants and, if appropriate, copies of their Memorandum and Articles of Association etc.**

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1. **Environmental considerations, e.g.**
* Pollution
* Is the area classified under the Shellfish Waters Regulations?
* Is the area located within a European Marine Site, Special Area of Conservation (SAC), Special Protection Area (SPA), Marine Protected Area (MPA) or Site of Special Scientific Interest (SSSI)?

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1. **Permissions and consents**

You must have the permissions and consents necessary for your application.

1. Do you have a Fish Health Inspectorate (FHI/Cefas) Aquaculture Production Business (APB) authorisation?

 [ ] Yes [ ] No

If ‘Yes’, please provide it.

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If ‘No’, please confirm the authorisation has been applied for.

 [ ] Yes [ ] No

**We will not be able to complete the assessment of the application until the APB has been provided.**

1. Does your application require any other permissions or consents?

 [ ] Yes [ ] No

If ‘Yes’, please give details.

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1. **Any other relevant information**

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**Section 6 – Financial Declaration**

I confirm that I have the financial resources available to establish the business set out in this Business Plan if this Several Order is granted. [ ]

**Section 7 – Declaration**

I the undersigned hereby confirm that the information contained within this document is correct.

| **Name (printed)** |  |
| --- | --- |
| **Signature** |  |
| **Date** |  |

**Checklist of documents to accompany this application**

For **Several Orders only**

* Draft Management Plan
* Two copies of the Admiralty chart for the area, one with the fishery

marked on it

* Environmental Statement

For **Several and Regulating Orders**

* 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 or private or local Act of Parliament relating to that body
* Additional sheets (if necessary)

* All necessary agreements \*

*\* Regulation 4 of the 1987 Regulation requires that an Application must be accompanied by, a) evidence in writing that all consents required under sub-sections (4) and (5) of section 1 of the 1967 Act have been obtained. Subsection 4 has been repealed but subsection 5 provides that No order under this section shall take away or abridge any right of several fishery or any right on or over the sea shore, being a right enjoyed by any person under any local or special Act of Parliament or any Royal Charter, letters patent, prescription, or immemorial usage, except with the consent of that person.*

**Please send the completed form to Welsh Government at** **marineandfisheries@gov.wales**

**If submitting a hard copy, please send to:**

**Welsh Government**

**Marine and Fisheries Division**

**Rhodfa Padarn**

**Llanvadarn Fawr**

**Aberystwyth**

**SY23 3UR**

**To be completed by Welsh Government:**

Date received:

Acknowledgement sent:

**Table giving a brief outline of what type of information should be submitted as part of your application**

|  |  |  |
| --- | --- | --- |
| **Information Required** | **Level of detail** | **Reason information is required** |
| What is the Several/Regulating Order for? | * What species?
* Location of Several/Regulating Order (including chart and boundary coordinates, natural beds and other activities within the proposed area)
* How long you require the Several/Regulating order for?
 | To establish what the application is for. |
| Information on your proposal | * Amount of seed/stocking density and source
* Area to be cultivated (Ha)
* Methodology of cultivation (seeding/culture laying, growing on, equipment required etc.)
* Methodology of harvesting (equipment required i.e. hand or dredge harvesting, size of dredger, access pathways)
* Ground preparation requirements
* Cultivation/harvesting cycles (how often? how much? time of year?)
 | This information and level of detail is required to fully assess the proposal and any potential impacts on the baseline environment. |
| Baseline information of area | Quantitative information on the physical, biological and chemical environment:* Hydrology (waves, tides, currents)
* Sedimentology (map of sediment type i.e. sand/silt/gravel)
* Nutrients (e.g. Nitrogen, Phosphorus, Oxygen)
* Contaminants (e.g. metals, tins, hydrocarbons)
* Benthos
* Fish and shellfish (including existing beds within proposed order)
* Birds
* Marine mammals
 | This information is required to characterise the several order area to determine what habitats and species are present, which may be affected by your proposal.This information may already exist and Natural Resource Wales may be able to assist you with locating it. |
| Nature Conservation  | * Detail any designated nature conservation sites within 5 km of the proposal (SAC/SPA/SSSI/Ramsar site/MCZ/EMS)
* List features of those designated conservation sites using Reg 37 advice (i.e. estuaries, large shallow inlets and bays, river lamprey and oystercatcher)
* List conservation objectives for each of those features using Reg 37 advice (i.e. maintain, recover, improve)
 | This information is required to establish which features and conservation objectives of designated conservation sites may be affected by your proposal.An example of a feature from the Carmarthen Bay and Estuaries EMS (SAC and SPA) is ‘Large Shallow Inlets and Bays’ and the conservation objective for that feature is to ‘maintain (or restore) the structure and function of large shallow inlets and bays’.This information is available from Natural Resource Wales. |
| Details of other plans/projects/activities proposed or existing | * Location of other proposed or existing plan/project/activity
* The nature of the other proposed or existing plan/project/activity
 | To determine the potential in-combination effects.For example any construction (ports/jetties/power station/coastal protection schemes), dredge/disposal (capital/maintenance/aggregates/disposal sites) or other aquaculture/fisheries. |