

2019 No. 4

ENVIRONMENTAL PROTECTION

MARINE MANAGEMENT

WILDLIFE

**The Bembridge Marine Conservation Zone Designation Order
2019**

Made - - - - - *20th May 2019*

Coming into force - - - - - *31st May 2019*

The Secretary of State makes the following Order in exercise of the power conferred by section 116(1), and in accordance with sections 117(1), (2) and (7), 118(1) and (6), and 123(1), of the Marine and Coastal Access Act 2009(a).

The Secretary of State thinks it desirable to make this Order for the purpose of conserving the marine habitats and the species of marine flora and fauna specified in Schedule 2 to this Order.

The Secretary of State has had regard to any obligations under EU or international law that relate to the conservation or improvement of the marine environment in accordance with section 123(5) of that Act.

The Secretary of State has—

- (a) published notice of the proposal to make this Order in accordance with section 119(2) and (3) of that Act, and
- (b) consulted persons who the Secretary of State thinks are likely to be interested in, or affected by, the making of this Order in accordance with section 119(4) of that Act.

Citation and commencement

1. This Order may be cited as the Bembridge Marine Conservation Zone Designation Order 2019 and comes into force on 31st May 2019.

Interpretation

2.—(1) In this Order—

“protected feature”, in relation to the Zone, has the meaning given by article 4;

(a) 2009 c. 23. See section 116(5) for the definition of “appropriate authority”.

“the Zone” means the area designated by article 3(1) as a marine conservation zone.

(2) In this Order, references to “co-ordinates” are references to co-ordinates of latitude and longitude according to the World Geodetic System 1984(a).

Area designated

3.—(1) The area described in paragraph (2) is designated as a marine conservation zone.

(2) The area is the marine area enclosed by the twelve boundary lines which are described in Schedule 1, in each case by reference to—

- (a) the co-ordinates of the points joined by the line, and
- (b) a topographical description of the line.

(3) In paragraph (2), “marine area”, in relation to the area designated, means—

- (a) any area of seabed or other land (whether or not covered by water) within that area, and
- (b) all of the water covering any part of that seabed or other land.

(4) The Zone may be referred to as “the Bembridge Marine Conservation Zone”.

Protected features

4. The protected features of the Zone are specified in Schedule 2.

Conservation objective

5.—(1) The conservation objective of the Zone is that the protected features—

- (a) so far as already in favourable condition, remain in such condition, and
- (b) so far as not already in favourable condition, be brought into such condition, and remain in such condition.

(2) In paragraph (1), “favourable condition”—

- (a) with respect to a habitat within the Zone, means that—
 - (i) its extent is stable or increasing, and
 - (ii) its structure and functions, its quality, and the composition of its characteristic biological communities are such as to ensure that it remains in a condition which is healthy and not deteriorating;
- (b) with respect to a species of marine fauna or flora within the Zone, means that the quality and quantity of its habitat and the composition of its population in terms of number, age and sex ratio are such as to ensure that the population is maintained in numbers which enable it to thrive.

(3) In paragraph (2)(a)(ii), the reference to the composition of the characteristic biological communities of a habitat includes a reference to the diversity and abundance of species forming part of, or inhabiting, that habitat.

(4) For the purposes of paragraph (2)(a)(ii), any temporary deterioration in condition is to be disregarded if the habitat is sufficiently healthy and resilient to enable its recovery.

(5) For the purposes of paragraph (2)(b), any temporary reduction of numbers is to be disregarded if the population is sufficiently thriving and resilient to enable its recovery.

(a) The World Geodetic System 1984 (“WGS 84”) defines a reference frame for the earth, for use in geodesy and navigation. It was developed by the United States’ National Geospatial-Intelligence Agency and is maintained by it. WGS 84 is defined at paragraph 2.1 of the United States’ National Imagery and Mapping Agency Technical Report TR8350.2, third edition, amendment 1 of 3rd January 2000 entitled “Department of Defense World Geodetic System 1984” (<http://earth-info.nga.mil/GandG/publications/tr8350.2/wgs84fin.pdf>).

(6) For the purpose of determining whether a protected feature is in favourable condition within the meaning of paragraph (2), any alteration to that feature brought about entirely by natural processes is to be disregarded.

20th May 2019

Thérèse Coffey
Parliamentary Under Secretary of State
Department for Environment, Food and Rural Affairs

SCHEDULE 1

Article 3(2)

Area designated – boundary lines

| <i>Boundary line</i> | <i>Set of co-ordinates of points which boundary line joins</i> | <i>Topographical description of boundary line</i> |
|----------------------|--|---|
| 1. | A, B | Geodesic line |
| 2. | B, C | Geodesic line |
| 3. | C, D | Geodesic line |
| 4. | D, E | Geodesic line |
| 5. | E, F | Geodesic line |
| 6. | F, G | Geodesic line |
| 7. | G, H | Geodesic line |
| 8. | H, I | Geodesic line |
| 9. | I, J | Geodesic line |
| 10. | J, K | Mean high water line |
| 11. | K, L | Geodesic line |
| 12. | L, A | Mean high water line |

where—

- “A” is 50° 43' 18.961" N and 01° 06' 41.049" W;
- “B” is 50° 43' 31.737" N and 01° 04' 26.414" W;
- “C” is 50° 42' 37.267" N and 01° 04' 26.875" W;
- “D” is 50° 42' 03.816" N and 01° 03' 05.116" W;
- “E” is 50° 42' 17.100" N and 01° 02' 57.651" W;
- “F” is 50° 42' 15.920" N and 01° 02' 43.904" W;
- “G” is 50° 42' 00.054" N and 01° 02' 49.824" W;
- “H” is 50° 41' 59.658" N and 00° 59' 45.652" W;
- “I” is 50° 40' 33.307" N and 00° 57' 48.871" W;
- “J” is 50° 36' 03.142" N and 01° 10' 45.619" W;
- “K” is 50° 41' 44.846" N and 01° 05' 36.870" W; and
- “L” is 50° 41' 49.329" N and 01° 05' 53.221" W.

SCHEDULE 2

Article 4

Protected features

| <i>Protected feature</i> | <i>Type of feature</i> |
|---|---------------------------|
| Subtidal coarse sediment | Broadscale marine habitat |
| Subtidal mixed sediments | Broadscale marine habitat |
| Subtidal mud | Broadscale marine habitat |
| Subtidal sand | Broadscale marine habitat |
| Maerl beds | Marine habitat |
| Sea-pen and burrowing megafauna communities | Marine habitat |
| Seagrass beds | Marine habitat |
| Sheltered muddy gravels | Marine habitat |
| Native oyster (<i>Ostrea edulis</i>) | Species of marine fauna |
| Short snouted seahorse (<i>Hippocampus hippocampus</i>) | Species of marine fauna |
| Stalked jellyfish (<i>Calvadosia campanulata</i>) | Species of marine fauna |
| Stalked jellyfish (<i>Haliclystus species</i>) | Species of marine fauna |
| Peacock's tail (<i>Padina pavonica</i>) | Species of marine flora |

EXPLANATORY NOTE

(This note is not part of the Order)

This Order designates an area as a marine conservation zone (which may be referred to as “the Bembridge Marine Conservation Zone”). The area designated is defined in article 3 and Schedule 1. The protected features of that Zone are specified by article 4 and in Schedule 2. The conservation objective of that Zone is set out in article 5.

A full impact assessment of the effect that this instrument will have on the costs of business, the voluntary sector and the public sector is available at <https://www.gov.uk/government/consultations/marine-conservation-zones-third-tranche-of-designations>.