

2019 No. 19

ENVIRONMENTAL PROTECTION

MARINE MANAGEMENT

WILDLIFE

**The Helford Estuary 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 species of marine fauna specified in article 4 of 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 Helford Estuary 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 subsection 116(5) for the definition of “appropriate authority”.

“the Zone” means the area designated in 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 eight boundary lines which are described in the Schedule, 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 Helford Estuary Marine Conservation Zone”.

Protected features

4. The species of marine fauna which is the protected feature of the Zone is native oyster (*Ostrea edulis*).

Conservation objective

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

- (a) so far as already in favourable condition, remains 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”, with respect to the protected feature 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 to ensure that the population is maintained in numbers which enable it to thrive.

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

(4) For the purpose of determining whether the 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

(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>).

SCHEDULE

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	Mean high water line
3.	C, D	Geodesic line
4.	D, E	Mean high water line
5.	E, F	Geodesic line
6.	F, G	Mean low water line
7.	G, H	Geodesic line
8.	H, A	Mean high water line

Where—

“A” is 50° 05' 58.676" N and 05° 06' 05.077" W;

“B” is 50° 05' 08.180" N and 05° 04' 33.546" W;

“C” is 50° 04' 53.938" N and 05° 11' 34.718" W;

“D” is 50° 04' 53.690" N and 05° 11' 35.241" W;

“E” is 50° 05' 29.292" N and 05° 12' 16.088" W;

“F” is 50° 05' 29.590" N and 05° 12' 15.260" W;

“G” is 50° 05' 31.226" N and 05° 12' 15.451" W; and

“H” is 50° 05' 32.351" N and 05° 12' 15.053" W.

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 Helford Estuary Marine Conservation Zone”). The area designated is defined in article 3 and the Schedule. The protected feature of that Zone, native oyster, is specified by article 4. 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 and the voluntary sector is available at <https://www.gov.uk/government/consultations/marine-conservation-zones-third-tranche-of-designations>.