

**2019 No. 36**

**ENVIRONMENTAL PROTECTION**

**MARINE MANAGEMENT**

**WILDLIFE**

**The Solway Firth 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 Solway Firth 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;

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(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 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 Solway Firth Marine Conservation Zone”.

### **Protected feature**

4. The species of marine fauna which is the protected feature of the Zone is smelt (*Osmerus eperlanus*).

### **Conservation objective**

5.—(1) The conservation objective is that, in relation to the protected feature—

- (a) the habitat used by members of that species for the purposes of spawning (“spawning habitat”)—
  - (i) so far as already in favourable condition, remain in such condition, and
  - (ii) so far as not already in favourable condition, be brought into such condition, and remain in such condition; and
- (b) the population of that species—
  - (i) so far as already in favourable condition, remain in such condition, and
  - (ii) 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 spawning habitat within the Zone, means that the habitat is of sufficient quality and quantity to enable members of the species using the habitat to survive, aggregate, nest, lay or fertilise eggs during breeding, and
- (b) with respect to the population of that species within the Zone, means that the composition of that 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) For the purposes of paragraph (2)(b), any temporary reduction of numbers is to be disregarded if the population is sufficiently healthy 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.

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(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>).

20th May 2019

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

## 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	Geodesic line following Scottish Adjacent Water limit(a)
3.	C, D	Geodesic line following Scottish Adjacent Water limit
4.	D, E	England and Scotland boundary line
5.	E, F	Geodesic line
6.	F, G	Mean high water line
7.	G, H	Geodesic line
8.	H, A	Mean high water line

where—

- “A” is 54° 53' 37.803" N and 03° 21' 39.916" W;
- “B” is 54° 56' 25.272" N and 03° 20' 36.837" W;
- “C” is 54° 57' 39.199" N and 03° 14' 09.903" W;
- “D” is 54° 57' 40.956" N and 03° 11' 26.049" W;
- “E” is 54° 56' 58.726" N and 03° 08' 56.472" W;
- “F” is 54° 57' 18.885" N and 03° 07' 12.027" W;
- “G” is 54° 57' 11.964" N and 03° 07' 04.229" W; and
- “H” is 54° 57' 07.530" N and 03° 07' 23.018" 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 Solway Firth Marine Conservation Zone”). The area designated is defined in article 3 and the Schedule. The protected feature of that Zone is specified in article 4 and 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>.

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(a) S.I. 1999/1126.