

2019 No. 10

ENVIRONMENTAL PROTECTION

MARINE MANAGEMENT

WILDLIFE

**The Cumbria Coast Marine Conservation Zone Designation
(Amendment) Order 2019**

Made - - - - *20th May 2019*
Coming into force - - *31st May 2019*

The Secretary of State makes the following Order in exercise of the powers conferred by sections 116(1) and 122(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 referred to in article 2(4) and (5) 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 Cumbria Coast Marine Conservation Zone Designation (Amendment) Order 2019 and comes into force on 31st May 2019.

(a) 2009 c. 23. See section 116(6) for the definition of “appropriate authority”.

Amendment to the Cumbria Coast Marine Conservation Zone Designation Order 2013

2.—(1) The Cumbria Coast Marine Conservation Zone Designation Order 2013^(a) is amended as follows.

(2) In article 2 (interpretation)—

- (a) in the definition of “co-ordinate” omit “and”;
- (b) for the definition of “the Zone”, substitute—
“Zone 1” means the area designated by article 3(1) as a marine conservation zone; and
“Zone 2” means the area designated by article 3(2A) as a marine conservation zone.

(3) In article 3 (area designated)—

- (a) in the heading, for “Area” substitute “Areas”;
- (b) in paragraph (1), after “zone” insert “and may be referred to as “Zone 1 of the Cumbria Coast Marine Conservation Zone””;
- (c) in paragraph (2), after “described in” insert “Table 1 of”;
- (d) after paragraph (2), insert—

“(2A) The area described in paragraph (2B) is designated as a marine conservation zone and may be referred to as “Zone 2 of the Cumbria Coast Marine Conservation Zone”.

(2B) The area is the marine area enclosed by the fourteen boundary lines which are described in Table 2 of 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.”;
- (e) in paragraph (3), for “paragraph (2)” substitute “paragraphs (2) and (2B)”;
- (f) in paragraph (4), for “The Zone” substitute “Together Zones 1 and 2”.

(4) In article 4—

- (a) in the heading, for “objective” substitute “objectives of Zone 1”;
- (b) in paragraph (1)—
 - (i) for “the Zone” substitute “Zone 1”; and
 - (ii) after “(“the habitats”)” insert “and razorbill (*Alca torda*)”;
- (c) in paragraph (2), for the words from “of” to “habitats” substitute “in respect of the habitats of Zone 1, is that they”;
- (d) in paragraph (3) for “the Zone” substitute “Zone 1”;
- (e) after paragraph (6) insert—

“(7) The conservation objective for razorbill in Zone 1 is the same as the conservation objective for razorbill in Zone 2, as specified in article 5 but as if references to Zone 2 were references to Zone 1.”.

(5) After article 4 insert—

“Protected feature and conservation objective of Zone 2

5.—(1) The protected feature for Zone 2 is razorbill (*Alca torda*).

(2) The conservation objective in relation to razorbill in Zone 2 is that—

- (a) the habitat used by members of that species (“supporting habitat”)—
 - (i) so far as in favourable condition, remain in such condition, and

(a) Ministerial Order 2013 No. 6 made on 21st November 2013.

- (ii) so far as not already in favourable condition, be brought into such condition and remain in such condition;
- (b) the population of breeding razorbill—
 - (i) so far as 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.
- (3) In paragraph (2), “favourable condition”—
 - (a) with respect to supporting habitat within Zone 2, means that—
 - (i) its extent and distribution is stable or increasing;
 - (ii) its structures 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 the population of breeding razorbill occurring within Zone 2 (whether temporary or otherwise), means that the distribution, size, age and sex ratios of the population are such as to ensure that it is maintained in numbers which enable it to thrive.
- (4) 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.”
- (6) In Schedule 1—
 - (a) In the heading, for “Area” substitute “Areas”;
 - (b) before the table, insert—

“Table 1 – Zone 1”;
 - (c) in the list of boundary point co-ordinates, for the entries for boundary points “A” and “B” substitute—
 - ““A” is 54° 32' 24.579" N and 03° 36' 11.132" W;
 - “B” is 54° 20' 32.146" N and 03° 25' 54.138" W;”;
 - (d) at the end, insert—

“Table 2 – Zone 2

<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, I	Geodesic line
2.	I, H	A line every point of which is 1 kilometre from the nearest point of the mean high water line
3.	H, G	Geodesic line
4.	G, J	Mean low water line
5.	J, K	Geodesic line
6.	K, L	Geodesic line
7.	L, M	Geodesic line
8.	M, N	Geodesic line
9.	N, O	Geodesic line
10.	O, P	Geodesic line
11.	P, Q	Geodesic line
12.	Q, R	Geodesic line
13.	R, S	Mean high water line
14.	S, A	Mean high water line

where—

“A” is 54° 32' 24.579" N and 03° 36' 11.132" W;

“G” is 54° 29' 01.503" N and 03° 36' 07.177" W;

“H” is 54° 28' 48.473" N and 03° 36' 38.856" W;

“I” is 54° 32' 29.803" N and 03° 37' 06.737" W;

“J” is 54° 28' 07.399" N and 03° 35' 09.881" W;

“K” is 54° 27' 56.727" N and 03° 35' 57.225" W;

“L” is 54° 28' 45.187" N and 03° 37' 01.607" W;

“M” is 54° 29' 01.468" N and 03° 37' 59.698" W;

“N” is 54° 30' 33.736" N and 03° 39' 22.942" W;

“O” is 54° 31' 21.355" N and 03° 39' 21.665" W;

“P” is 54° 32' 02.708" N and 03° 37' 27.427" W;

“Q” is 54° 32' 58.295" N and 03° 37' 00.304" W;

“R” is 54° 32' 57.313" N and 03° 36' 03.773" W; and

“S” is 54° 32' 25.040" N and 03° 36' 16.264" W.”.

(7) In Schedule 2, in the heading, before “Protected features”, insert “Zone 1”.

20th May 2019

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

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Cumbria Coast Marine Conservation Zone Designation Order 2013 (Ministerial Order 2013 No. 6) to amend the boundary of the Cumbria Coast Marine Conservation Zone designated in 2013 and to designate as a marine conservation zone an area contiguous to that zone. Together, the two zones may be referred to as the Cumbria Coast Marine Conservation Zone. The Order adds razorbill (*Alca torda*) which is a species of marine fauna as a protected feature in the Cumbria Coast Marine Conservation Zone. The conservation objectives of the Cumbria Coast Marine Conservation Zone are set out in the Order, as amended, in article 4 and new 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>.