

2019 No. 14

ENVIRONMENTAL PROTECTION

MARINE MANAGEMENT

WILDLIFE

**The East of Haig Fras 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 marine habitats and the species of marine fauna referred to in article 2(3) and (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 East of Haig Fras Marine Conservation Zone Designation (Amendment) Order 2019 and comes into force on 31st May 2019.

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

Amendment to the East of Haig Fras Marine Conservation Zone Designation Order 2013

2.—(1) The East of Haig Fras Marine Conservation Zone Designation Order 2013(a) is amended as follows.

(2) In article 2 (interpretation)—

(a) at the end of the definition of “co-ordinate”, omit “and”;

(b) after the definition of “co-ordinate”, insert—

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

(3) For article 4 substitute—

“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 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 a species of marine fauna 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.

(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.”.

(4) In Schedule 2 (protected features), for the table substitute—

Table 1

<i>“Protected feature</i>	<i>Type of feature</i>
High energy circalittoral rock	Broadscale marine habitat
Moderate energy circalittoral rock	Broadscale marine habitat

(a) Ministerial Order 2013 No. 7 made on 21st November 2013; amended by Ministerial Order 2016 No. 26 made on 12th January 2016.

Subtidal mud	Broadscale marine habitat
Subtidal sand	Broadscale marine habitat
Sea-pen and burrowing megafauna communities	Marine habitat
Subtidal coarse sediment and subtidal mixed sediments mosaic	Marine habitat
Fan mussel (<i>Atrina fragilis</i>)	Species of marine fauna”

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 East of Haig Fras Marine Conservation Zone Designation Order 2013 (Ministerial Order 2013 No. 7) to add high energy circalittoral rock, sea-pen and burrowing megafauna communities and fan mussel (*Atrina fragilis*) as protected features in that Order. The conservation objective of the Zone is set out in 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>.