

2013 No. 11

WILDLIFE

ENVIRONMENTAL PROTECTION

MARINE MANAGEMENT

**The Kingmere Marine Conservation Zone Designation Order
2013**

Made

21st November 2013

Coming into force

12th December 2013

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 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 the Marine and Coastal Access Act 2009(a).

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 are likely to be interested in, or affected by, the making of this Order in accordance with section 119(4) of that Act.

The Secretary of State makes the following Order in exercise of the powers conferred by sections 116(1), 117(1), (2) and (7), 118(1) and (6), and 123(1) of that Act.

Citation and commencement

1. This Order may be cited as the Kingmere Marine Conservation Zone Designation Order 2013 and comes into force on 12th December 2013.

Interpretation

2. In this Order—

“co-ordinate” means a co-ordinate on the World Geodetic System 1984(b);

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- (a) 2009 c.23. For the definition of the “appropriate authority” see sections 116(5) and 147(1) of that Act.
 - (b) For the definition of “World Geodetic System 1984” see the National Geospatial-Intelligence Agency Technical Report TR8350.2, “Department of Defense World Geodetic System 1984, Its Definition and Relationships With Local Geodetic Systems”, Third Edition, 4 July 1997.

“protected feature” means the features specified by article 4 and in Schedule 2; and
“the Zone” means the area designated by article 3(1) as a marine conservation zone.

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 five 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 Kingmere Marine Conservation Zone”.

Protected features

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

Conservation objectives

- 5.—(1) There are two conservation objectives of the Zone, namely—
- (a) the objective specified in paragraph (2); and
 - (b) the objective specified in paragraph (6).
- (2) The first conservation objective is that the marine habitats specified in Schedule 2—
- (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.
- (3) In paragraph (2), “favourable condition”, with respect to a habitat within the Zone, means that—
- (a) its extent is stable or increasing; and
 - (b) 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.
- (4) In paragraph (3)(b), 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.
- (5) For the purposes of paragraph (3)(b), any temporary deterioration in condition is to be disregarded if the habitat is sufficiently healthy and resilient to enable its recovery.
- (6) The second conservation objective is that, in relation to Black seabream—
- (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 (whether temporary or otherwise) of that species occurring in the Zone be free of disturbance of a kind likely significantly to affect the survival of its members or their ability to aggregate, nest, or lay, fertilise or guard eggs during breeding.

(7) In paragraph (6)(a)(i) and (ii), “favourable condition”, with respect to 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, or lay, fertilise or guard eggs during breeding.

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

(9) In paragraph (6), “Black seabream” means the species *Spondyliosoma cantharus*.

21st November 2013

George Eustice
Parliamentary Under Secretary of State
Department for Environment, Food and Rural Affairs

SCHEDULE 1

Article 3

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, A	Geodesic line

where—

- “A” is 50° 44' 41.957" N and 00° 32' 46.532" W;
- “B” is 50° 44' 46.875" N and 00° 22' 06.962" W;
- “C” is 50° 44' 11.905" N and 00° 22' 07.300" W;
- “D” is 50° 42' 29.275" N and 00° 24' 48.399" W; and
- “E” is 50° 42' 24.832" N and 00° 32' 48.469" W.

SCHEDULE 2

Article 4

Protected features

<i>Protected feature</i>	<i>Type of feature</i>
Moderate energy infralittoral rock and thin mixed sediments	Marine habitat
Subtidal chalk	Marine habitat
Black seabream (<i>Spondyliosoma cantharus</i>)	Species of marine fauna

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 Kingmere 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 two conservation objectives of that Zone are 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 may be seen at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/82721/mcz-designate-ia-20121213.pdf.