

2019 No. 5

ENVIRONMENTAL PROTECTION

MARINE MANAGEMENT

WILDLIFE

**The Berwick to St Mary's 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 Berwick to St. Mary's 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 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 thirty 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 Berwick to St Mary’s Marine Conservation Zone”.

Protected feature

4. The species of marine fauna which is the protected feature of the Zone is common eider (*Somateria mollissima*).

Conservation objectives

5.—(1) The conservation objectives of the Zone are that, in relation to common eider (*Somateria mollissima*)—

- (a) the habitat used by members of that species (“supporting 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;
- (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 supporting habitat within the Zone, means that—
 - (i) its extent and distribution 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 the population of that species occurring within the Zone (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.

(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.

(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>).

(4) For the purpose of determining whether the protected feature is in a 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

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	A line every point of which is three nautical miles from the nearest point of the mean high water line
3.	C, D	Geodesic line
4.	D, E	Geodesic line
5.	E, F	Geodesic line
6.	F, G	Geodesic line
7.	G, H	Geodesic line
8.	H, I	A line every point of which is three nautical miles from the nearest point of the mean high water line
9.	I, J	Geodesic line
10.	J, K	Mean high water line
11.	K, L	Geodesic line
12.	L, M	Geodesic line
13.	M, N	Geodesic line
14.	N, O	Geodesic line
15.	O, P	Geodesic line
16.	P, Q	Mean high water line
17.	Q, R	Geodesic line
18.	R, S	Mean high water line
19.	S, T	Geodesic line
20.	T, U	Mean high water line
21.	U, V	Geodesic line
22.	V, W	Mean high water line
23.	W, X	Geodesic line
24.	X, Y	Mean low water line
25.	Y, Z	Geodesic line
26.	Z, AA	Mean low water line
27.	AA, AB	Geodesic line
28.	AB, AC	Mean low water line
29.	AC, AD	Geodesic line
30.	AD, AE	Mean low water line
31.	AE, AF	Geodesic line
32.	AF, AG	Mean high water line

33.	AG, AH	Geodesic line
34.	AH, AI	Mean low water line
35.	AI, AJ	Geodesic line
36.	AJ, AK	Mean high water line
37.	AK, AL	Geodesic line
38.	AL, A	Mean high water line

where—

- “A” is 55° 47' 14.974" N and 02° 00' 14.774" W;
- “B” is 55° 48' 31.716" N and 01° 54' 50.679" W;
- “C” is 55° 16' 29.020" N and 01° 28' 14.397 " W;
- “D” is 55° 16' 21.614" N and 01° 30' 19.395" W;
- “E” is 55° 05' 25.433" N and 01° 26' 16.455" W;
- “F” is 55° 05' 44.243" N and 01° 23' 39.473" W;
- “G” is 55° 05' 21.620" N and 01° 23' 27.991" W;
- “H” is 55° 05' 06.817" N and 01° 21' 43.958" W;
- “I” is 55° 02' 59.103" N and 01° 20' 28.435" W;
- “J” is 55° 02' 39.178" N and 01° 26' 22.263" W;
- “K” is 55° 06' 38.552" N and 01° 29' 54.248" W;
- “L” is 55° 06' 38.458" N and 01° 29' 37.867" W;
- “M” is 55° 06' 30.244" N and 01° 29' 32.148" W;
- “N” is 55° 06' 00.348" N and 01° 28' 06.099" W;
- “O” is 55° 06' 58.794" N and 01° 28' 05.290" W;
- “P” is 55° 08' 16.567" N and 01° 30' 37.009" W;
- “Q” is 55° 09' 28.997" N and 01° 31' 29.000" W;
- “R” is 55° 09' 45.568" N and 01° 31' 30.131" W;
- “S” is 55° 20'20.317" N and 01° 34' 14.911" W;
- “T” is 55° 20' 23.317" N and 01° 34' 13.728" W;
- “U” is 55° 23' 03.960" N and 01° 36' 49.595" W;
- “V” is 55° 23' 09.145" N and 01° 36' 51.377" W;
- “W” is 55° 37' 08.655" N and 01° 44' 32.323" W;
- “X” is 55° 37' 12.862" N and 01° 44' 16.695" W;
- “Y” is 55° 37' 24.110" N and 01° 44' 47.264" W;
- “Z” is 55° 37' 27.911" N and 01° 44' 56.737" W;
- “AA” is 55° 39' 42.671" N and 01° 47' 47.921" W;
- “AB” is 55° 39' 46.012" N and 01° 48' 28.893" W;
- “AC” is 55° 40' 10.522" N and 01° 48' 42.397" W;
- “AD” is 55° 40' 12.393" N and 01° 48' 33.358" W;
- “AE” is 55° 40' 04.929" N and 01° 47' 38.250" W;
- “AF” is 55° 40' 06.061" N and 01° 47' 40.464" W;
- “AG” is 55° 40' 06.617" N and 01° 47' 15.004" W;
- “AH” is 55° 40' 05.134" N and 01° 47' 14.943" W;
- “AI” is 55° 45' 15.270" N and 01° 59' 03.878" W;

“AJ” is 55° 45' 12.617" N and 01° 59' 10.466" W;
“AK” is 55° 45' 30.158" N and 02° 02' 39.010" W; and
“AL” is 55° 45' 35.390" N and 02° 02' 41.474" 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 Berwick to St Mary’s 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. The 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 is available at <https://www.gov.uk/government/consultations/marine-conservation-zones-third-tranche-of-designations>.