

2013 No. 23

WILDLIFE

ENVIRONMENTAL PROTECTION

MARINE MANAGEMENT

**The Tamar Estuary Marine Conservation Zones 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 Tamar Estuary Marine Conservation Zones 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);

(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 features”, in relation to the Zones, has the meaning given by article 4; and
“the Zones” means the areas designated by article 3(1) as marine conservation zones.

Areas designated

- 3.—(1) The areas described in paragraph (2) are designated as marine conservation zones.
- (2) The areas are—
- (a) the marine area enclosed by the two boundary lines which are described in Table 1 of Schedule 1, in each case by reference to—
 - (i) the co-ordinates of the points joined by the line; and
 - (ii) a topographical description of the line; and
 - (b) the marine area enclosed by the two boundary lines which are described in Table 2 of Schedule 1, in each case by reference to—
 - (i) the co-ordinates of the points joined by the line; and
 - (ii) a topographical description of the line.
- (3) In paragraph (2), “marine area”, in relation to an 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 Zones may together be referred to as “the Tamar Estuary Marine Conservation Zones”.

Protected features

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

Conservation objective

- 5.—(1) The conservation objective of each of the Zones 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 broadscale marine habitat or a marine habitat within a 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 population of Smelt within the Zones, means that, taking the Zones together, the quality and quantity of habitat available to that population and 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;
 - (c) with respect to Native oyster within a 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) Where the condition in paragraph (2)(b) is met in relation to the Zones when taken together, that condition is to be taken to be met in relation to each of the Zones separately.

(6) For the purposes of paragraph (2)(b) and (c), any temporary reduction of numbers is to be disregarded if the population is sufficiently thriving and resilient to enable its recovery.

(7) 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.

(8) In paragraph (2)—

“Smelt” means the species *Osmerus eperlanus*; and

“Native oyster” means the species *Ostrea edulis*.

21st November 2013

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

SCHEDULE 1

Article 3

Areas designated – boundary lines

Table 1

<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	Mean high water line, departing from A in a northerly direction
2.	B, A	Geodesic line

where—

“A” is 50° 24' 38.027" N and 04° 12' 25.189" W; and

“B” is 50° 24' 38.242" N and 04° 11' 56.585" W.

Table 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.	C, D	Mean high water line, departing from C in a south-westerly direction
2.	D, C	Geodesic line

where—

“C” is 50° 23' 25.328" N and 04° 13' 51.340" W; and

“D” is 50° 23' 36.335" N and 04° 14' 06.272" W.

SCHEDULE 2

Article 4

Protected features

<i>Protected feature</i>	<i>Type of feature</i>
Intertidal biogenic reefs	Broadscale marine habitat
Intertidal coarse sediment	Broadscale marine habitat
Blue mussel (<i>Mytilus edulis</i>) beds	Marine habitat
Native oyster (<i>Ostrea edulis</i>)	Species of marine fauna
Smelt (<i>Osmerus eperlanus</i>)	Species of marine fauna

EXPLANATORY NOTE

(This note is not part of the Order)

This Order designates two areas as marine conservation zones (which may together be referred to as the “the Tamar Estuary Marine Conservation Zones”). The areas designated are defined in article 3 and Schedule 1. The protected features of the Zones are specified by article 4 and in Schedule 2. The conservation objective of the Zones (in each case) 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 may be seen at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/82721/mcz-designate-ia-20121213.pdf.