

ENVIRONMENTAL PROTECTION

MARINE MANAGEMENT

South Arran Nature Conservation Marine Protected Area Order 2014

Made - - - - 23rd July 2014

Coming into force - - 7th August 2014

The Scottish Ministers make the following Order in exercise of the powers conferred by sections 67(1)(a), 68, 69 and 79(1) of the Marine (Scotland) Act 2010.

In accordance with section 68(1) of that Act the Scottish Ministers consider it desirable to make this Order for the purposes of conserving marine flora and fauna, marine habitats and types of such habitats.

In accordance with section 68(2) of that Act the Scottish Ministers have had regard to the guidance prepared and published by them which sets out scientific criteria to inform their consideration of whether the area designated as a Nature Conservation Marine Protected Area under this Order should be so designated.

In accordance with section 68(4) of that Act the Scottish Ministers have had regard to the extent to which the designation of the area would contribute towards the development of a network of conservation sites.

In accordance with section 79(5) of that Act the Scottish Ministers have 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 75(1) of that Act the Scottish Ministers have—

- (a) published notice of their proposal to make this Order; and
- (b) consulted such persons as they consider are likely to be interested in or affected by the making of this Order.

Citation and commencement

1. This Order may be cited as the South Arran Nature Conservation Marine Protected Area Order 2014 and comes into force on 7th August 2014.

Interpretation

2.—(1) In this Order—

“co-ordinate” means a co-ordinate on the World Geodetic System 1984 Datum and co-ordinate reference system(a);

“low or limited mobility species of marine fauna” means a species of marine fauna with a low or limited ability to move from location to location that is expected to spend the adult phase of its lifecycle, in the main, within the boundary of the South Arran MPA; and

“protected feature” has the meaning given by article 4.

Area designated

3.—(1) The area of the Scottish marine protection area described in paragraph (2) is designated as a nature conservation marine protected area, to be known as “South Arran MPA”.

(2) The area is the marine area enclosed by the 13 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) seaward of the mean high water spring tide within that area; and
- (b) all of the water covering any part of that seabed or other land.

Protected Features

4. The protected features of the South Arran MPA are specified in Schedule 2.

Conservation objectives

5.—(1) The conservation objectives of the South Arran MPA are 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”, with respect to a marine habitat, 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 is in a condition which is healthy and not deteriorating.

(3) In paragraph (2)(b) the reference to the composition of the characteristic biological communities of a marine habitat includes a reference to the diversity and abundance of species of marine flora and fauna forming part of, or inhabiting, that habitat.

(4) For the purposes of paragraph (1) any temporary deterioration in condition is to be disregarded if the marine habitat is sufficiently healthy and resilient to enable its recovery from such deterioration.

(5) In paragraph (1) “favourable condition”, with respect to a low or limited mobility species of marine fauna, means that the quality and quantity of its habitat and the composition of its population are such that they ensure that the population is maintained in numbers which enable it to thrive.

(6) For the purposes of paragraph (1) any temporary reduction in numbers of a low or limited mobility species of marine fauna is to be disregarded if the population of that species is thriving and sufficiently resilient to enable its recovery from such reduction.

(a) Definitions of World Geodetic System 1984 Datum and coordinate reference system are available via EPSG Geodetic Parameter Registry as EPSG:6326 (<http://epsg.io/6326-datum>) and EPSG:4326 (<http://epsg.io/4326>) respectively.

(7) For the purpose of determining whether a protected feature is in favourable condition within the meaning of paragraph (2) or (5), any alteration to that feature brought about entirely by natural processes is to be disregarded.

RICHARD LOCHHEAD
Cabinet Secretary for Rural Affairs, Food and the Environment

St Andrew's House,
Edinburgh
23rd July 2014

SCHEDULE 1

Article 3

Area designated – boundary lines

<i>Boundary Line</i>	<i>Set of co-ordinates of points which the boundary line joins</i>	<i>Topographic 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, F	Geodesic line
6.	F, G	Geodesic line
7.	G, H	Geodesic line
8.	H, I	Geodesic line
9.	I, J	Geodesic line
10.	J, K	Geodesic line
11.	K, L	Geodesic line
12.	L, M	Geodesic line
13.	M, A	Mean high water spring tide

Where—

“A” is 55° 34.324' N, 005° 06.509' W;

“B” is 55° 34.479' N, 005° 00.259' W;

“C” is 55° 31.115' N, 004° 58.162' W;

“D” is 55° 28.697' N, 004° 58.982' W;

“E” is 55° 25.844' N, 005° 00.291' W;

“F” is 55° 23.982' N, 005° 02.496' W;

“G” is 55° 22.824' N, 005° 05.414' W;

“H” is 55° 23.158' N, 005° 13.914' W;

“I” is 55° 23.685' N, 005° 17.506' W;

“J” is 55° 25.682' N, 005° 22.576' W;

“K” is 55° 28.648' N, 005° 25.687' W;

“L” is 55° 30.469' N, 005° 26.702' W; and

“M” is 55° 31.602' N, 005° 21.301' W.

SCHEDULE 2

Article 4

Protected features

<i>Protected feature</i>	<i>Type of feature</i>
Burrowed mud	Habitat
Kelp and seaweed communities on sublittoral sediment	Habitat
Maerl beds	Habitat
Maerl or coarse shell gravel with burrowing sea cucumbers	Habitat
Ocean quahog aggregations	Low or limited mobility species
Seagrass beds	Habitat
Shallow tide-swept coarse sands with burrowing bivalves	Habitat

EXPLANATORY NOTE

(This note is not part of the Order)

This Order designates South Arran as a nature conservation marine protected area. The area designated is defined in article 3 and Schedule 1. The protected features of the marine protected area are specified by article 4 and Schedule 2. The conservation objectives of the marine protected area are set out in article 5.

A Business and Regulatory Impact Assessment (“BRIA”) has been prepared in relation to this Order. Copies of the BRIA and maps of the marine protected area are available from Marine Scotland, Victoria Quay, Leith, Edinburgh, EH6 6QQ and on-line at www.scotland.gov.uk/Topics/marine/marine-environment/mpanetwork/developing.