

ENVIRONMENTAL PROTECTION

MARINE MANAGEMENT

Rosemary Bank Seamount 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 116(1), (5)(b) and (7), 117, 118 and 123(1) of the Marine and Coastal Access Act 2009^(a).

In accordance with section 117(1) of that Act the Scottish Ministers think it desirable to make this Order for the purposes of conserving marine habitats and types of such habitats, and features of geological and geomorphological interest.

In accordance with section 116(6) of that Act the Scottish Ministers have obtained the agreement of the Secretary of State to the making of this Order.

In accordance with section 123(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 119 of that Act the Scottish Ministers have—

- (a) published notice of their proposal to make this Order;
- (b) consulted any persons who the Scottish Ministers thought were likely to be interested in, or affected by, the making of this Order; and
- (c) consulted the Secretary of State.

Citation and commencement

1. This Order may be cited as the Rosemary Bank Seamount Marine Protected Area Order 2014^(b) and comes into force on 7th August 2014.

(a) 2009 c.23. See sections 116(5) and 147(1) of that Act for the definition of “appropriate authority”. In relation to an area within the Scottish offshore region which is defined in section 322(1), as read with section 42, of that Act, the appropriate authority is the Scottish Ministers.

(b) By section 116(7) of the Marine and Coastal Access Act 2009 a marine conservation zone designated by the Scottish Ministers is to be known as a marine protected area.

Interpretation

2. In this Order—

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

“large scale feature” means a large scale feature (for example a seamount or the continental slope) that contributes to the overall health and biodiversity of the marine environment;

“protected feature” has the meaning given by article 4; and

“supporting feature” means a relevant physical, chemical or biological condition or process within the Rosemary Bank Seamount MPA which supports the protected feature in achieving favourable condition.

Area designated

3.—(1) The area of the Scottish offshore region described in paragraph (2) is designated as a marine protected area to be known as “Rosemary Bank Seamount MPA”.

(2) The area is the marine area enclosed by the 18 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 within that area; and
- (b) all of the water covering any part of that seabed.

Protected Features

4. The protected features of the Rosemary Bank Seamount MPA are specified in Schedule 2.

Conservation objectives

5.—(1) The conservation objectives of the Rosemary Bank Seamount 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.

(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.

- (5) In paragraph (1) “favourable condition”, with respect to a large scale feature, means that—
- (a) the extent, distribution and structure of that feature is maintained;
 - (b) the function of that feature is maintained so as to ensure that it continues to support its characteristic biological communities and their use of the site for, but not restricted to, feeding, courtship, spawning, or use as nursery grounds; and
 - (c) the processes supporting that feature are maintained.
- (6) In paragraph (5)(b) the reference to the characteristic biological communities of a large scale feature includes a reference to the diversity of any species associated with the large scale feature.
- (7) In paragraph (1) “favourable condition”, with respect to a feature of geological or geomorphological interest, means that—
- (a) its extent, component elements and integrity are maintained;
 - (b) its structure and functioning are unimpaired; and
 - (c) its surface remains sufficiently unobscured for the purposes of determining whether the criteria in paragraphs (a) and (b) are satisfied.
- (8) For the purpose of determining whether a feature of geological or geomorphological interest is sufficiently unobscured under paragraph (7)(c), any obscuring of that feature entirely by natural processes is to be disregarded.
- (9) For the purpose of determining whether a protected feature is in favourable condition within the meaning of paragraph (2), (5) or (7), 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, N	Geodesic line
14.	N, O	Geodesic line
15.	O, P	Geodesic line
16.	P, Q	Geodesic line
17.	Q, R	Geodesic line
18.	R, A	Geodesic line

Where—

“A” is 59° 34.543' N, 009° 37.012' W;
 “B” is 59° 31.681' N, 009° 29.926' W;
 “C” is 59° 27.267' N, 009° 21.644' W;
 “D” is 59° 22.606' N, 009° 15.406' W;
 “E” is 59° 18.082' N, 009° 12.650' W;
 “F” is 59° 12.747' N, 009° 10.836' W;
 “G” is 59° 09.290' N, 009° 11.311' W;
 “H” is 59° 00.740' N, 009° 17.033' W;
 “I” is 58° 54.194' N, 009° 26.881' W;
 “J” is 58° 50.251' N, 009° 36.202' W;
 “K” is 58° 49.101' N, 009° 43.543' W;
 “L” is 58° 48.689' N, 009° 48.870' W;
 “M” is 58° 48.899' N, 009° 53.232' W;
 “N” is 59° 03.153' N, 011° 00.643' W;
 “O” is 59° 16.362' N, 011° 02.700' W;
 “P” is 59° 18.837' N, 010° 59.680' W;
 “Q” is 59° 23.735' N, 010° 41.220' W; and
 “R” is 59° 39.941' N, 010° 18.146' W.

SCHEDULE 2

Article 4

Protected features

<i>Protected feature</i>	<i>Type of feature</i>
Deep sea sponge aggregations	Habitat
Seamount communities	Habitat
Seamounts	Large scale feature
Quaternary of Scotland - iceberg ploughmark field	Geomorphological
Submarine Mass Movement - slide scars	Geomorphological
Marine Geomorphology of the Scottish Deep Ocean Seabed - scour moats, sediment drifts, sediment wave fields	Geomorphological
Cenozoic Structures of the Atlantic Margin - Rosemary Bank Seamount	Geological

EXPLANATORY NOTE

(This note is not part of the Order)

This Order designates the Rosemary Bank Seamount as a 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.