

## ENVIRONMENTAL PROTECTION

### MARINE MANAGEMENT

#### The North-east Lewis Nature Conservation Marine Protected Area Order 2020

*Made* - - - - 3<sup>rd</sup> December 2020

*Coming into force* - - 17<sup>th</sup> December 2020

The Scottish Ministers in exercise of the powers conferred by sections 67(1)(a), 68, 69 and 79(1) of the Marine (Scotland) Act 2010(a) (“the 2010 Act”), and all other powers enabling them to do so, hereby make the following Order.

In accordance with section 68(1) of the 2010 Act, the Scottish Ministers consider it desirable to make this Order for the purposes of conserving marine flora and fauna, and features of geomorphological interest.

In accordance with section 68(2) of the 2010 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 the 2010 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 75(1) of the 2010 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.

In accordance with section 79(5) of the 2010 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.

#### **Citation and commencement**

1. This Order may be cited as the North-east Lewis Nature Conservation Marine Protected Area Order 2020 and comes into force on 17 December 2020.

## **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),

“mobile species of marine fauna” means a species of marine fauna with the ability to move freely between different locations that may be within, or outwith, the boundary of the North-east Lewis MPA,

“MPA” means marine protected area,

“North-east Lewis MPA” is the nature conservation MPA designated in article 3,

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

“supporting feature” means a relevant physical, chemical or biological condition and process within the North-east Lewis MPA which supports a protected feature in achieving favourable condition.

## **Area designated**

**3.—(1)** The area described in paragraph (2) is designated as a nature conservation MPA, to be known as the “North-east Lewis MPA”.

(2) The area is the marine area enclosed by the 33 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 low water spring tide within that area,
- (b) all of the water covering any part of that seabed or other land.

## **Protected features**

**4.** The protected features of the North-east Lewis MPA are specified in schedule 2.

## **Conservation objectives**

**5.—(1)** The conservation objectives of the North-east Lewis MPA are that the protected features—

- (a) so far as already in favourable condition, remain in such condition,
- (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 mobile species of marine fauna, means that—

- (a) the species is conserved or, where relevant, recovered to include the continued access by the species to resources provided by the North-east Lewis MPA for, but not restricted to, feeding, courtship, spawning or use as nursery grounds,
- (b) the extent and distribution of any supporting feature upon which the species is dependent is conserved or, where relevant, recovered, and
- (c) the structure and function of any supporting feature, including any associated processes supporting the species within the North-east Lewis MPA, is such as to ensure that the protected feature is in a condition which is healthy and not deteriorating.

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(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.

(3) In paragraph (1) “favourable condition”, with respect to a feature of 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.

(4) For the purpose of determining whether a feature of geomorphological interest is sufficiently unobscured under paragraph (3)(c), any obscuring of that feature entirely by natural processes is to be disregarded.

(5) For the purpose of determining whether a protected feature is in favourable condition within the meaning of paragraphs (2) or (3) any alteration to that feature brought about entirely by natural processes is to be disregarded.

*MAIRI GOUGEON*  
Minister for Rural Affairs and Natural Environment

St Andrew’s House,  
Edinburgh  
*3<sup>rd</sup> December 2020*

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 to B	Geodesic
2.	B to C	Geodesic
3.	C to D	Geodesic
4.	D to E	Geodesic
5.	E to F	Geodesic
6.	F to G	Geodesic
7.	G to H	Geodesic
8.	H to I	Geodesic
9.	I to J	Geodesic
10.	J to K	Geodesic
11.	K to L	Geodesic
12.	L to M	Mean low water spring tide
13.	M to N	Geodesic
14.	N to O	Mean low water spring tide
15.	O to P	Geodesic
16.	P to Q	Mean low water spring tide
17.	Q to R	Geodesic
18.	R to S	Mean low water spring tide
19.	S to T	Geodesic
20.	T to U	Geodesic
21.	U to V	Geodesic
22.	V to W	Geodesic
23.	W to X	Mean low water spring tide
24.	X to Y	Geodesic
25.	Y to Z	Mean low water spring tide
26.	Z to AA	Geodesic
27.	AA to AB	Geodesic
28.	AB to AC	Geodesic
29.	AC to AD	Mean low water spring tide
30.	AD to AE	Geodesic
31.	AE to AF	Geodesic
32.	AF to AG	Geodesic
33.	AG to A	Mean low water spring tide

Where—

- "A" is 58° 30.769' N 006° 14.960' W;
- "B" is 58° 30.842' N 006° 14.934' W;
- "C" is 58° 35.163' N 006° 12.830' W;
- "D" is 58° 38.306' N 006° 09.538' W;
- "E" is 58° 38.831' N 006° 08.408' W;
- "F" is 58° 38.523' N 006° 07.001' W;
- "G" is 58° 24.017' N 005° 52.205' W;
- "H" is 58° 21.355' N 005° 51.532' W;
- "I" is 58° 12.658' N 005° 59.614' W;
- "J" is 58° 06.615' N 006° 08.318' W;
- "K" is 58° 05.967' N 006° 22.347' W;
- "L" is 58° 07.010' N 006° 22.668' W;

"M" is 58° 07.205' N 006° 22.513' W;  
"N" is 58° 07.846' N 006° 22.245' W;  
"O" is 58° 08.562' N 006° 22.127' W;  
"P" is 58° 09.017' N 006° 22.158' W;  
"Q" is 58° 11.302' N 006° 22.244' W;  
"R" is 58° 11.321' N 006° 21.170' W;  
"S" is 58° 11.668' N 006° 19.146' W;  
"T" is 58° 11.636' N 006° 19.024' W;  
"U" is 58° 11.733' N 006° 18.935' W;  
"V" is 58° 11.844' N 006° 19.364' W;  
"W" is 58° 11.751' N 006° 19.450' W;  
"X" is 58° 13.485' N 006° 14.891' W;  
"Y" is 58° 15.028' N 006° 19.026' W;  
"Z" is 58° 15.982' N 006° 17.702' W;  
"AA" is 58° 15.965' N 006° 17.662' W;  
"AB" is 58° 16.017' N 006° 17.585' W;  
"AC" is 58° 16.018' N 006° 17.588' W;  
"AD" is 58° 29.533' N 006° 13.515' W;  
"AE" is 58° 29.506' N 006° 13.373' W;  
"AF" is 58° 29.561' N 006° 13.334' W; and  
"AG" is 58° 29.572' N 006° 13.394' W.

## SCHEDULE 2

Article 4

### Protected features

<i>Protected feature</i>	<i>Type of feature</i>
Risso's dolphin	Mobile species
Sandeels	Mobile species
Marine geomorphology of the Scottish shelf seabed - longitudinal bedform field	Geomorphological
Quaternary of Scotland - glaciated channel/troughs	Geomorphological
Quaternary of Scotland - landscape of areal glacial scour	Geomorphological
Quaternary of Scotland - megascale glacial lineations	Geomorphological

## **EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order designates the sea adjacent to the north-east of the Isle of Lewis as a nature conservation marine protected area (the “North-east Lewis MPA”). The Order is made under the Marine (Scotland) Act 2010.

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 <https://www.gov.scot/policies/marine-environment/>.