

## ENVIRONMENTAL PROTECTION

### MARINE MANAGEMENT

#### The Sea of the Hebrides 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 or fauna, marine habitats and types of such habitat, 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 Sea of the Hebrides Nature Conservation Marine Protected Area Order 2020 and comes into force on 17 December 2020.

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(a) 2010 asp 5.

## 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),

“large scale feature” means a large scale feature (for example fronts and shelf deeps) that contributes to the overall health and biodiversity of the Scottish marine protection area(b),

“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 Sea of the Hebrides MPA,

“MPA” means marine protected area,

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

“Sea of the Hebrides MPA” is the nature conservation MPA designated in article 3,

“supporting feature” means a relevant physical, chemical or biological condition and process within the Sea of the Hebrides MPA which supports the protected feature in achieving favourable condition.

## Area designated

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

(2) The area is the marine area enclosed by the 39 boundary lines which are described in table 1 in schedule 1, but excluding the areas enclosed by the boundary lines which are described in tables 2 to 8 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 Sea of the Hebrides MPA are specified in schedule 2.

## Conservation objectives

5.—(1) The conservation objectives of the Sea of the Hebrides 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 Sea of the Hebrides MPA for, but not restricted to, feeding, courtship, spawning or use as nursery grounds,

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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.

(b) See section 65, read with section 1, of the Marine (Scotland) Act 2010 for a definition of the “Scottish marine protection area”.

- (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 Sea of the Hebrides MPA, is such as to ensure that the protected feature is in a condition which is healthy and not deteriorating.
- (3) 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 including for, but not restricted to, feeding, courtship, spawning or use as nursery grounds, and
  - (c) the processes supporting that feature are maintained.
- (4) In paragraph (3)(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.
- (5) 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.
- (6) For the purpose of determining whether a feature of geomorphological interest is sufficiently unobscured under paragraph (4)(c), any obscuring of that feature entirely by natural processes is to be disregarded.
- (7) For the purpose of determining whether a protected feature is in favourable condition within the meaning of paragraphs (2), (3) or (5) 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

**Table 1 – Outer boundary**

<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	Mean low water spring tide
3.	C to D	Geodesic
4.	D to E	Mean low water spring tide
5.	E to F	Geodesic
6.	F to G	Mean low water spring tide
7.	G to H	Geodesic
8.	H to I	Geodesic
9.	I to J	Geodesic
10.	J to K	Mean low water spring tide
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	Mean low water spring tide
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	Geodesic
26.	Z to AA	Geodesic
27.	AA to AB	Mean low water spring tide
28.	AB to AC	Geodesic
29.	AC to AD	Geodesic
30.	AD to AE	Geodesic
31.	AE to AF	Geodesic
32.	AF to AG	Geodesic
33.	AG to AH	Geodesic
34.	AH to AI	Geodesic
35.	AI to AJ	Geodesic
36.	AJ to AK	Geodesic
37.	AK to AL	Geodesic
38.	AL to AM	Geodesic
39.	AM to A	Geodesic

Where—

"A" is 57° 35.637' N 007° 05.775' W;

"B" is 57° 30.828' N 006° 43.007' W;

"C" is 57° 22.226' N 006° 43.093' W;

"D" is 57° 09.614' N 006° 19.386' W;

"E" is 57° 09.476' N 006° 18.749' W;

"F" is 57° 03.004' N 006° 02.199' W;

"G" is 57° 01.057' N 006° 01.026' W;  
 "H" is 56° 52.895' N 005° 55.366' W;  
 "I" is 56° 48.991' N 005° 56.875' W;  
 "J" is 56° 47.088' N 005° 57.835' W;  
 "K" is 56° 40.975' N 006° 08.394' W;  
 "L" is 56° 39.414' N 006° 07.773' W;  
 "M" is 56° 37.342' N 006° 13.808' W;  
 "N" is 56° 36.923' N 006° 15.587' W;  
 "O" is 56° 30.495' N 006° 10.920' W;  
 "P" is 56° 29.618' N 006° 11.917' W;  
 "Q" is 56° 28.627' N 006° 16.327' W;  
 "R" is 56° 28.637' N 006° 16.196' W;  
 "S" is 56° 27.853' N 006° 10.855' W;  
 "T" is 56° 24.733' N 006° 09.209' W;  
 "U" is 56° 22.262' N 006° 12.631' W;  
 "V" is 56° 22.258' N 006° 12.750' W;  
 "W" is 56° 20.634' N 006° 18.542' W;  
 "X" is 56° 19.576' N 006° 22.159' W;  
 "Y" is 56° 19.603' N 006° 22.264' W;  
 "Z" is 56° 19.555' N 006° 22.304' W;  
 "AA" is 56° 19.548' N 006° 22.276' W;  
 "AB" is 56° 17.517' N 006° 03.075' W;  
 "AC" is 56° 16.732' N 006° 03.392' W;  
 "AD" is 56° 13.451' N 006° 22.902' W;  
 "AE" is 56° 06.321' N 007° 18.596' W;  
 "AF" is 56° 18.656' N 007° 32.004' W;  
 "AG" is 56° 47.020' N 007° 36.587' W;  
 "AH" is 56° 48.324' N 007° 37.212' W;  
 "AI" is 56° 54.753' N 007° 26.438' W;  
 "AJ" is 56° 57.964' N 007° 21.200' W;  
 "AK" is 56° 58.022' N 007° 21.147' W;  
 "AL" is 57° 05.448' N 007° 12.639' W; and  
 "AM" is 57° 17.891' N 007° 11.492' W.

**Table 2 – Canna**

<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.	AN to AO	Geodesic
2.	AO to AN	Mean low water spring tide

Where—

"AN" is 57° 03.328' N 006° 29.324' W; and

"AO" is 57° 03.203' N 006° 29.482' W.

**Table 3 - Rum**

<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.	AP to AQ	Geodesic
2.	AQ to AP	Mean low water spring tide

Where—

"AP" is 57° 01.204' N 006° 14.819' W; and

"AQ" is 57° 00.540' N 006° 14.555' W.

**Table 4- Eigg**

<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.	AR to AS	Geodesic
2.	AS to AT	Geodesic
3.	AT to AU	Mean low water spring tide
4.	AU to AV	Geodesic
5.	AV to AR	Mean low water spring tide

Where—

"AR" is 56° 53.080' N 006° 07.211' W;

"AS" is 56° 52.654' N 006° 07.195' W;

"AT" is 56° 52.577' N 006° 07.390' W;

"AU" is 56° 52.577' N 006° 07.587' W; and

"AV" is 56° 52.591' N 006° 07.670' W.

**Table 5 - Muck**

<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.	AW to AX	Geodesic
2.	AX to AW	Mean low water spring tide

Where—

"AW" is 56° 49.719' N 006° 13.160' W; and

"AX" is 56° 49.649' N 006° 13.530' W.

**Table 6 - Coll**

<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.	AY to AZ	Geodesic
2.	AZ to AY	Mean low water spring tide

Where—

"AY" is 56° 36.982' N 006° 30.391' W; and

"AZ" is 56° 36.642' N 006° 31.206' W.

**Table 7 - Tiree**

<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.	BA to BB	Geodesic
2.	BB to BA	Mean low water spring tide

Where—

"BA" is 56° 30.805' N 006° 46.101' W; and

"BB" is 56° 30.385' N 006° 47.704' W.

**Table 8 - Iona**

<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.	BC to BD	Geodesic
2.	BD to BE	Geodesic

3.	BE to BF	Geodesic
4.	BF to BC	Mean low water spring tide

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Where—

"BC" is 56° 19.851' N 006° 23.485' W;

"BD" is 56° 19.860' N 006° 23.433' W;

"BE" is 56° 19.808' N 006° 23.406' W; and

"BF" is 56° 19.798' N 006° 23.469' W.

## SCHEDULE 2

Article 4

### Protected features

<i>Protected feature</i>	<i>Type of feature</i>
Basking shark	Mobile species
Minke whale	Mobile species
Fronts	Large scale features
Marine geomorphology of the Scottish shelf seabed - Inner Hebrides Carbonate Production Area	Geomorphological



## **EXPLANATORY NOTE**

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

This Order designates the Sea of the Hebrides as a nature conservation marine protected area (the “Sea of the Hebrides 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/>.