

ENVIRONMENTAL PROTECTION

MARINE MANAGEMENT

West of Scotland Marine Protected Area Order 2020

Made - - - - 25th September 2020

Coming into force - - 9th October 2020

The Scottish Ministers make the following Order in exercise of the powers conferred by sections 116(1) and 122 of the Marine and Coastal Access Act 2009(a) (“the 2009 Act”) and all other powers enabling them to do so.

In accordance with section 117(1) of the 2009 Act the Scottish Ministers think it is desirable to make this Order for the purposes of conserving marine flora and fauna, marine habitats and types of such habitats, and features of geological and geomorphological interest.

In accordance with section 116(6) of the 2009 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 the 2009 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 the 2009 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 West of Scotland Marine Protected Area Order 2020 and comes into force on 9 October 2020.

Interpretation

2. In this Order—

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

(a) 2009 c.23. Section 116(5) provides that the appropriate authority in relation to an area in the Scottish offshore region is the Scottish Ministers. The Scottish offshore region is defined in section 322(1), as read with section 42.

“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,

“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 West of Scotland MPA,

“MPA” means marine protected area**(b)**,

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

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

“West of Scotland MPA” means the area designated as a marine protected area in article 3.

Area designated

3.—(1) The area of the Scottish offshore region described in paragraph (2) is designated as an MPA to be known as the “West of Scotland MPA”.

(2) The area is the marine area enclosed by the 98 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 West of Scotland MPA are specified in schedule 2.

Conservation objectives

5.—(1) The conservation objectives of the West of Scotland 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 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 (2) 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.

(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.

- (5) In paragraph (1) “favourable condition”, with respect to a mobile species, means that—
- (a) the species is conserved or, where relevant, recovered to include the continued access by the species to resources provided by the MPA for, but not restricted to, feeding, courtship, spawning or use as nursery grounds,
 - (b) the extent and distribution of any supporting features upon which the species is dependent is conserved or, where relevant, recovered, and
 - (c) the structure and function of any supporting features, including any associated processes supporting the species within the MPA, is such as to ensure that the protected feature is in a condition which is healthy and not deteriorating.
- (6) 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.
- (7) In paragraph (6)(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.
- (8) 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.
- (9) For the purpose of determining whether a feature of geological or geomorphological interest is sufficiently unobscured under paragraph (8)(c), any obscuring of that feature entirely by natural processes is to be disregarded.
- (10) For the purpose of determining whether a protected feature is in favourable condition within the meaning of paragraphs (2), (5), (6) or (8) any alteration to that feature brought about entirely by natural processes is to be disregarded.

Revocation

6. The Rosemary Bank Seamount Marine Protected Area Order 2014 is revoked.

MAIRI GOUGEON
Minister for Rural Affairs and Natural Environment

St Andrew’s House,
Edinburgh
25th September 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, B	a line every point of which is 200 nautical miles from the nearest point on the baselines from which the breadth of the territorial sea of Great Britain and Northern Ireland is measured.
2.	B, C	geodesic
3.	C, D	geodesic
4.	D, E	geodesic
5.	E, F	geodesic
6.	F, G	geodesic
7.	G, H	geodesic
8.	H, I	loxodrome
9.	I, J	loxodrome
10.	J, K	loxodrome
11.	K, L	loxodrome
12.	L, M	loxodrome
13.	M, N	loxodrome
14.	N, O	loxodrome
15.	O, P	loxodrome
16.	P, Q	loxodrome
17.	Q, R	loxodrome
18.	R, S	loxodrome
19.	S, T	loxodrome
20.	T, U	loxodrome
21.	U, V	loxodrome
22.	V, W	loxodrome
23.	W, X	loxodrome
24.	X, Y	loxodrome
25.	Y, Z	loxodrome
26.	Z, AA	loxodrome
27.	AA, AB	loxodrome
28.	AB, AC	loxodrome
29.	AC, AD	loxodrome
30.	AD, AE	geodesic
31.	AE, AF	geodesic
32.	AF, AG	geodesic
33.	AG, AH	geodesic
34.	AH, AI	geodesic
35.	AI, AJ	loxodrome
36.	AJ, AK	loxodrome
37.	AK, AL	loxodrome
38.	AL, AM	loxodrome
39.	AM, AN	loxodrome

40.	AN, AO	loxodrome
41.	AO, AP	loxodrome
42.	AP, AQ	loxodrome
43.	AQ, AR	loxodrome
44.	AR, AS	loxodrome
45.	AS, AT	loxodrome
46.	AT, AU	loxodrome
47.	AU, AV	loxodrome
48.	AV, AW	loxodrome
49.	AW, AX	loxodrome
50.	AX, AY	loxodrome
51.	AY, AZ	loxodrome
52.	AZ, BA	geodesic
53.	BA, BB	geodesic
54.	BB, BC	geodesic
55.	BC, BD	geodesic
56.	BD, BE	geodesic
57.	BE, BF	geodesic
58.	BF, BG	geodesic
59.	BG, BH	geodesic
60.	BH, BI	geodesic
61.	BI, BJ	geodesic
62.	BJ, BK	geodesic
63.	BK, BL	geodesic
64.	BL, BM	geodesic
65.	BM, BN	parallel of latitude
66.	BN, BO	meridian of longitude
67.	BO, BP	parallel of latitude
68.	BP, BQ	loxodrome
69.	BQ, BR	loxodrome
70.	BR, BS	loxodrome
71.	BS, BT	loxodrome
72.	BT, BU	loxodrome
73.	BU, BV	loxodrome
74.	BV, BW	loxodrome
75.	BW, BX	loxodrome
76.	BX, BY	loxodrome
77.	BY, BZ	loxodrome
78.	BZ, CA	loxodrome
79.	CA, CB	loxodrome
80.	CB, CC	loxodrome
81.	CC, CD	loxodrome
82.	CD, CE	loxodrome
83.	CE, CF	loxodrome
84.	CF, CG	loxodrome
85.	CG, CH	loxodrome
86.	CH, CI	loxodrome
87.	CI, CJ	loxodrome
88.	CJ, CK	loxodrome
89.	CK, CL	loxodrome
90.	CL, CM	loxodrome
91.	CM, CN	loxodrome
92.	CN, CO	loxodrome

93.	CO, CP	loxodrome
94.	CP, CQ	loxodrome
95.	CQ, CR	loxodrome
96.	CR, CS	loxodrome
97.	CS, CT	loxodrome
98.	CT, A	loxodrome

Where—

- "A" is 58° 22.287' N, 014° 50.995' W;
- "B" is 60° 09.031' N, 013° 16.199' W;
- "C" is 60° 07.306' N, 012° 17.622' W;
- "D" is 60° 02.833' N, 011° 16.458' W;
- "E" is 60° 03.090' N, 010° 52.953' W;
- "F" is 60° 02.419' N, 010° 33.611' W;
- "G" is 59° 59.536' N, 009° 43.613' W;
- "H" is 60° 03.814' N, 008° 48.668' W;
- "I" is 60° 00.170' N, 008° 28.506' W;
- "J" is 59° 54.602' N, 008° 22.309' W;
- "K" is 59° 47.116' N, 008° 12.352' W;
- "L" is 59° 41.193' N, 008° 01.059' W;
- "M" is 59° 37.000' N, 007° 39.000' W;
- "N" is 59° 37.000' N, 006° 47.000' W;
- "O" is 59° 37.060' N, 006° 42.224' W;
- "P" is 59° 34.772' N, 006° 43.327' W;
- "Q" is 59° 31.497' N, 006° 42.441' W;
- "R" is 59° 28.185' N, 006° 43.986' W;
- "S" is 59° 25.093' N, 006° 47.445' W;
- "T" is 59° 22.330' N, 006° 52.624' W;
- "U" is 59° 20.582' N, 007° 09.850' W;
- "V" is 59° 15.390' N, 007° 23.808' W;
- "W" is 59° 08.202' N, 007° 33.696' W;
- "X" is 58° 59.771' N, 007° 36.598' W;
- "Y" is 58° 54.368' N, 007° 41.881' W;
- "Z" is 58° 49.203' N, 007° 54.558' W;
- "AA" is 58° 47.250' N, 008° 01.900' W;
- "AB" is 58° 45.950' N, 008° 08.680' W;
- "AC" is 58° 40.175' N, 008° 35.100' W;
- "AD" is 58° 31.796' N, 009° 07.613' W;
- "AE" is 58° 39.096' N, 009° 29.196' W;
- "AF" is 58° 35.033' N, 009° 38.450' W;
- "AG" is 58° 28.310' N, 009° 46.418' W;
- "AH" is 58° 23.341' N, 009° 46.975' W;
- "AI" is 58° 19.571' N, 009° 33.061' W;
- "AJ" is 58° 17.200' N, 009° 35.150' W;
- "AK" is 58° 15.900' N, 009° 36.800' W;

"AL" is 58° 11.800' N, 009° 38.550' W;
"AM" is 58° 07.150' N, 009° 40.450' W;
"AN" is 58° 01.600' N, 009° 42.000' W;
"AO" is 57° 57.550' N, 009° 42.320' W;
"AP" is 57° 48.146' N, 009° 42.481' W;
"AQ" is 57° 40.176' N, 009° 41.255' W;
"AR" is 57° 24.426' N, 009° 34.800' W;
"AS" is 57° 17.001' N, 009° 29.263' W;
"AT" is 57° 09.577' N, 009° 24.089' W;
"AU" is 57° 04.000' N, 009° 18.700' W;
"AV" is 57° 01.000' N, 009° 15.900' W;
"AW" is 56° 59.500' N, 009° 14.000' W;
"AX" is 56° 56.500' N, 009° 11.100' W;
"AY" is 56° 52.500' N, 009° 08.500' W;
"AZ" is 56° 50.711' N, 009° 08.003' W;
"BA" is 56° 50.706' N, 009° 39.394' W;
"BB" is 56° 47.126' N, 009° 57.606' W;
"BC" is 56° 46.948' N, 010° 03.673' W;
"BD" is 56° 44.984' N, 010° 06.529' W;
"BE" is 56° 44.092' N, 010° 13.489' W;
"BF" is 56° 42.486' N, 010° 15.095' W;
"BG" is 56° 38.350' N, 010° 16.163' W;
"BH" is 56° 38.375' N, 010° 19.791' W;
"BI" is 56° 37.139' N, 010° 28.254' W;
"BJ" is 56° 35.982' N, 010° 31.569' W;
"BK" is 56° 34.958' N, 010° 34.220' W;
"BL" is 56° 33.519' N, 010° 36.697' W;
"BM" is 56° 32.500' N, 010° 38.280' W;
"BN" is 56° 32.500' N, 012° 12.000' W;
"BO" is 56° 42.000' N, 012° 12.000' W;
"BP" is 56° 42.000' N, 013° 25.223' W;
"BQ" is 56° 42.167' N, 013° 25.167' W;
"BR" is 56° 43.883' N, 013° 23.983' W;
"BS" is 56° 46.983' N, 013° 21.800' W;
"BT" is 56° 53.017' N, 013° 14.850' W;
"BU" is 56° 58.883' N, 013° 10.900' W;
"BV" is 57° 11.783' N, 012° 53.550' W;
"BW" is 57° 12.467' N, 012° 49.617' W;
"BX" is 57° 16.383' N, 012° 47.767' W;
"BY" is 57° 20.283' N, 012° 47.967' W;
"BZ" is 57° 24.417' N, 012° 48.183' W;
"CA" is 57° 25.550' N, 012° 42.783' W;
"CB" is 57° 30.650' N, 012° 43.133' W;

"CC" is 57° 30.950' N, 012° 46.600' W;
"CD" is 57° 35.900' N, 012° 50.850' W;
"CE" is 57° 40.650' N, 012° 50.433' W;
"CF" is 57° 50.200' N, 012° 50.667' W;
"CG" is 57° 58.083' N, 012° 53.900' W;
"CH" is 58° 04.700' N, 013° 02.033' W;
"CI" is 58° 11.750' N, 013° 17.533' W;
"CJ" is 58° 17.117' N, 013° 28.850' W;
"CK" is 58° 21.950' N, 013° 38.283' W;
"CL" is 58° 22.833' N, 013° 41.933' W;
"CM" is 58° 22.800' N, 013° 50.033' W;
"CN" is 58° 24.450' N, 013° 56.050' W;
"CO" is 58° 33.233' N, 014° 04.167' W;
"CP" is 58° 39.133' N, 014° 09.267' W;
"CQ" is 58° 39.350' N, 014° 13.717' W;
"CR" is 58° 34.517' N, 014° 21.967' W;
"CS" is 58° 25.833' N, 014° 25.700' W; and
"CT" is 58° 24.834' N, 014° 25.389' W.

SCHEDULE 2

Article 4

Protected features

<i>Protected feature</i>	<i>Type of feature</i>
Burrowed mud (including sea pens)	Habitat
Coral gardens	Habitat
Cold-water coral reefs (including <i>Lophelia pertusa</i> reefs)	Habitat
Deep sea sponge aggregations	Habitat
Offshore deep sea muds	Habitat
Offshore subtidal sands and gravels	Habitat
Seamount communities	Habitat
Seamounts	Large scale feature
Blue Ling (<i>Molva dypterygia</i>)	Mobile species
Leafscale gulper shark (<i>Centrophorus squamosus</i>)	Mobile species
Gulper shark (<i>Centrophorus granulosus</i>)	Mobile species
Orange roughy (<i>Hoplostethus atlanticus</i>)	Mobile species
Portuguese dogfish (<i>Centroscymnus coelolepis</i>)	Mobile species
Roundnose grenadier (<i>Coryphaenoides rupestris</i>)	Mobile species
Bioherm reefs	Geological and geomorphological
Cliff	Geological and geomorphological
Continental slope turbidite canyons	Geological and geomorphological
Erosional scour fields	Geological and geomorphological
Iceberg ploughmarks	Geological and geomorphological
Ice-distal and glacimarine facies	Geological and geomorphological
Ice-proximal and ice-contact facies (e.g. mega-scale glacial lineations)	Geological and geomorphological
Large bank (Palaeogene igneous centre)	Geological and geomorphological
Parasitic cones	Geological and geomorphological
Prograding wedge	Geological and geomorphological
Scour moat	Geological and geomorphological
Seamount	Geological and geomorphological
Sediment drifts	Geological and geomorphological
Sediment wave field	Geological and geomorphological
Slide deposit	Geological and geomorphological
Slide scars	Geological and geomorphological
Small scale ridges	Geological and geomorphological
Subglacial tills	Geological and geomorphological
Turbidite accumulation	Geological and geomorphological

EXPLANATORY NOTE

(This note is not part of the Order)

This Order designates part of the marine area off the west coast of Scotland as a marine protected area (“MPA”). The area designated is defined in article 3 and schedule 1. The protected features of the MPA are specified by article 4 and schedule 2. The conservation objectives of the MPA are set out in article 5.

The Order also revokes the Rosemary Bank Seamount Marine Protected Area Order 2014.

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/marine-protected-areas/>.