

ENVIRONMENTAL PROTECTION

MARINE MANAGEMENT

The Red Rocks and Longay Nature Conservation Marine Protected Area Order 2021

Made - - - - *10th March 2021*

Coming into force - - *11th March 2021*

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

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 fauna.

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 that area would contribute towards the development of a network of conservation sites.

In accordance with section 77(1) of that Act, the Scottish Ministers consider there is an urgent need to protect the area proposed to be designated (and so an urgent need to make this Order).

In accordance with section 79(5) of that Act(b), the Scottish Ministers have had regard to any retained EU obligations (within the meaning of schedule 1 of the Interpretation Act 1978(c)) or obligations under international law that relate to the conservation or improvement of the marine environment.

Citation, commencement and duration in force

1.—(1) This Order may be cited as the Red Rocks and Longay Nature Conservation Marine Protected Area Order 2021 and comes into force on 11 March 2021.

(2) This Order remains in force until the end of 10 March 2023.

(a) 2010 asp 5.

(b) Section 79(5) was amended by S.S.I. 2019/55.

(c) 1978 c.30. Schedule 1 was relevantly amended by paragraph 22 of schedule 8 of the European Union (Withdrawal) Act 2018 (c.16).

Interpretation

2. 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 Red Rocks and Longay MPA,

“MPA” means marine protected area,

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

“Red Rocks and Longay MPA” is the nature conservation MPA designated by, and described in, article 3 and schedule 1,

“supporting feature” means a relevant physical, chemical or biological condition and process within the Red Rocks and Longay 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 marine protected area, to be known as the “Red Rocks and Longay MPA”.

(2) The area is the marine area enclosed by the 15 boundary lines which are described in schedule 1, in each case by reference to—

- (a) the co-ordinates of the points joined by the boundary line, and
- (b) a topographical description of the boundary 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 feature

4. The protected features of the Red Rocks and Longay MPA are specified in schedule 2.

Conservation objectives

5.—(1) The conservation objectives for the Red Rocks and Longay MPA are that the protected feature—

- (a) so far as already in favourable condition, remains 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 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 Red Rocks and Longay 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

(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.

- (c) the structure and function of any supporting feature, including any associated processes supporting the species within the Red Rocks and Longay MPA, is such as to ensure that the protected feature is in a condition which is healthy and not deteriorating.

B MACPHERSON

Minister for Rural Affairs and Natural Environment

St Andrew's House,
Edinburgh
10 March 2021

SCHEDULE 1

Article 2

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 | Geodesic |
| 13. | M to N | Geodesic |
| 14. | N to O | Geodesic |
| 15. | O to A | Mean low water spring tide |

Where—

- “A” is 57° 18.882' N, 005° 53.827' W,
- “B” is 57° 19.016' N, 005° 54.215' W,
- “C” is 57° 19.166' N, 005° 55.586' W,
- “D” is 57° 19.264' N, 005° 55.739' W,
- “E” is 57° 20.161' N, 005° 56.271' W,
- “F” is 57° 20.424' N, 005° 55.208' W,
- “G” is 57° 20.410' N, 005° 54.918' W,
- “H” is 57° 20.340' N, 005° 54.766' W,
- “I” is 57° 19.531' N, 005° 53.520' W,
- “J” is 57° 19.031' N, 005° 52.695' W,
- “K” is 57° 18.876' N, 005° 52.491' W,
- “L” is 57° 18.644' N, 005° 52.434' W,
- “M” is 57° 18.529' N, 005° 52.456' W,
- “N” is 57° 18.502' N, 005° 52.686' W,
- “O” is 57° 18.531' N, 005° 53.005' W.

SCHEDULE 2

Article 4

Protected feature

| <i>Protected feature</i> | <i>Type of feature</i> |
|---|--------------------------------|
| Flapper skate (<i>Dipturus intermedius</i>) | Mobile species of marine fauna |

EXPLANATORY NOTE

(This note is not part of the Order)

This Order designates the Red Rocks and Longay area of the Inner Sound of Skye as a nature conservation marine protected area (“the Red Rocks and Longay MPA”), in order to protect flapper skate (*Dipturus intermedius*) and their eggs.

This Order is made on an urgent basis under section 77(1) of the Marine (Scotland) Act 2010. In accordance with section 77(1)(b) of that Act, this Order remains in force for a specified period.

The Red Rocks and Longay MPA is designated by article 3 and described in article 3 and schedule 1. The protected feature of the Red Rocks and Longay MPA is specified in schedule 2. The conservation objectives for the Red Rocks and Longay MPA are stated in article 5.

Copies of an illustrative map of the Red Rocks and Longay MPA are available from Marine Scotland, Victoria Quay, Leith, Edinburgh, EH6 6QQ and online at www.gov.scot/policies/marine-environment/marine-protected-areas/.