

ENVIRONMENTAL PROTECTION

MARINE MANAGEMENT

**The Red Rocks and Longay Nature Conservation Marine
Protected Area Order 2022**

Made - - - - 13th December 2022

Coming into force - - 9th February 2023

The Scottish Ministers make the following Order in exercise of the powers conferred on them by sections 67(1)(a), 68, 69(1), 74 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 and features of geomorphological interest.

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 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.

In accordance with section 75(1) of that 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.

(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).

Citation and commencement

1. This Order may be cited as the Red Rocks and Longay Nature Conservation Marine Protected Area Order 2022 and comes into force on 9 February 2023.

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 26 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 features

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 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.

(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.

(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
- (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.

(3) In paragraph (1) “favourable condition”, with respect to a feature of geomorphological interest, means that—

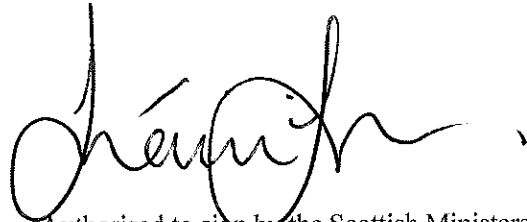
- (a) its extent, component elements and integrity are maintained,
- (b) its structure and functioning are unimpaired, and
- (c) its surface remains sufficiently unobscured for the purposes of determining whether the criteria in paragraphs (a) and (b) are satisfied.

(4) For the purpose of determining whether a feature of geological or 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) and (3) any alteration to that feature brought about entirely by natural processes is to be disregarded.

Revocation

6. The Red Rocks and Longay Nature Conservation Marine Protected Area (No. 2) Order 2021(a) is revoked.



Authorised to sign by the Scottish Ministers

St Andrew's House,
Edinburgh

13 December 2022

(a) The Red Rocks and Longay Nature Conservation Marine Protected Area (No. 2) Order 2021 was made on 8 December 2021 and came into force on 16 December 2021.

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	Geodesic
13.	M to N	Geodesic
14.	N to O	Geodesic
15.	O to P	Geodesic
16.	P to Q	Geodesic
17.	Q to R	Geodesic
18.	R to S	Geodesic
19.	S to T	Geodesic
20.	T to U	Geodesic
21.	U to V	Geodesic
22.	V to W	Geodesic
23.	W to X	Geodesic
24.	X to Y	Geodesic
25.	Y to Z	Geodesic
26.	Z 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° 20.001' N, 005° 58.726' W,
- “G” is 57° 20.141' N, 005° 59.112' W,
- “H” is 57° 20.318' N, 005° 59.111' W,
- “I” is 57° 20.435' N, 005° 58.884' W,
- “J” is 57° 20.519' N, 005° 58.331' W,
- “K” is 57° 20.755' N, 005° 57.949' W,
- “L” is 57° 20.905' N, 005° 57.194' W,
- “M” is 57° 21.202' N, 005° 56.432' W,

“N” is 57° 21.367' N, 005° 55.923' W,
“O” is 57° 21.137' N, 005° 55.457' W,
“P” is 57° 20.773' N, 005° 54.834' W,
“Q” is 57° 20.446' N, 005° 55.108' W,
“R” is 57° 20.410' N, 005° 54.918' W,
“S” is 57° 20.340' N, 005° 54.766' W,
“T” is 57° 19.531' N, 005° 53.520' W,
“U” is 57° 19.031' N, 005° 52.695' W,
“V” is 57° 18.876' N, 005° 52.491' W,
“W” is 57° 18.644' N, 005° 52.434' W,
“X” is 57° 18.529' N, 005° 52.456' W,
“Y” is 57° 18.502' N, 005° 52.686' W, and
“Z” is 57° 18.531' N, 005° 53.005' W.

SCHEDULE 2

Article 4

Protected features

<i>Protected feature</i>	<i>Type of feature</i>
Flapper skate (<i>Dipturus intermedius</i>)	Mobile species of marine fauna
Quaternary of Scotland (moraines, crag and tails, rock drumlins)	Geomorphological

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”).

This Order is made under the Marine (Scotland) Act 2010. The Red Rocks and Longay MPA is designated by article 3 and described in article 3 and schedule 1. The protected features of the Red Rocks and Longay MPA are specified in schedule 2. The conservation objectives for the Red Rocks and Longay MPA are stated in article 5.

The Red Rocks and Longay Nature Conservation Marine Protected Area (No. 2) Order 2021 is revoked by article 6.

A Business and Regulatory Impact Assessment (“BRIA”) has been prepared in relation to this Order. Copies of the BRIA and 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/.