

## ENVIRONMENTAL PROTECTION

### MARINE MANAGEMENT

#### Turbot Bank Marine Protected Area Order 2014

*Made* - - - -

*23rd July 2014*

*Coming into force* - -

*7th August 2014*

The Scottish Ministers make the following Order in exercise of the powers conferred by sections 116(1), (5)(b) and (7), 117, 118 and 123(1) of the Marine and Coastal Access Act 2009<sup>(a)</sup>.

In accordance with section 117(1) of that Act the Scottish Ministers think it desirable to make this Order for the purposes of conserving marine flora and fauna.

In accordance with section 116(6) of that 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 that 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 that 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 Turbot Bank Marine Protected Area Order 2014<sup>(b)</sup> and comes into force on 7th August 2014.

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<sup>(a)</sup> 2009 c.23. See sections 116(5) and 147(1) of that Act for the definition of “appropriate authority”. In relation to an area within the Scottish offshore region which is defined in section 322(1), as read with section 42, of that Act, the appropriate authority is the Scottish Ministers.

<sup>(b)</sup> 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.

## **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 Turbot Bank MPA;

“protected feature” has the meaning given by article 4; and

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

## **Area designated**

**3.—**(1) The area of the Scottish offshore region described in paragraph (2) is designated as a marine protected area to be known as “Turbot Bank MPA”.

(2) The area is the marine area enclosed by the 8 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 Turbot Bank MPA are specified in Schedule 2.

## **Conservation objectives**

**5.—**(1) The conservation objectives of the Turbot Bank 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.

(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 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.

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

*RICHARD LOCHHEAD*  
Cabinet Secretary for Rural Affairs, Food and the Environment

St Andrew's House,  
Edinburgh  
23rd July 2014

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	Geodesic line
2.	B, C	Geodesic line
3.	C, D	Geodesic line
4.	D, E	Geodesic line
5.	E, F	Geodesic line
6.	F, G	Geodesic line
7.	G, H	Geodesic line
8.	H, A	Geodesic line

Where—

“A” is 57° 19.480' N, 001° 03.500' W;

“B” is 57° 20.736' N, 001° 04.529' W;

“C” is 57° 23.272' N, 001° 04.520' W;

“D” is 57° 24.967' N, 001° 02.725' W;

“E” is 57° 25.661' N, 001° 00.420' W;

“F” is 57° 27.720' N, 000° 42.825' W;

“G” is 57° 23.780' N, 000° 41.426' W; and

“H” is 57° 20.839' N, 000° 44.681' W.

SCHEDULE 2

Article 4

Protected features

<i>Protected feature</i>	<i>Type of feature</i>
Sandeels	Mobile species

## **EXPLANATORY NOTE**

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

This Order designates Turbot Bank as a marine protected area. 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 [www.scotland.gov.uk/Topics/marine/marine-environment/mpanetwork/developing](http://www.scotland.gov.uk/Topics/marine/marine-environment/mpanetwork/developing).