

**2013 No. 26**

**WILDLIFE**

**ENVIRONMENTAL PROTECTION**

**MARINE MANAGEMENT**

**The Upper Fowey and Pont Pill Marine Conservation Zones  
Designation Order 2013**

*Made*

*21st November 2013*

*Coming into force*

*12th December 2013*

The Secretary of State thinks it desirable to make this Order for the purpose of conserving the marine habitats specified in Table 2 of Schedules 1 and 2 to this Order.

The Secretary of State has 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 123(5) of the Marine and Coastal Access Act 2009(a).

The Secretary of State has—

- (a) published notice of the proposal to make this Order in accordance with section 119(2) and (3) of that Act; and
- (b) consulted persons who are likely to be interested in, or affected by, the making of this Order in accordance with section 119(4) of that Act.

The Secretary of State makes the following Order in exercise of the powers conferred by sections 116(1), 117(1), (2) and (7), 118(1) and (6), and 123(1) of that Act.

**Citation and commencement**

1. This Order may be cited as the Upper Fowey and Pont Pill Marine Conservation Zones Designation Order 2013 and comes into force on 12th December 2013.

**Interpretation**

2. In this Order—

“co-ordinate” means a co-ordinate on the World Geodetic System 1984(b);

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(a) 2009 c.23. For the definition of the “appropriate authority” see sections 116(5) and 147(1) of that Act.

(b) For the definition of “World Geodetic System 1984” see the National Geospatial-Intelligence Agency Technical Report TR8350.2, “Department of Defense World Geodetic System 1984, Its Definition and Relationships With Local Geodetic Systems”, Third Edition, 4 July 1997.

“protected feature”, in relation to the Zones, has the meaning given by article 4; and  
“the Zones” means the areas designated by article 3(1) as marine conservation zones.

### **Areas designated**

- 3.—(1) The areas described in paragraph (2) are designated as marine conservation zones.
- (2) The areas are—
- (a) the marine area enclosed by the two boundary lines which are described in Table 1 of Schedule 1 (“Upper Fowey”); and
  - (b) the marine area enclosed by the two boundary lines which are described in Table 1 of Schedule 2 (“Pont Pill”).
- (3) In paragraph (2)—
- (a) “described” means described in each case by reference to—
    - (i) the co-ordinates of the points joined by the line; and
    - (ii) a topographical description of the line; and
  - (b) “marine area”, in relation to an area designated, means—
    - (i) any area of seabed or other land (whether or not covered by water) within that area; and
    - (ii) all of the water covering any part of that seabed or other land.
- (4) The Zones may together be referred to as “the Upper Fowey and Pont Pill Marine Conservation Zones”.

### **Protected features**

4. The protected features are specified in the Schedules as follows—
- (a) in relation to Upper Fowey, in Table 2 of Schedule 1; and
  - (b) in relation to Pont Pill, in Table 2 of Schedule 2.

### **Conservation objective**

- 5.—(1) The conservation objective of each of the Zones is 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 protected feature within a Zone, 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 remains 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 habitat includes a reference to the diversity and abundance of species forming part of or inhabiting that habitat.
- (4) For the purposes of paragraph (2)(b), any temporary deterioration in condition is to be disregarded if the habitat is sufficiently healthy and resilient to enable its recovery.
- (5) 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.

**SCHEDULE 1**

Articles 3(2)(a) and 4(a)

**Upper Fowey****Table 1****Area designated – boundary lines**

<i>Boundary line</i>	<i>Set of co-ordinates of points which boundary line joins</i>	<i>Topographical description of boundary line</i>
1.	A, B	Mean high water line, departing from A in a north-westerly direction
2.	B, A	Geodesic line

where—

“A” is 50° 21’ 12.903” N and 04° 38’ 18.992” W; and

“B” is 50° 21’ 13.362” N and 04° 38’ 09.019” W.

**Table 2****Protected features**

<i>Protected feature</i>	<i>Type of feature</i>
Coastal saltmarshes and saline reedbeds	Broadscale marine habitat
Intertidal coarse sediment	Broadscale marine habitat
Intertidal mud	Broadscale marine habitat
Low energy intertidal rock	Broadscale marine habitat
Estuarine rocky habitats	Marine habitat
Sheltered muddy gravels	Marine habitat

**SCHEDULE 2**

Articles 3(2)(b) and 4(b)

**Pont Pill****Table 1****Area designated – boundary lines**

<i>Boundary line</i>	<i>Set of co-ordinates of points which boundary line joins</i>	<i>Topographical description of boundary line</i>
1.	C, D	Mean high water line, departing from C in a north-easterly direction
2.	D, C	Geodesic line

where—

“C” is 50° 20’ 05.332” N and 04° 37’ 29.262” W; and

“D” is 50° 20’ 01.733” N and 04° 37’ 23.619” W.



**Table 2**

**Protected features**

<i>Protected feature</i>	<i>Type of feature</i>
Intertidal mud	Broadscale marine habitat
Low energy intertidal rock	Broadscale marine habitat
Sheltered muddy gravels	Marine habitat

**EXPLANATORY NOTE**

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

This Order designates two areas as marine conservation zones (which may together be referred to as “the Upper Fowey and Pont Pill Marine Conservation Zones”). The areas designated are defined in article 3 and Table 1 of each of Schedules 1 and 2. The protected features of the Zones are specified by article 4 and in Table 2 of each of Schedules 1 and 2. The conservation objective of the Zones (in each case) is set out in article 5.

A full impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector may be seen at [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/82721/mcz-designate-ia-20121213.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/82721/mcz-designate-ia-20121213.pdf).