



## 2013 CHAPTER 10

### Part 3

#### Marine protection

##### *MCZs*

#### **Grounds for designation of MCZ**

**14.—(1)** The Department may make an order under section 13 designating an area as an MCZ if it thinks that it is desirable to do so for the purpose of conserving—

- (a) marine flora or fauna;
- (b) marine habitats or types of marine habitat;
- (c) features of geological or geomorphological interest.

(2) The order must state—

- (a) the protected feature or features;
- (b) the conservation objectives for the MCZ.

(3) Any reference in this Part to the conservation objectives stated for an MCZ is a reference to the conservation objectives stated for the MCZ under subsection (2)(b).

(4) The reference in subsection (1)(a) to conserving marine flora or fauna includes, in particular, a reference to conserving any species that is rare or threatened because of—

- (a) the limited number of individuals of that species, or
- (b) the limited number of locations in which that species is present.

(5) The references in subsection (1)(a) and (b) to conserving marine flora or fauna or habitat include references to conserving the diversity of such flora, fauna or habitat, whether or not any or all of them are rare or threatened.

(6) Any reference in this Part to conserving a thing includes references to—

- (a) assisting in its conservation;
- (b) enabling or facilitating its recovery or increase.

(7) In considering whether it is desirable to designate an area as an MCZ, the Department must have regard to any economic, cultural or social consequences of designating that area and, so far as possible, to—

- (a) the extent to which any of the following activities are likely to be prohibited or significantly restricted within that area if it is designated—
  - (i) any licensable marine activity (within the meaning of Part 4 of the 2009 Act);
  - (ii) fishing for or taking animals or plants from the sea;
- (b) the likely impact on the environment within that area if that area is not designated;
- (c) the likely impact on the environment elsewhere in the Northern Ireland inshore region as a result of any activity mentioned in paragraph (a) being displaced from that area if it is designated.

(8) The reference in subsection (7) to any social consequences of designating an area as an MCZ includes a reference to any consequences of doing so for any sites in that area (including any sites comprising, or comprising the remains of, any vessel, aircraft or marine installation) which are of historic or archaeological interest.

#### **Further provision as to orders designating MCZs**

**15.—**(1) An order under section 13 designating an area as an MCZ must identify the boundaries of the area designated.

(2) The boundary of an MCZ may be determined by, or by reference to, mean high water spring tide.

(3) An MCZ may (in addition to an area of sea) include an area of the seashore lying above mean high water spring tide if—

- (a) the area of seashore adjoins the area of sea; and
- (b) any of the conditions in subsection (4) is satisfied.

(4) The conditions are that—

- (a) the protected feature or features leading to the designation of the area of sea is or are also present in the area of seashore;

- (b) the area of sea is designated for the purpose of conserving marine flora or fauna which are dependent (wholly or in part) on anything which takes place in, or is present in, the area of seashore;
  - (c) without the inclusion of the area of seashore, the identification of the boundary of the MCZ (either in the order designating the area or on the ground for the purposes of exercising functions in relation to it) would be impossible or impracticable.
- (5) An order under section 13 designating an area as an MCZ—
- (a) must designate an area of land (whether or not that land is covered by water), and
  - (b) may designate some or all of the water covering that land.