

2013 No. 12

WILDLIFE

ENVIRONMENTAL PROTECTION

MARINE MANAGEMENT

The Lundy Marine Conservation Zone 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 species of marine fauna specified in article 4(1) and (6).

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 Lundy Marine Conservation Zone 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); and

“the Zone” means the area designated by article 3(1) as a marine conservation zone.

(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.

Area designated

- 3.—(1) The area described in paragraph (2) is designated as a marine conservation zone.
- (2) The area is the marine area enclosed by the four 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 or other land (whether or not covered by water) seaward of the mean high water line within that area; and
 - (b) all of the water covering any part of that seabed or other land.
- (4) The Zone may be referred to as “the Lundy Marine Conservation Zone”.

Protected features and conservation objective

- 4.—(1) The protected feature of the Zone is spiny lobster.
- (2) The conservation objective of the Zone is that the protected feature—
- (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.
- (3) In paragraph (2), “favourable condition”, with respect to the protected feature, means that the quality and quantity of its habitat within the Zone and the composition of its population in terms of number, age and sex ratio are such as to ensure that the population is maintained in numbers which enable it to thrive.
- (4) For the purposes of paragraph (3), any temporary reduction of numbers is to be disregarded if the population is sufficiently thriving and resilient to enable its recovery.
- (5) For the purpose of determining whether the protected feature is in favourable condition within the meaning of paragraph (3), any alteration to that feature brought about entirely by natural processes is to be disregarded.
- (6) In paragraph (1), “spiny lobster” means the species *Palimurus elephas*.

21st November 2013

George Eustice
Parliamentary Under Secretary of State
Department for Environment, Food and Rural Affairs

SCHEDULE 1

Article 3

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	Geodesic line
2.	B, C	Geodesic line
3.	C, D	Geodesic line
4.	D, A	Geodesic line

where—

“A” is 51° 13' 01.308" N and 04° 42' 06.817" W;

“B” is 51° 12' 58.327" N and 04° 38' 02.832" W;

“C” is 51° 08' 59.132" N and 04° 38' 07.390" W; and

“D” is 51° 09' 02.404" N and 04° 42' 10.332" W.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order designates an area as a marine conservation zone (which may be referred to as “the Lundy Marine Conservation Zone”). The area designated is defined in article 3 and Schedule 1. The protected feature of that Zone is the species of marine fauna specified in article 4(1) and (6), namely spiny lobster (*Palinurus elephas*). The conservation objective of the Zone is set out in article 4(2) to (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.