

ENVIRONMENTAL PROTECTION

MARINE MANAGEMENT

The Scapa Flow (Historic Marine Protected Area) Order 2019

Made - - - - ***

Coming into force - - ***

The Scottish Ministers make the following Order in exercise of the powers conferred by sections 67(1)(c) and 73 of the Marine (Scotland) Act 2010(a) and all other powers enabling them to do so.

In accordance with section 73(1) of that Act the Scottish Ministers consider it desirable to make this Order for the purpose of preserving marine historic assets of national importance which are located in the area designated.

In accordance with section 75 of that Act, the Scottish Ministers have published a notice of their proposal to make the order and consulted such persons as they consider are likely to be interested in or affected by the making of the order.

Citation and commencement

1. This Order may be cited as the Scapa Flow (Historic Marine Protected Area) Order 2019 and comes into force on [**Date Month Year**].

Interpretation

2. In this Order, “co-ordinate” means a co-ordinate on the World Geodetic System 1984 Datum and co-ordinate reference system(b).

Designation of Historic Marine Protected Area

3.—(1) The area of the Scottish marine protection area described in paragraphs (2) and (3) is designated as an Historic Marine Protected Area, to be known as “the Scapa Flow Historic Marine Protected Area”.

(2) The area comprises—

- (a) the area enclosed by the four boundary lines which are described in table 1 within Schedule 1,
- (b) the area enclosed by the four boundary lines which are described in table 2 within Schedule 1,
- (c) the area seaward of mean high water spring tide enclosed by the 15 boundary lines which are described in table 3 within Schedule 1,

(a) 2010 asp 5.

(b) Definitions of “World Geodetic System 1984 Datum” and co-ordinate 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.

- (d) the area seaward of mean high water spring tide enclosed by the five boundary lines which are described in table 4 within Schedule 1,
- (e) the area enclosed by the four boundary lines which are described in table 5 within Schedule 1,
- (f) the area seaward of mean high water spring tide enclosed by the four boundary lines which are described in table 6 within Schedule 1,
- (g) the area enclosed by the four boundary lines which are described in table 7 within Schedule 1, and
- (h) the area, including an area of seashore lying above mean high water spring tide that adjoins the area of sea, enclosed by the four boundary lines which are described in table 8 within Schedule 1,

in each case by reference to the co-ordinates of the points joined by the line and a topographical description of the line.

(3) The area also comprises the areas within a distance of—

- (a) 180 metres of co-ordinates latitude 58° 50.841' north, longitude 003° 07.958' west,
- (b) 50 metres of co-ordinates latitude 58° 55.124' north, longitude 003° 07.097' west,
- (c) 100 metres of co-ordinates latitude 58°49.578' north, longitude 003° 04.744' west,
- (d) 100 metres of co-ordinates latitude 58° 50.085' north, longitude 003° 04.194' west,
- (e) 100 metres of co-ordinates latitude 58° 49.685' north, longitude 003° 02.972' west,
- (f) 50 metres of co-ordinates latitude 58° 52.226' north, longitude 002° 54.751' west,
- (g) 75 metres of co-ordinates latitude 58° 53.033' north, longitude 002° 54.324' west,
- (h) 60 metres of co-ordinates latitude 58° 52.702' north, longitude 002° 53.020' west, and
- (i) 70 metres of co-ordinates latitude 58° 53.389' north, longitude 002° 51.778' west.

Marine historic assets

4. The marine historic assets located within the Scapa Flow Historic Marine Protected Area are—

- (a) the remains of vessels that lie wrecked on or in the seabed,
- (b) objects contained in, or formerly contained in the vessels,
- (c) the structure known as the Clestrain Hurdles (and any part of the structure),
- (d) deposits or artefacts which evidence previous human activity on board the vessels or the salvage of the vessels, and
- (e) remains of anti-torpedo close protection pontoons and boom defences which evidence previous human activity in connection with the operation and defences of the naval harbour of Scapa Flow during wartime.

Preservation objectives

5. The preservation objectives for the Scapa Flow Historic Marine Protected Area and the marine historic assets are—

- (a) to minimise loss of the marine historic assets within the Scapa Flow Historic Marine Protected Area, and

- (b) to prevent the removal, wholly or partly, of the marine historic assets from their location within the Scapa Flow Historic Marine Protected Area, except where the Scottish Ministers are satisfied that this is desirable for the purpose of making a significant contribution to the protection of the marine historic assets or to knowledge about marine cultural heritage.

St Andrew's House,
Edinburgh

2019

A member of the Scottish Government

SCHEDULE 1

Article 3

Area designated – boundary lines

Table 1

<i>Boundary Line</i>	<i>Set of co-ordinates of points which 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, A	Geodesic line

Where—

- “A” is 58° 55.294' N, 003° 18.894' W,
- “B” is 58° 55.762' N, 003° 19.017' W,
- “C” is 58° 55.846' N, 003° 18.699' W, and
- “D” is 58° 55.377' N, 003° 18.576' W.

Table 2

<i>Boundary Line</i>	<i>Set of co-ordinates of points which boundary line joins</i>	<i>Topographic description of boundary line</i>
1.	E, F	Geodesic line
2.	F, G	Geodesic line
3.	G, H	Geodesic line
4.	H, E	Geodesic line

Where—

- “E” is 58° 55.688' N, 003° 15.234' W,
- “F” is 58° 55.831' N, 003° 15.376' W,
- “G” is 58° 56.048' N, 003° 14.281' W, and
- “H” is 58° 55.917' N, 003° 14.149' W.

Table 3

<i>Boundary Line</i>	<i>Set of co-ordinates of points which boundary line joins</i>	<i>Topographic description of boundary line</i>
1.	I, J	Geodesic line
2.	J, K	Geodesic line
3.	K, L	Geodesic line
4.	L, M	Geodesic line
5.	M, N	Geodesic line
6.	N, O	Geodesic line
7.	O, P	Geodesic line
8.	P, Q	Geodesic line
9.	Q, R	Geodesic line
10.	R, S	Geodesic line
11.	S, T	Geodesic line
12.	T, U	Geodesic line
13.	U, V	Mean High Water Spring Tide
14.	V, W	Geodesic line
15.	W, I	Mean High Water Spring Tide

Where—

“I” is 58° 51.776' N, 003° 12.117' W,
 “J” is 58° 51.787' N, 003° 12.523' W,
 “K” is 58° 52.384' N, 003° 11.856' W,
 “L” is 58° 53.169' N, 003° 12.521' W,
 “M” is 58° 53.997' N, 003° 11.010' W,
 “N” is 58° 53.965' N, 003° 08.302' W,
 “O” is 58° 53.712' N, 003° 08.268' W,
 “P” is 58° 53.609' N, 003° 09.632' W,
 “Q” is 58° 53.539' N, 003° 09.712' W,
 “R” is 58° 52.975' N, 003° 08.075' W,
 “S” is 58° 52.756' N, 003° 08.390' W,
 “T” is 58° 53.362' N, 003° 10.188' W,
 “U” is 58° 53.189' N, 003° 10.454' W,
 “V” is 58° 52.321' N, 003° 10.153' W, and
 “W” is 58° 51.648' N, 003° 11.394' W.

Table 4

<i>Boundary Line</i>	<i>Set of co-ordinates of points which boundary line joins</i>	<i>Topographic description of boundary line</i>
1.	X, Y	Geodesic line
2.	Y, Z	Geodesic line
3.	Z, AA	Mean High Water Spring Tide
4.	AA, AB	Geodesic line
5.	AB, X	Mean High Water Spring Tide

Where—

“X” is 58° 50.688' N, 003° 06.157' W,
 “Y” is 58° 50.890' N, 003° 06.235' W,
 “Z” is 58° 51.114' N, 003° 04.841' W,
 “AA” is 58° 51.166' N, 003° 04.202' W, and
 “AB” is 58° 50.958' N, 003° 04.111' W.

Table 5

<i>Boundary Line</i>	<i>Set of co-ordinates of points which boundary line joins</i>	<i>Topographic description of boundary line</i>
1.	AC, AD	Geodesic line
2.	AD, AE	Geodesic line
3.	AE, AF	Geodesic line
4.	AF, AC	Geodesic line

Where—

“AC” is 58° 53.417' N, 002° 54.093' W,
 “AD” is 58° 53.653' N, 002° 54.162' W,
 “AE” is 58° 53.679' N, 002° 53.833' W, and
 “AF” is 58° 53.442' N, 002° 53.764' W.

Table 6

<i>Boundary Line</i>	<i>Set of co-ordinates of points which boundary line joins</i>	<i>Topographic description of boundary line</i>
1.	AG, AH	Geodesic line
2.	AH, AI	Geodesic line
3.	AI, AJ	Geodesic line
4.	AJ, AG	Geodesic line

Where—

“AG” is 58° 52.867' N, 002° 54.232' W,

“AH” is 58° 53.049' N, 002° 53.955' W,

“AI” is 58° 52.954' N, 002° 53.722' W, and

“AJ” is 58° 52.772' N, 002° 53.998' W.

Table 7

<i>Boundary Line</i>	<i>Set of co-ordinates of points which boundary line joins</i>	<i>Topographic description of boundary line</i>
1.	AK, AL	Geodesic line
2.	AL, AM	Geodesic line
3.	AM, AN	Geodesic line
4.	AN, AK	Geodesic line

Where—

“AK” is 58° 52.178' N, 002° 55.023' W,

“AL” is 58° 52.278' N, 002° 55.096' W,

“AM” is 58° 52.309' N, 002° 54.935' W, and

“AN” is 58° 52.209' N, 002° 54.862' W.

Table 8

<i>Boundary Line</i>	<i>Set of co-ordinates of points which boundary line joins</i>	<i>Topographic description of boundary line</i>
1.	AO, AP	Geodesic line
2.	AP, AQ	Geodesic line
3.	AQ, AR	Geodesic line
4.	AR, AO	Geodesic line

Where—

“AO” is 58° 50.353' N, 002° 54.377' W,

“AP” is 58° 50.568' N, 002° 54.137' W,

“AQ” is 58° 50.510' N, 002° 53.943' W, and

“AR” is 58° 50.295' N, 002° 54.183' W.

EXPLANATORY NOTE

(This note is not part of the Order)

The Scottish Ministers are satisfied that designation of the Scapa Flow Historic Marine Protected Area is desirable for the purpose of preserving marine historic assets of national importance which are located within the area.

The area comprises places within or directly next to the sheltered natural harbour of Scapa Flow, Orkney, where marine historic assets are located that originate from Scapa Flow's role as a Royal Navy base during the First (1914-1918) and Second World Wars (1939-1945), as the anchorage where the German Imperial Navy's High Seas Fleet was interned in 1918, scuttled on 21 June 1919, and where a major programme of marine salvage took place during the years 1919-1939, and 1956 to the 1970s.

The range and quality of marine historic assets surviving within the area is outstanding, being the largest relatively accessible concentration of warship wrecks and associated features in United Kingdom, and possibly in European, waters. These assets make a significant contribution to our understanding of the role Scapa Flow played as a naval base of outstanding strategic significance to the United Kingdom during both World Wars of the twentieth century, and significant events in wartime naval history that took place there.

The wrecked remains of auxiliary vessels are particularly representative examples of the important role of the merchant marine in supporting the Grand Fleet at Scapa Flow. The last remaining substantially intact wrecks of the scuttled High Seas Fleet retain structural, technical and other characteristics that allow an insight into the design and operation of German naval ships during the First World War. The widespread debris fields of wreckage left behind by the historic salvage of the High Seas Fleet also preserve information about the ships while helping us to understand the industrial scale of the salvage effort and to study its impact on the wrecks. The remains of blockships, fixed barriers, vessel protection pontoons and boom defences provide an important insight into the Admiralty's evolving strategies for defending Scapa Flow.

Our understanding is enhanced by the rich body of information about wartime naval history and the role of Scapa Flow, in the form of documents, ships plans, film, photographs in archives, and artefacts in museums. Nonetheless, many of the sites are extremely rare. Sites along the coast and underwater have become important features of the landscape, contributing to the wider environment and providing an important reminder of Orkney's major contribution to the national war effort. The loss of marine historic assets would significantly hinder our ability to understand these events and the key role played by Scapa Flow during two world wars.

The marine historic assets are directly associated with internationally significant events that took place in Scapa Flow, such as the internment and scuttling of the German High Seas Fleet, the largest intentional sinking of a naval fleet. The salvage of the fleet remains one of the greatest marine salvage events ever undertaken. These events resonate with the public and are part of the national consciousness, being promoted widely through museums and digital media.

The marine historic assets are located within an area that is an important economic marine resource and many of the wrecks are very popular for recreational diving. It is expected that designation will help to promote their cultural significance and ensure that the area's preservation objectives are considered in the management of change through planning and other regulatory processes, while also fostering understanding and enjoyment among sea-users.