
SCOTTISH MINISTERIAL ORDER

ENVIRONMENTAL PROTECTION

MARINE MANAGEMENT

**Small Isles Nature Conservation Marine Protected Area Order
2016**

Made - - - - 2016

Coming into force - - 2016

The Scottish Ministers make the following Order in exercise of the powers conferred by sections 67(1)(a), 68, 69, 74 and 79(1) of the Marine (Scotland) Act 2010.

In accordance with section 68(1) of that Act the Scottish Ministers consider it desirable to make this Order for the purposes of conserving marine flora and fauna, marine habitats and types of such habitats, and features of geomorphological interest.

In accordance with section 68(2) of that Act the Scottish Ministers have had regard to the guidance prepared and published by them which sets out scientific criteria to inform their consideration of whether the area designated as a Nature Conservation Marine Protected Area under this Order should be so designated.

In accordance with section 68(4) of that Act the Scottish Ministers have had regard to the extent to which the designation of the area would contribute towards the development of a network of conservation sites.

In accordance with section 79(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 75(1) of that Act the Scottish Ministers have—

- (a) published notice of their proposal to make this Order; and
- (b) consulted such persons as they consider are likely to be interested in or affected by the making of this Order.

Citation and commencement

1. This Order may be cited as the Small Isles Nature Conservation Marine Protected Area Order 2014 and comes into force on 2016.

Interpretation

2. In this Order—

“co-ordinate” means a co-ordinate on the World Geodetic System 1984 Datum and co-ordinate reference system^(a);

“low or limited mobility species of marine fauna” means a species of marine fauna with a low or limited ability to move from location to location that is expected to spend the adult phase of its lifecycle, in the main, within the boundary of the Small Isles MPA;

“large scale feature” means a large scale feature (for example fronts and shelf deeps) that contributes to the overall health and biodiversity of the marine environment;

“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 Small Isles MPA;

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

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

Area designated

3.—(1) The area of the Scottish marine protection area described in paragraph (2) is designated as a nature conservation marine protected area, to be known as “Small Isles MPA”.

(2) The area is the marine area described in Schedule 1.

(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 spring tide within that area; and
- (b) all of the water covering any part of that seabed or other land.

Protected Features

4. The protected features of the Small Isles MPA are specified in Schedule 2.

Conservation objectives

5.—(1) The conservation objectives of the Small Isles 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 marine habitat, 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 is 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 marine habitat includes a reference to the diversity and abundance of species forming part of, or inhabiting, that habitat.

(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.

(4) For the purposes of paragraph (1) any temporary deterioration in condition is to be disregarded if the marine habitat is sufficiently healthy and resilient to enable its recovery from such deterioration.

(5) 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 feature, 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.

(6) In paragraph (1) “favourable condition”, with respect to a low or limited mobility species of marine fauna, means that the quality and quantity of its habitat and the composition of its population are such that they ensure that the population is maintained in numbers which enable it to thrive.

(7) For the purposes of paragraph (6) any temporary reduction in numbers of low or limited mobility species of marine fauna is to be disregarded if the population is thriving and sufficiently resilient to enable its recovery from such reduction.

(8) In paragraph (1) “favourable condition”, with respect to a large scale feature, means that—

- (a) the extent, distribution and structure of that feature is maintained;
- (b) the function of the feature is maintained so as to ensure that it continues to support its characteristic biological communities and their use of the site including, but not restricted to, feeding, spawning, courtship or use as nursery grounds; and
- (c) the processes supporting the feature are maintained.

(9) In paragraph (8)(b) the reference to the characteristic biological communities of a large scale feature includes a reference to the diversity of species associated with the large scale feature.

(10) In paragraph (1) “favourable condition”, with respect to a feature of geomorphological interest, means that—

- (a) its extent, component elements and integrity are maintained;
- (b) its structure and functioning are unimpaired; and
- (c) its surface remains sufficiently unobscured for the purposes of determining with the conditions in paragraphs (a) and (b) are satisfied.

(11) For the purpose of determining whether a feature of geomorphological interest is sufficiently unobscured under paragraph (10)(c), any obscuring of that feature entirely by natural processes is to be disregarded.

(12) For the purpose of determining whether a protected feature is in favourable condition within the meaning of paragraph (2), (5), (6), (8) or (10), any alteration to that feature brought about entirely by natural processes is to be disregarded.

Revocation

- 6.** The Small Isles Nature Conservation Marine Protected Area Order 2014^(a) is revoked.

St Andrew's House,
Edinburgh

2016

^(a) The Small Isles Nature Conservation Marine Protected Area Order 2014 ("the 2014 Order") was made by the Scottish Ministers under powers within the Marine (Scotland) Act 2010, including section 67(1)(a). By virtue of section 165(3) of that Act the 2014 Order is not a Scottish statutory instrument but a Scottish Ministerial Order.

SCHEDULE 1

Article 3

Area designated – boundary lines

For the purposes of article 3 the area of the Scottish marine protection area described in this Schedule is the area enclosed by the boundary lines which are described in Table 1, but excepting from the area described in Table 1 the areas enclosed by the boundary lines which are described in Tables 2 and 3.

The boundary lines are, in each case, described by reference to—

- (a) the co-ordinates of the points joined by the line; and
- (b) a topographical description of the line.

Table 1 – Outer boundary

<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, I	Geodesic line
9.	I, J	Geodesic line
10.	J, K	Geodesic line
11.	K, L	Geodesic line
12.	L, M	Geodesic line
13.	M, N	Geodesic line
14.	N, O	Geodesic line
15.	O, P	Geodesic line
16.	P, Q	Geodesic line
17.	Q, A	Geodesic line

Where—

- “A” is 57° 09.575' N, 006° 16.690' W;
- “B” is 57° 07.361' N, 006° 15.564' W;
- “C” is 57° 07.223' N, 006° 13.290' W;
- “D” is 57° 03.778' N, 006° 05.170' W;
- “E” is 57° 02.391' N, 006° 05.122' W;
- “F” is 56° 54.874' N, 006° 17.596' W;
- “G” is 56° 55.249' N, 006° 23.748' W;
- “H” is 56° 57.482' N, 006° 27.973' W;
- “I” is 56° 56.031' N, 006° 39.137' W;
- “J” is 56° 53.367' N, 006° 42.337' W;
- “K” is 56° 51.083' N, 006° 52.676' W;
- “L” is 56° 55.700' N, 006° 51.614' W;

“M” is 56° 58.874' N, 006° 50.467' W;
 “N” is 57° 03.115' N, 006° 47.011' W;
 “O” is 57° 08.145' N, 006° 33.950' W;
 “P” is 57° 09.843' N, 006° 22.530' W; and
 “Q” is 57° 09.125' N, 006° 19.963' W.

Table 2 – A'Chill harbour (Canna)

<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.	R, S	Geodesic line
2.	S, T	Geodesic line
3.	T, U	Geodesic line
4.	U, V	Geodesic line
5.	V, R	Mean high water spring tide

Where—

“R” is 57° 03.379' N, 006° 29.525' W;
 “S” is 57° 03.350' N, 006° 29.505' W;
 “T” is 57° 03.323' N, 006° 29.448' W;
 “U” is 57° 03.326' N, 006° 29.408' W; and
 “V” is 57° 03.345' N, 006° 29.378' W.

Table 3 – Kinloch harbour (Rum)

<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.	W, X	Geodesic line
2.	X, Y	Geodesic line
3.	Y, Z	Geodesic line
4.	Z, AA	Geodesic line
5.	AA, W	Mean high water spring tide

Where—

“W” is 57° 00.621' N, 006° 15.901' W;
 “X” is 57° 00.647' N, 006° 15.887' W;
 “Y” is 57° 00.655' N, 006° 15.892' W;
 “Z” is 57° 00.660' N, 006° 15.912' W; and
 “AA” is 57° 00.649' N, 006° 15.921' W.

SCHEDULE 2

Article 4

Protected features

<i>Protected feature</i>	<i>Type of feature</i>
Black guillemot	Mobile species
Burrowed mud	Habitat
Circalittoral sand and mud communities	Habitat
Fan mussel aggregations	Habitat
Horse mussel beds	Habitat
Northern feather star aggregations on mixed substrata	Low or limited mobility species
Northern sea fan and sponge communities	Habitat
Shelf deeps	Large-scale feature
White cluster anemones	Low or limited mobility species
Quaternary of Scotland – glaciated channels/troughs, glacial lineations, meltwater channels, moraines and streamlined bedforms	Geomorphological

EXPLANATORY NOTE

(This note is not part of the Order)

This Order designates the Small Isles MPA as a nature conservation 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.

This Order revokes the Small Isles Nature Conservation Marine Protected Area Order 2014 (“the 2014 Order”). This Order re-makes the 2014 Order and corrects defects made within that Order.

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.