SCOTTISH MINISTERIAL ORDER

ENVIRONMENTAL PROTECTION

MARINE MANAGEMENT

The Southern Trench Nature Conservation Marine Protected Area Order 2020

Made - - - -	*3rd December 2020*
Coming into force - -	*17th December 2020*

The Scottish Ministers make the following Order in exercise of the powers conferred by sections 67(1)(a), 68, 69 and 79(1) of the Marine (Scotland) Act 2010(**a**) ("the 2010 Act"), and all other powers enabling them to do so.

In accordance with section 68(1) of the 2010 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 the 2010 Act the Scottish Ministers have had regard to the guidance prepared and published by them which sets out the 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 the 2010 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 75(1) of the 2010 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.

In accordance with section 79(5) of the 2010 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.

Citation and commencement

1. This Order may be cited as the Southern Trench Nature Conservation Marine Protected Area Order 2020 and comes into force on 17 December 2020.

(**a**) 2010 asp 5.

Interpretation

2.—(1) In this Order—

"co-ordinate" means a co-ordinate on the World Geodetic System 1984 Datum and co-ordinate reference system(**a**),

"large scale feature" means a large scale feature (for example fronts and shelf deeps) that contributes to the overall health and biodiversity of the Scottish marine protection area and 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 Southern Trench MPA,

"MPA" means marine protected area,

"protected feature" has the meaning given by article 4,

"Southern Trench MPA" has the meaning given by article 3(1),

"supporting feature" means a relevant physical, chemical or biological condition and process within the Southern Trench 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 MPA, to be known as the "Southern Trench MPA".

(2) The area referred to in paragraph (1) is the area enclosed by the 52 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 low water spring tide within that area,

(b) all of the water covering any part of that seabed or other land.

Protected features

4. The protected features of the Southern Trench MPA are specified in schedule 2.

Conservation objectives

5.—(1) The conservation objectives of the Southern Trench MPA are that the protected features—

(a) so far as already in favourable condition, remain in such condition,

(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 of marine flora and fauna 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 feature 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 large scale feature, means that—

(a) the extent, distribution and structure of that feature is maintained,

(b) the function of that feature is maintained so as to ensure that it continues to support its characteristic biological communities and their use of the site including for, but not restricted to, feeding, courtship, spawning or use as nursery grounds, and

(c) the processes supporting that feature are maintained.

(7) In paragraph (6)(b) the reference to the characteristic biological communities of a large scale feature includes a reference to the diversity of any species associated with the large scale feature.

(8) 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 whether the criteria in paragraphs (a) and (b) are satisfied.

(9) For the purpose of determining whether a feature of geological or geomorphological interest is sufficiently unobscured under paragraph (8)(c), any obscuring of that feature entirely by natural processes is to be disregarded.

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

MAIRI GOUGEON
Minister for Rural Affairs and Natural Environment

St Andrew's House,
Edinburgh
3rd December 2020

SCHEDULE 1

Article 3(2)

Boundary lines

Boundary Line	*Set of co-ordinates of points which the boundary line joins*	*Topographic description of boundary line*
1.	A to B	Geodesic
2.	B to C	Geodesic
3.	C to D	Geodesic
4.	D to E	Geodesic
5.	E to F	Geodesic
6.	F to G	Geodesic
7.	G to H	Geodesic
8.	H to I	Geodesic
9.	I to J	Geodesic
10.	J to K	Geodesic
11.	K to L	Geodesic
12.	L to M	Geodesic
13.	M to N	Geodesic
14.	N to O	Geodesic
15.	O to P	Geodesic
16.	P to Q	Geodesic
17.	Q to R	Geodesic
18.	R to S	Geodesic
19.	S to T	Geodesic
20.	T to U	Geodesic
21.	U to V	Geodesic
22.	V to W	Geodesic
23.	W to X	Geodesic
24.	X to Y	Geodesic
25.	Y to Z	Geodesic
26.	Z to AA	Geodesic
27.	AA to AB	Geodesic
28.	AB to AC	Geodesic
29.	AC to AD	Geodesic
30.	AD to AE	Geodesic
31.	AE to AF	Geodesic
32.	AF to AG	Geodesic
33.	AG to AH	Geodesic
34.	AH to AI	Geodesic
35.	AI to AJ	Geodesic
36.	AJ to AK	Geodesic
37.	AK to AL	Geodesic
38.	AL to AM	Geodesic
39.	AM to AN	Geodesic
40.	AN to AO	Geodesic
41.	AO to AP	Geodesic
42.	AP to AQ	Geodesic
43.	AQ to AR	Geodesic
44.	AR to AS	Geodesic
45.	AS to AT	Geodesic
46.	AT to AU	Geodesic

47.	AU to AV	Geodesic
48.	AV to AW	Geodesic
49.	AW to AX	Geodesic
50.	AX to AY	Geodesic
51.	AY to AZ	Geodesic
52.	AZ to A	Geodesic

Where—
"A" is 57° 53.324' N 003° 02.059' W;
"B" is 57° 53.482' N 003° 01.212' W;
"C" is 57° 54.234' N 002° 46.949' W;
"D" is 57° 53.960' N 002° 44.715' W;
"E" is 57° 53.932' N 002° 44.309' W;
"F" is 57° 53.461' N 002° 40.371' W;
"G" is 57° 53.450' N 002° 40.199' W;
"H" is 57° 53.054' N 002° 34.523' W;
"I" is 57° 52.572' N 002° 27.717' W;
"J" is 57° 53.343' N 001° 53.358' W;
"K" is 57° 52.536' N 001° 49.749' W;
"L" is 57° 51.450' N 001° 45.171' W;
"M" is 57° 49.870' N 001° 41.076' W;
"N" is 57° 48.125' N 001° 37.754' W;
"O" is 57° 46.577' N 001° 35.666' W;
"P" is 57° 46.047' N 001° 34.480' W;
"Q" is 57° 37.570' N 001° 26.629' W;
"R" is 57° 29.677' N 001° 23.622' W;
"S" is 57° 22.902' N 001° 26.367' W;
"T" is 57° 32.084' N 001° 46.489' W;
"U" is 57° 37.421' N 001° 48.077' W;
"V" is 57° 41.334' N 001° 56.075' W;
"W" is 57° 41.030' N 001° 57.849' W;
"X" is 57° 41.440' N 001° 59.441' W;
"Y" is 57° 42.050' N 002° 00.000' W;
"Z" is 57° 42.234' N 002° 05.586' W;
"AA" is 57° 42.159' N 002° 07.254' W;
"AB" is 57° 41.145' N 002° 09.272' W;
"AC" is 57° 41.184' N 002° 09.683' W;
"AD" is 57° 40.688' N 002° 10.356' W;
"AE" is 57° 40.757' N 002° 12.399' W;
"AF" is 57° 40.875' N 002° 12.660' W;
"AG" is 57° 41.051' N 002° 14.596' W;
"AH" is 57° 41.854' N 002° 17.760' W;
"AI" is 57° 41.363' N 002° 19.721' W;
"AJ" is 57° 40.767' N 002° 19.750' W;
"AK" is 57° 40.707' N 002° 21.678' W;
"AL" is 57° 40.356' N 002° 22.963' W;
"AM" is 57° 40.585' N 002° 27.870' W;
"AN" is 57° 41.095' N 002° 34.169' W;
"AO" is 57° 41.196' N 002° 38.014' W;
"AP" is 57° 41.640' N 002° 40.056' W;
"AQ" is 57° 41.354' N 002° 40.787' W;
"AR" is 57° 41.639' N 002° 43.156' W;
"AS" is 57° 41.341' N 002° 43.742' W;
"AT" is 57° 42.165' N 002° 47.326' W;
"AU" is 57° 41.937' N 002° 48.863' W;
"AV" is 57° 42.485' N 002° 50.845' W;
"AW" is 57° 42.323' N 002° 53.580' W;

"AX" is 57° 41.833' N 002° 56.021' W;
"AY" is 57° 41.089' N 002° 58.466' W; and
"AZ" is 57° 41.112' N 002° 59.985' W.

SCHEDULE 2

Article 4

Protected features

Protected feature	*Type of feature*
Burrowed mud	Marine habitat
Minke whale	Mobile species
Fronts	Large scale feature
Shelf deeps	Large scale feature
Quaternary of Scotland - sub-glacial tunnel valleys	Geomorphological
Quaternary of Scotland – moraines	Geomorphological
Submarine Mass Movement - slide scars	Geomorphological

EXPLANATORY NOTE

(This note is not part of the Order)

This Order designates Southern Trench as a marine protected area (the "Southern Trench MPA"). The Order is made under the Marine (Scotland) Act 2010.

The area designated is defined in article 3 and schedules 1 and 2. The protected features of the marine protected area are specified by article 4 and schedule 3. The conservation objectives of the marine protected area are set out in article 5.

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 https://www.gov.scot/policies/marine-environment/.