



CORNWALL INSHORE FISHERIES AND CONSERVATION AUTHORITY

MARINE AND COASTAL ACCESS ACT 2009

Closed Areas (European Marine Sites) No 2

The Authority for the Cornwall Inshore Fisheries and Conservation District in exercise of the powers conferred by sections 155 and 156 of the Marine and Coastal Access Act 2009 makes the following byelaw for that District.

Interpretation

1. In this byelaw-
 - a) "towed" means pulled or pushed through the water;
 - b) "the Authority" means the Cornwall Inshore Fisheries and Conservation Authority as defined in articles 2 and 4 of the Cornwall Inshore Fisheries and Conservation Order 2010 (S.I. 2010 No. 2188);
 - c) "prohibited area" means an area as set out in the Schedule; and
 - d) all coordinates are based on WGS 84. The WGS 84 means the World Geodetic System, as revised in 1984 and further revised in 2004.

Prohibition

2. No person shall use any bottom towed fishing gear in a prohibited area.
3. Any vessel transiting through a prohibited area with bottom towed fishing gear must have all parts of the gear above the surface of the water. For the purposes of this byelaw, a vessel with any part of its fishing gear in the water within a prohibited area will be deemed to be using the gear at that time.
4. The prohibition in paragraphs 2 and 3 do not apply to the use:
 - a) of pelagic trawls not in contact with the sea bed provided they are not used in any estuary or river; or
 - b) of a vessel using bottom towed gear under an exemption issued by the Authority; or

c) of oyster and mussel dredges used from a non-mechanically propelled vessel where:

- i. the dredges are only manually hauled; and
- ii. in the sea landward of a loxodromic line drawn from the southern extremity of Pendennis Point (50° 08.62'N and 005° 02.56'W) and the lighthouse at St Anthony Head (50° 08.47'N and 005° 00.96'W); and
- iii. the dredge has been granted a licence or permit of the Port of Truro Fishery Order 1936, or a succeeding Order.

5. (1) For the purposes of paragraph 4(b), the Authority may, on application by a person, issue an exemption authorising a vessel to use a bottom towed gear in the prohibited area of a type specified in the exemption.

(2) Before issuing an exemption under subparagraph (1) above, the Authority must make an appropriate assessment of the implications for the prohibited area in accordance with the provisions of Part 6 of the Conservation of Habitats and Species Regulations 2010 (SI 2010/490).

(3) An exemption issued by the Authority may be issued subject to such conditions or requirements as the Authority considers appropriate.

(4) An exemption issued by the Authority must be reviewed annually, and the Authority may revoke or amend the exemption for such reasons as it considers appropriate. Where the Authority proposes to revoke or amend an exemption it must give the holder of the exemption such notice as it considers reasonable and may take into account any representations made by the holder before revoking or amending the exemption.

Scientific exemption

6. This byelaw shall not apply to any person performing an act which would otherwise constitute an offence against this byelaw, if that act was carried out in accordance with a written permission issued by the Cornwall Inshore Fisheries Conservation Authority permitting that act for scientific, stocking or breeding purposes.

Revocation

7. The byelaw with the title Closed Areas (European Marine Sites) made by the Committee for the Cornwall Inshore Fisheries and Conservation Authority in exercise of its powers under section 155 of the Sea Fisheries Regulation Act 1966 that was in force immediately before the making of this byelaw, is revoked.

SCHEDULE

Definition of "prohibited area"

"prohibited area" means the following areas:-

Lands End; bounded within lines drawn from:

- a) $50^{\circ} 11.95'N$ and $005^{\circ} 34.71'W$ to
- b) $50^{\circ} 12.25'N$ and $005^{\circ} 35.00'W$ to
- c) $50^{\circ} 09.25'N$ and $005^{\circ} 44.00'W$ to
- d) $50^{\circ} 03.00'N$ and $005^{\circ} 46.00'W$ to
- e) $50^{\circ} 03.00'N$ and $005^{\circ} 41.74'W$ and the high water mark along the coast between coordinates a to e;

Lizard; bounded within lines drawn from;

- a) $50^{\circ} 03.35'N$ and $005^{\circ} 16.83'W$ to
- b) $50^{\circ} 02.40'N$ and $005^{\circ} 19.68'W$ to
- c) $50^{\circ} 00.93'N$ and $005^{\circ} 21.62' W$ to
- d) $49^{\circ} 59.53'N$ and $005^{\circ} 21.55' W$ to
- e) $49^{\circ} 57.48'N$ and $005^{\circ} 18.25'W$ to
- f) $49^{\circ} 53.75'N$ and $005^{\circ} 18.25'W$ to
- g) $49^{\circ} 53.75'N$ and $005^{\circ} 14.50'W$ to
- h) $49^{\circ} 57.00'N$ and $005^{\circ} 08.25'W$ to
- i) $49^{\circ} 58.15'N$ and $005^{\circ} 07.72'W$ to
- j) $49^{\circ} 59.47'N$ and $005^{\circ} 07.78'W$ to
- k) $49^{\circ} 59.98'N$ and $005^{\circ} 10.12'W$ and the high water mark along the coast between coordinates a to k;

Eddystone reefs; comprising-

Eddystone Rocks bounded within lines drawn from

- a) $50^{\circ} 12.57'N$ and $004^{\circ} 15.50'W$ to
- b) $50^{\circ} 11.32'N$ and $004^{\circ} 14.50'W$ to
- c) $50^{\circ} 09.43'N$ and $004^{\circ} 15.70'W$ to
- d) $50^{\circ} 09.90'N$ and $004^{\circ} 16.93'W$ to
- e) $50^{\circ} 12.07'N$ and $004^{\circ} 17.31'W$ to
- f) $50^{\circ} 12.64'N$ and $004^{\circ} 15.93'W$, thence to a);

Hand Deeps bounded within lines drawn from

- a) $50^{\circ} 13.35'N$ and $004^{\circ} 20.13'W$ to
- b) $50^{\circ} 12.98'N$ and $004^{\circ} 19.38'W$ to
- c) $50^{\circ} 12.02'N$ and $004^{\circ} 19.84'W$ to
- d) $50^{\circ} 11.38'N$ and $004^{\circ} 20.83'W$ to
- e) $50^{\circ} 11.47'N$ and $004^{\circ} 21.07'W$ to
- f) $50^{\circ} 11.38'N$ and $004^{\circ} 21.42'W$ to
- g) $50^{\circ} 12.64'N$ and $004^{\circ} 21.27'W$, to
- h) $50^{\circ} 13.34'N$ and $004^{\circ} 20.86'W$ to
- i) $50^{\circ} 13.38'N$ and $004^{\circ} 20.33'W$, thence to a);

Brentons bounded within lines drawn from

- a) $50^{\circ} 13.30'N$ and $004^{\circ} 21.30'W$ to
 - b) $50^{\circ} 12.33'N$ and $004^{\circ} 22.37'W$ to
 - c) $50^{\circ} 11.19'N$ and $004^{\circ} 24.81'W$ to
 - d) $50^{\circ} 10.82'N$ and $004^{\circ} 24.74'W$ to
 - e) $50^{\circ} 10.73'N$ and $004^{\circ} 25.32'W$,
- thence an arc with a radius of 6 nautical miles, centred on position $50^{\circ} 10.88'N$ and $004^{\circ} 16.00'W$, drawn from
- f) $50^{\circ} 12.93'N$ and $004^{\circ} 24.77'W$ to
 - g) $50^{\circ} 13.00'N$ and $004^{\circ} 24.60'W$, thence to a);

Fal and Helford; bounded within lines drawn from

- a) Zone Point ($50^{\circ} 08.34'N$ and $005^{\circ} 00.61'W$) to
- b) Manacle Point ($50^{\circ} 03.21'N$ and $005^{\circ} 03.45'W$) and the high water mark along the coast between coordinates a to b;

Plymouth Sound; bounded within lines drawn from

- a) Rame Head ($50^{\circ} 18.69'N$ and $004^{\circ} 13.40'W$) to
- b) $50^{\circ} 18.47'N$ and $004^{\circ} 09.60'W$ to
- c) $50^{\circ} 20.07'N$ and $004^{\circ} 09.60'W$ to
- d) Picklecombe Point ($50^{\circ} 20.58'N$ and $004^{\circ} 10.22'W$) and the high water mark along the coast between coordinates a to d.