

**SCOTTISH
NATURAL
HERITAGE**



**Treshnish Isles
Special Area of Conservation**

Advice under Regulation 33(2)
of The Conservation (Natural Habitats, &c.) Regulations 1994
(as amended)

30 March 2006

About this Package:

Section 1 of this document provides a general introduction and Sections 2 and 3 fulfil Scottish Natural Heritage's duties under Regulation 33(2) of The Conservation (Natural Habitats, &c.) Regulations 1994 (Habitats Regulations) (as amended by The Conservation (Natural Habitats, &c.) Amendment (Scotland) Regulations 2004). This requires that SNH advises other relevant authorities as to the conservation objectives of the site (see Section 2) and any operations which may cause deterioration of natural habitats or the habitats of species, or disturbance of species, in so far as such disturbance could be significant, for which the site has been designated (see Section 3).

Annexes A and B provide supplementary, non-statutory information. Annex A gives information on the sensitivity and vulnerability of the qualifying interests: 'Grey seal *Halichoerus grypus*' and 'Reefs'. Annex B gives some indication as to the extent, distribution, structure, function and processes that affect the qualifying interests. It should be noted that this is indicative and not definitive, and as more site information is gathered these sections may be updated.

The Treshnish Isles were designated by Scottish Ministers as a Special Area of Conservation (SAC) on 17th March 2005. This site is also referred to as a 'European site' (Regulation 10(1)). A 'European marine site' is a 'European site' which is wholly or in part marine (Regulation 2(1)) and is hereafter referred to as a marine SAC.

Although the following statutory information is for the benefit of relevant authorities (see below for explanation of their role), it can also be used by other competent authorities when assessing plans or projects.

1 Introduction

1.1 Background

The Conservation (Natural Habitats, &c.) Regulations 1994 (as amended by The Conservation (Natural Habitats, &c.) Amendment (Scotland) Regulations 2004), commonly referred to as the Habitats Regulations, transpose the EC Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora (Habitats Directive) into domestic legislation. Regulation 33(2) gives Scottish Natural Heritage a statutory responsibility to advise other relevant authorities as to the conservation objectives for marine SACs in Scotland, and any operations which may cause deterioration of natural habitats or the habitats of species, or disturbance of species for which the site has been designated.

This document presents the Regulation 33 advice, plus supporting information, for the Treshnish Isles SAC to assist relevant and competent authorities, local interest groups and individuals in considering management of the site. This advice, plus supporting information, will also help to determine the scope and nature of any “appropriate assessment”, which the Habitats Directive requires to be undertaken for proposed plans and projects that are not connected to the conservation management of the site and are considered likely to have a significant effect. Where necessary Scottish Natural Heritage will also provide more detailed advice to relevant, and other competent, authorities to inform assessment of the implications of any such plans or projects.

1.2 Relevant and competent authorities

Within the context of a marine SAC, a relevant authority is a body or authority that has a function in relation to land or waters within or adjacent to the site (Regulation 5) and include: a nature conservation body; a local authority; water undertakers; a navigation authority; a harbour authority; a lighthouse authority; a river purification board (SEPA); a district salmon fishery board; and a local fisheries committee. All *relevant authorities* are *competent authorities*.

A competent authority is defined in Regulation 6 as “any Minister, government department, public or statutory undertaker, public body of any description or person holding a public office”. In the context of a plan or project, the *competent authority* is the authority with the power or duty to determine whether or not the proposal can proceed.

1.3 The role of relevant authorities

The Habitats Regulations require relevant authorities to exercise their functions so as to secure compliance with the Habitats Directive. A management scheme may be drawn up for each marine SAC by the relevant authorities as described under Regulation 34. For marine SACs with overlapping interests, a single management scheme may be developed.

Where a management scheme is in place the relevant authorities must ensure that all plans for the area integrate with it. Such plans may include shoreline

management plans, Sites of Special Scientific Interest (SSSI) management plans, local Biodiversity Action Plans (BAPs) and sustainable development strategies for estuaries. This must occur to ensure that only a single management scheme is produced through which all relevant authorities exercise their duties under the Habitats Regulations.

1.4 Responsibilities under other conservation designations

Other designations within or adjacent to the Treshnish Isles marine SAC are: Loch na Keal National Scenic Area; Treshnish Isles Special Protection Area; Treshnish Isles SSSI. The obligations of relevant, and other competent authorities and organisations under such designations and legislation are not affected by the advice contained in this document.

1.5 Conservation objectives

Section 2 of this document contains the conservation objectives for the Treshnish Isles marine SAC, a site which consists entirely of marine qualifying interests. The conservation objectives have been developed to ensure that the obligations of the Habitats Directive are met.

1.6 Advice as to operations

The operations, set out in Section 3, are those which SNH advise may cause deterioration of natural habitats or the habitats of species, or disturbance of species, for which the site has been designated. This does not necessarily mean that the operations are *presently* ongoing or, if they are, that they are at levels incompatible with the conservation objectives.

1.7 Plans and projects

The Habitats Regulations require that, where an authority concludes that a development proposal is unconnected with the nature conservation management of a Natura site and is likely to have a significant effect on that site, it must undertake an appropriate assessment of the implications for the qualifying interest for which the area has been designated.

1.8 Review of Consents

Competent authorities are required by the Habitats Regulations to undertake a review of all consents and permissions for activities affecting the site as soon as reasonably practicable after it becomes a European site. This will have implications for discharge and other consents, which will need to be reviewed in the light of the conservation objectives.

2 Statutory advice given by SNH under Regulation 33(2) Conservation Objectives

2.1 Introduction

This section provides conservation objectives, which have been developed by SNH in agreement with the Scottish Executive and are to be provided to the relevant authorities in fulfilment of the requirements under Regulation 33(2) of The Conservation (Natural Habitats, &c.) Regulations 1994 (as amended by The Conservation (Natural Habitats, &c.) Amendment (Scotland) Regulations 2004).

The conservation objectives ensure that the obligations of the Habitats Directive are met; that is, there should not be deterioration or significant disturbance of the qualifying interest. This will also ensure that the integrity of the site is maintained and that it makes a full contribution to achieving favourable conservation status for its qualifying interests.

The Treshnish Isles marine SAC has been designated for the species 'Grey seal *Halichoerus grypus*', which is listed on Annex II of the Habitats Directive, as well as for the Annex I habitat 'Reefs'.

The Treshnish Isles SAC consists entirely of marine qualifying interests.

The conservation objectives for the Treshnish Isles marine SAC are as follows:

To avoid deterioration of the habitats of qualifying species (Grey seal <i>Halichoerus grypus</i>) or significant disturbance to the qualifying species, thus ensuring that the integrity of the site is maintained and the site makes an appropriate contribution to achieving favourable conservation status for the qualifying interest.
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To ensure for the qualifying species that the following are maintained in the long term:
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| <ul style="list-style-type: none"> • Population of the species as a viable component of the site • Distribution of the species within site • Distribution and extent of habitats supporting the species • Structure, function and supporting processes of habitats supporting the species • No significant disturbance of the species |
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To avoid deterioration of the qualifying habitat (Reefs) thus ensuring that the integrity of the site is maintained and the site makes an appropriate contribution to achieving favourable conservation status for the qualifying interest.
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To ensure for the qualifying habitat that the following are maintained in the long term:
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| <ul style="list-style-type: none"> • Extent of the habitat on site • Distribution of the habitat within site • Structure and function of the habitat • Processes supporting the habitat • Distribution of typical species of the habitat • Viability of typical species as components of the habitat • No significant disturbance of typical species of the habitat |
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3 Statutory advice given by SNH under Regulation 33(2) Operations

The following advice as to operations to be considered by relevant authorities is provided by SNH with respect to the Treshnish Isles marine SAC in fulfilment of the requirements under Regulation 33(2)(b) of The Conservation (Natural Habitats, &c.) Regulations 1994 (as amended by The Conservation (Natural Habitats, &c.) Amendment (Scotland) Regulations 2004). The advice identifies those operations, either on or affecting the SAC, which may cause deterioration of the marine natural habitats or the habitats of species, or disturbance of species, for which the site has been designated. These include operations that may not be currently affecting the Treshnish Isles marine SAC.

Operations (in alphabetical order)

Coastal Development

Agriculture
Civil engineering

Fishing

Mobile gear: Dredging
Mobile gear: Trawling
Static gear: Creel / Pot fishing

Marine Traffic

Commercial vessels

Recreational Activities

Angling
Boat anchorages
Boat moorings
Charter / recreational vessels
Scuba diving
Sea kayaking

Scientific Research

Scientific research

Annex A

Non-statutory advice given by SNH Sensitivity and Vulnerability of the Treshnish Isles SAC 'Grey seal *Halichoerus grypus*' and 'Reefs' to activities listed in Section 3

The comments below are general and should not be considered to be definitive. They are made without prejudice to any comments SNH may provide or any assessment that may be required for specific proposals to be considered by a relevant authority. The level of any impact will depend on the location and intensity of the relevant activity. This advice is provided to assist and focus the relevant authorities in their consideration of the management of these operations.

NB. References to deterioration in the comments section below should be taken to mean *deterioration of all the qualifying interests*. If specific qualifying interests are particularly at risk they may be referred to individually where relevant.

Operations	Comments
Coastal Development	
Agriculture	Grey seals: Stock movements and boat transportation of sheep and cattle between the skerries of the Treshnish Isles has the potential to cause disturbance to seals, particularly during breeding and pupping (late September to late December) and moulting (Jan / Feb) and moulting periods.
Civil engineering	Grey seals: The construction and maintenance of structures, both within and adjacent to the sea, have the potential to cause disturbance during the breeding, pupping and moulting seasons. This activity also has the potential to cause loss or deterioration of the habitats upon which the seals depend during the same critical periods.
Fishing	
Mobile gear: Dredging	Reefs: Benthic dredging has the potential to cause deterioration of reef habitats and communities through direct contact with dredge gear, and sedimentation when dredging occurs close to the qualifying interest.
Mobile gear: Trawling	Reefs: Benthic trawling has the potential to cause deterioration of reef habitats and communities through direct contact with trawling gear, and sedimentation when trawling occurs close to the qualifying interest.
Static gear: Creel / Pot fishing	Grey seals: Creel / pot fishing has the potential to impact seals as they have been known to attempt to rob creels of their bait, consequently become entangled and subsequently drown.
	Reefs: The use of creels and / or pots in a localised area has the potential to cause deterioration of qualifying reef habitats and communities through direct contact, particularly during their deployment and / or recovery.

Marine Traffic	
Commercial vessels	<p>Grey seals: Oil spills have the potential to cause damage to seal haul outs. Seals generally leave an area in which oil is spilled but a small number of individuals may suffer from respiratory problems and die as a result of the spillage of a large amount of oil. Oil tankers do not generally pass through the coastal waters of the Treshnish Isles but there is always a risk that a fishing boat or container ship may run aground in the area spilling diesel and fuel oil. Local authority oil spill contingency plans should take into account the qualifying interests of the Treshnish Isles and the importance of the marine SAC, particularly during the seal's breeding, pupping and moulting seasons, should such incidents occur.</p> <p>Reefs: The pumping of bilges, discharge of ballast, accidental grounding, or accidental oil (or other chemical) spillage from commercial vessels could occur within or close to this SAC. Such incidents have the potential to cause deterioration of reef habitats and communities through direct and / or indirect impacts. Local authority emergency plans and oil spill contingency plans should take into account specific qualifying interests and recognise the importance of marine SACs should such incidents occur.</p>
Recreational Activities	
Angling	Reefs: Sea angling has the potential to cause deterioration of reef interests by removing target species, which could subsequently cause changes in community structure.
Boat anchorages	Reefs: Anchors and continual scouring by riser chains have the potential to cause deterioration of reef habitats and communities through direct contact with the qualifying interest.
Boat moorings	Reefs: Moorings and continual scouring by riser chains have the potential to cause deterioration of reef habitats and communities through direct contact with the qualifying interest.
Charter / recreational vessels	<p>Grey seals: Charter boats, especially on trips specifically designed to visit seal colonies, have the potential to disturb seals (particularly during the sensitive breeding, pupping and moulting periods) if appropriate guidelines for watching seals are not adhered to.</p> <p>Charter and recreational vessels may leave visitors to explore offshore islands or more remote areas that are close to seal haul out sites. Such human presence also has the potential to cause disturbance to seals if appropriate guidelines are not adhered to.</p> <p>Reefs: Boats have the potential to cause deterioration of reef habitats and communities through repeated launching and recovery in specific areas, accidental grounding, and accidental fuel spillages.</p>
Scuba diving	<p>Grey seals: Recreational diving and snorkelling in specific areas has the potential to cause disturbance to seals, particularly during the breeding, pupping and moulting seasons. The use of RHIBs and hard-boats associated with these activities also have the potential to cause disturbance to seals.</p> <p>Reefs: Recreational diving in specific areas has the potential to cause deterioration of reef habitats and communities, in particular to erect and fragile species.</p>
Sea kayaking	Grey seals: Sea kayaking and other activities such as canoeing and rowing have the potential to cause disturbance to seals, particularly during the breeding, pupping and moulting seasons. This disturbance will mainly be caused by seals being suddenly alarmed by the proximity of a quiet, approaching boat.

Scientific Research	
Scientific research	Grey seals: Research activities have the potential to cause disturbance to seals, particularly during the breeding, pupping and moulting seasons.
	Reefs: Research activities have the potential to cause deterioration of reef habitats and communities through direct alteration, removal or manipulation of this qualifying interest and its associated species.

Annex B

Non-statutory Advice given by SNH Site account

Site description

The Treshnish Isles are a remote chain of uninhabited volcanic islands and skerries situated between Coll and the Island of Mull in south-west Scotland. The Treshnish Isles SAC encompasses Lunga, Fladda and the Cairn na Burgh Islands. The coastline is characterised by low cliffs and steep rocky shores. Numerous skerries, islets and reefs occur in the channel between Lunga and Fladda. The islands form a natural sanctuary for seabirds and for an internationally important colony of grey seals, *Halichoerus grypus*. The south and west coasts of the Treshnish Isles are subject directly to the whole fetch of the North Atlantic, whilst the east, and to a degree the north, coasts are generally more sheltered by their position and proximity to the mainland.

Qualifying marine interests

Annex I Habitat: Reefs

The south and west coasts of the Treshnish Isles are subject directly to the fetch of the North Atlantic, whilst the east, and to a degree the north, coasts are generally more sheltered by their position and proximity to the mainland. Although there is little published marine biological information available for the site, the reefs are likely to support species-rich floral and faunal communities characteristic of a range of exposures to wave action.

The floral community of a rocky shore on south-east Lunga has been studied in detail. The lower intertidal is characterised by the serrated wrack *Fucus serratus*, the boot-lace weed *Himantalia* sp. and the algae *Palmaria* sp. and *Gigartina* sp. *Palmaria* sp., with the epiphytic alga *Ptilota plumosa*, dominate the shallow sublittoral to a depth of around 2 m. Below this the flora is characterised by the kelp *Laminaria hyperborea*, then below 16 m, sparse *L. hyperborea* is interspersed with *Halidrys* sp. and *Phyllophora crispa*. Associated with this is a species-rich community of small, epiphytic, mainly red, algae. At 18 m depth, the bedrock gives way to coarse white sand.

Annex II Species: Grey seal *Halichoerus grypus*

The Treshnish Isles consistently support an internationally important colony of the grey seal *Halichoerus grypus*. Around 1,100 pups are produced at the site each year (Sea Mammal Research Unit (SMRU), 1998). This is equivalent to a total population of approximately 3,400 animals, representing around 3% of the UK and 2.8% of the EU populations of the species. The Treshnish Isles contribute to the series of sites around the coast that have been selected to maintain the geographic range and status of grey seal breeding colonies in the UK. Large colonies are important in maintaining overall population size and are significant as sources of emigration to smaller or newly established groups.

The data above were used for site evaluation purposes. More recent survey work (SMRU 2000 and 2001) indicates that the population is being maintained.

Attributes of the grey seal habitat are the availability and ease of access to suitable and undisturbed breeding, pupping, moulting and haul-out areas on the island. Also, the availability of undisturbed shores and adjacent areas of sea facilitate adult social interactions and mating, whilst also acting as a nursery area. Pools on the island are of particular importance, as they are frequently used by the seals as rookery locations. The near-shore habitats, particularly shallow bedrock reefs, are important foraging grounds for the seals. Grey seals are shy aquatic mammals that frequent remote and isolated coasts and offshore islands, and may desert a locality if subjected to disturbance.