

JNCC MARINE NATURA 2000 PROJECT GROUP MINUTES

FOURTH MEETING 11TH NOVEMBER 2003

9.45 – 13:30 JNCC, MONKSTONE HOUSE

MINUTES

Present (around table):

Jan Pentreath (JP) (Chair) – Joint Committee
Malcolm Vincent (MV) - JNCC
Charlotte Johnston (CJ) - JNCC
Caroline Turnbull (CT) - JNCC (secretary)
Jim Reid (JR) - JNCC
David Connor (DC) (up to item 5) - JNCC
Mark Tasker (MT) - JNCC
Andy Webb (AW) - JNCC
Helen Baker (HB) - JNCC
Wyn Jones (WJ) - JNCC
Dan Laffoley (DL) (up to item 5) - EN

Paul Gilliland (PG) (up to item 5) - EN
Allan Drewitt (AD) (up to item 9) - EN
John Baxter (JB) (items 3 to 9) - SNH
Nigel Buxton (NB) - SNH

By video-link:

Mandy McMath (MM) (up to item 6) - CCW
Sian Whitehead (SW) (items 5 to 9) - CCW
Adam Cole-King (CCW)
Catherine Gray (CG) (item 5 onwards) - CCW

Apologies:

Claire McSorley (JNCC)
Ben Fraser (EN)
Kirsten Ramsay (CCW)

Howard Platt (DoENI)
Ian Bainbridge (Scottish Executive)
Peter Clement (EN)

1. Welcome and apologies for absence

JP welcomed the attendees. Apologies noted as above.

2. Minutes of the third Marine Natura 2000 Project Group Meeting and matters arising

The minutes were approved without amendment.

Action points from the last meeting were all completed with the exception of AP2, 4 and 13 which are carried over.

AP1 – CJ to draft a protocol for communication between working groups involved in marine Natura 2000 for the next project group meeting.

AP2 – JNCC to put approved working guidance on boundary definition onto the JNCC website.

AP3 – MV to draft a letter to government departments regarding marine areas containing high concentrations of birds which may be considered during the marine SPA selection process and need to be treated in a precautionary manner by 14.11.03, and circulate to the project group for consultation.

3. Marine working groups' arrangements

3.1 EU Habitats/Ornis Committee Marine Expert Group (MEG)

3.1.1 Papers for sub-groups

Prior to the 2nd MEG meeting on the 17-18.11.03, the group was invited to provide comment on the papers which were due for consideration.

Sandbank definition – The group agreed that any definition of habitat 1110 must retain a reference to the 20 m depth limit. The possibility of including a sentence to allow exceptions to the main definition on the grounds of ecological coherence was considered but concerns were expressed that this may result in pressure to include areas in UK waters which were fully below 20 m. It was suggested that the current wording of “seldom more than 20 m below Chart Datum” already allowed for exceptions such as the German part of the Dogger Bank. Support was given for encouraging

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modification to Annex I to include a new habitat rather than widening current habitat definitions. The group also supported retaining a general definition as opposed to one with all parameters tightly refined.

Reefs definition – There was broad agreement that the modified definition for habitat 1170 was acceptable although the sections on typical plants and animals were highlighted as unnecessary.

Submarine structures definition – There was general agreement that the definition was closely aligned to that of Reefs and the group questioned whether this should remain a separate Annex I habitat. Concerns were raised over whether the modified definition currently would encompass the carbonate formations found in the UK at the base of pockmarks and it was agreed that it may not. The proposed definition was held to be biased towards Danish examples of carbonate structures and also overly detailed. It was agreed that this definition should be brought into line with the level of detail of other definitions and modified to take account of UK examples.

Site selection rationale – The group agreed that the paper was a useful document but failed to draw out the key points of an approach using seabed surface geological data. Further input will be needed to the MEG sub-group to enable debate on the level of biological information needed for site selection or whether site selection can be based on representation of sub-types without supporting data specific to each area of habitat under consideration. The group queried how the paper from the sub-group would fit into the overall output from the MEG and whether there was a clear vision for the outputs. It was suggested that these may form the basis of marine guidance which could fit into the EU Interpretation Manual and that they should contain recognition that the marine environment requires a different level of rigour to the terrestrial environment.

Management – The group noted that there was no new draft of the management paper since that commented on in September. It was agreed that clarification was needed on what the purpose of this paper was and that any guidance that did arise from the work of the management group should be in line with that produced under the EU LIFE funded UK Marine SACs Project. Action on the paper will be determined by the discussions held at the MEG meeting on the 17-18.11.03.

AP4 – Group to provide suggested modifications to the MEG backing papers to CJ by 14.11.03 for consideration at EU MEG meeting 17-18.11.03.

AP5 – CJ to enquire at the EU Habitats and Ornis Committee Marine Expert Group what form the group's output will take and how current papers will fit into this.

3.1.2 EUH/O Committee MEG input to EU Marine Thematic Strategy

CJ clarified that the paper provided to the Project Group had been produced by the European Commission and that it included a proposal for the MEG to contribute to the 6th EAP Marine Thematic Strategy. Concern was expressed that the MEG was not composed of sufficient marine experts to provide meaningful input and it was suggested that MEG should be seen as a mechanism for comment from a wider group of individuals. It was also noted that there is a significant overlap between membership of Marine Thematic Strategy working groups and individuals contributing to MEG.

3.2 UK Marine Natura groups

The group discussed Defra's proposed changes to UK Defra-led groups with a remit for N2K, Ramsar and OSPAR. It was highlighted that these changes are already being implemented and that the N2K and Ramsar Forum has met and decided to not include OSPAR biodiversity issues at this stage. There was a clear view that these groups should only consider OSPAR Marine Protected Areas, Species and Habitats (MASH) issues but that it was essential that OSPAR should be included at all levels since the EU Marine Strategy will bring the areas of work closer together. The group agreed that avian technical issues from all three work areas should be undertaken by the SPA Scientific Working Group. CJ confirmed her attendance at the inaugural Natura 2000 and Ramsar Marine Sub-group on 12.11.03 and agreed to represent the views expressed by the Project Group, seek clarification over groups' remits and membership.

AP6 – CJ to seek clarification at meeting on 12.11.03 on the remit and membership of the Defra-led Marine Sub-group of the Natura 2000 and Ramsar Steering Committee.

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3.3 Forum for OSPAR Annex V issues

CJ reported her and DC's attendance at the OSPAR MASH meeting in Portugal on 4-6.11.03. Work from MASH will come to the Project Group for consideration in the future.

4. New and amended Habitats Regulations

4.1 Draft Offshore Marine Conservation 2003 Regulations

A response to the consultation was sent to Defra on 29.10.03. It is understood that there have also been substantial responses from other parties which broadly align with the Inter-agency response. As yet there is no clear timetable for progress on the regulations. The group were thanked for their contribution.

4.2 Amendments to the 1994 Habitats Regulations

PG reported that a response to the consultation had been submitted to Defra. The response was offered to the group for their information.

AP7 – PG to provide English Nature's response to the consultation on amendments to the 1994 Habitats Regulations to the Project Group.

5. Selection of SACs for Annex I habitat interest features

5.1 Information item – Darwin Mounds pSAC

5.1.1 Response to consultation on fishing regulation

MT reported that a response to the consultation was submitted to Defra (Fish) which expressed support for its proposals. MT added that the European Commission had recently proposed closed areas in Irish waters under Article 7 of the CFP in response to scientific advice from ICES. However, Ireland had objected since these were not (yet) sites which they had put forward as pSACs. It was noted that this response, if resulting in a withdrawal of the closed areas, could result in a process which would be detrimental to marine conservation and have implications for achieving management of fisheries in OSPAR MPAs.

5.1.2 Response to consultation on site designation

CT reported that JNCC would submit a brief response in support of the site designation but highlighting the resource implications of site monitoring for JNCC.

5.2 Selection criteria assessments and suggested site boundaries for Group 1 areas of habitat

Comments from the group were provided on Paper MN2KPG4_1. The group agreed that Annex III selection criteria had been applied appropriately to the areas of habitat under consideration. However, close examination of information presented for the North Norfolk Sandbanks had identified the inclusion of Indefatigable 1 as inappropriate for consideration in its own right due to a lack of biological information. It was agreed that this bank should only be selected for inclusion in a site to support structure and function of the site and be subject to evaluation of biological information.

The group discussed whether the UK should have Special Responsibility for *Sabellaria spinulosa* biogenic reef and Submarine structures made by leaking gases. It was confirmed that Special Responsibility can be conferred on a sub-type of habitat as had been done in the UK for chalk reefs. The group agreed that the conferring of responsibility is unlikely to modify site selection for these habitats but that it would not contend it if it occurred.

The group discussed whether the entire feature should be included in a site and agreed that this was dependent on maintaining the structure and function of the interest feature. The footprint of a mobile habitat (e.g. active sandbank) should be included in a site. The group also advocated the practical placement of boundaries and coherence of boundaries between countries when they adjoin an administrative boundary.

The group supported the inclusion in all proposed sites of a margin to take account of the potential impacts of mobile activities and recommended that in these cases whole minutes were used to define boundaries to keep the definitions of the boundaries simple.

The group broadly supported the paper and the transparency of process that it presented. Clarification of particular details and sections were requested to be included in a further iteration of the paper.

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AP8 – Group to provide detailed comments on Paper MN2KPG4_1_Habitats to CT by 28.11.03.

AP9 – CT to revise paper on selection criteria assessments and draft boundaries for group 1 areas of habitat by 30.1.04 in the light of comments received from the group.

5.3 Timetable for site selection and proposal (including agency updates)

CT reported that currently the timetable for the selection of offshore sites was unknown since it relied on the regulations being laid and also a steer from Defra on when they wished to proceed. Defra have indicated that they want to await the outcome of discussions on site selection and definitions at the EU MEG before proceeding with formal selection of offshore sites in the UK.

PG reported that English Nature has let a contract to validate maps of potential Annex I habitat in English waters by the collection of more detailed biological data with a view to refining the output of the contract further during 2004 to help towards identifying a scoping list of possible sites.

MM confirmed that CCW had nothing to report.

JB reported that SNH have identified the area of potential reef west of Hebrides as necessary for survey and may be able to conduct a survey in Summer '04.

MT reported to the group that he was currently providing evidence to enquiries being held by the Royal Commission and the Environment, Food and Rural Affairs Committee. It was agreed that these enquiries would be referred to the Joint Nature Conservation Committee March '03 Paper.

6. Selection of SACs for Annex II species

6.1 Report from Inter-agency Marine Mammal Group (IAMMG) re: harbour porpoise

JR provided to the Project Group a paper containing a summary of the reviews conducted for the IAMMG and informed the Project Group that the IAMMG had been unable to reach a firm conclusion on further work for site identification for harbour porpoise. Based upon data analysis, the IAMMG had considered the inclusion of harbour porpoise as an interest feature in the Moray Firth and Cardigan Bay cSACs but this was not seen as satisfactory since other areas which are more or similarly favourable for site selection still would not be submitted. It was suggested that a paper should be submitted to the Chief Scientists for a view.

JP informed the group that the Joint Committee required progress on this item. MV proposed that a paper should be submitted to the March '04 meeting of the Joint Committee to draw together work being done on harbour porpoise (including special measures), summarise the outcomes of the IAMMG work and propose a way forward. This paper would be submitted to the Chief Scientists in February '04 for their view prior to Committee. It was agreed that the IAMMG and Project Group would have an opportunity to comment on this paper before its submission to the Chief Scientists.

AP10 – MV to draft paper to propose the next steps for Harbour Porpoise work for the consideration of the Chief Scientists in February '04 and then Joint Committee in March '04, taking into account comment from the Project Group and Inter-agency Marine Mammal Working Group.

7. Seaward extensions to seabird breeding colony SPAs

7.1 Update on fieldwork

Fulmar surveys at Fetlar – boat based surveys were conducted and observed aggregations of birds engaged in maintenance behaviour. Data on fulmar is now considered sufficient for analysis and aim to have results in March '04

Manx shearwater surveys on Skomer – Good information indicating aggregations at c. 5 km distant from colony. Further data required for analysis and hope to conduct further survey in Summer '04.

Red-throated diver surveys on Shetland – Conducted boat-based and land-based surveys and observed feeding in sheltered bays. However, observations showed that birds in sheltered bays were not transferring food to chicks and that breeding birds were feeding elsewhere. Future work is being planned with SNH.

7.2 Rationale behind decisions on SPA colony extension guidance

The group agreed that the paper MN2KPG4_2_SPExtensions was a useful progression from the spreadsheet presented at the May '03 meeting but it needed conclusions and a work plan. The group

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noted that the sections on Fulmar and the large gulls needed updating in the light of data analysis and completing a literature review. It was agreed that this work would be re-drafted and presented to the SPA Scientific Working Group for their comment before presentation to the Joint Committee in June '04.

AP11 – AW to provide a paper on decisions and planned work for colony SPA extensions to the SPA Scientific Working Group in April '04.

8. Marine SPAs for inshore aggregations of non-breeding birds

8.1 Selection guidelines for inshore concentrations of non-breeding waterbirds

JR reported that guidelines for site selection and selection of boundaries had been presented to the SPA Scientific Working Group in September and, subsequently, comment had been received from the RSPB and WWT. Responses to these comments had been formulated and presented in paper MN2KPG4_3_Waterbirds and the group were requested to provide comments before these were sent. A new draft of the guidelines will be presented to the Project Group and then put to the Joint Committee for approval.

AP12 – The group to provide comments to JR on MN2KPG4_3_Waterbirds by 18.11.03.

AP13 – JR to revise "Guidelines for the selection of marine SPAs for aggregations of inshore non-breeding waterbirds" taking into account comments received and provide to the Project Group and then Joint Committee in March '04.

8.2 Developing generic guidance for boundary definition – update on Tay and Liverpool Bay

JR reported that a draft report for the Tay had been produced and that analysis was currently being conducted on Liverpool Bay data. It is anticipated that boundary analysis should be completed by the end of December.

The group were informed that it was agreed at the September '03 Joint Committee meeting to delegate signing off of SPA proposals to the Chairman unless the proposal was unusual or contained novel principles. In this case, a sub-group of the Committee would convene to examine the proposal and take a decision. It was highlighted that proposals would be cleared by the relevant agency council who would then propose the site to the Committee. Once sites are passed to the Joint Committee they will be in the public domain.

8.3 Precautionary approach to marine areas containing high concentrations of birds

The group were asked to note that this was an imminent issue due to current consideration of the 2nd round of windfarm licensing areas and that a precautionary approach to areas containing high concentrations of birds would be taken by staff in the interim. It was agreed that a letter highlighting areas containing high concentrations of birds should be drafted swiftly (see action point 3 under item 2 above)

AP14 – MV to provide the Project Group with English Nature's letter to Defra which highlights areas containing high concentrations of waterbirds.

The group concluded that a timetable for work planned on inshore aggregations of waterbirds was necessary.

AP15 – JR to provide a work programme for the inshore SPA work by 2.12.03 for circulation to the Project Group.

9. SPAs for aggregations of seabirds away from the coast, probably for feeding

9.1 Timetable for methods testing and data analysis

JR confirmed that data preparation for a trial should be completed before the end of this financial year. The group requested clarification over the different stages of work planned for this strand of SPA work and when these were anticipated.

AP16 – JR to provide a work plan for offshore aggregations for circulation to the Project Group by 23.12.03.

10. Papers to working groups and the Joint Committee

10.1 SPA Scientific Working Group (for meetings 28th Jan & May '04)

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January – Liverpool Bay SPA site proposal.

May – Rationale for SPA colony extensions (if not dealt with inter-sessionally in April).

10.2 Joint Nature Conservation Committee (March and June '04)

March –

Harbour porpoise – conclusions from data analysis and future work proposal.

Site selection guidelines for inshore concentrations of non-breeding waterbirds.

First group of offshore habitat SACs (dependent on steer from Defra).

June – Rationale for SPA colony extensions.

10.3 EU Marine Experts Group (March '04)

Dependent on outcome of meeting on 17 and 18.11.03 but possibly re-write of site selection paper.

10.4 Papers for 5th Project Group

Examination of Group 2 areas of habitat and consideration of costs and risks.

11. Any other business

None

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Summary of action points

Action point number	Action	Action by	Action on
1	Draft a protocol for communication between working groups involved in marine Natura 2000 for the next project group meeting (outstanding AP15 from February meeting).	Next meeting	CJ
2	Place approved working guidance on boundary definition onto the JNCC website.	Next meeting	JNCC
3	Draft a letter to government departments regarding marine areas containing high concentrations of birds which may be considered during the marine SPA selection process and need to be treated in a precautionary manner and circulate to the project group for consultation.	14.11.03	MV
4	Provide suggested modifications to the MEG backing papers to CJ for consideration at EU MEG meeting 17-18.11.03	14.11.03	Group
5	Enquire at the EU Habitats and Ornis Committee Marine Expert Group what form the group's output will take and how current papers will fit into this.	18.11.03	CJ
6	Seek clarification at meeting on the remit and membership of the Defra-led Marine Sub-group of the Natura 2000 and Ramsar Steering Committee.	12.11.03	CJ
7	Provide English Nature's response to the consultation on amendments to the 1994 Habitats Regulations to the Project Group.	Next meeting	PG
8	Provide detailed comments on Paper MN2KPG4_1_Habitats to CT.	28.11.03	Group
9	Revise paper on selection criteria assessments and draft boundaries for group 1 areas of habitat in the light of comments received from the group.	30.1.04	CT
10	Draft paper to propose the next steps for Harbour Porpoise work for the consideration of the Chief Scientists in February '04 and then Joint Committee in March '04, taking into account comment from the Project Group and Inter-agency Marine Mammal Working Group.	Next meeting	MV
11	Provide a paper on decisions and planned work for colony SPA extensions to the SPA Scientific Working Group.	April '04	AW
12	Provide comments to JR on MN2KPG4_3_Waterbirds.	18.11.03	Group
13	Revise "Guidelines for the selection of marine SPAs for aggregations of inshore non-breeding waterbirds" taking into account comments received and provide to the Project Group and then Joint Committee in March '04.	Next meeting	JR
14	Provide the Project Group with English Nature's letter to Defra which highlights areas containing high concentrations of waterbirds.	Next meeting	MV
15	Provide a work programme for the inshore SPA work for circulation to the Project Group.	2.12.03	JR
16	Provide a work plan for offshore aggregations for circulation to	23.12.03	JR

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	the Project Group.		
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