

# JNCC MARINE NATURA 2000 PROJECT GROUP MINUTES

## SIXTH MEETING 27<sup>TH</sup> MAY 2004

11:00 – 15:45 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

Andy Webb (AW) - JNCC

Mark Tasker (MT) - JNCC

Helen Baker (HB) (items 1-4 and 6 onwards) - JNCC

Colin McLeod (CMc) - JNCC

Kerry Howell (KH) - JNCC

Dan Laffoley (DL) (up to item 6) - EN

Paul Gilliland (PG) (up to item 6) - EN

Angela Moffat (AM) - EN

Allan Drewitt (AD) - EN

Peter Clement (PC) - (from item 5.1) EN

John Baxter (JB) - SNH

Nigel Buxton (NB) - SNH

#### By video-link:

Mandy McMath (MM) (up to item 5) - CCW

Catherine Gray (CG) (item 6 onwards) - CCW

#### Apologies:

Wyn Jones (JNCC)

Claire McSorley (JNCC)

Sian Whitehead (CCW)

Kirsten Ramsay (CCW)

Adam Cole-King (CCW)

Ben Fraser (EN)

Howard Platt (DoENI)

Joe Breen (EHS)

Ian Bainbridge (Scottish Executive)

### 1. Welcome and apologies for absence

JP welcomed the attendees. Apologies noted as above.

### 2. Minutes of the fifth Marine Natura Project Group Meeting and matters arising

The minutes were approved without amendment. Action points from the last meeting were all completed with the following exception which will be carried over as action point 1 from this meeting:

AP1: JNCC website now updated and working guidelines for boundary setting will be placed on it (**AP1**).

The group noted that agencies were still unrepresented on the UK Marine Sub-Group despite enquiries as to whether membership from the country conservation agencies would be possible. MV advised the group that he had written to Defra, summarising costs for the expected Natura 2000 work, and asked for the establishment of a programme or process to support this. Defra have responded with thanks for the formal notification and will provide a reply as soon as possible. JNCC will pursue this issue throughout the summer. PG advised the group that English Nature have pursued funding issues for Natura 2000 in English territorial waters with Defra.

MT queried whether the literature published by Ray Eades on little gulls had been examined for Liverpool Bay. AW confirmed that this had been referred to despite its age. The information confirmed that the region qualifies for little gulls but could not be used to inform boundary placement.

### 3. OSPAR

#### 3.1 Update on work under Annex V of OSPAR

DC provided an update to the group on current work which is programmed as a result of discussions at the meetings MASH 03 and OSPAR BDC 04. JNCC in consultation with agencies will prepare UK information in line with BDC 04/14/1-E, Annex 7 on *Lophelia pertusa* reefs, maerl beds, seamount communities, *Zostera* beds, *Ostrea edulis* beds, *Phocoena phocoena*, *Acipenser sturio*, and *Caretta*

## JNCC MARINE NATURA 2000 PROJECT GROUP MINUTES

*caretta*. MT advised the group that information for the last three species would be collated through the relevant agency expert groups. Dossiers are due to be produced for MASH 04 and the UK input to dossiers under preparation by other contracting parties will need to be completed by the end of July. It was agreed that BAPs would form the backbone of the UK submissions, where possible, and that consultation with the agencies would focus on additional material necessary to complete the submission. Agencies should supply relevant information upon consultation by JNCC in early July. The group noted that this was a first look at information pertaining to management of species and habitats on the Initial List and would not result in decisions at this stage.

CJ informed the group that the UK has undertaken two commitments pertaining to OSPAR MPAs (OMPAs) which will be reported on at MASH 04. A first step in constructing the network of OMPAs is to put forward relevant Natura 2000 sites and the UK agreed tentatively to do this for MASH 04. However, the second commitment (the networks paper) has impacted on the UK's capacity to undertake the assessment of N2K sites and the JNCC will try to identify the process by which Natura 2000 sites will be assessed against OSPAR MPA criteria by MASH 04. This work remains a priority due to the over-arching commitment to identify the first set of Marine Protected Areas by 2006, establish what gaps then remain and complete by 2010 a joint network of well-managed marine protected areas that, together with the NATURA 2000 network, is ecologically coherent.

### **3.2 Definition of an ecologically coherent network of MPAs**

CT thanked the group for their input to date on this strand of work and invited discussion on the third draft of the paper (MN2KPG6\_2\_Networks). The group discussed whether it would be possible to define key terms, such as Marine Protected Area, Ecological coherence and Ecological process, within the context of this work. The group agreed that the current definition of an OMPA could be read to include any fisheries measure. This was seen as inappropriate and the definition needed to be clarified; it was accepted that IUCN categories would provide useful guidance in this. Definition of other terms was cautioned against since this is unrealistic in the timescales available. Additional work is needed to highlight what constitutes a network of sites compared to a suite or series of sites and to consider how management measures need to relate to principles since the appropriateness of measures will be crucial for the achievement of coherence.

**AP2 The group to provide detailed comment to CT on MN2KPG6\_2\_Networks by 25.6.04.**

## **4. EU and UK Marine working groups**

### **4.1 Report from the UK Marine Sub-Group and EU Habitats/Ornis Committees Marine Expert Group**

CJ drew the group's attention to MN2KPG6\_3\_Groups which details the latest developments in the UK MSG and EU MEG. The group had no comments on papers associated with the UK MSG which currently acts as a pre-meeting for the meetings of the EU MEG. CJ highlighted the existence of draft Guidelines which are now available for review by the Project Group and requested that comments specifically on chapter 6 should be provided to John Clorley of Defra by 25<sup>th</sup> June. The group discussed the complexity of the legal situation with regards to taking measures under the CFP versus national responsibility for protection measures for Natura 2000 sites.

**AP3 Group to provide comments on Chapter 6 of EU MEG draft Guidelines document (D02a Marine Guidelines draft.doc) to John Clorley (Defra) by 25th June.**

CJ informed the group that no agreement had been reached on the definition of habitat 1110 (sandbanks) and that the matter would probably be referred to the Habitats Committee since it was an issue of process and policy rather than science. CJ agreed to supply her responses to the EU MEG on this matter to interested members of the group. The definitions for habitats 1170 (reefs) and 1180 (submarine structures) are broadly agreed and hydrothermal vents are to be kept as a separate habitat type.

With regards to the chapter on locating and assessing sites, CJ reported that she had made little progress but was required to make substantial progress on it by September. The group were requested to provide comment on the latest draft with special reference to the sections on birds and other wide-ranging species. The group highlighted the unrealistic timetable for producing guidelines and noted that the main driver for it was the marking of the 25<sup>th</sup> anniversary of the Birds Directive. CJ added that the chapter would be largely based on the work of the Marine Natura Project Group and the SPA and Ramsar Scientific Working Group.

## JNCC MARINE NATURA 2000 PROJECT GROUP MINUTES

**AP4 Group to provide comments to CJ by 25th June on EU MEG locating & assessing sites paper (D04 WG2 Locating Assessing SAC and SPA.doc) with special reference to wide-ranging species and birds.**

CJ reported to the group that the new paper on management (D05 WG3 Managing Marine Sites.doc) had been substantially improved but still required input.

**AP5 Group to provide comments on EU MEG management paper (D05 WG3 Managing Marine Sites.doc) to CJ by 25th June.**

### 5. Selection of SACs for Annex I habitat interest features

#### 5.1 Report from Committee

MV reported that the Joint Nature Conservation Committee had declined to endorse the five sites for recommendation to Defra for designation as SACs. The Committee highlighted that they are required to discharge functions for offshore as country conservation agency councils do for within territorial waters. Therefore, to reach decisions, Committee requires a similar level of information to councils and, since this was not provided to them, they were unable to reach a decision. The backing paper MN2KPG6\_4\_Proforma has been produced in response to this. MV urged the group to fully engage in the work of the Project Group as part of their contribution to the work of the JNCC but noted that tight timescales for responses were a barrier to this.

#### 5.2 Process for offshore SACs recommendation and designation

The group considered MN2KPG6\_4\_Proforma and provided detailed comment on its content. The group agreed that sites submitted to the Joint Nature Conservation Committee needed sufficient information to demonstrate the significance of the site and justify the grades for each criterion. The group noted that the level of information for Saturn *Sabellaria spinulosa* reef is exceptional compared to most offshore areas of habitat and that this should be made clear to the Joint Nature Conservation Committee.

**AP6 Group to provide any further comment on sections 1-3 & appendices of N2KPG6\_4\_Proforma to CJ by 28th May.**

#### 5.3 Forward plan of work for marine habitat SACs, including survey plans

PG reported that the contract to identify potential reef and sandbank habitat in English territorial waters was nearly complete, with the final report due in the week commencing 31<sup>st</sup> May. PG highlighted difficulties had with data access and said that this would be raised with Defra whilst developing a further work plan. After consultation with local area teams, the group agreed that a wider consultation through the UK Marine Sub-group would be suitable.

KH informed the group of JNCC and SNH's plans to undertake broadscale habitat mapping off the west coast of the Hebrides using multibeam and drop-down video techniques. This will contribute to MESH. KH also reported that JNCC was pursuing a collaboration with Cefas for broadscale habitat mapping in the English Channel with funding from the Aggregate Sustainability Levy Fund.

JB reported that monitoring work would be undertaken this summer in the Greater Moray Firth (for sandbank and bottlenose dolphin) as well as in Loch nam Madadh. Habitat mapping will be conducted in Sullom Voe and Yell Sound.

### 6. Selection of SACs for Annex II species

#### 6.1 Harbour porpoise – report from Committee and future work

MV reported that Committee accepted the content of the paper but stated that any package of advice formulated by the Committee should be placed in the context of the conservation needs of the population. In response to this, MV presented the backing paper MN2KPG6\_6\_HP as a draft Committee paper and invited comment on its content. MT advised that there was some confusion in the paper between issues pertinent to harbour porpoise as opposed to common dolphin and that references to the latter should be removed. The group provided detailed initial comments on the paper to MV. The group agreed that work conducted in relation to ASCOBANS, the Defra by-catch response strategy, OSPAR and BAP should be included in the paper to provide a more balanced view of action being undertaken for harbour porpoise. The group noted that the revised paper would be submitted to the Joint Nature Conservation Committee on the 1<sup>st</sup> June for consideration on the 15<sup>th</sup> June.

**AP7 Group to provide any further comment on MN2KPG6\_6\_HP to MV by 28th May.**

# JNCC MARINE NATURA 2000 PROJECT GROUP MINUTES

## 6.2 Review of work for other species in offshore waters

The group noted that an examination of bottlenose dolphin data was necessary before a decision could be taken on appropriate action for the species. It was agreed that this would be done for the next meeting.

**AP8 JR to write a review on bottlenose dolphin data and make recommendations for appropriate action with relation to SACs for the species for presentation at next meeting (paper to be ready by end of August).**

JB advised the group that the ongoing work on tagging seals will begin to report in 2006. The group agreed that decisions on appropriate action for seals would be based on this work and that the modelled data would inform any decisions taken.

## 7. Seaward extensions to seabird breeding colony SPAs

### 7.1 Use of generic guidance for extending SPAs for breeding seabirds

AW presented the backing paper MN2KPG6\_7\_Colony and highlighted to the group the recommendations that fulmar colonies be extended by 2 km beyond MLW/MLWS and that no seaward extension of the boundary should be made for kittiwake colonies. The SPA and Ramsar Scientific Working Group considered the same paper at its meeting on 26<sup>th</sup> May and were content with its recommendations after some debate over colony sample size. It was agreed that this paper would now be revised in the light of comments received and then placed on the JNCC website for consultation prior to its submission to the Joint Nature Conservation Committee. It was noted that clarity was particularly needed in the paper's recommendations.

**AP9 Group to provide comments on MN2KPG6\_7\_Colony to AW by 25th June.**

**AP10 AW to revise MN2KPG6\_7\_Colony by mid-August and place on JNCC website for consultation.**

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

### 8.1 Update on inshore aggregations of waterbirds analysis

AW reported that a brief has been prepared by English Nature and Countryside Council for Wales on the suitability of the aggregation for classification as an SPA. No further analysis of inshore aggregations at other locations is currently occurring due to other work commitments and insufficient data; when analysis recommences it will be in line with the priorities as discussed in MN2KPG6\_8\_SPAnetwork. AW confirmed that the issue of size of area and density had been considered for inshore aggregations and that the values in the Marine Classification Criterion (Skov *et al*, 1995) are appropriate.

## 9. Discussion on strategic approach to the classification of marine areas as SPAs

### 9.1 Process for classification of SPAs in offshore areas

CJ advised the group that the need for a clear process for the classification of SPAs in offshore waters had become apparent from discussions on Liverpool Bay. The group were invited to provide comments on the process proposed in backing paper MN2KPG6\_4\_Proforma with a view to the process being put to the Joint Nature Conservation Committee on 15<sup>th</sup> June for endorsement. Concerns were expressed over commenting in such a tight timescale and the group requested that the recommendation of a process for SPA classification in offshore waters be deferred until September Committee to allow more time for its development and discussion. The group agreed that a request for delegated authority to the Chairman for classification of inshore aggregations primarily within territorial waters would be put to the Joint Nature Conservation Committee on 15<sup>th</sup> June. It was appreciated that this would not delay the possible classification of Liverpool Bay but allow sufficient time to develop a proper process inter-sessionally.

**AP11 Group to provide comments on section 4 of MN2KPG6\_4\_Proforma to CJ by 25th June.**

**AP12 CJ to produce a revised process for the designation of marine SPAs by end of July.**

### 9.2 Prioritisation of areas for data gathering and analysis

JR introduced the backing paper MN2KPG6\_8\_SPAnetwork and highlighted its aim to prioritise, for data analysis, locations identified as supporting inshore aggregations of water birds in the non-breeding season. The criteria for prioritisation were threat, data availability and SPA guidelines stage II judgements. The group welcomed this as a first step to addressing developing the SPA network in the marine environment and commented that work was needed to understand what was meant by ecological

## **JNCC MARINE NATURA 2000 PROJECT GROUP MINUTES**

coherence within the context of the SPA/N2K network. The group discussed appropriate methods for prioritisation of locations to be examined for suitability as SPAs given data and capacity limitations and known threats. The group agreed that the relative number of birds in each location should be considered as a factor in this exercise and that approaches used in the development of the current suite of SPAs should be employed. Once revisions have been undertaken, the paper will be put to the SPA & Ramsar Scientific Working Group and then to the UK Natura 2000 Steering Committee for consideration.

**AP13 Group to provide comments on MN2KPG6\_8\_SPAnetwork to JR by 25th June.**

### **9.3 Modification of timetable for SPA work**

CJ advised the group that the timetable for SPA work had become out of date and needed revision this summer in order to respond to a request for it from the UK Marine Sub-group. JR reported that analysis of the ESAS database for aggregations of birds away from the coast (probably for feeding) would commence after the 2004 fieldwork season.

**AP14 Group to provide comments on SPA timetable to CJ by 25<sup>th</sup> June.**

### **9.4 EU MEG paper on locating and assessing sites**

CJ reported that a revised and largely complete version of the EU MEG locating and assessing sites paper would be submitted to the EU MEG in September. This will include a substantial revision on the sections relating to birds and wide-ranging species. CJ urged the group to provide significant comment on this paper and reported that Belgium and Germany were also contributing to it. See action point 4 under section 4.1 above.

**AP15 CJ to revise and circulate to the group the next draft of EU MEG assessing & locating sites paper in early August.**

## **10. Forthcoming work**

Not discussed under this item.

## **11. Any other business**

MV advised the group that the Terms of Reference for the group would need to be re-considered in the light of outcomes from the RMNC. It is anticipated that this may happen at the next meeting (14<sup>th</sup> September 2004).

## JNCC MARINE NATURA 2000 PROJECT GROUP MINUTES

### Summary of action points

<b>Action point number</b>	<b>Action</b>	<b>Action by</b>	<b>Action on</b>
1	Place approved working guidance on boundary definition onto the JNCC website.	Next meeting	CJ
2	Provide detailed comment to CT on MN2KPG6_2_Networks.	25 <sup>th</sup> June	Group
3	Provide comments on Chapter 6 of EU MEG draft Guidelines document (D02a Marine Guidelines draft.doc) to John Clorley (Defra).	25 <sup>th</sup> June	Group
4	Provide comments to CJ on EU MEG locating & assessing sites paper (D04 WG2 Locating Assessing SAC and SPA.doc) with special reference to wide-ranging species and birds.	25 <sup>th</sup> June	Group
5	Provide comments on EU MEG management paper (D05 WG3 Managing Marine Sites.doc) to CJ.	25 <sup>th</sup> June	Group
6	Provide any further comment on sections 1-3 & appendices of N2KPG6_4_Proforma to CJ.	28 <sup>th</sup> May	Group
7	Provide any further comment on MN2KPG6_6_HP to MV.	28 <sup>th</sup> May	Group
8	Write a review on bottlenose dolphin data and make recommendations for appropriate action with relation to SACs for the species for presentation at next meeting.	31 <sup>st</sup> August	JR
9	Provide comments on MN2KPG6_7_Colony to AW.	25 <sup>th</sup> June	Group
10	Revise MN2KPG6_7_Colony and place on JNCC website for consultation.	Mid-August	AW
11	Provide comments on section 4 of MN2KPG6_4_Proforma to CJ.	25 <sup>th</sup> June	Group
12	Produce a revised process for the designation of marine SPAs.	End of July	CJ
13	Provide comments on MN2KPG6_8_SPAnetwork to JR.	25 <sup>th</sup> June	Group
14	Provide comments on SPA timetable to CJ.	25 <sup>th</sup> June	Group
15	Revise and circulate to the group the next draft of EU MEG assessing & locating sites paper.	Early August	CJ