

# JNCC MARINE NATURA 2000 PROJECT GROUP MINUTES

THIRD MEETING 29<sup>TH</sup> MAY 2003

11.00 - 16.00 JNCC, MONKSTONE HOUSE

## APPROVED MINUTES

### Present (around table):

Malcolm Vincent (MV) (Chair) - JNCC  
Charlotte Johnston (CJ) - JNCC  
Caroline Turnbull (CT) - JNCC (secretary)  
Jim Reid (JR) - JNCC  
David Connor (DC) (up to item 7) - JNCC  
Dan Laffoley (DL) (up to item 7) - EN  
Ben Fraser (BF) - EN  
John Baxter (JB) - SNH

Howard Platt (HP) (up to item 9) - DoENI  
Helen Baker (HB) (items 1-3 & 8 onwards) - JNCC

### By video-link:

Nigel Buxton (NB) (item 8 onwards) - SNH  
Mandy McMath (MM) (up to item 7) - CCW  
Sian Whitehead (SW) (item 8 onwards) - CCW

### Apologies:

Jan Pentreath (Joint Committee)  
Mark Tasker (JNCC)  
Andy Webb (JNCC)  
Claire McSorley (JNCC)  
Wyn Jones (JNCC)  
Catherine Gray (CCW)

Kirsten Ramsey (CCW)  
Adam Cole-King (CCW)  
Ian Bainbridge (Scottish Executive)  
Paul Gilliland (EN)  
Allan Drewitt (EN)  
Peter Clement (EN)

## 1. Welcome and apologies for absence

MV welcomed the attendees and passed on apologies from Jan Pentreath who, due to sudden illness in the family, was unable to chair the meeting. Apologies noted as above.

## 2. Minutes of the second Marine Natura 2000 Project Group Meeting

The minutes were approved without amendment although the secretary agreed to check whether Defra should have the first letter capitalised or not.

Action points from the last meeting were all completed with the exception of AP6 and 15 which are carried over.

**AP1 – CT to re-draft Paper MN2KPG2\_2 (Biogeographic regions) taking into account comments received from the project group.**

**AP2 – CJ to draft a protocol for communication between working groups involved in marine Natura 2000 for the next project group meeting.**

The group highlighted that, in response to a lack of reply to the letter sent to Defra subsequent to the last meeting, further steps should be taken to restore communication with Defra.

## 3. Marine working groups and Committee

### 3.1 EU Habitats Committee Scientific Working Group marine sub-group

MV reported that the EU Marine Experts Group (MEG) will be co-chaired by Trevor Salmon, Defra and Micheal O'Briain, DGEnv. Its first meeting was in March 2003. At this meeting, three working sub-groups were set up: Habitat definitions (led by Denmark), site selection (led by the UK) and management measures (led by the Netherlands). The UK is on the second and third subgroups, but not the first. The project group agreed that this was not satisfactory and that it was important that the UK should be involved in all three sub-groups in order to share information and prevent the existing UK site series from being compromised. The group suggested that JNCC formally request representation in the UK delegation in order to provide technical input and also direct communication and comment to and from

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the country conservation agencies. It was agreed that the secretariat for the Project Group would coordinate input from the Project Group to the EU MEG. There was concern expressed over the lines of communication to the devolved administrations on issues to be discussed in the EU MEG.

## **AP3 – MV to request from Defra that JNCC attend meetings of the EU Marine Experts Group.**

The group also expressed concern over the participant list in general and noted the lack of delegates from accession countries and Italy.

### **3.2 Update from Joint Committee on Marine Strategy/JNCC priorities**

MV reported that a paper based on Project Group paper MN2KPG2\_1 (marine strategy) was considered at the March 2003 meeting of the Joint Committee. The committee particularly noted the issue of windfarms and the need for proper resources to cope with resulting increases in workload. MV informed the group that the paper to the Committee was part of the ongoing task to track relevant marine strategy across the UK, EU and internationally with the intention of developing a JNCC strategy by end of 2004. The Project Group will have further opportunities for review and discussion.

## **4. Selection of offshore SACs for Annex I habitat interest features**

### **4.1 Report from Committee**

In March 2003 the Joint Committee (paper P01MAR03) considered the revised boundary definition guidance, and offshore SAC selection methodology. Committee approved the guidance for boundary definition of SACs away from the coast and for SPAs for four species of seabirds as working guidance prior to the adoption of full guidance on Marine Natura issues. The group was advised that information from ICES indicated that satellite tracking of fishing vessels would only update every two hours. This could have a bearing on enforcement of fishing activities within a site, and therefore suggests a site boundary wider than the current guidance advises might be required. The group noted that this evidence would be considered by the EC as part of its consideration of ICES' advice and it was agreed that the group would watch for developments.

### **AP4 – JNCC to put approved working guidance on boundary definition onto the JNCC website**

The Joint Committee approved the methodology on offshore SAC selection for the purpose of informal consultation, subject to concerns about informal consultation proceeding before consideration of the issue by the UK Natura Steering Group. Committee did not feel able to form a view on the level of information necessary to propose a site, other than that it should be sufficient to justify a designation. This issue will be addressed by the EU Habitats and Ornis Committee Scientific Working Group's marine expert group (EU MEG), and be informed by survey work carried out in the Irish Sea and offshore waters this summer. MV will produce a brief paper for Committee containing guidance and criteria on this issue.

### **4.2 Development of Tranche 1 and process for the remaining areas of potential habitat**

CT highlighted that paper MN2KPG3\_1 is intended as a summary document which builds on previous papers and underlines the key issue of data quantity and associated costs. The group broadly welcomed the paper but agreed that any paper to the EU MEG would need to include more information on the regional sub-divisions used to achieve representativity (as detailed in MN2KPG2\_3 and Joint Committee paper P01MAR03) and maintain a more neutral stance through the paper. Specific comments from the group on text were noted by CT. The group also commented that the costs outlined in the paper for habitat survey were generally too conservative and agreed to provide suitable figures.

### **AP5 – Group members to provide any further comment on Paper MN2KPG3\_1 (Selection of offshore habitat SACs) including costings for surveys to Caroline Turnbull by 27.6.03.**

With agreement from Committee on the methodology for site determination, JNCC will proceed with developing a first tranche of sites with the view to discussing them at the fourth Project Group meeting.

### **4.3 Survey work for 2003**

The group discussed opportunities for collaboration in order to increase knowledge of offshore and inshore habitats. Opportunities presented by the oil and gas industry Strategic Environmental Assessments (SEAs) were noted as being particularly beneficial for both the country conservation

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agencies and the JNCC. The group noted that a national data coordination post had been created at CEFAS, which may provide opportunities for finding out more about data availability.

SNH: surveying Moray Firth this year, Sandy Riddle (NE), and possibly the rocky area west of the Hebrides which straddles the 12nm boundary both next year. JNCC to bid for funds to collaborate with this. The suggestion that SNH survey planning meeting with FRS should also involve JNCC was welcomed,

NI: Commissioning major survey of NI waters over next 5 years, esp. maerl beds off Antrim.

CCW: tidal rapids surveys, this year N of Anglesey. Next year doing in-house survey & analysis of samples from Anglesey this year,

EN: inshore data collation (this year) will flag areas needing survey.

JNCC: Irish Sea work (northern Irish Sea mounds & gravel & rock NW of Anglesey), plus Stanton Banks and Blackstone Banks this year. Next year depends on funds – maybe eastern Channel ‘gravel’ area. Also Interreg bid for seabed mapping (data gathering & new mapping).

## 5. *Sabellaria spinulosa* biogenic reef – a working definition for offshore industry

CJ advised the group that this piece of work was driven by the need of JNCC Marine Advice to provide operational advice for avoiding *Sabellaria spinulosa* reef since it is a sub-type of Annex I habitat Reef. CJ collated available information on *S. spinulosa* reef, its location and examined how it can be defined and identified. After comment by the Project Group on this paper, the revised document will be sent out to interested parties for further comment and obtain any further information.

The group acknowledged that this was a difficult area of work but that the key task was to agree a definition of *S. spinulosa* biogenic reef. Two UK National Marine Habitat Classification biotopes appear to fit the definition of Reef but a third biotope of *S. spinulosa* aggregations on cobbles may not. The group also noted that the threshold for density may need re-visiting and that the extent of an aggregation needed defining.

**AP6 – Group members to provide any further comment on Paper MN2KPG3\_2 (*Sabellaria spinulosa* reef definition) and additional data to Charlotte Johnston by 27.6.03.**

## 6. Selection of additional habitat SACs in UK Territorial Waters

### 6.1 Progress reports from the Country Agencies

SNH: Luce Bay has been proposed for ‘Large shallow inlets and bays’. Survey near Mingulay in the Minches this summer may reveal a *Lophelia pertusa* cold-water coral reef, which may be put forward as a SAC. Surveys this year & SEA may identify additional areas to consider for site selection (Janet Khan leading on this work, with Graham Saunders & Dan Harries).

NI: surveys over next 5 years may identify additional areas to consider for site selection. HP to provide further information (Joe Breen leading on this work).

**AP7 – CT to provide HP with blank timetable for completion re: plans for further SAC identification in Northern Irish waters.**

EN: Working on data gathering to add to BGS maps for inshore waters, slightly behind schedule. Will identify possible areas to consider as SAC, and maybe areas for further survey (Paul Gilliland leading on this work).

CCW: Tidal rapids survey may identify additional areas to consider for site selection, otherwise, Welsh inshore waters not requiring additional work (Kirsten Ramsey leading on this work).

## 7. Selection of SACs for Annex II species

Inter-Agency Marine Mammal Group (IAMMG) meeting planned for May 2003 now postponed until summer. Discussion at the last meeting of the IAMMG included monitoring and setting of conservation objectives for seals as well as a discussion of emerging ‘hotspots’ for seals in the offshore. Tagging studies funded by the Scottish Executive will provide further good data over then next 18-24 months at which point some conclusions may be drawn. The group noted that this work would provide good coverage around Scotland but colonies in Wales needed similar attention.

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The IAMMG also discussed bottlenose dolphins in the Moray Firth as sightings outside the cSAC are increasing. It is not clear whether this is a function of a spreading population or better recording but funding is being sought for a sightings programme down the east coast of Scotland.

JR confirmed that both harbour porpoise reports had been received by JNCC and their peer review was planned for summer 2003 with the view to reporting back to the project group in October 2003. A paper could then be submitted to the Joint Committee in December 2003.

**AP8 – IAMMG to report back to project group by 2.10.03 the outcome of peer review of harbour porpoise reports.**

## 8. Seaward extensions to seabird breeding colony SPAs

### 8.1 Report from Committee

See 4.1 above.

### 8.2 Seabird breeding colony SPA extensions: development of additional guidance

CJ highlighted that, further to consultation responses and work programme planning, the spreadsheet in MN2KPG3\_3 had been developed with the intention to indicate where generic guidance was appropriate or not. The timetable for developing guidance will be dependant on further work (fieldwork or data analysis). Terns are likely to have generic guidance produced for colony extensions but this will be in relation to feeding behaviour as opposed to resting etc. The group broadly welcomed the spreadsheet but suggested that the final column be amended. Support was given for providing the rationale behind decisions on when generic guidance can be provided. Queries were raised over shag for which there are still doubts in the group over whether there is non-site specific behaviour around colonies but as yet there is insufficient evidence to support this. Survey in summer 2003 may help to inform this debate. For Manx shearwater and it was explained that they use the water near but not necessarily directly adjacent to colonies, therefore, areas are likely to be site specific and disjunct from the colony boundary.

**AP9 – Group members to provide any further comments on Paper MN2KPG3\_3 (Spreadsheet for marine SPAs work) to Charlotte Johnston (copied to Andy Webb and Jim Reid) by 18.7.03.**

**AP10 – Andy Webb and Charlotte Johnston to prepare short paper for October Project Group meeting on rationale behind decisions on colony extension generic guidance preparation.**

### 8.3 Fieldwork this season

JR reported that a study of Manx shearwater around Skomer was being undertaken until August using radio-tracking to assess rafting sites. One cruise is planned in Fetlar, Shetland, in June to assess non-site specific behaviour of Fulmar around colonies. This survey should also provide information for other species, including shag. A land-based survey of the water use around colonies of red throated diver is planned for July.

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

### 9.1 Suitability of existing SPA site selection guidelines for inshore aggregations of non-breeding birds

JR, on behalf of AW, advised the group that paper MN2KPG3\_4 recommends the use of existing SPA selection guidelines for inshore aggregations of non-breeding waterbirds but that data sources were an issue. It is recommended that for the application of existing guidelines, casual data are not used to support SPA selection and that other data should be used bearing in mind their quality. Data considerations lead to a first tranche of selection on sea areas where data for non-breeding waterbirds are adequate to make judgements. A second tranche will include sea areas where qualifying numbers of waterbirds are expected but the data is inadequate to make a proper assessment. The age of data was discussed briefly by the group with a view that older data should be used if it is necessary (but remove the figure of 20 years since some ESAS data is from 1979). The group agreed that 'breeding success' was inappropriate to use in an assessment of non-breeding aggregations and should be discounted for the selection of this type of SPA. The group noted that SPA selection in Northern Ireland was done on a whole Ireland basis and discussions on further SPA selection would be necessary with Dùchas.

However, it was noted that figures for species for 1% of the biogeographic population would vary with regard to whether they were for whole Ireland or NW Europe.

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The spreadsheet in backing paper MN2KPG3\_3 indicates which species are being considered for this type of SPA. Questions were raised by the group over little grebe, surf scoter, cormorant and non-breeding roosting gulls missing from the spreadsheet in relation to inshore aggregation SPAs. It was agreed that these should be included on the spreadsheet for completeness. Caution was also advised over footnote 2a since some species to which this is applied are seen in large numbers. The group advised that it was important to make it clear throughout the site selection process on what basis species are discounted.

**AP11 – Group members to provide comment on Paper MN2KPG3\_4 (marine SPA site selection guidelines, including list of inshore areas for inshore non-breeding birds) (tabled at the meeting) to Andy Webb (copied to Charlotte Johnston and Jim Reid) by 18.7.03.**

### **9.2 Developing generic guidance for boundary definition – update on the Tay analysis**

JR reported that the process for the Tay was analogous to that used for Carmarthen Bay but a technique had been used which took account of zeros. Densities of scoter and long-tailed duck didn't reach qualifying numbers but red throated divers did. There is also a large little gull population in the Tay which has been considered in anticipation of the species being added to Annex I. Options for a boundary have been explored looking at including divers only, divers and eiders and all species as well as including all concentrations or the main concentration. Different configurations of lines have also been explored. It is likely that 98% of highest density nodes in the area would be a criterion for boundary definition. Draft generic guidance is almost done but JR would advocate the analysis of data at one more site to test it before presenting it for consultation. After discussion, the group agreed that draft generic guidance for boundary definition would be presented to the SPA Scientific Working Group (SWG) at the September 2003 meeting with the caveat that Liverpool Bay will be examined in a final quality assessment process for the guidance. The Project Group will consider the response of the SPA SWG in October 2003 and review the results of the Liverpool Bay analysis inter-sessionally. The group agreed that it would be premature to propose the Tay for selection at the December meeting of the Joint Committee before guidance has been finalised, however, the momentum on site selection for inshore aggregations of non-breeding birds should not be lost.

**AP12 – Jim Reid to produce draft generic guidance for boundary definition for inshore aggregations of non-breeding birds for circulation to the project group by 29.8.03 and subsequent presentation to the SPA Scientific Working Group (for meeting 23.9.03).**

### **9.3 List of marine areas known to support large aggregations of non-breeding waterbirds for consideration of SPAs**

HB reported that, subsequent to discussions at the second Project Group meeting, a list of areas was prepared and circulated to the group for comment. HB highlighted that this list was put together without specific criteria and that it has not been subject to a rigorous selection process. It is not intended to be a shortlist of SPAs. The group supported the production of a list of areas which will be considered as part of the SPA identification process for sites with large aggregations of non-breeding waterbirds but expressed ongoing concerns as to how the list is presented and used. However, the group agreed that a list of areas was needed to enable government to act in a precautionary manner with regard to the licensing of marine activities. It was also noted and agreed that devolved administrations should be notified in advance of the list. Once notified, MV will advise government departments of marine areas which need to be treated in a precautionary manner. The process for addressing these areas will be discussed at the next Project Group meeting.

**AP13 – Malcolm Vincent 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, and circulate to the project group for consultation with devolved administrations.**

## **10. SPAs for aggregations of seabirds away from the coast, probably for feeding**

### **10.1 Timetable for methods testing and data analysis**

JR reported that, as planned, a method for testing has been identified but analysis has not started. However, opportunities may arise under the oil and gas SEA process to fund the analysis of the ESAS

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database for the whole of NW Europe to identify aggregations of seabirds away from the coast. The group requested the specification for the proposed methodology and suggested that it should be presented to the SPA Scientific Working Group in September 2003 for consideration.

### 11. Papers to working groups and the Joint Committee

#### 11.1 SPA Scientific Working Group (for meeting 23<sup>rd</sup> Sept '03)

Draft boundary definition guidance for inshore aggregations of non-breeding birds (for comment).  
Specification for the proposed methodology for identifying aggregations of seabirds away from the coast, probably for feeding (for comment).

#### 11.2 Joint Committee (for meeting 10<sup>th</sup> December '03)

Boundary definition guidance for inshore aggregations of non-breeding birds (for comment).  
Follow up on selection methodology for habitat SACs consultation (for information).  
Update on harbour porpoise site identification (for information).

#### 11.3 EU Marine Experts Group (for meeting 14<sup>th</sup> October '03 – now to be 17<sup>th</sup> December '03 and attended by CJ)

Habitat SAC site identification process.  
*Sabellaria spinulosa* biogenic reef definition (likely to be deferred until later meeting).

**AP14 – Charlotte Johnston to respond to Trevor Salmon's request for papers from the Project Group for submission at the EU Marine Experts Group.**

### 12. Any other business.

The group agreed that there was a clear and pressing need for a steering group to be set up to address marine Natura 2000 policy issues analogous to the Offshore Natura 2000 steering group which disbanded in May 2002.

**AP15 – Group members to prompt devolved administration staff to request of Defra a 'marine Natura 2000 steering group' type meeting or process to guide agency implementation of the Habitats and Birds Directives in the marine environment.**

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## Summary of action points

Action point number	Action	Action by	Action on
1	To re-draft Paper MN2KPG2_2 (Biogeographic regions) taking into account comments received from the project group (outstanding AP6 from February meeting).	Next meeting	CT
2	To 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
3	MV to request from Defra that JNCC attend meetings of the EU Marine Experts Group.	Ad hoc	MV
4	Place approved working guidance on boundary definition onto the JNCC website.	Next meeting	JNCC
5	To provide any further comment on Paper MN2KPG3_1 (Selection of offshore habitat SACs) including costings for surveys to Caroline Turnbull.	27.6.03	The group
6	To provide any further comment on Paper MN2KPG3_2 ( <i>Sabellaria spinulosa</i> reef definition) and additional data to Charlotte Johnston.	27.6.03	The group
7	To provide Howard Platt with blank timetable for completion re: plans for further SAC identification in Northern Irish waters	Next meeting	CT
8	To report back to project group the outcome of peer review of harbour porpoise reports.	2.10.03	IAMMG
9	To provide any further comments on Paper MN2KPG3_3 (Spreadsheet for marine SPAs work) to Charlotte Johnston (copied to Andy Webb and Jim Reid).	18.7.03	The group
10	To prepare short paper for October Project Group meeting on rationale behind decisions on colony extension generic guidance preparation.	Next meeting	AW & CJ
11	To provide comment on Paper MN2KPG3_4 (marine SPA site selection guidelines, including list of inshore areas for inshore non-breeding birds) (tabled at the meeting) to Andy Webb (copied to Charlotte Johnston and Jim Reid).	18.7.03	The group
12	To produce draft generic guidance for boundary definition for inshore aggregations of non-breeding birds for circulation to the project group and subsequent presentation to the SPA Scientific Working Group (for meeting 23.9.03).	29.8.03	JR
13	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, and circulate to the project group for consultation.	18.7.03	MV
14	To respond to Trevor Salmon's request for papers from the Project Group for submission at the EU Marine Experts Group	Ad hoc	CJ
15	To prompt devolved administration staff to request of Defra a 'marine Natura 2000 steering group' type meeting or process to guide agency implementation of the Habitats and Birds Directives in the marine environment.	Ad hoc	The group