

JNCC MARINE NATURA 2000 PROJECT GROUP MINUTES

3.2 UK strategy - Marine Stewardship Report and Irish Sea Pilot.

MV reported that JNCC had been developing its priorities for nature conservation as part of the development of JNCC's strategy and was taking full account of marine strategy development in the UK and Europe. JNCC's marine strategy should be fully developed by 2004. The paper for this meeting (MN2KPG2_1) is meant as an initial factual account of marine strategies and initiatives at international and national levels to provide background to the development of JNCC's marine strategy. The group discussed aspects of developing a strategy and highlighted the need for clear goals for the strategy and translating broad principles such as 'ecosystem approach' and 'ecologically coherent network' into practical techniques and measures. DL advised the group that he was engaged in the group working on MPAs under the Jakarta mandate. MT informed the group that money was available under EU Framework 6 to look at case studies of the use of MPAs and that he had proposed an area.

The group was advised that Defra is issuing strategic goals for marine nature conservation in England imminently and the need for joined up thinking with devolved administrations at a developmental stage was underlined by group members. General strategic goals are currently being consulted upon (Seas of Change, November 2002) and these will help to provide a framework for further work. MV advised the group that the backing paper would be re-worked to identify the connections between projects and identify necessary sequences in activities. The group was advised that English Nature's marine strategy would continue to be developed and they would endeavour to link it with other agency strategies.

MV invited input into the development of a JNCC/country conservation agencies strategy and underlined the need for agencies to coordinate with each other in their strategic work.

4. Responses to consultation on JNCC Report 325.

A paper entitled 'Responses to consultation on JNCC Report 325 Natura 2000 in UK Offshore Waters' was tabled at the meeting by CT. CT and HB outlined to the group the key issues which arose from responses from WWF, MarLIN, RSPB and WWT. The request to assess existing survey and research data in order to identify gaps and initiate essential new work to support identification of SPAs in the marine environment (which was seen as an urgent need) was highlighted. The group agreed that putting the paper on the JNCC website would constitute a suitable conclusion to the consultation process with the proviso that consultees comments were made generic and unattributed and that the final column was removed. Respondents would be notified of the posting. Comment on the factual content of the JNCC response was requested from the group.

AP3 – Group members to provide comment to CT by 21.2.03 on JNCC's response to consultees comments as detailed in the tabled paper 'Responses to consultation on JNCC Report 325 Natura 2000 in UK Offshore Waters'.

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

5.1 Responses to SAC boundary definition consultation.

A draft paper entitled 'Boundary Guidelines Consultation' was tabled at the meeting by CJ which only included significant responses received by the 7th February as the consultation period ended on the 31st of January and some late responses had been indicated and were still outstanding. The group was advised that this was a first draft of the responses to the consultation on boundaries as requested by the Joint Nature Conservation Committee in September 2002. A report on the consultation will go to Committee in March 2003. Responses to the consultation showed a general support for simple boundaries and highlighted the need to clarify the rationale for adding a margin around the SAC interest feature proportional to water depth at the site. MV informed the group that, at the request of the Joint Committee, he had sought clarification from Defra on the potential legal implications of the boundary definition guidelines. Defra (EWD) reported that consistency throughout was needed with consideration given to the location of the interest feature so as to be practical. Defra (EWD) highlighted that for offshore SACs there would be no provision for management of fishing outside the site as is available for sites in territorial waters and that due regard needs to be given to this. The EC would prefer a boundary practical to fisheries management and Defra can see no legal impediment to this.

JNCC MARINE NATURA 2000 PROJECT GROUP MINUTES

The group agreed that the guidelines needed clarifying in parts to take account of comments received. The need for consistency in the application of basic principles within differing circumstances was underlined.

AP4 – CJ to re-draft SAC boundary definition guidelines taking into account consultation responses and circulate to the project group by 17.2.03 for comment.

5.2 Process for selection of sites (including biogeographic regions).

The group generally welcomed the paper on biogeography for Natura 2000 habitat areas and highlighted its use in helping to deliver an ecologically coherent network. The group agreed that one more iteration of the paper should be completed to take into account comments from group members. MV advised the group that the work would be fed into and further developed in the RMNC work programme.

AP5 – Group members to provide further comment on Paper MN2KPG2_2 (Biogeographic regions) to CT by 21.2.03.

AP6 – CT to re-draft Paper MN2KPG2_2 (Biogeographic regions) taking into account comments received from the project group.

The group considered the process for selecting Habitats Directive Annex I habitat sites, as set out in paper MN2KPG2_3. CT clarified that areas of habitat in Tranche 2 were those which either had insufficient biological data to evaluate against selection criteria and/or were broadly similar in character to known areas of habitat in territorial waters or had insufficient data to confirm the presence of Annex I habitat. Also, Tranche 2 areas would not be automatically excluded if there was a broadly comparable area of habitat in territorial waters but bilateral talks with the relevant country conservation agency would be needed before a decision on selection could be made. The process outlined in the paper was agreed but the group sought clarity on what was meant by 'sufficient data'. Debate was held on what level of data was needed to select a site. The conclusions of the Defra led European Seminar held in June 2002 were highlighted which stated, "The need for biological data for SAC identification was widely recognised." However, the view was expressed that a site series developed on the basis of good ecological principles, e.g. biogeography and substratum, could be expected to sustain representative communities provided this was not prevented by human activity. If this concept was adopted, biological 'validation' was not essential. Nonetheless, it was recognised by the group that if the level of biological data used to identify a site was very low, this contained inherent risks. The group agreed that, with clarification of the decision making process, the tranches and proposed site series should be put forward to the Joint Committee and then Defra with an explanation of associated risks related to lack of data and delay that will result where further data collection is required.

AP7 – Group members to provide any further comment to CT on Paper MN2KPG2_3 (Selecting a site series) by 14.2.03.

AP8 – CT to propose tranches and a site series to the Joint Nature Conservation Committee for their consideration highlighting the decision making process and associated risk.

5.3 Survey work.

CJ advised the group of a proposed collaboration between DARD, Dunstaffnage Marine Laboratory, SNH and JNCC to undertake broadscale biotope mapping of Stanton Banks and the southern Minches with a special focus on Annex I reef habitat (bedrock and biogenic reef) in July 2003. KR informed the group of an application for INTERREG 3 money for benthic mapping in the Irish Sea and advised that an answer is expected in autumn 2003. JB advised the group of a four year programme with St Andrews University to satellite tag seals at Scottish cSACs which should yield information to feed into the identification of offshore hotspots for seals.

6. Selection of additional SACs in UK Territorial Waters.

6.1 Reports from the Country agencies.

JB reported that SNH were currently looking at identifying a shallow inlet and bay site in SW Scotland to complement their current series and were considering Luce Bay. SNH are also currently examining the potential for a common seal SAC at the Sound of Barra but are checking numbers of seals. Planned

JNCC MARINE NATURA 2000 PROJECT GROUP MINUTES

survey should help to inform this. Consideration of cross boundary (inshore/offshore) areas is not currently scheduled.

PG reported that English Nature would follow the approach developed by JNCC for identifying areas of 'offshore' Annex I habitat but would be contracting out data collation. English Nature should have possible areas of Annex I habitat mapped shortly. The current projection is to have a scoping list of possible sites by 2004. The group noted that the timetable should be modified accordingly.

KR reported that the Severn and Dee sites were still pSACs. No further site identification is programmed but CCW would consider looking at the north of Anglesey if a potential site in offshore waters is identified adjacent to territorial waters. No survey is currently planned in this area but it may be surveyed as part of CCW's BAP work.

7. *Sabellaria spinulosa* biogenic reef - a working definition for offshore industry.

CJ advised the group that there was a pressing need to develop a working definition of *Sabellaria spinulosa* biogenic reef to enable offshore operators to work whilst having regard to Annex I habitats and potential sites. CJ will develop the guidance to industry to include a habitat definition and preferred survey methods as soon as possible.

8. Selection of SACs for Annex II species.

8.1 Harbour porpoise: summaries of reports from JNCC & CCW, plan for review.

MT reported that the contract report by SMRU had been received but the Sea Watch report was still outstanding (but imminent) and that the Inter-agency Marine Mammal Working Group was considering a shortlist of names for conducting a peer review on them. This peer review would specifically concentrate on the methodology and should hopefully be completed by mid-May 2003. The contractors would not be involved in the review process. MV informed the group that he would like to be able to take a view to the Joint Nature Conservation Committee meeting in June 2003.

8.2 Seals: future work.

MT reported that the Inter-agency Marine Mammal Working Group considered a proposal to review data on seals and had agreed that it would be premature given the work that SNH is commissioning (see item 6.1) and suggested that next financial year would be more appropriate.

8.3 Bottlenose dolphin: future work.

MT advised the group that there was a need to undertake a review of bottlenose dolphin data to assess if consistent hotspots are present in UK offshore waters. This will be put on the agenda of the Inter-agency Marine Mammal Working Group in May 2003.

9. Seaward extensions to seabird breeding colony SPAs.

9.1 Responses to boundary consultation and way forward.

A paper entitled 'Boundary Guidelines Consultation' was tabled at the meeting by CJ. CJ reported that responses to the consultation showed broad support for simple boundaries. Three examples of boundary extensions around colonies were presented to illustrate the guidance and the group was asked whether more prescriptive guidance would be preferred. The group agreed that the current level of guidance was preferable as it allowed a beneficial flexibility of interpretation and that inclusion of the maps would be useful.

The group debated what guidance could be given on other species present in breeding colonies. The group agreed that the current boundary guidance should be explicit about what guidance on colony extension could be given for each species at this point and indicate where further work was needed to be able to advise on sea area use. JR advised the group that survey work this summer would provide data for manx shearwater but further work would be needed for shag (analysis of existing data), fulmar (survey) and gulls (survey for lesser black backed gull, greater black backed gull, herring gull and kittiwake). The group recommended that the previous survey data be re-visited to assess whether there were species for which boundary extensions to breeding colonies are not appropriate. The group accepted that with current guidance limited to four species, few sites could be considered for extension

JNCC MARINE NATURA 2000 PROJECT GROUP MINUTES

into the marine environment. Meanwhile, the Joint Nature Conservation Committee meeting in March 2003 will be asked to adopt the guidance on four species only and agree a flexible approach to boundary definition.

AP9 – AW to assess whether further guidance can be given on other breeding species.

AP10 – CJ to re-draft SPA breeding colony boundary extension guidelines taking into account consultation responses and circulate to the project group by 17.2.03 for comment.

10. SPAs for inshore aggregations of non-breeding birds

10.1 Testing of methods and data analysis.

JR reported that data analysis for Carmarthen Bay was now complete and the site is out to consultation. Data from the Tay was now being analysed, as this was the most complete dataset, and this will provide guidance for analysing other areas; Methods need be refined and made more widely applicable. The Tay should be reported on by the end of March 2003 and then focus will turn to Liverpool Bay as requested by CCW. Generic guidelines for identifying aggregations of seabirds (etc) should be available after the Tay is completed.

The group debated how to address the pressure from offshore industry development on areas with known bird aggregations which have not yet been assessed against the SPA selection guidelines. MT highlighted that JNCC currently advises oil and gas companies through the DTI that where an area may reasonably be considered to be a potential site then the precautionary approach should be taken and it should be treated as if it were designated. As the renewables team at DTI is to be combined with oil and gas, this approach should be made clear to them. MT agreed to highlight this to the DTI with special concern to windfarm development. To assist with keeping the DTI and devolved administrations informed of potential areas for SPA selection it was agreed that a shortlist of areas within which selection of sites would be considered should be drawn up by JNCC and commented on by each country conservation agency.

AP11 – MT to discuss with the DTI country conservation agency concerns over possible SPAs in windfarm SEA areas.

AP12 – AW & HB to draft a list of area within which potential areas for SPA selection as inshore aggregations of non-breeding birds would be considered, and circulate to agencies by 7.3.03.

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

JR reported that as planned little work had been done since the last meeting but a method for analysis had been identified.

12. Bird species not captured by the above three approaches.

JR reported that the JNCC is currently discussing with the RSPB and the DTI survey work to be undertaken in the three windfarm SEA areas and have made it clear that as part of the EIA, due consideration will need to be taken of existing and potential SPAs within and adjacent to the SEA areas. A survey of Fetlar SPA is proposed this calendar year which should inform boundary extension work for Fulmar. Work is planned to identify tern feeding areas in the three windfarm SEA areas. Planning is underway for a full winter (2003/2004) gull roost survey after a pilot survey conducted this winter which is due to report in May.

13. Update to timetable for selection of marine Natura 2000 sites in UK offshore waters

13.1 Timetable for site selection

The timetable will be modified and sent out to the group.

AP13 – Comments on timetable to be submitted to CJ by 4.4.03.

AP14 – CJ to update timetable for third project group meeting to take into account discussions held at the second project group meeting.

JNCC MARINE NATURA 2000 PROJECT GROUP MINUTES

13.2 Joint Committee papers

MV advised the group that two papers would go to the Joint Nature Conservation Committee meeting in March 2003; The first paper would cover Natura 2000 issues as highlighted through the second project group meeting and minuted above; The second paper will address JNCC marine nature conservation priorities over the next three years in response to a request by the Committee in March 2002.

13.3 SPA Scientific Working Group

A paper entitled 'UK SPA Scientific Working Group Draft 2001-2002 Annual Report' was tabled at the meeting by HB. HB highlighted that the planned full survey of wintering gulls (see item 12) will report to the SPA Scientific Working Group (SPASWG) who will consider its implications. The SPASWG upheld the 'minimum 50 rule' as mentioned in the WWT response to the consultation on Report 325. HB reported that the SPASWG wished to have clearer knowledge of the timetable for marine SPA work and would make a formal request to the project group. The project group considered this and agreed that it could be communicated via a protocol which outlined how the two groups would interact.

AP15 – CJ to draft a protocol for communication between working groups involved in marine Natura 2000 for the next project group meeting.

13.4 Strategic Environmental Assessments (Petroleum and wind energy industries).

In addition to reported information under items 10.1 and 12, MT reported that SEAs are being undertaken on an annual basis to achieve full UKCS designated area coverage for oil and gas development. SEAs are also currently underway for windfarm development in three areas (The greater Wash area, Thames estuary and Liverpool Bay) and are due to complete in March. MT sits on the steering groups of both SEA programmes.

14. Date of next meeting.

After an initial trawl of dates the secretary will canvas for dates for the next two meetings from the group.

15. Any other business.

None.

JNCC MARINE NATURA 2000 PROJECT GROUP MINUTES

Summary of action points

Action point number	Action	Date due	Action by
1	To write to Defra to request policy guidance on marine Natura 2000 work being undertaken by the JNCC and Marine Natura 2000 Project Group.	29.5.03	JP
2	Circulate draft Terms of Reference for the EU Habitats Committee Scientific Working Group marine sub-group to the group.	29.5.03	JNCC
3	Provide comment to CT on JNCC's response to consultees comments as detailed in the tabled paper 'Responses to consultation on JNCC Report 325 Natura 2000 in UK Offshore Waters'.	21.2.03	The group
4	Re-draft SAC boundary definition guidelines taking into account consultation responses and circulate to the project group for comment.	17.2.03	CJ
5	Provide further comment on Paper MN2KPG2_2 (Biogeographic regions) to CT.	21.2.03	The group
6	Re-draft Paper MN2KPG2_2 (Biogeographic regions) taking into account comments received from the project group.	29.5.03	CT
7	Provide any further comment to CT on Paper MN2KPG2_3 (Selecting a site series).	14.2.03	The group
8	Propose tranches and a site series to the Joint Nature Conservation Committee for their consideration highlighting the decision making process and associated risk.	20.3.03	CT
9	Assess whether further guidance can be given on other breeding colony species.	20.3.03	AW
10	Re-draft SPA breeding colony boundary extension guidelines taking into account consultation responses and circulate to the project group for comment.	17.2.03	CJ
11	Discuss with the DTI country conservation agency concerns over possible SPAs in windfarm SEA areas	As appropriate	MT
12	Draft a list of area within which potential areas for SPA selection as inshore aggregations of non-breeding birds would be considered, and circulate to agencies by 7.3.03.	7.3.03	AW & HB
13	Comments on timetable to be submitted to CJ by 4.4.03.	4.4.03	The group
14	Update timetable for third project group meeting to take into account discussions held at the second project group meeting.	29.5.03	CJ
15	Draft a protocol for communication between working groups involved in marine Natura 2000 for the next project group meeting.	29.5.03	CJ