

JNCC MARINE NATURA 2000 PROJECT GROUP MINUTES

SEVENTH MEETING 14TH SEPTEMBER 2004

11:00 – 15:45 JNCC, MONKSTONE HOUSE

APPROVED 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 6) - JNCC
Mark Tasker (MT) - JNCC
Helen Baker (HB) (items 1-4 and 7 onwards) - JNCC

Wyn Jones (JNCC)
Angela Moffat (AM) - EN
John Baxter (JB) (up to item 6)- SNH
Nigel Buxton (NB) - SNH

By video-link:

Mandy McMath (MM) (up to item 6) - CCW
Catherine Duigan (CD) (up to item 6) - CCW

Apologies:

Andy Webb (JNCC)
Kerry Howell (JNCC)
Allan Drewitt (EN)
Ben Fraser (EN)
Peter Clement (EN)
Claire McSorley (JNCC)

Sian Whitehead (CCW)
Catherine Gray (CCW)
Adam Cole-King (CCW)
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 sixth 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 exception of action point 12 which will be carried over as action point 1 from this meeting:

AP1: CJ to produce a revised process for the designation of marine SPAs.

3. OSPAR

3.1 Update on the definition of an ecologically coherent network of MPAs

CT reported that the paper for OSPAR MASH meeting (5th-8th October 2004) had been completed on time and thanked the group for their participation. The paper will be placed on the OSPAR website for downloading.

4. EU and UK Marine working groups

4.1 Verbal report from the September EU Marine Expert Group

CJ advised the group that not all papers for the recent meeting (10th September) of the EU Marine Expert Group had been circulated to the Project Group but could be provided to interested parties on request. The meeting on the 10th September primarily addressed the work strand on locating and assessing sites and commented on the version of guidelines provided to the project group in backing paper MN2KPG7_1_MEG. This was received positively by the Marine Expert Group which noted that further work was needed on the sections addressing wide-ranging species and birds. CJ will revise the guidelines for submission to the European Commission by the end of September.

AP2: Group to provide comments, in addition to those provided by the Commission, on MN2KPG7_1_MEG.doc to Charlotte Johnston by 24th September.

CJ reported that an impasse on the definition of habitat 1110 (shallow sandbanks) remains and that it will be addressed at the next EU Habitats Committee meeting. The group supported thorough briefing of UK

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attendees of the Habitats Committee meeting and contact with other member states to highlight the key issues from the UK perspective.

Guidelines on management were not discussed at the MEG meeting but will be the main topic at the next meeting (late January 2005).

CJ advised the group that the deadline for responses to the questionnaire from the European Commission on amendments to the Habitats Directive Annexes had been extended to 1st November. Responses will be used by the European Commission to derive a process by which the Annexes can be amended as part of the EU Marine Thematic Strategy. The group noted that any changes to the Annexes will go through a formal process which includes a consultation phase.

AP3: Group to provide responses to the questionnaire (320736 - note specieshab.doc) from the European Commission to Charlotte Johnston by the 15th October.

4.2 Update on Habitats regulations

CJ reported that regulations for the implementation of the Habitats and Birds Directives in offshore waters and the amendments to the 1994 Habitats Regulations were unlikely to be issued this calendar year. It was highlighted that a pending court case on non-transposition of the Directive was also having a delaying effect on the 1994 Regulations amendments. [Subsequent to the Project Group meeting, information indicated that the Offshore Regulations may not be delayed to the extent reported above.]

5. Selection of SACs for Annex I habitat interest features

5.1 Report from Committee

MV reported that the Joint Nature Conservation Committee agreed the proforma by which SACs should be submitted for their consideration and approved the recommendation of Saturn *Sabellaria spinulosa* reef site to Defra.

5.2 Update of JNCC survey plans

Kerry Howell has now taken over the coordination of JNCC surveys in offshore waters. Survey this year has been undertaken in collaboration with SNH and DARD(NI) west of the Outer Hebrides with weather problems resulting in reduced ground-truthing and surveying of contingency areas in Scottish waters. News on the status of a collaborative project bidding for funding from the Aggregates Sustainability Levy Fund should be obtained in the week commencing 20th September. The outcome of a bid to NERC for seamount surveys by SAMS should be known in November 2004. CJ also reported that WWF are pressing Defra for a survey of the Darwin Mounds but currently there is no funding available for it to be done. MT reported that survey as part of the petroleum industry and windfarm Strategic Environmental Assessment 6 had confirmed the presence of *Modiolus modiolus* beds extending north of Anglesey across the territorial waters limit, pockmarks west of the Isle of Man and obtained data on Holdens reef in Tremadog Bay.

5.3 Update of agency survey plans

JB reported that, in addition to collaborative survey west of the Outer Hebrides, broadscale mapping had been undertaken in the Moray Firth, Sullom Voe and parts of Yell Sound. Monitoring surveys have been conducted in a number of marine cSACs. Planning of next year's surveys is now underway with possible surveys of North Rona and the *Lophelia pertusa* reef east of Mingulay. However, relocation of the Edinburgh headquarters may have resource implications which impact on survey plans.

AM reported that the contract report identifying potential areas of Annex I habitat in English territorial waters was complete and would be circulated imminently for consultation. A final report will be published at the end of the financial year which will inform where survey is undertaken in 2005.

MM reported that efforts in Welsh waters were focused on monitoring within cSACs but an INTERREG funded project (HabMap) was starting which will model habitat based on existing information. Some ground validation of the model is anticipated but it is not known where this will take place.

5.4 Update on sites being submitted to agency councils and Joint Nature Conservation Committee

CJ reported that a further five sites would be considered by the Joint Nature Conservation Committee at its December 2004 meeting for approval for recommendation to Defra as suitable for selection as SACs. JB reported that Luce Bay and Sound of Barra were still being scrutinised as possible SACs and that the reef east of Mingulay would require further data before it could be assessed for suitability as a SAC.

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AM confirmed that English Nature was not currently considering any specific sites due to the imminent consultation exercise. MM reported that a proposal for a site for harbour porpoise would go to CCW's Council, along with a proposal for an SPA in Liverpool Bay, probably by the end of the year.

5.5 Preparation of a forward plan for the completion of a UK suite of sites for Annex I habitat features (inc. work plan)

CJ introduced backing paper MN2KPG7_2_Plan to the group and highlighted that the aim of work within the Project Group was to coordinate Natura 2000 at a UK level and it was necessary to develop an integrated plan of work for all country conservation agencies and the JNCC. The group supported the production of the draft plan and agreed that it would enable better planning of consultation within the group and facilitate cross-border site work. The group agreed that this plan would be a working document for the Project Group only.

AP4: Group to provide amendments to the work plan (table 1 in MN2KPG7_2_Plan) to CT by 29th October.

AP5: CT to amend and maintain work plan for subsequent Project Group meetings.

The group discussed Table 2 of MN2KPG7_2_Plan and agreed to amend it to reflect sub-types of cSACs and use it as a tool to work towards representativity in the UK suite of sites for habitat interest features. The group discussed whether seamounts should be considered a separate sub-type of reef habitat.

AP6: Group to send amended Table 2 (in MN2KPG7_2_Plan.doc) to CT by 29th October.

AP7: CT to present an amended Table 2 (in MN2KPG7_2_Plan.doc) to the next meeting.

6. Selection of SACs for Annex II species

6.1 Consideration of a review of data and recommendations for action re: SACs for bottlenose dolphins

JR introduced to the group backing paper MN2KPG7_3_Dolphin which considers data held in the Joint Cetaceans Database and the European Seabirds at Sea database in order to determine whether sites could be identified for bottlenose dolphin. The group welcomed the paper and broadly accepted its conclusions. The group agreed that, after revision taking into account comments from the Project Group, the paper should be circulated to the group for approval prior to being put on the JNCC website for consultation.

AP8: Group to provide comments on MN2KPG7_3_Dolphin.doc to JR by 5th October.

AP9: JR to revise MN2KPG7_3_Dolphin in the light of comments received by 22nd October and circulate to group for approval.

6.2 Work plan for Project Group

CT noted the discussions held under 6.1 and agreed to amend the work plan accordingly (see action point 5).

7. Seaward extensions to seabird breeding colony SPAs

7.1 Agreement of guidance for extensions to breeding colony SPAs

JR advised the group that backing paper MN2KPG7_4_Colony was a revised version of backing paper MN2KPG6_7_Colony taking into accounts received from the Project Group. It was agreed that some minor revisions were required to clarify guidance for some species, e.g. European Shag and that consultation should await production of McSorley *et al* which is currently in preparation. Clarification was sought on the inclusion of freshwater areas used for maintenance behaviour in the SPA suite and it was confirmed that this was being addressed by the SPA & Ramsar Scientific Working Group under the concept of sites as functional units.

AP10: Group to provide comments to Andy Webb on MN2KPG7_4_Colony.doc by 28th September.

AP11: Andy Webb to produce final version of MN2KPG7_4_Colony.doc for website consultation by end of January.

8. Inshore aggregations of waterbirds and aggregations away from the coast

8.1 Update on JNCC work (data analysis for inshore aggregations, survey work and ESAS analysis)

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JR reported that analysis of the ESAS database will commence shortly as part of the petroleum and windfarm SEA process. The analysis should report early next year. The SEA process will also fund three seasons of aerial survey for the three windfarm SEA areas (Thames Estuary, the Wash and the north west). The Thames Estuary and the Wash areas for inshore aggregations of waterbirds in the non-breeding season will be analysed in 2005 (dependent on ESAS analysis running to time). JR also confirmed that this year's surveys to inform colony extension guidance for red-throated diver and manx shearwater had been completed.

8.2 Update on agency work

NB confirmed that currently all marine SPA work for Scottish waters was being undertaken by JNCC on behalf of SNH. JR reported that all CCW, English Nature and JNCC fieldwork is now being coordinated.

9. Strategic approach to the classification of marine areas as SPAs

9.1 Process for classification of marine SPAs

CJ reported that this had not been devised since the last meeting and that it would be addressed for December. The action point from the 6th meeting is carried over as action point 1 from this meeting. It was agreed that English Nature and CCW would provide to CJ the departmental brief for the Liverpool Bay SPA and that other examples of departmental briefs and council papers for the approval of new SPAs would be supplied to CJ.

AP12: Country agencies to provide to CJ examples of Council/Board papers and departmental briefs as used in the process for SPA approval by 5th October.

9.2 Prioritisation of areas for data gathering and analysis

JR advised the group that backing paper MN2KPG7_5_SPANetwork had been produced taking into account comments from the Project Group on the previous version. It was clarified that the paper was intended as a paper specific to the Project Group with the intention to inform and develop the work plan presented in backing paper MN2KPG7_2_Plan. Once the group is content with the priorities for SPA work, elements of the work will be presented to the SPA & Ramsar Scientific Working Group for consultation. It was agreed that the paper needed further work, especially in the sections regarding networks, and that a further round of comments from the group would be taken into account. It was highlighted that survey information and plans from the petroleum and windfarm SEA process needed to be taken into account. The group also discussed the issue of geographic representativity and agreed to allocate known areas hosting aggregations of waterbirds to draft regional seas rather than country.

AP13: Group to provide comments on MN2KPG7_5_SPANetwork.doc to JR by 5th October.

AP14: JR to produce a revised version of MN2KPG7_5_SPANetwork.doc by end of December for circulation to the SPA & Ramsar Scientific Working Group meeting in January.

9.3 Work plan for Project Group

CT noted the discussions held under 9.1 and 9.2 and agreed to amend the work plan accordingly (see action point 5).

10. Papers to groups

10.1 Papers to the Joint Nature Conservation Committee

MV advised the group that a paper would be submitted to the Joint Nature Conservation Committee in December 2004 requesting approval of five habitat sites for recommendation to Defra as suitable SACs. The paper may also contain a standard proforma and process for notifying SPAs (depending on how this work progresses) and an update on marine Natura work as a whole. The guidance on extensions to breeding colony SPAs will be submitted to the March 2005 meeting.

10.2 Papers to the SPA & Ramsar Scientific Working Group

The group agreed that a revised version of backing paper MN2KPG7_5_SPANetwork, tailored specifically for the working group, would be put to the January 2005 meeting for discussion and comment.

10.3 Papers to the Marine Sub-Group of the Natura 2000 & Ramsar Steering Committee.

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CJ highlighted that it was likely that a timetable for identifying SPAs in the marine environment would be requested by Defra for the December 2004 meeting of the Marine Sub-Group. Backing papers to this meeting and subsequent comments provided by group members will be used to develop this timetable.

11. Any other business

MT highlighted to the group the recent ruling with regards to cockling in the Waddensee which concluded that any fishery licensed on a regular basis should be considered a plan or project under the Habitats Directive. This has implications for existing and subsequent management decisions of cSACs and future SACs in the UK.

CJ advised the group that Defra are seeking further clarification, subsequent to an initial response received from the European Commission, with regards to the relationship between the CFP and the Habitats Directive.

The group discussed the continuing efforts to restrict fishing in the bass pair-trawl fishery and the ongoing scientific advice that JNCC may be able to offer.

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Summary of action points

Action point number	Action	Action by	Action on
1	Produce a revised process for the designation of marine SPAs	December 2004	CJ
2	Provide comments, in addition to those provided by the Commission, on MN2KPG7_1_MEG.doc to Charlotte Johnston.	24.9.04	Group
3	Provide responses to the questionnaire (320736 - note specieshab.doc) from the European Commission to Charlotte Johnston.	15.10.04	Group
4	Provide amendments to the work plan (table 1 in MN2KPG7_2_Plan) to CT.	29.10.04	Group
5	Amend and maintain work plan for subsequent Project Group meetings	9.2.04	CT
6	Send amended Table 2 (in MN2KPG7_2_Plan.doc) to CT.	29.10.04	Group
7	Present an amended Table 2 (in MN2KPG7_2_Plan.doc) to the next meeting.	9.2.04	CT
8	Provide comments on MN2KPG7_3_Dolphin.doc to JR.	5.10.04	Group
9	Revise MN2KPG7_3_Dolphin in the light of comments received and circulate to group for approval.	22.10.04	JR
10	Provide comments to Andy Webb on MN2KPG7_4_Colony.doc.	28.9.04	Group
11	Produce final version of MN2KPG7_4_Colony.doc for website consultation by end of January	6.12.04	Andy Webb
12	Provide to CJ examples of Council/Board papers and departmental briefs as used in the process for SPA approval.	5.10.04	Allan Drewitt, Sian Whitehead & Nigel Buxton
13	Provide comments on MN2KPG7_5_SPANetwork.doc to JR.	5.10.04	Group
14	Produce a revised version of MN2KPG7_5_SPANetwork.doc by end of December for circulation to the SPA & Ramsar Scientific Working Group meeting in January	31.12.04	JR