

UK SPAR SCIENTIFIC WORKING GROUP

MEETING 2009/1

3rd June 2009

10.30 - 15.00 JNCC, Monkstone House, Peterborough

Approved Minutes

Attendees:

Ian Bainbridge – Chair (SNH)
Ed Mountford – Secretary (JNCC)
Ant Maddock (JNCC)
David Stroud (JNCC)
Ian Enlander (NIEA)
Kate Jennings (RSPB)
Linda Wilson (JNCC)
Nigel Buxton (SNH)

Peter Clement (NE) (morning session)
Richard Evans (Scottish Environment Link)
Richard Ferris (JNCC) (morning session)
Richard Hearn (WWT)
Sian Whitehead (CCW) (via video-conference)
Simon Hopkinson (Defra)
Steven Dora (Scottish Government)

Apologies:

Andrea Graham (NFU)
Andrew Pearson (ABP Marine Env. Res. Ltd.)
Andy Webb (JNCC)
Claire Collyer (CLA)

Jeremy Wilson (Scottish Environment Link)
Jim Reid (JNCC)
Miranda Davis (Water UK)
Phil Alcock (Scottish Government)

1. Welcome and apologies

- 1.1. Ian Bainbridge welcomed members to the meeting. Apologies were received as listed above. Introductions were given.
- 1.2. Ian explained that he had moved on secondment from Scottish Government to work for Scottish Natural Heritage as Head of Ecology. As a result he had made a formal offer to DEFRA to stand down as Chair of the Group as his change of status might be seen to affect the impartiality of the position. However, the Group discussed the matter and concluded that this change would not affect Ian's ability to remain impartial. The SWG unanimously agreed that he should remain as Chair. Ian accepted this offer and affirmed his intention to remain impartial.
- 1.3. Ant Maddock and Ed Mountford joined the SWG for the first time. Ed is the new Secretariat from JNCC further to Helen Baker's internal promotion to Biodiversity Research Coordination Officer. Ant has been appointed to act as Coordinator for the JNCC SPA Review project team.
- 1.4. The Chair noted that the Working Group's membership list would need updating to reflect recent changes.

Action Point 1 (3/6/09): Secretariat to update SPAR SWG membership list.

2. Minutes of last meeting (21/2/08)

- 2.1. The draft minutes of the 21 Feb 2008 SPAR SWG meeting were approved subject to one minor change.

Action Point 2 (3/6/09): Secretariat to publish approved minutes of last meeting on SPAR SWG webpage (<http://www.jncc.gov.uk/page-1770>).

- 2.2. The Action Points from the last meeting were checked. Most had been dealt with: others would be covered under relevant agenda items during the meeting.
- 2.3. Action Point 08/1/7: Secretariat to include the following recommendation to the Natura 2000 & Ramsar Steering Committee (N2KRSC) in the 2008 Annual Report: "N2KRSC should continue to use the currently accepted population estimates for Eider for developing the UK SPA network, but as part of the UK approach to any SPA provision for this species should consider greater representation in Shetland in recognition of the genetically distinct population in these islands."
- 2.4. A report for 2008 had not yet been prepared, following discussion, it was agreed that this recommendation on Eider would be included in the next report (see 3.1 below). JNCC also updated the SWG that the draft paper on Eider genetics which had been previously circulated was intended to be submitted for publication later this summer. The evidence contained within it strongly supported the identification of Shetland Eiders as faeroeensis (as had been proposed in Waterbird Population Estimates 3).
- 2.5. The Chairman requested that a standing item was included on the agenda of future meetings regarding relevant feedback from meetings of DEFRA's N2KR and Marine N2K Steering Committees. It was noted that meetings of these two groups were overdue and there was a need to try to establish a forward programme of meetings over at least the next six months.

Action Point 3 (3/6/09): The Chairman to liaise with DEFRA in setting dates for future N2KRSC and Marine N2KSC meetings.

- 2.6. Nigel Buxton would check if Action Point 08/1/8 (SNH to circulate the final report from BTO on the short-eared owl pilot survey to the Group) had been done. He advised that the related report was completed and ready for publication.

Action Point 4 (3/6/09): Nigel Buxton to check if final report from BTO on the short-eared owl pilot survey had been circulated to the Group.

3. Annual Report

- 3.1. The SWG's Terms of Reference require the production of an Annual Report to the N2KRSC summarising issues considered during its meetings and recommendations to the SC. This has not happened for 2008, partly because efforts have been focused on making preparations for the proposed SPA Review. It was agreed that a combined 2008 & 2009 report would now be more appropriate. The Chair suggested that the Secretariat should advise Steve-Lee Bapty, as Chair of the N2KRSC, that a combined report would be prepared in early 2010.

Action Point 5 (3/6/09): Secretariat to advise the Chair of the N2KRSC DEFRA that a combined report for 2008 and 2009 from the SWG to the N2KRSC would be prepared in early 2010.

4. Update on SPA Review

Draft Terms of Reference for 2008-2010 SPA Review

- 4.1. JNCC introduced the Draft Terms of Reference (ToR) that have been developed over the last year. These outline the scope of the proposed review of the UK SPA Network. They are considered to be near-complete, although the present meeting gives an opportunity to raise any issues of concern and further input to them. Detailed project planning of review delivery (*i.e.* who will do what tasks by when) will be developed subsequently, and after the sign-off of the ToR.
- 4.2. JNCC outlined the rationale for the review which would be undertaken as a two stage process. The first phase would be largely science-based and will develop further guidance and elaboration related to the issues under consideration. The work involved would be undertaken largely by JNCC, either internally or contracted out and managed, with advisory inputs from the Technical Sub-Group (TSG) and others. The second phase would be led by relevant government departments and their administrations and would respond to the outputs of the first phase. It might be possible for elements of the first and second phases to run concurrently and this would be explored in the development of a project plan for the review.
- 4.3. The RSPB welcomed the significant improvements in the ToR compared to earlier scoping documents (specifically in terms of the species list) considered by the SWG. However, they were particularly concerned about the lack of an interpretative legal and policy framework which they consider to be a prerequisite for an effective review, and about the lack of any policy input within the governance structure, especially the relationship with the N2KRSC. They considered that it was essential that there were adequate mechanisms to allow discussion of relevant policy issues – especially since, in the RSPB’s view, the N2KR Forum had not been effective and they noted that the N2KRSC had repeatedly referred SWG recommendations back to the SWG in cases where policy input had been required. The RSPB suggested two options to address this – either the inclusion of an effective policy group, or alterations to the Terms of Reference for the SWG to allow it to fulfil this function, given that the group contains relevant expertise. The Chair noted the importance of a clear policy steer for the effectiveness of the review process.
- 4.4. The RSPB was also concerned with the apparent separation of the proposed TSG from the decision making process. Concerns were raised about the need for identification of the protective requirements of species as a prerequisite for the rest of the Review, and the need for the Review to take account of the implications of a range of pertinent ECJ rulings (in addition to those of the Irish ECJ ruling which is mentioned within the ToR). JNCC reassured the RSPB that the SWG – in its role as a TSG - would be at the heart of the advisory process for the review. However, the complexity of the linkages between the various bodies and organisations involved may have meant that this was not well expressed in the graphic in the ToR, which would be revised accordingly.
- 4.5. The Chair asked if there would be representation of the Technical Group on the Steering Group. DEFRA responded that this had not yet been decided.
- 4.6. Although no specific items in the draft ToR were identified for change with respect to this issue, assurances were given by DEFRA that links to N2KRSC will be considered and the SC will be involved in the ToR sign-off process. It was emphasised that key work areas for Phase 1 of the review were to fully complete the work around the Site Provision Index (SPI) and Cropped Habitats Information Project (CHIP). It was agreed that David Stroud would lead on a paper to update the SWG at its next meeting on the current position as regards work on SPI and CHIP, with a view to sending this to N2KRSC for ‘sign-off’ in due course. The RSPB stated their desire to support and be involved in development of the SPI.

- 4.7. CCW stated the need for a clear line regarding target site coverage at the start of the Review process. SNH agreed that consideration of protective requirements is a high priority, but noted that previous work about whether or not the SPI is the best way to identify target coverage levels had yet to be concluded.
- 4.8. Natural England enquired about the timetable and process for approval of the draft ToR. It is likely that Director-level approval will be required within Natural England, and that a timetable and work programme will be required to secure this. DEFRA indicated that they were hopeful of gaining approval just as soon as is possible, first from the N2KRSC and then from Ministers (both of UK and the devolved administrations): it was re-emphasised that the draft ToR were considered to be more-or-less complete.
- 4.9. Several country agency representatives raised concerns about necessary resources for the work within their organisations. In particular, any potential work to collect additional survey data at specific sites was likely to be necessary over several seasons and was currently un-resourced. They would need early indications as to such needs to inform country agency planning rounds.
- 4.10. It was emphasised that JNCC will lead on Phase 1 of the work. In fact, they had already started with preparations for the contracted-out work that will under-pin much of Phase 1; DEFRA is intending to provide specific funds for this. The TSG, made up of members of the SWG, is expected to meet three-four times per year and also to provide advice by correspondence as the need arises.
- 4.11. Failure to fully implement the findings of the 2001 SPA Review was highlighted by both Natural England and the RSPB. CCW noted that for some sites (*e.g.* estuaries) the 2001 Review site accounts are no longer accurate, and the need to avoid a repeat of this situation was stressed. Concerns were raised about the durability of current information on species numbers for particular SPAs. Current classification processes require contemporary data, and the delay in implementing the conclusions from the previous review meant that much data is now increasingly dated or obsolete. Discussion suggested that the issue may be one that is more strategic in nature, and there may be value in the Group providing guidance on the need for current data to support site designation, and attaching a 'use by' date to any scientific data and advice. The RSPB also noted that there will be a need for additional site-related survey data, in particular related to the outcomes and recommendations of the CHIP review (although some such site-related data may exist, for example for some grey geese, which might be rapidly located through a search of files. This was a significant issue that will need to be worked into future project planning.

Scope

- 4.12. It was confirmed that although the intention is to cover Gibraltar (subject to their agreement), the review will not extend to other Overseas Territories or the Crown Dependencies.
- 4.13. It was commented that Marine Review work may tie into the planned Terrestrial and Coastal Review, with Strands 1 and 2 of the former possibly ready for use at the end of Phase 1, and Strand 3 thereafter.
- 4.14. Several sites have been classified since the publication of the 2001 Review, including some which were not contained within it. Part of the 2008-2010 Review will aim to update the relevant site and species accounts so that these publically available documents accurately reflect the scope and content of the UK SPA network. This will be undertaken through one of the strands of the current Review. However, it was noted that there was an immediate action to ensure that those accessing relevant information from the JNCC web-site (*e.g.*

species account for Capercaillie) were aware that additional SPAs, which were not identified in the published 2001 Review, now exist for some species.

- 4.15. Natural England reported that the Chief Scientists Group had commented that the potential impacts of climate change should be considered in the proposed review. However, JNCC noted that this issue had been taken out of the ToR at the request of Scotland. Whilst Scotland recognised that climate change should be acknowledged in the Review, they felt the issue was not a priority for substantive consideration given that the primary purpose of the 2008-2010 Review was to act as a “health check” of the adequacy of the existing SPA network. The intention is now for this component to be taken forward via a Defra-funded project looking at the potential effects of climate change on the ornithological interest of SPAs. JNCC is well connected to this work and the findings can be integrated with the outcomes of the 2008-2010 Review. JNCC also noted that BTO had undertaken a review of actual and potential climate change impacts on migratory waterbirds for AEWa MoP4¹. This might be a ready source of information to identify those waterbird species where there is high potential for future distributional shifts consequent upon climate change.

Governance

- 4.16. RSPB indicated that they remained unhappy about the failure to properly implement the findings of the 2001 SPA Review (hence their desire for the ToR to be more explicit as regards the process of implementation of the findings so as to avoid this situation arising again). They were also concerned about the potential length of the proposed review (given that the timing of the second phase is to be determined by each country in due course). Inadequate implementation of the 2001 review poses significant legal risks and remains a separate issue for the N2KRSC to co-ordinate. JNCC noted that the issue was becoming increasingly pressing: they receive frequent (three in the last week) inquiries from consultants and agency staff as to the status of the 2001 review.
- 4.17. The RSPB also raised concerns about the likely coherence of the SPA network and consistency of approach across the four UK countries, with decisions on sites being made at country level. They considered that some form of co-ordination and a “Quality Assurance” process of SPAs across the four countries was necessary to check the scientific validity of the network and, thus, compliance with the Birds Directive. CCW advocated the need for a forum to which the countries could bring any issues during Phase 2 of the Review to share ideas and ensure consistency of approach, and the need for recognition of the SWG in that role. The Scottish Government stated that it would welcome the option to use the SWG as such a forum, although there was no requirement that it should do so. Although there was potential for the SWG to play a role here, DEFRA noted that UK coherency was ultimately a statutory issue for the N2KRSC to determine.

Timescales

- 4.18. The RSPB stated their grave concern at the length and open-ended nature of the timetable to implementation of the review. A failure to make progress towards completion of the SPA network risks regulatory blight (particularly in the marine environment) due to the resulting uncertainty for developers and regulators. CCW noted that this issue is related to the problems of ageing data. SNH noted that Phases 1 and 2, while needing to be staggered, could be run concurrently, and the RSPB urged that any necessary survey work be started no later than the end of Phase 1. DEFRA noted that due to devolution the timing of Phases 2 and 3 had to be left to the devolved administrations.

¹ www.unep-aewa.org/meetings/en/mop/mop4_docs/meeting_docs_pdf/mop4_27_climate_change_report.pdf

Technical content (Appendix 1, 2 & 3)

- 4.19. JNCC introduced Appendix 1 and 2 of the ToR, which give details of the main issues and species to be addressed in Phase 1 of the proposed review. Some revised text for Section 3 of Appendix 1 was tabled at the meeting, which aimed to further elaborate outputs from the CHIP work-stream: JNCC welcomed any comments on this
- 4.20. The RSPB suggested that the headline issue in Appendix 1 should be the legal and policy framework for the review – all other issues listed should flow from that.
- 4.21. The RSPB welcomed the significant improvements in the species list, but noted some errors/omissions regarding the categorisation of certain species on Appendix 2, *e.g.* Red-throated Diver, Little Egret, terns, CHIP species. David Stroud requested that details of such items should be sent to him as soon as possible, and by 12 June.

Next steps

- 4.22. The following action points were agreed as regards the next steps for development of the ToR and review process:

Action Point 6 (3/6/09): JNCC to ensure that web-access to the 2001 SPA review highlights that additional classifications have occurred for some species/sites in advance of a full update of relevant accounts in Phase 1.

Action Point 7 (3/6/09): JNCC to progress work on SPI and CHIP as soon as possible with the aim to bring a progress report to the next meeting of the SWG and then to send final outcomes of these projects to N2KRSC.

Action Point 8 (3/6/09): ALL MEMBERS to inform David Stroud of any species errors/omissions on Appendix 2 of the ToR by 12 June.

Action Point 9 (3/6/09): ALL MEMBERS to provide David Stroud with suggested amendments to the main text of the ToR as soon as possible after the meeting (12 June at latest).

Action Point 10 (3/6/09): David Stroud to revise ToR in light of comments received from AP8+9; and then re-circulate to the SWG in preparation for endorsement by the next N2KRSC meeting²

Action Point 11 (3/6/09): Ant Maddock to create an indicative timetable for the review and circulate for comment in time for consultation before next SWG meeting.

Action Point 12 (3/6/09): DEFRA to discuss with the N2KSC how UK coherency during Phase 2 can best be established.

5. Lough Neagh diving duck: analysis of ringing data

- 5.1. Ian Enlander of the Northern Ireland Environment Agency (NIEA) gave a presentation on recent changes in diving duck populations in the Lough Neagh and Lough Beg SPA, the most important site for diving duck in both the UK and Ireland.

² this text reflects the situation at the time of the meeting – endorsement of the SPA Terms of Reference was actually achieved by correspondence between Defra and the country administrations given the lack of a timetabled N2KRSC meeting

- 5.2. From the late 1980s/early 1990s to 2003/04, numbers at the site have declined from 40,000 to 8,000 for Pochard, 30,000 to 9,000 for Tufted Duck, 5,000 to 2,600 for Scaup, and 14,000 to 4,000 for Goldeneye. Scaup numbers have since recovered. Novel analyses of EURING data for migratory short-stopping revealed some relevant trends that differed between species, populations and genders, and highlighted the value of ongoing ringing programmes. Fuller analysis is required with more comprehensive datasets (including archive data), better data cleaning, and more robust statistical methods.
- 5.3. Ian outlined the current activities and next steps for Lough Neagh, including defining responsibilities for the SPA under the Birds Directive, maintaining monitoring of birds, and undertaking further ecological studies.

6. Marine SPAs: update

- 6.1. Linda Wilson (JNCC Aberdeen) gave a presentation to update the Group on progress with the identification of marine SPAs.
- 6.2. Most inshore SPA areas of search (non-breeding seaducks, divers & grebes) have at least three years of survey data. The Kernel Density Estimation (KDE) method has been used to produce density surface maps for species, an approach which creates density surface maps by smoothing data between sample points with density values being scaled up to the average maximum population size. There is, however, a need for a robust and objective method for deriving density thresholds to determine suitable site boundaries. The Maximum Curvature method offers a generic solution applicable across sites/species, in that it defines the point where the trade-off between the gain of increasing the total number of birds diminishes fastest at the expense of increasing the size of area, while the resulting density thresholds are site specific. A draft paper on optimum density thresholds has been sent to the MN2KPG and the Chief Scientists' Group for consideration. A version of this is intended to be written up for publication.
- 6.3. For offshore SPAs (seabirds), analyses have been made of ESAS data using Poisson kriging to create density surface maps and the Gettis Ord statistic to identify high density, clustered hotspots. A report on this is at the final draft stage and is subject to ongoing discussions.
- 6.4. Regarding marine SPAs for terns, issues have arisen both with existing boat survey data (ESAS) and aerial survey data. A workshop was held in December 2008 to discuss other possible survey and analysis techniques, and in February/March 2009 a project proposal was discussed with the Country Agencies. This includes looking at foraging location data and environmental variables, identify foraging habitat preferences, and using habitat preference models to predict foraging areas elsewhere. Fieldwork is planned in four locations in 2009, including visual tracking of foraging birds; preliminary data analysis and model building in the autumn/winter; and making shore-based observations of Little Terns.
- 6.5. In addition, work planned for 2009 for Balearic Shearwaters and Shags was outlined.

7. NEWS: progress with country bilateral discussions

7.1. Report for Northern Ireland

- NIEA are planning to consult on Copeland Islands pSPA – no firm dates have yet been set, but this will be undertaken by the end of the current financial year.
- SPA-relevant research developed in collaboration with RSPB (NI):

- (a) funded PhD relating to Lough Neagh diving ducks – as covered in section 5 above;
- (b) funded PhD on food provisioning and breeding outcomes of breeding seabirds (Kittiwake, Guillemot and Razorbill) at Rathlin SPA.
- 2nd season of funded work at Copeland pSPA – Manx Shearwater data logging and tracking together with refining population estimate techniques – in collaboration with Copeland Bird Observatory and Oxford University.

7.2. Report for Wales

- CCW have now received a report from RSPB Wales setting a series of possible new SPAs for Chough. CCW will now consider the contents of the report and have given assurances to RSPB that any particular SPA will only be progressed further in full consultation with them, to ensure that all supporting data are scientifically robust and defensible.
- CCW have been working with NE to provide advice to WAG and DEFRA on the proposed Liverpool Bay SPA. Formal consultation on the proposal will hopefully be happening shortly.

7.3. Report for Scotland

SNH reported:

- the concluding stages of the consultation on 31 proposed extensions to SPA for breeding colonies of seabirds;
- the finalisation of ongoing work on proposals for additional Golden Eagle SPA; and
- progress with considering the potential for a suite of inshore SPA for aggregations of non-breeding waterfowl around the coasts of Scotland.

7.4. Report for England

No update report was provided for England as the Natural England representative had to leave the meeting early.

8. Other matters/outstanding actions from last meeting

- 8.1. It was requested that the outstanding work from CHIP should be completed and presented to the SWG. It should develop the example single species reviews to provide a better understanding of the potential implications of the CHIP approach (extent of new areas that may require some form of additional protection). It was recognised that circulation of the final stages of the CHIP project had not been ideal. David Stroud was asked to circulate the most recent draft reports of work on CHIP and SPI so as to update new and past members of the SWG on progress in these areas.

Action Point 13 (3/6/09): David Stroud to circulate most recent key papers summarising progress on CHIP and SPI to SWG members.

- 8.2. It was requested that the recommendations in the 2007 SPAR SWG report were reviewed again and feedback given by the N2KRSC identified.

Action Point 14 (3/6/09): JNCC to review recommendations given in the 2007 SPAR SWG Annual Report.

- 8.3. The Working Group asked that Helen Baker, the former Secretary to the group, be thanked for an outstanding level of support over the years since the SWG was established in 2001.

Action Point 15 (3/6/09): Chair to thank Helen Baker for her work as SPAR SWG Secretary from 2001-2008.

9. Work programme review

- 9.1. No work programme for 2009 had been created, principally due to the loss of Helen Baker as Secretariat and focus on developing the ToR for the proposed review. JNCC agreed to develop a work programme in due course and circulate in draft in advance of the next meeting. This should be done as part of the project planning for the 2008-2010 SPA review.

Action Point 16 (3/6/09): JNCC to develop and circulate a draft work programme for 2009.

10. Dates and venues of next meetings

- 10.1. CCW offered to host the next meeting in Wales in the 2nd half of September 2009; and WWT did the same for the meeting at Slimbridge in January or February 2010.

Action Point 17 (3/6/09): Secretariat to consult the SWG on possible dates for the next two meetings.

UK SPAR SCIENTIFIC WORKING GROUP

MEETING 2009/1, June 3rd 2009

List of Action Points

Action Point 1 (3/6/09): Secretariat to update SPAR SWG Membership List.

Action Point 2 (3/6/09): Secretariat to publish approved minutes of last meeting on SPAR SWG webpage (<http://www.jncc.gov.uk/page-1770>).

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