

UK SPAR SCIENTIFIC WORKING GROUP

MEETING 9 MAY 2012

10:30 – 15:30, JNCC Offices, Peterborough

Final Minutes

Attendees

| | |
|--------------------------------------|---|
| Ian Bainbridge – Chair (SNH) | Ant Maddock (JNCC) |
| Sarah Anthony (Natural England) | Ed Mountford – Secretariat (JNCC) |
| Sallie Bailey (Forestry Commission)* | Sue O'Brien (JNCC) |
| Nigel Buxton (SNH) | David Stroud (JNCC) |
| Miranda Cooper (Water UK) | Simon Hopkinson/Andy Tully (Defra)* |
| Steven Dora (Scottish Government)* | Sian Whitehead (CCW)* |
| Richard Hearn (WWT) | Jeremy Wilson (Scottish Environment Link) |
| Kate Jennings (RSPB) | |

* via video- or telephone-link

Apologies

Ian Enlander (NIEA)

1. Welcome and apologies

- 1.1. The Chair welcomed attendees to the meeting. Introductions were given and apologies received (as above).

2. Minutes of the last meeting

- 2.1. Draft minutes for the previous SWG meeting in November 2011 had been circulated before the meeting. These were approved subject to the addition of text to section 12.2 to state what had been agreed as regards treatment of Spotted Crake data for the SPA Review. It was agreed that the revised minutes should be uploaded onto the SWG web site.

Action Point 1 (09/05/12): SECRETARIAT to revise and then uploaded the minutes of the last meeting onto the SWG web site.

3. SPA Review Executive Steering Group

- 3.1. JNCC (Ant Maddock) provided feedback on the SPA Review Executive Steering Group (ESG) meeting on 1 February 2012, the minutes of which had been circulated beforehand. There were six main issues:
 - (i) ESG were updated on progress with the final report covering Phase 1 of the SPA Review. Two key issues were identified for ESG: the format of the recommendations reached for each species in chapter 5; and what was planned as regards 'Phase 2 next steps' in chapter 6.

- (ii) Progress with the development and implementation of the Decision Framework for the SPA Review was reported on. ESG confirmed that they were supportive of the current approach being taken.
- (iii) An update was given on current thinking with the approval process for the Phase 1 final report. The Chair of ESG confirmed that the steps identified were basically correct. Defra had agreed to clarify the sign-off process with colleagues in the Devolved Administrations, but were still awaiting the appointment of a new Chair for ESG before doing so.
- (iv) The recommendation from the SWG to expand the scope of the current SPA Review was agreed to by ESG. JNCC recommended that this work was best undertaken 'in-house' and that the overall timetable for the review would not be significantly impacted.
- (v) ESG was asked if any further work was needed to fulfil one of the planned tasks in the ToR for the SPA Review, i.e. to consider any additional measures necessary to ensure UK compliance with European case law relevant to the legal interpretation of the Birds Directive. Various suggestions/views were given by ESG and it was agreed that Defra would consider the issue further in consultation with the Devolved Administrations.
- (vi) The revised work plan, timetable and approval process to complete Phase 1 of the SPA Review (as produced by SWG/JNCC) was considered. JNCC advised ESG that since the timetable had been prepared, progress on several matters had slipped and a lot of additional work to complete the data processing had come to light. This meant that the proposed deadline of December 2012 was no longer achievable. Recognising this, ESG agreed that the timetable needed to be revised and asked JNCC to do this for presentation at their next meeting.

- 3.2. With regard to item (v), an analysis of the JNCC Index to Key Rulings of the European Court of Justice¹ was proposed, to show which of the rulings applied to each phase of the current SPA Review. Defra agreed to consider this request in consultation with others.

Action Point 2 (09/05/12): DEFRA (in consultation with others) to consider the request for an analysis of the JNCC Index to Key Rulings of the European Court of Justice to show which of the rulings apply to each phase of the SPA Review.

4. SPA Review Decision Framework

- 4.1. JNCC (David Stroud) updated on progress with work to implement the Decision-making Framework for the SPA Review, based on a paper that had been circulated beforehand. Substantial progress had been made by the sub-group dealing with this issue since the November 2011 SWG meeting.
- 4.2. A large amount data had been assembled for calculation of contemporary SPA suite totals. Progress on each species was set out in Annex I of the paper. Data collation was now largely complete for non-breeding waterbirds and contemporary Site Provision Index (SPI) values had been calculated for most non-breeding waterbirds other than grey geese. Data had yet to be sourced for non-breeding Hen Harrier, Merlin and Chough. For breeding seabirds, data has been extracted by JNCC's Seabird Team from the Seabird Colony Register and matching against

¹ http://jncc.defra.gov.uk/docs/spa_ECJcasesindex.xls

SPAs was largely complete. For breeding birds, the Country Agencies were assisting in sourcing contemporary survey data to assist compilations made earlier by BTO. In addition to individual queries regarding specific species on certain sites, there were particular issues for Merlin, Spotted Crake, various breeding ducks and waders (for which there had been no recent site-based surveys, so SPAs totals were largely lacking), and fifteen other species (for which datasets had yet to be sourced and/or matched against SPA boundaries to produce site totals).

- 4.3. Annexes 2 and 3 of the paper graphically portrayed changes between the 2001 and current SPA Review in terms of SPI values and proportions of populations of non-breeding waterbirds and breeding birds within GB SPA suites. This showed that for a substantial number of species there had been significant changes in the proportion of birds in SPA suites and/or SPI values. This was discussed and it was agreed that in the forthcoming SPA Review Phase 1 Report, all such changes needed to be explained and the implications set out as regards recommendations on SPA suites for individual species. The current version of the Decision-making Framework provided a comprehensive framework to ensure all necessary aspects would be considered and reported on.
- 4.4. The next step for the sub-group was to check the underlying site data, which had recently been circulated. A specific request was made to check whether the decline in representation in SPAs of nearly all seabirds could be a data artefact. Once data-checking was completed, the sub-group would then start the process of assessing species through the framework.
- 4.5. Annex 5 of the paper had been prepared in response to the agreement from ESG to review briefly those species for which there was currently no SPA provision. It listed all such species, identified which were on Annex I of the Birds Directive, why SPA suites had not been selected, and any changes in status since the 2001 SPA Review. The Group was asked for any additional commentary on this Annex. There was discussion as to how to take account of the on-going work on marine SPA provision. It was agreed that the Annex should be expanded to accommodate progress made or planned for marine species, and that the Phase 1 Report should report that the future aim was to work towards a 'single' review process for the whole UK SPA network.

5. Treatment of SPA bird assemblages

- 5.1. Following the paper presented at the last SWG meeting and subsequent discussions, JNCC and the Country Agency representatives tabled a further paper on the treatment of species within SPA bird assemblages. This was a confidential discussion paper that was intended for submission to ESG once views of the SWG had been gained. It addressed the mismatch between EU and UK systems of describing interests on SPAs and issues arising for a common UK position. Although the Birds Directive required Member States to pay particular attention to the protection of wetlands of international importance, the Natura 2000 Data Sheet did not allow for the reporting of an internationally important assemblage as a 'qualifying feature', but these assemblages could be mentioned in a descriptive context.
- 5.2. It was agreed that the paper addressed an important issue that needed clarification – there was clearly scope for confusion about what the actual conservation features of an SPA were and what protection individual species were

afforded. Members were generally content with the direction of the paper and overall recommendations, but some amendments were needed to ensure that it correctly reflected the background situation in the UK. It was felt that some form of advice should be produced to make clear what an assemblage constituted and that, at an appropriate time, the UK might need to seek a clearer status for assemblages on the Natura 2000 Data Sheet. As a next step, Defra agreed to consult with lawyers and colleagues in the devolved administrations on this issue.

Action Point 3 (09/05/12): DEFRA to consult on the issue of SPA bird assemblages.

5.3. After lunch, the Chair presented a diagram about the proportion of a species' population recognised as receiving protection within SPAs. Currently the statistics are compiled from:

- (i) numbers of birds of species individually qualifying under stages 1.1 or 1.2 of the SPA guidelines; and
- (ii) numbers of birds of species in assemblages (Stage 1.3 of the guidelines) as previously reported by the 2001 SPA Review.

The Group agreed that future estimates should also include numbers of all species occurring within assemblages as one of the audits of species occurring within SPAs.

Two additional groupings were recognised as impractical to quantify with most existing datasets, despite being potentially helpful data in reviewing protection for species covered by the Birds Directive:

- (iv) species present within SPAs which are not part of any qualifying feature for that SPA, and;
- (v) species found in SPAs or SACs for which there is no SPA suite (e.g. Kingfisher).

6. SPA Review Work plan and timetable

6.1. JNCC (Ant Maddock) updated on progress with the work plan and timetable for Phase 1 of the SPA Review. This was based on a briefing paper which is presented in Appendix 1. A revised work plan and timetable had been set out as requested by ESG (see 3.1.vi). This identified a number of steps to run all relevant species through the Decision Framework and for the SWG to discuss and approve recommendations for each species by mid-September 2012. At this time, the plan was for the SWG to meet to review progress and to set out dates for the remaining tasks to complete Phase 1. It was reiterated that ESG wanted the SPA Review to be comprehensive and that they wanted to have confidence in the latest timetable to minimise further timetable iterations. The revised work plan and timetable (as present in Appendix 1) was agreed.

7. Establishment of Phase 1 Report Editorial Group

7.1. The Chair updated on the formation of an Editorial sub-group to lead on the production of the Phase 1 Report. In general terms, it was agreed that the Country Agency representatives would lead on the editorial work; NGO representatives would assist them with the work; and Government staff would have limited involvement as final recipients of the report. It was hoped that the report would be fully agreed by all parties involved and be labelled as such. The

Chair, supported by JNCC (Ant Maddock), agreed to progress the work of the Editorial sub-group and set out particular tasks for people to take forward.

Action Point 4 (09/05/12): CHAIR to form an Editorial sub-group for the SPA Review Phase 1 Report in liaison with JNCC and relevant SWG Members. *[carried over Action Point 7 (10/11/11)]*

8. Phase 2 of the SPA Review

- 8.1. At the last SWG meeting, there was some concern about how implementation and consistency of approach would be maintained in Phase 2 of the SPA Review. It was therefore agreed that JNCC would prepare a discussion paper on this for consideration by the ESG – this is set out in Appendix 2.
- 8.2. In the paper, JNCC identified three types of recommendation that it expected to arise from Phase 1 of the review:
 - (i) survey required for species – assessment was not possible because no recent population estimate was available;
 - (ii) SPA suite adequate and no actions needed in Phase 2;
 - (iii) SPA suite insufficient and actions needed in Phase 2.

The paper recommended that for those species needing action, an individual country ought to have sole responsibility where a species only occurs within that country. For species occurring in more than one country, JNCC would facilitate inter-country discussions and help prioritise the species involved. It was anticipated that recommendations for most species would be confirmed by SWG in September 2012, after which Phase 2 activity could proceed. The data outputs from Phase 1 would be in the form of population estimates and SPI values, separated into broad groups, such as waterbirds, seabirds, raptors, etc., and distinguishing those species that were originally targeted for review (priority species) from those that were added to the review in February 2012 (non-priority species). Members noted that some species required survey in more than one country and that a general assessment of the review process would be valuable to identify 'lessons learned'.

- 8.3. It was added that the expected role of SWG/ in this would be to comment on the general approach being taken, i.e. The agreed ToR provide that the Governance of Phase 2 is the responsibility of the 4 devolved administrations (and Gibraltar). Thus any activity to identify potential SPAs and to pursue the classification of such sites would be the responsibility of the Devolved Administrations and Country Agencies.

9. Feeding geese distribution project

- 9.1. Carl Mitchell of WWT gave a presentation on a project examining records of the feeding distribution of grey geese around SPAs in Scotland. An index of goose abundance had been developed from data over the period 1987-2011. This provided a stratified score of importance at the 1km square scale, based on the mean winter peak count and frequency and quality of count data. The project outputs included a database of 1km square attributes, related shapefiles, and a report giving details of data manipulation.

10. FAME project

- 10.1. Jerry Wilson gave a presentation on progress with RSPB's seabird tracking work within the FAME - Future of the Atlantic Marine Environment – project. This trans-national, seabird tracking and monitoring project began in April 2010 and was expected to run to December 2012. Its main aim was to identify key foraging areas for seabirds. UK seabird tracking covered 18 study sites and had mainly focused on Fulmar, Shag, Guillemot, Razorbill and Kittiwake. A series of tracking devices had been used, including newly developed tags for sensitive species, such as Black Guillemot. To date, 556 GPS tags had been retrieved – these provided 20,627,000 high resolution locations from about 750 foraging trips. The individual GPS tracks indicated that: seabirds travel further than expected to forage; and foraging range varies between colonies and years. Further analysis has started to reveal the location of possible foraging hotspots, which appear to relate in part to oceanography. Uses of the FAME data to inform marine spatial planning and SPA designation were outlined, as were the project outputs (which included a dedicated data portal at www.rspb.org/fame).

11. Implementation of 2001 Review recommendations

- 11.1. JNCC (Dave Chambers) gave a brief update on the on implementation of 2001 SPA Review recommendations. The SWG had been updated on this during 2010. Since this time, only a small number of outstanding recommendations had been implemented (connected with the extension to the Dee Estuary SPA). The Country Agencies commented that implementation had largely been put on hold until Phase 2 of the current SPA Review had been reached. JNCC said that they would circulate the latest version of the associated spreadsheet to the Country Agencies representatives for reference purposes.

Action Point 5 (09/05/12): JNCC (DAVE CHAMBERS) to send latest version of the spreadsheet detailing implementation of 2001 SPA Review recommendations to the Country Agencies.

12. Little Gull data

- 12.1. Following on from the last SWG meeting, JNCC Marine SPA Team (Sue O'Brien) updated on efforts to release offshore data on Little Gull numbers. Unfortunately, the Strategic Ornithological Support Services (SOSS) had recently been disbanded – this was a steering group looking at potential impacts of offshore windfarms on birds that had expressed an interest in developing a Little Gull population estimate. Nevertheless, the offshore windfarm industry was likely to still support development of a population estimate. JNCC has recruited a new staff member (Zoe Allcock), with funds from Natural England, to take forward an assessment of the suitability of existing Little Gull data for SPA identification and population estimation, and to try and obtain industry data.

13. Updating Ramsar Information Sheets

- 13.1. Following on from the last SWG meeting, JNCC (David Stroud) advised that they had not received any comments on progressing the updating of Ramsar Information Sheets. It was agreed that this Action Point should be carried over.

Action Point 6 (09/05/12): COUNTRY AGENCY & GOVERNMENT ADMINISTRATIONS REPRESENTATIVES to inform JNCC (David Stroud): (a) how they would like to progress with updating of Ramsar Information Sheets; and (b) what timetable they wish to put in place. *[carried over Action Point 17 (10/11/11)]*

14. Marine SPA work

- 14.1. There was not enough time for a verbal update on progress with work to support identification of possible marine SPAs. It was agreed that the JNCC Seabirds Team (Sue O'Brien) would provide a note on this to attach to the meeting minutes (see Appendix 3).

15. Country implementation

- 15.1. Natural England reported that they had submitted advice to Defra on the proposals to: (i) extend the Dungeness to Pett Level SPA and designation of a new Ramsar Site; and (ii) to designation of the Mersey Narrows and North Wirral Foreshore as an SPA and Ramsar Site. SNH work had remained focused on progressing inshore marine SPAs; in addition, a report on the status of Merlin in Scotland was expected shortly to help with SPA assessment.

16. Progress with Action Points from last meeting

- 16.1. Progress with the Action Points agreed at last SWG meeting was reviewed. All had been completed or covered during the meeting, except for Action Point 10 which needed to be carried over.

Action Point 7 (09/05/12): CHAIR & JNCC (DAVID STROUD) to draft a request to the Rare Breeding Birds Panel from the SWG concerning the desirability of enhancing national Honey Buzzard data. *[carried over Action Point 19 (10/11/11): Action Point 17 (28/06/11), Action Point 6 (01/12/10), Action Point 15 (28/02/11)]*

17. Next meeting

- 17.1. The next SWG meeting was provisionally set for 11 September in Peterborough. The Secretariat agreed to check this date was suitable for all and organise arrangements.

Action Point 8 (09/05/12): SECRETARIAT to confirm date and organise next SWG meeting.

Appendix 1 – Planning a revised timetable for delivery of the SPA Phase 1 report

Prepared by Ant Maddock, JNCC, 1 May 2012

Introduction

The original deadline for completion of the SPA Phase 1 Report was October 2011. In September 2011 SWG prepared a revised timetable that was submitted to the Executive Steering Group (ESG) in February 2012. ESG thought the revised timetable too ambitious and requested SWG to prepare a new one for submission to the next ESG meeting.

This paper presents information that will help SWG members make decisions about resetting deadlines for this work. Members should consider this paper and perhaps consult colleagues so that the new timetable can reflect the realities of doing the work and the expectations of those who will use the final report.

Work that has been done

Comments on several chapters of the final report have been received from SWG members (see Annex 1 for the report contents). Work that is largely complete is:

- introduction to the Phase 1 report (Chapter 1) and to the Review (Chapter 2);
- data issues Chapter 4;
- eleven of the 13 appendices including the ECJ case work report (see [Index to key rulings of the European Court of Justice](#)).

The Chair of SWG and JNCC will deal with substantive issues relating to the report content in conjunction with SWG and the JNCC communications team will format the report.

Work that needs to be completed

This section does not list the work that has been drafted but still needs editing, nor the numerous small tasks that are needed to complete a report of this size and importance. Rather it lists the major work needed to complete the final report.

1. The Decision Framework needs all the data to be checked and the new SPI calculated:
 - the 2010 population data needs to be entered into a new SPI spreadsheet and 2011 SPI values calculated for each species (see update from David Stroud);
 - all species need to be run through the Decision Framework and recommendations provided for each species.
2. The main chapters of the final report describing the Decision Framework, outlining the recommendations based on the Decision Framework, and providing an overview of how Phase 2 could be managed need to be written (see Annex 1).
3. There is much work to be done on Chapter 7 (Progress since 2001; see Annex 1). The text needs editing and the tables are unclear. A careful reconsideration and rewrite of this chapter is needed.
4. The following sign off procedure for the final report was discussed at the February ESG meeting:

- once the SWG was content with the scientific content, ESG would be asked to assess if the relevant items in the SPA Review Terms of Reference had been completed;
- the Decision Framework would then be externally peer-reviewed;
- then the final report would be passed to the Country Agencies Chief Scientists' Group and the JNCC Joint Committee for their endorsement;
- finally it would be presented to Defra as independent advice to UK Government from JNCC on behalf of the statutory nature conservation agencies.

The Chair of the ESG agreed to clarify the sign-off process and to consider the issue further in conjunction with colleagues in the Devolved Administrations.

5. Two appendices need to be completed; these are the Framework for future update of UK SPA network and the Description and guidelines for use of the Decision Framework.
6. The Executive Summary of the report needs to be written but this task should be dealt with last.
7. Finally, it has been difficult to get some of the promised work completed. Ensuring that work is submitted on time must be considered when setting deadlines.

Suggested timetable

Given this, a draft timetable for consideration is presented in the table below. Both the deadlines agreed by SWG in September 2011 and the proposed revised deadlines are presented but only up to August 2012 (which is when the data analysis is expected to be complete).

| Major tasks and suggested deadlines and responsibilities for the completion of the SPA Phase 1 Report (revised May 2012) | | | |
|---|---------------------|---------------------------------|--|
| Action | Old Deadline | New Deadline | Responsibility |
| Approval by SWG of timetable for the final SPA Phase 1 report | Nov '11 meeting | May 2012 meeting | SWG |
| Approval by SWG of Chapters 1, 2 and 4 | end January '12 | Complete January '12 | JNCC? & SWG |
| Approval of Chapter 7 (Progress since 2012) | end March 2012 | <i>Date not set</i> | JNCC? & SWG |
| Write paper for Chief Scientists Group to consider the timetable for production of the final SPA Phase 1 report | March 2012 | Verbal update at 11 May meeting | JNCC & Ian Bainbridge |
| Run tranche 1 species through the Decision Framework | | 15 June 2012 | Decision Framework Working Group |
| Deadline for all outstanding species data | | 15 June 2012 | Decision Framework Working Group |
| Run tranche 2 species through the Decision Framework | | 27 July 2012 | Decision Framework Working Group |
| Working group to discuss recommendations for problem species | | Mid August 2012 | Decision Framework Working Group |
| Completion of the 2011 SPI data entry, and generation of indices | Christmas 2011 | August 2012 | David Stroud |
| Completion of the Decision Framework guidance | Christmas 2011 | August 2012 | Sarah Anthony |
| All species run through the Decision Framework | mid April 2012 | August 2012 | Decision Framework Working Group |
| Approval of the Decision Framework by SWG | mid March 2012 | Early September 2012 | SWG |
| Discussion & approval by SWG of recommendations for each species | end May 2012 | Early September 2012 | SWG |
| First consultation by SWG on Chapters 3, 5 and 6 (the Decision Framework results and recommendations) | end June 2012 | <i>Date not set</i> | Decision Framework Working Group to prepare text & SWG to review |
| Second consultation by SWG on Chapters 3, 5 and 6 (the Decision Framework results and recommendations) | end July 2012 | <i>Date not set</i> | Decision Framework Working Group to prepare text & SWG to review |
| Consultation by SWG on 1 st complete Phase 1 draft report | end August 2012 | <i>Date not set</i> | JNCC with SWG to review |
| Consultation by SWG on 2 nd complete Phase 1 draft report | end Sept 2012 | <i>Date not set</i> | JNCC with SWG to review |
| Prepare submission for approval by Executive Steering Group | October 2012 | <i>Date not set</i> | SWG to prepare report |
| External peer review of the Decision Framework | | <i>Date not set</i> | External contractor |
| High level summary to Chief Scientists Group | October 2012 | <i>Date not set</i> | JNCC? to prepare text |
| High level summary to JNCC Joint Committee | November 2012 | <i>Date not set</i> | JNCC? to prepare text |
| Submission of final SPA Phase 1 report to Defra | December 2012 | <i>Date not set</i> | JNCC? to prepare text |

Annex 1 - Outline of final Phase 1 publication of the SPA Review (CURRENT STATUS)

Executive Summary (NOT STARTED)

PART 1: INTRODUCTION

CHAPTER 1 (LARGELY COMPLETE)

1. Introduction to the Review

- 1.1. The Birds Directive and Special Protection Areas
- 1.2. Implementation of Article 4.1 and 4.2 in the UK including reference to previous reviews

PART 2: THE REVIEW

CHAPTER 2 (LARGELY COMPLETE)

2. The 2011 SPA Review

- 2.1. Introduction to the 2011 Review
- 2.2. Scope of the 2011 Review
- 2.3. Phases of the 2011 Review

CHAPTER 3 (WORK IN PROGRESS)

3. Reviewing the SPA network

- 3.1 Cropped Habitats Project
- 3.2 The Site Provision Index
- 3.3 The Decision Framework
- 3.4 Relationship with wider conservation measures
- 3.5 Summary reports on five species (consequential to ECJ decision C-418/04)

CHAPTER 4 (LARGELY COMPLETE)

4. Data issues

- 4.1 Description of the metadata, source of data, summaries of information from the BTO reports, confidential data
- 4.2 Gaps in data
- 4.3 Availability of new data

CHAPTER 5 (NOT STARTED)

5. The UK Outputs from Phase 1 of the Review

- 5.1 Results of the review using the Decision Framework

CHAPTER 6 (NOT STARTED)

6. Phase 2 (or Next Steps)

PART 3: PROGRESS SINCE 2001 (NEEDS A CAREFUL REWRITE)

CHAPTER 7

7. Progress since 2001

- 7.1 Work of the SWG
- 7.2 Progress with the classification of SPAs since the 2001 Review
- 7.3 Species “work” since the 2001 Review
- 7.4 Cropped habitats project summary
- 7.5 The Site Provision Index
- 7.6 Outline of marine work
- 7.7 Index of European Court of Justice rulings related to Article 4 of the EC Directive on the Conservation of Wild Birds

PART 4:

8. Acknowledgements (NOT STARTED)

9. References (ONGOING)

10. Appendices (THOSE WITH TICKS ARE COMPLETE)

- Appendix 1** The Framework for future update of UK SPA network
- Appendix 2** Description and guidelines for use of the Decision Framework
- Appendix 3** Population coverage and SPI values of UK migratory birds and Annex 1 species within SPA suites ✓
- Appendix 4a/b** Information on Cropped Habitat species based on Baker & Stroud ✓
- Appendix 5** ECJ ruling C-418/04 Species reports Common Crane ✓
- Appendix 6** ECJ ruling C-418/04 Species reports Smew ✓
- Appendix 7** ECJ ruling C-418/04 Species reports White-tailed Eagle ✓
- Appendix 8** ECJ ruling C-418/04 Species reports Montagu’s Harrier ✓
- Appendix 9** ECJ ruling C-418/04 Species reports Kingfisher ✓
- Appendix 10** BTO Summary Report ✓
- Appendix 11** Populations used in review ✓
- Appendix 12** Summary of site-level datasets for SPA species ✓
- Appendix 13** ECJ Case Law ✓

Appendix 2 – Planning Phase 2 of the SPA Review

Prepared by Ant Maddock, JNCC, 1 May 2012

Introduction

The Decision Framework is the means by which the adequacy of the SPA suite at a UK level can be assessed and recommendations for further action provided. A range of data are required for use in the Decision Framework. The site-specific data are taking a while to check and will be incorporated into the Decision Framework in two tranches. The first tranche of species will be run through the Decision Framework by mid June 2012. The second tranche is planned to be completed by the end of July 2012 (see paper dealing with the SPA review timetable).

Once the species have been run through the Decision Framework, recommendations for each will be confirmed by SWG. Those recommendations requiring action in Phase 2 are the focus of this paper. A country has sole responsibility for a species that only occurs within that country e.g. Scottish Crossbill in Scotland or Bitterns or Cranes in England. The Executive Steering Group has asked SWG for advice on how the Phase 2 could be managed when responsibility for conservation action for a bird is shared by more than one country. The section below provides some information to start this discussion.

Information that will be provided

Species data

Data will be in the form of population estimates and SPI values separated into broad groups such as waterbirds, seabirds, raptors *etc.* In addition, birds that were originally targeted for review (the priority species) will be distinguished from those that were added to the review by the Executive Steering Group in February 2012 (non-priority species).

Recommendations

The recommendations at a UK level arising from the Decision Framework are likely to be one of three types:

- Survey is required. No assessment possible because no recent population estimate is available;
- SPA suite is adequate and no actions are needed in Phase 2;
- SPA suite is insufficient and actions are needed in Phase 2. Only species with this recommendation type are considered in this paper.

Availability of recommendations

It is anticipated that recommendations for most species will be confirmed by SWG in September 2012. Accordingly, country agencies and administrations can start planning their responses soon thereafter.

Ideas for discussion

1. For those species that are present in one country only, that country decides what conservation actions should be taken.
2. For species that are present in more than one UK country, JNCC can facilitate inter-country discussions dealing with shared conservation actions.

3. To narrow the focus of these facilitated discussions, JNCC can organise the recommendations in the following way:
 - first identify all species distributed across more than one country;
 - from this set, select the priority (original) species only;
 - from this set, select those recommendations requiring action in Phase 2.This process will provide a list of those species that inter-country considerations may be required to identify what actions should be taken.
4. As requested by ESG, planning for the implementation of Phase 2 could be initiated as a parallel process, once the species recommendations from Phase 1 have been set out later this year. Given that we have an idea when the recommendations will be available, planning Phase 2 can proceed towards the end of 2012.

Appendix 3 – Update on Marine SPA provision

Prepared by Sue O'Brien, JNCC Seabirds Team

1. Colony extensions

Natural England (NE) has begun informal dialogue on extension of the Flamborough Head and Bempton Cliffs SPA colony.

2. Inshore work

NE intend to go out to consultation on a possible marine SPA for wintering waterbirds in south Cornwall later this year. JNCC are working on final boundary advice for NE, using a novel boundary setting method informed by the distribution of Scottish great northern divers over different depth water. JNCC are continuing analyses of aerial survey and shore-based data on wintering waterbirds in 22 Scottish areas, with the intention of delivering final boundary advice to SNH by the end of 2012.

3. Offshore

During a workshop in November 2011, government, devolved administrations and SCNBs agreed on future offshore SPA work, including a period of gathering more evidence for all areas identified in 2012/2013. RSPB's FAME data will contribute to the evidence basis for areas identified using ESAS data.

4. Additional areas for other species

a) Large terns. Agreement between SNCBs and JNCC to prioritise the tern work only for colonies deemed to be 'recently occupied'. Contracts let to develop analysis methods and apply them to a sample of JNCC data. Contract reports to be circulated to SNCBs imminently. Aiming for boundary options to be delivered to SNCBs by Dec 2012..

b) Little terns. Data collection at several colonies in England this summer, to aid colony-specific identification of additional areas at sea for existing breeding colony SPAs. Will involve boat transect and shore counts.

c) Breeding red-throated diver. A report was given to SNH on the results of modelling predicted habitat suitability of Scottish marine waters for foraging red-throated divers during the breeding season. Areas were identified, which were then ranked according to several attributes.

d) European shag. The offshore (ESAS) analysis and the inshore (shore-based counts) analysis will inform any wintering areas for shag, while FAME tracking data will hopefully help to inform marine boundaries for some breeding colonies. CEH have just reported on their GPS logging work, which will inform boundary placement for a possible additional area around the Isle of May, part of Forth Islands SPA.

e) Balearic shearwater. Following survey work in Lyme Bay in 2011, JNCC submitted a draft report to NE which also including data from Seawatch SW and MarineLife.

UK SPAR SCIENTIFIC WORKING GROUP

ACTION POINTS AGREED AT 9 MAY 2012 MEETING

Action Point 1 (09/05/12): SECRETARIAT to revise and then uploaded the minutes of the last meeting onto the SWG web site.

Action Point 2 (09/05/12): DEFRA (in consultation with others) to consider the request for an analysis of the JNCC Index to Key Rulings of the European Court of Justice to show which of the rulings apply to each phase of the current SPA Review.

Action Point 3 (09/05/12): DEFRA to consult on the issue of SPA bird assemblages.

Action Point 4 (09/05/12): CHAIR to form an Editorial sub-group for the SPA Review Phase 1 Report in liaison with JNCC and relevant SWG Members. *[carried over Action Point 7 (10/11/11)]*

Action Point 5 (09/05/12): JNCC (DAVE CHAMBERS) to send latest version of the spreadsheet detailing implementation of 2001 SPA Review recommendations to the Country Agencies.

Action Point 6 (09/05/12): COUNTRY AGENCY & GOVERNMENT ADMINISTRATIONS REPRESENTATIVES to inform JNCC (David Stroud): (a) how they would like to progress with updating of Ramsar Information Sheets; and (b) what timetable they wish to put in place. *[carried over Action Point 17 (10/11/11)]*

Action Point 7 (09/05/12): CHAIR & JNCC (DAVID STROUD) to draft a request to the Rare Breeding Birds Panel from the SWG concerning the desirability of enhancing national Honey Buzzard data. *[carried over Action Point 19 (10/11/11); Action Point 17 (28/06/11), Action Point 6 (01/12/10), Action Point 15 (28/02/11)]*

Action Point 8 (09/05/12): SECRETARIAT to confirm date and organise next SWG meeting.