

SPA Scientific Working Group **Outstanding Issues Identified by RSPB**

We list below issues identified by RSPB in response to the SPA Review consultation which taken together have, in our view, led to the under-inclusion of sites in the Review as SPA. For some sites identified as SPA, we think the proposed boundaries are too restrictive. We fully acknowledge that some of these points have been accepted by the UK Steering Group as being addressed through the present process. We present them now so we can discuss how these issues can be taken forward and, as importantly, where – by this group, the NGO Forum or through country-level discussions.

1. Inappropriate use of stage 2 guidelines: We believe stage 1 judgements in the UK SPA guidelines should be considered as criteria and, as such, sites that meet them should be designated SPA. No further filtering using stage 2 judgements should be made – except where the “most suitable in number” requirement of the Birds Directive has demonstrably been met. Overall, we consider the UK Government has exceeded its discretion afforded to it under the Birds Directive, in the number of sites it has excluded on the grounds that they are not “most suitable territories”.
2. SPAs selected are smaller than IBAs: In many cases SPA boundaries have been defined which are smaller than the respective IBA. In some cases, there is a good scientific basis for this, but for others a sound scientific or policy rationale is lacking.
3. Low proportion of populations within the proposed SPA network: Proportions of a number of annex 1 and regular migratory species that will be afforded protection by the SPA network in one or more season is insufficient, and falls short of previously published targets. We note that the work plan for this group contains steps to address this for several key species.
4. Inclusion of improved agricultural land in “most suitable territories”: For several species, unwillingness to designate improved agricultural land means that insufficient area has been made SPA. Again, we welcome inclusion of steps to address this issue in the work plan.
5. Inclusion and protection of passage species: Significant passage populations are currently excluded for the SPA series. This issue has been fully acknowledged by the UK Steering Group, and we envisage this group identifying a mechanism to this end, to ensure these populations are afforded protection outside the wintering period (eg development of 1% thresholds).
6. Role of existing inventories: Inadequate use of more recent data, including the IBA book, has been made in the SPA review, leading to under-designation of sites. In addition some IBAs have deteriorated in the interim period through persecution or land-use change which may be reversible. In such cases we believe SPA listing should proceed to help focus positive conservation measures. Many of the topics identified in the work plan address the way in which more recent data should be applied to site identification and designation.
7. Composite sites: Composite sites may be made where they are ecologically linked in their use by a common population and where habitat was formally continuous. Some sites have not been selected SPA because interdependence has not been established between the SPA and proposed extensions – we need to affirm the sites affected and what further work is necessary. Additionally, some sites identified in the same geographic region have not been included merely because they are close to sites already proposed for the same species. We believe such sites should have been made SPA; such

considerations are only valid once an adequate proportion of the species population had already been included in the network.

8. Minimum of 50 rule: Application of this rule may be excluding important populations from qualifying on SPAs, particularly for annex 1 species which occur in the UK in small numbers. Discussion has identified that smew is the main (only?) species affected, and we are pleased to see this included in the work plan for this group.
9. Occurrence of non-qualifying annex 1 interest in “significant numbers”: We believe annex 1 species should be included on SPA citations where they occur within SPAs in numbers below qualifying thresholds, so they can receive a degree of protection and, more importantly, recognition in site management plans.
10. Marine: An key area for work by this Group given that the SPA review was always restricted to terrestrial sites and those which extend to the low water mark.