UK SPA & RAMSAR SCIENTIFIC WORKING GROUP

1 February 2016

11:00 – 15:30, JNCC Offices, Peterborough

Approved Minutes

Attending in person
Ian Bainbridge, Independent (Chair)
David Stroud, JNCC
Richard Hearn, WWT
Jeremy Wilson, RSPB
Philip Eckersley, NE
Dave Chambers, JNCC
Stephen Grady, JNCC
Cherry-Ann Vickery, JNCC (minutes)

Telephone conferencing
Andy Tully, Defra
Richard Weyl, NIEA

Apologies
Julia Garritt (Forestry Commission)
Matt Parsons, JNCC
Nigel Buxton, SNH
Kate Jennings, RSPB
Steven Dora, SG
Ant Maddock, JNCC
Sian Whitehead, NRW

1. Introduction and general matters

Welcome and apologies; matters for AOB; membership changes

The Chair welcomed attendees to the meeting. Apologies were received from Matt Parsons, Nigel Buxton, Kate Jennings, Steven Dora, Ant Maddock and Sian Whitehead.

IB explained that although he had now officially retired from SNH he would continue to chair the Scientific Working Group (SWG) until the report of Phase 1 of the third SPA Review was published. IB informed the group that Cherry-Ann Vickery would be leaving the JNCC in March and thanked her for her Secretariat work over the last four years.

In the light of a number of changes both to organisations and their representation, it was agreed it would be timely to review SWG membership as has periodically been undertaken.

Action 1: DAS and IB to review the SWG membership list.

Phil Eckersley (NE) announced that he was standing in for Sarah Anthony while she was on an extended career break. Stephen Grady (JNCC) was attending the current meeting on behalf of Jessa Battersby.

2. Minutes of last meeting; amendments & approval

The draft Minutes of the meeting held on 3 November 2015 were agreed subject to several minor changes.

Third SPA network Review - progress reports of Phase 1 and Phase 2

3. Phase 1 – progress report

3.1 Version 7.1 of final Phase 1 report

The Chair informed the group that the draft report of Phase 1 of the third network Review was almost ready to send to the inter-agency Chief Scientists' Group (CSG) for technical 'sign off'. It would then be submitted to the Joint Committee for their final consideration at their meeting on 9 June. It is anticipated that the report would then be transmitted as formal advice to UK government(s).

He added that, at this stage, he anticipated that any further amendments would be minor edits given the extensive consultation with country agencies over the time Review has been in development.

A significant number of comments on the draft Review had been submitted following the last (final) circulation of the report to the SWG in January. These changes had been incorporated in the text (version 7) as tracked changes. However, there were a few issues where the views of consultees were either at variance with each other or had raised wider issues. Accordingly version 7 flagged these comments against the relevant text.

The SWG discussed and agreed approaches to these issues as follows:

- **Executive Summary, para 7 & Chapter 3, section 3.1**. Approach agreed concerning how to refer to the second network Review in the context of its use as a baseline for third Review (given its lack of implementation in some parts of UK).
- **Executive Summary, para 12.5 & Chapter 3, section 3.4**. Agreement on how to refer to the review of marine SPAs in the context of the current Review.
- **Chapter 1, Table 1.1**. Agreement that the listed legislation should just be that which is currently applicable, rather than include historically superseded legislation also.
- **Chapter 1, Table 1.2**. Approach agreed as to presentation of statistics describing the UK SPA network, in particular the need to separately document proposed new SPAs and proposed extensions to existing SPAs.
- **Chapter 2, first part of section 2.2**. Agreement to refer to SPA activity in "England , Scotland, Wales and Northern Ireland" rather than "UK". NE to provide summary paragraph on activity in England[1] to balance those about work in the other countries.
- **Chapter 2, section 2.2.2**. Agreement on how to refer to past decisions related to the non-provision of SPAs for regularly occurring Annex I species in the UK.

[1] Not received

- **Chapter 2, section 2.2.2 – Eiders**. Agreement on how to refer to past decisions related to the need for SPA provision for *faeroeensis* Eider in Shetland.

- **Chapter 2, section 2.4**. Agreement on need to refer to the continuing role that SPAs will have as refuges in prolonged periods of severe winter weather.

- **Chapter 3, section 3.3**. Agreement to retain section 3.3 which refers to need to review the UK network of Ramsar Sites.

- **Chapter 3.4, Table 3.1**. Addition of White-billed Diver and Long-tailed Skua to table of species to be considered by marine SPA Review.

- **Chapter 4**. Agreement to move former section 4.5 related to availability of new population estimates to follow section 4.1.

- **Chapter 4, Table 4.2**. Agreement on how to refer to the scarcer data and information concerning waders occurring at sites on autumn and spring passage.

- **Chapter 4, Table 4.3**. Agreement to present the list of species for which no new population estimates have become available since the second Review by geographical area (Great Britain & All-Ireland) rather than by species.

- **Chapter 5, section 5.3.1**. Agreement to refer to 'ecological provision' as a type of assessment rather than 'ecological sufficiency'.

- **Chapter 5, section 5.4**. Agreement to include the CHIP Review (Baker & Stroud 2007) as a new Appendix [#11] to the report.

- **Chapter 5, section 5.5**. Agreement not to include the BTO summaries of information on Annex I species for which there is no SPA provision as new appendices to the report since these relate to Phase 2 of the Review rather than Phase 1.

- **Chapter 6, section 6.4**. Agreement on the reorganisation and editing of some of the recommendations relating to monitoring, including the need to separately describe needs for non-breeding Hen Harrier and Merlin.

- **Chapter 6, section 6.4.1**. Agreement on the need to reflect on lack of information related to the distributions of feeding geese.

- **Chapter 6, Table 6.7**. Addition of text emphasising the critical need for accurate locational information related to rare and scarce breeding birds.

Action 2: All to check Table 1.1 (pp. 14-15) which lists UK implementing legislation relevant to Article 4 of the Birds Directive, and send any additions to DAS.

Action 3: SWG to send any final comments to DAS by Friday 5 February.

Action 4: DAS to circulate a final draft text to SWG by Friday 12 February.

3.2 *Bird Study* paper progress

DAS explained that he and Jerry Wilson had now addressed all the issues raised previously by the referees for Site Provision Index paper. Following finally editing, the revised paper would be re-submitted to *Bird Study* within the next couple of weeks. It

was unclear whether, following change of Editor, the new incumbent would wish to treat the revision as a new submission. A letter outlining the background to the paper and its policy context would accompany the resubmission.

Action 5: DAS to circulate a final version of the paper to SWG following resubmission**.**

3.3 Revised timetable

The group briefly discussed the current timetable to completion of Phase 1 and noted that the draft final report would be ready to submit to CSG in April for technical sign off.

Action 6: DAS to circulate a final draft of the Phase 1 report to SWG in February.

4. Phase 2 progress

DC updated the group on progress in Phase 2. He reminded the group that at their November 2015 meeting they had discussed and agreed four papers related to:

i. breeding Montagu's Harrier
ii. breeding Kingfisher,
iii. breeding Woodlark, Dartford Warbler and Nightjar, and
iv. breeding and non-breeding Chough.

Following revision after the meeting, the recommendations had been submitted to the Review's Executive Steering Group for their consideration on 13 November.

The UK SPA Review Executive Steering Group (ESG) have responded to briefing papers and indicative site lists for the following species: Montagu's Harrier (breeding); Kingfisher (breeding and non-breeding); Woodlark, Dartford Warbler & Nightjar (breeding and non-breeding); Chough (breeding and non-breeding). In their response of 16 December 2015, the ESG:

- welcomed the SWG's (Phase 2 review sub-group) recent progress in delivering the phase 2 work programme;

- supported the SWG's recommendations as regards the need to undertake further survey work/studies to help inform any future decisions on classification for the above species; and

- noted the site specific SPA recommendations, the final approval of which is for the relevant administrations to consider in discussion with their statutory nature conservation advisors.

With respect of the Kingfisher in view of the preliminary analysis that has been undertaken, the ESG considered that the Site Provision Index, in this case, appears unrealistic for this particular species and as a consequence recommends that the UK should work towards a more limited suite of sites.

The ESG also requested frequent further updates from the Phase 2 review sub-group as soon as practicable (*i.e.* once a number of species can be presented for consideration in appropriate batches as set out in the Phase 2 work programme).

Although there had been slippage due to workload issues, Phase 2 of the Review was expected to be delivered on time. DC advised SWG that although he would be retiring in June, he would ensure continuity of work before he left.

Action 7: DC to submit a brief report on Phase 2 of the Review to CSG in June.

Other issues

5. Country reports

There was nothing to report from the country agencies.

6. Any other matters arising from minutes

None.

7. Update on AEWA MoP6

DAS gave a brief summary of the main outcomes of sixth Meeting of Parties (MOP 6) to AEWA which had been held in November in Bonn, Germany. These included the agreement of international single species action plans for Long-tailed Duck, Taiga Bean Goose and Curlew – all of which are relevant to UK.

Of particular significance was the sixth edition of the Conservation Status Review (CSR6) – the central analysis which collates best available data and information on the status and trends of all the populations listed by the Agreement. DAS noted that the conclusions from CSR6 were that:

- "The conservation status of many waterbird populations (particularly of globally threatened and near threatened ones) continue to deteriorate, in some cases rapidly. Such declines are occurring throughout the Agreement area, but particularly higher in areas where there are fewer Contracting Parties and where knowledge of the status of waterbirds and key sites remains very poor;
- "On the other hand, the conservation status of waterbirds is improving where concerted conservation measures are taken, where their key sites are protected and their exploitation is well managed;
- "Results suggests that better monitoring leads to the designation of a larger number of protected areas and this leads to better conservation status of waterbirds;

Action 8: DAS to circulate a summary of the main outcomes from MOP 6.

8. Any other business

DAS reminded SWG of the recent findings by the European Court of Justice in relation to Case C-141/14 Commission vs Bulgaria, which had recently been circulated.

This addressed several related issues, in essence, the inadequacy of SPA classification in relation to Important Bird Areas used by relevant species and then the failure to control harmful developments within the SPAs that had been classified, in particular in relation to the construction of wind farms and hotels.

The Court's findings are at:
http://curia.europa.eu/juris/document/document.jsf?text=&docid=173520&pageIndex=0&doclang=en&mode=lst&dir=&occ=first&part=1&cid=898545

9. Dates and venues of next meetings

Future meeting dates had been agreed for 22 June and 22 November 2016 at JNCC's office in Peterborough.