

# UK SPAR SCIENTIFIC WORKING GROUP

## MEETING 8<sup>th</sup> SEPTEMBER 2010

10.30 – 15.30, Monkstone House, JNCC, Peterborough

### Approved Minutes

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#### Attendees:

Ian Bainbridge – Chair (SNH)	Kate Jennings (RSPB)
Ed Mountford – Secretariat (JNCC)	Miranda Davis (Water UK)
Andy Musgrove (BTO)	Nigel Buxton (SNH)
Andy Tully (Defra) (via video-link)	Richard Hearn (WWT)
Chris Bingham (JNCC) (via video-link)	Sarah Anthony (NE)
Claire Collyer (CLA)	Sian Whitehead (CCW) (via video-link)
David Stroud (JNCC)	Steven Dora (Scottish Government)
Gavin Siriwardena (BTO)	Susan O'Brien (JNCC) (via video-link)
Jeremy Wilson (Scottish Environment Link)	

#### Apologies:

Ant Maddock (JNCC)	Michael McLeod (Scottish Government)
Ian Enlander (NIEA)	Simon Hopkinson (Defra)
Jim Reid (JNCC)	Stephen Hull (ABP Marine Enviro Res Ltd)

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### 1. Welcome, apologies and membership changes

- 1.1. The Chair welcomed members to the meeting. Introductions were given and apologies received (see above). Claire Collyer (CLA) was welcomed to her first meeting and Gavin Siriwardena as part of the team working on the BTO SPA Review contract. It was announced that Michael McLeod had become a new member of the SWG, having taken over as the Scottish Government Marine Policy Officer.

### 2. Minutes of the last meeting

- 2.1. Draft minutes of the previous SPAR SWG meeting were tabled. These were approved subject to minor amendments to items 3.4., 3.6. and 10.4. The Secretariat was asked to amend the minutes, based on the comments made and the additional text that RSPB agreed to provide to go into item 3.4., and then to publish the finalised version of the minutes on the SWG webpage.

**Action Point 1 (08/09/10):** RSPB to send SECRETARIAT revised text for item 3.4. in the minutes of last SWG meeting.

**Action Point 2 (08/09/10):** SECRETARIAT to publish the finalised version of the minutes of the last meeting on the SWG webpage.

### 3. Update on SPA Review Executive Steering Group meeting

3.1. The Chair briefed the Group on the June 18<sup>th</sup> meeting of the SPA Review Executive Steering Group (ESG), the minutes for which had been circulated beforehand. The event had proved to be a timely and useful update on progress with Phase 1 of the SPA Review. ESG signed-off the Phase 1 work plan and were pleased with the achievements to date and general direction of the work. No major concerns were expressed. A provisional date had been identified in October should it be decided that ESG needed to meet then.

### 4. Overview of progress with Phase 1 of the SPA Review

4.1. The Secretariat updated on progress with Phase 1 of the SPA Review, based on a summary paper that had been circulated beforehand. An updated version of the detailed work plan had been uploaded onto 'Google Docs'.

4.2. Good progress had been made with the collection of population and site-level data for SPA Review species. All the population estimates at the biogeographic-level had been collected, as had most of the UK/GB/all-Ireland population estimates and about two-thirds of the site-level counts. In addition, most of the data gathering and data presentation issues discussed at the last SWG meeting had been resolved.

4.3. The revised timetable and deadlines for the main parts of the Phase 1 were presented (see below). Attention was drawn to the revised deadlines to complete the population and site-level data work, the deadline for SPA Review species having been revised to the December meeting of the SWG. The same date applied to complete the cropped habitats decision tree. Attention was also drawn to the timing of the peer review work. This probably needs to be completed within the current financial year and is dependent on the timely production of 'workable versions' of the Site Provision Index (SPI) and Framework (although the former may not be subject to the separate peer review exercise). JNCC pointed out that a lot of work needs to be done to meet all of the December deadlines: all population and site data, ECJ reports for five ECJ species, the Framework to review SPA suites, the cropped habitats decision tree, and the SPI.

*Revised timetable for the main parts of Phase 1 of the SPA Review*

	December 2010	January 2011	February 2011	March 2011	April 2011	May to September	October 2011
1. Population and site-level data; ECJ reports	Deadline for all data for 42 SPA species, plus ECJ reports on 5 species	Deadline for full APEP data	Deadline for Ramsar data	All information from the BTO contract received and approved			
2. Cropped habitats	Deadline for cropped habitats decision tree			All information from the BTO contract received and approved			
3. SPI		Deadline for workable model of SPI		[Adjust SPI subject to Peer review]	Update SPI with new data		
4. Framework		Deadline for workable model of Framework		[Adjust Framework subject to Peer review]	Update framework with new data	Test and complete framework by September	
5. Peer review			Deadline for Peer review				
6. ECJ case law				Work on and complete ECJ case law reference report			
							Sign off final products to countries

- 4.4. In response to questions raised, JNCC confirmed that: (i) the SPA Review ESG would be fully consulted and asked to 'sign-off' the SPI work; and (ii) there were no plans to include the population and site count data work in the peer review exercise.

## **5. Bird population estimates and site-level count data**

- 5.1. BTO (Andy Musgrove) gave an update on the contract work being undertaken for Defra and JNCC. The overall aims of this work were outlined, i.e. to collate bird population estimates and site-level count data for three purposes: (i) the SPA Review (which was the highest priority and had been progressed first); (ii) updating of Ramsar Information Sheets; and (iii) updating of APEP. A spreadsheet summarising progress and detailing outstanding issues had been circulated. Members were thanked for the useful responses that had already been received.
- 5.2. Data for 41 species populations were initially requested for the SPA Review work. Little Gull had been subsequently added and Pochard deleted (its original inclusion was in error). In seven cases, separate treatment was required for the breeding and non-breeding seasons, giving a total of 48 species/season combinations overall.
- 5.3. BTO confirmed that all the biogeographic population estimates had been collected for the SPA Review, together with 44 suitable estimates of the GB (and UK, for APEP purposes) population. Of the four remaining estimates, generation of estimates of non-breeding Bitterns and Little Gulls is underway by third-parties; these will be available to the SPA review when complete, but may not be published. Estimates of non-breeding Merlin and Hen Harrier do exist, and were published in the 2001 review, but are based on the 1981-84 Winter Atlas. No better estimates exist at the present time, although the current (2007-11) atlas project may be able to produce estimates of at least equivalent quality. A total of 46 all-Ireland population estimates had been established, the two missing estimates being for non-breeding Merlin and Hen Harrier, for which the same comments applied as above for GB/UK estimates. The Group advised BTO to set out the best estimates that they could come up with along with a clear list of caveats.
- 5.4. Progress with site-level data was more mixed. Suitable datasets had been collated for 34 species populations (71%) and a further 12 (25%) were anticipated shortly. The situation concerning Honey Buzzard and Osprey was still under investigation.
- 5.5. There were still issues about accessing site-level data for those species where such information was considered 'sensitive'; and, in some cases, data holders were unsure or unwilling to simply share the information they held. These issues applied particularly to breeding raptors. The situation was complicated as the subsequent process was not clear and, especially, because it is not possible to tell data providers who exactly will be accessing their data. Members reaffirmed that they would be prepared to support BTO in accessing data if requested. Although there was a presumption that BTO would strive to secure the release of site-level data for all SPA Review species, it was appreciated that in some cases this may not be possible within the scope of their contract. In such cases they should report this, identify who holds such data and what it comprises, and help smooth a later approach from the Country Agencies. SNH and CCW advised that there

were established protocols for the use and public release of 'sensitive' information. They recommended that BTO looked at these with a view to reassuring data holders. It was also pointed out that ultimately this was a job for the Country Agencies, who in such cases would deal directly with data holders to agree formal access and public release.

- 5.6. BTO advised that for a number of species, despite the most suitable data being collated or available, it was difficult to see how such data might be used for SPA review purposes, i.e. to assess SPA suites. For example, extensive datasets on Kingfisher were available from WeBS, BirdTrack, BBS, WBBS and the Atlas projects, but it was not obvious how best to approach the task of constructing a site-level dataset from these. Similarly, a number of species had been surveyed nationally using stratified random sampling, but this was not suitable for generating site-level data. Further details had been set out in the spreadsheet that had been circulated. Each species dataset would need consideration on its own merits. For some species the best available option might be to come up with counts within existing SPAs. The Group discussed the issues involved with each species, including the adequacy of potential data sets, possible alternatives, and what options might be sensible to pursue.
- 5.7. It was agreed that further comments on the population estimate and site-level data work should be sent to BTO within two weeks.

**Action Point 3 (08/09/10):** ALL MEMBERS to send additional comments on the BTO population estimate and site-level data work to Andy Musgrove (cc: Ant Maddock, Ed Mountford) by end of 22 September 2010.

- 5.8. BTO asked the SWG to advise them on Chough site-level data. Having approached RSPB Wales to ask for access to their Welsh Chough data, they were asked to check if this was necessary as a process was already in place with CCW to collate data and review SPA provision for Chough in Wales. CCW confirmed that this was the case and that it was not necessary for BTO to chase any site-level data for this species in Wales. SNH advised that this also applied to Scotland. BTO would, however, still need to generate a new population estimate for Chough. To this end, CCW advised that the RSPB 2002 Chough report may provide adequate information.
- 5.9. As agreed at the last SWG meeting (Action Point 5, 19/05/10), BTO tabled a note that explained how they were intending to determine population estimates for SPA Review species that showed a consistent or near-consistent year-on-year decline or increase in numbers. For species that have annual population estimates available, the overall population estimate is usually derived by taking an average typically over a five-year period. This is largely because there is: (i) a certain amount of natural variation that occurs even within a broadly stable population; and (ii) variation in the degree to which monitoring efforts cover the whole population. Taking an average value will 'smooth out' both of these factors, and ensures that the resulting value is not unduly influenced by year-specific factors. Although this seems appropriate for species with broadly stable populations, for species that are exhibiting a consistent increase or decrease the last estimate is probably the best to use.
- 5.10. BTO therefore recommended that *"if estimates are available on an annual (or near-annual) basis, then the final population estimate to be used should be the mean of the last five annual estimates, except where consistent and significant change has occurred over this five-year period and where estimates are deemed*

*to be of high reliability and precision; in such cases, the estimate from the latest year should be used instead*". Examples of SPA Review species where this is likely to apply include non-breeding Greenland White-fronted Goose, Little Egret and Crane, and breeding Bittern, Little Egret, Red Kite, White-tailed Eagle and Crane. The Group agreed to this proposal.

**Action Point 4 (08/09/10):** SECRETARIAT to circulate the BTO guidance note on determining population estimates for species showing a consistent or near-consistent year-on-year decline or increase.

- 5.11. BTO also gave feedback on the issue of determining population estimates for breeding waders, further to the responses they had received after the last meeting (see Action Points 6A-C, 08/09/10). There seemed to be no clear preference to use the new 'BBS distance-analysis' approach of Newson *et al* (2008) or the original approach of O'Brien (2004) – both methods had advantages and disadvantages, and there was no clear reasoning to choose one over the other at the present time. BTO therefore proposed that for the species involved a range of estimates was provided, with maxima and minima being those from the two methods available. The Group agreed to this, although the need to derive a fixed population threshold was highlighted.
- 5.12. The use of recently released data was discussed, e.g. the RBBP 2008 data which had just been released. It was confirmed that, although the primary five-year time window for the Review was 2003 – 2007, it was entirely acceptable to use data from other years provided this was justified and it could be collated within the resource and time constraints of the BTO contract.
- 5.13. The Group approved the population and site-level data for the other SPA Review species populations (as per the spreadsheet that had been circulated), and BTO confirmed that they were working to complete the SPA Review population and site-level data work and ECJ species reports by the December meeting of the SWG. It was, however, appreciated that in a few cases it might take a little longer to fully access relevant data.

## **6. Cropped habitats decision tree**

- 6.1. BTO (Gavin Siriwardena) presented a progress report on the work to create a decision tree for cropped habitats. This work forms part of the Defra-JNCC-BTO SPA Review Phase 1 contract. As agreed at the last SWG meeting (Action Point 11, 08/09/10), David Stroud met BTO to establish a platform for this project, and the contract Project Steering Group had made comments on the work in late August.
- 6.2. Prior to the meeting, an initial draft version of the cropped habitats decision tree had been circulated. This was based on a series of questions (mainly with yes-no answers), starting with questions about 'determining that a sufficient proportion of a population for which an SPA is designated uses cropped habitats and what resources they find there'. The tree was sub-divided by a series of coloured areas, each largely pertaining to a particular conceptual issue. Certain parts of the decision process and the resulting recommended actions involved novel policy possibilities or novel applications of existing policies within the SPA system.
- 6.3. In addition, a set of introductory notes to the decision tree had been circulated. These explained that the aim of the decision tree was to provide a simple guide to

the process of reaching a decision on the feasibility of including cropped habitats within the boundary of an SPA that has been designated for a 'cropped habitat species'. The general issues involved here seem reasonably clear and species-specific summaries of cropped habitat species have been collated in the Cropped Habitat Information Project (CHIP) reports. The gap that the decision tree is aiming to fill is guidance on how to interpret the great depth of information that is available on the subject and how to reach consistent decisions across the wide range of species and sites involved. There are two main difficulties that the decision tree tries to address: (i) for some species (like certain wintering geese) roost sites can be relatively easy to define and are variously classified as SPAs, whereas their feeding sites are in cropped habitats and often are not included within SPA boundaries, because they are much less easy to define due to crop rotation or a lack of site fidelity when feeding; (ii) cropped habitats are normally managed commercially, so measures that apply to land-use have actual or potential economic effects that impact on the feasibility of protection in practice and ought not be ignored.

- 6.4. The Group made several comments on the cropped habitats work. It was noted that the decision tree was focused on extensions to existing SPAs, whilst for some species selection of new sites may also be required.
- 6.5. It was stressed that the decision tree touched upon two areas of competency. The first of these was under-pinned by ecological science and it was stressed that this should be the focus of the work. WWT asked whether there was any indication of a preferred outcome from the decision tree in terms of SPA classification or use of other conservation measures. It was pointed out that the decision tree should ask about the use and reliance that particular species have on cropped habitats, with a view to potentially classifying the most suitable areas as SPAs. The Group recommended that the aims and results of the SWG Cropped Habitats Information Project (CHIP) were incorporated into the work, along with all of the species parameters used in this project, with a view to providing a framework to properly consider the protective requirements of cropped habitat species. It was also agreed that the decision tree needed to give a clear assessment process and basis to defend decisions made about cropped habitats.
- 6.6. The second area of competency that the decision tree touched upon was policy-related. Concerns were raised about this and in particular that it should not step too far into the policy arena. Where reference was made to policies (e.g. box ii, bottom left side of tree), it was important to make sure the correct policy position was given.
- 6.7. There was some debate about consideration of socio-economic factors in the decision tree. The Group was reminded that European case-law stated explicitly that only ecological issues should be considered here: the inclusion of economic considerations could leave the UK open to possible infraction proceedings. Other members were less certain about being so strict on this point, and felt it was important to appreciate that the classification of SPAs on cropped habitats would be a major concern for landowners who were trying to operate commercially viable agricultural businesses. Concern was expressed that some species using cropped habitat were of lower conservation concern because they had large expanding populations: the accommodation of cropped habitats within SPAs for such species could prove to be problematic. BTO commented that in their view the distinction is between following the letter of case-law, in which case cropped habitats are no different to any other habitat, and consideration of the practical issues that will allow successful conservation outcomes.

- 6.8. Concern was voiced that in places the decision tree referred to measures that do not exist within current UK agri-environment schemes, which would therefore need policy development (which is outside the remit of the SPA Review process). It was also noted that the inclusion of voluntary measures, such as UK agri-environment schemes, needed to be carefully considered. The ECJ has already ruled that the 'special conservation measures' implemented in the context of Articles 4(1) and 4(2) of the EU Birds Directive do not include voluntary measures, such as agri-environment schemes or Government grant schemes for species conservation.
- 6.9. The Chair suggested that in the (orange-coloured) 'management zones' section of the decision tree, three spatial scales could be considered. Management could be applied at site level (or individual farm), extensive level (involving co-operation between a number of land holdings, or at a regional level, (as identified by some SRDP options, for example). Similarly, in the blue-coloured 'agro-economics' section, it might be sensible to include consideration as to what kind of habitats are more appropriate for SPA classification, given that more natural habitats are less easy to substitute or create than intensive agricultural or forestry crops. JNCC added that further work was required to integrate the cropped habitats work with the Framework to aid consistent review of SPA suites.
- 6.10. BTO also tabled a set of species case studies to test the performance of the decision tree. These included Chough, Greenland White-fronted Goose, Ringed Plover and Wigeon. Further species will be covered in due course. JNCC asked how easy had it been to run the trial species through the decision tree. BTO replied this hadn't proved too difficult, but it did depend on how the 'yes-no' answers were approached. The issues being considered were not often clear-cut, and the response depended on the quality of relevant information and the extent to which a precautionary approach was taken. BTO asked about which other case studies would be required: JNCC said that they would advise which/how many other species to include.
- 6.11. The Group agreed that members should send comments on the cropped habitats work to BTO by the end of September and that it was likely that a sub-group would need to meet in October to consider progress and advise further on the work.

**Action Point 5 (08/09/10):** SECRETARIAT to circulate the BTO case studies to test the cropped habitats decision tree.

**Action Point 6 (08/09/10):** ALL MEMBERS to send comments on the cropped habitats decision tree and the supporting notes and case studies to Gavin Siriwardena (cc: Ant Maddock, Ed Mountford, David Stroud) by 29 September 2010.

**Action Point 7 (08/09/10):** JNCC to organise meeting of SWG sub-group in October 2010 to consider progress and advise further on the cropped habitats decision tree work.

## **7. Framework to aid consistent review of SPA suites & Site Provision Index**

- 7.1. JNCC (David Stroud) updated on the progress with the 'Framework to aid consistent review of SPA suites'. A sub-group meeting took place in August and two related papers had been circulated: (i) a second draft of the framework; and (ii) a trial of this for a number of contrasting bird species. The framework itself had

changed little given that there was general agreement about the previous structure. The trial included a range of species with low, medium and high SPI values and presented the steps in the framework in tabular format. The trials for Woodcock, Kingfisher and Whimbrel were run through and attention was drawn to the main points for discussion.

- 7.2. It was noted that there were uncertainties about how the framework would be used and that the wording about the SPI needed to be less ambiguous. The text also implied that further reviews of the SPA network would take place. The Chair commented that decisions about reviews of the SPA network were not a matter for the SWG and would be better raised at next SPA Review ESG meeting. It was suggested that the framework was adjusted to take account of the lack of provision for a species due to a decline in numbers within existing SPAs and where brought about by climate change.
- 7.3. JNCC advised that although work on the SPI had not yet been completed, the aim was to do so by the end of September and to then circulate a report about the SWG for comment. It was also agreed that comments on the framework paper and framework trial paper should be sent to JNCC within two weeks.
- 7.4. RSPB advised that they had agreed at the sub-group meeting in August to develop some guidance on other 'conservation measures' under the EU Birds Directive. They had been unable to do this before the SWG meeting, but would do so in the near-future and pass it onto JNCC to feed into the framework.

**Action Point 8 (08/09/10):** DAVID STROUD to aim to complete report on Site Provision Index work and circulate around SWG by end of September 2010.

**Action Point 9 (08/09/10):** ALL MEMBERS to send comments on the framework paper and framework trial paper (Framework to aid consistent implementation of Article 4 of the Birds Directive) to David Stroud (cc: Ant Maddock, Ed Mountford) by end of 22 September 2010.

## 8. European case law work

- 8.1. The Secretariat introduced a paper that had been circulated, which initiated the planned SPA Review work on European case law. The paper started the task of identifying additional measures necessary to ensure UK compliance with European case law relevant to the legal interpretation of the EU Birds Directive. It summarised those cases in the 2006 publication *Nature and biodiversity cases – rulings of the European Court of Justice*<sup>1</sup> which relate to Article 4 of the Birds Directive. The SWG was asked to advise on:
- what guidance the Country Administrations and Agencies need when implementing Phase 2 of the SPA Review?
  - how much further work is required to complete the work on ECJ rulings?
  - who is best placed to do this work?
  - does the ECJ rulings report adequately cover the period up to 15th July 2006 – presumably all rulings since this date need to be identified and assessed?

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<sup>1</sup> [http://ec.europa.eu/environment/nature/info/pubs/docs/others/ecj\\_rulings\\_en.pdf](http://ec.europa.eu/environment/nature/info/pubs/docs/others/ecj_rulings_en.pdf)

- 8.2. Members commented that the objectives for this work need to be clearly set out, and only include case law that is relevant to the current SPA Review needs to be included. Care should be taken so as not to oversimplify issues or reinterpret judgements reached by the ECJ. As a next step, it would be helpful to further develop the scope of this work and set out the main headings for the report from this work. JNCC (Ant Maddock) offered to lead this work and RSPB and SNH offered their assistance. It was agreed to aim to circulate a next version of the ECJ case law paper by end of October 2010.

**Action Point 10 (08/09/10):** JNCC to form sub-group to further develop ECJ case law paper with the aim of circulating next version by end of October 2010.

## 9. Peer review work

- 9.1. The Secretariat introduced a revised paper (which had been emailed to the SWG before the meeting) concerning the planned independent peer review work for Phase 1 of the SPA Review. As agreed at the last meeting (Action Point 16, 19/05/10), this had been developed by JNCC in consultation with Defra. Two items were identified for possible peer review: (i) the SPI (if not sent for formal publication); and (ii) the decision tree guidance for the SPA Review, including the framework to aid consistent review of SPA suites and the decision tree for cropped habitats. Table 1 of the paper set out the questions to be addressed. Members were specifically asked to give an indication of the number of days the work might take.
- 9.2. Some concerns were raised about the clarity of the paper, in terms of the purpose and expectations of the exercise and questions that were being posed. The need for careful consideration of the nature of the peer review and the identification of potential contractors with relevant expertise was highlighted. The decision-making frameworks are not purely scientific in nature – rather they are tools to ensure that decisions based on science comply with legal requirements. Members agreed to send follow-up comments to JNCC within two weeks. It was confirmed that the expectation is that the SPI will be sent for formal publication in a scientific journal and therefore will not need to be included – a final decision on this should be clear by December 2010. It was suggested that the overall peer review work should take around 3-4 days.

**Action Point 11 (08/09/10):** ALL MEMBERS to send comments on the peer review paper (Independent Review of Phase 1 of the SPA Review Project) to Ant Maddock (cc: Ed Mountford) by end of 22 September 2010.

## 10. Additional issues for the SPA review to consider

- 10.1. JNCC (David Stroud) introduced a paper that had been circulated on the calculation of non-breeding waterbird assemblages (and other methodological issues) paper. The waterbird assemblage issue has been recently raised by Natural England and the views of the Group were requested before deciding how to take it forward. The issue centred around the fact that most old SPA citations and 2001 SPA Review site accounts describe waterfowl assemblages as being 'over-winter'. However, in practice, the largest numbers of some species on many sites occur during passage periods. For more recent designations, Natural England had accordingly described the assemblage as 'during the non-breeding season' and calculated it using counts from spring and autumn passage, as well as winter. The five year mean for a particular species could therefore be

calculated potentially using yearly peaks from different seasons. The approach runs no risk of double counting between species or between years and there is no problem with calculating individual species' means and summing them to reach an assemblage total. The advantages of the approach and several discussion points were set out. The paper also asked if any additional general issues still caused confusion during SPA case-work (especially in relation to data interpretation, etc.).

- 10.2. The Group were in general agreement about the scientific merits of the approach to calculating non-breeding waterbird assemblages and recommended it was considered as a standard in other UK countries. It was agreed that further comments on the paper should be submitted within two weeks.

**Action Point 12 (08/09/10):** ALL MEMBERS to send comments on the calculation of non-breeding waterbird assemblages (and other methodological issues) paper to David Stroud (cc: Ant Maddock, Ed Mountford) by end of 22 September 2010.

## 11. Update on Marine SPA work

- 11.1. JNCC (Sue O'Brien) updated on Marine SPA matters.

### *SPA Colony Extension work*

- 11.2. JNCC has given advice to the Country Agencies regarding the extension of seabird breeding colony SPAs into the marine environment. Natural England is considering how best to implement the advice and CCW have recently made recommendations to the Welsh Assembly Government.

### *Inshore work*

- 11.3. The Outer Thames Estuary and Liverpool Bay / Bae Lerpwl SPAs were submitted to the European Commission on 20th August 2010. Reports on the distribution and numbers of inshore waterbirds using Cardigan Bay and Belfast Lough during the non-breeding season were nearing completion. Each report will include a possible boundary around important aggregations. Analyses were beginning on ten inshore areas of search in west and north Scotland. This follows on from the analysis last winter of seven other Scottish areas of search, mainly in the east and north of the country. A report including details of the 2010/11 analyses and options for possible site boundaries in each area is scheduled for delivery to SNH in March 2011. A second winter of shore-based counts is planned for south Cornwall in 2010/11.

### *Offshore work*

- 11.4. A workshop was held in July 2010 to give representatives from the Country Agencies, Defra and the Government Devolved Administrations a sound understanding of the ESAS database analysis and to discuss the way forward. Following on from this, additional analyses were being discussed and trialled – further details were available on request from Jim Reid. The new work will not delay the publication of the Kober *et al* report containing the results of the ESAS database analysis to date.

### *Additional areas for Terns, European Shag, Balearic Shearwater and Red-throated Diver*

- 11.5. The second of three years of fieldwork to identify important marine areas for terns has been completed. Fieldwork on the larger tern species has been carried out

around the Isle of May, Leith Docks, Coquet Island, the Farne Islands, and also in North Wales and Northern Ireland. Little Terns were surveyed at several colonies around the UK. Surveys were carried out this year to collect further data to parameterise models that aim to identify the most suitable foraging sites during the breeding season for all tern species. Data analysis is underway and a second interim report is due by the end of 2010. No further work has been carried out on breeding European Shag, Balearic Shearwater or Red-throated Divers due to staff cuts earlier in the year. However, Natural England is interested in identifying sites for the first two of these species and is seeking funding to assist JNCC with this work.

## **12. Updates on country implementation**

12.1. The Country Agency representatives provided brief updates on SPA implementation:

- Natural England reported that they had been given approval by Defra to consult on the proposed Dungeness SPA extension and new Ramsar site, and were working with RSPB on identifying potential SPAs for Bittern. They also reported that in the short-term it was unlikely that there would be much further progress with outstanding work to implement the recommendations from the 2001 SPA Review, given that in most cases analysis indicated it would be better to wait until the current SPA review had progressed further.
- SNH reported that they had spent a large amount of time on on-going work on identifying potential inshore and offshore SPAs in Scotland with JNCC. The consultation comments received on Golden Eagle SPAs had been assessed and reported on to Scottish Government. They had also been looking at assessing Merlin distribution across Scotland using SCARABBS survey data, but were now looking for additional alternative data.
- CCW reported that they had mainly been working with JNCC on marine SPAs. They had also put on hold much of the outstanding work from the 2001 SPA Review, partly because of resource limitations affecting capacity to undertake site designation, but also because it was thought better to await the outcome of the current SPA review.

## **13. Progress with Action Points from last meeting**

13.1. Progress with and follow-up to the agreed Action Points from the last SWG meeting (19/05/10) was reviewed. All Action Points had been completed as per the note on progress circulated before the meeting. Action Points 15 and 16 were addressed under 'Other Business'. The Chair advised that in response to Action Point 23 he had written to Defra and would report back on further progress at the next SWG meeting. CCW and SNH queried if Action Point 13 had been dealt with fully and asked to see the final version of the new web page design before it went live. The Secretariat said that he would alert Dave Chambers in JNCC about their concerns.

## 14. Other Business

### *Issues to include in the next SPA Review*

- 14.1. In response to Action Point 15 (19/05/10), JNCC (David Stroud) circulated a paper just before the meeting setting out possible issues that could be included in final report from the current SPA Review. Due to a lack of time this was not discussed, but it was agreed that comments should be sent to JNCC by end of September with a view to addressing the issue more fully at the next SWG meeting.

**Action Point 13 (08/09/10):** ALL MEMBERS to send comments on the 'issues to include in the next SPA Review' paper to David Stroud (cc: Ant Maddock, Ed Mountford) by end of 29 September 2010.

### *Process to update Ramsar Information Sheets*

- 14.2. In response to Action Point 16 (19/05/10), JNCC (David Stroud) circulated a discussion paper just before the meeting on issues related to the update of Information Sheets for the UK Ramsar series. There was insufficient time to discuss this, so it was agreed that comments should be sent to JNCC by end of September and the issue would be looked at again at the next SWG meeting.

**Action Point 14 (08/09/10):** ALL MEMBERS to send comments on the Ramsar Information Sheet paper (Discussion paper on issues related to update Information Sheets for the UK Ramsar series) to David Stroud (cc: Ant Maddock, Ed Mountford) by end of 29 September 2010.

### *Representation at Natura 2000 and Ramsar Forum meeting*

- 14.3. The Chair advised that he would be unable to attend the Natura 2000 and Ramsar Forum meeting on 28 September. It was agreed that the Secretariat would organise for someone else to represent the SWG.

**Action Point 15 (08/09/10):** SECRETARIAT to organise SWG representation at the N2KR Forum meeting on 28 September 2010.

### *Next Executive Steering Group meeting*

- 14.4. The Chair and Secretariat agreed to consider further if there was a need for the SPA Review Executive Steering Group to meet in October 2010 and consult with the ESG Chair on this matter.

**Action Point 16 (08/09/10):** CHAIR & SECRETARIAT to consider if the SPA Review Executive Steering Group needs to meet in October 2010 and advise the ESG Chair.

## 15. Next SPAR SWG meeting

- 15.1. The intended date and venue for the next SWG meeting was agreed as 1<sup>st</sup> December 2010 at the JNCC Offices in Peterborough.

**Action Point 17 (08/09/10):** SECRETARIAT to organise next SWG meeting at the JNCC Offices in Peterborough on 1 December 2010.

## UK SPAR SCIENTIFIC WORKING GROUP

### ACTION POINTS AGREED AT SWG MEETING 8 SEPT 2010

**Action Point 1 (08/09/10):** RSPB to send SECRETARIAT revised text for item 3.4. in the minutes of last SWG meeting.

**Action Point 2 (08/09/10):** SECRETARIAT to publish the finalised version of the minutes of the last meeting on the SWG webpage.

**Action Point 3 (08/09/10):** ALL MEMBERS to send additional comments on the BTO population estimate and site-level data work to Andy Musgrove (cc: Ant Maddock, Ed Mountford) by end of 22 September 2010.

**Action Point 4 (08/09/10):** SECRETARIAT to circulate the BTO guidance note on determining population estimates for species showing a consistent or near-consistent year-on-year decline or increase.

**Action Point 5 (08/09/10):** SECRETARIAT to circulate the BTO case studies to test the cropped habitats decision tree.

**Action Point 6 (08/09/10):** ALL MEMBERS to send comments on the cropped habitats decision tree and the supporting notes and case studies to Gavin Siriwardena (cc: Ant Maddock, Ed Mountford, David Stroud) by 29 September 2010.

**Action Point 7 (08/09/10):** JNCC to organise meeting of SWG sub-group in October 2010 to consider progress and advise further on the cropped habitats decision tree work.

**Action Point 8 (08/09/10):** DAVID STROUD to aim to complete report on Site Provision Index work and circulate around SWG by end of September 2010.

**Action Point 9 (08/09/10):** ALL MEMBERS to send comments on the framework paper and framework trial paper (Framework to aid consistent implementation of Article 4 of the Birds Directive) to David Stroud (cc: Ant Maddock, Ed Mountford) by end of 22 September 2010.

**Action Point 10 (08/09/10):** JNCC to form sub-group to further develop ECJ case law paper with the aim of circulating next version by end of October 2010.

**Action Point 11 (08/09/10):** ALL MEMBERS to send comments on the peer review paper (Independent Review of Phase 1 of the SPA Review Project) to Ant Maddock (cc: Ed Mountford) by end of 22 September 2010.

**Action Point 12 (08/09/10):** ALL MEMBERS to send comments on the calculation of non-breeding waterbird assemblages (and other methodological issues) paper to David Stroud (cc: Ant Maddock, Ed Mountford) by end of 22 September 2010.

**Action Point 13 (08/09/10):** ALL MEMBERS to send comments on the 'issues to include in the next SPA Review' paper to David Stroud (cc: Ant Maddock, Ed Mountford) by end of 29 September 2010.

**Action Point 14 (08/09/10):** ALL MEMBERS to send comments on the Ramsar Information Sheet paper (Discussion paper on issues related to update Information Sheets for the UK Ramsar series) to David Stroud (cc: Ant Maddock, Ed Mountford) by end of 29 September 2010.

**Action Point 15 (08/09/10):** SECRETARIAT to organise SWG representation at the N2KR Forum meeting on 28 September 2010.

**Action Point 16 (08/09/10):** CHAIR & SECRETARIAT to consider if the SPA Review Executive Steering Group needs to meet in October 2010 and advise the ESG Chair.

**Action Point 17 (08/09/10):** SECRETARIAT to organise next SWG meeting at the JNCC Offices in Peterborough on 1 December 2010.