

# UK SPA & RAMSAR (AVIAN) SCIENTIFIC WORKING GROUP

## 2008 & 2009 PROGRESS REPORT

### SUMMARY

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1. This is the seventh report of the UK SPA & Ramsar (Avian) Scientific Working Group (SPAR SWG). It includes all issues considered in 2008 and 2009, during which the SPAR SWG met on three occasions.
2. The Group was established by Defra in 2001, following publication of the 2001 SPA Review, to assist government in further development of the SPA and Ramsar networks. A framework of activity was established through the Terms of Reference and good progress has since been made in developing the scientific rationale needed to support development of the networks.
3. This report summarises activities related to:
  - SPAR SWG meetings, reporting and membership;
  - the on-going Review of the SPA & Ramsar (Avian) Networks;
  - the December 2007 ECJ Judgement of the European Commission versus Ireland;
  - SPA provision in the marine environment;
  - studies of Eider genetics and the implications for treatment of Eider populations;
  - a pilot survey for Short-eared Owl;
  - an analysis of Lough Neagh diving duck ringing data.
4. A key purpose of this report is to set out **formal recommendations from the SPAR SWG to the Natura 2000 & Ramsar Steering Committee**. Two of these were reached by the SWG during 2008 and 2009:
  - **N2KRSC should continue to use the currently accepted population estimates for eider for developing the UK SPA network, but as part of the UK approach to any SPA provision for this species should consider greater representation in Shetland in recognition of the genetically-distinct population in these islands;**
  - **N2KRSC should encourage the publication of methodological and other work related to marine SPAs, recognising its value, variety and ground-breaking nature in the identification of marine protected areas for birds – a consolidated publication of the work, perhaps through a conference and/or book publication, would be especially valuable to support site designation both in the UK and other countries, particularly whilst the work is contemporary.**
5. The main components of the work programme for the SPAR SWG for 2010-11 are appended. Much of the programme relates to the SPA & Ramsar Networks Review. The SPAR SWG will act as the Technical Advisory Group for this Review and thereby play a key role in directing and quality assuring the work undertaken during Phase 1, and in the development of a suitable framework to progress Phase 2.

## INTRODUCTION

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1. The SPAR SWG is a consultative group that was established in November 2001, by the Department for Environment, Food and Rural Affairs (Defra) and devolved Government administrations, to assist these administrations and the statutory nature conservation agencies in further developing the SPA and Ramsar networks within the UK, including promoting the coherent management of the networks and monitoring of sites.
2. The Group considers UK-scale scientific and technical issues regarding the SPA and Ramsar (Avian) networks in both the terrestrial and marine environments.
3. The Group comprises representatives from UK Government departments, devolved Government administrations and their statutory nature conservation agencies across the UK, the Joint Nature Conservation Committee (JNCC), and scientists from the voluntary conservation sector and other stakeholder groups, such as land-owners and managers, the water industry, marine and business sectors. The list of member organisations represented is:
  - Department for Environment, Food and Rural Affairs
  - Scottish Government
  - Welsh Assembly Government
  - Countryside Council for Wales
  - Joint Nature Conservation Committee
  - Natural England
  - Northern Ireland Environment Agency
  - Scottish Natural Heritage
  - ABP Marine Environmental Research
  - Country Land & Business Association [also acting on behalf of Country Land & Business Association in Wales and the Scottish Rural Property and Business Association]
  - National Farmers Union [also acting on behalf of Undeb Amaethwyr Cymru/ Farmer's Union of Wales and National Farmers Union Scotland]
  - National Federation of Fishermen's Organisations
  - Scottish Environment Link
  - The Royal Society for the Protection of Birds
  - Water UK
  - Wildfowl & Wetlands Trust
  - Wildlife & Countryside Link
4. The Group sits within a network of fora for the consideration of Natura 2000 issues:
  - bilateral discussions between NGOs, devolved Government administrations and the statutory nature conservation agencies;
  - the UK Natura 2000 & Ramsar Forum<sup>1</sup>;
  - the UK Natura 2000 & Ramsar Steering Committee (N2KRSC);
  - the UK Marine Biodiversity Policy Steering Group;
  - the Marine Protected Areas Technical Group.

It provides advice and recommendations to the N2KRSC and the Marine Biodiversity Policy Steering Group, as well as acting on issues identified by them.

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<sup>1</sup> see <http://www.defra.gov.uk/rural/protected/natura-ramsar.htm>

5. Formal Terms of Reference, along with an initial framework for discussions, were established at the inauguration of the SPAR SWG (see 2001-2002 Annual Report<sup>2</sup>). This framework was further developed into a rolling work programme. The SPAR SWG Terms of Reference were revised in 2004 (see Appendix 1) to add consideration of development of the UK Ramsar avian network to the Group's remit.
6. The SPAR SWG typically meets three times per year. Issues for discussion are supported with briefing papers which are circulated prior to each meeting. JNCC provides the Secretariat and hosts an internet web-page<sup>3</sup> where approved minutes of meetings and finalised briefings are published.
7. The SPAR SWG Terms of Reference include the production of an Annual Report. The role of this is to summarise issues considered by the SPAR SWG and to make recommendations to and seek guidance from the UK Natura 2000 & Ramsar Steering Committee. It also sets out the main components of the SPAR SWG future work programme (Appendix 2).

## **PROGRESS MADE DURING 2008 & 2009**

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### **Meetings, Reporting and Membership**

8. The SPAR SWG met on three occasions during 2008 and 2009: 21<sup>st</sup> February 2008, 3<sup>rd</sup> June 2009, and 20<sup>th</sup> October 2009. The period between February 2008 and June 2009 allowed efforts to be focused on the finalisation of plans to undertake a formal review of selected elements of the UK SPA network (see below). It was agreed by the Chairs of the SPAR SWG and N2KRSC that the report for 2008 should be combined with that for 2009.
9. The membership list for the Group was updated during 2009 and is listed at Appendix 3. The composition of the SPAR SWG was also discussed, with a view to ensuring that an appropriate spectrum of organisations across the conservation sector was represented. Members remarked on the need to consider changes due to devolution, land-use sectors such as forestry and renewables, and the Environment Agency and Scottish Environment Protection Agency.
10. The SPAR SWG web pages<sup>4</sup> have been maintained, with minutes of meetings and associated papers having been uploaded.

### **SPA Networks Review**

11. One of the main work items progressed by the SPAR SWG during 2008 and 2009 was the initiation of a targeted review of the UK SPA Network (SPA Review). Terms of Reference (ToR) for this were developed in consultation with relevant partners. Ministerial-level approval was given in the autumn of 2009. The ToR (see Appendix 3) set out the objectives, scope, outcomes, timing, governance, main issues and bird species that are included.

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<sup>2</sup> via <http://www.jncc.gov.uk/PDF/ar2001-2002.pdf>

<sup>3</sup> see <http://www.jncc.gov.uk/page-1770>

<sup>4</sup> see <http://www.jncc.gov.uk/page-1770>

12. The main objective of the SPA Review is to assess selected elements of the UK network of Special Protection Areas (SPAs) to ensure that obligations under Article 4 of the EC Birds Directive are met. The geographical scope of the review is limited to the terrestrial and coastal environments of the UK. Gibraltar has been invited to undertake its own review along similar lines. The SPA Review will not attempt to cover SPA provision within the marine environment, as this is being developed and examined through a separate programme of work<sup>5</sup>, although an overview of the whole network is anticipated in due course.
13. The five main issues that SPA Review will address are:
  - features that the 2001 SPA Review stated would be revisited in view of the lack of data at the time of that review;
  - scarce species for which periodic national surveys have been undertaken since the 2001 SPA Review;
  - inclusion of cropped habitats within the SPA network;
  - inclusion of all Annex I species further to the Irish ECJ judgement<sup>6</sup>;
  - updating assessments of species SPA suites and improving presentation of SPA-related web-information.
14. The SPA Review has been divided into three phases. The first of these will be largely science-based and the focus for SPAR SWG activity over the next two years. Phase 2 will involve the consideration and application of principles and guidelines established in Phase 1. Phase 3 will in turn involve necessary action and revision of relevant documentation.
15. Phase 1 of the SPA Review includes a major exercise to draw together, process and review bird population data for an agreed list of species. It will conclude the Site Provision Index (SPI) and Cropped Habitats Information Project (CHIP), two major pieces of work that have been led by the SPAR SWG since 2001. Phase 1 will assemble this information so that both the adequacy of selected SPA suites and the possible inclusion of cropped habitats in SPAs can be assessed scientifically. It will also make recommendations about any additional measures that may be necessary to ensure UK compliance with relevant European case law. Finally, Phase 1 will undertake an audit of changes to the SPA network further to the 2001 SPA Review and improve the presentation of SPA web-information.
16. The SPAR SWG is to act as the Technical Advisory Group for the SPA Review. It will play a key role during Phase 1. In addition to helping guide the scientific work, it will approve outputs from Phase 1 before submission to the Executive Steering Group, and aid in the development of guidance for the onward use of information that is assembled.
17. Phase 1 of the SPA Review is supported by a Defra-funded project. A detailed project specification was drawn up by JNCC and Defra based on the SPA Review ToR. The SPAR SWG assisted with the project tender evaluation process, which was won by the British Trust for Ornithology (BTO) in December 2009. The project focuses on five main tasks:
  - provision of reference population estimates (biogeographic, all-Ireland, GB/UK) for all relevant species;

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<sup>5</sup> see <http://www.jncc.gov.uk/page-1414>

<sup>6</sup> the ECJ found that "it is clear from Article 4(1) of the Birds Directive, as interpreted by the Court, that if species listed in Annex I occur on the territory of a Member State, it is obliged to define SPAs for them."

- provision of site-level counts for all UK sites for selected 'SPA' species and for all Ramsar qualifying and noteworthy species;
  - assembly of information to allow evaluation of the SPA suite for selected species, including production of short reports for five species related to the Irish ECJ ruling;
  - assembly of information to update Ramsar Information Sheets;
  - creation of a cropped habitats generic decision tree (based on CHIP).
18. The SPAR SWG approved work to complete the Site Provision Index (SPI), so that it can be considered by the N2KRSC as one of a range of possible tools to guide and review work to implement the EC Birds Directive in the terrestrial environment (and potentially also the marine environment in due course). The SPI is regarded as a key decision support tool for Phase 2 of the Review. It provides an objective means of assessing the suitability of site-based conservation provision for a particular bird species. The SPI value for a species indicates what proportion of the population of this species might be included within the SPA network. The planned work is to be led by JNCC and RSPB. It forms part of the Phase 1 work for the SPA Review and will focus on necessary 'fine-tuning' of the SPI. A literature review will be included to understand comparable approaches. To get an independent view of the SPI outputs, a questionnaire has been circulated to a range of interested organisations and individuals. This solicits opinions about what proportion of a species population seems appropriate to include in the SPA network.
19. The SPAR SWG endorsed work to improve presentation of SPA web-information and undertake an audit of changes to the SPA network further to the 2001 SPA Review. This will be led by JNCC. The outputs will include updated web pages for relevant SPA suites and SPA sites. The exercise provides an opportunity to undertake a stock-take of progress with delivery of the recommendations made in 2001 SPA Review.
20. Members of the SPAR SWG raised a number of issues about the SPA Review:
- an appropriate interpretative legal and policy framework is required, so as to allow proper discussion of related issues;
  - the full protective requirements of bird species needs to be understood before their 'SPA site protection' requirements can be properly judged;
  - the implications of a range of pertinent ECJ rulings, not just those of the Irish ECJ ruling, need to be taken into account;
  - the coherence of the SPA network needs to be maintained, as does the consistency of approach across the four UK countries (as decisions on individual sites are made at the country level);
  - the interface between Phases 1 and 2 needs to be clearly developed, as does the timetable for Phases 2 and 3 to ensure that the review is completed and implemented within a reasonable timescale;
  - there is still a need to fully implement the findings of the 2001 SPA Review.

### **Information on 'qualifying' species on individual SPAs**

21. At the October 2009 SPAR SWG meeting, attention was drawn to the numerous enquiries received by JNCC from consultants and others about SPA web information<sup>7</sup>. Many of the enquirers were unclear about which was the 'correct' list of qualifying species to use for particular SPAs, given that in many cases the official list of qualifying species does not include all of the additional species recommended by the 2001 SPA Review. It was agreed that, as a stop-gap until the 2001 SPA Review was fully

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<sup>7</sup> see <http://www.jncc.gov.uk/page-162> et seq.

implemented, an information note would be created to explain the correct approach to take. This would be made available via the JNCC SPA web pages.

### **Implications of the 2007 ECJ Judgement of the European Commission versus Ireland**

22. At the February 2008 meeting of the SPAR SWG, JNCC provided a briefing on the ECJ Judgement of December 2007 of the European Commission versus Ireland<sup>8</sup>. RSPB also tabled an interpretation of the judgement for discussion. The following sections summarise the discussion of the SWG.
23. Kingfisher was one of the Annex I species highlighted by the judgement. The UK had previously reviewed available data on this species, but the 2001 SPA Review took the view that the species was too widely dispersed to be able to identify any SPAs which were 'most suitable' for it. The SPAR SWG noted that there has been no specific national Kingfisher survey, although there are a number of sources of data and these could be reviewed again. It was noted that the Natura 2000 network already provides habitat protection for a proportion of the population; the SWG thought that this level of protection should be further identified and detailed. Habitat availability would need to be a filter in assessing the suitability of existing sites for protecting Kingfishers. It was agreed that the subsequent priority should be to review existing data and sites, and make recommendations on their suitability or the need for further survey. The scientific issues will be addressed as part of the SPA Review.
24. The judgement also touched on widespread non-Annex I migrants and the SPAR SWG proposed that these should be taken into consideration in future, especially those with declining populations. However, it was noted that the judgement did not provide clear guidance on treatment of these species under Article 4.
25. It was also noted that the judgement established that a Member State cannot take post-1981 deterioration of habitats as a reason for not classifying an SPA. This may be relevant for a few sites in the UK; for example a number of areas formerly important for species like Hen Harrier and Capercaillie.
26. It was also noted that the judgement provides some useful commentary on other special conservation measures, the mix of measures needed under Article 4, and considerations regarding 'favourable conservation status'.
27. The SPAR SWG discussed if the judgement meant that all Annex I species should have SPAs classified for them. The court stated that all Annex I species require assessment of whether or not most suitable areas for classification exist. It was noted that Ireland had not been able to demonstrate robust special conservation measures for its Annex I species. There are five Annex I species in the UK for which no SPAs have been selected, i.e. Common Crane, Kingfisher, Montagu's Harrier, Smew and White-tailed Eagle. JNCC agreed to draft scientific briefing notes on these species: this work was added to Phase 1 of the SPA Review.
28. The SPAR SWG agreed that guidance from the N2KRSC was needed on the implications of this judgement: this would be essential to inform the scope of the SPA Review.

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<sup>8</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:62004J0418:EN:HTML>

## Marine SPA provision

29. During 2008 and 2009 JNCC continued to update the SPAR SWG on progress with the four strands of their work on identifying marine SPAs.
30. Strand 1 is concerned with **extensions to seabird breeding colonies**. Scottish Natural Heritage announced, on behalf of Scottish Ministers, that 31 SPAs in Scotland were to be extended into the marine environment. This significantly increases the protection of seabirds in marine waters adjacent to breeding sites which are already classified as SPAs. No new analyses are planned for further extensions to breeding seabird colonies (extensions being defined as being contiguous with the existing SPAs).
31. Strand 2 is concerned with **inshore aggregations of waterbirds outside the breeding season** (not necessarily exclusively within 12 nm). Most inshore SPA areas of search (for non-breeding seaducks, divers and grebes) now have at least three years of survey data, which has allowed the scaling-down of the inshore survey work programme. Various inshore site analyses have been undertaken to produce species density surface maps and to define the limits of possible SPAs. Proposals for Liverpool Bay and the Outer Thames were the subject of much liaison with the statutory nature conservation agencies, devolved Government administrations and NGOs, with a view to them being progressed for classification.
32. Strand 3 pertains to **offshore aggregations of seabirds** (not necessarily exclusively beyond 12 nm). Major progress has been made with the analysis of the European Seabirds at Sea (ESAS) database and production of an accompanying report<sup>9</sup>. Density surface maps have been created and several regularly-occurring and seasonally important concentrations of seabirds have been identified. These offer an evidence-based foundation for the definition of possible SPAs. The work was presented to the statutory nature conservation agencies' Chief Scientists Group in December 2009 with a view to acquiring their endorsement to publish it. Further consideration is ongoing.
33. Strand 4 aims to address **other issues** not captured by the other strands. The development of a habitat-based model for identifying important marine areas for breeding Red-throated Diver has been largely completed and a report produced. Analyses aimed at facilitating further work on marine SPAs for the European Shag in the breeding season began in late 2009. A workshop was held in December 2008 to discuss survey and analytical approaches to the identification of possible SPAs for tern species in the breeding season. The resulting project included a review of foraging location data and environmental variables, the identification of foraging habitat preferences, and development of habitat preference models to predict foraging areas. The first of three years planned fieldwork was completed in 2009 and an interim report was produced. Initial survey work was also carried out in late summer 2009 to identify important Balearic Shearwater aggregations, but few birds were recorded.
34. The SPAR SWG is impressed by the methodological and other work undertaken in relation to marine SPA provision and the wider identification of marine protected areas for birds by JNCC. In view of its ground-breaking nature, and the scientific rigour of the analytical developments, it advises that a consolidated publication of this work, perhaps through a conference and/or book publication, would be especially valuable to support

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<sup>9</sup> see Kerstin Kober, Andy Webb, Ilka Win, Mark Lewis, Sue O'Brien, Linda J. Wilson and James B. Reid (in press). *An analysis of the numbers and distribution of seabirds within the British Fishery Limit aimed at identifying areas that qualify as possible marine SPAs*. JNCC Report No. 431. Joint Nature Conservation Committee, Peterborough.



site designation both in the UK and other EU countries, especially while the work is contemporary. It was agreed at the October 2009 meeting that the SPAR SWG should make a formal recommendation to the N2KRSC to this effect.

**RECOMMENDATION: N2KRSC should encourage the publication of methodological and other work related to marine SPAs, recognising its value, variety and ground-breaking nature in the identification of marine protected areas for birds – a consolidated publication of the work, perhaps through a conference and/or book publication, would be especially valuable to support site designation both in the UK and other countries, particularly whilst the work is contemporary.**

#### **Eider genetics study and implications for treatment of populations under Article 4**

35. Prof. Robert Furness of the University of Glasgow made a presentation to the SPAR SWG meeting in February 2008 about his studies of Eider genetics, which had been funded by JNCC as part of the SPAR SWG work programme. This followed a recommendation to the N2KRSC on the treatment of Eider populations in 2003 (see 1.3.1.3 in 2003 Annual Report), which noted that it would be desirable to have more information on the genetics and movements of British Eiders.
36. The project considered the genetic links and differences between Eiders from northern Scotland and those from elsewhere in Europe, so that the biogeographic limits of Eider populations could be advised on. Female Eider lineage was explored through mitochondrial DNA analysis using individuals from Shetland, Argyll and published data from across north-west Europe. The results revealed that Eiders from Shetland formed a closely-related group with those from the Faroes and southern Iceland. Eiders from northern Iceland were distinct from this group, whilst other populations which occur across north-west Europe, including the rest of Scotland, formed a third discrete group belonging to nominate subspecies *mollissima*. This evidence strongly supports the identification of the southern Iceland/Faroe/Shetland Eiders as a separate subspecies, i.e. *Somateria mollissima faeroeensis*.
37. The SPAR SWG concluded that although further research was merited, including analysis of samples from Orkney and review of morphometric data and population estimates, a short-term pragmatic approach was needed to enable consideration of Eider within the marine SPA programme.

**RECOMMENDATION: N2KRSC should continue to use the currently accepted population estimates for eider for developing the UK SPA network, but as part of the UK approach to any SPA provision for this species should consider greater representation in Shetland in recognition of the genetically-distinct population in these islands.**

#### **Short-eared Owl pilot survey**

38. BTO Scotland gave a presentation to the February 2008 SPAR SWG meeting about a Short-eared Owl survey. This species is one of the most difficult to census and its status in the UK is poorly known. Whilst the SPA suite for this Annex I species held an estimated 13% of the GB population in 2001, it remains unclear whether this is adequate and whether numbers in existing SPAs are being maintained.
39. BTO, with SNH funding, developed and piloted a new survey technique for the Short-eared Owl during 2006-07. Using vantage point surveys it was determined that there were specific times of the day and breeding season when individual owls were more



easily detected. A simpler approach involving point counts from roads was tested, but registrations were few.

40. The SPAR SWG discussed the methods used in the pilot, including feasibility of designing a stratified sampling approach. The general conclusion was that this work has potentially developed an objective survey method for breeding birds, but even with some refinements to the approach, any survey would still be highly labour-intensive, require considerable resources and likely result in estimates with wide error statistics. It was agreed that advice would be sought from ornithologists in the statutory conservation agency and the RSPB on the development of a national survey of Short-eared Owl as part of the SCARABBS framework.

### **Lough Neagh diving duck: analysis of ringing data**

41. The Northern Ireland Environment Agency sought the views of the SPAR SWG at the June 2009 meeting on recent changes in diving duck populations at the Lough Neagh and Lough Beg SPA. This is the most important location for diving ducks in both the UK and Ireland.
42. From the late 1980s/early 1990s to 2003/04, there were large declines in the numbers of diving ducks at the site (Pochard from 40,000 to 8,000, Tufted Duck from 30,000 to 9,000, Goldeneye from 14,000 to 4,000, and Scaup from 5,000 to 2,600). Although Scaup numbers had recovered to 5,600 in 2007/8, the other populations remained depressed (Pochard 9,000, Tufted Duck 6,100, and Goldeneye 4,600).
43. Novel analyses of EURING data for migratory short-stopping revealed some relevant trends that differed between species, populations and genders, and highlighted the value of ongoing ringing programmes. More analysis is required with more comprehensive datasets (including archive data), better data cleaning, and more robust statistical methods, but it does seem that population fluctuations in duck numbers at Lough Neagh in recent years may relate more to changes in migration patterns than to changes in the condition of the site itself.
44. Current activities and next steps for the site were outlined, including defining responsibilities for the SPA under the EU Birds Directive, maintaining monitoring of birds, and undertaking further ecological studies.

### **Summary of recommendations from the SPAR SWG to the Natura 2000 & Ramsar Steering Committee**

45. Two recommendations for the N2KRSC were agreed upon by the SPAR SWG during 2008 and 2009:
  - **N2KRSC should continue to use the currently accepted population estimates for eider for developing the UK SPA network, but as part of the UK approach to any SPA provision for this species should consider greater representation in Shetland in recognition of the genetically-distinct population in these islands;**
  - **N2KRSC should encourage the publication of methodological and other work related to marine SPAs, recognising its value, variety and ground-breaking nature in the identification of marine protected areas for birds – a consolidated publication of the work, perhaps through a conference and/or book publication, would be especially valuable to support site designation both in the UK and other countries, particularly whilst the work is contemporary.**

## **APPENDIX 1 – Terms of Reference (revised 2004) for the UK Special Protection Area & Ramsar (Avian) Scientific Working Group (SPAR SWG)**

### **Aims**

The UK Special Protection Area & Ramsar (Avian) Scientific Working Group (SPAR SWG) is a consultative group established by Department for Environment, Food and Rural Affairs to assist Government administrations and the statutory conservation agencies in taking forward the further development of the SPA and Avian Ramsar Networks within the UK, in particular looking forward to the coherent management of these networks and monitoring of sites.

The Group will consider UK-scale scientific and technical issues regarding the SPA network in the terrestrial and marine environment. In particular, it will consider a range of issues raised in the context of the 2001 SPA Review, *inter alia*:

- issues in respect of those species where the 2001 SPA Review has indicated that there may be future cases for additional SPA provision, in particular, in the light of new national surveys, analyses, and conservation needs;
- consider those issues which the 2001 SPA Review indicated as outstanding;
- the development of understanding of broader European contexts as relevant to informing the evolution of the SPA network within the UK;
- the implications of revisions of estimates of the sizes of bird populations, both nationally and internationally;
- the development of understanding of data needs for SPA classification and management, and the further development of systems and processes to ensure the timely delivery of such information; and
- the application of processes to monitor the SPAs individually and collectively.

The Group will also consider and advise on scientific and technical issues regarding the avian aspects of the UK Ramsar network. In particular, it will consider the avian aspects of the Ramsar Reviews, providing advice to the UK Natura 2000 and Ramsar Steering Committee. In addition, it will, if requested by the Ramsar Review Steering Group, provide advice on avian Ramsar issues in the UK Crown Dependencies and Overseas Territories.

There is a significant range of potential issues to be addressed by the UK Special Protection Area & Ramsar (Avian) Scientific Working Group. The attached Annex seeks to outline the principal activities regarding SPAs and orders these into short, medium and long-term priorities. An initial task for the Group will be to develop a more detailed work programme, with key 'milestones', based on this Annex. The work programme will also include elements previously identified by the UK Ramsar Review Steering Group.

The activities of the Working Group in assisting government to meet the scientific and technical requirements of the Birds Directive will be complemented by discussions taking place within each of the countries. It will work closely with the UK Natura 2000 and Ramsar Steering Committee. A UK Natura 2000 and Ramsar Forum will provide an opportunity for stakeholders to consider broader issues regarding the development and management of the Natura 2000 and Ramsar networks.

### **Composition**

The Group will be representative of the Government departments/devolved administrations and their statutory agencies across the UK, Joint Nature Conservation Committee (JNCC), and representation from the voluntary conservation sector as well as other stakeholder groups. The Group will thus comprise representatives of: Department of the Environment, Food and Rural Affairs; Scottish Executive; National Assembly of Wales; English Nature; Scottish Natural Heritage; Countryside Council for Wales; Environment and Heritage

Service; JNCC; and a representative selection of voluntary conservation agencies plus other stakeholder groups, such as those representing land-owning, land management, water industry, marine and business sectors, with the necessary scientific expertise.

On occasion, representatives from other organisations may be asked to attend where there is the need for information of a specific nature to be discussed by the Group.

### **Method of operation**

It is anticipated that the Group will hold about three meetings per year, with actions between these periods being taken forward by electronic communications.

### **Chair and Secretariat**

The Chair will be appointed by government prior to the first meeting. The Secretariat will be provided by JNCC who will convene and support the Group.

### **Sub-groups**

It may, from time-to-time, be desirable to establish smaller sub-groups to resolve certain issues. These will be time-limited and will focus on concluding specific tasks on behalf of the Working Group as a whole.

### **Reporting**

The Scientific Working Group will provide regular updates of its activity to the UK Natura 2000 and Ramsar Steering Committee.

### **Issues for attention**

The Scientific Group will develop a work programme with priority given to the following issues:

- appraisal of any further sites/boundaries/species which may qualify on the basis of high quality data from the 1992/97 data window of the 2001 network review.
- development of a strategic approach to further work to resolve issues outstanding from the 2001 Review.
- appraisal of further sites based on substantial high quality datasets collected during 1997-2000, and later 2001-2004.
- development of a strategic approach to the collection and interpretation of new data, information on population sizes, and site monitoring.
- 'sweep-up' review of outstanding network needs commencing with data window concluding 2005/6 (i.e. review starting in autumn 2006) informed by outcomes of monitoring processes.

## **APPENDIX 2 – Main components of the SPAR SWG work programme for 2010-11**

### SPA Networks Review

To provide peer review and technical support for the SPA Review:

- SPAR SWG will provide input to Phase 1 contract Project Steering Group.
- SPAR SWG will comment on the Site Provision Index work and approve final products.
- SPAR SWG will approve details of work, comment on draft outputs, and approve final products to (i) generate updated reference population estimates at the biogeographical/national level, (ii) generate site-level counts, (iii) assemble information to support an assessment of species SPA provision, (iv) support an update of Ramsar Information Sheets, and (v) create a generic 'decision-tree' dealing with the potential for and implications of the inclusion of cropped habitats in SPAs.
- SPAR SWG will approve species involved and the content/format of reports on species subject to Irish ECJ ruling, comment on draft outputs, and approve final products.
- SPAR SWG will approve scope of work and tasks involved to complete an audit and updating of documentation related to post-2001 Review SPAs, comment on and approve final outputs.
- SPAR SWG will help develop a decision-tree framework so that relevant SPA suites can be assessed in Phase 2 of the Review.
- SPAR SWG will maintain contact and consider outputs from the Defra-funded CHAINSPAN project (resilience of SPA network in the light of climate change).

### Marine SPA provision

- SPAR SWG will provide advice to and the SPAR SWG Chair will attend meetings of the Defra Marine Biodiversity Policy Group.
- SPAR SWG will consider outline options (if any) for potential inshore SPAs for breeding Red-throated Diver and consider updates on further fieldwork aimed at tracking foraging Common, Arctic, Little and Sandwich Terns, and identification of Balearic Shearwater aggregations.

### SPA country-level implementation

- SPAR SWG to be updated by the statutory nature conservation country agencies on SPA country-level implementation and related matters.
- SPAR SWG to consider updates and as necessary provide recommendations to the N2KRSC through the SPAR SWG Chair and Annual Report.

## APPENDIX 3 – SPA Review Terms of Reference

### Objective

- To undertake a targeted review of selected elements of the current UK network of terrestrial and coastal Special Protection Areas (SPAs) in order to ensure that UK obligations under Article 4 of the European Union's Directive on the conservation of wild birds (Council Directive 79/409/EEC, as amended) ('the Birds Directive') are met.

### Scope of the Review

- The Review will examine the adequacy of SPA network in view of the requirements of the Birds Directive and make recommendations to the 4 Country Administrations.
- The geographical scope of the Review is limited to the terrestrial and coastal environments of the UK [and Gibraltar].
- The Review will consider relevant policy and legal implications of relevant judgments from the European Court of Justice.

NB: The offshore marine environment is excluded from the scope of the Review as marine SPAs are being considered by other work. However, the final report of the Review will cross link to progress on marine SPAs so as to present a complete overview of relevant activity to implement the UK SPA network.

### Outcomes

The Review will be delivered in three phases.

- **The first phase** will consider and develop further guidance and principles to assist in the application of the UK SPA selection guidelines. This phase will build on work undertaken by the UK SPA and Ramsar Scientific Working Group (SPAR SWG), in particular with respect to the issues outlined in Appendix 1. Specific subjects to be considered in this phase are:
  - a) the adequacy of existing SPA network for species listed in Appendix 2 (attached), where appropriate using insights provided by the SPAR SWG's Site Provision Index (when finalised);
  - b) gaps in data availability for certain species/groups of species and recommendations on measures to address these in the medium and long-terms consequent upon any guidance and recommendations proposed;
  - c) the potential for, and implications of, inclusion of cropped habitats in SPAs following from work already undertaken by the SPAR SWG and reported to the Natura 2000 and Ramsar Steering Committee in 2007;
  - d) any additional measures necessary to ensure UK compliance with European case law relevant to the legal interpretation of the Birds Directive;
  - e) completion of an audit and updating of the documentation (related to both sites and species) summarising the extent of SPA suites for those species where modifications to species' suites have occurred since the publication of the 2001 Review.

Issues a) (on the Site Provision Index) and c) (related to the Cropped Habitats Information Project) will be progressed as first priority.

- Other tasks may be agreed by the Executive Steering Group if these can be undertaken without significant implications for time/budget.
- **The second phase** will be undertaken by the 4 Country Administrations [and Gibraltar] in conjunction with the relevant countryside agencies. It will involve the consideration and application of the principles and further SPA selection guidelines established in phase one, subject to Ministerial approval. Issues considered in the second phase will include:
  - g) whether new SPAs should be considered in the light of recommendations from the first phase of the review, and if so, their location and extent;
  - h) similarly, whether existing SPAs should be extended either in spatial extent or through the addition of further qualifying species; and
  - i) the establishment of a timetable to implement the findings of the review.
- **The third phase** will comprise:
  - j) revision of citations (as appropriate and necessary) by individual country agencies [and Gibraltar] at those sites where qualifying species have been changed; and
  - k) revision by JNCC of relevant documentation summarising the extent of SPA suites for those species where further additions to species' suites have occurred consequent upon decisions made in the second phase.

### Timing

- The first phase of the review will start, resources permitting, in June 2009 and will aim to be completed by March 2011. A detailed project plan will be the responsibility of the Executive Steering Group and will be developed within the first month of the project.
- The timing of the second phase of the review will be determined by each country but the aim will be to conclude this phase as soon as possible. Aspects may occur in parallel with phase one.
- Phase three (formal revision of SPA citations as appropriate and necessary at individual sites) will also be determined by each country, but is anticipated, resources permitting, to be completed within a year from the conclusion of decisions taken in the second phase.

### Linked studies

- The Review will also examine the avian aspects of the UK Ramsar network within the geographical scope of the review following a commitment given to the Ramsar Secretariat in 2005. This aspect of the review will be presented in a separate document to the UK 4 Countries and will, amongst other things, be used to inform Ramsar Information Sheet (RIS) updates required in 2012 under the Ramsar Convention (Resolution VI.13).
- The aim of this work will – as far as is possible given different criteria –harmonise the relevant qualifying interests of both international site series so as to facilitate common reporting and management.
- The outputs from the Review will aim to contribute to work being funded by Defra assessing the resilience of the SPA network in the light of climate change and consequent distribution shifts of birds which are qualifying interests on SPAs. Appropriate liaison between the Defra project and the SPA Review will be established to this end.

## Outputs

- Outputs of the review will include:
  - a) a report including an executive summary and supporting data; and
  - b) a series of annexes containing key scientific issues and findings in relation to particular species, or groups of species. It is probable that these will relate to the issues identified in Appendix 1.

## Governance: Phase 1

### a. Executive Steering Group:

The SPA Review will be overseen by an Executive Steering Group comprising representatives of the 4 Country Administrations and their statutory conservation agencies across the UK, together with the Joint Nature Conservation Committee and the Chair of the Technical Advisory Group.

Defra will provide the chair, and JNCC will provide the Secretariat function. The Executive Steering Group shall communicate as appropriate with the Natura 2000 and Ramsar Forum and Steering Committee.

#### **Role:**

- to commission and receive advice and recommendations from the Technical Advisory Group and take final decisions on issues arising in Phase 1;
- to meet as necessary to review progress, consider risks and to provide feedback to the JNCC Support Co. on emerging issues;
- in liaison with the Natura 2000 and Ramsar Steering Committee, to ensure that the UK SPA network is comprehensive and coherent, and to provide guidance on relevant policy and legal issues.

### b. Technical Advisory Group:

The Technical Advisory Group will comprise members of the SPAR SWG and will utilise the same Chair and Secretariat. Current membership is at Appendix 3.

#### **Role:**

- to provide scientific advice and recommendations to the Executive Steering Group and JNCC.

### c. Lead co-ordinator:

Joint Nature Conservation Committee Support Company.

#### **Role:**

- to undertake project management responsibilities and provide a secretariat function to the Executive Steering Group;
- co-ordinate contact between the Technical Advisory Group and the Executive Steering Group.

### d. Joint Committee:

The outcomes of Phase 1 of the review will be provided as formal advice from the Joint Nature Conservation Committee to the 4 Countries Group [and Gibraltar].

#### **Role:**



- to take account of technical/scientific advice from the Technical Advisory Group and make *recommendations* to the 4 Countries Group [and Gibraltar] on the further guidelines and principles needed to assist in the application of existing SPA selection guidelines.

### Peer review

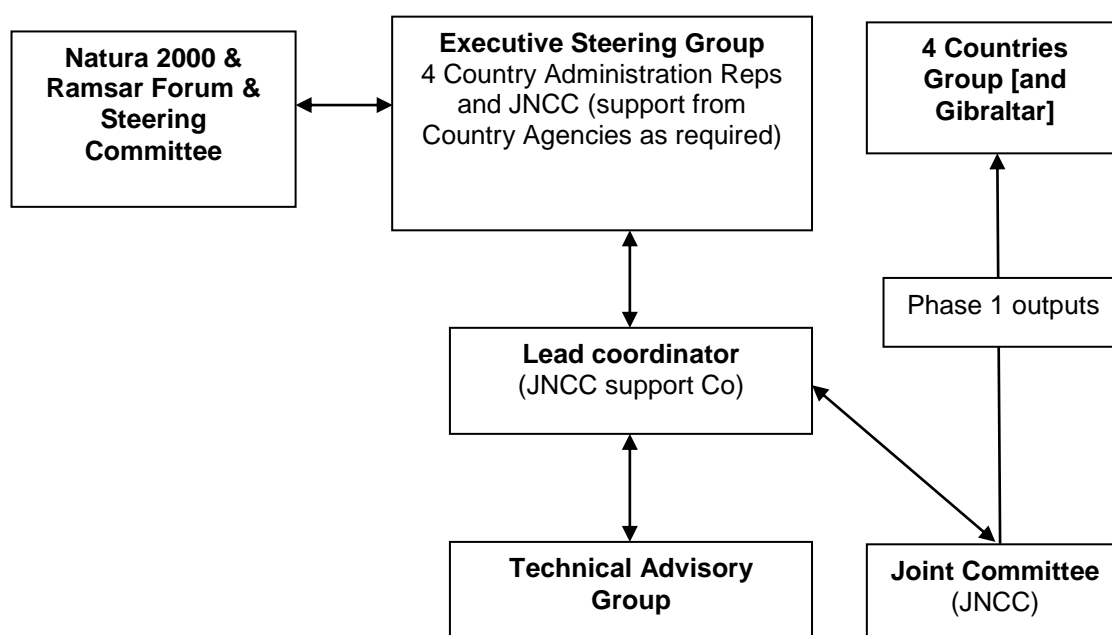
Relevant results of Phase 1 will be subject to scientific peer-review according to arrangements to be agreed by the Executive Steering Group.

### Governance: Phase 2 (implementation)

- **4 Country Administrations [and Gibraltar]**

Implementation (either in terms of classification of new sites, or revision of existing site citations to reflect new qualifying species; together with any associated consultations with the owners and occupiers of sites) will be delivered by the 4 Country Administrations [and Gibraltar] in liaison with the relevant country conservation agencies (NE, SNH, CCW, NIEA)

### Governance organisation chart (Phase 1)



Appendix 1 of the SPA Review Terms of Reference – main issues to be addressed in the SPA Review

Issue	Background and considerations
<b>1. Features the 2001 review stated would be revisited in view of the lack of data at the time of that review</b>	<p>“There are a very small number of species that, for reasons outlined below, it has not yet been possible to identify full SPA suites. These will require further review. There are three main reasons for this:</p> <ul style="list-style-type: none"> <li>• it is too early to assess ‘most suitable’ sites for species that are actively expanding in range and population size in the UK;</li> <li>• lack of suitable data and information with which to assess important sites;</li> <li>• the protection requirements of birds in the offshore marine environment are outside the scope of this review.”</li> </ul> <p style="text-align: right;"><b>2001 Review</b></p>
1a. Recent UK colonists	<p>“A number of species have colonised the UK in recent years, predominantly from mainland Europe. For example, Little Egret was a regular but rare vagrant in the UK until large influxes began in 1989. Since then, numbers have continued to increase and the species is found at wide-ranging sites along the coast of southern and south-eastern England (see species account A6.14). In 1996, it bred in the UK for the first time. The SPA suite for this species reflects the current size and distribution of the population in each season. Given the continuing expansion of the population size and range, however, a review of its SPA suite is likely to be required at a future date. The Rare Breeding Birds Panel and the Wetland Bird Survey will provide the necessary data for such a review.”</p> <p style="text-align: right;"><b>2001 Review</b></p>
1b. Re-establishing raptors	<p>“Both White-tailed Eagle and Red Kite are currently undergoing significant expansions in their UK populations and distribution arising from re-establishment schemes which commenced in the late 1980s (Evans <i>et al.</i> 1994). Within the UK, the Red Kite’s current SPA provision maintains the native core population in Wales. A suite of SPAs for Red Kites may be appropriate in England and Scotland in the future, when populations in these countries have increased to such an extent that the ‘most suitable’ sites can be determined. Data from the Rare Birds Breeding Panel and the proposed decennial national survey of Red Kites (commencing in 2000) will provide the necessary data for such a review.”</p> <p style="text-align: right;"><b>2001 Review</b></p>
1c. Wintering gulls	<p>“The review discovered that for gull species, data were not available to undertake a comprehensive assessment of their distribution and need for SPA protection during the winter period. Data from the most recent (decennial) national gull roost survey undertaken by the BTO in 1993 are unpublished. The Wetland Bird Survey (WeBS) began collecting data on wintering gulls in 1993 (Cranswick <i>et al.</i> 1995) and when suitable data are available allowing regularity at key sites to be assessed, it is intended to review SPA suites for these species. In the light of this data inadequacy, JNCC will be working to further develop WeBS monitoring to better assess wintering gull numbers, and identify important sites in a national context.”</p> <p style="text-align: right;"><b>2001 Review</b></p>
1d. Wintering raptors in coastal areas	<p>“Information on the distribution and numbers of Hen Harriers and Merlins in winter, especially in coastal areas, is currently limited. Where information is available, this has been used to identify suites of SPAs for these species. JNCC and the country agencies will work to develop better monitoring of wintering raptors in the UK, at both site and national scales. It is possible that further sites of European importance for Hen Harrier and Merlin will be identified through this work.”</p> <p style="text-align: right;"><b>2001 Review</b></p>

Issue	Background and considerations
1e. Passage waders and terns	<p>“The estuaries and rocky-shore coasts of the UK are important to waders not just during the winter period, but also during the autumn and spring migration periods. For some species, for example Sanderling and Ringed Plover, peak numbers recorded nationally occur in April-May or in August-October. Whilst WeBS collects data at some sites during these passage periods, they are not normally published annually and have only been systematically collected at most coastal sites since 1993 (Cranswick <i>et al.</i> 1995). The issues involved with interpretation of data during periods of high turnover (Frederiksen <i>et al.</i> 2001) and in situations where mixed populations (such as three populations of Dunlins) may be present, are also far from clear. Indeed, such situations may present intractable fieldwork problems. Where data relating to passage periods have been readily available, however, they have been used in this review.</p> <p>The comprehensive database being developed by WeBS will allow much better interpretation of existing UK passage data for waterbirds (including Ringed Plover, Redshank, Curlew and Sanderling). It seems unlikely that new sites will be identified, but some species may be added as qualifying species to existing SPAs, where there is a large passage occurrence but limited overwintering.</p> <p>Similar issues apply to terns on migration. Those breeding in northern parts of the UK use more southerly estuaries en route to wintering areas off the coasts of Africa. Knowledge of these autumn (and spring) movements is poor and the list of sites identified in this review is known to be incomplete. JNCC will review existing knowledge on important sites in the UK for waders and terns. The WeBS partnership is also actively taking steps to ensure that those sites of importance in any season of the year, and which are subject to monitoring, are clearly identified in annual published reports.”</p> <p style="text-align: right;"><b>2001 Review</b></p>
1f. Marine species	<p>“Whilst this review has considered terrestrial sites that extend into marine or intertidal areas for example, estuaries or inshore areas – it has not considered the requirements of birds using the wholly offshore environment. The site suites presented here may be incomplete and possible additional provision still needs to be determined in the marine environment. The protection requirements of birds in the offshore marine environment (with respect to Article 4 of the Birds Directive) will be considered in a separate review being co-ordinated by JNCC.”</p> <p style="text-align: right;"><b>2001 Review</b></p>
<b>2. Scarce species for which periodic national surveys have been undertaken since the 2001 review</b>	<p>Many scarce species are not adequately monitored by annual monitoring schemes for commoner birds, yet are sufficiently widespread for rare bird recording to give an incomplete annual assessment of numbers and distribution. Such species, which include many of the scarcer raptors (for example Golden Eagle, Hen Harrier and Peregrine, are typically monitored by means of national surveys (often involving professional surveyors) undertaken roughly once every decade. For such species, these decadal surveys give the only basis for assessing the relative importance of particular sites, since they provide the only comprehensive ‘snap-shot’ of all sites.</p> <p>A process of review of the SPA network for relevant species when new national survey data become available has previously been discussed and agreed. It is proposed that the 2010 review assesses those new datasets that have become available for relevant scarce species since the mid 1990s data window adopted in the 2001 review.</p>

Issue	Background and considerations
<b>3. Inclusion of cropped habitats within SPAs</b>	<p>A significant proportion of the issues raised by RSPB regarding the sufficiency of the SPA network following the 2001 review relate to cropped habitats, and in order to tackle these issues more strategically, JNCC initiated a Cropped Habitats Information Project (CHIP) in 2002 which has been developed since then with input from the SPAR SWG.</p> <p>It has assessed scientific knowledge of the ecological dependency on cropped habitats of the following species: Bewick's Swan, Whooper Swan, Bean Goose, Pink-footed Goose, European White-fronted Goose, Greenland White-fronted Goose, Greylag Goose (Iceland population), Barnacle Goose, Dark-bellied Brent Goose, Light-bellied Brent Goose (East Canadian High Arctic population), Light-bellied Brent Goose (East Atlantic population), Wigeon, Teal, Mallard, Pintail, Honey-buzzard, Red Kite, Marsh Harrier, Hen Harrier, Montagu's Harrier, Osprey, Merlin, Capercaillie, Corncrake, Oystercatcher, Stone-curlew, Ringed Plover, Golden Plover, Dunlin, Common Snipe, Whimbrel, Curlew, Redshank, Black-headed Gull, Common Gull, Short-eared Owl, Twite, Nightjar, Woodlark, Ring Ouzel, Chough and Scottish Crossbill.</p> <p>CHIP has aimed to summarise current knowledge of the ecological importance of cropped habitats for a number of relevant Annex I and migratory species, and explore the implications of different forms of management regime for the maintenance of these habitats.</p> <p>CHIP has emphasised that the issue has a high species-specific element. It has shown demonstrated that the policy decision as to whether or not to include cropped habitats within protected areas is not an issue that can be considered as a generality but needs to be determined separately for different species.</p> <p>Recognising that the inclusion of cropped habitats within protected areas is a policy issue, SPAR SWG has reported outputs from CHIP to the N2KRSC in 2007. N2KRSC requested further information prior to making decisions on CHIP recommendations.</p> <p>The CHIP element of Phase I of the review will further elaborate guidance on this topic, in particular aiming to summarise issues that will need to be taken into consideration with respect to decisions in Phase II as to whether to include cropped habitats for concerned species within the SPA network. These issues are likely to include factors such as:</p> <ul style="list-style-type: none"> <li>• knowledge of the ecological dependency of the species on cropped habitats;</li> <li>• understanding of within and between year patterns of use of cropped habitats,</li> <li>• knowledge of between-year faithfulness to particular locations in the context of changing cropping patterns within the landscape,</li> <li>• conservation status of the species concerned; and</li> <li>• relevant ECJ case-law.</li> </ul> <p>It is possible that one output may be in the form of a 'decision-tree' that will aid species assessment and decision-taking, possibly at various relevant scales (national/site) to determine best conservation opportunities for the species based on a site and/or alternative tools approach.</p>

Issue	Background and considerations
<b>4. Inclusion of all Annex I species (Irish ECJ judgement)</b>	<p>The ECJ<sup>10</sup> found that “it is clear from Article 4(1) of the Birds Directive, as interpreted by the Court, that if species listed in Annex I occur on the territory of a Member State, it is obliged to define SPAs for them. It follows that Ireland ought to have identified the most suitable territories for conservation of the kingfisher and classified them as SPAs.</p> <p>It follows that Ireland, which acknowledges that the kingfisher is present in its territory, had failed to comply with that obligation at the end of the period laid down in the additional reasoned opinion notified on 11 July 2003. The action is therefore also well-founded as regards the suitable sites for conservation of the kingfisher.”</p> <p>Those Annex I species occurring in the UK with established populations (or regularly occurring) and for which there is no SPA provision are Common Crane, Smew, White-tailed Eagle, Montagu’s Harrier, Kingfisher, and several marine species currently under review in the marine SPA programme.</p>
<b>5. Process issues: updating assessments of species SPA suites consequent on recent classifications</b>	<p>The data and information presented for species on JNCC’s website report the results of the 2001 review (<a href="http://www.jncc.gov.uk/page-1418">http://www.jncc.gov.uk/page-1418</a>). These accounts have not been updated since then even though several important SPAs have since been classified to address identified shortfalls in coverage (see <a href="http://www.jncc.gov.uk/page-3517">http://www.jncc.gov.uk/page-3517</a> for additions since 2005).</p>

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<sup>10</sup> <http://curia.europa.eu/jurisp/cgi-bin/form.pl?lang=en&Submit=Rechercher&alldocs=alldocs&docj=docj&docop=docop&docor=docor&docjo=docjo&numaff=C-418/04&datefs=&datefe=&nomusuel=&domaine=&mots=&resmax=100>

**Appendix 2 of the SPA Review Terms of Reference – summary of those species where it is proposed to review of SPA suites for the species concerned**

B = breeding season; NB = non-breeding season; P = migration/passage periods. Numbers in parentheses indicate issue number in Appendix 1a. Species in italics indicate those where no substantive review of SPA suite is planned, just updating to species account to reflect post-2001 site classifications.

<b>Species/season</b>	<b>Re-assess species' suite in light of new national surveys and/or as anticipated in 2001 Review (1a, 1b, 1c, 1d, 1e &amp; 2)</b>	<b>Species included in CHIP (3)</b>	<b>Update species account in light of post 2001 classifications<sup>(511)</sup></b>	<b>Annex I species with no SPAs (assessment needed in light of ECJ ruling) (4)</b>	<b>Species subject to marine SPA review (1f)</b>
<i>Red-throated Diver (B)</i>			✓ (5)		✓ (1f)
Red-throated Diver (NB)					✓ (1f)
Great Northern Diver (NB)					✓ (1f)
<i>Black-throated Diver (B)</i>			✓ (5)		
<i>Great Crested Grebe (NB)</i>			✓ (5)		
Slavonian Grebe (NB)					✓ (1f)
Balearic Shearwater (NB)					✓ (1f)
Storm Petrel (B)	✓ (2)		✓ (5)		
<i>Cormorant (NB)</i>			✓ (5)		
Bittern (B & NB)	✓ (2)		✓ (5)		
Little Egret (B & NB)	✓ (1a)				
Bewick's Swan (NB)		✓ (3)			
Whooper Swan (NB)		✓ (3)			
Bean Goose (NB)		✓ (3)	✓ (5)		
Pink-footed Goose (NB)		✓ (3)			
European White-fronted Goose (NB)		✓ (3)			

<sup>11</sup> Species accounts will be updated for any species to which a change of SPA suite is agreed in order to ensure that publicly available information on the scope and content of the UK SPA network is accurate and up-to-date.

Species/season	Re-assess species' suite in light of new national surveys and/or as anticipated in 2001 Review (1a, 1b, 1c, 1d, 1e & 2)	Species included in CHIP (3)	Update species account in light of post 2001 classifications(5 <sup>11</sup> )	Annex I species with no SPAs (assessment needed in light of ECJ ruling) (4)	Species subject to marine SPA review (1f)
Greenland White-fronted Goose (NB)	✓ (2)	✓ (3)			
Icelandic Greylag Goose (NB)		✓ (3)			
Greenland Barnacle Goose (NB)		✓ (3)			
Dark-bellied Brent Goose		✓ (3)	✓ (5)		
East Atlantic Light-bellied Brent Goose (NB)		✓ (3)			
Canadian Light-bellied Brent Goose (NB)			✓ (5)		
<i>Shelduck (NB)</i>			✓ (5)		
Wigeon (NB)		✓ (3)	✓ (5)		
<i>Gadwall (NB)</i>			✓ (5)		
Teal (NB)		✓ (3)	✓ (5)		
Mallard (NB)		✓ (3)	✓ (5)		
Pintail (NB)		✓ (3)	✓ (5)		
Pochard (NB)	✓ (2)		✓ (5)		
Scaup (NB)			✓ (5)		✓ (1f)
Eider (NB)					✓ (1f)
Long-tailed Duck (NB)					✓ (1f)
Common Scoter (B)	✓ (2)				
Common Scoter (NB)					✓ (1f)
Common Goldeneye (NB)			✓ (5)		✓ (1f)
Smew (NB)				✓ (4)	
Honey Buzzard (B)	✓ (2)	✓ (3)			
Red Kite (B)	✓ (1b, 2)	✓ (3)			
White-tailed Eagle (B)	✓ (1b)			✓ (4)	



Species/season	Re-assess species' suite in light of new national surveys and/or as anticipated in 2001 Review (1a, 1b, 1c, 1d, 1e & 2)	Species included in CHIP (3)	Update species account in light of post 2001 classifications(5 <sup>11</sup> )	Annex I species with no SPAs (assessment needed in light of ECJ ruling) (4)	Species subject to marine SPA review (1f)
Marsh Harrier (B)		✓ (3)	✓ (5)		
Hen Harrier (B)	✓ (2)		✓ (5)		
Hen Harrier (NB)	✓ (1d)	✓ (3)	✓ (5)		
Montagu's Harrier (B)		✓ (3)		✓ (4)	
Golden Eagle (B)	✓ (2)		✓ (5)		
Osprey (B)	✓ (2)	✓ (3)	✓ (5)		
Merlin (B)	✓ (2)	✓ (3)	✓ (5)		
Merlin (NB)	✓ (1d)				
Peregrine (B)	✓ (2)		✓ (5)		
Capercaillie (B)	✓ (2)	✓ (3)	✓ (5)		
Spotted Crane (B)	✓ (2)				
Corncrake (B)	✓ (2)	✓ (3)	✓ (5)		
Common Crane (B & NB)	✓ (1a)			✓ (4)	
Oystercatcher (NB)		✓ (3)	✓ (5)		
Avocet (B & NB)			✓ (5)		
<i>Stone curlew (B)</i>		✓ (3)	✓ (5)		
Ringed Plover (B)		✓ (3)			
Ringed Plover (NB)	✓ (1e)	✓ (3)	✓ (5)		
<i>Dotterel (B)</i>			✓ (5)		
Golden Plover (B)		✓ (3)			
<i>Golden Plover (NB)</i>			✓ (5)		
<i>Grey Plover (NB)</i>			✓ (5)		
<i>Lapwing (NB)</i>			✓ (5)		

Species/season	Re-assess species' suite in light of new national surveys and/or as anticipated in 2001 Review (1a, 1b, 1c, 1d, 1e & 2)	Species included in CHIP (3)	Update species account in light of post 2001 classifications <sup>(5<sup>11</sup>)</sup>	Annex I species with no SPAs (assessment needed in light of ECJ ruling) (4)	Species subject to marine SPA review (1f)
<i>Knot (NB)</i>			✓ (5)		
Sanderling (NB)	✓ (1e, 2)				
Purple Sandpiper (NB)	✓ (1e, 2)				
Dunlin (B)		✓ (3)			
<i>Dunlin (NB)</i>			✓ (5)		
Ruff (NB)	✓ (2)				
<i>Black-tailed Godwit (NB)</i>			✓ (5)		
<i>Bar-tailed Godwit (NB)</i>			✓ (5)		
Whimbrel (B)		✓ (3)			
Whimbrel (NB)			✓ (5)		
Curlew (B)		✓ (3)			
Curlew (NB)	✓ (1e)	✓ (3)	✓ (5)		
Redshank (B)		✓ (3)			
Redshank (NB)	✓ (1e)				
Common Snipe (B)		✓ (3)			
Turnstone (NB)	✓ (1e, 2)				
Arctic Skua (B)					✓ (1f)
Mediterranean Gull (B)	✓ (2)				
Black-headed Gull (NB)	✓ (1c, 2)	✓ (3)			
Little Gull (NB)					✓ (1f)
Common Gull (NB)	✓ (1c, 2)	✓ (3)			
Lesser Black-backed Gull (NB)	✓ (1c, 2)				
Herring Gull (NB)	✓ (1c, 2)				

Species/season	Re-assess species' suite in light of new national surveys and/or as anticipated in 2001 Review (1a, 1b, 1c, 1d, 1e & 2)	Species included in CHIP (3)	Update species account in light of post 2001 classifications <sup>(5<sup>11</sup>)</sup>	Annex I species with no SPAs (assessment needed in light of ECJ ruling) (4)	Species subject to marine SPA review (1f)
Great Black-backed Gull (NB)	✓ (1c, 2)				
Little Tern (B)					✓ (1f)
Sandwich Tern (B)					✓ (1f)
Common Tern (B)			✓ (5)		✓ (1f)
Arctic Tern (B)					✓ (1f)
Roseate Tern (B)					✓ (1f)
Short-eared Owl (B & NB)		✓ (3)	✓ (5)		
Nightjar (B)	✓ (2)	✓ (3)			
Common Kingfisher (B & NB)				✓ (4)	
Woodlark (B)	✓ (2)	✓ (3)	✓ (2)		
Ring Ouzel (B)	✓ (2)	✓ (3)			
Dartford Warbler (B)	✓ (2)		✓ (2)		
Chough (B & NB)	✓ (2)	✓ (3)	✓ (5)		
Twite (B)	✓ (2)	✓ (3)			
Scottish Crossbill (B)	✓ (2)	✓ (3)	✓ (2)		

Appendix 2 of the SPA Review Terms of Reference continued – consolidated lists of species by proposed approaches

**Species included in current marine SPA review**

Red-throated Diver (B & NB)	Y (marine)
Great Northern Diver (NB)	Y (marine)
Slavonian Grebe (NB)	Y (marine)
Balearic Shearwater (NB)	Y (marine)
Scaup (NB)	Y (marine)
Eider (NB)	Y (marine)
Long-tailed Duck (NB)	Y (marine)
Common Scoter (NB)	Y (marine)
Common Goldeneye (NB)	Y (marine)
Arctic Skua (B)	Y (marine)
Little Gull (NB)	Y (marine)
Little Tern (B)	Y (marine)
Sandwich Tern (B)	Y (marine)
Common Tern (B)	Y (marine)
Arctic Tern (B)	Y (marine)
Roseate Tern (B)	Y (marine)

**Species the review of whose SPA suite depends on policy decisions related to CHIP**

Bewick's Swan (NB)	Y (CHIP)
Whooper Swan (NB)	Y (CHIP)
Bean Goose (NB)	Y (CHIP)
Pink-footed Goose (NB)	Y (CHIP)
European White-fronted Goose (NB)	Y (CHIP)
Greenland White-fronted Goose (NB)	Y (CHIP)
Icelandic Greylag Goose (NB)	Y (CHIP)
Greenland Barnacle Goose (NB)	Y (CHIP)
Dark-bellied Brent Goose	Y (CHIP)
East Atlantic Light-bellied Brent Goose (NB)	Y (CHIP)
Canadian Light-bellied Brent Goose (NB)	Y (CHIP)
Wigeon (NB)	Y (CHIP)
Pintail (NB)	Y (CHIP)
Mallard (NB)	Y (CHIP)
Teal (NB)	Y (CHIP)
Honey-buzzard (B)	Y (CHIP)
Red Kite (B)	Y (CHIP)
Marsh Harrier (B)	Y (CHIP)
Hen Harrier (NB)	Y (CHIP)
Montagu's Harrier (B)	Y (CHIP)
Osprey (B)	Y (CHIP)
Merlin (B)	Y (CHIP)
Capercaillie (B)	Y (CHIP)
Corncrake (B)	Y (CHIP)
Oystercatcher (NB)	Y (CHIP)
Stone-curlew (B)	Y (CHIP)
Ringed Plover (B & NB)	Y (CHIP)
Golden Plover (B)	Y (CHIP)
Dunlin (B)	Y (CHIP)

Curlew (B)	Y (CHIP)
Curlew (NB)	Y (CHIP)
Whimbrel (B)	Y (CHIP)
Redshank (B)	Y (CHIP)
Common Snipe (B)	Y (CHIP)
Black-headed Gull (NB)	Y (CHIP)
Common Gull (NB)	Y (CHIP)
Short-eared Owl (B & NB)	Y (CHIP)
Twite (B)	Y (CHIP)
Nightjar (B)	Y (CHIP)
Woodlark (B)	Y (CHIP)
Ring Ouzel (B)	Y (CHIP)
Chough (B & NB)	Y (CHIP)
Twite (B)	Y (CHIP)
Scottish Crossbill (B)	Y (CHIP)

### **Species proposed for review of terrestrial SPA suite**

Storm Petrel (B)	Y
Bittern (B)	Y
Bittern (NB)	Y
Little Egret (B & NB)	Y
Greenland White-fronted Goose (NB)	Y
Pochard (NB)	Y
Common Scoter (B)	Y
Honey Buzzard (B)	Y
Red Kite (B)	Y
White-tailed Eagle (B)	Y
Hen Harrier (B & NB)	Y
Golden Eagle (B)	Y
Osprey (B)	Y
Merlin (B)	Y
Merlin (NB)	Y
Peregrine (B)	Y
Capercaillie (B)	Y
Spotted Crake (B)	Y
Corncrake (B)	Y
Common Crane (B & NB)	Y
Ringed Plover (NB)	Y
Sanderling (NB)	Y
Purple Sandpiper (NB)	Y
Ruff (NB)	Y
Curlew (NB)	Y
Redshank (NB)	Y
Turnstone (NB)	Y
Mediterranean Gull (B)	Y
Black-headed Gull (NB)	Y
Common Gull (NB)	Y
Lesser Black-backed Gull (NB)	Y
Herring Gull (NB)	Y
Great Black-backed Gull (NB)	Y
Nightjar (B)	Y

Woodlark (B)	Y
Ring Ouzel (B)	Y
Dartford Warbler (B)	Y
Chough (B & NB)	Y
Twite (B)	Y
Scottish Crossbill (B)	Y

**Species for which species accounts need to be updated in the light of post-2001 SPA classifications<sup>12</sup>**

<i>Red-throated Diver (B)</i>	<i>update of species account only</i>
<i>Black-throated Diver (B)</i>	<i>update of species account only</i>
<i>Great Crested Grebe (NB)</i>	<i>update of species account only</i>
<i>Storm Petrel (B)</i>	<i>update of species account only</i>
<i>Cormorant (NB)</i>	<i>update of species account only</i>
Bittern (B & NB)	update of species accounts
Bean Goose (NB)	update of species account
Dark-bellied Brent Goose (NB)	update of species account
<i>Shelduck (NB)</i>	<i>update of species account</i>
Wigeon (NB)	update of species account
<i>Gadwall (NB)</i>	<i>update of species account only</i>
Teal (NB)	update of species account
Mallard (NB)	update of species account
Pintail (NB)	update of species account
Pochard (NB)	update of species account
Scaup (NB)	update of species account
Goldeneye (NB)	update of species account
Marsh Harrier (B)	update of species account
Hen Harrier (B & NB)	update of species accounts
Golden Eagle (B)	update of species account
<i>Osprey (B)</i>	<i>update of species account only</i>
Merlin (B)	update of species account
Peregrine (B)	update of species account
Capercaillie (B)	update of species account
Corncrake (B)	update of species account
Oystercatcher (NB)	update of species account
<i>Avocet (B &amp; NB)</i>	<i>update of species accounts only</i>
Stone-curlew (B)	update of species account
<i>Ringed Plover (NB)</i>	<i>update of species account only</i>
<i>Dotterel (B)</i>	<i>update of species account only</i>
<i>Golden Plover (NB)</i>	<i>update of species account only</i>
<i>Grey Plover (NB)</i>	<i>update of species account only</i>
<i>Lapwing (NB)</i>	<i>update of species account only</i>
<i>Knot (NB)</i>	<i>update of species account only</i>
<i>Dunlin (NB)</i>	<i>update of species account only</i>
<i>Black-tailed Godwit (NB)</i>	<i>update of species account only</i>
<i>Bar-tailed Godwit (NB)</i>	<i>update of species account only</i>
<i>Whimbrel (NB)</i>	<i>update of species account only</i>

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<sup>12</sup> **Note:** JNCC have currently only checked citations of sites classified between 2005 and present for qualifying species. Need to check 2001-2005 citations also which may add additional species.

<i>Curlew (NB)</i>	<i>update of species account only</i>
Common Tern (B)	update of species account
Short-eared Owl (B & NB)	update of species account
Woodlark (B)	update of species account
Dartford Warbler (B)	update of species account
Chough (B & NB)	update of species account
Scottish Crossbill (B & NB)	update of species account

**Annex I species with no SPAs and need to review arising from the recent ECJ Irish judgement**

Smew (NB)	ECJ Annex I case
White-tailed Eagle (B)	ECJ Annex I case
Montagu's Harrier (B)	ECJ Annex I case
Common Crane (B & NB)	ECJ Annex I case
Common Kingfisher (B & NB)	ECJ Annex I case





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