

UK SPAR SCIENTIFIC WORKING GROUP

MEETING 28 JUNE 2011

10.30 – 16.00, JNCC, Monkstone House, Peterborough

Approved Minutes

Attendees

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| Ian Bainbridge – Chair (SNH) | Nigel Buxton (SNH) |
| Ed Mountford – Secretariat (JNCC) | Richard Hearn (WWT)* |
| Ant Maddock (JNCC) | Sallie Bailey (Forestry Commission)* ^c |
| David Stroud (JNCC) | Sarah Anthony (Natural England) |
| Ian Enlander (NIEA) | Sian Whitehead (CCW)* |
| James Pearce-Higgins (BTO) ^a | Simon Hopkinson/Andy Tully (Defra)* |
| Jeremy Wilson (Scottish Environment Link) | Steven Dora (Scottish Government) |
| Jim Reid (JNCC) ^b | |
| Kate Jennings (RSPB) | |

* via telephone or video-link; ^a item 10 only; ^b items 12-16 only; ^c items 1-3 only

Apologies

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| Michael McLeod (Scottish Government) | Miranda Davis (Water UK) |
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1. Welcome and apologies

- 1.1. The Chair welcomed attendees to the meeting; introductions were given and apologies received (see above list).

2. Minutes of the last meeting

- 2.1. Draft minutes for the previous SWG meeting had been circulated. These were approved subject to minor changes to sections 4.4 and 11.4. The Secretariat agreed to publish them on the SWG homepage.

Action Point 1 (28/06/11): SECRETARIAT to publish minutes of the last meeting on the SWG homepage.

3. Outcome of the BTO SPA Review Phase 1 contract

- 3.1. JNCC (Ant Maddock) updated the Group on the outputs received from the contract work undertaken for Defra and JNCC by BTO in support of Phase 1 SPA Review. This was due to be completed at the end of March. The following items had been received:
 - (i) a non-technical overview report;
 - (ii) a final report detailing all of the outputs (headed BTO Report No. 394);
 - (iii) biogeographical/national reference population estimates as requested;
 - (iv) an up-dated version of Appendix 4 of the 2001 SPA Review publication;
 - (v) site-level bird population counts as requested;

- (vi) brief reports on five species related to European Court of Justice Irish-ruling;
 - (vii) a decision-tree for cropped habitat species.
- 3.2. Some further work was required to complete the up-dating of APEP and assembling bird counts to update Ramsar Information Sheets. The first was being completed in conjunction with the Avian Population Estimate Panel, with final publication expected towards the end of the year. The Ramsar data was not needed immediately and the exact requirements had not been set. JNCC advised that, subject to future completion of these two items, the contract was considered as having been fulfilled.
- 3.3. Members confirmed that they were also content with the work undertaken and noted that BTO had proved to be very willing and competent contractors. Only a few minor amendments had been spotted in the final report, both on page 9: (i) check following text is correct: 'new values were obtained for 185 of the 193 reference population estimates requested'; (ii) revise following text: 'determining the winter population size and distribution of these two species is an unresolved priority'). It was agreed that any further amendments should be sent promptly to BTO.

Action Point 2 (28/06/11): ALL MEMBERS to send any further amendments to the BTO Report 394 to Ant Maddock (to forward to BTO) by 8 July.

- 3.4. Members discussed how the species data gaps identified by BTO ought to be addressed during the current SPA Review. It was agreed that, as no sizeable wintering concentrations of Merlin were known of, nothing meaningful could be done to review this population. Only with further targeted survey of wintering Hen Harrier roosts could the provision of this population be reviewed. For non-breeding Little Gull, it would be possible to review provision if a population estimate could be determined. There was some uncertainty if this would be possible given the feedback that JNCC Aberdeen Team had received (this matter was discussed further under item 12, but the Group expressed a preference for the development and use of an interim estimate. This matter was discussed further under item 12, when the JNCC Aberdeen Seabirds Team representative was present.
- 3.5. It was not clear how all of the species issues set out in section 4.4 of the minutes of the February 2011 SWG meeting had been addressed. JNCC agreed to contact BTO to provide a list of these.

Action Point 3 (28/06/11): JNCC (Ant Maddock) to ask BTO to list the actions taken to deal with the species issues set out in section 4.4 of the SWG Minutes 28/02/11 (for Secretariat to circulate).

- 3.6. Various options were raised as regards how the outputs from the BTO contract could be used within the SPA Review process, e.g. for the BTO report to be appended to the final Phase 1 report as an audit trail; for the non-confidential bird data to be made available; and for the cropped habitats work to be noted as advice that was accommodated in a simplified form in the main decision framework. It was agreed that JNCC would consider the options available and provide a commentary for discussion.

Action Point 4 (28/06/11): JNCC (Ant Maddock) to provide commentary on the inclusion of each of the BTO contract outputs in the final Phase 1 report.

- 3.7. Publication of the final BTO report was discussed. SWG members confirmed that, subject to the points raised, they were content for the report to be published. JNCC advised that, as part of normal contract procedures, Defra were planning on publishing this report. Natural England noted that, during the consultation with the ESG (see item 4.3), they had raised concerns about the mention of specific sites in the section containing the Crane and Smew ECJ-species reports and suggested consideration that these were removed before publication. Although Defra noted that advice from BTO did not commit Government Agencies to any particular action, they requested further time to consider and consult on this issue, before reporting back. It was confirmed that until such time, no publication should take place.

Action Point 5 (28/06/11): DEFRA to consider with the devolved Government Administrations and Country Agencies the publication of the ECJ species reports produced by BTO (reporting back to the Secretariat).

4. Consultation with Executive Steering Group

- 4.1. The Secretariat briefed the Group on the planned email consultation with the SPA Review Executive Steering Group (ESG). This had taken place during 9-27th May 2011, with ESG being asked to:
- (i) sign off the bio-geographic bird population data received from BTO;
 - (ii) sign off the bird site data from BTO;
 - (iii) sign off the five ECJ-species reports from BTO;
 - (iv) note, and (if necessary) comment on, the progress made with the Review. Sign off was understood to mean 'agreeing that the outputs prepared by BTO were undertaken to an adequate standard'.
- 4.2. The bio-geographic population data and site data were approved without comment.
- 4.3. Circulation of the five ECJ species reports exposed the fact that some members of ESG had concerns about their content; these are set out above in section 3.7, the result of which was Action Point 5.
- 4.4. A few comments were received on the outline and potential content of the final Phase 1 report, including if this could include thinking about future review of the SPA network. This matter was discussed at the Dec 2010 SWG meeting and the relevant sections from the minutes were circulated to ESG: this included the Action Point for the SWG to make a formal recommendation that in principle a full review of the SPA Network should be planned to commence in about 2020.

5. Listing assemblage features on Natura paperwork

- 5.1. JNCC (David Stroud) and Natural England raised the issue of the interpretation of the SPA assemblage (as per stage 1.3 of the SPA Selection guidelines) and how it is applied across the Country Agencies. It was agreed that a paper would be presented for discussion at the next SPAR SWG for discussion.

Action Point 6 (28/06/11): JNCC (David Stroud) & NATURAL ENGLAND in discussion with other Country Agency Representatives to develop paper explaining current approach to the treatment of SPA waterbird assemblages/components (for presentation at next SWG meeting).

6. Site Provision Index

- 6.1. JNCC (David Stroud) updated on work to complete the Site Provision Index (SPI). A draft paper had been circulated in advance of the meeting, which covered the background, aims, development, testing, results, conclusions and uses of the SPI. The intention was to submit this to the scientific journal *Bird Study*. The paper still needed further development, including statistical input. Comments and other input were asked for, with a view to producing the next version by the end of July. This would be circulated to the SWG for further iterations, as necessary.

Action Point 7 (28/06/11): ALL MEMBERS to send any further comments on the SPI working draft to David Stroud by 15 July (further iterations to take place as necessary to complete SPI paper).

7. Decision making framework

- 7.1. JNCC (David Stroud) gave a progress report on the work to create a 'Decision making framework for the SPA Review'. Prior to the meeting, Version 7.1 of the framework had been circulated. This had been produced by the working-group and set out the main questions to evaluate the requirements of individual species within the context of SPA Network. Accompanying guidance had been written. The next major step was to test the framework by running a few species through it to check for any issues and consistency of outcome. Members were encouraged to participate in this exercise, which was planned to take place during July. JNCC agreed to circulate necessary information with the aim of receiving responses by early August. Further iterations could then take place before the next SWG meeting.

Action Point 8 (28/06/11): JNCC (Ant Maddock/David Stroud) to circulate information for the Decision Framework test exercise by 8 July for Members to respond by 5 August (further iterations to take place as necessary to progress Decision Framework work for next SWG meeting).

8. ECJ case-law spreadsheet

- 8.1. Progress on the indexing of key judgements reached by the ECJ relating to the selection and management of SPAs under Article 4 of the EU Birds Directive was reported on by JNCC (David Stroud). A spreadsheet had been circulated which contained:
- (i) a 'case index' that listed all of the cases that had been indexed, together with the main articles of the Directive(s) for which the judgement provided interpretation;
 - (ii) a 'key word index' that classified each case under a range of topics (e.g. site selection);
 - (iii) a 'species index' that identified cases where individual bird species were mentioned.
- 8.2. Some further work was required to ensure that the content of the spreadsheet was consistent. Comments and additions, especially any key judgements inadvertently not included, were asked for. Contact had been made with the European Commission, who agreed that this would be a useful product to share with European partners. In due course, it was planned to make the spreadsheet available via the JNCC SPA webpages and to periodically add relevant new cases. The spreadsheet represented one of the products from the SPA Review: it

would be submitted to ESG for sign off and be covered in a section in the final Phase 1 report. It would also be reported on to the N2KR Standing Committee. JNCC was congratulated on the creation of a valuable piece of work.

Action Point 9 (28/06/11): ALL MEMBERS to send any final additions on the ECJ case-law spreadsheet to David Stroud by end of July.

9. CHAINSPAN project

- 9.1. BTO (James Pearce-Higgins) gave a presentation on the findings and recommendations of the CHAINSPAN project. This Defra-funded project was undertaken by BTO and partners to help assess the resilience of the UK SPA Network to projected climate change.
- 9.2. The project was based on a modelling exercise, which related density of birds to recent climate with the aim of predicting bird density under future climates. A number of key assumptions were made; including that species with sufficient data were representative of others, populations were unaffected by processes outside of the UK, and that climate relationships would be constant into the future.
- 9.3. Many of the models were found to have fairly low predictive power in describing spatial patterns of bird density. This indicated that climate was less important in determining site-specific variation in species abundance than site-quality; there is therefore considerable potential for site-based management to increase SPA resilience to climate change.
- 9.4. Species groups differed in terms of their projected vulnerability to climate change. The most vulnerable were northern-breeding seabirds and northern-breeding terrestrial species; many upland species showed declines. Populations of many wintering waterbirds increased as a result of milder winters; diving wintering waterfowl were however more likely to decline in abundance. Many southern species increased, including southerly distributed heathland species. Significant latitudinal shifts in species composition were projected at many sites. Although intertidal and freshwater sites are likely to remain important, their species composition looks set to change substantially.
- 9.5. The overall conclusion was that the current SPA network appears to be relatively resilient to projected future climate change. However, the spatial distribution, abundance and composition of species within the network will probably be significantly different in the future. This reinforces the need for roughly decadal reviews of the UK SPA network. Three main policy implications were identified: (i) better management of SPAs; (ii) creation of larger SPAs (focusing on habitat creation and restoration on existing sites); and (iii) better connection of SPAs.
- 9.6. BTO advised that the projects results, which will be separated by individual species and individual sites, should be available via the project website by September 2011.
- 9.7. The SWG asked how important were projected east-west latitudinal shifts in species? BTO replied that in general north-south shifts were more important, though the results depended on the species in question. Members stressed that, given the model fits were generally modest, it was very important to highlight the caveats that went with the results, so that the temptation to 'over-use' the results was minimised. Although overall trends could be treated with some confidence,

changes at individual sites should be treated with caution. The Group suggested some headline messages: (i) that most SPAs will remain important in the foreseeable future; (ii) there will be some winners and some losers amongst the range of bird species involved; and (iii) there is a need to focus on the creation of suitable habitats that will increase network resilience. It was noted that care was required in messages to policy makers, as priorities for action and quick wins are unlikely to be the same, given that some habitats take significantly longer to create than others. A key problem was knowing just when to react to anticipated changes. It was agreed that any further comments should be sent to BTO by mid-July. A commentary on the CHAINSPAN project should go into the final Phase 1 report.

Action Point 10 (28/06/11): ALL MEMBERS to send any further comments on the CHAINSPAN project reports to James Pearce-Higgins by 15 July.

10. Phase 1 final report

- 10.1. JNCC (Ant Maddock) gave a briefing on the planned structure and progress with the production of the final report for Phase 1 of the SPA Review. The Group was asked how they would prefer to proceed in terms of staging the work, consultation, and supporting the work via an editorial team.
- 10.2. Members agreed chapters should be progressed in the short-term, rather than waiting until all of the work has been completed; an editorial team should offer to support, particularly where they had long-term experience and in-depth knowledge; consultation might be best achieved by circulating major sections; all documents should include a cover note showing all sections of the report; and all emails needed to be flagged making clear they contained 'text for the Phase 1 report'. It was agreed to aim to prepare a first draft of final Phase 1 report by the next SWG meeting and that ESG should be made aware of the planned content.

Action Point 11 (28/06/11): JNCC (Ant Maddock) to complete first draft of final Phase 1 report for next SWG meeting.

11. SWG Annual Report

- 11.1. The Secretariat advised that the 2010 SWG Report had been started, but further work was needed to finalise the content. The intention was to do this in preparation for the N2KR Standing Committee meeting in November. In addition to all SWG meetings during 2010, the 2011 February and June meetings of the SWG would now be covered by the report.

Action Point 12 (28/06/11): SECRETARIAT to prepare report on SWG activities covering 2010-June 2011 in preparation for the next N2KR Standing Committee.

12. Update on Marine SPA work

- 12.1. JNCC Seabirds Team (Jim Reid) updated on progress with work to support identification of possible marine SPAs. 2011 is set to be the final year of fieldwork related to this, with surveys underway or planned for all Tern species throughout the UK and for Balearic Shearwater off south-west England. There may be a need for some further targeted fieldwork for Little Tern next year; this is currently being scoped with a view to the likely resources required.

- 12.2. Fieldwork aimed at identifying the waterfowl resource of inshore areas around the UK outside the breeding season was completed in winter 2010/11. With the exception of one English area and possibly one Irish area, analyses aimed at defining possible SPA boundaries within these areas of search have been completed. The statutory nature conservation bodies are in receipt of the relevant reports. Any further analyses required will be progressed during the course of 2011 and 2012, after which those sites deemed suitable will be taken forward for classification. The classification schedule is broadly similar for each of UK country, but further discussions are taking place with the Government administrations and statutory nature conservation bodies to consider alignment at a UK-level.
- 12.3. Analyses of the European Seabirds at Sea (ESAS) database in support of identifying possible SPAs for seabirds in the marine environment will resume after the field season, working towards a stakeholder workshop hopefully in the autumn. The new analyses will focus on seabirds already protected in colony SPAs, a general approach endorsed by all stakeholders. Although a final solution for this protracted element of the marine SPA work programme should be reported by March 2012, further ground-truthing of any site recommendations are likely (survey or more likely consideration in the light of tracking/logger studies, including the Future of the Atlantic Marine Environment (FAME) project). The SWG is to be included in future discussions.
- 12.4. Three papers have been submitted by the marine SPA team to the special issue of Biological Conservation being prepared following the organisation of a Symposium at the World Seabird Conference.
- 12.5. The overall aim of the marine SPA programme remains to report on the science underpinning site identification by the end of 2012 (staggered, separate reports for *inter alia* breeding Red-throated Diver, Balearic Shearwater, and culminating with Terns by December). However, this deadline is fragile as staff resources are limited and working at full capacity. Continued technical work in support of site classification beyond 2012 is currently envisaged to run to 2015/16.
- 12.6. It was confirmed that discussions had taken place with the author of the manuscript on Little Gull (see item 4.3 February 2011 SWG Minutes). This had revealed that the data underpinning this work were inadequate to make a robust estimate of the Little Gull GB population. Alternative data sources were being looked into, but it seemed unlikely that an overall population estimate could be determined. The Chair requested that the JNCC Seabirds Team prepared a note to update on the current position.

Action Point 13 (28/06/11): JNCC (Aberdeen Seabirds Team) to provide an update on the position with the production of a population estimate for the Little Gull (for Secretariat to circulate).

- 12.7. RSPB reminded the Group that they were still prepared to give a presentation on the FAME project – a major seabird monitoring and tracking initiative that involved RSPB and partners from France, Ireland, Portugal and Spain. It was agreed that this should take place at the next SWG meeting.

Action Point 14 (28/06/11): RSPB to give a presentation on the FAME project at the next SWG meeting.

13. Update on country implementation

- 13.1. SNH reported that in addition to marine matters (see item 12), work on possible Merlin sites was on-going. In Northern Ireland, NIEA were progressing two new Ramsar sites. Natural England reported that the Upper Nene Valley Gravel Pits SPA had been classified, marine work with JNCC was on-going, and they were dealing with outstanding issues connected with the Dungeness, Romney Marsh and Rye Bay pSPA and pRamsar consultation.

14. Progress with Action Points from last meeting

- 14.1. Progress with the Action Points agreed at last SWG meeting was reviewed. All had been completed or feedback given during the meeting, except the following that needed to be carried over:
- *Action Point 4 (28/02/11)* – recommendation to finalise protocols for the future management of confidential site-level bird data for the SPA Review;
 - *Action Point 9 (28/02/11)* – action to submit possible options to the ESG setting as regards application of the ‘minimum of 50 rule’;
 - *Action Point 15 (28/02/11)* – request to the Rare Breeding Birds Panel concerning the desirability of enhancing national Honey Buzzard data;
 - *Action Point 16 (28/02/11)* – action to collate supporting information and develop a proposal for consideration by ESG on expanding the scope of 2010 SPA Review.

Action Point 15 (28/06/11): BTO & JNCC (Ant Maddock) to finalise protocols for the future management of confidential site-level bird data for the SPA Review in consultation with relevant Country Agencies. [carried over Action Point 4 (28/02/11)]

Action Point 16 (28/06/11): JNCC (David Stroud) to prepare a submission for the Executive Steering Group setting out possible options as regards application of the ‘minimum of 50 rule’ in light of the ECJ-Irish ruling. [carried over Action Point 7 (01/12/10), Action Point 9 (28/02/11)]

Action Point 17 (28/06/11): SECRETARIAT to assist the Chair and David Stroud in drafting a request to the Rare Breeding Birds Panel from the SWG concerning the desirability of enhancing national Honey Buzzard data. [carried over Action Point 6 (01/12/10), Action Point 15 (28/02/11)]

Action Point 18 (28/06/11): JNCC (David Stroud) to collate supporting information and develop a proposal for consideration by ESG on expanding the scope of 2010 SPA Review. [carried over Action Point 16 (28/02/11)]

15. Other matters

SPA webpages

- 15.1. David Stroud noted that JNCC had made proposals to the May 2010 meeting of the SWG with respect to better presenting and interpreting the multiple sources of information on classified SPAs currently on JNCC's web-site, an issue that continues to give cause for confusion. Following that meeting, consultation with Country Agencies on this proposal resulted in some changes to the detail of the proposed structure of the anticipated new site account formats. Although resource constraints had meant that it had not been possible to progress this work in 2010, there was the opportunity in coming months for further development.

Following a request as to how they wished to be informed about this work, SWG members did not wish further consultation on the issue, but requested an update on progress to implementing the agreed new format of the SPA pages at the next SWG meeting in November.

Rufford Energy Recovery Facility

15.2. RSPB alerted the SWG to a planning application for an Energy Recovery Facility at the former Rufford Colliery, which has implications for the treatment of possible SPAs. It was agreed that RSPB, with support from Natural England, ought to provide a briefing on this matter at the next SWG meeting.

Action Point 19 (28/06/11): RSPB in consultation with Natural England to provide a briefing on the Energy Recovery Facility at the former Rufford Colliery at the next SWG meeting.

Communication with ESG

15.3. It was agreed that there was no obvious need for ESG to meet in the immediate future. However, a report on progress with the SPA Review ought to be sent to them.

Action Point 20 (28/06/11): JNCC (Ant Maddock) to advise the Executive Steering Group about recent progress with SPA Review.

Next meeting

15.4. The next SWG meeting was set for Thursday 10 November 2011, in Edinburgh (venue to be agreed).

Action Point 21 (28/06/11): SECRETARIAT to organise next SWG meeting on Thursday 10 November in Edinburgh.

UK SPAR SCIENTIFIC WORKING GROUP

ACTION POINTS AGREED AT 28 JUNE 2011 MEETING

Action Point 1 (28/06/11): SECRETARIAT to amend minutes of the last meeting and publish on the UK SPAR SWG webpage.

Action Point 2 (28/06/11): ALL MEMBERS to send any further amendments to the BTO Report 394 to Ant Maddock (to forward to BTO) by 8 July.

Action Point 3 (28/06/11): JNCC (Ant Maddock) to ask BTO to list the actions taken to deal with the species issues set out in section 4.4 of the SWG Minutes 28/02/11 (for Secretariat to circulate).

Action Point 4 (28/06/11): JNCC (Ant Maddock) to provide commentary on the inclusion of each of the BTO contract outputs in the final Phase 1 report.

Action Point 5 (28/06/11): DEFRA to consider with the devolved Government Administrations and Country Agencies the publication of the ECJ species reports produced by BTO (reporting back to the Secretariat).

Action Point 6 (28/06/11): JNCC (David Stroud) & NATURAL ENGLAND in discussion with other Country Agency Representatives to develop paper explaining current approach to the treatment of SPA waterbird assemblages/components and the implications (for presentation at next SWG meeting).

Action Point 7 (28/06/11): ALL MEMBERS to send any further comments on the SPI working draft to David Stroud by 15 July (further iterations to take place as necessary to complete SPI paper).

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Action Point 14 (28/06/11): RSPB to give a presentation on the FAME project at the next SWG meeting.

Action Point 15 (28/06/11): BTO & JNCC (Ant Maddock) to finalise protocols for the future management of confidential site-level bird data for the SPA Review in consultation with relevant Country Agencies. [carried over Action Point 4 (28/02/11)]

Action Point 16 (28/06/11): JNCC (David Stroud) to prepare a submission for the Executive Steering Group setting out possible options as regards application of the 'minimum of 50 rule' in light of the ECJ-Irish ruling. [carried over Action Point 7 (01/12/10), Action Point 9 (28/02/11)]

Action Point 17 (28/06/11): SECRETARIAT to assist the Chair and David Stroud in drafting a request to the Rare Breeding Birds Panel from the SWG concerning the desirability of enhancing national Honey Buzzard data. [carried over Action Point 6 (01/12/10), Action Point 15 (28/02/11)]

Action Point 18 (28/06/11): JNCC (David Stroud) to collate supporting information and develop a proposal for consideration by ESG on expanding the scope of 2010 SPA Review. [carried over Action Point 16 (28/02/11)]

Action Point 19 (28/06/11): RSPB in consultation with Natural England to provide a briefing on the Energy Recovery Facility at the former Rufford Colliery at the next SWG meeting.

Action Point 20 (28/06/11): JNCC (Ant Maddock) to advise the Executive Steering Group about recent progress with SPA Review.

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