

RESPONSES TO CONSULTATION ON JNCC REPORT 325 NATURA 2000 IN UK OFFSHORE WATERS

Response from consultee	JNCC response
<p>Sandbank habitat interpretation:</p> <ul style="list-style-type: none"> • Advocate that the 20 m contour should not be strictly adhered to and that sandbanks should be included if they are on the continental shelf and of the same classified type as those found in 20 m depth or less of water. • Morphology of sandbank is emphasised by Velegrakis <i>et al</i>, 2001. 	<p>Sandbank habitat interpretation:</p> <ul style="list-style-type: none"> • The 20 m contour has been used as the primary criterion for selection of eligible areas of seabed in UK waters. The current UK view is that at least the ridge of the sandbank should be in water less than 20 m deep (using LAT) with associated flanks and troughs being in deeper water but included to maintain structure and function. The habitat interpretation of sandbanks is currently the topic of much discussion and may be modified through discussions at the EU Habitats Scientific Working Group Marine Sub-group. • Whilst the morphology of the sandbank is important and being taken into consideration, the sediment grain size is regarded as having greater significance for determining the infauna.
<p>Habitats Directive selection criteria:</p> <ul style="list-style-type: none"> • Potential sites should be ‘tested’ with criteria that address importance and sensitivity to human activities. 	<p>Habitats Directive selection criteria:</p> <ul style="list-style-type: none"> • Habitats Directive selection criteria are not under review but the final criterion ‘Global assessment’ does allow for consideration of rarity of species/biotopes, high diversity and sensitivity.
<p>Annex II species:</p> <ul style="list-style-type: none"> • Recognise that further assessment of existing data and additional information is needed to identify sites. • Request that Natura 2000 work on cetaceans is prioritised. 	<p>Annex II species:</p> <ul style="list-style-type: none"> • The SCANS2 survey will provide an update to information on cetacean distribution. • Further assessment of existing data for Harbour Porpoise has been undertaken in 2002/2003 with a view to develop a process for identifying sites. • A review of bottlenose dolphin data will be managed by the Inter-agency Marine Mammal Working Group. • A review of data on both seal species is planned for 2004.

JNCC Marine Natura 2000

Response from consultee	JNCC response
Marine Natura 2000 work needs to have regard to European Commission case law and established principles in relation to site selection and boundary setting.	Refer to Defra.
Seek clarification on how sites will be protected under national legislation.	Refer to Defra.
Marine Natura 2000 work needs to be transparent throughout the selection of sites and placement of boundaries.	It is the intention of the JNCC to be open and transparent in its role as government advisor on marine Natura 2000 development. This is why early consultation on developments has been sought by JNCC both through open consultation and the involvement of the SPA Scientific Working Group.
<p>Integration of SPA work:</p> <ul style="list-style-type: none"> • JNCC work on protected areas for birds needs to be comprehensive and integrated: • Integrate the work of the Marine SPA project and the Offshore Natura 2000 Project. • Include all areas below mean low water/mean low water springs. • Have continuity with territorial waters; consider territorial waters. 	<p>Integration of SPA work:</p> <ul style="list-style-type: none"> • All marine Natura 2000 work is now coordinated through the Marine Natura 2000 Project Group which has representation from the four country conservation agencies, JNCC, the chair of the SPA Scientific Working Group and is chaired by an independent member of the Joint Nature Conservation Committee. • Marine SPA work is being implemented below mean low water/mean low water springs and all Natura 2000 work is being undertaken in full collaboration with the country conservation agencies to ensure joined up sites across boundaries.
<p>SPA selection guidelines:</p> <ul style="list-style-type: none"> • Selection guidelines were developed for terrestrial SPAs and an evaluation of their suitability to marine SPAs is necessary. • Suggest promoting Stage 1 guidelines to criteria. • Birdlife's IBA selection criteria should also be considered for their appropriateness if selection guidelines for the marine environment are to be developed. 	<p>SPA selection guidelines:</p> <ul style="list-style-type: none"> • The SPA selection guidelines (JNCC 1999) are considered by the agencies and governments to be a robust way of selecting the most suitable territories to be classified as SPAs, and hence JNCC does not consider there to be any gain in making them criteria. In assessing whether the guidelines require additional development specifically for application in the marine environment JNCC will consider other published approaches.

Response from consultee	JNCC response
<p>Clarification is requested on site selection approaches for marine species affected by 'minimum of 50' rule.</p>	<p>The SPA Scientific Working Group has agreed to uphold the 'minimum of 50 rule' in the terrestrial environment and there is no reason to question that the principles guiding this decision would not apply in the marine environment. For this reason, JNCC proposes that the 'minimum of 50 rule' be applied in a manner consistent with this agreement (refer to 2001-2002 SPA SWG Annual Report).</p>
<p>Site identification methods:</p> <ul style="list-style-type: none"> • SPA Scientific Working Group examine proposed techniques including RSPB generic radii approach, the use of bathymetric bands and/or identification of habitat important for bird populations. • Advise that the production of "Surveillance of seaducks in the United Kingdom" (Cranswick, 2002) should inform site identification. • Where land-based counts provide full coverage they may be the most appropriate survey technique. However, at most sites, aerial survey is the preferred method. • Highlight problems with infrequency of survey and the satisfaction of a 'regularly occurring' criterion. Alternative methods may be required. • Kriging is supported but needs full testing with regards to its accuracy, variability with time and variable setting. There needs to be statistical determination of minimum number of records. May not be an appropriate technique for some waterbirds due to limited numbers of records. • Understanding of relationship between bird species and food supply essential for implementation of site based conservation. 	<p>Site identification methods:</p> <ul style="list-style-type: none"> • There has been no decision to use one method to the exclusion of others and methods will be chosen which are appropriate to the data available. • The SPA SWG would be well placed to discuss the scientific rationale underlying the RSPB boundary proposals presented in its October 2000 discussion paper – if the consultee would like this discussed in more length at a future meeting then the Secretariat should be contacted. • Site identification for non-breeding divers and seaducks will be based on best available data. "Surveillance of seaducks in the United Kingdom" (Cranswick, 2002) proposes a methodological framework and is currently being considered by JNCC and the agencies. • Further consideration of 'regularity' will be made during the assessment of the suitability of the SPA selection guidelines for marine birds. • Testing of the spatial analysis techniques on the ESAS data will indicate where data paucity inhibits use of the technique for particular species. Testing of the kriging methods is scheduled for 2003/2004.

Response from consultee	JNCC response
<p>Inclusion and priority of bird species:</p> <ul style="list-style-type: none"> • No priority should be given to birds denoted as rare. • The definition of migratory birds needs clarification. • Need to examine which bird populations are appropriate for a site based approach. 	<p>Inclusion and priority of bird species:</p> <ul style="list-style-type: none"> • No priority has been given to rare birds over other species. • The definition of migratory is that used in the SPA review and is derived from the Convention on Migratory Species (see Stroud <i>et al.</i> 2001). No revision of this definition is necessary for the marine environment. • The appropriateness of a site based approach should become clear through the data analysis to be undertaken along with ecological knowledge of bird populations. JNCC agrees with the RSPB that it may not be possible to include a large proportion of the populations of some species in the marine part of the SPA network.
<p>Advocate species-specific targets, based on proportions of a population, to achieve adequate protection in relation to species' geographical ranges.</p>	<p>Site-based protection of species is part of the overall aim of the Birds Directive, which is to maintain populations at a required level (effectively favourable conservation status; Habitats Directive). This aim can only be achieved through monitoring of populations, and the contribution that the SPA network makes can be measured in this context. The JNCC and country agencies are currently developing common standards in monitoring to facilitate assessment of the SPA network. When considered in the context of the JNCC's national monitoring schemes, such assessment can inform the development of the SPA network.</p>
<p>Request that issues surrounding protection of marine passage species be considered by the SPA Scientific Working Group concurrently with terrestrial species.</p>	<p>JNCC agrees that this may be appropriate and suggests that the consultee contacts the SPA SWG Secretariat to take this forward.</p>
<p>Survey work:</p> <ul style="list-style-type: none"> • Assess current bird survey programmes. • Institute survey programme to complement current planned work. • Gap analysis of aerial survey of marine areas would be useful to target further work. 	<p>Survey work:</p> <ul style="list-style-type: none"> • JNCC continuously assesses and where necessary develops its bird survey work – at present we are reviewing needs for monitoring of breeding seabirds and for non-breeding seaducks. In addition, the country agencies conduct surveys and research on marine species. • Currently under consideration on advice from WWT.

Response from consultee	JNCC response
<p>Special and wider measures:</p> <ul style="list-style-type: none"> • The use of special measures does not preclude the use of site based protection • Suggest a review of marine wider measures already implemented with an assessment of their success. • Advocate seabird vulnerability maps for other activities than oil exploration/traffic. 	<p>Special and wider measures:</p> <ul style="list-style-type: none"> • Agree that the use of special measures is complementary to site based protection and to be used when site based protection is not appropriate to the population. • Refer suggested review to Defra.
<p>Recommends that a fourth type of marine SPA be considered – the marine element of ‘bottleneck’ sites.</p>	<p>‘Bottleneck’ sites are defined in the IBA criteria for selected species, none of which are seabirds. It is unclear as to what the RSPB means by this comment.</p>

References:

Cranswick PA (2002) Surveillance of seabirds in the United Kingdom: a review of methods and proposals for future activity. Report to JNCC, WWT, Slimbridge.

Stroud DA, Chambers D, Cook S, Buxton N, Fraser B, Clement P, Lewis P, McLean I, Baker H and Whitehead S (Eds) (2001) The UK SPA Network: its scope and contents. Volume 1: Rationale for the selection of sites. Joint Nature Conservation Committee, Peterborough.

Velegrakis A, Collins MB, Owrid G and Houghton A (2000) Submerged sandbanks in European shelf waters. Report to the WWF Global Environment Network. School of Ocean & Earth Science, University of Southampton, Southampton Oceanography Centre.