

# UK SPAR SCIENTIFIC WORKING GROUP

## MEETING 2008/1 21<sup>ST</sup> FEBRUARY 2008

9.30 - 15.45 SNH, Hope Terrace, Edinburgh

### Approved Minutes

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#### Present (around table):

Ian Bainbridge (IB) (Chair) – Scottish Government

Helen Baker (HB) (Secretary) - JNCC

David Stroud (DAS) – JNCC

Phil Alcock (PA) - Scottish Government

Nigel Buxton (NEB) – SNH

Steven Dora (SD) – Scottish Government

Jim Reid (JR) - JNCC

Jeremy Wilson (JW) - SEL

Miranda Davis (MD) – WaterUK

Gwyn Williams (GW) – RSPB & on behalf of Wildlife & Countryside Link

#### Joining for items 9 & 10:

Bob Furness (Glasgow Univ)

John Calladine (BTO Scotland)

#### Via video-conference:

Sian Whitehead (SW) - CCW

#### Apologies:

Lucy Ham (ABPmer), Diana Reynolds & Louise George (NAW), David Mallon (SG), Andrea Graham (NFU), Simon Hopkinson (Defra), Andy Webb & Ben Dean (JNCC), Ian Enlander (EHS), Richard Hearn (WWT), Peter Clement (NE)

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#### 1. Welcome and apologies

1.1. Apologies were received as listed above.

#### 2. Minutes of last meeting (4<sup>th</sup> October 2007; SPAR\_210208\_1)

2.1. The minutes of the 4<sup>th</sup> October 2007 meeting were accepted with minor changes and will be published on the JNCC website.

2.2. The wording of paragraph 6.2 was queried and the Group agreed that it should be changed to show that the opinions were those of EHS.

2.3. Brief discussion on the Lough Neagh work arose due to the view of RSPB that the interpretation presented by EHS was not based on the full range of research that had been undertaken. The Group agreed that its interests should focus on the process of site and feature condition assessment and not individual cases. However, it was agreed that EHS should be asked to circulate the BTO research report and that RSPB should seek to resolve its concerns via bilateral discussions with EHS; the Chair offered to assist in such discussions. In addition, EHS was to be asked to update the Group on outcomes of further discussion and any analytical work.

**Action Point 08/1/1: Chair to assist in bilateral discussions between EHS and RSPB on interpretation of the Lough Neagh diving duck research.**

**Action Point 08/1/2: EHS to circulate the full BTO Research Report on Lough Neagh diving ducks, and to report back to the Group on future discussions with RSPB about the scientific assessment of the changes in duck numbers.**

### **3. 2007 Annual Report (SPAR\_2100208\_2; Chair)**

- 3.1. A number of minor changes were agreed, but it was also noted that the report did not reflect the complexity of the work that the Group was undertaking and would benefit from the addition of some historical context, including progress.
- 3.2. It was agreed that the report would be submitted to both the Natura 2000 & Ramsar Steering Committee and the Marine Biodiversity Policy Steering Group.

**Action Point 08/1/3: Secretariat to revise the SPAR SWG 2007 Annual Report for approval at the May 2008 meeting.**

### **4. Feedback from the November 2007 Natura 2000 & Ramsar Steering Committee (Chair)**

- 4.1. The Chair outlined the new arrangements for policy decisions on terrestrial and marine; the latter now sits with the Marine Biodiversity Policy Steering Group (MBPSG). SPAR SWG had submitted advice on marine issues to the N2KRSC in both its 2005 and 2006 Annual Reports; those in 2005 had been accepted, but the recommendations of the 2006 Annual Report had not due to the formation of the MBPSG and would need to be sent to that group. The role of the SPAR SWG was now recognised by both of the policy groups, especially in relation to bringing NGOs and industry into the decision making process, and the Group would be represented by the Chair, or a delegate, in both of these groups. The N2KRSC will review its Terms of Reference to ensure that roles and responsibility with regard to marine issues were clear.
- 4.2. JNCC gave a presentation to the meeting on the proposed scope of the 2010 SPA & Ramsar Networks Review (hereafter referred to as the 2010 review), and the positions of Scottish Government and RSPB were discussed (see item 7 below). Defra requested that, prior to a planned bilateral meeting with RSPB early in 2008, JNCC provide it with a detailed brief on the history of the review process.

**Action Point 08/1/4: Secretariat to circulate the minutes from the November 2007 Natura 2000 & Ramsar Steering Committee meeting.**

### **5. Natura Fora: outcome of recent changes to groups and relationships with SPAR SWG (Chair)**

- 5.1. See 4.1 above. Chair and Secretariat met with Defra and Scottish Government marine side, along with JNCC marine, on 15<sup>th</sup> February 2008 to discuss the history of the SPAR SWG, engagement in current marine SPA programme and the role of the proposed SPA & Ramsar Networks Review. The Secretariat agreed to improve communication links with the MBPSG.

### **6. 2010 SPA & Ramsar Review: project update (JNCC)**

- 6.1. JNCC gave a quick update on progress with developing the 2010 review. The N2KRSC had considered and supported the initial proposed scope at its November 2006 meeting. A draft project plan had been discussed by the Group in May 2007 and then considered by the N2KRSC in November 2007. At the same meeting, the N2KRSC had also considered positions from the Scottish Government and RSPB.
- 6.2. A meeting with marine team representatives from Defra and Scottish Government (see 5.1 above) agreed that the review should report on agreed standards and guidance established for the marine SPA programme, and on any classifications since the 2001 review. The 2010

review would not attempt a full review of SPA provision in the marine as this would be done through the separate marine SPA programme by 2012.

- 6.3. Currently, there was a lack of clarity over governmental priorities in different countries, the desired timetable and funding sources. JNCC had not allocated any funding for the 2008/09 financial year, except to cover T&S needs, and allocated only limited staff time. With this limited resource, the view of the JNCC representatives on the Group was to focus efforts over the next year on achieving policy steer on the Site Provision Index (SPI), cropped habitats (CHIP) and re-introduced species, and develop a detailed specification and project plan for the review process when requested to do so by government.
- 6.4. Whilst, there was general support for JNCC's view on priorities (SPI and CHIP especially) it was noted that the 2010 review was already slipping against the N2KRSC's own timetable. Further slippage would jeopardise securing funding for 2009/10 in the autumn 2008 budget rounds. RSPB confirmed that it was due to meet with Defra to discuss the review, but felt that Defra's engagement was hampered by corporate naivety due to staff turnover. Its meeting with Defra was also delayed due to JNCC's slow response to the N2KRSC request for briefing in November 2007, but RSPB appreciated that Defra wishes to be well briefed given the seriousness of the review. JNCC apologised for the delay and confirmed that it would brief Defra as soon as possible, but certainly by the end of March 2008.
- 6.5. There remained implementation issues from the 2001 review and it was agreed that these needed to be tackled during the 2010 review, and also that there needed to be a strong commitment and funding support from government for implementing the outcomes of the 2010 review.
- 6.6. The Group agreed that greater government involvement in the review was desirable: all administrations should be engaged. It was also noted that there would be relevant work taking place outside of the review project and that other parties should be involved in the process.

## **7. Responses to the proposed scope of the 2010 SPA & Ramsar Networks Review (Chair)**

- 7.1. Scottish Government had stated its commitment and support for a review, but also highlighted the value of a UK-level process. The NGOs were concerned that the language in the Scottish Government's position indicated an exclusive approach. The Chair commented that the roles of stakeholders were still to be discussed, but that SPAR SWG already had a recognised consultative role in developing the SPA network.
- 7.2. The RSPB response to the proposed scope of the review was not discussed.

## **8. 2010 SPA & Ramsar Review: implications of the recent ECJ judgement on Commission vs. Ireland [C-418/04] (SPAR\_210208\_5; JNCC)**

- 8.1. In addition to the JNCC briefing, RSPB tabled its own note on interpretation of the Irish judgement and agreed to circulate this after the meeting. It was also noted that the judgement establishes clearly that a MS cannot take post-1981 deterioration of habitats as a reason for not classifying an SPA. It was commented that this is relevant for a few sites in the UK, for example a number of areas formerly important for species like capercaillie.
- 8.2. It was queried whether 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 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 and of these two had not been reviewed for the 2001 review; white-tailed eagle and smew.

- 8.3. Kingfisher was one of the Annex I species highlighted by the Irish judgement. UK had previously reviewed data on this species (BTO advice note to JNCC, 2000), but in 2001 took the view that it was too widely dispersed to be able to identify any most suitable areas. Whilst there has been no specific national kingfisher survey, there are a number of sources of data and these could be reviewed. It was commented that the Natura 2000 network might already provide habitat protection for a proportion of the population and that this could be explored further. However, it was noted that not all of those Natura sites with kingfishers would necessarily include much suitable habitat and so habitat availability would need to be a filter in drawing conclusions about the suitability of these sites for protecting the species. It was agreed that the priority in the review should be to review data and make recommendations on their suitability or the need for further survey.
- 8.4. The Group agreed that guidance from the N2KRSC was needed on the implications of the Irish judgement; this would be essential to inform the scope of the 2010 review. JNCC agreed to draft a briefing note on the small number of Annex I species for which the UK has no SPAs.
- 8.5. The Irish judgement also touched on widespread non-Annex I migrants and it was commented that this should also be taken into consideration for the review, especially for a number of species that have declined. However, it was noted that the judgement did not provide a clear steer on treatment of these species under Article 4.
- 8.6. The judgement re-iterated the value of IBA 2000 as a baseline in the absence of other national inventories, and it was commented that IBA still has value in the UK SPA selection process. It was also noted that the judgement provides some useful commentary on other special measures, the mix of measures, and on favourable conservation status.

**Action Point 08/1/5: JNCC to produce a briefing for the Natura 2000 & Ramsar Steering Committee on Annex I species for which the UK has not classified SPAs and seek guidance on the implications of the Irish Judgement [C-418/04] both more generally and for these species.**

**Action Point 08/1/6: RSPB to circulate its interpretation note on the ECJ judgement on Commission vs. Ireland [C-418/04] to the Group.**

**9. Populations: eider genetics study and implications for treatment of populations in the UK under Article 4 (PowerPoint presentation; Prof. Bob Furness, University of Glasgow)**

- 9.1. The Group made a recommendation to the N2KRSC on treatment of eider populations in 2003 (see 1.3.1.3 in 2003 Annual Report), but noted that it would be desirable to have more information on the genetics and movements of British eiders. JNCC approached Professor Bob Furness, Glasgow University, in 2004 and agreed to fund some work associated with his ongoing studies of eider genetics; the aim was to look at genetic links between eiders from northern Scotland and those from elsewhere in Europe in order to advise on limits of biogeographical populations.
- 9.2. Female eiders are highly faithful to their nesting areas and so likely to show a high degree of genetic variation. Female lineage was explored through mitochondrial DNA analysis; 23 samples were available from Shetland and were compared to two samples from Argyll and published data from across NW Europe. Unfortunately, no samples were available from Orkney, but ringing data suggests that there is very limited exchange of birds between Orkney and Shetland.

- 9.3. The results showed that eiders from Shetland formed a closely related group with those from the Faroes and southern Iceland. Eiders from northern Iceland are distinct from this group and all others from the subspecies *mollissima* across NW Europe, including the rest of Scotland, formed a third discrete group.
- 9.4. In addition to genetic differences, there are morphological differences between eiders from different parts of the range; Shetland birds are intermediate in size between Faroes and rest of UK. However, size data for Faroes birds, which do not overlap with *mollissima*, are from museum specimens, which will have undergone some shrinkage, while data for Shetland birds come from live birds and these do overlap with other *mollissima*. Professor Furness considered genetic differences to be a better way of determining populations.
- 9.5. It was agreed that analysis of samples from Orkney would be helpful, along with review of morphometric data, and that review of population estimates should be undertaken. However, in the short-term a pragmatic approach was needed to enable consideration of eider within the marine SPA programme. It was agreed that, until better information became available, we would recommend continued use of the current population estimates for eider for assessing the relative importance of areas, but also that greater representation in Shetland should be considered as part of the UK approach to SPA provision.

**Action Point 08/1/7: Secretariat to include the following recommendation to the Natura 2000 & Ramsar Steering Committee in the 2008 Annual Report: 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.**

**10. Survey: outcomes of the short-eared owl survey pilot (BTO/SNH PowerPoint presentation; John Calladine, BTO Scotland)**

- 10.1. Short-eared owls are very difficult to census and the species' status in the UK is poorly known. Whilst the current SPA suite for this Annex I species was estimated to hold 13% of the GB population in 2001, it remains unclear whether the suite is adequate and whether numbers in existing SPAs are being maintained. BTO, with SNH funding, has developed and piloted a new survey technique for the species.
- 10.2. The survey method is based on fixed point observations, with four survey periods between March and July and six sample intervals in a day. During 2006 & 2007, 1010 hours of observations were collected from 12 sampling points.
- 10.3. Results show that the owls were more easily detected as the season progressed and that the peak periods of detection during the day were at dawn and dusk. Diurnal foraging behaviour increased during the fledging period with more activity detected during mid-day. Overall, the best time to undertake survey was two hours before dusk once breeding was underway, but supplemented with mid-day survey when birds had small chicks and morning surveys at fledging. Few birds were seen during the settlement period in March and so survey at this time would yield little information; the implications are that any survey would be limited to breeding birds.
- 10.4. Other considerations in designing the survey were that individual owls ranged 1.6 – 4.0 km from the nest and may be sensitive to disturbance, hence observation points would have to be placed to avoid affecting results. Home ranges overlapped, so interpretation of observations would need to take account of this by adopting a threshold distance to define range extent.

- 10.5. Analysis of the 2004 hen harrier survey, in which short-eared owl observations were collected, suggests that 423-658 territories were observed; the variation due to the threshold distances used. Recording of flight-lines may have allowed better interpretation.
- 10.6. A national short-eared owl survey would be highly labour intensive. It's estimated that to cover 10% of the species range would require 50 volunteers and 25 professional surveyors. An additional consideration is that the species also appears to undergo large population fluctuations depending on food availability, but these fluctuations are likely a reflection of changes in numbers of pairs producing chicks rather than the total adult population. A simpler approach for volunteers involving point counts from roads was tested, but registrations were few. BBS data might be useful combined with other data, especially given increasing upland coverage, but BBS survey is done just after dawn and so is not ideal.
- 10.7. The Group discussed the methods used in the pilot, including feasibility of designing a stratified sampling approach, but the general conclusion was that even with some refinements to the approach any survey would still require considerable resources. SNH agreed to circulate the final BTO report on the pilot work and would also seek advice from the agency ornithologists and RSPB on feasibility of a national survey as part of the SCARABBS<sup>1</sup> framework.

**Action Point 08/1/8: SNH to circulate the final report from BTO on the short-eared owl pilot survey to the Group.**

## **11. Marine SPAs: update (JNCC Aberdeen)**

- 11.1. The programme of aerial surveys for inshore waterbirds was continuing and reports on Aberdeen Bay and the Western Isles were being finalised. Following discussions in various fora on the analysis of red-throated diver data from Liverpool Bay, JNCC has consulted with BioSS over alternative approaches and will explore kernel density analysis of Thames data. JNCC agreed to consult the Group on this new approach at the next meeting.
- 11.2. The first phase of analysis of offshore data (ESAS) is now complete and whilst it shows some 'hotspots', the scale is very coarse (6 km). There is some further analysis to do and JNCC will also be developing boundary setting techniques.
- 11.3. There had been no new analyses for defining extensions to breeding seabird colonies. Work to develop a model for identifying marine areas for breeding red-throated divers would be reported in October 2008. No work would be undertaken on shag until 2009/10. Some aerial surveys had been done for terns, but results were poor (identification problematic and poor detection) and this method of survey may not be the best for these species; JNCC will explore alternative approaches.
- 11.4. No funding had yet been secured for survey of Balearic shearwaters.
- 11.5. JNCC had reviewed the draft Site Provision Index for use in the marine SPA programme and had discussed its potential value with government. It will be used initially to add context for decision making on non-breeding red-throated divers, supporting a more holistic approach to defining the UK suite for this species. JNCC will propose a suite of SPAs for this species in April/May.

**Action Point 08/1/9: JNCC to consult the Group on kernel analysis of non-breeding red-throated diver data from the Greater Thames.**

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<sup>1</sup> Statutory Conservation Agencies/RSPB Annual Breeding Bird Scheme

## **12. Progress from bilateral discussions**

- 12.1. No reports were received from Northern Ireland and England, and there was no progress in Wales to report.
- 12.2. In Scotland, SNH would be opening consultation on marine extensions to 31 breeding seabird SPAs in quarter 1 of 2008/09 and within this period also advising Scottish Government on several new golden eagle areas for consideration as SPAs. Renfrewshire Heights and Oronsay & South Colonsay were classified in December 2007, decisions on Slamannan and Strath Carnaig were awaited from SG, and consultations on Sleet Moss and West Inverness-shire Lochs had recently closed and would be reported to SG soon.

## **13. Matters arising/actions from the minutes of the last meeting**

- 13.1. All actions were discharged except for the following: 07/2/3 outstanding, 07/2/4 ongoing, 07/2/11 now to be done autumn 2008, 07/2/8 corrected to October 2008, 07/2/8a ongoing.

## **14. Any other business**

- 14.1. It was noted that the 2005 Scottish Raptor Monitoring Scheme Report had just been published and that considerable progress had been made in improving data quality and access.

## **15. Work programme review**

- 15.1. Secretariat produced a slightly different format for ongoing work planning, linked more specifically to the requirements of the 2010 review, and requested feedback on best approach for communicating planning leading up to the review process. The Group felt that until there was a clear steer on the review process that both the original work plan and a more summarised version would be helpful for continuing to focus efforts.

## **16. Dates and venues of next meetings**

- 16.1. May 2008 – Secretariat to trawl for dates in last two weeks of May; WWT offered to host (venue to be confirmed).

### **Attachments:**

Approved minutes of the 4<sup>th</sup> October 2007 meeting  
2007 Annual Report: second draft for approval  
Minutes of the November 2007 meeting of the Natura 2000 & Ramsar Steering Committee

# UK SPAR SCIENTIFIC WORKING GROUP

MEETING 2008/1, 21<sup>ST</sup> FEBRUARY 2008

## Action Point Summary

(In Chronological order and not minute order, batched by work period or future meeting)

### **Actions to be discharged prior to May 2008 meeting: (A request for papers will be sent out nearer the time)**

Action Point 08/1/3: Secretariat to revise the SPAR SWG 2007 Annual Report for approval at the May 2008 meeting.

Action Point 08/1/4: Secretariat to circulate the minutes from the November 2007 Natura 2000 & Ramsar Steering Committee meeting.

Action Point 08/1/6: RSPB to circulate its interpretation note on the ECJ judgement on Commission vs. Ireland [C-418/04] to the Group.

Action Point 08/1/9: JNCC to consult the Group on kernel analysis of non-breeding red-throated diver data from the Greater Thames.

### **Actions from this meeting to be discharged at a later date:**

Action Point 08/1/1: Chair to assist in bilateral discussions between EHS and RSPB on interpretation of the Lough Neagh diving duck research.

Action Point 08/1/2: EHS to circulate the full BTO Research Report on Lough Neagh diving ducks, and to report back to the Group on future discussions with RSPB about the scientific assessment of the changes in duck numbers.

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Action Point 08/1/8: SNH to circulate the final report from BTO on the short-eared owl pilot survey to the Group.