

Water vole

Guidance for planners & developers



working today for
nature tomorrow

Photo Liz and Tony Bomford



The water vole was once a familiar sight on waterways and ponds throughout England. Sadly, it has suffered one of the most catastrophic declines of any British mammal this century and its widespread survival is now seriously threatened.

This decline has been most rapid in the last 30 years, and a recent survey showed that the species has been lost from almost 90% of the sites where it occurred earlier this century. Many remaining populations are now severely fragmented and their survival must be in doubt.

The reasons for this decline are complex but certainly involve a combination of loss and fragmentation of bankside vegetation, altered riparian management and, perhaps critically, the introduction and spread of the mink, an effective predator of water voles.



Photo R Tidman

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Legal protection

Since April 1998 the water vole has received legal protection through its inclusion in Schedule 5 of the Wildlife & Countryside Act 1981 (as amended) in respect of section 9(4) only. This section of the Act protects the water vole's places of shelter or protection, but does not protect the voles themselves. The water vole has received this limited protection in recognition of the significant decline that this species has undergone in recent decades and also in recognition that habitat loss and destruction has played a much greater part in this decline than direct persecution.

Legal protection makes it an offence to intentionally or recklessly:

- damage, destroy or obstruct access to any structure or place which water voles use for shelter or protection;
- disturb water voles while they are using such a place.

Offences under Section 9 carry a maximum penalty of imprisonment for up to six months or a fine not exceeding Level 5 on the standard scale, or to both. In addition, the courts may order the forfeiture of any vehicle or other thing that was used to commit the offence.

Licences are available from English Nature to allow activities that would otherwise be offences:

- for scientific or educational purposes;
- for the purpose of ringing or marking;

- for conserving wild animals or introducing them to particular areas.

Similarly, the Department for Environment, Food and Rural Affairs can issue licences for the purpose of:

- preserving public health;
- preventing the spread of disease;
- preventing serious damage to any form of property or to fisheries.

There is no provision for licensing the intentional destruction of water vole burrows for development or maintenance operations. This must be covered by the appropriate defence in the Act, which permits otherwise illegal activities if they are the incidental result of a lawful operation and could not reasonably be avoided.

The law in practice

It is clearly not the intention of the law to prevent all development or maintenance works in areas used by water voles. However, legal protection does require that due attention is paid to the presence of water voles and appropriate actions are taken to safeguard the places they use for shelter or protection.

If it can be demonstrated that any action which would otherwise have been an offence was the 'incidental result of a lawful operation and could not reasonably have been avoided', this constitutes a defence against prosecution under the Act. This defence thus provides for the carrying out of works that intentionally but



Photo Aquila Photographics

unavoidably damage, destroy or obstruct water vole burrows, but implicitly requires that reasonable steps must be taken to avoid any unnecessary damage. Only a court can decide what is 'reasonable' in any set of circumstances, but, clearly, agreement between the appropriate conservation agencies (English Nature and the Environment Agency), planners and developers would be important. There is, therefore, an obligation on those who maintain waterways to ensure that appropriate systems are in place to minimise damage and that all reasonable ways of avoiding that damage are used.

Developers, or other riparian owners, who wish to maintain, build on or alter areas used by water voles must also ensure that unnecessary damage is avoided and all reasonable steps are taken to minimise damage to water vole burrows. This can best be achieved by undertaking a water vole survey prior to planning any work and ensuring that appropriate mitigation measures are included in the proposals.

Water voles themselves are not protected and so no licence is required to trap them, unless this involves interference with their burrows.

This is only a general guide to the main provisions of the law, not a definitive interpretation.

The Wildlife & Countryside Act 1981 and the Countryside and Rights of Way Act 2000 should be consulted for further details.

Water voles and planning

As a protected species, the water vole is covered by the requirements of the Department for Environment, Food and Rural Affairs Planning Policy Guidance on Nature Conservation (PPG9). This states that the presence of protected species is a material consideration when determining a planning application and suggests that planning authorities should consider attaching appropriate planning conditions or entering into planning obligations to secure the protection of the species. Planning authorities should, therefore, take appropriate steps

to check for the presence of protected species and ensure that water vole habitats are protected through the planning process. To assist with this, planning departments may wish to include a protected species policy in their development plan, if one does not already exist, and consider ways in which information about the distribution of protected species can be acquired and maintained.

An ecological appraisal, which in some cases may be required as part of a statutory Environmental Impact Assessment, is recommended for all cases where protected species may be affected. This provides an appropriate mechanism for the gathering of data about the presence of water voles and the development of appropriate mitigation. In general, such an appraisal would need to include:

- a description of the development;
- an ecological survey, particularly of protected species;



Photo G K Brown



Photo Hugh Clark

- an assessment of the likely significant effects of the development on fauna and flora;
- a proposal to avoid, reduce or remedy the impacts of adverse effects.

In the case of developments involving riparian or other waterside habitats, planning authorities should require applicants to check for the presence of water voles by a combination of field survey and consultation with local records centres or other holders of environmental data, and ensure that appropriate mitigation is included in the ecological assessment. Field survey methods and suggestions for mitigation methods are described in the *Water vole conservation handbook* (see *Further reading*).

Site survey - a brief guide

As water voles are rarely seen, surveys should be based on the presence of characteristic signs. Site-specific searches, by an appropriately experienced surveyor, should involve a close examination of all waterway and pond banks up to two metres from the water's edge. The presence of signs should be recorded on a detailed map. Although they do not hibernate, water voles are not

very active above ground during the winter, so surveys are best carried out between March and October.

The following signs should be sought:

- **Faeces** - these are 8 - 12mm long and 4 - 5 mm wide, cylindrical with blunt ends. The colour is variable, though often green, and they are generally odourless or have a faint musky smell.
- **Latrines** - the majority of droppings are deposited at latrine sites, used to mark range boundaries or favoured spots close to burrows. Latrines are typically maintained between February and November and often consist of a flattened mass of old droppings topped with fresh ones.
- **Feeding stations** - water voles often bring pieces of cut vegetation to favoured feeding stations close to the water's edge and leave remains in neat piles.
- **Burrows** - many burrows can be found in river banks, but those constructed by water voles are typically wider than they are high, with a diameter of 4 - 8cm. Around these holes, well-grazed 'lawns' can often be found, where the water voles have chewed the vegetation short.

- **Footprints** - these are easily confused with rat footprints; consult a good field guide for illustrations.

Many of these signs may be obliterated by heavy rain or high water levels, so negative surveys carried out in these circumstances should be treated with caution.

Water voles and development

Conservation advice from Environment Agency staff should be sought before any riverbank or channel management work is carried out.

Where development may affect water voles or their habitats, consideration should be given to the following courses of action:

Planning the development to avoid water vole habitats

This is the preferred course of action. As water voles confine the great majority of their activities to within a few metres of water it may be possible to leave undeveloped areas around ponds or wildlife corridors along ditches or streams. These corridors have an additional important function of linking together vole populations and are recognised as a useful contribution to nature conservation.

Exclusion from development areas

Some recent experimental work suggests that the careful removal or surface vegetation from small areas to be developed (eg, road or pipeline crossings) can cause water voles to move to nearby alternative areas.



During the growing season, green shoots should be removed at frequent intervals to discourage the voles from returning.

Trapping, removal and release

Although it is not illegal to kill water voles, responsible developers will wish to minimise the harm to wildlife. If there is no reasonable prospect of creating alternative water vole habitats on, or near, the site, consideration should be given to catching and removing as many voles as possible.

These can then be released at an appropriate site, if one can be located. Professional advice should be sought and close liaison maintained with, for example, the local Wildlife Trust.

Habitat enhancement

Development can sometimes provide opportunities for habitat

enhancement by restoring degraded habitats and encouraging the return of a greater range of wildlife.

For water voles, the restoration of vegetated bankside corridors to link fragmented populations could help to reverse local population declines or improve the viability of small populations. An ecological appraisal should identify such opportunities for positive works.

Further reading

Strachan, R. (1997) *Water voles*. Whittet Books, London, 96pp. ISBN 1 873580 33 9

Strachan, R. (1998) *Water vole conservation handbook*. English Nature, The Environment Agency and the Wildlife Conservation Research Unit, Oxford, 76pp. ISBN 0 9529371 1 5

Further advice

Work or proposals affecting riverbanks:

The Environment Agency
Regional Office
(see phone directory)

Works or proposals affecting canal banks:

British Waterways
Environmental and Scientific Services
Llanthony Warehouse
Gloucester Dock, Gloucester
GL1 2BJ

Licensing and conservation advice:

English Nature
Local Offices (see phone directory)
or
Northminster House
Peterborough, PE1 1UA
Tel: 01733 455000
Fax: 01733 568834

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