PROTECTED SPECIES ADVICE FOR DEVELOPERS

WATER VOLE

Legal protection

Water voles are protected by the Wildlife and Countryside Act 1981 (as amended). This protection is currently restricted to a water vole's place of shelter. It is an offence to intentionally or recklessly:

- damage, destroy or obstruct access to a water vole burrow;
- disturb a water vole while it is using its burrow.

This means that if water voles could be affected in these ways by your development, and you take no action to prevent it, you run the risk of committing an offence.

Where impacts that would result in an offence cannot be avoided, a species licence can be issued in some cases to allow the works to proceed. Licences will only be issued if certain tests are met (see licensing section below). **It is important that any licensing issues are considered as part of your planning application**. This is to avoid a situation where planning permission is secured but the lack of a species licence prevents the development from proceeding.

When a development might affect water voles

Water voles have a widespread but patchy distribution in Scotland, though absent from most islands. For an up to date map of water vole distribution see the National Biodiversity Network Gateway (NBN). To more accurately reflect the current distribution use the interactive data selection facility to select records from 2000 onwards. Any records prior to 2000 are likely to be unreliable, due to the massive decline in the water vole population, particularly during the latter part of the century. The NBN map indicates the broad pattern of distribution across Scotland but cannot provide detailed information for individual development sites. Local Record Centres may have additional information that can help determine if water voles are likely to be present on your development site.

Lowland habitat that may support water voles includes small slow-flowing or static burns, backwaters, canals, ditches and overgrown field drains. This can sometimes be in intensive farmland and urban areas. Suitable watercourses are usually less than 3m wide and 1m deep, without any extreme fluctuations in water level, and have well vegetated banks with steep or stepped profiles where water voles can make burrows above the water table. In upland locations, water voles can be found in narrow moorland burns on flat or gently sloping ground with thick deposits of peat. Typical sites are near the headwaters of a river system, or in the upper reaches of glaciated valleys where small burns meander across a marshy floodplain with rushes and sedges.

If your development works are within 10m of suitable habitat within the water vole's range, you will need to carry out a water vole survey. Note that care needs to be taken in parts of Glasgow not to overlook water vole colonies that can occur in rough (but managed), urban grasslands without any open water. Especially as these are the sort of sites that have been zoned for new housing or other development (see Glasgow's water voles).

Carrying out a survey

When

Water vole surveys should be carried out between between April and October, when the animals are most active above ground; or from May to September in upland locations. The ideal period to undertake a survey is June to August. Avoid periods following high water when droppings and other signs may have been washed away.

How

Surveys should be undertaken by an experienced surveyor and include a search for signs of water voles up to 2m from the water's edge along all watercourses or pond banks that might be affected by your proposal. Water vole signs include burrows, runs, tracks, feeding stations, droppings and latrines. The distance upstream and downstream from the development site that should be surveyed requires some judgement, and will depend on the size and nature of the development. For small developments, this can be 50m upstream and downstream of the site. For larger schemes affecting several 100 metres of riparian habitat, and where the development may lead to significant fluctuations in water levels, it would be appropriate to extend surveys to 500m upstream and downstream of the site.

Further details of water vole survey methods are provided in The Water Vole Mitigation Handbook (The Mammal Society 2016); and specifically with respect to hydro schemes (but relevant to other upland development) in Annex C of Guidance for applicants on supporting information requirements for hydropower applications (SEPA 2014).

Your survey report should include:

- details of any information gathered from the NBN, Local Record Centres or other sources;
- names and experience of surveyors;
- details of survey methods, including survey area, date, time and weather conditions;
- descriptions of the habitat surveyed and any limitations to the survey, such as access;
- map showing the location of any water vole signs and burrows in context to the development.

Preparing a protection plan

If your survey finds water voles that could be affected by your proposal, you will need to prepare a species protection plan.

Your protection plan should include:

- details of how the proposed development is likely to affect water voles and their habitat;
- mitigation measures that will be employed to avoid or minimise impacts on water voles;
- summary of any residual impacts once mitigation measures have been taken into account.

Typical mitigation measures:

- avoiding water vole habitat and maintaining habitat corridors linking populations;
- maintaining any access to high ground in flood-prone areas;
- over-sized or box shaped culverts to assist passage of water voles;
- marking a 10m exclusion zone around water vole habitat. **Where a 10m exclusion zone is not possible around active water vole burrows, works will require a licence from SNH** (see licensing section below);
- removing surface vegetation to displace water voles from areas affected (so long as there is suitable alternative and connected habitat nearby). Most likely to be successful during March or early April. **This will require a licence from SNH** (see licensing section below);
- translocating water voles to another suitable area. It can be a significant operation and should only be considered where there are no other practical solutions;
- creation of water vole habitat to replace any habitat loss or enhance existing habitat, including linkages between habitat. Where appropriate, new habitat can be created as part of a Sustainable Urban Drainage System.

Further details regarding mitigation measures are provided in The Water Vole Mitigation Handbook (The Mammal Society 2016).

Annotated maps and photographs are a useful way of showing the location of the mitigation measures proposed, and how they relate to survey information and construction work.

Licensing development works affecting water voles

If your development cannot avoid an offence with respect to water voles, a licence will be required from SNH to allow work to proceed. Such a licence can only be issued for development purposes if:

a) the development will give rise to significant social, economic or environmental benefit, and;

b) there is no other satisfactory solution.

There is a presumption against licensing disturbance or damage/destruction of burrows while they contain dependent young.

For further information on protected species licensing see the following SNH guidance notes:
Protected Species Licensing: Legislation, Appropriate Authorities and Licensing Purposes;
Protected Species Licensing: Licences for 'social, economic or environmental purposes'.