

Executive Summary

The water vole (*Arvicola amphibius*) is one of Britain's fastest declining wild mammals. It is listed as a species of principal importance for the conservation of biodiversity in England, Scotland and Wales, and is protected under wildlife conservation legislation in the UK. Water voles are therefore a material consideration when planning applications are determined.

This publication aims to promote best practice amongst ecological consultants in undertaking surveys, and in designing and implementing mitigation measures for water voles. It is also intended to guide and inform decision makers to ensure that the survey information provided, and mitigation measures proposed, are appropriate. A flowchart is provided in Appendix 7 to assist those reviewing planning applications. The guidance set out in this document should be considered to be 'interim' guidance. It will be revised as required to take account of relevant new evidence.

The guidance in this document relates to development projects and other construction activities, including those requiring other environmental permits, such as flood defence consent. It is not intended to be used in relation to routine management or maintenance of watercourses for flood risk management purposes, in order to preserve public health and safety, or for conservation management. These activities may be subject to different licensing requirements and relevant advice is provided in the *Water Vole Conservation Handbook* (Strachan *et al.*, 2011).

There has been a recent review of the interpretation of the legislation relating to water voles by the relevant Statutory Nature Conservation Organisations (SNCOs). This has included clarification of what constitutes an offence, and what defences could apply. Information on the legal protection afforded to water voles and relevant aspects of planning policy are included within this document. The guidance set out in this document therefore supersedes the *Water Vole Conservation Handbook* in all aspects relating to development (i.e. those relating to legislation, survey and impact assessment and mitigation in the context of development). A summary of the key recommendations, and any significant differences from previously published guidance, are provided below:

1) Licensing in relation to the 'displacement' of water voles

In England and Wales, activities aimed at displacing water voles in the context of a development project have previously been routinely undertaken without a licence, with reliance on the 'incidental result' defence. It is now considered that such activities are not covered by the 'incidental result' defence, and therefore require a licence. In England, certain displacement operations can be carried out under a Class Licence by a registered person; other displacement operations require a site-specific licence. In Wales, site-specific licences are required for all displacement operations. In both England and Wales, the

projects must deliver a net benefit for water voles because the licence will be issued for the purpose of conservation. Scottish Natural Heritage considers displacement a licensable activity and issues licences under the Wildlife and Countryside Act (as amended by the Wildlife and Natural Environment (Scotland) Act 2011) 'for any other social, economic or environmental purpose', provided certain conditions are met. Note that these conditions do not include providing a net benefit to water voles, in contrast to the requirements in England and Wales. See Sections 2.1 and 2.2 for further details.

2) Recommended approach to relocating water voles – when to use trapping and when to use displacement

There is a lack of evidence on which to judge the efficacy of displacement (see Box 3), and further research is urgently needed. In the interim, displacement may be considered a potentially useful technique, particularly for small-scale works, where trapping would be disproportionately expensive and could impact on animals outside the working area due to individuals moving into vacant territories. See Section 4.6 for full details.

In summary displacement is recommended under the following circumstances:

- i) Where there is a working area with a maximum length of 50m (for watercourses this equates to 50m on each bank), although a shorter maximum length will be appropriate in situations where water voles are at high density; *and*
- ii) Works are conducted between 15th February and 15th April inclusive (although some seasonal variation is accepted depending on weather and geographical location – see 4.6.23 and Appendix 1 for further details); *and*
- iii) Where there is sufficient available alternative habitat for water voles to move into.

In England, such displacement can be conducted under a Class Licence by a registered person; the displacement of water voles in other circumstances would always require a site-specific licence. In Scotland and Wales, a site-specific licence would be required.

3) Appropriate timing for trapping and relocation operations

Ideally, water voles should be trapped during early spring (between 1st March and 15th April inclusive). In southern England during mild weather, trapping can begin as early as mid-February. Water voles can also be trapped during autumn (between 15th September and 30th November inclusive), but this should only be considered as a last resort since water voles trapped during the autumn period may require over-