

Water voles in the North Pennines

Ditch maintenance, the law and best practice

Keeping ditches from silting up and restoring open water are good ways of providing suitable habitat for water voles. This leaflet provides guidance to land managers to help you clear ditches without damaging water vole habitat and without breaking the law.

There are 4 main principles which apply to ditch clearance operations in relation to water vole habitat (more details inside):

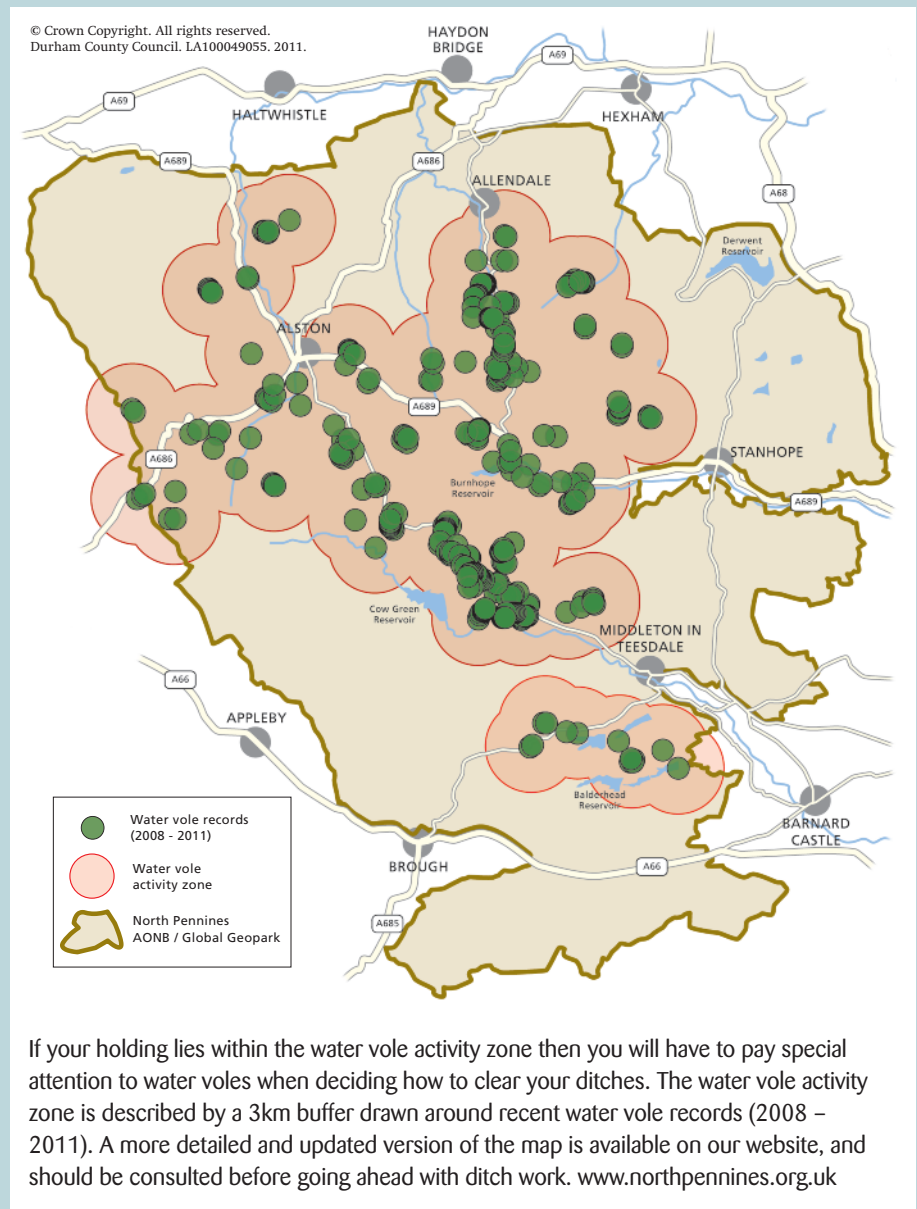
- Only work from one side of the ditch and only disturb one side
- Only work on short stretches of ditch in any one year
- Keep ditches narrow, deep and steep-sided
- Clear ditches in early spring and autumn
- If water voles are present, extreme caution needs to be taken to avoid breaking the law. Additional precautions will need to be taken (see detailed guidance inside).



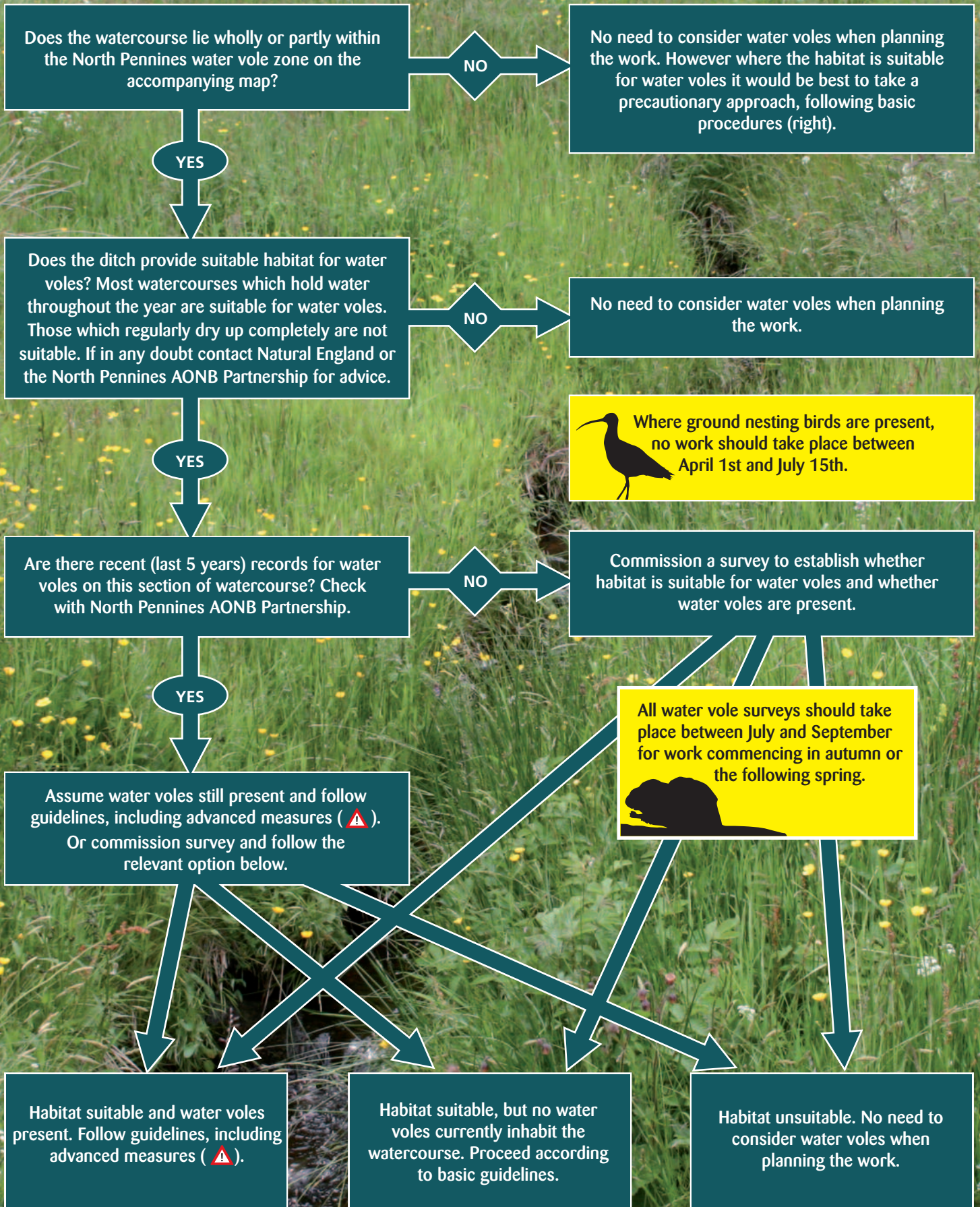
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Water voles in the North Pennines

Water voles are the fastest declining mammal in the UK. Recent survey work in the North Pennines has demonstrated that water voles are still numerous in the headwaters of all our river catchments, although often sparse or absent further downstream. The North Pennines headwaters are, therefore, an important place for water voles in a UK context, and parts of the North Pennines are designated as a National Key Site for water voles.



Use this flow chart to decide which parts of the guidance you need to follow.



Land in HLS agreements or on SSSI
If your holding is in an HLS agreement which includes consents for ditch maintenance you will still need to follow this guidance to avoid breaking the law. If the watercourse is on a SSSI you will also need to obtain SSSI consent for any maintenance work, unless this is implied in your HLS agreement. If in doubt please contact your Natural England advisor. www.naturalengland.org.uk

Guidance on method

Basic procedure

Extent of works and rotation

- Ditch clearance should only ever be partial with no more than 20–30% of the ditch cleared in one year. A long rotation of 5–10 years across the holding as a whole would be ideal
- Work in short stretches only. A maximum length of 100m is suggested with a minimum of 100m untouched before the next clearance section
- Work in an upstream direction to avoid silting of downstream sections
- Work from one side of the watercourse only in any one management year and not too frequently. Ditches should not need maintenance more frequently than every 5 years.

Timing and conditions

- Work should take place in dry conditions to avoid unnecessary compaction of the ground and of water vole burrows
- As a guide, work should take place:
 - between mid March and the end of April
 - between mid September and the end of October
- These timings avoid:
 - the cold winter period when water voles are less active, weakened and reliant on stored food
 - the main breeding season when pregnant females and young may occupy burrows
- Where ground nesting birds may be present no work should take place after April 1st. On these sites it may be best to undertake the work in the autumn
- Work should be avoided during any particularly cold periods in autumn with ground frost, when water voles may be more sluggish.



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Advanced measures, to be followed where water voles are present

- A** Remove vegetation from bankside to be cleared. Remove an approximately 3m-wide strip of vegetation from one side of the ditch approximately 1 week before the clearance operation. Vegetation on the opposite bank should remain dense, and suitable as cover for water voles.

You should reduce vegetation cover virtually to bare ground (using a tractor-mounted flail). This will encourage animals to move to the opposite bank which should remain undisturbed during the operation.

- B** Subsequent ditch excavation should take place from the side where the vegetation has been removed and not disturb the vegetated opposite bank.



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Excavate channel

- For wider ditches try to confine de-silting operations to the central areas of the ditch, enabling banks and a good fringe of marginal vegetation to be left untouched
- In narrower ditches this will be impossible, but one bank should be left entirely undisturbed
- In all cases the following guidelines must be adhered to:
 - Use machinery that is appropriate to the size of the task and carry out works from one bank only to minimise damage
 - Leave the opposite bank entirely untouched
 - Ensure that spoil is deposited in an area of low wildlife interest and that it will not block water vole burrow entrances, which may be located several metres from the water's edge
 - If you find you have disturbed or killed water voles as part of the maintenance work, stop work immediately and seek advice from Natural England.

Ideal ditch profile

- The ideal ditch profile for water voles is deep and narrow with steep or stepped sides (where wading birds are also present some lengths of ditch with shallow sloping sides may also be desirable)
- Where water levels are periodically low, a slow flowing ditch can be improved with sluices or a stepped gradient to create pools at low flow. **C**



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References

Water Voles in the uplands – managing ditches and stone-lined channels – a guide to good practice (2004). Derbyshire Wildlife Trust and National Trust

Water Voles – The Law in Practice (2008). Natural England

The North Pennines is one of England's most special places – a peaceful, unspoilt landscape with a rich history and vibrant natural beauty. In recognition of this it is designated as an Area of Outstanding Natural Beauty (AONB). The area is also a Global Geopark – an accolade endorsed by UNESCO.

Water voles and the law

Water voles have been fully protected under section 9 of the Wildlife & Countryside Act since April 2008.

This means that it is an offence to:

- intentionally kill, injure or take (capture) a water vole
- possess or control a live or dead water vole, or any part of a water vole
- intentionally or recklessly damage, destroy or obstruct access to any structure or place which water voles use for shelter or protection or disturb water voles while they are using such a place
- sell, offer for sale or advertise for live or dead water voles.

Amongst other things this legislation has implications for those undertaking ditch maintenance works. The following is taken from statutory guidance.

It is clearly not the intention of the law to prevent all development, management 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 avoid committing offences.

If it can be demonstrated that any action that 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 incidentally commit offences, such as damaging water vole burrows, but requires that reasonable steps are 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 (Natural England 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 impacts on water voles or their burrows. This can best be achieved by undertaking a water vole survey at an appropriate time prior to planning any work and ensuring that appropriate avoidance or mitigation measures are included in the proposals.

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. It is not possible to guarantee that offences will be avoided, but following these guidelines should reduce the chances of offences being pursued by the police or Crown Prosecution Service.

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