



## Dormice

### Ecology

The Dormouse is a small mammal native to Britain, and occurs mainly in southern counties, especially in Devon, Somerset, Sussex and Kent. There are few recorded localities north of the Midlands, though they are present in parts of the Lake District and scattered in Welsh localities.

Dormice have a distinctive orange/yellow coat, a thick bushy tail and large eyes. They weigh 10-15g as juveniles, 15-26g as adults and up to 43g before hibernation. They are specialist feeders, feeding on energy rich foods such as nectar, pollen, fruits, insects and nuts. The Dormouse is a strictly nocturnal species, found in deciduous woodland and overgrown hedgerows. It spends most of its time climbing among tree branches in search of food, and rarely comes to the ground. Dormice are very sensitive to bad weather, both directly and indirectly through the effects on their principle foods.

Dormice are able to lower their body temperature and become torpid, so saving energy, if food is short or weather prevents them foraging. They hibernate from October until April or May in nests at ground level. Dormice live at low population densities – about 3-5 per hectare (one tenth as abundant as Bank Voles and Wood Mice in the same habitats). They can raise one or occasionally two litters a year, each usually of about four young. The new-born Dormice remain with their mother for 6-8 weeks before becoming independent. The breeding season and success depends very much on the weather. Dormice live up to five years in the wild, much longer than other comparable small mammals.

### Habitat

Their principal requirement is for a diverse habitat featuring several different trees and shrubs to provide food throughout the summer. The best habitats are ancient semi-natural woodland that is lightly managed. Less intensively cut hedgerows also provide good habitat, particularly those with a variety of woody shrub species. The species prefers woodland edge, overgrown clearings and areas where there is a high

diversity of trees and shrubs, particularly ones producing berries or nuts. They can also occur in plantation woodland and native scrub habitats.

During the day Dormice sleep in a nest, often in a hollow tree branch or a deserted bird nest or nestbox. The availability of tree holes for nesting is probably one of the factors that limits Dormouse numbers. The home range of a Dormouse is quite small, typically only 3000 square meters. As Dormice live at low population densities, single small woods will not contain viable populations.

### Conservation Status

Dormice have a vulnerable conservation status and for this reason the Dormouse is a UK Biodiversity Action Plan Priority species. Dormice have been lost from over half their geographical range in the last 100 years. Loss and fragmentation of ancient woodlands, climatic difficulties and suspension of small scale, long-term (15-20 years) coppice rotations are all probably connected with this. They may easily become locally extinct and, once lost from isolated woods, are unlikely to return, especially if it means dispersing over open ground.

### Legislation

Dormice are listed under Schedule 2 of the Conservation of Habitats and Species Regulations 2010 (Conservation Regulations) and as such receive protection under Regulation 41 of these Regulations, which, among other things, makes it an offence to:

- Deliberately capture or kill a Dormouse;
- Deliberately disturb a Dormouse;
- Damage or destroy a breeding site or resting place of a Dormouse.

Under the Conservation Regulations, disturbance of Dormice includes in particular any disturbance which is likely to:



- Impair their ability to survive, breed or reproduce, or to rear or nurture their young or to hibernate or migrate;
- Significantly affect the local distribution or abundance of the species in question.

In the case of *Vivienne Morge vs. Hampshire County Council* (2010), the Supreme Court has defined deliberate disturbance as ‘an intentional act knowing that it will or may have a particular consequence, namely disturbance of the relevant protected species.’

Since 2007 it is no longer a valid defence to show that the killing, capture or disturbance of a species covered by the Conservation Regulations or the destruction or damage of their breeding sites or resting places was the incidental and unavoidable result of an otherwise lawful activity.

Dormice are also listed under Schedule 5 of The Wildlife and Countryside Act 1981 and therefore receive protection under Section 9 of this Act (as amended by the Countryside and Rights of Way Act 2000). Among other things, this legislation makes it a criminal offence to:

- Intentionally kill, injure or take a Dormouse;
- Intentionally or recklessly damage, destroy or obstruct access to any place that a Dormouse uses for shelter or protection;
- Intentionally or recklessly disturb any Dormouse whilst it is occupying a structure or place that it uses for shelter or protection.

## Licence Application

- The development is for reasons of overriding public interest;
- There is no satisfactory alternative; and
- The favourable conservation status of the species concerned will be maintained and/or enhanced.

## Planning Policy

Guidance on the consideration that local planning authorities should give to nature conservation interests is contained in Planning Policy Statement 9. Planning authorities may refuse planning permission on grounds of the predicted impact on protected species like Dormice. Areas known to be of significance for Dormice may be excluded from development by appropriate allocation in Local Plans. Designations of various kinds, both statutory and non-statutory, may further protect individual sites.

Although the presence of Dormice does not always preclude a land parcel from development, planning and licensing controls may limit the extent of disturbance, the timing of activities, and may well stipulate compensatory measures. Planning conditions and legally binding arrangements such as Section 106 agreements (Town and Country Planning Act 1990) are often used to this end.

Under Regulation 9(5) of the Conservation Regulations, Planning Authorities also have a legal duty to ‘have regard to the requirements of the Habitats Directive in the exercise of their functions’. As demonstrated by the case of *Woolley vs. Cheshire East Borough Council and Millennium Estates Ltd* (2009), this means that they must consider the 3 Habitats Directive tests (see Licence Application section above) when determining whether Planning Permission should be granted for developments likely to cause an offence under the Conservation Regulations. As a consequence, Planning Applications for such developments must demonstrate that the 3 tests will be passed.

## Dormouse Surveys

Surveys should be undertaken to detect actual presence or demonstrate likely absence, although it is virtually impossible to prove that Dormice are absent from any area of suitable habitat. The survey process should not be eliminated solely on the grounds that the habitat is unsuitable.



The two most effective survey methods are the search for gnawed Hazel nuts and the use of nest tubes. The former is the most efficient method and gives quick results but only where Hazel is present. It is most useful over winter. Surveys must cover at least five 10m x 10m quadrats, more if squirrels have opened most of the nuts. Nest tubes are also a good method, especially where Hazel is absent. Surveys have to be timed for the period March-November and can take several months.

## Impacts

Impacts to Dormice can arise from:

- Habitat loss and fragmentation
- Increased human activity/noise
- Cat predation
- Direct modifications to sites e.g. felling of trees, scrub clearance
- Alterations to a site layout

## Mitigation

Mitigation strategies should aim to incorporate one or more of the following:

### Avoidance of impact

Altering the design layout of a scheme so as to avoid potential impacts to Dormice. This is the most preferable option.

### Minimisation of impact with on-site mitigation

Compensation by the improvement of existing nesting and feeding sites or the provision of new opportunities within the site e.g. nest boxes, management or creation of hedgerows and tree lines to link wooded areas, woodland planting, use of bridges and tunnels to link habitats broached by road or pipeline.

### Minimisation of impact with off-site compensation

This should only be considered if on-site compensation is not possible. The same principals as on-site mitigation apply .

### Persuasion

If an area of habitat supporting Dormice is to be cleared, then persuading the animals to leave by progressively clearing narrow strips of habitat is recommended. The idea being that Dormice will relocate of their own accord into adjacent undisturbed habitat.

### Clearance

The use of vegetation clearance between November and March to persuade Dormice emerging from hibernation in April or May to move to more appropriate habitat nearby. By the end of May, full clearance of the area can proceed. Summer clearance is suitable only for small areas of habitat e.g. less than 50 square metres of high quality habitat. This option includes the removal of small amounts of vegetation on successive days by hand combined with searches for nests.

### Translocation

This should only be considered as a last resort when all other measures are inappropriate. It is usually required if a large area of habitat has to be removed in a single season but requires that a suitable receptor site be found in advance. Dormice may be trapped for removal but the use of nest boxes is more appropriate. As a minimum these should be put up by early May and left in place until late October, preferably a year or more before translocation to allow Dormice to start using them. Translocation must be timed between May and October when Dormice are active.

This information was accurate, to the best of our knowledge, at the time of publication (07/06/2011). These notes are intended as guidance only. Professional advice from an ecological consultant should be sought in relation to protected species and development. Surveys, impact assessment and the design of mitigation strategies must be considered on a site-specific basis.