

## Otters

### Where can otters be found and what are the signs they are present?

The presence of otters should be considered in any scheme crossing or running adjacent to water bodies, water courses or wetlands.

Otters live along rivers and in marshes, small streams, ditches, lakes, and inland coastal waters. Their holts or dens take a variety of forms including cavities in the roots of bankside trees, piles of logs or flood debris, drains and caves. Otters also use resting sites above ground in reedbeds and dense scrub such as brambles and blackthorn.

Breeding can occur at any time of the year, but there are often more births in spring and summer.

It is difficult to observe otters as they are largely nocturnal and avoid disturbance. Establishing the presence of otters often has to be based on searching for signs such as droppings (referred to as 'spraints') and footprints. Droppings are black and tar-like when fresh and have a distinctive musky smell. Fish bones are usually clearly visible. In contrast, mink droppings tend to be twisted in appearance.

### What are the statutory requirements for protecting otters?

Under the [Wildlife and Countryside Act 1981](#) (as amended), it is an offence to:

- intentionally or recklessly kill, injure, take, possess, sell or disturb otters (whether live or dead)
- intentionally or recklessly damage, destroy or obstruct their place of shelter or protection.

Otters are also a European Protected Species and are subject to stringent safeguards under the [Habitats Regulations 1994](#). A survey should be undertaken to confirm the presence of European Protected Species where these are believed to be present or where habitat conditions make this likely. This survey should be undertaken by a suitably experienced and licensed ecologist.

If an activity is likely to result in disturbance or killing of a European Protected Species or damage to its habitat, a 'development licence' will usually be required from DEFRA. In order to obtain a licence it must be demonstrated that:

- the project is for the purpose of preserving public health or public safety or other reasons of overriding public interest, and
- there is no satisfactory alternative, and
- the action will not be detrimental to the population of the species.

Where the presence of a European Protected Species is known or likely, relevant survey information should be gathered and presented at the time of the planning application. The planning application will need to be determined, in the light of this survey information and with due consideration of the requirements of the Habitats Regulations, before DEFRA makes its decision about a development licence. If a developer is not granted a licence, this *could* mean that proceeding with the development *even with planning permission* results in illegal acts against European Protected Species or their habitat.

## **What opportunities are there for mitigation and additional wildlife gains for otters?**

If a 'development licence' is issued, mitigation to minimise or compensate for any likely impacts is usually required. This may be significant and required in advance of development commencing, and may involve:

- planting of new areas of native trees and shrubs to provide cover along rivers
- construction of temporary holts or more permanent structures.

During any work it is essential that otter holts are not disturbed – at least 50m either side of a holt should be left unmanaged or undisturbed if possible.

Road bridges crossing waterways or culverts should incorporate a dry otter underpass. This should be parallel to the riverbank, above flood level and consist of a straight length of 600mm piping with associated fencing. If built *during* the construction or repair of roads, they can be relatively inexpensive. They are needed by otters when a river is in flood and passage under the bridge is difficult.

In order to prevent otter road casualties, specialist otter fencing (using a welded mesh fence at least 1m high and buried into the ground) should often be installed where new road schemes run close to water courses or other otter habitat. This same technique may also be applied on existing roads which are known to be otter road casualty 'hot-spots'. In certain situations, where otter fencing is impractical, it may be appropriate to install reflectors along the side of roads to deter otters from crossing in the path of oncoming vehicles.

Artificial holts can be constructed from specially constructed log piles in a suitable location. Alternatively, lying-up sites can be created by planting areas of impenetrable scrub in the vicinity of watercourses. Bramble, hawthorn and blackthorn are most appropriate and should be closely spaced, planted at 0.5 to 1.0m centres.

Appropriate habitat management is important, being undertaken as follows:

- Tree and scrub cover should be maintained or restored if damaged. When scrub clearance is unavoidable, it should be undertaken as late in the year as possible and only one bank cut each year.
- Hedgerows in the vicinity of watercourses should be maintained as far as possible.
- Overhanging trees which are or might be used as holts should be pollarded or coppiced so that the root system remains intact.

## **Where should I go for further information?**

DEFRA. 2002. [European Protected Species: Guidance Note.](#)

DEFRA. October 2002. Circular 2/2002: New Guidance for Local Planning Authorities on European Protected Species and Changes in Licensing Procedures. This guidance modifies the way that planning authorities deal with European Protected Species when processing planning applications.