

Otters

The notes below give headline advice only and may not include the latest information as legislation and guidance is subject to change. Please seek professional advice.

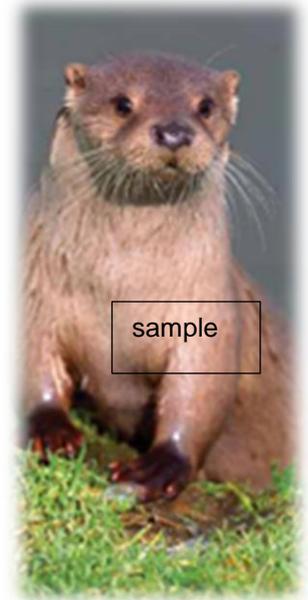
When do I need to consider otters?

Otters are protected under national and European legislation. If you are carrying out any work that could harm them (see list below) you should obtain advice from a [suitably experienced and licensed ecologist](#).

Devon is a stronghold for otters. They are found throughout the county in aquatic and marine habitats including rivers, small streams, ditches, lakes, marshes, reedbeds, estuaries and coastal waters. They are now found in urban areas.

Otters are vulnerable to disturbance. Activities that could harm them include:

- Road schemes near / crossing watercourses.
- Maintenance of water bodies and associated features e.g. bridges and culverts.
- Impacts on banks and adjacent habitats e.g. vegetation removal, tree management, increased access for people / dogs.
- Pollution to watercourses.



If you are applying for planning permission from DCC please follow the [Wildlife Planning Guidance for Applicants](#). If applying for planning permission from another LPA please follow their guidance. If you are taking forward a DCC project that doesn't need planning permission please follow the internal Environmental Review guidance.

Basic ecology

Otters use clean rivers or other watercourses e.g. small streams, ditches, ponds, lakes, canals, marshes and estuaries, with an abundant, varied supply of food and plenty of bankside vegetation.

Otters tend to live alone as they are very territorial. They are active at dusk and during the night although may come out occasionally during the day. They usually rest in **holts** (burrows) in riverbanks, which may be in a tree root system, a hole in a bank or under a pile of rocks, or in a drain or cave. They will also rest above ground in vegetation, creating flattened areas sometimes called **couches**. Otters mainly eat fish and also crustaceans, frogs, voles and aquatic birds. Otters can travel over large areas and a dog otter may cover around 18 kms of river habitat. To mark their range they deposit spraint (faeces) in prominent places.

Breeding areas are often traditional sites that otters return to year after year. In England, breeding can occur throughout the year and one to three cubs are usually born. Otters only breed once every two years as the cubs remain dependent on their mother for a year.

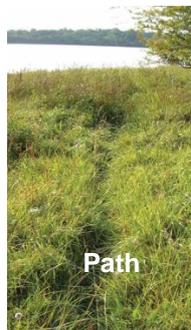
Surveys - quick overview

Surveys can be carried out throughout the year but evidence of otters is often easier to find during the spring before vegetation establishes and as water levels recede exposing wet mud where paw prints are more easily observed. Surveys should be postponed after periods of heavy rainfall and/or flooding to allow time for signs to re-appear. As otter activity is subject to seasonal variation several surveys throughout the year may be required in order to determine impacts. Survey effort should be appropriate to the scale of the development and likelihood of impacts. Further guidance can be found in the [Design Manual for Roads and Bridges](#).

Otter presence can be established by signs such as droppings ('spraints'), feeding remains, footprints and pathways, including slides. It is therefore important to use a [suitably experienced ecologist](#) who recognises otter field signs.

Otter spraints are black and tar-like when fresh and have a distinctive odour. Fish bones are usually clearly visible. In contrast, mink droppings tend to be twisted in appearance, often with hair present, and have an unpleasant acrid smell.

Otter field signs



Legislation and licensing - headlines

Species legislation

Otters and their habitats are protected under European and national legislation - the [Conservation of Habitats and Species Regulations 2010 \(as amended\)](#) and the [Wildlife and Countryside Act 1981 \(as amended\)](#). They are therefore a [European Protected Species \(EPS\)](#). **It is an offence** to:

- capture, injure, kill, or disturb an otter
- obstruct access to their resting or sheltering places
- damage or destroy a breeding site or resting place

Note that this is a simplified explanation of the legislation. If an activity is likely to result in any of the above please discuss this with your ecological consultant.

Licences

Activities likely to result in an offence will require a mitigation licence from Natural England. In order to obtain a licence three tests must be met:

1. The consented operation must be for 'preserving public health or public safety or other imperative reasons for overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment'; and
2. There must be 'no satisfactory alternative'; and
3. The action authorised 'will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range'.

Wherever possible avoidance and mitigation measures (see below) should be undertaken to avoid / reduce impacts on otters and avoid the need for a licence. If an EPS licence is required for a development which also requires planning permission the LPA will need sufficient information to consider

whether the three tests (see above) are met. If the tests are not met planning permission should not be granted. Note that the licence cannot be obtained before planning permission is granted.

Priority species

Otters are a [UK](#) and [Devon Biodiversity Action Plan](#) priority species. Public bodies (including LPAs) must have regard to their conservation in fulfilling their duty under the [Natural Environment and Rural Communities \(NERC\) Act 2006](#).

Avoidance, mitigation, compensation and enhancement measures

Example measures are given below. However these are for **illustrative purposes only** and you should follow the advice given by your ecological consultant. Further information can be found in [Natural England's Standing Advice](#) and the [Design Manual for Roads and Bridges](#).

Examples of avoidance measures:

- Place construction protection zones around otter resting places (holts and couches) especially natal holts where females raise young (a minimum of 30m for each holt or couch and 150m for each natal den).
- Place a 10m construction protection zone each side of any watercourses to protect otters from disturbance. This buffer zone should ideally be planted and managed to provide suitable habitat following construction.
- Design the scheme to ensure that watercourses will remain undisturbed and unpolluted in the long term. Implement [Sustainable urban drainage systems](#).
- Road bridges or culverts crossing waterways should incorporate a dry otter underpass which otters can use during flood conditions. Ideally, bridges should be clear-spanning so that otters can travel along the river bank. Where this is not possible a stone, concrete, galvanised metal or timber ledge should be provided (in order of preference). Where ledges are not suitable a separate pipe underpass should be provided. This should be close to and parallel to the riverbank, above flood level and consist of a straight length of 600mm piping with associated fencing to guide otters to it and prevent them from getting onto the road.

Examples of mitigation / compensation measures:

- Erect otter fencing where new road schemes run close to water courses and other otter habitats.
- Creation of otter holts or couches. Availability of otter holts in Devon is not considered to be a limiting factor for the otter population but creation of artificial holts or planting scrub to create couches may be appropriate where there is a lack of natural features, or it is required under licence if a known holt will be destroyed.



Holts should be adjacent to watercourses but must not flood. They should also be surrounded by good quality habitat, be within the otters territory, away from roads and in an undisturbed area.

Where should I go for further information?

Artificial holt

- Natural England (2012) Standing Advice and licencing - [Otters](#).
- Highways Agency (1999). [Nature Conservation Advice in Relation to Otters. Design Manual for Roads and Bridges](#) Vol. 10, Sect. 4, Part 4. HA 81/99
- [Devon Biodiversity Records Centre](#)
- [Devon Wildlife Planning Guidance](#)
- [Biodiversity Planning Toolkit](#)
- [Devon Mammals Group information on otters](#)
- Chanin P (2003). [Ecology of the European Otter](#). Conserving Natura 2000 Rivers Ecology Series No. 10. English Nature, Peterborough
- Chanin P (2003). [Monitoring the Otter *Lutra lutra*](#). Conserving Natura 2000 Rivers Monitoring Series No. 10, English Nature, Peterborough
- [Devon Biodiversity Action Plan - Otter](#)

Important note

Legislation, survey guidelines, species distribution and best practice mitigation may be subject to change and this note may not necessarily include the latest information. Please seek professional advice.

This Advice Note was produced by DCC's Ecologist with input and advice from Richard Green Ecology. If you have any comments on this Advice Note or ideas for improvement please email nature@devon.gov.uk

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