

Otter: European protected species

Otters *Lutra lutra* belong to the same family as weasels, badgers, polecats, pine marten, stoats and mink but are semi aquatic, living mainly along rivers. Following recent increases in numbers they now occur throughout England. One of the largest predators found in Britain, they have adapted to an aquatic lifestyle with webbed toes, a powerful rudder-like tail, which propels them under water, and two types of hair - stout waterproof guard hairs and a dense, fine under fur for insulation. While underwater, otters can close their ears and nostrils and use their whiskers to sense the movements of prey.

Biology and distribution

Otters mainly eat fish, though crustaceans, frogs, voles and aquatic birds may also be eaten. Being at the top of the food chain, an otter needs to eat up to 15% of its body weight in fish daily. Otters are solitary shy animals, usually active at dusk and during the night.

Otters can travel over large areas. Some are known to use 20 km or more of river habitat. Otters tend to live alone as they are very territorial. Otters deposit faeces (known as spraints) with a characteristic sweet musky odour in prominent places to mark their range which may help neighbouring animals keep in social contact with one another.

Habitat

In addition to rivers, otters also inhabit small streams, ditches, ponds, lakes, canals and marshes and can be found in coastal areas and estuaries.

Although they can come out during day-time, they usually rest in a holt, which may be in a tree root system, a hole in a bank or under a pile of rocks, but may be in a drain or cave. They will also rest above ground in vegetation, creating flattened areas sometimes called couches.

Breeding areas are often traditional sites that otters return to year after year. Man-made features such as pipes and buildings may also provide shelter and if breeding is suspected at

these sites, an extra measure of sensitivity is needed. The ideal objective is to protect the entire breeding site, ie a large area of cover that provides protection for a breeding otter. Within the breeding site, whether it is a woodland, reedbed or an extensive area of scrub, the female uses a specific natal den, but the location of the natal den can change from year to year. What is important to a female otter is that the larger breeding site is secure.



Photograph by Paul Glendall

Lifecycle

In England, breeding can occur throughout the year and one to four cubs are usually born. Otters often only breed once every two years as the cubs remain dependent on their mother for a year.

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Legislation

Otters are strictly protected by the Wildlife and Countryside Act 1981 (as amended) and by the EC Habitats Directive, (transposed into domestic law through the Conservation (Natural Habitats &c) Regulations 1994 (as amended) (the Habitats Regulations). Under the Habitats Regulations otters are classed as a European protected species and therefore given the highest level of protection.

The deliberate capturing, disturbing, injuring or killing of an otter is prohibited, as is damaging or destroying a breeding site or resting place (for example an otter holt). (Note that this is a simplified summary of the legislation; see other texts for details).

It is not the intention of the law to prevent all activity in areas used by otters. However, legal protection does require that due attention is paid to the presence of otters and that appropriate actions are taken to safeguard the places they use for shelter or protection or breeding.

Issues

Otters and farming

Farms in close proximity to watercourses or those that contain suitable water bodies are those most likely to come into contact with otters. Common farming operations can have both positive and negative effects on otters.

If an activity is likely to result in an offence (such as disturbing otters or damaging a breeding holt), there are several options to proceed lawfully:

- Avoid carrying out the activity.
- Follow good practice guidance on methods or timing.
- Obtain a licence to allow otherwise unlawful activities.

A licence application would need to demonstrate that:

- the authorised activities are for a specified purpose (most commonly over-riding public interest or conservation);
- there is no satisfactory alternative; and

- the activities would not compromise the favourable conservation status of the species. Some activities may require habitat creation to offset damage or destruction in order to meet the third test. Licensing is generally more appropriate to land-use change or development than routine farming operations.

Otters and agri-environment schemes

For agri-environment agreements (eg Environmental Stewardship), taking care before and during management operations will generally be the best approach, as simply avoiding doing the work may not be compatible with the aims of the agreement. For instance, when carrying out ditch management please take care to avoid placing spoil on an area likely to be used as a holt.

Common activities that might involve offences include:

- Bank side habitat management.
- Ploughing close to a breeding holt.
- Removal of dense vegetation using methods that involve ground disturbance.
- Removal of materials (dead wood, rubble etc) piled on the ground.
- Spoil deposition near a holt.
- Removing too much scrub from a reedbed to enhance it for other wildlife.
- Coppicing/pollarding/thinning may damage habitat used to provide cover around a holt or natal den.
- Control of rhododendrons may damage habitat used to provide cover around a holt, and could be replaced in stages with native scrub.

Environmental Stewardship options and capital items where careful timing and planning will be essential to minimise the risk of committing an offence include the following:

- Ditch management and restoration (DR, EB06, EB07).
- Restoration of woodland (HC08).
- Maintenance and restoration of successional areas and scrub (HC15, HC16).
- Maintenance of designed/engineered water bodies (HD09).

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- Maintenance, restoration and creation of wet grassland (HK9, HK10, HK11, HK12, HK13, HK14).
- Creation of fen (HQ08).

ELS and HLS can support otter conservation by maintaining suitable habitats or providing new ones. Maintain fencing to ensure stock do not trample and destroy good areas of cover. Schemes that encourage scrub or tree planting up to banks will enhance habitat suitable for otters (though the needs of other species present may need to be taken into account, eg water vole or some water beetles). Maintain a mosaic of habitats eg retain small areas of scrub habitat among reedbeds or meadows. Coppice management may regenerate dense cover at ground level but needs to be planned to take otters into account. Large mature trees on banks used as natal dens may be prone to collapse.

Further information

If you have internet access please read:

European protected species: frequently asked questions

www.naturalengland.org.uk/conservation/wildlife-management-licensing/habsregs.htm

Contact us

For questions regarding Wildlife Licensing please telephone 0845 6014523 (local rate) or email: wildlife@naturalengland.org.uk.

If you have any concerns about your agri-environment agreement and its impact on otters please contact your local Natural England adviser. If you do not know your local adviser or for any other enquiries please contact the Natural England Helpline on 0845 600 3078 or email: enquiries@naturalengland.org.uk.

Natural England Information Notes are available to download from the Natural England website: www.naturalengland.org.uk.

References

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Chanin, P. 1993. *Otters*. Whittet Books, London.

Kruuk, H. 2006. *Otters: ecology, behaviour and conservation*. Oxford University Press, USA.