

OTTER *Lutra lutra*

The Otter, its holts and resting places are protected by UK and European legislation. The greatest threats to Otters come from habitat loss, often associated with watercourse development, road mortality and water pollution, and disturbance.

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Otter © David Hickson

Legal and Conservation Status

- Annex IV of Habitats Directive (European Protected Species)
- Annex II Habitats Directive (protection through Special Areas of Conservation)
- UK Protected Species
- UK Biodiversity Action Plan Priority Species and Species of Principal Importance in England
- Cumbria Biodiversity Action Plan species (from 2010)

The Otter is protected under:

- Regulation 39 of the Conservation (Natural Habitats &c) Regulations 1994 (as amended) (Schedule 2) as European Protected Species¹.
- Section 9 of the Wildlife and Countryside Act 1981 (as amended) (Schedule 5)².

It is an offence to:

- Intentionally² or deliberately¹ capture, injure or kill an Otter.
- Damage or destroy a breeding or resting place of an Otter¹, or intentionally or recklessly damage or destroy any structure or place used for shelter or protection².
- Intentionally or recklessly disturb an Otter in a place used for shelter or protection², or deliberately disturb Otters in such a way as to be likely significantly to affect (i) the ability of any significant group of Otters to survive, breed, rear or nurture their young, or (ii) the local distribution or abundance¹.
- Intentionally or recklessly obstruct access to a place used for shelter or protection².
- Possess an Otter (alive or dead), or any part of an Otter².

(This summarizes the main points of the law.)

Habitat

Otters may use any body of freshwater, including lakes, streams, rivers, ponds and ditches, as long as there is good supply of food and cover. Otters may also live along the coast and estuaries, in salt water, but require regular access to freshwater to waterproof their fur. They require a range of habitat features within their home range which can be as much as 30 km of river.

Otters are mobile creatures with large home ranges containing a variety of habitats. Within an otter's home range it will have a number of resting sites (holts, lying up sites) which can be in tree roots, patches of scrub, reedbeds and sometimes man-made structures.

Cumbria Key Habitats that are particularly important for Otters include:

| | |
|---|------------------------|
| Rivers | Fen, Marsh and Swamp |
| Semi-natural Woodland, in particular wet woodland | Lakes, Ponds and Tarns |

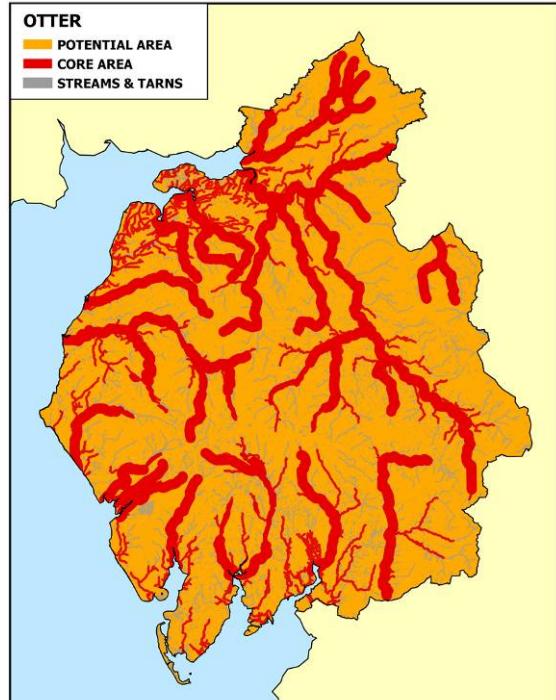
Ecology

In Cumbria Otters are widely distributed on our rivers and lakes where they are largely nocturnal and seldom seen. Otters feed on a variety of fish, especially eels, but their diet can also include birds, insects, frogs, crustaceans, such as crayfish, and sometimes small mammals.

Breeding can take place at any time of year and the cubs will stay with the mother for about a year before dispersing to find new territories.

Distribution

In the 1960s and 70s the Cumbrian Otter population was very low and the species was absent from large parts of the county. Since the 1980s the population has recovered and all of Cumbria's rivers have been re-colonised from remnant populations and adjacent Otter populations to the north.



Conservation Issues

Habitat loss along the main rivers, their side tributaries and within the catchment can affect lying up and breeding sites, including hollows in large riverside tree roots, scrub patches, reedbeds and floodplain wetlands. Poor water quality or pollution will impact upon prey, or act directly upon otters, e.g. PCBs. Increased access to river and stream-sides is likely to lead to disturbance, especially by dogs. Otters are occasionally killed on our roads or drowned in eel traps.

Planning Considerations

- Part IV of ODPM Circular 06/2005: Biodiversity and Geological Conservation sets out the wide range of legislative provisions for conservation of species protected by national and international law. It emphasizes the need for ecological surveys to establish the presence of protected species and for protection measures to be in place through conditions and/or planning obligations before planning permission is granted. It also advises that local authorities should consult Natural England before the planning decision is made.
- Otters are widespread and may be affected by any development that impacts on a watercourse or on habitat adjacent to a watercourse.
- Any proposed development that may affect Otters or their holts should trigger a survey and assessment of potential impacts.
- Any development that would disturb Otters, impact upon their breeding and resting places and/or significant habitat would require adequate protection and mitigation measures, and the developer would require a European Protected Species Development Licence, under the Habitats Regulations 1994, to proceed.
- Otter holts and couches are covered by the legislation whether or not an Otter is present. 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.
- A range of developments can affect otters and otter habitat: these include built developments adjacent to rivers, tributary streams and ditches, riverside lighting, river bank modification, road construction, bridge works over waterways or culverting, flood alleviation works and new fishing lakes/ponds.
- In addition to direct impacts through disturbance, or habitat change, developments may impact on water quality, through pollution or siltation, any degradation of which would be detrimental to otters.

Enhancement Opportunities

- Enhancement to riverbank vegetation, by fencing off to allow regeneration of riverbank habitat.
- Creation of lying up and breeding sites (holts).
- Provision/enhancement of buffer strips between developments and watercourses.

Further Information

[Natural England Wildlife Management & Licensing Service](#)

[European Protected Species: Mitigation Licensing - How to get a licence](#), Natural England 2009

[Otter: European Protected Species, Natural England Species Information Note SIN006](#)

[Special Area of Conservation \(SAC\) Species Account](#), JNCC

[Disturbance and protected species: understanding and applying the law in England and Wales](#)

[Otter predation](#), Environment Agency

[UK Biodiversity Action Plan](#)

Contacts

- **Environment Agency**, Biodiversity Team , Northern Area Office, Gillan Way, Penrith 40 Business Park, Penrith, Cumbria, CA11 9BP, Tel: 08708 506506
- **Natural England**, Juniper House, Murley Moss, Oxenholme Rd, Kendal, Cumbria, LA9 7RL, Tel: 0300 060 2122, cumbriaplanning@naturalengland.org.uk
- **Cumbria Wildlife Trust**, Plumgarths, Crook Road, Kendal, Cumbria, LA8 8LX, Tel: 01539 816300

Current Action in Cumbria

- A National Survey has been carried out by the Environment Agency as the lead partner. The last National Survey occurred in 2008. Parts of Cumbria were not included within this survey as only alternate 50km grid squares are included.
- The Environment Agency locally carries out a rolling three year survey of all the catchments in Cumbria.
- Highways Agency are installing otter mitigation measures on all new road schemes in Cumbria and retro-fitting otter ledges at identified sites.