Good Practice Guide: protecting Eurasian Otters during woodland management and forestry operations

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If you are relying on following good practice to keep within the law, then you:

- **must** take preventative measures to protect Eurasian Otters
- **should** follow as many of the Top 5 actions to improve habitat for Eurasian Otters as you can.

Introduction

The Eurasian Otter (or European Otter) is a semi-aquatic mammal and a key indicator of freshwater ecosystem health. In Wales, the species has undergone a dramatic recovery following near extinction in the 1970s, when pollution, habitat loss, and persecution severely reduced populations. Legal protection and the banning of harmful organochlorine pesticides were instrumental in reversing this decline.

Otters are now widely distributed across Wales and can be expected to be present in all river catchments. They readily utilise rivers, streams, lakes, canals, wetlands, and ponds along with coastal estuaries and rocky shorelines, especially where freshwater is available for grooming. Where woodland is connected to such habitats Otters will readily occupy them, taking advantage of sheltered, undisturbed resting places and breeding sites within them. Holts (below ground resting places) can be within tree root systems, under root plates, bankside tunnels and chambers within boulder and log piles. They may also use couches (above ground resting places) which can be within vegetation cover such as willow scrub, rhododendron or bramble thickets, reedbeds and wetlands.

Otters will use holts to breed in if they are of sufficient size and quality. A breeding site will contain at least one such holt, known as a natal den, where young are born and reared located within a larger area of undisturbed habitat (at least 0.5ha) where the cubs can develop required skills necessary to reach independence. Breeding sites typically contain dense cover such as scrub thickets, weedy young plantations, old timber stacks and log piles, groups of windblown trees, large bank-side root systems, hollow trunks or stands of tussocky, tall, fen vegetation.

Otters are opportunistic predators, favouring large, nutrient rich prey species such as eels and salmonids, but also consuming amphibians and crustaceans. They rely on freshwater

habitats for foraging and cleaning their fur, even when occupying coastal environments. Wales's diverse aquatic habitats provide a rich food supply, supporting the species' continued presence.

Despite their recovery, ongoing monitoring is essential to track population trends and address emerging threats such as water pollution, habitat fragmentation, and road mortality.

How are Eurasian Otters protected?

Eurasian Otters are European Protected Species (EPS) under the Habitats Regulations and the Wildlife and Countryside Act. This means you must avoid impacting them in a way that would be an offence, such as deliberately killing or injuring them, or deliberately or recklessly disturbing them, particularly to the extent that impairs their ability to survive, breed, or significantly impacts the local population.

Damaging or destroying the breeding sites and resting places of otters could be an offence even if you do not do it deliberately.

Otters may be found on most watercourses in Wales, they are a wide-ranging species, but they are not common. Otters are predominantly nocturnal in nature, so it can be difficult to spot them and their breeding sites and resting places. The measures in this guide recognise this and set out what we consider to be proportionate steps to ensure that otters are not harmed during woodland management operations.

Otters are unlikely to tolerate prolonged disturbance. However, in most cases, disturbance from woodland management activities like harvesting will be relatively infrequent and short lived, with woodlands otherwise providing long-term suitable and relatively undisturbed habitat. Whilst otters are highly mobile and likely to move away from threats, they may not be able to do this whilst they have dependent young in a natal den. As with most species, avoiding harm during this critical stage in their lifecycle is vital and a critical element of working within the law.

If you cannot avoid an offence by following this guidance, a competent ecologist may be able to develop alternative, site-specific, ways of working to enable you to keep within the law. If that is not possible, NRW may be able to issue a licence to enable you to carry out your work lawfully, but we can only do that if we are confident that there is no satisfactory alternative and that it will not harm the favourable conservation status of the species. EPS licences can only be issued as a last resort.

This Good Practice Guide has been approved by the Welsh Ministers as guidance under paragraph 43(9)(b) of the Conservation of Habitat and Species Regulations 2017. This means that a court must take it into account in proceedings relating to the offences of disturbing Otters, or the damage and destruction of their breeding sites or resting places.

Are otters using your woodland?

With the Mammal Society, we have produced a guide *Protected species in woodlands: A field guide for woodland managers in Wales*, containing specific advice on how to carry out surveys to check for protected species.

Checking for records

If you have a watercourse in your woodland, you should anticipate that otters may be present. If there are any records of otters within 2 km of your woodland, especially records of natal dens, you will need to be especially vigilant.

If you apply for a felling licence, NRW will check for records. If we find records that suggest the presence of otters, we will usually add an environmental condition to your felling licence requiring that you follow the measures in this guide.

If you want to be more certain whether otters are present, you can commission a competent surveyor to carry out a survey.

If you already know that you have otters using your woodland, you can just proceed on that basis.

Walkover survey

If you have a watercourse in or within 200 metres of your work area, and you can access it, you should check for signs of otters within 10 metres of the watercourse during your walkover survey. If you find signs of otters, you should also remain vigilant for evidence of dens, holts, or resting places when surveying the rest of the work area.

You should check watercourses for signs even if you have not found records of otters.

If you have a record of a natal den within your site, you will need to try and locate and mark its location on the ground. If you cannot find a recorded natal den, you will need to take advice from a competent ecologist.

Before you can implement the preventive measures in the next section, you will need to have established the following:

1. Whether there is a watercourse within 200 metres of your work area, if so
    a. Whether there is any evidence that otters are using that watercourse
    b. Whether there are holts or other resting places within 30 metres of your work area
    c. Whether there is evidence of, or recent records of, an active natal den within 200 metres of your work area.

If you cannot confidently survey for signs of otters, you will need to bring in a competent ecologist to advise you.

If you find that a recorded otter holt is no longer evident on the ground, you may be able to discount that record, although you should still anticipate that otters are likely to be present in the vicinity. However, to protect yourself, you should carefully record the evidence before you carry out the work. If you do not do this, you may not be able to defend your decision if you are challenged.

Preventative measures to protect Eurasian Otters

If you are relying on following this good practice to keep within the law, you will need to adhere to the following measures. Alternatively, a competent ecologist may be able to suggest site-specific mitigations that could allow you to deviate from these standard measures without causing an offence. If this is not possible, you may need to change your plans or consider applying for an EPS licence.

If you unexpectedly find evidence of the species during work, you should consider whether you are able to apply the measures in this guide or seek advice from a competent ecologist.

If you are already operating under an EPS licence, you must continue to follow its terms and conditions.

When working in an area where otters are likely to be present, the following must be adhered to:

1. Protect active natal dens from damage or disturbance

- An undisturbed 200 metre buffer must be maintained around any **active** natal den.
- If a competent ecologist confirms that the natal den is no longer being used by otters for breeding or raising cubs, the buffer can be reduced to 30 metres.

2. Protect any identified otter holt or resting place from damage and reduce the risk of disturbance

- An undisturbed 30 metre buffer must be maintained around any identified holts or resting places. This buffer is primarily intended to avoid physical damage but also reduces the risk of disturbance, if in use.

3. Avoid accidental destruction of unidentified holts by leaving a riparian buffer

- Where there is any indication of the presence of otters on the watercourse (records, sightings, or field signs) maintain an undisturbed buffer of at least 10 metres from the water's edge or bank top along the full extent of the watercourse. This will reduce the risk of damaging or destroying unidentified holts which are usually located close to water.

Top 5 actions to improve habitat for Eurasian Otters

Managing your woodland in line with the UKFS can deliver significant benefits for wildlife. The actions below would be particularly valuable for otters, and will also support many other species:

1. **Protect and enhance riparian corridors**

Maintain natural woodland cover along rivers, streams, and wetlands. Riparian woodlands provide shelter, denning sites, and shade that supports fish populations - key prey for otters.

2. **Retain and restore wetland features**

Preserve natural water bodies such as ponds, oxbows, and marshy areas within or adjacent to woodlands. These offer foraging opportunities and resting places, especially in quieter zones away from human disturbance.

3. **Maintain dense vegetation and undisturbed areas**

Ensure areas of dense scrub, bramble, and fallen trees are left undisturbed. These provide secure resting and breeding sites, particularly for females with cubs.

4. **Ensure connectivity between aquatic and terrestrial habitats**

Otters move between watercourses and woodland areas, so maintaining habitat connectivity is vital. Avoid barriers such as fencing or roads without wildlife crossings.

5. **Minimise human disturbance and pollution**

Limit recreational pressure, forestry operations, and chemical runoff near water bodies. Clean, quiet environments are essential for otter health and breeding success.

Further information

You can find more useful information on survey techniques and positive management approaches for otter**:**

Protected species in woodlands: A field guide for woodland managers in Wales

Ecology of the European Otter | CIEEM

An evidence-based approach to identifying resting sites of Eurasian otter Lutra lutra from camera-trap and field-sign data - Findlay - 2023 - Wildlife Biology - Wiley Online Library