

PART 2

Woodland Management in the presence of otters– Guidance for compliance with The Conservation (Natural Habitats, &c.) (England and Wales) Regulations 1994 as amended by The Conservation (Natural Habitats, &c.) (England and Wales) (Amendment) Regulations 2007 (The Habitats Regulations).

1. Purpose of document

To provide advice for woodland managers and operators on a) how to establish presence of otter (*Lutra lutra*) particularly their breeding sites or resting places, and b) how to manage woodlands so as to avoid or minimise the risk of committing offences under the Habitats Regulations. Otter are protected by the Habitats Regulations and are European Protected Species (EPS). Information on long-term habitat management for otter is also provided.

2. Suggested methods of establishing the likely presence of otters

There are a number of ways of determining the likelihood of EPS presence, listed below.

a. *Is your woodland approximately within current known range of the species?* – see Map (please note that not all recent occurrences of otter may be shown on the map).



b. Is your woodland suited to supporting otter?

Woodlands, particularly small patches of wet woodlands, carr and thick scrub or woods that are generally within about 50m of rivers, canals, ponds, lakes, and wetlands, may be used by otters. Small streams and ditches are used as foraging habitat and corridors if they are within the home ranges of individuals. Otters often have a home range of 10-40km or more of a waterway. In landscapes where waterside vegetation and undisturbed wetlands are very restricted, woodlands often provide the best, and sometimes the only cover in which otters can lie-up and breed.

Breeding sites which can either be subterranean dens (holts) or above ground specially constructed 'couches'. Breeding sites are more likely to occur in such woodlands if they are:

- relatively undisturbed by humans,
- ungrazed by stock,
- close (<50m) to water
- rarely flooded or are just above the floodplain level
- contain large patches (at least 0.5ha) of dense cover such as scrub thickets, weedy young plantations, timber stacks and log piles, groups of windblown trees, large bankside root systems, hollow trunks, and stands of tussocky tall fen vegetation.

Above-ground resting sites can occur in similar habitats to subterranean holts and tend to be close to water (<50m) but are less restricted, and may be found in woodlands as small as 0.5ha or less provided they contain large or small patches of dense (at ground level) scrub, thickets or features as listed above. The less disturbed a site, the higher the possibility that otters may use otherwise sub-optimal sites for resting.

Otter holts may be used more often in winter and above ground resting sites are used more in the summer when growth of vegetation provides cover; breeding holts can be used at any time of year. Further information on habitat requirements of otters is available from the reading list.

c. Consult the National Biodiversity Network.

The National Biodiversity Network (NBN) is available on the web for presence of otters near or in your woods, and by using the interactive map www.searchnbn.net/interactive/map.jsp?srchSp=NBNSYS0000005133, zoom to your area of interest (please note that not all recent occurrences of otter may be shown on the map. A lack of records does not necessarily confirm otter absence). Your local Countryside Council for Wales or County Wildlife Trust representative, is also likely to be able to give site specific information on likelihood of otter presence as may the Local Biological Records Centre www.nfbr.org.uk Natural History Societies and local Mammal Groups - contact details from: <http://www.abdn.ac.uk/mammal/index.shtml>

d. Confirming presence of otters by looking for signs or indicators

- Sightings: otters are large animals that are easily distinguished from the smaller mink by being c. 1m. long, having spiky fur when wet, a broad, flat muzzle and long tapering tail which is thick at the base. Otters give a general impression of being dog-sized, whereas mink are at most cat-sized.
- Signs: spraint (excrement) are best seen within a metre of the water's edge at regular signing sites such as at the foot of bridges, the saddle of overhanging bankside trees or large bankside and in-channel rocks. Other signs which may be identified include footprints and feeding remains. Finding proven resting sites and holts is usually very difficult and requires experience.

e. Confirming presence and specialist surveys

If you suspect that otters are present in your woodland and you intend to carry out management you will need to assess the risk that you may commit an offence (e.g. damage or destruction of a holt or resting place). Determining the location of holts or resting places will be important when planning operations so they remain lawful (see table 1). Difficulty in detecting holts or resting places may suggest that a commissioning specialist survey, may be a sensible step. Alternatively, consider engaging local specialists, to visit your woodlands.

Once holts or resting places have been identified through survey (NB marking felling and/or design plans with breeding site areas, will indicate that this step has been followed), you may decide to go ahead with woodland management by avoiding them or the area of woodland supporting otters. However, if this avoidance is not possible a licence is required before the operation is undertaken. The licence application will require details about the holts or resting places and that there is no satisfactory alternative to committing the offence in question i.e., disturbing an otter while using the holt or resting place, or damaging or destroying such places even when otters are not present. However licences are unlikely to be issued except in exceptional circumstances e.g. public safety and are subject to strict tests. There is no guarantee that a licence will be granted. Speculative licence applications will not be considered.

If by self-assessment and survey (using the information above) or specialist survey you are confident that otters are not using your woodland then no further action is necessary (other than keeping a record of your decision) and the operation may proceed. It would be sensible to keep a record of your decision and information used to reach it, (for example a specialist survey). If otters or fresh signs of otters are discovered during operations (especially from likely holts or resting places), you should immediately stop work, and seek advice from the Statutory Nature Conservation Organisation (SNCO) and review your plans as required. It is therefore important for operators to remain vigilant for otters and other protected species while undertaking work.

3. How to avoid or reduce the impact on woodland EPS whilst carrying out woodland operations

Routine forestry / woodland management activities can potentially result in offences being committed if otters or their breeding sites or resting places are present and it is vital that managers review planned activities to identify such risks. The offences that may be committed under Regulation 39 are listed in Annex A in the Part 1 guidance.

The following types of operations have a risk of committing offences if otters are present:

- Harvesting, including felling or thinning of stands
- Tending and establishment
- Road construction and maintenance
- Engineering works

Table 1 provides further information on how you may alter these operations to reduce the risk of committing an offence and the need for a licence. The aim should be, during operations, to avoid damaging or destroying a holt or resting site or carrying out activities that disturb otters at these sites. Unfortunately, as it may be difficult to identify all holts or resting sites within a woodland and thereby avoid damage to all

such sites, the risk of committing an offence while carrying out woodland management operations, cannot be completely avoided.

4. Consider potential for long term provision of habitat for otter

Consider the potential for maintaining populations and securing resting sites by planning regular but sensitive active management that will provide a continuity of habitat over time and will ensure that populations are maintained in a favourable conservation status. Woodland habitats can be improved for otter by increasing the amount of connected woodland along watercourses, encouraging long-term presence of a shrub layer through intervention, and by reducing disturbance. Specific guidance includes:

- Landscape measures - planting new woodlands/scrub cover that link- up woodlands along riparian corridors or expanding cover towards or to incorporate open wetland areas.
- Woodland management- thin or group fell to produce sunny glades that provide continuity for areas of scrub cover relatively close to water courses/bodies either by leaving areas of un-cleaned establishment/ pre-thicket tree crop, or scrubby regeneration, and by creating conditions suitable for scrub regeneration through e.g. selective felling or creating clearings on a 5-10 year cycle. Encourage coppice re-growth or scrub composed of ash, willows, hazel, blackthorn, hawthorn, field maple, spindle, buckthorn and dogwood over areas of 25m² (for daytime resting site) to 50 m² (for breeding area), ideally. Remove conifers from alongside watercourses.
- Site management- stock or deer fence using an otter friendly mesh size if muntjac or Chinese water deer are not present or provide pipe access for otters if they are. Fence either the entire site, or parts of the woodland adjacent to water, both to prevent damage to dense thicket habitat, breeding or resting sites by grazing animals and to deter human access and disturbance by dogs or stock. Leave uncut margins to watercourses and encourage wet woodland development. Leave long lengths of large diameter tree trunks lying on the ground close to water. Construct logpile otter holts close to water in undisturbed locations.

Good practice reference list

www.english-nature.org.uk/lifeinukrivers/species/otter_breeding.pdf

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Forestry Commission 2003. Forestry and water guidelines, Forestry Commission, Edinburgh.

Liles, G. (2006) Rhododendron Clearance: Recommendations for reducing the impact on the otter (*Lutra lutra*)

Strachan R., Liles, G. & Fairfield, T. (2004) Managing woodlands in the presence of otters. In: Eds. Quine, Trout & Shore. Managing woodlands and their mammals. Joint FC and Mammal Society conference, November 2002. 31-35. Forestry Commission. Edinburgh.

Produced by Forest Research, Forestry Commission Wales and CFS, Welsh Assembly Government and Countryside Council for Wales.

Table 1. Forest operations, risk of committing an offence associated with each operation and procedure for reducing risk.
 Forest operations are in **bold** type, risk control procedures in plain type; risk classed as high and low.

Risk of committing an offence	Operations that are likely to damage or destroy breeding or resting sites of otters (high risk).	Alternative approaches to high risk operations that may reduce the risk.	Managing risk: Options for low risk approach[FR1]	
Operation	Sub-operations (and brief description of impact)		Safest	Some risk
<i>ESTABLISHMENT</i>	Clearing scrub for planting close to watercourse may damage or destroy holts / resting places.	1. Avoid clearing scrub within 50m of watercourse. 2. Restrict scrub clearance and planting to small patches when within 50m of watercourse. 3. Start the days planting furthest away from waters edge. This offers a signal of human activity and an option to move before actual disturbance as the activity comes closer.	1	2+3
	Fencing using small mesh (e.g. rabbit fencing): can create barriers between watercourses and woodland used by otter. High risk if preventing access to entire wood.	1. Use of minimum 150mm mesh or sink pipes of 150-200mm into wet ground under new rabbit fence between watercourse and habitat.	1	N/A
<i>TENDING</i>	General overspraying or weeding of thick vegetation close to watercourse: may damage or destroy holts/ resting places.	1. Avoid clearing shrub within 50 m of watercourse. 2. Limit actions to small areas, leaving areas of thick cover.	1	2
		General overspraying with herbicide: could pollute wet feeding areas affecting food of otters (fish & amphibians). Avoid overspraying drains and within 10m of a permanent watercourse.		
	Coppice/scrub cutting, brashing, pruning or clearance or burning close to watercourse may destroy or damage holts / resting places..	1. Avoid clearing shrub within 50m of a watercourse, where breeding and resting sites are likely to be present. 2. Check riparian scrub thickets individually before removal and leave several adequate refuges e.g. by leaving thick patches of scrub thickets, retain brash piles, old piles of timber/fallen trees/root plates.	1	2
<i>HARVESTING</i>	Thinning and clearfelling: can damage or destroy holts and resting sites.	1. Avoid carrying out work within 100m of a holt or resting site. 2. If working within 50m of watercourses ensure young coppice, areas of scrub, tussocky sedge and reedbeds have minimal disturbance during operations.	1	2

	Removing brash piles following thinning and clearfelling operations: if carried out months after brash production, could damage or destroy holts and resting sites.	1. Retain brash piles and leave undisturbed. 2. Remove shortly (within 1-2 months) from site following production of brash.	1	2
	Extraction of timber close to watercourses: disturbing or removing whole old fallen trees may damage or destroy holts / resting places.	1. Do not remove or disturb old fallen trees within 50m of watercourses.	1	N/A
	Timber stacking close to watercourse: if timber is removed months or years after production could damage or destroy holts / resting sites.	1. Move timber 50m or more away from watercourses and from likely otter locations for stacking. 2. Remove timber shortly (within 1-2 months) from site following stacking.	1	2
<i>ACCESS</i>	Making new public access tracks through woodland beside watercourse may damage or destroy holts/ resting places.	1. Avoid making new roads or public access through wetlands or woodland used by otters	1	N/A
	Footpath building near waterway, or anywhere in a small (10ha) wood: results in increased public access that could disturb otters enough to affect local distribution or abundance of species.	1. Avoid building paths in/ restrict access to small woodlands, and those parts of large woodlands near watercourses and water bodies where otters are present. 2. Ensure paths are at least 30m from features associated with otter (see Section 2b.)	1	2
<i>ENGINEERING WORKS</i>	Road construction, culvert works and fencing: can all hinder access by otters. A high risk only if preventing access into an entire wood.	1. Construct new culverts with access ledges, erect diversionary fences to assist otter movement, maintain drains used by otters to ensure they remain open and accessible.	1	N/A

[FR1]Table could be simplified by removing all operation that are considered of low risk.
Table could be used as a way of considereing the options for
managing the risk of committing an offence; several alternatives are
sometimes offered in the table and I felt that giving some guidance
on which of these or combinations of these affects the risk of
committing an offence, might be useful.