

Otter surveys - When do I need a licence?



Introduction

The information collected from otter surveys can make a positive contribution to nature conservation. In many cases surveys can be carried out without disturbing otters and, therefore, without the need for a licence. Surveys should be carried out by people with appropriate experience or training to ensure that the results of the survey are reliable and that information is gathered without disturbance to otters.

To determine whether a licence is necessary you need to consider whether you are likely to commit an action that is otherwise illegal (i.e. an offence). The legal protection for otters is described below. If you propose to undertake a survey that will result in intentional disturbance to otters then you will need to apply for a licence from Natural England. Licence application forms are available to [download](#) from the Natural England website or can be sent by post by contacting us at the address shown overleaf.

Legal protection for otters

In England and Wales otters are fully protected under the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended) (the Habitats Regulations). In the following description 'otter holt' includes hovers and couches, which are otter resting places above ground. Artificial holts are not considered as holts under the legislation until they are known to be used by otters. The Habitats Regulations make it illegal to:

- Deliberately capture, injure or kill an otter
- Deliberately disturb an otter in such a way as to be likely to significantly affect the local distribution or abundance of otters or the ability of any significant group of otters to survive, breed, rear or nurture their young
- Damage or destroy an otter holt
- Possess or transport an otter or any part of any otter
- Sell (or offer for sale) or exchange an otter

Otters have become exempt from many of the provisions of the Wildlife and Countryside Act 1981 (as amended). However, otters are still protected under Section 9(4)(b) and (c) and (5) of the Wildlife and Countryside Act. This means that, in addition to the provisions of the Habitats Regulations, it is also illegal under the Wildlife and Countryside Act to:

- Intentionally or recklessly disturb any otter whilst it is occupying a holt
- Intentionally or recklessly obstruct access to a holt

Do I need a licence to survey for otters?

The following surveying activities do not, in the view of Natural England, require a licence as they should not lead to an offence if you act responsibly and with due diligence:

- Walking river banks or wading along the river to look for signs of otters (spraints, footprints, holts). This could include walking past known holts and carrying out a brief exterior examination.
- Stopping to examine potential otter holts (as there is no intention of disturbing an otter). However, if an otter is seen or signs suggest one is present you should withdraw immediately.
- Watching a known holt from a distance or from concealment to see if it is occupied, providing there is no intention of disturbing the otter.

When is a licence required?

Detailed and prolonged examination of a known otter holt that would cause disturbance to any otters present would require a licence. Such activities include use of intrusive methods i.e. using probes inside the holt, or remaining at the holt once there is good reason to believe that an otter is present.

A licence for detailed and prolonged examination would be issued under the Wildlife and Countryside Act only because such levels of disturbance would not constitute an offence under the Habitats Regulations. Licences are only needed under the Habitats Regulations if the disturbance is considered 'significant'. [Further guidance](#) regarding which activities constitute significant disturbance are given on the Natural England website, however such activities would not include normal survey methods.

Contacting us

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Email wildlife@naturalengland.org.uk

Website <http://www.naturalengland.org.uk/ourwork/regulation/wildlife/default.aspx>

Further Information and reading

For information about otters in your local area or if you would like to get involved in undertaking otter surveys, contact your local wildlife trust <http://www.wildlifetrusts.org>

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