



Planning: Otters & Water Voles, their Habitats and Wildlife Law

The otter is a long, slender creature well-equipped for its aquatic habitat. Otters live on and around rivers, lakes, marshes, wet woodland, reedbeds and some coastal areas. They prefer clean water with a plentiful food supply (mainly fish). Undisturbed, mature scrub and bank-side trees (oak, ash and sycamore) with root cavities are very important as secure lay up sites (holts).

Natural England's [Ecology of the European Otter](#) has more information. Water voles are semi-aquatic rodents and are found throughout Britain, but in much reduced numbers compared to 100 years ago. They are expert swimmers and live close to water. They prefer slow flowing rivers, ponds, canals and reedbeds with abundant bank side vegetation, for them to hide in and feed on. They burrow into river banks to make extensive tunnel networks and build nest chambers lined with grass.

Otters, water voles and their resting places are fully protected by UK law under Schedule 5 of the [Wildlife & Countryside Act 1981](#). It is an offence to deliberately, capture, injure or kill otters or water voles, or to damage, destroy or obstruct their breeding or resting places. Furthermore, it is an offence to disturb them in their breeding or resting places. Otters are also protected under European law by the [Conservation \(Natural Habitats &c.\) Regulations 1994](#).

Otters, Water Voles and Sites of Development

Proposed developments must be planned to avoid disturbance to otter and water vole habitats. If a development is thought to negatively impact on these



Otters - Carl Watts



Otters - Margaret Holland

habitats, then a licence is required from Natural England. Natural England's [Water Voles and Development: licensing policy \(TINO42\)](#) guidance has further information on when a licence is required. During the development planning stage, habitat is surveyed by looking for field signs such as otter holts or burrows, droppings or otter spraints and footprints. The presence



Water vole - Tom Marshall



of water voles is often confirmed by their grazing lawns and half eaten vegetation. More information is available in [Water Voles – the Law in Practice](#). Surveys should be undertaken by an experienced ecologist. Otter surveys can be undertaken at any time of year while water vole surveys are usually carried out between April and October.

Relevant Planning Guidance and Legislation

Planning conditions can be implemented to protect, and where possible, improve otter and water vole habitat when a proposed development is granted. Unless material considerations indicate otherwise, planning law requires that planning applications must be determined in accordance with the provisions of the relevant development plan. The [National Planning Policy Framework](#) [NPPF] must be taken into account in the preparation of local and neighbourhood plans, and is a material consideration in planning decisions. The administrative guidance on the application of the law relating to planning and nature conservation ([Circular 06/05](#)) applies until further notice by the current Government. The NPPF states that the planning system

should contribute to and enhance natural environments by minimising impacts on biodiversity, and providing net biodiversity gains where possible. The NPPF advises that the planning system should plan for biodiversity at a landscape-scale across local authority boundaries. It states that the Government's planning objectives are to 'promote the preservation, restoration and re-creation of priority habitats, ecological networks and the protection and recovery of priority species populations'. [NERC 2006](#) includes the 'duty to conserve biodiversity' which includes 'restoring or enhancing a population or habitat' (S.40(3)). The EU [Habitats Directive](#) and [Birds Directive](#) give legal backing to Special Areas of Conservation and Special Protection Areas which form a network of protected nature sites across Britain called Natura 2000.

What to do if concerned about possible threats to otters and/or water voles

- If you believe a protected species to be under direct threat, contact your local [Wildlife Crime Officer](#)
- If the threat is as a result of a proposed development, contact the planning officer dealing with the application at [your local authority](#) to ensure adequate procedures have been followed
- You may also wish to contact [Natural England](#) as they are the statutory authority for protected species.



Water vole - Amy Lewis