

Otter Surveys NIEA Specific Requirements

Otters (*Lutra lutra*) and their holts are strictly protected under the terms of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended), known as the Habitats Regulations. They are known as a European protected species.

Under the Habitats Regulations it is an offence:

- deliberately to capture, injure or kill a wild animal of a European protected species;
- deliberately to disturb such an animal while it is occupying a structure or place which it uses for shelter or protection;
- deliberately to disturb such an animal in such a way as to be likely to;
 - affect the local distribution or abundance of the species to which it belongs;
 - Impair its ability to survive, breed or reproduce, or rear or care for its young; or
 - Impair its ability to hibernate or migrate;
- deliberately to obstruct access to a breeding site or resting place of such an animal; or
- to damage or destroy a breeding site or resting place of such an animal.

On assessing your planning application NIEA considers that there is reasonable likelihood of otters being present on the site and affected by the proposed development. To ensure your development proposal complies with the Habitats Regulations and planning policy, NIEA has recommended to the Planning Authority that an appropriate otter survey should be carried out prior to the determination of your application.

Please note NIEA reserve the right to determine whether the survey is adequate or when additional information is required.

In order to ensure an adequate assessment the following specifications should be followed:

- NIEA recommends that all works comply with British Standard 42020:2013, *Biodiversity - Code of practice for planning and development*. This provides recommendations and guidance for those engaged in planning and development, whose work might affect or have implications for conservation, or the enhancement of biodiversity.
- The applicant must ensure that the commissioned surveyor(s) has the necessary experience and qualifications to carry out this work. The qualifications and experience of all surveyors must be included in the survey report. NIEA recommends that the surveyor(s) is a member of the Chartered Institute of Ecology and Environmental Management (CIEEM).
- The survey information must be presented in a written report and must include appropriately scaled maps.
- Survey dates, times and weather conditions must be recorded in the written report.
- Surveys can generally be done at any time of year. However surveys should not be carried out during or following periods of heavy rain.

- The survey must cover the entire site, paying particular attention to riparian corridors, water body edges, and any areas of woodland or scrub. The survey must also include at least 30m beyond the site boundaries up and down stream of riparian corridors. Further surveys covering a more extensive area may be required if breeding is likely to occur on or surrounding the site.
- The survey should establish whether otters have established holts, (active or inactive) or use the area for foraging.
- Any evidence found of use of the area by otters, for example, prey remains, spraints, footprints, slides must be recorded.
- The written report and maps must show the survey area covered, the exact location of any holts and other evidence found. Photographs of each holt, clearly illustrating scale, must be included.
- If necessary, the report should recommend the most appropriate ways in which otters can be protected during the proposed development, and suggest appropriate mitigation measures. Mitigation measures should cover all phases of the development - before, during and after construction.
- Surveys should be submitted to the Planning Authority within one year of being carried out.
- In the event that the planning application goes to appeal or public inquiry, the person(s) contracted to carry out survey work may be required to appear at, or give evidence to, the inquiry.
- A protected species licence for invasive methods of survey must be obtained from the NIEA Wildlife Team before commencement of the survey.
- All otter records should be reported to the Centre for Environmental Data and Recording (CEDaR)*
- For more guidance and information please refer to the following publications and websites:

NIEA Development Management website

<https://www.daera-ni.gov.uk/articles/development-management>

NIEA Development Management publication – Otters and Development

<https://www.daera-ni.gov.uk/publications/otters-development>

Wildlife Management and Licensing web page

<https://www.daera-ni.gov.uk/topics/biodiversity/wildlife-licensing-and-management>

Chartered Institute of Ecology and Environmental Management

www.cieem.net