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Guidance

Reptiles: advice for making planning decisions

How to assess a planning application when there are reptiles on or near a proposed development site.

From: [Natural England](#)
(</government/organisations/natural-england>)

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Applies to England

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This is Natural England's 'standing advice' for reptiles. It is a material planning consideration for

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local planning authorities (LPAs). You should take this advice into account when making planning decisions. It forms part of a [collection of standing advice for protected species](https://www.gov.uk/guidance/protected-species-how-to-review-planning-applications#standing-advice-for-protected-species) (<https://www.gov.uk/guidance/protected-species-how-to-review-planning-applications#standing-advice-for-protected-species>).

Following this advice:

- avoids the need for you to consult on the impacts of planning applications on reptiles in most cases
- can help you make decisions on development proposals

You may need a qualified ecologist to advise you on the planning application and supporting evidence. You can find one using either the:

- [Chartered Institute of Ecology and Environment Management \(CIEEM\) directory](https://events.cieem.net/RegisteredPracticeDirectory/Registered-Practice-Directory.aspx) (<https://events.cieem.net/RegisteredPracticeDirectory/Registered-Practice-Directory.aspx>)
- [Environmental Data Services directory](https://www.endsdirectory.com/) (<https://www.endsdirectory.com/>)

How reptiles are protected

Smooth snakes and sand lizards are European protected species (EPS) are protected under The Conservation of Habitats and Species Regulations 2017.

It is an offence to:

- deliberately kill, injure, disturb or capture them
- deliberately take or destroy their eggs
- damage or destroy their breeding sites and resting places
- possess, control or transport them (alive or dead)

For smooth snakes and sand lizards, it is also an offence under the Wildlife and Countryside Act 1981 to intentionally or recklessly:

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- disturb them while they occupy a structure or place used for shelter or protection
- obstruct access to a place of shelter or protection

Other native reptiles are protected under the Wildlife and Countryside Act 1981. It is an offence to kill or injure:

- adders
- grass snakes
- common or viviparous lizards
- slow worms

All native reptiles are [listed as rare and most threatened species](#) (<http://publications.naturalengland.org.uk/publication/4958719460769792>) under Section 41 of the Natural Environment and Rural Communities Act (2006). You must have regard for the conservation of Section 41 species as part of your planning decision. Find out more about your [biodiversity duty](#).

The developer must comply with the legal protection of reptiles.

You should consider if the developer has taken appropriate measures to avoid, mitigate and, as a last resort, compensate for any negative effects on reptiles in their development proposal.

The developer [may need a licence](#) for a development proposal or activity that affects sand lizards or smooth snakes.

When to ask for a survey

You should ask for a survey if:

- distribution and historical records suggest reptiles may be present - you can [search the National Biodiversity Network Atlas](#) (<https://nbnatlas.org/>) by species and location
- the proposal is likely to lead to harm to individual reptiles or their habitats

For example, the proposal site will:

- alter the water levels of the site or surrounding area
- break apart suitable habitat for reptiles

Absence of a record does not mean there are no reptiles. It could mean there is no survey data available for that location.

The National Amphibian and Reptile Recording Scheme (NARRS) provides guidance on [types of survey for reptiles](http://narrs.org.uk/documents/Survey_protocols_for_the_British_herpetofauna.pdf) (http://narrs.org.uk/documents/Survey_protocols_for_the_British_herpetofauna.pdf). This document is available on the NARRS website and may not be accessible to assistive technology.

Survey work can include searching:

- for basking animals on banks, piles of wood and edges of woodland
- on and under artificial refuges, such as corrugated iron sheets or roofing felt

A survey should, as a minimum, assess the likely presence of reptiles in the area affected by the development proposal. The scope of the survey should be proportionate to the potential negative effects of the development on reptiles. This may mean surveying for the abundance of reptile habitat and how it's used across the proposal site.

You must check if the ecologist is qualified and experienced to carry out surveys for reptiles. CIEEM publishes:

- [competencies required for species surveys](https://cieem.net/resource/competencies-for-species-survey-css/) (<https://cieem.net/resource/competencies-for-species-survey-css/>)
- advice on the [valid age of data](https://cieem.net/wp-content/uploads/2019/04/Advice-Note.pdf) (<https://cieem.net/wp-content/uploads/2019/04/Advice-Note.pdf>)

The ecologist should also follow the Biodiversity code of practice for planning and development (BS

42020:2013) available on the [British Standards Institute \(https://www.bsigroup.com/en-gb/standards/\)](https://www.bsigroup.com/en-gb/standards/) website. These documents may not be accessible to assistive technology.

The ecologist must hold the appropriate and up-to-date [survey licence to carry out surveys for smooth snakes and sand lizards](https://www.gov.uk/government/collections/reptile-licences#survey-or-research-smooth-snakes-and-sand-lizards) (<https://www.gov.uk/government/collections/reptile-licences#survey-or-research-smooth-snakes-and-sand-lizards>).

Assess the effect of development on reptiles

Where possible proposals should avoid affecting reptiles. Where this is not possible, you should look for adequate mitigation or compensation measures in the planning proposal to allow you to make a planning decision.

Activities that can harm reptiles include:

- losing links between habitat patches, in particular hibernation sites and sites used in the active season from April to September
- reduction in habitat quality, such as damaging vegetation
- increasing the risk of fire on heathland from accidents or arson
- the effect of increased litter if the proposal increases public access

The developer will need to [check if they need a wildlife licence](https://www.gov.uk/government/collections/reptile-licences) (<https://www.gov.uk/government/collections/reptile-licences>) for these activities.

Avoidance, mitigation and compensation measures

To avoid possible effects on reptiles, developers could redesign the proposal to:

- change the layout and not develop the areas used by reptiles
- change the timing of the work
- change the working methods

Mitigation and compensation measures could include:

- using temporary, secure reptile fencing to prevent reptiles moving into harmful areas
- encourage displacement by making habitats unsuitable, for example by cutting vegetation in stages during the active season
- creating links to other habitats
- creating new habitat
- improving existing habitat

Translocation

If there is no reasonable alternative habitat close by, the proposal could include capturing reptiles and moving them to a different location, known as translocation. The new habitat must be capable of supporting reptiles. The proposal should include evidence that translocation would benefit reptile conservation. Translocation should be considered as a last resort.

If translocating reptiles, the proposal needs a receptor site:

- close to the development site, and within the same LPA if possible
- that is at least the same size as the habitat that will be lost, and larger if the lost habitat is of high quality
- that will serve the same function as the habitat to be lost, for example it has hibernation features
- with similar habitat to the area that will be lost, including water bodies
- that does not currently support the same species, but can be improved to make it suitable
- that will be safe from future development and managed in the long term

The proposal could introduce small numbers of reptiles to an area with an existing population if the habitat is improved to support the increased numbers. It must allow enough time for new habitats to become suitable for the reptiles before capturing them.

For more information on mitigation plans and compensation measures, read the [planners guide for protected species and development](https://www.gov.uk/guidance/protected-species-how-to-review-planning-applications#agree-avoidance-mitigation-or-compensation-measures) (<https://www.gov.uk/guidance/protected-species-how-to-review-planning-applications#agree-avoidance-mitigation-or-compensation-measures>).

Planning and licence conditions

If the proposal is likely to affect a protected reptile, the developer must [apply for the appropriate wildlife licence](https://www.gov.uk/government/collections/reptile-licences) (<https://www.gov.uk/government/collections/reptile-licences>).

Before you can grant planning permission, you must:

- make sure any mitigation or compensation conditions you impose do not conflict with the requirements of a mitigation licence
- be confident that Natural England will issue a licence

You do not need to consult Natural England on the wording or discharge of any conditions you impose on a planning proposal. Natural England is unable to provide advice on this.

You can find more information in the guidance on [protected species and development: advice for local planning authorities](https://www.gov.uk/guidance/protected-species-how-to-review-planning-applications) (<https://www.gov.uk/guidance/protected-species-how-to-review-planning-applications>).

Enhance biodiversity

To meet your [biodiversity duty](https://www.gov.uk/guidance/biodiversity-duty-public) (<https://www.gov.uk/guidance/biodiversity-duty-public>

[authority-duty-to-have-regard-to-conserving-biodiversity](#)), you should suggest ways for the developer to:

- create new or enhanced habitats on the development site
- achieve a [net gain in biodiversity](#) (<https://www.gov.uk/guidance/natural-environment#biodiversity>) through good design, such as green roofs, street trees or sustainable drainage

Site management and monitoring

You should consider the need for site monitoring and management. These measures are likely to be needed by licences for sand lizards or smooth snakes. For non-EPS native reptiles, management and monitoring may need to take place if the species population is affected by development.

A site management and monitoring plan should aim to maintain a diverse vegetation structure. The plan should include controlling the growth of vegetation including scrub and bracken by cutting, mowing or grazing. Other bracken control methods include herbicide application, rolling or cutting.

The developer might need to consider controlling the risk of fire and managing predators, such as domestic cats and pheasants.

Monitoring could include additional survey work to check that mitigation measures are working as intended, followed by remedial work if needed.

The [Reptile management handbook](https://www.arc-trust.org/habitat-management-handbooks) (<https://www.arc-trust.org/habitat-management-handbooks>) available on the Amphibian and Reptile Conservation Trust website provides more information on habitat management. This handbook may not be accessible to assistive technology.

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