



Planning: Reptiles, their Habitats and Wildlife Law

There are six species of reptiles native to the UK: adders, grass snakes, smooth snakes, slow worms, sand lizards and common lizards.

British reptiles are mainly found in heathland and grassland and moorland areas, preferably with a variable vegetation structure (differing heights of vegetation) but almost any area with a sunny south facing slope and open vegetation may be suitable. This can include semi-natural areas with heath-like conditions such as railway and roadside embankments, rough pasture, churchyards and golf courses. The greatest threats to British reptiles are habitat loss, degradation and fragmentation, often as a result of the development of their habitat. Adders, grass snakes, common lizards, slow-worms, smooth snakes and sand lizards are protected by [Schedule 5 of the Wildlife and Countryside Act \(1981\)](#), (as amended) against killing and injuring animals. Sand lizards and smooth snakes receive additional protection as European Protected Species from the [Conservation \(Natural Habitats &c.\) Regulations 1994](#), making it an offence to deliberately disturb an animal or to damage a breeding or nesting place.

Reptiles and sites of development

Reptiles can be affected by development through loss of habitat, which can be by developing or clearing the land, or by damaging or destroying connections between habitats, such as through hedgerow clearance. An ecological survey of the development site should be undertaken by an experienced and licensed ecologist of the development site which will show if the site has potential to support reptiles. If there is potential, a specific reptile survey should be carried out (see [JNCC guidelines](#)) which will show which species are present and which parts of the site are of the greatest importance for reptiles. Damage should be avoided

where possible by retaining key features of importance for reptiles (such as coarse grasslands and open scrub). If it is not possible to retain some areas of habitat the reptiles can be encouraged into neighbouring areas through the progressive shortening of vegetation, or can be relocated following a capture program. The relocation area must be available before work begins and have suitable characteristics for reptiles to thrive. If sand lizards or smooth snakes are found on the site a licence is required from Natural England before any trapping takes place or any changes occur to the habitat (see the [Natural England standing advice on reptiles](#)). More information about British reptiles can be found in the [Reptile Management Handbook](#)

Planning legislation and guidance

Planning conditions can be implemented to protect, and where possible, improve reptile 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



Slow-worm - Credit Les Gibbon



in planning decisions. Administrative guidance on the application of laws 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'. [Natural Environment and Rural Communities Act 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 reptiles

- 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.
- Local [reptile and amphibian groups](#) may also be able to provide advice.



Grass snake - Credit Jo Meays