

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 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>).

You should read this guidance alongside [Protected species and development: advice for local planning authorities](#)

(<https://www.gov.uk/guidance/protected-species-how-to-review-planning-applications>).

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://cieem.net/i-need/finding-a-consultant/>)
- Environmental Data Services directory (<https://www.endsdirectory.com/>)

How reptiles are protected

Smooth snakes and sand lizards are European protected species (EPS), 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 (including when the smooth snakes or sand lizards are not present)
- possess, control or transport them (or any part, alive or dead)
- sell, offer, or publish an advert to sell them

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

- disturb them while they occupy a structure or place used for shelter or protection
- obstruct access to a place of shelter or protection
- possess or transport them (or any part, alive or dead)
- sell, offer, or publish an advert to sell them

Other native reptiles are protected under the Wildlife and Countryside Act 1981. It is an offence to intentionally kill or injure them, possess or transport them (or any part, alive or dead), sell, offer, or publish an advert to sell:

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

All native reptiles are included on the list of species of principal importance in England (<https://www.gov.uk/government/publications/habitats-and-species-of-principal-importance-in-england>) under section 41 of the Natural Environment and Rural Communities Act (2006).

Some species are also listed under the International Union for Conservation of Nature's (IUCN) Great Britain red list. Find out more by checking the Red list for amphibians and reptiles in Great Britain on the Amphibian and Reptile Conservation website (<https://www.arc-trust.org/technical-reports>). These documents may not be accessible to assistive technology.

You must consider the conservation of reptiles as part of your planning decision. Find out more about your biodiversity duty (<https://www.gov.uk/guidance/complying-with-the-biodiversity-duty>).

The developer must comply with the legal protection of reptiles.

The developer may need a reptile licence (<https://www.gov.uk/government/collections/reptile-licences>) 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 any of the following apply:

- 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 development proposal is likely to lead to harm to individual reptiles or their habitats
- suitable habitat is present at the development site that could support reptiles

You should also ask for a survey if for example, the development proposal will:

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

Reptiles can occur in a wide range of habitats and are most likely to occur in highest numbers where habitats are well-connected and therefore can support joined up populations. Examples of habitats supporting reptiles could be some of the following: heathland, grassland, scrub, open woodland including rides, moorland, coastal sand dunes, fens, mires, bogs, marshes, wetlands, ponds, lakes, rivers, canals and brownfield sites.

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

Amphibian and Reptile Conservation Trust (ARC) provides [guidance on types of surveys for reptiles \(https://www.arc-trust.org/survey-protocols\)](https://www.arc-trust.org/survey-protocols). You can find [survey data about reptiles on the Record Pool website \(https://recordpool.org.uk/\)](https://recordpool.org.uk/). Information on these websites 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 proposal on reptiles. This may mean surveying for the abundance of reptile habitat and how it's used across the development 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 ecological reports and surveys \(https://cieem.net/wp-content/uploads/2019/04/Advice-Note.pdf\)](https://cieem.net/wp-content/uploads/2019/04/Advice-Note.pdf)

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

Developers should submit information with their planning application on how their development proposal avoids or mitigates harm to reptiles.

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 development proposal increases public access

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

Avoidance, mitigation and compensation measures

Where possible development proposals should avoid negative effects on reptiles. Where this is not possible, the developer will need to include adequate mitigation or, as a last resort, compensation measures in their development proposal to allow you to make a planning decision.

To avoid possible effects on reptiles, developers could redesign the development 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

If there is no reasonable alternative habitat close by, the development 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 development 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 translocation 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 Protected species and development: advice for local planning authorities (<https://www.gov.uk/guidance/protected-species-how-to-review-planning-applications#agree-avoidance-mitigation-or-compensation-measures>).

Planning and licence conditions

The developer may need to apply for the appropriate reptile licence (<https://www.gov.uk/government/collections/reptile-licences>) if their activities are likely to affect reptiles.

You may also need to add mitigation or compensation strategies as a condition of planning permission. Before you can grant planning permission, you must:

- work with the relevant ecologist to make sure these conditions do not conflict with the requirements of a reptile licence
- be confident that Natural England will issue a licence – read section 4 of Protected species and development: advice for local planning authorities (<https://www.gov.uk/guidance/protected-species-how-to-review-planning-applications>)

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

Natural England will not generally issue a licence until planning conditions relating to protected species have been discharged. This applies to conditions that are intended to be and capable of being discharged before development begins.

Natural England will only confirm if you need a licence when the development proposal is a Nationally Significant Infrastructure Project (NSIP).

Enhance biodiversity

To meet your biodiversity duty (<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 improvements in biodiversity through good design
- follow other relevant plan and strategies for nature

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 negatively affected by a development proposal.

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 Habitat Management Handbook (<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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