

# PLANNING APPLICATIONS AND REPTILES

## Guidelines for Local Authorities and Developers

### Legislation

There are four species of reptile found in Suffolk: common lizard, slow-worm (a type of legless lizard) grass snake and adder. These all have partial protection under the Wildlife and Countryside Act (1981), sections 9(1) and 9(5), which means that they are protected against intentional killing and injuring and against sale. In planning terms, this means that the presence of these reptiles on a site is a material consideration (PPG9) and there is a requirement to ensure that this reptile interest is safeguarded. English Nature, as the Statutory Nature Conservation Organisation (SNCO) for England, should be notified when a proposed development is likely to have an impact upon reptiles, particularly if capture and translocation is being proposed.

### Biodiversity Action Plans

Adders are listed as a Character Species in the Suffolk Biodiversity Action Plan. They have been included because they occur in small, isolated populations and are vulnerable to further fragmentation of their habitat due to habitat loss and fragmentation. Elsewhere in the UK, recent evidence indicates a decline across much of the adder's range, particularly in southern and central regions.

### Habitats

It is generally agreed that heathland provides the best natural habitat for reptiles in Britain. In Suffolk the remaining heaths of the Sandlings and Brecks will therefore provide an important stronghold for them. However, there are small pockets of semi-natural habitat elsewhere in the County, which can also provide good reptile habitat. These include railway embankments, quarry and reservoir banks, airfields, golf courses and churchyards. Reptiles are also found

on land that has been abandoned, including urban 'brownfield' sites and old or partly used allotments.

These urban sites, which may contain a mixture of concrete hard-standing, piles of rubble and other debris combined with areas recolonised by grasses and shrubby vegetation, often have significant populations of reptiles, particularly slow-worm and common lizard. This is because this type of habitat is able to provide suitable food, basking areas, refuge areas and winter hibernation sites. The importance of such sites is further increased if they are located near to or connected to other potentially good reptile sites, such as railway lines, cemeteries, remnants of heathland, or other abandoned urban sites.

It is widely accepted that reptiles have undergone a widespread decline over the last hundred years, partly due to loss and fragmentation of habitat through development and changes in land use. The remaining patches of habitat are therefore of particular conservation value. There are, however, significant opportunities through the planning process to limit further decline, by ensuring that permission is granted only where populations can be fully safeguarded on site, with special attention also being paid to the retention, enhancement and creation of wildlife corridors.

### Surveying for reptiles

Reptiles are usually active between late March and early October, but the rest of the year they are likely to be hibernating below ground. Survey work can therefore only be carried out during this period of activity and the best months tend to be April, May and September when the animals are most likely to be seen basking. The right weather conditions are also crucial to the success of a reptile survey. Cold, rainy or windy conditions are generally unsuitable, but prolonged periods of hot

sunny weather in summer may also yield poor results.

It is highly likely that more than one visit will be required to determine the presence of reptiles and published guidelines indicate that a minimum of seven visits are advisable. For more detailed surveys to estimate population size, additional visits may be required. This means that compared to surveys of many other animals or plants, determining presence/absence of reptiles and their population status can present a considerable challenge and can be a lengthy process.

Requests for surveys late in the year will inevitably result in postponement until the spring and periods of inappropriate weather during the survey period can also cause delays.

A recommended survey method involves the use of artificial refugia. For example, corrugated iron sheets trap heat and provide a safe place under which reptiles can warm up. This method is best used in combination with searches for reptiles in ideal locations, such as warm slopes, log or debris piles, sunny patches and the boundaries between scrub and grassland.

## Key Reptile Sites

Certain sites may qualify for Key Reptile Site status and as a consequence may also be designated as a County Wildlife Site. The criteria for site selection is as follows:

To qualify for the Key Reptile Site Register/County Wildlife Site status the site must meet at least one of the following criteria:

- (1) Supports three or more reptile species
- (2) Supports two snake species
- (3) Supports an exceptional population of one species (see table)
- (4) Supports an assemblage of species scoring a total of at least 4 points in the table below
- (5) Does not satisfy 1-4 but which is of particular regional importance due to local rarity

	Low population <i>Score 1 point</i>	Good population <i>Score 2 points</i>	Exceptional population <i>Score 3 points</i>
Adder	<5	5-10	>10
Grass snake	<5	5-10	>10
Common lizard	<5	5-20	>20
Slow worm	<5	5-20	>20

Figures in the table refer to maximum number of adults seen by observation and/or under tins (placed at a density of up to 10 per hectare), by one person in one day

## A. Circumstances in which a reptile survey will be necessary prior to development

### 1. Site known to have reptiles

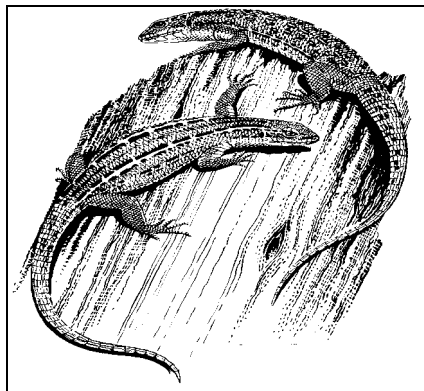
Suffolk Biological Records Centre (SBRC) and Suffolk Wildlife Trust can provide further information on the presence of reptiles on a site. Where records exist for a site proposed for development, it is essential that a survey is undertaken to assess the population status for each of the species recorded. This specialised survey work will normally need to be carried out by a consultant acting for

the developer. It is recommended that the 'precautionary principle' should be adopted and consequently, the findings of the survey and proposals for mitigation should be available for consideration prior to determination of the planning application. This is because this information may fundamentally inform the planning decision in terms of importance of the reptile population or the size of on-site refuge area required.

### Preventing killing and injury to reptiles

It is very important that, until the impacts are fully mitigated for, no clearance of vegetation or movement of machinery should take place on the

**proposed development site in areas where reptiles occur. Such activities could result in the killing and injuring of the reptiles and consequently cause a breach in the legislation**



**Common Lizards**

Once the findings of the survey are known, an assessment should be made as to whether the reptile interest can be safeguarded on site. Consultation with the relevant authorities such as English Nature and Suffolk Wildlife Trust is crucial at this stage. Development affecting Key Reptile Sites should be subject to very careful scrutiny. Where the impacts of development cannot be fully mitigated there are clear grounds for refusal, supported by Local Plan policies,

On some sites there may be scope to retain the reptiles within an on-site refuge area as part of a mitigation programme. This type of scheme will be dependent upon the relative size of the population(s), the current suitability of the habitat, potential for enhancement work and links to neighbouring sites. The refuge area should not be vulnerable to disturbance by the recreational activities of humans and also the attentions of their pets. As a consequence, refuge areas for reptiles should be treated as separate from amenity areas which may also be required for larger developments. Provision will also need to be made to ensure that the refuge area is managed and safeguarded in the long term and in some circumstances a programme of monitoring of the populations should be included.

Depending on the size of the population to be moved and the prevailing weather conditions, the process of relocating reptiles to an on-site refuge area can take several months. In some cases this may even require the full period of activity from March to September to completely remove all the animals. Reptile-proof fencing is usually employed

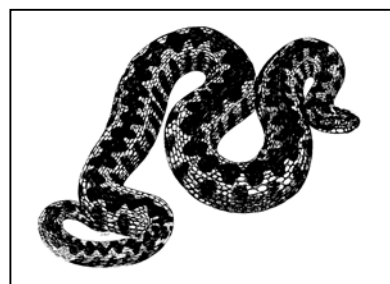
to prevent the relocated animals from straying back into the development area.

## **Translocation to a new site**

Translocation to new habitat is sometimes considered as an alternative to on-site refuges, but it should only be regarded as the absolute last resort. There are many problems associated with translocations, not least because there is a lack of suitable sites in Suffolk that do not already support good populations of reptiles or alternatively are not threatened by development. Moving animals out of an area also represents a depletion of the local biodiversity and more importantly, its success cannot be guaranteed. The Abandonment of Animals Act (1960) makes it an offence of cruelty to abandon any animal in circumstances likely to cause it unnecessary suffering. Translocation programmes should therefore ensure that appropriate provision is made for reptiles, through initial and future management as well as long-term monitoring, to ensure their long-term survival on a new site.

## **2. Site likely to have reptiles**

Predictions of whether a site is likely to have reptiles are based upon the suitability of the habitat and whether reptiles have been recorded within the locality. Suitable sites should therefore also be surveyed at an early stage of the planning process, to determine presence/absence. If reptiles are subsequently recorded then more detailed survey work will be required.



**Adder**

## **Local Plan Sites**

It is likely that some sites identified through the local plan process or through Urban Capacity Studies will have reptiles present, as many of these will represent the type of 'brownfield' habitat suitable for them. Suffolk Wildlife Trust can undertake a preliminary ecological assessment if required, where the habitat appears suitable or if there is considered to be high potential for reptiles. This initial assessment will include recommendations

for further survey. It is advisable that specialist reptile surveys, involving a consultant, are carried out at the earliest stages because the presence of reptiles, particularly if there is an outstanding assemblage or an exceptional population, may have a bearing on the selection of these sites for development.

## B Circumstances in which work may proceed with caution

In the case of small-scale development, such as an extension to an existing car park, it may be possible to encourage resident reptiles into other parts of the site, without requiring a survey or trapping programme. However, this only applies to sites where there is already good information about the reptiles present and where the overall impact on the population is assessed to be minimal.

Each site will have its own particular set of circumstances dictating whether this procedure is appropriate or whether the practices listed earlier are more applicable.

To ensure compliance with the legislation, all the criteria listed below should be applied to assess suitability of this procedure and if carried out, these best practice guidelines must be adhered to.

Reptiles may be encouraged to move to other parts of a site where:

- A significant proportion (approximately 75% or above) of the site remains intact
- Only one or two of the four species found in Suffolk are involved
- Populations of these reptiles have been assessed to be at low densities
- The area to be lost does not represent a core part of their habitat, such as the hibernation site
- Links to other good or potentially good reptile habitat remain intact

***These recommendations will be very site specific and further guidance should be sought from English Nature or Suffolk Wildlife Trust before proceeding further.***

Best practice guidelines include:

- Working at the correct time of year when the animals are active (this does not apply to general management work when vegetation clearance would be best undertaken in winter)

- Working during appropriate weather conditions (i.e. warm, dry and still)
- Using hand held machinery to cut vegetation back in stages, starting with a 'high' cut and delaying the second cut which is close to the ground, until at least 24 hours afterwards, to allow the animals to move away
- Working from the middle of the plot towards the boundaries to prevent reptiles from becoming 'stranded'
- Dismantling log and rubble piles by hand, replacing them elsewhere on site and not moving heavy machinery onto the site until the vegetation clearance is satisfactorily completed

If development is delayed it is important that the vegetation is kept very short, or reptile-proof fencing is erected, otherwise re-colonisation of reptiles will ensue.

## Enhancement of sites for reptiles

The planning process can offer opportunities for enhancement of sites for reptiles, both on a small or larger scale. This is particularly relevant if part of the site is to be lost to development as enhancement of the on-site refuge area may allow a higher population of reptiles to be sustained within a smaller area. Work to ensure that wildlife corridors retain good quality habitat will also be crucial in allowing dispersal of reptiles and will assist with safeguarding the population in the long term. Types of enhancement work might include selective planting or alternatively scrub clearance to improve areas for basking, construction of log piles or banks to create hibernation sites, alteration in mowing regimes to reduce disturbance and improve the habitat. The use of interpretation boards to explain the importance of particular features has been successful on some sites. A long-term management agreement is vital to ensure the effective implementation of such work.

Further information is available in English Nature's 'Opportunities for Amphibians and Reptiles in the Designed Landscape' (English Nature Science Series N° 30).

## Other useful literature

An advice Sheet (N°10) produced by Froglife provides a comprehensive introduction to reptile surveying.

Froglife is a charitable organisation concerned with the conservation of reptiles and amphibians. Further advice

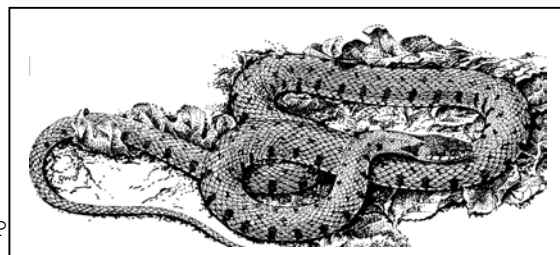
and information can be sought on 01986 873733.

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**Grass Snake**

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