

Common or Viviparous Lizard

Lacerta vivipara

A native UK reptile, protected by UK law



The Law

Common lizards are protected under the **Wildlife and Countryside Act 1981 (as amended)** as Schedule 5 species, 'in respect of section 9 (5) only', where it is unlawful to sell 'any live or dead animal, or any part of, or anything derived from, such an animal.' or 'publishes or causes to be published any advertisement likely to be understood as conveying that he buys or sells, or intends to buy or sell, any of those things' shall be guilty of an offence. Common lizards are also protected under part of Schedule 5 Section 9(1) against 'intentionally' killing or injuring any wild animal on the list¹; These animals are also protected via the **Countryside and Rights of Way Act 2000** (CRoW, 2000) against any 'reckless' behaviour that might endanger the life of these reptiles. Under **PPS9** they are also a 'material consideration'.

“Q: Do I need a licence to survey for common lizards, adders, grass snakes and slow worms?”

A: A licence is not required to disturb, handle or move them” .. though it is strongly recommended that you seek advice from Natural England’s Regional Team if you propose to translocated (move) them.² “For adder, grass snake, slow-worm and common lizard you do not need a licence to capture or disturb them or to damage their habitats.”³

Survey work

Although reptiles 'should not normally removed from a development site before a planning application is made' the developer should ensure that every reasonable effort to safeguard these animals is put in place. A site survey should be carried out to establish to size and status of the population and to put it into a local and regional context. Natural England 'expects high standards to be maintained in all mitigation.'

Mitigation

Mitigation methods are determined by the results of the survey work and how large the population is. It will also have as its aim to enhance the habitat for reptiles, whilst moving the animals temporarily out of the way to a safe area whilst ensuring that the impacts of the development will be minimal. It is prudent to prepare a *Method Statement* (that can also be part of a planning application) so that the above matters are explained. A suitably-sized area for the lizards to be re-located to, on site, will have to be identified, such as a Public Open Space (POS). It should also have suitable feeding areas for the lizards, and suitable underground hibernation sites (hibernacula). It should not also be full of lizards such that any new lizards introduced would exceed the 'carrying capacity' of the release area and be out-competed for food. If lizards are not present in the proposed receptor area the reason should be sought, and the habitat made suitable if not.

Work to be carried out:

1. Erect plastic fence (dug into the ground) around area to hold lizards (the Receptor site) .
2. Erect plastic fence around area to be cleared of lizards (the Donor site). A large field can be divided into separate areas; when one area is declared free of lizards construction can start. Where lizards are around the periphery of a site (often the case, next to compost heaps of houses), the central area can be destructively searched (allow one month).
3. Put out a variety of devices to 'catch' lizards (tin trays, carpets etc). Allow 3 months to clear each area. Five negative results from all traps on suitable days declares the area free.

Timing:

Allow 4 months for all work to be completed, from March (the earliest for starting when the lizards come out of hibernation).

NB. October cannot always be relied upon to find reptiles, as the onset of cold weather puts the animals into hibernation. Similarly March can be cold.

J	F	M	A	M	J	J	A	S	O	N	D
Scrub clearance	Scrub clearance	mitigation	mitigation	mitigation	mitigation	mitigation	mitigation	mitigation	mitigation	Scrub clearance	Scrub clearance
Lizards in hibernation	Lizards in hibernation	Too cold??			Last period to start	Last period to start			Too cold??	Lizards in hibernation	Lizards in hibernation
No surveys	No surveys	Surveying	Surveying	Surveying	Surveying	Surveying ? too hot	Surveying ? too hot	Surveying	Surveying		

¹ Gent, T. & Gibson, S. 1998. Herpetofauna Workers Manual, 1998. JNCC.

² Natural England, Species Licensing, on-line, accessed 4 Sept 2007

³ English Nature, Reptiles: guidelines for developers. English Nature 2004 – downloaded from their website accessed 24.8.07).