

# THE COMMON LIZARD

ADVICE FOR PLANNING OFFICERS AND APPLICANTS SEEKING PLANNING  
PERMISSION FOR DEVELOPMENTS WHICH MAY IMPACT UPON PROTECTED  
SPECIES

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## Introduction

Northern Ireland (NI) has only one native reptile, the Common or Viviparous Lizard (*Lacerta vivipara*).

## Typical habitat

This species are highly likely to be present in most sand dunes, upland peatland and adjacent semi-natural grassland areas but can also be found in scrub or woodland near these key habitats. However, lizards are difficult to sight and are highly likely to be under recorded in Northern Ireland. Lizards hibernate over winter in hibernacula and are more likely to be seen on sunny days basking on rocks or stone walls.

## Legislation

Lizards are protected under Article 10 of the Wildlife (NI) Order 1985 (as amended). Under the Order it is an offence to:

- Intentionally or recklessly kill, injure or take a lizard, or
- intentionally or recklessly damage or destroy, or obstruct access to, any structure or place that lizards use for shelter or protection; or
- intentionally or recklessly damages or destroys anything which conceals or protects any such structure; or
- intentionally or recklessly disturbs a lizard while it is occupying a structure or place which it uses for shelter or protection.

Any person who knowingly causes or permits to be done an act which is made unlawful by any of these provisions shall also be guilty of an offence.

There is no provision within the legislation to issue licences to kill lizards for the purpose of development.

The Wildlife and Natural Environment Act (Northern Ireland) 2011 (known as the WANE act) details that it is the duty of every public body, in exercising any functions, to further the conservation of biodiversity so far as is consistent with the proper exercise of those functions.

The WANE act also requires that the Department maintains lists of species requiring special attention when delivering this duty. These lists are the Northern Ireland priority species and actions for these have been addressed in a range of Government policies and activities. Lizards are a priority species.

## Policy

Planning Policy Statement 2, Natural Heritage and the Single Planning Policy Statement states that a development proposal shall not harm a protected species.

## Survey requirements

The NI biodiversity checklist (<https://www.daera-ni.gov.uk/topics/environmental-advice-planners>) should be used to establish if a survey to establish presence is required for a complete application.

All surveys should be undertaken by suitably experienced, and where necessary, licensed surveyors. The optimal survey period is March to September. Surveys should not be undertaken during times of inactivity from November to February. Assessment of habitat suitability can be undertaken any time of year.

Surveys will normally be a combination of daytime searches and use of artificial refuges. The latter are objects such as corrugated iron sheets placed in suitable warm areas which lizards may hide underneath or bask on.

## Impacts of Development

Development can affect lizards by destroying, degrading or fragmenting habitats. They require a variety of habitat at different times of the year for basking, foraging and hibernating. Small areas of habitat and specific features can be important to high numbers of lizards, e.g. a hibernation site near a sand dune.

The loss of particular, often subtle, habitat features can therefore result in proportionately large negative effects. In some cases, especially for the more behaviourally complex and wide-ranging species, these most important habitat features can also be important to successive generations, and involve them undertaking regular seasonal movements, sometimes using well-established route-ways.

## Mitigation

Unacceptable habitat loss and fragmentation should be avoided when considering development proposals. Mitigation for lizards could include retaining habitat connectivity, reducing habitat impacts and permanent loss and ensuring the long term management does not affect the population.

Habitat creation, habitat management and the provision of artificial hibernation and refuge sites may be used as a means of improving habitats for lizards. Lizards exhibit significant seasonal variations in behaviour (and in some cases habitat requirements), thus it is often possible for works to be timed to avoid periods when reptiles are most at risk.

## Licensing requirements

Where significant interference with lizards cannot be avoided, a licence must be sought by the developer from Northern Ireland Environment Agency (NIEA). However it should be noted that any such interference should only be considered as a last resort. A licence application will only be considered if accompanied by an appropriate site survey report

(normally undertaken by a licensed ecologist). NIEA may place restrictions on both the timing and methodology of any works affecting lizard habitat. See <https://www.daera-ni.gov.uk/articles/wildlife-licensing> for more information on licensing.

## Related standing advice

As impacts on lizards are more likely to occur where there is a loss of priority habitat, the following standing advice sheet should also be considered:

- NIEA Standing Advice for Planning Application: Priority Habitats

## Reference material

Amphibia-Reptilia 31 (2010): 387-394 Distribution of the common lizard (*Zootoca vivipara*) and landscape favourability for the species in Northern Ireland. Aodan Farren, Paulo A. Prodöhl, Peter Laming, Neil Reid

## Lizard informative for decision notices

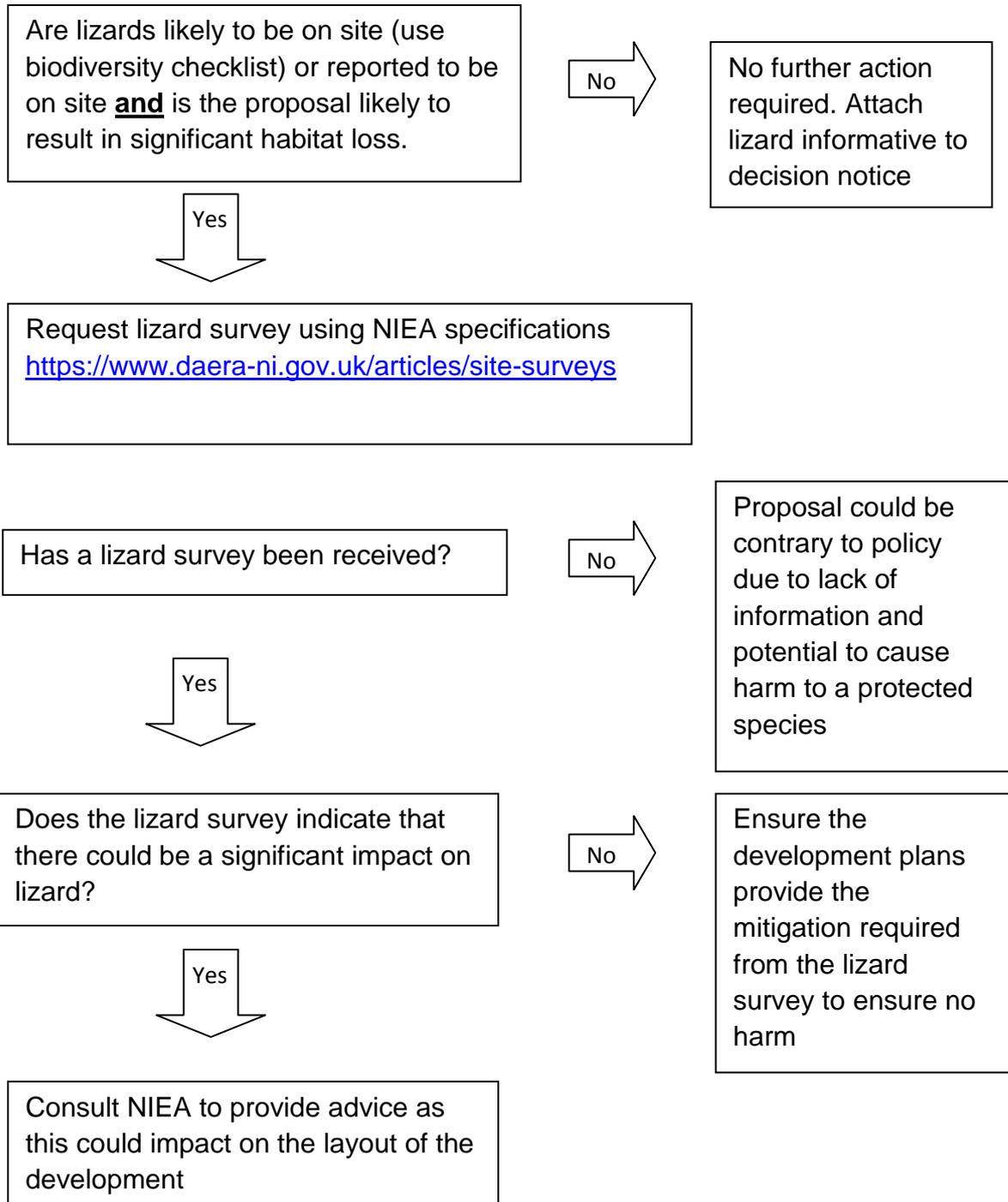
This informative should be used for any development in or adjacent to sand dune, heathlands and blanket bogs.

The applicant's attention is drawn to Article 10 of the Wildlife (Northern Ireland) Order 1985 (as amended) under which it is an offence to intentionally or recklessly kill, injure or take any wild animal included in Schedule 5 of this Order, which includes the common lizard (*Lacerta vivipara*). It is also an offence to intentionally or recklessly: damage or destroy, or obstruct access to, any structure or place which common lizards use for shelter or protection; damage or destroy anything which conceals or protects any such structure; disturb a common lizard while it is occupying a structure or place which it uses for shelter or protection.

Any person who knowingly causes or permits to be done an act which is made unlawful by any of these provisions shall also be guilty of an offence.

If there is evidence of common lizard on the site, all works must cease immediately and further advice sought from the Wildlife Team, Northern Ireland Environment Agency, Klondyke Building, Cromac Avenue, Gasworks Business Park, Belfast BT7 2JA. Tel. 028 905 69605.

## Process to consider for applications when dealing with lizards







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