

Stag beetles & the law



PROTECTED STATUS

The stag beetle is a 'protected species', which is listed on Schedule 5 of the Wildlife and Countryside Act 1981. The major threat to stag beetles in the UK is the removal of larval habitat, i.e. dead wood. The removal of hedges and trees (both of which will have dead portions underground), as well as stumps, causes the greatest habitat loss. If stag beetles and/or stag beetle larvae are known or thought to be present at an application site and are likely to be disturbed or destroyed whilst work is carried out at the site, it is recommended that someone with an understanding of the insects' requirements be present to see that any larvae and/or adults are carefully translocated to a suitable natural or purpose-built habitat close by.

Another threat to the species, especially in Europe, has been through private collectors (who trade in them for collections), and in certain parts of the world, such as Japan, this trade is still thriving where the beetles are kept for pets and as status symbols. Therefore if an individual offers a beetle for sale, or removes a beetle from its habitat with the intent of sale, it may be controlled by the Act. If stag beetles are found to be offered for sale, collected for sale, or a sale is witnessed, consult English Nature immediately. English Nature is the agency responsible for the interpretation of the Act, whilst the Metropolitan Police are responsible for enforcing it. There are exemptions to the implementation of the Act, and these will be spelt out by English Nature.

PLANNING & DEVELOPMENT

The presence of stag beetles is not an obstacle to development, but as a priority Biodiversity Action Plan species in the UK, we ask that sympathetic measures are taken to accommodate their needs wherever possible. If a planning proposal is likely to threaten a known site where stag beetles are found, we recommend the following actions:

Action 1: Before development starts, an environmental assessment survey of the application site should be carried out to establish whether any protected or rare species are present, or if they are using the site in anyway. For adult stag beetle this should be undertaken between mid-May and early August. Previous environmental records for the site and the presence of dead wood may give an indication that stag beetles could be present (but logs or tree stumps should not be broken up to search for larvae). Details of the methodology, findings and conclusions of the survey shall be submitted to the local planning authority within one month of the completion of the survey. This should include a data search with relevant organisations.

Action 2: Should the survey results indicate that stag beetles are present within the planned development site, then details of the following shall be submitted to and approved in writing by the local planning authority prior to the commencement of work:

- a) a scheme of mitigation or enhancement works to minimise the adverse effects of the development on protected species
- b) a programme of timings for the works referred to in (1) above.

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Previous objections to planning applications that have threatened the habitat of stag beetles have been successful. Below is a sample letter in objection to such a planning application.

B/97/00884/FUL Re Development on land to the rear of 1-10 River View Terrace, adjacent to Reade Road and Firebronds Road, Holbrook

Richard Watson
Head of Planning (Control)
Babergh District Council
Corks Lane
Hadleigh
Ipswich IP7 6SJ

3 Silver Leys
Bentley
Ipswich IP9 2BS

28 August 2002

Your Ref: B/02/00755/FUL

Dear Sir,

Re Planning Consent for a bungalow to be built at the site of the Old Stable Block, Grove Road, Bentley

I note that the Planning Committee has met and approved the plans for a bungalow to be built where the Old Stable Block now stands, subject to a number of conditions, some of which relate to the trees/hedge and wildlife

Regarding the latter, the existing trees/hedge, stumps and roots to the northern site boundary have already been surveyed. Species present, or that use this habitat, include the Stag Beetle (*Lucanus cervus*), Song Thrush (*Turdus philomelos*) and Hedgehog (*Erinaceus europaeus*), all of which have protection or partial protection under the Wildlife and Countryside Act (1981).

L. cervus and *T. philomelos* are priority list species on the UK Biodiversity Action Plan (BAP) and the Suffolk BAP. All three species are in serious decline. The Suffolk BAP for *L. cervus* and *T. philomelos* includes the objectives to: 'halt the decline' and 'maintain the range, distribution and viability of existing populations'.

The survey was carried out by a qualified biologist (Colin Hawes), who is an experienced naturalist and has worked extensively on hedgerows and woodland habitats in Suffolk. The survey, though unofficial, has been acknowledged by Dr Simone Bullion, Conservation Officer at the Suffolk Wildlife Trust.

Should you require an official survey, I would be happy to carry this out.

Yours faithfully

A handwritten signature in cursive script that reads "Colin Hawes".

Colin Hawes, B.Sc(Hons), Dip.Env. Sc., C.Biol., M.I.Biol.
Environment and Conservation Consultant
Suffolk Lead Partner BAP *Lucanus cervus*
Co-ordinator Bentley Parish Hedgerow Survey
Tree Warden, Bentley