

From: [Sturgess, Tim \(Avison Young - UK\)](#)
To: [Kimberley Rowley](#)
Cc: [Claire Westwood](#); [Geof Muggeridge](#)
Subject: RE: 21/0573/FUL - Maple Lodge
Date: 06 August 2021 11:15:00

Kimberley,

Thank you for your email. Appreciate if this can be shared with us at the earliest opportunity. Herts Ecology has also been in contact with us this week, so I will look to discuss with Claire further on her return.

Kind regards

Tim

Tim Sturgess

Director
Planning, Development & Regeneration

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From: Kimberley Rowley <Kimberley.Rowley@threerivers.gov.uk>
Sent: 05 August 2021 16:32
To: Sturgess, Tim (Avison Young - UK) <Tim.Sturgess@avisonyoung.com>
Cc: Claire Westwood <claire.westwood@threerivers.gov.uk>; Geof Muggeridge <Geof.Muggeridge@ThreeRivers.gov.uk>
Subject: RE: 21/0573/FUL - Maple Lodge

CAUTION: External Sender

Dear Tim

I have spoken to Geof and relayed the information Claire Westwood had shared with me before she went on leave. Essentially this was that in receiving comments from Hertfordshire Ecology (and from yourselves) we have now sought external legal advice on the Council's position in order to understand the weight we can attribute to their comments and the ongoing discussion around biodiversity and the moth species recently found on site. Until this advice is received we do not consider it beneficial to meet with you in Claire's absence.

On Claire's return I am sure she will be in touch.

Kind regards
Kimberley

Kimberley Rowley
Head of Regulatory Services
Three Rivers District Council
Three Rivers House, Northway, Rickmansworth, Herts, WD3 1RL

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From: Sturgess, Tim (Avison Young - UK) [<mailto:Tim.Sturgess@avisonyoung.com>]

Sent: 02 August 2021 14:24

To: Kimberley Rowley <Kimberley.Rowley@threerivers.gov.uk>; Geof Muggeridge <Geof.Muggeridge@ThreeRivers.gov.uk>

Subject: FW: 21/0573/FUL - Maple Lodge

Kimberley, Geoff,

I write on behalf of our client, the applicant, in relation to the above application which Claire Westwood has been proactively engaging with us, but is on leave this week.

I would very much appreciate the opportunity to speak with you in relation to Herts Ecology regarding their lack of engagement with us, and the extent to which the content of their responses are able to assist the LPA in their position as a statutory consultee.

I am available on the mobile anytime. Grateful if you are able to give me a call, or if we can arrange a time that suits.

Kind regards

Tim

Tim Sturgess

Director
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From: Sturgess, Tim (Avison Young - UK)

Sent: 27 July 2021 16:55

To: Claire Westwood <claire.westwood@threerivers.gov.uk>

Subject: RE: 21/0573/FUL - Maple Lodge

Claire,

Thank you for providing us with the further consultation response from the Hertfordshire Ecology (HE) letter dated 26th July 2021.

The HE letter confirms that the habitat descriptions and NVC classifications do not indicate any Priority Habitat and confirms our findings that the site does not contain habitats of significant value. In addition, HE confirms that the Biodiversity Metric is not a requirement of planning law and in addition the Inspector did not require it when considering the information for the appeal. It is therefore not considered to be in the context of biodiversity policy for Maple Cross.

As such the only element in the HE letter that is considered is the new information that the Forester moth previously recorded in Hertfordshire (and reported on other sites close to Maple Cross in July 2021) was recorded at Maple Cross. As it is a species listed in Section 41 of the NERC Act the LPA should 'have regard' to its conservation during planning, which has been the case with regards to biodiversity at Maple Cross. Whilst it is likely that the habitats on site are sub-optimal given the extent of species poor, semi natural grassland (reconfirmed in the HE letter from their 2021 survey), areas of grassland associated with the Forester moth habitat requirements are small and interspersed with larger areas that do not have the habitat composition suitable for the moth. The HE letter identifies that the foodplant is common or in one small location only. UK Butterfly Conservation indicates that the Forester moth is often found feeding on flowers such as those of Devil's-bit Scabious, Field Scabious and Marsh Thistle, which HE did not record at Maple Cross. Whilst it is likely that it will feed on other flowering plants, the absence of those species favoured by adults reduces the potential at Maple Cross. HE indicates that there is no evidence of breeding on site which again indicates that Maple Cross is not an important habitat for the Forester moth. However, the presence of Common Sorrel across the site and Sheeps Sorrel in a distinct, small area of the site are factors to be considered in maintaining habitat for them.

This is dealt with already with the biodiversity strategy set out as part of the proposals and application, namely through the Landscape & Ecology Management Plan that has been set out as a condition requirement. This will determine the conservation objectives for the site (including the foraging value and foodplant requirements of the Forester moth) that is to be agreed in advance with Three Rivers (and HE as one of its consultees). This will therefore include habitats that are to be retained or enhanced on site that will include those plant species required by the Forester moth. In addition, the previous application included a unilateral undertaking under section 106 of the Town and Country Planning Act. This covenanted to make a payment of £17,725 for the provision of offsite biodiversity enhancements to offset any biodiversity losses on site. In the appeal the Council considered this contribution to be appropriate for the offsite provision and the Inspector in the appeal decision stated that the proposals would deliver a net biodiversity gain. This previously agreed s106 payment could again be secured to be used to provide habitat enhancement offsite where the habitat requirements for the Forester moth can be delivered in a location that demonstrates more of the habitat characteristics that it favours.

Therefore, HE's suggestion that this is required, would not be in line with the PPG as a proportionate approach to the information required in support of the application when it can appropriately be conditioned.

I look forward to hearing from you further once you have had the opportunity to discuss with HE.

Kind regards

Tim

Tim Sturgess

Director

Planning, Development & Regeneration

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From: Claire Westwood <claire.westwood@threerivers.gov.uk>

Sent: 26 July 2021 13:22

To: Sturgess, Tim (Avison Young - UK) <Tim.Sturgess@avisonyoung.com>

Subject: 21/0573/FUL - Maple Lodge

CAUTION: External Sender

Tim,

Comments and attachments from Hertfordshire Ecology attached.

Kind Regards

Claire Westwood

Development Management Team Leader

Development Management

Three Rivers District Council

Three Rivers House, Northway, Rickmansworth, Herts, WD3 1RL

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