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Dear Claire,

Maple Cross – Forester Moth

We set out below the approach to addressing the presence of the Forester moth (*Adscita statures*), recorded by Martin Parr of the Maple Lodge Conservation Society on the 12th July 2021, on the Maple Cross site.

Background

The Forester moth habitats used as described by Butterfly Conservation include damp neutral grassland, to chalk downland, heathland, sand dunes and woodland clearings and as such have a very wide range and are found in England, Wales, Scotland, and Ireland and are well distributed in England, Wales, also in western Scotland and parts of Northern Ireland. Their distribution trend since 1970's is stated as Declining, and it described as *widespread, but absent over wide areas* (<https://ukmoths.org.uk/species/adscita-statures/>).

They have been recorded in Hertfordshire although not formally since 1976, and not on this site previously, although several sightings were also recorded in July 2021 in Chorleywood Common in Hertfordshire approximately 2.7km to the north of the site boundary (https://www.instagram.com/p/CRI8feGhkgT/?utm_medium=twitter). Chorleywood Common comprises acid, neutral and chalk grassland, and is different in nature to the grassland found at Maple Cross, which are more associated with its river valley setting.

As the Forester moth is a species listed in Section 41 of the NERC act the Local Planning Authority (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, 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.

Common Sorrel (*Rumex acetosa*) and Sheep's Sorrel (*Rumex acetosella*) are reported as the foodplants for the Forester moth caterpillar. On the Maple Lodge site Common Sorrel is common across the area, but Sheep's Sorrel is found only in one small location. UK Butterfly Conservation indicate that the Forester moth is often found feeding on flowers such as those of Devil's-bit Scabious, Field Scabious and Marsh Thistle, which are not recorded at Maple Cross. However, whilst it is likely that it will feed on other flowering plants, the absence of those species favoured by adults potentially reduces the value of the habitat at the proposed development site.

It should also be noted that the site had previously been mown annually, and usually towards the end of the summer months. As such Common and Sheep's Sorrel would be cut and therefore not available



for the Forester moth larvae to over winter. It has only been in the last 18 months or so that the annual mow has not been carried out which could potentially allowed Forester moth larvae to overwinter.

It should also be noted that without management the site at Maple Cross will become less favourable as the sward become dominated by more aggressive grasses, or affected by scrub invasion which is already evident to the western and southern borders. The presence of the moth would therefore be come more unlikely overtime.

Proposed Mitigation & Management

Guidance has been sourced where specific management activities are for habitat management directed at providing conditions suitable for the Forester moth. No advice relates to the physical relocation of individuals as this would not be reflective of the habitat requirements required for its life cycle, and as such all guidance relates to the establishment of habitat structure, composition, and management to favour conditions suitable for adults and larvae.

It has been the intention that the Landscape and Ecology Management Plan (LEMP) proposed condition, based on the integration of biodiversity objectives (one of which will include measures to provide managed habitat on site) will direct the habitats retained or re-provided within the site boundary.

Inclusion of targeted and appropriate planting and seed mixes to include both Common and Sheep's Sorrel across the site and, rotational cutting after flowering has occurred, and keeping areas where larvae have the potential to over winter will be included within the onsite LEMP measures. This will also ensure that scrub does not encroach. Conservation activities elsewhere suggest '*Maintenance of a medium-tall sward with abundant sorrel and nectar plants is essential*' (ref <https://butterfly-conservation.org/sites/default/files/habitat-burnetandforester-moths-scotland.pdf>) and the LEMP will include these within it so that there are opportunities for the Forester moth onsite.

However, whilst there are relatively small areas within the existing habitat on site, that include plant species that the Forester moth favours, the area of proposed landscaping are unlikely to be able to re-provide the same area once the proposed development has come forward.

As such and in addition to the onsite measures, the previous application included a unilateral undertaking under section 106 of the Town and Country Planning Act, which 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 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 was based on the advice of Hertfordshire Ecology that outlined

"... it would be appropriate to determine the contribution based on the cost of creating and managing, over a 25-year period, a smaller area of more species-rich grassland as a comparable ecological resource. I would recommend this should be an area of 2.26 hectares (two thirds of the size of that being lost at Maple Lodge) + 10% to represent a net gain of that resource. This payment would be made available to an appropriate local project to be identified as part of the S106 and held by the LPA for this purpose or refunded to the developer if after a period of 5 years the project has not commenced. I consider a sum of £17,725 would be appropriate to achieve this."

Therefore, if the s106 was identified for the creation and management of grassland then this could again be secured to be used to provide habitat enhancement offsite. The habitat requirements for the Forester moth can be delivered in a location that demonstrates more of the habitat characteristics that it favours, than is currently within the proposed development site at Maple Cross.



In addition, and as noted earlier, there is no current land management in place at Maple Cross and without this the area will scrub up with the loss of Common and Sheep Sorrel on site. As such the food plants for the caterpillars, and those of the adult will be lost through nature succession, in a relatively short period of time. The creation and / or management of grassland offsite will provide long term habitats favoured by the Forester moth and provide the opportunity for its future success.

Recommendations and Conclusions

Therefore, the above demonstrates how appropriate measures can be secured for the conservation of the Forester moth through the provision of the LEMP for onsite mitigation and an offsite s106 payment. Furthermore, this would provide the measures for Three Rivers District Council as the LPA to be satisfied that its duty under Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 has been carried out accordingly, and 'having regard' to this species during planning.

It also shows that any favoured habitat at the Maple Cross site will be lost through nature succession in a relatively short period of time. The s106 provision will provide the opportunity for the creation and / or management of grassland offsite specifically focused on enhancing biodiversity and habitats favoured by the Forester moth, and so provide the opportunity for its future survival.

These measures will also ensure a biodiversity net gain, as required by policy and demonstrating further planning benefits of this development.

If you have any queries or comments then please let me know.

Yours sincerely

Mitch Cooke

Director

For and on behalf of Greengage Environmental Ltd