

## Claire Westwood

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**From:** Nicholas Grant <NGrant@landmarkchambers.co.uk>  
**Sent:** 28 April 2022 12:03  
**To:** Claire Westwood  
**Cc:** Giles Cannock QC  
**Subject:** Proposed ecology condition

Dear Claire,

(Giles, FYI as discussed)

Matt Dodds has suggested including the following condition concerned with the Forester Moth. Could I please ask you to print some copies of the below the Appellant and Inspector this PM?

Kind regards

Nick

The population on site and in the vicinity is likely to be small. This severely limits the colonisation potential of the compensation site for the moth. It has to establish and the moths have to find it. This is further compromised if the moths are destroyed on this site, which is currently the case, because the number of adults available to colonise the new site is reduced. But there is a potential solution.

The majority of the lifecycle of the moth, larval and pupal stages, are spent on the basal leaves of its larval foodplant, in this case Sheep's Sorrel. On the application site the area where this species occurs is a discrete area. If they are present this is where they will be. If deep turfs are taken from this area and carefully translocated to an existing species rich wildflower meadow, or adjacent to such a site, it is feasible that any larval moths will also be translocated into a suitable habitat. If this is close to the compensation site all the better. They would then stand a much better chance of surviving and colonising suitable habitat. This strategy has a much higher chance of success than destroying the existing population and hoping that the compensation site will be colonised at some point in the future.

So we propose the condition:

*No development, including site clearance, shall commence until a forester moth habitat translocation strategy has been supplied and approved by the LPA. The strategy should include details of how the existing larval foodplant area will be translocated to a suitable, established, species rich grassland receptor site. The receptor site must contain a minimum of 2 ha of suitable habitat, botanically described to verify that it is a suitable site and be subject to appropriate management. The habitat translocation must be undertaken before any site clearance can commence.*

*Reason*

*To conserve and enhance biodiversity in accordance with NPPF para. 174(d) and the Policy DM6(a) of the Three Rivers District Local Plan.*

**Nicholas Grant**

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