Report to Cllr Dine Romero, Leader of the Council

Subject: Site to rear of 89-123 Englishcombe Lane

Prepared by: Will Godfrey, Chief Executive – October 2020

**Background**

On 23rd September, Cllr Romero was sent photographs alleging the destruction of slowworms on the site. I have been asked to provide a report setting out the key issues for consideration.

**Context**

The site to the rear of 89 – 123 Englishcombe Lane is owned by the council. The site has been allocated for housing development for a considerable time within the local plan. It is a site of significant ecological interest and any development requires ecological mitigation as a condition of planning.

Aequus, the council’s housing company has been making preparations to present a development scheme for planning. Permission was given following consideration by Planning Committee on 26th August.

This report does not consider any of the substantive planning issues. Rather it deals with the issues arising from the photographs received by Cllr Romero.

**Timeline**

I have set out below the key relevant dates.

3/7/20 – Director of Development confirms planning permission is not required for the reptile translocation to take place.

17/8/20 – approval given by Deputy Leader for the ecological work to commence. Aequus, commission work to begin the reptile translocation.

26/8/20 – Planning Committee approve planning permission for site

3/4 Sept – Tractor seen on site undertaking ecological work. This is work carried out by Ethos, experienced ecological contractors.

22/9/20 – Ward councillor informed about the photos.

23/9/20 – Email received from Cllr Romero with photographs alleging damage on site and the killing of slowworms. This appeared to show 2 dead slowworms.

24/9/20 – email referred to Aequus for comment. Planning enforcement team requested to attend site to consider whether any breach has taken place.

29/9/20 – Technical note produced by Planning team outlining findings

30/9/20 – Response received from Aequus attaching report from Ethos which sets out the work done.

1/10/20 – notified of formal complaint made to Police by resident alleging criminal damage.

5/10/20 – Updated response received from Planning team which considers comments from Ethos

15/10/20 – Email received from Police – criminal investigation will not proceed.

**Evaluation of Events**

* The photos received by Cllr Romero show 2 dead slowworms.
* The complainant alleged the slowworms were killed by the tractor which was on site on 3rd & 4th September.
* We have been unable to confirm the date on which the photos were taken.
* There is no direct evidence to support the accusation that the tractor was responsible for the killing of the slowworms.
* 3 weeks elapsed between the tractor being on site and receiving the email alleging the damage. If the motivation of the complaint was to ensure no continuing damage to the ecology I would have expected the photos to be sent much earlier.
* The Planning team, whilst expressing some concerns about the process used by Ethos, found no evidence to suggest the tractor had caused the death of the slowworms.
* The Police have considered the events and have decided not to pursue the case.

**Conclusion**

The merits, or otherwise, of the planning approval have not been considered. The only issue at hand here is whether there is substantive evidence to demonstrate that the ecological work conducted on site was responsible for the death of 2 slowworms.

My conclusion is there is no evidence to suggest that the ecological mitigation works have caused the death of the 2 slowworms.