

CONSULTATION TEMPLATE RESPONSE FROM LEICESTERSHIRE COUNTY COUNCIL:

ECOLOGY AND BIODIVERSITY PLANNING ADVICE

COUNTY, DISTRICT OR BOROUGH	Hinckley and Bosworth Borough Council
APPLICATION NUMBER	26/00306/FUL
ADDRESS	Drayton Barn Farm Chapel Lane Witherley Atherstone Leicestershire
DESCRIPTION OF DEVELOPMENT	Erection of boarding kennels, solar panels and associated works
PLANNING CASE OFFICER	Joseph Fleetwood HBBC
DEPARTMENT	Ecology
PLANNING ECOLOGY OFFICER	Richard Kelly
DATE OF COMMENTS	10 July 2026
ECOLOGICAL DOCUMENTS REVIEWED:	
• Application Form • Location Plan: ALS102 - LP01 • Existing Site Plan: ALS102 - ES01 • Proposed Site Plan: ALS102 - SP01 • Preliminary Ecological Appraisal (Brown Fisher Environmental, June 2026) • Statutory BNG Metric 1 (Brown Fisher Environmental, June 2026) • BIA Baseline Habitat Map • BIA Post-Development Habitat Map • Condition Assessments	
SUMMARY RECOMMENDATION:	
No comment	
No objection (for recommended conditions or informatives- see below)	
Recommend Refusal	
Holding Objection - Further information required	✓
REASON FOR RECOMMENDATION:	
BNG Specific Comments • Three parcels of Modified grassland have been recorded on-site therefore each require a separate row within the BNG Metric - A-1 On-Site Habitat Baseline. • BNG Metric - B-1 On-Site Hedge Baseline – Ref 2, 3,4 Hedgerows should be in ‘poor’ condition as they have more than 4 failures in total and fails both attributes in more than one functional group. • BNG Metric - B-1 On-Site Hedge Baseline – Ref 5 H5 – is in ‘poor’ condition as is fails both attributes in more than one functional group (B1, B2, C1, C2).	

- **There is a holding objection until the above is addressed.**
- A Preliminary Ecological Appraisal was completed by Brown Fisher Environmental in June 2026 which is accepted and key points outlined below.

Construction and Environmental Management Plan (Biodiversity)

- A Construction and Environmental Management Plan (Biodiversity) will be required to protect the following habitats and species during construction in relation to noise, pollution and hydrology for: retained habitats: mature trees, hedgerows and grassland
- A series of precautionary working methods for: amphibians, badgers, birds reptiles, and hedgehogs. As suitable habitat is present on site and in the wider landscape.
- **Please see recommended Conditions.**

Bats

- Dark corridors should be maintained and enhanced to preserve bat foraging and commuting routes along all boundaries in accordance with the findings from the bat transect surveys.
- A low impact lighting strategy should also be adopted for the site. A detailed lighting scheme is recommended to be approved by a licensed bat ecologist following best practice guidelines outlined in Bats and Artificial Lighting at Night (ILP, 2023). **Please see recommended conditions.**

Birds

- Any vegetation removal should take place outside the bird nesting season along with mitigation measures outlined within the Biodiversity Construction and Environmental Management Plan. **Please see recommended Conditions.**

BNG Specific Comments

- Currently biodiversity net gain is achievable on site with +10.94% increase in Habitat Units and +10.85% increase in Hedgerow Units.
- A Biodiversity Gain Plan will be required.
- The significant on-site BNG will need to be secured for a period of 30 years for monitoring and compliance.
- A Habitat Management and Monitoring Plan (HMMP) and Biodiversity Gain Plan will also need to be secured by condition. **Please see recommended Conditions.**

ANY RECOMMENDED CONDITIONS TO BE APPLIED:

- **CEMP: Biodiversity** - No development shall take place (including ground works or vegetation clearance) until a Construction Environment Management Plan for biodiversity (CEMP: Biodiversity) has been submitted to and approved in writing by the LPA. The CEMP shall include the following details:
 - A. Identification of potentially damaging construction activities on retained habitats:
 - B. practical measures and sensitive working practices to avoid or reduce impacts during construction on amphibians, badgers, birds, reptiles, and hedgehogs
 - C. timing of works to avoid harm to nesting birds
 - D. responsible persons for overseeing sensitive works
 - E. use of protective fencing where required to safeguard hedges, trees,
- The approved CEMP shall be adhered to and implemented throughout the construction period of each phase, unless otherwise agreed in writing by the LPA.

- **Lighting** - No external lighting shall be installed on the site until details (including luminance levels and measures to minimise light spillage) have been submitted to and approved in writing by the Local Planning Authority. External lighting shall only be installed in accordance with the approved details and shall not be replaced with any alternative lighting without the prior permission in writing of the Local Planning Authority.

- **HMMP** - The development shall not commence until a 30 year Habitat Monitoring and Management Plan (HMMP), prepared in accordance with an approved Biodiversity Gain Plan, has been submitted to and approved in writing by the local planning authority. The approved HMMP shall be strictly adhered to and implemented in full for its duration and shall contain the following:
 - a) Description and evaluation of the features to be managed;
 - b) Ecological trends and constraints on site that may influence management;
 - c) Aims, objectives and targets for management - links with local and national species and habitat action plans;
 - d) Description of the management operations necessary to achieving aims and objectives;
 - e) Preparation of a works schedule, including annual works schedule;
 - f) Details and a timetable of the monitoring needed to measure the effectiveness of management;
 - g) Details of the persons responsible for the implementation and monitoring;
 - h) mechanisms of adaptive management to account for necessary changes in work schedule to achieve the required targets; and
 - i) Details of methodology and frequency of monitoring reports to be submitted to the Local Planning Authority to assess biodiversity gain

- (To enhance biodiversity, and in accordance with the National Planning Policy Framework and paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990)

PRE-DEVELOPMENT HABITAT BASELINE FOR BIODIVERSITY NET GAIN (BNG)	
THIS IS THE MINIMUM NATIONAL ESSENTIAL INFORMATION REQUIREMENTS (PPG paragraph 11) AND MUST BE SATISFIED PRIOR TO DETERMINATION:	
Confirmation that development is subject to statutory biodiversity gain condition	Y
Pre-development Habitat Plan of existing onsite habitat (to scale)	Y
Pre-development Habitat Value (on date of application or earlier)	Y
Completed Metric Calculation Tool	Y
Statement of Habitat Degradation where present (with dates and details)	N/A
Reason for proposing an earlier date if applicable (ie. degradation)	N/A
Description of Irreplaceable Habitat where present	N/A
SMALL SITES METRIC ONLY: "Competent person" information (ie. qualifications, skills, experience)	N/A
BNG METRIC INFORMATION missing or incorrect:	
Incomplete or incorrect cells are shown in metric (eg. habitat quantity, type or condition, strategic significance)	Y

POST DEVELOPMENT PROPOSALS FOR BIODIVERSITY NET GAIN (BNG)	
PLEASE NOTE: THIS IS NOT ESSENTIAL INFORMATION PRIOR TO DETERMINATION. Post-development information is indicative only ; final proposals must be confirmed at Biodiversity Gain Plan statutory condition stage.	
ON-SITE SIGNIFICANT* BNG is proposed (If Y, please see later table)	Y
OFF-SITE APPLICANT-OWNED BNG is proposed (ie. Land shown on plan within the "blue line" boundary and inserted in "offsite" tab of statutory metric)	N
PLEASE NOTE: Where applicant-owned off-site or significant on-site BNG proposals are present, these should be secured and monitored for 30 years. The determining authority is responsible for monitoring for compliance.	
OFF-SITE PURCHASE** of BNG	
BNG units purchase from a third party to achieve 10% BNG uplift	N
Statutory biodiversity credits	N
PLEASE NOTE**: Where purchased BNG units are proposed, any purchased units from the national register are secured and monitored for 30 years by conservation covenant, separately from this planning application process.	

POST DEVELOPMENT PROPOSALS:		
*TYPE OF SIGNIFICANT ON-SITE HABITAT PROPOSED: (using the current government definition ¹)		
SIGNIFICANCE AS DEFINED IN PPG	POST DEVELOPMENT HABITAT TYPE PROPOSED	NUMBER OF UNITS
Medium or High Distinctiveness	-other woodland; broadleaved	0.49
Large number of units at Low Distinctiveness	-Native hedgerow	0.18
Significant increase in Distinctiveness, Condition or Area	N/A	N/A

¹ <https://www.gov.uk/guidance/make-on-site-biodiversity-gains-as-a-developer#significant-on-site-enhancements>

Note for applicants: Please be aware that this advice is provided to the Local Planning Authority through a Service Level Agreement between the Local Planning Authority and Leicestershire County Council Ecology Team. Its purpose is to discharge the legal duties of the determining authority under The Local Authorities (Functions and Responsibilities) Regulations (2000), Regulations 4.

If you have any queries about the content, please correspond directly with the Planning Officer assigned to the planning application or discharge of condition application. We are unable to respond directly to applicant enquiries regarding the advice that we have provided to the determining authority.

The following legislation is used to assist in the assessment of planning applications:

Legislation source	Reference
National Planning Policy Framework	Paragraphs relevant to biodiversity, biodiversity net gain, ecological connectivity and protected species
Environment Act 2021	Mandatory Net Gain Biodiversity Duty Local Nature Recovery Strategy
District or Borough Local Plan and supporting SPD's	Local Plan policy
ODPM circular 06/2005: Biodiversity and Geological Conservation	Requirement for species survey work and mitigation recommendations to be carried out prior to the determination of a planning application. Paras. 98 and 99
NERC Act 2006	Biodiversity Duty (see also Environment Act 2021) Section 41, habitats and species of Principal Importance (previously BAP)
Various International, European and National laws in relation to the protection of species and habitats	International and national site protection: Ramsar sites (from Ramsar Convention), Habitat and Birds Directives (Natura 2000 sites include SAC's and SPA's), SSSI's, National Nature Reserves, Local Wildlife Sites, Local Nature Reserves. Habitats and Species protection: Habitat and Species Regulations (protected sites and species). Wildlife and Countryside Act 1981 (as amended including special Schedule 1), Natural England Standing Advice. Badger Act.

