

CONSULTATION TEMPLATE RESPONSE FROM LEICESTERSHIRE COUNTY COUNCIL:

ECOLOGY AND BIODIVERSITY PLANNING ADVICE

COUNTY, DISTRICT OR BOROUGH	Hinckley and Bosworth Borough Council	
APPLICATION NUMBER	25/00466/OUT	
ADDRESS	26 Shaw Lane Markfield Leicestershire LE67 9PU	
DESCRIPTION OF DEVELOPMENT	Outline planning permission for erection of two self-contained flats (All matters reserved except for access)	
PLANNING CASE OFFICER	Ashleigh Gade	
DEPARTMENT	Ecology	
PLANNING ECOLOGY OFFICER	Olivia Larter	
DATE OF COMMENTS	26 June 2025	
ECOLOGICAL DOCUMENTS:		
• Location Plan (Design Three Sixty, April 2025) • Baseline Habitat Plan (Design Three Sixty, April 2025) • Proposed Habitat Plan (Design Three Sixty, April 2025) • Proposed Site Layout (Design Three Sixty, April 2025)		
SUMMARY RECOMMENDATION:		
No comment		☐
No objection (for recommended conditions or informatives- see below)		☐
Recommend Refusal		☐
Holding Objection - Further information required • Protected and Priority species • Mandatory Biodiversity Net Gain		☒
REASON FOR RECOMMENDATION:		
• We have reviewed the documents supplied by the applicant and we are not satisfied that there is sufficient information available for determination of this application. Protected and Priority Species • No ecological information has been submitted relating to the likely impacts of development on designated sites, protected & Priority species and habitats and identification of proportionate mitigation. • Therefore, we have conducted a desktop study including local records and aerial imagery to help assess the likely impacts on the above. We note that bat roost records were found in proximity to the site, and the site is highlighted on the Leicestershire GCN alert map as ponds located within proximity to the site are within 500m of a known GCN pond.		

- The site and connected surrounding landscape contain habitats which may offer potential to support bats as well as other protected and Priority species, including the building and vegetated garden.
- Whilst the development proposals look to retain the existing building and trees on site, these may still be impacted by the proposed development during and post construction. Therefore, further information is needed to be certain on the likely impact to protected and Priority species as a result of the development and appropriate mitigation measures.
- The ecological information should be included as part of a Preliminary Ecological Appraisal (PEA) report and submitted prior to determination. This is required because paragraph 99 of the ODPM Circular 06/2005 highlights that: *"It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision."*

Biodiversity Net Gain (BNG)

- Applications are required to deliver a mandatory 10% measurable biodiversity net gain, unless exempt under paragraph 17 of Schedule 7A of the Town and Country Planning Act 1990 and the Biodiversity Gain Requirements (Exemptions) Regulations 2024.
- As a result, we have reviewed the submitted information and are not satisfied that appropriate information has been provided prior to determination. The following information is required prior to determination:
 - a) Excel copy of the Statutory Biodiversity Metric containing the baseline value of the site
 - b) Associated metric condition assessment sheets for the baseline habitats on site where applicable

Additional Comments

- We note that baseline and post development habitat maps have been provided, and that these match the red line boundary for the site.
- Offsite compensation will likely be required, and the applicant should note that individual trees classified as small size (<30cm DBH) cannot be counted within vegetated garden habitat towards their net gain requirement.

ANY RECOMMENDED CONDITIONS TO BE APPLIED:

- N/A

ANY RECOMMENDED INFORMATIVES TO BE APPLIED:

- N/A

IN THE CASE OF DISCHARGE OF CONDITIONS ONLY:

(Please confirm which condition(s) is/are being discharged)

- N/A

BIODIVERSITY NET GAIN (BNG) SECTION

MINIMUM NATIONAL INFORMATION REQUIREMENTS PROVIDED (PPG paragraph 11):

Confirmation that development is subject to biodiversity gain condition	Yes
Pre-development habitat value (on date of application or earlier)	No
Reason for proposing an earlier date (if applicable)	N/A
Completed metric calculation tool	No
Statement of habitat degradation where present (with dates and details)	N/A
Description of irreplaceable habitat where present	N/A
Plan of onsite habitat pre-development (to scale)	Yes

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. strategic significance, habitat quantity, type or condition)	N/A
SIGNIFICANT ON-SITE ENHANCEMENT REQUIRED: (using the current government definition ¹)	
med/high distinctiveness	N/A
large number of units at low distinctiveness	N/A
significant in increase in distinctiveness, condition or area	N/A
BNG ADDITIONAL INFORMATION:	
Applicant-owned off-site or significant onsite BNG is present, to be secured and monitored for 30 years	No
BNG units likely need to be provided to achieve 10% BNG uplift (purchased units or statutory credits)	Yes
PLEASE NOTE: this is indicative only , confirmed at Biodiversity Gain Plan condition stage	

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 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.

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

	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.
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