

CONSULTATION TEMPLATE RESPONSE FROM LEICESTERSHIRE COUNTY COUNCIL:

ECOLOGY AND BIODIVERSITY PLANNING ADVICE

COUNTY, DISTRICT OR BOROUGH	Hinckley and Bosworth Borough Council
APPLICATION NUMBER	24/01126/FUL
ADDRESS	Land South Of Charnwood Acres Markfield Road Ratby Leicester Leicestershire
DESCRIPTION OF DEVELOPMENT	Proposed change of use of agricultural land to an overnight tourism facility (Use Class C1) and provision of shepherd hut accommodation, parking, planting, and associated works
PLANNING CASE OFFICER	Sullivan Archer
DEPARTMENT	Ecology
PLANNING ECOLOGY OFFICER	Charlotte Smith
DATE OF COMMENTS	22 August 2025
ECOLOGICAL DOCUMENTS REVIEWED:	
• Preliminary Ecological Appraisal (Arbtech, November 2024) • River Condition Assessment File Note (Arbtech, July 2025) • Great Crested Newt eDNA Sampling (Arbtech, June 2025) • Motorcross Usage File Note (Arbtech, July 2025) • Statutory Biodiversity Metric (December 2024)	
SUMMARY RECOMMENDATION:	
No comment	☐
No objection (for recommended conditions or informatives- see below)	☐
Recommend Refusal	☐
Holding Objection - Further information required: • Mandatory Biodiversity Net Gain	☒
REASON FOR RECOMMENDATION:	
We have reviewed the documents supplied by the applicant, relating to the likely impacts of development on designated sites, protected & Priority species and habitats and identification of proportionate mitigation. We welcome the submission of the Great Crested Newt eDNA Sampling (Arbtech, June 2025) report and are therefore satisfied that there is sufficient ecological information available for determination of this application and support the onsite precautionary measures.	

However, we are not satisfied that appropriate information with regard to mandatory biodiversity net gains has been supplied for the application prior to determination. The reasons for this are outlined below:

- We have reviewed the River Condition Assessment File Note (Arbtech, July 2025) and are not satisfied that it justifies the absence of a formal River Condition Assessment (RCA) for Slate Brook. The report states *'Slate brook is a seasonal, non-perennial brook, active only during wetter months to convey surface water. It lacks a continuous aquatic habitat or baseflow typically associated with rivers under the Biodiversity Metric definitions. BNG User Guide, Section 8.3: "A river condition assessment is required where the watercourse meets the definition of a river in the metric. This includes permanent rivers, streams or ditches with flowing water, or watercourses that provide aquatic habitat on a near-permanent basis." Slate brook does not meet this definition and should not be treated as a river for BNG purposes'*.

However, we cannot find the above quoted statement in the latest version of the [user guide](#) and query the origin of this guidance, we require further guidance on where the definition has come from, as an RCA can be conducted on dry watercourses. Additionally, if the watercourse is assessed by the competent ecologist as a ditch rather than a river or stream, this would also need to be subject to a condition assessment, even if found to be dry. We note that the survey was undertaken in June and July 2025 during an extended dry period, and therefore the brook may have been drier than normal.

Additionally, we note that the Design and Access Statement (Glampitect, no date given) states *'a drainage system will be an off-grid Ecoflo system which runs purely on coconut husks, the filtered and cleaned output will be discharged to the year-round running stream'*. This discharge could therefore result in an impact on the waterway condition. Prior to determination, further justification needs to be provided as to why watercourse habitats have not been included within the Biodiversity Net Gain assessment, at present the brook has been excluded from the biodiversity metric calculation tool. The Design and Access Statement indicates the proposals will impact the watercourse; therefore, it is considered likely that watercourses should be included within the baseline habitats assessment. This information is required prior to determination.

We would like to highlight that rivers and streams which require a River Condition Assessment (RCA), will need to be assessed by a suitably qualified person, with MoRPH river training.

- The submitted Statutory Biodiversity Metric – Calculation Tool is not accompanied by condition assessment. This is required to ensure that the habitats within the pre-development baseline have been recorded appropriately.

ANY RECOMMENDED CONDITIONS TO BE APPLIED:

- N/A

ANY RECOMMENDED INFORMATIVES TO BE APPLIED:

- N/A

BIODIVERSITY NET GAIN (BNG) SECTION

HAVE MINIMUM NATIONAL INFORMATION REQUIREMENTS BEEN PROVIDED (PPG paragraph 11):

Confirmation that development is subject to statutory biodiversity gain condition	Yes
Pre-development Habitat Plan of existing onsite habitat (to scale)	Yes
Pre-development Habitat Value (on date of application or earlier)	Yes
Completed Metric Calculation Tool	Yes
Statement of Habitat Degradation where present (with dates and details)	Yes
Reason for proposing an earlier date if applicable (ie. degradation)	N/A

Description of Irreplaceable Habitat where present	N/A
BNG METRIC INFORMATION missing or incorrect:	
Incomplete or incorrect cells are shown in metric (eg. habitat quantity, type or condition, strategic significance)	Yes
ON-SITE AND OFF-SITE PROPOSALS PRESENT: These should be secured and monitored for 30 years	
Applicant-owned significant onsite BNG is proposed	Yes
Off-site BNG is proposed (eg. BNG units provided to achieve 10% BNG uplift either on applicant-owned land, purchased units or statutory credits) PLEASE NOTE: this is indicative only , confirmed at Biodiversity Gain Plan condition stage	No
TYPE OF SIGNIFICANT ON-SITE HABITAT PROPOSED: (using the current government definition ¹)	
Medium or High Distinctiveness	Yes
Large number of units at Low Distinctiveness	N/A
Significant increase in Distinctiveness, Condition or Area	N/A

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	International and national site protection: Ramsar sites (from Ramsar Convention), Habitat and Birds Directives (Natura 2000 sites include

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

the protection of species and habitats	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.
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