

CONSULTATION TEMPLATE RESPONSE FROM LEICESTERSHIRE COUNTY COUNCIL:

ECOLOGY AND BIODIVERSITY PLANNING ADVICE

COUNTY, DISTRICT OR BOROUGH	Hinckley and Bosworth Borough Council
APPLICATION NUMBER	25/00649/FUL
ADDRESS	The Mallory 11 Newbold Road Kirkby Mallory Leicester Leicestershire
DESCRIPTION OF DEVELOPMENT	Erection of a replacement self-build dwelling and detached garage
PLANNING CASE OFFICER	Sullivan Archer
DEPARTMENT	Ecology
PLANNING ECOLOGY OFFICER	Olivia Larter
DATE OF COMMENTS	11 August 2025
ECOLOGICAL DOCUMENTS REVIEWED:	
<ul style="list-style-type: none"> None supplied 	
SUMMARY RECOMMENDATION:	
No comment	<input type="checkbox"/>
No objection (for recommended conditions or informatives - see below)	<input type="checkbox"/>
Recommend Refusal	<input type="checkbox"/>
Holding Objection - Further information required	<input checked="" type="checkbox"/>
REASON FOR RECOMMENDATION:	
<ul style="list-style-type: none"> We have reviewed the documents supplied by the applicant and we are not satisfied that there is sufficient ecological information available for determination of this application. <p>Protected, Priority and threatened species</p> <ul style="list-style-type: none"> 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. We have therefore conducted a desktop study including local records and aerial imagery to help assess the likely impacts on the above. We note that there are bat roost records in proximity to the site, and the site is also located in proximity to Potential Local Wildlife Sites comprising woodland and grassland sites. Since the site and connected surrounding landscape contain valuable habitats which may offer potential to support a range of protected, Priority and threatened species, including the existing building and garden area which will be impacted by the proposed development. Therefore, further information is needed to provide certainty on the likely impacts to designated sites and protected species and identification of proportionate mitigation. 	

- 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."*
- This information is therefore required to provide the LPA with certainty of likely impacts on legally protected species and be able to secure appropriate mitigation either by a mitigation licence from Natural England or a condition of any consent. This will enable the LPA to demonstrate compliance with its statutory duties, including its biodiversity duty under s40 NERC Act 2006 (as amended) and prevent wildlife crime under s17 Crime and Disorder Act 1998.
- Furthermore, the Local Planning Authority, as a competent authority, should have regard to the requirements of The Conservation of Habitats and Species Regulations 2017 (as amended) when reaching planning decisions and must not leave this until the licence application stage. Therefore, if a European Protected Species Mitigation Licence is required for this application, appropriate mitigation measures to support the provision of the licence must also be outlined prior to determination to allow certainty to the LPA that a licence will likely be granted.

Biodiversity Net Gain (BNG)

- With regard to mandatory biodiversity net gains, it is highlighted that we have reviewed the submitted application form. 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.
- This application satisfies the definition of a self-build and custom build application as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015 (as amended), as it consists of a single dwelling and garage which is to be built on a site area no larger than 0.5 hectares. Therefore, we are satisfied that this application can be described as 'below the threshold' and is exempt from the statutory requirement of mandatory biodiversity net gains, which requires developers to identify and pursue opportunities for securing a measurable biodiversity net gain, equivalent to a 10%. A condition or legal obligation may be imposed by the council to ensure that the development is used as a self-build and custom housebuilding.
- However, reasonable biodiversity enhancement measures should be detailed within a separate Biodiversity Enhancement Strategy and secured by a condition of any consent. This is necessary to provide net gains for Priority and threatened species in line with paragraph 187d of the NPPF.

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

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

Confirmation that development is subject to statutory biodiversity gain condition	Exempt
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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.