

CONSULTATION TEMPLATE RESPONSE FROM LEICESTERSHIRE COUNTY COUNCIL:

ECOLOGY AND BIODIVERSITY PLANNING ADVICE

COUNTY, DISTRICT OR BOROUGH	Hinckley and Bosworth Borough Council
APPLICATION NUMBER	25/00152/FUL
ADDRESS	Land Adjacent 19 Newbold Road Barlestone Nuneaton Leicestershire
DESCRIPTION OF DEVELOPMENT	Erection of 2 dwellings and alterations to existing access (resubmission of 21/00901/FUL)
PLANNING CASE OFFICER	Alex Jelley
DEPARTMENT	Ecology
PLANNING ECOLOGY OFFICER	Charlotte Smith
DATE OF COMMENTS	13 August 2025
ECOLOGICAL DOCUMENTS REVIEWED:	
<ul style="list-style-type: none"> • Ecological Appraisal and Biodiversity Net Gain Statement (Alca Ecology, July 2025) • Statutory Biodiversity Metric – Calculation tool (July 2025) 	
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: <ul style="list-style-type: none"> • Protected species (reptiles) • Mandatory Biodiversity Net Gain 	<input checked="" type="checkbox"/>
REASON FOR RECOMMENDATION:	
<p>We have reviewed the documents supplied by the applicant, relating to the likely impacts of development on designated sites, protected and species and identification of proportionate mitigation, including the Ecological Appraisal and Biodiversity Net Gain Statement (Alca Ecology, July 2025) that has been submitted alongside the original Preliminary Ecological Appraisal (Wildlife Consultants Limited, January 2025).</p> <p>We are not satisfied that appropriate information with regard to mandatory biodiversity net gains has been supplied for the application prior to determination (See BNG section below). The reasons for this are outlined below.</p> <p>It is indicated that welcome the inclusion of the new Ecological Appraisal and Biodiversity Net Gain Statement (Alca Ecology, July 2025) that provides further assessment on the habitat suitability for reptiles. We support the proposed precautionary mitigation measures for reptiles. However, we</p>	

recommend that finalised measures for protected and Priority species should be secured via a biodiversity method statement.

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)	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:

We welcome the inclusion of the new Ecological Appraisal and Biodiversity Net Gain Statement (Alca Ecology, July 2025) and Statutory Biodiversity Metric – Calculation tool (July 2025) and are satisfied that the habitat types have been recorded correctly. However, we are not satisfied that appropriate information has been provided prior to determination. This is because of the reasons set out below:

- We note that the onsite native hedgerow has been recorded as having medium strategic significance. As the Leicestershire Local Nature Recovery Strategy has been adopted, all habitats should be recorded as 'low strategic significance' in the biodiversity metric – calculation tool, with no exceptions. This is in line with the Statutory Biodiversity Metric – User Guide.

As mandatory biodiversity net gains applies, the planning authority will be required to secure a biodiversity gain condition as a pre-commencement requirement. The biodiversity gain condition has its own separate statutory basis, as a planning condition under paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 and should be included as an informative within the decision notice. The biodiversity gain condition should secure the provision of a Biodiversity Gain Plan, as well as the following information:

- The completed metric calculation tool showing the calculations of the predevelopment and post-intervention biodiversity values.
- Pre and post development habitat plans.
- Legal agreement(s)
- Biodiversity Gain Site Register reference numbers (if using off-site units).
- Proof of purchase (if buying statutory biodiversity credits at a last resort).

We note that post-intervention values have also been provided. As a result, it is recommended that the following matters will also need to be addressed as part of the biodiversity gain condition:

- The current proposals equal a -91.25% loss for area habitats and 100% loss for linear habitats. Therefore biodiversity units and/or credits will be required to achieve a 10% net gain for the site.

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 <u>significant onsite</u> BNG is proposed	No
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	Yes
TYPE OF SIGNIFICANT ON-SITE HABITAT PROPOSED: (using the current government definition ¹)	
Medium or High Distinctiveness	N/A
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 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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