

CONSULTATION TEMPLATE RESPONSE FROM LEICESTERSHIRE COUNTY COUNCIL:

ECOLOGY AND BIODIVERSITY PLANNING ADVICE

COUNTY, DISTRICT OR BOROUGH	Hinckley and Bosworth Borough Council
APPLICATION NUMBER	25/01207/OUT (Reconsultation)
ADDRESS	Land To the East of Ashby Road Ashby Road Hinckley Leicestershire
DESCRIPTION OF DEVELOPMENT	Outline application for up to 103 dwellings (All matters reserved except access)
PLANNING CASE OFFICER	Sullivan Archer
DEPARTMENT	Ecology
PLANNING ECOLOGY OFFICER	Olivia Larter
DATE OF COMMENTS	17 April 2026
ECOLOGICAL DOCUMENTS REVIEWED:	
• Letter response to LPA comments (Brindle & Green, March 2026) • Ecological Impact Assessment (Brindle & Green, September 2025) • The Statutory Biodiversity Metric – Calculation Tool (May 2025)	
SUMMARY RECOMMENDATION:	
No comment	☐
No objection (for recommended conditions or informatives- see below)	☐
Recommend Refusal	☐
Holding Objection - Further information required • Mandatory Biodiversity Net Gains (BNG) • Priority – Breeding birds (Skylark)	☒
REASON FOR RECOMMENDATION:	
We have reviewed the additional information comprising a letter response to previous LPA comments (Brindle & Green, March 2026) supplied by the applicant, relating to the likely impacts of development on protected & Priority species, specifically relating to proposed Skylark mitigation. We are not satisfied that there is sufficient ecological information available for determination of this application and recommend that additional information on Skylark compensation is provided prior to determination. In addition, 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: Mandatory Biodiversity Net Gains (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.	

Biodiversity net gains is a statutory requirement set out under [Schedule 7A \(Biodiversity Gain in England\) of the Town and Country Planning Act 1990](#). This legislation was inserted into the 1990 Act by Schedule 14 of the Environment Act 2021 and was amended by the Levelling Up and Regeneration Act 2023. The Biodiversity Gain (Town and Country Planning) (Consequential Amendments) Regulations 2024 made consequential amendments to other parts of the 1990 Act.

The [Biodiversity Net Gain Planning Practice Guidance \(PPG\)](#) sets out how mandatory biodiversity net gains should be applied through the planning process and Paragraph: 011 Reference ID: 74-011-20240214 sets out what information should be submitted as part of a planning application if the statutory biodiversity gain condition applies.

As a result, we have reviewed the submitted Statutory Biodiversity Metric – Calculation Tool (May 2025) and are not satisfied that appropriate information has been provided prior to determination. This is because of the reasons set out below:

- A copy of the condition assessment sheets for the baseline habitats on site have not been provided. These are required for the following baseline habitats: Modified grassland, Mixed scrub, Rural tree and Native hedgerow.
- Since the Leicestershire LNRS has now been published, in line guidance contained within the Statutory Biodiversity Metric – User Guide, all baseline habitats should be set to ‘low’ strategic significance which is equivalent to ‘Area/compensation not in local strategy/ no local strategy’ in the metric for applications not yet granted. Therefore, the strategic significance should be updated for Rural tree and Native hedgerow.
- It is noted that ditches D3 and D4 are present around the red line boundary of the site. It should be considered whether these meet the definition of a ‘wet ditch’ (Less than 5 metres wide; and Likely to retain water for more than 4 months of the year). If the definition does meet the ‘wet ditch’ definition, further clarification should be provided on whether ditches are within the red line boundary or the riparian zone (defined as 5m from the top of the bank) and whether they need to be recorded in the baseline in line with the Statutory Biodiversity Metric – User Guide.

Priority Species (Skylark):

We note that the breeding bird surveys undertaken as part of the Ecological Impact Assessment (Brindle & Green, September 2025) identified that the proposed development will likely result in the loss or displacement of a single Skylark territory. It is highlighted in the additional Letter response to LPA comments (Brindle & Green, March 2026) provided that the previously approved outline Skylark mitigation strategy which proposed a compensation plot in adjacent blue line boundary land is no longer available. We acknowledge that the creation of an area of other neutral grassland within the northern area of the site could support Skylark breeding by providing foraging resource, however whether this can act as a suitable compensation strategy in the absence of the a compensatory Skylark plot depends on how the grassland is managed to support Skylark, its location in relation to suitable breeding habitat, and whether it can be ensured that the area is free from disturbance including recreational pressures. Therefore, further information is required to help clarify whether the proposed habitat creation measures offer effective compensation for Skylark, a Priority farmland bird species under the NERC Act 2006 (as amended).

Additional Comments – BNG:

Since 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 prior to commencement, which includes the following:

- A Biodiversity Gain Plan form (Ideally using the Government's template: <https://www.gov.uk/government/publications/biodiversity-gain-plan>)
- The completed metric calculation tool showing the calculations of the pre-development 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).

In addition, a [Habitat Management and Monitoring Plan](#) (HMMP) should be secured for all [significant on-site enhancements](#). Based on the submitted post-intervention values as they are currently submitted and Government Guidance on what constitutes a significant on-site enhancement, recommendations on the habitats that should be classified as a significant on-site enhancement have been outlined in the BNG tables below.

The decision on whether significant on-site enhancements are present is ultimately up to the Council. Where present, the maintenance and monitoring of significant on-site enhancements should be secured via planning obligation for a period of up to 30 years from the completion of development. This will be required to be submitted concurrent with the discharge of the biodiversity gain condition. Therefore, the LPA is encouraged to secure draft heads of terms for this planning obligation at application stage, to be finalised as part of the biodiversity gain condition. Alternatively, the management and monitoring of significant on-site enhancements could be secured as a condition of any consent. The monitoring of the post-development habitat creation / enhancement will need be provided to the LPA at years 1, 3, 5, 10, 15, 20, 25, 30, unless otherwise specified by the LPA. Any remedial action or adaptive management will then be agreed with the LPA during the monitoring period to ensure the aims and objectives of the Biodiversity Gain Plan are achieved.

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 strategic significance scores will need to be updated for the post-intervention habitat values (see link to LNRS mapping: <https://haveyoursay.leicestershire.gov.uk/local-nature-recovery-strategy-local-habitat-map>). All specific creation and enhancement of medium – very high distinctiveness habitats within the relevant habitat measures layer can be classified as 'high strategic significance' in the on-site or off-site post-development section Statutory Biodiversity Metric - Calculation Tool. Since linear habitats and individual trees are not currently included within their own layer, these should be assigned as low strategic significance. Medium strategic significance should not be used. Therefore, this will need to be updated for the following habitats: Species-rich native hedgerow.

Additional Comments – Biodiversity Enhancements

We support the proposed reasonable biodiversity enhancements for protected, Priority and threatened species, which have been recommended in Section 7 of the Ecological Impact Assessment (Brindle & Green, September 2025) to secure net gains for biodiversity, as outlined under Paragraph 187d and 193d of the National Planning Policy Framework (December 2024). Reasonable biodiversity enhancement measures are a separate matter to mandatory biodiversity net gains, and the finalised details should be outlined within a separate Biodiversity Enhancement Strategy to be secured as a condition of any consent.

Additional Comments - Protected Species:

We have reviewed the Ecological Impact Assessment (Brindle & Green, September 2025) relating to the likely impacts of development on designated sites, protected and Priority species & habitats and identification of appropriate mitigation measures. Therefore, it is indicated that we support the conclusions of this assessment.

We note that all ponds surveyed for Great Crested Newt (GCN), European Protected Species returned negative results and that no trees were identified as offering potential roosting features for bats, European Protected Species, whilst it is indicated that all trees and the majority of hedgerows which offer some foraging and commuting suitability are to be retained as part of the development. Any new lighting proposed should be included within a sensitive lighting strategy for bats in line with Guidance Note GN08/23 (Institute of Lighting Professionals) and submitted to the LPA for approval as a condition of any consent to ensure impact to bat foraging routes as a result of the development are minimised.

The mitigation measures identified in the Ecological Impact Assessment (Brindle & Green, September 2025) should be secured by a condition of any consent and implemented in full, if the LPA is minded to grant planning consent. This is necessary to conserve and enhance protected and Priority species particularly those recorded in the locality.

A Construction Environmental Management Plan (CEMP) for Biodiversity should also be secured as a condition of any consent and should include protection measures for retained hedgerows and trees, ditch protection including pollution prevention measures, lighting control for bats during construction, and reasonable avoidance methods for smooth newt and common toad, reptiles, badger and hedgehog.

We look forward to working with the LPA and the applicant to receive the additional information required to support a lawful decision and overcome our holding objection on Skylark and Mandatory Biodiversity Net Gains.

ANY RECOMMENDED CONDITIONS TO BE APPLIED:

N/A

ANY RECOMMENDED INFORMATIVES TO BE APPLIED:

N/A

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	TBC
Statutory biodiversity credits	TBC
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 neutral grassland	6.28
	Ponds (non-priority habitat)	1.73
	Urban tree	0.73
	Mixed scrub	0.29
	Species-rich native hedgerow	0.65
Large number of units at Low Distinctiveness	N/A	N/A
Significant increase in Distinctiveness, Condition or Area	Other neutral grassland (distinctiveness increase)	0.16

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.

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

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.