

CONSULTATION TEMPLATE RESPONSE FROM LEICESTERSHIRE COUNTY COUNCIL:

ECOLOGY AND BIODIVERSITY PLANNING ADVICE

COUNTY, DISTRICT OR BOROUGH	Hinckley and Bosworth Borough Council	
APPLICATION NUMBER	25/00019/FUL	
ADDRESS	Land To The South Of 59 Kennel Lane Witherley Atherstone Leicestershire	
DESCRIPTION OF DEVELOPMENT	Demolition of existing barn and construction of two dwellings with associated parking	
PLANNING CASE OFFICER	Sullivan Archer	
DEPARTMENT	Ecology	
PLANNING ECOLOGY OFFICER	Richard Kelly	
DATE OF COMMENTS	24 November 2025	
ECOLOGICAL DOCUMENTS REVIEWED:		
• Design, Access and Planning Statement • Biodiversity Statement (CW Ecology, November 2024) • Preliminary Roost Assessment (RICS, November 2024) • Application Form • Site Layout • Existing Site Plan • BMG Metric (November 2024) • Preliminary Bat Roost Assessment and Bird Survey (RICS, 08/10/2025) • External Works Layout (9842 03)		
SUMMARY RECOMMENDATION:		
No comment		
No objection (for recommended conditions or informatives- see below)		✓
Recommend Refusal		
Holding Objection - Further information required		
REASON FOR RECOMMENDATION:		
There has been a review of applicant submitted information and previous ecology advise (02/03/2025; 16/07/2025; 23/10/2025) with updated comments below. • A Preliminary Ecological Appraisal and Bird Survey completed by RICS in June 2025, has been submitted which is accepted and outlined below. • Bats – The building on site has been classed as ‘moderate’ suitability for roosting bats requiring two emergence surveys which have been completed. The survey confirmed the		

building is being used by Brown long eared and Common pipistrelle bats and suggested a full EPS licence is required rather than a Bat Mitigation Class license.

- Further 'roost characterisation' surveys have been completed and established the building is being used as a Day roost by up to 7 Common pipistrelle bats, a Day roost by up to 3 Brown long eared bats and as a Feeding perch (Night Roost) by an individual Brown long eared bat.
- **A European Protected Species License (EPS) will be required from Natural England to make the development lawful.**
- Mitigation will be required for the loss of the roost. The Preliminary Bat Roost Assessment and Bird Survey completed by RICS on (08/10/2025) is proposing a bat loft is incorporated within the new dwellings and two integrated bat boxes. In addition, a method of working is proposed to safeguard bats during demolition. This is accepted. Please see recommended Condition and Informatives.
- Specifications including measurements and internal details of the bat loft, integrated and received on architectural drawings will be required to ensure the long-term retention of the bat loft. These have been received on plan. **Please see recommended Conditions.**
- These surveys are valid for a period of 18 months and will require updating if this time passes (October 2025) or significant changes in habitat occur. **Please see recommended Conditions.**
- **Birds** – There is evidence of swallows nesting at ground floor level and pigeons on the first floor. Demolition works will be required to be undertaken outside the bird nesting season which runs from March to August inclusive to avoid disturbing nesting birds. If this is not possible then a nesting bird check will be required by a suitably experienced ecologist no more than 24 hours prior to removal and active nests left in place until fledged. **Please see recommended Informatives.**
- **Biodiversity Enhancements** – There will be a loss of swallow nesting habitat as part of the works. Therefore, 2 swallow nest cups will be required to compensate and provide a biodiversity net gain, as per the NPPF for this species. It is also recommended that landscaping includes native species of local provenance that will provide a range of plants to support pollinating insects as identified in the RHS plants for pollinators. **Please see recommended Conditions.**

BNG Specific

- **Habitat degradation has taken place between January 2022 and May 2023 as per aerial imagery.**
- A statement has been received outlining the degradation and why it doesn't apply in this instance, as it relates to a granted permission of application 22/01232/CONDIT. Additional land has been included in the current application which has been classed as degraded and inferred as grassland in the baseline. This is accepted and no further action is required.
- **Currently the 10% Biodiversity Net Gain will be met on site with a +19.25% increase in Habitat Units.**
- The proposed planting of 2 trees does count as significant according to the definitions, however monitoring 2 trees for 30 years is disproportionate to the relative biodiversity value before development. Therefore, does not require securing or production of a HMMP.
- A Biodiversity Gain Plan will need to be secured by condition.

ANY RECOMMENDED CONDITIONS TO BE APPLIED:

- **Ecological Baseline** - The ecological baseline shall be kept up-to-date by a regular review of the baseline surveys by a professionally qualified ecologist not less than every 18 months from the date of the previous survey October 2025. The survey updates shall be submitted in writing to the Local Planning Authority. Should the updated surveys identify significant changes in the baseline conditions, the relevant ecological survey(s) shall be undertaken by a professionally qualified ecologist and submitted for approval by the Local Planning Authority.
- **Bat Mitigation** - The development hereby approved shall be implemented in strict accordance with the measures (Mitigation for Bats, Method of Working) stated within the Preliminary Bat Roost Assessment and Bird Survey Report completed by (RICS on, October 2025) and the supporting External Works Layout (Dwg No. 9842 03).
- **Landscape Enhancement Plan** - No development shall take place until a biodiversity enhancement plan has been submitted to and approved in writing by the LPA. Enhancements shall include (but is not limited to) at least two Woodcrete bat boxes, two woodcrete/integrated bird boxes and two bee bricks with the makes/models and their locations. The biodiversity enhancement scheme shall include planting of hedgerows and trees of native species of local provenance and species to attract pollinating insects as identified in the RHS' 'Plants for Pollinators' database. Hedgerow mixes should include: 80% hawthorn (*Crataegus monogyna*), plus any one or more of the following: field maple (*Acer campestre*), dogwood (*Cornus sanguinea*), dog rose (*Rosa canina*) and holly (*Ilex aquifolium*). Any enhancement measures need to be shown on all relevant submitted plans. All works are to proceed strictly in accordance with the approved scheme.

ANY RECOMMENDED INFORMATIVES TO BE APPLIED:

- **EPS Licence** - This development will require a European Protected Species licence to make it lawful. You must be aware that to proceed with the development without first obtaining an EPS Licence could result in prosecution.
- **Nesting Birds** - Nesting birds are protected under the Wildlife & Countryside Act 1981 (as amended); therefore, building demolition and significant alteration or vegetation clearance should take place outside the breeding season (March to August inclusive) unless carefully checked beforehand by a suitably qualified person.

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)	Y
Reason for proposing an earlier date if applicable (ie. degradation)	Y

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)	N

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	N
Statutory biodiversity credits	N
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 <u>SIGNIFICANT ON-SITE</u> 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	-Urban Tree	-0.02
Large number of units at Low Distinctiveness	N/A	N/A
Significant increase in Distinctiveness, Condition or Area	N/A	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

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

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.

