

CONSULTATION TEMPLATE RESPONSE FROM LEICESTERSHIRE COUNTY COUNCIL:

ECOLOGY AND BIODIVERSITY PLANNING ADVICE

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| DISTRICT OR BOROUGH | Hinckley & Bosworth Borough Council |
| APPLICATION NUMBER | 24/00914/OUT |
| ADDRESS | Burroughs Road Recreation Ground Burroughs Road Ratby Leicester Leicestershire |
| DESCRIPTION OF DEVELOPMENT | Outline planning application (with all for matters reserved apart from access) for a phased mixed-use development comprising about 470 dwellings (Use Class C3) or, in the alternative, about 450 dwellings and care home/extra care facility (Use Class C2/C3). Provision of a community hub (Use Class F2); 1FE primary school (Use Class F1); and associated operations and infrastructure including but not limited to site re-profiling works, sustainable urban drainage system, public open space, landscaping, habitat creation, internal roads/routes, and upgrades to the public highway. |
| PLANNING CASE OFFICER | Alex Jelley |
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| DEPARTMENT | Ecology |
| PLANNING ECOLOGY OFFICER | Kirsten Hunter |
| DATE OF COMMENTS | 28 th October 2024 |
| SUMMARY RESPONSE: | |
| No comment | |
| No objection | |
| Recommend Refusal | |
| Holding Objection - Further information required | ✓ |
| Condition recommended | |
| Informative recommended | |
| SUMMARY OF ECOLOGICAL DOCUMENTS CONSIDERED: | |
| <ul style="list-style-type: none"> • BNG Metric; • Site Location Plan; • Statutory Biodiversity Net Gain Report; • Site Location Plan; • Bird Report; • Great Crested Newt Report and Mitigation Strategy; • Interim Bat Report – Parts 1 and 2; | |

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| <ul style="list-style-type: none"> • Illustrative Masterplan - Drg No. 10783-FPCR-XX-XX-DR-L-0013-P04; • Reptile Report |
| REASON FOR RECOMMENDATION PROVIDED: |
| <ul style="list-style-type: none"> • A Preliminary Ecological Appraisal appears to be missing from the planning portal - this should be provided for review. • The individual ecological reports provided are satisfactory and recommendations should be carried out to good practice guidance. • The Site lies partially within a Swift alert zone in which any new development should follow Swifts and Planning Guidance Note. • The Interim Bat Report indicates the full suite of bat activity surveys, automated static bat detector surveys and analysis have not been completed. It is stated the additional survey data will be submitted in a finalised report once completed, with recommendations made based on activity levels and species composition recorded to date. This should be provided for review once completed. |
| BIODIVERSITY NET GAIN (BNG) specific comments: |
| <ul style="list-style-type: none"> • Condition assessment was undertaken at optimal time of year (June) to good practice guidance. • The current illustrative master plan achieves a net gain of 17.63% habitat units and 10.17% hedgerow units. The proposed plans are feasible, however a draft version of the Habitat Management and Monitoring Plan (HMMP) is recommended to evidence how these habitats will be achieved to the condition stated, particularly how the existing high fertility agricultural grassland will be reduced in fertility to enable achieve 'good' quality 'other neutral grassland' to be created. • River Condition Assessment should be undertaken as the site boundary appears to lie within 10m of the pLWS Ratby, tributaries of Rothley Brook. |
| FURTHER INFORMATION REQUIRED: |
| <ul style="list-style-type: none"> • Preliminary Ecological Appraisal • River Condition Assessment • Completed bat surveys. Please note that ODPM Regulations require protected species surveys to be submitted prior to determination of a planning application. It is also essential that the extent that they may be affected by the proposed development is established before the planning permission is granted. Reference: Paragraph 99 of ODPM Circular 06/2005 (Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System). Any further protected species surveys determined to be required must be completed and submitted prior to determination. |
| AMENDMENTS RECOMMENDED: |
| <ul style="list-style-type: none"> • |
| RECOMMENDED CONDITIONS TO BE APPLIED: |
| <ul style="list-style-type: none"> • |
| RECOMMENDED INFORMATIVES TO BE APPLIED: |
| <ul style="list-style-type: none"> • |
| RECOMMENDED SECTION 106 REQUIREMENT (standard clause, contribution amount, trigger for payment) |
| <ul style="list-style-type: none"> • |
| DISCHARGE OF CONDITIONS ONLY: (Please confirm which condition(s) is/are being discharged) |
| <ul style="list-style-type: none"> • |

Note for applicants: Please be aware that this specialist advice is provided to the Local Planning Authority through a Service Level Agreement between the Local Planning Authority and Leicestershire County Council.

If you have any queries about this advice, 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 as part of this service.

The following legislation is used to assist in the assessment of planning applications:

| Legislation source | Reference |
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| 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. |