

**CONSULTATION TEMPLATE RESPONSE FROM LEICESTERSHIRE COUNTY COUNCIL:**

**ECOLOGY AND BIODIVERSITY PLANNING ADVICE**

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| <b>COUNTY, DISTRICT OR BOROUGH</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Hinckley and Bosworth Borough Council                                    |                                     |
| <b>APPLICATION NUMBER</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 25/00555/FUL                                                             |                                     |
| <b>ADDRESS</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Stoke Fields Farm Hinckley Road Stoke Golding<br>Nuneaton Leicestershire |                                     |
| <b>DESCRIPTION OF DEVELOPMENT</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Proposed Agricultural Building                                           |                                     |
| <b>PLANNING CASE OFFICER</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Ashleigh Gade                                                            |                                     |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                          |                                     |
| <b>DEPARTMENT</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Ecology                                                                  |                                     |
| <b>PLANNING ECOLOGY OFFICER</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Olivia Larter                                                            |                                     |
| <b>DATE OF COMMENTS</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 21 July 2025                                                             |                                     |
| <b>ECOLOGICAL DOCUMENTS:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                          |                                     |
| <ul style="list-style-type: none"> <li>• Site Location Plan (Acorus, March 2025)</li> <li>• BNG Baseline Habitat Map (Eco-Check, May 2025)</li> <li>• BNG Post Development Habitat Map (Eco-Check, May 2025)</li> <li>• Small Sites Metric (Eco-Check, June 2025)</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                          |                                     |
| <b>SUMMARY RECOMMENDATION:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                          |                                     |
| No comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                          | <input type="checkbox"/>            |
| No objection (for recommended conditions or informatives- see below)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                          | <input checked="" type="checkbox"/> |
| Recommend Refusal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                          | <input type="checkbox"/>            |
| Holding Objection - Further information required                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                          | <input type="checkbox"/>            |
| <b>REASON FOR RECOMMENDATION:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                          |                                     |
| <ul style="list-style-type: none"> <li>• We have reviewed the documents supplied by the applicant and we are now satisfied that there is sufficient information available for determination of this application.</li> </ul> <p><b>Protected and Priority species</b></p> <ul style="list-style-type: none"> <li>• No ecological information relating to the likely impacts of development on designated sites, protected &amp; Priority species and habitats and identification of proportionate mitigation has been submitted.</li> <li>• Therefore, we have conducted a desktop assessment comprising local records and aerial imagery to help assess this.</li> <li>• We are satisfied that there is sufficient ecological information available to support determination of this application. The site consists of managed modified grassland offering limited suitability for protected and Priority species, and no other habitats are to be impacted as part of the proposed development.</li> </ul> |                                                                          |                                     |

- However, aerial imagery shows the wider landscape to the north of the proposed building structure consists of a parcel of woodland which connects to vegetated field boundaries, which may provide suitable habitat for a range of protected and Priority species, including bats and other mobile species. There is also a pond located adjacent to the development site within the blue line boundary, which may be suitable for GCN.
- The development site itself does not have suitable habitat for bats and offers suboptimal terrestrial habitat for GCN.
- Therefore, it is recommended that an informative for general good practice mitigation is applied to minimise any residual risk during construction should mobile species enter the site from adjacent habitats.
- We note that no new lighting has been included as part of the development proposals. Due to the surrounding habitat's suitability for foraging and roosting bats, no new lighting should be installed without prior approval by the LPA.

#### **Biodiversity Net Gain (BNG)**

- With regard to mandatory biodiversity net gains, it is highlighted that we support the submitted information including the Small Sites Metric (Eco-Check, June 2025) and the BNG Baseline Habitat Map (Eco-Check, May 2025). Biodiversity net gains is a statutory requirement set out under Schedule 7A (Biodiversity Gain in England) of the Town and Country Planning Act 1990 and we are satisfied that submitted information provides sufficient information at application stage. As a result, a Biodiversity Gain Plan should be submitted prior to commencement, which also includes the following:
  - a) The completed metric calculation tool showing the calculations of the pre-development and post-intervention biodiversity values.
  - b) Pre and post development habitat plans.
  - c) Legal agreement(s)
  - d) Biodiversity Gain Site Register reference numbers (if using off-site units).
  - e) 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, it is suggested that this includes the following habitats: Other neutral grassland.
- 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 should be outlined within a separate Biodiversity Enhancement Strategy, including bird and bat boxes, and should be secured by a condition of any consent.

#### **ANY RECOMMENDED CONDITIONS TO BE APPLIED:**

##### **1) PRIOR TO ANY WORKS ABOVE SLAB LEVEL: BIODIVERSITY ENHANCEMENT LAYOUT**

*"A Biodiversity Enhancement Layout for protected, Priority and threatened species shall be submitted to and approved in writing by the local planning authority.*

*The content of the Biodiversity Enhancement Layout shall include the following:*

- a) detailed designs or product descriptions for biodiversity enhancements; and*
- b) locations, orientations and heights for biodiversity enhancements on appropriate drawings.*

*The enhancement measures shall be implemented in accordance with the approved details prior to occupation and all features shall be retained in that manner thereafter."*

**Reason:** To enhance protected, Priority and threatened species and allow the LPA to discharge its duties under paragraph 187d of the NPPF 2024 and s40 of the NERC Act 2006 (as amended).

##### **2) PRIOR TO COMMENCEMENT: HABITAT MANAGEMENT AND MONITORING PLAN (HMMP)**

*A Habitat Management and Monitoring Plan (HMMP) for significant on-site enhancements, prepared in accordance with the approved Biodiversity Gain Plan, shall be submitted to, and approved in writing by the local authority, prior to commencement of development, including:*

- a) the roles and responsibilities of the people or organisation(s) delivering the HMMP;*
- b) the planned habitat creation and enhancement works to create or improve habitat to achieve the on-site significant enhancements in accordance with the approved Biodiversity Gain Plan;*
- c) the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development;*
- d) the monitoring methodology in respect of the created or enhanced habitat to be submitted to the local planning authority; and*
- e) details of the content of monitoring reports to be submitted to the LPA including details of adaptive management which will be undertaken to ensure the aims and objectives of the Biodiversity Gain Plan are achieved.*

*Notice in writing shall be given to the Council when the:*

- initial enhancements, as set in the HMMP, have been implemented; and*
- habitat creation and enhancement works, as set out in the HMMP, have been completed after 30 years.*

*The created and/or enhanced habitat specified in the approved HMMP shall be managed and maintained in accordance with the approved HMMP.*

*Unless otherwise agreed in writing, monitoring reports shall be submitted in years 1, 2, 5, 10, 15, 20, 25, and 30 to the Council, in accordance with the methodology specified in the approved HMMP.*

**Reason:** To satisfy the requirement of Schedule 7A, Part 1, section 9(3) of the Town and Country Planning Act 1990 that significant on-site habitat is delivered, managed, and monitored for a period of at least 30 years from completion of development.

#### **Biodiversity Gain condition**

Natural England advises that 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. The condition is deemed to apply to every planning permission granted for the development of land in England (unless exemptions or transitional provisions apply), and there are separate provisions governing the Biodiversity Gain Plan.

The local planning authority is strongly encouraged to not include the biodiversity gain condition, or the reasons for applying this, in the list of conditions imposed in the written notice when granting planning permission. However, it is highlighted that biodiversity gain condition could be added as an informative, using draft text provided by the Secretary of State:

#### *“Biodiversity Net Gain*

*The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition “(the biodiversity gain condition)” that development may not begin unless:*

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and*
- (b) the planning authority has approved the plan.*

*The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be INSERT LPA.*

*There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed in paragraph 17 of Schedule 7A of the Town and Country Planning Act 1990 and the Biodiversity Gain Requirements (Exemptions) Regulations 2024.*

*Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements are considered to apply."*

**ANY RECOMMENDED INFORMATIVES TO BE APPLIED:**

**1. GENERAL GOOD PRACTICE MITIGATION TO AVOID ECOLOGICAL IMPACTS DURING THE CONSTRUCTION PHASE**

*To avoid killing or injuring small animals which may pass through the site during the construction phase, it is best practice to ensure the following measures are implemented:*

- a) Trenches, pits or holes dug on site should be covered over at night. Alternatively, ramps (consisting of a rough wooden plank) or sloped/stepped trenches could be provided to allow animals to climb out unharmed;*
- b) materials brought to the site for the construction works should be kept off the ground on pallets to prevent small animals seeking refuge;*
- c) rubbish and waste should be removed off site immediately or placed in a skip, to prevent small animals using the waste as a refuge; and*
- d) should any protected species or evidence of protected species be found prior to or during the development, all works must immediately cease, and a suitably qualified ecologist must be contacted for further advice before works can proceed. All contractors working on site should be made aware of the advice and provided with the contact details of a relevant ecological consultant.*

**IN THE CASE OF DISCHARGE OF CONDITIONS ONLY:**

(Please confirm which condition(s) is/are being discharged)

- N/A

**BIODIVERSITY NET GAIN (BNG) SECTION**

**MINIMUM NATIONAL INFORMATION REQUIREMENTS PROVIDED (PPG paragraph 11):**

|                                                                                                         |     |
|---------------------------------------------------------------------------------------------------------|-----|
| <b>Confirmation</b> that development is subject to biodiversity gain condition                          | Yes |
| <b>Pre-development habitat value</b> (on date of application or earlier)                                | Yes |
| <b>Reason</b> for proposing an earlier date (if applicable)                                             | N/A |
| Completed <b>metric calculation tool</b>                                                                | Yes |
| Statement of <b>habitat degradation</b> where present (with dates and details)                          | N/A |
| Description of <b>irreplaceable habitat</b> where present                                               | N/A |
| <b>Plan of onsite habitat</b> pre-development (to scale)                                                | Yes |
| <b>SMALL SITES METRIC ONLY:</b> "Competent person" information (ie. qualifications, skills, experience) | Yes |

**BNG METRIC INFORMATION missing or incorrect:**

|                                                                                                                     |    |
|---------------------------------------------------------------------------------------------------------------------|----|
| Incomplete or incorrect cells are shown in metric (eg. strategic significance, habitat quantity, type or condition) | No |
|---------------------------------------------------------------------------------------------------------------------|----|

**SIGNIFICANT ON-SITE ENHANCEMENT REQUIRED:** (using the current government definition<sup>1</sup>)

|                          |     |
|--------------------------|-----|
| med/high distinctiveness | Yes |
|--------------------------|-----|

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

|                                                                                                                       |     |
|-----------------------------------------------------------------------------------------------------------------------|-----|
| large number of units at low distinctiveness                                                                          | No  |
| significant in increase in distinctiveness, condition or area                                                         | No  |
| <b>BNG ADDITIONAL INFORMATION:</b>                                                                                    |     |
| Applicant-owned <b>off-site or significant onsite</b> BNG is present, to be <b>secured and monitored</b> for 30 years | Yes |
| <b>BNG units</b> likely need to be provided to achieve 10% BNG uplift (purchased units or statutory credits)          | No  |
| <b>PLEASE NOTE:</b> this is <b>indicative only</b> , confirmed at Biodiversity Gain Plan condition stage              |     |

**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 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<br>Biodiversity Duty<br>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)<br>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.<br>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. |