

**CONSULTATION TEMPLATE RESPONSE FROM LEICESTERSHIRE COUNTY COUNCIL:****ECOLOGY AND BIODIVERSITY PLANNING ADVICE**

<b>COUNTY, DISTRICT OR BOROUGH</b>	Hinckley and Bosworth Borough Council
<b>APPLICATION NUMBER</b>	25/00199/FUL
<b>ADDRESS</b>	Land Adjacent 232 Ashby Road Hinckley Leicestershire
<b>DESCRIPTION OF DEVELOPMENT</b>	Erection of 25 dwellings, new access off Normandy Way, amenity space, parking and community orchard
<b>PLANNING CASE OFFICER</b>	Emma Baumber
<b>DEPARTMENT</b>	
<b>PLANNING ECOLOGY OFFICER</b>	Ecology
<b>DATE OF COMMENTS</b>	Olivia Larter
<b>DATE OF COMMENTS</b>	24 June 2025
<b>ECOLOGICAL DOCUMENTS:</b>	
<ul style="list-style-type: none"><li>• Preliminary Ecological Appraisal (PEA) and Roost Assessment (Arbtech, February 2025)</li><li>• Biodiversity Net Gain Assessment (Arbtech, February 2025)</li><li>• Site Location Plan (Morro, February 2025)</li></ul>	
<b>SUMMARY RECOMMENDATION:</b>	
No comment	<input type="checkbox"/>
No objection (for recommended conditions or informatics- see below)	<input type="checkbox"/>
Recommend Refusal	<input type="checkbox"/>
Holding Objection - Further information required	<input checked="" type="checkbox"/>
<b>REASON FOR RECOMMENDATION:</b>	
<ul style="list-style-type: none"><li>• We have reviewed the documents supplied by the applicant, relating to the likely impacts of development on designated sites, protected &amp; Priority species and habitats and identification of proportionate mitigation.</li><li>• We are not satisfied that there is sufficient information available for determination of this application.</li></ul>	
<b>Protected and Priority Species</b>	
<ul style="list-style-type: none"><li>• It is noted that 39 trees present on site were assessed for bat roost potential, all of which were assessed as having no features to support roosting bats. However, it is not shown on the survey/habitat map which trees T1 – T39 relate to. Further, it is required that any trees directly adjacent to or on the boundary, such as the line of trees to the north, and trees contained within the woodland are also assessed for roosting potential; although these trees are being retained, there is the potential for bats to be impacted by lighting for example, during and post construction.</li></ul>	

- Local record centre data identifies a known GCN pond 600m south of the site, whilst a second pond located 200m could provide connectivity to the site. Whilst appropriate assessment has been undertaken in relation to GCN in the Preliminary Ecological Appraisal (PEA) and Roost Assessment (Arbtech, February 2025), the eDNA survey results for the pond located in the northeastern corner of the Site are required.
- The PEA report states that reptiles are likely absent from the site. Further clarification is required in relation to the ability of reptiles to enter the site and the suitability of the site to support mobile species such as reptiles based on the review of aerial imagery which shows suitable connecting habitat to the north and east.
- The above information is required prior to determination because paragraph 99 of the ODPM Circular 06/2005 highlights that: *“It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.”*

#### **Biodiversity Net Gain (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.
- As a result, we have reviewed Biodiversity Net Gain Assessment (Arbtech, February 2025) and the biodiversity metric calculation (document) with reference to the Site Location Plan (Morro, February 2025) and are not satisfied that appropriate information has been provided prior to determination. This is because of the reasons set out below:
  - a) A copy of Statutory Biodiversity metric in Excel format has not been provided and is required.
  - b) The pre-development baseline habitat map requires further information referencing the location of trees T1-T39 contained within the PEA and Roost Assessment report (Arbtech, February 2025) and identification of these to species level where possible to allow for proper assessment of assigned baseline habitat classifications.

#### **Additional Comments**

- We support the proposed biodiversity enhancements and the production of method statements which could be included within a construction environmental management plan (CEMP); these can be secured by condition of any consent.

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

- N/A

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

- N/A

#### **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
<b>Completed metric calculation tool</b>	No
<b>Statement of 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)	N/A
<b>BNG METRIC INFORMATION missing or incorrect:</b>	
Incomplete or incorrect cells are shown in metric (eg. strategic significance, habitat quantity, type or condition)	No
<b>SIGNIFICANT ON-SITE ENHANCEMENT REQUIRED:</b> (using the current government definition <sup>1</sup> )	
med/high distinctiveness	N/A
large number of units at low distinctiveness	N/A
significant in increase in distinctiveness, condition or area	N/A
<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	N/A
<b>BNG units</b> likely need to be provided to achieve 10% BNG uplift (purchased units or statutory credits)	Yes
<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 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	International and national site protection: Ramsar sites (from Ramsar Convention), Habitat and Birds Directives (Natura 2000 sites include

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

the protection of species and habitats	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.
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