

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

**ECOLOGY AND BIODIVERSITY PLANNING ADVICE**

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| <b>COUNTY, DISTRICT OR BOROUGH</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Hinckley & Bosworth Borough Council                                                                                                                                                     |
| <b>APPLICATION NUMBER</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 26/00113/REM                                                                                                                                                                            |
| <b>ADDRESS</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Land West Of Workhouse Lane Burbage Leicestershire                                                                                                                                      |
| <b>DESCRIPTION OF DEVELOPMENT</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Application for the approval of Reserved matters (Layout, Scale, Appearance, Landscaping) of outline planning permission 20/01012/OUT for residential development of up to 40 dwellings |
| <b>PLANNING CASE OFFICER</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Alex Jelley                                                                                                                                                                             |
| <b>DEPARTMENT</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Ecology                                                                                                                                                                                 |
| <b>PLANNING ECOLOGY OFFICER</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Lily Clarke                                                                                                                                                                             |
| <b>DATE OF COMMENTS</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 17.06.2026                                                                                                                                                                              |
| <b>ECOLOGICAL DOCUMENTS REVIEWED:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                         |
| <ul style="list-style-type: none"> <li>• Preliminary Ecological Appraisal (PEA) (Arbtech, October 2025)</li> <li>• Illustrative Landscape Masterplan (Pegasus Group, January 2026)</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                         |
| <b>SUMMARY RECOMMENDATION:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                         |
| No comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                         |
| No objection (for recommended conditions or informatives- see below)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                         |
| Recommend Refusal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                         |
| Holding Objection - Further information required                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | ✓                                                                                                                                                                                       |
| <b>REASON FOR RECOMMENDATION:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                         |
| <ul style="list-style-type: none"> <li>• An updated PEA has been provided which now includes the LERC data previously requested.</li> <li>• However, the PEA still does not provide an assessment of the additional trees onsite that are to be removed. The PEA states that there are only two trees onsite, whereas the Illustrative Landscape Masterplan (Pegasus Group, January 2026) records nine trees onsite, as being retained. All trees onsite must be assessed to ensure that Potential Roosting Features (PRFs) are not missed.</li> <li>• Furthermore, the previous ecology consultation stated that, <i>'The Leicestershire and Rutland LERC data returned several records of bats within 2km, including for the barns to the southeast corner of the field. This should be included within the PEA and necessary surveys or mitigation outlined for potential bat roosts'</i>, this has not been updated. Additionally, the LERC within the PEA states that there is a potential bat roost situated 25m from the Site.</li> </ul> |                                                                                                                                                                                         |

- The application will need to demonstrate a 10% net gain in Biodiversity as required by Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021). Prior to determination, the applicant should submit:
  - a completed Statutory Biodiversity Metric in excel format (latest downloaded version)
  - pre-development habitat plan
  - relevant habitat survey and condition assessments
  - details of any habitat degradation which has taken place prior to submission
  - details of any irreplaceable habitat present
- Prior to commencement of works, a Biodiversity Gain Plan must be submitted, along with a Habitat Management and Monitoring Plan (HMMP) detailing how net gain will be achieved and secured and monitored for a period of 30 years.
- It is also noted that a Newt Survey has been undertaken and the result uploaded, however, there are errors occurring when the document is opened. This document will need to be sent via email to allow for a full assessment of results.

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

##### **Protected Species & Habitats:**

The development hereby approved shall be implemented in strict accordance with the measures stated in the Preliminary Ecological Appraisal (PEA) (Arbtech, October 2025) unless otherwise agreed in writing by the Local Planning Authority. This includes protected species surveys, District Level Licencing, mitigations (including lighting plan) and enhancements.

Reason: to ensure that protected species and habitats are taken into consideration according to legislation under the Habitats and Species Regulations (2017) and the Wildlife and Countryside Act (1981) and their amendments.

##### **Biodiversity Enhancement Scheme**

No development shall take place until a Biodiversity Enhancement Scheme has been submitted to and approved in writing by the Local Planning Authority. Enhancements shall include (but is not limited to) a minimum of six bird boxes on mature trees around the site boundaries or on new buildings, six bat boxes incorporated into the fabric of the new dwellings and the installation of hedgehog houses and gaps under boundary fencing 'hedgehog highways' as recommend in the PEA (Arbtech, October 2025). As well as details of native planting and confirmation that none of the trees or hedges indicated to be retained shall be cut down, uprooted or destroyed, nor shall be topped or lopped other than in accordance with the approved plans, without the written approval of the Local Planning Authority. Any enhancement measures need to be shown on all relevant submitted plans. All works are to proceed strictly in accordance with the approved scheme unless otherwise agreed in writing by the LPA.

Reason: to ensure that protected species and habitats are taken into consideration according to legislation under the Habitats and Species Regulations (2017) and the Wildlife and Countryside Act (1981) and their amendments.

##### **LEMP**

No development shall take place (including ground works or vegetation clearance) until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority. The LEMP shall include the following details:

- description and evaluation of the features to be created/enhanced
- aims and objectives of management

- appropriate management options for achieving aims and objectives
- prescriptions for management actions
- work schedule
- F. species/seed mixes to be planted/sown
- G. ongoing monitoring and remedial measures

The approved plan will be implemented in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: to ensure that protected species and habitats are taken into consideration according to legislation under the Habitats and Species Regulations (2017) and the Wildlife and Countryside Act (1981) and their amendments.

#### **CEMP**

Construction Environment Management Plan for biodiversity (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include the following details:

- Identification of potentially damaging construction activities
- practical measures and sensitive working practices to avoid or reduce impacts
- during construction on the species and habitat outlined in the PEA (Arbtech, October 2025)
- timing of works to avoid harm to nesting birds
- responsible persons for overseeing sensitive works
- use of protective fencing where required

The approved CEMP shall be adhered to and implemented throughout the construction period, unless otherwise agreed in writing by the Local Planning Authority.

Reason: to ensure that protected species and habitats are taken into consideration according to legislation under the Habitats and Species Regulations (2017) and the Wildlife and Countryside Act (1981) and their amendments.

#### **HMMP**

No development shall take place (including ground works or vegetation clearance) until a Habitat Management and Monitoring Plan (HMMP) has been submitted to and approved in writing by the Local Planning Authority.

The approved HMMP shall be adhered to and implemented, unless otherwise agreed in writing by the Local Planning Authority.

Reason: to ensure that protected species and habitats are taken into consideration according to legislation under the Habitats and Species Regulations (2017) and the Wildlife and Countryside Act (1981) and their amendments

#### **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

| PRE-DEVELOPMENT HABITAT BASELINE FOR BIODIVERSITY NET GAIN (BNG)                                                                        |     |
|-----------------------------------------------------------------------------------------------------------------------------------------|-----|
| <b>THIS IS THE MINIMUM NATIONAL ESSENTIAL INFORMATION REQUIREMENTS (PPG paragraph 11) AND MUST BE SATISFIED PRIOR TO DETERMINATION:</b> |     |
| Confirmation that development is subject to statutory biodiversity gain condition                                                       | Y   |
| Pre-development Habitat Plan of existing onsite habitat (to scale)                                                                      | N   |
| Pre-development Habitat Value (on date of application or earlier)                                                                       | N   |
| Completed Metric Calculation Tool                                                                                                       | N   |
| Statement of Habitat Degradation where present (with dates and details)                                                                 | N   |
| Reason for proposing an earlier date if applicable (ie. degradation)                                                                    | N/A |
| Description of Irreplaceable Habitat where present                                                                                      | N   |
| <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. habitat quantity, type or condition, strategic significance)                     | Y/N |

| POST DEVELOPMENT PROPOSALS FOR BIODIVERSITY NET GAIN (BNG)                                                                                                                                                                       |     |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|
| <b>PLEASE NOTE: THIS IS NOT ESSENTIAL INFORMATION PRIOR TO DETERMINATION.</b><br>Post-development information is <b>indicative only</b> ; final proposals must be confirmed at Biodiversity Gain Plan statutory condition stage. |     |
| <b>ON-SITE SIGNIFICANT*</b> BNG is proposed<br>(If Y, please see later table)                                                                                                                                                    | TBC |
| <b>OFF-SITE APPLICANT-OWNED BNG</b> is proposed<br>(ie. Land shown on plan within the "blue line" boundary and inserted in "offsite" tab of statutory metric)                                                                    | TBC |
| <b>PLEASE NOTE:</b> 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. |     |
| <b>OFF-SITE PURCHASE** of BNG</b>                                                                                                                                                                                                |     |
| BNG units purchase from a third party to achieve 10% BNG uplift                                                                                                                                                                  | TBC |
| Statutory biodiversity credits                                                                                                                                                                                                   | TBC |
| <b>PLEASE NOTE**:</b> 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 <sup>1</sup> ) |                                        |                 |
| SIGNIFICANCE AS DEFINED IN PPG                                                                         | POST DEVELOPMENT HABITAT TYPE PROPOSED | NUMBER OF UNITS |
| Medium or High Distinctiveness                                                                         | TBC                                    | TBC             |
| Large number of units at Low Distinctiveness                                                           | TBC                                    | TBC             |
| Significant increase in Distinctiveness, Condition or Area                                             | TBC                                    | TBC             |

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

**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.

**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<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. |