

CONSULTATION TEMPLATE RESPONSE FROM LEICESTERSHIRE COUNTY COUNCIL:

ECOLOGY AND BIODIVERSITY PLANNING ADVICE

COUNTY, DISTRICT OR BOROUGH	Hinckley and Bosworth Borough Council	
APPLICATION NUMBER	25/01229/FUL	
ADDRESS	Land South of Lindley Wood Fenn Lanes Fenny Drayton Leicestershire	
DESCRIPTION OF DEVELOPMENT	Proposed Change of Use from Residential (Class C3) to sui generis, to include 240 self-storage containers and caravan self-storage; removal of one set of entrance gates and replacement of other entrance gates; provision of soft landscaping and sustainable drainage infrastructure.	
PLANNING CASE OFFICER	Christine Zacharia	
DEPARTMENT	Ecology	
PLANNING ECOLOGY OFFICER	Olivia Larter	
DATE OF COMMENTS	3 February 2026	
ECOLOGICAL DOCUMENTS REVIEWED:		
<ul style="list-style-type: none"> • Biodiversity Net Gain Exemption Statement V2 (Croft Ecology, October 2025) • Email with Ecologist comments on approved scheme 15/00037/OUT (February 2015) • As Proposed Plan (Hayward Architects, September 2025) 		
SUMMARY RECOMMENDATION:		
No comment		<input type="checkbox"/>
No objection (for recommended conditions or informatives- see below)		<input type="checkbox"/>
Recommend Refusal		<input type="checkbox"/>
Holding Objection - Further information required <ul style="list-style-type: none"> • Irreplaceable and Priority habitats • European Protected Species - Great Crested Newt (GCN) • Protected Species – Badger 		<input checked="" type="checkbox"/>
REASON FOR RECOMMENDATION:		
<p>We have reviewed the application and note that no ecological information has been submitted relating to the likely impacts of development on designated sites, protected & Priority species and habitats and identification of proportionate mitigation. Therefore, we have conducted a desktop study including local records (accessed under licence) and aerial imagery (Google Earth) to help assess this.</p> <p>We are not satisfied that there is sufficient ecological information available for determination of this application. The reasons for this are outlined below:</p>		

Irreplaceable and Priority woodland habitats:

The woodland located to the north and the south of the site is designated under Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006 (as amended), as a Priority habitat and, albeit no recent survey data, is designated Local Wildlife Site 'Rowden Gorse, Ashpole Spinney and adj woodlands'. In addition, the deciduous Priority woodland to west of the site boundary is ancient woodland (MAGIC), which is classified as an Irreplaceable Habitat.

Therefore, further information is required on how impacts to surrounding Priority and Irreplaceable woodland habitat will be avoided which must include the provision of an appropriate buffer zones and consider how the proposals could result in direct or indirect impacts based on government guidelines: <https://www.gov.uk/guidance/ancient-woodland-ancient-trees-and-veteran-trees-advice-for-making-planning-decisions>

This information is required prior to determination because Government Guidance states that "You should refuse planning permission if development will result in the loss or deterioration of ancient woodland" and Policy DM6 of the current Hinckley & Bosworth Local Plan (2006-2026) encourages an approach in line with the mitigation hierarchy when considering development which may impact locally important sites (including habitats or species of principal importance for biodiversity). It is also required to ensure the LPA meets its biodiversity duty under the NERC Act 2006 (as amended).

European Protected Species - Great Crested Newt (GCN):

The site is located within an Amber Risk Zone for District Level Licensing which means that the area contains main population centres for GCN and comprises important connecting habitat that aids natural dispersal (Natural England). There are at least five ponds located within 250m of the site (MAGIC), and it is noted that ponds within close proximity to the site are recorded as historical known GCN ponds (MAGIC and local records accessed under licence). Whilst it is acknowledged that the application site itself is now predominately hardstanding developed land which offers limited suitability for GCN, due to the surrounding suitable aquatic and terrestrial habitat, it cannot be discounted that GCN may be present on site. Therefore, further consideration of the likely impact of GCN should be completed via an updated Preliminary Ecological Appraisal, as well as the delivery of proportionate mitigation (where required).

These surveys are required prior to determination because Government Standing Advice indicates that you should "Survey for great crested newts if there's a pond within 500 metres of the development, even if it only holds water some of the year".

The applicant may be interested to know that Natural England's District Level Licensing for GCN is available in Leicestershire – see <https://www.gov.uk/government/publications/great-crested-newts-district-level-licensing-schemes> - where sites can be registered to be covered by this strategic mitigation scheme. Guidance for developers and registration forms to join the scheme are available and the LPA will need an Impact Assessment and Conservation Payment Certificate (IACPC) document countersigned by Natural England as evidence of site registration prior to determination where this European Protected Species is likely to be present and affected by development.

This is needed to enable the LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006 (as amended).

Protected Species – Badger:

The desktop study revealed historical badger setts recorded in woodland habitat adjacent to the site (local records accessed under licence). Therefore, the site and surrounding area (covering at least 30m) should be surveyed to assess the likely impact of the development on badger and

appropriate mitigation measures identified where development is proposed within proximity to any badger setts or where connectivity to surrounding habitat may be impacted.

We recommend that the above information outlined is included within a full Preliminary Ecological Appraisal (PEA) for the site prepared by a suitably qualified Ecologist. This 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.”*

This information is therefore required to provide the LPA with certainty of likely impacts on legally protected species and be able to secure appropriate mitigation either by a mitigation licence from Natural England or a condition of any consent. This will enable the LPA to demonstrate compliance with its statutory duties, including its biodiversity duty under s40 NERC Act 2006 (as amended) and prevent wildlife crime under s17 Crime and Disorder Act 1998.

Additional Comments - Bats:

It is noted that there is a historical bat roost record in the building located directly adjacent to the site and within the wider blue line boundary land (local records accessed under licence). Although it is indicated that the building on site will be retained as part of the development, it is highlighted that this was a Brown long-eared bat roost, a species which is highly sensitive to artificial light. This survey information is from 2016, however indicates that the site offers suitability to support bats. Therefore, if permanent lighting is required, we recommend that an appropriate lighting strategy should be secured as a condition of any consent.

Additional Comments - Mandatory Biodiversity Net Gains (BNG):

With regard to mandatory biodiversity net gains, it is highlighted that we have reviewed the submitted application form and the submitted Biodiversity Net Gain Exemption Statement V2 (Croft Ecology, October 2025). 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.

It is noted that there have been previous applications at the site. Applications 15/00037/OUT was granted with 19/00462/REM reserved matters approval for a residential scheme approved in December 2019. Development appears to have since commenced to slab level but not completed. As such, we are satisfied that clearance of the site between 2021 and 2022 is related to an approved application.

Therefore, we are satisfied that the submitted documents provide sufficient information that the development meets the de-minimis exemption. As a result, we are satisfied that the development is exempt from the statutory requirement of mandatory biodiversity net gains. However, given the history of the application site, this should be reviewed and ultimately decided by the LPA should any consent be considered.

We look forward to working with the LPA and the applicant to receive the additional information required to support a lawful decision and overcome our holding objection.

ANY RECOMMENDED CONDITIONS TO BE APPLIED:

N/A

ANY RECOMMENDED INFORMATIVES TO BE APPLIED:

N/A

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	De-minimis exemption

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
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.