

CONSULTATION TEMPLATE RESPONSE FROM LEICESTERSHIRE COUNTY COUNCIL:

ECOLOGY AND BIODIVERSITY PLANNING ADVICE

COUNTY, DISTRICT OR BOROUGH	Hinckley and Bosworth Borough Council	
APPLICATION NUMBER	25/00355/FUL	
ADDRESS	11 Sapcote Road Burbage Hinckley Leicestershire LE10 2AS	
DESCRIPTION OF DEVELOPMENT	Demolition of existing bungalow and construction of 3 new dwellings	
PLANNING CASE OFFICER	Laura Ashton	
DEPARTMENT	Ecology	
PLANNING ECOLOGY OFFICER	Olivia Larter	
DATE OF COMMENTS	26 June 2025	
ECOLOGICAL DOCUMENTS:		
<ul style="list-style-type: none"> • Preliminary Ecological Appraisal (Three Shires Ltd., January 2025) • Biodiversity Net Gain Technical Note (Three Shires Ltd., March 2025) • Statutory Biodiversity Net Gain – Calculation tool (March 2025) • Statutory Biodiversity Net Gain Condition Sheets (January 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"> • European Protected Species (Bats) • Mandatory Biodiversity Net Gain 		<input checked="" type="checkbox"/>
REASON FOR RECOMMENDATION:		
<ul style="list-style-type: none"> • We have reviewed the documents supplied by the applicant, relating to the likely impacts of development on designated sites, protected & Priority species and habitats and identification of proportionate mitigation. • We are not satisfied that there is sufficient ecological information available for determination of this application and recommend that details of survey results, mitigation & enhancement measures are required to make this proposal acceptable/additional information on bats is provided prior to determination. In addition, we are not satisfied that appropriate information with regard to mandatory biodiversity net gains has been supplied for the application prior to determination, which is addressed in the BNG section below. The reasons for this are outlined below: 		

European Protected Species (bats)

- We note that the site the Ecological Appraisal (Three Shires Ltd., January 2025) has recorded the building as moderate suitability for bats and recommends two emergence surveys. However, no results of these surveys have been submitted as part of this application together with details of any mitigation measures considered necessary.
- To fully assess the impacts of the proposal the LPA needs ecological information for the site, particularly for bats, European Protected Species. These surveys are required prior to determination because Government Standing Advice indicates that you should “*Survey for bats if the area includes buildings or other structures that bats tend to use or there are trees with features that bats tend to use nearby*”.
- The results of these surveys are 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.

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 the above submitted information are not satisfied that appropriate information has been provided prior to determination. This is because of the reasons set out below:
 - a) The baseline habitat map within the PEA does not match the classifications within the metric. Specifically, vegetated garden is included within the metric, but this is not shown on the baseline map.
 - b) Further, upon review of the picture of the area classified as vegetated garden, it is unclear as to whether this is the correct classification, or if introduced shrub would be more appropriate in this setting, since the area is no longer managed and in use as a private garden. Therefore, further information is required to assess the baseline habitat classification assessment.

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):**

Confirmation that development is subject to biodiversity gain condition	Yes
Pre-development habitat value (on date of application or earlier)	Yes
Reason for proposing an earlier date (if applicable)	N/A

Completed metric calculation tool	Yes
Statement of habitat degradation where present (with dates and details)	No
Description of irreplaceable habitat where present	N/A
Plan of onsite habitat pre-development (to scale)	Yes
SMALL SITES METRIC ONLY: "Competent person" information (ie. qualifications, skills, experience)	N/A
BNG METRIC INFORMATION missing or incorrect:	
Incomplete or incorrect cells are shown in metric (eg. strategic significance, habitat quantity, type or condition)	Yes
SIGNIFICANT ON-SITE ENHANCEMENT REQUIRED: (using the current government definition ¹)	
med/high distinctiveness	Unknown at present
large number of units at low distinctiveness	Unknown at present
significant in increase in distinctiveness, condition or area	Unknown at present
<p>BNG ADDITIONAL INFORMATION:</p> <p>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.</p> <p>Biodiversity net gains is a statutory requirement set out under Schedule 7A (Biodiversity Gain in England) of the Town and Country Planning Act 1990. This legislation was inserted into the 1990 Act by Schedule 14 of the Environment Act 2021, and was amended by the Levelling Up and Regeneration Act 2023. The Biodiversity Gain (Town and Country Planning) (Consequential Amendments) Regulations 2024 made consequential amendments to other parts of the 1990 Act.</p> <p>The Biodiversity Net Gain Planning Practice Guidance (PPG) sets out how mandatory biodiversity net gains should be applied through the planning process and Paragraph: 011 Reference ID: 74-011-20240214 sets out what information should be submitted as part of a planning application if the statutory biodiversity gain condition applies.</p> <p>As a result, we have reviewed the Biodiversity Net Gain Technical Note (Three Shires Ltd., March 2025), Statutory Biodiversity Net Gain – Calculation tool (March 2025) and Statutory Biodiversity Net Gain Condition Sheets (January 2025), and are not satisfied that appropriate information has been provided prior to determination. This is because of the reasons set out below:</p> <ul style="list-style-type: none"> • <p>Where mandatory biodiversity net gains applies, the planning authority will be required to secure a biodiversity gain condition as a pre-commencement requirement. 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 and should be included as an informative</p>	

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

within the decision notice. The biodiversity gain condition should secure the provision of a Biodiversity Gain Plan, as well as the following information:

- 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: .

The maintenance and monitoring outlined in the HMMP should be secured via planning obligation for a period of up to 30 years, which will be required to be submitted concurrent with the discharge of the biodiversity gain condition. Therefore, the LPA is encouraged to secure draft heads of terms for this planning obligation at application stage, to be finalised as part of the biodiversity gain condition. Alternatively, the management and monitoring of significant on-site enhancements could be secured as a condition of any consent. The monitoring of the post-development habitat creation / enhancement will need be provided to the LPA at years 1, 2, 5, 10, 15, 20, 25, 30, unless otherwise specified by the LPA. Any remedial action or adaptive management will then be agreed with the LPA during the monitoring period to ensure the aims and objectives of the Biodiversity Gain Plan are achieved.

We note that post-intervention values have also been provided. As a result, it is recommended that the following matters will also need to be addressed as part of the biodiversity gain condition:

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Applicant-owned off-site or significant onsite BNG is present, to be secured and monitored for 30 years	No
BNG units likely need to be provided to achieve 10% BNG uplift (purchased units or statutory credits) PLEASE NOTE: this is indicative only , confirmed at Biodiversity Gain Plan condition stage	Yes

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 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.