

CONSULTATION TEMPLATE RESPONSE FROM LEICESTERSHIRE COUNTY COUNCIL:

ECOLOGY AND BIODIVERSITY PLANNING ADVICE

DISTRICT OR BOROUGH	Hinckley & Bosworth Borough Council
APPLICATION NUMBER	24/00396/FUL
ADDRESS	22 Elwell Avenue Barwell Leicester Leicestershire LE9 8FH
DESCRIPTION OF DEVELOPMENT	Erection of 2 dwellings (re-submission of 21/00356/FUL)
PLANNING CASE OFFICER	Sullivan Archer
DEPARTMENT	Ecology
PLANNING ECOLOGY OFFICER	Kirsten Hunter
DATE OF COMMENTS	27 th January 2025
SUMMARY RESPONSE:	
No comment	
No objection	✓
Recommend Refusal	
Holding Objection - Further information required	
Condition recommended	✓
Informative recommended	
SUMMARY OF ECOLOGICAL DOCUMENTS CONSIDERED:	
• BNG Metric; • Site Location Plan; • Existing Topographical Survey, Drg No. DB/BB/21/03/01; and • Biodiversity Net Gain Report	
REASON FOR RECOMMENDATION PROVIDED:	
• No Preliminary Ecological Appraisal has been provided however given the context of the Site (urban setting with garden), this is not considered necessary as only a small section of low value habitat is being lost. It is understood the existing building on Site will not be demolished. • It is recommended a Construction Environmental Management Plan for Biodiversity (CEMP: Biodiversity) is conditioned to cover any ecological constraints such as detailing protective buffer zones for retained habitat including the hedgerow, precautionary methods of working with regards to common amphibians and hedgehogs and timing of works to avoid impacts on breeding birds. • The local biological record centre LRERC does not indicate any ecological constraints for this location.	

BIODIVERSITY NET GAIN (BNG) specific comments:
• BNG condition assessment was undertaken at a suboptimal time of year however, given the garden setting of this Site, this is not considered a significant constraint. • Detailed habitat plans for existing baseline habitat on Site have been provided with existing habitat retained where feasible. • The BNG report indicates the proposed habitat plan will result in net loss, therefore recommends the applicant seeks offsite compensation including purchase of biodiversity units. This recommendations and guidance in Section 5 of the report should be followed and indication of how 10% will be achieved submitted to the LPA. • No indication of degradation to onsite habitat has been indicated. • Once a suitable offsite scheme has been decided, indication of who is responsible for ensuing delivery of BNG habitats/ongoing monitoring and enforcement should be stated including ownership of the BNG offset land. A Habitat Management and Monitoring Plan (HMMP) and Biodiversity Plan should be conditioned.
FURTHER INFORMATION REQUIRED:
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AMENDMENTS RECOMMENDED:
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RECOMMENDED CONDITIONS TO BE APPLIED:
• Construction Environmental Management Plan for Biodiversity (CEMP: Biodiversity)
RECOMMENDED INFORMATIVES TO BE APPLIED:
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RECOMMENDED SECTION 106 REQUIREMENT (standard clause, contribution amount, trigger for payment)
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DISCHARGE OF CONDITIONS ONLY: (Please confirm which condition(s) is/are being discharged)
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Note for applicants: Please be aware that this specialist advice is provided to the Local Planning Authority through a Service Level Agreement between the Local Planning Authority and Leicestershire County Council.

If you have any queries about this advice, 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 as part of this service.

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.