



CONSULTATION TEMPLATE RESPONSE FROM LEICESTERSHIRE COUNTY COUNCIL:

ECOLOGY AND BIODIVERSITY PLANNING ADVICE

COUNTY, DISTRICT OR BOROUGH	Hinckley and Bosworth Borough Council	
APPLICATION NUMBER	26/00468/FUL	
ADDRESS	Little Mulberry Upton Lane Stoke Golding Nuneaton Leicestershire	
DESCRIPTION OF DEVELOPMENT	Retrospective change of use of part of an agricultural building to stables, a manège, and change of use of land to paddocks at Little Mulberry	
PLANNING CASE OFFICER	Sullivan Archer	
DEPARTMENT	Ecology	
PLANNING ECOLOGY OFFICER	Olivia Larter	
DATE OF COMMENTS	6 August 2026	
ECOLOGICAL DOCUMENTS REVIEWED:		
• Preliminary Ecological Appraisal (G&G Ecology, March 2025) • The Statutory Biodiversity Metric – Calculation Tool (G&G Ecology Consultants, June 2026) • Biodiversity Net Gain Report (G&G Ecology Consultants, June 2026) • Site Plan (Litebox, June 2026)		
SUMMARY RECOMMENDATION:		
No comment	☐	
No objection (for recommended conditions or informatives- see below)	☐	
Recommend Refusal	☐	
Holding Objection - Further information required Insufficient Ecological Information on: - Mandatory Biodiversity Net Gain	☒	
REASON FOR RECOMMENDATION:		
Summary We have reviewed the documents supplied by the applicant and we are not satisfied that appropriate information with regard to mandatory biodiversity net gains has been supplied for the application prior to determination. The reasons for this are outlined below:		

Mandatory Biodiversity Net Gains (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](#).

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.

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.

As a result, we have reviewed the submitted Statutory Biodiversity Metric – Calculation Tool (G&G Ecology Consultants, June 2026) and the Biodiversity Net Gain Report (G&G Ecology Consultants, June 2026) and are not satisfied that appropriate information has been provided prior to determination. This is because of the reasons set out below:

- An Excel copy of the Statutory Biodiversity Metric – Calculation Tool (G&G Ecology Consultants, June 2026) has not been provided.
- A baseline habitat map matching the application red line boundary has not been provided. The baseline BNG area assessed should match the application red line boundary. Whilst it is stated in the Preliminary Ecological Appraisal (G&G Ecology, March 2025) that the development site is a small area of existing developed land, it is indicated that the site also includes a wider area incorporating an area proposed for the creation of paddocks and onsite areas proposed for biodiversity enhancements, as shown in the Site Plan (Litebox, June 2026).
- The only habitat recorded in the metric at baseline is modified grassland, whilst it is noted that there may be other habitats present including existing developed land (buildings).
- It is also indicated that Ashby de la Zouch canal may be located within 10m of the red line boundary to the southeast of the site. If so, this should be recorded in the Watercourse section of the metric, with the assessment conducted by a Suitably Qualified Ecologist trained to undertake River Condition Assessments.
- Therefore, we recommend that the baseline BNG baseline assessment and all associated documents are amended to consider the above and provide clarity on the baseline assessment.

Additional Comments – Mandatory Biodiversity Net Gains (BNG):

Since 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 within the decision notice.

As a result, a Biodiversity Gain Plan should be submitted prior to commencement which should include the following information for non-phased development:

- Biodiversity Gain Plan form, using the Government's template:
<https://www.gov.uk/government/publications/biodiversity-gain-plan>.
- The completed metric calculation tool showing the calculations of the pre-development and post-intervention biodiversity values.
- Completed pre-development and post-development habitat maps.
- Information regarding [Habitat degradation](#) (where required).
- Information regarding [Irreplaceable habitat](#) (where required).

In addition, the following information may also be required depending on whether the development contains significant on-site enhancements or whether off-site options or Statutory Biodiversity Credits are required:

- A [Habitat Management and Monitoring Plan](#) (HMMP) for significant on-site enhancements or offsite measures in blue line boundary land.
- Legal agreement for monitoring and management of significant on-site enhancements or off-site measures in blue line boundary land.
- Evidence of off-site units being allocated to a Biodiversity Gain Site on the [Biodiversity Gain Site Register](#).
- Evidence of proof of purchase of Statutory Biodiversity Credits.

Additional Comments – Protected Species:

We have reviewed the Preliminary Ecological Appraisal (G&G Ecology, March 2025) relating to the likely impacts of development on designated sites, protected and Priority species & habitats and identification of appropriate mitigation measures.

We are satisfied that the information pertaining to protected species is sufficient to support this application.

This provides certainty for the LPA of the likely impacts on designated sites, protected and Priority species & habitats and, with appropriate mitigation measures secured, the development can be made acceptable.

The mitigation measures identified in the Preliminary Ecological Appraisal (G&G Ecology, March 2025) should be secured by a condition of any consent and implemented in full, should the LPA be minded to grant permission. This is necessary to conserve and enhance protected and Priority species particularly those recorded in the locality.

Additional Comments – Biodiversity Enhancements:

We also support the proposed reasonable biodiversity enhancements for protected, Priority and threatened species, which have been recommended in the Preliminary Ecological Appraisal (G&G

Ecology, March 2025) to secure net gains for biodiversity, as outlined under Paragraph 187d and 193d of the National Planning Policy Framework (December 2024). Reasonable biodiversity enhancement measures are a separate matter to mandatory biodiversity net gains, and the finalised details should be outlined within a separate Biodiversity Enhancement Strategy to be secured as a condition of any consent, should the LPA be minded to grant permission.

This will enable LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006 (as amended) and delivery of mandatory Biodiversity Net Gain.

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	Y
Pre-development Habitat Plan of existing onsite habitat (to scale)	N
Pre-development Habitat Value (on date of application or earlier)	TBC
Completed Metric Calculation Tool	TBC
Statement of Habitat Degradation where present (with dates and details)	TBC
Reason for proposing an earlier date if applicable (ie. degradation)	TBC
Description of Irreplaceable Habitat where present	N/A
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. habitat quantity, type or condition, strategic significance)	TBC

POST DEVELOPMENT PROPOSALS FOR BIODIVERSITY NET GAIN (BNG)

PLEASE NOTE: THIS IS NOT ESSENTIAL INFORMATION PRIOR TO DETERMINATION.

Post-development information is **indicative only**; final proposals must be confirmed at Biodiversity Gain Plan statutory condition stage.

ON-SITE SIGNIFICANT* BNG is proposed (If Y, please see later table)	Y
---	---

OFF-SITE APPLICANT-OWNED BNG is proposed (ie. Land shown on plan within the “blue line” boundary and inserted in “offsite” tab of statutory metric)	N
PLEASE NOTE: 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.	
OFF-SITE PURCHASE** of BNG	
BNG units purchase from a third party to achieve 10% BNG uplift	N
Statutory biodiversity credits	N
PLEASE NOTE**: 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 ¹)		
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

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

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

District or Borough Local Plan and supporting SPDs	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 (as amended)	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), (Natura 2000 sites include SACs and SPAs), SSSIs, National Nature Reserves, Local Wildlife Sites, Local Nature Reserves. Habitats and Species protection: Conservation of Habitats and Species Regulations 2017 (as amended) (protected sites and species). Wildlife and Countryside Act 1981 (as amended) including special Schedule 1, Natural England Standing Advice. Protection of Badgers Act 1992.