



CONSULTATION TEMPLATE RESPONSE FROM LEICESTERSHIRE COUNTY COUNCIL:

ECOLOGY AND BIODIVERSITY PLANNING ADVICE

COUNTY, DISTRICT OR BOROUGH	Hinckley and Bosworth Borough Council
APPLICATION NUMBER	25/00931/FUL
ADDRESS	Cliffe Hill Farm Little Shaw Lane Markfield Leicestershire LE67 9PP
DESCRIPTION OF DEVELOPMENT	Development of a logistics park for storage and distribution (Class B8), general industry (Class B2), ancillary office space (Class E) and associated infrastructure.
PLANNING CASE OFFICER	Emma Baumber
DEPARTMENT	Ecology
PLANNING ECOLOGY OFFICER	Hamish Jackson – Senior Ecological Consultant
DATE OF COMMENTS	28 July 2026
ECOLOGICAL DOCUMENTS REVIEWED:	
• Ecological Appraisal (FPCR, September 2025) • Ecological Construction Environmental Management Plan (ECEMP) (FPCR, September 2025) • Bat Report (FPCR, August 2025) • Breeding Birds Report (FPCR, August 2025) • Badger Survey Report & Mitigation Strategy (FPCR, August 2025) • Response from Leicestershire and Rutland Wildlife Trust (November 2025) • RESPONSE TO ECOLOGICAL COMMENTS (FPCR, December 2025) • Revised Biodiversity Net Gain Assessment (FPCR, March 2026) • The Statutory Biodiversity Metric – Calculation Tool (FPCR, March 2026) • Landscape Enhancement & Management Plan (LEMP) (FPCR, March 2026) • Landscape Strategy (FPCR, March 2026) • External Lighting Report (Ref. 50091-ESP-XX-XX-CRP-E-0001-03) (Engineering Services Partnership Ltd, March 2026) • Proposed Masterplan (FPCR, July 2026)	

SUMMARY RECOMMENDATION:	
No comment	☐
No objection (for recommended conditions or informatives- see below)	☒
Recommend Refusal	☐
Holding Objection - Further information required	☐
REASON FOR RECOMMENDATION:	
We have reviewed the submitted documents as listed above relating to the likely impacts of development on designated sites, protected and Priority species & habitats and identification of appropriate mitigation measures and we are satisfied that there is sufficient ecological information available to support determination of this application. We have also reviewed the revised information submitted relating to mandatory biodiversity net gains. We are still satisfied that there is sufficient ecological information available to support determination of 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. Therefore, we support the measures included in the mitigation measures detailed in the Ecological Construction Environmental Management Plan (ECEMP) (FPCR, September 2025), the Badger Survey Report & Mitigation Strategy (FPCR, August 2025) and the External Lighting Report (Engineering Services Partnership Ltd, March 2026). These documents should be secured by a condition of any consent and implemented in full. This is necessary to conserve and enhance protected and Priority species particularly those recorded in the locality. We also acknowledge that the Revised Biodiversity Net Gain Assessment (FPCR, March 2026) does demonstrate that very small areas of Fields 1 and Fields 2 will be retained, with habitats within F3 completely lost. As a result, we would still recommend that the landscape strategy, biodiversity gain plan and finalised LEMP should ideally retain and enhance the existing grassland and seed bank in Fields F1, F2 and F3 where feasible, acknowledging that unit 6 and an access road will be located through this location. This approach would be in line with Biodiversity Gain Hierarchy for habitats with medium distinctiveness and is considered appropriate as the on-site grassland does contain notable grassland species, even if it does not hold county value. We also note that the Landscape Strategy (FPCR, March 2026) contains considerable tree planting, which will likely not be appropriate to achieve Other neutral grassland in moderate condition after 30 years, due to excessive shading reducing species diversity. This will ultimately depend on the tree spacing and the extent of shading of the grassland once trees have matured. Therefore, whilst 6.89ha of meadow habitat is proposed across the wider site, we would recommend that appropriate meadow habitat is retained on-site which does not contain significant tree planting	

through out the habitat. We do note that that Proposed Masterplan (FPCR, July 2026) does not appear to include this tree planting. Therefore, if necessary, an updated Landscape Strategy should be secured to be in line with the updated masterplan.

With regard to mandatory biodiversity net gains, it is highlighted that we still support the pre-development baseline of the submitted Revised Biodiversity Net Gain Assessment (FPCR, March 2026) and the Statutory Biodiversity Metric – Calculation Tool (FPCR, March 2026). Biodiversity net gains is a statutory requirement set out under [Schedule 7A \(Biodiversity Gain in England\) of the Town and Country Planning Act 1990](#) and we are satisfied that submitted information provides sufficient information at application stage.

As a result, a Biodiversity Gain Plan should be submitted prior to commencement as part of the discharge of the statutory Biodiversity Gain Condition. This 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.

The decision on whether significant on-site enhancements are present is ultimately up to the Council. Where present, the maintenance and monitoring of significant on-site enhancements should be secured via planning obligation for a period of up to 30 years from the completion of development. This will be required at application stage or concurrent with the discharge of the Biodiversity Gain Condition. The management and monitoring of significant on-site enhancements could also be secured as a condition of any consent, but a mechanism to secure monitoring costs should be identified by the Council. The monitoring of the post-development habitat creation / enhancement will need be provided to the LPA at years 1, 3, 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.

It is also recommended that the following matters will need to be considered by the applicant as part of the biodiversity gain condition:

- Off-site units are required in order to achieve a 10% net gain and meet trading rules. The applicant is encouraged to secure this enhancement on-site in the first instance, in line with the Biodiversity Gain Hierarchy.
- Review of Other neutral grassland condition under extensive tree planting areas.

With regard to bespoke enhancements measures, we do still support the proposed reasonable biodiversity enhancements for protected, Priority and threatened species, which have been recommended in Section 5 of the Bat Report (FPCR, August 2025) and Section 5 of the Breeding Birds Report (FPCR, August 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.

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.

Impacts will be minimised such that the proposal is acceptable, subject to the conditions below based on BS42020:2013. We recommend that submission for approval and implementation of the details below should be a condition of any planning consent.

ANY RECOMMENDED CONDITIONS TO BE APPLIED:

1. ACTION REQUIRED IN ACCORDANCE WITH ECOLOGICAL APPRAISAL RECOMMENDATIONS

"All mitigation measures and/or works shall be carried out in accordance with the details contained in the details contained in the Ecological Construction Environmental Management Plan (ECEMP) (FPCR, September 2025) and Badger Survey Report & Mitigation Strategy (FPCR, August 2025) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This will include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECow) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details."

Reason: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (as amended).

2. PRIOR TO ANY WORKS ABOVE SLAB LEVEL: BIODIVERSITY ENHANCEMENT STRATEGY

“Prior to any works above slab level, a Biodiversity Enhancement Strategy for protected, Priority and threatened species, prepared by a suitably qualified ecologist in line with the recommendations made in Section 5 of the Bat Report (FPCR, August 2025) and Section 5 of the Breeding Birds Report (FPCR, August 2025), shall be submitted to and approved in writing by the local planning authority.

The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;*
- b) detailed designs or product descriptions to achieve stated objectives;*
- c) locations of proposed enhancement measures by appropriate maps and plans (where relevant);*
- d) persons responsible for implementing the enhancement measures; and*
- e) details of initial aftercare and long-term maintenance (where relevant).*

The works shall be implemented in accordance with the approved details shall be retained in that manner thereafter.”

Reason: To enhance protected, Priority and threatened species and allow the LPA to discharge its duties under paragraph 187d of NPPF 2024 and s40 of the NERC Act 2006 (as amended).

3. PRIOR TO COMMENCEMENT: LANDSCAPE AND ECOLOGICAL MANAGEMENT PLAN

“A finalised Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement of the development and concurrent with details relating to the Biodiversity Gain Plan, demonstrating an enhancement strategy for the grassland present in field parcels ‘F1, F2 and F3’.

The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.*
- b) Ecological trends and constraints on site that might influence management.*
- c) Aims and objectives of management.*
- d) Appropriate management options for achieving aims and objectives.*
- e) Prescriptions for management actions.*
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a 30-year period).*
- g) Details of the body or organisation responsible for implementation of the plan.*
- h) Ongoing monitoring and remedial measures.*

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be

implemented in accordance with the approved details for a minimum of 30 years to deliver the required condition of habitats created.”

Reason: To allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (as amended)

ANY RECOMMENDED INFORMATIVES TO BE APPLIED:

Biodiversity Gain condition

Natural England advises that 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](#). The condition is deemed to apply to every planning permission granted for the development of land in England (unless exemptions or transitional provisions apply), and there are separate provisions governing the Biodiversity Gain Plan.

The local planning authority is strongly encouraged to not include the biodiversity gain condition, or the reasons for applying this, in the list of conditions imposed in the written notice when granting planning permission. However, it is highlighted that biodiversity gain condition could be added as an informative, using [draft text](#) provided by the Secretary of State:

“Biodiversity Net Gain

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition “(the biodiversity gain condition)” that development may not begin unless:

- (a) Biodiversity Gain Plan has been submitted to the planning authority, and*
- (b) the planning authority has approved the plan.*

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Hinckley and Bosworth Borough Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed in paragraph 17 of Schedule 7A of the Town and Country Planning Act 1990 and the Biodiversity Gain Requirements (Exemptions) Regulations 2024.

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements are considered to apply.”

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)	Y
Pre-development Habitat Value (on date of application or earlier)	Y
Completed Metric Calculation Tool	Y
Statement of Habitat Degradation where present (with dates and details)	N/A
Reason for proposing an earlier date if applicable (ie. degradation)	N/A
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)	N

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)	TBC
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	TBC
Statutory biodiversity credits	TBC
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

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

Medium or High Distinctiveness	Other neutral grassland Mixed scrub Ponds (non-priority habitat) Other woodland; broadleaved Urban trees Native hedgerow with trees Species-rich native hedgerow with trees Species-rich native hedgerow Other Scot's pine woodland (enhancement) Other neutral grassland (enhancement)	TBC following finalised Biodiversity Gain Plan
Large number of units at Low Distinctiveness	Native Hedgerow Modified grassland	TBC following finalised Biodiversity Gain Plan
Significant increase in Distinctiveness, Condition or Area		

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 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.
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