

CONSULTATION TEMPLATE RESPONSE FROM LEICESTERSHIRE COUNTY COUNCIL:

ECOLOGY AND BIODIVERSITY PLANNING ADVICE

COUNTY, DISTRICT OR BOROUGH	Hinckley and Bosworth Borough Council	
APPLICATION NUMBER	24/01067/FUL	
ADDRESS	Land Rear Of 42-44 Main Street Carlton Leicestershire	
DESCRIPTION OF DEVELOPMENT	Erection of detached bungalow and garage	
PLANNING CASE OFFICER	Sullivan Archer	
DEPARTMENT	Ecology	
PLANNING ECOLOGY OFFICER	Charlotte Smith	
DATE OF COMMENTS	15 May 2025	
ECOLOGICAL DOCUMENTS:		
- Biodiversity Net Gain Statement (Alca Ecology, March 2025) - Statutory Biodiversity Net Gain – Calculation Tool pdf (Alca Ecology, March 2025)		
SUMMARY RECOMMENDATION:		
No comment	☐	
No objection (for recommended conditions or informatives- see below)	☐	
Recommend Refusal	☐	
Holding Objection - Further information required: European Protected Species (Great Crested Newt and bats) Mandatory Biodiversity Net Gain	☒	
REASON FOR RECOMMENDATION:		
- We have reviewed the documents supplied by the applicant and note no ecological information has been provided. As a result, we have conducted a desk study to confirm the likely impacts upon designated sites, protected and Priority species and habitats. This included a review of Magic Maps, Leicestershire and Rutland Environmental Records Centre Records (accessed under licence) and aerial imagery. - 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 Great Crested Newt and 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, as detailed in the BNG section below. The reasons for this are outlined below:		

European Protected Species (Great Crested Newt and bats):

- There are number of waterbodies in close proximity to the site, including a pond within the site boundary. GCN have previously been found in a pond about 200m from the development. The site also falls within the Amber Risk Zone on Great Crested Newt Risk Zone. No information has been submitted on Great Crested Newt, therefore we recommend that further professional judgement is provided to ensure that Great Crested Newt will not be impacted by the proposals, this should ideally include a Habitat Suitability Index of nearby ponds and reference to Natural England's Great Crested Newt Rapid Risk Calculator.
- The proposals include loss of all habitat onsite, which includes three individual trees and 'four old, dilapidated buildings / structures'. We therefore recommend a Preliminary Roost Assessment to be undertaken by a suitably qualified ecologist for the existing buildings and trees, as we cannot rule out that bats will not be disturbed by the proposals.
- To fully assess the impacts of the proposal the LPA needs ecological information for the site, particularly for bats and Great Crested Newt (GCN), European Protected Species. 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" and "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.
- Furthermore, the Local Planning Authority, as a competent authority, should have regard to the requirements of The Conservation of Habitats and Species Regulations 2017 (as amended) when reaching planning decisions and must not leave this until the licence application stage. Therefore, if a European Protected Species Mitigation Licence is required for this application, appropriate mitigation measures to support the provision of the licence must also be outlined prior to determination to allow certainty to the LPA that a licence will likely be granted.
- 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).

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)	N/A
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)	No
SIGNIFICANT ON-SITE ENHANCEMENT REQUIRED: (using the current government definition ¹)	
med/high distinctiveness	N/A
large number of units at low distinctiveness	N/A
significant in increase in distinctiveness, condition or area	N/A
BNG ADDITIONAL INFORMATION: - 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 Biodiversity Net Gain Statement (Alca Ecology, March 2025) and Statutory Biodiversity Net Gain – Calculation Tool pdf (Alca Ecology, March 2025) and we note that the application states that BNG is not needed, as 'Retrospective planning permission' and 'landscaping details previously approved'. However, Biodiversity Net Gain	

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

does apply and a BNG assessment has been submitted. However, we are not satisfied that appropriate information has been provided prior to determination. This is because of the reasons set out below: • The application is not supported by a Statutory Biodiversity Metric – Calculation Tool (Excel version). This is required to ensure that the habitats within the pre-development baseline have been recorded appropriately. • We welcome the inclusion of condition sheets for the baseline habitats, however the ‘mixed scrub’ habitat has not been included, and therefore a habitat condition sheet for this also needs to be submitted.	
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)	Yes
PLEASE NOTE: this is indicative only , confirmed at Biodiversity Gain Plan condition stage	

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.

