

CONSULTATION TEMPLATE RESPONSE FROM LEICESTERSHIRE COUNTY COUNCIL:

ECOLOGY AND BIODIVERSITY PLANNING ADVICE

DISTRICT OR BOROUGH	Hinckley & Bosworth Borough Council
APPLICATION NUMBER	24/00083/HYB
ADDRESS	Land At Burbage Fields Farm Bullfurlong Lane Burbage Leicestershire
DESCRIPTION OF DEVELOPMENT	Hybrid planning application for 422 dwellings, public open space, associated infrastructure and the demolition of 65 and 65a Coventry Road, and Burbage Fields Farm and outline planning application for a residential care home and up to 11no. self-build plots (all matters reserved except for access)
PLANNING CASE OFFICER	Alex Jelley
DEPARTMENT	Ecology
PLANNING ECOLOGY OFFICER	Helen Chambers
DATE OF COMMENTS	11/09/24
SUMMARY RESPONSE:	
No comment	
No objection	
Recommend Refusal	
Holding Objection - Further information required	
Condition recommended	✓
Informative recommended	
REASON FOR RECOMMENDATION PROVIDED:	
- We have reviewed the Ecology Mitigation/Enhancement Strategy (FPCR, July 2024), Biodiversity Net Gain Report (FPCR, August 2024), Biodiversity Metric Spreadsheet (FPCR, August 2024) and the Landscape Masterplans (PDP Associates, drawing No. c-2109-01 Revision C and c-2109-02 Revision C). - Our comments and recommendations remain the same as those detailed in our previous consultation. We are satisfied with the Ecology Mitigation/ Enhancement Strategy produced by FPCR in July 2024 and the Biodiversity Net Gain Assessment undertaken by FPCR in August 2024.	
BIODIVERSITY NET GAIN (BNG) specific comments:	
N/A	
FURTHER INFORMATION REQUIRED:	
N/A	

AMENDMENTS RECOMMENDED:
N/A
RECOMMENDED CONDITIONS TO BE APPLIED:
- No development shall take place (including ground works or vegetation clearance) until a Construction Environment Management Plan for biodiversity (CEMP: Biodiversity) has been submitted to and approved in writing by the LPA. The CEMP shall include the following details: A) Identification of potentially damaging construction activities B) identification of biodiversity protection zones C) practical measures and sensitive working practices to avoid or reduce impacts during construction D) timing of works to avoid harm to nesting birds E) responsible persons for overseeing sensitive works F) use of protective fencing where required The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the LPA. - No development shall take place (including ground works or vegetation clearance) until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the LPA. The LEMP should inform management in order to achieve the desired conditions to achieve measurable biodiversity net gain. The LEMP shall include the following details: A) description and evaluation of the features to be created/managed B) aims and objectives of management C) appropriate management options for achieving aims and objectives D) prescriptions for management actions E) work schedule F) species/seed mixes to be planted/sown G) ongoing monitoring and remedial measures The approved plan will be implemented in accordance with the approved details. - The development hereby approved shall be implemented in strict accordance with the measures stated in the Ecology Mitigation/ Enhancement Strategy (FPCR, July 2024) unless otherwise agreed in writing by the LPA.
RECOMMENDED INFORMATIVES TO BE APPLIED:
- Nesting birds are protected under the Wildlife & Countryside Act 1981 (as amended); therefore all removal of trees/shrubs/hedges should take place outside the breeding season (March to August inclusive) unless carefully checked beforehand by a suitably qualified person. - This development will require a European Protected Species licence to make it lawful. You must be aware that to proceed with the development without first obtaining an EPS Licence could result in prosecution.
RECOMMENDED SECTION 106 REQUIREMENT (standard clause, contribution amount, trigger for payment)
N/A
DISCHARGE OF CONDITIONS ONLY: (Please confirm which condition(s) is/are being discharged)
N/A

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
NPPF Dec 2023	Paras 8, 180, 181, 185, 186, 187, 188
Environment Act 2021	Mandatory Net Gain Biodiversity Duty Local Nature Recovery Strategy
District or Borough Local Plan and supporting SPD's	Local Plan
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.