

CONSULTATION TEMPLATE RESPONSE FROM LEICESTERSHIRE COUNTY COUNCIL:

ECOLOGY AND BIODIVERSITY PLANNING ADVICE

DISTRICT OR BOROUGH	Hinkley & Bosworth Borough Council
APPLICATION NUMBER	24/00831/OUT
ADDRESS	Land North Of Shenton Lane Market Bosworth Leicestershire
DESCRIPTION OF DEVELOPMENT	Outline planning application for the erection of up to 100 dwellings (including 40% affordable housing) with public open space, landscaping, sustainable drainage system (SuDS) a vehicular access point and the demolition of one residential dwelling. All matters reserved except for means of access (re-submission of 22/00167/OUT)
PLANNING CASE OFFICER	Tim Hartley
DEPARTMENT	Ecology
PLANNING ECOLOGY OFFICER	Nikki Morton
DATE OF COMMENTS	13/01/2025
SUMMARY RESPONSE:	
No comment	
No objection	
Recommend Refusal	
Holding Objection - Further information required	
Condition recommended	✓
Informative recommended	
REASON FOR RECOMMENDATION PROVIDED:	
- I have reviewed the revised Ecological Appraisal produced by FPCR November 2024 along with our correspondence to the previous application for the site. I have reviewed the statutory metric (13.11.24). - I have reviewed the Bat Survey Report (FPCR, November 2024) - The bat survey found bat droppings with in the roof of the building (again no photographs have been provided within the report making it difficult to assess if they are definitely old droppings); however, no bats were recorded during the three survey visits. It is disappointing that no additional survey effort was carried out (as per the bat survey guidelines paragraph 7.3.21). As it is likely only pipistrelle bats occasionally using the building, this would not alter the outcome of the application, therefore query can be dealt with via a condition.	
BIODIVERSITY NET GAIN (BNG) specific comments:	

• Mandatory biodiversity net gain will apply to this site. • Whilst I am disappointed that field 2 has still been assessed as 'Poor' condition, which I feel is an incorrect interpretation of Assessment Criterion A given that the field meets the definition of other neutral grassland with a large variety of a mixture of indicator species recorded (all species recorded were either rare or occasional therefore a fairly diverse mix was present)), given the vagueness of the wording of this criterion not making it clear whether the measure of indicator species is abundance or occurrence, there would be little grounds to continue a holding objection on this basis alone. • Currently there is a net loss of habitat units anyway therefore either the scheme needs to be redesigned to incorporate all net gain onsite, or offsite units will need to be created or purchased at a condition stage.
FURTHER INFORMATION REQUIRED:
• N/A
AMENDMENTS RECOMMENDED:
• N/A
RECOMMENDED CONDITIONS TO BE APPLIED:
• The mandatory biodiversity net gain condition applies to the development • No development shall take place until a Method Statement for bat mitigation has been submitted to and approved in writing by the local planning authority. Where appropriate, the Method Statement should be supported by up-to-date bat survey work in line with the current version of the 'Bat Surveys for Professional Ecologists: Good Practice Guidelines'. All works are to proceed strictly in accordance with the approved Method Statement unless otherwise agreed in writing with 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. • All bat species are afforded full protection under UK and European legislation, including the Wildlife and Countryside Act 1981 (as amended), and The Conservation of Habitats and Species Regulations 2017 (as amended). Together, this legislation makes it illegal to: Intentionally or recklessly take, kill or injure a bat; Intentionally or recklessly damage, destroy or obstruct access to bat roosts; and Intentionally or recklessly disturb bats. A bat roost is defined in the legislation as "any structure or place which a bat uses for shelter or protection". Roosts are protected whether or not bats are present at the time.
RECOMMENDED SECTION 106 REQUIREMENT (standard clause, contribution amount, trigger for payment)
• There will be significant onsite gains therefore these will need to be legally secured for 30 years.
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.