

CONSULTATION TEMPLATE RESPONSE FROM LEICESTERSHIRE COUNTY COUNCIL:

ECOLOGY AND BIODIVERSITY PLANNING ADVICE

COUNTY, DISTRICT OR BOROUGH	Hinckley and Bosworth Borough Council
APPLICATION NUMBER	25/00002/FUL
ADDRESS	Little Mulberry Upton Lane Stoke Golding Nuneaton Leicestershire
DESCRIPTION OF DEVELOPMENT	Construction of barn for agricultural use
PLANNING CASE OFFICER	Sullevan Archer
DEPARTMENT	Ecology
PLANNING ECOLOGY OFFICER	Olivia Larter
DATE OF COMMENTS	17 October 2025
ECOLOGICAL DOCUMENTS REVIEWED:	
• The Statutory Biodiversity Metric (June 2025) • Bio-diversity Net Gain Report (Litebox Architecture, March 2025)	
SUMMARY RECOMMENDATION:	
No comment	☐
No objection (for recommended conditions or informatives- see below)	☐
Recommend Refusal	☐
Holding Objection - Further information required (Protected species and Mandatory Biodiversity Net Gain)	☒
REASON FOR RECOMMENDATION:	
• We have reviewed the documents supplied by the applicant and we are not satisfied that there is sufficient ecological information available for determination of this application in relation to protected species and Mandatory Biodiversity Net Gain. Protected and Priority species • No ecological information has been submitted relating to the likely impacts of development on designated sites, protected & Priority, and threatened species and habitats and identification of proportionate mitigation. • We have therefore conducted a desktop study including local records (accessed under licence) and aerial imagery (Google Earth) to help assess this. • We note that the eastern boundary of the site is bordered by a canal which may offer potential to support aquatic species including water vole. A survey may be needed if development impacts land within 10m of the watercourse. • It is also highlighted that the site is located within a GCN alert area due to ponds being located in proximity to a pond known to support GCN (Leicestershire and Rutland Environmental Records Centre) (accessed under licence) and an Amber Risk Zone (Natural	

England) which means the area contains main population centres for GCN and comprise important connecting habitat that aids natural dispersal. Therefore, further information on the suitability of the site to support GCN and appropriate mitigation.

- Whilst no trees are likely to be directly impacted by the proposals, there is potential for construction activities to cause disturbance to roosting, foraging and commuting bats which may be using the boundary trees, particularly those to the west of the site closest to the development area. Therefore, the sites suitability for bats should be assessed and appropriate mitigation identified.
- This information is 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 additional information required can be included within a Preliminary Ecological Appraisal (PEA). This information is 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.

Biodiversity Net Gain (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.
- As a result, we have reviewed the submitted Statutory Biodiversity Metric and Biodiversity Net Gain Report (Litebox Architecture, March 2025) and are not satisfied that appropriate information has been provided prior to determination. This is because of the reasons set out below:
 - a) A habitat map showing the baseline habitats of the site (red line boundary) which matches those recorded in the metric is required.
 - b) The condition assessment sheets for the baseline habitats have not been provided. These are required for Modified grassland and Species-rich native hedgerow with trees - associated with bank or ditch according to the current baseline.
 - c) We note that a canal runs alongside the eastern boundary of the site. Where the red line boundary is within 10m of the bank top (riparian zone), the adjacent length of the watercourse should also be included within the metric under watercourse habitats. The condition assessment for this must be undertaken by a suitably qualified person trained to undertake MoRPH River Surveys.

d) We note that aerial imagery (Google Earth) indicates that site clearance may have occurred after the 30th of January 2020, specifically between 2022-2023, which does not appear to relate to an approved application. As a result, as the proposals have likely resulted in a loss of on-site biodiversity value ('degradation'), the following should be submitted in line with the Biodiversity Net Gain PPG: • a statement to the effect that these activities have been carried out; • the date immediately before these activities were carried out; • the pre-development biodiversity value of the onsite habitat on this date; • the completed metric calculation tool showing the calculations, and • any available supporting evidence of this. e) If degradation has not occurred and the proposed development is located on already developed land that was created as part of an approved application, it should be considered whether the de-minimis exemption applies.	
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	
HAVE MINIMUM NATIONAL INFORMATION REQUIREMENTS BEEN PROVIDED (PPG paragraph 11):	
Confirmation that development is subject to statutory biodiversity gain condition	TBC
Pre-development Habitat Plan of existing onsite habitat (to scale)	No
Pre-development Habitat Value (on date of application or earlier)	Yes
Completed Metric Calculation Tool	Yes
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
ON-SITE AND OFF-SITE PROPOSALS PRESENT:	
These should be secured and monitored for 30 years	
Applicant-owned significant onsite BNG is proposed	Yes
Off-site BNG is proposed (eg. BNG units provided to achieve 10% BNG uplift either on applicant-owned land, purchased units or statutory credits) PLEASE NOTE: this is indicative only , confirmed at Biodiversity Gain Plan condition stage	TBC
TYPE OF SIGNIFICANT ON-SITE HABITAT PROPOSED: (using the current government definition ¹)	

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

Medium or High Distinctiveness	Yes
Large number of units at Low Distinctiveness	No
Significant increase in Distinctiveness, Condition or Area	Yes

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 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.