

CONSULTATION TEMPLATE RESPONSE FROM LEICESTERSHIRE COUNTY COUNCIL:

ECOLOGY AND BIODIVERSITY PLANNING ADVICE

COUNTY, DISTRICT OR BOROUGH	Hinckley and Bosworth Borough Council
APPLICATION NUMBER	25/00331/DISCON
ADDRESS	Land Adj New Reservoir House Reservoir Road Thornton
DESCRIPTION OF DEVELOPMENT	Application to discharge conditions 3 (CEMP Biodiversity) and 4 (Habitat Management and Monitoring Plan (HMMP)) attached to planning permission 24/00761/FUL
PLANNING CASE OFFICER	Sullivan Archer
DEPARTMENT	Ecology
PLANNING ECOLOGY OFFICER	Charlotte Smith
DATE OF COMMENTS	16 June 2025
ECOLOGICAL DOCUMENTS: • Habitat Management and Monitoring Plan (No name, January 2025) • Construction Environmental Management Plan (Biodiversity) (No name, January 2025)	
• Condition 3: <i>'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 Local Planning Authority. The CEMP shall include the following details:</i> • <i>Identification of potentially damaging construction activities</i> • <i>Identification of biodiversity protection zones around adjacent retained habitat (retained hedgerow and retained grassland)</i> • <i>Practical measures and sensitive working practices to avoid or reduce impacts during construction</i> • <i>Responsible persons for overseeing sensitive works</i> • <i>Timing of works to avoid impacts on breeding birds</i> • <i>Use of protective fencing where required</i> <i>The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.'</i> Reason: In order to protect the protected wildlife species and their habitats that are known to exist on site in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).	

• Condition 4: <i>'No development shall take place (including ground works or vegetation clearance) until a landscape plan covering 30 years has been submitted to, and approved in writing by, the Local Planning Authority. This can take the form of a Habitat Management and Monitoring Plan (HMMP) and should include the following details:</i> • <i>Description and evaluation of the features to be created/ managed, including the off-site component</i> • <i>when this required</i> • <i>Aims and objectives of management</i> • <i>Appropriate management options for achieving aims and objectives</i> • <i>Prescriptions for management actions</i> • <i>Work schedule</i> • <i>Species/ seed mixes to be planted/ sown</i> • <i>Ongoing monitoring and remedial measures</i> <i>The approved plan will be implemented in accordance with the approved details.'</i> Reason: In order to protect the protected wildlife species and their habitats that are known to exist on site to accord with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).	
SUMMARY RECOMMENDATION:	
No comment	☐
No objection (for recommended conditions or informatives- see below)	☐
Recommend Refusal	☐
Holding Objection - Further information required (Condition 4 only)	☒
REASON FOR RECOMMENDATION:	
<u>Condition 3 - Construction Environmental Management Plan</u> We have reviewed the Construction Environmental Management Plan (Biodiversity) (No name, January 2025) which has been submitted in order to discharge Condition 3. We are satisfied that the submitted information includes the detail required by this condition. Recommendation Subject to the implementation of the Construction Environmental Management Plan (Biodiversity) in full, we recommend the discharge of condition 3. <u>Condition 4 - Habitat Management and Monitoring Plan</u> We have reviewed the Habitat Management and Monitoring Plan (No name, January 2025) which has been submitted in order to discharge Condition 4. We note that this includes the planting of 6 individual trees, whereas 5 individual trees were recommended to be secured at application stage. We are generally satisfied that the submitted information includes the detail required by this condition. However, it is indicated that the HMMP does not follow the standard Governments template, and therefore does not include all the necessary required information required. From reviewing the standard HMMP checklist from the government website, the plan is missing information on: • Habitat and Condition Targets – including reference to a record of what you have agreed to deliver based on the biodiversity metric (i.e. how moderate condition will be reached)	

• Creation, Enhancement and Management Targets and Prescriptions • Habitat Creation, Enhancement and Management – Risk Register and Remedial Measures - Site-wide risk register associated with establishing and managing each habitat type • Person(s) responsible for submitting monitoring reports and organisation responsible for reviewing along and monitoring schedule. It is highlighted that the HMMP condition should be discharged concurrent with the Statutory Biodiversity Gain Condition. This is statutory condition embedded within the TCPA, which applies to all development where mandatory biodiversity net gains applies and secures a copy of a Biodiversity Gain Plan. Further information on what is required to meet the requirements of what should be supplied as part of the Biodiversity Gain Plan is outlined in the Biodiversity Net Gain Planning Practice Guidance. Recommendation We are unable to recommend discharge of Condition 4 until additional information requested has been submitted.	
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	N/A
Pre-development habitat value (on date of application or earlier)	N/A
Reason for proposing an earlier date (if applicable)	N/A
Completed metric calculation tool	N/A
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)	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. strategic significance, habitat quantity, type or condition)	N/A
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:	

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

Applicant-owned off-site or significant onsite BNG is present, to be secured and monitored for 30 years	N/A
BNG units likely need to be provided to achieve 10% BNG uplift (purchased units or statutory credits) PLEASE NOTE: this is indicative only , confirmed at Biodiversity Gain Plan condition stage	N/A

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.