

CONSULTATION TEMPLATE RESPONSE FROM LEICESTERSHIRE COUNTY COUNCIL:

ECOLOGY AND BIODIVERSITY PLANNING ADVICE

DISTRICT OR BOROUGH	Hinkley & Bosworth Borough Council
APPLICATION NUMBER	24/00709/REM
ADDRESS	Ashfield Farm Kirkby Road Desford Leicester Leicestershire LE9 9JX
DESCRIPTION OF DEVELOPMENT	Application for approval (relating to Appearance, Landscaping, Layout and Scale for the erection of 120 dwellings and associated works.) attached to planning permission 22/01227/OUT (APP/K2420/W/23/3320601).
PLANNING CASE OFFICER	Alex Jelley
DEPARTMENT	Ecology
PLANNING ECOLOGY OFFICER	Nikki Morton
DATE OF COMMENTS	11/10/2024
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 Ecological Constraints and Opportunities Plan (Brindle and Green, September 2024) and accompanying biodiversity net gain metric. Both of which are acceptable.	
BIODIVERSITY NET GAIN (BNG) specific comments:	
N/A – Mandatory net gain is not applicable to the site but measurable net gain is demonstrated as per NPPF requirements.	
FURTHER INFORMATION REQUIRED:	
N/A	
AMENDMENTS RECOMMENDED:	
N/A	
RECOMMENDED CONDITIONS TO BE APPLIED:	

• Prior to the commencement of the development, a Biodiversity Enhancement and Management Plan (BEMP) shall be submitted to and approved in writing by the local planning authority. The BEMP shall demonstrate measurable biodiversity net gain. The plan shall include: A) description, evaluation and location of the ecological features and biodiversity enhancement measures to be created and managed B) ecological trends and constraints on site that might influence management C) aims and objectives of biodiversity enhancements and their management including for protected species D) appropriate management options for achieving the aims and objectives of the project E) prescriptions for management actions F) preparation of a work schedule G) details of the body or organisation responsible for implementation of the plan H) on-going monitoring and remedial measures (as a minimum this should include monitoring surveys in years 2, 3, 4, 5, 10, 15, 25 and 30 following the habitat creation and initial enhancement works) The development shall be implemented in accordance with the approved BEMP. The monitoring reports should be submitted to the LPA for approval in years 2, 3, 4, 5, 10, 15, 25 and 30 following the habitat creation and initial enhancement works. The monitoring reports should detail the monitoring results and any remedial actions required. • The development hereby approved shall be implemented in strict accordance with the Constraints and Opportunities Plan (Brindle & Green, September 2024) unless otherwise agreed in writing by the LPA. Photographs of the faunal enhancement measures including the integrated bird and bat boxes, hedgehog highways and hibernacula within the new development should be provided in order to discharge this condition. • No development shall take place (including ground works or vegetation clearance) until an updated badger survey has been submitted to and approved in writing by the LPA. This survey is to be carried out within 3 months of the likely commencement of works on site. It is to include details on mitigation and compensation measures for badgers if necessary.
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. • Badgers and their setts are protected by law. A badger sett is defined by law as ‘any structure or place which displays signs indicating current use by a badger’. Under the Protection of Badgers Act 1992 it is an offence to: Take, injure, or kill a badger (or attempt to do so); Cruelly ill-treat a badger; Intentionally or recklessly damage, destroy or obstruct access to a badger sett; and Intentionally or recklessly disturb a badger when it is occupying a badger sett. Therefore no works should occur near to a badger sett unless carefully checked beforehand by a suitably qualified person. • Slow-worm, common lizard, adder and grass snake are protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended). This legislation makes it an offence to deliberately kill, injure or take slow-worm, common lizard, adder or grass snake. As such, care should be taken to avoid impacting reptiles during the development.
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.