

CONSULTATION TEMPLATE RESPONSE FROM LEICESTERSHIRE COUNTY COUNCIL:

ECOLOGY AND BIODIVERSITY PLANNING ADVICE

DISTRICT OR BOROUGH	Hinckley and Bosworth Borough Council
APPLICATION NUMBER	25/00164/FUL
ADDRESS	Culloden Farm Ashby Road Twycross Atherstone Leicestershire
DESCRIPTION OF DEVELOPMENT	Creation of a wetland
PLANNING CASE OFFICER	Matt Jedruch
DEPARTMENT	Ecology
PLANNING ECOLOGY OFFICER	Richard Kelly
DATE OF COMMENTS	15/04/2025
SUMMARY RESPONSE:	
No comment	
No objection	✓
Recommend Refusal	
Holding Objection - Further information required	
Condition recommended	✓
Informative recommended	
SUMMARY OF ECOLOGICAL DOCUMENTS CONSIDERED:	
Water Vole and Otter Survey Report (Pioneer Environment October 2024)	
REASON FOR RECOMMENDATION PROVIDED:	
A Water Vole and Otter Survey Report was completed by Pioneer Environment in October 2024 which is accepted and outlined below. - Water Vole - no evidence of water voles was identified at any point over any of the three stretches of water course. As such it is considered that water voles were not present within the sites at the time of the survey and are not considered a constraint to the proposed works. - Otter – No evidence of otters was identified along water courses at site 1. Evidence of otters were identified at site 2 (footprints and spraint) and likely used for foraging and commuting. Precautionary working methods are recommended to reduce the risk of impact on the local otter population as detailed in section 6.9 – 6.13 and 6.21 – 6.25 of the report. Please see Conditions. - A pre-commencement Otter survey will also be required. Please see conditions. - The proposed conditions from the previous consultation response dated 24.03.25 are still applicable and updated below.	

BIODIVERSITY NET GAIN (BNG) SPECIFIC COMMENTS:
N/A
FURTHER INFORMATION REQUIRED:
N/A
AMENDMENTS RECOMMENDED:
N/A
RECOMMENDED CONDITIONS TO BE APPLIED:
- CEMP: Biodiversity - 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. practical measures and sensitive working practices to avoid or reduce impacts during construction on amphibians, bats, reptiles, and badgers C. timing of works to avoid harm to nesting birds D. responsible persons for overseeing sensitive works E. use of protective fencing where required to safeguard hedges and trees The approved CEMP shall be adhered to and implemented throughout the construction period, unless otherwise agreed in writing by the LPA. - The development hereby approved shall be implemented in strict accordance with the measures stated in section 6 of the Water Vole and Otter Survey Report (Pioneer Environment, October 2024). Badger pre-commencement walkover - 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 Local Planning Authority. 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 measures for badgers if necessary (such as badger gates). All works are to proceed strictly in accordance with the approved document. Otter pre-commencement survey - No development shall take place (including ground works or vegetation clearance) until an updated otter survey has been submitted to and approved in writing by the Local Planning Authority. This survey is to be carried out before commencement of works on site. It is to include details on mitigation measures for otters if necessary. All works are to proceed strictly in accordance with the approved document. HMMP - The development shall not commence until a 30 year Habitat Monitoring and Management Plan (HMMP), prepared in accordance with an approved Biodiversity Gain Plan, has been submitted to and approved in writing by the local planning authority. The approved HMMP shall be strictly adhered to and implemented in full for its duration and shall contain the following: a) Description and evaluation of the features to be managed; b) Ecological trends and constraints on site that may influence management; c) Aims, objectives and targets for management - links with local and national species and habitat action plans; d) Description of the management operations necessary to achieving aims and objectives; e) Preparation of a works schedule, including annual works schedule;

f) Details and a timetable of the monitoring needed to measure the effectiveness of management; g) Details of the persons responsible for the implementation and monitoring; h) mechanisms of adaptive management to account for necessary changes in work schedule to achieve the required targets; and i) Details of methodology and frequency of monitoring reports to be submitted to the Local Planning Authority to assess biodiversity gain (To enhance biodiversity, and in accordance with the National Planning Policy Framework and paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990)
RECOMMENDED INFORMATIVES TO BE APPLIED:
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RECOMMENDED SECTION 106 REQUIREMENT (standard clause, contribution amount, trigger for payment)
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DISCHARGE OF CONDITIONS ONLY: (Please confirm which condition(s) is/are being discharged)
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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
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.

