

CONSULTATION TEMPLATE RESPONSE FROM LEICESTERSHIRE COUNTY COUNCIL:

ECOLOGY AND BIODIVERSITY PLANNING ADVICE

COUNTY, DISTRICT OR BOROUGH	Hinckley and Bosworth Borough Council
APPLICATION NUMBER	26/00418/BNG
ADDRESS	Pinehollow Barn Stoke Lane Higham On The Hill Nuneaton Leicestershire CV13 6ES
DESCRIPTION OF DEVELOPMENT	An application to discharge the biodiversity gain condition for application 25/00902/FUL
PLANNING CASE OFFICER	Sullivan Archer
DEPARTMENT	Ecology
PLANNING ECOLOGY OFFICER	Olivia Larter
DATE OF COMMENTS	23 July 2026
ECOLOGICAL DOCUMENTS REVIEWED:	
• Habitat Management and Monitoring Plan (Version 1.2) (Oak Ecology, February 2026) • The Statutory Biodiversity Metric – Calculation Tool (November 2025) • Biodiversity Gain Plan (February 2026)	
SUMMARY RECOMMENDATION:	
No comment	☐
Part Discharge of Condition	☐
Full Discharge of Condition • Mandatory Biodiversity Gain Condition	☒
Further information required	☐
REASON FOR RECOMMENDATION:	
<u>Biodiversity Gain Condition:</u> Recommend Discharge <i>“The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition “(the biodiversity gain condition)” that development may not begin unless:</i> <i>a) a Biodiversity Gain Plan has been submitted to the planning authority, and</i> <i>b) the planning authority has approved the plan.</i>	

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Hinckley and Bosworth Borough Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply.

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements listed below are considered to apply.”

Comments

We have reviewed the submitted documents for this application. This includes the following:

- Habitat Management and Monitoring Plan (Version 1.2) (Oak Ecology, February 2026)
- Biodiversity Enhancement Plan (Version 1.1) (Oak Ecology, February 2026)
- The Statutory Biodiversity Metric – Calculation Tool (November 2025)
- Biodiversity Gain Plan (February 2026)

It is indicated that [Paragraph 14\(2\) of Schedule 7A of the Town and Country Planning Act 1990 \(as amended\)](#) and [Articles 37C\(2\) and 37C\(4\) of The Town and Country Planning \(Development Management Procedure\) \(England\) Order 2015](#) sets out the requirements of the Biodiversity Gain Condition, which secures a ‘Biodiversity Gain Plan’.

Therefore, in summary, the submission of a Biodiversity Gain Plan will consist of the following information:

- Biodiversity Gain Plan form, using the Government’s template: <https://www.gov.uk/government/publications/biodiversity-gain-plan>
- The completed metric calculation tool showing the calculations of the pre-development and post-intervention biodiversity values.
- Completed pre-development and post-development habitat maps
- Information regarding [Habitat degradation](#) (where required).
- Information regarding [Irreplaceable habitat](#) (where required).

In addition, the following information may also be required depending on whether the development contains significant on-site enhancements or whether off-site options or Statutory Biodiversity Credits are required:

- A [Habitat Management and Monitoring Plan](#) (HMMP) for significant on-site enhancements or offsite measures in blue line boundary land.
- Legal agreement for monitoring and management of significant on-site enhancements or off-site measures in blue line boundary land.
- Evidence of off-site units being allocated to a Biodiversity Gain Site on the [Biodiversity Gain Site Register](#).
- Evidence of proof of purchase of Statutory Biodiversity Credits

Therefore, based on the submitted documents, we are satisfied that a 10% measurable biodiversity net gain can be achieved and sufficient information has been provided to discharge the statutory Biodiversity Gain Condition.

We are satisfied with the management prescriptions and aftercare recommendations made within the HMMP. This sets out that the following significant on-site enhancements, in line with Government's definition, should be managed and monitored for a period of 30 years from the completion of development:

- Individual trees
- Native hedgerow

The Habitat Management and Monitoring Plan (Version 1.2) (Oak Ecology, February 2026) details the requirement for monitoring reports to be submitted to Hinckley & Bosworth Borough Council in years 1, 2, 5, 10, 15, 20, 25, and 30.

The decision on whether significant on-site enhancements are present is ultimately up to the Council, but where present, the long-term monitoring costs of the Council should be secured by a planning obligation as the Biodiversity Gain Plan. The submission of monitoring reports can be secured by part discharging the condition at each monitoring interval of Condition 6 (HMMP).

Conclusion

Subject to implementation in full of the submitted details, we recommend discharge of the Biodiversity Gain Condition.

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 SPDs	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 (as amended)	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), (Natura 2000 sites include SACs and SPAs), SSSIs, National Nature Reserves, Local Wildlife Sites, Local Nature Reserves. Habitats and Species protection: Conservation of Habitats and Species Regulations 2017 (as amended) (protected sites and species). Wildlife and Countryside Act 1981 (as amended) including special Schedule 1, Natural England Standing Advice. Protection of Badgers Act 1992.