

CONSULTATION TEMPLATE RESPONSE FROM LEICESTERSHIRE COUNTY COUNCIL:

ECOLOGY AND BIODIVERSITY PLANNING ADVICE

DISTRICT OR BOROUGH	Hinckley and Bosworth Borough Council
APPLICATION NUMBER	24/00632/FUL
ADDRESS	Highway Verge Hinckley Road / Desford Road Enderby LE19 4AD
DESCRIPTION OF DEVELOPMENT	Installation of an underground grid connection cable within the highway verge to connect Enderby Substation (Cross-boundary with Blaby District Council)
PLANNING CASE OFFICER	Laura Ashton
DEPARTMENT	Ecology
PLANNING ECOLOGY OFFICER	Dale Devereaux
DATE OF COMMENTS	16/07/2024
SUMMARY RESPONSE:	
No comment	
No objection	
Recommend Refusal	
Holding Objection - Further information required	
Condition recommended	☒
Informative recommended	
REASON FOR RECOMMENDATION PROVIDED:	
• The Preliminary Ecological Appraisal produced by Soltys Brewster Ecology (June 2024) is acceptable. • A badger sett was identified within 30m of the proposed works. • As badgers are highly mobile and use several setts, an updated badger survey report will be required prior to development. This should include suitable mitigation measures if required. If a suitable buffer cannot be maintained, further surveys and an EPSL licence may be required. • Impacts on hedgerows and trees is limited through the use of Horizontal Directional Drilling. If trees or hedgerows are to be affected for any reason, further surveys may be required, particularly if the tree to be affected has been identified as having features suitable for roosting bats. • As all impacts are temporary, the major impact on other protected species will be during the construction phase. As such, a Construction Environment Management Plan for biodiversity (CEMP: Biodiversity) will be required prior to development.	

BIODIVERSITY NET GAIN (BNG) specific comments:
• The Baseline BNG metric (Soltys Brewster Ecology, June 2024) is acceptable. • All impacts on habitats are temporary, and the proposal avoids impacting hedgerows and trees through the use of Horizontal Directional Drilling. • As such, the application is exempt from the mandatory net gain condition. • Furthermore, the net gain achieved by the attached solar farms is far greater than 10%. Therefore, I am satisfied that the project overall will achieve a net gain for biodiversity.
FURTHER INFORMATION REQUIRED:
• N/A
AMENDMENTS RECOMMENDED:
• N/A
RECOMMENDED CONDITIONS TO BE APPLIED:
• No development shall take place (including ground works or vegetation clearance) until an updated badger survey report 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. • 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 Great Crested Newts and reptiles C. timing of works to avoid harm to nesting birds D. responsible persons for overseeing sensitive works E. use of protective fencing where required The approved CEMP shall be adhered to and implemented throughout the construction period, unless otherwise agreed in writing by the LPA.
RECOMMENDED INFORMATIVES TO BE APPLIED:
• N/A
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 policy reference:
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.