

CONSULTATION TEMPLATE RESPONSE FROM LEICESTERSHIRE COUNTY COUNCIL:

ECOLOGY AND BIODIVERSITY PLANNING ADVICE

COUNTY, DISTRICT OR BOROUGH	Hinckley and Bosworth Borough Council
APPLICATION NUMBER	25/00019/FUL
ADDRESS	Land To The South Of 59 Kennel Lane Witherley Atherstone Leicestershire
DESCRIPTION OF DEVELOPMENT	Demolition of existing barn and construction of two dwellings with associated parking
PLANNING CASE OFFICER	Sullevan Archer
DEPARTMENT	Ecology
PLANNING ECOLOGY OFFICER	Richard Kelly
DATE OF COMMENTS	16 July 2025
ECOLOGICAL DOCUMENTS REVIEWED:	
• Design, Access and Planning Statement • Biodiversity Statement (CW Ecology, November 2024) • Preliminary Roost Assessment (RICS, November 2024) • Application Form • External Works Layout • Site Layout • Existing Site Plan • BMG Metric (November 2024) • Preliminary Bat Roost Assessment and Bird Survey (RICS, June 2025)	
SUMMARY RECOMMENDATION:	
No comment	
No objection (for recommended conditions or informatives- see below)	
Recommend Refusal	
Holding Objection - Further information required	✓
REASON FOR RECOMMENDATION:	
There has been a review of applicant submitted information and previous ecology comments (02/03/2025) with updated comments below. • A Preliminary Ecological Appraisal and Bird Survey completed by RICS in June 2025, has been submitted which is accepted and outlined below. • Bats – The building on site has been classed as ‘moderate’ suitability for roosting bats requiring two emergence surveys which have been completed. The survey confirmed the	

building is being used by Brown long eared and Common pipistrelle bats and suggested a full EPS licence is required rather than a Bat Mitigation Class license.

- Further 'roost characterisation' surveys are proportionate to establish how the BLE are using the space whether they are using it internally or externally. This will then inform on the need for a full EPS licence and bat loft or a Bat Mitigation Class license and installation of bat boxes.
- **There is a holding objection until these further surveys have been completed.**
- **Birds** – There is evidence of swallows nesting at ground floor level and pigeons on the first floor. Demolition works will be required to be undertaken outside the bird nesting season which runs from March to August inclusive to avoid disturbing nesting birds. If this is not possible then a nesting bird check will be required by a suitably experienced ecologist no more than 24 hours prior to removal and active nests left in place until fledged. **Please see Informatives.**
- **Biodiversity Enhancements** – There will be a loss of swallow nesting habitat as part of the works. Therefore, 2 swallow nest cups will be required to compensate and provide a biodiversity net gain, as per the NPPF for this species. It is also recommended that landscaping includes native species of local provenance that will provide a range of plants to support pollinating insects as identified in the RHS plants for pollinators. **Please see recommended Conditions.**

BNG Specific

- **Habitat degradation has taken place between January 2022 and May 2023 as per aerial imagery.**
- A statement has been received outlining the degradation and why it doesn't apply in this instance, as it relates to a granted permission of application 22/01232/CONDIT. Additional land has been included in the current application which has been classed as degraded and inferred as grassland in the baseline. This is accepted and no further action is required.
- **Currently the 10% Biodiversity Net Gain will be met on site with a +19.25% increase in Habitat Units.**
- A Habitat Management and Monitoring Plan (HMMP) will not be required in this instance as on-site habitat creation is not significant as net change is 0.01 unit and relative to the biodiversity value before development.
- Biodiversity net gain will need to be secured by condition at Biodiversity Gain Plan condition stage.

ANY RECOMMENDED CONDITIONS TO BE APPLIED:

- **Landscape Enhancement Plan** - No development shall take place until a biodiversity enhancement plan has been submitted to and approved in writing by the LPA. Enhancements shall include (but is not limited to) at least two Woodcrete bat boxes, two woodcrete/integrated bird boxes and two bee bricks with the makes/models and their locations. The biodiversity enhancement scheme shall include planting of hedgerows and trees of native species of local provenance and species to attract pollinating insects as identified in the RHS' 'Plants for Pollinators' database. Hedgerow mixes should include: 80% hawthorn (*Crataegus monogyna*), plus any one or more of the following: field maple (*Acer campestre*), dogwood (*Cornus sanguinea*), dog rose (*Rosa canina*) and holly (*Ilex aquifolium*). Any enhancement measures need to be shown on all relevant submitted plans. All works are to proceed strictly in accordance with the approved scheme.

ANY RECOMMENDED INFORMATIVES TO BE APPLIED:

Nesting Birds - Nesting birds are protected under the Wildlife & Countryside Act 1981 (as amended); therefore, building demolition and significant alteration or vegetation clearance should take place outside the breeding season (March to August inclusive) unless carefully checked beforehand by a suitably qualified person.	
IN THE CASE OF DISCHARGE OF CONDITIONS ONLY:	
(Please confirm which condition(s) is/are being discharged)	
N/A	
BIODIVERSITY NET GAIN (BNG) SECTION	
HAVE MINIMUM NATIONAL INFORMATION REQUIREMENTS BEEN PROVIDED (PPG paragraph 11):	
Confirmation that development is subject to statutory biodiversity gain condition	Y
Pre-development Habitat Plan of existing onsite habitat (to scale)	Y
Pre-development Habitat Value (on date of application or earlier)	Y
Completed Metric Calculation Tool	Y
Statement of Habitat Degradation where present (with dates and details)	Y
Reason for proposing an earlier date if applicable (ie. degradation)	Y
Description of Irreplaceable Habitat where present	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. habitat quantity, type or condition, strategic significance)	N
ON-SITE AND OFF-SITE PROPOSALS PRESENT:	
These should be secured and monitored for 30 years	
Applicant-owned <u>significant onsite</u> BNG is proposed	Y
Off-site BNG is proposed (eg. BNG units provided to achieve 10% BNG uplift either on applicant-owned land, purchased units or statutory credits)	N/A
PLEASE NOTE: this is indicative only , confirmed at Biodiversity Gain Plan condition stage	
TYPE OF SIGNIFICANT ON-SITE HABITAT PROPOSED: (using the current government definition ¹)	
Medium or High Distinctiveness	Y
Large number of units at Low Distinctiveness	Y
Significant increase in Distinctiveness, Condition or Area	Y

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

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

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.

