

CONSULTATION TEMPLATE RESPONSE FROM LEICESTERSHIRE COUNTY COUNCIL:

ECOLOGY AND BIODIVERSITY PLANNING ADVICE

COUNTY, DISTRICT OR BOROUGH	Hinckley and Bosworth Borough Council	
APPLICATION NUMBER	25/01157/OUT	
ADDRESS	Land Opposite Industrial Estate Hill Lane Markfield Leicestershire	
DESCRIPTION OF DEVELOPMENT	Outline planning permission for the erection of up to 67 dwellings (All matters reserved except for access)	
PLANNING CASE OFFICER	Matt Jedruch	
DEPARTMENT	Ecology	
PLANNING ECOLOGY OFFICER	Olivia Larter	
DATE OF COMMENTS	24 February 2026	
ECOLOGICAL DOCUMENTS REVIEWED:		
<ul style="list-style-type: none"> • Ecological Impact Assessment (Tyler Grange, November 2025) • Appendix 4: Confidential Badger Appendix (November 2025) • The Statutory Biodiversity Metric – Calculation Tool (November 2025) • Statutory Metric Condition Assessment Sheets (September 2025) 		
SUMMARY RECOMMENDATION:		
No comment		<input type="checkbox"/>
No objection (for recommended conditions or informatives- see below)		<input type="checkbox"/>
Recommend Refusal		<input type="checkbox"/>
Holding Objection - Further information required		<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> • European Protected Species – Bats • Mandatory Biodiversity Net Gains (BNG) 		
REASON FOR RECOMMENDATION:		
<p>We have reviewed the documents supplied by the applicant, relating to the likely impacts of development on designated sites, protected & Priority species and habitats and identification of proportionate mitigation and we are not satisfied that there is sufficient ecological information available for determination of this application and recommend that additional information on bats, European Protected Species is provided prior to determination. In addition, we are not satisfied that appropriate information with regard to mandatory biodiversity net gains has been supplied for the application prior to determination. The reasons for this are outlined below:</p> <p>European Protected Species – Bats: It is noted that two buildings on site B1 and B2 comprising a shed and farm shelter and one tree T26 were not able to be properly assessed during the survey due to dense vegetation. Whilst the buildings were assessed as offering negligible and the tree moderate potential for bats in 2021, update survey information is required as the condition of the structures and tree could have</p>		

changed and potential roosting features could have formed during this time. Therefore, further information is required to provide certainty of likely impacts to bats, European Protected Species as a result of the development, and appropriate mitigation. We recommend that the obstructing vegetation is cleared and features properly inspected by a bat licensed ecologist, or at least one emergence survey is undertaken during the 2026 season to help inform the need for mitigation and potentially a licence from Natural England.

These surveys are required prior to determination because Government Standing Advice indicates that you should *“Survey for bats if the area includes buildings or other structures that bats tend to use or there are trees with features that bats tend to use nearby”*.

The results of these surveys are required prior to determination because paragraph 99 of the ODPM Circular 06/2005 highlights that: *“It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.”*

This information is therefore required to provide the LPA with certainty of likely impacts on legally protected species and be able to secure appropriate mitigation either by a mitigation licence from Natural England or a condition of any consent. This will enable the LPA to demonstrate compliance with its statutory duties, including its biodiversity duty under s40 NERC Act 2006 (as amended) and prevent wildlife crime under s17 Crime and Disorder Act 1998.

Furthermore, the Local Planning Authority, as a competent authority, should have regard to the requirements of The Conservation of Habitats and Species Regulations 2017 (as amended) when reaching planning decisions and must not leave this until the licence application stage. Therefore, if a European Protected Species Mitigation Licence is required for this application, appropriate mitigation measures to support the provision of the licence must also be outlined prior to determination to allow certainty to the LPA that a licence will likely be granted.

Mandatory Biodiversity Net Gains:

Applications are required to deliver a mandatory 10% measurable biodiversity net gain, unless exempt under [paragraph 17 of Schedule 7A of the Town and Country Planning Act 1990](#) and the [Biodiversity Gain Requirements \(Exemptions\) Regulations 2024](#).

Biodiversity net gains is a statutory requirement set out under [Schedule 7A \(Biodiversity Gain in England\) of the Town and Country Planning Act 1990](#). This legislation was inserted into the 1990 Act by Schedule 14 of the Environment Act 2021 and was amended by the Levelling Up and Regeneration Act 2023. The Biodiversity Gain (Town and Country Planning) (Consequential Amendments) Regulations 2024 made consequential amendments to other parts of the 1990 Act.

The [Biodiversity Net Gain Planning Practice Guidance \(PPG\)](#) sets out how mandatory biodiversity net gains should be applied through the planning process and Paragraph: 011 Reference ID: 74-011-20240214 sets out what information should be submitted as part of a planning application if the statutory biodiversity gain condition applies.

As a result, we have reviewed the submitted The Statutory Biodiversity Metric – Calculation Tool (November 2025) and the Statutory Metric Condition Assessment Sheets (September 2025) and are not satisfied that appropriate information has been provided prior to determination. This is because of the reasons set out below:

- It is indicated from the baseline habitat plan in the Ecological Impact Assessment (Tyler Grange, November 2025) that a number of individual trees are present on site however the condition assessment sheets provided only include one completed condition assessment for individual trees, and it is not clear as to which tree this relates. Therefore, condition assessment sheets are required for all individual trees present on site at baseline.
- It should also be indicated in the metric baseline tab which trees have been included as individual tree habitat type.

Additional Comments – Mandatory Biodiversity Net Gains (BNG):

Since mandatory biodiversity net gains applies, the planning authority will be required to secure a biodiversity gain condition as a pre-commencement requirement. The biodiversity gain condition has its own separate statutory basis, as a planning condition under [paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990](#) and should be included as an informative within the decision notice. The biodiversity gain condition should secure the provision of a Biodiversity Gain Plan prior to commencement, which includes the following:

- a) A Biodiversity Gain Plan form (Ideally using the Government's template: <https://www.gov.uk/government/publications/biodiversity-gain-plan>)
- b) The completed metric calculation tool showing the calculations of the pre-development and post-intervention biodiversity values.
- c) Pre and post development habitat plans.
- d) Legal agreement(s)
- e) Biodiversity Gain Site Register reference numbers (if using off-site units).
- f) Proof of purchase (if buying statutory biodiversity credits at a last resort).

In addition, a [Habitat Management and Monitoring Plan](#) (HMMP) should be secured for all [significant on-site enhancements](#). Based on the submitted post-intervention values as they are currently submitted and Government Guidance on what constitutes a significant on-site enhancement, recommendations on the habitats that should be classified as a significant on-site enhancement have been outlined in the BNG tables below.

The decision on whether significant on-site enhancements are present is ultimately up to the Council. Where present, the maintenance and monitoring of significant on-site enhancements should be secured via planning obligation for a period of up to 30 years from the completion of development. This will be required to be submitted concurrent with the discharge of the biodiversity gain condition. Therefore, the LPA is encouraged to secure draft heads of terms for this planning obligation at application stage, to be finalised as part of the biodiversity gain condition. Alternatively, the management and monitoring of significant on-site enhancements could be secured as a condition of any consent. The monitoring of the post-development habitat creation / enhancement will need be provided to the LPA at years 1, 3, 5, 10, 15, 20, 25, 30, unless otherwise specified by the LPA. Any remedial action or adaptive management will then be agreed with the LPA during the monitoring period to ensure the aims and objectives of the Biodiversity Gain Plan are achieved.

We note that post-intervention values have also been provided. As a result, it is recommended that the following matters will also need to be addressed as part of the biodiversity gain condition:

- The strategic significance scores will need to be updated for the post-intervention habitat values (see link to LNRS mapping: <https://haveyoursay.leicestershire.gov.uk/local-nature-recovery-strategy-local-habitat-map>). All specific creation and enhancement of medium – very high distinctiveness habitats within the relevant habitat measures layer can be classified as 'high strategic significance' in the on-site or off-site post-development section

Statutory Biodiversity Metric - Calculation Tool. Since linear habitats and individual trees are not currently included within their own layer, these should be assigned as low strategic significance. Medium strategic significance should not be used. Therefore, this will need to be updated for the following habitats: Other neutral grassland, Mixed scrub, Individual trees (creation) and Hedgerows (creation and enhancement).

Additional Comments – Badger:

We support the outline mitigation strategy detailed in the Appendix 4: Confidential Badger Appendix (November 2025). A detailed Badger Mitigation Strategy should be detailed within a Construction Environmental Management Plan (CEMP) for biodiversity and secured as a condition of any consent. This will include the requirement for a pre-works badger check and the requirement for a Natural England Interference licence to be obtained for any works proposed within the vicinity of the setts (30m) which could cause disturbance.

We look forward to working with the LPA and the applicant to receive the additional information required to support a lawful decision and overcome our holding objection.

ANY RECOMMENDED CONDITIONS TO BE APPLIED:

N/A

ANY RECOMMENDED INFORMATIVES TO BE APPLIED:

N/A

PRE-DEVELOPMENT HABITAT BASELINE FOR BIODIVERSITY NET GAIN (BNG)

THIS IS THE MINIMUM NATIONAL ESSENTIAL INFORMATION REQUIREMENTS (PPG paragraph 11) AND MUST BE SATISFIED PRIOR TO DETERMINATION:

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)	N/A
Reason for proposing an earlier date if applicable (ie. degradation)	N/A
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)	TBC

POST DEVELOPMENT PROPOSALS FOR BIODIVERSITY NET GAIN (BNG)

PLEASE NOTE: THIS IS NOT ESSENTIAL INFORMATION PRIOR TO DETERMINATION.

Post-development information is **indicative only**; final proposals must be confirmed at Biodiversity Gain Plan statutory condition stage.

ON-SITE SIGNIFICANT* BNG is proposed (If Y, please see later table)	Y
OFF-SITE APPLICANT-OWNED BNG is proposed (ie. Land shown on plan within the “blue line” boundary and inserted in “offsite” tab of statutory metric)	N

PLEASE NOTE: Where applicant-owned off-site or significant on-site BNG proposals are present, these should be secured and monitored for 30 years. The determining authority is responsible for monitoring for compliance.

OFF-SITE PURCHASE** of BNG	
BNG units purchase from a third party to achieve 10% BNG uplift	Y
Statutory biodiversity credits	N

PLEASE NOTE:** Where purchased BNG units are proposed, any purchased units from the national register are secured and monitored for 30 years by conservation covenant, separately from this planning application process.

POST DEVELOPMENT PROPOSALS:		
*TYPE OF SIGNIFICANT ON-SITE HABITAT PROPOSED: (using the current government definition¹)		
SIGNIFICANCE AS DEFINED IN PPG	POST DEVELOPMENT HABITAT TYPE PROPOSED	NUMBER OF UNITS
Medium or High Distinctiveness	Other neutral grassland	4.52
	Mixed scrub	1.93
	Urban tree	1.03
	Species-rich native hedgerow with trees - associated with bank or ditch	1.03
	Species-rich native hedgerow with trees	0.91
	Species-rich native hedgerow	0.13
Large number of units at Low Distinctiveness	N/A	N/A
Significant increase in Distinctiveness, Condition or Area	Species-rich native hedgerow with trees (Low to high distinctiveness)	0.54
	Species-rich native hedgerow with trees - associated with bank or ditch (Low to very high distinctiveness)	1.44
	Species-rich native hedgerow with trees (Low to high distinctiveness)	1.19

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.

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

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.