

CONSULTATION TEMPLATE RESPONSE FROM LEICESTERSHIRE COUNTY COUNCIL:

ECOLOGY AND BIODIVERSITY PLANNING ADVICE

COUNTY, DISTRICT OR BOROUGH	Hinckley and Bosworth Borough Council	
APPLICATION NUMBER	25/00768/FUL (Reconsultation)	
ADDRESS	Finneys Hill Heath Road Leicester Leicestershire LE67 1DG	
DESCRIPTION OF DEVELOPMENT	Change of use of land to a gypsy caravan site for 4 mobile homes	
PLANNING CASE OFFICER	Emma Baumber	
DEPARTMENT	Ecology	
PLANNING ECOLOGY OFFICER	Olivia Larter	
DATE OF COMMENTS	19 February 2026	
ECOLOGICAL DOCUMENTS REVIEWED:		
• Ecological Impact Assessment (Wildlife Consultants Ltd., December 2020) (Submitted for previous application 20/01350/FUL) • Site photographs • Email from agent to LPA (January 2026) • Committee Extract (June 2006) (Submitted for previous application 06/00281/COU)		
SUMMARY RECOMMENDATION:		
No comment	☐	
No objection (for recommended conditions or informatives- see below)	☐	
Recommend Refusal	☐	
Holding Objection - Further information required • European Protected Species – Great Crested Newt (GCN) • Mandatory Biodiversity Net Gains (BNG)	☒	
REASON FOR RECOMMENDATION:		
We have reviewed the additional information supplied by the applicant which comprises an email from the agent stating that the site is existing hardstanding developed land. We note that no further information has been provided in relation to mandatory Biodiversity Net Gains. As such, we are still not satisfied that there is sufficient ecological information available for determination of this application in relation to Great Crested Newt and we are also 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 detailed below: European Protected Species – Great Crested Newt (GCN): It is noted from the update site photographs provided and the history of the site which indicates that it has been previously developed that the site likely offers suboptimal terrestrial habitat for		

GCN. However, the site is located within an Amber Risk Zone for District Level Licensing, which means that the area contains main population centres for GCN and comprises important connecting habitat that aids natural dispersal (Natural England). This is because there are ponds located within 250m of the site, the closest being within 50m of the site to the southeast within the Candidate Local Wildlife Site Bagworth Heath Country Park with good terrestrial connectivity to the site. No updated information is provided on the suitability of these ponds for Great Crested Newt, however the Ecological Impact Assessment (Wildlife Consultants Ltd., December 2020) submitted for previous withdrawn application 20/01350/FUL completed a HSI assessment of the two ponds within 250m of the site, both of which scored as 'Average' suitability. It is also noted at the time of this survey (November 2020), there was evidence of the site being used for 'fly-tipping' which provided refugia and hibernation habitat for GCN. Based on this information, without an updated assessment, likely absence cannot be assumed. Therefore, we have completed the GCN Rapid Risk Assessment for licencing based on the assumption that GCN could be present in the ponds located within 250m of the site and that at least a minor disturbance to newts is possible given their range of dispersal, and the result of this was "Amber: offence likely".

Further information is therefore required to ensure that the risk to GCN as a result of the development can be appropriately mitigated. This should include an assessment of the site by a suitably qualified ecologist to inform the requirement for further surveys and appropriate mitigation. We consider that given the current habitats present on site, that further surveys may be considered disproportionate, however given the above information, non-licensed avoidance measures will still be required to manage any risk to GCN during construction.

This further information is 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.

Mandatory Biodiversity Net Gains (BNG):

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 application form and previous consent 06/00281/COU and are not satisfied that appropriate information has been provided prior to determination.

This is because the application form submitted states that the site was previously developed in 2003 and approved retrospectively under application number 06/00281/COU in 2006 and therefore the development is linked to a previously approved application. However, it is noted that the approval allowed temporary permission for change of use of land for four gypsy caravans only, and this temporary permission expired in August 2007.

Therefore, the habitats on site should be assessed to consider whether mandatory Biodiversity Net Gain applies to this application based on the habitats on site, accounting for any site degradation that may have occurred after the 30th of January 2020 which does not relate to an approved application. This assessment should be carried out by a suitably qualified ecologist.

If mandatory Biodiversity Net Gain applies, the following documents should be submitted prior to determination:

- The Statutory Biodiversity Metric – Calculation Tool (including baseline condition assessment sheets for applicable habitat types)
- A Habitat map of the pre-development baseline

Given the complex planning history of the site, should the applicant still consider the site to be exempt from mandatory Biodiversity Net Gain requirements, we recommend a Biodiversity Statement is provided which clearly addresses why and how the site is exempt.

Additional Comments – Mandatory BNG:

If 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](#). We are unable to confirm what would constitute a significant onsite enhancement in relation to these proposals until our above query is addressed.

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.

Additional Comments – Non-Statutory Designated Local Wildlife Site

We would welcome as part of the additional information required prior to determination, that further information on how impacts to the candidate Local Wildlife Site located adjacent to the southeastern boundary of the site will be appropriately mitigated.

However, considering the proposals are for a change of use which will not involve extensive construction works, we would consider it acceptable to allow mitigation measures to be secured by a Biodiversity Method Statement condition which would need to be submitted to and approved by the LPA prior to commencement should any consent be given if not provided prior to determination.

Additional Comments – Biodiversity Enhancements:

Reasonable biodiversity enhancements for protected, Priority and threatened species are required to secure net gains for biodiversity, as outlined under Paragraph 187d and 193d of the National Planning Policy Framework (December 2024). Reasonable biodiversity enhancement measures are a separate matter to mandatory biodiversity net gains, and the finalised details should be outlined within a separate Biodiversity Enhancement Strategy to be secured as a condition of any consent.

This is needed to enable the LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006 (as amended).

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	TBC
Pre-development Habitat Plan of existing onsite habitat (to scale)	TBC
Pre-development Habitat Value (on date of application or earlier)	TBC
Completed Metric Calculation Tool	TBC
Statement of Habitat Degradation where present (with dates and details)	TBC
Reason for proposing an earlier date if applicable (ie. degradation)	TBC

Description of Irreplaceable Habitat where present	TBC
SMALL SITES METRIC ONLY: “Competent person” information (ie. qualifications, skills, experience)	TBC
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)	TBC
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)	TBC
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	TBC
Statutory biodiversity credits	TBC
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 <u>SIGNIFICANT ON-SITE</u> HABITAT PROPOSED: (using the current government definition ¹)		
SIGNIFICANCE AS DEFINED IN PPG	POST DEVELOPMENT HABITAT TYPE PROPOSED	NUMBER OF UNITS
Medium or High Distinctiveness		
Large number of units at Low Distinctiveness		
Significant increase in Distinctiveness, Condition or Area		

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.