

CONSULTATION TEMPLATE RESPONSE FROM LEICESTERSHIRE COUNTY COUNCIL:

ECOLOGY AND BIODIVERSITY PLANNING ADVICE

COUNTY, DISTRICT OR BOROUGH	Hinckley and Bosworth Borough Council
APPLICATION NUMBER	26/00173/BNG (Reconsultation)
ADDRESS	Woodside Farm Heath Road Bagworth Heath Bagworth Coalville Leicestershire
DESCRIPTION OF DEVELOPMENT	Application to discharge the biodiversity gain condition for application 25/00823/FUL
PLANNING CASE OFFICER	Sullivan Archer
DEPARTMENT	Ecology
PLANNING ECOLOGY OFFICER	Olivia Larter
DATE OF COMMENTS	27 May 2026
ECOLOGICAL DOCUMENTS REVIEWED:	
• The Statutory Biodiversity Metric – Calculation Tool (May 2025) • Biodiversity Net Gain Cover Report (2025 Updating Document) (BJ Collins, May 2025) • Biodiversity Gain Plan (September 2025)	
SUMMARY RECOMMENDATION:	
No comment	☐
Part Discharge of Condition	☐
Full Discharge of Condition	☒
Further information required	☐
REASON FOR RECOMMENDATION:	
<u>Conditions</u> Biodiversity Net Gain Condition: 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> <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.</i> <i>There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed below.</i> <i>Based on the information available this permission is considered to be one which will require the</i>	

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 documents which have been submitted in order to discharge Condition 10 (Biodiversity Gain Plan). This includes the following:

- The Statutory Biodiversity Metric – Calculation Tool (May 2025)
- Biodiversity Net Gain Cover Report (2025 Updating Document) (BJ Collins, May 2025)
- Biodiversity Gain Plan (September 2025)

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’.

We note that 0.08 habitat units have been purchased from offsite habitat bank, Biodiversity Gain Site Register reference number BGS-290825003. This is aligned with the Statutory Biodiversity Metric – Calculation Tool (May 2025).

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.

There are no significant onsite enhancements proposed. Therefore, we are satisfied that a Habitat Management and Monitoring Plan is not required for onsite measures.

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 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.