

CONSULTATION TEMPLATE RESPONSE FROM LEICESTERSHIRE COUNTY COUNCIL:

ECOLOGY AND BIODIVERSITY PLANNING ADVICE

COUNTY, DISTRICT OR BOROUGH	Hinckley and Bosworth Borough Council
APPLICATION NUMBER	25/00267/FUL
ADDRESS	Land Adjacent Poultry Farm Desford Road Desford Leicester Leicestershire LE9 2BF
DESCRIPTION OF DEVELOPMENT	Creation of four traveller pitches
PLANNING CASE OFFICER	Matt Jedruch
DEPARTMENT	Ecology
PLANNING ECOLOGY OFFICER	Olivia Larter
DATE OF COMMENTS	31 October 2025
ECOLOGICAL DOCUMENTS REVIEWED:	
• Preliminary Ecological Appraisal (Ref: Brad0825_PEA) (August 2025) • Biodiversity Net Gain Report (Elton Ecology, October 2025) • The Statutory Biodiversity Metric – Calculation Tool (April 2025)	
SUMMARY RECOMMENDATION:	
No comment	☐
No objection (for recommended conditions or informatives- see below)	☐
Recommend Refusal	☐
Holding Objection - Further information required (Mandatory Biodiversity Net Gains)	☒
REASON FOR RECOMMENDATION:	
We have reviewed the additional and updated documents supplied by the applicant and we are still 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: 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. As a result, we have reviewed the application form and are not satisfied that appropriate information has been provided prior to determination. This is because of the reasons set out below: • We note that the baseline classification of the grassland onsite within the Preliminary Ecological Appraisal (Ref: Brad0825_PEA) (August 2025) and the Biodiversity Net Gain Report (Elton Ecology, October 2025) do not align. The PEA classifies the grassland as moderate condition Other neutral grassland, whilst the BNG report classifies it as poor	

condition Modified grassland. Therefore, further information is required to clarify the correct classification of the grassland with sufficient justification to ensure the baseline value in the metric accurately represents the onsite habitat.

- Since the Leicestershire LNRS has now been published, the latest guidance states that all baseline habitats should be set to 'low' strategic significance which is equivalent to 'Area/compensation not in local strategy/ no local strategy' in the metric for applications not yet granted. Therefore, the strategic significance should be updated for the linear habitat Native hedgerow with trees.

Additional Comments – 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 Biodiversity Gain Plan form (Ideally using the Government's template: <https://www.gov.uk/government/publications/biodiversity-gain-plan>)
- The completed metric calculation tool showing the calculations of the pre-development and post-intervention biodiversity values.
- Pre and post development habitat plans.
- Legal agreement(s)
- Biodiversity Gain Site Register reference numbers (if using off-site units).
- 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, it is suggested that this includes the following habitats: Species-rich native hedgerow with trees and Traditional orchard.

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 a post-intervention habitat plan has been provided but this has not been included in the metric. We are generally satisfied that the post-intervention measures are realistic and deliverable.

Additional Comments – Biodiversity Enhancements

We support the proposed reasonable biodiversity enhancements for protected, Priority and threatened species, which have been recommended in the Preliminary Ecological Appraisal (Ref:

Brad0825_PEA) (August 2025) 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.

Additional Comments – Protected and Priority species

We have reviewed the Preliminary Ecological Appraisal (Ref: Brad0825_PEA) (August 2025) relating to the likely impacts of development on designated sites, protected and Priority species & habitats and identification of appropriate mitigation measures and we are now satisfied that there is sufficient ecological information available to support determination of this application.

The mitigation measures identified in the Preliminary Ecological Appraisal (Ref: Brad0825_PEA) (August 2025) should be secured by a condition of any consent and implemented in full. This is necessary to conserve and enhance protected and Priority species particularly those recorded in the locality.

We note that two trees on site were assessed as offering moderate potential for roosting bats. Since these are proposed to be retained, no further surveys are required. The site was also assessed as offering moderate foraging and commuting habitat for bats, particularly the boundary hedgerow to the west of the site. Therefore, any new lighting proposed should be included within a sensitive lighting strategy for bats in line with Guidance Note GN08/23 (Institute of Lighting Professionals) and secured as a condition of any consent. This is required to ensure that disturbance to bats as a result of the development is minimised.

ANY RECOMMENDED CONDITIONS TO BE APPLIED:

N/A

ANY RECOMMENDED INFORMATIVES TO BE APPLIED:

N/A

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	Yes
Pre-development Habitat Plan of existing onsite habitat (to scale)	Yes
Pre-development Habitat Value (on date of application or earlier)	Yes
Completed Metric Calculation Tool	Yes
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)	Yes
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ON-SITE AND OFF-SITE PROPOSALS PRESENT:

These should be secured and monitored for 30 years	
Applicant-owned significant onsite BNG is proposed	Yes
Off-site BNG is proposed (eg. BNG units provided to achieve 10% BNG uplift either on applicant-owned land, purchased units or statutory credits) PLEASE NOTE: this is indicative only , confirmed at Biodiversity Gain Plan condition stage	No
TYPE OF SIGNIFICANT ON-SITE HABITAT PROPOSED: (using the current government definition ¹)	
Medium or High Distinctiveness	Yes
Large number of units at Low Distinctiveness	No
Significant increase in Distinctiveness, Condition or Area	Yes

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.

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

