

CONSULTATION TEMPLATE RESPONSE FROM LEICESTERSHIRE COUNTY COUNCIL:

ECOLOGY AND BIODIVERSITY PLANNING ADVICE

COUNTY, DISTRICT OR BOROUGH	Hinckley and Bosworth Borough Council
APPLICATION NUMBER	25/00355/FUL (Reconsultation)
ADDRESS	11 Sapcote Road Burbage Hinckley Leicestershire LE10 2AS
DESCRIPTION OF DEVELOPMENT	Demolition of existing bungalow and construction of 3 new dwellings
PLANNING CASE OFFICER	Laura Ashton
DEPARTMENT	Ecology
PLANNING ECOLOGY OFFICER	Olivia Larter
DATE OF COMMENTS	19 September 2025
ECOLOGICAL DOCUMENTS REVIEWED:	
<ul style="list-style-type: none"> • Preliminary Ecological Appraisal (Three Shires Ltd., July 2025) • The Statutory Biodiversity Metric – Calculation Tool (July 2025) • Technical Note: Biodiversity Net Gain (BNG) Statement (Three Shires Ltd., July 2025) • Statutory Condition Assessment sheets (January 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 (European Protected Species – Bats)	<input checked="" type="checkbox"/>
REASON FOR RECOMMENDATION:	
<ul style="list-style-type: none"> • We have reviewed the additional documents supplied by the applicant and we are not satisfied that there is sufficient ecological information available for determination of this application and recommend that details of survey results, mitigation & enhancement measures are required and additional information on bats is provided prior to determination. <p>European Protected Species (bats)</p> <ul style="list-style-type: none"> • We note that the site the Ecological Appraisal (Three Shires Ltd., July 2025) has recorded the building as moderate suitability for bats and recommends two emergence surveys. However, the results of these surveys have still not been submitted. • These surveys are required because Government Standing Advice indicates that you should <i>“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”</i>. 	

- 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.

Additional Comments – Protected and Priority Species

- We generally support the mitigation measures included within Section 5 of the PEA report for bats, nesting birds and Hedgehog. However, we note that trees offering PRF-I suitability for roosting bats are proposed for removal. Therefore, appropriate mitigation should also include using soft felling techniques to minimise the impact to roosting bats which may be using these trees.
- In addition, whilst it is acknowledged that the onsite and surrounding habitats provide suitability for a range of other mobile species including Badger, reptiles and amphibians, they are then discounted from requiring mitigation due to structural barriers. Upon review of aerial imagery and local records held by Leicestershire and Rutland Environmental Records Centre (accessed under licence), we don't consider any significant structural barriers to be present, therefore we recommend that precautionary measures are included for the following species in addition to those detailed within the PEA: Badger, reptiles and amphibians (including GCN) minimise the risk of harm to these species as a result of the development.
- A precautionary method statement for the above should be secured as a condition of any consent and is not a reason for holding objection at this stage.

Additional Comments – Mandatory BNG

- With regard to mandatory biodiversity net gains, it is highlighted that we now support the submitted revised metric and associated BNG statement. Biodiversity net gains is a statutory requirement set out under Schedule 7A (Biodiversity Gain in England) of the Town and Country Planning Act 1990 and we are satisfied that submitted information provides sufficient information at application stage. As a result, a Biodiversity Gain Plan should be submitted prior to commencement, which also includes the following:
 - a) The completed metric calculation tool showing the calculations of the pre-development and post-intervention biodiversity values.
 - b) Pre and post development habitat plans.
 - c) Legal agreement(s)
 - d) Biodiversity Gain Site Register reference numbers (if using off-site units).
 - e) Proof of purchase (if buying statutory biodiversity credits at a last resort).
- We note that it has been acknowledged that offsite compensation will likely be required to achieve the required 10% net gain.

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)	No
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	No
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	Yes
TYPE OF SIGNIFICANT ON-SITE HABITAT PROPOSED: (using the current government definition ¹)	
Medium or High Distinctiveness	No
Large number of units at Low Distinctiveness	No
Significant increase in Distinctiveness, Condition or Area	No

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:

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

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.