

CONSULTATION TEMPLATE RESPONSE FROM LEICESTERSHIRE COUNTY COUNCIL:

ECOLOGY AND BIODIVERSITY PLANNING ADVICE

COUNTY, DISTRICT OR BOROUGH	Hinckley and Bosworth Borough Council
APPLICATION NUMBER	26/00532/FUL
ADDRESS	The Manor Wood Lane Norton Juxta Twycross Leicestershire
DESCRIPTION OF DEVELOPMENT	Erection of 4 custom build dwellings
PLANNING CASE OFFICER	Alex Jelley
DEPARTMENT	Ecology
PLANNING ECOLOGY OFFICER	Karley Khan
DATE OF COMMENTS	09 September 2026
ECOLOGICAL DOCUMENTS REVIEWED:	
• Preliminary Ecological Appraisal Report (ref: 2600138PAB, dated 31/07/2026) • Pre-development Baseline Habitat Plan (dated 18/03/2026) • Pond Plan (prepared by BNEcology, no date) • BNG Metric Key Information Sheets (dated 26/05/2026) • Biodiversity Net Gain (BNG) Assessment (ref: 2600138PAB, dated May 2026 – First Issue) • Condition Assessment Sheets (ref: 2600138PAB, dated 18/03/2026) • Natural England Consultation Response (ref: 552162, dated 13/07/2026) • Shadow Habitats and Regulations Assessment (sHRA) (ref: 2600183-ENV-S1-EM-TR-E-002, dated 27/07/2026) and Nutrient Neutrality Assessment and Mitigation Strategy (NNAMS) (ref: 2600183-ENV-S1-EM-TR-E-001, dated 27/07/2026)	
SUMMARY RECOMMENDATION:	
No comment	
No objection (for recommended conditions or informatives- see below)	
Recommend Refusal	
Holding Objection - Further information required	✓
REASON FOR RECOMMENDATION:	
We have reviewed the above ecology documents and welcome the additional information provided. We note however not all of the comments originally provided have been fully addressed, and we require some additional information based on the latest documents provided. <i>Habitat Survey;</i> • As stated previously, the assessment of the on-site habitats was undertaken in March 2026 outside the optimal period for assessing grassland habitat. This is also stated in the PEA and	

BNG reports as a limitation on undertaking an accurate assessment and underestimating the species diversity and overall habitat condition. Furthermore, the average number of species for the grassland was calculated from four quadrats only. As this Information forms the baseline for the BNG, BNG Gain Plan and Habitat Management and Monitoring Plan (HMMP) we require the condition assessment to be accurate. Therefore, as stated previously, an update condition assessment of the habitats will need to be undertaken during the optimal period and the updated baseline information provided including quadrat information.

Background Data Search;

- As stated previously, a background data search for non-statutory sites and protected/Priority Species has not been undertaken, such that it is considered a full assessment of potential impacts from the development has not been provided. Background data search required to inform the planning application and re-assessment of impacts based on this information to be provided.

Protected Species [comments as previous];

- Building B1 is classified as providing low potential to support roosting bats, with further survey work recommended. As per Tables 7.1 and 7.2 of the Bat Conservation Trust Good Practice Guidelines, the minimum number of survey visits to give confidence in a negative result is one, undertaken between 'May to August', albeit further surveys may be required. We require further ecological survey work in relation to bats to be undertaken and submission of a suitable supporting ecology report(s).
- There was no internal access to B2 due to safety concerns, and the photos provided appear to show a number of gaps in the boarding and access to the internal structure, however the building is classified as negligible potential to support roosting bats. In accordance with 5.2.44 of the Bat Conservation Trust Good Practice Guidelines, where a complete inspection cannot be undertaken, proportionality must be considered. Therefore, given an internal inspection could not be undertaken, location of the building, surrounding habitats and potential roosting opportunities we request further clarification/rationale for classifying this building as negligible. An emergence survey of B1 is required such that it may be prudent to undertake a survey of B2 concurrently.
- The report states the site provides moderate connectivity for bats and at least some of the woodland will be removed under the proposals, however no activity surveys are undertaken or recommended. We require further information on the impact from the proposals on foraging and commuting bats, and for further surveys to be undertaken where required.
- The ecology report includes two options for Great Crested Newt, namely either District Level Licence (DLL) scheme or survey route and traditional licence if required. We require clarification on the route to be followed with appropriate documentation and/or survey work to be undertaken.
- No information is provided on the suitability of the buildings for Barn Owl, and whether any evidence/survey work for Barn Owl was undertaken.

Baseline Plan;

- The baseline plan includes black hatching for 'building' in the key, however this is not shown on the plan. Artificial unvegetated; unsealed surface is also shown on the baseline plan but not in the BNG Metric Sheets. Two separate condition areas for ruderal/ephemeral are included in the Metric, however it is not clear from the key which area is which.

Post-development Plan;

- The post-development plan includes artificial unvegetated; unsealed surface in the key, albeit this does not seem to be present on the plan, and similarly, red areas are shown on the plan but not in the key. The plan requires updating, albeit the report, plans and the BNG Metric can be updated at the Biodiversity Gain Plan stage.
- The length of proposed native hedgerow planting does not meet the minimum criteria to be classified as a hedgerow, such that this requires updating.

BNG

- Condition assessment sheets have been provided, however the date of the assessment is 18th March 2026 which is outside the optimal period. As above in the Habitat section, we require an update condition assessment of the habitats will need to be undertaken during the optimal period and the updated baseline information provided including condition assessment sheets.
- Table 4.2 refers to the Somerset Council BNG Principals, such that we require this be updated.
- Table 4.3 states no strategic significance has been applied, however this has been applied to the native hedgerow planting, such that this requires updating.
- Table 4.4 of the BNG report states trading rules have been satisfied, however this should be updated as per the points above it to stipulate this is '(once relevant area units have been purchased)'. Furthermore, the relationship to HRA requirements has been set as 'N/A' yet a sHRA has been undertaken. Therefore, we require further clarification as to how this is not applicable.
- The application form states surface water will be disposed of into a sustainable drainage system, and the NNAMS report states the SuDS and permeable paving will also contribute to nutrient neutrality for River Mease SAC, however this is not shown on the proposal plans. The application form also states the pre-development biodiversity value is 1.4 which is incorrect.
- The Design and Access Statement also includes potential provision of an orchard, however this is not shown on the proposal plan.
- The BNG report states the mitigation hierarchy has been followed and biodiversity credits are to be purchased to achieve 10% BNG. This is acceptable, albeit please note we will require proof of purchase to be provided. We also require submission of the completed BNG Metric, Biodiversity Gain Plan and associated documentation at the gain plan stage. It should be noted that should units from a habitat bank outside of the National Character Area be purchased, these would be subject to a negative spatial multiplier.

Natural England Comments;

- We note NE have requested further information and to be re-consulted following provision of this information. Therefore, we still require details of the consultation and the outcome prior to determination.

ANY RECOMMENDED CONDITIONS TO BE APPLIED:

Please note, the below are indicative only and additional conditions may be recommended depending on the results of the further ecological information provided.

- Adherence to Report Recommendations - The development hereby approved shall be implemented in strict accordance with the measures stated in Chapter 6 of the Preliminary Ecological Appraisal Report (ref: 2600138PAB, dated 31/07/2026).
- Construction Environment Management Plan for Biodiversity - No development shall take place (including ground works or vegetation clearance) until a Construction Environment

Management Plan for Biodiversity (CEMP: Biodiversity) has been submitted to and approved in writing by the LPA. The CEMP shall include the following details:

- A. Identification of potentially damaging construction activities
- B. Practical measures and sensitive working practices to avoid or reduce impacts during construction on Badger, bats, Hedgehog, Brown Hare, mammals, reptiles
- C. Timing of works to avoid harm to nesting birds
- D. Responsible persons for overseeing ecologically sensitive works
- E. Measures for pollution control/prevention, including control of surface water and protection of waterbodies
- F. Dust management and suppression measures
- G. Use of protective fencing where required
- H. Use of illumination during construction
- I. Measures to protect ecologically sensitive areas and the root protection areas of trees, woodland and hedges during construction
- J. Measures to control and eradicate Spanish Bluebell
- K. Measures to exclude small animals from excavations or to allow their escape
- L. Illumination during the construction period.
- M. The storage of materials and disposal of surplus materials.

The approved CEMP shall be adhered to and implemented throughout the construction period, unless otherwise agreed in writing by the LPA.

- Sensitive Lighting Scheme - No external lighting shall be installed on the site until details (including luminance levels and measures to minimise light spillage) have been submitted to and approved in writing by the Local Planning Authority. External lighting shall only be installed in accordance with the approved details and shall not be replaced with any alternative lighting without the prior permission in writing of the Local Planning Authority.
- TBC Precautionary Working Method Statement: Herptiles – No development shall take place (including ground works or vegetation clearance) until a Precautionary Working Method Statement for Reptiles and Amphibians has been submitted to and approved in writing by the LPA. The PWMS shall include, but not be limited to, details of ongoing grassland management, ecological supervision, timing of works, licence application if needed, suitable translocation area and use of fencing where needed. All works are to proceed strictly in accordance with the approved document.
- Biodiversity Enhancement Scheme - No development shall take place until a biodiversity enhancement scheme has been submitted to and approved in writing by the LPA. Enhancements shall include (but not be limited to) at least one woodcrete/integrated bat box per dwelling, two woodcrete/integrated bird boxes, at least one house martin nest cup per dwelling, at least one Bee Brick per dwelling, Hedgehog cut outs, and the make/model/locations. Any enhancement measures need to be shown on all relevant submitted plans. All works are to proceed strictly in accordance with the approved scheme.
- Woodland and Spanish Bluebell Management Scheme – TBC
- Pre-Commencement HMMP - No development shall take place (including ground works or vegetation clearance) until a Habitat Management and Monitoring Plan (HMMP) has been

submitted to and approved in writing by the Local Planning Authority. The approved HMMP shall be adhered to and implemented, unless otherwise agreed in writing by the Local Planning Authority.

- BNG - The application will need to demonstrate a 10% net gain in Biodiversity as required by Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021). Prior to determination, the applicant should submit a completed Statutory Biodiversity Metric in excel format, along with the relevant condition assessments and pre and post-development plans. Prior to commencement of works, a Biodiversity Gain Plan must be submitted, along with a Habitat Management and Monitoring Plan (HMMP) detailing how net gain will be achieved and secured for a period of 30 years.

ANY RECOMMENDED INFORMATIVES TO BE APPLIED:

- This development may require European Protected Species licence to make it lawful. You must be aware that to proceed with the development without first obtaining an EPS Licence could result in prosecution.
- All new planting should be composed of native species. All new planting should be composed of native species of local provenance and species to attract pollinating insects as identified in the RHS' 'Plants for Pollinators' database.
- Recommended hedging species mix: 80% hawthorn (*Crataegus monogyna*), plus any one or more of the following: field maple (*Acer campestre*), dogwood (*Cornus sanguinea*), dog rose (*Rosa canina*) and holly (*Ilex aquifolium*).
- Nesting birds are protected under the Wildlife & Countryside Act 1981 (as amended); therefore, building demolition and vegetation clearance should take place outside the breeding season (March to August inclusive) unless carefully checked beforehand by a suitably qualified ecologist.
- Great crested newts and their habitat are afforded full protection under UK and European legislation, including the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2017 (as amended). Together, this legislation makes it illegal to: Deliberately capture, kill, disturb or injure a great crested newt; Disturb a great crested newt whilst it is occupying a structure or place for shelter or protection; Intentionally or recklessly damage, destroy or obstruct access to habitats used by great crested newts for protection or sheltering; and damage or destroy a breeding site or resting place. As such, should a great crested newt be found, works should stop and an ecologist should be contacted for further advice.
- Spanish Bluebell is listed on Schedule 9 of the Wildlife and Countryside Act 1981 (as amended) as plants that may not be planted or otherwise caused to grow in the wild. If it is necessary for Spanish Bluebell to be removed, it is important to note that Schedule 9 invasive plants are classified as controlled waste and should be handled and disposed of accordingly at a licenced waste facility.

IN THE CASE OF DISCHARGE OF CONDITIONS ONLY:

(Please confirm which condition(s) is/are being discharged)

- 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	N
Statement of Habitat Degradation where present (with dates and details)	Y
Reason for proposing an earlier date if applicable (ie. degradation)	N/A
Description of Irreplaceable Habitat where present	Y (none)
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)	Y

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 definition ¹)		
SIGNIFICANCE AS DEFINED IN PPG	POST DEVELOPMENT HABITAT TYPE PROPOSED	NUMBER OF UNITS
Medium or High Distinctiveness	Other neutral grassland / Urban Trees	0.18 / 0.14
Large number of units at Low Distinctiveness	Modified grassland	0.23

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

Significant increase in Distinctiveness, Condition or Area	Other woodland; broadleaved (enhanced from poor to moderate)	0.41
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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.

