

**CONSULTATION TEMPLATE RESPONSE FROM LEICESTERSHIRE COUNTY COUNCIL:**

**ECOLOGY AND BIODIVERSITY PLANNING ADVICE**

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| <b>DISTRICT OR BOROUGH</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Hinckley and Bosworth Borough Council                                         |
| <b>APPLICATION NUMBER</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 24/00312/HOU                                                                  |
| <b>ADDRESS</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | The Old Rectory 19 Church Road Witherley Atherstone<br>Leicestershire CV9 3NA |
| <b>DESCRIPTION OF DEVELOPMENT</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Detached timber garage                                                        |
| <b>PLANNING CASE OFFICER</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Richard Wright                                                                |
| <b>DEPARTMENT</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                               |
| Ecology                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                               |
| <b>PLANNING ECOLOGY OFFICER</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Dale Devereaux                                                                |
| <b>DATE OF COMMENTS</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 25/04/2024                                                                    |
| <b>SUMMARY RESPONSE:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                               |
| No comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                               |
| No objection                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                               |
| Recommend Refusal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                               |
| Holding Objection - Further information required                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                               |
| Condition recommended                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                               |
| Informative recommended                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | ✓                                                                             |
| <b>REASON FOR RECOMMENDATION PROVIDED:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                               |
| <ul style="list-style-type: none"> <li>The proposed development is sited on existing garden, and has been designed to minimise impact on the adjacent trees.</li> <li>As such the impact on local biodiversity will be negligible.</li> <li>There will be the need for a minor crown lift on two trees. This should take place outside of the bird nesting season, unless checked beforehand by a suitably qualified person.</li> <li>I suggest the below informative is attached to any permission.</li> </ul> |                                                                               |
| <b>BIODIVERSITY NET GAIN (BNG) specific comments:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                               |
| <ul style="list-style-type: none"> <li>N/A</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                               |
| <b>FURTHER INFORMATION REQUIRED:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                               |
| <ul style="list-style-type: none"> <li>Nesting birds are protected under the Wildlife &amp; Countryside Act 1981 (as amended); therefore, vegetation clearance should take place outside the breeding season (March to August inclusive) unless carefully checked beforehand by a suitably qualified person.</li> </ul>                                                                                                                                                                                         |                                                                               |
| <b>AMENDMENTS RECOMMENDED:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                               |
| <ul style="list-style-type: none"> <li>N/A</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                               |
| <b>RECOMMENDED CONDITIONS TO BE APPLIED:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                               |

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| <ul style="list-style-type: none"> <li>N/A</li> </ul>                                                  |
| <b>RECOMMENDED INFORMATIVES TO BE APPLIED:</b>                                                         |
| <ul style="list-style-type: none"> <li>N/A</li> </ul>                                                  |
| <b>RECOMMENDED SECTION 106 REQUIREMENT</b> (standard clause, contribution amount, trigger for payment) |
| <ul style="list-style-type: none"> <li>N/A</li> </ul>                                                  |
| <b>DISCHARGE OF CONDITIONS ONLY:</b><br>(Please confirm which condition(s) is/are being discharged)    |
| <ul style="list-style-type: none"> <li>N/A</li> </ul>                                                  |

**Note for applicants: Please be aware that this specialist advice is provided to the Local Planning Authority through a Service Level Agreement between the Local Planning Authority and Leicestershire County Council.**

If you have any queries about this advice, 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 as part of this service.

**The following legislation is used to assist in the assessment of planning applications:**

| Legislation source                                                                                      | Reference                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
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| NPPF Dec 2023                                                                                           | Paras 8, 180, 181, 185, 186, 187, 188                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| Environment Act 2021                                                                                    | Mandatory Net Gain<br>Biodiversity Duty<br>Local Nature Recovery Strategy                                                                                                                                                                                                                                                                                                                                                                                                |
| District or Borough Local Plan and supporting SPD's                                                     | Local Plan policy reference:                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| ODPM circular 06/2005:<br>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)<br>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.<br>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. |