

CONSULTATION TEMPLATE RESPONSE FROM LEICESTERSHIRE COUNTY COUNCIL:

ECOLOGY AND BIODIVERSITY PLANNING ADVICE

COUNTY, DISTRICT OR BOROUGH	Hinckley and Bosworth Borough Council
APPLICATION NUMBER	26/00299/FUL
ADDRESS	Sparkenhoe Farm Main Road Upton Nuneaton Leicestershire
DESCRIPTION OF DEVELOPMENT	Extension to provide new kitchen, cheese sales, cold store and additional parking
PLANNING CASE OFFICER	Sullivan Archer
DEPARTMENT	Ecology
PLANNING ECOLOGY OFFICER	Richard Kelly
DATE OF COMMENTS	20 May 2026
ECOLOGICAL DOCUMENTS REVIEWED:	
• Application Form • Site Location Plan and Proposed Site Plan: 2026/169/10 • Existing Plan: 2026/169/17 • Ground Floor Plan: 2026/169/11 • Biodiversity Net Gain Assessment (Clayton Ecology, March 2026) • Statutory BNG Metric Version 1 (Clayton Ecology, March 2026)	
SUMMARY RECOMMENDATION:	
No comment	
No objection (for recommended conditions or informatives- see below)	
Recommend Refusal	
Holding Objection - Further information required	✓
REASON FOR RECOMMENDATION:	
BNG Specific Comments • The planning application description includes additional car parking however the Vehicle Parking section is ticked 'No'. Further clarification is required. • Planning application form Biodiversity net gain section also states it meets the 'de minimis' exemption however, there has been a submitted BNG Metric. • Further clarification is required if additional car parking is proposed and BNG section updated to include calculations. • The additional area of car parking needs to be included within the BNG metric and baseline habitat maps. • Condition Assessment sheets are required for each individual habitat parcel e.g. all modified grassland.	

- It must be noted part of the BNG off-set areas is within the proposed overflow car park.
- **There is a holding objection until this is completed.**

Ecology

- A Biodiversity Net Gain Assessment has been completed by Clayton Ecology in March 2026 which is mostly accepted and briefly outlined below.
- The proposal includes the erection of a new extension and additional parking.
- The site comprises habitats of low ecological value which primarily consist of modified grassland, a native tree and ornamental hedgerow which will be impacted on during the installation of the extension and creation of the parking. No further assessment is required.

Birds

- Vegetation works will be required to be undertaken outside the bird nesting season which runs from March to August inclusive to avoid disturbing nesting birds. If this is not possible then a nesting bird check will be required by a suitably experienced ecologist no more than 24 hours prior to removal and active nests left in place until fledged. **Please see Informatives.**

BNG Specific Comments

- Currently, the 10% Biodiversity Net Gain is achievable on site with a +15.80% increase in Habitat Units and a +141.25% increase in Hedgerow Units.
- **A Biodiversity Gain Plan will be required.**
- The Biodiversity Net Gain Assessment states all proposed BNG will be in the offset area which is within the application sites redline boundary therefore classed as on-site.
- The proposed planting of 8 small trees in poor condition does count as significant according to the definitions, however monitoring 2 trees for 30 years is disproportionate to the relative biodiversity value before development. Therefore, does not require securing or production of a HMMP.

ANY RECOMMENDED INFORMATIVES TO BE APPLIED:

- **Nesting birds** - Nesting birds are protected under the Wildlife & Countryside Act 1981 (as amended); therefore, building demolition and significant alteration or vegetation clearance should take place outside the breeding season (March to August inclusive) unless carefully checked beforehand by a suitably qualified person.

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	Y
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
<u>SMALL SITES METRIC ONLY:</u> "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

N

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 definition¹)

SIGNIFICANCE AS DEFINED IN PPG**POST DEVELOPMENT HABITAT TYPE PROPOSED****NUMBER OF UNITS**

Medium or High Distinctiveness

Urban Tree

0.09

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

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

	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.

