

CONSULTATION TEMPLATE RESPONSE FROM LEICESTERSHIRE COUNTY COUNCIL:

ECOLOGY AND BIODIVERSITY PLANNING ADVICE

COUNTY, DISTRICT OR BOROUGH	Hinckley and Bosworth Borough Council
APPLICATION NUMBER	25/00542/FUL
ADDRESS	Trout Ponds Farm Twycross Road Sheepy Magna Leicestershire
DESCRIPTION OF DEVELOPMENT	Proposed change of use of existing livery buildings and hardstanding to storage and distribution (Class B8)
PLANNING CASE OFFICER	Sullevan Archer
DEPARTMENT	Ecology
PLANNING ECOLOGY OFFICER	Olivia Larter
DATE OF COMMENTS	16 July 2025
ECOLOGICAL DOCUMENTS:	
• Preliminary Ecological Appraisal (Midnorth Ecology, April 2025) • Preliminary Roost Assessment (Midnorth Ecology, April 2025)	
SUMMARY RECOMMENDATION:	
No comment	☐
No objection (for recommended conditions or informatives- see below)	☐
Recommend Refusal	☐
Holding Objection - Further information required (European Protected Species)	☒
REASON FOR RECOMMENDATION:	
• We have reviewed the documents supplied by the applicant and we are not satisfied that there is sufficient ecological information available for determination of this application. • The Preliminary Roost Assessment (PRA) classified the building proposed for change of use to offer low suitability for roosting bats; therefore, a single dusk emergence survey is required. However, the results of the single bat emergence survey have not been submitted. • Whilst no internal or external alterations are proposed, increased lighting, human traffic and plant/vehicle movement associated with the change of use from livery stables to commercial use could cause disturbance to bats roosting within the building. • This information is therefore required to provide certainty of the likely impacts to bats as a result of the proposal prior to determination. This is because paragraph 99 of the ODPM Circular 06/2005 highlights that: <i>"It is essential that the presence or otherwise of protected</i>	

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.”

Additional comments – Biodiversity Net Gains

- With regard to mandatory biodiversity net gains, it is highlighted that we have reviewed the submitted application form. 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. Therefore, we are satisfied that the submitted documents provide sufficient information that the development meets the de-minimis exemption. As a result, we are satisfied that the development is exempt from the statutory requirement of mandatory biodiversity net gains.
- However, the reasonable biodiversity enhancement measures included within the PEA, should be detailed within a separate Biodiversity Enhancement Strategy and secured by a condition of any consent. This is necessary to provide net gains for Priority and threatened species in line with paragraph 187d of the NPPF.

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

MINIMUM NATIONAL INFORMATION REQUIREMENTS PROVIDED (PPG paragraph 11):

Confirmation that development is subject to biodiversity gain condition	No
Pre-development habitat value (on date of application or earlier)	N/A
Reason for proposing an earlier date (if applicable)	N/A
Completed metric calculation tool	N/A
Statement of habitat degradation where present (with dates and details)	N/A
Description of irreplaceable habitat where present	N/A
Plan of onsite habitat pre-development (to scale)	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. strategic significance, habitat quantity, type or condition)	N/A
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SIGNIFICANT ON-SITE ENHANCEMENT REQUIRED: (using the current government definition¹)

med/high distinctiveness	N/A
large number of units at low distinctiveness	N/A
significant in increase in distinctiveness, condition or area	N/A

BNG ADDITIONAL INFORMATION:

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

Applicant-owned off-site or significant onsite BNG is present, to be secured and monitored for 30 years	N/A
BNG units likely need to be provided to achieve 10% BNG uplift (purchased units or statutory credits)	N/A
PLEASE NOTE: this is indicative only , confirmed at Biodiversity Gain Plan condition stage	

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 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.