

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

**ECOLOGY AND BIODIVERSITY PLANNING ADVICE**

<b>COUNTY, DISTRICT OR BOROUGH</b>	Hinckley and Bosworth Borough Council	
<b>APPLICATION NUMBER</b>	24/01155/FUL	
<b>ADDRESS</b>	Upper Grange Farm 1A Ratby Lane Markfield Leicestershire LE67 9RJ	
<b>DESCRIPTION OF DEVELOPMENT</b>	Erection of a dwelling (self-build) with associated parking and landscaping	
<b>PLANNING CASE OFFICER</b>	Matt Jedruch	
<b>DEPARTMENT</b>	Ecology	
<b>PLANNING ECOLOGY OFFICER</b>	Olivia Larter	
<b>DATE OF COMMENTS</b>	19 June 2025	
<b>ECOLOGICAL DOCUMENTS:</b>		
<ul style="list-style-type: none"> <li>• Preliminary Ecological Appraisal (Elite Ecology, December 2024)</li> <li>• Presence/Absence Survey (Bats) (May 2025)</li> </ul>		
<b>SUMMARY RECOMMENDATION:</b>		
<b>No comment</b>		<input type="checkbox"/>
<b>No objection (for recommended conditions or informatives- see below)</b>		<input checked="" type="checkbox"/>
<b>Recommend Refusal</b>		<input type="checkbox"/>
<b>Holding Objection - Further information required</b>		<input type="checkbox"/>
<b>REASON FOR RECOMMENDATION:</b>		
<ul style="list-style-type: none"> <li>• We have reviewed the submitted information relating to the likely impacts of development on designated sites, protected and Priority species &amp; habitats and identification of appropriate mitigation measures and mandatory Biodiversity Net Gain.</li> <li>• We are now satisfied that there is sufficient information available to support determination of this application.</li> </ul> <p><b>Protected and Priority Species</b></p> <ul style="list-style-type: none"> <li>• The precautionary measures outlined in section 5.3 of the Preliminary Ecological Appraisal (Elite Ecology, December 2024) should be detailed within a Precautionary Working Method Statement and secured as a condition of any consent. This should cover mobile species including reptiles, amphibians, nesting birds, hedgehog and bats (lighting during construction) and should be implemented in full during the construction phase.</li> <li>• We note that no bat activity indicative of a roost (emergence/re-entry) was recorded during the Presence/Absence Survey (Bats) (May 2025) of the buildings offering low roost potential on site during the undertaken in May 2025. Whilst based on the survey results, it</li> </ul>		

is unlikely that a bat roost is present, due to the surrounding suitable and connected foraging and commuting habitat, we recommend that an informative for bats is applied.

- In addition, a bat sensitive lighting scheme should be secured by condition for any new lighting proposed as part of the development. This should follow the guidelines in Bats and Artificial Lighting at Night Guidance Note (GN08/23) (Institute of Lighting Professionals).

#### **Biodiversity Net Gain (BNG)**

- 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. We have reviewed the submitted information and believe that BNG does not apply to this application under the Self-build and custom build applications exemption.
- We support the proposed reasonable biodiversity enhancements for protected, Priority and threatened species detailed in section 5.4 of the Preliminary Ecological Appraisal (Elite Ecology, December 2024), which have been recommended to secure net gains for biodiversity, as outlined under Paragraph 187d and 193d of the National Planning Policy Framework (December 2024). The reasonable biodiversity enhancement measures should be outlined within a separate Biodiversity Enhancement Strategy and should be secured by a condition of any consent.

#### **ANY RECOMMENDED CONDITIONS TO BE APPLIED:**

##### **1. ACTION REQUIRED IN ACCORDANCE WITH ECOLOGICAL APPRAISAL RECOMMENDATIONS**

*“All mitigation measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Elite Ecology, December 2024) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.*

*This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECOW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.”*

**Reason:** To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (as amended).

##### **2. PRIOR TO COMMENCEMENT: PRECAUTIONARY WORKING METHOD STATEMENT**

*“A Precautionary Working Method Statement shall be submitted to and approved in writing by the local planning authority. This will contain precautionary mitigation measures and/or works to reduce potential impacts to reptiles, amphibians, nesting birds, bats and hedgehog during the construction phase. The measures and/works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.”*

**Reason:** To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (as amended).

##### **3. PRIOR TO ANY WORKS ABOVE SLAB LEVEL: BIODIVERSITY ENHANCEMENT LAYOUT**

*“A Biodiversity Enhancement Layout for biodiversity enhancements listed in the Preliminary Ecological Appraisal (Elite Ecology, December 2024) report shall be submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Layout shall include the following:*

- a) detailed designs or product descriptions for biodiversity enhancements; and*

b) *locations, orientations and heights for biodiversity enhancements on appropriate drawings. The enhancement measures shall be implemented in accordance with the approved details prior to occupation and all features shall be retained in that manner thereafter.”*

**Reason:** To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under paragraph 187d of the NPPF 2024 and s40 of the NERC Act 2006 (as amended).

#### 4. PRIOR TO OCCUPATION: WILDLIFE SENSITIVE LIGHTING DESIGN SCHEME

*“Prior to occupation, a “lighting design strategy for biodiversity” in accordance with Guidance Note 08/23 (Institute of Lighting Professionals) shall be submitted to and approved in writing by the local planning authority. The strategy shall:*

*a) identify those areas/features on site that are particularly sensitive for [... insert species...] and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and*

*b) show how and where external lighting will be installed (through provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.*

*All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.”*

**Reason:** To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (as amended).

#### ANY RECOMMENDED INFORMATIVES TO BE APPLIED:

##### 1. PRECAUTIONARY MEASURES FOR BATS

*Should any bats or evidence of bats be found prior to or during the development, all works must stop immediately, and a suitably qualified ecologist contacted for further advice before works can proceed. All contractors working on site should be made aware of the advice and provided with the contact details of a relevant ecological consultant. If a Bat is found during the works the ecological consultant or National Bat Helpline should be contacted for advice on: 0345 1300 228.*

#### 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
<b>SMALL SITES METRIC ONLY:</b> “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
<b>SIGNIFICANT ON-SITE ENHANCEMENT REQUIRED:</b> (using the current government definition <sup>1</sup> )	
med/high distinctiveness	N/A
large number of units at low distinctiveness	N/A
significant in increase in distinctiveness, condition or area	N/A
<b>BNG ADDITIONAL INFORMATION:</b>	
Applicant-owned <b>off-site or significant onsite</b> BNG is present, to be <b>secured and monitored</b> for 30 years	N/A
<b>BNG units</b> likely need to be provided to achieve 10% BNG uplift (purchased units or statutory credits)	N/A
<b>PLEASE NOTE:</b> this is <b>indicative only</b> , 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.

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

