

CONSULTATION TEMPLATE RESPONSE FROM LEICESTERSHIRE COUNTY COUNCIL:

ECOLOGY AND BIODIVERSITY PLANNING ADVICE

COUNTY, DISTRICT OR BOROUGH	Hinckley and Bosworth Borough Council
APPLICATION NUMBER	25/00768/FUL
ADDRESS	Finneys Hill Heath Road Leicester Leicestershire LE67 1DG
DESCRIPTION OF DEVELOPMENT	Change of use of land to a gypsy caravan site for 4 mobile homes
PLANNING CASE OFFICER	Emma Baumber
DEPARTMENT	Ecology
PLANNING ECOLOGY OFFICER	Charlotte Smith
DATE OF COMMENTS	22 October 2025
ECOLOGICAL DOCUMENTS REVIEWED:	
• Ecological Impact Assessment (Wildlife Consultants Ltd., December 2020) (Submitted for previous application 20/01350/FUL) • Photos	
SUMMARY RECOMMENDATION:	
No comment	☐
No objection (for recommended conditions or informatives- see below)	☐
Recommend Refusal	☐
Holding Objection - Further information required: • Great Crested Newts • Non-statutory Designated Sites • Mandatory Biodiversity Net Gains	☒
REASON FOR RECOMMENDATION:	
We have reviewed the documents supplied by the applicant and note no ecological information has been provided. As a result, we have conducted a desk study to confirm the likely impacts upon designated sites, protected and Priority species and habitats. This included a review of Magic Maps, Leicestershire and Rutland Environmental Records Centre (accessed under licence) and aerial imagery. We are not satisfied that there is sufficient ecological information available for Great Crested Newt and non-statutory designated sites to support determination of this application and recommend that details of Great Crested Newt survey results, mitigation & enhancement measures are required prior to determination. In addition, we are not satisfied that appropriate information with regard to mandatory biodiversity net gains has been supplied for the application prior to determination. The reasons for this are outlined below:	

ANY RECOMMENDED CONDITIONS TO BE APPLIED:**European Protected Species (Great Crested Newt):**

There are number of waterbodies in close proximity to the site, including several ponds in the surrounding land. The site also falls within the Amber Risk Zone on Great Crested Newt Risk Zone. We note that a previous application 20/01350/FUL submitted an Ecological Impact Assessment (Wildlife Consultants Ltd., December 2020) that recorded the nearby waterbodies as having 'Average' suitability for Great Crested Newt during a Habitat Suitability Index.

Therefore, we recommend that further professional judgement is provided to ensure that Great Crested Newt will not be impacted by the proposals, this should ideally include a renewed Habitat Suitability Index of nearby ponds and reference to Natural England's Great Crested Newt Rapid Risk Calculator.

To fully assess the impacts of the proposal the LPA needs ecological information for the site, particularly for bats and Great Crested Newt (GCN), European Protected Species. These surveys are required prior to determination because Government Standing Advice indicates that you should *"Survey for great crested newts if there's a pond within 500 metres of the development, even if it only holds water some of the year"*.

The results of these surveys are required prior to determination because paragraph 99 of the ODPM Circular 06/2005 highlights that: *"It is essential that the presence or otherwise of protected 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."*

This information is therefore required to provide the LPA with certainty of likely impacts on legally protected species and be able to secure appropriate mitigation either by a mitigation licence from Natural England or a condition of any consent. This will enable the LPA to demonstrate compliance with its statutory duties, including its biodiversity duty under s40 NERC Act 2006 (as amended) and prevent wildlife crime under s17 Crime and Disorder Act 1998.

Furthermore, the Local Planning Authority, as a competent authority, should have regard to the requirements of The Conservation of Habitats and Species Regulations 2017 (as amended) when reaching planning decisions and must not leave this until the licence application stage. Therefore, if a European Protected Species Mitigation Licence is required for this application, appropriate mitigation measures to support the provision of the licence must also be outlined prior to determination to allow certainty to the LPA that a licence will likely be granted.

This is needed to enable the LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006 (as amended).

Non-statutory Designated sites

We note that immediately adjacent to the site to the south and southeast is the Candidate Local Wildlife Site Bagworth Heath Country Park. Impacts on this site has not been assessed and should be assessed.

Mandatory Biodiversity Net Gains:

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.

Biodiversity net gains is a statutory requirement set out under Schedule 7A (Biodiversity Gain in England) of the Town and Country Planning Act 1990. This legislation was inserted into the 1990 Act by Schedule 14 of the Environment Act 2021, and was amended by the Levelling Up and Regeneration Act 2023. The Biodiversity Gain (Town and Country Planning) (Consequential Amendments) Regulations 2024 made consequential amendments to other parts of the 1990 Act.

The Biodiversity Net Gain Planning Practice Guidance (PPG) sets out how mandatory biodiversity net gains should be applied through the planning process and Paragraph: 011 Reference ID: 74-011-20240214 sets out what information should be submitted as part of a planning application if the statutory biodiversity gain condition applies.

As a result, we have reviewed the information submitted and are not satisfied that appropriate information has been provided prior to determination. This is because of the reasons set out below:

- We note that there is no reference to mandatory biodiversity net within any of the submitted documents including the application form. From reviewing the proposed plans, and the submitted photographs, it appears that there could be some loss of habitat greater than 25m² and therefore mandatory biodiversity net gains may apply. As a result, further information should be supplied by the applicant. If BNG applies, the following documents should be submitted:
 - Biodiversity metric – calculation tool (including condition assessment where the Statutory Biodiversity Metric – Calculation Tool is submitted).
 - Habitat map of the pre-development baseline

Where mandatory biodiversity net gains applies, the planning authority will be required to secure a biodiversity gain condition as a pre-commencement requirement. The biodiversity gain condition has its own separate statutory basis, as a planning condition under paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 and should be included as an informative within the decision notice. The biodiversity gain condition should secure the provision of a Biodiversity Gain Plan, as well as the following information:

- a) The completed metric calculation tool showing the calculations of the pre-development and post-intervention biodiversity values.
- b) Pre and post development habitat plans.
- c) Legal agreement(s)
- d) Biodiversity Gain Site Register reference numbers (if using off-site units).
- e) Proof of purchase (if buying statutory biodiversity credits at a last resort).

In addition, a Habitat Management and Monitoring Plan (HMMP) should be secured for all significant on-site enhancements.

The maintenance and monitoring outlined in the HMMP should be secured via planning obligation for a period of up to 30 years, which will be required to be submitted concurrent with the discharge of the biodiversity gain condition. Therefore, the LPA is encouraged to secure draft heads of terms for this planning obligation at application stage, to be finalised as part of the biodiversity gain condition. Alternatively, the management and monitoring of significant on-site enhancements could be secured as a condition of any consent. The monitoring of the post-development habitat creation / enhancement will need be provided to the LPA at years 1, 3, 5, 10, 15, 20, 25, 30, unless otherwise specified by the LPA. Any remedial action or adaptive management will then be agreed with the LPA during the monitoring period to ensure the aims and objectives of the Biodiversity Gain Plan are achieved.

ANY RECOMMENDED INFORMATIVES TO BE APPLIED:	
N/A	
BIODIVERSITY NET GAIN (BNG) SECTION	
HAVE MINIMUM NATIONAL INFORMATION REQUIREMENTS BEEN PROVIDED (PPG paragraph 11):	
Confirmation that development is subject to statutory biodiversity gain condition	TBC
Pre-development Habitat Plan of existing onsite habitat (to scale)	N
Pre-development Habitat Value (on date of application or earlier)	N
Completed Metric Calculation Tool	N
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
SMALL SITES METRIC ONLY: "Competent person" information (ie. qualifications, skills, experience)	TBC
BNG METRIC INFORMATION missing or incorrect:	
Incomplete or incorrect cells are shown in metric (eg. habitat quantity, type or condition, strategic significance)	N/A
ON-SITE AND OFF-SITE PROPOSALS PRESENT: These should be secured and monitored for 30 years	
Applicant-owned <u>significant onsite</u> BNG is proposed	TBC
Off-site BNG is proposed (eg. BNG units provided to achieve 10% BNG uplift either on applicant-owned land, purchased units or statutory credits) PLEASE NOTE: this is indicative only , confirmed at Biodiversity Gain Plan condition stage	TBC
TYPE OF SIGNIFICANT ON-SITE HABITAT PROPOSED: (using the current government definition ¹)	
Medium or High Distinctiveness	TBC
Large number of units at Low Distinctiveness	TBC
Significant increase in Distinctiveness, Condition or Area	TBCChoose an item.

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.

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

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.