

CONSULTATION TEMPLATE RESPONSE FROM LEICESTERSHIRE COUNTY COUNCIL:

ECOLOGY AND BIODIVERSITY PLANNING ADVICE

COUNTY, DISTRICT OR BOROUGH	Hinckley and Bosworth Borough Council
APPLICATION NUMBER	24/01157/HYB
ADDRESS	Kyngs Golf And Country Club Station Road Market Bosworth Nuneaton Leicestershire
DESCRIPTION OF DEVELOPMENT	Hybrid planning application seeking Full planning permission for the erection of a golf leisure and health spa and Outline planning permission (all matters reserved except for access) for the erection of up to 126 golf holiday lodges with associated works
PLANNING CASE OFFICER	Alex Jelley
DEPARTMENT	Ecology
PLANNING ECOLOGY OFFICER	Richard Kelly
DATE OF COMMENTS	03 October 2025
ECOLOGICAL DOCUMENTS REVIEWED:	
• KGCC HYB red line sight layout plan 4.t (CAR PARK) (12/09/2025) • Clubhouse and Hotel site layout plan (Car parking area): A-PL-001 L • Illustrative Site Layout Plan: HMD/PD/0574/07 • Site Layout Plan HMD/PD/0574/02 • Layout Plan HMD/PD/0574/01 • Preliminary Ecological Appraisal (Arbtech, December 2024, updated 25.08.25) • Great Crested Newt Survey (Arbtech, July 2025) • Biodiversity Net Gain Assessment (Arbtech December 2024, updated 27.08.25) • Statutory Biodiversity Metric (Arbtech 27.08.25)	
SUMMARY RECOMMENDATION:	
No comment	
No objection (for recommended conditions or informatives- see below)	
Recommend Refusal	
Holding Objection - Further information required	✓
REASON FOR RECOMMENDATION:	
There has been a review of applicant submitted information and previous ecology advice from Leicestershire County Council (06/05/2025) with updated comments below.	

- The updated ecology report: Preliminary Ecological Appraisal (Arbtech, 25.08.25), Biodiversity Net Gain Assessment (Arbtech, 27.08.25), BNG Metric does not include the additional area in the revised redline boundary: KGCC HYB red line sight layout plan 4.t (CAR PARK) (12/09/2025). This must be accounted for.
- It must also be noted the amphibian section of the report still refers to the DLL option and no reference is made to the additional GCN survey report.
- It must also be noted the pond maps do not correlate for example: Pond 3 appears on both the southern site survey map, and northern section. (PEA report, BNG Assessment, GCN Survey).
- There is also a query over pond 3 located in the southern section, it appears in Figure26 in Appendix 4b and does not appear on the Pond map.
- **There is a holding objection until this is updated.**

Red line/Site Boundary

- Amended Location Plan, Red Boundary, and PEA reports have been received clearly demarking the proposal away from the site boundary and creating a buffer of mixed scrub. This is accepted.

Designated Sites

- Ashby Canal Site of Special Scientific Interest (SSSI) located ~500m to the west. A Surface Water and 7 SSSI addendum have been received. It should also be noted pollution control measures should be outlined and included within the CEMP: Biodiversity.
- The candidate Local Wildlife Site (cLWS) Stream along Nailstone/Carlton boundary and Market Bosworth, Kyngs Golf Course Ponds and Tree are situated on or adjacent to the application site. Their protection and pollution control measures should be included within the CEMP: Biodiversity. **Please see Recommended Conditions.**

Bats

- A low impact lighting strategy is recommended for the development to retain dark corridors and maintain foraging and commuting habitats. Please see recommended Conditions.

Birds

- If any vegetation removal is required it should take place outside the bird nesting season which runs from March to August inclusive, alternatively vegetation requiring removal should be checked by an ecologist no longer than 24 hours beforehand. Please see recommended Informatives.

GCN

- A District Level License (DLL) application was refused for the development due to a lack of compensation ponds available in the area.
- 11 out of the 14 onsite ponds tested were positive for GCN eDNA and subject to further survey to provide GCN population data to inform a planning application and European Protection Species License (EPSL).
- GCN eggs and the newts themselves were found in 9 ponds surveyed (P1, P2, P4, P5, P7, P8, P9, P11 & P13) and are therefore classed as GCN breeding ponds.
- **An EPSL application to Natural England will be required to legally permit impacts to GCN terrestrial habitat within influencing distance of confirmed GCN ponds.**

- The high-level mitigation recommendations within the report include timing of the works, Temporary Amphibian Fencing, toolbox talks, staged vegetation clearance and habitat creation/enhancement for GCN.
- The role and responsibility of Local Planning Authorities (as the competent authority) in respect of European Protected Species are laid out in the document “Natural England Guidance note: EU protected species and the planning process” (2010). As such, we must have confidence that the three tests are satisfied before supporting a planning application; and this document states that we “must form a view on the likelihood of a licence being granted by Natural England. This includes the survey information and the mitigation approach.
- Currently, the intentions of this mitigation have not been fully outlined in the Great Crested Newt Survey report (Arbtech, July 2025) to ensure the likelihood of a licence being granted by Natural England.
- **There is a holding objection until this is received.**
- A Construction and Environmental Management Plan for Biodiversity will be required for the following habitats and species: lowland mixed deciduous woodland (LMDW), stream, ponds, retained vegetation, badgers, reptiles, otters, water voles, hedgehog and to detail the advised precautionary methods of working.
- **Please see recommended Conditions.**

Biodiversity Enhancements

- A series of biodiversity enhancements are proposed by the ecology report which are welcomed and outlined below: installation of 3 x bat boxes to be incorporated into the new dwellings or suitable trees on site and a minimum of 2 x bird boxes to be incorporated into the new dwellings or suitable trees on site. In addition, there’s proposals for native tree planting, creation of species-rich grassland, log piles for reptiles and hedgehog houses. This should be detailed in a Landscape and Ecology Management Plan (LEMP). **Please see recommended Conditions.**

BNG Specific

- Currently, statutory Biodiversity Net Gain is achievable on site with +17.73% increase in Habitat Units and +15.96% increase in watercourse units.
- The significant on-site enhancement will need to be secured for a period of 30 years.
- A Habitat Management and Monitoring Plan (HMMP) and biodiversity net gain will also need to be secured by condition. **Please see recommended Conditions.**
- Strategic Significance - The planning application was validated on the 02/01/2025 before the Leicestershire, Leicester and Rutland Local Nature Recovery Strategy was published, therefore all strategic significance should be ‘Area/compensation not in local strategy/no local strategy’.
- Baseline Condition Assessment Sheets for all ponds have not been provided.
- There are 56 trees on the baseline habitat, only one tree has a condition sheet – condition sheets for all 56 trees need to be received.
- Each pond needs to be accounted for in the metric including the additional land within the revised redline boundary and user comments provided.
- A-2 On-Site Habitat Creation – Mixed Scrub – Condition Assessment Sheet identifies it as ‘Poor’ condition, however, it is ‘Moderate’ within the metric. This requires updating.
- **There is a holding objection until this is updated.**

ANY RECOMMENDED CONDITIONS TO BE APPLIED:

- **CEMP Biodiversity** - No development shall take place (including ground works or vegetation clearance) until a Construction Environment Management Plan for biodiversity (CEMP: Biodiversity) has been submitted to and approved in writing by the LPA. The CEMP shall include the following details:
 - A. Identification of potentially damaging construction activities on designated sites (cWL and SSSI)
 - B. practical measures and sensitive working practices to avoid or reduce impacts during construction on badgers, reptiles, amphibians, otters, water voles and hedgehog
 - C. timing of works to avoid harm to nesting birds
 - D. responsible persons for overseeing sensitive works
 - E. use of protective fencing where required on surrounding waterways, hedges and trees

The approved CEMP shall be adhered to and implemented throughout the construction period, unless otherwise agreed in writing by the LPA.

- **Lighting** - No external lighting shall be installed on the site until details (including luminance levels and measures to minimise light spillage) have been submitted to and approved in writing by the Local Planning Authority. External lighting shall only be installed in accordance with the approved details and shall not be replaced with any alternative lighting without the prior permission in writing of the Local Planning Authority.
- **LEMP** - No development shall take place (including ground works or vegetation clearance) until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority. The LEMP shall include the following details:
 - A. description and evaluation of the features to be created/enhanced
 - B. aims and objectives of management
 - C. appropriate management options for achieving aims and objectives
 - D. prescriptions for management actions
 - E. work schedule
 - F. species/seed mixes to be planted/sown
 - G. ongoing monitoring and remedial measures

The approved plan will be implemented in accordance with the approved details.

- **HMMP** - The development shall not commence until a 30 year Habitat Monitoring and Management Plan (HMMP), prepared in accordance with an approved Biodiversity Gain Plan, has been submitted to and approved in writing by the local planning authority. The approved HMMP shall be strictly adhered to and implemented in full for its duration and shall contain the following:
 - a) Description and evaluation of the features to be managed;
 - b) Ecological trends and constraints on site that may influence management;
 - c) Aims, objectives and targets for management - links with local and national species and habitat action plans;
 - d) Description of the management operations necessary to achieving aims and objectives;
 - e) Preparation of a works schedule, including annual works schedule;
 - f) Details and a timetable of the monitoring needed to measure the effectiveness of management;
 - g) Details of the persons responsible for the implementation and monitoring;

h) mechanisms of adaptive management to account for necessary changes in work schedule to achieve the required targets; and i) Details of methodology and frequency of monitoring reports to be submitted to the Local Planning Authority to assess biodiversity gain (To enhance biodiversity, and in accordance with the National Planning Policy Framework and paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990)	
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.	
IN THE CASE OF DISCHARGE OF CONDITIONS ONLY:	
(Please confirm which condition(s) is/are being discharged)	
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	Y
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)	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
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	Y
Off-site BNG is proposed (eg. BNG units provided to achieve 10% BNG uplift either on applicant-owned land, purchased units or statutory credits)	N/A
PLEASE NOTE: this is indicative only , confirmed at Biodiversity Gain Plan condition stage	
TYPE OF SIGNIFICANT ON-SITE HABITAT PROPOSED: (using the current government definition ¹)	
Medium or High Distinctiveness	Y
Large number of units at Low Distinctiveness	Y
Significant increase in Distinctiveness, Condition or Area	Y

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

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 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.

