

CONSULTATION TEMPLATE RESPONSE FROM LEICESTERSHIRE COUNTY COUNCIL:

ECOLOGY AND BIODIVERSITY PLANNING ADVICE

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| COUNTY, DISTRICT OR BOROUGH | Hinckley and Bosworth Borough Council | |
| APPLICATION NUMBER | 25/00724/FUL | |
| ADDRESS | Lagos Cottage 18 Burton Road Wellesborough Twycross Atherstone | |
| DESCRIPTION OF DEVELOPMENT | Erection of a dwelling (Class C3) and associated works | |
| PLANNING CASE OFFICER | Sullivan Archer | |
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| DEPARTMENT | Ecology | |
| PLANNING ECOLOGY OFFICER | Richard Kelly | |
| DATE OF COMMENTS | 07 October 2025 | |
| ECOLOGICAL DOCUMENTS REVIEWED: | | |
| <ul style="list-style-type: none"> • Planning Application Form • Street Scene Drg No. 25/3278/03 Rev A • Amended Proposed Site Plan Drg No. 25/3278/01 Rev F • Location Plan • Design and Access Statement • Ecological Assessment (Turnstone Ecology, July 2025) • Preliminary Bat Roost Assessment and Bird Survey (RICS, June 2025) • BNG Condition Assessment Sheets • Statutory BNG Metric (September 2025) | | |
| SUMMARY RECOMMENDATION: | | |
| No comment | | |
| No objection (for recommended conditions or informatives- see below) | | |
| Recommend Refusal | | |
| Holding Objection - Further information required | | ✓ |
| REASON FOR RECOMMENDATION: | | |
| <p>There has been a review of applicant submitted information and Leicestershire County Ecology advice (21/08/2025) with updated comments below.</p> <ul style="list-style-type: none"> • An Ecological Assessment by Turnstone Ecology completed in July 2025 and Preliminary Bat Roost Assessment and Bird Survey completed by RICS in June 2025 has been submitted with the application which are accepted and outlined below. | | |

- **Habitats** – Two native hedgerows form the boundaries of the site which will be retained under the proposals.
- **Bats** – Two buildings on site provided suitable roosting opportunities for bats.
- B1 (two storey building) has access under the ridge tiles and 7 medium sized bat droppings were observed within the roof. These were taken for DNA analysis but could not be identified due to degradation however, likely to be Brown long eared bat. During the emergence and re-entry surveys a single common pipistrelle bat was observed re-entering the building. The roof space of this building is not being affected by the refurbishment and access can be retained for bats. However, if plans change further survey, mitigation or licencing will be required to make the development lawful. **Please see recommended Informatives.**
- B2 (outbuilding), was assessed as ‘Moderate’ suitability to support roosting bats. Two emergence surveys were carried out. No bats were observed emerging or re-entering the outbuilding and no further survey is required. However, the demolition must follow a method of working as set out on page 28 of the Preliminary Bat Roost Assessment and Bird Survey (RICS, June 2025).
- **Birds** – The hedgerows and trees does offer suitability for nesting birds and outbuilding on site had evidence of old House Sparrow (*Passer domesticus*) nests. Therefore, any vegetation removal or demolition should be undertaken outside the period 1st March to 31st August. If this timeframe cannot be avoided, a close inspection of the vegetation should be undertaken immediately, by a qualified ecologist, prior to the commencement of work. All active nests will need to be retained until the young have fledged. **Please see Informatives.**
- **GCN** – Three ponds are within 250m of the site and P1 and P2 were subject to survey due to access. Pond P2 was dry and time of survey therefore P1 was subject to GCN eDNA survey which returned a negative result. GCN are not considered present however, that a series of reasonable avoidance measures are included within a Biodiversity Construction and Environmental Management Plan (CEMP). **Please see recommended Conditions.**
- **Reptiles** – The hedgerow bases and vegetated garden offer limited suitability for foraging and dispersal, and it is considered unlikely reptiles will be impacted however, that a series of reasonable avoidance measures are included within a Biodiversity Construction and Environmental Management Plan (CEMP). **Please see recommended Conditions.**
- **Badger and Hedgehog** – No evidence of badger or hedgehog was observed during the survey but does offer limited foraging and commuting habitat. It is recommended that a series of reasonable avoidance measures are included within a Biodiversity Construction and Environmental Management Plan (CEMP). **Please see recommended Conditions.**
- **Biodiversity enhancements** – Both ecology reports are recommended in the installation of bird and bat boxes these are to include. One swift brick and one three-hole house sparrow terrace and one integrated bat box within the new dwelling. It is also recommended that hedgehog holes are created within any new fencing measuring 13cm x 13cm to allow foraging and commuting. In addition, any landscaping should include native tree species of local provenance and a range of plants to encourage pollinating insects as listed in the RHS Plants for pollinators. **Please see recommended Conditions.**

BNG Specific

- The Ecological Assessment by Turnstone Ecology states Statutory Biodiversity Net Gain is achievable on-site with a +16.26% increase in Habitat Units and +10.12% increase in Hedgerow units.
- Statutory condition assessment sheets have been supplied and accepted.
- However, Amended Proposed Site Plan (Drg No. 25/3278/01 Rev F) and BNG Metric (17/09/2025) indicates additional tree planting, modified grassland and hedgerow enhancement will take place within the existing garden which cannot be counted towards the BNG for the site. This is in accordance with page 56 of the Statutory Biodiversity Metric User Guide (July 2025).
- **There is a holding objection until this is updated.**
- An alternative will be required to secure the statutory 10% biodiversity net gain by the purchase of Units/Credits.
- As off-site habitat creation is likely needed to meet BNG, this will need to be secured for at least 30 years. As per guidance (<https://www.gov.uk/guidance/creating-a-habitat-management-and-monitoring-plan-for-biodiversity-net-gain>):
- “A legal agreement is an obligation to enhance and maintain a habitat. It must set out:
 - how you will maintain the habitat
 - who is responsible for creating or enhancing the habitats
 - who is responsible for maintenance, management and monitoring
- Your legal agreement for off-site or on-site gains must last for at least 30 years.
- You can use a HMMP to provide more information. It does not replace the legal agreement. You can include your HMMP within your legal agreement or draft it as a separate document. If you’re delivering off-site gains, your HMMP should be agreed with one of the following:
 - the local planning authority (LPA) if you’re securing gains through a planning obligation (section 106 agreement)
 - the responsible body if you’re securing gains with a conservation covenant”
- A HMMP will be required. **Please see recommended Conditions.**
- Full details of the Habitat Bank, purchase of Units and how this is secured will be required at the discharge of condition Gain Plan stage.

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
 - B. practical measures and sensitive working practices to avoid or reduce impacts during construction on badger, small mammals, reptiles and Great Crested Newts.
 - 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 hedgerows and boundary vegetation
- The approved CEMP shall be adhered to and implemented throughout the construction period, unless otherwise agreed in writing by the LPA.

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| <ul style="list-style-type: none"> Landscape Enhancement Plan - No development shall take place until a biodiversity enhancement plan has been submitted to and approved in writing by the LPA. Enhancements shall include (but is not limited to) 13cm x 13cm holes at the base of new close board fencing. At least one integrated bat box, one integrated swift box, one integrated sparrow terrace with the makes/models and their locations. The biodiversity enhancement scheme shall include planting of hedgerows and trees of native species of local provenance and species to attract pollinating insects as identified in the RHS' 'Plants for Pollinators' database. Hedgerow mixes should include: 80% hawthorn (<i>Crataegus monogyna</i>), plus any one or more of the following: field maple (<i>Acer campestre</i>), dogwood (<i>Cornus sanguinea</i>), dog rose (<i>Rosa canina</i>) and holly (<i>Ilex aquifolium</i>). Any enhancement measures need to be shown on all relevant submitted plans. All works are to proceed strictly in accordance with the approved scheme. 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: <ul style="list-style-type: none"> 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: |
| <ul style="list-style-type: none"> Bats - The property may be suitable for roosting bats, which are protected by law from harm. It is the applicant's responsibility to ensure that bat legislation is not breached, and therefore may need to consult with a licenced bat ecologist prior to commencement to ensure that bats will not be impacted by the works. The applicant should ensure that all contractors and individuals working on the property are aware of this possibility, as works must cease if bats are found during the course of the works whilst advice from a bat ecologist is obtained. Bats are particularly associated with the roof structure of buildings, including lofts, rafters, beams, gables, eaves, soffits, flashing, ridge-tile, chimneys, the under-tile area, etc. but may also be present in crevices in stone or brickwork and in cavity walls. 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: |

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| (Please confirm which condition(s) is/are being discharged) | |
| <ul style="list-style-type: none"> 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) | 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 |
| 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 | 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 | TBC |

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

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| 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. |

