

**CONSULTATION TEMPLATE RESPONSE FROM LEICESTERSHIRE COUNTY COUNCIL:****ECOLOGY AND BIODIVERSITY PLANNING ADVICE**

COUNTY, DISTRICT OR BOROUGH	Hinckley and Bosworth Borough Council
APPLICATION NUMBER	25/00199/FUL (Reconsultation)
ADDRESS	Land Adjacent 232 Ashby Road Hinckley Leicestershire
DESCRIPTION OF DEVELOPMENT	Erection of 25 dwellings, new access off Normandy Way, amenity space, parking and community orchard
PLANNING CASE OFFICER	
DEPARTMENT	Ecology
PLANNING ECOLOGY OFFICER	Emma Baumber
DATE OF COMMENTS	28 July 2025
ECOLOGICAL DOCUMENTS REVIEWED:	
<ul style="list-style-type: none">• Preliminary Ecological Appraisal and Roost Assessment (Arbtech, February 2025)• Great Crested Newt eDNA Sampling report (Arbtech, April 2025)• Biodiversity Net Gain Assessment (Arbtech, February 2025)	
SUMMARY RECOMMENDATION:	
No comment	<input type="checkbox"/>
No objection (for recommended conditions or informatics- see below)	<input type="checkbox"/>
Recommend Refusal	<input type="checkbox"/>
Holding Objection - Further information required	<input checked="" type="checkbox"/>
REASON FOR RECOMMENDATION:	
<ul style="list-style-type: none">• We have reviewed the additional documents supplied by the applicant, relating to the likely impacts of development on designated sites, protected & Priority species and habitats and identification of proportionate mitigation as well as mandatory biodiversity net gains.• We are not satisfied that there is sufficient information available for determination of this application in relation to mandatory biodiversity net gains.	
Biodiversity Net Gain (BNG)	
<ul style="list-style-type: none">• 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.• As a result, we have reviewed Biodiversity Net Gain Assessment (Arbtech, February 2025) and the submitted Statutory biodiversity metric calculation tool with reference to the Site Location Plan (Morro, February 2025) and are not satisfied that appropriate information has been provided prior to determination.	

- We acknowledge the updated PEA includes the detail requested in relation to the identification of the scattered trees located on site.
- We note that there are a group of trees located in the northwestern corner of the site, identified as T18-31 (possibly extending to T32-34). These are identified as Apple sp., whilst supporting photographs of the site and the baseline habitat map indicate that this area may form orchard habitat classification rather than scattered trees, currently classified as individual rural trees in the metric. Furthermore, the habitat recorded beneath this plantation is other neutral grassland, which means there is potential to meet the definition of traditional orchard habitat, which is a high distinctiveness habitat within the Statutory Biodiversity Metric – Calculation Tool and a Priority habitat under s.41 of NERC Act 2006 (as amended).
- Therefore, further information is required prior to determination which includes the reassessment of the baseline habitats on site, revised metric and condition assessment of habitats, with focus on the group of apple trees, as such to clarify whether this area meets the criteria for traditional orchard habitat, or reasons why not.
- This information is required prior to determination as it is important that the baseline habitats recorded in the metric accurately represent those present on site and are not undervalued, since this baseline will be used to inform the post-development 10% net gain requirement. In addition, this information is necessary to ensure that the LPA can demonstrate that they have met their biodiversity duty under the NERC Act 2006 (as amended).

Additional Comments

- We acknowledge the submission of the Great Crested Newt eDNA Sampling report (Arbtech, April 2025) as requested and that due to the pond on site being dry during the survey season, the eDNA survey could not be carried out and that the pond was not considered suitable for GCN. We support the recommendation made for precautionary measures to mitigate for GCN during construction.
- We also support the recommendations for precautionary work methods for reptiles, bats, nesting birds, badger and hedgehog as outlined in the PEA report.
- All precautionary measures can be included collectively within a Construction Environmental Management Plan (CEMP) and secured as a condition of any consent.

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

HAVE MINIMUM NATIONAL INFORMATION REQUIREMENTS BEEN PROVIDED (PPG paragraph 11):

Confirmation that development is subject to statutory biodiversity gain condition	Yes
Pre-development Habitat Plan of existing onsite habitat (to scale)	Yes
Pre-development Habitat Value (on date of application or earlier)	Yes
Completed Metric Calculation Tool	Yes
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)	Yes – TBC
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	No
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	Yes
TYPE OF SIGNIFICANT ON-SITE HABITAT PROPOSED: (using the current government definition ¹)	
Medium or High Distinctiveness	No
Large number of units at Low Distinctiveness	No
Significant increase in Distinctiveness, Condition or Area	No

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)

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

	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	<p>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.</p> <p>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.</p>