

CONSULTATION TEMPLATE RESPONSE FROM LEICESTERSHIRE COUNTY COUNCIL:

ECOLOGY AND BIODIVERSITY PLANNING ADVICE

COUNTY, DISTRICT OR BOROUGH	Hinckley and Bosworth Borough Council
APPLICATION NUMBER	25/01152/FUL (Reconsultation)
ADDRESS	Sibson Mill Wellsborough Road Sheepy Parva Nuneaton Leicestershire
DESCRIPTION OF DEVELOPMENT	Erection of ancillary agricultural building
PLANNING CASE OFFICER	Sophie Iliffe
DEPARTMENT	Ecology
PLANNING ECOLOGY OFFICER	Olivia Larter
DATE OF COMMENTS	5 May 2026
ECOLOGICAL DOCUMENTS REVIEWED:	
• BIA Baseline Habitat Map (DJOGS Limited, May 2025) • The Statutory Biodiversity Metric – Calculation Tool (PDF) • Condition Assessment Sheets (March 2025) • Landscape and Ecological Enhancement Scheme (DJOGS Limited, May 2025) • Preliminary Ecological Appraisal (Reference: Sibson0325_PEA) (Stefan Bodnar, February 2026) • Site Location Plan (OS, 2026)	
SUMMARY RECOMMENDATION:	
No comment	☐
No objection (for recommended conditions or informatives- see below)	☐
Recommend Refusal	☐
Holding Objection - Further information required • Mandatory Biodiversity Net Gain (BNG)	☒
REASON FOR RECOMMENDATION:	
We have reviewed the additional documents supplied by the applicant, relating to the likely impacts of development on Priority habitats and identification of proportionate mitigation and mandatory Biodiversity Net Gains. We are still 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:	

Mandatory Biodiversity Net Gains (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](#).

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 additional information provided comprising the The BIA Baseline Habitat Map (DJOGS Limited, May 2025), The Statutory Biodiversity Metric – Calculation Tool (PDF) and associated Condition Assessment Sheets (March 2025) and are not satisfied that appropriate information has been provided prior to determination. This is because of the reasons set out below:

- The Condition Assessment sheet has only been provided for other woodland; broadleaved. Therefore, a condition assessment sheet is also required for modified grassland and any other applicable habitats present within the red line boundary and recorded in the metric at baseline.
- The BIA Baseline Habitat Map (DJOGS Limited, May 2025) does not include all habitats within the application red line boundary as defined in the Site Location Plan (OS, 2026). Therefore, the baseline habitat map and the Metric (if required) should be updated to match the application red line boundary.
- Since the Leicestershire LNRS has now been published, in line guidance contained within the Statutory Biodiversity Metric – User Guide, all baseline habitats should be set to 'low' strategic significance which is equivalent to 'Area/compensation not in local strategy/ no local strategy' in the metric for applications not yet granted. Therefore, the strategic significance should be updated for: Other woodland; broadleaved and Modified grassland.
- The details page of the metric has not been completed. An Excel copy of the revised metric should be provided.

Additional Comments – Mandatory BNG:

Since 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 prior to commencement, which includes the following:

- a) A Biodiversity Gain Plan form (Ideally using the Government's template: <https://www.gov.uk/government/publications/biodiversity-gain-plan>)
- b) The completed metric calculation tool showing the calculations of the pre-development and post-intervention biodiversity values.
- c) Pre and post development habitat plans.
- d) Legal agreement(s)
- e) Biodiversity Gain Site Register reference numbers (if using off-site units).
- f) 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](#).

Additional Comments – Protected Species:

We have reviewed the Preliminary Ecological Appraisal (Reference: Sibson0325_PEA) (Stefan Bodnar, February 2026) and the Landscape and Ecological Enhancement Scheme (DJOGS Limited, May 2025) relating to the likely impacts of development on designated sites, protected and Priority species & habitats and identification of appropriate mitigation and enhancement measures.

We are satisfied that there is sufficient ecological information available to support determination of this application.

This provides certainty for the LPA of the likely impacts on designated sites, protected and Priority species & habitats and, with appropriate mitigation measures secured, the development can be made acceptable.

The mitigation and enhancement measures identified in the Preliminary Ecological Appraisal (Reference: Sibson0325_PEA) (Stefan Bodnar, February 2026) and the Landscape and Ecological Enhancement Scheme (DJOGS Limited, May 2025) should be secured by a condition of any consent and implemented in full. This is necessary to conserve and enhance protected and Priority species particularly those recorded in the locality.

The Preliminary Ecological Appraisal (Reference: Sibson0325_PEA) (Stefan Bodnar, February 2026) highlights that none of the trees on site have bat roost potential as they are not mature enough to have developed suitable features, however the woodland offers highly suitable habitat for bat foraging and commuting bats. Therefore, any new lighting included as part of the proposed development should be included within a sensitive lighting strategy for bats in line with measures outlined in Section 4 of the Preliminary Ecological Appraisal (Reference: Sibson0325_PEA) (Stefan Bodnar, February 2026) and Guidance Note GN08/23 (Institute of Lighting Professionals) and submitted to the LPA for approval as a condition of any consent to ensure that the impact of the development on bats using the site is minimised.

Additional Comments – Priority Habitats:

It was previously highlighted that Magic Map (<https://magic.defra.gov.uk/home.html>) classifies the site as Deciduous Woodland which is designated under Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006 (as amended) as a Priority habitat. However, further clarification within the update Preliminary Ecological Appraisal (Reference: Sibson0325_PEA) (Stefan Bodnar, February 2026) states that the woodland consists of native deciduous woodland plantation of around 30-35 years age which meets the classification of 'Other broadleaved woodland' rather than Priority Deciduous woodland due to its lack of structural diversity and age.

We therefore support the proposed compensatory woodland planting to the north of the development within the red line boundary, since this area is connected to the existing woodland and considering the assessment of the age of the current woodland, it is considered that with appropriate management the compensatory woodland could reach the same level of maturity within a 30 year timescale.

We look forward to working with the LPA and the applicant to receive the additional information required to support a lawful decision and overcome our holding objection.

ANY RECOMMENDED CONDITIONS TO BE APPLIED:
N/A
ANY RECOMMENDED INFORMATIVES TO BE APPLIED:
N/A

PRE-DEVELOPMENT HABITAT BASELINE FOR BIODIVERSITY NET GAIN (BNG)	
THIS IS THE MINIMUM NATIONAL ESSENTIAL INFORMATION REQUIREMENTS (PPG paragraph 11) AND MUST BE SATISFIED PRIOR TO DETERMINATION:	
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)	TBC

POST DEVELOPMENT PROPOSALS FOR BIODIVERSITY NET GAIN (BNG)	
PLEASE NOTE: THIS IS NOT ESSENTIAL INFORMATION PRIOR TO DETERMINATION. Post-development information is indicative only ; final proposals must be confirmed at Biodiversity Gain Plan statutory condition stage.	
ON-SITE SIGNIFICANT* BNG is proposed (If Y, please see later table)	Y
OFF-SITE APPLICANT-OWNED BNG is proposed (ie. Land shown on plan within the "blue line" boundary and inserted in "offsite" tab of statutory metric)	N
PLEASE NOTE: Where applicant-owned off-site or significant on-site BNG proposals are present, these should be secured and monitored for 30 years. The determining authority is responsible for monitoring for compliance.	
OFF-SITE PURCHASE** of BNG	
BNG units purchase from a third party to achieve 10% BNG uplift	N
Statutory biodiversity credits	N
PLEASE NOTE**: Where purchased BNG units are proposed, any purchased units from the national register are secured and monitored for 30 years by conservation covenant, separately from this planning application process.	

POST DEVELOPMENT PROPOSALS: *TYPE OF SIGNIFICANT ON-SITE HABITAT PROPOSED: (using the current government definition ¹)

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

SIGNIFICANCE AS DEFINED IN PPG	POST DEVELOPMENT HABITAT TYPE PROPOSED	NUMBER OF UNITS
Medium or High Distinctiveness	TBC	TBC
Large number of units at Low Distinctiveness	TBC	TBC
Significant increase in Distinctiveness, Condition or Area	TBC	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
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.