

CONSULTATION TEMPLATE RESPONSE FROM LEICESTERSHIRE COUNTY COUNCIL:

ECOLOGY AND BIODIVERSITY PLANNING ADVICE

COUNTY, DISTRICT OR BOROUGH	Hinckley and Bosworth Borough Council
APPLICATION NUMBER	24/00709/REM
ADDRESS	Ashfield Farm Kirkby Road Desford Leicester Leicestershire
DESCRIPTION OF DEVELOPMENT	Application for approval of Reserved Matters (relating to Appearance, Landscaping, Layout and Scale for the erection of 120 dwellings and associated works.) attached to planning permission 22/01227/OUT (APP/K2420/W/23/3320601) including discharge of conditions 5 (Ecological Constraints and Opportunities), 6 (Bio Diversity details), 9 (Surface Water Scheme) and 11 (Site/Ground Investigation) of planning permission 22/01227/OUT.
PLANNING CASE OFFICER	Alex Jelley
DEPARTMENT	Ecology
PLANNING ECOLOGY OFFICER	Sue Hooton
DATE OF COMMENTS	17 June 2025
ECOLOGICAL DOCUMENTS:	
• Updated Ecological Constraints and Opportunities Plan (Brindle & Green, June 2025) • Updated Biodiversity Metric 3.1 Rev 9 completed June 2025. • Post Development Habitats Rev 9 (Brindle & Green, June 2025)	
SUMMARY RECOMMENDATION:	
No comment	☐
No objection (for recommended conditions or informatives- see below)	☒
Recommend Refusal	☐
Holding Objection - Further information required	☐
Recommend discharge of conditions 5 and 6	☒
REASON FOR RECOMMENDATION:	
• We are satisfied that ecological mitigation was secured at outline stage mitigation in the Appeal decision notice for (APP/K2420/W/23/3320601). This relates to Ecological Opportunities and Constraints Plan (Condition 5) and Biodiversity Metric (Condition 6) • Condition 5: <i>With or before the submission of Reserved Matters an Ecological Constraints and Opportunities Plan (ECOP) shall be submitted to and approved in writing by the local planning authority. The ECOP should identify the following, in</i>	

<i>accordance with BS 42020:2013 Clause 5.4:</i> • <i>Areas and features including appropriate buffer areas that, by virtue of their importance, should be retained and avoided by both construction activities and the overall footprint of the development.</i> • <i>Areas and features where opportunities exist to undertake necessary mitigation and compensation.</i> • <i>Areas and features with potential for biodiversity enhancement, in line with the submitted Defra metric.</i> • <i>Areas where ongoing ecological management is required to prevent deterioration in condition during construction/implementation.</i> • <i>Areas needing protection on site and/or in adjacent areas (e.g. from physical damage on site or pollution downstream) during the construction process.</i> • <i>Areas where biosecurity measures are necessary to manage the risk of spreading pathogens or non-native invasive species.</i> <i>The development hereby permitted shall be carried out in accordance with the approved details and in accordance with any approved timeframes</i> • We are satisfied that the updated Ecological Constraints and Opportunities Plan (Brindle & Green, June 2025) meets the requirements of Condition 5 and we recommend discharge of this ecological condition. Condition 6: <i>With or before the submission of Reserved Matters a scheme that demonstrates a Biodiversity Metric 3.1 calculation achieving a minimum 25% net gain in area habitat value shall be submitted to and agreed in writing by the local planning authority. The approved scheme shall be implemented in accordance with the agreed details.</i> • We are satisfied that the submitted Biodiversity Metric 3.1 meets the requirements of Condition 6 and we recommend discharge of this ecological condition. • We have no further ecological recommendations for this Reserved Matters approval as previously recommended conditions and informatives are not necessary as the submitted Ecological Constraints and Opportunity Plan includes sufficient detail.	
ANY RECOMMENDED CONDITIONS TO BE APPLIED:	
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ANY RECOMMENDED INFORMATIVES TO BE APPLIED:	
•	
IN THE CASE OF DISCHARGE OF CONDITIONS ONLY: (Please confirm which condition(s) is/are being discharged)	
•	
BIODIVERSITY NET GAIN (BNG) SECTION	
MINIMUM NATIONAL INFORMATION REQUIREMENTS PROVIDED (PPG paragraph 11):	
Confirmation that development is subject to biodiversity gain condition	Choose an item.
Pre-development habitat value (on date of application or earlier)	Choose an item.

Reason for proposing an earlier date (if applicable)	Choose an item.
Completed metric calculation tool	Choose an item.
Statement of habitat degradation where present (with dates and details)	Choose an item.
Description of irreplaceable habitat where present	Choose an item.
Plan of onsite habitat pre-development (to scale)	Choose an item.
SMALL SITES METRIC ONLY: "Competent person" information (ie. qualifications, skills, experience)	Choose an item.
BNG METRIC INFORMATION missing or incorrect:	
Incomplete or incorrect cells are shown in metric (eg. strategic significance, habitat quantity, type or condition)	Choose an item.
SIGNIFICANT ON-SITE ENHANCEMENT REQUIRED: (using the current government definition ¹)	
med/high distinctiveness	Choose an item.
large number of units at low distinctiveness	Choose an item.
significant in increase in distinctiveness, condition or area	Choose an item.
BNG ADDITIONAL INFORMATION:	
Applicant-owned off-site or significant onsite BNG is present, to be secured and monitored for 30 years	Choose an item.
BNG units likely need to be provided to achieve 10% BNG uplift (purchased units or statutory credits) PLEASE NOTE: this is indicative only , confirmed at Biodiversity Gain Plan condition stage	Choose 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

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

County Council Ecology Team. Its purpose is to discharge the legal duties 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.