

**CONSULTATION TEMPLATE RESPONSE FROM LEICESTERSHIRE COUNTY COUNCIL:**

**ECOLOGY AND BIODIVERSITY PLANNING ADVICE**

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| <b>COUNTY, DISTRICT OR BOROUGH</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Hinckley and Bosworth Borough Council                                                      |
| <b>APPLICATION NUMBER</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 25/01185/FUL                                                                               |
| <b>ADDRESS</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 231 Shaw Lane Markfield Leicestershire LE67 9PW                                            |
| <b>DESCRIPTION OF DEVELOPMENT</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Demolition of existing buildings and the erection of a replacement building (Use Class B2) |
| <b>PLANNING CASE OFFICER</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Joe Fleetwood                                                                              |
| <b>DEPARTMENT</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Ecology                                                                                    |
| <b>PLANNING ECOLOGY OFFICER</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Olivia Larter                                                                              |
| <b>DATE OF COMMENTS</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 28 January 2026                                                                            |
| <b>ECOLOGICAL DOCUMENTS REVIEWED:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                            |
| <ul style="list-style-type: none"> <li>• Preliminary Ecological Appraisal (Turnstone Ecology, November 2025)</li> <li>• The Statutory Biodiversity Metric – Calculation Tool (October 2025)</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                            |
| <b>SUMMARY RECOMMENDATION:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                            |
| No comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <input type="checkbox"/>                                                                   |
| No objection (for recommended conditions or informatives- see below)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | <input type="checkbox"/>                                                                   |
| Recommend Refusal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | <input type="checkbox"/>                                                                   |
| Holding Objection - Further information required <ul style="list-style-type: none"> <li>• Mandatory Biodiversity Net Gain (BNG)</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <input checked="" type="checkbox"/>                                                        |
| <b>REASON FOR RECOMMENDATION:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                            |
| <p>We have reviewed the documents supplied by the applicant and we are 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:</p> <p><b>Mandatory Biodiversity Net Gains:</b></p> <p>Applications are required to deliver a mandatory 10% measurable biodiversity net gain, unless exempt under <a href="#">paragraph 17 of Schedule 7A of the Town and Country Planning Act 1990</a> and the <a href="#">Biodiversity Gain Requirements (Exemptions) Regulations 2024</a>.</p> <p>Biodiversity net gains is a statutory requirement set out under <a href="#">Schedule 7A (Biodiversity Gain in England) of the Town and Country Planning Act 1990</a>. 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.</p> |                                                                                            |

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 Statutory Biodiversity Metric – Calculation Tool (October 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 sheets for the baseline habitats on site have not been provided. These are required for the following habitats: Modified grassland, Vacant or derelict land, Urban trees and Native hedgerow.

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](#). Based on the submitted post-intervention values as they are currently submitted and Government Guidance on what constitutes a significant on-site enhancement, recommendations on the habitats that should be classified as a significant on-site enhancement have been outlined in the BNG tables below.

The decision on whether significant on-site enhancements are present is ultimately up to the Council. Where present, the maintenance and monitoring of significant on-site enhancements should be secured via planning obligation for a period of up to 30 years from the completion of development. This will be required to be submitted concurrent with the discharge of the biodiversity gain condition. Therefore, the LPA is encouraged to secure draft heads of terms for this planning obligation at application stage, to be finalised as part of the biodiversity gain condition. Alternatively, the management and monitoring of significant on-site enhancements could be secured as a condition of any consent. The monitoring of the post-development habitat creation / enhancement will need be provided to the LPA at years 1, 3, 5, 10, 15, 20, 25, 30, unless otherwise specified by the LPA. Any remedial action or adaptive management will then be agreed with the LPA during the monitoring period to ensure the aims and objectives of the Biodiversity Gain Plan are achieved.

We are generally satisfied that the post-intervention values are realistic and deliverable.

**Additional Comments - Protected Species:**

We have reviewed the Preliminary Ecological Appraisal (Turnstone Ecology, November 2025) relating to the likely impacts of development on designated sites, protected and Priority species &

habitats and identification of appropriate mitigation measures and 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 measures identified in the Preliminary Ecological Appraisal (Turnstone Ecology, November 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.

We note that the site offers some suitable terrestrial habitat for GCN including debris piles which could be used as hibernation sites and the site is located within an Amber Risk Zone for District Level Licensing (Natural England). Whilst it is indicated that it is predominately modified grassland of suboptimal suitability which will be impacted by the proposed development, the presence of debris piles increases the likelihood of GCN using the site. We consider the precautionary measures detailed in the Preliminary Ecological Appraisal (Turnstone Ecology, November 2025) to be appropriate for managing risk to GCN during construction, however we also recommend that relocated or artificial refugia is created on site as a biodiversity enhancement for GCN.

**Additional Comments – Biodiversity Enhancements:**

We generally support the proposed reasonable biodiversity enhancements for protected, Priority and threatened species, which have been recommended in the Preliminary Ecological Appraisal (Turnstone Ecology, November 2025) to secure net gains for biodiversity, as outlined under Paragraph 187d and 193d of the National Planning Policy Framework (December 2024). However, we recommend that terrestrial refugia for amphibians/reptiles is included as an additional enhancement.

Reasonable biodiversity enhancement measures are a separate matter to mandatory biodiversity net gains, and the finalised details should be outlined within a separate Biodiversity Enhancement Strategy to be secured as a condition of any consent.

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)                | 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 |

|                                                                                                                     |     |
|---------------------------------------------------------------------------------------------------------------------|-----|
| <b>Reason</b> for proposing an earlier date if applicable (ie. degradation)                                         | N/A |
| Description of <b>Irreplaceable Habitat</b> where present                                                           | N/A |
| <b>SMALL SITES METRIC ONLY:</b> "Competent person" information (ie. qualifications, skills, experience)             | N/A |
| <b>BNG METRIC INFORMATION missing or incorrect:</b>                                                                 |     |
| Incomplete or incorrect cells are shown in metric (eg. habitat quantity, type or condition, strategic significance) | TBC |

| <b>POST DEVELOPMENT PROPOSALS FOR BIODIVERSITY NET GAIN (BNG)</b>                                                                                                                                                                |   |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|
| <b>PLEASE NOTE: THIS IS NOT ESSENTIAL INFORMATION PRIOR TO DETERMINATION.</b><br>Post-development information is <b>indicative only</b> ; final proposals must be confirmed at Biodiversity Gain Plan statutory condition stage. |   |
| <b>ON-SITE SIGNIFICANT*</b> BNG is proposed<br>(If Y, please see later table)                                                                                                                                                    | Y |
| <b>OFF-SITE APPLICANT-OWNED BNG</b> is proposed<br>(ie. Land shown on plan within the "blue line" boundary and inserted in "offsite" tab of statutory metric)                                                                    | N |
| <b>PLEASE NOTE:</b> 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. |   |
| <b>OFF-SITE PURCHASE** of BNG</b>                                                                                                                                                                                                |   |
| BNG units purchase from a third party to achieve 10% BNG uplift                                                                                                                                                                  | N |
| Statutory biodiversity credits                                                                                                                                                                                                   | N |
| <b>PLEASE NOTE**:</b> 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. |   |

| <b>POST DEVELOPMENT PROPOSALS:</b><br><b>*TYPE OF SIGNIFICANT ON-SITE HABITAT PROPOSED:</b> (using the current government definition <sup>1</sup> ) |                                                                   |                            |
|-----------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------|----------------------------|
| SIGNIFICANCE AS DEFINED IN PPG                                                                                                                      | POST DEVELOPMENT HABITAT TYPE PROPOSED                            | NUMBER OF UNITS            |
| Medium or High Distinctiveness                                                                                                                      | <b>Mixed scrub</b> (Enhancement from bramble scrub and condition) | <b>0.05</b>                |
| Large number of units at Low Distinctiveness                                                                                                        | <b>Modified grassland</b><br><b>Native hedgerow</b>               | <b>0.21</b><br><b>0.04</b> |
| Significant increase in Distinctiveness, Condition or Area                                                                                          | N/A                                                               | N/A                        |

**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.**

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

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:**

| <b>Legislation source</b>                                                                               | <b>Reference</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|---------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| National Planning Policy Framework                                                                      | Paragraphs relevant to biodiversity, biodiversity net gain, ecological connectivity and protected species                                                                                                                                                                                                                                                                                                                                                                |
| Environment Act 2021                                                                                    | Mandatory Net Gain<br>Biodiversity Duty<br>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)<br>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.<br>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. |