

CONSULTATION TEMPLATE RESPONSE FROM LEICESTERSHIRE COUNTY COUNCIL:

ECOLOGY AND BIODIVERSITY PLANNING ADVICE

COUNTY, DISTRICT OR BOROUGH	Hinckley and Bosworth Borough Council	
APPLICATION NUMBER	25/00034/FUL	
ADDRESS	Keepers Cottage Shackerstone Lane Nuneaton Leicestershire CV13 0BT	
DESCRIPTION OF DEVELOPMENT	Stable block with tack and storage	
PLANNING CASE OFFICER	Sullivan Archer	
DEPARTMENT	Ecology	
PLANNING ECOLOGY OFFICER	Charlotte Smith	
DATE OF COMMENTS	21 May 2025	
ECOLOGICAL DOCUMENTS:		
Biodiversity Impact Assessment (Rachel Hacking Ecology, December 2024)		
SUMMARY RECOMMENDATION:		
No comment		☐
No objection (for recommended conditions or informatives- see below)		☐
Recommend Refusal		☐
Holding Objection - Further information required		☒
REASON FOR RECOMMENDATION:		
- We have reviewed the documents supplied by the applicant and note no ecological information has been provided. As a result, we have conducted a desk study to assess the likely impacts upon designated sites, protected and Priority species and habitats. This included a review of Magic Maps, Leicestershire and Rutland Environmental Records Centre Records (accessed under licence) and aerial imagery. - 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 in the biodiversity net gain section below.		
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	
MINIMUM NATIONAL INFORMATION REQUIREMENTS PROVIDED (PPG paragraph 11):	
Confirmation that development is subject to biodiversity gain condition	Yes
Pre-development habitat value (on date of application or earlier)	Yes
Reason for proposing an earlier date (if applicable)	N/A
Completed metric calculation tool	Yes
Statement of habitat degradation where present (with dates and details)	N/A
Description of irreplaceable habitat where present	N/A
Plan of onsite habitat pre-development (to scale)	Yes
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. strategic significance, habitat quantity, type or condition)	Yes
SIGNIFICANT ON-SITE ENHANCEMENT REQUIRED: (using the current government definition ¹)	
med/high distinctiveness	No
large number of units at low distinctiveness	No
significant in increase in distinctiveness, condition or area	No
BNG ADDITIONAL INFORMATION: - 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 Biodiversity Impact Assessment (Rachel Hacking Ecology, December 2024) and Biodiversity Net Gain – Calculation tool and are not satisfied that appropriate information has been provided prior to determination. This is because of the reasons set out below: - There are some inconsistencies between the redline and the blue line boundary of the site – the Location Plan shows the site boundary being the impact area, and the blue line as the assumed ownership boundary. However, the Detailed Planning Proposals plan (David Granger Architectural Design Ltd., September 2024) show a larger area as the red line boundary. Therefore, it is not clear what is the habitat baseline, and clarification is required.	

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

- As 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, as well as the following information: - The completed metric calculation tool showing the calculations of the pre-development and post-intervention biodiversity values. - Pre and post development habitat plans. - Legal agreement(s) - Biodiversity Gain Site Register reference numbers (if using off-site units). - Proof of purchase (if buying statutory biodiversity credits at a last resort). - We note that post-intervention values have also been provided. As a result, it is recommended that the following matters will also need to be addressed as part of the biodiversity gain condition: - If the proposed trees are included within the site boundary, it appears from the Post-Development Habitat Creation Plan that they would be within an area of vegetated garden. As per the statutory metric guidelines, trees therefore cannot be used as a biodiversity enhancement within private gardens, and therefore cannot be included as a means of achieving net gain. - Offsite habitat creation has been included with the Biodiversity Metric – Calculation tool, but an offsite habitat baseline has not been inputted.	
Applicant-owned off-site or significant onsite BNG is present, to be secured and monitored for 30 years	Yes
BNG units likely need to be provided to achieve 10% BNG uplift (purchased units or statutory credits)	No
PLEASE NOTE: this is indicative only , confirmed at Biodiversity Gain Plan condition stage	

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 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.