

CONSULTATION TEMPLATE RESPONSE FROM LEICESTERSHIRE COUNTY COUNCIL:

ECOLOGY AND BIODIVERSITY PLANNING ADVICE

COUNTY, DISTRICT OR BOROUGH	Hinckley and Bosworth Borough Council
APPLICATION NUMBER	25/00768/FUL (2 nd Reconsultation)
ADDRESS	Finneys Hill Heath Road Leicester Leicestershire LE67 1DG
DESCRIPTION OF DEVELOPMENT	Change of use of land to a gypsy caravan site for 4 mobile homes
PLANNING CASE OFFICER	Emma Baumber
DEPARTMENT	Ecology
PLANNING ECOLOGY OFFICER	Olivia Larter
DATE OF COMMENTS	10 April 2026
ECOLOGICAL DOCUMENTS REVIEWED:	
• The Statutory Biodiversity Metric – Calculation Tool (March 2026) • Condition Assessment Sheets • Biodiversity Net Gain Assessment (ProHort, March 2026) • Ecological Impact Assessment (Wildlife Consultants Ltd., December 2020) (Submitted for previous application 20/01350/FUL) • Site photographs • Email from agent to LPA (January 2026) • Committee Extract (June 2006) (Submitted for previous application 06/00281/COU)	
SUMMARY RECOMMENDATION:	
No comment	☐
No objection (for recommended conditions or informatives- see below)	☐
Recommend Refusal	☐
Holding Objection - Further information required • European Protected Species – Great Crested Newt (GCN)	☒
REASON FOR RECOMMENDATION:	
We have reviewed the additional documents supplied by the applicant, relating to mandatory biodiversity net gains. However, we are still not satisfied that there is sufficient ecological information available for determination of this application and recommend that additional information on Great Crested Newt, European Protected Species is provided prior to determination. The reasons for this are outlined below: European Protected Species – Great Crested Newt (GCN):	

It is noted from the update site photographs provided and the history of the site which indicates that it has been previously developed that the site likely offers suboptimal terrestrial habitat for GCN. However, the site is located within an Amber Risk Zone for District Level Licensing, which means that the area contains main population centres for GCN and comprises important connecting habitat that aids natural dispersal (Natural England). This is because there are ponds located within 250m of the site, the closest being within 50m of the site to the southeast within the Candidate Local Wildlife Site Bagworth Heath Country Park with good terrestrial connectivity to the site. No updated information is provided on the suitability of these ponds for Great Crested Newt, however the Ecological Impact Assessment (Wildlife Consultants Ltd., December 2020) submitted for previous withdrawn application 20/01350/FUL completed a Habitat Suitability Index assessment of the two ponds within 250m of the site, both of which scored as 'Average' suitability. Without an updated assessment, likely absence cannot be assumed. Therefore, we have completed the GCN Rapid Risk Assessment for licencing based on the assumption that GCN could be present in the ponds located within 250m of the site and that at least a minor disturbance to newts is possible given their range of dispersal, and the result of this was "Amber: offence likely".

Further information is therefore required to ensure that the risk to GCN as a result of the development can be appropriately mitigated. This should include an assessment of the ponds and terrestrial suitability of the site by a suitably qualified ecologist to inform the requirement for further surveys and appropriate mitigation. We consider that given the current habitats present on site, that further surveys may be considered disproportionate, however non-licensed avoidance measures will still be required to manage any risk to GCN during construction.

This further information is required prior to determination because paragraph 99 of the ODPM Circular 06/2005 highlights that: *"It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision."*

This information is therefore required to provide the LPA with certainty of likely impacts on legally protected species and be able to secure appropriate mitigation either by a mitigation licence from Natural England or a condition of any consent. This will enable the LPA to demonstrate compliance with its statutory duties, including its biodiversity duty under s40 NERC Act 2006 (as amended) and prevent wildlife crime under s17 Crime and Disorder Act 1998.

Furthermore, the Local Planning Authority, as a competent authority, should have regard to the requirements of The Conservation of Habitats and Species Regulations 2017 (as amended) when reaching planning decisions and must not leave this until the licence application stage. Therefore, if a European Protected Species Mitigation Licence is required for this application, appropriate mitigation measures to support the provision of the licence must also be outlined prior to determination to allow certainty to the LPA that a licence will likely be granted.

The applicant may be interested to know that Natural England's District Level Licensing for GCN is available in Leicestershire – see <https://www.gov.uk/government/publications/great-crested-newts-district-level-licensing-schemes> - where sites can be registered to be covered by this strategic mitigation scheme. Guidance for developers and registration forms to join the scheme are available and the LPA will need an Impact Assessment and Conservation Payment Certificate (IACPC) document countersigned by Natural England as evidence of site registration prior to determination where this European Protected Species is likely to be present and affected by development.

This is needed to enable the LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006 (as amended).

Additional Comments – Non-Statutory Designated Local Wildlife Site

We would welcome as part of the additional information required prior to determination, that further information on how impacts to the candidate Local Wildlife Site located adjacent to the southeastern boundary of the site will be appropriately mitigated.

However, considering the proposals are for a change of use which will not involve extensive construction works, we would consider it acceptable to allow mitigation measures to be secured by a Biodiversity Method Statement condition which would need to be submitted to and approved by the LPA prior to commencement should any consent be given if not provided prior to determination.

Additional Comments – Mandatory Biodiversity Net Gains (BNG):

With regard to mandatory biodiversity net gains, it is highlighted that we support the submitted Statutory Biodiversity Metric – Calculation Tool (March 2026) and the associated Condition Assessment Sheets and Biodiversity Net Gain Assessment (ProHort, March 2026). Biodiversity net gains is a statutory requirement set out under [Schedule 7A \(Biodiversity Gain in England\) of the Town and Country Planning Act 1990](#) and we are now satisfied that submitted information provides sufficient information at application stage. As a result, a Biodiversity Gain Plan should be submitted prior to commencement, which also 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, we note that no significant on-site enhancements are proposed in the proposals. As a result, we are satisfied that HMMP is not likely to be required by legal obligation or a condition of any consent for a period of up to 30 years.

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:

- We note that off-site measures are proposed within the applicants own blue-line boundary land ownership. Therefore, a HMMP and legal agreement will need to be agreed with the LPA as part of the Biodiversity Gain Condition, with evidence that the off-site land has been registered on the Biodiversity Gain Site Register.
- Additional offsite enhancements will likely be required in order to achieve a 10% net gain. The LPA will require the Biodiversity Gain Site Register number and evidence that the site has been allocated to the habitat bank as part of the biodiversity gain condition.

Additional Comments – Biodiversity Enhancements:

We support the proposed reasonable biodiversity enhancements for protected, Priority and threatened species, which have been recommended in Section 7 of the Biodiversity Net Gain

Assessment (ProHort, March 2026) report to secure net gains for biodiversity, as outlined under Paragraph 187d and 193d of the National Planning Policy Framework (December 2024). 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.

This will enable LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006 (as amended) and delivery of mandatory Biodiversity Net Gain.

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
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)	N

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)	N
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)	Y
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	Y
Statutory biodiversity credits	TBC
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)		
SIGNIFICANCE AS DEFINED IN PPG	POST DEVELOPMENT HABITAT TYPE PROPOSED	NUMBER OF UNITS
Medium or High Distinctiveness	N/A	N/A
Large number of units at Low Distinctiveness	N/A	N/A
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.

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

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

	amended including special Schedule 1), Natural England Standing Advice. Badger Act.
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