

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

**ECOLOGY AND BIODIVERSITY PLANNING ADVICE**

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| <b>DISTRICT OR BOROUGH</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Hinckley & Bosworth Council                                                                                                                    |
| <b>APPLICATION NUMBER</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 24/00769/FUL                                                                                                                                   |
| <b>ADDRESS</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Kyngs Golf And Country Club Station Road Market<br>Bosworth Nuneaton Leicestershire                                                            |
| <b>DESCRIPTION OF DEVELOPMENT</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Change of use of land and the siting of 9 single storey holiday lodges with vehicle parking and associated works (Revised Scheme 23/00508/FUL) |
| <b>PLANNING CASE OFFICER</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Matt Jedruch                                                                                                                                   |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                |
| <b>DEPARTMENT</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Ecology                                                                                                                                        |
| <b>PLANNING ECOLOGY OFFICER</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Kirsten Hunter                                                                                                                                 |
| <b>DATE OF COMMENTS</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 18th October 2024                                                                                                                              |
| <b>SUMMARY RESPONSE:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                |
| No comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                |
| No objection                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                |
| Recommend Refusal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                |
| Holding Objection - Further information required                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <input checked="" type="checkbox"/>                                                                                                            |
| Condition recommended                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                |
| Informative recommended                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                |
| <b>SUMMARY OF ECOLOGICAL DOCUMENTS CONSIDERED:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                |
| <ul style="list-style-type: none"> <li>• BNG Metric (poorly reproduced copy available only);</li> <li>• BNG Statement by Arbtech issued Sept 2024;</li> <li>• Landscape Plan, Drg No. 1067071 Rev A;</li> <li>• Application form;</li> <li>• Preliminary Ecological Appraisal by Arbtech, 2024;</li> <li>• Proposed Site Layout Plan - Drg No. HMDPD050501; and</li> <li>• Site Location Plan</li> </ul>                                                                                                                                                                                                                                     |                                                                                                                                                |
| <b>REASON FOR RECOMMENDATION PROVIDED:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                |
| <ul style="list-style-type: none"> <li>• Comments from Red Kite issued on 17th July 2023 for previous application 23/00508/FUL requested a Preliminary Ecological Appraisal (PEA) to be produced. The resulting PEA by Arbtech recommended a desk study to determine the proposed development's full impacts on local sites and protected species and recommended eDNA surveys to be carried out on ponds within 250m of the site to determine the presence or absence of great crested newts. These recommendations should be carried out to best practice guidance prior to determination, if this hasn't already been done so.</li> </ul> |                                                                                                                                                |

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| <ul style="list-style-type: none"> <li>Application form states in 'Biodiversity and Geological Conservation section' that no protected or priority species will be affected by the proposals, however the requested eDNA surveys don't appear to have been carried out therefore impacts on protected species cannot be determined at this point. In addition, impacts on designated sites cannot fully be determined at this point either due to lack of desk study.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| <b>BIODIVERSITY NET GAIN (BNG) specific comments:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| <ul style="list-style-type: none"> <li>Application form states exemption from BNG due to the application falling below the 'de minimis' threshold (less than 25sqm of existing habitat will be impacted and no priority habitats will be impacted due to the proposed lodges being 'sited on stilts'). I do not think this statement is accurate as the grassland below the lodges will still suffer significant degradation due to overshadowing, therefore impact area will be greater than specified. It also does not take in into account the loss/degradation of existing grassland due to access and hard infrastructure associated with the lodges. As such, this application is not considered to be exempt from BNG under this criteria.</li> <li>The BNG Statement indicates the current landscape scheme achieves a -72.69% net loss in habitat units (taking into account the full lodge and access footprint), therefore further compensation will be required to achieve 10% net gain. Off site solutions should be considered if it is not possible to achieve this on Site.</li> <li>The PEA by Arbtech identified the majority of site comprised 'other neutral grassland' however survey was undertaken at a suboptimal time of year for grassland surveys (Jan 2024), therefore key species may have been missed and the species richness of this grassland underestimated in the BNG Metric.</li> <li>A drainage ditch was recorded as adjacent to the site boundary which has not been accounted for in the Metric – for ditches, the Watercourse Unit Module is applied where the channel is located within 5m of the red line boundary. As the site appears to lie within 5m of the watercourse it should be subject to a condition assessment.</li> </ul> |
| <b>FURTHER INFORMATION REQUIRED:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| <ul style="list-style-type: none"> <li>Desk study should be carried out as per recommendations in the Arbtech PEA.</li> <li>eDNA survey for great crested newts should be carried out as per recommendations in the Arbtech PEA. Please note that ODPM Regulations require protected species surveys to be completed and submitted prior to determination of a planning application. It is also essential that the extent that they may be affected by the proposed development is established before the planning permission is granted. Reference: Paragraph 99 of ODPM Circular 06/2005 (Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System).</li> <li>Update BNG Metric to include the ditch in the Watercourse Unit Module. BNG Metric should be provided in Excel format to enable review.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| <b>AMENDMENTS RECOMMENDED:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
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| <b>RECOMMENDED CONDITIONS TO BE APPLIED:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
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| <b>RECOMMENDED INFORMATIVES TO BE APPLIED:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
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| <b>RECOMMENDED SECTION 106 REQUIREMENT</b> (standard clause, contribution amount, trigger for payment)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
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| <b>DISCHARGE OF CONDITIONS ONLY:</b><br>(Please confirm which condition(s) is/are being discharged)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
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**Note for applicants: Please be aware that this specialist advice is provided to the Local Planning Authority through a Service Level Agreement between the Local Planning Authority and Leicestershire County Council.**

If you have any queries about this advice, 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 as part of this service.

**The following legislation is used to assist in the assessment of planning applications:**

| <b>Legislation source</b>                                                                               | <b>Reference</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
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| 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. |