

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	Sullevan Archer
DEPARTMENT	Ecology
PLANNING ECOLOGY OFFICER	Charlotte Smith
DATE OF COMMENTS	9 July 2025
ECOLOGICAL DOCUMENTS:	
• Revised Biodiversity Impact Assessment (June 2025) • Revised Statutory Biodiversity Net Gain – Calculation tool (June 2025)	
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 Revised Biodiversity Impact Assessment (June 2025) and revised Statutory Biodiversity Net Gain – Calculation tool (June 2025) relating to the likely impacts of development on designated sites, protected and Priority species & habitats and identification of appropriate mitigation measures and mandatory Biodiversity Net Gain. • We have also reviewed the information submitted relating to mandatory biodiversity net gains. • We welcome the clarification of the site boundaries and are satisfied that the baseline habitats are correct. • We are now 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.
- With regard to mandatory biodiversity net gains, it is highlighted that we support the submitted Revised Biodiversity Impact Assessment (June 2025) and Statutory Biodiversity Net Gain – Calculation tool (June 2025). 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 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) The completed metric calculation tool showing the calculations of the pre-development and post-intervention biodiversity values.
 - b) Pre and post development habitat plans.
 - c) Legal agreement(s)
 - d) Biodiversity Gain Site Register reference numbers (if using off-site units).
 - e) Proof of purchase (if buying statutory biodiversity credits at a last resort).
- We are generally satisfied that the post-intervention values are realistic and deliverable. However, it is recommended that the following matters will need to be considered by the applicant as part of the biodiversity gain condition:
 - We welcome the clarification on the planting of trees in what is currently Vegetated garden. We do note however that the proposed trees are within the off-site area (blue boundary), not the on-site (red line boundary) area, and therefore will need to be moved to the off-sites tab within the metric, with a habitat baseline for the off-site area included. This will need to be registered with the biodiversity gain site register and will require a Habitat Management and Monitoring Plan (HMMP) and legal agreement to secure the enhancements for the 30-year period. As a result, the applicant may wish to approach an off-site provider to meet the 10% biodiversity net gain requirement as an alternative. This matter will need to be addressed as part of the biodiversity gain condition and as such is not a reason for refusal / holding objection.
- We also do recommend that reasonable biodiversity enhancements for protected, Priority and threatened species should be secured to provide bespoke species enhancements for biodiversity, as outlined under Paragraph 187d and 193d of the National Planning Policy Framework (December 2024). The reasonable biodiversity enhancement measures should be outlined within a separate Biodiversity Enhancement Strategy and should be secured by 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.
- Impacts will be minimised such that the proposal is acceptable, subject to the conditions below based on BS42020:2013. We recommend that submission for approval and implementation of the details below should be a condition of any planning consent.

ANY RECOMMENDED CONDITIONS TO BE APPLIED:

1. PRIOR TO OCCUPATION: BIODIVERSITY ENHANCEMENT STRATEGY

“Prior to occupation, a Biodiversity Enhancement Strategy for protected, Priority and threatened species, prepared by a suitably qualified ecologist, shall be submitted to and approved in writing by the local planning authority.

The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;*
- b) detailed designs or product descriptions to achieve stated objectives;*
- c) locations of proposed enhancement measures by appropriate maps and plans (where relevant);*
- d) persons responsible for implementing the enhancement measures; and*
- e) details of initial aftercare and long-term maintenance (where relevant).*

The works shall be implemented in accordance with the approved details shall be retained in that manner thereafter.”

Reason: To enhance protected, Priority and threatened species and allow the LPA to discharge its duties under paragraph 187d of NPPF 2024 and s40 of the NERC Act 2006 (as amended)

Biodiversity Gain condition

Natural England advises that 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. The condition is deemed to apply to every planning permission granted for the development of land in England (unless exemptions or transitional provisions apply), and there are separate provisions governing the Biodiversity Gain Plan.

The local planning authority is strongly encouraged to not include the biodiversity gain condition, or the reasons for applying this, in the list of conditions imposed in the written notice when granting planning permission. However, it is highlighted that biodiversity gain condition could be added as an informative, using draft text provided by the Secretary of State:

“Biodiversity Net Gain

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition “(the biodiversity gain condition)” that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and*
- (b) the planning authority has approved the plan.*

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be INSERT LPA.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed in paragraph 17 of Schedule 7A of the Town and Country Planning Act 1990 and the Biodiversity Gain Requirements (Exemptions) Regulations 2024.

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements are considered to apply.”

ANY RECOMMENDED INFORMATIVES TO BE APPLIED:

• 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)	No
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:	
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)	Potentially
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

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

	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.