

**CONSULTATION TEMPLATE RESPONSE FROM LEICESTERSHIRE COUNTY COUNCIL:****ECOLOGY AND BIODIVERSITY PLANNING ADVICE**

<b>COUNTY, DISTRICT OR BOROUGH</b>	Hinckley and Bosworth Borough Council
<b>APPLICATION NUMBER</b>	25/01004/FUL
<b>ADDRESS</b>	Land To Rear Of Springbank High Street Stoke Golding Nuneaton Leicestershire
<b>DESCRIPTION OF DEVELOPMENT</b>	Demolition of existing dwelling and erection of 19 dwellings, formation of access and associated works
<b>PLANNING CASE OFFICER</b>	Ashleigh Gade
<b>DEPARTMENT</b>	Ecology
<b>PLANNING ECOLOGY OFFICER</b>	Olivia Larter
<b>DATE OF COMMENTS</b>	27 November 2025

**ECOLOGICAL DOCUMENTS REVIEWED:**

- Preliminary Ecological Appraisal & Biodiversity Statement (Griffin Ecology Ltd, October 2025)
- Bat Activity Survey Report (Griffin Ecology Ltd, September 2025)
- Biodiversity Net Gain Feasibility Study (Griffin Ecology, October 2025)
- Statutory Biodiversity Metric – Calculation Tool (July 2025)

**SUMMARY RECOMMENDATION:**

No comment	<input type="checkbox"/>
No objection (for recommended conditions or informatives- see below)	<input checked="" type="checkbox"/>
Recommend Refusal	<input type="checkbox"/>
Holding Objection - Further information required	<input type="checkbox"/>

**REASON FOR RECOMMENDATION:**

We have reviewed the Preliminary Ecological Appraisal & Biodiversity Statement (Griffin Ecology Ltd, October 2025) and the Bat Activity Survey Report (Griffin Ecology Ltd, September 2025) relating to the likely impacts of development on designated sites, protected and Priority species & habitats and identification of appropriate mitigation measures.

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.

We note that the existing building on site was assessed as low suitability for roosting bats and that a single emergence survey carried out on the building found no evidence of emergence.

The mitigation measures identified in the Preliminary Ecological Appraisal & Biodiversity Statement (Griffin Ecology Ltd, October 2025) and the Bat Activity Survey Report (Griffin Ecology Ltd, September 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.

Due to the presence of confirmed bat roosts within the wider landscape, the retained hedgerows on site offering well-connected foraging and commuting habitat for bats and the nature of the development likely requiring the provision of new street lighting, it is recommended that any new lighting is included within a sensitive lighting strategy for bats and secured as a condition of any consent.

With regard to mandatory biodiversity net gains, it is highlighted that we generally support the submitted Statutory Biodiversity Metric – Calculation Tool (July 2025) and associated Biodiversity Net Gain Feasibility Study (Griffin Ecology, October 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.

However, we note that whilst the Preliminary Ecological Appraisal & Biodiversity Statement (Griffin Ecology Ltd, October 2025) concludes that the ditch which runs along the eastern boundary of the site is unlikely to retain water for more than 4 months of the year, therefore does not meet the requirement to be recorded as its own habitat type. Therefore, the watercourse units included at baseline in the Statutory Biodiversity Metric – Calculation Tool (July 2025) should be removed, and a net gain for watercourse units will therefore not be required.

The 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, 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 to 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. However, we recommend that the new individual trees are recorded a 'Urban tree' rather than 'Rural tree' in the metric since they will be located within a residential development setting.

We also support the proposed reasonable biodiversity enhancements for protected, Priority and threatened species, which have been recommended in the Preliminary Ecological Appraisal & Biodiversity Statement (Griffin Ecology Ltd, October 2025) and the Bat Activity Survey Report (Griffin Ecology Ltd, September 2025) 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.

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. ACTION REQUIRED IN ACCORDANCE WITH ECOLOGICAL APPRAISAL RECOMMENDATIONS**

*"All mitigation measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal & Biodiversity Statement (Griffin Ecology Ltd, October 2025) and the Bat Activity Survey Report (Griffin Ecology Ltd, September 2025) already submitted with the planning application and agreed in principle with the local planning authority prior to determination.*

*This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details."*

**Reason:** To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (as amended).

**2. PRIOR TO ANY WORKS ABOVE SLAB LEVEL: BIODIVERSITY ENHANCEMENT STRATEGY**

*"Prior to any works above slab level, a Biodiversity Enhancement Strategy for protected, Priority and threatened species, prepared by a suitably qualified ecologist in line with the recommendations of the Preliminary Ecological Appraisal & Biodiversity*

*Statement (Griffin Ecology Ltd, October 2025) and the Bat Activity Survey Report (Griffin Ecology Ltd, September 2025) 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).

**3. PRIOR TO OCCUPATION: WILDLIFE SENSITIVE LIGHTING DESIGN SCHEME**

*“Prior to occupation, a “lighting design strategy for biodiversity” in accordance with Guidance Note 08/23 (Institute of Lighting Professionals) shall be submitted to and approved in writing by the local planning authority. The strategy shall:*

- a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and*
- b) show how and where external lighting will be installed (through provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.*

*All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.”*

**Reason:** To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (as amended).

**Optional condition:**

Management and monitoring for significant on-site enhancements should be secured by planning obligation (either at application stage or the Biodiversity Gain Condition), to allow aftercare and monitoring to be secured for the 30-year period and the LPA to cover its monitoring costs. However, if the LPA would prefer that this is secured via a separate condition, the following pre-commencement condition could be used:

**4. PRIOR TO COMMENCEMENT: HABITAT MANAGEMENT AND MONITORING PLAN (HMMP)**

*A Habitat Management and Monitoring Plan (HMMP) for significant on-site enhancements, prepared in accordance with the approved Biodiversity Gain Plan, shall be submitted to, and approved in writing by the local authority, prior to commencement of development, including:*

- a) a non-technical summary;*
- b) the roles and responsibilities of the people or organisation(s) delivering the HMMP;*
- c) the planned habitat creation and enhancement works to create or improve habitat to achieve the on-site significant enhancements in accordance with the approved Biodiversity Gain Plan;*
- d) the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development;*
- e) the monitoring methodology in respect of the created or enhanced habitat to be submitted to the local planning authority; and*
- f) details of the content of monitoring reports to be submitted to the LPA including details of adaptive management which will be undertaken to ensure the aims and objectives of the Biodiversity Gain Plan are achieved.*

*Notice in writing shall be given to the Council when the:*

- initial enhancements, as set in the HMMP, have been implemented; and*
- habitat creation and enhancement works, as set out in the HMMP, have been completed after 30 years.*

*The created and/or enhanced habitat specified in the approved HMMP shall be managed and maintained in accordance with the approved HMMP.*

*Unless otherwise agreed in writing, monitoring reports shall be submitted in years 1, 3, 5, 10, 15, 20, 25, and 30 to the Council, in accordance with the methodology specified in the approved HMMP.*

*The Council shall only issue approval of the habitat creation and enhancement works until:*

- the habitat creation and enhancement works set out in the approved HMMP have been completed; and*
- a completion report, evidencing the completed habitat enhancements, has been submitted to, and approved in writing by the Local Planning Authority.*

**Reason:** To satisfy the requirement of Schedule 7A, Part 1, section 9(3) of the Town and Country Planning Act 1990 that significant on-site habitat is delivered, managed, and monitored for a period of at least 30 years from completion of development.

**ANY RECOMMENDED INFORMATIVES TO BE APPLIED:**

**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) 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 Hinckley & Bosworth Borough Council.*

*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."*

**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:**

<b>Confirmation</b> that development is subject to statutory biodiversity gain condition	Y
<b>Pre-development Habitat Plan of existing onsite habitat (to scale)</b>	Y
<b>Pre-development Habitat Value</b> (on date of application or earlier)	Y
<b>Completed Metric Calculation Tool</b>	Y
Statement of <b>Habitat Degradation</b> 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

**BNG METRIC INFORMATION missing or incorrect:**

Incomplete or incorrect cells are shown in metric (eg. habitat quantity, type or condition, strategic significance)	Y
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**POST DEVELOPMENT PROPOSALS FOR BIODIVERSITY NET GAIN (BNG)**

<b>PLEASE NOTE: THIS IS NOT ESSENTIAL INFORMATION PRIOR TO DETERMINATION.</b>	
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 (If Y, please see later table)	Y
<b>OFF-SITE APPLICANT-OWNED BNG</b> is proposed (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>		
<b>*TYPE OF SIGNIFICANT ON-SITE HABITAT PROPOSED:</b> (using the current government definition <sup>1</sup> )		
<b>SIGNIFICANCE AS DEFINED IN PPG</b>	<b>POST DEVELOPMENT HABITAT TYPE PROPOSED</b>	<b>NUMBER OF UNITS</b>
Medium or High Distinctiveness	Other neutral grassland Rural tree	1.00 0.21
Large number of units at Low Distinctiveness	N/A	N/A
Significant increase in Distinctiveness, Condition or Area	Native hedgerow with trees	0.72

**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:**

<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 Biodiversity Duty Local Nature Recovery Strategy

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

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	<p>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.</p> <p>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.</p>