

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

**ECOLOGY AND BIODIVERSITY PLANNING ADVICE**

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| <b>COUNTY, DISTRICT OR BOROUGH</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Hinckley and Bosworth Borough Council                                             |
| <b>APPLICATION NUMBER</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 26/00308/FUL                                                                      |
| <b>ADDRESS</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Land Adjacent To 33 Merrylees Road Newbold Heath<br>Newbold Verdon Leicestershire |
| <b>DESCRIPTION OF DEVELOPMENT</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Installation of a ground mounted panel solar PV array                             |
| <b>PLANNING CASE OFFICER</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Sophie Iliffe                                                                     |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                   |
| <b>DEPARTMENT</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Ecology                                                                           |
| <b>PLANNING ECOLOGY OFFICER</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Karley Khan                                                                       |
| <b>DATE OF COMMENTS</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 21 August 2026                                                                    |
| <b>ECOLOGICAL DOCUMENTS REVIEWED:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                   |
| <ul style="list-style-type: none"> <li>N/A</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                   |
| <b>SUMMARY RECOMMENDATION:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                   |
| <b>No comment</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                   |
| <b>No objection (for recommended conditions or informatives- see below)</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                   |
| <b>Recommend Refusal</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                   |
| <b>Holding Objection - Further information required</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | ✓                                                                                 |
| <b>REASON FOR RECOMMENDATION:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                   |
| <p>We have reviewed the amended Site and Block Plan (ref: MS1-26-A3) and Note (no ref or date). The additional information provides some welcome additional context and information, however it does not fully address the comments made.</p> <p><i>Biodiversity Net Gain (BNG);</i></p> <ul style="list-style-type: none"> <li>The application form states BNG does not apply as the site meets the exemption for de minimis. However, the BNG section also states the site is over 25 meters square and the site area is 272 sq. meters. Therefore, as the site is over 25 meters squared, it may not meet the de minimis exemption.</li> <li>As such, we have a holding objection for clarification on the site area to be impacted by the works, with photos of the site provided for reference. Should the site not meet the de minimis exemption, a full BNG assessment is required to be undertaken and submitted.</li> </ul> <p><i>Protected and Priority Species;</i></p> <ul style="list-style-type: none"> <li>It is also unclear how the works will be undertaken, such that there may be impacts to species and habitats where present. As stated previously, there is at least one pond in close</li> </ul> |                                                                                   |

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| <p>proximity to the site and where the works are proposed. As such, information on how the works will be undertaken, the extent of the work, any habitats/vegetation on-site and to be affected and potential impacts are required. We appreciate the site is small in area but an assessment of the site, potential impacts from the works and mitigation measures may still be required. This information would allow the planning application to be assessed in accordance with the requirements of the NPPF and ODPM Circular.</p> <p>The results are required prior to determination because paragraph 99 of the ODPM Circular 06/2005 highlights that: <i>"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."</i></p>                                                                                                                                                                         |
| <b>ANY RECOMMENDED CONDITIONS TO BE APPLIED:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| <ul style="list-style-type: none"> <li>TBC</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| <b>ANY RECOMMENDED INFORMATIVES TO BE APPLIED:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| <ul style="list-style-type: none"> <li>Great crested newts and their habitat are afforded full protection under UK and European legislation, including the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2017 (as amended). Together, this legislation makes it illegal to: Deliberately capture, kill, disturb or injure a great crested newt; Disturb a great crested newt whilst it is occupying a structure or place for shelter or protection; Intentionally or recklessly damage, destroy or obstruct access to habitats used by great crested newts for protection or sheltering; and damage or destroy a breeding site or resting place. As such, should a great crested newt be found, works should stop and an ecologist should be contacted for further advice.</li> <li>Nesting birds are protected under the Wildlife &amp; Countryside Act 1981 (as amended); therefore, building demolition and vegetation clearance should take place outside the breeding season (March to August inclusive) unless carefully checked beforehand by a suitably qualified ecologist.</li> </ul> |
| <b>IN THE CASE OF DISCHARGE OF CONDITIONS ONLY:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| (Please confirm which condition(s) is/are being discharged)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| <ul style="list-style-type: none"> <li>N/A</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |

| 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                                                | N   |
| Pre-development Habitat Plan of existing onsite habitat (to scale)                                                               | TBC |
| Pre-development Habitat Value (on date of application or earlier)                                                                | TBC |
| Completed Metric Calculation Tool                                                                                                | TBC |
| Statement of Habitat Degradation where present (with dates and details)                                                          | TBC |
| Reason for proposing an earlier date if applicable (ie. degradation)                                                             | TBC |
| Description of Irreplaceable Habitat where present                                                                               | TBC |

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|---------------------------------------------------------------------------------------------------------------------|-----|
| <b>SMALL SITES METRIC ONLY:</b> “Competent person” information (ie. qualifications, skills, experience)             | TBC |
| <b>BNG METRIC INFORMATION missing or incorrect:</b>                                                                 |     |
| Incomplete or incorrect cells are shown in metric (eg. habitat quantity, type or condition, strategic significance) | TBC |

| <b>POST DEVELOPMENT PROPOSALS FOR BIODIVERSITY NET GAIN (BNG)</b>                                                                                                                                                                |     |
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| <b>PLEASE NOTE: THIS IS NOT ESSENTIAL INFORMATION PRIOR TO DETERMINATION.</b><br>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<br>(If Y, please see later table)                                                                                                                                                    | Y/N |
| <b>OFF-SITE APPLICANT-OWNED BNG</b> is proposed<br>(ie. Land shown on plan within the “blue line” boundary and inserted in “offsite” tab of statutory metric)                                                                    | Y/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                                                                                                                                                                  | Y/N |
| Statutory biodiversity credits                                                                                                                                                                                                   | Y/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><br><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                                                                                                                      |                                               |                        |
| Large number of units at Low Distinctiveness                                                                                                        |                                               |                        |
| Significant increase in Distinctiveness, Condition or Area                                                                                          |                                               |                        |

**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.

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

**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. |

