

CONSULTATION TEMPLATE RESPONSE FROM LEICESTERSHIRE COUNTY COUNCIL:

ECOLOGY AND BIODIVERSITY PLANNING ADVICE

DISTRICT OR BOROUGH	Hinkley & Bosworth Borough Council
APPLICATION NUMBER	25/00019/FUL
ADDRESS	Land To The South Of 59 Kennel Lane Witherley Atherstone, Leicestershire
DESCRIPTION OF DEVELOPMENT	Demolition of existing barn and construction of two dwellings with associated parking.
PLANNING CASE OFFICER	Sullevan Archer
DEPARTMENT	
Ecology	
PLANNING ECOLOGY OFFICER	Nikki Morton
DATE OF COMMENTS	02/03/2025
SUMMARY RESPONSE:	
No comment	
No objection	
Recommend Refusal	
Holding Objection - Further information required	✓
SUMMARY OF ECOLOGICAL DOCUMENTS CONSIDERED:	
• Biodiversity Statement (CW Ecology, November 2024) • Preliminary Bat Roost Assessment and Bird Survey (S. Christopher Smith, November 2024) • Statutory Biodiversity Net Gain Metric (22 November 2024)	
REASON FOR RECOMMENDATION PROVIDED:	
• The biodiversity net gain assessment for the site is acceptable. • The bat survey report determined the building has moderate suitability for roosting bats. As per the bat survey guidelines, two emergence surveys are required of the building between May and September. These surveys are required prior to determination. • The ODPM Regulations require all surveys to be submitted prior to the 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)).	
PROTECTED SPECIES FURTHER INFORMATION REQUIRED:	
• Further bat emergence surveys are required prior to determination as per the bat survey guidelines. This will inform mitigation, compensation and enhancement measures for bats.	

BIODIVERSITY NET GAIN (BNG)	
FURTHER INFORMATION IS REQUIRED REGARDING:	
Incomplete or incorrect cells in the statutory metric	
Incomplete or incorrect UK Hab or condition assessment information	
Final pre-development habitat value	
How post-development BNG land will be secured for 30 years	
Description of irreplaceable habitat	
Description of degradation	
BIODIVERSITY NET GAIN (BNG) SPECIFIC COMMENTS:	
The BNG assessment carried out is acceptable. All of the mandatory BNG is proposed to be delivered on-site and therefore is considered significant on-site enhancements and therefore must be legally secured for 30 years. The mandatory Biodiversity Gain Plan will apply to this planning permission.	
DATE PROVIDED ON STATUTORY METRIC ONCE REVIEWED AND AGREED (for decision notice purposes):	22 November 2024
ANY RECOMMENDED CONDITIONS TO BE APPLIED:	
N/A	
ANY RECOMMENDED INFORMATIVES TO BE APPLIED:	
N/A	
DISCHARGE OF CONDITIONS ONLY:	
(Please confirm which condition(s) is/are being discharged)	
N/A	

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:

Legislation source	Reference
National Planning Policy Framework	Paragraphs relevant to biodiversity, biodiversity net gain, ecological connectivity and protected species
Environment Act 2021	Mandatory Net Gain Biodiversity Duty Local Nature Recovery Strategy
District or Borough Local Plan and supporting SPD's	Local Plan policy
ODPM circular 06/2005: Biodiversity and Geological Conservation	Requirement for species survey work and mitigation recommendations to be carried out prior to the determination of a planning application. Paras. 98 and 99
NERC Act 2006	Biodiversity Duty (see also Environment Act 2021) Section 41, habitats and species of Principal Importance (previously BAP)
Various International, European and National laws in relation to	International and national site protection: Ramsar sites (from Ramsar Convention), Habitat and Birds Directives (Natura 2000 sites include

the protection of species and habitats	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.
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