

CONSULTATION TEMPLATE RESPONSE FROM LEICESTERSHIRE COUNTY COUNCIL:

ECOLOGY AND BIODIVERSITY PLANNING ADVICE

COUNTY, DISTRICT OR BOROUGH	Hinckley and Bosworth Borough Council	
APPLICATION NUMBER	25/01074/FUL	
ADDRESS	Gopsall Hall Farm Gopsall Estate Twycross Atherstone Leicestershire	
DESCRIPTION OF DEVELOPMENT	Change of use of an existing building to indoor leisure and events space together with new car parking area (part retrospective)	
PLANNING CASE OFFICER	Sullivan Archer	
DEPARTMENT	Ecology	
PLANNING ECOLOGY OFFICER	Charlotte Smith	
DATE OF COMMENTS	22 June 2026	
ECOLOGICAL DOCUMENTS REVIEWED:		
N/A		
SUMMARY RECOMMENDATION:		
No comment	☐	
No objection (for recommended conditions or informatives- see below)	☐	
Recommend Refusal	☐	
Holding Objection - Further information required: Mandatory Biodiversity Net Gains	☒	
REASON FOR RECOMMENDATION:		
<u>Summary</u> We have reviewed the documents supplied by the applicant and note no ecological information has been provided. As a result, we have conducted a desk study to confirm the likely impacts upon designated sites, protected and Priority species and habitats. This included a review of Magic Maps, and aerial imagery. We are not satisfied that appropriate information with regard to mandatory biodiversity net gains has been supplied for the application prior to determination. The reasons for this are outlined below:		

Mandatory Biodiversity Net Gains:

Applications are required to deliver a mandatory 10% measurable biodiversity net gain, unless exempt under [paragraph 17 of Schedule 7A of the Town and Country Planning Act 1990](#) and the [Biodiversity Gain Requirements \(Exemptions\) Regulations 2024](#).

Biodiversity net gains is a statutory requirement set out under [Schedule 7A \(Biodiversity Gain in England\) of the Town and Country Planning Act 1990](#). This legislation was inserted into the 1990 Act by Schedule 14 of the Environment Act 2021, and was amended by the Levelling Up and Regeneration Act 2023. The Biodiversity Gain (Town and Country Planning) (Consequential Amendments) Regulations 2024 made consequential amendments to other parts of the 1990 Act.

The [Biodiversity Net Gain Planning Practice Guidance \(PPG\)](#) sets out how mandatory biodiversity net gains should be applied through the planning process and Paragraph: 011 Reference ID: 74-011-20240214 sets out what information should be submitted as part of a planning application if the statutory biodiversity gain condition applies.

As a result, we are not satisfied that appropriate information has been provided prior to determination. As this is a full application, it is subject to mandatory Biodiversity Net Gain, unless appropriate exemption can be justified. We have reviewed the information submitted and the reasons for retrospective planning exemption and are not satisfied that appropriate information has been provided prior to determination and that the de minimis exemption applies. This is due to the following reasons:

- From viewing Google Earth aerial imagery (2026), it appears that the whole site has been cleared of an area of arable land and woodland in 2021, meaning it is possible that habitat degradation may have occurred since 30th January 2020. We note this has been submitted as a part retrospective application; to be exempt from BNG requirements under the retrospective S73A exemption, the works would either need to be fully complete or at least complete in the portion which is covered within the part retrospective area. Additionally, for part retrospective, the portion of the site, which is not part retrospective, if the proposals result in a loss of Biodiversity Value greater than the de minimis allowance, then that portion of the application would not be exempt from mandatory BNG requirements. The application form has indicated that no habitat degradation has occurred, however, as stated above this appears to not be the case. As a result, we recommend that the following should be provided if degradation has occurred:
 - a statement setting out that these degradation activities have been carried out;
 - confirmation of the date immediately before these activities were carried out;
 - the pre-development biodiversity value of the site on this date;
 - the completed metric calculation tool showing the calculations, and
 - any available supporting evidence of this. Due to the clearance of the site of arable and woodland habitat, the application is not subject to retrospective planning application.

As mandatory biodiversity net gains apply, the planning authority will be required to secure a biodiversity gain condition as a pre-commencement requirement. 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](#) and should be included as an informative within the decision notice.

As a result, a Biodiversity Gain Plan should be submitted prior to commencement which should include the following information for non-phased development:

- Biodiversity Gain Plan form, using the Government's template:
<https://www.gov.uk/government/publications/biodiversity-gain-plan>.
- The completed metric calculation tool showing the calculations of the pre-development and post-intervention biodiversity values.
- Completed pre-development and post-development habitat maps.
- Information regarding [Habitat degradation](#) (where required).
- Information regarding [Irreplaceable habitat](#) (where required).

In addition, the following information may also be required depending on whether the development contains significant on-site enhancements or whether off-site options or Statutory Biodiversity Credits are required:

- A [Habitat Management and Monitoring Plan](#) (HMMP) for significant on-site enhancements or offsite measures in blue line boundary land.
- Legal agreement for monitoring and management of significant on-site enhancements or off-site measures in blue line boundary land.
- Evidence of off-site units being allocated to a Biodiversity Gain Site on the [Biodiversity Gain Site Register](#).
- Evidence of proof of purchase of Statutory Biodiversity Credits.

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 at application stage or concurrent with the discharge of the Biodiversity Gain Condition. The management and monitoring of significant on-site enhancements could also be secured as a condition of any consent, but a mechanism to secure monitoring costs should be identified by the Council. The monitoring of the post-development habitat creation / enhancement will need 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 look forward to working with the LPA and the applicant to receive the additional information required to support a lawful decision and overcome our holding objection.

ANY RECOMMENDED CONDITIONS TO BE APPLIED:

N/A

ANY RECOMMENDED INFORMATIVES TO BE APPLIED:
N/A

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)	N
Pre-development Habitat Value (on date of application or earlier)	N
Completed Metric Calculation Tool	N
Statement of Habitat Degradation where present (with dates and details)	N
Reason for proposing an earlier date if applicable (ie. degradation)	N
Description of Irreplaceable Habitat where present	N
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. habitat quantity, type or condition, strategic significance)	N/A

POST DEVELOPMENT PROPOSALS FOR BIODIVERSITY NET GAIN (BNG)	
PLEASE NOTE: THIS IS NOT ESSENTIAL INFORMATION PRIOR TO DETERMINATION. Post-development information is indicative only ; final proposals must be confirmed at Biodiversity Gain Plan statutory condition stage.	
ON-SITE SIGNIFICANT* BNG is proposed (If Y, please see later table)	TBC
OFF-SITE APPLICANT-OWNED BNG is proposed (ie. Land shown on plan within the "blue line" boundary and inserted in "offsite" tab of statutory metric)	TBC
PLEASE NOTE: 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.	
OFF-SITE PURCHASE** of BNG	
BNG units purchase from a third party to achieve 10% BNG uplift	TBC
Statutory biodiversity credits	TBC
PLEASE NOTE**: 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.	

POST DEVELOPMENT PROPOSALS:

*TYPE OF SIGNIFICANT ON-SITE HABITAT PROPOSED: (using the current government definition¹)		
SIGNIFICANCE AS DEFINED IN PPG	POST DEVELOPMENT HABITAT TYPE PROPOSED	NUMBER OF UNITS
Medium or High Distinctiveness	N/A	N/A
Large number of units at Low Distinctiveness	N/A	N/A
Significant increase in Distinctiveness, Condition or Area	N/A	N/A

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:

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 SPDs	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 (as amended)	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), (Natura 2000 sites include SACs and SPAs), SSSIs, National Nature Reserves, Local Wildlife Sites, Local Nature Reserves. Habitats and Species protection: Conservation of Habitats and Species Regulations 2017 (as amended) (protected sites and species). Wildlife and Countryside Act 1981 (as amended)

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

	including special Schedule 1, Natural England Standing Advice. Protection of Badgers Act 1992.
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