

CONSULTATION TEMPLATE RESPONSE FROM LEICESTERSHIRE COUNTY COUNCIL:

ECOLOGY AND BIODIVERSITY PLANNING ADVICE

COUNTY, DISTRICT OR BOROUGH	Hinckley and Bosworth Borough Council
APPLICATION NUMBER	26/00495/OUT
ADDRESS	82 Forest Road Markfield Leicestershire LE67 9UN
DESCRIPTION OF DEVELOPMENT	Outline planning permission for the erection of one new dwelling and first floor extension to existing property (all matters reserved except access, layout and scale)
PLANNING CASE OFFICER	Gwion Russell
DEPARTMENT	Ecology
PLANNING ECOLOGY OFFICER	Karley Khan
DATE OF COMMENTS	03 August 2026
ECOLOGICAL DOCUMENTS REVIEWED:	
• Biodiversity Net Gain Report (prepared by ECO360, dated 11/05/2026) • BNG Metric (dated 18/05/2026)	
SUMMARY RECOMMENDATION:	
No comment	
No objection (for recommended conditions or informatives- see below)	
Recommend Refusal	
Holding Objection - Further information required	✓
REASON FOR RECOMMENDATION:	
Upon review of the above ecology documents as well as the Proposed Block Plan (ref: 03-2529_00), Existing Block Plan (ref: 03-2529_00), Design and Access Statement (ref: 2529_Design and Access Statement), Location Plan (prepared by stu Arch, dated 16/12/2025), Existing and Proposed Plan and Elevations (ref: 01-2529 & 03-2529) and Application Form, we require some additional information in order to assess the likely impact of the development on ecology and biodiversity. Details of further information required in order to determine this application are detailed below: <i>Redline Boundary;</i> • The plans provided show the redline boundary encompassing all of the existing garden, however the proposal plans do not make it clear to what extent these areas will be divided for the proposed development. This has implications for the BNG, such that we require clarification/indication as to how these will be divided. • Further to the above, the BNG report includes creation and enhancement of on-site habitats which are not acceptable for private gardens. In accordance with the BNG User Guidance <i>'post-development private garden has no public access, and biodiversity net gains</i>	

cannot be legally secured. As these gains cannot be secured you should only record habitats created within private gardens as either:

- *‘urban – vegetated garden’; or*
- *‘urban - unvegetated garden’*

When assessing habitat changes within a private garden, you should not:

- *record the creation of any new habitats as anything other than ‘urban – vegetated garden’ or ‘urban – unvegetated garden’ habitat types*
 - *record the enhancement of any habitats recorded within the baseline’*
- Therefore, the proposal to enhance the existing habitats/hedgerows cannot count and the Metric will need updating accordingly.

Ecological Survey Work;

- An assessment of the site for BNG purposes has been undertaken, however given the existing garages are to be demolished and significant works to the existing roof are proposed, a Preliminary Roost Assessment (PRA) for roosting bats is required in the first instance, in accordance with the latest Bat Conservation Trust Good Practice Guidelines. Depending on the results of the PRA, further survey work in the form of dusk emergence survey(s) may be required. It would be prudent to undertake a Ground-Level Tree Assessment alongside the PRA.
- Additional ecological survey work is also required in order to assess the potential impact of the development on designated sites, other protected and Priority species, habitats, Priority Habitats and important ecological feature(s), especially as the BNG Metric identifies Priority Habitat within 500m of the site and a review of aerial imagery shows at least one pond in proximity to the site.
- All of the ecological survey work will need to be undertaken by suitably licenced and experienced ecologist(s), during the relevant optimal period and in accordance with the best practice guidance/methodology.
- An accompanying ecology report(s), with relevant plan(s) and photos, should also be submitted, detailing the results of the ecology survey work, mitigation and enhancements. This information would allow the planning application to be assessed in accordance with the requirements of the NPPF and ODPM Circular.

The results are required prior to determination because paragraph 99 of the ODPM Circular 06/2005 highlights that: *“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.”*

Invasive Species;

- The BNG report makes mention of invasive species being present within the site but provides no further information. We require clarification on invasive species recorded and appropriate measures provided.

Biodiversity Net Gain

- There are a few inaccuracies within the BNG report in relation to Metric such that some of the values quoted do not match and require updating.
- A statement as to whether any degradation has taken place or irreplaceable habitats are present within the site has not been provided and is required.

- The baseline habitat plan shows the existing hedgerow as an area as opposed to a linear feature and requires updating.
- Photos 1 and 2 within the Metric show the same habitat area but are included as different habitat types. This requires clarification and/or updating.
- A single individual tree is included within the baseline, which is assigned strategic significance. A Local Nature Recovery Strategy (LNRS) is available for Leicestershire and should be referred to in accordance with the SSM User Guide, with the SSM updated as appropriate.
- The photos provided within the BNG report do not include any information/description, such that this information is requested.
- The 'Small Sites Metric' (SSM) has been used to calculate the biodiversity value of the proposed development. In accordance with the SSM User Guide, although the site meets the criteria for the use of the SSM in that it is a 'residential development where the number of dwellings is between 1 and 9 on a site of an area 1 hectare or less', there is no accompanying ecology report (as detailed above) to determine whether the site meets the requirements for habitats, protected sites and/or protected species. In summary, the SSM can only be used where habitats available in the Metric are present, no Priority Habitats are present, no statutory protected sites or habitats are present, and no European protected species are present (see Page 10 of the SSM User Guide for full details).
- Furthermore, the desktop assessment within SSM identifies Priority Habitat within 500m of the site, with no rationale for using the SSM provided, such that for this reason and in the absence of an accompanying ecology report, it is not possible to determine whether the SSM is acceptable. The results of the ecology survey work will determine whether the use of the SSM is appropriate (see points below).
- **Should the above information confirm the SSM can be used**, further clarification on the competency of the person completing the SSM and decision making when inputting into the SSM is requested. The competent person should have the 'knowledge and skills' to complete and review the SSM, as well as evidencing metric decisions in the 'user comments' column. Should use of the SSM be deemed suitable, a holding objection for information that the person completing the metric meets the competency requirements, the pre-development value within the application form revised and for the 'user comments' be completed where necessary.

OR

- **Should it not be appropriate to use the SSM**, an assessment of the site will need to be undertaken using the Statutory Biodiversity Net Gain (BNG) Metric. Holding objection for submission of the BNG Metric and associated report/plans.

ANY RECOMMENDED CONDITIONS TO BE APPLIED:

- TBC

ANY RECOMMENDED INFORMATIVES TO BE APPLIED:

- TBC

IN THE CASE OF DISCHARGE OF CONDITIONS ONLY:

(Please confirm which condition(s) is/are being discharged)

- 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	Y
Pre-development Habitat Plan of existing onsite habitat (to scale)	Y
Pre-development Habitat Value (on date of application or earlier)	Y
Completed Metric Calculation Tool	Y
Statement of Habitat Degradation where present (with dates and details)	N
Reason for proposing an earlier date if applicable (ie. degradation)	TBC
Description of Irreplaceable Habitat where present	N
SMALL SITES METRIC ONLY: "Competent person" information (ie. qualifications, skills, experience)	N
BNG METRIC INFORMATION missing or incorrect:	
Incomplete or incorrect cells are shown in metric (eg. habitat quantity, type or condition, strategic significance)	Y

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)

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

SIGNIFICANCE AS DEFINED IN PPG	POST DEVELOPMENT HABITAT TYPE PROPOSED	NUMBER OF UNITS
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.

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 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.

