

CONSULTATION TEMPLATE RESPONSE FROM LEICESTERSHIRE COUNTY COUNCIL:

ECOLOGY AND BIODIVERSITY PLANNING ADVICE

COUNTY, DISTRICT OR BOROUGH	Hinckley and Bosworth Borough Council
APPLICATION NUMBER	25/00931/FUL
ADDRESS	Cliffe Hill Farm Little Shaw Lane Markfield Leicestershire LE67 9PP
DESCRIPTION OF DEVELOPMENT	Development of a logistics park for storage and distribution (Class B8), general industry (Class B2), ancillary office space (Class E) and associated infrastructure.
PLANNING CASE OFFICER	Emma Baumber
DEPARTMENT	Ecology
PLANNING ECOLOGY OFFICER	Olivia Larter
DATE OF COMMENTS	5 November 2025
ECOLOGICAL DOCUMENTS REVIEWED:	
• Ecological Appraisal (FPCR, September 2025) • Ecological Construction Environmental Management Plan (ECEMP) (FPCR, September 2025) • Bat Report (FPCR, August 2025) • Breeding Birds Report (FPCR, August 2025) • Badger Survey Report & Mitigation Strategy (FPCR, August 2025) • The Statutory Biodiversity Metric – Calculation Tool (September 2025) • Biodiversity Net Gain Assessment (FPCR, September 2025) • Landscape Enhancement & Management Plan (LEMP) (FPCR, September 2025) • External Lighting Lux Levels (Engineering Services Partnership Ltd, July 2025) • Proposed Boundary Treatments Plan (UMC Architects, July 2025) • Landscape Strategy (Ref: 12507-FPCR-XX-XX-DR-L-0001) Revision P17 (FPCR)	
SUMMARY RECOMMENDATION:	
No comment	☐
No objection (for recommended conditions or informatives- see below)	☒
Recommend Refusal	☐
Holding Objection - Further information required	☐
REASON FOR RECOMMENDATION:	
We have reviewed the submitted documents as listed above relating to the likely impacts of development on designated sites, protected and Priority species & habitats and identification of appropriate mitigation measures and 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.

Protected and Priority species

The mitigation measures detailed in the Ecological Construction Environmental Management Plan (ECEMP) (FPCR, September 2025) and the Badger Survey Report & Mitigation Strategy (FPCR, August 2025) are considered appropriate and 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.

It should be noted that the development requires the closure of one subsidiary (S2) and two outlier badger setts (S3 and S4), and the temporary disturbance and part closure of a main sett (S1) as detailed in the Badger Survey Report & Mitigation Strategy (FPCR, August 2025). Therefore, a Natural England development licence must be obtained prior to any works within the vicinity of the setts. We support the provision of wildlife tunnels to maintain connectivity for badgers using the site post development and the creation of more extensive woodland habitat which will enhance onsite habitats to support badger in the longer term.

We support the submitted External Lighting Lux Levels (Engineering Services Partnership Ltd, July 2025) document and note that the lighting proposed has colour temperature of 2700K and generally does not cause horizontal spill greater than 1 lux onto surrounding retained hedgerows which is in line with guidance detailed in GN08/23 (Institute of Lighting Professionals) and the recommendations made in Section 5 of the Bat Report (FPCR, August 2025) to minimise disturbance to important foraging and commuting routes for bats. The lighting should be implemented in line with the approved documents and under no circumstances should any additional lighting or changes to lighting be made without prior approval of the LPA.

Mandatory Biodiversity Net Gain (BNG)

With regard to mandatory biodiversity net gains, it is highlighted that we support the submitted Statutory Biodiversity Metric – Calculation Tool (September 2025) and associated Biodiversity Net Gain Assessment (FPCR, September 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. As a result, a 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, it is indicated that we support the submitted LEMP as the mechanism of securing long-term management and monitoring for 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, it is suggested that this includes the following habitats: Other neutral grassland, Mixed scrub, Ponds (non-priority habitat), Other woodland;

broadleaved, Urban trees, Other Scot's pine woodland, Native hedgerow with trees, Species-rich native hedgerow with trees and Species-rich native hedgerow.

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 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 note that the submitted LEMP states that monitoring reports will be submitted at years 5, 10, 15, 20, 25, 30. Therefore, this may need to be updated as part of the biodiversity gain condition or any associated legal agreement.

We are satisfied that the onsite post-intervention values are realistic and deliverable.

Offsite enhancements will likely also be required in order to achieve a 10% net gain. The LPA will require the Biodiversity Gain Site Register number and evidence that the site has been allocated to the habitat bank as part of the biodiversity gain condition. If off-site measures are to be provided as part of the applicants own land ownership, then a HMMP and legal agreement will need to be agreed with the LPA as part of the Biodiversity Gain Condition.

Biodiversity enhancements

We also support the proposed reasonable biodiversity enhancements for protected, Priority and threatened species, which have been recommended in Section 5 of the Bat Report (FPCR, August 2025) and Section 5 of the Breeding Birds Report (FPCR, August 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.

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 Ecological Construction Environmental Management Plan (ECEMP) (FPCR, September 2025) and Badger Survey Report & Mitigation Strategy (FPCR, August 2025) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This will 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 made in Section 5 of the Bat Report (FPCR, August 2025) and Section 5 of the Breeding Birds Report (FPCR, August 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).

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 and 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."

IN THE CASE OF DISCHARGE OF CONDITIONS ONLY:

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

- N/A

BIODIVERSITY NET GAIN (BNG) SECTION

HAVE MINIMUM NATIONAL INFORMATION REQUIREMENTS BEEN PROVIDED (PPG paragraph 11):

Confirmation that development is subject to statutory biodiversity gain condition	Yes
Pre-development Habitat Plan of existing onsite habitat (to scale)	Yes
Pre-development Habitat Value (on date of application or earlier)	Yes
Completed Metric Calculation Tool	Yes
Statement of Habitat Degradation where present (with dates and details)	N/A
Reason for proposing an earlier date if applicable (ie. degradation)	N/A
Description of Irreplaceable Habitat where present	N/A
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)	No
---	----

ON-SITE AND OFF-SITE PROPOSALS PRESENT:

These should be secured and monitored for 30 years

Applicant-owned <u>significant onsite</u> BNG is proposed	Yes
Off-site BNG is proposed (eg. BNG units provided to achieve 10% BNG uplift either on applicant-owned land, purchased units or statutory credits) PLEASE NOTE: this is indicative only , confirmed at Biodiversity Gain Plan condition stage	Yes

TYPE OF SIGNIFICANT ON-SITE HABITAT PROPOSED: (using the current government definition¹)

Medium or High Distinctiveness	Yes
Large number of units at Low Distinctiveness	No
Significant increase in Distinctiveness, Condition or Area	Yes

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

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

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.