

CONSULTATION TEMPLATE RESPONSE FROM LEICESTERSHIRE COUNTY COUNCIL:

ECOLOGY AND BIODIVERSITY PLANNING ADVICE

COUNTY, DISTRICT OR BOROUGH	Hinckley and Bosworth Borough Council
APPLICATION NUMBER	26/00346/FUL
ADDRESS	Lime Kilns Watling Street Burbage Hinckley Leicestershire
DESCRIPTION OF DEVELOPMENT	Outdoor paving with timber framed pergola above, festoon lighting and heaters, new 1.8 metre high close board fencing, log store and 0.9 metre high picket fence and gate
PLANNING CASE OFFICER	Gwion Russell
DEPARTMENT	Ecology
PLANNING ECOLOGY OFFICER	Karley Khan
DATE OF COMMENTS	17 August 2026
ECOLOGICAL DOCUMENTS REVIEWED:	
• Preliminary Ecological Appraisal and Roost Assessment (prepared by arbtech, dated 18/05/2026) • Biodiversity Net Gain Assessment (prepared by arbtech, dated 03/06/2026) • BNG Metric (dated 03/06/2026) • River Condition Assessment Note (prepared by arbtech, dated 29/05/2026) • Canal and River Trust Consultation (ref: CRTR-PLAN-2026-47147)	
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 Site Plan (ref: 3956-11), Existing Site Plan (ref: 3956-10), Proposed Elevations (ref: 3956-13), Existing Elevations (ref: 3956-12), Design and Access Statement (ref: 784-B079488), Location Plan (ref: 3956-16), Existing Block Plan (ref: 3956-14), Proposed Block Plan (ref: 3956-15), Construction Environmental Management Plan (prepared by wulfrun building solutions) 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>Habitats and Species;</i>	

- The site is located adjacent to the Ashby de la Zouch Canal which is candidate Local Wildlife Site (cLWS) and supports protected species including Water Vole and Otter. Therefore, the ecology report requires updating to undertake suitable survey work and provide appropriate mitigation and enhancements, including licencing where required.
- The report also makes reference to pollution affecting the River Bela, however no other information on this feature is provided.

BNG;

- The post-development hedgerow values within the BNG Metric do not match with the report. Furthermore, it is noted the BNG report recommends a number of options in order to achieve 10% net gain in habitat and hedgerow units.
- Regarding the watercourse units, the report states the canal cannot be enhanced such that off-site units are required.
- Therefore, the post-development BNG report and Metric will require updating at the Biodiversity Gain Plan stage. Furthermore, biodiversity credits are to be purchased in order to achieve 10% gain for watercourse units, such that provide proof of biodiversity credit purchase and appropriate documentation should also be submitted at the Biodiversity Gain Plan stage.

Construction Environmental Management Plan (CEMP);

- As above in relation to the canal and protected species, the CEMP report will also require updating to include mitigation measures for these features.

ANY RECOMMENDED CONDITIONS TO BE APPLIED:

Please note, the below are indicative only and additional conditions may be recommended depending on the results of the further ecological information provided.

- Sensitive Lighting Scheme - No external lighting shall be installed on the site until details (including luminance levels and measures to minimise light spillage) have been submitted to and approved in writing by the Local Planning Authority. External lighting shall only be installed in accordance with the approved details and shall not be replaced with any alternative lighting without the prior permission in writing of the Local Planning Authority.
- Biodiversity Enhancement Scheme - No development shall take place until a biodiversity enhancement scheme has been submitted to and approved in writing by the LPA. Enhancements shall include (but not be limited to) at least two woodcrete/integrated bat boxes and two woodcrete/integrated bird boxes, and the make/model/locations. Any enhancement measures need to be shown on all relevant submitted plans. All works are to proceed strictly in accordance with the approved scheme.
- Bat Mitigation Plan - No development shall take place until a Bat Mitigation Plan has been submitted to and approved in writing by the Local Planning Authority. This shall include details including but not limited to; the timing of the works, mitigation measures, provision of a toolbox talk, ecological supervision and lighting restrictions. All works are to proceed strictly in accordance with the approved scheme.
- BNG - The application will need to demonstrate a 10% net gain in Biodiversity as required by Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021). Prior to commencement of works, a Biodiversity Gain Plan must be submitted, along with a Habitat Management and Monitoring Plan (HMMP) detailing how net gain will be achieved and secured for a period of 30 years.

- The statutory BNG metric shows there is no net gain in watercourse units, such that this will need to be compensated for either by creating/enhancing off-site habitat or by purchasing habitat bank/credits. Once a suitable offsite scheme has been decided, indication of who is responsible for ensuing delivery of BNG units/ongoing monitoring and enforcement should be stated including ownership of the BNG offset land, and a Habitat Management and Monitoring Plan (HMMP) and Biodiversity Plan should be conditioned. - Pre-Commencement Habitat Management and Monitoring Plan (HMMP) - No development shall take place (including ground works or vegetation clearance) until a Habitat Management and Monitoring Plan (HMMP) has been submitted to and approved in writing by the Local Planning Authority. The approved HMMP shall be adhered to and implemented, unless otherwise agreed in writing by the Local Planning Authority.
ANY RECOMMENDED INFORMATIVES TO BE APPLIED:
- All UK Bat Species are protected by law: Schedule 2 of The Conservation of Habitats and Species Regulations 2017, the Wildlife and Countryside Act 1981 (WCA) (as amended) through inclusion in Schedule 5 and Countryside and Rights of Way Act 2000 (CRoW) which makes it an offence Intentionally or recklessly/deliberately injure, take or kill a bat. Therefore, all work must be carried out carefully with the expectation that bats may be found. If bats are observed within the building at any time work must cease immediately and Natural England or the assigned ecologist for this project must be contacted for advice. - Nesting birds are protected under the Wildlife & 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. <i>Cotoneaster</i> is listed on Schedule 9 of the Wildlife and Countryside Act 1981 (as amended) as plants that may not be planted or otherwise caused to grow in the wild. If it is necessary for <i>Cotoneaster</i> to be removed, it is important to note that Schedule 9 invasive plants are classified as controlled waste and should be handled and disposed of accordingly at a licenced waste facility. - All new planting should be composed of native species. All new planting should be composed of native species of local provenance and species to attract pollinating insects as identified in the RHS' 'Plants for Pollinators' database.
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)	Y
Reason for proposing an earlier date if applicable (ie. degradation)	N/A
Description of Irreplaceable Habitat where present	Y (none)
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

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)	N
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	Y
Statutory biodiversity credits	Y
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 <u>SIGNIFICANT ON-SITE</u> HABITAT PROPOSED: (using the current government definition ¹)		
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.

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

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.

