

CONSULTATION TEMPLATE RESPONSE FROM LEICESTERSHIRE COUNTY COUNCIL:

ECOLOGY AND BIODIVERSITY PLANNING ADVICE

DISTRICT OR BOROUGH	Hinckley and Bosworth Borough Council
APPLICATION NUMBER	24/01157/HYB
ADDRESS	Kyngs Golf And Country Club Station Road Market Bosworth Nuneaton Leicestershire
DESCRIPTION OF DEVELOPMENT	Hybrid planning application seeking Full planning permission for the erection of a golf leisure and health spa and Outline planning permission (all matters reserved except for access) for the erection of up to 126 golf holiday lodges with associated works
PLANNING CASE OFFICER	Alex Jelley
DEPARTMENT	Ecology
PLANNING ECOLOGY OFFICER	Richard Kelly
DATE OF COMMENTS	06/05/2025
SUMMARY RESPONSE:	
No comment	
No objection	
Recommend Refusal	
Holding Objection - Further information required	✓
Condition recommended	✓
Informative recommended	✓
SUMMARY OF ECOLOGICAL DOCUMENTS CONSIDERED:	
• Illustrative Site Layout Plan • Site Layout Plan HMD/PD/0574/02 • Layout Plan HMD/PD/0574/01 • Site Location Plan • Biodiversity Net Gain Assessment (Arbtech December 2024, updated 27.23.25) • Preliminary Ecological Appraisal (Arbtech December 2024, updated 11.04.25) • Statutory Biodiversity Metric PDF (Arbtech 27.04.25) • Ecology Observations • Ecology Evaluations 02/00685/COU	
REASON FOR RECOMMENDATION PROVIDED:	

• These comments, Conditions and Informatives are updated based previous comments dated 27/05/2025, 17/05/2025 and 11/04/2025. • The Arbtech BNG Assessment document (27.03.25) Appendix 3: Baseline Habitat Plan and Appendix 4: Post Development Habitat Plan indicate the Site Boundary situated away from the candidate Local Wildlife Site (cLWS) Stream along Nailstone/Carlton boundary. Whereas Appendix 1: Proposed Development Plan the Site Boundary is within the riparian zone. The Arbtech PEA (11.04.25) states there will be no works within 8m of the watercourse however, no updated development plans have been received reflecting this, therefore there is a holding objection until this is received. • On site habitats are suitable for nesting birds. If any vegetation removal is required it should take place outside the bird nesting season which runs from March to August inclusive, alternatively vegetation requiring removal should be checked by an ecologist no longer than 24 hours beforehand. Please see recommended Informatives. • A Construction Environment Management Plan for biodiversity will be required for badgers, reptiles, amphibians, otters, water voles, hedgehog, waterways and vegetation to detail the advised precautionary methods of working. Please see recommended Conditions. • In addition to the CEMP, a pre-commencement Otter survey will also be required. Please see conditions. • GCN - the development area is likely to result in the loss or significant disturbance of ~4.5ha of grassland and ruderal vegetation. The rapid risk assessment published by Natural England (Natural England 2015), for the proposed development produces a Red risk score, which states: Offence Highly Likely. Further information is requested on the approach regarding GCN to be taken as outlined in the ecology report. There is a holding objection until this is received. • A series of biodiversity enhancements are proposed by the ecology report which are welcomed and outline below: installation of 3 x bat boxes to be incorporated into the new dwellings or suitable trees on site and a minimum of 2 x bird boxes to be incorporated into the new dwellings or suitable trees on site. In addition, a sensitive lighting scheme to avoid disturbance to commuting and foraging bats by artificial light spillage. Please see recommended Conditions.
BIODIVERSITY NET GAIN (BNG) SPECIFIC COMMENTS:
• Statutory Biodiversity Metric is required in Excel format. There is a holding objection until this can be reviewed. • The updated BNG Assessment states a +30.06% Increase in Habitat Units and a +15.96% increase in Watercourse units. A Habitat Management and Monitoring Plan (HMMP) and biodiversity net gain will need to be secured by condition. Please see Conditions.
FURTHER INFORMATION REQUIRED:
• Positioning of the redline boundary in relation to the cLWS. • Approach regarding GCN during development
AMENDMENTS RECOMMENDED:
• N/A
RECOMMENDED CONDITIONS TO BE APPLIED:

- **CEMP Biodiversity** - No development shall take place (including ground works or vegetation clearance) until a Construction Environment Management Plan for biodiversity (CEMP: Biodiversity) has been submitted to and approved in writing by the LPA. The CEMP shall include the following details:
 - o Identification of potentially damaging construction activities
 - o practical measures and sensitive working practices to avoid or reduce impacts during construction on badgers, reptiles, amphibians, otters, water voles and hedgehog;
 - o timing of works to avoid harm to nesting birds
 - o responsible persons for overseeing sensitive works
 - o use of protective fencing where required waterways, hedges and trees

The approved CEMP shall be adhered to and implemented throughout the construction period, unless otherwise agreed in writing by the LPA

- **Otter pre-commencement survey** - No development shall take place (including ground works or vegetation clearance) until an updated otter survey has been submitted to and approved in writing by the Local Planning Authority. This survey is to be carried out before commencement of works on site. It is to include details on mitigation measures for otters if necessary. All works are to proceed strictly in accordance with the approved document.
- **Bird and Bat Boxes** - 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 is not limited to) at least one woodcrete/integrated bat box, two woodcrete/integrated bird boxes, the make/model and their 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.
- **HMMP** - The development shall not commence until a 30 year Habitat Monitoring and Management Plan (HMMP), prepared in accordance with an approved Biodiversity Gain Plan, has been submitted to and approved in writing by the local planning authority. The approved HMMP shall be strictly adhered to and implemented in full for its duration and shall contain the following:
 - a) Description and evaluation of the features to be managed;
 - b) Ecological trends and constraints on site that may influence management;
 - c) Aims, objectives and targets for management - links with local and national species and habitat action plans;
 - d) Description of the management operations necessary to achieving aims and objectives;
 - e) Preparation of a works schedule, including annual works schedule;
 - f) Details and a timetable of the monitoring needed to measure the effectiveness of management;
 - g) Details of the persons responsible for the implementation and monitoring;
 - h) mechanisms of adaptive management to account for necessary changes in work schedule to achieve the required targets; and
 - i) Details of methodology and frequency of monitoring reports to be submitted to the Local Planning Authority to assess biodiversity gain

(To enhance biodiversity, and in accordance with the National Planning Policy Framework and paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990)

RECOMMENDED INFORMATIVES TO BE APPLIED:

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RECOMMENDED SECTION 106 REQUIREMENT (standard clause, contribution amount, trigger for payment)
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DISCHARGE OF CONDITIONS ONLY: (Please confirm which condition(s) is/are being discharged)
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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 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.

