

CONSULTATION TEMPLATE RESPONSE FROM LEICESTERSHIRE COUNTY COUNCIL:

ECOLOGY AND BIODIVERSITY PLANNING ADVICE

DISTRICT OR BOROUGH	Hinckley and Bosworth Borough Council
APPLICATION NUMBER	25/00027/OUT
ADDRESS	Land East Of Bosworth Water Park Wellsborough Road Market Bosworth Leicestershire
DESCRIPTION OF DEVELOPMENT	Outline planning permission for a leisure and recreation development to include a family health and wellbeing spa, holiday lodges and a wedding and conference venue. (All matters reserved except for access)
PLANNING CASE OFFICER	Matt Jedruch
DEPARTMENT	Ecology
PLANNING ECOLOGY OFFICER	Richard Kelly
DATE OF COMMENTS	23/06/2025
SUMMARY RESPONSE:	
No comment	
No objection	
Recommend Refusal	
Holding Objection - Further information required	✓
Condition recommended	✓
Informative recommended	
SUMMARY OF ECOLOGICAL DOCUMENTS CONSIDERED:	
• Preliminary Ecological Appraisal (RammSanderson, February 2024) • Addendum Letter Report (RammSanderson, June 2025) • Statutory BNG Metric (January 2025) • BIA Baseline Habitat Plan (January 2025) • BIA Retention Habitat Plan (January 2025) • BIA Proposed Habitat Plan (January 2025)	
REASON FOR RECOMMENDATION PROVIDED:	
There has been a review of the applicant submitted information, Addendum Letter Report (RammSanderson, June 2025) and previous comments provided by Red Kite 27/02/2025 with updated comments below. • Habitats – The ditches, hedgerows and woodland are noted for their value for protected species and hedgerows classed as habitats of principal importance which should be	

retained and protected during construction through a Biodiversity Construction and Environmental Management Plan (CEMP). **Please see recommended Conditions.**

- **Badger** – No evidence of badger was found during the survey however the surrounding woodland, scrub and hedgerow do provide foraging, commuting and sett building opportunities. A pre-commencement badger walkover survey is recommended.
- During construction Precautionary Working Methods should be adopted such as covering over or providing ramps on excavations, cap off open pipes and ensure spillages are treated with spill kits. These measures should be incorporated into a Biodiversity Construction and Environmental Management Plan (CEMP). **Please see recommended Conditions.**
- **Bats** – All trees within the application site were subject to a GLTA and graded for their suitability to support roosting bats. Seven trees were identified as having bat roost potential (T1, T2, T3, T4) classed as PRF-M with potential to support many bats or a maternity roost and trees (T5, T6, T7) classed as PRF-I with potential to support individual or small number of bats. All trees are being retained as part of the proposals and should be protected with root protection zones. A precautionary method of works as outlined in the RammSanderson, (June 2025) Addendum Letter Report should be adopted and included within a Biodiversity Construction and Environmental Management Plan (CEMP). **Please see recommended Conditions.** If any of the trees identified during the survey require removal, they will have to be subject to further survey or precautionary mitigation as stated in the RammSanderson, (June 2025) Addendum Letter Report.
- **Otter and Water Vole** – There are records of otter in the area and 8 recent records of water vole. A ditch c.40m south of the site may provide opportunities for foraging and commuting otter and water voles which connects to the Ashby Canal. However, water voles can be discounted given the distance from site. As the scheme does not directly impact on waterbodies it is unlikely to cause any disturbance to water vole. However, otters will still need to be considered through a precautionary method of works as outlined in the RammSanderson, (June 2025) Addendum Letter Report and included within a Biodiversity Construction and Environmental Management Plan (CEMP). **Please see recommended Conditions.**
- **GCN** – There is an onsite pond which was subject to a HSII survey which determined the pond as ‘below average’ to support GCN and a further eDNA survey which was returned as negative. Therefore, GCN are deemed likely absent and no further surveys or mitigation is required.
- **Reptiles** - The grassland on site is not suitable for reptiles as it is too short however, the hedgerows, scrub and woodland habitats are of value to foraging and commuting reptiles. A precautionary method of works should be adopted for vegetation removal or suitable hibernacula is recommended and included within a Biodiversity Construction and Environmental Management Plan (CEMP). **Please see recommended Conditions.**
- **Birds** – Two trees were identified with potential to support barn owl (T3 and T8) with T8 20m south of the application boundary. No pellets or feathers were recorded, and the feature was exposed reducing the suitability for barn owl however, a full assessment could not take place from ground level. Therefore, it is recommended construction works are timed to avoid the bird nesting season March to August inclusive. This is to prevent disturbance to any barn owl potentially using the features identified. If this is not feasible

then a pre-commencement check for barn owl is required, this will include a tree climb for aerial inspection. If any evidence of barn owl is identified, a 75m buffer should be applied until it is confirmed chicks have fledged. Please see recommended Conditions. • A Kingfisher scoping survey also took place on the offsite ditch which concluded bank faces were heavily vegetated and water too shallow for foraging therefore, no further survey required. • Hedgehogs – on site habitats provide foraging and commuting for hedgehogs which should be protected during works and included in the Biodiversity Construction and Environmental Management Plan (CEMP). Please see recommended Conditions. • INNS – a stand of Japanese knotweed was found in the northwestern aspect of the site and 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. 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. Its correct disposal will be required and should be included in the Biodiversity Construction and Environmental Management Plan (CEMP). Please see recommended Conditions. • Biodiversity Enhancements – a series of habitats will be created such as wildflower meadows, four ponds, ditches, native tree and scrub planting. Other enhancements are recommended such as bat and bird boxes, herptile hibernacula, insect refugia and hedgehog nest boxes as recommended in the RammSanderson, (June 2025) Addendum Letter Report. These should be included within a Landscape and Ecology Management Plan. Please see recommended Conditions. • Due to the mobility of protected species, a resurvey on the site will be required within 18 months of the date of the last survey. Please see recommended Conditions.
BIODIVERSITY NET GAIN (BNG) SPECIFIC COMMENTS:
Currently the 10% Biodiversity Net Gain will be met on site with a +62.28% increase in Habitat Units, +14.02% increase in Hedgerow Units and +30.63% increase in Watercourse Units. • A Habitat Management and Monitoring Plan (HMMP) and biodiversity net gain will need to be secured by condition. Please see recommended Conditions. • Habitat degradation has taken place between June 2021 and January 2022 as per aerial imagery. Biodiversity Net Gain Guidance Paragraph 036 Reference ID: 74-036-20240214 states the biodiversity pre-development value of the onsite habitat should be calculated as the biodiversity value of the habitat on the date immediately before the carrying out of these degradation activities. The habitats have been assigned this earlier value and conditions assessments however: • A statement is required setting out that these degradation activities and the dates of these activities have been carried out along with any supporting evidence. There is a holding objection until this is received.
FURTHER INFORMATION REQUIRED:
• Information regarding habitat degradation taken place on site.
AMENDMENTS RECOMMENDED:
• N/A
RECOMMENDED CONDITIONS TO BE APPLIED:
• Ecological Baseline - The ecological baseline shall be kept up-to-date by a regular review of the baseline surveys by a professionally qualified ecologist not less than every 18

months from the date of the previous survey June 2025. The survey updates shall be submitted in writing to the Local Planning Authority. Should the updated surveys identify significant changes in the baseline conditions, the relevant ecological survey(s) shall be undertaken by a professionally qualified ecologist and submitted for approval by the Local Planning Authority.

- **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:
 - A. Identification of potentially damaging construction activities
 - B. practical measures and sensitive working practices to avoid or reduce impacts during construction on badger, bats, otter, reptiles, hedgehogs
 - C. timing of works to avoid harm to nesting birds
 - D. responsible persons for overseeing sensitive works
 - E. use of protective fencing where required hedgerows, trees and ditches
 - F. the safe containment or removal of Invasive non-native species (INNS)
- The approved CEMP shall be adhered to and implemented throughout the construction period, unless otherwise agreed in writing by the LPA.
- **Pre-commencement Barn Owl Survey** – No development shall take place (including grounds works or vegetation clearance) until an updated barn owl survey has been submitted to and approved in writing by the Local Planning Authority. This survey is to be carried out immediately prior of the likely commencement of works on site. It is to include details on mitigation measures for nesting birds if necessary (such as exclusion areas). All works are to proceed strictly in accordance with the approved document.
- **Pre-commencement Badger Survey** - No development shall take place (including ground works or vegetation clearance) until an updated badger survey has been submitted to and approved in writing by the Local Planning Authority. This survey is to be carried out within 3 months of the likely commencement of works on site. It is to include details on mitigation measures for badgers if necessary (such as badger gates). All works are to proceed strictly in accordance with the approved document.
- **LEMP** - No development shall take place (including ground works or vegetation clearance) until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority. The LEMP shall include the following details:
 - description and evaluation of the features to be created/enhanced
 - aims and objectives of management
 - appropriate management options for achieving aims and objectives
 - prescriptions for management actions
 - work schedule
 - species/seed mixes to be planted/sown
 - ongoing monitoring and remedial measures
 - The approved plan will be implemented in accordance with the approved details.
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RECOMMENDED INFORMATIVES TO BE APPLIED:

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

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	International and national site protection: Ramsar sites (from Ramsar Convention), Habitat and Birds Directives (Natura 2000 sites include

the protection of species and habitats	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.
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