

CONSULTATION TEMPLATE RESPONSE FROM LEICESTERSHIRE COUNTY COUNCIL:

ECOLOGY AND BIODIVERSITY PLANNING ADVICE

COUNTY, DISTRICT OR BOROUGH	Hinckley and Bosworth Borough Council	
APPLICATION NUMBER	24/01079/OUT	
ADDRESS	Land North Of Station Road Market Bosworth Nuneaton Leicestershire	
DESCRIPTION OF DEVELOPMENT	Outline planning application for up to 126 dwellings (all matters reserved except access)	
PLANNING CASE OFFICER	Sullevan Archer	
DEPARTMENT	Ecology	
PLANNING ECOLOGY OFFICER	Charlotte Smith	
DATE OF COMMENTS	23 June 2025	
ECOLOGICAL DOCUMENTS:		
- GCN Method Statement and GCN Population Surveys letter (RammSanderson Ecology Ltd., May 2025) - Ecological Impact Assessment (RammSanderson Ecology Ltd., September 2024) - Landscape Masterplan (Tyler Grange, November 2024) - Illustrative Masterplan (Pegasus Group, April 2025) - Arboricultural Impact Assessment, Method Statement and Tree Protection Plan (RammSanderson, May 2025) - BIA visualisation plans (RammSanderson Ecology Ltd., May 2025) - Statutory Biodiversity Metric – Calculation tool (May 2025)		
SUMMARY RECOMMENDATION:		
No comment		☐
No objection (for recommended conditions or informatives- see below)		☐
Recommend Refusal		☐
Holding Objection - Further information required:		☒
Mandatory Biodiversity Net Gain		
REASON FOR RECOMMENDATION:		
- We have reviewed the documents supplied by the applicant, relating to the likely impacts of development on designated sites, protected & Priority species and habitats and identification of proportionate mitigation. - After reviewing the Ecological Impact assessment and revised Arboricultural Impact Assessment, we are satisfied that all trees identified with bat roosting potential are to be retained.		

However we are still not satisfied that appropriate information with regard to mandatory biodiversity net gains has been supplied for the application prior to determination. The reasons for this are outlined in the Biodiversity Net Gain section below.	
ANY RECOMMENDED CONDITIONS TO BE APPLIED:	
N/A	
ANY RECOMMENDED INFORMATIVES TO BE APPLIED:	
N/A	
IN THE CASE OF DISCHARGE OF CONDITIONS ONLY:	
(Please confirm which condition(s) is/are being discharged)	
N/A	
BIODIVERSITY NET GAIN (BNG) SECTION	
MINIMUM NATIONAL INFORMATION REQUIREMENTS PROVIDED (PPG paragraph 11):	
Confirmation that development is subject to biodiversity gain condition	Yes
Pre-development habitat value (on date of application or earlier)	Yes
Reason for proposing an earlier date (if applicable)	N/A
Completed metric calculation tool	Yes
Statement of habitat degradation where present (with dates and details)	N/A
Description of irreplaceable habitat where present	Yes
Plan of onsite habitat pre-development (to scale)	Yes
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. strategic significance, habitat quantity, type or condition)	Yes
SIGNIFICANT ON-SITE ENHANCEMENT REQUIRED: (using the current government definition ¹)	
med/high distinctiveness	Yes
large number of units at low distinctiveness	No
significant in increase in distinctiveness, condition or area	Yes
BNG ADDITIONAL INFORMATION: Applications are required to deliver a mandatory 10% measurable biodiversity net gain, unless exempt under paragraph 17 of Schedule 7A of the Town and Country Planning Act 1990 and the Biodiversity Gain Requirements (Exemptions) Regulations 2024. Biodiversity net gains is a statutory requirement set out under Schedule 7A (Biodiversity Gain in England) of the Town and Country Planning Act 1990. This legislation was inserted into the 1990 Act by Schedule 14 of the Environment Act 2021, and was amended by the Levelling Up and Regeneration Act 2023. The Biodiversity Gain (Town and Country Planning) (Consequential Amendments) Regulations 2024 made consequential amendments to other parts of the 1990 Act. The Biodiversity Net Gain Planning Practice Guidance (PPG) sets out how mandatory biodiversity net gains should be applied through the planning process and Paragraph: 011 Reference ID: 74-011-20240214 sets out what information should be submitted as part of a planning application if the statutory biodiversity gain condition applies.	

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

As a result, we have reviewed Statutory Biodiversity Metric – Calculation tool (May 2025) and BIA visualisation plans (RammSanderson Ecology Ltd., May 2025) and are not satisfied that appropriate information has been provided prior to determination. This is because of the reasons set out below:

- We note that the Local Wildlife Site Veteran Ash – Market Bosworth Station Road has not been assigned a high Strategic Significance, and instead has been put as medium. We recommend changing this to high Strategic Significance to reflect the trees value as a LWS.
- We note that with the current proposals, the site is at a -8.81% net change for area habitats, therefore habitat units or credits will need to be bought to achieve 10% net gain.

Where mandatory biodiversity net gains applies, the planning authority will be required to secure a biodiversity gain condition as a pre-commencement requirement. 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 and should be included as an informative within the decision notice. The biodiversity gain condition should secure the provision of a Biodiversity Gain Plan, as well as the following information:

- a) The completed metric calculation tool showing the calculations of the pre-development and post-intervention biodiversity values.
- b) Pre and post development habitat plans.
- c) Legal agreement(s)
- d) Biodiversity Gain Site Register reference numbers (if using off-site units).
- e) Proof of purchase (if buying statutory biodiversity credits at a last resort).

In addition, a Habitat Management and Monitoring Plan (HMMP) should be secured for all significant on-site enhancements. Based on the submitted post-intervention values, it is suggested that this includes the following habitats: Individual trees, other woodland; broadleaved, ponds (priority habitat), traditional orchard and other neutral grassland.

The maintenance and monitoring outlined in the HMMP should be secured via planning obligation for a period of up to 30 years, which 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, 2, 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 post-intervention values have also been provided. As a result, it is recommended that the following matters will also need to be addressed as part of the biodiversity gain condition:

- We query the use of 'Priority ponds' for the post-intervention habitat creation. This is because this habitat contains high distinctiveness and will be extremely difficult to create, and with the close proximity to residential areas, there may be impacts such as dogs frequently entering the water which will reduce the likelihood of the pond qualifying as a priority habitat. We also note that woodland is proposed to be planted around the ponds, this is likely to create shade that will reduce the quality of the habitat. The habitat requires at least one of the following:
 - Habitats of international importance;

• Support species of high conservation importance; • Exceptional assemblages of key biotic groups; • Ponds of high ecological quality; • Other important ponds: e.g. pingos, dune slack ponds, machair ponds. Therefore, further justification whether this habitat is realistic and achievable is required. Changing the habitat to Non-priority ponds will have little change to the units delivered due to reduced risk of delivering this habitat type, and therefore may be considered more achievable. • In the north east corner of the site by the proposed ponds, 4 proposed trees are shown within the proposed woodland area. As they are individual trees and the area is proposed as woodland, they would be incorporated into the woodland habitat and would not count as individual trees.	
Applicant-owned off-site or significant onsite BNG is present, to be secured and monitored for 30 years	Yes
BNG units likely need to be provided to achieve 10% BNG uplift (purchased units or statutory credits) PLEASE NOTE: this is indicative only , confirmed at Biodiversity Gain Plan condition stage	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 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.
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