

CONSULTATION TEMPLATE RESPONSE FROM LEICESTERSHIRE COUNTY COUNCIL:

ECOLOGY AND BIODIVERSITY PLANNING ADVICE

COUNTY, DISTRICT OR BOROUGH	Hinckley and Bosworth Borough Council
APPLICATION NUMBER	25/00722/BNG
ADDRESS	Caterpillar UK Ltd Peckleton Lane Desford Leicester Leicestershire LE9 9JT
DESCRIPTION OF DEVELOPMENT	Application to discharge the biodiversity gain condition for application 24/00969/FUL
PLANNING CASE OFFICER	Matt Jedruch
DEPARTMENT	Ecology
PLANNING ECOLOGY OFFICER	Neil Harvey
DATE OF COMMENTS	10 October 2025
ECOLOGICAL DOCUMENTS REVIEWED:	
• Biodiversity Gain Plan (Defra) (Estrada Ecology, July 2025) • Biodiversity Enhancement and Management Plan (Estrada Ecology, July 2025) • Biodiversity Net Gain Report (Estrada Ecology, September 2024 – submitted with original application) • Statutory Biodiversity Metric (Estrada Ecology, April 2024 - submitted with original application)	
SUMMARY RECOMMENDATION:	
No comment	☐
No objection (for recommended conditions or informatives- see below)	☐
Recommend Refusal	☐
Holding Objection - Further information required	☒
REASON FOR RECOMMENDATION:	
• The submitted Biodiversity Gain Plan, taken together with information submitted at application stage, does not provide sufficient details about how 10% biodiversity net gain will be achieved, for the following reasons: • No evidence has been provided in section 7 of the Biodiversity Gain Plan of the purchase of offsite habitat units, although section 4.9 of the Biodiversity Gain Plan states that 5.21 off-site habitat units are required. All off-site net gains must be registered on the biodiversity gain site register and allocated to the development, with evidence of this provided before the mandatory condition can be discharged • No post development habitat map has been provided. Section 4.17 of the Biodiversity Gain Plan gives a file name of A257-90_01-PROPOSED CAR PARK PLAN_T02. This plan was submitted with the planning application and is not a habitat map.	

- The Biodiversity Gain Plan states at 4.7 that there are no on-site enhancements considered 'significant'. However, the Biodiversity Enhancement and Management Plan includes the creation of Other Neutral Grassland, a 'medium' distinctiveness habitat that falls within the scope of Government guidance on what on-site enhancements are to be considered 'significant'. This requires there to be a 30-year Habitat Management and Monitoring Plan in place to ensure the proposed gains are realised and maintained. The submitted Biodiversity Enhancement and Management Plan is insufficient for this purpose, and lacks - amongst other things - plans of the habitats to be created, a monitoring schedule, and measures that may be required to remediate the habitats created should the intended classification and condition not be achieved. It is recommended that the Governments HMMP template be used, or a checklist submitted to demonstrate that all required contents are included. - As no separate condition requiring submission of an HMMP was applied to the application, the HMMP will need to be secured by a planning obligation to ensure that it can be enforced over its 30-year life. - The Landscape Strategy plans submitted with the application show a large number of individual trees to be planted within the grassland. It is noted that this is likely to have a negative impact on the ecological function of the grassland and will reduce the area of grassland that will be created and the condition that can be achieved as they mature - It is suggested on the Landscape Strategy plans that the individual trees to be planted are in compensation for those to be removed to facilitate construction. If that is the case, they cannot be considered as net gain for biodiversity.	
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)	
None	
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)	N/A
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 definition ¹)	
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 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.

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

