

Hinckley & Bosworth Borough Council

Town and Country Planning Act 1990 (as amended) Approval of Details Reserved by Condition

CONDITION DISCHARGED

Name and Address of Applicant

Mr T Sinnott
Ivy House Farm
Bilstone Road
Congerstone
Shackerstone
Leicestershire
CV13 6LW

Name and Address of Agent (if any)

Miss Sally Moore
The Rural Planning Co
The Farm Office
Millridge Farm
Parsons Lane
Hartlebury
DY11 7YQ

Part I – Particulars of Application

Planning Reference: 26/00544/BNG
Application Site: Ivy House Farm, Bilstone Road, Congerstone, Shackerstone, Leicestershire, CV13 6LW
Proposal: Application to discharge the Biodiversity Net Gain Condition for application 25/00713/FUL

Part II – Summary of Decision

CONDITION DISCHARGED

In pursuance of its powers under the Town and Country Planning Act 1990 (as amended), the Local Planning Authority hereby approves the details submitted in relation to the following conditions:

Biodiversity Net Gain Condition

The details submitted are **ACCEPTABLE** and the condition is **DISCHARGED**. The development must be carried out in strict accordance with the above approved documents and the full terms of the condition(s).

- Application Form
 - Update Biodiversity Gain Plan (August 2026)
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Date: 8 September 2026

Christopher Brown MRTPI
Head of Planning

Part III – Particulars of Decision

Biodiversity Net Gain Condition:

The development is subject to the mandatory "biodiversity gain condition". A Biodiversity Gain Plan must be submitted to and approved in writing by Hinckley and Bosworth Borough Council prior to commencement of this development.

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements are considered to apply.

Irreplaceable habitat

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

The effect of section 73D of the Town and Country Planning Act 1990

If planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 (application to develop land without compliance with conditions previously attached) and a Biodiversity Gain Plan was approved in relation to the previous planning permission ("the earlier Biodiversity Gain Plan") there are circumstances when the earlier Biodiversity Gain Plan is regarded as approved for the purpose of discharging the biodiversity gain condition subject to which the section 73 planning permission is granted. Those circumstances are that the conditions subject to which the section 73 permission is granted:

- i) do not affect the post-development value of the onsite habitat as specified in the

earlier Biodiversity Gain Plan, and
ii) in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat the conditions do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier Biodiversity Gain Plan.

Consultee response:

Leicestershire County Council Ecology Team – No objection. Biodiversity Gain Condition can be discharged.

Assessment:

An updated BNG Plan was requested by the Local Planning Authority and received from the applicant in August 2026. The updated Biodiversity Gain Plan sections 4.7 and 4.8 state that significant on site enhancements have been proposed.

The updated plan was considered to be acceptable by the LCC Ecology Team.

Given the above, and in conjunction with the professional advice of the County Council Ecology Team, the submitted information is considered to be sufficient to enable the satisfactory discharge of the Biodiversity Net Gain Condition pursuant to Schedule 7A of the Town and Country Planning Act 1990 (as inserted by the Environment Act 2021).

Note to Applicant:

- Where conditions are not discharged, the applicant has the right to appeal the decision via the Planning Inspectorate. Details of how to appeal can be found at:
www.gov.uk/appeal-planning-decision
Alternatively, the applicant may submit a new application, together with the relevant fee and supporting documentation addressing the outstanding requirements.
- Where conditions have been partially discharged, the applicant is required to submit a new application to fully discharge the condition together with the relevant fee and supporting documentation addressing the outstanding requirements.