

**CONSULTATION TEMPLATE RESPONSE FROM LEICESTERSHIRE COUNTY COUNCIL:**

**ECOLOGY AND BIODIVERSITY PLANNING ADVICE**

|                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                      |
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| <b>COUNTY, DISTRICT OR BOROUGH</b>                                                                                                                                                                                                                                                                                                                                                    | Hinckley and Bosworth Borough Council                                                                |
| <b>APPLICATION NUMBER</b>                                                                                                                                                                                                                                                                                                                                                             | 26/00645/BNG                                                                                         |
| <b>ADDRESS</b>                                                                                                                                                                                                                                                                                                                                                                        | Cold Comfort Farm Rogues Lane Hinckley Leicestershire<br>LE10 3DX                                    |
| <b>DESCRIPTION OF DEVELOPMENT</b>                                                                                                                                                                                                                                                                                                                                                     | Application to discharge the biodiversity gain condition<br>from<br>planning permission 25/00439/FUL |
| <b>PLANNING CASE OFFICER</b>                                                                                                                                                                                                                                                                                                                                                          | Sullivan Archer                                                                                      |
|                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                      |
| <b>DEPARTMENT</b>                                                                                                                                                                                                                                                                                                                                                                     | Ecology                                                                                              |
| <b>PLANNING ECOLOGY OFFICER</b>                                                                                                                                                                                                                                                                                                                                                       | Hamish Jackson – Senior Ecological Consultant                                                        |
| <b>DATE OF COMMENTS</b>                                                                                                                                                                                                                                                                                                                                                               | 5 October 2026                                                                                       |
| <b>ECOLOGICAL DOCUMENTS REVIEWED:</b>                                                                                                                                                                                                                                                                                                                                                 |                                                                                                      |
| <p><b>For 26/00645/BNG:</b></p> <ul style="list-style-type: none"> <li>• Biodiversity Gain Plan (April 2026)</li> <li>• Habitat Management and Monitoring Plan V2 (September 2026)</li> </ul> <p><b>For 25/00439/FUL:</b></p> <ul style="list-style-type: none"> <li>• The Statutory Biodiversity Metric (December 2025)</li> <li>• Condition Assessment Sheets (May 2025)</li> </ul> |                                                                                                      |
| <b>SUMMARY RECOMMENDATION:</b>                                                                                                                                                                                                                                                                                                                                                        |                                                                                                      |
| <b>No comment</b>                                                                                                                                                                                                                                                                                                                                                                     | <input type="checkbox"/>                                                                             |
| <b>Part Discharge of Condition</b>                                                                                                                                                                                                                                                                                                                                                    | <input type="checkbox"/>                                                                             |
| <b>Full Discharge of Condition</b>                                                                                                                                                                                                                                                                                                                                                    | <input checked="" type="checkbox"/>                                                                  |
| <b>Further information required</b>                                                                                                                                                                                                                                                                                                                                                   | <input type="checkbox"/>                                                                             |
| <b>REASON FOR RECOMMENDATION:</b>                                                                                                                                                                                                                                                                                                                                                     |                                                                                                      |
| <p><b><u>Conditions</u></b></p> <p>Your attention is drawn to the Biodiversity Net Gain Condition within the Decision Notice. The development is subject to the Biodiversity Gain Condition. A Biodiversity Gain Plan needs to be</p>                                                                                                                                                 |                                                                                                      |

submitted to, and approved in writing by, the Local Planning Authority prior to commencement of development.

### **Comments**

As previously outlined, it is indicated that [Paragraph 14\(2\) of Schedule 7A of the Town and Country Planning Act 1990 \(as amended\)](#) and [Articles 37C\(2\) and 37C\(4\) of The Town and Country Planning \(Development Management Procedure\) \(England\) Order 2015](#) sets out the requirements of the Biodiversity Gain Condition, which secures a 'Biodiversity Gain Plan'.

Therefore, based on the submitted documents, we are still generally supportive of the submitted information and indicate that metric submitted application stage appears to reflect the information provided for the Biodiversity Gain Condition. However, we would still recommend that the finalised completed metric calculation tool should technically be required to be submitted as part of the Biodiversity Gain Condition.

We also welcome the submission of the revised HMMP, with amended monitoring periods. As a result, it is indicated that significant on-site enhancements are considered the following, in line with Governments definition:

- Rural tree 0.22 units
- Mixed scrub 0.04 units
- Other neutral grassland (enhanced from modified) 1.67 units

The Council should determine how they will secure long-term monitoring costs for the monitoring of these habitats for a 30-year period from the completion of development. This can be secured as a planning obligation secured as part of the Biodiversity Gain Condition.

It is highlighted that the HMMP (Condition 3 of the original consent) under 26/00642/DISCON has been agreed in principle and this will need to be discharged concurrent with the Biodiversity Gain Condition.

### **Conclusion**

Subject to the submission of a finalised metric and an agreed monitoring process for significant on-site enhancements, we would support the discharge of the Biodiversity Gain Condition.

**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:**

| <b>Legislation source</b>                                                                               | <b>Reference</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|---------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| National Planning Policy Framework                                                                      | Paragraphs relevant to biodiversity, biodiversity net gain, ecological connectivity and protected species                                                                                                                                                                                                                                                                                                                                                                                       |
| Environment Act 2021                                                                                    | Mandatory Net Gain<br>Biodiversity Duty<br>Local Nature Recovery Strategy                                                                                                                                                                                                                                                                                                                                                                                                                       |
| District or Borough Local Plan and supporting SPDs                                                      | 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 (as amended)                                                                              | Biodiversity Duty (see also Environment Act 2021)<br>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), (Natura 2000 sites include SACs and SPAs), SSSIs, National Nature Reserves, Local Wildlife Sites, Local Nature Reserves.<br>Habitats and Species protection: Conservation of Habitats and Species Regulations 2017 (as amended) (protected sites and species). Wildlife and Countryside Act 1981 (as amended) including special Schedule 1, Natural England Standing Advice. Protection of Badgers Act 1992. |