

CONSULTATION TEMPLATE RESPONSE FROM LEICESTERSHIRE COUNTY COUNCIL:

ECOLOGY AND BIODIVERSITY PLANNING ADVICE

COUNTY, DISTRICT OR BOROUGH	Hinckley and Bosworth Borough Council
APPLICATION NUMBER	26/00680/CONDIT
ADDRESS	Hinckley And District General Hospital Mount Road Hinckley Leicestershire LE10 1AE
DESCRIPTION OF DEVELOPMENT	Variation of conditions 3, 4, 6, 20 and 23 and new condition 24 of planning permission 25/00461/FUL
PLANNING CASE OFFICER	Emma Baumber
DEPARTMENT	Ecology
PLANNING ECOLOGY OFFICER	Hamish Jackson S
DATE OF COMMENTS	2 October 2026
DOCUMENTS REVIEWED:	
• Construction Ecological Management Plan (CEMP) – Addendum for demolition prepared by Red Kite • Supporting Planning Statement – NHS Property Services Ltd • Cover Letter – NHS Property Services Ltd	
RECOMMENDATION:	
<u>Comments</u> We have reviewed the submitted documents to allow for the variation of conditions 3, 4, 6, 20 and 23 of the original planning consent (25/00461/FUL), as well as the proposed new condition 24. Our comments only relate to the proposed variation of conditions 20 and 23, as well as the proposed new condition 24, as these are the only conditions which relate to ecology. As a result, please see out comments below: Condition 20: We have reviewed the submitted Construction Ecological Management Plan (Red Kite Ltd) and are satisfied that the CEMP includes appropriate measures to minimise impacts upon biodiversity as part of the proposals. Therefore, we have no issues with the proposed amendments for condition 20 to ensure compliance with the submitted report.	

Condition 23 and new Condition 24:

We note that the applicant proposes to amend Condition 23, to include a caveat to allow the report to be submitted after demolition.

In addition, the new Condition 24 is proposed to add a caveat to allow the Biodiversity Gain Condition to be submitted after demolition.

It is highlighted that the Biodiversity Gain Condition is a statutory pre-commencement condition that applies to all development under paragraph 13 of Schedule 7A of the Town and Countryside Act 1990 (as amended). Every planning permission granted for land in England is deemed to have been granted subject to the condition that development cannot begin until a Biodiversity Gain Plan has been submitted and approved by the planning authority.

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'. This sets out that management and monitoring measures should be included within the submission of the Biodiversity Gain Plan.

Whilst Condition 23 is currently worded as a separate planning condition, the HMMP is intrinsically linked to the Biodiversity Gain Plan and, in practice, should be submitted and approved concurrently with the Biodiversity Gain Condition. As such, both matters should be secured prior to the commencement of development.

Whilst we acknowledge the applicant's desire to expedite demolition and address pre-commencement requirements at a later stage, we do not support the proposed amendment to Condition 23 or the introduction of the proposed new Condition 24, as these amendments would be contrary to the statutory requirements of the Biodiversity Gain Condition and could prejudice the proper consideration of biodiversity net gain prior to commencement.

Conclusion

We support the variation of Condition 20 in line with the applicant's wording. However, we do not support the variation of Condition 23, nor the addition of proposed new Condition 24.

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 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) 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. 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.