

CONSULTATION TEMPLATE RESPONSE FROM LEICESTERSHIRE COUNTY COUNCIL:

ECOLOGY AND BIODIVERSITY PLANNING ADVICE

COUNTY, DISTRICT OR BOROUGH	Hinckley and Bosworth Borough Council
APPLICATION NUMBER	25/00915/FUL
ADDRESS	Mythe Farm Pinwall Lane Pinwall Atherstone Leicestershire
DESCRIPTION OF DEVELOPMENT	Retrospective change of use of land to provide secure caravan storage and associated infrastructure and creation of a new wildlife pond
PLANNING CASE OFFICER	Ashleigh Gade
DEPARTMENT	Ecology
PLANNING ECOLOGY OFFICER	Olivia Larter
DATE OF COMMENTS	4 November 2025
ECOLOGICAL DOCUMENTS REVIEWED:	
• Proposed new pond cross sections (Beacon Land Surveys, January 2025) • Preliminary Ecological Appraisal Report (Ecologyia Ltd., August 2025) • Great Crested Newt Survey & Recommendation Report (Ecologyia Ltd., August 2025)	
SUMMARY RECOMMENDATION:	
No comment	☐
No objection (for recommended conditions or informatives- see below)	☒
Recommend Refusal	☐
Holding Objection - Further information required	☐
REASON FOR RECOMMENDATION:	
We have reviewed the submitted Preliminary Ecological Appraisal Report (Ecologyia Ltd., August 2025) and Great Crested Newt Survey & Recommendation Report (Ecologyia Ltd., August 2025) relating to the likely impacts of development on designated sites, protected and Priority species & habitats and identification of appropriate mitigation measures. We are satisfied that there is sufficient ecological information available to support determination of this application. We note that the creation of the hardstanding caravan storage area on site may have contributed to the reduction in connectivity of a pond directly adjacent to the site boundary to other known GCN ponds and led to a decline in its suitability for GCN and the loss of the population of GCN. Therefore, we support the creation of a new pond within the wider ownership boundary to provide compensatory habitat for GCN, as recommended within the Great Crested Newt Survey & Recommendation Report (Ecologyia Ltd., August 2025).	

The mitigation measures identified in the Preliminary Ecological Appraisal Report (Ecologyia Ltd., August 2025) and the Great Crested Newt Survey & Recommendation Report (Ecologyia Ltd., August 2025) should be secured by a condition of any consent and implemented in full. This is necessary to conserve and enhance protected and Priority species particularly those recorded in the locality.

In addition, we recommend that a Landscape Ecological Management Plan (LEMP) is secured by condition of any consent to secure the long-term management of the newly created pond. This should detail the management activities including appropriate timings to minimise risk to species including GCN and should also include the additional enhancement of habitat for GCN as outlined in Section 7.1 of the Great Crested Newt Survey & Recommendation Report (Ecologyia Ltd., August 2025) comprising the creation of hibernacula and suitable grassland habitat around the pond. This satisfies the requirement to secure net gains for biodiversity, as outlined under Paragraph 187d and 193d of the National Planning Policy Framework (December 2024).

Mandatory Biodiversity Net Gain (BNG)

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. As a result, we have reviewed the application and believe that this application meets the definition of being retrospective, and therefore if the LPA agrees, we are satisfied that the application is exempt from the statutory requirement of mandatory biodiversity net gains.

ANY RECOMMENDED CONDITIONS TO BE APPLIED:

1. ACTION REQUIRED IN ACCORDANCE WITH ECOLOGICAL APPRAISAL RECOMMENDATIONS

"All mitigation measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal Report (Ecologyia Ltd., August 2025) and the Great Crested Newt Survey & Recommendation Report (Ecologyia Ltd., August 2025) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details."

Reason: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (as amended).

2. WITHIN ONE MONTH OF CONSENT: LANDSCAPE AND ECOLOGICAL MANAGEMENT PLAN

"A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority within one month of consent.

The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed with reference to Section 7.1 of the Great Crested Newt Survey & Recommendation Report (Ecologyia Ltd., August 2025).*
- b) Ecological trends and constraints on site that might influence management.*
- c) Aims and objectives of management.*
- d) Appropriate management options for achieving aims and objectives.*
- e) Prescriptions for management actions.*
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).*
- g) Details of the body or organisation responsible for implementation of the plan.*

<i>h) Ongoing monitoring and remedial measures.</i> <i>The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details for a minimum of 30 years to deliver the required condition of habitats created."</i> Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (as amended).	
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	
HAVE MINIMUM NATIONAL INFORMATION REQUIREMENTS BEEN PROVIDED (PPG paragraph 11):	
Confirmation that development is subject to statutory biodiversity gain condition	Exempt

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.
--	---