

CONSULTATION TEMPLATE RESPONSE FROM LEICESTERSHIRE COUNTY COUNCIL:

ECOLOGY AND BIODIVERSITY PLANNING ADVICE

COUNTY, DISTRICT OR BOROUGH	Hinckley and Bosworth Borough Council
APPLICATION NUMBER	25/00938/OUT
ADDRESS	Manor House Church Street Burbage Hinckley Leicestershire
DESCRIPTION OF DEVELOPMENT	Outline planning permission for the erection of a detached dwelling (all matters reserved except access, layout and scale)
PLANNING CASE OFFICER	Sullivan Archer
DEPARTMENT	Ecology
PLANNING ECOLOGY OFFICER	Olivia Larter
DATE OF COMMENTS	4 November 2025
ECOLOGICAL DOCUMENTS REVIEWED:	
<ul style="list-style-type: none"> • Habitat Suitability Index (Ecolocation, July 2021) • Preliminary Ecological Appraisal (Ecolocation, February 2023) • The Statutory Biodiversity Metric – Calculation Tool (September 2025) • Pre-Planning Biodiversity Gain Plan (Ecolocation, September 2025) 	
SUMMARY RECOMMENDATION:	
No comment	<input type="checkbox"/>
No objection (for recommended conditions or informatives- see below)	<input type="checkbox"/>
Recommend Refusal	<input type="checkbox"/>
Holding Objection - Further information required (European Protected Species - Bats, Protected species - Barn Owl, and Mandatory Biodiversity Net Gain)	<input checked="" type="checkbox"/>
REASON FOR RECOMMENDATION:	
<p>We have reviewed the documents supplied by the applicant, relating to the likely impacts of development on designated sites, protected & Priority species and habitats and identification of proportionate mitigation and we are not satisfied that there is sufficient ecological information available for determination of this application.</p> <p>This is because the Preliminary Ecological Appraisal (Ecolocation, February 2023) is out of date to support this application, in line with CIEEM Guidance and paragraph 6.2.1 of British Standard (BS) BS42020 'Biodiversity – Code of practice for planning and development 2013'. This is because the initial site walkover was undertaken in January 2023.</p> <p>We note that the previous PEA survey identified trees on site with potential to support roosting bats and also potential to support Barn owl. Since the Pre-Planning Biodiversity Gain Plain (Ecolocation, September 2025) indicates that the proposed development involves the loss of at</p>	

least one tree on site, reassessment of the trees (Ground Level Tree Assessment for bats and Barn Owl) and consideration of appropriate mitigation is required.

It is highlighted that the pond on site was previously assessed as having a HSI score of 'Good' suitability for GCN and the subsequent eDNA survey returned a negative result. Although four years have passed since the 2021 survey, Government Guidance states that *"Survey data provided by the developer should be no older than 4 survey seasons. The data must reflect the status of the development site."*, therefore the resurvey of the site should include consideration of whether the previous GCN results are valid based on the current condition of the site's onsite habitats.

As a result, we recommend that the applicant's ecologist provides an ecological addendum or an updated ecological report to support this application, which should require an additional site visit and may require updated desk study information. The ecologist will be required to provide appropriate justification on:

- The validity of the initial report;
- Which, if any, of the surveys need to be updated; and
- The appropriate scope, timing and methods for the update survey(s).

If additional impacts to protected species are identified as a result of the additional ecological assessment, then any necessary further surveys for protected species should also be provided prior to determination because paragraph 99 of the ODPM Circular 06/2005 highlights that: *"It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision."*

This information is therefore required to provide the LPA with certainty of likely impacts on legally protected species and be able to secure appropriate mitigation either by a mitigation licence from Natural England or a condition of any consent. This will enable the LPA to demonstrate compliance with its statutory duties, including its biodiversity duty under s40 NERC Act 2006 (as amended) and prevent wildlife crime under s17 Crime and Disorder Act 1998.

Furthermore, the Local Planning Authority, as a competent authority, should have regard to the requirements of The Conservation of Habitats and Species Regulations 2017 (as amended) when reaching planning decisions and must not leave this until the licence application stage. Therefore, if a European Protected Species Mitigation Licence is required for this application, appropriate mitigation measures to support the provision of the licence must also be outlined prior to determination to allow certainty to the LPA that a licence will likely be granted.

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 submitted Statutory Biodiversity Metric – Calculation Tool (September 2025) and associated Pre-Planning Biodiversity Gain Plan (Ecolocation, September 2025) and are not satisfied that appropriate information has been provided prior to determination. This is because of the reasons set out below:

- Condition assessment sheets for all baseline habitats have not been provided. We note that whilst some condition sheets are included at the end of the Pre-Planning Biodiversity Gain Plan (Ecolocation, September 2025) document, it is unclear as to whether these are the target conditions for the proposed habitats or the existing baseline. Therefore, baseline

condition assessment sheets are required for the following habitats: Bare ground, Mixed scrub, Modified grassland, Other woodland; mixed, Ponds (non-priority habitat), Ruderal/Ephemeral, Urban tree and Native hedgerow.

Additional comments – BNG

Since mandatory biodiversity net gains applies, the planning authority will be required to secure a biodiversity gain condition as a pre-commencement requirement. The biodiversity gain condition has its own separate statutory basis, as a planning condition under paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 and should be included as an informative within the decision notice. The biodiversity gain condition should secure the provision of a Biodiversity Gain Plan prior to commencement, which includes the following:

- a) A Biodiversity Gain Plan form (Ideally using the Government's template: <https://www.gov.uk/government/publications/biodiversity-gain-plan>)
- b) The completed metric calculation tool showing the calculations of the pre-development and post-intervention biodiversity values.
- c) Pre and post development habitat plans.
- d) Legal agreement(s)
- e) Biodiversity Gain Site Register reference numbers (if using off-site units).
- f) Proof of purchase (if buying statutory biodiversity credits at a last resort).

In addition, a Habitat Management and Monitoring Plan (HMMP) should be secured for all significant on-site enhancements. Based on the submitted post-intervention values as they are currently submitted and Government Guidance on what constitutes a significant on-site enhancement, it is suggested that this includes the following habitats: Other woodland; mixed, Mixed scrub and Species-rich native hedgerow. *

The decision on whether significant on-site enhancements are present is ultimately up to the Council. Where present, the maintenance and monitoring of significant on-site enhancements should be secured via planning obligation for a period of up to 30 years from the completion of development. This will be required to be submitted concurrent with the discharge of the biodiversity gain condition. Therefore, the LPA is encouraged to secure draft heads of terms for this planning obligation at application stage, to be finalised as part of the biodiversity gain condition. Alternatively, the management and monitoring of significant on-site enhancements could be secured as a condition of any consent. The monitoring of the post-development habitat creation / enhancement will need be provided to the LPA at years 1, 3, 5, 10, 15, 20, 25, 30, unless otherwise specified by the LPA. Any remedial action or adaptive management will then be agreed with the LPA during the monitoring period to ensure the aims and objectives of the Biodiversity Gain Plan are achieved.

We note that post-intervention values have also been provided. As a result, it is recommended that the following matters will also need to be addressed as part of the biodiversity gain condition:

- It should be noted that any woodland creation would need to be separated from vegetated garden habitat/private garden area for the management of this to be legally secured.
- * It is highlighted that any individual trees and hedgerows proposed within the vegetated garden habitat (private garden) should not be recorded as their own habitat type and counted towards the required 10% net gain since their management cannot be secured.
- Offsite enhancements may therefore be required in order to achieve a 10% net gain. The LPA will require the Biodiversity Gain Site Register number and evidence that the site has been allocated to the habitat bank as part of the biodiversity gain condition. If off-site measures are to be provided as part of the applicants own land ownership, then a HMMP

and legal agreement will need to be agreed with the LPA as part of the Biodiversity Gain Condition.

Additional comments – Biodiversity enhancements

We support the proposed reasonable biodiversity enhancements for protected, Priority and threatened species outlined within Section 5 of the Preliminary Ecological Appraisal (Ecolocation, February 2023) which have been recommended to secure net gains for biodiversity, as outlined under Paragraph 187d and 193d of the National Planning Policy Framework (December 2024). The reasonable biodiversity enhancement measures should be reviewed in line with the updated site survey. The details should then be outlined within a separate Biodiversity Enhancement Strategy and can be secured by a condition of any consent.

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)

- 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	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)	TBC
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ON-SITE AND OFF-SITE PROPOSALS PRESENT:

These should be secured and monitored for 30 years

Applicant-owned significant onsite 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	TBC

TYPE OF SIGNIFICANT ON-SITE HABITAT PROPOSED: (using the current government definition¹)

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

Medium or High Distinctiveness	Yes
Large number of units at Low Distinctiveness	No
Significant increase in Distinctiveness, Condition or Area	No

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.