

**CONSULTATION TEMPLATE RESPONSE FROM LEICESTERSHIRE COUNTY COUNCIL:****ECOLOGY AND BIODIVERSITY PLANNING ADVICE**

COUNTY, DISTRICT OR BOROUGH	Hinckley and Bosworth Borough Council
APPLICATION NUMBER	25/00393/REM
ADDRESS	Land Adjacent To Lockey Farm Hunts Lane Desford Leicestershire
DESCRIPTION OF DEVELOPMENT	Approval of Reserved Matters (appearance, layout and scale) of outline planning permission 23/00061/OUT for residential development of up to 100 dwellings
PLANNING CASE OFFICER	Sullevan Archer
DEPARTMENT	
PLANNING ECOLOGY OFFICER	Ecology
DATE OF COMMENTS	Hamish Jackson – Senior Ecological Consultant
DATE OF COMMENTS	2 July 2025
ECOLOGICAL DOCUMENTS:	
<ul style="list-style-type: none">• N/A	
SUMMARY RECOMMENDATION:	
No comment	<input type="checkbox"/>
No objection (for recommended conditions or informatics- see below)	<input checked="" type="checkbox"/>
Recommend Refusal	<input type="checkbox"/>
Holding Objection - Further information required	<input type="checkbox"/>
REASON FOR RECOMMENDATION:	
We have reviewed the submitted documents provided for this reserved matters application, including the Site Layout, As Proposed (BRP architects Ltd, October 2024) and Site Layout - Public Open Space (BRP architects Ltd, April 2025). In addition, we have reviewed the Ecological Appraisal (FPCR Ltd, November 2022) and Defra Metric 3.1 submitted for the outline application (23/00061/OUT), relating to the impacts upon designated sites, protected and Priority species / habitats and securing measurable biodiversity net gains. We are satisfied that impacts will be avoided upon designated sites, on review of the submitted information. Whilst the most recent walkover of the site within the Ecological Appraisal (FPCR, Ltd, November 2022) is August 2022 (2 years and 11 months old), it would be beneficial for an updated ecological walkover to be included as part of the reserved matters application to provide an update on the likely impacts upon protected and Priority species. However, this could be set out within condition 12 (CEMP) and condition 17 (RAMMS) of the Appeal decision, which will set out the finalised mitigation strategy for protected species prior to commencement. It is advised that the	

CEMP and RAMMS should include precautionary mitigation measures for Great Crested Newt, reptiles and Badger, Invasive species control procedures (Rosa rugosa, Japanese Rose) and best practice dust and pollution control measures.

We also highlight that external lighting will need to be submitted for condition 23, which requires that no more than 1 lux of light spill onto bat foraging corridors. As a result, it is recommended that bat foraging corridors are clearly identified by a suitably qualified ecologist when submitted information to meet the requirements of condition 23, to allow an appropriate lighting scheme to be produced.

With regard to the soft landscaping, we note that the application does not contain a detailed planting specifications and schedules. This should ideally be secured at reserved matters stage, albeit we appreciate that the Appeal conditions does not include the requirement of a planting scheme at reserved matters. Therefore, if this not possible, a planting scheme should be secured as a condition of any consent. Any soft landscaping measures should be prepared in line with Biodiversity Net Gain Plan required as part of condition 21 of the Appeal decision. This will include a copy of an updated biodiversity metric – calculation tool.

We acknowledge that this application is not subject to mandatory biodiversity net gain requirements outlined under schedule 7 of the Town and Country Planning Act 1990. However, it is indicated that the landscape aftercare set out within Condition 16 (LEMP) should also be reflective of the Biodiversity Net Gain Plan. Therefore, it is indicated that the LEMP should include an annual works plan capable of being delivered for a 30-year period.

The LEMP should also set out the provision of reasonable biodiversity enhancement measures. This should include bird, bat and insect boxes which are integrated into the new housing units, which are reflective of the brick types proposed. In addition, hedgehog friendly fencing (13 x 13cm holes at the base of fencing) should also be secured. Alternatively, the reasonable biodiversity enhancement measures could be secured via a separate Biodiversity Enhancement Strategy to be secured as condition prior to any works above slab level.

Therefore, subject to additional mitigation and enhancements being secured by condition, we have no objection to this application. This allows the LPA to demonstrate its compliance with its statutory duties, including its biodiversity duty under the NERC Act 2006 (as amended).

ANY RECOMMENDED CONDITIONS TO BE APPLIED:

Optional condition:

1. PRIOR TO ANY WORKS ABOVE SLAB LEVEL: BIODIVERSITY ENHANCEMENT STRATEGY

Prior to any works above slab level, a Biodiversity Enhancement Strategy for protected, Priority and threatened species, prepared by a suitably qualified ecologist, shall be submitted to and approved in writing by the local planning authority.

The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs or product descriptions to achieve stated objectives;
- c) locations of proposed enhancement measures by appropriate maps and plans (where relevant);
- d) persons responsible for implementing the enhancement measures; and
- e) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details shall be retained in that manner thereafter."

Reason: To enhance protected, Priority and threatened species and allow the LPA to discharge its duties under paragraph 187d of NPPF 2024 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

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 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.