

CONSULTATION TEMPLATE RESPONSE FROM LEICESTERSHIRE COUNTY COUNCIL:

ECOLOGY AND BIODIVERSITY PLANNING ADVICE

COUNTY, DISTRICT OR BOROUGH	Hinckley and Bosworth Borough Council
APPLICATION NUMBER	25/00649/FUL
ADDRESS	The Mallory 11 Newbold Road Kirkby Mallory Leicester Leicestershire LE9 7QG
DESCRIPTION OF DEVELOPMENT	Erection of a replacement self-build dwelling and detached garage
PLANNING CASE OFFICER	Sullivan Archer
DEPARTMENT	Ecology
PLANNING ECOLOGY OFFICER	Karley Khan
DATE OF COMMENTS	15 July 2026
ECOLOGICAL DOCUMENTS REVIEWED:	
• LCC Ecology Response (dated 11/08/2025) • Preliminary Ecological Appraisal Report (ref: P2911_01, Rev V0)	
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 above ecology documents as well as the Proposed Layout (ref: 209-02, RevA), Existing Site Layout (ref: 209-01, RevA), Design and Access Statement (prepared by DesignThreeSixty), Location Plan (ref: 209-04, Rev0), Block Plan (ref: 209-03, RevB) and Application Form. The ecology report identifies a number of further surveys to be undertaken, such that we have a holding objection until this information is received. Details of further information required in order to determine this application are detailed below: • The building is classified as having moderate potential to support roosting bats, such that two emergence surveys are recommended to be undertaken. In accordance with the ecology report and latest Bat Conservation Trust Good Practice Guidelines, the recommended minimum number of survey visits for a structure categorised as moderate roost suitability (see Table 7.2) is two separate emergence surveys, with roost characterisation surveys undertaken where required.	

- Bat droppings were also found and collected from the loft void of B1. As such, we request the results of the DNA analysis be provided for review.
- Suitable habitat for reptiles and amphibians, including Great Crested Newt, are present within the site, and at least four ponds within 250m of the site. As such, it is recommended that an environmental DNA (eDNA) of these ponds be undertaken.
- All of the ecological survey work will need to be undertaken by suitably licenced and experienced ecologist(s), during the relevant optimal period and in accordance with the best practice guidance/methodology.
- Holding objection for ecological survey work to be undertaken.

As detailed in the previous comments;

- 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.
- Reasonable biodiversity enhancement measures should be detailed within a separate Biodiversity Enhancement Strategy and secured by a condition of any consent. This is necessary to provide net gains for Priority and threatened species in line with paragraph 187d of the NPPF.

ANY RECOMMENDED CONDITIONS TO BE APPLIED:

Please note, the below are indicative only and additional conditions may be recommended depending on the results of the further ecological information/survey work provided.

- **Pre-commencement Badger Check** - No development shall take place, including ground works or vegetation clearance, until an updated Badger survey has been submitted to and approved in writing by the Local Planning Authority. The survey shall include details on mitigation measures and licensing for Badgers if necessary. All works are to proceed strictly in accordance with the approved document.
- **Precautionary Working Method Statement (PWMS)** – No development shall take place (including ground works or vegetation clearance) until a Precautionary Working Method Statement for Great Crested Newt, amphibians, reptiles, Badger, fish, White-clawed Crayfish, nesting birds, mammals and Cotoneaster has been submitted to and approved in writing by the LPA. The PWMS shall include, but not be limited to, details of methodology for vegetation clearance, finger tip search and ecological supervision, timing of works, licence application if needed, suitable translocation area and use of fencing where needed. All works are to proceed strictly in accordance with the approved document.
- **Construction Environment Management Plan for Biodiversity** - No development shall take place (including ground works or vegetation clearance) until a Construction Environment Management Plan for Biodiversity (CEMP: Biodiversity) has been submitted to and approved in writing by the LPA. The CEMP shall include the following details:
 - A. Identification of potentially damaging construction activities
 - B. Practical measures and sensitive working practices to avoid or reduce impacts during construction on reptiles, bats, amphibians, mammals, Badger, fish and White-clawed Crayfish

- C. Timing of works to avoid harm to nesting birds
- D. Responsible persons for overseeing sensitive works
- E. Measures for pollution control/prevention, including control of surface water and protection of waterbodies
- F. Dust management and suppression measures
- G. Use of protective fencing where required
- H. Use of illumination during construction
- I. Measures to protect ecologically sensitive areas, including Local Wildlife Sites and Priority Habitats in the surrounding area, and the root protection areas of trees and hedges during construction
- J. Measures to exclude small animals from excavations or to allow their escape
- K. Suitable controls for invasive non-native species
- L. The storage of materials and disposal of surplus materials.

The approved CEMP shall be adhered to and implemented throughout the construction period, unless otherwise agreed in writing by the LPA.

- **Biodiversity Enhancement Scheme** - No development shall take place until a biodiversity enhancement scheme has been submitted to and approved in writing by the LPA. Enhancements shall include (but not be limited to) at least [TBC number of] woodcrete/integrated bat boxes, two woodcrete/integrated bird boxes, Hedgehog cut outs, and the make/model/locations. Any enhancement measures need to be shown on all relevant submitted plans. All works are to proceed strictly in accordance with the approved scheme.
- **Sensitive Lighting Scheme** - No external lighting shall be installed on the site until details (including luminance levels and measures to minimise light spillage) have been submitted to and approved in writing by the Local Planning Authority. External lighting shall only be installed in accordance with the approved details and shall not be replaced with any alternative lighting without the prior permission in writing of the Local Planning Authority.

ANY RECOMMENDED INFORMATIVES TO BE APPLIED:

- Great crested newts and their habitat are afforded full protection under UK and European legislation, including the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2017 (as amended). Together, this legislation makes it illegal to: Deliberately capture, kill, disturb or injure a great crested newt; Disturb a great crested newt whilst it is occupying a structure or place for shelter or protection; Intentionally or recklessly damage, destroy or obstruct access to habitats used by great crested newts for protection or sheltering; and damage or destroy a breeding site or resting place. As such, should a great crested newt be found, works should stop and an ecologist should be contacted for further advice.
- Nesting birds are protected under the Wildlife & Countryside Act 1981 (as amended); therefore, building demolition and vegetation clearance should take place outside the breeding season (March to August inclusive) unless carefully checked beforehand by a suitably qualified ecologist.
- All UK Bat Species are protected by law: Schedule 2 of The Conservation of Habitats and Species Regulations 2017, the Wildlife and Countryside Act 1981 (WCA) (as amended) through inclusion in Schedule 5 and Countryside and Rights of Way Act 2000 (CRoW) which makes it an offence Intentionally or recklessly/deliberately injure, take or kill a bat. Therefore, all work must be carried out carefully with the expectation that bats may be found. If bats are observed within the building at any time work must cease immediately and Natural England or the assigned ecologist for this project must be contacted for advice.
- This development may require a European Protected Species licence to make it lawful. You must be aware that to proceed with the development without first obtaining an EPS Licence could result in prosecution.
- Cotoneaster is listed on Schedule 9 of the Wildlife and Countryside Act 1981 (as amended) as plants that may not be planted or otherwise caused to grow in the wild. If it is necessary for Cotoneaster to be removed, it is important to note that Schedule 9 invasive plants are classified as controlled waste and should be handled and disposed of accordingly at a licenced waste facility.
- All new planting should be composed of native species. All new planting should be composed of native species of local provenance and species to attract pollinating insects as identified in the RHS' 'Plants for Pollinators' database.

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 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.

