

**CONSULTATION TEMPLATE RESPONSE FROM LEICESTERSHIRE COUNTY COUNCIL:**

**ECOLOGY AND BIODIVERSITY PLANNING ADVICE**

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                            |
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| <b>COUNTY, DISTRICT OR BOROUGH</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Hinckley and Bosworth Borough Council                                                      |
| <b>APPLICATION NUMBER</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 25/01161/OUT                                                                               |
| <b>ADDRESS</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Land West Of Shilton Road Barwell Leicestershire                                           |
| <b>DESCRIPTION OF DEVELOPMENT</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Outline planning permission for the erection of up to 120 dwellings (all matters reserved) |
| <b>PLANNING CASE OFFICER</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Sullivan Archer                                                                            |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                            |
| <b>DEPARTMENT</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Ecology                                                                                    |
| <b>PLANNING ECOLOGY OFFICER</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Hayley Dean                                                                                |
| <b>DATE OF COMMENTS</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 23 March 2026                                                                              |
| <b>ECOLOGICAL DOCUMENTS REVIEWED:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                            |
| <p><b>Reviewed: 19<sup>th</sup> January 2026</b></p> <ul style="list-style-type: none"> <li>• Preliminary Ecological Appraisal Report (Weddles, November 2025)</li> <li>• Biodiversity Net Gain Summary Report (Weddles, November 2025)</li> <li>• Arboricultural Impact Assessment and Arboricultural Method Statement (Weddles, November 2025)</li> </ul> <p><b>Reviewed: 20<sup>th</sup> March 2026</b></p> <ul style="list-style-type: none"> <li>• Preliminary Ecological Appraisal (PEA) Report (Weddles, February 2026, Revision A)</li> <li>• Statutory Biodiversity Metric (Completed 6<sup>th</sup> November 2025)</li> </ul> |                                                                                            |
| <b>SUMMARY RECOMMENDATION:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                            |
| No comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | <input type="checkbox"/>                                                                   |
| No objection (for recommended conditions or informatives- see below)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <input type="checkbox"/>                                                                   |
| Recommend Refusal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <input type="checkbox"/>                                                                   |
| <b>Holding Objection - Further information required</b><br><b>Insufficient Ecological Information on:</b> <ul style="list-style-type: none"> <li>• European Protected Species (bats)</li> <li>• Priority species (breeding birds)</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                            | <input checked="" type="checkbox"/>                                                        |
| <b>REASON FOR RECOMMENDATION:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                            |
| <p>We have reviewed the above listed documents supplied by the applicant, relating to the likely impacts of development on designated sites, protected &amp; Priority species and habitats and identification of proportionate mitigation.</p> <p>We are still not satisfied that there is sufficient ecological information available for determination of this application has been supplied prior to determination, in relation to bats and breeding birds.</p>                                                                                                                                                                      |                                                                                            |

We would like to highlight that the revised PEA now states the following *“The proposed development of the application site has the potential to have significant negative impacts on receptors including Foraging and Commuting Bats and Breeding Birds. As such, additional Phase 2 species surveys have been recommended, and the results and subsequent mitigation strategies, recommendations or enhancements will be incorporated into an Ecological Impact Assessment (EclA), which will be submitted as part of a Reserved Matters Application.”* Survey results are required at this stage to ensure appropriate mitigation and if required compensation measures are secured for the details stage (reserved matters). Detailed reasons for our recommendation for a holding objection are outlined below:

**European Protected Species: Bats**

The Preliminary Ecological Appraisal (PEA) Report (Weddles, February 2026, Revision A) still recommends the need for a Nighttime Bat Walkover Survey and Static bat surveys to inform the mitigation and if required compensation strategy. The results of these surveys are required prior to determination. As per our comments above, required survey results cannot be conditioned and are required at this stage.

We previously stated it was not clear if a Ground Level Tree Assessments (GLTA) or Preliminary Roost Assessment had been undertaken. This information has now been provided, and we are satisfied no further information in relation to this matter is required at this stage.

To fully assess the impacts of the proposal the LPA needs ecological information for the site, particularly for bats, European Protected Species. These surveys are required prior to determination because Government Standing Advice indicates that you should ask for further survey information *“if a development proposal is likely to negatively affect bats or their foraging habitats”*.

The results of these surveys are required 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.”*

**Protected Species: Breeding birds**

The site comprises large grazed modified and other neutral grassland fields, intersected by hedgerows. The Preliminary Ecological Appraisal (PEA) Report (Weddles, February 2026, Revision A) still recommends the need for a suite of breeding bird surveys to inform whether the site is used by any rare species and to inform mitigation and if required compensation measures. The results of these surveys are required prior to determination. As per our comments above, required survey results cannot be conditioned and are required at this stage.

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.

This is needed to enable the LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006 (as amended).

We look forward to working with the LPA and the applicant to receive the additional information required to support a lawful decision and overcome our holding objection.

**Additional information:**

**Mandatory Biodiversity Net Gains:**

We have now been provided with the previously requested information and have reviewed the Statutory Biodiversity Metric (Completed 6th November 2025). With regard to mandatory biodiversity net gains, it is highlighted that we now support the submitted information.

Biodiversity net gains is a statutory requirement set out under [Schedule 7A \(Biodiversity Gain in England\) of the Town and Country Planning Act 1990](#) and we are satisfied that submitted information provides sufficient information at application stage. As a result, a Biodiversity Gain Plan should be submitted prior to commencement, which also 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, recommendations on the habitats that should be classified as a significant on-site enhancement have been outlined in the BNG tables below.

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 are generally satisfied that the post-intervention values are realistic and deliverable. However, it is recommended that the following matters will need to be considered by the applicant as part of the biodiversity gain condition:

- We note that the applicant can't achieve a 10% measurable biodiversity net gain site, which is the mandatory minimum requirement. As a result, it is indicated that the applicant should approach an off-site habitat bank provider, registered on the biodiversity gain site register, to meet statutory requirements. Alternatively, the applicant could proceed with the Government's Statutory Biodiversity Credit option at a last resort. A copy of the finalised Statutory Biodiversity Metric - Calculation Tool with off-site units or Statutory Biodiversity Credits will be required as part of the Biodiversity Gain Plan.

We also support the proposed reasonable biodiversity enhancements for protected, Priority and threatened species, 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). Reasonable biodiversity enhancement measures are a separate matter to mandatory biodiversity net gains and the finalised details should be outlined within a separate Biodiversity Enhancement Strategy to be secured as a condition of any consent should the LPA be minded to grant consent.

This will enable LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006 (as amended) and delivery of mandatory Biodiversity Net Gain.

**ANY RECOMMENDED CONDITIONS TO BE APPLIED:**

N/A

**ANY RECOMMENDED INFORMATIVES TO BE APPLIED:**

N/A

**PRE-DEVELOPMENT HABITAT BASELINE FOR BIODIVERSITY NET GAIN (BNG)**

**THIS IS THE MINIMUM NATIONAL ESSENTIAL INFORMATION REQUIREMENTS (PPG paragraph 11) AND MUST BE SATISFIED PRIOR TO DETERMINATION:**

|                                                                                                                     |     |
|---------------------------------------------------------------------------------------------------------------------|-----|
| Confirmation that development is subject to statutory biodiversity gain condition                                   | Y   |
| Pre-development Habitat Plan of existing onsite habitat (to scale)                                                  | Y   |
| Pre-development Habitat Value (on date of application or earlier)                                                   | Y   |
| Completed Metric Calculation Tool                                                                                   | Y   |
| 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 |
| <b>SMALL SITES METRIC ONLY:</b> "Competent person" information (ie. qualifications, skills, experience)             | N/A |
| <b>BNG METRIC INFORMATION missing or incorrect:</b>                                                                 |     |
| Incomplete or incorrect cells are shown in metric (eg. habitat quantity, type or condition, strategic significance) | N/A |

**POST DEVELOPMENT PROPOSALS FOR BIODIVERSITY NET GAIN (BNG)**

**PLEASE NOTE: THIS IS NOT ESSENTIAL INFORMATION PRIOR TO DETERMINATION.**

Post-development information is **indicative only**; final proposals must be confirmed at Biodiversity Gain Plan statutory condition stage.

|                                                                               |   |
|-------------------------------------------------------------------------------|---|
| <b>ON-SITE SIGNIFICANT*</b> BNG is proposed<br>(If Y, please see later table) | Y |
| <b>OFF-SITE APPLICANT-OWNED</b> BNG is proposed                               | N |

|                                                                                                                                                                                                                                  |     |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|
| (ie. Land shown on plan within the “blue line” boundary and inserted in “offsite” tab of statutory metric)                                                                                                                       |     |
| <b>PLEASE NOTE:</b> Where applicant-owned off-site or significant on-site BNG proposals are present, these should be secured and monitored for 30 years. The determining authority is responsible for monitoring for compliance. |     |
| <b>OFF-SITE PURCHASE** of BNG</b>                                                                                                                                                                                                |     |
| BNG units purchase from a third party to achieve 10% BNG uplift                                                                                                                                                                  | TBC |
| Statutory biodiversity credits                                                                                                                                                                                                   | TBC |
| <b>PLEASE NOTE**:</b> Where purchased BNG units are proposed, any purchased units from the national register are secured and monitored for 30 years by conservation covenant, separately from this planning application process. |     |

| <b>POST DEVELOPMENT PROPOSALS:</b><br><b>*TYPE OF SIGNIFICANT ON-SITE HABITAT PROPOSED:</b> (using the current government definition <sup>1</sup> ) |                                                                                                                                                                                                                                                                                                                                      |                               |
|-----------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------|
| <b>SIGNIFICANCE AS DEFINED IN PPG</b>                                                                                                               | <b>POST DEVELOPMENT HABITAT TYPE PROPOSED</b>                                                                                                                                                                                                                                                                                        | <b>NUMBER OF UNITS</b>        |
| Medium or High Distinctiveness                                                                                                                      | Urban Tree (0.228ha)                                                                                                                                                                                                                                                                                                                 | 0.70                          |
|                                                                                                                                                     | Other neutral grassland (0.7751ha)                                                                                                                                                                                                                                                                                                   | 6.51                          |
|                                                                                                                                                     | Mixed scrub (0.1784ha)                                                                                                                                                                                                                                                                                                               | 1.19                          |
|                                                                                                                                                     | Other woodland; mixed (0.4108ha)                                                                                                                                                                                                                                                                                                     | 1.13                          |
|                                                                                                                                                     | Species rich hedgerow with trees (0.1124km)                                                                                                                                                                                                                                                                                          | 1.09                          |
|                                                                                                                                                     | Species rich hedgerow (0.1125 km)                                                                                                                                                                                                                                                                                                    | 0.87                          |
|                                                                                                                                                     | Native hedgerow with trees – associated with bank or ditch (0.029km)                                                                                                                                                                                                                                                                 | 0.24                          |
| Large number of units at Low Distinctiveness                                                                                                        | Modified grassland (0.5257ha)                                                                                                                                                                                                                                                                                                        | Modified grassland (0.5257ha) |
| Significant increase in Distinctiveness, Condition or Area                                                                                          | Current proposals will result in a net loss in area habitats (- 53.48%). A significant increase in condition score for other neutral grassland and modified grassland habitat is proposed. There is a predicted net gain in linear habitats (+19.16%). A significant increase in hedgerow condition and distinctiveness is proposed. | -                             |

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

**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:**

| <b>Legislation source</b>                                                                               | <b>Reference</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|---------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| National Planning Policy Framework                                                                      | Paragraphs relevant to biodiversity, biodiversity net gain, ecological connectivity and protected species                                                                                                                                                                                                                                                                                                                                                                |
| Environment Act 2021                                                                                    | Mandatory Net Gain<br>Biodiversity Duty<br>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)<br>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.<br>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. |