

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

**ECOLOGY AND BIODIVERSITY PLANNING ADVICE**

<b>COUNTY, DISTRICT OR BOROUGH</b>	Hinckley and Bosworth Borough Council	
<b>APPLICATION NUMBER</b>	25/00676/OUT (2 <sup>nd</sup> Reconsultation)	
<b>ADDRESS</b>	Land South of Jacqueline Road Field Head Leicestershire	
<b>DESCRIPTION OF DEVELOPMENT</b>	Outline planning application for the erection of up to 135 dwellings, amenity space, areas for outdoor play, landscaping and all associated infrastructure (all matters except access reserved)	
<b>PLANNING CASE OFFICER</b>	Laura Ashton	
<b>DEPARTMENT</b>	Ecology	
<b>PLANNING ECOLOGY OFFICER</b>	Olivia Larter	
<b>DATE OF COMMENTS</b>	10 February 2026	
<b>ECOLOGICAL DOCUMENTS REVIEWED:</b>		
<ul style="list-style-type: none"> <li>• Email response from applicants' consultant to LPA (January 2026)</li> <li>• Ecological Impact Assessment Addendum (CSA Environmental, November 2025)</li> <li>• Ecological Impact Assessment (CSA Environmental, May 2025)</li> </ul>		
<b>SUMMARY RECOMMENDATION:</b>		
<b>No comment</b>		<input type="checkbox"/>
<b>No objection (for recommended conditions or informatives- see below)</b>		<input type="checkbox"/>
<b>Recommend Refusal</b>		<input type="checkbox"/>
<b>Holding Objection - Further information required</b>		<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> <li>• European Protected Species – Great Crested Newt (GCN)</li> </ul>		
<b>REASON FOR RECOMMENDATION:</b>		
<p><b>CONTAINS SENSITIVE INFORMATION</b></p> <p>We have reviewed the additional 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 and recommend that details of mitigation measures are required Great Crested Newt (GCN), European Protected Species prior to determination. The reason for this is outlined below:</p>		

**European Protected Species (Great Crested Newt):**

We note that Ponds 1 and 2 were subject to update pond surveys in 2025 and that Great Crested Newt (GCN) were found to be present in P2 and likely absent from P1.

The applicant attempted to enter the District Level Licensing scheme, however Natural England confirmed that they do not currently have sufficient compensation ponds to allocate to the development. Therefore, a European Protected Species Mitigation Licence will be required.

We are satisfied that the updated pond survey information provided is sufficient to support a licence application, however no outline mitigation strategy or measures have been provided as part of the updated survey report. Whilst no waterbodies are to be impacted by the development, pond P2 is located within proximity to the site with no major barriers to dispersal for GCN, therefore there is a reasonable likelihood that GCN could be present on site and be impacted by the development without mitigation. Whilst detailed measures can be finalised as part of the licence application which can be secured by condition of any consent, outline mitigation measures are required prior to determination to ensure that impacts can be managed and that a licence can be obtained.

Therefore, this additional information is 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.”*

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.

**Additional Comments – Protected species (Badger):**

It is noted that an update badger survey was carried out in 2025 which found an increase in badger activity along the southern and eastern boundaries of the Site since previous survey work was undertaken. As such, two single sett entrances were identified along the southern and eastern site boundaries and were classified as active. A detailed Badger Mitigation Strategy should be detailed within a Construction Environmental Management Plan (CEMP) for biodiversity and secured as a condition of any consent. This will include the requirement for a pre-works badger check and the requirement for setts impacted by the development to be closed with badgers excluded under a Natural England Interference licence which must be obtained prior to any works within the vicinity of the setts (30m).

**Additional Comments – Mandatory Biodiversity Net Gains (BNG):**

With regard to mandatory biodiversity net gains, it is highlighted that we support the revised Statutory Biodiversity Metric – Calculation Tool (November 2025) and the Biodiversity Net Gain Assessment: Design Stage (CSA Environmental, December 2025). 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 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:

- As indicated within the submitted information, offsite enhancements will be required in order to achieve a 10% net gain from an off-site provider register on the biodiversity gain site register. The LPA will require the Biodiversity Gain Site Register number and evidence that the application units have been allocated to the relevant habitat bank on the register. 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 (or another responsible body) as part of the Biodiversity Gain Condition, with the units also registered on the Biodiversity Gain Site Register.

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.

**ANY RECOMMENDED CONDITIONS TO BE APPLIED:**

N/A

**ANY RECOMMENDED INFORMATIVES TO BE APPLIED:**

N/A

<b>PRE-DEVELOPMENT HABITAT BASELINE FOR BIODIVERSITY NET GAIN (BNG)</b>	
<b>THIS IS THE MINIMUM NATIONAL ESSENTIAL INFORMATION REQUIREMENTS (PPG paragraph 11) AND MUST BE SATISFIED PRIOR TO DETERMINATION:</b>	
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

<b>POST DEVELOPMENT PROPOSALS FOR BIODIVERSITY NET GAIN (BNG)</b>	
<b>PLEASE NOTE: THIS IS NOT ESSENTIAL INFORMATION PRIOR TO DETERMINATION.</b> Post-development information is <b>indicative only</b> ; final proposals must be confirmed at Biodiversity Gain Plan statutory condition stage.	
<b>ON-SITE SIGNIFICANT*</b> BNG is proposed (If Y, please see later table)	Y
<b>OFF-SITE APPLICANT-OWNED BNG</b> is proposed (ie. Land shown on plan within the "blue line" boundary and inserted in "offsite" tab of statutory metric)	N
<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	Y
Statutory biodiversity credits	N
<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>		
<b>*TYPE OF SIGNIFICANT ON-SITE HABITAT PROPOSED: (using the current government definition<sup>1</sup>)</b>		
<b>SIGNIFICANCE AS DEFINED IN PPG</b>	<b>POST DEVELOPMENT HABITAT TYPE PROPOSED</b>	<b>NUMBER OF UNITS</b>
Medium or High Distinctiveness	<b>Other neutral grassland</b>	<b>2.34</b>
	<b>Mixed scrub</b>	<b>0.07</b>
	<b>Other woodland; broadleaved</b>	<b>2.73</b>
	<b>Urban tree</b>	<b>1.64</b>

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

	<b>Species-rich native hedgerow with trees</b>	<b>2.44</b>
Large number of units at Low Distinctiveness	N/A	N/A
Significant increase in Distinctiveness, Condition or Area	N/A	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:**

<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 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.