



Hinckley & Bosworth Borough Council

Forward timetable of consultation and decision making

Executive

28 January 2026

Wards affected:

Hinckley: Site visited by residents of all wards.

Some areas of proposed improvements are within Blaby district.

Biodiversity Net Gain: Burbage Common and Woods

Report of Director Resources and Street Scene Services

1. Purpose of report

- 1.1 To seek permission to assign areas of Burbage Common and Woods as a biodiversity net gain (BNG) 'habitat bank'.
- 1.2 To seek delegated authority for the Director Resources and Street Scene Services and the Executive Lead for Neighbourhood Services to "sell" these BNG units to relevant developers at market rates.
- 1.3 To seek approval for the habitat improvement works identified in the report.

2. Recommendation

- 2.1 SLT / Executive agree to establish parts of Burbage Common and Woods as a BNG habitat bank on the basis it:
 - Improves biodiversity at a strategic green infrastructure site
 - Generates income to enable habitat improvements in a sustainable way for at least 30 years,
 - Provides additional revenue to improve our countryside sites and to improve the overall resilience of Burbage Common and Woods to cope with increasing visitor pressures.
 - Enables the offsetting of development impacts to be achieved within the Borough
- 2.2 SLT / Executive agree to endorse the completion of a Conservation Covenant between the council and an appropriate Responsible Body for the

delivery of BNG habitat bank and to secure these units to the national Biodiversity Gain Site Register.

- 2.3 SLT / Executive agree delegated authority for the Director Resources and Street Scene Services and the Executive Lead for Neighbourhood Services to “sell” these BNG units to relevant developers at market rates.
- 2.4 SLT / Executive note negotiations have already commenced with Pallex for the sale of some BNG units (potential value of £867,188.70 in year 1)
- 2.5 SLT / Executive note the biodiversity improvements to Burbage Common and Woods needed to fulfil our obligations under BNG.
- 2.6 SLT / Executive note that by creating these BNG units the council must achieve a 10% enhancement in biodiversity and maintain this for 30 years. The land cannot then be used for any other purpose for this 30-year period.
- 2.7 SLT/ Executive note based on the Pallex negotiations, a capital budget of £53,985 will be added for endorsement at Council in February 2026 and a receipt of £867,189 from the sale of units. A revenue budget of £16,000 needed 2026/27. An additional budget for legal services will also be needed of £20,000.
- 2.8 For 2027/28 Executive approve a revenue budget of £7,567.
- 2.9 Note that for future years (Years 1,3,5,10,15,20,25 & 30) £10,625 will be aside to pay for Ecology surveys/reports and Responsible Body payments to ensure compliance with scheme.

3. Background to the report

- 3.1 Biodiversity Net Gain (BNG) is a legal requirement of the national planning system which has applied to most major development since February 2024 and most smaller developments since April 2024. It requires developers to deliver a minimum 10% uplift in biodiversity (wildlife) value over and above what was present on site prior to development. The biodiversity habitat gain is calculated, measured and monitored using a complex biodiversity metric set out in national guidance. A developer can either create or enhance habitats for biodiversity on their development site, or if this is not possible look offsite. HBBC have an opportunity to create “habitat banks” to provide this offsite option to developers and receive income for the creation or enhancement of habitats on HBBC land through the sale of biodiversity units. Any enhancement of habitats must be for 30 years.
- 3.2 Different HBBC departments have different roles and responsibilities in relation to BNG:-
 - i. Local Planning Authority – responsible for ensuring developer meet their BNG requirements at the planning application stage, deliver the 10% gain, and monitoring this for 30 years

ii. Landowner (Green spaces)– opportunity to create habitat banks, sell BNG units, and improve biodiversity for 30 years of agreements. Only green spaces currently have land of suitable size to be viable for BNG.

iii. Developer (Asset Management and Housing) – requirement to meet 10% BNG on any developments HBBC undertake.

This report concentrates on HBBC as landowner and the development of BNG units on the Councils green spaces.

Burbage Common and Woods

- 3.3 A feasibility study was undertaken by an external consultant, RSK Wilding, to evaluate BNG feasibility for Burbage Common and Woods. Of the 82.17 hectares surveyed 9.58 hectares were found to have potential for enhancement, together with 0.24kms of hedgerow. The remaining parts of the site either deemed unsuitable or of high existing biodiversity value making a 10% uplift impractical. A further habitat management and maintenance plan was then commissioned which set out clearly the habitats for BNG, the management to achieve 10% biodiversity uplift, and the maintenance and monitoring required over 30 years to maintain this 10% uplift. The habitat management plan is dynamic and will need to be updated regularly to reflect what is actually happening on the ground and respond to achieve the uplift.
- 3.4 Four main habitat types were found to have potential for enhancement.:
- I. Burbage common central copse (limited ground flora and understorey, compaction for heavy footfall). Improvements to include defining access routes to reduce trampling, reduced compaction and increased ground flora, creation of woodland understorey by underplanting and managing through coppicing, increased deadwood habitats.
 - II. Extension area neutral grassland enhancement. Improvements to increase species richness of the sward, include cut and remove vegetation, scarify then spread freshly cut green hay from more species rich areas of the common, cut twice annually.
 - III. Extension area arboretum woodland enhancement. Improvements including understorey planting, rotational coppicing to increase structural diversity of vegetation, some thinning to reduce heavy shading of stream, increase deadwood habitats, delineation of pathways to reduce trampling.
 - IV. Extension area species rich hedgerow (hedgerow to narrow and short to maximise biodiversity). Cut on 2-3 year rotation to develop hedgerow size and vegetative density, hedge laying after a number of years to improve structure and prevent gapping.
- 3.5 A full analysis of the potential additional biodiversity gain, and the costs and saleable value of the enhanced habitat units is given in appendix 1.

Project expenditure and income forecasts over the 30 years of the project are shown in appendix 2.

Delivery options

- 3.6 An officer working group including Green Spaces, Planning and Legal Service have reviewed options and determined registering Burbage Common and Woods as a Habitat bank is the best option. The council will need ensure we lawfully enter the market for selling biodiversity units to developers, and as landowner HBBC green spaces must create a legally binding conservation covenant; register the land with the HBBC local planning authority, and then apply to DEFRA to register the site on the national BNG register. A conservation covenant is required as HBBC has different responsibilities, and HBBC will need to appoint a responsible body and an ecologist to ensure HBBC Green Spaces are correctly delivering BNG.
- 3.7 A conservation covenant agreement is a private, voluntary agreement to conserve the natural or heritage features of the land. The agreement sets out what a landowner and responsible body (designated by DEFRA) must or must not do to help conserve the land become and it becomes legally binding as a conservation covenant. It must be signed by two parties, namely the landowner and a 'responsible body'. There are currently only a limited number of organisations registered as responsible bodies, and green spaces are currently seeking the quotes for this work.
- 3.8 The habitat units would be placed on the open market by HBBC Green spaces via the Natural England BNG site register. Work to improve the habitats then needs to commence within 12 months following the habitat management plan. Habitat creation, enhancement, management and monitoring would be undertaken over a 30 year period to comply with the scheme. As units are sold a legal agreement must be created agreed and signed by the Council and the developer purchasing the units.
- 3.9 Section 106 agreements (developer contributions) have been considered as an alternative and rejected. To ensure due diligence on the different functions within the Council a separate entity (company) would need to be created and deliver the BNG at Burbage Common and Woods. Given HBBC currently only has Burbage Common and Woods identified as a BNG site (see 3.15) given the time and costs of establishing this company this is not deemed to be the best solution.

Potential demand and BNG Unit prices

- 3.10 BNG requirements for developments of 9 or less homes are under review but for larger development the duty still stands. Given the scale of house building proposed in the local plan it is anticipated that these habitat units at Burbage Common can be sold in the short-medium term.
- 3.11 Pallex have already been in discussions with Green Spaces and Planning teams about the potential to use Burbage Common units to meet their BNG need for the Wiggs Farm development. BNG is a reserved matter within their planning permission granted in September 2025. This one development could potentially buy 27.14 units of the 37.92 units available at Burbage Common. This agreement would facilitate a significant development in the Borough and keep the BNG benefits within Hinckley and Bosworth.

- 3.12 Given the high costs for developers they may opt to purchase land and deliver the BNG themselves, for example to create wildlife habitats on agricultural land. Local landowners and farmers may also decide to convert land in their ownership into BNG habitats. The balance of supply and demand locally may determine unit values which officers cannot predict.
- 3.13 BNG pricing reports are available which track and report average quarterly BNG unit prices for different habitats for England North and South. It is recommended that Officers be delegated authority to determine average prices using current pricing reports at the time units are sold to determine to correct price for the habitat units.

Delivery of BNG registration

- 3.14 Project timescale to register Burbage Common onto the national Biodiversity Gain Site Register:

| Key Project Dates | Key Dates |
|---|------------------|
| HMMP | Nov-25 |
| Report to SLT | Dec-25 |
| Executive Briefing (7th Jan) | Jan-26 |
| Executive (28th Jan) | Jan-26 |
| Due Diligence Securing the land (6wks) | Feb - Mar-26 |
| Conservation Covenant (6wks) | Mar-Apr-26 |
| HBBC Legal Review Covenant (4wks) | Apr-26 |
| Planning registration (land charges) (1-6wks) | May 26 |
| Registration of Units (6wks) | June - July-26 |
| Application to Register, sale of Units | Aug-26 |
| Works start on Site | Sept-26 |

- 3.15 Additional work by legal services will be needed. This will include support to establish the site as a habitat bank (including registration with Natural England) and to draft such documentation necessary to lawfully enter into the market for selling biodiversity units. The council will need to seek external specialist legal advice to carry out this work. Legal will need to assess which firms provide this specialist advice and if they can meet the timeframe as set out in the report. The work would also need to be overseen by the inhouse solicitor, which will impact upon their workload. The in- house legal costs are estimated at £20,000.

Other opportunities

- 3.16 The Green Space team's opinion is that at present there is no other suitable land in HBBCs ownership for BNG.
- Majority of countrysides would probably already be judged as good therefore potential uplift is limited. Sites are also already under HLS (Enviro-Agri funding) and national forest schemes.
 - Other green spaces – these have a statutory function (e.g. burial grounds , allotments), are playing fields (sports pitch management does not deliver

BNG), already have increased biodiversity (wildflower areas and new hedgerows planted), or are too small to be viable units

- Housing land / industrial land – sites are too small to be viable units and are in close proximity to residents meaning biodiversity improvements may difficult to deliver and sustain over 30 years
- Crematorium site – site has higher potential value as crematorium and due to current state of site would require significant investment to deliver any BNG uplift.

The cost of a BNG feasibility study is significant (Burbage common study cost £24k) and officers do not believe the benefits would exceed the costs on these other sites.

- 3.17 Potentially HBBC could purchase agricultural land and provide it as BNG gain for developers. However, given the financial outlay and risks this would probably be better delivered after local government reorganisation as any new unitary authority will have an in house ecology service.

4. Exemptions in accordance with the Access to Information procedure rules

- 4.1 This report can be taken in public session.

5. Financial implications (IB)

- 5.1 The overall impact of the scheme based on the Biodiversity net gain calculator is attached in Appendix 1.
- 5.2 Appendix 2 set out the estimated revenue costs that will be required across the 30 year term.
- 5.3 Overall the revenue costs can be funded by cashflow arising from the receipt. So, there will be no net impact on the revenue budget.
- 5.4 A capital budget of £53,958 for enabling works will require approval will require approval as part of the capital programme report at February Council.
- 5.5. In 2026/27 £16,000 revenue will be required plus in house legal costs estimated at £20,000. An annual revenue budget of £7,567 will be required for maintenance from 2027/28 onwards.
- 5.6 For compliance and monitoring £10,625 will be aside to pay for Ecology surveys/reports and Responsible Body payments to ensure compliance with scheme. These will be required in years 1,3,5,10,15,20,25 & 30 of the scheme.

6. Legal implications (JS)

- 6.1 This is a new area of work. Legal input will include (but not be limited to): understanding and drafting the legal agreements needed for BNG S106 agreements and conservation covenants; registration of sites with Natural

England; reviewing any existing legal restrictions relating to Burbage Common and Woods; and discussions with developers wishing to purchase the units. Sufficient time will be needed for this work.

- 6.2 Legal will also need to ensure transparency with 1 solicitor acting for Green spaces, and another for the local planning authority. Sufficient budget will be needed for this, and these costs are estimated as £20,000.

7. Corporate Plan implications

- 7.1 The Corporate Plan 2024-2028 includes an action to “promote biodiversity” , “improve our green spaces” and to work towards a greener Borough. If agreed the proposals in this report would meet all of these aims. It would also support delivery of the local plan by enabling BNG requirements to be met locally.

8. Consultation

- 8.1 No public consultation has been undertaken for this report. However, as part of the management of Burbage Common and Woods Green Space Officers do consult national bodies such as Natural England, The Forestry Commission and Leicestershire Wildlife Trust .
- 8.2 To register the land on the gains register, Natural England would have to be satisfied that the management proposals met the required 10% BNG uplift.
- 8.3 BNG arrangements would need to be detailed within any planning decisions. BNG is a matter that is covered through the use of planning conditions, and the use of purchasing off site units to meet the relevant BNG requirements will be set out in the Section 106 Heads of Terms. These are identified in all relevant reports that are determined by Planning Committee and set out in Officer reports for delegated decisions. The sale of units at Burbage Common will then be outlined in the text of S106 agreements.

9. Risk implications

- 9.1 It is the council’s policy to proactively identify and manage significant risks which may prevent delivery of business objectives.
- 9.2 It is not possible to eliminate or manage all risks all of the time and risks will remain which have not been identified. However, it is the officer’s opinion based on the information available, that the significant risks associated with this decision / project have been identified, assessed and that controls are in place to manage them effectively.
- 9.3 The following significant risks associated with this report / decisions were identified from this assessment:

Management of significant (Net Red) risks

| Risk description | Mitigating actions | Owner |
|---|---|--|
| Failure to realise habitat improvements resulting in breach of legal agreements | Funding and habitat management capacity needs to ensure these improvements are delivered for 30 years | Ian Pinfold / Paul Scragg |
| Failure to realise anticipated values / income | Use of independent pricing reports gives transparency on unit prices at the time of sale and gives assurance units are being sold at current market value | Caroline Roffey |
| Opportunity: Potential to create new habitats funded through BNG | Explore once LGR established | Ian Pinfold / Paul Scragg |
| Legal agreements with developers need to be robust | Ensure full consideration by legal services of any new agreement. Sufficient budget required. | Julie Stay |
| Green Space team knowledge / expertise / capacity for BNG at Burbage Common | seek external advice as needed. Support staff and ensure sufficient training and time available to deliver this new work. Ensure any future recruitment within the green spaces team considers BNG knowledge and expertise | Caroline Roffey |
| Capacity to deliver additional BNG sites / units | Recommended only pursue additional sites once demand becomes apparent. | Caroline Roffey |
| LGR: risk of making a 30 year commitment when the future governance of HBBC is not clear. | Ensure agreement from Executive | SLT |
| Potential conflict of interest for HBBC as Local Planning Authority and landowner | Clear boundaries between HBBC LPA and HBBC green spaces teams throughout establishment of site on register, sale of units and ongoing monitoring. Use of external consultants, responsible body and LCC ecology service to provide | Chris Brown Caroline Roffey Julie Stay |

| | | |
|--|---|-----------------|
| | separation of professional responsibilities. Use of 2 separate solicitors within legal services | |
| Opportunity: To improve biodiversity and safeguard this valued countryside site for 30 years | The Environment Act 2021 introduced a strengthened biodiversity duty which requires all public authorities in England to consider what they can do to conserve and enhance biodiversity. This project contributes towards this duty | Caroline Roffey |

10. Knowing your community – equality and rural implications

- 10.1 The current overall management plan for the site is out of date and needs revising but there is a specific management plan for Burbage Woods. The majority of the grassland areas are managed under the HLS agreement which runs until September 2028.
- 10.2 Potentially the works to the copse could increase accessibility for wheelchair users and those with mobility impairments. None of the proposals would directly have a negative impact on any sector of the communities but if this emerges as a risk then an equalities impact assessment would be completed.

11. Climate implications

- 11.1 The Climate Change and Biodiversity Strategy includes actions to increase biodiversity on HBBC property, and to deliver at least 10% BNG on qualifying planning applications. This proposal would meet both of these aims.
- 11.2 Works to improve the copse nearest the Visitor Centre will include work to increase the woodland structure. Whilst more trees may be planted it is not envisaged that any additional carbon will be sequestered as potentially some trees may need to be removed to allow sunlight to reach the woodland floor to allow a woodland under storey to establish.

12. Corporate implications

- 12.1 By submitting this report, the report author has taken the following into account:
- Community safety implications
 - Environmental implications
 - ICT implications
 - Asset management implications
 - Procurement implications

- Human resources implications
- Planning implications
- Data protection implications
- Voluntary sector

Background papers:

Contact officer: Caroline Roffey x5782

Executive member: Councillor Lynda Hodgkins

Appendix 1: Potential value and costs

| Area / habitat | Area / length | Current condition | Target condition | Indicative cost Yr 1 delivery | Indicative cost Management Yr 2-30 | Total cost | Total indicative cost per year | Unit uplift (saleable units) | Potential value per unit | Total potential gross value | Total potential net value (value-cost) | Total potential net value per year |
|---------------------|------------------|-------------------|------------------|-------------------------------|------------------------------------|------------|--------------------------------|------------------------------|--------------------------|-----------------------------|--|------------------------------------|
| BC Copse | 2.78 ha | Moderate | Fairly good | £16,440 | £16,052 | £32,492 | £1,083 | 7.22 | £54,500 | £393,490 | £360,998 | £12,033 |
| Extension grassland | 5 ha | Moderate / poor | Good | £26,570 | £171,387 | £197,957 | £6,599 | 24.07 | £26,700 | £642,669 | £444,712 | £14,824 |
| Extension arboretum | 1.9 ha | Moderate | Fairly good | £10,645 | £10,393 | £21,038 | £701 | 4.68 | £54,500 | £255,060 | £234,022 | £7,801 |
| Extension hedgerow | 0.24 km | Moderate | Good | £330 | £21,594 | £21,924 | £731 | 1.32 | £25,000 | £33,000 | £11,076 | £369 |
| Total | 9.58ha 0.24km | | | £53,985 | £219,426 | £273,411 | £9,114 | 303.79 | | £1,324,219 | £1,050,808 | £35,027 |

Appendix 2: Project Expenditure and Income Forecast over 30 years of the Project

Total number of Saleable Units (37.92) with a receipt of £1,324,219

| Project Timeline | 2025/26 | 2026/27 | 2027 - 2056 |
|---|----------------|----------------|--------------------|
| Burbage Common BNG Units available | | Year1 | Year 2-30 |

| Income Forecast | | | |
|---------------------------------------|--|--------------------|--------------------|
| Expected sale of Units (27.14) Pallex | | £867,188.70 | |
| Remaining Saleable Units (10.78) | | | £457,030.30 |
| Total | | £867,188.70 | £457,030.30 |

| Expenditure Forecast | | | |
|-----------------------------|-----------|--|--|
| Due Diligence | £4,250.00 | | |

| | | | |
|---|-------------------|-------------------|-----------------|
| Conservation Covenant | £5,925.00 | | |
| Registration of Units | £639.00 | | |
| Site Improvement Works (Capital) | | £53,958.00 | |
| Annual Maintenance (Revenue) | | | £219,453.00 |
| Responsible body (Revenue) | | £16,000 | £24,000.00 |
| Ecology and Reports (Revenue) | | | £45,000.00 |
| Say Inflation based on 2.5 over 30 years. | | | 485,417 |
| Totals | £10,814.00 | £69,958.00 | £773,870 |