

Have no doubt Otters now live around Kingston brook and its environs. We have seen a mother and her two cubs .

There is therefore an objection on both ecological and legal grounds to the installation of solar panels and a BESS in an area where they are likely to inhabit.

Otters are a protected European species protected under the Conservation of Habitats and Species Regulations 2017. It is an offence to disturb otters or damage or obstruct places they use for resting, shelter , feeding or movement. Further advice for making planning decisions was published in 2022 and updated in 2025. This states that conservation of otters must be part of planning decision.

A specific survey is needed if a development affects habitats or through other environmental effects such as creating noise or light. They are nocturnal and reclusive animals.

The presence of otters had been noted by a resident in November 23. The appellants ecologist producing a report in Dec 23. Specifically re Otters they comment the breeding holt is kept deliberately obscure by the female so locating one can be difficult and time consuming. There were no signs of otter noted within the initial walkover survey or in subsequent water vole surveys . They concluded Kingston Brook remains moderately suitable for otter commuting between holt/couch sites and foraging grounds. If they are present within the Site, otters are considered to be of Local importance. In addition the Nottingham biological research group held no records of otters within 1km of the Site within the last 10 years.

So 2 years later we know definitely Otters are around this area . The female looks after her cubs and stays

where there is food such as within the multiple large ponds that exist in this area.

The credible presence of them should automatically trigger the requirement for a site, specific otter survey, by an appropriately, qualified ecologist. They would assess the impact on otter habitats and movement corridors and therefore recommend appropriate avoidance and mitigation measures. Although there is confirmed presence of a protected species, no specific otter surveys were submitted supporting this application. This is contrary to Natural England's standing advice which states that where protective species are known or reasonably likely to be present, adequate surveys must be carried out before planning permission is granted.

Granting permission in the absence of surveys risks unlawful disturbance of a European protective species, destruction or denegation of protected habitat and failure to meet statutory bio diversity duties. Otters rely heavily on undisturbed riparian corridors for foraging resting, and commuting. The BESS and SOLAR development lying within close proximity to a specific area of the Kingston Brook, risk disturbance from construction noise, vibration and human activity. Disruption of established movement routes, and degradation of habitat quality through fencing, lighting or land alterations. Even temporary disturbances can have significant impact on otters, particularly where no mitigation strategy has assessed or proposed.

The inspector must be satisfied that harm to otters can be avoided or that lawful mitigation is achievable

through a European protective mitigation site license. In the absence of such surveys, it is impossible to conclude that the development would be lawful or that the licensing tests could be met

The Planning inspector cannot determine this appeal without sufficient ecological information.