

**From:** Stephen Reid [REDACTED]  
**Sent:** 06 April 2026 19:03  
**To:** Laurie Wordsworth [REDACTED] Andrew Cullen  
<ACullen@rushcliffe.gov.uk>  
**Cc:** A [REDACTED]  
**Subject:** 3375110 Objections to UU Penalties and weakly defined enforcement

Hi Robert  
The inspector called for comments on 3 late doc additions by end of 7th April 2026.  
The RBC site for this application is not accessible by me  
therefore, please would you, or a colleague share my comments  
with the inspector and all concerned.  
I submit this prior to the deadline today 6th April 2026

## **3375110 Objection regarding insufficient Penalties and how they are enforced**

06th April 2026  
From Stephen Reid  
Keepers Lodge  
Main St Wysall NG12 5QS

3375110 Land west of Bradmore Road and north of Wysall Road, Wysall, Nottingham  
Rushcliffe Borough Council planning application 24/00161 which is currently the subject to a PINs appeal ref  
no 3375110

### **Objections:-**

Regarding the very late addition on 27/3/2026 of a much amended "Unilateral Undertaking" (UU) and a Map of  
the revised development with newly added "skylark mitigation land".

The developer will own construct and operate, for financial gain, the solar farm and BESS complex and the

onsite skylark mitigation land, (such as it is).

If passed the present Rushcliffe council will benefit via business taxes.

The map shows a substantially, much smaller offsite tract of 'skylark mitigation land' owned by Timothy Frank Kirk, has been added as a very late amendment to the planning proposal 24/00161. Timothy Frank Kirk is therefore a new and very late signatory to this development.

Paragraph 15 of the UU carries penalties upon the developer for non compliance with the skylark mitigation strategy that includes **both** the onsite and the offsite mitigation land.

If permitted, the developer/owner of this proposal will lose out financially, substantially so, in the event of non compliance particularly in the case of delays and especially if cessation of operation is "requested".

However, it is not clear how cessation of construction or operation will be enforced, and who by, and for how long.

There are no clear fiscal penalties stated for example, as a percentage of site worth per day, or which institution that would be paid to in the event of non compliance.

The third party, Timothy Frank Kirk, (or his subsequent beneficiaries) who controls the important offsite mitigation land is also obliged to comply with the terms of the mitigation strategy, **yet, there are no stated direct financial penalties or impediments for non compliance upon him**. Non compliance penalties on the 'offsite skylark mitigation land' fall, by way of "cessation of construction OR cessation of ALL operation of the solar farm and BESS complex" **entirely upon the developer**.

In the course of a dispute between the various parties this shortcoming may be problematic both ecologically for the skylarks AND for the developer if signatories to this agreement fail to agree.

There are no clear arbitration options stated in this agreement.

There are no clear financial consequences of early termination of the agreement before the end of this covenant by any causes stated in this agreement.

On this basis the mitigation may fail well before the end of the 45 -55 year life span of this development simply because it lacks harsh 'teeth', having been drafted by the developers' lawyers.

With this in mind because the developer does NOT own the offsite mitigation land outright it is unsafe to assume 100 percent compliance by all concerned with the mitigation strategy over the full lifetime of the onsite and offsite mitigation lands.

Note also that in the event of failure to properly monitor and control the mitigation strategy, there is no stated penalty enforceable upon the council, or who ever takes over the running of the council following likely council boundary changes.

A lot of the proposed mitigations here rely on theoretical intention. Failures in execution are highly likely given increasing complexity.

Based upon these observations, once the site is up and running it is conceivable that mitigation enforcement will 'drift' because of the absence of severe enforceable penalties upon all concerned. The skylarks will be forgotten / overlooked /subsummed because substantial amounts of income for the council and the developer are at stake.

On this basis, whilst the Unilateral Undertaking expresses good intention, the mitigation controls are practically very weak and therefore this proposed Unilateral Undertaking of mitigation should be rejected as insufficient.

The appeal by Exigen should be rejected.

Stephen Reid  
Keepers Lodge  
Main St Wysall  
NG12 5QS

06th April 2026