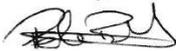


Supplemental Statement of Common Ground.

Between Exagen Development Ltd and Rushcliffe Borough Council.

Date: 11th March 2026 | R008v4 | Pegasus Ref: P25-1631

Author: Nigel Cussen

Signed: 	Signed: 
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On behalf of: Heaton Planning Limited (acting on behalf of Rushcliffe Borough Council)	On behalf of: /Pegasus Group (acting on behalf of the appellant)
Date: 11 th March 2026	Date: 12 th March 2026



Document Management.

Version	Date	Author	Checked/ Approved by:	Reason for revision
V1	04.03.26	MP/NC	NC	Draft
V2	04.03.26	MP/NC	NC	Client Review
V3	11.03.26	MP/NC	NC	Final Issue
V4	11.03.26	MP/NC	NC	Signed



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1. Introduction

- 1.1. This Statement of Common Ground (SoCG) (CD 11.6) has been prepared by Pegasus Group on behalf of Exagen Development Ltd (the Appellant). It relates to a Planning Appeal made pursuant to Section 78 of the Town and Country Planning Act 1990, in connection with Land West of Bradmore Road and North of Wysall Road, Land West of Wysall, Wysall ('the Appeal Site').
- 1.2. The SoCG (CD 11.6) accompanies an appeal submission made against Rushcliffe Borough Council's ('RBC') decision to refuse planning permission for the construction, operation and subsequent decommissioning of a renewable energy park comprising ground mounted Solar PV with co-located battery energy storage system (BESS) at the point of connection, together with associated infrastructure, access, landscaping and cabling (also known and referred to as Old Wood Energy Park).
- 1.3. The purpose of this SoCG (CD 11.6) is to establish matters on which parties agree and disagree further to the consideration of exchanged evidence and rebuttals. This Statement supplements the previously agreed statements of common ground relating to Planning, Landscape, Heritage and Skylark matters.
- 1.4. This statement provides further clarification on the parties' respective positions in relation to the three reasons for refusal concerning landscape, heritage, and skylark impacts.
- 1.5. The fourth reason for refusal, relating to fire safety impacts, requires no further clarification. It is confirmed in the Council's Statement of Case and was stated at the Case Management Conference that the Council is offering no evidence in support of Reason for Refusal No. 4, on the basis that, subject to appropriately worded planning conditions, potential contamination impacts and risks to safety can be mitigated to an acceptable level. This reason for refusal is therefore withdrawn by the Council, as established in the January SoCG (CD 8.3a).
- 1.6. The Statement therefore addresses the following matters:
 - Updated joint position in respect of the landscape reason for refusal
 - Updated joint position in respect of the heritage reason for refusal
 - Updated joint position in respect of the skylark reason for refusal

2. Putative reasons for refusal

Landscape and Heritage matters

- 2.1. Existing Landscape SoCG (CD 8.3.1A) and Heritage SoCG (CD 8.3.2A) remain.

Ecology

- 2.2. The Inspector has confirmed that they are minded to take the appeal scheme into account in determining the appeal, on the basis that the amendments do not result in substantive differences to, nor amount to a fundamental change from, the scheme submitted to and refused by the Council, either individually or cumulatively.
- 2.3. Following discussions between the parties, and recognising that the further Skylark mitigation land identified in the Appellant's Skylark Rebuttal Evidence (Matter 6 – CD 8.32A) is in third-party ownership, it is agreed that a Unilateral Undertaking is being drafted to ensure that the land can be appropriately secured for the purposes of mitigation. The land is under the control of a willing landowner and is available to the appellant. It lies approximately 850 metres from the appeal site, within the administrative area of Rushcliffe Borough Council, and is therefore sufficiently proximate to the Appeal Site to provide effective mitigation.
- 2.4. As set out in the Skylark Rebuttal Evidence, the further mitigation land has been subject to survey and is confirmed to be suitable and of sufficient size to accommodate sufficient skylark territories so as to reduce impacts on this species to acceptable levels. Subject to the proposed mitigation being secured, the parties agree that the Appeal Scheme would not result in unacceptable effects on skylark.
- 2.5. With the Inspector being minded to take the Appeal Scheme into account and the further skylark mitigation land identified under Matter 6 of the Skylark Rebuttal Evidence being available to secure further mitigation, the parties are agreed that the effects on Skylarks are suitably mitigated.
- 2.6. The reason for refusal relating to skylark impacts has been withdrawn following the identification of further skylark mitigation land, as set out under Matter 6 of the Skylark Rebuttal Evidence and subject to the completion of the Unilateral Agreement addressing the delivery of this mitigation.

Landscape and Heritage Balance

- 2.7. Whilst the position of the respective parties on levels of Landscape and Heritage harm remains as set out in the earlier SOCGs (CD 8.3.1A & CD 8.3.2A), it is agreed that the benefits of the proposal outweigh such harm.
- 2.8. The landscape, heritage and skylark matters no longer comprise reasons for refusing the Appeal Scheme in light of this planning balance.
- 2.9. Accordingly, all three of these putative reasons for refusal are now formally withdrawn, together with the previously withdrawn Reason for Refusal No. 4 relating to fire safety.



- 2.10. Further to consideration of Evidence and Rebuttals the Council are satisfied that the Appeal Proposal meets the Flood Risk Sequential Test and this matter does not form a reason for refusal.

3. Conclusion

- 3.1. This Statement of Common Ground (CD 11.6) confirms that, following the Inspector indicating that they are minded to take the Appeal Scheme into account in determining the appeal, and the identification of further skylark mitigation land, all four reasons for refusal have been withdrawn by the Council.
- 3.2. The parties agree that the proposed additional skylark mitigation land, as set out under Matter 6 of the Skylark Rebuttal Evidence and to be secured by way of a Unilateral Undertaking, provides appropriate and effective mitigation such that the Appeal Scheme would not result in unacceptable effects on skylark. A draft Unilateral Undertaking will be provided for consideration at the Inquiry and will be completed and provided to the Planning Inspectorate in a timescale to be agreed with the Planning Inspector.
- 3.3. In light of the above, the parties agree that the planning balance in respect of the Appeal Scheme falls in favour of granting planning permission, and that any identified harm identified is outweighed by the benefits of the Appeal Scheme.
- 3.4. Accordingly, there are no remaining matters of dispute between the parties in respect of the planning merits of the appeal.

Town & Country Planning Act 1990 (as amended)
Planning and Compulsory Purchase Act 2004

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