



Appeal Decision

Inquiry held on 10, 11, 18 and 27 March 2026

Site visit made on 12 March 2026

by **Susan Heywood BSc (Hons) MCD MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 5th June 2026

Appeal Ref: APP/P3040/W/25/3375110

Land west of Bradmore Road and north of Wysall Road, Wysall, Nottingham, NG12 5QZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Exagen Development Ltd against the decision of Rushcliffe Borough Council.
 - The application Ref is 24/00161/FUL.
 - The development proposed is 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.
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Decision

1. The appeal is allowed and planning permission is granted 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 on land west of Bradmore Road and north of Wysall Road, Wysall, Nottingham, NG12 5QZ in accordance with the terms of the application, Ref 24/00161/FUL, subject to the conditions in the attached schedule.

Preliminary Matters

Amended plans

2. Following the refusal of planning permission and prior to the inquiry, the appellants amended the Site Layout plan and introduced an Enhanced Landscape Strategy, replacing the earlier Landscape Strategy plan.
3. The amendments included the relocation of some of the inverters and a connection compound within the site to avoid areas at risk of flooding; a resulting reduction of 72 solar panels; two fire water storage tanks were incorporated at the BESS compound; changes to the landscape mitigation strategy to include additional hedges and trees, the correction of the line of the definitive footpath on site and removal of a section of internal access track. This amended scheme is referred to as the appeal scheme.
4. In addition, two fields to the east of the original application site were incorporated into the development to be managed to provide mitigation habitat for skylarks displaced from the application site.

5. Following the exchange of Proofs of Evidence for the inquiry, the appellants raised the possibility of a further area of land, detached to the south west of the appeal site, becoming available for skylark mitigation (the off-site skylark mitigation land).
6. After further discussion and agreement with the Council, the appellants submitted the off-site skylark mitigation land instead of the land to the east of the application site. Consequently, the Enhanced Landscape Strategy plan (introduced as part of the appeal scheme) has been further amended to remove the land to the east of the application site.
7. A Unilateral Undertaking (UU) has been submitted to ensure that the off-site skylark mitigation land is managed and remains as such for the lifetime of the development. I deal with the issue of skylark mitigation and the UU later in this decision.
8. For the avoidance of doubt therefore, the appeal that is now before me is as follows:
 - the original application, which included Field 10 for skylark mitigation,
 - an amended site layout as set out in paragraph 3 above,
 - a further amended 'Enhanced Landscape Strategy' (not including the skylark mitigation land to the east of the application site),
 - the off-site skylark mitigation land.
9. I am satisfied that the appeal scheme changes which remain before me would not result in substantive differences, or a fundamental change, to the application scheme. Consultation was undertaken on these amendments, and I have had regard to the responses.
10. The off-site skylark mitigation land was put forward to overcome the Council's objections to the application and appeal schemes on the issue of skylark impact. No development is proposed on that land, which would remain in agricultural use, and there would be no change to the development before me.
11. The Council have no objections to these cumulative amendments being considered in the appeal and I am satisfied that no prejudice would arise from me doing so.

Reasons for refusal

12. There were four reasons for refusal in the Council's decision notice relating to landscape, heritage, ecology (later confirmed by the Council to only relate to skylarks) and fire safety. At an early stage in the appeal process the Council indicated that it would not be defending the reason for refusal relating to fire safety.
13. Following the introduction of the off-site skylark mitigation land at a late stage in the appeal process, the Council concluded that this altered the balance of harms of the development against its benefits. They therefore withdrew their objections to the proposal and confirmed that they did not intend to defend the reasons for refusal at the inquiry.
14. Nonetheless, local residents' and other interested parties' concerns remain, and I therefore address the main issues and other matters below.

Main Issues

15. The main issues in this case are the effect of the development on:
- the appearance and character of the landscape,
 - the setting of designated heritage assets,
 - ecology and biodiversity, and
 - whether other considerations, including the need for the development, outweigh any identified harms.

Reasons

Policy context

16. The development plan includes the Local Plan Part 1: Rushcliffe Core Strategy (LPP1) and the Rushcliffe Local Plan Part 2: Land and Planning Policies (LPP2). Policy 2 of LPP1 relates to climate change. It encourages renewable energy generation schemes such as solar. Policy 16 of LPP2 specifically relates to renewable energy. It is supportive of such schemes where they are acceptable in terms of a number of planning matters. I address other, topic related, policies below.

Visual and landscape impacts

17. The site comprises a northern and southern parcel of land located to the north-west and west of Wysall village. Each parcel contains several fields bounded by hedgerows. The parcels are separated by agricultural land and woodland plantations. The land has a gentle slope generally from north to south with the southern parcel lying on flatter, lower-level land. The proposed BESS would be located on the southern land parcel.
18. The Midshires Way long distance footpath (coinciding with the Costock Footpath 7 (FP7) and the Nottinghamshire Wolds Way) crosses the site from north west to south east. I acknowledge that this route has a greater than local importance. Wysall Footpath 4 (FP4) runs west from Bradmore Road and Wysall Footpath 3 (FP3) runs west from the centre of the village. Both join the Midshires Way within the site.
19. At present, the footpaths afford open views across agricultural land towards surrounding woodlands and, across the southern parcel of the site, towards rising land in the wider landscape.
20. When moving along the footpaths within the northern site parcel, many of these open, expansive views would be lost and replaced in the short term by views of solar panels and fencing. In close range views, the development would result in significant harm to the character and attractiveness of the footpaths in the short term.
21. Nevertheless, the Midshires Way footpath would sit within a broad corridor, with a minimum width of 28 metres (m) and substantially greater for much of its length. The corridor would be subject to new planting comprising hedges, trees and woodland. The footpath would therefore continue to be experienced within a defined area of open land.

22. In the medium to long term, once the proposed planting matures, views of the panels, fencing and other infrastructure would be substantially filtered and, in many locations, screened, including in the winter months. On this basis, I do not consider that this section of the Midshires Way would become an unattractive route once the landscaping has matured.
23. FP4 would travel through a narrower green corridor, around 10m wide. There is an existing hedge to the south of this footpath which prevents views to the south, except at a point towards Lodge Farm where there is a gap in the hedge which allows views across fields towards the southern site parcel. This view towards the south would be obstructed by the proposed reinforced hedgerow. The current open views across the northern site parcel would be lost and replaced with views of solar panels and fencing in the short term. In the medium to long term the footpath would be enclosed by hedges and trees on either side.
24. Views from the footpaths towards the lower lying southern parcel are gained over intervening fields and hedgerows which would remain in agricultural use. The solar panels and BESS on the southern parcel would be visible in various views moving along the footpaths. However, they would be seen in the medium distance and in the context of existing and proposed hedges and trees which would filter the views. The solar panels and battery storage containers would be a maximum of 3.1m in height and would not therefore block existing views of woodland and hills to the south.
25. Overall, in close range views, the development would result in significant harm to the character and attractiveness of the footpaths in the short term. In more distant views approaching the northern parcel, the visual impact would be reduced. The harm would also reduce in the medium to long term, once the planting has matured, although the positive impact of the planting would generally be less in the winter months. The development would result in a moderate residual level of visual harm when viewed from the surrounding footpaths.
26. There are permissive footpaths to the north-east of the southern parcel which, according to local residents, remain in use, although the appellants dispute their lawful status. Some elevated sections of these paths would afford views towards the southern site. However, the open fields through which these paths run would remain and the development would not therefore be in the immediate foreground when seen from these elevated sections. Closer to the site boundary, land levels fall and existing and proposed vegetation would become more effective in filtering views of the development. Therefore, even taking these routes into account, visual harm to users of these paths would be low to moderate.
27. From the south, the development on the southern parcel would be visible across the strip of agricultural land between the site and Wysall Road. It would also be visible when travelling northwards along Rempstone Lane from where the panels on some of the fields in the higher northern parcel would also be visible.
28. The BESS facility and associated transformers would also be visible from the south although this would largely be screened by the existing woodland and, in time, the substantial planting proposed along the remainder of the southern boundary. Furthermore, there are existing pylons and power lines within the fields to the south of the site and as such, power infrastructure is already a feature of this part of the landscape.

29. The development would change the nature of the views from the south, replacing views of open agricultural fields with views of solar panels, fencing and the BESS within existing field boundaries. However, the generally low profile of the development would allow views of existing woodland to remain over the top of the panels. Existing and proposed hedgerows and trees would also be visible and would filter views of the development, more so over time. The development would therefore cause a moderate residual level of harm to the visual quality of the countryside when viewed from Wysall Road and Rempstone Lane.
30. Turning to cumulative views, immediately to the west of the appeal site lies a consented solar farm known as Highfields, although development had not yet begun at the time of my site visit.
31. When viewed from the Midshires Way footpath to the north, views of both developments would be limited to a small section of the footpath to the south of Bunny Old Wood. The topography of the Highfields site and existing hedgerow and trees on the joint boundary would result in minimal harm from cumulative views from this location. Rough Plantation and Wysall Rough Plantation would screen views of the Highfields development from the west meaning that there would be no cumulative views from this direction.
32. Whilst the two sites would be visible together in some views from the south, existing and proposed planting along the boundary of the appeal site, and along Wysall Road, would mitigate any significant cumulative visual impact.
33. There are views of the site from more elevated locations to the south. However, the appeal site only forms a small part of these views. At the distances involved, where it is visible, the development would be seen as a darker surface sitting within the surrounding agricultural landscape. It would not cause notable visual harm from these locations either alone or in combination with the Highfields development.
34. I turn now to consider the character of the countryside. The site lies within the Draft Policy Zone NW01 'Gotham and West Leake Wooded Hills and Scarps' as identified in the Greater Nottingham Landscape Character Assessment. Areas around the access points and the cable connection also lie within the NW03 'Widmerpool Clay Wolds' character area. Most of the site is also within the LAU A 'Gotham and West Leake Wooded Hills and Scarps' in the Council's Solar Farm and Landscape Sensitivity and Capacity Study.
35. Characteristic features of Zone NW01 are its rural character with a mix of woodland, pasture and arable land. There are distinctive hills with open expansive views although views are more enclosed from lower ground. NW03 is described as a rolling, undulating landscape.
36. The Sensitivity and Capacity Study identifies the area as having medium value, medium sensitivity and medium susceptibility to change. It sets out that the area has a low capacity for large scale solar development. But advises that such development should be considered on lower lying areas rather than on prominent hills or exposed hillsides.
37. The development would change the landcover of the appeal site from arable land to land containing energy infrastructure. In this respect it would harm the rural character of the landscape. However, as solar panels sit on top of the land without

needing extensive excavation, the undulating nature of the landscape would still be discernible. The development would sit within existing field boundaries and hedgerows, and existing woodlands would be retained.

38. Furthermore, the development would cover a relatively small area of lower lying land when seen within the overall extent of the character areas. Whilst the land undulates and is higher in the north the development would not be located on prominent or exposed hillsides, in accordance with the Sensitivity and Capacity Study.
39. As the development would be split between the northern and southern land parcels with agricultural land between, the scale and overall impact of the infrastructure within the landscape would be reduced. In isolation therefore, the development would cause a minor adverse effect to the rural character of the NW01 zone, slightly less to the NW03 zone which would only contain small parts of the development.
40. Cumulatively with the consented Highfields development to the west, the development would increase the amount of land cover for solar infrastructure in this location. I therefore agree with the Council that cumulatively the appeal site and Highfields would cause a moderate adverse impact on the NW01 zone and a minor adverse impact on the NW03 zone.
41. Bringing together the above, the development would cause significant visual harm seen from the footpaths crossing the northern site in the short term, reducing to moderate harm over time as planting matures. Elsewhere, the visual harm is moderate to low, diminishing over time in many views.
42. The development would change the nature of the rural landscape in the vicinity of the site. Nevertheless, large amounts of open rural countryside would remain within the character areas even if both the appeal site and Highfields are developed as proposed. The impact on landscape character would, at worst, be moderate. The harm to both character and appearance would be experienced in a localised area only.
43. The impact on mental health from the loss of green open space has been raised. Whilst the development would change the open, rural nature of the site, access to the open space would be retained. The Midshires Way and FP3 would still pass through open fields for a large part of the route from Wysall towards the solar farm. Once on the appeal site, the footpath would be retained in a wide landscaped corridor, as set out above. Other footpaths also exist in the countryside surrounding Wysall which would be unaffected by the development. Any mental health impacts of the change in the character and appearance of the site would not therefore be so significant as to add weight against the proposal.
44. Policy 34 of LPP2 seeks to retain access to open spaces and protect or enhance the public rights of way network. There would be no conflict with this policy as the public rights of way through the site would be retained, albeit with altered character and views. I note that the agreed Statement of Common Ground and the Council's Planning Proof of Evidence make no reference to the development being contrary to Policy 34. The development would also comply with Policy 1 of LPP2 which seeks to ensure that development has no significant adverse effects on landscape character.

45. Policy 10 of LPP1 requires new development outside settlements to conserve, enhance or restore landscape character. Policy 22 of LPP2 is supportive of renewable energy schemes in accordance with Policy 16, where they conserve or enhance the appearance and character of the landscape. As the wording of these policies refers to conserving and enhancing the character, the development would be contrary to these policies.
46. However, I consider that the most directly relevant policy for considering solar developments is Policy 16. This supports renewable energy proposals where they are acceptable in terms of landscape and visual effects and cumulative impacts, among other matters. I shall address this policy in the overall balance below.

Heritage

47. Historic England has expressed concerns regarding the proposal on heritage grounds due to the harm to the rural setting of a number of heritage assets and the Wysall Conservation Area. Overall, they conclude that the proposal would cause a medium level of less than substantial harm, as described in paragraph 215 of the National Planning Policy Framework (the Framework).

Wysall Conservation Area

48. Wysall Conservation Area lies to the east and south east of the appeal site. It developed as an agricultural settlement and contains a mix of 18th, 19th and 20th century properties loosely arranged alongside Keyworth Road and Main Street in a north-south direction, east along Widmerpool Road and west along Costock Road. The Grade I Listed Holy Trinity Church at the south of the village is an important focal point and significant contributor to the character of the Conservation Area. I return to this asset below.
49. The significance of the Conservation Area includes its historic settlement pattern and the architectural and aesthetic interest of its rural buildings. These elements contribute to its aesthetic and historic value as a traditional Nottinghamshire rural village.
50. There are limited opportunities within the built-up core of the village from which to view or experience the surrounding countryside. However, outward views towards open countryside are gained from some points at the north and south of the Conservation Area. In addition, the approaches towards the village along roads and footpaths provide a rural setting with mature hedgerows and trees and views across agricultural fields.
51. This rural, agricultural setting, of which the appeal site forms part, makes an important contribution to the significance of the Conservation Area as it allows an understanding of its location and historic development as an agricultural settlement.
52. A 'Significant View', identified in the Wysall Conservation Area Appraisal and Management Plan, across fields on the western edge of the village, allows an appreciation of this rural setting from within the Conservation Area. From here, the development on the southern parcel would occupy the open field in the mid distance. It would introduce energy infrastructure into the agricultural landscape harming its open rural character.

53. However, the field in the foreground of that view would remain open and, due to the topography, the depth of the development would not be visible. The existing views towards Long Plantation and higher land to the south west would remain above the panels. In addition, substantial planting is proposed in the south eastern corner of the site which would further reduce views of the development over time. These mitigating factors lead me to consider that the development would cause a low level of harm to the setting of the Conservation Area in this view.
54. In all other views, both inwards towards and out from the village, the development would either be seen in the distance or would be behind the viewer when the village comes into view. The development would not abut the Conservation Area boundary and agricultural fields would be retained between the development and the Conservation Area. It would therefore still be possible to understand and appreciate the Conservation Area in its historic rural setting. The development would not therefore harm the setting of the Conservation Area in other views.
55. Part of the application site boundary, relating to the proposed cable route, runs through the village along the tree lined Main Street. It is therefore necessary for me to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area. The cable would be underground and, once the road works to install the cable are completed, there would be no change to the character or appearance of the area.
56. Concern has been raised about the impact of such works on the mature trees which line the western side of Main Street. The exact position of the cable within the road will be determined on application to the Highway Authority. However, the trees are located within a grass verge, and it is likely that the combined width of the verge and road are such that sufficient space exists for the cable to avoid significant tree roots.
57. The submitted Arboricultural Impact Assessment sets out the measures that will be taken to avoid damage to trees within the highway during construction and I have added wording to the conditions to secure these measures. On this basis, I am satisfied that no harm would be caused to these trees, or indirectly to the character or appearance of the Conservation Area, from the laying of the cable. The installation of the cable would therefore preserve the character and appearance of the Conservation Area.
58. Nevertheless, for the reasons set out above, the development would cause a low level of less than substantial harm to the Conservation Area through development within its setting.

Church of Holy Trinity

59. This is Grade I listed and is therefore of the highest significance. The building has gone through phases of development dating from the 13th century. It is a landmark feature in the village and on the approach to the village on FP3 to the west. The significance of the church lies in its architectural, historic and aesthetic value as a rural parish church.
60. Its setting includes its churchyard and the surrounding village roads along which the church, particularly its 13th century tower, provides a focal point in many views.

This part of the setting would not be harmed by the proposed development which would not be visible in any of these views.

61. Some views of the tower are gained from the appeal site and surrounding footpaths. Where they can be gained, these views allow an appreciation of the church within its rural surroundings and as such contribute to its setting.
62. However, I agree with the comments of Historic England¹ that such views from within the site are forced, in that a viewer must purposely move around the site to gain such views. Even then, these views are distant and the church tower is not a prominent feature and would be less so during the summer when surrounding trees are in leaf. The contribution made by the site to the rural setting of the church is therefore very minor and the loss of these views would cause negligible harm to the setting of the church.
63. The church tower becomes more prominent closer to the village when travelling along FP3 and the rural setting makes a greater contribution to the church's significance in these locations. These views towards the church would not be affected by the proposed development which, by that point, would be behind the viewer.
64. The development would therefore cause a negligible level of less than substantial harm to the setting and significance of the church through development within its setting.

Highfields

65. This is a Grade II listed dower house, now the Holy Cross Convent, dating from 1729. It is a two storey, red brick mansion with a 20th century bell canted mansard roof. Its significance lies in its historic associations with Bunny Hall and the local Parkyns family, its illustration of social norms of the landed classes at the time, and its aesthetic value, although this has been eroded by the addition of the mansard roof.
66. There are views of the first floor and roof of the property from parts of the northern and southern site and, it is reasonable to assume, outward views from the first floor across these parts of the appeal site. Historic England notes that *"documentary evidence describes the use of a balcony on the roof to enjoy the wide-ranging views across the rural landscape"*. The building was clearly intended to have status which can be appreciated in the views across the appeal site. The surrounding open countryside, including the appeal site, therefore makes a medium contribution to the setting of the building in allowing its aesthetic value and status to be appreciated.
67. Looking outwards from Highfields, the proposed development would replace views of agricultural land to land containing solar infrastructure. It would also reduce the appreciation of Highfields from the northern site parcel. From the south, views of Highfields would be seen in the context of the solar development in the foreground. These factors would cause some harm to the open, rural setting of the listed building at Highfields.
68. However, as set out above, planning permission has been granted for the solar development at Highfields. This would be closer to and more prominent in the

¹ 29 November 2024 response (CD4.55)

surroundings of the listed building than the appeal proposal. The harm caused by the appeal proposal to the setting of the listed building at Highfields would be negligible in the context of that development.

69. Even if that development does not go ahead, the distance between the site and the listed building, the limited views of the building in the context of the appeal site and the presence of intervening woodland to the east of the building lead me to conclude that the harm to setting and significance of the building would be low.
70. The development would therefore cause a low level of less than substantial harm to the Grade II listed Highfields.

Manor Farmhouse

71. This is a Grade II listed building dating from the late 17th century, although Historic England note that older fabric indicates that it is likely to have had an earlier phase. It is a two storey, red brick building with elongated plan form, set back in a secluded position behind the church within Wysall village. Its significance lies in its architectural and historic interest as a rural vernacular former farmhouse.
72. The setting of the building comprises the immediate surroundings of the former farmyard and ancillary buildings, the church, church yard and settlement of Wysall, and the woodland to the west of the building. Open agricultural land to the west of the listed building does make a minor contribution to its setting in allowing its former use as a farmhouse to be appreciated and its location, at the edge of the village, to be understood. However, due to the extent of woodland to the west of the building, there are no discernible views from the open land towards the building.
73. The Council say that the southern appeal site does have a historic connection with the building as the land was previously part of the farmstead. However, this connection no longer exists. Given the lack of associative views between the appeal site and this building, the contribution of the site to the setting and significance of the building is very minor.
74. The Council accept that, due to existing and proposed tree and hedge cover, the impact of the development on the setting and significance of the building would be neutral. For the above reasons, I agree with that conclusion. The development would therefore cause no harm to the setting and significance of Manor Farmhouse.

Heritage conclusion

75. For the reasons set out above, I have found the following level of less than substantial harm:
 - Wysall Conservation Area – low level,
 - Church of Holy Trinity, Grade I listed – negligible level,
 - Highfields, Grade II listed – low level.
76. Whilst in each case the harm would be long term in its duration, it would be reversed following decommissioning. The harm would not therefore be permanent.

77. Policy 10 of LPP1 requires development to have regard to the setting of heritage assets and Policy 11 seeks their conservation and enhancement. Policy 1 of LPP2 seeks to ensure no significant adverse effect on listed buildings or their settings. Policy 28 sets out the need to understand the significance of the asset and its setting and acknowledges the need to undertake a balance against public benefits in accordance with the Framework. In setting out the criteria against which proposals will be assessed it specifically refers to an asset's relationship with the landscape. Policy 16 of LPP2 states that planning permission will be granted for renewable energy schemes where they are acceptable in terms of the historic environment.
78. The Framework sets out that in determining applications, regard should be had to the desirability of sustaining and enhancing the significance of heritage assets. Any harm to the significance of a designated heritage asset, including from development within its setting, should require clear and convincing justification. Where development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
79. I will go on to consider the other issues and matters in this case before weighing the identified harm to the heritage assets against the benefits and assessing compliance or otherwise with these policies.

Ecology and biodiversity

Skylark

80. Skylark is listed as a species of principal importance under Section 41 of the Natural Environment and Rural Communities Act 2006 (NERC). It is also included on the red list of Birds of Conservation Concern, which identifies those species considered to be of greatest conservation concern.
81. As set out earlier in this decision, the scheme has evolved during the appeal process. In addition to the 3.62 hectares (ha) of mitigation land originally included within the application site boundary, the proposal now includes 28 ha of off-site skylark mitigation land located some 850m to the south west of the appeal site.
82. Breeding bird surveys on the appeal site, carried out in 2022, show that there were 8 skylark territories which, the appellants accept, would be displaced by the appeal development. Three breeding bird surveys were carried out on the eastern field within the off-site mitigation land between May to July 2024. This identified between 1 and 2 existing skylark territories on that land.
83. The appellants undertook an assessment of the density of skylark territories that the mitigation land could support based on accepted methodology². This gives an upper and lower number of territories which could be accommodated on that land of between 5 and 8 territories, or between 7 and 11 if managed as organic set-aside. I note that the figures set out above are based on a 23 ha site area whilst the off-site mitigation land is larger at 28 ha. The density figures are therefore likely to somewhat underestimate the capacity of this land. For the purposes of this appeal, I have taken a precautionary approach and used the most conservative of those assessments.

² Chartered Institute of Ecology and Environmental Management article 'Blithe Spirit: Are Skylarks Being Overlooked in Impact Assessment?' M Fox (CD10.1)

84. Having regard also to the ability of agricultural land adjoining the site to absorb 2 of the displaced territories (due to the increased foraging potential on the appeal site), the evidence demonstrates that there would be a maximum of 1 territory displaced from the appeal site following the development.
85. The off-site mitigation land is currently in arable use. I understand that the number of skylark territories tends to fluctuate year-on-year due to crop rotation as different crops will support a higher or lower number of territories. The on and off-site mitigation land would be managed specifically as spring-sown cereals, set-aside or a combination of these two habitat types. This would provide a more consistent and durable habitat for skylark during the lifetime of the development than the existing arable regime on these fields, thus providing long term security of the habitat. Obligations in the UU would secure this.
86. Furthermore, the land would be specifically managed and monitored to achieve the purpose of skylark habitat mitigation. The UU also contains a clause to ensure that there is a prohibition on the use of pesticides and spot treatment of herbicide. Therefore, the conservative figures set out in the evidence are likely to underestimate the populations which could be accommodated on the land. If the higher density estimate is used, the off-site mitigation land alone could accommodate between 7 and 11 territories, potentially resulting in an overall net gain in terms of skylark habitat.
87. The UU relates to the whole of the on-site and off-site mitigation land. It would secure the submission and implementation of a Skylark Mitigation Strategy, including monitoring, reporting and management, to mitigate the loss of on-site breeding habitat on the appeal site. It would allow the Council to require remedial works if the mitigation is not successful and contains clauses to ensure that development, construction or operation ceases in the event of a material, unresolved, breach of the Skylark Mitigation Strategy. The Strategy must be implemented before the first skylark nesting season preceding the development.
88. In addition, a Grampian condition is imposed to ensure that the development does not begin until the Skylark Mitigation Strategy, in accordance with the details set out in the UU, has been approved and implemented.
89. A Statement of Common Ground between the parties³, following the Council's withdrawal of their reasons for refusal, confirms that subject to the UU the effects on skylark would be suitably mitigated and the appeal scheme would not result in unacceptable effects on this species. There are therefore no matters of dispute remaining between the main parties on this issue.
90. There have been criticisms from interested parties about the number and age of breeding bird surveys (BBS) carried out on the site. Four BBS were carried out on the appeal site in 2022. The guidance subsequently altered in 2023 to include a recommendation of six visits.
91. During consideration of the application there were no objections from relevant consultees (Natural England, the Council's Ecology and Sustainability officers or Nottinghamshire Wildlife Trust) on the basis that there had been an inadequate number of survey visits to the site. Council officers also recommended approval of the application based on the submitted surveys. It is not therefore surprising that

³ CD11.6

the appellants did not update the survey information at application stage to reflect the more up to date guidance.

92. The Ecological Impact Assessment (EIA), October 2024, was updated in October 2025 prior to the submission of the appeal. It was noted in that update that there was no change to the importance of the site to both wintering and breeding birds and that a maize crop will have reduced the habitat value of the southern land parcel during 2025. It would not have been possible to update the BBS prior to the appeal as the timing was outside the breeding season.
93. The Council were advised at the inquiry by their expert ecology witness. If they had any serious doubts about the adequacy of the survey information, it is reasonable to assume that they would not have withdrawn their objections to the development.
94. Interested parties also claim that additional surveys in different years may yield higher numbers of skylark territories on the site. However, the converse is also true, and the updated EIA noted a deleterious change to the crop, and therefore the skylark habitat, on the southern parcel. It is therefore reasonable to consider the evidence before me at the time of determining the appeal and I am satisfied that there is sufficient information for me to adequately assess the proposal.
95. Nottinghamshire Wildlife Trust objected to the development due to the cumulative impact on skylark when taken together with the adjoining Highfields development. There was agreement in this inquiry that there were 11 territories on the Highfields site. Nonetheless, at the time of approval of that application, the Council concluded that the Highfields development would not cause any significant impacts on biodiversity and the application was approved with no requirement for skylark mitigation.
96. It is not reasonable to expect the developer of the appeal site to mitigate for displacement from an adjacent site which has already been granted planning permission. Nevertheless, as set out above, the mitigation land to be provided as part of this appeal does have the potential to accommodate a greater number of territories than would be displaced from the appeal site alone.
97. I am satisfied that the circumstances in this appeal differ from those in the appeal reference APP/P1615/W/23/3329458 (Murrells End). There the Inspector had no survey information relating to the mitigation land and no agreement between the main parties that the land would provide suitable replacement habitat secured by conditions or a UU. The circumstances before me are materially different.
98. The Framework at paragraph 193(a) states that if significant harm to biodiversity cannot be avoided, through locating on an alternative site, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.
99. The focus in the Framework is on 'significant harm'. At worst the development would lead to the displacement of 1 skylark territory which would not reach the threshold of significant harm. The harm that would be caused by the displacement of the existing territories would be adequately mitigated by the proposed Skylark Mitigation Strategy. I am therefore satisfied that the development would not cause harm due to the loss of skylark habitat.

Otters

100. Interested parties have provided evidence, including video evidence, of the presence of otters in Kingston Brook. Approximately 125m of the brook runs through the land containing the access road to the southern land parcel.
101. Otters are protected under the Wildlife and Countryside Act 1981, the Conservation of Habitats and Species Regulations 2017 and are included on the list of species of principal importance in England under S41 of the NERC.
102. The EIA included a search along the banks of the water courses and their habitats within the site for signs of otter including their holts or shelters. Water Vole surveys, along the same water courses, were also carried out in April and August 2023. No signs of otter were noted in these surveys. However, the EIA acknowledges that the species is likely to be present due to the suitability of Kingston Brook for commuting and foraging. Otters are categorised as having a Local level of ecological importance in the original EIA.
103. An update walkover survey was carried out in 2025 and recorded in the updated EIA. This noted that adjacent habitat provides suitable shelter and concluded no change to the likely status of otter within the site.
104. The appellants' Ecology Response Note (February 2026)⁴ explains that otters are highly territorial creatures and can hold linear territories of between 10 and 40km. It concludes that the section of the brook within the appeal site is therefore likely to support only a small fraction of a single territory.
105. As no evidence was found of the presence of a resting place in the surveys undertaken, I accept that the section of the brook within the appeal site is likely to be used for foraging and dispersal.
106. There would be no solar infrastructure within the field through which the brook runs. However, the existing bridge and culvert would be removed and replaced with a new clear span bridge requiring new supporting footings to the bank. The Flood Risk Assessment submitted with the application notes that this would improve ecological connectivity.
107. The field through which the brook passes would be removed from agricultural use and managed as wet meadow with new bankside willow planting. The Ecology Response Note sets out that this will allow the growth of tall or tussocky grassland and marginal vegetation. In turn this would result in an improvement in the suitability of the riparian corridor for dispersing otters.
108. Construction of the bridge would take between 1-2 weeks and cover an approximate 7m radius around the culvert. No working would take place overnight which is when otters are active. The Ecology Response Note sets out other measures that would be taken to ensure protection of otters during works, including maintenance of a safe alternative route for otters during works and, as a worst-case scenario, the possibility of moving the proposed bridge. Apart from the bridge works, a 10m no construction buffer zone is proposed on either side of the brook.

⁴ CD8.27

109. The Construction Environmental Management Plan (CEMP) condition requires adherence to the principles in the Ecology Response Note. The CEMP condition also includes requirements for biodiversity protection zones, sensitive working practices, an ecological clerk of works and specialist ecologists to be present to oversee ecologically sensitive works.
110. Furthermore, the Council suggests a condition requiring the submission of full otter surveys prior to commencement of on-site activities. I agree that this condition is necessary to supplement the surveys already carried out and to ensure that full, up to date information on the presence of otters is determined prior to commencement of construction or development.
111. Natural England's 'standing advice' for otters sets out the avoid, mitigate, compensate hierarchy in national guidance. If found to be necessary following the further survey work, it would be possible to avoid any harm by moving the location of the bridge. The evidence currently demonstrates that this would be unlikely and the risk of any harm would be mitigated through adherence to the above conditions.
112. There are no objections to the scheme from Natural England or the Council's Ecology and Sustainability officer and Nottinghamshire Wildlife Trust's objections did not relate to impact on otters. It is a matter of common ground between the Council and appellants that the effect of the proposals on protected species would be acceptable.
113. I conclude that, subject to the conditions identified above, the development would not cause harm to otters.

Ancient Woodland

114. Bunny Old Wood is an ancient woodland abutting the northern boundary of the site. Paragraph 193(c) of the Framework states that development resulting in the loss or deterioration of irreplaceable habitats, such as ancient woodlands, should be refused. Natural England's standing advice⁵ is to avoid and reduce the level of impact of a development on ancient woodland.
115. There would be a buffer with a minimum width of 38m between the development and Bunny Old Wood. This would exceed the 15m recommended buffer in Natural England's standing advice. The Arboricultural Impact Assessment includes tree protection barriers and construction exclusion zones, including to the south of Bunny Old Wood. It concludes that the potential for significant negative arboricultural impacts from the development is very low.
116. Nottinghamshire Wildlife Trust's concerns regarding the impact on the ancient woodland relate to the buffer and ash dieback (requesting in excess of a 30m buffer) and drainage concerns.
117. The first two concerns appear to have been addressed as the buffer is now a minimum of 38m wide. In relation to drainage, the 38m buffer would be to the proposed hedge, but the distance between the woodland edge and the solar panels would be a minimum of 52m. The land between the panels and woodland would be a mixture of grazing land and wildflower meadow, the proposed fencing and hedgerow.

⁵ Ancient woodland, ancient trees and veteran trees: advice for making planning decisions

118. The Flood Risk Assessment notes that the cessation of agricultural activities will lead to reduced soil compaction and runoff rates. Nottinghamshire Wildlife Trust acknowledge these will be beneficial effects of the development.

119. I note that there is a gentle fall in land levels towards the woodland in this area. Nonetheless, I consider that the significant buffer between the solar panels and the woodland would ensure that no harm would be caused to the ancient woodland as a result of the proposal.

Biodiversity net gain (BNG)

120. Policy 38 of LPP2 requires development to achieve net gains in biodiversity. The appeal scheme would result in the loss of approximately 94 ha of arable land, 3.97 ha of modified grassland and 2.5 ha of ruderal habitat. Some hedgerow removal is proposed to allow access routes into the site parcels and there would be encroachment into Kingston Brook due to the construction of the new bridge.

121. The development would include the creation of species-rich wildflower meadow grassland, wet meadow planting, grazing grassland, tree planting and species-rich hedgerow planting. Supplementary planting is also proposed where existing hedgerows are gappy. The reduction of agricultural cultivation adjacent to the ditches on the site and removal of grazing along the brook would also have positive biodiversity impacts.

122. The appeal scheme has been measured against the statutory Biodiversity Metric calculation. Overall, it would result in a net gain of 73.69% in habitat units, 60.77% in hedgerow units and 14.40% in watercourse units. This is a benefit of the development which is weighed in the overall balance below.

Ecology and biodiversity conclusion

123. Policy 1 of LPP2 requires no significant adverse effects on important wildlife interests. Both Policy 17 of LPP1 and Policy 38 of LPP2 require the protection of priority habitats and species. The policies broadly reflect the avoid, mitigate, compensate hierarchy set out in the Framework. Policy 16 of LPP2 states that planning permission will be granted for renewable energy schemes where they are acceptable in terms of ecology and biodiversity.

124. Having regard to the above, I conclude that the impact of the development on ecology and biodiversity can be adequately mitigated. The development would comply with Policy 17 of LPP1, Policy 1, 16 and 38 of LPP2 and the Framework.

Other Matters

Flooding

125. An updated Flood Risk Assessment and Surface Water Drainage Strategy, October 2025, (the FRA) was submitted with the appeal, along with a Flood Risk Sequential Assessment and Exception Test document.

126. The FRA demonstrates that the majority of the site is located within Flood Zone 1, with a low probability of flooding. None of the greater vulnerability infrastructure (inverters, storage containers, transformers and substation infrastructure) would be located in areas predicted to be at risk of flooding and it would not be necessary to raise the solar panels above their standard height. However, the access track to

the southern parcel crosses Flood Zone 2 and 3, with medium and high probability of flooding respectively.

127. Video evidence submitted to the inquiry confirms the flooding of Kingston Brook in a field west of the southern site entrance, and further east where it crosses Wymeswold Road. This accords with the Environment Agency mapping information which shows the extent of flooding in these locations.
128. It is difficult to assess from the video evidence the depth of flooding on the field to the west. Residents estimated it at around 4 feet, although further from the brook it appears from the video to be shallower.
129. In any case, the flood depth will be dependent upon the land levels above the brook, and the depth of flooding on the appeal site will not necessarily match that on land to the west. Indeed, the Environment Agency flood map demonstrates the differences in the flooding profile between the two fields. The characteristics of the flooding across Wymeswold Road to the east will also be different to that of the appeal site.
130. The field which would contain the site access rises to the north and the flood map shows that flooding would occur within the central part of the access road, for a distance of around 100m. The higher land closer to the solar infrastructure would lie outside the flood risk zones. With the access road constructed at current ground level, the FRA estimates a maximum flood depth of 0.67m for a 1 in 1000 year flooding event, based on Environment Agency flood mapping.
131. The appellants' evidence notes that the maximum flood depth that an emergency fire vehicle can pass is between 0.75m to 1m. Even taking the lower of these figures, the likely depth of flooding of part of the site access would not prevent safe use by emergency vehicles. In this respect, I note that the Fire Authority made no comment on the level of flooding in their responses to the application.
132. Policy 17 of LPP2 states that planning permission will be granted for development where a risk of flooding exists provided that, amongst other things, it meets the sequential and exception tests set out in the Framework.
133. The Sequential Assessment submitted with the appeal demonstrates that there are no sequentially preferable sites at a lower risk of flooding that can accommodate the proposed development. This evidence is not disputed and the Council confirmed that the appeal proposal meets the sequential test⁶.
134. The Framework states that essential infrastructure including for electricity generation can be located in Flood Zone 2, and also in Flood Zone 3 subject to the exception test. To pass the exception test it should be demonstrated that the development would provide wider sustainability benefits to the community that outweigh flood risk, and the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere and, where possible, will reduce flood risk overall.
135. I set out below the wider sustainability benefits of the development, in helping to ensure energy security and to help meet net zero targets. The FRA sets out how the majority of the solar and BESS infrastructure would be located in Flood Zone 1. The part of the access road which is within Flood Zones 2 and 3 would not

⁶ CD11.6

make the development unsafe. The development would be safe for its lifetime, and it would not increase flood risk elsewhere. The exception test is therefore passed.

136. Severn Trent Water's consultation response noted that there are clean water assets within the area and no build over is permitted. The appellants have provided additional information explaining that the water assets in question relate to the water main along Wysall Road. The development would not affect this water main.
137. The Environment Agency's consultation response noted that the structures crossing watercourses, including Kingston Brook, may require consent from the Lead Local Flood Authority (LLFA) under the Land Drainage Act. Such consent need not be in place before planning permission can be granted. Moreover, there is nothing to suggest that consent would not be forthcoming. The LLFA also have enforcement powers if consent is not sought prior to relevant works beginning.
138. Neither the Environment Agency nor the LLFA raised any objections to the development. For the above reasons I conclude that the development would be acceptable in terms of flood risk and there would be no conflict with Policy 17 of LPP2 or the Framework. The proposed use of sustainable drainage systems also ensures compliance with Policy 18 relating to surface water management.

Fire safety

139. The Council are satisfied that the control of potential contamination and risks to safety can be mitigated to an acceptable level subject to the imposition of planning conditions. They therefore withdrew the reason for refusal relating to fire safety before the inquiry. Nevertheless, I have had regard to residents' concerns about the potential for fire and associated thermal runaway and my attention was drawn to other solar fires which have occurred in the UK.
140. The government's *Solar Roadmap, June 2025* sets out its response to common misconceptions for solar schemes, one of which relates to unacceptable fire risk. It advises that strict health and safety regulations exist to ensure safety of facilities. These include safety features like temperature control, fire detection and continuous monitoring to ensure that if any problems arise, they can be quickly tackled. There is no reason to consider that these regulations would not operate effectively in this case.
141. The development includes an Outline Battery Safety Management Plan which also includes the use of fire-resistant materials and separation / thermal barriers between BESS elements to reduce the risk of any fire spreading. An Emergency Response Plan would also be developed with the Fire and Rescue Service.
142. The appellants' safety experts provided an updated Compliance Report prior to the inquiry together with supplementary Safety Statements⁷. The Compliance Report demonstrates compliance with the 2026 National Fire Chiefs Council (NFCC) guidance '*Grid scale energy storage system planning – guidance for fire and rescue services*'.

⁷ CD8.6 NFCC Planning Guidance for Battery Energy Storage System (BESS) Compliance Report February 2026, CD11.4 Safety Statement March 2026, and CD11.11 Safety Statement Solar Panels March 2026

143. Access to the BESS compound would be by means of a single access point from Wysall Road. The NFCC guidance sets out that it is preferable to have an alternative access point. However, I understand that access from the north or west, across third party land, would not be possible in this case.
144. Nevertheless, the internal access road configuration allows for three points of access into the BESS compound using the internal access loop. These would be at the south west, north west and north east corners of the compound. The above guidance states that an alternative may be to provide a perimeter 'loop' type of vehicle access around the site. The proposal would therefore accord with the latest NFCC guidance in this respect.
145. The appeal scheme amendments include the provision of two water storage tanks at the BESS compound to provide the fire service with sufficient water supply in the event of an emergency. The Surface Water Drainage Strategy proposes underground storage to contain any potentially contaminated fire suppression water to avoid ground water contamination.
146. From the number of UK BESS sites and the number of fires that have occurred, the Safety Statement calculates a very low rate of incidents occurring. It notes that there have been no recorded fatalities, third-party injuries or environmental damage as a result of the incidents that have occurred. Improvements in fire safety management plans, technological improvements and lessons learned from other events all reduce the future risk.
147. Smoke plume modelling has not been undertaken for the site. However, the Safety Statement notes that any hydrofluoric (HF) acid within a plume, within 5-150m from the point of origin, would be at Level 1 on the Acute Exposure Level Guidelines, which is the lowest possible concentration levels. At approximately 150-200m from the point of origin, the concentration falls to levels not registered on the scale. Properties in the village are well over 200m away from the boundary of the BESS compound and the nearest property to the south is some 300m away.
148. In terms of the solar panels, the Safety Statement Solar Panels sets out the statistically low level of risk at ground mounted installations equating to 1 fire every 416 years. The risk of ground contamination from PFAS is also low with no studies having shown the leaching of PFAS from solar panels.
149. Nottinghamshire Fire and Rescue Service did not object to the scheme but indicated that further information would be required if the scheme is allowed. A condition is imposed to ensure that a detailed Risk Management Plan and Emergency Response Plan is submitted prior to construction of the BESS. This would include operation and maintenance using best practice guidance in conjunction with Nottinghamshire Fire and Rescue Service.
150. Subject to the condition, the scheme would be acceptable in respect of fire safety and would accord with Policy 39 of LPP2 which requires development to alleviate risks from unhealthy and polluted environments such as air, water and land contamination. It would also comply with Policy 20 which requires that development proposals do not have an adverse effect on water quality through the pollution of surface water bodies or groundwater.

Fencing

151. Deer fencing is proposed for most of the site, with palisade fencing only around the BESS compound and solar connection infrastructure. Although Nottinghamshire Police's Designing Out Crime Officer did not object, they advised that deer fencing alone may be insufficient. Interested parties fear this could lead to future pressure for more visually intrusive security fencing.
152. Deer fencing is common for solar farms and the appellants maintain that, supported by monitored CCTV, it would provide adequate security. They also stated in evidence that insurers accept this approach.
153. Any future move to install more secure fencing would require planning permission. This need not be palisade fencing; the Designing Out Crime Officer recommended green welded mesh, which is less visually intrusive. The Council could assess any visual effects at that stage.
154. I am satisfied that the proposed fencing is appropriate and does not alter my earlier conclusions on landscape impact.

Highways

155. The development proposes a new access from Bradmore Road into the northern parcel and use of the existing, upgraded, access from Wysall Road into the southern site parcel. The proposed cable route would run through the centre of Wysall village.
156. The new access to the northern parcel is proposed to the south of the existing access to Lodge Farm which is also the route of FP4. Whilst concern was expressed about the need for this access, it would have the benefit of separating the site access from footpath users and from Lodge Farm, which I note has the benefit of planning permission for new dwellings.
157. The application was accompanied by a Transport Statement, a Construction Traffic Management Plan and Technical Notes to address issues raised by the Highway Authority and National Highways.
158. The greatest number of traffic movements, including by large HGVs, would take place during the construction and decommissioning phases. These vehicles would be routed to avoid the village of Wysall thus negating safety concerns in this respect.
159. Bradmore Road is narrow and I noted that the road edges are in poor condition. The Transport Statement sets out the locations along this road at which vehicles would be unable to pass a HGV. To alleviate these difficulties, passing bays are proposed to be installed along this road to allow vehicles to pass each other at various pinch points.
160. The Highway Authority raised initial concerns regarding aspects of the proposal including HGV movements during construction, the proposed passing bays on Bradmore Road and visibility splays on the northern site access. Following the submission of further information the Highway Authority are satisfied with the location and construction of the proposed passing bays. They confirmed that they have no objections to the proposed development subject to the imposition of

conditions. National Highways have also confirmed that they have no objections regarding the impact on the trunk road network.

161. A survey of the road is to be undertaken before and after construction and any construction related damage would be made good once construction is complete. A condition would secure this.
162. I acknowledge that access to the northern parcel during construction and the road works associated with laying the cable would result in inconvenience and potential delays to drivers. However, these would be temporary effects and there is no evidence that they would lead to significant highway safety issues.
163. Policy 15 of LPP1 seeks to ensure that car trips do not severely impact the transport system and Policy 1 of LPP2 requires suitable means of access. There would be no conflict with these policies.
164. Paragraph 116 of the Framework states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe. There is no evidence that the development would lead to severe cumulative impacts or unacceptable highway impact, and this matter does not therefore add weight against the development.

All other matters

165. The development would not be on Best and Most Versatile Agricultural land and it would therefore comply with the Framework's aim to direct significant development to areas of poorer quality land. The land would be taken out of arable production for the 40 year life of the development, but there would be no permanent loss of agricultural land. Sheep grazing between panels can be a practicable option and is becoming more commonly seen on solar farms.
166. Concerns were raised regarding emissions from the development during construction, operation and decommissioning. The Solar Roadmap's 'General Misconceptions' explains that the embodied emissions from manufacture will be far outweighed by the production of clean energy produced by the development over its lifetime, known as the 'energy payback time'. The same principle would apply to construction and other emissions, many of which would be temporary.
167. The 'General Misconceptions' also explains that solar panels can be reused and recycled and this is likely to become more widespread as more solar systems are installed. There is no evidence that soil and habitat disturbance would create significant emissions. There would be long term soil improvements and emissions benefits from resting the land from intensive agricultural practices. There are no requirements in either local or national policy for the submission of a life-cycle carbon assessment.
168. Laying of the cable through the village would be no more onerous than for any other services. Whilst the road works would be inconvenient to residents, they will be temporary and this is not a matter that weighs against the proposal.
169. None of the other matters raised would add weight against the proposal.

Benefits of the development

Need

170. The Climate Change Act 2008, as amended, sets a legally binding target to reduce net greenhouse gas emissions from their 1990 level by 100% to reach net zero by 2050. Rushcliffe Borough Council voted to declare a climate emergency in March 2020 committing to work towards becoming carbon neutral, for their own operations, by 2030.
171. There have subsequently been a number of government policy statements and commitments produced in relation to energy and climate change. These include, but is not limited to, the Net Zero Strategy: Build Back Greener (2021), which sets an ambition for the UK to be powered entirely by clean energy by 2035, subject to security of supply. This is against the background of a predicted 40-60% increase in demand.
172. More recently, the Clean Power 2030 Action Plan (December 2024) sets out the need to protect consumers from volatile energy prices and ensure secure and clean energy generation in the UK. It seeks to significantly increase installed capacity of both solar and battery storage facilities at a 'very significant scale and pace'. The Solar Roadmap (June 2025) restates the urgent need and sets out a strategy for achieving the significant increase in solar deployment needed to ensure affordable, secure energy as well as tackling the climate crisis.
173. Evidence was submitted of the current position of the National Energy System Operator's (NESO) connections delivery pipeline. This shows that in terms of BESS, planned capacity to connect to the grid exceeds requirements to 2030 and 2035. There is some remaining capacity for solar within the pipeline.
174. The proposed solar scheme has secured a grid connection prior to 2030 which weighs strongly in its favour. I understand that it is therefore included in the up to date NESO connections pipeline. The appellants state that the BESS grid connection offer is protected and, subject to the grant of planning permission, a Gate 2 offer is guaranteed in a future gate window prior to 2033. However, the greater uncertainty in relation to the connection date for the BESS reduces the weight I attach to this aspect of the scheme.
175. The NESO delivery pipeline relates to grid connection capacity. It does not alter the legal requirement to transition to net zero by 2050 nor the government's ambition for energy security for the UK, a matter which has increased in importance due to recent world events.
176. The government have been involved in reforming the grid and will no doubt be aware of the up to date position in relation to the delivery pipeline. Nonetheless, paragraph 161 of the Framework sets out that the planning system should support the transition to net zero by 2050 and support renewable and low carbon energy and associated infrastructure.
177. Paragraph 168 states that applicants should not be required to demonstrate the overall need for renewable energy and that significant weight must be given to the benefits associated with renewable and low carbon energy generation and the contribution to a net zero future. National Policy Statements for Energy, EN-1, and EN-3 also both provide a positive framework for renewable energy and BESS

schemes. Both Policy 2 of LPP1 and Policy 16 of LPP2 support renewable energy generation subject to there being no overriding adverse impacts.

178. The emerging draft National Planning Policy Framework, December 2025, states that substantial weight should be given to the benefits of renewable and low carbon energy development (which include BESS) for improving energy security, supporting economic development and moving to a net zero future. Whilst very little weight can be given to this emerging document at this stage, it is useful in demonstrating the government's current position in the light of the up to date NESO delivery pipeline.
179. The solar farm would have the capacity to export up to 49.9MW and the BESS would have a capacity to store approximately 85MW of surplus energy. The BESS would be able to store excess energy generated from the solar scheme. It would also be able to act independently, enabling energy produced in the network at times of high generation to be stored and released back to the grid during periods of low generation and peak demand. There was criticism that this was not clear from the application documents. However, it is not unusual for BESS facilities co-located with solar farms to be designed in such a way. In any case, this is an operational factor which does not affect the potential impact and planning merits of the BESS facility.
180. There remains an urgent need for the development in terms of energy security, protecting consumers against volatile energy costs, and the national and local climate emergency. Strong policy support for the proposal remains. I therefore give substantial weight to the need for and benefits of the solar scheme in relation to climate change and energy security and moderate weight to the BESS scheme on account of the greater uncertainty in relation to its connection date.

Other benefits

181. I have set out above the BNG and landscape enhancement benefits of the proposal, and these attract significant weight in favour of the development.
182. The majority of employment generation would be during the construction phase when up to 50 staff would be employed. This attracts limited weight in favour of the appeal as do the benefits to the farm enterprise from diversification.

Overall balance

183. I have concluded above that the adverse visual impact would be significant in close views of the northern site in the short term, but this would reduce to moderate harm over time as the proposed landscaping matures. Elsewhere, the visual harm is moderate to low again diminishing over time and distance. The impact on landscape character would, at worst, be moderate. The adverse character and appearance impacts would be experienced in a localised area only.
184. NPS EN-1 advises that *“having regard to siting, operational and other relevant constraints the aim should be to minimise harm to the landscape, providing reasonable mitigation where possible and appropriate.”* It further states that a judgement is to be made as to *“whether any adverse impact on the landscape would be so damaging that it is not offset by the benefits (including need) of the*

project” having regard also to whether the project is temporary and/or capable of being reversed.⁸

185. Therefore, national policy recognises that large scale solar farms may result in some landscape and visual harm. However, it adopts a positive approach to such developments indicating that they can be approved where the impacts are, or can be made, acceptable and where the harm is outweighed by the benefits.
186. The Solar Roadmap also notes that is important to strike a balance between local considerations, including impacts on the local environment, and securing a clean, secure energy system for the future.
187. Turning to heritage matters, Section 66 of The Planning (Listed Buildings and Conservation Areas) Act 1990 requires the decision maker to pay special regard to the desirability of preserving listed buildings, their settings, and any architectural features they may possess. Section 72 requires the decision maker to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.
188. Whether a proposal results in substantial or less than substantial harm to the significance of a heritage asset, the Framework, paragraph 212, requires the decision maker to attach great weight to its conservation and the more important the asset, the greater the weight should be. Paragraph 215 says that where a proposal would lead to less than substantial harm to the significance of a heritage asset, this harm is to be weighed against the public benefits of the proposal.
189. The proposed cable route would preserve the character and appearance of the Wysall Conservation Area, but the development itself would result in less than substantial harm to its heritage significance through development within its setting. It would also result in less than substantial harm to the Grade I listed Church of Holy Trinity and Grade II listed Highfields, as set out earlier in this decision. The Church of Holy Trinity is of the highest significance. The harm caused by the development would be at the low and negligible end of the less than substantial scale. Nonetheless, I have given considerable importance and weight to the conservation of these heritage assets and more so to the Grade I listed building.
190. However, I consider the substantial public benefits I attach to the provision of renewable energy, the moderate benefits from the provision of BESS, together with the additional benefits from the biodiversity net gain, the employment and farm diversification benefits, clearly and decisively outweigh the less than substantial harm to the heritage assets involved.
191. The development would conflict with Policy 10 of LPP1 and Policy 22 of LPP2 in so far as it does not conserve or enhance the appearance and character of the landscape. In terms of heritage impact, the development would conflict with Policy 11 of LPP1. However, the heritage balance set out above results in no conflict with Policy 10 of LPP1 and Policy 1 and 28 of LPP2. The development would comply with all other policies as referred to earlier in this decision.
192. The most important development plan policies for consideration of this appeal are Policy 2 of LPP1 and Policy 16 of LPP2. These support renewable energy generation where the impacts are acceptable, including to landscape character

⁸ Whilst this is in the context of Nationally Significant Infrastructure Projects, the principles apply to a development of the size proposed which was just below the 50MW threshold at the time of submission.

and appearance, the historic environment, ecology and biodiversity. Having regard to my conclusions above, the proposal would comply with these policies.

193. Nevertheless, as I have identified some conflict with the development plan policies, the proposal would not comply with the development plan as a whole. However, the benefits in favour of the development outweigh the harms I have identified and justifies allowing the appeal other than in accordance with the development plan in this instance.

Unilateral Undertaking

194. A completed UU dated 27 April 2026 was submitted following the close of the inquiry. I have set out above the obligations contained in the UU and the need for these in order to secure appropriate skylark mitigation.

195. Prior to its finalisation the draft UU, in substantially the same terms as the completed document, was published on the Council's website. This allowed interested parties to view and comment on the UU and I have had regard to the responses received.

196. Interested parties' objections to the UU include concerns regarding early termination of the agreement, enforcement and lack of financial penalties in the event of non-compliance, and the lack of penalty on the Council for failure to monitor and control the mitigation strategy. The possibility of transferring ownership of the mitigation land to Nottinghamshire Wildlife Trust or Wysall Village Council has also been raised.

197. The UU is an obligation under Section 106 of the Town and Country Planning Act 1990. Modification or discharge of an obligation can only be done under S106A of the Act after 5 years of entering into the obligation and only where it no longer serves a useful purpose. The purpose of skylark mitigation would be likely to remain throughout the lifetime of the development.

198. S106 also gives the Council powers to enforce the obligation against the person entering into it, which in this case includes the developer and the owner of the off-site mitigation land. The obligations are enforceable by the issuing of an injunction and the authority may enter land to carry out the operations and recover costs. Any person wilfully obstructing entry to the land may be subject to fines.

199. The Council retains discretion as to whether to pursue enforcement action in the event of a breach of the planning obligation. Nevertheless, it is reasonable to proceed on the basis that the Council's ordinary planning powers are adequate for that purpose and would be exercised properly and proportionately. Such powers would remain in the event of local authority boundary changes.

200. The land is to remain as farmland and neither Nottinghamshire Wildlife Trust nor Wysall Village Council are a party to the UU. It would not therefore be possible to transfer land to them under the terms of the UU. Furthermore, having regard to the terms of the obligations and the above powers, I am satisfied that the mitigation can be secured without the involvement of such parties.

201. The obligations are necessary to ensure that the skylark mitigation is effective throughout the life of the development. The UU complies with the statutory tests in Regulation 122 of the CIL Regulations and I have had regard to it in coming to my decision.

Conditions

202. In addition to the standard conditions relating to time limits and the approved plans, conditions are attached to ensure the temporary nature of the development in accordance with the application details and submission of a decommissioning scheme to ensure satisfactory impacts on the environment. A condition is also required limiting the generating capacity of the solar farm in accordance with the application details.
203. In the interests of biodiversity and local / visual amenity the following conditions are required: full details of the hard and soft landscaping, including protection details for existing landscape features, a timetable for implementation of the scheme and details of management and maintenance; details of lighting, materials and finish; the submission of a Construction Environmental Management Plan; submission of the Landscape and Environmental Management Plan to ensure implementation and maintenance of the proposed landscaping and biodiversity proposals and compliance with the provisions of the Ecological and Arboricultural Impact Assessments. A condition is required to ensure that the development does not commence until the Skylark mitigation works have been implemented in accordance with the UU. As set out above, full otter surveys are required prior to construction commencing. I have altered the wording of the suggested condition to specify that the survey relates to Kingston Brook within the site.
204. In the interests of highway safety, conditions are imposed requiring a survey and rectification of any damage to the highway as a result of construction activities, surfacing of access roads, the provision of passing bays on Bradmore Road, and implementation of a Construction Traffic Management Plan, including the maintenance and management of the Rights of Way during construction.
205. Conditions are attached requiring archaeological investigation, because of the potential for the site to contain archaeological remains. Conditions are imposed to secure the submission of a Soil Management Plan and Restoration and Agricultural Aftercare Scheme to ensure satisfactory management and restoration of the soil resource. Also to protect local amenity a noise condition is imposed.
206. To ensure satisfactory drainage and that the development does not increase flood risk on or off site, a condition secures compliance with the submitted Flood Risk Assessment and Drainage Strategy. Risk Management and Emergency Response plans are required prior to the construction of the BESS, as discussed above.

Conclusion

207. For the reasons given above the appeal should be allowed.

S Heywood

INSPECTOR

Schedule of Conditions

- 1) The development must be begun not later than the expiration of three years beginning with the date of this permission.
- 2) The development hereby permitted must be carried out in general accordance with the following approved plans/drawings/documents:
 - Revised Layout Plan – WLL02A-EXG-04-00-D-K001-P07 replacing WLL02A-EXG-04-00- D-K001-P05.
 - Enhanced Landscape Strategy Plan P25-1631_EN_02F replacing P21-2533_EN_06E.
 - Water Tank Elevations Plan - WLL02A-EXG-05-ZZ-D-K014-P01.
 - Updated Ecological Impact Assessment with updated Biodiversity Net Gain Assessment – Clarkson and Woods, October 2025.
 - Updated Flood Risk Assessment and Surface Water Drainage Strategy – Pegasus, October 2025.
 - National Fire Chief Councils (NFCC) Compliance Report, ARC, February 2026 ref ARC-1283-002-R2.
 - Revised Landscape & Visual Impact Assessment by Pegasus Ref. p21-2533eN received 4th November 2024
 - WLL02A-EXG-05-ZZ-D-K010-P02 SOLAR PANEL cross section solar panel received 5th March 2024
 - P21-2533 OLD WOOD ENERGY PARK Revised Design and Access Statement received 5th March 2024
 - P21-2533 OLD WOOD ENERGY PARK Revised Planning Statement received 5th March 2024
 - WLL02A-EXG-05-ZZ-D-K001-P01 Battery Unit received 12th February 2024
 - WLL02A-EXG-05-ZZ-D-K002-P01 MV Inverter received 12th February 2024
 - WLL02A-EXG-05-ZZ-D-K003-P01 Substation Building received 12th February 2024
 - WLL02A-EXG-05-ZZ-D-K005-P01 RMU and Control Enclosures received 12th February 2024
 - WLL02A-EXG-05-ZZ-D-K006-P01 Aux Transformers received 12th February 2024
 - WLL02A-EXG-05-ZZ-D-K007-P01 Palisade Fencing received 12th February 2024
 - WLL02A-EXG-05-ZZ-D-K008-P01 BESS CCTV and Lighting received 12th February 2024
 - WLL02A-EXG-05-ZZ-D-K009-P02 132KV Switchgear received 12th February 2024
 - WLL02A-EXG-05-ZZ-D-K011-P01 Solar Fence and CCTV received 12th February 2024

- WLL02A-EXG-05-ZZ-D-K012-P01 33KV Cable Connection and Control room received 12th February 2024
- WLL02A-EXG-05-ZZ-D-K013-P01 Typical 33KV Transformer received 12th February 2024
- CTMP updated to reflect Local Highways Authority comments - R02-CTMP2024-12-05 - Motion
- Revised Transport Technical Note - TN03 - 2024-12-04 - Motion
- Revised Arboricultural Impact Assessment - BHA_5598_AIA_Old Wood Energy Park_IH_Dec_2024_Rev B - Barton Hyett Associates
- ALC Report, Davis Meade, November 2021
- Breeding Bird Survey Report, Clarkson and Woods, September 2023
- Glint and Glare Assessment, Pager Power, November 2023
- Heritage Assessment, Pegasus, January 2024
- Noise Impact Assessment, Metrica, November 2023
- Outline Battery Safety Management Plan, Exagen, December 2023
- Attenuation Basin Statement, Exagen, February 2024.

- 3) The site operator shall notify the Local Planning Authority in writing of the date of the first export of electricity. Such notification shall be made no later than four weeks after the first export of electricity.

The development hereby approved is for a period of 40 years from the date of first export of electricity, after which the electricity generation and storage operations shall cease, and all solar panels, battery storage and ancillary infrastructure are to be removed from the site and the land is to be restored to its former condition.

No less than 6 months before the end of the 40 year operational period, a Decommissioning Method Statement including any relevant ecological survey information shall be submitted to and approved in writing by the Local Planning Authority. The Statement shall include the timing for decommissioning to secure the removal of solar panels, battery storage and associated equipment. The subsequent decommissioning of the site shall be carried out in accordance with the agreed details.

If the development is not in operational use for a consecutive period of more than 6 months within the 40 year operational period then it shall be decommissioned using the approach set out above.

- 4) Prior to the commencement of development details about hard and soft landscaping (the Landscape Scheme) shall be submitted to and approved in writing by the Local Planning Authority. The Landscape Scheme shall be in general accordance with the Enhanced Landscape Strategy Plan – P25-1631_EN_02F. The Landscape Scheme shall include the following:
- (a) Plans showing the proposed finished land levels/contours of landscaped areas.
 - (b) Details of the protection measures to be used for any existing landscape features to be retained.

(c) Soft landscape works including planting plans with specific schedules of plant species mix, plant sizes, numbers and densities.

(d) A timetable for implementation.

(e) On-going management plan to ensure maintenance of any approved landscaping for the lifetime of the development, including who will be responsible for the continuing implementation and any phasing arrangements.

The approved Landscape Scheme shall be carried out and completed in accordance with the approved details and timetable for implementation and thereafter retained.

- 5) No development shall commence until a pre-construction condition survey of the highway has been carried out along the proposed HGV routes, the extent illustrated on Figure 7.1 of the Revised Construction Traffic Management Plan (CTMP) (R02- CTMP- 2024-12-05, Motion, dated November 2024), and submitted to and approved in writing by the Local Planning Authority. A post construction condition survey, with provision for appropriate reinstatement of affected areas associated with the construction phase of the development and timescale for implementation of any remedial works, should be submitted to and approved by the LPA within 6 months of the export date secured by Condition 3. The development shall be carried out in accordance with the approved survey and timescale.
- 6) The development shall not be brought into use until the accesses have been surfaced in a bound material for a minimum distance of 10m to the rear of the highway boundary, have been suitably drained to prevent the discharge of surface water from the site to the public highway and the visibility splays provided in accordance with the approved plans. The bound surfacing, measures to prevent the discharge of surface water and visibility splays shall thereafter be retained for the life of the development.
- 7) No part of any on site works accessed from Bradmore Road shall commence until works to implement appropriate passing bay facilities in the adopted highway on Bradmore Road (CTMP Appendix H drawings 2303076 – 06, 2303076 - TK26, 2303076 - TK27, 2303076 - TK28 and 2303076 - TK29) have been provided in accordance with details to be submitted and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with these details.
- 8) Prior to any external flood/security lighting being brought into first use, a lighting assessment (together with a lux plot of the estimated illuminance) shall be submitted to and approved in writing by the Local Planning Authority. Any such assessment shall consider the potential for light spill and/or glare, in accordance with the Institute of Lighting Professionals (ILP) Guidance Note for the Reduction of Obtrusive Light 01/21). The lighting shall be installed in accordance with the approved details and be retained and maintained as such for the life of the development.
- 9) Prior to the commencement of development, including any enabling works, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the local planning authority. The CEMP shall have regard to the principles and mitigation measures set out within the Ecological Impact Assessment dated October 2025 and the Ecology Response Note

dated March 2026 both prepared by Clarkson & Woods, the CTMP required by Condition 18, the Landscape Scheme required by Condition 4 and LEMP required by Condition 10. The CEMP shall include details for the following:

- (a) Areas for loading and unloading of plant and materials.
- (b) Storage of plant and materials used in constructing the development.
- (c) The location and appearance of any site compound/material storage areas, including heights of any cabins to be sited and details of any external lighting.
- (d) Measures to control the emission of dust, dirt, noise and vibration during construction.
- (e) On-site waste management measures for the storage, recycling and disposal of waste resulting from the construction works.
- (f) Physical measures and sensitive working practices to avoid or reduce impacts on ecology during construction.
- (g) The location and identification of biodiversity protection zones and the timing of sensitive works to avoid harm to biodiversity features.
- (h) The times during the construction period when specialist ecologists need to be present on site to oversee works.
- (i) The role and responsibilities on site, including an ecological clerk of works or similar competent person.
- (j) The use of protective fences, exclusion barriers and warning signs.
- (k) Soil management across the site during the construction period.
- (l) The routing of deliveries and construction vehicles to the site and the means of enforcement.
- (m) Arrangements for co-ordinating and controlling delivery vehicles.
- (n) Parking arrangements for site operatives and visitors.
- (o) On-site turning facilities for all vehicles.
- (p) Wheel washing facilities.
- (q) Lines of communication, including arrangements for the establishment of a liaison group with representation from the local community.

The development shall be implemented in accordance with the approved CEMP throughout the construction period.

- 10) Prior to the commencement of any site works (including site clearance) a Landscape and Environmental Management Plan (LEMP) shall be submitted to and approved in writing by the local planning authority. The LEMP shall be prepared in accordance with the recommendations contained within the Ecological Impact Assessment dated October 2025 prepared by Clarkson & Woods and the Arboricultural Impact Assessment dated November 2024 prepared by Barton Hyett Associates.
 - a) The content of the LEMP shall include the following:
 - b) Description and evaluation of features to be managed.

- c) Ecological trends and constraints on site that might influence management.
- d) Aims and objectives of management.
- e) Appropriate management options for achieving aims and objectives.
- f) Prescriptions for management actions.
- g) Timescales for implementation and maintenance throughout the lifetime of the development.
- h) Details of the body(ies) or organisation(s) responsible for implementation of the LEMP.
- i) Ongoing monitoring and remedial measures.
- j) A scheme for the protection of the retained trees, in accordance with BS 5837:2012, including a Tree Protection Plan (TPP) and details of tree protective measures and fencing to be installed and carried out throughout construction.
- k) An Arboricultural Method Statement (AMS) detailing the location and installation of services/utilities/drainage and the details of any construction works within the Root Protection Area (RPA) of any trees, including those within the highway along the cable route, including details of no-dig specification areas.
- l) The times during construction when specialist ecologists and Arboricultural supervision by a suitably qualified tree specialist need to be present on site to oversee works.
- m) Details of what provisions will be made within any fencing enclosing the site for mammals to cross the site.
- n) Details of how the site shall be managed to avoid the use of pesticides and minimise the use of herbicides.
- o) Details of means of cleaning the panels, which shall exclude the use of chemical cleaners.
- p) The biodiversity gain demonstrated in the biodiversity net gain assessment, with the means for biodiversity and habitat implementation, management and monitoring for the duration of the development.
- q) Details of hedgerow management to ensure hedgerows are retained at a height of 3-4 m for the duration of the development.
- r) Details of the administrative and funding mechanisms by which implementation of the LEMP will be secured by the management body(ies) or organisation(s) responsible for its delivery throughout the duration of the development.

The LEMP shall also set out, where the results from monitoring show that conservation aims and objectives of the LEMP are not being met, how contingencies and/or remedial action will be identified, approved in writing by the local planning authority, and implemented, so that the development still delivers the biodiversity objectives of the originally approved scheme.

The LEMP shall be implemented prior to the first export date and thereafter continue to be implemented in accordance with the approved timescales for the duration of the development hereby permitted.

The development shall be undertaken in accordance with the approved LEMP.

- 11) No development shall take place, including any enabling works such as site clearance works, soil moving, temporary access or compound construction, or any operations involving the use of construction machinery, until a programme for archaeological evaluation has been submitted to and approved in writing by the local planning authority. The programme shall detail the scope of proposed evaluation work, its timings, and objectives and be drawn up by and thereafter undertaken by suitably experienced archaeologists from a professionally accredited archaeological organisation. The programme should make provision for the local planning authority's archaeological advisors to be informed of works and to be allowed access to the site. The evaluation shall take place in accordance with the approved programme and the findings of the evaluation shall thereafter be published and submitted in writing to the local planning authority.
- 12) No development shall take place other than in accordance with an Archaeological Mitigation Strategy (AMS) which shall first be submitted to and approved in writing by the Local Planning Authority following the completion of the archaeological evaluation in accordance with Condition 11. The AMS shall include provision for any mitigation or monitoring work as informed by the archaeological evaluation to be carried out by a suitably qualified archaeologist or archaeological organisation. It shall also include provision for the excavation/preservation of archaeological features as appropriate to their level of significance, to be approved in writing by the Local Planning Authority. An archaeological management plan will be required for any archaeological features preserved in-situ. A written report detailing the results and post investigation assessments of any archaeological works shall thereafter be submitted to the Local Planning Authority for local publication within a timeframe to be approved in writing by the Local Planning Authority. No development shall take place other than in accordance with the approved AMS.
- 13) A report of the archaeologist's findings shall be submitted to the Local Planning Authority and the Historic Environment Record Officer at Nottinghamshire County Council within 3 months of the works hereby given consent being commenced unless otherwise agreed in writing by the Local Planning Authority; and this condition shall not be discharged until the archive of all archaeological work undertaken hitherto has been deposited with the County Museum Service, or another public depository willing to receive it.
- 14) Prior to the commencement of each phase of development (Construction, Operational and Decommissioning), a Soil Management Plan shall be submitted to, and approved in writing by, the Local Planning Authority. The plan shall include, but not be limited to, details pertaining to careful soil management during each phase, including consideration of the appropriate time of year for soil handling, planting beneath the panels and return to the former land quality as indicated in the submitted Agricultural Land

Classification survey. The Soil Management Plan shall adhere to the guidance set out in the following documents (or any subsequent replacement versions):

- Defra's Construction Code of Practice for the Sustainable Use of Soils on Construction Sites (September 2009); and
- The British Society of Soil Science Working with Soil Guidance Note on Benefiting from Soil Management in Development and Construction.

The Soil Management Plan as so approved shall be implemented, and adhered to, for each phase of the development.

- 15) Prior to the decommissioning of the development, a Final Restoration and Agricultural Aftercare Scheme shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall include, but not be limited to details pertaining to cultivations, seeding and ongoing management to ensure satisfactory return of the site to the former land quality as indicated in the submitted Agricultural Land Classification survey. The Aftercare Scheme as so approved shall be implemented and adhered to throughout the decommissioning phase of the development and in accordance with the approved ongoing management set out within.
- 16) The development shall be carried out in accordance with the submitted flood risk assessment (R001V6-IN_P21-2533-FRA Flood Risk Assessment and Drainage Strategy Pegasus Ref. P21-212533 October 2025). The mitigation measures contained within this document shall be fully implemented prior to the first export date and subsequently in accordance with the Strategy's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.
- 17) Prior to the construction of the Battery Energy Storage System (BESS), a Risk Management Plan and Emergency Response Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include a detailed operation and maintenance protocol, reflective of the detailed design, and with detail of the observational and testing protocol to be put in place to demonstrate no deleterious discharges to the Kingston Brook will, or have, occurred post fire event. These plans shall be developed in conjunction with Nottinghamshire Fire & Rescue Service using the best practice guidance as detailed and required in the published Grid Scale Battery Energy Storage System planning - Guidance for FRS published by NFCC National Fire Chiefs Council (February 2026) and as set out within the consultation response from Nottinghamshire Fire & Rescue Service dated 8 March 2024. Once approved, these plans shall be implemented thereafter and for the duration of the lifetime of the development.
- 18) Prior to commencement of the development hereby permitted the Construction Traffic Management Plan (CTMP) dated November 2024 shall be updated and submitted to and approved in writing by the Local Planning Authority. The CTMP shall include:
 - (a) Details of the maintenance and management measures for the Rights of Way over the site for the duration of the construction of the development.
 - (b) Details of passing place(s) within the site.

The development shall be implemented in accordance with this approved CTMP throughout the construction period

- 19) The development should be undertaken in accordance with the conclusions of the report prepared by Metrica Environmental Consulting Ltd 'Noise Impact Assessment Version 3.0 (dated November 2023)' to ensure the noise Rating level (as defined in BS4142:2014+A1:2019) from the operation of the development shall not exceed 5 dB above the background sound levels during daytime (07:00 - 23:00) or night time periods (23:00-07:00), as measured at the nearest Noise Sensitive Receptors (as existing or consented at the time of this consent).
- 20) Prior to their erection on site, details of the proposed materials and finish including colour of all solar panels, frames, ancillary buildings, equipment, and enclosures shall be submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out in accordance with the approved details and be maintained as such for the lifetime of the development hereby permitted.
- 21) The installed electrical generating capacity of the development hereby approved shall not exceed 49.9 megawatts (MW) measured as the aggregated alternating current (AC) export capacity of the inverters, except where required to offset reactive power consumption within the solar farm between the inverters and the grid connection point.
- 22) Prior to the commencement of any on site activities, a full otter survey in line with survey guidance (The Otter Field Survey and Monitoring Handbook, Findlay & White 2026) shall be undertaken. As per paragraph 2.4.1 of this guidance the survey shall encompass the full zone of influence (suitable habitats along Kingston Brook within the site and within 200m radius from any proposed works). A report on the findings including limitations, survey areas, survey dates and all ecological findings shall be submitted to and approved in writing with the LPA prior to the commencement of the development. The report shall contain recommendations and timescales for further survey, mitigation and/or licensing, as required, based on the survey findings.

Any mitigation/licensing measures identified shall be agreed in writing with the LPA and carried out ahead of works, in line with the report recommendations or relevant Natural England Licence to avoid impacts to this protected species.

Records of the otter surveys shall be submitted to the Local Biological Record Centre within 6 months of the survey date.

- 23) The development shall not commence unless a skylark mitigation strategy to secure the skylark mitigation works, and monitoring and management of such works, has been submitted to and approved in writing by the Local Planning Authority in accordance with the Unilateral Undertaking dated 27 April 2026. The approved Strategy shall be implemented before the start of the first available skylark nesting season (March-July inclusive) prior to the commencement of development and thereafter maintained in accordance with the agreed Strategy until the development is fully decommissioned.

APPEARANCES

FOR THE APPELLANT:

Sioned Davies, Barrister	Instructed by Pegasus Group
She called:	
Radek Chanas M Eng MA CMLI	Landscape witness
Laura Garcia BA(Hons) MCIfA	Heritage witness
Harry Fox MCIEEM	Ecology witness
Nigel Cussen BSc(Hons) DipTP MRTPI	Planning witness
Christian Silk Osborne Clarke Solicitors	Unilateral Undertaking only

FOR THE LOCAL PLANNING AUTHORITY:

Killian Garvey, Barrister

Peter Bond BSc (Hons), MA, MRTPI	Planning conditions only
Rhia McBain BSc (Hons) MCIEEM	Planning conditions only

INTERESTED PARTIES:

Neil Hartley
Martin Powell
Andrew Cunningham
Stephen Reid
Glenys Jones
Charlotte James
Colin Harper
Cllr Edyvean
Cllr Birch

INQUIRY DOCUMENTS

CD11.1	Council's Opening Statement
CD11.2	Appellants' Opening Statement
CD11.3 A1-A3	S Reid Statements
CD11.3 B	G Jones Statement
CD11.3 C	C James Statement
CD11.3 D	C Harper Statement
CD11.3 E	Cllr Birch Statement
CD11.3 F	N Hartley Statement
CD11.3 G	W Gragg
CD11.3 H	Video of otters
CD11.3 I	S Reid slides
CD11.3 J & L	G Jones flooding photographs
CD11.3 K	G Jones flooding video
CD11.3 M	Main Street, Wysall photograph
CD11.3 N - P	Photographs of agricultural fields and surroundings
CD11.3 Q	Flooding Main Street, Wysall video
CD11.3 R – V	M Powell Statement
CD11.4	Appellants' Safety Statement
CD11.5 & 5A	UU draft 10 March and plan (Superseded)
CD11.6	Supplemental Statement of Common Ground
CD11.7	Revised Appendix 1 – Appellants' Landscape Proof
CD11.8	Appellants' Heritage note
CD11.9	Appellants' Severn Trent Water response note
CD11.10	Revised Enhanced Landscape Strategy Plan
CD11.11	Appellants' Additional Safety Statement
CD11.12	Appellants' note on grid connections
CD11.13	Final draft conditions
CD11.14, 15 & 15A	Further draft UU, plan and covering letter
CD11.16	Appeal decision 3332543 submitted by Appellants
CD11.17	Appeal decision (2) 3332543 submitted by Appellants
CD11.18	High Court judgement submitted by Appellants
CD11.19	High Court judgement Statement of Facts and Grounds
CD11.20	Appellants' Skylark Condition Inquiry Note
CD11.21 & A-C	Further draft UU, covering letter and comparison
CD11.22 & A	Final draft UU and comparison
CD11.23	Appellants' Closing Submissions
CD11.24	S Reid comments on UU
CD11.25	Appellants' response to CD11.24
CD11.26.1-3	Signed UU Parts 1, 2 and 3