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Mr Gareth Elliot  
Rushcliffe Borough Council  
Rushcliffe Arena  
Rugby Road  
West Bridgford  
NG2 7HY

12<sup>nd</sup> April 2024

24/00161/FUL

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.

Land West Of Bradmore Road And North Of Wysall Road Land West Of Wysall Wysall.

Dear Mr Elliot

Thank you for the opportunity to comment on the above proposal. The following comments have been provided with reference to current wildlife legislation, local and national planning policies and relevant guidance from the Chartered Institute of Ecology and Environmental Management (CIEEM). We have also assessed potential ecological impacts on the adjacent Local Wildlife Site (LWS) and ancient and semi natural woodland (ASNW) site, the western part of which is a Nottinghamshire Wildlife Trust nature reserve.

We have referred to the following documents within our response:

Clarkson and Woods (2023). Ecological Impact Assessment.  
Clarkson and Woods (2023). Breeding bird survey Report.  
Arboricultural Impact Assessment (January 2024) produced by Pegasus Group  
Landscape Strategy (DRWG: P21-2533\_EN\_06\_D) produced by Pegasus Group  
Flood Risk Assessment and Drainage Strategy produced by Pegasus Group  
Site Layout Plan (02A-EXG-04-00-D-K001), Design and Access Statement (February 2024), Planning Statement (February 2024)

Additional resources used to inform our letter include:

Nottinghamshire Insight Mapping: <https://maps.nottinghamcity.gov.uk/insightmapping/#>  
Google Earth Pro;  
Rushcliffe Borough Council Solar Farm Development Planning Guidance November 2022  
Rushcliffe Biodiversity Opportunities Map  
Magic Maps: <https://magic.defra.gov.uk/magicmap.aspx>  
Ancient woodland, ancient trees and veteran trees: advice for making planning decisions; and

List of Local Priority Habitats & Species: <https://nottsbg.org.uk/lbap/>

Our comments are set out below:

## 1. Potential impacts on Ancient Semi-Natural Woodland (ASNW)

The EclA (Ecological Impact Assessment) para 3.3.4 states that “Development within Old Wood North has been designed to be a minimum of 15m from adjacent woodland, although in most cases, the Development will be over 30m from these features. EclA para 3.3.5 states “A Construction Environmental Management Plan focussed on ecology (CEMP (Construction Environmental Management Plan) – Ecology) will be prepared for the construction phase of the scheme, detailing measures protecting all habitats within and surrounding the Site, including the LNR, SINC, LWS and pLWS.”

Whilst we acknowledge measures are proposed to protect the woodland during construction, we are concerned about the proximity of most of the northern boundary of the proposed solar farm to ASNW. The Arboricultural assessment quotes the Ancient Woodland, ancient Trees and Veteran Trees: advice for making planning decisions (.Gov Standing advice<sup>1</sup>) “For ancient woodlands, the proposal should have a buffer zone of at least 15 metres from the boundary of the woodland to avoid root damage (known as the root protection area). Where assessment shows other impacts are likely to extend beyond this distance, the proposal is likely to need a larger buffer zone.”

In relation to a 15m development buffer being appropriate, if the application were to be approved, we feel there is a strong argument for a significantly wider woodland buffer in this location, as was included in the layout for adjacent approved Highfields Farm application. We also wish to highlight the 15m is a minimum, with the guidance stating. The reasons why we are taking this standpoint in relation to a requirement for a much wider buffer zone is set out below:

### Flood risk

We have reviewed the submitted Flood Risk Assessment (FRA). Para 8.5 concludes that “With mitigation measures and the proposed surface water drainage strategy in place, the Development will not increase flood risk on site or elsewhere.” Whilst the topography of the northern parcel falls to the southeast from 90mAOD to 75mAOD, the land immediately adjacent to the ASNW slope towards the woodland’s southern boundary. This slope is clearly seen on the topo survey (included at Appendix A of the FRA). No assessment seems to have been made in relation to potential surface water flow (from any precipitation falling on any infrastructure, particularly panels themselves) towards the woodland. There is no assessment of potential impacts on the ASNW in the FRA or EclA. Such habitat is particularly sensitive to any changes to hydrology, which could lead to significant damaging impacts on the ancient woodland ground flora, or growth and viability of the trees.

Whilst we agree with the FRA points in relation to the proposed change in land use (cessation of agricultural activities at the site) which will in turn, result in a variety of beneficial effects which will serve to reduce soil compaction and runoff rates from the site (FRA 6.24-6.28), we would expect to see an assessment in relation to potential impacts on the ASNW. CIEEM Guidelines for EclA (section 5.35) states,

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<sup>1</sup> <https://www.gov.uk/guidance/ancient-woodland-ancient-trees-and-veteran-trees-advice-for-making-planning-decisions>

“Where uncertainty exists, it must be acknowledged in the EclA.” If this is the case, then we would recommend the precautionary principle is applied and a wider development buffer zone is included.

## Ash dieback

Ash dieback is impacting many of our woodlands across Nottinghamshire. Although the full extent of the impact is unknown, Bunny Old Wood is an ash woodland. We manage our reserves on a precautionary basis, inspecting trees near any paths or infrastructure. It is entirely possible that trees along the boundary to the proposal may become impacted by Ash dieback in the future.

Whilst we welcome the minimum development buffer to the publicly accessible part of the woodlands (our nature reserve) is over 100m, we understand the minimum offset for most of the wood is 15-30m (EclA para 3.3.4). As 40m is a cited height of a mature ash tree<sup>2</sup>, we would recommend that a margin of more than 30m is established between the woodland and proposed boundary fencing, to protect the fence and any other valuable equipment and infrastructure, such as panels, in the event of any large trees coming down in the future, should the application be approved.

## 2. Landscape Plan

We acknowledge and welcome elements in the landscaping proposals, including the establishment of 25.6ha of wildflower meadow, 1.08ha wet meadow mix, 2.5km of hedgerow planting, hedgerow infill planting (length appears to be unspecified), 1.12ha of copse planting and 2.4ha of woodland planting (source EclA paras 3.2.2 - 3.2.4), full implementation of which should be secured if planning permission is granted.

We have assessed the layout alongside the principles of the Lawton Review<sup>3</sup> of bigger, better, and more joined nature sites and the Rushcliffe Biodiversity Opportunity Map<sup>4</sup>, which is based on the Lawton Review principles. We observe that much of the new hedgerow planting and meadow creation is alongside the public right of way (PROW). Woodland, trees, and hedges will take some years to establish. Once established, whilst it provides new habitat connectivity in location which is not currently present, there is much to be gained by further improving existing habitat linkages more widely across the site.

Whilst we appreciate improvement to existing habitat corridors are included, such as gapping up of existing hedgerows, three recommendations are presented in appendix A, which we would like to see incorporated into the final layout, should the application be approved. Linking and strengthening existing features will lead to gains for wildlife more readily than creating new habitat patches and linkages. Also, much could be gained by increasing habitat connectivity between the northern and southern parcels. We suggest this could be achieved by some form of planning agreement. As well as supporting the BOM and Lawton Review principle, if any of our recommendations could be secured, this would also complement the emerging Local Nature Recovery Strategy<sup>5</sup>.

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<sup>2</sup> Forestry England. Ash Tree Facts and Figures [Ash | Tree species | Forestry England](#)

<sup>3</sup> Lawton Review (2010) ‘Making space for nature’: a review of England’s wildlife sites  
<https://www.gov.uk/government/news/making-space-for-nature-a-review-of-englands-wildlife-sites-published-today>

<sup>4</sup> Nottinghamshire Biodiversity Action Group (2015). Rushcliffe Biodiversity Opportunity Map  
[https://nottsbag.org.uk/wp-content/uploads/2021/01/Rushcliffe-BOM-Report-2015\\_V3.pdf](https://nottsbag.org.uk/wp-content/uploads/2021/01/Rushcliffe-BOM-Report-2015_V3.pdf)

<sup>5</sup> Nottinghamshire County Council. Local Nature Recovery Strategy [Local nature recovery strategy | Nottinghamshire County Council](#)

### 3. Ecological Impact Assessment (EcIA) Report

We have reviewed the submitted EcIA (Clarkson and Woods, Dec 2023). We welcome that the following specific surveys have been carried in relation to:

- Extended Phase 1 Habitats Survey
- Wintering Bird Scoping Survey
- Further Wintering Bird Surveys
- Breeding Bird Surveys (outlined within a separate report)
- eDNA sampling for great crested newt (GCN)
- Water Vole surveys of Kingston Brook
- MoRPh survey of Kingston Brook.

Our comments in relation to potential impacts, mitigation, compensation, enhancement, and monitoring EcIA3.3 to 3.9 and table 14) are below:

#### Designated sites

See our comments above (1.) in relation to potential impacts on Ancient Semi-Natural Woodland (ASNW).

#### Habitats

We acknowledge the proposed approach to safeguarding habitats, including hedgerows, ponds, watercourses, and woodland (within and adjacent to the site) via a CEMP (EcIA para 3.4.1).

#### Ditches, watercourses, and riparian mammals

In relation to watercourse impacts, para 3.4.9 states “A new prefabricated bridge for vehicular use will be lowered over the brook and secured appropriately through footings on either side of the bank....” The DAS (5.5.3) notes, “The existing bridge will be reinforced with an over spanning structure to ensure the loading of construction vehicles can be accommodated.” We cannot find any specifications elsewhere in the application. We recommend that the LPA (Local Planning Authority) requests further details of the proposed bridge works, and that the applicant’s ecologists assess the detailed design plans, so it can be satisfied that the conclusions of EcIA (para 3.4.13) “If the design remains free span... ..it is anticipated that impacts on Kingston Brook will be negligible...” and para 3.5.29 “The bridge will be approximately 7 wide and will be positioned at a height of 2m above the water, allowing continued movement of [otters] in underneath in times of flooding...” will be realised.

A wet ditch and several dry agricultural ditches are described in the EcIA (3.48). These are drawn on the topo survey (FRA report). No assessment of their condition is provided. We suggest that ditches could be sensitively restored as part of the proposals, should the application be approved. The ditches could provide improved wildlife habitat, as well as have a positive role in managing surface water drainage. For instance, introduction of a two-stage berm and/ or some of the other principles of Countryside Stewardship management recommendations<sup>6</sup> could be appropriate for ditches on this site but this would need to be subject to further assessment.

<sup>6</sup> Gov.UK website. Countryside Stewardship WN3: Ditch, Dyke and Rhine restoration [WN3: Ditch, dyke and rhine restoration - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/countryside-stewardship-wn3-ditch-dyke-and-rhine-restoration)

## Bats

Whilst we accept arable habitats are generally of low value, we would still have preferred to have seen bat activity surveys being undertaken to inform the EclA. This because the site is connected to ASNW, a very scarce habitat in Rushcliffe, and the site supports several features, such as hedges and ponds for foraging and commuting bats. BCT (Bat Conservation Trust) Guidelines (Table 8) states “if the habitat has been classified as having low suitability for bats, an ecologist should make a professional judgement on how to proceed based on all of the evidence available. It may or may not be appropriate for bat activity surveys to be carried out in low suitability habitats.” We think it is appropriate for bat activity surveys to have been carried out for the reasons outlined above.

We acknowledge the approach to protect trees with bat roost potential, as set out at para 5.3.13 (tree and hedgerow buffers) and general habitat protection via the CEMP (5.3.14). We accept that habitat creation proposals (new hedges, gapping up, meadows etc described at 3.5.17-21), once established will provide foraging habitat and improved landscape connectivity for bats. The proposed bat boxes will also provide additional roosting opportunities (3.5.23-24).

Regarding the behavioural impact of solar farm developments on foraging and roosting bats, we accept the explanation and need for more research, as presented at para 3.5.10-11. Given the uncertainty around how bats use solar farms, if the application is approved, we would recommend this site be subject to monitoring to look at the long-term impacts. We suggest baseline bat activity surveys prior to any construction, with habitat establishment/ habitat condition and invertebrates (species diversity and abundance) being monitored over the lifetime of the proposal (see our general comments on monitoring below).

## Great crested newts

We acknowledge the general approach taken, so that 50m buffers from gcn positive ponds are built into the design (3.5.42) and we accept that habitats such as woodland, hedgerow and meadow, once established, will provide increased hibernation and foraging opportunities for newts (3.5.45).

We support the EclA recommendation for creation of hibernacula, which should be secured should the application be approved. Further enhancement opportunities should be explored, such as the establishment of new ponds or pond or ditch restoration. The HSI shows some of the ponds are in sub-optimal condition. If the application is approved, we suggest a pond restoration project should form part of the mitigation/ enhancement strategy. Although this needs to be subject to further assessment, the strategy could incorporate existing gcn ponds, with management work being carried out to get them into better condition, or it could focus on restoring dry and/or gcn negative ponds, or a combination of the two approaches.

## Birds

Please see our further comments regarding skylark under Cumulative impacts (4.).

We query the discrepancy between Figure 11 Skylarks Territory map in the EclA, which seems to show 8 territories and Appendix 1 of the BBS, which seems to show 9. Par 3.5.60 assumes that the “...territory indicated within the northeastern corner of Old Wood South can be absorbed into adjacent neighbouring habitat...” Also, it predicts, “Additionally, the territory in the southeast of Old Wood North will not be affected by the erection of solar panels as it lies within the area of Field 7 which is not proposed for development. It is therefore estimated that six breeding skylark territories will be lost due to the construction and operation of the Development.”

If the EcIA is based on Appendix 1 of the bird survey, which shows 9 territories, then the assessment should predict that seven breeding territories will be lost. The two predicted to remain will comprise of the territory 'absorbed' to neighbouring habitat in the northeast and one of the two territories in field 7.

We acknowledge the measures put forward to protect birds during construction and accept that landscaping proposals will benefit many other bird species in the long-term, with bird nest box scheme providing some additional nesting habitats whilst the planting matures (3.5.62-66).

### Other species of conservation concern

We acknowledge measures are put forward to protect brown hares and hedgehogs during any construction, to be implemented via a CEMP (3.5.71).

The EcIA however does not appear to discuss the potential impacts of fencing on the permeability of the site for wildlife, especially brown hare, [REDACTED] and, on welfare grounds, deer. We wish to highlight that BRE Guidance<sup>7</sup> states "A 20-30cm gap between the base of the fence and the ground enables movement of badgers and other wildlife without compromising the security of the site". [REDACTED]

[REDACTED] we would recommend measures to ensure permeability of wildlife are included in the landscaping plan and incorporated into any LEMP (Landscape and Environment Management Plan).

### Habitat establishment, habitat management, and future monitoring

Whilst EcIA 3.3 to 3.9 discusses potential impacts, mitigation, compensation, enhancement and monitoring and Table 14 has a monitoring column, there is little detail on the type, nature, or duration of any ecological monitoring, further to construction impacts monitoring and bird nest box and bat roost box monitoring.

Alongside the proposed LEMP, we wish to highlight the importance of monitoring habitats during establishment. If habitats are failing to establish then this should be rectified. Such monitoring should focus on the establishment of hedgerows, trees, woodland and scrub, grassland, ponds, habitat piles and bat and bird boxes.

We would wish to be assured that the grasslands can be maintained during establishment and, post-establishment phase, by a late summer hay cut (as proposed at EcIA para 3.5.20) and that this is realistic for this site. Linked to our comments on great crested newts, we would like to see the LEMP provide information on future management of ponds and ditches throughout the lifetime of the solar farm to maintain and maximise their biodiversity value.

Periodic species monitoring would also be useful and could feed into management recommendations/management plan reviews. This should include an occasional repeat of breeding bird, bats (see our comments), reptiles, riparian mammals surveys and invertebrate surveys.

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<sup>7</sup> BRE (2014) Biodiversity Guidance for Solar Developments. Eds G E Parker and L Greene



Often, the timescale for reporting of ecological monitoring programmes is at Years 1, 2, 3, 5, 10 and then every 5 years, and this is often secured by condition. As our nature reserve is nearby, we would welcome seeing copies of any monitoring reports.

To demonstrate it is feasible to secure many of the EclA recommendations (e.g. managing hedges at 3m, future management of meadows for the lifetime of the development etc) and to clarify procedures around implementation of landscape proposals, including establishment (i.e. monitoring of meadow and tree establishment, procedure to replace failed plants etc) we recommend submission of both the Ecology CEMP and LEMP prior to determination. This will help ensure that recommendations of the EclA are secured and do not remain as recommendations in the EclA report that are not realised on the ground.

#### 4. Cumulative impacts, including skylarks

EclA para 3.1.4 states Where potential for cumulative impacts upon IEFs in association with other proposed or ongoing local development are identified these are described as appropriate for the affected IEF. The Zone of Influence for each IEF, together with their level of ecological importance will be of relevance when considering the scope of a cumulative impact assessment.

This does not seem to have been done. A cumulative impact assessment is not included in the breeding birds assessment (3.5.57-3.5.68) paragraphs of the EclA. Cumulative impacts are very briefly discussed at paragraph 3.6 of the EclA. The adjacent Highfields Farm solar farm (approved application ref 22/00303) is correctly considered in the assessment. The cumulative impacts assessment briefly describes the Defra Metric outcome predicted for Highfields Farm, describes the results of some of the surveys and notes that a water vole survey was not conducted.

When describing the results of the Highfields Solar Farm application, para 3.6.4 states that “Three BBS were undertaken as part of the impact assessment, with 11 skylark territories being estimated throughout the site and no specific mitigation is proposed for the species. Considering the proximity of this project to the proposed Scheme, it is considered likely that a modest increase in the previously identified residual adverse displacement effect of skylark territories may occur, causing it to be felt at a Local, rather than Site scale”.

The residual impacts on skylarks from the proposed Old Wood solar farm proposal are described in EclA para 3.5.67 “The loss of 94.5ha of nesting habitat (arable land) for skylark will not be entirely mitigated for within the proposals; however, the seeding of species-rich grassland within the Site will likely provide a positive effect on foraging habitat for all bird species. It should also be noted that there are a maximum of eight skylark territories within the Site, six of which are estimated to be displaced, which considered likely to be a small proportion of local population, especially due to the large extent of similar suitable habitat within the wider landscape. Consequently, while an adverse residual effect on skylark is predicted, it is likely only significant at a Site level. Para 3.5.68 states, As long as the CEMP (Ecology) and LEMP are adhered to, and the skylark mitigation area of 3.62ha within Old Wood North is implemented and managed appropriately, it is not anticipated that there will be any negative residual effects for other breeding or wintering birds on Site, with the abundance of new planting likely to result in a slight positive residual impact for foraging birds during the breeding season.

Where it states that “...there are a maximum of eight skylark territories within the Site, six of which are estimated to be displaced, which considered likely to be a small proportion of local population, especially due to the large extent of similar suitable habitat within the wider landscape”, this can be challenged as most of the arable land to the west comprises of the approved Highfields Farm solar farm.

The EclA predicts a loss of 6 skylark territories from Old Wood proposed solar farm (we think this is 7) and, potentially, 11 will likely be displaced from the consented Highfields Farm application. This makes a total of 17 (or 18) territories lost. With the skylark mitigation area, if successful, only able to support one breeding pair, we do not find that the mitigation proposed is adequate. The EclA acknowledges there will be a residual impact on skylark (3.5.67). With residual impacts arising from both applications, mitigation proposals for skylarks requires further consideration.

We would certainly expect to see a more detailed and robust cumulative impact assessment regarding skylark and all ecological receptors, following CIEEM Guidelines for EclA. Other environmental impacts should also be subject to a cumulative impact assessment.

## 5. Biodiversity Net Gain Calculation

We look to the LPA themselves to provide advice on this, as we understand they have inhouse expertise. However, we wish to highlight that the calculation should be based on the Statutory BNG Metric, not 4.0. According to .Gov guidance<sup>8</sup>, this is the case for any application submitted after the formal start of BNG for major applications (12<sup>th</sup> Feb). We understand that this application was validated on 16<sup>th</sup> Feb.

## Summary

We are of the view that amendments are required to the layout and landscaping to secure an adequate buffer to LWS and ASNW at the northern boundary of the proposed solar farm. Furthermore, a robust cumulative impact assessment and mitigation is required, especially in relation to impact on breeding skylarks. We therefore wish to submit an objection to this application.

Please do not hesitate to contact me if we can be of further assistance.

Yours sincerely

Ben Driver  
Senior Nature Recovery Officer (South)  
[www.nottinghamshirewildlife.org](http://www.nottinghamshirewildlife.org)

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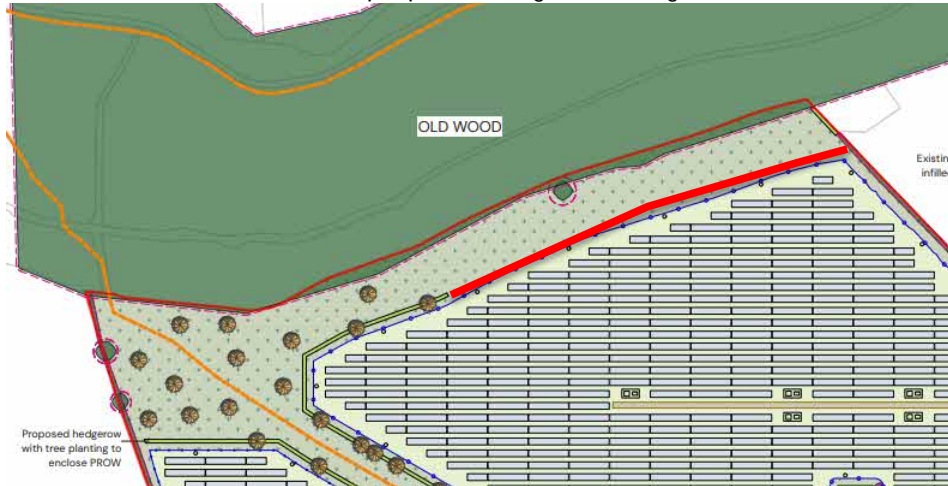
<sup>8</sup>.Gov Guidance Calculate Biodiversity Value with the Statutory biodiversity metric [Calculate biodiversity value with the statutory biodiversity metric](https://www.gov.uk/guidance/calculate-biodiversity-value-with-the-statutory-biodiversity-metric) - GOV.UK ([www.gov.uk](http://www.gov.uk))





## Appendix 1

Recommendation 1 -continue proposed hedgerow along fence line of the northernmost solar array



Recommendation 2 -Grassland (meadow linkages improved) across farmland between northern and southern parcels



Recommendation 3 – strengthening north south orientated woodland linkages (between Kingston Brook to bunny Wood, via Copses and proposed hedgerow planting along PROW) along western boundary



New hedgerow on outside of  
perimeter fence

New woodland planting