

Date: 13 June 2024  
Our ref: 477649  
Your ref: 24/00384/FUL



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**BY EMAIL ONLY**

T 0300 060 3900

Dear James

**Planning consultation: Installation and Operation of a Solar Farm and Battery Energy Storage System**  
**Location: Land Adjacent To A614 Workshop Nottinghamshire**

Thank you for your consultation on the above dated 31 May 2024 which was received by Natural England on 31 May 2024.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

**SUMMARY OF NATURAL ENGLAND'S ADVICE**

**NO OBJECTION - SUBJECT TO APPROPRIATE MITIGATION BEING SECURED**

Natural England considers that without appropriate mitigation the application would damage or destroy the interest features for which Clumber Park Site of Special Scientific Interest (SSSI) has been notified.

In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required:

- Construction Environment Management Plan (CEMP)
- Management of contaminated run off from fire management
- Landscape Management Plan (LMP)

We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.

A lack of objection does not mean that there are no significant environmental impacts. Natural England advises that all environmental impacts and opportunities are fully considered and relevant local bodies are consulted.

Natural England's further advice on designated sites/landscapes and advice on other natural environment issues is set out below.

**Clumber Park SSSI**

The response from Windrush Ecology (dated 30/05/24) notes that the operation of a solar farm is

not listed as one of the “operations likely to damage the special interest” of Clumber Park SSSI. The proposed solar farm does trigger an Impact Risk Zone for the designated site at multiple locations within the redline boundary. These can be seen on Defra’s MAGIC website<sup>1</sup>. As such indirect impacts from the construction and operational phases need to be reviewed by Natural England (NE) for impacts to the SSSI.

The response also notes the proposed scheme is downstream of the River Poulter and so has no hydrological connection to the designated site. NE do acknowledge this; however the proposed scheme is within the water catchment of the SSSI and so there is an impact pathway from the development to the SSSI through hydrological connection. This can also be viewed on the MAGIC website.

NE agrees there will be no direct impacts to the designated features of the SSSI through habitat loss.

### **Further advice on mitigation**

#### Construction Environment Management Plan

To avoid potential impacts to Clumber Park SSSI during construction, Natural England advise that a Construction Environment Management Plan (CEMP) should be established prior to the commencement of any permitted works. The CEMP should detail how this proposed development will avoid, minimise and mitigate its environmental impact on the nearby designated sites. In particular, the CEMP must include:

- measures to prevent impacts to the SSSI via dust mobilisation. The SSSI lies within 200m of the development site, which is the furthest distance a significant amount of dust is likely to travel. As a result, without appropriate dust management, the construction of the proposed development may cause an adverse effect on the SSSI. This is because dust falling onto plants can physically smother leaves affecting photosynthesis, respiration, transpiration and leaf temperature. Larger particles can also block stomata, cause toxicity issues (caused by heavy metals particles) and changes in pH (particularly if the dust is alkaline, e.g. cement dust). NE have reviewed the Planning Statement and note that it concludes there will be no impacts from dust due to the nature of the development. We do not see justification for the conclusion reached. As such we would need to see the justification for no significant impacts from dust generated from construction before screening them out from requiring mitigation.
- measures to prevent impacts from pollution of watercourses running to the SSSI. The development site lies within the catchment, of the SSSI, which is sensitive to changes in water quality. Therefore, without appropriate management of surface water during construction, any pollutants from the site during construction (i.e. sediment, fuel/oils, chemicals) may reach the SSSI and cause an adverse impact. NE have reviewed the Flood Risk Assessment and Surface Water Drainage Strategy. The additional swales should allow any additional surface water from the PV panels and their infrastructure to infiltrate to ground. These should be conditioned to be in place before construction and their maintenance (as outlined in Figures 5.1 and 6.1) ongoing for the lifetime of the development.
- avoidance of works within the bird breeding season. The development site lies within proximity of the SSSI, which is notified for its breeding bird interest. As such, any heavy construction activities are considered likely to cause an adverse impact on the SSSI where these coincide with the breeding season. This is due primarily to disturbance from noise, light and vibration. It may be possible to avoid impacts to breeding birds via the implementation of construction mitigation measures, however, Natural England recommend that wherever possible, construction activities should take place outside the breeding season. NE note from the Noise Impact Assessment residential noise sensitive receptors up to 500m from the site boundary have been assessed. The response from Windrush Ecology notes that the SSSI is 100m from the development and separated by woodland. Windrush

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<sup>1</sup> [Magic Map Application \(defra.gov.uk\)](https://www.defra.gov.uk/magic)

also note that noise from the road will mask any construction noise. Birds can become habituated to regular noise, however loud and infrequent bangs from construction can startle and impact bird behaviour. This can affect the success of breeding birds. On balance, we accept no further analysis of noise impacts are required at the site. However, we would ask that a CEMP be conditioned to manage impacts to breeding birds from construction noise.

#### Management of contaminated run off from fire management

The procedure outlined in Section 6 of the Surface Water and Drainage Strategy is sufficient to manage any impacts at the SSSI in the event of a fire emergency from any contaminated run off. A suitable condition should be applied to ensure this is in place before the operational phase of the BESS and maintained for the lifetime of the project.

#### Landscape Management Plan

As noted by Aurora Planning Limited (email dated 30/05/24), a LMP can be conditioned to ensure the implementation of additional landscape features are in place and maintained for the duration of the project's lifetime.

Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 281 (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England's advice. You must also allow a further period of 21 days before the operation can commence.

#### **Other advice**

#### Agricultural Land

Natural England note that the request for more information on the Agricultural Land Classification Survey is still outstanding, as outlined in our response on 16/05/24 (our ref 427687).

#### Planting Plan

NE acknowledge and welcome the additional planting outlined in the Planting Plan. Additional planting can create wildlife corridors, aiding the movement and dispersal of various species. This could enhance habitat connectivity and genetic diversity for certain wildlife populations. Further considerations could be made to use local native species which would be advantageous, particularly given the effort in the Sherwood NCA to remove non-native species in local woodlands and Clumber Park SSSI.

Clumber Park SSSI supports extensive areas of lowland (floristically rich) acid grassland, heath, wood pasture and mature deciduous woodland characteristic of the English North Midlands. Additionally, the site incorporates areas of oak-dominated deciduous woodland, alongside areas of mixed woodland, which support an exceptionally rich invertebrate fauna and breeding bird community. Therefore, due to the locality of the development (directly adjacent to Clumber Park SSSI) we would strongly recommend that the planting regime reflects native species that have been used historically within the area.

Scots Pine is not locally native and does not reflect the species found within and around Clumber Park SSSI. Scots Pine can have potential to alter soil chemistry, and their root systems are quite extensive so may compete with neighbouring habitats for water too. Planting zone W1 is adjacent to SSSI unit 33, which is designated for lowland heath. Being precautionary, NE would recommend using an alternative species, such as Holly, *Ilex aquifolium* and / or additional oak species – as these species can healthily co-exist with neighbouring heathland habitats. They shouldn't alter soil nutrients or pH levels, and because Holly is evergreen it will contribute towards the proposed green barrier effectively.

Additionally, Norway Maple is not native to the UK or the local area, and we believe an alternative species could be used which would benefit the local landscape further. Depending on the objectives of the planting, we would suggest that replacing the Norway Maple with Field Maple could be a suitable alternative. Beech is also not native to the area and should be replaced with a native

alternative.

Regarding the “Riparian edge to the river Poulter” (R1), we are pleased to see Willow has been selected however we would recommend selecting further water tolerant species such as Alder and Blackthorn in addition as this area is marked as floodplain (EA Flood Zone).

Regarding the wildflower seed mixes, we would again recommend that the supplier or nursery can guarantee plants / seeds are of local provenance. This has two advantages: first, the plants are adapted to local conditions; and second, the species on offer will be appropriate to the locality. Poorer quality seed may contain a high proportion of non-native varieties and could contain weeds / unwanted species. If feasible, wildflower seed could be obtained from Clumber Park, which would be a great addition to the site and help to ensure a successful establishment of the seeds if planted within the optimal planting window. Additionally, further heathland creation would provide continuity with the SSSI adjacent. Clumber Park may be able to supply heather brash for this and have experience with reversion from arable.

Finally, we have concerns reading the methodology for grassland creation which does not include any measures for testing the soil to assess its suitability and is written with the caveat to seed on “if time allows”. If serious grassland restoration is being considered, the developer could benefit from consulting [How can I restore or create a meadow?](#)<sup>2</sup>.

Further general advice on consideration of protected species and other natural environment issues is provided at Annex A.

Should the developer wish to discuss the detail of measures to mitigate the effects described above with Natural England, we recommend that they seek advice through our [Discretionary Advice Service](#).

If you have any queries relating to the advice in this letter please contact me on 07920 881 956.

We would not expect to provide further advice on the discharge of planning conditions or obligations attached to any planning permission.

Should the proposal change, please consult us again.

Yours sincerely

Lucy Collins  
Sustainable Development Higher Officer  
East Midlands Area Team

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<sup>2</sup> [How can I restore or create a meadow? | Magnificent Meadows](#)