

TECHNICAL NOTE: ECOLOGICAL CLARIFICATION – OTHER NEUTRAL GRASSLAND.

The Sirius Group

Kelham Solar Farm, Nottinghamshire.

Appeal Reference Number: 25/00008/DEC.

23 September 2025

1.0 INTRODUCTION

- 1.1 The following technical note has been produced to provide the Inspector with clarification of matters relating to an area of grassland located in the north-east of the site and its subsequent classification.
- 1.2 This technical note has been produced in response to a comment on the application received 11th June 2025 from Jane Southey, a local resident and ecologist, along with providing clarification as to the inclusion of this grassland within the Ecological Appraisal for the site and the Biodiversity Net Gain (BNG) assessment.

2.0 BACKGROUND TO THE APPLICATION

- 2.1 Previous habitat surveys of the site were undertaken on 22nd April 2020, 27th October 2021 and 20th April 2023. These were undertaken to inform the full planning application for the site received by the Local Planning Authority (LPA) Newark and Sherwood District Council (NSDC) on 16th October 2023.
- 2.2 The application was submitted with the Ecological Appraisal (EA) (FPCR, September 2023) and a Biodiversity Net Gain assessment using Metric 4.0 which was the current version of the metric at the time of the application. As part of the application, the submitted Metric contained both pre- and post-development habitats.

NSDC (Ecology Lead Officer comments) (17 September 2024)

- 2.3 The response from the LPA's lead ecology officer is published on the LPA's planning page and states that it is considered that *"Although the habitat surveys were undertaken at slightly sub-optimal timings given the broad habitats identified as being present, I do not consider this to be a significant constraint in this instance"* the response goes on to state that the Net Gain *"calculation is acceptable in that the existing and proposed habitat types are appropriate and the target habitat conditions are realistic."*
- 2.4 No further consultation responses from the biodiversity officer are reported as being provided during the course of the application.

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Comments from Jane Southey MSc, Soc Env and CIEEM Local Ecologist (11th November 2025)

- 2.5 Following the above, comments have been received from Jane Southey, a local ecologist expressing concern regarding a small parcel of grassland to the north east of the site and the presence of orchids within the sward. A full species list is not provided however it is stated that *"The habitat categorisation of the grassland in the western corner of the site as "poor semi-improved grassland" is incorrect. This area is semi-improved grassland and supports a hybrid swarm of orchids regularly numbering 300 plus in addition to a good range of neutral herb species"* the comments go to say *"This area was established by John Miller of Manor Farm Kelham circa 15 years ago using a commercial wildflower mix. The sward has established well over time and needs suitable ongoing management not complete re-seeding."*
- 2.6 As a result, an update survey of this area was undertaken by a competent and suitably experienced ecologist from FPCR on 14th July 2025, specifically to provide botanical survey information on the area of grassland (hereby referred to as 'NE corner').
- 2.7 Also highlighted within the above comment included *"Clarification is needed on what the red hatched line is running through this grassland area. This red hatching is not included in the key on the landscape mitigation plan and various other plans."*
- 2.8 Following review, the red hatched shown on the plans indicates the location of an existing overhead line which will have no impact on the proposals and the retention of the grassland.

3.0 HABITAT CLASSIFICATION

- 3.1 Within the ecological appraisal submitted informing the initial application, the grassland on site was assessed under Phase 1 methodology¹. Under this methodology the grassland across the site was considered to represent a species-poor improved grassland type due to the dominating grass species across the sward and limited forbs present.
- 3.2 However, it is considered important to note that for the purpose of the BNG assessment the UK Habitat Classification System² (UKHab) was utilised, as required by the DEFRA metric methodology. Under this classification the grassland falls under 'other neutral grassland' which is defined as being a '*more species-rich sward*' and falls under a medium distinctiveness habitat type within the 4.0 metric³.
- 3.3 As with the remaining other neutral grassland present across the site, the NE corner was assessed as being in moderate condition indicating the grassland was considered to be of good quality however lacking the species richness required to meet 'good' condition (i.e. 10 or more vascular plant species per m² present). This was considered an appropriate classification for the grassland within the 'NE corner' of the site supporting the higher species richness and habitat type.

¹ Joint Nature Conservation Committee (JNCC) (2010). Handbook for Phase 1 habitat survey - A technique for environmental audit

² Butcher, B., Edmonds, B., Norton, L., & Treweek, J. (n.d.). The UK Habitats Classification System V2. UKHab. Retrieved July 26, 2024, from <https://ukhab.org/>

³ Natural England Joint Publication (2023), The Biodiversity Metric 4.0 User guide

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- 3.4 In addition, following the updated survey carried out July 2025 it is still considered that the sward lacks the criteria required for classification as a higher distinctiveness habitat such as Lowland Meadow Habitat of Principal Importance⁴. The g3a lowland meadow classification defines this priority habitat as a neutral grassland that meets at least two of the following three criteria:
- 1) >15 species per m²;
 - 2) >30% cover of broadleaved herbs and sedges;
 - 3) <10% cover of rye grasses and white clover *Trifolium repens*.
- 3.5 Following the updated survey carried out in 2025 it was identified that the NE corner of grassland fails point 1 and 3 and therefore does not qualify as a lowland meadow but rather g3c 'other neutral grassland' defined as a '*widespread and commonly encountered grassland of the lowlands that occurs on farmland and in built-up areas*'.
- 3.6 The grassland habitat does not meet the criteria to be classified as a local BAP habitat, nor does it meet the criteria for categorisation as Habitat of Principal Importance (HPI) under S41 of the NERC Act, and it is not an irreplaceable habitat as defined in the Para. 193(c) of the NPPF or in the User Guide for Version 4 of the DEFRA Metric⁵. It is therefore not a habitat of national significance.
- 3.7 Previously all grassland across the site was defined as one habitat and the NE corner included within the wider 'other neutral grassland' habitat type. However, to assist the Inspector determining this appeal, the Appellant has agreed as a precautionary measure to classify the NE corner as a distinct parcel and increase the condition baseline score of the grassland to 'good' condition, and update the BNG calculations accordingly (described below and shown in Figure 1). It is considered appropriate that the remaining grassland forming the field margins outside of this parcel remains in 'moderate' condition.
- 3.8 Furthermore, the development proposals will result in the NE corner of grassland being retained in full and secured through planning to be appropriately managed and protected from degradation and future destruction in the long-term.

The Environment Act 2021

- 3.9 BNG became mandatory for any major developments on 12 February 2024, introduced by Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021). Whilst the Statutory Metric was released on 12 February 2024, the requirements of the statutory metric and attributes of the statutory metric postdate the planning application. Given variation between the various versions of the DEFRA metric, it is not considered appropriate to use an updated version of the metric. This follows Natural England guidance for use of earlier versions of the DEFRA metric⁶.

⁴ BRIG (Maddock, A. Ed.) (2008). *UK Biodiversity Action Plan Priority Habitat Descriptions – Lowland Meadows*. Available at: <https://data.jncc.gov.uk/data/f0553254-1d47-474a-98e5-37fa163a28b5/UKBAP-BAPHabitats-29-Lowland-Meadows.pdf>

⁵ The Biodiversity Metric 4.0 User Guide Natural England Joint Publication JP039 (First published 2023).

⁶ [Biodiversity net gain - GOV.UK](https://www.gov.uk/guidance/biodiversity-net-gain) accessed 23.09.25

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- 3.10 This application was made in October 2023 and paragraph 003 of the PPG on Biodiversity Net Gain confirms biodiversity net gain is not applicable retrospectively to applications made prior to 12th February 2024. Consequently, in an absence of a local policy requirement or where planning applications have committed to provide a net gain or a 10% net gain prior to 12 February 2024, this voluntary provision should be seen as an additional benefit of the development rather than a requirement.
- 3.11 The National Planning Policy Framework (NPPF) 2024 seeks to ensure that the planning system contributes to and enhances the natural and local environment, protect and enhance biodiversity and geodiversity by:
- "187. d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures and incorporating features which support priority or threatened species such as swifts, bats and hedgehogs;*
- 193. when determining planning applications, local planning authorities should apply the following principles: ...*
- 193. c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists*
- 193. d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate."*
- 3.12 Under the NPPF, irreplaceable habitats include lowland meadow, ancient woodland, ancient and veteran trees, blanket bog, limestone pavements, coastal sand dunes, Spartina saltmarsh swards, Mediterranean saltmarsh scrub and lowland fens.
- 3.13 As stated above, no irreplaceable habitats have been identified on site, including the grassland within the NE corner.

4.0 UPDATED NET GAIN ASSESSMENT

- 4.1 As the baseline (pre-development) value was determined at application submission, the habitat types and areas included within the updated Metric have only been altered to reflect the comment received in regard to NE corner and updated layout.
- 4.2 The resulting Net Gain score, based on the below baseline and post-development habitats is +123.67 units (82.04%).
- 4.3 Table 1 summarises the pre-development baseline, with Table 2 summarising post-development created and enhanced habitats.

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Table 1: Pre-development Habitats

Habitat	Condition	Distinctiveness	Area (ha)	Units
Cropland	Condition Assessment N/A	Low	63.1889	126.38
Other neutral grassland	Moderate	Medium	2.2949	18.36
Other neutral grassland	Good	Medium	0.4657	5.59
Developed Land; sealed surface	N/A -Other	V. Low	0.0099	0.0
Rural tree	Moderate	Medium	0.0529	0.42

Table 2: Post-development habitats

Habitat (Created/Retained)	Condition	Distinctiveness	Area (ha)	Units
Other neutral grassland	Poor	Medium	52.9155	197.1049
Other neutral grassland (created)	Moderate	Medium	8.4322	62.10
Other neutral grassland (retained)	Good	Medium	0.4657	5.59
Mixed scrub	Moderate	Medium	1.2507	9.21
Developed Land; sealed surface (created)	N/A -Other	V. Low	2.8979	0.0
Rural tree (retained)	Moderate	Medium	0.0529	0.42

5.0 CONCLUSION

- 5.1 The completed assessment of the scheme confirms that the proposals will result in a significant net gain (in compliance with planning policy applicable at the time of submission), with proposed habitats providing a benefit and resources to a range of other wildlife, along with the retention of the grassland within NE corner, as shown on updated site layout plan (drawing number HC1002 02 16 R3).
- 5.2 The proposed habitats across the site, including NE corner, will be subject to the scheme's habitat management obligations, and will follow habitat creation, enhancement and management as set through the provision of a Habitat Management Plan, or similar, by way of condition. This is a further benefit of the scheme providing continued positive management of the area and created/enhanced habitats in the wider site.

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- 5.3 Given the enhancements and retention of the grassland on site, it is considered that the site follows the requirements of the mitigation hierarchy as it has sought to avoid significant harm, avoid area of high value habitats and it has maximised onsite provisions. The provision of such enhancements is in accordance with the rules of biodiversity net gain and is expected with the PPG for biodiversity net gain⁷.
- 5.4 The original application was supported by detailed ecological assessments submitted to, and reviewed by, NSDC during the determination period. The Council expressed satisfaction with the creation of the habitats at that time.
- 5.5 The above document addresses a comment received from a local resident. In response to this comment, the Appellant, undertaking a precautionary approach, has demonstrated continued compliance with both National and Local policy. There are therefore considered no outstanding ecological issues with the proposals. They will not result in the loss or deterioration of irreplaceable habitats (as defined in the NPPF) and the proposals apply appropriate and proportionate mitigation and compensation for the loss of habitats within the site, ensuring development would not result in more than low level harm to ecological receptors. Net gains to biodiversity will be delivered by the development through a combination of habitat enhancement and creation within the Site.
- 5.6 Therefore, it is my view that the submitted information and the evidence presented here is sufficient to provide the Inspector with the necessary information to determine that development proposals are in accordance with National and Local Plan policies and that the rules and principles of the DEFRA metric and the requirements of the PPG are met.

Technical Note Produced by: Rosie Ormerod

Position: Principal Ecologist

⁷ <https://www.gov.uk/guidance/biodiversity-net-gain>

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