

Planning Proof of Evidence (Summary).

Evidence of Paul Burrell.

In respect of Section 78 Appeal: Land South of Runwell Road (A132), Runwell, Wickford, Essex.

Installation of a solar farm, with battery storage and associated infrastructure.

On behalf of Enso Green Holdings J Limited.

Date: October 2024 | Pegasus Ref: P23-2361

Appeal Refs: APP/M1525/W/24/3344509 & APP/B1550/W/24/3344510

LPA Refs: 23/00532/FUL (CCC); 23/00285/FUL (RDC)



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1. Personal Background

- 1.1. My name is Paul Burrell. I hold a BSC (Soc Sci) Hons in Geography and a Diploma in Urban Planning.
- 1.2. I am a Chartered Town Planner having been elected over twenty-five years ago and I hold the position of an Executive Planning Director at the consultancy Pegasus Group. I am also the national Head of Planning for the Pegasus Group.
- 1.3. I have considerable experience in advising on planning matters concerning low carbon and renewable energy projects, including solar schemes, onshore wind farms and energy from waste facilities. This includes initial appraisal advice, leading the preparation of planning applications and subsequent negotiations with stakeholders and planning authorities, through to the discharge of conditions and implementation of planning permissions. I have secured planning permission for various solar farm and battery storage projects across England and Wales. I have been instructed to give evidence as the planning expert witness at a number of solar pv public inquiries and hearings, including at *Halloughton, Greatworth, Langford, Hillfield Lane, Scruton, Fobbing and Belvoir*, a number of which I refer later in my Evidence.
- 1.4. The evidence that I have prepared and provide for this Section 78 appeal is true and has been prepared and is given in accordance with the guidance of my professional institution. I can confirm that the opinions expressed are my true and professional opinions.

2. Summary

- 2.1. My Planning Proof of Evidence has been prepared on behalf of Enso Green Holdings J Limited ("the Appellant") and relates to a planning appeal submitted pursuant to Section 78 of the Town and Country Planning Act 1990, concerning the Southlands Solar Farm and Battery Storage ("the Proposed Development"), on land south of Runwell Road (A132), Runwell, Wickford, in Essex ("the Appeal Site").
- 2.2. The Appeal Site straddles the boundary between Chelmsford City Council ("CCC") and the neighbouring Local Authority, Rochford District Council ("RDC"). The solar farm and battery storage facility are located wholly within the administrative area of CCC, along with a proportion of the underground connection corridor (61.1ha). A section of the grid connection route lies within the administrative boundary of RDC (5ha), together with the National Grid Rayleigh Substation, which will receive the exported electricity from the Proposed Development.
- 2.3. The appeal follows the refusal by CCC of the application for full planning permission (CCC ref: 23/00532/FUL) for the following Proposed Development ("the Appeal Scheme"):

"Installation of a solar farm, with battery storage and associated infrastructure."
- 2.4. The Appeal Scheme consists of a ground mounted solar farm which would generate electricity for distribution to the National Grid; and a battery energy storage system (BESS) to provide grid balancing services to the Grid.

- 2.5. The proposed solar farm would be capable of generating 24.6MW (DC) of power which would produce enough renewable energy for the equivalent annual electrical needs of approximately 6,098 family homes in England. The anticipated CO2 displacement of the proposed solar farm would be approximately 5,130 tonnes per annum and approximately 205,200 tonnes over the 40-year operational lifetime of the proposed solar farm.
- 2.6. The proposed BESS facility is co-located with the proposed solar farm and would be utilised to complement the power generation of the solar farm. The proposed battery storage would have an import and export capacity of up to 57MW.
- 2.7. The Decision Notice was issued on 6th December 2023 (Core Document 2.2) and included 2 no. Reasons for Refusal:

"Reason 1:

Paragraph 147 of the National Planning Policy Framework (NPPF) states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

Paragraph 151 of the NPPF states that when located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. In such cases, developers will need to demonstrate very special circumstances if projects are to precede. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources. Policy DM6 and DM10 of the Adopted Chelmsford Local Plan and the Adopted Solar Farm Development SPD reiterate the NPPF.

Policy DM19 – Renewable and low carbon energy of the Adopted Chelmsford Local Plan relates to proposals for renewable and low carbon energy. It states that planning permission will be granted for renewable and low carbon development provided they:

Do not cause demonstrable harm to residential living environment; and

Avoid or minimise impacts on the historic environment; and

Can demonstrate no adverse effect on the natural environment including designated sites; and

Do not have an unacceptable visual impact which would be harmful to the character of the area; and

Will not have a detrimental impact on highway safety.

When located within the Green Belt, renewable or low carbon energy developments will also need to demonstrate very special circumstances in order to be approved.

The development would result in an unacceptable form of development within the Green Belt outside the exceptions listed within the NPPF or Policies DM6 or DM10 of the Adopted Chelmsford Local Plan. The proposal would be for an inappropriate form of development that would lead to loss of openness.

The proposed development by reason of its siting and scale would result in the creation of a large-scale, man-made urban character development that would lead to visual and spatial loss of openness.

The very special circumstances put forward by the applicants have been considered, but the applicant has not demonstrated that the harm to the Green Belt, by reason of inappropriateness and any other harm, is clearly outweighed by the very special circumstances.

The proposal is therefore contrary to Policies DM6, DM10 and DM19 of the Adopted Chelmsford Local Plan, the Adopted Chelmsford Solar Farm Development SPD and the objectives of the NPPF."

Reason 2:

The National Planning Policy Framework (NPPF) states that all planning proposals and decisions should contribute to and enhance the natural and local environment. Paragraphs 174a and 174b require proposals to:

Protect and enhance the valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);

Recognise the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.

Policy DM6 and DM10 of the Adopted Chelmsford Local Plan and the Adopted Solar Farm Development SPD reiterate the NPPF.

Policy DM19 – Renewable and low carbon energy of the Adopted Chelmsford Local Plan states that planning permission will be granted for renewable and low carbon development provided they:

Do not cause demonstrable harm to residential living environment; and

Avoid or minimise impacts on the historic environment; and

Can demonstrate no adverse effect on the natural environment including designated sites; and

Do not have an unacceptable visual impact which would be harmful to the character of the area; and

Will not have a detrimental impact on highway safety.

The proposed development by reason of its siting and scale would result in the creation of a large-scale man-made urban character development. It would be significantly detrimental to the landscape character of the area and would be harmful to visual amenity. The predicted landscape effects arising from the proposed development are not able to be overcome by the proposed mitigation.

The proposal would cause an unacceptable and adverse effect upon the natural environment which in turn would fail to protect the intrinsic character and beauty of the countryside.

Further, the applicant's proposal contains insufficient assessment of landscape impacts.

The proposal is therefore contrary to Policies DM6, DM10 and DM19 of the Adopted Chelmsford Local Plan, the Adopted Chelmsford Solar Farm Development SPD and the objectives of the NPPF."

- 2.8. My Planning Proof of Evidence addresses the Planning Policy matters raised in the Reasons for Refusal, as well as the overall planning balance.
- 2.9. Topic based Statements of Common Ground (SoCG) have been agreed with the LPA – Overarching; Need; Flood Risk; Heritage (*Core Documents 9.4 to 9.8*) – and I therefore rely on the agreement to matters which are not currently disputed between the parties.
- 2.10. I note that a number of matters have been variously raised in representations on the Proposed Development. I set out a summary of the comments made and a response to each of the considerations in **Appendix 2** to my evidence, together with signposts to application documentation and the relevant sections of the SoCGs as appropriate.

Main Issues

- 2.11. The Inspector in the CMC Notes states that the Council and Appellant have agreed that the development would be inappropriate development in the Green Belt. Accordingly, the Inspector determined that the main issues will be:

Issue 1 – Impact of the development on the openness and purposes of the Green Belt.

- 2.12. In Section 7 of my Evidence, I acknowledge that the Appeal Site is located within the metropolitan Green Belt, and that the Appeal Scheme is not a form of development that the NPPF defines in paragraphs 149 and 150 that would not be inappropriate development in the Green Belt. I also acknowledge that, in accordance with paragraphs 147 and 148 of the NPPF, inappropriate development is by definition harmful to the Green Belt and that any harm to the Green Belt should carry substantial weight in determining a planning application.
- 2.13. I note that, in applying NPPF paragraph 148 and Chelmsford Local Plan **Policy DM6**, the Appeal Scheme should not be approved unless the potential harm to the Green Belt by reason of

inappropriateness, and other harm resulting from the proposal, is clearly outweighed by other considerations. I further note that paragraph 151 states that elements of many renewable energy projects will comprise inappropriate development and that in such circumstances, developers will need to demonstrate very special circumstances if projects are to proceed. It then specifically states that *“such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources”*. I consider that to be the case in respect of the Appeal Scheme, and I return to address this matter later in my Evidence when considering the advice set out in NPS EN-1 and EN-3 on Critical National Priority Infrastructure and its relation to very special circumstances in Section 8 of my Evidence, and also in considering the very special circumstances in Section 11 of my Evidence.

- 2.14. I further consider the effect of the Appeal Scheme on the openness of, and purposes of including land within, the Green Belt. In reaching my conclusions of these matters, I rely on Mr Cook’s evidence of the potential impact of the Appeal Scheme on the openness of the Green Belt.
- 2.15. I also consider the 5 purposes of the Green Belt, and conclude that the Appeal Scheme would result in limited harm to one of these five purposes (purpose (c), safeguarding countryside from encroachment), but that the strategic performance and function of the remaining Green Belt would remain intact.
- 2.16. Overall, I conclude that the development would be inappropriate development in the Green Belt, and would by definition therefore result in harm to the Green Belt. As to the nature and extent of this harm, I consider the Appeal Scheme would result in moderate harm to the Green Belt in both spatial and visual terms, and that it would further result in some encroachment, which is in contradiction to one of the five purposes of the Green Belt. In respect of the other four purposes, I do not consider there to be harm in this instance.
- 2.17. All harm to the Green Belt should be afforded substantial weight in the planning balance, but I consider that a lower level of harm, as would occur here, is likely to be more easily outweighed by the benefits of the scheme.

Issue 2 – Its impact on the landscape character and visual amenity of the area, including cumulatively with other permitted developments.

- 2.18. This matter is addressed in Mr Cook’s evidence, and I agree with his conclusion that whilst there would be some limited adverse effects on landscape character and visual amenity, these would be localised.
- 2.19. Mr Cook considers that the visual effects of the proposed solar farm would be very limited due to its substantial visual containment as a result of a combination of topography and surrounding vegetation.
- 2.20. On the effect of the Proposed Development on landscape character, Mr Cook considers that there would be a moderate adverse effect upon the landscape character of the Appeal Site itself and its immediate environs. No off-site works are required to enable this scheme to be implemented other than the cable connection. The physical character of the surrounding landscape would remain and prevail unchanged with the proposed solar farm in place.

2.21. I return in Section 11 of my Evidence to consider the harm to landscape character and visual amenity, together with any other harm, and whether this harm is clearly outweighed by other considerations.

Issue 3 – Whether any harm, by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to provide the necessary very special circumstances.

2.22. I consider this issue at Section 11 of my Evidence. I reach the conclusion, having examined the benefits outlined above, and also the limited harm to the openness of the Green Belt (which should be afforded great weight), and to any other harms as assessed above in respect of Landscape and to Built Heritage, that ‘very special circumstances’ are demonstrated as the identified benefits clearly outweigh the harms identified to Green Belt and the other harm as identified above to landscape and heritage matters.

Material Considerations and Weight

2.23. In considering the weight that should be afforded to each consideration in the overall planning balance, I apply the following scale ranging from high to low:

- Substantial
- Significant
- Moderate
- Limited

2.24. Such weight may be ‘positive’ as a benefit, ‘adverse’ as a harm, or of ‘neutral’ effect.

2.25. In Section 11 of my Evidence, I explain the reasoning why I have attributed the weight which is summarised in the Overall Planning Balance Table below:

Planning Balance Summary Table

Material Considerations which are Benefits	Weight (Positive)
Renewable energy generation and reduction in carbon emissions	Substantial Positive Weight (LPA have agreed ‘substantial’, but also state ‘significant’)
Climate emergency	Significant Positive Weight (agreed with LPA)
Energy Security	Substantial Positive Weight

	(not agreed with LPA)
Battery storage facility	Significant positive weight (agreed with LPA)
Grid connection	Moderate positive weight (agreed with LPA)
Best Available Technology and Good Design	Moderate Positive Weight (not agreed with LPA)
Lack of Alternative Sites	Significant positive weight (not agreed with LPA)
Biodiversity net gain	Substantial positive weight (not agreed with LPA)
Green Infrastructure and environmental benefits	Moderate positive weight (not agreed with LPA)
Farm diversification	Limited positive weight (agreed with LPA)
Economic benefits	Moderate positive weight (agreed with LPA)
Material Considerations which are Neutral	Weight (Neutral)
Highways and Transport	Neutral Weight
Noise	
Glint and Glare	
Fire Safety and Hazards	

Flood Risk and Drainage	
Residential Amenity	
Material Considerations which are Adverse	Weight (Adverse)
Effect on openness and purposes of the Green Belt	Substantial Adverse Weight
Effect on Landscape Character and Visual Amenity	Limited Adverse Weight
Impact on designated heritage assets	Limited Adverse Weight
Impact on non-designated heritage assets	Limited Adverse Weight

- 2.26. Having regard to my analysis of the benefits of the Appeal Scheme which I consider amount to very special circumstances (I examine this matter in detail in Section 11 of my Evidence), it is my opinion that the Appeal Scheme complies with the Development Plan policies cited by the LPA in their Reason for Refusal. Even if there were to be a conflict with part of a policy, or even one policy in the Development Plan, this conflict would not automatically lead to the conclusion that there is conflict with the development plan taken as a whole having regard to the principles set out in *R. (on the application of William Corbett) v The Cornwall Council* [2020] EWCA Civ 508 (*Core Document 6.8*).
- 2.27. I therefore consider the Proposed Development is in accordance with the Development Plan when read as a whole.

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

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