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 DATE:
 17<sup>TH</sup> SEPTEMBER 2024

# NEED STATEMENT OF COMMON GROUND

**BETWEEN:** 

ENSO GREEN HOLDINGS J LIMITED & CHELMSFORD CITY COUNCIL & ROCHFORD DISTRICT COUNCIL

# LAND SOUTH OF RUNWELL ROAD, RUNWELL, WICKFORD

TOWN & COUNTRY PLANNING ACT 1990 (AS AMENDED) PLANNING AND COMPULSORY PURCHASE ACT 2004

**PROPOSAL:** 

"INSTALLATION OF A SOLAR FARM WITH BATTERY STORAGE AND ASSOCIATED INFRASTRUCTURE"

Signed:	Signed:	Signed:
Name: Alison Hutchinson	Name:	Name: Rob Riding
<b>On behalf of:</b> Hutchinsons (acting on behalf of Chelmsford City Council)	<b>On behalf of:</b> Rochford District Council	<b>On behalf of:</b> Pegasus Group (acting on behalf of the Appellant)
Date: 17 <sup>th</sup> September 2024	Date:	Date: 17 <sup>th</sup> September 2024

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#### 1. INTRODUCTION

- 1.1 This Statement of Common Ground (SoCG) relates to the need for the Proposed Development and has been prepared by Pegasus Group on behalf of Enso Green Holdings J Limited ('the Appellant').
- 1.2 It has been prepared in conjunction with Chelmsford City Council ('CCC') and Rochford District Council ('RDC') (the LPAs) and relates to a Section 78 appeal concerning the proposed solar farm with battery storage on Land south of Runwell Road (A132), Runwell, Wickford, Essex, SS11 7QH ('the Appeal Site').
- 1.3 For the purposes of the Planning Application subject of this appeal, RDC, as the LPA for part of the Appeal Site, devolved its decision making powers for the application under Section 101 (1) of the Local Government Act 1972 to CCC.
- 1.4 RDC has confirmed that they intend to take no part in the appeal process but they have confirmed in writing on 13<sup>th</sup> September 2024 that they support CCC's stance on the appeal.
- 1.5 The purpose of this SoCG is to identify the areas where the principal parties (the Appellant and CCC) are in agreement on the matter of need and to narrow down the issues that remain in dispute. This will allow the Public Inquiry to then focus on the most pertinent issues. This SoCG should be read alongside the Overarching SoCG.

### 2. ENERGY LEGISLATION, POLICY, GUIDANCE AND PROGRESS

#### Climate Change Act 2008

- 2.1 The Climate Change Act brought in the legislative basis for the United Kingdom (UK) to reduce net greenhouse gas emissions by at least 80% by 2050 from their 1990 levels.
- 2.2 The Climate Change Act 2008 (2050 Target Amendment) Order 2019 changed the 80% target to 100% reduction relative to 1990 levels by 2050 (known as "net zero").
- 2.3 In April 2021, the UK Government introduced the Sixth Carbon Budget which set in law to cut emissions by 78% by 2035 compared to 1990 levels.
- 2.4 Since the Climate Change Act, there have been successive published Government Strategies, Papers and Statements which have continued to place emphasis on the importance of renewables, including solar power, to achieve those targets. Of significance to solar power is the previous Government's British Energy Security Strategy (ESS) published in April 2022 which noted that the government expected a five-fold increase from then 14GW of solar capacity in the UK to 70GW by 2035 (*page 19*).

#### Climate Emergencies

- 2.5 The UK Parliament on 1<sup>st</sup> May 2019 declared an Environmental and Climate Change Emergency.
- 2.6 At the local level, CCC and RDC have both declared climate change emergencies in July 2019 and June 2023 respectively.

#### **Progress**

Digest of United Kingdom Energy Statistics (DUKES) – Dept for Energy Security and Net Zero published July 2024.

- 2.7 The Digest is an accurate source of energy information providing figures on the UK's overall energy performance, production and consumption.
- 2.8 The Digest (Chapters 1 to 7) records energy production for 2023 and that the UK's generation from renewable technologies increased from 41.7% to 46.4% in 2023

and broadly matched the previous highs of 2020 and 2022, largely due to wind and solar generation shares reaching new record highs (*page 1*).

- 2.9 Generation from fossil fuels fell to a record low of 36.7% although generation from gas remained the principal form of UK generation at 34.7%.
- 2.10 The UK's overall energy production fell by 8.3% to a record low level in 2023.
- 2.11 Key headlines from Chapter 6 'Renewable Sources of Energy' on the DUKES 2024 are:
  - Renewable capacity increased by 5.2% (2.8GW) in 2023, which is less than that evidenced in the previous year in 2022 where it increased by 7.7% (3.8GW);
  - The rate of increase remains lower than the average annual growth rate between 2012 and 2018 which was 20%; and
  - Half the new capacity installed in 2023 was accounted for by wind with the remainder being mostly accounted for by solar PV which increased by 1.3GW.
- 2.12 Total de-rated generation capacity decreased to 74.8 GW in 2023, 2.6% lower than in 2022. This reflects the closure of two large coal-fired plants Drax and West Burton (*Chapter 5, page 7*).
- 2.13 The UK returned to being a net electricity importer in 2023, with net imports totalling a record 23.8TWh. Total imports recovered to a record 33.3 TWh, more than double 2022 levels (*Chapter 5, page 6*).

### **National Policy Statements**

### Overarching National Policy Statement for Energy (EN-1) (November 2023)

2.14 This National Policy Statement (NPS) sets out national policy for energy infrastructure described in its Section 1.3 which includes renewable electricity generation (both onshore and offshore) contained in EN-3. It has effect for the decisions by the Secretary of State on applications for energy developments that are nationally significant.

2.15 The NPS also states that, in combination with any relevant technology specific NPSs, it may be a material consideration in decision making on applications that fall under the Town and Country Planning Act 1990 (as amended). Whether the policies in the NPS are material and to what extent, will be judged on a case-by-case basis and will depend upon the extent to which the matters are already covered by applicable planning policy. (*paragraphs 1.2.1 & 2*).

National Policy Statement for Renewable Energy Infrastructure (EN-3) (November 2023)

- 2.16 EN-3 confirms that electricity generation from renewable sources is an essential element of the transition to net zero and meeting our statutory targets for the sixth carbon budget (CB6) (*paragraph 1.1.2*).
- 2.17 Under the specific heading of Solar Photovoltaic Generation at Section 2.10, EN3states that *The Government has committed to sustained growth in solar capacity to ensure that we are on a pathway that allows us to meet net zero emissions by* 2050. As such solar is a key part of the government's strategy for low-cost *decarbonisation of the energy sector'* (paragraph 2.10.9).
- 2.18 It also confirms that solar also has an important role in delivering the government's goals for greater energy independence and that the British Energy Security Strategy states that government expects a five-fold increase in combined ground and rooftop solar development by 2035 (up to 70GW) (*paragraph 2.10.10*).
- 2.19 Solar farms are recognised as one of the most established renewable electricity technologies in the UK and the cheapest form of electricity generation. They can be built quickly and with consistent reductions in the cost of materials and improvements in efficiency, are now in some cases viable to deploy subsidy-free (*paragraphs 2.10.13 and 2.10.14*).
- 2.20 In terms of project lifetime and decommissioning, EN-3 advises that the time limited nature of the solar farm, where a time limit is sought as a condition of consent, is likely to be an important consideration for the Secretary of State (*paragraph 2.10.150*).

#### <u>Summary</u>

- 2.21 It is agreed that there is an immediate and pressing need for renewable energy generation in the UK, to assist with meeting the legally binding obligations to reach "net zero" by 2050.
- 2.22 It is agreed that the continued deployment of Solar PV, and other renewable energy technologies are, and have been, consistently recognised by the Government as a key part of the UK's transition to achieving a low carbon economy and tackling climate change.
- 2.23 It is agreed that the Proposed Development would make a contribution towards meeting the amended Climate Change 2008 targets.
- 2.24 It is agreed that for the UK to meet the target of reducing greenhouse gas emissions by 100% or "net zero" compared to 1990 levels by 2050, there is a need to increase the number and output of low carbon energy sources, such as solar farms .
- 2.25 It is agreed that the Proposed Development would support the intentions of the UK's 'Climate emergency' declaration and the subsequent declarations made by CCC and RDC.

#### 3. MATTERS NOT AGREED

3.1 The Appellant considers that the below documents are material considerations to the determination of the appeal. The Council however considers that it is not necessary to quote from all these documents to demonstrate the need for the development in this Statement of Common Ground as many repeat the facts outlined in Section 2. The Appellant has included them in their Core Document list and has advised the Council that they will be addressed in their evidence.

#### Clean Growth Strategy

- 3.2 The Clean Growth Strategy was published in October 2017 and in respect of the power sector, the Strategy anticipates that by 2050 emissions from this sector need to be close to zero (*page 95*).
- 3.3 The Strategy indicates one possible pathway to the interim step of 2032 is for power emissions to fall by 80% compared to 2017 levels which could be achieved by, *inter alia*, growing low carbon sources such as renewables and nuclear to over 80% of electricity generation, and phasing out unabated coal power. The Strategy also confirms that the "*Government want to see more people investing in solar without government support*" (*page 96*).

#### Energy White Paper: Powering our Net Zero Future

3.4 The Government published this paper in December 2020. The White Paper recognises the progress made to increase deployment of renewables and sees the expansion of renewable technologies as a key contributor to achieving an affordable clean electricity system by 2050.

#### Net Zero Strategy: Build Back Greener

- 3.5 In October 2021 the Government published its Net Zero Strategy which establishes that the UK will be powered entirely by clean energy by 2035, subject to security of supply (*first bullet point, page 19*).
- 3.6 In respect of the 'Power' sector, the Net Zero Strategy affirms that one of the Government's key commitments is to accelerate the deployment of low cost renewable generation, such as wind and solar (*second bullet point, page 94*).

- 3.7 Another of the key commitments is 'to ensure the planning system can support the deployment of low carbon energy infrastructure' (first bullet point, page 95).
- 3.8 To meet this challenge, the Government states that a low-cost, net zero consistent electricity system is most likely to be composed predominantly of wind and solar generation, whether in 2035 or 2050 (*paragraph 11, page 98*). It affirms the continual need to drive rapid deployment of renewables so we can reach substantially greater capacity beyond 2030 (*paragraph 35, page 103*). The Government further indicates that a sustained increase in the deployment of land-based renewables (and specifically identifying solar) will be required in the 2020s and beyond (*paragraph 36, page 103*).

#### Powering Up Britain

- 3.9 The Powering Up Britain suite of documents published in March 2023 included an 'Energy Security Plan' (ESP) which reaffirms the Government's commitment to aim for 70GW of ground and rooftop capacity by 2035 and again states that this amounts to a fivefold increase on current installed capacity (*pages 37/38*).
- 3.10 The ESP restates that the Government considers that meeting energy security and climate changes goals is '*urgent*' and '*of critical importance to the country*', and further that '*these goals 'can be achieved together with maintaining food security for the UK'* (*page 38*).
- 3.11 The ESP encourages deployment of solar technology that delivers environmental benefits, with consideration for ongoing food production or environmental management (*page 38*).

#### Written Ministerial Statement

3.12 In May 2024 a Written Ministerial Statement was made by the former Secretary of State for Energy Security and Net Zero, the Rt. Hon. Claire Coutinho, focusing on solar developments in terms of protecting the best agricultural land, addressing cumulative impacts, and improving soil surveys.

#### Future Energy Scenarios

3.13 The Future Energy Scenarios (FES): ESO Pathways to Net Zero document published by the National Grid in July 2024 sets a target, as the Electricity System Operator (ESO), to operate a net carbon zero electricity system throughout the year in the 2030s (*page 4*). Progress in the sector during 2023 saw renewables playing a vital role in the generation mix with more than 50% of electricity coming these sources in January, July and October. However, there is still a heavy reliance on energy from fossil fuels for security of supply and gas made up the largest share of the energy mix (32%) in 2023 (*page 15*).

- 3.14 The FES document advises that achieving a net zero power system requires rapid acceleration in the deployment of low carbon generation and flexible technologies. Substantial growth in capacity is required across all pathways to facilitate the electrification of heat, transport and other sectors in line with Government targets (*page 40*).
- 3.15 Solar generation is recognised as a clean source of energy and it can play an important role in meeting demand. The FES report identifies the case for solar generation as being strong and it repeats the EES target of 70GW installed capacity of solar generation required between now and 2035, representing a five-fold increase (*page 114*).

### Progress

Connections Action Plan (November 2023)

3.16 The Foreword to the Connections Action Plan published by the Department of Energy Security & Net Zero explains that over the last five years the volume of connection applications to the transmission network has grown approximately tenfold and this had led to an average delay of over five years for project applying to connection to the transmission network.

Digest of United Kingdom Energy Statistics (DUKES) – Dept for Energy Security and Net Zero (July 2023 and 2024)

- 3.17 An additional 1.3GW of new solar PV capacity was installed in 2023 (DUKES July 2024, *Chapter 6*).
- 3.18 The Appellant considers that this annual figure is far below that required to achieve the fivefold increase to 70GW by 2035 as stated in the British ESS (2022) and repeated in the ESP (2023). The deployment per annum needed to meet the 70GW target (which requires an increase of 56GW over 13 years) would be 4.3GW per

annum on a straight-line trajectory. The 0.7GW achieved in 2022 (*DUKES July 2023, Chapter 6*), added to the 1.3GW achieved in 2023, totals 2.0GW of additional solar PV over the first 2 years. This growth meets 23% of the equivalent target over these 2 years. Given that deployment has failed to meet the annual requirement in the first 2 years in either 2022 or 2023, the remaining requirement has increased from an average of 4.3GW per annum to 5GW per annum.

#### Achieving Net Zero

- 3.19 The National Audit Office (NAO) in their December 2020 report cast doubt on the progress being made and the achievement of the pre-"net zero" (80%) reduction compared to 1990 levels.
- 3.20 The NAO notes that achieving net zero is a 'colossal challenge' and is significantly more challenging than the Government's previous target to reduce carbon emissions by 80% by 2050 (*paragraph 6, page 6*).

#### **National Policy Statements**

Overarching National Policy Statement for Energy (EN-1) (November 2023)

- 3.21 In 2020, fossil fuels still accounted for just over 76% of energy supply in 2020, and that the Government states '*we need to dramatically increase the volume of energy supplied from low carbon sources*' (*paragraph 2.3.5*).
- 3.22 Demand for electricity is likely to increase and could more than double by 2050 as large parts of transport, heating and industry decarbonise by switching from fossil fuels to low carbon electricity (*paragraphs 2.3.7 and 3.3.3*).
- 3.23 EN-1 states that if demand for electricity doubles by 2050 then a fourfold increase in low carbon generation would be needed. In addition, the Government committed in the Net Zero Strategy to take action so that by 2035, all our electricity will come from low carbon sources, subject to security of supply, whilst meeting a 40-60% increase in electricity. This means that the majority of new generating capacity needs to be low carbon (*paragraph 3.3.16*).
- 3.24 EN-1 states that wind and solar are the lowest cost ways of generating electricity, helping reduce costs and providing a clean and secure source of electricity supply, as they are not reliant on fuel for generation. Analysis shows that a secure, reliable,

affordable, net zero consistent system in 2050 is likely to be composed predominantly of wind and solar (*paragraph 3.3.20*).

- 3.25 The general framework established in EN-1 for decision-making is that:
  - All applications for development consent for the types of infrastructure covered by the NPS should be assessed on the basis that the Government has demonstrated that there is a need for the types of infrastructure identified (which includes solar PV development) which is urgent (*paragraph 3.2.6*);
  - Substantial weight should be given to this need when considering applications for development consent under the Planning Act 2008 (*Core paragraph 3.2.7*); and
  - The Government has concluded that there is a 'critical national priority' (CNP) for the provision of nationally significant low carbon infrastructure (*Core Document 4.3, paragraph 3.3.62*).
- 3.26 The urgent need for CNP infrastructure in achieving energy objectives, together with national security, economic, commercial, and net zero benefits, will in general outweigh any other residual impacts not capable of being addressed by application of the mitigation hierarchy. Government strongly supports the delivery of CNP Infrastructure and it should be progressed as quickly as possible (*paragraph 3.3.63*).

#### 4. NEED AND BENEFITS OF THE PROPOSED DEVELOPMENT

4.1 The table below sets out the benefits to be derived from the Proposed Development that are being advanced by the Appellant and the weight given to that benefit by each party.

Benefit	Appellant weight	CCC weight
Renewable Energy Generation and Reduction in Carbon Emissions	<b>Substantial</b> The Proposed Development would generate up to 49.9MW of renewable energy and subsequent reduction in carbon emissions providing the equivalent annual electrical needs of approximately 6,098 family homes in England. The anticipated CO2 displacement would be approximately 5,130 tonnes per annum.	Significant
Climate Emergency	<b>Significant</b> The Proposed Development would make a contribution towards the climate emergencies declared at a national level and locally by CCC, RDC and Essex County Council.	Significant
Energy Security	<b>Substantial</b> The Proposed Development would supply renewable energy to the National Grid, secure, distributed and diversified energy generation in accordance with Government policy on energy security.	No additional positive weight
Energy Storage	Significant The Proposed Development includes a battery storage facility which would complement the power generation of the solar farm by providing electricity network security advantages in assisting management peak demands for electricity on the	Significant

Benefit	Appellant weight	CCC weight
	national gird, providing security of supply.	
Grid Connection	Moderate	Moderate
	The Proposed Development would connect directly into the National Grid (Transmission) network at the Rayliegh Green substation rather than the Distribution Network which avoids considerable delays in securing a connection agreement via the Distribution Network Operator. The Proposed Development would be able to make an early contribution to the generation of low carbon energy.	
Best Available Technology	Moderate	No additional positive weight
	The Proposed Development would use a tracking system with bi-facial panels that delivers greater levels of solar efficiency increasing electrical productivity by approximately 20-25% when compared to traditional solar arrays.	
Good Design	Moderate	No additional positive
	The overall design and layout of the Proposed Development has been designed to minimise harm within the Appeal Site and the wider area, whilst providing significant benefits.	weight
Lack of Alternative	Significant	No additional positive
Sites	There is no national or local policy requirement to carry out an assessment of alternative sites for solar farm developments. Alternatives were however considered through the evolution of the design and locations of the Proposed	weight

#### Need Statement of Common Ground Southlands Solar Farm and Battery Storage APP/W1525/W/24/3344509 & APP/B1550/W/24/3344510

Benefit	Appellant weight	CCC weight
	Development which is centred on the National Grid substation at Rayleigh where the Appellant has secured a grid connection offer. There are no alternative sites which are more suitable and available to accommodate the Proposed Development.	
Biodiversity Net	Substantial	Significant
Gam	The Proposed Development would result in a net gain of 137.96% for habitat units and 85.1% for hedgerow units which significantly exceeds the mandatory 10% requirement.	
Soil Regeneration	Moderate	No additional positive
	The conversion of land from arable to grassland which is uncultivated for a period in excess of 12 years would increase soil organic matter and hence soil organic carbon will assist in protecting and improving the soil resource.	weight
Green	Moderate	No additional positive
Infrastructure Enhancements	The proposed enhancements to landscape structure would improve green infrastructure and connectivity across and within the Appeal Site and contribute to the wider network beyond.	weight
Farm	Limited	Limited
	Renewable energy development is an important form of farm diversification.	
Economic Benefits	Moderate	Moderate
	The Proposed Development represents a significant financial investment with benefits to the local economy during	

#### Need Statement of Common Ground Southlands Solar Farm and Battery Storage APP/W1525/W/24/3344509 & APP/B1550/W/24/3344510

Benefit	Appellant weight	CCC weight
	construction including from the temporary jobs created (both direct jobs on-site and indirect/induced roles in the wider economy). Annual business rates contribution would also benefit the economy over the lifetime of the Proposed Development.	