

Planning Rebuttal Evidence.

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. My particulars are set out in my earlier Proof of Evidence.
- 1.2. This Rebuttal on Planning matters addresses a number of points raised in the Proof of Evidence of Ms Alison Hutchinson on behalf of the LPA. The rebuttal naturally does not cover every point raised by the above parties, and my not referencing each point should not be taken to necessarily indicate my agreement with the approach, analysis or findings presented in their evidence and statements.
- 1.3. 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. Heritage Matters

- 2.1. At various places in Ms Hutchinsons evidence, she refers to it being agreed in the Heritage SoCG there would be less than substantial harm to the Grade I Church and harm to the Toby Cavery and the pill boxes. However, that is not the case.
- 2.2. The Heritage SoCG at paragraph 2.1 states that it is agreed between the parties that no assets would appreciate harm to their heritage significance, other than the 3 assets listed. That statement is correct in so far as there is not necessarily agreement in respect of the 3 assets so identified, but is not correct to read that paragraph that the Appellant accepts that there is harm in all three instances for the reasons I set out below.
- 2.3. The **first asset** identified in paragraph 2.1 is the Grade I listed Church of All Saints. In respect of this asset, paragraph 2.2 confirms agreement between the parties that there would be less than substantial harm to the heritage significance which is at the low end of the spectrum.
- 2.4. The **second asset** identified in paragraph 2.1 is the non-designated Toby Cavery. As paragraph 3.1 of the Heritage SoCG subsequently makes clear, it is a matter of dispute between the parties whether harm would occur to the heritage significance of this asset and, for the reasons set out in the Statement included as Appendix 4 to my Evidence, Ms Gail Stoten has considered that there would be no harm caused by the Proposed Development to its heritage significance.
- 2.5. The **third asset** identified in paragraph 2.1 are the non-designated pill boxes. In respect of these assets, the Appellant does accept that there would be a minor level of harm to these non-designated heritage assets for the reasons set out in the Statement prepared by Gail Stoten which was included as Appendix 3 to my Evidence.
- 2.6. With the recent reduction in vegetation cover, Ms Stoten has now identified the location of the third pillbox and accordingly has updated her Statement to include consideration of this non-designated asset. This short statement is attached at **Appendix R1** to my Rebuttal evidence. Her conclusion remains that the construction of the Proposed Development will result in a minor level of harm to the non-designated heritage assets.

3. Alternative Sites Matters

- 3.1. Ms Hutchinson addresses the matter of Alternative Sites at paragraphs 5.6 to 5.11 of her Evidence.
- 3.2. I share the opinion of Ms Hutchinson that there is no national or local policy requirement to carry out an assessment of alternative sites for solar developments (Hutchison, paragraph 5.6). For that reason, there is no guidance either nationally or locally as to how such assessments should be carried out.
- 3.3. However, notwithstanding the requirement to carry out an alternative site assessment, I have set out in my Evidence (paragraphs 11.48 – 11.52) that I consider the lack of alternative sites to exploit the available grid to be a benefit of this Proposed Development.
- 3.4. I note the criticisms Ms Hutchison levels at the Alternative Site Assessment ("the ASA") in this section of her evidence, and the lack of information of specific site requirements and landowners approached.
- 3.5. With regard to the site requirements and minimum site size, in addition to the footprint required for the panel systems themselves, there is the need to allow sufficient space to either prevent or minimise overshadowing of one array from another and from surrounding landscape features which in turn can reflect topography and angle and direction of the slope of the land; the need to include access tracks and an associated infrastructure such as substations, inverters, storage containers, perimeter fencing etc; the requirement to facilitate a minimum of a 10% increase in BNG; the pattern of existing fields and hedgerows, and ability to efficiently lay out the strings of panels and maximise solar gain; and the need to incorporate appropriate landscape mitigation planting and buffering, and potentially SUDs. All of these considerations will vary from site to site and will have an effect on the required size of a site on a case-by-case basis.
- 3.6. On the matter of potentially disaggregating into a series of smaller sites, this is addressed in the submitted Flood Risk Sequential and Exception Tests Assessment (*Core Document 9.13, paragraphs 4.52 and 4.53*) together with the Inspector's consideration on this matter at the recent Fobbing appeal.
- 3.7. With regard to landowners, paragraph 2.8 of the ASA explains that landowners were approached to identify whether they had '*...sufficient areas of land to host a viable development either on its own, or in combination with other nearby landowners*'. Section 4 of the ASA also sets out Phase 3 of the exercise concerning land assembly and the process gone through in terms of approaching landowners within the 5km study area. There are a variety of land control constraints which affect the availability of a potential site, ranging from restrictions on Land Title; location of services and utilities; land overage contracts; land being under option for promotion for alternative uses, such as residential; and tax and financial issues associated with the structure and timing of land contracts. Details of the individual landowners who were approached, and whether land could be secured on suitable commercial terms was not disclosed in the ASA, due to commercial confidentiality.

4. Comparison of Planning Weighting

4.1. In order to assist the Inquiry, I have prepared a Table below comparing the respective weights to various material considerations given by myself and Ms Hutchinson.

Material Considerations which are Benefits	Appellant's Weight (My Evidence, Table on Pages 45–47)	LPA's Weight (Alison Hutchinson's Evidence)
Renewable energy generation and reduction in carbon emissions	Substantial weight (Paragraphs 11.7–11.18)	Significant weight to the generation of renewable energy (Paragraphs 6.15, 7.5, 7.13 & 8.9)
Climate emergency	Significant weight (Paragraphs 11.19–11.23)	<p>Significant contribution towards the overall national climate emergency (Paragraphs 6.20, 7.5, 7.13 & 8.9)</p> <p>Limited benefit to Council's own specific objectives which does not justify it as a separate consideration or benefit (Paragraph 6.20)</p>
Energy Security	Substantial weight (Paragraphs 11.24–11.27)	Significant weight (Paragraphs 6.21 & 7.5)
Battery storage facility	Significant weight (Paragraphs 11.28–11.36)	<p>Significant weight (Paragraphs 7.5, 7.13 & 8.9)</p> <p>Can be regarded as a significant benefit in its own right, however, element of double counting already taken into account when ascribing weight to the overall benefit of</p>

		generating renewable energy (Paragraph 6.23)
Grid connection	Moderate weight (Paragraphs 11.37–11.42)	Moderate weight (Paragraphs 6.34, 7.5, 7.13 & 8.9)
Best Available Technology and Good Design	Moderate weight (Paragraphs 11.43–11.47)	Not recognised as benefit (Paragraphs 6.22, 6.24, 7.5 & 8.10)
Lack of Alternative Sites	Significant weight (Paragraphs 11.48–11.52)	Not a benefit that can be accorded any weight (Paragraph 6.28)
Biodiversity net gain	Substantial weight (Paragraphs 11.53–11.56)	Significant weight (Paragraphs 6.30, 7.7, 7.13 & 8.11)
Green Infrastructure and environmental benefits	Moderate weight (Paragraphs 11.57–11.62)	No additional weight (Paragraphs 7.7 & 8.11)
Farm diversification	Limited weight (Paragraphs 11.64–11.68)	Limited weight (Paragraphs 6.31, 7.8 & 8.11)
Economic benefits	Moderate weight (Paragraphs 11.69–11.72)	Moderate weight (Paragraphs 6.35, 7.8, 7.13 & 8.11)
Material Considerations which are Neutral	Weight (Neutral)	
Highways and Transport	Neutral Weight (Paragraphs 11.88–11.104)	
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 weight (Paragraphs 11.73–11.74)	Substantial weight (Paragraphs 7.10, 7.14 & 8.13)
Effect on Landscape Character and Visual Amenity	Limited weight (Paragraphs 11.75–11.78)	Significant weight (Paragraphs 7.11 & 8.15)
Impact on designated heritage assets	Limited weight (Paragraph 11.85)	Great weight (Paragraphs 7.12 & 8.16)
Impact on non-designated heritage assets	Limited weight to WWII pillboxes (Paragraph 11.86)	Moderate weight to WWII pillboxes Limited weight to the Toby Carvery (Paragraphs 7.12 & 8.16)



Appendix R1

Heritage Note on WWII Pillboxes prepared by Gail Stoten

Heritage Note on WWII Pillboxes

Land South of Runwell Road, Runwell, Wickford

ENSO GREEN HOLDINGS J LIMITED

Date: 15/10/2024

1. Introduction

- 1.1. This note provides further information on the WWII Pillboxes within and in the vicinity of the site, following a site visit later in the year with reduced vegetation cover.
- 1.2. It has been prepared by Gail Stoten, Pegasus Group Executive Director (Heritage). Gail has been a heritage professional for 24 years, including 14 years working for Cotswold Archaeology and nine years at Pegasus Group. She is a Member of the Chartered Institute for Archaeologists (MCIfA). She has been elected a Fellow of the Society of Antiquaries of London. She has a First Class Honours degree in Archaeology and a Post Graduate Certificate in Research.

2. The Pillboxes

- 2.1. With regards to the two pillboxes referenced in the Committee Report, these are discussed in the Consultation response from the Conservation Consultee, dated 15th May 2023:
- 2.2. *"There are two pillboxes within the western part of the site, one adjacent the railway line and within the east-west field boundary separating the western field. They are part of a series of features forming the GHQ defence line constructed in 1940, to slow a possible German invasion. Both are FW3/24 types made of concrete and brick. They form part of a group of defences on the western side of an anti tank ditch now filled in, although there are other pillboxes to the northeast and southeast, now separated by the A130. The inter visibility between the pillboxes, lines of fire and landscape setting are important to the setting of the pillboxes and contributes to their significance. This would be eroded by the solar installation, adversely affecting their setting. This would be a moderate level of harm, taking account of other changes in the setting."*
- 2.3. Review of the data presented in the Heritage Assessment shows three pillboxes are recorded within or in the immediate vicinity of the eastern site (Figure 1).

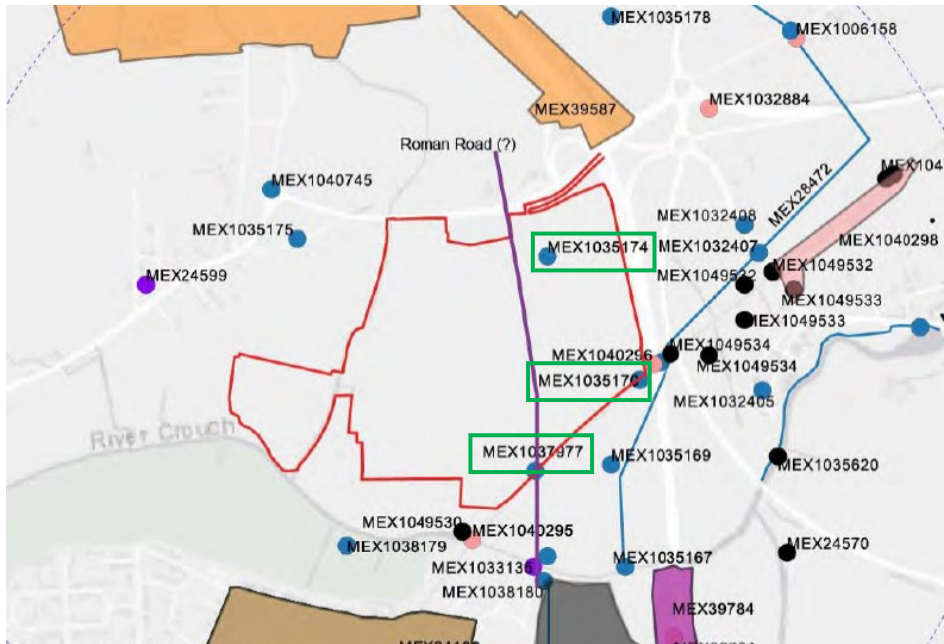


Plate 1 Recorded locations of pillboxes within and adjacent to the site (green boxes)

- 2.4. With regards to the easternmost pillbox, this lies to the south of the railway (Plate 2), and has virtually no intervisibility with the site, lying beyond a strong line of vegetation.



Plate 2 Location of easternmost pillbox

- 2.5. The HER description for this asset is as follows:

Standing between the railway line and a field on its S side, is an FW3/28A artillery pillbox. It is constructed of concrete, has a bren-gun chamber on its S side and was designed to accommodate a 2-pdr anti-tank gun. The anti-tank ditch of the GHQ line ran across the field from the pillbox at TQ 7712 9429 to the Railway Barrier 70/80 yards NE of this artillery pillbox, which was built to cover the railway crossing.

- 2.6. Historic mapping shows a railway crossing immediately to the north-east of the pillbox. Hence, it had designed intervisibility with this area, rather than the site.
- 2.7. The second pillbox (northern pillbox) lies within the site in the boundary in the north-eastern area. The Historic Environment Record description of this is as follows:

"High on a hill side, on the S side of an E/W field boundary, is an FW3/24 "thin-walled" pillbox. It is constructed of brick and concrete, faces SSE, has 24" thick walls, a Y-shaped central pillar, and seven loopholes – two in the rear face. From this position, some 450/500 yards behind the anti-tank ditch, it is typical of the siting of "thin-walled" pillboxes behind the southern section of the Essex GHQ line and may have been as a protection against paratroop attacks on the rear of the line."
- 2.8. This now lies within the hedged boundary, with the southern side entirely overgrown (Plate 3), but slightly more visible from the northern side (Plate 4).



Plate 3 Looking north towards the pillbox in the boundary



Plate 4 Looking south-east to the pillbox in the boundary

- 2.9. The third, southernmost pillbox is also largely obscured by vegetation (Plate 5).



Plate 5 Looking south-west to the southernmost pillbox

2.10. The HER description of the pillbox is as follows:

'Standing at the edge of a field is a "thin-walled" type FW3/24 pillbox. This type is widely used, as in this case, as the rear defence of the GHQ Line guarding against a paratroop or glider landing in the fields behind the line. It is hexagonal; each of the five forward faces is 7' long, the rear face to the NW is 13'2" long. Externally, the pillbox is built of concrete, inside the walls are faced in brickwork. In the centre is a brick-built Y-shaped anti-ricochet pillar. There is a single 12" x 10" loophole in each of the forward faces; the rear face has two loopholes, one each side of the full-height entrance. The thickness of the walls is 20".'

2.11. There is no intervisibility between this pillbox and that to the south of the railway, due to the vegetation flanking the railway.

2.12. There is no intervisibility between the south-western pillbox and the northernmost pillbox due to topography of the field, which bulges very slightly between the two pillboxes, obscuring views, even if no vegetation were present (Plate 6).



Plate 6 Looking north from close to the southern pillbox, towards the northern pillbox (blocked by landform)

2.13. The significance of the assets is largely derived from their physical form, which has historic and architectural interest. Setting contributes, but to a lesser degree.

2.14. Taking into account the specific outlook of the eastern pillbox, and the generalised and now largely obstructed outlooks and lack of intervisibility between the other pillboxes, the site makes only a minor contribution to the heritage significance of the assets through setting. Some limited co-visibility of the assets may occur in winter from points within the site, although as discussed, they are not visible from each other, across the site.

- 2.15. The construction of the solar farm will leave the pillboxes themselves intact, and the framework of the landscape in place, including the railway and hedgerows, but reduce visibility to intervening areas, and possible winter co-visibility from intervening points, although the latter does not appear to have been part of the design intent of the structures. Intervisibility between the assets is not currently possible. Construction of the solar farm will result in a minor level of harm to the non-designated heritage assets.

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

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