

THE FAVERSHAM SOCIETY

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10-13 Preston Street, Faversham, ME13 8NS

15 April 2020

Gareth Leigh
Head of Energy and Infrastructure Planning
Department for Business, Energy and Industrial Strategy
1 Victoria St
London, SW1H 0ET

Your Ref: EN010085

Dear Gareth

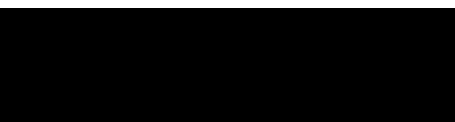
Application by Cleve Hill Solar Park Ltd

In response to your Request for Information dated 3 April 2020, The Faversham Society as an interested party would like to make the following response about the inadequacy of the Project Definition in the draft Development Consent Order (DCO). Namely paragraphs 10-13 of your letter:

1. Whilst we remain implacably opposed to the whole project for the reasons made clear throughout the Examination, we are pleased that these matters are requiring a response from the applicant. Our reason is that we have serious concerns that the parameters outlined in the DCO by the applicant are too widely drawn and that they provide too much opportunity to go beyond the parameters of the project which was the subject of the Examination.
2. Further, as you will be aware, planning conditions are expensive to enforce, and Swale Borough Council (SBC) lacks the resources, expertise and experience to manage the oversight of a project of this scale, complexity and novelty. This highlights a flaw common to all complex NSIPs whereby, despite the rigour of the NSIP Examination process, enforcement of the DCO is left to the Local Authority. Our experience locally and elsewhere is that the simplest of conditions such as, for example, permitted transport movements, turn out to be unenforceable due to a lack of resources. Particularly worrying in this case, is that many of the requirements placed on the developer are costly and therefore any enforcement attempts by SBC will be subject to appeal. In these circumstances, SBC is unlikely to be able to match the applicant's legal firepower and deep pockets.
3. Besides requiring the tightening of the design parameters, additional safeguards should be put in place in the DCO to strengthen enforcement. This should be done by attaching conditions and requiring review by the Health and Safety Executive, Kent Police and Kent Fire & Rescue Service before the application is sent to Swale. Kent Police are included here since there is a clear security/terrorism risk associated with what will be the world's largest BESS with an explosive energy of 602 tons of TNT- the size of a small nuclear bomb. (Reference: See the Arizona Regulator's determination described in 4. below)
4. The proposals above in relation to health and safety as well as terrorism threats apply particularly to the proposed Battery Energy Storage System (BESS). The recent determination by the Arizona Regulator following two Li-ion BESS fires which was admitted to the Enquiry in the Addendum to our Deadline 7 submission lays out the safeguards under which Li-ion BESS should be controlled in future. In the absence of any National Planning Statements(NPS) on BESS these, or equivalent, safeguards must be included in the DCO along with the appropriate authorities to be part of the enforcement procedures.

5. A further area of major concern is the way in which the Rochdale Envelope is invoked in relation to the proposed BESS. This leads to the provision of very little detail and it became clear during the Examination that neither the applicants nor their advisors understood the possible technical, safety and security implications of their proposals. The Rochdale envelope is a principle designed to enable modifications to existing (safe) technology, not to be a Trojan Horse for technology proven to be unsafe on an unprecedented scale in the absence of any NPS. It is essential to keep in mind that what is proposed is five times bigger than anything previously built when there is clear experience and official review of life-threatening failure in an installation 350 times smaller.
6. We, therefore, support the EA's attempt to ensure a Requirement that secures the parameters of the project and deplore the applicants' attempt to avoid this as laid out in your points 11.-13. It is essential that this Requirement includes the need for the exact specification of the BESS and a requirement that this specification is subject to approval by the appropriate authorities as outlined above.
7. We also wish to extend our comments above to the decommissioning of the plant and the reinstatement of the land in 40+ year's time. Besides the need to remove hundreds of tons of equipment and many thousands of tons of concrete, it is almost certain that the land will be polluted to a greater or lesser extent due to the leak of toxic Lithium compounds onto the marsh and potentially into water supplies and fisheries. This area will then be required by the EA for flooding, but if it is beyond remediation, it will have to be protected from rising sea levels on the same timescale. Given the likelihood that the plant may have been bought and sold several times by that time, it is essential that the DCO secures a lifetime indemnity for these significant potential costs so that they do not fall on the public purse.
8. In conclusion, we note that given the provision for appeals, we foresee the danger of threats of legal action becoming a regular feature of efforts by SBC to enforce a weak DCO in order to protect the public interest. We, therefore, request that the Secretary of State ensures that the DCO is both clear and robust in order to provide an effective basis to secure the public interest.
9. This response is without prejudice to the Faversham Society's clearly expressed opposition to the CHSP proposal on the grounds expressed in our many documented submissions to the Examination. Nothing in this response is to be taken to weaken or modify our views or our resolve in this matter.

Yours sincerely



Professor Sir David Melville CBE, BSc, PhD, Hon DSc, CPhys, FInstP, Sen Mem IEEE (USA)

Vice-Chair

The Faversham Society