

Further Information.

Date 10th January 2023

Ref Written Representation dated 13th October 2022 from Alan B Smith Worlington under PI ref No 20030110 re Application No EN 10106 Applicant Sunnica Ltd

In that WR I reserved the right to be to add further information as it became available.

This is to advise the ExA that further information has been made available to me under heading;

(1)Page 13 Appendix No 6—Battery Storage Systems (BESS), National Fire Services and Liverpool Fire report.

On page 16 item 6.22 I state;

As at date of this report no further communication has been received from the senior solicitor at Merseyside Fire and Rescue Service, (MFRS), no report is available from the Orsted London Office and the ICO have still not appointed an investigator into my complaint.

There is no change as regards information from Orsted but there is further information available from the ICO and MFRS.

(2)ICO (Information Commissioners Office)

On the 19th October 2022 the ICO advised me that Mr Ian Walley had been appointed as Senior Case Officer re my complaint with MFRS.

On the 31st October the ICO advised me that my complaint was being split into 2 parts;

(3)Case reference IC-159503-R7G6.

My request was;

- Why was the fire report delayed from December 2021 until 17th March 2022.
- Why had an exemption been applied on certain correspondence?
- Details were requested under the FOI for the MFRS fire report dated November 2020.

(4)Case Ref IC-1998215-S9Y8.

My request was;

- Details under FOI of the involvement of Cobalt Energy Ltd and correspondence.

(5)Examination of Complaint.

That MFRS had no legal right to withhold, what MFRS called “Sensitive Information”, under the terms of;

- Section 43 (1) which provides exemption under the FOIA for information which is a trade secret
- Section 43 (2) which exempts information whose disclosure would, or would be likely to, prejudice the commercial interest of any person (an individual, a company, the public authority itself or any other legal entity

•

- Regulation 12(4) (d) of the Environmental Information Regulations (EIR) which relates to a request for material which is still in the course of completion, unfinished documents, or incomplete data. This referred to Cobalt Energy Ltd.

(6) On the 21st December 2022 the ICO Commissioner advised me that the above 3 sections were being upheld in that MFRS could use those exemptions to withhold information under complaint ref IC-159503-R7G6.

However the commissioner divulged additional information in the way the MFRS reports were produced which was not public knowledge before. This included the reasons for the delay in producing the report and the Commissioners decision raises several issues relating to the “Public Interest” test required by Regulation 12 which are disturbing.

Furthermore the Commissioners Decision Notice summarises discussions between MFRS and the operator Orsted concerning the report that was produced in December 2021 and not made public until March 2022.

This period of 14 weeks was referred to by the commissioner as a “safe space” for discussions to take place, on inaccuracies, between MFRS and Orsted. What is more disturbing is the degree of control exercised by the operator Orsted over the content of the December report.

(7)Communities and Local Government Fire and Rescue National Framework for England (July2012)

The Ministerial forward states “Ultimately, it is local communities, not Government, that Fire and Rescue authorities are accountable.

MFRS were not accountable to Orsted and the British Public have every right to have all correspondence released by that Fire and Rescue service.

(8) Appeal

I have now issued an appeal to The First Tier Tribunal (General regulatory Chamber).

(9)MFRS has failed;

- In its leadership role,
- In its accountability to the British public.
- To understand the risk factor with BESS.
- In local professional expertise.
- In ensuring they designed a Battery Safety Management Plan with Orsted.
- To identify the root cause of the failure within Module 6.

I now refer to the MFRS Significant Incident Report (SIR) dated December 2021 which was supplied in my WR of the 13th October 2022.

1. Summary and Key Learning ITEM 4.

MFRS Operational Risk Information Available for responding crews specific to this site and the **hazards associated with BESS was inadequate.**

(10) BESS Risks.

Throughout the Examination 6 months period to date, there has been substantial evidence put forward by Academics, Dr Edmund Fordham and Professor Paul Christensen of the severe risks of fire and explosion.

This has been backed up by evidence globally of the catastrophic consequences of the installation of these units especially in close proximity to residential homes.

A Bill has been presented in Parliament by Dame Maria Miller MP (Hansard, Volume 719, Columns 275-277, in order to clarify the law and make further provisions.

Whilst the Liverpool explosion and fire is not directly relevant to these legal and political issues, it is featured in Dame Marias speech to the House of Commons, and is of continuing public interest in that context.

(11) My own evidence.

In addition to the Academic Reports I wish to focus on the interest and research I have personally taken over the last 12 months to provide my own evidence based on the (Liverpool BESS Fire and Explosion). This happened at the Orsted Development at Carnegie Road Liverpool in September 2020.

(12) Liverpool Fire and Explosion.

The performance of MFRS in dealing with that fire and explosion, which was the first such incident in the UK, and happened only 12 months after commissioning, calls into question the ability of a Regional Fire and Rescue Service to cope with BESS risks.

I have supplied evidence of levels of incompetence by MFRS in providing reports on the incident and in addition, levels of incompetence in their FOI Administration Department as outlined in my having to engage the ICO.

(13) The Examiners report on Cleve Hill. (Kent Fire and Rescue Service)

Page 211 item 8.7.53 makes reference to the lateness of Kent Fire and Rescue Service being admitted as an Interested Party. This was done on Discretionary Powers which the Inspectors had, to allow a non-IP to submit a WR and also attend hearings and speak.

This raises the question as to why the Chief Fire Officers for Suffolk and Cambridgeshire have not registered as IPs and engaged with the Planning Inspectors.

It is noted that under refs AS-013 and SOCG REP2-065 that the East of England Ambulance Service has registered.

Whilst it is appreciated the ExA has had a dialogue with the 4 Local Authorities in relation to the Fire Safety Management Plan this is no excuse to exclude the 2 Chief Fire Officers who would ultimately be in control of a BESS emergency.

(14)Suffolk and Cambridgeshire Fire and Rescue Services.

It is not known what resources these units have to cope with a BESS fire or the level of training for fire fighters whether full time or part time, or their technical knowledge. What we do know is that in the case of the April 2021 Beijing BESS explosion and fire, 235 firefighters were despatched, 47 fire trucks from 15 stations. 2 firefighters were killed.

The data available from the HMICFRS Inspectors reports for;

SFRS is 37% whole-time firefighters, 63% on-call firefighters, 35 Fire stations and 40 fire trucks

CFRS is 66% whole-time firefighters, 34% on-call firefighters, 28 Fire stations and 37 trucks.

We are also aware that there is no National Policy by the NFCC (National Fire Chiefs Council) for BESS fires as per my report of the 13th October Page 14/15 item 6.15 refers.

(15)The Buncefield Explosion.

I make reference to this incident as little has been learned in the last 17 years when analysing the Liverpool Fire reports. On the 11th December 2005 a fire and explosion took place at the Buncefield oil depot in Hemel Hempstead. It was the largest explosion in Europe since the Second World War.

At peak times 25 fire engines, 20 support vehicles and 180 fire fighters were engaged. Hertfordshire firefighters had the support from 16 other brigades. The fires from the explosion burned for 5 days.

43 people were injured, 2 seriously and 2000 people were evacuated. Between the 11th and 14th December 2005 a total of 244 people attended A and E, mostly in Hemel Hempstead. Three quarters were emergency services personnel, 117 had symptoms attributable to the fire. The explosion had a magnitude of 2.4

(16)The Fire Brigades Union claimed the fire service was unprepared to deal with such a blaze.

The oil depot was regulated by COMAH rules (Emergency Planning for Major Accidents HSG191)

The HSE concluded mechanical failures and human error were partly to blame.

This example makes it even more important that BESS are regulated and that all regulations are observed before construction and planning consent and not post construction as the 4 local Authorities argue in relation to the Sunnica proposal.

(17)Conclusion

The ExA are requested to consider all the evidence that has been provided by the Academics in conjunction with this report, that BESS are unsafe and a danger to human life and must not be placed in closeness to residential properties.

On a personal note and the fact I reside in Worlington and the 3 BESS locations would present a triangle of danger I request the ExA to recommend to the Secretary of State that BESS cannot be included in the planning application decision.

This concludes the additional information for my Written Representation.

Alan Smith

Date. 10 the January 2023

