# LOCAL ACCESS FORUM

For the attention of:
**Rebecca Hadley - Case Officer**
Planning Services
Solihull Metropolitan Borough Council
The Council House, Manor Square
SOLIHULL B91 3QB

25 May 2025

Dear Ms Hadley, Rebecca

**Ref: PL/2025/00806/PPFL**
**Installation and operation of a 20 MW battery energy storage system (BESS), including access and associated infrastructure at:**
**Hill House Farm Coventry Road Berkswell Solihull CV7 7AZ**

Further to our recent telephone conversation this formal letter of **OBJECTION** is sent on behalf of the Warwickshire Solihull and Coventry Local Access Forum.

***This letter constitutes formal advice from the Warwickshire Solihull and Coventry Local Access Forum. Solihull Metropolitan Borough Council as the relevant section 94(4) body is required, in accordance with section 94(5) of the Countryside and Rights of Way Act 2000, to have regard to relevant advice from this forum in carrying out its role, duty and functions.***

While fully understanding the need for sustainable energy production, until installation of renewable energy as part of the design of all new build housing developments and commercial buildings is mandatory for approval, we cannot take or accept the backlog and continuing submission of 'zombie projects' as sound or in any way justifiable.

The proposal to construct a 20 MW battery energy storage system (BESS) on open green belt land within the Meriden Gap and Arden landscape which has been historically in constant UK agricultural food production for many decades, is unacceptable especially when the proposal fails to represent the truth behind the regulations, permissions, safety of BESSs regulation and the compelling barriers, including grid connection, manufacturing capacity, lack of investment, availability of critical minerals and on-going Government interventions, to the development of BESS. Upgrading of the National Grid infrastructure alone will take many decades to successfully deliver.

The devastating toxic pollution to agricultural land, the environment and ecosystems resulting from explosions and fires caused by 'thermal runaway' is deliberately underestimated in supporting reports for BESS proposals. The use of 'second-life' batteries previously used in electric vehicles pose a greater risk and threat than new batteries. Defects in manufacture, external damage, thermal stress and/or faults in the electronic system that monitors and controls charging and discharging of the battery can also result in too much energy being put into the battery.

The underlying causes of lithium-ion battery damage are stress and/or misuse.

The leaching of toxic metals and chemicals from water runoff from water used to fight 'thermal-runaway' fires ends up in water systems and ponds not only posing significant

threats to irreplaceable ecology and biodiversity but also into the wider natural environment from runoff draining into water courses.

**The map of the proposed BESS site on green belt productive agricultural land at Hill House Farm Berkswell shows several ponds. The water tanks shown state a capacity of 250,000 litres EACH, however only one tank is actually shown.**

**Neither is it clear if the identified DNO Substation (on concrete foundation) already exists and if not where the main connection to the National Grid is going to be located?**

**Finally, the description of Coventry Road as safe to accept additional access and egress routes for construction and other commercial and long-term servicing traffic is unacceptable.**

**The 'so-called' supporting documents clearly raise more questions than they answer. The proposed site is not on Broad Lane; the address of Hill House Farm is Coventry Road.**

**The negative effects of constant noise during charging and discharging and need for cooling fans together with the intrusive security fencing, CCTV and nightime security lighting will have an unwelcome and cumulative unwanted noise and visual impact on neighbouring homes. This together with constant concerns over the dangers of thermal runaway and possibility of toxic explosions and air and ground borne pollution will also have an impact on the health, safety and wellbeing of local residents.**

In researching the published documents for the above application we are deeply concerned by the many anomalies. The supporting documents lack accuracy and fail to provide sound information and detail by which the veracity of the application can be judged.

The application fails to provide information which cross references with two major publications from Government accessed from the House of Commons Library:

- The Delivery of electricity grid updates - debate pack published 20 November 2024
- Battery energy storage systems - Research Briefing published 19 April 2024

- National Fire Chiefs Council Guidance and Grid Scale Battery Energy Storage System Planning.

In summer 2024 NFCC issued a consultation to seek views from fire and rescue services on a revised guidance for fire and rescue services on BESS. It is anticipated a new revised version of the BESS guidance will be published in 2025.

The installation of BESS systems both in the UK and around the globe is increasing at an exponential rate. A number of high profile incidents have taken place and learning from these incidents continues to emerge.

The NFCC's expectation is that a comprehensive risk management process must be undertaken by operators to identify hazards and risks specific to the facility and develop, implement, maintain and review risk controls.

The supporting documents for the above application wrongly suggest regulations are in place to ensure appropriate risk and environmental management is in place to mitigate the toxic pollution from thermal runaway; they are not.

There are no laws that specifically govern the fire safety of battery energy storage systems.

There is no guidance by government or regulatory bodies on whether fire safety requirements set in building regulations (which govern the fire safety of buildings during construction) apply to grid-scale BESSs.

The Government said a consultation on Batteries Regulations would be published in 2024, however, it appears at the time of the referred briefing, no such consultation has, as yet, been published.

The UK Government has indicated the Fire Safety Order applies to grid-scale BESSs. However, it has not said whether lithium-ion or other batteries used in BESSs are 'dangerous substances' for the purpose of the Fire Safety Order.

The Control of Major Accident Hazards (COMAH) Regulations 2015 intend to prevent and mitigate the effects of major accidents involving dangerous substances which can cause serious damage or harm to people and/or the environment.

However, COMAH does not cover grid-scale lithium-ion BESSs as the Government recognises them as 'articles' rather than substances.

In relation to environmental permits the Government does not class BESSs as 'installations' for the purposes of environmental permitting regulations. No consultation on upgrading the regulations has, thus far, been published.

Environmental permits are generally needed for 'regulated facilities' and activities that could pollute the air, water or land, increase flood risk or adversely affect land drainage.

At the present time BESSs are not recognised as 'installations' by the Environment Agency.

There are many very real but rarely discussed or admitted barriers to the development of BESSs;

- Lack of manufacturing capacity for batteries in the UK
- Delays in grid connections
- Lack of National Grid capacity and infrastructure upgrade
- Lack of commercial financial capital support for long-duration energy storage
- lack of reliable source of critical minerals for battery manufacturing
- Update of regulations - COMAH, Dangerous Substances and Explosive Atmosphere Regulations, Health dangerous substances, Health and Safety at Work and Environmental Permitting and Definition of Regulated Facilities for sites undertaking activities that could pollute the air, water and/or land, increase flooding or adversely affect land drainage.
- Waste Batteries and Accumulators Regulations Take-Back Service and Updated Regulations on Evidence supporting second-use batteries have undergone safety tests including those for thermal runaway.

The Warwickshire Solihull and Coventry Local Access Forum are deeply concerned by the lack of accurate and VITAL information within supporting documents attached to the above BESS proposal. We believe the wilful failure to provide accurate supporting information and answers to vitally important questions is unacceptable.

We, therefore, have no option, when exercising our statutory advisory role duty and function, to conclude this application is financially speculative and should be treated as a 'Zombie-Project' by SMBC as the Planning Authority and **REFUSED Planning Permission.**

The Warwickshire Solihull and Coventry Local Access Forum are **OBJECTING to PL/2025/00806/PPFL** for all of the reasons as stated above which we consider weighty planning considerations.

We request Solihull Metropolitan Borough Council as the Planning Authority accept this **OBJECTION** as a **HOLDING OBJECTION** until and when the many unanswered questions and issues are resolved appropriately.

We ask for an acknowledgement of receipt of this **OBJECTION** together with your assurance it will be treated as a **HOLDING OBJECTION** as discussed. We ask to be kept apprised of the applications passage through the planning system and strongly advise the application comes before the SMBC Planning Committee for determination.

Yours sincerely

**Sheila Cooper**
Acting Chair of the Warwickshire Solihull and Coventry Local Access Forum
Please Respond Directly to: sheila.ann.cooper41@gmail.com
Copy to the Acting Secretary: charlesbarlow@warwickshire.gov.uk

**References:**

House of Commons Library:
20 November 2024 (CDP 2024-0156) - Delivery of electricity grid upgrades
19 April 2024 Research Briefing: Battery energy storage systems

22 August 2024 - NFCC National Fire Chiefs Council - Draft Guidance on Grid Scale Battery Energy Storage Systems (BESS)