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Mr M McConville
Planning Department
Wychavon District Council
Civic Centre
Queen Elizabeth Drive
Pershore
WR10 1PT

Your Ref: 23/00192/FUL / W/23/00270/FUL
Our Ref: KKP/100807.1
Tel: 020 3375 7000
Fax: 020 3375 7001
Email: amy.penrose@farrer.co.uk

25 June 2025

By Email: matt.mcconville@malvernhills.gov.uk

Dear Mr McConville

Further representation in respect of planning application 23/00192/FUL and W/23/00270/FUL (the Application)

1. Please accept this letter as the further representations on behalf of the Roundhill Wood Solar Farm Opposition Group (the **Group**). This letter should be read in conjunction with and in addition to our previous letter of objection dated 19 April 2023 (the **First Objection Letter**) and the letter objecting to the cable application with reference 23/01308/FUL dated 08 March 2024 (the **Cable Application Objection Letter**).

2. At the outset we would like to emphasise that the Group is not opposed in principle to renewable energy schemes, however the isolated countryside location for this proposal is wholly inappropriate. The significant landscape harm has been ignored. The Application is defective in a number of respects. This includes a failure to consider all of the detrimental impacts on heritage assets and an Environmental Statement that leaves many questions unanswered, meaning that the Council is unable to properly assess environmental impacts. The purported benefits of the scheme fall short; Wychavon District Council's (**the Council**) green energy target (to treble renewable energy generation in the District by 2030) was met in 2023 and has been exceeded as demonstrated in the LHW Partnership LLP (**LHW**) report enclosed (see paragraph 4.1.13 onwards). Since our First Objection Letter three[1] solar farm schemes have been granted planning permission in the local area generating 62.1MW of

[1] Wychavon District Council planning applications with references W/24/00190/FUL, W/24/00672/FUL and W/23/01493/FUL.

power. A further five planning applications for solar farms have yet to be decided by the Council (with planning application references W/23/00893/FUL, W/24/01088/FUL, W/23/01894/FUL, W/25/00943/FUL and W/25/00944/FUL). JBM (the **Applicant**) has had almost two years to consider the concerns that we raised in our First Objection Letter, we are surprised that these matters (and others raised by statutory and other consultees), have not been addressed fully.

3. For the reasons set in the First Objection letter, the Cable Application Objection Letter and below, the Group wishes to register its continued objection to the Application. Expert consultants advising the Group have undertaken a technical review of the Application. We summarise their findings in this letter and enclose their reports.

4. Since the Application was validated by the Council on 23 February 2023 and Redditch Borough Council on 23 March 2023, the Application has been subject to many updates. The Application was most recently updated in February 2025 with further documents being uploaded in March 2025 and April 2025 (see list of documents enclosed at Appendix 1) and it is these updates that this letter addresses.

Overview of the submissions

5. The main objections set out in this letter are set out below.

5.1 The February 2025 updates to the Application are minor in scope and the Application is ostensibly the same in terms of negative impacts.

5.2 The proposed solar farm is unnecessary as the district has already met its renewable energy targets. Indeed, the Wychavon Intelligently Green Plan target will likely be exceeded by 47% without the additional generation anticipated from the proposed solar farm.

5.3 There are unacceptable harmful landscape impacts. The Landscape and Visual Impact Assessment (SEI Chapter 2 of the environmental statement) (**LVIA**) has been independently peer reviewed by Charles Potterton of Potterton Associates Ltd and included in a 2025 report prepared by Trium Environmental Consulting Ltd (the **Potterton Review**) – enclosed. Key findings of the Potterton Review include:

5.3.1 "*The Applicant should update the LVIA to provide an objective assessment of the Proposed Development*";

5.3.2 a category of 'moderate' impacts should be included in the LVIA not '*significant or not in EIA terms'*. To restrict the LVIA to considering only 'major' impacts distorts the assessment of harm;

5.3.3 the LVIA does not justify why the susceptibility of the site is 'low', the Potterton Review considers that the susceptibility should be classed as 'high';

5.3.4 the LVIA has not properly considered viewpoints as being 'representative';

5.3.5 the LVIA under-reports the likely significant effects of the proposed scheme; and

5.3.6 the life cycle of the scheme is considerable and generational – not temporary in nature and the proposed development could not be successfully accommodated within the site and surrounding landscape due to the number of public rights of way (**PROWs**).

5.4 The Wychavon and Malvern Hills District Council's Conservation Officer in a response dated 4 June 2025 continue to object to the Application on the basis that "*the proposal will deeply impact the wider rural setting the building and significantly damage an area of land that has significant cultural & historic importance*".

5.5 The Application poses an unacceptable risk to the environment, particularly through water contamination.

5.6 At the time of writing, the environmental statement submitted in 2023 (the **2023 ES**) has been updated and supplemented by the supplementary environmental information submitted by the Applicant in 2025 (the **2025 SEI**) (together forming the **Environmental Statement**). There are numerous material deficiencies in the Environmental Statement which leads us to call for a fresh and comprehensive environmental statement to be submitted with the Application.

5.7 The Environment Statement incorrectly has not been updated since 2023 to consider the cumulative impacts of the proposal, especially in the context of surrounding application and permissions for solar farm and / or battery energy storage systems (**BESS**) schemes.

5.8 Enclosed is the review by Smith Jenkins Ltd of the heritage assets in the Heritage Statement submitted as part of the Environmental Statement following their site visit on 14 May 2025 (the **Heritage Report**). Key findings include:

5.8.1 the Heritage Statement's methodology does not follow the guidance set out in Historic England's Good Practice Advice Note 3: The Setting of Heritage Asset (**GPA3**) and is not consistent with the National Planning Policy Framework as updated in December 2024 (**NPPF**);

5.8.2 the Heritage Statement's approach to the analysis of setting is "extremely limited" not following the guidance of GPA3;

5.8.3 GPA3 is misapplied with the result that an inappropriate baseline has been established and that heritage assets (designated and non-designated) which will clearly be affected by the Application's proposals have been scoped out without any reason being given, and have not been assessed;

5.8.4 the Applicant has failed to demonstrate that in respect of listed buildings, special regard has been had to the statutory duty and that the harm has been reduced as far as possible.

5.9 The enclosed review by Trium Environmental Consulting LLP (the **Trium Report**), carries out an independent peer review of the Applicant's Supplementary Environmental Information (**SEI**) submitted in February 2025. Key findings include:

5.9.1 the Environmental Statement does not comply with the Town and Country Planning (Environmental Impact Assessment) 2017 Regulations (**EIA Regulations**) as it does not include the alternative cable route within the red line boundary;

5.9.2 the site selection process is not covered in any detail in the design evolution and alternatives section in the Environmental Statement. This means that possible alternative locations and / or technologies have not been considered nor has any potential justification for selecting a greenfield site been provided;

5.9.3 the 2025 SEI does not follow best practice guidance in respect of built heritage assets and the impact of the proposal has not been robustly assessed;

5.9.4 the LVIA has under reported the likely significant effects of the proposals as it has set the threshold for significance in Environmental Impact Assessment (**EIA**) terms too high (i.e. by only including 'major' impacts), thereby distorting the overall conclusions;

5.9.5 the archaeology assessment does not comply with the EIA Regulations as it does not provide a clear and accessible description of impacts on archaeological assets;

5.9.6 the 2025 SEI does not provide sufficient baseline information to assess the potential impact of the proposals on bat populations;

5.9.7 the Biodiversity Net Gain assessment excludes the alternative cable route without justification which is against best practice;

5.9.8 the Noise Assessment shows that the existing environment is generally undisturbed by noise. The NPPF policies suggest that these areas should be protected. The proposals would not protect this location and are likely to result in the loss of amenity for existing and future residents; and

5.9.9 the potential night-time noise and vibration impacts have not been adequately assessed.

5.10 The Application (if granted) would result in the loss of productive cropped agricultural land.

5.11 The Application would have an unacceptable impact on protected species, protected habitats and environment.

5.12 The change to a fixed panel system is less efficient than the previously proposed tracking panels.

5.13 The Application does not provide any details on the type of battery system or panels to be used, which makes assessing the fire risk or maximum capacity impossible.

5.14 The Application does not comply with the guidance issued by the National Fire Chiefs Council (**NFCC**) on grid scale battery energy storage solutions, nor does it address the fire service's consultation response.

5.15 The proposal's impacts should not be considered temporary in nature.

5.16 The traffic impacts of the scheme have not been adequately or correctly assessed.

<u>February 2025 updates to the Application</u>

6. The Application was "updated" in February 2025. The covering letter dated 21 February 2025 prepared by Pegasus and addressed to the Council and Redditch Borough Council (the **Covering Letter**) sets out the amendments to the Application. However, the Covering Letter is misleading about the scope of the amendments.

7. The Covering Letter states on page 5 when setting out the changes to the site layout that there has been "*Repositioning and updated design of battery stations (13 no. battery stations inclusive of 1 no. Inverter, 4no. batteries and 4 DC-DC converters in each battery station) across the Application Site to reflect the most up to date technology and address comments made by the Local Fire Service*". However, the Covering Letter neglects to point out that the number of battery stations has increased from 9 battery stations to 13 battery stations. The construction traffic management plan dated February 2025 prepared by Pegasus at 5.10 confirms that "*This is an increase of four battery stations from the previously proposed layout*". This significant change is misleading.

8. Similarly, the Covering Letter states on page 4 that "*the redline boundary remains unchanged from the original submission*". However, the updated site layout plan (drawing number P19-0753_03 Rev X) states that the site boundary is 119.67ha, whereas in the previous iteration of the drawing Rev Q lists the site boundary as 118ha. No explanation is given for this change.

9. The Covering Letter also states that there has been a change from tracker panel systems to fixed panel systems "*Due to the removal of some large panel areas*" as "*Fixed panel systems require less space required to tracker panel systems*." The Application does not include any analysis about the efficiency or specific technologies to be utilised. It is generally considered that tracker panels systems are approximately 20% more efficient than fixed panel systems.

We consider that the reasoning behind the change to a fixed panel system is because they are generally cheaper, not because of the slight reduction in panel area.

10. We recognise that 16 hectares will now be retained for agricultural use. The reduction in solar panel area is welcomed. However, the reduction in area is minor, especially given the change to fixed panels and the potential benefits of such reduction have not been harnessed. The site remains dominated and overpopulated with solar panels. Other layout updates are minimal, despite the list of changes set out in the Covering Letter. The layout of the site, beyond the reduction in solar panel area, has not significantly, or indeed, noticeably changed and the harms in respect of visual impact and harm to landscape character would be unchanged.

11. Wychavon and Malvern Hills District Councils' Conservation Officer in their response dated 4 June 2025 state that they continue to object to the scheme, noting that "*The additions have not changed the objection to this proposal that were made from the beginning*".

12. We also note that the Application has not been updated to reflect the latest policies. For example, there have been updates to the National Planning Policy Framework, the latest updates dated December 2024 (**NPPF 2024**). The Application does not apply or consider any such updated policies which means that much of the February 2025 updates do not correctly apply current policies.

Change to fixed panel system

13. The Application now envisages utilising "a fixed system that uses an east-west system" with panels tilted at 15-25 degrees as opposed to the previously proposed "tracking system that uses a north-south system (90 degrees in the morning and 270 degrees in the evening) with elevation angles of up to + / - 60 degrees" tilting from east through to west as the sun rises and sets.

14. LHW comment that they assume that the reasoning behind the change from tracking PV panels to fixed panels is because "*more PV modules could be crammed into a smaller reduced area than can be undertaken with a tracker system, even though a tracker system would generate more kWh per kWp of installed capacity.*"

15. The Application fails to provide adequate justification for the change from a more efficient tracker system to a fixed system, especially considering the proposed overplanting of the site discussed further below.

Excessive overplanting

16. Appendix 4 – the overplanting statement (the **Overplanting Statement**) of the planning statement dated February 2025 prepared by Pegasus Group (the **Planning Statement**) sets out that the Application proposes to overplant. Overplanting is where the maximum installed generating capacity (measured in DC) of the solar generation facility is larger than the facility's grid connection (measured in AC). The Application proposes to overplant to 160% of the grid capacity – 80 MWp (DC) instead of to 50 MVA (AC).

17. LHW have carried out an independent peer review of the Overplanting Statement and conclude that overplanting of 60% (as proposed by the Application) does not align with what is considered reasonable in the industry. By contrast, overplanting of 16% is in line with what is considered reasonable for a 40-year life solar farm according to the degradation principles set out in EN-3 – not the 60% proposed in the Application. LHW also state that UK industry norms indicate 20 to 30% overplanting, and that significantly more overplanting than these figures (for example 60% overplanting as proposed in the Application) would shorten the life expectancy of the inverters due to higher operating duties and increase the risk of fires. No adequate explanation has been given for the excessive overplanting in the Application.

18. The proposed development is distinct from the Longhedge Solar Farm, recently considered by the High Court in *Ross v Secretary of State for Housing, Communities and Local Government* [2025] EWHC 1183 (Admin) (19 May 2025) (***Ross***). In *Ross* overplanting and clipping related solely to the energy generation of solar panels as the scheme did not include battery units capable of storing excess generated power, whereas the Application is for a photovoltaic (**PV**) system and **battery storage**. As the Application's proposal is for a dual solar panel and battery scheme, the level of overplanting required by the Application's scheme is likely to be less than that considered in *Ross* because the batteries are capable of storing energy to be exported back to the national grid when necessary.

19. LHW state that achieving 80 MWp into the site area would only be possible by lowering the tilt of the panels to a sub optimal pitch of 15 degrees. This assumption aligns with the Planning Statement at paragraph 3.5 which states that the "*panels will be tilted 15-25*

degrees". LHW assert that the optimal pitch of panels is 31 degrees, which is over double the pitch of 15 degrees. A pitch of 31 degrees would generate significantly more power per panel meaning that far less panels would be required. As such, the Application's proposed design is inefficient and wasteful.

20. LHW state that in December, a 43 MWp panel array oriented at 45 degrees is likely to generate 969 MWh. Whereas in December, an 80 MWp panel array oriented at 15 degrees will generate the same 969 MWh but is nearly twice as large. We note that the Applicant states in the Overplanting Statement that: "*Compared to a site that is not overplanted, this means that more low carbon electricity is exported to the grid over the lifetime of the development whilst staying within the contractual grid export limit and TCPA consenting thresholds*."

21. LHW state in their report that "*In June an unconstrained 80 MWp PV farm could generate c500MWh in a day. Some would be exported via the grid export at 49.5MWh per hour, however the proposed battery system is just not large enough to capture all the energy (less battery heating losses) without constraint, and so there would be a level of lost energy. The Applicant's statement is therefore considered to be technically and factually incorrect, generic and misleading.*"

22. The Application proposes a solar farm scheme that is copiously in excess of the size actually required to be able to generate a 49.5 MW scheme. As such, the Application should be refused.

The proposals are an NSIP

23. In England, solar farms with a **generating capacity** exceeding 50 MW are classified as Nationally Significant Infrastructure Projects (**NSIPs**) meaning that they fall within a different consenting regime and cannot be approved via local planning authorities.

24. The question as to the amount of energy exported back to the grid is a separate one to the generating capacity of the proposal. For example, a solar farm with onsite BESS with a generating capacity of over 100 MW would fall within the classification of an NSIP regardless of whether only 49.9 MW would ultimately be the maximum amount of energy exported to the grid. The NSIP regime references the "generation" capacity not the "exporting" capacity. From a technical point of view, it is the solar panels that "generate" electrical energy from

solar energy, not the inverter. The inverter simply converts energy from one current type to another form of electrical energy, it does not generate energy. It is therefore correct to assess the generating capacity of the solar panels not the exporting limit of the inverter.

25. LHW states that "*It is accepted that only 49.5 MW could be exported to the grid, but the system is a PV & Battery system, and it would be possible to generate more than 100MW, as in addition to the 49.5MW being exported to the grid, the surplus generation can charge the batteries […] consequently exceeding the NSIP 50MW limit."* Consequently, the Application is precluded from being determined at this time by a local planning authority as it falls within the classification of an NSIP. The Application should be refused on this basis.

Insufficient detail in the Application

26. The Application does not contain sufficient detail for the benefits or negative impact of the proposed development to be assessed or considered. As already discussed above at 9, the Application does not provide any detail on the fixed panel system or why it is considered that a fixed panel system would be better than a tracker panel system. The Application is also notably silent on the total area (and number) of solar panels or the battery technology to be used. The lack of this information or detail makes it impossible to assess or peer review the claims made in the Application or the danger and fire risk posed by the battery systems. This in turn prejudices the public consultation process.

27. The outline battery safety management plan prepared by Abbott Risk Consulting Limited dated January 2025 (**Outline Battery Safety Management Plan**) states at 1.0 that "*The final design and equipment detail is yet to be fully determined and is based on the intended site layout plan and associated details currently available and provided by RWE at this juncture*." The outline soil management plan prepared by Kernon Countryside Consultant Limited and dated February 2025 states at 4.23 that "*The construction programme is from summer / early autumn 2025 to spring / summer 2026*".

28. It is difficult to believe that the Applicant does not know the exact panels or battery systems if they intend to start constructing in a few months' time in connection with this full and detailed planning application. The Applicant should therefore provide these details so that the Application can be properly and rigorously assessed as part of the decision-making process.

Non-compliance with BESS fire safety guidance

29. The Application does not comply with the NFCC's guidance dated November 2022 (the **NFCC 2023 Guidance**) nor the NFCC's draft guidance (dated July 2024) on grid scale BESS which was consulted on in Summer 2024 (the **NFCC Draft Guidance**). To date, a revised version of the NFCC Draft Guidance has not yet been issued.

30. The NFCC Draft Guidance reiterates the scope of the NFCC 2023 Guidance that it relates to BESS "*which are deployed in open air environments with an energy capacity of 1 megawatt (MWh) or greater using lithium variant batteries*" although it is noted that "*The principles contained within this guidance may also be relevant to other battery technologies*." As set out above at 26, the Application is silent as to the type of battery system to be utilised by the scheme. We assume that the NFCC 2023 Guidance and NFCC Draft Guidance apply to the Application. This assumption is supported by the consultation response of the Hereford & Worcester Fire and Rescue Service dated 31 July 2023 (the **HWFRS Response**) which is written in response to the NFCC 2023 Guidance. We note that the Council's Projects and Emergency Planning Team commented on 22 April 2025 that the Application is to "*ensure that the NFCC (National Fire Chiefs Council) guidance is followed to mitigate against any potential fire risk*".

31. The HWFRS Response states that they require information on "*The battery chemistries being proposed (e.g. Lithium-ion Phosphate (LFP), Lithium Nickel Manganese Cobalt Oxide (NMC))*." The Application does not provide this basic information about the scheme. Indeed, the Application does not provide all the required information the HWFRS Response requests, for example, information on the battery form factor; and the size / capacity of each BESS unit in MWh are not provided.

32. The Application therefore also does not meet the NFCC 2023 Guidance and NFCC Draft Guidance section 9 requirements on system design, construction, testing and decommissioning and section 10 on battery chemistry. NFCC 2023 Guidance and the NFCC Draft Guidance state that it is the responsibility of the applicant / developer / designer / manufacturer of BESS to give as much information as possible at the earliest opportunity to the fire rescue service, with appropriate evidence to support any claims made on performance. This should include information on suppression systems, thermal event

mitigation, BESS design (including size, quantity and capacity), annunciation and environmental receptors.

33. Other details required by the NFCC 2023 Guidance and the NFCC Draft Guidance include at sections 19 (water supplies), 21 (Emergency Response Plan), 22 (Site Plans and Maps) illustrating any areas where hazardous and flammable materials are stored, all separation distances, areas of natural and unmade ground, and drainage runs for pollution control, for example. The Application does not provide anywhere near the detail required under the NFCC 2023 Guidance or NFCC Draft Guidance (the bulk of which information can be found in the Outline Battery Safety Management Plan) and as such, we do not consider that the associated fire risks can be appropriately assessed.

34. The Outline Battery Management Plan states at 7.1 that "*Any hazardous materials held and stored at the BESS facility will be fully justified and will be detailed in the Roundhill [Emergency Response Plan] ERP, detailing the location, description, precautions to be adopted and quantity.*" This detail should be provided as part of the Application so that the impacts and risk of the proposal can be properly assessed. It also means that the Application does not satisfy the requirements of section 8 of the NFCC 2023 Guidance or NFCC Draft Guidance with regards to site specific risk information on hazardous materials.

35. It is unacceptable that important details on safety management and risk are not to be included as part of the Application. For example, the Outline Battery Management Plan states at 7.4 that "*The BESS safety management structure has yet to be fully defined and will be subject to the safety management strategies and procedures that are in place with the successful supplier and installer of the BESS*." The lack of this information means that the Application is not compliant with the NFCC 2023 Guidance and in particular, the NFCC Draft Guidance regarding section 11 (detection and monitoring), section 12 (suppression), section 13 (suppression systems) and section 14 (explosion control).

36. The safety and management of the BESS (and indeed basic information on the type of BESS chemistry and systems) is missing so the Application cannot be properly assessed. The Outline Battery Management Plan on page 21 which contains Appendix A "BESS Frequently Asked Questions" (which appears to be general information not specific to the Application) outlines the possible causes of thermal runaway and that the outcomes are "fire", "toxic gas", "explosion". Given the proximity of the site to residential dwellings, ancient woodland, public

rights of way and indeed, the plans for the proposal to include "outdoor classrooms", the risks and mitigation associated with the proposals should be rigorously assessed and is a material planning consideration.

37. In addition to setting out the NFCC 2023 Guidance, the HWFRS Response makes certain comments on the Application. The HWFRS Response sets out that the standard minimum spacing between BESS units of 6 metres. The Application does not meet this suggested requirement – only half of this distance is proposed (3 metres) with the reasoning behind the proposed design not being fully explained and justified.

38. NFCC Draft Guidance at section 17 sets out the guidance on spacing between BESS so that there is "*adequate separation between the BESS enclosures to ensure that the radiant heat from a thermal event in one BESS will not trigger a secondary event*". Section 17.1 also states that "*an initial minimum distance of 30m is proposed prior to any mitigation*" between BESS units and occupied buildings / site boundaries. The Outline Battery Management Plan on page 11 states that "*There are no occupied buildings within 25m of the BESS compounds*", falling short of the NFCC Draft Guidance distance of 30m. It is also silent as to the distances afforded between the BESS units and the site boundaries.

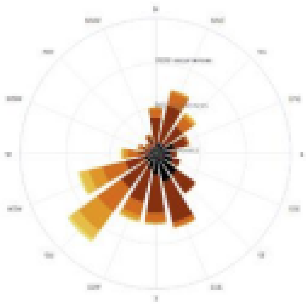
39. From a review of the Site Layout and Landscape Strategy with drawing number P19-01753_03 Rev X, not all BESS units are a minimum distance of 25 metres from the site boundaries nor appear to maintain a minimum of 10 metres between BESS units and vegetation, contrary to the NFCC 2023 Guidance (and the NFCC Draft Guidance).

40. The NFCC 2023 Guidance and section 18 of the NFCC Draft Guidance also sets out that "*Areas within 10 metres of BESS units should be kept clear of combustible vegetation […] Areas with wildfire risk or vegetation that would result in a significant size fire should be factored into the assessment. Additional separation distances should be factored in to prevent a fire spreading*". The Outline Battery Management Plan states on page 10 that "*A 10m cleared vegetation boundary forms an element of the design and provides the necessary fire break to prevent fire spread*."

41. As the site is immediately adjacent to Roundhill Wood – sizeable ancient woodland, the distance between the BESS units and vegetation should be much greater than the minimum distance provided by the NFCC 2023 Guidance and the NFCC Draft Guidance. In their response dated 4 June 2025, the Forestry Commission noted that "*For sites near ancient*

woodlands, a proposal should have a buffer zone of at least 15 metres from the boundary of the woodland to avoid root damage" and that for ancient or veteran trees "*the buffer zone should be at least 15 times larger than the diameter of the tree.*" These buffer zones do not appear to have been applied in the Application. The Forestry Commission's response also notes that "*ancient woodlands are irreplaceable*" and that "*It is Government policy to refuse development that will result in the loss or deterioration of irreplaceable habitats including ancient woodland, unless "there are wholly exceptional reasons and a suitable compensation strategy exists*"". The Application does not demonstrate that the risk of fire spread or sensitivity of the proposal's location has been adequately considered or mitigated.

42. Further, we note that page 10 of the Outline Battery Management Plan goes on to state that "*It has been established that the prevailing winds in this location are southwesterly veering to the south*" as demonstrated by the wind rose extracted right. The wind rose clearly shows that the wind at the site predominantly blows towards Roundhill Wood which is located in the (west / south westerly etc) corner of the wind rose.



43. We consider that the Application should be refused on fire safety grounds. This is not an appropriate location for the Application.

<u>Risk of water pollution and environmental damage</u>

44. The NFCC 2023 Guidance and NFCC Draft Guidance require that "Sites located in flood zones should have details of flood protection or mitigation measures." No such flood protection or mitigation measure have been set out by the Application. The Trium Report states that "*The risk of fire water contamination associated with the battery units on site should be considered and an appropriate mitigation strategy should be put in place that avoid infiltration to ensure there are no adverse impacts on the environment*."

45. The Outline Battery Management Plan states on page 12 that "*RWE intend to make a case that no water storage should be required on site and that the water can typically be carried by [fire rescue service] [a]ppliances*."

46. We note that the Outline Battery Management Plan on page 24 also sets out that "*The use of water to extinguish a BESS fire has some drawbacks and disadvantages over bespoke*

FDSS aerosol mediums, these being: […] the inability of water to cool the cell interiors may result in reignition of a fire once the water application is halted. […] A high volume of water is required to cool the cells below the critical temperature to prevent [thermal runaway] propagation, this results in a high volume of fire water run-off and a potential environmental impact" and "*The application of water on a BESS fire increases the generation of gases such as CO, H2 and Hydrogen Fluoride (HF)*."

47. Page 25 goes on to state that "*Should the resulting fire be treated with water in the presence of HF the result can be the formation of a HF acid which can be detrimental to the environment, especially the aquatic habitat. To prevent this, it is possible to contain the fire run-off water but often best, in rural locations to let the fire run its course and burn out. Noting that the Roundhill site is not within a Source protection zone or positioned above a drinking water aquifer*."

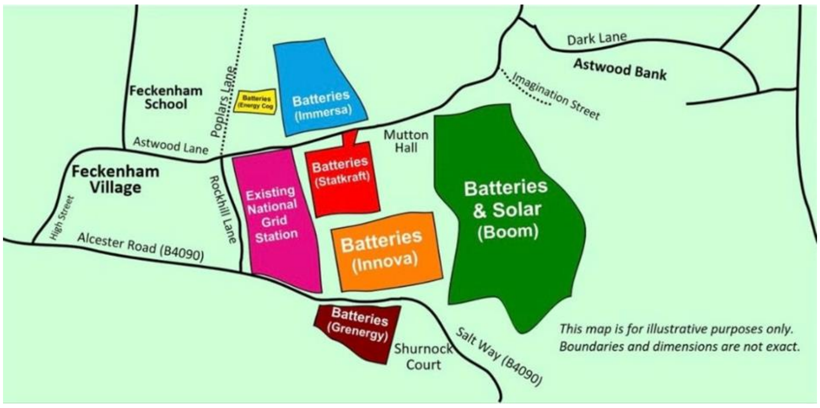
48. The Application does not discuss why water is to be used instead of a bespoke aerosol medium, nor how the impacts of any water suppression would be mitigated or the resulting water collected. It appears that the fire strategy is to let any BESS fire burn itself out with the fire services using water to control the blaze. This is an unacceptable strategy given the proximity to valuable and irreplaceable ancient woodland and the risk of water pollution. We note that the Application includes works to break out an existing culvert and create a series of watercourses. As such, the Application envisages greater water run-off impacts. The Application also fails to consider in detail the suitability of the roads leading to the proposal, which are predominantly narrow country roads which would make accessing the site more difficult, particularly for large fire response vehicles.

49. The Trium Report states that "*The infiltration-based strategy that has been proposed for the battery units could pose an unacceptable risk on groundwater quality as the current strategy fails to provide appropriate mitigation for the containment and management of potentially contaminated surface water runoff in the event of a battery fire on site. The current strategy would result in contaminated firewater infiltrating into the ground via the proposed granular base. This could result in contamination of the underlying 'Avon Warwickshire groundwater body' which currently is classified as having a good quantitative and chemical status and is considered to be a Highly sensitive receptor*."

Mr M McConville
25 June 2025

50. South Worcestershire Development Plan 2016 (**SWDP**) policy 30 states that "*E. Proposals that would result in an unacceptable risk to the quality and / or quantity of a water body or water bodies will not be permitted*." The Application poses an unacceptable risk to the quality and quantity of water bodies in the event of a fire and should be refused on this basis.

51. We note the lack of on-site water storage and heavy reliance on the fire service has not been considered by the Application in the event that there are multiple BESS fires that the fire service is dealing with at one time. We note that the surrounding area to the Application contains many proposed or granted BESS systems and question whether the fire service would be able to fight two (or more) concurrent events. Indeed, please see the illustrative map produced by the Feckenham Against Battery System Storage & Solar showing the proposed or consented schemes surrounding the Feckenham substation (below) as of May 2025:



52. The HWFRS Response states that "*should the 'let it burn' approach be taken, it may create a chain reaction from one unit to the next. Therefore, even in this case, there is a high possibility that attending crews will require large amounts of water to protect the exposure risks and disperse the vapour cloud. […] If we were to let it burn, there would be a significant impact on the surrounding communities which would all be significantly impacted from the vapour / smoke plume for at least 24-48 hours, and therefore recommend that the Planning Authority consider this potential impact,"* whilst also adding that "*Further to this the [Environment Agency] would also need to consider the impact of any ground water seepage and any potential for impact on Severn Trent from the contaminated run-off filtering through into nearby aquifers.*" The HWFRS Response indicates that "*For example, taking a* ***two-ground monitor attack for 24 hours would apply approximately 5.5 million litres of***

water, and the resulting run-off of these tactics would likely have a significant impact on the surrounding area."

53. The Environment Agency submitted a response to the Application on 02 May 2025 (**EA 2025 Response**) which states that "*There is a risk that highly polluting chemicals in batteries could enter ground water in firewater or rainfall*" in the event of a fire. The EA 2025 Response goes on to state that "*Applicants should assess risks to groundwater and the water environment, and ensure robust mitigation is in place for containment of this water. Where possible the applicant should ensure that there are multiple 'layers of protection' to prevent the source-pathway-receptor pollution route occurring*." The Application does not robustly assess the risks or provide containment for water.

54. The EA 2025 Response also sets out that they "*encourage the council and developer to ensure that appropriate space is available on site for firefighting water storage and containment. We would suggest that the surface water drainage system incorporates suitable measures to prevent pollution of the water environment from firefighting run-off, in the event of a fire. For example, 'containment' through tanks or appropriately sealed containment drainage (lagoons tanks or storage) systems, on impermeable surfaces to hold firewater. Use of shut off valves. Spill kits and drainage covers*." The Application currently does not make any provision for on-site water storage or containment.

55. Policy SWDP 31 requires that "*Development proposal must be designed in order to avoid any significant adverse impacts from pollution, including cumulative ones*" on human health and wellbeing, biodiversity, the water environment, the effective operation of neighbouring land uses. The Application has not shown that it has been designed to avoid these impacts and is therefore contrary to SWDP 31.

56. The Application has not considered the impact of potential water pollution on the surrounding area on wildlife and surrounding ecosystems. The current let it burn proposal requires heavy fire service intervention and does not mitigate any potential water contamination, contrary to the explicit recommendations of the Environment Agency in the EA 2025 Response. The risk to the environment is unacceptable, contrary to SWDP 31 and the Application should be refused.

Limited renewable energy benefits

57. As already set out in detail in our First Objection Letter, the proposed development would not satisfy the five primary targets in the Council's Intelligently Green Plan 2020 – 2030. This raises significant doubt in respect of the renewable energy benefits claimed by the Applicant. The previous report prepared by LHW Partnership states that there were also a significant number of errors and misleading statements in the Application. These statements have not been updated in the February 2025 updates to the Application.

58. Below is a brief summary of our previous comments on this topic, which have not been addressed by the February 2025 updates to the Application:

(a) JBM / RWE will sell the electricity from the PV / BESS system to their customer base. Therefore, unless the Council purchases electricity directly from RWE or a broker, they will not actually be able to benefit or even claim the electricity generated from the proposal is providing any metered benefit to helping reduce the Council's greenhouse gas emissions by 75% by 2030.

(b) The proposed solar farm will not assist in halving the district wide carbon emissions from 992 kt CO2 in 2005 to 496kt CO2 in 2030, aside from the small reduction in kg of CO2 attributable to the UK electricity grid content.

(c) The proposed solar farm is unlikely to assist the low carbon economy to any great degree and more likely to hinder it. The 49.9MW grid capacity has been apportioned and that will limit the potential for other smaller renewable projects within Wychavon District.

(d) In 2018, it had been calculated that the level of renewable generation in the Wychavon District already exceeded the 2030 target by 8%. As of May 2025, it is likely that the level of renewable generation in the Wychavon District is likely to exceed the 2030 target by 47%.

(e) The proposed solar farm is unlikely to have any noteworthy impact on achieving the target of capturing at least 500 tonnes of carbon dioxide equivalent per year by 2025.

59. As such, the proposed solar farm has limited renewable energy benefits.

<u>The proposal is not temporary</u>

60. The Application heavily relies on the notion that the proposal is “temporary” in nature. The planning statement prepared by Pegasus Group dated 18 February 2025 version 5 (the **Planning Statement**) states at 4.124 that “*The proposed solar arrays and associated equipment (excluding the proposed substation) will be temporary structures which will be on the Site for 40 years and once the equipment is removed the Site will be restored. Any loss of agricultural land is considered a ‘temporary’ impact*.” The Planning Statement mentions this ‘temporary’ impact in multiple places, for example at 5.26, “*The project would result in a temporary, fully reversible, impact to the soil resource which due to the nature of the development can be fully reversed by the removal of the panels at the end of the 40 year operational lifespan of the solar farm.*”

61. A recent appeal decision dated 14 November 2023 in relation to Little Heath Lane, Little Heath, Berkhamsted with appeal reference APP/A19190/W/23/3317818 addresses the ‘temporary’ (or otherwise) impacts of solar farm developments. We extract the entirety of paragraph 19 of this decision below (emphasis added):

“*I acknowledge **the appellant’s argument that the proposal is temporary in nature (40 years)** and that the development would be removed and the land restored to its former condition – in essence openness would be restored at that point. Leaving aside the discussion as to what may happen at the end of the 40 year period – which can only be speculation **– I do not find this argument to be persuasive** in terms of reducing the effect on the Green Belt openness. **Although the proposal is for a limited period, the length of that period is very substantial.** But even more importantly, the fundamental aim of national Green Belt policy is to prevent urban sprawl by keeping land permanently open. With that well established policy background it cannot be right that **the fact that approval is sought for a 40 year period is accorded more than very limited weight in favour of the scheme in relation to the loss of openness. To do so would go against the concept of permanence***.”

62. The Application’s argument that the impacts of the proposal are limited because of the ‘temporary’ nature of the proposals should be afforded no weight. 40 years is a substantial period of time, and the impacts of the proposals should be considered as permanent. There

are also elements of the proposal which are intended to be permanent in nature. We also note that the inspector found that they considered what happens after the 40-year period to be speculation. We consider that the instant case is analogous to the appeal case referenced above. In addition, we have identified contamination and fire risks that have not been addressed and therefore jeopardize the return of the land to a productive agricultural use.

Water resources and flood risk not adequately assessed

63. As is set out in the Trium Report, the Application's flood risk assessment dated 13 February 2025 prepared by Calibro (the **FRA**) and associated reports have been based on the Environmental Agency's (EA's) superseded flood map for planning. New data was published by the EA on 25 March 2025 and supersedes the previous mapping.

64. The EA's new flood map for planning shows that areas of Flood Zones 2 and 3 extend into the western part of the site just north of Roundhill Wood. These flood zones are not considered in the FRA which states that the site is located within Flood Zone 1. As such, the FRA needs to be updated to reflect the updated EA flood map for planning.

65. The FRA is also deficient as it fails to consider the slope of the site, nor is this considered in the Surface Water Drainage Strategy. This is of particular importance given the significant risk posed by battery storage units to the local environment via the risk of fire-water contamination of surface water and / or groundwater. This risk is generally not considered in the latest Surface Water Drainage Strategy submitted with the Application.

66. SWDP 30 requires that "*A. All development proposals must demonstrate that there are or will be adequate water supply… in place to serve the whole development" and "E. Proposals that would result in an unacceptable risk to the quality and / or quantity of a water body or water bodies will not be permitted."* The Application has not demonstrated that there will be adequate water supply in the event of a fire nor that the water bodies will be prevented from contamination. The Application is therefore contrary to SWDP 30.

67. In the absence of vital information and the deficiencies in the FRA and Surface Water Drainage Strategy, the Application should be refused.

Unacceptable heritage impacts

68. SWDP policies SWDP6, SWDP21 and SWDP24 relate to the historic environment and its management. They principally require the conservation and enhancement of heritage assets.

69. The NPPF 2024 paragraph 213 states that (emphasis added) "***Any harm to****, or loss of, the significance of a designated heritage asset (from its alteration or destruction,* ***or from development within its setting****), should require* ***clear and convincing justification****.* ***Substantial harm*** *or loss of: a)* ***grade II listed buildings,*** *or grade II registered parks or gardens,* ***should be exceptional****; b) assts of the highest significance, notably scheduled monuments, protected wreck sites,* ***grade I and II* listed buildings****, grade I and II* registered parks and gardens, and World Heritage Sites,* ***should be wholly exceptional****."*

70. Paragraph 210 of the NPPF 2024 also states that local planning authorities should take account of "*the desirability of sustaining and enhancing the significance of heritage assets*" and "*the desirability of new development making a positive contribution to local character and distinctiveness*." Guidance is also given in paragraph 212 of the NPPF 2024 that "*When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation*".

71. At the time of writing, the latest version of the Application's cultural heritage chapter is the 2025a version (**Heritage Chapter 2025a**). The Heritage Chapter 2025a has not addressed the strong criticisms of the Application set out in the Council's heritage consultation response dated 11 June 2023 (the **WDC Heritage Consultation 2023 Response**). The WDC Heritage Consultation 2023 Response notes that the Application was "*rich on policy reiteration and slim on actual analysis of the impacts on the designated and non-designated heritage assets*."

72. The Heritage Chapter 2025a continues to be heavy on policy iteration and lacking in analysis. Only six of the 18 non-designated heritage assets have been assessed in the Heritage Chapter 2025a. The Heritage Report notes that "*neither the [Heritage Chapter 2025a] or the [heritage statement prepared by Pegasus (****Heritage Statement****)] respond to the matters raised by the Conservation Officer in their response, and furthermore, there are a number of heritage assets for which the applicant has not provided a justification for why they have been scoped out.*"

73. The WDC Heritage Consultation 2023 Response states that "*It is clear that this proposal will negatively impact a Grade I listed building, a grade II listed building and several important non-designated heritage assets will have their direct setting compromised and three other listed buildings will have their wider settings damaged to [sic].*"

74. The WDC Heritage Consultation 2023 Response concluded that "*the proposal will not preserve the character of the setting for the adjacent and surrounding designated and non-designated heritage assets and their significance as heritage assets, As such it does not accord with the conservation aims of policies SWDP6, SWDP21 and SWDP24 of the South Worcestershire Development Plan 2016 (SWDP)*". The Heritage Chapter 2025a does not address the WDC Heritage Consultation 2023 Response's reasons and the Application should be refused on heritage grounds. Indeed, the Heritage Report also notes that "*the Conservation Officers comments largely seem to be ignored*."

75. Wychavon and Malvern Hills District Councils' Conservation Officer submitted updated responses on 4 June 2025 and 24 June 2025, reiterating their objection. Their response dated 4 June 2025 specifically notes that they "*don't believe that the document has given enough weight to the immediate environs of [Dormston Farm (Manor)] and its impact on the development and opus of one of the most important pieces of 20th century literature in the English language. The proposal will deeply impact the wider rural setting of the building and significantly damage an area of land that has significant cultural & historic importance*." The Application should therefore be refused.

<u>Incorrect methodology used for assessing built heritage impacts</u>

76. The Heritage Report sets out the numerous deficiencies in the methodology and assessments in the Application's Heritage Chapter 2025a and Heritage Statement. In assessing the baseline position, the Heritage Report states that the Application "*fail[s] to demonstrate why a number of listed buildings that fall within the study area have been scoped out of the assessment. The Pool House (Grade II) and The Sheiling (Grade II) are within the study area but have not been subject to the scoping process. These are neither scoped in or out. There has been no consideration whatsoever of the impact of the proposals. There is no step 1, 2 or 3 process as advocated by [Historic England's Good Practice Advice Note 3: The Setting of Heritage Asset (**GPA3**)]*."

77. As a consequence, the Heritage Report finds "*that the baseline of the [Heritage Chapter 2025a] and the [Heritage Statement] does not appropriately identify the heritage assets that have the potential to be affected by the proposed development and, notably, the omission of two statutorily listed buildings is illustrative of the lack of thoroughness*".

78. As already mentioned at 12 above, the Application has not been updated to reflect the latest policies, in particular the NPPF 2024. The Cultural Heritage Chapter 2025a and the Heritage Statement repeatedly reference paragraphs of the NPPF which have now been updated in the NPPF 2024. Notably, paragraph 194 was replaced by paragraph 207 in the NPPF 2024 and now does not make any differentiation between heritage assets, meaning that the approach taken in the Application is not supported or compliant with the amended NPPF 2024.

79. Paragraph 3.3.22 of the Cultural Heritage Chapter 2025a acknowledges that the construction effects of the proposal "*will, **through increase in traffic and noise etc** result in temporary change within the setting of certain built heritage assets and this could **cause some level of harm to their significance***" (emphasis added). This singular statement is not sufficient to properly assess the construction effects. The Heritage Report states that the absence of such a supporting statement "*has the potential to constitute a request under 'Regulation 25' of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017*" (**Regulation 25**).

80. We also note that the Trium Report provides significant detail regarding the buried heritage assets concluding that "*Regarding buried heritage assets, the assessment does not comply with the Town and Country Planning (Environmental Impact Assessment) 2017 Regulations as it does not provide an accessible description of the environmental effects of the [proposals] on archaeology*".

81. Similarly, the Heritage Report states that in respect of the impact on the Grade II listed 'The Leasowes' being considered as minor adverse, "*there is no supporting methodology set out in the main body of the text of the [Cultural Heritage Chapter 2025a] which shows how such an assessment has been reached.*" The Heritage Report considers that such omissions could also have the potential to constitute a request under Regulation 25.

82. The lack of detail and methodology was also noted in the WDC Heritage Consultation 2023 Response which noted that the impacts on Grade I listed Church of Nicholas in Dormston

"*ha[ve] not been clear [sic] analysed by the supporting document supplied by the applicants*." The consultation response also stated that "*The Environmental Statement has failed to carry out a balanced assessment regarding weighing the public benefits of the proposal against damage to [Stockwood Lodge Farm] and other heritage assets adjacent to the proposal site*."

82.1 The Heritage Statement concludes that the significance of a number of heritage assets will not be harmed – however this is not the statutory duty set out in section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The Heritage Report therefore submits that "*The conclusions of the Heritage Statement are therefore not consistent with the statutory duty*" whilst also referring to where the statutory duty is incorrectly referenced in the Application.

82.2 The Trium Report also highlights deficiencies. Notably that the Cultural Heritage Chapter 2025a analysis regarding Dormston Manor at paragraphs 3.3.29 – 3.3.30 incorrectly concludes that there is 'no harm' as the Zone of Theoretical Visibility mapping indicates that the proposal would be visible therefore changing the rural setting. It is noted that other assessments (such as that for the Church of St Nicholas) only consider the asset in summer whereas a worst-case scenario should be included (in winter) to assess the impact of the proposals without screening from vegetation.

82.3 Another deficiency of the built heritage assessment in the Cultural Heritage Chapter 2025a is that consideration is only given to the solar arrays themselves and not to the potential effects of the boundary treatments and other elements (CCTV, inverters, fencing, BESS units etc) which will also noticeably change the open character of the landscape. The Planning Statement at paragraph 3.25 states that "*It is proposed that a 2.0m high security deer fence with wooden poles be installed around the edge of the Site to protect the solar panels from theft or vandalism.*"

82.4 The Conservation Officer, the independent Trium Report and the Heritage Report consider that the proposal will cause harm to built heritage assets that have not been adequately assessed in the Application. The Application should be refused.

<u>Long-term material adverse landscape impacts</u>

83. The SEI 2025 states at paragraph 2.7.8 that "*it is considered that the effects on views and landscape character arising from the EIA Assessment Area may be locally significant during the lifetime of the scheme*".

84. The SEI 2025 further recognises the following adverse landscape impacts (emphasis added):

3.3.17: "*Given their finite nature,* ***the direct development effects upon the known and potential buried archaeological resource*** *within the footprint of the visitor car park, access track, fencing, and the new hedgerows/areas of trees,* ***would be direct, long-term, permanent and adverse***."

3.3.18: "*Excavations for the construction and removal of the visitor car park and access track* ***could wholly destroy discrete archaeological features like pits, which could be considered significant*** *in EIA terms, but* ***would only partially destroy*** *the larger Roman enclosure ditches and droveways*"

3.3.19: In relation to the north-east quadrant archaeologically sensitive area a "*wildflower meadow is proposed as the new ground cover in these areas. Cultivation to depths of 30m bpgl is typically required for sowing, which could impact the buried archaeological resource within the areas.* ***Such impacts would be direct, long-term, permanent and adverse. If archaeological features were wholly destroyed, this could be considered significant*** *in EIA terms.*"

85. The Application does not adequately explain how these acknowledged harms would be mitigated. The site is criss-crossed by 4.5km of public footpaths and is clearly visible from a number of roads in the area and from the elevated land to the south-east. We note that the SWDP spatial context at paragraph 13 states that "*The landscape is of a very high quality and is a defining feature of south Worcestershire.*" This Application would harm the prevailing landscape.

86. SWDP 1 states that developments should play an economic role and should protect and enhance south Worcestershire's unique natural, built and historic environment by "*safeguarding and enhancing landscape character. V. Protecting important historic buildings, monuments, site of archaeological significance and the integrity of local planning*

designations. Vi. Protecting and enhancing green infrastructure." The proposed development is therefore contrary to SWDP 1.

87. The Potterton Review sets out numerous deficiencies with the assessment of the landscape impacts. A notable deficiency is that the magnitude of change has been underestimated so that the bar for "significance" is too high. The result of this is that the actual effects of the scheme are downplayed. The Potterton Review states that "*The assessment [the LVIA] appears to under-report the likely significant effects, and at times promotes the scheme. The Applicant should promote an objective assessment*."

88. The Potterton Review critiques the methodology of the LVIA, for example, the LVIA at 2.2.19 and Table 2.9 highlights the major effects considered to be significant in terms of the EIA Regulations, but "*This is incorrect as 'moderate' effects are also considered significant in EIA terms. It is unclear why 'moderate' effects have not been included as 'significant' and no justification or explanation has been presented*."

89. The LVIA at 2.3.58 – 2.3.62 also finds that "*the susceptibility of the local landscape to this type of development is assessed as low*." "*Potterton Associates Ltd fundamentally disagrees with this assessment. […] Given the nature of the site is openly visible from a number of location and includes varying topography, alongside there being no other solar farms in the locality, justification is required as to why the assessment of susceptibility is given as 'low'.*" The Potterton Review goes on to state that "***the susceptibility of the site should be classed as 'high'***" (emphasis added) due to the scale of the enclosure, the nature of land use, the nature of existing elements, and the nature of existing features.

90. The LVIA at 2.7.10 states that "*the existing landform of the Site would remain largely unchanged during the construction, operational and decommissioning period*." The Potterton Review disagrees with this statement as "*The solar arrays and associated landscape infrastructure would alter the current landscape, by introducing industrial elements in an otherwise open landscape*." The Potterton Review also comments that other statements in the LVIA are not justified such as "*It is unclear how the Applicant has concluded the Proposed Development will have a 'light footprint' given the overall site area is 119.7 hectares. The Applicant should provide justification for this*."

91. The Potterton Review also critiques the selection of viewpoints. For example, obscured viewpoints have been assessed instead of publicly accessible viewpoints which have clear

unobstructed views of the proposed scheme. The LVIA at 2.3.106 states that "*Whilst Viewpoint 9 is recorded from the Earls Common Road, it is not considered to be entirely representation of a typical view experienced by road users*." The Potterton Report comments "*If not representative of the view from Earls Common Road, it is unclear why this viewpoint has been included in the assessment. Updated photography should be undertaken, and an assessment provided for a typical view experienced by road users*."

92. The Potterton Review concludes that "*the conclusions noted within the SEI are not 'very limited significant effects'. There are a wide range of moderate and major effects noted from construction through to decommissioning. The Proposed Development could not be successfully accommodated within the site and surrounding landscape due to the number of PROW's, road users and residential receptors. The life cycle of the scheme is considerable and, in all reality is generational and not really temporary. The effects as identified would persist throughout the lifetime of the Proposed Development.".* The Potterton Review also states that *"the assessment provided [in the LVIA] provided is incorrect and misleading. The change to the character of the site (in totality) is 100% and of major significance at year 1 and at year 15 (even with mitigation due to the overwhelming scale of the scheme)."*

93. The Applicant has not shown that they have adequately taken into account the landscape character assessment and its guidelines or that "*they are appropriate to, and integrate with, the character of the landscape setting*". Consequently, the Application is contrary to SWDP 25 and should be refused.

<u>Loss of productive agricultural land</u>

94. The site has been in productive agricultural use for decades if not centuries. Please see the photo below showing the site being prepared for a wheat crop this planting season.

95. The site will cease to be used to grow crops if the Application is granted. Government guidance on "Renewable and low carbon energy" published 18 June 2015 and last updated 14 August 2023 states that planning authorities should encourage development on previously developed and non-agricultural land. The Application would take circa 120 hectares of land out of crop production and is clearly not an appropriate location for a solar farm. The Application should be refused.

<u>Further deficiencies of the Environmental Statement</u>

96. The 2025 updates to the Application included updates to the Environmental Statement to account for the 'Alternative Cable Route' Application. However, the updates incorporating the alternative cable route are separate to the sections discussing the proposed main solar farm site. There should also be a comparison of effects between the original cable route and the alternative cable route. No such comparison has been provided in the Environmental Statement. As a result, the alternative cable route is not holistically assessed as part of the Environmental Statement. The Environmental Statement has become a paperchase of documents, contrary to established principles set out in *Berkeley v Secretary of State for the Environment* [2001] 2 AC 603.

97. It is also noted that the non-technical summary of the SEI 2025 does not show the alternative cable application route on the location of the application site and presents differing and inconsistent information to that presented in the main report to the SEI 2025. Consequently, the scope of the Environmental Statement is unclear.

98. As set out in more detail in the Trium Report, mitigation measures are cross referenced throughout the Environmental Statement, however, there is no comprehensive list of the key mitigation measures. The effect is that the proposed mitigations measures are vague and ambiguous. This is also contrary to the Institute of Environmental Management and Assessment's guidance 'Environmental Impact Assessment Guide to Delivering Quality Development (2016)' which provides that "*the list of key mitigation commitments can be itemised, enabling their ongoing tracking into conditions, management plans or detailed design.*"

99. There are significant and material deficiencies in the Environmental Statement such that it cannot constitute an Environmental Statement for the purposes of the EIA Regulations and the Application should be refused.

Cumulative effects and projects not considered in the Environmental Statement

100. In the introduction to the SEI 2025, paragraph 1.8.23 states that "*No other qualifying cumulative schemes has been identified in the cumulative re-assessment process that has the potential to give rise to significant cumulative effects in combination with the Proposals in the EIA Assessment Area*." Paragraph 1.8.9 also states that "*No further cumulative sites have been identified since the ES (2023); therefore this section has not been updated in regard to inter-project cumulative effects.*" We disagree with these statements and question the accuracy and adequacy of the Environmental Statement.

101. Since the Application's original submission in 2023, the area surrounding the site and in particular the Feckenham Substation, has been the subject of numerous applications for BESS and solar projects. It is therefore considered that the cumulative impact of these proposed solar and BESS projects be considered in the Environmental Statement. This is especially true given the potential impact on the fire services in the event of two or more concurrent BESS / solar farm fires. The Application should be refused.

Traffic impacts inadequately assessed

102. The traffic impacts of the proposed development have not been adequately assessed by the Application. The design and access statement dated 3 February 2025 version 4 (**DAS**) states at 3.6 that "*A visitor car park will be provided in the NW corner of the site, consisting of two bus parking spaces, one disabled space, seven car spaces and a Sheffield bike stand*". We

note that this provision is inconsistent with the details provided in the Cover Letter and the application form.

103. The construction traffic management plan dated February 2025 (**CTMP**) at paragraph 4.14 states that "*It is considered that a robust forecast of visitor trips would be up to around five visitor trips per day and one bus trip per month*". We question whether these numbers are considered to be a robust forecast of visitor trips. We also do not consider that the impact of buses, vehicles and cyclists have been properly assessed within the Application. This is further confirmed by the statement in the CTMP at paragraph 4.9 that "*once operational, the site will be associated with smaller vehicle types, such as 4x4 type vehicles which will access the site on an ad-hoc basis. These vehicle types are of a size already using the local highway network and therefore the operational access is considered suitable.*" The Application is silent as to whether the site and surrounding road network (comprised of narrow country roads) is suitable for buses and cyclists once operational.

104. We note that the Application now makes provision for a Sheffield bike stand. However, as stated in the CTMP, "*there is no pedestrian or cyclist provision along Earls Common Road within the vicinity of the site*." The roads leading to the site are narrow country roads subject to the national speed limit. We consider that this is dangerous to cyclists or pedestrians accessing the site or forces all visitors to the site to rely on vehicles. This is contrary to SWDP 4A which requires that "*Proposals must demonstrate that: the layout of development will minimise demand for travel, they offer genuinely sustainable travel choices, they address road safety…*"

105. The Application does not appropriately assess the impact on the highway network or the safety of highway users in connection with the proposed development. We consider that the Application should be refused.

<u>Unacceptable impact of protected species, protected habitats and the environment</u>

106. The Application itself notes that the proposed development would have negative impacts on the protected species, protected habitats and the surrounding ecosystem.

106.1 Paragraph 4.46a of the Planning Statement: "*there are **potential significant effects on the Brandon Brook** without mitigation. There could be indirect **effects on roosting, commuting and foraging bats that could be significant** without* *mitigation. The cable route* ***could affect otter/water vole on the Brandon Brook that could be significant*** *without mitigation*".

106.2 Paragraph 4.45c of the Planning Statement: "*Roundhill Wood and Gannow Wood semi-natural ancient woodland are located immediately adjacent to the Site and cable route. In the absence of mitigation there is* ***potential for damage as a result of vehicular movement, material storage and pollution during construction***".

106.3 Paragraph 4.74 of the Planning Statement in relation to Wylde Moore and Feckenham SSSI: "*Given the wetland nature of the reserve, this could lead to* ***long term, permanent moderate adverse effects***".

106.4 Paragraph 4.74 of the Planning Statement: ""*in the absence of mitigation there is a potential for* ***adverse effects on Brandon Brook and the surrounding priority woodland habitat****,* ***as well as for the priority rush pasture habitat*** *as a result of installation of the cable route. This could include* ***irreversible damage and destruction of priority habitats*** *including compressing soil structure within the rush pasture habitat which could result in* ***permanent, direct adverse effects***" (emphasis added).

106.5 Paragraph 4.3.4 of the SEI 2025 Introduction: "*There are a total of* ***20 trees on the solar site*** *which are assessed as having either* ***moderate or high potential to support roosting bats*** *and there are many more present within Roundhill Wood although these were not surveyed individually due to being located outside of the EIA assessment area boundary. There is one high potential tree located directly on the original cable route (Figure 4.3). The alternate cable route* ***has two moderate potential trees and three high potential trees*** *(Figure 4.6)*."

106.6 The Application is contrary to SWDP 22A which states that "*A Development which would compromise… the favourable conservation status or nationally protected species or habitats will not be permitted.*" This includes anything protected by the Wildlife and Countryside Act 1981 and The Conservation of Habitats and Species Regulations 2020. All bat species are protected under the Wildlife and Countryside Act 1981 and the European Habitats Directive.

106.7 The Application is also contrary to SWDP 22B which states that "*Development likely to have an adverse effect on a Site of Special Scientific Interest (SSSI) will not be permitted, except where the benefits of the development at that side clearly outweigh both its likely impact on the features of the site that make it of special scientific interest and any broader impacts on the national network of SSSIs*". As noted in the Planning Statement, there are likely long term permanent moderate adverse effects to the Wylde Moore and Feckenham SSSI. These impacts have not been adequately shown in the Application to be outweighed by the benefits of the scheme.

106.8 The Application also has the potential to be contrary to SWDP 22C due to the potential loss or deterioration to Ancient Woodland or a Veteran Tree as the result of a solar / BESS fire.

107. The Application does not demonstrate that the impacts of the proposal on protected species, protected habitats and the local environment have been appropriately mitigated, and the Application should be refused.

Concluding remarks

108. For the reasons set out above and those reasons already made in our First Objection Letter and the Cable Application Objection Letter, we continue to object to the Application. In due course, we would like to be kept informed in respect of any proposed date for Planning Committee.

109. In view of the application being a cross-boundary application, we have copied this letter to the case officer at Redditch Borough Council.

Yours faithfully

Farrer & Co LLP

Cc: david.kelly@bromsgroveandredditch.gov.uk

Encs.

Mr M McConville
25 June 2025

1. Built Heritage Review prepared by Smith Jenkins Planning & Heritage

2. SEI Review prepared by Trium Environmental Consulting LLP

3. Technical Review prepared by LHW Partnership LLP

FARRER&Co

Mr M McConville
25 June 2025

Annexure 1

1. Site Layout and Landscape Mitigation Plan (Drawing Number: P19-0753_03_ Revision X)

2. Typical 3P Fixed Table Panels – Piled (Drawing Number 0000, Revision 01)

3. Typical Fence & Gate Details (Drawing Number 0303, Revision 01)

4. Typical CCTV Details (Drawing Number 0304, Revision 01)

5. Typical Cable Route Trench (Drawing Number 0400, Revision 01)

6. Spares Container Details (Drawing Number 0500, Revision 01)

7. Typical Battery Stations Ancillary Drawing (Drawing Number 0108, Revision 01)

8. Inverter Station Details (Drawing Number 0100, Revision 01)

9. Construction Compound (Drawing Number 0300, Revision 02)

10. 66kV Substation Compound details (Drawing Number 0206, Revision 01)

11. Typical Acoustic Timber Fence (Drawing Number 0305, Revision 01)

12. Daytime car parking area for visitors (Drawing Number 0306, Revision 01)

13. Typical Hammerhead Turning Bay for Fire Engine Access (Drawing Number 0301, Revision 01)

14. Typical Access Track (Drawing Number 0302, Revision 01)

15. Battery Station Details (Drawing Number 0102, Revision 01)

16. Supplementary Environmental Information (“SEI”) Report (dated February 2025) comprising the following chapters:

    16.1 Introduction;

    16.2 Landscape and Visual;

16.3 Cultural Heritage;

16.4 Biodiversity; and

16.5 Summary.

17. Supplementary Environmental Information – Non-Technical Summary, prepared by Pegasus Group, dated February 2025.

18. Outline Battery Safety Management Plan ("oBSMP"), prepared by Abbott Risk Consulting Limited, dated January 2025.

19. Decommissioning Statement, prepared by Pegasus Group, dated 03.02.25.

20. Flood Risk Assessment Addendum, prepared by Calibro, dated 13.02.25.

21. Flood Risk Assessment, prepared by Calibro, dated 13.02.25.

22. Flood Risk Sequential Test, prepared by Pegasus Group, dated 14.02.25.

23. Solar Photovoltaic Glint and Glare – EIA Review Rebuttal Note, prepared by Pager Power, dated 18.02.25.

24. Solar Photovoltaic Glint and Glare Assessment, prepared by Pager Power, dated 03.02.25.

25. Noise Assessment, prepared by LF Acoustics, dated 10.01.25.

26. Arboricultural Impact Assessment – Solar Farm (Rev G), prepared by Tyler Grange, dated 05.02.25.

27. Arboricultural Impact Assessment - Cable Route (Rev D), prepared by Tyler Grange, dated 14.02.25.

28. Outline Soil Management Plan, prepared by Kernon Countryside Consultants Limited, dated February 2025.

29. Planning Statement, prepared by Pegasus Group, dated 18.02.25.

30. Design and Access Statement, prepared by Pegasus Group, dated 03.02.25.

31. Statement of Community Involvement, prepared by Pegasus Group and Meeting Place Communications, dated 29.01.25.

32. Construction Traffic Management Plan, prepared by Pegasus Group, dated February 2025.

33. Review of Legal Objections, prepared by No5 Chambers, dated 07.10.24.

34. SEI and Planning Documentation Letter of Clarification, prepared by Pegasus Group, dated 24 April 2025.

35. Updated SEI Chapter 3 Cultural Heritage, dated April 2025.

36. Updated SEI Appendix 3.9 – Archaeological Mitigation and Management Plan, dated 17 April 2025.

37. Updated Noise Assessment, prepared LFAcoustics consulting engineers, dated April 2025.