

Aldington and Mersham Support Group Submission for Deadline 6 (29th April 2025)

The success of the Examination process relies upon the Applicant answering questions and concerns in good faith. Unfortunately, the strategy employed by EPL001 Ltd is either to ignore our questions or concerns or refer continually to documents such as the Battery Safety Management Plan that don’t address the questions adequately. This failure means that it is impossible to “follow the thread from one deadline to another”. We have therefore highlighted some of the key issues that we consider remain unanswered. We have for the most part included in the schedule below responses taken from **REP 5 023**

BESS		
Summary of issues raised by AMSG	Applicants Response	Outstanding AMMSG Concerns
NFCC and KFRS can only provide guidance not approval. Neither organisation is a statutory consultees nor regulatory authority and therefore cannot give approval – not even “no objection”. Given the complete absence of KFRS from the process it is clear that the Applicant is both judge and jury in determining whether the NFCC guidelines have been met, especially as the Applicant has not disclosed its correspondence with KFRS.	At the ISH4 on BESS, the barrister for the Applicant stated that <i>“Kent Fire and Rescue confirmed in writing that they had no objection to the scheme, provided it conformed with the National Fire Chiefs Council's guidelines”</i> .	The KFRS guidance does not absolve the Applicant from thinking for themselves. They must surely justify the key decisions in the context of the guidance, not rely upon it as a crutch. This is particularly so for the storage of water, which if incorrect, will have potentially catastrophic health and safety consequences, particularly for those that live nearest.
Insufficient volumes of water for firefighting – AMMSG (and Sir David Melville) REP4-057, REP4-037) have raised issues regarding the volumes of water available for firefighting. The NFCC guidelines state that <i>“hydrant supplies for boundary cooling purposes should be capable of delivering no less than 1,900 litres per minute for at least 2 hours (emphasis ours). In the context of other BESS schemes, KFRS advise that <i>“Past BESS incidents, both within the UK and abroad, must be considered and all efforts made to ensure safe practices both during daily use and emergency response, for workers, emergency service personnel and the public alike”</i>. The BESS fire on Merseyside in 2020 used an estimated 6 million litres of water, compared to the 228,000 litres the Applicant plans to make available at Stonestreet Green (for each of the 26 battery enclosures).</i>	The Applicant in its responses and BSMP (REP5-019) state that they will provide 1900 litres of water per minute for 2 hours (total of 228,000 litres) as per NFCC guidelines.	The Applicant has taken the NFCC minimum guidelines as an absolute requirement, with potentially drastic consequences. There is absolutely no evidence that the Applicant has considered global experience to determine how much water might actually be required to treat a BESS fire as per NFCC guidance. The case history data (REP4-057) shows that the water requirement will be will likely to exceed 5 million litres compared to the proposed 228,000 litres.
Supplementary supplies of water are insufficient – the recent house fire at Handen Farm has shown that supplementary supplies of water from local hydrants or fire service tankers will be totally inadequate. NFCC guidance states that <i>“Fire and rescue services may wish to increase this requirement dependant on location and their ability to bring supplementary supplies to the site in a timely fashion”</i> .	The revised BSMP (REP5-019) contains no information on supplementary supplies of water, should the 228,000 litres prove to be insufficient nor is there any reference to the “local knowledge” that should have been gained from the fire at Handen Farm.	There is no evidence that the Applicant has taken proper account of the NFCC guidance on the paucity of supplementary supplies in determining the amount of water to be stored on site, particularly in the context of the Handen Farm Fire. The implication is that they believe that a BESS fire will be extinguished in 2 hours? A competent operator should be making their own assessment as to the volumes of water required and the means of supplying them. This has not been done.
Containment of contaminated fire water is totally inadequate – the Applicant plans to be able to contain circa 228,000 litres of firewater at each of the 26 Battery enclosures. Given the high likelihood that much larger volumes of water would be required, the proposed bunded volume will be totally inadequate and will risk an environmental catastrophe in the East Stour River.	In REP 4 -031 the Applicant indicates at Action Point 14 that there will be provision of a sealed bunded area of just 25 m x 35 m (875m ²). When allowance is made for the BESS infrastructure within the bunded area the containment area reduces to 600 m ² . This, based on the given bunded depth of just 0.7 m will provide a containment capacity of 420 m ³ or 420,000 litres.	Because the Applicant has not taken proper account of the quantities of water required to treat a BESS fire, the proposed containment of fire water will be overwhelmed. If a BESS fire comparable to that in Merseyside in 2020 occurs, then the volume of firewater containment would need to be 6,000 m3 or 6,000,000 litres (14 times larger than that proposed).
The NFCC guidelines do not cover a distributed BESS design as proposed. The 26 battery enclosures will be located across open countryside and present significantly greater challenges in the event of fire. Principle 7 of the NFCC guidelines requires that <i>“ vegetation sited and managed so as to avoid increased bushfire and grass fire risk”</i> . The 26 BESS	The Applicant makes no acknowledgement of this critical differentiation. The revised BSMP (REP5-019) does not contain any reference to the risk posed by grass fires.	There is no evidence that the Applicant has considered the greater risk posed by grass fires. Great reliance is put on the NFCC guidelines, yet these guidelines don’t cover the distributed design case – how can this be acceptable?

enclosures are to be located in fields of grass and the risk of fire spreading from one enclosure to another must be significant.		
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Alternative Land		
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<p>The obvious advantages of including all or part of this land have been ignored by the Applicant.</p> <p>It seems clear to us that it did not want to pursue other possible land options unless they were offered to it on a plate.</p> <p>We have in our latest submission confirmed the extent of our own enquiries of those that own and/or manage the land we have identified between the M20 and HS1 and we stand by what we have said.</p>	<p>The Applicant, having said nothing previously about looking at this land, now maintains that the relevant landowners were not interested in participating in the project.</p> <p>The Applicant indicates (at page 20) that some of the investigations into this land were undertaken by “project landowners” on their behalf.</p> <p>It continues to repeat the phrase “the land was not available for the Project”.</p>	<p>The Applicant’s response on this item is incredible and speaks volumes about its land assembly strategy.</p> <p>It is not good enough to rely on project landowners to talk to other landowners about their potential involvement.</p> <p>Firstly, there is an obvious conflict of interest in relying on someone who has land inside the project to talk to someone outside the scheme.</p> <p>Secondly, it is for the applicant to make such approaches since it alone can evaluate, through discussion and negotiation, the possibilities such land might offer and the corresponding terms.</p> <p>We say, as we have maintained throughout this process, that this failure to properly assess other land within the stated 5Km radius of the PoC is a fundamental (and now irremediable) flaw in the evolution of this scheme.</p>

Biodiversity		
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<p>There has been an obvious pretence by the Applicant (and its consultants) throughout this process that adequate mitigation is being provided for the Red List Skylark, a rare species which breeds successfully on the arable land on Aldington Ridge.</p> <p>The Applicant pins its mitigation strategy on the provision of tiny “Skylark Plots” within the panels indicating that the RSPB and KCC support the use of plots and yet at no point have they, RSPB or KCC provided evidence of this method working other than within arable land.</p>	<p>The Applicant’s response directs us to REP 4 - 019 where it states that “<i>all matters on biodiversity including skylark and yellowhammer have been agreed with KCC as stated in the Statement of Common Ground</i>”.</p>	<p>Nothing worthwhile or meaningful has been agreed. At pages 74 and 75 KCC indicates that it remains concerned when it states - “However, the reduction of land where skylarks can breed cannot be ignored. The submitted information has detailed that ongoing monitoring will be carried out but if the submitted information demonstrates there has been a reduction in skylark numbers within the wider area, <u>it’s not clear how this will then be subsequently addressed</u>”.</p>
<p>The Applicant claims that it has provided other ground within the scheme to which Skylark can relocate (fields 27 – 29) but the character of these fields, as it knows, makes them unsuited to this species. It also talks about additional “foraging areas”, but these areas are miniscule compared with the amount of breeding habitat that will be lost.</p>	<p>The Applicant further directs us to REP 3 – 020 and Annex 3 of this document (<i>Indicative Mitigation and Enhancement Measures</i>).</p> <p>All that this says, at page 44, is “<i>Skylark plots (primarily skylark) / Detailed LEMP to include notable bird strategy / Detailed LEMP</i>”.</p>	<p>How can this statement (which effectively just defers the issue for discussion and decision at the LEMP) be considered satisfactory? How is someone suddenly going to resolve the issue in the LEMP when they cannot do so now?</p>
<p><i>Badgers</i></p> <p>We believe that at least one badger set (outside the red line application boundary) on private land has been overlooked.</p>	<p>The Applicant has been provided with a redacted version of our submission and says it is therefore unable to comment on what we have said.</p>	<p>The Applicant has been privy to its own badger survey report and is therefore presumably aware of badger set locations relevant to its own application. The detail we have provided is merely adding (potentially) to what it knows already.</p> <p>We request that our comments are therefore released to them for comment.</p>

We believe this to be the case not least because the Applicant has located some of its panels within 30m of the set’s entrances.	We note the Applicant has rejected, on grounds of confidentiality, the request from the President of the East Kent Badger Group (EKBG) for a copy of the badger report.	It was the Exa himself that suggested in his EXQ2 25.3.25 that the EKBG President might care to write to the Applicant requesting a copy of the badger survey results.
No enquiry was made by the Applicant to the owner of this adjoining land. If this has been overlooked, then we wonder what else may have been missed and therefore what reliance can be placed on the badger report which we understand Natural England/KCC have approved.	The Applicant’s response to our latest submission (highlighting again the set which we believe has been missed) is “ <i>Where pre commencement surveys determine that a Natural England mitigation licence or species mitigation strategy is required, these will be submitted and reviewed by the relevant statutory body (e.g. Natural England)</i> ”	Don’t they mean “ <i>if, as seems possible, we have missed a badger set, even if on private land, it doesn’t matter because under our DCO Order powers we will gain access to carry out all such work as may be necessary (including relocation of badgers from any such set) i.e. we can rectify those things we should have considered more carefully much earlier</i> ”.

Traffic		
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<p>We have throughout wanted the Applicant to address head-on what we call the “minibus myth”. This is the idea that 75% of the workforce (which can be as high as 199 at its peak) will be transported by two minibuses to and from Ashford each day for at least 12 months.</p> <p>This is a significant issue because if it ultimately proves to have been a myth all along then the traffic accessing the principal site compound via the Smeeth Crossroads has been catastrophically under stated.</p>	<p>In the Applicant’s response to us, it refers us to the Statement of Common Ground with KCC (REP 4 -019).</p> <p>Page 17: Here the Applicant states - “As indicated in the Applicant’s email dated 27th August 2024, the Applicant will have full control of who can access the Site, to the extent that only workers travelling by a vehicle needed for their trade, such as transit vans/trucks containing tools, being allowed on-site”. (bold font our emphasis).</p> <p>Page 28: Under the heading “<i>minibus incentives</i>”, we note that these will be “<i>promoted and encouraged</i>”.</p>	<p>This statement seems clear - no worker cars are to be allowed on site.</p> <p>How does this aspiration of getting workers out of their cars and into minibuses fit with the statement in the email dated 27th August 2024? Surely the Applicant can’t be on the one hand hoping to encourage staff to use the two minibuses and on the other turning away staff cars if they are not transit vans/trucks containing tools?</p> <p>And yet, based on the Applicant’s responses, apparently the professional officers at KCC Highways have approved these contradictory statements.</p>
<p>We have maintained throughout this process that the Smeeth Crossroads (A20 junction with Station Road) is very dangerous and stands to be made much more so during this project if consented due to a substantial increase in traffic movements (because the minibus plan will not work) and because of articulated lorry deliveries.</p> <p>It is difficult for two such lorries to wait in the lane to turn right and the second of these will potentially interfere with fast moving eastbound through traffic.</p>	<p>The Applicant’s response to our contention remains that “<i>the ghost island has an effective length of 50m, which is long enough to accommodate three 16.5m long articulated HGVs</i>” (para 5).</p>	<p>We have taken measurements on site. From the end of the taper of the ghost lane (west end) which is the first point at which it can accommodate the width of a vehicle, to the centre line of Church Road/Station Road is exactly 44.8 metres. Three HGVs bumper to bumper requires 49.5 metres. They categorically cannot fit in it.</p> <p>The ghost lane is therefore at least 5 metres too short. Two HGVs is an absolute maximum and even then, the trailer of the second lorry is likely to be causing an obstacle to fast moving traffic eastbound. Even one extra car turning right will cause eastbound traffic to queue or try and mount the pavement to get round the obstruction.</p>