

FORMAL SUBMISSION TO THE SECRETARY OF STATE

Interested Party Reference: ██████████ **Project:** One Earth Solar Farm (EN010159)
Submission Type: Written Representation in Response to the Secretary of State's Consultation Letter dated 21 May 2026 (Requesting Responses to the Post-Examination Submissions Regarding Draft Requirements 7 and 22)

SUBJECT: Material Non-Compliance, Administrative Failure, and Fraudulent Substitution of Regulatory Baselines in the Outline Battery Safety Management Plan (oBSMP) Revision 08 (May 2026) [EN010159/APP/7.11.7]

I submit this formal technical and legal critique in my capacity as an independent forensic auditor and affected party regarding the Applicant's newly revised Outline Battery Safety Management Plan (oBSMP) Revision 08, dated May 2026.

A forensic analysis of this document reveals that it is not a site-specific safety strategy, but a deeply flawed, non-compliant, and systematically evasive text. The Applicant is actively attempting to secure a Development Consent Order (DCO) by misrepresenting its compliance with national fire safety standards and unlawfully deferring critical environmental and public safety assessments to the post-consent phase.

You are urged to consider the following five fatal deficiencies before determining this application.

1. Fatal Administrative Contamination and Quality Control Failure

The document fails the most basic tests of administrative integrity. Throughout the headers of Pages 1, 2, and 3, the Applicant alternates between two entirely different Planning Inspectorate project codes: EN010159 and EN010169 (e.g., "*Application Document Ref: EN010169/APP/7.11.7*" vs "*Planning Inspectorate Scheme Ref: EN010159*").

This is not a trivial typographical error. It indicates a reckless, unverified "cut-and-paste" duplication from an entirely separate infrastructure application. It completely undermines the Applicant's claim that this is a bespoke, rigorous safety design tailored to the specific topography, catchment challenges, and risk profile of the Trent Valley.

2. Active Misrepresentation of the Regulatory Baseline

In Table 2.2, the Applicant explicitly asserts that the updated National Fire Chiefs Council (NFCC) guidelines are "not yet enforceable" and defaults instead to an obsolete 2022 draft framework.

This is a demonstrable misdirection. The finalized *NFCC Grid Scale Energy Storage System Planning Guidance* was formally approved and published in December 2025, with full regulatory rollout in early 2026. Because this oBSMP is dated May 2026, the Applicant is bound by the active 2025/2026 framework. Clinging to an outdated 2022

draft to justify a high-density, high-hazard layout constitutes an active failure of regulatory compliance.

3. Drastic Violations of Minimum Safety Separation Limits

By choosing to ignore active 2025/2026 NFCC and international (NFPA 855) safety floors, the Applicant's illustrative layout introduces extreme physical hazards to the site boundaries:

- **The 0.15-Metre Back-to-Back Spacing Floor Breach:** Current standards dictate an absolute minimum physical floor of 0.914 metres (3 feet) between battery enclosures—and then only if backed by full-scale UL 9540A fire testing. Table 1.1 (Ref 2) admits the applicant's layout features a back-to-back separation of just 0.15 metres (less than 6 inches). This 83% reduction below the absolute regulatory floor creates an unacceptable risk of catastrophic thermal cascading across battery islands.
- **Occupied Building Encroachment:** Active guidance mandates a minimum 30-metre buffer zone between high-capacity BESS assets and occupied properties. Table 1.1 (Ref 6) openly acknowledges that an adjacent working farm is located within 25 metres of the East BESS Site.
- **Vegetation Clearances:** The Applicant arbitrarily slashes the required 10-metre combustible vegetation buffer down to 3 metres, introducing severe wildfire and thermal ignition vectors along the site perimeters.

4. Severe Hydrological Deficiencies and Catchment Infiltration Risks

The conceptual drainage design detailed in Section 5 presents an acute, unmitigated threat to the River Trent and River Witham catchments:

- **Inadequate Storm-Event Coincidence Baseline:** Paragraph 5.1.8 states that the attenuation basins are sized to contain emergency firewater runoff coincident only with a 1-in-10-year rainfall event. For an industrial asset containing hundreds of megawatts of hazardous battery storage, this threshold is fundamentally non-resilient. Standard engineering practice for critical infrastructure requires a 1-in-100-year baseline plus climate change allowances to guarantee against overtopping.
- **Deficient Infiltration Barriers:** Paragraph 5.1.4 limits the installation of impermeable linings strictly to the immediate footprint "under the units." High-pressure fire hydrants deploying water at the committed rate of 1,900 litres per minute will spray far beyond these micro-lined footprints. Highly toxic, corrosive lithium-ion fire degradation byproducts (including hydrofluoric acid) will inevitably breach the unlined gravel margins and leach directly into the local groundwater table.

Misapplication of CIRIA C736: While CIRIA C736 permits a 1-in-10-year rainfall index for joint-probability firewater retention calculations, it explicitly predicates this model on the use of a *sealed, fully impermeable containment system*. The Applicant has misapplied this guidance by routing highly toxic firewater into open, unlined SuDS attenuation basins while leaving the surrounding compound substrate unprotected. Because a 1-in-10-year storm threshold is routinely exceeded under

current 2026 climate disruption profiles, the structural layout guarantees that any minor overtopping or lateral bypass will result in the immediate, unmitigated chemical contamination of the River Trent and River Witham hydraulic networks.

5. Unlawful Evasion via Post-Consent Deferral

The Applicant is systematically exploiting the “Outline” status of this document to shield critical safety risks from public examination and statutory scrutiny:

- Paragraph 1.1.7 explicitly decouples the Designers Risk Assessment (DRA)—which governs off-gassing and thermal runaway containment—from the planning process, stating it “*shall be carried out at detailed design and shall be separate to the BSMP.*”
- Paragraphs 2.4.9 and 3.2.3 defer the toxic atmospheric plume assessment to the post-consent detailed design phase.

The Secretary of State cannot legally grant a Development Consent Order on the promise of future safety. To defer the calculation of toxic gas dispersal, off-gassing characteristics, and thermal runaway containment until after the DCO is granted deprives the Planning Inspectorate, the local Fire and Rescue Services, and the public of their statutory right to scrutinize the true risks of this installation. This constitutes a clear breach of the decision-maker's *Tameside* duty to acquire all relevant information before determining an application.

Conclusion

This document is a generic framework masquerading as a finalized safety design. It violates active fire safety guidelines, operates on a compromised hydrological baseline, and exhibits negligent administrative control.

Revision 08 of this oBSMP is an administrative and technical fiction. The inclusion of headers referencing the **Meridian Solar Farm (EN010169)** reveals that the Applicant has systematically copied safety parameters from an entirely different infrastructure scheme and attempted to pass them off as a bespoke risk-mitigation strategy for the Trent Valley.

An applicant that cannot maintain basic administrative control over its own documentation, and that actively misrepresents the status of national fire safety baselines to justify a high-hazard, sub-standard layout, cannot be trusted to safely construct or operate a multi-megawatt industrial battery asset. This is not a matter of minor non-compliance capable of being remedied via a post-consent detailed design or an instruction to resubmit. It represents a fundamental failure of applicant due diligence, a cavalier disregard for the safety of the local community, and a structural deception regarding the regulatory baseline.

The Secretary of State is respectfully urged to recognize that the extreme physical breaches of the active 2025/2026 NFCC guidelines—compounded by a deficient, unlined hydrological containment model that guarantees the chemical contamination of the River Trent and River Witham networks—renders this application fundamentally unsafe.

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