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Planning & Development
Council Offices Priory Road
Spalding
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PE11 2XE

Our ref: AN/2024/135526/01-L01
Your ref: H19-0329-24
Date: 24 April 2024

Dear Mark

Temporary ground mounted solar photovoltaic (pv) farm with battery storage, substation and associated works
Land east of Guanockgate Road, Sutton St Edmund, Spalding, Lincolnshire, PE13 4PL

Thank you for consulting us on the above application, on 17 April 2024.

Environment Agency position

Whilst the site is situated in flood zone 3 it is outside of the tidal hazard mapping for a breach in the defences for a flood that has a 0.1% chance of occurring in any one year up to 2115, and we therefore have **no objection** to the application.

Battery Energy Storage

As the proposal includes the use of Battery Energy Storage Systems (BESS) we have included the below information for consideration.

Environmental Considerations

Battery Energy Storage Systems (BESS) have the potential to pollute the environment. Applicants should consider the impact to all environmental receptors during each phase of development. Particular attention should be applied in advance to the impacts on groundwater and surface water from the escape of firewater/foam and any contaminants that it may contain. Suitable environmental protection measures should be provided including systems for containing and managing water run-off. The applicant should ensure that there are multiple 'layers of protection' to prevent the source-pathway-receptor pollution route occurring. Further Government guidance on considering potential risks of BESS in planning applications is available online: <https://www.gov.uk/guidance/renewable-and-low-carbon-energy#battery-energy-storage-systems>

Regulations for batteries and waste

Energy storage will play a significant role in the future of the UK energy sector. Effective storage solutions will benefit renewables generation, helping to ensure a more stable supply and give operators access to the Grid ancillary services market. The National Grid's Enhanced Frequency Response programme will provide a welcome catalyst for a significant level of battery storage deployment in the UK. Currently, DEFRA does not

consider the need to regulate the operation of battery energy storage systems (BESS) facilities under the Environmental Permitting Regulations regime.

However, an important factor that can be overlooked by parties involved in new battery storage projects or investing in existing projects is that battery storage falls within the scope of the UK's producer responsibility regime for batteries and other waste legislation. This creates additional lifecycle liabilities which must be understood and factored into project costs, but on the positive side, the regime also creates opportunities for battery recyclers and related businesses. Operators' of battery storage facilities should be aware of the Producer Responsibility Regulations. Under the Regulations, industrial battery producers are obliged to:

- take back waste industrial batteries from end users or waste disposal authorities free of charge and provide certain information for end users;
- ensure all batteries taken back are delivered and accepted by an approved treatment and recycling operator;
- keep a record of the amount of tonnes of batteries placed on the market and taken back;
- register as a producer with the Secretary of State;
- report to the Secretary of State on the weight of batteries placed on the market and collected in each compliance period (each 12 months starting from 1 January).

Putting aside the take back obligations under the producer responsibility regime, batteries have the potential to cause harm to the environment if the chemical contents escape from the casing. When a battery within a battery storage unit ceases to operate, it will need to be removed from site and dealt with in compliance with waste legislation. The party discarding the battery will have a waste duty of care under the Environmental Protection Act 1990 to ensure that this takes place.

The Waste Batteries and Accumulators Regulations 2009 also introduced a prohibition on the disposal of batteries to landfill and incineration. Batteries must be recycled or recovered by approved battery treatment operators or exported for treatment by approved battery exporters only.

Many types of batteries are classed as hazardous waste which creates additional requirements for storage and transport.

Should you require any additional information, or wish to discuss these matters further, please do not hesitate to contact me on the number below.

Yours sincerely

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