

## The Planning Inspectorate

### COMMENTS ON CASE (Online Version)

Please note that comments about this case need to be made within the timetable. This can be found in the notification letter sent by the local planning authority or the start date letter. Comments submitted after the deadline may be considered invalid and returned to sender.

**Appeal Reference: APP/Q3115/W/24/3358132**

#### DETAILS OF THE CASE

Appeal Reference APP/Q3115/W/24/3358132

Appeal By CULHAM STORAGE LIMITED

Site Address  
Land to the north of the Culham Science Centre  
Culham  
OX14 3ES  
Grid Ref Easting: 452879  
Grid Ref Northing: 196359

#### SENDER DETAILS

Name THE ENVIRONMENT AGENCY

Address  
Environment Agency  
Red Kite House Howbery Park  
WALLINGFORD  
OX10 8BD

Company/Group/Organisation Name EA

#### ABOUT YOUR COMMENTS

In what capacity do you wish to make representations on this case?

- ☐ Appellant
- ☐ Agent
- ☒ Interested Party / Person
- ☐ Land Owner
- ☐ Rule 6 (6)

What kind of representation are you making?

- ☐ Final Comments
- ☐ Proof of Evidence
- ☐ Statement
- ☐ Statement of Common Ground
- ☒ Interested Party/Person Correspondence

☐ Other

## YOUR COMMENTS ON THE CASE

### Environment Agency position

We have been notified of this Appeal by South Oxfordshire District Council. The Environment Agency did not object to the proposed development but did ask for informatives to be considered. We understand our representations would have been forwarded to you by the LPA but for completeness our informative comments are reproduced below.

### Informative – BESS facilities

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. Currently, DEFRA does not consider the need to regulate the operation of battery energy storage systems (BESS) facilities under the Environmental Permitting Regulations regime. These facilities also do not currently fall within the Control of Major Accident Hazards Regulations.

Although these are a source of energy to the National Grid they do not result in a direct impact to the environment during normal operations. However, the potential to pollute in abnormal and emergency situations should not be overlooked. Applicants should consider the impact to groundwater and surface waters from the escape of firewater/foam and any metal leachate that it may contain. Where possible the applicant should ensure that there are multiple 'layers of protection' to prevent the source-pathway-receptor pollution route occurring. Proposals should avoid being situated near to rivers and sensitive drinking water sources.

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

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.

#### Final comments

We understand this appeal will be determined on the basis of an Inquiry. We regret that the Environment Agency Sustainable Places Team - Thames Area is under significant resource pressure and therefore we are unable to attend or be involved in this Hearing/Inquiry. If the Inspector has any questions regarding the proposal we are happy to answer them.