One Industrial Complex, Three Permits, No Full Assessment

Nov 25, 2026 · @Juan Corrin on behalf of the Matienzo Caves Project

This paper was drafted with the assistance of an AI tool (Claude, by Anthropic) from the promoter's replies, Industria's resolution and Matienzo Caves Project material. Additional material has been supplied by Helen Unger Clark. The paper has been reviewed and checked by the author, who takes responsibility for its content.

Summary

Two new battery plants and a substation project at Fuente Las Varas, which together with the existing Red Eléctrica substation cover about 68,000 square metres, have been processed in pieces: two are already fully authorised and the third now has its preliminary authorisation. The assessments never mentioned the 80 km cave system beneath them. The promoter's replies to three of the objectors (the Federación Cántabra de Espeleología (FCE), the Matienzo Caves Project (MCP) and the Junta Vecinal de Matienzo), and the preliminary authorisation that Industria (the Dirección General de Industria, Energía y Minas) issued on 16 November 2026, all depend on that omission: the cave system is missing from the assessment. This paper reads those promoters' replies together and finds eight failures.

1. **One project in pieces.** The promoter and Industria both describe the collector substation as shared infrastructure for joint evacuation of both plants, and a neighbouring promoter has set conditions on how BESS (Battery Energy Storage System) Cantabria 1 is designed. Separate files describe paperwork, not function.
2. **A simplified assessment.** The promoter now admits the documentation does not name the Four Valleys System or Los Boyones. Its hydrology came from maps at 1:200,000.
3. **Wrong test for karst.** "No direct overlap" with mapped passages says nothing about where a spill or drainage goes. The promoter's own text accepts that surface divides do not decide underground flow and that unidentified connections cannot be ruled out. No dye tracing has been done from the site.
4. **Life underground.** Cave fauna was sampled upstream of where runoff would enter. The downstream sections, and bat roosts, have not been surveyed for wildlife. The promoter's bat check is promised only for the time just before construction starts, after the preliminary authorisation has already been granted.
5. **Drainage and blasting.** The drainage design, the lining of ponds and the blasting commitment are promises for later, not conditions. The authorised Basic Project still carries the explosives item.
6. **Landscape and heritage.** A rise from 7.08% to 8.11% of a 10 km circle is about 15% more area with industrial views. The geological site is measured as a point, although a poljé is a basin.
7. **Care.** A coordinate 27 km off, the wrong infrastructure document, mismatched dates and a bat table listed twice are small errors that, together, show a file not checked closely.
8. **Participation.** Over half of the promoter's sentences to one objector appear word for word in its reply to another. Industria relays the promoter's answers, counts the number of objectors as proof of participation, and decided before the councils' deadline (the Ayuntamientos of Ruesga and Solórzano) because of the promoter's grid-access timetable.

The paper asks for a full environmental impact assessment of the whole complex, dye tracing from the site, a local hydrogeological study, downstream fauna and bat surveys, real alternatives to karst, binding conditions if a project proceeds, and an independent reasoned reply. Legal routes and time limits are for a lawyer to advise on, and the periods are short.

The MCP is not asking for a battery plant to be stopped in principle. It is asking that, before one is built on karst above a public water supply, a competent body checks where the water goes.

0. Background: three replies and one authorisation

Four documents now make up the answer we have been given to the objections: three replies written by the promoter and one resolution issued by the Dirección General de Industria, Energía y Minas ("Industria"). This paper reads them together, topic by topic, against the evidence from the Matienzo Caves Project (MCP) and the objectors.

Document	Date	Short name used here
Promoter's reply to the Federación Cántabra de Espeleología (FCE)	registered 23 October 2026	FCE reply
Promoter's reply to the Matienzo Caves Project	dated 22 October 2026, registered 23 October	MCP reply
Promoter's reply to the Junta Vecinal de Matienzo	dated 5 November 2026, registered 6 November	Junta reply
Industria's resolution granting the preliminary administrative authorisation (AAP) for BESS Cantabria 1	16 November 2026	Resolution

The promoter of BESS Cantabria 1 is GR Cantabria 3, S.L.U. The neighbouring BESS Solórzano and the shared 220 kV (kilovolt) collector substation (SET Colectora Solórzano; SET is the Spanish abbreviation for an electrical transformer substation) were processed by Bess Development 6, S.L.(U.). BESS Solórzano and the SET received a combined preliminary and construction authorisation on 17 July 2026 (file ALM-14-2022). BESS Cantabria 1 (file ALM-02-2022) received its environmental impact report (IIA, from the Spanish Informe de Impacto Ambiental) after a simplified procedure, then its AAP on 16 November 2026. It still needs a construction authorisation.

The site in numbers.

- BESS Cantabria 1: 16.93 MW (megawatts) installed, 135.46 MWh (megawatt-hours) of storage, 24 battery containers and four power stations.
- BESS Solórzano: about 49.7 MW. Together the two plants come to about 66.7 MW, both feeding one new 220 kV collector substation with a 56/70 MVA (megavolt-ampere) transformer, beside the existing Red Eléctrica substation.
- The three new works together with the existing Red Eléctrica substation cover roughly 68,000 square metres (the MCP's figure), on the hillside above Fuente Las Varas.

- Beneath that hillside runs the Four Valleys System: totalling more than 80 km of mapped cave passage with 18 entrances, linking the Riaño, Matienzo, Llueva and Secadura valleys. Its water leaves at Los Boyones, a source used for public water supply. Near Fuente Las Varas the main streamway lies about 300 m below the surface.

Conventions. Quotations are given in the original Spanish, followed by our English translation. Quotations are chosen because they show something the argument needs, not to answer every paragraph. Short phrases in quotation marks inside the running text are our English rendering of the promoter's Spanish, and the annex gives the Spanish original of each. References in brackets give the document and the section of the promoter's reply, for example (MCP reply, Vigesimasegunda B2). Section names follow the promoter's numbering, where "B" paragraphs are its "critical analysis". An *alegación* (plural *alegaciones*) is the written objection that anyone may submit during the public consultation. We call it an objection throughout, and keep the Spanish word only inside quotations.

Tone. The aim is to be precise. Where the promoter or Industria is wrong, incomplete or inconsistent, this paper says so and shows why. It does not allege bad faith. It does not need to.

1. One project, cut into pieces

The promoter and Industria both describe the two battery plants and the collector substation as parts of one electrical solution, then ask us to accept that they are separate projects.

What the documents admit. The promoter says the substation project was prepared together with both plants:

> *«este fue diseñado y elaborado en consonancia»*
>
> *"it was designed and drawn up in line with them" (MCP reply, Segunda B1; the same sentence appears in the FCE reply)*

Industria goes further. Its resolution calls the substation and the 220 kV line to Red Eléctrica:

> *«infraestructuras comunes integradas en la solución de acceso y conexión asociada a la instalación “BESS Cantabria 1”, compartidas con la instalación BESS Solórzano»*
>
> *"common infrastructure integrated in the access and connection solution associated with the BESS Cantabria 1 installation, shared with the BESS Solórzano installation" (Resolution)*

and describes the substation as:

> *«prevista para la evacuación conjunta de las instalaciones de almacenamiento energético “BESS Cantabria 1” y “BESS Solórzano”»*
>
> *"intended for the joint evacuation of the BESS Cantabria 1 and BESS Solórzano energy storage installations" (Resolution)*

The resolution also records a binding agreement between the two owners to share this infrastructure. And on 4 November 2026 the promoter of BESS Solórzano wrote to Industria to say it agreed with BESS Cantabria 1:

> *«siempre que su diseño contemple la correcta incorporación de la instalación BESS Solórzano y de las infraestructuras comunes de evacuación ya autorizadas en el expediente ALM-14-2022»*
>
> *"provided that its design correctly incorporates the BESS Solórzano installation and the common evacuation infrastructure already authorised in file ALM-14-2022" (Resolution, recording that letter)*

A neighbouring promoter is therefore setting conditions on how BESS Cantabria 1 is designed. This is a clear indication that the neighbouring, allegedly "separate" projects, are, in truth, one macroproject.

The substation was sized for something bigger. The resolution notes that three wind farms (Corus, Piruquito and Las Américas 14) originally planned to feed the same collector substation and have since lapsed. A 220 kV collector with a 56/70 MVA transformer was therefore conceived for a larger complex. Two battery plants now fill it. The two connection permits were granted a day apart, in January 2024, at the same grid node. The promoter calls this timing a coincidence of Red Eléctrica's workload (MCP reply, Decimotercera B2; Junta reply, Cuarta B1). Coincidence or not, it describes two plants that were conceived and planned together.

The promoter's defence. The promoter's answer is that the promoters are different, the files are different, each plant has its own batteries, and they share only "connection and evacuation infrastructure", so there is no "functional dependence" (Junta reply, Cuarta B1; MCP reply, Decimoquinta). That answer fails on its own terms:

- A battery plant exists to exchange energy with the grid. Its connection is not an accessory. Take away the shared collector substation and neither plant can operate.
- The promoter says the real question is whether the split "has prevented an adequate assessment of the cumulative effects" (MCP reply, Decimoquinta B1). It has. No document in any of the three files assesses what the whole complex does to the water beneath it, because the cave system was never identified (see section 3).
- The promoter points to a cumulative-effects annex (Anexo VII of its environmental document) as proof that the combined effects were studied. That annex covers landscape, vegetation, birds and the "water cycle" at regional scale. By the promoter's own admission the documentation does not name the Four Valleys System (MCP reply, Vigesimasegunda B2). A cumulative study that leaves out the main receptor of the water from the building site cannot repair a split.
- The promoter asks which legal threshold the combined plants would exceed (Junta reply, Cuarta B2). Whether and how the thresholds in Ley 21/2013 apply to the combined 66.7 MW of the two new plants, and to the roughly 68,000 square metres that the three new works and the existing substation occupy together, is a legal question for a lawyer. The factual point stands: the promoter has put forward no assessment of the whole: the existing electrical substation, BESS Solórzano, BESS Cantabria 1 and their new shared SET collector.

Industria's answer. The resolution lists a separate technical project, a separate procedure, separate connection permits and a different company name, and observes that the wind farms have lapsed. Each of these is a statement about paperwork. None says anything about the ground, the water or the cave system. We have not found, and do not rely on, any public evidence that the two promoters share owners. The argument does not need it. It rests on function and on location.

In short. Three permits for one hillside. If a landscape can be cut into pieces small enough, nothing is ever big enough to be examined whole. Just as the wheels, the seats and the engine are parts of one car, so this is one industrial site that has been divided into several projects, with the effect that none has had a full assessment.

2. A simplified assessment for a site that needed a full one

Every reply falls back on one fact: BESS Cantabria 1 went through the simplified procedure and received a favourable IIA. The replies treat that as the end of the matter. It is the problem.

What the simplified assessment looked at. The promoter's environmental document (DAP, from the Spanish Documento Ambiental de Proyecto) took its hydrology from official maps: surface water at 1:25,000 within 1 km of the works, and groundwater from the national hydrogeological map at 1:200,000 (MCP reply, Séptima B2 and B3). At 1:200,000, one millimetre on the map is 200 m on the ground, so a plant of this size is a few millimetres wide. The only watercourse the document names near the site is the río Clarín, which the MCP's mapping places well away from the site (more than 6.5 km) and which has no part in the drainage beneath Fuente Las Varas. The groundwater body it names, Alisas-Ramales (ES018MSBT012-010), is a regional planning unit under the Water Framework Directive. It is not a description of how water moves under a particular hillside. This is a simple administrative procedure rather than being a full study of how water moves under Fuente Las Varas and the surrounding areas.

What the promoter now admits. The reply to the MCP concedes the central point:

> *«aunque la documentación ambiental no identifica expresamente el Sistema de Cuatro Valles y la surgencia de Los Boyones, no puede considerarse que el procedimiento de consultas se haya desarrollado en ausencia de información sobre las características geológicas, hidrogeológicas y ambientales del ámbito de actuación»*
>
> *"although the environmental documentation does not expressly identify the Four Valleys System and the Los Boyones resurgence, it cannot be considered that the consultation procedure took place without information on the geological, hydrogeological and environmental characteristics of the area of action" (MCP reply, Vigesimasegunda B2)*

In plain terms: the assessment never mentioned the largest cave system in the area, 80 km long and flowing to a public water supply, beneath the site. The promoter's reply then draws a map of that system, using the MCP's survey data, to argue that the plant does not sit on top of a passage. The assessment itself never drew it and the public has never had access to the documents that they are citing.

Changing a plan when the facts change. People revise plans when better information arrives. The cave survey is not an optional extra to be added to a finished file. It is the baseline against which any effect on groundwater has to be judged. A simplified procedure asks whether significant adverse effects are foreseeable. That question cannot be answered without knowing where the water goes.

Who has to prove what. The replies say, again and again, that the MCP's material "does not demonstrate" a specific connection between the plot and Los Boyones (for example MCP reply, Quinta B6 and B9; Junta reply, Segunda B6). The promoter is the party that wants to build. The assessment is

the promoter's task. Dye tracing is the standard way to show where water goes, and none has been done from the site. Absence of proof of a connection, in a system the promoter did not know existed, is not proof of absence. The promoter also keeps adding that its conclusions are "without prejudice to possible unidentified connections", which is an admission that it does not know.

Alternatives that never asked the real question. The promoter says its chosen layout ("Alternativa 3") has the smallest footprint and the shortest evacuation line, and that the location is "conditioned" by the substation (Junta reply, Quinta B4). So the alternatives compared layouts next to the substation. None asked whether batteries should be built on high karst at all. A full assessment must. Batteries can be built on non-karst industrial ground, where a spill can be seen, contained and monitored on the surface.

Two bodies, each pointing at the other. The promoter says the IIA covered everything. Industria says the same:

> *«no procede efectuar una nueva valoración ambiental en el marco de la presente autorización administrativa previa»*
>
> *"it is not appropriate to carry out a new environmental assessment within this preliminary administrative authorisation" (Resolution)*

The resolution records that the objections of the two caving federations were sent to the environmental body (Dirección General de Medio Ambiente y Cambio Climático), which on 10 November found that they did not change its conclusions. The text we have does not record that the objections of the Junta Vecinal de Matienzo, which has the status of the Matienzo village council, were sent to that body. Nor does it record that the objections of the MCP, which has explored the caves under and around Fuente Las Varas for 50 years, were sent to it. The promoter adds that the IIA cannot be challenged on its own (Junta reply, Quinta B5). Whether that is correct, and what follows from it, is for a lawyer. But the result is plain. If the IIA cannot be challenged separately, and the authorisation refuses to look behind the IIA, then there is no stage at which the missing cave system is ever examined.

In short. This hillside sits above an 80 km cave system that drains to a public water supply. It was assessed by a procedure designed for projects with foreseeably small effects, using maps that could not show the thing at risk. Nobody has looked. Looking is what an environmental impact assessment is for.

3. The missing hydrology: water does not fall straight down

The promoter's main technical argument, repeated in all three replies, is that the plant does not sit directly above a mapped cave passage. In karst, that is the wrong test.

What the promoter says.

> *«no presentan superposición directa con las galerías subterráneas cartografiadas»*
>
> *"show no direct overlap with the mapped underground galleries" (Junta reply, Segunda B2; MCP reply, Quinta B6; FCE reply, Tercera)*

The same paragraph then concedes the weakness of its own argument:

> *«sin que ello implique descartar la existencia de posibles conexiones hidrogeológicas subterráneas no identificadas»*

> *"without this implying that the possible existence of unidentified underground hydrogeological connections is ruled out" (Junta reply, Segunda B2)*

Why overlap is the wrong question. Water, sediment and spilled liquids on a karst hillside do not stay at the surface in pipes and ditches, and they do not drop vertically either. They enter the soil and the weathered upper rock, then follow joints, bedding planes that dip, inclined faults and the contacts between different rock layers. A lens of sandstone can hold water up and send it sideways until it finds a crack. Water reaches the streamway through shafts (avens) and inlet passages, often a long way from where it entered. Figure 1 shows that principle on the hill between Matienzo and Riaño: batteries at about 450 m, the Matienzo floor at about 150 m, Riaño at about 175 m, Los Boyones at about 50 m, and a possible spill route that steps down through the rock, sideways as well as down, to reach the Armageddon Bypass streamway. The footprint does not have to lie above a passage. It has to lie within the area that drains to it.

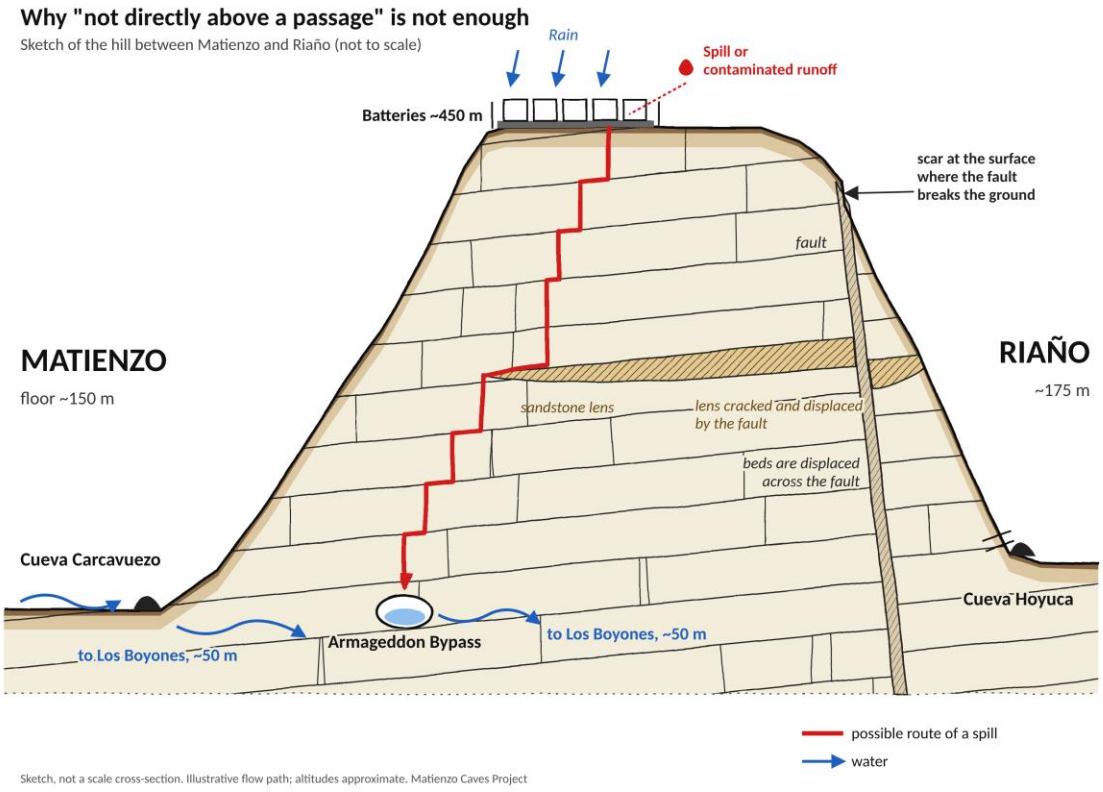


Figure 1. Sketch of the hill between Matienzo and Riaño (not to scale). Illustrative flow path; altitudes approximate. Matienzo Caves Project.

The promoter's own text accepts the principle. Replying on the landscape, it recognises:

> *«reconociéndose que las divisorias topográficas no determinan necesariamente la circulación subterránea en terrenos kársticos»*
>
> *"recognising that topographic divides do not necessarily determine underground circulation in karst terrain" (MCP reply, Decimoséptima B6)*

If surface divides do not decide where karst water goes, then neither the surface river network nor the position of the fence on a plan can tell us where a spill from the site would end up.

What a cave map shows, and what it does not. A cave survey records passages large enough for people to enter. Water also moves through cracks and conduits too small to enter. The MCP map (Figure 2) shows underground streams receiving water along their whole course, mainly through fissures and shafts in the roof. The survey plan in Figure 3 overlays the BESS Cantabria 1 layout on the surveyed passages: the Armageddon Bypass passes beneath the adjoining BESS Solórzano and collector substation platform and close to the Cantabria 1 plot. Several of its inlets and avens have not yet been climbed. Further exploration of that passage is planned for December. A claim of "no overlap" is a claim about the part that has been explored.

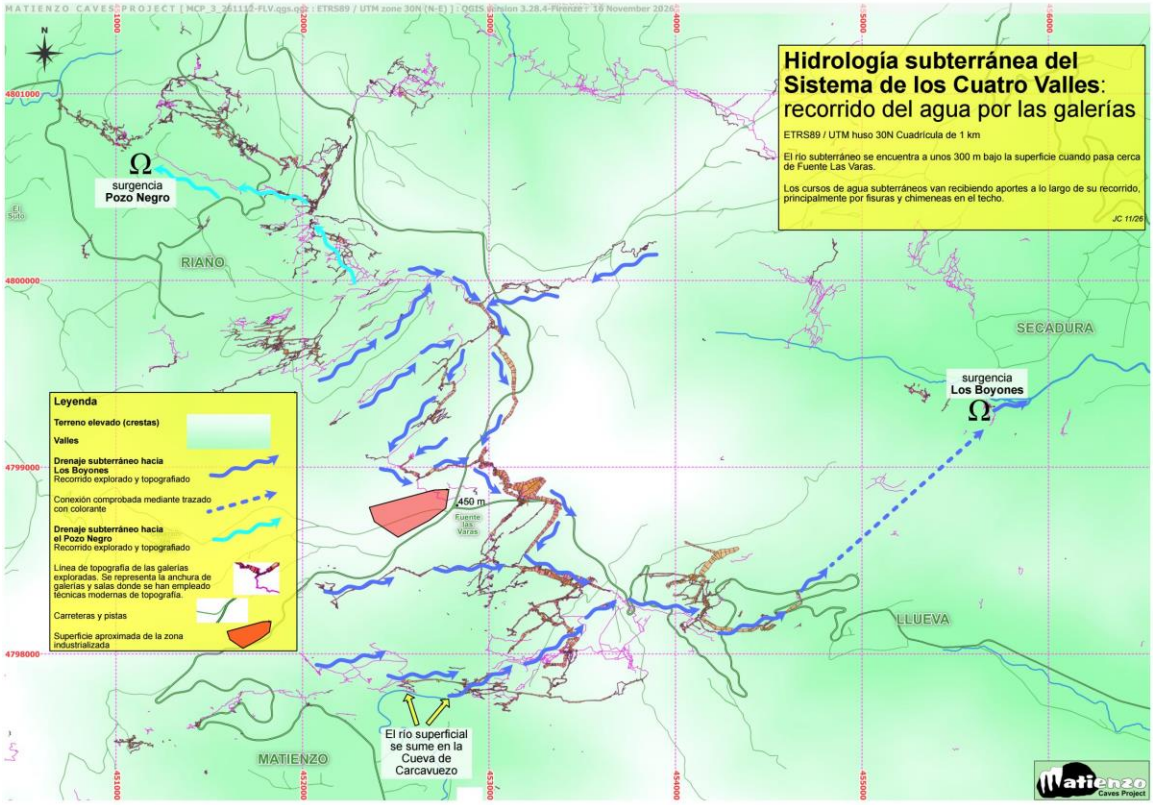


Figure 2. Underground hydrology of the Four Valleys System (map in Spanish). Blue arrows: explored and surveyed drainage towards Los Boyones. Dashed arrow: connection proved by dye tracing. Red polygon: approximate area of the industrialised zone. Matienzo Caves Project, November 2026.

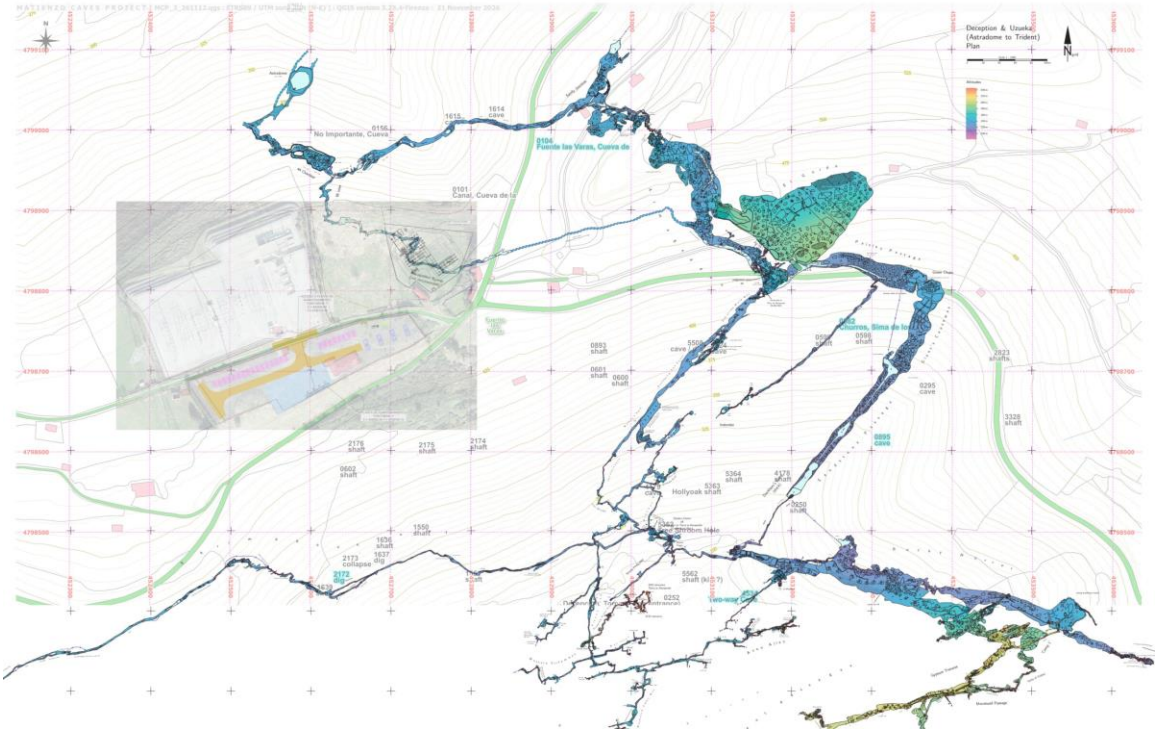


Figure 3. Survey of the passages under Fuente Las Varas with the BESS Cantabria 1 layout and the collector substation platform superimposed. Matienzo Caves Project, November 2026.

"Indirect" is the wrong word. The promoter calls effects on groundwater "indirect" (for example Junta reply, Tercera B1). Hydrologically they are not. Changed surface drainage and a soil or water contamination episode reach the water below directly and quickly. The promoter accepts that karst allows rapid flow, and that the 2019 Fuente Aguanaz episode:

> *«evidencia la vulnerabilidad potencial de determinados acuíferos kársticos»*
>
> *"shows the potential vulnerability of certain karst aquifers" (MCP reply, Octava B2)*

We use Aguanaz only as an example of how fast karst can carry pollution to a public supply. We do not claim a link between that system and this one, and the promoter's point that they are separate is correct. The promoter then says nobody can "generalise" about karst (MCP reply, Octava B1). Nobody is asking it to. We are asking it to test this site.

The missing test. The method for showing where water from a site goes is dye tracing. The MCP's map (Figure 2) already shows one traced connection to Los Boyones, so the method is routine in this system. No trace has been carried out from the Fuente Las Varas site, and none has been proposed. The promoter's reply that the MCP "has not demonstrated" a connection asks us to do the tracing that the assessment should have done.

The river authority. The Confederación Hidrográfica del Cantábrico (CHC) said it had no observations and, on 16 September 2026, that the works are not crossed by public water channels and are not in their

margins of protection, "according to the available cartography" (MCP reply, Decimonovena B1). That is a check of mapped surface channels. It says nothing about water below ground, which Spanish water law also treats as public water (for a lawyer to confirm). And by the promoter's own admission, the file the CHC received did not name the cave system at all.

What could go wrong. During construction, spilled diesel, hydraulic oil and concrete wash water could drain into the underground water system, and fine sediment could block its natural routes. In operation: a battery fire, whatever the extinguishing method, produces contaminated run-off, and the replies do not say where it would go. The promoter lists spill kits, sealed containers and "vigilancia", and says the drainage design will take geology into account when it is drawn up (Junta reply, Segunda B4). Those are management measures for a surface site. They do not stop a liquid that has already entered a joint in the limestone.

In short. Under this hill, the water that drains four valleys and emerges at Los Boyones runs through passages which people have explored. Above them a company proposes to put 24 battery containers, on the strength of a map that did not show the passages exist. If we are wrong, we ask that this be shown by tracing. If the promoter is wrong, it will be too late to find out afterwards. The results could harm a public water supply and the subterranean environment and the cave fauna.

4. Life underground: cave fauna and bats

The promoter accepts that the caves hold rare life. Its answer is that none of it has been shown to live in a cave that the works will touch. That is a footprint answer to a water question.

What was found. Sampling between 28 March and 8 April 2026 found *Cantabroniscus primitivus*, an endemic cave-adapted isopod, together with other groundwater animals (*Pseudoniphargus elongatus*, *Stenasellus virei*, *Echinogammarus* sp. and copepods) in the Riaño and Carcavuezo caves, both part of the Four Valleys System (MCP reply, Novena B1; Junta reply, Tercera B1). The promoter "recognises" the ecological and scientific interest. It then sets the findings aside because the species are not shown to occur "in cavities directly affected by the works".

Why that test fails. The system is one connected set of streams. The names and codes we use for entrances and sections are for record purposes: they are not separate caves, they are part of the Four Valleys System. Water from Riaño and Matienzo flows on towards Los Boyones, passing beneath Fuente Las Varas. The caves where the animals were sampled lie upstream of the point where runoff from the industrial site would most likely enter. Animals that live in the water are carried by it, so the same community is very likely to be present downstream, where a spill would arrive. Nobody has surveyed the downstream sections for fauna. A full assessment would. The promoter itself says that any indirect effects would be mainly changes in the water regime or pollution episodes reaching these habitats (MCP reply, Vigésima B2, quoted in the annex). That is the mechanism we have been describing, and the promoter then declines to examine it.

Bats. The IIA lists eleven vulnerable taxa, among them five species of cave-dwelling bats and the Pyrenean desman. There are a number of nearby caves which could house bats. The promoter distinguishes potential presence from "refuges affected by the works" (MCP reply, Décima B2). It lists fewer clearings, existing tracks, lighting pointing inwards and, "as far as possible", no night work. In reply

to the objections it adds a new commitment: a check for bat refuges by its own site environmental supervisor:

> *«con carácter previo al inicio de las obras»*
>
> *"before the start of the works" (MCP reply, Décima B8; Junta reply, Tercera B2)*

The check is promised for the construction stage, to be done "when necessary" by field visit. The resolution does require the promoter to comply with the conditions it accepted during processing, so the commitment may not be binding. But it is a promise to look later. A bat survey belongs before the decision, because what it finds could change where, or whether, the plant is built.

Protection. The caves are not a tourist attraction. Cave habitats of this kind may qualify for protection under the Habitats Directive (habitat type 8310, caves not open to the public). That is for a lawyer to examine, along with the provisions of Ley 42/2007 cited in the Junta Vecinal's objections.

In short. Small blind animals live in the dark streams under this hill. They cannot move out of the way if the water changes. Once a cave-adapted species is lost from the stream, it may not return.

5. Drainage, spills and blasting

The replies answer questions about what the drainage and the construction methods will do with a promise to decide later.

Drainage. The Basic Project provides concrete and earth ditches to collect surface run-off, and the IIA requires settling ponds for run-off from slopes over one metre high. The objection was that nothing in the project or the conditions requires those ponds to be waterproof to prevent possibly contaminated water entering the fissured limestone. The promoter's answer:

> *«durante la definición constructiva del sistema de drenaje se tendrán en cuenta las características geológicas del emplazamiento, adoptándose las soluciones necesarias para evitar la infiltración incontrolada de aguas potencialmente contaminadas»*
>
> *"during the construction definition of the drainage system the geological characteristics of the site will be taken into account, adopting the solutions necessary to avoid the uncontrolled infiltration of potentially contaminated water" (MCP reply, Duodécima B2; Junta reply, Segunda B4)*

That is a statement of intent. It sets no design standard, no lining specification and no test. The decisive question is also unanswered: where does the collected water go? The promoter relies on the river authority's finding that no watercourse crosses the works or lies within their margins of protection. If that is so, run-off collected from the platform has no stream to go to. The only place left for it to go is the ground, and here the ground is karst. An earth ditch on this hillside is a way into the aquifer, and an unlined pond is a place where water goes in and down. The promoter adds that the project plans no discharge of "industrial waste water" to the ground. Run-off from a construction site or from a site after an accident is not what that phrase covers.

Operation and accidents. The replies stress that in normal operation the electrolyte and coolant stay in closed circuits, the equipment stands on a waterproof base, extinction is dry and the transformers are

dry-type (Junta reply, Segunda B3). Those are features of normal operation. The replies do not say that any study models a leak, a fire or a flood on this ground, where the liquid enters a fissure rather than a drain. Management measures such as spill kits and a monitoring programme cannot recover a liquid that has already entered the rock.

Blasting. The Basic Project's budget includes an item that refers to explosives, and the objection pointed to the risk of vibration to the cave system, including a very large chamber (El Gordo) about 250 m below. The promoter now "clarifies expressly" that no blasting is planned in any phase of construction, and says the budget reference is:

> *«una formulación genérica de la unidad de obra»*
>
> *"a generic formulation of the work unit" (Junta reply, Tercera B3; MCP reply, Undécima B1)*

We welcome the statement, and we ask that it be turned into something enforceable, for three reasons:

- A statement in a reply to objectors is not a condition of a permit. The resolution authorises the plant "with the characteristics defined in the Basic Project" dated November 2024, which is the document that carries the explosives item. The resolution records the no-blasting statement among the promoter's replies. In the text we have, it does not impose a condition prohibiting blasting.
- The explanation that a budget line is a generic formulation is itself revealing. It suggests that the budget was not tailored to this site, and a contractor prices and builds what the contract says.
- The reply speaks only of vibration from blasting. Hydraulic rock-breaking, ripping and piling also produce vibration. No limit on ground vibration is offered for any method, and the replies point to no geotechnical or vibration study.

In short. A promise in a reply letter is not a condition of a permit. If the promoter means what it says about blasting and about lining the ponds, nothing is lost by writing those commitments into the authorisation. If they are not written in, the objectors have only the promoter's goodwill to rely on, above a public water supply.

6. Landscape, geological heritage and the cumulative visual effect

The promoter answers the objections on landscape with a percentage, and the objections on geological heritage with a distance. Neither measures what the objectors are describing.

The percentage. The cumulative-effects annex tests visibility over a 10 km study area, treating each site as a compact volume 3 m high seen by an observer 1.7 m tall from up to 5 km away. It reports the share of the study area from which something can be seen (Junta reply, Cuarta B3; MCP reply, Decimosexta B2):

Scenario	Share of study area with visibility
Existing substations	7.08%
BESS Cantabria 1 and the SET Colectora	5.30%
BESS Cantabria 1, BESS Solórzano and the SET in processing	5.41%
All existing and projected BESS and substations	8.11%

The promoter calls the rise from 7.08% to 8.11% limited. Four things are wrong with that conclusion:

- A share of a map is not a measure of loss. Most of a 10 km circle is hill and forest with few viewers. The places that matter are the Matienzo depression, its houses, roads and walking routes. For them, the change is not 1.03 percentage points but a rise of about 15% (1.03 divided by 7.08) in the area from which industrial infrastructure can be seen.
- The replies do not say whether the model includes the taller structures of a 220 kV yard, lighting and masts, or only 3 m boxes.
- "Already affected" is an argument that can be made again after every addition. If each new installation is justified by the one before, the sequence has no limit. This is progressive industrialisation, and it is what the objectors described.
- A planted perimeter screen on a ridge takes years to grow, and may never hide what stands on a skyline. The existing Red Eléctrica substation at Fuente Las Varas shows the risk. In 2019 the Diario Montañés reported that its vegetation screen had failed ("se han plantado cuatro pinos y se han secado", four pines were planted and they dried up) and that the company's zone delegate acknowledged it had not worked, while the company maintained that the plant "cumple con la legalidad" (complies with the law). Residents also said that a building meant to serve as a screen had been moved without further measures (see the Annex for the articles). A legal minimum is not a screen that works, and the promoter of the new works should be asked for one that does.

The promoter also says that the fenced area is not the same as the waterproofed area (Junta reply, Cuarta B4). That is true, and not an answer. Platforms, tracks and compacted ground change how rain enters karst, and the replies give no figure for the area made impermeable or compacted.

The distance. On geological heritage the promoter states that the Poljé de Matienzo geological site (LIG, from the Spanish Lugar de Interés Geológico, number 59001) is:

> *«situado aproximadamente a 2,4 km del vallado de la instalación»*
>
> *"located approximately 2.4 km from the installation's fence" (Junta reply, Tercera B4; MCP reply, Vigésima B1)*

The national geological survey shows this site as a single point. A poljé is not a point. It is a basin, defined by the ridges around it, into which surface water runs and sinks. On the MCP's reading of that basin, BESS Cantabria 1 lies on and inside its northern rim, not 2.4 km away. We ask the competent geological authority to confirm the delineation of the basin. Even if the distance to the point was

correct, the right measure is the distance to the catchment that drains to the cave system, and the plant is in it.

The geopark. The promoter notes that inclusion in the area proposed for the Geoparque Valles de Cantabria does not by itself create a legal protection regime (Junta reply, Cuarta B4). Correct. It does not need to. It is a recognised value, and the sensitivity of the location is one of the criteria the environmental assessment is meant to weigh.

In short. The Matienzo depression is known to cavers, walkers and geologists from many countries. The confines of a poljé should have been checked before the promoter replied.

7. Care and accuracy in the documents

The promoter and Industria say that the errors the objectors found are small and did not stop anyone understanding the project. Taken one at a time that may be so. Taken together, they describe a file that was not checked closely.

Item	What the objectors found	Answer given	Why it still matters
Site coordinate	The Basic Project gives the easting as 425,555 in several places. The correct value is 452,555.	"Transcription error"; location unchanged (MCP reply, Primera B1; Junta reply, Primera B2)	The wrong value is 27 km from the site. Anyone who plotted it would look in the wrong valley.
Infrastructure document	The document published as the infrastructure project for BESS Cantabria 1 is in substance the BESS Solórzano and collector substation project, under the other promoter's name.	Shared infrastructure, drafted "in line" with both; Industria added it "for information" (MCP reply, Segunda; Resolution)	The public was shown a document that looked like another project's. Its drawings do not describe BESS Cantabria 1, so the public could not tell what was proposed. (MCP reply, Segunda B4).
Grid permit date	15 January 2024 in one document, 16 January in another.	Date of signing versus date of granting (MCP reply, Tercera B1)	Minor in itself. Consistent with text carried over between the neighbouring projects.
IIA species table	The greater horseshoe bat is listed twice among the vulnerable species.	Typographical error in the IIA, not in the promoter's document (MCP reply, Cuarta B1)	Minor. Shows the table was not proof-read, by the promoter or the environmental body.

Item	What the objectors found	Answer given	Why it still matters
Date of the IIA	The promoter's replies give 31 March 2026. The resolution gives 30 March.	Not addressed	Minor.
Main watercourse	The environmental document names the río Clarín as the main watercourse near the site.	Source: 1:25,000 base map (MCP reply, Séptima B2)	The MCP places the Clarín more than 6.5 km away and unconnected with the drainage beneath the site.
Distance to the geological site	LIG 59001 given as 2.4 km away.	Measured to the mapped point (Junta reply, Tercera B4)	A poljé is a basin, not a point (section 6).
The promoter's own letters	The same reply names the Consejería two ways, and the address block says "Minería" for "Minas".	Not addressed	Proof-reading. A cut-and-paste heading in the Junta reply also describes the section on the type of assessment as "fragmentation of projects and cumulative impacts" (Junta reply, Quinta B).

The promoter's answer to all of this is that these erratas "do not allow the conclusion that there is a generalised insufficiency of quality control in the file" (MCP reply, Cuarta B1; Junta reply, Primera B4). One error would not. A file in which the coordinates, the identity of a project document, the dates, the species table, the nearest river and the distance to a geological site all need correcting, and in which the largest cave system in the area is missing altogether, makes the point differently. The question is not whether the promoter is careless. It is whether the other, harder numbers in the same file can be relied on without checking, such as the viewshed model, the water model and the claim of "no overlap".

Who found these errors. The people who objected are ordinary members of the community, of many ages and backgrounds. Some do not have Spanish as a first language, and few, if any, are expert in Spanish administrative procedure, industrial development or energy infrastructure. Errors and omissions should have been caught long before the objectors' written comments, by the promoter, its consultants and the administration. Their being found by ordinary readers is not a reason to dismiss them. It shows how obvious they are, and how little checking the documents received.

In short. People who live here read these documents closely, because their water, their valleys and their neighbours' livelihoods depend on them. They found these errors within the 20-day consultation period. The authors of the file did not find them at all.

8. Participation, consultation and reasoned replies

The objectors were invited to take part in the public consultation process. The record shows that what they said was handed to the promoter but, by November 26th only some had been answered by the

promoter. The promoter's responses were then summarised by the authority in a way that never reached the evidence.

In one case, locals hired a lawyer to draw up objections and those have not received a reply from the company.

One text, many objectors. By our count, 99 of the 191 longer sentences in the reply to the FCE appear word for word in the reply to the MCP. The reply to the Junta Vecinal reuses the same core paragraphs: the Alisas-Ramales groundwater body, the Fuente Aguanaz answer, the no-blasting passage, the 2.4 km distance, the visibility figures and the sentence about "possible unidentified connections". The promoter cites the rule that allows a common answer to substantially identical objections (Ley 39/2015, art. 83.3; MCP reply, Vigesimoprimera). That rule is about the administration's duty to give a reasoned reply, and it applies where objections are substantially the same. The Junta Vecinal, the Cantabrian Caving Federation and the Matienzo Caves Project wrote from different positions, with different emphases. A reply that gives each the same paragraphs, drawn from the same template, tells them how the promoter will answer, not that it read them. The effect is to wear down objectors with repetition. We do not suggest that this is the intention. It is the effect.

Industria's reply is the promoter's. The resolution summarises 178 individual objections and 5 association objections in a few paragraphs, then summarises the promoter's replies, and concludes that the issues are environmental, were "already analysed" by the environmental body, and so need no new assessment (Resolution; see section 2). It does not engage with the hydrogeological evidence. It does not mention dye tracing. It does not say that the Four Valleys System was absent from the assessment, which the promoter has admitted. The resolution then treats the number of objectors as proof that participation worked:

> *«como evidencia el elevado número de alegaciones presentadas durante la tramitación»*
>
> *"as shown by the high number of objections submitted during the procedure" (Resolution)*

Whether this amounts to the reasoned reply that Ley 39/2015 requires is a question for a lawyer. As a matter of plain dealing, a reply that restates the other side's answer is not an independent response.

The timetable. The copies of the promoter's replies forwarded to the MCP and to the Junta Vecinal de Matienzo are registered on 13 November 2026, a Friday. The resolution is signed on Monday 16 November. Objectors had no practical opportunity to answer the replies. The resolution explains the date. The promoter's grid-access permits depend on reaching a milestone, the authorisation, by 16 November. Waiting for the Ruesga and Solórzano councils, whose 15-day period ended on 17 November, would, the resolution says:

> *«supondría un perjuicio desproporcionado para el promotor derivado de la eventual caducidad de los permisos de acceso y conexión»*
>
> *"would cause disproportionate harm to the promoter arising from the possible lapse of the access and connection permits" (Resolution)*

Both councils had objected. A deadline in the promoter's grid timetable thus set the date of a decision about a public water supply, and the two local authorities were not given the time the procedure allows. We have found no equivalent weight given to the harm of deciding without a hydrogeological study.

Silent consultees. The resolution records that the Junta Vecinal de Riaño, the nature-conservation service of the regional biodiversity directorate and several others did not reply, "so their agreement with the authorisation is understood" (Resolution, citing art. 11 of Decreto 6/2003). Riaño is one of the valleys of the cave system. The nature-conservation service is the regional body most directly concerned with protected fauna such as bats. Silence from both is counted as consent.

Who was never asked. As far as the MCP is aware, neither the promoter nor Industria has asked the MCP about the cave system at any point, although its survey data were available on request. The promoter used the MCP's data in its replies, after the objections arrived, to draw a map.

Suspension and precaution. The promoter rejects the request to suspend processing until Cantabria has rules for batteries on rural land, noting that the Asturian guidelines cited are not in force in Cantabria and that the precautionary principle calls for an assessment of concrete risks, not for a general freeze (Junta reply, Sexta B2 and B3). Both points are fair as stated, but neither answers what was asked. The request is not for a general freeze. It is that no further permission be granted for this site until a full assessment, including tracing, has been done. The absence of a regional siting rule does not make the siting question disappear. It means it falls to each project's assessment, which is why the assessment has to be real. The Asturian example shows that a neighbouring government regards siting rules for batteries as necessary.

In short. Participation means being heard, not being counted. A hundred and seventy-eight neighbours and five associations wrote, with evidence that had taken decades to gather. They were counted. The decision was signed before the councils' time ran out, and the evidence about the water was not discussed.

9. Industria's resolution of 16 November as a response

Industria granted the preliminary authorisation for BESS Cantabria 1 (16.93 MW, 135.46 MWh, 24 battery containers) on the basis of the promoter's replies and the earlier IIA. Read against the topics above, it repeats the weaknesses of the promoter's case and adds some of its own.

What the resolution says or does	Our response
The objections concern environmental matters "already analysed" by the environmental body, so no new assessment is made at this stage.	The promoter admits the Four Valleys System is not named in the documentation (section 2). The matter was not analysed.
There is no artificial fragmentation: separate technical project, procedure, permits and company.	These describe paperwork, not function. The resolution itself calls the substation common infrastructure intended for joint evacuation (section 1).
Document errors caused no real defencelessness, "as shown by the high	The number of objectors is not evidence that they were heard (sections 7 and 8). Some have not had

What the resolution says or does	Our response
number of objections".	replies.
The decision is taken before the councils' period ends because the promoter's grid milestone falls on 16 November.	The promoter's timetable decided the date. The local authorities were not given the time legally allowed to reply to the documents (section 8).
Consultees who did not reply are taken to agree, including the Riaño Junta Vecinal and the nature-conservation service.	Silence is not assessment (section 8).
The plant is authorised with the characteristics of the Basic Project dated November 2024.	That document carries the explosives item, the ditch and pond design and the coordinate error (sections 5 and 7). In the text we have, no condition requires a hydrogeological study, dye tracing or a ban on blasting.
The promoter's no-blasting and bat-survey commitments are recorded.	Recorded commitments are not listed conditions (sections 4 and 5).

What the authorisation leaves open. The promoter must apply for the construction authorisation within two months of notification, or the preliminary authorisation lapses, although it may ask for extensions. The execution project is to take the IIA's conditions into account. This is the next point at which the hydrology, the drainage design, the bat survey and the blasting question can still be settled. We do not know whether the public will be offered a further say at that stage, and that should be asked at once.

Remedies. The resolution states that it does not end the administrative route, and that an appeal (*recurso de alzada*) lies to the Consejero de Industria, Empleo, Innovación y Comercio within one month from the day after publication in the Boletín Oficial de Cantabria. It gives two months for the contentious-administrative route, from notification, in the case of public administrations. Which dates apply to which objector, what grounds to plead, whether to seek a precautionary suspension, and the standing of associations to act on environmental matters are for a lawyer to advise on, as soon as possible, since the periods are short.

In short. A decision about the water under four valleys was taken on a Monday, ahead of the councils' deadline, because a grid milestone fell on it. The water under the hill did not have a deadline. It still does not have a study.

10. What we ask

The MCP asks the competent authorities, and the promoter, to do the following. The first four items are what a full assessment would have contained in the first place.

1. **Full assessment.** Do not grant the construction authorisation, or any further permission, for BESS Cantabria 1 until an ordinary environmental impact assessment has been carried out on the whole complex: BESS Cantabria 1, BESS Solórzano and the SET Colectora together. Whether

and how the preliminary authorisation should be revoked or suspended in the meantime is for a lawyer to advise.

2. **Dye tracing, arranged by the promoter.** Require the promoter to commission an independent, accredited hydrogeologist or karst specialist to carry out water tracing from the Fuente Las Varas site, at the points where drainage from the platforms would be released, and to report where the water emerges, including at Los Boyones, the public water supply. The method and the results should be checked by the bodies with a duty over the water and the environment: the Confederación Hidrográfica del Cantábrico (the basin authority for groundwater), the Dirección General de Obras Hidráulicas y Ciclo Integral del Agua of the Gobierno de Cantabria (which holds the records for the supply), and the Dirección General de Medio Ambiente y Cambio Climático (which would set the scope of the study in an ordinary assessment). The Instituto Geológico y Minero de España (IGME) could be asked to review the hydrogeology. The MCP, which has traced water in this area since 1965, should take part and be given access to the results. The results should be published before any decision.
3. **Local hydrogeology.** Commission a local hydrogeological and geotechnical study that uses the MCP's survey of the Four Valleys System, including the Armageddon Bypass and the avens and inlets that have yet to be explored.
4. **Downstream survey.** Survey the cave fauna in the downstream sections of the system, and survey bat roosts, before the decision, not during construction.
5. **Real alternatives.** Examine sites outside karst, on industrial ground where drainage can be seen and controlled on the surface.
6. **Binding conditions, if anything proceeds.** No blasting; ground-vibration limits for any rock breaking; lined and sealed ponds and ditches with no infiltration; an accident and fire run-off plan that shows where the liquid goes; monitoring at Los Boyones; independent environmental supervision.
7. **Correct the documents.** Correct the coordinates, the infrastructure document and the other errors, and republish the corrected file with a new period for comment.
8. **A reply from the authority.** Ask Industria and the environmental body to answer the objections in their own words, on the evidence, and to meet the MCP and the other objectors. A meeting with the Consejero is requested.
9. **Inform the water bodies.** Give the river authority and the bodies responsible for the public water supply at Los Boyones the cave survey data, so that they can state a position on correct information.

Closing. The case in this paper is not that a battery plant is wrong in principle. It is that this one is on the wrong ground, assessed with the wrong maps, authorised on a timetable that belonged to somebody else. Beneath the hill is an 80 km network of cave passages. People have explored it, mapped it and sampled its life, and its water goes to a public supply. All we ask is that, before the fence goes up, a competent body checks where the water goes and factors that information into a full environmental assessment.

Annex: Spanish originals of the short phrases

The longer quotations are given in the text with their translation. This table gives the Spanish original of the short phrases that appear in quotation marks in the running text, in order of appearance. Translations are ours.

Section	Source	Spanish original	English
1	Junta reply, Cuarta B1	«infraestructuras de conexión y evacuación»	connection and evacuation infrastructure
1	Junta reply, Cuarta B1	«dependencia funcional»	functional dependence
1	MCP reply, Decimoquinta B1	«ha impedido una adecuada evaluación de los efectos ambientales acumulativos y sinérgicos»	has prevented an adequate assessment of the cumulative and synergistic environmental effects
2	Junta reply, Segunda B6	«no demuestra»	does not demonstrate
2	MCP reply, Quinta B6	«sin perjuicio de las posibles conexiones hidrogeológicas no identificadas»	without prejudice to possible unidentified hydrogeological connections
2	Junta reply, Quinta B4	«el emplazamiento viene condicionado por la proximidad a la subestación Solórzano 220 kV»	the location is conditioned by proximity to the Solórzano 220 kV substation
2, 9	Resolution	«que ya han sido objeto de análisis y valoración por el órgano ambiental»	which have already been analysed and assessed by the environmental body
3	MCP reply, Decimonovena B1	«de acuerdo con la cartografía disponible»	according to the available cartography
3	Junta reply, Tercera B1	«efectos indirectos»	indirect effects
3	MCP reply, Octava B1	«de manera generalizada»	in a generalised way
4	MCP reply, Novena B1	«se reconoce el interés ecológico y científico»	the ecological and scientific interest is recognised
4	MCP reply, Novena B1	«en cavidades directamente afectadas por las obras proyectadas»	in cavities directly affected by the projected works
4	MCP reply, Vigésima B2	«Las posibles afecciones indirectas estarían relacionadas principalmente con alteraciones del régimen hídrico o episodios de contaminación que pudieran alcanzar estos hábitats»	Possible indirect effects would be related mainly to alterations of the water regime or pollution episodes that could reach these habitats

Section	Source	Spanish original	English
4	MCP reply, Décima B2	«refugios de reproducción, hibernación o descanso directamente afectados por las actuaciones proyectadas»	breeding, hibernation or resting refuges directly affected by the projected actions
4	MCP reply, Décima B4	«en la medida de lo posible»	as far as possible
4	MCP reply, Décima B8	«cuando resulte necesario»	when necessary
5	Junta reply, Tercera B3	«debe aclararse expresamente que no está prevista su utilización ni la ejecución de voladuras»	it must be expressly clarified that their use, or the carrying out of blasts, is not planned
5	MCP reply, Duodécima B2	«vertidos ordinarios de aguas residuales industriales al terreno»	ordinary discharges of industrial waste water to the ground
5	Resolution	«con las características definidas en el Proyecto básico»	with the characteristics defined in the Basic Project
6	Junta reply, Cuarta B3	«incremento limitado»	limited increase
6	Junta reply, Cuarta B4	«no establece, por sí misma, un régimen de protección incompatible con la actuación»	does not, in itself, establish a protection regime incompatible with the action
7	MCP reply, Primera B1	«error de transcripción»	transcription error
7	Resolution	«a efectos informativos»	for information purposes
7	MCP reply, Cuarta B1	«no permite concluir que exista una insuficiencia generalizada en el control de calidad del expediente»	does not allow the conclusion that there is a generalised insufficiency in the quality control of the file
8	Resolution	«se entiende la conformidad de los mismos con la autorización de la instalación»	their conformity with the authorisation of the installation is understood

Documents referred to. Promoter's reply to the FCE (registered 23 October 2026); promoter's reply to the MCP (22 October 2026); promoter's reply to the Junta Vecinal de Matienzo (5 November 2026); Resolution of the Dirección General de Industria, Energía y Minas granting the AAP for BESS Cantabria 1, file ALM-02-2022 (16 November 2026); Boletín Oficial de Cantabria public-information notice (11 September 2026) and the environmental impact report for BESS Cantabria 1; the MCP's objection and survey data; the FCE and Junta Vecinal objections; the BESS Solórzano file, ALM-14-2022.

Press reports on the existing substation (Section 6). Diario Montañés, 31 May 2019, "Afectados por el ruido de la subestación de Solórzano exigen soluciones ya a REE": eldiariomontanes.es. Diario Montañés, 27 June 2019, "Los vecinos de Solórzano se plantan contra el ruido de la subestación eléctrica": eldiariomontanes.es.