

Delegated Decision

Sign off Sheet

Ref. No:	DM/26/1671	Case Officer:	Andrew Watt
Application Type:	Non Material Amendment		
Proposal:	Non Material Amendment to application DM/21/2276 - to amend the approved site plan. This primarily comprises a reduction of the equipment associated with the Development and consequential minor amendments to an internal access track.		
Site:	Land East Of Wineham Lane, Wineham, West Sussex, BN5 9AY, , , ,		
Validation Date	8 Jul 2026	Overall Expiry Date:	
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Refusal	Recommendation Date:	11 Aug 2026
Target Date:	5 Aug 2026	Recommending Officer Signature:	Andrew Watt

Date Legal Agreement Completed: (if applicable)		No of Representations:	6
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Signed and Agreed By:	Stephen Ashdown	Date:	12 Aug 2026
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/26/1671

Land East Of Wineham Lane, Wineham, West Sussex, BN5 9AY, , ,
Non Material Amendment to application DM/21/2276 - to amend the approved site plan. This primarily comprises a reduction of the equipment associated with the Development and consequential minor amendments to an internal access track.
Ms Elena Sarieva

This application seeks consent as a non-material amendment to a battery energy storage facility and associated infrastructure. It seeks to amend the approved site plan, primarily comprising a reduction of the equipment associated with the development and consequential minor amendments to an internal access track.

As described in the supporting Covering Letter, the substituted site plan proposes the following amendments:

BESS and Power Conversion Systems (PCS) and Associated Infrastructure

- o Significant reduction in the number of BESS and PCS units required, reflecting technological advancements since the original submission
- o Reduction from 184 BESS units to 92 BESS units
- o Reduction from 46 PCSs to 23 PCSs
- o Overall reduction in the quantum of electrical equipment on site
- o Increased set-back from the closest receptors
- o Container arrangement revised: units are no longer arranged in groups of four back-to-back; the amended layout provides a minimum separation of 0.92m between individual units and 3.5m between each BESS group, in accordance with the National Fire Chiefs Council's Grid Scale Energy Storage System Planning - Guidance for Fire and Rescue Services (2026).
- o Changes to the perimeter fence to an acoustic fence

132kV Transformer

- o Footprint required for transformer infrastructure reduced and consolidated alongside the BESS equipment, resulting in a more efficient site layout

Other Equipment and Infrastructure

- o Increase to two water storage tanks (from one) proposed as part of the site's fire safety strategy, developed in consultation with West Sussex Fire and Rescue Service (WSFRS); design drawings shared with WSFRS, with ongoing discussions regarding the overall fire safety strategy for the site
- o Removal of the two previously proposed large storage buildings; replaced with three smaller container-sized units for spare parts storage and welfare facilities

Internal Access Track

- o Reduced hardstanding area including access roads, resulting from the reduction in BESS equipment
- o Amended internal emergency access route to provide a more direct pathway to the remaining BESS units

The Government's Planning Practice Guidance advises that: *'There is no statutory definition of 'non-material'. This is because it will be dependent on the context of the overall scheme - an amendment that is non-material in one context may be material in another.'* It goes on to say that: *'As an application to make a non-material amendment is not an application for planning permission, the existing Town and Country Planning (Development Management Procedure) (England) Order 2015 provisions relating to statutory consultation and publicity do not apply. Therefore local planning authorities have discretion in whether and how they choose to inform other interested parties or seek their views. As by definition the changes sought will be non-material, consultation or publicity are unlikely to be necessary ...'*

No publicity was conducted for this Non-Material Amendment application but it is noted that third party comments have been received from Twineham Parish Council (the parish council for this area), Shermanbury Parish Council (an adjoining parish council) and 10 neighbouring residents. In summary, while there is support for the reduction in equipment, hardstanding and overall site intensity, including the increase in the on-site water storage provision, there is no assessment demonstrating the revised provision would be sufficient to support the cooling and firefighting requirements associated with a significant battery fire event. In addition, it is unclear whether a secondary emergency access will now be provided, which was referred to in the original approved plans, and whether it is sited too close to the principal entrance, meaning that it would undermine the resilience that a secondary emergency access is intended to provide. Furthermore, a proposed acoustic fence (without any details) represents a significant departure from the original boundary treatment, meaning that it may have implications for visual amenity, landscape character and noise transmission. Moreover, it is unclear whether the reduced spacing between the individual units is sufficient, in the absence of any supporting technical information, and overall whether the changes will result in different lighting implications to that originally approved.

Your officers agree with these views. While the reduction in the amount of development is generally welcomed, the cumulative impact of the changes (both in design and safety terms) requires proper technical consideration (especially from West Sussex Fire and Rescue Service), which can only be carried out under a planning application. Accordingly, it is clear that the amendments sought cannot be treated as non-material.

Decision: Refusal

Case Officer: Andrew Watt