

Sarah Valentine

From: [REDACTED]
Sent: 22 July 2026 12:38
To: planninginfo
Subject: FORMAL REPRESENTATION – OBJECTION Application DM/26/1671 Non-material amendment to DM/21/2276 Land East of Wineham Lane – Battery Energy Storage Facility

22 July 2026

Planning Department
Mid Sussex District Council
Oaklands
Oaklands Road
Haywards Heath
West Sussex
RH16 1SS

Dear Planning Officer,

FORMAL REPRESENTATION – OBJECTION
Application DM/26/1671
Non-material amendment to DM/21/2276
Land east of Wineham Lane – Battery Energy Storage Facility

I wish to object to the proposed changes being approved through the Section 96A non-material amendment procedure. Having reviewed the applicant's latest covering letter, revised site plan and Statement of Compliance, I do not consider that the complete package of changes has been shown to be genuinely non-material. The amendments raise unresolved questions concerning new battery technology, fire safety, emergency secondary access, fire-water provision, noise, the newly proposed acoustic fence, external lighting and the visual impact on this dark rural location.

The applicant is seeking to:

- reduce the number of BESS units from 184 to 92 while retaining the same overall energy storage capacity and output;
- reduce the number of power conversion systems from 46 to 23;
- use a different BESS supplier and more technologically advanced equipment;
- provide approximately 0.92 metres between individual units and 3.5 metres between groups;
- alter the internal emergency access route and reduce areas of hardstanding;
- increase the number of fire-water tanks from one to two;
- change the transformer and ancillary equipment layout;
- replace large ancillary buildings with smaller container-sized units; and
- replace the approved perimeter treatment with an acoustic fence.

1. The combined changes have not been shown to be non-material

The Government's Planning Practice Guidance confirms that there is no fixed statutory definition of "non-material". The question depends upon the context of the whole scheme, and the local planning authority must consider the effect of the change together with any previous changes. The Section 96A procedure, which has no general consultation requirement and only limited notification requirements, cannot be used to make a material amendment.

These revisions are not confined to one minor alteration. They include a different battery supplier and technology, a substantial reduction in unit numbers while retaining the same overall capacity, changed unit spacing, altered emergency access and hardstanding, revised water provision, a changed transformer layout, different ancillary structures and a new acoustic perimeter fence. Their cumulative effect must be assessed, rather than treating each alteration in isolation.

The number and importance of the unanswered questions set out below are themselves strong indications that the changes require a fuller planning assessment. Where further technical evidence, including equipment-specific noise, visual-impact and emergency-response evidence, is needed before the consequences can be understood, it is difficult to conclude that the amendments are plainly non-material.

2. The acoustic fence is a materially new and unexplained element

The revised proposal introduces an acoustic fence around the site in place of the previously approved perimeter treatment. This is not simply an administrative alteration to a drawing: it is a new physical feature with potential consequences for noise, landscape character, visual amenity, lighting and the appearance of the development in open countryside.

No detailed plans or elevations showing the fence's dimensions and height, or specifying its materials, colour, finish and construction, appear to have been provided. Nor do there appear to be any verified viewpoints. Without this information, neither the Council nor local residents can know whether the proposed feature would be a modest boundary treatment or a substantial solid barrier several metres high. A solid acoustic barrier could be visually prominent in this rural landscape and may not be adequately mitigated by the landscaping previously assessed.

The applicant states that the number of power conversion systems will be reduced and that noise levels will not increase, while at the same time introducing acoustic mitigation that was not part of the approved layout. This requires a clear explanation. The need for a new acoustic fence raises a reasonable question as to whether the replacement equipment has different noise characteristics, including tonal, impulsive or low-frequency noise, or whether the original noise assessment is no longer sufficient for the amended scheme.

The assertion that the fence will "further screen" the infrastructure does not replace a revised landscape and visual assessment. Depending on its height and materials, the fence could screen some equipment at lower level while itself creating a new and conspicuous built feature. The acoustic fence should therefore be supported by a revised equipment-specific noise assessment, detailed plans and elevations, and an updated landscape and visual assessment. In the absence of that evidence, it should not be accepted as a non-material change.

3. The revised NFCC guidance is relevant to the changes now being sought

The National Fire Chiefs Council has issued revised guidance for grid-scale battery energy storage systems, superseding its earlier 2023 guidance. The current guidance is more detailed regarding the evidence expected for the actual equipment, thermal propagation, deflagration, access and egress, separation distances, firefighting water, contaminated run-off, site-specific risk information, battery safety management and emergency response planning.

I appreciate that revised guidance does not, by itself, retrospectively invalidate the planning permission granted in 2024. However, the Council is now being asked to approve a changed design involving different technology, altered spacing, revised emergency access, reduced hardstanding and different water provision. The current guidance is therefore directly relevant to whether those changes are safe and whether their effects can genuinely be regarded as non-material.

Known current safety benchmarks should not be disregarded merely because the original consent predates them. This is particularly important where the applicant itself relies on the revised guidance to justify the proposed 0.92 metre spacing. West Sussex Fire and Rescue Service should be asked to assess the complete amended design expressly against the current NFCC guidance and provide a formal written response before the application is determined.

4. Different battery technology and increased capacity per unit

Reducing the number of BESS units from 184 to 92 while retaining the same overall storage capacity appears to result in substantially more energy being stored within each individual unit. The documents do not identify the

proposed manufacturer, model, battery chemistry, capacity per unit, energy density, fire-suppression arrangements or deflagration characteristics.

The NFCC guidance recognises that different battery chemistries and designs present different risks and safety profiles. It identifies the size, quantity and capacity of each BESS unit, together with evidence of full-scale fire testing, including UL 9540A testing where applicable, as relevant information. It should not simply be assumed that assessments prepared for the originally approved equipment remain valid for different, higher-capacity units.

5. Proposed 0.92 metre spacing requires equipment-specific evidence

The applicant proposes a minimum separation of approximately 0.92 metres between individual units. Current NFCC guidance states that a reduction to approximately 0.914 metres may be possible where suitable testing, such as UL 9540A, demonstrates that propagation does not occur between the BESS cabinets or enclosures. It also makes clear that separation distances must not be taken out of context.

The submitted documents do not include manufacturer-specific full-scale testing, UL 9540A evidence or an independent technical assessment demonstrating that the proposed minimum spacing is safe for the actual equipment to be installed. No approval should be granted on the basis of the minimum distance unless the Council and West Sussex Fire and Rescue Service have received and accepted the necessary evidence.

6. The revised fire-safety strategy appears not to be finalised

The covering letter refers to the two water tanks forming part of a fire-safety strategy developed in consultation with West Sussex Fire and Rescue Service, but it also refers to ongoing discussions regarding the overall fire-safety strategy. This suggests that the final strategy may not yet have been completed or formally accepted.

It would be premature to approve the amended layout before a final, equipment-specific fire strategy, outline battery safety management plan and emergency response plan have been submitted and considered against the current NFCC guidance. Formal written comments should be obtained from West Sussex Fire and Rescue Service on the revised equipment, spacing, emergency access, water provision, contaminated run-off arrangements and operational firefighting approach.

7. Fire-water supply and contaminated run-off

Although two water tanks are now proposed instead of one, the documents do not state the capacity of each tank, their combined capacity, available flow rate, connection arrangements, distance from the BESS units or how firefighters would access them safely.

Current NFCC guidance states that enough water should be available to meet firefighting requirements and manage a reasonable worst-case scenario. Where a flow of 25 litres per second cannot be achieved, it identifies an equivalent static supply of approximately 180,000 litres for 120 minutes as a prudent benchmark, subject to the equipment-specific firefighting strategy. It also advises that static firefighting tanks should be at least 10 metres from BESS units and that contaminated water run-off management should form part of the site design.

The applicant should therefore provide calculations for water capacity and flow, tank locations and connections, together with a clear method for containing potentially contaminated firefighting water. Reliance on the previous Flood Risk Assessment does not, by itself, demonstrate that the revised technology, equipment concentration and firefighting strategy are adequately addressed.

8. Emergency secondary access requires a detailed and current assessment

The applicant describes the amended internal emergency route as more direct and states that the junction with Wineham Lane and the visibility splays are unchanged. That does not establish that the complete secondary access route is suitable, legally secured, available in all conditions or capable of accommodating the required fire appliances.

The Council should require route and gateway dimensions, construction and load-bearing specifications, turning and swept-path drawings, and evidence that appliances can enter, reach the BESS units and both water tanks, turn and withdraw safely without excessive reversing. It should also be confirmed how the route will be kept clear, unlocked, maintained and available to emergency services at all times, and that all necessary land and access rights are secured for the lifetime of the development.

Current NFCC guidance states that it is preferable to provide an alternative access point, taking account of the likely wind direction, or a perimeter loop where practicable, so that crews are not required to drive through a vapour or gas cloud. The amended route should not be accepted as a minor change without a site-specific operational assessment and formal confirmation from West Sussex Fire and Rescue Service.

9. External lighting, dark skies and rural character

The site is in open countryside where the night-time environment is naturally dark. Artificial lighting associated with security, access roads, emergency equipment, maintenance areas, water tanks or new ancillary containers could be highly conspicuous and could affect nearby residents, rural character and nocturnal wildlife.

The submitted amendment documents do not appear to include a revised lighting plan, lighting impact assessment, lux contour drawings or details of the number, location, height, intensity, colour temperature, operating hours and controls for external lights. Changes to the internal access route, equipment layout, ancillary buildings, water tanks and acoustic fencing could alter the lighting requirements and the way light is screened or reflected.

Policy DP29 of the adopted Mid Sussex District Plan requires the impact of artificial lighting on local amenity, intrinsically dark landscapes and nature conservation areas to be minimised in terms of both intensity and number of fittings, with good design used to restrict emissions. Paragraph 198(c) of the current National Planning Policy Framework similarly requires the impact of light pollution on local amenity, intrinsically dark landscapes and nature conservation to be limited. National Planning Practice Guidance advises that lighting should be appropriate to its purpose and location, and used only when needed.

The amended layout should not be approved until a detailed lighting scheme has been submitted. Any lighting should be limited to the minimum demonstrably necessary for safety and security; fully shielded and directed downwards; low-level and warm-spectrum; controlled by timers or motion sensors; switched off when not required; and designed to prevent upward light, glare, sky glow and spill beyond the site boundary. Continuous overnight floodlighting should not be permitted. Any existing lighting condition attached to DM/21/2276 must remain fully applicable to the amended layout.

10. Information that should be required before determination

Before determining the application, I respectfully request that the Council obtains and assesses the following:

1. Full details of the proposed battery manufacturer, model, chemistry, energy capacity per unit and total site capacity.
2. Manufacturer-specific full-scale fire and thermal-propagation test evidence, including UL 9540A or equivalent evidence where relied upon.
3. A final revised fire strategy and outline battery safety management plan based on the actual equipment and assessed against the current NFCC guidance.
4. A detailed emergency response plan prepared in conjunction with West Sussex Fire and Rescue Service.
5. Fire-water capacity and flow calculations, connection details, tank separation distances and contaminated run-off containment calculations.
6. Detailed fire-appliance access information, including route and gateway dimensions, load-bearing specifications, turning and swept-path drawings, arrangements for keeping the secondary access available at all times, and evidence that the necessary legal access rights are secured.
7. Formal written comments from West Sussex Fire and Rescue Service confirming whether the full revised layout, fire strategy, access and water provision comply with its current operational requirements and the revised NFCC guidance.
8. Full plans and elevations for the acoustic fence, including its precise height, materials, colour, finish, construction, position and relationship to existing and proposed landscaping.
9. A revised equipment-specific Noise Impact Assessment explaining why an acoustic fence is now required and assessing tonal, impulsive and low-frequency characteristics, including night-time operation at the nearest receptors.
10. An updated Landscape and Visual Impact Assessment, with verified viewpoints or photomontages where appropriate, showing the acoustic fence and the complete amended layout.
11. Confirmation, supported by competent technical assessment, that the previous environmental, drainage, ecological and safety assessments remain valid for the new technology and layout.
12. A revised external lighting scheme and lighting impact assessment, including lux contours, fitting details, operating hours and controls.
13. Confirmation that all original safeguards and planning conditions, including those concerning lighting, landscaping, drainage, noise, access and fire safety, will continue to apply without dilution.

Conclusion

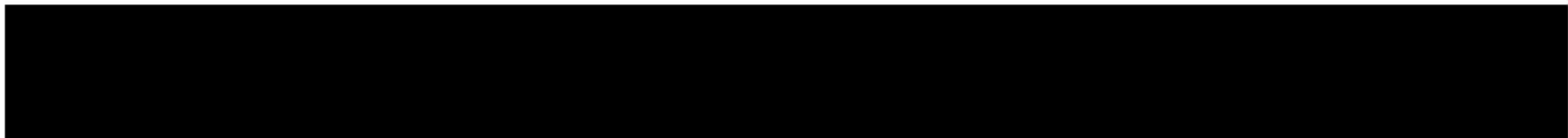
For the reasons set out above, I request that Mid Sussex District Council does not approve application DM/26/1671 as a non-material amendment. The applicant has not supplied enough information to establish the noise and visual consequences of the newly proposed acoustic fence or to demonstrate that the revised battery

technology, minimum spacing, emergency access and water arrangements have been fully assessed against current safety guidance.

Taken together, these are substantive changes with potentially different safety, environmental and amenity effects. If the Council cannot be satisfied, on the basis of complete and independently assessed evidence, that the combined changes are genuinely non-material, the applicant should be required to use an appropriate planning procedure that allows proper technical assessment and public consultation.

Please record this representation as an objection and place it before the case officer when the application is determined.

Yours faithfully,



Relevant policy and guidance

- Town and Country Planning Act 1990, Section 96A.
- National Planning Practice Guidance: Flexible options for planning permissions – non-material amendments.
- National Fire Chiefs Council: Grid scale energy storage system planning – Guidance for fire and rescue services, revised guidance superseding the 2023 version.
- Mid Sussex District Plan 2014-2031, Policy DP29: Noise, Air and Light Pollution.
- National Planning Policy Framework, current version (December 2024, amended February 2025), paragraph 198(c).
- National Planning Practice Guidance: Light Pollution. Chris & Zoe Roos
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