

■ Our ref: 2243/6822/nl
Your ref: DM/23/0769

24 April 2026

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

Dear Sir/Madam

APPLICATION FOR A NON-MATERIAL AMENDMENT OF PLANNING CONSENT REFERENCE DM/23/0769 RELATING TO A MINOR AMENDMENT TO THE APPLICATION DESCRIPTION AT LAND ADJACENT TO BOLNEY SUBSTATION BOB LANE TWINEHAM WEST SUSSEX

Planning Permission was granted under planning application reference DM/23/0769 18 October 2024 by Mid Sussex District Council for the following development.

Land Adjacent to Bolney Substation Bob Lane Twineham West Sussex

Construction and operation of a battery energy storage system together with all associated equipment, ancillary infrastructure and landscaping. (Amended plans submitted 7/7 and additional submissions including FRA, response to ecology and PROW and fire strategy (15/8)) Amended location and site plan, fire strategy and AIA received 9/2/24).

Aardvark EM Limited is instructed by One Planet Developments Ltd to apply for a Non-Material Amendment (NMA) under Section 96a of the Town and Country Planning Act 1990 relating to a minor amendment to the application description and the approved layout plan.

Proposed Non-material Amendment

1. Application to amend the description of development under s96A

The description of development as set out on the decision notice was transposed from the application form to the committee report and understood by the applicant as an informative to Members as a means of communicating a list of amendments to the original submitted application documentation.

It is therefore proposed that the application description be reverted back to the following wording as per the application form and validation letter dated 22 March 2023.

Construction and operation of a battery energy storage system together with all associated equipment, ancillary infrastructure and landscaping.

2. Application to amend the site layout plan under s96A

Following further design considerations with The National Grid and Distributive Network Operator ('DNO') it has been proposed to relocate the development's substation to a more central position within the proposed site layout. The displaced battery and inverter units from the proposed new substation position would be re-sited to the original substation position such that no loss in site capacity would result. No additional infrastructure is proposed, and this is purely a location and layout change. A revised layout plan (reference PL-01 rev 25) is submitted with this application.

For completeness, the applicant has re-run the noise model for the new layout and produced the submitted noise technical note (reference 22-167-TN02) setting out that no material change results from the proposed amendment.

It is therefore proposed that the list of approved plans as referenced in condition 27 is amended and drawing reference PL-01 rev22 is replaced by drawing reference PL-01 rev25.

Justification

Planning Practice Guidance sets out 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. The local planning authority must be satisfied that the amendment sought is non-material to grant an application under section 96A of the Town and Country Planning Act 1990 (Paragraph: 002 Reference ID: 17a-002-20140306).

In summary, it is our considered opinion that the proposal meets the definition of 'non-material' for the following reasons:

- The proposed description change is purely textual and does not alter the purpose of the proposed development itself.
- The amendment has no effect on the description's clarity, the permission's scope, or the environmental or community impacts previously assessed.
- The proposed change does not alter the physical form, use, or operation of the approved development.
- The temporary nature of the development remains unchanged and continues to be fully secured by condition 26 of the consent
- The LPA's powers of enforcement would not be diminished by not having the application updates expressed in the description of the development. The remedies to the LPA are the same given non-compliance with conditions including approved plans and documents would be a breach of planning control under s171A of the 1990 Act.
- The proposal therefore meets the definition of a non-material amendment as set out in Paragraph 002 (Reference ID 17a-002-20140306) of the Planning Practice Guidance.

A local planning authority may make a change to any planning permission, or any permission in principle (granted following an application to the authority), relating to land in their area if they are satisfied that the change is not material. In deciding whether a change is material, a local planning authority must have regard to the effect of the change, together with any previous changes made under this section (none have been undertaken or approved), on the planning permission or permission in principle as originally granted.

Accordingly, it is considered that the proposed amendment is non-material within the meaning of Section 96A of the TCPA 1990.

The applicant has also completed the necessary application forms, ownership certificates and paid the relevant application fee via the planning portal.

The applicant trusts that the enclosed information demonstrates that the proposed change is non-material and can be approved accordingly under Section 96A of the Town and Country Planning Act 1990.

We would be grateful for written confirmation of validation and the statutory determination period once the application has been registered.

Yours faithfully

