

Andy Watt

From: [REDACTED]
Sent: 01 October 2026 16:03
To: Andy Watt
Cc: [REDACTED]
Subject: Land East of Wineham Lane, Wineham. DM26/2363. Discharge of Conditions nos 3 and 6 relating to DM/21/2276

[REDACTED]

[REDACTED]

Gatefield Cottage
Wineham Lane
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BN5 9AY

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

Dear Mr Watts,

Land East of Wineham Lane, Wineham, West Sussex BN5 9AY DM/26/2363 Discharge of Condition nos 3 and 6 relating to:-

Original Planning Permission: DM/21/2276

Landscape, Ecological Management, Visibility and Monitoring

We are writing in relation to the landscape and ecological management information submitted for the above development.

Having considered the documentation carefully, we would be grateful if the Council could address the following matters before accepting the submitted landscape and ecological management arrangements.

1. Visibility from public locations

We remain particularly concerned about the categorical statement that the site or development cannot be seen from a public road, public footpath, bridleway or other public place.

In our experience of the area, this requires proper verification.

The most relevant surrounding roads are **Wineham Lane and Bob Lane**, together with nearby public rights of way and other publicly accessible locations.

These are narrow rural lanes where views change considerably because of gaps in hedgerows, field entrances, changes in ground level and seasonal vegetation.

We therefore ask the Council to establish precisely what was inspected before the conclusion was reached that the site or development could not be seen from a public place.

We would also ask the Council to clarify exactly what is meant by the statement that the site “**cannot be seen**”.

Does this mean that:

- the land itself cannot be seen;
- the BESS units cannot be seen;
- the fencing cannot be seen;

- the electrical infrastructure cannot be seen; or
- no part of the completed development can be seen?

These are very different propositions.

A development does not have to be visible in its entirety in order to be visible from a public location.

2. Were the assessments based upon actual site visits?

We ask the Council to establish whether the authors of the relevant landscape, visual and screening assessments actually visited the site and surrounding area, or whether any conclusions were substantially derived from desktop studies, mapping, aerial photography or other remote information.

Given the nature and location of this site, we consider proper field assessment particularly important.

Please could the Council establish:

1. whether the authors of each relevant report personally visited the site and surrounding area;
2. the dates of those visits;
3. which roads and public rights of way were physically inspected;
4. the precise locations from which visibility was assessed;
5. whether **Wineham Lane and Bob Lane** were physically travelled or walked for the purposes of the assessment;
6. whether nearby public rights of way were inspected; and
7. whether any assessment was undertaken when deciduous trees and hedges were not in full leaf.

A summer assessment can give a very different impression from the position in winter.

Where existing hedgerows and trees are relied upon to screen substantial infrastructure, we believe the Council should understand the **worst-case winter visibility**, rather than relying only upon views when vegetation is at its fullest.

3. Existing vegetation versus future landscaping

We are concerned that existing screening and proposed future landscaping should not be treated as though they are the same thing.

Future planting intended to reduce visual impact cannot demonstrate that the development is presently invisible.

Likewise, newly planted trees and hedges cannot immediately provide the same screening as mature vegetation.

The Council should therefore consider:

- the size and height of planting when first installed;
- the time required for it to reach its intended screening height;
- its density;
- seasonal loss of foliage;
- plant failures and replacement planting; and
- the effects of pruning and long-term management.

If substantial planting and landscape management are considered necessary to screen the development, we ask the Council to ensure that the visual assessment clearly distinguishes between **existing screening and screening that may only develop several years later**.

4. Views from nearby residential properties

We appreciate that planning does not normally protect a private view simply because a development can be seen from a house.

However, that does not mean that nearby dwellings are irrelevant.

Where BESS equipment, fencing, electrical infrastructure, lighting or other structures may be clearly visible from nearby homes and gardens, the Council should consider the potential effect upon **residential amenity**, including whether the development would appear visually intrusive, dominant or industrialising when viewed from neighbouring properties.

We therefore ask whether the landscape assessment considered the relationship between the development and the nearest residential properties, rather than considering visibility solely from public roads and rights of way.

5. Landscape and ecological monitoring

We recognise that the submitted environmental documents do contain monitoring provisions.

The Biodiversity CEMP identifies the Principal Contractor as responsible for implementing the CEMP and provides for an Ecological Clerk of Works to monitor and report compliance, including recording observations, post-works monitoring and monthly reporting.

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The main CEMP also provides for an Environmental Clerk of Works whose role includes monitoring compliance and ensuring that biodiversity and landscape planting measures are undertaken, monitored and remedied where necessary.

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Our concern therefore is not that there is no monitoring provision at all.

Rather, we ask the Council to clarify what happens **after the construction phase**, when the Principal Contractor and Environmental/Ecological Clerk of Works are no longer routinely present.

Where landscaping, screening, habitat creation and ecological enhancement depend upon management for many years, we ask:

- who undertakes the long-term inspections;
- how frequently those inspections take place;
- who receives the monitoring reports;
- what happens if planting fails;
- what happens if screening does not achieve the anticipated height or density;
- who is responsible for replacement planting; and
- how the Council will determine whether the approved landscape and ecological objectives have actually been achieved.

The effectiveness of the mitigation should not depend merely upon aspirations contained within a management document. There should be a clear means of checking that it actually happens.

6. Future changes of ownership

We understand that the site has already changed hands since the original proposals were brought forward.

This makes continuity particularly important.

We therefore ask the Council to confirm how responsibility for the approved landscape and ecological management obligations will continue if the development, land or operating company changes ownership again.

In particular:

- who will hold responsibility for long-term landscape and ecological management at any particular time;
- how outstanding obligations will pass to a successor owner or operator;
- whether MSDC will be notified of changes of ownership or operational responsibility; and
- who will be responsible if the original developer or contractor is no longer involved.

We appreciate that planning conditions normally attach to the land, but we consider it important that there should be no practical uncertainty as to **who is responsible for implementing them** throughout the relevant management period.

7. Roadside ditches and drainage – Section 6.1 General Requirements

We would also ask the Council to ensure that **Section 6.1 General Requirements expressly includes all roadside ditches and drainage channels potentially affected by the development**, and not simply drainage features located within the application site.

In particular, this should include roadside ditches along **Wineham Lane, Bob Lane and any other part of the construction route affected by development traffic**.

These ditches form part of the local drainage network and could potentially be affected by:

- mud and silt;
- displaced soil;
- construction runoff;
- accidental pollution or spillages;
- damage from construction vehicles;
- blocked culverts;
- damage to drainage grips and verge drainage; and
- deposition of material caused by HGV movements.

The CEMP already contains controls relating to sediment, surface drains and the wider water environment. Pasted markdown.md It also requires nearby watercourses and sensitive receptors potentially affected by environmental incidents to be identified.

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We therefore ask that there should be no ambiguity over whether **roadside ditches outside the immediate site boundary are included**.

All roadside ditches, culverts, grips and drainage channels potentially affected by the development should be subject to a **formal annual inspection and maintenance programme** throughout the relevant management period.

Where an inspection identifies silt, vegetation, debris or other obstruction sufficient to impede drainage, the affected ditch or drainage feature should be cleared and restored promptly to an effective condition.

Any such maintenance should be undertaken at an appropriate time of year and in a manner consistent with the approved ecological requirements, so that necessary drainage maintenance does not itself cause avoidable harm to wildlife or habitats.

We also ask the Council to confirm **who will be responsible for carrying out and recording these annual inspections**, and who will be responsible for remedial works where problems are identified.

8. Pre-construction record of Wineham Lane and associated drainage

We would also ask that any pre-construction photographic or video condition survey of Wineham Lane includes not only the carriageway and verges but also:

- roadside ditches;
- culverts;
- grips;
- drainage channels;
- field entrances; and
- other drainage features potentially affected by construction traffic.

This would provide an objective record of their condition before construction commences and would help establish responsibility if damage, obstruction or drainage problems subsequently arise.

9. Practicality of the landscape management proposals

We also ask the Council to satisfy itself that the individual maintenance commitments contained within the landscape management proposals are realistic and capable of being monitored.

For example, where the plan proposes continuing weed-control measures, including the management or removal of persistent species such as docks, the Council should consider how such commitments will actually be monitored and what standard constitutes satisfactory compliance.

Our concern is not with routine landscape maintenance itself, but with whether detailed management commitments are sufficiently realistic, measurable and enforceable over the relevant period.

10. Our request to the Council

In summary, before accepting or discharging the relevant landscape and ecological requirements, we respectfully ask Mid Sussex District Council to satisfy itself that:

1. the applicant's statements regarding visibility have been properly verified on site;
2. Wineham Lane, Bob Lane and the relevant public rights of way have been physically inspected;
3. seasonal and winter visibility has been properly considered;
4. existing screening has been clearly distinguished from future proposed planting;
5. the effect upon nearby residential amenity has been appropriately considered;
6. there is a clear long-term monitoring regime extending beyond construction where necessary;
7. responsibility remains clear if ownership or operation of the site changes;
8. all roadside ditches and drainage features potentially affected by the works are expressly protected;
9. the pre-construction condition survey includes ditches, culverts, verges and drainage features;
10. the long-term landscape and ecological commitments being relied upon as mitigation are practical, measurable and enforceable; and
11. roadside ditches, culverts and drainage features affected by the development are subject to a **recorded annual inspection and maintenance programme**, with clearance and remedial works undertaken where required.

Given the scale and nature of the proposed BESS development and its rural location, we believe that these matters warrant careful consideration.

We would be grateful if this representation could be placed on the relevant planning file and the matters raised above addressed before the relevant conditions are discharged.

Yours sincerely,



Sent from my iPad