



Shermanbury Parish Council

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Mr Eric Owens
Assistant Director Planning & Sustainable Economy
Mid Sussex District Council
Oaklands
Oaklands Road
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West Sussex
RH16 1SS

20th July 2026

Dear, Mr Owens,

Re: Application for a Non-Material Amendment under Section 96A of the Town and Country Planning Act 1990

Planning Permission: DM/21/2276

Site: Battery Energy Storage Facility and Associated Infrastructure, Land East of Wineham Lane

I write on behalf of Shermanbury Parish Council in my capacity as Chairman of the Parish Council.

The Parish Council has reviewed the proposed amendments and welcomes a number of the changes. In particular, we recognise that advances in technology have enabled the approved generating capacity to be delivered with substantially fewer Battery Energy Storage System (BESS) and Power Conversion System (PCS) units. The resulting reduction in equipment, hardstanding and overall site intensity represents a positive development. We also note the proposed increase in on-site water storage provision, which appears to strengthen the site's firefighting capability.

Whilst the increase in water storage is welcomed, the Parish Council is not aware of any assessment demonstrating that the revised provision would be sufficient to support the cooling and firefighting requirements associated with a significant battery fire event. The adequacy, accessibility, and operational effectiveness of the proposed water supply are matters central to emergency response and site safety. In the Council's view, these issues warrant detailed technical assessment and consultation with the relevant specialists rather than determination through a non-material amendment process.

Notwithstanding these improvements, the Parish Council does not consider that the proposed changes can properly be regarded as non-material amendments under Section 96A.

Since the original planning permission was granted, the National Fire Chiefs Council has published its *Grid Scale Energy Storage System Planning Guidance for Fire and Rescue Services (2026)*. This guidance places particular emphasis on emergency access, site layout, separation distances, water supplies, and firefighting arrangements.

Several of the proposed amendments relate directly to these matters and therefore engage issues that were not assessed against the current guidance framework.

The Parish Council's principal concern relates to the revised emergency access arrangements. Earlier approved plans referred to a secondary emergency access being provided via a retained gateway. This reference has now been removed, and it remains unclear whether a fully operational, genuinely independent, and suitably engineered secondary emergency access will be provided.

Furthermore, the proposed secondary access appears to be located in close proximity to the principal entrance. The Parish Council therefore questions whether it would provide effective operational resilience should the main access become obstructed or affected by an incident. Having sought professional emergency planning advice, we have been advised that the close proximity of the two access points could result in both being compromised by the same event, thereby undermining the resilience that a secondary emergency access is intended to provide.

The Council also notes the proposed changes to the site layout, equipment spacing and fire safety infrastructure. Whilst these changes may ultimately prove beneficial, they demonstrate that elements of the approved design and fire safety strategy have evolved since permission was granted. These matters are specifically addressed within the current NFCC guidance and merit proper technical consideration.

Similarly, the proposed acoustic fence represents a significant departure from the boundary treatment approved under planning permission DM/21/2276. Whilst the applicant states that the fence is intended to provide noise attenuation, little evidence has been submitted to demonstrate why this additional structure has become necessary, whether alternative mitigation measures have been considered, or why this particular design represents the least visually intrusive solution. Depending upon its height, length and construction, the fence has the potential to introduce a prominent engineered feature into the rural landscape, altering the appearance of the development and its relationship with the surrounding countryside. It may also have implications for visual amenity, landscape character and the effectiveness of the approved landscaping scheme. In the absence of a clear justification and supporting assessment, the Parish Council considers that the planning and visual implications of this amendment cannot properly be evaluated through a Section 96A non-material amendment application.

Taken individually, some of the proposed amendments may appear modest. Considered collectively, however, they introduce substantive changes affecting emergency access, water provision, site layout, fire safety arrangements and the visual appearance of the development. These are matters that are central to the design, operation and safety of the scheme and are specifically addressed within current national fire safety guidance.

Accordingly, whilst welcoming the reduction in the scale of the battery storage infrastructure and the apparent improvements to aspects of the fire mitigation strategy, Shermanbury Parish Council respectfully submits that the proposed amendments cannot reasonably be regarded as non-material within the meaning of Section 96A of the Town and Country Planning Act 1990.

The Parish Council therefore requests that the Local Planning Authority determine that the proposed amendments fall outside the scope of a Section 96A application and should instead be brought forward through the appropriate planning application process. This would enable full technical assessment, consultation with specialist consultees, including West Sussex Fire & Rescue Service, and meaningful engagement with the local community before any revised permission is granted.

The Parish Council have accepted Elements Green’s offer of a meeting and are seeking appropriate dates.

Yours faithfully,

