

Andy Watt

From: [REDACTED]
Sent: 03 September 2026 23:41
To: Andy Watt
Cc: [REDACTED]
Subject: FAO Andrew Watt – Land East of Wineham Lane – DM/26/1906, DM/26/2007, DM/26/2158 & DM/26/2159

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

3 September 2026

Dear Mr Watt,

Land East of Wineham Lane, Wineham, West Sussex BN5 9AY
Original Planning Permission: DM/21/2276
Representations concerning DM/26/1906, DM/26/2007, DM/26/2158 and DM/26/2159

We are writing in relation to the above applications seeking the discharge of a number of pre-commencement and other conditions attached to planning permission DM/21/2276. As these applications all concern the implementation of the same BESS development and contain a number of interrelated matters, we respectfully request that this representation is placed on the public planning register under **DM/26/1906, DM/26/2007, DM/26/2158 and DM/26/2159.**

We recognise that planning permission has already been granted for the development. Our purpose in making these representations is therefore not to revisit the principle of the development, but to ensure that the safeguards imposed by the Council through its planning conditions are properly satisfied before construction commences. Given the scale and nature of the proposed BESS development and its rural location, we believe that the pre-commencement conditions are particularly important.

1. Relationship with refused application DM/26/1671

We consider this to be an important preliminary matter.

DM/26/1671 sought a Non-Material Amendment to the approved development, including a reduction in equipment and consequential amendments to an internal access track. That application was refused on 12 August 2026.

A number of the documents now submitted in support of the discharge applications refer to the “currently proposed” development, proposed layouts or information prepared at different dates.

We therefore respectfully ask MSDC to confirm, before approving the discharge applications, that **every plan, drawing, construction arrangement, access arrangement, ecological assessment and other document being relied upon relates solely to the extant lawful development approved under DM/21/2276, as subsequently lawfully amended, and does not incorporate any element of the changes refused under DM/26/1671.**

Where there is any discrepancy, we believe revised documentation should be required before the relevant condition is discharged.

2. DM/26/1906 - Condition 4 - Great Crested Newts

We have carefully considered the NatureSpace Great Crested Newt District Licensing Certificate submitted with DM/26/1906.

We note an extremely important distinction within that documentation.

The Nature Space certificate itself **does not authorise licensable works to commence**. Formal authorisation from Mid Sussex District Council to work under its District Licence must be obtained before commencement of relevant works. The certificate also makes clear that works and activities undertaken before that written authorisation, including preparatory works and ground clearance where relevant, would not benefit from the protection of the District Licence.

We therefore ask MSDC to ensure that there can be **no misunderstanding between the discharge of Condition 4 and the separate written authorisation required under the District Licence.**

In particular, we ask the Council to confirm that:

1. the required separate written authorisation will be issued by MSDC before any relevant works commence;
2. the applicant and its contractors will be expressly informed that the NatureSpace certificate itself is not permission to commence licensable works;
3. the written authorisation and the activities it permits will be retained on the planning record;
4. the December 2024 Great Crested Newt Impact Plan upon which the NatureSpace assessment relies corresponds precisely with the extant approved development following the refusal of DM/26/1671; and
5. the ecological requirements under DM/26/1906 are fully consistent with the Biodiversity CEMP submitted under DM/26/2158.

We also note an apparent difference between the organisational licence reference quoted in the applicant's Condition 4 material and the current District Licence reference identified in the NatureSpace certificate. We are not suggesting that this necessarily invalidates the application, but we ask MSDC to satisfy itself that the correct licence applies and to record that position clearly before Condition 4 is discharged.

3. DM/26/2007 - Condition 9 - Vehicular Access

Condition 9 states: “No part of the development shall commence until such time as a timetable covering the upgrade of the vehicular access serving the development has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.” However, the SYSTRA Information Note submitted to discharge this condition repeatedly describes the proposed timetable as **“indicative”**. It also expressly states that the timetable **“may be subject to alteration by the designated contractor.”** This causes us concern. If Condition 9 requires a timetable to be approved by the Council and the development thereafter to be implemented in accordance with those approved details, we ask how an indicative timetable which may subsequently be altered by a contractor provides the certainty required by the condition. We therefore ask MSDC to establish a sufficiently definite and enforceable timetable before Condition 9 is discharged.

4. Unresolved question concerning the emergency access

Of particular concern is an editing/comment note which remains visible within the submitted Condition 9 Information Note: **“Does this also include the emergency access?”** Given the long history surrounding the secondary/emergency access to this development, we consider this highly significant. It appears that somebody involved in preparing or reviewing the document questioned whether the access timetable included the emergency access, but the submitted document does not appear to provide a clear answer. We therefore ask MSDC to obtain an unequivocal response before Condition 9 is discharged.

The Council should establish:

- whether the Condition 9 timetable includes the approved secondary/emergency access;
- if it does not, what approved mechanism governs the construction or upgrading of that access;
- when that access must be completed and operational;
- whether any further highway or other approvals are required; and
- that the emergency access arrangements being relied upon correspond precisely with those forming part of the extant planning permission.

We do not believe such an important matter should be left unresolved in a document seeking discharge of a pre-commencement condition.

5. Other unresolved elements of the access timetable

The Condition 9 submission contains several matters which remain uncertain. For example, drainage works are identified as **“TBC”**, utility surveys are referred to as being undertaken “if required”, and the document assumes that the necessary permits and technical approvals will subsequently be obtained. It also explains that further highway processes may include traffic management plans, signage, possible diversion routes, permits, build plans and supporting programmes. We appreciate that certain detailed highway approvals may legitimately occur through separate statutory processes. However, before discharging Condition 9, we ask MSDC to satisfy itself that the timetable it is approving is sufficiently certain to meet the actual wording and purpose of the condition and that substantive changes cannot subsequently be made by a contractor without appropriate approval.

6. Firefighting water - DM/26/2007

We have already submitted a detailed separate representation concerning fire safety under DM/26/2007, which is now published on the planning portal. We do not propose to repeat those representations here. However, we believe the subsequent consultation response from West Sussex

Fire & Rescue Service dated 14 August 2026 requires particular attention. WSFRS states that the firefighting water tanks shown on the submitted plan must be **in place and ready for use prior to the installation of the BESS units**. WSFRS also specifically asks to be informed when the tanks are in place and ready for use and explains that failure to have the necessary water supplies available before BESS installation increases risk in the event of a fire. We therefore respectfully request that MSDC ensures that this requirement is expressly secured. In particular, we ask that **no BESS unit is installed until the required firefighting water tanks are installed, operational and ready for immediate firefighting use and WSFRS has been informed accordingly**. We would also ask the Council to consider obtaining confirmation from WSFRS that the firefighting water provision is ready for use before installation of the BESS units begins.

7. DM/26/2158 - Biodiversity CEMP

We remain concerned about the extent to which important ecological matters appear to be deferred until shortly before construction or until the construction programme has been finalised. The Biodiversity CEMP acknowledges reliance upon earlier ecological baseline information and proposes a further walkover approximately 8-12 weeks before construction, with further surveys potentially being undertaken if considered necessary at that stage. The document also gives the Ecological Clerk of Works an important role, but aspects of the timing and frequency of ecological attendance appear dependent upon the future construction programme and subsequent decisions. Condition 5 specifically requires information concerning the location and timing of sensitive works and the times during construction when specialist ecologists need to be present. We therefore ask MSDC to consider carefully whether sufficient information has actually been provided now to discharge Condition 5, rather than important elements being determined after discharge. This is especially important for protected species, breeding birds, vegetation clearance and Great Crested Newts. Any future surveys identifying additional ecological constraints should result in appropriate mitigation being formally agreed before the affected work proceeds.

8. Coordination between DM/26/1906 and DM/26/2158

The Great Crested Newt arrangements cannot sensibly be considered in isolation from the Biodiversity CEMP. The NatureSpace documentation contains specific requirements concerning ecological supervision, reasonable avoidance measures, vegetation management, capture/exclusion where applicable and the timing of works. We ask MSDC to ensure that the measures approved under Condition 5 are entirely consistent with the District Licensing requirements under Condition 4. There should be no situation in which one discharged condition permits a method or programme of working inconsistent with the ecological safeguards relied upon to discharge another.

9. DM/26/2159 - Construction Environmental Management Plan

We also have concerns about the number of matters within the main CEMP which appear to remain for future determination. Amongst the matters identified in the documentation are arrangements where details are to be established, agreed, prepared or provided at a later stage. These include aspects of construction traffic management, temporary drainage arrangements, emergency arrangements and other construction management details. The CEMP also indicates that a defined HGV route will be established, rather than providing complete certainty within the document currently before the Council. Given the nature of Wineham Lane and the surrounding rural road network, we consider the construction traffic arrangements particularly important. We therefore ask MSDC to satisfy itself that all information expressly required by the relevant planning condition is actually contained within the document being approved and is not being deferred until after discharge. Where the condition requires details to be submitted to and approved by the LPA before commencement, we believe those details should be available and capable of being enforced before the condition is discharged. Any materially revised CEMP should also be subject to appropriate scrutiny rather than simply being treated as an informal post-discharge update.

10. HGV route, deliveries and Wineham Lane

The construction documents indicate a substantial number of construction vehicle and HGV movements. We therefore consider it essential that the approved arrangements clearly establish the routes construction traffic will use. Wineham Lane is a rural lane used by residents, pedestrians, cyclists and equestrians and is not comparable to a purpose-built industrial access road. We ask MSDC and the Highway Authority to ensure that appropriate arrangements are in place for:

- the approved HGV route;
- prevention of HGVs waiting or queuing on Wineham Lane;
- delivery scheduling;
- appropriate off-highway arrangements if vehicles arrive early;
- traffic management where required;
- protection of highway verges and drainage;
- mud and debris on the highway; and
- the repair of damage caused by construction traffic.

We would also strongly request a **photographic/video highway condition survey**

before construction traffic commences, so that the pre-construction condition of Wineham Lane and affected verges can be objectively established.

11. Construction working hours

We are particularly concerned by the proposed construction hours of **07:00 to 19:00 Monday to Saturday**. A 19:00 finish would potentially expose nearby residents to construction noise, machinery and vehicle movements for twelve hours a day. We consider a 19:00 finish, particularly on Saturdays, excessive for this rural location. We respectfully request that MSDC requires the following construction hours:

Monday to Friday: 07:00-17:30

Saturday: 07:00-12:00 noon

Sundays and Bank/Public Holidays: No construction work

We also request that construction deliveries and HGV movements are restricted to the same hours. Any genuinely exceptional work outside these hours should require **prior written approval from MSDC**, except in a genuine emergency, rather than simply allowing notification to be given afterwards or “where practicable”. This would still provide a substantial working day during the week while giving residents reasonable respite during evenings, Saturday afternoons, Sundays and Bank Holidays.

12. Emergency and incident arrangements

Given the nature of a large BESS development, we ask MSDC to distinguish carefully between construction emergency arrangements and the operational fire-safety arrangements for the completed facility. Where the relevant CEMP condition requires emergency procedures during construction, those procedures should in our view be sufficiently developed before construction begins. They should not depend upon significant information being prepared only after the relevant condition has already been discharged.

13. Piecemeal discharge of interrelated conditions

Our overriding concern is that these applications are being considered separately even though many of the issues overlap. The access arrangements affect the CEMP. The construction programme affects ecology. Vegetation clearance and preparatory works affect the Great Crested Newt licensing requirements. The installation programme affects the requirement for firefighting water to be available before BESS units are installed. The HGV arrangements affect Wineham Lane and the timing of the access works. The emergency access is directly relevant to the safe operation of the development. We therefore respectfully ask MSDC to assess **DM/26/1906, DM/26/2007,**

DM/26/2158 and DM/26/2159 together insofar as their requirements overlap, rather than discharging individual conditions without first ensuring that the documents are mutually consistent.

14. Our request to Mid Sussex District Council

Before the relevant conditions are discharged, we respectfully ask MSDC to:

1. confirm that all submitted plans and documents correspond with the extant lawful development and do not incorporate changes refused under DM/26/1671;
2. ensure that the separate formal Great Crested Newt District Licence authorisation required from MSDC is obtained before any relevant works commence;
3. resolve the apparent uncertainty in the Condition 9 submission concerning whether the timetable includes the secondary/emergency access;
4. require a sufficiently definite and enforceable access-upgrade timetable rather than one which can simply be changed subsequently by the appointed contractor;
5. ensure that the firefighting water tanks are fully installed and ready for use before any BESS units are installed and that WSFRS is informed accordingly;
6. ensure that the ecological safeguards under DM/26/1906 and DM/26/2158 are consistent and that important mitigation is not deferred until after discharge;
7. ensure that all construction-management information expressly required by the relevant condition is provided before DM/26/2159 is discharged;
8. establish clear and enforceable HGV, delivery and traffic-management arrangements;
9. require a pre-construction photographic/video condition survey of Wineham Lane and affected highway verges;
10. restrict construction and associated HGV/delivery hours to **07:00-17:30 Monday to Friday, 07:00-12:00 Saturday, with no construction work on Sundays or Bank/Public Holidays**, except for genuine emergencies or work specifically approved in writing beforehand by MSDC;
11. ensure that any substantive amendments or additional information submitted in connection with these applications are appropriately scrutinised and, where necessary, subject to further consultation.

Conclusion

We appreciate the considerable amount of technical documentation that accompanies these applications. However, the purpose of pre-commencement planning conditions is to resolve important matters **before development commences**. Our concern is that a number of the documents presently before the Council use terms such as “indicative”, “TBC”, “if required”, “will be established”, “will prepare” or otherwise leave matters to subsequent decisions by contractors or consultants.

We therefore respectfully ask the Council not to discharge a condition simply on the basis that a process for resolving a matter later has been identified where the condition itself requires the

relevant details to be submitted and approved beforehand. With a development of this scale and nature, we believe clarity before commencement is in the interests of the applicant, the Council, statutory consultees and, importantly, the surrounding community.

We would be grateful if this representation could be placed on the public planning records for:

DM/26/1906

DM/26/2007

DM/26/2158

DM/26/2159

We would also appreciate confirmation that the matters raised above have been considered before decisions are made on the discharge of the respective conditions.

