

Mr J Wallwork
Mr Nicholas Leaney
Aardvark EM Limited
Higher Ford
Wiveliscombe
Taunton
TA4 2RL

TOWN AND COUNTRY PLANNING ACT 1990 (SECTION 96A)
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE
ENGLAND) ORDER 2015

REFERENCE: DM/26/1068

DESCRIPTION: NON MATERIAL AMENDMENT TO APPLICATION DM/23/0769 -
TO ACCURATELY DESCRIBE THE DEVELOPMENT AS PER THE
APPLICATION FORM.

LOCATION: LAND ADJACENT TO BOLNEY SUBSTATION , BOB LANE,
TWINEHAM, WEST SUSSEX

DECISION DATE: 13 MAY 2026

CASE OFFICER: STEVEN KING - STEVEN.KING@MIDSUSSEX.GOV.UK

In pursuance of its powers under the aforementioned Act, the Council hereby notify you that they **APPROVE** the Non-Material Amendment for the above development in accordance with the plans and particulars submitted with your application received on 28 April 2026 for the following reason(s):

1. This application seeks to make the following amendment to the previously approved scheme (DM/23/0769), which granted planning permission for the construction of a battery energy storage system.

As approved, the description of the application was as follows: 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).

The applicants wish to amend the description to read as follows: Construction and operation of a battery energy storage system together with all associated equipment, ancillary infrastructure and landscaping.

As originally submitted this non-material amendment application was also seeking consent for changes to the layout of the equipment within the development. However following advice from your officer that these changes were not non-material amendments, these have been removed from the application, and it now solely relates to the proposed change in description.

The Planning Practice Guidance (PPG) contains the governments guidance on how a proposal that has planning permission can be amended. The guidance advises 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 in order to grant an application under section 96A of the Town and Country Planning Act 1990.'* Paragraph: 002 Reference ID: 17a-002-20140306.

The proposed change to the description of the application will not make any change to the content of the development. Therefore, this can be approved as a non-material amendment to the original planning permission.

Human Rights Implications

The planning application has been considered in light of statute and case law and any interference with an individual's human rights is considered to be proportionate to the aims sought to be realised.

Please note that the existing planning permission still stands, and that the conditions imposed upon it continue to apply, except that the plans listed below can be substituted for the originally approved plans.



Eric Owens
Interim Assistant Director Planning and Sustainable Economy

PENONMZ

