



Shermanbury Parish Council

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

28th September 2026

Dear Sir,

Re: Land East of Wineham Lane, West Sussex DM/21/2276

I write as Chair of Shermanbury Parish Council with regards to the recent submissions made by the developer, Elements Green -

- DM/26/2326 Application to discharge planning condition No 2
- DM/26/2158 Application to discharge planning condition No 5
- DM/26/2159 Application to discharge of planning condition No 8
- DM/26/2007 Application to discharge planning condition No's 9, 10 and 11
- DM/26/2327 Application to discharge planning condition 12

This letter is focused on these recent submissions but will also cover our longstanding concerns around this developments' safety, environmental and community impact.

Context

On 15th September 2026 Shermanbury Parish Council met with representatives from Elements Green ('the developer') to discuss our concerns. We set out our desire to work collaboratively with the developer and welcomed their commitment to comply with the National Fire Chiefs Council (NFCC) latest guidance on grid scale battery storage facilities.

During this meeting we asked if there was more information available around the development, including level plans and site-specific information. We were told this detail was not yet available as they were progressing through detailed design. We note that applications DM/26/2326 (discharge condition 2) and DM/26/2327 (discharge condition 12) were submitted on the 22nd of September. We were disappointed that the developers did not feel able to share this information with us at our meeting.

Given that application DM/26/1671 (non-material amendments) was refused, the developers advised us that they were reverting to their original consented plans. This is of significant concern to us as we maintain the view that the originally consented plans do not clearly demonstrate compliance with all aspects of the current NFCC guidance. We recognise that the revised guidance is not retrospective, but the developer has indicated its intention to design the facility in accordance with the latest guidance

We suggest there are three key themes running through the 5 applications to discharge the pre-development planning conditions. First, an evident lack of supporting detail to allow any meaningful assessment of whether the wording and purpose of the conditions have been met. Second, confusion around whether the conditions are based on the consented plans or the plans within the refused non-material amendments submitted in DM/26/1671. The Parish Council are concerned that the lines between the original consented application and application DM/26/1671 may be starting to blur. Third, an increasingly evident lack of consultation with local communities by the developer. The developer has advised us that they wish to engage locally, and we will facilitate this as may be requested.

The Parish Council have been clear from the outset that we are supportive of green energy initiatives. Further, this is a community that is accustomed with large infrastructure installations on our doorstep, i.e. the 23-acre 400KV Bolney substation. However, given the lack of regulation of grid scale battery energy storage systems and the challenges of the consented location, it is vital that safety, environmental and community impact concerns are thoroughly assessed by MSDC. In determining our position on the recent submissions, the Parish Council have consulted with professional experts from fire safety, emergency planning, and construction management. I will set out our representations below.

DM/26/2326 Discharge of planning condition 2 – Hard and Soft Landscaping

The Parish Council consider conditions 2 and 12 (site-levels) to be fundamental to mitigating the environmental impact of the site. We consider both conditions to be closely related, and there will be some read across to our comments on condition 12 below.

At our meeting with the developers on 15th September 2026, the developers advised us that they were unable to provide information on the detail of site levels and associated matters because they were still in detailed design. We are therefore surprised to see this submission.

This application states that the site cannot be seen from a public road or public right of way. This is inaccurate. The site is clearly visible from Wineham Lane and a number of wider aspects. This reinforces why landscaping is vital to protecting the character of the area and why the wording of this important pre-development condition is so precise. The application does not, in our opinion, provide sufficient supporting detail to satisfy the heads 2A to 2F. The condition itself requires the provision of *'precise details of hard and soft landscaping.'* Further detail is clearly required.

We therefore ask MSDC to confirm that the 2026 landscaping scheme corresponds precisely with the development approved under DM/21/2276 and assess it against the final approved site levels (condition 12) so that the true visibility of the equipment and infrastructure from Wineham Lane and other public rights of way is understood. Further, we ask that MSDC assess the proposed landscaping on the screening it will provide when the BESS first becomes operational, not merely once planting has matured some years later. It is hard to see how the detail of this condition has been met until the detailed design phase, including the actual number of BESS units to be deployed, is completed.

We also request that particular attention be given to the secondary/emergency access onto Wineham Lane, as required visibility splays may prevent planting from achieving the height or density relied upon for screening. Further, the road at the main access is subject to national speed limit of 60mph. In order to achieve the required visibility for emerging vehicles we are concerned that a significant amount of the mature hedgerow will need to be removed in both directions. To achieve acceptable visibility to the north, the hedgerow may require removal as far up as the emergency access point. We request sufficient clarity of the plans to ensure that the visual impact of these significant works are properly mitigated.

More widely, it is not yet clear how the landscape plan will support management of rainwater, chemical spillage, or toxic run-off of firewater in the event of a fire.

The Parish Council are not sighted on whether these plans have been produced by desktop assessment or from a site visit. However, on the assumption that the required detail is provided, before this condition is formally considered to be discharged, the Parish Council would request a site visit with MSDC planning to confirm the visibility from Wineham Lane and other public rights of way.

The Parish Council submits that before discharging Condition 2, MSDC should therefore request provision further 'precise detail' to evidence how the detail and purpose of the condition is to be met.

DM/26/2158 Discharge of planning condition 5 – Biodiversity CEMP

The Parish Council have carefully reviewed the Biodiversity CEMP. Whilst the acceptability of this document will properly be a matter for suitable professionals, we hold significant concerns that the Biodiversity CEMP does not yet demonstrate that the requirements of the condition have been fully satisfied and are enforceable. Specifically, Biodiversity Protection Zones are not comprehensively identified on a definitive site plan, mandatory ecological hold-points and Ecological Clerk of Works (ECoW) attendance are not clearly prescribed, and the document expressly allows the ECoW to "deviate from the method statement," notwithstanding the condition's requirement for strict compliance unless otherwise agreed in writing by the Local Planning Authority. This requires clarification and additional information.

The document also relies materially on future ecological judgement and surveys, even though its baseline evidence dates from 2020 and the proposed walkover may trigger further survey work or revised mitigation. In our view, these matters leave ecological safeguards insufficiently fixed at this stage.

Further, we are concerned that given the passage of time since approval, the proposed works to the access routes to the site will now require significant removal of hedgerow and mature trees and that condition 9 is viewed in light with the requirements of condition 2 (F) and condition 20.

The Parish Council submits that Condition 5 should therefore remain undischarged pending a revised CEMP containing mapped protection zones, defined ECoW attendance requirements, appropriate species-specific measures, and a clear requirement for MSDC approval of any material change to the approved mitigation.

DM/26/2159 Discharge of planning condition No 8 – CEMP

The Parish Council have set out their concerns to the developers regarding the CEMP in for far as it appears to be largely a generic plan with limited site-specific detail. The Parish Council take the view that the CEMP should be written specifically to the site it relates to and addresses areas that will be of direct concern to the community. The Parish Council question how the volume of heavy good vehicle movements can be sensibly assessed when the developers do not have any construction details upon which to quantify the volume of materials going into the site. At our meeting of the 15th of September, the developers were unable to provide information on this and did not have detail when asked the question of what volume of materials would be leaving the site. In our submission, the CEMP as currently submitted, cannot therefore be used to discharge the purpose of condition 8.

We suggest the following information is required:

- The number of vehicle movements needs proper and robust modelling based on confirmed design e.g. number of BESS units, materials in bound and out bound (note interdependencies with other pre-development conditions).
- The approach routes need to be consulted upon and agreed
- Control measures need to be consulted upon and agreed
- Impact mitigation on Wineham Lane is not wide enough for two HGVs to pass safely without driving onto the verges which would cause significant damage and risk to pedestrians, cyclists and horse riders (The Parish Council already have significant concerns around road safety in the lane and have recently submitted an application for a Community Safety Highways scheme to WSCC)
- Consultation on working hours - The consented working hours ideally need to be reduced to 0800 x 1700 with no weekend or bank holiday working because Wineham Lane sees heavy weekend use by cycling clubs and local equestrian facilities.

The Parish Council also note the interdependency with conditions 2 and 3 and agree with WSCC Highways response that further detail is required. It will not be acceptable to the Parish Council nor the impacted communities for the CEMP as submitted to be considered adequate to discharge condition 8. This is a critical area that will affect the local communities and requires robust assessment by MSDC and WSCC. We welcome the WSCC suggestion that delivery timeslots are restricted to avoid peak traffic hours.

We would further ask that an opportunity for local consultation with our community is built into the decision making. This is something that Shermanbury Parish Council would be happy to facilitate.

The Parish Council submit that this condition should remain undischarged until the required level of clarity and detail can be provided.

DM/26/2007 Discharge of planning condition No's 9, 10 and 11

Condition 9 Access Upgrades – This condition is directly about public safety and the ability to access the site to mount an effective firefighting effort. However, given the fact that the access points are immediately opposite a residential development this condition also impacts on the ability to safely evacuate residents. We remain concerned around the lack of detail within the submission, with references 'if required' and 'TBC.' The timetable appears to be generic and not site specific to this development. This does not provide the certainty that the local community expects and deserves.

Further, the initial submission has an embedded comment that states ‘does this also include the emergency access.’ The fact that the emergency access has been designated ‘entry’ only is concerning.

The Parish Council have longstanding concerns around the viability of the secondary emergency access. The consented DM/21/2276 layout provides a secondary emergency entrance north of the main access, with both entrances connecting to Wineham Lane and an internal route around the site. Although West Sussex Fire & Rescue Service accepted this arrangement when the application was determined, the revised NFCC guidance places greater emphasis on maintaining safe alternative access where smoke or toxic vapour may compromise an approach and identifies fire-appliance access standards including adequate road and gateway widths, turning facilities and limits on reversing distances. The consented documentation does not clearly demonstrate compliance with the current standards, and both site entrances remain on the same side of the development and only 70 metres apart. The emergency entrance is also to the north of main entrance and designated for egress only. With the majority of emergency vehicles arriving via the A272 to the north the flow of traffic on this narrow road may be further compromised.

Further, there has been no consideration of how major incident response principles will operate within the limited confines of Wineham Lane particularly given the emergency evacuation points for the residents of the Royal Oak Country Park. The Royal Oak Country Park lies immediately opposite the proposed BESS. In the event of a serious fire or toxic-plume incident requiring evacuation, the emergency services and relevant local authorities would have roles in evacuation, emergency welfare, and rest-centre arrangements. Where residents were unable to return for a prolonged period, additional accommodation and welfare arrangements could also arise depending upon individual circumstances.

The Parish Council have identified this as an important cross-boundary issue because the site lies within Mid Sussex District while the residents most immediately exposed fall within Horsham District. The emergency plans should therefore demonstrate that a coordinated, practicable evacuation and welfare plan has been agreed with West Sussex Fire & Rescue Service, Sussex Police, West Sussex County Council and Horsham District Council, including safe evacuation routes, provision for vulnerable residents and arrangements for residents who may be unable to return to their homes for a prolonged period. We have raised this with Horsham DC and would ask for the support of MSDC to assist in convening a meeting with our emergency planner and emergency planners from the relevant Category 1 responders set out above.

The Parish Council submit that condition 9 should remain undischarged at this time until the required level of clarity and detail can be provided around the compliance of the secondary access route, whether it is covered in this application and a site-specific timetable.

Condition 10 Water Supplies – This condition is directly about public safety and the ability to mount an effective firefighting effort. We are concerned that the submission relates to the revised plans in DM/26/1671 which was refused. The WSF&RS response of 14th August 2026 is based on DM/26/1671 stating that (sic), “*WSF&RS consider the B5 requirements for Fire Service access and the supply of water for firefighting, and the site is therefore compliant*”. Therefore, consultation responses published on the portal appear to be based on the revised, rather than the original consented plans. MSDC should not rely upon the 14 August WSFRS consultation response to discharge Condition 10 unless WSFRS confirms that its conclusions remain applicable to the original DM/21/2276 scheme now proposed for implementation.

The consented condition does not appear to meet the current NFCC requirements. This requires clarification and should be tested against a range of reasonably predictable scenarios by WSF&RS. The Parish Council submit that this condition should remain undischarged until the required level of clarity and detail can be provided.

Condition 11 Design of security booth – The submitted plans are brief and provide very limited information. The requirements and purpose of the condition are clearly set out in the MSDC letter of 5th September 2026. The Parish Council remain concerned around the visual impact and proximity to The Royal Oak public house. More detail is required to provide reassurance to the local community. The Parish Council submit that this condition should remain undischarged until the required level of clarity and detail can be provided.

DM/26/2327 Discharge of planning condition 12 – Site Levels

We are again concerned at the lack of clarity, detail, and some material inaccuracies within this submission. There is a lack of clarity around the detail of the bunds for the units and a factual inaccuracy around whether the site can be seen from a public road, public footpath, bridleway, or other public land. The application notes the response to be ‘No,’ which is not correct. This is a very important detail in terms of the visual impact on the local environment. Again, we are concerned that there is a lack of clarity on whether this is predicated on the consented position or is merging with the refused application DM/26/1671.

The developers advised us that they were unable to provide information on the detail of site levels and associated matters because they were still in detailed design. We note that on some of the level plans it states, ‘Site levels removed at the request of the client’ and dates this entry on 10th September 2026. We therefore suggest that the following information is required before this application can be properly considered –

- Confirmation that the plans submitted with DM/26/2327 are fully compliant with the consented plans in DM/21/2276
- Confirmation of the details of the bunds and confirmation that the development does not prejudice the appearance of the locality and protects local watercourses
- Confirmation that the proposed site levels are compliant with the visual assessments upon which the original consent was granted.

The Parish Council are not sighted on whether these plans have been produced by desktop assessment or from a site visit. However, on the assumption that the required detail is provided, before this condition is formally considered to be discharged, the Parish Council would request a site visit with MSDC planning to confirm the visibility from Wineham Lane and other public rights of way.

Conclusion

Shermanbury Parish Council will continue to press hard on ensuring that this development is designed and operates safely, that its impacts on the environment and local community is appropriate minimised. Whilst we were disappointed that consent was given in what is, in our view, a clearly unsuitable location, we welcomed the range and extent of the pre-development conditions. These conditions have a clear purpose and are not simply administrative processes where submission of a generic framework-level document can be deemed satisfactory. This fundamentally comes down to questions of public safety, impact on the environment and impact on the local community. It is our duty to champion these on behalf of our communities.

The Parish Council recognises that DM/21/2276 remains an extant planning permission and that, following the refusal of DM/26/1671, the developer is seeking to implement the originally consented scheme. This makes it particularly important that MSDC establishes precisely which scheme the present condition-discharge submissions relate to and that the plans are not deviating from those consented.

In particular, where matters concern fire safety, emergency access, firefighting water provision, construction management or environmental protection, the Parish Council considers that the relevant consultees should be asked to confirm that the originally consented scheme, as now proposed to be implemented, can satisfy the current detailed requirements of the conditions and relevant safety guidance.

Before any conditions are discharged, the Parish Council requests confirmation that the information submitted relates wholly and consistently to the development as consented under DM/21/2276, and does not depend upon any design, layout, equipment, or mitigation measure forming part of the refused DM/26/1671 proposal. We further request a meeting with MSDC planning team when the submissions have crystallised with sufficient detail. This is a complex application with a significant amount of information now on file. We believe a meeting would greatly assist communication. We will continue to engage with the developers and are available to facilitate a consultation with our communities on matters impacting on safety, the environment or the community would be welcomed.

I look forward to your confirmation that this letter has been received and will receive due consideration.

Yours sincerely,

Trevor Brown

Trevor Brown
Chair Shermanbury Parish Council

cc. Councillor Robert Eggleston, Leader of Mid Sussex District Council.