



Appeal Decisions

Hearing held on 27 January 2026

Site visit made on 28 January 2026

by Darren Hendley BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decisions date: 9th March 2026

Appeal Ref: APP/G5180/W/25/3367930

Land off Vulcan Way, north of Warbank Social Club, Layhams Road, Keston BR2 6AR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Anna Murray, Penso Power Limited against the Council of the London Borough of Bromley.
 - The application Ref is 24/04681/FULL1.
 - The development proposed is the installation of a Battery Energy Storage System (BESS) together with associated ancillary infrastructure, equipment and access arrangements.
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Appeal Ref: APP/L5240/W/25/3367362

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- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Anna Murray, Penso Power Limited against the Council of the London Borough of Croydon.
 - The application Ref is 25/00092/FUL.
 - The development proposed is the installation of a Battery Energy Storage System (BESS) together with associated ancillary infrastructure, equipment and access arrangements.
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Decisions

1. The appeals are allowed and planning permission is granted for the installation of a Battery Energy Storage System (BESS) together with associated ancillary infrastructure, equipment and access arrangements at land off Vulcan Way, north of Warbank Social Club, Layhams Road, Keston BR2 6AR in accordance with the terms of the applications, Refs 24/04681/FULL1 and 25/00092/FUL, subject to the conditions in the attached schedule.

Procedural Matters

2. The appeals concern a proposal for a battery energy storage system that involves land which crosses the administrative border between the London Boroughs (LB) of Bromley and Croydon. The proposed access and the western boundary would lie within the LB Croydon, while the remainder of the proposal would be within LB Bromley. The appellant for both appeals is also the same. Accordingly, and while the appeals remain separate from one another, they are conjoined for the purposes of consistency and decision-making. The same site address is used for the same reason.

3. The appeals were submitted on the basis of the failure of the respective Councils to determine the planning applications within the prescribed period. Both Councils submitted appeal statements and Officer Reports which set out their putative reasons for refusal. In the case of LB Bromley, this concerned Green Belt, character and appearance and the effect on biodiversity interests. LB Croydon's concerns related solely to biodiversity.
4. While the Councils were considering the respective applications, they issued Screening Opinions under The Town And Country Planning (Environmental Impact Assessment) Regulations (2017) (EIA). Both considered the proposal was not EIA development. The Secretary of State agreed during the course of the appeals with this conclusion.
5. Also, during the course of the appeals, the appellant submitted further ecology surveys, details of mitigation and an associated Unilateral Planning Obligation by Deed under Section 106 of the Town and Country Planning Act 1990 (UU). Both Councils commented on this additional evidence and in the interests of fairness, consultation was undertaken on it with Interested Parties. This led to both Council's withdrawing their objections on biodiversity grounds, although not at the time that the appeals were submitted and it remains a concern for Interested Parties. A final version of the UU was submitted a short time after the hearing was closed.
6. In the run up to the hearing, the appellant added a number of documents to an appeal list that the appellant had compiled. I only accepted the documents on that list in as far as they related to the submissions from the parties set by the appeals' timetable. While I note that the appellant considered that the Councils already had sight of the additional documents, I was concerned that Interested Parties would not have been aware of those documents in making their representations. I also made it clear that I was not seeking comments on the consultation draft version of the National Planning Policy Framework (Framework), which the appellant also added to this list. The hearing proceeded on the version of the Framework that is dated December 2024.

Main Issues

7. Accordingly, the main issues are (i) whether the proposal constitutes inappropriate development in the Green Belt for the purposes of the Framework and development plan policy; (ii) the effect on the openness and purposes of the Green Belt; (iii) the effect on the character and appearance of the area; (iv) the effect on biodiversity interests, in particular protected and priority species, the skylark and Biodiversity Net Gain (BNG); and (v) if it is inappropriate development, whether the harm by reason of inappropriateness and any other harm, is clearly outweighed by the other considerations, so as to amount to the very special circumstances necessary to justify the development.

Reasons

8. The site comprises part of a field which lies to the east of industrial units along Vulcan Way. While historically the field has been used for agricultural purposes, it has been left fallow and other types of vegetation have started to take root. A Public Right of Way (PRoW) runs close to its north boundary. Apart from the boundaries with a belt of trees which separates the site from Vulcan Way, a hedge line along the north boundary and a small area of trees to the east, the remaining

boundaries of the site within the field are irregular and indistinct. It is understood this is due to land ownership matters.

9. The field extends well to the south of the site towards Warbank Social Club. An undulating topography of fields which are in agricultural use are found to the north and east. High voltage power lines and associated pylons are also visible to the north, as is more distantly the urban conurbation of London as viewed from the elevated position of the site. Rowdown Wood, to the north west, is also a notable feature. Where the site lies within LB Bromley, it is found within the Green Belt.

Green Belt – Inappropriate Development

10. Policy 49 of the LB Bromley Local Development Framework Local Plan (2019) (BLP) sets out that within the Green Belt permission will not be given for inappropriate development unless very special circumstances can be demonstrated that clearly outweigh the harm by reason of inappropriateness or any other harm. The construction of new buildings on land falling within the Green Belt will be inappropriate, unless it is for one of the purposes set out in the policy. The proposal is not for such a purpose.
11. Paragraph 153 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. There is also agreement between the main parties that the site does not constitute grey belt land. None of the provisions in the Framework which concern exceptions to inappropriate development in the Green Belt apply. Accordingly, when judged against the Framework and Policy 49, the proposal would be inappropriate development in the Green Belt.

Green Belt – Openness and Purposes

12. Openness is an essential characteristic of the Green Belt, as identified by paragraph 142 of the Framework. As the proposal would constitute an enclosed and built form of development, it would clearly reduce the spatial openness of a site which is currently devoid of development. It would also increase the likelihood of vehicles on the site, albeit this would be largely concentrated during the construction period. As the northern part of the site would be left without structures, this would temper the adverse effect to some degree.
13. In considering the visual impact of openness, much of the southern boundary would not be screened, irrespective of the limited public views from this direction. While there would be greater screening by existing planting or proposed landscaping along or close to other boundaries, there would in all likelihood be residual visibility. Even when the landscaping becomes more established, an adverse visual impact on openness would be likely apparent and especially of the substation element of the proposal. This is due to the height of some of the associated apparatus.
14. It is intended that the proposal would be for a temporary time period. Even so, there would be a loss of openness over the proposed 30 years. As there would be an adverse impact, it would not preserve the openness of the Green Belt.
15. The proposal would involve built development in a location which has some broader countryside characteristics. The site constitutes part of a field and is in proximity to other fields, as well as the presence of trees and hedgerows. It would

therefore conflict with the Green Belt purpose of assisting in safeguarding the countryside from encroachment, under paragraph 143 of the Framework. To a lesser degree, it would also conflict with the purpose of to check the unrestricted sprawl of large built-up areas. This is due to the proximity to the Vulcan Way development.

16. It would not though conflict with the Green Belt purpose to prevent neighbouring towns merging into one another because there would be some distance to other development, apart from Vulcan Way. Nor is there substantive evidence that it would conflict with the urban regeneration purpose by undermining the delivery of any such scheme on derelict and other urban land.

Character and Appearance

17. The site lies within the Upper North Downs Dip Slope Landscape Character Type (LCT), under London's Natural Signatures: the London Landscape Framework (2011). It is a rolling chalkland landscape comprising of grassland, with woodland, trees and hedgerows. The site and the immediate surroundings demonstrate a number of these key influences and design clues. The site itself is grassland, as is found in nearby fields. Trees and hedgerows are found on and close to the site, and Rowdown Wood contains areas of Ancient and Semi Natural Woodland, albeit the Ancient Woodland is some distance from the site. The tree belt to the west also provides a firm separation from development on Vulcan Way, and the Warbank Social Club and its associated structures is distant. Even with the presence of the pylons within the LCT, the area does exhibit a high-medium sensitivity.
18. The field and grassland landscape character aspects of the site itself would be notably diminished by the proposal. Much of the field would be given over to rows of battery units and associated power conversion systems, with maintenance tracks in between. The remainder of this part of the site would contain the substation and customer switchgear. The creation of the proposed access from Vulcan Way would sever the tree belt. The proposal would be enclosed by security fencing. None of these elements relate to the key influences and design clues of the LCT. It would also loosen the urban edge which is formed by Vulcan Way.
19. The proposed planting, in particular in the northern part of the site would positively contribute to the landscape character, as would maintaining part of this area as an open feature. However, the site overall would take on an engineered and functional character related to the proposed use. As a consequence, it would be a discordant feature in this part of the LCT over the temporary time period for which the permission is sought.
20. In respect of the visual impacts, in particular where the PRow passes through the site, the proposal would represent a short distance adverse change over the temporary time period sought. This is ably shown by the submitted viewpoint evidence in the appellant's Landscape and Visual Appraisal. Over time, this effect would lessen as the proposed tree planting adjacent to the PRow matures. However, this would take a number of years and at least in the interim, the experience of users of this recreational route would clearly change while the site is traversed. In addition, despite the proximity of Vulcan Way, there is a sense of tranquillity and quietness for PRow users that would be disrupted by the physical

presence of the proposal together with operational noise, even if it is a low level hum.

21. The harm that would arise from the visual impact, like landscape character, would be of a localised nature. Where the PRoW forks beyond the site to the east, views towards the site become well screened and this continues as the land rises further away from the site with the trees and hedgerows in between. To the south, the nearest public vantage point is some distance away and heavily screened, and whilst there is public access to Rowdown Wood, the copious tree cover here provides able screening up to when the site is reached. From Vulcan Way, it would simply be seen as an extension of this industrial area.
22. While it has been suggested that the proposed planting would result in a beneficial effect to users of the PRoW, its function would be as a form of mitigation to lessen the harm that would arise from the proposal, rather than an enhancement. It may lessen visual effects arising from Vulcan Way, but users of the PRoW when passing through the site would be much more likely to be drawn to the proposal because of its proximity and as there is already a tree belt which separates it from Vulcan Way. This does not change my view on this issue.
23. In taking these considerations together, the proposal would have an unacceptable effect on the character and appearance of the area. Hence, it would not comply with Policies 37 and 60 of the BLP where they concern positively contributing to the landscape, landscape features, and attractive PRoW routes. It would also not accord with paragraph 187 of the Framework in this regard where it concerns enhancing the natural and local environment, in particular by recognising the intrinsic character and beauty of the countryside. I do not though find conflict with Policy 49 of the BLP on character and appearance grounds, as it is a policy which is solely concerned with the Green Belt.

Biodiversity Interests

24. The site is not the subject of protective ecological considerations but has the potential, along with its surroundings, to support a number of protected and priority species through grassland, and the trees and hedgerows. The proposal would result in the loss of grassland for the duration of the permission, as well as the trees to create the site access. The further ecological information submitted during the appeals sought in part to establish the presence or otherwise of the dormouse and bats as protected species and the extent to which they may be affected.
25. The dormouse surveys indicate that dormice are not present on the site. The surveys involved footprint tunnels where no dormouse footprints were found. The bat surveys included the use of remote bat monitors. Bat calls were recorded from the common and soprano pipistrelle, myotis and serotine species. Grassland habitats are proposed as embedded mitigation for bats, and arable use where bats may struggle to forage would not take place on the site for the duration of the proposal. Nor is external lighting proposed and so there would not be lighting impacts on bats. There are no outstanding matters with each Local Planning Authority and their advisors on protected species. Based on the evidence before me, I see no reason to disagree. On this basis, these protected species would not be adversely affected by the proposal.
26. In respect of priority species, the planting proposed would be advantageous to hedgehogs and field mice, and there are no records of the brown hare near to the

site. Breeding bird surveys were also submitted with two skylark recorded holding territories within the site. This was deemed to be associated with the on-site habitat, and skylark was also believed to be a probable breeder. Skylark birdsong was heard during the accompanied site visit. There is clear evidence of the presence of skylark and the proposal has the potential to result in a loss of breeding habitat and cause the displacement of their breeding territories for the duration of the permission.

27. In order to compensate for this loss of territories, land would be provided approximately 900 metres to the north east of the site and which is considered sufficiently local for skylark. It is under the same land ownership and would measure approximately 6.3 hectares in total, providing nesting and foraging habitat. The detail of the mitigation strategy would be secured by way of a condition, while the UU deals with implementation and maintenance matters. On this basis, able mitigation for the skylark would be provided.
28. The hearing established that the proposed BNG would be over 12%. It would therefore be in exceedance of the at least 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat. Hence, it would accord with this statutory requirement and comply with the Framework where it refers to net gains for biodiversity. The Biodiversity Gain Plan would be the subject of the statutory BNG condition that would apply to the proposal.
29. I conclude that the proposal would not have an unacceptable effect on biodiversity interests, in particular protected and priority species, the skylark and BNG. It would therefore comply with Policy G6 of the London Plan (2021), Policies SP7.4 and DM27 of the Croydon Local Plan (2018) and Policy 78 of BLP, which concern managing impacts and securing gain, decisions being informed by the best available ecological information, the green grid including biodiversity, and protected and other species. It would also accord with paragraph 187 of the Framework in this regard where decisions should contribute to and enhance the natural and local environment, including through biodiversity.

Other Considerations

Need

30. The proposal would enable energy from renewable sources to be stored so that when demand is high during peak times, the energy would then be released back into the electrical grid. It would contribute towards balancing the energy system which is said to have become more challenging through the closure of fossil fuel power stations, the intermittent nature of renewable energy sources and increased demand for electricity. It would thus aid a more efficient use of the grid.
31. In addition, there is clear backing from the Framework where it sets out the planning system should support the transition to net zero by 2050 and support renewable energy and associated infrastructure. Paragraph 168(a) sets out that significant weight should be given to the benefits associated with renewable and low carbon energy generation and the proposal's contribution to a net zero future. While the proposal would not generate renewable energy, it would form part of the associated infrastructure referenced in paragraph 168 as it would store such energy.

32. National Policy Statements for Energy EN-1, Renewable Energy Infrastructure EN-3 and Electricity Networks Infrastructure EN-5 are material considerations, and all recognise the role that electricity storage needs to play in meeting net zero, as does the UK Battery Strategy (2023) which identifies that grid scale storage will enable electricity to be used more flexibly and decarbonise in an effective way. The proposal would also contribute towards the 23 to 27 Giga Watt battery capacity target that is identified in the Clean Power 2030 Action Plan (2024).
33. In addition, the proposal would contribute towards providing a more secure and stable energy supply for the country as energy would be released when it is required. It would thus contribute towards UK energy security and resilience. As the energy that would be stored would have to pass through a substation into the national transmission network, there is no certainty that it would be used locally. Nevertheless, the principle need benefits by way of supporting renewable energy and energy security would apply, regardless of where the stored energy would ultimately be used.

Other Benefits

34. The site lies in proximity to the Lewes to London Roman Road and the necessary archaeological investigations which took place identified Roman remains in the north east part of the site, close to the PRoW. This area would not be developed, but rather the remains would be preserved. As agricultural activities would not take place over the duration of the permission, this would aid with its preservation, as ploughing or related activities would not occur. The proposed use of shallow grassland in this part of the site would further assist in preserving the remains. In addition, an information board or similar would be erected to explain the significance of the find to those which are using the adjacent PRoW. This is a clear benefit that would arise from the proposal.
35. During the duration of the construction period, the proposal would benefit the economy through construction and supporting employment, as well as the supply chain. Some of the spend would likely benefit the local economy as accommodation and local services are utilised. There would also be a more modest operational economic benefit through occasional maintenance activities.

Deliverability

36. It is intended that the proposal would connect to a National Grid (NG) electricity substation that lies a short distance to the north of the site. The appellant has received an offer from NG to connect to this substation. The cable route that would connect the proposal to the substation does not form part of the proposal that is for my consideration. The appellant's submissions up to the hearing set out that it would be either the subject of a separate planning application, or else Permitted Development rights would be utilised. The appellant clarified at the hearing it intended to make use of the latter.
37. While deliverability is not a major issue of contention, whether the proposal can proceed does have some bearing if the need benefits are to be realised. There are a number of matters which lie outside of the planning system that the appellant will need to attend to in order to be able to use Permitted Development rights for power related development. However, there is no substantive evidence which suggests this would not be achieved, in particular as an offer from NG has been

received and as the length of the cable route that would be required would be relatively short.

38. There is also no requirement for the appellant to demonstrate that either alternatives sites or substations have been considered. However, given the proximity of the substation and as the appellant had considered what land is available, there is a clear rationale in its site selection process that established why this site was chosen.

Agricultural Land

39. Paragraph 187 of the Framework gives protection to soils and recognises the benefits of Best and Most Versatile Agricultural Land (BMV agricultural land). Part of the agricultural land that would be temporarily lost to the proposal constitutes BMV agricultural land, amounting to 0.9 hectares of Grade 3a land. The area in question would be relatively small in the context of the site, and even more so with the general agricultural land availability in its vicinity. In addition, the BMV agricultural land would not be lost in perpetuity because a condition to require soil restoration would be imposed. While it is a matter also for consideration in the planning balance, there is no preclusion in this instance over the loss of BMV agricultural land through development plan or national planning policy.
40. Nor would the proposal result in an undue effect on a farming operation or its economic contribution. At the time of my site visit, the land appeared to have been ceased to be used for agricultural purposes. The same applies regarding the land in the field which adjoins the irregular site boundaries.

Other Matters

41. The appellant submitted an outline Battery Safety Management Plan with the planning applications, which had been prepared with regard to National Fire Chiefs Council guidance. This details a number of measures to both lessen the likelihood of fire and to deal with a fire event if it was to occur. I was also informed what such measures would be at the hearing. These include that the batteries would be designed to contain fire, the provision of adequate water supply via hydrants if a fire was to occur, preventing contamination and plume measures so that passing aircraft would not be hindered. I was also informed at the hearing that discussions had taken place with the London Fire Service. In addition, the Environment Agency had recently withdrawn its related objection over the potential for land contamination, subject to a condition.
42. As all fire safety elements are not precisely known at this stage, there is still a need for a final Battery Safety Management Plan and an Emergency Response Plan so that the effect on public safety would not be unacceptable. It would be within the gift of the Local Planning Authorities to consult the London Fire Service and other consultees when those plans are submitted in order they adequately address fire related issues, including for the other nearest land uses to the site. The appellant also informed there would be discussions with nearby Biggin Hill Airport to ensure aviation safety matters are properly addressed within these plans.
43. During the consideration of the planning application, Interested Parties raised a number of living conditions related matters. The site is however well separated from the nearest residential properties, as well as schools. The appellant's noise

impact assessment refers to mitigation, and these measures can ably be addressed through a condition requiring their details. Similarly, as regards construction management. While I note concerns over whether the proposal can be considered temporary, I have considered the duration in coming to my views, notwithstanding that it would still be time limited and therefore the effects would not be permanent.

44. In relation to access and highways, LB Croydon, from where access would be taken, has set out they rely on powers under Section 278 of the Highways Act 1980, apart for the need for a highway condition survey by condition. The roads up to the site are of a reasonable standard, not least as they already access the industrial units on Vulcan Way. There would not be unacceptable effects on the occupiers of those units. The proposal would also be some distance from the nearest designated heritage asset and so lie outside of its setting.
45. The obligation in the UU is required in order to address biodiversity matters related to the skylark. The obligation is therefore necessary to make the development acceptable in planning terms, directly related to the development, and reasonable in scale and kind. While the final UU was submitted after the hearing, its front page is dated well before it. However, this does not make it invalid as it would still apply in the event of the appeals being allowed and as I have expressly taken account of the obligation in coming to my decisions. The obligation accords with the tests that are set out in paragraph 58 of the Framework.
46. The development plan policies that are referred to above are those which are in dispute and so of most relevance to my decisions, or else the biodiversity policies set out that the Local Planning Authorities have raised which are no longer in dispute between the main parties. I was also referred to a number of other development plan policies at the hearing which are not in dispute. Hence, they do not alter my conclusions on the issues that I have set out.

Planning Balance

47. The proposal constitutes inappropriate development in the Green Belt, it does not preserve the openness, and conflicts with the purposes to assist in safeguarding the countryside from encroachment and to check the unrestricted sprawl of large built-up areas. Paragraph 153 of the Framework states that substantial weight is to be given to any harm to the Green Belt, including harm to its openness. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
48. The proposal would also have an unacceptable effect on the character and appearance of the area. As this harm would be localised and temporary, it attracts moderate weight against the proposal. The temporary loss of BMV agricultural land attracts limited weight.
49. As regards the benefits of the proposal, these are considerable. That it would support the transition to net zero by 2050, and renewable energy and associated infrastructure, attracts significant weight in favour of the proposal. The contribution to energy security and resilience also attracts significant weight in its favour. The heritage benefit and economic benefit each attract moderate weight. BNG attracts limited weight as a benefit. All other matters do not weigh either for or against the proposal.

50. The other considerations in this case clearly outweigh the harm identified to the Green Belt and any other harm. Looking at the case as a whole, very special circumstances exist which justify the development. As a consequence, the proposal would accord with Policy 49 of the BLP, as well as with paragraph 153 of the Framework.
51. Whilst I have found conflict with policies of the development plan by way of character and appearance effects, I am not persuaded this amounts to not complying with the development plan as a whole. These effects are both localised and temporary. There is also no conflict with Green Belt policies once very special circumstances are considered and energy related policies in the development plan are not a matter of particular dispute. Overall, the balance favours the grant of a temporary planning permission for the proposal.

Conditions

52. Given that the proposal would lie in both LB Bromley and LB Croydon, there was some discussion at the hearing about whether all conditions should apply to both Councils as the appeals have been dealt with on a conjoined basis. Both Councils and the appellant expressed that they should, as they are concerned with the matters in the conditions given the close juxtaposition of the proposal to each Council's administrative area. I agree because otherwise there is a danger that condition(s) would not apply to a Council where it transpires it would need to have some level of control over the matters set out in the conditions as they would affect its area. In which case, it would be unable to properly carry out its function as the Local Planning Authority. It was expressed there would need to be coordinated approach to the discharge of conditions, or any resultant actions, and this would seem to be a sensible approach on which to proceed on a cross boundary development. The same conditions apply therefore to both appeals and both Councils.
53. In addition to a condition concerning the statutory timescale for implementation, a condition concerning the approved plans is imposed in the interests of certainty. This excludes the indicative cable route plan, as it is not for my consideration. I have also imposed a condition concerning a temporary permission and a decommissioning scheme in the interests of agricultural land and site restoration. I have also imposed a condition concerning site levels for character and appearance reasons, and similarly for landscaping and external materials.
54. In the interests of biodiversity, I have imposed conditions concerning mitigation and enhancement measures, a construction and environmental management plan, a habitat management and monitoring plan, and the skylark mitigation strategy. Conditions are imposed for a surface water drainage scheme and the submitted flood risk assessment and surface water drainage strategy, and sustainable drainage systems. These conditions are applied in the interests of minimising flood risk and providing satisfactory drainage.
55. Conditions are imposed concerning archaeological mitigation and the provision of associated public interpretation, for reasons related to the historic environment. Conditions are imposed by way of a construction traffic management plan, a public highway condition survey and boundary treatment, in the interests of highway safety. Conditions are imposed in relation to noise mitigation and dust/emissions, in order to protect living conditions. A condition is imposed to prevent lighting

without the prior consent of the Local Planning Authority, in the interests of biodiversity.

56. A condition concerning a Battery Safety Management Plan and an Emergency Response Plan is imposed in the interests of public safety, as is a contamination condition. An arboricultural condition is imposed in the interests of protecting the amenity value of trees.
57. Where conditions are pre-commencement, there is agreement through the signed Statement of Common Ground. Where I have altered the wording of the remaining conditions put forward, I have done so in the interests of precision and without changing their overall meaning

Conclusion

58. The proposal would comply with the development plan when taken as a whole and there are no material considerations which indicate that the decisions should be taken other than in accordance with the development plan. For the reasons set out above and having regard to all matters raised, the appeals should be allowed, subject to the conditions.

Darren Hendley

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following drawing nos:
 - Site Location Plan (drawing no. SP-01 rev. 08)
 - Site Location Plan LPA Overlay (drawing no. SP-03 rev. 05)
 - Existing Site Plan (drawing no. PL-01 rev. 08)
 - Proposed Site Layout Plan (drawing no. PL-02 rev. 12)
 - Route Protection Area Plan (drawing no. PL-03 rev. 05)
 - Planting Plan (drawing no. 991/01 rev. F)
 - Landscape specification (drawing no. 991/02 rev. F)
 - Contextual Elevations Sheet 1 of 2 (drawing no. EL-01 rev. 05)
 - Contextual Elevations Sheet 2 of 2 (drawing no. EL-02 rev. 05)
 - Customer Substation Plan (drawing no. SD-01 rev. 05)
 - Customer Substation Section (drawing no. SD-02 rev. 05)
 - Customer Switchgear (drawing no. SD-03 rev. 06)
 - 40ft Spare Parts Container (drawing no. SD-04 rev. 03)
 - Battery Unit (drawing no. SD-05 rev. 04)
 - Power Conversion System (drawing no. SD-06 rev. 03)
 - 3.0m Palisade Fence and Gate (drawing no. SD-07 rev. 03)
 - CCTV Camera and Post (drawing no. SD-08 rev. 05)
 - Access Track (drawing no. SD-09 rev. 04)
 - DNO Control Room (drawing no. SD-10 rev. 04)
- 3) The permission hereby granted shall be limited to a period of 30 years from the date of connection to the National Grid/the related substation (the Connection). Written confirmation of the Connection shall be given to the Local Planning Authority within 1 month of the Connection.
- 4) If within the 30 year period the development hereby permitted ceases to use the batteries for more than 6 months in any continuous 12 month period, or at the end of 30 years from the connection to the National Grid/the related substation, the development shall cease and all materials and equipment brought onto the land in connection with the development shall be removed and the land restored to its previous state (greenfield, agricultural land, former character, condition and agricultural grade), in accordance with details to be submitted to and approved in writing by the local planning authority prior to decommissioning works taking place. In the case of the batteries ceasing to be used, such details shall be submitted within three months of the end of the 12 month period; in the case of end of operational life, details shall be submitted no later than 12 months prior to the cessation of the 30 year period. The details shall include a method statement and timetable for dismantling and removal of all above-ground works (apart from archaeological interpretation board) and foundations to a depth of at least one metre below ground, underground cabling, internal tracks, removal of the site access and the provision of associated tree planting works, and all other associated infrastructure; agricultural land restoration method statement; and a timetable for removal and restoration works. All works shall thereafter be carried out in full accordance with the approved details and timetable, and for the avoidance of doubt soft landscaping shall not be removed during decommissioning unless expressly permitted under the discharge of this condition.

- 5) No development hereby permitted shall take place until details of the existing and finished site levels relative to a fixed datum point on adjoining land outside of the application site have been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.
- 6) The development hereby permitted shall be carried out in full accordance with the recommendations, mitigation measures, enhancement measures and details of implementation within the Preliminary Ecological Appraisal ref: WOR3977.2 [27/11/2024], Breeding Bird Survey Report ref. WOR 5497 [24/07/2025] and Biodiversity Net Gain Plan ref: WOR 4854 [27/11/2024].
- 7) Prior to the commencement of the development hereby permitted, a revised Construction and Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. This shall include revisions associated with results from ecological surveys (Breeding Bird Survey Report ref. WOR 5497 [24/07/2025]; Dormouse Surveys Report ref. WOR 5514.Dor [31/07/2025]; and Bat Surveys Report ref. WOR-5514.Bats [29/07/2025]).

The CEMP shall include the following:

- a) Risk assessment of potentially damaging construction activities;
- b) Identification of “biodiversity protection zones”;
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction;
- d) The location and timing of sensitive works to avoid harm to biodiversity features;
- e) The times during construction when specialist ecologists need to be present on site to oversee works;
- f) Responsible persons and lines of communication;
- g) The role and responsibilities on site of an ecological clerk of works or similarly competent person; and
- h) Use of protective fences, exclusion barriers and warning signs.

The development shall be carried out in accordance with the approved details for the duration of the construction period.

- 8) A Habitat Management and Monitoring Plan (HMMP) for on-site enhancements, prepared in accordance with the approved Biodiversity Gain Plan, shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development hereby permitted.

The HMMP shall include the following:

- a) the roles and responsibilities of the people or organisation(s) delivering the HMMP;
- b) the planned habitat creation and enhancement works to create or improve habitat to achieve the on-site enhancements in accordance with the approved Biodiversity Gain Plan;
- c) the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development;
- d) the monitoring methodology in respect of the created or enhanced habitat to be submitted to the Local Planning Authority;
- e) details of the content of monitoring reports to be submitted to the Local Planning Authority including details of adaptive management which will be undertaken to ensure the aims and objectives of the Biodiversity Gain Plan are achieved; and
- f) timescales for implementation.

The development shall be carried out in accordance with the approved details in the HMMP. Notice in writing shall be given to the Local Planning Authority when the:

- initial enhancements, as set out in the HMMP, have been implemented; and
- habitat creation and enhancement works, as set out in the HMMP, have been completed after 30 years.

The created and/or enhanced habitat specified in the approved HMMP shall be managed and maintained in accordance with the approved HMMP.

Monitoring reports shall be submitted in years 1, 2, 5, 10, 15, 20, 25, and 30 to the Local Planning Authority, in accordance with the methodology specified in the approved HMMP.

- 9) No development hereby permitted shall take place until a skylark mitigation strategy to implement section 5 of the Breeding Bird Survey Report (ref. WOR 5497 [24/07/2025]) has been submitted to and approved in writing by the Local Planning Authority. The skylark mitigation strategy shall include:
 - i) identification of the areas for the implementation of mitigation;
 - ii) details of how the areas will be managed;
 - iii) arrangements to secure the delivery of the proposed measures, including a timetable of delivery;
 - iv) monitoring for periods of not less than 5 years;
 - v) the inclusion of a feedback mechanism to the Local Planning Authority before the end of the first 5 year period, allowing for the alteration of working methods and management prescriptions, in accordance with the results of the monitoring process; and
 - vi) identification of persons responsible for implementing the strategy.
- 10) All hard and soft landscape works as shown on the Planting Plan (drawing no. 991/01 rev. F), Landscape specification (drawing no. 991/02 rev. F) and Proposed Site Layout Plan (drawing no. PL-02 rev. 12) shall be carried out in accordance with the approved details. All planting, seeding or turfing and soil preparation comprising the approved details of landscaping shall be carried out in the first planting and seeding season following the use of the development hereby permitted being brought into use, the completion of the development, or in agreed phases whichever is the sooner, and any plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. The hard landscape works shall be carried out prior to the development being brought into use and thereafter retained for the duration of the permission.
- 11) Prior to commencement of the development hereby permitted (excluding demolition and site clearance works), detailed designs of a surface water drainage scheme in accordance with the submitted Flood Risk Assessment and Surface Water Drainage Strategy Report Ref: No. J-15809 Report No. 02 dated 22/05/2025 shall be submitted to and agreed with the Local Planning Authority. The system should be designed such that there is no surcharging for a 1 in 30-year rainfall event and no internal property flooding for a 1 in 100-year rainfall event plus a 40% allowance for climate change. The scheme shall address the following matters:
 - A) provide a fully labelled surface water strategy plan showing key dimensions and locations of every element of the proposed drainage system and how these relate to submitted calculations for the final scheme. This shall also include separate, more detailed engineering plans (including levels, detail drawings, long sections and

cross sections etc.) for each of the Sustainable Drainage Systems and critical drainage element as appropriate;

B) provide a plan showing topography and exceedance flow pathways across the site to demonstrate that exceedance beyond the design capacity is allowed for without endangering property on or off site;

C) provide calculations of the existing runoff rates;

D) provide a detailed alternative drainage strategy in the event that infiltration is deemed unfeasible; and

E) timescales for implementation.

The proposed drainage system shall be implemented in accordance with the approved details and thereafter be retained for the duration of the permission.

12) Details for the long-term maintenance arrangements for the surface water drainage system (including all Sustainable Drainage Systems (SuDS) features) are to be submitted to and approved in writing by the Local Planning Authority prior to the development hereby permitted being brought into use. The submitted details shall identify SuDS components, control structures, flow routes and outfalls. In addition, the details must outline the access that is required to each surface water management component for maintenance purposes and implementation timescales must also be provided. The surface water drainage scheme shall be implemented, managed and maintained thereafter in accordance with the previously submitted and agreed details for the lifetime of the development.

13) For land that is included within the Archaeological Mitigation Stage Written Scheme of Investigation, November 2024 (WSI), no demolition or development shall take place other than in accordance with the agreed WSI, that includes the statement of significance and research objectives, and:

A. The programme and methodology of site investigation and recording and the nomination of competent person(s) or organisation to undertake the agreed works.

B. Where appropriate, details of a programme for delivering related positive public benefits.

C. The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled as agreed in writing by the Local Planning Authority in accordance with the programme set out in the WSI.

14) No development hereby permitted shall commence until details of the public engagement framework pertaining to the sites archaeological programme of work have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

15) Prior to the commencement of the development hereby permitted, a revised Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority. The CTMP shall include the following information for all construction phases of the development:

a) hours of construction;

b) hours of deliveries;

c) parking of vehicles associated with deliveries, site personnel, operatives and visitors;

d) facilities for the loading and unloading of plant and materials;

e) details of the storage facilities for any plant and materials;

f) the siting of any site huts and other temporary structures, including site hoardings;

- g) details of the proposed security arrangements for the site;
- h) details of the precautions to guard against the deposit of mud and substances on the public highway, to include washing facilities by which vehicles will have their wheels, chassis and bodywork cleaned and washed free of mud and similar substances prior to entering the highway;
- i) details outlining the proposed range of dust control methods and noise mitigation measures;
- j) details demonstrating compliance with the non-road mobile machinery regulations 2015; and
- k) details confirming that all delivery vehicles are registered under the Freight Operators Recognition Scheme achieving a minimum of silver status.

The approved CTMP shall be implemented prior to any works being carried out on site and shall be maintained throughout the construction phase of the development.

- 16) Notwithstanding any description of materials in the application no works associated with the development hereby permitted involving the use of any external facing materials shall take place until a full specification of materials to be used externally on the buildings, battery containers and inverters / transformers have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour, and texture of the materials. The development shall thereafter be carried out in accordance with the approved details.
- 17) Prior to the use of the development hereby approved, a detailed scheme of noise mitigation measures in full compliance with the recommendations of the submitted Noise Impact Assessment no. 23-380 dated October 2024 shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to the use commencing and be retained for the duration of the permission.
- 18) All Non-Road Mobile Machinery (NRMM) of net power of 37kW and up to and including 560kW used during the course of the demolition, site preparation and construction phases shall comply with the emission standards set out in chapter 7 of the Greater London Authority's Supplementary Planning Guidance "Control of Dust and Emissions During Construction and Demolition" dated July 2014, or subsequent guidance. The developer shall keep an up-to-date list of all NRMM used during the demolition, site preparation and construction phases of the development on the online register at <https://nrmm.london/>.
- 19) No external lighting associated with the development hereby permitted shall be installed on the site until full details of all the proposed lighting (including levels of illumination) have been submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall comply with the Institute of Lighting Professionals Guidance Note for the reduction of obtrusive light 2011 (or any such later revision), having regard to the lighting guidelines produced by the Bat Conservation Trust and comprise the minimum level of lighting needed for security and operational purposes and be designed to minimise light pollution and glare and spillage outside the site's boundaries. The development shall be carried out and thereafter maintained in accordance with the approved details.
- 20) The development hereby permitted shall not be brought into use until a Detailed Battery Safety Management Plan (DBSMP) to be based on the principles within the Outline Battery Safety Management Plan and an Emergency Response Plan (ERP) to facilitate safety during the operation and decommissioning of the battery storage

system have first been submitted to and approved in writing by the Local Planning Authority.

The approved DBSMP and ERP shall be adhered to at all times throughout the operational and decommissioning periods.

- 21) Details of the boundary treatment associated with the development hereby permitted, including fences and the gates proposed at the boundary adjacent to the public highway, shall be submitted to and approved in writing by the Local Planning Authority prior to installation. The gates and fences shall be implemented in line with the approved details and retained thereafter for the duration of the permission.
- 22) No development hereby permitted shall take place, including vegetation clearance, until an Arboricultural Method Statement, in line with the approved Arboricultural Impact Assessment (Report Reference Number: 240925-1.1-22VW-AIA-HB), has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details with the agreed measures being kept in place for the duration of the construction period.
- 23) If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.
- 24) Prior to the commencement of development hereby permitted, a condition survey of the public highway shall be undertaken and submitted to and approved in writing by the Local Planning Authority.

APPEARANCES

FOR THE APPELLANT:

Nina Pindham	Counsel, instructed by Anna Murray
Ben Lewis MRTPI	Director, RenPlan Limited
Anna Murray MRTPI	Appellant – Principal Planning Manager
James Davis MRTPI	Appellant – Head of Planning & Development
Elizabeth Oswick MA	Appellant – Planning Manager
Nick Perrett BA (Hons) Dip-LA CMLI	Director, Red Bay Design Landscape Consultants
Colin Hicks BSc (Hons) MCIEEM	Director, Western Ecology Limited
Jim Tough BSc (Hons) MSc CEnv CSci	Fire and Safety Consultant, Arc Limited
William Bedford BA MCIfA	Director, Landgage Heritage Limited

FOR THE LOCAL PLANNING AUTHORITY (LB BROMLEY):

David Bord BA(Hons) PGDip MRTPI	Principal Planner
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FOR THE LOCAL PLANNING AUTHORITY (LB CROYDON):

Chris Stacey BA(Hons) MA	Deputy Team Leader
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INTERESTED PARTIES:

Councillor Jonathan Andrews	Ward Member, LB Bromley
Councillor Melanie Stevens	Neighbouring Ward Member, LB Bromley
Lewis Martin	Landowner
Adam Johnson	Landowner

DOCUMENTS SUBMITTED AFTER THE HEARING

- 1 Appellant Attendance List
- 2 Unilateral Planning Obligation by Deed under Section 106 of the Town and Country Planning Act 1990 (completed and final version)
- 3 Unilateral Planning Obligation by Deed under Section 106 of the Town and Country Planning Act 1990 (tracked change version)