



Ministry of Housing,
Communities &
Local Government

Jon Appleby
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Our ref: APP/N0410/W/24/3347353
Your ref: PL/24/0754/OA

jon.appleby@pegasusgroup.co.uk

9 July 2025

Dear Jon Appleby

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 78
APPEAL MADE BY GREYSTOKE LAND AND ALTRAD UK LIMITED
WOODLANDS PARK LANDFILL SITE, LAND SOUTH OF SLOUGH ROAD, IVER,
BUCKINGHAMSHIRE
APPLICATION REF: PL/24/0754/OA**

This decision was made by Minister of State for Housing and Planning, Matthew Pennycook MP, on behalf of the Secretary of State

1. I am directed by the Secretary of State to say that consideration has been given to the report of S R G Baird BA (Hons) MRTPI, who held a public local inquiry from 11 to 18 December 2024 into your client's appeal against the decision of Buckinghamshire Council to refuse your client's application for planning permission for redevelopment of the former landfill site to comprise a Data Centre development (B8 (Data Centre)) of up to 72,000 sqm (GEA) delivered across 2 buildings. The scheme includes site wide landscaping. The Data Centre buildings include ancillary offices, internal plant and equipment and emergency back-up generators and associated fuel storage. The development will also include cycle and car parking, internal circulation routes, soft and hard landscaping, security perimeter fence, lighting, earthworks, sustainable drainage systems, ancillary infrastructure and a substation, in accordance with application Ref. PL/24/0754/OA, dated 5 March 2024.
2. On 24 October 2024, this appeal was recovered for the Secretary of State's determination, in pursuance of section 79 of, and paragraph 3 of Schedule 6 to, the Town and Country Planning Act (TCPA) 1990.

Inspector's recommendation and summary of the decision

3. The Inspector recommended that the appeal be allowed, and planning permission granted.

Ministry of Housing Communities & Local Government
Laura Webster, Decision Officer
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4. For the reasons given below, the Secretary of State agrees with the Inspector's conclusions, except where stated, and agrees with his recommendation. She has decided to allow the appeal and grant planning permission. The Inspector's Report (IR) is attached. All references to paragraph numbers, unless otherwise stated, are to that report.

Procedural matters

5. The Secretary of State is aware that an appeal for a larger data centre consisting of three buildings totalling 163,000 sqm and delivering 147MW on the site was recovered by the previous Secretary of State and was dismissed in October 2023. This previous decision is referred to as 'Woodlands 1' in this decision letter, and the Secretary of State agrees at IR8.2 that the conclusions of the previous Secretary of State and the Inspector in that case are material considerations. She has taken them into account in reaching her decision. The current application subject to this appeal was made on 5 March 2024.
6. During the inquiry, revisions to the National Planning Policy Framework (the Framework) were published on 12 December 2024. The Secretary of State notes at IR1.8 that the parties agreed the main matters to be addressed in light of this change, and this has been taken into account by the Inspector in preparing the IR. The Secretary of State notes there was a further update to the Framework on 7 February 2025¹, but this was not intended to constitute a change to the policy set out in the Framework as published on 12 December 2024, and therefore the Secretary of State is satisfied that the issues raised do not affect her decision.
7. For the reasons set out at IR1.10-1.12 the Secretary of State agrees with the conclusion that an EIA is not required and that the information submitted at the time of the application was not deficient.

Matters arising since the close of the inquiry

8. Revised Planning Practice Guidance (PPG) relating to the Green Belt was published on 27 February 2025. The Secretary of State notes that the Council and the Appellant were given the opportunity to make written submissions, which the Inspector has taken into account in preparing the IR (IR1.14).

Policy and statutory considerations

9. In reaching her decision, the Secretary of State has had regard to section 38(6) of the Planning and Compulsory Purchase Act (PCPA) 2004 which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise.
10. In this case the development plan consists of the South Bucks District Local Plan (LP) adopted March 1999, consolidated September 2007 and February 2010, the South Bucks District Core Strategy Development Plan Document (CS) adopted February 2011, the Buckinghamshire Minerals and Waste Local Plan 2016-2036 adopted July 2019 and the Ivers Neighbourhood Plan (NP) which became part of the development plan in January 2023. The Secretary of State considers that relevant development plan policies include those set out at IR4.2-4.25.

¹ [National Planning Policy Framework - GOV.UK](#) 'This version of the National Planning Policy Framework was amended on 7 February 2025 to correct cross-references from footnotes 7 and 8, and amend the end of the first sentence of paragraph 155 to make its intent clear. For the avoidance of doubt the amendment to paragraph 155 is not intended to constitute a change to the policy set out in the Framework as published on 12 December 2024.'

11. Other material considerations which the Secretary of State has taken into account include the Framework published on 12 December 2024 and updated on 7 February 2025, and associated planning guidance (the Guidance), as well as the documents listed at IR4.27-4.28 and Green Belt PPG published 27 February 2025.

Emerging plan

12. The emerging plan is the Buckinghamshire Local Plan and the Council has indicated that 2027 is the target date for adoption (IR4.26). Paragraph 49 of the Framework states that decision makers may give weight to relevant policies in emerging plans according to: (1) the stage of preparation of the emerging plan; (2) the extent to which there are unresolved objections to relevant policies in the emerging plan; and (3) the degree of consistency of relevant policies to the policies in the Framework. As the emerging plan is at a very early plan preparation stage and anticipated for adoption in 2027, the Secretary of State gives it no weight.

Main issues

13. The Secretary of State agrees with the Inspector that the main issues to be addressed are those set out at IR8.1.

Landscape and visual effects

14. For the reasons set out at IR8.24-8.26, the Secretary of State agrees that the development and its associated features including car parking and substation would materially alter the character of this part of the Colne Valley Regional Park, and that the proposed works on Palmers Moor Lane to create a dedicated footpath/bridle path and the creation of the access road across the field would have a minor-moderate adverse effect on landscape character. She agrees that the overall effect on landscape character of this area would be moderate-minor adverse (IR8.26).
15. For the reasons set out at IR8.27-8.33, the Secretary of State agrees with the Inspector at IR8.27 that despite the scale and bulk of the buildings, their visual impact would be highly localised. While views of the building would be restricted to the areas identified in IR8.27, she has taken into account that Palmers Moor Lane is popular with walkers and horse riders who would have high sensitivity (IR8.30). Overall, she agrees with the Inspector's assessment of the visual impacts of the scheme.
16. Overall, the Secretary of State agrees with the Inspector at IR8.34 that the proposal would have a significant adverse landscape and visual effect and she gives this harm significant weight. Further, she considers the proposal would be contrary to LP policy EP3 which expects all new development to respect the scale, height and form of development in the area.

Need and alternatives

17. The Secretary of State agrees with the undisputed position that need within the Slough Availability Zone (SAZ) has continued to rise significantly, from a short to medium term need of 1700MW identified in the Court Lane² decision to a mid-range estimate of some 2,486MW of additional capacity needed between 2024 and 2029, which will continue to rise to some 2,858MW (IR8.37). She notes that parties do not agree on the weight which should be attributed to this need (IR8.36-8.39). She agrees with the inspector at IR8.37

² [Recovered appeal: Court Lane Industrial Estate, Court Lane, Iwer, SL0 9HL \(ref: 3337981 – 6 December 2024\)](#)

that the Woodlands 1 and Court Lane conclusions on need cannot be read across into this case, and has considered the matter on the basis of the evidence before her in this case.

18. In reaching her conclusion, she has taken into account the level of need, the contribution to that need made by the proposal before her, and paragraph 85 of the Framework, which sets out that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. She does not consider that the weight which may attach to housing supply is an appropriate comparator in this case. Overall, the Secretary of State considers that need should be given significant weight.
19. For the reasons given at IR8.48-8.50, the Secretary of State agrees that no alternative sites are available. On the basis of the evidence before her in this case, which unlike Woodlands 1 relates to need within the SAZ rather than including need more broadly, she considers that lack of alternative sites should carry significant weight.

Green Belt

20. National Green Belt (GB) policy has changed since the adoption of the development plan documents, including with the introduction of policy on grey belt. The Secretary of State agrees with the Inspector at IR8.3 that the proposal conflicts with LP policies GB1 and GB4 and that these policies are not consistent with Framework paragraph 153 as they make no provision for Very Special Circumstances (VSC), and considers they are therefore out of date. She has considered the proposed development against GB policy in the Framework at paragraphs 21-30 below.
21. For the reasons set out at IR8.6-8.11, the Secretary of State agrees that the 2016 GB study is the preferred starting point to assess the contribution of the site, within the wider GA 83 parcel (in which the site is situated), to the relevant GB purposes relating to grey belt (IR8.11).
22. The Secretary of State has considered the Inspector's analysis at IR8.12-8.15 and his conclusions at IR8.14 that the development would represent an incongruous pattern of development, that the site makes a strong contribution to meeting the objective of purpose a), and as such does not fall to be considered as grey belt (IR8.15).
23. However, the Secretary of State considers that if developed, there would not be an incongruous pattern of development, given the existing residential development extending west along Iver Lane to the south and the National Grid Iver substation to the north. This built development provides a boundary to the north and south of the appeal site. Furthermore, she considers there are physical features that could restrict and contain development, which include the pattern of built development surrounding the site, the River Colne and the M25. She therefore concludes that the site does not strongly contribute to purpose a).
24. For the reasons set out at IR8.19, the Secretary of State agrees with the Inspector that at 22ha, the site does not form a substantial part of the gap between Uxbridge and Slough and would not result in a material loss of visual separation. She agrees with the Inspector's conclusions at IR8.20 that there is no conflict with purpose b).
25. The Secretary of State considers there is no conflict with purpose d) relating to historic towns as no historic towns are identified and this is not disputed between the parties

(IR5.28). She does not consider that the matters in footnote 7 would provide a strong reason for refusing or restricting development. Overall, therefore, she finds that the site is grey belt.

26. As the Inspector concluded that the site was not grey belt, he therefore did not go on to consider whether the proposal meets the criteria in the remaining limbs of NPPF 155. The Secretary of State has gone on to consider this in paragraphs 27-29 below.
27. The Secretary of State has taken into account the above conclusions in paragraphs 20-26. She agrees with the Inspector's conclusion that the scale of development would represent encroachment into the countryside, in conflict with purpose c), and that this would give rise to moderate harm (IR8.22). She has also taken into account the extent of this development site in the context of the remaining GB in the plan area. Overall, she concludes that the development would not fundamentally undermine the purposes, when taken together, of the remaining GB across the area of the plan. The proposal would therefore meet Framework criterion 155(a).
28. In light of the Secretary of State's conclusions on need above at paragraphs 17-19 she concludes that there is a demonstrable unmet need for this type of development and Framework criterion 155(b) is met.
29. The Secretary of State has considered 155(c) of the Framework and notes that it is common ground between the parties that the proposal is in line with Framework paragraphs 110 and 115 in 'offering a genuine choice of transport modes', and the Council accepts that the proposal satisfies criteria (c) (IR5.11). She notes that the Section 106 secures a Travel Plan which will include details of the frequency and daily operating hours of a minibus service from the site and Uxbridge Underground Station (approximately a 10 minute drive) for the use of workers employed at and visiting the site and this will be operated for the lifetime of the development (IR8.64). She concludes that the development can be made sustainable, and Framework criterion 155 (c) is met. Overall, taking the above into account, the Secretary of State concludes that the development is not inappropriate development in the GB.
30. The Secretary of State agrees with the Inspector at IR8.17 that the effect on GB openness would be moderately harmful. However, having concluded that the development is not inappropriate development, in accordance with Framework footnote 55 she gives no weight to GB harm.

Benefits of the proposal

31. The Secretary of State agrees with the Inspector's conclusions at IR8.35 that direct and indirect employment should carry substantial weight, education and employment outreach should carry moderate weight, and temporary employment should carry limited weight.
32. The Secretary of State has considered the Inspector's conclusions at IR8.40-8.41, and agrees the proposal would comprise a significant investment. Taking into account the size of the scheme, and that weight has already been given to need, she considers that economic benefits should carry significant weight. She does not consider that housing is

an appropriate comparator, or that economic policy or the context of the economy justify the attribution of additional weight.

33. For the reasons set out at IR8.51 the Secretary of State agrees with the Inspector that the commitment to the BREEAM Excellent standard, the use of solar panels and heat pumps combine to justify attaching moderate weight to the contribution to mitigating climate change.
34. The Secretary of State has considered the Inspector's conclusions at IR8.52 with regard to Biodiversity Net Gain. The Inspector assigns significant weight, however as there is no condition or obligation securing a specific percentage that goes significantly above and beyond the 10% policy requirement, she considers this should carry moderate weight.

Other matters

35. The Secretary of State has given consideration to the Inspector's conclusions at IR8.42-8.44 regarding social benefits. Whilst the Inspector assigns significant positive weight at IR8.47, the Secretary of State considers that a health centre is not an appropriate comparator and that the benefits arising from the provision of additional data centre capacity are already covered in the need case. She therefore considers this carries no separate weight.
36. The Secretary of State has given consideration to the Inspector's conclusions at IR8.45-8.47 where he considers the adverse consequences of the appeal being dismissed and at IR8.45 sets out that his consideration of this matter combines the evidence on need, economic and social benefits. Need and economic benefits have already been given weight, and social benefits are addressed above. Overall, the Secretary of State considers that the matters addressed here should carry no separate weight.
37. The Secretary of State agrees with the Inspector at IR8.54 that national policy now identifies that planning policies should pay particular regard to facilitating development to meet the needs of a modern economy (Framework paragraph 86a) and planning decisions should make provision for data centres. While the development plan does not have a specific policy that allocates sites or areas of search for data centres, she agrees with the Inspector that CS Policy CP10 seeks to increase the presence of high value and knowledge-based businesses in the area (IR8.53). One result of the failure of the development plan to allocate sites or areas of search for data centres is a lack of alternative sites, to which weight has already been given. Overall, the Secretary of State does not agree with the Inspector's conclusion at IR8.54 that it is appropriate to attach significant positive weight to the absence of a plan-led solution. She considers this carries no separate weight.

Planning conditions

38. The Secretary of State had regard to the Inspector's analysis at IR8.56-8.61, the recommended conditions set out at the end of the IR and the reasons for them, and to national policy in paragraph 57 of the Framework and the relevant Guidance. She is satisfied that the conditions recommended by the Inspector comply with the policy test set out at paragraph 57 of the Framework and that the conditions set out at Annex A should form part of her decision.

Planning obligations

39. The Secretary of State has had regard to the Inspector's analysis at IR8.62-8.68, the planning obligation dated 9 January 2025, paragraph 58 of the Framework, the Guidance and the Community Infrastructure Levy (CIL) Regulations 2010, as amended. For the reasons given at IR8.68, she agrees with the Inspector's conclusion that the obligation complies with Regulation 122 of the CIL Regulations 2010 and the tests at paragraph 58 of the Framework.

Planning balance and overall conclusion

40. For the reasons given above, the Secretary of State considers that the appeal scheme is not in accordance with LP Policies GB1, GB4 and EP3 of the development plan. Overall, she concludes that the proposal is in accordance with the development plan overall. She has gone on to consider whether there are material considerations which indicate that the proposal should be determined other than in line with the development plan.
41. Weighing in favour of the proposal is the direct and indirect employment which carries substantial weight; need and lack of alternative sites which each carry significant weight; education and employment, contribution to mitigating climate change, and biodiversity net gain which each carry moderate weight; and temporary employment which carries limited weight.
42. Weighing against the proposal is the adverse landscape and visual effect which carries significant weight.
43. The Secretary of State has concluded that the proposal is not inappropriate development in the Green Belt, and in line with paragraph 153 and footnote 55 of the Framework, she gives no weight to harm to the openness of the Green Belt.
44. Overall, in applying s.38(6) of the PCPA 2004, the Secretary of State considers that the overall accordance with the development plan and the material considerations in this case indicate that permission should be granted.
45. The Secretary of State therefore concludes that the appeal should be allowed and outline planning permission granted.

Formal decision

46. Accordingly, for the reasons given above, the Secretary of State agrees with the Inspector's recommendation. She hereby allows your client's appeal and grants planning permission subject to the conditions set out in Annex A of this decision letter for redevelopment of the former landfill site to comprise a Data Centre development (B8 (Data Centre)) of up to 72,000 sqm (GEA) delivered across 2 buildings. The scheme includes site wide landscaping. The Data Centre buildings include ancillary offices, internal plant and equipment and emergency back-up generators and associated fuel storage. The development will also include cycle and car parking, internal circulation routes, soft and hard landscaping, security perimeter fence, lighting, earthworks, sustainable drainage systems, ancillary infrastructure and a substation, in accordance with application ref PL/24/0754/OA, dated 5 March 2024.
47. This letter does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than section 57 of the TCPA 1990.

Right to challenge the decision

48. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged. This must be done by making an application to the High Court within 6 weeks from the day after the date of this letter for leave to bring a statutory review under section 288 of the TCPA 1990.
49. An applicant for any consent, agreement or approval required by a condition of this permission for agreement of reserved matters has a statutory right of appeal to the Secretary of State if consent, agreement or approval is refused or granted conditionally or if the Local Planning Authority fail to give notice of their decision within the prescribed period.
50. A copy of this letter has been sent to Buckinghamshire Council, and notification has been sent to others who asked to be informed of the decision.

Yours faithfully

Laura Webster

Decision officer

This decision was made by the Minister of State for Housing and Planning, Matthew Pennycook MP, on behalf of the Secretary of State, and signed on his behalf

Annex A List of conditions

1. Details of the access (excluding details submitted in full at Outline), appearance, landscaping, layout and scale (hereinafter called 'the reserved matters') shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
2. All applications for reserved matters shall be in accordance with the following plans:
 - Site Location Plan 23257.501
 - Land Use Parameters Plan 23257.301B
 - Development Zones Parameters Plan 23257.302 B
 - Building Heights Parameters Plan 23257.303 C
 - Building Lines Parameters Plan 23257.304 B
 - Indicative Green Infrastructure Parameters Plan 23257.305 B
 - Access and Movement Parameters Plan 23257.306 B
3. Application(s) for approval of the reserved matters shall be made to the local planning authority no later than 3 years from the date of this permission.
4. The development hereby permitted shall commence no later than 2 years from the date of approval of the last of the reserved matters to be approved.
5. All reserved matters applications shall be accompanied by a statement to demonstrate compliance with the approved Parameter Plans referred to in Condition 2.
6. The details submitted with any reserved matters application shall include a scheme and measures to demonstrate how the development will secure at least 10% of its regulated energy from decentralised and renewable or low-carbon sources. The agreed measures shall then be implemented and maintained as part of the development.
7. The details to be submitted with any reserved matters application seeking to determine matters of 'Layout' shall include a scheme for parking and manoeuvring in accordance with Buckinghamshire Council's Buckinghamshire Countywide Parking Guidance policy document, the parking of cycles, the parking of motorcycles and the parking of vehicles used by disabled people. The approved scheme shall be implemented and made available for use before the development is first occupied and thereafter that area shall not be used for any other purpose.
8. Each Reserved Matters application for the approval of appearance for the development shall include details of the finished floor levels of the buildings and finished site levels in relation to existing ground levels. Thereafter the development shall be implemented and retained in accordance with these approved details.
9. The details seeking to determine the reserved matter of landscape shall include details of all hard and soft landscaping works and a timetable for implementation to be submitted to and approved in writing by the local planning authority.

Hard landscape works will include, but not limited to the following: excavations, ground modelling, proposed finished levels and contours, boundary treatments and means of enclosure, surfacing of parking and manoeuvring areas, external furniture (seating, signs, lighting etc) and infrastructure elements (above and below ground) including cables, manholes, pipes etc.

Soft landscaping works will include, but not limited to the following: details of trees and tree groups to be retained, details of treatment of site boundaries and/or buffers around water bodies, new planting (including trees, shrubs, hedgerows, and grass), written specifications of soil depth, mulching, cultivation, watering and irrigation, staking and other operations associated with the establishment of new vegetation, schedule of plants (including species), planting sizes and densities. These details shall incorporate underground systems and provide a sufficient area of growth for medium- and long-term tree growth and a programme of planting.

All hard and soft landscaping works shall be carried out in accordance with the approved details, approved implementation programme and British Standard BS4428:1989 Code of practice for General Landscape Operations. Where possible, the implementation programme for all planting, seeding, and turfing shall be carried out no later than the first planting and seeding season following occupation of the first building on the site. The developer shall complete the approved works and confirm this in writing to the Council prior to the date agreed in the implementation programme.

Any trees or plants indicated on the approved scheme which, within a period of 5 years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season with other trees or plants of a species and size to be first approved in writing by the local planning authority.

10. At the same time as submitting the details pursuant to condition 10, details of the soft landscaping works including buffer planting shown indicatively within the land outlined in blue on the Site Development Strategy 23257.101 Rev F shall be submitted to and approved in writing by the local planning authority along with a timetable for its implementation.

Where possible, the implementation programme for all planting, seeding, and turfing shall be carried out no later than the first planting and seeding season following occupation of the first building on the site. The developer shall complete the approved works and confirm this in writing to the local planning authority prior to the date agreed in the implementation programme.

Any trees or plants indicated on the approved scheme which, within a period of 5 years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season with other trees or plants of a species and size to be first approved in writing by the local planning authority.

11. No development shall take place until details and sample panels of all the external surface materials including wall and roofing materials, including the green roofs and walls have been submitted to and approved in writing by the local planning authority. Sample panels shall be made available on site prior to the commencement of building works above ground on each element, for inspection by the local planning authority which shall be notified in writing of their availability. The approved sample panels shall be retained on site throughout the construction period. Development shall be carried out in accordance with the approved details.
12. No development shall take place until, a written scheme of archaeological evaluation has been submitted to and approved in writing by the local planning authority. The written scheme shall include archaeological evaluation in the form of a geophysical survey and trial trenching. Development shall be carried out in accordance with the approved details.
13. No development shall take place until, a methodology for the preservation in situ of any significant archaeological remains found during the archaeological investigations has been

submitted to and approved in writing by the local planning authority. Thereafter, the development shall accord with the approved methodology

14. Where archaeological remains are recorded by evaluation and are not of significant significance to warrant preservation in situ but are worthy of recording, no development shall take place until a programme of recording the archaeological works has been implemented, in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority.
15. No development (including for the avoidance of doubt any works of demolition) shall take place until a tree constraints plan and method statement (in accordance with British Standard 5837:2012 'Trees in relation to design, demolition and construction' (or any replacement thereof or EU equivalent)) has been submitted to and approved in writing by the local planning authority. The fencing shall be erected to protect existing trees and hedgerows during construction and shall conform to British Standard 5837:2012 'Trees in Relation to Construction' or any replacement thereof or EU equivalent. The approved fencing shall be erected prior to the commencement of any works or development on the site including any works of demolition. The approved fencing shall be retained and maintained until all building, engineering or other operations have been completed. No work shall be carried out or materials stored within the fenced area without prior written agreement from the local planning authority. The approved method statement shall be complied with for the duration of construction works.
16. No development shall take place until a Bird Hazard Management Plan (BHMP) has been submitted to and approved in writing by the local planning authority. The submitted plan shall include details of management of any flat/shallow pitched/green roofs on buildings within the site which may be attractive to nesting, roosting and "loafing" birds. The Bird Hazard Management Plan (BHMP) shall be implemented as approved and shall remain in force for the life of the development.
17. No development shall take place until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:
 - i. Risk assessment of potentially damaging construction activities.
 - ii. Identification of "Biodiversity Protection Zones".
 - iii. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
 - iv. The location and timing of sensitive works to avoid harm to biodiversity features.
 - v. The times during construction when specialist ecologists need to be present on site to oversee works.
 - vi. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
 - vii. Use of protective fences, exclusion barriers and warning signs.

The approved CEMP (Biodiversity) shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

18. No development shall take place until a Landscape and Ecological Management Plan (LEMP) for the land within both the red and blue lines as detailed on the Site Location Plan ref. 23257.501 has been submitted to, and approved in writing by, the local planning authority. The landscape and ecological management plan shall be carried out as approved for the lifetime of the development. The LEMP shall include the following:

- i. Description and evaluation of features to be managed.
- ii. Constraints on site that might influence management.
- iii. Aims and objectives of management will include the provision of biodiversity net gain within the Site as shown within the Biodiversity Gain Plan.
- iv. Prescriptions for management actions.
- v. Preparation of a work schedule.
- vi. Details of the body or organisation responsible for implementation of the plan.
- vii. ongoing monitoring and remedial measures.
- viii. Detailed proposals for the river corridor, the backwater, the new wetland area, the hay meadow.
- ix. Details of the river restoration plan including a feasibility study for the potential backwater connection, where this is within the applicants control.
- x. Completed Biodiversity Net Gain assessment- including the use of the river metric, showing at least a 33% net gain in biodiversity.
- xi. Details of surface water drainage and SUDs schemes impacting the river, including detailed designs of any proposed outfalls.

The LEMP shall also include details of the legal and funding mechanism by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall be for no less than 30 years. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

19. No development shall take place until a revised Biodiversity Net Gain Plan and associated Statutory Biodiversity Metric demonstrating that Biodiversity Net Gain (BNG) can be achieved within the land outlined in red and blue on the Site Location Plan ref. 23257.501, has been submitted to, and approved in writing by the local planning authority. The BNG Plan should adhere to best practice and include:

- i. A Summary of key points.
- ii. Introduction to the site, project, planning status, certainty of design and assumptions made, the aims and scope of the study and relevant policy and legislation.
- iii. Methods taken at each stage; desk study, approach to BNG and evidence of technical competence.
- iv. Baseline conditions of the site including important ecological features and their influence on deliverability of BNG, baseline metric calculations and justifying evidence, and a baseline habitat plan that clearly shows each habitat type and the areas in hectares.
- v. Justification of how each of the BNG Good Practice Principles has been applied.
- vi. A proposed habitat plan and details of what will be created. This can be taken from the site layout plan, illustrative masterplan, green infrastructure plan or landscape plans. The plan should clearly show what existing habitat is being retained and what new habitat will be created. It should be easy to identify the different habitat types and show the areas in hectares of each habitat or habitat parcel.
- vii. A Biodiversity Metric spreadsheet, submitted in excel form that can be cross referenced with the appropriate plans.
- viii. An implementation Plan including a timetable for implementation.
- ix. A BNG Management and Monitoring Plan.

The BNG plan shall be implemented in accordance with the approved Implementation Plan and maintained in accordance with the approved BNG Management and Monitoring Plan for at least 30 years.

20. No development shall take place until an updated bat survey has been carried out and the report(s) submitted to and approved in writing by the local planning authority. The bat survey shall include ground level roost assessment of trees and emergence/climbing surveys. Should bats and/or bat roosts be found, the bat survey should also outline a mitigation strategy, including a timetable for its implementation. Development shall be carried out in accordance with the approved details.
21. No development shall take place until an updated great crested newt survey has been carried out and the report(s) submitted to and approved in writing by the local planning authority. The great crested newt survey shall include eDNA survey of ponds. Should great crested newts be found, the survey should also include a full population assessment surveys and outline a mitigation strategy, including a timetable for its implementation. Development shall be carried out in accordance with the approved details.
22. No development shall take place until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the local planning authority. The CTMP shall include details of:
- i. The construction programme and hours of work
 - ii. The accessing and routing of construction vehicles
 - iii. Number of HGV movements (with an agreed daily maximum)
 - iv. Measures/systems to manage HGV construction traffic
 - v. Measures to ensure safety and convenience of pedestrians using Footpath IVE/7A/1, including a suitable surface
 - vi. The parking of vehicles of site operatives and visitors
 - vii. Loading and unloading of plant and materials
 - viii. Storage of plant and materials used in constructing the development
 - ix. Wheel washing facilities
 - x. Measures to minimise the impact of the construction of the development on air quality.

The approved CTMP shall be adhered to throughout the construction period for the development.

23. No development shall take place until an Access Management Plan has been submitted to and approved in writing by the local planning authority. The Access Management Plan shall include the following, (i) detailed arrangements for the provision of the Slough Road (A4007) access, its management including details of measures to restrict the use of the Access in connection with the Development save for the purposes of construction traffic (during the period of construction only) and emergency access, and (ii) detailed arrangement for monitoring of the Slough Road Access to ensure that the access is not used in connection with the development other than for its intended purpose. The development shall be carried out in accordance with the Access Management Plan and shall not cause permit or suffer use of the access in connection with the development hereby approved other than in accordance with the approved Access Management Plan.
24. No development shall take place until an Air Quality Dust Management Plan (AQDMP) for the construction phase has been submitted to and approved in writing by the local planning authority. The AQDMP must include an Air Quality Dust Risk Assessment (AQDRA) that considers sensitive receptors off-site of the development. The submitted AQDMP must include an Inventory and Timetable of dust generating activities during construction; Dust and Emission control measures including on-road and off-road construction traffic. The approved details shall be fully implemented and permanently retained and maintained during the construction of the development.

25. No development shall take place until the enabling works, a Remediation Method Statement (RMS) which includes an option appraisal, and a verification plan shall be submitted to and approved in writing by the local planning authority. The RMS shall detail the remediation works carried out; results of any verification sampling, testing, or monitoring including the analysis of any imported soil; all waste management documentation showing the classification of waste, its treatment, movement, and disposal. The works must be carried out in compliance with and by a competent person in accordance with guidance as set out in Environment Agency's Land Contamination: Risk Management (LCRM) updated July 2023.
26. No development shall take place until an Asbestos Management Plan (ABS) has been submitted to and approved in writing by the local planning authority. The ABS should describe how asbestos (fibres and fragments in capping soils, asbestos waste in the body of the landfill, fibre release by fugitive emissions, etc. will be managed during the different phases of construction and address who is responsible for managing asbestos; the asbestos register (the asbestos survey information); plans for work on asbestos materials (if any); the schedule for monitoring the asbestos materials' condition; and informing protocol for the relevant parties. The ABS shall be implemented in accordance with the approved details throughout the relevant project period.
27. No piling shall take place until a Piling Method Statement or Foundation Works Risk Assessment (detailing the depth and type of foundation works to be undertaken and the methodology by which such foundation works will be carried out, including measures to prevent and minimise the potential for damage to subsurface water infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority. The risk assessment should be prepared with due cognisance of best practice guidance for foundation works into land affected by contamination and must be undertaken in accordance with the Environment Agency's 'Land contamination risk management (LCRM)' guidance. Foundation works must be undertaken in accordance with the terms of the approved Piling Method Statement or Foundation Works Risk Assessment.
28. No development shall take place until a scheme for managing any borehole installed or the investigation of soils, groundwater or geotechnical purposes has been submitted to and approved in writing by the local planning authority. The scheme shall provide details of how redundant boreholes are to be decommissioned and how any boreholes that need to be retained, post-development, for monitoring purposes will be secured, protected and inspected. The scheme as approved shall be implemented prior to the occupation of any part of the permitted development.
29. No development shall take place until a Mineral Recovery Plan (MRP) shall be submitted to and approved in writing by the local planning authority. The MRP should consider the extent to which any minerals available on site would meet the specifications required for construction of the development and record the tonnages of recovered usable minerals where possible. Development shall be carried out in accordance with the approved details.
30. No development shall take place until a noise impact report has been submitted to and approved in writing by the local planning authority. The report shall include a survey of operational noise measured during static and stationary sources. The rating penalties shall be agreed with the local planning authority. Detail of any required noise mitigation measures shall be included in the report. Development shall be carried out in accordance with the approved details.
31. No installation of any building plant shall take place until details of the external sound level emitted from plant/machinery/equipment and mitigation measures as appropriate have been submitted to and approved in writing by the local planning authority. The measures shall ensure that the external sound level emitted from plant, machinery/equipment accords with

the details contained within the hereby approved Noise Impact Assessment completed by Sandy Brown ref: 24099-R01-B. The assessment shall be made in accordance with BS4142:2014 at the nearest and/or most affected noise sensitive premises, with machinery operating in accordance with a typical testing regime. A post installation noise assessment shall be carried out where required to confirm compliance with the sound criteria and additional steps to mitigate noise shall be taken, as necessary. Approved details shall be implemented within 12 months of last first occupation of the development each building and thereafter be permanently retained for the life of the development.

32. No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles an assessment of the hydrological and hydro-geological context of the development and an implementation timetable, has been submitted to and approved in writing by the local planning authority. The scheme shall also include:
- i. A minimum of 2 outfalls to the River Colne equating to a total discharge rate of 50.1l/s.
 - ii. Lining of all surface water drainage components.
 - iii. Water quality assessment demonstrating that the total pollution mitigation index equals or exceeds the pollution hazard index; priority should be given to above ground SuDS components.
 - iv. Floation calculations for components in areas of higher groundwater levels, based on groundwater levels encountered during the groundwater level monitoring completed between 2017 and 2018.
 - v. Full construction details of all SuDS and drainage components.
 - vi. Detailed drainage layout with pipe numbers, gradients and pipe sizes complete, together with storage volumes of all SuDS components
 - vii. Calculations to demonstrate that the proposed drainage system can contain up to the 1 in 30 storm event without flooding. Any onsite flooding between the 1 in 30 and the 1 in 100 plus climate change storm event should be safely contained on site.
 - viii. Details of proposed overland flood flow routes in the event of system exceedance or failure, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants, or to adjacent or downstream sites.
 - ix. Flow depth.
 - x. Flow volume.
 - xi. Flow direction.

Development shall be carried out in accordance with the approved details and timetable for implementation.

33. Prior to the first occupation of the development hereby permitted, a whole-life maintenance plan for the site's surface water drainage scheme shall be submitted to and approved in writing by the local planning authority. The plan shall set out how and when to maintain the full drainage system (e.g., a maintenance schedule for each drainage/SuDS component), with details of who is to be responsible for carrying out the maintenance. The plan shall also include as as-built drawings and/or photographic evidence of the drainage scheme carried out by a suitably qualified person. The plan shall subsequently be implemented in accordance with the approved details.
34. No development above slab level shall take place until details of any external lighting and a lighting design strategy for biodiversity for the land outlined in both red and blue on the Site Location Plan ref. 23257.501, have been submitted to and approved in writing by the local planning authority. The lighting design strategy shall:
- i. Ensure light spill into the river and riparian corridor does not exceed 2 lux;

- ii. Identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
- iii. Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory or having access to their breeding sites and resting places;
- iv. Lighting contours shall also be submitted to demonstrate that the vertical illumination of neighbouring premises is in accordance with the recommendations of the Institution of Lighting Professionals in the 'Guidance Notes for the Reduction of Light Pollution 2021' (or relevant guidance) to ensure that any lighting proposed does not harm the existing amenities of the occupiers of neighbouring properties.

All external lighting shall be installed in accordance with the approved details and the lighting design strategy for biodiversity and shall thereafter be maintained in accordance with the approved details and strategy.

35. No development (excluding Demolition, Ground and Enabling Works) shall take place until a statement of how 'Secure by Design' requirements are to be adequately achieved has been submitted to and approved in writing by the local planning authority. Such details shall include, but not be limited to site wide public realm CCTV, access controls, security measures and means to secure the site throughout construction. No part of the development shall be used or occupied until these measures have been implemented in accordance with the approved details, and the measures shall thereafter be permanently retained for the lifetime of the development.
36. No development shall take place until details of a Training and Employment Management Plan (TEMP) have been submitted to, and approved in writing by, the local planning authority. The TEMP will provide a strategy to promote training and employment opportunities for Buckinghamshire residents associated with both the construction and operation of the proposed development. The TEMP Strategy details will include:
- A. Measures to ensure the owner and contractors work directly with local employment and training agencies;
 - B. Targets for employing local labour;
 - C. Targets for work experience opportunities;
 - D. Measures to provide training opportunities in respect of any new jobs created; and
 - E. A monitoring plan for the TEMP.

The development shall be carried out and monitored in accordance with the agreed TEMP for the lifetime of the development.

37. No Development shall take place until a Delivery and Servicing Management Plan (DSMP) has been submitted to and approved in writing by the local planning authority. Details shall include times and frequency of deliveries and collections, vehicle movements, silent reversing methods, location of loading bays, quiet loading/unloading measures, etc. Development shall be operated in accordance with the approved details.
38. Prior to first occupation of the development written confirmation shall have been provided that either: (1) All foul water network upgrades required to accommodate the additional flows from the development have been completed; or (2) A Development and Infrastructure Phasing Plan has been agreed with the Local planning authority to allow the development to be occupied. Where a Development and Infrastructure Phasing Plan is agreed, no

occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan.

39. Prior to the first occupation of the development hereby approved, a scheme for the resurfacing and provision of Bridleway IVE/9/1 along Palmers Moor Lane, shall be submitted to and approved in writing by the local planning authority. The bridleway shall subsequently be resurfaced and upgraded with a 4m wide rubber crumb surface with 1m grass verges, to manufacture's recommendations appropriate for bridleways, in accordance with the approved details.
40. Prior to first occupation of the development the existing means of access onto Iver Lane shall have been resurfaced and widened in accordance with drawing number 23128-05, Rev. C and constructed in accordance with the Buckinghamshire Council guide note "Industrial Vehicular Access Within the Public Highway".
41. Prior to first operation of the development, details of the emissions performance of the proposed emergency generators shall be submitted to and approved in writing by the local planning authority. These details shall include technical details for the proposed emergency generators, confirming the number, size, location and height of generator flues; specifications of the generators demonstrating that using Selective Catalytic Reduction (or other suitable technology) the generators will achieve the same emission levels or cleaner than the generator specified in the Appendix A4 of the Air Quality Assessment submitted with the application. Development shall be operated in accordance with the approved details.
42. Within 21 years of the first use of the proposed development, a viability study to review emissions performance and alternative options for the diesel backup units, with clear timescales, shall be submitted to and approved in writing by the local planning authority. The viability study shall be based on the BAT (Best Available Technology) principle giving weight to sustainability principles and aligned with the objectives of the Borough on improving air quality. This shall include but is not limited to the following:
 - i. A review of options for reducing NOx and PM2.5 emissions impacts for the National Grid power failures.
 - ii. A review of options for reducing NOx and PM2.5 emissions for the testing and maintenance regimes.
 - iii. A review of options for reducing NOx and PM2.5 emissions by improved SCR systems /alternative retrofitting systems.
 - iv. A review of options for reducing NOx and PM2.5 emissions by alternative fuels/technologies.
 - v. A feasibility study including benefit analysis for potential upgrades of the backup generators or other changes to infrastructure (e.g. SCR), type of fuel, generator type and operational regimes on site that could reduce emissions over time; alternative emergency backup solutions are to be also evaluated, e.g. fuel cells, etc.
 - vi. Use of the above information to propose appropriate changes in the generators type, selection of generators or other potential options for decreasing emissions over time no later than year 21; and
 - vii. Proposal of an appropriate timescale for improvements.

The development shall be implemented and operated in accordance with the details in the viability study.

43. Prior to operation of the development a formal declaration by the operator, supported by a manufacturer report describing the testing regime and annual hours of the backup generators required for the development shall be submitted to and approved in writing by

the local planning authority. The number of testing and maintenance hours shall not exceed the number of hours outlined in the testing scenario given in the air quality assessment. Thereafter the development shall be implemented and operated in accordance with these details.

44. Prior to first occupation of the development the approved remediation method statement shall have been carried out in full and a verification report confirming these works has been submitted to, and approved in writing, by the local planning authority. The Verification Report shall include details of the remediation works carried out; results of any verification sampling, testing, or monitoring including the analysis of any imported soil; all waste management documentation showing the classification of waste, its treatment, movement, and disposal. The agreed works must be carried out in compliance with and by a competent person in accordance with guidance as set out in the Environment Agency's Land Contamination: Risk Management updated July 2023.
45. If, during development, contamination not previously identified is found to be present at the site, the local planning authority is to be informed immediately and no further development (unless otherwise agreed in writing by the local planning authority shall be carried out until a report indicating the nature of the contamination and how it is to be dealt with is submitted to, and agreed in writing by, the local planning authority. The required remediation shall be detailed in an amendment to the remediation statement and verification of these works included in the verification report. The works must be carried out in compliance with and by a competent person in accordance with guidance as set out in the Environment Agency's Land Contamination: Risk Management updated July 2023.
46. Prior to first occupation of the development an onward monitoring methodology report shall have been submitted to and approved in writing by the local planning authority. Where further monitoring is required past the completion of development works to verify the success of the remediation undertaken. A verification report of these monitoring works shall then be submitted to and approved in writing by the local planning authority. The monitoring work must demonstrate that the mitigation measures have reduced the potential risks from ground gas to very low levels. Where required, contingency for additional ground gas measures i.e., gas collection, venting measures, shall be agreed in writing with the local planning authority and thereafter implemented in accordance with the agreed measures. All works must be carried out by a competent person and in accordance with the approved details and in accordance with the guidance set out in the Environment Agency's Land Contamination: Risk Management updated July 2023.
47. Within 12 months of occupation of each building, a BREEAM certificate confirming that the relevant building achieves an 'Excellent' BREEAM rating shall be submitted to and approved in writing by the local planning authority.
48. No building or structure of the development hereby permitted shall exceed 102m AOD.
49. The development hereby approved shall be used as a Data Centre only and for no other purpose including any other purpose in Class B8 of the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

Report to the Secretary of State for Housing Communities and Local Government

by S R G Baird BA (Hons) MRTPI
an Inspector appointed by the Secretary of State

Date: 9 April 2025

TOWN AND COUNTRY PLANNING ACT 1990

BUCKINGHAMSHIRE COUNCIL

APPEAL BY

GREYSTOKE LAND AND ALTRAD UK LIMITED.

Inquiry held on 11 – 18 December 2024

File Ref: APP/N0410/W/24/3347353

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Glossary

AI	Artificial Intelligence.
AQMA	Air Quality Management Area.
AZ	Availability Zone.
BNG	Biodiversity Net Gain.
CMC	Case Management Conference.
CVPT	The Colne Valley Park Trust.
CVRP	The Colne Valley Regional Park.
DIT	Department for International Trade.
EIA	Environmental Impact Assessment.
Framework	National Planning Policy Framework.
GA	General Area.
GB	Green Belt.
LAZ	London Availability Zone.
LLFA	Local Lead Flood Authority.
lpa	Local Planning Authority.
NHS	National Health Service.
PC	Parish Council.
PPG	Planning Policy Guidance.
SAZ	Slough Activity Zone.
SoS	Secretary of State.
SoCG	Statement of Common Ground.
IMLG	The Ivers Members Liaison Group.
VSCs	Very Special Circumstances.
WLIP	West London Industrial Park.
WHO	World Health Organisation.

File Ref: APP/N0410/W/24/3347353

Woodlands Park Landfill Site, Land South of Slough Road, Iver, Buckinghamshire.

- The appeal is made under S78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Greystoke Land and Altrad UK Limited.
- The application Ref. PL/24/0754/OA dated 5 March 2024 was refused by a notice dated 25 June 2024
- The development proposed is the redevelopment of the former landfill site to comprise a Data Centre development (B8 (Data Centre)) of up to 72,000 sqm (GEA) delivered across 2 buildings. The scheme includes site wide landscaping. The Data Centre buildings include ancillary offices, internal plant and equipment and emergency back-up generators and associated fuel storage. The development will also include cycle and car parking, internal circulation routes, soft and hard landscaping, security perimeter fence, lighting, earthworks, sustainable drainage systems, ancillary infrastructure and a substation.

Summary of Recommendation: The appeal be allowed.

Preliminary Matters

- 1.1. The application (Woodlands 2) was submitted in outline with all matters except for access reserved. The above description is from the application form and does not materially differ from the descriptions in the refusal notice (CD D1) or the appeal form (CD H1).
- 1.2. The application was a resubmission of a proposal for a Data Centre (163,000 sq. m) delivered across 3 buildings (Woodlands 1). The Woodlands 1 appeal was dismissed by the Secretary of State (SoS) on 30 October 2023 (CD I12).
- 1.3. As the appeal involves significant development in the Green Belt (GB), the SoS on 24 October 2024, using powers under S79, and paragraph 3 of Schedule 6 of the Town and Country Planning Act 1990 directed that she would decide this appeal.
- 1.4. Statements of Common Ground (SoCG) on Planning Matters (CD H6A) and Landscape and Visual Matters (CD ID 5) were agreed. An addendum SoCG lists the 8 plans for approval with all others to be treated as illustrative (CD ID8).
 1. Site location Plan Dwg Ref. 23257.501,
 2. Land Use Parameters Plan Dwg Ref. 23257.301 Rev B,
 3. Development Zones Parameters Plan Dwg Ref. 23257.302 Rev B,
 4. Building Heights Parameters Plan Dwg Ref. 23257.303 Rev C,
 5. Building Lines Parameters Plan Dwg Ref. 23257.304 Rev B,
 6. Indicative Green Infrastructure Parameters Plan Dwg Ref. 23257.305 Rev B,
 7. Access and Movement Parameters Plan Dwg Ref. 23257.306 B,
 8. Proposed Access Arrangement Dwg Ref. 23128-08 Rev C.

1.6. Matters not in dispute listed in the respective SoCG are:

Development Plan & Other Designations

- the whole site is located within the Green Belt (GB).
- South Buckinghamshire District Local Plan Policies GB1 and GB4 are not fully consistent with the Framework.
- the site is not located within the defined settlement boundary, it is not allocated for development and is considered as “countryside” in planning policy terms.
- The site lies within the Colne Valley Regional Park (CVRP).
- The site is located within the following Landscape Character Areas, National Character Area 115 Thames Valley, Landscape Character Type (LCT) 26 Floodplain and Local Character Area (LCA) 26.3 Colne Valley Floodplain. (South Bucks District Landscape Assessment 2011, LCT ‘Valley Floor’ and LCA ‘Colne Valley: A412 to Iver’ (Colne Valley Landscape Character Assessment (August 2017)).
- The site is not within a Conservation Area, nor does it contain any designated heritage assets.
- The site is not designated as public open space, a Local Green Space or any kind of Local Gap or Strategic Gap.
- The restored landfill site is not identified as or forms part of a “valued landscape” in National Planning Policy Framework (Framework) terms. The absence of such a designation does not mean that the baseline character of the site has no value or that it is not sensitive to further change.

Need for the Development

- There is an identified need for the development and the proposal would contribute towards meeting that need.
- The scale of need is overwhelming, it is urgent, it is of national importance and Data Centres are critical infrastructure.
- Need evidence at the time of the application was not disputed by the lpa.
- There is a need in the period up to 2027, to deliver an increase in Data Centre capacity of around 1,460MW to 2,000MW (a mid-range or average of 1,730MW) within the Slough Availability Zone (SAZ).
- The wider London need is greater again at between 2,250MW to 3,100MW over this same period (a mid-range or average of 2,665 MW).
- The need figures are not disputed.
- The letter from the Department for International Trade (DIT) dated 9 January 2023 is independent evidence of the need for Data Centres (CD G6).
- In the Woodlands 1 decision, the SoS found that there is a significant and substantial demand for new Data Centres in the SAZ (CD I12).

Locational Requirements

- Hyperscale Data Centres have specific locational requirements which mean that they can only be located in particular locations. These locational requirements include availability of fibre, reliable power, stable ground conditions and being outside of zones at risk from external factors such as fault lines, blast zones, flooding etc.
- Hyperscale public cloud Data Centres need to be located in clusters (Availability Zones). Here, there is an established SAZ, within which the site is located.
- The SoS previously found that there are other Availability Zones (AZ) within London which are not within the GB (CD I12 IR61). No analysis of sites that might be located in other AZs in London has been undertaken.
- A site outside the SAZ cannot meet the identified need within the SAZ. The availability of sites in other AZs is irrelevant when considering how to meet the need identified within the SAZ.

Alternative Sites

- When considering alternative sites, it is necessary to have regard to the total identified need, which would require multiple Data Centre sites to come forward, as opposed to determining whether there is a single alternative site on which the appeal scheme alone could be located.
- There are a limited number of sites that meet the minimum site requirements in the SAZ to accommodate the development, and even if proposals for Data Centres on other sites were to come forward, there is still need in the SAZ.
- The local planning authority (lpa) did not dispute the appellants' Alternative Sites Assessment (ASA) at the application stage. It is accepted that there are no other reasonable alternatives within the SAZ, but outside the GB, where the identified need for the SAZ could be met in full.
- There is no plan led solution for Data Centre provision in the Buckinghamshire Council area.

Economic development

- Proposed changes to the Framework demonstrate that the Government places considerable importance on the need to deliver further economic growth.
- Proposed changes to the Framework seek to make it easier to build growth supporting infrastructure such as Data Centres.
- The grant of planning permission would contribute to the Government's objectives of being at the forefront of the global digital economy.
- The inward investment creation of new jobs and multiplier effects that would arise from the development would positively align with the economic objectives of the Development Plan.

- The lpa does not dispute the appellants' figures submitted with the application on the scale of inward investment, construction jobs/operational jobs created, wage levels, annual direct GVA and multiplier effects for the wider area.
- Without Data Centre infrastructure and investment, the UK will not achieve its ambition to be a global leader in the digital economy. Investment opportunities may be lost to continental Europe and the businesses that depend on data will be less competitive.

Green Belt

- The site is located on land designated as GB in the mid 1950's,
- GB policy does not differentiate between parcels of land on the basis of when they were first designated.
- There is no bar to inappropriate development in the GB in national or local planning policy, provided it can be demonstrated that there are very special circumstances (VSCs) (Framework paragraph 153).
- The proposal would comprise inappropriate development in the GB in Framework paragraph 154 terms. Inappropriate development is, by definition, harmful to the GB and should not be approved except in very special circumstances (VSCs). Decision makers should ensure that substantial weight is given to any harm to the GB. VSCs will not exist unless the potential harm to the GB by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
- What constitutes VSCs does not need to be rare or uncommon. VSCs can also be a combination of factors, and it is a matter of planning judgement.
- The site does not contribute to the setting and special character of a historic town (GB Purpose d)
- The development would not undermine urban regeneration (GB Purpose e).
- Landscape enhancement and biodiversity enhancement would be consistent with the objectives of Framework paragraph 186¹ (circa 10% Biodiversity Net Gain (BNG)).

Prematurity

- There are no grounds to refuse planning permission based on prematurity having regard to Framework paragraphs 49 and 50.

Master Planning

- The detailed design and layout of the scheme is to be addressed at the Reserved Matters stage should the appeal be allowed. The lpa has no objection on design related grounds.

¹ Framework December 2023, now paragraph 193 Framework December 2024.

- The scheme is materially different from the Woodlands 1 proposal for up to 163,000 sq.m. across 3 buildings. The SoS's decision to refuse that appeal is dated 30 October 2023 (CD I12). Woodlands 2 must be assessed on its own merits.
- The landscape character baseline and site considerations remain materially the same as in Woodlands 1 (CD I12)

Traffic and Transportation

- The proposal would not have a severe residual adverse impact on the local highway network or give rise to an unacceptable impact on highway safety for the purposes of Framework paragraph 115².
- The proposal can provide for a safe and suitable means of access.
- Opportunities for sustainable transport modes have been taken up and the site is well placed to take advantage of opportunities to walk to local facilities and to use the bicycle and public transport to reach higher order facilities.

Trees and hedgerows

- There would be no unacceptable impacts upon on trees and hedgerows which cannot be overcome at Reserved Matters stage or through conditions.

Built Heritage & Archaeology

- There are no designated Heritage Assets within or adjoining the site that would be harmed as a result of the appeal proposals.
- The lpa raises no objection on archaeology grounds subject to planning conditions.

Ecology

- Subject to the recommended mitigation, the proposal would not have an unacceptable impact on protected species and or habitats within the site.
- National policy and legislation require the provision of BNG (+10%). This would be achieved by the proposal.

Noise & Air Quality

- The lpa does not object on noise grounds, subject to conditions.
- The site is within an Air Quality Management Area (AQMA). Any harm to air quality harm can be mitigated by conditions and financial contributions.

Energy and sustainability

- Subject to conditions and through the submission of reserved matters applications, details of energy efficiency and renewable/low carbon energy

² Framework December 2023, now paragraph 116 Framework December 2024.

measures can be submitted to demonstrate that the requirements of Core Policy 12 of the Core Strategy can be met.

Aviation

- Subject to conditions, the development would not result in unacceptable harm to the safe movement of aircraft.

Minerals Safeguarding

- Subject to condition, there are no objections on the grounds of minerals safeguarding. The area is on made ground and accordingly would not result in the sterilisation of mineral resources. The land is highly constrained and the potential for wider recovery of any significant volumes of mineral has been discounted. The volume of theoretical recoverable minerals is minimal, and its extraction would be both impractical and uneconomic. A condition requiring an assessment of the potential for re-use of minerals could mitigate for any loss.

Residential amenity

- There is no objection with regards to any unacceptable impact on residential amenity.

Flood Risk, Drainage and Groundwater

- The development would not increase flood risk off site and can be made safe for its lifetime. Previously, the SoS raised no objections on the grounds of flood risk in connection with the Woodlands 1. The lpa does not raise any objections on flood risk grounds.

Contamination

- Issues relating to potential contamination can be addressed by condition.

Infrastructure

- No statutory consultee identified any insurmountable infrastructure capacity concerns that could not be resolved through conditions or Planning Obligations.

Agricultural Land

- There is no objection with regards to the loss of agricultural land.
- The former landfill site has been capped and was originally restored to grassland. It is now managed infrequently. The western margin of the River Colne was undisturbed by mineral extraction. The landfill operation remains generally unmanaged.

1.7. A Case Management Conference (CMC) was held on 25 September 2024 (CD H9). The site is located within the GB and having regard to paragraph 154 of the Framework extant then, the matters to be addressed were agreed to be,

1. the effect on the openness and purposes of the GB.
2. the landscape and visual impact of the development.

3. whether the harm by reason of inappropriateness, and any other harm would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.
- 1.8. During the inquiry, revisions to the Framework were published. Relevant changes relate to Framework paragraph 155, which introduces a further category of development, the use of Grey Belt land, regarded as not inappropriate in the GB. Subsequently, the parties agreed that the main matters to be addressed were,
1. whether the proposal would be inappropriate development in the GB having regard to the Framework and any relevant development plan policy.
 2. the effect on the openness and purposes of the GB.
 3. the landscape and visual impact of the development.
 4. whether the harm by reason of inappropriateness, and any other harm would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.
- 1.9. The SoS recently granted planning permission on appeal for a Data Centre of up to 65,000 sq. m. on land at the Court Lane Industrial Estate, Iver (CD I22).
- 1.10. Exercising the powers conferred by Regulations 14(1) and 7(5) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (SI 571/2017), the SoS determined that this development is not an Environmental Impact Assessment (EIA) development (CD H19). This is consistent with previous decisions made by the lpa and the SoS for the larger Woodlands 1 scheme.
- 1.11. At the inquiry, Foxglove and its partner Global Action Plan, expressed concern over the lack of an EIA, particularly with regard to the intensive use of water and electricity required to operate a Data Centre (CD ID 3).
- 1.12. The appellant confirmed that the servers would be air cooled, and the demands made on the local water supply would be limited and commensurate with commercial premises of this scale. Whilst Woodlands 1 had a guaranteed grid connection, that commitment had been transferred elsewhere. Should the appeal be successful, a global Data Centre provider has an agreement with the appellants to acquire the site. This operator has a grid connection secured (CD H14A). In this context, the effect of the proposal on local electricity supplies has been assessed by the grid operator who has found no reason to restrict access on the grounds of an adverse effect on electricity supply. In light of the above, I have no reason to disagree with the conclusion that an EIA is not required or that the information submitted at the time of the application was deficient.
- 1.13. After the inquiry closed, the parties submitted an agreed list of suggested conditions (CD ID 16) and an electronic copy of a signed S106 Agreement (CD ID 17).
- 1.14. On 25 February 2025, Planning Policy Guidance (PPG) – Green Belt was updated. The PPG provides updated guidance on how the Framework relating to GB are to be applied. The updates relate directly the consideration of the first main matter identified above. The parties were given the opportunity to comment, and their

responses have been considered both in the reporting of the respective cases and the conclusions (CDs ID19, 20 & 21).

- 1.15. The inquiry sat for 5 days from the 11 December to the 18 December 2024. An unaccompanied site visit was made before the inquiry opened where the site was viewed from public vantage points. An accompanied visit to the site and its surroundings was made on the 15 January 2025.
- 1.16. The list of documents includes opening and closing submissions and proofs-of-evidence from the main parties. The proofs-of-evidence are as originally submitted and do not take account of how that evidence may have been affected by subsequent discussions and agreement between the various parties.
- 1.17. In reporting the cases for the main parties, opening and closing submissions have been used as the basis for their cases. All documents submitted to the inquiry can be viewed at [Public inquiry: Woodlands Park Landfill Site, Land South of Slough Road, Iver | Buckinghamshire Council](#).

The Site and Surroundings

- 2.1 The site has an area of some 22.15ha and extends from Slough Road in the north to Iver Lane in the south (CD A4). To the west is the M25 and to the east is the River Colne beyond which is the WLIP (CD A4). In the north, is an existing access track from Slough Road that, for part of its length, abuts the M25. This route also serves as access to the adjacent fishing lake. The middle part of the site is a restored quarry and landfill site and contains a pond used as a stocking lake for the nearby fishing lake (CDH16 Appendix B AV 4 & 5). Large pylons and electricity transmission lines run parallel to and behind the residential properties fronting Iver Lane before striking north across the eastern fringes of the site. To the east, along the River Colne, are banks of mostly mature deciduous trees.
- 2.2 The area of the former landfill site appears to have been unused for a number of years. On the site, mostly located in the in the south- east, but not visible from its surrounds are the remains of the landfill and quarrying uses comprising concrete blocks, spoil heaps and landfill gas monitoring tubes. Generally, the interior of the site is open and gently undulating comprising some grassed areas and extensive areas of impenetrable brambles. The changes in levels appear to relate to the restoration following its use as a landfill site. At the edges of the site to the east and west are trees and other taller vegetation.
- 2.3 In the south, either side of Palmers Moor Lane, are fields in the appellants' ownership used for the grazing of horses (CD A17c Viewpoint (VP) 15, CD A17d VP 14, CD H17 Appendix B AV 11). The fields are separated from the former landfill site by a significant change in levels and in places dense hedgerows (CD A17c VP 17). Palmers Moor Lane is a narrow road leading to several dwellings and a bridge over the M25 (CD A17 Appendix B Figures 42 & 43). To the west of the central portion of the site and within the appellants' ownership is a large private fishing lake and areas of former tip (CD H16 Appendix B AV 1 & 2). Changes in levels and swathes of planting along the boundary with the M25 means that much of the carriageway is not visible (CD A17c Figure 14 VP 1).
- 2.4 The site lies on the edge of the Greater London Conurbation. To its east, beyond the River Colne, is the WLIP. This commercial area comprises premises of varying size, height and quality (CD A17e Appendix D Figures 20 & 21). Beyond the WLIP is the built-up area of Uxbridge. Between the western boundary of the WLIP and the River Colne and running from Iver Lane to Slough run is a public footpath of varying width and condition, forming part of the London Loop. To the west, beyond the M25, lies open countryside and the villages of Iver and Iver Heath. To the north and south of the site beyond Slough Road and Iver Lane respectively lies further open countryside interspersed with urban fringe uses such as an electricity substation and commercial uses (CD ID9).

3 The Proposal

- 3.1 The application was submitted in outline with all matters reserved except for access for a hyperscale Data Centre of up to 72,000 sq. m to be delivered across 2 buildings with an electricity substation immediately to the north and the location of a potential District Heating Pumping House to the west of Building 2 (CDs A6 & A7). Each building would have a maximum footprint of some 31,921.5 sq. m (243,600 sq. ft) (CD A9).
- 3.2 A Data Centre is a facility that houses IT operations and equipment, including servers, storage systems, and networking devices. It is designed to support large-scale computing and data storage needs.
- 3.3 The buildings would have a maximum height of 14m with 4m high flues and would contain ancillary offices, internal plant and equipment, and emergency backup generators and associated fuel storage facilities (CD A8 & A20). The buildings would measure some 190m in depth and 125m in width with high quality architectural frontages on the western elevations (CD A7). The Green Infrastructure Plan shows the buildings would be part Green Walls and Brown Roofs (CD A10).
- 3.4 The access from Slough Road is intended as a secondary/emergency vehicle route and as access for pedestrians and cyclists (CD A 11). The main vehicular access would be from Iver Lane (CDA11 & CD A12). That part of Palmers Moor Lane between the junction with Iver Lane to where the access road would strike off to the north-east would be widened to provide a 6.5m road with a 2m wide footpath on the eastern side and a 4m wide shared surface bridleway and cycle path (CD A12).
- 3.5 Around the buildings would be an electricity substation, access and circulation roads, car parking, cycle parking, hard and soft landscaping, facilities to enable connection to a district heating network, sustainable drainage systems and ancillary infrastructure. The site would be contained by a security perimeter fence and earthworks and would be equipped with external lighting (CD A5 & CD A10).

4 Planning Policy and Other Guidance

Development Plan

- 4.1 The development plan includes, the South Bucks Core Strategy adopted February 2011 (CS), the South Bucks District Local Plan adopted in 1999 and consolidated in September 2007 and February 2011 (LP), the Buckinghamshire Minerals and Waste Local Plan adopted July 2019 (CD E3) and the Ivers Neighbourhood Plan 2021 – 2040 made January 2023 (NP).

South Bucks Core Strategy (CD E2)

- 4.2 *Core Policy 6 – Local Infrastructure Needs (CP6).* Green Infrastructure will be protected unless it is no longer needed, or alternative provision is made.
- 4.3 *Core Policy 7 – Accessibility and Transport (CP7)* seeks to (1) focus new development that generates substantial transport movements in locations that are accessible by public transport, walking and cycling and (2) ensure that the impact of development on the road network is minimised and mitigated.
- 4.4 *Core Policy 8 - Built and Historic Heritage (CP8).* Development must be of a high standard of design and make a positive contribution to the character of the area.
- 4.5 *Core Policy 9 – Natural Environment (CP9).* Supporting text indicates that the South Bucks Landscape Character Assessment 2003 identifies different character areas together with their key characteristics which need to be maintained and enhanced. The policy refers to the South East Regional Biodiversity Strategy identifying 5 Biodiversity Opportunity Areas within South Bucks. One such area is the CVRP which covers much of the eastern part of South Bucks. This rural/urban fringe is said to provide a complex and diverse pattern of landscape that includes damaged land as the result of mineral extraction and neglect. These areas present opportunities for improvement in line with the aims of the CVRP as listed in the Colne Valley Regional Park Action Plan 2009-2012.
- 4.6 Policy CP9 indicates the landscape characteristics and biodiversity resources within South Bucks will be conserved and enhanced by,
1. Not permitting development that would harm landscape character or nature conservation interests unless, (a) the importance of the development outweighs the harm caused, (b) the development cannot reasonably be located on an alternative site that would result in less or no harm, and (c) appropriate mitigation or compensation is provided, resulting in Biodiversity Net Gain (BNG).
 2. Seeking the conservation, enhancement and net gain in Biodiversity Opportunity Areas, on rivers and their associated habitats.
 3. Maintaining existing ecological corridors and avoiding habitat fragmentation.
 4. Improving the rural/urban fringe by supporting and implementing initiatives in the Colne Valley Regional Park Action Plan.
- 4.7 *Core Policy 10 – Employment (CP10).* Encourages the presence of high value and knowledge-based businesses.

- 4.8 *Core Policy 12 – Sustainable Energy (CP12).* Energy efficiency and the use of renewable/low carbon energy is promoted in all new developments.
- 4.9 *Core Policy 13 – Environmental and Resource Management (CP13).* Seeks to ensure the prudent and sustainable management of environmental resources through best practice in sustainable design and construction and seeks improvements in air quality especially in the AQMA adjacent to the motorway.
- 4.10 The SoCG lists CS Policies CP 8, 9 and 13 as the most important for the determination of this proposal.

South Bucks District Local Plan (CD E1)

- 4.11 *Policy GB1 – Green Belt Boundaries & Control Over Development.* Planning permission will not be granted for development other than for several categories of development, none of which apply here.
- 4.12 *Policy GB4 – Employment Generating & Commercial Development in the Green Belt.* New employment generating or other commercial sites in the GB will not be permitted.
- 4.13 *Policy EP3 -The Use, Design and Layout of Development.* Development will only be permitted where its scale, layout, siting, height, design and external materials and use are compatible with the character and amenities of the site, adjoining development and the locality in general. Poor designs that are out of scale or character with the surrounding area will not be permitted. The supporting text recognises that opportunities for development are very limited, principally because of policies of strategic restraint especially those relating to the GB.
- 4.14 *Policy EP4 – Landscaping.* Proposals should include hard and soft landscaping, retain existing planting and landscape features that are or may become important elements in the character and appearance of the site or wider area.
- 4.15 *Policy EP6 – Designing to Reduce Crime.* Development should be designed and laid out to reduce the opportunity for crime against people and property.
- 4.16 *Policy EP17 – Aerodrome/Air Traffic Safeguarding.* Development that would interfere with the safe operation of an aerodrome or with the movement of air traffic over the area will not be permitted.
- 4.17 *Policy TR5 – Access, Highway Works & Traffic Generation.* Where development would generate additional traffic regard will be had to the effect on safety, congestion, the character of the area and residents' living conditions.
- 4.18 *Policy TR7 – Parking Provision.* Development will only be permitted where it complies with the parking standards set out in the LP.
- 4.19 The SoCG lists LP Policies GB1, GB4 and EP3 as the most important for the determination of this proposal.

Ivers Neighbourhood Plan 2021 - 2040

- 4.20 *Policy IV1 Gaps Between Settlements and Corridors of Significance.* Iver Heath to Uxbridge along the B4007 Slough Road and Iver Village to Cowley along the B470 Iver Lane are identified as Corridors of Significance. Here, development should avoid an unacceptable impression of ribbon development or suburbanisation and demonstrate that they have had regard to Buckinghamshire's Historic Landscape Character Study.
- 4.21 *Policy IV7 – Air Quality.* Development within the Iver AQMA should contribute to the objectives of the Air Quality Action Plan and the Iver Clean Air Implementation Strategy, demonstrate at least air quality neutral standard during construction and operation, and make provision for electric vehicle charging points equivalent to the number of off-street parking spaces required as part of the development.
- 4.22 *Policy IV8 – Managing Traffic.* Slough Road, Iver Lane and Palmers Moor Lane are listed as Key Locations where public realm improvements and traffic mitigation measures are required to enhance, the active travel environment, residential amenity and highway safety. Developments that generate an increase in traffic on Iver Lane will be required to contribute to public realm improvements and traffic mitigation provided they directly relate to the development. Cases made to justify VSCs will need to make a direct and proportionate contribution to delivering improvements to the highway infrastructure.
- 4.23 *Policy IV13 – Colne Valley Regional Park.* Development should make a positive contribution to the improvement of the park in line with its objectives and the Colne & Crane Valleys Green Infrastructure Strategy. The policy lists criteria that proposals should demonstrate compliance with, including maintaining and enhancing the landscape and waterscape of the park, conserving and enhancing biodiversity, and providing opportunities for countryside recreation.
- 4.24 *Policy IV14 – PassivHaus Buildings.* Development should be zero carbon ready by design. All applications for major developments are required to provide a Whole-Life-Cycle Carbon Emission Assessment. An Energy Statement is to be submitted including a passive design capacity showing opportunities to reduce energy use intensity over the plan period.
- 4.25 Of the above policies, the SoCG lists NP Policies IV7 and IV13 as the most important for the determination of this proposal

Emerging Development Plan Policy

- 4.26 As a unitary authority, Buckinghamshire was required to have a new district-wide plan in place by April 2025. No relevant emerging policies were referred to and the lpa indicated that 2027 is the revised date for an adopted district wide plan.

Other Local Policy Documents

- 4.27 Those referred to include,
- i. South Bucks Landscape Character Assessment – October 2011 (CD H7F),

- ii. Buckinghamshire Green Belt Assessment 2016 (CD H7D),
- iii. Buckinghamshire Green Belt Assessment 2016 Annex Report (CD H7D),
- iv. Chiltern & South Bucks Stage 2 Green Belt Assessment (CD H7E),
- v. Colne Valley Landscape Character Assessment A2017 (CDH7G),
- vi. Colne & Crane Valleys Green Infrastructure Strategy 2019 (CDH7I),
- vii. Colne Valley Landscape on the Edge – Action Plan 2018 (CD H7H).

National Planning Policy, Guidance & Strategies

4.28 Those referred to include,

- i. The National Planning Policy Framework, December 2024,
- ii. Planning Practice Guidance,
- iii. National Planning Policy Consultation Paper (CD G3),
- iv. Building Homes We Need 30 July 2024 (CD G5),
- v. National Design Guide (CD G10),
- vi. Department for International Trade to Buckinghamshire Council (CD G6),
- vii. King's Speech July 2024 (CD G7).

5. The Case for the Appellants

The material points are:

Introduction

- 5.1 This proposal sits at the very heart of the Government's high priority objectives for economic growth. Data Centres and digital infrastructure acknowledged as key engines of that growth (Framework paragraphs 85 to 87).

Preliminary Matters

The application was refused for a single reason asserting,

- The development would be inappropriate development in the GB, would result in harm to visual and spatial openness, and conflict with the purposes of including land within it.
 - Other harms include harm to, the character and appearance of the area, air quality and habitats of protected species.
 - The harm to the GB by reason of inappropriateness and the other harms, would not clearly be outweighed by other material considerations so as to constitute the VSCs necessary to justify inappropriate development.
 - The proposal would conflict with policies in the CS, LP, NP and the Framework.
- 5.2 On air quality and habitats, agreement has been reached on these matters. The lpa no longer relies on them to justify refusal. The lpa accepts³ that the harms now relied on are "*lessened*" from what they were perceived to be at the time when the application was refused. Thus, the lpa's case has, necessarily, reduced in force. Furthermore, notwithstanding that the Inspector who took the CMC sought to clarify matters relating to flood risk and the Sequential Test, neither the lpa nor any other party object to the development on that basis.
- 5.3 Whilst the lpa raises an issue⁴ as to timing/deliverability in the context of a power supply, that has not been pursued at the inquiry. Woodlands 1 had power reserved from the Iver substation, which has now been assigned to another scheme. A global Data Centre provider, who has secured a grid connection, has an agreement with the appellants to acquire the site upon the grant of planning permission. Notwithstanding the end-user's grid connection agreement, there is a well-established secondary market for power connections and parties will trade their agreement for a grid connection as is evident by the appellants' previous grid connection agreement being reassigned to another site⁵. That evidence was not challenged by the lpa, nor did it did not address the matter in oral evidence.

³ X-Examination of Ms Marber.

⁴ CD H15A paragraphs 6.6 & 6.7.

⁵ CD H14A.

- 5.4 The only harms asserted by the lpa are GB harms and harm to local character and appearance.

Development Plan and Relevant Policies

- 5.5 The LP was adopted in 1999, with policies based on an evidence base that bears no relation to the needs and priorities of the district now. The CS was adopted in 2011, prior to the first iteration of the Framework.
- 5.6 The appellants accept that, in strict, technical terms, there is conflict with the development plan. However, when it is acknowledged that there is both an “*urgent and overwhelming*” need for this development, and that “*there is no plan-led approach to the delivery*”⁶ of that need, then an abundance of caution has to be applied to the application of development plan policies. The lpa accepts that the whilst the SoS in the Court Lane decision found that scheme to be in conflict with LP Policies GB1 and EP3 and CS Policy CP9 that did not prevent her from granting planning permission (CD I22). LP Policies GB1 and GB4 are inconsistent with the Framework. These policies do not allow that VSCs may justify a grant of permission for inappropriate development in the GB. In the Woodlands 1 and Court Lane decisions, this inconsistency resulted in the SoS having to import the Framework VSCs test so as to render those policies operative⁷. Recent revisions to the Framework have introduced a further inconsistency. LP Policy GB4, does not allow for the exception to inappropriate development that applies to Grey Belt land (Framework paragraph 155).
- 5.7 The reality is that, were the development to be regarded as inappropriate it is impossible for it to accord with the development plan. That should not be the case. The fact that there is a technical breach of policy should not prove any material obstacle to a grant of permission. The appellants’ evidence on this matter and on all development plan policy matters, was not challenged. Given the lpa accepts that there are no alternative sites to meet the agreed need, the proposal is not in conflict with CS Policy CP9, which expressly allows for harm in the absence of alternatives. The lpa also addresses CS Policy CP8. However, as explained⁸ this is a design policy and the lpa acknowledges⁹ that a visually attractive could be designed.
- 5.8 There is no emerging development plan. Whilst the lpa claims that there will be an adopted plan in place by 2027, this is highly optimistic¹⁰. For a new unitary authority preparing its first plan covering several former lpa areas, is adoption will be a complex task. Waiting for a new LP is not the answer to meeting an urgent need of national importance.

⁶ CD H15A paragraph 7.22.

⁷ CD I22, paragraph DL12 and CD I12 paragraph DL20.

⁸ X-Examination of Mr Hutchison.

⁹ X-Examinations of Ms Thorne & Ms Marber.

¹⁰ Evidence-in Chief Mr Hutchison.

Main Matters

Inappropriate Development

- 5.9 At the start of the inquiry, given the site is in the GB and applying Framework policy at that time (December 2023), the scheme fell to be considered as inappropriate development. The appellants' position is that VSCs exist so as to justify a grant of permission. However, with Framework paragraph 155 introducing the concept of Grey Belt land, the appellants say that, in the alternative, Woodlands 2 is not inappropriate development, as such it is unnecessary to show VSCs.
- 5.10 Over and above those categories listed in Framework paragraph 154, paragraph 155 provides for a further category of development in the GB which should not be considered as inappropriate. Framework paragraph 155 says,
- "The development of homes, commercial and other development in the Green Belt should also not be regarded as inappropriate where:*
- a. The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;*
 - b. There is a demonstrable unmet need for the type of development proposed;*
 - c. The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework; and*
 - d. Where applicable the development proposed meets the 'Golden Rules' requirements set out in paragraphs 156-157 below."*
- 5.11 The lpa accepts¹¹ that for the purposes of Framework paragraph 155, the proposal is for "*commercial and other development*" and the policy applies. The lpa accepts that of the 4 criteria to be satisfied for the development to be regarded as not inappropriate, the proposal satisfies criteria (b), (c) and (d). The only criterion the lpa says is not satisfied is criterion (a). The only basis on which the lpa suggests non-compliance with criterion (a), is that site fails the definition of Grey Belt land as set out in the Glossary to the Framework.
- 5.12 The Framework definition of Grey Belt is, "*...land in the GB comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143. Grey Belt excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than GB) would provide a strong reason for refusing or restricting development*".
- 5.13 The lpa agrees that the sole point at issue, is whether the site makes a strong contribution to GB Purpose (a). The lpa acknowledges¹³ that if the site does not make a strong contribution, it should be regarded as Grey Belt. Thus, if the site is

¹¹ X-Examination of Ms Marber.

properly regarded as Grey Belt land, then, the proposal is not inappropriate development and there is no requirement to show VSCs. In the planning balance, Framework Footnote 55 disapplies the presumption that “*substantial weight*” should attach to any GB harm so, no such presumption should be applied in this case.

- 5.14 On the single point of dispute, the lpa initially sought to maintain that the previous Inspector/SoS had, in Woodlands 1 concluded that the site made a strong contribution to GB Purpose (a). However, the lpa¹³ accepts that no such conclusion had been reached. Rather, in Woodlands 1, the view of the Inspector/SoS was, that the site made a strong contribution to GB Purposes when taken together. That analysis includes consideration of Purpose (c), which is expressly excluded from the Grey Belt definition, does not serve the lpa’s case.
- 5.15 The right approach is to begin with the lpa’s GB Study¹². The Study divided the GB into General Areas (GA), each to be assessed against Framework GB purposes¹³. The site lies within GA 83, an area bounded to the north by the A4007 Slough Road, to the west by the M25, to the south by the Grand Union Canal and to the east by the River Colne. In assessing the contribution, a GA made to meeting GB purposes, the Study scored each area on a scale of 0 – does not meet the purpose to 5 – Meets the purpose strongly¹⁴. On Purpose (a), the Study concluded that GA 83 only scored 3 - Meets the Purpose¹⁵. Indeed GA 83 was explicitly found not serve the purpose “*relatively strongly*”, let alone “*strongly*”. Such a conclusion is entirely sound. The lpa’s position is based on the merging of “*impact of development*” with “*contribution to purpose*”. Because the development in Woodlands 1 was found to cause significant harm to a GB Purpose, the lpa says that it follows that the site must make a strong contribution to that Purpose. Such an approach is misconceived.
- 5.16 Degree of harm is largely informed by the development proposed. As the lpa accepts¹⁶, less development will lead to less harm as compared to Woodlands 1. The site still makes the same contribution to each GB Purpose in both schemes. Thus, the lpa is wrong to equate harm of development to contribution to Purpose. The bottom lines, in terms of the distinction between these 2 concepts, is that **Harm**, where it occurs, is caused by development, **Contribution** to a GB Purpose, where it is made, is made by land. These are 2 different things, and the lpa is wrong to merge them.
- 5.17 The River Colne is the readily recognisable and durable boundary that serves to restrict urban sprawl. On Purpose (a), whilst the appellants accept that the site makes some contribution, it is limited because of this recognisable boundary, a boundary that the lpa and SoS were so keen to draw attention to. The appellants accept that the absence of such a durable boundary would strengthen the

¹² CD H7(d) Part 1 page 50 Fig 4.2.

¹³ Framework as of March 2012.

¹⁴ CD H7(d) Part 1 page 50 Fig 4.2.

¹⁵ CD H7(d) Part 2 page 38-39 for GA 83 analysis.

¹⁶ X-Examination of Ms Marber.

contribution of the site to Purpose (a). However, there is no basis to say that the contribution is “*strong*” and even the lpa’s own GB Study does not try to do so.

- 5.18 PPG¹⁷ clarifies the approach to be taken when engaging with Framework paragraph 155. Here, there are several key points to consider.

Purpose (a)

- 5.19 PPG advises that assessment parcels should be sufficiently granular to consider variability. Here, the parcel assessed, (GA 83)¹⁸ is much larger than the site and includes other land that is not representative of the site. GA 83 extends to an area of some 160.6ha bounded by the A4007 Slough Road in the north, the M25 to the west, the Grand Union Canal in the south and the River Colne to the east whereas the site only extends to some 22.15ha.
- 5.20 PPG says that assessment areas that contribute strongly to Purpose (a) are likely to be free of existing development and lack physical feature(s) in reasonable proximity that could restrict and contain development. Here, whilst the site is free of development, the GB does not lack physical features, it has the River Colne and the M25, which weakens the contribution the site makes to Purpose (a). The GB Study¹⁹ took a similar approach to the PPG on this matter, where it assessed GAs on the basis of whether there would be an absence of “*durable features*” that would otherwise prevent sprawl. Durable features listed include rivers and motorways.
- 5.21 Referring to the GB Study, the lpa comments that Uxbridge has a well-defined western edge along the River Colne, with the bulk of built form, the WLIP, located to the east and immediately, beyond this defensible boundary, to the west, lies the site. Moreover, the Woodlands 1 Inspector²⁰ made multiple references to the River Colne being a well-defined and durable boundary. Despite all of these references and the reliance upon a strong, durable and a defensible boundary, the lpa claims that there is no physical feature at all and does not refer to the River Colne in the response to revised PPG.
- 5.22 In addition to the River Colne, if development was to occur beyond this physical feature, the M25 is a further physical boundary in reasonable proximity of the site. Regardless of GB, this is a second line of defence, and the GB Study accepts that a motorway can be a durable barrier that could restrict sprawl²¹. Whilst Woodlands 1 considered arguments about the M25, that inquiry and decision pre-dated the December 2024 Framework and revisions to the PPG. It was a different SoS considering a different scheme in the context of a different planning policy context. The findings in Woodlands 1 on the role of the M25 do not transfer across to this case. The age the M25 has no bearing on whether it is a physical feature for PPG purposes. The question of whether the M25 here should be allowed to define the

¹⁷ Revised 25 February 2025.

¹⁸ CD 7D Annex Report 1F – General Area Assessment Proformas Parcel 83.

¹⁹ CD 7D page 52 paragraph 4.4.13.

²⁰ CD I 12 IR 235 – 237.

²¹ CD 7D Annex Report 1F – General Area Assessment Proformas Parcel 83.

new urban edge of London is also irrelevant in this context. This is not a test for Grey Belt in the Framework or the PPG.

- 5.23 Woodlands 1 places significant emphasis on the visibility of the M25 from certain selected viewpoints. In PPG, visibility of the physical feature has no bearing for the purposes of determining whether the area of GB in question makes a “*strong contribution*” to Purpose (a). There is no reference to visibility at all. Rather, the reference is simply to the existence of the physical feature. The question is whether or not the M25 is a physical feature that can restrict and contain development. If visibility is to be considered, then PPG would have said so. This is illustrated by PPG guidance in relation to Purpose (b), which does make specific reference to visual considerations. There is no such reference under Purpose (a), presumably because this is more of a spatial rather than visual consideration.
- 5.24 In representations on the PPG the lpa confuses visual and physical considerations. The lpa says that the M25 is predominantly screened from the site and therefore it is not a physical barrier to prevent sprawl. The logic of this is, if a feature cannot be seen, then it is not a physical feature and if you cannot see it, then it is not there. This approach is misconceived, here, the 8-lane wide M25 with all its attendant paraphernalia is, self-evidently, a very significant physical feature that can prevent sprawl regardless of whether the land parcel beyond is GB.
- 5.25 PPG says that the presence of urban influences can also weaken the contribution to Purpose (a). Here, these urban features include the WLIP, 3 lines of high voltage electricity pylons, the heavily trafficked M25 and the site’s former use for landfill. This scheme would not result in an incongruous pattern or extended finger of development into the GB.

Purpose (b)

- 5.26 On Purpose (b), the GB Study wrongly considered villages. It is agreed that the SoS has to consider towns rather than villages and this approach is confirmed by PPG. The lpa accepts²², that the merging of the towns of Slough and Uxbridge would not be immediately apparent, spatially or physically. However, the lpa seeks to argue that despite there being a gap of over 3.6km the scheme would “*reduce*” or “*diminish*” separation.
- 5.27 To make a strong contribution to Purpose (b), PPG says that a parcel of land is likely to be free of existing development and forms a substantial part of a gap between towns the development of which would be likely to result in the loss of visual separation of towns. This does not apply here. The site is only a very small part of the gap between Uxbridge and Slough, and there is no intervisibility between the site and Slough. Development here would not result, nor would it be likely to result, in the loss of visual separation between these towns. The site does not make a material contribution in this regard, and its overall contribution to Purpose (b) is weak.

²² CD H15A paragraph 5.18.

Purpose (d)

- 5.28 It is agreed²³ that the site does not contribute to Purpose (d), preserving the setting and special character of historic towns.

Effect on the GB as a Whole

- 5.29 The lpa's suggestion that it is a material consideration of significant weight, that the Woodlands1 Inspector concluded that the site performs strongly in meeting the GB purposes is mis-leading, out-of-date and was part of a very different assessment to that which is now required by the PPG in relation to Grey Belt.
- 5.30 The updated PPG explains that there is a need consider the extent to which the release or development of GB, including Grey Belt, land would fundamentally undermine the purposes taken together of the remaining GB across the plan area as whole. In reaching this judgement, decision makers should consider whether, or the extent to which, the release or development of GB land would affect the ability of all the remaining GB across the area of the plan from serving all 5 of the GB purposes in a meaningful way.
- 5.31 The test sets a very high bar. It is inconceivable that the loss of this particular part of the GB would come anywhere close to fundamentally undermining the purposes of the remainder of the GB across the entire plan area. That is to suggest that if the appeal was to be allowed then the lpa might as well de-designate the rest of the GB across Buckinghamshire because it could no longer serve its function. The lpa asserts that if this site is released for development, it would affect the ability of fields west of the M25, to serve all 5 of the Green Belt purposes in a meaningful way. This is neither credible nor is it relevant to the question posed by PPG.
- 5.32 The lpa applies the wrong test, inventing its own test rather than applying that set out in the Framework and PPG. The Framework and PPG are not just concerned with the function of adjacent land. The test is whether the scheme would fundamentally undermine the purposes taken together of all of the remaining GB across the area of the plan area as a whole. The fields beyond the M25 would continue to serve GB purposes as before and the development of the site would not reduce their ability to do this. Indeed, when dealing with this point the lpa has correctly described the M25 as a "*physical boundary*", which contradicts the earlier submission that the M25 is not a physical feature when considering GB Purpose (a). Here, this scheme would not fundamentally undermine the purposes of the remaining GB of the plan area as a whole.
- 5.33 The site is properly regarded as Grey Belt land. Given the lpa agrees that if Framework paragraph 155 is satisfied, the question of whether permission should be granted falls to be determined not by reference to VSCs, but on the basis of the flat planning balance. If a flat balance is applied, the appeal must succeed. Such

²³ CD H6A paragraph 8.43.

an approach, analysis and determination would properly recognise the Government's new policy and direction.

- 5.34 Without prejudice to the above, VSCs do exist, such that even if the SoS concludes the site is not Grey Belt, planning permission should be granted. If the proposal is regarded as inappropriate development, the correct approach is that the harm to the GB, which is accorded substantial weight, together with any other planning harm, is balanced against the benefits of the development. Only in circumstances where the benefits clearly outweigh the harms, will VSCs exist.
- 5.35 Where the application seeks permission for inappropriate development in the GB, the only test to be carried out is that of VSCs. Further, that test embraces all relevant planning considerations. In *Monkhill Ltd v SoS for Housing, Communities & Local Government* [2019] EWHC 1993, Holgate J stated, "*The application of some "Footnote [7]" policies (e.g. Green Belt) requires all relevant planning considerations to be weighed in the balance. In those cases, ... the outcome of that assessment determines whether planning should be granted or refused...*"
- 5.36 The lpa accepts²⁴ that the VSCs test does not entail a rigid, mathematical "*totting up*" exercise. Nor is each element of GB harm given a "*separate*" batch of "*substantial*" weighting in the balance. In *R (Sefton Borough Council) v Secretary of State* [2021] PTSR 1662 Judge Eyre QC, stated at paragraph 34, that whilst the decision-maker has, "*...to have real regard to the importance of the Green Belt and the seriousness of any harm to it. They do not, however, require a particular mathematical exercise nor do they require substantial weight to be allocated to each element of harm as a mathematical exercise with each tranche of substantial weight then to be added to a balance*".
- 5.37 Ordinary considerations can, when taken together, combine to produce the VSCs required to justify the grant of planning permission for inappropriate development. In *R (on the application of Basildon District Council) v First Secretary of State* [2004] EWHC 2759, Sullivan J observed that all relevant factors should be considered in the round, and noted that: "*...in planning, as in ordinary life, a number of ordinary factors may when combined together result in something very special*" (CD I19).
- 5.38 The above principles provide the clear framework within which this proposal should determine. These principles represent the correct approach, as stated by policy, and as recognised by the Courts. It is acknowledged that the proposal would result in some degree of planning harm. However, such harm is, even on the lpa's case, limited in its scope/degree. Although, the development would comprise some 72,000 sq. m of built development, the limited harm that would result is notable. Further, the SoCG confirms, there is agreement that, all the SoS is concerned with is harm to landscape character and appearance, and to the GB.

²⁴ X-Examination of Ms Marber.

Landscape & Visual Impact

Overarching Matters

- 5.39 It is telling that the lpa's landscape witness²⁵ confirmed that she regards her role as being to assess the "*worst case scenario*" in terms of landscape and visual harm. This approach is flawed and undermines the reliability of the landscape evidence. The appellants' unchallenged position²⁶ is that it is not the role of a landscape witness to consider only a worst-case scenario. Rather, it is their role to carry out a comprehensive assessment. Whilst that must have regard to the worst-case scenario, the assessment should not be confined to that scenario. A holistic approach, such as that undertaken by the appellants, which comprises a year-round assessment, and considers the impacts of development in all circumstances is necessary. The lpa has not adopted such approach.
- 5.40 Illustrative of the lpa's method in this regard is the insistence¹⁶, on referring to the scheme as one which is 18m in height in terms of elevation. That is not an accurate appraisal. The scheme is 14m in height, with 4m flues. To regard the flues as providing a "*solid*" elevation¹⁶ when there are some 7 flues, each a couple of metres wide at most on each of the 190m long side elevations, is not credible and not a sound basis of assessment.
- 5.41 Undermining the lpa's credibility is the repeated insistence¹⁶ that both the landscape and the visual adverse impacts of the scheme are no less than those that would have been caused by the Woodlands1 scheme. This is notwithstanding that the scheme is so markedly reduced in extent with 2 Data Centre halls, not 3, height is reduced from 23m (27m with flues) to 14m (18m with flues), volume is reduced from 1,201,453 to 508,949 m³ and GEA reduced from 163,000 to 72,000 sq. m.
- 5.42 The appellants accept that the scheme would result in a degree of harm, but to maintain that there is no difference in the degree of harm is not credible. Indeed, the lpa's planning witness²⁷ confirmed that that this was not her view and did not support the lpa's landscape witness. That is why she reduced her assessment of the weight attaching to landscape harm down to "*significant*," whereas the SoS in the Woodlands 1 decision had previously attributed "*substantial*" harm".
- 5.43 Repeatedly²⁸ the landscape witness elects to ignore the softening impacts of proposed planting. Planting is not intended to entirely hide the built form, but instead to soften its appearance and assist in assimilating it into its vegetative context. Only looking at winter views, the lpa asserted²⁹ that a particular receptor would "see" the Data Centre in those views. It was only ever when referred back to the landscaping scheme that the lpa took landscaping into account.

²⁵ X-Examination of Ms Thorne.

²⁶ Evidence-in-Chief & X-Examination of Mr Harris.

²⁷ X-Examination of Ms Marber.

²⁸ Evidence-in-Chief & X-Examination of Ms Thorne.

²⁹ Evidence-in-Chief Ms Thorne.

- 5.44 The lpa's unjustified hostility¹⁹ to the landscaping was never more apparent than when asked to consider the proposed "*retention, enhancement and long-term conservation*" of the River Colne Corridor. In the written evidence³⁰ the value of the works is rejected because it "...*only applies to a narrow margin at the western edge of the site.*" However, when challenged¹⁸ the lpa changed tack, stating that the reason these measures were dismissed is because it was not known what was proposed. This is not a fair assessment. The appellants are clear, here the River Colne is significantly degraded, and the western bank would be restored to its attractive, functional potential. This would be a benefit of the scheme. For the lpa's landscape witness to disregard the matter, serves to emphasis her partiality, and reduce the weight that her evidence might otherwise attract.
- 5.45 A further reason, the SoS should place faith in the appellants' landscape and visual assessment, and set aside that of the lpa, is because of the selective approach the lpa adopts. By way of example, the lpa³¹ is keen to dismiss the presence of the 3 sets of pylons and overhead lines (OHL) which run along the eastern flank of the site and across its southern reaches commenting, "*I was not really aware of them....*". The lpa is also keen to play down the noise from the M25 and from the immediately adjacent WLIP commenting "*I was not really aware of it...*". Further, the lpa is keen to dismiss the former quarry/landfilled nature of the site, when even the Woodlands1 decision acknowledged that this was a "*damaged*" landscape.
- 5.46 The above matters are directly relevant and cannot be ignored. In landscape terms, the industrial/traffic noise goes directly to the credibility of the lpa's assertion that this is not a transitional landscape, and that it is "*tranquil*" and "*calm*". Further, in visual terms, the lpa asserts that views from the rear of the Iver Road residential properties would be harmed by the scheme, but at the same time fails to acknowledge that, (a) the 14m high buildings would be some 500m away, (b) they would be viewed beyond the significant escarpment resulting from the "landfill cap", and (c) their appearance would be softened/partially concealed by landscaping and (4) in, order to see the scheme those residents would be looking through 3 sets of electricity pylons and their associated overhead lines. It is simply not tenable to ignore considerations such as these. Existing context must be had regard to. The lpa's failure to do so undermines its assessment.
- 5.47 Whilst it is the lpa's judgement that the appellants have critiqued, the damage that lpa's landscape witness has done to its case does not stop with her evidence. The lpa's planning witness³² was clear that she had relied upon the landscape assessment for the purpose of her understanding of landscape and visual matters. In overstating the harm that would be caused by the scheme, the lpa's landscape witness undermined the planning analysis. The appellants submit that the harm to landscape character and appearance would be limited and localised attracting only limited weight.

³⁰ CD 16A.

³¹ X-Examination of Ms Thorne.

³² Evidence-in Chief & X-Examination Ms Marber.

Landscape and Visual Assessment (CD A17a – h & CD H12a)

- 5.48 Woodlands 2 addresses comments made in the Woodlands1 decision (CD I12). Whilst the proposal is still for a hyperscale Data Centre, the differences with Woodlands 1 are significant. The scheme is now provided over 2 buildings not 3 with a reduction in the development footprint of some 91,000 sq.
- 5.49 The site area is significantly reduced from some 52.48ha to some 22.15 ha. Now, the site is limited to an area directly related to the functioning and practical use of the development. This leaves the wider landscape as it is with the exception of the land forming the margin with the River Colne. This area has been included to allow for a sustainable drainage scheme and restore the landscape west of the River Colne. This is to mitigate the effects of development on the character and appearance of the landscape and to restore the landscape for habitat opportunities.
- 5.50 The area to the south of the lake extending to the dwellings on Palmers Moor Lane has been omitted. This area includes the higher and naturalised landscape area of former landfill immediately east of the M25. Omitting this prominent area, retains the undeveloped character of the landscape and the sense of visual openness.
- 5.51 In Woodlands 1, extensive landscaping was proposed to the south and east of Palmers Moor Lane. This part of the scheme was given neutral weight in the Woodlands 1 planning balance suggesting that it was not an enhancement. This area has been omitted and the character and openness of the landscape in and around Palmers Moor Lane would remain largely as it is further limiting change.
- 5.52 The scheme does include the landscape between the buildings and the western bank of the River Colne. The landscape here is in poor condition and needs improvement to strengthen natural screening of built form from views to the east, north east and south-east. In Woodlands 1, the Inspector put value on the River Colne being an area of transition from Greater London to the rural landscape to the west. Whilst the River Colne does provide a physical feature that can be identified when walking along that part of the London Loop, it is the riparian vegetation associated with the river corridor that is visually prominent in this role as a transitional landscape feature. By incorporating the western margin of the River Colne corridor into the scheme, this landscape can be restored and extended with further planting. This would conserve its well treed and riparian character, seen in views from the London Loop and from glimpsed views further east, whilst allowing the smaller development buildings to be assimilated into that riparian landscape that lies between the River Colne and the existing lake.
- 5.53 The fishing lake and its associated margins are excluded from the site. In conjunction with the landscape to the south of the lake, the entire western half of the former land fill site would now remain free of built form. The contribution of this part of the site to the landscape character of the wider area would be enhanced by the proposed planting and the western boundary with the M25 and around the fishing lake (CD A10).
- 5.54 The main vehicular access road would be from Iver Lane via Palmers Moor Lane (CD A7 & A12). Whilst the road would include lighting, fencing, signage, kerbs and

surfacing, it would remain a predominately open structure with features of limited visual prominence in the context of wider urbanising features including pylons, power cables, motorway bridge and dwellings on both Iver Lane and Palmers Moor Lane.

- 5.55 To the north, the existing access road would be retained to provide secondary/emergency and pedestrian/cycle access to the development (CD A7). This would have a negligible impact on the character of the existing landscape and the openness of the land lying between the site and Slough Road.
- 5.56 Whilst the footprint of each of the 2 buildings would be the same as Woodlands 1, they have been substantially lowered in height by 11m. This significant reduction in height reduces their visual prominence and conserves the open sky on the horizon when seen from viewpoints to the east of the site.
- 5.57 The changes are significant, resulting in considerably reduced landscape and visual effects. This is seen through a comparison of photomontage visualisations prepared for the current scheme (CD A17 Parts F, g & h) with those produced for the Woodlands 1 (CD J5). When these changes are compared, it is clear that landscape and visual effects have been reduced in magnitude and significance of effects as well as the geographical extent of those effects.
- 5.58 The landscape baseline of the site remains that of a mix of disturbed and undisturbed land arising from the former mineral extraction and landfill land uses. This has resulted in a damaged landscape that is predominately of poor quality and generally unrepresentative of the published desirable landscape character due to the poor quality of restoration and unmanaged condition. The River Colne corridor and its immediate margin form part of the undisturbed landscape assessed as having greater value and sensitivity than the wider area of capped landfill. This riparian landscape is conserved and enhanced through the development proposals.
- 5.59 The visual baseline remains influenced by the well-established belts of vegetation along the River Colne and M25. The raised landform of the capped landfill also limits views into the site particularly from the south and the east. Overall, the site has limited visual prominence in local views beyond the site boundary as illustrated in the photomontages.
- 5.60 The contextual landscape comprises of further landfill to the north of the site and the M25 corridor to the west. The large scale industrial/commercial area of the WLIP lies to the immediate east of the River Colne, which the Woodlands 1 Inspector identified as the existing edge to Greater London. The Woodlands 1 Inspector identified the character of the site to be that of countryside/rural due to the trees along the River Colne, vegetation, grassland and its undeveloped character. The land is undeveloped, but it is not representative of the countryside that forms the landscape setting of villages to the west of the M25. The site is a damaged, poorly restored landscape put to grassland that remains unmanaged and isolated from the wider farmed landscape that is more representative of the wider landscape.
- 5.61 The site forms part of an urban fringe landscape influenced by both urban and rural features within the wider contextual landscape. The appellants agree with the

Woodlands 1 Inspector's identification of the site as a transitional landscape. In this urban edge, transitional landscape context, the introduction of built development at low density within extensive new green infrastructure would not be incongruous.

- 5.62 The site is not part of a nationally designated landscape but does fall within the CVRP. Management aims and objectives are promoted through local landscape policy. Although the site is without landscape designation, the importance of green and blue infrastructure is acknowledged widely in published strategies. The landscape led approach to the design of Woodlands 2 has ensured that opportunities to conserve and enhance the blue and green infrastructure are fully embedded in the design rationale.
- 5.63 The NP does not attribute landscape value to features or openness of the site. However, the NP does recognise the opportunity to enhance parts of the watercourse and waterscape of the River Colne. This has been fully accommodated in Woodlands 2.
- 5.64 Local policy requires development to (a) recognise the objectives of the CVRP so facilitating landscape restoration, habitat enhancement and wider public recreational access, (b) landscape character to be conserved and enhanced but also recognises that some areas of the landscape are damaged through mineral extraction and (c) recognises that change within the landscape of the site can be beneficial through contributing positively to the delivery of published objectives for the regional park.
- 5.65 Woodlands 2 conserves the sensitive landscape elements of the site whilst focusing new built development on the capped area of landfill. The landscape of the River Colne corridor would be conserved and enhanced. The scheme's reduced footprint would conserve the openness of the landscape north of Palmers Moor Lane. Public access to the river would be conserved and visual amenity would be enhanced by restoring this riparian landscape for a considerable length where it adjoins the site.
- 5.66 The appellant's Landscape and Visual Impact Assessment (LVIA)³³ assesses only a minor adverse landscape effect to the landscape of the site, arising from the introduction of new built development. A slight beneficial landscape effect is assessed to the landscape of the River Colne corridor due to the introduction of new green infrastructure and long-term management. This would make a positive contribution to restoring this riparian landscape. This restoration is assessed as beneficial to both the local landscape character area and national character area. The introduction of new built development within the landscape would be part of the change to the character of the site. However, existing and new soft landscape features would remain prominent features of the landscape. This would conserve the semi-rural and transitional landscape character of the site. Overall, **no** significant landscape effects were identified by the appellant's LVIA, and the identified beneficial effect to the landscape character of the River Colne corridor would make an important contribution to the restoration of that landscape.

³³ CD A17 A-H.

- 5.67 The introduction of development would result in a moderate to low loss of visual openness in views into the site and an overall minor adverse visual effect. Locations from where changes to views would be experienced are assessed to be limited and localised. The LVIA identifies that visual effects of development could be successfully mitigated through the retention of existing vegetation, reinforced through the introduction of extensive new green infrastructure. The retention of existing vegetation and introduction of new green infrastructure planting with long term management, would restore the riparian landscape of the River Colne corridor which is experienced by walkers using the London Loop. The LVIA identifies a moderate beneficial visual effect for walkers along the River Colne, arising from this restoration of the landscape.
- 5.68 Landscape enhancements introduced through the scheme would make a positive contribution to the quality and function of the landscape of the site, fully in accordance with the management objectives of the CVRP. Conserving blue and green infrastructure, extending new green infrastructure and enhancing habitat are all potential opportunities identified in local landscape policy.
- 5.69 Although the scheme would result in some landscape and visual harm, the harm would be limited and localised, to which only limited negative weight is attached. The landscape and visual harm identified by the Woodlands 1 Inspector, has been significantly reduced and addressed through the reduction in the height, scale and layout of the scheme. The scheme provides an opportunity to continue the restoration of the disturbed landscape of the CVRP whilst reflecting the transitional character of the land lying between the River Colne and the M25 motorway corridor.

Green Belt

Definitional Harm

- 5.70 If the submissions on the site's status as Grey Belt are not accepted, the development is inappropriate for the purposes of the Framework paragraph 153. As such, it is accepted that the development would cause definitional harm to the GB.

Harm to Openness

- 5.71 There would be harm to openness, both in spatial and visual terms. However, this should not be overstated. On spatial matters, the scheme represents a massive reduction in terms of cubic content below that of the Woodlands1 development. Woodlands 1 had a cubic content of 1,201,453 m³. The scheme now measures only 508,949 m³. Building heights have been reduced from 23m (27m flues) to 14m (18m flues), and the number of Halls reduced from 3 to 2. Moreover, the cubic content of the scheme would be considerably smaller than the net increase at Court Lane (CD I22 IR paragraph 27).
- 5.72 There would be visual harm to GB openness. The development is substantial³⁴ and would be built on an undeveloped site. However, the extent to which it would be

³⁴ X-Examination Mr Harris.

visible is limited even in the depths of winter and in summer, views would be limited. This is particularly true of views into the site from the London Loop. In this context, there would be a moderate to low loss of visual openness³⁵.

- 5.73 Whilst the lpa's landscape witness relied upon views into the site from the M25, the planning witness³⁶ accepted that from the M25 the site is less prominent than the Court Lane site. That development, which includes Data Centre Halls rising to 30m (without flues), and would be located far closer to the M25 than here. The Court Lane Inspector concluded that the harm to openness would "*not be substantial*" (CD 22 IR paragraph 196). It is in that context, that the lpa³⁷ concedes that here, harm to openness would not be substantial.

Green Belt Purposes

- 5.74 It is common ground that the SoS only needs to be concerned with Framework paragraph 143 Purposes a to c. Purposes d and e can be disregarded,
- 5.75 Purpose (a) has, in part, been considered in the context of the Grey Belt. Whereas the lpa claims significant harm, the appellants claim only **moderate harm**. Here, the M25 serves an obvious function as a barrier to development of Greater London, and development beyond the existing barrier of the River Colne would introduce only limited built, urbanising form, across its very large extent³⁸.
- 5.76 In terms of Purpose (b), the merger of towns, the relevant towns are Slough and Uxbridge, and the scheme would not result in the merger of those towns. All that would happen would be that the extent of open land between them would be reduced by the footprint of the Data Halls. The lpa only claims limited harm to Purpose (b). However, in Woodlands 1, a much more extensive development, the SoS did not find any harm. Rather, as the lpa³⁹ concedes, the only reference made there was to the fact that the development would "*not assist with the purpose*". Whatever the lpa may say, that it is not a finding of harm, as the SoS found in respect of Purposes (a) and (c).
- 5.77 Purpose (c) is concerned with encroachment into the countryside. On this purpose the lpa alleges significant harm. The appellants acknowledge the site is countryside in planning terms, it is unlit, and free from built development. However, any assessment must, have regard to context and character of the site. It is wrong to ignore, as the lpa does, the facts that the site (a) is a former quarry/landfill site, (b) presents as an artificial landform, (c) it is situated immediately adjacent to the M25, with all associated noise, movement and fumes, (d) it abuts intensive and noisy B2 developments in the WLIP, and e) it is crossed/bordered by 3 sets of overhead power lines with their associated pylons. The Stage 2 GB Assessment⁴⁰ locates the

³⁵ CD H11A paragraph 14.

³⁶ X-Examination Ms Marber.

³⁷ X-Examination Ms Marber.

³⁸ X-Examination Mr Harris.

³⁹ X-Examination Ms Marber.

⁴⁰ CD H7e page 150.

site within the southern part of Strategic Zone A. Here, the area is characterised by significant dispersed and clustered built form, which detracts from the sense of rurality. This area separating the 2 large urban settlements of Greater London and Slough plays a minimal role in protecting the countryside from encroachment. It is also important to note that the lpa⁴¹ acknowledges that many of the characteristics listed in the GB Study for GA 83 under this purpose do not exist on the site i.e. expansive paddocks, rough pastureland, arable fields and parkland. In this context, the appellants' attribution of moderate harm is justified.

Conclusions on Green Belt Harm

- 5.78 The lpa's case is overstated. Quite how much it is overstated is evident from the assertion that⁴² *"...it would be difficult to envision a scenario where an application would result in greater GB harm"*. Such proposition is untenable as the lpa⁴³ ultimately concedes and that Woodlands 1 would have caused greater harm. Whilst this hyperbole on the part of the lpa is relatively harmless, it is unhelpful and unscientific. It shows that, the analysis is not a reasoned and dispassionate one. It provides a clear illustration as to why the appellants' evidence should be preferred.

Very Special Circumstances – Other Material Considerations

Need (CD G6 & CD H14A & B)

- 5.79 Need, in particular the need for new hyperscale Data Centres in connection with public cloud provision is a fundamental consideration in this case. Data Centres are critical for running and managing applications, websites, cloud services, and data storage for businesses, Governments, and other entities. Some 92% of organisations use 2 or more public cloud providers to host their workloads. This is an increase from 82% in 2022. Whilst very few businesses need a dedicated data centre of their own, it is difficult to think of any modern UK business that can survive without the need for data centre functionality. Data Centres are the power houses of cloud computing and the inter-connectors of the internet (CD H14a Section 3).
- 5.80 At one level, there is no dispute on this issue. The lpa⁴⁴ accepts the following. First, the need is *"urgent and overwhelming"* and *"of national importance"*⁴⁵. Second, the need within the globally significant SAZ can only be met within the SAZ and at no other location. The lpa accepts that this was not the case advanced at Woodlands 1 inquiry where, the lpa maintained⁴⁶ that the need could be met at other availability zones (AZ).
- 5.81 An Availability Region (AR) is a geographical location that includes a minimum of 3 AZs to support cloud services. Every region is isolated and independent from other regions. One region will have multiple AZs, but no AZs are shared among different

⁴¹ X-Examination Ms Thorne.

⁴² CD H15A paragraph 7.30.

⁴³ X-Examination Ms Marber.

⁴⁴ X-Examination of Ms Marber.

⁴⁵ See the Ministerial Written Statement of July 2024

⁴⁶ CD I12 IR 33.

regions. The identified need within the SAZ cannot be served by building a new facility in any of the other AZs in the London region⁴⁷. Regions are spread out all over the world, so cloud providers can reach customers on multiple continents.

- 5.82 At a European level, there are 5 established central Data Centre hubs, Frankfurt, London, Amsterdam, Paris, and Dublin (FLAP-D). Each city has specific ARs that have developed within them, but they are also connected via subsea cables to provide regional interconnectivity. The London Availability Region (LAR) has a critical role within the UK, but also as a global service. The LAR is a key hub within the global cloud infrastructure network, playing a crucial role in delivering highly resilient, scalable, and low-latency cloud services to businesses. Strategically located close to one of the world's leading financial and commercial centres, the LAR is designed to support the needs of businesses that require high-performance computing, data storage, and robust disaster recovery solutions.
- 5.83 Within the LAR, there are 5 AZs of which Slough is the largest. Each AZ is a unique entity and serves particular purposes and markets⁴⁸. AZs are localised clusters of Data Centres, each equipped with independent power, cooling, and networking infrastructure, located within a defined radius dictated by latency. Currently, the LAR has 6% of the global market share, and 42% of the European market share⁴⁹.
- 5.84 The SAZ is the largest Data Centre market in Europe and is the second largest in the world after North Virginia and with a diverse fibre network plays a significant role in the LAR. The scale of the need within the SAZ has risen from some 1700MW identified at the Woodlands1 and Court Lane inquiries⁵⁰, a need figure itself regarded as “*overwhelming*”, to some 2858MW as of December 2024⁵¹. Since the Woodlands1 and Court Lane inquiries, new planning policy, in the Framework has been adopted, which the lpa agrees is intended to make it easier to grant planning permission for Data Centres. The DIT consider that within the UK, the Thames Valley is central to the UK's Data Centre landscape, supported by a 21st century digital infrastructure necessary to support Data Centres, complete supply chains and a renewed focus by the industry on delivering green-tech solutions and sustainable energy sources for neighbouring developments, including housing.
- 5.85 At the Woodlands1 inquiry, the lpa asserted that the need “*fell off a cliff*” after 2027. In fact, need has grown, and current projections, not disputed by the lpa, see it continuing to rise to 2029. Moreover, the unchallenged evidence⁵² is that the need will continue to rise thereafter. Addressing this demand in the SAZ is essential for the UK to retain its competitive edge and retain a top position in the European digital economy. Due to the magnitude of the growth, hyperscale Data Centres are the primary way to effectively meet this requirement. These facts are reiterated by

⁴⁷ CD H14A paragraphs 4.1-4.29.

⁴⁸ CD H14A paragraphs 4.7-4.14.

⁴⁹ CD K17.

⁵⁰ CD I12 IR120 & CD I22 IR140.

⁵¹ CD H14A paragraph 5.19.

⁵² X-Examination of Mr Collins.

the DIT who note that every year, the volume of data generated increases exponentially (CD H6). New technologies, increasingly utilised across sectors, are driving this increase, and in turn, demand for greater data centre capacity. This demand includes many of the sectors strongly represented or developing in Buckinghamshire. These include advanced engineering and manufacturing, creative industries, health and life sciences and space/space-related technology and across the wider technology sector, artificial intelligence, cloud-computing, data analytics and smart cities.

- 5.86 Despite all the above, the lpa contends that this consideration should only attract significant weight. This is based on the weighting attributed by the SoSs in the Court Lane and Woodlands¹ cases. Significant, is the weighting given to the delivery of 100 houses where there is no 5-year housing land supply. Substantial or very substantial is the weightings given to the provision of affordable housing, where it is needed. Here, the SoS is concerned with the need for critical national infrastructure, where the scale of need is acute and is getting worse.
- 5.87 Data Centres are a key component of digital infrastructure and central to the future of the UK⁵³. The sharply growing need, for the provision of these facilities in order for the UK to exist in the 21st Century, and to operate as a modern entity, is not a question of “*should we deliver this development?*”. Rather, it is a necessity. The fact that the scheme would make a significant contribution to meeting that need is a matter that must be attributed substantial weight.

Economic Benefits (CD H13A)

- 5.88 The lpa accepts without reservation the appellants’ evidence (CD 13A Section 5). The scheme involves an investment of £1billion. Put in context⁵⁴, of some 1,000 or so foreign investments made in the UK during 2023/24 where the Department of Business and Trade were involved, the average quantum of the economic value of the investment was some £6 million. Given the increasingly sluggish state of the UK economy, an investment in excess of £1billion is of huge importance. The DIT’s focus on helping to secure high value foreign direct investment (FDI) is part of Government’s wider drive to secure long-term sustainable economic growth, innovation, and prosperity for the UK. The Government has set out 5 pledges to build a better future for the UK, help grow the economy, create better-paid jobs and opportunity right across the country. Central to this is consolidating our leading role in the world as a science and technology superpower and which helps everyone in the UK. The Government’s priorities include a commitment to secure investment from those key sectors, like life sciences, financial services, technology, artificial intelligence, and data analytics, where we have evidential global strength and where the UK can harness innovation to drive economic growth to support the creation of local employment opportunities and wider benefits (CD G6). The drive for economic growth is reiterated in the King’s speech to Parliament where securing economic growth was listed as, “...a *fundamental mission*” (CD G7).

⁵³ Evidence & X-Examination of Mr Collins and Mr Nicol.

⁵⁴ X-Examination of Mr Nicol.

- 5.89 It is not disputed⁵⁵ that the scheme would result in a significant annual economic benefit to the local economy of some £120 million GVA, with economic benefits to the wider London and South-East economy of some £270 to £350million annually⁵⁶.
- 5.90 Thousands of businesses would benefit from the provision of digital infrastructure. It is this infrastructure, including Data Centres, which enables the growth of the UK economy. Whilst the lpa accepts that significant weight should be attributed to economic benefits, that is not enough. The above are massive benefits that fall to be considered in the context of the latest iteration of the Framework. Whilst the SoS in the Woodlands¹ and Court Lane appeals gave significant weight to economic benefits, the benefits now fall to be assessed by reference to a new agenda, which specifically seeks to prioritise the fact that Data Centres deliver economic growth. Invest 2025: The UK's Modern Industrial Strategy identifies priority sectors for growth and support. These are advanced manufacturing, clean energy, creative, defence industries, digital and technology businesses, financial, life science and professional and business services all of which rely on the provision of Data Centres. In this context, the attribution of substantial weight is appropriate.

Alternative Sites

- 5.91 Closely related to need is the lack of suitable alternative sites that can address the full need for data centres in SAZ without looking to the GB. Again, this is a matter, where there is significant common ground. The lpa accepts there are no alternative sites and does not dispute the Alternative Site Assessment (ASA)⁵⁷. The only dispute is the weight to be attributed to this matter. The lpa says significant. However, if the appropriate weighting for need is accepted as being substantial, then the weighting given to the lack of alternative sites should also be substantial.

Consequences of Dismissing the Appeal

- 5.92 This a matter which the lpa⁵⁸ dismiss entirely. In doing so, the lpa asserts that to attach weight this issue would be to double count with need. The lpa, points to the dismissal of a legal challenge in respect in respect of Woodlands ¹⁵⁹, and the findings of the Inspector in the Court Lane appeal⁶⁰, where it was concluded that, *"...failure to meet this need could have significant negative consequences for the UK digital economy."*
- 5.93 The lpa's approach, is fundamentally flawed. Firstly, as regards the Woodlands¹ judicial review, the permission decision is just that; a decision as to whether to grant permission to bring legal proceedings. Such decisions have no legal force as precedent; they are not binding. Part of the reason for this is that they are not the result of full argument between the parties. Here, there is no evidence at all as to

⁵⁵ CD H6A paragraph 8.25.

⁵⁶ CD H13A, Paragraphs 5.27 and 5.30.

⁵⁷ CD A14 a-d.

⁵⁸ CD H15A paragraphs 7.27-7.29.

⁵⁹ CD I21.

⁶⁰ CD I22 IR 227.

what was before⁶¹ the Judge when he reached his decision. Secondly, it must be noted that the Judge, in reaching his decision, did not make any finding of “*double counting*”. In fact, the judge expressly accepts that there is potentially a distinction between the losing of a benefit, and the consequence of that benefit going to another party⁶². Even though it was not expressly referenced⁶³, the Judge implicitly assumed that the SoS had taken the matter into account.

- 5.94 Here, that is no basis to reach a decision on this issue. Neither is the approach of the Court Lane Inspector, given that, the Ipa accepted⁶⁴ there was no competition evidence relied upon by the appellant in that case. There, the witness⁶⁵ on need did not speak to this issue. Here the SoS should, take a fresh approach to this issue. This is because the consequences of the scheme not coming forward are, on any view, extremely significant.
- 5.95 A £1billion investment would or could be lost to the UK. There would be a real risk that instead of its being constructed here in the UK, the hyperscale Data Centre would be constructed in another of the FLAP-D destinations⁶⁶. It is important to understand that there are not infinite numbers of such investments floating around. This would be a particular investment, which would go elsewhere if a suitable opportunity were not found in the UK.
- 5.96 Within Europe the UK is a market leader in terms of its digital infrastructure, and Data Centre provision. London’s share of the European Market is 42% and 6% of the global market. The SAZ, as the second large availability zone worldwide, is central to the London Region maintaining that pre-eminence. However, other European countries are keen to catch up and overtake the UK. These countries want to take the UK’s market share, and a refusal here would facilitate that. Given that the UK, and the Government, aspires to be a market leader in this sector, that ambition would be set back. The fragility of the market position is illustrated by how Frankfurt overtook Amsterdam⁶⁷. Five years ago, Frankfurt was the smaller provider, now it is far larger. This is due to Amsterdam having temporarily paused its roll-out of Data Centre provision. The JLL - EMEA Data Centre Report Q4 2023 and the appellant’s evidence⁶⁸ graphically illustrate how real the threat is. Moreover, in 2023, for the first time, Frankfurt brought on more supply than London.
- 5.97 Where the provision of Data Centres and digital infrastructure is inadequate and does not meet the needs of communities and businesses, they would be disadvantaged. The growth of businesses and their performance would be stunted by the lack of suitable infrastructure. Potentially, businesses would fail, not invest, or even establish in the UK. Enterprises would go elsewhere, potentially to the

⁶¹ CD I21 paragraph 6.

⁶² CD I21 paragraph 6.

⁶³ CD I21 paragraph 6, last sentence.

⁶⁴ X-Examination Ms Marber.

⁶⁵ CD K10 Mr Beard, Knight Frank.

⁶⁶ CD H13A.

⁶⁷ X-Examination Mr Collins.

⁶⁸ CD K4, page 4 & Evidence-in-Chief, Mr Collins.

continent. The appellants' evidence⁶⁹ addresses the different UK commercial sectors that are dependent on data and the Cloud. The UK is particularly dependant, given it is largely a services-based economy rather than a manufacturing based one⁷⁰.

- 5.98 The above are the significant adverse consequences that could or would result from a decision to dismiss the appeal. To say that this is a matter that has already been covered, in the context of giving weight to need, is to misunderstand the position. To obtain a benefit is one thing; to see that benefit go to a direct competitor is something else entirely. The evidence⁷¹ is compelling, the adverse consequences should be given significant⁷² weight. It is a profound misstep for the lpa to bundle it up with other matters, effectively ignoring it.

Employment Provision (CD13A paragraphs 5.15 to 5.240)

- 5.99 It is agreed that significant weight should attach to the creation of Full Time Equivalent (FTE) permanent positions, and that, in light of the Court Lane decision, limited weight should attach to the creation of temporary construction jobs. That said, even on a conservative view, the construction of the scheme would provide some 1,100 to 1,600 temporary FTE jobs⁷³. Thereafter, in operational terms, the Data Centre would directly provide some 230 FTE permanent positions, as well as supporting a further 500 permanent positions across London and the South-East⁷⁴. The wage bills for all this employment provision would be substantial, at some £13 million annually for the permanent on-site positions⁷⁵. The employment position is, without doubt, a substantial benefit of the scheme.

Education and Employment Outreach

- 5.100 It is agreed that a condition could and should be imposed to provide for an education and training programme. This is a matter which would deliver clear benefit, and it is agreed that it would attract moderate weight.

Ecology and Biodiversity Net Gain

- 5.101 There is no dispute that the scheme would deliver in excess of 10% BNG, secured by way of a condition. The application was accompanied by a BNG assessment indicating potential uplifts of 33.42% in habitat units, a 239.95% in hedgerow units and a 15.60% in watercourse units (CD A30 Appendix 14). As BNG is a legal requirement, the lpa⁷⁶ asserts that no weight should attach it. This is wrong in law.

⁶⁹ CD H13A paragraphs 4.8 to 4.10.

⁷⁰ Evidence-in-Chief & X-Examination Mr Nicol.

⁷¹ CD H14A Mr Collins & CD H13A Mr Nicol.

⁷² CD H12A Mr Hutchison.

⁷³ CD H13A paragraph 5.19 Mr Nicol.

⁷⁴ CD H13A paragraph 5.21 & X-Examination Mr Nicol.

⁷⁵ CD H13A paragraph 5.22 Mr Nicol.

⁷⁶ CD H15A Ms Marber.

5.102 The decision of Holgate J in *Vistry Homes Ltd v Secretary of State* [2024] EWHC 2088 (Admin)⁷⁷, deals with this point expressly at paragraphs 150 to 155.

- “150. It is sometimes suggested that where a development makes provision for something which is required by a policy or by legislation, that cannot be regarded as a benefit at all. ...There is no legal principle which supports statements of that kind.*
- 151. The assessment of how much weight to give to a benefit is a matter of judgment...*
- 152. Where a development is required to provide a measure in order to overcome or mitigate, or compensate for, a harm caused by that project, ordinarily that measure could not rationally be described as a benefit. So, for example, where a development would result in a loss of biodiversity, the provision of additional biodiversity on the same site or on other land nearby in order to completely offset that loss, so that in overall terms there is no net reduction in biodiversity attributable to the development, is not a benefit. It is simply the development “consuming its own smoke.”*
- 153. But as the name and definition of BNG indicates, that term refers to an improvement in biodiversity. That goes beyond offsetting the adverse impacts of a development scheme. It increases biodiversity in order to help redress a general national problem, which is not caused by the development proposed. On any view, that would be a benefit of the proposed scheme. It is difficult to see how rationally anyone could say otherwise. However, the scale of that benefit and the weight to be attached to it are separate considerations.*
- 154. I do not see why the identification of what is, and what is not, a benefit should be altered, because what would otherwise be recognised as an improvement or benefit is the subject of a requirement imposed by planning policy or by legislation. Whether a measure should be treated as a benefit, depends upon inter alia its nature and purpose, including whether it would help to meet a need which is, or is not, related to the development proposed. For example, we often find in decision letters that substantial weight is given to the provision of general housing where there has been a shortfall in the delivery of dwellings to meet local policy requirements. Sometimes very substantial weight is given to the benefit of providing affordable housing in a scheme, although that level of provision is meeting a policy requirement in a development plan.*
- 155. It is difficult to see how logically a decision-maker could give no weight at all to, for example, the provision of 10% BNG because that equated to the 10% requirement in schedule 7A. The fact that such a requirement is imposed by legislation is simply a mechanism for ensuring that a wide range of*

⁷⁷ CD ID 10.

developments contribute to the collective effort of improving biodiversity in England. It does not alter the nature or purpose of the improvement in biodiversity, which is provided, or the underlying justification for the requirement to reverse a national decline in biodiversity over many years”.

5.103 The legal analysis above is directly on point and cites analogies such as affordable housing provision which were rejected by the lpa⁷⁸. The lpa is wrong to dismiss the significant ecology benefits of the scheme and the justification for doing so is legally unsound. The SoS should attribute moderate weight to BNG.

Social Benefits

5.104 Social communications, medical, legal, transport, media and all too many other systems are grounded in the digital infrastructure on which society now so fundamentally depends⁷⁹. Whilst the lpa⁸⁰ appears to accept the delivery of social benefits, it attaches only limited weight because: (1) it could not financially quantify the social benefits, (2) they were essentially the same as the economic benefits, (3) there is not a “*guarantee how much of the capacity of the Data Centre will be used for social purposes*”, and (4) the SoS in Woodlands 1 gave it limited weight.

5.105 The fact that social benefits cannot be monetised or could only be monetised with great difficulty, does not mean that they are not benefits. They are benefits, and the lpa appears to accept this⁸¹. Social benefits are different from economic benefits. The example is the National Health Service (NHS), and its reliance on digital infrastructure. The lpa accepts⁸² that if the development proposed the delivery of a health centre, significant weight would attach. The point is the delivered digital capacity is serving the same purpose as a health centre and the same weighting should apply.

5.106 The lpa’s stance is internally inconsistent. There is no guarantee how much of the scheme’s capacity would serve business interests in London, but all the same economic benefits are attributed significant weight. The position is no different in terms of social benefits. How much the NHS, schools with home learning services, or any number of other social functions would make use of the scheme is unknown. That is how Data Centres and digital infrastructure operate in the Cloud, it is a shared space. What the scheme would do is make that space bigger. By increasing the size of the Cloud, the scheme makes greater provision for social benefits to be realised through that additional capacity.

5.107 In Woodlands 1, that issue was not adequately engaged with. In the DL⁸³ and IR there is only one sentence that speaks to social benefits relied on here. Moreover, that single sentence is included after discussion of a footpath link. Thus, the issue

⁷⁸ X-Examination Ms Marber.

⁷⁹ X-Examination Mr Nicol.

⁸⁰ CD 15A paragraph 7.16 & Evidence-in-Chief & X-Examination Ms Marber.

⁸¹ CD H15A paragraph 7.16.

⁸² X-Examination Ms Marber.

⁸³ CD I12 DL26 & IR275.

was not given any material consideration, and such cursory analysis provides no precedent on how it should be addressed here.

- 5.108 The position is, the demand for data driven services is rising sharply, if further infrastructure is not provided then these services would not be available, or alternatively they would be available only in a rudimentary manner, frustrating the proper functioning of society. Giving only limited weight is, naïve and impractical. The social benefits of the scheme should be given significant weight.

Absence of Plan-Led Solution

- 5.109 Whilst the lpa acknowledges that the development plan makes no provision for or allocates sites for Data Centres, it gives this matter no weight⁸⁴. The lpa agrees⁸⁵ that development in England comprises a plan-led system, that following revisions to the Framework there is a policy requirement that development plans identify/allocate sites for Data Centres and the development plan does not do this. This is a material consideration for the SoS.
- 5.110 The lpa's justification that the absence of an allocation is allowed for by attaching weight to economic benefits and/or need does not add up. It was put to the lpa⁸⁶ that where there was an allocation for Data Centre/housing/employment development, and an application was submitted in respect of that allocation, relevant matters weighing in favour of the application would include the fact of the allocation, and also the benefits of/need for that development. It is no answer for the lpa to argue that they have weighted need and benefits. That is a given. The absence of a plan-led solution, in direct contravention of recent national policy falls to be weighed as consideration in favour of the scheme.
- 5.111 The lpa's written evidence⁸⁷ sought to place some reliance on CS Policy CP16 as apparently comprising a Data Centre policy. However, as the lpa concedes⁸⁸ that does not stand up to scrutiny. There was no acceptance of such a reading of CS Policy CP16 at the Court Lane inquiry. Further, the only reference to Data Centres is a single reference, in a supporting transport paper for the CS, which referred to the landowner having suggested Data Centre use, amongst others. Placing reliance on this policy, shows how weak the case is.
- 5.112 As regards the emerging development plan, the lpa states⁸⁹ that the new plan would include Data Centre allocations. However, currently there is no draft of the emerging plan in existence that refers to any such allocation. Further, the emerging plan is still in the starting gate. There is no prospect of its adoption until 2027. Significant weight should attach to the absence of a plan-led solution.

⁸⁴ Evidence-in-Chief & X-examination Ms Marber.

⁸⁵ X-Examination Ms Marber.

⁸⁶ X-Examination Ms Marber.

⁸⁷ Proof-of-Evidence Ms Marber.

⁸⁸ X-Examination Ms Marber

⁸⁹ Ms Marber.

Climate Change

- 5.113 Hyperscale Data Centres are the largest purchaser of renewable energy, provide a far more energy efficient treatment of data, and are far more environmentally sustainable, than smaller or older facilities⁹⁰. Data Centre operators and trade associations are committed to the European Green Deal, achieving ambitious greenhouse gas reductions using technology and digitalisation to achieve the goal of making Europe climate neutral by 2050. This hyperscale Data Centre would be governed by the pact. This is significant consideration, given that it is not a choice as to whether or not the UK should have Data Centres. The Government recognises, that Data Centres are fundamental to the functioning of society and the economy. Thus, it is a significant consideration that Data Centre capacity is provided in the most environmentally sustainable way possible.
- 5.114 This scheme has been designed to be BREEAM Excellent standard, which exceeds PPG. The energy strategy would include photovoltaic cells at roof level, use of waste heat and the use of air source heat pumps. This is sufficient to ensure that the contribution of renewables can exceed 100% of the regulated demand associated with the administrative function of the buildings. The rise of home working and video conferencing has significantly reduced the need for commuting and face-to-face meetings. These alternative ways of working are highly reliant on Data Centres and Cloud infrastructure.
- 5.115 A Data Centre generates large amounts of heat from the servers. Normally, the excess is regarded as a waste product and released into the atmosphere. The scheme could be designed to harness the excess heat as part of a district heating network. This would be an additional but separate benefit that would assist in reducing carbon emissions. Although there are no plans for a district heating system to be implemented in the area, the opportunity would be there for future developments to tap into as and when it is needed.
- 5.116 The Ipa⁹¹, revised its assessment on this matter from limited weight up to moderate weight. Given the above factors, this benefit attracts significant weight.

Conclusions on VSCs

- 5.117 If the conclusion is that the scheme is inappropriate development, such that the exercise to be undertaken by the SoS is the VSCs test, she has the evidence before her to perform it. This process involves weighing the material harms, landscape character and GB against those considerations which point in favour of the grant of permission. Here, these considerations are numerous, and powerful. Need, the economic and social benefits and the consequences of not permitting the scheme are particularly prominent. VSCs will only exist in circumstances where the positive considerations clearly outweigh the harms identified. Here, those positive considerations comprehensively outweigh the harms.

⁹⁰ Mr Collins CD H14a paragraphs 3.18 – 3.24.

⁹¹ X-Examination Ms Marber.

Overall Conclusions

The First Balance: Grey Belt Land

- 5.118 If the SoS accepts that the site is Grey Belt land, then the consequences are as follows. First, the scheme is no longer inappropriate development. Second, the VSCs test no longer applies. Third, the scheme falls to be considered by way of the flat balance where there is no requirement for positive considerations/benefits to clearly outweigh harms caused by the development. Fourth, when carrying out that balance, there is no definitional GB harm to consider. Fifth, in carrying out the flat balance, there is no longer a requirement to attribute substantial weight to any GB harm. Considering Framework Footnote 55, it is not the case that no weight can attach to this consideration. Rather, it is just that the high bar of substantial harm is not mandated, and instead the SoS is entitled to use her own judgement as to weight depending upon the circumstances of the case.
- 5.119 When assessed on the above basis and subject to the flat balance, the case in favour of the scheme is unanswerable. The number one priority of the Government is economic growth. The Government has identified that Data Centres, part of the digital infrastructure it wishes to promote, are engines of that economic growth. Having regard to the many considerations that weigh in favour of the scheme, the appeal must succeed.

Second Balance: VSCs Test

- 5.120 If the SoS does not accept that the site is Grey Belt, then the harms identified by the lpa must be weighed against the same considerations listed above. The GB harms include definitional harm, and all the GB harm must, collectively, be attributed substantial weight. Only if the positive considerations clearly outweigh the harms, will VSCs exist so as to justify a grant of permission.
- 5.121 The other harms are limited. These harms are confined to harm to landscape character and appearance, which even the lpa say that only significant i.e. no substantial, weight should attach, and harm to GB is itself limited. It is agreed that there would only be significant harm to openness, again not substantial, and harm to GB Purposes is limited to Purposes (a) and (c). On Purpose (b), the lpa⁹² maintains limited harm. However, the SoS in Woodlands 1 did not appear to identify even that level of harm. Against that, are the considerable benefits the scheme would deliver, and the further considerations which, although not benefits as such, weigh in favour of the scheme. On the facts, the case in favour of the scheme is overwhelming and the appeal should be allowed.

⁹² Ms Marber.

6 The Case for Buckinghamshire Council

The material points are:

Introduction

- 6.1 Permission is sought for what is agreed⁹³ are substantial buildings in the GB. These buildings are required to be sited with a floor level at 34m AOD, some 5m above the level of the London Loop, a public right of way (PRoW) along the eastern bank of the River Colne, the, which runs along the eastern edge of the site.
- 6.2 The 2 main buildings would be some 190m long by 125m wide and up to 14m high with 4m flues (18m high). The appellants agree that these buildings would be significantly larger⁹⁴ than anything on the adjacent WLIP, marking the edge of the built-up area of Greater London. The lpa's landscape witness provides reference points to show just how substantial these buildings would be. There is a line of poplars located approximately to the front, eastern edge, of the proposed buildings, which stand up to 16m high and are located on land that is between 30 to 31m AOD, meaning that the highest point of these trees would be between 46 to 47m AOD. These trees would be lower than the height of the proposed buildings, which would stand up to 48m AOD, with the chimney flues extending 4m higher, up to 52m AOD (CD.H16b Appendix A). Those chimneys, 7 along each side of the main buildings (some 28 in total), would be similar to a set of double doors (CD A20).
- 6.3 The poplars are identifiable in several viewpoints of the site, (CD H16C Viewpoints AV5, AV7 & AV9). They give a sense of the substantial scale of what is proposed and the extent to which there would be an intrusion into the openness of the GB. The buildings would result in a significant change in the character of the local area, from their present open and rural character to one dominated by substantial buildings. The buildings would sit on the other side of the River Colne from the WLIP, extending beyond the clear edge to the built-up area which is reinforced by the trees and vegetation along the river corridor. The associated development and activity, with lighting, roads and activity, would all add to this significant change.
- 6.4 There are clear parallels with the Woodlands 1 scheme, (CD I12). There is no dispute that Woodlands 1 was a materially larger scheme, involving one more building, buildings that were materially taller, 23m high buildings and 27m to the top of the chimney flues, and more than double the volume. What this demonstrates is, given the substantial size of Woodlands 1, the correctness of that decision. Given the substantial harm that would be caused to the GB and the character and appearance of the area by the current scheme, it is no surprise that essentially the lpa reached the same conclusions. In this context, the appellants' criticisms of the lpa's landscape evidence⁹⁵ are wrong. The lpa's landscape witness is properly

⁹³ X-Examination Mr Harris.

⁹⁴ X-Examination Mr Harris.

⁹⁵ Ms Thorne.

entitled to reach the judgement that these substantial buildings would result in the same harms as arose in Woodlands 1.

- 6.5 The appellants confirm⁹⁶, that the LVIA conclusions on landscape harm were the same, in this scheme and Woodlands 1. Given that the same assessments were made about site levels, the site sensitivity of the locality and the high magnitude of change that would result with Woodlands 1 scheme and this scheme neatly illustrates this point.
- 6.6 The lpa's planning witness⁹⁷ has considered the effects of this proposal and has assessed the harms arising to the GB and to the character and appearance of the area. Different levels of harm have been applied than were assessed in relation to Woodlands 1 when reaching the planning balance. Combined, these matters weigh heavily against a scheme involving the introduction of substantial new buildings and associated activity into an area of GB, recently determined to be highly performing against GB purposes, and having a rural countryside character.

Baseline Character and Appearance of the Area

- 6.7 The appellants accept⁹⁸ that there has been no material change in the characteristics of the appeal site since the Woodlands 1 decision. The appellants agreed⁹⁹ those findings, properly interpreted, should be given **significant** weight. This is the approach the lpa adopts. In contrast, the appellants seek to put an unjustified slant on the previous findings.
- 6.8 The Woodlands 1 IR described the character and appearance of the area at IR165 to 171. The SoS at DL12 agreed with those findings. It is appropriate to adopt the findings of IR165 & 166:

"165. The site lies on the edge of the built-up area of Greater London. To its east lies the WLIP. The WLIP is comprised of a wide variety of building types, densities, and hard standings. However, it does end abruptly at the eastern side of the River Colne and is separated from the RCWLL¹⁰⁰ [the London Loop] by a mixture of boundary treatments. In places along the walkway the boundary is tight against the footpath. Elsewhere there are broad open spaces separating the path from the boundary of the WLIP. As a result, the WLIP boundary forms a firm physical and visual barrier between the built-up area of Greater London and the open land beyond.

166. The River Colne reinforces the sense of transition at this point, between the hard built-up area of the WLIP and the softer more open character of the land beyond. The transition from built form to a more rural landscape character is reinforced by the presence of numerous trees along the banks

⁹⁶ X-Examination Mr Harris.

⁹⁷ Ms Marber.

⁹⁸ X-Examination Mr Harris.

⁹⁹ X-Examination Mr Hutchison.

¹⁰⁰ River Colne Walkway/London Loop.

of the Colne. Whilst they, to a certain extent limit views from the RCWLL, it is clear when walking the path, that there is built development on one side, evidenced by the boundary features of the WLIP, and open land on the other, evidenced by open views through the trees and vegetation across the site."

- 6.9 At IR168, the Woodlands 1 Inspector describes the area in which the buildings are to be located, characterising the area by the banks of the River Colne as having a *"more tranquil character"*, and a *"more rural and countryside character than the area to the north"*. Further at IR170 the Inspector emphasised the *"abrupt transition from the WLIP to the site"*.
- 6.10 The appellants agreed¹⁰¹ that the Woodlands 1 Inspector found that the site has an unbuilt and open character and appearance, and a rural countryside character. The appellants seek to interpret the Inspector's findings as indicating that the site formed a transitional landscape between the WLIP and the land west of the M25¹⁰² (CD H12A Paragraph 6.16). The effect of this is to downgrade the quality of the site's character, and its sensitivity to the introduction of built development.
- 6.11 This is an incorrect interpretation of the Inspector's assessment. The appellants¹⁰³ base this view on IR166 where the Inspector drew a distinction between the hard built-up area of the WLIP and *"the land beyond"*. The land being referred to is not the land beyond the M25 to the exclusion of the site, it is the land starting within the site. This is made clear at IR170, where the Inspector emphasises the abrupt transition, not a gradual one, from the WLIP to the site.
- 6.12 The site has several strong positive aspects¹⁰⁴. The site remains well-vegetated with grassland, occasional scattered trees and shrubs; it is relatively open; and, other than limited recreational fishing of the fishing lake, there is no activity on the site. The lpa¹⁰⁵ acknowledges that these positive features exist within the context of noise from the M25 and the presence of overhead power lines and pylons, which are a negative influence. However, the Woodlands 1 decision found that, in areas close to the River Colne the site has a *"more tranquil character"* (CD 112 IR170).
- 6.13 The appellants seek to distance the site from having characteristics identified as having value in the relevant landscape character assessments. Of particular relevance here is the South Bucks LCA 26.3 Colne Valley Floodplain (CD J3). The appellants' landscape evidence is inconsistent with the findings of the Woodlands 1 Inspector. There, the Inspector concludes that whilst the site does suffer from being a damaged landscape, it nonetheless is *"not untypical of landscape in this character area"*, and *"has value in the context of the Colne Valley"*, such that the landscape guidelines for the LCA should apply (CD 112 IR184 & DL14). The appellants' evidence includes a comment that the site cannot be described as having rough

¹⁰¹ X-Examination Mr Harris.

¹⁰² X-Examination Mr Harris.

¹⁰³ Mr Harris.

¹⁰⁴ CD H16A paragraph 2.15 & Evidence-in-Chief Ms Thorne.

¹⁰⁵ CDH16A paragraph 2.13.

pasture or grazing. The rough grassland on the site and/or its rough texture, should be distinguished from the character area (CD H12A paragraph 5.9). The appellants¹⁰⁶ consider this is a distinction that can be made. However, that is not how character is assessed, and the conclusions in Woodlands 1 are sound.

- 6.14 The appellants' approach is to downgrade the quality of the site's character. This has the effect of diminishing the relevance of the LCA guidelines, which include conserving open views, particularly across the Colne Valley, and restricting further incremental development along the floodplain, particularly vertical development. At 14m tall and footprints of 190m by 125m, the development would be the opposite of what the guidelines seek. It would be tall, vertical development, have a large footprint and restrict open views, all matters the guidelines seek to guard against.
- 6.15 The appellants' approach, which either mis-characterises or disagrees with the assessments made about the baseline in Woodlands 1, differs from the lpa. This downplays the sensitivity of the site and so overall landscape effects. The lpa's evidence about the site baseline should be preferred since it is grounded in a proper understanding of the decision in Woodlands 1.

Inappropriate Development and Grey Belt

- 6.16 It is agreed that if Framework paragraph 155 applies, the scheme would not be inappropriate development. Whether the site is Grey Belt, requires a consideration of whether the site strongly contributes to any of Purposes (a), (b) or (d) in Framework paragraph 143. Reviewing Stages 1 and 2 of the Green Belt Assessments¹⁰⁷, the lpa's concludes¹⁰⁸ on Purpose (a) that the site "*performs strongly*" in preventing the unrestricted sprawl of the large built-up area.
- 6.17 The agreed approach to determine the status of the site as Grey Belt is to use the GB Assessments as a starting point and then make a more granular or site-specific assessment. Recent changes¹⁰⁹ to PPG on GBs also provide a context when assessing the status of the site as Grey Belt.
- 6.18 Both the Inspector and the SoS in Woodlands 1 were satisfied that the site, which encompasses the site here, performed strongly against the GB purposes (CD I2 IR242–243 & DL19). The lpa acknowledges¹¹⁰, that this conclusion was not broken down into individual GB purposes. The appellants assertion¹¹¹, albeit quickly dismissed, that this conclusion could have been reached even if one GB purpose was not strongly performing.
- 6.19 It is safe to conclude that the Woodlands 1 Inspector and the SoS did not rely on Purpose (b) in concluding that the site was strongly performing. The Inspector gave only limited weight to the harm in respect of Purpose (b), relying upon the distance

¹⁰⁶ X-Examination Mr Harris.

¹⁰⁷ CD.H7D & CD.H7E.

¹⁰⁸ CD H15A paragraph 5.11 & Proof-of Evidence Ms Marber.

¹⁰⁹ 25 February 2025.

¹¹⁰ X-Examination Ms Marber & Evidence-in-Chief Mr Hutchison

¹¹¹ X-Examination Mr Hutchison.

between the relevant towns of Sough and Uxbridge (CD I12 IR239). The appellant¹¹² sought to emphasise that the SoS did not make an express conclusion on harm to Purpose (b). However, the lpa's submits that harm can be implied from the SoS's reasoning.

- 6.20 On Purposes (a) and (c), the Inspector and the SoS found substantial harm in respect of both these purposes. The reasonable and sensible inference to make from this finding is that it was because the site performed strongly against these purposes and the scheme caused substantial harm to these purposes.
- 6.21 That the Inspector and SoS made an individualised assessment of this site's performance against GB purposes, and did not simply adopt the findings in the Stage 1 and Stage 2 GB Assessments. It is apparent from the detailed analysis in the IR, but also from the self-evident point that the Stage One Assessment concluded only that the site was strongly performing in respect of Purpose (b), in respect of which however only limited harm was found by the Inspector and the SoS. If the Inspector and SoS State were simply adopting and applying the Stage 1 Assessment, greater harm would have been assessed as against Purpose (b).
- 6.22 The appellants' evidence¹¹³ that there is, in principle, a difference between whether a site performs strongly against GB purposes and whether a development harms that purpose does not mean that these matters cannot also elide. The appellants accept¹¹⁴, that if the site is highly performing against GB Purpose (a), it would then follow that the development upon it of the substantial buildings proposed would cause significant harm to this purpose.
- 6.23 The site performs strongly against Purpose (a) by virtue of being free of existing development and lacking physical feature(s) in reasonable proximity that could restrict and contain the proposed development¹¹⁵. Due to a change in levels, existing vegetation, and boundary treatments, the M25 is largely screened, and it is not a physical barrier to prevent sprawl (CD I12 DL236). Applying the PPG, the site includes all of the following features: it is adjacent or near to a large built-up area, if it were developed, it would result in an incongruous pattern of development i.e. an extended finger of development into the Green Belt.
- 6.24 If the site is released for development, then, the adjacent fields beyond the M25 physical boundary, would be adversely affected in their ability to serve all 5 of the GB purposes in a meaningful way. It is a material consideration, of significant weight, that the Woodlands 1 Inspector concluded, and the SoS agreed, that the site performs strongly in meeting GB purposes. The lpa's¹¹⁶ analysis of this issue is to be preferred. The lpa properly identifies, as did the Woodlands 1 Inspector, that the M25 does not constitute a further defensible barrier to the edge of the large

¹¹² Mr Hutchison Evidence-in-Chief.

¹¹³ Evidence-in-Chief Mr Hutchison.

¹¹⁴ X-Examination Mr Hutchison.

¹¹⁵ PPG Green Belts Paragraph 005 Reference ID:64-005-20250225.

¹¹⁶ Proof-of-Evidence paragraph 5.10 Ms Marber.

built-up area, meaning that the site performs an important function in checking unrestricted sprawl (CD I12 IR236 & DL19).

- 6.25 Initially, the appellants¹¹⁷ sought to caution against the application of the GB Assessments when considering the effect on the GB. However, now in seeking to show that the site is Grey Belt, they say that its findings should be positively relied upon. This is to say that the site should be regarded as only performing moderately well against Purpose (a).¹¹⁸ The appellants rely upon the analysis in the GB Assessment that to perform strongly against Purpose (a), there has to be an absence of another strong barrier at the boundary of a large built-up area, such that it falls upon the land in the GB to check sprawl. The appellants accept¹¹⁹ that the GB Assessments were starting points, which are capable of being critiqued for their own approach, and which must be overlaid with a granular assessment of how the site itself functions in GB terms.
- 6.26 Furthermore, the strength of the boundary between the WLIP and the GB necessarily depends upon the retention of the site. Absent the appeal site remaining undeveloped, there would be sprawl into the GB which would remove the sense of a strong barrier between the built-up area and the GB. This demonstrates that it is not the River Colne that is the check here, or even the edge of the WLIP, but the functioning of the site in combination with these other features.
- 6.27 As the lpa explains¹²⁰, the red line boundary of the site does not neatly follow the M25, meaning that the site is important in preventing the fragmentation of the open countryside in this location in an illogical manner, contrary to Purpose (a). On its own terms, then, the site also performs strongly in preventing urban sprawl by keeping land permanently open. The lpa's evidence properly aligns Purpose (a) with Framework paragraph 142, which explains that the "*fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open*". The site with its open countryside character does just this and should properly be considered to be strongly performing as against Purpose (a).
- 6.28 The site does not constitute Grey Belt land, meaning that Framework paragraph 155 engaged. Accordingly, this is land which falls outside the recent changes to GB policy which the appellants agree¹²¹ seek to make it easier for development to come forward on lesser performing GB land. It remains a site that is worthy of the full extent of the protection afforded by GB policy, including the need to establish VSCs.
- 6.29 No different approach is required because what is proposed to be developed is a Data Centre. The Framework changes have made no specific provision for Data Centres. If Data Centres are able to rely upon the relaxation of GB policy, it is only if they are proposed to be developed on Grey Belt land. That is not what is proposed here.

¹¹⁷ Proof-of-Evidence paragraphs 7.126 & 7.138 Mr Hutchison

¹¹⁸ Evidence-in Chief Mr Hutchinson.

¹¹⁹ X-Examination Mr Hutchison.

¹²⁰ Proof-of-Evidence paragraph 5.10 Ms Marber.

¹²¹ X-Examination Mr Hutchinson.

Harm to the Green Belt

- 6.30 Framework paragraph 153 provides the test for determining whether inappropriate development can demonstrate VSCs. Inappropriate development is by definition harmful to the GB, and substantial weight has to be given to this and any other harm to the GB caused by the development.
- 6.31 It is agreed that the development would cause harm to the openness of the GB, and to Purposes (a) and (c). This includes, as far as openness is concerned, both visual and spatial harm through the erection of substantial buildings in the GB that would be visible from multiple locations, but most immediately and obviously from the London Loop. Mitigation planting would further close off views over the open site to the countryside beyond the M25. This would also cause harm to openness.

Purpose (a)

- 6.32 On Purpose (a), the appellants agree that if the site is highly performing against this purpose, it would then follow that the development of substantial buildings would cause significant harm to this purpose.

Purpose (b)

- 6.33 The appellants do not accept that any harm arises in respect of Purpose (b). The Ipa, like the Woodlands 1 Inspector, gives limited weight to harm to this purpose. Taking an overly narrow view, the appellants confirmed¹²² that save if there was some visible or perceptual merging of towns, that there is no conflict with this purpose. The appellants accept¹²³ that determining whether there was conflict with this purpose involves making a judgement.
- 6.34 If, as the Ipa's evidence¹²⁴ indicates, there is incremental loss of areas of land between towns, then Purpose (b) is served by preventing this incremental loss. This does not amount to saying that development of any area between towns would result in a conflict with Purpose (b). In any given case, a judgement must be made and here there is particular pressure on the corridor between Uxbridge and Slough, making the prevention of further merger of these towns all the more important.

Purpose (c)

- 6.35 On Purpose (c), the Woodlands 1 Inspector, concluded that this purpose would be harmed through the development introducing urbanising features such as large buildings and their associated paraphernalia¹²⁵. The Inspector concluded that the proposal would represent the encroachment of built development into the countryside and attached substantial weight to this harm¹²⁶.

¹²² X-Examination Mr Hutchinson.

¹²³ X-Examination Mr Hutchinson.

¹²⁴ Evidence-in-Chief & X-Examination Ms Marber.

¹²⁵ CD I12 IR paragraph 240 & DL paragraph 19.

¹²⁶ CD I12 IR paragraph 240.

- 6.36 The lpa's evidence¹²⁷ is to the same effect. Although the site was formerly worked for gravel and then used for landfill, it is now characterised by large areas of open grassland, scattered areas of vegetation, tree cover and the river corridor. These features contribute to the site's countryside character, a feature also found by the Woodlands 1 Inspector. The introduction of a substantial built form would cause visual and physical fragmentation, and harmful encroachment into the countryside.
- 6.37 The appellants accept that there would be harm to Purpose (c) but criticise the Woodlands 1 Inspector's findings for not having grappled with the detracting features of the site. The appellants accept¹²⁸ the IR did deal with these detractors elsewhere. It is not tenable to suggest in these circumstances that the Inspector ignored these matters when reaching his conclusion on Purpose (c). It is a fundamental principle that decisions have to be read fairly and as a whole.

Conclusions on Green Belt harm

- 6.38 As per Framework paragraph 153, these matters must be given substantial weight. These matters raise significant and serious concerns regarding the development of substantial buildings in the GB which would, (1) harm openness, (2) lead to the unrestricted sprawl of Greater London, (3) fail to prevent neighbouring towns from merging, and (4) fail to safeguard the countryside from encroachment. The parties agree that if these harms are found to exist, it must be given substantial weight.

Other Harms

- 6.39 For the same reasons as set out above, and having regard to the reduced scale and visibility of the scheme, the lpa¹²⁹ attribute **significant** negative weight to harm to the character and appearance of the area, The Inspector and SoS in Woodlands 1 afforded substantial weight to this harm (CD I12 IR186 &DL14).
- 6.40 The introduction of substantial built structures and associated development into an area with a rural countryside character, would fail to be sympathetic to that existing character¹³⁰. The scheme would conflict with the guidelines for the Colne Valley LCA, which seeks to prevent development in the floodplain, particularly vertical development, and to preserve views across the valley.
- 6.41 This scheme would be significantly larger than the majority of the buildings in the WLIP. A sense of how prominent and visible the buildings would be is gained by comparing the buildings to the largest building on the WLIP. This existing building is smaller and set within an existing context of other industrial buildings. A sense of the height of the buildings by using the poplars and the southern pylon, 53.63m AOD which would be approximately the same height as the chimney flues at some 52m AOD (CD A38D page 1). Other nearby pylons sit at 56.19m and 66.06 AOD.

¹²⁷ CD H15A paragraph 5.22.

¹²⁸ X-Examination Mr Hutchison.

¹²⁹ X-Examination of Ms Marber.

¹³⁰ CD 15A paragraph 6.1, Evidence-in-Chief & CD I12 IR paragraphs 172 to 186.

- 6.42 The proposed buildings would be visible from the public domain, including by receptors whose views are premised on enjoyment of the open countryside, such as those using the London Loop and nearby public rights of way. A building sitting up to 23m higher than walkers along the London Loop would be large and overbearing. It is the very openness of the site in its present condition, and the ability to appreciate the open countryside beyond it, that provides value to these views.
- 6.43 The appellants accept¹³¹ that even with the mitigation planting to screen the building, that it would be visible from viewpoints around the site. This was confirmed by way of an estimated dotted line, that the scheme would be visible behind and sit at the approximately same height in this view as the tree within the middle of the single frame view (shown by the dotted lines), and that it would extend beyond these dotted lines in width (CD A17E Appendix D Viewpoint 11). What could be seen in this view is a frontal view of Building 2, the 125 x 14m high façade with Building 1 to the left of the view.
- 6.44 The appellants agree¹³² that it is appropriate to have regard to all the visual materials before the inquiry, including the Ipa's additional viewpoints and Google images (CD 16C-E). That said, there is a need to approach the material carefully given the potential for it to be unrepresentative of how the view would be experienced by a relevant receptor. What these additional viewpoints show, even having regard to these caveats, is that there are many locations where views of the development would be experienced. While many of those views would be filtered in summer and/or with the mitigation planting, there would remain views of the buildings. These views would be out of character and significantly harmful.

Very Special Circumstances

- 6.45 The SoCG sets out the large amount of agreement in respect of many of the matters relied upon by the appellants to show that VSCs exist. There is agreement in respect of the weight to be given to temporary employment - limited weight, direct and indirect employment - significant weight and education and employment outreach - moderate weight. Disagreement exists principally in relation to the weight to be given to the other considerations relied upon by the appellants.

Need, Absence of Alternatives & Economic Benefits

- 6.46 The appellants¹³³ rely on the express provision that is now made in the Framework in relation to Data Centres. It is said that this change reflects a greater importance and urgency being attached to the need to deliver growth supporting infrastructure such as Data Centres. There are 2 principal reasons why this argument should not result in more than significant weight being given to the need, lack of alternative sites and economic impacts and investment in the UK i.e. 3 of the appellant's 11 considerations.

¹³¹ Evidence-in-Chief & X-Examination Mr Harris.

¹³² X-Examination Mr Harris.

¹³³ Proof-of-Evidence paragraph 8.23(a) and Evidence-in-Chief Mr Hutchison.

- 6.47 In both Woodlands 1 and the Court Lane decisions, the SoS gave no more than significant weight to these matters. Both of these decisions involved Data Centres larger than proposed here (CD I22 IR67). The appellants suggest¹³⁴ that Court Lane was for an equivalent size Data Centre (CD I22 IR 136). However, in IR136 the 90MW referred to relates only to the data load for IT power, with extra power required for site load power. These Data Centres were meeting a larger amount of the then projected need than is the present scheme.
- 6.48 Need, alternatives and economic impacts are all matters that fall within the scope of Framework Chapter 6. Framework paragraph 85 says that decisions should help create the conditions in which businesses can invest, expand and adapt. Framework paragraph 87(c) says that this includes making provision for the expansion of industries of local, regional or national importance. It is further emphasised in Framework paragraph 86 that this is important in areas in the UK can be a global leader in driving innovation. The appellants highlight that Data Centres are now expressly included in Framework paragraphs 86(c) and 87(a).
- 6.49 When determining the changes to the Framework, the SoS no doubt had fully in mind her statements¹³⁵ that delivering economic growth and providing support for Data Centres is vital. Having had these matters in mind, and notwithstanding Framework Chapter 6 referring not only to Data Centres but also more generally to supporting industries of national importance, the policy position is that “*significant weight*” should be given to the need to support economic growth. The Framework could have, but did not, take the opportunity to give more weight to the provision of Data Centres, or even to the expansion of industries or provision of infrastructure of national importance. The fact that it did not do so does not preclude a different weight being given to the provision of Data Centres, which could be higher or lower than the significant weight indicated by national policy. However, this is a very recent change in national policy which has made express provision for Data Centres, and which has chosen not to ascribe or even point to the possibility of greater weight being given to their provision. That is notable and supports the Ipa’s position that it is appropriate to ascribe the same weight to these matters as is indicated by national policy and in the 2 decisions of the SoS on Data Centres in the SAZ, i.e. significant weight. Against this, the appellants point to the greater level of assessed need for Data Centres than was previously considered in both Woodlands 1 and Court Lane. The Ipa does not accept¹³⁶ that this matter alone justifies giving any greater weight to these matters. Attributing significant weight provides an appropriate degree of recognition of these matters.

Social Benefits

- 6.50 On the claimed social benefits, it is not possible to ascribe more than limited weight to these benefits given there is no evidence about where, how, and to what extent the claimed social benefits would be delivered. This is not to dispute the proposition

¹³⁴ X-Examination Mr Hutchison.

¹³⁵ Proof-of-Evidence paragraph 8.6 Mr Hutchison.

¹³⁶ X-Examination Ms Marber.

that the Data Centre would have users who would derive a social benefit from the use of this infrastructure. However, as the appellants acknowledge¹³⁷ it is difficult to quantify the extent of these benefits. This is then a matter of broad judgement, and the lpa's assessment of limited weight should be preferred.

Addressing Climate Change

- 6.51 The sustainability credentials of the scheme are tempered by the potential need to rely upon diesel backup generators (CD H15A paragraph 7.17). The potential for a district heating connection is an aspiration at this stage. Even having regard to the energy savings from the data centre¹³⁸, at most only moderate weight should be given to this consideration.

Landscape and Biodiversity Enhancements

- 6.52 This scheme would result in landscape harm, and the mitigation measures do not alter this conclusion. Having regard to case law¹³⁹, the lpa now accepts that the provision of BNG is a matter that should be given weight (CD ID10 paragraph 155). When determining what weight to give to this matter, it is relevant to take account of whether or not this benefit has been identified as something of particular local importance, or whether it is meeting a broader national requirement or need, "*Such considerations may affect the weight to be given to the benefits*" (CD ID10 paragraph 158). That said, the lpa attributes no weight to these asserted benefits.

Consequences of not Providing Capacity

- 6.53 This was a matter considered by the High Court in an application by one of the appellants for a statutory review of the Woodlands 1¹⁴⁰ (CD I21). The SoS's decision was expressly challenged on the basis of an alleged failure to have regard to this consideration. The High Court in response determined that these matters were, in the particular factual circumstances, considered by the SoS, having given positive weight to the need for, and economic benefit that would be realised by, a new Data Centre. That is obviously right. The claimed consequence of not providing capacity is a loss to the economic competitiveness of the UK. That is the obverse of the economic benefits and need for the Data Centre, which the lpa attaches significant weight. By meeting need, the UK maintains its competitiveness and avoids the situation in which the economic benefits of a new Data Centre may end up being realised by another country. All this is, is a different way of giving weight to need and economic benefits, which the lpa has already done. On this matter the lpa attributes no weight.

¹³⁷ Proof-of-Evidence paragraph 8.43 Mr Hutchison.

¹³⁸ X-Examination Ms Marber.

¹³⁹ CD ID10 Vistry Homes [2024] EWHC 2088 (Admin).

¹⁴⁰ CD H15A paragraph 7.28.

Absence of a Plan Led Solution

- 6.54 The appellants¹⁴¹ place significant weight on the absence of a plan-led solution. The effect of this is that a site found to be a highly performing site against GB purposes, and not Grey Belt, should receive significant positive weight in the planning balance because the development plan had not allocated land for Data Centres. This is illogical and tantamount to saying¹⁴² that the lpa should be sanctioned for not having an up-to-date plan. Moreover, it suggests that the sanction should be applied even though the scheme is promoted not on land in the GB that has been made easier to develop because of changes to the Framework but on a site where, the SoS has said that the full force of GB policy should apply.
- 6.55 The appellants confirm¹⁴³ that there is nothing in national policy to confirm that lpa's should be sanctioned in this way. Self-evidently this is not a case where the tilted balance in Framework paragraph 11 applies. This is more so, given that GB falls within Footnote 7, meaning that the site is within an area in respect of which Framework paragraph 11(d)(i) says, "*...the application of the policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed*". The lpa is right to give no weight to this consideration.

Conclusions on the Planning Balance

- 6.56 The appellants¹⁴⁴ accept that this scheme conflicts with the development plan when read as a whole. The lpa's evidence¹⁴⁵ is to the same effect, the scheme conflicts with the development plan policies as far as they relate to the GB and landscape character. It is common ground that the policies relating to the GB policies in the development plan conflict with the Framework in that they do not provide for a VSCs test. The lpa¹⁴⁶ has applied national policy tests relating to the GB to determine the appropriateness of the scheme. In both Woodlands 1 and Court Lane, the SoS gave substantial weight to the GB policies in the development plan¹⁴⁷. No different approach should be taken here. If having applied the Framework tests, VSCs do not exist, the conflict with the Framework is irrelevant. In other words, even if the development plan had provided for a VSCs test, the result for the appellants would have been the same.

¹⁴¹ Mr Hutchison.

¹⁴² X-Examination Mr Hutchison.

¹⁴³ X-Examination Mr Hutchison.

¹⁴⁴ CD H11A & X-Examination Mr Hutchison.

¹⁴⁵ CD H15A paragraph 8.8.

¹⁴⁶ X-Examination Ms Marber.

¹⁴⁷ CDI22 IR194, 269 & DL14; CDI12 IR159, 233, 359 & DL18.

- 6.58 Notwithstanding the reduction in scale of the development, it remains the case that this scheme:
- (1) Includes buildings which are substantial and significantly higher and bulkier than those on the nearby WLIP, and which would have the effect of extending the built-up area of Greater London into an area with a rural countryside character.
 - (2) Amount to inappropriate development, which, is by definition, harmful to the GB, including by reason of the site including land that is highly performing against GB Purpose (a) and so is not Grey Belt land.
 - (3) Would cause significant harm to openness and to GB Purposes (a) and (c), with limited harm caused to GB Purpose (b), including by reason of the development associated with 2 substantial buildings, and the on-site activity that would arise.
 - (4) When tested against a landscape character baseline and site considerations, which remain materially the same to those determined to exist by the SoS in Woodlands 1, the scheme would cause significant harm to the character and appearance of the area.
- 6.59 Having regard to all these matters, and to the considerations in favour of granting planning permission, the potential harm to the GB by reason of inappropriateness and the other harms identified above, are not clearly outweighed by these other considerations. The lpa remains of this view¹⁴⁸ even were it to give all the considerations relied upon by the appellants the same weight.
- 6.60 This proposal conflicts with the development plan and there are no material considerations which indicate that permission should be granted.

¹⁴⁸ Evidence-in-Chief Ms Marber.

7 Representations

Consultation Responses at Application Stage

- 7.1. *Archaeology (CD C1)*. Potential for impact on buried archaeology. Planning permission should be subject to a condition.
- 7.2. *Cadent Gas Limited (CD C2)*. No objection. Informatives provided.
- 7.3. *Iver Parish Council (CD C3 & C17)*. The development conflicts with NP Policies IV1 - Gaps between Settlements and Corridors of Significance; IV8(c) - Managing Traffic; IV9 - Reducing HGVs and Objective 5.2 to protect the semi-rural environment and the GB. The land is of not of low ecological value and a regenerated site would increase biodiversity.
- 7.4. The LLFA describe the area as being a low flood risk. However, since October 2023, there have been 9 flood warnings. Thames Water highlights the “*inability of the existing foul water network to support*” this development. For the local waterways network, there have been 2 environment category 1 declarations in Spring 2024. Notices have been posted advising people not to enter the water in in the nearby Denham County Park. Although the Environment Agency (EA) do not object, subject to the imposition of conditions, the enforcement of conditions can be problematic, and approval should not be given on the basis of possibilities.
- 7.5. VSCs to justify this development do not exist. A lack of available sites is disputed. In the Parish, there are several Data Centre applications including those on brown belt and more are coming online in the Slough Borough Council area. To the east, is the WLIP, a brown belt site, which could be redeveloped. This shows that using brown belt locations to provide for Data Centres is possible. Building on GB and next to the national grid site is not needed. The current applications and sites coming online may well meet the demand for Data Centres.
- 7.6. Rulings in British and European courts have found failures of the Government to act on environmental issues to maintain previous pledges and targets. The Ivers is an AQMA and here there is an absence of active management initiatives to improve air quality. The NP requires developments to assist in improving the air quality. The appellants acknowledges that the scheme would not improve air quality and as such conflicts with the NP.
- 7.7. The Parish Council supports the conditions suggested by the archaeology and environmental health teams, the EA and Colne Valley Park Trust (CVPT). In addition, conditions relating to an agreed traffic routing plan and hours of operation for generator testing and other noise creating activities are needed to minimise the impact on residents. There has not been dialogue with the developer regarding this application in general and the S106 mitigations.
- 7.8. *Colne Valley Park Trust (CD C5)*. The CVRP designated in 1965 covers 6 Council areas. As a result, the valley is rarely considered at a landscape scale. The Green Infrastructure Strategy aims to bring the green and blue on the map to the forefront of planning policy and decisions and feature the landscape of the CVRP as a whole, rather than from the perspective of its various Council boundaries. These

boundaries are an administrative convenience, they are not barriers to people and wildlife. The Crane Valley has been added to this strategy to provide a landscape scale picture of the area. This cross-border approach is entirely consistent with GB and the Framework.

- 7.9. Here, the GB has existed since the early 1950s, has achieved permanence and should remain undeveloped. The applicants refer to Framework paragraph 151 stating that the site's damaged state should attract significant positive weight. The site is restored agricultural land and meets the definition of undeveloped GB, it contributes to the purposes of GB and the openness of the Colne Valley. The nature of the site does not justify development. Account should be taken of the requirement to enhance landscapes, visual amenity and biodiversity, as well as increasing opportunities for outdoor sport and recreation. Framework paragraph 150 is entirely consistent with the objectives of the CVRP.
- 7.10. The scheme does not meet the VSCs test as there are alternative non-GB sites available in either the Slough or the Docklands AZs, or in any of the home counties specified in the DoT letter. That is still the position, and it applies equally to this latest scheme. Data Centres are dependent on the expansion of the Iver substation, an application for which has not been determined. If approved, it will be several years before the extension is operational. This application is therefore premature. CVPT are concerned about the cumulative impact traffic impact of the proposed motorway service area (MSA) to the north of Slough Road, the substation extension and the Data Centre being built at the same time. The significant amount of construction traffic will severely and negatively affect air quality for the local community and those using the CVRP.
- 7.11. Contrary to GB policy, the buildings would dominate their surroundings, harm GB openness and encroach into the GB beyond the current clear boundary of the WLIP and River Colne.
- 7.12. Data Centres consume large amounts of electricity and produce substantial amounts of heat requiring artificial cooling contributing to a localised heat island effect. The green walls must be water-efficient: e.g. rainwater should be collected on site to provide irrigation where necessary. The applicant aims to only use green electricity from the National Grid. However, it does not appear to consider generating its own electricity or using the waste heat for other purposes, such as agriculture or recreation. Whilst mention is made of a possible link to a district heat network, no details are provided.
- 7.13. Built development is only on part of this large site. There are countless recreation opportunities including rights of way that could benefit the local community which this proposal does not consider. If approved, this application would set a precedent for further development to the detriment of the CVRP and the community.
- 7.14. To mitigate the harm to the CVRP and GB, and to reflect the requirements of LP Policy CP9, a contribution is sought to a Countryside Management Service project in the CVRP. This would be used to improve and maintain the landscape, biodiversity, access, signage, and river habitat.

- 7.15. *Ecology* (CD C6). The site is located within an important ecological corridor in the Colne Valley Biodiversity Opportunity Area and CVRP and supports a rich assemblage of protected, priority and red data book species. The site qualifies as Local Wildlife Site (LWS) and the LWS boundary can be determined only by a detailed survey. Ideally, development should be avoided, and an alternative site be found. However, if the development is approved, the following surveys should be undertaken prior to development. These are, a local wildlife site survey, an updated Great Crested Newt assessment, a ground level roost and bat activity surveys and, where necessary, an inspection of all trees to be directly or indirectly affected.
- 7.16. *Environment Agency (EA)* (CD C7). No objection subject to conditions.
- 7.17. *Environmental Health Team – Contaminated Land* (CD C8). The Preliminary Geo-Environmental Risk Assessment and the Geo-Environmental Assessment are acceptable. The Remediation and Verification Strategy is acceptable in principle but may require amendment following additional monitoring.
- 7.18. *Environmental Health Team (EHT)- Noise* (CD C9). The Plant Noise Assessment criteria if achieved would safeguard local amenity. Noise impacts are capable of being dealt by condition.
- 7.19. *Environmental Protection Team – Air Quality* (CD C10). Subject to conditions and a financial contribution there are no objections. The proposed development is not considered to be sustainable or air quality neutral and produces adverse impacts on sensitive receptors, especially those downwind of the application site. Given the significant number of diesel backup generators, and the lifetime associated with the operation of the proposed development (i.e. 30 years), planning must be effective to select the most sustainable technologies, which, once approved, would be in place for a long period of time. Unlike vehicle emissions, which are expected to reduce significantly over the next 10 to 20 years, diesel backup generators would remain polluting at the same load/rate over the lifetime of the development. Air quality conditions would deteriorate with increased local background levels conflicting with CS Policy CP 13 and NP Policy IV7.
- 7.20. *Heathrow Airport* (CD C11). The development could conflict with safeguarding criteria unless conditions relating to, building height; a bird hazard management plan; a landscaping scheme and management plan and a renewable energy scheme.
- 7.21. *Highways* (CD C12). No objection, subject to conditions and a financial contribution. Additional vehicle movements could be accommodated without a severe impact on the local highway network.
- 7.22. *Landscape & Urban Fringe Team* (CD C13). The proposal introduces large scale development into an area of open land with characteristics of a rural countryside location, that also forms the setting of the River Colne and contributes towards the separation of 2 settlements. Whilst from some viewpoints adverse visual effects would be less than the Woodlands 1 proposal, they would remain in the moderate–major adverse range in the short/medium term until tree planting established. From

the London Link, views over open countryside would be closed down permanently by a combination of built form and screen planting.

- 7.23. *Local Lead Flood Authority* (CD C14). Objected at the time of the application. Following the submission of further detail, the LLFA confirm that a satisfactory surface water drainage scheme can be provided for the site, and this can be controlled via appropriately worded conditions.
- 7.24. *NATS Safeguarding* (CD C15). No objection.
- 7.25. *Natural England* (CD C16). No objection. The development would have no *significant* impact on any statutory designated sites.
- 7.26. *Thames Water* (CD C18). Requested that a condition is attached to any grant of permission requiring foul water network upgrades to be completed as required.

Interested Persons at the Time of the Application

7.27. Concerns raised relate to,

- The site is in the GB, the development represents sprawl and encroachment and would not preserve openness. The development would be inappropriate development resulting in substantial harm both visually and spatially along with a substantial increase in activity in the GB. There are brownfield sites that could be used. Allowing the development would set a precedent for further development in the GB. With no confirmed occupier, VSCs do not exist.
- The site is a well-established habitat for plants and wildlife providing a wildlife corridor through the CVRP. Most of this would be eroded with nowhere for wildlife to thrive. The BNG offered is inconsistent with Government targets.
- The development comprises 2, 18m high buildings that would dominate the area, out of keeping with the rural setting and its surroundings. The landscape mitigation would not screen the development from walkers who enjoy this peaceful landscape.
- Historically the site has been used for tipping of asbestos waste and is unsuitable for development. Groundworks would increase health risks. The potential of unexploded ordnance on the site is high.
- The proposal would result in flooding of properties on Iver Lane.
- Data Centres can be located more than 15km apart, Amazon's Data Centres can be as far as 100km apart. There is no need to have a Data Centre here, there are more than 15 Data Centres within 7 miles of Iver.
- The area has a strong economy. To comply with the Government's levelling up agenda, Data Centres should be built in or around the northern powerhouses. The number of FTE jobs is minimal considering the scale of the development. Potential benefits, including economic benefits cannot be accurately measured.
- The widening of Palmers Moor Lane to provide access is excessive. The Data Centre would be operational 24/7 meaning there would be constant egress and

access by vehicles. The proposal would increase traffic and HGV traffic in an already congested area.

- The privacy of nearby occupiers would be lost.
- Data Centres are intrusive and noisy. There would be an adverse impact on air quality, which is already poor. The emissions from the backup generators and substation would increase carbon emissions in the area.
- The development would attract unwanted attention and pose a security threat to nearby properties.
- If a B8 use is granted it would allow the developer to change from a Data Centre to a distribution centre without any further scrutiny.
- There has been no public consultation by the applicant on the application.

7.28. *Joy Morrissey MP.* The scheme is inappropriate development in the GB. The site is heavily *contaminated* with asbestos waste. Disturbance could bring increased and unnecessary risk to nearby residents. The area already suffers from pollution from proximity to the M25 and Heathrow. Residents should be protected from further pollution generated by the Data Centre.

7.29. *Cllr. Griffin.* This is inappropriate development in the GB. There are no VSCs.

7.30. *Iver Heath Residents Association.* There are no VSCs test to justify the development in the GB. The Residents Association agrees with the representations made by Save Ivers Green Belt, Cllr Griffin, J Morrissey MP, the Parish Council and the CVPT.

Written Representations made in Response to the Appeal.

7.31. *Groundwork South.* Groundwork South are the managing agents for the CVRP. Whilst not supporting the proposal, if the appeal is allowed, Groundwork ask that the objectives of the CVRP are delivered. These relate to, the Landscape and Countryside, Biodiversity, Recreation, the Rural Economy, Countryside Management and Maintenance.

7.32. *CVPT.* The CVPT objects to development within the CVRP. This development together with others proposed including a MSA, film studios and Data Centres would have a cumulative and existential impact on the CVRP and its objectives.

7.33. The CVRP contains 13 Sites of Special Scientific Interest. This allows biodiversity to connect along the rivers and lakes within the park. Interrupting this connectivity through lighting and security measures together with the out of character tall buildings would have a devastating impact on bats and bird life.

7.34. This proposal does not provide mitigation in terms of publicly accessible open space, improvements to the River Colne and delivering the objectives of the CVRP in compliance with LP Policy CP9. Framework paragraph 155 says that that where development takes place via VSCs, environmental benefits should accrue including the provision of publicly accessible open space.

- 7.35. *Hillingdon Borough Council*. Supports refusal. Data Centres are being delivered in Hillingdon on previously developed non-GB sites within industrial estates designated as appropriate locations for such development. The need for Data Centre development is acknowledged. However, this site is not an appropriate location. VSCs do not exist to outweigh the substantial harm to the GB by reason of inappropriateness, and the harm to the character and appearance of the area, air quality and habitats of protected species.
- 7.36. *Mr S Kavanagh*. Disagrees that there is a need for Data Centre capacity and that there are no other suitable sites constitutes VSCs. Disputes the 1.46 to 2GW of capacity needed in the SAZ. This amount of capacity could not be built in the timeframe or that there is the power infrastructure to support it. In the Slough/Iver/Hayes area alone there are multiple projects at various stages of construction/development, all by reputable and experienced Data Centre operators/developers.
- 7.37. Globally, there is a well-documented and growing trend for Data Centre developments further outside the main Data Centre market in a particular country. London will remain the biggest Data Centre market in the UK and continue to grow very strongly. However, land and power constraints, coupled with the volume of demand will inevitably push the market beyond its current boundaries as well as developments elsewhere in the UK. Hyperscalers are adjusting their cloud region availability zone architectures to reflect this, while large AI training deployments do not need to be centrally located.
- 7.38. Established Data Centre operators/developers have plans for substantial builds in and around London. Examples include: CloudHQ is under construction for the first phase of a 293MW IT load campus in Didcot, Goodman has planning permission for 216MW IT load in Luton, KAO Data is acquiring additional land and power to expand its campus in Harlow and VIRTUS Data Centres is planning a 75MW campus in Saunderton, Buckinghamshire. Unlike here, none of these proposals are on 100% GB land, nor are they likely to be under development without some form of pre-agreed customer interest. Greystoke Land has no experience as a Data Centre developer or operator.
- 7.39. There is a growing need for more Data Centre capacity in the UK and fully support the industry as a driver of growth and job creation. But allowing this development on 100% GB land is not warranted. Data Centre developments should, as far as possible, be on brownfield sites, whether they are in the GB or not, to preserve agricultural land and countryside and regenerate local areas hit by the loss of other industry. Only when all such sites are exhausted should GB land be considered.
- 7.40. There is significant local opposition to the proposal which, unlike others in the area, has not been a collaborative process with the local community or other stakeholders. Development of the UK's Data Centre industry must be sympathetic to and in a symbiotic relationship with Councils and communities they impact. To do otherwise risks creating negative sentiment towards the industry, and potentially an anti-Data Centre lobby that could hamper the long-term development of the sector, as has happened in markets like Dublin and Amsterdam. Allowing this

development would set an unwelcome precedent for other speculative Data Centre developments on GB land, both in the Iver area and across the country.

- 7.41. *Mrs J Kelvey*. This is an established, open and undeveloped area of GB that acts as a border between the built-up area of Uxbridge and the countryside of the Ivers with the River Colne providing a natural and historic boundary. This parcel of GB is located within the strategic London Fringe zone that preserves the open space between Greater London and Slough preventing the outward urban sprawl of London and safeguards the countryside from encroachment. The site fully meets GB Purposes (a), (b) and (c) listed at Framework paragraph 143. Iver, is a historic settlement with an open and rural landscape between it and Uxbridge. The site fully meets Purpose (d). As specified in the GB purpose (e), development should only take place at locations that would encourage the recycling of derelict and urban land with the aim of assisting urban regeneration. The site is neither derelict nor urban in nature and development would conflict with Purpose (e).
- 7.42. There are no significant buildings on this area of GB and the openness affords the public unrestricted countryside views into and across the landscaped area including the River Colne. The landscape is rural in character and appearance and is that of flat, lowland floodplains dominated by rough grazing and pasture. The site provides relief and contrast from the urban sprawl of Uxbridge. The site is neither damaged nor visually related to the WLIP. Large-scale conspicuous development and a substantial increase in activity during construction and operation would be incompatible with and would severely harm the GB both visually and spatially.
- 7.43. Relying on Framework paragraph 149 (f), it is suggested that, rather than the established River Colne, the M25 forms a more suitable GB boundary. It is stated that the area is fragmented, industrial in appearance and contributes little to the GB's sense of permanence, that there would be a general lack of visibility of the development and there would not be any strong perception from either settlement of the gap between them having materially eroded. This is not the case. The River Colne already fulfils the remit of using recognisable and permanent physical features to define the GB boundary. A boundary change could allow further development beyond the site. This is an area rural in character and appearance affording the public a great sense of openness, free from built form and providing relief from the nearby urban sprawl. Here, the GB forms a strategic arc of open space separating the large built-up areas of Greater London and Slough¹⁴⁹.
- 7.44. The tall buildings would be conspicuous and erode openness. The landscape-led approach is insufficient and would fail to add to the quality of the area or be sympathetic to local character. Development would erode the strategic gap between The Ivers and Uxbridge. Framework paragraph 145 says that once established, GB boundaries should only be altered where exceptional circumstances are fully evidenced and justified. Here, there are no justifiable exceptional circumstances.

¹⁴⁹ CD H7d & e.

- 7.45. All of the above establish that this scheme would be inappropriate development. Inappropriate development is, by definition, harmful to the GB and substantial weight should be given to any harm to the GB.
- 7.46. The claim is, no alternative sites exist which amounts to VSCs. Whilst this might be the preferred location, others exist and satisfy the fundamental prerequisites for Data Centre functionality. The WLIP has B8 uses and is within the critical distance of the Iver substation. The key hubs of Slough and Hayes/West Drayton have industrial estates close to substations that would be suitable.
- 7.47. Employment generation, support for local businesses, and beneficial economic impacts nationally and locally are claimed as VSCs. The number of full-time jobs that would be accessible to residents of West London is quoted at 370. However, there is no guarantee that a significant number of jobs for local people would be created. Whilst there may be opportunities for indirect employment, this would only benefit London and other already wealthy regions and have little impact on the local economy. There would be a negligible benefit to local businesses due to the small number of FTE jobs. South Buckinghamshire already has a strong economy and high employment.
- 7.48. The number of FTE jobs is minimal considering the scale of the development, the erosion of the GB, the disruption during the construction and the atrocious blot on a beautiful and rural landscape. The site does not fall within any of the locations specified within CS Policy 10 and is not, in a location where new employment uses would be permitted.
- 7.49. The site is a historic landfill site. In 1994, applications for a MSA on this site were refused and their appeals dismissed. The MSA applications were dismissed based on transport matters and that 2 of the schemes were acceptable in principle. These decisions are used to conclude that GB development can be justified in principle. However, the Inspector at the MSA inquiry, noted significant concerns relating to pollution and safety.
- 7.50. The proposal is contrary to policies in the Framework, the CS, the LP and the NP. VSCs do not exist. If the scheme was of such immediate and strategic importance, and represented a VSCs, it would have gone before the Strategic Sites committee.
- 7.51. Landfill was a mixture of inert materials and asbestos waste, and the site restored at a time when standards were lower. Disturbing the site could release asbestos fibres over the neighbouring properties and Iver. The preliminary Geo-Environmental Risk Assessment recommends that supplementary site investigations should be undertaken, and a rigorous Asbestos Management Plan put in place should permission be granted. The Environmental Protection Officer has numerous reservations and concerns regarding the asbestos waste including piling techniques, waste removal, prevention of fibre release and maintenance of asbestos left in situ. Concerns regarding asbestos waste remain unchanged since the appeal dismissals in 1994.
- 7.52. With no designated end user, this proposal is speculative. The B8 classification is misleading and if permission is granted the site would permanently lose its GB

status, become a brown field site and merge into the Greater London metropolis. Even if a Data Centre is constructed, technology will improve, and the facility may become outdated and too expensive to operate. Then, the site could become a storage or warehouse facility. This eventuality is anticipated, given the plans include the widening of the entrance of Palmers Moor Lane to accommodate 2-way HGV traffic. These works are unnecessary for a Data Centre but would allow for warehousing, generating higher levels of HGV traffic to the detriment of residents. The application should be for Sui Generis (Data Centre) use.

- 7.53. Iver is within an AQMA, and the Council has a legal obligation to reduce pollution in this area. Air quality is already frequently in excess of the legal limits. Air pollution would increase during the 2-year construction period. Construction access is to be via the Slough Road which, would also be used for the construction of a MSA and a proposed battery storage facility, all to be built in a similar timescale. This would increase the already unacceptable high levels of air pollution in the area. There When operational the data Centre would increase air pollution.
- 7.54. An air quality report by the Central Office of Public Interest and Imperial College London states that air quality in the vicinity of the site currently exceeds 3 World Health Organisation (WHO) limits and is at the 93rd percentile – Very High Air Pollution. The annual average of the pollutant PM_{2.5} is 12.52mcg/m³. The WHO limit is 5mcg/m³. This pollutant can cause asthma, jeopardise lung function and promote cancer. Exposure to this pollutant contributes to strokes if the exposure is for a year or more at levels exceeding 10mcg/m³. The annual average of the pollutant PM₁₀ is 19.81mcg/m³. The WHO limit is 15mcg/m³. This pollutant can cause wheezing, bronchitis and reduce lung development. Exposure to the pollutant can also increase cardiovascular and respiratory mortality for every 10mcg/m³ increase of PM₁₀. The annual average of the pollutant NO₂ is 29.55mcg/m³. The WHO limit is 10mcg/m³. Exposure to this pollutant increases the risk of disease related mortality. The report goes on to say air pollution is a killer, just like asbestos. Any decrease in air quality is unacceptable and is contrary to the AQMA.
- 7.55. Any increase in vehicle movements is contrary to the NP. Iver suffers from traffic chaos and any increase would only add to the already congested roads. Not only would the cumulative increase in traffic through the proposed developments decrease air quality, but also it would increase traffic in the local area affecting the whole of the Ivers, both during construction and operation. It would have a serious negative impact on the principal western access route into Uxbridge. The bridges over the River Colne and the Grand Union Canal on Iver Lane have a weight limit of 7.5 tonnes and are unsuitable for HGVs. Therefore, all HGV vehicle movements currently have to pass through Iver Village to travel to Uxbridge and beyond.
- 7.56. Given that some deliveries to the site would be by vehicles over 7.5 tonnes, any additional traffic movement is unacceptable. A Traffic and Transport study has been completed by the Council. This was in response to findings that over recent years there has been an increase in the number of HGVs travelling through the Ivers. National Infrastructure projects, including Crossrail, which have or are currently taking place in the Ivers are likely to increase NO₂ concentrations in the

area. A traffic audit carried out for the study found that the Ivers have HGV levels well above the national average indicated by the Department for Transport Publication Road Traffic Estimate Great Britain 2014.

- 7.57. The Ivers Members Liaison Group (IMLG) has been formed to use the recommendations of the Traffic and Transport study to drive forward a comprehensive mitigation plan to reduce traffic in the Ivers. It is unacceptable for any further traffic movements to take place around the Ivers and the increase that this development would bring goes totally against the plans drawn up by the IMLG.
- 7.58. The entrance to the development is via Palmers Moor Lane through the residential area of Iver Lane. Palmers Moor Lane is a relatively untouched countryside lane nestling in the Colne Valley and provides access for the many cyclists and walkers that enjoy the numerous public rights of way in the area. The proposal is to significantly widen Palmers Moor Lane at the junction with Iver Lane thus destroying this rural setting. The widening of Palmers Moor Lane is completely unnecessary to simply provide access to a Data Centre. No transport statement has been commissioned for vehicle movements in Palmers Moor Lane. Once operational the site would be running 24 hours per day. There is limited public transport close by so the majority of personnel would access the site by car. It has been predicted that there will be approximately 320 daily vehicle movements in and out of the site. Given the relatively few dwellings along Palmers Moor Lane this would be an increase of over 700%.
- 7.59. The access road would cross an area in Flood Zone 2 increasing the risk of flooding to neighbouring properties. Access would be better served from the less residential A4007 Slough Road with its closer links to Uxbridge underground and bus stations and easier access to the M40 and M25.
- 7.60. This development in the heart of this GB would be a risk to security. This area of the GB, although well-known locally, enjoys a peaceful and quiet setting. A development of this magnitude would attract unwelcome attention. The security measures offered would not completely mitigate the threat. The construction of high security fencing, installation of CCTV cameras and floodlighting would add to the urbanising of its appearance, alienate the public on the nearby rights of way and would not offer increased protection to the neighbouring properties.
- 7.61. *Mr & Mrs Brooks, Mr B Jacomelli, Mr H Gadhav, Mr B Hayter & family, Mrs J Rance, Mr A Sagar, Mr & Mrs Sharma.* These residents reiterate concerns relating, air quality, potential future use of the building, loss of the GB, harm to the character and appearance of the area, the impact on biodiversity, pollution, flooding traffic impacts and loss of residential amenity.

Representations made at the Inquiry

- 7.62. *Foxglove & Global Action Plan (CD ID3).* The energy and sustainability proposals lack detail, which has implications for the balancing exercise that the SoS has to undertake. VSCs, which include measures to address Climate Change, are relied on to justify this GB location. The Energy Strategy (CD A29 paragraph 1.4) proposes a suite of measures to satisfy the Council's target for more than 10% of

energy to be sourced from decentralised and renewable or low carbon sources. These are,

- a. Maximised use of waste heat within the development with space heating and water heating incorporating waste rejected from the cooling systems.
- b. PV at roof level.
- c. The use of Air Source Heat Pumps (ASHPs) to provide space heating in parts of the building where the waste heat option is not suitable
- d. Sufficient quantum of the above technologies to ensure that the contribution from renewables can exceed up to 100% of the regulated demand associated with the administrative function of the buildings.
- e. Adoption of the principles of the Climate Neutral Data Centre Pact to ensure that electricity demand will be matched by 75% renewable energy or hourly carbon-free energy by 31 December 2025 and 100% by 31 December 2030.

- 7.63. At first glance, the list of benefits is impressive. However, they are not backed up by binding obligations and accountability measures. The use of vague words such as “*maximised*”, or jargon like “*sufficient quantum*”, provide no substantive commitment to deliver a specified level of environmental benefit. The appellants only commit to delivering enough renewable energy to meet 100% of the “*regulated demand associated with the administrative function of the building.*” However, there is no explanation of what included in the buildings’ “*administrative*” functions and whether that includes the essential operation and cooling of the servers.
- 7.64. Without further information the SoS does not know that the proposal would satisfy the Council’s target for more than 10% of energy to be sourced from decentralised and renewable or low carbon sources. The data is simply not available to be scrutinised. It is stated that: “*it is understood that the operator of the proposed Data Centre will commit to the Climate Neutral Data Centre Pact.*” However, the appellants are responsible only for developing the scheme. While the developer may hope that future operators will participate in the Pact, critically, it cannot ensure that they will do so, nor do they have any obligation to bind them to it as a condition of taking over the site. Should the SoS allow this appeal, there is no guarantee that a future operator would adhere to any of the various energy commitments.
- 7.65. The Sustainability Statement makes no actual commitment with regard to water usage, simply asserting: “*Data Centres will conserve water and set ambitious water conservation targets.*” Whilst it is common ground between the parties that these matters might be agreed at detailed approval stage, this means that the SoS should not give any weight to these “*commitments,*” which may not materialise. If environmental commitments are given positive weight in the planning balance, appropriate conditions or obligations must be imposed to ensure delivery. Without such clear and actionable commitments, no weight can be assigned.
- 7.66. *Cllr John Rossetti for The Ivers Parish Council (CD ID7 & ID9).* The Parish Council (PC) reiterates its written objection to development in the GB. There has been an increase in flood warnings issued for the Rivers Colne and Frays from 9 to 14.

Planning permission for the Colne Valley MSA, on the north side of the A4007 Slough Road, which is directly opposite the appeal site has been granted. This permission would significantly reduce and diminish any benefits to the local community derived from the GB and result in a significant reduction to the narrowest area of the CVRP.

- 7.67. Approvals have been given for Data Centres to be built on brown belt land within the Parish and more applications are expected. Three Data Centres have been approved in the Thorney Business Park and a further 3 Data Centres are being consulted on. The PC has been consulted on a proposal for part of the Ridgeway Industrial Estate to be used for a Data Centre. We understand that land is now owned by Amazon Web Services who is the largest worldwide Cloud service operator. This shows that whilst significant Data Centre capacity is being added it can occur by redeveloping brown belt sites (CD ID9).

8 Inspector's Conclusion and Recommendation

The numbers in [] brackets refer to earlier paragraphs in this report or Core Documents.

8.1 The main considerations to be addressed are.

1. whether the proposal would be inappropriate development in the GB having regard to the Framework and any relevant development plan policy.
2. the effect on the openness and purposes of the GB.
3. the landscape and visual impact of the development.
4. whether the harm by reason of inappropriateness, and any other harm would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Inappropriate Development

8.2 The conclusions of the SoS and Inspector in the Woodlands 1 case are material considerations. However, national planning policy on GB has materially changed with revisions to the Framework and PPG. Accordingly, several of the conclusions reached by the SoS, and the Inspector in Woodlands 1 need to be treated with caution and cannot simply be read across to this scheme.

8.3 The site is located within the GB where LP Policies GB1 and GB4 list the categories of development that may be permitted [4.11 & 4.12]. The proposal conflicts with these policies. However, in that LP Policies GB1 and GB4 do not allow for VSCs to justify a grant of permission for development considered inappropriate in the GB they are inconsistent with the Framework paragraph 153 [5.7]. The Framework and Case Law, indicate that both it and PPG are significant material considerations.

8.4 Framework paragraphs 154 and 155 list the types of development that are considered not inappropriate in GB. The proposal does not fall within any of the categories listed in paragraph 154. Framework paragraph 155 indicates that,

"The development of homes, commercial and other development in the Green Belt should also not be regarded as inappropriate where:

- a. the development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining GB across the area of the plan,*
- b. there is a demonstrable unmet need for the type of development proposed,*
- c. the development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework, and*
- d. where applicable the development proposed meets the "Golden Rules" requirements set out in Framework paragraphs 156 and 157.*

8.5 The parties agree that Woodlands 2 is "...commercial and other development..." and that Framework paragraph 155 is engaged [5.12].

Grey Belt Status

- 8.6 The Glossary to the Framework defines Grey Belt as,
- “...land in the GB comprising previously developed land (PDL) and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in Framework paragraph 143. Grey belt excludes land where the application of the policies relating to the areas or assets in Footnote 7 (other than GB) would provide a strong reason for refusing or restricting development.*
- 8.7 Here the site is, “...any other land...”. Purpose (a) seeks to check the unrestricted sprawl of large built-up areas, Purpose (b) seeks to prevent neighbouring towns merging into one another, and Purpose (d) seeks to preserve the setting and special character of historic towns. Here, albeit, the lpa asserts limited harm to Purpose (b) [6.35] and it is common ground that Purpose (d) is not engaged [1.5 Green Belt], it is agreed that in deciding whether the site qualifies as Grey Belt, the sole GB purpose the proposal needs to be assessed against is Purpose (a).
- 8.8 As PPG indicates the identification of Grey Belt land starts with a GB Assessment¹⁵⁰. Assessment areas should be “...sufficiently granular...” to enable a robust assessment of their contribution to GB purposes¹⁵¹. In particular the guidance cautions against the use of a small number of large assessment areas.
- 8.9 The appellants refer to the Buckinghamshire Green Belt Assessment (GB Study) Stage 1 2016 (CD H7D). The GB Study identified General Areas (GA) of varying size. Here, the site falls within GA 83, an area, extending to some 160ha, north and south of Iver Lane [5.16]. The GB Study assesses the GAs against Purposes (a) to (d)¹⁵² and comes to a composite judgement as to whether overall a GA meets the GB purposes. Where a GA scores 4 or 5 against one or more of the purposes, it is judged to be meeting the purposes overall and as such is not suitable for development. I consider that GA 83 is of an appropriate size to be consistent with PPG advice on assessment area sizes.
- 8.10 The GB Study defines sprawl as, “...the outward spread of a large built-up area at its periphery in an untidy or irregular way.”. In assessing GA 83 against Purpose (a), the parcel is tested against 2 criteria. The first, which is described as a simple pass or fail test is, whether it would prevent the outward sprawl of a large built-up area. The second is the degree to which the GA is contained by built-form and the nature of the containment, as well as the linkage to the wider GB, and the extent to which the edge of the GB has a strongly defined, regular or consistent boundary. Examples of a durable features, includes motorways and rivers. On Purpose (a), the GA achieves a pass on the first criteria and achieves a score of 3 – Meets the Purpose on the second criteria. This score is based on the assessment that the GA 83 parcel is connected to a large built-up area, bordered by prominent, permanent

¹⁵⁰ Paragraph: 002 Reference ID: 64-002-20250225.

¹⁵¹ Paragraph: 004 Reference ID: 64-004-20250225.

¹⁵² Notwithstanding the Framework in 2016 noted the GB Purposes as (a) to (c), the GB Study referred to the Purposes as 1 to 4.

and consistent boundary features. The assessment notes that here, the boundary with the built-up area, the River Colne, is readily recognisable and durable for all its length, and that the GB beyond, which includes the site, provides an additional barrier to sprawl [5.17].

- 8.11 In 2018, a Stage 2 GB Assessment was carried out. Here GA 83 is located within Strategic Zone A – London Fringe. On Purposes (a), Zone A is considered to play a strong role in meeting the purpose. In particular, it is noted that it plays a strong role in the south of the Zone by preventing the sprawl of Slough and Greater London. However, Strategic Zone A is a very extensive area on the western margin of the London conurbation. Given the PPG advice, that assessment areas should be sufficiently granular to enable the assessment of their variable contribution to GB purposes and a small number of large assessment areas will not be appropriate in most circumstances, the 2016 GB study is to be preferred as the starting point to assess the contribution of the site, within the wider GA 83 parcel to the relevant GB purposes relating to Grey Belt.
- 8.12 PPG¹⁵³ provides guidance on the features that determine whether an area contributes strongly to the relevant purposes. Assessment areas that contribute strongly are, (a) likely to be free of existing development (b) be adjacent or near to a large built-up area, (c) lack a physical feature or features in reasonable proximity that could restrict and contain development, and (d) the development would result in an incongruous pattern of development, such as an extended “...finger...” of development into the GB.
- 8.13 The site and its immediate surrounds are largely free from development, and it is adjacent to a large-built-up area (criteria a and b). Regarding criterion (c), the site is unusual in that it has, immediately on its eastern boundary the River Colne and beyond the site to the west the M25. Both have the capacity to act as recognisable, physical and durable boundaries that could restrict and contain development. The suggestion that, because the M25 is largely screened from view by changing levels and boundary planting, it cannot be a physical barrier is novel [6.24]. The fact that a physical feature barrier cannot be seen does not mean that it cannot, in spatial terms, contain development [5.25]. The barrier is there whether it can be seen or not. In the Woodlands 1 decision, the SoS and the Inspector explicitly considered and concluded on the contribution, the M25 would make in relation to Purpose (a)¹⁵⁴. However, these conclusions were made in a different national policy/guidance context and are an example of matters within the decision/report that cannot be read across to this case.
- 8.14 If looked at solely in the context of criteria a, b and c the site could be considered Grey Belt. However, the development would conflict with criterion (d). Here, substantial areas of open land would be retained between the site and the A4007 Slough Road to the north, the M25 to the east and Iver Lane to the south. In this

¹⁵³ Paragraph: 005 Reference ID: 64-005-20250225.

¹⁵⁴ CD I12 DL 19 and IR 234 - 237.

context, spatially, the development would appear as extended finger of development into the GB and represent an incongruous pattern of development.

- 8.15 Drawing all of the above together, the site makes a strong contribution to meeting the objective of Purpose (a) and as such it does not fall to be considered as Grey Belt land.

The effect on the Openness and Purposes of the GB.

- 8.16 It is common ground that the proposal would have an adverse effect on visual and spatial openness [5.87]. Given the material differences in the scale of the proposal, whilst the SoS and the Inspector's conclusion¹⁵⁵ in Woodlands 1 on openness (significant harm) can be read across to this decision. However, the level of harm needs to be recalibrated. In addition, caution needs to be applied to the lpa's landscape evidence which concluded on the effects of the scheme based largely on the worst-case scenario [5.39] and on which the lpa's conclusions were based.
- 8.17 The Woodlands 1 Inspector, acknowledging that public views of the whole site are limited, undertook a comprehensive assessment of the visibility of the proposal¹⁵⁶ from several areas. These are, the London Loop, Palmers Moor Lane, and the M25 overbridges on Slough Road and Palmers Moor Lane. Whilst the scheme would still be visible to varying degrees depending on the season, the degree of harm caused to openness would be mitigated by the reduction in height of the buildings, the greater separation of the buildings from some vantage points and the mitigating effect of woodland planting throughout the site, particularly in the areas between the buildings and the River Colne and along the M25 boundary. Indeed, from some vantage points to the south on Palmers Moor Lane, greater degree of separation the difference in ground levels due to the landfill and strategic planting the buildings although tall and bulky would not be visible. In this context, taking effects on visual and spatial openness in the round, the effect on GB openness would be moderately harmful.

Purposes of the Green Belt

- 8.18 The parties agree that Purposes (d) and (e) are not engaged by this proposal. I have no reason to disagree.
- 8.19 Purpose (a) – sprawl, has been dealt with above, where it is concluded that there is conflict. Purpose (b) merging of neighbouring towns. Again, in light of the recent PPG, this is a consideration in the Woodlands 1 decision that cannot directly be read across to this case. The GB Study found that on this purpose GA 83 performs strongly, performing an important role in maintaining the overall scale of the gap. Crucially though, notwithstanding the Framework at that time couched Purpose (b) in the same terms as it does today i.e. to prevent neighbouring towns merging, the GB Study based its conclusions on the gaps between settlements of Uxbridge and

¹⁵⁵ CD I12 DL paragraph 19 and IR Paragraph 232.

¹⁵⁶ CD I12 IR paragraphs 225 to 229.

Iver and Uxbridge and Iver Heath, both villages. In this regard the basis on which the GB Study reaches this conclusion is inconsistent with up-to-date national policy. PPG makes it clear that this purpose relates to towns, which here is Uxbridge and Slough, and not villages. PPG also refers to the area forming a substantial part of a gap between towns, the development of which would be likely to result in the loss of visual separation between them. At 22ha, the site does not form a substantial part of the gap between Uxbridge and Slough and would not result in a material loss of visual separation.

- 8.20 I can understand the approach the SoS/Inspector and the lpa adopted when considering the Woodlands 1 scheme [6.35 & 6.36]. Briefly, this was, in the strict sense of this purpose, the proposal would not in itself lead to the merging of neighbouring towns. However, the countryside and open land between towns is always under pressure from development and it is rarely the case that a single development, on its own, would cause neighbouring towns to merge. However, such areas could be lost incrementally and, over time, lead to the merging of neighbouring towns. Whilst the Inspector¹⁵⁷ identified limited harm to this purpose, the highest the SoS concluded¹⁵⁸ was that “...it would not assist with purpose (b)...”. That is a conclusion that could be applied to any development and given negative weight in the planning balance. It is more appropriate, to apply the PPG test. Accordingly, the proposal would not conflict with Purpose (b).
- 8.21 Purpose (c) encroachment. This is a site free from development and for planning policy purposes classed as open countryside. The proposal would introduce 2 large buildings with associated paraphernalia to service the development. As such it would represent encroachment and conflict with and result in harm to objectives of Purpose (c). This much is agreed between the parties. Where there is disagreement is the degree of that harm. The appellants submit that the level of harm needs to be moderated by the urban fringe and damaged nature of the site [5.77]. The lpa, agreeing with the Woodlands 1 Inspector, attaches substantial weight to this harm [6.35 & 6.36]. Whilst it is not explicit in the Woodlands 1 Inspector’s conclusion in relation to Purpose (c), the decision does not refer to the nature/condition of the site, the lpa submit that reading the decision fairly and as a whole, those factors were implicit [6.37].
- 8.22 On this point, I disagree with the lpa and the interpretation of the Woodlands 1 Inspector’s conclusion on Purpose (c). Taking the report as a whole and, whilst in other sections, the Inspector clearly spells out the nature, location and condition of the site, there is nothing in his conclusion on Purpose (c) that links it to previous conclusions on these matters. It is clear from the various factors the appellants identify that the role this site plays in the countryside is negatively affected. In this context and given the conclusion of the GB Study on the contribution this area makes to Purpose (c), I conclude that the conflict with this purpose should be attributed moderate harm.

¹⁵⁷ CD I12 IR paragraph 239.

¹⁵⁸ CD I12 DL paragraph 19.

- 8.23 Drawing this matter together, the Woodlands 2 proposal would have a moderate adverse effect on visual and spatial openness. When taken in the round, the proposal would conflict the purposes of including land in the GB.

Landscape and Visual Effects

- 8.24 Woodlands 2 is a substantially different scheme to Woodlands 1. Woodlands 2 comprises 2 data halls as opposed to 3. Whilst the depth and breadth of the buildings appear similar, the data halls in Woodlands 2 are significantly lower at 18m to eaves with 4m flues as opposed to the taller buildings at 23m to the eaves with 4m flues in Woodlands 1. These differences together with the proposed landscaping, would reduce the level of landscape and visual harm identified by the SoS/Inspector in the Woodlands 1 decision [5.2]. That said, the parties agree that the landscape character baseline and site considerations remain materially the same as in Woodlands 1.
- 8.25 Lying to the west of the WLIP and the River Colne and apart from a substantial group of dwellings and outbuildings on Palmers Moor Lane, the houses fronting Iver Lane the M25 and the 3 tall electricity pylons located in the south-east corner, the area to the west of the River Colne has an open, unbuilt, albeit damaged, countryside character. This is broadly similar in character to the wider River Colne Valley described as being dominated by rough grazing, areas of former sand and gravel extraction, pylons and substations and the M25. The landscape guidelines for the wider area are to manage and improve the Colne Valley through conserving open views across the valley, restrict incremental development along the flood plain particularly tall developments that would impact on the open character and to restore degraded landscapes.
- 8.26 Apart from a public footpath north of the site that runs parallel to the Colne Brook from Slough Road in the east and terminates at the M25, there is no public access to the site. Apart from the landowner(s), access to the area adjacent to the site is restricted to the fishing club who use the lake between the application site and the M25. Apart from the creation of an access road from Palmers Moor Lane, the land to the south of the site would be untouched and remain as 2 substantial open fields used for horse grazing, maintaining its existing character¹⁵⁹. Notwithstanding the reduction in scale and mass of the proposed buildings the development and its associated features including car parking and substation would materially alter the character of this part of the CVRP albeit to a lesser extent than the Woodlands 1 proposal. The proposed works on Palmers Moor Lane to create a dedicated footpath/bridle path and the creation of the access road across the field would have minor -moderate adverse effect on landscape character. Considering the substantially reduced red line area and the proposed landscape enhancements particularly on the eastern edge of the M25, the northern edge of the appellants' ownership and along the River Colne corridor the overall effect on the landscape character of this area would be moderate-minor adverse.

¹⁵⁹ CD A17a Appendix B Figure 37 VP13 & Figure 40 VP 15. CDA17a Appendix D Figure 27 VP 9a. CD 16B AV1 & AV15.

- 8.27 As to visual impact, what is striking is that despite the scale and bulk of the buildings, their visual impact would be highly localised¹⁶⁰. Views of the building would be restricted largely, to several areas on the London Loop, the motorway overbridges at Slough Road and Palmers Moor Lane, the southbound carriageway of the M25 where the road is either elevated above the site or existing planting along its eastern edge is patchy and the upper floors of dwellings on Iver Lane.
- 8.28 Views from the Slough Road overbridge and the southbound carriageway would be largely distant views and vary between summer and winter. In winter, given the scale and bulk of the buildings, they would be visible to varying degrees albeit filtered by the tracery of the deciduous trees¹⁶¹, and mitigated by the use of green walls. The sensitivity of receptors would vary, drivers and passengers of vehicles crossing the overbridge and using the motorway would be low and views would be glimpsed. Pedestrians using the overbridge would have higher degree of sensitivity. In these winter views, the effect would be moderate-minor adverse. In summer at Year 1¹⁶² given the density of existing planting, views of the buildings would be limited, resulting in a minor adverse effect, and by Year 15¹⁶³ when the structural planting along the eastern edge of the M25 would start to mature, views would almost be obscured, and the effect would be negligible.
- 8.29 Views from the public footpath to the north towards the site are largely restricted by the existing dense vegetation. Any ability to obtain views of the buildings would be restricted by the proposed landscaping immediately north of the site on land in the appellants' ownership¹⁶⁴.
- 8.30 From the Palmers Moor Lane overbridge, views of the buildings in winter would be heavily screened by the dense tracery of the existing planting to the east of the M25. In summer views, both at Year 1 and Year 15¹⁶⁵, would be wholly obscured. From here, the visual impact would range from minor adverse to negligible. From points on Palmers Moor Lane east of the overbridge, potential views of the buildings would vary depending on the density of existing vegetation and the screening effect of the dwellings. On this stretch views would vary between heavily filtered in winter and summer when viewed from just east of the overbridge to more open views closer to the existing dwellings. Palmers Moor Lane is popular with walkers and horse riders who would have a high sensitivity. Drivers would have a reduced sensitivity. Given the degree of separation, the use of green walls and the reduced height of the buildings, the visual impact of the buildings at Year 1¹⁶⁶ would be moderate-major adverse 1 reducing to moderate-minor adverse at Year 15.
- 8.31 To the east of Palmers Moor Lane, views from the rear of dwellings on Iver lane, would be obtained through the gap created by the proposed access road and over

¹⁶⁰ CD A17a Appendix D Figure 5.

¹⁶¹ CD A17a Appendix D Figures 14 & 15 VP 1 & VP 18.

¹⁶² CD A17a Appendix E Part 2 Fig 19.

¹⁶³ CD A17a Appendix E Part 2 Fig 20.

¹⁶⁴ CD A17A Appendix E Part 2 Figures 2 to 5.

¹⁶⁵ CD A17a Appendix E Part 1 Figures 15 & 16.

¹⁶⁶ CD A17a Appendix B Figure 45 VP 17.

the tops of the existing boundary planting on the edge of the escarpment created by the raised levels of the landfill site¹⁶⁷. The visual impact of the buildings on these high sensitivity receptors would be mitigated by the degree of separation, the planting on the escarpment, the use of green walls and the visual context created by the grouping of the pylons and overhead lines. On this basis, the visual impact would be minor-moderate.

- 8.32 The London Loop runs northwards from Iver Lane to Slough Road between the fence line for the WLIP and the River Colne. The width of the path varies and with tree/shrub planting on both sides of the River Colne views of the site and across it to the M25 and open land beyond are sporadic and vary between seasons. There are several vantage points along this path that walkers, who would be high sensitivity receptors would obtain the closest views and experience the greatest effect from the proposed buildings and in places a loss of a view to the west beyond the M25¹⁶⁸. From these viewpoints, at Year 1 the buildings would be prominent resulting in major-moderate adverse visual effects.
- 8.33 Existing planting to the west of the River Colne appears to be in poor condition and unmanaged [5.52]. The proposed treatment of the eastern margin of the site with reinforcement of the existing planting with substantial blocks of new planting and management, would result in a material enhancement of both the landscape and ecological value of this area [5.52]. Thus, by Year 15, these enhancements and the use of green walls would reduce the prominence of the buildings and limit their visual impact resulting in a moderate-minor adverse visual effect at a few vantage points.
- 8.34 Taking all of the above in the round, the proposal would have a significant adverse landscape and visual effect.

Other Considerations

Employment and Education Outreach

- 8.35 On matters of direct and indirect employment, education and employment outreach and temporary employment, the parties agree that these should be attributed **substantial**, **moderate**, and **limited** positive weight respectively [6.45]. I have no reason to disagree with those conclusions.

Need

- 8.36 The appellants submit that need should attract substantial weight in the planning balance [5.79-587]. Although the lpa does not dispute that there is an urgent and overwhelming need for additional Data Centre provision within the SAZ, the lpa, based on the SoS's conclusions in the Woodlands 1 and Court Lane decisions, attributes this consideration significant weight [6.47].

¹⁶⁷ CD A17a Appendix Part 2 Figures 35 to 39.

¹⁶⁸ CD A17a Appendix D Figure 30 VP 11 (mislabelled VP10) Appendix E Part 1 Figures 6 to 10.

- 8.37 The Woodlands 1 and Court Lane conclusions on need cannot be read across into this case. In the Woodlands 1 decision, the lpa's position was that whilst there was a short-term need for additional capacity of some 1,730MW (a mid-range figure) in the SAZ, after 2027, the need, "*fell off a cliff*" [5.85]. In the Court Lane decision, the Inspector referred to a short-to medium term need of some 1,700MW. However, now, the undisputed position is that need in the SAZ has continued to rise significantly, the mid-range estimate is now some 2,486MW of additional capacity needed between 2024 and 2029, which will continue to rise to some 2,858MW [5.84]. This significant increase justifies recalibrating the level of weight to be attributed to need.
- 8.38 The lpa highlighted that Framework paragraphs 85 to 87 do not give any more weight to the development of Data Centres over any other type of industry or infrastructure. However, the lpa acknowledges that the reference to significant weight in Framework paragraph 85 does not preclude the decision-maker attributing a different level of weight i.e. higher or lower. It was a matter of judgement for the decision-maker [6.49].
- 8.39 Added to the undisputed urgent and overwhelming need for additional capacity in the SAZ, other factors that go to weight include that Data Centres, are categorised as Critical National Infrastructure¹⁶⁹, justify attaching substantial weight to this consideration. In this context, the appellants' analogy relating to the weight normally applied to the absence of a 5-year housing land supply and the need for affordable housing is pertinent and assists in the calibration of the weight to be attached. Drawing this together, need as a material consideration should attract **substantial** positive weight.

Economic Benefits

- 8.40 That the scheme would comprise a significant investment of some £1billion, provide an annual economic benefit to the local economy of some £120 million GVA, and annual economic benefits of some £270 to £350 million to the wider London region are accepted by the lpa [5.88 & 5.90]. The lpa based on Framework paragraph 85 which refers to significant weight being given to the need to support economic growth and productivity, and the conclusions of the Woodlands 1 and Court Lane decisions attributes only significant weight to this consideration.
- 8.41 The level of investment and scale of economic benefit figures are big numbers. This investment and benefits have to be viewed in the context of the UK economy where growth figures have been materially reduced. These benefits also have to be viewed in the context of the Government's recognition that sustained economic growth brought about by focussing on, amongst other things, investment is the only route to improving UK prosperity and living standards¹⁷⁰. Here again, the appellants' analogy of the weight given to housing provision is pertinent. The lpa's

¹⁶⁹ Written Ministerial Statement by the Minister of State for Data Protection and Telecoms 12/9/2024.

¹⁷⁰ Written Ministerial Statement by the Deputy Prime Minister & Secretary of State for Housing, Communities and Local Government, 30 July 2024.

reliance on the Woodlands 1 and Court Lane decisions for its attribution of weight, is understandable. However, since those decisions, the context in terms of the fluidity of the economy and the capacity requirements in this SAZ have changed materially justifying a recalibration of the weight to be attached to this consideration. All the above justifies attaching **substantial** positive weight to the economic benefits that would flow Woodlands 2.

Social Benefits

- 8.42 The lpa acknowledges that that the development would generate social benefits and the weight to be attached to it is a matter of judgement for the decision-maker [6.50]. However, as these benefits are not quantifiable and there is no evidence as to where, how and to what extent these benefits would be delivered, the lpa attributes only limited weight. The SoS and the Inspector in the Woodlands 1 decision also gave limited weight to social benefits¹⁷¹. The Woodlands 1 Inspector attributes limited weight to social benefits on the grounds that they are, “...*not unique...*” to that proposal. That conclusion cannot be read across to the current case. For something to be a benefit or a material consideration it does not have to be unique. The analogy is VSCs, when engaging in the GB balance. Here, the other considerations that might go to outweigh the harm to the GB do not themselves have to be “*very special*” [5.36 & 5.37]. In the Court Lane case, there appears to have been no submissions relating to the social benefits arising from the provision of a Data Centre.
- 8.43 Digital Infrastructure and Cloud Storage is more than just the ability to watch videos of cute cats and comical mishaps. Today, almost everything relating to medical and legal matters, transport and news media is grounded in digital infrastructure. The NHS is a prime example. The NHS has for several years has promoted a “Cloud-First” approach to its use of technology in order to reduce cost but more importantly allow staff, medical and administrative, to be more innovative and productive in the service and care provided to NHS users, particularly though the use of AI.
- 8.44 The appellants’ analogy of the significant weight that would be applied to the provision of a Heath Centre is pertinent [5.105]. The health benefits flowing from expanded digital infrastructure are just as valid as the benefits accruing from a physical health centre [5.105]. Moreover, there is a parallel in relation to economic benefits, which the lpa attributes significant weight [5.106]. In this area, whilst it is easier to quantify the benefits, there is no way of calculating how much of the Cloud capacity business users would take up. However, what can be concluded is that increasing the capacity of Cloud storage expands the ability of services like the NHS to use it and expand the obvious social benefits. In this context, **significant** positive weight should be given to the potential social benefits of the scheme.

¹⁷¹ CD I12 DL26 & IR273.

Consequences if the Appeal is Dismissed

- 8.45 Consideration of this matter necessarily combines the evidence on need, economic and social benefits [5.91-5.98]. The basis of the appellants' argument is that there is a difference between obtaining a benefit and situation where that benefit would go to a direct competitor. The lpa's position is that the consequences of not allowing the appeal is the obverse of the need and economic benefits of the scheme for which the lpa and the SoS in Woodlands 1 gave significant weight. To do otherwise, the lpa says would be double counting [6.53]. Preying in aid of this position the lpa point to a judgement in the High Court [5.92 & 6.53]
- 8.46 Whilst the Court Judgement is provided, the detail of the particular grounds of challenge, in this case Ground 2, was not. In considering this matter, what can be taken from the ruling is the comment that, "*...as a matter of logic and language there can be a difference between not obtaining a benefit and the suffering of a detriment. Whether there is a difference in reality or as a matter of substance will depend on the particular circumstances.*" [5.93]. The particular circumstances in are the loss of the potential benefits coupled with the possibility that others would obtain that benefit.
- 8.47 Here, the key elements of the detriment are, (a) the significant potential that continental centres, who have shown themselves capable of making significant gains from the decisions of others e.g. Frankfurt and Amsterdam [5.96], and (b) the implications for inward investment given the service-based nature of the UK economy. Whilst there are numerous economic levers that can be pulled to attract inward investment, given the increasing reliance on digital infrastructure such as the Cloud, if it is not here to underpin these companies, the balance of probabilities is that it will go elsewhere. Accordingly, the adverse consequences for the reputation of the UK as a key digital player and the economy would materially diminish. This is not double counting. Accordingly, **significant** positive weight should be given to the adverse consequences of the appeal being dismissed.

Lack of Alternative Sites

- 8.48 Whilst it is not a policy requirement for an applicant to demonstrate that no other sites are available, the appellants submitted an Alternative Sites Assessment (ASA) with the application and updated for this inquiry. The lpa accepts there are no alternative sites and does not dispute the findings of the ASA [5.91]. What is at issue between the parties is the weight to be attached to this consideration.
- 8.49 The conclusions of the SoS and the Inspector in the Woodlands 1 on alternative sites cannot be read across to this case¹⁷². In Woodlands 1 the attribution of weight was predicated on the assumption there was no analysis of potential sites in the other London AZs. However, in this case, the accepted position is that a capacity requirement in one AZ cannot be provided for in another AZ [5.80]. The Court Lane decision did not specifically consider the absence of an alternative site. Rather the

¹⁷² CD I12 DL 23 & IR 264.

Inspector noted that adding supply in one AZ will do nothing to cater to need or demand in another¹⁷³.

- 8.50 In giving limited weight to this consideration, the lpa highlighted that Framework paragraphs 85 to 87 do not give any more weight to the development of Data Centres over any other type of industry or infrastructure. However, the lpa acknowledges that the reference to significant weight in Framework paragraph 85 does not preclude the decision-maker attributing a different level of weight [6.49]. It is a matter of judgement for the decision-maker. Here, given there is an undisputed urgent and overwhelming need for additional capacity in the SAZ, the acceptance that this need cannot be met in another AZ, and that Data Centres, are categorised as Critical National Infrastructure, these factors combine to justify attaching **substantial** positive weight to the lack of alternative sites.

Climate Change

- 8.51 Here, the appellants appear to have provided more information relating to the contribution the proposal would make to mitigating climate change than that provided to the Woodlands 1 Inspector. As such the allocation of limited weight to this consideration cannot be read across. Here, the combination of the benefits of scale, the commitment to the BREEAM Excellent standard, the use of solar panels and heat pumps combine to justify attaching **moderate** positive weight to the contribution to mitigating climate change.

Biodiversity Net Gain

- 8.52 This is a development that is required provide a minimum of 10% BNG. The appellant's BNG assessment indicates the potential for a substantial uplift in biodiversity. The assessment shows the potential for an uplift of 33.42% in habitat units, a 239.95% in hedgerow units and a 15.6% in watercourse units [5.101]. The CVRP within which the site sits, is a Biodiversity Opportunity Area and former mineral/landfill sites are identified as areas for improvement [4.5]. With careful execution, there the potential for the development to make a significant contribution to the ecological value of the River Colne corridor. As recent case law indicates and the lpa acknowledges, the decision maker can as a matter of judgement and, notwithstanding it is a statutory requirement, attach weight to the provision of BNG [5.102 & 6.52]. In this context, the potential for substantial BNG over and above the statutory requirement justifies giving **significant** positive to the potential for BNG.

Absence of a Plan-Led Solution

- 8.53 Specific references to Data Centres, Framework paragraphs 86c and 87a, were included within the December 2024 Framework. Given the LP was adopted in 1999, and the CS adopted in 2011 it is unsurprising that the development plan does not have a specific policy that allocates sites or areas of search for Data Centres. That said, the CS includes an overarching policy on employment, CP10, which

¹⁷³ CD i22 IR paragraph 133.

seeks to increase the presence of high value and knowledge-based businesses the area [4.7].

- 8.54 The lpa submit that to attach weight to the absence of an allocation would be tantamount to sanctioning a lpa for not having an up-to-date plan [6.54]. That, however, is not the point. Amongst other things, national policy now identifies that planning policies should pay particular regard to facilitating development to meet the needs of a modern economy (Framework paragraph 86a) and planning decisions should make provision for Data Centres to support the growth of knowledge and data-driven businesses. Driving this sector of the economy is a priority. It is against this background that there is a logic, in attaching weight to the fact that the development plan does not make specific provision for that development in the same way weight is attached to need and economic benefits. Accordingly, it is not a sanction, rather it is a recognition of the Government's priority for economic growth and support for the data-driven sector of the economy [5.109-5.111]. On this basis, and in the absence of an emerging plan, it is appropriate to attach **significant** positive weight to the absence of a plan-led solution.

Other Matters

- 8.55 Concerns, regarding traffic generation, air quality, flooding, alternative uses, archaeology, noise and potential contamination can be adequately addressed through the imposition of conditions and the contributions and undertakings contained within the S106 Agreement. Currently there is no public access to the site, and none are proposed. In this context the proposal would maintain the status-quo [7.34].

Conditions

- 8.56 The suggested conditions (SC) are agreed between the parties (CD ID16). The SCs contain several pre-commencement conditions, which the appellants confirmed were acceptable (CD ID18).
- 8.57 SCs 1, 2, 3, 4, 5 and 49 provide for the submission of reserved matters in line with the submitted parameters plans, time limits for their submission/commencement of development and the removal permitted development rights relating to a change of use. These conditions are necessary to define the permission.
- 8.58 SCs 6 and 47 are reasonable and necessary in the interests of sustainable development. SCs 7, 22, 23, 37, 39 and 40 are reasonable and necessary in the interests of highway safety. SCs 8, 9, 10, 11 and 15 are necessary in the interests of the appearance of the area. A potential impact on buried archaeology has been identified. As such SCs 12, 13 and 14 are reasonable and necessary. In the interests of aviation safety, SCs 16 and 48 are reasonable and necessary.
- 8.59 In the interests of promoting Biodiversity Net Gain and ecology, SCs 17, 18, 19, 20, 21, and 34 are reasonable and necessary. SCs 24, 41, 42 and 43 are reasonable and necessary in the interests of air quality management. In the interests of mitigating the effects of land contamination, SCs 25, 26, 27, 28, 44, 45 and 47 are reasonable and necessary. In the interests of maximising the potential for minerals recovery, SC 29 is reasonable and necessary.

- 8.60 SCs 30 and 31 are reasonable and necessary in the interests of protecting neighbours' living conditions. To mitigate the impact of the development on drainage and to prevent flooding, SCS 32, 33, and 39 are reasonable and necessary. SC 35 is reasonable and necessary in the interests of crime prevention and security. SC 36 is reasonable and necessary in the interests of promoting employment and training opportunities.
- 8.61 SC 8 refers to the submission of details of the provision of electric vehicle (EV) charging points. The installation of EV charging points is a matter dealt with under the Building Control Regulations and as such a planning condition is unnecessary.
- The S106 Agreement (CD I17)
- 8.62 The completed S106 Agreement (CD ID17) is accompanied by CIL Regulation 122 Compliance Schedule (CD ID15).
- 8.63 Schedule 1 Part 1 relates notification to the lpa of the intended date of the commencement of development.
- 8.64 Part 2 provides for the payment of a Travel Plan Monitoring Contribution of £5,350, the appointment of a Travel Plan Co-ordinator and the submission of Travel Plan to be implemented for a period of 5 years. The Travel Plan is to include details of the frequency and daily operating hours of a Minibus Service. The Minibus Service would be for the use of workers employed at and visiting the site and operate from the site and Uxbridge Underground Station. The Minibus Service would continue to be provided and operated by the Data Centre owner for the lifetime of the development.
- 8.65 To mitigate the impact of the development on air quality, the Agreement, Part 3, provides for the payment of an air quality contribution of £5,013,741 if diesel powered backup generators are installed. Although a substantial sum, the contribution is calculated using guidance produced by DEFRA on Air Quality Appraisal Damage Cost Guidance February 2023. Prior to commencement, 50% of the contribution would be paid with the balance paid prior to occupation. The contribution would be divided between Buckinghamshire Council (30%) and the London Borough of Hillingdon (70%). In the event that non-diesel-powered generators are to be installed, details are to be agreed with the lpa. If non-diesel generators are installed the Council may review the sum of the Air Quality Mitigation Contribution. Prior to occupation an Air Quality Emissions plan would be submitted.
- 8.66 Part 4 provides for the owner prior to occupation to provide apparatus to allow for the potential utilisation, free of charge, of excess heat generated by the development in a district heating scheme.
- 8.67 Included within the Agreement is a contribution of £4,593 for the Council to monitor the implementation of the Agreement.
- 8.68 Having reviewed the Agreement in the light of guidance contained at Framework paragraph 58, the contributions/obligations meet the Regulation 122(2) tests contained in the Community Infrastructure Levy Regulations 2010 in that they are (a) necessary to make the development acceptable in planning terms, (b) directly

related to the development, and are fairly and reasonably related in scale and kind to the development. In concluding on the merits of the appeal, the above contributions have been considered.

Green Belt Balance

- 8.69 The site is not Grey Belt and as such, the development would be inappropriate development. The proposal would conflict with LP Policies GB1 and 4, there would be harm to the openness of the GB, harm through conflict with the purposes of including land within the GB and significant harm arising from the landscape and visual impacts of the proposal. Taken together, the proposal would conflict with the development plan when read as a whole.
- 8.70 Framework paragraph 153 indicates that inappropriate development is, by definition, harmful to the GB and should not be approved except in very special circumstances. The decision maker should ensure that substantial weight is given to any harm to the GB, including harm to its openness and very special circumstances will not exist unless the potential harm to the GB by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
- 8.71 The proposal would result in moderate harm to openness, significant harm to the purposes of including land within the GB and the landscape and visual effects of the proposal would result in significant harm. As required by Framework paragraph 153 I attach **substantial** weight to those harms.
- 8.72 Given the **substantial** positive weight attached to direct and indirect employment generation, need, economic benefits, and the lack of alternative sites, the **significant** positive weight attached to social benefits, the consequences if the appeal were dismissed, BNG and the absence of a plan-led solution, the **moderate** positive weight attached to education and employment outreach and mitigating climate change and the **limited** positive weight attached to the creation of temporary employment during construction when taken together clearly outweigh the harms identified. Accordingly, Very Special Circumstances exist to justify the development.

Recommendation

- 8.73 That planning permission be granted subject to the conditions listed in Annex A.

George Baird

Inspector

ANNEX A

CONDITIONS

1. Details of the access (excluding details submitted in full at Outline), appearance, landscaping, layout and scale (hereinafter called 'the reserved matters') shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
2. All applications for reserved matters shall be in accordance with the following plans:
Site Location Plan 23257.501
Land Use Parameters Plan 23257.301B
Development Zones Parameters Plan 23257.302 B
Building Heights Parameters Plan 23257.303 C
Building Lines Parameters Plan 23257.304 B
Indicative Green Infrastructure Parameters Plan 23257.305 B
Access and Movement Parameters Plan 23257.306 B
3. Application(s) for approval of the reserved matters shall be made to the local planning authority no later than 3 years from the date of this permission.
4. The development hereby permitted shall commence no later than 2 years from the date of approval of the last of the reserved matters to be approved.
5. All reserved matters applications shall be accompanied by a statement to demonstrate compliance with the approved Parameter Plans referred to in Condition 2.
6. The details submitted with any reserved matters application shall include a scheme and measures to demonstrate how the development will secure at least 10% of its regulated energy from decentralised and renewable or low-carbon sources. The agreed measures shall then be implemented and maintained as part of the development.
7. The details to be submitted with any reserved matters application seeking to determine matters of 'Layout' shall include a scheme for parking and manoeuvring in accordance with Buckinghamshire Council's Buckinghamshire Countywide Parking Guidance policy document, the parking of cycles, the parking of motorcycles and the parking of vehicles used by disabled people. The approved scheme shall be implemented and made available for use before the development is first occupied and thereafter that area shall not be used for any other purpose.
8. Each Reserved Matters application for the approval of appearance for the development shall include details of the finished floor levels of the buildings and finished site levels in relation to existing ground levels. Thereafter the development shall be implemented and retained in accordance with these approved details.

9. The details seeking to determine the reserved matter of landscape shall include details of all hard and soft landscaping works and a timetable for implementation to be submitted to and approved in writing by the local planning authority.

Hard landscape works will include, but not limited to the following: excavations, ground modelling, proposed finished levels and contours, boundary treatments and means of enclosure, surfacing of parking and manoeuvring areas, external furniture (seating, signs, lighting etc) and infrastructure elements (above and below ground) including cables, manholes, pipes etc.

Soft landscaping works will include, but not limited to the following: details of trees and tree groups to be retained, details of treatment of site boundaries and/or buffers around water bodies, new planting (including trees, shrubs, hedgerows, and grass), written specifications of soil depth, mulching, cultivation, watering and irrigation, staking and other operations associated with the establishment of new vegetation, schedule of plants (including species), planting sizes and densities. These details shall incorporate underground systems and provide a sufficient area of growth for medium- and long-term tree growth and a programme of planting.

All hard and soft landscaping works shall be carried out in accordance with the approved details, approved implementation programme and British Standard BS4428:1989 Code of practice for General Landscape Operations. Where possible, the implementation programme for all planting, seeding, and turfing shall be carried out no later than the first planting and seeding season following occupation of the first building on the site. The developer shall complete the approved works and confirm this in writing to the Council prior to the date agreed in the implementation programme.

Any trees or plants indicated on the approved scheme which, within a period of 5 years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season with other trees or plants of a species and size to be first approved in writing by the local planning authority.

10. At the same time as submitting the details pursuant to condition 10, details of the soft landscaping works including buffer planting shown indicatively within the land outlined in blue on the Site Development Strategy 23257.101 Rev F shall be submitted to and approved in writing by the local planning authority along with a timetable for its implementation.

Where possible, the implementation programme for all planting, seeding, and turfing shall be carried out no later than the first planting and seeding season following occupation of the first building on the site. The developer shall complete the approved works and confirm this in writing to the local planning authority prior to the date agreed in the implementation programme.

Any trees or plants indicated on the approved scheme which, within a period of 5 years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season with other trees or plants of a species and size to be first approved in writing by the local planning authority.

11. No development shall take place until details and sample panels of all the external surface materials including wall and roofing materials, including the green roofs and

walls have been submitted to and approved in writing by the local planning authority. Sample panels shall be made available on site prior to the commencement of building works above ground on each element, for inspection by the local planning authority which shall be notified in writing of their availability. The approved sample panels shall be retained on site throughout the construction period. Development shall be carried out in accordance with the approved details.

12. No development shall take place until, a written scheme of archaeological evaluation has been submitted to and approved in writing by the local planning authority. The written scheme shall include archaeological evaluation in the form of a geophysical survey and trial trenching. Development shall be carried out in accordance with the approved details.
13. No development shall take place until, a methodology for the preservation in situ of any significant archaeological remains found during the archaeological investigations has been submitted to and approved in writing by the local planning authority. Thereafter, the development shall accord with the approved methodology
14. Where archaeological remains are recorded by evaluation and are not of significant significance to warrant preservation in situ but are worthy of recording, no development shall take place until a programme of recording the archaeological works has been implemented, in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority.
15. No development (including for the avoidance of doubt any works of demolition) shall take place until a tree constraints plan and method statement (in accordance with British Standard 5837:2012 'Trees in relation to design, demolition and construction' (or any replacement thereof or EU equivalent)) has been submitted to and approved in writing by the local planning authority. The fencing shall be erected to protect existing trees and hedgerows during construction and shall conform to British Standard 5837:2012 'Trees in Relation to Construction' or any replacement thereof or EU equivalent. The approved fencing shall be erected prior to the commencement of any works or development on the site including any works of demolition. The approved fencing shall be retained and maintained until all building, engineering or other operations have been completed. No work shall be carried out or materials stored within the fenced area without prior written agreement from the local planning authority. The approved method statement shall be complied with for the duration of construction works.
16. No development shall take place until a Bird Hazard Management Plan (BHMP) has been submitted to and approved in writing by the local planning authority. The submitted plan shall include details of management of any flat/shallow pitched/green roofs on buildings within the site which may be attractive to nesting, roosting and "loafing" birds. The Bird Hazard Management Plan (BHMP) shall be implemented as approved and shall remain in force for the life of the development.
17. No development shall take place until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:

- (i) Risk assessment of potentially damaging construction activities.
- (ii) Identification of “Biodiversity Protection Zones”.
- (iii) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- (iv) The location and timing of sensitive works to avoid harm to biodiversity features.
- (v) The times during construction when specialist ecologists need to be present on site to oversee works.
- (vi) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- (vii) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP (Biodiversity) shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

18. No development shall take place until a Landscape and Ecological Management Plan (LEMP) for the land within both the red and blue lines as detailed on the Site Location Plan ref. 23257.501 has been submitted to, and approved in writing by, the local planning authority. The landscape and ecological management plan shall be carried out as approved for the lifetime of the development. The LEMP shall include the following:

- (i) Description and evaluation of features to be managed.
- (ii) Constraints on site that might influence management.
- (iii) Aims and objectives of management will include the provision of biodiversity net gain within the Site as shown within the Biodiversity Gain Plan.
- (iv) Prescriptions for management actions.
- (v) Preparation of a work schedule.
- (vi) Details of the body or organisation responsible for implementation of the plan.
- (vii) ongoing monitoring and remedial measures.
- (viii) Detailed proposals for the river corridor, the backwater, the new wetland area, the hay meadow.
- (ix) Details of the river restoration plan including a feasibility study for the potential backwater connection, where this is within the applicants control.
- (x) Completed Biodiversity Net Gain assessment- including the use of the river metric, showing at least a 33% net gain in biodiversity.
- (xi) Details of surface water drainage and SUDs schemes impacting the river, including detailed designs of any proposed outfalls.

The LEMP shall also include details of the legal and funding mechanism by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall be for no less than 30 years. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

19. No development shall take place until a revised Biodiversity Net Gain Plan and associated Statutory Biodiversity Metric demonstrating that Biodiversity Net Gain (BNG) can be achieved within the land outlined in red and blue on the Site Location Plan ref. 23257.501, has been submitted to, and approved in writing by the local planning authority. The BNG Plan should adhere to best practice and include:
- (i) A Summary of key points.
 - (ii) Introduction to the site, project, planning status, certainty of design and assumptions made, the aims and scope of the study and relevant policy and legislation.
 - (iii) Methods taken at each stage; desk study, approach to BNG and evidence of technical competence.
 - (iv) Baseline conditions of the site including important ecological features and their influence on deliverability of BNG, baseline metric calculations and justifying evidence, and a baseline habitat plan that clearly shows each habitat type and the areas in hectares.
 - (v) Justification of how each of the BNG Good Practice Principles has been applied.
 - (vi) A proposed habitat plan and details of what will be created. This can be taken from the site layout plan, illustrative masterplan, green infrastructure plan or landscape plans. The plan should clearly show what existing habitat is being retained and what new habitat will be created. It should be easy to identify the different habitat types and show the areas in hectares of each habitat or habitat parcel.
 - (vii) A Biodiversity Metric spreadsheet, submitted in excel form that can be cross referenced with the appropriate plans.
 - (viii) An implementation Plan including a timetable for implementation.
 - (ix) A BNG Management and Monitoring Plan.

The BNG plan shall be implemented in accordance with the approved Implementation Plan and maintained in accordance with the approved BNG Management and Monitoring Plan for at least 30 years.

20. No development shall take place until an updated bat survey has been carried out and the report(s) submitted to and approved in writing by the local planning authority. The bat survey shall include ground level roost assessment of trees and emergence/climbing surveys. Should bats and/or bat roosts be found, the bat survey

should also outline a mitigation strategy, including a timetable for its implementation. Development shall be carried out in accordance with the approved details.

21. No development shall take place until an updated great crested newt survey has been carried out and the report(s) submitted to and approved in writing by the local planning authority. The great crested newt survey shall include eDNA survey of ponds. Should great crested newts be found, the survey should also include a full population assessment surveys and outline a mitigation strategy, including a timetable for its implementation. Development shall be carried out in accordance with the approved details.
22. No development shall take place until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the local planning authority. The CTMP shall include details of:
 - (i) The construction programme and hours of work
 - (ii) The accessing and routing of construction vehicles
 - (iii) Number of HGV movements (with an agreed daily maximum)
 - (iv) Measures/systems to manage HGV construction traffic
 - (v) Measures to ensure safety and convenience of pedestrians using Footpath IVE/7A/1, including a suitable surface
 - (vi) The parking of vehicles of site operatives and visitors
 - (vii) Loading and unloading of plant and materials
 - (viii) Storage of plant and materials used in constructing the development
 - (ix) Wheel washing facilities
 - (x) Measures to minimise the impact of the construction of the development on air quality.

The approved CTMP shall be adhered to throughout the construction period for the development.

23. No development shall take place until an Access Management Plan has been submitted to and approved in writing by the local planning authority. The Access Management Plan shall include the following, (i) detailed arrangements for the provision of the Slough Road (A4007) access, its management including details of measures to restrict the use of the Access in connection with the Development save for the purposes of construction traffic (during the period of construction only) and emergency access, and (ii) detailed arrangement for monitoring of the Slough Road Access to ensure that the access is not used in connection with the development other than for its intended purpose. The development shall be carried out in accordance with the Access Management Plan and shall not cause permit or suffer use of the access in connection with the development hereby approved other than in accordance with the approved Access Management Plan.
24. No development shall take place until an Air Quality Dust Management Plan (AQDMP) for the construction phase has been submitted to and approved in writing by the local

planning authority. The AQDMP must include an Air Quality Dust Risk Assessment (AQDRA) that considers sensitive receptors off-site of the development. The submitted AQDMP must include an Inventory and Timetable of dust generating activities during construction; Dust and Emission control measures including on-road and off-road construction traffic. The approved details shall be fully implemented and permanently retained and maintained during the construction of the development.

25. No development shall take place until the enabling works, a Remediation Method Statement (RMS) which includes an option appraisal, and a verification plan shall be submitted to and approved in writing by the local planning authority. The RMS shall detail the remediation works carried out; results of any verification sampling, testing, or monitoring including the analysis of any imported soil; all waste management documentation showing the classification of waste, its treatment, movement, and disposal. The works must be carried out in compliance with and by a competent person in accordance with guidance as set out in Environment Agency's Land Contamination: Risk Management (LCRM) updated July 2023.
26. No development shall take place until an Asbestos Management Plan (ABS) has been submitted to and approved in writing by the local planning authority. The ABS should describe how asbestos (fibres and fragments in capping soils, asbestos waste in the body of the landfill, fibre release by fugitive emissions, etc. will be managed during the different phases of construction and address who is responsible for managing asbestos; the asbestos register (the asbestos survey information); plans for work on asbestos materials (if any); the schedule for monitoring the asbestos materials' condition; and informing protocol for the relevant parties. The ABS shall be implemented in accordance with the approved details throughout the relevant project period.
27. No piling shall take place until a Piling Method Statement or Foundation Works Risk Assessment (detailing the depth and type of foundation works to be undertaken and the methodology by which such foundation works will be carried out, including measures to prevent and minimise the potential for damage to subsurface water infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority. The risk assessment should be prepared with due cognisance of best practice guidance for foundation works into land affected by contamination and must be undertaken in accordance with the Environment Agency's 'Land contamination risk management (LCRM)' guidance. Foundation works must be undertaken in accordance with the terms of the approved Piling Method Statement or Foundation Works Risk Assessment.
28. No development shall take place until a scheme for managing any borehole installed or the investigation of soils, groundwater or geotechnical purposes has been submitted to and approved in writing by the local planning authority. The scheme shall provide details of how redundant boreholes are to be decommissioned and how any boreholes that need to be retained, post-development, for monitoring purposes will be secured, protected and inspected. The scheme as approved shall be implemented prior to the occupation of any part of the permitted development.
29. 30.No development shall take place until a Mineral Recovery Plan (MRP) shall be submitted to and approved in writing by the local planning authority. The MRP should

consider the extent to which any minerals available on site would meet the specifications required for construction of the development and record the tonnages of recovered usable minerals where possible. Development shall be carried out in accordance with the approved details.

30. No development shall take place until a noise impact report has been submitted to and approved in writing by the local planning authority. The report shall include a survey of operational noise measured during static and stationary sources. The rating penalties shall be agreed with the local planning authority. Detail of any required noise mitigation measures shall be included in the report. Development shall be carried out in accordance with the approved details.
31. No installation of any building plant shall take place until details of the external sound level emitted from plant/machinery/equipment and mitigation measures as appropriate have been submitted to and approved in writing by the local planning authority. The measures shall ensure that the external sound level emitted from plant, machinery/equipment accords with the details contained within the hereby approved Noise Impact Assessment completed by Sandy Brown ref: 24099-R01-B. The assessment shall be made in accordance with BS4142:2014 at the nearest and/or most affected noise sensitive premises, with machinery operating in accordance with a typical testing regime. A post installation noise assessment shall be carried out where required to confirm compliance with the sound criteria and additional steps to mitigate noise shall be taken, as necessary. Approved details shall be implemented within 12 months of last first occupation of the development each building and thereafter be permanently retained for the life of the development.
32. No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles an assessment of the hydrological and hydro-geological context of the development and an implementation timetable, has been submitted to and approved in writing by the local planning authority. The scheme shall also include:
 - (i) A minimum of 2 outfalls to the River Colne equating to a total discharge rate of 50.1l/s.
 - (ii) Lining of all surface water drainage components.
 - (iii) Water quality assessment demonstrating that the total pollution mitigation index equals or exceeds the pollution hazard index; priority should be given to above ground SuDS components.
 - (iv) Floatation calculations for components in areas of higher groundwater levels, based on groundwater levels encountered during the groundwater level monitoring completed between 2017 and 2018.
 - (v) Full construction details of all SuDS and drainage components.
 - (vi) Detailed drainage layout with pipe numbers, gradients and pipe sizes complete, together with storage volumes of all SuDS components
 - (vii) Calculations to demonstrate that the proposed drainage system can contain up to the 1 in 30 storm event without flooding. Any onsite flooding between the 1 in 30

and the 1 in 100 plus climate change storm event should be safely contained on site.

- (viii) Details of proposed overland flood flow routes in the event of system exceedance or failure, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants, or to adjacent or downstream sites.
- (ix) Flow depth.
- (x) Flow volume.
- (xi) Flow direction.

Development shall be carried out in accordance with the approved details and timetable for implementation.

- 33. Prior to the first occupation of the development hereby permitted, a whole-life maintenance plan for the site's surface water drainage scheme shall be submitted to and approved in writing by the local planning authority. The plan shall set out how and when to maintain the full drainage system (e.g., a maintenance schedule for each drainage/SuDS component), with details of who is to be responsible for carrying out the maintenance. The plan shall also include as-built drawings and/or photographic evidence of the drainage scheme carried out by a suitably qualified person. The plan shall subsequently be implemented in accordance with the approved details.
- 34. No development above slab level shall take place until details of any external lighting and a lighting design strategy for biodiversity for the land outlined in both red and blue on the Site Location Plan ref. 23257.501, have been submitted to and approved in writing by the local planning authority. The lighting design strategy shall,
 - (i) Ensure light spill into the river and riparian corridor does not exceed 2 lux.
 - (ii) Identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging. and
 - (iii) Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory or having access to their breeding sites and resting places.
 - (iv) Lighting contours shall also be submitted to demonstrate that the vertical illumination of neighbouring premises is in accordance with the recommendations of the Institution of Lighting Professionals in the 'Guidance Notes for the Reduction of Light Pollution 2021' (or relevant guidance) to ensure that any lighting proposed does not harm the existing amenities of the occupiers of neighbouring properties.

All external lighting shall be installed in accordance with the approved details and the lighting design strategy for biodiversity and shall thereafter be maintained in accordance with the approved details and strategy.

35. No development (excluding Demolition, Ground and Enabling Works) shall take place until a statement of how 'Secure by Design' requirements are to be adequately achieved has been submitted to and approved in writing by the local planning authority. Such details shall include, but not be limited to site wide public realm CCTV, access controls, security measures and means to secure the site throughout construction. No part of the development shall be used or occupied until these measures have been implemented in accordance with the approved details, and the measures shall thereafter be permanently retained for the lifetime of the development.
36. No development shall take place until details of a Training and Employment Management Plan (TEMP) have been submitted to, and approved in writing by, the local planning authority. The TEMP will provide a strategy to promote training and employment opportunities for Buckinghamshire residents associated with both the construction and operation of the proposed development. The TEMP Strategy details will include:
- a. Measures to ensure the owner and contractors work directly with local employment and training agencies.
 - b. Targets for employing local labour
 - c. Targets for work experience opportunities.
 - d. Measures to provide training opportunities in respect of any new jobs created. and
 - e. A monitoring plan for the TEMP.

The development shall be carried out and monitored in accordance with the agreed TEMP for the lifetime of the development.

37. No Development shall take place until a Delivery and Servicing Management Plan (DSMP) has been submitted to and approved in writing by the local planning authority. Details shall include times and frequency of deliveries and collections, vehicle movements, silent reversing methods, location of loading bays, quiet loading/unloading measures, etc. Development shall be operated in accordance with the approved details.
38. Prior to first occupation of the development written confirmation shall have been provided that either: (1) All foul water network upgrades required to accommodate the additional flows from the development have been completed; or (2) A Development and Infrastructure Phasing Plan has been agreed with the Local planning authority to allow the development to be occupied. Where a Development and Infrastructure Phasing Plan is agreed, no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan.
39. Prior to the first occupation of the development hereby approved, a scheme for the resurfacing and provision of Bridleway IVE/9/1 along Palmers Moor Lane, shall be submitted to and approved in writing by the local planning authority. The bridleway shall subsequently be resurfaced and upgraded with a 4m wide rubber crumb surface with 1m grass verges, to manufacturer's recommendations appropriate for bridleways, in accordance with the approved details.

40. Prior to first occupation of the development the existing means of access onto Iver Lane shall have been resurfaced and widened in accordance with drawing number 23128-05, Rev. C and constructed in accordance with the Buckinghamshire Council guide note "Industrial Vehicular Access Within the Public Highway".
41. Prior to first operation of the development, details of the emissions performance of the proposed emergency generators shall be submitted to and approved in writing by the local planning authority. These details shall include technical details for the proposed emergency generators, confirming the number, size, location and height of generator flues; specifications of the generators demonstrating that using Selective Catalytic Reduction (or other suitable technology) the generators will achieve the same emission levels or cleaner than the generator specified in the Appendix A4 of the Air Quality Assessment submitted with the application. Development shall be operated in accordance with the approved details.
42. Within 21 years of the first use of the proposed development, a viability study to review emissions performance and alternative options for the diesel backup units, with clear timescales, shall be submitted to and approved in writing by the local planning authority. The viability study shall be based on the BAT (Best Available Technology) principle giving weight to sustainability principles and aligned with the objectives of the Borough on improving air quality. This shall include but is not limited to the following:
- (i) A review of options for reducing NOx and PM2.5 emissions impacts for the National Grid power failures.
 - (ii) A review of options for reducing NOx and PM2.5 emissions for the testing and maintenance regimes.
 - (iii) A review of options for reducing NOx and PM2.5 emissions by improved SCR systems /alternative retrofitting systems.
 - (iv) A review of options for reducing NOx and PM2.5 emissions by alternative fuels/technologies.
 - (v) A feasibility study including benefit analysis for potential upgrades of the backup generators or other changes to infrastructure (e.g. SCR), type of fuel, generator type and operational regimes on site that could reduce emissions over time; alternative emergency backup solutions are to be also evaluated, e.g. fuel cells, etc.
 - (vi) Use of the above information to propose appropriate changes in the generators type, selection of generators or other potential options for decreasing emissions over time no later than year 21;.and
 - (vii) Proposal of an appropriate timescale for improvements.
- The development shall be implemented and operated in accordance with the details in the viability study.
43. Prior to operation of the development a formal declaration by the operator, supported by a manufacturer report describing the testing regime and annual hours of the backup generators required for the development shall be submitted to and approved in writing by the local planning authority. The number of testing and maintenance hours shall

not exceed the number of hours outlined in the testing scenario given in the air quality assessment. Thereafter the development shall be implemented and operated in accordance with these details.

44. Prior to first occupation of the development the approved remediation method statement shall have been carried out in full and a verification report confirming these works has been submitted to, and approved in writing, by the local planning authority. The Verification Report shall include details of the remediation works carried out; results of any verification sampling, testing, or monitoring including the analysis of any imported soil; all waste management documentation showing the classification of waste, its treatment, movement, and disposal. The agreed works must be carried out in compliance with and by a competent person in accordance with guidance as set out in the Environment Agency's Land Contamination: Risk Management updated July 2023.
45. If, during development, contamination not previously identified is found to be present at the site, the local planning authority is to be informed immediately and no further development (unless otherwise agreed in writing by the local planning authority shall be carried out until a report indicating the nature of the contamination and how it is to be dealt with is submitted to, and agreed in writing by, the local planning authority. The required remediation shall be detailed in an amendment to the remediation statement and verification of these works included in the verification report. The works must be carried out in compliance with and by a competent person in accordance with guidance as set out in the Environment Agency's Land Contamination: Risk Management updated July 2023.
46. Prior to first occupation of the development an onward monitoring methodology report shall have been submitted to and approved in writing by the local planning authority. Where further monitoring is required past the completion of development works to verify the success of the remediation undertaken. A verification report of these monitoring works shall then be submitted to and approved in writing by the local planning authority. The monitoring work must demonstrate that the mitigation measures have reduced the potential risks from ground gas to very low levels. Where required, contingency for additional ground gas measures i.e., gas collection, venting measures, shall be agreed in writing with the local planning authority and thereafter implemented in accordance with the agreed measures. All works must be carried out by a competent person and in accordance with the approved details and in accordance with the guidance set out in the Environment Agency's Land Contamination: Risk Management updated July 2023.
47. Within 12 months of occupation of each building, a BREEAM certificate confirming that the relevant building achieves an 'Excellent' BREEAM rating shall be submitted to and approved in writing by the local planning authority.
48. No building or structure of the development hereby permitted shall exceed 102m AOD.
49. The development hereby approved shall be used as a Data Centre only and for no other purpose including any other purpose in Class B8 of the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to

that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

ANNEX B – APPEARANCES

APPEARANCES

FOR THE APPELLANT

Alexander Booth KC instructed by David Hutchison.

He called.

Stephen Nicol BA MA.
Director, Nichol Economics.

Ashley Collins MTCP MRTPI.
Partner, Montagu Evans.

Paul Harris BA, Dip LA, CMLI.
Director, MHP Design.

David Hutchison BSc (Hons) Dip TP MRTPI.
Executive Director, Pegasus Group.

FOR THE LOCAL PLANNING AUTHORITY

Andrew Byass instructed by Katherine Stubbs.

He Called.

Rachel Marber MA, BSc MRTPI.
Principal Planning Officer.

Carol Thorne BSc, MSc, Dip LA, CMLI.
Urban Design and Landscape Architect.

Interested Persons

Ms Dark – Foxgloves and Global Action Plan.

Cllr J Rossetti – Iver Parish Council.

Annex C

CORE DOCUMENTS & DOCUMENTS SUBMITTED AT & AFTER THE INQUIRY.

CD. A – Planning Application Documents and Plans

CD.A1	Application Form
CD.A2	Completed CIL Form
CD.A3	Newspaper Notice
CD.A4	Site Location Plan - 23257.501
CD.A5	Site Development Strategy - 23257.101 Rev F
CD.A6	Land Use Parameters Plan 23257.301 Rev B
CD.A7	Development Zones Parameters Plan 23257.302 Rev B
CD.A8	Building Heights Parameters Plan 23257.303 Rev B
CD.A9	Building Lines Parameters Plan 23257.304 Rev B
CD.A10	Indicative Green Infrastructure Parameters Plan 23257.305 Rev B
CD.A11	Access and Movement Parameters Plan 23257.306 Rev B
CD.A12	Proposed Access Arrangement 23128-08 Rev C
CD.A13	Planning Statement, dated March 2024
CD.A14a	Alternative Sites Assessment v3_Part1
b	Alternative Sites Assessment v3_Part2
c	Alternative Sites Assessment v3_Part3
d	Alternative Sites Assessment v3_Part4
CD.A15	Statement of Community Involvement, March 2024
CD.A16	Design and Access Statement, dated March 2024
CD.A17a	Landscape and Visual Impact Assessment
b	Landscape and Visual Impact Assessment Appendix A: Assessment Methodology
c	Landscape and Visual Impact Assessment Appendix B: Viewpoint Photographs VP1 to VP17
d	Landscape and Visual Impact Assessment Appendix C: Viewpoint Photographs VP18 to VP28
e	Landscape and Visual Impact Assessment Appendix D: Winter Viewpoint Photographs
f	Landscape and Visual Impact Assessment Appendix E: Visually Verified Photomontage Images Part 1
g	Landscape and Visual Impact Assessment Appendix E: Visually Verified Photomontage Images Part 2
h	Landscape and Visual Impact Assessment Appendix E: Visually Verified Photomontage Images Part 3
CD.A18	Air Quality Addendum Note, Feb 2024
CD.A19	Review of Arboricultural Impacts, dated Feb 2024
CD.A20	Updated Design Presentation, dated Nov 2023
CD.A21	Economic Benefits and Needs Assessment, dated Feb 2024
CD.A22	Flood Risk Assessment and Drainage Strategy, Feb 2024
CD.A23	Fuel Storage Report, dated Feb 2024
CD.A24	Plant Noise Assessment, dated Feb 2024
CD.A25	Transport Statement, dated Feb 2024
CD.A26	Travel Plan, dated Jan 2024

CD.A27	Framework Delivery and Servicing Management Plan, dated Feb 2024
CD.A28	Sustainability Statement, dated Feb 2024
CD.A29	Energy Statement, dated Feb 2024
CD.A30	Ecological Impact Assessment incorporating BNG Assessment, Mar 2024
CD.A31	Land Quality Technical Note, dated Jan 2024
CD.A32	S106 Heads of Terms, dated Mar 2024
CD.A33a	Geo-Environmental Assessment, dated Nov 2021 – part 1
b	Geo-Environmental Assessment, dated Nov 2021 – part 2
A	Prelim. Geo-Environmental Risk Assessment, dated Nov 2021 Part 1
B	Prelim. Geo-Environmental Risk Assessment, dated Nov 2021 Part 2 prelim.
	Geo-Environmental Risk Assessment, dated Nov 2021 Part 3
D	Prelim. Geo-Environmental Risk Assessment, dated Nov 2021 Part 4
CD.A35	Remediation & Verification Strategy, dated Nov 2021
CD.A36	Mineral Assessment, dated Oct 2021
CD.A37a	Arboricultural Impact Assessment, Oct 2021 – part 1
b	Arboricultural Impact Assessment, Oct 2021 – part 2
c	Arboricultural Impact Assessment, Oct 2021 – part 3
d	Arboricultural Impact Assessment, Oct 2021 – part 4
e	Arboricultural Impact Assessment, Oct 2021 – part 5
f	Arboricultural Impact Assessment, Oct 2021 – part 6
g	Arboricultural Impact Assessment, Oct 2021 – part 7
h	Arboricultural Impact Assessment, Oct 2021 – part 8
i	Arboricultural Impact Assessment, Oct 2021 – part 9
j	Arboricultural Impact Assessment, Oct 2021 – part 10
CD.A38a	Tree Survey, Oct 2021 – part 1
b	Tree Survey, Oct 2021 – part 2
c	Tree Survey, Oct 2021 – part 3
d	Tree Survey, Oct 2021 – part 4
e	Tree Survey, Oct 2021 – part 5

CD. B – Additional/Amended Reports and/or Plans submitted after validation

CD.B1	Covering Letter Final 05.03.24.
CD.B2	Email to LPA with documents too large to submit
D.B3	Ecology and Trees Checklist PL 24 0754 OA
CD.B4	Iver Statutory Metric_1.4_04-03-24_Final

CD. C – Consultee Comments

CD.C1	Archaeology Officer comments, dated 18th April 2024
CD.C2	Cadent Gas Comments, dated 11th April 2024
CD.C3	Iver Parish Council, Call in Request, dated 10th April 2024
CD.C4	Canal and River Trust, dated 10th April 2024
CD.C5	Colne Valley Park Trust comments, dated 30th April 2024
CD.C6	Ecology Officer, dated 25 April 2024
CD.C7	Environment Agency, dated 22 April 2024
CD.C8	Environmental Protection Team, dated 22 April 2024
CD.C9	Environmental Health Protection Team, dated 24 April 2024

CD.C10	Environmental Protection Officer, dated 31 May 2024
CD.C11	Heathrow Airport comments, dated 10 April 2024
CD.C12	Highways comments, dated 23 March 2024
CD.C13	Landscape Architect comments, dated 6 June 2024
CD.C14	Lead Local Flood Authority comments, dated 15 April 2024
CD.C15	NATS Safeguarding comments, dated 10 April 2024
CD.C16	Natural England comments, dated 22 May 2024
CD.C17	The Ivers Parish Council comments, dated 13 May 2024
CD.C18	Thames Water comments, dated 29 April 2024
CD.C19	Tree Officer Comments, dated 18 April 2024

CD. D – Decision Notice and Delegated Report

CD.D1	Decision Notice
CD.D2	Delegated Report

CD. E – Adopted Local Planning Policy and Guidance

CD.E1	The Saved Policies of the South Buckinghamshire District Local Plan (1999)
CD.E2	The South Buckinghamshire Core Strategy (2011)
CD.E3	Buckinghamshire Minerals and Waste Local Plan 2016-2036 (2019)
CD.E4	Ivers Neighbourhood Plan 2021-2040 (2023)
CD.E5	Buckinghamshire Council Biodiversity Net Gain SPD (July 2022)
CD.E6	Buckinghamshire Air Quality Action Plan South Bucks Area 2020
CD.E7A	South Bucks Core Strategy Proposals Map (Extract – Page 17)
B	South Bucks Core Strategy Proposals Map (Index)
C	South Bucks Core Strategy Proposals Map (Key)
CD.E8	The South Bucks Local Development Framework Transport Paper (2010)

CD. F – Emerging Local Planning Policy and Guidance

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CD. G – National Planning Policy, Guidance and Strategies

CD.G1	National Planning Policy Framework (December 2023)
CD.G2	National Planning Practice Guide (Electronic Version only)
CD.G3	Proposed reforms to the National Planning Policy Framework and other changes to the planning system (Published 30 July 2024)
CD.G4	National Planning Policy Framework: draft text for consultation July 2024
CD.G5	Building the homes we need, Ministerial Statement made on 30 July 2024, Statement UIN HCWS48
CD.G6	Department of International Trade, letter to Buckinghamshire Council 9 January 2023
CD.G7	King's Speech on 17 July 2024
CD.G8	Natural England - Biodiversity Metric 3.0 – Auditing and accounting for Biodiversity User Guide (July 2021) ARCHIVE SITE for the Biodiversity Metric 2.0 and the Biodiversity Metric 3.0 (nepubprod.appspot.com)
CD.G9	Government Circular 06/2005: Biodiversity and Geological Conservation – Statutory Obligations and their impact within the planning system (August 2005)

CD.G10 National Design Guide

CD. H – Planning Appeal Documents

CD.H1		Planning Appeal Form, dated 2.7.2024.
CD.H2		Planning Appeal Questionnaire
CD.H3		Planning Inspectorate Start Letter
CD.H4		Planning Inspectorate revised start date email
CD.H5		Appellant Statement of Case
CD.H6	A	SoCG
	B	Landscape SoCG
CD.H7	A	LPA SOC
	B	LPA SOC – Appendix A Officer Delegated Report
	C	LPA SOC - Appendix B Appeal decision PL-21-4429-OA
	D	LPA SOC - Appendix C Bucks GB Assessment Report 2016 - chapters 1-4, chapters 5-7, Annex Report 1
	E	LPA SOC - Appendix D Chiltern and South Bucks Stage 2 Green Belt Assessment 2018
	F	LPA SOC - Appendix E South Bucks Landscape Character Assessment 2011(Character of South Bucks Landscape, Method Statement, Introduction, LCA 26.3 Colne Valley Floodplain)
	G	LPA SOC - Appendix F Colne Valley Landscape Character Assessment 2017
	H	LPA SOC - Appendix G Colne Valley-Landscape on the edge - Action Plan 2018
	I	LPA SOC - Appendix H Colne and Crane Valleys Green Infrastructure Strategy 2019 (Main Strategy and Mid Colne Sub Area)
CD.H8		Pre-CMC Note and Invitation
CD.H9		CMC Note (with corrected dates)
CD.H10		SoS Recovery Letters
CD.H11A		Appellants Planning Proof of Evidence - David Hutchison
	B	Appellants Planning Proof of Evidence Summary - David Hutchison
CD.H12A		Appellants Landscape Proof of Evidence – Paul Harris
	B	Appellants Landscape Proof of Evidence Summary – Paul Harris
CD.H13A		Appellants Need and Benefits Proof of Evidence – Stephen Nichol
	B	Appellants Need and Benefits Proof of Evidence Summary – Stephen Nichol
CD.H14A		Appellants Data Centres Proof of Evidence – Ashley Collins
	B	Appellants Data Centres Proof of Evidence Summary - Ashley Collins
CD.H15A		LPA Planning Proof of Evidence – Rachel Marber
	B	LPA Planning Proof of Evidence Appendix A - Adopted Development plan conformity with the NPPF
CD.H16A		LPA Landscape Proof of Evidence - Carol Thorne
	B	LPA Landscape Proof of Evidence Appendix A - Section Through Colne Valley
	C	LPA Landscape Proof of Evidence Appendix B - Additional viewpoints not included in LVIA
	D	LPA Landscape Proof of Evidence Appendix C - Viewpoint 2 in winter compared to summer

E	LPA Landscape Proof of Evidence Appendix D - Viewpoint 10 in winter c compared to summer
F	LPA Landscape Proof of Evidence Appendix E - Aerial photos of site. Evidence of management
G	LPA Landscape Proof of Evidence Appendix F - South Bucks District Landscape Character Assessment 2011
H	LPA Landscape Proof of Evidence Appendix G - Colne Valley Landscape Character Assessment 2017
I	LPA Landscape Proof of Evidence Appendix H - Colne Valley Park, Circular Walks: 16 Iver Walk, and 17 River Colne Walk
J	LPA Landscape Proof of Evidence Appendix I - Indicative Green Infrastructure – Parameters Plan Dwg No. 23257.305
CD.H17	Letter from Stack Infrastructure
CD.H18A	Sequential Flood Risk Assessment
B	Sequential Flood Risk Assessment – Appendix A- ASA, Feb 2024
C	Sequential Flood Risk Assessment – Appendix B - 1 in 50 Flood Map
CD.H19	PINs Screening Direction, 16 August 2024

CD.I1 – Relevant Decisions, Legal Judgements and Officer Reports

CD.I1 a	Appeal Decision – Link Park
b	Link Park Appellant Rebuttal
c	Link Park Appellant SoC
d	Link Park LPA SoC
e	Link Park LPA SoCG
CD.I2	High Court Judgement Telford and Wrekin Council V SSCLG (2016)
CD.I3	South Bucks Council EIA screening decision PL_21_3140_EIASR (14.10.21)
CD.I4	Appeal Decision - Great Boughton
CD.I5	Appeal Decision - Beeches Park, Beaconsfield
CD.I6	Appeal Decision - Chalfont St Giles
CD.I7	SoS letter on Iver MSA Appeal Sept 1995
CD.I8	Turner v SSCLG 2016 EWCA Civ 466
CD.I9	Wealden Judgement
CD.I10	Sefton Metropolitan Borough Council v Secretary of State for Housing, Communities, and Local Government [2021] EWHC 1082 (Admin)
CD.I11	Dignity Funerals Ltd v Breckland District Council [2017] EWHC 1492 (Admin)
CD.I12	Woodlands Park, Iver appeal decision APP/N0410/W/22/3307420
CD.I13	Palmer - [2016] EWCA Civ 1061
CD.I14	Bramshill v SoS, Hart District Council, HE and NT
CD.I15	Stephen Nicol PoE Woodlands Park, Iver appeal decision APP/N0410/W/22/3307420
CD.I16	Richard Redstone PoE Woodlands Park, Iver appeal decision APP/N0410/W/22/3307420
CD.I17	David Hutchison PoE Woodlands Park, Iver appeal decision APP/N0410/W/22/3307420
CD.I18	PAUL HARRIS Woodfield PoE Woodlands Park, Iver appeal decision APP/N0410/W/22/3307420
CD.I19	R (Basildon District Council) v First Secretary of State and Temple [2004]

- CD.I20 R (Samuel Smith Old Brewery (Tadcaster) & Ors) v N. Yorks CC [2020] UKSC
- CD.I21 Greystoke Land Limited v Secretary of State for Levelling Up, Housing and Communities and Buckinghamshire Council [2024]
- CD.I22 Appeal Decision - Court Lane - APP/N0410/W/24/3337981

CD. J – Landscape

- CD.J1 GLVIA Third Edition
- CD.J2 TGN 02/21 Assessing landscape value outside of national designations
- CD.J3 LCT 26 Floodplain
- CD.J4 LCA 26.3 Colne Valley Floodplain
- CD.J5 PL21/21/4429/OA - Photomontages Woodlands 1 Scheme
- CD.J6 National Character Area profile 115 Thames Valley

CD. K – Need and Economics

- CD.K1 Azure network round-trip latency statistics, Article 06/21/2024
- CD.K2 CBRE, Global Data Centre Trends 2024, June 24, 2024
- CD.K3 Department for Business & Trade – Technology - great.gov.uk
- CD.K4 JLL - EMEA Data Centre Report Q4 2023
- CD.K5 Knight Frank - Everything About Data Centres 2023 Q2
- CD.K6 Knight Frank - Everything About Data Centres 2023 Q4
- CD.K7 Regions and Zones - Amazon Elastic Compute Cloud
- CD.K8 Savills - European Data Centres, Navigating the new data-centric frontiers, May 2 024
- CD.K9 Savills - Deep dive in the data sphere, Nov 2024
- CD.K10 Stephen Beard PoE – Court Lane Appeal, 13 May 2024
- CD.K11 UK Government - Artificial Intelligence – great.gov.uk
- CD.K12 HM Government, Invest 2035: The UK's Modern Industrial Strategy, October 2024 (draft new Industrial Strategy)
- CD.K13 DCMS, UK Digital Strategy, June 2022
- CD.K14 HM Government, National Data Strategy, December 2020
- CD.K15 HM Government, National Cyber Strategy, February 2022
- CD.K16 HM Treasury, Autumn Budget 2024, Fixing the Foundations To Deliver Change, October 2024
- CD.K17 Department for International Trade, Data Centres Sector Proposition, January 2021
- CD.K18 OBR, Economic and fiscal outlook, October 2024
- CD.K19 Magnum Economics, The Impact of Data Centres on the State and Local Economies of Virginia, a report for the Northern Virginia Technology Council March 2022
- CD.K20 US Chamber of Commerce, Data Centres – Jobs and Opportunities in Communities Nationwide, June 2017
- CD.K21 Buckinghamshire Local Industrial Strategy, July 2019
- CD.K22 Savills, European Data Centre 2020: a tipping point for the industry, November 2020
- CD.K23 Buckinghamshire Growth Board, Succeeding as a Place: Achieving our Shared Vision for Buckinghamshire to 2050, February 2022

CD. L – Misc.

CD.L1	GA83 Extent of Built Development
CD.L2	Court Lane – Design and Access Statement (April 2023)
CD.L3	Court Lane – Supplementary Design Intent Information (March 2023)

CD. ID - Inquiry Documents

CD.ID.1	LPA Opening Statement
CD.ID.2	Appellant Opening Statement
CD.ID.3	Foxglove Representation
CD.ID.4	Building Heights Parameter Plan – Rev C
CD.ID.5	Landscape Statement of Common Ground
CD.ID.6	Amended Timetable
CD.ID.7	Iver Parish Council Representation
CD.ID.8	Statement of Common Ground Addendum
CD.ID.9	Map with Pending and Granted Developments
CD.ID.10	Vistry Homes - [2024] EWHC 2088 (Admin)
CD.ID.11	Draft S106
CD.ID.12	Site Visit Itinerary
CD.ID.13	LPA Closing Submissions
CD.ID.14	Appellant Closing Submissions
CD.ID.15	CIL Regulations 122 Compliance Statement

Documents submitted after the Inquiry Closed

CD.ID.16	List of Proposed Conditions
CD.ID.17	Final S106
CD.ID.18	Appellants' agreement to the imposition of Pre-commencement Conditions Email dated 19.02.2025.
CD.ID.19	Lpa response to consultation on revisions to Planning Practice Guidance
CD.ID.20	Appellants' response to consultation on revisions to Planning Guidance
CD.ID.21	Parish Council response to consultation on revisions to Planning Practice Guidance Email dated 11.03.2025.



Ministry of Housing, Communities & Local Government

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RIGHT TO CHALLENGE THE DECISION IN THE HIGH COURT

These notes are provided for guidance only and apply only to challenges under the legislation specified. If you require further advice on making any High Court challenge, or making an application for Judicial Review, you should consult a solicitor or other advisor or contact the Crown Office at the Royal Courts of Justice, King's Bench Division, Strand, London, WC2 2LL (0207 947 6000).

The attached decision is final unless it is successfully challenged in the Courts. The Secretary of State cannot amend or interpret the decision. It may be redetermined by the Secretary of State only if the decision is quashed by the Courts. However, if it is redetermined, it does not necessarily follow that the original decision will be reversed.

SECTION 1: PLANNING APPEALS AND CALLED-IN PLANNING APPLICATIONS

The decision may be challenged by making an application for permission to the High Court under section 288 of the Town and Country Planning Act 1990 (the TCP Act).

Challenges under Section 288 of the TCP Act

With the permission of the High Court under section 288 of the TCP Act, decisions on called-in applications under section 77 of the TCP Act (planning), appeals under section 78 (planning) may be challenged. Any person aggrieved by the decision may question the validity of the decision on the grounds that it is not within the powers of the Act or that any of the relevant requirements have not been complied with in relation to the decision. An application for leave under this section must be made within six weeks from the day after the date of the decision.

SECTION 2: ENFORCEMENT APPEALS

Challenges under Section 289 of the TCP Act

Decisions on recovered enforcement appeals under all grounds can be challenged under section 289 of the TCP Act. To challenge the enforcement decision, permission must first be obtained from the Court. If the Court does not consider that there is an arguable case, it may refuse permission. Application for leave to make a challenge must be received by the Administrative Court within 28 days of the decision, unless the Court extends this period.

SECTION 3: AWARDS OF COSTS

A challenge to the decision on an application for an award of costs which is connected with a decision under section 77 or 78 of the TCP Act can be made under section 288 of the TCP Act if permission of the High Court is granted.

SECTION 4: INSPECTION OF DOCUMENTS

Where an inquiry or hearing has been held any person who is entitled to be notified of the decision has a statutory right to view the documents, photographs and plans listed in the appendix to the Inspector's report of the inquiry or hearing within 6 weeks of the day after the date of the decision. If you are such a person and you wish to view the documents you should get in touch with the office at the address from which the decision was issued, as shown on the letterhead on the decision letter, quoting the reference number and stating the day and time you wish to visit. At least 3 days notice should be given, if possible.