

TOWN AND COUNTRY PLANNING ACT 1990

**APPEAL RELATING TO
MANOR FARM AND LAND NORTH OF WRAYSBURY RESERVOIR ,
POYLE ROAD, SLOUGH, SL3 0AA**

**APPEAL BY MANOR FARM PROPCO LIMITED AGAINST NON-
DETERMINATION FOR 'DEMOLITION OF EXISTING BUILDINGS AND
REDEVELOPMENT TO COMPRISE A DATA CENTRE (USE CLASS B8)
AND BATTERY ENERGY STORAGE SYSTEM (BESS) WITH ANCILLARY
SUBSTATION, OFFICES, ASSOCIATED PLANT, EMERGENCY BACKUP
GENERATORS AND ASSOCIATED FUEL STORAGE, LANDSCAPING,
SUSTAINABLE DRAINAGE SYSTEMS, CAR AND CYCLE PARKING, AND
NEW AND AMENDED VEHICULAR AND EMERGENCY ACCESS FROM
POYLE ROAD AND OTHER ASSOCIATED WORKS.'**

Proof of Evidence

Planning Case

Paul Stimpson

LOCAL PLANNING AUTHORITY REF: P/10076/013

PLANNING INSPECTORATE REFERENCE: APP/J0350/W/25/3366043

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1. INTRODUCTION

- 1.1. My name is Paul Frederick Stimpson. I have a degree BSc (hons) in Town Planning and a post graduate diploma DipTP in Town Planning from the University of Wales, Cardiff.
- 1.2. I was a member of the Royal Town Planning Institute for over 40 years until 2024.
- 1.3. I have worked in various planning roles since 1980. I was employed by Slough Borough Council in 1995 and was responsible for producing all of the Statutory Plans and planning policy documents until I retired in 2022. Since then I have worked for the Council, most recently on the Simplified Planning Zone for Slough Trading Estate.
- 1.4. I am familiar with the Appeal site and the Colnbrook and Poyle area since it was transferred to Slough Borough Council in 1995.
- 1.5. I am familiar with the planning application (P/10076/013) which is the subject of this Appeal.
- 1.6. The evidence I have prepared and provide for this Inquiry (PINS Reference APP/ J0350/W/25/3366043) is true and I confirm that the opinions expressed are my true and professional opinions.
- 1.7. This Proof of Evidence relates to the reasons which the Council would have refused the planning application regarding Need for the Development, Green Belt, Strategic Gap and Colne Valley Park.

2.0 THE NEED FOR THE DEVELOPMENT

Policy Need

- 2.1 Up until recently there were no Government policies for data centres. This changed with the update of the National Planning Policy Framework in December 2024 which for the first time highlighted the need for Local planning Authorities to make provision for data centres. This is not something new for Slough which has been producing plans to facilitate the growth of data centres in the Borough for more than twenty years. This plan-led approach, making use of Simplified Planning Zones (SPZs), has helped to make Slough one of the biggest clusters of data centres in the world. It is in this context that the Appeal Proposal, for a single speculative hyperscale data centre in Poyle, has to be considered.

- 2.2 Paragraph 85 of the NPPF states:

Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. 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. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future. This is particularly important where Britain can be a global leader in driving innovation, and in areas with high levels of productivity, which should be able to capitalise on their performance and potential.

2.3 The Council has recognized the strength of the data centre market in Slough which can continue to be a “*global leader in driving innovation*” and so it has promoted further growth so that data centres will be “*able to capitalise on their performance and potential*”.

2.4 The revised Paragraph 86 of the NPPF also states that planning policies should:

b) identify strategic sites, for local and inward investment to match the strategy and to meet anticipated needs over the plan period;

c) pay particular regard to facilitating development to meet the needs of a modern economy, including by identifying suitable locations for uses such as laboratories, gigafactories, data centres, digital infrastructure, freight and logistics;

2.5 Paragraph 87 a) states that planning policies should make provision for:

clusters or networks of knowledge and data-driven, creative or high technology industries; and for new, expanded or upgraded facilities and infrastructure that are needed to support the growth of these industries (including data centres and grid connections);

2.6 Slough is the second largest data centre cluster in the world behind Ashburn, Virginia USA. As a result the Council has anticipated the NPPF by identifying the Trading Estate as a “*global leader*” which needed to “*capitalise on its potential*”.

- 2.7 The reasons for its success are explained in The House of Commons Library Research Briefing Note on Data Centres: Planning Policy, Sustainability and Resilience. This states:

“Europe’s largest data centre cluster is in Slough which reportedly is home to 30 to 35 data centres. Slough is easily accessible for potential employees; sits along high-speed fibre-optic cables connecting London with Ireland and the United States; and is close enough to London to provide the City’s financial institutions with the extremely low latency connectivity they need” (CD 12.6 p16)

- 2.8 It was recognized that in order to support the growth of this cluster, the final part of the jig-saw was to make sure that we had the right planning policies in place. The House of Commons report quotes Lichfields as saying that getting data centres through the planning system has historically “not been an easy gig.” (CD 12.6 p26) Slough Borough Council has, however, removed the need for data centres to get planning permission, provided they are in the right place.
- 2.9 The Council has done this by working in collaboration with SEGRO, the owners of the largest Trading Estate in Europe which is in single ownerships Estate, to produce a series of Simplified Planning Zones (SPZs) for Slough Trading Estate. Simplified Planning Zones (SPZs) were introduced in the 1990 Town and Country Planning Act and the Council has been one of the very few authorities to take advantage of them by designating the Trading Estate as a SPZ in 1995, 2004, 2014 and 2024. A SPZ effectively grants planning permission in advance for selected uses, provided they comply with the appropriate conditions. This encourages inward investment by avoiding any planning delays and providing businesses the certainty and confidence that they need

to invest. From the Local Planning Authorities point of view it ensures that development can be comprehensively planned and a package of mitigation can be agreed in advance. All of the SPZs have included Colocation/Data Centres as being a permitted use

2.10 This plan-led approach means that the Council has already anticipated and met all of the policy requirements of the NPPF. The SPZ has identified *“strategic sites, for local and inward investment to match the strategy”*. It has paid *“particular regard to facilitating development to meet the needs of a modern economy, including by identifying suitable locations for uses such asdata centres”*. The SPZ has also made provision for *“clusters or networks of knowledge and data-driven, creative or high technology industries”* in the form of the cluster of data centres on the Trading Estate.

2.11 . The Appellant’s first Alternative Sites Assessment recognises that:

The data centre occupiers have traditionally ‘clustered’ around Slough, particularly around Equinix’s Internet exchange point on Slough Trading Estate. This provides an extensive ecosystem to meet the demand for network exchange services and access to multiple cloud providers. (CD 1.30 para 3.8 p37)

2.12 The House of Commons Briefing Note identifies four types of data centres which can be categorised by their use and ownership. (CD 12.6 p5) These are:

- Enterprise data centres: owned and operated by a single organisation for internal purposes.

- Co-location data centres: the facility is operated by a third party that rents space to customers.
- Hyperscale data centres: massive facilities built by major cloud providers like Amazon, Microsoft and Google.
- AI data centres: facilities specialised for the high-performance computing needs of AI development.

2.13 All of the data centres that have been built on the Trading Estate so far have been “Colocation” facilities which need to be as close as possible to each other for maximum trading benefits, efficiency and resilience. (in some cases every milli second counts) The types of data centres listed above are not mutually exclusive. Colocation facilities can provide cloud services and the “inference” front office element of AI services.

2.14 The attraction and success of this cluster can be seen from the fact that there are currently 32 data centres on or around the Trading Estate . Since it is estimated that there are 450 data centres in the UK (CD 12.6 para 2.1 p14) this represents around 7% of all of the data centres in the country

2.15 The latest SPZ for the Trading Estate was developed in partnership with SEGRO over a two year period. After completing all of the statutory rounds of consultation it was approved in November 2024 and it will run for a ten year period until November 2034. Paragraph 3.6 of the document identifies Colocation/Data Centres as being a permitted use under the SPZ. (Appendix A.5 (b) p 17) This has been the case in previous SPZs.

2.16 The extent to which the Council should continue to permit the unconstrained growth of data centres on the Trading Estate was one of

the most important issues that had to be resolved in the preparation of the SPZ. Although they “*support economic growth and productivity*” in accordance with paragraph 86 of the NPPF, the same sentence of the Framework also includes the need to take into account “*both local business needs and wider opportunities for development.*” It is estimated that data centres currently occupy around a third of the 197 ha Estate and there is a danger that they will continue to drive out local businesses and reduce the opportunities for other forms of development. One of the main consequences of this will be the continued loss of employment. The traditional manufacturing, industrial and office uses on the Trading Estate had very high worker densities compared to data centres. Whilst many of these forms of employment were being lost anyway, the continued development of data centres could increase the scale of job losses in Slough.

- 2.17 In order to address this one of the major changes in the latest SPZ is to increase both the footprint and the height that data centres can be built. SEGRO have commented that the “*approval of the Simplified Planning Zone on the Slough Trading Estate, with its expanded parameters will, provide a significant competitive advantage in the delivery of several projects*”. (Appendix A p10) The relaxed conditions in the SPZ means that the amount of floorspace proposed on the Appeal Site could be accommodated in the Trading Estate on less than half the site area, in a more efficient way.
- 2.18 Another issue that had to be considered in the latest SPZ was what effect the shortage of electricity would have on the ability of data centres and other forms of development to come forward. The House of Commons Report explains:

“Grid capacity is particularly limited around west London, where most of the UK’s data centres are clustered. In 2022 it was reported that housing developers had been told not to expect new grid connections in Hillingdon, Ealing or Hounslow until 2035. The Greater London Authority said that new data centre projects had absorbed spare capacity in West London “for the remainder of the decade. (CD 12.6 p 41)

- 2.19 This is still an issue in Slough with one major housing developer being told to wait until at least 2030 for electricity connection. (Home England 1,500 flats) This is effecting Slough’s ability to meet its 5 year land supply target.
- 2.20 As part of the preparation of the SPZ a number of options were tested as part of the EIA Screening process. One of these assumed that the whole of the Trading Estate would be developed for data centres but was discounted for a number of reasons.
- 2.21 Indicative schemes were drawn up for sites across the Trading Estate to see how data centres could be accommodated in accordance with the SPZ conditions and Design Code. The location of these potential data centre sites is not, however, being made public for commercial reasons. It is possible to see that data centres will be developed on 188 - 216 Bath Road which already has planning permission in principle for two data centres. (P/200367/001) The demolition of the former O2 HQ buildings also gives an indication where new data centre development might go along with all of the other vacant office sites along the Bath Road.
- 2.22 Taking into account all of the relevant factors, such as a past completion rate of 14 in the last five years, electricity supply constraints

and the availability of sites, a “Reasonable Case Scenario” was adopted which assumes that 20 data centres would be built in the next ten years. This would mean that, with the densities now allowed by the SPZ, around half of the Trading Estate would end up having data centres on it.

- 2.23 The extent to which this a “Reasonable Case Scenario” is correct can be seen from the fact that SEGRO has confirmed that it has an active pipeline for 4.2 million square feet (390,000m²) in the next seven years. (email from Laura Elias 11/7/2025). (CD 10.21 Appendix I.1)
- 2.24 The flexibility provided by the SPZ means that it will be able to meet the market demand for data centres. It is likely that most of these will be colocation data centres who will want to be part of the globally important Slough Cluster. SEGRO have stated that they “*are having active conversations with hyperscalers for some of our larger sites*” (CD 11.1 Appendix L p12)
- 2.25 Outside of the Trading Estate the Council has granted planning permission for hyperscale data centres on the former Akzo Nobel (Dulux) paint factory site in Wexham Road and on the former Langley Business Centre. These former employment sites are able to take advantage of the extensive fibre network that runs along the Great Western Railway Line and the Grand Union Canal. Significantly the Langley site is being developed by Microsoft who are one of the three leading Cloud Service Providers in the country.
- 2.26 The Government has recognized that different solutions are required to meet the needs of the different types of data centres. It has begun to address the huge need for more AI data centres in a strategic way by proposing to create “AI Growth Zones”. This will be sites of 100 acres

(preferably “brownfield”), with access to 500MW of power by 2030, with planning consent by 2028, with strong digital connectivity and full support from the Local Authority. (CD 12.6 p30)

- 2.27 The SEGRO Press Release explains that whilst the “inference” (user-interface) element of AI data centre demand is likely to focus on Availability Zones, the “generative” (machine-learning) element can happen in more remote locations where power is more readily available. (CD 11.1 Appendix L p11) This means that while the Trading Estate will continue to be important for the “front office” functions, a lot of the growth in the need for AI data centres, which is in the “back office” functions, can be met elsewhere in the Country on the AI Growth Zones.
- 2.28 The extensive provision for data centres that the Council has made in Slough should be seen in conjunction with the growing number of hyperscale data centres in the Buckinghamshire part of the Slough Availability Zone.
- 2.29 It should be noted that the NPPF only sets out a general policy need for data centres. This cannot, for example, be compared with the specific need for a third runway at Heathrow which is recognized in Government policy as being in the national interest. It is not the same as the need for housing for which there are Government targets. In determining the second Appeal for a data centre at Woodlands Park (APP/N0410/W/22/3307420), the Secretary of State made it clear that *“she does not consider that the weight which may attach to housing supply is an appropriate comparator in this case”*. (CD 7.1 para 18 p4)
- 2.30 The policies in the NPPF require Local Planning Authorities to pay particular regard to facilitating the development data centres and make

provision for clusters of data centres. The Council has anticipated and complied with this by taking a proactive plan-led approach by producing Simplified Planning Zones for the Slough Trading Estate which makes extensive provision to meet the needs of data centres in the Slough Availability Zone.

SUPPLY OF DATA CENTRE SITES IN THE SLOUGH AVAILABILITY ZONE

Data Centres in Slough

- 2.31 The future supply of data centres in Slough is therefore largely made up of the 20 sites that can come forward on Slough Trading Estate as a result of the SPZ.
- 2.32 Elsewhere in Slough planning permissions has also been granted for two separate data centre developments on the former Akzo Nobel (Dulux paints) site in Wexham Road, north of the town centre. The first planning permission (P/00072/152) was for a 90,614 sqm data centre for Equinix on 4.89 hectares of the site. The second permission (P/00072/096 outline, P/00072/108 reserved matters) is for three units with a floorspace of 67,337 on 8.47 hectares of the site.
- 2.33 Planning permission (P/00437/093) was also granted to Microsoft for a 96,500 m2 data centre on the former Langley Business Centre next to Langley Station.

Data Centres in Buckinghamshire

2.34 In order to complete the picture on the supply of data centres in the Slough Availability Zone it is necessary to consider what has been happening in the Buckinghamshire part. Buckinghamshire Council has not had the opportunity to prepare plans for the development of data centres and so has had to deal with a number of planning applications for hyperscale data centres, some of which have gone to appeal.

2.35 A list of all of the planning applications and permissions for data centres in Buckinghamshire is set out below:

- An outline planning application (PL/22/2710/OA) for a 60,000m² data centre at Wexham Springs, Framewood Road, Wexham was withdrawn in November 2022 and although the site is still on the market no subsequent application has been submitted.
- An application (PL/21/4584/OA) for a 60MW data centre at Link Park Heathrow, Thorney Mill Road, Iver, Bucks was refused at appeal. Although the Inspector's decision was quashed by the high Court in May 2023 the proposal has not yet been brought forward.
- Planning permission (PL/24/2130/FA) was granted for a 69,110 m² data centre at Dromenagh Farm, Sevenhills Road, Iver Heath (now known as Iver Heath Data Park)
- Planning permission (PL/22/1775/FA) was also granted for 92,304 m² data centre at Thorney Business Park, Thorney Lane, North Iver. (also known as SEGRO Park)

- An outline planning application (PL/25/2080/OA) has been submitted for a 48 MW data centre on and South Of Slough Road and East Of M25, Iver. (known as Sequence Park)
- An outline planning application (PL/25/2076/OA) has been submitted for a 55,00m2 data centre Land to the West Of Pinewood Road, Iver Heath. (next to Pinewood Studios)
- An outline planning application (PL/24/3532/OA) for a data centre of 106,000m2 at Thorney Business Park Thorney Lane North Iver. (east of Site 1 of Thorney Business Park which already has permission)
- An EIA Screening Request (PL/23/2521/EIASR) has been submitted for a 29,800 m2 data centre at the Ridgeway Distribution Centre in Iver.
- The Secretary of State approved a 65,000m2 data centre on Court Lane in Iver on Appeal (APP/N0410/W/24/3337981)
- She also granted a 72,000m2 data centre at Woodlands Park Landfill site, Slough Road, Iver on Appeal (APP/N0410/W/24/3347353)

2.36 It can therefore be seen that with a combination of the sites in the Slough Trading Estate Simplified Planning Zone, planning permissions granted by Slough Borough Council, permissions and applications in Buckinghamshire there are around 30 sites within the Slough Availability Zone that have the potential to be developed for data centres. The Appeal Proposal is for a Hyperscale data centre of around

42,000 2 which is not particularly large. Nearly all of these alternative sites are capable of providing this scale of development.

2.37 As a result there are plenty of sites that are “suitable alternatives” which are capable of meeting the same basic requirements that any potential occupier of the Appeal Site may have. The fact that they may not exactly replicate the specific arrangements that the Appellant would like to put in place is completely irrelevant.

2.38 There is no need to meet the speculative needs of an unknown data centre operator on the Appeal Site when this can be met on many alternative sites that are in a much better location in operational and planning terms. The existence of these more suitable, less harmful alternatives is a good reason for not allowing the Appeal Proposal to “jump the Queue” for electricity supply at their expense.

Alternative Sites Assessments

2.39 The Appellants have carried out two Alternative Sites Assessments. The first, which was submitted in support of the planning application, was produced by Colliers in December 2024. (CD 1.30) The second was produced by Savills in August 2025. (CD 11.1 Appendix M) In order to distinguish between them they will be referred to as the first and second studies.

2.30 The rationale for carrying out Alternative Site Assessments is explained in the Appellant’s second study which states:

It is worth noting that decision makers are not required to consider alternative sites under either legislation or policy. An ASA is not in itself a formal ‘test’ of the Development Plan and

the availability or otherwise of alternative sites upon which a proposed development could be located is immaterial to the planning merits of that proposal. However, in a judgment handed down in April 2017, Holgate J stated that ‘where the proposal would have substantial adverse effects which are said to be outweighed by the need for the development, then the availability of alternative sites upon which that need could be met with less harm may well be relevant.’ (CD 11.1 Appendix M para 1.11)

- 2.31 The Council considers that the availability of alternative sites upon which that need for data centres could be met with less harm is very relevant. This is why it has identified all of the suitable alternative sites in paragraph 2.32 to 2.35 above. Since the lack of any alternative sites can be given weight in determining Appeals it is necessary to look at how this issue has been dealt with in the recent appeals for data centres in Buckinghamshire as well as in the current Appeal. This is particularly important because all of the Alternative Site Assessments that have been carried out have erroneously concluded that there are no suitable alternative sites in the Slough Availability Zone.

Previous Alternative Site Assessments for Appeals in Buckinghamshire

- 2.32 At the first Appeal for a data centre was at Woodlands Park Landfill site, Slough Road, Iver In 2023 (APP/N0410/W/22/3307420), the Statement of Common Ground stated that:

No evidence has been provided of other sites within the SAZ in particular in the Council areas of Slough, Windsor and Maidenhead, Spelthorne and Hillingdon of any permissions that have been granted or floorspace provided which would

contribute towards the Appellants estimate of additional required capacity in the SAZ between 2020 and 2027. (CD 10 Appendix B.5 page 10)

2.33 Although the Appeal was dismissed, the decision letter stated:

The Secretary of State has taken into account the appellant's conclusion that there is no alternative site in the SAZ currently available for the appeal proposal, and the fact that the Council had not identified any alternative sites for a hyperscale data centre. (CD 10 Appendix B para 23)

2.34 The reason for this was that the Alternative Sites Assessment carried out by JLL was looking for a site that could accommodate a 163,000 sqm hyperscale data centre on sites between 25 and 30 hectares. It identified Slough Trading Estate as a potential site. It was, however, rejected on the grounds that *The site is covered in fully occupied by viable businesses. Without strategic land assembly the site is not capable of accommodating the proposed development.*

2.35 There is no point in considering the potential flaws in this Alternative Site Assessment but it should be noted that this formed the basis of it being concluded that there were no alternative sites for a hyperscale data of this size.

2.36 The proposal to build a 65,000m² data centre at Court Lane in Iver, Buckinghamshire (PL/22/4145/OA) was a little different because this was a "Major Developed Site" in the Green Belt where the Council was generally supportive of appropriate industrial development. As a result it was not considered necessary to carry out the normal Green Belt Alternative Sites Assessment. This is significant because when it went

to appeal (APP/N0410/W/24/3337981) the availability of alternative sites was not an issue. The Appeal was therefore allowed on the basis that:

The Secretary of State agrees with the Inspector that the site is in an optimal location for data centre use and there is a clear lack of alternative sites available at present to meet the demand for such data centres in the Slough and Hayes Availability Zones. (CD 18 Appendix B6 para 19)

2.37 A new proposal for a smaller 72,000m² data centre the Woodlands Park landfill site (PL/24/0754/OA) was submitted in 2024. This was supported by an Alternative Sites Assessment by the Pegasus Group. This reused the same proformas produced by JLL and came to exactly the same conclusions with regards the Trading Estate that that *The site is covered in fully occupied by viable businesses. Without strategic land assembly the site is not capable of accommodating the proposed development.* They were obviously unaware of the fact that SEGRO owned the whole of the Trading Estate and had a very strong track record in assembling sites for data centres.

3.38 This also was the subject of a second appeal (APP/N0410/W/24/3347353) where the Council accepted that “*there are no other reasonable alternatives within the SAZ, but outside the GB*” and the Secretary of State agreed that “*no alternative sites are available*” within the SAZ (CD 7.1 para 19 p4) . She allowed the appeal on this basis.

2.39 The findings of these Alternative Site Assessments were not contested at any of the Appeals. This meant that when the planning balance was

considered in each of these appeals, the availability of alternative sites could not be considered as relevant in terms of outweighing the adverse effects of the development.

- 2.40 The Council considers that the availability of suitable alternative sites is particularly relevant in this Appeal, given the substantial adverse effects that the Appeal Proposal will have. As a result it is necessary to understand how the two Alternative Sites Assessments produced for the Appellants have erroneously concluded that there are no suitable alternative sites in the Slough Availability Zone (SAZ)

Appellant's First Alternative Sites Assessment

- 2.41 The first Alternative Site Assessment was carried out by Colliers in December 2004. This concluded that "*there isn't a suitable alternative that can provide a better solution, than the current proposed site*" (CD 1.30 para 5.7 p 113) In order to understand this it is necessary to look at the way the Studies were carried out, starting with the first one.
- 2.42 The fundamental flaw with this Alternative Site Assessment is that it only looked for sites which exactly replicate, or are indeed better than, the Appeal Proposal. This means that, amongst other things, it only looks for sites with a minimum site area of 25 acres so that the battery storage facility can be accommodated as well. It only looks for sites that can be supplied by the Iver and Laleham electrical substations because this is what the Appeal scheme currently has an option for. It also only looks at sites that can be delivered by 2027 because that is what the Appeal proposal is contracted to do.
- 2.43 As a result perfectly suitable sites will be excluded because, for example, they do not have room for the battery storage facility, or

because they are not deliverable in two years or don't take some of their power Laleham electrical substation. It even appears to discount sites that are not on a green field like the Appeal site.

2.44 The first minimum requirement for a “**Site**” is as follows:

The “alternative site” must be capable of accommodating the proposed development..... a 40,676m2 data centre with associated gate house and substation along with a Battery Energy Storage system (BESS) with associated infrastructure on a site of 20.16 acres” . (CD 1. 30 para 1.8.1 p 3)

2.45 The requirement actually goes beyond this, in that it states that “*it must deliver a better site to constitute an “Alternative Site”, namely a larger site, capable of delivering a more conventional density and design, namely a better solution.” . (CD 1.30 para 1.8.1 p 3)* As a result the Alternative Site Assessment only looked for sites over 25 acres. (CD 1.30 para 1.8.1 p 4)

2.46 There are a number of shortcomings with this approach. The first is that there is no reason why a suitable alternative site for a data centre should also have to accommodate a Battery Energy Storage System (BESS). None of the existing or proposed data centres in the area have this arrangement. Indeed, apart from sharing the costs of putting in the new electricity cables and the sub station, the proposed data centre and battery storage facility are not interdependent and do not need to be collocated.

2.47 There is also no reason why an alternative data centre could not be built at a higher density. The Assessment appears to assume that the

data centre would be built in a greenfield setting. If built in an urban area the buildings could be denser and taller.

2.48 Although the Appeal site may be 20.16 acres, the Schedule of Development in the Design and Access Statement shows that the area for the proposed secured perimeter which the data centre, office and guard house will sit in is 36,368 m² and the substation secured perimeter is 6,353 m². (CD 136 p86) This gives a total operational area of 4,2721 m² or 4.3 hectares (10.6 acres) As a result a site does not have to be 25 acres to be a suitable alternative. If built on the Trading Estate in accordance with the parameters of the SPZ, a four storey data centre with the same floorspace as the Appeal Proposal could, and almost certainly would, be built on a site of less than 2 hectares.

2.49 The second and most significant requirement is the “**Location**” of any alternative site. The Alternative Sites Assessment explains that:

The applicant of the proposed data centre and BESS has entered into a partnership with a national utility provider to secure and deliver 147MW of capacity to the site. The supply will be from two points of connection, Iver 400/132kV National Grid Substation and Laleham 275/132kV electrical substation.

2.50 Because the Alternative Sites Assessment was looking for an exact replica of the Appeal Proposal it only considered sites that could meet the requirements of this unique electrical supply contract. This meant that “location” of alternative sites were “*limited by the distance from the substations at Iver and Laleham*”. (CD 130 para 1.8. 2 p 5)

2.51 This is a completely artificial constraint. All of the other potential data centres in the Slough Availability Zone are seeking to obtain power from the Iver sub station or the Uxbridge Moor substation which is proposed to be built next door. Subject to sufficient electricity being available, they, like all of the existing ones, are capable of operating without the need for a connection to the Laleham sub station. As a result suitable alternative sites do not have to be built in a narrow corridor between the two sub stations, but this was the criteria used to define the area of search in the Appellant's Alternative Sites Assessment.

2.52 The Defined Area of Search, is shown in Fig. 14 on page 38 of Appellant's Alternative Sites Assessment. This identifies a narrow oval area to the west of Slough between Laleham in the south and Iver to the north. The most obvious shortcoming is that the "area of search" does not cover the whole of the Slough Availability Zone where it is acknowledged the overall need for data centres could be met. It excludes nearly the whole of Slough, despite the fact the Alternative Sites Assessment recognises that:

The data centre occupiers have traditionally 'clustered' around Slough, particularly around Equinix's Internet exchange point on Slough Trading Estate. This provides an extensive ecosystem to meet the demand for network exchange services and access to multiple cloud providers. (CD 1.30 para 3.8 p37)

2.53 The use of this artificially constrained "area of search" explains why the Appellant's Alternative Sites Assessment failed to identify the 20 data centre sites that could be built on Slough Trading Estate under the SPZ

and the three data centre sites permitted on the former Akzo Nobel site and former Langley Business Centre.

- 2.54 The third factor which is a minimum requirement of the Alternative Sites Assessment is the “**Timescale**” in which a data centre has to be delivered if it is to be considered a suitable site. Once again, because the study is looking for a site which exactly replicates the Appeal Proposal, the starting point is the “*107MW of contracted power supply which will be delivered to the subject site under partnership with a national utility provider*”. (CD 1.30 para 1.8.3 p 6) Without explaining why there is a need “*to be able to deliver data centre capacity at this critical time*”, the timescale requirement of the Study is that the alternative site:

“must be capable of being acquired, delivered with vacant possession no later than 2027. Ideally delivery of the site will be earlier if it is to be designated as a better alternative option to the subject site”. (CD 1.30 para 1.8.3 p 7)

- 2.55 It is difficult to understand the logic of having such a restrictive timescale. This is linked back to having to replicate the Appeal Sites requirement of being able to take the contracted electricity by 2027. Even if a site could provide vacant possession by then, it would not be to meet this deadline since it is recognized that there would be a 24 month construction period before customers would be able to commence their fit out until 2029. (CD 1.30 para 1.8.3 p 7)
- 2.56 Whatever the logic, the requirement for sites to have vacant possession and be ready to commence development 2027 will rule out a lot of otherwise suitable sites for data centres, particularly since all of

the sites that got through to Stage 2 of the Study are in the Green Belt and so would need time to get planning permission..

- 2.57 It is not considered worthwhile to go through the detailed site assessments but it is pertinent to note that the first Alternative Sites Assessment either failed to identify or rejected all of the sites in its restricted area of search which were either available or have become available as data centre sites. These include Link Park, Dromenagh Farm, Thorney Business Park Sites 1 and 2, Sequence Park and the Ridgeway Distribution Centre. The Study failed to identify the potential of land west of Pinewood Studios at Iver Heath where an outline planning application for 55,00m² data centre has now been submitted . It also failed to identify the potential of the two sites at Court Lane and Woodlands Park where data centres have been allowed on appeal. (see paragraphs 2.35 above for more details of these sites.)
- 2.58 Interestingly the Alternative Sites Assessment did not identify the land in the Appellant's ownership to the west of the Appeal Site as having potential for data centre development even though the Appellants are at an advanced stage in promoting this as Phase 2 of the development.
- 2.59 As a result it can be seen that even within the limited Area of Search there are a number of sites which are all capable of providing the type of development proposed on the Appeal site which are well advanced and therefore genuine suitable alternatives. None of these were recognised or identified in the Appellant's Alternative Sites Assessment because of its flawed methodology. Many of these proposals have been talked about for a long time and so you would expect anyone who had a knowledge of the local data centre market would have flagged them up regardless of the methodology used in the Study.

- 2.60 The Council pointed out how the Alternative Sites Assessment was fundamentally flawed and could not be relied upon which may be one of the reasons that the Appellants commissioned the second Study from a different consultant after it had appealed against the non determination of the planning application.

Appellant's Second Alternative Sites Assessment

- 2.61 The second Alternative Sites Assessment was produced by Savills in August 2025. This concluded that the second concluded that “*no alternative sites are available*” and that the Appeal Site is the *most sequentially preferable for the data centre element of the Development*” . (CD 11.1 Appendix M para 7.5.1 p47)
- 2.62 The new consultants used a new methodology. One of main change is that there is no longer a requirement for a site to be close to Laleham Substation since it is recognised that data centres only have to be close to the Iver substation. The other main change is that It has actually recognized the importance of the Slough Trading Estate as being the core of the SAZ and so has made proximity to this the second requirement. As a result the Area of Search is a bit wider and includes the area of Slough up to the western edge of the Trading Estate. (CD 11.1 Appendix M Fig 3 p 17)
- 2.63 The minimum size requirement has also been reduced to 5.2 ha. (CD 11.1 Appendix M para 4.11) Interestingly, unlike the first study there is no consideration of the implications of the proposed third runway at Heathrow airport.
- 2.64 The new Study identifies some of the sites that were missed out even though they were in the previous Area of Search as well as those in

Slough in the wider area. Dealing with the sites in Slough Borough first the conclusions of the new Study were as follows:

- 2.65 Axis Park in Langley is identified in the Study .(should be Langley Business Centre, Axis Park is another site as explained below) This sets out the existing permissions for data centres on the site. Nevertheless it is rejected on the grounds that *“Owing to the recent planning history, the site is therefore considered not to be available for development, and is not a suitable alternative site for the data centre element of the Appeal scheme.”* (CD 11.1 Appendix M para 6.4.3)
There is no explanation of this or how it can possibly be concluded that a cleared site with planning permissions not available for development. This could accommodate a hyperscale data centre of 92,000 m² which is twice the size of the Appeal Proposal and is clearly a suitable alternative site.
- 2.66 The former Akzo Nobel Site is identified in the Study. This is effectively two sites. The top of the northern part of the site has been developed for a data centre and the bottom part of this site is currently has two data centres under construction. The southern part of the site has a current planning application from Equinix. Once again these sites are rejected on the grounds that *“Owing to the recent planning history, the site is therefore considered not to be available for development, and is not a suitable alternative site for the data centre element of the Appeal scheme”*. (CD 11.1 Appendix M para 6.5.5)
- 2.67 The Heathrow Distribution Centre is identified in the Study (this is Axis Park) It is quite rightly dismissed as not being available because it has the Royal Mail Heathrow Worldwide Distribution Centre which sorts all mail coming in and out of the airport which will not be moving. (CD 11.1 Appendix M para 6.6.3)

2.68 The study recognizes that the SIFE site, to the north of the Colnbrook Bypass is “within the Green Belt, the Strategic Gap, and the Colne Valley Regional Park as defined in the Slough Local Plan Proposals Map.” There is no longer any reference to the fact that it would be the site of the proposed third runway. It is, however, rejected on the basis that *“the site will be unavailable for at least seven years, it is not considered to be a suitable alternative site for the data centre component of the Appeal scheme.”* The planning permissions referred to appear to be in Buckinghamshire and are not for the SIFE site which has no planning permissions for the extraction of sand and gravel which could delay the availability of the site. Whilst the Council thinks that the study has come to the right decision with regards the SIFE site it has done so for the wrong reasons. This just demonstrates the complete lack of rigour that has been used in carrying out the second Alternative Sites Assessment.

2.69 The new Study looks at the Slough Trading Estate as a potential area for a suitable alternative site for a data centre but dismisses it for a number of reasons. The first is that:

At present, the Estate does not have any vacant/undeveloped sites, much of the site has been the subject of redevelopment and appears to be largely occupied. Whilst we understand that SEGRO, who manage the site, intend to redevelop older industrial units, a review of online sources (including CoStar, RightMove Commercial and SEGRO’s own website) suggest that there are no land parcels of scale for redevelopment. (CD 11.1 Appendix M p69)

- 2.70 SEGRO actively manages the Estate and maintains a very high occupancy rate which means that at any one time there are very few vacant or undeveloped sites being advertised. It knows well in advance when the leases on individual buildings come to an end and, taking advantage of the SPZ, can make sure that a site is demolished and redeveloped as soon as it becomes vacant. Since all of the land is in their ownership SEGRO have the ability amalgamate parcels into whatever size is required for new development. This is how it has managed to build 32 data centres, 14 of them in the last 5 years, on an Estate that may appear to be fully developed.
- 2.71 There is no reason to believe that this won't continue under the new SPZ. Indeed SEGRO have confirmed it has an active pipeline for 4.2 million square feet in the next seven years. (CD 10.21 Appendix I.1). It is not possible to disclose where these sites may be for commercial reasons and to avoid unnecessarily upsetting existing tenants. We can be sure that two of the sites will be on 188 to 216 Bath Road (note numbers vary depending upon whether using Trading Estate number or postal address) where a combined full and outline application (P/200367/001) has been granted in principle to demolish the existing offices and build the data centres with a combined floorspace of 129,500m². (3 times size of Appeal Proposal) .
- 2.72 There are numerous other office buildings along the half mile long Bath Road frontage which are currently empty but are not being advertised to let. It can be assumed that, once the leases expire, these will all be developed for data centres which are the most profitable uses on the Estate with rents as high as £45 m². The former O2 HQ buildings on Bath Road is currently being demolished and this is an obvious candidate for new data centre development.

- 2.73 It should be noted that under the SPZ there is no need to carry out EIA Screening or any form of consultation. What normally happens is that the Council receives a notice showing the fully designed proposal and development starts straight after this. This means that there is not the same market intelligence as to what will be happening on the Estate in the future. Nevertheless it is incredible that the Agents carrying out the second Alternative Site Assessment could come to the conclusion that the second biggest cluster of data centres in the world is not going to get any bigger because of a shortage of sites on the 197 ha Trading Estate. The fallacy of this conclusion can be seen from the fact that SEGRO, the owners of the Estate, has confirmed that it has an active pipeline of sites for 4.2 million square feet (390,000m²) of data centres in the next seven years. (CD 10.21 Appendix I.1).
- 2.74 The Study implies that data centres won't be able to be built on the Trading Estate because of the restrictions under condition 5 of the SPZ which deals with the site ratio coverage and condition 6 that deals with heights. The opposite is true, As explained above the restrictions have been relaxed so that the majority of the SPZ now has a maximum height restriction between 25m to 36m plus a further 3m allowed for stacks and flues. The Appeal Proposal data centre has a ground floor footprint of 13,880 m². Assuming that it takes up 60% of the site area, as allowed under condition 5, a data centre the size of the 41,792 m² Appeal Proposal could be built on a 2.2 ha site if it was built on three stories. It should also be noted that planning permission has been granted to Equinix for a four storey data centre known as LD14 in Banbury Avenue within the Trading Estate which is currently under construction. This has a height of 34.25m with the top of the plant being 40.2m. (P/20054/001) If the Appeal Proposal was built in four stories, as allowed in certain areas of the SPZ by condition 8, it could be built on a 1.7 ha site. As explained above, it is by building at these

new densities that it is envisaged that 20 new data centres could be built on the Trading Estate in the next ten years.

- 2.75 The second Alternative Sites Assessment however rejected the Trading Estate as a potential source of sites for any new data centres on the grounds that:

There are no undeveloped sites, and much of the Estate has been the subject of redevelopment and appears to be largely occupied. We understand that there are no land parcels of sufficient scale available for redevelopment.

- 2.76 As a result it was concluded that:

The site is therefore considered not to be available for development, and is not a suitable alternative site for the data centre element of the Appeal scheme.

- 2.77 It is not clear whether the authors of the Study realised that 188 – 216 Bath Road is part of the Trading Estate. They assessed this site as the most appropriate site for the delivery of a hyperscale data centre with all possible constraints scoring “green”. The site was however discounted because “*there is a resolution to grant planning permission and therefore is unavailable for delivery... and because the site is not suitable for their data centre.*”

- 2.78 The two data centres have a combined maximum IT load of 90MW (50MW and 40MW) which is larger than the 70MW IT load for the Appeal Site and there is no operational or planning reason why they couldn’t be combined into a hyperscale data centre of this size if there was an occupier demand for this. It is recognized that market forces

are likely to dictate that most of these are likely to be colocation data centres but SEGRO have stated that they “*are having active conversations with hyperscalers for some of our larger sites*” (CD 11.1 Appendix L p12)

- 2.79 In the Buckinghamshire area the Study identified the Court Lane site but, despite having planning permission at Appeal, this was rejected because of “*access arrangements*” (CD 11.1 Appendix M para 5.2 page 21. Dromenagh Farm, Thorney Business Park and Woodlands Park were all identified but then rejected because the “*Site has planning permission for DC, and is not considered to be available*”. (CD 11.1 Appendix M para 46) Similarly the site west of Pinewood Road was rejected because “*The site has a planning permission for development relating to film studios, and a pending application for a DC. It is therefore not considered to be available.*” (CD 11.1 Appendix M p 46)
- 2.80 This is the same reason given for rejecting sites in Slough with planning permission. It is incomprehensible that sites which are more advanced than the Appeal Proposal because they have planning permission would be considered unsuitable by any prospective occupier of the data centre. The Appellants have not identified who the prospective tenant might be but you would have to think that sites with planning permission, or in the case of the Trading Estate with no planning risk, must at this stage be better alternative sites to the Appeal one which has many risks in terms of delivery. Many of these sites have detailed designs which may not suit the unknown occupier but this is exactly the same as the speculative Appeal Proposal which seeks a full detailed planning permission.

- 2.81 It is not worth spending time looking at the other sites to see whether they may be suitable alternative sites because we have already identified 20 possible sites for data centres on the Slough Trading Estate, three other sites in Slough with planning permission and four in Buckinghamshire which also have planning permission. As a result there is no need to look for any more than these to show that there are plenty of suitable alternative sites available.
- 2.82 The second study has managed to identify some sites that are suitable for data centre development but has dismissed them on the grounds that they are *“unsuitable and/or unavailable for the development of the data centre component of the Appeal scheme”*. (CD 11.1 Appendix M para 7.3 p47) This is despite the fact that many of them have planning permission for a larger data centre than the Appeal Proposal. Where these sites do have planning permission they are for some inexplicable reason rejected on the basis that the *“Site has planning permission for DC, and is not considered to be available”*. (CD 11.1 Appendix M para 46)
- 2.83 As explained above the study has concluded that the Slough Trading Estate is *“considered not to be available for development, and is not a suitable alternative site for the data centre element of the Appeal scheme.”* All of the evidence above about SEGRO’s plans for the Estate shows that this is simply not correct.
- 2.84 This means that the Council cannot possibly agree with the overall conclusion in the Appellant’s second Alternative Sites Assessment that *“no alternative sites are available”* and that the Appeal Site is the *“most sequentially preferable for the data centre element of the Development”*. (CD 11.1 Appendix M para 7.5.1 p47)

- 2.85 As a result, unlike in the Buckinghamshire Appeals, substantial weight should be given to the availability of alternative sites where the need for data centres could be met with less harm.

QUALITATIVE NEED

- 2.86 Since the conclusion of the second Alternative Sites Assessment was that Appeal Site is the *most sequentially preferable for the data centre element of the Development*”, it may be helpful to establish the extent to which this is true. (CD 11.1 Appendix M para 7.5.1 p47)
- 2.87 A useful starting point for determining whether the Appeal Site has any special qualities which would justify its approval is to use the methodologies in the Appellant’s two Alternative Sites Assessment to see how the Appeal Site would score.
- 2.88 In the first Study sites were rejected at Stage 2 for reasons which included:
- *Complexities created by physical and technical constraints delivering power and fibre*
 - *Visual impact of proposed development and massing within the Strategic Gap*
 - *Significant amount of infrastructure work required which would adversely impact viability*
 - *Site forms of the Metropolitan Green Belt and its performance as part of the Strategic Gap was highlighted by Mr Justice Waksman. Significant emphasis placed upon encroachment and preservation of the openness of the Green Belt.*

- *Proximity of proposed Northern/Third Heathrow Runway and realignment of A4, creating significant uncertainty for investors and occupiers of proposed development. (CD 130 pages 50, 60, 65,76 &,85)*

2.89 All of these reasons for rejecting sites could equally be applied to the Appeal Site which demonstrates it has no special qualities and is in many ways an unsuitable site for development.

2.90 The methodology for the second study states that:

should any sites pass Stages 1-3 of assessment, further qualitative assessment will take place to establish which site is sequentially preferable when all material considerations are taken into account. Such material considerations may include, but are not necessarily limited to:

- *The proportion of a site that does not form part of the Green Belt;*
- *The proportion of a site that constitutes land that is considered to be brownfield or is otherwise developed;*
- *Whether there are any adopted site allocations or planning permissions which support the development of all or part of a site;* (CD 11.1 Appendix M para 2.19 p10)

2.91 It is not clear how this methodology has actually been applied to the sites in the study but if it was applied to the Appeal Site it would score very poorly because it is entirely in the Green Belt, it is almost entirely "Greenfield" land and unlike many of the other sites doesn't have planning permission.

- 2.92 Taking all of these things into account it is not considered that the Appeal Site would score very highly in the Alternative Sites Assessment and it certainly wouldn't come out as the "*most sequentially preferable for the data centre element of the Development*".
- 2.93 In planning terms the Appeal Site is virtually all "Greenfield" land and it is in the Green Belt, Strategic Gap and Colne Valley Park. It is also potentially affected by the proposed third runway at Heathrow.
- 2.94 In operational terms it is not suitable to be used as a Colocation data centre because it is so far from the Slough hub. It is not particularly large for a Hyperscale facility. It can only be connected to the two electricity sub stations by laying down 20 kilometres of new expensive underground cables. It is close to (1.5k) but not on the existing fibre network.
- 2.95 The Appeal Proposal therefore has no special qualities which outweigh all of the planning and operation disadvantages that the site has and the harm that it would cause. As a result there is no qualitative need for a data centre in this location.

Quantitative Need

- 2.96 Having considered the extent to which there is a "policy" or "qualitative" need for the Appeal Proposal it is necessary to consider whether there is a "quantitative" need for it.
- 2.97 It is important to stress that, for planning purposes, there are no planning related Government targets for the provision of data centres

either at a national or regional level and that Councils are not required to assess the need for data centres as part of the plan making process.

2.98 Any calculations of need for data centres cannot have the same status as something like the Government's housing targets. In determining the second Appeal for a data centre at Woodlands Park, (APP/N0410/W/24/3347353) the Secretary of State made it clear that *"she does not consider that the weight which may attach to housing supply is an appropriate comparator in this case"*. (CD 7.1 para 18 p4)

2.99 The recent House of Commons Library Report on Data Centres: planning policy, sustainability, and resilience (Aug 2025) provides some very helpful information towards understanding what the future need for data centres might be. It states that *"the UK had approximately 1.6 gigawatts (GW) of data centre capacity in 2024"* (CD 12.6 P5)

2.100 In July 2025 the Government published its "UK Compute Roadmap" Policy Paper which states that:

We forecast that the UK will need at least 6GW of AI-capable data centre capacity by 2030 – a threefold increase on the data centre capacity that is available in the UK today. Should the capabilities and adoption of AI accelerate, demand could exceed this baseline significantly. (CD 11.1 Appendix P Action 6)

2.103 The Government's solution to this, as set in the Road Map is to create AI Growth Zones. It has stated that:

Our goal is to establish a core group of nationally significant sites, each capable of serving at least 500MW of demand by 2030, with at least one AI Growth Zone scaling to more than

1GW by 2030. Ideally, each site will be designed to expand into the 2030s, so that we can add capacity as AI demand continues to grow. (CD 11.1 Appendix P Action 6)

2.104 The bidding process to become one of these AI Growth Zones is at an advanced stage and the Government aims:

to confirm and commence development of the first AI Growth Zones by the end of this year, delivering sites across the UK, including in Scotland and Wales. Each location will reflect local energy availability and regional industrial opportunities, and will be aligned to with our overarching growth, clean power, and decarbonisation objectives. (CD 11.1 Appendix P Action 6)

2.105 The Government recognises that there is a serious shortage of electricity in some areas which is why any new AI Growth Zone must have guaranteed access to enough power to deliver at least 500MW of AI infrastructure. (CD 12.6p 30)

2.106 The first one of these has been confirmed as being in Culham in Oxfordshire. This was because it has access to a large amount of power which was formerly used by the Joint European Torus which was an experimental nuclear reactor. (CD 12.6 p 30)

2.107 It is also committed to delivering sites across the whole of UK. With over 200 bids received from all of the regions it is clear that the pattern of data centre development will change in the future driven partly by Government policy and partly by the availability and cost of electricity.

2.108 Slough, which is in one of the areas with a shortage of electricity, will continue to have a very important role as a colocation cluster and so

priority should be given to growing this. The growth in demand for the “generative” (machine-learning) type of AI data centres can happen in more remote locations where power is more readily available.

Level of Need in the Slough Availability Zone

2.109 There is no official assessments of need for data centres at the regional or local level. Up until now the only estimates of need in the Slough Availability Zone have been produced by appellants at the recent appeals in Buckinghamshire.

2.110 Slough Borough Council's position, as set out in the Statement of Common Ground, is that:

It is agreed that the Secretary of State (current and former) found that there is a significant and substantial demand for new data centres in the SAZ (appeal refs: 3337981 and 3307420). The Secretary of State's most recent articulation of this need (in her decision of appeal ref. 3347353 dated 9 July 2025) is that need within the SAZ "has continued to rise significantly, from a short to medium term need of 1700MW identified in the Court Lane 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". It is agreed that the need outlined above was an undisputed position. The Secretary of State pointed out she had reached this conclusion and "considered the matter on the basis of the evidence before her" in that case. (CD 8.11 para 7.9)

- 2.111 Whilst the Council accepts that this is the Secretary of State's latest articulation of need in the recent appeal (APP/N0410/W/24/3347353), it does not agree that these are appropriate figures to use in this Appeal. However you look at this suggested need figure of 2,858MW (2.858 GW) in five years in the SAZ, it is extraordinarily high and completely unrealistic.
- 2.112 This can be seen by looking at the figure in the national context. The House of Commons report shows that there was 1.6GW (1,600MW) of data centre capacity in the UK in 2024. (CD 12.6 p 5) It can be assumed that this would have been constructed over the last 20 years. This would mean that meeting the supposed need figure of 2.858GW for Slough would involve building 1.8 times as many data centres in the next five years as there currently are in the whole of country.
- 2.113 The Governments "UK Compute Roadmap" Policy Paper states that *"We forecast that the UK will need at least 6GW of AI-capable data centre capacity by 2030"* (CD 11.1 Appendix P Action 6) This means that there is a need for an additional 4.4GW of data centres in the country in the next five years. Slough's supposed need figure of 2.865GW would mean that it would be expected to deliver 65% of the entire growth in data centres need in the whole country.
- 2.114 Whilst it is accepted that there is a significant and substantial "demand" for data centres, it is difficult to understand how in July this year the Secretary of State could have possibly come to the conclusion that there is a need for 2.865GW of data centre capacity in the Slough Availability Zone between 2024 and 2029. There are, however, a number of factors which may explain this.

- 2.115 The first point is that because these figures were “undisputed”, there was no examination of them at the inquiry. They were simply taken as read. The Secretary of State states that “*she considered the matter on the basis of the evidence before her in this case*” but the evidence presented by the appellants was not subject to the sort of sense check carried out above. The Secretary of State came to her conclusion without having any information about constraints such as the lack of power supply. (CD 7.1)
- 2.116 The second point is that the methodology used to calculate the need for data centres at the Buckinghamshire appeals is very different to the way the Government has analysed future UK data centre capacity. The methodology used was to ask data centre providers and users how many they would like to build in the Slough Availability Zone in the next five years. Using a housing analogy, it is not based upon demographic predictions, but by Estate Agents asking house builders how many houses they would like to build in an area.
- 2.117 It is therefore an aspirational indication of unconstrained demand for data centres. The difference between demand and need in was explained the case of R (on the application of Cherkley Campaign Ltd) v Mole Valley District. This found that the legal meaning of the word “need” in a planning context equates to “what is in the public planning interest”. A lot of things therefore have to be considered before a “demand” can be turned into a “need” which can be used for planning purposes. In this case the size of the supposed local need should be compared to the overall national need in order to give it a reality check.
- 2.118 A large proportion in the growth in the need for more data centres comes from the growth in AI. Although the calculations of need presented to the previous inquires would have factored this in this

Growth in AI demand, they could not have taken into account is the Government's recently announced response to this, which is to create new AI Growth Zones. This will completely change the distribution of data centres around the country. The bidding process to become one of these AI Growth Zones is at an advanced stage and the Government aims:

to confirm and commence development of the first AI Growth Zones by the end of this year, delivering sites across the UK, including in Scotland and Wales. Each location will reflect local energy availability and regional industrial opportunities, and will be aligned to with our overarching growth, clean power, and decarbonisation objectives. (CD 11.1 Appendix P Action 6)

2.119 Even without the new AI Growth Zones, The House of Commons report noted that large data centre projects have recently announced outside of older clusters. These included new campuses being built in Blyth Northumberland, Elsham Lincolnshire, Humber Tech Park near Grimsby, one in Hertfordshire and one in Motherwell, North Lanarkshire. (CD 12.6 p 18)

2.120 The House of Commons Report also notes that:

“Cardiff and Newport in Wales are also emerging as data centre locations. Like Slough they benefit from access to trans-atlantic cables and tech industry clusters along the M4 corridor. (CD 12.6 p16)

“According to techUK the west London data centre market is “beginning to reach saturation point”, with limited land and

electricity grid capacity. Data centre operators have therefore turned to other parts of the country. (CD 12.6 p 16)

2.121 What this means is that a combination of commercial decisions and Government policy is leading to a redistribution of data centres around the country. The cluster on Slough Trading Estate will continue to be important and the number of colocation data centres will continue to grow. Most of the heavy lifting in terms of meeting national need for data centres will, however, have to be done elsewhere where there is a readily available supply of electricity.

Constrained Power Supply

2.122 As explained above, the level of need articulated by the Secretary of State for the Slough Availability Zone was based upon an estimate of the “unconstrained demand” for data centres. It did not consider any environmental, planning or operation constraints in the area.

2.123 The biggest constraints to meeting the demand for data centres in the whole of the west London area is the lack of an electricity supply. The House of Commons Library report states that *Grid capacity is particularly limited around west London, where most of the UK’s data centres are clustered* (CD 12.6 Appendix p46)

2.124 One of the original reasons why data centres came to Slough was the existence of the Slough Power Station. A second power station has recently been built on the Estate. Whilst Slough Heat and Power, who operate the power stations, have contracts to supply some occupiers of the Estate, there is not enough power to meet the huge needs from all of the data centres. As a result data centres in Slough get their electricity supply from the Iver Sub Station. This consists of a National

Grid 400/275kV substation and Scottish and Southern Electricity Network 132/66kV substation. It is one of the few grid supply points in the South East that has been sufficiently reinforced through infrastructure improvements to cope with the amount of power that is needed by the existing cluster of data centres in the area.

- 2.125 There is, however, an acute shortage of power going forward. SEGRO, the owners of the Trading Estate, have been proactive in securing future contracts for some of its potential tenants.
- 2.126 Elsewhere the shortage of electricity supply is holding up the development Equinix's proposed 90,600 m² data centre campus on the Akzo Nobel site in Slough (P/00072/152). They have explained that:

there is strong national demand for data centre development and therefore the development will be delivered as quickly as possible to meet the demand. However, another critical consideration is the availability of utilities, particularly power supply and connection to serve the development. The availability of a power supply is a key factor in determining the sequenced construction strategy – currently, there is an incoming power supply from a nearby Equinix site to support the first stage of development, but subsequent stages are constrained until this initial supply can be sufficiently increased over the next 20 years. (CD 11.1 Appendix Q paras 18 & 19)

- 2.127 The issue of future electricity supply was considered at the Court Lane Inquiry (APP/N0410/W/24/3337981) This heard that the “*National Grid recognised two years ago the urgent need to develop additional power infrastructure for West London, in particular having regard to the increase in demand from data centre operators*”. (CD 10 Appendix B.6

para 137 p33) As a result it is proposing to build a new substation on land adjacent to the existing Iver one known as Uxbridge Moor.

Planning permission has been obtained, but the £95m project, which was due to be completed in 2029, will not now be available then because the contract to build it has only just been let.

2.128 The Appellants suggest that *“it now looks extremely unlikely that power from the new sub station will be delivered before 2030, and it is anticipated to be more likely to be close to 2035”*. (CD 1.30 para 1.71 p23)

2.129 The Laleham substation is part of the network in the west of London. It is one of three supply points for Heathrow Airport along with Iver and North Hyde. The use of some electricity from Laleham, as the Appellants are proposing, will not increase the amount of electricity available in the west of London area, it will simply redistribute it, using the proposed new expensive underground cables that would be required to serve this one off site.

2.130 Even when Uxbridge Moor comes on stream, there will still be a shortage of electricity because it is understood that the entirety of the 1GW (1000MW) power has been reserved by landowners and data centre operators. ”. (CD 10 Appendix B.6 para 137 p33)

2.131 The 1GW of electricity from Uxbridge Moor would be enough to generate around 770MW of IT power within data centres. The evidence presented to the Court Lane Inquiry explained that:

This figure of 770MW still falls short of the 1,700MW of IT power that Knight Frank know the Cloud Service Providers are looking to acquire in the short to medium term and therefore there is still

a gap between demand and supply for data centres in the area.

” (CD 10 Appendix B.6 para 138 p34)

2.132 The Inspector accepted this in his decision letter which stated:

The Appellant’s estimates that there is a known short to medium term (3-5 year) need for 1,700MW of capacity arising from Cloud Service Providers to the west of London. Of this only 243 MW of potential supply is likely to come forward for the remainder of the decade”. ” (CD 10 Appendix B.6 para 228 p51)

2.133 The Inspector was therefore acknowledging that there would be a significant shortfall of supply of data centres in the west of London because of the shortage of electricity supply in the area. The Secretary of State did not comment on the shortage of electricity in the area when he allowed the appeal.

2.134 As a result the size of the “unconstrained” need articulated by the Secretary of State in relation to the Woodlands appeal (APP/N0410/W/24/3347353) is academic because the ability to deliver and operate new data centres will be severely limited by the lack of electricity supply.

2.135 As explained above the unconstrained predicted need of some 2,858MW in the Slough Availability Zone can be completely disregarded as totally unrealistic and unachievable for a number of reasons. There is not a shortage of sites in Slough. Any realistic assessment of the need for data centres in the SAZ must be completely constrained by the severe shortage of electricity supply.

Conclusions on Need at other Appeals

- 2.136 The Appellant's Statement of Case identifies three Appeal decisions which *"provide a flavour of the acute need for data centres"*. These are at Woodlands Park Buckinghamshire (APP/N0410/W/22/3307420), Abbots Langley, Three Rivers (APP/P1940/W/24/3346061) and Court Lane Iver (APP/N0410/W/24/3337981) (CD 9.1para 5.12) Since then there has been second appeal decision at Woodlands Park (APP/N0410/W/24/3347353) where the Secretary of State articulated her view as to what the quantitative level of need in the SAZ might be.
- 2.137 The Council does not want to comment about these Appeals other than to point out that they were conducted on the basis of there being an unrealistic "need" figure for the SAZ, there were no alternative sites available and it was assumed that any unmet need could not be met elsewhere.
- 2.138 The assumption about there being no alternative sites is explained in paragraphs 2.33-2.40 above. The short comings of the way in which the "need" figures were calculated are explained at length above and so do not need to be repeated. The fact that it is now Government policy to meet need elsewhere in AI Growth Zones throughout the country is explained in paragraphs 2.103-2.106 above.
- 2.139 As a result it is not considered that even the most recent conclusions about need, expressed by the Secretary of State in July this year cannot be "read across" to this Appeal.

Needs of potential occupiers of the Appeal Site

- 2.140 The proposal to build a hyperscale data centre on the Appeal Proposal is a purely speculative. No potential occupiers have been identified and so no special needs can be argued on that basis.
- 2.141 The site is not capable of hosting a colocation data centre because it is too remote from the hub of the Slough cluster on the Trading Estate. It could, however, meet the demand for Cloud Service Providers and the “inference” (user-interface) element of the demand for AI data centres which need to be within an Availability Zone.
- 2.142 An Availability Zone is somewhere where there is sufficient redundancy that, if one of their data centres fails, the load and the service can instantaneously be transferred to an alternative facility. In order to be able to do this the fibre cable cannot be longer than 15 to 20 km from the initial data centre deployment. This means that, unlike colocation data centres, Cloud providers only need to be within 15 km of Slough if this is where their original “parent sites” are located. (CD 7.3 para 132 p32)
- 2.143 Microsoft, Amazon Web Services and Google are the three main public Cloud providers. They are also heavily involved in providing Artificial Intelligence. They have already created their own availability zones in the Slough to Hayes area. (CD 7.3 para 132 p32) Two of these operators already have options to build their own data centres within the Zone. Microsoft are about to construct their own new hyperscale data centres on the former Langley Business Centre. Amazon Data Services have bought the Ridgeway Distribution Centre in Iwer next to the hyper data centres already permitted or planned on the Ridgeway

Estate. Although no proposals have yet been submitted to develop it as a data centre, this site, already in its ownership, is a much better alternative to the Appeal Site. (CD 11. 1 Appendix R) Google is building its first UK data centre at Waltham Cross, Hertfordshire. (CD 12.6 p 15)

- 2.144 As explained above, there is now a significant supply of hyperscale data centres in Slough and Buckinghamshire within the SAZ. As a result the needs of potential data centre operators can be met there. There is no compelling reason why a hyperscale data centre needs to be built in the poorly located Appeal Site

DELIVERABILITY

- 2.145 The need for a data centre on the Appeal Site can only be satisfied if it can actually be delivered.

- 2.146 One of the main justifications for the Appeal Proposal put forward by the Appellants is that it can be delivered in a short period of time. The Appellant has entered into a joint venture partnership with EDF to secure and deliver 147MW capacity of electricity to the site. 57MW of this capacity is due to be delivered from Iver sub station by 2027 and 50MW from Laleham sub station also by 2027. A further 40MW of capacity for the proposed Phase 2 development of another data centre adjacent to the Appeal Site is due to be delivered from the Laleham sub station by 2030. (CD 1.54 Sec 4)

- 2.147 The revised Alternative Sites Assessment states:

It is worth emphasising that the Development has been advanced, in part, on a 'power-led' approach that (with the addition of the BESS) ensures a connection to the grid by 2027,

and without the need to await grid improvements. This means that the Development is able to contribute towards meeting both the level of need and its urgency..... (CD 11.1 Appendix M para 7.5)

2.148 The importance of meeting the terms of this contract within the agreed timeframe is explained as follows:

A critical factor in respect of the site/application, is that it can deliver a state-of-the-art data centre with a designed IT load of 70MW, supported by the Battery Energy Storage System (BESS) within the critical time period of 2027 – 2029. (CD 1.30 para 3.10)

2.149 There are, however, a number of reasons why the proposed data centre may not be built in this critical time period and so won't be able to meet the terms of the contract.

2.150 The first is the practicality of laying the new underground cables between the Appeal site and both Iver and Laleham substations. The Appellants are not Statutory Undertakers and so do not have any permitted development rights and obtain the necessary wayleaves to do this.

2.151 The possible route of the cables are shown in (CD 10.20 Appendix H1.) Detailed engineering drawings for complex areas such as the M25 and railway lines will have to be produced. They will have to negotiate with multiple planning authorities and infrastructure owners such as Network Rail and Highways England. No planning applications have been formally submitted and it is difficult to see how all of the

necessary permissions can be obtained and the cables put in place by the end of 2027.

- 2.152 The second problem with meeting the critical timescale is the length of time that it will take to build and fit out the proposed data centre. In its News Release in January Tritax stated that:

A planning application for the development of Phase 1 has been submitted, and a determination is expected in H2 2025.

Assuming a pre-let is achieved ahead of this, construction of Phase 1 would commence in H1 2026 with practical completion and income recognition in H2 2027. (CD 10 Appendix K.3 page 3)

- 2.153 There are a lot of reasons why this optimistic assumption about the proposed time scale for the delivery of the data centre may not now be correct. The first obvious one is that the timing of any planning permission has been delayed. Realistically a decision by the Secretary of State cannot be expected until the beginning of 2026 some six months after the Appellants assumed.

- 2.154 The News Release makes it clear that *“the Phase 1 data centre will be delivered on a “powered shell” basis, conditional on the receipt of planning consent and securing a pre-let”* (CD 10 Appendix K.3 page 3) This means that the *“practical completion”* referred to above just involves the hand over of the building to the data centre operator. The Appellant’s Alternative Site Assessment, which sets out the timescale in which alternative sites must be delivered in, suggests that a 24 month period should be allowed for the construction of the facility before a customer would be able to commence their own fit out. (CD 1.30 1.8.3 p7) If this is correct it means that, even if development were

to commence soon after the receipt of planning permission, the earliest that the building could be completed would be 2028. The data centre operator will then have to commission, install and test the servers as part of the fit out of the building which could take another year.

- 2.155 All of this demonstrates how, despite their former optimism, the Appellants are in severe danger of not meeting the critical time period in which they have to be able to take up the electricity supply specified in the contract.
- 2.156 It is not known what the terms of the contract are for the supply of electricity or what will happen if the Appellant fails to meet the deadline. They may be able to negotiate an extension but may end up at the back of the queue. Equinix has indicated that they may have to wait up to twenty years to get all of the power that they need for their campus on the Akzo Noble site in Slough. (CD 11.1 Appendix Q para 19) Failure to meet the timing in the electricity supply contract could therefore have major implications for the Appellants to deliver the Appeal Proposal.
- 2.157 One of the most serious threat to the delivery of the data centre is that the Appellants have stated that they have to get a pre-let before any construction will take place. (CD 10 Appendix K.3) The Appellants claim that they have interest from the market but have not identified any potential occupiers. As a result the proposal is entirely speculative. As explained above there are plenty of alternative sites available elsewhere in the Slough Availability Zone where potential occupiers can go.
- 2.158 Microsoft, Amazon Web Services and Google are the three main public Cloud providers. They are also heavily involved in providing Artificial

Intelligence. They have already created their own availability zones in the Slough to Hayes area. (CD 7.3 para 132 p32) Two of these operators already have options to build their own data centres within the Zone. Microsoft are about to construct their own new hyperscale data centres on the former Langley Business Centre. Amazon Data Services have bought the Ridgeway Distribution Centre in Iwer next to the hyper data centres already permitted or planned on the Ridgeway Estate. Although no proposals have yet been submitted to develop it as a data centre, this site, already in its ownership, is a much better alternative to the Appeal Site. (CD 11. 1 Appendix R) Google is building its first UK data centre at Waltham Cross, Hertfordshire. (CD 12.6 p 15)

Heathrow Airport

- 2.159 The most significant reason why tenants may not sign up to occupy the proposed data centre is the uncertainty about what is happening at Heathrow airport.
- 2.160 Mr Ray explains in his Proof of Evidence what the current situation is with regards to the proposed third runway at Heathrow. As a result there is no need to explain this in detail here.
- 2.161 There is a possibility of the site being included in Heathrow Airport Ltd's DCO "airport supporting development which means that it could possibly be the subject of a Compulsory Purchase Order (CPO). It is acknowledged that this is all speculation, but it is speculation that any data centre operator would have to take into account before signing what would typically be a 20 year

2.162 One of the most important things that data centres need to be able to do is guarantee a long term security of service. Any occupier of the Appeal Site would not be able to do this whilst there is a risk that they may have to move.

2.163 One of the reason for rejecting sites in the Appellant's Alternative Sites Assessment was:

Proximity of proposed Northern/Third Heathrow Runway and realignment of A4, creating significant uncertainty for investors and occupiers of proposed development. (CD 130 pages 50, 60, 65,76 &,85)

2.164 This equally applies to the Appeal Site and demonstrates that no occupier is likely to sign up and, as a result, no development is likely to start until the future of the third runway at Heathrow has been decided. This means that the Appeal Proposal is extremely unlikely to be completed within the critical timeframe for benefiting from the electricity contract with all the consequent delays that this may bring. There is a possibility that it won't be built at all within the timeframe of any planning permission that is granted.

2.165 As a result it can be seen that there is considerable doubt about the deliverability of the Appeal Proposal which means that little weight can be given to the prospect of it meeting the need for data centres, particularly in the short term.

Summary and Conclusion on Need

- 2.166 The changes to the National Planning Policy Framework in December 2024 for the first time highlighted the need for Local planning Authorities to make provision for data centres.
- 2.167 The Council has anticipated and met all of the policy requirements of the NPPF by adopting a plan-led approach to making provision for data centres in the Simplified Planning Zone for Slough Trading Estate. The SPZ has identified *“strategic sites, for local and inward investment to match the strategy”*. It has paid *“particular regard to facilitating development to meet the needs of a modern economy, including by identifying suitable locations for uses such asdata centres”*. The SPZ has also made provision for *“clusters or networks of knowledge and data-driven, creative or high technology industries”* to such an extent that the Slough Trading Estate is now the second biggest cluster of data centres in the world.
- 2.168 The latest SPZ which was adopted in November 2024 effectively grants planning permission in advance for data centres and has relaxed the site parameters so that larger and taller facilities can be built in the future. Although we don’t know exactly how many new data centres will be built the “Reasonable Case Scenario” for the SPZ assumes that 20 data centres would be built in the next ten years. This would mean that around half of the 197 ha Trading Estate would end up having data centres on it.
- 2.169 The extent to which this a “Reasonable Case Scenario” is correct can be seen from the fact that SEGRO, the owners of the Estate has

confirmed that it has an active pipeline for 4.2 million square feet (390,000m²) in the next seven years.

2.170 Outside of the Trading Estate the Council has granted planning permission for hyperscale data centres on the former Akzo Nobel (Dulux) paint factory site in Wexham Road and on the former Langley Business Centre.

2.171 It can be seen that, by producing Simplified Planning Zones for the Slough Trading Estate, the Council has taking a proactive plan-led approach to meeting the needs of data centres in the Slough Availability Zone. It has therefore as complied with the policies in the NPPF which require Local Planning Authorities to pay particular regard to facilitating the development data centres and make provision for clusters of data centres.

2.172 There are also now a number of data centres within the part of the Slough Availability Zone which is in Buckinghamshire. As a result the combination of the expected 20 sites in the Slough Trading Estate Simplified Planning Zone, planning permissions granted by Slough Borough Council and permissions and applications in Buckinghamshire, there are around 30 sites within the Slough Availability Zone that have the potential to be developed for data centres.

2.173 The Appellant has commissioned two Alternative Site Assessments both of which concluded that that, contrary to all of the evidence, “*no alternative sites are available*”. The second study has only been able to do this by rejecting all of the sites that it found with planning permission which were for some inexplicable reason “*not considered to be available*”.

2.174 Although it recognized the existence of the SPZ on the Trading Estate, the second study found that *“There are no undeveloped sites, and much of the Estate has been the subject of redevelopment and appears to be largely occupied. We understand that there are no land parcels of sufficient scale available for redevelopment.* As a result it was concluded that the Trading Estate *“is therefore considered not to be available for development, and is not a suitable alternative site for the data centre element of the Appeal scheme.”*

2.175 The Council cannot possibly agree with the overall conclusion in the Appellant’s Alternative Sites Assessment and considers that Substantial weight should be given to the availability of alternative sites where the need for data centres could be met with less harm.

2.176 Another conclusion of the Alternative Sites Assessment was that Appeal Site is the *most sequentially preferable for the data centre element of the Development”*. In order to determine whether the Appeal Site has any special qualities which would justify this claim it was tested against the methodologies used in the two Alternative Site Assessments. This showed that the Appeal Site would score very poorly.

2.177 It was found that the Appeal Proposal has no special qualities which outweigh all of the planning and operation disadvantages that the site has, and the harm that it would cause. As a result there is no qualitative need for a data centre in this location.

2.178 In terms of the quantitative need for data centres, it is important to stress that, for planning purposes, there are no Government targets for the provision of data centres either at a national or regional level.

- 2.179 The recent House of Commons Library Report on Data Centres notes that *“the UK had approximately 1.6 gigawatts (GW) of data centre capacity in 2024”*.
- 2.180 The Government “UK Compute Roadmap” Policy Paper which states that: *We forecast that the UK will need at least 6GW of AI-capable data centre capacity by 2030 – a threefold increase on the data centre capacity that is available in the UK today. Should the capabilities and adoption of AI accelerate, demand could exceed this baseline significantly.*
- 2.181 The Government’s solution to this is to create AI Growth Zones on sites across the UK which have available energy. This is an important factor in determining what the future need for data centres will be in Slough.
- 2.182 In the absence of any official figures for the level of need for data centres in the Slough Availability Zone estimates have been derived from the evidence given at the recent appeals in Buckinghamshire. It was as a result of the most recent one that the Secretary of State concluded that the need for data centres in the SAZ *“will continue to rise to some 2,858MW”*.
- 2.183 The Council does not agree that this is an appropriate figures to use in this Appeal because it is extraordinarily high and completely unrealistic. This would involve building 1.8 times as many data centres in Slough in the next five years as there currently are in the whole of country. It would also involve Slough building 65% of all of the new data centres that are needed for the country as a whole.

- 2.184 The introduction of AI Growth Zones means that it is now Government policy to meet the bulk of the increased need in locations in the parts of the country which have not previously had data centres. The cluster on Slough Trading Estate will continue to grow but most of the heavy lifting in terms of meeting national need for data centres will have to be done elsewhere where there is a readily available supply of electricity.
- 2.185 The biggest constraint to the delivery of data centres in Slough, which makes any calculations of need academic, is the lack of electricity supply. Data centres and other forms of development are having to wait for power to come available. National Grid is trying to address this issue by building a new substation at Uxbridge Moor next to the existing one at Iver. This will not come on stream for a number of years and it is understood that all of the extra power that this will supply has already been reserved by landowners and data centre operators.
- 2.186 There is not a shortage of sites in Slough compared to the availability of power. Any realistic assessment of the need for data centres in the SAZ must be completely constrained by the severe shortage of electricity supply.
- 2.187 As a result it can be seen that the Council has complied with the “Policy” need to make provision for data centres in accordance with the NPPF. There is an ample supply of new sites on the Trading Estate and elsewhere which are suitable alternatives to the Appeal Site. There is no “qualitative” need for the appeal site which has a number of planning and operational disadvantages. Previous predictions of the “quantitative” need for data centres in the SAZ are completely unrealistic. The need for data centres in Slough will not be restricted by a shortage of sites but a severe shortage of electricity supply.

2.188 The lack of a need for the development of the Appeal Site with a data centre should therefore be given substantial weight when considering the harm that it will cause.

3.0 GREEN BELT

- 3.1 The Council would have refused the planning application on the grounds that the proposed development would cause significant harm to this fragmented and vulnerable part of the Green Belt and there is no overriding demand or sufficient deliverable benefits to constitute the “very special circumstances” that are necessary to overcome the presumption against inappropriate development in the Green Belt.
- 3.2 The question of the need for the proposed development and the deliverability of the scheme have been considered in the previous section of this proof of evidence. This showed that there is not a demonstrable unmet need for the type of development proposed on this site.
- 3.3 This section considers the importance of preserving Green Belt in the Colnbrook and Poyle area, whether the proposal can be defined as “appropriate” development in the Green Belt, what harm to the Green Belt the Appeal Proposal would cause and whether there are any “very special circumstances” which would justify the acknowledged harm to the Green Belt.

Importance of the Green Belt in the Colnbrook and Poyle area.

- 3.4 Paragraph 142 of the NPPF states that:

The government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

- 3.5 Not all areas of Green Belt are of equal importance in fulfilling this role. The Colnbrook and Poyle area is however recognised as being one of the most fragmented and vulnerable parts of the entire Metropolitan Green Belt. It all that is left of the Strategic Gap between Slough and Greater London.
- 3.6 Although it forms part of the Colne Valley Regional Park, it suffers from pollution and noise from Heathrow airport and has a degraded landscape character. It has also come under significant pressure for development. This has led to the “crisis” described by the Colne Valley Park which has come about because *“Current Green Belt policy and the use of ‘special circumstances’ has resulted in inappropriate and damaging development.”* As a result *“The integrity and value of CVRP park is at a tipping point.”* (CD 11.1 Appendix)
- 3.7 The Green Belt in the Colnbrook and Poyle area also suffers from urban fringe type activities and the unauthorised use of land. The Appeal site is a good example of this where there has been unregulated waste activities, the installation of caravans, the parking of hundreds of cars from the airport on the site and the carrying out of small businesses.
- 3.8 Because of the huge “hope” value that sites have, there is a temptation to encourage “planning by dereliction” whereby sites are deliberately allowed to deteriorate in the expectation that it will be easier to obtain planning permission for alternative uses.
- 3.9 The fact that the Green Belt in the Colnbrook and Poyle area may not necessarily pristine and is so fractured does not make it less important. In fact it strengthens the case for ensuring that the remaining open areas are permanently protected in order to prevent urban sprawl and

help to contribute to the other functions of the Green Belt. This is particularly important with the Appeal Site where we now have the opportunity not just to keep it open but restore it back to agricultural use.

Inappropriate Development Test

- 3.10 In order to judge the harm that the Appeal Proposal would cause to the Green Belt it is necessary to go through a number of sequential steps in order to establish the status of the site and the proposed development. The first is to establish whether the proposal is acceptable because it is “appropriate” development. The significance of this is explained in Paragraph 153 of the NPPF which states that:

When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt, including harm to its openness [55](#). Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

- 3.12 Some forms of development can be “appropriate” for a number of reasons. Paragraph 154 of the NPPF states that:

Development in the Green Belt is inappropriate unless one of the following exceptions applies:
a) buildings for agriculture and forestry;

- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use), including buildings, for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;*
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;*
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;*
- e) limited infilling in villages;*
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and*
- g) limited infilling or the partial or complete redevelopment of previously developed land (including a material change of use to residential or mixed use including residential), whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt.*
- h) Other forms of development provided they preserve its openness and do not conflict with the purposes of including land within it. These are:*
 - i. mineral extraction;*
 - ii. engineering operations;*
 - iii. local transport infrastructure which can demonstrate a requirement for a Green Belt location;*
 - iv. the re-use of buildings provided that the buildings are of permanent and substantial construction;*

- v. material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and*
- vi. development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order.*

3.13 Despite designating data centres as “critical infrastructure” the Government has not included them in the list of exceptions set out above. As a result the proposed data centre and battery energy storage system (BESS), which are the subject of this appeal, do not constitute one of these exceptions and so in terms of the Paragraph 154 test, the proposed development is “inappropriate” in the Green Belt.

Grey Belt

3.14 One of the ways in which the development of a site in the Green Belt can be considered to be “appropriate” is if it complies with Paragraph 155 of the NPPF. The first part of this states that:

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

- a) The development would utilise grey belt land....”*

3.15 The definition in the Glossary in the NPPF states that for the purposes of plan-making and decision-making, ‘Grey Belt’ is defined as:

“land in the Green Belt 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”.

Previously Developed Land

- 3.16 As a result it is first necessary to determine the extent to which the Appeal Site constitutes “Previously Developed Land”. The Glossary to the NPPF defines “Previously Developed Land” as:

Land which has been lawfully developed and is or was occupied by a permanent structure and any fixed surface infrastructure associated with it, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed). It also includes land comprising large areas of fixed surface infrastructure such as large areas of hardstanding which have been lawfully developed. Previously developed land excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures;

- 3.17 The first test is to examine the extent to which the site “is or was occupied by a permanent structure”. There are a number of buildings on the Appeal Site but very few of them are “lawful” or “permanent”.
- 3.18 The Planning History Proof of Evidence prepared by Mr Ray explains the extent to which there is any lawful development on the site. The position can be summarised as follows and illustrated in the image below (CD11.1 Appendix U).



- 3.19 Parcel B is an open grassed field. There are no planning permissions or Certificates of Lawfulness it and so it is not therefore “Previously Developed Land”
- 3.20 With regards to the strip of land connecting Parcel B and Parcel, there is a Certificate of Lawful Use (P/10076/009) for five small parcels of land for open storage. This does not include any buildings or hardstanding and so is not “Previously Developed Land”
- 3.21 There is a workshop on the access road. This has not had planning permission and is currently vacant. The building may be immune from enforcement but there is no lawful use. As a result it is not at present be considered to be “Previously Developed Land”.
- 3.22 The small stable block to the south also does not have planning permission but may have been Permitted Development as an agricultural building. The definition of “Previously Developed Land” excludes “*land that is or was last occupied by agricultural or forestry buildings*” and so it cannot qualify on this basis This shows that, with

the possible exception of the workshop, none of the part of the Appeal Site between Parcels A and B is “Previously Developed Land”.

- 3.23 There are three Lawful Development Certificates for the buildings in the southeast corner of Parcel A on the access road close to its junction with the Poyle Road.
- 3.26 The house closest to the Poyle Road has a Certificate (P/11442/0050) and so this and its curtilage is “Previously Developed Land”. The building next to it has a Certificate (P/11442/006) as a house in multiple occupation and so this and its amenity space is “Previously Developed Land”. Next door to this is another building that has a Certificate (P/10076/008) for a warehouse. This and the parking and turning area associated with it is “Previously Developed Land”.
- 3.27 In addition the narrow strip of land adjacent to the Poyle Road has a Certificate (P/10076/007) for use as car parking. Since this included the retention of hard standing this constitutes “Previously Developed Land”.
- 3.28 These three buildings on the access road and the strip of open car parking alongside Poyle Road are the extent of “Previously Developed Land” on Parcel A. None the buildings or structures on the rest of the area are now lawful and so none of this is “Previously Developed Land”.
- 3.29 The land to the east of parcel A shown in purple in the Plan (CD 11.1 Appendix U), previously had structures on it, in the form of caravans and toilet blocks used by construction workers at Heathrow Terminal 5. These were not lawful because they did not have planning permission. In March 2003 an Enforcement Notice was served on this site (Register

No. 343) which required the owner to: *“remove from the Land all caravans/and or mobile homes”*. (CD 10 Appendix B.3)

- 3.30 This was subject to an Enforcement Appeal (APP/J0350/C/03/1115252) where the Inspector concluded that there were no good reasons for allowing the development in the Green Belt (para 8) and so issued a Notice requiring the removal of the caravans and hard standing. There was also a requirement to *“restore the land hatched black to agricultural use by reseeded”*. (CD 10 Appendix B.3 para 13 p5) The caravans have been removed but the land has not yet been returned to agricultural use. Nevertheless it is clear that there are no, and have not been, any lawful permanent structures on this part of the Appeal Site and so it cannot be claimed that it is “Previously Developed Land” on this basis.
- 3.31 The other large area of land in the north west of Parcel A which is coloured green in Plan was granted planning permission at appeal for the use of the land for concrete crushing and screening and inert waste recycling (APPJ/0350/A /09/2096331).
- 3.32 The Inspector found that apart from the possible exception of a lorry park *“the remainder of the site represents unlawful and not just unregulated development”* (CD 10 Appendix B.3 para 5 p2”) Nevertheless the Inspector granted planning permission for *“concrete crushing and screening and inert waste recycling”* included the provision of *“a new plant workshop, a lorry workshop, the retention of an existing fuel store and the provision of a new fuel store, a weighbridge and office accommodation; an aggregates yard; the provision of a toilet block, a restroom and a canteen*

3.33 This was, however, subject to the following conditions:

Condition 28: *Written notification of the date of cessation of the permitted use on the site shall be submitted to the local planning authority not less than 28 days after the use ceases.*

Condition 29: *Within 6 months of the permitted use ceasing, the buildings and structures on the site shall be removed and the site reinstated to agriculture in accordance with a scheme submitted to, and approved in writing by, the local planning authority. The submitted scheme shall include maintenance arrangements, and the site shall thereafter be maintained in accordance with the scheme for a period of five years.*

3.34 The use of the land for concrete crushing and screening and inert waste material storage has ceased and so all of the buildings and structures on the this part of the Appeal Site have to be removed and the site reinstated to be restored to agricultural use. This has not yet happened but it can be seen that the buildings were not permitted on a permanent basis and are no longer lawful. This means that there are no lawful permanent structures on this part of the Appeal Site and so it cannot be claimed that it is “Previously Developed Land” on this basis.

3.35 Having established that there are very few lawful permanent structures on the site it is necessary is establish whether there is any “*fixed surface infrastructure*” on the Appeal Site that might constitute “Previously Developed Land”. The first way that this could qualify is if it was “*associated with*” a lawful permanent structure. None of the

buildings that we have identified as being permanent lawful structures have “*fixed surface infrastructure*” outside of their curtilages and so there is no addition to the amount of “Previously Developed Land” on this basis.

- 3.36 The Glossary in the NPPF states that “Previously Developed Land” *“also includes land comprising large areas of fixed surface infrastructure such as large areas of hardstanding which have been lawfully developed.”* It is recognised that a lot of gravel, stones, road planings and other waste materials have been spread over the site. It is not considered that this constitutes a “fixed surface infrastructure” as defined in the NPPF.
- 3.37 Even if all of this loose material is considered to be hard standing, it is not lawful. The Appeal permission for the use of the northwest part of Parcel A for waste recycling (ref APPJ/0350/A /09/2096331) *included the creation of a new access and the provision of new vehicle and lorry parking* but did not permit any new hard standing on this part of the site. As explained above, now that the waste use has ceased, any material that is there will have to be removed so that it can be replanted and restored to agriculture.
- 3.38 Similarly the in the Enforcement Appeal (APP/J0350/C/03/1115252) against the caravan park that had been developed on the other large part of Parcel A, the Inspector issued a Notice requiring the removal of “*all hard surfacing*” and restoring the land to agriculture by reseeding. (CD 10 Appendix B.3 para 13 p5)
- 3.39 As a result there is no lawful “fixed surface infrastructure”, such as hard standing, on the Appeal Site which could be defined “Previously Developed Land”

- 3.40 Finally it should be noted that the definition of PDL in the Glossary of the NPPF excludes *“land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures.*
- 3.41 The planning history shows that permission was granted for mineral extraction and landfill a long time ago. Subsequent planning history shows that as a result of the land having been restored, it was regarded as being in agricultural use.
- 3.42 As a result of Enforcement Appeal (APP/J0350/C/03/1115252) into the development of caravans on part of the site, the Inspector issued a notice with a requirement to *“restore the land hatched black to agricultural use by reseeded”*. (CD 10 Appendix B.3 para 13 p5).
- 3.43 As explained above the adjoining part of Parcel A , which was granted planning permission at appeal for the use of the land for concrete crushing and screening and inert waste recycling has a condition requiring the restoration of the land to agriculture now that the waste recycling has ceased.
- 3.44 As a result it can be seen that, these two areas were not treated as landfill sites by Inspectors in the past and there are development management procedures in place which require the restoration of the land to agricultural use. This means that these parts of Parcel A cannot be regarded as “Previously Developed Land” based upon any previous use as landfill.
- 3.45 The overall conclusion is therefore that there are only four plots containing the house, HMO, warehouse and car parking near the

entrance to the site that qualify as “Previously Developed Land” in accordance with the definition set out in the Glossary of the NPPF. This means that the vast majority of the site “Greenfield” land.

- 3.46 This means that the Appeal Site cannot be defined as “Previously Developed Land” and so cannot be considered to be “Grey Belt” on this basis.

Contribution to the Green Belt

- 3.47 The definition in the Glossary in the NPPF states that ‘Grey Belt’ can be defined as:

“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.

- 3.48 As a result it is necessary to consider whether the Appeal Site strongly contributes to these three purposes of green belt which are:

- a) to check the unrestricted sprawl of large built-up areas*
- b) to prevent neighbouring towns merging into one another*
- d) to preserve the setting and special character of historic towns*

Sprawl

- 3.49 Past activities on the Appeal Site are good examples of how sprawl can occur on a site in the urban fringe next to a large built up area. The development of the waste recycling facility, with all of its ancillary buildings changed the appearance of the area and encouraged other small businesses to set up. A few, such as the House in Multiple

Occupation were lawful, the rest were not. These included the Caravan Park and the hundreds of airport related cars which were parked in the fields. This sprawl led to the degeneration of this area of Green Belt land.

- 3.50 A combination of the waste operations ceasing and the change of ownership has now created the opportunity to get rid of the sprawl and restore the Green Belt land into a much more attractive state. Some progress has been made in removing the parked cars and the unlawful businesses. The buildings and structures on the waste site have not yet been removed and the land has not been restored to agricultural use. As explained above, the Council has the planning powers in place to ensure that this can happen. This will mean that in future the site will be able to ensure that it plays a strong role in the Green Belt by remaining permanently open and preventing urban fringe sprawl from taking place again.
- 3.51 The other way in which the sprawl of large urban occurs is by allowing non comprehensively planned, incremental developments to take place. The adjoining Hilton Hotel is a good example of how this can take place. (see explanation of planning history in paragraphs 4.46 to 4.49) This is now being used as a precedent to allow more unrestricted sprawl.
- 3.52 The Council has previously considered how the Appeal Site could be developed if the proposed third runway at Heathrow was to go ahead because in the national interest for it to do so. The Council published a document as part of its Emerging Spatial Strategy entitled “Accommodating Growth at Heathrow: Proposals for development in Colnbrook and Poyle”. Section 5 states that:

“The Council will have to consider the most sustainable option to enable the expansion of Poyle Trading Estate for airport related employment uses.” (CD 12.1 sec 5 p15)

- 3.53 As a result it was proposed that the Appeal Site, along with others, should be allocated for airport related employment uses. The important thing was that these proposals were developed as part of the comprehensive planning of the area with a full package of mitigation.

- 3.54 The planning document also made it clear that:

“In the short term the Council will continue to rigorously apply Green Belt and Strategic Gap policies to any proposals that come forward in advance of the future of the airport being resolved. This will prevent development happening in an unplanned way”. (CD 12.1 sec 5 p16)

- 3.55 This is exactly what the Council has been doing by refusing inappropriate development in the Green Belt, such as the Appeal Proposal. This will be completely undermined if the Appeal Proposal is allowed to take place as unplanned incremental sprawl.
- 3.56 In terms of site characteristics, the Government’s “Advice on the role of the Green Belt in the planning system” suggests which illustrative features can be used when making judgements as to whether land is “Grey Belt”. With regard to helping to check the unrestricted sprawl of large built-up areas, it states that areas that contribute strongly to the Green Belt *...are likely to be free of existing development, and lack physical feature(s) in reasonable proximity that could restrict and contain development.*

- 3.57 As explained above the Appeal Site will become almost entirely free of development once all of the waste related buildings and structures are removed. As a result the site scores strongly on this point.
- 3.58 The only feature in reasonable proximity that could restrict and contain development is the large stockpile to the west of the site. There have been many attempts to remove this in the past, including the granting of a planning permission for a 9 hole golf course which would completely remodel the area (P/11388/000). The stockpiles have remained but are still subject to an enforcement Order for their removal and so it cannot be assumed that they would be retained in perpetuity.
- 3.59 The Appellants could also decide to remove the stockpiles because they have advanced plans to build a second data centre on their land as Phase 2 of the Appeal Proposal. They have not shared details as to where this would be located but the two main options would appear to be build on the site of the stockpiles or build further west in the open countryside.
- 3.60 Apart from the stockpiles, the Hilton Hotel forms a boundary to the north but there is nothing to the south of Parcel A apart from the access road and a hedge. There are also no boundaries to the north and west of Parcel B apart from hedges. The effect of the development of Parcels A and B would be to turn the field in between them into an “infilling” plot and it would be difficult to prevent ribbon development from taking place all the way along the Poyle Road, which is exactly the type of development that Green Belts were meant to prevent.
- 3.61 As a result it is considered that the Appeal Site strongly contributes to Green Belt policy in this respect.

- 3.62 The Government's "Advice on the role of the Green Belt in the planning system" states that sites that contribute strongly to the Green Belt purpose of helping to check the unrestricted sprawl of large built-up areas, *...are likely to be adjacent or near to a large built up area and, if developed, result in an incongruous pattern of development (such as an extended "finger" of development into the Green Belt).*
- 3.63 The Appeal Site is adjacent to a large built up area in the form of the Poyle Industrial Estate. If developed, it would breach the Poyle Road which forms a very strong boundary. The scale and nature of the proposal would result in an "incongruous pattern of development" into the Green Belt. If the Appeal Proposal was allowed the Appellants would then be able to bring forward their Phase 2 development which would involve extending a finger of development further into the Green Belt. Whether this would be allowed or not would be at least partly dependent upon whether the Appeal Site has remained open. This demonstrates what a strong role it can play in preventing the sprawl of this large urban area.
- 3.64 The Appeal Site does not have boundaries that are as clear cut or strong or permanent as the Poyle Road and so lacks the physical features that could restrict and development. It is currently largely open and once restored to agricultural use will play a strong role in preventing the sprawl of major development.
- 3.65 As a result it is considered that the Appeal Site strongly contributes to Green Belt purpose a), which is *"to check the unrestricted sprawl of large built-up areas"*. This means that it cannot be considered to be "Grey Belt" for this reason alone.

Merging of Towns

- 3.66 As explained above, the Glossary in the NPPF states that ‘grey belt’ can also be defined as *“land in the Green Belt that does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143.”*
- 3.67 Having established that the Appeal Site contributes strongly to one of the purposes of the Green Belt it is not necessary to consider how it contributes to the other two. Nevertheless it is still helpful to consider how the site contributes to Green Belt purpose b) which is *“to prevent neighbouring towns merging into one another.”*
- 3.68 The key starting point with regards to how the issue of the merging of towns should be considered is the Core Strategy for Slough (2008) which forms part of the Development Plan. The Spatial Strategy for the Slough Core Strategy, which is the main “place shaping” policy, recognises the importance of protecting the very narrow gap between Slough and Greater London. (CD 6.11 para 7.16) As a result, Core Policy 1 (Spatial Strategy) includes the provision that:
- “.... A strategic gap will be maintained between Slough and Greater London....”** (CD 6.11 p21)
- 3.69 The Spatial Strategy then includes a specific policy for the Strategic Gap which is discussed in detail elsewhere in this proof of evidence. The recognition of the importance of maintaining a strategic gap in the Spatial Strategy of the Development Plan means that the Green Belt land within it should also be given more importance both at a local and strategic level.

- 3.70 This means that because of its role in maintaining the strategic gap between Slough and Greater London all of the Green Belt land in the Colnbrook and Poyle area, including the Appeal Site, has a strong collective role to play in preventing neighbouring towns merging into one another.
- 3.71 When considering the role of individual sites, the Government's "Advice on the role of the Green Belt in the planning system" states that areas that contribute strongly to purpose b) are likely to be:

"free of existing development and include all of the following features:

- forming 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*

- 3.72 Parcel B of the Appeal Site is a grassland field which is entirely free of existing development. Parcel A is almost entirely open land, which will be almost completely free of development, which will be restored to agricultural use and so strongly contributes to the Green Belt on that basis.
- 3.73 The extent to which the Appeal Site forms a substantial part of the designated Strategic Gap between Slough and Greater London needs to be seen in the context of the size of this Gap. When they were first being established, Circular 42/55 instructed Local Planning Authorities to establish Green Belts several miles wide 'wherever practicable'. Whilst the Metropolitan Green Belt may stretch several miles to the west, the gap between London and Slough is much smaller and has been gradually shrinking as a result of the expansion of Heathrow and construction of the M25. This means that the only area which

effectively separates Slough from London is Colnbrook and Poyle. In order to be effective the size of the Green Belt gap has to be proportional to the size of the settlements which it is separating. Since London is by far the largest settlement in the country the size of the gap has to be substantial in order to be effective. Unfortunately because of the amount of development that has taken place in the Colnbrook and Poyle area there is not one large area of open land that can be relied upon to provide the gap. The continued effectiveness of the gap is dependent upon all of the fragmented pockets of Green Belt doing their job.

3.74 The largest area of open land is situated between the M4 and A4 Colnbrook bypass. The eastern part of this was proposal for a Strategic Rail Freight Interchange (SRFI), known as the Slough International Freight Exchange (SIFE). This was the subject of an Appeal (APP/J0350/A/12/2171967). Although the proposed development would have filled less than half of this particular part of the gap, the Secretary of State found that *“the totality of the harm to the Green Belt has very substantial weight. In addition, he finds that damage to the Strategic Gap would be irreparable, which adds significant weight against the proposal”*. (CD 10 Appendix B.8 para 39)

3.75 This Appeal site of 8.1 ha forms a substantial part of another important pocket of Green Belt to the west of the Poyle Road. Because it fronts the Poyle Road it makes an even stronger visual contribution to the perception of there being some relief from urban development in this part of the gap. The entire length of the eastern side of Poyle Road is fully developed by the Poyle Trading Estate. This means that the only sense of openness is provided by the Appeal Site, the field in between it and the field at the junction with the Bath Road (Summerlease site).

- 3.76 This latter site was the subject of an appeal (APP/J0350/W/16/3144685) against the Council's refusal of a solar photovoltaic farm. it was noted that the proposed development span in two directions on a corner site. The Inspector concluded that the development would:

Lead to the merging of Poyle and Colnbrook, as the site would no longer be able to provide an important separating between the residential areas to the north and the industrial and commercial development to the south. (CD 10 Appendix B.4 para 18 p5)

- 3.77 The 30m tall data centre on the Appeal site would have a much greater impact than the 3m high panels on the solar farm and would be much more like the industrial and commercial development that the Inspector was referring to. This shows how a single Green Belt site on the Poyle Road can have an important role in maintaining the separation of the residential areas and the Hilton Hotel to the south. The Appeal Site is immediately south of this and, along with the one other open field sandwiched between it, plays an important role in maintaining the impression that there is separation between the major settlements of Slough and Greater London.

- 3.78 As a result it is considered that the Appeal Site, which is in a designated Strategic Gap within one of the most fragmented and vulnerable part of the Metropolitan Green Belt, plays an important role in maintaining visual separation and strongly contributes to Green Belt purpose b) which is *to prevent neighbouring towns merging into one another*. This means that it cannot be considered to be "Grey Belt" on this ground.

Setting of Historic Towns

- 3.79 It is agreed that the Appeal Site makes no contribution to Green Belt purpose d) which is *“to preserve the setting and special character of historic towns”*.
- 3.80 The overall conclusion is that the Appeal Site is not “Grey Belt” because it is not “Previously Developed Land” and it strongly contributes to Green Belt purpose a) *to check the unrestricted sprawl of large built-up areas* and purpose b) *to prevent neighbouring towns merging into one another* .

Section 155 Test

- 3.81 The tests for determining whether a proposal is “appropriate development” in the Green Belt are set out in paragraph 155 of the NPPF which states that:

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

- 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 propose*

Grey Belt Test

- 3.82 The Appeal proposal fails the test in Paragraph 155 a) because the proposed development would not utilise “Grey Belt”.

- 3.83 Since it is necessary for a development to meet all of the requirements of this paragraph it is not strictly necessary to look at the second part. Nevertheless it may be helpful to consider how the Appeal Proposal would undermine the remaining

Undermine remaining Green Belt

- 3.84 This issue has been partly covered above but the results can be summarized as follows:
- 3.85 The effect of the development of Parcels A and B would be to turn the field in between them into an “infilling” plot and in the absence of any effective containment it would be difficult to prevent ribbon development from taking place all the way along the Poyle Road,
- 3.86 The Proposed development would breach the strong established Green Belt boundary along the Poyle Road and further fragment the Green Belt in the area.
- 3.87 The loss of this key single site would undermine the wider collective role that all pockets of Green Belt land have in maintaining the Strategic Gap between Slough and Greater London.
- 3.88 The development of the Appeal Site would encourage the development of Phase 2 in the open Green Belt area to the west. The Appellant’s intentions to progress this can be seen from the Tritax “News Insight”, released in January 2025 which was aimed at shareholders and potential investors. This explains that the 74 acre Manor Farm site *“offers the potential for a further expansion with a possible second phase data centre (“Phase 2”) of 40 MW (both of which are subject to planning).....”* (CD 10 Appendix K.3). They have already signed the

electricity contract which commits them to receiving 40KW of power for the second data centre by 2030.

3.89 It is recognised that the proposed Phase 2 development is not being considered at this inquiry, but the very real prospect of it coming forward, if this Appeal is allowed, can be taken into account in assessing the importance of the Appeal Site in performing a wider Green Belt function.

3.90 As a result it can be seen that the development of the Appeal Site would threaten the integrity of the area of Green Belt around it and undermine the role that all Green Belt sites have in preserving the strategic gap between Slough and Greater London.

Need

3.91 Paragraph 155 b) of the NPPF also states that:

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

b. There is a demonstrable unmet need for the type of development proposed

3.92 Footnote 56 to Paragraph 155 of the NPPF explains that the level of need that is being referred to is the equivalent of *“the lack of a five year supply of deliverable housing sites”*

3.93 The need for data centres cannot be compared to the need for housing for which there are Government targets. In determining the second Appeal for a data centre at Woodlands Park

(APP/N0410/W/22/3307420), the Secretary of State made it clear that *“she does not consider that the weight which may attach to housing supply is an appropriate comparator in this case”*. (CD 7.1 para 18 p4)

- 3.94 The extent to which there is a need for a data centre on the Appeal Site is considered at length in Section 2 of this proof and so it is not necessary to repeat this at any length again. The main conclusions can be summarised as follows. Previous predictions of the “quantitative” need for data centres in the SAZ are completely unrealistic. Whatever the need for data centres in Slough may be, it will not be restricted by a shortage of sites but a severe shortage of electricity supply. There is an ample supply of preferable alternatives to the Appeal Site on the Trading Estate and elsewhere Slough Availability Zone, which are better located and are generally on brown field sites within the urban area.
- 3.95 As a result there is not a *“demonstrable unmet need for the type of development proposed”*. As a result, on this ground alone, the Appeal Proposal cannot be considered to be “appropriate” development in the Green Belt in accordance with Policy 155 (b) of the NPPF.
- 3.96 In conclusion this means that the Appeal proposal does not meet three of the required tests for it to be considered “appropriate development” in the Green Belt as set out in paragraph 155 of the NPPF because it would not *“utilise grey belt land”*, it would *“fundamentally undermine the purposes of the remaining Green Belt across the area of the plan”* and there is not a *“demonstrable unmet need for the type of development proposed”*.

GREEN BELT ASSESSMENT

- 3.97 The forensic examination of all of the possible ways in which that the Appeal Proposal could be considered to be “appropriate development” has demonstrated that it has to be defined as being “inappropriate” development in the Green Belt. This means that it is now possible to carry out a Green Belt assessment on this basis. Although many of the issues have already been addressed above, it is helpful to bring these all together in a straightforward Green Belt assessment.

Base Line

- 3.98 It is important that the Green Belt assessment is carried out using the correct base line. The Appellant’s Planning Statement states:
“..... the proposed development will result in a minimal level of harm to the Green Belt. This is principally due to the existing industrial activities which result in the land underperforming and making a limited contribution to the role, function and the purposes of the Green Belt”
(CD 2.25 para 8.3)
- 3.99 The conclusion that the development will only result in a “minimal” level of harm to the Green Belt is therefore based upon a comparison with the “existing” industrial activities on the site and the fact that the land is currently underperforming in Green Belt terms.
- 3.100 As explained above, many of the activities that have taken place on the site, such as the parking of airport cars, are unlawful. Most of these have now been removed. As a result of the appeal decision (APP/J0350/C/03/1115252) for the caravan park on the site there is an

Enforcement Notice which requires this part of the Appeal Site to be restored to agricultural use. This has not yet happened but now is an opportune time to enforce this.

- 3.101 The conditions that were applied to the permission granted on Appeal (APPJ/0350/A /09/2096331) for the waste recycling facilities also require all of the buildings to be demolished and the land restored to agricultural use once the recycling use ceases. These activities have ceased but the land has not yet been restored. If necessary this can be enforced through a Breach of Condition Notice
- 3.102 What this means is that, for the purposes of this Green Belt assessment, the whole of parcel B and all but a very small part of Parcel A should be regarded as “Greenfield” agricultural land. When this is taken as the correct baseline, it simply cannot be true that the proposed development would only have a “minimal” level of harm upon the Green Belt.
- 3.103 The use of an incorrect base line must also bring into question the validity of the Appellant’s conclusions with regards to the individual elements of the Green Belt Assessment which are considered below.

Openness

- 3.104 Paragraph 142 of the NPPF states that:

The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

3.105 As a result it is necessary to consider the impact of the proposal upon the openness of the site. The Government's "Advice on the role of the Green Belt in the planning system" has a section on "What factors can be taken into account when considering the potential impact of development on the openness of the Green Belt?" This states that:

Assessing the impact of a proposal on the openness of the Green Belt, where it is relevant to do so, requires a judgement based on the circumstances of the case. By way of example, the courts have identified a number of matters which may need to be taken into account in making this assessment. These include, but are not limited to:

- openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume*
- the duration of the development, and its remediability – taking into account any provisions to return land to its original state or to an equivalent (or improved) state of openness*
- the degree of activity likely to be generated, such as traffic generation*

3.106 As a result it is necessary to assess both the extent of the spatial loss of openness on the site and the visual impact of the loss of openness.

3.107 The whole of Parcel B is currently open arable land. As a result the development of the battery storage facility will result in the complete loss of openness on this part of the Appeal Site.

3.108 As explained above the proper base line for considering Parcel A is that nearly all of it is open and the vast majority of it should be

regarded as “Greenfield” agricultural land. This means that the Appeal Proposal will result in a significant amount of openness.

- 3.109 The application form states that 2,530m² of floorspace will be demolished. (CD 1.1) Some of this will be the plant workshop, lorry workshop, weighbridge and office accommodation, toilet block, restroom and canteen which were all allowed on Appeal as part of the permission for concrete crushing and screening and inert waste recycling. As explained above, now that this use has ceased, these buildings will have to be demolished in any case in accordance with the conditions imposed by the Inspector who allowed the development on Appeal (APP/J/0350/A /09/2096331). (CD 10 Appendix B.3 Conditions 28 and 29 p14)
- 3.110 In contrast the Schedule of development shows that it is proposed to construct 42,244 m² of floorspace. This does not however, include any figures for the batteries on Parcel B that are not given any floorspace. (CD 1.36 p 86) increase in floorspace being proposed in the Green Belt
- 3.111 In terms of land take, the Schedule of Development shows that the area for the proposed secured perimeter which the data centre, office and guard house will sit in is 36,368 m². The substation secured perimeter is 6,353 m² and the two secured perimeters for the BESS are 7,661 m² and 1,355 m² which gives a total of 51,737 m². (CD 1.36 page 86.) This means that around 5 hectares of previously open Green Belt land will be lost to development. As a result it can be seen that in spatial terms there will be a significant loss of openness across the Appeal Site due to the size, bulk and spread of the proposed Appeal Development.

3.112 In terms of the visual impact that the proposed development will have on the openness of the Green Belt, the Appellant's Planning Statement claims that:

The development of the northern parcel of land will result a significant visual improvement compared to the open-air storage and industrial activities that currently occur. (CD 2.25 para 8.4)

3.113 This ignores an number of points. Firstly there is no open air storage or industrial activity on parcel B which is a grass field. Secondly, all of the evidence set out in the Appellant's Landscape and Visual Impact Assessment shows that the open air storage and the vast majority of the industrial activities on Parcel A cannot be seen from the Poyle Road [or anywhere else] This is because of the existence of a substantial hedge along the Poyle Road and the fact that the things stored on the site, like the airport cars, are not very big.

3.114 Thirdly it does not use the correct baseline for making this visual assessment. It does not take account of the fact that a large part of Parcel A will be restored to agricultural land which will be a significant improvement compared to what the Green Belt site currently looks like.

3.115 Finally it takes no account of the fact that the development of the 30 m high data centre on the Appeal Site will be seen from the Poyle Road as demonstrated by the Appellant's Landscape and Visual Impact Assessment (CD 1.45) This will cause significant visual harm to the appearance of the Green Belt land which should be kept permanently open.

3.116 The proposal of a solar photovoltaic farm on the site on the Poyle Road to the north of the Appeal Site (Sumerleaze site) was the subject of an

appeal (APP/J0350/W/16/3144685). This involved the erection of 3 metre high PV panels over an area of approximately 10 hectares enclosed by a 2.4 metre high fence. (CD 10 Appendix B4 para 16 p5) Because of their nature the PV panels would not be very visible from the Poyle Road because of the existing and proposed landscaping. Nevertheless the Council argued at the appeal that “*you cannot make inappropriate development in the Green Belt acceptable by screening it from view*” (CD 10 Appendix B.4 para 17 p5)

- 3.117 The Inspector’s conclusions on this are set out in paragraph 63 of his report which states:

The Framework makes it clear at Paragraph 79 that the essential characteristics of the Green Belt are their openness and permanence, so any reduction in these characteristics would also be harmful. In this case, the scale and location of the proposal, with rows of solar panels and fencing, internal service tracks, transformer and inverter stations, cabling, CCTV, landscaping, substations and ancillary cabins, would make it a conspicuous development within two open fields. As such the proposal would erode the openness of the Green Belt. What is more, these structures would be visible from parts of Poyle Road, the hotel to the south of the site and also from the nearby residential dwellings on Bath Road. This prominence would serve to exacerbate and emphasise its intrusiveness and incongruous appearance in the Green Belt in these agricultural fields.” (CD 10 Appendix B.4 para 63 p 13)

- 3.118 It should be noted that conspicuous development that would erode the openness of the two open fields would mainly consist of 3m high panels. These would be comparable to the proposed battery storage facility on one of the open fields in the Appeal Site. The proposed 30m tall data centre on the other open field within the Appeal Site would be

much more conspicuous and so would erode the openness of the Green Belt even more.

3.119 People travelling along the Poyle Road will get several clear views of the proposed “big box” industrial style building despite the retention of the hedge and the proposed additional planting. Appendix E of the Appellant’s Landscape and Visual Impact Assessment (CD 1.45) includes a number of “Accurate Visual Representations of The Proposed Development”. This shows in VP05B “view travelling north on Poyle Road” that a section of the three storey data centre will be seen even in year 15. View VP05C which is another “view travelling north on Poyle Road” shows that virtually the whole of the data centre will be visible even in year 15. This is once again confirmed in in VP05B “view travelling north on Poyle Road”. The Appendix does not show the equivalent view from the entrance road which would not only announce that the data centre was there, but provide views into the site.

3.120 As a result it can be seen that the proposed data centre development would have a much more harmful visual impact upon the openness of the Green Belt than the solar farm that was refused on a very similar site nearby.

3.121 Whilst it is accepted that the proposed battery storage facility on Parcel B would be less visible, the Inspector for the Solar farm appeal helpfully refers to case law in the form of *Timmins v Gedding Borough Council [2014] EWHC 654* which found that “Any construction in the Green Belt harms openness Irrespective of its actual visual impact.” (CD 10 Appendix B.4 para 64 p 13)

3.122 In refusing the appeal the Secretary of State concluded that:

He agrees with the Inspector that the proposal would represent inappropriate development in the Green Belt and would reduce its openness.” (CD 10 Appendix B.4 para 21 p4)

3.123 The Council considers that exactly the same conclusion should be reached with the Appeal Proposal which, because of its bulk and size would reduce the openness of the Green Belt even more.

3.124 This means that substantial weight should be given to the fact that the proposed development on the Appeal site would cause severe harm to the openness of the Appeal Site because of the substantial increase in the size and scale of the built form and would cause significant harm to the openness of the Green Belt because of its visual impact.

Purposes of Green Belt

3.125 In addition to the loss of openness it is necessary to assess the harm that the proposed development will cause to the other purposes of retaining land in the Green Belt. Paragraph 143 of the NPPF explains that these are:

- (a) to check the unrestricted sprawl of large built-up areas;*
- (b) to prevent neighbouring towns merging into one another;*
- (c) to assist in safeguarding the countryside from encroachment;*
- (d) to preserve the setting and special character of historic towns; and*
- (e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.*

3.126 Purpose (d) regarding the preservation of the setting of historic towns is not relevant to this Appeal but all of the others are.

3.127 Dealing with each of the purposes of including land in the Green Belt in turn an assessment can be made of the level of harm that the development will cause to the Green Belt on the Appeal Site.

Sprawl

3.128 The Government's "Advice on the role of the Green Belt in the planning system" states that with regard to helping to check the unrestricted sprawl of large built-up areas, sites that contribute strongly to the Green Belt *...are likely to be adjacent or near to a large built up area and, if developed, result in an incongruous pattern of development (such as an extended "finger" of development into the Green Belt)*. It also states that areas that contribute strongly to the Green Belt *...are likely to be free of existing development, and lack physical feature(s) in reasonable proximity that could restrict and contain development*.

3.129 The extent to which the Appeal Proposal would result in unrestricted sprawl is considered in detail in paragraphs 3.49 to 3.65 above. As a result it is not intended to repeat this here. The overall conclusions were as follows.

3.130 The Appeal site has suffered from urban fringe type sprawl in the past with for example hundreds of airport related cars parked in the fields. These are now being cleared and with the waste recycling use now ceasing there is the opportunity to remove this sprawl and return much of the site to agricultural use. This means the Appeal Site will be largely free of existing development.

- 3.131 If the Appeal Site is developed it does not have sufficient clear defensible boundaries in all directions that would be able to contain development. The old spoil tips to the west of Parcel A are physical features in close proximity to the site and have the potential to contain development in this direction. These are still subject to an Enforcement Notice which requires their removal. It should also be noted however that the Appellants are proposing a second phase of development on land within their ownership to the west of the Appeal Site. As a result it cannot be assumed that these will be retained in their present form.
- 3.132 The Appeal Site is adjacent to a large built up area in the form of the Poyle Industrial Estate. If developed, it would breach the very strong boundary of the Industrial Estate which is formed by the Poyle Road and its scale and nature would result in an “incongruous pattern of development” into the Green Belt.
- 3.133 It should be noted that in the appeal (APP/J0350/W/16/3144685) against the Council’s refusal of a solar photovoltaic farm on a site to the north of the current Appeal site on the junction of Poyle Road and the Bath Road, the Inspector concluded that the development would fail to check unrestricted urban sprawl. In refusing the appeal the Secretary of State concluded that: *He agrees with the Inspector that the proposal would represent inappropriate development in the Green Belt and would reduce its openness and would fail to check unrestricted urban sprawl.*” (CD 10 Appendix B.4 para 21 p4)
- 3.134 As a result it is concluded that the proposed development on the Appeal site would cause severe harm and conflict with Green Belt purpose a), which is *to check the unrestricted sprawl of large built-up areas*. This should be given significant weight in the overall Green Belt assessment.

Merging of neighbouring towns

3.135 Green Belt purpose b) is *to prevent neighbouring towns merging into one another*. The Government's "Advice on the role of the Green Belt in the planning system" states that assessment areas that contribute strongly to purpose b) are likely to be:

"free of existing development and include all of the following features:

- forming 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*

3.136 The extent to which the Appeal Proposal would result the "merging of Towns" is considered in detail in paragraphs 3.66 to 3.78 above. As a result it is not intended to repeat this here. The overall conclusions were as follows.

3.137 The Appeal Site is within a designated Strategic Gap which the Spatial Strategy for the Core Strategy for Slough (2008) states should be maintained between Slough and Greater London. (CD 6.11p21) This means all of the Green Belt land in the Colnbrook and Poyle area, including the Appeal Site, has a strong collective role to play in preventing neighbouring towns merging into one another.

3.138 Because it fronts the Poyle Road the Appeal Site makes an even stronger visual contribution to the perception of there being some relief from urban development in this part of the gap. The entire length of the eastern side of Poyle Road is fully developed by the Poyle Trading Estate. This means that the only sense of openness is provided by the

Appeal Site, the field in between it and the field at the junction with the Bath Road.

3.139 The Appeal Site therefore makes a strong visual contribution to the perception of there being some separation between Slough and Greater London.

3.140 As a result it is considered that the proposed development on the Appeal site would cause significant harm and conflict with Green Belt purpose b), which is to *prevent neighbouring towns merging into one another*. This should be given significant weight in the overall Green Belt assessment

Safeguarding the Countryside from Encroachment.

3.141 Green Belt purpose (c) is *to assist in safeguarding the countryside from encroachment*.

3.142 The whole of Parcel B is open agricultural land. As a result the piecemeal development upon this site would result in encroachment into the countryside.

3.143 As explained above, a result of the appeal decision (APP/J0350/C/03/1115252) for the caravan park on the site there is an Enforcement Notice which requires this part of the Appeal Site to be restored to agricultural use. This has not yet happened but this can now happen in conjunction with the adjoining part of Parcel A.

3.144 This is because conditions that were applied to the permission granted on Appeal (APPJ/0350/A /09/2096331) for the waste recycling facilities require all of the buildings to be demolished and the land restored to

agricultural use once the recycling use ceases. These activities have ceased but the land has not yet been restored.

3.145 This means that there is now the opportunity to regrade and reseed the site the vast majority of this part of the Appeal Site so that it can be restored it to agricultural use. This means if the Appeal is dismissed it won't just safeguard the countryside from development but also allow a positive improvement to be made.

3.146 It should be noted that in the appeal (APP/J0350/W/16/3144685) against the Council's refusal of a solar photovoltaic farm on a site to the north of the current Appeal site on the junction of Poyle Road and the Bath Road, the Secretary of State concluded in paragraph 21 of the decision letter that the development would fail to assist in safeguarding the countryside from encroachment. (CD 10 Appendix B.4 para 21 p 4)

3.147 It is considered that exactly the same conclusion can be drawn with the Appeal Proposal. As a result it is considered that the Appeal Proposed would cause significant harm and conflict with Green Belt purpose (c) which is *to assist in safeguarding the countryside from encroachment*. This should be given significant weight in the overall Green Belt assessment

Assist Urban Regeneration

3.148 Green Belt purpose (e) is *to assist in urban regeneration, by encouraging the recycling of derelict and other urban land*.

3.149 The refusal of the Appeal proposal could make a small contribution to this objective by encouraging and allowing development to take place on one of the many alternative sites that have been identified for

development within the urban area. This should be given limited weight in the overall Green Belt assessment

Very Special Circumstances

3.150 Having established that the proposal does not constitute “appropriate development” and demonstrated the harm that it would cause to the Green Belt, it is necessary to consider whether there are any “very special circumstances” that can be weighed in favour of the proposed development.

3.151 This is because Paragraph 153 of the NPPF states that:

Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

3.152 Paragraph 8.4 of the Appellant’s Planning Statement set out all of the reasons why they consider that there are “very special circumstance” which outweigh the harm to the Green Belt. The first two are that:

- *There is a clear and urgent need for data centres and BESS, both of which are considered to be critical infrastructure of national importance.*
- *The Alternative Sites Assessment that will be submitted in support of the planning application provides evidence*

that there are no suitable and available alternative sites. (CD 2.25 para 8.4)

3.153 Both of the Alternative Sites Assessments that have been submitted by the Appellant have concluded that there are “*no suitable alternative sites*”. As demonstrated above, in the section on “need” , this is not correct. There are in fact a large number of alternative sites available which are capable of meeting the need for data centres in the Slough Availability Zone.

3.154 As a result there is no “need” for the Appeal Proposal in this Green Belt location and this should not be given any weight in determining whether there are “very special circumstances”.

3.155 The Appellants claim there will be a lot of benefits resulting from the proposed development which include:

- *Contribution to the global incentive to reduce greenhouse gas emissions, and the national incentive to increase energy security through the delivery of battery storage facilities to support renewable energy schemes, as per paragraph 165 of the NPPF.*
- *It is expected to result in substantial economic benefits for the local area, by providing:*
 - *up to 490 FTE construction jobs*
 - *c.65 FTE operational jobs*
 - *a GVA of £5.98 million*
 - *£3.5 million business rate revenue to Slough Borough Council.*
- *Within the context of the need for the uses proposed, there are clear locational advantages to the Site in meeting*

that need within the Slough Availability Zone. The Slough Availability Zone is critical the economic success of London, and therefore the UK. Failure to delivery additional data centre capacity in this location will not only materially impact economic growth in Slough (IT related jobs directly account for 14% of the Slough economy - approximately 1 in 10 jobs), but significantly UK economic growth

- The proposals will provide diverse, high-quality jobs within the technology sector to ensure that Slough residents are able to benefit from the economic activity that takes place within the borough.*
- Reduced CO2 emissions associated with the use of cloud services in data centres, which is more energy efficient than office based or small datacentre infrastructure.*

3.156 Whilst all of these can be seen as beneficial, they can equally be provided through the development of any of the other numerous alternative sites for data centres and are not specific to this site. As explained in Section 2 above it is not considered that these benefits are necessarily deliverable because of the uncertainty of the future of the site pending a decision as to whether the proposed third runway at Heathrow will go ahead. As a result these general benefits do not constitute “very special circumstances”.

3.157 The Appellant also claims that there will be a number of other benefits to the site if the Appeal proposal were to go ahead: These include:

- The development will result in a reduction in vehicular trips compared to the activity currently permitted on site.*
- The redevelopment of the northern parcel of land represents the re-use of previously developed land in accordance with*

the Government's ambition to make effective use of land to meet development needs.

- The development of the northern parcel of land will result a significant visual improvement compared to the open-air storage and industrial activities the currently occur.*
- The proposed development has a high-quality design, adopting a best-in-class approach to the delivery of data centres, raising the bar for those the follow behind.*
- The application proposals includes enhancements to biodiversity and improved accessibility to existing green space and will achieve on Site Biodiversity Net Gain in excess of 10%.*

3.158 The number of vehicle trips to the site will be greatly reduced once the unlawful use of the site for activities such as airport parking stop. At the same time, now that the waste recycling activity has ceased, there is a requirement to remove all of the buildings and restore this part of the site to agricultural use. As a result the future level of trips to the site will be greatly reduced without the development taking place and the number of these trips are not considered to be an issue in Green Belt terms.

3.159 As explained above, only a very small part of Parcel A is "Previously Developed Land" and none of Parcel B is either. The development of large area of "Greenfield" land" is not part of the Government's ambition.

3.160 The removal of unauthorised uses and cessation of the waste recycling activity, combined with the removal of the buildings, will result in a significant visual improvement of the land whereas the proposed 30

metre tall development, which would be clearly seen from the Poyle Road, would result in significant visual harm to the Green Belt which is meant to stay permanently open.

- 3.161 The quality of the architectural design is not relevant to Green Belt considerations since it cannot disguise the scale and massing of the proposed building.
- 3.162 The removal of all of the aggregates and other material that has been spread over Parcel A, which will have to take place as part of the requirement to reseed the land and restore it to agricultural use. This will result in an enhancement to biodiversity without the proposed development taking place.
- 3.163 As a result none of the benefits put forward by the Appellant constitute “very special circumstances” and there are no other “very special circumstances” which would clearly outweigh the substantial harm to the Green Belt.

Overall Conclusion on Green Belt

- 3.164 The Colnbrook and Poyle area is recognised as being one of the most fragmented and vulnerable parts of the entire Metropolitan Green Belt. It is all that remains of the Strategic Gap between Slough and Greater London. It also forms part of the Colne Valley Regional Park.
- 3.165 The Green Belt in the Colnbrook and Poyle area also suffers from urban fringe type activities and the unauthorised use of land.

- 3.166 The fact that the Green Belt in the Colnbrook and Poyle area may not necessarily pristine and is so fractured does not make it less important. In fact it strengthens the case for ensuring that the remaining open areas are permanently protected in order to prevent urban sprawl and help to contribute to the other functions of the Green Belt. This is particularly important with the Appeal Site where we now have the opportunity not just to safeguard the countryside from development but also allow a positive improvement to be made.
- 3.167 The Appeal Proposal is not the type of “appropriate” development that is allowed in the Green Belt in accordance with Paragraph 154 of the NPPF
- 3.168 Paragraph 155 of the NPPF states that a site could be considered to be “appropriate” development was utilising “Grey Belt”.
- 3.169 One way that that the Appeal Site could qualify as “Grey Belt” is if it was “Previously Developed Land”.
- 3.170 Parcel B is an open grassed field. and so it is not therefore “Previously Developed Land”.
- 3.171 Most of the eastern half of Parcel A is subject to an Enforcement Notice which requires the land to be restored to agricultural use by reseeded.
- 3.172 There are no permanent structure and any fixed surface infrastructure on this part of the site which means that it is not “Previously Developed Land”.

- 3.173 The western part of Parcel A has structures on it as a result of granted planning permission at appeal for the use of the land for concrete crushing and screening and inert waste recycling and the erection of buildings. This permission is subject to a condition which requires the buildings and structures on the site to be removed and the site reinstated to agriculture if the use ceases. The waste recycling use has now ceased and so the whole of this part of the Appeal Site will have to be reinstated to agriculture and will not therefore be “Previously Developed Land”.
- 3.174 There four plots containing the house, HMO, warehouse and car parking near the entrance to the site that qualify as “Previously Developed Land” but this represents a very small portion of the Appeal site This means that the vast majority of the site “Greenfield” land that cannot be defined as “Previously Developed Land” and so cannot be considered to be “Grey Belt” on this basis.
- 3.175 The second reason that the Appeal Site could be considered “Grey Belt”, in terms of Paragraph 155 of the NPPF, is if it didn’t strongly contribute to Green Belt purpose a), which is “to check the unrestricted sprawl of large built-up areas” and purpose b) which is to prevent neighbouring towns merging into one another.
- 3.176 The Appeal Site has previously suffered from the sprawl of unauthorised activities upon it but there is now the opportunity to clear it up and restore it to agricultural land. It does not have boundaries that are as clear cut or strong or permanent as the Poyle Road and so lacks the physical features that could restrict and development further ribbon development. As a result by keeping it open, the Appeal Site strongly contributes to preventing the sprawl of development from a large built up area. It cannot be considered “Grey Belt” on this ground.

- 3.177 The Appeal Site also plays an important role in maintaining visual separation within a designated Strategic Gap and therefore strongly contributes *to prevent neighbouring towns merging into one another*. This means that it cannot be considered to be “Grey Belt” on this ground either.
- 3.178 As a result the Appeal Site cannot be considered to be “Grey Belt” which means that it cannot qualify to be “appropriate” development in the Green Belt in accordance with Paragraph 155 (a) of the NPPF.
- 3.179 The second part of the test in this Paragraph (a) that a development must also pass is that it would not fundamentally undermine the purposes of the remaining Green Belt across the area of the plan.
- 3.180 The proposed development would however breach the strong established Green Belt boundary along the Poyle Road and threaten the integrity of the area of Green Belt around it, and undermine the role that all Green Belt sites have in preserving the strategic gap between Slough and Greater London. As a result it would fundamentally undermine the purposes of the remaining Green Belt across the area of the plan and so cannot be considered appropriate development on this ground.
- 3.181 Paragraph 155 (b) states that development in the Green Belt should also not be regarded as inappropriate, is if there is a demonstrable unmet need for the type of development propose. There is an ample supply of preferable alternatives to the Appeal Site on the Trading Estate and elsewhere Slough Availability Zone, which are better located and are generally on brown field sites within the urban area. As

a result there is not a demonstrable need for a data centre in this location.

3.182 As a result the Appeal Proposal does not meet the criteria set out in Paragraphs 143 and 155 of the NPPF and cannot be considered to be “appropriate” development in the Green Belt.

3.183 Having established that the proposal does not constitute “appropriate development” and demonstrated the harm that it would cause to the Green Belt, it is necessary to consider whether there are any “very special circumstances” that can be weighed in favour of the proposed development.

3.184 The demonstrable harm that Appeal Proposal would cause to the Green Belt can be summed up as follows:

3.185 Around 5 hectares of previously open Green Belt land will be lost to development. This means that in spatial terms there will be a significant loss of openness across the Appeal Site due to the size, bulk and spread of the proposed Appeal Development.

3.186 The proposed 30m tall data centre on the other open field within the Appeal Site would be very conspicuous from the Poyle Road so would erode the visual openness of the Green Belt.

3.187 The Proposed development would breach the very strong boundary of the Industrial Estate which is formed by the Poyle Road and its scale and nature would result in an “incongruous pattern of development” into the Green Belt. As a result it would fail to check the unrestricted sprawl of development from a large built up area.

3.188 The Appeal Site makes a strong visual contribution to the perception of there being some separation between Slough and Greater London within the Strategic Gap. As a result it would fail to prevent neighbouring towns merging into one another.

3.189 Parcel B is a grass field. There is now the opportunity to restore the majority of Parcel A back to agricultural use. As a result the retention of the Appeal Site as open land won't just safeguard the countryside from encroachment but also allow a positive improvement to be made.

3.190 As a result it is considered that that substantial weight should be given the demonstrable harm that Appeal Proposal would cause to the Green Belt.

3.191 Paragraph 153 of the NPPF states that:

Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

3.192 The Appellants have argued that there are "very special circumstances" that can be weighed in favour of the proposed development.

3.193 They have argued that there is a clear and urgent need for the data centre, but there are in fact a large number of alternative sites available in the Slough Availability Zone which are capable of meeting the need for data centres in a less harmful way.

- 3.194 The Appellants have argued that there are a number of other benefits associated with the Appeal Proposal but these could equally be provided through the development of any of the other numerous alternative sites for data centres and are not specific to this site. It not considered that these benefits are necessarily deliverable because of the uncertainty of the future of the site pending a decision as to whether the proposed third runway at Heathrow will go ahead.
- 3.195 As a result it is not considered that there aren't any "very special circumstances" that outweigh the demonstrable harm to the Green Belt that the Appeal Proposal would cause.
- 3.196 The Council would therefore have refused the planning application on the grounds that the proposed development would cause significant harm to this fragmented and vulnerable part of the Green Belt and there is no overriding demand or sufficient deliverable benefits to constitute the "very special circumstances" that are necessary to overcome the presumption against inappropriate development in the Green Belt.

STRATEGIC GAP

- 4.1 The Council would have refused the planning application on the grounds that:

The proposed development would result in the further coalescence of Slough and Greater London and the further loss of the separate identity of Slough. It has not been demonstrated that it is essential for the proposed data centre and battery storage facility to be in this location within the Strategic Gap between Slough and Greater London and so it is contrary to Core Policy 2 (Green Belt and Open Spaces) and Core Policy 1 (Spatial Strategy) of the Slough Local Development Framework Core Strategy 2006-2026, Development Plan Document, December 2008.

- 4.2 The Appeal site is within the Strategic Gap between Slough and Greater London as defined in the Slough Core Strategy (2008). Since it is almost entirely open land which is outside of the built up area, it has to be considered against Core Policy 2 (Green Belt and Open Spaces). (CD 6.12 para 7.30). This is an additional test to Green Belt policy, which has been found to be a “Higher bar” to development. As a result even if the Appeal proposal is found to be acceptable in Green Belt terms it still has to meet the requirements of the Strategic Gap policy.
- 4.3 The strategic importance of the gap can be seen in the plan in the Appellant’s Design and Access Statement (CD 1.36 p14) This shows that Heathrow Airport forms the edge of London alongside the M25 motorway. The Plan shows that there are not many places where this

happens. There are even fewer places where development is contiguous to the outside of the M25, but the Colnbrook and Poyle area is one of them. Immediately to the west of this is the conurbation of Slough.

- 4.4 There is still some open land in the Colnbrook and Poyle area which is why the plan does not show it as being developed. If, however, this were to be built upon and the area completely urbanised Slough would become conjoined with London and lose its separate identity.

Policy Background

- 4.5 There is a long planning history of having a gap between Slough and London, in order to maintain the separate identity of Slough, which had its origins in the Berkshire Structure Plan. (CD 10.2 Appendix A.2(a) para 7.30) The Local Plan for Slough (2004) explains that:

“The area to the east of Slough is important in that it defines the character of the area, separates Slough from other settlements, provides desirable contrast between the built up area and the countryside and, importantly, breaks up the contiguous area of built development”. (CD 10.2 Appendix A.2(a) para 7.31)

- 4.6 The Local Plan also explains that Green Belt policies were not enough to preserve it and so the planning policy framework needed to afford this important gap additional protection. (CD 10.2 Appendix A.2(a) para 7.31) As a result Local Plan Policy CG9 (Strategic Gap) states:

Any proposal which threatens the clear separation or the role of open land within the strategic Green Belt Gap

between the Slough urban area and Greater London will not be permitted. (CD 6.7 p 127)

- 4.7 This Local Plan policy was superseded by the Slough Core Strategy (2008). The Spatial Strategy for the Core Strategy, which is the main “place shaping” policy for the plan, recognises the importance of protecting the very narrow gap between Slough and Greater London. (CD 6.16 para 7.16) As a result, Core Policy 1 (Spatial Strategy) includes the provision that:

“.... A strategic gap will be maintained between Slough and Greater London....” (CD 6.16 p21)

- 4.8 Paragraph 7.6 of the Core Strategy explains that:

“The remaining land open land in Colnbrook & Poyle, east of Langley/Brands Hill, is particularly important because it forms part of the Colne Valley Park and acts as a strategic gap between the eastern edge of Slough and Greater London. Additional restraint will therefore be applied to this fragmented and vulnerable part of the Green Belt which will mean that only essential development that cannot take place elsewhere will be permitted in this location.” (CD 6.12 p23)

- 4.9 As a result, Core Policy 2 (Green Belt an Open Spaces) states that:

Development will only be permitted in the Strategic Gap between Slough and Greater London and the open areas of the Colne Valley Park if it is essential to be in that location.

- 4.10 In his High Court judgement on the Goodman Case (Case No: CO/4217/206) Mr Justice Holgate concluded:

“It is plain that CP2 proceeds on the basis that the “very special circumstances” test set out in Green Belt policy is insufficiently strong to protect the vulnerable Strategic Gap and one of its purposes of preventing coalescence” (CD 10.2 Appendix B.9 para 54 p19)

- 4.11 The first major test of this policy came not as a result of a planning application in Slough, but as a result of a proposal for a Strategic Rail Freight Interchange (SRFI) in Radlett, Hertfordshire. At the appeal into this SRFI one of the alternative sites considered was the land north of Colnbrook bypass in Slough, where the proposal known as the London Intermodal Freight Exchange (LIFE) had previously been dismissed at Appeal. Nevertheless in October 2010 the Secretary of State dismissed the appeal for the proposal at Radlett because he considered that a SRFI at Colnbrook could be less harmful and so the very special circumstances needed to justify the grant of permission for the Radlett scheme in the Green Belt had not been demonstrated.

- 4.12 This was challenged by the appellants Helioslough in the High Court and in July 2011 the decision to dismiss the Radlett appeal was quashed. Mr Justice Jarman held that the Secretary of State had:

“misconstrued CP2 in SBC’s Core Strategy and had consequently failed to treat the Strategic Gap policy as an additional restraint for the Colnbrook SRFI over and above Green Belt policy.” (quoted from para 9 of Goodman 2017 High Court decision) (CD 10 Appendix B.9)

- 4.13 A second proposal for a Strategic Rail Freight Interchange (SRFI) on land to the north of the Colnbrook, known as the Slough International Freight Exchange (SIFE) was submitted in 2014..
- 4.14 At the Appeal (APP/J0350/A/12/2171967) the status of the Strategic Gap policy and its compliance with the NPPF was considered at length. The Inspector recognized that “Core Policy 2 imposes *“an additional policy constrain beyond that which follows from the site’s location in the Green Belt”*. (CD 10 Appendix B.9 para 12.21 p86)
- 4.15 In 2017 Goodman, the promoters of the SRFI, went to the High Court to challenge the Secretary of State’s refusal of the SIFE proposal. (Case No: CO/4217/206) Ground (2) stated:

The SSCLG failed to interpret correctly and apply CP2 SBC’s Core Strategy in relation to development within the Strategic Gap and the Colne Valley Regional Park and/or failed to explain how he had treated the appeal proposals against that policy”
(CD 10 Appendix B.9 para 11.)

- 4.16 In his judgement of April 2017 Mr Justice Holgate summarised the Inspector’s report and decision letter on this matter as follows:

The Strategic gap is particularly important. It is a fragmented and vulnerable part of the Green Belt. The very high bar set by CP2 is merited because of the need to distinguish this particularly sensitive area of the Green Belt. The policy should be given full weight as a key component of the development plan for Slough. (CD 10 Appendix B.9 page 7)

- 4.17 Mr Justice Holgate also considered the argument as to whether the proposed development itself had to be “essential” in order to comply with Core Policy 2 and he concluded that:

Even if no other site is available for that purpose, it would not be a natural use of language to say “it is essential for a development to be in the Strategic Gap” if the development itself is not essential”. (CD 10 Appendix B.9 para 56.)

- 4.18 As a result the appeal was dismissed and the validity of the Strategic Gap policy, as interpreted by the Secretary of State, was upheld. This means that it is agreed in law that Core Policy 2 imposes a “stringent test over and above ordinary Green Belt policy which requires “very special circumstances” for development to take place. It is therefore a “higher bar” to development in the Strategic Gap.”
- 4.19 There have been no changes in circumstances since this Court of Appeal ruling and the policy has been upheld in successive appeal decisions. As a result it should be given full weight in this Appeal. This means that it is entirely legitimate for Core Policy 2 to apply “stringent” presumption against any urbanising development outside of the built up areas within the Colnbrook & Poyle area, unless it is “essential to be in that location”.

Function of the Strategic Gap

- 4.20 The Local Plan for Slough (2004) set out four reasons for having the Strategic Gap. These were that it “*defines the character of the area*”, it “*separates Slough from other settlements*” it “*provides desirable contrast between the built up area and the countryside*” and it “*breaks*

up the contiguous area of built development". (CD 10.2 Appendix A.2(a) para 7.31)

- 4.21 The key features of the Strategic Gap is that it is "*strategic*" and maintains a "*gap*". The size of the gap is important because of the scale of the two settlements that it is intended to separate. In this case we are dealing with Greater London and Slough. Slough has a population of 159,000 people which makes it the 71st biggest city or town in Britain.
- 4.22 It is, however dwarfed by Greater London which has a population of 8,866,000. As a result there is a danger that it will be subsumed into this huge conurbation and lose its separate identity as a town in its own right within Berkshire.
- 4.23 The size of the settlements also means that the size of the Gap between them has to be substantial. This is why the Council's planning policies for the protection of the whole of Colnbrook & Poyle area are so strategically important.
- 4.24 The second obvious point that has to be made is that it is important that an actual "gap" is preserved. Whereas in other circumstances a single field may be enough to prevent the coalescence of smaller settlements a much larger gap is required here which is proportional to the size of Slough and Greater London. The area is already partially developed and fragmented. As a result in order to maintain a strategic sized gap it is important that all remaining open land is retained if at all possible. This is why Core Policy 2 assumes that all urbanising development on land outside the built up areas is harmful and should only be allowed if it is "essential to be in that location". (CD 6.12)

Urbanisation of the site

- 4.25 The Strategic Gap has not been designated for its landscape or nature conservation qualities which it is recognized is in many cases is very poor. The main purpose of the policy is to prevent the urbanisation of the area by keeping land open. As a result the first consideration is whether or not a proposed development would increase the built footprint on a site and reduce the amount of open land.
- 4.26 Nealy all of the Appeal Site is open land. The application form for the Appeal Proposal states that 2,530m² of floorspace will be demolished. Some of this will be the plant workshop, lorry workshop, weighbridge and office accommodation, toilet block, restroom and canteen which were all allowed on Appeal as part of the permission for concrete crushing and screening and inert waste recycling. (APPJ/0350/A/09/2096331). As explained above, in allowing the Appeal the Inspector imposed conditions that the buildings should be removed and the land restored to agricultural use if the waste operations ceased. (CD 10 Appendix B.2 Conditions 28 and 29 p14) This has now happened and so it can be assumed that all of these ancillary buildings would be removed in any case. This means that all of this part of the Appeal site can be considered as being open land for the purposes of assessing the impact upon the Strategic Gap.
- 4.27 The Schedule of Development in the Design and Access Statement shows that the area for the proposed secured perimeter which the data centre, office and guard house will sit in is 36,368 m². The substation secured perimeter is 6,353 m² and the two secured perimeters for the BESS are 7,661 m² and 1,355 m² which gives a total of 51,737 m². (CD 136 page 86.)

- 4.28 This means that around 5 hectares of previously open land will be lost to built development and man-made structures which will undoubtedly increase the urbanisation of the area and by definition cause harm to the Strategic Gap between Slough and Greater London.
- 4.29 In the appeal into the proposed a solar photovoltaic farm on the site on the Poyle Road to the north of the Appeal Site (APP/J0350/W/16/3144685) the Secretary of State concluded that:

“the proposal would represent an urbanising feature within what are currently open fields and would close the strategic gap by introducing built form and man-made structures. (CD 10 Appendix B.4 para 71 p15)

- 4.30 The 30 metre tall data centre which is proposed on the Appeal Site would be much larger than the 3 metre high solar panels and so would a much bigger built form and be a much larger urbanizing feature. As a result there is all the more reason to refuse the Appeal Proposal on this ground alone.

Specific Harm to Strategic Gap

- 4.31 Whilst any development in the open area of the Strategic Gap would be harmful and set a precedent for further erosion of the gap, the Appeal Site is in a particularly sensitive location. This is because the proposed development would have a significant impact upon people’s perception of there being a gap between Slough and Greater London.
- 4.32 Someone’s impression of an area are not formed by looking at a map. They are generally influenced by what they experience travelling

through it. There are three main routes through the Colnbrook and Poyle from the Slough area. These are the A4 Colnbrook bypass which travels west to east from Brands Hill to the bridge over the M25 junction by the Lakeside energy from waste plant. The Bath Road/Colnbrook High Street which also runs west to east from Brands Hill, through Colnbrook and Poyle before it crosses the M25. Then there is the Poyle Road that the Appeal site sits upon. This runs north south from the junction of the Old Bath Road at Poyle to the Golden Cross roundabout where traffic can turn left onto the Horton Road which leads to junction 14 of the M25.

4.31 The most important of these routes is the A4 Colnbrook Bypass. As explained above, the integrity of the Strategic Gap along here was threatened by the planning application to build a Strategic Rail Freight Interchange (SRFI) on land to the north adjacent to Lakeside Road in a development known as Slough Intermodal Freight Exchange (SIFE). The appeal on this site (APP/J0350/A/12/2171967) was dismissed by the Secretary of State who found that “*damage to the Strategic Gap would be irreparable, which adds significant weight against the proposal*”. (CD 10 Appendix B.8 para 39) Largely as a result of this decision no new development has taken place along the Colnbrook Bypass.

4.32 The retention of the Strategic Gap along the Bath Road between Colnbrook and Poyle was threatened by the proposed construction of a solar photovoltaic farm on the field on the south of the Bath Road on the junction with the Poyle Road, which is known as the Summerleaze site (after the gravel company who own it). The planning application (P/10012/005 was refused by the Council with one of the reasons being the harm to the Strategic Gap.

- 4.33 This was the subject of an appeal (APP/J0350/W/16/3144685) which was dismissed by the Secretary of State who agreed with the Inspector that *“the proposed development would have an adverse impact on the Colne Valley Regional Park and undermine the aims of the Strategic Gap”*. (CD 10 Appendix B.4 Para 13)
- 4.34 This has established a precedent which should mean that none of the remaining open land within the Strategic Gap along the Bath Road is likely to be developed. Given the proximity of this site to the Appeal site and its location on the same side of the Poyle Road, the Secretary of State’s decision should also be taken into account in determining the current Appeal.
- 4.35 The Poyle Road, where the Appeal site is located, has continuous development all the way along the eastern side of the road in the form of the Poyle Industrial Estate. As a result any sense openness or lack of urbanisation can only be provided on the western side of Poyle Road. This can be seen from the arial photograph on page 23 of the Appellant’s Design and Access Statement. (CD 1.36)
- 4.44 There are five sites on the western side of Poyle Road which between them determine the degree of urbanization of the area. One of the most important sites on the western side of the Poyle Road is the “Sumerleaze” site (after the name of the gravel company who own it) on the junction of the Old Bath Road. (shown under the words “Hilton Hotel on the arial photo) As explained above the proposal for the construction of a solar photovoltaic farm on this site was considered at an appeal (APP/J0350/W/16/3144685) where the Inspector concluded that the installation of the 3m high photovoltaic panels, would:

Lead to the merging of Poyle and Colnbrook, as the site would no longer be able to provide an important separating between the residential areas to the north and the industrial and commercial development to the south. (CD10 Appendix B4, para 18 p5)

- 4.45 As a result the Secretary of State who agreed with the Inspector that *“the proposed development would have an adverse impact on the Colne Valley Regional Park and undermine the aims of the Strategic Gap”*. (CD 10 Appendix B.4 Para 13)
- 4.46 The industrial and commercial development to the south of this site that the Inspector is referring to is the Poyle Trading Estate and Hilton Hotel. The Hotel is a large building similar in scale to the industrial ones on the other side of the road. It also has a large car park which fills the land up to the Appeal site with commercial development. The circumstances under which this was allowed are explained below.
- 4.47 Spelthorne Council granted planning permission for the hotel on the site of Poyle Mannor in 1991 which the Council inherited when the area was transferred from Spelthorne/Surrey into Slough in 1995. The Council tried to prevent the development from taking place but was unable to do so because the planning permission was deemed to have been implemented by the construction of a bridge.
- 4.48 In addition to concerns about the impact upon the Green Belt, the Council was particularly concerned that the proposed hotel, with up to 300 people in it, would be located within the Public Safety Zone for the northern runway at Heathrow. (relationship with the runway can be seen in the arial photo) As a result the Council proposed that an alternative use which would have less impact upon the Green Belt and

significantly fewer people in it. This alternative use was ironically a data centre. This was allowed via a “called in” inquiry (APP/J0350/V/03/1116914) on the grounds that the Secretary of State agreed that the proposed data centre would be less harmful to the Green Belt than the hotel and represented a much lower risk to public safety than the hotel (CD 7.7 paras 18 & 20)

- 4.49 The proposed data centre was not, however, built because, reportedly, BT the proposed occupier could not get funding due to the risks associated with being in the Public Safety Zone. As a result, despite the Council’s efforts, the hotel was built in accordance with the planning permission granted by Spelthorne Council in 1991.
- 4.50 The existence of this large hotel and its associated car parking, which is clearly visible from the Poyle Road, means that the area to the south, which contains the Appeal site is all the more important in preventing the urbanisation of the area.
- 4.51 The area of land with Parcel A of the Appeal site which is adjacent to the Poyle Road was developed as a caravan park for Heathrow T5 construction workers without planning permission. As explained above, enforcement action was successfully taken against this unauthorised use. No other planning permissions have been granted on this part of the Appeal site since then and the site should be restored to agricultural use in accordance with the Enforcement notice. ((CD 10 Appendix B.3) As a result for the purposes of Core Policy 2 this should be considered as open land within the Strategic Gap.
- 4.52 As explained above, the adjoining land in Parcel A to the west was granted planning permission on Appeal (APP/J0350/A/09/2096331) for concrete crushing and screening and inert waste recycling. The

reasons for this included “*the shortfall in construction and demolition waste recycling development*” and “*the need to use sites located in the Green Belt*” (CD 10 Appendix B.2 para 36)

- 4.53 The Strategic Gap was not one of the main issues identified by the Inspector. (CD 10 Appendix B.2 para 8) He refers to Local Plan Policy CG9 (Strategic Gap) and concludes that because of the limited harmfulness on the openness of the Green Belt the proposal would conflict with this Local Plan policy. (CD 10 Appendix B.2 para 14) The Inspector refers to the Strategic Gap again in the section on “Character and Appearance” in terms of the “openness” of the site and casts doubt upon the validity of the policy on the grounds that “the site is somewhat remote from Slough and indeed the South East Plan has suggested a review of designations such as this.” As a result he concluded that:

The site is not prominent in this part of the gap, and the appeal development would serve to regularize the boundary of the gap, without threatening the open area to the west of the site. (CD 10 Appendix B.2 para 15)

- 4.54 It is not considered that this decision has much bearing upon the current Appeal for a number of reasons. Firstly the Inspector was only considering Local Plan Policy CG9 (Strategic Gap). He makes no reference to Core Policy 2 and the very different test that this sets out in terms of development being “essential to be in that location”.
- 4.55 Secondly the Appeal predated all of the subsequent Appeal and Court decisions which have reenforced the validity and importance of having a Strategic Gap policy which the Inspector was casting some doubt about.

- 4.56 Thirdly the Inspector was considering a proposal which only had “limited” impact upon the openness of the site where the main concern was the visibility of the stockpiles.
- 4.57 Fourthly the Inspector was only considering the impact of the development on the east west element of the Strategic Gap. He was not considering the impact of urbanisation along the north south Poyle Road.
- 4.58 Finally the Inspector only allowed the development in conflict with Local Plan Policy CG9 because of the need for waste facilities. He did not consider that any other form of development could be justified on the site and so he imposed conditions that the buildings should be removed and the land restored to agricultural use if the waste operations ceased. (CD 10 Appendix B.2 Conditions 28 and 29 p14)
- 4.59 The waste recycling operations have now ceased and so the Council will have the opportunity to enforce the conditions which will mean that the buildings will be removed and the land restored to agricultural use. This will mean that for the purposes of Core Policy 2 all of this should be classed as open land within the Strategic Gap.
- 4.60 The extent to which this open land will be lost to development is explained above. It is important to consider is how people will perceive the Appeal Site if the major development takes place. In terms of the visual impact that the proposed development will have, the Appellant’s Planning Statement claims that that:

The development of the northern parcel of land will result a significant visual improvement compared to the open-air

storage and industrial activities that currently occur. (CD 2.25 para 8.4)

- 4.61 It should be noted that the Council's reasons for refusal do not included the impact of the proposed development upon the landscape. As a result the Council does not dispute the general findings of the Appellant's Landscape and Visual Impact Assessment of December 2024 (CD 1.45) Indeed it is considered that this is very helpful in demonstrating the visual impact that the proposed development will have in relation to the Strategic Gap.
- 4.62 Firstly it shows how well the current activities on the site are screened by the existing mature hedgerow along the western side of Poyle Road. Whilst in landscape terms the value of the view may be low for receptors on the Poyle Road (CD 1.45 Table 1 page 18) the hedgerows are doing their job in screening the site
- 4.63 View 5b traveling north along the Poyle Road shows a glimpse of Poyle Farm House. View 4b which shows the access road into the site which obviously has a gap in the hedge and so provides a view of the house and buildings beyond. View 5c which is over the lower part of the hedge on Poyle Road shows views of the roofs of some buildings. Apart from this, none of the views show what is happening behind the rural style hedge.
- 4.64 This is important because, for the purposes of assessing the impact of the proposed development upon the urbanisation of this key stretch of the Strategic Gap, we have to consider is the extent to which it will change the perception of the site for people travelling along the Poyle Road. The Appellant's Landscape and Visual Impact Assessment (CD 1.45) shows that currently people will get glimpses of the farm house,

the access road to a few other buildings and some signage but there is nothing to suggest anything but rural type activities are happening on the site.

- 4.65 This will be in complete contrast to what will happen if the huge 30 metre tall data centre is built on the site. An article in the online version of the Daily Mail described the proposed data centre as being “twice the size of Wembley”. (Cd 11.1 Appendix X) Whilst this may be an exaggeration it does provide a “layman’s view” of the scale and nature of the proposed development.
- 4.66 People travelling along the Poyle Road won’t just get a glimpse of the building but will get several clear views of it despite the retention of the hedge and the proposed additional planting.
- 4.67 Appendix E of the Appellant’s Landscape and Visual Impact Assessment (CD 1.45) includes a number of “Accurate Visual Representations of The Proposed Development”. This shows in VP05B “view travelling north on Poyle Road” that a section of the three storey data centre will be seen even in year 15. View VP05C which is another “view travelling north on Poyle Road” shows that virtually the whole of the data centre will be visible even in year 15. This is once again confirmed in in VP05B “view travelling north on Poyle Road”. The Appendix does not show the equivalent view from the entrance road which would not only announce that the data centre was there, but provide views into the site.
- 4.68 The Accurate Visual Representation takes account of the proposed landscaping which will not prevent there being views of the site. At the Appeal into the Slough Intermodal Freight Exchange known as SIFE (APP/J0350/A/12/2171967) the Secretary of State concurred with the

Inspector's view that *"even with a high quality landscape scheme, its presence would cause irreparable harm to the Strategic Gap."* (CD 10 Appendix B.8 para 15)

- 4.69 As a result it can be seen that the presence of proposed huge "big box" data centre on the Appeal Site would clearly be harmful to the purpose of having a Strategic Gap between Slough and Greater London by developing around 5 hectares of open land and increasing the impression of urbanisation on the western side of Poyle Road which currently provides the only relief from urban development on this important through route within the Strategic Gap.

Essential to be in this Location

- 4.70 Although Core Policy 2 imposes a "stringent" presumption against any built development in the open areas of the Strategic Gap it does allow for exceptions in that the policy states:

Development will only be permitted in the Strategic Gap between Slough and Greater London and the open areas of the Colne Valley Park if it is essential to be in that location.

- 4.71 Paragraph 7.26 of the Core Strategy explains that:

"Additional restraint will therefore be applied to this fragmented and vulnerable part of the Green Belt which will mean that only essential development that can't take place elsewhere will be permitted in this location". (CD 6.12 para 7.26 p23)

- 4.72 Despite appearing to be quite clear, the way the policy should be interpreted has been the subject of considerable scrutiny. In the Appeal

by Goodman to the High Court (Case No: CO/4217/206) the claimant submitted that in order to comply with Core Policy 2 the only matter which requires to be “essential” is the location of the proposed development. (CD 10 Appendix B.9 para 42 p16) Mr Justice Holgate found that the proper interpretation of the policy is that “*the development and its location within the Strategic Gap are both essential*” (CD 10 Appendix B.9 para 51 p18)

- 4.73 The Inspector who held the appeal into the proposed Solar Farm on land to the north of the Appeal site provided some helpful analysis as to how the “essential to be in this location” test could be applied when he concluded that:

“Beyond locally contributing to the national emissions target there appears to be no local requirement to have the solar farm in this location above any other, for example to power a particular building or business. In this sense, the “essential” location requirement of the policy should be read plainly, and the potential suitability of the site over others does not equate to an “essential” need for the development” (CD 10 Appendix B.4 para 70)

- 4.74 As a result the development must be “essential”, it cannot be just argued that the site is more suitable than others and it must be demonstrated that the development can’t take place elsewhere outside of the Strategic Gap.
- 4.75 In both of the Appeals referred to above the appellants argued that there was an overriding national or regional policy need for the proposed developments.

- 4.76 At the appeal into the proposal for the Strategic Rail Freight Interchange (SRFI) on land to the north of the Colnbrook bypass (APP/J0350/A/12/2171967) the Secretary of State agreed that *SIFE would contribute to the development of a network of SRFI in London and the south east and a wider national network in accordance with the National Policy Statement*. (CD 10 Appendix B.8 para 26). The Secretary of State also accepted that the contribution that SIFE would make in meeting unmet need and delivering national policy objectives was “Considerable”. (CD 10 Appendix B.8 para 40) Nevertheless he dismissed the Appeal partly because the Inspector was “*not convinced that the SIFE scheme is essential within the Strategic Gap*” (CD 10 Appendix B.9 para 12.199. p119) and partly as a result of the Secretary of State giving significant weight to the damage it would cause to the Strategic Gap.
- 4.77 At the appeal Proposal into the proposed construction of a solar photovoltaic farm on the site to the north of the Appeal Site (APP/J0350/W/16/3144685) the Secretary of State considered that “*the benefit arising from the generation of renewable energy should be afforded significant weight*. Nevertheless this appeal was also dismissed partly because of the harm to the Strategic Gap. ”. (CD 10 Appendix B.4 page 4)
- 4.78 As a result, it can be seen that the recognised need for other forms of major infrastructure, such a Strategic Rail Freight Interchange and a solar farm, was not considered sufficient to allow development in the Strategic Gap. The general need for data centres does not mean that the Appeal Proposal needs to be in this location.
- 4.79 As a result it is necessary to consider if there are any site specific or geographical reasons why a data centre needs to be built on the

Appeal Site. When the Secretary of State also considered whether it was “essential” for the solar farm to be in the Strategic Gap she found that *“beyond locally contributing to the national emissions reductions target, there appears to be no local requirement to have a solar farm in this location above any other”*. (CD 10 Appendix B4 para 12 p2)

- 4.80 The Appellant’s second Alternative Sites Assessment found the Appeal Site to be the *“most sequentially preferable for the data centre*
- 4.81 It is not clear how the study could possibly come to this conclusion because on any analysis the Appeal Site is the “least” sequentially preferable location for a data centre in the Slough Availability Zone.
- 4.82 In planning terms the Appeal Site is virtually all “Greenfield” open land and it is in the Green Belt, Strategic Gap and Colne Valley Park. The Appeal Proposal would, therefore, be by definition more harmful than sites that are not subject to these important planning and environmental designations.
- 4.83 The Council has identified a large supply of suitable alternative sites. Most of these are on urban or brownfield sites. None of them are in the Strategic Gap between Slough and Greater London.
- 4.84 The Appeal Site is also potentially affected by the proposed third runway at Heathrow. This means that the proposed development of a data centre could affect the proper comprehensive planning of the area.
- 4.85 In operational terms the Appeal Site is a very poor location for a data centre. The site can’t be used by a colocation data centre because it is not within the cluster of data centres in the Slough Trading Estate

which forms the hub of the SAZ. As a result it can only be used as a Hyperscale data centre. The Appeal Proposal is not particularly large compared to other hyperscale data centres and so it can't be justified because of its size.

- 4.86 The Appeal Site is not on the fibre network which is concentrated in Slough on the A4, Great Western Railway Line and the Grand Union canal. As a result it will have to create a new 1.5 kilometre connection.
- 4.87 The Appeal Site is on the edge of the area of search used by the Appellants in the Alternative Sites Assessment. It isn't close to either the Iver sub station or the Trading Estate cluster.
- 4.88 Although the Appeal Site has the Iver to Laleham overhead circuit line running close to it in the fields to the west, this does not provide a suitable connection. As a result the Appellants will have to lay its own private underground electricity cable to Iver in the north and to Laleham in the south. If it costs around £1m per km to lay the cable this would result in the expenditure of £20m on infrastructure which wouldn't be required elsewhere and has no public wider benefit.
- 4.89 As a result it can be seen that there are a large number of planning and operational reasons why the Appeal Site is possibly in the worst location within the Slough Availability Zone.
- 4.90 The only reason the Appellants appear to have chosen the Appeal Site is so that they can take advantage of a pre existing contract to supply electricity to it from both Iver and Laleham substations. This is explained in the revised Alternative Sites Assessment which states:

It is worth emphasising that the Development has been advanced, in part, on a ‘power-led’ approach that (with the addition of the BESS) ensures a connection to the grid by 2027, and without the need to await grid improvements. This means that the Development is able to contribute towards meeting both the level of need and its urgency..... (CD 11.1 Appendix M para 7.5)

- 4.91 This raises a number of issues. There is an acknowledged shortage of electricity supply in the west of London area with many proposed developments waiting for supply to become available and the new sub station at Uxbridge Moor to be built. The Appellants “power led” approach will not increase the supply of electricity in the area or pay for any upgrades. It will take 47MW of its electricity from the Iver substation like all of the other data centres. The only unusual thing about it is the proposal to take 50MW of power from the Laleham substation by installing its own underground cables to connect to it. The Laleham substation is part of the network in the west of London. It is one of three supply points for Heathrow Airport along with Iver and North Hyde.
- 4.92 The “urgency” referred to above comes from the fact that the terms of the contract involve taking the first 107MW of power by 2027 with a further 40MW being taken for the proposed Phase 2 development by 2030 for the proposed Phase 2 development. (CD 1.54 Sec 4) As a result the Appellants claim that proposed development is on a very critical time path.
- 4.93 The Appellants have not proved any further details about the terms of the contract and so we can only speculate as to what will happen if they are unable to take the power in 2027.

- 4.94 The cost of powering a 100MW data centre is around £226.5 million per year. (CD 12.6 p38) As a result we can be pretty certain that the Appellants won't just pay for electricity that they are not using.
- 4.95 One option is for the Appellant to renegotiate the contract so that the electricity is provided at a later date. If that is possible then there is not the same urgency to provide the Appeal Proposal that has been articulated.
- 4.96 The other option is to reassign the electricity to another scheme which is what happened when the first Woodlands Avenue proposal was refused at appeal. The appellants at the second Woodlands Avenue Appeal explained that *"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 site"*. (CD7.1 para 5.3 p15)
- 4.97 The acute shortage of electricity supply is holding up the development of data centres in Slough. Just one example is the problems faced by Equinix for their proposed 90,600 m2 data centre campus on the Akzo Nobel site in Slough (P/00072/152). They have explained that:

there is strong national demand for data centre development and therefore the development will be delivered as quickly as possible to meet the demand. However, another critical consideration is the availability of utilities, particularly power supply and connection to serve the development. The availability of a power supply is a key factor in determining the sequenced construction strategy – currently, there is an incoming power supply from a nearby Equinix site to support the

first stage of development, but subsequent stages are constrained until this initial supply can be sufficiently increased over the next 20 years. (CD 11.2 Appendix Q)

- 4.98 The Council takes the view that, since the Appeal Proposal will cause so much harm to things like the Strategic Gap, there is no reason for allowing it to “jump the queue” of all of the other data centres waiting for electricity supply and that the limited power that is available should go to all of the other data centres and developments which are in a much better sequential location.
- 4.99 In terms of the urgency of the situation there are very many reasons why it is considered that the proposed data centre cannot be built, fitted out and commissioned in the very short timescale for meeting the terms of the electricity contract.
- 4.100 The first is the practicality of laying the new underground cables between the Appeal site and both Iver and Laleham substations which will need planning permission and the acquisition of the necessary wayleaves.
- 4.100 The second problem with meeting the critical timescale is the length of time that it will take to build and fit out the proposed data centre. The Appellant’s Alternative Site Assessment a 24 month period should be allowed for the construction of a building before a customer would be able to commence their own fit out. (CD 1.30 para 1.8.3 p7) The data centre operator will then have to commission, install and test the servers as part of the fit out of the building which could take another year.

- 4.101 The third problem is that the Appellants have made it clear that no development can start until they have a pre let contact with a data centre operator. The Appellants claim that they have interest from the market but have not yet identified any potential occupiers.
- 4.102 The most significant factor which puts the whole future of the Appeal Proposal in doubt is the uncertainty about the future of the site because of its relationship with the proposed third runway at Heathrow Airport. If Heathrow bring forward the same master plan for the area, the Appeal Site would be included within the boundary of the Development Consent Order (DCO) and could possibly be the subject of a Compulsory Purchase Order (CPO).
- 4.103 One of the reasons that the Appellant's Alternative Sites Assessment dismissed other sites was because their proximity to the proposed third runway would create "*significant uncertainty for investors and occupiers of proposed development*". (CD 1.30 pages 50, 60, 65,76 &,85) This would certainly be the case here.
- 4.103 As a result it can be seen that there is considerable doubt that the Appeal Proposal can be delivered in time to take advantage of the Appellant's existing electricity contract in terms of taking power by 2027. As a result it may not be any further advanced than many other alternative sites. There is also a risk that the development will never be delivered because of the uncertainty about the proposed third runway at Heathrow.
- 4.104 There are therefore no geographical, operational or planning reasons why it is "essential" to build the proposed data centre in this location which is far less suitable than alternative sites in Slough. It is not accepted that the ability of the site to obtain some of its electricity form

the Laleham substation equates to an “essential” need for the development.

- 4.105 As a result the Appeal Proposal does not meet the test for development being allowed in the Strategic gap, set out in Core Policy 2, of being “*essential to be in that location*” and should be refused on this basis.

Summary and Conclusions on Strategic Gap

- 4.106 The Appeal site is within the Strategic Gap between Slough and Greater London. In order to maintain a strategic sized gap it is important that all remaining open land in the Colnbrook and Poyle area is retained if at all possible. This is why Core Policy 2 assumes that all urbanising development on land outside the built-up areas is harmful and should only be allowed if it is “essential to be in that location
- 4.107 The Appeal Site is almost entirely open land which is outside of the built-up area and so has to be considered against Core Policy 2. This is an additional test to Green Belt policy, which has been found to be a “Higher bar” to development. As a result even if the Appeal proposal is found to be acceptable in Green Belt terms it still has to meet the requirements of the Strategic Gap policy.
- 4.108 The Appeal Proposal will result in around 5 hectares of open land being lost to built development and man-made structures which will undoubtedly increase the urbanisation of the area and by definition cause harm to the Strategic Gap between Slough and Greater London.

- 4.109 Whilst any development in the open area of the Strategic Gap would be harmful and set a precedent for further erosion of the gap, the Appeal Site is in a particularly sensitive location on the only major north south road that runs through the Colnbrook and Poyle area.
- 4.110 The Poyle Road, has continuous development all the way along the eastern side of the road in the form of the Poyle Industrial Estate. As a result any sense of openness or lack of urbanisation can only be provided on the western side of Poyle Road.
- 4.111 The Appellant's Landscape and Visual Impact Assessment currently people will get glimpses of the buildings on the site and the presence of the hedge means that there is nothing to suggest anything but rural type activities are happening on the site.
- 4.112 This will be in complete contrast to what will happen if the huge 30 metre tall data centre is built on the site . This is because the proposed development would have a significant impact upon people's perception of there being a gap between Slough and Greater London
- 4.113 In the appeal into the proposed a solar photovoltaic farm on the site on the Poyle Road to the north of the Appeal Site (APP/J0350/W/16/3144685) the Secretary of State concluded that: *"the proposal would represent an urbanising feature within what are currently open fields and would close the strategic gap by introducing built form and man-made structures. (*
- 4.30 The data centre which is proposed on the Appeal Site would be much larger than the 3 metre high solar panels and so would have a much bigger built form and significantly increase the impression of urbanisation on the western side of Poyle Road which currently

provides the only relief from urban development on this important through route within the Strategic Gap.

- 4.32 Although Core Policy 2 imposes a “stringent” presumption against any built development in the open areas of the Strategic Gap it does allow for exceptions in that the policy states: *Development will only be permitted in the Strategic Gap between Slough and Greater London and the open areas of the Colne Valley Park if it is essential to be in that location*
- 4.33 There are, however, no geographical, operational or planning reasons why it is “essential” to build the proposed data centre in this location which is far less suitable than alternative sites in Slough. It is not accepted that the ability of the site to obtain some of its electricity from the Laleham substation equates to an “essential” need for the development.
- 4.34 There are plenty of alternative sites that can meet the need for data centres in a less harmful way. As a result it has not been demonstrated that the Appeal Proposal meets the test set out in Core Policy 2 of being “essential to be in that location”
- 4.35 As a result the Council would have refused the planning application on the grounds that the proposed development would result in the further coalescence of Slough and Greater London and the further loss of the separate identity of Slough.

COLNE VALLEY PARK

- 5.1 The Council would have refused the planning application on the grounds that:

The proposed development would result in the further urbanisation, loss of countryside recreation opportunities and severance of the Colne Valley Regional Park. It has not been demonstrated that it is essential for the proposed data centre and battery storage facility to be in this location within the Colne Valley Park and so it is contrary to Core Policy 1 (Spatial Strategy) and Core Policy 2 (Green Belt and Open Spaces) of the Slough Local Development Framework, Core Strategy 2006-2026 and Policy CG1 (Colne Valley Park) of the Adopted Local Plan for Slough 2024.

- 5.2 The Colne Valley Regional Park is the first substantial taste of countryside to the west of London. The Park, founded in 1965, stretches from Rickmansworth in the north to Staines and the Thames in the south.

- 5.3 The Colne Valley Park Trust has six objectives for the Regional Park. These are:

- *Landscape – To maintain and enhance the landscape, historic environment and waterscape of the Park*
- *Countryside – To safeguard the countryside in the Park from inappropriate development. Where development is permissible the Park will encourage the highest possible standards of design.*

- *Biodiversity – To conserve and enhance biodiversity through the protection and management of species, habitats and geological features in the Park.*
- *Recreation – To provide opportunities for countryside recreation and ensure that facilities are accessible to all.*
- *Rural Economy – To achieve a vibrant and sustainable rural economy, including farming and forestry, underpinning the value of this precious area of countryside.*
- *Community – To encourage community participation including volunteering and environmental education, and promote the benefits of health and social well-being afforded by access to high quality green space. (CD 11.2 Appendix V)*

5.4 It is, however, becoming more difficult to achieve this because of the pressure for development. The problem is summed up by the Trust which explains that:

The Colne Valley Regional Park is amongst the most pressurised parts of the Green Belt. The Green Belt is seen by the market as a good development opportunity as there is a vacuum of policy addressing development pressures/‘needs’. The Colne Valley is at the epicentre of this problem, with currently proposals for

- *more than a dozen data centres (20-30m high)*
- *motorway services*
- *Warehousing*
- *Tens of thousands of houses*
- *Huge film studios and many other speculative developments.*

All sandwiched between two of the biggest civil engineering projects in Europe: HS2 and proposed Heathrow expansion.

- 5.5 The Map in CD 10 Appendix D.4, which is produced by CVRP illustrates “Current Pressures and Challenges”. This shows the areas of major development proposals including the Appeal site. The commentary provided alongside this by the CVRP states:

“Current Green Belt policy and the use of ‘special circumstances’ has resulted in inappropriate and damaging development. The integrity and value of CVRP park is at a tipping point.” (CD 11.1 Appendix S)

- 5.6 The Council has sought to protect the integrity and value of the Colne Valley Park through its Local Plan policies. Policy CG1 of the Local Plan for Slough (2004) stated:

Proposals for development within the Countryside or other open area of the Colne Valley Park will not be permitted unless they:

- a) **Maintain and enhance the landscape and waterscape of the park in terms of its scenic and conservation value and its overall amenity;**
- b) **Resist urbanization of existing areas of countryside;**
- c) **Conserve the nature conservation resources of the park and; and**
- d) **Provide opportunities for countryside recreation which do not compromise the above.** (CD 10.2 Appendix A.2(a))

- 5.7 Slough Core Strategy (2008) sought to maintain the open area in Colnbrook and Poyle as set out in Core Policy 1 (Spatial Strategy) Paragraph 7.6 of the Core Strategy explains that:

“The remaining land open land in Colnbrook & Poyle, east of Langley/Brands Hill, is particularly important because it forms part of the Colne Valley Park and acts as a strategic gap between the eastern edge of Slough and Greater London. Additional restraint will therefore be applied to this fragmented and vulnerable part of the Green Belt which will mean that only essential development that cannot take place elsewhere will be permitted in this location.” (CD 6.11 p23)

5.8 As a result, Core Policy 2 (Green Belt an Open Spaces) states that:

Development will only be permitted in the Strategic Gap between Slough and Greater London and the open areas of the Colne Valley Park if it is essential to be in that location.

5.9 This “stringent” presumption against development in the Colne Valley Park recognised the strategic role the Colnbrook and Poyle had in preventing the severance of the park. It also recognised that, in order to achieve this, all of the remaining open areas of the Park, and not just the open countryside, were important because they provided a visual break. The preservation of these open areas would also this opportunity for future landscape or biodiversity and the possibility of countryside recreation opportunities. This policy has been upheld at a number of appeals.

5.10 In the Inquiry into the proposal to build a Strategic Rail Freight Interchange on land north of the Colnbrook Bypass, known as SIFE, The Inspector recognised that “Core Policy 2 imposes an additional policy constraint” (CD 10 Appendix B.8) She concluded that there would be “fundamental harms caused to the Green Belt, Strategic Gap and Colne Valley Park” (CD 10 Appendix para 12.206) and

recommended that the appeal be dismissed. This was accepted by the Secretary of State who did dismiss the appeal.

- 5.11 The proposal to build a solar photovoltaic farm on the field on the south of the Bath Road on the junction with the Poyle Road (known as the Summerleaze site) was refused by the Council with one of the reasons being the impact upon the Colne Valey Park. (P/10012/005) This was the subject of an appeal (APP/J0350/W/16/3144685). The Inspector noted that the site was historically used as part of a wider mineral extraction operation which had ceased and was being used for the growing of bio-fuel crops. As a result he concluded that *“given the rural characteristics of the site and its current use for agriculture, the site should be considered as in the countryside for planning policy purposes”*. (CD 10 Appendix B.4 para 60 page 12)
- 5.12 The Inspector went further than this by concluding that the proposal for a solar farm *“would therefore fail to recognise the intrinsic character and beauty of the countryside, which is one of the core principles planning should seek set out in Paragraph 17 of the Framework*. (CD 10 Appendix B.4 para 72 p15)
- 5.13 The Appeal was dismissed by the Secretary of State who agreed with the Inspector that *“the proposed development would have an adverse impact on the Colne Valley Regional Park and undermine the aims of the Strategic Gap”*. (CD 10 Appendix B.4 Para 13)
- 5.14 It should be remembered that this adverse impact would have been caused by 3 metre high solar panels not a 30 metre high data centre.
- 5.15 Nobody would claim that Parcel A of Appeal Site has the intrinsic character of beauty of the countryside at present. It been severely

degraded by the permitted waste recycling use and all of its buildings unlawful uses such as the parking of airport cars upon it. These activities have been accompanied by the unauthorised “resurfacing” of large areas with loose gravel, stones and road planings.

- 5.16 We now have the opportunity to restore it back to agriculture in the same way that the solar farm site and the other former mineral workings in the area have been. As explained above in 2002 the Council issued an Enforcement Notice against the unlawful development of caravan park for T5 workers on the part of the Appeal site adjacent to the Poyle Road. At the subsequent Appeal (APP/J30350/C/03//1115252) the Inspector upheld the Enforcement Notice which required the removal from the land of all caravans and/or mobile homes. It also required the removal from the land of all hard standing and the restoration of the land back to agricultural use by reseedling. (CD 10 Appendix B.3) Although the caravans and the hard standings were removed, the restoration back to agricultural land did not take place. Whilst the Council has not enforced this to date, it can now do this, in conjunction with the adjoining land in Parcel A, if the Appeal is refused.
- 5.15 As explained above, the adjoining land to the west was granted planning permission on Appeal (APP/JO350/A/09/2096331) for concrete crushing and screening and inert waste recycling. The reasons for this included “*the shortfall in construction and demolition waste recycling development*” and “*the need to use sites located in the Green Belt*” (CD 10 Appendix B.4 para 36) The Inspector did not consider that any other form of development could be justified on the site and so he imposed conditions that the buildings should be removed and the land restored to agricultural use if the waste operations ceased. (CD 10 Appendix B.4 Conditions 28 and 29 p14)

- 5.16 The waste operations have now ceased and so the Council can also take action to ensure that the conditions are complied with and all of the loose surface material is removed so that it can be restored to agricultural use.
- 5.17 Parcel B to the south is already in agricultural use and was previously used for breeding thoroughbred horses. With the exception of the old stockpiles, which is the subject of an Enforcement Notice, all of the land to the west which is in the Appellant's ownership is open countryside. If the Appeal is dismissed Parcel A can be restored to agricultural use along side Parcel B which currently is a grass field, This would mean that this very small part of the Colne Valley Park would then support many of the objectives of the Park such as preventing severance, enhancing the landscape, safeguarding the countryside, providing opportunities for countryside recreation (horse riding) and supporting the rural economy.
- 5.18 As a result it can be seen that the Appeal Proposal would not only severely harm the Colne Valley Park but also prevent the restoration of the severely degraded site back to a beneficial agricultural use within the Regional Park.

Essential to be in this Location

- 5.19 Although Core Policy 2 imposes a "stringent" presumption against any built development in the open areas of the Colne Valey Park it does allow for exceptions in that the policy states:

Development will only be permitted in the Strategic Gap between Slough and Greater London and the open areas of the Colne Valley Park if it is essential to be in that location.

- 5.20 A full explanation as to why the Appeal Proposal does not meet the “essential to be in that location” test in Core Policy 2 is set out above in the section on the Strategic Gap. As a result there is no need to repeat this again.
- 5.21 The main conclusion was that there are no geographical, operational or planning reasons why it is “essential” to build the proposed data centre in this location which is far less suitable than alternative sites in Slough. It is not accepted that the ability of the site to obtain some of its electricity from the Laleham substation equates to an “essential” need for the development.
- 5.22 As a result the Appeal Proposal does not meet the test for development being allowed in the open area of the Colne Valley Park set out in Core Policy 2 of being “*essential to be in that location*”.
- 5.23 The Council would therefore have refused the planning application on the grounds that “*The proposed development would result in the further urbanisation, loss of countryside recreation opportunities and severance of the Colne Valley Regional Park*”.