



Quod

PLANNING PROOF OF EVIDENCE

Prepared by Philip
Murphy MTCP MRTPI

LAND AT MANOR FARM, POYLE
ROAD, SLOUGH

SECTION 78 APPEAL BY MANOR
FARM PROPCO LIMITED

SEPTEMBER 2025

PINS REF: APP/J0350/W/25/3366043

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Documents

1. Appeal Site Hardscape/Softscape Plan
2. Flood Mapping Technical Note
3. Relevant Plans
4. Planning History Document
5. Aerial Photographs
6. Lawful Development Plan
7. Cable Route Alignment Plan
8. Laleham Cable Route Planning Application
9. EDF Delivery Programme
10. Extracts from HAL's 2018 Consultation
11. Bus Technical Note
12. Ecology Technical Note
13. Agricultural Land Classification Map
14. Water Usage Technical Note

1 Personal Background

- 1.1 My name is Philip Murphy. I hold a First Class Undergraduate Masters in Town and Country Planning from the University of Manchester.
- 1.2 I am a Member of the Royal Town Planning Institute.
- 1.3 I am a Senior Director at Quod, being one of the six original Directors who established the company in 2010.
- 1.4 I have worked in the private sector as a Planning Consultant since 2002 (23 years). Prior to setting up Quod I worked for the RPS Group.
- 1.5 I have a wide range of experience in all aspects of Town Planning, dealing with both development control and planning policy. I now work primarily for residential, commercial and infrastructure developers/land promoters. I am responsible for the promotion of sites/land through the Development Plan process, as well as preparing and submitting planning applications for various scales of development, including large scale mixed use developments, new Garden Towns, large logistics parks and data centres.
- 1.6 Current projects with which I am involved include the creation of a new employment-led headquarters campus for the Frasers Group on land in the Green Belt in Warwickshire, a new community of 10,000 homes known as the Gilston Area on former Green Belt land to the north of Harlow, and the residential-led mixed use redevelopment of the Greenwich Peninsula on behalf of Knight Dragon.
- 1.7 I have been involved with the appeal site for a considerable period of time. I was originally appointed by the Airport Industrial Property Unit Trust in May 2023, and subsequently I was instructed by the Manor Farm Propco Limited to coordinate the submission of the application that forms the basis of this appeal.
- 1.8 The evidence that I have prepared and provide for this appeal (PINS Ref APP/J0350/W/25/3366043) is true, and has been prepared and is given in accordance with the guidance of my professional institution. I can confirm that the opinions expressed are my own, true, professional opinions.

2 Introduction

- 2.1 My Proof of Evidence (“**PoE**”) has been prepared on behalf of Manor Farm Propco Limited (hereafter referred to as “**the Appellant**”).
- 2.2 It relates to an appeal made under section 78(2) of the Town and Country Planning Act 1990 (“**Appeal**”) against the non-determination by Slough Borough Council (“**SBC**” or “**the Council**”) of full planning application Ref No: P/10076/013 (“**the Application**”) in respect of land known as Manor Farm, Poyle Road, Slough (“**the Appeal Site**”).
- 2.3 The Application was submitted to SBC on 13 December 2024 and sought planning permission for:

“Demolition of existing buildings and redevelopment to comprise a Data Centre (Use Class B8) and Battery Energy Storage System 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” (“**the Development**”).

- 2.4 The Development comprises a hyperscale data centre - critical national infrastructure for which there is an urgent national and local unmet need - and a Battery Energy Storage System (“**BESS**”) which is also vital infrastructure.
- 2.5 It is common ground that the Appeal Site is located in the Slough Availability Zone (“**SAZ**”) (CD8.7, para 7.12) which is an internationally recognised location for data centres. The SAZ is the largest data centre market in Europe and is the second largest in the world after North Virginia.
- 2.6 There is a significant and substantial demand for new data centres in the SAZ and it is common ground that the Secretary of State has reached this conclusion in recent recovered planning appeals (CD8.7, para 7.9).
- 2.7 However, severe limitations in power supply availability is a significant obstacle to the delivery of new data centres in the SAZ.
- 2.8 The Appellant has secured contracted power connections which are capable of being operational by 2027. This enables the Development to avoid the power constraints that are preventing the delivery of new data centre accommodation across the SAZ.
- 2.9 The Development is therefore highly unusual in its ability to rapidly deliver additional data centre capacity that will contribute to meeting the substantial unmet and growing needs, and support a sector that is critical to enabling Government achieve its ‘number one mission’ – delivery of economic growth¹.

¹ Plan for Change, Kickstarting Economic Growth, December 2024

2.10 The Appeal has been made in light of the urgent need for the Development and the ability to utilise the contracted power connections.

2.11 The 13-week determination period for the Application ran until 3 April 2025. The Appellant sought to engage constructively with SBC during the determination process and agreed to extend the statutory determination period to 30 April 2025 in order for the Application to be heard at the Planning Committee scheduled for 23 April 2025. SBC did not determine the Application within this time period.

My Evidence

2.12 My PoE deals principally with planning policy matters related to the Appeal, and also addresses the overall planning balance.

2.13 I reserve the right to add to, or amend, my evidence on receipt of the evidence submitted by SBC and any other interested parties.

2.14 My PoE should be read alongside the other evidence that have been prepared on behalf of the Appellant, including:

- Mr David Webster - Green Belt and LVIA
- Mr Mark Powney - Need
- Mr Alex Cole - Alternative Sites
- Mr Tim O'Reilly - Power

2.15 My evidence should also be read in conjunction with the agreed Statement of Common Ground (“**SoCG**”) (CD8.7).

3 Appeal Site

- 3.1 A description of the Appeal Site and its surroundings is set out in Section 2 of the SoCG (CD8.7). I have not repeated that detail in this section, and instead summarise key points below.
- 3.2 The Appeal Site extends to some 8.16 hectares.
- 3.3 It is located within the Green Belt, as well as within a locally designated Strategic Gap and the Colne Valley Regional Park (“**CVRP**”).
- 3.4 It is situated on land immediately west of the Poyle Trading Estate and south of the Hilton London Heathrow Airport Hotel. The M25 lies to the east beyond Poyle Trading Estate, with Heathrow Airport further beyond. The Appeal Site and the surrounding context is identified in Figure 1.



Figure1 – Site Location

- 3.5 The Appeal Site comprises of two main land parcels that are connected by an existing track. To aid description of the Appeal Site, I make reference to ‘Parcel A’, ‘Parcel B’ and ‘the Link Road Parcel’, as shown diagrammatically at Figure 2. I do not consider the Appeal Site to be a single planning unit (see SBC Statement of Case (“**SoC**”) para 2.1 (CD10)).



Figure 2: Appeal Site Parcels

3.6 Parcel A is regularly shaped and extends to 5.8 ha. It is common ground (CD8.7, para 2.9) that at the time the Application was submitted the parcel contained a variety of industrial, storage and transportation uses including:

- An HGV maintenance workshop;
- Car parking associated with Heathrow Airport;
- Building, sand and gravel supplies;
- Metal works/welding.

3.7 At the time, the parcel also contained a House of Multiple Occupancy (“HMO”).

3.8 Overall, at the time of Application submission, Parcel A had an established industrial character, which was reflected in the following features:

- 5 warehouse units with associated hardstanding, as well as other buildings and structures;
- A large access road with regular vehicular activity;
- Areas of external storage of building material, products and equipment;
- Large palisade fencing;
- Expanses of hardstanding;
- Parked lorries/HGVs;
- Large areas of commercial car parking;

- Absence of coordinated green infrastructure, and instead established scrub and weeds;
- Lack of overall maintenance.

3.9 The intensive and unplanned nature of the industrial and commercial activities on Parcel A has meant that this part of the Appeal Site has a poor visual appearance (as shown in the photographs at Section 2.9 of the Design & Access Statement (CD1.36)) and the land uses have resulted in noise, dust and HGV movements.

3.10 Figure 3 shows the distribution of the broad land use activities at the time the Application was submitted (a larger version is available at Document 1). Approximately 77% of the Parcel A was used for commercial activities and associated hard standing.



Figure 3: Broad Land Use Activities across the Appeal Site at time of Application

3.11 Parcel B is located to the south of the Appeal Site and extends to 1.8ha.

3.12 I understand that the parcel was previously used for minerals/aggregates extraction and was subsequently landfilled.

3.13 The parcel is now arable in nature and contains a small agricultural building to the south west. The northern and eastern boundaries are defined by thick hedgerows, and to the south by a

mature tree belt (known as Poyle Poplars). This dense vegetation acts to limit views into and out of this part of the Appeal Site.

- 3.14 The Link Road Parcel connects Parcels A and B. The northern extent of the parcel contains built structures, boundary fencing associated with previous activities, hard standing and access routes. The southern section of the parcel is more arable in nature, containing an unmade track and grassland.
- 3.15 Figure 3 demonstrates that circa 48% of the Link Road Parcel consists of urbanising features, with the remainder comprising unmade tracks and soft landscaping.
- 3.16 For the Appeal Site in totality, Figure 3 shows that approx. 60% consists of urbanising features, with the remainder comprising arable land and soft landscaping.
- 3.17 Paragraph 2.8 of SBC's SoC (CD10) suggests that the Appeal Site lies almost entirely within Flood Zone 1, but with "*very small instances of being in Flood Zone 2*". The latest flood mapping from the Environment Agency confirms that the Appeal Site falls exclusively within Flood Zone 1, as shown within a Technical Note prepared by Price & Myers attached at Document 2.

4 Appeal Proposals

4.1 The Appellant seeks full planning permission for the Development which comprises:

"Demolition of existing buildings and redevelopment to comprise a Data Centre (Use Class B8) and Battery Energy Storage System 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"

4.2 It is common ground that the main components of the Development are those as described in paragraph 3.4 of the SoCG (CD8.7).

4.3 As explained within the Design & Access Statement (CD1.36), the Appellant has prepared a scheme with a particular focus on high quality design. Despite being located adjacent to an industrial area, the Appellant has approached the design of the data centre so as to ensure it responds to the Appeal Site's location on the edge of the Green Belt, the Strategic Gap and CVRP.

4.4 Traditional data centre developments often create secure fences lines along site boundaries which results in an imposing and unwelcoming condition adjacent to the public realm. In contrast, the proposed design sets the secure fence away from the Poyle Road frontage to enable the creation of an area of public open space, which delivers landscape, green space and ecological enhancements.

4.5 The Development also provides off-site Green Belt enhancements through a commitment to deliver a new pedestrian route along Poyle Channel and Colne Brook which connects pedestrian routes on Poyle Road to the Arthur Jacob Nature Reserve for the benefit of the local community and in alignment with CVRP objectives.

4.6 The proposed site plan and a selection of scheme images are enclosed at Document 3 and the Design and Access Statement (CD1.36) provides further detail on the proposed design and layout of the Development.

4.7 For the avoidance of doubt, the plans that would be referred to in the planning conditions if the Appeal is allowed would be as follows:

- Site Location Plan – ref. CON-COR-ZZ-ZZ-D-A-00101P02
- Existing Site Plan – ref. CON-COR-ZZ-ZZ-D-A-00102 P02
- Demolition Site Plan – ref. CON-COR-ZZ-ZZ-D-A-00103 P02
- Proposed Site Plan – ref. CON-COR-ZZ-ZZ-D-A-00104 P02
- Existing Site Section – North and South – ref. CON-COR-ZZ-ZZ-D-A-00106 P01

- Existing Site Section – East and West – ref. CON-COR-ZZ-ZZ-D-A-00107 P01
- Proposed Site Section – North and South – ref. CON-COR-ZZ-ZZ-D-A-00108 P01
- Proposed Site Section – East and West – ref. CON-COR-ZZ-ZZ-D-A-00109 P01
- Proposed Parcel A Plan – ref. CON-COR-ZZ-ZZ-D-A-00116 P01
- Proposed Data Centre – Ground Floor Plan – ref. CON-COR-ZZ-B100-D-A-00203 P01
- Proposed Data Centre – First Floor Plan – ref. CON-COR-ZZ-B101-D-A-00220 P01
- Proposed Data Centre – Second Floor Plan – ref. CON-COR-ZZ-B102-D-A-00229 P01
- Proposed Data Centre – Roof Floor Plan – ref. CON-COR-ZZ-B103-D-A-00238 P01
- Proposed Data Centre – Roof Platform Plan – ref. CON-COR-ZZ-B104-D-A-00239 P01
- Proposed Data Centre – Elevations East and West – ref. CON-COR-ZZ-B1ZZ-D-A-00501 P01
- Proposed Data Centre – Elevations North and South – ref. CON-COR-ZZ-B1ZZ-D-A-00502 P01
- Proposed Data Centre – Sections – ref. CON-COR-ZZ-B1ZZ-D-A-00601 P01
- Proposed Guard House – Plans, Sections and Elevations – ref. CON-COR-ZZ-B2ZZ-D-A-00250 P01
- Proposed Substation – Plans – ref. CON-COR-ZZ-B300-D-A-00260 P01
- Proposed Substation – Sections – ref. CON-COR-ZZ-B3ZZ-D-A-00602 P01
- Proposed Parcel B Layout Plan – ref. CON-COR-ZZ-ZZ-D-A-00119 P02
- MVS5000 – ref. CON-EDFR-ZZ-B4ZZ-D-E-01200
- Storage Container – ref. CON-EDFR-ZZ-B4ZZ-D-E-01201
- BESS Unit – ref. CON-EDFR-ZZ-B4ZZ-D-E-01202
- DNO Substation – ref. CON-EDFR-ZZ-B4ZZ-D-E-01203
- Intermediate Substation – ref. CON-EDFR-ZZ-B4ZZ-D-E-01204
- Auxiliary Transformer / Earthing Transformer – ref. CON-EDFR-ZZ-B4ZZ-D-E-01205
- LV Auxiliary Switch Room, Control Room & Welfare Unit Arrangement – ref. CON-EDFR-ZZ-B4ZZ-D-E-01206

- Water Tank Arrangement – ref. CON-EDFR-ZZ-B4ZZ-D-E-01207
- Fencing and Gate Elevations – ref. CON-EDFR-ZZ-B4ZZ-D-E-01208
- Harmonic Filter Arrangement – ref. CON-EDFR-ZZ-B4ZZ-D-E-01210
- BESS Substation Arrangement – ref. CON-EDFR-ZZ-B4ZZ-D-E-01211
- Control Room – ref. CON-EDFR-ZZ-B4ZZ-D-E-01213
- Parcel A – Strategic Landscape Masterplan – ref. P24-1155-EN-001F
- Parcel B – Strategic Landscape Masterplan – ref. P24-1155-EN-002E
- Detailed Landscape Proposals – Parcel A – ref. P24-1155-EN-003D
- Detailed Landscape Proposals – Parcel B – ref. P24-1155-EN-004C
- Illustrative Landscape Section – ref. P24-1155-EN-005C

5 Planning History

5.1 The planning history that is of most relevance to this Appeal is identified in a schedule at Document 4.

5.2 Drawing on these details, it is clear that some parts of the Appeal Site constitute Previously Developed Land (“**PDL**”) as per the National Planning Policy Framework (“**NPPF**”). Other parts do not. Regardless, what is clear is that large parts of the Appeal Site have been used continually and intensively for commercial and industrial activities which has materially affected its character and appearance.

5.3 The Council requested at the CMC that the planning history for the Appeal Site be addressed in an issue-specific SoCG. SBC provided a first draft on 31 July 2025. The Appellant sent an amended version to the Council on 5 August 2025 which the parties discussed on a call on 6 August 2025. The Council responded to the Appellant's mark-up on 15 September 2025 and as a result it was not possible to agree the document before the submission of my PoE.

5.4 In this section I set out:

- A general overview of the previous activities on the Appeal Site, particularly Parcel A;
- A description of the outcome from two appeal decisions in 2003 and 2009 regarding the need to convert the relevant parts of the Appeal Site to agricultural use; and
- An overarching summary.

Overview of Previous Uses/Activities

5.5 The large number of previous applications, appeals and enforcement notices identified in Document 4 demonstrate the complexity and long-running nature of the planning history across the Appeal Site. The historical nature of the original permissions (dating back to 1947), combined with the change in administrative boundaries between Spelthorne and Slough Councils, make it difficult to provide an accurate picture of what previous activities applied to which precise parts of the Appeal Site and surrounding land before the Appellant acquired its interest in it.

5.6 However, what is clear is that the Appeal Site is not an un-spoilt area of countryside in agricultural use. Instead, large parts of the Appeal Site, especially across Parcel A and the northern part of the Link Road Parcel, have been used for prolonged periods for activities that have materially affected its character, and in turn its role and value as land within the Green Belt, Strategic Gap and CVRP.

5.7 Historical aerial photography (Document 5) demonstrates that over a 22 year period from December 2002 Parcel A and the northern part of the Link Road Parcel have been used almost continually for a series of intensive industrial and commercial uses. During this time it appears that there has only been a short gap (c. 4 years between 2013 and 2017) when an element of

Parcel A (to the east) was 'greened' (which appears to be the seeding associated with an enforcement notice that was upheld at appeal² - "**the 2003 Appeal**" - as explained below).

- 5.8 As a result, over the last 22 year period (at least) the Appeal Site has not contributed beneficially to the Green Belt, CVRP and Strategic Gap.
- 5.9 As explained in Mr Webster's evidence, the Appeal Site has limited visibility from public viewpoints, with the predominant public views being from Poyle Road. Members of the public viewing the Appeal Site from Poyle Road over that 22 year period would not consider it countryside that was a critical part of the Green Belt, CVRP or Strategic Gap, but instead view it as part of the established industrial context around Poyle Trading Estate.
- 5.10 My view is reinforced by the conclusions of the Inspector in the 2009 appeal decision³ ("**the 2009 Appeal**") which relates to the western portion of Parcel A (see No 54 on the plan at Document 6). The Inspector accepted that the concrete crushing and other activities would have a harmful effect on the Green Belt, but given the existing context of the site and surrounding area concluded that the effect on the Green Belt would be "*limited*".

- 5.11 Furthermore, in respect of the Strategic Gap the Inspector commented (para 15) that:

"the site is therefore not prominent in this part of the gap, and the appeal development would serve to fill in and regularise the boundary of the gap, without threatening the open area to the west of the site".

- 5.12 In terms of the CVRP, the Inspector found (para 16):

"The site is generally contained by development on three sides. It is therefore of little use in terms of the objectives of the Colne Valley Park which are to prevent urbanisation, maintain the landscape, and promote countryside recreation and the rural economy. The site does not appear to have any conservation worthy of conservation. The appeal development would therefore not conflict with Local Plan Policy CG1. Moreover the appeal development would only result in a limited change to the surrounding area. The change would be of such a small extent as to result in no material landscape harm or conflict with Core Strategy Policy 9".

- 5.13 As evidenced in Document 4 numerous permissions and certificates have been secured across the Appeal Site for industrial and commercial activities, but specifically in Parcel A and the northern part of the Link Road Parcel.
- 5.14 I acknowledge that (prior to the Appellant's ownership and control of the Appeal Site) some previous uses and activities appear to have been undertaken without the benefit of planning permission, and some have been subject to enforcement proceedings, which have required parts of the Appeal Site to be seeded for agricultural use – in particular the 2003 Appeal and the 2009 Appeal.

² Ref: APP/J0350/C/03/1115252

³ Ref: APP/J0350/A/09/2096331

Conversion to Agricultural Use

5.15 The 2003 Appeal⁴ required the removal of all caravans/mobile homes from the eastern portion of Parcel A, and the seeding of the relevant land for agricultural use. Based on the historic photography at Document 5 it appears the caravans/mobile homes were removed at some point between October 2008 and December 2010. The photographs at Document 5 show the progressive greening of the land between c. 2013 and 2017.

5.16 Post the seeding as required under the 2003 Appeal, it appears that hardstanding was installed on the land from 2018 (Document 5), and it was used for commercial parking. It does not appear that planning permission was secured for the use/activity, and we are not aware enforcement proceedings were undertaken by SBC.

5.17 The 2009 Appeal⁵ permitted the permanent use of the western portion of Parcel A for concrete crushing and inert waste recycling and associated structures and activities. Condition 29 required that within 6 months of the use ceasing, the buildings and structures should be removed and the relevant land converted to agriculture in accordance with a scheme to be submitted and approved by the Council.

5.18 It is unclear when the permitted use ceased, but the land has not been converted to agriculture. Instead, parts of the land appear to have been cleared, hardstanding has been installed and the northern part of the land has been used for commercial car parking (Document 5 – see from March 2021).

5.19 Overall, the seeding required under the 2003 Appeal appears to have been undertaken and the land was subsequently used for other commercial purposes. I accept that the land subject to the 2009 Appeal does not appear to have been converted to agriculture, and has instead been used for other commercial activities.

Summary

5.20 In summary, I accept that (prior to the Appellant's ownership and control of the Appeal Site) some of the previous uses/activities on the Appeal Site may have been undertaken unlawfully, and in some instances have been subject to enforcement action requiring parts of the land to be returned for agricultural use.

5.21 As such parts of the Appeal Site cannot be considered PDL as per the definition within the NPPF. However, various parts are lawful as summarised on a plan at Document 6.

5.22 Nevertheless, the intensive nature of the activities and the extended period of time over which they have occurred, have impacted the character and appearance of the Appeal Site.

5.23 Parcel A and the northern part of the Link Road Parcel do not comprise unspoilt areas of countryside in agricultural use. The land has been characterised by industrial and commercial

⁴ Ref: APP/J0350/C/03/1115252

⁵ Ref: APP/J0350/A/09/2096331

uses for almost a quarter of a century which has significantly limited its ability to meaningfully contribute toward Green Belt, Strategic Gap or CVRP purposes.

5.24 Parcel B and the southern part of the Link Road Parcel were previously developed for minerals/aggregate extraction, however, the land has since been covered (with large parts subject to landfilling) and I accept that they now have an arable landscape character.

6 Planning Policy

6.1 The planning policies and national guidance that are of most relevance to this Appeal are identified in the SoCG (CD8.7).

National Policy

6.2 I will refer to relevant national policies and guidance set out in the NPPF (December 2024, as updated in February 2025) and the National Planning Practice Guidance (“**NPPG**”).

6.3 In particular, I intend to refer to the following NPPF paragraphs/definitions:

- Paragraph 87 which states that planning policies and decision should “*recognise and address the specific locational requirements of different sectors*” and drawing particular attention to Part A stating that provision should be made 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)*.”
- ‘Grey Belt’ which 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.
- Paragraph 155 which states that the 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 proposed;*
 - c. *The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework; and*
 - d. *Where applicable the development proposed meets the ‘Golden Rules’ requirements set out in paragraphs 156-157 below.*

6.4 I deal with the content of the NPPF in more detail later in my evidence.

The Development Plan

6.5 In summary the Development Plan for the area currently comprises the following:

- Saved Policies of the Slough Local Plan (March 2004);
- Core Strategy Development Plan Document (December 2008); and

- Slough Local Development Framework (LDF) Proposals Map (November 2010).

6.6 The Appeal Site is not allocated for development in the Site Allocations Development Plan Document (2010).

7 Case for the Appellant

- 7.1 In the following sections of my evidence I will explain why I consider that the Appeal proposals represent sustainable development, and I will demonstrate that there are compelling reasons that justify the grant of planning permission.
- 7.2 I will explain why the Appeal Site represents Grey Belt land, and hence why the proposals are not 'inappropriate development' in the Green Belt.
- 7.3 However, should the Inspector or the Secretary of State, contrary to my opinion, find that the Appeal Site is not Grey Belt and that the proposals represent 'inappropriate development' in the Green Belt, I will also explain that in these circumstances there are Very Special Circumstances ("VSC") that justify the Development.

SBC's Case

- 7.4 The main elements of SBC's case can be summarised as follows:

- Grey Belt
 - The Appeal Site does not represent PDL for Grey Belt purposes.
 - The Appeal Site makes a strong contribution to purposes a) and b) of the Green Belt and hence the Appeal Site cannot be considered Grey Belt land.
 - Even if it is concluded that the Appeal Site does not fulfil a strong contribution to purposes a), b) and d), it fails to meet the criteria of paragraph 155 of the NPPF.
- Green Belt
 - The Development constitutes inappropriate development in the Green Belt.
 - There would be harm to the openness of the Green Belt in both spatial and visual terms.
 - There would be conflict with four of the five purposes of including land within the Green Belt.
- Other Harm
 - The proposed development fails to address Core Policy 2 as it is not demonstrated that the need for the development, and that a location in the Strategic Gap and CVRP, are both 'essential'.
 - Failure to evidence that the proposals will not adversely impact Government statements on the third runway at Heathrow Airport.
- Planning Balance
 - The harm to the Green Belt is not clearly outweighed by other material considerations such as to constitute the VSC necessary to permit inappropriate development in the Green Belt.

Main Planning Issues

7.5 The Inspector has identified 9no. main issues for the public inquiry at paragraph 9 of the Post CMC Note (CD8.11). These are as follows:

- The effect of the development on the openness of the Strategic Gap between Slough and Greater London;
- The effect of the development on the landscape character of the CVRP;
- The effect of the development on the expansion of Heathrow Airport for the provision of a third runway;
- The need for the development at both a local and national level including the availability of alternative sites;
- The deliverability of the development relative to power availability in the network and associated connections;
- Whether the proposals would contribute various planning benefits;
- The effect of the proposals within the context of the Site's Green Belt/Grey Belt status;
- Whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, including the need for the development, so as to amount to VSCs; and
- Whether the development makes appropriate S106 contributions and Planning Conditions are agreed.

7.6 I anticipate that appropriately worded conditions (see Section 14 of my PoE) and a S106 planning obligation can be addressed before or during the inquiry and therefore it is not necessary to present evidence at this stage on this matter.

7.7 I will address each of the other issues above in detail throughout my evidence, drawing on the evidence of other witnesses where necessary.

7.8 In light of the above I have structured my evidence as follows:

- Issue 1 - Principle of the development including need and alternative sites
- Issue 2 - The deliverability of the development relative to power availability and associated connections
- Issue 3 - Whether the proposal constitutes Grey Belt including whether it fundamentally undermines the purposes of the remaining Green Belt
- Issue 4 - If the site is not considered Grey Belt, the scale of harm to the Green Belt

- Issue 5 - The effect of the development on the Strategic Gap and CVRP
- Issue 6 - The effect of the development on delivering a third runway at Heathrow
- Issue 7 - Any other harms resulting from the proposal
- Issue 8 - The benefits that flow from the development

7.9 I will then deal with the planning balance (Section 16), addressing both the Grey Belt and Green Belt scenarios.

8 Issue 1 - Principle of the Development

- 8.1 It is clear from SBC's SoC that there is no dispute between the parties that in principle there is a sustained demand around Slough for sites to accommodate data centres. SBC state that they are "well aware of this demand" and "recognises that [data centres] are essential pieces of infrastructure that play a vital role in supporting the rapidly expanding digital economy" (CD10, para 6.9).
- 8.2 However, SBC object to the use of the Appeal Site for a data centre, suggesting that there are a number of alternative sites which are capable of providing the type of development proposed, including in the Slough Trading Estate ("STE") which SBC state should be the starting point for the search for alternative sites (CD10, Para 6.41).
- 8.3 SBC claim that the STE has a development pipeline that could deliver an additional 4.3m sqft of data centre accommodation over the next 7 years (CD10, para 6.47), which they suggest "can meet the need for data centres in the Slough Availability Zone" (CD10, para 6.48). As I will address later in my evidence, this demonstrates SBC's failure to fully comprehend the significant scale of need that exists now and in the coming years for data centres in the SAZ, as well as relevant matters affecting STE.

Background Context

- 8.4 The Appeal Site is not allocated for development in an up to date Local Plan. However, there is currently no-plan led solution for data centre provision within SBC.
- 8.5 The revisions made to the NPPF in December 2024 represent a significant change to the way data centres should be planned. Paragraphs 86 and 87 expressly require that planning policies "*meet the needs*" of the modern economy including for uses such as data centres and "*make provision for*" infrastructure that is needed to support the growth of knowledge and data driven industries including data centres.
- 8.6 The emphasis in the wording of the NPPF is unambiguous – local planning authorities are now required to plan actively to meet the needs of data centres within their administrative areas.
- 8.7 As a result, for the reasons explained in this section, I find that the Development Plan out of date. The Core Strategy and saved Local Plan policies were produced prior to the first publication of the NPPF in 2012. National planning policy has changed immeasurably since that time, most recently with the change in emphasis in the need for local planning authorities to activity plan to meet data centre needs, having regard to the specific locational requirements of the sector.
- 8.8 Paragraph 11(d) of the NPPF is therefore engaged. As I explain in this PoE, there are no areas or assets of particular importance that provide a strong reason for refusing the Development, and as a result the presumption in favour of development at paragraph 11(d)(ii) applies.
- 8.9 I recognise that SBC has re-approved a Simplified Planning Zone ("SPZ") for the STE and that this supports the delivery of data centres. However, the SPZ permits a wide variety of land

uses and, contrary to SBC assertions, will not be able to meet the significant need for data centres within the SAZ.

8.10 There can, therefore, be no criticism that this is not plan led development. If the pressing need for such development is to be met then it is necessary for the development management process to intervene and for proposals to be considered on their merits.

8.11 This is the broader context within which the assessment of the Development must be considered.

National Policy and Guidance

8.12 Harnessing the artificial intelligence (“AI”) revolution is a political and economic priority for the Government.

8.13 Data centres are central to the Government's economic and digitisation strategy, as expressed in the Industrial Strategy⁶ (June 2025) which supports swift decision making for essential projects such as data centres.

8.14 The Government announced an AI Opportunities Action Plan (January 2025) which seeks to position the UK as a global leader in AI innovation. Data centres are recognised as being central to this strategy, describing them as “the engines of the AI age”⁷. The Action Plan explains that data centres are required to enable AI (page 5), and as such promotes measures which accelerate the build out of new data centres (page 7).

8.15 The importance of data centres was specifically recognised by Government when it designated them as ‘Critical National Infrastructure’ in September 2024, a term used to identify national assets that are essential for the functioning of society, such as those associated with energy supply, water supply, transportation, health and telecommunications. In the associated press release, the Government noted that the move showed “the fundamental importance of data centres for the government”⁸.

8.16 As part of the press release the then Technology Secretary, Peter Kyle, stated:

“Data centres are the engines of modern life, they power the digital economy and keep our most personal information safe. Bringing data centres into the Critical National Infrastructure regime will allow better coordination and cooperation with the government against cyber criminals and unexpected events.”

8.17 Government is clear that without the necessary data centre infrastructure and investment, the UK will not achieve its ambition to be a global leader in AI innovation, and nor will it be able to maintain its position in financial markets. The scope for economic diversification and the ability

⁶ The UK's Modern Industrial Strategy (June 2025)

⁷ AI Opportunities Action Plan, Page 4

⁸ <https://www.gov.uk/government/news/data-centres-to-be-given-massive-boost-and-protections-from-cyber-criminals-and-it-blackouts>

to keep pace with other competing and emerging economies will be restricted unless the need for data centres is realised, as Mr Powney's evidence explains.

- 8.18 Globally, across Europe, and in the UK the evidence shows rapid growth in the amount of data that is being generated. That data needs to be stored and processed. The amount of data being generated is growing exponentially. It is driven by the radical transformation in the way people interact and how technology is used for personal, administrative, governmental and business activities.
- 8.19 The roll out of technologies such as machine learning and AI is continuing to fuel this growth at record levels. As the Government now clearly recognises, this gives rise to real world land use planning issues that need to be addressed.
- 8.20 As a result, on 12 December 2024 the Minister for Housing and Planning made a statement alongside the publication of the revised NPPF which explained that only by delivering planning reforms would it be possible to unlock investment and delivery⁹.
- 8.21 The statement emphasised that the proposed changes to the planning system through the revised NPPF sought to drive greater commercial development in those sectors which were considered to be the engine of the UK's economy moving forward - specifically laboratories, gigafactories, data centres and digital infrastructure.
- 8.22 Furthermore, the statement also specifically stated that data centres would be prescribed as a type of business or commercial development capable of being directed into the Nationally Significant Infrastructure Projects consenting regime – Government clearly would not do this if data centres weren't nationally significant.
- 8.23 In this vein, NPPF paragraph 11 states that plans and decisions should apply the presumption in favour of sustainable development, which for plan-making this means planning for growth and ensuring that this is aligned with the necessary infrastructure – and infrastructure includes data centres.

"a) all plans should promote a sustainable pattern of development that seeks to: meet the development needs of their area; align growth and infrastructure; improve the environment; mitigate climate change (including by making effective use of land in urban areas) and adapt to its effects; (my emphasis)

- 8.24 Paragraph 85 is of particular importance, which states that:

"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

⁹ <https://questions-statements.parliament.uk/written-statements/detail/2024-12-12/hcws308>

“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” (my emphasis)

8.25 In the context of paragraph 85, I make the following observations:

- At the heart of paragraph 85 is the desire to positively support and drive economic growth.
- It is a core foundation of the Appeal proposals that they create conditions in which businesses can invest, expand and adapt.
- Government requires “*significant weight*” to be placed on the need to support economic growth and productivity. This relates not just to local business needs but also requires consideration of “*wider opportunities*” including regional and national need.
- Geographical areas should build on their strengths and it is common ground that the Appeal Site is located within the SAZ for data centres. The Development would be located in a region with high levels of productivity on the edge of London.
- Weakness are to be countered and challenges addressed in supporting economic growth and productivity, which in this case relates to the growing need for data centres within the SAZ, the limitations in power availability and an absence of available sites as recognised in Mr Powney’s, Mr O'Reilly’s and Mr Cole’s evidence respectively.
- Government has made it clear that data centres are critical infrastructure if the UK is to be a global leader in driving innovation.

8.26 Paragraph 86 requires that planning policies positively and proactively encourage sustainable economic growth, having regard to the national industrial strategy. Footnote 43 defines the priority sectors of the industrial strategy, all of which have a strong reliance upon data storage:

“advanced manufacturing; clean energy industries; creative industries; defence industries; digital and technology businesses; financial services; life sciences; and professional and business services”.

8.27 As such, criteria c) of paragraph 86 specifically requires planning policies to:

“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; (my emphasis)

8.28 Paragraph 87 enshrines the importance of data centres in national policy, stating that:

“Planning policies and decisions should recognise and address the specific locational requirements of different sectors. This includes making 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).” (my emphasis)

8.29 In short paragraphs 86 and 87 require planning policies and decisions to “*meet the needs*” for, and address the “*specific locational requirements*” of, the data centre sector.

8.30 In this case there is no-plan led solution that meets full needs.

8.31 The NPPF at paragraph 86 highlights the importance of planning policies being flexible to respond to changing circumstances which includes the Government’s increased emphasis on securing economic growth. The NPPF also looks to address barriers to investment:

“d) seek to address potential barriers to investment, such as inadequate infrastructure, services or housing, or a poor environment; and

“e) be flexible enough to accommodate needs not anticipated in the plan, allow for new and flexible working practices and spaces to enable a rapid response to changes in economic circumstances.” (my emphasis)

8.32 The scale of the growing need, the absence of allocated sites and the severe power capacity constraints act as a key barrier for data centre development in the SAZ.

8.33 Overcoming barriers to investment and being flexible in respect of challenges are therefore material considerations, especially where relevant local plan policies are absent or out-of-date.

8.34 National policy also supports high quality communications. Whilst much of NPPF Chapter 10 relates to mobile phone networks it also applies to the Appeal proposals. It states at paragraph 119 that:

“Advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections. Policies should set out how high quality digital infrastructure, providing access to services from a range of providers, is expected to be delivered and upgraded over time; and should prioritise full fibre connections to existing and new developments (as these connections will, in almost all cases, provide the optimum solution)”.

8.35 The development proposals will make a significant contribution to the provision of high quality digital infrastructure, including the delivery of a BESS which will provide resilience to a highly constrained local power network.

8.36 Overall, it is clear that national policy places significant weight on the need for data centres and their role in contributing towards the economy.

The Development Plan

8.37 The starting point for the determination of any planning application or appeal is the Development Plan. The planning system is ‘plan led’ and planning law requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

8.38 The Development Plan in this case is not up to date or consistent with the NPPF.

8.39 There are no policies or allocations in the Development Plan that make sufficient provision for the development of hyperscale data centres. Given its age, the plan simply does not address the pressing need for this type of development or provide the flexibility to respond to changes in economic circumstances as the NPPF requires.

8.40 I have noted earlier in my evidence that the SPZ encourages data centres within the STE. The SPZ does not, however, form part of the development plan, and was not informed by an evidence base on the scale of need. As highlighted in Mr Powney's proof, even if the STE could deliver 4.3m sqft of data centre accommodation as claimed by SBC (CD10, 6.47), this would be insufficient to satisfy forecast needs, even after allowing for pipeline development.

8.41 Given that the Core Strategy was prepared in the context of the South East Plan rather than the NPPF, it took a constraints led approach rather than one which would meet the identified needs for development and positively encourage growth. The Core Strategy needs to be read in that context.

8.42 I now turn to looking at individual aspects of the Development Plan.

Spatial Strategy

8.43 Core Policy 1 sets the spatial strategy for the borough requiring that:

All development will take place within the built up area, predominantly on previously developed land, unless there are very special circumstances that would justify the use of Green Belt land. A strategic gap will be maintained between Slough and Greater London.

8.44 The supporting text to Core Policy 1 explains the context to the spatial vision for the plan. Paragraph 7.5 acknowledges the lack of suitable land for the outward expansion of the town, along with other constraints, which it suggests means that there are only a limited number of options for future development.

8.45 Paragraph 7.16 explains that the Spatial Strategy avoids building on any land outside of the urban area for a number of reasons. Firstly, development in the Colnbrook and Poyle area was not considered to be very sustainable because it would not form a natural urban extension of Slough. Secondly, there was concern development would fill in the very narrow gap between Slough and Greater London. Thirdly, much of the land was cited as being subject to a number of physical or technical constraints eg flooding, landfill, unsuitable access, being in the Public Safety Zone and being subject to excessive noise or poor air quality.

8.46 In the context of this policy, I note the following:

- It is common ground that the proposals do not result in any concerns from a transportation, access or active travel perspective. The proposals result in a reduction in the level of vehicular movements compared to previous uses on the Appeal Site. In this context the Appeal Site represents sustainable development as per NPPF paragraphs 110 and 115;
- The Development would not result in an urban extension of Slough – as I have already evidenced large parts of the Appeal Site has been continually used for a variety of

commercial and industrial uses for almost a quarter of a century. Similarly, Development on the Appeal Site would not narrow the gap between Slough and Greater London as explained in Mr Webster's evidence – this is supported by the conclusions of the Inspector in the 2009 Appeal who explained that the northern part of the Appeal Site did not form valuable part of the Strategic Gap;

- The Application did not result in any technical objections from SBC or any statutory consultees.

8.47 Core Policy 2 permits development in the Strategic Gap only where it is essential to be in that location.

8.48 The Local Plan was adopted in 2008 and is over 15 years old. Development needs and requirements have changed considerably over that period of time and it is unsurprising that the spatial strategy (and its associated allocated sites) is unable to accommodate up to date development needs – in particular for data centres. The requirement to consider grey belt land is also not reflected in the spatial strategy.

8.49 Core Strategy paragraph 7.24 does recognise that in some instances relaxation of the proposed spatial strategy may be required where it can be demonstrated that there will be economic benefits to the wider community and where the development is essential - as is the case in this Appeal.

"Whilst the Spatial Strategy provides a clear indication as to what should go where, it does allow for some relaxation of policy, in exceptional circumstances, where it can be demonstrated that there will be social, economic and social benefits to the wider community. This will provide flexibility within the strategy and allow the council to manage any unforeseen circumstances that may occur in specific locations in the Borough".

Employment

8.50 Core Policy 5 deals with employment development. It fails to identify and plan for a specific scale of need, and as such is out of date in the context of the NPPF. The supporting text at paragraph 7.78 suggests that new allocations are not required as it was forecast that growth could be accommodated by the redevelopment and intensification of existing sites. The identified need for data centres cannot be properly addressed within such sites.

The Appeal Proposals

8.51 This Development provides a 72 MW IT hyperscale data centre, which supports what is recognised to be the largest data centre cluster in Europe (ie the SAZ), second globally to North Virginia. The need which the proposals seek to contribute towards is not foot loose. As accepted by the Secretary of State in the recent Woodlands Park¹⁰ ("Woodlands Park 2") (CD7.1) and Abbotts Langley¹¹ (CD7.2) decisions, the capacity requirement for data centres in one Availability Zone ("AZ") cannot be provided for in another AZ.

¹⁰ Ref: APP/N0410/W/24/3347353

¹¹ Ref: APP/P1940/W/24/3346061

8.52 The Appeal fully aligns with the Government's drive to support economic growth, as well as the specific proactive steps it has taken to facilitate the delivery of data centres.

8.53 The evidence of Mr Powney identifies the rapidly growing need for data storage in the SAZ and in doing so, the pressing need for the Development. The need is overwhelming, and Mr Powney's evidence identifies the economic benefits of the Development and also the economic consequences for the country if needs are not met.

8.54 The social and economic benefits of this scheme are considerable. The direct inward investment in this case alone amounts to well over £365 million.

8.55 To evidence the rapidly growing nature of the demand for data centres, Mr Powney refers to the conclusions reached in the Court Lane¹² appeal decision in December 2024 (CD7.3) which identified a short to medium term need for data centres in the SAZ of 1700 MW, which was subsequently demonstrated in the Woodlands Park 2 decision (CD7.1) only 7 months later to have grown to 2,486 MW.

8.56 Mr Powney's up to date analysis shows that the need has continued to rise, recording a requirement of 2,970 MW by 2030.

8.57 SBC has not provided any evidence on the scale of the need for data centres in the SAZ. In light of Mr Powney's evidence, I disagree with SBC's assertion that the forecasts in the original Woodlands Park appeal decision (CD7.4) from October 2023¹³ ("Woodlands Park 1") "*can be taken as an approximation of the scale of need for data centres in the region*" (CD10, para 6.12). This is clearly a significant underestimate of the substantial and growing need that exists.

8.58 The planning system has failed to keep pace with the need for new, large-scale data centres. The market will not wait and there will be serious consequences for the economy and society if this Appeal is dismissed as evidenced by Mr Powney.

8.59 Mr Powney and Mr Cole both dispute SBC's suggestion that the forecast need can be accommodated within the STE which they claim has the ability to deliver 4.3m sqft of data centre accommodation over the next 7 years. SBC provide no substantive evidence on where this scale of floorspace would be accommodated within the STE, which is significant given the conclusions reached by Mr Cole that at present there are no sites available to deliver additional data centre capacity (which was accepted by the Secretary of State in the Woodlands Park 2 decision).

8.60 However, even if sites were to become available, Mr O'Reilly's evidence demonstrates the limitations in power capacity necessary to support that scale of data centre development.

8.61 Mr O'Reilly's evidence explains the absence of power is a constraint across the whole of the SAZ. Mr O'Reilly explains that the availability of future connections directly to the transmission system is dependant upon the new Uxbridge Moor substation. This is targeted for completion by 2029, but Mr O'Reilly explains why he considers this to be unlikely. In any event, such is

¹² Ref: APP/N0410/W/24/3337981

¹³ Ref: APP/N0410/W/22/3307420

the severity of the power shortage in the area that Mr O'Reilly notes that the additional transmission capacity would still be insufficient to meet demand in the SAZ even if delivered on time. Mr O'Reilly advises that any new applicant for power connections will need to wait until at least mid 2030s which will have a considerable impact on data centre delivery.

8.62 Notwithstanding the absence of available sites in the STE (and across the SAZ) and the lack of power, if the claimed 4.3m sqft of data centre accommodation were to be brought forward in the STE it would in any event not be sufficient to meet the forecast scale of demand as evidenced by Mr Powney.

8.63 Mr Powney calculates that 4.3m sqft of data centre accommodation may be equivalent to an IT capacity of c. 559 MW. Even after allowing for known pipeline capacity as presented in Table 5.4 of Mr Powney's evidence, there would still continue to be a capacity shortfall of 1,261 MW at 2030 (ie forecast shortfall need of 1,820 MW at 2030 less 559 MW). This is, in fact, likely to be an under-estimate of the shortfall as it assumes all pipelines schemes will be delivered.

Summary

8.64 To summarise on the principle of development:

- The Development Plan is out of date with national policy (including the NPPF) in that it fails to proactively identify and meet full economic needs, including for data centres, and fails to respond to the challenges now faced with regard to digital infrastructure and Grey Belt.
- There are no areas or assets that provide a strong reason for refusal (as described later in my PoE) and consequently, the tilted balance expressed in the presumption in favour of sustainable development (NPPF paragraph 11(d)(ii)) should be applied.
- SBC agree that there is a need for data centre development in the Borough, but object to the need for the data centre use being accommodated on the Appeal Site which is subject to Green Belt, CVRP and Strategic Gap designations.
- The extent of any harm to these designations is addressed later in my evidence, and whilst any such harm will be an important factor, this needs to be balanced with meeting the need for critical digital infrastructure where and when it is required.
- The proposals attract considerable support at the national level as confirmed by recently recovered appeal decisions. NPPF para 85 states that significant weight should be placed on the need to support economic growth and productivity. Areas should build on their strengths and address the challenges of the future. This is particularly important where Britain can be a global leader in driving innovation.
- The NPPF para 86 requires that local policies meet the needs of data centres in order to support the modern economy. Policies should also address potential barriers to investment, such as inadequate infrastructure and to enable a rapid response to changes in economic circumstances. Those types of policies are absent from the Development Plan.

- NPPF para 87 is expressly supportive of making provision for data centres. It says decisions should recognise and address the specific locational requirements of different sectors. This includes making 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).
- Such is the importance of this type of development, that the Government's published amendments to national policy to do more to support those sectors which will be the engine of the UK's economy in the years ahead and assist deliver the Government's "number one mission" - economic growth.
- As a matter of necessity the Development is located within the SAZ. The SAZ is one of the most important data centre hubs globally. There is a lack of available land for new data centres in the SAZ, which is compounded by severe constraints to power availability.
- Mr Powney's evidence describes the significant scale of the current and growing need for data centres in the SAZ, which cannot be accommodated in full within the STE and other pipeline development.
- Mr Cole's evidence demonstrates that there are no available alternative sites that could accommodate the development.
- The proposal will provide for a hyperscale data centre and it would represent an investment of well over £365million. Its timely delivery is a matter of national importance to support economic growth and society more generally.

9 Issue 2 - Deliverability

9.1 SBC appears to acknowledge the power constraints that exist in the area. At paragraph 6.62 of its SoC (CD10) SBC refers to a “*general shortage of available electrical supply in the area*”. At 6.42 it notes that electricity demand within the STE exceeds the output of both power stations meaning that power is sourced from the grid via Iver substation. It is inferred that SEGRO “*have options for future supply*” but no detail is provided.

9.2 At paragraph 6.54 (CD10) SBC state that there is nothing unique about the Appeal proposal apart from the fact that there is an option for electricity supply to the site, and suggest that “*if this isn't taken up the power can be used elsewhere by data centres in more appropriate locations*”. This demonstrates a fundamental lack of understanding of the complexities and limitations that occur in securing power connections for development sites within the SAZ.

9.3 Within this section of my evidence I will draw on Mr O'Reilly's evidence to:

- Explain the power capacity constraints within the existing network;
- Explain the connections proposed at the Appeal Site;
- Explain the progress made in the delivery of communication cabling between the Appeal Site and key substations; and
- Explain the progress made in securing an occupier for the data centre.

Connection Availability

9.4 Mr O'Reilly's evidence explains the background to the electricity networks across the UK. Mr O'Reilly explains that when a customer applies to connect to the network, the licensee must present the applicant with an offer within a statutory timescale. This connection offer includes site-specific terms and conditions including the connection location; the works that the network company needs to complete to connect the customer and the date by which these works can be completed; and when the connection will become available.

9.5 Mr O'Reilly describes that when determining the works necessary to connect an applicant, customers are prioritised on a first come first served 'queue' by application date. The greater the volume of customers wishing to connect within an area, the further into the future these connection dates become.

9.6 Contrary to the assertions made in SBC's SoC, Mr O'Reilly explains that the power cannot simply be transferred to another site to deliver an alternative data centre scheme due to the new Gate 2 processes that are now applied to all connections.

9.7 In terms of the connection availability within the West London area, Mr O'Reilly's evidence refers to capacity constraint reports published by the Mayor of London. Mr O'Reilly explains that the latest update published in February 2025 shows that any connection to the distribution

network above 2 MVA at any of the 5 Grid Supply Point (“GSP”) sites in the area can only occur after reinforcement works have been completed which is currently scheduled for 2037.

9.8 Therefore, Mr O'Reilly explains that no new demand connections can connect to the distribution network for another 12 years.

9.9 In terms of connections to the transmission network, Mr O'Reilly explains that current availability is dependent upon plans to build a new substation referred to as Uxbridge Moor. The timescales for the delivery of the substation are uncertain, with the latest published completion date being 2029. However, as a large transmission infrastructure project Mr O'Reilly explains the challenges to timely delivery and sets out the factors for why he believes the completion date of 2029 to be unlikely.

9.10 Notwithstanding the completion date, such is the scale of the demand in the area that Mr O'Reilly explains that all of its capacity has already been allocated to customers, and is insufficient to meet the necessary data centre demand in the SAZ by 2030. Any new applicants for capacity will therefore need to wait until at least the mid-2030s for other new/upgraded sub stations – and at present no specific project(s) have been defined.

9.11 In summary, Mr O'Reilly's evidence explains that there is currently no immediately available capacity for large demand customers such as data centres in the SAZ on either the distribution or transmission networks. The earliest that new customers could access capacity would be the mid-2030s from the transmission network, albeit at present the facilitating enhancement works are yet to be completely defined. Given the rapidly growing need for data centres in the SAZ, the current absence of power availability presents a serious limitation on delivery for which there appears to be no clear solution.

Proposed Connections

9.12 Mr O'Reilly's evidence explains that the Development will be connected to the transmission system from both Iver and Laleham substations. This provides a resilient supply from two separate parts of the transmission system. Connections will be made from the substations to the Appeal Site via a private cable which will be delivered and owned by Juniper, a Joint Venture between Tritax Big Box REIT and EDF power solutions UK & Ireland (“**EDFps**”).

9.13 The Appeal Site will be supplied by three circuits, one from Iver and two from Laleham providing a total import capacity of 107 MW with first energisation in Q4 2027. These connections points are not subject to wider reinforcement works, including the Uxbridge Moor substation.

9.14 As Mr O'Reilly explains, this provides a resilient supply from multiple sources. The BESS and data centre will share connection capacity allowing both types of infrastructure to be accommodated within the amount of network capacity available. Mr O'Reilly notes that this is the only such power generation project contracted in the area according to the Transmission Entry Capacity (“**TEC**”) register, and therefore is the only opportunity to deliver power capacity in this manner prior to the Uxbridge Moor substation ie at least 2 years in advance of this additional capacity being available, albeit as described above the timescales for the delivery of Uxbridge Moor is uncertain and in any event this additional capacity is already fully contracted.

9.15 Mr O'Reilly explains that the delivery of the BESS is needed as part of the contracted power connections, and notes the benefits that the BESS will provide including:

- Flexibility to the power system through interaction with the wider system and data centre
- Secure demand when renewables are low and/or demand is high
- Capture the value of renewables when generation is high and/or demand is low
- Reduce the overall cost of the operation of the electricity system
- Enhance the resilience and availability of the data centre.

9.16 Mr O'Reilly also explains that the BESS is the only project in the area that can:

- Help the National Energy System Operator ("NESO") manage voltage in the area, improving quality of supply and reducing the need for extra investment
- Act flexibly to help manage constraints on the network, unlocking more capacity for other users
- Provide support and flexibility to multiple National Grid Electricity Transmission ("NGET") substations
- Potentially help restore the system more quickly in the event of a local or national blackout.

9.17 Given the severe constraints that currently exist in the network, and which will not be resolved for a considerable period, the requirement to provide the BESS as part of the power connections offers a considerable benefit in delivering additional resilience to the network.

9.18 Mr O'Reilly's evidence specifically responds to para 6.54 of SBC's SoC in considering whether the allocated network capacity could be re-assigned to other developments in the area. Mr O'Reilly explains that there are several reasons why this would not result in the same capacity becoming available or in the same timescale. In particular, connection reform requires those wanting to connect to hold land rights to declared 'red line' parcels of land and their project must be developed on this red line area.

Communication Cabling

9.19 It will be necessary to install underground cables to connect the National Grid transmission substations at Iver and Laleham to the data centre and BESS at the Appeal Site. The Appeal Site is located approx. 7.5km from the Iver substation and 6.5km from Laleham substation, as the crow flies. The cabling from each substation will provide the power required for the data centre to operate and a connection to the national grid for the BESS.

9.20 Such cable infrastructure can be installed by utility providers without the need for planning permission under Part 15 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). In this case planning permission is

required as the private cabling is being installed by Juniper, which does not benefit from the permitted development rights.

- 9.21 A technical team have been commissioned by Juniper to assess the most appropriate alignment for the cable corridors between the substations and the Appeal Site. Requests for pre-application engagement were made to each of the 5 affected local planning authorities in February 2025, and meetings were held with the two authorities that responded.
- 9.22 The design and testing process has now concluded, and the alignment for each corridor has been fixed (Document 7). The cable corridor is generally delivered within the highway, save for specific instances where an alternative is required.
- 9.23 The route navigates across a series of infrastructure features including the M25, watercourses and railway lines, which is entirely normal for utility infrastructure of this nature, and is something EDFps (who are part of Juniper) successfully address on a regular basis.
- 9.24 The planning application for the cable corridor to Laleham was formally submitted in September 2025 - a copy of the application submission can be found at Document 8. The planning application for the route to Iver substation is currently being finalised and will be submitted in September/October 2025.
- 9.25 The technical material supporting the planning application demonstrates that the works will not result in any significant adverse impacts, and in my view there are no planning impediments to the grant of planning permission.
- 9.26 EDFps have been engaging with key stakeholders, including National Highways, Network Rail and Thames Water, and undertaking detailed work on the delivery of the cable corridors. EDFps's latest delivery programme (Document 9) shows how the works will be delivered to align with the initial energisation in 2027. There is, therefore, no reason to doubt that the cable corridors will not be delivered within the timescales required.

Data Centre Occupier

- 9.27 I am advised that the Appellant has appointed CBRE to act as the data centre agent on the project.
- 9.28 In Q1 2025 CBRE initiated soft market discussions. Following several months of engagement CBRE, then undertook further soft marketing with the operator market in June 2025. Part of this soft marketing included travelling to meet operators at the Datacloud event in France.
- 9.29 Upon completion of this soft marketing exercise, CBRE formally launched the project to a specific shortlist of 18 parties on 25 July 2025.
- 9.30 CBRE are confident a range of bids will come forward on 17 September 2025. Following initial bids CBRE aim to have a preferred party in place in October 2025.

Other

9.31 At paragraphs 6.61, 6.69 and 6.70 of their SoC, SBC appear to raise concerns about the commitment of the Appellant to deliver the Development if permitted. I am unclear on the basis of the concerns being raised, but I can confirm the Appellant's commitment to deliver the Development and benefit from the contracted power connections available from 2027. The Appellant notes SBC's proposed Condition 28 which limits the building to a data centre use only – I can confirm that the Appellant is prepared to accept this condition.

Summary

9.32 To summarise on the issue of deliverability:

- Mr O'Reilly describes the severe capacity constraints that currently exist in the transmission and distribution networks.
- As large data centres require a substantial amount of power, the ability to deliver additional data centre capacity in the SAZ is currently severely limited.
- The timing of reinforcement and upgrade works is uncertain. The Uxbridge Moor substation is likely to be delayed beyond 2029, but in any event all of its capacity as already been contracted. Further upgrades are unlikely until mid-2030 at the earliest.
- The Appeal proposals therefore provide the rare ability to deliver power connectivity in 2027 to enable the delivery of hyperscale data centre accommodation that will make a meaningful contribution toward the urgent and rapidly increasing need for data centres, especially in the SAZ which is the largest AZ in the UK.
- The power contracted to the Appeal Site is specific to that site, and cannot simply be transferred to another site or development. Any new applicant for power would need to enter the current 'queue' and is unlikely to secure power connections until mid-2030 at the earliest.
- The BESS will provide additional resilience in the local power network, supporting existing businesses and local communities in an area where the power network does not have other similar sources of flexibility.
- Planning applications for the cable corridors from the substations to the Appeal Site have either been submitted, or will be submitted imminently, and are no planning impediments to the grant of planning permission.
- EDFps are specialists in the delivery of the design and delivery of cable corridors, and there are no significant delivery constraints to facilitating connectivity in 2027.
- Tritax has the UK's largest logistics land platform and has a strong delivery track record.

10 Issue 3 – Grey Belt

- 10.1 The Appeal Site is located on the edge of, but within, the Green Belt.
- 10.2 The Government's revisions to the NPPF in December 2024 introduced a series of planning reforms that were specifically intended to facilitate development and support economic growth.
- 10.3 The Government's announcement of the revised NPPF explains that they have introduced a "*new common sense approach*"¹⁴ to Green Belt, which requires local planning authorities to identify and prioritise development upon 'Grey Belt' land.
- 10.4 SBC has not undertaken a review of its Green Belt to identify any Grey Belt land and hence the development plan does not reflect latest Government policy.
- 10.5 NPPF Paragraph 153 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, other than in the case of development on previously developed land or Grey Belt land, where development is not inappropriate.
- 10.6 'Grey Belt' is defined as:

"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. 'Grey Belt' excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development"

- 10.7 NPPF paragraph 155 states that:

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

- a. The development would utilise Grey Belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;*
- b. There is a demonstrable unmet need for the type of development proposed;.*
- c. The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework; and*
- d. Where applicable the development proposed meets the 'Golden Rules' requirements set out in paragraph 156-157 below." (my emphasis)*

¹⁴ <https://www.gov.uk/government/news/planning-overhaul-to-reach-15-million-new-homes>

10.8 I address each of the relevant criteria below, noting that the Development does not include the provision of new housing, and therefore criteria (d) (ie the 'Golden Rules') is not applicable.

Criteria a)

10.9 In the context of criteria a), Mr Webster's evidence carefully analyses the Appeal Site against Green Belt purposes a), b) and d), and demonstrates that the site does not 'strongly contribute' to any of these criteria.

10.10 Furthermore, Mr Webster's evidence also considers the impact of the Development on the remaining Green Belt across the area of the plan and concludes that it would not 'fundamentally undermine' Green Belt purposes when taken together. I agree with the conclusions reached by Mr Webster.

10.11 This conclusion is consistent with the judgements reached in the 2009 Appeal in respect of land at Parcel A where the Inspector commented that the site was "*somewhat remote from Slough*". The Inspector noted that the proposed concrete crushing and other activities would have a harmful effect on the Green Belt, but given the existing context of the site and surrounding area the effect on the Green Belt would be "*limited*".

10.12 The Inspector also concluded that the site was of little use supporting the objectives of the CVRP namely preventing urbanisation, maintaining the landscape, and promoting countryside recreation and the rural economy.

10.13 The significance of the Appeal Site is materially different to the more sensitive circumstances of the other decisions referred to in SBC's SoC – for example in the rail/road freight interchange on land north of A4 ("**SIFE**")¹⁵ that consisted of extensive areas of open land which it was concluded the proposed development would significantly erode.

10.14 Criteria a) of paragraph 155 of the NPPF is comprehensively satisfied.

Criteria b)

10.15 I have already set out earlier in my evidence the overwhelming need for data centres, both strategically at the national level aligned with Government policy objectives, but also at a local level within the SAZ, which is accepted to be the largest SAZ in Europe.

10.16 Mr Powney's evidence demonstrates the significant scale of need within the SAZ to be 2,970 MW at 2030, noting that other industry forecasts are higher. Furthermore, Mr Powney evidences that even after allowing for consented and live planning applications (despite many of these being unlikely to have contracted power), there is still an unmet need of at least 1,818 MW.

¹⁵ Ref: APP/J0350/A/12/2171967

10.17 There are of course a number of recent appeal decisions which also reinforce the scale of the forecast need, the urgent need to facilitate the delivery of data centres, and importance of data centres to economic growth as an item of critical infrastructure.

10.18 In particular, and as recently as 9 July 2025, in the Woodlands Park 2 (CD7.1) decision the Secretary of State stated that there is:

"The Secretary of State agrees with the undisputed position that need within the Slough Availability Zone (SAZ) has continued to rise significantly, from a short to medium term need of 1700MW identified in the Court 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." (paragraph 17)

"In reaching her conclusion, she has taken into account the level of need, the contribution to that need made by the proposal before her, and paragraph 85 of the Framework, which sets out that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. She does not consider that the weight which may attach to housing supply is an appropriate comparator in this case. Overall, the Secretary of State considers that need should be given significant weight." (paragraph 18)

10.19 Similarly, the Secretary of State's decision in December 2024 for the hyperscale data centre at Court Lane, Iver (CD7.3) within the SAZ states:

"The Secretary of State agrees with the Inspector that the site is an optimal site and 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. She agrees with the Inspector that failure to meet this need could have significant negative consequences for the UK digital economy". (paragraph 19)

10.20 The decision letter for the hyperscale data centre at Abbots Langley (CD7.2) in May 2025 confirms the pressing need for data centres in the broader London Availability Zone, stating:

"there is a clear and pressing need for new data centre capacity in the London Availability Region and the Hemel Hempstead AZ, and that this attracts significant weight." (paragraph 24)

10.21 In this context it is clear that criteria b) of paragraph 155 of the NPPF is satisfied.

Criteria c)

10.22 The Application was supported by a Transport Assessment which assessed the transport consequences of the Development and demonstrates the sustainability credentials of the Appeal Site for the development proposed.

10.23 In particular, the Appeal Site benefits from being served by a number of local bus routes which operate across the day and night – service 703 operates 24 hours a day. The existing bus service pattern therefore supports the shift patterns of the proposed data centre operation, with

regular connections to the surrounding settlements including Slough, Hounslow, Windsor and Bracknell. Further details are available in a Technical Note prepared by SLR (Document 10).

10.24 Furthermore, the Transport Assessment evidences that the development will result in a reduction in vehicular movements compared to the previous uses on the Appeal Site. In particular, there will be a reduction in HGV movements, which deliver consequential improvements in terms of noise and air quality.

10.25 It is also significant that the Application was not subject to any objections from the local highway authority or National Highways.

Summary

10.26 In summary, this section of my evidence confirms that:

- Drawing on the evidence of Mr Webster the Appeal Site does not fulfil a 'strong' role against Green Belt purposes a), b) and d);
- Drawing on Mr Webster's evidence the Development will not fundamentally undermine the wider Green Belt in the plan area;
- There is a substantial and growing need for data centres, specifically within the SAZ, and the Development will make an important contribution to that need;
- The Appeal Site represents a sustainable location for the proposed Development, resulting in a reduction in vehicular movements compared to previous uses on site;
- Overall, the Development satisfies criteria of paragraph 155 and is clearly Grey Belt land. It is not 'inappropriate' development and therefore raises no issue of harm to the Green Belt (including openness) (see Mole Valley [2025] EWHC 2127 (CD7.13)).

11 Issue 4 – Green Belt

- 11.1 In the section above I have provided evidence to demonstrate why I consider the Appeal Site to constitute Grey Belt land consistent with the terms of the NPPF.
- 11.2 However, should the Inspector and/or Secretary of State, contrary to my opinion, consider that the Appeal Site is not Grey Belt land, I address in this section the scale of harm that the Development could cause to the Green Belt (by reference to Mr Webster's evidence), which I will draw upon later in my evidence as part of the planning balance exercise.
- 11.3 Mr Webster's evidence provides a thorough analysis of the effect of the Development on the openness of the Green Belt and examines how the Development would impact upon its five purposes.
- 11.4 Mr Webster concludes that the Development will have 'substantial' harm to the spatial aspect of openness, but given the lack of intervisibility and wider ranging views, he concludes there will be 'limited' harm to visual aspects. With regard to duration of development and remediability he concludes that there will be 'substantial' harm, with the degree of activity resulting in 'limited' harm.
- 11.5 Overall, Mr Webster concludes that the development would have 'substantial' harm to the openness of the Green Belt.
- 11.6 In terms of the five purposes of the Green Belt, Mr Webster explains why the Development would not conflict with purposes (a), (d) and (e), but would result in 'limited' and 'moderate' harm to purposes (b) and (c), in relation to the merging of neighbouring towns and safeguarding the countryside from encroachment respectively.
- 11.7 Mr Webster explains that his assessment assumes as a starting point that part of the Appeal Site is converted to agriculture consistent with enforcement notice requirements. Nevertheless, as I have explained in Section 5, Parcel A and the northern part of the Link Road Parcel have not functioned as countryside for a considerable period of time.
- 11.8 Overall, I agree with the conclusions reached by Mr Webster about the levels of harm that would arise as a result of the Development if the land were not considered Grey Belt.

12 Issue 5 - The effect on the Strategic Gap and CVRP

12.1 Within this section I consider the effect of the Development on both the Strategic Gap and CVRP.

Strategic Gap

12.2 It is common ground that the Appeal Site lies entirely within the locally designated Strategic Gap.

12.3 The policy tests for development in the Strategic Gap are set out in Saved Policy CG9 and Core Policies 1 and 2.

12.4 The supporting text to Saved Policy CG9 defines the Strategic Gap as the Green Belt in Langley, and all Green Belt east of Brands Hill to the Borough boundary by the M25.

12.5 The policy states that:

"Any proposal which threatens the clear separation or role of open land within the strategic Green Belt gap between the Slough urban area and Greater London will not be permitted."

12.6 The supporting text to the policy explains that one of the main purposes of including land within the Green Belt is to prevent neighbouring towns from merging into one another. This policy therefore seeks to maintain the strategic break between the eastern edge of Slough, Colnbrook and Poyle, and Greater London.

12.7 Core Policy 1 (Spatial Strategy) reads as follows:

"All development will have to comply with the Spatial Strategy set out in this document. All development will take place within the built-up area, predominantly on previously developed land, unless there are very special circumstances that would justify the use of Green Belt land. A strategic gap will be maintained between Slough and Greater London"

12.8 Supporting paragraph 7.26 states that the remaining 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 the 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.

12.9 Core Policy 2 provides 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".

'Essential' Test

12.10 It is common ground that Core Policy 2 imposes an additional policy test that is separate to the Green Belt VSC test.

12.11 As clarified through the High Court's dismissal of a judicial review relating to the construction of a rail/road freight interchange on land north of A4 (SIFE), the 'essential' requirement relates both to the development itself and its location.

12.12 I have covered both these matters already in my evidence drawing on the evidence supplied by Mr Powney in relation to need and Mr Cole in respect of alternative sites.

12.13 However, I summarise the key points below:

- The current development plan was produced prior to the first NPPF and therefore adopts a constraint-based approach, rather than a pro-growth needs-based approach.
- In this context it is significant that the development plan recognises the limitations in land availability at the time the Core Strategy was produced. The scale of data centre demand was clearly not envisaged nor planned.
- In recognition of the limitations in land availability, the Core Strategy permits development in the Strategic Gap only where it can be demonstrated that both the development and the location are 'essential'.
- The Government has described the need to deliver economic growth as being their number one mission, and has been unequivocal about the importance of data centres as a key 'engine' in facilitating the drive for digital-based growth and enabling the UK to become a global leader in AI innovation.
- Mr Powney's evidence documents the substantial and growing need for data centres in the SAZ, even once all committed and proposed pipeline development is taken into account. The scale of the need is supported by other industry forecasts and has been accepted in recently recovered appeal decisions.
- SBC cite the SIFE decision (CD7.10) and a dismissed appeal in 2016 for a solar farm¹⁶ (CD7.5) on land north of the Appeal Site to justify their case that infrastructure needs are insufficient to satisfy the 'essential' test. However, the circumstances are materially different. The need for data centres is substantial. The Government has made its stance on the importance of data centres to support UK economic growth clear and the importance of the SAZ for data centres is unchallenged. This presents a clear and compelling picture which is distinct from the previous decisions cited.
- The Appeal is supported by a thorough Alternative Sites Assessment, which robustly demonstrates that there are no alternative sites available that meet the needs of the proposed Development and within the timescales necessary to align with the power connections in 2027. Mr Cole's evidence explains the comprehensive search area applied

¹⁶ Ref: APP/J0350/W/16/3144685

and the thorough methodology which considers key planning matters on a staged and transparent basis.

- It is noteworthy that SBC has failed to identify any specific alternative sites for the Development which satisfy operational requirements.

12.14 Overall, the case is compelling that the Development is quite clearly 'essential' in terms of need and location and all other respects. In other words, it is an example of the very kind of circumstances that the development plan allows for in the Strategic Gap.

Harm to the Strategic Gap

12.15 The Inspector in the SIFE appeal concluded that "*the Strategic Gap policy imposes an additional policy restraint on proposals for development located in this very sensitive area. The policy has full weight as a key component of the development plan for Slough...*". The Inspector came to this conclusion based on the judgment that 'fragmented and vulnerable' was a good description of the characteristics of the Green Belt area east of Slough¹⁷.

12.16 The site of the SIFE proposals is materially different to the Appeal Site, such that the sensitivity of the Appeal Site is considerably less.

12.17 This is reinforced by the conclusions reached by the Inspector in the 2009 Appeal who stated that the:

"...appeal site is situated in the extreme south-west corner of a designated strategic gap. It is however somewhat remote from Slough... Residential properties are situated to the north of the site, and these extend into the gap. In the south of the site are the lawful buildings to which I have already referred, together with others to the south of the site. The site is therefore not prominent in this part of the gap, and the appeal development would serve to fill in and regularise the boundary of the gap, without threatening the open area to the west of the site". (my emphasis)

12.18 Furthermore, in April 2004 the Secretary of State allowed an appeal (CD7.7) for a data centre on land north of the Appeal Site concluding that whilst the development would harm the openness, the extent of additional harm would be 'limited'¹⁸:

"The Secretary of State agrees with the Inspector that the data centre would be a very substantial building which would undermine the openness of the Green Belt and would be visible from many external viewpoints (IR 109). However, he notes that the site is not in open countryside and that it is strongly influenced by the proximity of a large industrial estate, a distributor road and adjacent land uses which include a recycling centre and gravel workings (IR 112). The Secretary of State considers therefore that there would be limited additional harm to the Green Belt in terms of loss of openness and visual impact. The Secretary of State agrees with the Inspector that while this factor does not by itself justify inappropriate development in the Green Belt, the proposals should be seen in that site context (IR 112)." (my emphasis)

¹⁷ Ref: APP/J0350/A/12/2171967, para 12.25

¹⁸ Ref: APP/J0350/V/03/1116914

12.19 Mr Webster's evidence considers the Appeal Site's contribution to the Green Belt land that forms the Strategic Gap. Mr Webster concludes that when considered in the round, the Appeal Site forms a very small part of the Strategic Gap between Slough and Greater London. In spatial terms, the Appeal Site comprises less than 14.5% of the Strategic Gap between Slough and Greater London as the crow flies. Looked at another way, the Appeal Site represents only 1.91% of the Strategic Gap by area.

12.20 Mr Webster explains that the PPG makes clear that visual separation is a key consideration when considering Green Belt gaps between neighbouring towns. He explains that the Strategic Gap in the vicinity of the Appeal Site contains the built form of Colnbrook, Poyle and the Poyle Industrial Estate, not to mention other sporadic buildings including the Hilton Hotel. This existing development necessarily compromises any sense of visual separation between Slough and Greater London.

12.21 Mr Webster describes the very degraded nature of this part of the CVRP, and refers to the reservoir embankments that rise to 20m which contrast with otherwise flat topography of the area, interrupting local views. Mr Webster also explains that the Strategic Gap is characterised by numerous areas of woodland, mature tree belts, and outgrown hedgerows that further interrupt views.

12.22 Overall, Mr Webster concludes that when considered in the round, the Development would result in a very modest expansion of built form to the west of the Poyle Industrial Estate, that would be well related to existing development, including the Hilton Hotel. Appreciation of the visual separation between Slough and Greater London is not possible because of the very character of this part of the CVRP, that includes elevated reservoir embankments and intervening vegetation. Consequently, Mr Webster concludes that the Appeal Site makes a weak contribution to the Strategic Gap between Slough and Greater London. I agree with his conclusions.

Summary

12.23 Overall, it is clearly evidenced (see Mr Cole's evidence) that it is essential for the proposed Development to be located on the Appeal Site within the SAZ. It is also evidenced that the data centre and BESS are critical national infrastructure, for which there is demonstrable and unmet need (see Mr Powney's evidence). It is accepted that the Development will cause some harm to the Strategic Gap, however, as evidenced by Mr Webster, the Appeal Site has contained commercial/industrial activities for almost a quarter of a century and as a result it has fulfilled a limited role and function. Consequently, the proposed Development will not cause any material harm to the purposes of the Strategic Gap.

12.24 On this basis, the Proposed Development is considered to materially comply with Core Policy 2 and Saved Policy CG9.

Colne Valley Regional Park

12.25 The Appeal Site is located within the CVRP.

12.26 Saved Policy CG1 (Colne Valley Park) states that:

"Proposals for development within the countryside or other open areas in 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 urbanisation of existing areas of countryside;*
- c) conserve the nature conservation resources of the park; and*
- d) provide opportunities for countryside recreation which do not compromise the above.*

Where development is permitted in these areas, measures to mitigate any visual impact and/or to enhance nature conservation and/or provision of new or improved access to the countryside will be sought by agreement and/or required by condition.

Where development is permitted within the built up area of the Colne Valley Park, which would have a significant visual impact on the Park, appropriate mitigation measures to realise the aims and objectives of the Colne Valley Strategy will be sought by agreement and/or required by conditions."

'Essential' Test

12.27 Core Policy 2 outlines that development will only be permitted in open areas of the Colne Valley Park if it is 'essential' to be in that location. This is the same policy test that is applied to the Strategic Gap.

12.28 The evidence I presented above to demonstrate that both the development itself and its location are essential, is equally applicable to the CVRP, and I do not repeat that evidence here.

Saved Policy CG1

12.29 Mr Webster's evidence has thoroughly analysed the Development against each of the 4 policy criteria, concluding that it would comply with Saved Policy CG1, providing important public access to the CVRP, together with valuable landscape, ecological, and biodiversity improvements.

12.30 In this context, it is significant that the body established to manage the CVRP (the Colne Valley Park Trust ("the Trust")) did not object to the proposed development. To the contrary, the Trust's consultation response (CD3.11) expresses support for the improvements proposed, specifically the introduction of a pedestrian route linking Poyle Road and the Arthur Jacobs Nature Reserve. Whilst noting that the landscape improvements would take time to mature, the Trust concluded that:

"The significant enhancements to the landscaping and proposed pedestrian and cycle connectivity to the site is welcomed."

12.31 The Trust's consultation response identified some 'concerns' relating mainly to the impact on Poyle Channel and fish, the use of river water for cooling, and pollution impacts during

construction. The Appellant responded comprehensively to each of the matters raised in the letter from Quod dated 1 April (CD4.13). No further consultation response was received from the Trust.

12.32 Furthermore, no objections were received from any statutory consultees with regards to landscape and visual impact.

12.33 As Mr Webster highlights, consideration of the impact of the Development on the CVRP plainly needs to have regard to the role, function and value of the Appeal Site to CVRP purposes. As I have already described in Section 5, large parts of the Appeal Site have been used for intensive industrial and commercial activities for a prolonged period and during this time it has not meaningfully contributed to the objectives of the CVRP.

12.34 This is supported by the conclusions reached in the 2009 Appeal (CD7.6) where the Inspector confirmed that:

"The site is generally contained by development on three sides. It is therefore of little use in terms of the objectives of the Colne Valley Park which are to prevent urbanisation, maintain the landscape, and promote countryside recreation and the rural economy. The site does not appear to have any conservation worthy of conservation. The appeal development would therefore not conflict with Local Plan Policy CG1. Moreover the appeal development would only result in a limited change to the surrounding area. The change would be of such a small extent as to result in no material landscape harm or conflict with Core Strategy Policy 9¹⁹".

12.35 I agree with Mr Webster that parts of the Appeal Site (eg Parcel B) do have a more rural character, and that the introduction of the data centre building will be visible which will impact the character of the Appeal Site and surrounding area. However, I agree with Mr Webster's conclusions that the replacement of the existing disparate industrial elements with a more coherent design, results in overarching benefits to its landscape character, including localised environmental improvements.

12.36 I conclude that the Development will have a minimal impact on the role/function and landscape character of the CVRP. The Development will largely be carried out within a built-up and urbanised part of the CVRP adjacent to an existing industrial estate and, as evidenced by Mr Webster, there will be no significant visual impact on the CVRP. The existing enhanced and proposed boundary treatments will play a significant role in screening views into the Appeal Site.

12.37 In my view the Development therefore accords with the requirements of Policy CG1.

¹⁹ Ref: APP/J0350/A/09/2096331, para 16

13 Issue 6 - The effect on the delivery of Third Runway at Heathrow

13.1 SBC's SoC refers to a holding objection on the basis that insufficient information has been provided to show that the Development would not adversely affect Government statements on the 3rd runway at Heathrow Airport.

13.2 In the context of the above, the following is important background:

- The Appellant engaged with Heathrow Airport Limited ("HAL") prior to the submission of the Application at the pre-application stage. A meeting was held with HAL's Planning Manager in November 2024 where no in-principle concerns were raised with the emerging proposals;
- Following the submission of the Application, HAL provided a formal consultation response on 21 January 2025 (CD3.7) re-confirming no in-principle concerns with the Development, subject to the imposition of 3 conditions. The Appellant confirmed in a letter dated 1 April 2025 (CD4.13) that the proposed conditions were acceptable;
- The Airports National Policy Statement ("ANPS") (CD5.8) was published in June 2018 and sets out Government's support for a 3rd runway at Heathrow Airport. The ANPS identifies a series of planning matters that need to be considered as part of any DCO application. Annex A contains a scheme boundary map and Annex B an illustrative masterplan. The Appeal Site is not located within either the Annex A or B boundaries, and there is nothing in the ANPS that relates directly to the Appeal Site.
- The adopted development plan does not protect or safeguard the Appeal Site associated with airport expansion.

13.3 Overall, there is no development plan policy, or any national/local guidance that protects or designates the Appeal Site for airport related purposes.

13.4 The Chancellor's statement confirms support for a third runway and invited proposals by the Summer 2025. As far as I am aware two competing submissions have been made to Government. The timescales and next steps in respect of the submissions is unclear. However, we are aware that HAL's March 2025 programme (CD14.5) suggests the submission of a DCO application in 2028, which would potentially not result in a decision until c. 2029/2030. Delivery of the scheme will therefore not occur until mid/late 2030s. The project is therefore still some way off.

13.5 The Appeal Site did form part of HAL's Preferred Masterplan which was subject to consultation in 2019. This Masterplan was prepared based on evidence generated prior to 2019 - over 6 years have elapsed since that point, during which time there will have been various changes in circumstances, not least due to the implications of the Covid 19 pandemic.

13.6 Changes in the planning landscape are noted in HAL's representation (CD8.5, page 7) who cite a change in land use and demand, amongst other factors. It is therefore clear that the 2019 Preferred Masterplan will need to be reviewed in light of up to date circumstances. This will then need to be subject to public consultation and ultimately scrutiny as part of the DCO application process.

13.7 The documentation that supported HAL's consultation on the Preferred Masterplan explained that the emerging DCO application did not intend to address the full requirements of Airport Related Development ("ARD") as a result of airport expansion - both displaced uses and forecast demand. Instead, HAL sensibly proposed that the market and Local Plan system should take responsibility for addressing a proportion of these requirements. To that end, HAL accept that sites beyond those in the Preferred Masterplan will need to be used to meet the growth requirements of expansion.

13.8 The availability of land for industrial use was also noted within SBC's emerging replacement Local Plan. The last consultation was the Proposed Spatial Strategy in November 2020 (Regulation 18). The document identified that there was considerable demand for warehousing to serve the needs of Slough and the wider area (outwith any expansion of Heathrow Airport). It is suggested that this demand should not be met as an extension of Poyle Trading Estate and instead suggests that sites exist in the wider area which are being considered through a Wider Area Growth Study (CD10 A.4(a), para 15.11). I am not aware that this Study was concluded, but it is clear that SBC anticipated that sites were available for industrial development in the wider area.

13.9 HAL's consultation material in January 2018 identified a series of potential sites for airport related activity (see extracts at Document 10), albeit limited to those within 2 miles of the airport boundary. A number of the sites were discounted in favour of those considered to be more preferential, but it is clear other potential site options exist.

13.10 In reality, the non-availability of the Appeal Site for ARD uses will not undermine or prejudice the delivery of a 3rd runway as a whole.

13.11 The Government has made its support for a 3rd runway at Heathrow Airport clear. In addition, Government has also confirmed its support for the delivery of data centres to enable its objective that the UK be a global leader in AI innovation, and the SAZ is recognised to be the largest data centre hub in Europe and the second globally.

13.12 Therefore, both expansion at Heathrow Airport and the delivery of data centres are important national infrastructure. It is disproportionate to suggest that the Appeal proposals will undermine the delivery of expansion at Heathrow. The projects are not mutually exclusive. Instead, both projects can, and should, be realised without any undermining effect on the other.

14 Issue 7 - Other Planning Matters

- 14.1 Within the earlier sections of my evidence I have demonstrated that the Appeal Site can be considered Grey Belt land and as a result there is no definitional harm to the Green Belt.
- 14.2 I have also explained that if the Inspector or Secretary of State does not consider the Appeal Site to be Grey Belt, the harm to the Green Belt as a result of the Development would be considered 'substantial' in respect of openness, and at most 'limited' and 'moderate' for purposes b) and c) respectively.
- 14.3 In addition, I have also explained the limited levels of harm that will arise to the Strategic Gap and CVRP as a result of the Development, highlighting the landscape improvements and new pedestrian access route proposed.
- 14.4 I now consider below other planning matters relevant to the proposed Development.

Landscape & Visual Impact

- 14.5 Core Policy 9 of the Core Strategy concerns the natural and built environment, and states that development will not be permitted unless it:
"...Respects the character and distinctiveness of existing buildings, townscapes and landscapes and their local designations..."
- 14.6 Saved Local Plan Policy CG1 specifically deals with the protection and enhancement of the CVRP, as I have explained in Section 12 of my evidence.
- 14.7 It is agreed between the parties that (CD8.7, para 7.48 to 7.56):
 - The Appeal Site is not subject to any other landscape designations beyond the CVRP
 - The applicable National Character Area covers such a wide scale that the Development will have no notable effects;
 - The northern part of the Appeal Site has an adverse effect on landscape character due to its industrial use;
 - The Appeal Site is not a 'valued' landscape for the purpose of paragraph 187 of the NPPF.
- 14.8 The Application was supported by a Landscape and Visual Impact Assessment ("LVIA") undertaken by Bryant Landscape Planning and it is noteworthy that no landscape or visual impact related objections were raised from statutory consultees, including from the Trust. The Trust did identify a series of viewpoint locations that they considered should be assessed, which have been considered in Mr Webster's evidence.

14.9 Mr Webster has reviewed the LVIA and in general agrees with the conclusions reached. Mr Webster identifies 'minor' (neutral) and 'negligible' (neutral) resultant landscape effects on the two landscape character areas that are applicable to the Appeal Site.

14.10 In reaching these conclusions Mr Webster explains that the overarching impression is of a heavily degraded landscape significantly altered by the introduction large reservoirs and lakes in former gravel pits. The reservoir embankments rise to 20m and contrast starkly with otherwise flat topography of the area and dominate adjoining settlement and road corridors, interrupting local views.

14.11 In terms of the landscape impacts on the Appeal Site, Mr Webster records 'major' adverse effect on Parcel A and a 'moderate' adverse effect on Parcel B, with 'negligible' adverse effects on on-site trees and vegetation.

14.12 With regard to visual impacts, Mr Webster agrees with the conclusions reached in the LVIA for the visual receptors considered, and also considers the additional viewpoints identified by the Trust. The overall effects are in general recorded to the negligible or minor, with the most significant being 'moderate' adverse for longer distance views reflecting the elevated nature of the viewpoint.

14.13 In reaching these conclusions Mr Webster notes that some local views towards the northern part of the Appeal Site would change, given the increased visibility of the proposed data centre when compared to the existing low-quality built form which currently occupies the Appeal Site. In general, Mr Webster explains that views are restricted to the immediate vicinity of the Appeal Site, where the worst-case effects are agreed to be 'minor'.

14.14 In summary, for the reasons set out in Mr Webster's evidence, the Development respects the character and distinctiveness of the local landscape context and thus accords with Policy CG9.

Trees and Hedgerows

14.15 It is common ground that the Development will not result in unacceptable impact upon trees and hedgerows (CD8.7, 7.31).

Traffic & Transport

14.16 No objections are raised to the proposed Development on transport grounds.

14.17 It is agreed that subject to appropriate planning conditions and/or planning obligations securing the improvements proposed, the Development will not have an unacceptable impact on highway safety or have severe cumulative impacts on the road network (CD8.7, 7.27).

14.18 Furthermore, it is common ground that the Development will result in a reduction in vehicle movements compared to the previous uses at the Appeal Site (CD8.7, 7.28).

14.19 It is also accepted that the proposed improvement works enhance the opportunity for sustainable and active modes of travel, and ensures the Appeal Site is accessible via sustainable transport modes (CD8.7, 7.29).

14.20A technical note has been prepared by SLR (Document 11) which explains the local bus services available around the Appeal Site and demonstrates their ability to serve the needs of the proposed Development.

Noise & Residential Amenity

14.21 In terms of noise and residential amenity, it is agreed that (with the conditions) there is no harm arising from the Development (CD8.7, 7.36/7.43), as verified in SBC's consultation response dated 5 June 2025 (CD3.12).

Heritage

14.22It was established that two built heritage assets could potentially experience some effect to their setting or significance due to the Development, and they were assessed within the submitted Built Heritage Impact Assessment (CD1.44).

14.23Balancing the proximity of the data centre to The Hollies (Grade II), with the fact that there is currently significant industrial development in proximity to the building, it was concluded that there would be a less than substantial degree of harm to the significance of the asset, at the mid-range of that scale.

14.24In respect of the Poyle Farmhouse (Grade II) it is similarly concluded that there would be a less than substantial degree of harm to the significance of asset, at the very low end of that scale.

14.25It was also concluded that there would be no harm to the setting of Windsor Castle/Great Park.

14.26It is agreed that the impact of the Development on the nearby heritage assets is less than substantial and SBC raises no objection on heritage grounds on the basis that the public benefits of the Development outweigh the less than substantial level of heritage harm (CD8.7, 7.32).

Archaeology

14.27The LPA and Berkshire Archaeology raise no objection on archaeology grounds (alongside the agreed planning conditions) (CD8.7, 7.33).

Ecology & Biodiversity Net Gain

14.28It is agreed that the Development will not have an unacceptable impact on protected species or habitats (alongside the conditions) (CD8.7, 7.34).

14.29It is evidenced in the Ecological Impact Assessment (CD1.38) submitted in support of the Application that the Development will deliver a biodiversity net gain of 115.53% in habitat units and c.10% in hedgerow units.

14.30 The Council's ecology response (CD3.12A) was provided post the Appeal being lodged (dated 4 August). No objection is raised to the Development but queries are identified in respect of designated sites, protected species and Biodiversity Net Gain ("BNG").

14.31 A technical note has been prepared by Tyler Grange (Document 12) which responds to each of the matters raised.

14.32 In respect of BNG, a revised metric is submitted alongside the technical note, which includes a section of ditch inadvertently missed from the original baseline metric (but which was included in the site surveys). The technical note and revised metric confirm that there will be no loss of watercourse units as a result of the Development, and there will be a net increase of at least 10%, with the precise details to be secured under condition.

14.33 Overall, the Development will deliver significant BNG enhancements equating to over 115% for habitat units, over 10.5% for hedgerow units and over 10% for watercourse units. The proposals therefore satisfy and exceed the requirement of Core Policy 9 which seeks to 'protect and enhance' the water environment, and 'enhance and preserve' natural habitats and biodiversity.

Air Quality

14.34 It is agreed that there is no harm arising from the Development (alongside the conditions) (CD8.7, 7.36), as verified in SBC's consultation response dated 5 June 2025 (CD3.12).

Aviation

14.35 It is agreed that the Development will not result in unacceptable harm to the safe movement of aircrafts as per HAL's consultation response of the 21 January 2025 (alongside the agreed conditions) (CD8.7, para 7.40)

Flood Risk & Drainage

14.36 It is agreed that the impacts of surface water drainage have been adequately addressed and that the Development is not at risk of flooding and will not increase flood risk off site (CD8.7, 7.44).

14.37 The lead local flood authority has raised no objection to the proposed drainage strategy (alongside the agreed conditions).

Contamination

14.38 It is agreed that matters relating to contamination will be adequately addressed via the agreed condition (CD8.7, 7.46).

Best and Most Versatile Agricultural Land

14.39 Natural England's agricultural land classification mapping for London and South East region (Document 13) shows that the majority of the Appeal Site is classified as 'other land primarily in non-agricultural use'. Whilst unclear from the scale of the mapping a small part of the Appeal Site may fall within Grade 2.

14.40 No objections have been raised on the loss of agricultural land, which in my view reflects the previous industrial activities that have occurred on site. It is my view that there is no material harm to best and most versatile agricultural land.

Energy, Sustainability & Climate Change

14.41 Core Policy 8 requires that development be sustainable and address the impact of climate change. The policy requires that 'where feasible' development should include measures to:

- Minimise the consumption and unnecessary use of energy, particularly from non renewable sources;
- Recycle waste;
- Generate energy from renewable resources;
- Reduce water consumption; and
- Incorporate sustainable design and construction techniques, including the use of recycled and energy efficient building materials.

14.42 The Council published a Climate Change Strategy and Action Plan in December 2021, which identifies a number of data centre specific considerations, including:

- Improved energy efficiency methods in data centre buildings
- Low carbon standby power systems (such as battery storage) rather than diesel powered generators;
- Annual report on power utilisation;
- Reuse of data centre equipment;
- Green energy procurement;
- Investigate use of waste heat via heat networks.

14.43 The Application was supported by an Energy and Sustainability Strategy which demonstrates that the Development comprehensively meets and exceeds the requirements of Core Policy 8, and responds positively to the objectives of the Climate Change Action Plan. In particular the Development consists of the following:

- BREEAM ‘Excellent’ rating.
- Fabric first approach and energy efficient building services (including highly efficient heat pumps) to reduce carbon emissions and energy demand through best practice passive design measures. This includes a low fabric air permeability and improvement on fabric U-values beyond notional building and minimum standards.
- Low/zero carbon technologies in the form of on site roof mounted solar photovoltaics.
- Inclusive of the passive design, energy efficiency measures, alongside the variable refrigerant flow system and rooftop solar photovoltaics result in a 16.7% reduction in emissions on Part L 2021.
- The Development has been designed to facilitate a connection to a heat network should one come forward in the area at a future point.
- Electricity supply by low/zero carbon power sources.
- Low water consumption fittings to comply with BREEAM standards.
- Water meter with a pulsed output to enable connection to a ‘Building Management System’ for the monitoring of water consumption.
- Mains water leak detection system to reduce the volume of potable water which may be lost due to leaking sub-surface pipework.
- Materials will be specified to be durable, responsibly sourced, have environmental product declarations and locally manufactured where feasible to reduce the embodied carbon of the Proposed Development.
- A Sustainable Procurement Plan will be adopted and inform the building specification and Contractors procurement strategy.

14.44A technical note prepared by Hoare Lea provides details on water usage within the Development (Document 14). The Development will employ a ‘closed loop system’ which substantially reduces water losses, as the same water is continuously recirculated within the system, with only minimal top-up required to replace small incidental losses. The system typically consumes less than 0.001 litres per kilowatt-hour (kWh) of IT load - approximately 0.055% of the water required by conventional open-loop cooling systems.

14.45Overall, the Development exceeds the requirements of Core Policy 8 and responds positively to climate change challenges.

Statutory Consultee Responses

14.46The Appellant was made aware of 8 statutory consultee responses during the determination of the application. None of these responses objected to the Application.

14.47 In a letter dated 1 April 2025 (CD4.13) the Appellant provided SBC with responses to each of the points raised in these 8 consultee responses.

14.48 Since the lodging of the Appeal, SBC has provided consultation responses in respect of noise and air quality matters (dated 5 June 2025) and ecology/BNG (dated 4 August 2025). Neither raise an objection to the proposed development.

14.49 The Environment Agency (“EA”) responded as an interested party of the Appeal. The response confirms that the EA did not object, but recommended conditions. These conditions were not provided to the Appellant during the determination process.

14.50 The Appellant has reviewed the proposed conditions and can confirm that the requirements are addressed in the Outline Remediation Strategy (and associated documentation) (CD1.42, 1.47 and 1.48) submitted in support of the Application, which will be implemented through SBC’s proposed Condition 13 (CD10 G.1). However, if it is considered necessary the Appellant would be prepared to accept the conditions as proposed.

14.51 In respect of planning conditions more broadly, I can confirm that the Appellant is prepared to accept the draft conditions as shown at Appendix G.1 of SBC’s SoC.

Summary

14.52 In summary, this section of my evidence has demonstrated that:

- The Development will result in some landscape and visual harms, but given the existing context of the Appeal Site and surrounding area, the scale of these harms is at most ‘minor’ for local views in the immediate vicinity of the site and ‘moderate’ for longer range views;
- The Development results in less than substantial harm to two designated heritage assets, which SBC agree is outweighed by the public benefits;
- No other planning harms arise as a result of the Development including traffic, noise, amenity, air quality, energy and sustainability, archaeology, contamination and ecology/biodiversity.

15 Issue 8 – Scheme Benefits

15.1 The Development will deliver a number of tangible and significant benefits, which I summarise below:

- Mr Powney's evidence demonstrates that the need for data centres in the SAZ is overwhelming – 2,970 MW by 2030. Mr Powney estimates that data centres in the planning pipeline may be able to deliver 1,152 MW, which results in a shortfall of 1,818 MW - a conservative assumption as it assumes all pipeline developments will come forward and are able to secure the necessary power. Furthermore, adopting another assumption that all of the alleged 4.3m sqft of additional data centre space in the STE comes forward (and is able to secure power), there will still be a shortfall of 1,219 MW. The Development will deliver a 72 MW IT hyperscale data centre with contracted power which will make an important contribution to evidenced needs;
- As explained in Mr O'Reilly's evidence, the BESS is required and will provide additional resilience to a highly constrained local power network that will support local business and surrounding communities, as well as contribute to the global ambition to reduce greenhouse gas emissions and the national incentive to increase energy security, as per para 168 of the NPPF.
- The Development will result in substantial economic benefits for the local area, by providing:
 - up to 490 FTE construction jobs
 - c.65 FTE operational jobs – a high proportion of which would be in highly skilled and high wage roles in electrical engineering and related fields
 - There will also be ancillary roles including facilities management and security offering roles providing entry level and mid level jobs.
 - Increased Gross Value Added of £5.98 million, with up to £92,000 GVA per worker
 - £3.5 million business rate revenue with an estimated £1.5m retained locally.
- The provision of skilled jobs along with a commitment from the Appellant to a Community Development and Skills Strategy. This will support the upskilling of Slough residents including engagement with local schools and colleges, strategic partnerships and Community Benefit Fund (£42,500), supporting sustainable growth in the sector.
- The Appellant will work with its selected construction contractor and SBC to support local employment and procurement opportunities and source goods and services locally during construction.
- Providing indirect, catalytic and down-stream beneficial effects – as recognised by Government in their designation of data centres as critical national infrastructure. Data centres are essential foundational infrastructure enabling economic growth, competitiveness and innovation across all enterprises and public services across all

industries. Data centres support cloud computing, AI, and big data analytics, which will be critical for international competitiveness and productivity gains. They will be especially important for UK's priority growth sectors such as life sciences and pharmaceuticals (see <https://www.smf.co.uk/wp-content/uploads/2025/01/How-to-power-AI-Feb-2025.pdf> page 11-15).

- Improved visual appearance of the Appeal Site, with the frontage off Poyle Road being dedicated as an area of public realm incorporating a footway, trees and enhanced biodiversity. The Development also has a high-quality design, raising the bar for those that follow behind.
- Delivery of a new pedestrian route linking Poyle Road to the Arthur Jacob Nature Reserve which aligns with the landscape strategy objectives of the CVRP;
- BNG in excess of the minimum policy requirement, including c.10.5% for hedgerows, c. 115% for habitats and c. 10% for watercourses.
- The Development will result in a reduction in vehicular trips compared to the activity previously on site.
- Improved access to two bus stops in the vicinity of the Appeal Site, including a new 2m wide pedestrian footway on the west of Poyle Road north of the site access junction, and a new pedestrian crossing on Poyle Road south of the site access junction.
- Bus stop contributions (£15,000) and highway improvements.

16 Overall Planning Balance

- 16.1 The planning balance is ultimately a matter of judgement for the decision maker. The Inspector and Secretary of State will obviously need to reach their own conclusions, but in this section of my evidence I set out my approach to the determination of this Appeal.
- 16.2 I identify and summarise the wide range of benefits and other considerations that weigh in favour of the Appeal scheme and I attribute weight to each of them²⁰. The same is done for any potential adverse effects. This allows for a balanced assessment of the proposals in accordance with the NPPF and the Development Plan having regard to the circumstances of this case.

Decision Making Framework

- 16.3 The starting point for the determination of any planning application or appeal is the Development Plan. The planning system is “plan led” and planning law requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 16.4 As I have explained earlier in my PoE, I find the Development Plan to be out of date with the requirements of the NPPF. The Development Plan was adopted before the first NPPF was published in 2012, and does not adopt the pro-growth sentiments of Government policy, most recently for data centres and Grey Belt land.
- 16.5 Paragraph 11(d) of the NPPF is therefore engaged. As I have explained in this PoE, there are no areas or assets of particular importance that provide a strong reason for refusing the Development, and as a result the presumption in favour of development at paragraph 11(d)(ii) applies.
- 16.6 Nevertheless, I consider that the proposals would accord with the Development Plan when read as a whole.
- 16.7 The Development Plan recognises the ability for development to be delivered in the Green Belt where it can be demonstrated that there are VSC (Core Policy 1). The VSC test weighs harm to the Green Belt and any other harms against the benefits of the scheme and other considerations.
- 16.8 In this case my primary position is that Appeal Site is Grey Belt land and hence the Development is not inappropriate development. As a result is not necessary to apply the VSC test. The Development Plan is inconsistent with the NPPF in this respect.

²⁰ The weighting range that I apply is – No Weight; Limited; Moderate, Significant or Substantial, save for heritage where Great Weight is applied as per NPPF para 212

16.9 However, if the Appeal Site is not considered Grey Belt, I say that the proposals are consistent with the Development Plan as there are VSC to clearly and demonstrably justify this particular development in the Green Belt.

16.10 I find that the Development accords with Core Policy 2 as it has been demonstrated that the development and its location are essential in the Strategic Gap and the CVRP.

Harms to be Weighed in the Balance

Harm to the Green Belt

16.11 It is my view that the Appeal Site constitutes Grey Belt land consistent with national policy and guidance.

16.12 My evidence, combined with that of Mr Webster, comprehensively demonstrates that:

- the Appeal Site does not make a 'strong contribution' to Green Belt purposes a), b) and d);
- the Development will not 'fundamentally undermine' the remaining Green Belt across the area of the plan;
- there is an unarguable significant and growing need for data centres in the SAZ;
- there are no alternative sites to accommodate the Development; and
- the Appeal Site is a sustainable location for the form of development proposed.

16.13 In addition, there are no identified Footnote 7 constraints that would provide a strong reason for refusing or restricting the Development.

16.14 On this basis it is my view that the proposals represent appropriate development on Grey Belt land, and as result no definitional harm arises to the Green Belt.

16.15 If the Inspector or Secretary of State considers, contrary to my view, that the Appeal Site does not constitute Grey Belt land, it is necessary to quantify the harm to the Green Belt.

16.16 In this scenario, I accept that the proposals represent inappropriate development in the Green Belt. Accordingly, there would be definitional harm.

16.17 Mr Webster concludes that the Development would result in 'substantial' harm to the openness of the Green Belt, and would cause 'limited' and 'moderate' harm to two of the five purposes.

16.18 I accept that **substantial** weight should be afforded to any such harm to the Green Belt (if the Appeal Site is not considered to be Grey Belt land).

Landscape & Visual

16.19 Mr Webster concludes that the appeal proposals will result in some landscape and visual harm.

16.20 He notes that some local views towards Parcel A of the Appeal Site would change, given the increased visibility of the proposed data centre when compared to the existing low-quality built form which currently occupies the Appeal Site. In general, views are restricted to the immediate vicinity of the Appeal Site, where the worst-case effects will be 'minor'.

16.21 In the wider context, there is intervisibility from Copper's Hill, Runnymede and Datchet Sailing Club where the effects are recorded as 'moderate'.

16.22 Overall, in my view the Development would have a moderate landscape and visual effect. I afford **significant** weight to this harm.

Strategic Gap

16.23 Mr Webster's evidence considers the Appeal Site's contribution to the Strategic Gap, highlighting that when considered in the round, it forms a very small part. In spatial terms, the Appeal Site comprises less than 14.5% of the Strategic Gap between Slough and Greater London as the crow flies or less than 2% of the overall Strategic Gap by area.

16.24 The Development would result in a very modest expansion of built form to the west of the Poyle Industrial Estate, that would be well related to existing development, including the Hilton Hotel. Appreciation of the visual separation between Slough and Greater London is not possible because of the very character of this part of the CVRP, that includes elevated reservoir embankments, including The Queen Mother Reservoir that is located between the Appeal Site and Slough. Intervening vegetation also interrupts views within the Strategic Gap.

16.25 Overall Mr Webster concludes that the Appeal Site makes a weak contribution to the Strategic Gap between Slough and Greater London and that any harm would be limited.

16.26 Noting the out of date nature of the development plan, I afford **limited to moderate** weight to this harm.

CVRP

16.27 Mr Webster has analysed the Development against the criteria of Policy CG1 and concludes that the proposals would comply with Saved Policy CG1, providing important public access to the CVRP, together with valuable landscape, ecological, and biodiversity improvements.

16.28 Harm to landscape character is already accounted for above, and as a result is not double counted here.

16.29 Overall, no harm is recorded to CVRP against Policy CG1.

Heathrow Third Runway

16.30 The Development Plan, nor the ANPS, nor any other policy or guidance protect or safeguard the Appeal Site for airport related uses.

16.31 The Government has made its support for a 3rd runway at Heathrow Airport clear, but has also confirmed its support for the delivery of data centres to realise its Industrial Strategy and deliver its 'number one mission' - economic growth.

16.32 These projects are not mutually exclusive. Both can, and should, be facilitated,

16.33 Following the Chancellor's announcement HAL are re-commencing the preparation of a DCO application and there is considerable work to be undertaken to achieve the targeted submission in 2028. Naturally circumstances have changed since the 2019 Preferred Masterplan, with a number of previously identified sites potentially no longer being available for ARD uses.

16.34 The absence of these sites (including the Appeal Site) will not, in reality, undermine or prejudice the delivery of a third runway, given the alternative land in the wider area.

16.35 Overall, no harm is recorded against planning policy or Government objectives.

Heritage

16.36 It is agreed that the impact of the Development on the nearby heritage assets is less than substantial and SBC raises no objection on heritage grounds on the basis that the public benefits of the Development outweigh the less than substantial level of heritage harm (CD8.7, 7.32).

16.37 This harm should be afforded **great weight** consistent with NPPF paragraph 212.

Considerations Weighing in Favour of the Proposals

16.38 The Appeal proposals, if allowed, would secure important benefits that would respond to all three of the Government's overarching objectives for sustainable development (social, economic and environmental).

16.39 I have already outlined the main benefits and other considerations that weigh in favour of the proposal in previous sections of my evidence. In the context of my primary position that the Appeal Site is Grey Belt land and hence the proposed development is not inappropriate, these factors comprehensively outweigh the harms identified above.

16.40 Conversely, if the Appeal Site is not considered to be Grey Belt and the development is inappropriate in the Green Belt, these factors represent VSC which clearly and demonstrably outweigh the harms identified.

16.41 It is unnecessary to rehearse these again in full, but I identify the headline points that affect the weight that I apply to each of them.

Need including national considerations and contribution to meeting that need

16.42 The evidence shows that there is a national, regional and local need for data centre development.

16.43 The Government's amends to the NPPF to amplify the need for this type of development and its role as an engine in delivering digitally-led economic growth, puts the question of need beyond doubt.

16.44 The Development is critical national infrastructure.

16.45 The need is of national importance, it is urgent and it is overwhelming in scale.

16.46 The proposals would make a significant contribution to meeting needs at the right time and in the right location. I afford **significant** weight to this matter.

Locational requirements and absence of suitable alternative sites

16.47 Mr Powney and Mr Cole have identified the specific locational requirements of the proposed development and how it responds to the particular needs of the SAZ.

16.48 Evidence has been provided to demonstrate that the identified need cannot be met on an alternative site(s).

16.49 I afford **significant** weight to the absence of alternative sites to meet the need.

Deliverability

16.50 Mr O'Reilly has clearly demonstrated the power constraints that exist within the SAZ.

16.51 As a result, not only are there a lack of alternative sites available to meet the identified need, resolution to the current power limitations is unlikely before 2030. Consequently, the delivery of new data centres will not be able to keep pace with the increasing needs.

16.52 The Development has secured contracted power connections that will be available in 2027.

16.53 As such, the Appeal Site is one of the few locations in the SAZ where data centres will be able to be delivered in the immediate term to contribute toward national objectives.

16.54 I afford this matter **significant** weight.

National and Local Economic Impact

16.55 The Development will deliver direct inward investment of over £365m.

16.56 The evidence of Mr Powney emphasises the importance that Government affords to investment in, and support for, the delivery of data centres as key engine in supporting UK economic growth.

16.57 Slough is a major UK Data Centre location with 379.23 MW of IT load capacity across 29 facilities²¹, supporting a wide range of digital industries. The strength of Slough's digital economy is demonstrated by the fact that several innovation clusters (AI, Clean Tech, Research and Consulting (Physical Science and Engineering) and Electronics Manufacturing) are expected to experience significant turnover growth, and are centred on, or envelop Slough.

16.58 These clusters are drivers of innovation and productivity and create employment opportunities. It is anticipated that over the next five years, the four aforementioned industries will achieve a

²¹ Mordor Intelligence, 2024. United Kingdom Data Centre Market Size & Share Analysis – Growth Trends & Forecasts up to 2029

compound growth rate between 4% to 27%²². In 2024, the clusters had a combined turnover of £1.7bn²³.

16.59 Data centres are critical to the functioning of SBC's businesses and while the space itself has a lower employment density compared to office use for example, as 'economic infrastructure' they play a critical role in creating, supporting and sustaining jobs in the rest of the economy – at a local, London-wide, national and international level.

16.60 Slough has a young and growing population, which makes SBC an attractive area for businesses to operate. This is evident by the 536% growth in digital startups²⁴.

16.61 Overall, the economic benefits are national, regional and local in character and they align with the Government's aims to generate growth and prosperity for all.

16.62 These economic benefits should be afforded **significant** weight.

Temporary Construction Employment

16.63 The construction industry is an important sector in the UK economy. The Appeal proposals would generate significant amounts of employment (direct and indirect) during the construction phase – c. 490 FTE jobs.

16.64 I recognise that construction jobs are only temporary, but the industry relies upon a constant stream of sites and this will be a major construction project.

16.65 I would afford this **limited** weight.

Permanent Employment

16.66 The proposals would generate in the region of 65 FTE permanent jobs.

16.67 A high proportion of roles will be highly skilled and high wage jobs. Jobs requiring digital tech skills command higher salaries on average in the UK - £42,578 for a digital native job, vs. £32,477 annually for a non-digital job on average²⁵.

16.68 At a regional level, in the South East, median annual wages (gross £) for all industries is £32,819 in 2024, compared to £51,401 for information and communication jobs²⁶.

16.69 The generation of digital jobs supported by the Development will result in greater proportional economic benefits than other non-digital employment uses.

16.70 I afford **significant** weight to the new employment opportunities.

²² Data City, 2024. RTICS

²³ Department for Science, Innovation and Technology, 2024. Innovation Clusters Map

²⁴ Tech Nation, 2018. Connection and collaboration: powering UK tech and driving the economy

²⁵ Tech Nation, 2018. Connection and collaboration: powering UK tech and driving the economy

²⁶ ONS, 2024. Earnings and hours worked, UK region by industry by two-digit SIC: ASHE Table 5, 2024

Education, Skills & Training

16.71 SBC's Core Strategy outlines that there is "an urgent need to improve the skills of Slough residents so that they will be able to obtain jobs in the new knowledge based industries"²⁷. The Appellant has confirmed its commitment to working alongside SBC, to ensure that benefits and employment opportunities generated during the operational phase are of benefit to local residents, including through a Community Development and Skills Strategy.

16.72 I attach **moderate** weight to this matter.

Social Benefits

16.73 In addition to the economic benefits, data centres also provide vitally important social benefits. The use of data and connected devices is embedded into our day to day lives, such that it underpins modern day living in the UK.

16.74 The Development would add to and reinforce the critical infrastructure upon which modern day economies (and society) increasingly depend.

16.75 I attach **limited** weight to this matter.

Addressing Climate Change

16.76 The Development will make a contribution towards addressing climate change both directly and indirectly as follows:

- Significant reductions in energy usage and carbon reductions compared to other increasingly outdated formats including through solar panels
- Commitment to BREEAM Excellent
- Reducing the need to travel through remote working and video conferencing
- Support the transition to renewable energy through the inclusion of BESS
- Minimising water use through a closed loop system
- Provide resilience to an already constrained power network.

16.77 I afford this matter **moderate** weight.

Landscape Enhancements and BNG

16.78 The proposals would deliver significant environmental and landscape benefits across the Appeal Site, as well as deliver enhancements to other parts of the Green Belt through a new pedestrian route between Poyle Road and the Arthur Jacob Nature Reserve (consistent with the Trust's objectives for CVRP).

²⁷ Slough Borough Council, Development Plan – Core Strategy 2006-2026. Paragraph 2.14

16.79 The proposals also deliver a BNG that exceeds the 10% requirement – c.115% for habitats, c.10.5% for hedgerows and c. 10% for watercourses.

16.80 These are important benefits in the context of NPPF paragraph 151 which seeks to secure these types of enhancement in the Green Belt.

16.81 I afford this matter **moderate** weight.

Reduction in Vehicular Trips and Accessibility Improvements

16.82 The Development will promote sustainable modes of transport by facilitating and improving access to the existing public transport network – specifically off-site interventions to improve pedestrian access to two bus stops to the benefit of users of the Appeal Site, but also the wider industrial estate.

16.83 The proposed development will also reduce the impact of traffic on the local road network compared to the previous uses onsite.

16.84 I afford this matter **moderate** weight.

Consequences of Not Providing Capacity

16.85 The consequences of not providing data centre capacity to meet identified needs are an important material consideration in the determination of this Appeal.

16.86 As explained by Mr Powney the economy will be directly impacted through the failure to deliver hyperscale data centres in the optimum locations. It is also wholly inconsistent with Government's stated aim to make the UK a global leader AI innovation.

16.87 Mr Powney draws on a publication from the Department for Science, Innovation and Technology ("DSIT") which explains that if data centre supply does not keep pace with demand it may impact the country meet its sovereign needs such as the NHS or national security which are entirely reliant on continuous and immediate access to data.

16.88 Further, failure to embrace data centre growth in the most important AZ in Europe (ie SAZ) may signal to the wider market that the UK is not aiming for growth, resulting on companies choosing to reallocate investment decisions into more favourable countries that facilitate investment in data centre infrastructure.

16.89 Mr Powney also explains that data centre capacity going off shore has national security implications, with DSIT publications citing increased exposure to global supply chain risks and instability in economic resilience.

16.90 I afford this matter **significant** weight.

Overall Planning Balance

16.91 Section 38(6) of the Planning & Compulsory Purchase Act 2004 requires planning decisions to be made in accordance with the development plan unless material considerations indicate otherwise.

16.92 In this case, I find the Development Plan out of date and as a result the tilted balance of NPPF paragraph 11(d)(ii) is engaged.

16.93 Notwithstanding this, I find that the Development accords with the provisions of the Development Plan when read as a whole.

16.94 The Appeal Site is Grey Belt land, meaning that the proposals are not inappropriate development.

16.95 Even without the Grey Belt land identification, clear and compelling VSC exist that demonstrably outweigh Green Belt and any other harms consistent with Core Policy 1.

16.96 The development itself and its location have been demonstrated to be essential in the content of Core Policy 2.

16.97 There are a number of benefits and other considerations that weigh in favour of the proposals, including:

- Need for the development and contribution to meeting that need - **Significant**
- Locational requirements and the lack of alternative sites – **Significant**
- Deliverability – **Significant**
- National and local economic Impact - **Significant**
- Temporary Construction Employment – **Limited**
- Permanent employment - **Significant**
- Education, skills and training - **Moderate**
- Social benefits - **Limited**
- Addressing Climate Change - **Moderate**
- Landscape and biodiversity enhancements – **Moderate**
- Reduction in vehicular trips and accessibility improvements - **Moderate**
- Consequences of not providing capacity to meet need – **Significant**

16.98 The potential adverse impacts have been identified and these should also be afforded varying degrees of weight as follows:

- (If the Appeal Site is concluded not to be Grey Belt) Harm to the Green Belt – **Substantial**
- Harm to landscape and visual – **Significant**

- Harm to the Strategic Gap – **Limited to Moderate**
- Harm to heritage assets – **Great Weight**

16.99 All other identified impacts can be avoided, mitigated or addressed through planning conditions and/or obligations.

16.100 The identified benefits of the development undoubtedly outweigh the harms where the Appeal Site is regarded as Grey Belt. Furthermore, where the Appeal Site is considered Green Belt, the overwhelming scale of the scheme benefits act as VSC which clearly and demonstrably outweigh the harm to the Green Belt and any other harm resulting from the Development.

16.101 Consistent with Section 38(6) the proposals accord with the Development Plan as a whole. The Appeal proposals represent sustainable development and planning permission should be granted.