

**REBUTTAL TO PAUL STIMPSON PROOF OF
EVIDENCE AND DANIEL RAY PROOF OF EVIDENCE**

APPEAL REFERENCE APP/J0350/W/25/3366043

PREPARED FOR MANOR FARM PROPCO LIMITED (APPELLANT)

30 SEPTEMBER 2025

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1. INTRODUCTION

1.1 This rebuttal evidence responds to the proofs of evidence (**PoE**) of Mr Paul Stimpson [CD 11.1] and Mr Daniel Ray [CD 11.2], who are acting on behalf of Slough Borough Council (**Council**) in respect of the planning appeal APP/J0350/W/25/3366043 (**Appeal**) in relation to the following development at Manor Farm, Poyle Road, Slough (**Appeal Site**):

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 (Development)

1.2 This rebuttal evidence has been prepared to highlight areas of disagreement and agreement with Mr Stimpson and Mr Ray's PoEs. Not all areas of dispute have been commented on and failure to mention a particular point in either Mr Stimpson's or Mr Ray's PoE does not signal any agreement to such point.

1.3 To assist the inquiry, this rebuttal evidence has been prepared by the expert witnesses acting for the Appellant as a single consolidated document that responds to both Mr Stimpson and Mr Ray's PoEs.

1.4 This rebuttal evidence first deals with the following topic areas covered by Mr Stimpson:

- (a) Section 2 - Need for data centres (addressed on behalf of the Appellant primarily by Mr Mark Powney (Savills) with further remarks by Mr Phil Murphy (Quod));
- (b) Section 3 - Alternative sites (addressed on behalf of the Appellant primarily by Mr Alex Cole (Savills) with further remarks by Mr Tim O'Reilly (Tritax));
- (c) Section 4 - Power availability (addressed on behalf of the Appellant by Mr Tim O'Reilly (Tritax));
- (d) Section 5 - Landscape, Green Belt and Grey Belt (addressed on behalf of the Appellant primarily by Mr David Webster (Pegasus) with further remarks by Mr Philip Murphy (Quod));

- (e) Section 6 – Planning History¹ (addressed on behalf of the Appellant by Mr Philip Murphy (Quod));
 - (f) Section 7 – Development Plan (addressed on behalf of the Appellant by Mr Philip Murphy (Quod)); and
- 1.5 It then responds to Mr Ray's PoE and matters relating to Heathrow Airport and the third runway in Section 8 (addressed on behalf of the Appellant by Mr Philip Murphy (Quod)).
- 1.6 The expert witnesses who contributed to each section of this rebuttal evidence have been identified above and are also noted in the introductory paragraph of the relevant sections of the evidence.
- 1.7 For the avoidance of doubt, this rebuttal evidence does not change the PoEs or alter any of the findings of any of the expert witnesses acting for the Appellant, who continue to rely on that written evidence.

¹ Mr Stimpson's PoE is supported by Appendix T which is entitled as a 'Statement of Evidence' from Mr Ray on Planning History. The document is not attached to Mr Ray's PoE. It is not clear whether the Statement of Evidence should be treated as expert evidence, but in any event a rebuttal is provided at Section 6 of this document

2. NEED FOR DATA CENTRES

- 2.1 Part A of this section has been prepared by Mark Powney, with input from Mr Tim O'Reilly on paragraph 2.11, and Part B been prepared by Philip Murphy. Where relevant, Mr Powney and Mr Murphy's PoEs [CD 11.3 and 11.12] are cross-referenced as these address a number of the issues raised by Mr Stimpson.

PART A

- 2.2 This Part A of section 2 has been prepared by Mr Powney.

No demand evidence has been presented by the Council

- 2.3 The basic approach to calculating data centre need is future data centre demand less known available supply.
- 2.4 A key weakness of Mr Stimpson's PoE is that he does not present any data centre 'demand' evidence specific to the Slough Availability Zone (**SAZ**) where the Appeal Development is located. This means that no quantification of future data centre 'need' has been made.
- 2.5 Instead, his approach is to question the level of demand accepted in recent decisions, such as Woodlands Park, as being '*extraordinarily high and completely unrealistic*' [CD 11.1, **paragraph 2.111**]. For this reason, Mr Stimpson's view is that these figures are not appropriate to use in this Appeal despite it covering the same geographical area (the SAZ)².
- 2.6 Mr Stimpson goes on to state that '*the methodology used in the Woodlands Park appeal was to ask providers and users how many data centres they would like to build in the SAZ in the next five years*' [CD 11.1, **paragraph 2.116**].
- 2.7 This has not been Mr Powney's approach. As set out in Mr Powney's PoE, he applied a Planning Practice Guidance (**PPG**) compliant approach to estimate future demand that considered the average level of net data centre delivery in the SAZ and then uplifted this into the future to 2030 based on a compound annual growth rate (**CAGR**) that has been achieved historically in the SAZ. Given the exponential growth being seen in data and AI, these historic trends are arguably conservative. Mr Powney then sought to interrogate his baseline demand modelling by undertaking a number of sensitivity tests, including a

² Information about the SAZ is set out in Section 4 of Mr Powney's PoE [CD 11.3] and in further detail within Alex Cole's PoE [CD 11.6]

comparison with the accepted demand figures at the Woodlands Park Appeal [CD 7.1] (WP2), and projections from the demand models of both the International Data Corporation and McKinsey. He also considered a pessimistic scenario which used a much lower CAGR than has been achieved in the SAZ historically.

2.8 To estimate future data centre need, Mr Powney compared his demand estimates against the full planning pipeline (which includes all the sites with planning permission outlined in paragraphs 2.31 to 35 of Mr Stimpson's PoE), plus known sites in pre-planning and the full 4.3 million sq ft data centre pipeline³ earmarked within the Slough Trading Estate (STE) but over a shorter 5-year period, rather than the 7 years SEGRO states. It is worth noting there is likely to be some overlap between the planning pipeline and SEGRO's 4.3 million sq ft future pipeline. Given, no details have been provided with respect to the SEGRO pipeline, Mr Powney has taken the decision to include the full 4.3 million sq ft so his supply estimates are generous. Even if all of these sites were to come forward by 2030, which is considered unlikely, under Mr Powney's baseline modelling a significant 'need' shortfall of 1,259 MW by 2030 remains.

2.9 This result, alongside Mr Powney's other sensitivity testing, is shown in Figure 1. As can be seen, the need shortfall is even higher under three of his other sensitivity tests. A 386 MW shortfall still exists even under his most pessimistic scenario which is predicated on a 40% decline in future data centre demand (which is not reflective of current trends).

Figure 1 - Need Shortfall of the Savills and other sensitivity tests in the Study Area/ SAZ by 2030 (MW)

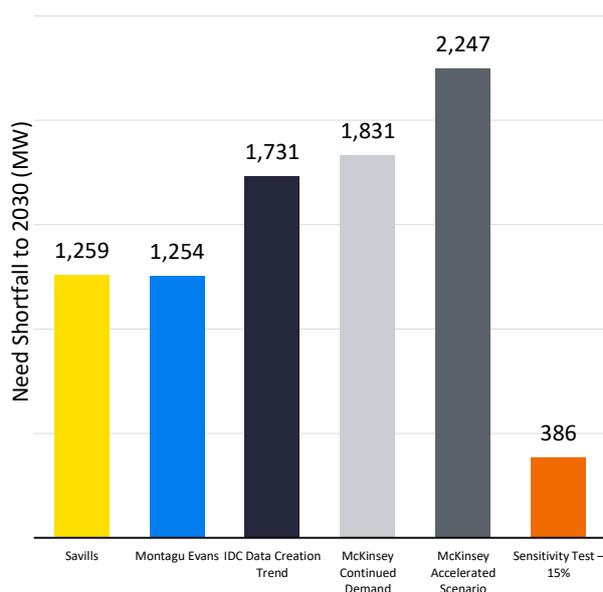
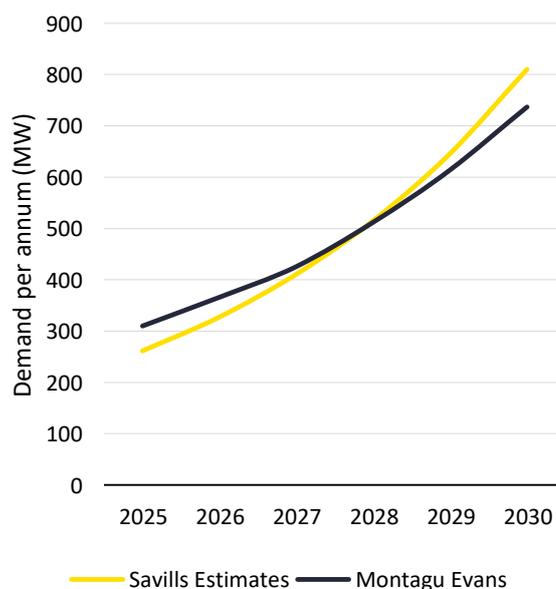


Figure 2 – Savills and Montagu Evans Future Demand Estimates in the Study Area/ SAZ per annum to 2030 (MW)



³ Mr Stimpson refers to a figure of 4.2 million sq ft throughout his proof, whilst SEGRO's email refers to 4.3 million sq ft. Mr Powney's analysis of the STE figures was carried out on the basis of the 4.3 million sq ft figure stated by SEGRO.

- 2.10 As a further cross check, and to place their forecasts within the context of reality, both Mr Powney and Montagu Evans (who prepared the need evidence for WP2) have considered known requirements for new data centre space from agents. This again shows strong demand of around 2,100 MW (see Table 5.5 of Mr Powney's PoE) of live requirements in the SAZ. Savills' agents have confirmed that other requirements exist but are not included in this table given they have been shared on a confidential basis.
- 2.11 This strong demand is further evidenced by:
- (a) The significant engagement with established global colocation data centre operators who are focused on delivering cloud services that has been ongoing since top tier operators during the inception and initial design stage of the Appeal Development;
 - (b) The interest from these operators during the competitive market selection process that the Appellant is currently running because of its location in the SAZ and secured power connections before 2029/30;
 - (c) The number of commercial offers for occupation of the entire development that the Appellant been received as part of this process; and
 - (d) The three parties who have been invited in the second round of the process who are extremely motivated to be selected as tenant.
- 2.12 The ongoing negotiations are commercially sensitive and it is not possible to share further detail at the time of writing this rebuttal. The details of the engagement with operators is evidenced in the letter from CBRE at **Appendix 1**.
- 2.13 Despite the difference in approach between Mr Powney and Montagu Evans, their future demand estimates are very similar for the SAZ, as shown in Figure 2. This leads us to conclude that the Secretary of State was entirely reasonable to reach the demand conclusions she did as part of the WP2 appeal. We also note that no challenge has been made to the findings of the Secretary of State on need in previous recovered appeals in the SAZ (WP2 [CD 7.1] and Court Lane [CD 7.3]), let alone any suggestions that such findings were unreasonable, which would have been a clear basis for challenge.
- 2.14 Mr Powney's data centre demand and subsequent need conclusion, once known supply

is accounted for, directly undermines Mr Stimpson's view, based on no quantitative evidence, that '*there is not a shortage of sites in Slough*' (paragraph 2.135). If anything, Mr Stimpson's own PoE contradicts this at paragraph 2.120 where he references the House of Commons Library Research Briefing Note on Data Centres [CD 12.6] which states '*the west London data centre market is "beginning to reach saturation point", with limited land*'.

- 2.15 In offering no quantitative demand evidence of his own, Mr Stimpson instead focuses almost entirely on known supply in terms of the current planning pipeline at paragraphs 2.31 to 35 of his PoE and future identified capacity within the STE at paragraph 2.23.
- 2.16 Mr Powney does agree with Mr Stimpson's assertion that the creation of a Special Planning Zone (**SPZ**) within the STE is an example of positive planning as it allows data centres to come forward without the need for planning permission. However, Mr Powney's is concerned that Mr Stimpson appears to have taken SEGRO's (a single operator) assertion as to its future STE data centre pipeline as fact and representative of the total future demand. This is despite (1) the careful wording of SEGRO's representation that STE "could" accommodate such pipeline (not "can" or "will"), and (2) Mr Stimpson criticising and discounting a similar approach when it was followed in WP2 (i.e. asking data centre providers their future aspirations as part of the demand assessment). There is therefore some inconsistency in Mr Stimpson's case on this point and Mr Powney notes further that the WP2 need assessment covered multiple providers, whereas Mr Stimpson relies only on SEGRO.
- 2.17 Mr Stimpson concludes at paragraph 2.144 [CD 11.1] by stating '*there is now a significant supply of hyperscale data centres in Slough and Buckinghamshire within the SAZ. As a result, the needs of potential data centre operators can be met there*'.
- 2.18 It is not adequate to state that the existing pipeline alone is sufficient to meet demand when no quantitative demand analysis is presented by Mr Stimpson. This is especially true given potential operators have demonstrated more demand and want to occupy the Appeal Development.
- 2.19 Mr Stimpson appears not to comprehend the extent of demand for data centres overall and especially within the SAZ. If an operator or hyperscaler takes up computing capacity at one site, this does not necessarily mean that their total demand is satisfied. In reality, the majority of these firms are in rapid expansion mode as shown by the committed capital expenditure in Figure 4.2 of Mr Powney's PoE [CD 11.3] and they are actively seeking further space, such as at the Development.

Government's AI Targets

- 2.20 Rather than present his own view of future data centre demand in the SAZ, Mr Stimpson seeks to undermine the WP2 demand estimate of 2,858 MW over a five year period, by referencing the Government forecast for AI-enabled data centres.
- 2.21 Specifically, he references the '*at least 6 GW of AI-capable data centre capacity by 2030*' that is forecasted within the "UK Compute Roadmap" Policy Paper [CD 11.1 P]. He then compares this with the 1.6 GW of data centre capacity in the UK from the House of Commons report [CD 12.6] and concludes at paragraph 2.113 that '*this means there is a need for an additional 4.4 GW of data centres in the country in the next five years.*' He notes that the WP2 demand estimate of 2,865 MW represents 65% of this total demand, which he judges to be unrealistic.
- 2.22 There are several issues with this comparison.
- 2.23 First, the 6 GW of AI-capable demand forecasted is not an overall data centre demand figure. The UK Compute Roadmap [CD 11.1 P] states at page 20 that '*most existing facilities are geared toward general-purpose enterprise computing, lacking the density, energy integration, and technical design needed for high-intensity AI workloads*'. This statement clarifies the 6 GW target is specifically aimed at AI-capable data centres, and therefore does not represent the total future demand for data centres, as Mr Stimpson alludes to. It should also be remembered that the 6 GW target for AI enabled data centre capacity is a minimum target, which is recognised at page 21 of the UK Compute Roadmap which states that "*Should the capabilities and adoption of AI accelerate, demand could exceed this baseline significantly*".
- 2.24 Secondly, the stated 6 GW falls within Action 6 of the roadmap – to deliver large scale AI infrastructure via AI Growth Zones across the UK – and is clearly positioned for a specific data centre offering. Again, this demonstrates that the 6 GW demand estimate is for specific AI uses only and is not inclusive of other demand drivers for data centres, such as cloud computing (which is what the Development is primarily for). Mr Stimpson is wrong to treat this figure as an overall data centre demand estimate for the UK.
- 2.25 Thirdly, the stated 1.6 GW of data centre capacity that Mr Stimpson refers to is from the House of Commons Research Report [CD 12.6, pages 5 and 14]. This has its basis in a Department for Science, Innovation and Technology (DSIT) paper titled: 'Estimate of Data Centre Capacity: Great Britain 2024.' Section 2 of this paper (Methodology), provides clarity on what the 1.6 GW figure relates to:

'The Department for Science, Innovation and Technology (DSIT) has an internal dataset

containing information on colocation data centres (a facility where multiple organisations rent space for their servers and other computing hardware), including estimates of their Information Technology (IT) capacities in megawatts (MW) and their locations [...] It does not include enterprise data centres (facilities operated by businesses other than data centre operators for the purposes of their own business)' (Savills emphasis in bold)

2.26 The House of Commons Research Report [CD 12.6] confirms at page 14 that the 1.6 GW figure only includes co-location facilities:

'The government does not routinely collect figures on data centre capacity. However, it has estimated that there was 1.6 gigawatts (GW) of co-location data centre capacity in Great Britain in 2024.'

2.27 As outlined in Section 2 of Mr Powney's PoE [CD 11.3], co-location facilities represent only one typology of data centres. This means that the stated 1.6 GW capacity is not representative of the total data centre capacity nationally.

2.28 The above three points combined clearly demonstrate that:

- (a) Mr Stimpson is wrong to have taken the 6 GW AI-capable figure as the total national demand for data centres, because it isn't.
- (b) Mr Stimpson is wrong to have taken the 1.6 GW capacity figures as representative of total data centre capacity nationally. As per the DSIT report, this figure relates only to co-location facilities. It is also noted by the UK Compute Roadmap [CD 11.1 P] that the majority of existing data centre facilities in the UK are not AI-capable and so the AI-capable figure may be much less than 1.6 GW.
- (c) The 4.4 GW figure that Mr Stimpson uses to explain why the level of demand from the Woodlands decision (i.e. 2,865 MW) is unreasonable is therefore incorrect.

2.29 As noted in Mr Powney's PoE, AI is one of the drivers of future demand for data centre floorspace, however it is not the only driver of demand [CD 11.3, Section 3]. A cloud servicing data centre, such as the Appeal Development, will be focussed primarily on providing cloud computing services. This has been the strongest driver of demand within the SAZ historically and is expected to see strong future demand.

2.30 The demand for low latency⁴ AI inference tasks is likely to increase in the future as the

⁴ Low latency refers to the minimal delay between a request for data or computation and the response or result being delivered

use of paid versions of AI models increases and consumers demand quicker integrations with their systems. The Appeal Development, like some of the existing modern data centres in the SAZ, has the potential to service some of this demand due to its location in close proximity to end users. However, it is important to note that this is a substantially different task load to the current high latency⁵ AI inference and AI training tasks that may occur at large scale data centres at greater distances from end-users, and at some of the proposed AI Growth Zones (**AIGZs**). The tasks that would be catered for within some of the AIGZs will not be reliant on low latency and are therefore more able to be located around the country in areas with access to large quantities of power. This is not true for low latency AI inference tasks that would need to be performed in close proximity to end users and ideally within availability zones.

- 2.31 It is for this reason that it is not valid to compare the demand Mr Powney has estimated in the SAZ, which is based on realised deliveries within the SAZ, with the aspirational UK AI forecast from the Government. In reality, this 'AI-capable' demand will be in addition to traditional cloud servicing demand like we have seen in the SAZ and what the Appeal Development would cater to primarily. These low-latency cloud-focussed data centres will be built to drastically different technical specifications and therefore cannot be compared directly with AI-capable data centres.

Planning Balance

- 2.32 In the absence of any demand/need analysis specific to the SAZ from the Council, the Appellant fails to understand how the Council can accurately assess the contribution that the data centre 'need' makes to the overall planning balance.
- 2.33 The Council appears to be saying that they have the SPZ within the STE and that, in addition to the current planning pipeline, is enough because that is all they wish to plan for. The fact that Mr Powney's demand estimates align with the accepted numbers at the WP2 appeal [**CD 7.1**], alongside rigorous sensitivity testing, demonstrates a clear alignment from multiple different sources as to the strong future demand for data centres within the SAZ.
- 2.34 In Mr Powney's experience the assessment of demand for a particular commercial use is typically based on geographic specific analysis, not UK based targets on which Mr Stimpson appears to rely. Even nationally significant projects such as Strategic Rail Freight Interchanges assessed via the DCO process typically include demand and supply analysis specific to the geographical area within which they are located. Mr

⁵ High latency is acceptable in less time-critical applications given time delays are higher than for low latency processes.

Powney's future data centre need estimates include geographic demand and supply analysis specific to the SAZ where the Appeal Development is located. This approach is considered to be PPG compliant given it is '*based on the past take-up of employment land and property and/or future property market requirements*⁶ and evidences a significant need shortfall specific to the SAZ.

Consequences of not meeting data centre needs

- 2.35 While Mr Stimpson does note data centres as being critical national infrastructure, this Government-recognised importance does not appear to flow through to his assessment of the Appeal Development's economic benefits. He describes these as 'general benefits' at paragraph 3.156 [CD 11.1].
- 2.36 In our view, this assessment undervalues the fact that data centres, as critical national infrastructure, are becoming increasingly important to modern economies. The countries that have the best data centre infrastructure will undoubtedly gain significant economic advantages ranging from the speed at which they can do business, to the operational efficiency of essential services and the quality and monetisation of research and development activities.
- 2.37 The UK Government clearly understands it is in a race with other countries to secure the investment it needs to ensure our data centre infrastructure is world leading. The CEO of Nvidia, the world's largest company, in a recent interview with Channel 4 News notes the next 10 years will be crucial in building the UK's digital infrastructure and will require a 'doubling' year after year and hundreds of thousands of skilled persons to develop this infrastructure⁷.
- 2.38 Clearly the SAZ, as the second biggest data centre cluster globally, will have an important role to play in the further development of data centre infrastructure. The Appeal Site benefits from being under the ownership of the Appellant, has power secured and several data centre operators are in advanced discussions vying to be the successful party to help bring the Appeal Development forward. Not only would rejecting this investment limit the direct economic benefits, including high-quality on-site jobs, construction jobs and business rates payments to SBC, it is likely to have a substantial negative impact on the wider economy.
- 2.39 Put simply, data centre operators are willing to pay substantial sums to run data centres because customers are willing pay large sums to gain access to the products offered by

⁶ In accordance with PPG Paragraph: 027 Reference ID: 2a-027-20190220

⁷ <https://www.channel4.com/news/electricians-and-plumbers-will-triumph-in-ai-race-nvidia-boss>

data centres. They do this because these products increase their productivity. Mr Powney's PoE [CD 11.3, Section 2.5] demonstrated these productivity increases, especially in relation to the eight targeted growth sectors in the Government's Modern Industrial Strategy [CD 5.3]. If instead the SAZ operates at a shortfall for the foreseeable future, companies locally and within London will be reliant on high rather than low latency (i.e. less time efficient) cloud computing – this will slow down operations and therefore limit productivity. Firms operating in the UK would therefore be at a disadvantage compared to firms in other countries that have access to low latency (i.e. faster) cloud computing.

- 2.40 Further, if the UK economy operates within a supply constrained data centre market, it is likely part of the operations and data of our companies and public sector will be stored and processed in data centres in other markets such as Europe or further afield. This will primarily slow operations due to the higher latency, but may also increase exposure to external energy shocks. Beyond this, if data centre operators have to service UK companies from other countries, the cost for UK firms is certain to be higher. Operators will have to face higher costs on account of the additional regulatory and cabling costs to access the UK market and they will pass these costs on to the end user in the UK, impacting the profitability UK firms.
- 2.41 There are also potential national security implications of using off-shore data centre capacity. This sentiment is echoed in both DSIT's UK Compute Roadmap [CD 11.1 P] and Mr Powney's PoE [CD 11.3, Section 5.6]. Having our compute capacity on UK soil means companies residing in the UK, the public sector and the British population will not be beholden to foreign governments or providers. This will limit the potential security risks that could impact both national security and also economic resilience. The potential economic impact of security risks is likely to become more important into the future, especially in the event of further attacks on IT infrastructure, which have had catastrophic impacts on UK companies in recent months. One only has to look at Marks and Spencer's and Jaguar Land Rover and the economic disruption they have faced and continue to face as a result of IT security breaches. In both cases, it has been reported that third-party or global IT systems contributed to the data breach therefore highlighting the risks of international vendor relationships and supply chain exposure.
- 2.42 The market for data centres is witnessing an unparalleled level of demand on a global scale. Due to the strengths of the UK, in regard to talent and existing ecosystem, demand is strong within the UK, including within key clusters such as the SAZ. This is noted within Mr Powney's PoE. Beyond this, in order to efficiently plan for data centre capacity, the Council must be aware of the immediacy of need. It is for this reason that

Mr Powney estimated demand over a five year window rather than a traditional local plan period, and DSIT used the same period for their UK Compute Roadmap. The fast moving nature of the data centre sector is demonstrated by the substantial investment projects announced since Mr Powney's PoE was submitted just two weeks ago. These include:

- (a) The wider £150 billion investment into the UK as part of the Tech Prosperity Deal between the UK and USA;
- (b) Nvidia announced investments of £11 billion towards UK GPU infrastructure with Nscale that includes the launch of 'Stargate UK' which will use NVIDIA Blackwell Ultra GPUs and OpenAI's most advanced reasoning model, GPT-5;
- (c) Google announced a £5 billion investment into a new data centre in the UK;
- (d) Microsoft's wider £22 billion investment in UK technology will include the creation of a new supercomputer in Essex; and
- (e) A host of other investment projects such as Blackrock and Blackstone's investments across the country to expand data centre capacity.

PART B

2.43 The remaining paragraphs of this part of the rebuttal have been prepared by Mr Murphy.

Need figures in the Woodlands Park 2 appeal decision and weight to be given to data centre need

2.44 Mr Stimpson challenges the conclusions reached by the previous Secretary of State in the WP2 decision [CD 7.1] regarding the consideration of 'quantitative need' for data centres in the SAZ.

2.45 Mr Stimpson suggests that the need is "*extraordinarily high and completely unrealistic*" (paragraph 2.111), and states that it is "*difficult to understand how ...the Secretary of State could have possibly come to the conclusion that there is a need for 2.865GW of data centre capacity in the SAZ between 2024 and 2029*" (paragraph 2.114).

2.46 Mr Stimpson suggests that the reason for the conclusion was because the figures were undisputed and taken as read, and there was a failure to consider constraints such as the lack of power supply (paragraph 2.115).

2.47 Mr Murphy finds these conclusions highly surprising and would note the following:

- (a) The assessment of quantitative need should be an objective process. Similar to how one would have assessed housing need pre the Standard Method, constraints/barriers/limitations should not be imposed in the initial calculation. Instead, a full objective assessment should be undertaken as the starting point. The suggestion that Secretary of State's consideration of need in WP2 was wrong due to a failure to factor in power supply constraints is in Mr Murphy's view an incorrect starting point, especially when it involves critical national infrastructure;
- (b) The conclusions reached in WP2 need to be understood in the context of the Woodlands Park 1 (**WP1**) decision [**CD 7.4**] made 21 months earlier where there was consideration given to the quantum of the need, with the parties in agreement that the need was urgent and immediate;
- (c) Nevertheless, the Secretary of State's decision letter in WP2 was clear that the conclusions of WP1 [**CD 7.1**] and Court Lane [**CD 7.3**] in respect of need cannot simply be read across, and instead she "*considered the matter on the basis of the evidence before her in this case*" (paragraph 17). Although there was no dispute between the local planning authority and the appellant on need in WP2, the Inspector and the Secretary of State would have considered all of the evidence (not just that relating to matters in dispute) in order to reach a balanced judgment. This is clear from the Secretary of State's decision letter (cited above) which specifically refers to her consideration of matters relating to need.
- (d) Furthermore, the Secretary of State decision at Abbots Langley [**CD 7.2**] demonstrates further careful consideration on the scale of need in the London Availability Region. The Inspector's Report explains that the SAZ forms a key part of the London Availability Region, which accounts for the majority of data centre capacity in the UK, and states that it will continue to grow exponentially to meet need and demand (paragraphs 125-128).

2.48 At paragraph 2.98 Mr Stimpson refers to the weight the Secretary of State attributed to data centre need in the WP2 decision letter which it was explained should be different to the weight applied to housing supply. Mr Murphy does not seek to dispute this point, but would highlight the status afforded to data centres as critical national infrastructure and the specific recognition of them in the revised NPPF. Mr Murphy would also highlight that the 'significant weight' afforded to data centre need in the WP2 is consistent with the weight he applied in his PoE.

2.49 The matter of 'need' is relevant to the Grey Belt test at NPPF paragraph 155 b). Mr Stimpson suggests that the level of need that should be considered in applying the

paragraph 155 (b) test is equivalent to the lack of a 5 year supply of deliverable housing sites. Mr Stimpson then draws on the WP2 decision to suggest that the need for data centres should be afforded less weight than the need for housing (paragraph 3.92 and 3.93).

- 2.50 Through this approach, Mr Stimpson entirely mis-applies the paragraph 155 b) test. Mr Stimpson selectively quotes from footnote 56, failing to recognise that it clearly states that the 5 year supply matter is only applied "*in the case of applications involving the provision of housing*". The paragraph 155 b) test does not involve any consideration of the relative equivalence or importance of one land use over another, as Mr Stimpson wrongly suggests.

SEGRO's role in meeting data centre need

- 2.51 Mr Murphy notes that throughout much of his evidence Mr Stimpson draws on the role of SEGRO in assisting to meet data centre needs within the SAZ. The evidence of Mr Stimpson demonstrates that the Council is heavily reliant upon the commercial decisions made by a single organisation and landlord. To put it another way, the Council has put all of their data centre eggs in one basket. Given the scale of the need and the importance of data centre delivery to the UK economy and the SAZ, the reliance on a single party is surprising.

3. **ALTERNATIVE SITES**

- 3.1 This section has been prepared principally by Alex Cole, with input from Tim O'Reilly at paragraph 3.3 and subparagraphs (a) to (c) of paragraph [3.26]. Where relevant, Mr Cole's PoE [CD 11.6] and the associated Alternative Sites Assessment (ASA) [CD 11.7] are cross-referenced as these documents address a number of the issues raised by Mr Stimpson in his PoE.
- 3.2 The sections of Mr Stimpson's PoE [CD 11.1] that address the availability of alternative sites principally cover the following points:
- (a) Site size;
 - (b) Shortcomings of previous ASA;
 - (c) Timescales for delivery of the Appeal Site;
 - (d) Approach to the Slough Trading Estate;
 - (e) Needs of potential occupiers; and
 - (f) Assessment of alternative sites.

Site Size

- 3.3 Mr Stimpson's PoE suggests, at paragraphs 2.48 and 2.74, that the scheme could be provided over four storeys on a site of "less than" 2 ha and 1.7 ha respectively. The issue is not quite so simple, as a taller and narrower building would result in a less efficient and less sustainable data centre. As there would be insufficient space for mechanical and electrical plant on the roof of the building, additional space would be required to locate this plant around the building.
- 3.4 In response to comments on site size mentioned in paragraphs 2.48 and 2.74 of Mr Stimpson's PoE, the 5.2 ha site size used in the Savills ASA represents a cautious and robust approach. The Appeal Site is approximately 8.16 ha, but the Savills ASA excluded both land required for the BESS and additional land not directly required by the data centre. This provides a site size of 5.8 ha, and the Savills ASA also allowed a buffer of 10% for flexibility to reach 5.2 ha. In light of the nature of the Appeal Development, this is considered to be a cautious and robust approach.

Shortcomings of the previous ASA

- 3.5 At paragraphs 2.41 to 2.60, Mr Stimpson's PoE sets out perceived weaknesses of the ASA prepared by Colliers and submitted as part of the original planning application. The Savills ASA, which has been submitted as part of the Appeal, is considered to address these shortcomings in full. This includes, for example, the Colliers ASA's reliance on the need to connect to both the Laleham and Iver substations, while the Savills approach conservatively allows for one connection at either of these two substations.
- 3.6 It is noted that, aside from comments on Site size, which are addressed above, Mr Stimpson's PoE does not identify shortcomings with the methodology of the Savills ASA.

Approach to the Slough Trading Estate

- 3.7 Paragraph 2.74 of Mr Stimpson's PoE notes that '*the majority of the SPZ now has a maximum height restriction between 25m to 36m plus a further 3m allowed for stacks and flues*'. The reality is that the majority of the site has a height restriction of +25 metres, but a smaller portion of the SPZ has a height restriction of 30 metres or above as shown on **Appendix 2**. Removing those sites that are already occupied by data centres or are otherwise unavailable (for example those designated for power and service use) reduces the number of available sites even further. The height of a three storey data centre would come to 30 metres, which as can be seen from the plan above, exceeds the height restriction across the majority of the STE under the SPZ. In addition, the flue heights for data centres of this size regularly exceed 3 metres, and are likely to be closer to 5 metres, resulting in a building that, including flues will be 35 metres high. The observation that the majority of the SPZ has a height restriction of 25 metres+ is therefore not pertinent, as it is considered highly unlikely that a hyperscale data centre with a height of 25 metres or less will come forward and the rest of the STE is subject to height restrictions preventing taller buildings coming forward under the SPZ.
- 3.8 The paragraph also notes that planning permission has been granted within the STE for a data centre at Banbury Avenue that is 34.25 metres tall (40.2 metres with plant). The scheme exceeded the SPZ's height parameters and required a separate planning permission. The need for a separate planning permission at Banbury Avenue is representative of the SPZ's inability to accommodate the scale of data centres required by hyperscalers.
- 3.9 In raising the delivery of a data centre on the STE via the planning process (rather than under the provisions of the SPZ), the Council appears to acknowledge that the need for hyperscale data centres can be accommodated on the STE only via the planning process,

rather than through the provisions of the SPZ.

- 3.10 Mr Stimpson's PoE also notes (at various points including paragraph 2.31) that '*the future supply of data centres in Slough is therefore largely made up of the 20 sites that can come forward on Slough Trading Estate as a result of the SPZ.*' These sites are not detailed in any form. In the absence of this evidence the claim cannot be relied upon. Further, this quantum of floorspace is assessed in Mr Powney's PoE which finds that there would still be a substantial shortfall – such sites do not therefore represent an alternative for meeting the identified need.
- 3.11 Paragraph 2.70 states that '*SEGRO actively manages the Estate and maintains a very high occupancy rate which means that at any one time there are very few vacant or undeveloped sites.*' High occupancy suggests strong demand for traditional I&L uses, which would conflict with the ability to simply replace these units with data centres. It is also worth noting that some units have recently been developed (or are currently coming forward) within the SPZ for traditional I&L uses and not data centres. These are on sites large enough to otherwise accommodate data centres (notwithstanding the aforementioned height constraints). These include:
- (a) 691-697 Stirling Road - seven units between 218 to 936 sqm;
 - (b) 698-699 Stirling Road – Build to suit opportunity for 3,717 sqm; and
 - (c) 136 Edinburgh Avenue – 4,207 sqm.
- 3.12 There is therefore strong demand for traditional I&L uses on the STE (as evidenced by the 'very high occupancy' rate attested to in Mr Stimpson's PoE). The (unevidenced) availability of land within the STE does not therefore equate to the delivery of data centres on any such site(s).
- 3.13 Mr Stimpson also suggests, at paragraph 2.71, that '*SEGRO have confirmed it has an active pipeline for 4.2 million square feet in the next seven years.*' This is a misrepresentation of SEGRO's comments, which state that:
- "The Trading Estate's data centre development pipeline has the ability to deliver over 4.3m sq. ft of additional data centre accommodation over the next 7 years."*
- 3.14 Having the *ability* to deliver floorspace is not at all the same as confirming 'an active pipeline.' As discussed in the above response to paragraph 2.70, there are competing demands for this space, including from traditional I&L occupiers.
- 3.15 Paragraph 2.72 states that '*There are numerous other office buildings along the half mile*

long Bath Road frontage which are currently empty but are not being advertised to let. It can be assumed that, once the leases expire, these will all be developed for data centres.' It cannot '*be assumed*' that vacant land within the STE will be developed for data centres by default (as evidenced by the sites at Stirling Road and Edinburgh Avenue referenced above). There is also no confirmation of when these leases expire, how many of these 'numerous' other buildings there are, the size of these sites, nor whether the leases of adjacent plots are likely to expire at the same time to viably allow for the 'amalgamation' of plots suggested in paragraph 2.70 of Mr Stimpson's PoE, and as set out in Mr Powney's PoE, even when taking these sites into account there would still be a substantial shortfall – these sites do not therefore represent an alternative for meeting the identified need.

Needs of Potential Occupiers

- 3.16 Paragraph 2.143 of Mr Stimpson's PoE states that Microsoft, Google, and Amazon are the 'three main public Cloud providers' and then notes that both Microsoft's and Amazon's efforts to build data centres within the SAZ both involve sites that are outside of the STE.
- 3.17 With regards to Amazon's site at Ridgeway Distribution Centre, it does not have a secondary access, and is therefore not a 'much better alternative' to the Appeal site - owing to the site's access arrangements, Ridgeway is not considered to represent an alternative. This is covered in the Appendix of the Savills ASA [CD 11.7], where a site specific assessment of Ridgeway (alongside all other identified sites) is included. There is also, despite Mr Stimpson's claim in paragraph 2.143, no record of other planning applications for data centres on the Ridgeway Estate on Buckinghamshire's planning webpage.

Assessment of Alternative Sites

- 3.18 Mr Stimpson's PoE does not acknowledge the difference between an alternative site's ability to meet a portion of the established need, and the ability of such a site (or sites) to meet this established need in full. This point goes to the heart of most of Mr Stimpson's key criticism of the Appellant's approach to alternative sites.
- 3.19 The Savills ASA, in combination with Mr Powney's PoE (which takes into account the floorspace identified by SEGRO as being able to be delivered on the STE) [CD 11.3], makes the case that the full need cannot be met by the available sites, and that there is therefore not a sufficient supply of alternative sites. This approach has been dealt with by the Court of Appeal in the case of *Secretary of State for Housing, Communities and Local Government and Knight Developments Limited v Wealden District Council* [CD 7.12]. In the decision handed down by Lord Justice Lindblom on 31 January 2017, it was found that

the remaining need as a whole can be a decisive consideration, and that in the event that 'alternative sites' are unable collectively to meet this need in full, then they do not represent an alternative. Relevant paragraphs are quoted below:

"His [the Inspector's] conclusion that there was "a lack of housing land to meet the full [objectively assessed need]" was not limited to Crowborough; it was explicitly a conclusion on the basis of a "search for alternative sites taken wider than Crowborough." He was not satisfied that such other sites as were available for housing development in the district would be sufficient to meet the need, or that the shortfall would be made up by development elsewhere. This was a matter of planning judgment for him. He also found that those other sites would "collectively still fall short of the full [objectively assessed need]", so they "[did] not amount to an alternative". This too was a matter of planning judgment" [paragraph 66]

"The decisive consideration was, clearly, the remaining need for market and affordable housing both in Crowborough and in the district as a whole." [paragraph 68]

"I do not think the policy in paragraph 116 of the NPPF obliged the inspector to deal in his decision letter with every potential site for housing in the district, one by one." [paragraph 69]

- 3.20 On this basis, in light of relevant case law, there is not adequate alternative sites to meet the full need (as set out in paragraph 1.18 of the Savills ASA) and 'that those other sites would "collectively still fall short of the full [objectively assessed need]", so they "[did] not amount to an alternative".
- 3.21 Mr Stimpson's suggestion (at paragraphs 2.65, 2.66, and elsewhere) that sites (in particular Axis Park in Langley and the former Akzo Nobel site) with planning permission therefore should be considered to amount to an alternative is mistaken. They will not address the entire need and are therefore do not amount to alternatives.
- 3.22 Those paragraphs of his PoE which can be addressed via this point include: 2.31, 2.37, 2.38 (page 17), 2.65, 2.66, 2.73, 2.77, 2.78, 2.80, 2.81, 2.82, 2.84, and 2.92.
- 3.23 We note that, at paragraph 2.68, Mr Stimpson arrives at the conclusion that the Slough International Rail Freight Interchange (**SIFE**) site is not an alternative site, a conclusion with which we are in agreement. In light of his comments about the incorrect planning permission references in this paragraph, we have reviewed our assessments of all other sites and can confirm the accuracy of factual statements relating to them.
- 3.24 Mr Stimpson also questions whether the Appeal Site is the most sequentially preferable

site. As set out within the Savills ASA, the exercise seeks to identify alternative sites, and shows that there are no sites (taken singly or in combination) capable of meeting the level of identified need. As a result the ASA demonstrates that there are no alternative sites.

Suitability of the Appeal Site

- 3.25 At paragraph 4.85 to 4.89 of his PoE, Mr Stimpson makes a number of comments about the suitability of the Appeal Site, noting that it is "*possibly in the worst location within the Slough Availability Zone*" for the following reasons:
- (a) It cannot be used as a colocation data centre because it is not within the cluster of data centres in the STE.
 - (b) The Appeal Development is not particularly large compared to other hyperscale data centres and so it cannot be justified because of its size.
 - (c) The Appeal Site is not on the fibre network.
 - (d) The Appeal Site is on the edge of the area of search used by the Appellant in the Alternative Sites Assessment. It is not close to either the Iver substation or the STE cluster.
 - (e) The Appellant will have to lay a private underground electricity cable to Iver in the north and to Laleham in the south. If it costs around £1 million per km to lay the cable, this would result in the expenditure of £20 million on infrastructure which would not be required elsewhere and has no public wider benefit.

3.26 Our responses to these points are as follows:

- (a) Co-location – The Appeal Site sits within the SAZ and will be able to interact operationally with other sites within the SAZ including units on STE. The key considerations for co-location and cloud services data centres within a SAZ are:
 - (i) Physical separation
 - (ii) Low latency telecoms connectivity
 - (iii) Lack of common modes of failure

The Appeal Site is physically separated from the STE and other data centre sites within the SAZ. This means it has a greater degree of physical separation and shares fewer common modes of failure (power, telecoms, transportation etc) while

still being close enough for sufficiently low latency communications facilitating the operators' stringent requirements. This makes it a more attractive combination for co-location or cloud services with a data centre on STE than a second building on STE would be.

- (b) Size of data centre – From its inception, the design and scale of the Appeal Development has received significant input from operators and data centre experts. The suitability of the Appeal Development has been subsequently validated by the number of commercial offers for occupation of the entire scheme that have been received.
- (c) Not on the fibre network – The Appeal Site is positioned between major fibre routes, with one route less than 100 metres to the south and another 1 kilometre to the north.
- (d) Edge of the Area of Search – The Area of Search is shown in Figure 3 of the ASA [CD 11.7]. The site is not 'on the edge of the area of search', nor is proximity to the edge considered relevant. The purpose of the Area of Search is to define an area within which a site could be used as a data centre. As set out in paragraphs 3.22 and 3.25 of the ASA, this area is defined as comprising:
 - (i) any land within 10 kilometres of the Slough AZ;
 - (ii) any land within 10 kilometres of a 132kV GSP substation; and
 - (iii) any other land covered by the Woodlands Park ASA for robustness.

The site is within this area, and is therefore suitable for use as a data centre.

- (e) Cost of cable – this is not a material planning consideration, nor is it considered relevant to the site's suitability.

4. POWER AVAILABILITY

- 4.1 This section has been prepared by Tim O'Reilly. Where relevant, Mr O'Reilly's PoE [CD 11.15] is cross-referenced as this addresses a number of the issues raised by Mr Stimpson.

Impact on housing in West London

- 4.2 Mr Stimpson's PoE suggests in paragraphs 2.18 and 2.19 that the Appeal Development could constrain other development including housing in Slough because of delays in securing power capacity. This is misleading and factually inaccurate for the following reasons:

- (a) As stated in paragraph 6.4 of Mr O'Reilly's PoE the Appeal Development utilises a private wire arrangement. It does not connect to the distribution system so it is not competing for distribution capacity with housing development and will not adversely impact the delivery of housing within Slough by using distribution network capacity.
- (b) In any event "Ramping" power capacity arrangements are available across the West London area for housing developments to connect to the distribution system, enabling them to bypass any transmission constraints. This is set out in more detail at paragraph 6.2 and Appendix 2 of Mr O'Reilly's PoE.
- (c) If granted planning permission, the Appeal Development will release 2.8 MW of distribution capacity once the transmission connections are available to the Appeal Site. This is enough for over 600 new homes in the area. This distribution capacity would be made redundant once the new transmission connections to the site are commissioned as the site would no longer rely on the local distribution network for its power requirements. This capacity comprises a 0.8 MW distribution network connection which currently supplies the site, and a contract for an additional 2 MW distribution connection which would not be required were consent to be given.

Specificity of Electricity Network Capacity

- 4.3 In several places in Mr Stimpson's PoE [CD 11.1], including paragraphs 2.122-135, 3.94, 4.96, 4.98, 4.104 and 5.21, he implies that other Appeal Development sites could use the power capacity available to the Appeal Development if it were not to be granted consent. This is misleading for the following reasons:
- (a) Historically, the secondary market for electricity connections was based on the pre-connection reform system. However, as Mr O'Reilly states in paragraph 8.2 of his

PoE, now that connection reform has been implemented, connection agreements are tied to specific plots of land within what are known as "Original Red Line Boundaries" This means that connection agreements cannot be simply sold to another party with the intention of developing on a different plot of land.

- (b) As Mr O'Reilly explains in paragraphs 8.3 – 8.5 of his PoE, even if this process is disregarded the connection capacity cannot be transferred to other sites without significant cost, delay and disruption as:
 - (i) Scottish and Southern Electricity's (**SSE**) DNO network would not have sufficient available capacity. New infrastructure would have to be built from Iver and Laleham to the new sites, and new substation(s) built. As the design, development, regulatory funding approval and consent process for this infrastructure has not begun it would not be able to be put in place in the same timescales as the Appeal Development. Due to the distance between Iver, Laleham and STE and the need to cable through Slough itself, if this capacity were to be supplied to STE instead, longer and more technically challenging cable routes would be required than those for the appeal development. The planning, design and delivery of these cables, if possible, would likely result in additional delays.
 - (ii) It is highly unlikely that any alternative development could meet the connection dates currently held by the Appeal Development.

4.4 It is agreed that a key limiting factor on supply of data centre capacity in the SAZ is electricity. Indeed, paragraphs 2.122 – 135 of Mr Stimpson's PoE illustrate clearly the challenges faced by other data centre operators in the SAZ and the unique position of the Appeal Development in being able to access power in accelerated timescales and contribute towards meeting the need for data centres within the SAZ.

4.5 However, the electricity capacity secured for the Appeal Site is not directly transferable to other sites and could only be used elsewhere at greater cost, disruption and at a much later date. Failure to grant planning permission for the Appeal Development will only have the effect of materially reducing the available electricity supply for data centres in the SAZ by several years and therefore reducing data centre capacity to meet the need.

4.6 In paragraphs 2.38 and 4.98 Mr Stimpson states that the Appeal Development is 'jumping the queue' as it has secured power connections while other developments in the area have not. This is factually inaccurate; the Appeal Development has secured its connection in line with the rules governing the application for connections under the Connection and

Use of System Code (**CUSC**). The CUSC contains the rules for the establishment and management of the electricity connections queue on a project-by-project basis by NESO.

Timing and nature of the connection agreements

- 4.7 In paragraph 4.91 of his PoE Mr Stimpson claims that the sourcing of a majority of capacity for the development from Laleham is the only unusual feature of the power supply to the Appeal Development. However, the proposed power supply differs from a standard data centre in the following ways:
- (a) A majority of the data centres in the SAZ will derive their power supply from the distribution network fed from Iver. The Appeal Development bypasses the distribution network and connects directly to the transmission system at Iver and Laleham. This connection topology does not therefore reduce the available capacity of the local distribution networks that supply the vast majority of commercial and residential activity in the area.
 - (b) In deriving the majority of capacity from the Laleham transmission substation the Appeal Development has a reduced impact on the significantly constrained Iver grid in comparison to the standard scheme of a similar size.
 - (c) By connecting to multiple transmission substations the Appeal Development would improve the overall resilience of the SAZ through the contribution of enhanced resilience of the Appeal Development, as it does not solely rely on Iver for its power supply as a majority of other data centres in the SAZ do.
- 4.8 In paragraphs 2.55, 2.156, 4.94 – 4.95, 4.99 and 4.103 of his PoE Mr Stimpson questions whether the development can be progressed in time to utilise the electricity connection agreement in 2027.
- 4.9 A high level construction programme from EDF has been supplied in document 9 of the Appendices to Mr Murphy's PoE [**CD 11.13, page 751**] and the planning application for the cables from Laleham substation has now been submitted with the Iver substation cable application to follow by early October. There is therefore no reason to doubt that the Appeal Development can be delivered in time to utilise the 2027 connection agreement.
- 4.10 The connection agreements with the National Energy System Operator (**NESO**) and National Grid Energy Transmission are network connection agreements which provide physical connections with an agreed technical capacity. Supply contracts to supply energy to the Appeal Site via this physical infrastructure are completely separate agreements that will be entered into by the operator for however much energy they

require at the relevant time when they require this energy. Contrary to the implication at paragraph 4.94 of Mr Stimpson's PoE, there is therefore no commitment to buy a certain amount of energy at a certain point in time in order to secure the connection date of 2027.

- 4.11 In paragraph 2.156 of his PoE Mr Stimpson implies that the connection of the Appeal Site could be delayed by 20 years if the connection date of 2027 is not achieved. In fact, the connection agreement provides for user construction delays of up to 2 years beyond which further extensions could be negotiated with the NESO.
- 4.12 In paragraph 2.55 of his PoE Mr Stimpson supposes that construction of the Appeal Development could only begin on commissioning of the electricity connection in 2027 and that fit out by an occupier could only begin in 2029. In fact, as shown in the construction program in document 9 of Mr Murphy's PoE [CD 11.13], construction will commence in 2026 and complete in 2027 with the beginning of occupier fit out overlapping with the end of the building construction program. As this will be a modular process with each data room being fitted out in turn, it should therefore be possible for data halls to begin coming online at the end of 2027 or the first quarter of 2028.

5. **LANDSCAPE & VISUAL MATTERS, STRATEGIC GAP, GREEN BELT AND GREY BELT**

- 5.1 Part A of this section has been prepared by David Webster and Part B has been prepared by Philip Murphy. Where relevant, Mr Webster and Mr Murphy's PoEs [CD 11.8 and CD 11.12] are cross-referenced as they address a number of the issues raised by Mr Stimpson.

PART A

- 5.2 This Part A of section 5 has been prepared by Mr Webster.

Landscape & Visual Matters

- 5.3 Whilst this Appeal is lodged on the basis of non-determination, Mr Stimpson notes that had the Council had the opportunity to determine the application, it would have refused permission but would not have cited landscape and visual matters as one of the reasons. Consequently, the Council does not dispute the general findings of the Appellant's Landscape and Visual Impact Assessment (LVIA), [CD 1.45 paragraph 6.61].
- 5.4 The Council has also chosen not to provide any expert evidence to contradict the LVIA, and a recent review of the landscape proposals by WSP (on behalf of the Council) has concluded that they present "*a logical solution to the site's observable constraints and opportunities*", and the "*planting schedule includes a diverse mix of native and ornamental species suitable for the site's conditions and landscape character*" [CD 3.12 B].
- 5.5 Nonetheless, Mr. Stimpson inconsistently goes on to criticise the LVIA by claiming at paragraph 3.114 that it does not use the correct baseline for making its visual assessment, by not taking account of the fact that "*a large part of Parcel A will be restored to agricultural land which will be a significant improvement compared to what the Green Belt site currently looks like*".
- 5.6 This assertion contradicts Mr Stimpson's previous paragraph 3.113 where he accepts the baseline noting that the LVIA demonstrates that "*the open air storage and the vast majority of the industrial activities on Parcel A cannot be seen from the Poyle Road [or anywhere else] This is because of the existence of a substantial hedge along the Poyle Road*". It should also be noted that the industrial activities described above were also screened by lawful development addressing Poyle Road and along the access road into Parcel A.

- 5.7 Mr Stimpson reaffirms this position at paragraph 4.111 by noting that the LVIA concluded that *“people will get glimpses of the buildings on the site and the presence of the hedge means that there is nothing to suggest anything but rural type activities are happening on the site”*.
- 5.8 This statement misrepresents the LVIA, which describes Parcel A as *“occupied by various storage, transport and light industrial uses. The parcel contains built form, including a brick building at the entrance from Poyle Road (Photo A), storage containers, stock piles and extensive areas of hard standing (Photos B-C)”* [CD 1.45, paragraph 3.5], and *“(t)he areas of hard standing are used extensively as parking for coaches and commercial vehicles”* [CD 1.45, paragraph 3.6]. The LVIA clearly did not recognise the activities within Parcel A as ‘rural type’ as suggested by Mr Stimpson.
- 5.9 Mr Stimpson then asserts that *“(t)his will be in complete contrast to what will happen if the huge 30 metre tall data centre is built on the site”* (paragraph 4.112). It is understood that Mr Stimpson makes this judgement when considering the impact of the Appeal Development on the perception of a gap between Slough and Greater London; however, the LVIA concludes that users of Poyle Road are considered to have *“a low susceptibility to the type of change proposed since they are travelling by road where the views to the landscape or surroundings are not important. The value was assessed as low and their sensitivity is judged to be low”* [CD 1.45, paragraph 4.44] and emphasis added. This approach is accepted by Mr Stimpson (paragraph 4.62).
- 5.10 Overall, the LVIA concluded in relation to Parcel A that *“The character of the Site would change following implementation of the Proposed Development; however, no landscape features of value would be lost. The proposed data centre would be experienced within the context of the existing industrial estate, albeit being a building of significantly higher design quality”* [CD 1.45, paragraph 5.5].
- 5.11 In relation to Parcel B, the LVIA judged that *“whilst there would be some adverse effects on Parcel B, due to the introduction of development where currently there is none, the Proposed Development would be accommodated with no adverse effects on the prevailing landscape character of the wider area and the CVRP”* [CD 1.45, paragraph 5.6].
- 5.12 On one hand Mr Stimpson accepts the findings of the LVIA, finding them helpful for parts of his argument (paragraph 4.61) and has not provided any expert evidence contradicting the LVIA, whilst on the other hand, his argument clearly contradicts the findings of the LVIA.

Grey Belt Appraisal

- 5.13 Mr Stimpson's approach rightly follows the 'sequential approach' mandated by recent changes to Government policy (see below for further details). This approach requires that brownfield land is considered as a first step, then Grey Belt land, and finally higher performing Green Belt land.
- 5.14 The evidence presented by Mr. Webster adopts the position that Parcel A includes some PDL, as does the northern part of the 'Link Road'; however, Parcel B is accepted as being undeveloped. The extent of the lawful development within the Appeal Site is set out within Mr Webster's proof of evidence (paragraph 4.18). All other areas of land, whether currently developed or not, are treated as 'agricultural land' in contrast to the reality on the ground.
- 5.15 On this basis, the majority of the green and purple areas included within the image at page 68 of Mr Stimpson's evidence are assumed to be agricultural land for the purposes of Mr Webster's Grey Belt appraisal; however, the Appeal Site is by no means free of existing development.
- 5.16 Mr Webster's appraisal therefore accepts that the Appeal Site is not entirely brownfield land and moves to the second stage of the sequential approach to consider whether or not the Appeal Site should be considered Grey Belt land by reason of a strong contribution towards Green Belt Purposes (a), (b) and (d).

Purpose (a): checking the unrestricted sprawl of large built-up areas

- 5.17 In relation to Purpose (a), Mr Stimpson notes that "*(p)ast activities on the Appeal Site are good examples of how sprawl can occur on a site in the urban fringe next to a large built up area*" (paragraph 3.49). Mr Stimpson appears to blame much of this sprawl on the lawful consent of the waste recycling facility. Nonetheless, the appearance of sprawl within the Appeal Site demonstrably contradicts Mr Stimpson's position that the Poyle Road forms a 'very strong boundary' (paragraph 3.63). Perhaps because of its role in extending development to the west side of Poyle Road, Mr Stimpson also appears to consider the Hilton Hotel to be sprawl (paragraph 3.51), despite its lawful planning consent and well-designed layout and appearance. These judgements appear to influence his thinking in relation to this purpose.
- 5.18 There is existing lawful development within Parcel A and the northern part of the Link Road, therefore the Appeal Site does not score 'strongly' on the basis of being free from existing development as suggested by Mr Stimpson in paragraph 3.57.
- 5.19 At paragraph 3.58, Mr Stimpson states that the only feature in reasonable proximity that

could restrict and contain development is the large stockpile to the west of the site. Mr Webster does not include the stockpiles in his Grey Belt assessment for this purpose, despite their long-term presence, and details a variety of other features that contain the Appeal Site at paragraph 4.43 of his evidence.

- 5.20 Mr Stimpson suggests at paragraph 3.60 that the development of the Appeal Site will encourage ribbon development along Poyle Road, in particular within the field between Parcels A and B. In reality, development has already extended westwards beyond Poyle Road, including the Hilton Hotel and residential dwellings to the north of the Appeal Site, lawful and unlawful development within the Appeal Site, and residential dwellings at Poyle Farmhouse and Florama to the south of the Appeal Site.
- 5.21 At paragraph 3.64, Mr Stimpson claims that the Appeal Site *“once restored to agricultural use will play a strong role in preventing the sprawl of major development”*, which would imply that it does not currently play a strong role. This is the position taken by both Mr Webster and Mr Murphy in their evidence, who both argue that this poorly performing Green Belt land should rightfully be considered Grey Belt.
- 5.22 The fractured nature of the Green Belt and of the settlement edge of Greater London in the vicinity of Appeal Site is agreed (see Figure 2: Extract from Map 4.4 of Spelthorne Green Belt Assessment (2018) at page 17 of Mr. Webster’s evidence). However, it cannot be the case that the Poyle Industrial Estate should be treated as a large built-up area in its own right, as stated by Mr Stimpson in paragraph 3.63. The extract map demonstrates that neighbouring authorities, who have published their own Green Belt assessments, have never considered the industrial estate to be part of a large built-up area.
- 5.23 Mr Stimpson also fails to properly consider the Appeal Site in relation to current Government advice in relation to this purpose. He does not fully grapple with the various characteristics of the Appeal Site that would inform a judgment in respect to its contribution to this purpose. In particular, Mr Stimpson does not consider the range of features, either individually or in combination, that would indicate a ‘moderately’ performing site. As evidenced by Mr Webster (paras 4.41 – 4.45), there are a range of features that clearly weaken the Appeal Site’s contribution to this purpose to **Moderate**.

Purpose (b): preventing neighbouring towns merging into one another

- 5.24 It is accepted that the Appeal Site forms part of the Strategic Gap, and that it is the merging of Slough and Greater London that applies purpose (b).
- 5.25 At paragraph 3.70, Mr Stimpson claims that *“all of the Green Belt land in the Colnbrook and Poyle area, including the Appeal Site, has a strong collective role to play in preventing*

neighbouring towns merging into one another". This is a very generalised statement that does not reflect the varying contributions of land (within the gap) to this purpose, and in any case contradicts his evidence at paragraph 3.5 that *"(n)ot all areas of Green Belt are of equal importance..."*.

- 5.26 Once again, Mr Stimpson does not fully engage with the Government's guidance when considering the Appeal Site's contribution to purpose (b). Mr Stimpson appears to only consider whether or not the Appeal Site contributes 'strongly' (paragraph 3.71) and does not consider the potential for it to perform 'moderately' or 'weakly'.
- 5.27 By stating at paragraph 3.72 that Parcel A *"will be almost completely free of development, which will be restored to agricultural use and so strongly contributes to the Green Belt on that basis"* at some unknown point in the future misrepresents the reality of the existing lawful development within Parcel A and within the northern part of the Link Road. Mr Stimpson also ignores the evidence provided by Mr Ray, at paragraph 3.9, that suggests that the Appeal Site is required for on and off-airport cargo functions. To contribute 'strongly' to this purpose, the PPG guides that the starting point is that land will typically be 'free' of existing development. This is not true for the Appeal Site and Mr. Stimpson overstates his case by concluding that the Appeal Site strongly contributes to this purpose on this basis alone.
- 5.28 Any comparison between the Appeal Development and the SIFE proposals is considered very misleading given the significant differences in scale between the two schemes, and their relative impact on the separate and distinct Green Belt / Strategic Gap parcels in question (paragraph 3.74).
- 5.29 Mr Stimpson suggests that *"to be effective the size of the Green Belt gap has to be proportional to the size of the settlements which it is separating"* and that the *"continued effectiveness of the gap is dependent upon all of the fragmented pockets of Green Belt doing their job"* (paragraph 3.73). This approach does not align with current guidance, which instead focuses on whether land forms a 'substantial' part of a gap, and the loss of visual separation between towns. Dealing with these points in turn:
- (a) Mr Stimpson suggests that the 8.1 ha Appeal Site forms a 'substantial' part of another important pocket of Green Belt (paragraph 3.75), that is distinct in character and location from the SIFE site. Given the previous development activities that have occurred on the Appeal Site, it is a matter of debate how important it is to the Green Belt. However, as the Strategic Gap measures approximately 426.3 ha in area, the Appeal Site represents circa 1.91% of the gap and therefore demonstrably does not form a substantial part of the gap (see Mr Webster's evidence, paragraph 4.54).

(b) In terms of visual separation:

- (i) There are contradictions within Mr Stimpson's PoE on this matter, with him suggesting that the Appeal Site's relationship to Poyle Road "*makes an even stronger visual contribution to the perception of there being some relief from urban development in this part of the gap*" (paragraph 3.75), but also that "*the open air storage and the vast majority of the industrial activities on Parcel A cannot be seen from the Poyle Road [or anywhere else] This is because of the existence of a substantial hedge along the Poyle Road*" (paragraph 3.113).
- (ii) When Mr Stimpson starts to consider the Appeal Site's role in providing visual separation (paragraphs 3.138 – 3.140) no analysis is provided on whether the Appeal Development would result in the perception of separation between Slough and Greater London being lost.
- (iii) As evidenced by Mr Webster (paragraphs 4.66 – 4.72), the perception of any gap between Slough and Greater London from Poyle Road is extremely limited. Indeed, for most road users, views towards Slough from Poyle Road are either fully screened by roadside vegetation, interrupted by the existing built form within the Appeal Site, or heavily restricted by intervening vegetation. Put simply, there is no intervisibility with the edge of Slough from Poyle Road and therefore road users can have no perception of the extent of the gap.

5.30 When the Government guidance is properly applied, the development of the Appeal Site would not result in the loss of visual separation, and there would be no further coalescence given the existing pattern of development to the west of Poyle Road. The Appeal Site therefore makes a **Weak** contribution to Purpose (b)

5.31 There does not appear to be any suggestion of the Site making a strong contribution to Purpose (d) or of there being any NPPF Footnote 7 constraint that would provide a strong reason for refusing or restricting development.

NPPF Paragraph 155(a) Test

5.32 The evidence provided by Mr Webster clearly demonstrates that the Appeal Site qualifies as Grey Belt land on the basis of a thorough and robust application of Government advice on the matter. As noted by Mr Stimpson at paragraph 3.81, the 'tests' for determining whether the Appeal Development is appropriate development in the Green Belt are set out at paragraph 155 of the Framework.

- 5.33 On this basis, Mr Webster unreservedly disagrees with Mr Stimpson's conclusion, at paragraph 3.82, that the Appeal Site would not utilise Grey Belt land and would therefore fail the first part of the test at paragraph 155(a).
- 5.34 Working on the basis that the Inspector agrees with Mr Webster, the second part of the paragraph 155(a) test is that the Proposed Development "*would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan*".
- 5.35 Mr Stimpson's arguments to suggest that the Appeal Development would 'fundamentally' undermine the remaining Slough Green belt do not bear scrutiny. His suggestion that the development of Parcels A and B would result in infilling is clearly within the gift (or not) of the Council and ignores the presence of existing development in and around Poyle Farmhouse. Mr Stimpson also exaggerates the strength of Poyle Road as a Green Belt boundary, given the presence of the Hilton Hotel, and the lawful and unlawful historic development within the Appeal Site.
- 5.36 Mr Stimpson does not properly apply the second part of the test and therefore overstates his case at paragraph 3.87 by suggesting that the development of the Appeal Site would undermine the wider collective role of all the 'pockets' of Green Belt land "*in maintaining the Strategic Gap between Slough and Greater London*".
- (i) Firstly, the requirement is to 'fundamentally' undermine the Green Belt within the plan area. This is an intentionally high bar and Mr Stimpson's conclusion on the matter is untenable on the basis of the development of land that comprises only 0.94% of the wider Slough Green Belt.
 - (ii) Secondly, Mr Stimpson appears to only consider Purpose (b) and thereby does not consider the purposes collectively as required.
- 5.37 The evidence provided by Mr. Webster at paragraphs 4.88 – 4.100 prescriptively follows the requirements of the second test to determine that the introduction of the Appeal Development would **not** 'fundamentally' undermine the purposes (taken together) of the remaining Green Belt within the plan area.
- 5.38 At Section 7 of his evidence Mr Webster provides evidence on a without prejudice basis in relation to the impact of the Appeal Development openness and the Green Belt purposes should the Inspector conclude that it is inappropriate development in the Green Belt. Further rebuttals to Mr Stimpson's evidence in relation to these matters is presented below.

Openness

- 5.39 It is common ground that the introduction of the Appeal Development would result in a substantial increase in built form within the Appeal Site, in relation to the data centre and associated infrastructure within Parcel A, and the BESS within Parcel B.
- 5.40 In terms of the visual impact on openness, Mr Stimpson only appears to consider the perception of the Appeal Development in views from Poyle Road. This is not unexpected as he acknowledges at paragraph 3.113 that *“the open air storage and the vast majority of the industrial activities on Parcel A cannot be seen from the Poyle Road [or anywhere else] This is because of the existence of a substantial hedge along the Poyle Road”*, thereby accepting that existing views towards the Appeal Site from the surrounding area, including views from within the Strategic Gap and/or the CVRP, are extremely limited.
- 5.41 At paragraph 3.118, Mr Stimpson notes that the 30m height data centre would be taller and more conspicuous than a solar farm that was refused planning permission in the Summerleaze site (appeal ref: APP/J0350/W/16/3144685). This is undeniable and Mr Webster’s evidence at paragraphs 7.15 – 7.20 accepts that there would be substantial harm to the visual aspect of openness as perceived from Poyle Road, along a localised extent of the road between Poyle Farmhouse and the main entrance (circa 180m), and within the immediate vicinity of the Appeal Site. Elsewhere to the east of the Appeal Site, there would be no material change to the visual aspect of openness.
- 5.42 However, there will be very few available views towards the Appeal Development from the north, south, and west, and consequently any perceived harm to the visual aspect of openness will be geographically limited and is highly localised.
- 5.43 The introduction of the Appeal Development would inevitably introduce new built form; however, the harm to the visual aspect of openness would generally be limited to users of a short section of Poyle Road. Nonetheless, it is accepted that the Appeal Development would result in an overall substantial level of harm to the openness of the Green Belt, in particular to the spatial aspect of openness referred to in the PPG.

Purposes of the Green Belt

- 5.44 Mr Stimpson reiterates his arguments in relation to Purposes (a) and (b) at paragraphs 3.128 – 3.140, concluding that the Appeal Development would result in severe harm to both purposes. Mr Webster’s evidence concludes that there would be **Moderate** harm to Purpose (a) and **Limited** harm to Purpose (b).
- 5.45 It is agreed that the Appeal Development does not conflict Purpose (d) in relation to the

preservation of the setting and special character of historic towns.

- 5.46 With regard to Purpose (c) in relation to safeguarding the countryside from encroachment, Mr Stimpson concludes at paragraph 3.147 that the Appeal Development would result in severe harm to this purpose, without any consideration of the extent to which the Appeal Site relates to its urban context or to the 'countryside' to its west. Mr Webster's evidence at paragraphs 8.18 – 8-23 refers to this as the degree of 'distinction' from the urban area and explains how expansion into land that lacks strong distinction from a settlement is likely to have less perceived encroaching impact on the countryside. The fact that the Appeal Development benefits from a very limited visual envelope ensures that any visual intrusion into the countryside would be modest.
- 5.47 On this basis, the Appeal Development would result in **Moderate** harm to Purpose (c).
- 5.48 In relation to Purpose (e), to assist in urban regeneration by encouraging the recycling of derelict and other urban land; the loss of the Appeal Site for the purpose of a data centre and associated BESS would not undermine this purpose as this is not a use which could be provided on derelict or other land elsewhere within the urban area, as evidenced by Mr. Alex Cole.
- 5.49 Overall, the Appeal Development would result in **Moderate** harm to Purposes (a) and (c), **Limited** harm to Purpose (b), and there would be **No** conflict with Purposes (d) and (e).

Colne Valley Regional Park (CVRP)

- 5.50 It is understood and acknowledged that there is considerable pressure for development within the CVRP. However, it is common ground that the existing Parcel A has an adverse effect upon the landscape character of this part of the CVRP given to its historic industrial use [CD 8.7, paragraph 7.53].
- 5.51 Mr Stimpson explains how the Council has sought to protect the integrity and value of the CVRP through Saved Policy CG1 that has four objectives (paragraph 5.6). However, Mr Stimpson does not then provide any evidence to support the argument that the Appeal Development would undermine or compromise these objectives.
- 5.52 Instead Mr Stimpson, observes that Core Policy 2 (Green Belt and Open Spaces) introduces a 'stringent' presumption against development in the CVRP thereby "*preventing the severance of the park*" (paragraph 5.9). It is perfectly clear that the Appeal Development would not result in any severance within the CVRP.
- 5.53 In the same paragraph, Mr Stimpson explains that "*all of the remaining open areas of the*

Park, and not just the open countryside, were important because they provided a visual break”.

- 5.54 As explained by Mr Webster at paragraph 8.16 of his PoE, the *Colne Valley Regional Park Landscape Character Assessment (2017)*, [CD 13.5] records that this part of the CVRP is notable for the relative lack of footpaths around Colnbrook, Horton and Wraysbury (paragraph 8.16). This means that there is very little opportunity to benefit from any visual breaks in this part of the CVRP. The public bridleway to the west of the Appeal Site follows a narrow corridor with a bund to the east and a tall hedgerow to the west. There is no publicly accessible way to appreciate the CVRP in the vicinity of the Appeal Site.
- 5.55 In contrast to Mr Stimpson, Mr Webster’s evidence includes a detailed appraisal of the impact of the Appeal Development on the CVRP, through consideration of the four objectives of Saved Policy CG1 (paras 9.31 – 9.42). This analysis demonstrates that the Appeal Development would be policy compliant, providing important public access to the CVRP, together with valuable landscape, ecological, and biodiversity improvements.
- 5.56 Notably, the Colne Valley Park Trust have not objected to the Appeal Development.

PART B

- 5.57 This Part B of section 5 has been prepared by Mr Murphy.

Green Belt Policy

- 5.58 Mr Stimpson fails to recognise the significant change in policy direction that arises from the introduction of the ‘Grey Belt’ definition. It is one of the most important alterations to Green Belt policy since its formulation in 1955.
- 5.59 The change is intentionally bold and seeks to avoid the protection of poorly performing Green Belt land. The Government’s announcement on 12 December 2024 (**Appendix 3**) referred to the change as a ‘common sense approach’ to Green Belt. Whilst maintaining a brownfield first approach, it seeks to identify and prioritise development on lower quality ‘Grey Belt’ land.
- 5.60 Importantly Mr Stimpson accepts that “*not all areas of Green Belt are of equal importance*” (paragraph 3.5). Mr Stimpson states that the Colnbrook and Poyle area is one of the most fragmented and vulnerable parts of the entire Green Belt, but acknowledges that parts “*suffer from urban fringe type activities and the unauthorised use of land*” – referring in the context of the Appeal Site to “unregulated waste activities, the installation of caravans, the parking of hundreds of cars from the airport on the site and the carrying out of small

businesses” (paragraph 3.7).

- 5.61 Mr Stimpson refers to this as “*planning by dereliction*”, which is inconsistent with the Council’s claimed position that it will “*rigorously*” take action to “prevent development happening in an unplanned way” [CD 12.1, Page 16].
- 5.62 Mr Stimpson accepts that parts of the Green Belt are “not necessarily pristine” and are “fractured” (paragraph 3.9).
- 5.63 Furthermore, Mr Stimpson accepts that the development of buildings and use of the land for “*hundreds of airport related cars*” has changed the character and appearance of the Appeal Site and led to the ‘degeneration’ of this part of the Green Belt (paragraph 3.49). As a result of this context Mr Stimpson acknowledges that the Appeal Site does not fulfil a ‘strong’ role in the Green Belt, citing instead that if that Council applies its planning powers “*this will mean that in future the site will be able to ensure that it plays a strong role in the Green Belt by remaining permanently open and preventing urban fringe sprawl from taking place again*” (paragraph 3.50) (my emphasis).
- 5.64 Mr Stimpson appears to accept that development on land immediately around the Appeal Site has affected the role of the wider Green Belt (e.g. Hilton Hotel), but then suggests it should not be used as a precedent (paragraph 3.51). Conversely, Mr Stimpson then adopts an inconsistent position, suggesting that the outcome of the solar farm appeal decision should act as a precedent for development around Bath Road (paragraph 4.34). As described in Mr Webster’s evidence, the introduction of development onto the western side of Poyle Road is clearly material to the role and function of the Green Belt in this area.
- 5.65 In light of the above, Mr Stimpson’s suggestion that this previous activity on and around the Appeal Site strengthens the case for ensuring that the land remains permanently open (paragraph 3.9) demonstrates a lack of understanding of the role and purpose of the ‘Grey Belt’ definition, and shows the Council’s out of date thinking against up to date Government policy.
- 5.66 The entire purpose of the Government’s introduction of ‘Grey Belt’ was to facilitate the development of land that does not make a strong contribution to Green Belt purposes – which is the opposite of Mr Stimpson’s position that it should strengthen the case for ensuring such land is permanently protected.
- 5.67 In the context of the Appeal Site, the urbanised characteristics of large parts of the site and the visual scars left from previous industrial/commercial uses provide a clear ‘common sense’ indication that the majority of the Appeal Site has served a very limited Green Belt role and function for a considerable period of time.

- 5.68 The Council asserts that part of the Appeal Site should be converted to agriculture based on the terms of previous decisions/enforcement notices. As a conservative assessment, Mr Webster's evidence has assumed that to be the case, and even in these circumstances he explains why the Appeal Site should be classified as Grey Belt land. However, the 'common sense' approach is to recognise that large parts of the Appeal Site have been used for various intensive industrial/commercial activities for over 20 years and as a result it does not fulfil a 'strong' contribution to any Green Belt purpose.
- 5.69 The significance of the Grey Belt definition is also important in the context of the Strategic Gap. Mr Murphy agrees with Mr Stimpson that the Strategic Gap was formed to provide an additional layer of planning policy to bolster Green Belt tests. Mr Murphy also accepts that it was established as a higher bar than Green Belt policy (paragraph 4.2).
- 5.70 However, Mr Stimpson fails to recognise that one needs to view the Strategic Gap policy in the context of the new Grey Belt definition.
- 5.71 Development on a poorly performing piece of Green Belt land that meets the Grey Belt tests is not to be considered inappropriate development. As per the Mole Valley judgment [CD 7.13] development on such land cannot cause harm to openness. As a result, it stands to reason that land defined as Grey Belt (i.e. land that does not strongly contribute to preventing the merging of neighbouring towns - the origin objective of the Strategic Gap) and development upon it that meets the tests of NPPF paragraph 155, needs to be seen differently in the light of the change in national policy relating to Green Belt purpose (b) which no longer seeks the protection of Green Belt land between settlements that does not strongly contribute to that separation. Mr Stimpson is wrong to state that there has "*been no changes in circumstances*" (paragraph 4.19).
- 5.72 It is contradictory for Mr Stimpson on the one hand to argue that the Appeal Site fulfils a very critical role in the Green Belt and Strategic Gap where any development should be prevented, and on the other hand ignore their (out of date) Development Plan that welcomes much more significant development, including industrial uses on the Appeal Site, should the expansion of Heathrow Airport come forward.
- 5.73 As set out in Mr Murphy's PoE, the Development Plan is out of date in the context of up-to-date Government planning policy. Mr Stimpson's PoE reinforces that position.

Relevant appeal decisions

- 5.74 Mr Murphy observes that a core part of the justification provided by Mr Stimpson in regard to purpose b) is to cite the conclusions from the dismissed appeal decision in 2016 [CD 7.5] for a solar farm on land north of the Appeal Site and the Hilton Hotel. Mr Stimpson

seeks to apply the Inspector's conclusions on the role of the Green Belt on that site in exactly the same way to the Appeal Site. Such an approach fails to consider the site specific circumstances of the Appeal Site as addressed in Mr Webster's evidence [CD 11.8] and does not recognise the change in national policy which came into effect post 2016 which established the urgent need for renewables, including solar (ie Overarching National Policy Statement for Energy (EN-1) and the National Policy Statement for renewable energy infrastructure (EN-3).

- 5.75 Furthermore, Mr Stimpson also fails to acknowledge the specific commentary arising from the 2009 Appeal [CD 7.6] that applied to the western portion of Parcel A. In this case the Inspector confirmed in clear terms that the previous activities on the site meant that the concrete works proposed would have a limited impact on openness (paragraph 14), and as the site was "*somewhat remote from Slough*" and "*not prominent in this part of the [strategic] gap*" the proposals would not undermine the remaining parts of the Strategic Gap (paragraph 15).
- 5.76 Mr Stimpson attempts to suggest that the decision does not have much bearing on the Appeal, partially as the Inspector's Report in this appeal does not expressly refer to Core Policy 2. Mr Murphy does not agree with this position because:
- (a) The Officer's Report Committee (**Appendix 4**) clearly considered Strategic Gap matters including express reference to emerging Core Policy 2, and the Report will have formed an important part of the appeal see sections 6.12, 7.2 and reason for refusal 2);
 - (b) A statement produced by the Council in respect of the appeal (**Appendix 5**, section 7) clearly shows consideration of the role of the Strategic Gap in separating Slough and London; and
 - (c) The clear reference to the Strategic Gap in the Inspector's Report. Whilst the essential test does not feature expressly in the Inspector's Report, the Inspector's judgements about the role and value of the site in respect of the Strategic Gap are plainly entirely relevant to this Appeal.

Land Adjacent to the Appeal Site

- 5.77 Mr Stimpson refers (paragraph 3.88) to an article connected with the Appellant regarding the potential for a further data centre on land to the west of the Appeal Site. Mr Stimpson suggests that 'the very real prospect' of this coming forward if the Appeal is allowed means it should be taken into account when assessing the importance of the Appeal Site to the Green Belt.

5.78 It goes without saying, but the decision maker on this Appeal needs to consider the proposals before them. To the extent that a future application is submitted on land in the Appellant's ownership, that will in turn need to be determined on its own merits. Mr Murphy is of the view that no weight can be afforded in consideration of the Appeal Development to any future scheme which may, or may not, come forward on land adjacent to the Appeal Site.

VSC

5.79 The rebuttals set out by Mr Powney and Mr Coles above explain Mr Stimpson's flawed position in respect of data centre need and alternative sites. As a result of the flawed starting point applied in these matters, it means that Mr Stimpson follows through with similar errors in his analysis of the Very Special Circumstances (**VSC**) case.

5.80 Previous rebuttals are not repeated here, other than to highlight that the overwhelming scale of data centre need and the absence of available sites in the SAZ has been accepted in multiple, carefully considered, Secretary of State decisions such as WP2 [**CD 7.1**] and Court Lane [**CD 7.3**].

5.81 Mr Stimpson suggests that the identified benefits of the development can be delivered on the alleged other available sites for data centres, and the benefits are not specific to the Appeal Site. The evidence of Mr Cole [**CD 11.6**] robustly demonstrates the absence of alternative sites to meet the overall need, and Mr O'Reilly [**CD 11.15**] confirms the site specific nature of the power connections and the inability for the contracted power to be transferred to another site to enable an alternative data centre to be delivered in the same timeframe. The clear benefits of the project are therefore entirely site specific.

5.82 Mr Stimpson then suggests that the benefits may not be delivered 'pending a decision as to whether the proposed third runway at Heathrow will go ahead'. Mr Stimpson refers to the potential use of the site for expansion as 'speculation' (paragraph 2.161). Mr Murphy agrees with Mr Stimpson that there is considerable uncertainty on the sites required to support expansion, with considerable further testing and engagement by any promoter of a third runway to be undertaken prior to their submission of a DCO application in 2028. The Appeal Development is not inconsistent with national policy in respect of Heathrow airport.

5.83 Mr Stimpson suggests that the removal of unauthorised uses and buildings will result in a significant visual improvement compared to the Appeal Development (paragraph 3.160). This rather ignores the lawful uses on the Appeal Site and degraded nature of the Appeal Site in general, especially Parcel A. Furthermore, Mr Stimpson fails to acknowledge the

significant landscape improvements that will be delivered, including an area of landscaping accessible to the public adjacent Poyle Road and new pedestrian route connecting Poyle Road to the Arthur Jacob Nature Reserve (consistent with Colne Valley Park Trust objectives).

- 5.84 Mr Stimpson attempts to suggest that the Development is not required to deliver biodiversity benefits, which he claims can be achieved through the seeding of the land to agricultural use (paragraph 3.162). However, this fails to reflect the industrialised nature of parts of the Appeal Site, and the significant biodiversity improvements proposed as part of the carefully developed landscape and biodiversity strategy ie biodiversity net gain enhancements equating to over 115% for habitat units, over 10.5% for hedgerow units and over 10% for watercourse units.
- 5.85 Overall, Mr Murphy does not agree with the conclusions reached by Mr Stimpson in his analysis of the VSC.

Strategic Gap & Colne Valley Regional Park

Urbanisation

- 5.86 Mr Stimpson explains that the “*main purpose of the [Strategic Gap] policy is to prevent the urbanisation of the area by keeping land open*” (paragraph 4.25). Furthermore, at paragraph 7.42 of the SoCG the Council refer to the Emerging Spatial Strategy (December 2018) which states “*that in the short term the Council will continue to rigorously apply Green Belt and Strategic Gap policies to any proposals that come forward in advance of the future of the airport being resolved. This will prevent development happening in an unplanned way*”.
- 5.87 As set out in Mr Murphy's PoE [CD 11.12], it is clear that the Appeal Site, especially in respect of Parcel A, has been characterised for a prolonged period by various urbanising features and industrial/commercial activities. The Council has not taken full and rigorous steps to prevent unplanned development.
- 5.88 Whilst it is accepted that a condition on the 2009 Appeal [CD 7.6] requires part of Parcel A to be converted to agricultural use, for over 20 years large parts of the Appeal Site have contained urbanising uses and activities which has limited the ability of the Appeal Site to meaningfully contribute toward Strategic Gap role and functions. To this end, the Appeal Site has not fulfilled its main purposes as set out in Mr Stimpson's PoE (paragraph 4.25)

Essential

- 5.89 The findings of Mr Stimpson in respect of the 'essential' test within Core Policy 2 are noted. As set out earlier in this rebuttal, as well as within the various PoE for the Appellant, the starting point adopted by Paul Stimpson is flawed. For the reasons already set out, Mr Stimpson applies an incorrect approach to quantitative need and fails to recognise the scale of sites required to meet that need. With the correct application of the 'essential' test, as set out in my PoE, the Appeal Development satisfies the requirements of Core Policy 2.
- 5.90 Mr Stimpson draws on the SIFE decision [**CD 7.10**] and the appeal decision relating to a solar farm on land to the north of the Appeal Site [**CD 7.5**], as evidence that major infrastructure as previously not been considered sufficiently important to allow development in the Strategic Gap (paragraph 4.78). However, what Mr Stimpson fails to identify is the materially different circumstances that apply to the infrastructure now proposed. Unlike the two identified schemes, data centres are expressly identified by Government as 'critical national infrastructure' (**CNI**). This CNI designation places data centres on a par with services like water, energy, and emergency services [**CD 5.2**]. This represents a significant difference in the weight that should be afforded to the proposals, compared to the other projects cited.

6. **PLANNING HISTORY**

- 6.1 This section has been prepared by Mr Murphy.
- 6.2 The Appeal Site is untidy both physically and in its planning history. At the case management conference, the Council asked that planning history matters be addressed in a separate Statement of Common Ground. The Council provided a first draft on 31 July 2025. The Appellant sent an amended version to the Council on 5 August 2025, and the Council responded to the Appellant's mark-up on 15 September 2025 (i.e. a day before exchange of evidence).
- 6.3 In parallel, the Council has prepared a Planning History Statement of Evidence [**CD 11.1 T**], authored by Mr Ray and which is attached to Mr Stimpson's PoE. This planning history evidence has been reviewed, with relevant responses provided in this section and in **Appendix 6**.
- 6.4 However, it should be emphasised that the Appeal does not turn on the precise nature of the lawful uses/development on the Appeal. Mr Murphy and Mr Webster accept in their PoE that other parts of the Appeal Site are not PDL. Instead, the Grey Belt case that is made by the Appellant demonstrates that the Appeal Site does not fulfil a 'strong' contribution to Green Belt purposes a), b) and d). This is freestanding and does not rely on the areas of disagreement in the planning history.
- 6.5 Therefore, whilst parts of the Appeal Site clearly have a long history of commercial/industrial activities, the precise nature of the planning history will not materially affect the planning judgments that the Inspector or Secretary of State need to make when determining the Appeal.
- 6.6 In light of the above, a detailed response is not provided to Mr Stimpson's opinion on the extent of Previously Developed Land (**PDL**) on the Appeal Site (paras 3.16 to 3.46).
- 6.7 It is clear from Mr Murphy's PoE, and the evidence of Mr Webster, that the Appellant does not seek to argue that the full extent of the Site is PDL within the definition of the NPPF. Large parts of the Appeal Site, in particular Parcel A, have contained intensive commercial and industrial uses over the last c.20 years and this activity has impacted the character and role/function of the site from a Green Belt perspective. However, Mr Murphy accepts that elements of this activity have not benefitted from planning permission and/or certain land was required to be converted to agricultural land.
- 6.8 As a result, whilst Mr Murphy finds there to be various errors and inaccuracies within the section of Mr Stimpson PoE entitled 'Previously Developed Land' and Mr Ray's Planning

History PoE, the Appellant's case demonstrates that even when applying a conservative approach to recent on-site activity the Appeal Site does not 'strongly contribute' to Green Belt purposes a), b) and d).

6.9 For completeness Mr Murphy provides a rebuttal on the planning history at **Appendix 6**. However, in summary the Appellant remains of the view that the lawful development on the Appeal Site is that listed below (and shown in Document 6 of Mr Murphy's PoE [**CD 11.13**]):

- (a) Access route into Parcel A off Poyle Road;
- (b) Plot 55 (certificate of existing lawful use for residential);
- (c) Plot 56 (certificate of existing lawful use for a house in multiple occupation);
- (d) Plot 57 (certificate of existing lawful use for car parking and hard standing);
- (e) Plot 58 (certificate of existing lawful use for a warehouse);
- (f) Plot 59 (certificate of existing lawful use for a warehouse);
- (g) Plot 60 (certificate of existing lawful use for a warehouse distribution unit, ground and first floor office unit, associated operational development, and parking and turning areas);
- (h) Plot 61 (certificate of existing lawful use for a 3-sided barn structure);
- (i) Plot 63 (certificate of existing lawful use on open land for importation, open storage, distribution of non-perishable/salvage and/or reclaimed materials);
- (j) Plot 66 (certificate of existing lawful use on open land for the importation, open storage and distribution of primary aggregates at a height of 5m, in addition to operational development including a perimeter wall and partition walls); and
- (k) Plot 68 (certificate of existing lawful use as hard standing).

6.10 Notwithstanding this lawful development context, the Green Belt and landscape assessment undertaken by Mr Webster has adopted a more conservative approach in assuming Plots 59 and 66 are converted to agricultural land to reflect the Council's position in respect of the 2009 Appeal [**CD 7.6**].

6.11 Taking a more strategic, and 'common sense' view, 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.

- 6.12 Historical aerial photography [**CD 11.13, Document 5**] demonstrates that 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. As a result, over this period the Appeal Site has not contributed beneficially to the Green Belt, CVRP and Strategic Gap.

7. DEVELOPMENT PLAN

- 7.1 This section has been prepared by Mr Murphy.
- 7.2 Mr Stimpson suggests that the Council's SPZ represents a plan-led approach to the delivery of data centres which has "*met all of the policy requirements of the NPPF*" (paragraph 2.10). Mr Stimpson states that the flexibility provided by the SPZ means that the Council is able to meet the market demand for data centres (paragraph 2.24), although it is clear that the Council does not know what the scale of demand is – Mr Stimpson states "*Whatever the need for data centres in Slough may be...*" (paragraph 3.94). Mr Stimpson, also incorrectly claims that "*Councils are not required to assess the need for data centres as part of the plan making process*" (paragraph 2.97).
- 7.3 NPPF paragraph 20 is clear in its requirements that strategic policies should set out an overall strategy for the pattern, scale and design quality of places and that such strategic policies should "make sufficient provision for ..a)employment...and other commercial development; b) infrastructure fortelecommunications".
- 7.4 NPPF paragraph 22 requires that strategic policies look ahead over a minimum 15 year period.
- 7.5 NPPF paragraph 23 states that "*strategic policies should provide a clear strategy for bringing sufficient land forward, and at a sufficient rate, to address objectively assessed needs over the plan period in line with the presumption in favour of sustainable development...*" and this should "*...include planning for and allocating sufficient sites to deliver the strategic priorities of the area...*".
- 7.6 Neither the Development Plan, nor the SPZ, was based on an objective assessment of data centre need. They fail to fully 'meet the needs' (paragraph 86) and make full 'provision for' (paragraph 87) data centres in the area, as evidenced by Mr Powney.
- 7.7 The SPZ enables the delivery of a wide range of land uses - data centres being just one. Mr Stimpson highlights this issue (paragraph 2.16), citing concern that data centres are pushing out other land uses from the SPZ, which reinforces that fact that insufficient land has been allocated to meet data centre needs.
- 7.8 As explained in Mr Murphy's PoE, the Development Plan is considered to be out of date and paragraph 11d(ii) is triggered.

8. HEATHROW AIRPORT

- 8.1 This section has been prepared by Philip Murphy. Where relevant, Mr Murphy's PoE [CD 11.12] is cross-referenced as this addresses a number of the issues raised by Mr Ray [CD 11.2].
- 8.2 Mr Ray suggests that the Airports National Policy Statement (ANPS) [CD 5.8], the Written Ministerial Statement (WMS) on 29 January 2025 [CD 5.9], the letter from Heidi Alexander of 30 June 2025, the Heathrow Airport Limited (HAL) submissions to Government (including that on 31 July 2025 outlining their proposal for a third runway) and the HAL Scoping Report Addendum (SRA) submitted to the Planning Inspectorate in September 2025 are all material considerations in the determination of the Appeal (paragraph 3.20).
- 8.3 At paragraph 3.3 Mr Ray states that the Appeal Development has the potential to conflict with national policy. My Murphy disagrees with this position. Mr Murphy sets out his view on the relationship of the Appeal with the ANPS and WMS in Section 13 of his PoE. However, in short, the Appellant's case is as follows:
- (a) The PPG defines a material planning consideration as one which is "*relevant to making the planning decision in question*". The ANPS and the WMS do not cover the Appeal Site and the Appeal is not concerned with land designated by the NPS. Therefore, they are not material considerations that must be taken into account.
 - (b) However, the ANPS and WMS are contextually relevant due of the Appeal Site's location relative to the land designated in the ANPS. Even in these circumstances if one were to take them into account, they cannot be afforded more than limited weight.
 - (c) Furthermore, there is nothing in the ANPS or WMS in direct conflict with the Appeal Development. In particular, the Appeal Site falls outside of the Annex A and B boundaries. There is no reference to the Appeal Site or the surrounding area in either document. Indeed, Mr Ray does not refer to any express conflict – which is because such a conflict does not exist.
- 8.4 Mr Ray relies on HAL's 31 July 2025 submission to Government and the SRA. Mr Ray refers to Figures appended to the SRA to suggest a conflict with the emerging masterplan proposals (please see at **Appendix 7** expanded extracts of each Figure to assist the Inspector/Secretary of State understand the relationship with the Appeal Site).

However, one needs to understand the context of these documents. The SRA confirms that:

- (i) *“This EIA Scoping Addendum does not present a finalised scheme, as this is not necessary for the purpose of EIA scoping and further design development will take place prior to submission of the DCO application”.*
(page 13) (my emphasis)
 - (ii) *“For the purposes of this EIA Scoping Addendum, no preferred masterplan has yet been fixed for the purposes of the DCO Application (the 2019 consultation representing a preferred masterplan only), and multiple design options remain under active consideration”.* (page 14) (my emphasis)
 - (iii) *“Figure 3.7 presents all the land identified for airport infrastructure and ARD. In the 2018 EIA Scoping Report, Figure 3.1 was described as showing the maximum extent of land required for all development options under consideration at that time, including ARD and other potential DCO Project components. It is important to note that all land for mitigation or construction is still not fixed and even where land is currently identified as being required, it may not be included within the final Order Limits boundary. The final Order Limits boundary will be confirmed following further design development”.* (page 39) (my emphasis)
 - (iv) *“Figures 3.5 to 3.11 of the 2018 EIA Scoping Report presented options for certain components of the DCO Project. These figures and the descriptions of those options set out in the 2018 EIA Scoping Report remain valid to illustrate examples of how the components could be configured, although further design development has been and will be undertaken which will have regard to the feedback from previous and further consultations”.*
(page 40) (my emphasis)
 - (v) Figures 3.5 to 3.11 are all titled as being ‘indicative’.
- (b) The SRA confirms that the 2019 Preferred Masterplan represents ‘a’ preferred masterplan only and emphasises that further design development, testing and engagement will be undertaken prior to its finalisation and submission as part of the DCO application.
- (c) The 2019 Preferred Masterplan and the Figures in the SRA show that the Appeal Site does not contain any uses that are core to the national infrastructure project ie it does relate to ‘Airport and Operational Infrastructure’ e.g. terminal and

satellite infrastructure, runway, taxiways, airfield infrastructure, aprons and airside roads, new terminals etc.

- (d) Instead the Appeal Site is being considered for Airport Related Development, which is defined as 'Associated Development' for the purposes of the future DCO application. There is considerable flexibility and uncertainty about such elements of the emerging scheme that are not core infrastructure components. As explained in HAL's 2019 Preferred Masterplan consultation material, there is optionality for how much freight forwarding floorspace is included in the Preferred Masterplan, and where it is located [CD 14.3]. HAL expressly states in its Updated Scheme Development Report [CD 14.8] that the DCO application needs to decide what proportion of the forecast requirements are accommodated in the DCO as opposed to being left to the Local Plan process and the normal functioning of the property market – options clearly exist.
- (e) This uncertainty is accepted by Mr Stimpson who refers to there being a 'possibility' of the Appeal Site being included in HAL's emerging masterplan, which he describes as 'all speculation' (paragraph 2.161). Mr Murphy agrees with Mr Stimpson's characterisation of this issue – the need for the Appeal Site is currently speculation and will continue to be so until the examination of the DCO application in c. 2029.

8.5 Overall, it is Mr Murphy's view that the Appeal Development are not inconsistent with the ANPS and WMS.

8.6 Mr Ray seeks to afford HAL's 31 July 2025 submission and the SRA (which draw on the 2019 Preferred Masterplan used at consultation) with the same status as the ANPS and WMS. Mr Murphy does not agree with this position.

8.7 Mr Ray suggests (paragraph 3.25) that the decision maker should have at the forefront of their mind the significant amount of work done by HAL prior to the consultation on the Preferred Masterplan in 2019, and that this work underpinned the SRA. This work is in effect pre-application material that is now five years out of date; the SRA expressly states that it is subject to change prior to submission of the DCO application targeted for 2028 – in particular because of the need to reflect up to date circumstances following the 5 year pause in the project. The speculation on the need for the Appeal Site is accepted by Mr Stimpson (paragraph 2.161).

8.8 In this context, it is Mr Murphy's view that the only limited weight can be afforded to this material.

- 8.9 At paragraphs 4.11 and 4.12 Mr Ray suggests that the Appeal directly conflicts with the HAL's Preferred Masterplan and therefore conflicts with the ANPS and the WMS. For the reasons explained above Mr Murphy disagrees with position.

Economic Benefits

- 8.10 Mr Ray cites (paragraph 3.23) a generalised comparison between the number of jobs that would be created through the expansion of Heathrow (as well as wider economic benefits), in contrast with the Appeal Development. Mr Ray presents this information to suggest that the decision maker needs to select between one project or the other. As set out in Mr Murphy's PoE that is not the case. Both projects are nationally important and both should be facilitated.
- 8.11 Mr Ray seeks to make the point (paragraph 3.23) that the Development creates relatively low levels of direct employment. However, Mr Ray fails to recognise the substantial indirect employment and wider economic benefits that flow from data centres, which represent an important part of Slough's economy and are central to Government's growth agenda – as described in detail in the evidence of Mr Powney and explained in the Economic Statement submitted in support of the Application [CD 1.39].

Poyle Trading Estate

- 8.12 Mr Ray refers to the relationship between current operations on Poyle Trading Estate and the existing airport. In this context Mr Ray states (paragraph 4.5) that "*this importance and recognition of the sites importance and relation within the Airport is identified in the Slough Local Development Framework Core Strategy document of 2026*". For clarity, the Inspector/Secretary of State should be aware that the Core Strategy does not identify the Appeal Site, or any other land around Poyle Trading Estate, for its importance and relationship to the airport.
- 8.13 Mr Ray highlights the relationship between Poyle Trading Estate and the airport as existing – which Mr Murphy does not dispute. However, there is nothing in planning policy that identifies the Appeal Site as being a necessary location to accommodate freight related activity associated with airport expansion.
- 8.14 Mr Ray refers (paragraph 4.7) to paragraph 16.4 (which Mr Murphy believes is a typo and should be 15.4, see Page 54) of the draft Proposed Spatial Strategy that was subject to public consultation in November 2020. This paragraph encourages the comprehensive redevelopment of the existing industrial estate in the context of the airport as it is today (ie no expansion) in order to deliver an intensification of activity and address the challenges cited in the preceding paragraphs ie poor environment;

unneighbourly activities; a lack of parking for cars, vans and HGVs; few facilities or amenities for workers to use. Once again, there is nothing in planning policy that identifies the Appeal Site as being a necessary location to accommodate freight related activity associated with airport expansion.

Active Travel Proposals

- 8.15 Mr Ray questions whether the Appeal conflicts with HAL's emerging active travel proposals to the west of the Appeal Site.
- 8.16 The Preferred Masterplan consultation document (June 2019) contains very limited detail on the active travel proposals. The description of Zone L (pages 111 to 115 of the Preferred Masterplan), which contains the Appeal Site, includes reference to "*part of the proposed Green Loop is accommodated within this zone, alongside the Colne Brook watercourse and includes enhancement to existing and proposed recreational routes, recreational spaces and planting, as well as habitat provision for European Protected Species and wildlife connectivity.*" An Active Travel plan (Figure 7.4.2) is shown on Page 151 which identifies a 'green loop' running along the Colne Brook, and continuing to north of the Appeal Site.
- 8.17 The Design & Access Statement submitted in support of the Application explains that a pedestrian route will be provided that will link the Appeal Site to the Arthur Jacob Nature Reserve along the Poyle Channel and Colne Brook. The precise location and details are to be submitted under an obligation to be secured in the S106 Agreement.
- 8.18 In short, the proposed pedestrian route is consistent with the emerging aspirations set out in the Preferred Masterplan that was subject to consultation in 2019.

Compulsory Purchase/Heathrow Expansion Costs

- 8.19 Mr Ray claims (paragraph 4.12) that the Appeal Development could add to the overall cost of the third runway thereby conflicting with Government statements/policy. Mr Ray suggests that the Appeal Development could lead to HAL having to "*redesign in a compromised way the entire project*", or add "*substantial costs associated with CPO knock on effects*".
- 8.20 It is Mr Murphy's view that alternative sites exist to accommodate freight forwarding activity, and it is plainly unrealistic to suggest that the whole expansion project would need to be 'redesigned in a compromised way' due to the non-availability of what is a peripheral site that has no impact on airport operational infrastructure.

8.21 Even if, at a future point, HAL determine that the Appeal Site is required for airport expansion, evidence will need to be made at that time to justify the acquisition of the land. If having regard to that evidence it is determined that the Appeal Site should be acquired, the cost of such an acquisition would not in reality undermine the project as whole, especially given the small size of the Appeal Site. No evidence has been provided to substantiate the suggestion that the cost of acquiring the Appeal Site post Development would compromise the viability of the expansion project.