

**TOWN AND COUNTRY PLANNING ACT 1990**

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

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

**STATEMENT OF CASE FOR THE LOCAL PLANNING AUTHORITY.**

**LOCAL PLANNING AUTHORITY REF: P/10076/013**

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

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## **1. Description of Appeal and the application process.**

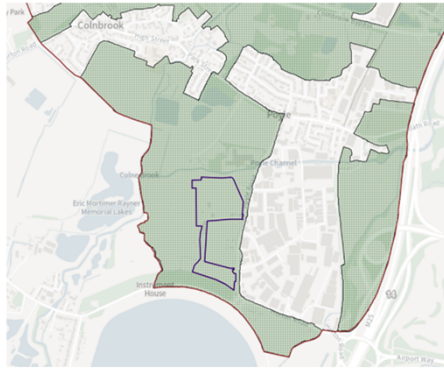
- 1.1 The planning application that is the subject of this appeal was registered by the Local Planning Authority on 2 January 2025, and given the reference P/10076/013. The description of the development is:

*Demolition of existing buildings and redevelopment to comprise a Data Centre (Use Class B8) and Battery Energy Storage System (BESS) with ancillary substation, offices, associated plant, emergency backup generators and associated fuel storage, landscaping, sustainable drainage systems, car and cycle parking, and new and amended vehicular and emergency access from Poyle Road and other associated works.*

- 1.2 The application was given an initial determination target date of 3 April 2025. The Council emailed the agent of the application on 10 February 2025 to request an extension of time until 30 April 2025 to accommodate the nearest Planning Committee date to the determination target. No response was received to agree this extension of time.
- 1.3 The Council had a number of meetings with the appellant to discuss the proposal and the redevelopment of the site. The Appellant notified the Council of their appeal submission on 20 May 2025.
- 1.4 The appeal process, as confirmed by the Inspector, is a public inquiry which will run for 8 days.

## **2.0 The Appeal Site and Surroundings**

- 2.1 The appeal site is an area of land located to the west of Poyle Road and the established Poyle Industrial Estate. The planning application describes the site as two parcels of land however this is not the case as the red line area is continuous and the site is a single planning unit.
- 2.2 The appeal site is a mixture of previously developed land and agricultural land which is entirely located within the designated Green Belt. The northern element is partly previously developed land which contains a mixture of uses and buildings, most of which are in commercial use with a single house in multiple occupation at the eastern end of this area. There are small areas of landscaping included in the red line area at northern parts of the area. This area of the appeal site has a number of buildings and structures but is largely open.
- 2.3 The southern part of the appeal site is a rectangular area of land which is entirely undeveloped save for what appears to be cattle structures on the southern boundary. The site is open and abuts established tree planting to the south and sits adjacent to an existing water pumping station to the east.
- 2.4 These two areas are linked by a piece of land which is part previously-developed and part undeveloped.
- 2.5 As stated the site is entirely within the Green Belt as shown by the images below. The first shows the site drawn (approx) in light of the immediate context and the second shows it in a wider context setting with the site identified with a red star:

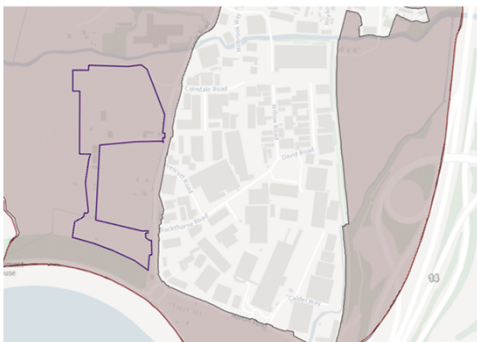


Source: Slough Borough Council

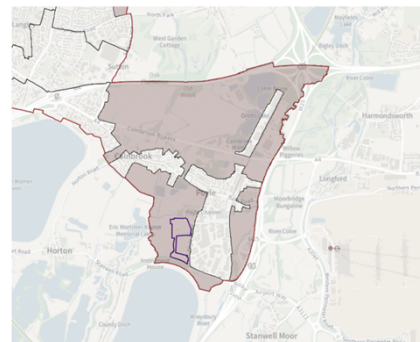


Source: CRPE.org.uk

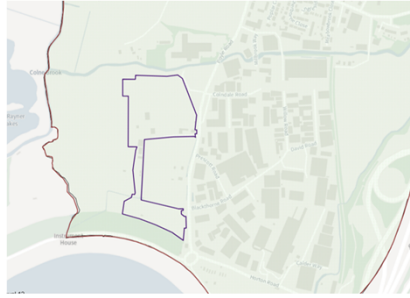
2.6 The site is entirely within the Council's designated Strategic Gap. This is a designated area that highlights a gap between Slough and the Greater London area. The images below show the site in the context of the Strategic Gap in both immediate and wider context:



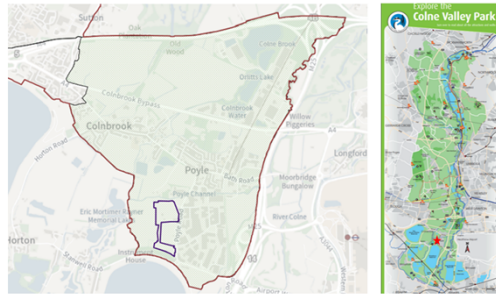
Source: Slough Borough Council



2.7 The Strategic Gap also sits within the Colne Valley Regional Park which was designated in 1965 as an area recognised for its environmental sensitivity and its role as a recreational resource. It is a cross-border designation, and the images below show the site in the context of the park designation and also the wider park area. This is an unclear image and has been included for details in Appendix K.1.



Source: Slough Borough Council



Source: colnevalleypark.org.uk/

- 2.8 The site lies almost entirely within Flood Zone 1 which is the area of lowest risk and has very small instances of being in Flood Zone 2. The site is not within a designated conservation area and has no listed buildings in it.
- 2.9 To the immediate east of the site lies the existing Poyle Industrial Estate. To the immediate north is a Hilton Hotel with the larger Poyle built-up area beyond. To the south is the Wraysbury Reservoir and open countryside lies to the west of the site.

### 3.0 Planning History

3.1 The site planning history is as follows;

SBC Application Reference	Description	Decision
P/11388/000	Erection of a nine-hole golf course, club house, storage and greenkeepers accommodation.	Approved on 5 <sup>th</sup> June 2003.
P/11388/001	Variation of condition 3 of p/11388/000 (development of 9-hole golf course) to allow retention of all stockpiles of soil in area b for use in development of the golf course	Withdrawn 27/05/005
P/11388/002	To vary condition 3 in planning permission no. P/11388/000 (construction of 9-hole golf course, club house, storage and greenkeepers accommodation) to require that all stockpiles of soil on area b are used in the development of the golf course and not removed off site	Withdrawn 10/05/2006
P/11388/003	Variation of condition 3 of p/11388/000 to enable the use of stockpiles of soil on area b to be used in the development of the golf course and not removed off site (with exception of approx. 31,000m <sup>3</sup> )	Withdrawn 03/10/2011
P/11388/004	Certificate of lawfulness of an existing material change of use comprising the mixed uses of agriculture and the keeping and breeding of no more than seventeen thoroughbred horses (a sui-generis use), at any one time.	Grant 23/06/2010
P/11388/005	REGRADING OF FIELDS TO RESTORE 1992 POST RESTORATION CONTOURS.	Approved 20/06/2014
P/11442/000	Erection of three industrial units (use class b2) and associated road, parking and refuse and cycle facilities	Withdrawn 21/06/2001
P/11442/001	Erection of three industrial units for class b2 use and associated road, parking and refuse and cycle stores (amended plans 12/12/2001)	Refused 13/12/2001
P/11442/002	Change of use from agricultural land to residential caravan site together with car parking , two facilities buildings, bunding and landscaping for temporary period of three years	Refused 17/10/2002
P/11442/003	Change of use from agricultural land to residential caravan site	Refused on 17th October 2002
P/11442/004	Change of use from agricultural land to residential caravan site	Refused on 28th October 2004



P/11442/005	Certificate of lawfulness of existing use of land and single storey semi-detached building as a single, three bedroomed dwelling houses with ancillary parking provision for up to three cars and amenity space	Approved on 27th July 2009
P/11442/006	Certificate of lawfulness for existing use of land and two storey detached building therein comprising 6no. Single and 1no. Double self-catering bed sitting rooms, communal w/cs, bath and shower rooms, laundry and ancillary space as an HMO	Approved on 27th July 2009
P/11442/007	Certificate of lawfulness of existing use and development for the retention of land as a car park (sui generis) for commercial purposes and the retention of associated hardstanding	Approved on 27th July 2009
P/11442/008	Certificate of lawfulness of existing use and operational development of land for the retention of a group floor warehouse distribution unit with ancillary offices, showers, w/c kitchen facilities, with its respective access, parking provision and turning area	Approved on 21st August 2009
P/11442/009	Certificate of lawfulness for the retention of operational development situated immediately north off the main access road comprising a single storey building with dual pitched, corrugated roof incorporating 10 no. Translucent corrugated rooflights and part clad, part concrete block wall measured externally at 275 sq.m., garage inspection pit (11 sq.m) and two roller shutter doors to south elevation and entrance door to rear, north elevation; single storey lean-to structure, attached along the entire west elevation measuring 51 sq.m. comprising corrugated roof, entrance door to south elevation.	Grant 20/08/2009
P/11442/010	Certificate of lawfulness of existing land as hard surfacing	Grant 02/02/2011
P/11442/011	Environmental Impact Assessment (EIA) Screening Opinion request for redevelopment of site to a Data Centre and Battery Energy Storage System.	Issued 07/11/2024
P/10076/000	Erection of plant & vehicle maintenance building (county matters)	Refused 09/01/1997
P/10076/001	Continued use as an inert waste (concrete) recycling centre	Refused 01/07/1998
P/10076/003	Change of use to b2	Withdrawn 12/09/2005

P/10076/004	Change of use to b2	Withdrawn 12/09/2005
P/10076/005	Change of use to b2	Withdrawn 12/09/2005
P/10076/006	Use of land for crushing, screening and inert waste recycling (B2 Use) including retention and remodelling of existing stockpiles (limited by height and volume), creation of new access, provision of new vehicle and lorry parking and wheelwashing facilities, new plant workshop, lorry workshop, retention of existing fuel store and provision of a new fuel store, a weighbridge and office accommodation	Allowed at appeal on 21st September 2009
P/10076/007	Certificate of lawfulness for the retention of operational development situated immediately south off the main access road comprising a single storey building with a polycarbonate gabled pitched roof incorporating 10 no. Roof lights and partially clad walling; measured externally at 434 sq.m. and apportioned internally forming two separate units measuring 80 sq.m. and 318 sq.m.; 2 no. And 1 no. Roller shutter doors applied to north and west elevations respectively; 1 no. And 1 no. External doors applied to north and south elevations respectively; fenestration, including 1 no. And 2 no. Windows applied to north and east elevations respectively.	Grant 17/08/2009
P/10076/008	Certificate of lawfulness of existing operational development comprising the retention of: (a)the erection of 1 no., three-sided, open-fronted pole barn with gable, corrugated steel, dual-pitched roof, built of a timber frame and clad in timber and corrugated steel. Guttering at eaves. Lean-to shed to eastern flank wall made of timber frame and clad in corrugated steel. Total footprint measuring 102.4 sq m and 25 sq m respectively (gea).	Grant 19/11/2009
P/10076/009	Certificate of lawfulness for the retention of an existing use on open land comprising the importation, open storage, delivery and distribution of non-perishable, salvaged and, or reclaimed materials arising from works undertaken as part of a demolition contractor's business (use class b8). During the hours between 0700 to 1800hrs Mondays to Fridays and between 0700 to 1300hrs Saturdays. With the exception of all hours outside those above mentioned, including	Grant 04/05/2010

	Sundays, bank, public and national holidays when no activity is present.	
P/10076/010	Certificate of lawfulness application to determine whether an existing use on the said land, comprising part of an existing building, has been used for the storage of hay and straw in a manner that is ordinarily incidental to the keeping and breeding of thoroughbred horses (determined lawful under application ref. P/11388/004)	Grant 23/0/2010
P/10076/011	<p>Certificate of lawfulness for:</p> <p>The retention of an existing use on open land comprising the importation, open storage and delivery and distribution of primary aggregates at a height no greater than 5 metres at any one time (a sui-generis use). During the hours between 0700 to 1800hrs Mondays to Fridays and between 0700 to 1300hrs Saturdays. With the exception of all hours outside those above mentioned, including Sundays, bank, public and national holidays when no activity is present.</p> <p>The retention of existing development of an operational nature, comprising a perimeter wall and 3 no. Partition walls along western flank, railway sleeper construction supported by rolled steel joist stanchions on concrete base; laying out and construction of 3 no. Partition walls along eastern flank of large boulder construction.</p>	Grant 04/05/2010
P/10076/012	Application for certificate of lawful development to confirm if the use of the building is class b2 (general industry)	Grant 26/10/2010

## **4.0 The Appeal Proposal**

- 4.1 The appeal proposal was registered by the Council with the following description:

*‘Demolition of existing buildings and redevelopment to comprise a Data Centre (Use Class B8) and Battery Energy Storage System (BESS) with ancillary substation, offices, associated plant, emergency backup generators and associated fuel storage, landscaping, sustainable drainage systems, car and cycle parking, and new and amended vehicular and emergency access from Poyle Road and other associated works.’*

## **5.0 Policy Framework**

### **5.1 Slough Local Development Plan and the National Planning Policy Framework**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission are determined in accordance with the development plan unless material considerations indicate otherwise. Annex 1 to the National Planning Policy Framework advises that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). The revised version of the National Planning Policy Framework (NPPF) was published on December 2024.

### **5.2 The National Planning Policy Framework and the National Planning Practice Guidance 2025**

Planning Officers have considered the revised NPPF and supporting NPPG which has been used together with other material planning considerations to assess this planning application.

The NPPF states that decision-makers at every level should seek to approve applications for sustainable development where possible and planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise:

- Chapter 2. Achieving sustainable development
- Chapter 4. Decision-making
- Chapter 6: Building a Strong Competitive Economy
- Chapter 8. Promoting healthy and safe communities
- Chapter 9. Promoting sustainable transport

- Chapter 10: Promoting High Quality Communications
- Chapter 11. Making effective use of land
- Chapter 12. Achieving well-designed places
- Chapter 13: Protecting Green Belt Land
- Chapter 14: Meeting the challenge of climate change, flooding and coastal change
- Chapter 15: Conserving and Enhancing the Natural Environment

### 5.3 The Slough Local Development Framework Core Strategy (2006 – 2026) Development Plan Document, December 2008

The Core Strategy has a number of policies that are relevant to the development:

- Core Policy 1 (Spatial Strategy)
- Core Policy 2 (Green Belt and Open Spaces)
- Core Policy 5 (Employment)
- Core Policy 7 (Transport)
- Core Policy 8 (Sustainability and the Environment)
- Core Policy 9 (Natural, Built and Historic Environment)
- Core Policy 10 (Infrastructure)

The spatial extent of these is shown Slough Local Development Framework Proposals Map (2010)

### 5.4 The Adopted Local Plan for Slough, 2004

- EN1 – Standard of Design
- EN3 – Landscaping Requirements
- EN5 – Design and Crime Prevention
- EN34 – Utility Infrastructure
- EMP4 – Development Outside of Existing Business Areas
- CG1 – Colne Valley Park

- CG9 – Strategic Gap
- CG10 – Heathrow Airport Safeguarded Area
- T2 – Parking Restraint
- T7 – Rights of Way
- T8 – Cycle Network and Facilities

These policies have been saved by way of direction dated 25th September 2007 from the Secretary of State under the provisions of paragraph 1(3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004.

#### 5.5 Supplementary Planning Document

- Slough Borough Council Developers Guide

#### 5.6 Emerging Preferred Spatial Strategy for the new Local Plan for Slough Proposals for development in Colnbrook and Poyle (December 2018) (Planning Committee November 2018)

The emerging Preferred Spatial Strategy has been developed using guiding principles which include locating development in the most accessible location, regenerating previously developed land, minimising the impact upon the environment and ensuring that development is both sustainable and deliverable.

This site is not allocated for development within the emerging Spatial Strategy. Protecting the built and natural environment of Slough's suburban areas is one of the key elements in the emerging Spatial Strategy.

Neighbourhood consultation for Colnbrook, Poyle and Brands Hill, carried out by Heathrow Airport in January 2018, highlighted the scale of development that could take place in Slough. The size of the airport would be greatly expanded to accommodate the new runway and its

ancillary works. There would also be a tunnel under the M25 motorway which would have to be realigned and new junctions created. Three rivers would have to be diverted and land found for the replacement of demolished facilities such as the rail depot, the energy from waste plant and other displaced business premises. As a result it contemplated the expansion of the Poyle Trading Estate.

It was recognised that not all of this could happen through the forthcoming DCO application and so some of it would have to happen through the normal planning process.

As a result the Council published its own initial proposals for how comprehensive development could take place in the Colnbrook and Poyle Area. This was intended to influence the ongoing Master Planning being carried out by Heathrow (consulted on in 2019) and identify what mitigation would be provided.

The document focused on 5 themes, including “**Accommodating** the proposed third runway at Heathrow and mitigating the impact”. The document and the Committee report made it clear that in the short term the Council will continue to rigorously apply Green Belt and Strategic Gap policies to any proposals that come forward in advance of the future of the airport being resolved.

## 5.9 The Proposed Spatial Strategy (Nov 2020)

Under Regulation 18, the Proposed Spatial Strategy for the Local Plan for Slough was the subject of public consultation in November 2020. This sets out a vision and objectives along with proposals for what the pattern, scale and quality of development will be in Slough.



The consultation document contained a revised Local Plan Vision which supports the Council's vision for Slough as a place where people want to “work, rest, play and stay.”

It should be noted that the consultation document for the Proposed Spatial Strategy does not contain any specific planning policies or allocate any sites. It made it clear that the existing planning policy framework for Slough would remain in force until replaced by new Local Plan policies in the future. Nevertheless, it sets out the most up to date statement of the Council's position with regards to strategic planning issues.

#### 5.10 Equality Act

In addition, Section 149 of the Equality Act (2010) which sets a Public Sector Equality Duty (PSED) came into force in April 2011 and requires the Council to consider the equality impacts on all protected groups when exercising its functions. In the case of planning, equalities considerations are factored into the planning process at various stages. The first stage relates to the adoption of planning policies (national, strategic and local) and any relevant supplementary guidance. In coming to a recommendation, officers have considered the equalities impacts on protected groups in the context of the development proposals as set out in Section 24 of this report.

## 6.0 **The Council's Case.**

- 6.1 The crux of the Appellant's case is set out in Paragraph 2.20 of the Statement of Case which states:

*Although located in the Green Belt, the Appeal Site is underutilised brownfield land. Parcel A (which forms the majority of the Appeal Site) clearly functions as 'grey belt' land within the scope of the latest 2024 updates to the NPPF and is the type of site that the Government is committed to seeing developed to provide critical national infrastructure. It comprises previously developed land that has secured numerous permissions for intensive commercial and industrial activities, establishing the principle of industrial development at the Appeal Site. It currently houses a range of different uses which are entirely consistent with the character of the wider area.*

- 6.2 This Statement of Case sets out why the Council does not agree with this planning assessment.

### Policy Need

- 6.3 Although paragraphs 86 and 87 NPPF state that plans should pay regard to and make positive provision for data centres, there is no specific policy setting out the need for these.
- 6.4 On 12th September 2024 an announcement was made by the Technology Secretary Peter Kyle, which confirmed that the Government has now classed data centres as 'Critical National Infrastructure'.
- 6.5 This is the extent to which there is a recognised policy need for data centres.

- 6.6 Solar power, which is a form of low carbon infrastructure, is also classed as 'Critical National Infrastructure'.
- 6.7 The appeal (APP/J0350/W/16/3144685) against the refusal to grant planning permission (P/10012/005) for the construction of a solar photovoltaic farm on land at the southwest junction of the Bath Road with Poyle Road also considered the question of need. In this case the Secretary of State agreed that the proposal would assist in meeting national targets that seek to reduce carbon emissions in order to tackle climate. He considered that the benefit arising from the generation of renewable energy should be afforded significant weight. Nevertheless the proposal was refused because it would not clearly outweigh the substantial harm to the Green Belt and would conflict with Core Policy 2 which requires that the development needs to be 'essential' in the Strategic Gap to be found acceptable.

#### Demand

- 6.8 Paragraph 6.6 of the Applicant's Planning Statement states that:  
*"the UK is one of the most attractive locations in the world for data centre operators. The Thames Valley is central to the UK's data centre landscape and a key cluster is located in and around SBC. As a direct result of this identified need, there is a sustained demand for sites around Slough."*
- 6.9 The Council is well aware of this demand and has actively been making provision for data centres in Slough. It recognises that they are essential pieces of infrastructure that play a vital role in supporting the rapidly expanding digital economy.
- 6.10 This is one of the reasons why it has recently approved the Simplified Planning Zone (SPZ) for Slough Trading Estate in order to meet demand in this key cluster.

### Quantative Need

- 6.11 Paragraph 6.15 of the Appellant's Planning Statement quotes the Inspector at recent appeal in Buckinghamshire (PINS Ref: 3307420) (Appendix B.5) for a hyperscale data centre where he noted that the need has been estimated at 1730MW by 2027, which equates to an estimated need for around 12 to 15 new hyperscale data centres in this period in the Slough Availability Zone.
- 6.12 In the absence of anything else this can be taken as an approximation of the scale of need for data centres in the region.

### Locational Needs

- 6.13 Paragraph 6.7 of the appellants statement recognises that

*Data centres need to be located where they have access to power and fibre, and hyperscale cloud providers need to be within close proximity to other data centres for resilience reasons.*

- 6.14 Paragraph 6.8 of the Planning Statement states that:

*“critical location drivers for hyperscale data centres relates to resilience and business performance. Factors include the size of site, access to an adequate and reliable power supply; access to fibre connectivity; a site that is physically resilient i.e. not at risk of flooding; and is in proximity to other data centres to provide resilience in the event of any failure.”*

- 6.15 The Appeal site is sub optimal in this respect which can be seen from the fact that it is not on an existing power network which will have to be provided at great expense. It is also not in close proximity to other data centres like most of the others in Slough which have collocated into a cluster on Slough Trading Estate.

- 6.16 Unlike the data centres in Slough it is not in close proximity to the Bath Road, Great Western railway and Grand Union canal which house the fibre ducts containing the cables which link London to America.

#### Alternative Sites

- 6.17 The main argument set out in the Appellant's Statement of Case is that:

*The Development comprises a hyperscale data centre - critical national infrastructure for which there is an urgent national and local unmet need - and Battery Energy Storage System ("BESS") which is also vital infrastructure. (Para 1.4)*

- 6.18 Paragraph 1.5 also states:

*There are no appropriate alternative sites, and it is essential that the Development is located on the Appeal Site.*

- 6.19 This is based upon the findings of the Appellant's Alternative Sites Assessment which is considered below.

- 6.20 The starting point for the Assessment is that any alternative must exactly replicate the Appeal proposal. This is not the correct approach. Some flexibility has to be applied to see whether there are alternative sites that could accommodate this type of development.

- 6.21 As a result the Appellant's Alternative Site Assessment is fundamentally flawed because it does not do this. It only looks for sites which exactly replicate the Appeal proposal. This means that, amongst other things, it only looks for sites with a minimum site area of 25 acres so that the battery storage facility can be accommodated as well. It only looks for sites that can be supplied by the Iver and Laleham

electrical substations because this is what the Appeal scheme currently has an option for. It also looks at sites that can be delivered by 2027 because that is what the Appeal proposal is contracted to do.

- 6.22 As a result perfectly suitable sites will be excluded because, for example, they do not have room for the battery storage facility, or because they are not deliverable in two years or don't take their power from Laleham electrical substation.
- 6.23 This later requirement leads to the next fundamental flaw with the methodology. The Appellants have entered into an option to obtain power by 2027 which included taking some electricity from Laleham. Not all data centres in the area have to do the same. However, because the Alternative Sites Assessment is only looking for data centres that exactly replicate the Applicant's proposal and contractual arrangements, the methodology requires alternatives to be in close proximity to both Iwer and Laleham electrical substations. This has severe implications for the size of the area of search used in the Alternative Sites Assessment.
- 6.24 Because of the unnecessary requirement for proximity to both of these substations, the Area of Search, as shown in Figure 14 of the Appellant's Alternative Site Assessment, only covers a very narrow area to the east of Slough.
- 6.25 The obvious shortcomings of the very narrow area of search is that it does not cover most of Slough where most of the data centre sites are. As a result it does not pick up the availability of the site at Langley Business Centre, the former Akso Nobel site near Slough town centre or sites on the Slough Trading Estate or sites elsewhere in the Slough Availability Zone. The implications of this are explained below.
- 6.26 Even if you only consider this very narrow artificial Area of Search the next fundamental flaw with the Appellants Alternative Sites

Assessment methodology is that it did not look at existing commercial areas as possible sites for data centres, despite the fact that this is where they are most likely to be provided.

- 6.27 It did not therefore consider Thorney Business Park, which is in the middle of the area of search north of Iver station. SEGRO have recently obtained planning permission for three data centres on the western half of this site and there is a planning application for another three (90,000m<sup>2</sup>) on the eastern half.
- 6.28 Elsewhere within the area of search, planning permission was granted in June for 60,000m<sup>2</sup> of data halls and a training centre on what is now called the Iver Heath Data Park which is adjacent to the M25.
- 6.29 This is close to Pinewood Studios, which is also in the area of search. A planning application (PL/25/2076/OA) has just been submitted there for a 53,000m<sup>2</sup> hyperscale data centre.
- 6.30 The Appellant's Statement of Case quotes two recent appeal decisions. These are for a hyperscale data centre of 163,000m<sup>2</sup> at Woodlands Park Landfill site, Slough Road, Iver (PINS Ref: 3307420) (Appendix B.5) and a 65,000m<sup>2</sup> data centre on Court Lane in Iver (APP/N0410/W/24/3337981) (Appendix B.6). Both of these are in the Area of Search but were presumably not considered because they were a landfill site and a small industrial area.
- 6.31 As a result it can be seen that there are a number of sites within the Area of Search which are all capable of providing the type of development proposed on the Appeal site and are therefore genuine alternatives.
- 6.32 These proposals have been talked about for a long time and so you would expect anyone who had a knowledge of the local data centre

market would have considered them in carrying out the Alternative Sites Assessment.

- 6.33 By excluding industrial and commercial sites in and around Slough, it is inevitable that the list of alternative sites is restricted to large parcels of open greenfield sites which are going to be problematic to obtain planning permission upon, particularly in the artificial and unrealistic short time period specified in the methodology.
- 6.34 It is not considered necessary to look at the way these sites have been assessed in detail because plenty of alternatives have been identified elsewhere. Nevertheless it is interesting to look some of the reasons for rejecting sites. These include:
- *Visual impact of proposed development and massing within the Strategic Gap*
  - *Significant amount of infrastructure work required which would adversely impact viability*
  - *Site forms of the Metropolitan Green Belt and its performance as part of the Strategic Gap was highlighted by Mr Justice Waksman. Significant emphasis placed upon encroachment and preservation of the openness of the Green Belt.*
  - *Proximity of proposed Northern/Third Heathrow Runway and realignment of A4, creating significant uncertainty for investors and occupiers of proposed development*
- 6.35 The shortcomings of the site selection process is highlighted by the fact the Appeal Site could equally be rejected as unsuitable for all of the reasons listed above.
- 6.36 In addition to the alternative sites identified in the Area of Search there are many more close by.

Slough Trading Estate



6.37 In addition to missing the availability of alternative sites in the Area of Search, the Appellants Alternative Sites Assessment failed to consider obvious locations for data centres close by.

6.38 Paragraph 3.8 of the Appellants Alternative Sites Assessment recognises that:

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

6.39 There are currently 31 data centres on Slough Trading Estate with one further data centre under construction due to complete in August 2025.

6.40 This is one of the highest concentrations of data centres in the world and forms the Core of the Slough Availability Zone.

6.41 Because of the "need for hyperscale cloud providers to be in proximity to other data centres to provide resilience in the event of any failure", Slough Trading Estate should be the starting point in the search for alternative locations for new data centres. As explained above, it was excluded from the area of search on the flawed assumption that data centres need to be in close proximity to Laleham electrical substation.

6.42 Data centres originally clustered on the Trading Estate because it contained Slough power station. Even though a second power station has now been built next door, the demand for electricity exceeds the output of both of them. As a result it obtains its power from the Grid via Iwer sub station, and the owners, SEGRO, have options for future supply.

- 6.43 The Council has been proactive in supporting the provision of data centres and worked with SEGRO to produce a series of Simplified Planning Zones (SPZ) for the Trading Estate. The latest one was approved in November 2024.
- 6.44 This notes that Slough is an internationally recognised location for data centres and currently has around 10% of the facilities in the UK. It also recognises the role that data centres have on the Trading Estate which are essential pieces of infrastructure that play a vital role in supporting the rapidly expanding digital economy.
- 6.45 The SPZ grants planning permission in advance for a number of uses including Colocation/data centres. No further detailed approvals are required and so development can take place provided it complies with the conditions, Design Code and legal agreement.
- 6.46 SEGRO, the owners of the Trading Estate have confirmed that in the last 5 years, 14 data centres have been delivered on/adjacent to Slough Trading Estate, totalling c. 2 million sqft.
- 6.47 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 (Appendix I.1).
- 6.48 As a result there is an extensive supply of alternative sites on the Trading Estate alone which can meet the need for data centres in the Slough Availability Zone.
- 6.49 There are other sites in Slough which have, or have applied for, planning permission which were not included in the Alternative Sites Assessment. These include the former Akzo Nobel site and Langley Business Centre.

- 6.50 There is also considerable scope for the provision of more data centres.  
within the western part of the Slough Availability Zone in London which haven't been considered.
- 6.51 As a result it can be seen that the Alternative Sites Assessment is fundamentally flawed both in terms of the area of search, site selection criteria and unrealistic site requirements. It was focused upon trying to find a site which exactly replicated the proposal on the Appeal site rather than looking at how the type of development could be provided elsewhere.
- 6.52 A cursory investigation of the just the artificially small Area of Search reveals that there are five sites with advanced proposals for data centres which are alternatives to the Appeal proposal. The approval of the Simplified Planning Zone on Slough Trading Estate means that planning permission has been granted for up to 20 data centres which are much better located than the Appeal Site.
- 6.53 There are other sites in Slough and an unknown quantity of sites in the rest of the Slough Availability Zone. This means that no weight should be given to the conclusion that there are no suitable alternative sites.
- 6.54 The Appellant has not identified a potential user for the data centre and there is nothing unique about the proposal apart from the fact that there is an option for electricity supply to the site. If this isn't taken up the power can be used elsewhere by data centres in more appropriate locations.
- 6.55 As a result it can be seen that the Appellant's Alternative Sites Assessment is fundamentally flawed and so cannot be relied upon
- 6.56 The Appellant's claim in paragraph 1.5 of the Statement of Case states:

*There are no appropriate alternative sites, and it is essential that the Development is located on the Appeal Site.*

- 6.57 This is not correct. There are large number of alternative sites available which are capable of contributing to the need for data centres in the Slough Availability Zone. The majority of these are much better located than the Appeal Site and are on brownfield sites. The Appeal Site does not have any unique qualities.
- 6.58 As a result the “need” for the development should not be given any weight in the planning assessment of the proposed development on the Appeal site.
- 6.59 The fact that there is no need for the development to be located in this area is a significant factor to be considered when assessing its impact upon the Green Belt, Strategic Gap and Colne Valley Park.
- 6.60 Deliverability
- 6.61 Even if it is accepted that there is a need for a data centre in this location there is a risk that any permission will not be implemented and so the benefits may not be provided. The granting of a planning permission would have implications for future planning in the Green Belt, Strategic Gap and Colne Valley Park even if it is not implemented.
- 6.62 There is a general shortage of available electricity supply in the area and so as a result this is the critical factor as to whether data centres are built or not.
- 6.63 It is understood that the Appellants have entered into agreement for the supply of power from Iver and Laleham electrical substations provided they are connected by the end of 2027. The necessary connections are not however in place. As a result, they will have to lay cables between

the site and the two substations. Because they are not Statutory Undertakers the Appellants will have to obtain planning permission and obtain the necessary wayleaves to do this.

- 6.64 The possible route of the cables is shown in Appendix H.1. Detailed engineering drawings for complex areas such as the M25 and railway lines will have to be produced. They will have to negotiate with multiple planning authorities and infrastructure owners such as Network Rail and Highways England.
- 6.65 No planning applications have been formally submitted and it is difficult to see how all of the necessary permissions can be obtained and the cables put in place by the end of 2027. If they fail to do so the Appellants will lose the option and the power will be released into the network for other users.
- 6.66 The Appellants will be free to seek to negotiate another option for the supply of electricity to the site but, because of the shortage of power in the area this may take some time. As a result, it is considered that there must be a significant risk of the proposed development not taking place in the short term and the need for data centres not being met.
- 6.67 Another risk to the delivery of the multimillion-pound project is the uncertainty about the future of the site as result of the proposed third runway at Heathrow. One of the reasons that a number of sites were rejected in the Alternative Sites Assessment was because:
- *Proximity of proposed Northern/Third Heathrow Runway .... creating significant uncertainty for investors and occupiers of proposed development*
- 6.68 This is particularly relevant to the Appeal site because of the likelihood of it being within the area of the DCO which would be submitted by Heathrow Airport Limited. At the very least this uncertainty could cause

a delay in an occupier agreeing to occupy the data centre and the necessary finance being available to implement the scheme.

- 6.69 The other risk to the need for a data centre not being met is if the building was used for something else. The planning application is for a data centre within Class B8 of the Use Class Order. It has been assessed on the basis that the building will only be used as a data centre. Other uses within Class B, such as warehousing would have very different characteristics such a large amounts of HGV traffic. The impact of this has not been assessed and so it is important that, notwithstanding the provisions of the Use Class Order, a condition is imposed which restricts the development from any other use.
- 6.70 We also do not want a token start to take place which would mean that the planning permission has been implemented but the need has not been met. This extant planning permission would then be treated as the fallback position for any subsequent planning application for development on the site regardless of need. As a result, we need conditions or a legal agreement that ensures that the permission is not considered to be implemented until a substantial start has been made.
- 6.71 The appellant has appealed against non-determination and its grounds of appeal are noted and addressed in this statement in Chapter 7 below.
- 6.72 If it had the opportunity to determine the planning application, the Council would have found that there is a lack of need for the proposed development and that it failed to demonstrate any very special circumstances that would justify the ham to the Green Belt. It would also have found that the proposed development would not be acceptable in the Strategic Gap and Colne Valley Regional Park because it has not been demonstrated that it is essential to be in this location.

## GREEN BELT

6.73 The site lies in the Green Belt. It is part of the Colnbrook and Poyle area which is recognised as being one of the most fragmented and vulnerable parts of the entire Metropolitan Green Belt

6.74 Paragraph 142 of the NPPF states that:

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

6.75 Paragraph 153 of the NPPF states that:

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

6.76 Since "Inappropriate development" is, by definition harmful to the Green Belt it is necessary to firstly consider whether the development is indeed "Inappropriate".

### Inappropriate Development

6.77 Paragraph 154 of the NPPF states that:

*Development in the Green Belt is inappropriate unless one of the following exceptions applies:*

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



*vi. development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order.*

- 6.78 The proposed data centre and battery energy storage system, which are the subject of this appeal, do not constitute one of these exceptions and so in terms of the Paragraph 154 test the proposed development is “inappropriate” in the Green Belt.
- 6.79 Footnote 55 to Paragraph 153 in the NPPF makes it clear *that the application of substantial weight to any harm to the Green Belt, including harm to its openness, which is set out in paragraph 153, does not apply in the case of development on previously developed land or grey belt land, where development is not inappropriate.*
- 6.80 As a result it is necessary to determine whether the development of the site is appropriate because it is “previously developed land” or Grey Belt”.

#### *Previously Developed Land*

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

6.82 In paragraph 1.5 of the Statement of Case the Appellant claims that the Appeal Site is predominantly “previously developed land”.

6.83 It is not accepted that the site is predominantly "previously developed land". Even if it was this is not enough to justify the proposed development since some of it will still be built upon greenfield land.

6.84 In order to assess just how much of the site is greenfield it is necessary to break it down into a number of areas.

6.85 Parcel B is the land to the south where it is proposed to build the battery storage facility.

6.86 Paragraph 2.13 of the Appellant’s Statement of case acknowledges that:

*“Parcel B is undeveloped and arable in nature...”*

6.87 Paragraph 7.7 of the Appellant’s Planning Statement states:

*The Site comprises previously developed land in the northern parcel, and undeveloped land in the south, connected by an existing track.*

6.88 As a result there is no dispute that Parcel B is not “Previously Developed Land”.

6.89 Parcel A to the north where it is proposed to build the data centre is a bit more complicated.

6.90 In paragraph 2.6 of the Statement of Case the Appellant claims that Parcel A is “previously developed land” because it was previously used as landfill. The Council has no record of this which would have taken

place when the site was in Surrey. The appellants to not refer to this in the site history.

6.91 Assuming the site was landfilled, the definition of PDF as set out in the Glossary of the NPPF states that Previously developed land excludes land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures.

6.92 As a result it is necessary to look at the planning history of the site. The northeast part of Parcel A as shown in shown in Appendix K.2 was unlawfully developed as a caravan site for workers involved in the construction of terminal 5 at Heathrow (see plan). In March 2003 an Enforcement Notice was served on this site which required the owner to

- a) Remove from the Land all caravans/and or mobile homes and
- b) Remove from the land all hard standings, bunding and other structures including fencing and facility buildings.

6.93 This was subject to an Enforcement Appeal where the Inspector concluded that there were no good reasons for allowing the development (even on a temporary basis) in the Green Belt and so issued a Notice requiring the removal of the caravans and hard standing.

6.94 There was also a requirement to:

- d) Restore the land hatched black to agricultural use by reseeded.

6.95 The time for compliance was by the end of the first planting season following the removal of all hard standing.

- 6.96 As a result it can be seen that regardless of whether the land had previously been used for landfill, it was regarded as agricultural land at the time of the appeal and provision was made for its restoration to agricultural land. This means that this part of Parcel A cannot be regarded as “previously developed land”.
- 6.97 The other part of the Appellant’s case that the Appeal Site is “is predominantly previously developed land” is based upon the existence of a number of buildings and uses on the site.
- 6.98 The Glossary of the NPPF which defines “previously developed land” states that the first requirement is that it must be land which has been lawfully developed.
- 6.99 The site has a complicated planning history. There have, been a number of unauthorised developments which have become lawful over time and an appeal decision.
- 6.100 Paragraph 2.8 of the Appellant’s Statement of Case states *Parcel A currently contains a range of industrial, storage and transportation uses, including:*
- *HGV maintenance workshop;*
  - *Car parking and valet parking associated with Heathrow Airport;*
  - *Building, and sand and gravel supplies;*
  - *Metal works welding facility.*
- 6.101 As a result, in the absence of any planning permissions the possible extent of any “previously developed land” within Parcel A is taken to be those areas covered by any Lawful Development Certificates or appeal decisions.
- 6.102 Even then, not all of the land within a planning unit is necessarily “Previously developed land”.

6.103 The NPPF Glossary defines “Previously developed land” as *“land which is or was occupied by a permanent structure and any fixed surface infrastructure associated with it, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed)”*.

6.104 Paragraph 2.9 of the Appellant’s Statement of Case states that:

*“Parcel A contains five warehouse buildings up to 8 metres in height, supported by areas of hardstanding used as associated external storage and serving yard”*.

6.105 It is accepted that these buildings and their curtilages can be defined as “Previously Developed Land”.

6.106 Paragraph 2.9 of the Appellant’s Statement of Case states that:

*“The remaining parts of Parcel A comprise areas of hardstanding used for open air storage of building materials, as well as parking for coaches and commercial vehicles.”*

6.107 The Glossary in the NPPF states that “Previously Developed Land” *“also includes land comprising large areas of fixed surface infrastructure such as large areas of hardstanding which have been lawfully developed.”*

6.108 As a result it is accepted that the limited amount of land within Parcel A which consists of lawful hardstanding used for parking can be defined as “Previously Developed Land”.

6.109 It should be noted that the Appeal Decision (ref APPJ/0350/A /09/2096331) (Appendix B.2), which allowed the use of the land for concrete crushing and screening and inert waste material on the site

did not approve any hardstanding. This land has been considerably degraded with the remnants of the inert waste material spread across it. Nevertheless it is not accepted that any of the open land that has been used for stockpiles of aggregates or builders materials meets the definition of “previously developed land” unless it is on hardstanding that has been lawfully developed.

6.110 Even more significantly the Appeal Decision requires the land to be restored if the permitted use ceases.

6.111 Condition 28 states:

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

6.112 Condition 29 states:

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

6.113 The use of the land for concrete crushing and screening and inert waste material storage has ceased. As a result for the purposes of this Appeal, this part of Parcel A should also be treated as agricultural land.

6.114 As a result the overall conclusion is that no part of Parcel B, and only the limited part of Parcel A, outside the areas covered by the two appeals which consists of buildings and hardstanding that has been lawfully developed, can be defined as “Previously Developed Land”.

6.115 As a result it is clear that the proposed development of a large area of undeveloped “agricultural” land cannot be considered as “appropriate” development when carrying out a Green Belt assessment in accordance with paragraph 153 of the NPPF.

#### Grey Belt

6.116 The other factor to be considered, in terms of whether the development is appropriate in the Green Belt is whether the land is “Grey Belt”.

6.117 Paragraph 155 of the NPPF states that:

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

*a. The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;*

6.118 In order to determine whether the site is “Grey Belt” it is necessary to consider all of the relevant factors on a step-by-step basis.

6.119 The glossary in the NPPF states that for the purposes of plan-making and decision-making, ‘grey belt’ is defined as “*land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143.*”

6.120 The first test in deciding whether the Appeal site can be defined as “Grey Belt” is to determine whether it consists of “Previously Developed Land”.

6.121 As explained above the site contains a large area of undeveloped “agricultural” land. As a result it is not considered that the proposal can

be defined as “Grey Belt” on the grounds that it is “Previously Developed Land”.

6.122 The Glossary in the NPPF states that ‘grey belt’ can also be defined as *“land in the Green Belt that does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143.”*

6.123 The three of the five purposes of green belt mentioned within the definition are:

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

6.124 The Government’s Guidance on Green Belt provides illustrative features of a site which can be used when making judgements as to whether land is “Grey Belt

6.125 With regard to purpose a), which is to check the unrestricted sprawl of large built-up areas, it states that areas that contribute strongly to the Green Belt *...are likely to be free of existing development and lack physical feature(s) in reasonable proximity that could restrict and contain development.*

*They are also likely to include all of the following features:*

- *be adjacent or near to a large built-up area*
- *if developed, result in an incongruous pattern of development (such as an extended “finger” of development into the Green Belt)*

6.126 The Appeal site is largely free of existing development and lacks any physical features that could restrict and contain development. It is adjacent to the Poyle Industrial Estate which is a large built-up area and would result in an incongruous pattern of development.



6.127 As a result it is considered that the Appeal site strongly contributes to Green Belt purpose a), which is to check the unrestricted sprawl of large built-up areas. This means that, on this ground alone, the proposed development cannot be considered to be taking place on “Grey Belt” land and is therefore “inappropriate development” in the Green Belt.

6.128 It can also be considered against the contribution that the land makes to Green Belt purposes b) which is to prevent neighbouring towns merging into one another.

6.129 The Government’s Guidance on Green Belt states that assessment areas that contribute strongly to purpose b) are likely to be:

*“free of existing development and include all of the following features:*

- forming a substantial part of a gap between towns*
- the development of which would be likely to result in the loss of visual separation of towns.*

6.130 The Appeal site is largely free of existing development and forms part of important gap between Slough and Greater London. As explained below the development would contribute to the loss of visual separation of the city and the town. There is other land which contributes to maintaining the gap between settlements, but it is important that all of it is retained because of the fragmented nature of the area and the scale of the urban areas that it is seeking to separate.

6.131 As a result it is considered that the site strongly contributes to Green Belt purpose b) which is to prevent neighbouring towns merging into one another. This means that it cannot be considered to be “Grey Belt” on this ground.

6.132 The overall conclusion is that the Appeal proposal fails the test set out in the first part of Paragraph 155 because it would not exclusively

“utilise Grey Belt”. This is because it would be built upon large areas of undeveloped “agricultural” land which strongly contribute to Green Belt purposes.

6.133 Even if the site fails these tests and is therefore treated as Grey Belt there are further considerations to be taken into account before it can be defined as “appropriate development”.

6.134 The final part of Paragraph 155 of the NPPF states that development would also not be regarded as inappropriate if it:

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

6.135 The Appeal site plays a critical role in the Green Belt in this area. As explained above the site itself is predominantly open and strongly contributes to checking the unrestricted sprawl of large built-up areas and preventing neighbouring towns merging into one another.

6.136 In terms of its context, Colnbrook and Poyle is the only major area of Green Belt in Slough and is recognised as being of strategic importance. It is also very fragile and fragmented. Poyle Road is the main road that runs from north to south through the area. It only has Green Belt along the western side, with the eastern side completely developed by the Poyle Trading Estate. As a result the western side of Poyle Road is strategically important for retaining openness and visual separation within the Green Belt.

- 6.137 Because of the development of the Hilton Hotel there are only four parcels of open Green Belt land remaining on the Poyle Road.
- 6.138 One of the key ones is the field on the southwest corner of the junction of Poyle Road and Bath Road. This was the subject of an appeal (Ref: APP/J0350/W/16/3144685) (Appendix B.4) against the Council's refusal of a solar photovoltaic farm on the site. This was refused by the Secretary of State who recognised its importance in checking unrestricted urban sprawl and safeguarding the countryside from encroachment.
- 6.139 Apart from this site there are only three other open parcels of land on the Poyle Road, and the Appeal proposal would result in the development of two of them.
- 6.140 If developed this would leave one area of open land which would be expected to provide a Green Belt function for the whole area. The nature of this site would change and would come under pressure for development on the grounds that it would simply be "infilling".
- 6.141 The granting of planning permission on the Appeal Site would also set a precedent for other development in the Green Belt in the area. The Appellants have stated that "the site also offers the potential for further expansion with a possible second phase data centre ("Phase 2") of 40 MW" (Appendix K.3).
- 6.142 As a result it can be seen that allowing the proposed development would fundamentally undermine the purposes of the remaining Green Belt in the area.
- 6.143 This means that the proposed development fails the test set out in Paragraph 155 of the NPPF and so on these grounds alone cannot be regarded as "appropriate" development in the Green Belt.

6.144 As a result it has been demonstrated that for a number of reasons, the Appeal proposal is not “Grey Belt” development and so cannot be considered to be and cannot is not “appropriate” development in the Green Belt.

6.145 Even if it was “Grey Belt” the proposal cannot automatically be approved on this basis.

6.146 The Government’s Guidance on Green Belt, which sets out Advice on the role of the Green Belt in the planning system, has a section entitled *“In what circumstances should proposals on grey belt land be approved?”* This states that:

*“Where a site is judged to be grey belt, and to not fundamentally undermine the purposes of the remaining Green Belt across the plan area if released or developed, wider considerations will still be relevant to the consideration of development proposals on the site. These would include .....whether there is a demonstrable unmet need for the type of development proposed.”*

6.147 As set out above, there is not a demonstrable need for a data centre in this location because the demand for this type of development can be met upon numerous other sites in the Slough Availability Zone which are better located and are generally on brown field sites within the urban area. As a result, even if the site is classed as “Grey belt”, the lack of any need for the development in this location means there is no justification for causing any harm to the Green Belt.

#### Green Belt Assessment

6.148 Having established that the proposal is “inappropriate” development it is possible to carry out an assessment of the harm that it will cause to the Green Belt.

6.149 The starting point is Paragraph 142 of the NPPF which states that:

*“The government attaches great importance to Green Belts.”*

6.150 Paragraph 153 of the NPPF then states that:

*When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt, including harm to its openness . Inappropriate development is, by definition, harmful to the Green Belt....*

6.151 As a result it is considered that the proposed development is by definition harmful to the Green Belt, and this should be given substantial weight.

6.152 The last part of paragraph 153 of the NPPF states that because inappropriate development is by definition harmful to the Green Belt it should not be approved:

*“.... except in very special circumstances. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.”*

6.153 The “very special circumstances” test therefore has two elements. The first is to consider the harm to the Green Belt and the second is to look at other considerations such as the need for the development and what benefits it can provide.

6.154 Paragraph 8.2 of the Appellant’s Planning Statement states that:

*Even if the Site was not considered to be grey belt (which for the reasons explained in this Statement is not accepted), the proposed*

*development on the Site would not undermine the purpose of the Green Belt.*

- 6.155 The purpose of the Green Belt is explained in Paragraph 142 of the NPPF which states that:

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

- 6.156 As a result it is necessary to consider the impact of the proposal upon the openness of the site.

#### Openness

- 6.157 The Government's Guidance on Green Belts has a section on "What factors can be taken into account when considering the potential impact of development on the openness of the Green Belt?" This states that:

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

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

- *the degree of activity likely to be generated, such as traffic generation.*

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

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

6.160 Part of Parcel A has buildings upon it and so there will be no loss of openness on this small area of the Appeal Site. There is also some open storage and parking on the southern part of the site which means that the development will only result in a partial loss of openness. The majority of Parcel A is open land which should be restored to agricultural use and so the proposed development will result in the loss of openness in this area.

6.161 As a result it can be seen, in terms of volume, there will be a significant loss of openness across the Appeal Site as a whole.

6.162 Paragraph 8.4 of the Appellant's Planning Statement states that:

*The development of the northern parcel of land will result a significant visual improvement compared to the open-air storage and industrial activities the currently occur.*

6.163 This does not take account of the fact that, as explained above, the cessation of the activities on the northern part of the site means that this, and the land beside it should be restored to agricultural use.

6.164 It is therefore considered that the development of the large three storey building on Parcel A will change the visual impression of the site in terms of its openness.

6.165 It should be noted that in the appeal (Ref: APP/J0350/W/16/3144685) (Appendix B.4) against the Council's refusal of a solar photovoltaic farm on a site to the north of the current Appeal site on the junction of Poyle Road and the Bath Road, the Secretary of State concluded in paragraph 21 of the decision letter that the development would that the proposal would represent inappropriate development in the Green Belt that would reduce its openness.

6.166 Paragraph 153 of the NPPF states that:

*When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt, including harm to its openness.*

6.167 As a result it is considered that the proposed development on the Appeal site would cause significant harm as a result of the loss of openness which is one of the essential characteristics of Green Belt.

*Purposes of Green Belt*

6.168 Paragraph 8.3 of the Appellant's Planning Statement states:

*"..... the proposed development will result in a minimal level of harm to the Green Belt. This is principally due to the existing industrial activities which result in the land underperforming and making a limited contribution to the role, function and the purposes of the Green Belt"*

6169 Paragraph 143 of the NPPF explains that:

*The Green Belt serves 5 purposes:*



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

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

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

*Green Belt Purpose a)*

6.172 Purpose a), is to check the unrestricted sprawl of large built-up areas. It is acknowledged that the unauthorised development on a small part of the site has already contributed to sprawl. There are, however, only a few buildings on the site with the rest of it being free of existing development. The use of the land on Parcel A for concrete crushing and screening and inert waste material storage has ceased and should be restored to agricultural use along with the adjoining land.

6.173 The proposed buildings would have a much bigger footprint and be a much larger scale.

6.174 There is a lack of physical features around the site which could restrict or contain development and the proposed development would result in an incongruous pattern of development in the Green Belt.

6.175 It should be noted that in the appeal (Ref: APP/J0350/W/16/3144685) (Appendix B.4) against the Council's refusal of a solar photovoltaic farm on a site to the north of the current Appeal site on the junction of

Poyle Road and the Bath Road, the Secretary of State concluded in paragraph 21 of the decision letter that the development would fail to check unrestricted urban sprawl.

- 6.176 As a result it is considered that the proposed development on the Appeal site would cause significant harm and conflict with Green Belt purpose a), which is to check the unrestricted sprawl of large built-up areas.

Green Belt Purpose b)

- 6.177 Green Belt purpose b) is prevent neighbouring towns merging into one another.

- 6.178 The site is largely free of existing development and forms part of important gap between Slough and Greater London.

- 6.179 As explained above, the Green Belt in Colnbrook and Poyle is very fragile and fragmented. Poyle Road is the main road that runs from north to south through the area and so is strategically important in determining how development patterns are perceived.

- 6.180 The eastern side is completely developed by the Poyle Trading Estate.

- 6.181 As a result the western side of Poyle Road is critical for retaining the impression of visual separation within the Green Belt.

- 6.182 In paragraph 8.4 of the Planning Statement the Appellant's claim that

*"The Site is not visually sensitive as there is existing landscaped boundaries, and proposed enhanced landscaping, that will screen the application proposals from the wider area."*

6.183 The proposed large-scale buildings on the Appeal Site will be visible from the road. This is substantiated by the Appellant's claim in paragraph 8.4 of the Planning Statement that:

*The development of the northern parcel of land will result a significant visual improvement compared to the open-air storage and industrial activities the currently occur.*

6.184 As explained above the use of the land on Parcel A for concrete crushing and screening and inert waste material storage has ceased and should be restored to agricultural use along with the adjoining land.

6.185 Regardless of whether you think that the building would be a significant visual improvement or not, it will be a large urban structure similar to the ones on the other side of the road the road. It will reduce the impression that there is a substantial gap between Slough and Greater London and so contribute to the loss of visual separation of towns in this important location.

6.186 As a result it is considered that the proposed development on the Appeal site would cause significant harm and conflict with Green Belt purpose b), which is to prevent neighbouring towns merging into one another.

Green Belt Purpose (c)

6.187 Green Belt purpose (c) is to assist in safeguarding the countryside from encroachment. The whole of Parcel B is open agricultural land. As a result the piecemeal development upon this site would result in encroachment into the countryside.

6.188 As explained above the use of the land on Parcel A for concrete crushing and screening and inert waste material storage has ceased and should be restored to agricultural use along with the adjoining land.

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

6.190 As a result it is considered that the proposed development on this part of the Appeal site would cause significant harm and conflict with Green Belt purpose (c) which is to assist in safeguarding the countryside from encroachment.

Green Belt Purpose (e)

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

6.192 The refusal of the Appeal proposal could make a small contribution to this objective by encouraging development to take place on one of the many alternative sites that have been identified for development within the urban area.

Very Special Circumstances

6.193 Having established the harm to the Green Belt it is necessary to consider whether there are any "very special circumstances" that can be weighed in favour of the proposed development.

6.194 Paragraph 153 of the NPPF states that:

*Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.  
'Very special circumstances' will not exist unless the potential harm to*

*the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.*

6.195 Paragraph 8.4 of the Appellant's Planning Statement set out all of the reasons why they consider that there are "very special circumstance" which outweigh the harm to the Green Belt.

6.196 The first one is that:

- *There is a clear and urgent need for data centres and BESS, both of which are considered to be critical infrastructure of national importance.*
- *The Alternative Sites Assessment that will be submitted in support of the planning application provides evidence that there are no suitable and available alternative sites.*

6.197 The section on "Need" above shows that the Appellant's Alternative Sites Assessment was not correct in concluding that there are no suitable alternative sites, There are in fact a large number of alternative sites available which are capable of contributing to the need for data centres in the Slough Availability Zone. The majority of these are much better located than the Appeal Site and are on brownfield sites. The Appeal Site does not have any unique qualities.

6.198 As a result the "need" for the development should not be given any weight in determining whether there are "very special circumstances"

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

- *Contribution to the global incentive to reduce greenhouse gas emissions, and the national incentive to increase energy security*

*through the delivery of battery storage facilities to support renewable energy schemes, as per paragraph 165 of the NPPF.*

- *It is expected to result in substantial economic benefits for the local area, by providing:*
- *up to 490 FTE construction jobs*
- *c.65 FTE operational jobs*
- *a GVA of £5.98 million*
- *£3.5 million business rate revenue to Slough Borough Council.*
- *Within the context of the need for the uses proposed, there are clear locational advantages to the Site in meeting that need within the Slough Availability Zone. The Slough Availability Zone is critical the economic success of London, and therefore the UK. Failure to delivery additional data centre capacity in this location will not only materially impact economic growth in Slough (IT related jobs directly account for 14% of the Slough economy - approximately 1 in 10 jobs), but significantly UK economic growth*
- *The proposals will provide diverse, high-quality jobs within the technology sector to ensure that Slough residents are able to benefit from the economic activity that takes place within the borough.*
- *Reduced CO2 emissions associated with the use of cloud services in data centres, which is more energy efficient than office based or small datacentre infrastructure.*

6.200 Whilst all of these can be seen as beneficial, they can equally be provided through the development of any of the other numerous alternative sites for data centres and are not specific to this site. As a result they do not constitute “very special circumstances”.

6.201 The Appellant also claims that there will be a number of benefits to the site which include:

- *The development will result in a reduction in vehicular trips compared to the activity currently permitted on site.*

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

6.202 It is recognised that the degraded state of some of the land is not the responsibility of the current owners, but they should not benefit from “planning by degradation”.

6.203 Improvements to the land, landscaping and biodiversity can be made without the need for a multimillion-pound development.

6.204 Good design would be expected as a matter of course.

6.205 As a result none of these factors constitute “very special circumstances”.

6.206 As a result there are no “very special circumstances” which would clearly outweigh the potential harm to the Green Belt.

6.207 The Council would therefore have refused the planning application for the following reason:

It has not been demonstrated that there is an overriding need for, or sufficient deliverable benefits from, the proposed data centre and battery storage facility in this location which would constitute the very

special circumstances which are necessary to overcome the presumption against inappropriate development in the Green Belt as set out in National Planning Policy Framework 2024 and Core Policies 1 (Spatial Strategy) and 2 (Green Belt and Open Spaces) of The Slough Local Development Framework, Core Strategy 2006-2026, Development Plan Document, December 2008. It would cause significant harm to this fragmented and vulnerable part of the Green Belt.

### STRATEGIC GAP

- 6.208 The Strategic Gap is an additional test to Green Belt and has been found to be a “Higher bar” to development. As a result even if the Appeal proposal is found to be acceptable in Green Belt terms it still has to meet the requirements of the Strategic Gap policy.
- 6.209 There is a long history of having a gap between Slough and London in order to maintain the separate identity of Slough. The Slough Core Strategy (2008) identified the Colnbrook and Poyle area as having an important role in retaining a “Strategic Gap” between Slough and Greater London and so introduced an additional restraint policy which should be applied to this fragmented and vulnerable area.
- 6.210 The Strategic Gap is a blanket policy which should be applied to all development wherever it is proposed within the area. The degree of visibility of a site is not necessarily important. People will be aware of development and activity wherever it takes place which adds to the impression of urbanisation.
- 6.211 Nevertheless some locations are particularly important for maintaining the separation of settlements.
- 6.212 People’s impression of an area are generally influenced by travelling through it. There are three main routes through the Colnbrook and



Poyle area. The Poyle Road, where the appeal site is located is one of these. There is continuous development all the way along the eastern side of the road in the form of the Poyle Industrial Estate. As a result any sense of openness or lack of urbanisation can only be provided on the western side of Poyle Road.

- 6.213 One of the most important sites for doing this is field on the southwest corner of Bath Road and Poyle Road. This was the subject of a planning application (P/10012/005) for the construction of a solar photovoltaic farm. This was the subject of an appeal (APP/J0350/W/16/3144685) (Appendix B.4) and was refused by the Secretary of State.
- 6.214 With regards the Strategic Gap the Secretary of State considered that the proposal would represent an urbanising feature within what are currently open fields and would close the strategic gap by introducing built form and man-made structures. He agreed with the Inspector that the proposed development would have an adverse impact on the Colne Valley Regional Park and undermine the aims and purpose of the Strategic Gap.
- 6.215 To the south of this is the Hilton Hotel which fills a large area of land with buildings and car parking.
- 6.216 The remaining area to the west of Poyle Road consist of the Appeal site and the undeveloped land in between. The northern strip alongside Poyle Road was the subject of an Enforcement Notice for the removal of caravans. This was determined by the Inspector upon Green Belt grounds prior to the adoption of the Core Strategy policy for the Strategic Gap.
- 6.217 The final third to the south is Parcel B where the battery facility is proposed.

Paragraph 2.13 states that *Parcel B is undeveloped and arable in nature with thick hedgerow boundaries. These limit views into and out of this part of the Appeal Site.*

6.218 This does however allow for views across the open countryside.

6.219 Paragraph 2.11 of the Appellant's Statement of Case states that:

*....the uncoordinated industrial activities and poor-quality structures and spaces [on the Appeal Site] result in a degraded landscape character. The Appeal Site has limited on-site landscaping and offers a poor visual impression from the street-scene. This combination creates a series of negative environmental consequences including an undesirable visual appearance....*

6.220 This assessment can only relate to Parcel A where the poor-quality structures have been erected. As explained above the use of the land on Parcel A for concrete crushing and screening and inert waste material storage has ceased and should be restored to agricultural use along with the adjoining land.

6.221 Once this restoration has taken place, the site will have an even more important role in maintaining the Strategic Gap.

6.222 The above statement, highlights the importance of the visual impression of the site upon the street scene and how development on the site can create an undesirable visual appearance.

6.223 The proposed development of both the northern and southern parcels of land would be apparent to people travelling along the Poyle Road, and the large buildings would contribute to the sense of urbanisation of the area. This would reduce the appearance of any separation

between Slough and Greater London contrary to the purpose of the Strategic Gap policy.

6.224 Core Policy 2 states that

*Development will only be permitted in the Strategic Gap between Slough and Greater London.... if it is “essential to be in that location”.*

6.225 This wording in Core Policy 2 has been upheld by the Court of Appeal as intended to impose a “stringent test over and above ordinary Green Belt policy which requires “very special circumstances” for development to take place. It is therefore a “higher bar” to development.

6.226 Major infrastructure proposals such as the proposed third runway, the Western Rail Link to Heathrow, other rail linked facilities and some airport related development has been found to be acceptable as “being essential to be in that location”. Many other forms of development such as Strategic Rail Freight Interchanges (SRFIs), the solar farm and airport parking have not been found to meet this test.

6.227 It is recognised that The battery storage facility is important infrastructure. This should be seen in the context of the proposals for SFRIs and Solar farm which were refused in the Strategic gap despite there being a regional or national need for this infrastructure.

6.228 No alternative sites assessment has been carried out for the Battery Storage facility apart from being part of the data centre site. As a result it has not been demonstrated that it is “essential to be in that location”.

6.229 As a result this part of the proposed development clearly fails the test set out in Core Policy 2 and should be refused because of its harm to the Strategic Gap.

- 6.230 Appendix C.1 shows how largescale provision for data centres have been made for data centres in Slough to the extent that it has been suggested that it has the second largest concentration of data centres in the world. Appendix C.2 also shows the number of outstanding permissions for new facilities in Slough.
- 6.231 The Core of the Slough Availability Area is Slough Trading Estate where the vast majority of these data centres are located. This has partly been facilitated by having a series of Simplified Planning Zones for the Estate. The latest one was approved in November 2024. As explained above The Trading Estates has the ability to deliver over 4.3m sq. ft of additional data centre accommodation over the next 7 years without the need for any further planning permission. All of the necessary infrastructure is in place and sites are currently available in this core location.
- 6.232 The flawed methodology in the Alternative Sites Assessment meant that the Trading Estate was not included in the area of search and so cannot be relied upon. The supply of sites which is enabled by the SPZ, along with other sites means that the need for data centres can be met previously developed brownfield sites within the urban area.
- 6.233 As a result it cannot demonstrated that the proposed data centre on the Appeal site is “essential to be in that location”.
- 6.234 This means that this part of the proposed development also clearly fails the test set out in Core Policy 2 and should be refused because of its harm to the Strategic Gap as set out below:

The proposed development would result in the further coalescence of Slough and Greater London and the further loss of the separate identity of Slough. It has not been demonstrated that it is essential for the proposed data centre and battery storage facility to be in this location within the Strategic Gap between Slough and Greater London

and so it is contrary to Core Policy 2 (Green Belt and Open Spaces) and Core Policy 1 (Spatial Strategy) of The Slough Local Development Framework, Core Strategy 2006-2026, Development Plan Document, December 2008.

### COLNE VALLEY REGIONAL PARK

- 6.235 The Colne Valley Regional Park (CVRP) is the first substantial taste of countryside to the west of London. The Park, founded in 1965, stretches from Rickmansworth in the north to Staines and the Thames in the south.
- 6.236 The Colnbrook and Poyle area in which the Appeal Site is located is in the narrowest and most degraded part of the Park. The main functions of the Park in this location are to maintain links between the other parts of the Park, deliver local recreation resources and protect, connect and improve biodiversity.
- 6.237 The Colne Valley park has a number of protects which are designed to help to achieve this.
- 6.238 Whilst it has a great legacy and enormous potential, the Regional Park is in serious decline, due to pollution, development pressures, fragmentation of habitats, lack of adequate protection and shortage of funding.
- 6.239 Appendix M.5 which is produced by CVRP illustrates “Current Pressures and Challenges”. This shows the areas of major development proposals including the Appeal site. The commentary provided alongside this by the CVRP states:

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

- 6.240 The Council has supported some development of national importance, such as the third runway, which would harm the Regional Park.
- 6.241 Its response to all other proposals has been to adopt a highly restrictive planning policy and use this to refuse development which is not essential to be in the Park.
- 6.242 This has included refusing Strategic Rail Freight Interchanges, a solar farm and many other developments.
- 6.243 Where exceptionally it has permitted development it has sought a mitigation and compensation package. An example of this is the recent approval of the Colnbrook Logistics Centre (P/12244/012) which was finally allowed to be retained as a permanent structure because of its continued need by Heathrow Airport and the fact that it is rail connected. This was only agreed subject to a package of mitigation which was secured through a legal agreement. The Report to Committee that set out the Heads of terms is included as Appendix M.4.
- 6.244 Given the pressure for development in the already fragmented Colnbrook and Poyle area it has been necessary to apply a blanket policy to protect its openness.
- 6.245 As a result the Core Strategy has given the Colne Valley Park the same protection as the Strategic Gap in Core Policy 2 which states that

*“Development will only be permitted in the ... open areas of the Colne Valley Park, if it is essential to be in that location.”*

6.246 As explained above, there is no overriding need for the proposed data centre which could be accommodated upon numerous alternative sites which are not in the Colne Valley Regional Park. The applicants have not been able to demonstrate why it is “essential to be in this location”.

6.247 The proposed development will further increase the urbanisation of the Regional Park and reduce its ability to attract visitors.

6.248 As a result there is no justification for this harmful development in the Colne Valley Park and so the Council would have refused the planning application for the following reason:

The proposed development would result in the further urbanisation, loss of countryside recreation opportunities and severance of the Colne Valley Regional Park. It has not been demonstrated that it is essential for the proposed data centre and battery storage facility to be in this location within the Colne Valley Regional Park and so it is contrary to Core Policy 1 (Spatial Strategy) and Core Policy 2 (Green Belt and Open Spaces) of The Slough Local Development Framework, Core Strategy 2006-2026 and Policy CG1 (Colne Valley Park) of The Adopted Local Plan for Slough 2004.

Insufficient Information To Show That Proposals Are Consistent With Government Statements And National Policy On Airports

6.249 Another risk to the delivery of the multimillion-pound project is the uncertainty about the future of the site as result of the proposed third runway at Heathrow. One of the reasons that a number of sites were rejected in the Alternative Sites Assessment was because:

- *Proximity of proposed Northern/Third Heathrow Runway .... creating significant uncertainty for investors and occupiers of proposed development*

- 6.250 This is particularly relevant to the Appeal site because of the likelihood of it being within the area of the DCO which would be submitted by Heathrow Airport Limited. At the very least this uncertainty could cause a delay in an occupier agreeing to occupy the data centre and the necessary finance being available to implement the scheme.
- 6.251 The other risk to the need for a data centre not being met is if the building was used for something else. The planning application is for a data centre within Class B8 of the Use Class Order. It has been assessed on the basis that the building will only be used as a data centre. Other uses within Class B, such as warehousing would have very different characteristics such a large amounts of HGV traffic. The impact of this has not been assessed and so it is important that, notwithstanding the provisions of the Use Class Order, a condition is imposed which restricts the development from any other use.
- 6.252 We also do not want a token start to take place which would mean that the planning permission has been implemented but the need has not been met. This extant planning permission would then be treated as the fallback position for any subsequent planning application for development on the site regardless of need. As a result we need conditions or a legal agreement that ensures that the permission is not considered to be implemented until a substantial start has been made.
- 6.253 After everything came to halt there is once again considerable impetuous for building a third runway at Heathrow.
- 6.254 The provision of a third runway which would be partly built in Slough Borough, by the A4 Colnbrook bypass, remains as Government policy as set out in the Airports National Policy Statement (ANPS) (Appendix J.1 & J.7).
- 6.255 In January 2025 a Written statement to Parliament from the Department for Transport titled "Transport and growth update: airport



expansion and transition to greener aviation” (Appendix N.9) outlined the government's position on airport expansion. This stated that the Government supports and is inviting proposals for a third runway at Heathrow to be brought forward by the summer.

*I wish to update the House on the government's position regarding airport expansion and the transition to greener aviation.*

*The government recognises that air connectivity plays a vital role in supporting economic growth across the country, contributing £14 billion to our GDP in 2023 and over 140,000 jobs across the UK in 2022.*

*However, capacity constraints are hindering the country's ability to reap the growth benefits of aviation. There is a particular capacity challenge in the southeast of England. Heathrow Airport, the largest airport in Europe by passenger traffic, the most internationally connected airport in the world and the UK's only hub airport, plays a critical role in enabling international connectivity for both passengers and freight. This supports productivity and economic growth. Around 75% of UK long haul flights go from Heathrow and 60% of UK air freight goes through Heathrow. But Heathrow is running at nearly full capacity, which is limiting our potential to compete with major European hubs and holding back growth.*

*Tackling capacity constraints at Heathrow Airport could unlock growth benefits that a world-class aviation sector can provide. That's why the government supports and is inviting proposals for a third runway at Heathrow, to be brought forward by the summer.*

6.256 In response, on the 12<sup>th</sup> February Heathrow CEO Thomas Woldbye confirmed "A third runway is critical for the country's future economic success, and I confirm we will submit our plans for a third runway to Government this summer." (Appendix J.7)

6.257 Following this, the Dept for Transport Guidance Letter to potential promoters of Heathrow expansion (Appendix 5.7.2) on 30<sup>th</sup> June 2025 states:

*The government's clear objective is to enable the delivery of an operational third runway by 2035, with applications for planning consent coming forward in time to enable decisions to be made this Parliament. The expansion scheme should seek to maximise cross-economy growth opportunities and value for money. Scheme costs should be minimised for passengers, customers, and government by financing through private funding, including any surface transport costs. All proposals should demonstrate how they are compatible with the UK's legal, environmental and climate obligations, including in relation to local noise and air pollution.*

6.258 Some indication as to what might happen to the Appeal site can be seen from the Preferred Master Plan (Appendix A.5.8.2) for the expansion of Heathrow which was consulted on in June 2019 with the intention of being submitted with the previous DCO (PINS pre-application stage on Heathrow DCO)

6.259 This not only showed the third runway but where all of the other airport related development could go.

6.260 The Appeal Site is shown within Zone L of the Preferred Master Plan and is allocated for electrical infrastructure and airport supporting development as shown in figure 5.2.12 and Figure 6.12.4 Parameter Plan Zone L) (Appendix A.5.8.2). The document also includes reasoning for need for areas outside of the ANPS. Extracts are provided below. The site is specifically identified as “new areas of cargo related development “

“New areas of cargo-related ASD, illustrated in Figure 5.2.12, are located to further consolidate existing uses and support growth in

passenger and cargo throughput. The existing Colnbrook branch line ('railhead'), which is displaced by the new runway, is realigned to ensure that aviation fuel supply is maintained to the expanded airport, and so that construction materials can be delivered to the airport using rail transport. Adjacent development areas provide space for buildings and hard standing to ensure effective use of the rail infrastructure during the construction period and in the operational use of the airport “

6.261 The Council cannot formally safeguard land that is needed for major infrastructure projects until a DCO has actually been submitted. Nevertheless it is not considered to be in the interest of good planning or very sustainable to allow a major development to go ahead which may have to be demolished in the near future.

6.262 More information will be available from Heathrow Airport Limited at the time of the Inquiry, but in the meantime the Council maintains a holding objection to the Appeal proposal on the grounds that that there is insufficient information to show that these proposals comply with important Governments statements on the third runway and the National Policy Statement.

6.263 Therefore the Council would include a reason for refusal to account for this circumstance as worded below:

There is a holding objection to the proposal on the grounds that the applicant has failed to demonstrate that there is sufficient information to show that these proposals will not adversely affect important Government statements on the third runway at Heathrow and the National Policy Statement (NPPF paras 5 and 6).

## **7.0 Conclusions**

- 7.1 The Council's Statement of Case demonstrates why, taking into account all considerations including the Appellant's Grounds of Appeal, it would have refused the planning application. The reasons for refusal would have been because of harm to the Green Belt, Strategic Gap and Colne Valley Regional Park. It also has concerns about the proposed development's relationship with the proposed third runway at Heathrow. Finally the appeal proposal has not secured financial contributions for mitigation or obligations necessary to make the scheme acceptable in planning terms which results in adverse harm
- 7.2 For the reasons set out above the development is contrary to the development plan read as a whole and should be refused on the following grounds:
1. It has not been demonstrated that there is an overriding need for, or sufficient deliverable benefits from, the proposed data centre and battery storage facility in this location which would constitute the very special circumstances which are necessary to overcome the presumption against inappropriate development in the Green Belt as set out in National Planning Policy Framework 2024 and Core Policies 1 (Spatial Strategy) and 2 (Green Belt and Open Spaces) of The Slough Local Development Framework, Core Strategy 2006-2026, Development Plan Document, December 2008. It would cause significant harm to this fragmented and vulnerable part of the Green Belt.
  2. The proposed development would result in the further coalescence of Slough and Greater London and the further loss of the separate identity of Slough. It has not been demonstrated that it is essential for the proposed data centre and battery storage facility to be in this location within the Strategic Gap between Slough and Greater London

and so it is contrary to Core Policy 2 (Green Belt and Open Spaces) and Core Policy 1 (Spatial Strategy) of The Slough Local Development Framework, Core Strategy 2006-2026, Development Plan Document, December 2008.

3. The proposed development would result in the further urbanisation, loss of countryside recreation opportunities and severance of the Colne Valley Regional Park. It has not been demonstrated that it is essential for the proposed data centre and battery storage facility to be in this location within the Colne Valley Regional Park and so it is contrary to Core Policy 1 (Spatial Strategy) and Core Policy 2 (Green Belt and Open Spaces) of The Slough Local Development Framework, Core Strategy 2006-2026 and Policy CG1 (Colne Valley Park) of The Adopted Local Plan for Slough 2004.
4. The proposal would, if acceptable in other respects, be required to legally secure obligations and financial contributions provide for necessary infrastructure and mitigation all of which would need to be secured by the completion of a section 106 agreement. No such agreement has been completed, contrary to Policies 4, 9 and 10 of the Slough Local Development Framework Core Strategy 2006 – 2026 and Slough Borough Council's Developers Guide.
5. There is a holding objection to the proposal on the grounds that the applicant has failed to demonstrate that there is sufficient information to show that these proposals will not adversely affect important Government statements on the third runway at Heathrow and the National Policy Statement (NPPF paras 5 and 6).