Ministry of Housing, Communities & Local Government

Our ref: APP/J0350/W/25/3366043
Your ref: P/10076/013

Charlie Reid & Alice Rowland
Ashurst LLP,
London Fruit & Wool Exchange,
1 Duval Square,
London, E1 6PW

10 June 2026

*Sent by email only*

Dear Charlie Reid and Alice Rowland,

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 78**
**APPEAL MADE BY MANOR FARM PROPCO LIMITED**
**LAND AT MANOR FARM AND LAND NORTH OF WRAYSBURY RESERVOIR, POYLE ROAD, SLOUGH, SL3 0AA**
**APPLICATION REF: P/10076/013**

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

1. I am directed by the Secretary of State to say that consideration has been given to the report of David M H Rose BA (Hons) MRTPI, who held a public local inquiry on 14-17 and 21-24 October 2025 into your client's appeal against the failure of Slough Borough Council to determine your client's application for planning permission 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, in accordance with application Ref. P/10076/013, dated 13 December 2024.

2. On 29 August 2025, this appeal was recovered for the Secretary of State's determination, in pursuance of section 79 of, and paragraph 3 of Schedule 6 to, the Town and Country Planning Act (TCPA) 1990.

**Inspector's recommendation and summary of the decision**

3. The Inspector recommended that the appeal be allowed, subject to conditions.

4. For the reasons given below, the Secretary of State agrees with the Inspector's conclusions, except where stated, and agrees with his recommendation. He has decided to allow the appeal, subject to conditions. The Inspector's Report (IR) is attached. All references to paragraph numbers, unless otherwise stated, are to that report.

Ministry of Housing Communities & Local Government Email: PCC@communities.gov.uk
Laura Webster, Decision Officer
Planning Casework Unit
3rd Floor Fry Building
2 Marsham Street
London SW1P 4DF

## Matters arising since the close of the inquiry

5. On 24 February 2026, the agent, on behalf of the appellant, submitted a post-inquiry representation including a letter and enclosed Environmental Impact Assessment (EIA) Technical Note.

6. On 13 March 2026, the Secretary of State wrote to the parties to afford them an opportunity to comment on the representation set out in paragraph 5 of this letter, and of his intention to make another EIA Screening Direction in light of the new information. No representations were received in response to this letter.

7. On 15 May 2026, the Secretary of State wrote to the parties to afford them an opportunity to comment on the re-screened EIA Screening Direction Matrix dated 14 May 2026. The conclusion remains that the development is not EIA development. No representations were received in response to this letter.

8. A list of representations which have been received since the inquiry is at Annex A. The Secretary of State is satisfied that the issues raised do not affect his decision, and no other new issues were raised in this correspondence to warrant further investigation or necessitate additional referrals back to parties. Copies of these letters may be obtained on request to the email address at the foot of the first page of this letter.

## Policy and statutory considerations

9. In reaching his decision, the Secretary of State has had regard to section 38(6) of the Planning and Compulsory Purchase Act (PCPA) 2004 which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise.

10. In this case the development plan consists of the Slough Local Development Framework Core Strategy 2006 – 2026 (adopted December 2008), the Site Allocations Development Plan Document (adopted November 2010), the saved policies of Slough Local Plan (adopted March 2004), the Proposals Map (adopted November 2010), and The Minerals and Waste Local Plan Policies including 'Saved' Policies from the Waste Local Plan for Berkshire (adopted 1998) and Berkshire Joint Minerals Local Plan Proposals Maps (adopted 2001). The Secretary of State considers that relevant development plan policies include those set out at IR4.1.

11. Other material considerations which the Secretary of State has taken into account include the National Planning Policy Framework (the Framework) published on 12 December 2024 and updated on 7 February 2025, and associated planning guidance (the Guidance).

*Emerging plan*

12. The Secretary of State agrees that there are currently no grounds to refuse planning permission based on prematurity relating to the development of a new Local Plan (IR5.13).

13. Paragraph 49 of the Framework states that decision makers may give weight to relevant policies in emerging plans according to: (1) the stage of preparation of the emerging plan; (2) the extent to which there are unresolved objections to relevant policies in the emerging plan; and (3) the degree of consistency of relevant policies to the policies in the Framework. The emerging plan is at an early stage of preparation with no detailed

timetable published. In accordance with paragraph 49 of the Framework, the Secretary of State considers that the emerging plan carries no weight.

**Main issues**

14. The Secretary of State agrees with the Inspector that the main issues to be addressed are those set out at IR11.1.

Need and alternatives

15. The Secretary of State has considered the Inspector's analysis at IR11.37-11.47 and notes that parties agree the available supply in the Slough Availability Zone (SAZ) up to 2030 is likely to be up to 1,152 MW and Slough Trading Estate has potential for some 559 MW (based on the 7 year pipeline being delivered in a period of 5 years) amounting to a future supply of 1,711 MW (IR11.46). He agrees with the Inspector's conclusion at IR11.47 that this reflects the growth of cloud computing, a continuing and unprecedented demand for data centres and a growing trend towards larger facilities.

16. For the reasons given at IR11.48-11.66 and IR11.141, the Secretary of State agrees that the Council's conclusion that Slough Trading Estate will meet future needs is not reliable as it pays no regard to the current and future appetite for data centres of increasing scale (IR11.51). He further agrees that there is nothing of substance to contradict the Appellant's assessment of future market demand (IR11.66).

17. For the reasons given at IR11.67-11.79 and IR11.141, the Secretary of State agrees the unmet need for data centre capacity in the SAZ is 1,259 MW (IR11.67). He further agrees that there was no alternative to the appeal site and no alternatives that could meet the unmet need in general (IR11.69). He further agrees that there is an overwhelming demonstrable unmet need for the type of development proposed (IR11.79).

18. The Secretary of State has considered the Inspector's conclusions at IR11.141, that a clear need for the proposed development, an absence of alternative sites and a reasonable anticipation of early delivery to meet the needs of the market carries very substantial weight. The Secretary of State has taken into account the level of need, the contribution to that need made by the proposal before him, and paragraph 85 of the Framework, which sets out that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. Overall, he concludes that need should be given significant weight.

Landscape and visual effects

19. For the reasons given at IR11.83-11.99, the Secretary of State agrees that the landscape and visual impacts would be minor (IR11.87), and would be localised (IR11.97). He agrees at IR11.151 that the effect on the character and appearance of the area carries moderate weight.

20. The Secretary of State further agrees that it is essential for the proposal to be in that location in the Strategic Gap, and that it is in accordance with Core Policy 2 (IR11.92). He agrees that the impact on the Strategic Gap would be minimal due to the general containment of the appeal site and the strong urban influences to the north and east of Area A in particular (IR11.98). Overall, he agrees at IR11.152 that the impact on the Strategic Gap would be somewhat peripheral, but the height and bulk of the data centre

would be the key impact most notably in a visual and perceptual sense, and that this harm carries moderate weight.

21. The Secretary of State further agrees at IR11.153 that the proposal would have a very minimal impact on the countryside and recreational resources of the Colne Valley Regional Park and would conflict with Saved Policy CG1. Like the Inspector, he considers this harm carries very limited weight.

Heathrow Airport

22. The Secretary of State has carefully considered the Inspector's analysis at IR11.100-11.111 and notes with regards to Heathrow Airport Limited (HAL)'s preparatory work for the expansion of Heathrow Airport, that the appeal site and adjoining land was identified to be important, notably the best, for freight forwarding uses (IR11.110) and also that in 2018 the Council identified part of the appeal site as being suitable for the potential extension to Poyle Trading Estate, if the third runway were to proceed (IR11.102).

23. However, for the reasons given at IR11.100-11.111, the Secretary of State notes that the land to the west of Poyle Road has no formal status or protection for airport related development in planning policy terms (IR11.104). He agrees that the inclusion and acquisition of Manor Farm cannot be taken as a foregone conclusion that would, in those circumstances, be capable of meriting substantial weight (IR11.106), and that there is no realistic suggestion that approval of the appeal scheme would rule out the expansion of Heathrow and its related uses (IR11.109). He further agrees that HAL's project is ongoing with due process awaited; and its earlier comprehensive work has no formal status (IR11.111). He therefore agrees at IR11.154, that despite the obvious merits of the site for potential airport related uses, HAL's proposals have not reached the threshold where they carry anything more than limited weight against the appeal proposal.

Heritage assets

24. For the reasons given at IR11.112-11.118, the Secretary of State agrees that despite the scale and extent of the proposed development, the effect of the proposal on the significance and setting of Poyle Farmhouse would be very limited, amounting to less than substantial harm at the lower end of the scale (IR11.114). He further agrees that despite the scale and extent of the proposed development, the effect of the proposal on the significance and setting of The Hollies would be very limited, amounting to less than substantial harm at the lower end of the scale. In accordance with paragraph 212 of the Framework, he gives great weight to this harm to the significance of designated heritage assets.

Benefits of the proposal

25. The Secretary of State has considered the Inspector's analysis at IR11.142-11.144 and his conclusion that the combined economic benefits carry substantial weight (IR11.144). However, taking into account the size of the scheme and that weight has already been given to need, the Secretary of State considers that economic benefits should carry significant weight.

26. The Secretary of State agrees at IR11.145 that the proposal would support local employment and procurement prospects; and foster school, college and community

outreach centred on skills related to the Government's Modern Industrial Strategy, and further agrees that this carries moderate weight.

27. The Secretary of State has considered the Inspector's conclusion at IR11.146 that the social benefits of the proposal carry limited weight. However, taking into account that weight has already been given to need, he does not consider that the social benefits justify the attribution of additional weight.

28. The Secretary of State agrees at IR11.147 that in this case landscaping, including biodiversity net gain, and the link to the Arthur Jacob Nature Reserve carry collective moderate weight.

29. The Secretary of State agrees at IR11.148 that improvements to public transport access and active travel accessibility carry limited weight.

30. The Secretary of State agrees at IR11.149 in giving no weight to lowering vehicle movements.

31. The Secretary of State has considered the Inspector's analysis IR11.150 that the BESS's power network resilience benefits, and the data centre's contribution to addressing climate change, carry significant weight.

32. The Secretary of State has taken into account the additional information set out in paragraphs 5-7 above. In light of the energy intensive use, he disagrees with the Inspector that the contribution to addressing climate change carries significant weight. Notwithstanding this, he agrees that the BESS would take advantage of the ability to store and distribute 'excess' energy from renewable sources, and also that the data centre itself, through design, commitment to BREEAM Excellent and opportunities for remote working would contribute both directly and indirectly to addressing climate change (IR11.150). The Secretary of State has also considered the proposed conditions regarding water, energy and sustainability, and sustainable design. Overall, he gives the proposal's contribution to addressing climate change moderate weight.

33. The Secretary of State agrees that the BESS would provide additional resilience to a highly constrained power network which will support local businesses and surrounding communities (IR11.150). He considers this carries separate limited weight in favour of the proposal.

Green Belt

34. National Green Belt (GB) policy has changed since the adoption of the development plan, including with the introduction of policy on grey belt. The Secretary of State agrees with the Inspector's analysis at IR11.119-11.138 and agrees that Policies CP1 and CP2 are, in effect, '*old-style*' Green Belt policies, without reference to development that is not inappropriate (IR11.129). He further agrees that if a proposal is not harmful to the Green Belt, then the higher bar of Policy CP2, in seeking to maintain existing areas of Green Belt, is unduly restrictive, and that the same is true of saved Local Plan Policy CG9 (IR11.131). He agrees with the Inspector that the relevant policies fail to assess and admit development that is not inappropriate, especially in the context of paragraph 155 of the Framework (IR11.132) and that this finding on the policies of greatest application to the proposal renders the entire basket of policies to be out-of-date (IR11.137). The Secretary of State has considered the proposed development against GB policy in the Framework at paragraphs 35-42 below.

35. For the reasons given at IR11.10-11.16, the Secretary of State agrees that the totality of the appeal site is not previously developed land (IR11.16).

36. For the reasons given at IR11.17-11.26, the Secretary of State agrees that the proposed development would not amount to an unrestricted sprawl of a large built-up area (IR11.26). Overall, the Secretary of State concludes that the site does not strongly contribute to purpose a).

37. The Secretary of State has gone on to consider the visual separation between towns. For the reasons given at IR11.17-11.31, he agrees that any loss would be minimal due to the containment of Area A and strong urban influences to the north and east (IR11.29). He further agrees that the nature of the development in Area B, and the location and overall natural enclosure of the land, would not give rise to any impression of neighbouring towns merging into one another (IR11.29). Overall, the Secretary of State concludes that the site does not strongly contribute to purpose b).

38. Like the Inspector, the Secretary of State considers there is no conflict with purpose d) relating to historic towns as no historic towns are identified. He notes this is not disputed between the parties (IR11.32).

39. Given the Secretary of State's conclusions on heritage at paragraph 24 and paragraph 49 of this letter, he agrees at IR11.9 that the application of policies referred to at footnote 7 of the Framework (other than Green Belt) do not provide a strong reason for refusal. He therefore agrees at IR11.34 that the appeal site constitutes grey belt land. For the reasons given at IR11.36 he considers, like the Inspector, that the development would not fundamentally undermine the purposes, when taken together, of the remaining GB across the area of the plan, and that the proposal would therefore meet Framework criterion 155(a).

40. In light of the Secretary of State's conclusions on need above at paragraphs 15-18 he concludes that there is a demonstrable unmet need for this type of development and Framework criterion 155(b) is met.

41. For the reasons given in IR11.80 the Secretary of State agrees with the Inspector that the development would be in a sustainable location and the aims of paragraphs 110 and 115 of the Framework would be met (IR11.81). He therefore considers that Framework criterion 155(c) is met.

42. Accordingly, the Secretary of State considers the development meets the relevant tests at paragraph 155 and agrees with the Inspector's conclusion at IR11.82 that it should not be regarded as inappropriate development in the Green Belt.

**Planning conditions**

43. The Secretary of State had regard to the Inspector's analysis at IR10.1-10.2 and IR11.164-11.192, the recommended conditions set out at the end of the IR and the reasons for them, and to national policy in paragraph 57 of the Framework and the relevant Guidance. He is satisfied that the amended conditions recommended by the Inspector comply with the policy test set out at paragraph 57 of the Framework and that the conditions set out at Annex B should form part of his decision. For the reasons given at IR 11.182-11.184, the Secretary of State agrees with the Inspector's recommendation at IR12.1, and the Secretary of State has renumbered the conditions accordingly.

**Planning obligations**

44. The Secretary of State has had regard to the Inspector's analysis at IR10.3-10.14 and IR11.193-11.203, the planning obligation dated 30 October 2025, paragraph 58 of the Framework, the Guidance and the Community Infrastructure Levy (CIL) Regulations 2010, as amended. He agrees with the Inspector's conclusions at IR11.202 that Poyle Road Footway Works Option A is required to mitigate the impact of the development. For the reasons given at IR10.3-10.14 an IR11.193-11.203, he agrees with the Inspector's conclusion that the obligations comply with Regulation 122 of the CIL Regulations 2010 and the tests at paragraph 58 of the Framework.

**Planning balance and overall conclusion**

45. For the reasons given above, the Secretary of State considers that the appeal scheme is not in accordance with Saved Policy CG1 'Colne Valley Park' of the development plan, but is in accordance with the development plan overall. He has gone on to consider whether there are material considerations which indicate that the proposal should be determined other than in line with the development plan.

46. As the policies which are most important for determining the application are out-of-date, paragraph 11(d) of the Framework indicates that planning permission should be granted unless: (i) the application of policies in the Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or (ii) any adverse impacts of doing so significantly and demonstrably outweigh the benefits, when assessed against policies in the Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

47. Weighing in favour of the proposal are the clear need for the proposed development, and the combined economic benefits which each carry significant weight; employment, procurement and education outreach, landscaping and the link to Arthur Jacob Nature Reserve, and the contribution to addressing climate change which each carry moderate weight; the BESS's power network resilience benefits, and improvements to public transport access and active travel accessibility which each carry limited weight.

48. Weighing against the proposal are the less than substantial harm to the setting and significance of two designated heritage assets which carries great weight; harm to the character and appearance of the area, and harm to the Strategic Gap which each carry moderate weight; HAL's proposals for airport related uses which carry limited weight; and harm to the Colne Valley Regional Park which carries very limited weight.

49. In line with the heritage balance set out at paragraph 215 of the Framework, the Secretary of State has considered whether the identified 'less than substantial' harm to the significance of the designated heritage assets is outweighed by the public benefits of the proposal. Taking into the account the public benefits of the proposal as identified in this decision letter, overall, the Secretary of State agrees with the Inspector at IR11.155 that the benefits of the appeal scheme are collectively sufficient to outbalance the identified 'less than substantial' harm to the significance of Poyle Farmhouse and The Hollies. He considers that the balancing exercise under paragraph 215 of the Framework is therefore favourable to the proposal.

50. The Secretary of State considers that there are no protective policies which provide a strong reason for refusing the development proposed. He further considers that the adverse impacts of granting permission would not significantly and demonstrably

outweigh the benefits when assessed against policies in the Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination. The presumption in favour of sustainable development therefore applies.

51. Overall, in applying s.38(6) of the PCPA 2004, the Secretary of State considers that the accordance with the development plan and the material considerations in this case indicate that permission should be granted.

52. The Secretary of State therefore concludes that the appeal should be allowed, and permission granted subject to conditions.

**Formal decision**

53. Accordingly, for the reasons given above, the Secretary of State agrees with the Inspector's recommendation. He hereby allows your client's appeal and grants planning permission subject to the conditions set out in Annex B of this decision letter 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, in accordance with application Ref. P/10076/013, dated 13 December 2024.

54. This letter does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than section 57 of the TCPA 1990.

**Right to challenge the decision**

55. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged. This must be done by making an application to the High Court within 6 weeks from the day after the date of this letter for leave to bring a statutory review under section 288 of the TCPA 1990.

56. A copy of this letter has been sent to Slough Borough Council and Heathrow Airport Limited, and notification has been sent to others who asked to be informed of the decision.

Yours faithfully

*Laura Webster*
Decision officer

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

## Annex A Schedule of representations

**General representations**

| Party | Date |
|---|---|
| Ashurst LLP | 24 February 2026 |

**Annex B List of conditions**

(1) The development hereby permitted shall be commenced within three years from the date of this permission.

(2) The development hereby approved shall be implemented only in accordance with the following plans and information hereby approved:

a) Site Location Plan - CON-COR-ZZ-ZZ-D-A-00101 P02
b) Existing Site Plan - CON-COR-ZZ-ZZ-D-A-00102 P02
c) Demolition Site Plan - CON-COR-ZZ-ZZ-D-A-00103 P02
d) Proposed Site Plan - CON-COR-ZZ-ZZ-D-A-00104 P02
e) Existing Site Section – North & South - CON-COR-ZZ-ZZ-D-A-00106 P01
f) Existing Site Section - East & West - CON-COR-ZZ-ZZ-D-A-00107 P01
g) Proposed Site Section - North & South - CON-COR-ZZ-ZZ-D-A-00108 P01
h) Proposed Site Section - East & West - CON-COR-ZZ-ZZ-D-A-00109 P01
i) Proposed Parcel A Plan - CON-COR-ZZ-ZZ-D-A-00116 P01
j) Proposed Data Centre – Ground Floor Plan - CON-COR-ZZ-B100-D-A-00203 P01
k) Proposed Data Centre – First Floor Plan - CON-COR-ZZ-B101-D-A-00220 P01
l) Proposed Data Centre - Second Floor Plan - CON-COR-ZZ-B102-D-A-00229 P01
m) Proposed Data Centre - Roof Floor Plan - CON-COR-ZZ-B103-D-A-00238 P01
n) Proposed Data Centre - Roof Platform Plan - CON-COR-ZZ-B104-D-A-00239 P01
o) Proposed Data Centre – Elevations - East & West - CON-COR-ZZ-B1ZZ-D-A 00501 P01
p) Proposed Data Centre – Elevations - North & South - CON-COR-ZZ-B1ZZ-D-A 00502 P01
q) Proposed Data Centre – Sections - CON-COR-ZZ-B1ZZ-D-A-00601 P01
r) Proposed Guard House – Plans, Sections & Elevations - CON-COR-ZZ-B2ZZ-D-A 00250 P01
s) Proposed Parcel B Layout Plan - CON-COR-ZZ-ZZ-D-A-00119 P02
t) MVS5000 - CON-EDFR-ZZ-B4ZZ-D-01200
u) Storage Container - CON-EDFR-ZZ-B4ZZ-D-01201
v) BESS Unit - CON-EDFR-ZZ-B4ZZ-D-01202
w) DNO Substation - CON-EDFR-ZZ-B4ZZ-D-01203
x) Intermediate Substation - CON-EDFR-ZZ-B4ZZ-D-01204
y) Auxiliary Transformer / Earthing Transformer - CON-EDFR-ZZ-B4ZZ-D-01205
z) LV Auxiliary Switch Room, Control Room & Welfare Unit Arrangement - CON EDFR-ZZ-B4ZZ-D-01206
aa) Noise Assessment, prepared by Sharps Redmore, dated 12 December 2024
bb) Water Tank Arrangement - CON-EDFR-ZZ-B4ZZ-D-01207
cc) Fencing and Gate Elevations - CON-EDFR-ZZ-B4ZZ-D-01208
dd) Harmonic Filter Arrangement - CON-EDFR-ZZ-B4ZZ-D-01210
ee) BESS Substation Arrangement - CON-EDFR-ZZ-B4ZZ-D-01211
ff) Control Room - CON-EDFR-ZZ-B4ZZ-D-E-01213
gg) Proposed Substation – Plans - CON-COR-ZZ-B300-D-A-00260 P01
hh) Proposed Substation – Section - CON-COR-ZZ-B3ZZ-D-A-00602 P01
ii) Parcel A – Strategic Landscape Masterplan - P25-1155-EN-001F
jj) Detailed Landscape Proposals – Parcel A - P24-1155-EN-003D
kk) Parcel B – Strategic Landscape Masterplan - P24-1155-EN-002E
ll) Detailed Landscape Proposals – Parcel B - P24-1155-EN-004C
mm) Flood Risk Assessment & Drainage Strategy Report Rev 1 Dec 2024 (Price & Myers)

(3) No development above damp proof course level shall take place until details of all facing materials to be used on all new buildings (including, where relevant, render colours, glazed facades, louvres, framing), boundary treatments (colour, height and siting) have been submitted to and approved in writing by the Local Planning Authority. Where requested by the Local Planning Authority, samples shall be displayed on site for inspection prior to their installation. The development shall then be completed in accordance with the approved details.

(4) Written Scheme of Investigation

a) No development shall take place/commence until a programme of archaeological work, including a Written Scheme of Investigation (WSI) has been submitted to, and approved by, the Local Planning Authority in writing.

The WSI shall include an assessment of significance and research questions; and:
1. The programme and methodology of site investigation and recording;
2. The programme for post investigation assessment;
3. Provision to be made for analysis of the site investigation and recording;
4. Provision to be made for publication and dissemination of the analysis and records of the site investigation;
5. Provision to be made for archive deposition of the analysis and records of the site investigation; and
6. Nomination of a competent person or persons/organisation to undertake the works set out within the WSI.

b) The development shall take place in accordance with the WSI approved under part a).

The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the WSI approved under part a) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

(5) No development shall take place until a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority and subsequently implemented in accordance with the approved details.

(6) Prior to the commencement of the development, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include the following details:

1. A site set up plan displaying hoarding/fencing extents, vehicle and pedestrian access points during construction, provision for storage of materials, waste and recycling facilities/areas, contractor parking, turning space for construction vehicles, unloading area for deliveries, site office and wheel cleaning facilities during the construction period.
2. Construction vehicles to comply with Euro VI Emissions Standard as a minimum and machinery to comply with Table 10 of the Low Emissions Strategy Guidance.
3. Delivery hours and working hours. Deliveries shall be made outside peak hours of 07:00 – 09:00 and 16:00 – 19:00.

4. Details of traffic management measures to control deliveries to site and pedestrian movements on footways in proximity to the site in order to minimise the impact of construction on the safe operation of the surrounding highway network.
5. Vehicle routing plan for HGVs. HGVs shall avoid weight restrictions and Air Quality Management Areas, and local schools at collection/drop off time.
6. Details of dust control measures which align with those outlined in Appendix A6 of the Air Quality Assessment, prepared by Logika Group, dated 13 December 2024.
7. Confirmation of whether any abnormal loads will be required for the construction or demolition. If so, the Local Highway Authority must be notified of any abnormal loads at the following location: https://www.slough.gov.uk/licences-permits/abnormal-loads/1
8. Measures for the control of noise.
9. Measures for control of surface water run off.
10. Proposed method of piling for foundations if applicable.

The Construction Management Plan shall thereafter be implemented as approved before development begins and be retained and operated throughout the duration of the construction works period.

(7) Prior to commencement of development, a detailed foul water drainage scheme for the site shall be submitted to and approved in writing by the Local Planning Authority. The detailed foul water drainage scheme shall be based upon the principles set out within the submitted Flood Risk Assessment and Drainage Strategy report Rev 1 prepared by Price & Myers Consulting Engineers dated December 2024 and further clarified in Quod letter to Slough Borough Council dated 1 April 2025.

(8) No site clearance, preparatory work or development shall take place until an Arboricultural Method Statement for the protection of the retained trees and the appropriate working methods in accordance with 'British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced)' has been submitted to and approved in writing by the Local Planning Authority. The scheme for the protection of the retained trees shall be carried out as approved.

Protective fencing detailed in the approved Arboricultural Method Statement shall be erected to protect existing trees and hedgerows during construction and shall conform to British Standard 5837 (or an equivalent British Standard if replaced).

The approved fencing shall be erected in accordance with the approved details before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be retained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any fenced area, and the ground levels within those areas shall not be altered, nor shall any excavation be made.

(9) Development shall not commence until a Bird Hazard Management Plan has been submitted to and approved in writing by the Local Planning Authority. The submitted plan shall include details of management of any flat/shallow pitched/green roofs on buildings within the site which may be attractive to nesting, roosting and “loafing” birds. The Bird Hazard Management Plan shall comply with CAST Advice Note 3 ‘Wildlife Hazards Around Aerodromes’.

The Bird Hazard Management Plan shall be implemented as approved and shall remain in force for the life of the buildings. No subsequent alterations to the plan are to take place without the written approval of the Local Planning Authority.

(10) Fire Statement

a) No construction work above ground floor slab level in respect of the data centre building shall take place until a scheme for fire containment and suppression measures for the data centre building (shell and core) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented prior to the commencement of the data centre use and retained at all times thereafter.

b) Prior to the occupation of the data centre building, a scheme for fire containment and suppression measures for the data centre building (full fit out) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented prior to the commencement of the data centre use and retained at all times thereafter.

c) No construction work above ground floor slab level in respect of the BESS, shall take place until a scheme for fire containment and suppression measures for the BESS has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented prior to the commencement of the use of the BESS and retained at all times thereafter.

(11) No construction work above ground floor slab level shall commence until a Car Parking Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Car Parking Management Plan shall include details on how the car park is accessed, how parking spaces are allocated, disabled parking spaces, EV charging bays and visitor bays. Works shall be carried out in accordance with the approved details and shall be kept in place and retained as approved for the lifetime of the development.

(12) No construction work above ground floor slab level shall take place until full details of the proposed hard and soft landscaping including samples of surface treatments, planting schedules and details of the species (type, density, position and planting heights and maturity, along with staking/guying, mulching, feeding, watering and soil quality) and proposed landscape maintenance strategy have been submitted to and approved in writing by the Local Planning Authority.

The approved scheme of hard landscaping shall be implemented prior to first occupation of the development and retained thereafter.

The approved scheme of soft landscaping shall be carried out no later than the first planting season following occupation of the data centre hereby permitted. Any tree or other planting that is lost, felled, removed, uprooted, dead, dying or diseased, or is substantially damaged within a period of five years thereafter shall be replaced with a specimen of similar species and size, during the first available planting season following the date of loss or damage. The scheme of soft landscaping shall be maintained and retained thereafter.

(13) No development within or adjacent to any area(s) subject to remediation works carried out pursuant to the Outline Remediation Strategy (Ref. no. 1620016166-006, Issue 3.0), dated December 2024, and prepared by Ramboll, shall be occupied until a full final Validation Report for the purposes of human health protection has been submitted to and approved in writing by the Local Planning Authority. The report shall include details of the implementation of the remedial strategy and any contingency plan works approved pursuant to the remediation strategy. In the event that gas and/or vapour protection measures are specified by the remedial strategy, the report shall include written confirmation that all such measures have been implemented by a competent installer and then verified by a qualified independent third party/Building Control Regulator.

(14) Notwithstanding the details in the approved plans, no part of the development hereby approved shall be brought into use until details have been submitted to and approved in writing by the Local Planning Authority of a 'Generator Testing Regime'.

The diesel generators shall only be used in accordance with the approved Generator Testing Regime and used only in the event of a power supply outage when not being tested. The normal testing of the generator system shall only be carried out between the normal working hours of 07:30 – 18:00 Monday to Friday and at no times on a Saturday, Sunday or Public Holiday.

(15) Prior to first occupation of the data centre hereby permitted, details of the ancillary plant (including the substation) shall be submitted to and approved in writing by the Local Planning Authority, with supporting evidence of noise level at nearby receptors as identified in the Noise Assessment, prepared by Sharps Redmore, dated 12 December 2024. The above details shall be accompanied by the submission of a Noise Mitigation Plan which reduces the noise impact during the night at Receptor R5.

The approved details shall be implemented prior to first occupation of the development and retained thereafter.

(16) Prior to first occupation of the development, a record of the installed SuDS and site wide drainage scheme consistent with Flood Risk Assessment and Drainage Strategy Report Rev 1 prepared by Price & Myers Consulting Engineers dated December 2024 shall be submitted to and approved in writing by the Local Planning Authority for deposit with the Lead Local Flood Authority Asset Register. The details shall include:

a) As built plans in both .pdf and .shp file format;
b) Photographs to document each key stage of the drainage system when installed on site;
c) Photographs to document the completed installation of the drainage structures on site;
d) The name and contact details of any appointed management company information.

Any surface water control measures shall be carried out in accordance with the Flood Risk Assessment and Drainage Strategy Report by Price and Myers (Report Ref. No. 31567 Rev 1, Dated December 2024).

The drainage system shall be managed and maintained for the lifetime of the development in accordance with the approved submitted details

(17) Prior to first occupation of the data centre hereby permitted confirmation shall be submitted to the Local Planning Authority that either:

1. all water network upgrades required to accommodate the additional demand to serve the development have been completed; or

2. a development and infrastructure phasing plan has been agreed with Local Planning Authority to allow the development to be occupied.

Where a development and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan.

(18) The data centre hereby permitted shall not be occupied until confirmation has been provided that either:-

1. Combined waste water capacity exists off site to serve the development, or

2. A development and infrastructure phasing plan has been agreed with the Local Planning Authority, or

3. All combined waste water network upgrades required to accommodate the additional flows from the development have been completed.

Where a development and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan.

(19) Prior to first occupation of the development, an Access and Security Strategy shall be submitted to and approved in writing by the Local Planning Authority to confirm the security arrangements for the site. This should include the following details:

- Access control measures
- Security specification of windows, doors, gates and boundary treatment
- Location of vehicular gates/barriers
- Compartmentation of the building
- Proposed security lighting and CCTV strategy, including CCTV locations and proposed monitoring and management
- Proposals for secure parking area and secure cycle parking
- Details of proposed active security for the site, including number of personnel, location of security desk/s, management etc

The approved details shall be implemented prior to first occupation and shall be retained thereafter.

(20) No part of the development shall be occupied until the pedestrian visibility splays of 2.4 x 2.4 metres (measured from the back of footway) have been provided on both sides of the new vehicular access points and the area contained within the splays shall be kept free of any obstruction exceeding 600 mm in height above the nearside channel level of the carriageway for the lifetime of the development.

(21) No part of the development shall be occupied until the vehicular visibility splays shown on drawing number 237679/PD02-F have been provided on both sides of the access. The area contained within the splays shall be kept free of any obstruction exceeding 600mm in height above the nearside channel level of the carriageway for the lifetime of the development.

(22) Prior to first occupation, details of the 17 active electric vehicle charging points (Type 2 socket and be rated to at least 7.4Kw 32 amp to 22Kw 32 amp (single or 3 phase)) together with details of power supply and cable provision shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully installed, and the active charging points shall be fully operational prior to first use of the development. The charging points shall be retained and kept in good working order for the lifetime of the development.

(23) Prior to the first occupation of the development, a scheme for refuse storage, refuse collection and recycling facilities shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details prior to the development being brought into use and shall thereafter be retained as approved for the lifetime of the development.

(24) Cycle Parking Prior to first occupation, details of cycle parking provision (including location, housing and cycle stand details) shall be submitted to and approved in writing by the Local Planning Authority. The cycle parking shall be provided in accordance with the approved details prior to the occupation of the development and shall be retained at all times for the lifetime of the development.

(25) Prior to the first occupation of the data centre building a Landscape and Ecological Management Plan (LEMP), including long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas has been submitted to, and approved in writing by, the Local Planning Authority. The LEMP shall include the following:
a) Description and evaluation of features to be managed;
b) Constraints on site that might influence management;
c) Aims and objectives of management which will include the provision of biodiversity net gain as required by the deemed Biodiversity Net Gain Condition
d) Prescriptions for management actions;
e) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five year period);
f) Details of the body or organisation responsible for implementation of the plan; and
g) Ongoing monitoring and remedial measures.

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

The LEMP shall be implemented prior to the first occupation of the development and shall thereafter be carried out as approved.

(26) Prior to the installation of any external lighting, details including type, size, location, intensity, direction and timing of illumination of the proposed external lighting in accordance with the lighting parameter plan at Appendix 6.4 of the Design and Access Statement (December 2024) shall be submitted to and approved in writing by the Local Planning Authority. The external lighting shall thereafter at all times be implemented, retained and operated in accordance with the approved details.

(27) A written diary detailing the date, time of day, and duration of diesel generator testing shall be recorded for the lifetime of the development. The diary shall made available for viewing at the request of the Local Planning Authority.

(28) The development (other than the BESS) shall be used as a data centre and for no other purpose including any other purpose in Class B8 of the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

(29) No solar panels shall be installed until a glint and glare assessment has been submitted to and approved in writing by the Local Planning Authority. No subsequent alterations to the approved scheme are to take place unless submitted to and approved in writing by the Local Planning Authority.

(30) If pluming venting of hot air/gases are proposed as part of this development, the development shall not be occupied until a Plume Rise Assessment that considers impacts and mitigation in respect of operations at Heathrow Airport has been submitted to and approved in writing by the Local Planning Authority. Any mitigation works forming part of the Plume Rise Assessment shall be carried out in accordance with the approved details and be in place and retained as approved for the lifetime of the development.

(31) The development shall operate in accordance with the approved BREEAM Travel Plan (prepared by SLR, dated Dec 2024). Should the targets within the Travel Plan not be met, the operator should undertake whatsoever measures as may first have been agreed in writing by the Local Planning Authority as are necessary to cause a reduction in the number of car borne trips to ensure the targets are achieved. The Plan shall be under constant review by the Travel Plan Coordinator (to be appointed in accordance with the Travel Plan) and the Local Highway Authority with the completion of baseline surveys and surveys during the 3rd and 5th years of operation being used to inform further interventions to reduce car travel. An Annual Report providing a review of progress towards targets and of the implementation of the Travel Plan shall be sent to the Local Planning Authority after the completion of the baseline survey and the monitoring surveys.

(32) Prior to their installation, details of replacement emergency access gates to Parcel B (BESS site) from Polye Road shall be submitted to and approved in writing by the Local Planning Authority. The emergency access shall be constructed prior to commencement of the use of the development and retained thereafter as an emergency access to be used by emergency service vehicles only. It shall be physically closed at all times other than in the event of an emergency.

(33) No vehicle access gates shall be installed without first obtaining permission in writing from the Local Planning Authority. Works shall be carried out in accordance with the approved details and be in place and retained as approved for the lifetime of the development.

(34) Prior to the first use of the data centre, a Design Stage Certificate shall be submitted to and approved in writing by the Local Planning Authority confirming that the development has been designed to achieve a standard of BREEAM Excellent (or equivalent standard).

(35) Within 6 months of the use of the data centre being brought into first use a Post-Construction Review Certificate confirming the development hereby approved has been constructed to achieve a standard of BREEAM Excellent (or equivalent standard) shall be submitted to and approved in writing by the Local Planning Authority.

(36) At least a 16.7% reduction in CO2 emissions shall be achieved beyond the Building Regulations Part L2 2021 baseline, in accordance with submitted Energy and Sustainability Strategy, prepared by Hoare Lea (Ref: 56/25724 Rev P06) dated 12 December 2024. The approved details shall be implemented prior to first use of the data centre in accordance with the Energy and Sustainability Strategy and retained as operational thereafter.

(37) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no aerials, antennae, telecommunications poles/mast, satellite dishes or related telecommunications equipment shall be erected on any part of the development hereby permitted.

Planning Inspectorate

# Report to the Secretary of State

**by David M H Rose BA (Hons) MRTPI**

**Inspector appointed by the Secretary of State**

**Date 16th December 2025**

## TOWN AND COUNTRY PLANNING ACT 1990

## APPEAL BY

## MANOR FARM PROPCO LIMITED

## LAND AT MANOR FARM AND LAND NORTH OF WRAYSBURY RESERVOIR, POYLE ROAD, SLOUGH

Reproduced from Design and Access Statement Page 121 – Photomontage Year 15 (extract & illustrative only) – Poyle Road

Inquiry opened on 14 October 2025. Accompanied Site Visit on 20 October 2025

Land at Manor Farm and land north of Wraysbury Reservoir, Poyle Road, Slough

File Ref: APP/J0350/W/25/3366043

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## LIST OF ABBREVIATIONS

| TERM | DEFINITION/DESCRIPTION |
|---|---|
| AI | Artificial Intelligence |
| ANPS | Airports National Policy Statement |
| BESS | Battery Energy Storage System |
| CAGR | Compound Annual Growth Rate |
| CCTV | Closed Circuit Television |
| CD | Core Document |
| CMC | Case Management Conference |
| CNI | Critical National Infrastructure |
| DAS | Design and Access Statement |
| DL | Decision Letter |
| DPD | Development Plan Document |
| DSIT | Department for Science Innovation and Technology |
| EDF | Électricité de France |
| EIA | Environmental Impact Assessment |
| EV | Electric Vehicle |
| Framework | National Planning Policy Framework |
| FTE | Full Time Equivalent |
| GLVIA3 | Guidelines for Landscape and Visual Impact Assessment 3 |
| GVA | Gross Value Added |
| GW | Gigawatt |
| ID | Inquiry Document |
| IR | Inspector's Report |
| IRZ | Impact Risk Zone |
| IT | Information Technology |
| LCA | Landscape Character Area |
| LNR | Local Nature Reserve |
| LPA | Local Planning Authority |
| LVIA | Landscape and Visual Impact Assessment |
| MW | Megawatts |
| NESO | National Energy System Operator Limited |
| NCA | National Character Area |
| $NO_2$ | Nitrogen Dioxide |
| PPG | Planning Practice Guidance |
| SAC | Special Area of Conservation |
| SAZ | Slough Availability Zone |
| SBC | Slough Borough Council |
| SIFE | Slough International Freight Zone |
| SoCG | Statement of Common Ground |
| SPA | Special Protection Area |
| SSSI | Site of Special Scientific Interest |
| sq ft | Square Feet |
| sq m | Square Metre |
| UK | United Kingdom |
| ZoI | Zone of Influence |

**File Ref: APP/J0350/W/25/3366043**
**Land At Manor Farm and land north of Wraysbury Reservoir, Poyle Road, Slough, SL3 0AA**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission.
- The appeal is made by Manor Farm Propco Limited against Slough Borough Council.
- The application Ref P/10076/013 was dated 13 December 2024.
- The development proposed 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.
- The appeal was recovered by the Secretary of State by a letter of direction dated 29 August 2025 in exercise of her powers under section 79 and paragraph 3 of Schedule 6 of the Town and Country Planning Act 1990.
- The reason for the direction is that *'the appeal involves proposals for developments of major importance having more than local significance, and proposals for significant development in the Green Belt*.'

**Summary of Recommendation:**

**The appeal be allowed and planning permission be granted subject to conditions.**

## 1. PROCEDURAL MATTERS

### The Planning Application and Purported Reasons for Refusal

1.1 The planning application, dated 13 December 2024, sought full permission for a Hyperscale Data Centre and Battery Energy Storage System (BESS) and related works on land to the west of Poyle Road, Slough. The documents accompanying the original submission are set out in the Statement of Common Ground (SoCG).[1]

1.2 A revised application form was submitted on 2 January 2025 to reflect the updated site address and description of development; and further details were lodged under cover of a letter dated 25 February 2025 in response to queries raised by the Council and public comments received.[2]

1.3 The initial target for the determination of the application was 3 April 2025. On 10 February 2025, the Council requested an extension of time to 30 April 2025. Although this was agreed by the Appellant, it informed the Council on 16 April 2025 of its intention to appeal against non-determination. The appeal is dated 19 May 2025.

[1] CD 8.7 Section 4
[2] CD 2.2

1.4 The Council's Statement of Case[3] indicates that the proposal 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 Manor Farm Slough Borough Council Statement of Case July 2025 Page 69 of 69 LPA ref: P/10076/013; PINS ref APP/J0350/W/25/3366043 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).*

1.5 The evidence for the above appeal was heard at a Public Inquiry held at Observatory House, Windsor Road, Slough on 14 – 17 and 21 – 24 October 2025. The main participants were the Appellant and the Council. Heathrow Airport Limited (HAL) appeared as an Interested Party.

[3] CD 10

1.6 I made an unaccompanied visit to the appeal site and its wider surroundings, and the locations drawn to my attention by the Council, including, but not limited to, Slough Trading Estate (STE) on Monday 13 October 2025. I also made an accompanied visit on Monday 20 October in the presence of representatives for the Council and the Appellant. This included the appeal site; adjoining land in the Appellant's ownership (west of the appeal site); Arthur Jacob Nature Reserve; and walking part of the Colne Valley Way (Foundry Lane to Drift Way).

1.7 On Thursday 23 October 2025, following discussion at the Inquiry in relation to highway improvements forming part of the section 106 Agreement, I made an unaccompanied visit to Poyle Road, Stanwell Road and Horton Road with particular reference to footway/cycleway provision in the locality.

**Case Management Conference and identification of likely main considerations**

1.8 A Case Management Conference, dealing purely with administrative matters, was conducted on my behalf on 22 July 2025. On the basis of the evidence available at that time, and in the absence of a Statement of Common Ground, the main considerations were identified and agreed to be:[4]

i. The effect on the Strategic Gap between Slough and Greater London;
ii. The effect on the Colne Valley Regional Park;
iii. The effect on Heathrow third runway;
iv. The need (national and local) including availability of alternative sites;
v. Deliverability;
vi. Planning benefits;
vii. Green Belt/grey belt;
viii. Very Special Circumstances / planning balance;
ix. Conditions and section 106.

1.9 Following the submission of proofs of evidence, and other statements, I refined the likely main considerations as follows:

1. Whether the proposed development is inappropriate when assessed against policies in the Development Plan and the National Planning Policy Framework (the Framework);

2. If it is found to be inappropriate development:

a) What effect would there be on openness and would the proposal conflict with green belt purpose a) '*to check the unrestricted sprawl of large built-up areas'* and/or purpose b) *'to prevent neighbouring towns merging into one another'*;

[4] CD 8.11

b) Would there be any other harm including, but not limited to:
   (i) the landscape and visual effects;
   (ii) the impact on the strategic gap between Slough and Greater London and on the Colne Valley Regional Park;
   (iii) the availability of alternative sites;
   (iv) the deliverability of the data centre;
   (v) the effect on future proposals for the expansion of Heathrow Airport; and
   (vi) the effect on the setting and significance of heritage assets (Poyle Farmhouse and The Hollies);

c) What considerations might weigh in favour of the development including, but not limited to:[5]
   (i) the need for national, regional and local data centre development;
   (ii) specific locational requirements and absence of alternative sites;
   (iii) deliverability;
   (iv) national and local economic impact;
   (v) temporary and permanent employment opportunities;
   (vi) education, skills and training;
   (vii) social benefits;
   (viii) addressing climate change;
   (ix) landscape enhancements and biodiversity net gain;
   (x) reduction in vehicular trips and accessibility improvements; and
   (xi) consequences of not providing capacity.

d) If there are other considerations, do they clearly outweigh any harm to the Green Belt and any other harm, and if so do very special circumstances exist.

e) Finally, would the proposal be in accordance with the Development Plan.

3. Alternatively, if the proposed development is found to be not inappropriate, the matters in 2b) and 2c) above fall to be considered and the appeal to be determined in accordance with the Development Plan unless material considerations indicate otherwise.

## Environmental Impact Assessment – Conclusions according to EIA Regulations Schedule 3

1.10 The proposed development was screened on behalf of the Secretary of State under section 14(1) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. This is set out below:

[5] Derived from CD 11.12 (paragraphs 16.38 – 16.90)

*'The threshold criteria at 10(b)(i) of schedule 2 to the above regulations is exceeded as the development area is 8.16 hectares, which exceeds the 1-hectare threshold and the proposed development falls near to 'sensitive areas' as defined by Regulation 2 of the EIA Regulations, namely:*

*Within the Zone of Influence (ZoI) of the following designated areas:*

- *South West London Waterbodies Special Protection Area (SPA) and Ramsar Site – c. 0.1km south; and*
- *Windsor Forest and Great Park Special Area of Conservation (SAC) – c. 5km south.*

*Within the Impact Risk Zone (IRZ) of the following designated areas:*

- *Wraysbury Reservoir Site of Special Scientific Interest (SSSI) c. 0.1km south; and*
- *Staines Moor SSSI – c. 0.4km south east.*

*The proposed development is located in the vicinity of statutorily protected wildlife sites (including both European and nationally protected sites), however, having regard to the characteristics of the impacts, and considering the nature and location of the proposed development and various mitigation measures outlined, it is considered that significant effects are unlikely with regard to the European sites and Wraysbury Reservoir SSSI. For Staines Moor SSSI, the submitted Air Quality Addendum (October 2025) concludes that the proposed development will not result in a likely significant effect on the conservation status of the qualifying habitats within the SSSI as the predicted NOx concentrations would be below the critical level.*

*Some potential effects have been identified in relation to contamination of land or water resources from releases of pollutants. However, a detailed remediation strategy is provided which seeks to address many of the Potential Contaminant Linkages identified within the pre-remediation Conceptual Site Model. Therefore, significant effects triggering the need for EIA are not likely to occur.*

*Considering the nature, scale and location of the proposed development and nature of the receiving environment, whilst there may be some impact on the surrounding area and nearby designated sensitive areas as a result of this development, it would not be of a scale and nature likely to result in significant environmental effects.*

*The potential impacts that may arise as a result of the proposed North West Runway at Heathrow Airport and two planning applications for proposed cable route corridors (two power cables connecting the development to the electricity transmission network) have also been considered and no likely significant effects are anticipated as a result of the proposed development.*

*The proposed development is not EIA Development.'*

**Shadow Habitats Regulations Assessment**[6]

1.11 The planning application was accompanied by a Shadow Habitats Regulations Assessment which had considered the impacts of the proposed development on local air quality in terms of dust and particulate matter emissions during construction; emissions from road traffic generated by the completed and operational development; and emissions from forty-seven diesel generators installed to provide back-up power.

1.12 It concluded that construction impacts could be mitigated through a Construction Environmental Management Plan; and traffic generation would be well below industry screening thresholds with no significant adverse effects on local air quality.

1.13 In terms of generator impacts, it had been demonstrated that operations would not cause any exceedances of the annual mean or 1-hour mean $NO_2$ objectives on human health receptors.

1.14 The assessment of generator impacts on nearby designated sites has shown that impacts at the Arthur Jacob Nature Reserve (LNR) and South West London Waterbodies/ Wraysbury Reservoir (Ramsar/SPA/SSSI) would be below the Environmental Assessment criteria and could therefore be screened out as 'not significant'. However, significant impacts at Staines Moor (SSSI) could not be discounted without further assessment.

1.15 However, following on from the EIA Screening, the Air Quality Addendum (October 2025) concludes '*that the proposed development will not result in a likely significant effect on the conservation status of the qualifying habitats within the SSSI'.*

**Bilateral Planning Agreement (section 106) dated 30 October 2025**[7]

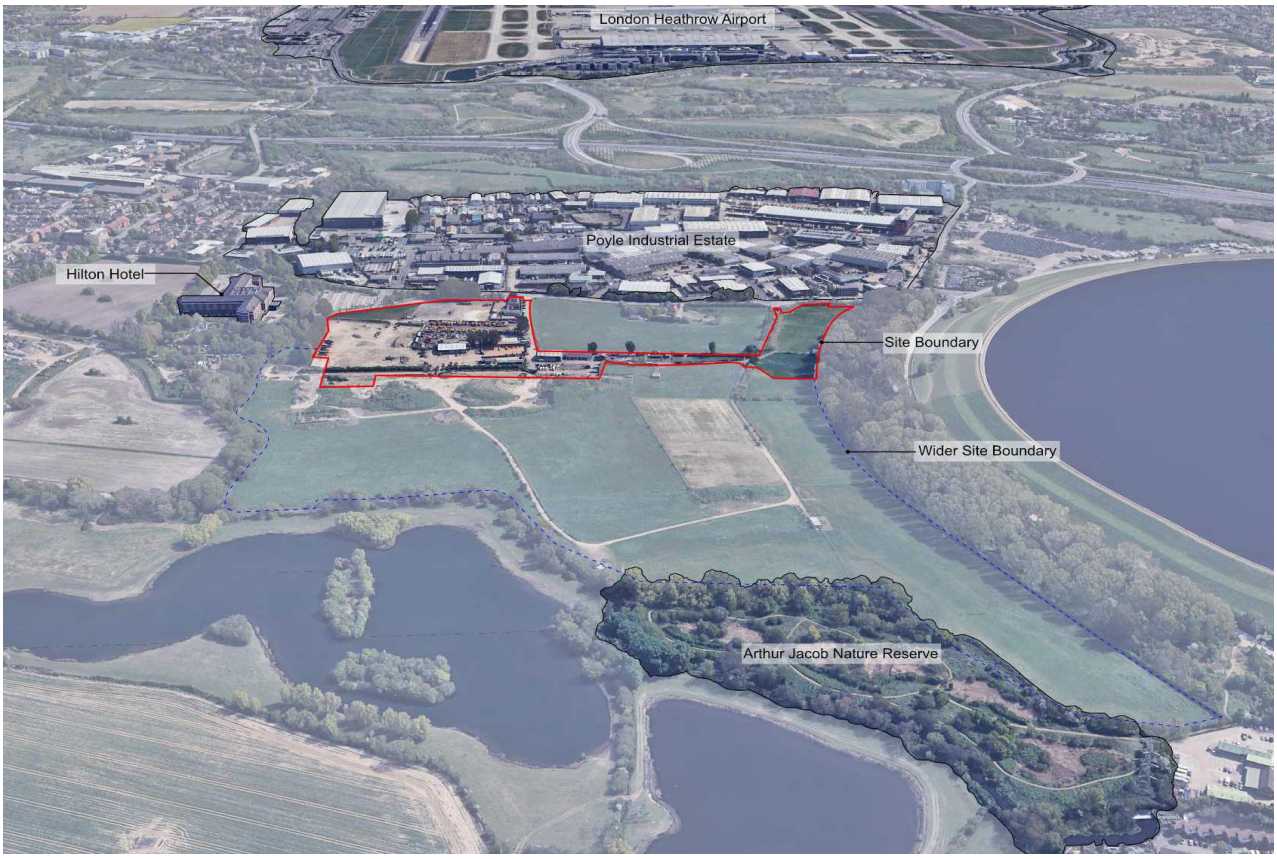
1.16 A unilateral undertaking was submitted at the Inquiry.[8] Following indication that this would be converted to a bilateral agreement, I agreed to receive the engrossed document following the Council's 'next signing'. The completed agreement is dated 30 October 2025.

1.17 The obligations include: a community development and skills strategy; a local engagement fund; travel plan implementation; highway works including bus stop improvement contribution and traffic regulation order contribution; and a footpath and enhanced landscaping strip to provide access to Arthur Jacob Nature Reserve.

0-0-0-0-0-0-0-0

[6] CD 1.50
[7] ID28
[8] ID16

## 2. THE APPEAL SITE AND ITS SURROUNDINGS




Reproduced from Design and Access Statement – Page 23

2.1 The appeal site edged red in the image above,[9] is situated to the west of Heathrow Airport, M25, Britannia Industrial Estate (also known as Poyle Trading Estate which I adopt throughout this report) and Poyle Road.

2.2 The appeal site is irregular in shape, with a larger northern parcel ('Area A'); a smaller southern parcel ('Area B') and a relatively narrow strip linking the two ('Link Road'). Land to the east of the Link Road contains Poyle Farmhouse and two bungalows, but is otherwise undeveloped.

2.3 Land to the north of Area A, beyond the wooded corridor of the Poyle Channel, contains a scatter of dwellings and the Hilton Hotel. A broadly rectangular field (*the Summerleaze site*) to the north of the hotel provides separation to the southern edge of Colnbrook. This field was the subject of a recent unsuccessful planning appeal for solar farm development.

2.4 Open land, within the ownership of the Appellant, lies to the west of the appeal site with part awaiting restoration to grass. Further westward, defined by the Colne Brook, lies Arthur Jacob Nature Reserve and waterbodies remaining from mineral extraction.

[9] CD 1.36 page 23

2.5 A woodland strip, Poyle Poplars Nature Reserve is situated to the south of Area B and across Stanwell Road the embankments of Wraysbury Reservoir rise above the road.

2.6 The appeal site extends to approximately 8.16 hectares and falls entirely within the administrative boundary of Slough Borough Council. It is within the Slough Availability Zone ('SAZ')[10] for data centres. The appeal site lies entirely within the Green Belt and is within the locally designated Strategic Gap and part of the Colne Valley Regional Park.

2.7 The appeal site is made up of both previously developed land and undeveloped land.[11] It has a lengthy and complex planning history of planning permissions, Enforcement Notices and Certificates of Lawful Use or Development. It is not identified for any form of development on the Slough Local Development Framework Proposals Map (November 2010).

Google Earth Image – Land Uses – Inquiry Document 4

2.8 In broad terms, the land shaded yellow, generally outside the appeal site, is due to be restored to agriculture. The green shading is covered by a planning permission with a condition requiring restoration to agriculture and the purple area is the subject of an extant enforcement notice that requires the land to be restored to agricultural use by reseeding.

2.9 The buildings outlined in lime green have certificates for residential use. The land delineated orange has a certificate for retention of hardstandings and use as a car park for commercial purposes. The dark green outline represents a certificate for a warehouse and ancillary uses.

[10] An internationally recognised location for data centres offering resilience and support (including fibre connections)
[11] CD 8.7 Page 4 - Figure 1: Site Location Plan

2.10 The area edged purple has a certificate for open storage and distribution of aggregates. The brown outline to the north has a certificate to confirm the use of a building for general industrial purposes. The areas outlined in blue have certificates for open storage and distribution of salvaged or reclaimed materials arising from demolition.

2.11 The land between Area A and Area B also contains several structures, which are said to be either immune from enforcement action or permitted development.

2.12 Area B is undeveloped and arable in nature. It has hedgerow boundaries.

2.13 There are no environmental designations or heritage assets on the appeal site and it does not contain any protected sites as defined under the Conservation of Habitats and Species Regulations (2017) (as amended).

2.14 The following statutory designated environmental and heritage assets are in the vicinity of the appeal site:

- Poyle Farmhouse, a Grade II Listed Building, is located to the west of Poyle Road, south of Area A.
- The Hollies, a Grade II Listed Building, is located to the east of Poyle Road, opposite the existing site access of Area A.
- South West London Waterbodies Ramsar Site and SPA, and Wraysbury Reservoir SSSI are located to the south of the Appeal Site beyond a wooded area and Stanwell Road.
- Staines Moor SSSI is located further to the south-east, adjacent to the M25.

2.15 The following locally designated nature reserves are owned and/or managed by The Royal Borough of Windsor & Maidenhead:

- The Arthur Jacob Nature Reserve is located to the south-west of Area A, beyond agricultural fields.
- Part of Poyle Poplars Woodland Nature Reserve sits to the south of Area B and extends to the south-west away from the site.

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## 3. THE PROPOSAL

The main components of the development are as follows:

- The data centre consists of office floorspace, data halls, a generator gantry and fuel storage for backup generators, as well as 86 car parking spaces.

- The proposed building, including the data halls and office, extends to a gross internal area of approximately 36,368 square metres, with a parapet height of 23 metres and maximum screen height of 30 metres, which is required to support the equipment contained at roof level.

- Ancillary infrastructure and buildings associated with the data centre include a substation and a gate house. A loading bay is integrated within the ground floor of the building at its western end. An independently fenced substation facility is located in the south-western corner of Area A.

- A one-way access road is proposed around the periphery of the data centre. The car parking is separated from Poyle Road by an attenuation pond.

- Area B contains the BESS. This comprises a number of lithium-ion batteries with a 100 MW capacity system to store electricity.

- The site for the BESS will connect to the northern part of the appeal site and main access via a link road, serving as the primary point of entry.

- An emergency access to Area B is provided on to Poyle Road via an existing vehicle crossover which forms part of the Poyle Road / Blackthorne Road roundabout. This access will be gated and is suitable for a fire tender if required.

- The development includes upgrades to the existing main access junction into Area A from Poyle Road. The main access is proposed to be modified to provide a left-in/left-out arrangement and an island to separate inbound and outbound vehicles. These works all fall within existing highways land off Poyle Road and will be delivered via a section 278 agreement.

- Additional works are proposed to improve pedestrian access to two nearby bus stops to the north of the site access, via new 2-metre-wide footways along the western side of Poyle Road. A new pedestrian crossing is also proposed immediately south of the appeal site access.

- The existing secondary access to the appeal site (north of the main access) will be repurposed as a dedicated pedestrian/cycle route that connects to an on-site footpath, which runs to the north and provides

public access to Arthur Jacob Nature Reserve on land in the Appellant's control.

- The Appellant proposes a range of habitat, ecological and biodiversity enhancements including a biodiversity net gain well in excess of 10%, with a net gain of 115.23% for habitat units and 10.07% for hedgerow units.

- Sustainable drainage system features are proposed to provide the necessary drainage for the appeal site.

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# 4. POLICY AND GUIDANCE

## The Development Plan

4.1 The Development Plan includes Slough Local Development Framework Core Strategy 2006 – 2026 (adopted December 2008) and the saved policies of Slough Local Plan (adopted March 2004). Four policies were the focus of the Inquiry as follows:

- **Core Policy 1 (Spatial Strategy)**[12]

  *'All development will have to comply with the Spatial Strategy set out in this document.*

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

  *Proposals for high density housing ……'.*

- **Core Policy 2 (Green Belt and Open Spaces)**[13]

  *'The existing areas of Metropolitan Green Belt will be maintained ……*

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

- **Saved Policy CG1 (Colne Valley Park)**[14]

  *'Proposals for development within the countryside or other open areas in the Colne Valley Park will not be permitted unless they:*

  *a) maintain and enhance the landscape and waterscape of the park in terms of its scenic and conservation value and its overall amenity;*

  *b) resist urbanisation of existing areas of countryside;*

  *c) conserve the nature conservation resources of the park; and*

  *d) provide opportunities for countryside recreation which do not compromise the above.*

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

  *Where development is permitted within the built up area of ……'.*

[12] CD 6.11
[13] CD 6.12
[14] CD 6.6

- **Saved Policy CG9 (Strategic Gap)**[15]

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

## The Framework

4.2 The main chapters in the Framework of relevance to the appeal are Chapter 6: Building a strong, competitive economy (paragraphs 85 – 87); and Chapter 13: Protecting Green Belts (paragraphs 142 – 143 and 153 – 155).

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[15] CD 6.7

# 5. AGREED MATTERS

**Environmental Impact Assessment (EIA)**

5.1 It is agreed that the development is not EIA development for the purposes of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

**Development Plan Designations**

5.2 It is agreed that the appeal site is located within the Green Belt; it lies within the Colne Valley Regional Park;[16] and it is within the Strategic Gap.

5.3 There are no designated heritage assets within the boundary of the appeal site and the appeal site is not located within a Conservation Area.

**Need for the Development**

5.4 It is agreed that former Secretaries of State have found that there is a significant and substantial demand for new data centres in the SAZ.[17] The Secretary of State's most recent articulation of this need[18] is that need within the SAZ '*has continued to rise significantly, from a short to medium term need of 1,700MW identified in the Court Lane decision to a mid-range estimate of some 2,486MW of additional capacity needed between 2024 and 2029, which will continue to rise to some 2,858MW*'. It is agreed that the need outlined above was an undisputed position and that the Secretary of State had *'considered the matter on the basis of the evidence before her'* in that case.

5.5 The Appellant has designed the data centre to deliver an IT capacity of around 72 MW towards demand in the SAZ.

**Locational Requirements and Alternative Sites**

5.6 It is agreed that there is an established Availability Zone at Slough (the 'SAZ'), which is an internationally recognised location for data centres, and that the appeal site is within the SAZ. The Slough Trading Estate Simplified Planning Zone ('SPZ') sits within the SAZ, and there are a significant number of data centres within the Borough of Slough.

**Economic Development**

5.7 The revised Framework demonstrates that the Government places considerable importance on the need to deliver economic growth.

5.8 Paragraph 87 seeks to address the specific locational requirements of different sectors:

*'Planning policies and decisions should recognise and address the specific locational requirements of different sectors. This includes making provision for:*

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[16] The Colne Valley Park was conceived in the 1960s as a regional park which was made up of a large area of Green Belt land west of London where countryside pursuits could take place

[17] References 3337981 (CD 7.3 Court Lane, Iver 6 December 2024) and 3307420 (CD 7.4 Woodlands Park 1)

[18] CD 7.1 Woodlands Park 2 dated 9 July 2025

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

*b) storage and distribution operations at a variety of scales and in suitably accessible locations that allow for the efficient and reliable handling of goods, especially where this is needed to support the supply chain, transport innovation and decarbonisation; and*

*c) the expansion or modernisation of other industries of local, regional or national importance to support economic growth and resilience.'*

5.9 The inward investment creation of new jobs and multiplier effects that would arise from the proposed development would positively align with the Council's economic objectives. The Council has not undertaken any analysis of the figures that the Appellant presented as part of the planning application.

**Green Belt**

5.10 The entire site is located in the Green Belt. The Planning Inspector[19] in respect of a proposal for concrete crushing and screening and workshops etc in Area A concluded [it] *'would not result in unrestricted sprawl or contribute to the merging of towns, in conflict with Local Plan Policy CG9 or Waste Local Plan Policy WLP30'*, and *'would have a limited effect in terms of the loss of openness'.*

**Strategic Gap**

5.11 The appeal site is located in the Strategic Gap. The Inspector in the above appeal noted that the land is situated in the extreme south west corner of a designated strategic gap, but remote from Slough, and as a result it is not prominent in this part of the gap. The Inspector concluded that the appeal development would serve to fill in and regularise the boundary of the gap without threatening the open area to the west to the site. The Inspector imposed a condition requiring the land to be returned to agricultural land following the cessation of the use.

**Colne Valley Regional Park**

5.12 The appeal site lies in the Colne Valley Regional Park and the Horton and Wraysbury Lowlands Landscape Character Area. The Colne Valley Regional Park's consultation response to the planning application the subject of this appeal welcomed the new pedestrian route to the Arthur Jacob Nature Reserve, significant landscape enhancements and enhanced pedestrian/cycle connectivity. There are no public rights of way across the appeal site.

**Prematurity**

5.13 There are currently no grounds to refuse planning permission based on prematurity relating to the development of a new Local Plan having regard to paragraphs 50 and 51 of the Framework.

[19] Appeal Ref: 2096331 in September 2009

**Traffic and Transport**

5.14 The Council raises no objection on transport grounds. Subject to appropriate planning conditions and/or planning obligations securing the improvements proposed by the planning application there will be no unacceptable impact on highway safety or severe cumulative impacts on the road network. Similarly, the development will result in a reduction in vehicle movements compared to the existing and previous uses at the appeal site

5.15 The proposed highway works would improve pedestrian access to two bus stops in the vicinity of the appeal site, cycle access and construct a new pedestrian crossing on Poyle Road. The wider shared pedestrian/cycleway on the western side of the Poyle Road would enhance the opportunity for sustainable and active modes of travel and ensure that the appeal site is accessible via sustainable transport modes.

5.16 No objections to the development were received from National Highways, the local highway authority or Active Travel England.

**Trees and Hedgerows**

5.17 The landscape enhancements will provide new habitats and expand those currently existing on site, such as planting new tree groups, shrub areas, long grass and wildflower meadows. There will be no unacceptable impacts on trees and hedgerows.

**Built Heritage**

5.18 The impact of the development on the nearby heritage assets is less than substantial and the public benefits of the development outweigh the less than substantial level of heritage harm.

**Archaeology**

5.19 The Council and Berkshire Archaeology raise no objection on archaeology grounds subject to the imposition of appropriately worded planning conditions.

**Ecology and Biodiversity Net Gain**

5.20 Subject to securing the recommended mitigation through conditions, the development will not have an unacceptable impact on protected species or habitats.

5.21 National policy and legislation require proposals to provide net gains for biodiversity (+10%). In principle, it is agreed that this should be achieved by the development and would be a benefit in planning terms.

**Noise and Air Quality**

5.22 The noise impacts of the development will be less than the previous use on Area A. The Council does not object on noise or air quality grounds, subject to the imposition of conditions.

**Energy and Sustainability**

5.23 Subject to appropriate and necessary conditions, details of energy efficiency and renewable/low carbon energy measures can be secured.

**Aviation**

5.24 Subject to appropriate and necessary conditions, the development within close proximity of Heathrow Airport would not result in unacceptable harm to the safe movement of aircraft.

5.25 At the date of the SoCG the position with regard to the expansion of Heathrow Airport was as follows:[20]

- There was a Ministerial Statement issued on 29 January 2025 stating that the Government supports and is inviting proposals for a third runway at Heathrow, to be brought forward by the summer. A letter by the Secretary of State on 30 June 2025 invited proposals from third runway promoters by 31 July 2025.
- The appeal site was located within Heathrow Airport Limited's (HAL's) preferred masterplan in the Airport Expansion Consultation from Heathrow (June 2019). This masterplan has not been endorsed by the Government as of August 2025.
- As far as the parties are aware, two proposals had been submitted to Government by the 31 July 2025 deadline.
- No application for development consent for the third runway has been submitted to or accepted by the Planning Inspectorate.

5.26 It is agreed that the Council identified part of the appeal site as being suitable for the potential extension to Poyle Trading Estate if the proposed third runway was to go ahead. This is set out in the document 'Emerging Spatial Strategy Accommodating Growth at Heathrow: proposals for development in Colnbrook and Poyle' (published in December 2018 prior to the pause in proposals for a third runway), and that this growth should relate to Heathrow related uses and functions.

5.27 Page 16 of the document stated: *'It should be noted that in the short term the Council will continue to rigorously apply Green Belt and Strategic Gap policies to any proposals that come forward in advance of the future of the airport being resolved. This will prevent development happening in an unplanned way'*.

**Residential Amenity**

5.28 The Council does not allege any unacceptable impact on residential amenity.

**Flood Risk and Drainage**

5.29 The Council accepts that the impacts of surface water drainage have been adequately addressed and that the development is not at risk of flooding or will increase the flood risk off site.

[20] 8 August 2025

5.30 The lead local flood authority raised no objections to the proposed drainage strategy subject to the imposition of an appropriate condition.

**Contamination**

5.31 Any issues relating to any potential contamination can be addressed by condition.

**Landscape and Visual Impacts**

5.32 The methodology used in the submitted Landscape and Visual Impact Assessment (LVIA) is acceptable and complies with good practice, including the Guidelines for Landscape and Visual Impact Assessment (GLVIA3) published by the Landscape Institute and Institute of Environmental Management and Assessment.

5.33 Whilst the appeal site is located within the Colne Valley Regional Park, reflected in Saved Policy CG1 of the Local Plan, it is not subject to any other landscape designations.

5.34 At a national level, the appeal site is located within National Character Area (NCA) Profile: 115 Thames Valley. The NCA covers a wide area, and the scale is such that it is agreed that there would be no notable effects at a national level resulting from the development.

5.35 The Council has not published its own 'Borough' level landscape character assessment.

5.36 The Colne Valley Regional Park Landscape Character Assessment identifies broad landscape character types and locates the appeal site in the north-eastern corner of Landscape Character Area (LCA) Horton and Wraysbury Lowlands.

5.37 Areas to the east of Poyle Road, including the Poyle Trading Estate, are located in LCA Colne Valley: Harmondsworth to Stanwell Moor.

5.38 The existing northern part of the appeal site has an adverse effect on the landscape character of this part of the Colne Valley Regional Park due to its current industrial use.

5.39 The appeal site is not considered to be a 'valued' landscape in the terms of paragraph 187(a) of the Framework.

5.40 Key viewpoints of the appeal site have been assessed in the submitted LVIA.

5.41 The LVIA states that views towards the appeal site are screened and/or filtered from several publicly accessible viewpoints and that following the completion of the development:

- Users of Horton Bridleway 4[21] will experience Minor effects;

[21] To the west of the appeal site

- Users of public right of way in Poyle Poplars[22] will experience Negligible effects;
- Visitors to the Arthur Jacob Nature Reserve will not experience any adverse effects;
- Users of Poyle Road will experience Minor effects;
- Residents of Floroma and Poyle Farmhouse[23] will experience Minor effects; and
- Residents of properties on Poyle Road to the north of the appeal site will not experience any adverse effect.

**Benefits of the Development**

5.42 The Appellant and the Council agree that the development will deliver the following benefits, if it is delivered:

- contributing to demand for data centres;
- Biodiversity Net Gain; and
- Temporary employment in the construction and some permanent employment at end user phases.

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[22] To the south of Area B
[23] In the parcel of land to the east of the strip linking Area A and Area B

## 6. THE CASE FOR MANOR FARM PROPCO LIMITED

The case for the Appellant derives principally from its closing submissions, including helpful footnotes, with editing to aid conciseness and/or clarity.

### Introduction

6.1 The Appellant is a wholly-owned subsidiary of Tritax Big Box Reit, which is the UK's largest logistics-focused Real Estate Investment Trust and a FTSE 250 listed company. The data centre and the BESS are to be connected to the transmission network by private wire from both Iver and Laleham substations – these wires are the subject of separate applications which have been made to the relevant local planning authority by EDF, with whom Tritax have formed a joint venture called Juniper to deliver the BESS and the power to the site.

6.2 The search for the BESS site was one that EDF had unsuccessfully pursued for some time before Tritax approached them with the potential to place it on the site, which is well-located for the substations and to serve distribution network management functions. It is an ideal site for the BESS, not just in operational terms but also because it can be brought forward on an almost entirely enclosed site with no visual impact. This fortune combination of lack of alternative sites and ideal specification at Manor Farm is the cornerstone of the BESS aspect of the scheme.

6.3 The data centre too is highly locationally specific. Since the beginning of the Inquiry, the Appellant has entered into an exclusivity agreement with a multinational data centre operator, removing any suggestion that the scheme is speculative; the market demand that has crystallised with the appeal scheme is just part of the extraordinary digital explosion and technological revolution that has already found its way into almost every aspect of our lives and now occupies a central place in the economy, security and civil society.

6.4 What was perhaps even less predictable, even ten years ago, is the way that data centre needs cluster in the SAZ: a virtual geography serving needs on a scale which is difficult to conceptualise; it has SEGRO's Slough Trading Estate (STE) at its operational, if not strictly locational, heart. As a result of the latency needed by cloud operators, the SAZ is defined by the plentiful fibre that exists in the area. It is located ideally with regard to London and via the fibre to the global IT network. It is no exaggeration to say that the needs of the SAZ are in effect the needs of our national digital existence.

6.5 Such is the level of demand for cloud computing space in the SAZ that what space SEGRO can bring forward at STE, and whatever others can get consented elsewhere in the area, is nowhere near sufficient to meet it. There is a huge unmet need here, which cannot be any surprise given the role that data now plays and the role of the SAZ.

6.6 The consequences of all this for land use planning are significant. The Government has grappled with the need to ensure that the critical national role that data centre infrastructure plays is not blocked or stymied by the planning system: we are in the early stages of a fundamental readjustment of policy as it affects the SAZ area – significant weight is to be given to meeting the specific

locational requirements for key sectors like data through the application of the 2024 Framework. At the same time, the role of the Green Belt has been reimagined for the first time really since its inception – not just as an area of spatial policy restraint, but as an area of potential opportunity where lower performing land, which is often in excellent proximity to other facilities, should be used productively. Those vectors all converge in the SAZ.

6.7 In essence this appeal is part of the cutting edge of the reformulated planning system under the current Government. Applicable policy requires more traditional ideas of what the Green Belt is to be put aside in the search for sustainable growth. The Council will soon have to progress a local plan review with the same principles in mind, but for now some realism about the status of the adopted local plan is required, and a full engagement with the suite of new policies in the Framework. They have formed the basis for the appeal scheme and their fulfilment is why permission should be granted.

## Need for the proposals

### The basics

6.8 The appeal site lies in the SAZ, which is the most important cluster of data centres not just in the UK but in Europe. The combined requirements of power and fibre without too much distance causing unacceptable latency, have led to this area growing up as the focus for an explosion of digital economy development.[24] All of the information before the Inquiry supports the location of new cloud-computing data centres in the SAZ, and this market demand is the real-world manifestation of the fact that data centres have assumed a foundational role in the modern world. Constrained as the Slough and Buckinghamshire areas might be – in common with many other areas of the country for varying reasons – it is *here* that the need arises and national policy tells us it must be met.

6.9 The starting point is to ask: how much need is there? Much of the Council's case on the topic of need has been based on fundamental lack of understanding of how need assessments for commercial infrastructure work. Although its Planning witness recognised the definition that need equals demand without adequate supply, he did not appear to have applied that approach to his thinking about the appeal scheme because he did not appraise the demand adequately. It is telling that he acknowledged that he had never carried out a commercial needs assessment.

6.10 By contrast, the Appellant's Needs Assessment witness explained that the starting point, when considering need, is to assess demand, before turning to other planning questions such as constraints, or other competing land uses or balances. Demand is discernible by looking at rates of past take-up and future market signals, as the PPG advises. The PPG: Housing and economic needs assessment does not (as the Council appear to have thought) define *'past take up'* simply as completed developments.[25] But even if it did, that would not

[24] CD 11.3 pages 32 - 35
[25] ID6 ' ……future needs based on a range of data which is current and robust, such as ……'

undermine the approach to assessing need by looking not just at installed IT capacity but at the pipeline. The pipeline represents all the schemes for which demand exists to the extent that permission has been sought and obtained.

6.11 The fundamental problem with the Council's approach to this question has therefore been: (a) to proceed from a flawed assumption about what level of demand might exist – how that assumption was derived is entirely unclear, and then (b) seek to corroborate that assumption by looking solely at how many MW of data centre capacity have actually been switched on, rather than the copious evidence as to how many times more MW the market is actively seeking to switch on.

**The Appellant's evidence on need**

6.12 The methodology adopted by the Appellant's expert witness, by contrast, reflected his vast experience of carrying out commercial need assessments, including many data centre assessments. The key building blocks were as follows:

(i) He defined his area of study as the SAZ[26] – agreed to be the appropriate area.

(ii) He looked for evidence of demand for data centre capacity across a period 6 years before and after the date of the study; he explained that this was because looking any earlier would be to take into account data from a period which bore no real relationship to the market for data centres which has emerged; and to speculate beyond 5 or 6 years into the future would also be untenable given the exponential rate of change in the market, what he described as a *'new technological revolution'.*[27]

(iii) He sourced data from a reputable specialist analysis house, DC Byte, by asking for the amount of data centre capacity that had arisen in the period in question (which he defined in the request as installed MW of built data centres *and* permissions which had been granted).[28] Whilst it is true that he did not say explicitly in his proof that his data covered both installed and permitted capacity, it is reasonable to note: (a) the misunderstanding of his evidence by the Council was not raised in rebuttal or at any point before the evidence was given at the Inquiry; and (b) rather more pointedly, the numbers for data centre capacity growth are self-evidently much larger than the amount of installed MW of data centres in the SAZ, which are mainly in the STE.

(iv) Bearing in mind what the DC Byte information shows, it was appropriate to assess the absolute growth over the relevant period as 1,050 MW, i.e., a compound annual growth rate (CAGR) of 25.4%.[29]

[26] CD 11.3 pages 35 - 36
[27] CD 11.3 paragraph 5.3.2
[28] See ID8 where the witness clarified what he had asked DC Byte for and corroborates it
[29] CD 11.3 paragraph 5.3.3

The CAGR is the standard tool to show smoothed growth of an economic value over time, and in the period in question, the use of CAGR adjusts for fluctuations around the time of the pandemic.[30]

(v) The fruit of this exercise is the starting point MW increase per annum of 208 MW. This is projected using the CAGR derived from the past study period to show what the likely MW capacity demand (i.e., open and permitted) will be in 5 years' time – the result is 2,970 MW.

6.13 Apart from the inherent robustness of this approach, the result generated is amply corroborated by independent sources of information:

(i) The Montagu Evans work submitted and accepted in the Woodlands Park 2 appeal and indeed other appeal decisions.[31] This reached the conclusion on an equivalised basis that the SAZ demand was 2,965 MW.

(ii) Data sources from both IDC and McKinsey,[32] applied again in an equivalent way over the same period, which yield demand figures of between 3,443 MW and 3,959 MW.

(iii) Requirements in the SAZ: the current representation of the market for space in the area, dated September 2025, shows a current (publicly stated) demand of 2,120 MW.[33]

6.14 Each of these sources provides strong positive backing for the Appellant's conclusion. The Montagu Evans work indicated a comparable high level of SAZ need, albeit using a different methodology (assessing the London-wide need and then disaggregating by applying a factor of 65% to reach the relevant figure for the SAZ). However, its conclusion (rebased to the relevant study period) shows that some 2,965 MW are required, which is extremely close to the Appellant's figure.[34]

6.15 Contrary to the Council's view, no less weight should be given to this strong corroborative evidence because it was not challenged by the local authority (Buckinghamshire) in the Woodlands Park 2 Inquiry – rather the reverse is true. Montagu Evans' full evidence was accepted by the Council and was put before the Inspector and the Secretary of State as undisputed.[35] The reality of the Woodlands Park 2 example is that in the very recent past, a very similar SAZ data centre need reached an almost identical conclusion about a high need for data capacity in the SAZ, to the extent that the local authority, the Inspector and the Secretary of State all agreed.[36]

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30 CD 11.3 Figure 5.2 and Table 5.1, using 208 MW increase as the starting point
31 CD 11.3 paragraphs 5.3.6 - 5.3.9, drawing on the Montagu Evans' work at CD12.9
32 CD 11.3 paragraph 5.3.10 (Detailed at CD 11.4 Appendix C)
33 CD 11.3 Table 5.5 (page 45)
34 CD 11.3 pages 39 – 40 (NB Table 5.2)
35 CD 7.1
36 CD 11.3 paragraph 5.3.7

6.16 No particular issue was taken with the helpfulness of the other corroborative data sources – termed as '3rd party Sources'. These comprise the IDC data creation trend and two versions of McKinsey's data centre demand forecasting. Both are reputable analyses of the trends in data centre growth.[37] The results are similar – ranging from 3,443 MW to 3,959 MW.

6.17 As a check[38] the Appellant's witness applied what he felt was an unrealistically low growth rate of 15% - it still yielded a need of 2,097 MW over the study period. 15% is not reliable because it has no basis in the trend of installed and consented capacity and is a 60% reduction on the 25.4% CAGR applied on the basis of actual figures supplied by DC Byte.

6.18 Finally (though not as a core component of his exercise) live requirement data is presented.[39] The 2,120MW sought by cloud providers in the SAZ in September 2025 represents the publicly-available tally of MW that have been stated within the professional world as definitely sought in the SAZ; they represent part (not including the confidential requirements) of what the market has said that it demands; a fairer analogy would be a housing needs survey where those who want homes in an area say so. This too provides sensible corroboration.

6.19 Given the unprecedented growth in cloud storage and data use across every aspect of our lives, none of this is remotely surprising. Much more surprising is that the Council comes to the Inquiry without any expert evidence, and seeks to argue the contrary. Not just that the need is a little too high, but that it is wildly wrong – and, effectively, that the data from DC Byte and the third party sources, and the evidence from other consultants accepted in Secretary of State decisions are all unreliable.

6.20 There are two strands to the Council's case: first, the on-the-hoof suggestion by the Council's Planning witness, made during his evidence for the first time, that the 'actual' need figure is 236 MW in the next 5 years; and second, that the need predicted by the Appellant's witness was unrealistically high.

6.21 The latter was based on three main reasons:

(i) First, the Appellant's demand figure for the SAZ was unrealistic because it equated to a large proportion of the entire UK data centre need, based on the difference between a figure of 6 GW of data centre capacity in the Government's announcement[40] and 1.6 GW capacity which the Council took to be the Government's estimate of all installed data centre capacity set out in the House of Commons Research Briefing on data centres.[41]

(ii) Second, the demand for data centres was not necessarily securely referable to the SAZ because in future AI-related data centre need was

[37] CD 11.3 page 41
[38] CD 11.3 page 42
[39] CD 11.3 page 45
[40] CD 12.10
[41] CD 12.6

planned to be provided for in AI Growth Zones in other parts of the country.

(iii) Third, it was alleged that the Appellant's analysis confuses supply with demand and is not therefore reliable.

6.22 None of these points are accepted as they all lack force.

6.23 First, the exercise carried out by the Council's witness to derive a figure of 4.4 GW of data capacity was incoherent. It is clear that the 6 GW figure is a Government estimate of the minimum amount of specific AI data centre capacity it considers is needed; it is not a summary of the total amount of data centre capacity in the UK either now or in the future – that much is plain from the wording of the document from which the Council draws the figure.[42]

6.24 Nor is the 1.6 GW figure a comparator, even if the 6 GW figure related to overall data centre capacity. It appears to represent an estimate of UK colocation data centre capacity as built at the date of the report:[43] this is apparent in that the document itself distinguishes between different types of data centres before specifically referring to 1.6 GW of colocation capacity; this distinction is obviously well-known, as the SEGRO press release evidences.[44] As a result, the point the Council seeks to make (i.e., the Appellant's suggested need figure is unrealistic because of a relationship with a total UK data centre figure) cannot be given any weight.

6.25 Second, it is a mistake to elide the strategic ambitions for AI data centre growth zones with the needs that are sought to be met in the SAZ. The appeal proposals are intended to meet the cloud computing hyperscale needs of the area, not to house bulk AI-training which (as the Government identifies) could be met on powered sites remote from conurbations, since they do not require low latency. Although the appeal proposals would be enabled to deal with what is called *'A-inference'* demand, that is absolutely not what the AI Growth Zones and their mooted minimum capacity would cater for, and they are therefore irrelevant to the issue of demand in the SAZ.

6.26 Third, the Appellant has not confused the distinction between supply and demand. As clearly explained, the track record of consents represents the best evidence of the *'heat'* of the market – how many are being applied for, for what MW capacities and so on. This is obviously right, because not to have regard to the tremendous increase in data centre consents over the study period would be to ignore a critical real-world market signal. It would be like basing one's view of affordable housing need on the number of affordable homes built rather than the length of the housing waiting list.

6.27 The Council's witness has therefore failed to apply the second part of the key PPG advice, which directs attention to future market demand rather than just *'take up'*; just as a matter of common sense it seems an entirely unreasonable position to take, when the noise of the market is so deafeningly loud.

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[42] CD 12.6 & CD 12.10 (entirely focused on AI)
[43] CD 12.6
[44] CD 11.1 Appendix L page 11

6.28 Far too much attention was given by the Council's witness to the constraints on data centres in the SAZ, particularly the lack of plentiful power. Again, to make an analogy with housing, one does not judge how many homes are *needed* by observing that there are too few bricks or too limited a sewage system. Those are *constraints* on the demand, not the demand; they suppress it.

6.29 The Council's evidence also seemed to be directed at the wrong kind of planning exercise – the heart of the issue is to establish what the need is first. Then other judgments can be made as appropriate.

6.30 Finally, touching briefly on the Council's purported need of 236 MW; this was based purely on an uncompounded mean of data centre MW capacity taken from those that had been built in the SAZ over 5 years. This was mainly the small ones on the STE.

6.31 First, (as set out previously) restricting the exercise to built IT capacity ignores the real world of escalating demand for permissions in a highly power-constrained environment which manifests itself in a rocketing number of applications and permissions. The figure would equate to only 13% of the 1,711 MW supply that both parties are employing for the need analysis; less than half of what SEGRO say they alone will deliver over 7 years at STE. Set against all the other data in front of the Inquiry on this point, it is not merely the outlier, it is outlandish and cannot be correct.

6.32 Second, if the 236 MW were remotely correct, there would be no commercial imperative, no urgency, indeed no reason at all for multinational data centre operators like the one which has signed an exclusivity deal with the Appellant to have anything to do with the SAZ.

6.33 There would already be an oversupply of nearly 1,500 MW in the market and obviously the Appellant itself would be wasting considerable sums of money seeking permission for a hyperscale data centre on the appeal site.

6.34 It is to be noted that the Council's witness' experience of data centre development appears to be confined to being told by SEGRO which site it is going to redevelop next. If a need figure of 236 MW were right, SEGRO would be planning to bring forward twice as much capacity as the market needs – this cannot be correct and no weight should be given to the Council's evidence on this point.

**Supply**

6.35 The second part of the exercise is to assess the available supply in the SAZ across the study period. Here, there is agreement (Table 5.4[45]) in terms of schemes with, or nearly with, planning permission for data centres in the SAZ: 15 sites, with a total of up to 1,152 MW of capacity.

[45] CD 11.3 pages 43 - 44

6.36 The Appellant's witness has also included 559 MW[46] at STE within the next 5 years (rather than the 7 year period identified by SEGRO), irrespective of whether that figure is realistic (although not 'disputed', that is not the same as accepting that it is likely to be delivered; that was not his evidence).

6.37 In terms of the SEGRO claimed data centre pipeline at STE, there is a certain amount of unevidenced assertion involved. It is true that the SPZ gives SEGRO a degree of planning flexibility but that comes at the cost of complete opacity when looking at their pipeline. Indeed, the Council's witness commented that *"we don't really know what's going to come forward"* and acknowledged that the power constraints at STE could delay delivery.[47] The STE is fully let including with Industrial and logistics buildings. These have a different income stream profile which will have to be weighed against any data centre ideas from an asset management perspective over the next few years.

6.38 Moreover, there is next to nothing from SEGRO, through the Council, about the pipeline and the realities of the actual delivery schedule. The highest it is put even in the SEGRO press release is that it has people *'working hard'* to power their various sites.[48] One thing can be said with certainty, however: as far as meeting the need for data centre capacity in the SAZ, it is not *"job done"* as claimed by the Council's witness. It is job very far from being done.

6.39 In summary, in the end the STE outcomes, even if they are overstated, do not matter for the purposes of the key point here, which is what level of unmet need exists even if one assumes 1,711 MW (1,152 + 559) of supply.

6.40 Finally, it is stressed that in the Appellant's approach to the supply is not 'double-counted' or 'confused' with the need – it reflects part of the demand and also can be judged in due course to meet part of the demand. Again, to use a housing need analogy, the supply of data centre capacity here equates to the sum of the committed and built homes in a 5-year supply calculation; the *need* for homes in that period will be reflected in those units but may extend beyond it to demand for housing which has not yet been met. To put it another way, if a Council only has 4 years' housing land supply, it is not allowed to look to the commitments within that supply to meet any of the missing one year need.

**Unmet need**

6.41 The unmet need for data centre capacity in the SAZ is therefore 2,970-1,711 = 1,259 MW.[49] Again, the figure is entirely unsurprising given the market demand for data centres evidenced in the accelerating rate by which permission is being sought and obtained for them in this most sought-after place on the edge of London.

6.42 The value of certain assets on the STE certainly has an important role to play in the appetite for space in the SAZ. However, it is clear from the map of future data centre supply sites that the vast majority of new data centre capacity is not

[46] 4.3 million square feet of space factored to produce a MW equivalent
[47] ID11
[48] CD 11.1 Appendix L page 12
[49] CD 11.3 paragraph 5.5.7 and Table 5.6 (page 46)

in the STE;[50] some of it relates to hyperscale data centres. There is simply too much need, which is too urgent, to pretend that the STE is the only possible source of supply or indeed to wait for the STE to be re-developed piecemeal for the relatively small data centres[51] (like the 19 MW Equinix data centre currently being constructed) that has been SEGRO's stock in trade there.

6.43 Apart from putting all the data centre eggs in one basket, controlled by one landowner, there is no track record in the STE of hyperscale data centres and there would be minimal market activity outside STE if that was a ready-made source of supply which could cater for all the demand. The facts do not support that.

6.44 The Council's closing suggests that the Council has done *'so much'* already for data centres; but this is not an argument relevant to working out whether there is a demand for more. It is like Westminster City Council saying it has permitted so many shops already, or the City of London saying it has permitted so many office buildings. It simply reflects the demand. It is really extraordinary and troubling that the Council's case at a major Public Inquiry is that the SAZ need is only 236 MW over 5 years – the deeply negative ramifications of such a statement have hardly been explored and do not seem to have been formally adopted by the Council itself.

6.45 The evidence is therefore compelling that there is a huge and growing unmet need for data centre capacity in the SAZ.

**Alternative sites**

6.46 There is no alternative site for the BESS. EDF had the transmission connection for some time, trying to find a site for a BESS (because such a facility allows, amongst other things, much-needed network efficiencies). They need to be close enough to the transmission system to be effective, but EDF had failed to find another site in the relevant area until Tritax brought the appeal site opportunity to them – at that point, such was the impetus to secure the BESS that EDF and Tritax teamed up to form Juniper and deliver the private wire connection that would connect the BESS. No point was taken by the Council about this: the BESS is essential kit and this is the only site for it in the relevant area.

6.47 As for the data centre, the position is also clear. Taking the Appellant's case of unmet need of 1,259 MW (or anything like it), then there plainly is not enough supply to meet it. It seemed to be acknowledged (assuming there would be no need if the Council's position were correct) that if there is unmet need to *that* level, there would not be alternative sites.[52] It all depends on the level of unmet need – that agreed position reflects:

[50] CD 11.3 Figure 5.4 (page 43)
[51] Taking 559 MW notional capacity and up to 20 data centres equates to an average size of 28 MW
[52] The questions were put on the basis that there would not be need if the Council's 236 MW need was correct

(i) The guidance of the High Court in the *Wealden* case[53] – i.e., that the *'decisive'* factor is not whether there is one other site which might meet the same need as the subject site, but whether there was an overall unmet need; and

(ii) A recent local example of that, in the Woodlands Park 2 decision, where precisely that approach was taken to the idea of alternatives in the SAZ.[54]

6.48 If therefore there is more (indeed much more) unmet need than supply, then no single or group of sites can amount to an alternative to the appeal site. The Appellant's Alternative Sites Assessment (Version 2) shows two main things: (1) that there are no more available sites to meet the general need other than those identified as supply by the Appellant, and (2) that looked at individually, most if not all have problems which mean that they should not be counted as suitable and available.

6.49 The Council's evidence spent some effort criticising the Appellant's initial Alternative Site Assessment, which is not relied on. The Version 2 methodology, in four stages,[55] is appropriate and robust:

(i) The site search area is the agreed SAZ, and is more robust than the Woodlands Park 2 search area which was centred on that appeal site; the Appellant's area is larger, taking into account not just the relevant distance parameters from power sources at Iver and Laleham but also including the STE and the eastern portion of the Woodlands Park search area; the western portion of the circle in Montagu Evans' exercise, west of the STE, has no power and was ruled out.

(ii) The site size adopted excludes the BESS (to avoid irrelevant site area) and removes 10% from the data centre size for flexibility.

(iii) The site size is therefore only some 63% of the site area in the appeal. It is not right to say, as claimed by the Council, that data centre capacity remotely approaching that sought for a hyperscale data centre could be squeezed onto a much smaller site by creating a four or five storey data centre.[56] The Equinix four storey scheme on STE is only 19 MW, some 26% the size of the appeal proposals, and itself rather larger than the average data centre that the STE hosts. It is relevant to note, with height comes significant operational constraints and inefficiencies, which mean that a hyperscale data centre could never be built in that way (and indeed there are none built like that).

(iv) Criteria were applied to the sites that were first identified (Stages 1 and 2). No other points have been taken about those stages of the appraisal. Similarly, the weeding out of inappropriate sites through the

[53] CD 7.12 paragraphs 55 - 69 and especially paragraph 68
[54] CD 7.1 IR8.50, pdf page 98
[55] CD 11.7
[56] CD 11.18 paragraph 3.3

application of the criteria, in Stage 3, to 33 sites was sensible and robust. No point about that Stage 3 criteria exercise was taken by the Council as most of the 'red' tagged sites have more than one key aspect on which they fail.

(v) That took the Appellant's witness to Stage 4: here there were some 17[57] sites that were in the Green Belt (and therefore on the face of it not 'alternatives' to Green Belt development anyway).

(vi) Every single one of the 17 has at least one serious demerit as far as being suitable and/or available is concerned.[58] It is to be noted that all but 3 of the 17 are outside the Strategic Gap. However, their failings against the criteria for alternatives (and the overall point about unmet need) mean that they cannot on any basis be considered preferable alternatives to the appeal site.

(vii) The 5 sites in the Stage 4 assessment which lie outside the Green Belt are already accounted for in the supply exercise and therefore cannot be alternatives to meet the unmet need (and also for the reasons given on a site-by-site basis in the Stage 4 assessment).

6.50 As a result, there are no alternative sites which are available and suitable for the data centre use proposed here, and, decisively, there are no sites which could meet the overall unmet need.

**Delivery of the scheme: power and timescales**

6.51 The Appellant owns the appeal site.[59] Subject to receiving planning permission for the appeal scheme in the first half of 2026, it anticipates constructing the data centre so that it can be energised from the end of 2027 through to mid-2028. In this regard, the powering of a data centre happens in stages, with the power being supplied in tranches, used for powering the shell and then for commissioning and testing of the IT equipment within the data halls, before finally going fully live.

6.52 Hence why the arrangements put in place by the Appellant here will be effective. Transmission connections have been contractually secured from both Iver and Laleham substations.[60] Both will be served entirely by private wire (i.e. not using any connecting power lines from either substation) which are to be separately consented: the applications have both now been submitted in line with the build programme. This process is being run by EDF. Having undertaken extensive pre-application technical assessments, involving consultations with all relevant stakeholders, it is not expected that the applications will raise any difficult issues

[57] Inspector's Note – The number appears to be in error – 15 Green Belt Sites (including the appeal site ) are listed in CD 11.7 (Table at paragraph 6.1 – page 23)
[58] CD 11.7 (Stage 4 and proformas pages 24 – end (unnumbered))
[59] The site was acquired, along with the blue land to the west, in early 2025
[60] CD 11.18 pages 26 - 27. The EDF construction programme is in CD 11.13 page 751; See CD 11.12 paragraphs 9.19 – 9.26 for Laleham; the Iver application has now been submitted as well

– they are very largely in the public highway and any interaction with existing transport infrastructure has been very carefully considered.[61]

6.53 If permission is granted in the first half of 2026, the development would commence in the middle of the year and be ready for occupation by the occupier towards the end of 2027. The occupier has asked for early access to the building to start fitting out as soon as possible. In response to questions about potential risk to delivery of the project through to completion, the Appellant's Power Availability witness confirmed that other than normal events associated with building and provisioning development sites, there was nothing unusual in play here. There is no evidence to suggest that these carefully thought-through arrangements will be subject to material delay.

6.54 Although it was a theme of some of the questions that delay might cause difficulties with taking up the energy supply, there is no evidence to support that suggestion either. The dates of 2028/29 represent a contractual 'backstop' date rather than an expected completion point evidencing any slippage.[62] Similarly, whilst it is the case that there will be milestones in the electricity contract relating to things like permission, investment decision and so on, there is no basis for concluding that any of the milestones will be missed such that the electricity contract is put in question.

6.55 Nor is there any realism in the suggestion that the fact of a HAL objection to the grant of permission, based on its aspirations for the site in connection with a third runway, is likely to cause delivery issues with the scheme. The HAL position is clearly stated in public documents which would have been carefully considered by the potential occupier's professional and client team before the exclusivity contract was entered into – arrangements which are subject to planning permission being granted. So, the only critical path risk identified in all of this is the need to secure planning permission from the Secretary of State.

6.56 Moreover, the Appellant's view of the HAL objection is clear (set out below). The fact that HAL would prefer the site for its own purposes does not trouble the Appellant and should not cause any concern for the Secretary of State – both schemes can come forward. Given that the current timetable for the third runway project, it is not clear why Tritax would pause its project. By that stage, if permission is granted, it is likely that the data centre will be fully operational. There is therefore no rational planning or commercial basis for the Appellant to consider pausing or halting the appeal proposals.

6.57 As for the mooted risk of Compulsory Acquisition affecting the data centre at some unspecified time in the future – following confirmation of a DCO, there is again no substance to the point. It is a remote and untestable hypothesis. If it ever occurred, HAL would have to show that it was necessary to acquire the site, which on the basis of their acceptance of the existence of alternative sites would seem a tall order.

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[61] CD 11.18 paragraph 4.9

[62] This point seems to have arisen from a misreading of the CBRE letter at CD11.18 Appendix 1, which does not say that the proposal will come forward in 2028/29 but that one of its advantages in the market is that it can be delivered well before other sites get bulk power from the upgrades at Iver and Laleham. The Appellant's witness confirmed that there is no need for, or intention to, use the backstop dates.

6.58 It appeared that the Council considers that the potential need for HAL to spend a large sum acquiring the data centre land compulsorily amounted to a breach of national policy on airports (because, it was suggested, it would not be cost-effective or *'value for money'*). The national policies are far too high-level for there to be any conflict as such and there is no proper basis for adjudicating on this point at the moment; but even if one imagines the remote world in question, no doubt the costs involved would play a part in whether HAL sought alternatives rather than tried to acquire the site. HAL's witness was not able to advance the position that acquiring the data centre would make the third runway unviable or even less value for money. None of this speculation is the basis for a planning objection to the grant of consent for a much-needed data centre in 2025-26.

6.59 The Council also argued that the constraints in power in the SAZ generally, the need for an occupier to be identified, and claimed remoteness from STE or fibre connections[63] might lead to the project being delayed and threatening the timely take up of the power connection. However, it was accepted that in the light of the exclusivity agreement,[64] the argument that the scheme was 'speculative' could no longer be maintained.[65]

6.60 The other points are also answered fully by the Appellant's evidence[66] and include agreement that the SAZ suffers from serious power constraints – the travails of Equinix at the Akzo Nobel site and potentially having to wait 20 years to power the later stages of development is a familiar tale.[67] Importantly, the suggestion that the site is too remote from fibre to be an attractive proposition as a cloud hyperscale data centre is completely unfounded and betrays a lack of understanding of how data centres actually operate.[68]

6.61 These points only go to demonstrate how advanced the delivery of this particular data centre scheme is and why the Inspector and Secretary of State are able to give full weight to its delivery and benefits.

6.62 There are a few residual points arising from the Council's case, generally through cross-examination, relating to consequences of the scheme *not* being delivered. First it was suggested that the power that the Appellant has secured by way of its transmission contract could or would be reassigned; this seemed to be part of a suggestion that another deserving data centre would benefit and – though the point was entirely unparticularised – would be less harmful in some way (perhaps not in Slough but in Buckinghamshire, it was put at one point).

6.63 However, the process in 2025 for divesting a site of a transmission contract is by no means straightforward. Power is 'stapled' to the particular red line or site. If the Appellant wished to divest itself of the contractual rights to the power it has secured, the power would have to re-enter the Gate 1 process and then make

63 CD 11.1 paragraphs 2.133 – 2.134; 2.140; 2.157 (referring to 'pre-let'); and paragraph 2.141
64 ID9
65 CD 11.1 paragraph 2.140
66 CD 11.18 paragraphs 3.26 (proximity to fibre); ID9 (commercial exclusivity contract signed)
67 CD 11.1 paragraph 2.156 – potentially waiting for 20 years to power the later phase.
68 CD 11.18 paragraph 3.26; CD11.1 paragraph 2.141.

its way, over a number of years, through the Gate 2 process towards the top of the queue[69]. Whilst it would be a possible outcome, it would be hard to say that the re-use of the power would be beneficial within the next 5-10 years.

6.64 The second residual point was the suggestion that there would in fact be little benefit from the return of the 2.8 MW distribution contracted to the appeal site for the existing uses. This breaks down into 0.8 MW currently used supply and a contract for another 2 MW. The latter is not capable of being decoupled from the site. So, it is the case that the scheme replacing this power draw with the new transmission contract would have the effect of bringing 2.8 MW back into the distribution supply; a small but notable benefit.

6.65 The final point concerned STE. As is evident, the Appellant is not seeking to criticise its colleagues and partners at SEGRO. The STE is a beacon of achievement in industrial and logistics development and, increasingly, in data centre delivery, and it houses Equinix's LD4 internet exchange point,[70] making it the hub of the SAZ. However, at the present time the electricity distribution network for the Slough area is limited to 43 MW of capacity that could be available for growth provides real background to the real challenges that powering the STE and all other normal sites in the SAZ face.[71] It is evident that there appears to be a real challenge to the provision of sufficient power to meet all the possible SPZ data centre sites.

6.66 SEGRO has, for understandable reasons, not produced its power or development pipeline strategy and therefore whilst no doubt some more data centres (relatively small ones, as the STE is used to hosting) may come forward, how 559MW of IT load could be powered in the next 7 years has certainly not been made manifest; it seems somewhat at odds with the network picture outlined above. Of course SEGRO is hugely experienced and its views are treated by the Appellant with respect – but if the Council seeks to suggest, as it did on numerous occasions, that the search for data capacity in the SAZ begins and ends in the STE, that assertion must be treated with a significant degree of caution due to the network power constraints, and given relatively limited weight as a point of objection to this particular proposal.

**Benefits**

6.67 One of the principal benefits of the appeal proposals is the way the proposed data centre would meet part of what is a very large unmet need for a land use highly valued in the Government's policy agenda. It is no idle metaphor to say that data centres are the engines of the digital age and the SAZ is the engine room of cloud computing in the UK. The appeal scheme could not be more valuable from a digital economy and economic growth point of view. It would be viewed as Critical National Infrastructure (CNI) for that reason and significant weight should be attached to its provision.

[69] ID12
[70] One of three key financial trading venues in London
[71] ID11

6.68 The Council is quite wrong that the CNI designation is just about protecting assets. The Ministerial Statement by the Minister of State for Data Protection and Telecoms said: '*I am confident that these measures, taken together and implemented in close consultation with industry, will provide a high level of security and resilience for this increasingly critical infrastructure, giving confidence to the public and investors and supporting the growth of the UK economy.*'[72]

6.69 The location of the scheme in the SAZ is its main geographical or locational benefit and, importantly, there are, for a miscellany of reason, no alternative sites available to meet the unmet need. They are either already counted in the supply or ruled out for other good reasons. Meeting this unmet need on effectively the only site that can deliver a fully powered, hyperscale data centre is something very unusual and weighty.

6.70 There would also be deeply negative consequences of not providing that additional capacity, which extend further than the site and would contribute to companies having to look outside the UK to meet their data needs. If the UK cannot offer suitable IT capacity, then those needs will be met elsewhere, with data security and even national security implications, as the Department for Science Innovation and Technology has said.[73]

6.71 The timing component adds something as well. The problems of power unavailability are bypassed by the Juniper private wire scheme which would feed the appeal site, and the long wait that many face (well into the 2030s in most cases, as the Iver distribution capacity coming on stream in a few years is already entirely optioned-up) is a serious brake on economic growth in this crucial place. A fully-powered, private wire hyperscale data centre going live in 2027-2028 would be a huge boon.

6.72 Staying with benefits associated with the site itself, the proposal would bring landscape and BNG enhancements and (recognised by the Colne Valley Regional Park Trust consultee[74]) enhancing the route to the Arthur Jacob Nature Reserve. The conditions would *guarantee* 10% BNG improvement, albeit the technical work shows significantly greater benefit than that is likely – 115% for habitats, 10.5% for hedgerows and 10% for watercourses. That is what the evidence shows can be achieved and the Appellant's Planning witness gives moderate weight to those benefits.

6.73 The ripples of effect spread out to national and local economic impacts: there are a series of innovation clusters around the SAZ and the spin off benefits would be significant for the local economy. There would be around 490 FTE jobs created during the delivery of the project and around 65 FTE when the appeal scheme is up and running. A high proportion would be highly skilled and high wage jobs – significant weight should be attached to them.

6.74 Aligned to that is the undertaking to implement a Community Development and Skills Strategy through the section 106 obligation, to which moderate weight should be given.

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[72] CD 5.2 pages 1 - 2
[73] CD 11.1P
[74] CD 3.11

6.75 The BESS would have strongly beneficial effects as part of the drive to decarbonisation. They are facilities supported in national policy and much sought after given the difficulty of finding sites for them in suitable locations for power connection.

6.76 Taken together, this would be a comprehensive and powerful set of benefits, with a variety of facets. It would be more than the sum of its parts and carry very significant overall weight; more than that, it is the conjunction of the needs, the time and the place that make the circumstances here so unusual.

## Harms and alleged harms

### Green Belt

***The site is grey belt***

6.77 The appeal site is in the Green Belt. However, its character and the relationship it has with the advice from Government in the February 2025 PPG: Green Belt means that it should now be classified as grey belt.

6.78 The Appellant's Landscape witness explained that the best way to use the PPG advice is to take into account not just the illustrative features in the 'Strong' part of the table but also those in the 'Moderate' and 'Weak' parts;[75] they are internally reinforcing.

6.79 Taking that approach, the site does not sit comfortably in the 'Strong' category. It is not *'free of existing development'*. Indeed the Council's Planning witness could not avoid making repeated reference in the future tense to describe when the site might reach a state of being "*almost* entirely free" of development.[76] This shows that he has to acknowledge it is a long way from being free from development and even if there were to be some future enforcement action(s), the site would remain a developed site.

6.80 It is true even if one only focuses on the parts of the site – mainly Area A and the Link Road - which are agreed between the parties to contain lawful buildings and uses. These are prominent from the road and entrance into the site. And, in the case of the building at the confluence of Area A with the Link Road, visible across the open land between the access into the site and the bungalow to the south to the very far part of the site from the Poyle Road. There is therefore a quantity of built form, hardstanding and activity associated with these uses, which are perceptible at depth within the site.

6.81 Whilst the extent of lawful buildings and uses are not fully agreed, there is no question that the current state of Area A and the link strip is industrial. Whilst the Appellant's Planning witness accepted that the Planning Statement accompanying the planning application relied on Area A being previously developed land as defined in the Framework – that point is no longer taken and has been overtaken by the Appellant's full up to date analysis of the position.

[75] CD 11.8 pages 14 – 15 & 18 – 19 – PPG paragraph 005 Reference ID:64-005-20250225
[76] CD 11.1 paragraph 3.57 (future tenses at paragraphs 3.50, 3.57 & 3.64)

6.82 The Appellant's Landscape witness takes a conservative baseline for his assessment, only relying on the areas agreed to be lawful. That is more than enough for him to conclude that the site is not free of existing development.

6.83 It will be a matter of judgement for the decision taker as to whether it is also relevant to take into account:

(i) the actual existing state of the land;

(ii) the fact that enforcement action to restore some parts of the land might be taken but has not been, indeed, there has hitherto been no formal consideration of enforcement action in relation to the conditions attached to the 2009 permission; and

(iii) as became clear, the Council continues to support the use of the appeal site for airport related development in association with the further development of Heathrow. It is unclear whether in reality the Council will form the view that it is expedient under section 172 of the Town and Country Planning Act 1990 to seek to remove several buildings, acres of hardstanding and require the grassing of an area on which it wishes to see large-scale logistics development.

6.84 The site therefore fails that indicator of 'Strong' contribution to purpose a) (Framework paragraph 143) and is more in line with the *'contains existing development'* in the 'Moderate' box.

6.85 The site is probably adjacent to a large built up area, in the sense that the Poyle Trading Estate lies in very close proximity and then (though some distance away beyond the M25), come Heathrow and London. The identity crisis that the immediate area suffers from is more important when considering purpose b), but here its application is also not entirely straightforward. Nevertheless, the Appellant's witness assumes that the site lies adjacent to a large built up area.

6.86 The next question to pose is: does the site lack physical features in reasonable proximity that could restrict and contain development? Containment is provided to the east by Poyle Road, to the north by the Poyle Channel and vegetation and to the south by the Poyle Poplars. The site visit will have shown how robust and vegetated the western boundary of the red line site is as well – it is hardly all open to the countryside.

6.87 Also, one has to give detailed consideration to what the guidance says – it notably does not use the term *'adjacent to'* or *'next to'* or even *'near'* – it asks for features to be identified which are in reasonable proximity. To the west, the site is less well contained at its exact boundary, but forms part of a larger field compartment which is also contained by the three features, mentioned above, and by the Colne Brook and its planting and the Arthur Jacob Nature Reserve. These features restrict and contain development. They are, as a matter of judgement, in reasonable proximity to the appeal site because there are no intervening features, are not far off and are visually connected and the whole

parcel is probably[77] grey belt (i.e., both red and blue land). The development of the appeal site would not interact with the wider Green Belt, or bleed out into countryside, because of those features.

6.88 It is also not the case that the site's development for data centre use would be *'incongruous'*:

(i) The existing Green Belt in the area is deeply fractured (i.e., broken into pieces with open and built areas obeying no real pattern according to the Council's witness) and the overall settlement pattern is not uniform. In such a setting the question of *'congruity with what?'* arises, as *'incongruous'* means different and ill-suited in a noticeable and negative way. With the area of Green Belt in pieces, it is not an easy question to answer by any means.

(ii) There is development visible at regular intervals all along the western side of Poyle Road – only the Summerleaze site (not affected here) and the BESS site are free from development (but all agree the BESS would not be visible from the Poyle Road).

(iii) The hotel is a large building extending at depth from the road, with further residential development extending behind it (accessed separately from the north) as well as other physical features and strong vegetation.

(iv) The deeper parts of the site are not prominent in the pattern of Green Belt land – as the Inspector said in the 2009 appeal decision:[78] *'the site is not prominent in this part of the gap'.*

(v) The appeal site, if developed, would fill in land to the south of the hotel/landscape/residential area, not notably or oddly sticking out like a finger (i.e., narrow and extending out with nothing on either side).

6.89 Finally, the Appellant's witness noted that the 'Moderate' descriptors include having *'urbanising influences'*[79] – the appeal site surely does have that, with the very direct connection to the industrial estate, the road and the Heathrow flight path close overhead (an urbanising influence if ever there was one).

6.90 When making the overall judgement as to whether the site performs strongly or only moderately against Green Belt purpose a), all of these points are relevant.

6.91 It would be a mistake to treat all development in the Green Belt which may affect openness as 'sprawl'. That would clearly not be right or consistent with the PPG – because it identifies land with existing development as potential grey belt.

[77] The witness had not undertaken a formal assessment – he offered his view
[78] CD 7.6 - DL15; CD 11.8 paragraph 4.26
[79] CD 11.8 Purpose (a) Table - page 14

6.92 There is furthermore no support for that idea in the expression used by Lord Carnwath JSC in the *Samuel Smith* case:[80] his reference to openness being the *'counterpart to urban sprawl'* clearly does not mean that any development in the Green Belt which might affect openness is sprawl.

6.93 That can be seen from his adoption of Sales LJ's words:[81] *'[t]he concept of 'openness of the Green Belt' is not narrowly limited to the volumetric approach suggested by [counsel]. The word 'openness' is open-textured and a number of factors are capable of being relevant when it comes to applying it to the particular facts of a specific case. Prominent among these will be factors relevant to how built up the Green Belt is now and how built up it would be if redevelopment occurs … and factors relevant to the visual impact on the aspect of openness which the Green Belt presents.'*[82]

6.94 Turning to Green Belt purpose b), the site performs even more weakly. The site has existing development on it; it is not a large part of the gap between Slough and London, however that is defined. It is only 1.9% of the gap as defined in the adopted plan;[83] it is only 14.5%[84] of the space between the Poyle Trading Estate and the edge of Slough away to the north-west. It is simply not a big part of the gap. These quantitative ways of looking at the question are part of the overall exercise.

6.95 In terms of perception, it is very difficult indeed to get a sense of the separateness of Slough and London from any viewpoint in which the data centre, or the site as it is, would appear. There is only really the Poyle Road set of kinetic views: and where one is, at that point in the complex townscape pattern, is very hard to pin down. The Council's Planning witness thought the M25 was the boundary with London and that when on Poyle Road it felt like one was in the *"Slough conurbation"*. The difficulty is that the site does not afford any views which enable a judgement to be made that one is looking at the gap between the two places or indeed an area important for their separate identities.

6.96 It may be the case that, in terms of postcodes or official designations, Slough ends at Brands Hill (to the north-west). However, as described by the Council's Planning witness, that is not the perception. He took the view that the open field at the junction of Bath Road and Poyle Road (the Summerleaze site) and the appeal site itself were the only real visible breaks; but that underplays the fact that whilst they may be more undeveloped than most of the route into Slough, the appeal site is not free from development and plays no real role in informing the perception of a gap *between towns*.

6.97 Looked at the other way – would one lose the sense of separate identities of the two places if the data centre was in place? Surely not – the pattern is too inchoate and to the extent that one has a sense of different places, that would not be eroded or materially changed. This is another definite indication that the site is grey belt.

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80 ID14 paragraph 22
81 ID14 paragraph 25
82 Counsel's underlining
83 CD 11.8 paragraph 4.54
84 CD 11.8 paragraph 4.52

6.98 Green Belt purpose d) is not relevant. Footnote 7 of the Framework does not apply here, as agreed. The site is therefore grey belt. The poorly performing Green Belt with an urbanised, partly developed character that does not really play a role in the separate identity of settlements and only occupies a small part of the gap, is exactly the kind of site the Government had in mind when writing the December 2024 Framework and the PPG.

***Not inappropriate development***

6.99 The development of the site would not *'fundamentally undermine'* the rest of the Green Belt in Slough so that it performed no meaningful role.[85] That is the relevant test irrespective whether one agrees with that or not. The Green Belt is much bigger than the site, which lies in a far corner of the Slough Green Belt and is not prominent.

6.100 There is a need for the appeal proposals and they lie in a sustainable location for transport (as well as bringing with them improvements to bus stops, footway and cycleway provision).

6.101 The appeal site is therefore grey belt and the scheme would not be inappropriate development. That being the case, there would be no harm to the Green Belt.[86]

6.102 If a contrary view is taken, (in other words, that the site does not comprise grey belt land), then the question of very special circumstances arises. The consequential overall balancing exercise is undertaken in the concluding section of the Appellant's case.

***Policy consequences***

6.103 If those submissions and the Appellant's evidence are accepted, then the following consequences in policy terms should be taken into account. Green Belt policies in the adopted plan are found in the Core Strategy Policy, adopted in December 2008[87] on the basis of policies in the South East Plan and (in relation to Green Belt) the then extant PPG2: they are CP1 and CP2.[88]

6.104 CP1 is the spatial strategy which the Council suggests is the most important policy overall. It seeks to deliver most of the needs of the Council area on brownfield land and to make no change to the Green Belt, referring only to justification by very special circumstances as a way of releasing land from the adopted Green Belt.

6.105 CP2 says that the Green Belt will be '*maintained'*, and supporting text paragraph 7.25 explains that as at the date of adoption, the view had been taken that there was no need to review the Green Belt boundary. There are no specific Green Belt policies saved from the even earlier Local Plan, with CG9[89] referring to the Strategic Gap rather than the Green Belt as such.

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[85] Framework paragraph 155a and the PPG
[86] Framework footnote 55 and further, for recent confirmation that not inappropriate development cannot give rise to any Green Belt harm, CD 7.13 *Mole Valley DC v SSHCLG* [2025] EWHC 2127 at [44]-71], especially [44]
[87] CD 6.11ff. See PPG paragraph 64-008 for the guidance about 'meaningful'
[88] CD 6.11 pages 21 - 23
[89] CD 6.7 page 2

6.106 Assessing those policies now in October 2025, it is abundantly clear that they are out-of-date for two main reasons:

*A) Conflict with the Framework 2024*

(i) They do not (and could not) take account or include grey belt policies now found in the 2024 Framework. Applying paragraph 232 of the Framework, CP1 and CP2 of the Core Strategy are out-of-date because they represent a PPG2-style approach to Green Belt which precludes the kind of assessment of grey belt that national policy now contains.

(ii) In the case of both policies, the point goes slightly deeper because the spatial strategy and the way needs are sought to be met, were clearly informed by the pre-2024 national policy, which did not allow a relatively constrained Borough like Slough to re-assess some of the fractured sections of Green Belt in the urban fringe to see whether further needs could be met (even those needs identified at the time).

(iii) The policies in the Core Strategy do not recognise – again, there was no way they could – the strong new emphasis on data centres in paragraphs 85-87 of the 2024 Framework. Having to take into account the plan-making or indeed the general advice on addressing needs for data centres was not something done in the policies of the Core Strategy and they are therefore out-of-date. Indeed, the Council's Planning witness begins his substantive evidence[90] by saying that national policy lacked specific support for data centres before the December 2024 Framework.

(iv) The same point applies (looking a little way ahead in these submissions) to the Colne Valley Regional Park and Strategic Gap policies. They may be consistent with the Framework on their face, but they were adopted (including of course the even earlier saved policies, CG1 and CG9) without reference to the Framework on meeting data centre needs and without reference to grey belt, which brings about a substantial change in national policy affecting parts of the Green Belt and its purposes.

(v) The Council's case, as put to the Appellant's Planning witness, included reference to *Peel Investments*[91] at paragraph 68, where the Court of Appeal said that paragraphs 17 and 20 of the 2018 Framework and certain parts of the plan-making Regulations *'do not … provide support for the appellant's case on the second ground of appeal. They relate to the preparation of future plans, not the question whether existing policies are out-of-date.*'

[90] CD 11.1 paragraph 2.1
[91] CD 7.14

It was suggested that this means that the Framework provisions in what are still paragraphs 17 and 20 (in the 2024 version) do not allow the coming into effect of a new Framework to make adopted policies out-of-date because those paragraphs are about plan-making in the future. However, that misunderstands what paragraph 68 of *Peel* is dealing with. The sentence relied upon is the Court's conclusion on the second ground of appeal (see paragraph 47 of the judgement), which argued that the plan-making policies and regulations indicated that a plan was out-of-date once it had expired. It is *not* support for the proposition advanced here, that the Framework policies, or *Peel*, prevents new Framework policies making adopted plan policies out-of-date.

(vi) By contrast, *Peel* at paragraph 66 is entirely apposite. That paragraph reflects earlier authority. The Court summarised as follows: *'[i]f the policies which are most important for determining the planning application have been overtaken by things that have happened since the plan was adopted, either on the ground or through a change in national policy, or for some other reason, so that they are now out-of-date, the decision-makers must apply the tilted balance expressed in the presumption in favour of sustainable development.'* That is the position here.

(vii) The recent Thrapston appeal decision letter[92] provides an interesting example of the point in action. There the changed circumstances related to the huge increase in the need for industrial and logistics development on the A14 near a settlement called Thrapston, something which had not been anticipated and was at odds with the adopted spatial strategy for the area, which resisted commercial development of that kind outside larger settlements *('growth towns'*) like Corby and Wellingborough. The Inspector found that the high level of unmet need and the support in the December 2024 Framework for meeting the market's locational requirements made the spatial strategy and other related policies out-of-date:

*'198. The appellant also points out that this policy has been overtaken by events, namely through changes to the Framework. In this respect, I find this policy to be inconsistent with the Framework which strongly supports market-facing logistics policies and decisions. In particular, the need to identify suitable locations for freight and logistics, address the specific locational requirements of different sectors and make provision for storage and distribution operations in suitably accessible locations that allow for the efficient and reliable handling of goods.*

*199. The inconsistency emerges because Policy 24 resists logistics development unless it complies with a spatial strategy based on the settlement hierarchy. Although STAUNCH seeks to establish that there have been no substantive changes to the Framework, the version against which the JCS was examined and adopted only has a single reference to market signals and lacks any detail concerning the specific requirements of the*

[92] ID19

*freight and logistics sector. The substance of paragraphs 86 and 87 are simply not reflected and I find this policy out of date as a result.'*

***Events on the ground more generally***

6.107 Policies may become out-of-date in any event by changes *'on the ground'*, as the cases put it. Here, as covered in part already, there have been very significant changes indeed to the needs for data centres in the SAZ, centred on Slough and extending over the Green Belt land in question in this appeal.

6.108 The Council does not acknowledge this huge rise in demand and the level of unmet need, and has not properly recognised the effect of the changes in the market in connection with whether the policies in question are out-of-date. But the evidence is crystal clear, as are the consequences of the exponential increase in data centre need in policy terms.

6.109 This is another species of change that can render plan policies out-of-date. Again, the Thrapston example is instructive. The Inspector there said:

*'200. Policy 11 of the JCS sets out the spatial strategy and states that development will be distributed to strengthen the network of settlements in accordance with the spatial role allocated to it within the plan. There is a tension between the key themes of the JCS to deliver sustainable development within the settlement hierarchy and the objective to deliver economic prosperity through a more positive and flexible approach.*

*201. The effect has been to limit the supply of strategic logistics sites needed to meet market demand by restricting it to just four Growth Towns. As with Policy 24, it does not reflect the specific requirements of the freight and logistics sector. This is against a backdrop of significant unmet need of at least 107 ha, according to the Council's own data, let alone the higher estimates that this Inquiry has derived. I therefore find this policy to be out of date as well.'*

6.110 The same is true of adopted Policy CP1, which seeks to maintain the Green Belt and meet all or most development needs on brownfield sites. That is the policy which as far as the Council is concerned is the most important Development Plan policy of all as far as this appeal is concerned.

***Most important policies and the tilted balance***

6.111 Nor is it right to say that the presence of *other 'most important policies'* – of which here comprise only CP2 and the two Strategic Gap/Colne Valley Regional Park policies - means that the basket of policies is not out-of-date. Here, they are also affected by the same issues as CP1. But even if one took the view that those policies were only affected to a small degree by later national policy, the weight of CP1 (on the Council's own case) is such that if *that* policy is out-of-date, then the overall conclusion would logically be that the *entire basket* is out-of-date. Again, something similar happened in the Thrapston case, where the Inspector took the view that the spatial strategy was out-of-date, but the landscape policies were not; however, given the critical nature of the spatial strategy as a policy, he found as follows:

*'203. Turning to the other policies in the basket, namely Policies 2 and 3 of the JCS and Policies EN1 and EN12 of the LP, I find these to be consistent with the Framework and this is not disputed by any of the parties. However, stepping back and considering the basket as a whole, I give Policies 11, 23 and 24 greater weight as a result of the*

*bearing they have on the determinative matters of this case and the putative reasons for refusal. Consequently, the basket is dominated by the constraints of the spatial strategy in relation to logistics development and its inconsistency with the Framework. As such, I find the whole basket to be out of date.'*

6.112 The final point to note is that the tilted balance is engaged if the most important policies are out-of-date. There was some suggestion by the Council's Planning witness that the tilted balance could not be engaged because there were no *"targets"* in the Framework for data centres but that simply betrays a basic lack of understanding of the way that national policy works. Paragraph 11d is engaged when the most important policies are *'out-of-date'*, an expression which is subject to footnote 8, which starts *'[t]his includes, for applications involving the provision of housing, situations where: the local planning authority cannot demonstrate a five year supply of deliverable housing sites.*[93] One does not need a target to be missed for policies to be out-of-date.

6.113 There is recognition of that point too in the Thrapston decision letter, where the Inspector dismisses precisely the same misunderstanding:

*'204. Both STAUNCH and the Council suggest that there is no trigger in the Framework for any presumption in favour of logistics development. This is because there is no explicit B8 requirement comparable to the requirement for a 5-year Housing Land Supply for residential development that is highlighted in Footnote 8 of paragraph 11(d). However, the footnote highlights what should be done in relation to applications involving the provision of housing and 'includes' this as an example rather than stating that this is the only circumstance in which less weight to policy conflicts may apply. Consequently, the Framework applies this balance where the planning facts require that judgement to be made and it applies to logistics just as much as any other type of development.'*

6.114 For all these reasons, the position here is that the most important policies in the Development Plan for determining the application are out-of-date, and the tilted balance applies.

**Strategic Gap**

6.115 The starting point is by staying with the theme of change in policy weighting over time. The Strategic Gap policy in Slough is a further elaboration of Green Belt policy to reflect the fragmented and vulnerable nature of the Green Belt between Slough and London by adding a higher policy hurdle, namely the need for development there to be *'essential'* (both in terms of the development and the fact it has to be in the Strategic Gap).

6.116 All that is well understood. The genesis of the policy and its articulation in the *Helioslough*[94] litigation is clear. The issue however is that all of that preceded the changes in national policy in respect of grey belt in December 2024. The Council's Planning witness rightly acknowledged that whereas the *policy test ('essential')* for the gap was different and higher than the Green Belt policy, the

[93] Counsel's underlining
[94] *Helioslough Limited v SSCLG* [2011] EWHC 2054 (Admin) referred to in CD 7.8 *Goodman Logistics Developments (UK) Limited v Secretary of State for Communities and Local Government, Slough Borough Council* [2017] EWHC 947 (Admin) at paragraph 9

*purpose* of the policy was the same as the purposes (particularly purposes a) and b)) of the Green Belt.

6.117 It must follow at the very least that some consideration needs to be given to whether the Strategic Gap policy is affected in terms of weight by the advent of the Framework. The fact it is basically an 'intensifier' of purposes a) and b) here as they were set out in PPG2, built further to safeguard against the very things that Green Belt policy in national policy was intended to prevent, should mean that if the underlying Green Belt policy objectives in national policy have materially changed, the underpinning purpose of the Strategic Gap must also be affected.

6.118 Much of this reflects the points made by the Appellant's Landscape and Planning witnesses on Green Belt. The fragmented nature of the area which led to the superimposition of the Strategic Gap policy in local policy makes it the very kind of area which falls within the purview of the grey belt policy in the current Framework. In the old days, saying that this part of the Green Belt was effectively just clinging on and needed a helping hand now makes it the kind of lower-performing Green Belt that the Government has decided ought to be released.

6.119 There is nothing surprising or repugnant about any of this. Grey belt is a very major policy shift and as a matter of principle runs counter to the traditional approach that every square metre of the Green Belt must be kept permanently open. It is true that the Government has not weakened its commitment to Green Belt overall and still regards it as something permanent, etc, but one has to read the whole chapter of the Framework – the grey belt parts now comprise a significant, in-built exception to that general principle.

6.120 The conclusion is that if the site is considered to be grey belt, there would be some consequences for the application of Core Strategy Policies CP1 and CP2 and Policy CG9 of the saved local plan. Grey belt itself would weaken the weight to be given to the policies. Moreover, if the view was taken that the appeal proposals were *'not inappropriate'* development in the light of the new Framework, then *Mole Valley*[95] reminds us that would mean the scheme would cause no harm in Green Belt terms. It would be illogical then to give much if any weight to the fact that the development is in the Strategic Gap.

6.121 The Appellant's Landscape witness acknowledged that there might be some limited impact on purpose b) and therefore to a commensurate degree harm to the Strategic Gap's openness. But the main CP2 test – is the development essential? – is met here:

(i) The scheme is a data centre which is needed to meet some of the very large unmet need that exists; it is essential to meet that need for many reasons: economic, policy and social.

(ii) The need is referable to the SAZ area.

[95] CD 7.13 *Mole Valley DC v Secretary of State for Housing, Communities and Local Government* [2025] EWHC 2127 (Admin)

(iii) The SAZ area includes the Strategic Gap between Slough and London.

(iv) There is no evidence of any other alternative site which is capable of meeting that need in the SAZ but outside the Strategic Gap.

(v) As with the Green Belt generally, there is no specific alternative location to meet the essential data centre facility and therefore the policy test is met.

6.122 For these reasons, there is no breach of the Strategic Gap policy's essential test. There would be some adverse impact on the more general restraint policy in CG9 but regard should be had to that policy's focus on the openness and role of the gap, which of course takes one back to Green Belt policy. Nothing more than very limited weight should be attached to that if the scheme is not inappropriate.

**Colne Valley Regional Park**

6.123 Very similar points apply to the Colne Valley Regional Park; the difference, if there is one, lies in the slightly broader, more landscape and amenity based objectives of the park. There is no landscape harm objection registered by the Council. The Trust's consultation letter recognises that there might be some benefit in recreation terms from the scheme due to the proposed pedestrian link to the Arthur Jacob Nature Reserve.[96]

6.124 The Appellant's case, based on the evidence of its Landscape witness, is that there is very limited landscape harm due to the nature of the site (including assuming the Council's baseline and the notional re-grassing of part of the appeal site). In this regard, the location of the site is not prominent and the visual envelope of the data centre would be very limited despite its size and height. The visual effect is highly localised on a busy stretch of urban street opposite the Poyle Trading Estate and what would be lost in those views includes the clear view one has now of the lawful structures spread through to the back of Parcel A. There would effectively be no visual effect from the BESS at all.

6.125 Overall, the Appellant says that the effects on the Colne Valley Regional Park will be very limited.

**Heathrow Airport (HAL)**

6.126 HAL objected to the appeal scheme by letter dated 15 July 2025. It raised three points, only one of which was the subject of live evidence when HAL appeared at the Inquiry as a third party objector.[97] That point relates to the alleged negative impact on the ability of HAL potentially to use the appeal site for the

[96] CD 3.11
[97] The other two points relate to planning policies – HAL's appearance at the Inquiry was confined to the 'third runway' issue

purposes of airport related development in the form of freight forwarding storage and distribution facilities as part of its potential third runway proposals.

6.127 The Council's related evidence is very largely parasitic on the HAL objection. The relevant witness has no direct involvement in the HAL work and is obviously unable to speak on behalf of HAL; his evidence effectively added nothing substantive to the issue other than the fact that some years ago the Council were considering favourably the re-development of the appeal site and the land behind entirely for freight forwarding.[98] The Council's indicative thinking covers the entire area of Manor Farm.

6.128 The Council's case on this now[99] is that it might have been, or might still be, in favour of that scale of logistics development at Manor Farm, but only for the third runway. However, it has not considered properly whether the appeal site and/or the land behind it is suitable for data centre use (based on the erroneous belief that there is no need for such a use geographically specific to this location). Further, whatever the reasoning, there is no escaping the conclusion that the Council does not consider this site so sacrosanct in Green Belt or Strategic Gap terms that it could not be filled with sheds if it felt the justification was right.

6.129 The Appellant has made it clear that it supports the ideas behind the third runway proposals. It is just that the HAL objection, whilst clearly a material consideration, is only reasonably capable of being accorded limited weight. This is for three reasons:

(i) the third runway proposal and its airport related development component has little or no status and is largely inchoate at present;

(ii) there is no evidence that the appeal proposals would prejudice the third runway, including the achievement of related facilities; and

(iii) relatedly, there is by contrast reliable evidence that, even if the appeal site were to continue to be regarded favourably by HAL for airport related development, it has many other options through which to achieve that objective.

6.130 Turning first to the status of the third runway proposals, as things stand (24 October 2025), HAL's proposals have no formal status. The Government backs the idea of a third runway at Heathrow and specifically the north-western location for the runway, but there are two rival schemes at present submitted in relation to the Government's request for expressions of interest or intent. The other, made by Arora, has not generated an objection to the appeal scheme. As things stand, the Government has not selected HAL's scheme as the preferred version, albeit that is HAL's hope and expectation.

[98] CD 14.3 part 4, pdf page 21
[99] CD 8.7 paragraph 4.8 and also CD 12.1 page 20/25

6.131 The Government has indicated[100] that at this stage in the process, that it intends to revise the Airports National Policy Statement (ANPS) of 2018 to bring it up to date in accordance with current issues; the ANPS is an important policy precursor to any third runway proposals, because its function is to fix national policy in a number of key areas (including such critical issues as the need for a third runway, its key components, and so on).

6.132 The Government statement of 22 October 2025 says that the process has not yet started but it will take until the end of 2026 to complete. The ANPS logically comes before any proposals can begin to be worked up in more detail, for instance what is in the red line and what is not. HAL's witness was familiar with the nearly two years of litigation (2018-2020) which froze the progress of the ANPS when it was first released; issues such as environmental impact assessment, climate change law and public health issues have all developed further since that time and, being realistic about it, there is at least a prospect of the starting-point ANPS being subject of stringent legal scrutiny and challenge before the scheme itself can really come forward.

6.133 Moreover, if HAL's scheme is indicated, or selected in due course, by the Government as the preferred scheme, HAL's witness accepted that a very extensive body of work would have to be undertaken, consulted upon and then submitted as part of a Development Consent Order (DCO) process. HAL's own estimated timeline for those stages stretches until 2028 before a DCO application is even submitted;[101] that may be optimistic.

6.134 It was further acknowledged that HAL was not seeking to prejudge, or asking the Secretary of State to prejudge, any aspect of the DCO process. That includes what may or may not be included in the DCO by way of airport related development. That must be right, given that there is not even an early draft consultation on the third runway proposals in the public domain.

6.135 Much is made by HAL and the Council of the work done in a lengthy and thorough (but incomplete) way in 2018-2020. They say that work sought to identify airport related development locations, and earmarked the appeal site as one such location that was needed for freight forwarding. However, that historic work simply cannot be relied upon with any certainty or attributed anything more than very limited weight, given the fact that an entire re-assessment of the project is currently underway.

6.136 Although HAL's witness said that the appeal site was thought to be, and in his view still was, the best site for airport related development (at least in this part of the airport periphery), that was in effect engaging in precisely the kind of speculation and prejudgement which he agreed was not appropriate at this stage.

6.137 Much more importantly, even if HAL's proposals are those taken forward, and even if they contain, after consultation and further reflection, the appeal site as part of the airport related development proposals, that does not signify that

[100] CD 5.9 & ID17
[101] CD 14.5

those proposals would necessarily be accepted by the panel of Inspectors appointed to conduct the Examination in Public into the DCO. There may well be objections, alternatives and other evidence submitted which will need to be properly considered and weighed before an overall conclusion is reached.

6.138 For all these reasons, the assertion that the appeal site should be treated as effectively a necessary part of a forthcoming HAL third runway proposal is not substantiated and cannot be given any more than minimal weight.

6.139 The second reason that the HAL objection lacks force is the complete absence of evidence that the use of the appeal site for a data centre would actually cause harm to the third runway proposals. HAL's witness conceded that it could not be said that the data centre proposal would prevent the third runway project from coming forward – such a suggestion would be disproportionate and unrealistic.

6.140 Nor, however, is there any evidence that the use of the site for a data centre would prevent the third runway achieving its aims in terms of airport related development freight forwarding. The Appellant's Planning witness, who, as part of a previous instruction, gained detailed knowledge of the range of sites considered for freight forwarding around the airport gave clear evidence that there were other alternative sites for the use.

6.141 If the data centre proposal would not prevent HAL's proposals as a whole, then even on its own terms the Heathrow objection is without substance.

6.142 Thirdly, it is matter of very little importance that HAL and its advisers thought the appeal site was a very good, or perhaps even the best, freight forwarding site at the pre-DCO stage in 2018-2020 as there was not even an application for a DCO made in 2020, let alone any critical examination of whether that judgement was sound. The latest documents in time from that period still say that reviews are being carried out.[102]

6.143 It is accepted that one should give due weight to the depth and quality of the work carried out by HAL at that time and, to some extent, to the complementary view reached by the Council in its 2020 emerging plan document;[103] but it would not be appropriate to assume that any 2020 or 2021 DCO application would have succeeded in this respect. Things have now considerably moved on in relation to the appeal site – if in due course the data centre is granted permission, it is not said by HAL that the third runway proposals it would bring forward would not be capable of being approved, including in relation to the airport related development provision.

6.144 Moreover, at that time the *preferred* masterplan was HAL's preference, not a collection of non-negotiable ideas, the removal of one of which would vitiate the whole. Without the appeal site there would have been, and will be (if permission is granted on this appeal) the need for another site to be selected. HAL and the Council did not and could not say that there were no such sites. The height of the case built on the unstable ground of the 2018-2020 work is the reference to

[102] CD 12.7.2 & 12.7.3
[103] CD 10A 4a

the site being *'essential'*[104] but there were other sites that had been assessed during a process that was far from complete; one has to be doubly careful not to make that work carry more weight than it reasonably can.

6.145 Some even more tendentious suggestions were made that the use of the site for a data centre would harm the third runway proposals because they would either prohibitively increase the potential costs for HAL of compulsorily acquiring the appeal site or cause the third runway proposals to be significantly less sustainable. HAL's witness brought no evidence to substantiate those allegations; and the Council's witness was also unable to do so.

6.146 The cross-examination of the Appellant's Planning witness on this point sought to argue that the data centre use – if compulsory acquisition powers were exercised – would not accord with the Government's wish for the third runway to be cost effective and value for money. However, there is no evidence that HAL would seek to acquire the site if a data centre were on it; and indeed the presence of alternative options would prove a real stumbling block to meeting the high tests for justifying an expropriation of that kind. Nor was any evidence given to support the idea that alternative sites for airport related development would be more, or less, sustainable in terms of traffic movements, than the appeal site. The vagueness of these two points rather underlined the very provisional nature of the objections.

6.147 Drawing these three points together, very limited weight ought to be given to the Heathrow objection – it is founded on work which was never fully completed, done for a DCO application that was never made; and now re-asserted notwithstanding the need for a full review in the light of today's circumstances as a precursor to an application which is still literally years away from being made, let alone tested and accepted.

6.148 As a result of these three points, there would be no breach of any policy, at any level, were permission to be granted for the appeal proposals. The ANPS, Written Ministerial Statement and the Framework are all far too high-level to dictate, or even indicate (given the limited weight to the proposals) that this site is necessary for the third runway proposals. There is no safeguarding restriction affecting the site and there is no adopted policy which seeks to direct its use to freight forwarding and to restrict any other use.

***Response to HAL's summary position***

6.149 HAL have submitted a 'closing statement' which merits response:

(i) In a couple of places,[105] HAL uses the expression *'required'* or *'requirement'* in relation to the site. This is misleading. There is no published document which says that the site has been finally regarded as *'required'* – certainly not in 2025, when HAL are reviewing the entire project, or even in 2018-2020, when any suggestions about the site were provisional, subject to further review, and had not been tested. It

[104] CD 14.3 at 4.9.9 - 13
[105] ID17 paragraphs 5 & 15(a)

has not been established (even by HAL) that the site is *'required'*. Similarly, claims that the site is *'very important and likely to remain so'* does exactly what its witness accepted one could not do, and prejudges the outcome of the current review of the project that HAL are undertaking, let alone the testing of HAL's eventual case.

(ii) It is not doubted that the 2018 ANPS, which is to be revised over the next year[106] supported the third runway project in general terms. Its focus as far as facilities are concerned is on-airport facilities and there is insufficient detail in such a high level document to bear precisely on off-airport airport related development.

(iii) Nor is it true that the last set of 2018-2020 HAL preferences sought to meet all the need for airport related development. It actually only provided for about 40% of what was estimated at the time, leaving the rest to the market. That was because there was confidence that sufficient sites would come forward to service that need and land did not need to be ring fenced within the DCO with potential compulsory acquisition powers in order safely to have enough land for that purpose.

(iv) Much is being made of the detailed process, etc, undertaken in 2018-2020. It tells one little about what the current situation, may be some five to seven years later – which sites are available now, what changes have occurred in the market, what the needs are now assessed to be. It is no objection to an otherwise acceptable scheme that some unfinished work five years ago indicated the site as a preference. As the HAL closing says[107], the site was *'part of a long list before being shortlisted'*. The Appellant's Planning witness is right to say that there were and are alternatives.

(v) HAL assert that to develop the appeal site for a data centre would cause harm to the third runway project – they even go so far as to suggest that permission should be refused, without any consideration of any other relevant point. That is unfounded and a little high-handed. The harm which is asserted, but not specified, cannot be made out.

(vi) The unfounded suggestion[108] – not made in the HAL evidence – that the preference for the site has been confirmed by work undertaken *'since'* 2020 was not part of the evidence given by its witness. There is no evidential basis for it and the Inspector and the Secretary of State should ignore it.

6.150 In summary, the HAL objection remains entirely provisional. Little weight would normally be given to a third-party commercial objector saying that the site is

[106] ID22
[107] ID17 paragraph 9(b)
[108] ID17 paragraph 15(d)

needed for a different use when they have no control over the site, no published up to date plans and have given no proper evidence that there would be no alternative to the appeal site. Just because it is HAL does not make the points any more cogent. The Council's case here is of little assistance when thinking about the weight to be given to these points; it has no Council resolved position on the third runway let alone whether the third runway justifies the use of this site, because there are no formal proposals on which a lawful resolution could be reached.

6.151 It is assumed that the Inspector and the Secretary of State will weigh up what seems in the end most critical here:

(i) there is no suggestion that the third runway will not go ahead if the appeal scheme is granted permission, as acknowledged by HAL's witness; and

(ii) there are alternative sites which need to be fully assessed in 2025-2028 before the DCO is made. Since both the third runway and data centre development in the SAZ are of equal importance as far as the Government is concerned[109] the clear conclusion is that both can go ahead here.

**Other issues**

6.152 No other technical issues have been raised. A response to the Regulation 25 request by the Inspectorate has been submitted, but it relates to a detailed referencing point in the Air Quality assessment which is not a live issue between the parties. It is not considered to be a relevant material consideration for this Inquiry.

**Conditions and section 106 Obligation**

***Conditions***

6.153 The set of draft conditions[110] was discussed at the round table session on 23 October 2025. The vast majority of the points went to the wording of the conditions rather than matters of principle.

6.154 The closing submissions may be taken to represent the Appellant's written acceptance of the pre-commencement conditions in the draft conditions list.

6.155 The one exception was the Council's suggestion that the permission be made subject to a stipulation that if development had not reached a certain point by the end of 2029, then whatever was on the site would be torn down and the area 'restored' to a state which would be materially less developed than the site is today (bearing in mind in particular the lawful development on the site).

[109] There is no policy status for the Third Runway or Airport Related Development and no policy preference for the Third Runway over critical national infrastructure – see for instance the Chancellor's Statement quoted on 29 January 2025 (in CD 11.2A Appendix D) where reference is made to having made decisions on multiple significant projects spanning 'airports, data centres …'.

[110] ID13

6.156 After the round table session, the parties agreed that this was a matter that could be dealt with, or at least debated, in the context of conditions rather than preventing the signing of a bilaterial section106 agreement.

6.157 As to the issue itself: the Appellant remains wholly opposed to the imposition of a condition in any form which has hitherto been suggested by the Council. The justification for the condition, as the Appellant understands it, is that the Council is concerned that the scheme may be started and then not completed, leaving the site in a state either worse than now or which would prevent putative enforcement of the re-grassing they have in mind under existing enforcement routes.

6.158 It is not fully explained what is assumed to have happened to bring about the scenario that the Council is concerned with. Developments, even in the Green Belt, are not usually subject to conditions requiring them to be completed or be pulled down regardless of what state they have reached by a certain point. There was some reference to the Appellant considering HAL's position but the evidence should be clear: the HAL objection is not a matter of more than limited weight as set out above, and the Appellant will not be pausing the data centre scheme because of it.

6.159 Regardless, the Appellant considers the idea of such a condition unacceptable.

6.160 First, there is no evidence to show that it is necessary. Indeed, the transparent and *bona fide* evidence from the Appellant is the opposite: there is an exclusivity arrangement with an operator and if permission is granted the scheme is programmed to start in mid-2026 with powered shell reaching completion in late 2027 (allowing the operator early access) and then data hall fit out coinciding with the energisation of the Laleham connection in May 2028. Potential delays are not likely and all the risks are normal. Against that factual background, it would not be necessary to impose a condition posited on a 'technical' implementation or some halted works.

6.161 Second, the condition would breach a key tenet of planning conditions – it would effectively negate the very development it was attached to. This is because a condition which said that the data centre might be pulled down in 2029 even if very significant sums had been spent by both the Appellant and the operator getting part way towards completion, would render the data centre commercially un-fundable and unlettable. The condition would therefore be unreasonable and unlawful.

6.162 Third, the condition would be unnecessary if permission has been granted on the basis of the site being grey belt as it stands and the scheme being not inappropriate development. On that hypothesis, the condition would purport to require demolition and removal of development which is not deemed to cause any harm to the Green Belt, the Strategic Gap or the Colne Valley Regional Park. That would be unreasonable.

6.163 Fourth, the condition is unnecessary and not required to make the development acceptable because it would require the land to be returned to a different lawful state to that which it is in now. Having the power to enforce is not the same thing as it being expedient in all the circumstances actually to enforce; the Council

has not resolved to take any further enforcement action on the site as things stand – and if it did, it could not legally bring the site to the state which the mooted condition would require.

6.164 Fifth, the condition has nothing to do with mitigating the effects of the scheme, which if they are accepted in principle by the grant of permission, should simply be allowed to occur rather than being viewed as somehow provisional. The Council appears to have arrangements like the restoration conditions of the 2009 permission (the land shaded green) in mind but the circumstances were very different (notably, it predates the current Framework) and quite inapposite for a situation where the entire site is being comprehensively re-developed.

6.165 The Appellant is content for the commencement condition (number 1) to require commencement of the development within 2 years, as opposed to 3 years, although for the avoidance of doubt, it does not consider it necessary to make that change and the evidence does not show it to be merited.

***Section 106***

6.166 It is confirmed that the parties are intending to sign a bilateral agreement. The only point of contention within it is which of the two footway/cycleway options along the western side of Poyle Road is considered to be necessary as a result of the scheme. This is covered in detail in the note submitted by the Appellant[111] as summarised below.

6.167 The pink route cannot be delivered and is not sought. The yellow route (Option B) is unnecessarily long (some 650m long compared to the Appellant's proposal of 165m) and would not achieve the ends which the Council seeks in any event:

(i) The Council, at the round table session, explained that it is only because of the proposed development that it claims the longer footway/cycleway is needed.

(ii) It is to be recorded that the Council has not identified Poyle Road in the Local Cycling and Walking Infrastructure Plan for such improvements and there is no accident record or other indication that it is necessary, given that cyclists and pedestrians often use the route.

(iii) Moreover, the degree of change that the appeal proposals would cause is pretty modest in transport terms – there is expected to be some car and bus use as well as some pedestrian/cycle use for those living within striking distance of the site.

(iv) The key point about pedestrians is that the Appellant's proposal (i.e., Option A) makes good provision for accessing the bus stops on either side of the road. It may involve the pedestrian coming from the site to the southbound bus stop going very slightly past the bus stop before crossing but the stop is in plain sight and it is only a few metres. Putting the crossing further south is not possible because of the accesses that come out onto Poyle Road.

[111] ID15

(v) The wider pedestrian connections are not necessary. The number of pedestrians coming under the M25 from Stanwell Moor or from Horton is unlikely to be very high – partly because of the distance, partly because of the unattractive nature of both of those routes. It was said that pedestrians do make their way through this area as things stand and it seems disproportionate to require the full length of the yellow route to cater for the additional pedestrians that the scheme may generate.

(vi) Cycle use is quite possible as the road network has not been shown to be unsafe. A safety audit would tell one little more than can be gleaned by a site visit, which the Inspector has undertaken. The yellow route is in any event less than desirable for cyclists due to the need to swap on and off carriageway multiple times; even though the Summerleaze site frontage has some provision, that does not mean it is needed in this section of the Poyle Road. The Appellant's Highways consultant was of the view that such swapping about might be less safe.

(vii) The Appellant's Transport Assessment does not identify any inherent road safety issues along Poyle Road for pedestrians or cyclists in terms of personal injury collection data.[112]

6.168 For those reasons, the Inspector is asked to indicate (and obviously the same goes for the Secretary of State) that Option A is required under the terms of the section 106 Agreement.

**Balancing and conclusions**

6.169 To work through the various balancing exercises by way of overall summary (an exercise not undertaken by the Council's witness in his proof of evidence before the Inquiry):

(i) It is agreed that the benefits of the scheme would outweigh the less than substantial harm to the setting of the Listed Buildings.

(ii) The development accords with the Framework: very strongly with the economic chapter due to the support in paragraphs 85-87 for data centres, jobs and economic growth; and fully with the Green Belt chapter due to the grey belt nature of the site and the consequent absence of harm due to the scheme being not inappropriate. The most important policies for deciding the appeal are out-of-date and the tilted balance is engaged. The harms would not significantly and demonstrably outweigh the benefits. Therefore, the Framework is fully satisfied.

(iii) The same would be true in Framework terms even if there was a need to show very special circumstances. The circumstances here are extremely unusual: such a tremendously large unmet need, without

[112] ID15 paragraphs 3.1 – 3.7

alternative sites, in the SAZ; not just a scheme without alternatives but one which also has a BESS and private wire transmission connections deliverable in 2027/8 (thereby circumventing the intractable power supply issues bedevilling the most important data centre location in Europe). The benefits to the local and national economy are very significant and would clearly outweigh the harms that would be caused.

(iv) In relation to Green Belt harm (if very special circumstances is needed), the appropriate approach is not to load onto every separate component of Green Belt harm a weighting of *'substantial weight'*, as the Council argues. That is a misreading of paragraph 153. It is to be noted that the Secretary of State's own decision on the solar farm appeal (Summerleaze site) applied a single finding of substantial harm to the aggregate Green Belt effects that the scheme would cause.[113]

(v) The appeal proposals would comply overall with the Development Plan (very special circumstances, essential location in the Strategic Gap and Colne Valley Regional Park); however, under s.38(6) even if that was not accepted, material considerations would more than outweigh the non-compliance because (a) the weight to be given to non-compliance with the out-of-date policies of the plan should be very much reduced and (b) the benefits of meeting the need, etc, would indicate that permission should nonetheless be granted.

6.170 The appeal in a sense is a good example of how nothing stands still and everything changes – the planning system is flexible enough to cater for this. The approach to Green Belt is very different to how it was even 12 months ago (and as it had been for many years); the unmet need for data centres in the SAZ is unrecognisably larger than it was a few years ago. The statutory scheme and the Framework require all these changes to be addressed and the decision taken on the policies and the facts as they are today.

6.171 This rare opportunity to consent a deliverable, fully-powered hyperscale data centre in the SAZ against the rising tide of need is one that should be grasped. It is so important to the digital economy and economic growth that it outweighs objections even if very special circumstances are needed to be shown; it certainly outweighs the provisional and longer-term preferences of HAL for airport related development to be sited here; both of these needs can in the end be met.

6.172 For those reasons, and subject to the conditions and section 106 to be completed shortly, the Inspector is respectfully requested to recommend, and the Secretary of State to grant, permission for this proposal.

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[113] CD 7.5 (DL21)

# 7. THE CASE FOR SLOUGH BOROUGH COUNCIL

The case for the Council derives principally from its closing submissions, including helpful footnotes, with editing to aid conciseness and/or clarity.

## Introduction

7.1 This scheme seeks to build on a site which is essential for the successful operation of airport expansion of Heathrow which is a landmark opportunity for the UK. It clearly compromises the successful delivery of this vital project for the UK economy.

7.2 This site is in one of the most protected areas in the whole of the UK with what the Secretary of State and Courts have said is an entirely justified very high bar to development over and above the Green Belt.

7.3 Slough has already permitted the largest cluster of data centres in Europe and has an award winning Simplified Planning Zone (SPZ) which will assure that cluster over doubles in size over the next 7 years. Not only that, in the Slough Availability Zone (SAZ) there is a vast supply of sites which are agreed to be coming forward. That is agreed to be 1,711MW which is larger than the whole capacity of data centres in the UK in 2024. The Appellant accepted that the UK would have enough AI-capable data centres to meet the Department for Science, Innovation and Technology's (DSIT) forecast of need without this site.[114]

7.4 The development is substantially harmful to the Green Belt, is contrary to the Strategic Gap and contrary to the Development Plan.

## Conflict with Green Belt policy

### *Introduction*

7.5 The Framework is clear 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.[115]

7.6 The Green Belt, and its associated protection in national policy from *'inappropriate development'*, remains one of the strongest protections against certain forms of development.

7.7 The Development Plan's spatial strategy provides that all development will take place within the built-up area, predominantly on previously developed land, unless there are very special circumstances that would justify the use of Green Belt land.[116] The protection of the Strategic Gap adds a further layer. Slough's Green Belt policy is consistent with paragraph 153 of the Framework in that it makes provision for very special circumstances and is not out-of-date in that regard.

[114] CD 11.1 P – UK Compute Roadmap
[115] Framework paragraph 142
[116] CD 6.11 Policy CP1

7.8 In relation to national Green Belt policy, the Council's Green Belt case can be summarised as follows:

(i) First, the appeal scheme is inappropriate development because it:

(a) Fails to meet the definition of grey belt because it is on land that strongly contributes to purpose a);

(b) Fails to meet the definition of grey belt because it strongly contributes to purpose b);

(c) It would fundamentally undermine the purposes of the remaining Green Belt and affect its ability to serve all the purposes in a meaningful way; and

(d) There is no demonstrable unmet need for the type of development proposed.

If any one of those is correct this is not appropriate development.

(ii) Second, the appeal scheme would cause substantial harms to the Green Belt, including definitional harm, harm to openness, and harm to Green Belt purposes a), b) and c).

(iii) Third, there are no very special circumstances to justify approval of plans for inappropriate development in the Green Belt.

7.9 Despite the Appellant's Statement of Case categorising part of the appeal site as previously developed land, the Appellant's Landscape witness acknowledged that Area A is not to be considered as such. His grey belt case is limited to the issue of whether the appeal site strongly contributes to Green Belt purposes a) or b). Moreover, he accepted that the appeal scheme would cause substantial harm to the openness of the Green Belt.

7.10 The parties are at odds as to whether there are very special circumstances.

***The development is inappropriate development***

7.11 Generally, development in the Green Belt is inappropriate unless one of the exceptions in paragraph 154 of the Framework applies. None of the exceptions in that closed list apply here.

7.12 In December 2024, the Framework introduced a new category of development that is not inappropriate, namely the development of grey belt land in certain defined circumstances (set out in criteria a)-d) of paragraph 154, all of which must apply for the development to not be regarded as inappropriate).

7.13 First, the appeal scheme would not utilise grey belt land, because the appeal site is not grey belt for two reasons:

(i) it makes a strong contribution to purpose a); and

(ii) it makes a strong contribution to purpose b).

7.14 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'* of the Framework.

***The appeal site is not previously developed land in the grey belt definition***

7.15 The gateway to the grey belt that the Appellant initially claimed was on the basis that the majority of the appeal site is previously developed land. This was based on an erroneous understanding of the planning history and the effect of an Enforcement Notice and a conditional planning permission requiring the restoration of the green and purple shaded areas to agricultural use.

7.16 Quite clearly there is a breach of the conditions relating to the green land because the use permitted by the 2009 permission has ceased and what currently exists does not reflect the primary permitted use of 2009.

7.17 In relation to the certificate of lawfulness for the areas outlined in pale blue, the Council's witness described how there have been numerous changes of use post-dating the certificate and so the use certified is no longer lawful.[117]

7.18 The parking in the orange area was lawful but it is not clear that it has continued based on aerial photographs.[118] A building on the link strip is likely to be lawful as operational development.

7.19 Despite some minor differences, the Appellant accepts that Parcel A is not previously developed land and Parcel B is entirely greenfield agricultural land. Resultantly, the appeal site cannot be defined as previously developed land and cannot be considered as grey belt on that basis.

***The appeal site's strong contribution to Green Belt purpose a)***

7.20 As a matter of judgment, the decision-maker should conclude that the appeal site makes a strong contribution to Green Belt purpose a) (to check the unrestricted sprawl of large built-up areas), having regard to the considerations which inform such judgements in the PPG.[119]

7.21 In terms of being free from existing development, the appeal site performs strongly.

7.22 The first component aspect of the PPG is that assessment areas that contribute strongly to purpose a) are *'likely to be free of existing development…'*. The PPG's use of *'[l]ikely'* clearly qualifies that part of the guidance. A site which is not entirely free of existing development can still contribute strongly to purpose a).

[117] CD 11.1, Appendix T
[118] CD 11.13, Appendix 5
[119] the PPG is not subservient or secondary to the Framework: *Mead Realisations Ltd v SSCLG* [2025] EWCA Civ 32

7.23 Here, Area A should be treated as being almost entirely free of existing development. Unplanned and unlawful development should be *"ignored"*, as acknowledged by the Appellant's Landscape witness.[120]

7.24 Area B is free of existing development. But for ongoing breaches of planning control, the appeal site should be almost entirely free of existing development. It would be perverse if the breach of an Enforcement Notice or the breach of planning conditions could make it easier to develop a site and so advantage the person in breach. This would be allowing an applicant to benefit from the wrongdoing of their predecessors.

7.25 The second component aspect of the PPG is that assessment areas that contribute strongly to purpose a) are likely to *'lack physical feature(s) in reasonable proximity that could restrict and contain development'*.

7.26 It is not credible to suggest that physical features in reasonable proximity to the appeal site could restrict and contain development. The Appellant's Landscape witness sought to describe how to the west, land under the control of the Appellant is *'framed by dense vegetation and waterbodies at the Arthur Jacob Nature Reserve'*.[121]

7.27 In reality, that waterbody in not *'in reasonable proximity'*. In other words, there is nothing reasonably proximate to the west of the appeal site to restrict or contain development, so it lacks the physical features that could restrict development.[122]

7.28 The Appellant's press releases actively promote how *'[t]he site also offers the potential for further expansion'* and with plans to build another massive data centre to the west of the appeal site as a possible second phase of development.[123] The absence of landscaping treatment on this border in the appeal scheme merely reflects that clear investment strategy for further expansive development reaching into the Green Belt. The Appellant's witness could not construe any physical feature to the west of the proposed development that could restrict it. This would, in any event, not have been anything like as good a physical feature as the Poyle Road which is *'readily recognisable and likely to be permanent'*.[124]

7.29 The same is also true of the boundary between the land immediately to the south of the access serving the proposed data centre, marked by a thin hedge, and the 'infill plot' (the land associated with the dwellings to the south).

7.30 The third component aspect of the PPG is that assessment areas that contribute strongly to purpose a) are *'adjacent or near to a large built-up area'*. The appeal site meets this description. It is obviously adjacent or near to a large built-up area: notably, near to the edge of London.[125]

[120] CD 11.8, paragraph 4.14
[121] CD 11.8, paragraph 4.43
[122] CD 11.1, paragraph 3.64
[123] CD 11.1, paragraph 3.64; CD 10 K3 (page 2/7)
[124] Framework, paragraph 149 f
[125] CD 11.8 paragraphs 4.39 & 4.42; CD 11.1, paragraph 3.63

7.31 The fourth component aspect of the PPG is that assessment areas will be likely to contribute strongly to purpose a) if the development would *'result in an incongruous pattern of development (such as an extended "finger' of development into the Green Belt)'*. Note the key question is whether the pattern of development would be incongruous; the extended finger is given as a non-exhaustive example of such incongruity.

7.32 Here, the scale and nature of the appeal scheme would result in an incongruous pattern of development. The Council's Planning witness described how, in breaching the strong boundary of Poyle Road, the appeal scheme would represent an *"incongruous fist"* punching into the Green Belt. In this regard, it would project further than the hotel to the north, making it incongruous in terms of its location. Moreover, its sheer size and scale would make it incongruous in terms of its location within the Green Belt. This can be judged well by the aerial photo in the Design and Access Statement.[126]

7.33 Drawing all the above together, the appeal site makes a strong contribution to meeting the objective of purpose a) and as such it does not fall to be considered as grey belt land. That is the end of the grey belt issue.[127] Paragraph 155(a) of the Framework cannot be satisfied because the development would not utilise grey belt land.

7.34 Conversely, even if the decision-maker reaches a judgment contrary to the above on the strength of the appeal site's contribution to purpose a), then that is not the end of the grey belt issue.

***The appeal site's strong contribution to Green Belt purpose b)***

7.35 The appeal site makes a strong contribution to Green Belt purpose b) (*'to prevent neighbouring towns merging into one another'*), having regard to the considerations which inform such judgements in the PPG.[128]

7.36 The same points about likely being free from existing development apply as set out in relation to purpose a), above.

7.37 Here, the appeal site forms a substantial (and important) part of the gap between towns, the development of which would be likely to result in the loss of visual separation of towns. It was accepted by the Appellant's Landscape witness that in judging whether it was a substantial part of a gap, it was important to look at the experiential or perceptual aspect - it was not a numeric exercise.

7.38 It is the Council's evidence that the appeal site plays a vital role in an important pocket of Green Belt to the west of Poyle Road. The critical thing is that this is one of the very few areas of gap experienced in the journey from London to Slough. From the route from London to Slough [agreed to be Brands Hill] the open views along the Poyle Road are really the only relief from ribbon development achieved.

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[126] CD 1.36 page 25 (NB Page 10 earlier in this Report)
[127] CD 11.1 paragraph 3.67
[128] CD 11.8 Table 2 (page 18)

7.39 The parcels of the appeal site, the land to the south of the access and the land at the junction of Poyle Road and Bath Road (the Summerleaze site) are the only perception of gap left. It is thus a substantial part of the gap from a perceptual or experiential perspective. It is agreed that once the driver gets to Bath Road for the remaining journey to Slough [Brands Hill] there is ribbon development.[129]

7.40 This is a large site – some 8 hectares – and it is not sensible to talk about it in relation to the overall Green Belt in percentage terms. To do so would allow the death of the Green Belt in a thousand cuts. This is a critical pocket because it is a substantial part of the experience of a gap achieved on the route between London and Slough along the Poyle Road.

7.41 The Council's Planning witness drew comparison with the Summerleaze site, at the junction of Bath Road and Poyle Road which was the subject of an appeal for a solar photovoltaic farm.[130] In that case, the Secretary of State endorsed the Inspector's conclusions, which included that the development there *'would lead to the merging of Poyle and Colnbrook, as the site would no longer be able to provide an important separating feature between the residential areas to the north and the industrial and commercial uses to the south'*.[131] The Council's witness did not doubt that the appeal site with its 30 metre tall data centre would have a much greater impact than the 3 metre high panels on the solar farm, particularly given the proximity of the appeal site to the Summerleaze site, and the important role it plays in maintaining the impression that there is a separation between Slough and Greater London.[132]

7.42 Again, paragraph 155(a) of the Framework cannot be satisfied because the development would not utilise grey belt land.

7.43 Provided either of those judgements about the strength of the appeal site's contribution to purposes a) and/or b) are accepted by the decision-maker, then the criteria in paragraph 155(a) of the Framework is not made out, and the appeal scheme constitutes inappropriate development.

***The proposal would fundamentally undermine the purposes of the remaining Green Belt across the area of the plan***

7.44 Paragraph 8 of the PPG guidance is clear that a judgement needs to be reached as to whether releasing the land here would affect the ability of the remaining Green Belt to fulfil all five functions. If this site is lost there would be ribbon development along nearly all of the route between London and Slough. The remaining land cannot get the experience of a gap back. In fact, this site would also undermine the clear boundary of the Poyle Road and create a very weak boundary with the infill plot to the south of the appeal site access and the land to the west.

[129] CD 11.8 paragraph 4.56
[130] CD 11.1, paragraph 3.75 onwards
[131] CD 10. B4, IR paragraph 18
[132] CD 11.1 paragraph 3.77

7.45 There is already ribbon development along Bath Road and the appeal site is one of the last areas free of ribbon development along that route. If this is lost, the perception and experience of a gap would be fundamentally undermined and the remaining land would not be able to achieve that. Within this assessment the harm to purpose c) also needs to be brought in which is not disputed by the Appellant.

***Paragraph 155 b. is failed because there is not demonstrable unmet need***

7.46 The Council's Planning witness explained that there is not a demonstrable unmet need as evidenced later in the summary of the Council's case. However it is worthy of note in the footnote to 155 b. the example is given in the housing context of what would amount to unmet need. This is where there is a breach of Government set targets relating to 5-year supply. There is no equivalent here. There is no numeric need. The only Government forecasts of need in the case are DSIT ones in UK Compute Roadmap[133] which the Appellant recognised will be satisfied with the Government's strategy and will be met without this site. There is no unmet need within the meaning of this paragraph.

7.47 Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

***The appeal scheme would cause substantial harm to the openness of the Green Belt***

7.48 As referenced earlier, the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristic of Green Belts are their openness and their permanence.

7.49 Openness is the counterpart (i.e., the opposite) of urban sprawl.[134]

7.50 Being well-designed does not prevent something being sprawl, otherwise one could always say that development was not urban sprawl because it is well-designed. Likewise, the appeal scheme being *"compact and high density"* does not mean that it will not substantially affect openness: urban sprawl is the counterpart of openness.

7.51 In any event, the Appellant accepts that the appeal scheme would result in an overall substantial level of harm to the openness to the Green Belt. It is common ground that there would be substantial harm to the spatial aspect of openness arising from the appeal scheme.[135] The Appellant also accepts that the appeal scheme would generate localised substantial harm in terms of duration and *'remediability'*.

7.52 The parties disagree over the level of harm to the visual aspect of openness arising from the appeal scheme, but that does not change the shared overall assessment on the substantial harm to openness. The provision of 42,244

[133] CD 11.1P
[134] ID14 *R (Samuel Smith Old Brewery (Tadcaster) and Ors) v North Yorkshire County Council* [2020] UKSC 3, per Lord Carnwath at paragraph 22
[135] CD 11.8 paragraphs 7.33 & 7.10

square metres of floorspace within a 30 metre high building plainly has a significant effect on the visual aspect of openness.[136]

7.53 The substantial level of harm arising in this case should not be underplayed. Paragraph 153 of the Framework says that authorities should ensure that substantial weight is given to any harm to the Green Belt, including harm to its openness. Here, this includes:

(i) Harm by definition - substantial weight: the appeal scheme is inappropriate development in the Green Belt and should not be approved except in very special circumstances.

(ii) Harm to openness – substantial weight: even by the Appellant's own case, there is substantial harm to spatial openness, which as the fundamental aim of the Green Belt must be given substantial weight. The Appellant accepts harm to visual openness and impact on it.

(iii) Harm to Purpose a) – substantial weight: there is severe harm to Green Belt purpose a) which must be given substantial weight.

(iv) Harm to Purpose b) – substantial weight: there is significant harm to Green Belt purpose b) which must be given substantial weight.

(v) Harm to Purpose c) – substantial weight: there is acknowledged,[137] and the Council says significant, harm to Green Belt purpose c) which must be given substantial weight.

7.54 Paragraph 153 envisages ascribing substantial weight to *'any'* harm; here there are multiple different harms, each attracting substantial weight.

7.55 Added to that already-heavy basket of harms amongst other harm, there is significant harm to the Strategic Gap; harm to the clear policy promoting the third runway by using a site that is essential for the successful operation of the airport and severe harm to the Colne Valley Regional Park.

**Conflict with Strategic Gap policy**

7.56 The appeal site is all within the Strategic Gap. This is an essential part of the spatial strategy of the Core Strategy. It has been endorsed as fully justified by the Secretary of State on two occasions and upheld by the High Court twice. The Secretary of State has given it *'full weight'* and *'substantial weight'* post-dating the introduction of the Framework in 2012 and its pro-growth ambitions.

***The Strategic Gap is an entirely justified policy which imposes a 'very high bar' on development within it***

7.57 Policies CP1[138] and CP2[139] are central policies to the Slough Core Strategy. CP1 is the spatial vision and CP2 sets out the policy test for one of the critical components of the Strategic Gap.

[136] CD 1.36 pages 53, 120 - 123 (visualisation, View VP05C)
[137] CD 11.8 paragraph 4.99
[138] CD 6.11
[139] CD 6.12

7.58 In the Slough International Freight Exchange (SIFE) appeal, the Secretary of State endorsed conclusions of his Inspector that *'fragmented and vulnerable'* is a good description of the characteristics of this area.[140]

7.59 The Secretary of State also endorsed the reasoning of the Inspector who concluded that the Strategic Gap policy was merited having regard to the principles of sustainable development in the Framework.

*'The policy supports the Borough's spatial strategy, which is firmly based on the principles of sustainable development. At the heart of the Framework is a presumption in favour of sustainable development. The very high bar set by the policy is merited because of the need for distinguishing this particularly sensitive area of the Green Belt. This sensitivity stems from the combination of a number of factors that are not present to a similar degree in other parts of the Green Belt.'*[141]

7.60 The Inspector also concluded that the Strategic Gap imposes an additional policy restraint on proposals for development and should be given full weight:

*'I conclude that the Strategic Gap policy imposes an additional policy restraint on proposals for development located in this very sensitive area. The policy has full weight as a key component of the development plan for Slough. The 'it is essential to be in that location' test is distinct from demonstrating 'very special circumstances'.*[142]

7.61 This Secretary of State's decision was upheld in the High Court in *Goodman Logistics v Secretary of State* [2017] EWHC 947.[143] Mr Justice Holgate[144] gave a summary of the Inspector's conclusions on the Strategic Gap which were endorsed by the Secretary of State. Holgate J upheld and agreed with the Secretary of State's interpretation of policy. Mr Justice Holgate's summary of the Inspector's Report and the Secretary of State's decision on the Strategic Gap was as follows.

*'The Strategic Gap is particularly important. It is a fragmented and vulnerable part of the Green Belt. The very high bar set by CP2 is merited because of the need to distinguish this particularly sensitive area of the Green Belt. The policy should be given full weight as a key component of the development plan for Slough ……'.*[145]

7.62 Mr Justice Holgate explained the rationale for the policy in the language of the Core Strategy Explanatory Memorandum at paragraph 7.26, and described how CP2 should be interpreted alongside Green Belt policy:

*'The remaining open land in Colnbrook & Poyle, east of Langley/Brands Hill, is particularly important because it forms part of the Colne Valley Park and acts as the strategic gap between the eastern edge of Slough and Greater London. Additional restraint will therefore be applied to this fragmented and vulnerable part of the Green Belt …….'.*[146]

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[140] CD 7.10 paragraph 12.21
[141] CD 7.10 paragraph 12.23
[142] CD 7.10 paragraph 12.25
[143] CD 7.8
[144] As he then was
[145] CD 7.8 paragraph 21
[146] CD 7.8 paragraph 49

7.63 This policy has been endorsed and interpreted as a *'very high bar'* to development in not one but two High Court cases, The first *was Helioslough v Secretary of State* [2011] EWHC 2054.[147] That decided that CP2 applies an additional policy restraint to the Strategic Gap (and the Colne Valley Park) over and above Green Belt designation and sets a *'very high bar'* because of the special sensitivity of the tightly defined area which it applies. This is the summary of what was held by Holgate J in *Goodman Logistics v Secretary of State [*2017] EWHC 947.

*'[the] High Court decided ([2011] EWHC 2054 (Admin) ) that CP2 applies an additional policy restraint to the Strategic Gap (and the Colne Valley Park) over and above Green Belt designation, and which sets "a very high bar" (paragraph 86), because of the special sensitivity of the tightly defined area to which it applies.'*[148]

7.64 Core Policy CP2 applies a policy restraint in the Strategic Gap *in addition to* that provided by Green Belt policy.[149] This very high bar to be applied is whether the development *'is essential to be'* in the Strategic Gap. Holgate J said:

*'it is plain that CP2 proceeds on the basis that the "very special circumstances" test in Green Belt policy is insufficiently strong to protect the vulnerable Strategic Gap'.*[150]

7.65 The Inspector's report in the SIFE appeal, with which the Secretary of State agreed, provides a textbook example of how to apply the policy which seeks to protect the vulnerable and important Strategic Gap.[151]

***Policy CP2 is not out-of-date***

7.66 It is clear that Policy CP2 is up to date. It has been tested against the Framework on several occasions and found to be consistent.

7.67 The fact is that the Secretary of State has been clear that after the publication of the 2012 Framework 'full weight' should be given to policy CP2. This expressly considered the degree of consistency with the Framework. This is set out in the SIFE appeal decision.[152]

7.68 Firstly, it expressly tested CP2 by reference to its consistency with the Framework.

*'Core Policy 2 predated the publication of the Framework. Applying national planning policy, the weight to be attached to the policy depends on its degree of consistency with the Framework'.* [153]

7.69 Having done that, the Inspector found that:

*'The policy supports the Borough's spatial strategy and is firmly based on the principles of sustainable development'.*[154]

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[147] CD 7.8 paragraphs 9 & 49
[148] CD 7.8 paragraph 49
[149] CD 11.12 paragraph 12.8 (referencing supporting paragraph 7.26 of Policy CP2 - CD 6.12)
[150] CD 7.8 paragraph 54
[151] CD 7.1 paragraph 12.20 onwards
[152] CD 7.10 paragraph 12.23
[153] CD 7.10 paragraph 12.22
[154] CD 7.10 IR 12.23

7.70 The Appellant's Planning witness accepted that the Spatial Strategy was firmly based on the principles of sustainable development. Looking at CP1, it has a brownfield first approach, an approach of putting high density and intensive uses in the town centre and areas for regeneration.

7.71 CP2 is an essential part of the Core Strategy and sets out the policy for the strategic gap. The SIFE Inspector described this as an essential element of Slough's Core Strategy in a passage expressly accepted by the Secretary of State who said:

*'The Strategic Gap is an essential element of Slough's Core Strategy'.*

7.72 So, it is all part of a spatial strategy that is firmly based on the principles of sustainable development. It cannot be said to have gone out-of-date.

7.73 In any event, the Inspector was clear having tested it against the consistency with the Framework 2012 that full weight should be given to CP2:

*'The policy has **full weight** as a key component of the development plan for Slough'.*[155]

7.74 The Secretary of State endorsed this.[156] It is inconceivable that full weight would have been given to CP2 had it been inconsistent with the Framework 2012 and its pro-growth agenda.

7.75 The same policy was endorsed, *'substantial weight'* in the Secretary of State's decision in the Helioslough case as reported accurately in the SIFE decision:

*'In the 2014 Radlett decision the Secretary of State attributed substantial weight to the Strategic Gap Designation……'.* [157]

7.76 Not only has the Secretary of State given full weight and substantial weight to CP2 on two occasions but Mr J Holgate endorsed as a perfectly lawful approach in the decision in the following way:

*'The Strategic Gap is particularly important. It is a fragmented and vulnerable part of the Green Belt. The very high bar set by CP2 is merited because of the need to distinguish this particularly sensitive area of the Green Belt. The policy should be given full weight as a key component of the development plan for Slough……'.*

7.77 There was no suggestion that there was any error of law in giving full weight to that policy. The Judge found that the Inspector's interpretation of the policy which was endorsed by the Secretary of State was correct.

7.78 Nonetheless, the Appellant's Planning witness sought to suggest that the revisions in the 2024 Framework changed that. It is the Council's position that neither the grey belt nor reference to data centres changes matters.

[155] CD 7.10 IR 12.25 (emphasis applied by Counsel)
[156] CD 7.10 DL15
[157] CD 7.10 IR 12.24

***Grey belt introduction does not change weight***

7.79 The introduction of grey belt does not make this policy out-of-date. The Green Belt protection policy sets a lower bar to development than is evident in the Strategic Gap policy. It is illogical to suggest, as does the Appellant, that alterations to a different lower bar should make the higher bar out-of-date.

7.80 The grey belt is explicit about what changes it makes to development management. It makes some cases not inappropriate development if they meet the paragraph 155 tests. That has been applied in this case. It does not seek retrospectively to alter other policies imposing different tests. The Council has allowed for the changes it makes in this case by following the Framework tests in paragraph 155 for appropriateness. It does not seek to change other restraint policies.

7.81 If there is a need for additional data centres in the SAZ, the lowering of the Green Belt bar means that there are now areas outside of the Strategic Gap which are easier to develop if they are found to be grey belt. It must be remembered that only 3 of the alternative sites were in the Strategic Gap and 15 being in the Green Belt.[158] The effect of the change is to make it easier to put data centres, if needed, in the Green Belt and thus less necessary to consider the Strategic Gap. In any event, changes to grey belt do not affect this case because this site is not grey belt.

***Including data centres in the lists in paragraphs 86 and 87 of the Framework does not make all local plans out-of-date.***

7.82 If it were to be found that the inclusion of data centres in a long list of priorities, as set out in paragraph 86 of the Framework, made CP2 out-of-date (when it had previously had full weight) then this logic would apply all over the country and plan policies would routinely become out-of-date. This would undermine the plan-led system.

7.83 The Court of Appeal found in *Peel Investments v Secretary of State* [2020] EWCA Civ 1175 in relation *to '…… whether a plan without strategic housing policies is automatically out-of-date for the purposes of paragraph 11d ……'* stated:

*'…… paragraphs 17 and 20 of the 2018 NPPF do not, in my judgment, provide support for the appellant's case on the second ground of appeal. They relate to the preparation of future plans, not the question whether existing policies are out-of-date'.*[159]

7.84 The Secretary of State submitted in this case that when the Framework imposed new plan requirements this should only apply to future plans and not make existing plan policy out-of-date. The Secretary of State's submissions were as follows:

*'58 ……[it was] submitted that it would undermine the plan led system if implementation of a new framework policy about adoption of plans automatically rendered pre-existing plans out of date'.*

[158] CD 11.7 page 23 - namely Manor Farm, Former Colnbrook Landfill and SIFE
[159] CD 7.14 last sentence of paragraph 68

7.85 The Court of Appeal found that :

*'In my judgment the arguments advanced on behalf of the Secretary of State and the Council are plainly correct'.*

7.86 In any event, it is a very arid and unmeritorious criticism in Slough. Slough has, even without the requirement in the Framework, permitted more data centres than any other local authority in the country and has an award winning SPZ that has helped facilitate an enormous pipeline of 4.3 million square feet in the STE. In addition, it has permitted the Akzo Nobel site and the large Microsoft data centre at Langley.

7.87 It should be noted that the words of paragraph 87 want planning policies and decisions to *'address the specific locational requirements of the different sectors'*. The Strategic Gap policy requires new development to be essential in the location proposed. The Appellant was unable to point to any geographical reason to locate a data centre here. It is in latency terms about as far away from the epicentre of the cluster at LD4 internet exchange point[160] on STE as it is possible to be in Slough. There was no other geographical reason advanced to suggest why a data centre should be put on the appeal site.

***Development fails to clear very high bar for permitting development in the Strategic Gap***

7.88 As the Secretary of State decided, and the High Court held, the Appellant would need to show:

(i) that the project is essential; and

(ii) it is essential to be in this location.[161]

7.89 The Appellant has failed to show either. It has not been demonstrated that the development itself is essential. The demand case is extremely weak - it is nothing like sufficient to be essential.

7.90 In terms of meeting the *'essential'* test, the Appellant's rebuttal[162] falls back on the asserted need case. This is nothing like sufficient to pass the essential test for need as set out below.

7.91 On the second element of this test (whether it is essential to be in this location) the Appellant had no geographical case whatsoever. Distinctly, the Strategic Gap only comprises a very small part of the Appellant's area of search for data centres.[163]

7.92 The very high bar for permitting development in the Strategic Gap is failed. The consequences of this and breach of CP1 makes the development contrary to the plan read as a whole. This is dealt with further in the planning balance section below.

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[160] Inspector's Note – see paragraph 6.65 above and footnote 70
[161] CD 7.8 paragraph 51
[162] CD 11.18 paragraph 5.89
[163] CD 11.7 Figure 3 (page 17)

***Harm to the Colne Valley Regional Park and breach of Colne Valley Regional Park policy***

7.93 The Colne Valley Regional Park is the first substantial taste of countryside to the west of London. Founded in 1965, it stretches from Rickmansworth in the north to Staines and the Thames in the south.[164]

7.94 Colne Valley Regional Park is of regional importance, and the Colne Valley Park Trust has identified six objectives for the park.[165] The stringent presumption against development (contained in CP2[166]) recognises the strategic role Colnbrook and Poyle has in preventing the severance of the park, and the fact that it is amongst the most pressurised parts of the Green Belt.[167] This policy has been upheld at a number of appeals, including the Summerleaze appeal referred to earlier.

7.95 The appeal scheme with its 30 metre high data centre would result in the further urbanisation, loss of countryside recreation opportunities and severance of the Colne Valley Regional Park. Resultantly, the appeal scheme would severely harm the park and prevent the restoration of the appeal site which can happen absent this scheme pursuant to the Enforcement Notice and conditions.[168]

7.96 As with the Strategic Gap, the Appellant has not demonstrated that it is essential for the appeal scheme to be in this location.[169]

7.97 The only real point that was taken is from the representations of the Colne Valley Park Trust. It is unclear to what extent they relied on the errors in the planning statement about Area A being previously developed land.

7.98 In short, there are breaches of the Colne Valley Regional Park policy, and the Appellant has not shown that the development passes the essential test.

**Conflict with Government Statements on Heathrow and Airports National Policy Statement and proposals**

***Government wants Heathrow expansion as a 'landmark opportunity… for UK economy'***[170]

7.99 The Government wants Heathrow expansion to unlock growth and deliver wider economic benefits:

(i) That strong desire is the golden thread running through the extant ANPS.[171]

(ii) The Government similarly recognises that the scale of that opportunity is arguably unparalleled for UK plc: *'[e]xpansion could inject billions into our economy, create over 100,000 extra jobs, strengthen Heathrow's status as a global passenger and air freight hub, and deliver major benefits for passengers, including lower fares and reduced delays.'*[172]

[164] CD 11.1 paragraph 5.2
[165] CD 10D.4; CD 11.1 paragraph 5.3.
[166] CD 6.11 Policy CP1 and supporting paragraph 7.6 (page 23)
[167] CD 11.1 paragraphs 5.9 & 5.4
[168] CD 11.1 paragraph 5.16 onwards
[169] CD 11.1 paragraph 5.22
[170] ID22
[171] CD 14.1
[172] CD 11.2, Appendix A, p.1

(iii) This support was confirmed in the Transport Secretary's written statement to Parliament in January 2025, reiterated in her letter to potential promoters in June 2025, and emphasised in a very recent oral statement to the House of Commons on 22 October 2025.[173]

(iv) Indeed, by the time that the Secretary of State comes to determine this appeal, plans for Heathrow expansion are likely to have accelerated further.

7.100 The appeal scheme cuts through those aspirations:[174]

(i) The appeal site has long been (and continues to form) part of Heathrow's plans to expand the UK's only hub airport through the development of a third runway and associated airport-related development, in particular freight forwarding.

(ii) HAL's witness, a leading architect for HAL, told the Inquiry that '*[t]he land to the west of Poyle Trading Estate (including the Manor Farm site [i.e., the appeal site]) comprises over 40% of the freight forwarding land contained in Heathrow's proposals …… it would be a major detriment to Heathrow's proposals if this land were not able to accommodate the freight forwarding facilities that have long been planned for it.*'[175]

7.101 The appeal scheme was so important as to be considered necessary for the *'successful operation of the airport'*[176] in the masterplan that was consulted on with millions of people in 2019. This was after a very thorough exercise which had shown that this site would pass all elements of the *'Decision Tree'* locational criteria[177] including being able to show:

(i) a compelling case in the public interest for freight;

(ii) the very special circumstances test; and

(iii) essential need and essential to be in this location.

7.102 It is evident that the proposed data centre scheme will seriously prejudice the Government's most important infrastructure plan, which it hopes to consent in what remains of the current Parliament.

7.103 It is essential to consider the policy context first.

7.104 Since 2018, Government policy in the ANPS has emphasised the importance of aviation, including air freight, to the UK economy.[178] Capacity constraints in the sector limit economic potential, and the Government's preferred solution remains expansion at Heathrow, which is regarded as best placed to enhance international connectivity and deliver the greatest economic and freight benefits.[179]

[173] CD 11.2 Appendix A; CD 14.4; & ID 22
[174] As set out in CD 14.1; CD 5.9; & HAL's existing expansion masterplan and current working proposals
[175] CD 8.18 paragraph 14B) - emphasis added by Counsel
[176] CD 14.3 paragraph 4.9.13
[177] CD 8.20 page 8
[178] CD 14.1 page 14, paragraph 2.7
[179] CD 14.1 paragraph 2.10 onwards; section 3

7.105 Although the ANPS includes an illustrative masterplan (based on a much earlier submission by Heathrow), its boundaries are not fixed, and the Secretary of State retains discretion to determine policy compliance of any proposal submitted for consideration.[180] Tellingly, HAL's planning consultants subsequently proceeded on the basis that some proposed uses could fall outside the red line boundary provided that there was a robust justification for its inclusion, and reached the view that Manor Farm was essential for the successful operation of the airport expansion.[181]

7.106 Recent Government statements reaffirm strong support for Heathrow expansion. In January 2025 the Chancellor highlighted the scheme's potential to boost growth, investment, and exports;[182] and the Secretary of State for Transport confirmed to Parliament that proposals for a third runway are being invited, with a review of the ANPS to follow.[183] Subsequent guidance to promoters reiterated that any expansion scheme should seek to maximise cross-economy growth opportunities and value for money, minimising scheme costs for passengers, customers and Government.[184]

7.107 Since HAL's evidence to the Inquiry, on 22 October 2025, the Government confirmed that it is committed to delivering progress swiftly and robustly on what is '*a landmark opportunity – for Heathrow, for the aviation sector, and for the UK economy*'. A review of the ANPS will provide the basis for decisions on any future planning applications; if amendments are needed, there will be a further process of consultation.[185]

7.108 The Government has confirmed that HAL's is one of two potential schemes which remains under active consideration.[186] The Government also told promoters that in the next month, it intends to give a final decision on the single scheme as part of the ANPS review. Accordingly, HAL will shortly provide information and maps which show the exact land required for delivery, including the land required for compulsory acquisition.[187]

7.109 The Government is also considering designating Heathrow expansion as Critical National Priority Infrastructure.[188] The Government is absolutely committed to making a decision on the third runway in this Parliament. It has confirmed and made even clearer that expansion at Heathrow must minimise cost for passengers and customers, and the taxpayer must not be expected to foot the bill.[189]

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[180] CD 14.1, Annex B, p.91; para 4.3 & 4.11.
[181] CD 14.3 paragraph 4.9.13; CD 14.8 paragraph 7.4.44 (1); & paragraph 7.3.6
[182] CD 11.2, Appendix D: the Chancellor of the Exchequer told business leaders that she has "*always been clear that a third runway at Heathrow would unlock further growth, boost investment, increase exports, and make the UK more open and connected*"
[183] CD 11.2 Appendix A, page 1
[184] CD 14.4
[185] ID22 pages 2, 3 & 5
[186] ID22 page 4
[187] ID20 pages 3 & 4
[188] ID20 page 7
[189] ID22 page 2

7.110 These policy statements and ministerial pronouncements, alongside the ANPS, are material considerations[190] for the Secretary of State, who should assess the extent to which the appeal proposal aligns with the Government's current policy direction on Heathrow expansion, and should separately take account of HAL's position on how the appeal scheme would affect its expansion proposals.[191] Recent announcements have, unsurprisingly, reignited HAL's expansion plans, which are now proceeding *'at pace'*.[192]

***HAL requires this site for the Third Runway expansion***

7.111 It is relevant to consider what the existing operator of Heathrow Airport has to say about how the appeal site relates to expansion proposals. Its clear position is to object to the appeal scheme, and it identifies conflict with plans for a third runway at Heathrow.[193]

7.112 Since the adoption of the ANPS in 2018, HAL, as Heathrow Airport's existing operator, carefully planned and prepared a detailed masterplan across several years. Throughout, *'careful consideration'* has been given to the requirements set out in the ANPS, which guided the composition and layout of the Preferred Masterplan.[194]

7.113 There was a very thorough process for choosing the appeal site for replacement and additional airport supporting development, involving an exhaustive process which sought to direct development to the '*most appropriate locations'*.[195]

7.114 The Appellant's own planning consultant led on a planning strategy for the off-airport masterplan that was intended to withstand scrutiny at a DCO examination. During master-planning, all options identified, including the Preferred Masterplan itself, put cargo-driven airport-related development on the site.[196] That process resulted in HAL's Preferred Masterplan, which only included replacement and additional airport-supporting development that is *'essential for the successful operation of the airport'*, with regards to site suitability, planning considerations and other factors.[197]

7.115 The Preferred Masterplan was consulted upon, and at the end of that period, the Appellant's Planning witness' consultancy sought to provide a summary of land use strategy principles, taking an overall approach that '*[t]he amount of land required for expansion has been minimised as far as is practicable and directed to the most appropriate locations'.* Again, the appeal site was included as part of that development and considered '*essential for the successful operation of the airport.'*[198]

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[190] CD 11.18, paragraph 8.3 - the Appellant appears to accept that the ANPS and WMS are "*contextually relevant*"
[191] Framework paragraph 5 re National policy statements
[192] CD 11.2 paragraph 3.18
[193] ID17 paragraph 3
[194] CD 14.3 paragraph 3.2.4; & CD 8.05 page 1
[195] CD 8.5 page 1
[196] CD 14.8 paragraph 7.4.45: Figures 21 - 24 & 28
[197] CD 14.3, paragraph 4.9.13
[198] CD 8.20 page 1; Principle 4 (page 2) & page 7 (paragraph 1) footnote continued overleaf

7.116 For obvious reasons, the masterplan process was initially informed by stringent distribution principles for cargo and freight forwarding. Sites needed to be within or on the customs boundary, or within just one mile of the cargo entrance to the airport, with good highway access to trunk roads; swift, unimpeded access to the Internal Temporary Storage Facilities with low risk of delay, and with sites to the south and west to align with current cargo industry distribution.[199]

7.117 A process of refinement of search followed. This refinement process included positively demonstrating that very special circumstances existed for use of the appeal site; whether any other issues affect the suitability of the site for the nature and scale of development; whether it was appropriate to include the development within the DCO; and whether there was a compelling case in the public interest to justify compulsory acquisition. Only the sites that got through – such as the appeal site – were to be included in any DCO.[200]

7.118 A further refinement process (Assembly Options B) was undertaken to provide a more robust assessment; and every single option identified the site to be used for cargo driven airport related development.[201] Following an onerous process of refinement (which the appeal site passed[202]), even more restrictive principles were settled upon for the Preferred Masterplan. Given all that, the Preferred Masterplan identified the appeal site for cargo-related airport related development.[203]

7.119 HAL has told this Inquiry that following '*rigorous and extensive'* selection and testing of the appeal site, HAL has not identified a better site for freight forwarding and nor has anyone else; that the appeal site is a '*high priority*' having regard to its credentials, and that it would be harmful to HAL's expansion plans if this site were taken for an alternative use.[204]

***No evidence to justify why no longer essential for Heathrow***

7.120 There is no relevant reliable and supportable evidence to support a change from the Appellant's Planning witness' earlier view (as reflected in HAL's September 2019 position and after his having worked on Heathrow expansion for some two years by that point).

7.121 Nothing can be found in the Appellant's evidence or supporting documentation – and its witness' assertion that alternative sites exist to accommodate freight forwarding is unsubstantiated by any documentary evidence. After all, this was previously identified as the most appropriate location for freight-forwarding; and any alternative site would need to meet the stringent requirements for evidence-based master-planning, within one of the most constrained localities in the country.

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Inspector's Note: The context of the second quotation is: 'The masterplan only includes replacement and additional Airport Supporting Development (ASD) that is essential for the successful operation of the airport, with regard to site suitability, locational & surface access imperatives, planning considerations and other factors'.

[199] CD 14.8 Table 7.9 (page 21) & page 75
[200] CD 14.8 page 7.55
[201] CD 14.8, paragraph 7.4.49 and pages 7.57 - 7.61
[202] CD 14.8 pages 7.42, 7.44, 7.50, 7.54 - 7.55 & 7.70
[203] CD 14.8 Figure 7.29 (site G5) – See Section 8 of this Report for illustration
[204] ID17 paragraph 15

7.122 HAL's witness indicated how little has changed since earlier master-planning, with no better site encountered. There are '*very strong locational drivers'* which put the site head and shoulders above any other. First, geography, with proximity to Heathrow's cargo operations, and unparalleled access to the strategic road network, and the wider Poyle Trading Estate which is already alive with activity supporting the operation of the airport. HAL's witness noted, in examination in chief, the "*great advantages to co-locating*" and the "*scale and amount of floorspace achievable on site is "significantly more than any other site*".

7.123 As of today, HAL '*still intends to include the Manor Farm site as part of its proposals for freight forwarding and electrical infrastructure to support the operation of the airport. This is because of the demonstrable requirement for these facilities, the careful process that was followed to select the site in the first place …… and the appropriateness of the site for the proposed use supported by the engagement and consultation undertaken to date.'*[205]

7.124 In light of the Government's aspirations to substantively expand freight forwarding capacity, the appeal site continues to play a major role in how HAL proposes to meet those objectives: '*[t]he land to the west of Poyle Trading Estate (including the Manor Farm site) comprises over 40% of the freight forwarding land contained in Heathrow's proposals …… it would be a major detriment to Heathrow's proposals if this land were not able to accommodate the freight forwarding facilities that have long been planned for it."*[206] Were the appeal site to be taken for a different use, it would *"significantly impact Heathrow's ability to deliver the necessary freight forwarding uses in a comprehensive and sustainable way'*.[207]

7.125 Crucially, given the extensive planning and consultation already undertaken, things are unlikely to change. HAL's witness, in cross-examination, considered that the site will continue to be a strategically valuable site for expansion. Demand for freight forwarding is likely to hold, and locational factors will continue to be such that this will remain the most advantageous site "*by some distance*".

7.126 The Transport Secretary described how '*the world has changed'* since 2018.[208] Yet there are some key fundamentals which are unaltered. The geographical and spatial constraints around Heathrow mean that HAL considers the appeal site to be by far the best site for delivering the scale of development required – this is unlikely to change.[209]

7.127 Given the very recent announcements, it is worth observing that ongoing developments might be material to the exercise of planning judgement by the decision-maker on this issue. In particular, in ascribing weight to (i) the ANPS and (ii) HAL's stated expansion plans, it may be that one or more of the following matters may be relevant for the decision-maker to take into account:

[205] CD 8.18 paragraph 14 A)
[206] CD 8.18 paragraph 14 B) (Counsel's emphasis)
[207] CD 8.18 paragraph 14 C)
[208] ID22 page 5
[209] CD 8.18 paragraph 14 C)

- whether HAL has been announced as the chosen single scheme to inform the remainder of the ANPS review;
- whether HAL has provided information and maps which show the exact land required for delivery and whether there is an indication that the appeal site requires compulsory acquisition; and
- whether the ANPS review has concluded; and whether amendments have resulted in consultation.

***The scheme conflicts with Government policy on Heathrow***

7.128 The proposals seek to put a massive data centre on land that has long been planned to contain over 40% of the freight forwarding land contained in HAL's proposals. The appeal site is '*required as part of Heathrow's expansion*', as confirmed by HAL at this Inquiry. The Appellant's plans diametrically conflict with HAL's plans.

7.129 Heathrow's position is that the appeal scheme would '*conflict with proposals for a third runway at Heathrow'*, and '*strongly objec*t' to the appeal scheme.[210]

7.130 The Appellant has failed to show that the appeal scheme aligns with the Government's expressions of policy relating to Heathrow expansion.

7.131 Rather, it is the Council's evidence that the appeal scheme conflicts with the proposals for delivering the Government's preferred scheme, the Government's statements in support of the third runway and national policy.

7.132 By permitting an alternative land use on a site that is '*essential for the successful operation of the airport'*, granting planning permission would operate as an impediment to airport expansion unlocking growth benefits, including through massively expanding freight forwarding capacity.

7.133 By saddling HAL with additional costs associated with compensation for a site that is *'essential for the successful operation of the airport'*, granting permission for the appeal scheme would not '*maximise cross-economy growth opportunities and value for money'*.

7.134 Planning policies and decisions should recognise and address the specific locational requirements of different sectors, and this includes making provision for the expansion or modernisation of other industries of local, regional or national importance to support economic growth and resilience as set out in paragraph 87c) of the Framework.

7.135 The Council's Heathrow witness observed that "t*here is only one Heathrow, and it can only expand in one area*"; expansion has to be in a location related to the existing airport. Heathrow is a local business, employing a number of Slough residents; as well as being regionally and nationally important (and indeed globally – international connectivity underpins the rationale for expansion).

[210] CD 8.5 page 1 & ID 17

7.136 The same witness' evidence is that permitting the appeal scheme would lead to significant cost implications in relation to the cost-effective deliverability of the proposed Heathrow expansion.[211]

7.137 It is evident that putting a massive data centre on land HAL says is required as part of its expansion plans inhibits this '*landmark opportunity …… for the UK economy*'. It is contrary to the Government's clear support for the expansion proposals[212] because the Government wants a successful expansion and not a compromised one without essential freight facilities.

7.138 Sites for major freight forwarding operations in the most constrained area of the country do not grow on trees, especially given the stringent requirements necessary to ensure that HAL's expansion can unlock the extent of the economic growth intended by successive Governments.

7.139 These material considerations weigh substantially against the grant of planning permission and give rise to a stand-alone reason for refusal.[213] It is contrary to Government statements that support this vital project which clearly want it to be successful and cost effective. To deprive the expansion of essential freight facilities and/or to saddle it with enormous unquantified compensation costs as a result of granting this permission is contrary to the clear support for expansion by the Government.

**No planning need for more data centre permissions**

7.140 Slough is probably the most permissive authority of data centres anywhere in the UK. It is one of the very few authorities that has used a mechanism of a SPZ which has helped to facilitate *'Europe's largest data centre cluster'*. Slough has the largest data centre cluster in the world behind Ashburn, Virginia. Not only has Slough permitted expressly or through the SPZ the largest cluster of data centres in Europe, but it has also recently permitted some large hyperscale data centres:

(i) On the former Akzo Nobel site (Slough Interchange Industrial Estate) it has permitted 3 facilities with a total of 67,337 square metres floorspace.

(ii) At Langley business centre planning permission has been granted for Microsoft for a 96,500 square metre data centre.[214]

***Slough Trading Estate will meet the need***

7.141 Any case being made for demand has to start with an understanding of the current capacity of data centres and an understanding of how much has been added to data centre capacity in the past.

[211] CD 11.2 paragraph 3.27
[212] ID22 page 5 (and suite of earlier Statements)
[213] CD 11.2 paragraph 3.28
[214] CD 11.1 page 16

7.142 STE is *'Europe's largest data centre cluster'*.[215] It is not only the largest cluster numerically, but also a major proportion of capacity in the UK. It had in 2024 between a quarter and a fifth of capacity of the UK.[216]

7.143 The Council has built on three decades of innovative planning and recently introduced a new SPZ for the STE which will help to deliver 4.3 million square feet of data centres in the next 7 years.[217] That is a figure that comes from SEGRO who have built 32 data centres on the STE.

7.144 SEGRO's figures of future delivery potential are worthy of enormous respect because of its track record. It obviously has a power strategy and has more experience at powering data centres in Slough than any other company. The Appellant could not sustain any challenge to this pipeline which forms part of available supply. The Appellant's Power witness accepted he was not party to SEGRO's power or commercial strategy and simply relied on information that was in the public domain. There was no effective challenge to SEGRO's ability to deliver the pipeline.

7.145 Looking at the actual numbers in the STE on demand and supply, it can be seen that there is sufficient supply just on the Estate to meet demand for the next 6 years, coinciding with the Appellant's period for forecasting.

7.146 The PPG (Housing and economic needs assessment) approaches assessment of future need as:

> *'Analysis based on the past take up of employment land'.*[218]

7.147 The accurate figures for past take up of data centres on the STE are available from DC Byte live.[219] There is also accurate information from SEGRO of what it has built and is operating. SEGRO says:

> *'In the last 5 years, 14 data centres have been delivered on/adjacent to Slough Trading Estate, totalling c. 2 million sq ft'.*[220]

7.148 So, on any normal measure, the future pipeline is easily sufficient to meet the level of future need forecast based on take up.

7.149 DC Byte show past completions as 236 MW.[221] As 30 MW relates to Yondr on the former Akzo Nobel site, delivery on STE has been 206 MW over the past 6 years. SEGRO has the ability to deliver 559 MW in the next 7 years.[222] Based on the take up of 206 MW over the last 6 years the pipeline of 559 MW is vast.

7.150 There can be no doubt that what SEGRO provides will be what they, as the most experienced provider of data centres in the UK, judge is needed. The

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[215] CD 12.6 page 16
[216] ID5 - current figure of 369 MW in SAZ (30 MW of that may be at Yondr); the total size of UK excluding Enterprise data centres is 1.6 GW (ID7)
[217] CD 10 I1.1
[218] ID6 PPG paragraph 27
[219] ID5
[220] CD 10 I.1
[221] ID5
[222] CD 11.3 paragraph 5.5.6

beauty of the pioneering SPZ is that it gives SEGRO flexibility to build what is needed by the market. The restrictions on height are more permissive than previously was the case and the ability to develop data centres is easier under the new SPZ than its predecessors.

7.151 The latency at the STE is exemplary. The data centres coming forward in the future, and those existing on the STE, are at the core of the SAZ and closest to the epicentre of data centre building LD4 in the heart of the trading estate. This is the ultimate location for data centres that need real time latency. STE houses the BATS Chi-X equity exchange and one of the few *'internet exchange points'* in the UK with faster access to the internet.

7.152 The flexibility of the SPZ allows SEGRO to provide the size of data centres that best responds to demand. Building on the Bath Road could provide data centre capacity in the order of 40 and 50 MW – comparable to the appeal site, albeit much closer to the epicentre of the cluster and preferable in latency terms.[223] As the chief executive of SEGRO recently said:

*'All of our lettings have been to co-locators so far but we are having active conversations with hyperscalers for some of our larger sites'.*[224]

7.153 So, when the Council's Planning witness said *"job done"* with the STE, this has not been an easy task, but the success of it cannot be underplayed. Slough and SEGRO have set up the largest cluster of data centres in Europe with the best latency for the most demanding of clients in the financial sector who need real time. The health and future of that has been secured. It is all set to more than double in size in the next 7 years.

7.154 The STE is using exclusively brownfield sites, not in the Green Belt and not in the Strategic Gap. Just understanding the position properly at the STE is sufficient to explain why it is not necessary to permit more data centres in the Green Belt and still less in the Strategic Gap.

7.155 Unfortunately, in the Woodlands Park 2 decision, the information before the Secretary of State was lacking:[225]

(i) There were no figures for the STE either past or future.

(ii) There were no figures from DC Byte for the size of the data centre capacity i.e., live supply in the SAZ.

(iii) There were no accurate figures for take up of capacity in the previous 6 years.

(iv) The Government's forecast of need, in UK Compute Roadmap, of data centre capacity had not been published.

[223] CD 11.3 page 44
[224] CD 11.1L
[225] CD 7.1

(v) There were no figures for the amount of power available to the SAZ[226] and so no realistic figure for need in the area. A figure for need that does not take into account electricity supply is unrealistic and will result in sites coming forward that can secure power at the expense of planning priorities. Greenfield could come before brownfield in stark contrast to Government policy. Green Belt and Strategic Gap could come before much better sites. This is the antithesis of good planning.

7.156 In addition, it is common ground that the Woodlands Park 2 decision is under challenge in the High Court. It also proceeded under evidence on power that turned out to fundamentally not represent what happened; and so it was permitted on a basis that it would meet a need to 2029 that will not materialise.

***Appellant's numbers case – Data Centre Capacity and Annual Deliveries in the SAZ***

7.157 The Appellant's Needs Assessment witness set out his figures for 'Data Centre Capacity in the SAZ (MW)' and 'Data Centre Annual Deliveries in the SAZ (MW)'. The former, to any normal person, would mean the capacity of the SAZ i.e., the compute capacity of the data centres that are operating.

7.158 That is what the Department for Science, Innovation & Technology means when it uses that term in its publication 'Estimate of Data Centre Capacity: Great Britain 2024'.[227] The same is true in the Department's UK Compute Roadmap.

7.159 Secondly, in the forecasts of data centre capacity required, the same Department with responsibility for the strategy for data centre provision said the following:

*'We forecast that the UK will need at least 6GW of AI capable data centre capacity by 2030 – a threefold increase on the data capacity that is available in the UK today.'*[228]

7.160 Similarly, the House of Commons Research Briefing on data centres, relates to operational data centre capacity as existing.[229] Thus, data centre capacity clearly means the capacity of existing data centres and is always used in that way.

7.161 Confusingly, the Appellant's witness' figures under the banner 'Data Centre Capacity in the SAZ (MW)' chose to mix in consented but not built schemes.[230] DC Byte's data base identifies capacity as 'Total Live Supply (MW)' with a second column of 'New Live Supply (MW)' on an annualised basis.[231] The content of the witness' figures were not made clear in his proof of evidence.

***Data centre annual deliveries in the SAZ***

7.162 With regard to 'Data Centre Annual Deliveries in the SAZ (MW)', set out by the Appellant's witness, the following explanation was given:

[226] CD 7.1 the DL and IR do not deal with this at all
[227] ID7
[228] CD 11.1P pages 21/33
[229] CD 12.6 page 14
[230] ID8
[231] ID5

*'According to DC Byte (a market leading data centre analytics platform) over the period 2019-2024 the average annual deliveries of new data centre capacity in the Study area is 208MW.'*

7.163 To any normal person delivery means *'provide'* in the sense used here.[232] However, the Appellant's witness took the term to *be 'delivered and permitted to be delivered*'.[233] This again runs contrary to DC Byte's 'New Live Supply'. The witness' claim that *'over the period 2019-2024 the average annual deliveries of new data centre capacity in the study Area is 208MW'* was wholly misleading. Consequently, he was invited to submit a note by way of clarification.[234]

7.164 From the foregoing, the correct figures are:

| Year | Data Centre Capacity in the SAZ (MW) | Data Centre Annual Deliveries in the SAZ (MW) |
|---|---|---|
| 2019 | 162 | 30 |
| 2020 | 177 | 15 |
| 2021 | 221 | 44 |
| 2022 | 290 | 68 |
| 2023 | 293 | 9 |
| 2024 | 369 | 70 |
| Total | | 236 |

*Source:* DC Byte Total Live Supply and New Live Supply ID5

7.165 These figures were subsequently accepted by the Appellant's witness.

***The Council's figures***

7.166 With the benefit of the above, the Council's witness, following the method from the PPG *'How can market signals be used to forecast future need?'* looked at the past take-up rates for data centres over the last 6 years – i.e. 236 MW. He was clear that compounding annual growth was inappropriate as exponential growth cannot go on for ever in a confined area, especially with all the development pressures that exist. This is why any figure that is generated by this type of approach needs to have a dose of planning judgment applied to the results before deciding it is needed. It was accepted that this should apply in the plan making context – the same should apply in the development management context.

[232] Oxford concise dictionary.
[233] ID8
[234] ID8

7.167 However, even if the compounding approach is applied with the correct numbers, this generates a demand figure of 471 MW in the next 6 years. Based on Live Supply of 162 MW in 2019; 369 MW in 2024 (an increase of 2.227%); projecting the same increase to 2030 results in 840.5 MW; the difference between 2024 and 2030 is thus 471 MW.

7.168 Stepping back, that is a vast increase over the next 6 years. It would mean that the largest cluster already in Europe would be more than doubled in size. The compounding approach is clearly one that the Council could not endorse.

7.169 However, taking the existing data centre capacity in the SAZ as 369 MW in 2024, irrespective of whether one adopts a straight-line growth rate to replicate what has happened in the past, or a compounding approach, the demand can easily be met by supply.

7.170 The future supply was accepted by the Appellant's witness to be 1,711 MW being the sum of the data centre planning pipeline of mainly consented schemes and some pre-decision and the amount that is coming forward at the STE (i.e., up to 1,152 MW + 559 MW).

***Why is the Appellant's number wrong?***

7.171 Turning therefore to the Appellant's assessment of future demand to 2030, this is projected to be a total of 2,970 MW for the period 2025 – 2030. This is derived by applying a 25.4% compound annual growth rate to the 2019 – 2024 annual average of 208 MW. As discussed above, this is inflated by the earlier combination of permissions with actual deliveries or live supply. The inclusion of permissions in the demand figures produces a perverse result in that as more permissions are granted, so the overall demand also increases.

7.172 These figures do not survive any sense check by reference to what has really been delivered to date. The effect of these numbers is to say that the largest cluster in Europe and the whole of the SAZ - standing at 369 MW (STE + a standalone facility 'Yondr') in 2024 - should increase in size by 2,970 MW by 2030. That only needs to be said to see how out of kilter it is.

7.173 The other way of seeing that the methodology is flawed is to look at the results and see if they are sensible by comparison with what is happening in the real world.

7.174 Taking current live supply as 369 MW, the scenario indicated by the Appellant would mean that in the next 6 years the SAZ would need an eight fold increase – this is wholly unrealistic.

7.175 Further, the projection of delivery in a single year (2030) of 810 MW would be a 220% increase of the total capacity built up in the SAZ so far. Again, an unrealistic proposition, illustrated in the housing sense where a local authority would be faced with doubling its housing stock in just one year.

7.176 Another sense check is provided by reference to DC Byte[235] and its assessment of the wider 'London' market (stretching from Canterbury in the east to Bridgend in the west and Southampton to the south and Milton Keynes to the north) currently standing at 1,478 MW live supply. The Appellant's claimed demand would seek to provide within the small area of the SAZ double the current capacity of the entire south of the UK.

7.177 Continuing on this theme, unknown to the Appellant's witness, the UK Compute Roadmap records the data capacity that is available in the UK today as 2 GW. His position is that provision within the SAZ by 2030 would be 1.5 times the entire capacity that exists in the UK.

7.178 The DSIT publication, Estimate of Data Centre Capacity: Great Britain 2024 provides an estimate of GB's data centre capacity as some 1.6 GW as of autumn 2024. Despite its apparent consistency with the foregoing, the Appellant's witness argued that this was only part of the overall supply as it related specifically to colocation data centres. The Council disagrees.

7.179 This is implausible for a number of reasons:

(i) The title of the document is Estimate of Data Centre Capacity - not a small subset.

(ii) The Parliamentary question asked by Lord Elliot related to the whole of UK data centre capacity as measured in megawatts by region. The idea that the answer was a small subset would mean it was an answer to a question that was not asked.

(iii) The research was comprehensive and sufficient to look at all data centres apart from Enterprise data centres – these were said to be excluded.

(iv) The stated 1.6 GW is entirely consistent with the DC Byte figure for southern England (i.e. all data centres).

(v) Similar comparability exists with Tech UK's figure of 1.36 GW.[236]

(vi) The House of Commons Research Briefing paper on Data centres: planning policy, sustainability, and resilience identifies four categories of data centres and immediately thereafter identifies that '*The UK had approximately 1.6 gigawatts (GW) of data centre capacity in 2024*'.[237]

(vii) The Council's witness was of the opinion that colocation is a term that is often used to mean different things.

(viii) Furthermore 1.6 GW is consistent with the figure in the DSIT's UK Compute Roadmap.[238]

[235] ID5
[236] CD 12.8 page 38
[237] CD 12.6 page 5
[238] CD 11.1P page 22

7.180 In summary, the Appellant's need figure for the SAZ, at 2030, is nearly double existing UK capacity and *'extraordinarily high and completely unrealistic'*[239] for this relatively small area of the country.

7.181 In terms of AI capable data centres, UK Compute Road Map forecasts the need as 6 GW by 2030 – an increase of 4 GW on existing capacity.[240] AI Growth Zones will provide at least 3 GW, consisting of 500 MW facilities and one 1 GW installation, and located where power can be readily provided. There are numerous other very large data centres with permission.[241] The Appellant's witness accepted that the Government's ambitions for AI-compatible data centres could be met without the appeal site.

***Data centres and power supply***

7.182 It was said that the increased power supply arising from upgrade works to Uxbridge Moor sub-station will give compute power of some 1154 – 1415 MW, albeit already allocated to customers.[242]

7.183 With some 1,711 MW in the SAZ, there are already more permissions than could be powered. In this context it seems absurd to be scraping the barrel to permit more sites which are in the most protected designations of Green Belt, Strategic Gap, Colne Valley Regional Park and which are essential for the successful operation of the Government's number one infrastructure project. It may be that power needs to be transferred from bad sites to good sites but that is something that refusing permission can help with as set out below.

7.184 The Appellant's numbers suggest that there needs to be nearly double as many sites as can be powered which is clearly wholly unrealistic

7.185 The effect of having these huge numbers would be to allow power deals to decide where data centres should be built. Many of the historic power deals preceded the current criterion of *'readiness'* and were not based on planning considerations. Here the proposal is power led; it is not the best site in sequential terms and it has the following constraints or drawbacks:

(i) Green Belt;

(ii) green field and not previously developed land;

(iii) no allocations or permissions;

(iv) no draft allocations;

(v) site-specific constraints in Strategic Gap and Colne Valley Regional Park; and

(vi) an important material consideration in that the site is needed for the Government's most important infrastructure project.

[239] CD 11.1 paragraph 2.111
[240] CD 11.1P page 21
[241] CD 12.6 page 18
[242] CD 11.15 paragraph 6.8

7.186 This would be the antithesis of good planning and the aims of Government reforms for the power industry.

7.187 Overall, the Council's assessment of 236 MW in the next 6 years responds very well to comparison with real numbers based on take up in the last 6 years. That assessment builds in provision for the same expansion of the SAZ in that period. AI Growth Zones will provide at least 2 – 3 GW of the 4 GW additional need by 2030 – the need arising from the SAZ of 236 MW is entirely consistent with the forecasts of UK need for AI-compatible data centre capacity. The Appellant's witness confirmed that the appeal proposal would be AI-compatible.

7.188 The Appellant's *'sense check'* of need shortfall at 2030, based on other sources, is incapable of scrutiny without any details of their methodology. Moreover, the list of *'live requirements'* is no more than a *'wish list'* with, for example, no indication as to whether location within the SAZ was an essential requirement; the size of the facility; political implications; or knowledge of HAL's plans and related uncertainty. Nonetheless, with a stated *'known IT load'* of 1,700 MW, compared to known supply of 1,711 MW, this does not justify a need for the appeal site.

***Conclusion on numeric need***

7.189 The Council's figures are vastly preferable for the following reasons:

(i) They are based on take up of actual capacity on numbers that are agreed.[243]

(ii) That accords with the PPG.[244]

(iii) The results are realistic when considered against real numbers in the SAZ, in the south of England and in GB.

(iv) The Council's approach is clear and consistent with terminology of capacity and annual deliveries.

7.190 The Appellant's figures should be disregarded:

(i) They were not based on *'Data Centre Capacity in the SAZ'* nor were they based on *'Data Centre Annual Deliveries in the SAZ.'*[245]

(ii) They actually used inflated figures for capacity that included permissions with the effect of exaggerating demand. The outcome was extraordinarily high and completely unrealistic[246] when compared with the actual numbers for the SAZ [8 times 2024 capacity of the largest cluster in Europe], for the South of England [double 2024 capacity in the next 6 years] and nearly double the total UK capacity.

[243] ID5
[244] ID6
[245] CD 11.3 Figures 5.1 & 5.2
[246] CD 11.1 paragraph 2.111

7.191 Based on the Council's assessment with an agreed supply of 1,711 MW and a need of 236 MW, provision is more than sufficient – the same is true even with the application of compound growth and a resultant need of 471 MW.

***There is no other form of need***

***No qualitative need***[247]

7.192 The Appellant produced two versions of an Alternative Sites Assessment. In the first,[248] sites were rejected at Stage 2 for reasons that included:

(i) *Complexities created by physical and technical constraints delivering power and fibre;*

(ii) *Visual impact of proposed development and massing within the Strategic Gap;*

(iii) *Significant amount of infrastructure work required which would adversely impact viability;*

(iv) *Site forms part of the Metropolitan Green Belt and it performance as part of the Strategic Gap was highlighted by Mr Justice Waksman in the Link Park case.*[249] *Significant emphasis placed upon encroachment and preservation of the openness of the Green Belt.*

(v) *Proximity of proposed Northern/Third Heathrow Runway and realignment of A4, creating significant uncertainty for investors and occupiers of proposed development.*

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

7.194 The methodology for the second study states that:

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

*(i) The proportion of a site that does not form part of the Green Belt;*

*(ii) The proportion of a site that constitutes land that is considered to be brownfield or is otherwise developed;*

*(iii) Whether there are any adopted site allocations or planning permissions which support the development of all or part of a site'.*[250]

[247] Inspector's Note – Counsel's Closing Submissions refer to paragraphs 2.86 – 2.95 in CD 11.2 – I have summarised these for completeness
[248] CD 1.30
[249] Inspector's Note – no case/document reference provided – CD1.30 ref Thorney Park, Golf Course, Langley
[250] CD 11.1 Appendix M paragraph 2.19

7.195 Taking all these factors into account, the appeal site should not perform very highly and it would not materialise as the *'most sequentially preferable for the data centre element of the development*'.

7.196 In operational terms, the site is not suitable for a colocation data centre; it is not a particularly large hyperscale facility; the site is about as far away from the epicentre of the SAZ building LD4 as one could be in Slough; 20 kilometres of expensive underground cable is necessary to connect to two sub-stations; and it is close to, but not on the existing fibre network. In terms of latency it is thus one of the geographically worst sites. It also clearly needs long cabling to get power.

7.197 In fact, there is nothing qualitative about this site that stands out from any of the other 1,711 MW of supply - it is not said to be better in any way.

7.198 In terms of the sequential criteria for sites set out in the Alternative Sites Assessment this site performs very poorly. Nothing has been advanced to demonstrate any special qualities; and nothing is known of the intended occupier and whether it has other development interests elsewhere.

7.199 If there was something that could be done on this site which cannot be done elsewhere, one would have expected to see someone from the data centre sector openly explaining what this was and supporting this site. There is no such thing; just a secret person who may enter some sort of agreement to come to the site. We do not know if that person has other irons in the fire.

***Critical National Infrastructure (CNI)***

7.200 The Appellant has continually relied on the designation of CNI. However, that is no endorsement as to whether more of something is needed, especially not whether it is needed in a particular location. Moreover, it is really to do with protecting such assets.

7.201 Indeed, the first Alternative Site Assessment, despite its inherent drawbacks, was at least accurate in this regard. It set out what CNI meant, and it was nothing to do with whether more of it is needed.

> *'It means the data housed and processed in UK data centres - from photos taken on smartphones to patients' NHS records and sensitive financial investment information – is less likely to be compromised during outages, cyber-attacks, and adverse weather events. Putting data centres on an equal footing as water, energy and emergency services systems will mean the data centres sector can now expect greater government support in recovering from and anticipating critical incidents, giving the industry greater reassurance when setting up business in UK and helping generate economic growth for all. (Press Release Published 12 September by Department for Science, Innovation and Technology and The Rt Hon Peter Kyle.)'*

7.202 On this basis, the designation of CNI is not relevant to need.

***Private power connection agreements are not a reason to grant planning permission***

7.203 Planning decisions should be taken in accordance with the Development Plan unless material considerations indicate otherwise. Here Green Belt, Strategic Gap and Colne Valley Regional Park policies are in play. National policy is a material consideration.

7.204 The one thing that none of those documents say is, irrespective of how bad your site is in planning terms, if you have secured a connection agreement this should be how the decision is taken. In fact, the whole purpose of the power reforms is to ensure that power goes to who has the best case in terms of readiness and need. In other words, power should follow planning decisions taken in the public interest, not dictate the outcome.

***Uncertainty over the connection agreements***

7.205 It is quite clear that there are a considerable number of risks as to whether the contracts on this site will in fact be fulfilled. None of the potential risks were identified in the Appellant's proofs and the respective witness could only speculate that there were documents that set out the risks for the backers of the project.

7.206 In the Woodlands Park 2 appeal the Secretary of State, in permitting the scheme, had clear evidence:

*'A global data centre provider has an agreement with Greystoke Land to acquire the site upon the grant of planning permission. This operator has a grid connection secured and will be able to bring this to the site if the appeal is allowed.'*[251]

7.207 So, in that case it was presented as even more certain than here because there was actually a contract with the data centre provider whereas here, we are told there is an expectation of a contract.

7.208 The trouble is that, even with that evidence before the Secretary of State, it has transpired, according to the Appellant's witness to this Inquiry, that Woodlands Park 2 cannot achieve power until 2035 having secured the permission on the basis of meeting a need up to 2029.[252]

7.209 It is important not to take contracts as necessarily leading to bringing of power, especially where the Appellant is taking its first step in data centre development. It was said initially that power would be available by 2027 with 57 MW due to be delivered from Iver and 50 MW from Laleham. The first Alternative Site Assessment also used 2027 as the date for analysis.[253]

7.210 In this context, the Council asked what would happen if power could not be taken up.[254] It was only in the Appellant's rebuttal that identified that the contract would not be delivered in 2027 but could be hindered by *'construction delays'* for 2 years. In cross-examination it was revealed there could be even further delays on the Laleham contract, 2 years after final delivery of the staged contract which could be 2032.

7.211 It was unclear whether these contracts could be delayed if HAL's third runway proposals maintain an essential need for the appeal site. The Council, having identified that one of the most important things that data centres need to be able to do is guarantee a long-term security of service, it seems unlikely that a data

[251] CD 12.9 paragraph 6.9
[252] CD 12.9 paragraph 5.19
[253] CD 10. K3 paragraphs 1.8.3 & 3.10
[254] CD 11.17 Appendix 2 (page 5)

centre operator would commit themselves to lease a building which could become the subject of compulsory acquisition.

7.212 The Appellant's proof was also silent on the milestones in the connection agreements and it was only under cross-examination that it was accepted that the benefit of the contract could be lost if the milestones were not reached. Further it was accepted that:

(i) There was a milestone in the connection agreements for obtaining planning permission. However, the date of that was not disclosed.

(ii) There was a milestone for the final investment decision which has not been taken yet. Again, the date was not disclosed.

(iii) There were numerous other milestones where no real evidence was given.

7.213 It is evident that there are risks with the connection contracts which have not been fully disclosed. Accordingly, it is difficult to rely on such contracts and whether they are likely to be fulfilled – they cannot be taken to be a powerful material consideration. On the basis of claimed power availability, it is clear that the data centre will not be able to be powered to run as a data centre until the middle of 2028 at the earliest and potentially not until 2032. Thus, one should not approach the position that the electricity connection agreements will be fulfilled, and they certainly will not be fulfilled on the timescale of 2027 as originally claimed.

7.214 It is important to record the reality is, that if this appeal is dismissed, someone else will be able to take the power, either by the Appellant selling the agreement or by default in failing to obtain planning permission in time or by NESO taking away the contract as a stalled project.[255] There is no technical reason why they cannot.

7.215 Firstly, there is an unfulfilled demand for power in the area and it is possible to sell connection agreements - it is a seller's market for power connection agreements. It is apparent that this had occurred in the Woodlands Park 2 appeal:-

*'Whilst Woodlands 1 had a guaranteed grid connection, that commitment had been transferred elsewhere.'*[256]

7.216 Although there are restrictions and mechanisms for the transfer of agreements, there are others in the area who have *'a red line parcel'* with planning permission awaiting power. Whilst the process of 'Gate 2' (obtaining a firm place in the connection queue having passed readiness and strategic alignment criteria) has to be negotiated, this is a means of ensuring that power agreements are related to needed and deliverable projects.

[255] CD 11.15 paragraph 9.4.1.4
[256] CD 7.1 IR 1.12 & 5.3

***The connection agreement can come to an end or be taken by NESO[257] if stalled***

7.217 It has to be borne in mind that connection agreements can be terminated if planning permission is refused and the relevant milestone is breached. SEGRO explain this as follows:

*'….. if a connection agreement is unutilised the power reserved become available for other customers and can enable other connections. For transmission customers, this would require entry in the NESO connection process. For distribution customers, this could accelerate or facilitate their ability to connect.*

*The Network Operators will determine who benefits from the released power in line with the industry codes, agreements and license conditions. They will be under considerable pressure from customers to ensure that it is delivered as quickly as possible'.*[258]

7.218 The TMO4+ reforms[259] also provide for connection agreements to be taken away from stalled projects and apply to the current proposal:

*'These reforms would apply to all existing generation connections across transmission as well as demand connections at the transmission level'.*[260]

*'Following this NESO would undertake an assessment to prioritise projects in the existing connection queue based on their readiness to connect. This has the potential to release further capacity on the transmission network by removing more speculative schemes and others that are not suitably progressed or ready …. from the connections queue'.*[261]

7.219 Moreover, the Department for Energy Security and Net Zero has made it plain that reducing delays for others are a top priority of the Government and that stalled projects must be removed from the connection queue and the requirements raised for retaining a connection agreement.

*'Reducing electricity connection timescales is a top priority for the Government. The departments for Energy Security and Zero is working at pace with Ofgem and with Neso to achieve fundamental reforms of the connection process. Stalled projects must be removed from the connection queue and requirements raised for obtaining and retaining a connection agreement. The released network capacity will then be reallocated to accelerate the connection of viable projects that align with the Government's strategic needs'.*[262]

7.220 The worst situation would arise if permission were to be granted for this development, and it is stalled because the site is included in HAL's DCO proposals. However, as a site with permission, it would satisfy the *'protection criteria'* and the connection agreement would be retained. Hence, the grant of planning permission and subsequent stalling would preclude power from being reallocated elsewhere.

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[257] National Energy System Operator Limited
[258] ID12
[259] Inspector's Note: The TMO4+ reform package enables a new electricity connections process that embeds 'ready' and 'needed' criteria into decision-making when managing requests for electricity connection (source Ofgem)
[260] CD 11.15 Appendix 2 (page 9)
[261] CD 11.15 Appendix 2 (page 9)
[262] CD 11.16 pdf page 14

***Conclusions on power not a reason to grant***

7.221 In conclusion:

(i) The private connection agreements are not a reason to grant planning permission having not considered any planning factors relating to this site.

(ii) There are considerable risks as to whether this site will get the power under the connection agreements. In the Woodlands Park 2 appeal the purported connection agreements will not deliver power before 2035.

(iii) The connections will be later than originally claimed - mid 2028 at the earliest – and room for considerable further slippage.

7.222 If permission is refused, the power could be reallocated through sale in the secondary market; termination arising from failure to meet milestones; or being removed by NESO ether under TMO4+ or further Department for Energy Security and Net Zero reforms.

## Section 106 and conditions

***Conditions***

7.223 The list of draft conditions (1 – 38) is agreed. However, the Council's principal concern remains that of deliverability. In this regard, there are extant Enforcement Notices corresponding with a large proportion of Area A of the appeal site.[263] The extent of previously developed land (i.e., lawful development) on Area A is very limited.

7.224 The Council wants to ensure that the situation is avoided where there is technical implementation of the planning permission, but the scheme (and the benefits associated with it justifying inappropriate development in the Green Belt) do not come forward and compliance with the extant Enforcement Notices is frustrated. In other words, the Council is concerned to guard against the grant of planning permission washing away the potential for enforcement on what should be a site that has been largely restored to agriculture.

7.225 The Council is flexible as to the mechanism for addressing this 'mischief'. In the absence of the Appellant's willingness to address this through the agreement mechanism, the Council now pragmatically seeks to achieve the same result by condition (Condition 39).

7.226 Alternative versions have been drafted for consideration. In summary, the draft conditions would seek to ensure the substantial commencement of the development by a particular fixed date, and failing that, to compel the submission of a scheme for the removal of all material operation and for the restoration of the site to agriculture.

7.227 Having regard to the tests for a lawful condition, such a condition:

[263] CD 11.1 T4a; CD 11.1 T4b: & CD 11.1 T1

(i) is necessary. Notwithstanding the Appellant's stated intention to bring forward the scheme to meet an asserted urgent need, the Council considers that there is a realistic prospect of the data centre not becoming operational in the next 3 years, especially in light of HAL's aspirations and the potential to frustrate completion and/or occupation of the development;

(ii) is relevant to planning and to the development to be permitted. It seeks to avoid permanent substantial harm to the Green Belt absent delivery of the purported benefits associated with the scheme; and seeks to ensure that the grant of planning permission does not cut across the potential for future enforcement action absent the delivery of the scheme;

(iii) is enforceable. It has precisely defined 'triggers' and clear requirements;

(iv) is precise. It is capable of being limited to requiring restoration in accordance with the lawful position on the appeal site (subject to any suggested amendments either by the Appellant or the decision-maker);

(v) is reasonable in all other respects. Given the planning history and ongoing enforcement position at the appeal site. Whether or not the imposition of the condition would affect the Appellant's commercial negotiations with potential lessees are principally private law matters.

***Section 106***

7.228 There is one matter of disagreement, namely the extent of the proposed footway works on the western side of Poyle Road. The Council seeks the opportunity to secure the provision of a footway/cycleway from the bus stop immediately north of the Golden Cross public house, at the junction of Stanwell Road with Poyle Road, and continuation northwards beyond the appeal site as far as the Poyle Channel where width would be constricted by the bridge. Although no detailed survey has been undertaken, and whilst there might be some minor constraints to achieving full width, the Council is confident that the route would be feasible.

7.229 It is acknowledged that a footway exists on the eastern side of Poyle Road. However, this is narrow in places and interrupted by three principal access points into the Trading Estate and related regular movement of heavy goods vehicles.

7.230 The appeal proposal would provide the only realistic opportunity to enhance pedestrian/cyclist journeys, improve choice of transport modes and contribute to sustainable travel. The Council do not accept that the intention is 'aspirational'. Rather it would be by way of mitigation as it is the data centre development that gives rise to the need. The provision of improved accessibility and safety along the western side of Poyle Road is not identified in any policy document as there was no anticipation of any development coming forward on this part of the Green Belt.

7.231 The Council maintains that the footway/cycleway would improve accessibility by these modes from Stanwell Moor to the east of the M25, and also from Horton to the west along Stanwell Road.

7.232 This would be consistent with the objectives of Core Strategy Policy 7 in terms of widening transport choice and Framework paragraph 117 by giving priority first to pedestrian and cycle movements. As such the footway/cycleway sought would be necessary by way of mitigation; directly related to the improvements required; and fair and reasonable as being proportionate to the scale of development.

## Overall balances

***The very special circumstances balance***

7.233 This balance would apply if the Inspector/Secretary of State takes the view that the development is inappropriate development and not grey belt.

7.234 The other way to arrive at this balance is, if it is decided against the Council, that this is grey belt but paragraph 155 b. of the Framework is failed. In this instance the Appellant would be required to show '*there is a demonstrable unmet need for the type of development proposed'.*

7.235 In the footnote it is said that for housing cases this is where there is not a 5-year supply. Here there is no comparable need set out for data centres. In any event on the case above there is no numeric need, no qualitative need and masses of supply in both the critically important globally renowned cluster as well as the SAZ more generally. There is nothing like a strong enough case to show *'a demonstrable unmet need for the type of development proposed'*.

7.236 The nature of the very special circumstances balance is set out in paragraph 153 of the Framework. Substantial weight must be given to any harm to the Green Belt including harm to its openness. If harm by definition needs to be given substantial weight quite clearly, if there is more harm to the Green Belt, that has to be given more weight.

7.237 The harm just to the Green Belt here is absolutely at the top of the order of harms. This is development of this vulnerable and fragmented Green Belt and part of one of the narrowest sections of Green Belt anywhere around London. It was originally envisaged to have to be many miles wide to fulfil its function.[264] The fact that in this area it is so much narrower shows how much more important it is that it is retained. Indeed the Appellant accepts that there is substantial harm to openness which is after all the fundamental aim.

7.238 There is:

(i) **Harm by definition - substantial weight:**[265] The appeal scheme is inappropriate development in the Green Belt and should not be approved except in very special circumstances.

[264] CD 7.10 paragraph 8.7
[265] Emphasis applied by Counsel

(ii) **Harm to openness – substantial weight:** Even by the Appellant's own case, there is substantial harm to spatial openness, which as the fundamental aim of the Green Belt must be given substantial weight. The massive data centre and associated development will cause substantial harm not only spatially but also visually; the Appellant accepts harm to visual openness and impact on it.

(iii) **Harm to Purpose a) – substantial weight:** There is severe harm to Green Belt purpose a) which must be given substantial weight. The Council's case is that the land contributes strongly to this function. The Appellant's witness said moderate.

(iv) **Harm to Purpose b) – substantial weight:** There is significant harm to Green Belt purpose b) which must be given substantial weight.

(v) **Harm to Purpose c) – substantial weight:** There is significant harm to Green Belt purpose c) which must be given substantial weight.

7.239 In addition, consideration will have to be given to the other harms including conflict with the Development Plan, conflict with policy promoting the third runway as well the Green Belt harm and other harm.

7.240 Thus, 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* [266] *by other considerations'.*

**Other considerations**

7.241 If the Inspector/Secretary of State finds that there is not a strong numeric needs case, that is really the end of this matter. None of the other considerations individually or cumulatively are anything like strong enough to be sufficient to outweigh all the harm above. The Appellant's Planning witness acknowledged that if the Council's figures were to be preferred then very special circumstances would not exist.

7.242 Similarly, if a conclusion is reached that the demand/need is less than the supply of 1,711 MW, again very special circumstances will not exist.

7.243 If it is found that there is a need for data centres, Mr J Holgate has given relevant guidance to be followed. In his judgment in SIFE he said:

*'The NPS [national policy statement] does not suggest that the need for a network of SRFIs [strategic rail freight interchanges] or any particular SRFI is a need to be met come what may irrespective of the degree of harm which may be caused.'* [267]

7.244 The Appellant's Planning witness accepted that for data centres there was no document that came close to suggesting it was a need to be met come what may. In the words of Holgate J:

[266] Emphasis applied by Counsel
[267] CD 7.8 paragraph 31

*'Thus the need relied upon by Goodman is a relative rather than an absolute concept.'*[268]

7.245 In that case, where the need is relative and not absolute, a planning judgment needs to be reached.

*'Where the relative need for a particular proposal together with any other factors telling in favour of the grant of permission (including the absence of any alternative site) are insufficient to outweigh the overall harm then the obvious consequence is that planning permission will not be granted and the need will not be met.'*[269]

7.246 Here that is precisely the case, even if there is a numeric need (which the Council disputes).

7.247 The benefits advanced by the Appellant cannot be anything like sufficient without a need case. For example:

(i) The need case is very poor; there is neither a numeric nor qualitative need; and there is masses of supply nationally and in the STE with its large pipeline and in the SAZ.

(ii) The Appellant's Alternative Sites Assessment was all contingent on the numeric need case which is deeply flawed. It also failed to consider sites with permission; the criteria identified were not applied to the appeal site and it became obvious that the site performed badly on each. Further, If the need figures were judged to be less than the supply, it was accepted there were alternatives.

(iii) The deliverability on power and real risks have not been properly addressed. Availability of power is no guarantee to implementation and the biggest factor here is this site is *'essential for the successful operation of the airport'* and *'required'* in the language of HAL. Indeed HAL was satisfied in 2019 that it could demonstrate a compelling case for acquisition. There is nothing to demonstrate a change in circumstances.

(iv) In terms of economic impact, the Appellant's proposals would be dwarfed by those accruing to HAL. As a comparison of the value of the third runway project, the Government has recognised that it would *'inject billions into our economy, create over 100,000 extra jobs, strengthen Heathrow's status as a global passenger and air freight hub ……'*. [270] By comparison, this project would bring 65 FTE jobs as well 490 construction jobs for a temporary period.

(v) The employment figures are not comparable and those arising from the appeal scheme are unable to add much to the other considerations.

[268] CD 7.8 paragraph 32
[269] CD 7.8 paragraph 32
[270] CD 11.2 Appendix A

(vi) BNG - the Appellant did not want to commit beyond the mandatory 10% by way of a condition attached to any grant of permission. This merits no real weight and the indicative BNG cannot garner greater weight without a mechanism to achieve it.

(vii) Climate change. The site when in operation will use power of the order of £220 million per year.[271] There is no mechanism to secure that this will be from zero carbon sources and despite stated aspirations no real weight is merited.

(viii) Reduction in vehicle trips is largely a bad point relying on unauthorised uses going on at the moment.[272]

(ix) Consequences of not providing. The consequence of not providing is that the world-renowned largest cluster in Europe will expand at the rate that SEGRO have said. Its 7-year pipeline can deliver double the amount delivered in the last 5 years.[273] STE will continue to expand and serve the market with its 4.3m square feet of capacity increase; it will provide an extra 559 MW of capacity compared to 369 MW of capacity existing of the SAZ in 2024.[274] The rest of the SAZ has a supply of 1,711MW permitted. The national picture is similarly positive; the UK will have sufficient AI capacity without the appeal site; and the overall position is that this site is not needed for the Government's data centre strategy.

7.248 This development is not appropriate and cannot show very special circumstances. It is substantially harmful in the Green Belt and should be refused on that basis.

**Development Plan balance**

7.249 The proposed development is contrary to the Development Plan read as a whole. CP1 is the most important policy which the Secretary of State, following the publication of the Framework, found it to be *'firmly based on the principles of sustainable development'*. Policy CP2 is an essential element of the Core Strategy and should be given full weight as consistent with the Framework. Breaches of these two fundamental policies in themselves is sufficient to make the development contrary to the plan read as a whole. The law is clear that as a matter of judgment breach of one policy can be sufficient to make the development contrary to the plan read as a whole.[275]

7.250 Applying section 38(6) of the Planning and Compulsory Purchase Act 2004, this should lead to the refusal of this development. Paragraph 12 of the Framework is clear that where a planning application conflicts with an up to date Development Plan permission should not normally be granted. These policies are up to date. The Strategic Gap policy sets an *'essential test'* which has not

[271] CD 12.6 page 37 (projected to 72 MW of IT power for the appeal proposal)
[272] Inspector's Note – this point appears to be at variance with the Statement of Common Ground
[273] CD 10. I1
[274] ID5
[275] *Cornwall Council v Corbett* [2020] EWCA civ 508 para 42 Lindblom LJ

been met – the grant of permission with a lesser need would undermine the Development Plan. It is telling that there has been no evidence of any support for the proposal from the wider data centre community.

7.251 Turning to the Framework, the appeal site is Green Belt and very special circumstances have not been demonstrated. It is not appropriate development deriving from grey belt because the site contributes strongly to purposes a) and b). It is not appropriate absent a demonstrable unmet need.

7.252 In terms of Framework paragraph 11, the *'most important policies for determining this application'* CP1 and CP2 are not out-of-date. On two occasions the Secretary of State has agreed giving full and substantial weight. Even were it sensible to go further than that, paragraph 11 d) i applies because there is a strong reason to refuse the development on Green Belt terms.[276] In the further, and even hypothetical alternative (a place which should never be reached) the tilted balance does not apply to this case. However, even if it did, the adverse impacts would significantly and demonstrably outweigh the benefits.

7.253 The appeal site is required as part of Heathrow's expansion plans, and the Appellant has not shown that its proposals comply with the Government's policy on Heathrow expansion. Rather, HAL suggest that the scheme actively conflicts with those plans.

7.254 This development:

(i) Is contrary to the Development Plan read as a whole being contrary to the most important policies within that of preserving the Strategic Gap.

(ii) It causes substantial harm to numerous aspects of the Green Belt to which the Government attaches great importance and there are no very special circumstances.

(iii) It takes a site which is essential for the successful operation of the airport and is required for the largest infrastructure supported by Government.

(iv) There is not a demonstrated need in the context where there is a massive pipeline of sites coming forward at Europe's largest cluster of data centres and a huge supply in the SAZ and a strategy nationally for ensuring that AI-capable data centres are in place by 2030 (without the appeal proposal).

7.255 For the above reasons, the Council invites the dismissal of the appeal.

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# 8. THE CASES FOR INTERESTED PARTIES APPEARING AT THE INQUIRY

The case for HAL derives principally from its summary (closing) statement, with editing to aid conciseness and/or clarity.

## HEATHROW AIRPORT LIMITED (HAL)

8.1 HAL objects to the appeal proposals. It submitted written representations dated 15th July 2025 and continues to maintain the three grounds of objection. Appearance at the Inquiry is in relation to the first ground namely:

*'The siting of proposals at Manor Farm which conflicts with plans for a third runway at Heathrow Airport to accommodate reprovision of displaced uses.'*

8.2 HAL maintains its other two grounds of objection as written representations.

8.3 The appeal site has long been identified by HAL as a requirement associated with its expansion project. Expansion involves more than just the development of the airside infrastructure such as a new third runway and terminal infrastructure. It also entails the need for associated development such as (in this case) freight forwarding to serve the airport's important cargo function. The need arises both from enhanced requirements which derive from expansion, and also the need to relocate existing uses displaced by the physical requirements of expansion.

8.4 The importance of these complementary land uses is recognised in the Airports National Policy Statement (ANPS).[277]

8.5 Against this background it is unsurprising that, in its master-planning work for expansion, HAL has long planned for the provision of sites to meet the need for freight forwarding.

8.6 The Appellant introduced into evidence an extract from HAL's Scheme Development Report.[278] This document was produced in June 2019 and was part of a large suite of documents used by HAL to conduct the statutory consultation on its expansion proposals. The content of this 2019 consultation was informed by work which began in early 2017 and included an earlier (non-statutory) consultation exercise undertaken by HAL in 2018 which garnered views from a variety of consultees including local authorities neighbouring the site of expansion.

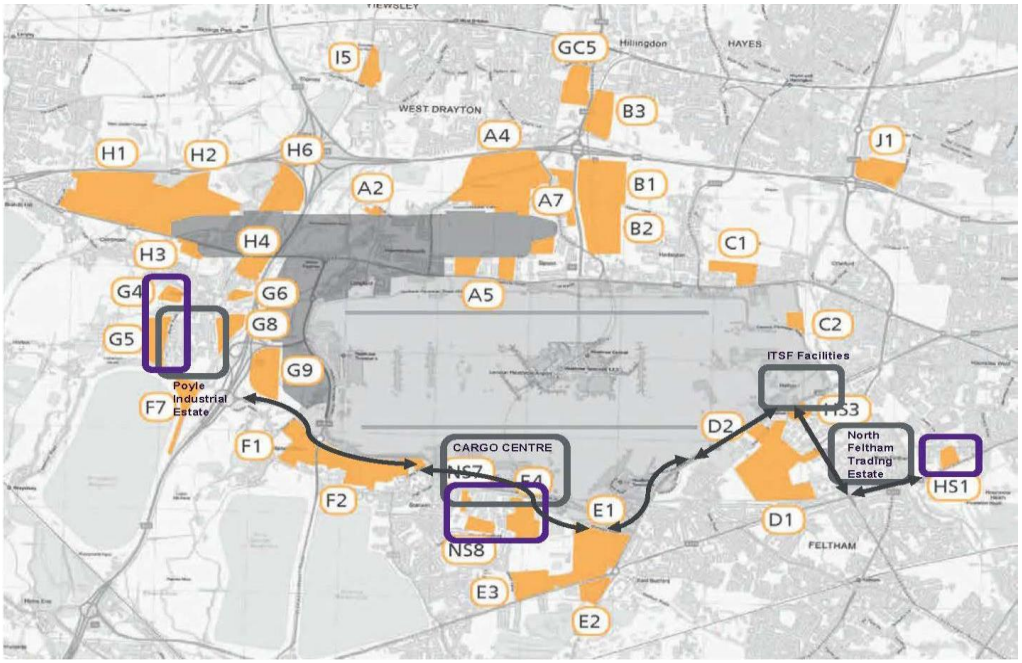
8.7 The key aspects of the Scheme Development Report in summary are:

(i) The list of 'distribution principles' for each type of airport-related development was identified.[279] Cargo and Freight Forwarding has its own set of principles;

[277] CD 14.1 paragraphs 2.7 & 3.23-3.24
[278] CD 14.8
[279] CD 14.8 Table 7.9 Distribution Principles

(ii) The appeal site – shown as G5 on the masterplan reproduced below – was part of a long list of sites which were short-listed following an application of the assessment principles; and

(iii) Site G5 was one of only three selected locations for new and displaced freight forwarding facilities:




Reproduced from CD14.8:Page 7.74 - Figure 7.29 New and Displaced Freight Forwarding Distribution Principles

8.8 The theme of the propositions which emerged from cross-examination of HAL's witness were:

(i) the masterplan proposals shown in the 2019 Scheme Development Report may be subject to further refinement, and that there is as yet no draft DCO for expansion capable of being examined;

(ii) that any refinement would need to take account of consultation feedback, including not only the feedback from the 2019 consultation exercise itself but also subsequent consultation in advance of examination hearings and questions asked during the examination itself; and

(iii) the 2019 consultation material did not attempt to rank the freight forwarding sites in order of importance.

8.9 The above points are answered by the following:

(i) It is fair to say that the 2019 Scheme Development Report reflected HAL's proposed masterplan at the time. Indeed, the Appellant's Planning witness' frequent place of refuge from cross-examination was to stress that the 2019 document represented the thinking *"at the time"*. However, what both statements conceal is the fact that subsequent events have repeated and reinforced the approach taken in the 2019 document.

(ii) Statutory consultation is a formal requirement for all nationally significant infrastructure projects promoted under the Planning Act 2008. The

consultation, application and examination process under the 2008 Act is intended to allow for iteration up to a point. It would therefore be inappropriate for a document produced for statutory consultation to double down on the identification of any site as being 'critical' or 'essential', because that would be to prejudge the output of consultation. The fact that the 2019 Scheme Development Report did not do so, therefore, is neither unusual nor surprising.

(iii) By contrast, all the evidence gathered since June 2019 confirms that the appeal site is very important to the expansion masterplan and is likely to remain so. In particular:

(i) The September 2019 draft Summary of Land Use Strategy Principles,[280] drafted after the close of the June 2019 consultation, repeated and reinforced the need for the identified sites - for example, *'Principle 4: Providing only what is essential to support the operation of the airport'*:

*'The masterplan only includes replacement and additional Airport Supporting Development that is essential for the successful operation of the airport …'*

And in the section 'Freight Forwarding':

'*The Preferred Masterplan document (figure 7.6.1) shows freight forwarding concentrated in two principal locations outside of the Airport:*

1. *To the south of the expanded airport on 4 sites (c.65,000 sq m) situated in the Green Belt in Zone H*
2. *To the west of industrial areas in Poyle in Zone L (c.59,000 sq m) again in Green Belt*

*…… Heathrow displaces a substantial amount of Freight Forwarding floorspace, a large proportion of which has a strong association with supporting on-Airport cargo activity. It is therefore important that Airport expansion plan to reprovide* [sic] *this space to avoid a detrimental impact on cargo operations today.'*

(ii) Even by April 2020, just before work on expansion was suspended by reason of the Covid-19 pandemic, the then Project Development (Masterplan) Report[281] notes that even with a *'minor overall decrease in Freight Forwarding quantum'* the appeal site still features on the M5 masterplan as being required for cargo driven uses.[282] Indeed the view expressed by local authorities to the June 2019 consultation was that they wanted more freight forwarding sites identified in the DCO, not less;

[280] CD 8.20
[281] CD 8.19
[282] Inspector's Note – The M5 Entry Masterplan is illustrated in Figure 12-3. It follows an explanation (in paragraph 12.5.1) of the minor overall decrease in the Freight Forwarding quantum. Land west of Poyle Road continues to be shown for Cargo driven uses and Figure 12-4 shows the land use supply area – there is no explicit reference to 'required'.

(iii) HALs witness expressed the view that even with his many years of experience in this master-planning exercise he has never come across a site that is a better potential site for freight forwarding than this one; and

(iv) The Appellant's Planning witness accepted that, even with all of his own experience of the master-planning exercise for expansion, his evidence does not positively assert that the site is not required for expansion nor that there are better sites available for freight forwarding than this one.

8.10 HAL, in its original consultation response, only raised operational concerns that were capable of being overcome by planning conditions. This is explained entirely by the timing of events and the subsequent Chancellor's Announcement and the Written Ministerial Statement of 29th January 2025, which resulted in HAL reviving its expansion proposals.

8.11 In conclusion the case for HAL is that:

(i) this site has long been identified as being required for freight forwarding to support expansion;

(ii) the site is a high priority having regard to its credentials;

(iii) the selection and testing of the site has been rigorous and extensive;

(iv) HAL has not identified a better site for freight forwarding since and nor has anyone else; and

(v) it would be harmful to HAL's expansion plans if this site were taken for an alternative use.

8.12 For all of these reasons, and the additional two reasons set out in its written representations, HAL respectfully submits that the appeal should be dismissed.

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# 9. WRITTEN REPRESENTATIONS

## Representations at appeal stage

**Heathrow Airport Limited (HAL)**[283]

9.1 In its capacity as an airport operator, HAL was consulted on the planning application. Its response related to aerodrome safeguarding and no objection was raised subject to conditions.

9.2 Shortly after HAL's submission, Government invited proposals for a third runway at Heathrow. These changed circumstances lead to HAL's objection on three grounds. HAL's future proposals were heard at the Inquiry, but points two and three, Strategic Gap and Green Belt, remained as written representations.

9.3 The Core Strategy recognises the remaining open land in Colnbrook and Poyle to be particularly important and only essential development is to take place. HAL does not regard the data centre proposal to be essential in that location and it challenges the robustness of the Appellant's Alternative Sites Assessment.

9.4 On Green Belt, the data centre would harm openness as a result of its mass and bulk. The Alternative Sites Assessment does little by way of demonstrating the suitability of Manor Farm over and above other potential sites. The proposal appears 'power availability led'; the area of search is narrow; the availability of bespoke power sources for other sites has not been explored; and the assessment concedes that Manor Farm, in two parcels, is not the optimum solution.

9.5 HAL considers the proposal to be inappropriate development in the Green Belt and would cause substantial harm to openness contrary to the Framework and the Development Plan.

**Environment Agency**[284]

9.6 Recommends a schedule of conditions.

## Representations at application stage (summary points)

**Interested Persons**[285]

9.7 Objection 1: Farm land; village setting; flood area; decreasing amount of green space; scale of proposed development ; landscape; and construction disruption.

9.8 Objection 2: Disagree as development is on our doorstep.

9.9 Objection 3: Loss of Green Belt, which is essential for cleaner air and drainage; construction will drive wildlife away; pollution and risk of fire; inadequate infrastructure (sewerage and water supply); historic Manor Farm will be lost; poor road surface and flooding; noise; vast structure in a residential area;

[283] CD 8.5
[284] CD 8.6
[285] CD 3.13 – CD 3.24

lighting; increased traffic; ineffectiveness of landscaping; and question whether the development will achieve full biodiversity net gain.

9.10 Objection 4: Scale of development and loss of Green Belt; effect on residents in Coppermill and Horton Road; and noise.

9.11 Objection 5: Access to agricultural land; and fire risk.

9.12 Objection 6: Construction noise; loss of green space; potential harm to wildlife increased carbon emissions; risk of flooding; further strain on local roads, congestion and safety; threat to environmental balance and quality of life for local residents.

9.13 Objection 7: Increased traffic on roads that cannot cope and already in disrepair; loss of green space; noise and atmospheric pollution; increased risk of flooding; and lengthy construction period exacerbating problems.

9.14 Objection 8: Green Belt; noise and pollution; quality of life; overloaded traffic system; and drainage.

9.15 Objection 9: Blight on the countryside; effect on health and longevity; impact on Colnbrook and its residents; strain on local resources; noise; additional traffic; flooding; and effect on wildlife.

9.16 Objection 10: Noise; use of water; flooding; fire risk; loss of Green Belt; effect on wildlife; an unsightly building; and increased traffic.

9.17 Objection 11: Flooding; increased traffic; environmental damage; noise and possible vibration; unsightly to look at; electricity and water taken from the local grid; loss of Green Belt and effect on wildlife; and public safety.

9.18 Objection 12: Loss of Green Belt, which is essential for cleaner air and drainage; construction will drive wildlife away; pollution and risk of fire; inadequate infrastructure (sewerage and water supply); historic Manor Farm will be lost; poor road surface and flooding; noise; vast structure in a residential area; lighting; increased traffic; ineffectiveness of landscaping; lack of notification; and question whether the development will achieve full biodiversity net gain.

**Consultees**

9.19 **Colne Valley Park Trust:**[286] indicated that the development should comply with Saved Policies CG1 and CG9 of the local plan; most of the site is undeveloped and the Green Belt in this location makes a considerable contribution to the separation between settlements. In addition, the impact on the Arthur Jacob Local Nature Reserve, Poyle Poplars Community Woodland; Poyle Channel and Colne Brook should be fully assessed for potential biodiversity impacts.

9.20 The Colne Valley Regional Park welcomes the proposed Right of Way to Arthur Jacob Nature Reserve. The significant enhancements to the landscaping and proposed pedestrian and cycle connectivity to the site is welcomed. It should be recognised that the landscaping will take years to be effective.

[286] CD 3.11

9.21 The consultation response also posed several questions and asked whether several publicly accessible views had been considered in the LVIA.

9.22 **Slough Borough Council Highways and Transport:** No objections subject to obligations/conditions.

9.23 **Slough Borough Council Carbon and Sustainability:** No objections subject to conditions.

9.24 **Slough Borough Council Flood Risk Officer:** No objections subject to conditions.

9.25 **Berkshire Archaeology:** No objections subject to conditions.

9.26 **National Highways:** recommend conditions.

9.27 **Thames Valley Police:** seeks implementation of security measures.

9.28 **Colnbrook with Poyle Parish Council:** support the application in principle - welcomes mitigation measures but seeks increased planting; access to Arthur Jacob Nature Reserve and related planting is welcomed; concern that residents may suffer poor water pressure/electricity supply; and seek appropriate traffic safety measures relating to traffic flow from Junction 14 of M25.

9.29 **Historic England:** *'In this case we are not offering advice'*.

9.30 **Thames Water:** recommends conditions.

9.31 **Ecology and BNG Planning Review:** sets out matters requiring further consideration/conditions.

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## 10. CONDITIONS AND SECTION 106 AGREEMENT

### Conditions[287]

10.1 As a result of discussions between the parties, both before and during the Inquiry, agreement was reached on 38 draft planning conditions covering the following broad topics:

- Time Limit for implementation;
- Approved Details (plans and documents);
- External materials;
- Programme of Archaeological Work;
- Construction Traffic Management Plan and Construction Management Plan;
- Foul Water Drainage and Sustainable Drainage System;
- Landscaping; Landscape and Ecological Management Plan; Biodiversity Net Gain; and Arboricultural Method Statement;
- Bird Hazard Management Plan; Glint and Glare Assessment; Plume Rise Assessment; and Telecommunications Equipment;
- Fire Statement;
- Car Park Management Plan; Electric Vehicle Charging; Cycle Parking; and Travel Plan;
- Remediation Validation;
- Generator Testing; Generator Testing Diary; and Noise;
- Water Capacity and Waste Water Capacity;
- Secure by Design and External Lighting;
- Vehicular and Pedestrian Visibility Splays;
- Emergency Access Gates and Main Access Gates;
- Refuse and Recycling;
- Data Centre Use; and
- Energy and Sustainability; Sustainable Development Design Stage Certificate and Post-Construction Review Certificate.

10.2 In addition to the above, the Council seeks a condition, in one of two suggested forms, to ensure that the development is commenced and completed to reflect very special circumstances justifying the grant of permission in the Green Belt and to secure the restoration of the site should the development not proceed.[288]

[287] ID24
[288] ID25

## Section 106 Agreement[289]

10.3 The section 106 Agreement is made between Slough Borough Council and Manor Farm Propco Limited. It is dated 30 October 2025.

10.4 **Schedule 1** relates to the plans the subject of the Agreement showing the land (red line and blue line); the parcels within the land (Parcel A, Link Road and Parcel B); highway works (main site access and emergency access); footpath link (indicative route); and Poyle Road Footway Works - Option B (sought by the Council but not agreed).

10.5 Poyle Road footway works are expressed as either 'Option A' or 'Option B'. The former, proposed by the Appellant and shown on Obligation Plan 3a, provides for a footway from the site access to the relocated northbound bus stop.

10.6 In Option B, delineated on Obligation Plan 5, the Council seeks a new footway/cycleway running from the southern tip of the BESS site to the site access and then from the site access beyond the Hilton Way roundabout to the bridge crossing the Poyle Channel.

10.7 The Secretary of State is invited to expressly identify which of the two is required to mitigate the impact of the development. In the absence of express confirmation, the Poyle Road footway works shall comprise Option A.

10.8 **Schedule 2**, under the heading 'Employment and Skills', is in two parts. The first relates to a Community Development and Skills Strategy to support employment and procurement opportunities for residents and businesses within the Borough, including a minimum of two apprenticeships. A monitoring sum of £500 per annum for a maximum of ten years applies.

10.9 The second part is a Local Engagement Fund of £42,500 for the Council to put towards a programme of school and college engagement, and community outreach, centred on skills related to the development and the Government's Modern Industrial Strategy, including clean energy innovation, digital technology and construction.

10.10 **Schedule 3**, under the heading Travel and Highways, secures the implementation of the Travel Plan submitted with the application and a monitoring fee of £6,000.

10.11 It also provides for highway works, subject to safety audits where specified, consisting of:

(a) Revised main site access including uncontrolled crossing facility;

(b) A new uncontrolled crossing point across Poyle Road to the south of the main site access;

(c) A new uncontrolled crossing point across Poyle Road to the north of the main site access. (If the safety audit concludes that it could not be safely provided, the requirement shall cease to have effect);

[289] ID28

(d) Remove redundant access to the north of the site access and create a new footway;

(e) Bus stop landing area improvements for the northbound bus stop on Poyle Road;

(f) Works to formalise the emergency access to the BESS;

(g) Poyle Road footway works; and

(h) Installation of signage relating to permitted and prohibited turning manoeuvres into and out of the site access (subject to a Traffic Regulation Order.

10.12 Further, a bus stops and infrastructure improvement contribution of £15,000 is to be made for real time passenger information on the bus stops close to the site and for the provision of bus shelters.

10.13 The final element of Schedule 3 is a contribution of £6,000 towards the Traffic Regulation Order.

10.14 **Schedule 4** relates to a Footpath and Enhanced Landscaping Strip, through the submission of a detailed plan and implementation, to provide a footpath link from Poyle Road running to the north of the data centre and thereafter following the Poyle Channel and Colne Brook (blue land within the Appellant's control) to Arthur Jacob Nature Reserve. It will include lighting and CCTV at the connection with Poyle Road, landscaping improvements and related biodiversity information. Reasonable endeavours are to be made to enter into public path creation agreements to provide for the dedication of the footpath.

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## 11. INSPECTOR CONSIDERATIONS AND CONCLUSIONS

The references in brackets **['x']** are to the principal paragraphs in my Report of the cases from where my conclusions are drawn. In a number of headings/topics, the references identify the main substance of the submissions with supplementary references in ensuing paragraphs.

### The Main Considerations

11.1 Having identified the main considerations at the opening of the Inquiry, I consider that these can be condensed as follows: **[1.9]**

(i) Whether the proposed development is inappropriate when assessed against policies in the Development Plan and the National Planning Policy Framework (the Framework);

(ii) The landscape and visual effects of the proposed development and its effects on the Strategic Gap and the Colne Valley Regional Park;

(iii) The effect of the proposed development on expansion plans for Heathrow Airport, its third runway and off-airport related freight uses;

(iv) The effect on the setting and significance of heritage assets (Poyle Farmhouse and The Hollies);

(v) Whether the proposal would be in accordance with the Development Plan;

(vi) The benefits of the proposed development;

(vii) The planning balance; and

(viii) Planning Conditions and section 106 Agreement.

### Main Consideration One: Green Belt

#### Introduction **[7.5-7.10]**

11.2 The appeal site lies within the Green Belt to the west of Greater London and to the east of Slough. Core Policy 1 of the Slough Local Development Framework Core Strategy (adopted December 2008) indicates that *'All development will take place within the built up area, predominantly on previously developed land, unless there are very special circumstances that would justify the use of Green Belt land'*. **[2.1, 2.6]**

11.3 Up to date expression of Green Belt policy is contained in the Framework. Paragraph 142 confirms *'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 permanence'*. **[7.5]**

11.4 Paragraph 153 continues: *'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.'* **[7.7]**

11.5 Paragraph 154 sets out a number of forms of development that are not inappropriate. The proposal does not meet any of those. **[7.11]**

11.6 In turn, paragraph 155 provides: '*The development of homes, commercial and other development in the Green Belt should also not be regarded as inappropriate ……'* subject to (in the case of non-residential development) all of three criteria are met.

**Paragraph 155 Criterion 'a' - Is the site grey belt?**

11.7 Paragraph 155 a. asks the question whether *'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'*.

11.8 The Glossary to the Framework defines grey belt *'as land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143. 'Grey belt' excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development.'* **[7.14]**

11.9 I concur with the agreed position that footnote 7 is not engaged. **[6.98]**

***Previously developed land*** **[7.11-7.19]**

11.10 Although the Appellant's original proposition (set out in paragraph 2.1 of the Design and Access Statement) was, in relation to the appeal site, *'……the northern portion represents previously developed land which has secured numerous permissions for intensive commercial and industrial activities'*, it is evident, and subsequently accepted, that this part of the site (Area A) is not previously developed land, irrespective of ongoing activities. **[6.81, 7.9, 7.15, 7.19]**

11.11 Pausing here, it would be helpful to set out the nature of the respective parcels.

11.12 Area A, comprises, generally and for the most part, large areas of hard-standings and buildings in either commercial or residential use. The site has a complex planning history, albeit its lawful uses and the terms of Enforcement Notices and planning conditions applying to the land are substantially agreed. **[2.7 – 2.10, 6.81]**

11.13 In essence, the buildings closest to Poyle Road (a dwelling, a house in multiple occupation and a storage building) are lawful and the remaining frontage to the north (outlined in orange in ID4) has a certificate for use as car parking, albeit the Council says it is not clear whether the lawful use has continued.

11.14 The remainder and largest part of Area A, by the terms of a 2003 Enforcement Notice and planning conditions, are required to be restored/reinstated to agriculture.

11.15 Area B, proposed for the BESS, is a green field. The link section between Areas A and B contains small parcels of land for open storage, a workshop, stable building and an open fronted barn. These are said to be either lawful, immune from enforcement action or permitted development. **[2.11, 2.12]**

11.16 In short, the totality of the appeal site is not previously developed land.

***Green Belt Purpose 'a)' – To check the unrestricted sprawl of large built up areas*** **[6.79-6.93, 7.20-7.34]**

11.17 The Guidance on Green Belts confirms that purpose a) relates to the sprawl of large built up areas and provides a guide, through a range of considerations to assist in assessing the contribution that a site makes to that purpose.

11.18 Irrespective of whether or not the Council resolves to pursue enforcement action, and accepting the base line of the site as substantially undeveloped land, the site, notably Area A and the strip linking the two principal parcels, is not *'free of existing development'* in that it has a combination of lawful buildings and uses. **[6.79 – 6.82, 7.21 – 7.24, 7.36, 7.45]**

11.19 As to whether there are physical features in reasonable proximity that could restrict and contain development, such features exist to the north of Area A in terms of the wooded corridor of the Poyle Channel and existing built form beyond. They also exist to the south of Area B in the form of the dense woodland corridor to the north of Stanwell Road and inevitably Wraysbury Reservoir on the opposite side of the road. **[6.86, 6.87, 7.25]**

11.20 Poyle Road is an obvious physical feature (with development on its opposite eastern side in any event) insofar as Areas A and B are concerned. However, the land to the south of Area A, north of Area B and to the east of the Link Road, is, save for its residential properties, open land. Nonetheless, in my view, the proximity of Poyle Road would contain the extent of any further development should it be proposed. **[7.29]**

11.21 The position to the west is less clear cut, as a substantial tranche of green field land separates the appeal site from the tangible barrier of the Colne Brook and Arthur Jacob Nature Reserve. Whilst the totality of this parcel is well enclosed, I am not convinced that there are physical features *'in reasonable proximity'* to the appeal site in this direction. **[6.87, 7.26, 7.27]**

11.22 I also acknowledge the Council's concern about the apparent aspirations of the Appellant in relation to the potential for further expansion to the west of the appeal site as a possible second phase of development. It goes without saying that any future proposal would be assessed on the policy, development management and site specific implications applicable at that time should an application materialise. It is not a factor of notable weight. **[7.28]**

11.23 In terms of the relationship of the appeal site with *'a large built up area'*, the scale of the Poyle Trading Estate, stretching along the eastern frontage of Poyle Road, provides immediate context to the appeal site. This in turn links to the residential area of Colnbrook which extends westward and, notwithstanding the open land at the junction of Poyle Road and Bath Road, the presence of the hotel to the north of the appeal site compounds the perception of being *'adjacent or near a large built up area'*, notably part of Slough. **[6.85, 7.30]**

11.24 Looking next at *'pattern of development'*, and having regard to the footprint, bulk and scale of the proposed data centre and the related spread of the BESS, it cannot be said, particularly in light of the unflinching presence of the hotel to the north and the pattern of development generally, that the proposal would be incongruous in its setting. Whilst an extended *'finger'* of development is but one example, I am satisfied that the proposal would appear as an integral and characteristic component of the pattern of development hereabouts. **[6.88, 7.31, 7.32]**

11.25 Moreover, the appeal site is contextualised by *'other urbanising influences'*, not least the degree and nature of activity along Poyle Road arising from the Trading Estate and the regular passage of aircraft overhead, immediately to the west of Heathrow Airport. There is no sense of being away from a built-up area and its inherent defining influences. **[6.89]**

11.26 Looked at in the round, I consider that the proposed development would not amount to an unrestricted sprawl of a large built-up area and I have come to the conclusion that the appeal site makes a moderate contribution to purpose 'a)'. **[6.90 – 6.93, 7.33, 7.34, 7.48 – 7.50]**

***Green Belt purpose 'b)' – to prevent neighbouring towns merging into one another*** **[6.94-6.97, 7.35-7.43]**

11.27 The town of Slough, in a strict sense, ends between Brands Hill and Colnbrook. However, the open gap between the two is very limited and dominated by urban uses (equipped playground to the north of Bath Road) and/or infrastructure (e.g. overhead pylons; street furniture and no characteristic change to the route.) Indeed, Colnbrook and Brands Hill are intervisible and as the Council conceded, Colnbrook can be regarded to be part of the Slough *'conurbation'*, as is the Trading Estate on Poyle Road both physically and perceptually. **[6.96]**

11.28 In terms of defining the gap between Slough and Greater London, there is no doubt that Poyle Road Trading Estate severs what might have formed a clear gap and, in effect, directs focus on the land to the west of Poyle Road and to the south of Colnbrook stretching westward to The Queen Mother Reservoir (itself an elevated structure) and the M4 corridor. **[6.96, 6.97]**

11.29 Irrespective of whether the gap between Poyle Road and Brands Hill is relatively limited in distance, and/or the proposal would occupy a small area of Green Belt, the acid test is largely one of perception and whether there would be loss of visual separation between towns. Given the characteristics described earlier, it is my view, that any loss would be minimal due to the containment of Area A and strong urban influences to the north and east. Similarly, the nature of the development in Area B, and the location and overall natural enclosure of the land, would not give rise to any impression of neighbouring towns merging into one another. **[6.94, 6.95, 7.37, 7.39, 7.40]**

11.30 Turning to the Council's comparison of the appeal site with the Summerleaze site, to my mind there are significant physical and functional differences between the two. By way of example: first, the Summerleaze site is free from development; second, it has dual road frontages, with the Bath Road frontage combining with adjacent open land to the west; and third, it is a clearly recognisable gap between the residential areas of Colnbrook, the Hilton Hotel and the Poyle Road Trading Estate. It's location, character and overall contribution to openness and separation are fundamental distinctions. Acknowledging the obvious differences between a data centre and a solar farm, nonetheless it cannot be said that the appeal site plays an important role in maintaining the impression that there is separation between Slough and Greater London. **[7.41]**

11.31 On this basis, my overall conclusion is that the appeal site makes a very weak contribution to purpose 'b)'. **[7.35]**

***Green Belt purpose 'd)' – To preserve the setting and special character of historic towns***

11.32 The agreed position, with which I concur, is that this criterion is not applicable in this case. **[6.98]**

***Green Belt/grey belt conclusion***

11.33 The Guidance on Green Belts indicates that *'after consideration of the above criteria, any assessment area that is not judged to strongly contribute to any purposes a, b or d can be identified as grey belt land'* (absent any Footnote 7 exclusions).

11.34 Accordingly, I consider that the appeal site is grey belt land. **[6.101, 7.8 – 7.19, 7.42, 7.43]**

***In what circumstances should proposals on grey belt land be approved*** **[6.99-6.102]**

11.35 It is now necessary to consider whether the appeal proposal would '*fundamentally undermine the purposes of the remaining Green Belt across the plan area if …… developed.'* **[6.99]**

11.36 Having regard to the extent of Green Belt in Slough and its overall width at this point (albeit said to be one of the narrowest parts of the Green Belt around London); the peripheral nature of the appeal site and its limited size; and the overwhelming influence of development in the locality, I consider that the proposal would not be in conflict with this test. **[7.8, 7.44, 7.45]**

**Criterion 155 'b' – Is there a demonstrable unmet need for the type of development proposed**

***Introduction and factual background***

11.37 This is a matter on which the parties are poles apart.

11.38 By way of factual background, the appeal site lies in the Slough Availability Zone (SAZ) which is the most important cluster of data centres in both the UK and Europe and second only to Ashburn, Virginia, USA. The SAZ contains over 30 data centres with focus on the Slough Trading Estate (STE). **[2.6, 5.6, 6.4, 6.8, 7.3, 7.143, 7.153]**

11.39 Here there is proximity to the high speed fibre-optic cables connecting London with Ireland and the USA; and the ability to provide the City of London's financial institutions with extremely low latency connectivity. Equinix's Internet exchange point provides an extensive ecosystem to meet the demand for network exchange services and access to multiple cloud providers. **[6.4, 7.151]**

11.40 All of the facilities on the STE, to date, are relatively small data centres of a colocation type (i.e., a facility where the owner of the building provides supporting infrastructure for a tenant to install and operate its own hardware servers and networking equipment). **[6.30, 6.42, 6.66]**

11.41 The STE, owned and managed by SEGRO, has benefitted from Simplified Planning Zone (SPZ) status to facilitate, amongst other things, data centres. The latest SPZ has introduced greater flexibility with extended parameters of floorspace and height. **[5.6, 6.37, 7.3, 7.86, 7.140, 7.143, 7.150, 7.152]**

11.42 The SPZ, taking account of past completion rates over the last 5 years, electricity supply constraints and the availability of sites, the Council assumes on a reasonable case scenario that up to 20 data centres would be built in the next 10 years through amalgamation/redevelopment of existing sites on STE. **[6.42]**

11.43 For its part, SEGRO says that it has an active pipeline for 4.3 million square feet (390,000 square metres) in the next 7 years. **[6.37, 7.86, 7.144, 7.247, 7.254]**

11.44 The Council has also granted planning permission, or there is an agreed firm expectation of planning permission, outside the STE for hyperscale data centres including the former Akzo Nobel (Dulux) paint factory in Wexham Road and on the former Langley Business Centre. Further approvals in that part of the SAZ within Buckinghamshire have also been granted but none have been implemented. **[5.4, 7.86, 7.140]**

11.45 However, it is recognised that there is a severe shortage of power to meet the needs of data centres (and other users). By way of example, Equinix's proposed data centre campus on the Akzo Nobel site has power to support the first stage of development but subsequent stages are constrained until supply can be increased over the next 20 years. **[6.60, 6.65]**

11.46 It is agreed that the available supply in the SAZ up to 2030 is likely to be up to 1,152 MW and STE has potential for some 559 MW (based on the 7 year pipeline being delivered in a period of 5 years) amounting to a future supply of 1,711 MW. **[6.31, 6.39, 7.3, 7.170]**

11.47 All this reflects the growth of cloud computing, a continuing and unprecedented demand for data centres and a growing trend towards larger facilities.

***The assessment of need*** **[6.12-6.40, 7.140-7.191]**

11.48 Planning Practice Guidance on Housing and economic needs assessment indicates:

*'Strategic policy-making authorities will need to prepare a robust evidence base to understand existing business needs , which will need to be kept under review to reflect local circumstances and market conditions ……*

*In gathering evidence to plan for business uses, strategic policy making authorities will need to liaise closely with the business community, taking account of the Local Industrial Strategy, to understand their current and potential future requirements. They will need to assess:*

- *…… the existing stock of land for employment uses within the area;*
- *the recent pattern of employment land supply and loss ……;*
- *evidence of market demand (including the locational and premises requirements of particular types of business) – sourced from local data and market intelligence, such as recent surveys of business needs, discussions with developers and property agents and engagement with business and economic forums;*
- *wider market signals relating to economic growth, diversification and innovation; ……'*

11.49 In terms of using market signals to forecast future need, the guidance advocates *'analysis based on the past take-up of employment land and property and/or future property market requirements'*. **[6.10, 7.146, 7.147]**

11.50 There is no doubt that the Council has been highly proactive and successful in facilitating the growth of data centres, particularly on STE, by working alongside SEGRO. However, there is nothing to indicate that the Council has kept pace with market demand and market signals in their widest sense. **[6.10, 6.11, 6.27, 7.143, 7.150, 7.166]**

11.51 The Council's somewhat spontaneous and superficial assessment of need – 236 MW - is, in effect, a look back in time at those data centres built in the preceding 5 years, and most notably the smaller scale facilities on STE, and then projected forward. In my view, it's conclusion that STE will meet future needs is not reliable as it pays no regard to the current and future appetite for data centres of increasing scale. **[5.9, 6.20, 6.30 - 6.34, 6.44, 7.149, 7.166, 7.187]**

11.52 That moves one forward to the Appellant's assessment of future needs based on a demand estimate of 2,970 MW in the Study Area/SAZ flowing from a forward looking projection from 2025 to 2030. **[6.12]**

11.53 Much criticism was made, by the Council, of the methodology of applying a compound annual growth rate and the inclusion of consented pipeline schemes with live operational facilities. Although it is said that this inflates the outcome, it is nonetheless countered as being a reflection of burgeoning demand and the 'heat 'of the market. There are various comparators that provide a basis for a sense check. **[6.12, 6.26, 7.157 – 7.181]**

11.54 Firstly, the outcome is corroborated by an almost identical figure (2,965 MW) which was common ground in the Woodlands Park 2 Appeal (uplifted from 2029 to 2030). Although that was not openly tested at that Inquiry, it was a figure agreed with Buckinghamshire Council which rendered testing redundant. It cannot lightly be set aside as unreliable. **[6.13, 6.14, 7.155]**

11.55 Secondly, third party sources indicate higher estimated figures in the mid-to-high three thousand with IDC Data Creation Trend reflecting the momentum of hyperscale data centres and McKinsey Continued Demand and Accelerated Scenarios mirroring AI related demand. The Appellant's sensitivity test of taking a 15% growth rate has the outcome of 2,097 MW. This is comparatively significantly lower than the other predictions relied on by the Appellant but, nonetheless, remains higher than the agreed supply. **[6.16 - 6.19]**

11.56 Thirdly, live requirement data presented by the Appellant, some 2,120 MW sought by cloud providers in the SAZ at September 2025, is a source of market intelligence of business needs. Whilst it is a factor of very limited weight as it lacks specific detail of the questions asked or the respondents aspirations, it nonetheless illustrates a general level of interest as one of the steps advocated in Government guidance. **[6.13, 6.18]**

11.57 The Council, in claiming the Appellant's figure to be vastly inflated, sought to suppress the figure with the argument that any figure generated *'needs to have a dose of planning judgement applied to the results before it is decided that it is needed.'* However, there can be no binary correlation between estimated need, or demand, and that which might be accommodated by either strand of the planning process. **[6.29, 7.166]**

11.58 Similarly, although the figure suggests that the already most significant cluster in the UK would double in size during the next 5 years, that is not to say that it would be physically capable of doing so – it simply reflects potential demand, as opposed to what might be capable of being provided in terms of land availability and restrictive planning policies. **[7.168]**

11.59 The same is applicable by reference to DC Byte's current assessment of the wider 'London' market (effectively the southern part of England running into Wales). Again, whilst demand suggests doubling the capacity of this entire market area within the confines of the SAZ, that is not to say that all of that predicted demand would be capable of being accommodated – some would inevitably go elsewhere or remain unfulfilled. **[7.176]**

11.60 Continuing on the Council's theme of alleging the Appellant's figures to be wrong, support was sought by reference to the UK Compute Roadmap Policy Paper.[290] That Policy Paper forecasts that *'the UK will need at least 6GW of AI-capable data centre capacity by 2030 – a threefold increase on the data centre capacity that is available in the UK today'*. **[6.21 - 6.24, 7.177]**

11.61 The simple point being that the document records current data capacity in the UK as 2 GW and, if the Appellant was correct, provision within the SAZ by 2030 would be 1.5 times that which exists in the UK. However, it is not clear whether the former, 2 GW, relates to data centre capacity in general or AI-capable data centre capacity. **[7.177]**

11.62 Seeking clarity from the Research and analysis paper: Estimate of Data Centre Capacity: Great Britain 2024,[291] the Parliamentary Question asked was *'what is UK data centre capacity, as measured by megawatts, by region*'. **[7.178]**

11.63 The response begins *'The Government has not historically collected figures on the growth of data centre capacity but has monitored the market periodically and through industry engagement. …...The Government's estimate of GB's data centre capacity, defined as the maximum rated IT load of colocation data centres ……'* totals 1.6 GW of IT power.

11.64 Here there appears to be a potential mis-match as the question, implicitly, relates to overall data centre capacity whereas the answer is qualified by reference to colocation data centres. Whilst unsuccessful endeavours were made to agree, or establish, common understanding, I am inclined to the view that clarity is masked by ambiguity and neither of these documents provides a robust sense check to undermine the Appellant's assessment. **[6.21 - 6.24, 7.179, 7.180]**

11.65 Drawing all this together, Government Policy demands a step-change in computing power throughout the UK. Current excellence is acknowledged but a significant element of previous capacity has been in the form of small cloud-based facilities. It is evident that there is a new generation of technology through AI-learning and inference requiring facilities at significantly greater scale in strategic growth zones where access to power is more critical than low latency. **[6.19, 6.25]**

11.66 Whilst the appeal proposal is said to be AI-capable, its primary purpose is to meet cloud computing on a hyperscale and distinct from AI-learning. That will remain the ambition in the SAZ and I find nothing of substance to contradict the Appellant's assessment of future market demand. **[7.181]**

[290] CD 11.1P
[291] ID7

***Unmet Need and potential alternative sites*** **[6.41-6.68, 7.192-7.222]**

11.67 Following on with the agreed supply established, and the Appellant's estimation of future demand remaining in place, the unmet need for data centre capacity in the SAZ is 1,259 MW. The demand is therefore a significant consideration and leads to the question of whether there are alternative sites to meet the overall unmet need. **[6.41, 6.47]**

11.68 The Appellant's Alternative Sites Assessment (Version 2) was undertaken in 4 stages namely: Stage 1 - the definition of the study area within the SAZ; Stage 2 - the omission of the BESS and a 10% reduction to the size of the proposed data centre; Stage 3 - General site suitability; and Stage 4 undertook a detailed assessment of 20 potential alternative sites. **[6.49, 7.194]**

11.69 Five of those sites were already accounted for in the supply figure. All of the others were found to have one or more constraints rendering them unsuitable, leading to a conclusion that there was no alternative to the appeal site and no alternatives that could meet the unmet need in general. **[6.49]**

11.70 The Council sought to criticise the exercise, in that a number of material considerations counted against the appeal site in common with others, giving it no sequentially preferable status. However, those 5 sites which were outside the Green Belt were already in the supply equation; 2 sites within the Green Belt had permission for data centre development; and of the remaining 13 Stage 4 sites, all were in the Green Belt. Some of the latter also had Strategic Gap and/or Colne Valley Regional Park policy designations. **[7.194 – 7.199]**

11.71 Further, in terms of qualitative merit, it is largely inconsequential that the site is not suitable for a colocation facility; and its scale and distance from STE are matters for the market in general and the needs and circumstances of an individual operator or operators. The need for expensive infrastructure, power supply, is for the developer to bear and, in any event, provides the opportunity for the provision of the BESS in conjunction with EDF. In my view, there is very little substance to the Council's assessment of the site's attributes or lack of them. **[7.196]**

11.72 Moreover, although there are, understandably for commercially sensitive reasons, no details of the exclusivity agreement entered into by the Appellant with a multi-national data centre operator, its very existence is an indication of firm interest in the facility, irrespective of those factors highlighted by the Council. **[6.3, 6.32, 6.55, 6.59, 6.160, 7.199]**

11.73 At this point, following on from the Council's disparagement of the private power connection agreements, the ability to power the site, unlike the constraints faced by some others, is a factor in the consideration of the proposal being deliverable. It is not to say that it 'trumps' or eclipses restrictive planning policies in general. **[6.1, 6.59, 6.60, 6.65, 6.171, 7.155, 7.203, 7.204, 7.208, 7.215, 7.221]**

11.74 Whilst much endeavour was focused on attempting to undermine the connection agreements, and it is true that consents have yet to be granted and that there are circumstances that could cause the demise of the agreements, nonetheless there is reasonable assurance that the site is capable of being powered and

operated within a relative short space of time – at least compared to the fundamental constraints that manifest elsewhere. Further, the suggestion that the power supply garnered by the Appellant could be transferred to the benefit of others, any reallocation would be subject to due process and a potential lengthy timescale. **[6.46, 6.52, 6.62-6.64, 6.160, 6.169, 7.205-7.222]**

11.75 In my view, the 'points' go nowhere and it is apposite to note, as highlighted by the Appellant, that the Council is prepared to accept SEGRO's ability to power its pipeline supply, on trust. **[6.66]**

11.76 There is one final principal point of disagreement between the Appellant and the Council as to whether the proposal should be regarded to be Critical National Infrastructure (CNI). **[6.67, 6.68, 7.200-7.202]**

11.77 The Ministerial Statement 'Designation of UK Data Infrastructure as Critical National Infrastructure ……' (12 September 2024)[292] sets out:

'*Data infrastructure - the physical data centres and cloud infrastructure which provide the foundations of the digital economy – faces significant risks and challenges that threaten the day-to-day lives of citizens and other critical infrastructure in the UK. We are today taking a significant step to meet these challenges by designating UK data infrastructure as Critical National Infrastructure (CNI) ……'*

*Data infrastructure underpins essential services …… The data it contains is highly valuable, and as such attracts security threats from cyber and physical attacks ……*

*Although the sector already has high standards, CNI designation enables better mitigation of risks ……'.*

11.78 Reading the document in full, it is my view that the natural meaning is directed at *'protecting'* operational data centres. I find no suggestion that a proposal for a data centre starts from the premise of meeting the concept of CNI.

11.79 In conclusion, on criterion 155 b., I consider that there is an overwhelming demonstrable unmet need for the type of development proposed.

**Criterion 155 'c' – Would the development be in a sustainable location, with particular reference to paragraphs 110 and 115 of the Framework**

11.80 The Statement of Common Ground confirms that there are no objections on transport or highway grounds, subject to appropriate planning conditions and/or planning obligations. On this basis there would be no unacceptable impact on highway safety or severe cumulative impacts. The Statement of Common Ground indicates that there would be a reduction in vehicular movements compared to the existing uses on the site; and improved pedestrian access to two bus stops, cycle access and pedestrian crossing provision would enhance opportunities for sustainable and active transport modes. **[6.100]**

11.81 I agree that the development would be in a sustainable location and the aims of paragraphs 110 and 115 of the Framework would be met.

[292] CD 5.2

## Main Consideration One: Conclusion

11.82 From all of the foregoing, I have reached the conclusion that the proposed development should not be regarded as inappropriate in the Green Belt. **[6.99 – 6.101]**

## Main Consideration Two: Landscape and Visual Effects; Strategic Gap; and Colne Valley Regional Park

### Landscape and Visual Effects

11.83 The application was supported with a Landscape and Visual Impact Assessment (LVIA). It is confirmed that the appeal site is not covered by any regional or national designations and is not a 'valued landscape' as meant by paragraph 180a of the Framework. **[5.32- 5.41]**

11.84 My site visits reinforced the findings of the LVIA in that the proposed data centre would stand aloft in views from Poyle Road, in a setting of already built form containing buildings of a commercial nature. Extensive additional landscaping would provide good mitigation of the change in character to, and appearance of, the site. The overall effects for users of Poyle Road would be minor.

11.85 With the data centre in place, some local views towards the facility would change due to the height and bulk of the building. The occupants of the two dwellings to the north would experience a change in outlook, beyond foreground planting. Occasional glimpses towards the data centre, from the bridleway to the west of the Colne Brook and Arthur Jacob Nature Reserve, framed by tall pylons and overhead transmission lines, and at distance, would be of no more than minor effect. Stanwell Poplars would screen the development from the south.

11.86 The limited height of the BESS, in a field substantially enclosed by hedgerow and trees, would be largely indiscernible. **[6.88, 6.124]**

11.87 The Statement of Common Ground does not identify any more than minor effects consistent with the terminology of the Landscape and Visual Impact Assessment. In my opinion, those minor effects will evidently result in some degree of landscape and visual harm. **[5.41]**

### Strategic Gap **[6.115-6.122, 7.57-7.65, 7.88-7.92]**

11.88 Core Policy 2 states amongst other things *'…… Development will only be permitted in the Strategic Gap between Slough and Greater London and the open areas of the Colne Valley Park if it is essential to be in that location ……'*. **[4.1, 7.57]**

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

11.90 Particular focus, understandably, rests on the word *'essential'*. There was no attempt to define the term but it is commonly understood to mean to be necessary or needed and something more than just desirable. **[7.62 – 7.65]**

11.91 The Council's point being that the project is not in itself essential or essential to be on the appeal site and that the Appellant's need case is not sufficient to pass the essential test.

11.92 It is true that the Appellant provided no site specific geographical needs case as such, other than location in the SAZ, and I have still in mind the alleged, but groundless, drawbacks of the site perceived by the Council. However, having found an overwhelming needs case and an absence of any alternative site or sites to meet that need, then it must follow that the proposal is essential to be in that location in the Strategic Gap and in accordance with Core Policy 2. **[6.69, 6.128, 7.87-7.91]**

11.93 Dealing now with a residual point of contention for completeness, it is to be noted that the Strategic Gap policy has received support from the Secretary of State and in the High Court and has been interpreted as a very high bar. It adds an extra layer to the protection of the Green Belt. It remains an essential part of the Core Strategy and, prior to the current version of the Framework, it has been adjudged to have full/substantial weight. **[7.2, 7.56-7.65]**

11.94 I have applied that very high bar in reaching my conclusion. But it should be said that, against the current Framework, and a finding that the appeal site has a limited role in Green Belt terms leading to an overall conclusion that the proposed development should not be regarded to be inappropriate, the weight to the conflict with the Strategic Gap policy, if any were to be found, should be more limited. A similar conclusion follows in respect of the conflict with Saved Policy CG9. **[4.1, 6.105, 6.120, 6.122]**

**Colne Valley Regional Park [6.123-6.125, 7.93-7.98]**

11.95 In view of my conclusions on landscape and visual effects, and those above in relation to Green Belt and the Strategic Gap, and noting that the Colne Valley Regional Park is the first substantial taste of countryside to the west of London, the appeal proposal would have a very minimal impact on the countryside and recreational resources of the park. **[5.12, 5.33, 6.123-6.125, 7.93-7.98]**

11.96 This has to be balanced against the benefit gained from the provision of a new pedestrian link through the appeal site and adjoining land, in the Appellant's control, into the Arthur Jacob Nature Reserve. **[6.72, 9.20]**

## Main Consideration Two: Conclusion

11.97 Drawing together these threads, the landscape and visual impacts would be localised with the most significant effects in the vicinity of Area A, including views from Poyle Road and the dwellings to the north.

11.98 The Strategic Gap policy adds another, higher, layer to the protection of the Green Belt. Given my findings above in relation to Green Belt, I consider that the impact on the Strategic Gap would be minimal due to the general containment of the appeal site and the strong urban influences to the north and east of Area A in particular.

11.99 Finally, there would be very little effect on the character and objectives of the Colne Valley Regional Park.

**Main Consideration Three: Heathrow Airport (HAL)** **[6.126-6.151, 7.99-7.139, 8.1-8.12]**

11.100 By way of background, planning for the expansion of Heathrow Airport and the provision of a third runway has been a long running exercise. Master-planning and related studies for the provision of off-site associated development were in progress up to 2020 until work was suspended due to the Covid-19 pandemic. **[8.3, 8.5, 8.9]**

11.101 The Airports National Policy Statement (2018) recognises the importance of air freight to the UK economy. Heathrow Airport is the UK's biggest freight port by value with over £178 billion of air freight sent between UK and non-European Union countries in 2016. The immense value to the UK's economy now and into the future cannot be overstated. The importance of Heathrow was reaffirmed in the Ministerial Statement 'Transport and growth update' (dated 29 January 2025).[293] **[5.25, 7.99, 7.104-7.106, 8.4]**

11.102 The provision of off-site freight forwarding facilities has been an important component of HAL's master-planning. The appeal site was part of a long list of sites which were shortlisted and it emerged as one of only three selected locations for new and displaced freight forwarding facilities. It is common ground that in 2018 the Council identified part of the appeal site as being suitable for the potential extension to Poyle Trading Estate, if the third runway were to proceed, and the force of its objection to the appeal proposal seeks to safeguard that position. **[5.26, 6.127, 6.128, 7.100, 8.3]**

11.103 In turn, the draft Summary of Land Use Strategy Principles (September 2019) repeated and reinforced the need for the identified sites with freight forwarding to be concentrated in two principal locations – one of which was to the west of Poyle Road taking in the appeal site and adjoining land. The latter represented over 40% of HAL's intended freight forwarding requirement. It was confirmed that '*The masterplan only includes replacement and additional Airport Supporting Development (ASD) that is essential for the successful operation of the airport ……'*. **[6.149, 7.100, 7.101, 7.112-7.119, 7.124, 7.128, 8.7-8.9]**

11.104 It is said that HAL has not identified a better site. However, the land to the west of Poyle Road has no formal status or protection for airport related development in planning policy terms. Moreover, whilst HAL's preference for the site has not changed over the intervening years, there a number of external factors to be borne in mind. **[6.135, 6.136, 6.142-6.144, 6.149, 7.112, 7.113]**

11.105 In this regard, at the end of the Inquiry, HAL's third runway proposals were one of two proposals that had been submitted to Government. The Airports National Policy Statement is due to be reviewed as the precursor to *'…… decision making on granting development consent for a new runway at Heathrow ……'*. It was also anticipated that the Government would give its final decision in the near future on which of the two schemes is to be favoured. **[6.130-6.132, 7.106-7.110]**

[293] CD 5.9

11.106 It is clear that if HAL's proposals are to be carried forward in due course, it will involve reappraisal of earlier work, consultation and then examination through the DCO process, albeit HAL maintains that little has changed since earlier master-planning. At this point in time, despite HAL's emphasis (reinforced by the Council) on the attributes of the appeal site in terms of size, good road access, proximity to the airport and other airport related uses, the inclusion and acquisition of Manor Farm cannot be taken as a foregone conclusion that would, in those circumstances, be capable of meriting substantial weight. **[6.133-6.138]**

11.107 Whilst acceptance of the appeal proposal would frustrate HAL's ambitions, and potential cost implications should HAL pursue acquisition, that is not to say, some five years beyond the fruition of earlier work, that no other site or sites, might be found to be capable of meeting its freight forwarding needs. **[6.146]**

11.108 Nonetheless, none has been identified or suggested. Moreover, it can be anticipated that this would not be an easy task, given the substantially built-up nature of the area to the west of Heathrow and the realistic possibility that there might not be a single site of equivalent advantage. **[7.120, 7.121]**

11.109 Whilst HAL maintains that the appeal site is high priority and that its loss to another use would be harmful to its plans, there is no realistic suggestion that approval of the appeal scheme would rule out the expansion of Heathrow and its related uses. It must follow that there would be no direct conflict with Government policy support for a third runway at Heathrow. **[6.139-6.141, 6.143, 6.150, 6.151, 7.122-7.139, 8.11]**

**Main Consideration Three: Conclusion**

11.110 The expansion of Heathrow Airport has long been recognised as an important infrastructure project that would in itself yield considerable benefits, most notably to the economy. HAL undertook considerable preparatory work up to 2020 before the project was suspended. As part of that work, the appeal site and adjoining land was identified to be important, notably the best, for freight forwarding uses.

11.111 The project now has new impetus following Government support for a third runway. However, work on HAL's project is ongoing with due process awaited; and its earlier comprehensive work has no formal status. Irrespective of the importance to the UK and the economy, and notwithstanding the Council's stance that the greater needs of HAL justify dismissing the appeal on this basis alone, I conclude that very little weight should be given to HAL's aspirations to use the appeal site for airport related development in the absence of any formal protection accruing to the site, and the relatively early stages of the third runway and off-airport proposals. **[6.147, 6.148]**

**Main Consideration Four: Heritage Assets**

11.112 The planning application was supported with a Built Heritage Impact Assessment. It identified two designated heritage assets within the locality of the site, namely Poyle Farmhouse (Grade II) and The Hollies (Grade II). **[2.14, 5.18]**

11.113 Poyle Farmhouse is a two-storey red brick farmhouse of late seventeenth century/early eighteenth century origin. Its significance is derived from its fabric and form. Its setting comprises of private well-enclosed grounds, adjoining farmland to the south and west; two modern bungalows to the north; and the industrial estate on the eastern side of Poyle Road. The appeal site has no known legible historical or functional relationship with the farmhouse; and the appeal site itself contains a number of lawful buildings as described earlier.

11.114 Given these overall characteristics, despite the scale and extent of the proposed development, the effect of the proposal on the significance and setting of the heritage asset would be very limited amounting to less than substantial harm at the lower end of the scale.

11.115 The Hollies is a dwelling of earlier origin, said to be of late sixteenth and seventeenth century. It is of two-storey form with an attic floor. Its heritage significance similarly lies in its fabric and form.

11.116 The dwelling was once set in its own gardens and surrounded by agricultural land. Today its setting is largely industrial in nature with a much depleted wider setting and the building is now in use as offices. Although the appeal site has no apparent legible historical or functional relationship with the Hollies, the proposed data centre will have a relatively close association on the opposite side of Poyle Road.

11.117 Looked at in the round, despite the scale and extent of the proposed development, the effect of the proposal on the significance and setting of the heritage asset would be very limited amounting to less than substantial harm at the lower end of the scale.

**Main Consideration Four: Conclusion**

11.118 The Framework indicates: *'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal'*. This will be undertaken in due course.

**Main Consideration Five: Development Plan Policy [6.103-6.114, 7.66-7.87]**

11.119 The 'basket' of most important policies is agreed to be Core Policy 1 (Spatial Strategy); Core Policy 2 (Green Belt and Open Spaces); Saved Local Plan Policy CG1 (Colne Valley Park); and Saved Policy CG9 (Strategic Gap). **[4.1, 6.104, 6.105, 7.252]**

11.120 The first limits development to the built up area, predominantly on previously developed land, unless there are very special circumstances that would justify the use of Green Belt land. Additionally, a Strategic Gap will be maintained between Slough and Greater London.

11.121 Core Policy 2 indicates that '*the existing areas of Metropolitan Green Belt will be maintained …… development will only be permitted in the Strategic Gap …… and the open areas of the Colne Valley Park if it is essential to be in that location'*. **[4.1]**

11.122 Saved Policy CG1 precludes new proposals for development unless they would *'maintain and enhance the landscape …… resist urbanisation ……conserve the nature conservation resources of the park and provide opportunities for countryside recreation ……'*. **[4.1]**

11.123 Saved Policy CG9 protects the Strategic Gap so as to protect a vulnerable area of Green Belt. **[4.1]**

11.124 Are these policies out-of-date in relation to the Framework and events on the ground? **[6.106, 6.107, 7.252]**

11.125 Paragraph 232 of the Framework confirms that *'…… existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework ……'*.

11.126 The starting point is to acknowledge that, in July 2016, the then Secretary of State, in the SIFE decision, was satisfied that the most relevant policies from the development plan, including those referred to above, were generally consistent with the Framework. He agreed with the Inspector that the development before him was inappropriate and applied very substantial weight to the totality of the harm to the Green Belt. He also found that damage to the Strategic Gap would be irreparable which added significant weight against the proposal.[294] **[7.67]**

11.127 The Inspector in her report set out the genesis of the Strategic Gap policy and it being found to be sound through the public examination of the Core Strategy and subject to scrutiny by the courts. The Inspector went on to acknowledge that the policy pre-dated the publication of the Framework (2012) and considered whether it was consistent with the Framework before reaching a conclusion that the policy supported the Borough's spatial strategy, which was firmly based on the principles of sustainable development. The Inspector also recorded that the Secretary of State had attributed substantial weight to the Strategic Gap designation in the 2014 Radlett decision.[295] **[7.68-7.77]**

11.128 Although the Framework has undergone subsequent iterations, the principle of sustainable development and protecting Green Belt land has been, and continues to be, amongst the core planning principles. Policies CP1 and CP2 are the cornerstone of the Core Strategy and reflect these principles.

11.129 However, Policies CP1 and CP2 are, in effect, *'old-style'* Green Belt policies, without reference to development that is not inappropriate. Consequently, there is no route to admitting development unless there are very special circumstances. Policy CP2 applies a higher bar which requires the development to be essential in that location in the Strategic Gap. **[6.103-6.106]**

11.130 It can be seen that these policies stray from the Framework in that they do not establish whether a particular development is not inappropriate in the terms of paragraphs 154 and 155 of the Framework. That process provides a basis to determine whether there is any harm to the Green Belt and, in the absence of harm, demonstration of very special circumstances is not required.

11.131 It follows that if a proposal is not harmful to the Green Belt, then the higher bar of Policy CP2, in seeking to maintain existing areas of Green Belt, is unduly restrictive. The same is true of saved Local Plan Policy CG9 which purports to place an embargo on development in the Strategic Gap in order to protect the clear separation or the role of open land within the Strategic Green Belt gap.

[294] CD 7.10 DL paragraphs 9 and 39
[295] CD 7.10 IR paragraphs 12.20-12.25

11.132 On the basis that the relevant policies fail to assess and admit development that is not inappropriate, especially in the context of paragraph 155 of the Framework, I regard these policies to be out-of-date in the circumstances of this case.

11.133 It is perhaps telling that the Council's first purported reason for refusal references *'…… the presumption against inappropriate development in the Green Belt …… '* as set out in the Framework before citing Development Plan policies.

11.134 Reviewing this seemingly different position from that found in 2016, the SIFE appeal involved development that was agreed to be inappropriate development.[296] That provided an automatic trigger of harm and the need to demonstrate very special circumstances as required by both the Framework and the Development Plan.

11.135 In the case before me, the starting point is one of determining whether or not the proposed development is inappropriate, a step lacking from Core Policy CP1. Finding the proposal to be not inappropriate disengages the need to show very special circumstances – the key tenet of Policy CP1 – and, by implication, taints Policy CP2 which precludes development in the Green Belt unless it is shown to be essential.

11.136 Further, that conclusion flows from a very careful assessment of the proposal with reference to the Framework and the Planning Practice Guidance on Green Belts and consideration as to whether there is a demonstrable unmet need for the type of development proposed.

11.137 Whilst saved Local Plan Policy CG1 reflects the principle of conserving and enhancing the natural environment, my finding above on the policies of greatest application to the proposal renders the entire basket of policies to be out-of-date. **[1.4, 7.66-7.80]**

**Main Consideration Five: Conclusion**

11.138 In summary, the most important Development Plan policies fall short in terms of assessing whether or not a particular development is not inappropriate in the terms of the Framework and with particular reference to paragraph 155. From the foregoing, I consider that the tilted balance of paragraph 11 d) of the Framework is engaged.

**Main Consideration Six: The Benefits of the Proposed Development and the Planning Balance [6.169-6.172, 7.247]**

11.139 In this section, I ascribe weight in the following sequence: very substantial; substantial; significant; moderate; limited; very limited; and neutral. Great weight is to be ascribed to heritage harm.

11.140 The benefits outlined by the Appellant, as identified by its Planning witness' proof of evidence are largely self-explanatory. My assessment and attributable weight is set out below.

[296] CD 7.10 IR paragraph 6.1

11.141 As I have identified a clear need for the proposed development, an absence of alternative sites and a reasonable anticipation of early delivery to meet the needs of the market, this merits **very substantial weight** especially as the failure to embrace data centre growth would frustrate, and be inconsistent with, clearly stated Government objectives to build a strong, competitive economy and reinforce the recognised strengths of the area and address challenges for the future. The proposal would fully reflect the aspirations of paragraphs 86 and 87 of the Framework. **[5.8]**

11.142 The development would deliver investment of over £365 million and, as economic infrastructure, will play a crucial role in creating, supporting and sustaining jobs at a local, London-wide, national and international level, aligning with Government aims to generate growth and prosperity. It would also result in up to 490 FTE construction jobs and some 65 FTE operational jobs, many of which will be highly skilled and high wage roles. Increased Gross Value Added (GVA) of £5.98 million and up to £92,000 GVA per worker and business rate revenue are added factors. **[5.9]**

11.143 In this regard, paragraphs 86 – 87 are particularly apposite (to be read as a whole) with the following extracts: *'…… planning decisions should help the conditions in which business can invest, expand and adapt ……This is particularly important where Britain can be a global leader in driving innovation …… should recognise and address the specific locational requirements of different sectors. This includes making provision for: a) clusters or networks of knowledge and data-driven, creative or high technology industries …… and facilities and infrastructure that are needed to support the growth of these industries (including data centres ……) ……'*.

11.144 In combination, the economic benefits attract **substantial weight**.

11.145 The proposal would, through the section 106 Agreement (Schedule 2), support local employment and procurement prospects; and foster school, college and community outreach centred on skills related to the Government's Modern Industrial Strategy. This is a consideration of **moderate weight**.

11.146 The use of data and embedded devices is part of modern life. The proposal would add to and reinforce these elements on which economies and individuals increasingly depend. As a single project, the resultant social benefits are of **limited weight**.

11.147 Even with a substantial part of the site restored to grass, as required by condition or through enforcement, the landscaping of the site, by way of mitigation, and BNG value, indicatively capable of being well in excess of the 10% requirement, will be positive attributes. Provision of a pedestrian link through the development to the Arthur Jacob Nature Reserve is a further consideration. These aspects reflect the thrust of the Framework (and Saved Policy CG1 in part) in seeking a positive landscape setting to development and supporting nature recovery. This attracts **moderate weight**.

11.148 The proposal, by obligation, would deliver improved pedestrian access to two bus stops within the vicinity of the access to the site and make the use of public transport more attractive for users of the data centre and the wider industrial estate. I apportion **limited weight**.

11.149 Although it is claimed, and agreed, that the proposal would also reduce the impact of traffic by lowering vehicular movements, that appears to rest on the premise of current rather than lawful uses. I regard this to be **neutral**.

11.150 The BESS would provide additional resilience to a highly constrained power network which will support local businesses and surrounding communities and take advantage of the ability to store and distribute 'excess' energy from renewable sources. The data centre itself, through design, commitment to BREEAM Excellent and opportunities for remote working would contribute both directly and indirectly to addressing climate change. This is a factor of **significant weight**.

11.151 Recapping on the harm identified in earlier considerations, the effect on the character and appearance of the area amounts to **harm of moderate weight**.

11.152 Impact on the Strategic Gap would be somewhat peripheral, but the height and bulk of the data centre would be the key impact most notably in a visual and perceptual sense. I assess this as **harm of moderate weight**.

11.153 I have found that the proposal would have a very minimal impact on the countryside and recreational resources of the Colne Valley Regional Park. I consider this harm, and conflict with Saved Policy CG1, to be of **very limited weight**.

11.154 At the instant of preparing this Report, the evidence at the Inquiry has not demonstrated that, despite the obvious merits of the site for potential future airport related uses, HAL's proposals have reached the threshold where anything more than **limited weight** might accrue against the appeal proposal.

11.155 **Great weight** is to be given to the less than substantial harm to two designated heritage assets. I consider that this harm would be outweighed by the wider benefits arising from the proposal. **[6.169]**

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

11.157 In this case, I have found the most important policies for determining the appeal to be out-of-date due to their inconsistency with the Framework, most notably in terms of assessing whether or not a development is inappropriate. This is particularly important in light of paragraph 155 of the Framework and the introduction of grey belt land.

11.158 Therefore, in accordance with paragraph 11 d) of the Framework, and the application of the tilted balance, I conclude that any adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole.

11.159 Finally, the evidence before me clearly demonstrates that Likely Significant Effects on the identified sensitive areas can be ruled out, alone and in combination, and an Appropriate Assessment need not be undertaken. **[1.11-1.15]**

11.160 Overall, having considered all of the representations, I consider that there are no material considerations of sufficient weight, alone and in combination, to indicate that the proposal should be refused. Accordingly, the appeal proposal represents sustainable development and planning permission should be granted.

11.161 If the Secretary of State disagrees with my conclusion that the appeal site is grey belt land, and the proposal would be inappropriate development in the Green Belt, my overall analysis points to very special circumstances. This would flow from the starting point of giving substantial weight to any harm to the Green Belt, including its openness and any other harm resulting from the proposal as described above and a continuing balance of other considerations outweighing the totality of the harms to represent very special circumstances. **[6.169, 7.233-7.254]**

11.162 The Council urged that each and every harm to the Green Belt, definition, openness and purposes, should be weighed separately. My understanding of the Framework is that these harms should be combined to reach an overall judgement on the totality of the harm to the Green Belt. This is the basis of my assessment in the preceding paragraph. **[7.238]**

11.163 It follows that my overall conclusion would remain the same as set out above.

## Planning Conditions and Section 106 Agreement

### Conditions **[6.153-6.165, 10.1, 10.2]**

11.164 Returning to the conditions referred to in section 10 of my Report, draft Condition 1 provides for the development to be commenced within two years to reflect the Appellant's intentions of progressing the development and the need case advanced. However, in light of my overall conclusions on Green Belt, and the absence of need to demonstrate very special circumstances, there is no reason to depart from the standard three year commencement condition. **[6.165]**

11.165 The approved details are listed for clarity and certainty with provision for external materials to be agreed in the interests of visual amenity. [Conditions 2 and 3].

11.166 The site lies within an area of archaeological potential and an agreed programme of archaeological work is necessary to secure appropriate investigation and recording. [Condition 4]

11.167 Safe practice and the protection of amenity are to be secured through a Construction Traffic Management Plan and a Construction Management Plan. [Conditions 5 and 6]

11.168 It is important to ensure an adequate foul water drainage scheme, based on principles forming part of the planning application. Surface water drainage and subsequent management and maintenance is also to be secured to ensure appropriate disposal and to avoid flood risk. [Conditions 7 and 16]

11.169 The landscaping of the site by way of mitigation and the subsequent management and maintenance of landscaped areas is important for visual amenity and biodiversity. The protection of trees during site preparation and construction is a further important consideration. [Conditions 8, 12 and 25]

11.170 The related condition referable to the Biodiversity Net Gain Assessment (draft condition 26) is unnecessary in light of the deemed pre-commencement condition requiring a Biodiversity Gain Plan.

11.171 Several conditions are relevant to airport safety, namely those requiring a Bird Hazard Management Plan, a Glint and Glare Assessment for any solar panels, a Plume Rise Assessment and preclusion of external telecommunications equipment. [Conditions 9, 30, 31 and 38]

11.172 Fire containment and suppression measures are to be secured through an agreed scheme in the interests of public safety. [Condition 10]

11.173 A number of measures relating to the operation of the development are to be agreed to secure a Car Parking Management Plan, including the allocation of spaces and EV charging bays and details of the EV charging points and related infrastructure; a scheme for cycle parking to encourage sustainable travel; and operation of the development in accordance with the approved Travel Plan in order to reduce travel by car. [Conditions 11, 22, 24 and 32]

11.174 In view of current and past uses of the site, implementation of the remediation strategy and validation is required to safeguard public health. [Condition 13]

11.175 Protection of the locality from undue noise and disturbance is to be achieved through agreement on a generator testing regime, details of ancillary plant and the keeping of a generator testing diary. [Conditions 14, 15 and 28]

11.176 In view of potential implications for water pressure in the locality, and to avoid overloading the waste water network, confirmation of upgrades or agreement on a phasing plan will be required before first occupation of the data centre. [Conditions 17 and 18]

11.177 An access and security strategy is required to achieve the aims of Secure by Design. An external lighting scheme has related security and visual amenity considerations. [Conditions 19 and 27]

11.178 In the interests of highway and pedestrian safety the provision of visibility splays will be required at the site access. Details of any gates on the main access and the emergency access are to be agreed for highway safety reasons. [Conditions 20, 21, 33 and 34]

11.179 Refuse storage, collection and recycling facilities are important amenity considerations. [Condition 23]

11.180 The use of the data centre is to be restricted to that specific use to enable the implications of any other use, should it arise, to be assessed. [Condition 29]

11.181 Finally, a suite of sustainability conditions are to be imposed to achieve sustainable building construction and operation. [Conditions 35, 36 and 37]

11.182 In my view, all of the above conditions, save for condition 26, are necessary; relevant to planning; relevant to the development to be permitted; enforceable; precise; and reasonable in all other respects. This is qualified by the amendment of condition 1 to provide for the standard three year commencement. Thus, they should be attached to any grant of permission.

11.183 All of the pre-commencement conditions, numbers 4 - 9, are accepted by the Appellant. The conditions restricting work above slab level pending agreed details are numbers 10 – 12. Conditions to be discharged prior to occupation are numbers 13 – 25 and 35. **[6.154]**

11.184 I have not re-ordered these to reflect the recommended structure in the Guidance 'Use of planning conditions' (Paragraph: 024 Reference ID:21a-024-20140306) to avoid numerical confusion.

11.185 Reverting to disputed condition 39, 'Option A' would, if the development has not been "substantially commenced" by 31 December 2029, provide for the submission of a scheme within 12 months of that date for the *'removal of all "material operation" and for the restoration of the site to agriculture'*. **[6.155-6.164]**

11.186 For the purposes of the condition "substantially commenced" means the discharging of all pre-commencement conditions and the completion of building works up to and including the construction of the external shell of the main data centre building and "material operation" carries the same meaning as defined in section 56(4) of the Town and Country Planning Act 1990.

11.187 'Option B' would be in the form of a pre-commencement condition precluding development until evidence had been submitted, and approved, of a binding contract(s) having been entered into for the carrying out of the works for the substantial commencement of the development. The wording of 'Option A' would then follow.

11.188 The reason given is:

*'To ensure that the development is commenced and completed in accordance with the very special circumstances justifying its approval in the Green Belt and to secure the restoration of the site should the development not proceed, in accordance with paragraph 143 of the National Planning Policy Framework and Policy CP2 of the Slough Core Strategy (2008). This condition also safeguards and seeks to ensure the ongoing effectiveness of the extant enforcement notice no. 343, dated*[297] *[CD 11.1 T4b] and enforcement notice no.262 [CD11.1.T4a] and the requirements there in'.*

11.189 The condition is premised on the basis of the very special circumstances justifying the proposed development. However, that falls away in light of my conclusion that the proposal is not inappropriate rendering the very special circumstances test redundant.

11.190 In terms of paragraph 143 of the Framework, given my conclusions on the effect of the proposal on purposes a), b) and d), and whilst acknowledging some encroachment into the countryside and a preference to prioritise previously developed land, I consider that there would be no fundamental conflict with paragraph 143 read as a whole. I have also found Policy CP2 to have been met.

11.191 Finally, in terms for the Council seeking to safeguard its position in relation to outstanding Enforcement Notices, the commencement of the appeal development would open a new chapter in the history of the site.

[297] No date given in quotation – Enforcement Notice is dated 3 March 2003

11.192 Overall, I find condition 39, in either form, to be unnecessary and unreasonable. In particular, it would likely impact on the deliverability of the development and prove wholly onerous.

**Section 106 Agreement [6.166-6.168, 7.228-7.232, 10.3-10.14]**

11.193 The section 106 Agreement is supported by a CIL Compliance Statement prepared in accordance with Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 (as amended).[298]

11.194 The Community Development and Skills Strategy and related Local Engagement Fund (Schedule 2) is aimed at supporting local employment, apprenticeships and procurement. It is necessary to support local employment opportunities; directly related in fostering local talent; and is fair and reasonable in terms of the overall scale of development and level of investment.

11.195 In terms of Schedule 3, the implementation of the Travel Plan is consistent with the aims of the Development Plan and the Framework to widen transport choices and make sustainable transport more attractive than the private car. The Bus Stops and Infrastructure Improvement financial contribution will be a contributory factor.

11.196 Modifications to the highway layout, and signage within the vicinity of the main access, justifies the proportionate financial contribution to the making of a Traffic Regulation Order. The section 278 highway works are required to mitigate the impacts of the development and to provide improved and safe access for vehicles and pedestrians. Again, the relevant tests are met.

11.197 The extent of the Poyle Road footway works is however to be decided, as the parties have failed to reach agreement. The Appellant proposes to construct a footway along the frontage of Area A to the relocated north bound bus stop – a distance of some 165 metres. By comparison the Council seeks provision from where the existing footway terminates along the frontage of Area B, continuing northward beyond Poyle Farmhouse to Area A, and thereafter beyond the relocated bus stop. This would be some 650 metres in length.

11.198 It is true that footway provision on the eastern side of Poyle Road, albeit providing a continuous route, is broken by busy access roads and its width and surface is variable. Option B, along the length proposed, would provide a much improved opportunity for walking and cycling when travelling from the south.

11.199 However, connectivity from that direction is poor as the footway along the southern edge of Stanwell Road is a narrow margin for much of its length and there is no cycle provision. The route from Stanwell Moor takes in the underpass of junction 14 of the M25 and is not a particularly pleasant journey. In any event, the walking and cycling distances involved from the nearest settlements are further discouraging factors.

11.200 When operational, the data centre would have in the order of 65 FTE employees. The use cannot be considered to be a major traffic generator and, for some, public transport is likely to represent a convenient choice.

[298] CD 8.17

11.201 In my opinion, the Council's preference cannot be said to be necessary in view of its likely limited use – essentially to serve the appeal site; and absence of any material safety issues on Poyle Road. This in turn makes the scope of the works disproportionate to the development proposed and, as such, cannot be claimed to be fair and reasonable.

11.202 On this basis, for the purposes of Schedule 3, the Poyle Road Footway Works, described as Option A and shown on Plan 3a, are those required to mitigate the impact of the development having met the three relevant tests. Option B as shown on Plan 5 should be disregarded.

11.203 Finally, Schedule 4, the Footpath and Enhanced Landscaping Strip, will provide a footpath link from Poyle Road to the Arthur Jacob Nature Reserve, improving accessibility, and a strong landscaping belt between the data centre and Poyle Road, within the public realm, by way of mitigation. These will bring meaningful improvements to the local environment, consistent with Green Belt and Colne Valley Regional Park objectives. I am satisfied that the relevant tests would be fulfilled.

## 12. RECOMMENDATION

12.1 From the foregoing, I recommend that the appeal be allowed, subject to the imposition of conditions 1 - 25 and 27 – 38 (to be renumbered) in Annex A to this Report.

*David MH Rose*

INSPECTOR

## ANNEX A – SCHEDULE OF RECOMMENDED CONDITIONS

1. **Time Limit**

The development hereby permitted shall be commenced within ~~[two]~~ **three** years from the date of this permission.

REASON To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

2. **Approved details**

The development hereby approved shall be implemented only in accordance with the following plans and information hereby approved:

a) Site Location Plan - CON-COR-ZZ-ZZ-D-A-00101 P02
b) Existing Site Plan - CON-COR-ZZ-ZZ-D-A-00102 P02
c) Demolition Site Plan - CON-COR-ZZ-ZZ-D-A-00103 P02
d) Proposed Site Plan - CON-COR-ZZ-ZZ-D-A-00104 P02
e) Existing Site Section – North & South - CON-COR-ZZ-ZZ-D-A-00106 P01
f) Existing Site Section - East & West - CON-COR-ZZ-ZZ-D-A-00107 P01
g) Proposed Site Section - North & South - CON-COR-ZZ-ZZ-D-A-00108 P01
h) Proposed Site Section - East & West - CON-COR-ZZ-ZZ-D-A-00109 P01
i) Proposed Parcel A Plan - CON-COR-ZZ-ZZ-D-A-00116 P01
j) Proposed Data Centre – Ground Floor Plan - CON-COR-ZZ-B100-D-A-00203 P01
k) Proposed Data Centre – First Floor Plan - CON-COR-ZZ-B101-D-A-00220 P01
l) Proposed Data Centre - Second Floor Plan - CON-COR-ZZ-B102-D-A-00229 P01
m) Proposed Data Centre - Roof Floor Plan - CON-COR-ZZ-B103-D-A-00238 P01
n) Proposed Data Centre - Roof Platform Plan - CON-COR-ZZ-B104-D-A-00239 P01
o) Proposed Data Centre – Elevations - East & West - CON-COR-ZZ-B1ZZ-D-A-00501 P01
p) Proposed Data Centre – Elevations - North & South - CON-COR-ZZ-B1ZZ-D-A-00502 P01
q) Proposed Data Centre – Sections - CON-COR-ZZ-B1ZZ-D-A-00601 P01
r) Proposed Guard House – Plans, Sections & Elevations - CON-COR-ZZ-B2ZZ-D-A-00250 P01
s) Proposed Parcel B Layout Plan - CON-COR-ZZ-ZZ-D-A-00119 P02
t) MVS5000 - CON-EDFR-ZZ-B4ZZ-D-01200
u) Storage Container - CON-EDFR-ZZ-B4ZZ-D-01201
v) BESS Unit - CON-EDFR-ZZ-B4ZZ-D-01202
w) DNO Substation - CON-EDFR-ZZ-B4ZZ-D-01203
x) Intermediate Substation - CON-EDFR-ZZ-B4ZZ-D-01204
y) Auxiliary Transformer / Earthing Transformer - CON-EDFR-ZZ-B4ZZ-D-01205
z) LV Auxiliary Switch Room, Control Room & Welfare Unit Arrangement - CON-EDFR-ZZ-B4ZZ-D-01206
aa) Noise Assessment, prepared by Sharps Redmore, dated 12 December 2024
bb) Water Tank Arrangement - CON-EDFR-ZZ-B4ZZ-D-01207
cc) Fencing and Gate Elevations - CON-EDFR-ZZ-B4ZZ-D-01208
dd) Harmonic Filter Arrangement - CON-EDFR-ZZ-B4ZZ-D-01210
ee) BESS Substation Arrangement - CON-EDFR-ZZ-B4ZZ-D-01211
ff) Control Room - CON-EDFR-ZZ-B4ZZ-D-E-01213
gg) Proposed Substation – Plans - CON-COR-ZZ-B300-D-A-00260 P01
hh) Proposed Substation – Section - CON-COR-ZZ-B3ZZ-D-A-00602 P01
ii) Parcel A – Strategic Landscape Masterplan - P25-1155-EN-001F
jj) Detailed Landscape Proposals – Parcel A - P24-1155-EN-003D

kk) Parcel B – Strategic Landscape Masterplan - P24-1155-EN-002E
ll) Detailed Landscape Proposals – Parcel B - P24-1155-EN-004C
mm) Flood Risk Assessment & Drainage Strategy Report Rev 1 Dec 2024 (Price & Myers)

REASON To ensure that the site is developed in accordance with the submitted application and to ensure that the proposed development does not prejudice the amenity of the area and to comply with the Policies in the Development Plan.

3. **External materials**

No development above damp proof course level shall take place until details of all facing materials to be used on all new buildings (including, where relevant, render colours, glazed facades, louvres, framing), boundary treatments (colour, height and siting) have been submitted to and approved in writing by the Local Planning Authority. Where requested by the Local Planning Authority, samples shall be displayed on site for inspection prior to their installation. The development shall then be completed in accordance with the approved details.

REASON To ensure a satisfactory appearance of the development so as not to prejudice the visual amenity of the locality in accordance with Policy EN1 of The Adopted Local Plan for Slough 2004.

4. **Written Scheme of Investigation**

A) No development shall take place/commence until a programme of archaeological work, including a Written Scheme of Investigation (WSI) has been submitted to, and approved by, the Local Planning Authority in writing.

The WSI shall include an assessment of significance and research questions; and:
1. The programme and methodology of site investigation and recording;
2. The programme for post investigation assessment;
3. Provision to be made for analysis of the site investigation and recording;
4. Provision to be made for publication and dissemination of the analysis and records of the site investigation;
5. Provision to be made for archive deposition of the analysis and records of the site investigation; and
6. Nomination of a competent person or persons/organisation to undertake the works set out within the WSI.

B) The development shall take place in accordance with the WSI approved under part (A).

The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the WSI approved under part (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

REASON The site lies in an area of archaeological potential, particularly for, but not limited to, Prehistoric and Medieval remains. The potential impacts of the development can be mitigated through a programme of archaeological work. This is in accordance with national and local plan policy.

5. **Construction Traffic Management Plan**

No development shall take place until a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority and subsequently implemented in accordance with the approved details.

REASON In the interest of the safe and efficient operation of the strategic road network and the management of any risks posed by traffic during the construction period.

6. **Construction Management Plan**

Prior to the commencement of the development, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include the following details:

1. A site set up plan displaying hoarding/fencing extents, vehicle and pedestrian access points during construction, provision for storage of materials, waste and recycling facilities/areas, contractor parking, turning space for construction vehicles, unloading area for deliveries, site office and wheel cleaning facilities during the construction period.
2. Construction vehicles to comply with Euro VI Emissions Standard as a minimum and machinery to comply with Table 10 of the Low Emissions Strategy Guidance.
3. Delivery hours and working hours. Deliveries shall be made outside peak hours of 07:00 – 09:00 and 16:00 – 19:00.
4. Details of traffic management measures to control deliveries to site and pedestrian movements on footways in proximity to the site in order to minimise the impact of construction on the safe operation of the surrounding highway network.
5. Vehicle routing plan for HGVs. HGVs shall avoid weight restrictions and Air Quality Management Areas, and local schools at collection/drop off time.
6. Details of dust control measures which align with those outlined in Appendix A6 of the Air Quality Assessment, prepared by Logika Group, dated 13 December 2024.
7. Confirmation of whether any abnormal loads will be required for the construction or demolition. If so, the Local Highway Authority must be notified of any abnormal loads at the following location: https://www.slough.gov.uk/licences-permits/abnormal-loads/1
8. Measures for the control of noise.
9. Measures for control of surface water run off.
10. Proposed method of piling for foundations if applicable.

The Construction Management Plan shall thereafter be implemented as approved before development begins and be retained and operated throughout the duration of the construction works period.

REASON In the interests of local amenity, highway safety, air quality, the preservation of natural habitats and trees in accordance with Core Policies 7, 8 and 9 of the Adopted Local Development Framework, Core Strategy 2006 - 2026, December 2008 and the requirements of the National Planning Policy Framework.

7. **Foul Water Drainage**

Prior to commencement of development, a detailed foul water drainage scheme for the site shall be submitted to and approved in writing by the Local Planning Authority. The detailed foul water drainage scheme shall be based upon the principles set out within the submitted Flood Risk Assessment and Drainage Strategy report Rev 1 prepared by Price & Myers Consulting Engineers dated December 2024 and further clarified in Quod letter to Slough Borough Council dated 1 April 2025.

REASON: To ensure an adequate foul water drainage scheme in accordance with the requirements of Core Policy 8 of the Slough Local Development Framework, Core Strategy 2006-2026, Development Plan Document, December 2008.

8. **Arboricultural Method Statement**

No site clearance, preparatory work or development shall take place until an Arboricultural Method Statement for the protection of the retained trees and the appropriate working methods in accordance with 'British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced)' has been submitted to and approved in writing by the Local Planning Authority. The scheme for the protection of the retained trees shall be carried out as approved.

Protective fencing detailed in the approved Arboricultural Method Statement shall be erected to protect existing trees and hedgerows during construction and shall conform to British Standard 5837 (or an equivalent British Standard if replaced).

The approved fencing shall be erected in accordance with the approved details before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be retained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any fenced area, and the ground levels within those areas shall not be altered, nor shall any excavation be made.

REASON To ensure the satisfactory retention of trees to be maintained in the interest of visual amenity and to meet the objectives of Policies EN1 and EN3 of The Adopted Local Plan for Slough 2004, Core Policy 8 of the Slough Local Development Framework Core Strategy 2006-2026, and the requirements of the National Planning Policy Framework.

9. **Bird Hazard Management Plan**

Development shall not commence until a Bird Hazard Management Plan has been submitted to and approved in writing by the Local Planning Authority. The submitted plan shall include details of management of any flat/shallow pitched/green roofs on buildings within the site which may be attractive to nesting, roosting and "loafing" birds. The Bird Hazard Management Plan shall comply with CAST Advice Note 3 'Wildlife Hazards Around Aerodromes'.

The Bird Hazard Management Plan shall be implemented as approved and shall remain in force for the life of the buildings. No subsequent alterations to the plan are to take place without the written approval of the Local Planning Authority.

REASON It is necessary to manage the flat roofs to minimise its attractiveness to birds which could endanger the safe movement of aircraft and the operation of Heathrow Airport.

10. **Fire Statement**

a) No construction work above ground floor slab level in respect of the data centre building shall take place until a scheme for fire containment and suppression measures for the data centre building (shell and core) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented prior to the commencement of the data centre use and retained at all times thereafter.

b) Prior to the occupation of the data centre building, a scheme for fire containment and suppression measures for the data centre building (full fit out) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented prior to the commencement of the data centre use and retained at all times thereafter.

c) No construction work above ground floor slab level in respect of the BESS, shall take place until a scheme for fire containment and suppression measures for the BESS has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented prior to the commencement of the use of the BESS and retained at all times thereafter.

REASON To ensure that the proposal poses no unacceptable risk of fire and to ensure that the BESS to comply with National Fire Protection Association 'NFPA 855' for the installation of Stationary Energy Storage Systems (2023).

11. **Car Park Management Plan**

No construction work above ground floor slab level shall commence until a Car Parking Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Car Parking Management Plan shall include details on how the car park is accessed, how parking spaces are allocated, disabled parking spaces, EV charging bays and visitor bays. Works shall be carried out in accordance with the approved details and shall be kept in place and retained as approved for the lifetime of the development.

REASON In the interest of the free flow of traffic and road safety on the nearby public highway and to ensure optimum use of parking spaces and electric vehicle charging points regarding sustainable development, in accordance with Core Policy 7 of The Slough Local Development Framework, Core Strategy 2006 – 2026, Development Plan Document, December 2008.

12. **Landscaping**

No construction work above ground floor slab level shall take place until full details of the proposed hard and soft landscaping including samples of surface treatments, planting schedules and details of the species (type, density, position and planting heights and maturity, along with staking/guying, mulching, feeding, watering and soil quality) and proposed landscape maintenance strategy have been submitted to and approved in writing by the Local Planning Authority.

The approved scheme of hard landscaping shall be implemented prior to first occupation of the development and retained thereafter.

The approved scheme of soft landscaping shall be carried out no later than the first planting season following occupation of the data centre hereby permitted. Any tree or other planting that is lost, felled, removed, uprooted, dead, dying or diseased, or is substantially damaged within a period of five years thereafter shall be replaced with a specimen of similar species and size, during the first available planting season following the date of loss or damage. The scheme of soft landscaping shall be maintained and retained thereafter.

REASON To ensure a satisfactory appearance of the development so as not to prejudice the visual amenity of the locality and to secure appropriate biodiversity in accordance with Core Policy 8 of The Slough Local Development Framework, Core Strategy 2006 – 2026, Development Plan Document, December 2008, Policies EN1 and EN3 of the Adopted Local Plan for Slough 2004, and the requirements of the National Planning Policy Framework.

13. **Remediation Validation**

No development within or adjacent to any area(s) subject to remediation works carried out pursuant to the Outline Remediation Strategy (Ref. no. 1620016166-006, Issue 3.0), dated December 2024, and prepared by Ramboll, shall be occupied until a full final Validation Report for the purposes of human health protection has been submitted to and approved in writing by the Local Planning Authority. The report shall include details of the implementation of the remedial strategy and any contingency plan works approved pursuant to the remediation strategy. In the event that gas and/or vapour protection measures are specified by the remedial strategy, the report shall include written confirmation that all such measures have been implemented by a competent installer and then verified by a qualified independent third party/Building Control Regulator.

REASON To ensure that remediation work is adequately validated and recorded, in the interest of safeguarding public health and in accordance with Core Policy 8 of The Slough Local Development Framework, Core Strategy 2006 – 2026, Development Plan Document, December 2008.

14. **Generator Testing**

Notwithstanding the details in the approved plans, no part of the development hereby approved shall be brought into use until details have been submitted to and approved in writing by the Local Planning Authority of a 'Generator Testing Regime'.

The diesel generators shall only be used in accordance with the approved Generator Testing Regime and used only in the event of a power supply outage when not being tested. The normal testing of the generator system shall only be carried out between the normal working hours of 07:30 – 18:00 Monday to Friday and at no times on a Saturday, Sunday or Public Holiday.

REASON: To ensure that the development hereby permitted is not detrimental to the amenity of the surrounding area by reason of undue noise emission and/or unacceptable disturbance. In accordance with Policy EN1 of The Adopted Local Plan for Slough 2004, Core Policy 8 of the Slough Local Development Framework Core Strategy 2006-2026, and the National Planning Policy Framework.

15. **Noise**

Prior to first occupation of the data centre hereby permitted, details of the ancillary plant (including the substation) shall be submitted to and approved in writing by the Local Planning Authority, with supporting evidence of noise level at nearby receptors as identified in the Noise Assessment, prepared by Sharps Redmore, dated 12 December 2024. The above details shall be accompanied by the the submission of a Noise Mitigation Plan which reduces the noise impact during the night at Receptor R5.

The approved details shall be implemented prior to first occupation of the development and retained thereafter.

REASON To ensure that the operation of the development does not result in unacceptable noise impacts at nearby noise sensitive receptors in accordance with Core Policy 8 of The Slough Local Development Framework, Core Strategy 2006 – 2026, Development Plan Document, December 2008, and the requirements of the National Planning Policy Framework.

16. **SuDS As Built and Maintenance Details**

Prior to first occupation of the development, a record of the installed SuDS and site wide drainage scheme consistent with Flood Risk Assessment and Drainage Strategy Report Rev 1 prepared by Price & Myers Consulting Engineers dated December 2024 shall be submitted to and approved in writing by the Local Planning Authority for deposit with the Lead Local Flood Authority Asset Register. The details shall include:

(a) As built plans in both .pdf and .shp file format;
(b) Photographs to document each key stage of the drainage system when installed on site;
(c) Photographs to document the completed installation of the drainage structures on site;
(d) The name and contact details of any appointed management company information.

Any surface water control measures shall be carried out in accordance with the Flood Risk Assessment and Drainage Strategy Report by Price and Myers (Report Ref. No. 31567 Rev 1, Dated December 2024).

The drainage system shall be managed and maintained for the lifetime of the development in accordance with the approved submitted details

REASON To ensure that surface water discharge from the site is satisfactory and shall not prejudice the existing sewerage systems in accordance with Core Policy 8 of The Slough Local Development Framework, Core Strategy 2006 – 2026, Development Plan Document, December 2008.

17. **Water Capacity**

Prior to first occupation of the data centre hereby permitted confirmation shall be submitted to the Local Planning Authority that either:

1. all water network upgrades required to accommodate the additional demand to serve the development have been completed; or

2. a development and infrastructure phasing plan has been agreed with Local Planning Authority to allow the development to be occupied.

Where a development and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan.

REASON The development may lead to no / low water pressure and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional demand anticipated from the new development.

18. **Waste Water Capacity**

The data centre hereby permitted shall not be occupied until confirmation has been provided that either:-

1. Combined waste water capacity exists off site to serve the development, or

2. A development and infrastructure phasing plan has been agreed with the Local Planning Authority, or

3. All combined waste water network upgrades required to accommodate the additional flows from the development have been completed.

Where a development and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan.

REASON Network reinforcement works may be required to accommodate the proposed development. Any reinforcement works identified will be necessary in order to avoid sewage flooding and/or potential pollution incidents.

19. **Secure by Design**

Prior to first occupation of the development, an Access and Security Strategy shall be submitted to and approved in writing by the Local Planning Authority to confirm the security arrangements for the site. This should include the following details:

- Access control measures
- Security specification of windows, doors, gates and boundary treatment
- Location of vehicular gates/barriers
- Compartmentation of the building
- Proposed security lighting and CCTV strategy, including CCTV locations and proposed monitoring and management
- Proposals for secure parking area and secure cycle parking
- Details of proposed active security for the site, including number of personnel, location of security desk/s, management etc

The approved details shall be implemented prior to first occupation and shall be retained thereafter.

REASON In pursuance of the Council's duty under section 17 of the Crime and Disorder Act 1998 to consider crime and disorder implications in exercising its planning functions; to promote the well being of the area in pursuance of the Council's powers under section 2 of the Local Government Act 2000; in accordance with Core Policy 12 of The Slough Local Development Framework, Core Strategy 2006 - 2026, Development Plan Document, December 2008 and to reflect the guidance contained in the National Planning Policy Framework 2024.

20. **Pedestrian Visibility Splays**

No part of the development shall be occupied until the pedestrian visibility splays of 2.4 x 2.4 metres (measured from the back of footway) have been provided on both sides of the new vehicular access points and the area contained within the splays shall be kept free of any obstruction exceeding 600 mm in height above the nearside channel level of the carriageway for the lifetime of the development.

REASON To provide adequate inter-visibility between the access and the existing public highway for the safety and convenience of users of the highway and of the access, in accordance with Core Policy 7 of the Core Strategy 2006 – 2026 (Development Plan Document, December 2008).

21. **Vehicular Visibility Splays**

No part of the development shall be occupied until the vehicular visibility splays shown on drawing number 237679/PD02-F have been provided on both sides of the access. The area contained within the splays shall be kept free of any obstruction exceeding 600mm in height above the nearside channel level of the carriageway for the lifetime of the development.

REASON To provide adequate intervisibility between the access road junction and highway users travelling along Poyle Road for the safety and convenience of users of the highway and of the access, in accordance with Core Policy 7 of the Core Strategy 2006 – 2026 (Development Plan Document, December 2008).

22. **Electric Vehicle Charging**

Prior to first occupation, details of the 17 active electric vehicle charging points (Type 2 socket and be rated to at least 7.4Kw 32 amp to 22Kw 32 amp (single or 3 phase)) together with details of power supply and cable provision shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully installed, and the active charging points shall be fully operational prior to first use of the development. The charging points shall be retained and kept in good working order for the lifetime of the development.

REASON To provide mitigation towards the impacts on air quality in accordance with Core Policy 8 of The Slough Local Development Framework, Core Strategy 2006 – 2026, Development Plan Document, December 2008, the Slough Low Emission Strategy 2018 – 2025 Technical Report, and the requirements of the National Planning Policy Framework.

23. **Refuse**

Prior to the first occupation of the development, a scheme for refuse storage, refuse collection and recycling facilities shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details prior to the development being brought into use and shall thereafter be retained as approved for the lifetime of the development,.

REASON To ensure that adequate onsite servicing can take place and in accordance with Core Policy 8 of The Slough Local Development Framework, Core Strategy 2006-2026, Development Plan Document, December 2008.

24. **Cycle Parking**

Prior to first occupation, details of cycle parking provision (including location, housing and cycle stand details) shall be submitted to and approved in writing by the Local Planning Authority. The cycle parking shall be provided in accordance with the approved details prior to the occupation of the development and shall be retained at all times for the lifetime of the development.

REASON To ensure that there is adequate cycle parking available at the site in accordance with Policy T8 of The Local Plan for Slough 2004, and to meet the objectives of the Slough Integrated Transport Strategy.

25. **Landscape and Ecological Management Plan**

Prior to the first occupation of the data centre building a Landscape and Ecological Management Plan (LEMP), including long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas has been submitted to, and approved in writing by, the Local Planning Authority. The LEMP shall include the following:
a) Description and evaluation of features to be managed;
b) Constraints on site that might influence management;
c) Aims and objectives of management which will include the provision of biodiversity net gain as required under Condition 26;[299]
d) Prescriptions for management actions;
e) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five year period);

[299] Inspector's Note – to be modified to read: '…… as required by the deemed Biodiversity Net Gain Condition' - see paragraph 11.164 above

f) Details of the body or organisation responsible for implementation of the plan; and
g) Ongoing monitoring and remedial measures.

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

The LEMP shall be implemented prior to the first occupation of the development and shall thereafter be carried out as approved.

REASON To ensure a satisfactory appearance of the development so as not to prejudice the visual amenity of the locality and to secure appropriate biodiversity in accordance with Core Policy 8 of The Slough Local Development Framework, Core Strategy 2006 – 2026, Development Plan Document, December 2008, Policy EN3 of the Adopted Local Plan for Slough 2004, and the requirements of the National Planning Policy Framework.

26. **Biodiversity Net Gain**[300]

The development hereby approved shall deliver at least 10% Biodiversity Net Gain (BNG) on-site, in accordance with the Biodiversity Net Gain Assessment (Ref: Biodiversity Net Gain Calculations) prepared by Tyler Grange.

REASON In the interests of enhancing local ecology in accordance with Core Policy 8 of the Adopted Local Development Framework, Core Strategy 2006 - 2026, policy EN3 of The Adopted Local Plan for Slough 2004, and the requirements of the National Planning Policy Framework.

27. **External Lighting**

Prior to the installation of any external lighting, details including type, size, location, intensity, direction and timing of illumination of the proposed external lighting in accordance with the lighting parameter plan at Appendix 6.4 of the Design and Access Statement (December 2024) shall be submitted to and approved in writing by the Local Planning Authority. The external lighting shall thereafter at all times be implemented, retained and operated in accordance with the approved details.

REASON So as not to prejudice the visual amenity of the locality in accordance with Core Policy 8 of the Adopted Local Development Framework Core Strategy 2006-2026, Development Plan Document, December 2008 and Policy EN1 of the Adopted Local Plan for Slough, 2004.

28. **Generator Testing Diary**

A written diary detailing the date, time of day, and duration of diesel generator testing shall be recorded for the lifetime of the development. The diary shall made available for viewing at the request of the Local Planning Authority.

REASON To provide verification to the Local Planning Authority that the generator testing is carried out in accordance with the approved details, in accordance with Policy EN1 of The Adopted Local Plan for Slough 2004, Core Policy 8 of the Slough Local Development Framework Core Strategy 2006-2026, and the National Planning Policy Framework.

[300] Inspector's Note: Considered to be unnecessary in light of deemed Biodiversity Net Gain Condition – see paragraph 11.164 above

29. **Data Centre Use**

The development (other than the BESS) shall be used as a data centre and for no other purpose including any other purpose in Class B8 of the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

REASON To enable the Local Planning Authority to take account of the material considerations arising from an alternative use, in accordance with Core Policies 8 and 7 of The Slough Local Development Framework, Core Strategy 2006 – 2026, Development Plan Document, December 2008.

30. **Glint & Glare Assessment**

No solar panels shall be installed until a glint and glare assessment has been submitted to and approved in writing by the Local Planning Authority. No subsequent alterations to the approved scheme are to take place unless submitted to and approved in writing by the Local Planning Authority.

REASON To ensure the development does not endanger the safe movement of aircraft or the operation of Heathrow Airport. The airport requires a glint and glare assessment to be completed to determine the full impact on Air Traffic Control Tower and pilots approaching the airport.

31. **Pluming Venting**

If pluming venting of hot air/gases are proposed as part of this development, the development shall not be occupied until a Plume Rise Assessment that considers impacts and mitigation in respect of operations at Heathrow Airport has been submitted to and approved in writing by the Local Planning Authority. Any mitigation works forming part of the Plume Rise Assessment shall be carried out in accordance with the approved details and be in place and retained as approved for the lifetime of the development.

REASON To ensure the development does not endanger the safe movement of aircraft or the operation of Heathrow Airport.

32. **Travel Plan**

The development shall operate in accordance with the approved BREEAM Travel Plan (prepared by SLR, dated Dec 2024). Should the targets within the Travel Plan not be met, the operator should undertake whatsoever measures as may first have been agreed in writing by the Local Planning Authority as are necessary to cause a reduction in the number of car borne trips to ensure the targets are achieved. The Plan shall be under constant review by the Travel Plan Coordinator (to be appointed in accordance with the Travel Plan) and the Local Highway Authority with the completion of baseline surveys and surveys during the 3rd and 5th years of operation being used to inform further interventions to reduce car travel. An Annual Report providing a review of progress towards targets and of the implementation of the Travel Plan shall be sent to the Local Planning Authority after the completion of the baseline survey and the monitoring surveys.

REASON In order to minimise danger, obstruction and inconvenience to users of the highway, to reduce travel by car in accordance with Policy T2 of the Slough Local Plan 2004 and to meet the objectives of the Slough Integrated Transport Strategy.

33. **Emergency Access Gates**

Prior to their installation, details of replacement emergency access gates to Parcel B (BESS site) from Polye Road shall be submitted to and approved in writing by the Local Planning Authority. The emergency access shall be constructed prior to commencement of the use of the development and retained thereafter as an emergency access to be used by emergency service vehicles only. It shall be physically closed at all times other than in the event of an emergency.

REASON In order to minimise danger, obstruction and inconvenience to users, in accordance with Core Policy 7 of The Slough Local Development Framework, Core Strategy 2006 – 2026, Development Plan Document, December 2008.

34. **Gates**

No vehicle access gates shall be installed without first obtaining permission in writing from the Local Planning Authority. Works shall be carried out in accordance with the approved details and be in place and retained as approved for the lifetime of the development.

REASON In order to minimise danger, obstruction and inconvenience to users of the highway and of the development, in accordance with Core Policy 7 of The Slough Local Development Framework, Core Strategy 2006 – 2026, Development Plan Document, December 2008.

35. **Sustainable Development Design Stage Certificate**

Prior to the first use of the data centre, a Design Stage Certificate shall be submitted to and approved in writng by the Local Planning Authority confirming that the development has been designed to achieve a standard of BREEAM Excellent (or equivalent standard).

REASON In the interest of sustainable development in accordance with Core Policy 8 of The Slough Local Development Framework, Core Strategy 2006 – 2026, Development Plan Document, December 2008, Policy EMP2 of the Adopted Local Plan for Slough 2004, and the requirements of the National Planning Policy Framework.

36. **Sustainable Development Post-Construction Review Certificate**

Within 6 months of the use of the data centre being brought into first use a Post-Construction Review Certificate confirming the development hereby approved has been constructed to achieve a standard of BREEAM Excellent (or equivalent standard) shall be submitted to and approved in writing by the Local Planning Authority.

REASON In the interest of sustainable development in accordance with Core Policy 8 of the Core Strategy of the Core Strategy 2008, and the requirements of the National Planning Policy Framework.

37. **Energy and Sustainability**

At least a 16.7% reduction in CO2 emissions shall be achieved beyond the Building Regulations Part L2 2021 baseline, in accordance with submitted Energy and Sustainability Strategy, prepared by Hoare Lea (Ref: 56/25724 Rev P06) dated 12 December 2024. The approved details shall be implemented prior to first use of the data centre in accordance with the Energy and Sustainability Strategy and retained as operational thereafter.

REASON In order to comply with the requirements of Core Policy 8 of the Slough Local Development Framework, Core Strategy 2006-2026, Development Plan Document, December 2008.

38. **Telecommunications Equipment**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no aerials, antennae, telecommunications poles/mast, satellite dishes or related telecommunications equipment shall be erected on any part of the development hereby permitted.

REASON Given the close proximity of Heathrow Airport and low flying aircrafts and to ensure that the visual impact of telecommunication equipment can be considered in accordance with Policy EN1 of The Adopted Local Plan for Slough 2004, Core Policy 8 of the Slough Local Development Framework Core Strategy 2006-2026 and the National Planning Policy Framework.

**It is recommended that the following additional condition, in either form, is not imposed.**[301]

OPTION A:

Condition (*39): If the development hereby permitted has not been "*substantially commenced"* by 31 December 2029, a scheme for the removal of all "material operation" and for the restoration of the site to agriculture, shall be submitted to and approved in writing by the Local Planning Authority within 12 months of that date.

The approved scheme shall include details of:
(a) the extent of material operation to be removed;
(b) the means of removal and site restoration, including landform, soil replacement, drainage, and reseeding;
(c) aftercare and maintenance for a period of five years following restoration; and
(d) a timetable for the restoration to take place.

The approved restoration and aftercare works shall thereafter be carried out in full accordance with the approved scheme and timetable.

[For the purposes of this condition, "substantially commenced" means the discharging of all pre-commencement conditions and the completion of building works up to and including [the construction of the external shell of the main data centre building and "material operation" carries the same meaning as defined in s.56(4) Town and Country Planning Act 1990.]

Reason: To ensure that the development is commenced and completed in accordance with the very special circumstances justifying its approval in the Green Belt and to secure the restoration of the site should the development not proceed, in accordance with paragraph 143 of the National Planning Policy Framework and Policy CP2 of the Slough Core Strategy (2008). This condition also safeguards and seeks to ensure the ongoing effectiveness of the extant enforcement notice no. 343, dated [CD 11.1 T4b] and enforcement notice no.262 [CD11.1.T4a] and the requirements there in.

OPTION B:
Condition (*39): No development pursuant to this permission shall begin until evidence has been submitted to and approved in writing by the Local Planning Authority of a binding contract(s) having been entered into for the carrying out of the works for the Substantial Commencement of the development hereby permitted.

[301] ID25

If the development hereby permitted has not been "*substantially commenced"* as per the above, a scheme for the removal of all "material operation" and for the restoration of the site to agriculture, shall be submitted to and approved in writing by the Local Planning Authority within 12 months of that date.

The approved scheme shall include details of:

(a) the extent of material operation to be removed;
(b) the means of removal and site restoration, including landform, soil replacement, drainage, and reseeding;
(c) aftercare and maintenance for a period of five years following restoration; and
(d) a timetable for the restoration to take place.

The approved restoration and aftercare works shall thereafter be carried out in full accordance with the approved scheme and timetable.

[For the purposes of this condition, "substantially commenced" means the discharging of all pre-commencement conditions and the completion of building works up to and including [the construction of the external shell of the main data centre building and "material operation" carries the same meaning as defined in s.56(4) Town and Country Planning Act 1990.]

Reason: To ensure that the development is commenced and completed in accordance with the very special circumstances justifying its approval in the Green Belt and to secure the restoration of the site should the development not proceed, in accordance with paragraph 143 of the National Planning Policy Framework and Policy CP2 of the Slough Core Strategy (2008). This condition also safeguards and seeks to ensure the ongoing effectiveness of the extant enforcement notice no. 343, dated [CD 11.1 T4b] and enforcement notice no.262 [CD11.1.T4a] and the requirements there in.

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## ANNEX B: CORE DOCUMENTS AND PROOFS OF EVIDENCE

- A link with a zip file containing the core documents is here (note that this will expire in April 2026) - https://ashurst.sharefile.com/public/share/web-s9b9cbd6192724c0cbb79659b9ce7aca7
- The core documents can also be found on the Council's website - https://www.slough.gov.uk/manor-farm-core-documents

| CD 1 | Application documents and plans – December 2024 submission |
|---|---|
| CD 1.1 | Application Form |
| CD 1.2 | Application Cover Letter |
| CD 1.3 | Certificate B Notice |
| CD 1.4 | Site Location Plan (CON-COR-ZZ-ZZ-D-A-00101P01)(now superseded) |
| CD 1.5 | Existing Site Plan (CON-COR-ZZ-ZZ-D-A-00102 P01)(now superseded) |
| CD 1.6 | Demolition Site Plan (CON-COR-ZZ-ZZ-D-A-00103 P01)(now superseded) |
| CD 1.7 | Proposed Site Plan (CON-COR-ZZ-ZZ-D-A-00104 P01)(now superseded) |
| CD 1.8 | Existing Site Section – North and South (CON-COR-ZZ-ZZ-D-A-00106 P01) |
| CD 1.9 | Existing Site Section – East and West (CON-COR-ZZ-ZZ-D-A-00107 P01) |
| CD 1.10 | Proposed Site Section – North and South (CON-COR-ZZ-ZZ-D-A-00108 P01) |
| CD 1.11 | Proposed Site Section – East and West (CON-COR-ZZ-ZZ-D-A-00109 P01) |
| CD 1.12 | Proposed Parcel A Plan (CON-COR-ZZ-ZZ-D-A-00116 P01) |
| CD 1.13 | Proposed Data Centre – Ground Floor Plan (CON-COR-ZZ-B100-D-A-00203 P01) |
| CD 1.14 | Proposed Data Centre – First Floor Plan (CON-COR-ZZ-B101-D-A-00220 P01) |
| CD 1.15 | Proposed Data Centre – Second Floor Plan (CON-COR-ZZ-B102-D-A-00229 P01) |
| CD 1.16 | Proposed Data Centre – Roof Floor Plan (CON-COR-ZZ-B103-D-A-00238 P01) |
| CD 1.17 | Proposed Data Centre – Roof Platform Plan (CON-COR-ZZ-B104-D-A-00239 P01) |
| CD 1.18 | Proposed Data Centre – Elevations East and West (CON-COR-ZZ-B1ZZ-D-A-00501 P01) |

| CD 1 | Application documents and plans – December 2024 submission |
|---|---|
| CD 1.19 | Proposed Data Centre – Elevations North and South (CON-COR-ZZ-B1ZZ-D-A-00502 P01) |
| CD 1.20 | Proposed Data Centre – Sections (CON-COR-ZZ-B1ZZ-D-A-00601 P01) |
| CD 1.21 | Proposed Guard House – Plans, Sections and Elevations (CON-COR-ZZ-B2ZZ-D-A-00250 P01) |
| CD 1.22 | Proposed Substation – Plans (CON-COR-ZZ-B300-D-A-00260 P01) |
| CD 1.23 | Proposed Substation – Sections (CON-COR-ZZ-B3ZZ-D-A-00602 P01) |
| CD 1.24 | Parcel A – Strategic Landscape Masterplan (P24-1155-EN-001E)(now superseded) |
| CD 1.25 | Parcel B – Strategic Landscape Masterplan (P24-1155-EN-002D)(now superseded) |
| CD 1.26 | Detailed Landscape Proposals – Parcel A (P24-1155-EN-003C)(now superseded) |
| CD 1.27 | Detailed Landscape Proposals – Parcel B (P24-1155-EN-004B)(now superseded) |
| CD 1.28 | Illustrative Landscape Section (P24-1155-EN-005C) |
| CD 1.29 | Air Quality Assessment |
| CD 1.30 | Alternative Site Assessment |
| CD 1.31 | Arboricultural Impact Assessment |
| CD 1.32 | Archaeological Impact Assessment |
| CD 1.33 | Aviation Safeguarding Assessment |
| CD 1.34 | Biodiversity Net Gain Calculations |
| CD 1.35 | Outline Construction Environment Management Plan |
| CD 1.36 | Design and Access Statement |
| CD 1.37 | Flood Risk Assessment and Drainage Strategy |
| CD 1.38 | Ecological Impact Assessment |
| CD 1.39 | Economic Statement |
| CD 1.40 | Energy and Sustainability Statement |
| CD 1.41 | Fire Strategy |

| CD 1 | Application documents and plans – December 2024 submission |
|---|---|
| CD 1.42 | Generic Quantitative Risk Assessment |
| CD 1.43 | Green Belt Assessment |
| CD 1.44 | Heritage Impact Assessment |
| CD 1.45 | Landscape and Visual Impact Assessment |
| CD 1.46 | Noise Assessment |
| CD 1.47 | Phase 1 Preliminary Risk Assessment |
| CD 1.48 | Outline Remediation Strategy |
| CD 1.49 | Statement of Community Involvement |
| CD 1.50 | Shadow Habitat Regulation Assessment |
| CD 1.51 | Security Design Statement |
| CD 1.52 | Transport Assessment |
| CD 1.53 | Travel Plan |
| CD 1.54 | Utility Assessment |

| CD 2 | Updated application documents and plans |
|---|---|
| CD 2.1 | Revised Application Form |
| CD 2.2 | Amendments Submission Covering Letter prepared by Quod |
| CD 2.3 | Site Location Plan (CON-COR-ZZ-ZZ-D-A-00101P02) |
| CD 2.4 | Existing Site Plan (CON-COR-ZZ-ZZ-D-A-00102 P02) |
| CD 2.5 | Demolition Site Plan (CON-COR-ZZ-ZZ-D-A-00103 P02) |
| CD 2.6 | Proposed Site Plan (CON-COR-ZZ-ZZ-D-A-00104 P02) |
| CD 2.7 | Parcel A – Strategic Landscape Masterplan (P24-1155-EN-001F) |
| CD 2.8 | Parcel B – Strategic Landscape Masterplan (P24-1155-EN-002E) |
| CD 2.9 | Detailed Landscape Proposals – Parcel A (P24-1155-EN-003D) |
| CD 2.10 | Detailed Landscape Proposals – Parcel B (P24-1155-EN-004C) |
| CD 2.11 | Proposed Parcel B Layout Plan (CON-COR-ZZ-ZZ-D-A-00119 P02) |

| CD 2 | Updated application documents and plans |
|---|---|
| CD 2.12 | MVS5000 (CON-EDFR-ZZ-B4ZZ-D-01200) |
| CD 2.13 | Storage Container (CON-EDFR-ZZ-B4ZZ-D-01201) |
| CD 2.14 | BESS Unit (CON-EDFR-ZZ-B4ZZ-D-01202) |
| CD 2.15 | DNO Substation (CON-EDFR-ZZ-B4ZZ-D-01203) |
| CD 2.16 | Intermediate Substation (CON-EDFR-ZZ-B4ZZ-D-01204) |
| CD 2.17 | Auxiliary Transformer / Earthing Transformer (CON-EDFR-ZZ-B4ZZ-D-01205) |
| CD 2.18 | LV Auxiliary Switch Room, Control Room & Welfare Unit Arrangement (CON-EDFR-ZZ-B4ZZ-D-01206) |
| CD 2.19 | Water Tank Arrangement (CON-EDFR-ZZ-B4ZZ-D-01207) |
| CD 2.20 | Fencing and Gate Elevations (CON-EDFR-ZZ-B4ZZ-D-01208) |
| CD 2.21 | Harmonic Filter Arrangement (CON-EDFR-ZZ-B4ZZ-D-01210) |
| CD 2.22 | BESS Substation Arrangement (CON-EDFR-ZZ-B4ZZ-D-01211) |
| CD 2.23 | Control Room (CON-EDFR-ZZ-B4ZZ-D-E-01213) |
| CD 2.24 | Consultation Responses Covering Letter prepared by Quod |
| CD 2.25 | Revised Planning Statement |
| CD 2.26 | S106 Heads of Terms |

| CD 3 | Consultation responses |
|---|---|
| CD 3.1 | Local highway authority |
| CD 3.2 | Land contamination |
| CD 3.3 | Lead local flood authority |
| CD 3.4 | Berkshire Archaeology |
| CD 3.5 | National Highways |
| CD 3.6 | Thames Valley Police |
| CD 3.7 | Heathrow Airport Limited |
| CD 3.8 | Colnbrook with Poyle Parish Council |
| CD 3.9 | Historic England |

| CD 3 | Consultation responses |
|---|---|
| CD 3.10 | Thames Water |
| CD 3.11 | Colne Valley Regional Park |
| CD 3.12 | Air Quality and Environmental Noise |
| CD 3.12A | Ecology and BNG |
| CD 3.12B | WSP landscape memorandum |
| CD 3.13 | Neighbour objection letter 1 |
| CD 3.14 | Neighbour objection letter 2 |
| CD 3.15 | Neighbour objection letter 3 |
| CD 3.16 | Neighbour objection letter 4 |
| CD 3.17 | Neighbour objection letter 5 |
| CD 3.18 | Neighbour objection letter 6 |
| CD 3.19 | Neighbour objection letter 7 |
| CD 3.20 | Neighbour objection letter 8 |
| CD 3.21 | Neighbour objection letter 9 |
| CD 3.22 | Neighbour objection letter 10 |
| CD 3.23 | Neighbour objection letter 11 |
| CD 3.24 | Neighbour objection letter 12 |

| CD 4 | Correspondence between the Council and Appellant |
|---|---|
| CD 4.1 | Email from Council to Appellant (19 December 2024) |
| CD 4.1A | Letter from Council to Appellant (enclosed in CD 4.1) |
| CD 4.2 | Email from Quod to Council (23 December 2024) |
| CD 4.3 | Email from Council to Appellant (30 December 2024) |
| CD 4.3A | Letter from Council to Appellant (enclosed in CD 4.3) |
| CD 4.4 | Email from Quod to Council (2 January 2025) |
| CD 4.4A | Revised Application Form (enclosed in CD 4.4) |

| **CD 4** | **Correspondence between the Council and Appellant** |
|---|---|
| CD 4.5 | Email from Council to Quod (6 January 2025) |
| CD 4.5A | Application Registration Letter from Council (enclosed in CD 4.5) |
| CD 4.6 | Email from Quod to Council (6 February 2025) |
| CD 4.7 | Email from Council to Quod (10 February 2025) |
| CD 4.8 | Email from Quod to Council (25 February 2025) |
| | Letter from Quod to Council (enclosed in CD 4.8) – *see CD 1.2* |
| CD 4.9 | Email from Quod to Council (27 February 2025) |
| CD 4.10 | Email from Quod to Council (3 March 2025) |
| CD 4.11 | Email from Quod to Council (7 March 2025) |
| CD 4.12 | Email from Council to Quod (7 March 2025) |
| | Consultation responses (enclosed in CD 4.12) – *see CD 3* |
| CD 4.13 | Email from Quod to Council (7 March 2025) |
| CD 4.14 | Email from Quod to Council (1 April 2025) |
| | Consultation Responses Covering Letter prepared by Quod (enclosed in CD 4.14) – *see CD 2.24* |
| | Revised Planning Statement (enclosed in CD 4.14) – *see CD 2.25* |
| | S106 Heads of Terms (enclosed in CD 4.14) – *see CD 2.26* |
| CD 4.14A | Email from Thames Water regarding foul drainage capacity (enclosed in CD 4.14) |

| **CD 5** | **National and regional planning policy and guidance and ministerial statements** |
|---|---|
| CD 5.1 | Planning practice guidance – Green Belt (February 2025) |
| CD 5.2 | Ministerial Statement by the Minister of State for Data Protection and Telecoms - Designation of UK Data Infrastructure as Critical National Infrastructure (12 September 2024) |
| CD 5.3 | The UK's Modern Industrial Strategy (June 2025) – pages 1, 3, 80 – 83 |
| CD 5.4 | UK Government Consultation on Industrial Strategy (November 2024) |
| CD 5.5 | National Data Strategy (9 December 2020) |

| | |
|---|---|
| **CD 5** | **National and regional planning policy and guidance and ministerial statements** |
| CD 5.6 | National Cyber Strategy (15 December 2022) |
| CD 5.7 | Overarching National Policy Statement for Energy (EN-1) (2023) |
| CD 5.8 | Airports National Policy Statement (26 June 2018) |
| CD 5.9 | Ministerial Statement by the Secretary of State for Transport – Transport and Growth Update (29 January 2025) |
| CD 5.10 | Ministerial Statement by the Deputy Prime Minister – Building the homes we need (30 July 2024) |

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|---|---|
| **CD 6** | **Local planning policy and documents** |
| | Saved Policies of the Slough Local Plan (March 2004), extracts of: |
| CD 6.1 | EN1 – Standard of Design |
| CD 6.2 | EN3 – Landscaping Requirements |
| CD 6.3 | EN5 – Design and Crime Prevention |
| CD 6.4 | EN34 – Utility Infrastructure |
| CD 6.5 | EMP4 – Development Outside of Existing Business Areas |
| CD 6.6 | CG1 – Colne Valley Park |
| CD 6.7 | CG9 – Strategic Gap |
| CD 6.8 | T2 – Parking Restraint |
| CD 6.9 | T7 – Rights of Way |
| CD 6.10 | T8 – Cycle Network and Facilities |
| | Core Strategy Development Plan Document (December 2008), extracts of: |
| CD 6.11 | Core Policy 1 (Spatial Strategy) |
| CD 6.12 | Core Policy 2 (Green Belt and Open Spaces) |
| CD 6.13 | Core Policy 5 (Employment) |
| CD 6.14 | Core Policy 7 (Transport) |
| CD 6.15 | Core Policy 8 (Sustainability and the Environment) |
| CD 6.16 | Core Policy 9 (Natural and Built Environment) |

| CD 6 | Local planning policy and documents |
|---|---|
| CD 6.17 | Core Policy 10 (Infrastructure) |
| CD 6.18 | Slough Local Development Framework (LDF) Proposals Map (November 2010) – South East |

| CD 7 | Legislation, Decisions, case law and appeal decisions |
|---|---|
| CD 7.1 | Appeal decision relating to Woodlands Park Landfill Site dated 9 July 2025 (reference 3347353) ("**Woodlands Park 2**") |
| CD 7.2 | Appeal decision relating to land off Bedmond Road, Abbotts Langley dated 12 May 2025 (reference 3346061) |
| CD 7.3 | Appeal decision relating to Court Lane Industrial Estate, Court Lane, Iver, SL0 9HL dated 6 December 2024 (reference 3337981) |
| CD 7.4 | Appeal decision relating to Woodlands Park Landfill Site dated 30 October 2023 (reference 3307420) ("**Woodlands Park 1**") |
| CD 7.5 | Appeal decision relating to land at Bath Road, Poyle dated 19 December 2016 (reference 3144685) |
| CD 7.6 | Appeal decision relating to Poyle Manor Farm, Poyle Road, Poyle dated 21 September 2009 (reference 2096331) |
| CD 7.7 | Appeal decision relating to land at Poyle Manor Farm, Poyle Road dated 26 April 2004 (reference 1116914) |
| CD 7.8 | *Goodman Logistics Developments (UK) Limited v Secretary of State for Communities and Local Government, Slough Borough Council* [2017] EWHC 947 (Admin) |
| CD 7.9 | Appeal Decision relating to Land to the North of Spurn Clough Cottage dated 26 June 2025 (reference 3356178) |
| CD 7.10 | Letter from DCLG dated 12 July 2016 regarding call in decision and report at Land North Of A4 (Colnbrook Bypass), Colnbrook, Slough SL3 0FE application: Ref P/14961/000 (reference 2171967) |
| CD 7.11 | Court decision of refusal to appeal relating to Land North Of A4 (Colnbrook Bypass), Colnbrook, Slough SL3 0FE application: Ref P/14961/000 (reference C1/2017/1360) |
| CD 7.12 | *(1) Secretary of State for Communities and Local Government and (2) Knight Developments Limited v Wealden District Council* [2017] EWCA Civ 39 |
| CD 7.13 | *Mole Valley DC v Secretary of State for Housing, Communities and Local Government* [2025] EWHC 2127 (Admin) |

| CD 7 | Legislation, Decisions, case law and appeal decisions |
|---|---|
| CD 7.14 | *Peel Investments (North) Ltd v Secretary of State for Housing, Communities and Local Government* [2020] EWCA Civ 1175 |

| CD 8 | Appeal documents |
|---|---|
| CD 8.1 | Notice of intention to submit an appeal |
| CD 8.2 | Council questionnaire |
| CD 8.3 | Appeal form |
| CD 8.4 | Appeal start letter |
| CD 8.5 | Heathrow Airport Limited written representation |
| CD 8.6 | Environment Agency written representation |
| CD 8.7 | Statement of common ground - main |
| CD 8.8 | Statement of common ground – planning history [*UNUSED*] |
| CD 8.9 | Case management conference agenda |
| CD 8.10 | Pre-case management conference note |
| CD 8.11 | Case management conference note |
| CD 8.12 | Appeal Recovery Letter |
| CD 8.13 | Draft section 106 agreement |
| CD 8.14 | Final draft section 106 agreement - Appellant |
| CD 8.15 | Draft list of conditions |
| CD 8.16 | Section 106 agreement – Council |
| CD 8.17 | CIL compliance schedule |
| CD 8.18 | Witness Statement of Jolyon Brewis 08.10.2025 |
| CD 8.19 | Heathrow Project Development (Masterplan) Report |
| CD 8.20 | Heathrow Summary of Land Use Strategy Principles |

| **CD 9** | **Appellant Statement of Case & Appendices** |
|---|---|
| CD 9.1 | Appellant Statement of Case |
| CD 9.2 | Appendix A – Appeal Submission Documents |
| CD 9.3 | Appendix B – Planning History |
| CD 9.4 | Appendix C – Pre-Application Meeting Minutes (10 and 26 September 2024) |
| CD 9.5 | Appendix D – Appellant's Request for EIA Screening (7 October 2024) |
| CD 9.6 | Appendix E – Formal SBC EIA Screening Opinion (6 November 2024) |
| | Appendix F – Notification of intention to Submit an Appeal – *see CD 8.1* |
| CD 9.7 | Appendix G – Draft Planning Conditions |
| CD 9.8 | Appendix H – Draft S106 Agreement |

| **CD 10** | **Council Statement of Case & Appendices** |
|---|---|
| CD 10 | Council Statement of Case |
| CD 10 A.1(a) | Appendix A.1(a) – Slough Core Strategy 2008 – *see CD 6.11 – CD 6.18* |
| CD 10 A.1(b) | Appendix A.1(b) – Slough Core Strategy 2023 NPPF Compliance Extracts |
| CD 10 A.2(a) | Appendix A.2(a) – Slough Local Plan 2004 – *see CD 6.1 – CD 6.10* |
| CD 10 A.2(b) | Appendix A.2(b) – GOSE Confirmation of Local Plan saved policies |
| CD 10 A.2(c) | Appendix A.2(c) – Extract Self-assessment 2012 NPPF |
| CD 10 A.3 | Appendix A.3 – Proposals Map Nov 2010 Extracts – *see CD 6.18* |
| CD 10 A.4(a) | Appendix A.4(a) – The Spatial Strategy Consultation Document Nov 2020 |
| CD 10 A.4(b) | Appendix A.4(b) – 2018 Emerging spatial strategy accommodating Heathrow – *see CD 12.1* |
| CD 10 A.5(a) | Appendix A.5(a) – Simplified Planning Zone 2014-2024 |

| CD 10 | Council Statement of Case & Appendices |
|---|---|
| CD 10 A.5(b) | Appendix A.5(b) – Simplified Planning Zone 2024-2034 |
| CD 10 A.6(a) | Appendix A.6(a) – Part 2 Developer Contributions And Affordable Housing Sept 2017 |
| CD 10 A.6(b) | Appendix A.6(b) – Part 3 Transport and highway guidance |
| CD 10 B.1 | Appendix B.1 – APPE2340W243356178 Land to the north of Spurn Clough Cottage – *see CD 7.9* |
| CD 10 B.2 | Appendix B.2 – APPJ0350A092096331 Poyle Manor Farm 2009 Decision – *see CD 7.6* |
| CD 10 B.3 | Appendix B.3 - APPJ0350V031116914 Land at Polye Manor Farm Polye Road – *see CD 7.7* |
| CD 10 B.4 | Appendix B.4 - APPJ0350W163144685 Solar Farm Bath Road, SL3 0JB – *see CD 7.5* |
| CD 10 B.5 | Appendix B.5 – APPN0410W223307420 Woodland Park Landfill Site, Iver – *see CD 7.4* |
| CD 10 B.6 | Appendix B.6 – APPN0410W243337981_Court Lane Industrial Estate, Court Lane, Iver – *see CD 7.3* |
| CD 10 B.7 | Appendix B.7 – APPP1940W243346061_Land off Bedmond Road Abbots Langley – *see CD 7.2* |
| CD 10 B.8 | Appendix B.8 – SIFE APPJ0350A122171967 Refusal SoS Call including Inspectors Report July 2016 – *see CD 7.10* |
| CD 10 B.9 | Appendix B.9 – SIFE High Court CO/4217/2016 Refusal Decision 2017 – *see CD 7.8* |
| CD 10 B.10 | Appendix B.10 – SIFE SoS Refusal for right to appeal and skeleton argument April 2017 – *see CD 7.11* |
| CD 10 A.3 C.1 | Appendix C.1 – Data Centres Permitted under the 2004-2014 SPZ |
| CD 10 C.2 | Appendix C.2 – Planning Consents for Data Centres |
| CD 10 C.3 | Appendix C.3 – Akzo_Part 1 - Suitability |
| CD 10 C.4 | Appendix C.4 – Akzo_Part 2 - Suitability |
| CD 10 C.5 | Appendix C.5 – SIFE - Suitability |
| CD 10 D.1 | Appendix D.1 – Air quality and environmental noise – *see CD 3.12* |

| CD 10 | Council Statement of Case & Appendices |
|---|---|
| CD 10 D.2 | Appendix D.2 – Berkshire Archaeology – *see CD 3.4* |
| CD 10 D.3 | Appendix D.3 – Colnbrook With Poyle Parish Council (February 2025) – *see CD 3.8* |
| CD 10 D.4 | Appendix D.4 – Colne Valley Park Trust – *see CD 3.11* |
| CD 10 D.5 | Appendix D.5 – Heathrow Airport Redacted – *see CD 3.7* |
| CD 10 D.6 | Appendix D.6 – Historic England – *see CD 3.9* |
| CD 10 D.7 | Appendix D.7 – Land Contamination – *see CD 3.2* |
| CD 10 D.6 | Appendix D.8 – Local Highway Authority – *see CD 3.1* |
| CD 10 D.9 | Appendix D.9 – Local Lead Flood Authority – *see CD 3.3* |
| CD 10 D.10 | Appendix D.10 – National Highway – *see CD 3.5* |
| CD 10 D.11 | Appendix D.11 – Thames Valley Police – *see CD 3.6* |
| CD 10 D.12 | Appendix D.12 – Thames Water – *see CD 3.10* |
| CD 10 E.1 | Appendix E.1 – Objection 1 Redacted – *see CD 3.13* |
| CD 10 E.2 | Appendix E.2 – Objection 2 Redacted – *see CD 3.14* |
| CD10 E.3 | Appendix E.3 – Objection 3 Redacted – *see CD 3.15* |
| CD 10 E.4 | Appendix E.4 – Objection 4 Redacted – *see CD 3.16* |
| CD 10 E.5 | Appendix E.5 – Objection 5 Redacted – *see CD 3.17* |
| CD 10 E.6 | Appendix E.6 – Objection 6 Redacted – *see CD 3.18* |
| CD10 E.7 | Appendix E.7 – Objection 7 Redacted – *see CD 3.19* |
| CD 10 E.8 | Appendix E.8 – Objection 8 Redacted – *see CD 3.20* |
| CD 10 E.9 | Appendix E.9 – Objection 9 Redacted – *see CD 3.21* |
| CD 10 E.9 (10) | Appendix E.9 – Objection 10 Redacted – *see CD 3.22* |
| CD 10 E.9 (11) | Appendix E.9 - Objection 11 Redacted – *see CD 3.23* |
| CD 10 E.10 | Appendix E.10 – Objection 12 Redacted – *see CD 3.24* |
| CD 10 F.1 | Appendix F.1 – 2004.11.24 -EN - 378 - Complied |
| CD 10 F.2 | Appendix F.2 – 1999.08.25 - EN - 262 |

| CD 10 | Council Statement of Case & Appendices |
|---|---|
| CD 10 F.3 | Appendix F.3 – 2003.03.03 - EN - 343 |
| CD 10 G.1 | Appendix G.1 – Conditions |
| CD 10 G.2 | Appendix G.2 – Informatives |
| CD 10 H.1 | Appendix H.1 – Potential cabling route |
| CD 10 I.1 | Appendix I.1 – Data Centre Development on STE SEGRO |
| CD 10 J.1 | Appendix J.1 – ANPS – *see CD 5.8* |
| CD 10 J.2 | Appendix J.2 – Heathrow Expansion Consultation Doc June 2019 – see *CD 14.2* |
| CD 10 J.3 | Appendix J.3 – Preferred Masterplan Consultation 2019 – *see CD 14.3* |
| CD 10 J.4 | Appendix J.4 – Extracts Preferred Masterplan Consultation 2019 – *see CD 14.3* |
| CD 10 J.5 | Appendix J.5 – DfT Letter to Heathrow Interests (30 June 2025) – *see CD 14.4* |
| CD 10 J.6 | Appendix J.6 – Heathrow 2025 notification to PINS Programme Document – *see CD 14.5* |
| CD 10 J.7 | Appendix J.7 – Heathrow Press Release - Get Britain Building 12th Feb 2025 – *see CD 14.6* |
| CD 10 j.8 | Appendix J.8 – Government Written Statement ANPS designated 26 June 2018 – *see CD 14.7* |
| CD 10 K.1 | Appendix K.1 – Colne Valley Park Map – *see CD 12.2* |
| CD 10 K.2 | Appendix K.2 – Planning History Plan – *see CD 12.3* |
| CD 10 K.3 | Appendix K.3 – Tritax Press Release |
| CD 10 K.4 | Appendix K.4 – P12244.012 Committee Report – *see CD 12.4* |
| CD 10 K.5 | Appendix K.5 – Colne Valley Park Pressures – *see CD 12.5* |

| CD 11 | Proofs of evidence and appendices |
|---|---|
| CD 11.1 | Proof of Evidence – Paul Stimpson |
| CD 11.1 A | Paul Stimpson Summary Proof |
| CD 11.1 L | SEGRO Press Release |

| CD 11 | Proofs of evidence and appendices |
|---|---|
| CD 11.1 M | Savills Alternative Site Assessment |
| CD 11.1 N | JLL Alternative Site Assessment |
| CD 11.1 O | Pegasus Alternative Site Assessment |
| CD 11.1 P | UK Compute Roadmap |
| CD 11.1 Q | Equinix Planning Statement |
| CD 11.1 R | Article from Data Centre Dynamics |
| CD 11.1 S | Colne Valley Pressures |
| CD 11.1 T | Planning History Statement |
| CD 11.1 T1 | Planning History Plan |
| CD 11.1 T2 | Appeal Decision APP J0350 A 09 2096331 |
| CD 11.1 T3a | B1 - P-11442-005 |
| CD 11.1 T3b | B2 - P-11442-006 |
| CD 11.1 T3c | B4 - P-11442-007 |
| CD 11.1 T3d | B5 - P-11442-008a |
| CD 11.1 T3e | B5 - P-11442-008b |
| CD 11.1 T3f | B6 - P-11442-009 |
| CD 11.1 T3g | B7 - P-11442-011 |
| CD 11.1 T3h | B8 - P-11442-012 |
| CD 11.1 T4a | 1999.08.25 - EN - 262 |
| CD 11.1 T4b | 2003.03.03 - EN - 343 |
| CD 11.1 T4c | 2004.11.24 -EN - 378 |

| CD 11 | Proofs of evidence and appendices |
|---|---|
| CD 11.1 T5a | Decision T-APP-J0350-C-03-1115252 |
| CD 11.1 T5b | Officer Report P10076 012 |
| CD 11.1 T6 | Pre Action Protocol Letter |
| CD 11.1 T7 | Schedules |
| CD 11.1 U | Planning History Plan |
| CD 11.1 V | Colne Valley Park Objectives |
| CD 11.1 W | Government Advice on Role of Green Belt |
| CD 11.1 X | Daily Mail Article |
| CD 11.1 Y | Green Belt Area Review |
| CD 11.1 Za | Wider Area Growth Study Part 1 |
| CD 11.1 Zb | Wider Area Growth Study Part 2 |
| CD 11.2 | Proof of Evidence – Daniel Ray |
| CD 11.2 A | Written Ministerial Statement 29 January 2025 |
| CD 11.2 B | Judgement R (Plan B Earth) v Secretary of State for Transport |
| CD 11.2 C | HAL EIA Scoping Report Figures |
| CD 11.2 D | Government News Article 29 January 2025 |
| CD 11.3 | Mark Powney Proof of Evidence |
| CD 11.4 | Mark Powney Proof of Evidence - Appendices |
| CD 11.5 | Mark Powney - Summary Proof of Evidence |
| CD 11.6 | Alex Cole Proof of Evidence |
| CD 11.7 | Alex Cole Proof of Evidence - Appendix |
| CD 11.8 | David Webster Proof of Evidence |
| CD 11.9 | David Webster Proof of Evidence - Appendices |
| CD 11.10 | David Webster Proof of Evidence - Figures |
| CD 11.11 | David Webster - Summary Proof of Evidence |

| CD 11 | Proofs of evidence and appendices |
|---|---|
| CD 11.12 | Philip Murphy Proof of Evidence |
| CD 11.13 | Philip Murphy Proof of Evidence - Appendices |
| CD 11.14 | Philip Murphy Summary Proof of Evidence |
| CD 11.15 | Tim O'Reilly Proof of Evidence |
| CD 11.16 | Tim O'Reilly Proof of Evidence – Appendices |
| CD 11.17 | Council Rebuttal Evidence |
| CD 11.18 | Appellant Rebuttal Evidence |
| CD 11.19 | Appellant Rebuttal Evidence - Appendices |

| CD 12 | Additional documents |
|---|---|
| CD 12.1 | Emerging Spatial Strategy Accommodating Growth at Heathrow: proposals for development in Colnbrook and Poyle (2018) |
| CD 12.2 | Colne Valley Park Map |
| CD 12.3 | Planning History Plan |
| CD 12.4 | Report to Planning Committee for application ref P/12244/012 regarding Colnbrook Logistics Centre, Colnbrook Bypass, Slough |
| CD 12.5 | Colne Valley Park Pressures map |
| CD 12.6 | House of Commons Research Briefing, Data centres: planning policy, sustainability, and resilience dated 26 August 2025 |
| CD 12.7 | JLL West London Technology Park, Technical Note – Need, Location, Sustainability Significance January 2023 |
| CD 12.8 | TechUK: Foundations For The Future: How Data Centres Can Supercharge UK Economic Growth |
| CD 12.9 | Collins Woodlands Landfill DC – Full Final Proof of Evidence on Data Centres November 2024 |
| CD 12.10 | AI Opportunities Action Plan: government response published 13 January 2025 |
| CD 12.11 | Updated Biodiversity Net Gain Calculations |

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|---|---|
| **CD 13** | **Landscape, Visual and Green Belt** |
| CD 13.1 | Buckinghamshire Green Belt Assessment (2016) |
| CD 13.2 | Colnbrook Conservation Area Appraisal (1997) |
| CD 13.3 | Colne Valley GI Strategy – Area 3 (2019) |
| CD 13.4 | Colne Valley GI Strategy |
| CD 13.5 | Colne Valley Regional Park Landscape Character Assessment (2017) |
| CD 13.6 | Guidelines for Landscape and Visual Impact Assessment (Third Edition) |
| CD 13.7 | Assessing Landscape Value Outside National Designations, Landscape Institute |
| CD 13.8 | Notes and clarifications on aspects of guidelines for landscape and visual impact assessment third edition (GLVIA3) |
| CD 13.9 | National Character Area profile: 115 Thames Valley, Natural England |
| CD 13.10 | Landscape Character Assessment Part 1 – Main Document, Royal Borough of Windsor and Maidenhead (2004) |
| CD 13.11 | Landscape Character Assessment Part 1 – Appendices Map, Royal Borough of Windsor and Maidenhead (2004) |
| CD 13.12 | Landscape Character Assessment Part 1 – Map of Borough, Royal Borough of Windsor and Maidenhead (2004) |
| CD 13.13 | Landscape Character Assessment Part 2 – Landscape Strategy and Guidelines, Royal Borough of Windsor and Maidenhead (2004) |
| CD 13.14 | Spelthorne Green Belt Assessment (Stage 1, 2018) |
| CD 13.15 | Spelthorne Grey Belt Planning Note (2025) |
| CD 13.16 | Visual Representation of Development Proposals, Landscape Institute |
| CD 13.17 | Planning on the Doorstep: The Big Issues - Green Belt, PAS |
| CD 13.18 | Research Paper on Settlement Patterns, Urban Form & Sustainability, RTPI |
| **CD 14** | **Heathrow documents** |
| CD 14.1 | Airports National Policy Statement: New Runway capacity and Infrastructure at Airports in the South East of England, June 2018 |
| CD 14.2 | Heathrow Expansion Consultation Document, June 2019 |
| CD 14.3 | Heathrow Preferred Masterplan Consultation, June 2019 |

| | |
|---|---|
| CD 14.4 | Department of Transport Letter to potential promoters of Heathrow expansion, 30/06/2025 |
| CD 14.5 | Heathrow Pre-Application Programme Document, March 2025 |
| CD 14.6 | Heathrow Press Release – Get Britain Building, 12 February 2025 |
| CD 14.7 | Written Statement to Parliament – Airports National Policy Statement 26 June 2018 |
| CD 14.8 | Heathrow Updated Scheme Development Report: Airport Related Development |

## ANNEX C: DOCUMENTS SUBMITTED DURING THE INQUIRY

The inquiry documents are on the Council's website - https://www.slough.gov.uk/downloads/download/1487/inquiry-documents-for-manor-farm

| INQ Ref | Description |
|---|---|
| ID1 | Appellant openings |
| ID2 | Appearances for the Appellant |
| ID3 | Council openings |
| ID4 | Planning History plan |
| ID5 | Email from Laura Elias, SEGRO regarding DC Byte figures |
| ID6 | Planning Practice Guidance – Housing and Economic Needs Assessments Extract |
| ID7 | Parliamentary question regarding data centre capacity |
| ID8 | Mark Powney note on DC Byte data |
| ID9 | Email from the Appellant regarding the operator exclusivity agreement |
| ID10 | DC Byte glossary |
| ID11 | Tom O'Reilly supplemental note on power |
| ID12 | Email from SEGRO on power |
| ID13 | Planning conditions |
| ID14 | *R (on the application of Samuel Smith Old Brewery (Tadcaster) and others) (Respondents) v North Yorkshire County Council (Appellant)* [2020] UKSC 3 |
| ID15 | SLR Technical Note regarding the Poyle Road footway works; clarification email from Appellant (23/10/25); and email response from LPA (24/10/25) |
| ID16 | Section 106 Unilateral Undertaking (replaced by ID28) |
| ID17 | Heathrow Airport Limited closings |
| ID18 | Appearances for the Council |
| ID19 | Appeal Decision on land east of Halden's Parkway, Thrapston, Northamptonshire (APP/M2840/W/25/3362393) |
| ID20 | Department for Transport guidance: Next steps for Heathrow Airport Limited and the Arora Group/Heathrow West Limited |
| ID21 | Department for Transport news story: Plans for Heathrow expansion accelerate as Transport Secretary unveils next steps |
| ID22 | Heidi Alexander MP oral statement to Parliament: Realising the benefits of expansion at Heathrow Airport |
| ID23 | List of appearances for the Appellant – updated |
| ID24 | Planning conditions – 23 October 2025 update |
| ID25 | Note with proposed deliverability conditions |
| ID26 | Council's closing submissions |
| ID27 | Appellant's closing submissions |
| ID28 | Section 106 Bilateral Agreement dated 30 October 2025 (replaces ID16) |

# ANNEX D – APPEARANCES

## FOR SLOUGH BOROUGH COUNCIL

Richard Ground KC and Jack Barber (Counsel) instructed by the Solicitor to the Council

They called:

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|---|---|
| Daniel Ray MSc BA(Hons) | Director of Planning Services and Chief Planning Officer, Slough Borough Council |
| Paul Stimpson BSc (Hons) Dip TP | Slough Borough Council |

*Additional participants at the Conditions and Obligations Round Table Session:*

| | |
|---|---|
| David Low | Trainee Solicitor, HB Public Law |
| Neetal Rajput | Head of Development Management, Slough Borough Council |
| Imran Agha | Highways Development Lead Planning, Building Control & Highways Development, SBC, Slough Borough Council |
| Alex Harrison | Principal Planning Officer, Slough Borough Council |

## FOR MANOR FARM PROPCO LIMITED

Rupert Warren KC instructed by Ashurst LLP

He called:

| | |
|---|---|
| Mark Powney MRTPI MBA | Director – Economics Team, Savills |
| Tim O'Reilly BSc FDEng MIET | Director - Tritax |
| Alex Cole BSc Hons, MSc, MRTPI | Director – Planning Division, Savills |
| David Webster CMLI MA MSc BSc (Hons) | Director – Environmental Planning Division, Pegasus Group |
| Philip Murphy MTCP MRTPI | Senior Director - Quod |

*Additional participants at the Conditions and Obligations Round Table Session:*

| | |
|---|---|
| Alice Rowland LLB | Ashurst LLP |
| James Bancroft BSc (Hons) MSc MBA MIHT | SLR Consulting Limited |

**FOR HEATHROW AIRPORT LIMITED – INTERESTED PARTY**

Tim Smith Partner BCLP LLP

He called:

| | |
|---|---|
| Jolyon Brewis BA(Hons) BArch RIBA FRSA | Partner - Grimshaw |

Ministry of Housing, Communities & Local Government

www.gov.uk/mhclg

**RIGHT TO CHALLENGE THE DECISION IN THE HIGH COURT**

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

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

**SECTION 1: PLANNING APPEALS AND CALLED-IN PLANNING APPLICATIONS**

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

**Challenges under Section 288 of the TCP Act**

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

**SECTION 2: ENFORCEMENT APPEALS**

**Challenges under Section 289 of the TCP Act**

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

**SECTION 3: AWARDS OF COSTS**

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

**SECTION 4: INSPECTION OF DOCUMENTS**

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