

Report of the Interim Director of Planning, Regeneration & Public Realm

Address WOODLANDS PARK LANDFILL SITE LAND SOUTH OF SLOUGH ROAD
IVER BUCKINGHAMSHIRE

Development: Out of borough consultation for Buckinghamshire County Council: Outline planning application with all matters reserved except for principal points of access for the redevelopment of the former landfill site to comprise a data centre development (Use Class B8 (Data Centre)) of up to 163,000 sq.m (GEA) delivered across 3 buildings to include ancillary offices, internal plant and equipment and emergency back-up generators and associated fuel storage. The scheme includes site wide landscaping and the creation of parkland, and may also include cycle and car parking, internal circulation routes, soft and hard landscaping, security perimeter fence, lighting, earthworks, District Heating Network, sustainable drainage systems, ancillary infrastructure and a substation.

LBH Ref Nos: 39707/APP/2022/3243

Drawing Nos: 21091.302 Rev. F
21091.303 Rev. E
21091.304 Rev. F
21091.305 Rev. E
21091.306 Rev. E
Design and Access Statement
21091.501 Rev. B
21091.301 Rev. F
Planning Statement (Dated November 2021)
J10/12542A/10/1/F3 Air Quality Assessment (Date 21st October 2021)

Date Plans Received: 24/10/2022

Date(s) of Amendment(s):

Date Application Valid: 24/10/2022

1. SUMMARY

Buckinghamshire Council have requested the London Borough of Hillingdon's comments on an application which seeks Outline Planning Permission for the redevelopment of the former landfill site to comprise a data centre development (B8 (Data Centre)) of up to 163,000 sqm (GEA) delivered across 3 buildings. The scheme includes site wide landscaping and the creation of Parkland. The data centre buildings include ancillary offices, internal plant and equipment and emergency back-up generators and associated fuel storage. The development may also include cycle and car parking, internal circulation routes, soft and hard landscaping, security perimeter fence, lighting, earthworks, District Heating Network, sustainable drainage systems, ancillary infrastructure and a substation.

Notably, the site covers a large area of Metropolitan Green Belt and is currently undeveloped. It is considered that this area of Green Belt performs well when viewed against the purposes of Green Belt. The Green Belt as a whole is critical in assisting in urban regeneration, by encouraging the recycling of derelict and other urban land.

The National Planning Policy Framework (NPPF) (2021) outlines that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except

in very special circumstances. Substantial weight must be given to any harm to the Green Belt and 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.

The proposed development would not meet any of the exceptions outlined within either Paragraph 149 or 150 of the NPPF (2021). The applicant has sought to identify the very special circumstances that would be needed to outweigh the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal.

The proposed development would result in a significant increase in built footprint and volume, not only from the three new data centre buildings, but also from the substation, battery storage facility (separate application), roads and ancillary security structures (e.g. any fences or security huts). The volume of the three large buildings alone would be vast and cause significant harm to the openness of the Green Belt. This harm is given substantial weight and is not considered to be outweighed by the very special circumstances presented under the application submission. As such, it is considered that very special circumstances do not exist.

In connection with the above, it is considered that the proposed development, by reason of its siting, size, scale and design, would be detrimental to the open, greenfield and Green Belt character, appearance and visual amenities of the area, as observed within mid-range views and the wider townscape/landscape context in long-range views.

Further, the proposed development is not sustainable, air quality neutral, or clean by design and produces significant adverse impacts on sensitive receptors downwind of the application site within Hillingdon. This would deteriorate existing poor air quality conditions and increase local background levels.

For the reasons outlined within the main body of the report, Hillingdon Council raise an objection to the proposed development.

2. RECOMMENDATION

1 NON2 Objection - Green Belt

The proposed development would constitute inappropriate development within designated Green Belt land and very special circumstances do not exist to outweigh the harm to the Green Belt by reason of inappropriateness. As such, the proposed development conflicts with Paragraphs 147 to 151 of the National Planning Policy Framework (2021).

2 NON2 Objection - Design

The proposed development, by reason of its siting, size, scale and design, would be detrimental to the open, greenfield and Green Belt character, appearance and visual amenities of the area, as observed within mid-range views and the wider townscape/landscape context in long-range views. As such, the proposed development conflicts with Paragraphs 126 to 136 of the National Planning Policy Framework (2021).

3 NON2 Objection - Air Quality

The proposed development is not sustainable, air quality neutral, or clean by design and produces significant adverse impacts on sensitive receptors downwind of the application site within Hillingdon. This would deteriorate existing poor air quality conditions and increase local background levels. As such, the proposed development conflicts with Policy EM8 of the Hillingdon Local Plan: Part 1 (2012), Policy DME1 14 of the Hillingdon

Local Plan: Part 2 (2020), the London Borough of Hillingdon Air Quality Action Plan 2019-2023, Policy SI 1 of the London Plan (2021), and Paragraphs 174 and 186 of the National Planning Policy Framework (2021).

3. CONSIDERATIONS

3.1 Site and Locality

The application site comprises the Woodlands Park Landfill Site situated on land to the south of Slough Road predominately arranged to the east of the M25 between junction 16 (M40) to the north and junction 15 (M4) to the south. The site measures approximately 52.4 hectares and is located within the Buckinghamshire Council administrative area only but immediately adjoins the western Hillingdon Council boundary.

The application site is demarcated to the west by the M25 and to the east by the River Colne and comprises an area formerly worked for gravel and subsequently used for landfill in the mid to late 20th Century. To the south of the landfill are a number of fields either side of Palmer's Moor Lane, extending as far as the rear of properties on the B470 Iver Lane. The northern site boundary is defined by a fence-line across the landfill surface, with an access track connecting up to the A4007 Slough Road.

Within Hillingdon Council's administrative area, the site adjoins the West London Industrial Park (a Strategic Industrial Location), and the River Colne which is a designated Conservation Site of Metropolitan or Borough Grade I Importance. The adjoining land also forms part of designated Green Belt land and the Colne Valley Archaeological Priority Zone

3.2 Proposed Scheme

This out of borough consultation for Buckinghamshire County Council relates to an application which seeks Outline Planning Permission for the redevelopment of the former landfill site to comprise a data centre development (B8 (Data Centre)) of up to 163,000 sqm (GEA) delivered across 3 buildings. The scheme includes site wide landscaping and the creation of Parkland. The data centre buildings include ancillary offices, internal plant and equipment and emergency back-up generators and associated fuel storage. The development may also include cycle and car parking, internal circulation routes, soft and hard landscaping, security perimeter fence, lighting, earthworks, District Heating Network, sustainable drainage systems, ancillary infrastructure and a substation.

3.3 Relevant Planning History

39707/APP/2021/3769 Buckinghamshire County Council Outborough Middlesex

Out of borough consultation for Buckinghamshire County Council: Construction and operation of 57MW battery storage facility, landscaping, fencing, and extension and widening of internal site access track.

Decision: 09-03-2022 OBJ

39707/APP/2021/4456 Buckinghamshire County Council Outborough Middlesex

Out of borough consultation for Buckinghamshire County Council: Outline planning application with all matters reserved except for principal points of access for the redevelopment of the former landfill site to comprise a data centre development (B8 (Data Centre)) of up to 163,000 sqm (GE delivered across 3 buildings. The scheme includes site wide landscaping and the creation of

Parkland. The data centre buildings include ancillary offices, internal plant and equipment and emergency back-up generators and associated fuel storage. The development may also include cycle and car parking, internal circulation routes, soft and hard landscaping, security perimeter fence, lighting, earthworks, District Heating Network, sustainable drainage systems, ancillary infrastructure and a substation

Decision: 09-03-2022 OBJ

Comment on Relevant Planning History

None.

4. Planning Policies and Standards

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise.

The National Planning Policy Framework (NPPF) (2021) is a material consideration in planning decisions, as well as relevant supplementary planning documents and guidance.

UDP / LDF Designation and London Plan

The following Local Plan Policies are considered relevant to the application:-

Part 1 Policies:

PT1.EM8 (2012) Land, Water, Air and Noise

Part 2 Policies:

DMEI 14 Air Quality

LPP SI1 (2021) Improving air quality

NPPF2 NPPF 2021 - Achieving sustainable development

NPPF4 NPPF 2021 - Decision-Making

NPPF6 NPPF 2021 - Building a strong, competitive economy

NPPF8 NPPF 2021 - Promoting healthy and safe communities

NPPF9 NPPF 2021 - Promoting sustainable transport

NPPF11 NPPF 2021 - Making effective use of land

NPPF12 NPPF 2021 - Achieving well-designed places

NPPF13 NPPF 2021 - Protecting Green Belt Land

NPPF14 NPPF 2021 - Meeting the challenge of climate change flooding

NPPF15 NPPF 2021 - Conserving and enhancing the natural environment

NPPF16 NPPF 2021 - Conserving & enhancing the historic environment

NPPF17 NPPF 2021 - Facilitating the sustainable use of minerals

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- Not applicable

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

None.

Internal Consultees

AIR QUALITY OFFICER:

Summary of Comments

The proposed development is in the vicinity of the LBH Air Quality Management area (AQMA), within approximately 550 metres of LBH Uxbridge Focus Area and approximately 650 metres of LBH Hillingdon Hospital Focus Area (please see Figure 1), bringing additional emissions which will add to current background levels as well as likely to impact on sensitive receptors already exposed to poor air quality in the area and or future residents of the residential opportunity area immediately to the West of the application site (the application site is in the immediate vicinity of an allocated new homes area as per the LBH housing Plan).

As per the London Plan and LBH Local Action Plan 2019-2024, developments need to be air quality neutral as minimum. LBH requires new developments to incorporate air quality positive design measures from the outset and suitable mitigation measures to reduce pollution, especially in areas where the air quality is already poor (LBH Air Quality Local Action Plan 2019-2024), namely AQMA and Focus Areas and or their catchment areas. Furthermore, policy DMEI 14 of the emerging London Borough of Hillingdon Local Plan (part 2), requires active contribution towards the continued improvement of air quality, especially within the Air Quality Management Area.

The proposed development is considered not air quality neutral as per the London Plan requirements; whilst the application is outside the GLA's jurisdiction, sensitive receptors within the LBH will be exposed to the most adverse impacts due to emissions resulting of the proposed development and therefore the proposal need to comply with regional policy to safeguard LBH citizen's health.

Furthermore, the proposed development is not clean by design, using diesel backup generators for its operation instead of alternative cleaner technologies, which would significantly reduce total annual emissions of NOx and PM, which are pollutants of concern in terms of public health. In particular, PM2.5 has been subject to significantly tighter target limits on the 2021 WHO global air quality guidelines, as a result of robust epidemiological evidence of the hazardous effects of this pollutant on human health.

Given the significant number of diesel backup generators (171 units), and the lifetime associated with the operation of the proposed development (i.e. 30 years), planning must be effective to select the most sustainable technologies, which, once approved, will be in place for a long period of time. Unlike vehicle emissions, which are expected to reduce significantly over the next 10 to 20 years, diesel backup generators will remain polluting at the same load/rate over the lifetime of the proposal, emitting NOx, PM10, and PM2.5.

Finally, location plays a central role in the planning decision making process and the location of the proposed development is inappropriate given the LBH Plan allocated new homes area in the

immediate vicinity of the proposed development (please see Figure 1). Therefore, new residents of this area would be exposed to unacceptable emission levels and resulting pollution concentrations from the operation of the proposed facility.

Therefore, given the concerns expressed above, LBH has undertaken a detailed peer review of the air quality report submitted to support the outline planning application of the proposed development. Key findings of the peer review are summarised in Appendix A.

Damage Cost Mitigation

The development is not sustainable without further mitigation and further action is required to reduce emissions. As it stands, the proposed development will expose LBH sensitive receptors to moderate to substantial adverse impacts with an (underestimated) 18.2 tonnes/year of NO_x released on an annual basis into the atmosphere, together with 0.9 tonnes/year of PM_{2.5}; such level of annual emissions is unacceptable, increasing local backgrounds and counterfeiting planning efforts to improve air quality and protect citizen's health. The damage cost to society is a good indicator of the damage such emissions originate in terms of health and other as well as the benefits should the proposal be refused.

Reason for Refusal (if objecting)

The proposed development is not sustainable, not air quality neutral, not clean by design (SRC fitting is a default measure and does not go beyond the need to retrofit for compliance purposes, therefore the claim in the AQ report that the proposal is clean by design because of SCR is not accepted) and produces significant adverse impacts on sensitive receptors downwind of the proposed facility at LBH, deteriorating existing poor air quality conditions and increasing local background levels, which counterfeits the LA efforts to improve air quality and safeguard citizen's health through the measures contained in the Local Action plan.

Therefore, the proposed development is contrary to policy EM8 of the Local Plan: Part 1 (November 2012), policy DME1 14 of the London Borough of Hillingdon Local Plan (part 2), the London Borough of Hillingdon Air Quality Action Plan 2019-2023, London Plan (2021) policy SI1, and paragraphs 174(e), 186 and 188 of the National Planning Policy Framework (2021).

Observations

The damage cost calculated used the most up to date guidance and most recent baseline year costs, as per Defra's released data. There are cleaner by design technologies for backup generators that can be used by data centres with proven success elsewhere in the country.

AIR QUALITY OFFICER FOLLOW-UP:

1 - Diesel backup generator data sheets - no emission concentration values for NO_x and PM₁₀ (mg/Nm³, 5% O₂ at standard conditions) are available in the manufacturers datasheets, therefore the applicant has assumed the units would meet the Medium Combustion Plant emission limits of 190mg/Nm³ (at 15% O₂) or 500mg/Nm³ (at 5%O₂), at standard temperature, pressure, dry conditions). Whereas it seems the air quality report has corrected for temperature and water content, it is not clear they have corrected for actual exhaust pressure of 6.3 m³ s⁻¹ actual pressure. If they have not, then their emission rate of 0.80 g/s is incorrect being significantly higher.

2 - The proposed development is not air quality neutral and mitigation via S106 payment is due using Defra's damage cost approach. In order to calculate total pollutant annual emissions to the atmosphere, an appropriate testing and maintenance regime must be applied to ascertain the total operating time and loads. The Air Quality report does not offer a suitable testing and operating

regime with only a total of 12 hours per year of operation considered. This is unrealistic and unacceptable. An illustrative testing and maintenance example with a realistic operating schedule and associated emission loads was used to check the damage cost due and the order of magnitude is right - therefore the originally calculated damage cost value of £5,300,954 stands.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

DATA CENTRE

The proposal involves constructing three large buildings up to 163,000 sqm and their ancillary requirements on a substantial parcel of undeveloped strongly performing Metropolitan Green Belt. Compared to the biggest commercial industrial permissions approved in 2021, it would have been the 9th largest in England. The submission has significant cross-boundary implications for the London Borough of Hillingdon but is also premised on meeting the stated requirements of an entire region that expands beyond two districts. By any definition, the proposal should be considered strategic and complex in nature.

Paragraph 13 of the National Planning Policy Framework (NPPF) (2021) states that the planning system should be genuinely plan-led. This proposal is being put forward on an unallocated site that has not been released from its designation as Green Belt. It is evident that the proposal does not conform with the Development Plan. It is unsurprising that the applicant has sought to progress this outside of the plan-making process. If this type of need was raised as part of the plan-making process, it would clearly be considered a strategic issue that crossed multiple administrative boundaries, which consequently would create an opportunity to discuss the capacity for other planning authorities to meet this need in more appropriate locations.

This is particularly pertinent when one considers the relatively footloose nature of these facilities. Whilst the applicant's submission tries to justify in one section that data centres must be delivered in an area between Slough and West Drayton, it also concludes at multiple points that, in a no development scenario, the need would be met internationally across different parts of Europe. For example, on Page 5 of the Economics Report it states:

'There is a strong likelihood that the major investment in the hyperscale data centre would go to alternative competing centres in Europe. This competition includes: (a) the established and fast growing centres in Frankfurt and Paris (which are also major competitors to London/the UK for other global technology and knowledge-based services investments); and (b) other locations such as Dublin or, increasingly, Scandinavia which have proved attractive to some hyperscale data centre operators.'

On Page 31 it states how Paris and Frankfurt have greater capacity to deliver data centres:

'However, London accounts for a lower share of new data centre capacity under construction (27%) and the rate of increase in capacity is much slower in London than in Paris and Frankfurt. Both these centres, according to JLL, are seeing strong increases in supply. The H1 2021 report notes the constraint on supply in London as being "lack of available power in core submarkets" and also it notes the "rise of self-build hyperscale campus" in London.'

On Page 36 it outlines how the investment could go to another country and suggests that it may even be advantageous for data centre operators:

'Data centre operators have many alternative choices as to where they locate within Europe. As noted earlier, there are other successful and growing data centre locations in Europe that offer some, if not quite all, of London's locational advantages (and may be slightly cheaper). These are the other FLAP-D centres, but most notably Frankfurt and Paris which are also vying with London to attract other internationally footloose service sectors businesses serving the European market (such as HQs, financial services firms etc). This competition has speeded up since and has been highlighted by Brexit (especially in the financial services sector).'

On Page 30, it also concludes that agreed data equivalence between the EU and the UK has removed concerns for data centre and other sectors about data protection and security equivalence arrangements. Put simply, one cannot logically come to the conclusion that new data centre capacity can only be achieved between Slough and West Drayton, whilst also suggesting that the same demand will otherwise be met in Europe.

Notwithstanding the above, it is clear that need for data centres generated by centralised demand in London is being met across an entire region. The data centre is said to be required to serve sectors operating out of London, including financial services, business and professional services, research and development and the creative sectors (eg publishing and advertising and research). It is important to note that these services are not based near the application site, but predominantly within Inner London. These needs are already being met and planned for on suitable brownfield sites across the entire region and there is a significant pipeline of planning permissions being attained by the market. Whilst there is no complete map of data centres within the region, attempts at mapping these areas are publicly available on sites like Colo-X.com and datacentermap.com. It clearly shows that data centres do not need to be limited to the Site Search Area being suggested by the applicant. Page 33 of the Economic Benefits and Needs Assessment Report ('Econ Report') outlines that both Slough and Docklands to the east of the City of London serve as primary locations for the clustering of data centres. There is nothing to suggest that they will not continue to do so in the future. Furthermore, this report also overlooks how data centres are being constructed in other areas in and around London, as can be viewed on the aforementioned public maps. Locations as far as Hemel Hempstead and Farnborough have clusters of data centres (three or more). Strangely there is no reference to Park Royal in West London, which also has a prominent cluster of data centres that continues to grow, with a number of new permissions in the pipeline.

All London Boroughs, through the adoption of the new Spatial Development Strategy (London Plan 2021), have in place development plan policies to protect and intensify designated and non-designated industrial sites across Greater London. In particular, Policy E7 of the London Plan (2021) has added support for the intensification of industrial sites through higher plot ratios, the addition of basements and the construction of multi-storey units. This has successfully started to lead to the intensification of industrial land for denser buildings, which in particular has seen a rise in applications for large data centres. One can utilise the Mayor of London's referable applications portal to see that planning permission for 13 sites have been put forward on previously developed land since the first publication of the plan in 2018. Most of these are large enough to meet the 'hyperscale' floorspace definition in Paragraph 2.10 of the applicant's Economic Report. It should be noted that these sites are only for applications that, due to their scale, have been made referable to the GLA. There are undoubtedly other applications that have been determined or are being processed of a non-referable scale, including smaller scale data centres, refitting of existing B8 units and extensions of existing data centres.

The author of these comments only has access to more detailed data from its district (the London Borough of Hillingdon). However, Table 1 outlines the new data centre capacity alone in the London Borough of Hillingdon that is subject to planning permission. As you can see, through an entirely brownfield first policy, the Council has been able to deliver new data centre capacity in the borough, which includes one of the largest data centre campuses in Europe. It also has an approved pipeline of planning permissions and a large applicant awaiting determination of a permission. It should be noted that four out of five of these sites meet the 'hyperscale' definition provided in Paragraph 2.10 of the applicant's Economic Report. The Council's development plan continues to protect multiple large industrial parks and includes a complementary policy on intensification, which will continue to bring forward individual sites for redevelopment if they are not undermined by proposals on low value Green Belt sites.

New Data Centre Capacity in the London Borough of Hillingdon that is subject to the planning application process:

- Application reference 38421/APP/2021/4045: Optimum Data Centre, Beaconsfield Road, UB4 0SL (Redevelopment progressed by Colt DCS) - 39,814sqm floorspace, hyperscale on brownfield land (application process ongoing)
- Application reference 75111/APP/2020/1955: Union Park, North Hyde Gardens, UB3 4DG (Redevelopment progressed by Ark Data Centres) - 56,000sqm floorspace, hyperscale on brownfield land (application approved)
- Application reference 1331/APP/2017/1883: Segro Park Hayes, West London, North Hyde Gardens, UB3 4QR - 22,265sqm floorspace, hyperscale on brownfield land (application approved)
- Application reference 37977/APP/2015/1004: Virtus Stockley Park Data Centre Campus (LON 5, 6, 7 & 8), Stockley Park - 45,000sqm floorspace, hyperscale on brownfield land (development complete)
- Application reference 54795/APP/2000/817: Digital Realty W. Drayton, 1 Airport Gate, Bath Rd - 4,000sqm floorspace, not hyperscale on brownfield land (development complete)

Whilst it is accepted that there are some locational factors that make some sites more attractive for data centres (e.g. proximity to high capacity fibre cable networks), this clearly does not need to lead to the conclusion that data centres must be provided between Slough and West Drayton. It is clear from the evidence above that there are a whole host of other localities with brownfield sites where data centres are and will continue to be delivered. The applicant's approach of disguising preferential parameters as absolute necessities has unsurprisingly led them back to their own site, in the hope of adding significant potential use value to an unallocated greenfield site.

It is noticeable that the applicant states within the submission that they do not know the demand for data centres in the London Area. On Page 3 of the Economics Report, it states the following:

'There are no specific long-term forecasts of need or demand for data centres in the London area. However, given the underlying growth rates and the historic performance, it is highly likely historic rate of growth, or something close to them, would continue if there are suitable sites for data centres in and around London. During 2021, London is forecast to account for 40% of the absorption (take-up) of data centre capacity in the key European centres. However, other European centres, particularly Frankfurt and Paris, are experiencing rapid growth in the supply of data centres and, to some degree, are catching up with London.'

However, elsewhere the submission appears heavily reliant on the premise that there is a need for 15 hyperscale data centres in the London area. This is merely based on an estimate of increasing the existing number of data centres by 25%. Even if this could be relied upon, the applicant would have needed to engage with the data on just quite how many other new brownfield sites were being built and could be brought forward in the future. This information is completely absent from the submission and therefore there is not an accurate representation of data centre supply being portrayed to decision-makers. Indeed, if this position was put forward, it clearly would show the extent of growth that is happening and is possible in the future, without the need to develop on the Green Belt.

If it was assumed that 15 hyperscale data centres were required and they needed to go on very large undeveloped sites in this part of the Green Belt, it would set a very significant precedent for the destruction of London's Metropolitan Green Belt outside of the plan-making process. It would open up nearly all of London's Green Belt to speculative applications for 14 more hyperscale data centres, each of which would consume a staggering amount of Green Belt. Any low value undeveloped site near to preferential parameters could argue that they were meeting some form of estimated need which would outweigh significant harm to the Green Belt and other factors. That would clearly be contrary to the great importance that national policy attaches to Green Belts and the aim of protecting their openness. One of the core purposes of the Green Belt is to assist in urban regeneration, by encouraging the recycling of derelict and other urban land. Approving this application would quite clearly be contrary to this purpose and fundamentally undermine the work of data centre companies who continue to regenerate brownfield sites across the region.

7.02 Density of the proposed development

Not applicable to the consideration of this out of borough consultation.

7.03 Impact on archaeology/CAs/LBs or Areas of Special Character

Not applicable to the consideration of this out of borough consultation.

7.04 Airport safeguarding

Not applicable to the consideration of this out of borough consultation.

7.05 Impact on the green belt

The proposal is located within the Green Belt. The site boundary covers a large area of Metropolitan Green Belt and is currently undeveloped. It is considered that this area of Green Belt performs well when viewed against the purposes of Green Belt, particularly in terms of preventing unrestricted sprawl and the merger of Uxbridge/Cowley with northern parts of Iver, as well as preventing encroachment into Colne Valley Park. The Metropolitan Green Belt as a whole is critical in assisting in urban regeneration, by encouraging the recycling of derelict and other urban land. Contrary to suggestions in the submission, there is no national policy support for building over the Metropolitan Green Belt simply because of the existence of the M25. Indeed, such an approach would clearly constitute encroachment into and the urbanisation of the Green Belt. The existence of the M25 does not prevent people being able to cross over and under the M25 at multiple points and enjoying the openness of the Green Belt on either side. Indeed, this point is demonstrated on Page 18 of the D&S, which shows existing commonly used walking paths over the M25.

The National Planning Policy Framework (NPPF) (2021) outlines that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight must be given to any harm to the Green Belt and 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.

The proposed development would not meet any of the exceptions outlined within either Paragraph 149 or 150 of the NPPF (2021). The applicant has sought to identify the very special circumstances that would be needed to outweigh the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal. Comments on the perceived need for a data centre in this location have been made above. There is also commentary on the impact to the openness of the Green Belt and the other perceived benefits below.

Impact on Openness

The National Planning Practice Guidance (NPPG) outlines what factors should be taken into account when considering the potential impact of development on the openness of the Green Belt. From a spatial perspective, there would be a considerable increase in built footprint, not only from the three new data centre buildings, but also from the substation, battery storage facility (separate application), roads and ancillary security structures (e.g. any fences or security huts). The volume of the three large buildings alone would be vast and cause significant harm to the openness of the Green Belt. The Landscape Visual Impact Assessment (LVIA) also shows how the proposal would be very visible from multiple receptors, obscuring views through the Green Belt at points, as well as having a significant urbanising effect on an area of undeveloped land. In terms of measuring increases in activity, the site is currently undeveloped land that presumably attracts very little activity at present. The new development is of a significant scale. Whilst it is noted that the position on the exact number of vehicle trips is still to be determined, what is clear is that there will be a significant number of staff and daily deliveries required as part of this development, which will represent a clear and continuous increase in trip generation and activity on site from the current position. All of the harm identified about would be permanent.

Very Special Circumstances

1) Need for a Data Centre

It is agreed that there is a need for data development. However, there are existing, approved and proposed data centres coming forward to meet the data needs of the economy in London and adjoining boroughs. LBH have identified existing data centre sites providing in excess of 399,000m² floorspace, approved data centre sites with more than 363,000m² floorspace and proposed sites with more than 494,000m² floorspace, totalling more than 1,256,000m² floorspace. In simple terms, the LBH are reasonably willing to support data centre sites across the borough provided that the proposed development(s) meet policy and where applicable have planning conditions and/or obligations attached to the permissions to ensure development of this nature is acceptable in planning terms. This diminishes the need for such data centre development in inappropriate locations.

2) Economic Impact / Support for Local Businesses and 3) Direct and Indirect Employment Generation

Regarding economic benefits, it is agreed that in general terms there would be economic benefits arising from the proposed scheme, as is the case with large scale employment proposals of most types. LBH is unable to verify the Appellant's stated figures with respect to the scale of the economic benefits. Paragraph 81 of the NPPF (2021) affords significant weight to support economic growth and productivity, accordingly LBH afford significant weight to the economic benefits.

4) Creation of New Parkland and Enhanced Biodiversity

It is worth noting that the Environment Act 2021 has established that all planning permissions granted in England have to deliver at least 10% BNG from November 2023. The LBH Development Plan does require the protection and enhancement of biodiversity but technically the requirement to achieve 10% BNG is not yet established, and care should be taken when considering the weighting of such matters.

The information submitted states that a biodiversity net gain of up to 5% would be achieved. Given the aspirational minimum percentage numbers noted above, the proposed 5% gain would not be significant. BNG is a baseline planning policy requirement and failure to meet the aspirational 10% minimum is indicative of a site which has not been optimised in a biodiversity sense.

The proposed designation of 45 acres of land to become publicly accessible, gifting to a charity group and payment of £1 million is noted. However, by definition, any agreed planning obligations must only be sought where they are necessary to make the development acceptable in planning terms and directly related to the development. If these measures are not proposed as planning obligations, they cannot be secured and given weight. If they are proposed as planning obligations, they must meet the tests outlined under paragraph 57 of the NPPF (2021).

Planning obligations must be necessary to make development acceptable, be directly related to the development and be fair and reasonable in scale and kind to the development. Making the land publicly accessible and gifting it to a charity group could take place outside of the planning process. It is not necessary to make the development acceptable. By definition, mitigation secured by a planning obligation also cannot constitute a very special circumstance. Mitigation brings the development back to the baseline that is planning policy compliance.

5) Education and Employment Fund

The applicant proposes to provide a £20 million fund towards education and employment initiatives. Under the Link Park Appeal decision (ref. APP/N0410/W/22/3297192 and APP/R5510/W/22/3297194), the Inspector stated the following:

'57. The submitted Unilateral Undertaking in respect of Appeal A includes an employment and skills contribution. At the hearing, Buckinghamshire Council confirmed that they do not have a project on which this contribution would be utilised and that there is no planning policy basis for seeking such a contribution. Given that there is a likelihood that the contribution would not be utilised for its intended function, I do not believe that this contribution is necessary or reasonable.'

As the proposed £20 million fund is proposed to be secured by a Section 106 legal agreement for use by Buckinghamshire Council, the Inspector's position on this would apply again under the current application. The proposed gifting of money would not meet the necessary tests and cannot be considered a very special circumstance.

6) Energy Efficient Hyperscale Data Centre

The information submitted indicates a commitment to BREEAM 'excellent' and carbon neutrality by 2030. These matters are minimum planning policy requirements which should

be met in any case. These aspects of the scheme are not unique to the proposed development or this site, rather it would be expected of any development coming forward. This point is afforded neutral weight.

7) Heat Capture for District Heating System

It is acknowledged that the proposed development would facilitate the delivery of a district heating network of c.150MW zero carbon heat, sufficient to serve up to 3,000 homes. As addressed within Section 07.01 of the report, it is not agreed that there is a need for a data centre to be located on designated Green Belt land. As such, it is posited that the benefit of such a district heating network could also be achieved as part of a scheme located on a brownfield site. Only very limited weight is afforded to this consideration.

8) Public Services and Facilities

The Applicant states that the development would achieve a Community Infrastructure Levy payment of £4 million and annual business rates payment of £6 million. Again this is not unique to the proposed development or this site, rather it would be secured for any development coming forward. This point is afforded neutral weight.

9) Decontamination of the Site

Decontamination of the site is a baseline planning policy requirement. This point is afforded neutral weight.

10) Lack of Alternative Sites

It is LBH's position that there are more appropriate brownfield sites outside the Green Belt, which could better meet demand. It is considered that the impatience of the data centre market should not be afforded weight in the consideration of this scheme; especially when taking into account that the development would result in permanent, inappropriate and harmful development with the Green Belt.

It is noteworthy that there are many sites throughout London which are allocated for industrial-related activities, and this would include data centre operations. Data Centres are therefore fully accounted for and suitable for industrial sites which are duly allocated as part of any local and regional plan. The London Plan (2021) identifies 55 Strategic Industrial Locations (SILs), including the following in Hillingdon:

- Hayes Industrial Area;
- North Uxbridge Industrial Estate;
- Stonefield Way / Victoria Road; and
- Uxbridge Industrial Estate.

Further to this, the Hillingdon Local Plan: Part 1 (2012) identifies several Locally Significant Industrial Sites (LSIS). These are listed below for reference:

- Packet Boat Lane, Cowley;
- Braintree Road, South Ruislip; and
- Covert Farm, Heathrow.

More specifically, the Greater London Authority's 'London Industrial Land Supply & Economy Study' (2016) confirms that there is 7,544.1ha of designated and non-designated industrial land in London, including 127.6ha of designated and non-designated industrial

land in the Park Royal / A40 / Heathrow areas. Evidently, there are many sites across London and Hillingdon which are suitable for industrial development.

In summary, it is not agreed that this type of development can be brought forward only in this location or that it could not be delivered on a more appropriate brownfield site elsewhere in the region. It may be the case that all of the stated benefits (and more) could be achieved on a more appropriate brownfield site within the region. Data centre capacity is continuously being created; both internationally and locally. Within London, capacity is being created through the repurposing and regeneration of brownfield sites, that are not within the Green Belt and do not harm its openness.

Conclusion

The proposed development by reason of its greater impact on the openness of the Green Belt when compared to the existing development would constitute inappropriate development within designated Green Belt land. The factors identified by the Applicant as together constituting VSCs do not clearly outweigh the harm to the Green Belt by reason of inappropriateness and other harm including that posed to the open greenfield character of the area.

7.07 Impact on the character & appearance of the area

The proposed development comprises three data centre buildings, including ancillary offices, internal plant and equipment and emergency back-up generators and associated fuel storage. The development may also include cycle and car parking, internal circulation routes, soft and hard landscaping, security perimeter fence, lighting, earthworks, District Heating Network, sustainable drainage systems, ancillary infrastructure and a substation.

Paragraphs 126 to 136 of the National Planning Policy Framework (2021) makes clear that creating high quality buildings and places is fundamental to what the planning and development process should achieve. This National Design Guide (2021), and the National Model Design Code (2021) illustrate how well-designed places that are beautiful, healthy, greener, enduring and successful can be achieved in practice.

Paragraph 40 of the National Design Guide (2021) states that well-designed places are:

- based on a sound understanding of the features of the site and the surrounding context, using baseline studies as a starting point for design;
- integrated into their surroundings so they relate well to them;
- influenced by and influence their context positively; and
- responsive to local history, culture and heritage.

The application site adjoins the western boundary of the London Borough of Hillingdon's administrative area. The site forms part of designated Green Belt and is characterised by greenfield land. Accordingly, the existing site complements the purpose of its Green Belt designation by preserving openness.

The Uxbridge Industrial Park is located to the west and is notably separated from the site by the River Colne, as well as the administrative boundary.

In terms of the height of the buildings specifically, it is useful to note that the 23m height (27m with external flues) would meet the definition of tall buildings held within the London Plan (18m). Whilst the application is not subject to the London Plan (2021), this definition was introduced as a specific intervention from the Secretary of State, in order 'to avoid forms of development which are often considered to be out of character'. The scale of

development proposed would result in a form of development which would be visible from land located within Hillingdon Council's administrative boundary. There is clearly no existing precedent for buildings of such a height in this location and it evidently does not reflect local character.

The proposed development, by reason of its siting, size, scale and design, is considered to be detrimental to the open, greenfield and Green Belt character, appearance and visual amenities of the area, as observed within mid-range views and the wider townscape/landscape context in long-range views.

7.08 Impact on neighbours

Not applicable to the consideration of this out of borough consultation.

7.09 Living conditions for future occupiers

Not applicable to the consideration of this out of borough consultation.

7.10 Traffic impact, Car/cycle parking, pedestrian safety

Not applicable to the consideration of this out of borough consultation.

7.11 Urban design, access and security

Not applicable to the consideration of this out of borough consultation.

7.12 Disabled access

Not applicable to the consideration of this out of borough consultation.

7.13 Provision of affordable & special needs housing

Not applicable to the consideration of this out of borough consultation.

7.14 Trees, landscaping and Ecology

TREES AND LANDSCAPING

Not applicable to the consideration of this out of borough consultation.

ECOLOGY

The site adjoins the River Colne, a Nature Conservation Site of Metropolitan or Borough Grade I Importance. Any impact on the ecological value of the site and connecting habitats should be considered by Buckinghamshire Council's Ecology Specialist.

7.15 Sustainable waste management

Not applicable to the consideration of this out of borough consultation.

7.16 Renewable energy / Sustainability

Not applicable to the consideration of this out of borough consultation.

7.17 Flooding or Drainage Issues

Any impact on the flood and water management should be considered by Buckinghamshire Council's Flood and Water Management Specialist.

7.18 Noise or Air Quality Issues

NOISE

There are no Hillingdon residential properties within the immediate vicinity of the site. As such, the impact on the nearest residential noise environment is not considered to be applicable to the consideration of this out of borough consultation.

AIR QUALITY

The site is located next to the Hillingdon Air Quality Management Area and Uxbridge Air

Quality Focus Area. Following consultation with the Council's Air Quality Officer, it is understood that the proposed development is not sustainable, not air quality neutral, not clean by design and produces significant adverse impacts on sensitive receptors downwind of the application site within Hillingdon. This would deteriorate existing poor air quality conditions and increasing local background levels. An objection is raised on this basis.

7.19 Comments on Public Consultations

Not applicable.

7.20 Planning obligations

Not applicable.

7.21 Expediency of enforcement action

Not applicable.

7.22 Other Issues

IMPACT ON ELECTRICAL CAPACITY

It is noted that the application has been submitted with a written submission from Pivot Power outlining that they have secured a connection from the National Grid's Iver substation and that they can supply power to this proposed development.

However, it is not clear what the ramifications would be of using the National Grid's capacity on this unplanned site. The National Grid currently needs to support a number of existing and planned developments in the area, which are reported to the National Grid on a consistent basis. Indeed, there is business growth already identified in the allocated employment areas of Uxbridge, North Uxbridge SIL and Uxbridge Industrial Estate (SIL). These sites have been allocated for intensification over the plan period and therefore capacity must exist to allow these sites and their businesses to continue growing.

As this application is being progressed outside of the plan-making process, there has been no holistic view as to its infrastructure requirements and how these affects those already identified in Local Plans. Whilst it would not be uncommon for small windfall sites to come forward outside of the plan-making process, this is a very large site on a greenfield site and therefore should only be progressed through the plan-making process.

8. Observations of the Borough Solicitor

General

Members must determine planning applications having due regard to the provisions of the development plan so far as material to the application, any local finance considerations so far as material to the application, and to any other material considerations (including regional and national policy and guidance). Members must also determine applications in accordance with all relevant primary and secondary legislation.

Material considerations are those which are relevant to regulating the development and use of land in the public interest. The considerations must fairly and reasonably relate to the application concerned.

Members should also ensure that their involvement in the determination of planning applications adheres to the Members Code of Conduct as adopted by Full Council and also the guidance contained in Probity in Planning, 2009.

Planning Conditions

Members may decide to grant planning consent subject to conditions. Planning consent should not be refused where planning conditions can overcome a reason for refusal. Planning conditions should only be imposed where Members are satisfied that imposing the conditions are necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise and reasonable in all other respects. Where conditions are imposed, the Council is required to provide full reasons for imposing those conditions.

Planning Obligations

Members must be satisfied that any planning obligations to be secured by way of an agreement or undertaking pursuant to Section 106 of the Town and Country Planning Act 1990 are necessary to make the development acceptable in planning terms. The obligations must be directly related to the development and fairly and reasonably related to the scale and kind to the development (Regulation 122 of Community Infrastructure Levy 2010).

Equalities and Human Rights

Section 149 of the Equalities Act 2010, requires the Council, in considering planning applications to have due regard to the need to eliminate discrimination, advance equality of opportunities and foster good relations between people who have different protected characteristics. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The requirement to have due regard to the above goals means that members should consider whether persons with particular protected characteristics would be affected by a proposal when compared to persons who do not share that protected characteristic. Where equalities issues arise, members should weigh up the equalities impact of the proposals against the other material considerations relating to the planning application. Equalities impacts are not necessarily decisive, but the objective of advancing equalities must be taken into account in weighing up the merits of an application. The weight to be given to any equalities issues is a matter for the decision maker to determine in all of the circumstances.

Members should also consider whether a planning decision would affect human rights, in particular the right to a fair hearing, the right to respect for private and family life, the protection of property and the prohibition of discrimination. Any decision must be proportionate and achieve a fair balance between private interests and the public interest.

9. Observations of the Director of Finance

Not applicable

10. CONCLUSION

The proposed development would constitute inappropriate development within designated Green Belt land and very special circumstances do not exist to outweigh the harm to the Green Belt by reason of inappropriateness.

The proposed development, by reason of its siting, size, scale and design, would be detrimental to the open, greenfield and Green Belt character, appearance and visual amenities of the area, as observed within mid-range views and the wider townscape/landscape context in long-range views.

The proposed development is not sustainable, air quality neutral, or clean by design and produces significant adverse impacts on sensitive receptors downwind of the application

site within Hillingdon. This would deteriorate existing poor air quality conditions and increase local background levels.

Accordingly, Hillingdon Council raise an objection to the proposed development.

11. Reference Documents

National Planning Policy Framework (July 2021)

National Design Guide (January 2021)

National Model Design Code (June 2021)

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