

PLANNING STATEMENT

LAND OFF BEDMOND ROAD, ABBOTS LANGLEY

FOR GREYSTOKE LAND LTD

Date: 20TH June 2023 | Pegasus ref: 19-2063PL

Proposal

Demolition and clearance of existing buildings and hardstandings to allow for the construction of a data centre of up to 84,000 sqm (GEA) delivered across 2no. buildings, engineering operations and earthworks to create development platforms, site wide landscaping and the creation of a country park. The data centre buildings include ancillary offices, internal plant and equipment and emergency back-up generators and associated fuel storage. Other works include an ancillary innovation, education and training centre of up to 300sqm internal roads and footpaths, cycle and car parking, hard and soft landscaping, security perimeter fence, lighting, drainage, substation, and other associated works and infrastructure.





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APPENDICES

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1. INTRODUCTION

- 1.1. This Planning Statement has been prepared by Pegasus Group to accompany a planning application that is submitted on behalf of Greystoke Land Ltd (the "Applicant"). The application relates to land off Bedmond Road, Abbots Langley (the "Application Site").
- 1.2. In summary, the application seeks outline planning permission for the construction of a Data Centre, a Country Park and other associated works. A more detailed description of the development proposals is set out in section 3 of this statement.

The Purpose and Content of the Planning Statement

- 1.3. This Planning Statement provides a summary overview of the application proposals and identifies the Planning Policy Framework within which it should normally be considered.
- 1.4. **Section 2** provides a description of the site and its surroundings. A description of the development proposals is set out in **Section 3**. The Planning Policy Framework that is applicable to the application is provided in **Section 4**. **Section 5** then provides an assessment of the main planning issues and provides a reasoned justification for the scale and nature of the development that is now being proposed. **Section 6** deals with the overall planning balance. The summary and conclusions are set out in **Section 7**.

Other Supporting Documents

- 1.5. In addition to this Planning Statement, the application is supported by a number of plans and other documents. A full list is provided in the application covering letter.

Environmental Impact Assessment (EIA)

- 1.6. On 17th April 2023 the LPA issued a formal Screening Opinion that confirmed that an EIA would not be required. The conclusion was as follows:-

"The applicant has requested a Screening Opinion to be carried out.

The impacts discussed above are likely to be relatively limited and thus unlikely to give rise to unusually complex or potentially hazardous environmental effects, other than what would normally be considered in a planning application. Consideration has been given to Schedule 3 of The Regulations and National Planning Practice Guidance to establish whether the proposed development is likely to have significant environmental effects that would necessitate the



submission of an Environmental Impact Assessment. The development is only considered to have local effects and is not a particularly sensitive or vulnerable site in EIA terms. The development is neither unusually complex nor likely to have potentially hazardous environmental effects therefore the Council do not consider that an Environmental Impact Assessment is required.

This recommendation does not in any way prejudice the outcome of any future planning application, which will be subject to full consultation, and assessment of the planning issues.

This Screening Opinion has been adopted by Three Rivers District Council. " (our emphasis)

2. SITE LOCATION AND DESCRIPTION

- 2.1. The application site is located to the north east of Abbots Langley. The centre of Watford is located c.5.4km to the south and suburbs of Hemel Hempstead are c.3km to the north. The whole site lies within the administrative boundary of Three Rivers District Council (the LPA).
- 2.2. The site is broadly 'V' shaped and extends to circa. 31ha in total. It comprises predominantly greenfield land and includes a number of field parcels defined by mature hedgerow and trees (in agricultural use).
- 2.3. The site is divided into two main areas, field parcel 1 to the north and adjoining the M25, and field parcel 2 to the east. The site is generally open and undulating, enclosed by a mix of hedgerows, small woodlands and trees, as well as in part by settlement edge features. To the north of the site, lies the active and prominent M25 motorway corridor with a number of bridges and gantries close to the site. The motorway corridor runs along the northern site boundary of field parcel 1. To the north of field parcel 2 lies Stowes Wood and further agricultural land.
- 2.4. Intersecting the two site parcels is East Lane- in use as a footpath/cycle route. To the south of field parcel 2 lies Coles Farm, East Lane Cemetery, and the residential edge of Abbots Langley. Leavesden Country Park extends up to the south west corner of field parcel 2 creating potential for green infrastructure connectivity
- 2.5. A private drive is present in the western part of the Site which provides access to some areas of hardstanding and structures for a riding school with stables, training paddock and vehicle storage on land associated with Notley Farm.
- 2.6. In terms of designations, the site is located wholly within the Green Belt. There are no other landscape, heritage or ecology designations within the site itself.
- 2.7. The entirety of the site is located within Flood Zone 1 (the zone with the lowest probability of flooding).

3. THE APPLICATION PROPOSALS

3.1. The Applicant seeks planning permission for a proposed development comprising:-

“Demolition and clearance of existing buildings and hardstandings to allow for the construction of a data centre of up to 84,000 sqm (GEA) delivered across 2no. buildings, engineering operations and earthworks to create development platforms, site wide landscaping and the creation of a country park. The data centre buildings include ancillary offices, internal plant and equipment and emergency back-up generators and associated fuel storage. Other works include an ancillary innovation, education and training centre of up to 300 sqm internal roads and footpaths, cycle and car parking, hard and soft landscaping, security perimeter fence, lighting, drainage, substation, and other associated works and infrastructure.”

3.2. The application is submitted in outline with all matters of detail reserved for subsequent determination.

The Illustrative Masterplan

3.3. Whilst the application is submitted in outline, an Illustrative Master Plan has been submitted to demonstrate how the site could deliver the scale and nature of the development that has been proposed. It demonstrates how the development could be laid out to respond to the constraints and opportunities of the site.

3.4. The main components of the scheme are as follows:-

- a. A Hyperscale Data Centre capable of 96MW of IT load.
- b. Up to 84,000sqm GEA of data centre development including ancillary office space
- c. The Data Centre would be arranged across 2no. buildings which have a maximum height of 20m (25m with the external flues).
- d. New substation buildings and related infrastructure.
- e. Provision for emergency back-up generators,
- f. A new publicly accessible Country Park (circa 21ha) that will form an extension to Leavesden Country Park.
- g. An ancillary innovation, education and training centre of up to 300sqm located to the west of the proposed sub-station.
- h. Comprehensive scheme of landscaping and biodiversity enhancements.

i. Associated roads, car parking and supporting infrastructure

- 3.5. The proposals have been landscape-led. This is to ensure the new built development assimilates with the site and its surroundings and it offers opportunities to limit landscape and visual effects and to provide for landscape and biodiversity enhancements.
- 3.6. The majority of the existing site is proposed to remain free from buildings as much of the land would be used as the Country Park. This means that existing desirable landscape features can be fully retained and reinforced.
- 3.7. Whilst the application is an outline application, it can be seen that considerable thought has also been given to the design and appearance of the proposed data centre buildings. The buildings would have living green walls and green/brown roofs. This along with the architectural treatment reflects and responds to the Government's policy to create high quality, beautiful and sustainable buildings and places. Conditions can be used to ensure that the guiding principles are carried forward into the final detailed design of the scheme.
- 3.8. The Design and Access Statement provides further detail on the proposed design and layout of the scheme.

The Parameter Plans

- 3.9. In addition to the Illustrative Master Plan, the planning application includes a series of Parameter Plans. These would be the approved plans that would be referred to in the decision notice if the application is approved. They would ensure that the key guiding principles of the outline proposals are carried forward into future RM applications.
- 3.10. All other plans should be treated as being illustrative or providing supporting information and would not be listed as being approved.

4. PLANNING POLICY

4.1. This section refers to relevant national planning policy guidance and Development Plan policies that provide the planning policy framework within which this planning application should normally be considered.

The Development Plan

4.2. The Development Plan for the area comprises:-

- Three Rivers Core Strategy 2011 – 2026 – adopted on 17 October 2011
- Site Allocations Local Development Document – adopted on the 25 November 2014
- Development Management Policies – adopted on 26 July 2013

4.3. The most important policies and guidance and the weight that ought to be afforded to them will be identified in the Assessment of the Proposals (Section 5) and in the Overall Planning Balance (Section 6).

5. ASSESSMENT OF THE PROPOSALS

5.1. This section of the Planning Statement identifies the main planning policy considerations for this application. They include:-

- | | |
|----------------|---|
| Issue 1 | The principle of development |
| Issue 2 | Whether the proposal would harm the openness of the Green Belt, including whether it harms any purpose that the Green Belt is meant to serve |
| Issue 3 | Other harms to be considered as part of the very special circumstances test |
| Issue 4 | Whether there are any other considerations which weigh in favour of the proposal and whether those other considerations clearly outweigh any harm the proposal might cause so as to generate very special circumstances. |

5.2. The overall planning balance is dealt with in Section 6. It will identify the main benefits and other considerations that weigh in favour of the proposal and weight will be attributed to each of these. The same will be done for any potential adverse effects in the relevant context of the VSC test.

Issue 1 – The principle of development

5.3. National policy identifies that the purpose of the planning system is to provide for sustainable development. This is defined as meeting the needs of the present without compromising the ability of future generations to meet their own needs.

5.4. It is to be achieved by pursuing each of the three overarching objectives (social, economic and environmental) in mutually supportive ways. It is not just about delivering the number of homes and jobs that are needed. It also includes infrastructure and data centres are now critical infrastructure at both the local and national levels.

The Context for this Application

5.5. The Applicant acknowledges that the proposals involve major development in the Green Belt. As will be explained later, the Applicant does not seek to argue that the proposals would preserve the openness of the GB (no significant new building on an undeveloped site is likely

to preserve GB openness) and it is accepted that the proposals would cause some harm to two of the purposes of the GB.

- 5.6. However, national policy does not preclude development in the GB (including inappropriate development). Where it can be demonstrated that there are very special circumstances (VSC) that justify such development, then national policy regards it as sustainable development that should be approved (i.e. where very special circumstances are demonstrated, there is policy compliance).
- 5.7. Other harms must obviously be taken into account, but despite the scale and nature of the proposed development, the other non-GB objections are few in number and they are also of limited substance.
- 5.8. This is no ordinary development proposal and nor is it one that meets a generic need that could be met anywhere. If permission is granted it would provide for critical infrastructure and its timely delivery is a matter of national importance.
- 5.9. The evidence identifies the rapidly growing need for data storage and in doing so, the pressing need for the proposed development. The need is overwhelming and the Applicant identifies the economic benefits of the proposed development and the economic consequences for the country if needs are not met.
- 5.10. The planning system has simply not kept pace with addressing the need for new, large-scale data centres. The market will not wait and there will be serious consequences for the economy and society if needs are not met. There would also be serious implications for the environment which must not be overlooked.
- 5.11. Inevitably, the central issue for this application will be harm to the Green Belt. However, it is equally important to assess properly the benefits of the proposals and the (associated) harmful consequences of the failure to achieve its delivery.
- 5.12. The reality of the current and growing need for modern data storage is that it requires large buildings arranged in a way that ensures they are highly connected, highly available and resilient. Those buildings have very particular locational requirements in relation to existing infrastructure and so the location and clustering of existing data centres is no coincidence. They are located where they can be provided with the necessary power and digital infrastructure and where they can meet stringent customer and regulatory requirements.
- 5.13. Without the necessary data centre infrastructure and investment, the UK will not achieve its ambition to be a global leader in areas such as research & development (eg. medicines, energy production, electronics, engineering or defence) and nor will it be able to maintain its position in financial markets. The scope for economic diversification away from traditional

industries and the ability to keep pace with other competing and emerging economies during the 21st century will be restricted, as the submitted report from Nicol Economics explain.

- 5.14. Globally, across Europe, and in the UK the evidence shows rapid growth in the amount of data that is being generated. That data needs to be stored and processed. The amount of data being generated is growing exponentially. It is driven by the radical transformation in the way people interact and how technology is used for personal, administrative, governmental and business activities.
- 5.15. The roll out of technologies such as machine learning, artificial intelligence and the 'Internet of Things' is continuing to fuel this growth at record levels. We understand that **every 1.2 years** the amount of digital data being stored globally **doubles**.
- 5.16. This gives rise to real world land use planning issues that need to be addressed and solutions must be found.
- 5.17. The social and economic benefits of this scheme are considerable and are also far from the ordinary. The direct inward investment alone amounts to well over **£1bn**. That being at a time when the national economy is teetering on recession and its position amongst leading economies is weakening.
- 5.18. As well as the social and economic benefits there are also significant environmental benefits that can be captured through this development. As explained later, some of these benefits closely align with national policy on reducing the effects of climate change and delivering enhancements in the GB in terms of access, landscape and biodiversity net gain.
- 5.19. This is the broader context within which the assessment of harm to the GB (and any other harms) must be considered.

National Policy

- 5.20. NPPF paragraph 11 states that plans and decisions should apply a presumption in favour of sustainable development. For plan-making this means that:
- “a) all plans should promote a sustainable pattern of development that seeks to: meet the development needs of their area; align growth and infrastructure; improve the environment; mitigate climate change (including by making effective use of land in urban areas) and adapt to its effects; (our emphasis)**
- 5.21. The Development Plan in this case comprises a Core Strategy that was adopted on 17th October 2011 which pre-dates both the current NPPF and even the original NPPF. The evidence base that supported that plan is older again. This leads to a situation where certain

policies are inconsistent with more recent national policy and the Development Plan does not provide for the current needs for development.

5.22. It is no surprise that the Development Plan does not address the need for data centres. Most of us probably did not have a smart phone or even broadband when the plan was being formulated. Yet these are the policy documents that we must use when making decisions about the critical infrastructure that homes, business and research institutions will rely upon as we move into the 21st century. It would be inconceivable that the tech giants responsible for the storage and processing of data would consider basing their business decisions on out of date plans and strategies of that vintage.

5.23. Whilst the term “data centre” does not appear in national policy there is strong national planning policy support for this type of development. NPPF Paragraph 81 is of particular importance. It states that:-

“81 Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future. This is particularly important where Britain can be a global leader in driving innovation, and in areas with high levels of productivity, which should be able to capitalise on their performance and potential.” (my emphasis)

5.24. The applicant would make the following observations:-

- a. Data centres are essential for creating conditions for investment, expansion and adaptation.
- b. They support economic growth and productivity.
- c. National policy recognises both local and wider opportunities for development, this being a development which will transcend local administrative areas.
- d. There is a recognition of building on existing strengths. This development would be located in an area with high levels of productivity and on the edge of London; a truly global capital city and financial centre.
- e. Such development is essential if the UK is to be a global leader in driving innovation.

5.25. A recent letter from the Department for International Trade at Appendix 1 backs up these observations and will be referred to in more detail later in this Planning Statement.

APPENDIX 1 – LETTER FROM DEPARTMENT FOR INTERNATIONAL TRADE

5.26. NPPF footnote 42 must not be overlooked. It refers to the Government’s Industrial Strategy and states that:-

“42The Government’s Industrial Strategy sets out a vision to drive productivity improvements across the UK, identifies a number of Grand Challenges facing all nations, and sets out a delivery programme to make the UK a leader in four of these: artificial intelligence and big data; clean growth; future mobility; and catering for an ageing society. HM Government (2017) Industrial Strategy: Building a Britain fit for the future.” (our emphasis)

5.27. Data and data storage is intrinsically linked to at least four of the grand challenges. The Nicol Economics Report examines this further as well as other related Government strategies. The DIT confirms that data centres are at the heart of the UK’s digital infrastructure and represent the focal point where HMG’s Industrial Strategy and the Digital Strategy meet. These are all relevant expressions of Government Policy and attract weight as per NPPF paragraph 6.

5.28. National Policy at paragraph 82 explains that planning policies are also expected to amongst other things:

“.....

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

d) be flexible enough to accommodate needs not anticipated in the plan, allow for new and flexible working practices (such as live-work accommodation), and to enable a rapid response to changes in economic circumstances.” (our emphasis)

5.29. We must therefore address barriers to investment and be flexible to unforeseen challenges. Nicol Economics highlight how the failure to provide additional capacity will restrict the growth of our increasingly data driven economy.

5.30. NPPF paragraph 83 also recognises the specific locational requirements of different sectors. Hyperscale data centres have particular locational requirements and so this part of national policy will be especially important in this case. It states:-

“83 Planning policies and decisions should recognise and address the specific locational requirements of different sectors. This includes making provision for clusters or networks of knowledge and data-driven, creative or high technology industries; and for storage and distribution operations at a variety of scales and in suitably accessible locations.” (emphasis added)

- 5.31. The final part of paragraph 83 may be read with traditional logistics development in mind. However, the same principles also apply to data centres. Data centres need to be located where they have access to power and fibre and hyperscale cloud providers need to be within close proximity to other data centres for resilience reasons.
- 5.32. National policy also supports high quality communications. Whilst much of NPPF Chapter 10 relates to mobile phone networks it also applies to the proposals. It states that:-
- “Advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections. Policies should set out how high quality digital infrastructure, providing access to services from a range of providers, is expected to be delivered and upgraded over time; and should prioritise full fibre connections to existing and new developments (as these connections will, in almost all cases, provide the optimum solution).”** (emphasis added)
- 5.33. There is no policy vacuum at the national level. Policies and strategies are in place in the NPPF and in other Government documents. They are supportive of the development proposals and recognise the need to address the specific locational requirements of different sectors.
- 5.34. The Nicol Economics Report draws out the following from its review of government policy:-
- a. First, the recognition of the importance of the digital economy to UK prosperity and effective functioning of our public services, government and society.
 - b. Second, further recognition that this role is becoming ever more important, presenting great opportunities and also challenges.
 - c. Third, the importance of a secure and reliable digital infrastructure to ensure the smooth functioning and to maximise the growth prospects of the economy.
 - d. Fourth, a recognition that data centres are a critically important part of that digital infrastructure.

The Development Plan

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

5.36. The Development Plan in this case is in many ways not up to date or consistent with the NPPF. There are no policies or allocations in the Development Plan that make sufficient allocations or other specific provision for the development of hyperscale data centres. Given its age, the plan simply does not address the pressing and (more recently arising) need for this type of development or provide the flexibility to respond to changed circumstances as the NPPF requires.

Background context

5.37. Chapter 2 of the Core Strategy provides the background context for the District and at paragraph 2.2 it explains that there are a number of specific issues highlighted through the Spatial Portrait that need to be addressed in future. Those that are of relevance to this application will include:-

- There will be a challenge to maintaining the extent of the green belt while providing for local development needs and meeting regional targets.
- There is a need for increased business investment in the area to provide local employment opportunities and to try and reduce levels of out-commuting, which are currently high, reflecting the importance of the London job market on Three Rivers.
- While the District as a whole is ranked low in terms of deprivation, there are inequalities. South Oxhey is particularly affected by income, barriers to education, skills and training, living environment and crime and disorder. Parts of Maple Cross and Mill End are affected by income, barriers to housing and services and living environment. More rural parts of the District are affected by barriers to housing and access to services
- It is important to continue to achieve high levels of new development on previously developed land but, in general, the supply of previously developed land is falling.
- The attractiveness of the District as a place where people want to live and work depends in part on the environment. This is affected by landscape, biodiversity and open spaces (Green Infrastructure), as well as heritage. It is very important that these are maintained to sustain the unique character of the area and its attractiveness.

Settlement hierarchy

5.38. Taking into account settlement size, population, existence of and access to a range of services and transport infrastructure and importance in economic and retailing terms, the settlement hierarchy for Three Rivers is set out in Figure 4 of the Core Strategy.

5.39. Abbots Langley is identified as a Key Centre and thus represents a sustainable 2nd tier settlement. The Key Diagram at Figure 5 illustrates the distribution of settlements.

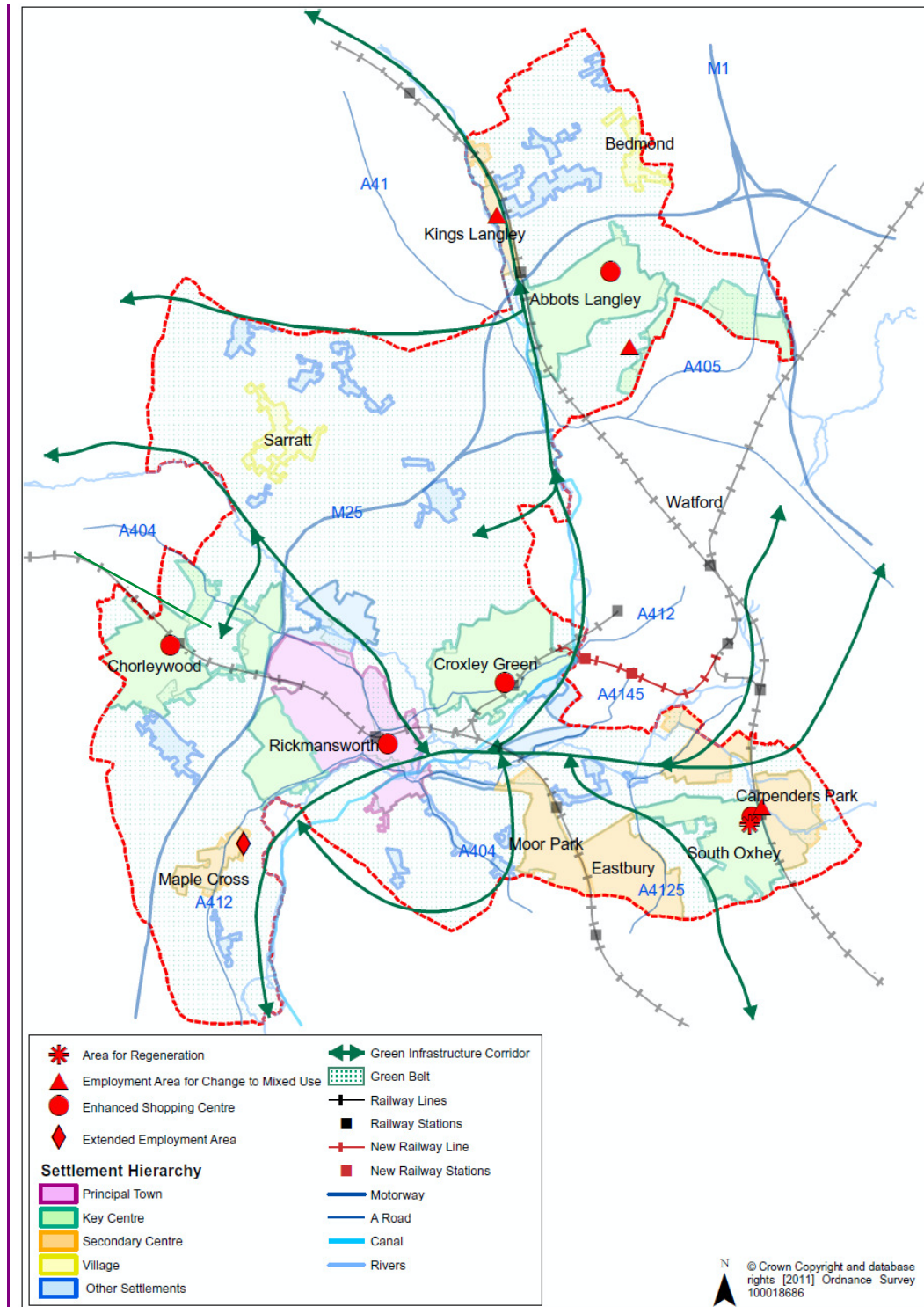


Figure 5: Key Diagram

5.40. Paragraph 3.13 states that:-

“Recognising the size, function, accessibility and importance of the Principal Town and Key Centres, future major development in Three Rivers should be primarily focused in and around these settlements.”

5.41. The Spatial Strategy of the plan is set out at pages 17 and 18 of the Core Strategy.

“Spatial Strategy

The main emphasis for future development is to continue to focus development within the existing urban area through development of previously developed land and appropriate infilling, recognising potential for mixed use development to contribute to the development of sustainable communities. This will be followed by development at the most sustainable locations on the edge of existing settlements.

In order to achieve the Spatial Vision for Three Rivers and meet Objectives for the District:

- 1. New development will be directed towards previously developed land (including surplus employment land) and appropriate infilling opportunities within the urban areas of the Principal Town (Rickmansworth) and Key Centres (South Oxhey, Croxley Green, Abbots Langley, Chorleywood, Leavesden and Garston and Mill End) as these have been identified as the most sustainable locations in the District.**
- 2. More limited new development will take place on previously developed land (including surplus employment land) and appropriate infilling opportunities within the Secondary Centres (Kings Langley, Carpenders Park, Eastbury, Oxhey Hall, Maple Cross, Moor Park). This recognises that these settlements are not generally as sustainable as the Principal and Key Centres but that they do provide some access to services and facilities and are generally close to larger settlements. Some growth will also help to sustain the vitality and viability of these settlements.**
- 3. Limited development to meet local needs will take place in the villages of Bedmond and Sarratt, recognising the need to sustain these more rural areas.**
- 4. To meet development needs, it will be necessary to review the boundaries of the Green Belt at the edge of existing settlements within Three Rivers. Specific Green Belt sites and indicative phasing for development will be identified through the Site Allocations Development Plan Document, and release will be informed by regular monitoring. Sufficient land will be identified to meet development requirements throughout the plan period. In identifying sites within the Green Belt, priority will be given to previously developed sites over greenfield sites and will be identified at the most sustainable locations on the edge of the Principal Town, Key Centres and Secondary Centres as defined in the settlement hierarchy.**

5. All development sites will be identified having regard to a criteria-based approach, taking into account whether development on the site:
 - Will be accessible to public transport, services and facilities
 - Will not have a significant impact on the environment including in terms of impacts on the Green Belt, visual amenity, heritage assets, transport and
 - environmental quality including wildlife, flood-risk and water pollution is likely to come forward over the plan period.

More detailed criteria for the selection of future housing sites are listed in Appendix 2.

6. All development will be required to make provision for necessary infrastructure including (but not exclusively) for transport, education, health, Green Infrastructure, utilities, waste facilities, waste water, leisure and community facilities.

5.42. It can therefore be seen that the application site is in a location that is well suited to major development, broadly consistent with the spatial strategy of the plan. There is also recognition of the need to release land on the edge of settlements like Abbots Langley, including land in the Green Belt to meet needs.

Place Shaping Policies

5.43. Chapter 4 provides the place shaping policies. These include Policy PSP2 which relates to development in the Key Centres including Abbots Langley. The supporting text refers to the development both within and adjoining these locations:-

“4.4 The Key Centres include a range of medium sized settlements distributed throughout the District. All are fairly ‘self-contained’ centres that primarily serve the local population. They provide a range of services and facilities, and access to public transport is generally good. Therefore it is appropriate that a proportion of future development should be located within and immediately surrounding the Key Centres.

4.5 There is scope for continued infilling within the urban areas, primarily on previously developed land, subject to the protection of existing residential and historic character and amenities. Whilst the scope for development on the edge of the Key Centres is constrained by Green Belt and other environmental designations, there are opportunities to promote sustainable development through limited development within the Green Belt, including on previously developed land, and consequently to also improve services and facilities within the Key Centres.” (emphasis added)

5.44. The relevant parts of Policy PSP2 read as follows:-

"PSP2

Development in the Key Centres (South Oxhey, Croxley Green, Abbots Langley, Chorleywood, Leavesden and Garston and Mill End)

Development in Key Centres will:

a) Focus future development predominantly on sites within the urban area, on previously developed land

....

c) Maintain and enhance employment opportunities in the Key Centres

m) Improve provision of, and access to, services and facilities, to meet future demands, specifically through:

.....

xv Improve outdoor leisure facilities for residents of Abbots Langley.

...."

5.45. The application proposals would be consistent with the policy requirements.

Core Policies

5.46. Policy CP1 provides an overarching policy on sustainable development and the relevant parts of the policy in this case are as follows:-

"CP1

Overarching Policy on Sustainable Development

All development in Three Rivers will contribute to the sustainability of the District. This means taking into account the need to:

a) Tackle climate change by reducing carbon emissions, increasing energy and water efficiency of buildings, promoting the use of renewable energy systems, and using other natural resources wisely, including through the use of sustainable building materials

.....

f) Protect and enhance our natural, built and historic environments from inappropriate development and improve the diversity of wildlife and habitats

.....

h) Maintain high levels of employment by attracting jobs and training opportunities for local people

i) Improve access to jobs, skills, services and facilities particularly within areas of deprivation in the District

.....

k) **Protect and enhance existing community, leisure and cultural facilities and provide new facilities**

l) **Reduce the need to travel by locating development in accessible locations and promoting a range of sustainable travel modes**

m) **Provide necessary infrastructure to enable and/ or support development, including (but not limited to) transport, education, health, green infrastructure, utilities, waste facilities, waste water, leisure, cultural and community facilities**

n) **Promote buildings and public spaces of a high enduring design quality that respects local distinctiveness, is accessible to all and reduce opportunities for crime and anti-social behaviour**

o) **Manage and reduce risk of and from pollution in relation to quality of land, air and water and dealing with land contamination.”**

5.47. The policy also highlights the importance of reducing carbon emissions and making use of renewable energy. The proposals would be consistent with these principles.

Employment and Economic Development

5.48. The supporting text at paragraph 5.46 explains that in order to maintain and improve the economic performance of the District, it is important to make provision for future employment and economic development alongside housing growth and protection of the environment.

5.49. For the purposes of the Core Strategy, economic development includes any development which provides employment opportunities, generates wealth or produces or generates an economic output or product [para 5.47]. The proposed Data Centre would fall into this category.

5.50. At paragraph 5.49 it is explained that the influence of surrounding areas on the economy of Three Rivers is significant. This is demonstrated for example by the high levels of out-commuting from the District, reflecting proximity to the London job market and to other larger centres such as Watford and Hemel Hempstead. Providing more job opportunities locally can assist in reducing out commuting. The Core Strategy refers to a number of evidence base documents but some of these date back over 17 years and are not up to date.

5.51. The most relevant parts of Employment Policy CP6 read as follows:

“CP6

Employment and Economic Development

The Council will support development that:

a) Sustains parts of the District as attractive areas for business location

- b) Provides an appropriate number of jobs to meet strategic requirements
- c) Promotes skills and learning of the local workforce
- d) Provides for a range of small, medium and large business premises
- e) Reinforces the south-west Herts area's existing economic clusters including film, printing and publishing, telecommunications and construction
- f) Further develops knowledge-based industries (including high-tech manufacturing, finance and business services, computing and Research & Development, communications and media industries)
- g) Aligns economic growth with housing growth in the area in order to balance the provision of homes and jobs and reduce out-commuting

....."

(emphasis added)

5.52. The application proposals would again accord with these parts of the policy. The policy goes on to explain that:-

The sustainable growth of the Three Rivers economy will be supported by:

- j) Continuing to focus employment use within the key employment areas within the District: Leavesden Aerodrome, Croxley Business Park, Tolpits Lane, Maple Cross/Maple Lodge, Kings Langley Employment Area, Carpenders Park West, Rickmansworth Town Centre
- k) Ensuring that employment uses are accessible through a range of transport modes including by public transport
- l) Supporting economic development in rural areas where this would contribute to sustainable development objectives would be consistent in scale with the rural location and would not result in harmful effects on the environment or local communities
- m) Supporting opportunities for economic development in the South Oxhey area as part of plans for regeneration of the area to help address identified deprivation in the South Oxhey area in relation to access to employment, education, skills and training and income
- n) Releasing office space from employment use where this is expected to be surplus to employment needs across the plan period as indicated by an up to date Employment Land Study
- o) Generally retaining general industrial and warehousing space in employment use, but recognising opportunities for relocation or mixed use redevelopment of industrial and warehousing space where this would contribute to wider sustainability objectives and would not harm the overall economic performance of the District.

The Site Allocations Development Plan Document will identify sites for additional employment floorspace and the boundaries of designated

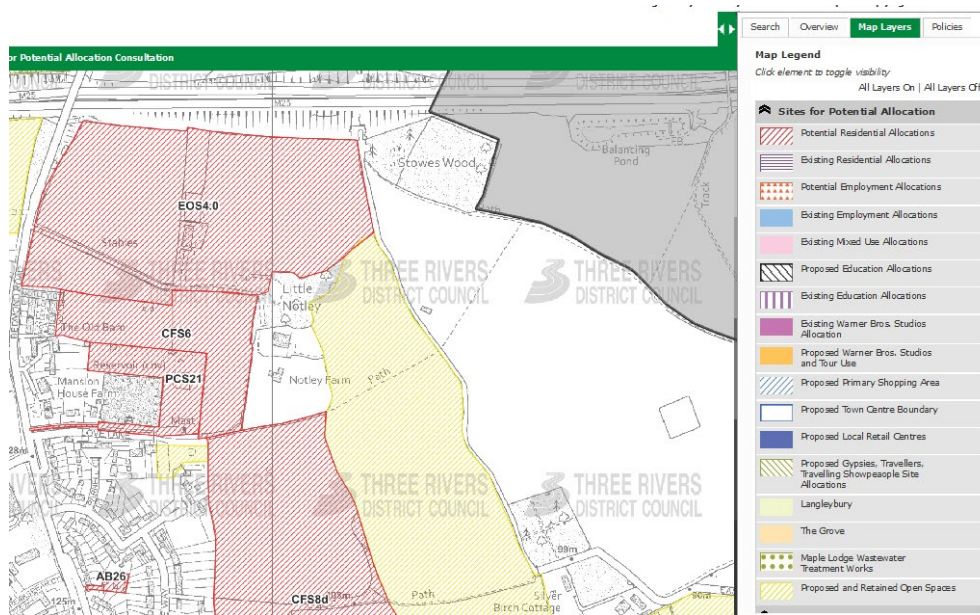
employment areas. It will also identify sites with the potential to accommodate mixed use development according to the principles set out in this policy. On the basis of current evidence, this is likely to include the introduction of residential and other uses at Leavesden Aerodrome, Kings Langley employment area and Delta Gain, and expansion of business activity at Maple Cross. These sites are indicated on the Key Diagram (Figure 5).

Green Infrastructure

- 5.53. The Country Park element of the application proposals must also be considered in the context of various policies that support recreation, leisure and enhancement of biodiversity and the natural environment more generally.

The Emerging Local Plan

- 5.54. The LPA has commenced work on a New Local Plan which will set out a vision and policy framework for the future levels of growth within the District up until 2038.
- 5.55. A consultation on the Local Plan Regulation 18 Additional Sites for Potential Allocation documents ran from 27th January to 30th March 2023. This followed on from the Regulation 18 Consultation on preferred policy options and sites for potential allocation which took place in July/August 2021
- 5.56. The Regulation 18 Additional Sites for Potential allocation consultation contains new sites that were submitted for the Council's consideration and updated proposals that were resubmitted as a result of the 2021 Regulation 18 consultation. Individual site assessments for these potential site allocations for housing have been undertaken as part of the Strategic Housing & Employment Land Availability Assessment (SHELAA) which is used to identify sites and broad locations with potential for development.
- 5.57. The additional sites consultation included part of the application site. The area where the Data Centre buildings are proposed to be located was identified as having potential to be allocated for housing as shown on the map below:-



- 5.58. Following this consultation, the LPA expects to be undertaking a further consultation in the autumn: Our vision for Three Rivers – our preferred Local Plan and housing numbers. This will focus on an alternative Local Plan with a potentially lower housing target. This will provide another opportunity for local communities, businesses and other interested stakeholders to comment on content of the draft New Local Plan.
- 5.59. Whilst the Local Plan is still not at an advanced stage, it is relevant that the application site (the part proposed for built development) was considered appropriate for removal from the Green Belt. Even if the LPA changes its mind on whether it needs to be released for housing, it might still be appropriate to release the site to meet other development needs such as the need for Data Centres, that being if there is a need and if the land does not make a significant contribution to the purposes of the Green Belt.
- 5.60. From Pre-Application discussions with the LPA it was confirmed that the New Local Plan has not thus far, not assessed the need for Data Centre development and so it currently makes no provision for this type of development.

Summary

- 5.61. To summarise on the principle of development:-
1. The application proposals would inevitably cause harm to the GB but this application is not just about harm to the GB and any other harms (as important as they are). It is also about meeting the need for critical digital infrastructure where and when it is required.

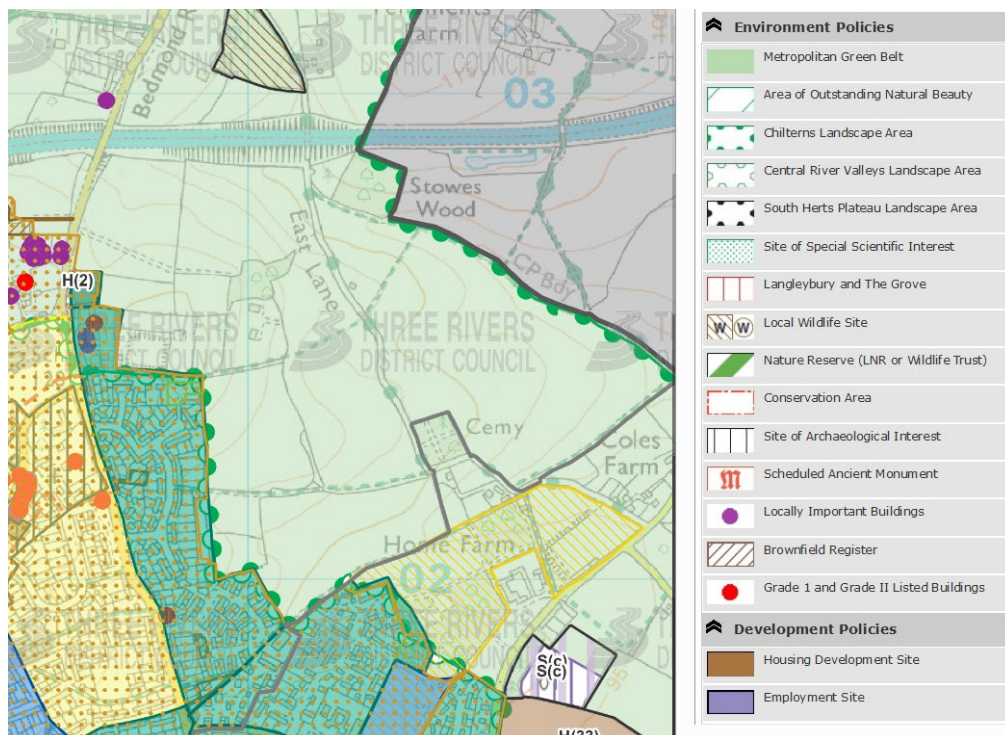
2. This is no ordinary development proposal. It would provide for a hyperscale data centre and it would represent an investment of well over £1bn. As a matter of necessity it is located in the Hemel Hempstead Availability Zone. Its timely delivery is a matter of national importance to support economic growth and society more generally.
3. The proposals attract significant support at the national level. The NPPF requires the planning system to meet development needs and to align growth and infrastructure. §114 states that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being.
4. NPPF §81 states that significant weight should be placed on the need to support economic growth and productivity. Areas should build on their strengths and address the challenges of the future. This is particularly important where Britain can be a global leader in driving innovation.
5. The NPPF requires policies to address potential barriers to investment, such as inadequate infrastructure and to enable a rapid response to changes in economic circumstances. Those types of policies are absent from the Development Plan here.
6. NPPF §83 is supportive of this type of proposal. It says decisions should recognise and address the specific locational requirements of different sectors. This includes making provision for clusters or networks of knowledge and data-driven, creative or high technology industries; and for storage and distribution operations in suitably accessible locations.
7. Nicol Economics explain that the Government recognises the importance of the digital economy to UK prosperity and effective functioning of our public services, government and society and this role is becoming ever more important, presenting great opportunities and also challenges.
8. It also recognises the importance of a secure and reliable digital infrastructure to ensure the smooth functioning and to maximise the growth prospects of the economy to the extent that data centres are referred to as a critically important part of that digital infrastructure.
9. The Development Plan is out of date in that it pre-dates the NPPF and it does not respond to up to date development needs including the challenges that we now face with regards digital infrastructure.
10. Abbots Langley is identified as a Key Centre in the Core Strategy and it thus represents a sustainable 2nd tier settlement.
11. The CS Spatial Strategy states that to meet development needs, it will be necessary to review the boundaries of the Green Belt at the edge of existing settlements. Sufficient land will be identified to meet development requirements throughout the plan period.
12. In identifying sites within the Green Belt sites and will be identified at the most sustainable locations on the edge of inter alia Key Centres. It can therefore be seen that the application site is in a location that is well suited to major development, consistent with the spatial strategy of the plan.



13. The New Local Plan is evidence that general needs for development could not be met under the old strategy. New allocations will be required, including land in the GB. The New Local Plan does not yet make provision for new Data Centres.
14. It is nonetheless highly relevant that the LPA has considered the site suitable for development (albeit for housing) and this ought to inform any judgements about the contribution that the land makes to the GB.

Issue 2 Whether the proposal would harm the openness of the Green Belt, including whether it harms any purpose that the Green Belt is meant to serve;

5.62. From the Policies Map that forms part of the adopted Development Plan it can be seen that the site is located entirely within the Metropolitan Green Belt. The proposals must therefore be considered against National Policy and Development Plan policies relating to Green Belt (GB).



Green Belt – National Policy

5.63. The NPPF at paragraph 137 identifies the importance of GBs. It states that:-

137. 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." (emphasis added)

5.64. At paragraph 138, the NPPF identifies the 5no. purposes of GB. These are:-

- a) to check the unrestricted sprawl of large built-up areas;
- b) to prevent neighbouring towns merging into one another;
- c) to assist in safeguarding the countryside from encroachment;
- d) to preserve the setting and special character of historic towns; and

e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

5.65. It is also important to draw attention to NPPF paragraph 145. This states that once Green Belts have been defined, local planning authorities should plan positively to enhance their beneficial use, such as:-

“..... looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land.” (emphasis added)

5.66. This point is dealt with in more detail later when considering the important benefits and enhancements that the scheme can deliver for this part of the GB.

5.67. It is accepted that the proposals represent “inappropriate development” in the GB. National policy on “inappropriate development” in the GB reads as follows:-

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

148. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘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.” (emphasis added)

5.68. The outcome of the very special circumstances (VSC) test will be determinative for this application.

5.69. Whilst the scheme as a whole comprises inappropriate development in terms of GB policy, it should be noted that the proposals include extensive areas of Country Park and other landscaping that also comprise an integral part of the scheme. When viewed in isolation the latter would not represent inappropriate development and nor would it harm the purposes of GB¹. This is important because a large proportion of the site overall would be left undeveloped, without buildings or hardstanding.

5.70. Whether there are very special circumstances (VSC) to justify inappropriate development in the GB will obviously turn on the facts of the individual case. It will be explained later why it is considered that VSC do exist here.

¹ See NPPF 149(b)

Green Belt – The Development Plan

Core Strategy adopted October 2011

5.71. The Core Strategy supporting text at paragraph 5.101 explains that Green Belt designation covers 77% of the area of Three Rivers. This creates a real challenge when seeking to meet the various needs for development.

5.72. The adopted Core Strategy deals with development in the Green Belt through Policy CP11.

“CP11

Green Belt

The Council will:

a) Maintain the general extent of the Metropolitan Green Belt in the District

b) Where appropriate, make minor revisions through the Site Allocations Development Plan Document to the detailed Green Belt boundaries around the main urban area, to accommodate development needs, as detailed in the Spatial Strategy and Place-Shaping Policies.

c) Retain ‘Major Developed Site in the Green Belt’ status for Maple Lodge Sewage Treatment Works

d) Review ‘Major Developed Site in the Green Belt’ status in relation to Leavesden Aerodrome, having regard to the important contribution the site is expected to make to meeting needs for housing and employment

e) Encourage appropriate positive use of the Green Belt and measures to improve environmental quality.

There will be a general presumption against inappropriate development that would not preserve the openness of the Green Belt, or which would conflict with the purpose of including land within it.”

(our emphasis)

5.73. The Core Strategy was adopted in October 2011. It pre-dates the first NPPF and the policies should be read in that context.

5.74. It is recognised that such policies nevertheless remain part of the Development Plan and therefore they should continue to be taken into account in decision making until replaced. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given) [see NPPF paragraph 219].

5.75. Whether or not there are VSC to justify this development in the GB will be the determinative issue for this application, yet there is no provision within Core Policy CP11 for that test to be

applied. It is referenced in the supporting text at paragraph 5.101 but not within the policy itself.

- 5.76. The absence of a VSC provision is highly unusual and it is plainly inconsistent with the NPPF (and indeed PPG2 which was in place when the policy was adopted). The NPPF does allow for inappropriate development where there are “very special circumstances”. Policy CP11 is inconsistent with the NPPF and therefore out of date.

Development Management Policies Local Development Document

- 5.77. Policy DM2 of the Development Management Policies Local Development Document also deals with development in the Green Belt and this is more consistent with national policy. The most relevant part reads as follows:-

“DM2 Green Belt

As set out in the National Planning Policy Framework, the construction of new buildings in the Green Belt is inappropriate with certain exceptions, some of which are set out below:

a) New Buildings

Within the Green Belt, except in very special circumstances, approval will not be given for new buildings other than those specified in national policy and other relevant guidance. Further guidance on the factors that will be considered in assessing applications for agricultural or forestry dwellings in the Green Belt is contained in Appendix 3.” (our emphasis)

- 5.78. It can be seen that Policy DM2 does include the VSC test. Given that this policy post dates the Core Strategy, this policy must take precedence.

Harm to the Green Belt

- 5.79. The Applicant recognises that the proposals would give rise to harm to the Green Belt. The harm can be addressed under the following headings:-

- a. Definitional harm,
- b. Impact on openness, and
- c. Implications for the 5no. purposes of the GB.

Definitional harm

- 5.80. The NPPF is clear that inappropriate development is by definition, harmful to the GB.

5.81. It is accepted that the construction of the proposed data centre buildings, and therefore the development as a whole is inappropriate development and that none of the exceptions to inappropriate development² apply in this case. Accordingly, it is accepted that the proposals do give rise to definitional harm to the GB.

Impact on openness

5.82. The concept of openness for planning purposes in the GB is normally taken as meaning the absence of built development. It is therefore necessary to consider the pre-development baseline position with the post development position.

5.83. Openness obviously has a spatial dimension, but other considerations are capable of being relevant as a matter of planning judgement. The PPG notes that the courts have identified a number of matters which may need to be taken into account in making an assessment. These include, but are not limited to:-

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

Paragraph: 001 Reference ID: 64-001-20190722

5.84. The concept of “openness” was addressed in the *Turner* judgement. Sales LJ said at paragraph 14 that:-

“The concept of “openness of the Green Belt” is not narrowly limited to the volumetric approach suggested by Mr Rudd. 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 (in the context of which, volumetric matters may be a material concern, but are by no means the only one) and factors relevant to the visual impact on the aspect of openness which the Green Belt presents.” (my emphasis)

² See NPPF paragraphs 149 and 150

The effect of the proposals on openness in spatial terms

- 5.85. The application site does currently contain existing built development but the proposals would obviously result in a net increase in built footprint.
- 5.86. The proposals include the construction of 2no. large buildings that comprise the main data centre complex sub-stations, an innovation/training centre and other associated works. Taken together there would be an obvious increase in both the built footprint and the built volume of development on the site.
- 5.87. As such, it is accepted that the proposals could not “preserve” the openness of the GB. There would be a loss of openness and thus there would be harm in this regard. That would be an inevitable and unavoidable consequence of constructing large data centre buildings in the GB.
- 5.88. This should however be seen in the context that the majority of the site would remain undeveloped and without buildings. Openness in those parts of the site would be largely preserved.

The effect of the proposals on openness in visual terms

- 5.89. The submitted LVIA explains that visual effects for the data centre proposals are contained to a relatively small number of receptors in close proximity to the site.
- 5.90. The most direct views of the data centre structures are limited to short distance views from Bedmond Road when approaching the site and immediately adjacent; as well as from Notley Court along the site’s southern boundary. There will likely be highly transient views from road users along the M25, although these will be mitigated in part by new soft landscaping, with new built form less visually incongruous from this active, urban setting. There may be partial views afforded from PRoW ALO29, although these are largely filtered by existing vegetation. From East Lane, there are glimpsed, filtered views for a short section of the lane, obscured in part by intervening site boundary vegetation. Where views are afforded, or where there are gaps in the site boundary vegetation, these will be mitigated in part by new soft landscaping, and with built form cut into the landscape to further reduce visual prominence.
- 5.91. Where views of the Data Centre are afforded, these are predominantly seen from an urbanised setting or encompassing urban features including the nearby M25, with new built form not assessed as wholly visually incongruous. Existing established vegetation provides some mitigation that is effective in-part at the outset of the operational phase. The development proposals are supported with a landscape strategy that seeks to utilise the existing green infrastructure and extend it to assist in containing the built development to reduce assessed landscape and visual effects.
- 5.92. The country park will be directly visible from the PRoW that traverse and borders the site. Although there will be some change to the view with the fields being utilised as parkland from

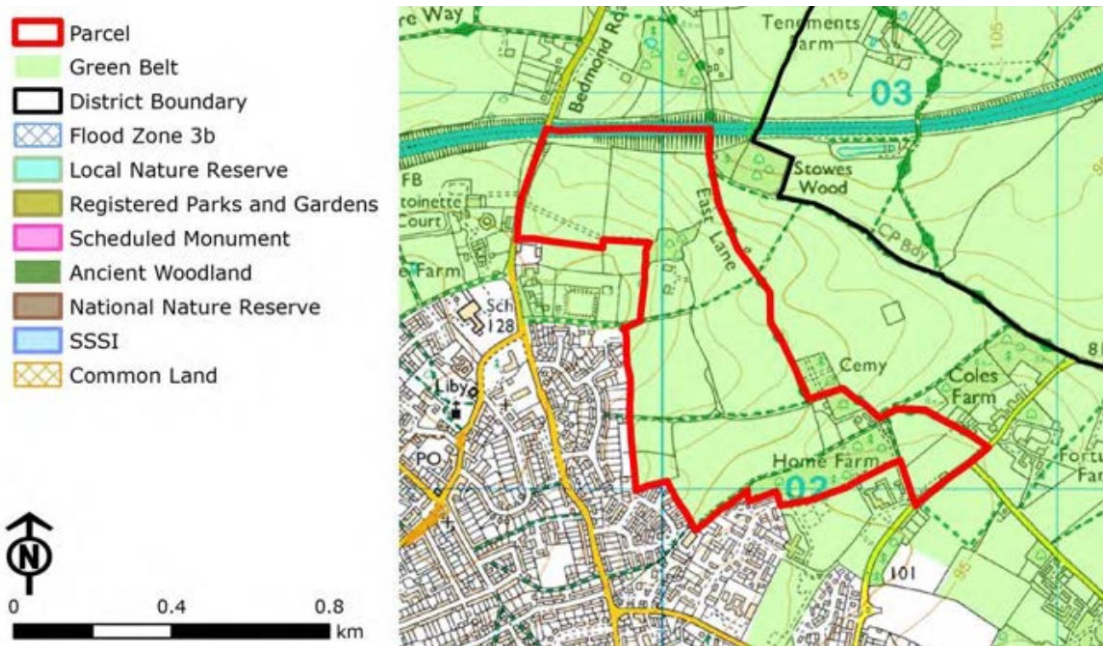
agricultural land, proposals afford a low degree of contrast, extending existing green infrastructure through new tree planting, and new habitats such as the attenuation pond. These are seen as reflective of the semi-rural site setting and not incongruous to the view, affording enhancement with proposals reinforcing the surrounding well-tree'd context.

Increased activity

- 5.93. There would be an increase in activity associated with the proposals once the Data Centre is fully operational.
- 5.94. However, most activity throughout the day would be contained within the buildings. The rest would be traffic arriving and leaving the site at each end of the day when shifts swap over.
- 5.95. It is considered that the increase in activity would have a very limited effect on openness.

Impact on the 5no. purposes of the Green Belt

- 5.96. NPPF paragraph 138 identifies the five purposes of the GB. The LPA has commissioned a Green Belt Review along with Watford Borough Council. The Green Belt Review (Stage 1) (2017) is principally a strategic review of Green Belt purposes. It looked at 83 strategic parcels.
- 5.97. The Stage 2 Green Belt study (2019) considered the extent to which the release of different areas of land affects the contribution to the Green Belt purposes, through both the loss of openness of the released land and the resulting impact that this could have on the adjacent Green Belt.
- 5.98. The location plan for the relevant sub area which includes the parts of the application site where the Data Centre buildings are proposed is provided below (ref. AL3).



5.99. The overall harm to the Green Belt of releasing the land (all the land) was found to be moderate high [p.68]. Whilst the Review is a material consideration, we would urge some caution in how it is used for the purposes of this application. That is because:-

- a. The application site is smaller than sub area AL3
- b. The part of the application site that is proposed for built development is smaller area again.
- c. The majority of the application site would remain free of buildings, particularly the Country Park land.
- d. The GB assessment does not therefore assess the application site itself, and
- e. The GB assessment does not assess the application proposal itself.

5.100. A more granular and project specific assessment against the 5no. purposes is therefore required when considering the application proposals.

a) to check the unrestricted sprawl of large built-up areas:

5.101. The Oxford Dictionary defines “urban sprawl” as:-

“n. the uncontrolled expansion of urban areas.” (our emphasis)

5.102. The LPA says that the parcel is adjacent to Abbots Langley (contiguous to a large built-up area of London). The proposals would also lead to the outward expansion of Abbots Langley.

- 5.103. It would be an outward extension into this part of the GB and so it is accepted that there would be some harm to this purpose of the GB as a result of that outward movement.
- 5.104. However, the harm is tempered in this case because the site is well contained and it would not be “unrestricted” or “uncontrolled” sprawl. This is not just development spilling out on to undefined open land. The site has robust and defensible boundaries. These would also be reinforced by the well-considered layout of the scheme. Taken together, there would be layers of “control” and “restriction.”
- a. In this part of the GB the M25 serves as a robust and defensible barrier to unrestricted sprawl to the north.
 - b. The Parameter Plans show that areas of open space and landscaping form inherent mitigatory and enhancement components of the proposals that will prevent future sprawl.
 - c. The new Country Park would of itself form a new barrier to unrestricted sprawl to the east in this part of Abbots Langley.
- 5.105. In summary whilst there would be some harm to this purpose of the GB the harm is limited and tempered by the containment of the site and the layout of the scheme which includes extensive areas of landscaping and a country park that can be secured through the s.106 and conditions.
- b) **to prevent neighbouring towns merging into one another;**
- 5.106. The proposals would not cause neighbouring towns to merge or coalesce. There would still be substantial spatial and visual separation between the edge of the development and the nearest towns.
- 5.107. Even the LPA’s own assessment considered its contribution to be relatively limited [p.68].
- c) **to assist in safeguarding the countryside from encroachment;**
- 5.108. Purpose (c) requires an assessment of openness and the extent to which the Green Belt can be characterised as “countryside.”
- 5.109. The LPA Review found the much wider parcel land to make a relatively significant contribution saying that it is free of urban influences.
- 5.110. However, when one looks at the area proposed for built development this has the urbanising influence of the M25 and the M25 itself acts as a barrier between the site and the wider countryside. This land is very different from the wider AL3 parcel.
- 5.111. There would nonetheless be some physical encroachment and so there would be some harm. It is considered that the proposals would result in only limited harm to this purpose.

d) to preserve the setting and special character of historic towns;

5.112. The site does not contribute to the setting and special character of historic towns and the proposals would not therefore offend this purpose of the GB.

e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

5.113. The application proposals do not undermine urban regeneration. The need for the development cannot be met on a previously developed site.

5.114. The Applicant does not therefore consider that the proposals would harm Purpose (e) in relation to assisting urban regeneration.

Other effects on the GB

5.115. It would be wrong to believe that all of the impacts of the proposal on the GB will be adverse. There would also be a number of positive benefits for the GB that need to be factored in. These will be addressed later in when considering VSC.

Summary

5.116. To summarise on the harms to the GB:-

1. The site is located entirely within the Metropolitan Green Belt. 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.
2. The proposal represents "inappropriate development" in the GB. It is, therefore by definition, harmful to the Green Belt and should not be approved except in very special circumstances (VSC).
3. National policy does not preclude inappropriate development in the GB and nor does it preclude new employment development in the GB. Adopted Policy DM2 allows for development including inappropriate development where it can be demonstrated that there are VSC.
4. It is accepted that the proposals would result in harm to the openness of the GB in spatial terms. The impact on openness in visual terms would however be limited.
5. There would also be some limited harm to the purpose of checking the unrestricted sprawl of large built-up areas but the harm would be tempered by the containment of the site and the layout of the scheme which includes extensive areas of landscaping that can be secured through the s.106 and conditions.
6. There would be some limited harm in terms of physical encroachment on the countryside but given the urban fringe character of this part of the GB and the fact that the M25 severs the land from the wider countryside the proposals would not cause any significant harm to safeguarding the countryside from encroachment.

7. There would be no harm to purposes (b) preventing towns merging (d) preserving the setting and special character of historic towns, or (e) assisting in urban regeneration.
8. Notwithstanding the identified harm, not all of the impacts of the application proposal on the GB will be adverse. There would also be a number of positive benefits for the GB that need to be factored in including public access and enhancements to the landscape and biodiversity as encouraged by NPPF §145.
9. Substantial weight should be given to any harm to the Green Belt. VSC 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.

Issue 3 – Other Harms to be considered as part of the VSC test

Impact on the character and appearance of the area

- 5.117. The LVIA has assessed the impact of the proposals on the character and appearance of the area. Overall, the significance of effect on landscape character is assessed to be moderate adverse with the introduction of the new data centre structures and associated built form (Field Parcel 1). Landscape effects are largely contained to the site and immediately surrounding context, with more limited effects on the wider landscape. Proposals afford opportunities for moderate beneficial enhancement to the eastern portion of the study site (Field Parcel 2) with the establishment of the new country park; and new landscape features throughout, augmenting existing site and surrounding green infrastructure.
- 5.118. The significance of visual effects arising from the development proposals is assessed to be overall moderate Adverse for a very limited number of receptors immediately adjoining the site.
- 5.119. Adverse landscape and visual effects are identified resulting from the scale and nature of the development proposals and loss of open agricultural landscape. Mitigation (both inherent and proposed) assist with reducing both adverse landscape and visual effects. The development of the new country park does not provide mitigation for the confirmed adverse landscape and visual effects but rather provides an opportunity for a new amenity resource for the local settlement, that increases accessibility of the local countryside.
- 5.120. This is assessed to result in a moderate beneficial landscape and visual effect which can be weighed in the planning balance when considering landscape and visual harm. In the context of national and local landscape policies that seek to conserve local distinctiveness and recognition of the intrinsic character and beauty of the countryside, the harm arising from the development proposals is limited and localised.

Impact on the heritage significance of nearby designated and non-designated heritage assets

- 5.121. As explained in the Heritage Assessment, no designated heritage assets lie within the site itself.
- 5.122. Following a detailed assessment, it is anticipated that the proposed development within the site would result in less than substantial harm at the lowermost end of the spectrum to the heritage significance of the Grade II* Tithe Barn, via a change of setting and less than substantial harm at the lowermost end of the spectrum to the heritage significance of the Grade II Listed Mansion House Farmhouse.
- 5.123. Under paragraph 202 of the NPPF, this level of harm to designated heritage assets should be weighed against the public benefits of the scheme. It will also be weighed in the VSC test.
- 5.124. The proposed development within the site will also result in minor harm to the heritage significance of the non-designated Oualtine Dairy Farm Buildings, via a change in setting. This will need to be assessed in accordance with NPPF paragraph 203.

Other Matters

- 5.125. The application is supported by a suite of technical documents that confirm that there would be no other harms to weigh in the planning balance that cannot be mitigated or addressed by conditions or planning obligations.

Summary

- 5.126. To summarise on the “other harms” that need to be weighed in the planning balance:-
1. Aside from GB, the “other harms” are relatively few in number and substance. They relate only to the impact on the character and appearance of the area and heritage.
 2. The LVIA shows that the proposals would not cause any unacceptable harm to landscape character and the effects, but there would be some harm to weigh in the planning balance.
 3. The Heritage Assessment finds that there would be less than substantial harm at the lowermost end of the spectrum to the heritage significance of both a Grade II* Listed Building and a Grade II Listed Building. There would also be minor harm to the heritage significance of the non-designated Oualtine Dairy Farm Buildings, via a change in setting.

Issue 4 – Whether there are any other considerations that weigh in favour of the proposal and whether those other considerations clearly outweigh any harm the proposal might cause so as to generate very special circumstances.

- 5.127. In this case the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, would be clearly outweighed by other considerations, as per NPPF paragraph 148 and the adopted Development Management Policy DM2.
- 5.128. “Very Special Circumstances” (VSC) justify this proposed development within the Green Belt. The Applicant will now address what other considerations contribute to the VSC case. The final balance is undertaken in Section 6.
- 5.129. It is well established in case law about what constitutes VSC does not need to be rare or uncommon. It can also be a combination of factors and it is a matter of planning judgement. In *R (Basildon District Council) v First Secretary of State and Temple* [2004] EWHC (Admin) 2759 at para 17, Sullivan J (as he was then) held that:
- “... in planning, as in ordinary life, a number of ordinary factors may when combined together result in something very special. Whether any particular combination amounts to very special circumstances for the purposes of PPG2 will be a matter for the planning judgment of the decision-taker.”** (my emphasis)
- 5.130. This was supported in the judgement of Lord Justice Wilson in *Wychevton District Council v Secretary of State for Communities & Local Government & Ors* [2008] EWCA Civ 692 where it was held that:-
- “21 I say at once that in my view the judge was wrong, with respect, to treat the words “very special” in the paragraph 3.2 of the guidance as simply the converse of “commonplace”. Rarity may of course contribute to the “special” quality of a particular factor, but it is not essential, as a matter of ordinary language or policy. The word “special” in the guidance connotes not a quantitative test, but a qualitative judgment as to the weight to be given to the particular factor for planning purposes.”** (my emphasis)
- 5.131. That said, this is a case that does give rise to a number of considerations that are unique to data centres and unlikely to be replicated with other forms of development. In summary, the other considerations in this case that should, lead to a finding of VSC include:-
- a. The need for the development including national considerations and the contribution that the application scheme will make to meeting that need;
 - b. The locational requirements of this data centre and the lack of alternatives;
 - c. Economic impact/support for local businesses;

- d. Temporary employment during the construction phase;
- e. Direct and indirect employment generation;
- f. Social benefits;
- g. Addressing climate change;
- h. Creation of new Country Park and the landscape and biodiversity enhancements;
- i. Building beautiful;
- j. The absence of a plan-led solution;
- k. Education and employment fund;
- l. Heat capture for a district heating system;
- m. Consequences of not providing capacity to meet need;

VSC (a) – The need for the development including national considerations and the scheme’s contribution to meeting that need

- 5.132. Simply put, the need for new data centres is overwhelming and it continues to grow exponentially. The need is national in character and it also has a local dimension. As such there is a clear and demonstrable need for the application scheme and this weighs heavily in favour of the grant of planning permission.
- 5.133. At the recent public inquiry at Iver in Buckinghamshire, the LPA accepted that:-
- a. The scale of need is overwhelming
 - b. It is urgent
 - c. It is of national importance
 - d. Data Centres are critical infrastructure

The Letter from the Department for International Trade (DIT)

- 5.134. The letter from the DIT at Appendix 1 is important because it is evidence from Central Government itself about the need for such development, its importance to economic strategies, and future prosperity. Understandably the letter avoids discussion about individual cases, but it adds to and reinforces the evidence about the need for data centre development and its implications for the local and national economy.
- 5.135. Some of the key points include:-



- a. How foreign direct investment (FDI) is part of the Government's wider drive to secure long-term sustainable economic growth, innovation, and prosperity for the UK.
- b. Reference to the Prime Minister's (PM) five pledges to build a better future for the UK, help grow the economy, create better-paid jobs and opportunity right across the country and how, central to this is the PM's ambition in consolidating our leading role in the world as a science and technology superpower and which helps everyone in the UK.
- c. How Data Centres are at the heart of the UK's digital infrastructure and represent the focal point where HMG's Industrial Strategy and the Digital Strategy meet.
- d. The UK is a globally important data centre market (holding 6% of the world market share), home to the largest data centre market in Europe (holding around 25%+ of market share) and the world's second-largest commercial cluster.
- e. The economic benefits in terms of GVA and job creation (including multiplier effects).
- f. Data centres are referred to as a critically important part of that digital infrastructure.
- g. Recognition that the volume of data generated increases exponentially year on year. New technologies, increasingly utilised across sectors, are driving this increase, and in turn, demand for greater data centre.
- h. The UK is one of the most attractive locations in the world for data centre operators. Within the UK, the Thames Valley is central to the UK's data centre landscape.
- i. There is strong growth in the demand for data centre capacity to support the UK economy itself. As a direct result of this identified need, there is a sustained demand for sites across a corridor that includes Berkshire, Buckinghamshire, Hertfordshire, and west London. (our emphasis)

5.136. It is a clear message of support from Government for this type of development and more specifically, support for continued investment, including in locations like Hertfordshire.

The evidence on need from the Applicant

5.137. Foundigital has extensive experience in dealing with data centres and they have produced a report that deals with need. They also rely upon evidence produced by JLL. Key headline points include:-

- a. Demand for hyperscale data centres is driven by the need for greater data storage and computing power. Growth is exponential.

- b. This rate of growth is expected to increase due to the rise of cloud computing, artificial intelligence, machine learning, the 'internet of things', and 5G and 6G.
- c. When used in cloud computing data can only be processed and stored in locations with resilient clusters of networked data centres (availability zones) which can quickly and cost effectively transmit data between each other, before sending the information out to the users.
- d. Hyperscale data centres are also required due to obsolescence of existing facilities. North West London includes a number of smaller (non hyperscale) data centres which are at risk of becoming obsolete because they cannot accommodate the growth in data, lack economies of scale and will not be compliant with new environmental standards and regulations.
- e. There is a forecast need in the period up to 2027, to deliver an increase in data centre capacity in London of between **2,250MW to 3,100MW** over this same period (a mid-range or average of **2,665 MW**). It is therefore evident that there is a need for more data centres.
- f. The scale of that need is overwhelming and meeting that need for critical infrastructure is a matter of national importance.
- g. The quantum of data centre need at the proposed development location at Hemel Hempstead alone is in the region of **500 MW**.

5.138. The application scheme would make an important contribution to meeting this pressing need. Bearing in mind the scale of need the question of alternative sites does not arise in any real sense (although this is addressed below). The real challenge will be finding enough sites.

VSC (b) – The Locational Requirements of this Data Centre and the Lack of Alternatives

Introduction

5.139. There is no evidence to suggest that there is scope to meet the identified need for the data centres without developing land in the GB. Indeed, the evidence would suggest that precisely the opposite is the case.

5.140. It is important to stress that when considering the scope to provide for development beyond the GB, the scale of development to be tested is not just that of the application proposal (ie. circa 96 MW of IT Load). Even if the LPA was to identify a suitable alternative site(s) for the same capacity as the application scheme, there would remain a substantial level of residual



need – circa 404MW according to the evidence of Foundigital based on their assessment of need being circa 500MW.

Locational requirements

- 5.141. Hyperscale data centres have specific locational requirements. They include:-
- a. Low risk locations. Being on fault lines, on flood plains, below sea level, or in the path of air traffic creates unacceptable risk for the facility,
 - b. A reliable source of high-level power supply (typically at 132KV),
 - c. High quality fibre connectivity,
 - d. Being within close proximity to other data centres which form an “availability zone” to ensure near 100% uptime, and
 - e. A site that is physically large and flat enough to accommodate the proposed development.
- 5.142. The application site is in a low risk location and so it meets the first criterion. It also has access to power and fibre networks. The site is located within the Hemel Hempstead Availability Zone and so it is within proximity of other Data Centres to ensure resilience and uptime. It also allows for balancing in the wider availability zone region. With some manipulation of site levels, the land can provide an appropriate development platform.

The Relevance of Availability Zones

- 5.143. Given the importance of a location within an Availability Zone it is appropriate that that the Applicant provides some further explanation as to their significance.

What are availability zones?

- 5.144. When we think of how the Cloud or the Internet functions, it is made up of a cluster of data centres across multiple locations designed to provide areas of “coverage”. The areas in which the data resides are called Availability Zones.

Uptime and resilience

- 5.145. Data Centres exist within Availability Zones to ensure near 100% uptime. An Availability Zone protects applications and data from data centre failures. Data centres are connected by a high-performance network with a round-trip latency of less than 2ms. This helps data stay synchronized and accessible even when things go wrong.
- 5.146. Data security and data dependence have driven the need for Data Centres to guarantee near 100% availability access to our data (bank records, connectivity, communications, shopping, travel, gaming, trading, etc.). Whilst 95% availability sounds like a high number, it is extremely poor for a data centre. 95% availability equates to up to 18 days of downtime annually.

- 5.147. Today users are demanding sub one minute per year (between 3 and 31 seconds). That is about 99.999999% availability.
- 5.148. Data Centres are equipped with independent power, cooling, and networking infrastructure. Availability Zones ensure that if one Data Centre is affected, services, capacity, and high availability are still supported by other data centres in the zone.

Data transfer

- 5.149. The data transfer rate between sites is a key consideration.
- 5.150. Although data travels at the speed of light, the internet does not operate at the speed of light. Therefore, there are limitations to the maximum distance between the different sites (physical / Fibre & Optical distance). This creates limits to the geographical extent of Availability Zones.

Alternative Sites Generally

- 5.151. National policy does not require an assessment of alternative sites to demonstrate that the proposed development could not be located outside the GB.
- 5.152. However, the absence or the lack of alternatives sites can contribute to the case for VSC as explained later.
- 5.153. The Judgement of the Court of Appeal in the case of *Secretary of State for Communities and Local Government and Knight Developments Ltd v Wealden District Council* [2017] EWCA Civ 39 is helpful in explaining how alternative sites are to be considered. It confirms that if alternative sites do not address the identified need then they do not represent an alternative. Lord Justice Lindblom made the following observations about how the Inspector had (correctly) approached the issue:-

“65..... He was not satisfied that such other sites as were available for housing development in the district would be sufficient to meet the need, or that the shortfall would be made up by development elsewhere. This was a matter of planning judgment for him. He also found that those other sites would “collectively still fall short of the full [objectively assessed need]”, so they “[did] not amount to an alternative”. This too was a matter of planning judgment.” (my emphasis)

- 5.154. He went on to state that:-

“68 I do not think the policy in paragraph 116 of the NPPF obliged the inspector to deal in his decision letter with every potential site for housing in the district, one by one..... The decisive consideration was, clearly, the remaining need for market and affordable housing both in Crowborough and in the district as a whole.” (my emphasis)

The Applicant's Alternative Sites Assessment (ASA)

- 5.155. The Applicant has conducted an Alternative Sites Assessment. The main findings were as follows:-
- a. The identified need of 500MW in the Hemel Hempstead AZ means that there is a need to find at least five sites of an equivalent size of the application site (or a larger number of sites of at least 5ha which could sum to and exceed that level of need).
 - b. The scope of the ASA is based on the evidence provided by Foundigital and the geographical extent is dictated by the distance from an existing Hyperscale Data Centre within the Availability Zone.
 - c. In this instance the existing Hyperscaler specifies that the optical route lengths must be no greater than 8km allowing for typical fibre routing. This defines the area of search.
 - d. There is no evidence to suggest that there is scope to meet the identified need for the development on allocated sites in the Development Plans of the area.
 - e. No sites have been identified with extant planning permission that would present an alternative location for the Development Proposal.
 - f. There are no sites identified in the Brownfield Registers of the respective LPAs that would meet the needs of the Development Proposal.
 - g. Most of the land outside of the built-up areas is either located within the GB, an AONB or both and this therefore further limits the potential to locate the development outside the GB.
 - h. An important factor in this case is that the application site includes land which the LPA has recently identified as having potential to be released from the Green Belt.

The Great Boughton Appeal Decision³

- 5.156. The Great Boughton appeal decision is an example of a GB case where the lack of alternatives figured heavily in the decision. It was afforded substantial positive weight. The appeal related to a development for a care home, but the principles are relevant.
- 5.157. At paragraph 42 Inspector Lee observes that the Appellant has indicated there is a lack of alternative non-Green Belt sites that could accommodate the development and that there

³ APP/AO665/W/18/3203413

were no similar facilities in the pipeline that would help meet the need. The Inspector went on to comment at paragraph 43 that:-

“43 Although there are some weaknesses in the appellant’s assessment, I have seen nothing to convince me that there is a surfeit of suitable or available sites within defined settlements to address the demand identified.....” (our emphasis)

5.158. At paragraph 49 not only did the Inspector attach significant weight to the contribution that the scheme would make to meeting needs etc. but he then gave substantial weight to the evidence on alternative sites. He stated that:-

“49 I have attached significant weight to the contribution the development would make to meeting the needs for specialist housing in the area for older people and the associated social and economic benefits it would bring. I have also given substantial weight to the evidence relating to alternative available sites and the likelihood of the needs identified being met in the short to medium term by development within defined settlements.....” (our emphasis)

5.159. The same approach should apply to the current application scheme. The lack of, or absence of an alternative should also weigh heavily in favour of the scheme and contribute towards VSC.

VSC (c) – Economic Impact/support for local businesses

5.160. The need for the development and the opportunities for the economy are closely entwined. Nicol Economics provides detailed evidence that addresses the matter of the economic benefits that would be generated by the proposed development.

5.161. They explain that the Government recognises the vital and growing role of digital and data in the UK economy. It has identified the need for a secure and reliable digital infrastructure to ensure the smooth functioning and to maximise the growth prospects of the economy. Data centres are a critical part of that digital infrastructure as explained in the letter from the DIT.

5.162. The UK and London relies on data intensive economic sectors as increasingly key drivers for the economy and as a source of net exports to the rest of the world and of inward investment.

5.163. The evidence shows that there is very strong growth in the need for data centres globally, in Europe and in the UK. This is driven by powerful technological and societal trends as the economy becomes increasingly reliant on the creation and use of data. Nicol Economics explains that London is the key centre at present for the location of data centres in the UK and, indeed, Europe. There is strong growth in demand for extra data centre capacity in the London areas especially for hyperscale data centres. Again, this is supported by the letter from the DIT.

5.164. The proposed development would support and strengthen the existing cluster and digital eco-system related to data centres and associated digital technologies that has developed



in and around London – an area in which the UK is now one of the global leaders. It would therefore support directly key sectors which are targets for export growth and inward investment activity in line with NPPF paragraph 83.

- 5.165. The growth in capacity in the UK is responding to demand and needs from the UK economy. The proposed 96 MW of installed IT capacity of the application scheme is very substantial and so will make a very significant contribution to meeting the growing need for data centres of the right type in the right location.
- 5.166. The proposed development would represent a “very substantial capital investment.” This being at a time when the country needs to find sources of new economic growth to aid recovery. The scheme would have a construction cost alone that would be well over could be of the order of £700 to £800 million. This figure is not the total value of the investment as it excludes the very substantial cost of the computing, networking and communications equipment likely to bring the total cost to **well over £1 billion**.
- 5.167. The NPPF at paragraph 81 specifies 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.
- 5.168. Following the last recession, the Government placed a major emphasis on planning to ‘kick start’ the economy. There has been a clear push on planning for growth through national policy initiatives including the NPPF which was intended to stimulate growth in the economy. More recently we have been faced with the severe economic impact of the Covid 19 pandemic and now the cost of living crisis which is being fuelled by spiralling inflation.
- 5.169. Nicol Economics emphasise that data centre capacity is part of the critical digital or data infrastructure that currently underpins the UK economy and how its importance to the UK economy increases year on year. They refer to the various government strategies and policy documents which make this point abundantly clear. The DIT letter also refers back to some of the same documents. These are statements of Government policy and should be afforded weight in deciding planning applications, as per NPPF paragraph 6.
- 5.170. The DIT letter highlights how the Prime Minister is looking to consolidate our leading role in the world as a science and technology superpower. The proposals aim investment at the largest data centre market in Europe. The DIT backs up the Applicant’s evidence that the UK is one of the most attractive locations in the world for data centre operators and that within the UK, the Thames Valley is central to the UK’s data centre landscape, supported by a 21st century digital infrastructure necessary to support data centres.
- 5.171. It is therefore the right development in the right place and at the right time insofar as economic considerations are concerned. This weighs heavily in the planning balance.

VSC (d) – Temporary employment during the construction phase.

5.172. The construction industry is an important sector in the UK economy. The Secretary of State in his foreword to the White Paper, Planning for the Future, emphasises the importance of the construction sector. He states that:-

“Millions of jobs depend on the construction sector and in every economic recovery, it has played a crucial role” (my emphasis)

5.173. Nicol Economics present evidence to show that the application proposals would support:-

- a. Around 5,600 person years of direct employment associated with the construction (both on and off-site), and
- b. A total of 9,300 person years of employment across the UK economy taking into account supply chain and multiplier effects.

VSC (e) – Direct and indirect employment generation

5.174. The fully completed development would support a substantial number of well-paid jobs in Hertfordshire that would also be accessible to residents of Greater London.

5.175. Data centres are highly automated forms of economic activity but still do require significant numbers of on-site staff to ensure they can remain operational. The number of staff and types of jobs will depend ultimately on the precise form of the data centre and who operates it.

5.176. A mid-range and cautious estimate is that the completed development would support:-

- e. Circa 210 FTE jobs,
- f. A wage bill of up to £9.7 to 11.4 million, and
- g. Annual direct GVA of some £84 to £126million.
- h. Taking into account wider economic effects, the data centre would support in the order of £230 to £300m in GVA up to 1,300 FTE extra jobs across London and the wider South East.

5.177. Nicol Economics explain that the average wage levels (ranging from £46,000 to £54,000 per FTE job) are significantly above average wage levels of the Hertfordshire economy.

5.178. The economic benefits will also be spread and will benefit other areas outside the LPA area.

VSC (f) – Social benefits

5.179. In addition to the economic benefits, data centres also provide vitally important social benefits that underpin modern day living in the UK. The use of data and connected devices

is so embedded into our day to day lives that it is easy to overlook the social benefits. Sectors and activities that are reliant on the use of data include inter alia:-

- a. Government and other administration
- b. Education and home learning
- c. Healthcare, vaccines and medicine
- d. Home banking and finance
- e. National defence
- f. Customs and border control
- g. The internet
- h. Home computers and tablets
- i. Home shopping
- j. TV and music streaming
- k. Online gaming
- l. Social media
- m. Mobile phones, messaging and group chats
- n. Overcoming isolation in rural areas
- o. Overcoming isolation for the elderly and vulnerable people

5.180. The proposals would therefore reinforce the critical infrastructure upon which modern day society increasingly depends.

VSC (g) – Addressing Climate Change

5.181. Climate change is a key issue for the achievement of sustainable development. It is an issue that underpins much of what we do in the planning system, whether that is reducing the need to travel, minimising use of resources or reducing carbon emissions.

5.182. The environmental objective identified in the NPPF at paragraph 8 states:-

“An environmental objective –to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.” (my emphasis)

5.183. The application proposals can make significant contributions towards addressing climate change both directly and indirectly.

Energy usage

- 5.184. Data centres require large amounts of electricity to operate the servers and processors and to keep the machines cool.
- 5.185. It has been estimated that data storage and transmission in and from data centres use 1% of global electricity. However, it is important to note that this share has hardly changed since 2010, even though the number of internet users has doubled, and global internet traffic has increased 15-fold.
- 5.186. This has been achieved due to innovation in 3no. key areas:-
- a. The operation and construction of new data centres
 - b. The transfer of private data to cloud platforms
 - c. The design of IT equipment

Improvements across the industry

- 5.187. A key objective of the industry is to reduce energy consumption, increase efficiencies and reduce carbon emissions.
- 5.188. Hyperscale data centres which allow migration to the cloud are the most efficient and sustainable way to meet data demand and will allow for transition away from existing less efficient sites. They would deliver carbon reductions.
- 5.189. Market research company IDC forecast that the continued adoption of cloud computing globally could prevent more than 1 billion metric tons of CO2 emissions from 2021 through to 2024.
- 5.190. Traditionally, on-premises data centres have an extremely low utilization rate, using on average as little as 15% of their capacity. Large scale modern data centres operate with very high utilization rates, with much more sophisticated cooling equipment and they are highly energy efficient.
- 5.191. To illustrate how savings can be made the Applicant would refer to a study relating to Amazon Web Services that identified that:-
- a. Cloud servers are responsible for the largest energy reduction, more than 67% due to them being more energy efficient and highly utilised.
 - b. The Data Centre facilities then account for another 13% reduction by using power and cooling systems that are more efficient bringing energy savings closer to 80%.
 - c. When Data Centres source 100% renewable power then it could further reduce the carbon footprint of workloads that have moved to the cloud by up to 16%.



- d. Overall, therefore, a switch from data being stored on-site at individual premises to the cloud, using hyperscale data centres could reduce the workload carbon footprint by as much as **96%**.

5.192. This helps to explain how energy usage has remained stable despite the boom in data usage and the importance of new, highly efficient data centres. Legacy data centres will fall behind and become obsolete. Hyperscale data centres will replace them with additional capacity and additional efficiency.

Power usage effectiveness (PUE)

5.193. Power usage effectiveness (PUE) is a metric that is used to determine the energy efficiency of a data centre. PUE is determined by simply dividing the total amount of power entering a data centre by the power used to run the IT equipment within it.

5.194. PUE is expressed as a ratio, with overall efficiency improving as the quotient decreases toward 1.0.

5.195. Data centre operators and trade associations are committed to the European Green Deal, achieving ambitious greenhouse gas reductions (using technology and digitalisation to achieve the goal of making Europe climate neutral by 2050). The proposed hyperscale data centre would be governed by the pact.

The direct benefits from the scheme itself

5.196. The proposed data centre will be state of the art, highly efficient and net zero carbon. It will achieve a PUE of circa 1.2.

5.197. Data centre electricity demand will be served by 75% renewable energy by December 31, 2025 and 100% by December 31, 2030.

5.198. The application Scheme has been designed to be BREEAM 'Excellent' standard which exceeds planning policy guidance. The energy strategy would include photovoltaic cells at roof level, use of waste heat and the use of air source heat pumps which is sufficient to ensure that the contribution of renewables can exceed 100% of the regulated demand associated with the administrative function of the buildings.

The secondary benefits of data centres

5.199. In addition to the direct benefits to climate change achieved with more efficient data centres there are the secondary benefits that can be unlocked as a result of them being operational.

5.200. The Covid 19 pandemic radically altered the way in which people could work remotely. Employers are now more open to home working meaning that people do not need to commute to work as often. The advancement of "Zoom" and "Teams" video conferencing has also significantly reduced the need for face to face meetings lowering reliance on the car

and air travel and in turn carbon footprint. These alternative ways of working are highly reliant on the use of data.

- 5.201. Climate change is clearly an issue of great importance and the contribution that the application proposals can make ought to weigh heavily in favour of permission being granted.

VSC (h) – Creation of new Country Park and the Landscape and Biodiversity Enhancements

- 5.202. The Applicant has identified harm to the GB caused by the application scheme, but it is important to recognise and acknowledge that the proposals would also deliver benefits and enhancements for other parts of the GB.

- 5.203. Those benefits align with the Government’s long standing objectives for the use of land within the GB. NPPF paragraph 145 refers to the types of opportunities that LPAs should be looking to seize upon. It states that:-

“145. Once Green Belts have been defined, local planning authorities should plan positively to enhance their beneficial use, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land.”

- 5.204. The application proposals would be consistent with national policy in this regard because:-
- a. The proposals include a 21ha Country Park as an integral part of the proposed development Park.
 - b. It would provide public **access** to a part of the GB that is not currently accessible to the public. This can be secured through the s.106.
 - c. It would provide opportunities for **sport** and **recreation** that can also have benefits for **health and well-being**.
 - d. There would also be meaningful enhancements to the **landscape** and **visual amenity** through new planting and long term management.
 - e. There would be substantial net gains for **biodiversity** (over 135% BNG).

- 5.205. These environmental benefits would only be achieved if this application is approved.

VSC (i) – Building Beautiful

- 5.206. The NPPF at paragraph 126 talks about the creation of high quality, beautiful and sustainable buildings and places, and how this is fundamental to what the planning and development process should achieve. It says that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Proposed changes to the NPPF also look to take this further.

5.207. Whilst the application was submitted in outline the Applicant has sought to demonstrate that there is the opportunity to show that large storage buildings do not have to appear industrial or utilitarian in appearance.



5.208. In this case there is an appropriate design response which has started with a landscape led approach to the site. This has informed the illustrative layout, elevational treatment and the innovative use of green walls and green/brown roofs that can help assimilate this site into its urban fringe location.

5.209. The guiding principles for the design and layout of the development can be secured at the outline stage through conditions. This would accord with national policy at paragraph 135 that states that:-

“Local planning authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used).”

5.210. The need case for the Applicant makes it clear that more of this type of building will be required, and in similar locations. LPA’s will need to find design solutions and the Applicant considers that the right balance has been struck here.

5.211. The NPPF at paragraph 135 states development that is not well designed should be refused. That is not the case here. We would also draw attention to the final parts of that paragraph that state inter alia that:-

“135.....Conversely, significant weight should be given to:

a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or

b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings. (my emphasis)

5.212. The recent upsurge in the need for large scale logistics hubs has resulted in a number of sites being developed with large but well-designed buildings in edge of settlement locations.

5.213. The Applicant considers that the application proposals have gone much further, both with regards to the appearance of the buildings themselves and the careful thought that has been given to the space around them and the sensitive landscape master planning of the site.

VSC (j) – The absence of a plan-led solution

5.214. Notwithstanding our plan led system, there is no plan led solution that addresses the growing need for Data Centres in this area. The age of the Development Plan means that it does not address this important development need. There is also no imminent solution in the form of an emerging plan which will provide any plan-led solution in the foreseeable future. The new Local Plan thus far does not consider the need for this type of development.

5.215. It is the role of the Development Plan to provide a clear strategy to bring sufficient land forward to address objectively assessed needs over the plan period, in line with the presumption in favour of sustainable development [see NPPF paragraph 23 and also

paragraphs 11a, 15 and 83]. The Development Plan does not provide any site allocations that are required to meet the need.

- 5.216. The plan led system comes with the responsibility to ensure that plans are kept up to date and to provide for the development that is needed. This LPA has done neither. Waiting for a review of the plan is not a rational option. Operation of the development management system is required to ensure that much needed development is delivered now and not delayed.

VSC (k) – Education and Employment Fund

- 5.217. The Applicant is prepared to offer a £10 million fund towards education and employment initiatives. This fund can be secured through a planning obligation. This would involve long term funding that would be directed to:-
- a. Safeguarding apprenticeships,
 - b. Training programmes, and
 - c. Community engagement

- 5.218. These initiatives aim to upskill the local population to be able to take up the newly created jobs. This would support and reinforce the growing high-tech cluster in the area.

VSC (l) – Heat capture for a district heating system

- 5.219. The operation of a data centre generates large amounts of heat from the servers. Normally this is regarded as a waste product and it is released into the atmosphere.
- 5.220. The application proposals could be designed in a way to capture and harness the heated air so that it could be used as part of a district heating network. This would be an additional but separate benefit for climate change and would assist in reducing carbon emissions in other ways. It is estimated that a district heating scheme could provide heating and hot water generation requirements for thousands of homes.
- 5.221. At the present time there are no specific plans for a district heating system to be implemented in the area, but the opportunity would be there for future developments to tap into as and when it is needed. This can be secured through a planning obligation.

VSC (m) – Consequences of not providing capacity to meet need

- 5.222. The consequences of not providing data centre capacity to meet identified needs are an important material consideration in the determination of this appeal. In particular:-

- a. The opportunity to capture well over **£1bn** of inward investment would be lost at a time when the economy is on a downward trend and when the Government is seeking to encourage foreign investment.
- b. Similarly, employment opportunities would be lost at a time when unemployment is predicted to rise.
- c. The UK currently has the largest data centre market in Europe but rival FLAP-D countries will be constantly looking to redirect that investment to themselves which would harm the UK's position in global and European markets.
- d. The failure to provide additional capacity will restrict the growth of our increasingly data driven economy.
- e. The quality of service will reduce and this will discourage other data reliant companies from investing in the UK.
- f. Other key sectors of the economy are critical for future growth including but by no means limited to financial services. The ability of these sectors and businesses to operate competitively and to grow will be impacted by any deficiency in data storage capacity (such as higher latency, increased costs etc).
- g. Environmental gains for climate change would not be captured including the loss of an opportunity to transition from less efficient legacy data centres.
- h. Other environmental gains in terms of access, landscape enhancement and biodiversity enhancement on damaged land would not be achieved in an area which is identified as an opportunity area for such enhancements.
- i. Societal benefits would not be maximised.
- j. Given the extent of the need and the exacting locational requirements, if the Government is to realise its ambitions of being a global science and technology superpower then other land will need to be released from the GB for this type of development.

Summary

5.223. Bringing all of the strands of the VSC case together:-

1. The Applicant considers that the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, would be clearly outweighed by other considerations, as per NPPF paragraph 148.
2. It is well established in case law that the definition of VSC does not mean that they need to be rare or uncommon. A number of ordinary factors may when combined together result in something very special. That said, in this case some of the considerations are far from the ordinary.



3. The other considerations that contribute to the VSC case are set out below. It is not possible to provide a concise summary of each of these but I highlight some of the headline points:-
4. The need for the development including national considerations
 - a. The need for new data centres is overwhelming and it continues to grow exponentially. Every 1.2yrs the amount of digital data stored globally doubles.
 - b. The need is national in character but also has a local dimension.
 - c. The LPA accepts that the proposal would meet some of the need.
 - d. The DIT reaffirms the need for data centre developments and this is a further expression of Government support.
 - e. The Hemel Hempstead Availability Zone will need to meet a need of **circa 500MW** which equates to more than five schemes the size of the appeal site. This forms part of the wider London need of **circa 2,665 MW**.
5. The locational requirements of data centres and the lack of alternatives
 - a. There is no evidence to suggest that there is scope to meet the identified need for the data centres without developing in the GB.
 - b. If alternative sites do not sum to the need for development then they do not represent an alternative.
 - c. Hyperscale data centres have specific locational requirements including size, power, proximity to other data centres avoiding environmental risk. This site meets those requirements.
 - d. The Government recognises the demand for Data Centres in Hertfordshire.
 - e. The Applicant has undertaken an Alternative Sites Assessment which demonstrates that other sites do not represent an alternative.
6. Economic impact/support for local businesses
 - a. The construction cost alone represents an investment of over £1bn.
 - b. Nicol Economics identify the wider economic benefits and the background economic context of the UK which requires investment and economic growth.
7. Temporary employment during the construction phase.
 - a. Major development that will support the construction industry
8. Direct and indirect employment generation
 - a. Circa 210 FTE jobs,

- b. A wage bill of up to £9.7 to 11.4 million, and
 - c. Annual direct GVA of some £84 to £126million.
 - d. Taking into account wider economic effects, the data centre would support in the order of £230 to £300m in GVA up to 1,300 FTE extra jobs across London and the wider South East
9. Social benefits
- a. Underpinning the many structures that society now relies upon including government, education, healthcare, communications and entertainment.
10. Addressing climate change
- a. Significant reductions in energy usage and carbon reductions compared to other increasingly outdated formats.
 - b. Transition to renewable energy
 - c. The role of data centres in reducing the need to travel through remote working and video conferencing for example.
11. Creation of new parkland and the landscape and biodiversity enhancements
12. Building beautiful
13. The absence of a plan-led solution
14. Education and employment fund
15. Heat capture for a district heating system
16. Consequences of not providing capacity to meet need
- a. The loss of real and very substantial social, economic and environmental benefits. That loss will be damaging.
 - b. Economic growth and revenue will be restricted
 - c. Investment could be lost giving a competitive advantage to other FLAP-D countries and weakening the global position of the UK.
 - d. The quality of service will be reduced which will be a detractor for other investors in the UK.

6. THE OVERALL PLANNING BALANCE

6.1. In this Section the Applicant will identify the wide range of benefits and other considerations that weigh in favour of the scheme and it will attribute weight to each of them. The same will be done for any potential adverse effects. This allows for a balanced assessment of the proposals in accordance with the NPPF and the Development Plan and it enables the decision maker to assess whether they constitute sustainable development.

The Decision Making Framework

- 6.2. The proposals would be consistent with the Development Plan read as a whole, because there are VSC to justify this particular development in the GB (in accordance with Policy DM2).
- 6.3. The VSC test requires all relevant planning considerations to be weighed in the balance. It takes into account harm to the Green Belt as well as “any other harm” and weighs these against the combination of benefits of the scheme. Harm must be clearly outweighed by other considerations [NPPF paragraph 148].
- 6.4. The NPPF states that substantial weight must be afforded to any harm to the GB. It is silent on the weight that must be afforded to the “other harms.” That will be a matter of judgement for the decision maker, based on the facts of the case.
- 6.5. The Applicant also recognises that there will be harm to designated heritage assets and this must be balanced against the substantial public benefits of the scheme.

Other considerations weighing in favour of the proposals

- 6.6. The Applicant considers that the proposals would secure important benefits that would respond to all three of the Government’s overarching objectives for sustainable development (social, economic and environmental).
- 6.7. The Applicant has already outlined the main benefits and other considerations that weigh in favour of the proposal in Section 5 when identifying the factors that contribute towards VSC. It is unnecessary to rehearse these again in full, but the Applicant will identify some of the headline points that affect the weightings that apply to each of them.⁴

The need for the development including national considerations and the contribution that the application scheme will make to meeting that need – VSC (a)

- 6.8. The evidence shows that there is a local and national need for data centre development. It is critical infrastructure and the need is overwhelming in scale. The fact that 90% of all data

⁴ For the avoidance of doubt, the weightings that will be applied are as follows:- Very Limited, Limited, Moderate, Significant, Substantial and Very Substantial

globally has been produced in the last 2 years and that the total amount of data created, captured, and stored by industry doubles every 1.2 years puts this into some perspective.

- 6.9. The proposals would make a significant contribution to meeting needs at the right time and in the right location. The Applicant would afford this very substantial weight.

The Locational Requirements of this Data Centre and Lack of Alternatives – VSC (b)

- 6.10. The Applicant has identified the specific locational requirements of the proposed development and how it responds to the particular needs of the Hemel Hempstead Availability Zone.

- 6.11. There is no evidence that the identified need can be met or exceeded on an alternative site(s). The Applicant would afford substantial weight to the absence of alternatives to meet the need.

Economic Impact/support for local businesses – VSC (c)

- 6.12. Direct inward investment of over £1bn is of itself an extremely important consideration. The evidence of Nicol Economics and the other supporting evidence including the letter from the DIT further emphasise the importance of that investment and the implications for the wider economy that is data dependent.

- 6.13. The economic benefits are both local and national in character and align with the Government's aims to generate growth and prosperity for all. These economic benefits should be afforded very substantial weight.

Temporary employment during the construction phase – VSC (d)

- 6.14. The construction industry is an important sector in the UK economy. Nicol Economics present evidence to show that the application proposals would generate significant amounts of employment (direct and indirect) during the construction phase.

- 6.15. The Applicant recognises that construction jobs are only temporary, but the industry relies upon a constant stream of sites and this will be a major construction project. The Applicant would afford this moderate weight.

Direct and indirect employment generation VSC (e)

- 6.16. The proposals would generate in the region of 210 FTE permanent jobs. They would be high skilled jobs with above average wage levels for the Hertfordshire economy.

- 6.17. The economic benefits will also be spread and will benefit other areas outside of the District. The Applicant would afford significant weight to the new employment opportunities.

Social benefits VSC (f)

- 6.18. The proposals reinforce the critical infrastructure upon which modern day society increasingly depends.
- 6.19. It is difficult to quantify the extent of the benefit because it is so entwined into our day to day lives. However, its importance to government, administration, healthcare, education as well as communications and entertainment means that this warrants significant weight.

Addressing Climate Change – VSC (g)

- 6.20. Climate change is a key issue for the achievement of sustainable development and new data centres have an important direct and indirect role to play. The Applicant would afford this significant weight.
- 6.21. The proposed data centre will be highly efficient with a PUE of 1.2. Technological advances and the move towards hyperscale data centres has helped ensure that whilst data infrastructure has increased 15 fold, energy use has remained relatively flat.
- 6.22. The operation of data centres also means that people can make more sustainable choices about where they work and communicate which can reduce the need to travel. This also has an indirect effect on climate change.

Creation of new Country Park and the Landscape and Biodiversity Enhancements – VSC (h)

- 6.23. The Green Belt is not just about protection, it is also about enhancement. The proposals would deliver significant environmental enhancements with the new Parkland and providing public access to a part of the GB that is not currently accessible to the public on the edge of London. This provides opportunities for sport, recreation and well-being.
- 6.24. These are important benefits in the context of NPPF paragraph 145 which seeks to secure these types of enhancement in the GB. Taken together they should be afforded significant weight.

Building Beautiful VSC (i)

- 6.25. Whilst this is an outline application (and that tempers the weight that can be afforded to this) the LPA can require the high quality and innovative design approach detailed in the original application to be carried through into the final scheme. The application proposals represent an opportunity to show what can be done even with large utilitarian buildings to advance the high quality design agenda. The Applicant would afford this moderate weight.

The absence of a plan-led solution – VSC (j)

- 6.26. The planning operates in a plan led system yet there is no plan led solution that is available that can address the growing need for Data Centres in this area. The plan is out of date and

there is also no imminent solution in the form of an emerging plan which will provide any planned solution in the foreseeable future. This consideration should be given significant weight.

Education and Employment Fund – VSC (k)

- 6.27. The site is located in an important cluster of high-tech companies and the Government is keen to build on its success. It is necessary therefore to upskill local people so they can take up the employment opportunities that the proposal presents. The Applicant would afford this moderate weight

Heat capture for a district heating system – VSC (l)

- 6.28. LPA's should be looking to capture and harness energy from what is a waste product of other industrial processes. Heat capture from a data centre is no different.
- 6.29. The opportunity will exist for future developers to tap into this in the future. The Applicant would afford this limited weight.

Consequences of not providing capacity to addressing the need– VSC (m)

- 6.30. Not providing for the need does not just return us to the present day baseline without the benefits. In some respects the failure to realise the scheme will generate harm such as:-
- a. A reduction in the service level offered to UK businesses especially in data hungry sectors, as result of capacity not growing in line with need
 - b. The UK becoming less attractive to foreign investment
 - c. Undermining the current lead London has established as the tech centre for Europe.
 - d. Restricting growth of our increasingly data driven economy and reducing the ability to compete.

- 6.31. It is therefore a consideration that can and should be afforded significant weight.

- 6.32. Overall, it can be seen that there are multiple benefits and other considerations which individually and collectively weigh very substantially in favour of this application being granted.

The adverse effects to be weighed in the balance

Harm to the Green Belt

- 6.33. The Applicant accepts that the proposals represent inappropriate development in the Green Belt. Accordingly, there would be definitional harm.
- 6.34. The proposals would also have a significant impact on openness and would cause some harm to two of the five purposes of the GB. However, for the reasons set out earlier, the harm to

those two purposes is tempered by site specific considerations and the form and nature of what is being proposed.

- 6.35. As required by the NPPF it is recognised and accepted that substantial weight should be afforded to any harm to the GB.

Landscape and Visual Harm

- 6.36. As previously explained, the LVIA has identified some harm to the character and appearance of the area. This should be afforded moderate weight in the overall planning balance.

Heritage Harm

- 6.37. It is anticipated that the proposed development would result in less than substantial harm at the lowermost end of the spectrum to the heritage significance of the Grade II* Tithe Barn, via a change of setting and less than substantial harm at the lowermost end of the spectrum to the heritage significance of the Grade II Listed Mansion House Farmhouse. The Applicant would afford the limited harms to designated heritage assets moderate weight.
- 6.38. The proposed development within the site will also result in minor harm to the heritage significance of the non-designated Oualtine Dairy Farm Buildings, via a change in setting. This will need to be assessed in accordance with NPPF paragraph 203. The Applicant would afford this limited weight.

Other considerations

- 6.39. There are no other grounds to resist development on this site which cannot be avoided, mitigated, or controlled through Reserved Matter applications, planning conditions and/or planning obligations.

The Overall Planning Balance

- 6.40. When considering any planning application in the GB, the NPPF at paragraph 148 requires local planning authorities to ensure that substantial weight is given to any harm to the GB. 'Very special circumstances' will not exist unless the potential harm to the GB by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
- 6.41. In this case there are important other considerations, many of which are specific to this particular development proposal and the site itself. When taken together, it is considered that they clearly outweigh the potential harm to the Green Belt by reason of inappropriateness, and any other harm. As such there are very special circumstances which justify the proposed development in this case.

- 6.42. Given that all the benefits clearly outweigh all the harms, then it follows that when all the benefits are weighed against only the heritage harms they would also outweigh those harms in the context of NPPF paragraph 202.
- 6.43. The proposals therefore accord with the Development Plan and the NPPF.
- 6.44. Following this analysis, the overall conclusion is that the proposals represent sustainable development and that planning permission should be granted.

Summary

1. The proposals accord with the Development Plan when read as a whole.
2. It can be demonstrated that the harm to designated heritage assets would be outweighed by the public benefits such that this would not represent a clear reason for refusal in the context of NPPF §202.
3. It can be demonstrated that there are “Very Special Circumstances” in this case and the potential harm to the Green Belt, and any other harm resulting from the proposal, would be clearly outweighed by other considerations as per NPPF §147 and §148.
4. There are a number of benefits and other considerations that weigh variously in favour of the proposals. They include:-
 - a. Need for the development and contribution to meeting that need - Very Substantial
 - b. Locational Requirements and the Lack of Alternative Sites - Substantial
 - c. Economic Impact/support for local businesses - Very Substantial
 - d. Temporary employment during the construction phase. - Moderate
 - e. Direct and indirect employment generation - Significant
 - f. Social benefits - Significant
 - g. Addressing Climate Change - Significant
 - h. New Country Park and the Landscape and Biodiversity Enhancements - Significant
 - i. Building Beautiful - Moderate
 - j. The absence of a plan-led solution - Significant
 - k. Education and Employment Fund - Moderate
 - l. Heat capture for a district heating system - Limited
 - m. Consequences of not providing capacity to meet need - Significant



5. The potential adverse impacts have been identified and these should also be afforded varying degrees of weight as follows:
 - a. Harm to the Green Belt – Substantial
 - b. Harm to the character and appearance of the area – Moderate
 - c. Harm to Heritage Assets
 - i. Designated heritage assets – Moderate
 - ii. Non designated heritage assets – Limited
6. All other identified impacts can be avoided, mitigated or addressed through RM applications, planning conditions and/or obligations.
7. As such the proposals represent sustainable development and planning permission should be granted.

7. SUMMARY & CONCLUSIONS

7.1. This Planning Statement has been prepared by Pegasus Group to accompany a planning application that is submitted on behalf of Greystoke Land Ltd (the Applicant). The application relates to land off Bedmond Road, Abbots Langley (the Application Site).

7.2. In summary, the application seeks outline planning permission for the construction of a Data Centre, a Country Park and other associated works.

7.3. This statement identifies the main planning policy issues as follows:-

- | | |
|----------------|---|
| Issue 1 | The principle of development |
| Issue 2 | Whether the proposal would harm the openness of the Green Belt, including whether it harms any purpose that the Green Belt is meant to serve |
| Issue 3 | Other harms to be considered as part of the very special circumstances test |
| Issue 4 | Whether there are any other considerations which weigh in favour of the proposal and whether those other considerations clearly outweigh any harm the proposal might cause so as to generate very special circumstances. |

7.4. The main findings can be summarised as follows:-

Issue 1 – The principle of development

1. The application proposals would inevitably cause harm to the GB but this application is not just about harm to the GB and any other harms (as important as they are). It is also about meeting the need for critical digital infrastructure where and when it is required.
2. This is no ordinary development proposal. It would provide for a hyperscale data centre and it would represent an investment of well over £1bn. As a matter of necessity it is located in the Hemel Hempstead Availability Zone. Its timely delivery is a matter of national importance to support economic growth and society more generally.
3. The proposals attract significant support at the national level. The NPPF requires the planning system to meet development needs and to align growth and infrastructure. §114 states that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being.
4. NPPF §81 states that significant weight should be placed on the need to support economic growth and productivity. Areas should build on their strengths and address the challenges of the future. This is particularly important where Britain can be a global leader in driving innovation.

5. The NPPF requires policies to address potential barriers to investment, such as inadequate infrastructure and to enable a rapid response to changes in economic circumstances. Those types of policies are absent from the Development Plan here.
6. NPPF §83 is supportive of this type of proposal. It says decisions should recognise and address the specific locational requirements of different sectors. This includes making provision for clusters or networks of knowledge and data-driven, creative or high technology industries; and for storage and distribution operations in suitably accessible locations.
7. Nicol Economics explain that the Government recognises the importance of the digital economy to UK prosperity and effective functioning of our public services, government and society and this role is becoming ever more important, presenting great opportunities and also challenges.
8. It also recognises the importance of a secure and reliable digital infrastructure to ensure the smooth functioning and to maximise the growth prospects of the economy to the extent that data centres are referred to as a critically important part of that digital infrastructure.
9. The Development Plan is out of date in that it pre-dates the NPPF and it does not respond to up to date development needs including the challenges that we now face with regards digital infrastructure.
10. Abbots Langley is identified as a Key Centre in the Core Strategy and it thus represents a sustainable 2nd tier settlement.
11. The CS Spatial Strategy states that to meet development needs, it will be necessary to review the boundaries of the Green Belt at the edge of existing settlements. Sufficient land will be identified to meet development requirements throughout the plan period.
12. In identifying sites within the Green Belt sites and will be identified at the most sustainable locations on the edge of inter alia Key Centres. It can therefore be seen that the application site is in a location that is well suited to major development, consistent with the spatial strategy of the plan.
13. The New Local Plan is evidence that general needs for development could not be met under the old strategy. New allocations will be required, including land in the GB. The New Local Plan does not yet make provision for new Data Centres.
14. It is nonetheless highly relevant that the LPA has considered the site suitable for development (albeit for housing) and this ought to inform any judgements about the contribution that the land makes to the GB.

Issue 2 – Whether the proposal would harm the openness of the Green Belt, including whether it harms any purpose that the Green Belt is meant to serve

15. The site is located entirely within the Metropolitan Green Belt. 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.

16. The proposal represents “inappropriate development” in the GB. It is, therefore by definition, harmful to the Green Belt and should not be approved except in very special circumstances (VSC).
17. National policy does not preclude inappropriate development in the GB and nor does it preclude new employment development in the GB. Adopted Policy DM2 allows for development including inappropriate development where it can be demonstrated that there are VSC.
18. It is accepted that the proposals would result in harm to the openness of the GB in spatial terms. The impact on openness in visual terms would however be limited.
19. There would also be some limited harm to the purpose of checking the unrestricted sprawl of large built-up areas but the harm would be tempered by the containment of the site and the layout of the scheme which includes extensive areas of landscaping that can be secured through the s.106 and conditions.
20. There would be some limited harm in terms of physical encroachment on the countryside but given the urban fringe character of this part of the GB and the fact that the M25 severs the land from the wider countryside the proposals would not cause any significant harm to safeguarding the countryside from encroachment.
21. There would be no harm to purposes (b) preventing towns merging (d) preserving the setting and special character of historic towns, or (e) assisting in urban regeneration.
22. Notwithstanding the identified harm, not all of the impacts of the application proposal on the GB will be adverse. There would also be a number of positive benefits for the GB that need to be factored in including public access and enhancements to the landscape and biodiversity as encouraged by NPPF §145.
23. Substantial weight should be given to any harm to the Green Belt. VSC 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.

Issue 3 – Other Harms to be considered as part of the VSC test

24. Aside from GB, the “other harms” are relatively few in number and substance. They relate only to the impact on the character and appearance of the area and heritage.
25. The LVIA shows that the proposals would not cause any unacceptable harm to landscape character and the effects, but there would be some harm to weigh in the planning balance.
26. The Heritage Assessment finds that there would be less than substantial harm at the lowermost end of the spectrum to the heritage significance of both a Grade II* Listed Building and a Grade II Listed Building. There would also be minor harm to the heritage significance of the non-designated Ovaltine Dairy Farm Buildings, via a change in setting.

Issue 4 – Whether there are any other considerations which weigh in favour of the proposal and whether those other considerations clearly outweigh any harm the proposal might cause so as to generate very special circumstances.

27. The Applicant considers that the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, would be clearly outweighed by other considerations, as per NPPF paragraph 148.
28. It is well established in case law that the definition of VSC does not mean that they need to be rare or uncommon. A number of ordinary factors may when combined together result in something very special. That said, in this case some of the considerations are far from the ordinary.
29. The other considerations that contribute to the VSC case are set out below. It is not possible to provide a concise summary of each of these but I highlight some of the headline points:-
30. The need for the development including national considerations:-
- a. The need for new data centres is overwhelming and it continues to grow exponentially. Every 1.2yrs the amount of digital data stored globally doubles.
 - b. The need is national in character but also has a local dimension.
 - c. The LPA accepts that the proposal would meet some of the need.
 - d. The DIT reaffirms the need for data centre developments and this is a further expression of Government support.
 - e. The Hemel Hempstead Availability Zone will need to meet a need of **circa 500MW** which equates to more than five schemes the size of the appeal site. This forms part of the wider London need of circa **2,665 MW**.
31. The locational requirements of data centres and the lack of alternatives
- a. There is no evidence to suggest that there is scope to meet the identified need for the data centres without developing in the GB.
 - b. If alternative sites do not sum to the need for development then they do not represent an alternative.
 - c. Hyperscale data centres have specific locational requirements including size, power, proximity to other data centres avoiding environmental risk. This site meets those requirements.
 - d. The Government recognises the demand for Data Centres in Hertfordshire.
 - e. The Applicant has undertaken an Alternative Sites Assessment which demonstrates that other sites do not represent an alternative.



32. Economic impact/support for local businesses
 - a. The construction cost alone represents an investment of over **£1bn.**
 - b. Nicol Economics identify the wider economic benefits and the background economic context of the UK which requires investment and economic growth.
33. Temporary employment during the construction phase.
 - a. Major development that will support the construction industry
34. Direct and indirect employment generation
 - a. Circa 210 FTE jobs,
 - b. A wage bill of up to £9.7 to 11.4 million, and
 - c. Annual direct GVA of some £84 to £126million.
 - d. Taking into account wider economic effects, the data centre would support in the order of £230 to £300m in GVA up to 1,300 FTE extra jobs across London and the wider South East
35. Social benefits
 - a. Underpinning the many structures that society now relies upon including government, education, healthcare, communications and entertainment.
36. Addressing climate change
 - a. Significant reductions in energy usage and carbon reductions compared to other increasingly outdated formats.
 - b. Transition to renewable energy
 - c. The role of data centres in reducing the need to travel through remote working and video conferencing for example.
37. Creation of new parkland and the landscape and biodiversity enhancements
38. Building beautiful
39. The absence of a plan-led solution
40. Education and employment fund
41. Heat capture for a district heating system
42. Consequences of not providing capacity to meet need
 - a. The loss of real and very substantial social, economic and environmental benefits. That loss will be damaging.

- b. Economic growth and revenue will be restricted
- c. Investment could be lost giving a competitive advantage to other FLAP-D countries and weakening the global position of the UK.
- d. The quality of service will be reduced which will be a detractor for other investors in the UK.

The Overall Planning Balance

- 43. The proposals accord with the Development Plan when read as a whole.
- 44. It can be demonstrated that the harm to designated heritage assets would be outweighed by the public benefits such that this would not represent a clear reason for refusal in the context of NPPF §202.
- 45. It can be demonstrated that there are “Very Special Circumstances” in this case and the potential harm to the Green Belt, and any other harm resulting from the proposal, would be clearly outweighed by other considerations as per NPPF §147 and §148.
- 46. There are a number of benefits and other considerations that weigh variously in favour of the proposals. They include:-
 - a. Need for the development and contribution to meeting that need - Very Substantial
 - b. Locational Requirements and the Lack of Alternative Sites - Substantial
 - c. Economic Impact/support for local businesses - Very Substantial
 - d. Temporary employment during the construction phase. - Moderate
 - e. Direct and indirect employment generation - Significant
 - f. Social benefits - Significant
 - g. Addressing Climate Change - Significant
 - h. New Country Park and the Landscape and Biodiversity Enhancements - Significant
 - i. Building Beautiful - Moderate
 - j. The absence of a plan-led solution - Significant
 - k. Education and Employment Fund - Moderate
 - l. Heat capture for a district heating system - Limited
 - m. Consequences of not providing capacity to meet need - Significant

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

- a. Harm to the Green Belt – Substantial
- b. Harm to the character and appearance of the area – Moderate
- c. Harm to Heritage Assets
 - i. Designated heritage assets – Moderate
 - ii. Non designated heritage assets – Limited

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

49. As such the proposals represent sustainable development and planning permission should be granted.

Concluding Comments

- 7.5. Having undertaken a planning balance in the way that has been outlined, the Applicant reaches the conclusion that the proposals represent a suitable and sustainable form of development in this location and that there are compelling reasons that justify the grant of planning permission.
- 7.6. In view of the foregoing, the LPA is respectfully requested to grant outline planning permission, subject to any necessary conditions and planning obligations.



Appendix



Department for
International Trade

Science & Technology Directorate,
Old Admiralty Building,
Admiralty Place,
London,
SW1A 2BL.

To: Ian Thompson, Corporate Director:
Planning Growth and Sustainability
Buckinghamshire Council

9th January 2023

Dear Ian,

Data Centres and Buckinghamshire

As you will know the Department for International Trade (DIT) continues to actively support foreign owned companies (FOCs) with their investment enquiries. Alongside our key partners, such as the Buckinghamshire LEP, DIT's focus on helping to secure high value foreign direct investment (FDI) is part of HMG's wider drive to secure long-term sustainable economic growth, innovation, and prosperity for the UK.

Earlier this month, the Prime Minister (PM) set out his five pledges to build a better future for the UK, help grow the economy, create better-paid jobs and opportunity right across the country. Central to this is the PM's ambition in consolidating our leading role in the world as a science and technology superpower and which helps everyone in the UK.

Our priorities include a commitment to secure investment from those key sectors, like life sciences, financial services, technology, Artificial Intelligence, and data analytics, where we have evidential global strength and where we can harness innovation to drive economic growth to support the creation of local employment opportunities and wider benefits.

Data centres are at the heart of the UK's digital infrastructure and represent the focal point where HMG's Industrial Strategy and the Digital Strategy meet. The UK is a globally important data centre market (holding 6% of the world market share), home to the largest data centre market in Europe (holding around 25%+ of market share) and the world's second-largest commercial cluster. We estimate that each new data centre contributes around £3-400m Gross Value Added (GVA) per year to the UK economy. COVID-19 boosted growth expectations for the sector, and post-pandemic we are seeing a renewed appetite by FOCs to invest in the UK, realising the anticipated increase (of FDI value) from £2.7bn in 2019 to £7.4bn in 2024. Industry estimates indicate that for every 1 job directly created by a datacentre the multiplier is a further 5 jobs in the local economy. The Government's National Data Strategy and National Cyber Strategy recognises the vital and growing role of digital and data in the UK economy and has identified the need for a secure and reliable digital infrastructure to ensure the smooth functioning and to maximise the growth prospects of the economy. Data centres are a critically important part of that digital infrastructure.

Every year, the volume of data generated increases exponentially. New technologies, increasingly utilised across sectors, are driving this increase, and in turn, demand for greater data centre capacity. This demand includes many of the sectors strongly represented or developing in Buckinghamshire, including advanced engineering & manufacturing, the creative industries (e.g., content and the high-end TV and film production), health and life sciences and space/space-related technology) and across the wider technology sector – artificial intelligence, cloud-computing, data analytics and smart cities.

For the reasons we outline in the national data centre proposition, the UK is one of the most attractive locations in the world for data centre operators. Within the UK, the Thames Valley is central to the UK's data centre landscape, supported by a 21st century digital infrastructure necessary to support data centres, complete supply chains and a renewed focus (by the industry) on delivering green-tech solutions and sustainable energy sources (for neighbouring developments, including housing).

There is strong growth in the demand for data centre capacity to support the UK economy itself. As a direct result of this identified need, there is a sustained demand for sites across a corridor that includes Berkshire, Buckinghamshire, Hertfordshire, and west London. As you will be aware this includes recent and live planning applications and/or enquiries from interested parties/operators looking at, most specifically, sites across (specifically southern) Buckinghamshire.

Whilst it is not the place, nor does the DIT does not wish to comment on specific planning applications (or appeals), subject to your interest, we welcome the opportunity of speaking with you, and colleagues within Buckinghamshire Council, to provide some more detail behind the above headlines and wider strategic economic context that may be helpful and support the Council's wider knowledge and understanding of data centres and their continued importance to the HMG strategy for delivering economic growth. We trust this offer is both welcome and helpful. I have invited your area Partnership Manager, Gareth Ralphs (gareth.ralphs@invest-trade.uk), to follow-up this letter and look to set-up a call, or face to face meeting, in the near future.

Yours sincerely



Chris Moore (Dr)
Technology Specialist
T: 07714 226597; E: chris.moore@trade.gov.uk; L-I: www.linkedin.com/in/chris-moore-b395332

Town & Country Planning Act 1990 (as amended)
Planning and Compulsory Purchase Act 2004

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