

PLANNING COMMITTEE – 18 January 2024

23/1068/OUT - Outline application: 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. 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 (all matters reserved) at PARCEL OF LAND NORTH OF MANSION HOUSE FARM, BEDMOND ROAD, ABBOTS LANGLEY, HERTFORDSHIRE.

Parish: Abbots Langley

Ward: Abbots Langley & Bedmond

Expiry of Statutory Period: Agreed Extension

Case Officer: Claire Westwood

31.01.2024

Recommendation: That Outline Planning Permission be **REFUSED**.

Reason for consideration by the Committee: Called in by 3 Members of the Planning Committee to consider the effect on the Green Belt.

To view all documents forming part of this application please click on the link below:

[23/1068/OUT | Outline application: 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. 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 \(all matters reserved\). | Parcel Of Land North Of Mansion House Farm Bedmond Road Abbots Langley Hertfordshire \(threeivers.gov.uk\)](#)

1 Relevant Planning History

- 1.1 23/0566/EIA - EIA screening request: Proposed Data Centre, Country Park and associated works. Determined 17.04.2023. Not EIA development.

2 Description of Application Site

- 2.1 The application site shown on the red line Site Location Plan 20208.901 B is located to the north-east of Abbots Langley and has a site area of approximately 31ha. The site comprises two parcels of land. Parcel 1 adjoins Bedmond Road to its western boundary and the M25 orbital motorway to the north. It is predominantly open land, in agricultural use, although there are some existing structures and areas of hard standing. The site levels are undulating with a general slope down to the north towards the M25 which is at an elevated level to the lower part of the site. To the southern edge of parcel 1 there is a private drive providing access to existing areas of hardstanding and structures associated with existing stables.
- 2.2 Parcel 2 is a field to the east and is separated from parcel 1 by East Lane, a footpath and cycle route running roughly north to south. To the south of 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 parcel 2.

- 2.3 The site is located entirely within the Metropolitan Green Belt and the Chiltern Landscape Area. The site is within Flood Zone 1 (lowest probability of flooding) and Source Protection Zone 1. There are existing Public Rights of Way (PRoW) running along the north-eastern boundary of parcel 2 and crossing parcel 2.
- 2.4 Abbots Langley Conservation Area is located to the south-west of the site, south of the junctions of Love Lane and Bedmond Road. The application site is not within and does not adjoin the Conservation Area boundary. There are statutory Listed Buildings within proximity of the site (Mansion House Farm II and Tithe Barn II*) in addition to Locally Important Buildings.

3 Description of Proposed Development

- 3.1 Outline planning permission is sought for the '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. 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 in Outline with all matters (Access, Appearance, Landscaping, Layout and Scale) reserved.
- 3.3 What is a Data Centre? The submitted Design and Access Statement states; *"A Data Centre is a facility designed to securely house an organisations digital infrastructure. Simply put, it is a warehouse housing IT and telecom infrastructure in the form of racks of computer servers. The amount of data being generated and that needs to be stored is growing rapidly, driven by the transformation in how people interact, and the role technology plays in personal, government and business activities. The roll out of technologies such as machine learning, artificial intelligence and the Internet of Things is continuing to drive this growth at record levels"*. A 'Hyperscale Data Centre' as proposed is, as described in the Nicol Economics 'Economic Needs and Benefits Report,' typically owned and operated by one company and generally used by large technology companies or major cloud and internet providers for core data storage.
- 3.4 Whilst the application is in Outline, an Illustrative Masterplan has been provided which indicates how the site could be developed. The main built development would be located within parcel 1, with parcel 2 providing the country park. The submitted details indicate the proposed hyperscale data centre capable of 96MW of IT load across two buildings of 20m height (25m including external plant) located within parcel 1. An Education/Training Centre and Substation are indicated to the south of the data centre buildings. The land would be remodeled to create a flat development platform and the buildings would be set within a 'framework of green infrastructure'. Parcel 2 would remain free of built form, providing a Country Park of approximately 21ha.
- 3.5 The submitted details state that whilst in Outline form, considerable thought has been given to design and appearance. The buildings are proposed to have living green walls and green/brown roofs.
- 3.6 In addition to the Illustrative Masterplan a series of Parameter Plans have been provided relating to land use; development zones; building heights; building lines; green infrastructure; and access and movement.
- 3.7 In addition to the illustrative and parameter plans, the application is accompanied by:

- a) Planning Statement (prepared by Pegasus Group) dated June 2023
- b) Design and Access Statement (prepared by Pegasus Group) dated June 2023
- c) Statement of Community Involvement (prepared by Pegasus Group) dated June 2023
- d) Acoustics Assessment (prepared by M-EC Consulting Ltd), dated June 2023
- e) Air Quality Assessment (prepared by Air Quality Consultants Ltd), dated June 2023
- f) Alternative Sites Assessment (prepared by Pegasus Group) dated June 2023
- g) Arboriculture Impact Assessment (prepared by Barton Hyett Associates) dated June 2023
- h) Ecological Impact Assessment, (prepared by Bioscan (UK) Ltd), dated June 2023, including
 - Biodiversity Net Gain Statement and Metric
 - Bird Survey
 - Protected Species Survey
 - Badger Survey
- i) Economic Benefits and Needs Assessment Report (prepared by Nicol Economics) dated June 2023
- j) Energy Statement (prepared by Ensphere Group Ltd), dated June 2023
- k) Flood Risk Assessment and Drainage Strategy (prepared by Delta-Simons Ltd), dated June 2023
- l) Framework Travel Plan (prepared by DTA Transport), dated June 2023
- m) Fuel Storage Report (prepared by Future-tech SCI Ltd), dated May 2023
- n) Heritage Statement (prepared by Pegasus Group), dated June 2023
- o) Landscape and Visual Impact Assessment (prepared by MHP Design), dated June 2023
- p) Lighting Assessment (prepared by M-EC Consulting Ltd), dated June 2023
- q) Minerals Resource Assessment (prepared MEWP Ltd), dated June 2023
- r) Technical and Market Assessment (prepared by FoundDigital DS), dated June 2023
- s) Transport Statement (prepared by DTA Transport), dated June 2023
- t) Waste Management Plan (prepared by Pegasus Group) dated June 2023

3.8 During the post registration application process the following additional documents were submitted by the Applicant.

- A Minerals and Safeguarding Assessment (prepared by mewp) dated 30 June 2023.
- An amended Framework Travel Plan (23127-02B) (prepared by DTA Transport) dated 8 August 2023.
- Further Transport Notes; – National Highways (Transport Notes dated 17 August 2023 and TN ref. SJT/NS 23127-06a dated 8 November 2023) and Hertfordshire County Council as Highways Authority (Transport Note dated 17 August 2023).
- An Addendum Planning Statement (prepared by Pegasus Group) in response to comments from Affinity Water and the Environment Agency accompanied by responses to these consultees' comments.
- Backup Power Solutions for Hyper-Scale Data Centres report (prepared by Future Tech) dated 28 July 2023. The application description was amended at this time to omit reference to diesel storage.
- An amended Landscape and Visual Impact Assessment (LVIA) and Appendices (prepared by MHP Design Ltd) issue V4 dated June 2023.

4 Consultation

4.1 Summary of Consultation Responses

Abbots Langley Parish Council	9.1.1	Objection
Active Travel England	9.1.2	No objection

Affinity Water	9.1.3	No objection
British Pipeline Agency	9.1.4	No comment
Chiltern Society	9.1.5	Objection
CPRE – The Countryside Charity	9.1.6	Objection
Environment Agency	9.1.7	No objection
Environmental Protection	9.1.8	No response received
HCC – Footpath Section	9.1.9	No response received
HCC – Growth & Infrastructure	9.1.10	No objection
HCC – Lead Local Flood Authority	9.1.11	No objection
HCC – Waste & Minerals	9.1.12	No objection
Hertfordshire Archaeology	9.1.13	No objection
Hertfordshire Constabulary Crime Prevention Design Advisor	9.1.14	Advisory comment
Hertfordshire Ecology	9.1.15	No objection
Hertfordshire Fire & Rescue Water Officer	9.1.16	
Hertfordshire Highways	9.1.17	No objection
Herts. and Middlesex Wildlife Trust	9.1.18	Objection
National Grid	9.1.19	No response received
National Highways	9.1.20	No objection
Natural England	9.1.21	No response received
St Albans City & District Council	9.1.22	No objection
Thames Water	9.1.23	No objection
TRDC – Heritage Officer	9.1.24	Objection
TRDC - Environmental Health - Residential	9.1.25	No objection
TRDC – Leisure Department	9.1.26	No objection
TRDC – Local Plans	9.1.27	Objection
TRDC – Tree Officer	9.1.28	No objection
Watford Environmental Health (Commercial)	9.1.29	No objection

4.1.1 All consultation responses referred to in the above table are provided in full within **Appendix 1** at the end of this report.

4.2 Public/Neighbour Consultation

4.2.1 Number consulted: 98

4.2.2 No of responses received: 63 objections (including where some contributors have made multiple comments).

4.2.3 Site Notice(s): Expired 28.07.2023

Press notice: Expired 28.07.2023

4.2.4 Summary of Responses:

- Inappropriate development in Green Belt; No justification for development in the Green Belt; Urban sprawl; Creeping industrialisation; Undermines Green Belt Policy; No exceptional circumstances; Contrary to NPPF; Does not constitute very special circumstances.
- Rural area of natural beauty; Chiltern Beechwood Special Area of Conservation; Encroachment on open space; Open space important for health and wellbeing.
- Inappropriate location; Disused airfield or warehouse would be more appropriate; This is an area of low rise residential homes; Should be on brownfield site.

- Inadequate justification for need of development; No proper consideration of alternative sites; Search area should have been larger; Multiple applications for other data centres; No benefit for local area.
- Imposing structures; Unsightly; Out of character; Visual and aesthetic degradation; Eyesore; Concrete block.
- Adverse impact on Listed Buildings.
- Environmental impact/risk; adverse impact on footpaths; adverse impact on wildlife; Agricultural land may be low quality, however, wildlife is thriving; Habitat destruction; Tree removal; adverse impact on wildlife corridor; A Country Park is not better for wildlife.
- Insufficient infrastructure unable to cope; Strain on existing resources; Village cannot accommodate this development; Demands on water and electricity.
- Adverse impact of additional traffic; Roads are currently congested.
- Flooding.
- Energy consumption; Unsustainable; Exacerbate carbon footprint; Increased carbon dioxide emissions.
- Adverse impact on residential amenity; Height of up to 20m will be detrimental to neighbours; Intrusive and overbearing; Loss of light; Loss of outlook and views.
- Adverse impact of noise; Monotonous hum will be heard 24 hours a day; Adverse impact on health of neighbouring residents from construction noise and disturbance; loss of quality of life.
- Dust and air pollution; Hazardous materials; Adverse impact on air quality; Light pollution; Water pollution.
- Number of employees negligible in relation to size of building so no real employment benefit; Limited economic benefits; Only benefits developer, not local area.
- Safety and security; Proximity to local school.
- Adverse impacts on property value.

5 Reason for Delay

5.1 Extension of Time agreed to respond to consultee comments.

6 Relevant Planning Policy, Guidance and Legislation

6.1 Legislation

Planning applications are required to be determined in accordance with the statutory development plan unless material considerations indicate otherwise as set out within S38(6) Planning and Compulsory Purchase Act 2004 and S70 of Town and Country Planning Act 1990).

S72 of Planning (Listed Buildings and Conservation Areas) Act 1990 requires LPAs, in determining relevant planning applications, to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

S16(2) of Planning (Listed Buildings and Conservation Areas) Act 1990 requires LPAs, in determining planning applications affecting listed buildings, to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses.

Other relevant legislation includes The Localism Act 2011; The Growth and Infrastructure Act 2013; The Levelling-up and Regeneration Act 2023; The Wildlife and Countryside Act 1981 (as amended); the Conservation of Habitats and Species Regulations 2010; the Natural Environment and Rural Communities Act 2006 and the Habitat Regulations 1994.

6.2 Policy/Guidance

National Planning Policy Framework 2023 and National Planning Practice Guidance

In December 2023 the revised NPPF was published, to be read alongside the online National Planning Practice Guidance. The NPPF paragraph 225 states that “existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework”.

The NPPF paragraph 11 applies a presumption in favour of sustainable development. This means approving development proposals that accord with an up-to-date development plan without delay. Where there are no relevant development plan policies, or the policies which are most important for determining an application are out of date permission should be granted unless the application of policies in the Framework that protect areas of particular importance, which include Green Belts, provide clear reasons for refusal or any adverse impacts of a development would ‘significantly and demonstrably’ outweigh its benefits, ‘when assessed against the policies of this Framework taken as a whole.’ Relevant chapters of the Framework include: 2 Achieving sustainable development; 4 Decision-making; 6 Building a strong, competitive economy; 9 Promoting sustainable transport; 10 Supporting high quality communications; 12 Achieving well designed and beautiful places; 13 Protecting Green Belt land; 14 Meeting the challenge of climate change, flooding and coastal change; 15 Conserving and enhancing the natural environment; and 16 Conserving and enhancing the historic environment.

The Three Rivers Local Development Plan:

The application has been considered against the policies of the development plan which comprises the Core Strategy, the Development Management Policies Local Development Document and the Site Allocations Local Development Document. The development plan policies of Three Rivers District Council reflect the generality of the content of the NPPF.

The Core Strategy was adopted on 17 October 2011 having been through a full public participation process and Examination in Public. Relevant policies include Policies PSP2, CP1, CP6, CP8, CP9, CP10, CP11 and CP12.

The Development Management Policies Local Development Document (DMLDD) was adopted on 26 July 2013 after the Inspector concluded that it was sound following Examination in Public which took place in March 2013. Relevant policies include DM2, DM3, DM4, DM6, DM7, DM8, DM9, DM10, DM11, DM12, DM13 and Appendix 5.

The Site Allocations Local Development Document (SALDD) was adopted on 25 November 2014 having been through a full public participation process and Examination in Public.

Hertfordshire Waste Core Strategy and Development Management Policies Development Plan Document (2012).

6.3 Other relevant planning policy considerations

Abbots Langley Conservation Area Appraisal (2014).

National Planning Practice Guidance including 'Green Belt (2019)'.

Three Rivers District Council and Watford Borough Council Green Belt Review Strategic Analysis (2017).

Stage 2 Green Belt Assessment for Three Rivers District and Watford Borough (2019).

The Government's 'A Green Future: Our 25 Year Plan to Improve the Environment'

7 Planning Analysis

7.1 Outline Nature of Development

7.1.1 The application has been submitted in outline with all matters reserved for future determination. Should Outline Planning Permission be granted, the reserved matters of access, appearance, landscaping, layout and scale would need to be submitted as formal applications for consideration.

7.1.2 The illustrative masterplan submitted as part of the application shows how the site could potentially be developed for a Hyperscale Data Centre and a country park, but approval is not sought for these details within the outline application and these are taken into account as indicative only. Therefore while this planning assessment takes account of the indicative details relating to the access, appearance, landscaping, layout and scale of the development indicated, the details of these reserved matters would be assessed at a subsequent stage should outline permission be granted.

7.1.3 A series of Parameter Plans have been provided relating to land use; development zones; building heights; building lines; green infrastructure; and access and movement. It is intended that, in the event that outline planning permission were granted for the proposed development, these Parameter Plans would be referred to in the Decision Notice, ensuring that the guiding principles of the outline proposals were carried forward at reserved matters stage.

7.2 Principle of Development – Existing Use

7.2.1 As set out in the site description above, the land comprising the application site is predominantly greenfield and in agricultural use. The Government's 'A Green Future: Our 25 Year Plan to Improve the Environment' sets out a 25-year plan to improve the health of the environment by using natural resources more sustainably and efficiently and includes plans to protect the 'best' agricultural land.

7.2.2 It is understood that the application site comprises Grade 3 Agricultural Land and is therefore 'good to moderate' quality only. Natural England's 'Guide to assessing development proposals on agricultural land' sets out that Local Planning Authorities (LPA's) should consult Natural England where development proposals are likely to cause the loss of 20ha or more of BMV agricultural land; 'BMV' agricultural land being defined as 'the best and most versatile' agricultural land.

7.2.3 The application site agricultural land is 'good to moderate quality', not 'BMV.' Natural England were consulted on the application but did not provide comments. The loss of existing 'good to moderate quality' agricultural land is not, therefore, considered a reason to restrict the development and its loss to the development of parcel 1 would not be contrary to the Development Plan or the NPPF (2023).

7.3 Principle of Development - Green Belt

7.3.1 The 31 Ha application site is located within the Metropolitan Green Belt. Policy CP11 of the Core Strategy provides that the Council will maintain the general extent of the Green Belt in the District and will encourage appropriate positive use of the Green Belt and measures to improve environmental quality. The policy maintains a presumption against inappropriate development that would not preserve the openness of the Green Belt, or which would conflict with the purposes of including land within it. Policy DM2 of the Development Management Policies LDD notes that “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.” Relevant to this current application is DM2(a) ‘New Buildings,’ which states “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.” Whilst the Core Strategy pre-dates the current NPPF, the Development Management Policies LDD was adopted following the publication of the 2012 NPPF. National Green Belt policy has not materially changed between the 2012 NPPF and 2023 NPPF and, on that basis and having regard to the wording of both policies CP11 and DM2, they are considered to generally conform with the NPPF and are, therefore, to carry due weight in the decision making process.

7.3.2 The NPPF (2023) at paragraph 142 states “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”. Paragraph 143 states that Green Belt serves five purposes:

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

7.3.3 NPPF 145 states that “Once established, Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified, through the preparation or updating of plans”. This application does not seek to alter Green Belt boundaries. It proposes new built development and a Country Park within the Metropolitan Green Belt.

7.3.4 NPPF 154 says that the construction of new buildings in the Green Belt should be regarded as ‘inappropriate’ and NPPF 152 states that “Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances”. And NPPF 153 states:

“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”.

7.3.5 Exceptions to NPPF154 are as follows:

- a) buildings for agriculture and forestry;
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;

- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e) limited infilling in villages;
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
 - not have a greater impact on the openness of the Green Belt than the existing development; or
 - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority”.

7.3.6 NPPF155 states that “Certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are:

- a) mineral extraction;
- b) engineering operations;
- c) local transport infrastructure which can demonstrate a requirement for a Green Belt location;
- d) the re-use of buildings provided that the buildings are of permanent and substantial construction;
- e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and
- f) development brought forward under a Community Right to Build Order or Neighbourhood Development Order.

Data Centre and Ancillary Works

7.3.7 The application site (parcel 1) is predominantly open land in agricultural use, although there are some existing small scale structures and areas of hard standing. The erection of two Data Centre buildings, Education/Training Centre, Substation and associated works would constitute ‘inappropriate development’ in the Green Belt and would not meet the descriptions of any of the exceptions listed at paragraphs 154 and 155 of the NPPF. Applying NPPF153 and development plan policies CP11 and DM2, therefore, the development of the Hyperscale Data Centre would comprise inappropriate development in the Green Belt that should not be approved except in very special circumstances.

7.3.8 As noted above, NPPF142 states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their permanence and openness. In relation to openness, the National Planning Practice Guidance (Paragraph: 001 Reference ID: 64-001-20190722) (NPPG) advises that assessing the impact of a development on the openness of the Green Belt, requires a judgement based on the circumstances of the case. The NPPG notes that, by way of example, the courts have identified a number of matters which may need to be taken into account in making the 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 the 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.*

7.3.9 The application site is currently open land in the Green Belt and free from any significant physical development. Whilst in outline, the indicative scale and amount of development

would result in the construction and operation of two substantial data centre buildings with a total GEA of up to 84,000sqm and height of up to 20m (25m including external flues) in addition to the Education/Training Centre and associated infrastructure including the substation, access road and parking within parcel 1. The indicative details also suggest substantial excavation and engineering works to facilitate the construction. The development would thereby introduce substantial permanent built development within the openness of the Green Belt and there would also be a significant increase in the degree of associated activity on the site. Whilst parcel 2, where the Country Park is proposed, would remain largely undeveloped, this would not lessen the adverse impact on openness of the proposed permanent built development on parcel 1.

- 7.3.10 As regards visual impact, there is existing vegetation to the southern and eastern boundaries of parcel 1 which provides a degree of screening, specifically in the summer months, however there are some opportunities for views from the east and there is limited screening currently to the west and north where parcel 1 adjoins Bedmond Road and the M25 respectively. Whilst the Bedmond Road and M25 contain the site, there are clear public views of the site from both roads; in particular from the M25 and from Bedmond Road to the north as you travel south towards the site and cross the M25 bridge. The substantial reduction and loss in spatial openness would be visually evident from a number of surrounding viewpoints. In addition, due to the siting and footprint of the two main buildings, there would be limited curtailed views through parcel 1, either north to south or west to east. The provision of parking areas and landscaping to the site perimeters (intended to mitigate the visual impact) would also contribute to the perceived loss of openness.
- 7.3.11 The proposed development on parcel 1 would, therefore, result in significant harm to the Green Belt by loss of openness in both spatial and visual terms.
- 7.3.12 Turning to the purposes of the Green Belt, the Three Rivers District Council and Watford Borough Council Green Belt Review Strategic Analysis (Stage 1 – 2017) conducted a strategic review of the purposes served by the Metropolitan Green Belt in Hertfordshire including a review of its role with respect to the five purposes in NPPF143. The application site is included within a parcel of Green Belt land designed at 'N12' (land to the east of Abbots Langley, bordered by Bedmond Road to the west, the M25 to the north, Woodside Road/Chequers Lane/a hedge line to the south and east). The Review concluded that N12 made a 'significant contribution' to the purposes of the Green Belt including 'preventing sprawl and encroachment.' While it is acknowledged that the designated area 'N12' embraces a wider area of land than parcel 1 of the application site, it's the Review's findings, in respect of the prevention of urban sprawl and encroachment, are considered applicable to the application site and the contribution it makes in protecting the openness of the Green Belt at Abbots Langley.
- 7.3.13 The Stage 2 Green Belt Study (2019) considered the effect of releasing Green Belt land for development purposes. Part of the application site (parcel 1) is included within parcel AL3. The eastern part of the application site (parcel 2 field) is not within the reviewed area. The Stage 2 Study found that parcel AL3 made a relatively significant contribution to the purposes of checking the unrestricted sprawl of large built up areas and in assisting in safeguarding the countryside from encroachment. However, it considered its impact in preventing neighbouring towns from merging into one another as being relatively limited. The overall harm to the Green Belt of releasing the land was found to be moderate / high. It is acknowledged that the designated area 'parcel AL3' is a larger area of land than parcel 1 of the application site, however, the Study's findings are considered relevant to the assessment of the loss of the openness of the site to the proposed development and serve to reinforce the current role it plays in protecting the openness of the Green Belt at Abbots Langley.
- 7.3.14 The applicant's Planning Statement contends that the impact of the Hyperscale Data Centre on openness in visual terms would be limited; and that, in relation to checking the unrestricted sprawl of built up areas, there would be only limited harm tempered by the

containment of the site and the layout of the scheme; and that, there would be limited Green Belt harm in terms of physical encroachment on the countryside by reason of the urban fringe location of the application site and the severance of the site from the wider countryside by the M25. Whilst it is noted that the M25 is a containing feature to the north, the application site contains the built edge of Abbots Langley preventing urban sprawl north-eastwards and it is considered that the parcel 1 site plays a significant role in checking the unrestricted sprawl of the built up area in both spatial and visual terms.

- 7.3.15 The Planning Statement says there would be no harm caused to the purpose of preventing towns merging and it is acknowledged that The Stage 2 Green Belt Study (2019) found that parcel AL3 made only a relatively limited contribution in this regard.
- 7.3.16 As noted, the Planning Statement contends that in relation to assisting in safeguarding the countryside from encroachment, there would be only limited harm. However, it is considered that parcel 1 of the site as part of the openness of the Green Belt at Abbots Langley, prevents the incremental development of the open countryside and, in so doing, plays a significant role in assisting in safeguarding the countryside from encroachment.
- 7.3.17 It is accepted that the application site does not contribute to the setting and special character of an historic town and that the proposed development would not undermine urban regeneration.
- 7.3.18 In summary, it is considered that the proposed development of the Hyperscale Data Centre on parcel 1 of the application site would constitute 'urban sprawl' (NPPF142) and would conflict with two of the purposes of including land within the Green Belt; it would fail to prevent unrestricted sprawl (purpose a)) and would not safeguard the countryside from encroachment (purpose c)).
- 7.3.19 In summary, the proposed development of parcel 1 would result in a permanent loss of openness within the Green Belt and would conflict with two of the five purposes of including land within the Green Belt. The harm by reason of the loss of openness and conflict with the purposes of including land within the Green Belt, adds to the harm by reason of inappropriateness identified above. In accordance with paragraph 153 of the NPPF substantial weight is required to be given to this harm to the purposes of the Metropolitan Green Belt that would be caused by the proposed development.

Country Park

- 7.3.20 Paragraph 155 of the NPPF states that "Certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it". One of these exceptions is e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds).
- 7.3.21 The application includes the provision of an approximately 21ha Country Park (parcel 2). No built development is proposed. The 'Indicative Green Infrastructure – Parameter Plan' shows a publicly accessible area comprising species rich neutral grassland; additional buffer planting; attenuation and wetland basin; and ecological benefits.
- 7.3.22 It is considered that the proposed Country Park with ecological enhancements and public recreational use would preserve openness and would not conflict with the purposes of including land within the Green Belt.

Green Belt Summary

- 7.3.23 It is considered that the proposed material change of use of parcel 2 from agricultural land to a Country Park for public recreational use would constitute appropriate development

within the Green Belt as it would comply with NPPF155e, and would not conflict with any of the purposes of including land within the Green Belt.

- 7.3.24 The proposed development of parcel 1 for the Hyperscale Data Centre would result in urban sprawl comprising a permanent loss of openness within the Green Belt and would conflict with two of the five purposes of including land within the Green Belt. The harm by reason of the loss of openness and caused to the purposes of including land within the Green Belt, is in addition to the definitional harm by reason of the inappropriateness of the construction of the data centre buildings and associated development.
- 7.3.25 Overall, therefore, the development would constitute inappropriate development within the Green Belt and would also result in significant permanent harm to the openness of the Green Belt. The NPPF makes it clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 153 of the NPPF states that local planning authorities should ensure that substantial weight is given to any harm to the Green Belt and that '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 proposed development, is clearly outweighed by other considerations.

7.4 Any other harm

- 7.4.1 The following sections assess whether there would be any other harm associated with the development in addition to its inappropriateness and adverse impact on the openness of the Green Belt.

7.5 Principle of Development – Employment

- 7.5.1 Place Shaping Policy 2 (PSP2) of the Core Strategy requires that development in the Key Centres in the settlement hierarchy, including Abbots Langley, 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 Centre...

- 7.5.2 Policy CP6 of the Core Strategy states that the Council will support development proposals that, amongst other considerations, sustain parts of the District as attractive areas for business location. Policy CP6 also states that the sustainable growth of the Three Rivers economy will be supported by continuing to focus employment use within the key employment areas within the District.

- 7.5.3 The application site is an undeveloped greenfield site in countryside in the Green Belt and is not therefore a location where Council planning policy would normally permit new employment development. That said, it is acknowledged that the NPPF (2023) at paragraph 85 states that; *“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...”* And NPPF 86 and 87 recognise the need to address the specific locational requirements of different sectors including *“making provision for clusters or networks of knowledge and data driven creative or high technology industries...”*

- 7.5.4 The application is accompanied by an Economic Benefits and Needs Assessment Report (prepared by Nicol Economics) dated June 2023. The report concludes that the fully completed development would support a significant number of well paid jobs in Hertfordshire that would be accessible to the residents of Three Rivers and surrounding districts. The Planning Statement notes that whilst the number of staff and types of jobs on site would depend on the precise form of the data centre and operator, whilst highly

automated, data centres do still require significant numbers of on-site staff to ensure that they remain operational. The Economic Benefits and Needs Assessment Report concludes that; *“A mid-range, cautious estimate is that the completed development would support 201 FTE jobs, a wage bill of around £10 to £11 million and annual direct GVA of some £100 million”*.

7.5.5 As such, whilst conflict is identified with elements of Policies PSP2 and CP6 of the Core Strategy, in particular with respect to locational criteria, it is acknowledged that this needs to be balanced against the expected employment opportunities and economic output associated with the proposed development of the Hyperscale Data Centre on parcel 1 of the application site.

7.6 Character and Appearance (including impact on the Landscape)

7.6.1 Paragraph 131 of the NPPF states that:

“The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. 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...”

7.6.2 Paragraph 135 of the NPPF states amongst other things that:

“Planning policies and decisions should ensure that developments:

a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); and

f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.”

7.6.3 Paragraph 139 of the NPPF states that:

“Development that is not well designed should be refused, especially where it fails to reflect 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. 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.”

7.6.4 Policy CP1 of the Core Strategy states, amongst other things, that:

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

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

Whilst this criterion talks about buildings and public spaces it stresses the importance of design quality and local distinctiveness.

7.6.5 In accordance with the requirements of Policy CP12 of the Core Strategy development should, amongst other things:

“a) Have regard to the local context and conserve or enhance the character, amenities and quality of an area.

d) Make efficient use of land whilst respecting the distinctiveness of the surrounding area in terms of density, character, layout and spacing, amenity, scale, height, massing and use of materials”.

Character

7.6.6 As set out in Section 1 above, parcel 1 of the application site adjoins Bedmond Road to its western boundary and the M25 orbital motorway to the north. It is predominantly open land in agricultural use, although there are some existing structures and areas of hard standing. The site levels are undulating with a general slope down to the north towards the M25. Along the southern edge of parcel 1 there is a private drive providing access to existing areas of hardstanding and structures associated with existing stables. Parcel 2 is a field to the east separated from parcel 1 by East Lane, a footpath and cycle route running roughly north to south. 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 parcel 2.

7.6.7 Whilst the application is in Outline with all matters reserved, a series of Parameter Plans have been provided relating to: land use; development zones; building heights; building lines; green infrastructure; and access and movement. The development zones and building lines Parameter Plans indicate the siting and footprint of the development and the building heights Parameters Plan indicates that the data centre buildings would be up to 20m in height (25m including external plant). Whilst the details of reserved matters are not provided at this stage, it is clear that the development would be of substantial scale in terms of height, bulk and footprint with the two main buildings occupying a significant portion of parcel 1.

7.6.8 The site is currently largely open and rural in character. This is experienced from Bedmond Road to the west, the M25 orbital motorway to the north and from the existing Public Rights of Way (ProW) running along the north-eastern boundary of parcel 2 and crossing parcel 2. It is considered that the scale of the buildings proposed at 20m in height (25m with the external flues) and covering 84,000sqm GEA, would result in a significant intrusion of massive built development into the existing open rural character of the site and area and wholly at odds with the existing domestic scale of development in the locality and along Bedmond Road which is of a significantly smaller scale. The development would be viewed as prominent and obtrusive in its context from a number of public vantage points. The proposed landscaping and green walls could provide some mitigation of the harm caused to the existing character of the area, albeit the landscaping would take time to establish and would be of lesser benefit outside of the spring/summer months. Whilst it is acknowledged that the landscaping and green walls could provide some such mitigation by partial screening of the harmful impact of the proposed development on the local character of the area, it would not be such as to constitute the development sympathetic to that local character to any acceptable degree.

7.6.9 Policy CP12 of the Core Strategy requires that development should have regard to the local context and conserve or enhance the character, amenities and quality of an area. Whilst it

notes that development should make efficient use of land, this should be whilst respecting the distinctiveness of the surrounding area in terms of density, character, layout and spacing, amenity, scale, height, massing and use of materials. It is not considered that the scale, height and massing of the development proposed has regard to or is sympathetic to its local context or that it would respect the distinctiveness of the surrounding locality. It is considered that the development would not preserve or enhance but would cause significant harm to the character and appearance of the site and the local area in conflict with policy CP12.

- 7.6.10 The development would similarly fail to comply with NPPF 135 which requires that development should add to the overall quality of the area and be sympathetic to local character including the surrounding built environment and landscape setting.

Landscape

- 7.6.11 The application site is located wholly within the Chilterns Landscape Region and is a valued landscape. Policy DM7 of the Development Management Policies LDD relates to 'Landscape Character' and advises at (b) that; *'In all landscape regions, the Council will require proposals to make a positive contribution to the surrounding landscape. Proposals that would unacceptably harm the character of the landscape in terms of siting, scale, design or external appearance will be refused planning permission'*.
- 7.6.12 The NPPF 180 advises that planning policies and decisions should contribute to an enhance the natural and local environment by (a) protecting and enhancing valued landscapes and (b) recognising the intrinsic character and beauty of the countryside.
- 7.6.13 The application was accompanied by a Landscape and Visual Impact Assessment (LVIA), prepared by MHP Design (June 2023). The submitted LVIA was reviewed by Stephenson Halliday on behalf of the Local Planning Authority (LPA). The LPAs review concluded that the LVIA did not fully consider the extent to which the development will be visible. The representative viewpoints in the LVIA are focused on views within the immediate vicinity of the site whereas a broader consideration of the likely effects on landscape is considered necessary to fully determine the impact of the development. The LPAs review also noted that given the semi-rural location and the difficulty in confirming the extent of visibility, wirelines (not provided) would have been an appropriate assessment tool for more distant views. Full year 1 and year 15 visually verified montages (not provided) would have been appropriate for views within close proximity of the site to test the proposed mitigation measures and the effect of any cut and fill to accommodate the building plateau.
- 7.6.14 The effects of the proposed development on the semi-rural character of the study area and on the visual amenity of receptors with likely visibility towards the development are a matter for careful consideration. Whilst the submitted LVIA does acknowledge many of these likely effects, the Stephenson Halliday review considered that the prominence of the site from certain locations warranted further detailed analysis of the potential visibility and the production of visual aids from an agreed set of viewpoints to test the impact of the development on landscape definitively. Without these it is difficult to fully understand and illustrate the extent to which the development will harm the surrounding environment in landscape and visual terms.
- 7.6.15 In response to the LPA's review, an amended Landscape and Visual Impact Assessment and Appendices (prepared by MHP Design Ltd) issue V4 dated June 2023 was submitted during the processing of the application. This concludes that, overall, the significance of the effect on landscape character is assessed to be moderate adverse with the introduction of the new data centre structures and associated built form on parcel 1. Landscape effects are considered to be contained to the site and immediately surrounding context, with more limited effects on the wider landscape. The proposals afford opportunities for moderate beneficial enhancement to the eastern portion of the site parcel 2 with the establishment of the Country Park. The amended LVIA V4 says that the proposed mitigation would assist

with reducing both the adverse landscape and visual effects of the development. It concludes that the harm arising from the development proposals is limited and localised.

- 7.6.16 The amended LVIA V4 was reviewed by Stephenson Halliday (SH) for the LPA. In summary, SH note that the revised LVIA does provide more detailed analysis, however, they consider that some questions remain outstanding regarding the assessed level of visibility from the surrounding landscape and the accuracy of the ZTV (Zone of Theoretical Visibility).

Character/Landscape – Conclusion

- 7.6.17 In conclusion, the proposed development by virtue of its scale, height and massing would fail to conserve or enhance the character or the distinctiveness of the surrounding area and would therefore result in demonstrable harm to, the character, appearance and landscape of the area, contrary to Policies CP1 and CP12 of the Core Strategy, Policy DM7 of the Development Management Policies and the NPPF: sections 12, 13 and 15.

7.7 Heritage

- 7.7.1 There are no designated Heritage Assets within the application site. Abbots Langley Conservation Area is located approximately 180m to the south-west of the site, south of the junctions of Love Lane and Bedmond Road. The Grade II* Listed Tithe Barn is approximately 95m to the west and the Grade II Mansion House Farm is approximately 115m to the south of parcel 1.

- 7.7.2 Paragraphs 205 and 206 of the NPPF state that:

“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.”

“Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.”

- 7.7.3 Paragraph 208 of the NPPF states that:

“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal...”

- 7.7.4 Paragraph 209 of the NPPF advises that:

“The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset”.

- 7.7.5 Policy DM3 of the Development Management Policies LDD states that the Council will preserve the District’s Listed Buildings and that “Applications will only be supported where they sustain, conserve and where appropriate enhance the significance, character and setting of the asset itself and the surrounding historic environment.” Policy DM3 advises that development should not affect the setting of an adjacent Conservation Area or views into or out of.

- 7.7.6 The application is accompanied by a Heritage Statement (P19-2063 dated 22 June 2023).

Archaeological Significance

- 7.7.7 The submitted Heritage Statement has been reviewed by the Historic Environment Advisor. They note that there are no heritage assets of archaeological or historic interest relating to the site recorded on the County Historic Environment Record, although few archaeological investigations have been carried out in the area. The closest investigation was carried out in 2010 during the widening of the M25, and did reveal six prehistoric pits that had been used as small ovens or hearths [to the north-east, Historic Environment Record 31525], and a series of small later prehistoric pits and hollows, some used as hearths, and a possibly Late Iron Age ditch [to the west, HER 31523, 31524].
- 7.7.8 The Historic Environment Advisor also considers that the site is in a topographically suitable location for settlement, particularly that of prehistoric and Roman date. Cartographic evidence indicates that in the later post-medieval period it was agricultural land, and the current use of the site is for grassland and arable. This relative lack of disturbance in recent centuries means that the site may retain significant archaeological potential.
- 7.7.9 The creation of the Hyperscale Data Centre will likely have substantial below ground impacts, since it involves considerable landscaping, and ground reduction. The impact of the creation of the proposed Country Park will be less, but it appears the scheme will include preparatory works to convert the land from agriculture to grassland, the creation of a 'wetland mosaic' and a new 'wet pond', and tree planting, among other elements. The Historic Environment Advisor considers that the position of the proposed development is such that it should be regarded as likely to have an impact on heritage assets of archaeological interest and they therefore recommend that appropriate planning conditions be included in the event of a grant of consent. The conditions are considered both reasonable and necessary to provide properly for the likely archaeological implications of the development proposals.

Conservation Area and Listed Buildings

- 7.7.10 The submitted Heritage Statement concludes that the development would result in less than substantial harm to the heritage significance of the Grade II* Listed Tithe Barne via a change of setting and less than substantial harm to the heritage significance of the Grade II Listed Mansion House Farmhouse, designated heritage assets. It concludes that there would be minor harm to the heritage significance of non-designated heritage assets (Ovaltine Dairy Farm Buildings) resulting from a change in their setting.
- 7.7.11 The Council's Heritage Officer has reviewed the submitted details. They consider that the application site is located in the setting of the following heritage assets:
- Tithe Barn, 20 metres northeast of Parsonage Farm, Grade II*, (list entry: 1100908)
 - Mansion Farmhouse, Grade II, (list entry: 1348213)
 - Ovaltine Dairy Farm Cottages (non-designated heritage asset)
 - Antoinette Court (non-designated heritage asset)
- 7.7.12 They note that the application site is a historically undeveloped field which positively contributes to the significance of the above heritage assets. Views of the agrarian landscape from the heritage assets, and from the agrarian landscape back towards the heritage assets, permit an understanding of their historic context and function. They consider that the proposal would result in the fundamental alteration to the land use and character and that the proposal would alter the assets physical surroundings as well the way in which they are experienced.
- 7.7.13 The Heritage Officer therefore considered that there would be 'less than substantial' harm to these designated heritage assets. They acknowledge that the level of harm to the Tithe Barn would be low due to the distance and that the harm to Mansion Farmhouse would be the lowest level, due to the greater distance and intervening development. With regard to

the non-designated heritage assets, paragraph 209 of the NPPF is relevant. The level of harm to Ovaltine Dairy Farm Cottages would be medium due to the proximity of application site to the asset and fundamental change to the landscape. The harm to Antoinette Court would be low due to the greater distance and existing tree/hedge screening.

7.7.14 In summary, the proposed development would result in less than substantial harm to designated heritage assets (Mansion House Farm and Tithe Barn) which must be weighed against the public benefits of the scheme. The proposed development would also result in medium and low harm to Ovaltine Dairy Farm Cottages and Antoinette Court respectively, which requires a balanced judgement having regard to the scale of any harm or loss and the significance of the heritage asset.

7.7.15 The NPPG advises that public benefits may follow from many developments and could be anything that delivers economic, social or environmental objectives as described in the NPPF. Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits, for example, works to a listed private dwelling which secure its future as a designated heritage asset could be a public benefit. Turning to the three strands identified in the NPPF:

Economic Benefits

7.7.16 The application is accompanied by an Economic Benefits and Needs Assessment Report (prepared by Nicol Economics) dated June 2023. 'Key messages' from the report are summarised at paragraph 1.6 including:

- There is strong and increasing support for the role of data centres and data infrastructure in government policy.
- The share of data held in data centres is growing rapidly meaning the need for data centre capacity is growing.
- There is a major shift away from traditional enterprise data centres (serving one business) to colocation and hyperscale centres.
- There are several reasons why it is important that data centres are physically located in the UK for the benefit of the economy.
- Critical location drivers for hyperscale data centres include size of site, reliable power supply, access to fibre connectivity.
- Proximity to other data clusters in the event of any failure at the data centre in an 'Availability Zone' (AZ).
- The Hemel Hempstead AZ plays an important role.
- Abbots Langley is an excellent location for a hyperscale data centre due to proximity to existing hyperscale data centres including the Hemel Hempstead AZ.

7.7.17 The report identifies a number of dis-benefits that, it is said, would arise should the proposed development not go ahead and concludes that the fully completed hyperscale data centre would support a significant number of well paid jobs in Hertfordshire that would be accessible to the residents of Three Rivers and surrounding districts. The report concludes that; *"A mid-range, cautious estimate is that the completed development would support 210 FTE jobs, a wage bill of around £10 to £11 million and annual direct GVA of some £100 million"*. There would therefore be clear economic and other related benefits as a result of the proposed development.

Social Benefits

- 7.7.18 The development would create jobs, whether temporary (construction) or permanent. The use of data is embedded into our lives, with society relying on 'data' and therefore these types of developments. There would therefore be social benefits as a result of the proposed development.

Environmental Benefits

- 7.7.19 The Planning Statement sets out that the application proposals can make significant contributions towards addressing climate change both directly and indirectly. The application also proposes the creation of a new Country Park, with landscape and biodiversity enhancements which would present as environmental benefits.

Public Benefit – Conclusion

- 7.7.20 In summary, there are considered to be significant public benefits associated with the proposed development including benefits that would outweigh the less than substantial harm to heritage assets identified above.

7.8 Highways and Access

- 7.8.1 Paragraph 114 of the NPPF advises that;

In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;

b) safe and suitable access to the site can be achieved for all users;

c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and

d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

- 7.8.2 Paragraph 115 of the NPPF states that '*Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe*'.

- 7.8.3 All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed (paragraph 117 of the NPPF).

- 7.8.4 Policy CP1 of the Core Strategy advises that in ensuring all development contributes to the sustainability of the District, it is necessary to take into account the need to reduce the need to travel by locating development in accessible locations and promoting a range of sustainable transport modes.

- 7.8.5 Policy CP10 (Transport and Travel) of the Core Strategy advises that all development should be designed and located to minimise the impacts of travel by motor vehicle on the District. Development will need to demonstrate that:

i) It provides a safe and adequate means of access

- j) It is appropriate in scale to the existing infrastructure...*
- k) It is integrated with the wider network of transport routes...*
- l) It makes adequate provision for all users...*
- m) It includes where appropriate, provision for public transport either within the scheme or through contributions*
- n) The impact of the proposal on transport has been fully assessed...*
- o) The proposal is accompanied by a draft Green Travel Plan*

7.8.6 The application is in outline with all matters, including 'access' reserved for future consideration. However, the application was accompanied by a Framework Travel Plan and Transport Statement. During the processing of the application in response to comments from National Highways (NH), HCC as Highways Authority (HCCHA) and Active Travel England (ATE), additional information was provided in the form of an amended Framework Travel Plan (23127-02B), an updated Transport Technical Notes for National Highways (Transport Notes dated 17 August 2023 and TN ref. SJT/NS 23127-06a dated 8 November 2023) and Hertfordshire County Council as Highways Authority (Transport Note dated 17 August 2023).

7.8.7 In summary, following review of the amended details, NH, HCCHA and ATE have now confirmed that they raise no objection to the proposed development subject to a number of conditions, and in the case of HCCHA, the completion of a S106 Agreement to secure necessary infrastructure contributions. The conclusions of NH, HCCHA and ATE are discussed below.

National Highways (NH) & Strategic Road Network (SRN)

7.8.8 NH are the Highway Authority for the strategic road network (SRN), a critical national asset which is managed in the public interest. The SRN in the vicinity of the proposed development is the M1 and M25.

7.8.9 **Trip Generation:** NH raised initial queries regarding trip generation and as a result the AM peak hour was extended to include 8.00 – 9.00 and 9.00 – 10.00 periods, with the traffic generation uplifted by 9% to reflect single occupancy vehicles. NH consider the approach and trip generation calculated to be acceptable.

7.8.10 **Trip Distribution:** NH note that Census Journey to Work data has been employed to assign trips onto the local and surrounding highway network and consider this approach acceptable. The updated Transport Note notes that the maximum number of two-way vehicle trips per hour in the extended AM peak (06.00 – 10.00) and PM peak (17.00 – 18.00) is 7 trips.

7.8.11 **Conclusion:** Having regard to the likely trip generation and distribution, NH consider that the impact of the proposed development on the SRN is likely to be insignificant. NH conclude that they are satisfied that the development will not materially affect the safety, reliability and/or operation of the strategic road network (the tests set out in DfT Circular 01/2022, and MHCLG NPPF 2023) in this location and its vicinity and therefore raise no objection subject to conditions (set out in full at 9.1.20.4 below).

HCC Highway Authority (HCCHA) & Local Road Network

7.8.12 HCCHA note that currently for the most part the footway adjacent to Bedmond Road runs adjacent to the western side of the road whereas the proposed data centre development is located on the eastern side of Bedmond Road. HCCHA note that whilst the applicant has offered to provide a footway on the eastern side of Bedmond Road towards Notley Close, it is clear from their speed survey (15 November 2022) that the 30mph speed limit on Bedmond Road is not adhered to with 85th percentile vehicle speeds of 41.0mph north bound and 38.5mph southbound. As such crossing to/from the corresponding northbound bus stop on the western side of Bedmond Road would be dangerous.

- 7.8.13 HCCHA note that the proposed eastern footway to Notley Close does not present an attractive route for pedestrians to a southbound bus stop as it involves walking circa 115m south from the site access to an uncontrolled crossing of Bedmond Road to its western side, then walking a further 200m south to an uncontrolled 'zebra' crossing of Bedmond Road back to its eastern side and finally walking another 85m south to the bus stop. With crossing the Bedmond Road site twice this route would not be within the recommended 5 minutes threshold.
- 7.8.14 Therefore, HCCHA considers that the development must provide a signalised pedestrian/cycle crossing of Bedmond Road to make this safer and start to unlock the site sustainably. Furthermore, HCCHA consider it feasible to do so and consider that the crossing could be integrated into a signalised junction which would control vehicle speeds on Bedmond Road.
- 7.8.15 HCCHA consider the proposed country park itself to be a destination and therefore they consider that cycle parking within the park and suitable cycle access to the park via the conversion of the Public Right of Way (PROW) 029 to a surfaced bridleway is required.
- 7.8.16 Kings Langley rail station is circa 2km from the site, however, it is over 2km walk by unpaved routes and nearly 3km cycle by paved routes (Bedmond Road, Gallow Hill Lane and Station Road). Whilst HCCHA consider this a cyclable distance, it is by roads identified in the emerging Three Rivers District Council (TRDC) Local Cycling and Walking Improvement Plan (LCWIP), and as such HCCHA consider that improvement to these routes needs to be funded in order to make them an attractive and realistic alternative to the private car.
- 7.8.17 HCCHA therefore recommend that any grant of approval is subject to the completion of a S106 Agreement to secure a sustainable transport contribution of £105,500. The applicant has confirmed their agreement to this developer contribution.
- 7.8.18 As noted above, a Framework Travel Plan was submitted with the application and has been updated during consideration of the application. Whilst HCCHA consider the Travel Plan to be sufficient for this stage in the planning process, once in place they would expect more detail regarding the measures to reduce the impact of deliveries/fleet vehicles and also to develop specific measures for the training centre (as this may have different travel patterns). HCCHA consider that this can be dealt with by planning conditions. A £1,200 per annum (overall sum of £6000 and index-linked RPI March 2014) Evaluation and Support Fee would need to be secured via a Section 106 agreement towards supporting the implementation, processing and monitoring of the full Travel Plan including any engagement that may be needed
- 7.8.19 A condition requiring a Construction Traffic Management Plan (CTMP) would also be required. This is necessary to help developers minimise construction impacts and should relate to all construction activity both on and off site that impacts on the wider environment.
- 7.8.20 Conclusion: HCCHA does not seek to restrict the grant of permission subject to a number of planning conditions relating to provision of scale plans/written specifications; completion of the approved works; surface water disposal arrangements; cycle parking details, Rights of Way upgrade details; Construction Management Plan and Travel Plan (as set out in full at 9.1.16.2) and subject to a S106 Agreement to secure a sustainable transport contribution of £105,500.

Active Travel England (ATE)

- 7.8.21 ATE became a statutory consultee on relevant applications on 1 June 2023. As a statutory consultee, Active Travel England will help planning authorities implement good walking, wheeling and cycling infrastructure.

7.8.22 ATE note that the applicant has supplied new information in response to the comments made by ATE in conjunction with responses on transport matters by HCCHA and NH. The new submitted details indicate:

1. The footway to the east side Bedmond Road will be extended to the access to enable a safe walking distance to the bus stop (450m to the south);
2. Following discussions with the LHA, the developer now agrees to pay £105,500 towards LCWIP objectives to enhance the connectivity by cycle to the nearest rail station to the north west of the site, reducing distances to 2.5km;
3. The new controlled priority junction has been sought by the LHA, which can be secured via reserved matters or condition to ensure deliverability. This will resolve the loss of an existing traffic calming feature.

7.8.23 The applicant has also clarified that the country park would be an extension to the existing Leavesden Country Park which is already open and in use by the local community. However this is a significant increase in parkland as described in the planning statement: "... a new publicly accessible Country Park (circa 21ha) that will form an extension to Leavesden Country Park." It is argued that this significant expansion will draw more visitors to the site and thus active travel to the new routes and the interconnections to the established active travel routes are crucially important.

7.8.24 Conclusion: ATE conclude that should the LPA be minded to approve the application, ATE recommends that the contribution sought by HCCHA is secured and that planning conditions are used to secure: Details of cycle parking; Details of walking and cycling infrastructure; Details of improved junctions; Details of pedestrian and cycle access points; a full Workplace Travel Plan; and access and maintenance arrangements.

7.8.25 The LPA notes that there is some crossover between conditions suggested by HCCHA and ATE and that in the event of a grant of consent it would be necessary to review these to avoid unnecessary duplication.

7.9 Parking

7.9.1 Parking requirements are set out in Appendix 5 of the Development Management Policies LDD (adopted July 2013). Appendix 5 requires for B8 uses, which it describes as 'wholesale distribution, builders merchants, storage', 1 car parking space per 75sqm and 1 lorry space per 200sqm. On the basis of 84,000sqm of B8 development, this would equate to 1,120 car parking spaces or between 840 – 1,120 when applying a zonal reduction. The site being within zone 4 where 75 – 100% of the car parking requirement may be appropriate.

7.9.2 The submitted Transport Statement notes that as the application is in Outline with all matters reserved, detailed calculations for car and cycle parking have not been undertaken. However, it continues that car parking for the site will be based on expected employee demand, having regard to shift patterns. This approach is considered acceptable as it is not expected that the proposed Data Centre use would generate the same demand for parking as a traditional B8 use.

7.9.3 It is considered that sufficient space exists within the site to provide an appropriate level of parking for the proposed use and the details of this would be secured at Reserved Matters stage.

7.9.4 Given that it is acknowledged that the proposed use may generate less parking demand than more traditional B8 uses it is considered appropriate that, in the event of a grant of planning permission, a condition be attached which requires the buildings to be used as a data centre only. This means that an application for planning permission would be required for any alternative use of the site (including other B8 use) enabling the LPA to consider the impact of that particular use in terms of parking (and other material considerations).

7.10 Flood Risk and Drainage

7.10.1 The site is located within Flood Zone 1 and therefore has a 'low probability' of fluvial flooding, with less than a 1 in 1000 annual probability of river or sea flooding in any year. However, as the site area is over 1 hectare a Flood Risk Assessment is required.

7.10.2 Paragraph 165 of the NPPF states that;

Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.

7.10.3 Paragraph 180 of the NPPF advises that the planning system should contribute to and enhance the natural and local environment by remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

7.10.4 Policy CP1 of the Core Strategy recognises that taking into account the need to (b) avoid development in areas at risk of flooding will contribute towards the sustainability of the District.

7.10.5 Policy CP12 of the Core Strategy also acknowledges that the Council will expect development proposals to build resilience into a site's design taking into account climate change, for example through flood resistant design.

7.10.6 Policy DM8 (Flood Risk and Water Resources) of the Development Management Policies LDD advises that development will only be permitted where it would not be subject to unacceptable risk of flooding and would not unacceptably exacerbate the risks of flooding elsewhere and that the Council will support development where the quantity and quality of surface and groundwater are protected and where there is adequate and sustainable means of water supply. Policy DM8 also requires development to include Sustainable Drainage Systems (SuDS). A SuDS scheme for the management of surface water has been a requirement for all major developments since April 2015.

7.10.7 The application is accompanied by a Flood Risk Assessment and Drainage Strategy (prepared by Delta-Simons Ltd), dated June 2023. This report concludes that the proposed development is at a Negligible to Low risk of flooding. It notes that there will be an increase in surface water run-off due to the introduction of buildings/hard surfaces, however, this can be mitigated by appropriate attenuation being provided on site.

Sustainable Drainage

7.10.8 The Lead Local Flood Authority (LLFA) has reviewed the submitted details and has advised that they have no objection subject to conditions.

7.10.9 Thames Water (TW) recognise this catchment is subject to high infiltration flows during certain groundwater conditions. They consider that the scale of the proposed development doesn't materially affect the sewer network and as such have no objection, however care needs to be taken when designing new networks to ensure they don't surcharge and cause flooding. TW note that the application indicates that surface water will not be discharged to the public network and as such TW has no objection.

7.10.10 An acceptable surface water drainage assessment has been submitted and it has been demonstrated that surface water run-off can be adequately handled within the application site, and that the development will not result in flooding of adjacent properties or within the site itself. As such, subject to conditions, the development complies with Policy CP1 of the Core Strategy and Policy DM8 of the Development Management Policies LDD in this regard.

7.11 Contaminated Land/Groundwater

7.11.1 Paragraph 180 of the NPPF advises that planning policies and decisions should contribute to and enhance the natural and local environment by amongst other considerations:

(e) Preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans;

7.11.2 Policy DM9 of the Development Management Policies LDD (adopted July 2013) advises that;

“The Council will refuse planning permission for development, including changes of use, which would or could give rise to polluting emissions to land, air and/or water by reason of disturbance, noise, light, smell, fumes, vibration, liquids, solids or other (including smoke, soot, ash, dust and grit) unless appropriate mitigation measures can be put in place and be permanently maintained.”

7.11.3 The Environmental and Protection Officer (EPO) notes that historical mapping indicates that the site where the buildings are to be constructed may have had an agricultural use, inferred by field boundaries depicted on the map published in 1883, no changes are shown on the subsequent available maps. Historical mapping indicates that the site where the country park is proposed may have had an agricultural use, inferred by field boundaries depicted on the map published in 1883, a cemetery, mortuary chapel, gasometer and gas works are shown offsite, a sewage pumping station is shown on the map published in 1925, a sewage tank is shown on site on the map published in 1926, no changes are shown on the subsequent available maps,

7.11.4 The site where the buildings are to be constructed has not been identified as having had a previous potentially contaminative use. Part of the site is currently occupied by a stables. A site to the west of the site has been identified as having been used for food processing. The site where the country park is proposed has been identified as having a previous potentially contaminative use. Part of the site has been identified as having been used as a sewage works or sewage farm.

7.11.5 A number of sites to the south of the site have been identified as having had a previous potentially contaminative use. The following uses have been identified: cemetery or graveyard, heap - unknown constituents, sewage works and sewage farms, gas works, coke works, coal carbonisation plants.

7.11.6 The EPO notes that the proposed development will not have a sensitive end use. The main use of the site appears to have been agricultural (likely arable crops) and there was a small sewage tank on site. These uses are unlikely to have impacted the site significantly. As such the EPO raises no objections but suggests an appropriately worded condition be attached to any grant of consent requiring unexpected contamination encountered during the development to be reported to the LPA.

Ground Water

7.11.7 The site is located within an Environment Agency defined groundwater Source Protection Zone 1 (SPZ1) corresponding to Affinity Water Pumping Stations (BRIC & NETH). These are for public water supply, comprising a number of Chalk abstraction boreholes, operated by Affinity Water Ltd (AW).

7.11.8 AW initially objected to the application, however, an Addendum Planning Statement (prepared by Pegasus Group) was submitted in response to comments from Affinity Water

(and the Environment Agency) and was accompanied by responses to these consultees comments. The application description was also amended at this time to omit reference to diesel storage.

- 7.11.9 Following receipt of amended/additional information, AW have removed their objection subject to a number of planning conditions including: Ground Investigation Plan; Remediation Strategy; Foundations Method Statement; Piling Risk Assessment; and Monitoring Plan.
- 7.11.10 In relation to surface water drainage, AW note that this should use appropriate Sustainable Urban Drainage Systems that prevent the mobilisation of any contaminants where a direct pathway to the aquifer is present. This should use appropriate techniques that prevent direct pathways into the aquifer and that ensure sufficient capacity is provided for all surface water to be dealt with on site, preventing consequential flooding elsewhere. A condition is suggested.
- 7.11.11 With regards to the alternative fuel supply for the back-up generator, AW note that reference to diesel has been omitted. They comment that they would have concerns with alternatives alongside any other chemical storage associated with the development and therefore request a Substance Storage Strategy/Report be required by condition.
- 7.11.12 The Environment Agency (EA) also identified initial concerns for this site in relation to the potential risk of contamination to controlled waters (as the site is in Source Protection Zone 1, and on principal and secondary chalk aquifers). This was due to the fuel sources originally proposed, and the use of SuDS, both of which could have risks to groundwater if not satisfactorily managed. As noted above, an Addendum Planning Statement (prepared by Pegasus Group) was submitted in response to comments from Affinity Water (and the Environment Agency) and was accompanied by responses to these consultees comments and the application description was also amended at this time to omit reference to diesel storage.
- 7.11.13 Having reviewed the amended documents, the EA note that the Preliminary Contamination Risk Assessment (Groundwater) prepared for the site has identified localised sources of potential contamination and states that the identified sources of contamination can be mitigated through targeted site investigation and remediation/mitigation as necessary. Furthermore, with respect to the proposed sustainable drainage scheme, the EA note that it has been confirmed in the additional information submitted that diesel or biodiesel will not be used as a fuel source for the data centre and alternatives considered will pose a low risk to groundwater. It has also been confirmed that a minimum of three treatment trains should be included to mitigate the risk of pollution migrating to the underlying aquifer via the drainage system. An emergency provision in the form of a valve which will automatically isolate the infiltration basin from the drainage system in the event of an unexpected release of contamination will also be provided.
- 7.11.14 In view of the above, the EA have confirmed that they are now in a position to remove their objection subject to the inclusion of the conditions on any grant of consent in relation to land affected by contamination; verification report; previously unidentified contamination; decommissioning of investigative boreholes; and SuDS infiltration of surface water into ground. The exact wording is set out in the EAs full comments at 9.1.3.3 below. The conditions are considered necessary to ensure that the development will not be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution.
- 7.11.15 As such, subject to conditions, the development complies with Policy CP1 of the Core Strategy and Policy DM9 of the Development Management Policies LDD in this regard.

7.12 Residential Amenities

- 7.12.1 Paragraph 135 of the NPPF advises that planning policies and decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 7.12.2 Policy CP6 of the Core Strategy advises that the Council will support development that sustains parts of the District as attractive areas for business.
- 7.12.3 Policy CP12 of the Core Strategy states that the Council will expect development proposals to protect residential amenities.
- 7.12.4 There are no residential neighbours to the immediate north or east of the site, with those to the north separated by the M25 orbital motorway. The closest residential neighbours are Notley Court to the south, a recent development of 17 residential units at Mansion House Farm, and properties opposite the site to the west of Bedmond Road. Ovaltine Dairy Farm Cottages have access from the Bedmond Road, with other residential units to the rear.

Overshadowing/Loss of Light/Visual Impact

- 7.12.5 Whilst the application is in Outline form with all matters reserved, a series of Parameter Plans have been provided and include development zones; building heights and building lines. The Parameter Plans suggest that the 2 no. data centre buildings would be sited to the north, set back from the site frontage and set away from the southern site boundary. The Education / Training Centre and Substation, 2 no. smaller buildings of up to 7 metres in height would be sited closest to the southern boundary where the site adjoins residential properties at Notley Court. The Building Lines Parameters Plan suggests that the front corner of Building 1 would be a minimum of 69 metres from the southern site boundary with Notley Court. It is also noted that properties at Notley Court are favorably sited to the south of the application site.
- 7.12.6 The southern front corner of Building 1 would be sited a minimum of 80 metres from the western boundary with Bedmond Road, with the road providing further separation distance between the proposed development and properties opposite. The introduction of 2 no. data centre buildings and ancillary works would clearly change the outlook for occupiers of Notley Court and other dwellings to the south and west of the site, however, there is no right to a view in planning terms, and whilst the outlook would change it is considered that the spacing that would be maintained is such that the development would not result in demonstrable harm through overshadowing, loss of light or visual impact.
- 7.12.7 In conclusion, it is considered that the proposal would not result in levels of overshadowing or loss of light to justify the refusal of planning permission.

Overlooking

- 7.12.8 The nature of the use of the proposed 2 no. data centre buildings and substation is such that they are unlikely to include high levels of glazing. The Education / Training Centre is likely to include glazing, however, this is a lower level building of up to 7 metres in height. The northern and eastern elevations would face into the site and present opportunity for the detailed design of the building to avoid overlooking of neighbouring dwellings.

Pollution - Noise Impact

- 7.12.9 Paragraph 180 of the NPPF advises that planning policies and decisions should contribute to and enhance the natural and local environment by amongst other considerations:

(e) Preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air,

water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans;

- 7.12.10 Policy DM9 of the Development Management Policies LDD sets out that planning permission will not be granted for development that has an unacceptable adverse impact on the indoor and outdoor acoustic environment of existing or planned development, has an unacceptable adverse impact on countryside areas of tranquillity which are important for wildlife and countryside recreation.
- 7.12.11 The application is accompanied by an Acoustics Assessment (prepared by M-EC Consulting Ltd), dated June 2023 which has been reviewed by the Council's Environmental Health Officer (EHO). The EHO notes that Noise Receptor 1 (Farmhouse to south east of site) will be the noise receptor that might be adversely affected by noise during the night-time, and this is after the mitigating measures are put in place. In addition, the EHO notes that as the application is in Outline, elements such as chillers and generators have not been finalised. As such they consider that the sound levels used in the noise report, to assess them, might change. They also note that in relation to the Education and Training Centre the Noise report states that at this stage is not known what type of ventilation system will be used.
- 7.12.12 On this basis, it is considered necessary to require an updated Noise Assessment and Report to be submitted that address any existing uncertainties at the detailed design stage.
- 7.12.13 As such, in view of the specialist advice received, it is considered that subject to conditions there would be no material adverse impacts with regards to noise as a result of the development. The proposed development, accordingly, complies with Policy DM9 of the Development Management Policies LDD and NPPF (2023) in this regard.

Pollution - Air Quality

- 7.12.14 Paragraph 180 of the NPPF advises that planning policies and decisions should contribute to and enhance the natural and local environment by amongst other considerations:
- (e) Preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans;*
- 7.12.15 The NPPG provides guidance as to when air quality would be relevant to a planning decision. In summary, it states that when deciding whether air quality is relevant to a planning application, considerations could include whether the development would, amongst other considerations:
- *Significantly affect traffic in the immediate vicinity of the proposed development site or further afield.*
 - *Introduce new point sources of air pollution e.g. furnaces.*
 - *Give rise to potentially unacceptable impact (such as dust) during construction for nearby sensitive locations.*
- 7.12.16 In relation to air quality, Policy DM9 of the Development Management Policies LDD advises that development will not be permitted where it would:
- i. Have an adverse impact on air pollution levels, particularly where it would adversely affect air quality in an Air Quality Management Area and/or*
 - ii. Be subject to unacceptable levels of air pollutants or disturbance from existing pollutant sources.*

- 7.12.17 The application is accompanied by an Air Quality Assessment prepared by Air Quality Consultants (Report ref. J10/13954A/10/2/F1).
- 7.12.18 The Environmental and Protection Officer (EPO) has reviewed the submitted report. They note that the report does not include an assessment of construction phase impacts. The assessment has considered emissions from the proposed generator plant in combination with traffic emissions and demonstrates that off-site impacts of the proposed scheme will be negligible, with the routine testing of the generators resulting in a negligible risk of an exceedance of the short-term air quality objective for Nitrogen Dioxide. The EPO notes that there is a very low risk of an exceedance of the short-term air quality objective for Nitrogen Dioxide, if all generators were required to operate at once (in the event of a significant power outage).
- 7.12.19 The EPO concludes that the assessment of operational phase impacts indicates that the air quality effects of the proposed development will be not significant. They recommend conditions be applied to any grant of consent requiring: submission of a Dust Management Plan; A condition limiting testing to 12 hours per year, with a requirement to undertake testing in accordance with a routine testing regime; A condition requiring the specification of the generators to be installed to be equal to or better than the generators described in Appendix A3 of the submitted report; and a condition requiring the installation and maintenance of an abatement system for all generators.
- 7.12.20 In summary, in view of the specialist advice received, it is concluded that subject to conditions there would be no adverse impacts with regards to air quality as a result of the development. The proposed development in this respect complies with Policy DM9 of the Development Management Policies LDD the NPPF (2023).
- 7.13 Ecology
- 7.13.1 Section 40 of the Natural Environment and Rural Communities Act 2006 requires Local Planning Authorities to have regard to the purpose of conserving biodiversity. This is further emphasised by regulation 3(4) of the Habitat Regulations 1994 which state that Councils must have regard to the strict protection for certain species required by the EC Habitats Directive.
- 7.13.2 The protection of biodiversity and protected species is a material planning consideration in the assessment of applications in accordance with Policy CP9 of the Core Strategy and Policy DM6 of the DMLDD. National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for applications that may be affected prior to determination of a planning application.
- 7.13.3 The application has been submitted with an Ecological Impact Assessment (EclA), (prepared by Bioscan (UK) Ltd), dated June 2023, including: Biodiversity Net Gain Statement and Metric; Bird Survey; Protected Species Survey; and Badger Survey. A Landscape Strategy (Drawing No: 20208.221, mhp, 21 April 2023) has also been provided.
- 7.13.4 The submitted details have been reviewed by Hertfordshire Ecology (HECO), the LPA's consultee on ecology matters, who concludes that the application can be determined with no ecological objections subject to the addition of the recommended conditions/informatives to any consent.
- 7.13.5 HECO note that the Hertfordshire Environmental Records Centre holds no records of notable ecological significance for this site or the area that could potentially be adversely affected by this development proposal. They note that this suggests a site of modest ecological value, an opinion shared by the EclA which accompanies this application.

- 7.13.6 The EIA concludes that the proposed development would not have an adverse impact on biodiversity and would meet current expectations of law and policy. The EclA and associated reports and surveys are up to date and reflect best practice. As such HECO considers them to be fit for purpose and in principle they have no reason to disagree with their conclusions.
- 7.13.7 HECO note that the positive outcome is dependent on the adoption of a series of avoidance, mitigation and compensation measures described in sections 9.3.1 – 9.3.4 of the EclA comprising, amongst others the production of a Construction Environmental Management Plan (CEMP) and lighting strategy. Although only brief details are provided at this early stage in the planning process, HECO consider that they represent reasonable and pragmatic proposals that bring with them a degree of confidence that fully worked up versions will effectively reduce the impact of the proposals. As such HECO suggest that measures set out at sections 9.3.1 – 9.3.4 of the EclA be secured via condition on any grant of consent.

Habitats & Biodiversity Offsetting

- 7.13.8 Paragraph 180 of the NPPF advises that planning policies and decisions should contribute to and enhance the natural and local environment by, among other matters:

d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

No % or quantum of 'net gains' is stipulated in the framework.

- 7.13.9 Paragraph 185 of the NPPF advises that in order to protect and enhance biodiversity and geodiversity, plans should:

b) promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.

- 7.13.10 Paragraph 186 of the NPPF advises that when determining planning applications, local planning authorities should apply principles including:

a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

- 7.13.11 Policy DM6 of the Development Management Policies LDD states that (d) 'development must conserve, enhance and, where appropriate, restore biodiversity through: ii) providing compensation for the loss of any habitats'.

- 7.13.12 Under the Environment Act 2021, all major planning permissions granted in England (with a number of exceptions) will have to deliver at least 10% Biodiversity Net Gain (BNG) from January 2024. BNG will be measured using Defra's biodiversity metric and habitats will need to be secured for at least 30 years.

- 7.13.13 The metric accompanying the application predicts the delivery of a 141.83% and 33.91% increase in habitat and hedgerow units, respectively. HECO note that only long-term monitoring would demonstrate how these communities develop and whether the considerable net gain claimed would be achieved, however, HECO are satisfied that a BNG in excess of the Government's proposed legal minimum requirement of 10% could be delivered. HECO note that local policy does not yet require the delivery of a fixed amount. Acknowledging that the application is in Outline and that the proposals and BNG would therefore develop at Reserved Matters stage, HECO consider it appropriate to require a BNG Management Plan via condition.

7.13.14 In summary and subject to conditions, it is considered that the proposed development meets the requirements of Policy CP9 of the Core Strategy, Policy DM6 of the Development Management Policies LDD and accords with the guidance in the NPPF (2023).

7.14 Trees

7.14.1 In ensuring that all development contributes to the sustainability of the District, Policy CP12 of the Core Strategy advises that development proposals should:

i) Ensure that development is adequately landscaped and is designed to retain, enhance or improve important existing natural features; landscaping should reflect the surrounding landscape of the area and where appropriate integrate with adjoining networks of green open spaces.

7.14.2 Policy DM6 (Biodiversity, Trees, Woodlands, Watercourses and Landscaping) of the Development Management Policies LDD) advises that development proposals for new development should be submitted with landscaping proposals which seek to retain trees and other landscape and nature conservation features. Landscaping proposals should also include new trees to enhance the landscape of the site and its surroundings as appropriate.

7.14.3 The application is accompanied by an Arboriculture Impact Assessment (prepared by Barton Hyett Associates) dated June 2023.

7.14.4 The Council's Tree Officer has reviewed the submitted details. They note that the submitted plans indicate that two sections of hedgerow, one tree (T33 Ash) and a small area of woodland would need to be removed to facilitate the development. They consider that the hedgerow is in relatively poor condition and as such its removal is not considered to be of any real detriment. Whilst the Tree Officer considers the removal of the tree and small area of woodland to be detrimental, they consider that their loss would be compensated for by the creation of a substantial area of country park, adjacent to the site, with substantial new tree, woodland and hedgerow planting. In view of the above, trees are not considered to be a constraint to the development.

7.15 Energy and Sustainability

7.15.1 Paragraph 157 of the NPPF states that "The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure".

7.15.2 Policy CP1 of the Core Strategy requires the submission of an Energy and Sustainability Statement demonstrating the extent to which sustainability principles have been incorporated into the location, design, construction and future use of proposals and the expected carbon emissions.

7.15.3 Policy DM4 of the Development Management Policies LDD) requires applicants to demonstrate that development will produce 5% less carbon dioxide emissions than Building Regulations Part L (2013) requirements having regard to feasibility and viability. This may be achieved through a combination of energy efficiency measures, incorporation of on-site low carbon and renewable technologies, connection to a local, decentralised, renewable or low carbon energy supply. The policy states that from 2016, applicants will be required to demonstrate that new residential development will be zero carbon. However, the Government has announced that it is not pursuing zero carbon and the standard remains that development should produce 5% less carbon dioxide emissions than Building Regulations Part L (2013) requirements having regard to feasibility and viability.

7.15.4 The application is accompanied by an Energy Statement (prepared by Ensphere Group Ltd), dated June 2023. The Energy Statement sets out that the development proposes measures including: Maximised use of waste heat within the development with space heating and water heating incorporating waste rejected from the cooling systems; an extent of PV at roof level; the use of Air Source Heat Pumps (ASHPs) to provide space heating in parts of the building where the waste heat option is not suitable; sufficient quantum of the above technologies to ensure that the contribution from renewables can exceed up to 100% of the regulated demand associated with the administrative function of the buildings; and adoption of the principles of the Climate Neutral Data Centre Pact to ensure that electricity demand will be matched by 75% renewable energy or hourly carbon-free energy by December 31, 2025 and 100% by December 31, 2030.

7.15.5 The Energy Statement therefore concludes that the development would exceed the requirements of Policy DM4 of the Development Management Policies LDD.

7.16 Refuse and Recycling

7.16.1 Policy DM10 (Waste Management) of the DMPLDD advises that the Council will ensure that there is adequate provision for the storage and recycling of waste and that these facilities are fully integrated into design proposals. New developments will only be supported where:

- b) The siting or design of waste/recycling areas would not result in any adverse impact to residential or work place amenity
- ii) Waste/recycling areas can be easily accessed (and moved) by occupiers and by local authority/private waste providers
- iii) There would be no obstruction of pedestrian, cyclists or driver site lines

7.16.2 The County Council's adopted waste planning documents reflect Government policy which seeks to ensure that all planning authorities taken responsibility for waste management. This includes ensuring that development makes sufficient provision for waste management and promotes good design to secure the integration of waste management facilities with the rest of the development and ensuring that the handling of waste arising from the construction and operation of development maximises reuse/recovery opportunities, and minimises off-site disposal. Waste Policy 12: Sustainable Design, Construction and Demolition requires all relevant construction projects to be supported by a Site Waste Management Plan (SWMP) which aims to reduce the amount of waste produced on site and should contain information including types of waste removed from the site and where that waste is being taken to.

7.16.3 The application was accompanied by a Waste Management Plan (prepared by Pegasus Group) dated June 2023 and during the application, a Minerals and Safeguarding Assessment (prepared by mewp) dated 30 June 2023 was submitted. The submitted details focus on construction and comment that arrangements for waste management post completion would be expected to be secured at Reserved Matters stage. This approach is considered acceptable to the LPA.

7.16.4 In relation to the submitted details, the County Council Waste and Minerals Planning Team have reviewed them. They raise no objection but request that a SWMP be secured via condition on any grant of consent.

7.16.5 Having reviewed the Mineral Safeguarding Assessment, the County Council Waste and Minerals Planning Team agrees with the justification for not assessing the potential for mineral extraction within Parcel 2 of the proposed site. Not only will there be no built development within this parcel, it is also sufficiently separated from Parcel 1 such that the potential future extraction of mineral resources in this area is unlikely to be prejudiced by the development of Parcel 1. In relation to Parcel 1, it is noted that the mineral resource lies within the southern part of the site. Given the need for a standoff or buffer between a

potential extraction area and existing residential and agricultural property nearby, the conclusions presented within the report are justified.

- 7.16.6 The County Council Waste and Minerals Planning Team note that the applicant suggests that mineral could be extracted during the preparation of the proposed development platform. This would result in the extraction of some of the resource on an opportunistic basis and therefore accords with Policy 5 of the adopted Minerals Local Plan Review 2007. They also note that the applicant also proposes to undertake further site investigation work and to produce a Materials Management Plan (MMP) to quantify the extraction and use of the sand and gravel. The County Council Waste and Minerals Planning Team agrees with the proposal for this to become a pre-commencement condition.
- 7.16.7 Overall, the approach set out by the applicant within the Minerals Safeguarding Assessment is supported by the County Council Waste and Minerals Planning Team. The extraction of some of this resource will reduce its sterilisation and reduce the need to import primary materials to the proposed development site.
- 7.16.8 Subject to conditions, the development is in accordance with Policy DM10 of the Development Management Policies LDD and Waste Policy 12.

7.17 Infrastructure Contributions

- 7.17.1 Policy CP8 of the Core Strategy requires development to make adequate contribution to infrastructure and services. The Three Rivers Community Infrastructure Levy (CIL) was adopted in February 2015 and came into force on 1 April 2015. The Charging Schedule sets out that the charge per sqm of non-residential development is £nil.
- 7.17.2 In order to make the proposals acceptable to maximize sustainable travel options, HCCHA recommends that a sustainable transport contribution of £105,500 is sought towards improvement of local walking and cycling routes (discussed at section 7.8 above). In addition, a Travel Plan in accordance with the provisions as laid out in Hertfordshire County Council's Travel Plan Guidance, would be required to be in place from the first occupation/use until 5 years post occupation/use. A £1,200 per annum (overall sum of £6000 and index-linked RPI March 2014) Evaluation and Support Fee would need to be secured via a Section 106 agreement towards supporting the implementation, processing and monitoring of the full travel plan including any engagement that may be needed.
- 7.17.3 Whilst the applicant/their agent is aware of this request and no objection has been raised, a Section 106 Agreement to secure the contribution has not been agreed and in the absence of such agreement the proposed development therefore fails to meet the requirements of Policies CP1, CP8 and CP10 of the Core Strategy.

7.18 Referral to Secretary of State

- 7.18.1 The Town and Country Planning (Consultation) (England) Direction 2021 requires Local Planning Authorities to consult the Secretary of State before granting planning permission for certain types of development. These include inappropriate developments in the Green Belt that by reason of their scale or nature or location would have a significant impact on the openness of the Green Belt. In the event that it is concluded that the development subject of this application is acceptable although contrary to the Development Plan, or that very special circumstances exist which are considered to clearly outweigh the harm to the Green Belt by inappropriateness and any other harm, it would be necessary for the LPA to consult the Secretary of State prior to a decision being issued. The purpose of the Direction is to give the Secretary of State an opportunity to consider using the power to call in an application under section 77 of the Town and Country Planning Act 1990. If a planning application is called in, the decision on whether or not to grant planning permission will be taken by the Secretary of State.

7.19 Other Considerations

7.19.1 The submitted Planning Statement sets out a number of other relevant considerations:

The Need for the Development

7.19.2 The Planning Statement sets out that the need for new data centres is overwhelming and that it continues to grow exponentially. The Planning Statement references a recent Public Inquiry at Iver in Buckinghamshire where that LPA accepted that the scale of need is overwhelming, urgent and of national importance. The planning application had been refused by Buckinghamshire Council and then went to appeal (APP/N0410/W/22/3307420), with the appeal being recovered for the Secretary of State's determination, in pursuance of section 79 of, and paragraph 3 of Schedule 6 to, the Town and Country Planning Act (TCPA) 1990. The Secretary of State's decision was issued on the 30 October 2023. The Secretary of State agreed with the Inspector's recommendation and refused planning permission, however, it is acknowledged that the Secretary of State attached significant weight to the need for additional data centre capacity within the UK and Slough Availability Zone (SAZ) within which the appeal site was located. Whilst the application being considered by TRDC is within the Hemel Hempstead Availability Zone (HAZ), the comments of the Secretary of State regarding the national need are relevant.

7.19.3 The application is also accompanied by a letter from the Department for International Trade (DIT) dated 9 January 2023. Whilst the letter does not refer to specific sites or developments, it evidences the strong growth in the demand for data centre capacity to support the UK economy and a sustained demand for sites across a corridor that includes Berkshire, Buckinghamshire, Hertfordshire and west London. The letters is, accordingly, considered to provide evidence of a need for data centres.

7.19.4 The application is also accompanied by an Economic Benefits and Needs Assessment Report (prepared by Nicol Economics) dated June 2023 which provides evidence on the need for data centres.

7.19.5 The growing requirement for data storage and, therefore, the requirement for data centres is acknowledged. The proposed development would contribute to meeting this need. This need is, accordingly, afforded significant weight in favour of the application.

The Emerging Local Plan

7.19.6 In their Planning Statement (para. 5.55 onwards) the applicant refers to the Emerging Local Plan and states at para. 5.59 that;

"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."

7.19.7 The application site (parcel 1) was included within the Regulation 18 Consultation in June 2021 as a 'Potential Residential Allocation' (EOS4.0). It was not identified as a potential employment allocation.

7.19.8 The general background to the Regulation 18 potential residential allocations was set out in Part 1 of the Local Regulation 18 Preferred Policy Options Consultation (June 2021) document which, while recognising that 76% of the District was designated Green Belt and that Green Belt boundaries should be altered only in 'exceptional circumstances,' acknowledged that the Council had no choice but to release some land within the Green

Belt for housing development given the pressing need for housing / affordable housing in the District.

- 7.19.9 Accordingly, the identification of parcel 1 of the application site as a 'Potential Residential Allocation' was not any acceptance that the site did not contribute to the fundamental aim of Green Belt policy to prevent urban sprawl by keeping land permanently open or that it failed to meet the purposes of including land within the Green Belt.
- 7.19.10 In the event, the June 2021 potential residential allocations were not confirmed by the Council and the promoter subsequently withdrew the site from consideration; and it was not, therefore, included within the 2023 Regulation 18 Consultation and does not form part of the emerging Local Plan as a potential allocation for housing or employment. As the site is no longer proposed for housing development, no adjustment to Green Belt boundaries in this location is being promoted in the emerging Local Plan process.. It is also relevant to note, in this context, that the latest version of the emerging Local Plan includes reduced housing numbers.
- 7.19.11 In summary, the identification of the application site parcel 1 as a 'Potential Residential Allocation' in the June 2021 Regulation 18 Consultation' was in the context of the pressing and exceptional need for housing/affordable housing in the District and not because the site did not have an important role to play in preserving the openness of the Green Belt. The latest version of the emerging Local Plan does not propose to release the site from the Green Belt.

Locational Requirements / Alternative Sites / Absence of plan-led solution

- 7.19.12 The Planning Statement sets that there are locational requirements for data centres including: Low risk locations; Reliable source of high-level power; High quality fibre connectivity; Being within close proximity to other data centres which form an Availability Zone; and A site that is physically large and flat enough to accommodate the proposed development.
- 7.19.13 The Planning Statement sets out that the site is a low risk location (i.e. not on flood plain) and has access to power and fibre networks. It is also noted that it is within the Hemel Hempstead Availability Zone (HAZ). However, the site (parcel 1) is not level, with the ground sloping down significantly towards the northern boundary with the M25 orbital motorway. It is considered that substantial engineering operations would be required to create a level platform to accommodate the proposed development in this location.
- 7.19.14 The NPPF does not expressly require consideration of alternative sites to justify development within the Green Belt. However, where a proposal would have substantial adverse effects, for example harm to the Green Belt, which are said to be outweighed by the need for the development, judicial authority has held that the availability of alternative sites upon which that need could be met with less harm may be a relevant planning consideration. The applicant has submitted with the application an Alternative Sites Assessment comprising a desk-top analysis using publicly available information dated June 2023 in support of its contention that the lack of alternative sites for the proposed Hyperscale Data Centre is a matter of substantial weight contributing to the claimed Very Special Circumstances said to clearly outweigh the acknowledged harm to the Green Belt.
- 7.19.15 The Alternative Sites Assessment relates to an area of search encompassing the whole of Hemel Hempstead, the western part of St Albans, Abbots Langley, North Watford and Bourne End and concludes that:
- *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 for the area.*

- *No sites have been identified with extant planning permission that would represent an alternative location for the Development proposal.*
- *There are no sites identified in the Brownfield Registers of the respective LPAs that would meet the needs of the development Proposal*

7.19.16 The assessment further comments that: “There are therefore very limited opportunities for finding unconstrained sites beyond the Green Belt”.

7.19.17 The LPA acknowledges that the Development Plan does not identify any sites for a Hyperscale Data Centre within the District.

7.19.18 The locational requirements and lack of alternative sites for the size of Hyperscale Data Centre applied for is therefore afforded moderate weight in the planning balance in favour of the application.

Economic Impact

7.19.19 The Planning Statement set out a number of economic benefits associated with data centre developments, including investment in construction and the generation of high value added jobs. Paragraph 5.166 of the Planning Statement sets out the scheme would have construction costs of £700 - £800 million and that when including the cost of computing, networking and communications equipment it is likely to bring the total cost to over £1 billion.

7.19.20 The application was also accompanied by an Economic Benefits and Needs Assessment Report (prepared by Nicol Economics) dated June 2023. The report concludes that; “*A mid-range, cautious estimate is that the completed development would support 201 FTE jobs, a wage bill of around £10 to £11 million and annual direct GVA of some £100 million*”.

7.19.21 Paragraph 85 of the NPPF (2023) requires that significant weight be placed on the need to support economic growth.

7.19.22 The economic benefits are therefore afforded significant weight in the planning balance in favour of the application.

Employment – Temporary and Permanent

7.19.23 As noted, the application was accompanied by an Economic Benefits and Needs Assessment Report (prepared by Nicol Economics) dated June 2023 which concludes that; “*A mid-range, cautious estimate is that the completed development would support 201 FTE jobs...*”.

7.19.24 The Planning Statement also states that the development would support a wage bill of up to £9.7 - £11.4 million; annual direct GVA of £84 - £126 million; and “taking into account the wider economic effects, the data centre would support in the order of £230 to £300 million in GVA and up to 1,300 FTE extra jobs across London and the wider south east”.

7.19.25 The creation of jobs (both temporary and permanent) is welcomed, however, there is no guarantee that these jobs would be filled by Three Rivers residents. Consideration should also be given to the fact that the number of direct jobs created is 201 FTE.

7.19.26 Notwithstanding, the direct and indirect benefits of employment are afforded significant weight in favour of the application.

Social Benefits

7.19.27 The Planning Statement sets out that data centres provide vitally important social benefits that underpin modern day living in the UK. There is reference to sectors and activities that are reliant on the use of data including: Government and other administration; Education

and home learning; Healthcare, vaccines and medicine; Home banking and finance; National defence; Customs and border control; Internet; Home computers and tablets; Home shopping; TV and music streaming; Online gaming; Social media and Mobile phones.

- 7.19.28 The social benefits as a result of the proposed development are afforded moderate weight in the planning balance in favour of the application.

Addressing Climate Change

- 7.19.29 The Planning Statement sets out that the data centre will be a state of the art, highly efficient and net zero carbon development. The adoption of the principles of the Climate Neutral Data Centre Pact are proposed to ensure that electricity demand will be matched by 75% renewable energy or hourly carbon-free energy by December 31, 2025 and 100% by December 31, 2030. The Planning Statement also notes that the scheme has been designed to be BREEAM 'Excellent' which exceeds policy requirements. There is reference to the provision of photovoltaic cells at roof level and air source heat pumps to ensure that the contribution of renewables can exceed 100% of the regulated demand associated with the administrative function of the buildings.
- 7.19.30 The above commitments are welcomed and it is considered that these commitments could be secured via condition on any grant of consent.
- 7.19.31 The Planning Statement refers to hyperscale data centres such as that proposed, replacing older legacy data centres; however, the proposed application is for a new data centre and does not propose to directly replace any existing facility and there is, therefore, no certainty that older less energy efficient data centres would be replaced should planning permission be granted for the proposed development.
- 7.19.32 Limited weight in the planning balance in favour of the application is attributed to addressing climate change.

Creation of Country Park

- 7.19.33 The application proposes the creation of a Country Park of approximately 21ha on Field Parcel 2 which would remain largely free of built development.
- 7.19.34 The Country Park is intended to provide publicly accessible open space which is welcomed and there would be associated social, health and well-being benefits, in addition to opportunities for ecological enhancements. However, it is noted that, as shown on the Access and Movement Parameter Plan, there are a number of existing publicly accessible rights of way / footpaths across and around parcel 2 such that this area is already accessible and enjoyed by local residents. In addition there is the availability of the nearby Leavesden Country Park for public recreation.
- 7.19.35 In relation to Biodiversity Net Gain (BNG), the metric accompanying the application predicts the delivery of a 141.83% and 33.91% increase in habitat and hedgerow units, respectively.
- 7.19.36 The creation of Country Park is, accordingly, afforded moderate weight in the planning balance in favour of the application.

Building Beautiful

- 7.19.37 The Planning Statement refers to paragraph 126 (now paragraph 313) of the NPPF (2023) which references the creation of high quality, beautiful and sustainable buildings and places. Whilst in Outline, the Planning Statement sets out that the applicant has sought to demonstrate a landscape led approach.
- 7.19.38 It is recognised that details would be secured via future Reserve Matters application(s), however, the creation of high quality, beautiful and sustainable buildings is a requirement

of National Policy in any case and therefore neutral weight is attached to this in favour of the application.

Education and Employment Fund

- 7.19.39 The Planning Statement sets out that the applicant is prepared to offer a £10 million fund towards education and employment initiatives which could be secured through a planning obligation. It is suggested that this would be directed to safeguarding apprenticeships, training programmes and community engagement. The Planning Statement states that; *“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”*. During the application process, the agent updated to advise that the applicant considered a payment of £12 million to be a proportionate contribution to mitigate the need for education, training and apprenticeships generated by the proposal.
- 7.19.40 The Council questions whether a contribution of this nature would meet the relevant CIL tests of necessity and relationship. An alternative method such as the submission of an Employment and Training Skills Plan to be agreed by the Council and implemented by the applicant may be more appropriate with identification of the relevant Council (or another) resource to implement/monitor. This would not require the suggested contribution but would likely attract a smaller contribution to cover the monitoring costs of such Plan.
- 7.19.41 Notwithstanding uncertainty over the precise method of delivery, it is acknowledged that the application provides opportunity to promote training and employment and this could be restricted to Three Rivers District, providing local benefits.
- 7.19.42 Education and employment benefits are therefore afforded significant weight in favour of the application.

Heat Capture

- 7.19.43 The Planning Statement sets out that the operation of a data centre generates large amounts of heat from the servers and that the development could be designed to capture and harness the heated air so that it could be used as part of a district heating network. The Planning Statement does acknowledge that there are currently no plans for such system but that there would be opportunity for future developments to tap into when needed.
- 7.19.44 If operational, this would assist in reducing carbon emissions and would also reduce energy bills for recipients. However, there are no planned developments within vicinity of the site at this time and therefore the feasibility and likelihood of such scheme being implemented is uncertain.
- 7.19.45 As such, limited weight in the planning balance in favour of the application is attached to heat capture.

7.20 The Planning Balance and Conclusions

- 7.20.1 Paragraph 152 of the NPPF (2023) states that; *“Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances”*. It continues at paragraph 153; *“Very Special Circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations”*.
- 7.20.2 There is no definition of what constitutes Very Special Circumstances (VSC) or what weight should be attached to any VSC this is a matter of planning judgement.
- 7.20.3 It has been concluded at section 7.3 above that the development subject of this Outline planning application would constitute inappropriate development in the Green Belt. This is by definition harmful. In addition, the proposed development would result in urban sprawl

causing harm by loss of the openness of the Green Belt and would conflict with 2 of the purposes of including land within Green Belt as it would fail to prevent unrestricted sprawl and would not safeguard the countryside from encroachment. The NPPF is clear (paragraph 153) that substantial weight should be given to any harm to the Green Belt.

- 7.20.4 Consideration has been given as to whether there is 'other harm' and it has been concluded that there would be harm to the character and appearance of the area and to the landscape of which the application site forms part. This harm weighs substantially against the proposal. There would be less than substantial harm to heritage assets, albeit that this would be outweighed by the public benefits of the development. Conflict with Policies PSP2 and CP6 of the Core Strategy (adopted October 2011) is also identified in relation to the location of the employment development, however, as noted at paragraph 7.5.5 above, this needs to be balanced against the economic benefits.
- 7.20.5 Benefits of the development have been identified. These include the identified need for data centres and economic benefits, namely through investment, employment and training/educational opportunities. These benefits weigh significantly in favour of the development.
- 7.20.6 The creation of a Country Park which would be publicly accessible is considered a benefit attracting moderate weight. Social benefits are afforded moderate weight. The locational requirements of the Hyperscale Data Centre and lack of alternative sites in the search area is afforded moderate weight in favour of the application.
- 7.20.7 Limited weight is attached to opportunities presented by heat capture and addressing climate change.
- 7.20.8 Neutral weight is attached to 'Building Beautiful'.
- 7.20.9 Following consideration of the application as a whole, it is concluded that the totality of harm identified, including the harm to Green Belt and other harm, is not clearly outweighed by other considerations. Therefore, the Very Special Circumstances which are necessary to justify the development do not exist and the application is recommended for refusal.

8 Recommendation

- 8.1 That PLANNING PERMISSION BE REFUSED for the following reason(s):
- R1 The proposed development would constitute inappropriate development in the Green Belt, would result in harm to openness in both spatial and visual terms, and would conflict with two of the five purposes of including land within the Green Belt. Substantial weight is given to the harm to the Green Belt. Other harm has been identified to the character and appearance and landscape of the area. The harm to the Green Belt and other harm is not clearly outweighed by other material considerations such as to constitute the Very Special Circumstances necessary to permit inappropriate development within the Green Belt. The development is therefore contrary to Policies CP1, CP11 and CP12 of the Core Strategy, Policy DM2 of the Development Management Policies LDD and the NPPF (2023).
- R2 The proposed development by virtue of its siting, scale, height and massing would fail to protect and enhance the natural environment from inappropriate development or to conserve or enhance the character of the area and would therefore result in significant demonstrable harm to the character and appearance of the area and the natural environment, contrary to Policies CP1 and CP12 of the Core Strategy, Policy DM7 of the Development Management Policies LDD and the NPPF (2023).
- R3 In order to maximize sustainable travel options, a financial contribution towards supporting the improvement of cycling and walking routes in the vicinity of the site is required. In the absence of a relevant completed undertaking under the provisions of Section 106 of Town

and Country Planning Act 1990, the development fails to meet this requirement. The application therefore fails to meet the requirements of Policies CP1, CP8 and CP10 of the Core Strategy and the NPPF (2023).

8.2 **Informatives:**

- I1 The Local Planning Authority has been positive and proactive in considering this planning application in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. Whilst the applicant and/or their agent and the Local Planning Authority discussed the scheme during the course of the application, and additional information was provided, the proposed development as amended fails to comply with the requirements of the Development Plan and does not maintain/improve the economic, social and environmental conditions of the District.

9 Appendices

9.1 Appendix 1: Consultation Responses

9.1.1 Abbots Langley Parish Council: 03.08.23. Objection.

Members feel this is a grossly inappropriate development on greenbelt at the entrance to the village. The scale of the design, plan size and elevation scale would have a detrimental and overbearing effect on the overall approach to the village turning it into an industrial area. Members feel the scale of the buildings is in excess of a number of housing estates within Abbots Langley Parish and therefore cannot be ignored. The applicant looked at further sites which members feel are more appropriate for this type of development and can therefore see no valid justification for the loss of this substantial site from greenbelt. Members are also concerned the location of this site would render infill from the site to the current urban boundary of Abbots Langley more indefensible. In brief, members feel this application would result in two ugly, large buildings on the edge of the Parish which would turn the village into an industrial centre. Whilst members appreciate the application includes the donation of a park to the Parish, members feel much of the benefit would be outweighed by the overdevelopment of the host site to the detriment of the village.

9.1.2 Active Travel England: [No objection]

9.1.2.1 Initial Comments 19.07.23. Deferral.

Notice is hereby given that Active Travel England's formal recommendation is as follows:

c. Deferral: ATE is not currently in a position to support this application and requests further assessment, evidence, revisions and/or dialogue as set out in this response.

1.0 Background

The site is located to the north of Abbots Langley and borders the M25 motorway to the north. A single point of access by way of a new T junction is proposed from the west of the site to join Bedmond Road. This access would serve the two data centre buildings and the education building and also be shared with the existing farm to the south. The illustrative masterplan is unclear whether there would be any connection to the walking and cycling routes in the adjacent proposed country park, although an arrow is shown on the access and movement plan indicating this may also be a route. The latter plan seems to also show a shared path for walkers and cyclists alongside this vehicle access to the west.

National policy and guidance

The National Planning Policy Framework (NPPF) states:

104. Transport issues should be considered from the earliest stages of... development proposals, so that: c) opportunities to promote walking, cycling and public transport use are identified and pursued; 110. In assessing... specific applications for development, it should be ensured that: a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location; [and] b) safe and suitable access to the site can be achieved for all users; 112. ...applications for development should: a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas...; b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport; [and] c) create places that... minimise the scope for conflicts between pedestrians, cyclists and vehicles...; 113. All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.

Manual For Streets (MfS, 2007) in section 4 describes layout and connectivity and in particular that walkable neighbourhoods are characterised by having a range of facilities

within 10 minutes' walking distance, typically a distance of 800m. MfS encourages a reduction in the need to travel by car through the creation of mixed-use neighbourhoods with interconnected street patterns, where daily needs are within walking distance of most residents. Section 3 requires that the movement of all users should be key to the design and layout of new development. Local Transport Note 1/20 (LTN 1/20) provides guidance to local authorities on delivering high quality, cycle infrastructure, including chapter 14 which sets out how to plan for and integrate cycling infrastructure with new development.

Gear change: a bold vision for cycling and walking is the Government's cycling and walking plan for England. This sets the Government's vision for cycling and walking to be the natural first choice for many journeys with half of all journeys in towns and cities being cycled or walked by 2030. Active Travel England's responsibilities for walking also extend to "wheeling", such as the use of wheelchairs (self propelled or powered) and mobility scooters.

Inclusive mobility: making transport accessible for passengers and pedestrians provides guidance on designing and improving the accessibility and inclusivity of public transport and pedestrian infrastructure.

Active Design (Sport England, supported by Active Travel England and the Office for Health Improvement & Disparities) sets out how the design of our environments can help people to lead more physically active and healthy lives. This includes, among other things, providing walkable communities, connected active travel routes, multi-functional open spaces, and high quality streets and spaces.

Local policy and guidance

The Development Plan includes the Core Strategy (2011) and Development Management policies (2014). The site is not allocated within the site allocations document either for employment/education or as a country park. It is noted however that Policy CP10 requires all development proposals will need to demonstrate that: k) It is integrated with the wider network of transport routes, including public rights of way and cycle paths where appropriate and l) It makes adequate provision for all users, giving priority to people with mobility difficulties, pedestrians, cyclists and equestrians. The policy also requires the submission of a Green Travel Plan. This is referred to within the submitted details and although no plan is specifically labelled as a 'Green Travel Plan' it is assumed that the Framework Travel Plan is there to fulfil this requirement. The development management policies are missing any further direction on active and sustainable travel, although they do make reference to local parking standards. It is unknown whether these make any allowance for cycle parking. Policy PSP2 Development in the Key Centres – includes reference to ix) Improve facilities and accessibility at Leavesden Country Park and xv) Improve outdoor leisure facilities for residents of Abbots Langley.

Hertfordshire CC are currently consulting on a draft Local Cycling and Walking Investment Plan during May – July 2023. It is noted that the existing Tibbs Hill Road to the west of the site is designated as a secondary route 'connecting smaller settlements and other destinations, such as schools and employment sites' and the track that bisects the proposed country park site is designated as a Three Rivers local route.

2.0 Summary

The application is submitted in outline form with all matters reserved for a data centre shown as 84,000 sqm (GEA) delivered across 2no. buildings, country park and ancillary innovation, and education and training centre of up to 300 sqm. It is understood the proposal plans to create 210 full-time equivalent employees. The site is within the green belt and the application argues that special circumstances apply. The large area of country park to the east of the site includes an indication of walking and cycling routes running around the perimeter. There is no obvious relationship to neighbouring sites, however it is noted that

part of the site is being considered in the emerging replacement local plan for housing development. The application includes an EIA to which the screening opinion concluded impacts would be 'relatively limited'.

It is welcomed that the application is seeking to become a BREEAM excellent development, is to include cycle parking, showers and changing rooms.

3.0 Opportunities

The site is located 800m+ walk from the closest high street with a range of facilities to support employees break and leisure time. Local bus stops are available within along Bedmond Road and Tibbs Hill Road, however it is noted that the site entrance to the closest bus stop is 450m+ walking (closer to 500m from the edge of buildings based on submitted design). Kings Langley is the closest rail station, which is a 2.8m route via Abbots Road or Gallows Hill Lane.

The transport assessment considers highway safety and provides analysis of collision data, however more details would be helpful to understand whether road layout was a factor and whether active travel modes were affected. It is noted there was one serious collision very close to the site at Dairy Way/ Bedmond Road.

The country park is a land use likely to positively encourage active travel trips due to leisure routes for walking, wheeling and cycling. Information on trip generation for country park is needed, including modal split to understand the draw this use is likely to have on the local area and whether there would be any conflicts with trips to the built facilities proposed. There may be opportunities to enhance access provision to the site through the country park or possibly via the lane that bisects the proposed country park site. Should such routes be promoted further, all weather surfacing and lighting for darker months will be vital, and quality improvements secured by condition or planning obligation.

There is no quality audit of the existing active travel infrastructure or likely active travel routes to understand if this is fit for purpose and complies with the design specifications in Inclusive Mobility or LTN 1/20 Cycle Infrastructure Design. Consideration of this in the transport assessment would enhance the assessment and establish the attractiveness of those trips by active travel modes, the findings of which can effectively be used to deliver the Travel Plan and resolve any quality issues found.

The inclusion of supporting active travel facilities such as showers and cycle parking in the plans are very welcome. A drying room is also a highly useful facility for wet clothing and would strongly encourage active travel all year round and in all weather conditions. Cycle parking should also make provision for adapted cycles, tricycles and cargo bikes and meet the quantum requirements in LTN 1/20 – Cycle Infrastructure Design.

4.0 Areas of Concern

The Framework Workplace Travel Plan (FTP) does provide indicative details of modal shift based on the 2011 census and recommends a 10% single car occupancy reduction target, however no similar targets are set for active travel modes, a key omission to deliver active travel. It also relies on multiple car occupancy to help deliver this target, perhaps illustrative of the limited active travel and public transport options this location would support. Wider targets are to be derived by baseline travel surveys on occupation; however this is too late to make design and layout changes to support active travel or make developer contributions towards off site facilities.

A monitoring period is identified at year three and year five and includes consultation with Hertfordshire County Council's sustainable travel team to help identify remediation actions required. The FTP states that the developer/occupier will allocate money to cover the cost

of administering the Travel Plan, but no other specific on- or off-site contributions are described. No recommended remedial actions are indicated should travel plan targets be missed. Provision could be made via a Section 106 planning obligation to seek a sum held in trust for a set period to deliver further infrastructure enhancements should targets not be met.

It is not considered this approach meets the requirements in Policy CP10 of the Core Strategy, which requires that all development proposals are integrated with the wider network of transport routes and makes adequate provision for all users, giving priority to people with mobility difficulties, pedestrians, cyclists and equestrians. The policy also requires the submission of a Green Travel Plan, and this content is assumed to be contained within the FTP; however for the above reasons fails to provide a holistic evidence base and strategic steer in line with the above national and local policy with regards to active travel.

5.0 Next Steps

ATE would invite the LPA and the developer to consider these comments and that further research and assessment is undertaken to address the identified shortfalls in the travel plan in order to meet national and local policy and create a sustainable form of development.

ATE would be happy to provide further support and guidance to the LPA and the developer in this regard.

9.1.2.2 Further comments 13.09.2023. No objection (subject to conditions).

Notice is hereby given that Active Travel England's formal recommendation is as follows:

b. Conditional approval: ATE recommends approval of the application, subject to the agreement and implementation of planning conditions and/or obligations as set out in this response.

1.0 Background

The site is located to the north of Abbots Langley and borders the M25 motorway to the north with vehicle access proposed from the west of the site to join Bedmond Road. The application is submitted in outline form with all matters reserved for a data centre shown as 84,000 sqm (GEA) delivered across 2no. buildings, a significant expansion of the country park and ancillary innovation, education and training centre of up to 300 sqm. It is understood the proposal plans to create 210 full-time equivalent employees.

The western access would serve the two data centre buildings and the education building and also be shared with the existing farm to the south. The illustrative masterplan is unclear whether there would be any connection to the walking and cycling routes in the adjacent proposed country park, although an arrow is shown on the access and movement plan indicating this may also be a route. The latter plan seems to also show a shared path for walkers and cyclists alongside this vehicle access to the west.

2.0 Summary

The applicant/agent has supplied new information in response to the comments made by ATE in conjunction with responses on transport matters by the Local Highway Authority and National Highways. This includes comments from the transport consultant on ATE's planning application assessment toolkit. The new submitted details indicate:

1. The footway to the east side Bedmond Road will be extended to the access to enable a safe walking distance to the bus stop (450m to the south);

2. Following discussions with the LHA, the developer now agrees to pay £105,500 towards LCWIP objectives to enhance the connectivity by cycle to the nearest rail station to the north west of the site, reducing distances to 2.5km;
3. The new controlled priority junction has been sought by the LHA, which can be secured via reserved matters or condition to ensure deliverability. This will resolve the loss of an existing traffic calming feature.

The developer has also clarified that the country park shown on the masterplan is already open and in use by the local community rather than being a new proposal. However this is a significant increase in parkland as described in the planning statement: "... a new publicly accessible Country Park (circa 21ha) that will form an extension to Leavesden Country Park." It is argued that this significant expansion will draw more visitors to the site and thus active travel to the new routes and the interconnections to the established active travel routes are crucially important.

3.0 National Policy and Guidance

The response to ATE notes that the proposal complies with paragraphs 110 and 111 of the NPPF in that no harm is identified and the NPPF does not require a distance assessment from bus and rail facilities. ATE would take this opportunity to remind that paragraph 112 of the NPPF puts into context how to apply preceding paragraphs by setting a series of requirements:

- give first priority to cycle movements and access to public transport
- address the needs of all mobilities and disabilities
- create attractive, safe and secure spaces, minimising conflicts between cyclists, pedestrians and vehicles respond to design standards.

In addition, paragraph 104 c) states that opportunities to promote walking, cycling and public transport should be identified and pursued. This is effectively repeated in paragraph 110 a). The requirements of paragraph 112 a), which seek to give priority first to pedestrian and cycle movements, and second – so far as possible – to facilitate access to high quality public transport, are especially relevant to the proposal.

4.0 Opportunities

Beyond the contributions offered above there are opportunities to secure good quality design and technical standards and the effective provision of a travel plan.

A new internal shared use path is proposed. LTN 1/20 Cycle Infrastructure Design requires this should be 3m in width rather than the 2m on the illustrative plans. ATE recommend the use of a planning condition secure compliance with this standard in the final design.

The new footway proposed to allow access to the bus stop should comply with the technical standards in Inclusive Mobility, and complementary guidance on the use of tactile paving surfaces.

A Framework Workplace Travel Plan has been submitted at this stage which states that final staffing numbers are not known. This is noted and ATE recommend that a Full Workplace Travel Plan is secured by condition to ensure targeted active travel objectives are met.

The access and movement plan seems to show a shared path for walkers and cyclists alongside the vehicle access to the west. There needs to be a clear and precise access and maintenance strategy to secure this and ATE recommend a planning condition is used to ensure this is delivered in a timely fashion and maintained to establish an active travel behaviour change in the long term.

5.0 Next Steps

Should the Local Planning Authority be minded to approve the application, ATE recommends that the contribution sought by the Local Highways Authority is secured by appropriately worded planning obligation and that planning conditions are used to secure the following matters:

1. No development shall commence until [or other relevant timescale] details of the proposed cycle parking have been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the cycle parking has been constructed and completed in accordance with the approved details and shall thereafter be kept free of obstruction and permanently available for the parking of cycles only.

Reason: To give priority to cycling movements; in accordance with NPPF paragraphs 104, 110 and 112, [insert relevant policy or policies...] of the [insert development plan document reference xxxxxx] and/or the guidance in LTN 1/20 on Cycle Infrastructure Design.

2. No development shall commence [or other relevant timescale] until a general arrangement plan(s) to a scale of 1:200 showing details of the walking / cycling infrastructure including works to the adopted highway have been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the walking and cycling infrastructure for the development or identified phase of development has been constructed and completed in accordance with the approved details.

Reason: To give priority to cycling movements; in accordance with NPPF paragraphs 104, 110 and 112, [insert relevant policy or policies...] of the [insert development plan document reference xxxxxx] and/or the guidance in LTN 1/20 on Cycle Infrastructure Design.

3. No development shall commence [or other relevant timescale] until a general arrangement plan(s) to a scale of 1:200 showing details of all new and improved junctions including works to the adopted highway have been approved in writing by the Local Planning Authority. The Junction Assessment Tool in LTN 1/20 on Cycle Infrastructure Design shall be used for the design of all junctions except priority junctions between minor roads with flows below 500 vehicles per day and where applicable the details must indicate proposals for:

- Existing levels of the finished highway tying into building threshold levels
- Alterations to waiting restrictions or other Traffic Regulation Orders to enable the works
- Signing, street furniture, street trees and pits
- Structures on or adjacent to the highway
- Extent of any stopping up, diversion or dedication of new highway (including all public rights of way shown on the definitive map and statement).

The development shall not be occupied until the junction works have been constructed and completed in accordance with the approved details.

Reason: To give priority to walking and cycling movements and in the interests of highway safety; in accordance with NPPF paragraphs 104, 110 and 112, [insert relevant policy or policies...] of the [insert development plan document reference xxxxxx] and/or the guidance in LTN 1/20 on Cycle Infrastructure Design.

4. No development shall commence until [or other relevant timescale] details of the site access points for pedestrians and cyclists [in accordance with submitted plan xxxxxxxx] have been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the means of access for pedestrians and cyclists for the development have been constructed in accordance with the approved details which shall thereafter be retained for access purposes only.

Reason: To give priority to walking and cycling movements and in the interests of highway safety; in accordance with NPPF paragraphs 104, 110 and 112, [insert relevant policy or policies...] of the [insert development plan document reference xxxxxxx] and/or the guidance in LTN 1/20 on Cycle Infrastructure Design.

5. No development shall commence until [or other relevant timescale] a Full Workplace Travel Plan comprising immediate, continuing and long-term measures to promote and prioritise alternatives to private vehicular use, which shall include clear objectives and modal share targets, together with a time-bound programme of implementation, monitoring, regular review and interventions (in the event of a failure to meet modal share targets) shall be submitted to and approved in writing by the Local Planning Authority. The approved Travel Plan shall be implemented, monitored and reviewed in accordance with the agreed Travel Plan measures and targets to the satisfaction of the Local Planning Authority.

Reason: In order to deliver sustainable transport objectives including a reduction in private vehicular journeys and the increased use of public transport, walking, wheeling and cycling; in accordance with NPPF paragraphs 104, 110 and 112, and [insert relevant policy or policies...] of the [insert development plan document reference xxxxxxx].

6. No occupation of the development hereby permitted shall take place until a plan detailing the access and maintenance arrangements, including who is responsible for different elements of the unadopted footway/cycleways and adjacent vegetation in the country park and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority. Should any part be maintainable by a maintenance company, details of long-term funding arrangements should be provided. Thereafter the plan must be adhered to and the local authority informed of any changes in responsibility.

Reason: To ensure appropriate maintenance arrangements are put in place such that the footway/cycleways are maintained to an acceptable standard to allow safe passage of pedestrians and cyclists; in accordance with NPPF paragraphs 104, 110 and 112, and policy DM12 Community, Leisure and Cultural Facilities of the Three Rivers District Council Development Management Policies Local Development Document (adopted July 2013).

9.1.3 Affinity Water: [No objection].

9.1.3.1 Initial comments 19.07.23. Objection.

Thank you for notification of the above planning application. These are referred to us where our input on issues relating to water quality or quantity may be required.

You should be aware that the proposed development site is located within an Environment Agency defined groundwater Source Protection Zone 1 (SPZ1) corresponding to our Pumping Stations (BRIC & NETH). These are for public water supply, comprising a number of Chalk abstraction boreholes, operated by Affinity Water Ltd (AW).

We currently **object** to the application due to the requirement of further information for our review, to allow us to assess the application in greater detail and, if we are able to remove our objection, provide more informed condition requirements. This should include the following:

- Intrusive Ground Investigations to identify the current state of the site and appropriate techniques to avoid displacing any shallow contamination to a greater depth.
- A Risk Assessment identifying both the aquifer and the abstraction point(s) as potential receptor(s) of contamination (including turbidity).
- Initial proposals of foundation designs detailing the depths and types (e.g. piling), including mitigation measures (e.g. appropriate piling design, etc.) to prevent and/or minimise any potential migration of pollutants (including turbidity) to public water supply.

- Further surface water drainage details which explore whether infiltration is a viable option for the discharge of water in a source protection zone and treatment proposals prior to discharge, in relation to the protection of public water supplies.
- Details of the cooling system for the data centre (e.g. via boreholes, chemicals, water supply).
- Any other information in relation to the protection of public water supply.

At this time it is our view that the development as proposed represents a significant risk to groundwater, however if our concerns, set out above, have been addressed we may ask that appropriate conditions are imposed to protect the public water supply, which would need to address the following points:

- b. **Ground Works:** Any works involving excavations that penetrate into the chalk aquifer below the groundwater table (for example, piling or the installation of a geothermal open/closed loop system) have the potential to cause water quality failures due to elevated concentrations of contaminants through displacement to a greater depths and turbidity generation. Increased concentrations of contaminants, including turbidity, impacts the ability to treat water for public water supply.

The following should be submitted to address this point:

- b) Further Intrusive Ground Investigations to identify the current state of the site and appropriate techniques to avoid displacing any shallow contamination to a greater depth.
 - ii) A Risk Assessment identifying both the aquifer and the abstraction point(s) as potential receptor(s) of contamination (including turbidity).
 - iii) A Method Statement detailing the depth and type of excavations (e.g. piling) including mitigation measures (e.g. appropriate piling design, etc.) to prevent and/or minimise any potential migration of pollutants (including turbidity) to public water supply.
 - iv) A Piling Risk Assessment identifying both the aquifer and the abstraction point(s) as potential receptor(s) of contamination.
 - v) A Monitoring Plan for parameters (including turbidity) within a borehole at a location between the site and the abstraction point.
 - vi) Notification of excavation works 15 days before commencement (for enhanced monitoring and service interruption plans).

2. Construction: Construction works may exacerbate any known or previously unidentified contamination. If any pollution is found at the site, then works should not commence or cease immediately and appropriate monitoring and **remediation** will need to be undertaken to avoid any impact on water quality in the chalk aquifer.

The following should be submitted to address this point:

- vii) A Remediation Strategy/Report detailing how this contamination will be/was dealt with.

3. Surface Water Drainage: Surface water drainage should use appropriate Sustainable Urban Drainage Systems that prevents the mobilisation of any contaminants where a direct pathway to the aquifer is present. This should use appropriate techniques that prevent **direct pathways** into the aquifer and ensures that sufficient **capacity** for all surface water to be dealt with on site is provided and prevents consequential flooding elsewhere.

The following should be submitted to address this point:

- viii) A detailed Surface Water Drainage Strategy that demonstrates appropriate protection of surface and groundwater.
- ix) A Flood Risk Assessment.

4. Substance Storage: If any tanks, generators and filling areas are to be installed as part of the development, they will need to have **secondary containment** which can hold 110% of the volume the tank or generator is designed to contain to prevent contaminants being discharged into the surface and groundwater network in the event of a spill. Where appropriate, a **leak detection** system should also be installed and a procedure adopted that includes directly notifying Affinity Water along with the Environment Agency immediately if any leak is suspected.

x) A Substance Storage Strategy/Report detailing how this will be carried out.

Issues arising from any of the above can cause critical abstractions to switch off resulting in the immediate need for water to be sourced from another location, which incurs significant costs and risks of loss of supply during periods of high demand.

The construction works and operation of the proposed development site should be done in accordance with the relevant British Standards and Best Management Practices, thereby significantly reducing the groundwater pollution risk.

For further information we refer you to CIRIA Publication C532 “Control of water pollution from construction – guidance for consultants and contractors”.

Water efficiency

Being within a water stressed area, we expect that the development includes water efficient fixtures and fittings. Measures such as rainwater harvesting and grey water recycling help the environment by reducing pressure for abstractions in chalk stream catchments. They also minimise potable water use by reducing the amount of potable water used for washing, cleaning and watering gardens. This in turn reduces the carbon emissions associated with treating this water to a standard suitable for drinking, and will help in our efforts to get emissions down in the borough.

Infrastructure connections and diversions

There are potentially water mains running through or near to part of proposed development site. If the development goes ahead as proposed, the developer will need to get in contact with our Developer Services Team to discuss asset protection or diversionary measures. This can be done through the My Developments Portal (<https://affinitywater.custhelp.com/>) or aw_developerservices@custhelp.com.

In this location Affinity Water will supply drinking water to the development. To apply for a new or upgraded connection, please contact our Developer Services Team by going through their My Developments Portal (<https://affinitywater.custhelp.com/>) or aw_developerservices@custhelp.com. The Team also handle C3 and C4 requests to cost potential water mains diversions. If a water mains plan is required, this can also be obtained by emailing maps@affinitywater.co.uk. Please note that charges may apply.

9.1.3.2 Further comments 26.09.23. Objection.

Thank you for the submissions of further information. We note the submission of a preliminary ground investigation and the omitting of fuel storage from the application. Our concerns aren't completely resolved but we feel some could be resolved under strict conditions being implemented on the development which include the following:

- An intrusive ground investigation plan (prior to the investigation) submitted to us for review and comment prior to the intrusive ground investigation, as a pre-commencement condition.
- An intrusive ground investigation as a pre-commencement condition
- Remediation carried out following the results of the intrusive ground investigation as a pre-commencement condition

- Remediation found during as a condition.

Let me know when you'd like me to provide the full wording of these conditions.

With regards to drainage, we still have some outstanding matters before conditions can be confirmed. The current proposed set up only appears to demonstrate 2 stages of treatment for road run-off. This would require 3 to address our concerns for the protection of public water supply within SPZ1. There also needs to be an alternative proposal method for disposal provided if infiltration is found not to be feasible due to contamination presence or other reasons. Once updates addressing these have been provided we will likely ask for the following conditions with regards to drainage:

- Proposed drainage methodology following the intrusive investigation and subsequent remediation as a pre-construction condition.

9.1.3.3 Further comments 08.11.23. No objection.

Following on from our response dated 19 July 2023 we have since been provided with further information (on 01/09/23 and 23/10/23) for our review and we are now prepared to remove our objection, provided that the following conditions are applied to the development:

1. Contamination through Ground Works

For any works involving excavations, the following condition needs to be implemented:

Condition

A) Prior to the commencement of the development, no works involving excavations (e.g. piling or the implementation of a geothermal open/closed loop system) shall be carried until the following has been submitted to and approved in writing by the Local Planning Authority in consultation with Affinity Water:

- i) An Intrusive Ground Investigation plan prior to the intrusive ground investigation, agreed with Affinity Water to ensure all concerns will be covered.
- ii) An Intrusive Ground Investigation to identify the current state of the site and appropriate techniques to avoid displacing any shallow contamination to a greater depth.
- iii) A Remediation Strategy/Report if found to be needed following the results of the intrusive investigation detailing how contamination (if found) will be dealt with. The remediation strategy shall be implemented as approved with a robust pre and post monitoring plan to determine its effectiveness.
- iv) A Foundations Method Statement detailing the depth and type of foundations (e.g. piling) to be undertaken including mitigation measures (e.g. turbidity monitoring, appropriate piling design, off site monitoring boreholes etc.) to prevent and/or minimise any potential migration of pollutants including turbidity or existing contaminants to public water supply. Any foundations must be undertaken in accordance with the terms of the approved method statement.
- v) A Piling Risk Assessment identifying both the aquifer and the abstraction point(s) as potential receptor(s) of contamination.
- vi) A Monitoring Plan for parameters (including turbidity) within a borehole at a location between the site and the abstraction point.

The applicant or developer shall notify Affinity Water of excavation works 15 days before commencement in order to implement enhanced monitoring at the public water supply abstraction and to plan for potential interruption of service with regards to water supply.

Reason: Excavation works such as piling have the potential to cause water quality failures due to elevated concentrations of contaminants through displacement to a greater depths

and turbidity generation. Increased concentrations of contaminants, particularly turbidity, impacts the ability to treat water for public water supply.

2. Contamination during construction

Construction works may exacerbate any known or previously unidentified contamination. If any pollution is found at the site, then works should cease immediately and appropriate monitoring and remediation will need to be undertaken to avoid any impact on water quality in the chalk aquifer.

Condition

B) If, during development, contamination not previously identified is found to be present at the site, then no further development shall be carried out until the following has been submitted to and approved in writing by the Local Planning Authority in consultation with Affinity Water:

vii) A Remediation Strategy/Report detailing how contamination was/will be dealt with. The remediation strategy shall be implemented as approved with a robust pre and post monitoring plan to determine its effectiveness.

Reason: To ensure that the development does not contribute to unacceptable concentrations of pollution posing a risk to public water supply from previously unidentified contamination sources at the development site and to prevent deterioration of groundwater and/or surface water.

3. Contamination through Surface Water Drainage

Surface water drainage should use appropriate Sustainable Urban Drainage Systems that prevent the mobilisation of any contaminants where a direct pathway to the aquifer is present. This should use appropriate techniques that prevent direct pathways into the aquifer and that ensure sufficient capacity is provided for all surface water to be dealt with on site, preventing consequential flooding elsewhere.

Condition

C) Prior to the commencement of development and following the results of the intrusive ground investigation, no works shall be carried out until the following has been submitted to and approved in writing by the Local Planning Authority in consultation with Affinity Water:

viii) A Surface Water Drainage Scheme demonstrating appropriate use of sustainable urban drainage systems that prevent the mobilisation of any contaminants ensuring protection of surface and groundwater.

Reason: Surface water drainage can mobilise contaminants into the aquifer through infiltration in areas impacted by ground contamination. Surface water also has the potential to become contaminated and can enter the aquifer through open pathways, either created for drainage or moved towards existing open pathways where existing drainage has reached capacity. All have the potential to impact public water supply.

4. Substance Storage/Bunding

With regards to the alternative fuel supply for the back-up generator, we had initially assessed the application as stated without the consideration of alternatives, for which the letter to the environment agency has now brought this to our attention. To clarify our position, we would have concerns on alternatives alongside any other chemical storage associated with the development and require the following condition to be applied:

Condition

D) Prior to the commencement of development, no works shall be carried out until the following has been submitted to and approved in writing by the Local Planning Authority in consultation with Affinity Water:

ix) A Substance Storage Strategy/Report providing details of all substance containers (including location) confirming bunding of 110% capacity and the presence of a leak detection system with a methodology that includes immediate notification to Affinity Water and the Environment Agency.

Reason: To prevent contaminants being discharged into the surface and groundwater network in the event of a spill and to enable Affinity Water and the Environment Agency to immediately assess the impact on public water supply and implement protection measures if necessary.

Issues arising from any of the above can cause critical abstractions to switch off resulting in the immediate need for water to be sourced from another location, which incurs significant costs and risks of loss of supply during periods of high demand.

The construction works and operation of the proposed development site should be done in accordance with the relevant British Standards and Best Management Practices, thereby significantly reducing the groundwater pollution risk.

For further information we refer you to CIRIA Publication C532 "Control of water pollution from construction - guidance for consultants and contractors".

Water efficiency

Being within a water stressed area, we expect that the development includes water efficient fixtures and fittings. Measures such as rainwater harvesting and grey water recycling help the environment by reducing pressure for abstractions in chalk stream catchments. They also minimise potable water use by reducing the amount of potable water used for washing, cleaning and watering gardens. This in turn reduces the carbon emissions associated with treating this water to a standard suitable for drinking, and will help in our efforts to get emissions down in the borough.

Infrastructure connections and diversions

There are potentially water mains running through or near to part of proposed development site. If the development goes ahead as proposed, the developer will need to get in contact with our Developer Services Team to discuss asset protection or diversionary measures. This can be done through the My Developments Portal (<https://affinitywater.custhelp.com/>) or aw_developerservices@custhelp.com.

In this location Affinity Water will supply drinking water to the development. To apply for a new or upgraded connection, please contact our Developer Services Team by going through their My Developments Portal (<https://affinitywater.custhelp.com/>) or aw_developerservices@custhelp.com. The Team also handle C3 and C4 requests to cost potential water mains diversions. If a water mains plan is required, this can also be obtained by emailing maps@affinitywater.co.uk. Please note that charges may apply.

9.1.4 British Pipeline Agency: 18.07.23. No comment.

Having reviewed the information provided, the BPA pipeline(s) is not affected by these proposals, and therefore the BPA does not wish to make any comment on this application.

However, if any details of the works or location should change, please advise us of the amendments and we will again review this application.

Whilst we try to ensure the information we provided is accurate, the information is provided Without Prejudice and we accept no liability for claims arising from any inaccuracy, omissions or errors contained herein.

9.1.5 Chiltern Society: 26.07.23. Objection.

This application should be refused. It proposes building on Green Belt Land which is by definition inappropriate.

The site is a green field sloping down to the M25 which is on an embankment. At this point. This means the land can be clearly seen from the motorway. It is also visible from Bedmond Road to the West. There is a small wooded area near the top of the site which would be cut down to make way for buildings compounding the loss of Green Belt by the loss of these trees.

At present the land is used for grazing horses associated with an equestrian centre which is an appropriate use for Green Belt land.

Recent History of the Area

Further up Bedmond Road towards Abbots Langley town there has been considerable development on Green Belt land since Three Rivers published it's 'Potential Sites' document in December 2018.

Mansion House Equestrian Centre (then occupying Green Belt land) was the first building on the left side of Bedmond Road south of the M25. That land was sold for housing development despite being Green Belt. The Equestrian Centre started up again on Green Belt further East from the main road.

Since then a small further cul-de-sac of houses has been built towards the M25 also nibbling away at the Green Belt.

On the Bedmond side of the M25 there has been development recently encroaching further into the Green Belt closing the gap between Bedmond and Abbots Langley. Every piece of additional building gives rise to a degree of light pollution at night.

This is disquieting as some of the stated purposes of the Green Belt are:

- a. To prevent the unrestricted sprawl of large built-up areas;
- b. to prevent neighbouring towns from merging into each other;
- c. to assist in safeguarding the countryside from encroachment .

The Chiltern Society does not believe the developers have put forward the very special circumstances which would justify building on the Green Belt and we urge Three Rivers planners to refuse this application.

Transport/Accessibility

We quote:

"A transport statement is required by the NPPF July 2021. Significant development should be focussed on locations which are or can be made sustainable through limiting the need to travel and offering a genuine choice of transport modes. This can help reduce congestion and emissions and improve air quality and public health."

The site is in a rural area which means transport infra structure is fragmentary providing only limited accessibility.

Traffic approaching from Abbots Langley will need to cross Bedmond Road to access the site. Although the M25 is very close there are no junctions near the site.

The development would be far better located on a brown field site in a less rural area.

Note

This application is not for a country park. The mention of a country park is surely unethically dangling a carrot to try to sway the Planning Department.

We will point out that the suggested area for a country park is very close to the existing Leavesden Country Park.

The land suggested for yet another country park is a large area of arable land at present being farmed. It is criss-crossed by footpaths and therefore already enjoyed by walkers and cyclists and long may it remain that way.

9.1.6 CPRE – The Countryside Charity: 19.07.23. Objection.

I write with regard to the above application, to which CPRE Hertfordshire objects for the following reasons.

b. The site lies within the London Metropolitan Green Belt as defined in the adopted Three Rivers Core Strategy according to criteria in the National Planning Policy Framework (NPPF). Development in the Green Belt is inappropriate unless very special circumstances can be demonstrated to clearly outweigh the harm caused by the proposal.

2. The Applicant's Planning Statement lists twelve issues which it asserts amount to the very special circumstances required. Primarily, the Applicant promotes this proposal as a special case due to the urgent requirement for data centres as a national priority which they see as weighing very substantially in the planning balance.

3. This is to misinterpret fundamentally the nature of very special circumstances relating to proposals in the Green Belt. Notwithstanding a requirement for data centres as key elements of future economic growth, there appear to be no specific locational factors relating to this particular site as opposed to other sites either locally or further afield, other than its availability.

4. It is reasonable to suggest that this availability arises from the site's status as Green Belt which may be said to have prevented its consideration for development up until now. The principal issue under consideration is the designated protected status of the land and the harm which would be caused by any development in this location.

5. It is undeniable that the Green Belt, especially in southern Hertfordshire is presently subject to unprecedented pressures from proposed development of all kinds, including residential, commercial and for energy generation. This has led to significant public reaction which has been expressed through consultations relating to the Local Plan preparation process.

6. The National Planning Policy Framework (NPPF) is clear that alterations to Green Belt boundaries should take place only through the Local Plan process, and not by individual planning applications. The constant pressure of applications on designated protected land is in danger of bringing the planning system into disrepute.

7. This proposal would have a substantial impact on the openness of the Green Belt. The provision of an associated "country park" is irrelevant as this would use land which is open countryside, and thus already fulfilling the purposes of the Green Belt.

8. Other factors promoted as providing very special circumstances include employment provision, building quality, social benefits, climate change and the lack of alternative locations. We believe that the majority of these elements would relate equally to a similar development in another location without statutory protection and they should not be regarded as having significant weight in this case.

9. CPRE Hertfordshire believes that this proposal constitutes highly inappropriate development of a type which Green Belt legislation was designed to prevent. The intention of the Government to protect the Green Belt is clear through recent Ministerial statements, imminent amendments to the NPPF and the Levelling Up and Regeneration Bill and we urge the Council to refuse this application.

9.1.7 Environment Agency: [No objection]

9.1.7.1 Initial comments 18.07.23. Objection.

Thank you for consulting us on the above application.

We **object** to the planning application, as submitted, because the proposed development represents an unacceptable use of land because it is likely to result in a significant risk to groundwater resources from which supplies of potable water are obtained. We recommend that planning permission should be refused on this basis in line with paragraph 174 of the National Planning Policy Framework (NPPF).

The site is within source protection Zone 1 and this is not recognised or understood within the application's supporting documents. The storage of fuel on site poses a significant risk to groundwater which is used for the drinking water supply, particularly as there is proposed infiltration drainage. Tests from the nearby drainage systems have demonstrated very fast travel times to the water supply which means that there would be short time windows to respond to any pollution incident that may occur and less potential for attenuation (dilution, dispersion, degradation) of the pollution.

Objection: Significant risk to Groundwater Resources

The site is located within an Inner Source Protection Zone (SPZ1) and upon vulnerable aquifer, Chalk, which is known to contain by solution features in this area. Solution features mean infiltration can quickly reach groundwater and groundwater travel times are fast.

We designate SPZ's to identify the catchment areas of sources of potable water (that is high quality water supplies usable for human consumption) and show where they may be at particular risk from polluting activities on or below the land surface.

In this instance the proposed development would threaten potable water supplies as the proposed development includes:

- storage of hazardous substances in inner source protection zone (SPZ1) – see Section D. Pollutant storage and transmission.
- infiltration to ground which would open up pathways for contaminants to pollute groundwater – see Section G. Discharge of liquid effluents into the ground.

This is contrary to the positions we take in 'The Environment Agency's approach to groundwater protection', specifically, "New Facilities The Environment Agency will oppose any new development involving large-scale above or below ground storage of hazardous substances (as may occur at a chemical works or at a petrol filling station) within SPZ1." And "The design of infiltration SuDS schemes and of their treatment stages needs to be appropriate to the sensitivity of the location and subject to a relevant risk assessment, considering the types of pollutants likely to be discharged, design volumes and the dilution and attenuation properties of the aquifer. Unless the supporting risk assessments show that SuDS schemes in SPZ1 will not pose an unacceptable risk to the drinking water abstraction,

the Environment Agency will object to the use of infiltration SuDS under position statement G10.”

In this case we consider the potential severity of the hazard to be such that the consequence of failure of mitigation will be serious/irreversible in a vulnerable groundwater location.

Overcoming our objection

We are not confident that the risks to groundwater posed at this location by this type of development can be overcome and recommend the exploration of alternative sites. The applicant is advised to contact us to discuss the above issues and explore any opportunities to address them.

Informative – Environmental Permit

The application will require an Environmental Permit for the standby generator. This should be applied for in a timely fashion allowing for a permitting decision to agree our requirement for best available techniques (BAT) for the permitted standby plant. As a minimum start point we expect emissions optimised engines achieving 2g TA-LUFT/EPA Tier 2 plant with vertical stacks with flow uninhibited with cowls or caps. The indicated proposal is to fit secondary abatement (SCR) achieving 190mg/Nm³ at 15% oxygen. So, without prejudice, we do have criteria assessing both long term but importantly short term peaks of nitrogen oxides to sensitive receptors for the emergency (and testing) scenarios and as such though appearing to be likely satisfactory this plant arrangement would still need to be assessed formally for acceptability (i.e. there could be the potential to require a target impact figure lower than 190mg/Nm³) prior to installation on site.

Advice to applicant

Pre-Application Advice

We strongly encourage applicants to seek our pre-application advice to ensure environmental opportunities are maximised and to avoid any formal objections from us. If the applicant had come to us we could have worked with them to resolve these issues prior to submitting their planning application. The applicant is welcome to seek our advice now to help them overcome our objection via HNL SustainablePlaces@environment-agency.gov.uk.

Further information on our charged planning advice service is available at; <https://www.gov.uk/government/publications/planning-advice-environment-agency-standard-terms-and-conditions>.

Final comments

Thank you for contacting us regarding the above application. Our comments are based on our available records and the information submitted to us. Please quote our reference number in any future correspondence. Please provide us with a copy of the decision notice for our records. This would be greatly appreciated.

If you are minded to approve the application contrary to our objection, please contact us to explain why material considerations outweigh our objection. This will allow us to make further representations.

9.1.7.2 Further comments 21.09.23. Objection.

We have reviewed this additional information and we maintain our objection to the application as detailed in our letter dated 18 July 2023.

We have reviewed the following reports:

- Pegasus. Addendum Planning Statement. Land off Bedmond Road, Abbots Langley. Dated 1st September 2023. Reference 19-2063PL;

- Future-tech. Backup Power Solutions for Hyper-Scale Data Centres. Project Ref 9553-FUT-V1-ZZ-RP-Z-2360 Issue P02 dated 28th July 2023;
- Mabbett. Preliminary Contamination Risk Assessment (Groundwater). For site at Abbots Langley, Hertfordshire, UK, WD5 0NY. Project Number 313736 Revision 1.1 dated 28th August 2023; and
- Mabbett. Response to Affinity Water Objection to Development. For site at Abbots Langley, Hertfordshire, UK, WD5 0NY. Project Number 313736 Revision 1.0 dated 1st September 2023.

Fuel Source

We note that the applicant is no longer proposing to use diesel as a fuel source. In the addendum planning statement it is stated that they *'do not need to wed themselves to a particular fuel source at this stage' and that 'Technology is advancing year on year and the Applicant can see benefit in agreeing the fuel source closer to the time of commissioning.'*

We are unable to remove our objection on this basis. A number of potential alternatives to diesel are discussed in the Backup Power Solutions report including Biodiesel (which contains hazardous substances), natural gas, battery storage, fuel cells and hydrogen. We do not have sufficient information regarding the proposed fuel source to determine the potential risk to groundwater. Further, construction details and any mitigation measures required are unknown. Given that infiltration drainage is proposed at the site, there remains a potentially significant risk to groundwater resources from which supplies of potable water are obtained.

The Environment Agency's approach to groundwater protection, Section A5 states 'The Environment Agency expects developers and operators to provide adequate information to statutory bodies, including the Environment Agency, when submitting their proposals. This is so that the potential impact on groundwater resources and quality can be adequately assessed. In particular, where new techniques, operations, products or substances are involved, developers or operators should be prepared to supply specific relevant data to allow the risk to groundwater to be assessed'.

SuDS

The Environmental Permitting (England & Wales) Regulations 2016 make it an offence to cause or knowingly permit a groundwater activity unless authorised by an environmental permit which we will issue. A groundwater activity includes any discharge that will result in the input of pollutants to groundwater. Discharge to groundwater via the infiltration basin is likely to require an environmental permit unless it can be demonstrated by the applicant that a groundwater activity exclusion applies, such as 'de minimus'. Further information can be found here: Discharges to surface water and groundwater: environmental permits - GOV.UK (www.gov.uk)

The 'Response to Affinity Water Objection to Development' states that the proposed surface water drainage system will be designed to remove potential contaminants and remove the risk of contamination entering groundwater. The preliminary risk assessment considers pollution hazard indices and mitigation indices taken from CIRIA C753 and concludes that the risk to groundwater will be minimised.

Given the sensitivity of the site we require a more detailed hydrogeological risk assessment (HRA). Consideration should be given to the proposed fuel source, potential releases of fuel from the car parking area and the potential rapid infiltration and groundwater flow.

Overcoming our objection

In accordance with our approach to groundwater protection we will maintain our objection until we receive details of the proposed fuel source and a satisfactory risk assessment that demonstrates that the risks to groundwater posed by this development can be satisfactorily managed.

This information must satisfactorily demonstrate to the local planning authority that the risks to controlled waters have been fully understood and can be addressed through appropriate measures. This information should include:

- The proposed fuel source;
- The proposed SuDS treatment train;
- Details of any pollution prevention measures for the fuel source and site drainage;
- A detailed HRA with respect to the proposed SuDS.

We are not confident that the risks to groundwater posed at this location by this type of development can be overcome and recommend the exploration of alternative sites. The applicant is advised to contact us to discuss the above issues and explore any opportunities to address them.

Advice to applicant

Pre-Application Advice

We strongly encourage applicants to seek our pre-application advice to ensure environmental opportunities are maximised and to avoid any formal objections from us. If the applicant had come to us we could have worked with them to resolve these issues prior to submitting their planning application. The applicant is welcome to seek our advice now to help them overcome our objection via HNLsustainablePlaces@environment-agency.gov.uk. Further information on our charged planning advice service is available at; <https://www.gov.uk/government/publications/planning-advice-environment-agency/standard-terms-and-conditions>

Final comments

Thank you for contacting us regarding the above application. Our comments are based on our available records and the information submitted to us. Please quote our reference number in any future correspondence.

Please provide us with a copy of the decision notice for our records. This would be greatly appreciated.

If you are minded to approve the application contrary to our objection, please contact us to explain why material considerations outweigh our objection. This will allow us to make further representations.

9.1.7.3 Further comments 16.11.23. No objection.

Thank you for re-consulting us on the above planning application on 23 October 2023. As part of the consultation, we have reviewed the following:

- Preliminary Contamination Risk Assessment (Groundwater), prepared by Mabbett and dated 28 August 2023 (ref.: 313736, rev 1.1)
- Technical Note for Parcel of land north of mansion house farm, Langley, Hertfordshire, Hydrogeological risk assessment. Signed by Julian Hatherall, prepared by JH Groundwater Ltd, and dated 10 October 2023.
- Response to Affinity Water regarding the Parcel of Land North of Mansion House Farm, Bedmond Road, Abbots Langley, Hertfordshire. Hydrogeological Risk Assessment. Prepared by Mabbett, and dated 20 October 2023 (their ref: JR/313736)

We initially had concerns for this site in relation to the potential risk of contamination to controlled waters (as the site is in Source Protection Zone 1, and on principle and secondary chalk aquifers). This was due to the fuel sources originally proposed, and the use of SuDS, both of which could have risks to groundwater if not satisfactorily managed. Having reviewed the aforementioned documents, we note that the Preliminary Contamination Risk

Assessment (Groundwater) prepared for the site has identified localised sources of potential contamination and states that the identified sources of contamination can be mitigated through targeted site investigation and remediation/mitigation as necessary. Furthermore, with respect to the proposed sustainable drainage scheme, it has been confirmed in the additional information submitted that diesel or biodiesel will not be used as a fuel source for the data centre and alternatives considered will pose a low risk to groundwater. It has also been confirmed that a minimum of three treatment trains should be included to mitigate the risk of pollution migrating to the underlying aquifer via the drainage system. An emergency provision in the form of a valve which will automatically isolate the infiltration basin from the drainage system in the event of an unexpected release of contamination will also be provided.

Considering the above, **we are now in the position to remove our objection subject to the inclusion of the following conditions on any grant of decision notice.** Without these conditions we would object to the proposal in line with paragraph 174 of the National Planning Policy Framework because it cannot be guaranteed that the development will not be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution.

We ask to be consulted on the details submitted for approval to your authority to discharge these conditions and on any subsequent amendments/alterations.

Condition 1 - Land affected by contamination

Prior to development approved by this planning permission no development shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:

1. A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

Reason

To ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by unacceptable levels of water pollution in line with paragraph 174 of the National Planning Policy Framework.

Condition 2 - Verification report

Prior to each phase of development being occupied, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in

accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason

To ensure that the site does not pose any further risk to the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 174 of the National Planning Policy Framework.

Condition 3 - Previously Unidentified Contamination

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.

Reason

To ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 174 of the National Planning Policy Framework.

Condition 4 - Decommissioning of investigative boreholes

A scheme for managing any borehole installed for the investigation of soils, groundwater or geotechnical purposes shall be submitted to and approved in writing by the local planning authority. The scheme shall provide details of how redundant boreholes are to be decommissioned and how any boreholes that need to be retained, post-development, for monitoring purposes will be secured, protected and inspected.

The scheme as approved shall be implemented prior to the occupation of each phase of development.

Reason

To ensure that redundant boreholes are safe and secure, and do not cause groundwater pollution or loss of water supplies in line with paragraph 174 of the National Planning Policy Framework and Position Statement N11 Groundwater resources of 'The Environment Agency's approach to groundwater protection'.

If boreholes installed at the site are not decommissioned correctly, they can provide preferential pathways for contaminant movement which poses a risk to groundwater quality.

Condition 5 - SuDS Infiltration of surface water into ground

No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the local planning authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.

Reason

To ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by unacceptable levels of water pollution caused by mobilised contaminants. This is in line with paragraph 174 of the National Planning Policy Framework and Position Statement G13 of 'The Environment Agency's approach to groundwater protection'.

Advice to Local Planning Authority

The control of emissions from Non-Road Going Mobile Machinery (NRMM) at major residential, commercial or industrial sites.

Where development involves the use of any non-road going mobile machinery with a net rated power of 37kW and up to 560kW, that is used during site preparation, construction, demolition, and/ or operation, at that site, we strongly recommend that the machinery used shall meet or exceed the latest emissions standards set out in Regulation (EU) 2016/1628 (as amended). This shall apply to the point that the machinery arrives on site, regardless of it being hired or purchased, unless agreed in writing with the Local Planning Authority.

This is particularly important for major residential, commercial, or industrial development located in or within 2km of an Air Quality Management Area for oxides of Nitrogen (NOx), and or particulate matter that has an aerodynamic diameter of 10 or 2.5 microns (PM10 and PM2.5). Use of low emission technology will improve or maintain air quality and support LPAs and developers in improving and maintaining local air quality standards and support their net zero objectives.

We also advise, the item(s) of machinery must also be registered (where a register is available) for inspection by the appropriate Competent Authority (CA), which is usually the local authority.

The requirement to include this may already be required by a policy in the local plan or strategic spatial strategy document. The Environment Agency can also require this same standard to be applied to sites which it regulates. To avoid dual regulation this informative should only be applied to the site preparation, construction, and demolition phases at sites that may require an environmental permit.

Non-Road Mobile Machinery includes items of plant such as bucket loaders, forklift trucks, excavators, 360 grab, mobile cranes, machine lifts, generators, static pumps, piling rigs etc. The Applicant should be able to state or confirm the use of such machinery in their application to which this then can be applied.

Competent persons

The proposed development will be acceptable if a planning condition is included requiring the submission of a remediation strategy, carried out by a competent person in line with paragraph 183 of the NPPF. The Planning Practice Guidance defines a "Competent Person (to prepare site investigation information): A person with a recognised relevant qualification, sufficient experience in dealing with the type(s) of pollution or land instability, and membership of a relevant professional organisation."(<http://planningguidance.planningportal.gov.uk/blog/policy/achieving-sustainable-development/annex-2-glossary/>)"

Advice to applicant

SuDS

Where the risk to groundwater is high, the SuDS scheme associated with this development will require an environmental permit under the Environmental Permitting (England & Wales) Regulations 2016, from the Environment Agency, unless an exemption applies. The applicant is advised to contact the Environment Agency on 03708 506 506 for further advice and to discuss the issues likely to be raised. You should be aware that there is no guarantee that a permit will be granted. Additional 'Environmental Permitting Guidance' can be found at: <https://www.gov.uk/environmental-permit-check-if-you-need-one>.

Water Resources

Increased water efficiency for all new developments potentially enables more growth with the same water resources. Developers can highlight positive corporate social responsibility messages and the use of technology to help sell their homes. For the homeowner lower water usage also reduces water and energy bills.

We endorse the use of water efficiency measures especially in new developments. Use of technology that ensures efficient use of natural resources could support the environmental benefits of future proposals and could help attract investment to the area. Therefore, water efficient technology, fixtures and fittings should be considered as part of new developments.

Commercial/Industrial developments

We recommend that all new non-residential development of 1000sqm gross floor area or more should meet the BREEAM 'excellent' standards for water consumption.

We also recommend you contact your local planning authority for more information.

Pre-Application Advice

Regarding future applications, if you would like us to review a revised technical report prior to a formal submission, outside of a statutory consultation, and/or meet to discuss our position, this will be chargeable in line with our planning advice service. If you wish to request a document review or meeting, please contact our team email address at HNLsustainableplaces@environment-agency.gov.uk.

Final comments

Thank you for contacting us regarding the above application. Our comments are based on our available records and the information submitted to us. Please quote our reference number in any future correspondence. Please provide us with a copy of the decision notice for our records. This would be greatly appreciated.

9.1.8 Environmental Protection: No response received.

9.1.9 HCC – Footpath Section: No response received.

9.1.10 HCC – Growth & Infrastructure: 09.08.23. No objection.

Thank you for your email regarding the above mentioned planning application.

Hertfordshire County Council's Growth & Infrastructure Unit do not have any comments to make in relation to financial contributions required by the Hertfordshire County Council's Guide to Developer Infrastructure Contributions 2021.

Notwithstanding this, we reserve the right to seek Community Infrastructure Levy contributions towards the provision of infrastructure through the appropriate channels.

We therefore have no further comment on behalf of these services, although you may be contacted separately from our Highways Department.

PLEASE NOTE: Please consult the Hertfordshire Fire and Rescue Service Water Officer directly at water@hertfordshire.gov.uk, who may request the provision of fire hydrants through a planning condition.

I trust the above is of assistance if you require any further information please contact the Growth & Infrastructure Unit.

9.1.11 Lead Local Flood Authority: 13.10.23. No objection.

Thank you for your consultation regarding the above application (received 29 June 2023) for demolition and clearance of existing buildings and hardstanding 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 at Parcel Of Land North Of Mansion House Farm, Bedmond Road, Abbots Langley, Hertfordshire.

The applicant has provided a outline Flood Risk Assessment (FRA) and Drainage Strategy to account for the local flood risk issues and surface water drainage at this location.

Following a review of the submitted documents, We have no objection subject to conditions being attached to any consent if this application is approved, and the Applicant is in agreement with pre-commencement conditions. We suggest the following wording. If the following conditions are not included, the development would be contrary to NPPF and local planning policy of Three Rivers and we would object until such time that the details below are submitted for review.

Condition 1

Prior to or in conjunction with the submission of each reserved matters application, in accordance with the submitted FRA and Drainage Strategy (Land East of Abbots Langley WD5 0GX by Delta Simons, Reference: 87887.545262 Revision 3 dated 21 June 2023) and drawing 'Illustrative Proposals Masterplan' (drawing number 20208.211 Rev H by MPH Design Limited dated 3 April 2023), detailed designs of a surface water drainage scheme incorporating the following measures shall be submitted to and agreed with the Local Planning Authority. The approved scheme will be implemented prior to the first occupation of the development. The scheme shall address the following matters:

I. Detailed infiltration testing in accordance with BRE Digest 365 (or equivalent) along the length and proposed depth of the proposed infiltration feature/s. Groundwater monitoring will be undertaken to show that the seasonally high groundwater level is at least 1m below any proposed infiltration feature.

or

If infiltration is proven to be unfavourable, then the drainage design will use 11.7l/s (Greenfield QBAR) the site out falling to the watercourse (as stated in 5.3.8 of the FRA). The discharge location for surface water runoff will be confirmed to connect with the wider watercourse network.

II. Provision of surface water attenuation storage, sized and designed to accommodate the volume of water generated in all rainfall events up to and including the critical storm duration for the 3.33% AEP (1 in 30 year) and 1% AEP (1 in 100) rainfall events (both including allowances for climate change).

III. Detailed designs, modelling calculations and plans of the of the drainage conveyance network in the:

- 3.33% AEP (1 in 30 year) critical rainfall event plus climate change to show no flooding outside the drainage features on any part of the site.
- 1% AEP (1 in 100 year) critical rainfall plus climate change event to show, if any, the depth, volume and storage location of any flooding outside the drainage features, ensuring that flooding does not occur in any part of a building or any utility plant susceptible to water (e.g. pumping station or electricity substation) within the development. It will also show that no runoff during this event will leave the site uncontrolled.

IV. Supporting calculations for source control drainage features will be provided including green roofs and permeable paving to show how these will be incorporated into the design.

V. The design of the infiltration / detention basin will incorporate an emergency spillway and any drainage structures include appropriate freeboard allowances. Plans to be submitted showing the routes for the management of exceedance surface water flow routes that minimise the risk to people and property during rainfall events in excess of 1% AEP (1 in 100) rainfall event plus climate change allowance.

VI. Finished ground floor levels of the commercial building are a minimum of 300mm above any expected flood levels of all sources of flooding (including the SuDS features and within any part of the proposed drainage scheme) or 150mm above ground level, whichever is the more precautionary.

VII. Details of how all surface water management features to be designed in accordance with The SuDS Manual (CIRIA C753, 2015), including appropriate treatment stages for water quality prior to discharge.

Reason: To prevent flooding in accordance with National Planning Policy Framework paragraph 167, 169 and 174 by ensuring the satisfactory management of local sources of flooding surface water flow paths, storage and disposal of surface water from the site in a range of rainfall events and ensuring the SuDS proposed operates as designed for the lifetime of the development.

Condition 2

Construction shall not begin until a detailed construction phase surface water management plan for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be carried out in accordance with the approved details.

Reason: To ensure that the construction of the site does not result in any flooding both on and off site and that all Surface water Drainage features are adequately protected.

Condition 3

The development hereby approved shall not be occupied until details of the maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall be implemented prior to the first occupation of the development hereby approved and thereafter managed and maintained in accordance with the approved details in perpetuity. The Local Planning Authority shall be granted access to inspect the sustainable drainage scheme for the lifetime of the development. The details of the scheme to be submitted for approval shall include:

- I. a timetable for its implementation.
- II. details of SuDS feature and connecting drainage structures and maintenance requirement for each aspect including a drawing showing where they are located.
- III. a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime. This will include the name and contact details of any appointed management company.

Reason: To ensure that the development achieves a high standard of sustainability and ensure the flood risk is adequately addressed for each new dwelling and not increased in accordance with NPPF and Policies of Three Rivers Council.

Condition 4

Prior to first use of each phase of the development a detailed verification report, (appended with substantiating evidence demonstrating the approved construction details and specifications have been implemented in accordance with the surface water drainage scheme), has been submitted to and approved (in writing) by the Local Planning Authority. The verification report shall include a full set of "as built" drawings plus photographs of excavations (including soil profiles/horizons), any installation of any surface water drainage structures and control mechanisms.

Reason: To ensure that the development achieves a high standard of sustainability and ensure the flood risk is adequately addressed for each new dwelling and not increased in accordance with NPPF and Policies of Three Rivers Council.

Informative

In December 2022 it was announced FEH rainfall data has been updated to account for additional long term rainfall statistics and new data. As a consequence, the rainfall statistics used for surface water modelling and drainage design has changed. In some areas there is a reduction in comparison to FEH2013 and some places an increase (see FEH22 - User Guide (hydrosolutions.co.uk)). Applications should use the most up to date FEH2022 data. Other planning applications using FEH2013 rainfall, will be accepted if they are currently at an advanced stage. For the avoidance of doubt the use of FSR and FEH1999 data has been superseded by FEH 2013 and 2022 and therefore, use in rainfall simulations are not accepted.

Please note if, you the Local Planning Authority review the application and decide to grant planning permission, notify the us (the Lead Local Flood Authority), by email at FRMConsultations@hertfordshire.gov.uk.

9.1.12 HCC – Waste & Minerals: [No objection]

9.1.12.1 Initial comments 30.06. 23.

I write with regards to the above, to provide a response on behalf of the county council as the Minerals and Waste Planning Authority. This letter should be read in conjunction with our comments submitted for the EIA Screening Request (23/0566/EIA dated 15/05/2023).

Government policy seeks to ensure that all planning authorities take responsibility for waste management. This is reflected in the County Council's adopted waste Development Plan Documents (DPDs). In particular, these documents seek to promote the sustainable management of waste in the county and encourage Local Planning Authorities to have regard to the potential for minimising waste generated by development.

The National Planning Policy for Waste (October 2014) sets out the following:
'When determining planning applications for non-waste development, local planning authorities should, to the extent appropriate to their responsibilities, ensure that:

- the likely impact of proposed, non- waste related development on existing waste management facilities, and on sites and areas allocated for waste management, is acceptable and does not prejudice the implementation of the waste hierarchy and/or the efficient operation of such facilities;
- new, non-waste development makes sufficient provision for waste management and promotes good design to secure the integration of waste management facilities with the rest of the development and, in less developed areas, with the local landscape. This includes providing adequate storage facilities at residential premises, for example by ensuring that there is sufficient and discrete provision for bins, to facilitate a high quality, comprehensive and frequent household collection service;
- the handling of waste arising from the construction and operation of development maximises reuse/recovery opportunities, and minimises off-site disposal.'

The policies in the adopted Waste Core Strategy and Development Management Policies DPD (2012) that relate to this proposal, and which must be considered by the Local Planning Authority in determining the application, include Policy 1: Strategy for the Provision for Waste Management Facilities (namely the penultimate paragraph of the policy) and Policy 12: Sustainable Design, Construction and Demolition.

Many of the policy requirements can be met through the imposition of planning conditions.

As a general point, built development should have regard to the overall infrastructure required to support it, including where appropriate a sufficient number of waste storage areas that should be integrated accordingly and facilitate the separate storage of recyclable wastes.

Waste Policy 12: Sustainable Design, Construction and Demolition requires all relevant construction projects to be supported by a Site Waste Management Plan (SWMP). This aims to reduce the amount of waste produced on site and should contain information including types of waste removed from the site and where that waste is being taken to.

A development of this size would require consideration of the need to minimise wastes generated during demolition, construction and subsequent occupation, encouraging the re-use of unavoidable waste where possible and the use of recycled materials where appropriate. In addition, regard should be given to the design of new housing development to ensure waste collection vehicles can gain access for the collection of household waste and recyclables.

It is noted that the applicant has produced a Waste Management Plan to accompany the application. The document details waste management strategies, the reduction of waste and the use of the waste hierarchy. It also states that materials and waste will be documented in more detail moving forward in the project. Whilst the Waste Planning Authority supports this statement, it would be useful if the Waste Management Plan submitted could include tables to record this data such that material management can be considered from the start.

The County Council, as Waste Planning Authority, would expect commitment to producing a SWMP and for the SWMP to be implemented throughout the duration of the project. The SWMP must be prepared prior to commencement of the development and submitted to the Waste Planning Authority for comments.

As a minimum, a SWMP should include the following:

Project and People

- Identification of the client
- Identification of the Principle Contractor
- Identification of the person who drafted the SWMP
- Location of the site
- An estimated cost of the project
- Declaration that the client and contractor will comply with the requirements of Duty of care that materials will be handled efficiently and waste managed appropriately (Section 34 of Environmental Protection Act 1990 and Environmental Protection (Duty of Care) Regs 1991)

Estimating Waste

- A description of the types of waste that are expected to arise on site (recorded through the use of 6-digit European Waste Catalogue codes) and an estimated quantity for each of the types (in tonnes)
- Waste management actions for each of the types of waste (i.e will it be re-used, recycled, recovered or disposed of)

Space for Later Recordings

- Space for the recording of actual figures against those that are estimated at the start
- Space that will allow for the recording and Identification of those responsible for removing the waste from site and details of the sites they will be taking it too

- Space for recording of explanations that set out the reasons for any deviations from what has been set out in the SWMP, including explanations for differences in waste arisings compared to those set out in the initial estimations

If a SWMP is not produced at the planning application stage, we would request the following condition be attached to any approved planning permission:

Condition: No development shall take place until a Site Waste Management Plan (SWMP) for the site has been submitted to the Local Planning Authority and approved in consultation with the Waste Planning Authority. The SWMP should aim to reduce the amount of waste being produced on site and should contain information including estimated and actual types and amounts of waste removed from the site and where that waste is being taken to. The development shall be carried out in accordance with the approved SWMP.

Reason: This is a pre-commencement condition to promote sustainable development and to ensure measures are in place to minimise waste generation and maximise the on-site and off-site reuse and recycling of waste materials, in accordance with Policy 12 of the Hertfordshire Waste Core Strategy and Development Management Policies Development Plan Document (2012).

The SWMP should be set out as early as possible so that decisions can be made relating to the management of waste arisings during demolition and construction so that building materials made from recycled and secondary sources can be used within the development. This will help in terms of estimating what types of containers/skips are required for the stages of the project and when segregation would be best implemented for various waste streams. It will also help in determining the costs of removing waste for a project. The total volumes of waste during enabling works (including demolition) and construction works should also be summarised.

Minerals

In relation to minerals, the site falls entirely within the 'Sand and Gravel Belt' as identified in the adopted Minerals Local Plan Review 2002 – 2016 (2007). The Sand and Gravel Belt is a geological area that spans across the southern part of the county and contains the most concentrated deposits of sand and gravel throughout Hertfordshire. It should be noted that British Geological Survey (BGS) data also identifies superficial sand/gravel deposits in the area on which the application falls.

The county council, as the Minerals Planning Authority, identifies the entirety of the Sand and Gravel Belt together with the identified resource blocks outside the Sand and Gravel Belt, as Mineral Consultation Areas. Planning applications submitted to the District and Borough Councils for non-minerals development that fall within a Mineral Consultation Area (other than applications which meet the 'excluded development' criteria), may not be determined until the county council has been given the opportunity to comment on whether the proposal would unacceptably sterilise mineral resources. In accordance with paragraph 212 of the NPPF development proposals in Mineral Safeguarding Areas that might constrain potential future use for mineral working should not normally be permitted.

Adopted Minerals Local Plan Policy 5 (Minerals Policy 5: Mineral Sterilisation) encourages the extraction of minerals prior to non-mineral development. Policy 5 states that:

The County Council will object to any development proposals within, or adjacent to areas of potential mineral resource, which would prevent, or prejudice potential future mineral extraction unless it is clearly demonstrated that:

- b. the land affected does not contain potentially workable mineral deposits; and/or*
- ii. there is an overriding need for the development; and*
- iii. the mineral cannot practically be extracted in advance.*

The Minerals Planning Authority therefore request a site investigation and evaluation by way of a Minerals Resource Assessment (MRA) to be undertaken in order to assess the potential for workable mineral deposits underlain at the site and to avoid the possibility of mineral sterilisation (please refer to Section 5(a) of the adopted Minerals Consultation Areas SPD).

It should be noted that if the full resource is to be extracted, there may be the need for a separate mineral planning application and potentially a separate EIA.

However, if the mineral resources are proposed to be left, justification of departure from policy must be demonstrated and this may also result in an objection from the county council.

9.1.12.2 Further comments 19.07.23 (following submission of Minerals Safeguarding Assessment).

I write to provide a supplementary response on behalf of the county council as the Minerals and Waste Planning Authority. This supplementary response relates to the Minerals Safeguarding Assessment made available after the first comments to the outline application were submitted.

This letter should be read in conjunction with our comments submitted for the EIA Screening Request (23/0566/EIA dated 15/05/2023) as well as our original comments made to this outline application (dated 30/06/2023).

Having reviewed the Mineral Safeguarding Assessment, the Minerals Planning Authority agrees with the justification for not assessing the potential for mineral extraction within Parcel 2 of the proposed site. Not only will there be no built development within this parcel, it is also sufficiently separated from Parcel 1 such that the potential future extraction of mineral resources in this area is unlikely to be prejudiced by the development of Parcel 1.

In relation to Parcel 1, it is noted that the mineral resource lies within the southern part of the site. Given the need for a standoff or buffer between a potential extraction area and existing residential and agricultural property nearby, the conclusions presented within the report are justified.

The applicant suggests that mineral could be extracted during the preparation of the proposed development platform. This would result in the extraction of some of the resource on an opportunistic basis and therefore accords with Policy 5 of the adopted Minerals Local Plan Review 2007.

The applicant also proposes to undertake further site investigation work and to produce a Materials Management Plan (MMP) to quantify the extraction and use of the sand and gravel. The Minerals Planning Authority agrees with the proposal for this to become a pre-commencement condition and would welcome the opportunity to assess the MMP.

Overall, the approach set out by the applicant within the Minerals Safeguarding Assessment is supported by the Minerals Planning Authority. The extraction of some of this resource will reduce its sterilisation and reduce the need to import primary materials to the proposed development site.

9.1.13 Hertfordshire Archaeology: 23.08.2023. No objection.

ARCHAEOLOGICAL IMPLICATIONS

Thank you for consulting me on the above application.

Please note that the following advice is based on the policies contained in the National Planning Policy Framework

The development site, at c.31 ha., is of very substantial size. No heritage assets of archaeological or historic interest relating to the site are recorded on the County Historic Environment Record, but it should be noted that very few archaeological investigations have been carried out in the area, and that the closest, carried out in 2010 during the widening of the M25, revealed six prehistoric pits that had been used as small ovens or hearths [to the north-east, Historic Environment Record 31525], and a series of small later prehistoric pits and hollows, some used as hearths, and a possibly Late Iron Age ditch [to the west, HER 31523, 31524]. A number of findspots of prehistoric date have been identified as residual finds in the wider vicinity of the site

The site is also in a topographically suitable location for settlement, particularly that of prehistoric and Roman date. Cartographic evidence indicates that in the later post-medieval period it was agricultural land, and the current use of the site for grassland and arable. This lack of significant disturbance in recent centuries means that it may retain significant archaeological potential.

The creation of the proposed data centre will have substantial below ground impacts, since it involves considerable landscaping, and ground reduction. The impact of the creation of the proposed country park will be less, but it appears the scheme will include preparatory works to convert the land from agriculture to grassland, the creation of a 'wetland mosaic' and a new 'wet pond', and tree planting, among other elements.

I consider that the position of the proposed development is such that it should be regarded as likely to have an impact on heritage assets of archaeological interest and I recommend that the following provisions be made, should you be minded to grant consent:

- 1) The completion of a systematic programme of non-intrusive geophysical survey, carried out by an appropriately qualified specialist, prior to any development commencing.
- 2) The archaeological field evaluation, via trial trenching, of the proposed development area, prior to any development taking place;
- 3) Such appropriate mitigation measures indicated as necessary by these evaluations. These may include:
 - a) the preservation of any archaeological remains in situ, if warranted, by amendment(s) to the design of the development;
 - b) the appropriate archaeological excavation of any remains before any development commences on the site;
 - c) the archaeological monitoring and recording of the ground works of the development, including foundations, services, landscaping, access, etc. (and also including a contingency for the preservation or further investigation of any remains then encountered);
 - d) the analysis of the results of the archaeological work with provision for the subsequent production of a report and an archive, and the publication of the results;
 - e) such other provisions as may be necessary to protect the archaeological and historic interests of the site.

I believe that these recommendations are both reasonable and necessary to provide properly for the likely archaeological implications of this development proposal. I further believe that these recommendations closely follow para. 205, etc. of the National Planning Policy Framework, relevant guidance contained in the National Planning Practice Guidance, and in the Historic Environment Good Practice Advice in Planning Note 2: Managing Significance in Decision-Taking in the Historic Environment (Historic England, 2015).

In this case three appropriately worded conditions on any planning consent would be sufficient to provide for the level of investigation that this proposal warrants. I suggest the following wording:

A No demolition/development shall take place/commence until an Archaeological Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of archaeological significance and research questions; and:

1. The programme and methodology of site investigation and recording
2. The programme for post investigation assessment
3. Provision to be made for analysis of the site investigation and recording
4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
5. Provision to be made for archive deposition of the analysis and records of the site investigation
6. Nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.

B The demolition/development shall take place/commence in accordance with the programme of archaeological works set out in the Written Scheme of Investigation approved under condition **(A)**

C The development shall not be occupied/used until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis and publication where appropriate.

If planning consent is granted, I will be able to provide detailed advice concerning the requirements for the investigations, and to provide information on professionally accredited archaeological contractors who may be able to carry out the necessary work.

I hope that you will be able to accommodate the above recommendations.

9.1.14 Hertfordshire Constabulary Crime Prevention Design Advisor: 19.07.2023. Advisory Comments.

Although the outline application description refers to security fencing, I cannot see any further references in relation to security.

I have worked on quite a few data centres and know that security requirements are extremely high. I would ask the clients to confirm this, if they would like to apply for Secured by Design Commercial, they can contact me.

9.1.15 Hertfordshire Ecology: 07.11.23. No objection.

Overall Recommendation: Application can be determined with no ecological objections (subject to the addition of the recommended conditions/informatives to any consent).

Summary of Advice:

- The production and implementation of a Biodiversity Net Gain Management Plan (BNGMP) should be secured by condition; and
- Sections 9.3.1 – 9.3.4 of the EclA should also be secured by condition.

Supporting documents:

I have made use of the following documents in providing this advice:

- Ecological Impact Assessment (EclA), Bioscan, June 2023;

- Biodiversity Metric v4.0 (author and date both not stated); and
- Landscape Strategy, Drawing No: 20208.221, mhp, 21 April 2023.

Comments:

Ecological assessment

The Hertfordshire Environmental Records Centre holds no records of notable ecological significance for this site or the area that could potentially be adversely affected by this development proposal.

This suggests a site of modest ecological value, an opinion shared by the EclA which accompanies this application.

Overall, whilst this acknowledged that some features benefitted from protection in policy and law, it concluded the proposed development would not have an adverse impact on biodiversity and would meet current expectations of law and policy.

The EclA and associated reports and surveys are up to date, reflect best practice, and can be considered fit for purpose. In principle, I have no reason to disagree with this outcome.

Avoidance/Mitigation/Compensation

However, this positive outcome was dependent on the adoption of a series of avoidance, mitigation and compensation measures described in sections 9.3.1 – 9.3.4 comprising, amongst others the production of a CEMP and lighting strategy. Although only brief details are provided at this early stage in the planning process, they represent reasonable and pragmatic proposals that bring with them a degree of confidence that fully worked up versions will effectively reduce the impact of the proposals. **Accordingly, s9.3.1 - 9.3.4 should be secured by condition.**

Biodiversity Net Gain (BNG)

The accompanying metric predicts the delivery of a 141.83% and 33.91% increase in habitat and hedgerow units, respectively.

Ultimately, only long-term monitoring would demonstrate how these communities develop and whether the considerable net gain claimed is being achieved. In time, this may require changes in management if not. However, I remain satisfied that a BNG in excess of the Government's proposed legal minimum requirement of 10% could be delivered; local policy does not yet require the delivery of a fixed amount.

Consequently, I have no reason to disagree with the outcomes shown, and, therefore, I am of the opinion that the delivery of a biodiversity net gain should not represent a fundamental constraint on the proposed development or reason for objection.

I say this in the knowledge that the application is for outline permission, and that the overall proposals may evolve over time and the net gain proposals likewise.

However, there is no guarantee that the net gain proposals of either application will be delivered or how these will be achieved. Therefore, this should be set out in a **Biodiversity Net Gain Management Plan (BNGMP) the production and delivery of which should be secured by condition.**

This should include, but not necessarily be limited to,

- details of the bodies responsible and their roles, functions and legal standing;
- clear, measurable, ecological objectives;

- detailed description of the management and monitoring regimes proposed;
- remedial measures should progress fail to meet the targets; and
- details of how the above will be secured for a minimum of thirty years.

In addition, the BNGMP should make clear how the predicted gain will be achieved and maintained alongside the use of the site as a country park which will bring with it recreational pressure and other urban-edge effects.

9.1.16 Hertfordshire Fire & Rescue Water Officer: No response received.

9.1.17 Hertfordshire Highways: [No objection]

9.1.17.1 Initial comments 18.07.2023. Objection.

Recommendation

Notice is given under article 22 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that Hertfordshire County Council as Highway Authority recommends that permission be refused for the following reasons:

REASONS AND COMMENTS

It is essential that any development site is unlocked sustainably considering sustainable transport opportunities first. This does not appear to have been considered and presently the proposals are considered non compliant with HCC' Local Transport Plan (LTP) 4 (May 2018). Furthermore, HCC Highways does not consider the access proposals are safe.

Sustainable Access

Currently for the most part the footway adjacent to Bedmond Road runs adjacent to the western side of the road. However, the development is located on the eastern side of Bedmond Road and whilst the vehicle access to the site is located circa 150m within a 30mph speed limit zone, it is clear from the applicants speed survey (15 November 2022) that this is not adhered to with 85th percentile vehicle speeds of 41.0mph north bound and 38.5mph southbound. Furthermore, it is proposed that the road will be widened to provide vehicle access and in doing so the constraint on southbound vehicles entering the village will be removed and southbound vehicle speeds are likely to rise to levels similar to or above the unconstrained northbound vehicle speeds.

Furthermore, whilst Bedmond Road is a recommended cycling route, it is considered that motor vehicle speeds at this location and the possibility of them rising is likely to deter most potential bicycle users both potential and existing.

It is therefore considered that a signalised access which controls speeds and facilitates pedestrian crossing may be more suitable at this location.

Additionally it does not appear that the proposed footway on eastern side of Bedmond Road connect to a safe and intuitive route for pedestrians to southbound bus stops or the village centre either.

Whilst bus services in the vicinity of the site are generally good with a reasonable frequency service potentially circa 400m (5minutes) walk from the site access the aforementioned problems with pedestrian access creates a barrier to all bus stops.

The applicants Transport Statement (TS) indicates that the Kings Langley rail station is circa 2km from the site however, it is over 2km walk by unpaved routes and nearly 3km (cycle) by paved routes (Bedmond Road, Gallow Hill Lane and Station Road). Whilst this is a cycleable distance and by roads identified in the emerging Three Rivers District Council

(TRDC) Local Cycling and Walking Improvement Plan (LCWIP), improvement to these routes need to be funded in order to make them an attractive and realistic alternative to the private car. The LCWIP also identifies the potential improvement to the Dairy Way to Parsonage Way bridleway which could potentially reduce the cycle to the station to 2.5km <https://storymaps.arcgis.com/stories/58f7397ac784439189193f6811f0e9a4>

Vehicle Access

As discussed previously HCC Highways has concerns as to the safe operation of a priority junction for all users at this location.

Travel Plan

In addition to the necessary accessibility improvements which will be required to input to the Travel Plan HCC's travel team note:

- Whilst there is mention of the Travel Plan Co-Ordinator responding to feedback from staff and visitors – this could be facilitated through a form of Steering Group for the plan which can work well within a business environment as it could utilise existing groups/meetings within the business. It is important to continue to receive feedback to ensure staff are engaged with the plan and the plan remains relevant.
- For public transport, there could also be promotion of relevant websites eg www.intalink.org.uk which is the source of bus service information within Hertfordshire and National Rail Enquiries for rail information. There could also be consideration of an on-site car share scheme subject to demand – giving people the opportunity to share with others working at the same facility. Paragraph 5.1.3 mentions reducing the environmental impact of fleet vehicles, business travel, and deliveries but no measures are specified – these could be company policy re flexible working and use of technology eg having meetings virtually rather than visitors needing to travel to the site for meetings, consolidation of deliveries and ensuring deliveries are outside peak traffic times to reduce their impact, use of low emission vehicles where possible. There is also no mention of measures for the training centre – this could be promotion of how to get there by sustainable modes, encouraging access to events on shared transport eg coach?
- Section 8 is somewhat vague with regard to the type monitoring, simply referring to 'travel surveys' which could mean various things – it would be useful to know exactly what is meant – eg questionnaire and/or multi-modal counts, surveys of uptake of various initiatives? There are also discrepancies in the frequency and extent of monitoring proposed, with paragraph 8.1.2 mentioning alternate year monitoring, whilst section 9 Action Plan talks about 'a baseline travel survey followed by annual snapshot survey'. For a development of this scale, we do require annual monitoring and a snapshot survey is unlikely to generate adequate data on which to review the plan and targets as response rates to surveys can be quite low, we will therefore expect full surveys to be undertaken, with review of the plan after each survey.
- Reference must be made to an Evaluation and Support fee , £1200 per year (£6000 for a 5-year plan, index linked to RPI Mar 2014).

Furthermore, post planning before the Travel Plan can be formally accepted to discharge a relevant planning condition the following will be required.

- Travel Plan Co-Ordinator details to be provided on appointment along with those of a secondary contact in case of personnel changes. Approx. time allocated to the role and frequency on site will need to be provided once known.
- A statement of commitment to the implementation of the plan from a suitable member of senior management. This gives us assurance that the business is committed to the implementation of the travel plan and its objectives.

Construction Traffic Management Plan (CTMP)

Further to the Transport Assessment any approved development by condition will require a Construction Traffic Management Plan (CTMP). The CTMP is to help developers minimise construction impacts and relates to all construction activity both on and off site that impacts on the wider environment. It is intended to be a live document whereby different stages will be completed and submitted for application as the development progresses. A completed and signed CTMP must address the way in which any impacts associated with the proposed works, and any cumulative impacts of other nearby construction sites will be mitigated and managed. The level of detail required in a CTMP will depend on the scale and nature of development.

The CMP would need to include elements of the Construction Logistics and Community Safety (CLOCS) standards as set out in our Construction Management template, a copy of which is available on the County Council's website at:

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>

Sustainable Transport Contributions

HCC Highways operate two levels of mitigation agreements (Strand 1 and Strand 2). Strand 1 mitigation works being works that are directly required to unlock the development and solely the responsibility of the development. Strand 2 mitigation works being works that address the wider cumulative impact of the development for which the development isn't solely responsible for but does derive benefit from.

In the first instance HCC would envisage that the agreed junction improvements and travel plan contributions are delivered via a Strand 1 s106 agreement. This includes the support fee for the aforementioned Travel Plan.

In the second instance (Strand 2) HCC calculate an appropriate headline figure based on the findings of HCC's adopted Developers Planning Obligation Toolkit (2021). Strand 2 contributions should address the cumulative impacts of all development, large and small, facilitating delivery and enhancement of the necessary active and sustainable transport networks. These local sustainable networks must be provided in their entirety to provide the sustainable connections to the key trip generators, as such contributions will be pooled to fund these networks within the local area (subject to any legislative restrictions), as supported by National Planning Policy Framework (NPPF).

This second strand contribution is intended to help implement broader transport measures in the catchments of new development from which contributions are secured. The need for second strand contributions will be balanced against the level of first strand contributions and any other relevant planning matters.

Paragraph 5.1.6 of the applicants Transport Statement (TS) indicates that the proposed development will employ circa 250 FTE (Full Time Equivalent) staff. Therefore proportional to the development, if it were to proceed HCC would expect a payment of £105,500 in order to address the off site sustainable transport network. This would be allocated to the identified LCWIP routes identified previously which users of the site will impact upon and facilitate of. However, as mentioned previously the proposed development must connect into the sustainable transport network first.

9.1.17.2 Further comments 14.09.2023. No objection.

Recommendation

Notice is given under article 22 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that Hertfordshire County Council as

Highway Authority does not wish to restrict the grant of permission subject to the following conditions and a sustainable transport contribution of £105,500:

CONDITIONS

1) No development shall commence until full details (in the form of scaled plans and / or written specifications) have been submitted to and approved in writing by the Local Planning Authority to illustrate the following:

- i) Roads, footways.
- ii) Cycleways.
- iii) Foul and surface water drainage.
- iv) Visibility splays
- v) Access arrangements
- vi) Parking provision in accordance with adopted standard.
- vii) Loading areas.
- viii) Turning areas.

Reason: To ensure suitable, safe and satisfactory planning and development of the site in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

2) Prior to the first use of the development hereby permitted the vehicular access shall be completed and thereafter retained as shown on drawing number (23127-06-2 Rev -) in accordance with details/specifications to be submitted to and approved in writing by the Local Planning Authority in consultation with the highway authority, the finalised design shall incorporate a signalised pedestrian/cycle crossing of Bedmond Road. Prior to use appropriate arrangements shall be made for surface water to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

Reason: To ensure satisfactory access into the site and avoid carriage of extraneous material or surface water from or onto the highway in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

3) Surface Water: Prior to the first use of the development hereby permitted, arrangement shall be made for surface water from the proposed development to be intercepted and disposed of separately so that it does not discharge onto the highway carriageway.

4) Cycle Parking – Not shown on plan but achievable

Prior to the first commencement of the development hereby permitted, a scheme for the parking of cycles including details of the design, level and siting shall be submitted to and approved in writing by the Local Planning Authority. This should include both the data centre and country park sites. The approved scheme shall be fully implemented before the development is first occupied (or brought into use) and there after retained for this purpose.

Reason: To ensure the provision of cycle parking that meets the needs of occupiers of the proposed development and in the interests of encouraging the use of sustainable modes of transport in accordance with Policies 1, 5 and 8 of Hertfordshire's Local Transport Plan (adopted 2018).

5) Rights of Way

A) Design Approval

Notwithstanding the details indicated on the submitted drawings no on-site works above slab level shall commence on site unless otherwise agreed in writing until a design for the upgrade of the existing footpath (Public Right of Way 29) to a bridleway has been submitted to and approved in writing by the Local Planning Authority.

B) Implementation / Construction

Prior to the first occupation/use of the development hereby permitted the off-site and on-site Rights of Way improvement plan works (including any associated highway works)

referred to in Part A of this condition shall be completed to the written satisfaction of the Local Planning Authority.

Reason: To ensure construction of a satisfactory development and that the highway improvement works are designed to an appropriate standard in the interest of highway safety and amenity and in accordance with Policy 5, 13 and 21 of Hertfordshire's Local Transport Plan (adopted 2018).

6) Construction Management Plan

No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan: The Construction Management Plan shall include details of:

- a. Construction vehicle numbers, type, routing;
- b. Access arrangements to the site;
- c. Traffic management requirements
- d. Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);
- e. Siting and details of wheel washing facilities;
- f. Cleaning of site entrances, site tracks and the adjacent public highway;
- g. Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;
- h. Provision of sufficient on-site parking prior to commencement of construction activities;
- i. Post construction restoration/reinstatement of the working areas and temporary access to the public highway;
- j. where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements;
- k. Phasing Plan.

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policies 5, 12, 17 and 22 of Hertfordshire's Local Transport Plan (adopted 2018).

7) Travel Plan – Requested Prior to Use

At least 3 months prior to the first occupation / use of the approved development a detailed Travel Plan for the site shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highways Authority. The approved Travel Plan shall be implemented in accordance with the timetable and target contained therein and shall continue to be implemented as long as any part of the development is occupied subject to approved modifications agreed by the Local Planning Authority in consultation with the Highway Authority as part of the annual review.

Reason: To ensure that sustainable travel options associated with the development are promoted and maximised to be in accordance with Policies 3, 5, 7, 8, 9 and 10 of Hertfordshire's Local Transport Plan (adopted 2018).

APPROPRIATE INFORMATIVES

HCC as Highway Authority recommends inclusion of the following Advisory Note (AN) / highway informative to ensure that any works within the highway are carried out in accordance with the provisions of the Highway Act 1980:

AN1) Extent of Highway: Information on obtaining the extent of public highway around the site can be obtained from the HCC website:

www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/extent-of-highways.aspx

AN2) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

AN3) Obstruction of highway: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

AN4) Debris and deposits on the highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. Section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.

AN5) Avoidance of surface water discharge onto the highway: The applicant is advised that the Highway Authority has powers under section 163 of the Highways Act 1980, to take appropriate steps where deemed necessary (serving notice to the occupier of premises adjoining a highway) to prevent water from the roof or other part of the premises falling upon persons using the highway, or to prevent so far as is reasonably practicable, surface water from the premises flowing on to, or over the footway of the highway.

AN6) Works within the highway (section 278): The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> or by telephoning 0300 1234047.

AN7) Construction Management Plan (CMP): The purpose of the CMP is to help developers minimise construction impacts and relates to all construction activity both on and off site that impacts on the wider environment. It is intended to be a live document whereby different stages will be completed and submitted for application as the development progresses. A completed and signed CMP must address the way in which any impacts associated with the proposed works, and any cumulative impacts of other nearby construction sites will be

mitigated and managed. The level of detail required in a CMP will depend on the scale and nature of development. The CMP would need to include elements of the Construction Logistics and Community Safety (CLOCS) standards as set out in our Construction Management template, a copy of which is available on the County Council's website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>

AN8) Abnormal loads and importation of construction equipment (i.e. large loads with: a width greater than 2.9m; rigid length of more than 18.65m or weight of 44,000kg - commonly applicable to cranes, piling machines etc.): The applicant is directed to ensure that operators conform to the provisions of The Road Vehicles (Authorisation of Special Types) (General) Order 2003 in ensuring that the Highway Authority is provided with notice of such movements, and that appropriate indemnity is offered to the Highway Authority. Further information is available via the Government website www.gov.uk/government/publications/abnormal-load-movements-application-and-notification-forms or by telephoning 0300 1234047.

AN9) Travel Plan (TP): A TP, in accordance with the provisions as laid out in Hertfordshire County Council's Travel Plan Guidance, would be required to be in place from the first occupation/use until 5 years post occupation/use. A £1,200 per annum (overall sum of £6000 and index-linked RPI March 2014) Evaluation and Support Fee would need to be secured via a Section 106 agreement towards supporting the implementation, processing and monitoring of the full travel plan including any engagement that may be needed. Further information is available via the County Council's website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> OR by emailing travelplans@hertfordshire.gov.uk

COMMENTS

The proposed site is an existing greenfield located immediately to the north of the existing residential area of Abbots Langley in the Three Rivers District Council area, and to the east of Bedmond Road. The proposal site is bound to the north by the M25 motorway. Currently the site is host to the Notley Farm. It is proposed to construct a data centre of up to 84,000 sqm (GEA), delivered across 2 separate buildings, in the western area of the site and establish a country park in the eastern area of the site accessed by the Public Right of Way footpaths (PROWs 29 and 31), the informal farm track from East Lane which goes under the M25 and the bridleway (PROW 004) which bridges over the M25.

Sustainable Access

In line with the Policies of LTP4, particularly Policies 1 (the Transport User Hierarchy) and 5 (Development Management) it is essential given the declared climate emergency that this is considered first to unlock a site sustainably.

Currently for the most part the footway adjacent to Bedmond Road runs adjacent to the western side of the road. However, the proposed data centre development is located on the eastern side of Bedmond Road. Whilst the applicant has offered through their transport consultant to provide a footway on the eastern side of Bedmond Road towards Notley Close. It is clear from the applicants speed survey (15 November 2022) that the 30mph speed limit on Bedmond Road is not adhered to with 85th percentile vehicle speeds of 41.0mph north bound and 38.5mph southbound and crossing to/from the corresponding northbound bus stop on the western side of Bedmond Road would be dangerous. Therefore, HCC Highways considers that the development must provide a signalised pedestrian/cycle crossing of Bedmond Road to make this safer and start to unlock the site sustainably. Furthermore,

HCC Highways consider it feasible to do so and consider that the crossing could be integrated into a signalised junction which would control vehicle speeds on Bedmond Road.

Furthermore, the proposed eastern footway to Notley Close does not present an attractive route for pedestrians to a southbound bus stop. Which involves walking circa 115m south from the site access to an uncontrolled crossing of Bedmond Road to its western side, then walking a further 200m south to a uncontrolled 'zebra' cross of Bedmond Road back to its eastern side and finally walking another 85m south to the bus stop. With crossing the Bedmond Road site twice this tortuous route would not be within the recommended 5 minutes threshold.

The proposed country park itself is a destination and HCC Highways considers that cycle parking within the Park and suitable cycle access to the park via the conversion of the Public Right of Way (PROW) 029 to a surfaced bridleway is required.

Furthermore, the applicants Transport Statement (TS) indicates that the Kings Langley rail station is circa 2km from the site however, it is over 2km walk by unpaved routes and nearly 3km (cycle) by paved routes (Bedmond Road, Gallow Hill Lane and Station Road). Whilst this is a cyclable distance and by roads identified in the emerging Three Rivers District Council (TRDC) Local Cycling and Walking Improvement Plan (LCWIP), improvement to these routes need to be funded in order to make them an attractive and realistic alternative to the private car. The LCWIP also identifies the potential improvement to the Dairy Way to Parsonage Way bridleway which could potentially reduce the cycle to the station to 2.5km <https://storymaps.arcgis.com/stories/58f7397ac784439189193f6811f0e9a4>

However, this has been recognised by the applicant within their latest their 23 August 23 Transport Note (TN), para 2.6 "The applicant is willing to accept the £105,500 in order to address the off site sustainable transport network".

Therefore, in line with policy HCC Highways considers the site can be unlocked sustainably,

Vehicle Access

As discussed previously HCC Highways has concerns as to the safe operation of a priority junction for all users at this location and the finalised junction must be signal controlled.

Travel Plan

Whilst HCC's Travel Plan team consider that the applicants Travel Plan is sufficient for this stage in the planning process. Once the plan is in place we would expect more detail regarding the measures to reduce the impact of deliveries/fleet vehicles (a paragraph has been added in the plan, but it states a general intention to develop measures rather than state what these might be) and also to develop specific measures for the training centre (as this may have different travel patterns). This however, can be discharged by condition post planning permission.

Construction Traffic Management Plan (CTMP)

Further to the Transport Assessment, Transport Note and any approved development by condition will require a Construction Traffic Management Plan (CTMP). The CTMP is to help developers minimise construction impacts and relates to all construction activity both on and off site that impacts on the wider environment. It is intended to be a live document whereby different stages will be completed and submitted for application as the development progresses. A completed and signed CTMP must address the way in which any impacts associated with the proposed works, and any cumulative impacts of other nearby construction sites will be mitigated and managed. The level of detail required in a CTMP will depend on the scale and nature of development.

The CMP would need to include elements of the Construction Logistics and Community Safety (CLOCS) standards as set out in our Construction Management template, a copy of which is available on the County Council's website at:

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>

9.1.18 Herts. and Middlesex Wildlife Trust: 25.07.2023. Objection.

Objection: Biodiversity net gain not demonstrated, in accordance with NPPF. Full biodiversity metric required to enable scrutiny, not a summary. All habitats and condition assessment scores must be justified with evidence. Species lists and condition assessment sheets required.

The NPPF states:

174. Planning policies and decisions should contribute to and enhance the natural and local environment by:

d) minimising impacts on and providing net gains for biodiversity

The ecological report supplied does not contain an objective and measurable assessment of net gain. The NE biodiversity metric must be used to demonstrate net gain. A net gain is an increase in habitat units of 10%. The full metric must be supplied not a summary, as is currently the case.

BS 42020 states:

'8.1 Making decisions based on adequate information
The decision-maker should undertake a thorough analysis of the applicant's ecological report as part of its wider determination of the application. In reaching a decision, the decision-maker should take the following into account:
h) Whether there is a clear indication of likely significant losses and gains for biodiversity.'

This application should not be determined until a biodiversity metric has been submitted that demonstrates net gain.

9.1.19 National Grid: No response received.

9.1.20 National Highways Agency: [No objection]

9.1.20.1 Initial comments 20.07.23. Holding Response.

Referring to the consultation dated 28 June 2023 referenced above, in the vicinity of the M1 J6, M25 J20 and M25 J21A that form parts of the Strategic Road Network, notice is hereby given that National Highways' formal recommendation is that we:

c) recommend that planning permission not be granted for a specified period (see reasons at Annex A);

Highways Act 1980 Section 175B is not relevant to this application (refer to Annex A where applicable).

This represents National Highways' formal recommendation and is copied to the Department for Transport as per the terms of our Licence.

Should the Local Planning Authority not propose to determine the application in accordance with this recommendation they are required to consult the Secretary of State for Transport, as set out in the Town and Country Planning (Development Affecting Trunk Roads)

Direction 2018, via transportplanning@dft.gov.uk and may not determine the application until the consultation process is complete.

Annex A National Highway's assessment of the proposed development

National Highways (formally Highways England) has been appointed by the Secretary of State for Transport as a strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such we work to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

National Highways considers planning applications for new developments under the requirements of the National Planning Policy Framework (NPPF) and DfT Circular 01/2022: The Strategic Road Network and The Delivery of Sustainable Development ("the Circular"). The latter document sets out our policy on sustainable development and our approach to proposals which may have an impact on our network.

This application is for the demolition of existing school buildings and erection of replacement school buildings with associated parking and landscaping. To include siting of two temporary classroom buildings during construction.

The SRN in the vicinity of the proposed development is the M1 J6, M25 J20 and M25 J21A.

We note that this proposal is for the demolition and clearance of existing buildings and hardstanding's 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 (all matters reserved).

Traffic Impact

We have reviewed the Transport Statement (TS) prepared by DTA in June 2023 (ref. SJT/NS 23127-01a Transport Statement_Final), and have the following comments.

Trip Generation

While it is stated that the typical land use for a data centre is B8, data centres differ considerably from the normal B8 storage and distribution land uses. The storage element is digital rather than physical, and the distribution of what is being stored is not made by vehicles but distributed electronically. Data centres are less likely to generate significant vehicle trips to/from the site, in contrast to typical B8 storage and distribution land use sites. The TS states that the TRICS database does not contain any sites that reflect the proposed data centre uses, so a first principles approach has been used, based on the number of staff anticipated.

It is then stated that the proposed data centre will generate around 250 jobs, based on the experience of the promotor, who has other data centre sites. However, no evidence is provided to support this estimate of staff numbers. As the whole first principles trip generation process is based on this single estimate of staff numbers, it is critical that this figure is as accurate as reasonably possible.

It also suggests that the peak change in shifts for the proposed data centre will occur in the hours of 07:00 – 08:00 and 19:00 – 20:00, and so the traffic impact during the typical PM peaks will be minimal. However once planning permission is granted, it is possible that these shift patterns might change. Besides, it is possible that the innovation, education, and training centre is more likely to attract trips during more typical office hours, so likely during the weekday peak hours.

ACTION

We therefore request further evidence and clarification which should demonstrate the robustness of estimated staff numbers, for all land uses, as well as vehicular trips likely to be generated. A survey on another similar site or multiple sites should be undertaken by a third-party survey company.

Trip Distribution

We note that the Three Rivers 001 Middle Super Output Area (MSOA) has been used to determine the mode share and trip distribution for the proposed data centre. This MSOA covers the site area, as well as the nearest urban areas of Abbots Langley and Bedmond. The use of this MSOA is accepted, along with the associated mode share and trip distribution calculations.

Traffic has been assigned to the road network using the most direct route, but this only goes so far as to determine the direction of traffic at the Bedford Road site access junction. Trip assignment should be extended to include the nearby M1 J6, M25 J20 and M25 J21A so that the traffic impact on the SRN can be quantified.

ACTION

Trip Assignment information should be presented as proposed development traffic movements at each junction for the weekday AM and PM peak hours.

Recommendation

National Highways recommends that the Local Planning Authority does not grant planning permission for the application (Ref: 23/1068/OUT) for a period of 3 months (expiring on 20 October 2023) from the date of this recommendation. This is to enable the applicant to respond to the outstanding technical matters and to allow us to provide the Local Planning Authority with a fully informed formal recommendation.

Standing advice to the local planning authority

The Climate Change Committee's 2022 Report to Parliament notes that for the UK to achieve net zero carbon status by 2050, action is needed to support a modal shift away from car travel. The NPPF supports this position, with paragraphs 73 and 105 prescribing that significant development should offer a genuine choice of transport modes, while paragraphs 104 and 110 advise that appropriate opportunities to promote walking, cycling and public transport should be taken up.

Moreover, the build clever and build efficiently criteria as set out in clause 6.1.4 of PAS2080 promote the use of low carbon materials and products, innovative design solutions and construction methods to minimise resource consumption.

These considerations should be weighed alongside any relevant Local Plan policies to ensure that planning decisions are in line with the necessary transition to net zero carbon.

Referring to the consultation dated 28 June 2023 referenced above, in the vicinity of the M1 J6, M25 J20 and M25 J21A that form parts of the Strategic Road Network, notice is hereby given that National Highways' formal recommendation is that we:

c) recommend that planning permission not be granted for a specified period (see reasons at Annex A);

Highways Act 1980 Section 175B is not relevant to this application.

This represents National Highways' formal recommendation and is copied to the Department for Transport as per the terms of our Licence.

Should the Local Planning Authority not propose to determine the application in accordance with this recommendation they are required to consult the Secretary of State for Transport, as set out in the Town and Country Planning (Development Affecting Trunk Roads) Direction 2018, via transportplanning@dft.gov.uk and may not determine the application until the consultation process is complete.

Date: 04 September 2023

Annex A National Highway's assessment of the proposed development

National Highways (formally Highways England) has been appointed by the Secretary of State for Transport as a strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such we work to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

National Highways considers planning applications for new developments under the requirements of the National Planning Policy Framework (NPPF) and DfT Circular 01/2022: The Strategic Road Network and The Delivery of Sustainable Development ("the Circular"). The latter document sets out our policy on sustainable development and our approach to proposals which may have an impact on our network.

This application is for the 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 (all matters reserved).

The SRN in the vicinity of the proposed development is the M1 J6, M25 J20 and M25 J21A.

After reviewing the Transport Statement (TS) prepared by DTA in June 2023 (ref. SJT/NS 23127-01a Transport Statement_Final), we requested further evidence and clarification to be provided for our review on 20 July 2023. We are now in receipt of the Transport Note (ref. TN 23127-03) which has been prepared by DTA Transportation in August 2023. The following text outlines our observations and feedback.

Trip Generation

It is stated in Section 2.0 (Page 3) that a manual classified turning count has been undertaken at the Prologis Park West London. The site is occupied by Virtus Data Centres. However, there is no further information on where in West London the site is located, thus making a profile comparison between the two sites difficult. We would therefore, require clarification on the sites surveyed for due diligence purposes before we could confirm if the trip generation is acceptable.

Recommendation

National Highways recommends that the Local Planning Authority does not grant planning permission for the application (Ref: 23/1068/OUT) for a period of 50 days (expiring on 20 October 2023) from the date of this recommendation. This is to enable the applicant to respond to the outstanding technical matters and to allow us to provide the Local Planning Authority with a fully informed formal recommendation.

Standing advice to the local planning authority

The Climate Change Committee's 2022 Report to Parliament notes that for the UK to achieve net zero carbon status by 2050, action is needed to support a modal shift away from car travel. The NPPF supports this position, with paragraphs 73 and 105 prescribing that significant development should offer a genuine choice of transport modes, while paragraphs 104 and 110 advise that appropriate opportunities to promote walking, cycling and public transport should be taken up.

Moreover, the build clever and build efficiently criteria as set out in clause 6.1.4 of PAS2080 promote the use of low carbon materials and products, innovative design solutions and construction methods to minimise resource consumption.

These considerations should be weighed alongside any relevant Local Plan policies to ensure that planning decisions are in line with the necessary transition to net zero carbon.

9.1.20.3 Further comments 18.10.23. Holding Response.

Referring to the consultation dated 28 June 2023 referenced above, in the vicinity of the M1 J6, M25 J20 and M25 J21A that form parts of the Strategic Road Network, notice is hereby given that National Highways' formal recommendation is that we:

c) recommend that planning permission not be granted for a specified period (see reasons at Annex A);

Annex A National Highway's assessment of the proposed development

National Highways (formally Highways England) has been appointed by the Secretary of State for Transport as a strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such we work to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

National Highways considers planning applications for new developments under the requirements of the National Planning Policy Framework (NPPF) and DfT Circular 01/2022: The Strategic Road Network and The Delivery of Sustainable Development ("the Circular"). The latter document sets out our policy on sustainable development and our approach to proposals which may have an impact on our network.

This application is for the 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 (all matters reserved).

The SRN in the vicinity of the proposed development is the M1 J6, M25 J20 and M25 J21A.

With reference to our queries about trip generation, we recommended that the Local Planning Authority would not grant planning permission for the application (Ref: 23/1068/OUT) on 4th September 2023. This recommendation is expiring on 20th October 2023.

On 11th October, we have been re-consulted by the Council on the Transport Note (prepared by DTA on 21st September 2023). Our initial comments are as follows:

- The Site Surveyed is situated on Horton Road in West Drayton (West London) and is easily accessible via sustainable travel methods. West Drayton facilities are close by and can be reached on foot or by bicycle. Bus stops and West Drayton Railway Station (which is operated by GWR to London Paddington and Reading and now the Elizabeth line) is located 1km (10 min 39 sec – walking speed) from the existing site. Thus, it could be argued more actual opportunities for staff to get to and from that site using sustainable modes of transport.

Therefore, we request that staff numbers and the sites multimodal data be provided in order to review the West Drayton site trip generation. We also require further details regarding staff numbers and confirmation that the site shares the same shift patterns as the proposed development.

- If possible, it would also be helpful for the applicant to include information on the Slough Datacentre as well <https://virtusdatacentres.com/locations/uk> in order to provide more details on the existing trip generation and provide a wider range of source data. Particularly in light of the increased traffic the site is now generating.

- The applicant also states within the TS that “Based on experience of the promotor (and DTA) at other Data Centre proposals it is likely to the scale of development here will generate around 250 jobs”. Can this information be provided?

- Although the applicant mentions a country park, no trips have been reported for it. Clarification is therefore needed for that as well.

Once, the above trip generation has been provided we will then require the following;

- Traffic Distribution Calculation & Diagram – once the trip generation has been agreed, this needs to be assigned to the road network. Trip assignment should be extended to include the nearby M1 J6, M25 J20, and M25 J21A so that the traffic impact on the SRN can be quantified. Especially given the fact that J20 is notoriously congested in around the AM peak – particularly on the clockwise off slip.

A meeting on 20th October with the applicant and the case officer to discuss this Transport Note has been scheduled. In light of our comments above and the meeting that should take place soon, we expect the applicant would need additional time to respond to the outstanding technical matters.

Recommendation

National Highways recommends that the Local Planning Authority does not grant planning permission for the application (Ref: 23/1068/OUT) for a period of 3 months (expiring on 18 January 2024) from the date of this recommendation. This is to enable the applicant to respond to the outstanding technical matters and to allow us to provide the Local Planning Authority with a fully informed formal recommendation.

Standing advice to the local planning authority

The Climate Change Committee's 2022 Report to Parliament notes that for the UK to achieve net zero carbon status by 2050, action is needed to support a modal shift away from car travel. The NPPF supports this position, with paragraphs 73 and 105 prescribing that significant development should offer a genuine choice of transport modes, while paragraphs 104 and 110 advise that appropriate opportunities to promote walking, cycling and public transport should be taken up.

Moreover, the build clever and build efficiently criteria as set out in clause 6.1.4 of PAS2080 promote the use of low carbon materials and products, innovative design solutions and construction methods to minimise resource consumption.

These considerations should be weighed alongside any relevant Local Plan policies to ensure that planning decisions are in line with the necessary transition to net zero carbon.

9.1.20.4 Further comments 09.11.23. No objection.

Referring to the consultation dated 28 June 2023 referenced above, in the vicinity of the M1 and M25 that form parts of the Strategic Road Network, notice is hereby given that National Highways' formal recommendation is that we:

a) offer no objection (see reasons at Annex A);

This represents National Highways' formal recommendation and is copied to the Department for Transport as per the terms of our Licence.

Should the Local Planning Authority not propose to determine the application in accordance with this recommendation they are required to consult the Secretary of State for Transport, as set out in the Town and Country Planning (Development Affecting Trunk Roads) Direction 2018, via transportplanning@dft.gov.uk and may not determine the application until the consultation process is complete.

Annex A National Highway's assessment of the proposed development

National Highways (formally Highways England) has been appointed by the Secretary of State for Transport as a strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such we work to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

National Highways considers planning applications for new developments under the requirements of the National Planning Policy Framework (NPPF) and DfT Circular 01/2022: The Strategic Road Network and The Delivery of Sustainable Development ("the Circular"). The latter document sets out our policy on sustainable development and our approach to proposals which may have an impact on our network.

This application is for the 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 (all matters reserved).

The SRN in the vicinity of the proposed development is the M1 and M25.

With reference to our queries about trip generation, we recommended that the Local Planning Authority would not grant planning permission for the application (Ref: 23/1068/OUT) on 18th October 2023. In light of the meeting on 20th October 2023, the applicant submitted an updated Transport Note (prepared by DTA; ref. SJT/NS 23127-06a Transport Note to NH Second Response_Final) to us on 7th November 2023. The text below details our observations and comments.

Trip Generation

As per our request regarding the extended AM peak hour of the SRN, the applicant has extended the exercise to demonstrate proposed trip generation from the typical period of 08:00 – 09:00 to 09:00 – 10:00.

We note that traffic generation has been uplifted by 9% to reflect the single occupancy car driver percentage of the proposed development, as a response to our concerns about the different accessibility credentials of the two sites (the survey site and the application site). We acknowledge that there is limited data of survey sites available to the applicant. We note that this approach is acceptable.

With reference to the Economics Need and Benefits Report which DTA submitted to us on 19th October 2023, we note their calculations of the number of jobs regarding this development proposal are acceptable.

As such, the proposed trip generation as tabulated in the report is acceptable.

Table 3 – Proposed Traffic Generation (9% uplift)

Time Period	In	Out	Total
0600-0700	90	29	119
0700-0800	95	16	111
0800-0900	51	8	59
0900-1000	33	11	44
1600-1700	4	81	85
1700-1800	23	71	94
24 Hour	480	493	973

Trip Distribution

We note that Census Journey to Work data has been employed to assign trips onto the local and surrounding highway network. This approach is acceptable. With reference to Table 5 and 6 of the report, we note the maximum number of two-way vehicle trips (per hour) in the extended AM peak (06:00 – 10:00) and PM peak (17:00 – 18:00) is 7.

Table 5 – M25 Junction 20 Development Vehicle Trip Generation

Road	Percentage	AM (0600-0700)			AM (0700-0800)		
		In	Out	Total	In	Out	Total
A41	3%	3	1	4	3	1	4
Road	Percentage	AM (0800-0900)			AM (0900-1000)		
		In	Out	Total	In	Out	Total
A41	3%	2	0	2	1	0	1
Road	Percentage	PM (1700-1800)					
		In	Out	Total			
A41	3%	1	2	3			

Table 6 – M1 Junction 6 Development Vehicle Trip Generation

Road	Percentage	AM (0600-0700)			AM (0700-0800)		
		In	Out	Total	In	Out	Total
M1 J6 NB Off Slip	8%	7	0	7	7	0	7
M1 J6 SB On Slip	8%	0	2	2	0	1	1
A405	5%	4	1	5	5	1	6
Road	Percentage	AM (0800-0900)			AM (0900-1000)		
		In	Out	Total	In	Out	Total
M1 J6 NB Off Slip	8%	4	0	4	2	0	2
M1 J6 SB On Slip	8%	0	1	1	0	1	1
A405	5%	3	0	3	2	1	2
Road	Percentage	PM (1700-1800)					
		In	Out	Total			
M1 J6 NB Off Slip	8%	2	0	2			
M1 J6 SB On Slip	8%	0	5	5			
A405	5%	1	3	4			

Traffic Impact

Considering the above, we note the traffic impact of this proposal on the SRN is likely to be insignificant.

Recommendation – No Objection

We are satisfied that the development will not materially affect the safety, reliability and/or operation of the strategic road network (the tests set out in DfT Circular 01/2022, and MHCLG NPPF 2023) in this location and its vicinity.

Standing advice to the local planning authority

The Climate Change Committee's 2022 Report to Parliament notes that for the UK to achieve net zero carbon status by 2050, action is needed to support a modal shift away from car travel. The NPPF supports this position, with paragraphs 73 and 105 prescribing that significant development should offer a genuine choice of transport modes, while paragraphs 104 and 110 advise that appropriate opportunities to promote walking, cycling and public transport should be taken up.

Moreover, the build clever and build efficiently criteria as set out in clause 6.1.4 of PAS2080 promote the use of low carbon materials and products, innovative design solutions and construction methods to minimise resource consumption.

These considerations should be weighed alongside any relevant Local Plan policies to ensure that planning decisions are in line with the necessary transition to net zero carbon.

9.1.21 Natural England: No response received.

9.1.22 St Albans City & District Council: 18.08.23. No objection.

Thank you for consulting St Albans City and District Council development management on this application.

Having reviewed the information supplied, we do not wish to object to the proposed development at this time. Three Rivers District Council as Local Planning Authority on this application should however satisfy themselves that any potential harm to the Green Belt by reason of inappropriateness, and any other harm arising from the proposal, is clearly outweighed by other considerations in this case, in line with Paragraph 148 of the National Planning Policy Framework 2021.

We would advise that St Albans City and District Council is currently determining planning application 5/2022/2966, which has a resolution to grant outline planning permission, and includes potential provision for a data centre within the proposed scheme.

We would also request that St Albans City and District Council is consulted on future applications at this site.

9.1.23 Thames Water: 10.07.23. No objection.

Waste Comments

Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The developer should liaise with the LLFA to agree an appropriate sustainable surface water strategy following the sequential approach before considering connection to the public sewer network. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection, however care needs to be taken when designing new networks to ensure they don't surcharge and cause flooding. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer network.

Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection, however care needs to be taken when designing new networks to ensure they don't surcharge and cause flooding. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer networks.

Thames Water would advise that with regard to FOUL WATER sewerage network infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

The application indicates that SURFACE WATER will NOT be discharged to the public network and as such Thames Water has no objection, however approval should be sought from the Lead Local Flood Authority. Should the applicant subsequently seek a connection to discharge surface water into the public network in the future then we would consider this to be a material change to the proposal, which would require an amendment to the application at which point we would need to review our position.

Water Comments

With regard to water supply, this comes within the area covered by the Affinity Water Company. For your information the address to write to is – Affinity Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ – Tel – 0845 782 3333.

The applicant is advised that their development boundary falls within a Source Protection Zone for groundwater abstraction. These zones may be at particular risk from polluting activities on or below the land surface. To prevent pollution, the Environment Agency and

Thames Water (or other local water undertaker) will use a tiered, risk-based approach to regulate activities that may impact groundwater resources. The applicant is encouraged to read the Environment Agency's approach to groundwater protection (available at <https://www.gov.uk/government/publications/groundwater-protection-position-statements>) and may wish to discuss the implication for their development with a suitably qualified environmental consultant.

9.1.24 TRDC – Heritage Officer: 31.07.23. Objection.

This is an outline application for the 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 (all matters reserved).

The application site is located in the setting of the following heritage assets:

- Tithe Barn, 20 metres northeast of Parsonage Farm, Grade II*, (list entry: 1100908)
- Mansion Farmhouse, Grade II, (list entry: 1348213)
- Ovaltine Dairy Farm Cottages (non-designated heritage asset)
- Antoinette Court (non-designated heritage asset)

The application site is a historically undeveloped field which positively contributes to the significance of the above heritage assets. Views of the agrarian landscape from the heritage assets, and from the agrarian landscape back towards the heritage assets, permit an understanding of their historic context and function. The proposal would result in the fundamental alteration to the land use and character. The proposal would alter the assets physical surroundings as well the way in which they are experienced.

Due to this change, there would be 'less than substantial' harm to the designated heritage assets, paragraph 202 of the NPPF would be relevant. The level of harm to the Tithe Barn would be low due to the distance. The harm to Mansion Farmhouse would be the lowest level, due to the greater distance and intervening development. With regard to the non-designated heritage assets, paragraph 203 would be relevant. The level of harm to Ovaltine Dairy Farm Cottages would be medium due to the proximity of application site to the asset and fundamental change to the landscape. The harm to Antoinette Court would be low due to the greater distance and existing tree/hedge screening.

Whilst the proposed landscape strategy shows some additional planting around the data centres, I do not consider that there is the potential to fully mitigate the harm to the heritage assets with a development of this scale and extent.

9.1.25 TRDC – Environmental Health – Residential: 21.08.23. No objection.

I noticed that NSR1 – Farmhouse located to the southeast of the southern Site boundary will be the noise receptor that might be adversely affected by noise during the night-time, and this is after the mitigating measures are put in place. In addition, since work that involves (chillers and generators) has not been finalised it can be argued that the sound levels used in this noise report, to assess them, might change. Moreover, regarding the Education and Training Centre the Noise report states that at this stage is not known what type of ventilation system they will use, since this might have an impact on the noise generated by the site it must be taking to account as well.

Since there are quite a few uncertainties at this stage of the development, I would advise on behalf of the Environmental Health department that Planning puts a condition requesting that a new noise report, that address these uncertainties, is provided at the design stage.

9.1.26 TRDC – Leisure Department: 18.07.23. No objection subject to condition(s).

After full consideration of all the documents and information relating to the above planning application, Leisure Development Officers submit the following comments and recommendations.

These comments are given to help the development achieve the aims of Three Rivers District Council's Corporate Framework, Climate Emergency and Sustainability Strategy Sport and Physical Activity Strategy 2022–2025, Local and Strategic plans and National Policy Framework specifically:

- Achieving Sustainable Development
- Promoting Healthy Communities
- Health and Wellbeing

Recommendation for a development of this size is to include leisure facilities or features in the plans. However, Officers are unclear on a number of points in this proposal and require further details of clear plans for leisure facilities to be submitted before approval can be granted. Leisure Officer requirements are set out below.

- Details of full landscaping and leisure equipment proposals with product data sheets and proposed designs for all Leisure areas.
- Clear Operator signage for all outdoor leisure equipment conforming with the BS EN standards must be provided.
- Plans for outdoor leisure equipment do not have to be generic play or physical activity equipment. Leisure equipment and provision could include:
 - o landscaped relaxation areas
 - o natural play areas
 - o sensory play/garden areas
 - o wooded/garden/landscaped areas with physical activity equipment.
 - o trim trail
 - o or any other feature that enhances the health and wellbeing for visitors to the site.
- Any outdoor leisure equipment must conform to the following standards:
 - o Playground Equipment & Surfacing – BS EN 1176 & 1177
 - o MUGA's (Multi Use Games Areas) – BS EN 15312 – Free Access Multi Sports
 - o Skate Parks – BS EN 14974 – Roller Sports Equipment
 - o Outdoor Fitness Equipment – BS EN 16630
 - o Parkour Equipment – BS EN 16899
- Full details must be provided on the pond structure and the intended use eg shallow access for wildlife/pond dipping, access bridge, seasonal pond or year round, fenced or unfenced details on leisure provision use (either used for educational purposes or natural habitat purposes)
- Particular attention should be given to DDA compliant access to any leisure areas including pathways, seating and equipment as per the Equality Act 2010 (or the Disability Discrimination Act 1995 in Northern Ireland).
- Clear provision of sustainable active travel to support an active lifestyle, such as being bike friendly and details to show how this area links in with and encourages the green corridor links.
- Details showing vehicle access for maintenance of any leisure areas.
- Operator signs for any leisure areas are required and must include full contact details for reporting of maintenance or reparation issues and conform with BS EN standards.
- Clear signage details to show other local parks & open spaces, e.g., Leavesden Country Park, local footpaths etc.

- A full RoSPA based risk assessment must take place of any proposed outdoor leisure equipment and a RoSPA RPII Inspectors post installation inspection report must be provided.
- Provision for the on-going maintenance of any leisure facilities should be detailed, particularly if it the developer plans to formally hand over to the leisure facility to the Parish Council or Three Rivers District Council. This must include detailed Operation and maintenance Health & Safety manual showing:
 - o DDA compliancy certification as per the Equality Act 2010 (or the Disability Discrimination Act 1995 in Northern Ireland)
 - o details of installation method and as built drawings
 - o quality details of all materials used with the relevant certification.
 - o detailed maintenance guides for each piece of equipment
 - o RoSPA inspection of installed pieces of equipment
 - o Proof of adherence to RoSPA recommendations eg gates and fences etc.
- Officers would recommend that guidance on leisure facility planning (eg: Play England or Sport England) is sought from the relevant bodies and adhered to.

A pre-commencement condition is therefore requested which requires provision of a clear and detailed plan which must be approved by Officers in the leisure team.

It is therefore requested that the following condition is imposed as follows:

- (a) No development shall commence until the following documents have been submitted as a full programme of outdoor leisure facilities implementation which is approved in writing by the Local Planning Authority after consultation with Three Rivers District Council's Leisure Team. This must consist of:
- (i) A detailed design risk assessment of all proposed leisure facilities.
 - (ii) A detailed specification of:
 - a. the proposed equipment, ancillary items, operator signs and other operations associated with grass establishment,
 - b. ongoing maintenance proposals
 - c. a detailed programme of installation, showing all stages, key points for Leisure Officers to visit site and approve stages of building works and a method statement for the works.
- (b) The approved scheme shall be carried out in full and in accordance with the approved programme of implementation. The land shall thereafter be maintained in accordance with the maintenance proposals for the scheme and made available for use in accordance with the scheme.

Reason: To ensure that the Outdoor Leisure Facilities are prepared to an adequate standard and are fit for purpose and to accord with Development Plan Policy **.

Three Rivers District Council's Leisure team can provide examples of acceptable completed documents and contractor's specifications to the applicant, along with advice on aspects of outdoor leisure facility requirements, to assist with meeting the conditions set out as above condition.

9.1.27 TRDC - Local Plans: 11.10.23. Objection.

Representation: The application site is located within the Green Belt. Policy CP11 of the Core Strategy states that '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.' The NPPF states that substantial weight should be given to any harm to the Green Belt, and that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances (paragraph 147-148). Paragraph 149 of the NPPF states that local planning authorities should "regard the construction of new buildings as inappropriate in the Green Belt", with limited exceptions. None of the exceptions set out in the NPPF apply to the proposed development.

The proposed buildings would comprise 84,300sqm of new employment floorspace. A gain in employment floorspace would be supported, although in this case this will only result in the creation of 15 full-time jobs, due to the nature of the development.

The South West Herts Economic Study (2019) indicates a need for 329,500sqm of B8 floorspace (storage and distribution) (18,300sq m per annum) across the whole of South West Herts. Of these amounts, it is estimated that in Three Rivers, there should be a provision of 15,600sqm of B8 floorspace over the 2018-2036 period (or 900sqm per annum). This is estimated to require a land requirement of 3.9ha. The application proposes B8 use to comprise the majority of the floorspace within the proposed development. It is therefore considered that the proposed development would strongly contribute to meeting the need for B8 floorspace set out in the South West Herts Economic Study (2018). The proposed development would provide a proportion of office floorspace, ancillary to the data centre use.

Although the proposed development would seemingly significantly contribute to meeting the District's B8 floorspace needs, a hyperscale datacentre is a very specific use and not typical of B8 uses. As such, there are concerns that in reality it would not result in meeting the District's B8 needs and these needs would need to be met elsewhere in the District. The Council does not have evidence of its own on this use and therefore the applicant would need to submit compelling evidence in support of a need for the hyperscale datacentre specifically in this location.

In the absence of sufficient evidence to justify the need to develop this Green Belt site and in the absence of consideration of suitable alternative sites the policy team considers this to be inappropriate development in the Green Belt.

9.1.28 TRDC – Tree Officer: 14.11.23. No objection.

Recommend: Approval.

The submitted plans indicate that two sections of hedgerow, one tree (T33 Ash) and a small area of ancient woodland would need to be removed to facilitate the development. The hedgerow is in relatively poor condition and its removal will not be of any real detriment to the landscape or biodiversity.

The removal of the tree and small area of woodland would be detrimental; however, their loss would be compensated for by the creation of a substantial area of country park, adjacent to the site, with substantial new tree, woodland and hedgerow planting.

Officer comment: An area of ancient woodland is not proposed to be removed.

9.1.29 Watford Environmental Health (Commercial): 27.07.23. No objection.

Air Quality

I have reviewed the Air Quality Assessment prepared by Air Quality Consultants (Report ref. J10/13954A/10/2/F1).

The report does not include an assessment of construction phase impacts.

The assessment has considered emissions from the proposed generator plant in combination with traffic emissions, the assessment demonstrates that off-site impacts of the proposed scheme will be negligible, with the routine testing of the generators resulting in a negligible risk of an exceedance of the short-term air quality objective for Nitrogen Dioxide. There is a very low risk of an exceedance of the short-term air quality objective for Nitrogen

Dioxide, if all generators were required to operate at once (in the event of a significant power outage).

The assessment of operational phase impacts indicates that the air quality effects of the proposed development will be not significant.

I would recommend the following be applied to any permission granted:

A condition requiring the submission of a dust management plan.

A condition limiting testing to 12 hours per year, with a requirement to undertake testing in accordance with a routine testing regime.

A condition requiring the specification of the generators to be installed to be equal to or better than the generators described in Appendix A3.

A condition requiring the installation and maintenance of an abatement system for all generators.

Land Contamination

Historical mapping indicates that the site where the buildings are to be constructed may have had an agricultural use, inferred by field boundaries depicted on the map published in 1883, no changes are shown on the subsequent available maps.

Historical mapping indicates that the site where the country park is proposed may have had an agricultural use, inferred by field boundaries depicted on the map published in 1883, a cemetery, mortuary chapel, gasometer and gas works are shown offsite, a sewage pumping station is shown on the map published in 1925, a sewage tank is shown on site on the map published in 1926, no changes are shown on the subsequent available maps,

The site where the buildings are to be constructed has not been identified as having had a previous potentially contaminative use. Part of the site is currently occupied by a stables. A site to the west of the site has been identified as having been used for food processing.

The site where the country park is proposed has been identified as having a previous potentially contaminative use. Part of the site has been identified as having been used as a sewage works or sewage farm.

A number of sites to the south of the site have been identified as having had a previous potentially contaminative use. The following uses have been identified: cemetery or graveyard, heap - unknown constituents, sewage works and sewage farms, gas works, coke works, coal carbonisation plants.

The proposed development will not have a sensitive end use. The main use of the site appears to have been agricultural (likely arable crops) and there was a small sewage tank on site (it is not obvious what this was associated with). These uses are unlikely to have impacted the site significantly. Any unexpected contamination encountered during the development shall be reported to the LPA.

Based on this, the following contaminated land condition is recommended on this and any subsequent applications for the site.

1. Reporting of Unexpected Contamination: In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken, and where remediation is necessary a remediation

scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

INFORMATIVES:

Information for Developers and guidance documents can be found online at https://www.watford.gov.uk/info/20011/business_and_licensing/349/contaminated_land