March 2026

Q&A: Planning Applications and Data Centres

Friends of the Earth has produced this Q&A to help local communities consider the planning and environmental impacts of applications in their local areas.

Artificial Intelligence (AI) is key to the government's long term economic growth plan, while data centres (DCs) (including 'hyperscale' DCs/HDCs1) are now designated as 'critical infrastructures'2 due to the role they have in the modern economy.

Friends of the Earth's accompanying data centre policy position illustrates that while we are **not against the use of AI**, we need to ensure its key focus is on delivering societal benefits, such as environmental restoration, health advances and human wellbeing.

Considered and robust siting is important for new DCs, especially with their huge demands on electricity, water (re extraction and waste) and associated contributions to GHG emissions. Badly designed schemes without suitable mitigation provided are more likely to impact on communities, and introduce negative planning impacts on air pollution (for example through the use of diesel or gas-fired back-up generators), biodiversity, green space and other contexts.

Part of the planning system's role is to balance the competing economic need for new developments against competing environmental and social objectives. Most applications for DCs will be decided3 by council planning committees (following officer recommendation) based on local plan policy, as well as other 'material considerations' including the National Planning Policy Framework (or NPPF), statutory designations, their critical national infrastructure (CNI) designation etc. Although bespoke plan policies for H/DCs are currently few and far between, that will change and more will start providing relevant policies to consider when deciding whether to respond to a a H/DC application. For now, the NPPF and key policies of your local plan should be the starting point.

What should I do if a data centre is proposed in my local area?

You have some options available, including the right to respond in writing against (or in support of) the planning application, and can *usually*[4] apply to speak at the relevant planning committee. You can also look at amplifying your concerns more widely, with on option being to join your FOE Local Action Group to raise further awareness of an application's pitfalls. Check links below to our website to find out more information[5] on this point. Global Action Plan also has some online resources that may be useful.

Spotting data centre applications

This isn't always straightforward in practice, as DC applications can be lodged under the guise of general storage and distribution uses (i.e. B8 use class); or sui generis (i.e. a range of different uses) or even commercial/offices (i.e. Class E)[6] . While applications for DCs can be submitted under these storage/commercial uses, especially at the outline stage, at the same time most examples we have seen usually include the term 'data centre' in the description, and so it should be more obvious than not to spot them.

Right, you've identified a new data centre application in your area, what’s the bottom line in planning terms if I want to object?

Ultimately, to be most effective, you need to submit a formal written objection to your local planning authority (local council) and ensure it’s lodged on the application register (and/or online planning portal). This can be done by visiting your council’s website, locating the application (either by address, application reference or type) and submitting an objection. Your objection should refer to key local plan policies, as well as other material considerations relevant to the proposals (e.g. water demands, energy use, national policy - see next question).

What if my council's local plan does not have any specific policies on DCs/HDCs – what should I do?

This, at least for now, is more common – and in part due to the issue with DCs not having been assigned their own use-class[7] (as per above). While smaller scale DCs have been around for some time, larger Hyper Data Centers (or HDC's) are relatively novel in planning terms, and the planning system is slowly playing catch up. In December 2024 the NPPF[8] – a key material policy consideration for both decision and plan making – was updated by the government and now references increased support for DCs, including a need for councils to allocate land for them and their requirements in local plans (relevant NPPF excerpts below):

"86. Planning policies should:
…c) pay particular regard to facilitating development to meet the needs of a modern economy, including by identifying suitable locations for uses such as laboratories, gigafactories, data centres…"

"…87. Planning policies and decisions should recognise and address the specific locational requirements of different sectors. This includes making provision for:
a) clusters or networks of knowledge and data-driven, creative or high technology industries; and for new, expanded or upgraded facilities and infrastructure that are needed to support the growth of these industries (including data centres and grid connections)"

While your local plan may be silent on HDCs/DCs, there will undoubtably be other relevant local plan policies, parts of the NPPF or even considerations from larger scale sub-regional plans[9] covering your local area (e.g. London Plan or Greater Manchester Spatial Framework) which you can also use.

Your local plan proposals map[10] is a good starting point. Is the proposed site of the DC protected by any local or statutory designations? Is it allocated for other protected uses? Are there other local restrictive policies covering the site? Checking the proposals map is always useful context.

Proposals maps aside, other local policies linked to landscape/visual impacts (due to HDC scale), biodiversity, transport, amenity, noise, climate, natural resources (e.g. water use) impacts could be useful – with more detail provided below - although not every DC application will trigger all of these policies.

In your response to the council, you/your local action group should try to reference as many relevant local plan policies as you can. While time-consuming, it's still worth doing and not only makes your objection stronger, but should ensure council planners take your concerns more seriously (being

linked to adopted policies than just general criticism). By law, planning officers also need to ensure they've considered your response before making a recommendation/ delegated decision.

What are the key planning considerations for data centres?

Below are a range of possible environmental and land-use considerations that DC/HDC applications could have and which could be relevant to any formal response made to your council's planning department:

Water use

The Environment Agency's National Framework for Water Services Report[11] has raised concerns on water usage for DC/HDCs.

> **"Data centres require significant amounts of water for cooling servers. Large centres can consume millions of litres daily, with water use rising in summer...!"**

We have seen some poorly drafted applications that failed to disclose detailed water usage, attracting concern from local residents, NGOs, planning officers and statutory consultees such as the Environment Agency (EA). Contrastingly, those schemes aiming to proactively mitigate water usage (e.g. specifying 'direct to chip cooling' or 'closed loop systems' which use less water for cooling) while also detailing envisaged water demands should help allay some concern. In our opinion, all DC/HDC applicants should give accurate projections of water use over a yearly scenario, so that water companies and the EA (which issues extraction and waste permits) can assess cumulative demands across a geographical area.

Action

Overall, check whether the application includes transparent and detailed water demand/ usage statistics. Where this has not been undertaken, and if the application is an Environmental Impact Assessment (EIA), you have legislation on your side to ask your council to request further information from the applicant on water usage (linked to Regulation 25 "further information requests"[12]). This could be a simple email to them, but ensure you reference the EIA 2017 regs, and argue that such information is critical for the council to be able to decide if there will be a "likely significant effect" on water. If it's not an EIA level application, you could **also** try and make your local water provider aware of the lack of water usage details. Water providers are not statutory consultees for such applications, so if you can't locate a response on the planning portal, see if they would be willing to comment on the scheme.

Water Companies and their planning application role

While water demand/processing can also be considered an EA permitting issue (re water extraction and waste-water), water usage is a key (or 'material') consideration for DC/HDC applications. Despite there being no requirement in planning law or water companies to be consulted13, water companies are now beginning to take seriously the potential for cumulative water shortages, with some providers raising concerns to applications; especially in areas of known water stress. **Our view is that all water providers should be required to respond to DC/HDC applications in their catchment areas** to build a robust picture of cumulative demand going forward.

Grid Connection proximity

DC/HDCs require a lot of energy, with some HDCs requiring between 50-100MW/h, if not more, per site14. As a result, they need to be sited near to a suitable grid connection point/**or** where one can be brought forward in the short-term. Grid connection proximity is therefore a material consideration in justifying the location of DC/HDCs15, especially in more contentious designations (e.g. green belt) as recent government decisions suggest is already happening.

Action

If this is the case, and an application is looking to site in the open countryside or green belt, you should ensure you're local planners have asked the applicants for a **sequential test** to justify its location, especially compared to other available sites located in less sensitive designation(s) **before** agreeing that what is proposed is the most suitable.

Biodiversity

The use of low nature value brownfield sites is less likely to impact nature compared to a woodland or other green field sites; although this is not true in all cases; especially where rewilding has taken place. Adverse nature impacts can be avoided more generally with the **submission of a robust site** based ecological appraisal that demonstrates compatibility with the 'mitigation hierarchy' (i.e. avoid, minimize, mitigate and finally compensate) and can demonstrate Biodiversity Net Gain (BNG) - a 10% improvement in nature. Siting outside and well away from key statutory nature designations will always be the preferred route for council planners.

Action

Check to see if such an ecological appraisal16 has been i) submitted and ii) its contents supported by your council's ecology officer. Biodiversity net gain is a consideration also, and so better schemes will strive to go further than the 10% minimum target to improve nature on/around the site – as set out in relevant legislation.

Landscape and visual/townscape impacts

The sheer scale, height and mass of DC/HDCs, as well as any proximity to Protected Landscapes (e.g. National Parks or Areas of Outstanding Natural Beauty) or sensitive visual receptors (e.g. footpaths, gardens, houses, parks, cycle paths etc) will determine the level of such impact. Where DC/HDC siting will be visible from a number of sensitive viewpoints, or from, say, a National Park, it's likely that visual and landscape effects would weigh more heavily in the 'planning balance' against it – especially in the absence of any significant weight in support (compared to say onshore wind or solar developments17). While developers argue that little can a lot can be done to mitigate their bulk, good siting (e.g. lower value landscapes, or adjacent similar scale buildings/uses in urban areas), orientation and design (e.g. colour, appearance and type of materials) can help reduce overall impact.

Action

Ensure a suitable landscape and visual impact assessment has been submitted to assess impacts on sensitive views (e.g. houses, footpaths etc) and the landscape. Check the LVIA has been undertaken by a member of the 'Landscape Institute' and that the council's own landscape officer formally comments the level of overall effect (they will usually support or object depending on the above).

Outlook

Any H/DC proposed near to housing means there is a chance it will impact on residents' enjoyment of their properties (i.e. visual amenity/outlook). If you believe that the scale or mass of a proposal could lead to diminished living conditions, then this would comprise material consideration. That said, most applications will usually be robust enough to avoid such impact.

Action

It will be obvious if a DC/HDC has been poorly sited adjacent to sensitive uses and which are likely to be overbearing to local residents (houses, carehomes etc). This should be a key concern, and would likely raise other key issues, such as noise impacts, intermittent air pollution (re diesel generators).

Competition with other uses

While DC/HDCs can be proposed in light industrial/general industrial parks, their sheer scale means there is essentially less land for more traditional uses in the same category. The same is true for DC/HDCs proposed on sites allocated for other key uses, possibly housing (albeit unlikely), or renewable energy.

Action

Check your proposals map to see whether the site is allocated for other uses and make a point of it in your response if it is.

GHG issues

As previously stated, H/DCs require a lot of energy to power their servers, as well as for cooling (especially where air, instead of water cooling is proposed). If the main grid connection fails, rather than power-down, most planning applications propose back-up onsite power generation (usually an assembly of diesel generators) to keep the servers churning over and storing data. While these fossil fuel generators will be switched-off a lot of the time, their associated impacts when they do run (e.g. GHGs, noise, particulate matter/PM2 and on site fuel storage risks) all need to be considered by statutory consultees and the council.

Other climate considerations relating to transport, construction materials/embodied carbon, renewable energy consumption (see below) are all relevant for DC/HDCs. A useful means of dividing up such emission impacts could include descriptions of the different ‘scopes’ of emissions the proposal is likely to contribute to. These include:

- **Scope 1:** those in the control of the applicant – and include on-site diesel generation
- **Scope 2:** those which are indirect but linked to specific demands (e.g. electricity generation – not all will be from renewable sources)
- **Scope 3:** those offsite and indirect emissions usually outside of the applicant’s control (e.g. staff travel, future upgrades to hardware) but which can be included in some instances.[18]

Action

A robust DC/HDC application should have submitted relevant information to address the above – especially if subject to EIA. Check the relevant chapters of the Environmental Statement and supporting docs (if time allows) for a Climate Chapter and/or separate GHG statement which might address elements of the above. Your local plan might also request this as such for larger application (where it is not an EIA application). The 2024 NPPF supports this approach more widely, stating, very usefully, at Para 163 that:

"The need to mitigate and adapt to climate change should also be considered in preparing and assessing planning applications, taking into account the full range of potential climate change impacts".

Renewable Energy Availability

As to operational emissions, while larger HDC providers, such as Google or Microsoft can afford enter into power purchase Agreements (PPAs) with large scale wind and solar farm operators to guarantee renewable power for their proposals, such an approach – while may tick the box for that specific development – might also raise others societal issues, such as diminished renewable energy availability for other, arguably more important uses (e.g. household heating, industry, public and private transport etc). While likely a more limited material consideration, the point stands that DC/HDCs are intensive energy users, and we need to consider more widely whether it's best for limited home grown renewable energy to be used to offset the power demands created by a range of online social and AI platforms, not all of which are bad, or to help power and heat people's homes, schools, hospitals, public transport, and other key essential societal functions. It's not a zero-sum game, but the also we can only produce so much renewable energy as a nation.

Action

As above, a robust application should address these concerns. While the weighting of this consideration may be more limited, security of energy supply arguments are becoming more relevant in decision making for changing geopolitical reasons.19

Heritage

'Heritage assets', such as listed churches and buildings (as well as Registered Parks and Gardens and Conservation Areas (etc)) can suffer impacts to their "significance" due to poorly sited applications within their immediate or wider setting (usually where there is a visual association). While such impacts are likely to be "less than significant"20 in many cases, any potential impact to Grade 1 and 2* buildings/parks and Conservation Areas – which carry the greatest 'significance' in policy terms – are likely to be valid considerations for DC/HDC proposals, especially being permanent forms

of development (compared to, say, onshore wind or solar which might be there for 25 years and then removed). Do raise heritage as an issue if you believe such impacts are likely to be unacceptable on more; however in many instances, the siting of DCs should avoid “substantial” heritage harm (e.g. more likely to be located in the ‘newer’ commercial/industrial parts of our towns and cities). This won’t always be the case, however.

Action

Check the proposal against local heritage policies and NPPF chapter 16 to see if impacts on designated heritage assets comprise “substantial harm”21 and, if so, mention in your representation as a reason for refusal. There should be an accompanying heritage statement if impacts are likely, so check your local conservation officer’s response, or that of Historic England as statutory consultee (assuming the asset in question is Grade II* and above).

Flood Risk

Environment Agency (EA) guidance defines areas of flood risk and the approach to development in each. **Flood Zone 1** (low probability of river/sea flooding) through **Flood Zone 2** (medium probability), **Flood Zone 3a** (high probability), and **Flood Zone 3b** (functional floodplain- where water flows or is stored during floods). DC/HDCs are usually defined as commercial or industrial uses (or “less vulnerable”), and so should avoid Zones 3a and 3b, although in some instances, their sheer scale could mean parts of a development envelope is at some risk of flooding. Siting in lower risk zones (1 and 2) will still require a flood risk assessment (including a surface and water drainage plan).

Overall, siting in “more vulnerable” areas, such as Zones 3a or 3b is less likely to be permitted, especially as DC/HDCs are not “essential uses”. Even with additional (and very technical ‘sequential’ and ‘exception’ site) documentation to justify such a site as “the most ‘suitable’ location (e.g. as it would not impact on flooding elsewhere), our view is that such uses **should not** be granted lightly.

In our opinion, only DC/HDCs proposed in lower risk flood zones should be allowed, and required to include sustainable/nature based surface water alleviation solutions due to their scale (e.g. Sustainable Urban Drainage Systems (SUDS) and/or permeable membranes instead of endless tarmac/concrete to slow water flow further downstream.

Action

Check the government’s long term flood risk mapping tool22 for the suitability of a proposed DC/HDC location. Siting in flood zones 3a or 3b should raise red flags in terms of a high flood risk probability, meaning the EA should usually object. While very technical, flood risk can still be a robust ground for refusal in many cases.

Noise/Vibration

Nearly all operational elements of DC/HDCs are enclosed, however mechanical requirements linked to hot air venting and air cooling (e.g. AC Units or mechanical ventilation) can mean residual noise and vibration issues might arise where sensitive uses (e.g. care homes or housing) are nearby. Add to that, the intermittent requirements of back-up diesel generators during power cuts and the potential for unsuitable and adverse noise and vibration impacts is increased. Better sited proposals (e.g. within existing B2 general industrial parks[23]) should ensure compliance in most instances.

Action

Action: As a minimum, you should ensure that your council's environmental health team has assessed whether proposed levels of harm are acceptable, or whether they have objected. Check the proposals map for siting, also, and see if its being proposed in more compatible 'B2' General Industrial or 'B8' Storage and Distribution' contexts – although note that Friends of the Earth (and others) are calling for data centres to have their own use-class to ensure consideration of their own unique demands and environmental impacts (see our policy position).

Should an Environmental Impact Assessment (EIA) have been submitted with the planning application?

Developers can be required by law to consider issues like water usage, landscape/visual impacts, greenhouse gas impacts (etc) in much more detail in the context of an Environmental Impact Assessment (EIA). When a planning application triggers EIA, it is because decision-makers think there is potential for "likely significant effects"[24] on local water resources, landscape, ecology, emissions, noise etc.

Positive EIA screening will require submission an accompanying Environmental Statement (ES) and objective evidence to demonstrate the level of impact will not be 'significant' once possible mitigation has been applied. Complying with the EIA regulations is a more demanding test for developers, compared to more run of the mill compliance (re ensuring planning impacts are "acceptable"), although it is process heavy and will mean more heavy lifting for you or your local action group in terms of reading and linking evidence to claimed outcomes.

The problem is that **not all data centre applications will be required to undertake the EIA exercise**, despite relevant water, energy, GHG or other issues highlighted above. **Compulsory EIA for DC/HDCs is something we have argued should be mandatory in our policy position**.

If you're a DC/HDC near you is accompanied by an EIA you should be in a better position to challenge the findings of the submitted evidence and can even ask the council to require more detail from the applicant where you believe this is missing. This is because any decision maker (re council) needs to ensure it has enough information to hand to make a "reasoned conclusion" as to whether likely significant effects will occur; and where they **don't**, they can formally ask the developer to supply "further information" – triggering further consultation (see 'Water Use' section above).

Application and consultation timescales are also increased with EIA, the former from 13 to 16 weeks, the latter from 3 weeks to "no less than 30 days"[25] – ultimately giving you or your local action group more time to respond. See our separate EIA guide for more details on these points.

How do I draft a response to an application?

With the above in mind, it’s up to you to decide whether you want to object to anyDC/HDC applications in your local area. Objecting requires a formal written response from you (or local action group) to the council’s standard 21-day public consultation timeframe (or 30 days where an EIA has been required) via the council’s planning portal/website.
Your submission should address the issues above, where relevant, as well as reference any local and national planning policies that you think apply. See our Applications guide for more details on submitting representations to contentious applications.

What about planning committee – is it worth speaking at it?

Once the application gets to the final stages, you may want to register to speak at the relevant planning committee – either in support or to object. You could check your council's "Constitution" on how many parties can speak either for or against, however most councils will allow an objector **and** a supporter (usually the applicant) to speak26. It's best to call the council committee team to check speaking requirements.

Appearing and speaking at committee can be a powerful way of highlighting issues to elected officials that the planning officer might have given limited weight to in their initial planning assessment (or missed reading your written objection). It is also useful for the committee to hear material arguments **for/against** from local residents about the proposal, rather assume public opinion is fine with it. See our applications guide for more details.

What if my data centre is not being decided by an application, but a Local Development Order (LDO)?

LDO's are currently a rarer route by which planning approval can be decided overall. They will usually require local authority recognition of the need for a specific use (e.g.DC/HDCs), as well as cooperation between them and a developer to bring it forward. At the same time, if adopted, the potential for DCs being allowed within the designated LDO area is more likely, albeit subject to certain design, and other parameters that might still require – a much more limited assessment known as - 'prior approval'27.

While this might suggest it's an easier route to obtaining planning permission for these uses, commentators would likely argue in many ways it's more complicated, takes a lot longer and maintains robust stakeholder engagement - although at the same time it's perhaps hard not to interpret the LDO process as council marking its own homework28.

Nonetheless, opportunities to comment and object to an LDO designation are comparable to – if not exceed – those for a standard planning application, including:

i) Screening and scoping

ii) Formal 28 day consultation of the LDO

iii) 30 day EIA consultation (i.e. ES) – where an EIA is required (NB this will consider worst case scenarios for water, air, climate, landscape and visual, health etc) and challenging the accompanying assessments.

iv) Commenting on prior approval stages – albeit scope to respond is limited.

v) While you cannot seek a government "call-in", the secretary of state has powers under the Town and Country Planning Act 1990 to amend or revoke LDOs (but instances are rare).

What are my options if an application is granted permission/LDO Adopted by my council?

In most instances, formal council **approval** of an application or adoption of an LDO for a DC/HDC (usually following full planning committee) substantially limits further opportunities to challenge such decisions. While legal avenues, such as Judicial Review, are available, this time limited option (i.e. 6 weeks from a permission grant or LDO's adoption) is not without substantial cost risks and time burdens, and so is usually undertaken in more limited circumstances and organisations (such as larger NGOs which are currently subject to 'cost protections'). That said, local action groups and individuals have also managed to successfully 'crowd fund' JR legal costs and liabilities, but you need to know what you're letting yourself in for at the outset.

That's not to say the principle of pursuing a JR should be discouraged, especially if you feel that there has been a serious procedural errors, but the Courts are usually much less keen to dissect officer reports/reasoning unless there are clear grounds for "irrationality" in decision making – although the bar for such a challenge is very high from what our legal colleagues suggest. We would recommend you get in touch with legally focused organisations, like Foxglove or the Good Law Project, should you wish to pursue a legal challenge in this context.

Glossary of planning terms

Hyper scale data centre: A hyper scale data centre is a very large-scale digital infrastructure facility designed to accommodate extensive computing, storage and power demands for cloud and internet services. It typically requires significant land, grid capacity and cooling provision, and has substantial impacts on local infrastructure, energy use and spatial planning considerations.
Examination in Public: a formal round-table discussion led by an independent Planning Inspector into the soundness of a local or strategic plan; together with the plan-making authority (i.e. Council) and relevant interested parties (statutory consultees, objectors etc).
Local Plan: sets out planning policies in a local authority area and allocates land for development. The Local Plan is used to guide planning decisions.
Local planning authority: the public body responsible for carrying out planning functions for an area. This is usually the district, unitary, borough or county council, the main functions being the act of granting or refusing planning permission and plan making – formulating policies to guide decisions and future development of an area. Responsibility for waste and minerals planning rests with the waste and mineral planning authority – who are either unitary or county councils. National park authorities are also local planning authorities.
National Planning Policy Framework: principal document containing planning policy for England which sets out how these are expected to be applied.
Statutory consultees: organisations and bodies, defined by statute, who local planning authorities are legally required to consult before reaching a decision on relevant planning applications
Sustainability Appraisal is a structured planning assessment that examines the environmental, social and economic effects of draft local plan policies to ensure they support sustainable development objectives. It helps policy-makers balance benefits and impacts of policy levers, by comparing options, identifying possible mitigation and demonstrating compliance with the wider sustainability objectives enshrined in planning.

Notes

1.
"A Hyper-scale centre is generally considered to be one that can support in excess of 40MW of computing power or more than 5,000 servers, and has a minimum of 1,000m2 of data hall space" – according to the Roay Institute of Chartered Surveyors. See Data centre growth seen in scaled schemes and retrofits | Journals | RICS.

2.
Data centres to be given massive boost and protections from cyber criminals and IT blackouts - GOV.UK.

3.
The plan is for the government to however allow them into the Nationally Significant Infrastructure Planning (NSIP) regime at some point, with a new National Policy Statement being published for consultation in 2026. In this context the government would be the final decision maker.

4.
On very rare occasions, some local authorities will not let either party speak – however usual practice is to allow a supporting and objecting view.

5.
Register and join a local action group | Local action.

6.
In 2020, the use-classes order was revised, but the government failed to include a specific class for DCs, despite their unique electricity and water demands and land-use impacts.

7.
See useful RPS article for more info on this point - Planning permission for UK data centres: The Use Class | RPS.

8.
National Planning Policy Framework - GOV.UK.

9.
Commonly known as Spatial Development Strategies, the first being the London Plan, and with others being drawn up around the country. The Devolution Bill aims to role such sub-regional plans out around the country, especially mayoral combined authorities – but for now they are limited in coverage and scope.

10.

The proposals map accompanies the local plan and sets out allocations for housing, commercial, industrial, retail and other uses, as well as open space.

11.
Taking action on other significant water-using sectors and emerging demands: National Framework for Water Resources 2025 - GOV.UK.

12.
As allowed under Regulation 25 of the Town and Country Planning (EIA) Regulations 2017.

13.
Role of water companies in new housing development planning - HOC Debate Pack 2025: CDP-2025-0058.pdf .and a notable absence from the Development Management Procedure Order 2015.

14.
Why Hyperscale Is Leading the Data-Centre Revolution.

15.
As per NPPF extracts above.

16.
Possible titles: i) ecological survey, ii) phase 1 habitats survey, or if EIA a robust Ecology chapter is included in the Environmental Statement.

17.
While this is true under the current iteration of the NPPF (2024), the forthcoming remodelled NPPF (coming later in 2026) will likely apply the “presumption” of sustainable development more widely, and which may change the overall balance in favour of DC/HDCs- even where landscape and visual effects are likely.

18.
While the Supreme Court’s recent ‘Finch’ Judgement might come into play with DCs, objectively, it’s trickier to form as clear causal connections re Scope 3 emissions, compared to say an oil operator drilling an oil/gas well, that oil being sold, and subsequent scope 3/ downstream emissions arising from the burning/heating of that oil - perhaps in a refinery or further end-uses (e.g. petrol in cars). This is not to say ‘Finch’ is irrelevant, but proving such causal links would likely be case dependent and may be beyond the scope of what you want or have time to object to.

19.
With the 2026 NPPF likely to push this requirement even further.

20.
As per the 2024 NPPF.

21.
See NPPF. para 214 for further reference.

22.
Check the long term flood risk for an area in England - GOV.UK.

23.
And not those now considered within use class “E(g)(iii)” ‘Industrial uses which can be carried out in a residential area without detriment to its amenity: – formally known as B1(c)

24.
Including “direct and any indirect, secondary, cumulative, transboundary short, medium and long-term, permanent and temporary, positive and negative effects)”.

25.
In line with the TCPA EIA Regulation 2017.

26.
This is written before accession of the Planning and Infrastructure Bill, where the government is allowing itself to decide what types of application can be decided by officers, The scale of HDCs should mean – especially if they are subject to EIA – that an opportunity for a committee decision will continue, as well as democratic right to speak either against or for such developments.

27.
A much more limited type of application that only considers certain parameters such as scale, design, landscaping, flooding. It is not guaranteed, but the principle of the scheme is not at stake.

28.
With their designation as “critical infrastructure”, NPPF support (etc.), the likelihood of the government revoking or seeking amendment to LDOs concerning data centres is more limited.