

City of Edinburgh Council

PLANNING AUTHORITY RESPONSE: WRITTEN SUBMISSIONS IN RESPECT OF PLANNING PERMISSION IN PRINCIPLE FOR ERECTION OF A GREEN DATA CENTRE WITH ASSOCIATED INFRASTRUCTURE, SERVICING, CAR AND CYCLE PARKING; FORMATION OF PUBLIC PARK WITH SPORTS FACILITIES; AND FORMATION OF ACTIVE TRAVEL ROUTES AT 1 REDHEUGHS AVENUE, EDINBURGH, EH12 9RH - PLANNING APPLICATION REFERENCE 25/04239/PPP

APRIL 24 2026

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WRITTEN SUBMISSIONS

BY

THE CITY OF EDINBURGH COUNCIL

In respect of

Planning permission in principle for erection of a Green Data Centre with associated infrastructure, landscaping, servicing, car and cycle parking; formation of public park with sports facilities; and formation of active travel routes; full approval for the siting of the data centre development and public park at 1 Redheughs Avenue Edinburgh - Planning application reference 25/04239/PPP

Introduction

The appellant is appealing against the grounds for refusal, as set out by the Development Management Sub-Committee (hereinafter referred to as 'Committee') on 4 February 2026.

Committee overturned the Chief Planning Officer's recommendation of approval and refused the application for the following reasons-

- 1. The proposal is contrary to NPF4 Policy 1 as it does not adequately address the climate emergency.*
- 2. The proposal is contrary to NPF4 Policy 2 as it does not demonstrate lifecycle greenhouse gas emissions can be minimised.*
- 3. The proposals is contrary to CityPlan 2030 Place Policy 19 - EP1 criteria as it does not incorporate a mix of business and residential uses and does not extend the existing grid layout to ensure a cohesive townscape or deliver sustainable movement through the site.*

The Council's webcast of the hearing can be found using the following link:

https://edinburgh.public-i.tv/core/portal/webcast_interactive/1061833/start_time/120000

These form the written submissions from the Council, as planning authority, and address the comments set out in appellant's submissions.

Background to Committee Decision

In this instance, under the Council's scheme of delegation, the application had to be determined by the Development Management Sub-Committee ("the Committee") which forms part of the Planning Authority with the Committee considering the proposal by way of a Hearing.

Committee as part of the Hearing process reviewed and discussed the proposal over the course of several hours. During the hearing, Committee heard and considered submissions by a Representor and Consultee, prior to the Appellant being given the opportunity to respond. The hearing process allowed the Representor the opportunity to present their concerns with the proposal to Committee, and Consultee the opportunity to clarify the formal response provided as part of the application assessment. Likewise, the Applicant was afforded an opportunity to outline to Committee their requirement to develop the site per the application lodged and highlight in their view the merits of the proposal. After the hearing session the Committee proceeded to debate and then determine the application. A copy of the Protocol Note (CEC Document 01) and Minutes (CEC Document 02) for the hearing have been provided as part of the Council's appeal response documents.

While the Chief Planning Officer's report put forward a recommendation for approval, the Committee – as the decision maker on this application - was entitled to reach a different decision, provided that the decision is consistent with the legal framework and justification is provided.

However, as noted above, the application which is the subject of this appeal was not a delegated decision and the Committee was the decision-maker for this application. The Committee considered the proposal in the context of NPF4 given it formed part of the statutory development plan at the time of the hearing on 4 February 2026.

1. The Legal Framework

1.1. The proposals require to be considered in terms of Section 25 and 37 of the Town and Country Planning (Scotland) Act 1997. Under these sections, if the proposal is considered to comply with the development plan, planning permission should be granted unless material considerations indicate otherwise.

2. The Development Plan

2.1. The Council respectfully draws the Reporter’s attention to the adoption of the National Planning Framework 4 (“NPF4”) on 13 February 2023. Following adoption, the NPF4 now forms part of the statutory development plan.

2.2. In respect of these proposals, the development plan is currently comprised of:

2.2.1. NPF4; and

2.2.2. City Plan 2030, adopted November 2024 (“LDP”); and

2.2.3. Supplementary Guidance:

2.2.3.1. City Centre retail core adopted January 2020

2.2.3.2. Heat opportunities mapping adopted December 2018

2.2.3.3. Stockbridge town centre adopted December 2017

2.2.3.4. Bruntsfield/Morningside town centre adopted April 2017

2.2.3.5. Clerk Street/Nicolson Street town centre adopted December 2017

2.2.3.6. Leith town centre adopted April 2017

2.2.3.7. Tollcross town centre adopted December 2017

2.2.3.8. Portobello town centre adopted December 2017

2.2.3.9. Gorgie/Dalry town centre adopted December 2017

2.2.3.10. Corstorphine town centre adopted December 2017

2.3. In the event of any incompatibility between a provision of NPF4 and a provision of the LDP consideration should be given to Section 24(3) of the Town and Country Planning (Scotland) Act 1997. Under this section, in the event of any incompatibility between a provision of the National Planning Framework and a provision of a Local Development Plan, whichever of them is the later in date is to prevail.

2.4. The Council respectfully draws the Reporter's attention to the report considered by Planning Committee at the meeting of 18 January 2023. The 'National Planning Framework 4: Update' report (CEC Document 03) detailed how concurrently with adoption, the section of the Planning (Scotland) Act 2019 that sets out what happens when there is 'any incompatibility' between parts of the development plan was expected to come into force. The report sets out that due to a degree of incompatibility with NPF4, the Council considers that some of the LDP policies no longer apply to the same extent in the determination of future planning applications. The Council respectfully submits that the Reporter should have cognisance of this report in determining what comprises the Development plan, given Section 24(3) of the Town and Country Planning (Scotland) Act 1997.

3. Proposal is contrary to NPF4 Policy 1 as it does not adequately address the climate emergency (Reason for Refusal 1) and contrary to NPF4 Policy 2 as it does not demonstrate lifecycle greenhouse gas emissions can be minimised (Reason for Refusal 2)

3.1. Committee considered the proposal in terms of Section 25 and 37 of the Town and Country Planning (Scotland) Act 1997. Under these sections, if the proposal is considered to comply with the development plan, planning permission should be granted unless material considerations indicate otherwise.

3.2. National Planning Framework 4 Policy 1 – Tackling the climate and nature crises states a policy intent to encourage, promote and facilitate development that addresses the global climate emergency and nature crisis. Furthermore, the policy states for the purpose of considering all development proposals, significant weight will be given to the global climate and nature crises.

3.3. National Planning Framework 4 Policy 2 – Climate mitigation and adaptation states a policy intent to encourage, promote and facilitate development that minimises emissions and adapts to the current and future impacts of climate change. Furthermore, the policy sets out the following criteria for development to adhere to:

- a) Development proposals will be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible.
- b) Development proposals will be sited and designed to adapt to current and future risks from climate change.
- c) Development proposals to retrofit measures to existing developments that reduce emissions or support adaptation to climate change will be supported.

Officer Presentation-

- 3.4. Committee were advised by Officers that as part of the assessment, it was recognised that Green Data Centres have potential to use a large amount of energy and water due to their intense operational requirements, and subsequently there is a requirement to identify appropriate mitigation measures to offset potential operational impacts in the context of the climate emergency.
- 3.5. Officers outlined to Committee that as part of the assessment, the Appellant submitted a Sustainability Statement which outlined indicative measures which would help ensure energy efficiency as part of the operation of the site. These included use of low carbon materials/ancillary buildings, high levels of insulation and energy-efficient cooling methods. More broadly, the assessment recognised the sites' location within Scotland would help reduce the developments carbon footprint through use of renewable energy.

Representor Presentation-

- 3.6. [REDACTED] as part of his presentation to Committee intimated that in his view the operational requirements of the proposal would use a large amount of energy and water, and given this is an emerging technology, appropriate mitigation measures had not been identified to appropriately offset impacts of the facility requirements.
- 3.7. [REDACTED] representing Scottish Water as part of his presentation to Committee, reaffirmed the position set out in the formal consultation response for the application, that Scottish Water recognises the important role that data centres will play in Scotland's digital future, aiming to provide assistance in the facilitation of such developments, while giving consideration to the potential environmental impacts they may contribute to.

3.8. Regarding operational processes, the Scottish Water representative advised that to service the cooling of data centres, they examine environmentally sustainable methods of water provision. Scottish Water would look at options to facilitate water cooling demand by providing treated final effluent as a primary measure, and options would be examined depending on the location of the development and other feasibility considerations. The representative reaffirmed that early engagement with Scottish Water was recommended with submission of a Pre-development Enquiry to allow this process to begin.

Appellant Presentation-

3.9. The Appellant addressed Committee and in doing so provided an overview of the proposal and outlined the extent to which daily operation of the data centre would be derived from renewable energy sources to ensure sustainability. This included reference by the Appellant to the potential for the provision of a Power Purchase Agreement (PPA) between a renewable energy generator and future data centre operator to guarantee availability of green power for the appointed end user.

3.10. Furthermore, the Appellant advised Committee of on-site measures to ensure sustainable operations, including use of high-efficiency mechanical and electrical systems in respect of the cooling systems proposed for the data halls, implemented to significantly reduce operational energy and associated greenhouse gas emissions.

3.11. Additionally, the Appellant advised Committee of the site's location within the Sighthill & South Gyle Heat Network Zone as identified in the City of Edinburgh Council Edinburgh Local Heat and Energy Efficiency Strategy Delivery Plan: 2024 – 2028. With the intention being to utilise waste heat recovery systems integrated into the building design to facilitate a district heating network operator's energy plant within the site and further minimise any potential detrimental impact on the climate through such measures.

3.12. The Appellant advised Committee of the reference to such a connection on the submitted parameter plans lodged in support of the application, to allow for future connection to the network.

Committee Discussion-

Principle of development

3.13. In considering the principle of the development, Committee considered the potential for the proposal to implement appropriate mitigation measures per its operation to ensure it would run sustainably, with consideration of the available guidance in respect of what constitutes a Green Data Centre in this regard.

3.14. Clarity on this point was sought from Officers, and Committee were advised of the position outlined by the Scottish Government stating that in order for a facility of this nature to be considered a green data centre, Planning Authorities may wish to consider criteria such as the extent to which the data centre is powered from renewable energy sources; whether the facility would make use of energy efficient technologies; whether the facility would seek to minimise water consumption; and whether the facility in its operation would support the re-use of excess heat.

3.15. Furthermore, Committee considered whether the specific criteria outlined by Officers in respect of what constitutes a green data centre would be met as evidenced by the proposal before them, and in doing so Committee considered whether the principle of development could be supported as a result.

3.16. In balancing the consideration of the criteria set out and the degree to which the proposal would comply against the Local Development Plan as a whole, Committee also sought clarity from Officers regarding the status of green data centres as a form of National Development as contained in NPF4.

3.17. Officers advised Committee, that green data centres fall under the 'Digital Fibre Network' classification in NPF4, which stipulates the 'the principle of development does not need agreed in later consenting processes.'

Re-use of excess heat generated by facility operations

3.18. In considering the criteria aligned with green data centres and how it applied to the proposal, Committee requested clarity from Officers regarding the level of detail and information provided by the Appellant regarding the proposal to deal with excess waste heat generated on site by transferring waste heat from site to the local heat network. Specifically, Committee asked Officers to clarify the extent to which 'Figure 6: DNH Utilising DC Waste Heat and Renewable Energy' contained within the submitted Energy and Sustainability Including Waste Heat Strategy August 2025 represented an agreed component of the proposal before them, as the application for determination was for planning permission in principle.

3.19. Officers advised Committee the document was indicative only, and that further details regarding this matter would be secured by an appropriate condition proposed as part of the Chief Planning Officer's recommendation to approve the principle of development. Officers advised Committee that any future energy connections of this nature would also be subject to separate regulatory consents. On this point the Appellant further clarified, that proposals to connect to the Local Heat Network would need to be finalised at a later stage by the future operator, however there were provisions in place to allow for the necessary infrastructure as indicated on the submitted parameter plans per the future detailed design.

3.20. Committee considered additional clarity from both Officers and the Appellant regarding the scope to utilise excess waste heat from operations on site as part of a future heat network, including consideration of the timescales involved in the delivery of a local heat network to connect with the proposal to take full advantage of this process.

3.21. Committee requested clarity from the Appellant regarding the interim plans to deal with excess waste heat prior to the heat network becoming operational, based on the potential impact on the environment if the waste heat could not be re-used as outlined. The Appellant advised that chillers would be utilised on site to deal with waste heat in the interim period. Committee acknowledged this solution, however questioned whether this approach was reflected in the emissions figures set out by the Appellant in the submitted Energy and Sustainability Statement. The Appellant clarified the emissions figures presented a worst-case scenario and did not take account of the decarbonization element.

3.22. In considering the information before them regarding plans for the re-use of excess waste heat generated by operation of the facility, Committee were of the view that given the operation of the localised heat network was not finalised and no agreed plans were in place for its operation, appropriate assurances could not be provided that waste heat generated on site could be appropriately dealt with in a sustainable manner given the need for an interim solution on site.

3.23. Committee were of the opinion the alternative arrangement for dealing with excess heat generation in place of supplying the local heat network would have a potential detrimental impact, given it would potentially exacerbate the climate emergency given operation of the facility in the absence of detailed information regarding measures to deal with excess heat generated on site.

Extent to which the data centre is powered from renewable energy sources

3.24. Committee in further considering the sustainable credentials of the proposed data centre, sought additional clarification from the Appellant regarding the extent to which operation of the facility would avoid the use of natural gas for heating provision or power generation on site. The Appellant advised Committee the facility was designed to operate on a fully electric basis, with the implementation of a Power

Purchase Agreement (PPA) between a future operator and renewable energy producer, as a key element of the proposals low carbon energy strategy.

3.25. In further considering the extent to which the proposed facility would be powered from renewable energy sources, Committee requested clarity from the Appellant regarding the references to use of generators on site, as a solution in the event of power loss. The Appellant advised provision of generators on site was for use in the scenario that primary power would be lost, given the need to remain operational in such an event, whilst also stressing that the likelihood of a primary power loss would be low.

3.26. In considering the information before them regarding the extent to which the facility would be powered by renewable energy sources, Committee were of the view that as no formal Power Purchase Agreement was in place, combined with the limited scope for generation of renewable energy for use as a power source on site, appropriate assurances could not be provided that the proposal would be powered by renewable energy sources in this regard.

3.27. Committee were of the opinion the lack of clear evidence to show the facility would be powered by renewable energy sources would have a potential detrimental impact, given it would potentially exacerbate the climate emergency, given operation of the facility by non-renewable energy sources.

Use of energy efficient technologies in facility operation

3.28. Committee consideration to the use of energy efficient technologies on site, and the extent to which they would ensure the facility would operate in a sustainable matter. On this basis Committee requested clarification from the Appellant regarding references made to the use of PV technology on site as referenced within the submitted Energy and Sustainability Statement. The Appellant advised Committee the extent of on-site power generation by way of PV technology would be limited to the office spaces within the facility.

3.29. Committee acknowledged the extent to which PV would be utilised on-site to aid future operation of the facility, however given the renewable technologies would only be implemented for use by a section of the facility and not the site as a whole, coupled with limited detailed information regarding on-site renewable energy generation, Committee were of the opinion that sufficient assurances could not be given that the facility would be predominantly utilise energy efficient technologies in its operation.

3.30. In considering the information before them regarding plans for use of energy efficient technologies to support operation of the facility, Committee were of the view that due to the limited nature of energy efficient technologies proposed for use on site, there would be potential for exacerbating the climate emergency, given the potential need for less energy efficient technologies to be used in operation of the facility.

3.31. Committee were of the opinion this arrangement would have a potential detrimental impact, given it would create a barrier to limiting the extent to which lifecycle greenhouse gas emissions could be minimised from operation of the facility, due to a potential reliance on less energy efficient technologies.

3.32. Committee were of the opinion the lack of clear evidence to show the facility would make substantial use of energy efficient technologies per its operation would have a potential detrimental impact, given it would potentially exacerbate the climate emergency, given the use of less energy efficient technologies in operation of the facility and associated climate impacts.

Minimising water consumption as part of facility operation

- 3.33. In considering the extent to which the proposed facility would minimise water consumption on-site given operational requirements, Committee sought clarity from the Scottish Water representative to better understand what provisions could be in place to deal with additional pressures on the localised Scottish Water network.
- 3.34. Committee were advised by the representative that in the event that there was significant pressures on water demand associated with future operations on site, there would be an opportunity for the assessment of said impacts and further engagement with the operator to look at alternative systems which could be adopted to alleviate any unsustainable pressure on the local water network.
- 3.35. On this point, Committee sought clarity from the Scottish Water representative and Appellant regarding the need for a pre-development enquiry given the nature of the proposal. The representative advised Committee, the Appellant had not submitted a pre-development enquiry as part of the application process, however highlighted the recommendation per the formal consultation response that early engagement for a scheme of this nature is recommended.
- 3.36. In considering the information before them regarding plans to minimise water consumption linked to operation of the facility, Committee were of the view that given proposals for minimising water consumption were indicative at this stage with limited detail on cooling measures and the potential impact of the facility operation on the environment, coupled with a lack of detailed discussions between the Appellant and Scottish Water through the pre-development enquiry route, appropriate assurances could not be provided that water consumption would be appropriately minimised to an acceptable level.
- 3.37. Committee were of the opinion this arrangement would have a potential detrimental impact, given it would create a barrier to limiting the extent to which lifecycle greenhouse gas emissions could be minimised from operation of the facility,

due to the associated daily energy consumption at the facility in implementing systems required to deal with the levels of water consumption on site.

Conclusion in relation to Reason for Refusal 1 & 2

Reason for Refusal 1-

3.38. In these particular circumstances, Committee were of the view the proposal could not be supported, as the potential detrimental impact of the operational requirements of the facility on the climate. Given the lack of detail provided to showcase implementation of appropriate mitigation measures on site which would help to address the climate emergency in light of operation of the facility, accordingly failing to comply with National Planning Framework 4 Policy 1 – Tackling the climate and nature crises.

Reason for Refusal 2-

3.39. In these particular circumstances, Committee were of the view the proposal could not be supported, as the potential detrimental impact of the emissions generated from the operation of the facility. Given the lack of detail provided to showcase implementation of appropriate mitigation measures on site which would help to minimise climate change impacts from operation of the facility, accordingly failing to comply with National Planning Framework 4 Policy 2 – Climate mitigation and adaption.

3.40. Furthermore, Committee determined that as appropriate measures were not identified and sufficiently justified in line with the applicable criteria for the data centre to be considered green in nature, the proposal would not comply with the NPF4 definition of a National Development in this case.

4. Proposal is contrary to City Plan 2030 Place Policy 19 – EP1 criteria as it does not incorporate a mix of business and residential uses and does not extend the existing grid layout to ensure a cohesive townscape of deliver sustainable movement through the site (Reason for Refusal 3)

4.1. LDP Policy Place 19 – Edinburgh Park/South Gyle states planning permission will be granted for development within the boundary of Edinburgh Park/South Gyle as defined on the Proposal Map, for development which maintains the strategic employment role of the area and introduces a wider mix of uses. The policy sets out a series of place making principles which apply to proposals summarised as follows:

- a. comprehensively designed proposals which maximise the development potential of the area
- b. development for office and other business uses as part of mixed-use proposals,
- c. housing as a component of business-led mixed-use proposals,
- d. provision of, or contribution towards education infrastructure, healthcare and community facilities,
- e. the creation of a new commercial hub adjacent to Edinburgh Park Station,
- f. additional leisure and community uses at Gyle shopping centre,
- g. an extension of the existing green space corridor (known as the Lochans) space, and,
- h. improved pedestrian and cycle links through the site and to provide strong, safe connections with services and facilities in the surrounding area including the potential to create a strategic pedestrian/cycle route linking Wester Hailes, Broomhouse and Sighthill to Edinburgh Gateway Station, as part of the wider West Edinburgh Active Travel Network (WEL)
- i. Adoptable roads to be brought up to standard and an Internal CPZ, integrated parking/trafc management.
- j. Enhance cycle parking at Edinburgh Park Station
- k. Contribute towards the package of West Edinburgh transport improvements that provide active travel and public transport connections in the vicinity, including the Orbital Bus Route

- l. Bus infrastructure - provide new facilities on internal road, including provision for Orbital Bus Route as otherwise shown in this Plan
- m. Development should accord with the Edinburgh Park/South Gyle Development Principles.

4.2. Supporting paragraphs 3.75 and 3.76 of Place Policy 19 both emphasise the policy aims to promote a better mix of uses in Edinburgh Park/South Gyle and still retain its important role as a strategic business location. The vision is to change the character of the Edinburgh Park/South Gyle area over time from a business dominated environment with limited evening and weekend activity to a thriving mixed use and well-integrated part of the city, stating proposals should help contribute towards realising the long-term vision for Edinburgh Park/ South Gyle.

4.3. In addition to falling within the wider Place 19 allocation, the site is situated within Area EP 1 which carries with it additional development principles which must be adhered to, as summarised below:

- a. proposals should incorporate a mix of business and residential uses and ancillary uses. The creation of a commercial hub adjacent to Edinburgh Park station is supported.
- b. development should work with and extend the existing grid layout to ensure a cohesive townscape framework and deliver sustainable movement through the site.
- c. the continuation of the existing north to south greenspace corridor and creation of new pedestrian and cycle links through the site are essential requirements. Create a strategic pedestrian/cycle route linking Wester Hailes, Broomhouse and Sighthill to Edinburgh Gateway Station.

Officer Presentation-

- 4.4. The Chief Planning Officer's report of handling as summarised by Officers at the hearing for Committee, set out the acceptability of the proposal specific to Place Policy 19, in the context of the place making principles (a to m). Specifically, the report summarised the data centre facilities would contribute to the wider mix of uses within Edinburgh Park, whilst also acknowledging the physical form of the structures proposed, and requirement for a boundary of secure fencing with limited on-site employment would not necessarily align with the areas' place-making principles set out in policy, given the proposal in isolation would fail to achieve a grid layout, a 'thriving' mix of users or subsequent evening or night time activity.
- 4.5. In countering the policy infringements, however, Officers advised Committee the proposal would deliver a new public park with indication of a mix of sport and recreation use, as part of the development delivery. The report considered that recreation and sporting activity could bring increased footfall and use into the evening/night time, whilst also providing additional greenspace provision for future residents of residential and mixed-use developments within Edinburgh Park, and more permeability with pedestrian links through the site.
- 4.6. In dealing with the compliance of the proposal with the place policy in comparison with the extant planning permission (22/05659/FUL), Officers advised Committee that the previous office use aligned more closely with the areas' intended employment role. However, the report considered the extant permission buildings' large-scale with restricted permeability, mono-use and car park failed to contribute to wider Edinburgh Park place-making principles.
- 4.7. In this context, Committee were advised that delivery of the public park per the proposal would provide increased activity on part of the site, a wider mix of uses and some mitigation for the data centres element. Officers advised it was acknowledged the extant planning permission reference 22/05659/FUL aligned more closely with

Place 19 principles in terms of its office use and grid layout. However, Officers clarified that any grant of planning permission in principle would not preclude this office permission being implemented.

Appellant Presentation-

4.8. In presenting to Committee, the Appellant outlined the extent to which the proposal would comply with Place Policy 19 and specifically the development principles included within the policy.

4.9. In addressing Committee, the Appellant highlighted to Committee the proposal would provide a mix of uses on the site including a new enhanced public park for the benefit of the surrounding community, and a wider mix of uses for the area in support of the wider place policy. The Appellant advised Committee the public park provision would be larger (1.56 ha) than the existing green space (1 ha) provision on site, whilst also being more immediately accessible.

Committee Discussion-

Proposal compliance with Place Policy 19 Edinburgh Park/South Gyle-

4.10. Committee reviewed the applicable development principles associated with Place Policy 19 and considered the proposal attributes and how these would ensure policy compliance. Committee requested clarity from the Appellant on this point, specifically in their opinion, the extent to which the proposal would comply with all development principles associated with Place Policy 19 given the uses proposed for the site.

4.11. The Appellant in addressing the question from Committee, advised the proposal was compliant with certain development principles, and that the proposals when considered as a whole were deemed acceptable against the provisions of the local development plan. Furthermore, the Appellant advised Committee that in the context of the place principles the extant permission (22/05659/FUL) for the site reflected a proposal which was mono-use in nature with a limited mix of uses and no public park provision, with the proposal

before Committee reflecting a scheme which would be more broadly acceptable against Place Policy 19.

4.12. In considering the proposed design approach for the proposal including the need for secure perimeter fencing on site, Committee requested clarity from the Appellant regarding the extent to which the site would be permeable, given the requirement under EP 1 for development to work with and extend the existing grid layout in place within the wider area, to ensure a cohesive townscape framework and deliver sustainable movement through the site.

4.13. The Appellant advised Committee that active travel links would be present throughout sections of the site, however given the nature of facility proposed and potential sensitives of data that could be stored and processed on site in future, a level of security was required as part of the design approach.

Balance of National Development status afforded to Green Data Centres against Place Policy 19 Edinburgh Park/South Gyle requirements-

4.14. In considering the extent to which the proposal would comply with Place Policy 19, Committee requested clarity from Officers regarding the extent to which the designation of the proposal as a National Development would alleviate the infringement of Place Policy 19, and in balancing competing policies and the local development plan, the weighting to be given to the National Development status.

4.15. Officers confirmed the data centres' storage use, large scale and lack of grid layout would not fully comply with Edinburgh Park Place 19 principles or wider vision to create a 'thriving' mix of uses, however, the data centres would help support the delivery of 'digital infrastructure', a designated national development identified as a fundamentally important utility in NPF 4 which should be taken into consideration by Committee.

4.16. Officers advised Committee the national development status was not a de-facto 'veto' of City Plan 2030 and National Planning Framework 4 policies. Committee were advised that the local development plan should be considered as a whole, and that it was a matter for Committee to consider the weight to be given, with the national development status a substantial material consideration in this instance.

Extent to which proposal would infringe Place Policy 19 compared with extant office permission-

4.17. In considering the balance struck in supporting the proposal considering the infringement of Place Policy 19, Committee sought further clarification from Officers regarding the extent to which the extant planning permission (22/05659/FUL) for the site complied with Place Policy 19, given the alignment with the development principles and overall vision for the Edinburgh Park/South Gyle allocation. Specifically, Committee sought clarity on the difference in scale, form and massing of the indicative building elevations compared with the approved elevations per the extant permission, and the extent to which the change in scale, form and massing particularly for the roofscape was deemed acceptable.

4.18. In addressing Committee, Officers presented a series of visuals to highlight the comparative scale, form and massing of the proposal compared with that approved for the extant permission noting the maximum heights would not exceed that of extant planning permission reference 22/05659/FUL for the office development which had a similar level of visibility from the surrounding area.

4.19. In terms of the acceptability of the proposal scale, height and massing in the context of the surrounding built environment, Officers advised Committee that the buildings stepped heights would help reduce their overall mass whilst consideration of materials and form through the Approval of Matters Specified in Condition application would further help reduce their perceived visibility. Additionally, Officers clarified that whilst the proposed buildings would be large, their functional design would not be at odds with the style of

existing office or storage buildings on the north/east side of Edinburgh Park, meaning the maximum building heights would be considered acceptable when viewed in the context of the surrounding built environment.

Conclusion in relation to Reason for Refusal 3

4.20. In considering the information before them, Committee were of the opinion that the proposed site layout and design requirements including the need for a security fencing would potentially create an isolated site within the wider site allocation for Place 19. This would in the view of Committee conflict with the key aims of Place Policy 19 and EP 1, in limiting the scope to deliver, larger scale, more cohesive mixed use development in future. On this basis Committee considered the proposal to represent a breach of Place Policy 19 over an infringement.

4.21. Committee considered the nature of facility proposed would be better served in a location less built up, given the space requirements and design solutions involved would be at odds with the aims of Place Policy 19.

4.22. Elaborating on this point, Committee determined that City Plan 2030 set out a clear vision for Edinburgh Park and South Gyle as defined in Place Policy 19 and EP 1. This being a requirement to promote a mix of uses in the area to include a mix of business and residential uses and ancillary uses whilst retaining its important role as a business location. Committee noted the development principles for Place Policy 19 and EP 1 defined a vision to change the character of Edinburgh Park and South Gyle over time from a business dominated environment where evening and weekend activity is limited to an area with a thriving mix of uses representing a well-integrated part of the city.

4.23. In these particular circumstances, Committee were of the view that the application could not be supported, as the proposal would not incorporate a mix of business and residential uses and would not extend the existing grid layout to ensure a cohesive townscape or deliver sustainable movement through the site, which would in turn be contrary to Place Policy 19 – EP 1 (Place 19 Edinburgh Park/South Gyle) of City Plan 2030.

5. Conclusion in relation to the Committee Decision

5.1. Committee are supportive of the delivery of development which supports the roll out of digital fibre infrastructure, with associated benefits to the knowledge economy subject to meeting the relevant policy tests. However, Committee acknowledged that this must be balanced against delivery of development which would appropriately minimise lifecycle greenhouse gases generated on site, and not exacerbate the climate crisis by way of its operation, whilst also falling to comply with the development principles and overall vision of the site allocation relative to the proposed location. Committee was of the opinion that the proposal could not be supported under the terms of Section 25 and Section 37 of the Town and Country Planning (Scotland) Act 1997 due to incompatibility with the provisions of National Planning Framework 4 Policy 1 (Tackling the climate and nature crisis), Policy 2 (Climate mitigation and adaption) and City Plan 2030 Place Policy 19 (Edinburgh Park/South Gyle) and was therefore in breach of the Development Plan.

6. Other Matters

Introduction of New Information-

- 6.1. The Council note the Appellant states the submission of the Energy and Sustainability Statement Addendum (appeal document F1) and BREEAM Pre-assessment (appeal document F2) documents do not constitute the raising of a 'new matter', as they consider the content to provide proportionate clarification in direct response to the reasons for refusal as determined by Committee.
- 6.2. The Council note in addition to appeal documents F1 and F2 highlighted as new information in the appeal statement, the Appellant also appears to have submitted additional new information per the Scotland's AI Strategy 2026-2031 (appeal document D12) document as part of the appeal submission.
- 6.3. The documents highlighted by the Appellant and Council were not submitted for the purpose of the assessment of the proposal by the Case Officer, nor were they available to Committee for consideration. The Council consider it is a matter for the Reporter to determine whether the new materials submitted for the purpose of the appeal constitute new matters or not.
- 6.4. In the event the Reporter determines the materials do not represent new matters as defined in Section 47A of the 1997 Act, and is minded to accept the new information, the Council would respectfully request that it be given the opportunity to consider and respond to this new information within a reasonable timeframe.

7. Overall Conclusion

7.1. For these reasons, set out by the Committee on 4 February 2026 and summarised this appeal response the Committee found the proposals:

7.1.1. To not comply with the Development Plan, given the proposal would not adequately address the climate emergency contrary to NPF4 Policy 1 (Tackling the climate and nature crises), as well as failing to demonstrate that lifecycle greenhouse gas emissions could be minimised contrary to NPF4 Policy 2 (Climate mitigation and adaptation). The proposal was not deemed to incorporate a mix of business and residential uses and would not extend the existing grid layout to ensure a cohesive townscape or deliver sustainable movement through the site in conflict with City Plan 2030 Place Policy 19 (Edinburgh Park/South Gyle). Subsequently, the proposed facility was not considered to be a Green Data Centre as defined in NPF4, and there were no material planning considerations which outweighed this conclusion.

7.2. There were no material considerations that outweighed the non-compliance with the Development Plan and that in terms of Section 25 and 37 of the Town and Country Planning (Scotland) Act 1997 the application must be refused, and the Reporter is respectfully asked to refuse the appeal on the grounds outlined.

APPENDIX 1 – Proposed Conditions & Planning Obligations

The Council recommends the below conditions/reasons/informatives form any permission should the Reporter be minded to uphold the appeal.

If the Reporter considers a Planning Obligation necessary in place of a planning condition, the Council are willing to engage in such discussions.

Conditions

1. The development to which this permission relates must be begun not later than the expiration of five years beginning with the date on which this permission is granted. If development has not begun at the expiration of this period, then the planning permission in principle lapses.

Reason: To accord with Section 59 of the Town and Country Planning (Scotland) Act 1997.

2. Application for the approval of matters specified in condition must be made before whichever is latest of the following:
 - i. the expiration of ten years from the date of the grant of the permission,
 - ii. the expiration of 6 months from the date on which an earlier application for the requisite approval was refused, and
 - iii. the expiration of 6 months from the date on which an appeal against such refusal was dismissed or, where the earlier application is the subject of a review by the Council's Local Review Body, the expiration of 6 months from the date of the notice of the decision to uphold the determination, and may be made for (a) different matters, and (b) different parts of the development, at different times.

Reason: In order to ensure applications for approval of matters specified in condition are made timeously and in accordance with section 41 (1) (c) of the Town and Country

Planning (Scotland) Act 1997

3. Before any work on the site is commenced, details of the undernoted matters shall be submitted to and approved in writing by the Planning Authority; the submission(s) shall be in the form of a fully detailed layout and shall include detailed plans, sections and elevations of the buildings and all other structures, including detailed street elevations.

Approval of Matters:

- a) Height, massing and sitting of all buildings;
- b) A detailed specification of all proposed materials, including hard landscaping;
- c) Design and external appearance of all buildings, roof form, open space, public realm, and other structures;
- d) Existing and finished site and floor levels in relation to Ordnance Datum;
- e) Roads, footways, cycleways, servicing and layout of car parking, cycle parking provision and other parking meeting Edinburgh Street Design Guidance and Edinburgh Design Guidance;
- f) Access point or points;
- g) Transport Statement and Equalities statement including details of accessibility
- h) Waste management and recycling facilities;
- i) Daylight, privacy, overshadowing and noise impact information to assess the impacts on neighbouring amenity;
- j) A noise and vibration impact assessment should be provided with the detailed application which outlined the noise impacts associated with the proposal, ensures that noise impacts are considered within each application and mitigation recommended where necessary (including from proposed commercial operations/sports and recreation use of the public park).
- k) Details of lighting including any glare and light spillage mitigation.
- l) Drainage information (surface water management; flood risk assessment, drainage arrangements, Scottish Water acceptance of the surface water discharge into the sewer network, SUDS proposals and SUDS maintenance plan, SUDS proposals and SUDS maintenance plan. Including a drainage layout

drawing and post-development overland flow path drawing)

m) Landscaping:

- i. Detailed soft and hard landscaping plan and levels;
- ii. A schedule of all plants and trees to comprise species, plant size and proposed number and density;
- iii. Inclusion of hard and soft landscaping details including tree removal;
- iv. Landscape and habitat management plan (including schedule for implementation and maintenance of planting scheme);
- v. Any boundary treatments
- vi. Biodiversity enhancement plan (including location, nature of enhancement and timetable for its implementation)
- vii. Verified views

n) Sustainability statement (include details of all operational measures (including use of heating, hot water, lighting, ventilation, and cooling systems) to be implemented on-site to reduce greenhouse gas emissions and climate change impacts from the development.

Reason: In order to enable the Planning Authority to consider this/these matter/s in detail.

4. The planning permission in principle hereby permitted shall be carried out broadly in accordance with the following approved parameter plans (detailing the siting of the data centre and public park, building height parameters and site access points):

08- 'Plan showing Siting of Buildings and Park'

09- 'Parameter Plans and Section'

Reason: In the interest of securing an appropriate development on the site.

5. The land detailed within the red line boundary on approved plan reference 08 shall be restricted to data centre (s) and associated infrastructure within Use Class 6 of the Town and Country Planning (Use Classes) (Scotland) Order 1997. No other use within Class 6 is permitted without prior written permission of the Planning Authority.

Reason: To ensure the development supports digital fibre network.

6. The public park shown on approved plan reference 08 shall be fully implemented on-site in accordance with the approved details of condition 3 parts c) (open space and public realm), m) (landscaping) and condition 7 (sports provision) prior to the first occupation of the approved data centres.

Reason: To ensure delivery of the public park.

7. Prior to commencement of the development, proposed plans shall be submitted to and approved in writing by the planning authority with details of at least 2 fenced, floodlit MUGA (Multi-Use Games Areas) of dimensions 38m x18m. The new pitches will be designed and constructed by a recognised (e.g. SAPCA* registered) specialist pitch contractor(s), details of contractor(s) and pitch specification (including surface type and line markings) shall be provided. *SAPCA is The Sports and Play Construction Association (www.sapca.org.uk)

Reason: To ensure that the replacement sports pitches are of a quality that compensates for the loss of the existing sports pitches.

8. The replacement pitches shall be provided in accordance with the details approved through condition 7, prior to the green data centre being first occupied.

Reason: To ensure the timeous reprovision of the pitch area lost.

9. Prior to the commencement of development, a Heat and Power plan shall be submitted to and approved in writing by the Planning Authority. The plan shall include details of how recovered energy from the development will be used to produce electricity and heat.

Reason: To assess how energy from the development will be re-used.

10. i) Prior to commencement of construction works on site:

a) A site survey (including intrusive investigation where necessary) must be carried out to establish, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and

b) Where necessary, a detailed schedule of any required remedial and/or protective measures, including their programming, must be submitted to and approved in writing by the Planning Authority.

ii) Any required remedial and/or protective measures shall be implemented in accordance with the approved schedule and documentary evidence to certify those works shall be provided for the approval of the Planning Authority.

Reason: To ensure the site is safe and stable for the end use.

11. Development shall not commence until a Bird Hazard Management Plan has been submitted to and approved in writing by the Planning Authority. The submitted plan shall include details of:

- management of any flat/shallow pitched/green roofs on buildings within the site which may be attractive to nesting, roosting, and "loafing" birds. The management plan shall comply with Advice Note 3 'Wildlife Hazards around Aerodromes' (available at <https://www.caa.co.uk/combinedaerodromesafeguarding-team-cast/cast-publications/cast-advice-notes/>)

The Bird Hazard Management Plan shall be implemented as approved, on completion of the development and shall remain in force for the life of the building. No subsequent alterations to the plan are to take place unless first submitted to and approved in writing by the Planning Authority.

Reason: It is necessary to manage the development in order to minimise its attractiveness to birds which could endanger the safe movement of aircraft and the

operation of Edinburgh Airport.

12. An obstacle light shall be placed on the highest part of the buildings due to their infringement of the Obstacle Limitation Surface. The obstacle light must be a Type B low intensity steady state red light with a minimum of 32 candelas. Periods of illumination of obstacle lights, obstacle light locations and obstacle light photometric performance must all be in accordance with the requirements of 'CAP168 Licensing of Aerodromes' (available at <https://www.caa.co.uk/ourwork/publications/documents/content/cap-168/>).

Reason: Permanent illuminated obstacle lights are required to avoid endangering the safe movement of aircraft and the operation of Edinburgh Airport.

13. No development on the site shall take place until the applicant has secured the implementation of a programme of archaeological work (excavation, analysis & reporting, public engagement) in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Planning Authority

Reason: To safeguard archaeological heritage on-site.

Informatives

It should be noted that:

1. Consent shall not be issued until a suitable legal agreement, including those requiring a financial contribution payable to the City of Edinburgh Council, has been concluded in relation to affordable housing, education, transport, and car club.

The legal agreement should be concluded within 6 months of the date of this notice. If not concluded within that 6-month period, a report will be put to committee with a likely recommendation that the application be refused. The Legal Agreement should include the following:

Edinburgh Tram

The site is located within Zone 2 of the Councils' 'Guidance on Developer Contributions and Infrastructure Delivery' where scale factors apply for tram contributions depending on the Gross External Floor Area of a development.

Based on this guidance, the sum of £501,975 is required (based on the 43,470 sqm of warehouse in Zone 2) (or £11.55 per sqm).

The above sum for the data centres is based on an indicative floorspace. Exact contributions will be established based on a per sqm basis. The proposed development may be a maximum of 65,000 sqm which would result in a tram contribution of £750,595.

Public Park

The Guidance on Developer Contributions and Infrastructure Delivery states that where the Council undertakes long term maintenance of open space facilities adequate revenue resources should be made available. The guidance is non-specific regarding contribution rates for the adoption of new open space(s). In the absence of a figure or methodology being available in the supplementary guidance or an identified contribution figure from Parks and Greenspace at this time a degree of flexibility is sought from the committee regarding the negotiation of this contribution towards the Public Park.

2. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.

3. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.

4. The design, installation and operation of any plant, machinery or equipment shall be such that any associated noise complies with NR25 at all times; when measured within any nearby living apartment or surrounding residential receptors, and no structure borne vibration is perceptible within any nearby living apartment or residential receptor, with windows open for ventilation purposes.

5. The applicant should note the below matters identified by the Roads Authority:

- a. The applicant should consider the provision of car club vehicles in the area. Contributions towards the costs of the necessary order and vehicles would be required;
- b. The applicant should note that the proposed cycle track may require separate applications for road construction consent. The design, specification, and extent of adoptable roads, including lighting and drainage to be agreed;
- c. The applicant should note that orders to redetermine sections of road and introduce or amend waiting and loading restrictions may be required. The applicant should note that separate application for these orders will be required along with funding to cover the related statutory process costs;
- d. The applicant should note that planning consent does not give permission to occupy or carry out work on adjacent footways or carriageways. Separate application will be required for road opening permits, skip licences, crane operations, etc. and these may require dilapidation surveys to be undertaken prior to any work on site including demolition and site clearance work;
- e. The applicant should consider developing a Travel Plan including provision of public transport travel passes, a Welcome Pack, a high-quality map of the neighbourhood (showing cycling, walking and public transport routes to key local facilities), timetables for local public transport;
- f. All disabled persons parking places should comply with Disabled Persons Parking Places (Scotland) Act 2009. The Act places a duty on the local authority to promote proper use of parking places for disabled persons' vehicles. The applicant should therefore advise the Council if he wishes the bays to be enforced under this legislation. A contribution of £3,000 will be required to progress the necessary traffic order but this does not require to be included in any

legal agreement. All disabled persons parking places must comply with relevant legislation, regulations, and Building Standards;

- g. Electric vehicle charging outlets will be required in line with Mandatory Standard 7.2, Building Standards Non-domestic Technical Handbook, April 2024;
- h. The applicant should note that the proposed development lies on or adjacent to a 'traffic sensitive street' and that this may affect the method and timing of construction, including public utilities - see <https://www.edinburgh.gov.uk/roadspavements/road-occupation-permits/2>
- i. The applicant should note that occupation of the footway or carriageway for construction is not supported and the proposed works should take place entirely within the site;
- j. The applicant should be aware that noise, dust, vibration, traffic, and other activities on construction sites can have significant negative impacts on neighbours. The contractor should be aware of their legal responsibilities regarding construction sites, and the Council's ambitions to foster good relations with neighbours - see Code of Responsible Construction <https://plannededinburgh.com/2025/10/01/newcode-of-conduct-for-responsible-construction/> The applicant should make themselves aware of particularly sensitive nearby premises, such as schools and care homes, and consider registration of the site under the Considerate Constructors Scheme (see <https://www.considerateconstructors.com/>).
- k. The applicant should develop a Construction Traffic Management Plan.

6. The applicant will require separate consents and agreements for the use of energy (NESO (National System Operator) and SPEN (Scottish Power Energy Networks) and water connections (Scottish Water).

7. This planning permission does not affect the legal rights of any other parties with an interest in the land. In that respect, the permission does not confer the right to carry out the works without appropriate authority.

8. Given the nature of the proposed development, it is possible that a crane may be required during its construction. We would, therefore, draw the applicant's attention to the requirement within the British Standard Code of Practice for the safe use of Cranes, for crane operators to consult the aerodrome before erecting a crane in close proximity to an aerodrome. This is explained further in Advice Note 4, 'Cranes' (available at <https://www.caa.co.uk/combined-aerodrome-safeguardingteam-cast/cast->

publications/castadvice-notes/)