

9th May 2025

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Dear Mr Briginshaw,

APPLICATION TO PARTIALLY DISCHARGE CONDITIONS 29 AND 30 OF PLANNING PERMISSION REF. 38421/APP/2021/4045 IN CONNECTION TO PHASE 1

LAND AT TUDOR WORKS, BEACONSFIELD ROAD, HAYES

On behalf of Colt Data Centre Services (or 'Colt'), Savills secured planning permission for the redevelopment of the Tudor Works, Veetec Facility, and Optimum Data Centre site at Beaconsfield Road in Hayes to deliver a new data centre campus (ref. 38421/APP/2021/4045).

The description of development is as follows:

"Redevelopment of the site to deliver data centre campus including: two data centre buildings (Use Class B8); associated energy and electricity infrastructure, buildings, and plant; security gatehouse, systems and enclosures; works to the highway, car parking and cycle parking; hard and soft landscaping; as well as associated infrastructure, ancillary office use, and associated external works."

Planning permission was granted on 25th November 2022 and a total of 36 planning conditions were attached to the decision notice.

The intention is for the development to be delivered in two phases, the extent of each is shown in the plan entitled "Site Plan – Phasing" (ref. DCS20109-NWA-DC-01-LP-DR-A-10204) that is submitted as part of this application and referred to in the decision notice. Phase 1 consists of Building 1 (the eastern of the two buildings), the tank room, and the substation. Reflecting this, many of the conditions have been worded to allow for them to be partially discharged in connection to a certain phase of the development.

Colt have discharged all pre-commencement and all pre-above ground works conditions. The focus is now on discharging the pre-occupation conditions prior to the intended occupation later this year. To this end, there are live submissions to discharge these conditions under the following planning references:

- 38421/APP/2025/539;
- 38421/APP/2025/920;
- 38421/APP/2025/978;
- 38421/APP/2025/1019; and
- 38421/APP/2025/1118.

This submission seeks to discharge Condition 29 (Circular Economy Statement) and Condition 30 (Whole Life Carbon Assessment).

A Circular Economy Statement and a Whole Life Carbon Assessment were submitted as part of the original application and are listed as approved documents under Condition 3. Inherently, these documents had to be

predictive in nature and set targets that the construction process should achieve. Performance against these targets is to be reported upon under Conditions 29 and 30 which require updates to these documents following construction (and prior to occupation).

This can be done for Condition 29 (Circular Economy statement) and submitted as part of this application to discharge the condition is the Post-Construction Circular Economy Statement (ref. ColtL4_PC_CES) prepared by Savills who also authored the pre-construction version of the report included as part of the planning application.

Colt are in a position where, as a result of a 'force majeure', they do not have the information available to discharge Condition 30. This is because ISG, who were appointed as principal contractor for Building 1, entered into administration on 20th September 2024, ceasing trading immediately. This was widely reported in the national and industry press but the below link is to the holding message that has been on ISG's website since they entered into administration in 20th September 2024:

<https://www.isgltd.com/uk/en>

In practical terms, this meant that all ISG staff were immediately made redundant with no access to any of the relevant construction information. For Colt, this has had knock-on implications for their construction program as they have had to pivot to an alternative principal contractor midway through the construction process at a point where construction of Building 1 was still underway.

This information gap has meant that the information required to discharge Condition 30 is not available and there is not the personnel at ISG to report on it. From a planning perspective, our suggested approach is therefore to seek to discharge Condition 30 using the information that was submitted and approved as part of the original planning application. This consists of the Bill of Materials and Completed GLA WLC Memo which are submitted alongside this covering letter. An alternative could be to progress an application for a non-material amendment under Section 96A of the Town and Country Planning Act to remove this condition from the decision notice.

It is recognised that this is far from an ideal situation but it was entirely unavoidable for Colt and is totally unresolvable at this stage. We recognise that this will require further consideration and discussion and we would keen to begin this as soon as possible.

Yours sincerely

Nick Heard
Associate Director