

London Borough of Hillingdon
3 North Civic Centre
High Street
Uxbridge
Middlesex
UB8 1UW

Your Ref 75111/APP/2025/739

Our Ref CRTR-PLAN-2025-44006

Friday 9 May 2025

Dear Michael Briginshaw,

Proposal: Redevelopment of site to deliver extension to existing Union Park data centre campus consisting of (a) free standing data centre building (b) energy, power, and water infrastructure (c) site access and internal roads (d) site security arrangements (e) hard and soft, green landscaping and (f) other ancillary and auxiliary forms of development

Location: Union Park UP4, North Hyde Gardens, Hayes

Waterway: Grand Union Canal

Thank you for your consultation.

We are the charity who look after and bring to life 2000 miles of canals & rivers. Our waterways contribute to the health and wellbeing of local communities and economies, creating attractive and connected places to live, work, volunteer and spend leisure time. These historic, natural and cultural assets form part of the strategic and local green-blue infrastructure network, linking urban and rural communities as well as habitats. By caring for our waterways and promoting their use we believe we can improve the wellbeing of our nation. The Trust is a statutory consultee in the Development Management process.

The main issues relevant to the Trust as statutory consultee on this application are:

- a. Impact on the structural integrity of the waterway.
- b. Drainage
- c. Biodiversity Net Gain (BNG)
- d. Impact on the character and appearance of the waterway.
- e. Impact on the biodiversity of the waterway.
- f. Accessibility
- g. Sustainable Energy

Based on the information available our substantive response (as required by the Town & Country Planning (Development Management Procedure) (England) Order 2015 (as amended)) is to advise that **additional information, suitably worded conditions and a legal agreement are necessary** to address these matters. Our advice and comments follow:

Impact on the structural integrity of the waterway.

The canal sits within a cutting at this point and is below the level of the site. With any development close to the waterway there is the potential for adverse impacts on the infrastructure of the canal in terms of stability, drainage, pollution etc.

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It will therefore be necessary to demonstrate that the proposed works, including earthmoving, excavations, foundation construction or other building operations can be safely carried out without adversely affecting the stability of the canal and associated infrastructure. Risk Assessments and Construction Methodology are therefore required to demonstrate that the proposed works would not adversely impact on the structural integrity of the canal. These should include details of proposed structural loadings and foundation designs, including cross sections to the canal so that any potential impact to the cutting slope and canal can be properly quantified and assessed.

As you are aware, land stability is a material planning consideration and is referred to in paragraphs 187, 196 & 197 of the NPPF, as well as being the subject of more detailed discussion in the current National Planning Practice Guidance. We consider therefore that this advice and guidance clearly identifies that the planning system has a role to play in minimising the risk and effects of land stability on property, infrastructure and the public.

The NPPF is clear that planning decisions should ensure that new development is appropriate for its location in the context of avoiding unacceptable risks from land instability and being satisfied that a site is suitable for its new use, taking account of ground conditions and land instability.

The Trust offers no right of support from the cutting and the applicant/ developer will need to demonstrate that the foundations would not take any support from the cutting. The impact of proposed landscaping and drainage proposals will also need to consider potential impacts on the structural integrity of the canal and cutting slope. Any necessary mitigation measures to protect the canal during remediation/construction or operation of the site, such as from potential material spilling down to the canal, should also be provided.

Accordingly, a risk Assessment and Construction Methodology Plan, including details of all earthmoving, excavations and the design and construction of all foundations for all works adjacent to the waterways should be provided in order that the extent of the risk of such works to the stability of the canal infrastructure can be properly quantified and assessed. This matter could be addressed by planning condition.

The applicant/developer is also advised that there are fibre optic cables within the vicinity of the site along the footpath/towpath and necessary measures should be taken to ensure that these are not adversely affected during development. Any works would also need to comply with the Canal & River Trust "*Code of Practice for Works affecting the Canal & River Trust*". Advice should also be sought from the Trust via our Infrastructure Services Team in order to ensure that any necessary consents are obtained.

Drainage

The drainage methods of new developments can have significant impacts on the structural integrity, water quality and the biodiversity of waterways. It is important to ensure that the drainage strategy for the site does not have any adverse impact on the stability of the cutting slope and that no contaminants enter the canal from surface water drainage during construction or operation.

The submitted details indicate that all surface water would be directed to the River Crane, though an attenuation pond is shown to the top of the cutting slope. Further details on this would be required to demonstrate that there would either be no infiltration or that any infiltration would not have a detrimental effect on the cutting slopes stability over time and after prolonged periods of wet weather. The detailed design of the attenuation pond and information as to how any surface water drainage to the canal would be managed during remediation, construction should be provided for consideration. This matter could be addressed by condition.

The applicant is advised that any surface water discharge to the waterway, including utilising any existing outfalls, will require prior consent from the Canal & River Trust. As the Trust is not a land drainage authority, such discharges are not granted as of right - where they are granted, they will usually be subject to completion of a commercial agreement.

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Biodiversity Net Gain (BNG)

The Statutory Biodiversity Metric User Guide requires that if the site boundary of a proposed development includes land within 10m of a canal the adjacent lengths of watercourse should be included within the watercourse baseline assessment in the Metric. Unless an exemption applies, the developer will need to deliver a minimum 10% net gain in watercourse biodiversity units.

The BNG report states that the site boundary is more than 10m from the riparian zone of the Grand Union canal and therefore concludes that the inclusion of watercourse units is not applicable. However, there seems to be some contradictions on this matter within the submitted reports. The Ecological Enhancement Scheme states, *"The site boundary extends southwards slightly in the northwest, meaning that the canal is six metres from the site boundary at its closest point."* This should mean that enhancements to improve the condition of the watercourse should be undertaken by the applicant due to the riparian zone being within 10m of the canal.

The applicant/developer should therefore provide some clarity on this matter and confirm the application's distance from the watercourse. There also seems to be a small strip of land which is within the applicant's ownership which has not been included within the red line site area and clarification on this should also be provided. The Trust wish to be consulted on any further information when available.

Ecologists working on behalf of developers should obtain, and comply with, consents from the Trust to undertake any necessary habitat condition assessments and ecological surveys on our land, consistent with our Code of Practice.

The Trust may also be able to assist the developer in meeting BNG requirements by providing off-site biodiversity units. This would be subject to operational, management and commercial considerations. Developers wishing to discuss opportunities to secure biodiversity units on Trust land should contact bngenquiries@canalrivertrust.org.uk.

Impact on the character and appearance of the waterway.

The site lies to the north of the Grand Union canal which is within a cutting at this point and is therefore at a lower level than the site and there is a substantial landscaping buffer along the cutting slope. The proposed buildings would be substantial, and in much closer proximity to the canal corridor than the other existing units, and they would have an impact on the visual amenity of the canal corridor. However, the area already feels very industrialised and with suitable mitigation the overall impacts on the existing character of the canal in this location may not be significant.

The proposals though seem to rely heavily on planting along the canal corridor for screening and not within the site itself. The Landscape sections indicate *"Existing buffer planting reinforced with native woodland & scrub planting subject to C.R.T. approval"*. This canalside vegetation is also heavily referenced in the Landscape and Visual Impact Assessment as providing useful screening. The existing planting at the back of the towpath would aid in screening the development during the summer months, but less so when trees aren't in leaf, and the scheme appears to rely on the vegetation into the future, whereas some of the trees may come to the end of their lives. This landscaping is also on land outside of the applicant's control and it is not clear how any enhancements or retention of this landscaping would be secured.

The Trust would require further details on any proposed landscaping on land within our ownership. Any proposals would need to consider opportunities to reduce the potential for anti-social behaviour within/behind the planting and improve the sense of safety, limiting access to the landscaped area through in-fill in places where possible. As a minimum the Trust would also expect that any existing, replacement and proposed planting would be provided and maintained by the applicant / developer, and this would also be subject to separate agreements with the Trust as landowner.

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The boundary treatment proposed appears to be a mesh type fence though no details on its colour finish is provided, green would be preferable. This matter could be addressed by condition.

It should be noted that any works that may encroach on, over, or under the Trust's land/waterspace would also require the separate agreement of the Trust. The Trust would also need to be fully satisfied in respect of any works on our land, including landscaping works and ecological enhancements, with clear commitments from the applicant to maintain them. Separate commercial agreement with the Trust as landowner would be required in this regard.

Impact on the biodiversity of the waterway.

The waterways have a rich biodiversity, with many areas benefiting from SSSI, SAC, SLINC or CWS designations. Developments can have an adverse impact on the ecology of the waterways. The proposals include the provision of ecological enhancement including log piles/bat boxes. These are shown to be within the canalside landscaping which falls outside of land within the applicant's control. As above, further details on these proposals would be required and the Trust, would expect a commitment from the applicant/developer to maintain/replace as required and these would also be subject to separate agreements with the Trust as landowner.

The Trust advise that waterside lighting affects how the waterway corridor is perceived, particularly when viewed from the water, the towpath and neighbouring land, for example waterside lighting can lead to unnecessary glare and light pollution if it is not carefully designed. The submitted lighting report states "*Foliage along the site boundary with the canal helps prevent light spill to the bat foraging corridor*". However, it does not seem reasonable to rely on this seasonal cover to prevent light spill.

Any external lighting should therefore be angled downwards, and light directed into the site, and it should not provide flood lighting to the canal corridor, including the canalside landscaping, to show consideration for bats and other nocturnal species. The final details of any external lighting proposed could be addressed by condition and the Trust wish to be consulted on any further detail when available.

Accessibility

The canal towpath is an important traffic free route for walking / cycling for both leisure and utility walkers and cyclists and would aid in providing a safe, convenient and attractive walking and cycling network to promote health and well-being, consistent with the aims of the NPPF.

The Trust generally seeks to maintain its assets in a "steady state", and in the case of towpath maintenance, this is based on current usage. Where new development has the likelihood to increase usage, the Trust's maintenance liabilities will also increase, and we consider that it is reasonable to request a financial contribution from developers to either cover increased maintenance costs, or to upgrade the towpath surface to a standard which is more durable and thus able to accommodate increased usage without adding to the Trust's future maintenance costs.

The Transport Assessment states that the towpath would form part of the key pedestrian/cycling routes to/ from the site, particularly considering the installation of the towpath access ramp by the applicant/developer under Phase 1 of the adjacent scheme. The Planning Statement indicates that improvements to the towpath would therefore be secured through S106, though no further details are provided.

The Trust would welcome further discussions on this and consider any contribution could be utilised towards towpath improvements, including improvement to the underbridge environment at the Hayes Bypass flyover and Bull's Bridge itself (a community project developed with Hillingdon Canals Partnership, various local stakeholders, and the council). Ecologically sensitive lighting provision, particularly under the existing railway bridge, and CCTV could also be considered.

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Therefore, depending upon the level of contribution the Council consider would be reasonable, any obligation should contain sufficient flexibility to permit funds to be allocated towards any of the above measures. The Trust would be happy to review any draft wording for the obligation.

The Trust would also welcome some discussion with the applicant/developer on the potential for engagement/education support for the local community, through events such as the Hayes Canal Festival or support/fund/promote/collaborate on the Trust's Let's Walk programme, promoting healthy and active lives to site employees and the local community. The Travel Plan for the site should also include promotion of the canal towpath for walking and cycling beyond the site – e.g. the Southall Wellbeing Way, Paddington Arm and west to Uxbridge.

Sustainable Energy

The Trust wish to highlight the potential of the canal for heating & cooling of the proposed development. To discuss the options in relation to this and any commercial agreements that would be required please contact Darren Leftley, Head of Water Development (Darren.leftley@canalrivertrust.org.uk).

Summary

For clarity the Trust currently consider that further information / clarity is required in relation to BNG and landscaping. We request that we are re-consulted when this information is available. We also currently recommend that conditions are required to address the matters listed below, we will provide full recommended wording for these conditions and any other conditions that may be necessary, once the above information has been submitted and reviewed:

- Landscaping details and maintenance and management regimes and responsibilities. Including details on soft landscape proposals including plant schedule with species, size and quantities, written planting specification, tree pit designs, hard landscape specifications, including details of any bespoke elements and boundary treatment, and a landscape management and maintenance plan (stand alone or combined with a LEMP or the BNG HMMP).
- Landscape and Ecological Management Plan (LEMP)
- Habitat maintenance and Management Plan (HMMP)
- Risk Assessments and Construction Methodology and any necessary mitigation measures.
- Construction and Environmental Management Plan
- External Lighting details
- Detailed drainage proposals.

Should planning permission be granted we request that the following **informatives are** appended to the decision notice:

1. *The applicant/developer is advised that there are fibre optic cables within the vicinity of the site along the footpath/towpath and necessary measures should be taken to ensure that these are not adversely affected during development, The applicant/developer is advised to contact the Canal & River Trust's Works Engineering Team (enquiries.TPWSouth@canalrivertrust.org.uk) in order to ensure that any necessary consents are obtained and that the works comply with the Canal & River Trust "Code of Practice for Works affecting the Canal & River Trust".*
2. *The applicant/developer is advised to contact Bernadette McNicholas of the Canal & River Trust's Estates Team (Bernadette.mcnicholas@canalrivertrust.org.uk) in order to ensure that the necessary licences, commercial agreements are obtained prior to any works, including landscaping and ecological enhancements, being carried out which may encroach on or over Trust owned land/waterspace.*

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3. *The applicant is advised that any surface water discharge to the waterway will require prior consent from the Canal & River Trust. As the Trust is not a land drainage authority, such discharges are not granted as of right-where they are granted, they will usually be subject to completion of a commercial agreement. Please contact utilitiesenquiry@canalrivertrust.org.uk to discuss further.*

For us to monitor effectively our role as a statutory consultee, please send me a copy of the decision notice and the requirements of any planning obligation.

Comments as landowner

The applicant /developer is advised that any works on, under or over land within the ownership of the Canal & River Trust will require a separate agreement with the Trust. This would include elements such as landscaping, ecological enhancements, crane oversailing etc. Further detail on the works proposed and maintenance agreements will also be required. Please contact Bernadette McNicholas, Estates Surveyor to discuss this and commercial agreements or licences that may be required.

Please do not hesitate to contact me with any queries you may have.

Yours sincerely,

Anne Denby MRTPI
Area Planner

Anne.Denby@canalrivertrust.org.uk

<https://canalrivertrust.org.uk/specialist-teams/planning-and-design>

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