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EIA for Data Centres

Scotland's EIA Conference

October 2026

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- Environmental considerations
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- Multi stage consent considerations

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Key Features

- **Land** - can have large floor plate, need flat plateau
- **Mass** –can be several storeys - often 20-30m+
- **Power/Grid connection** – may be via onsite generation or from a (future) connection to the grid or other direct power source
- **Backup power supply** – typically diesel generators or hydrotreated vegetable oil (HVO) generator
- **Cooling** – may need water supply to cool equipment
- **Data halls**
- **Substation/s**
- **Water tanks/pumping**

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Environmental Considerations

- Energy Usage – consume 2.5% of UK's electricity
- Sectors consumption expected to increase fourfold by 2030
- Greenhouse gas emissions
- Noise – generators and plant
- Air Quality – generator emissions
- Ecological receptors – sensitive to noise, emissions, disturbance
- Onsite generation
- Testing regime
- Emergency scenario

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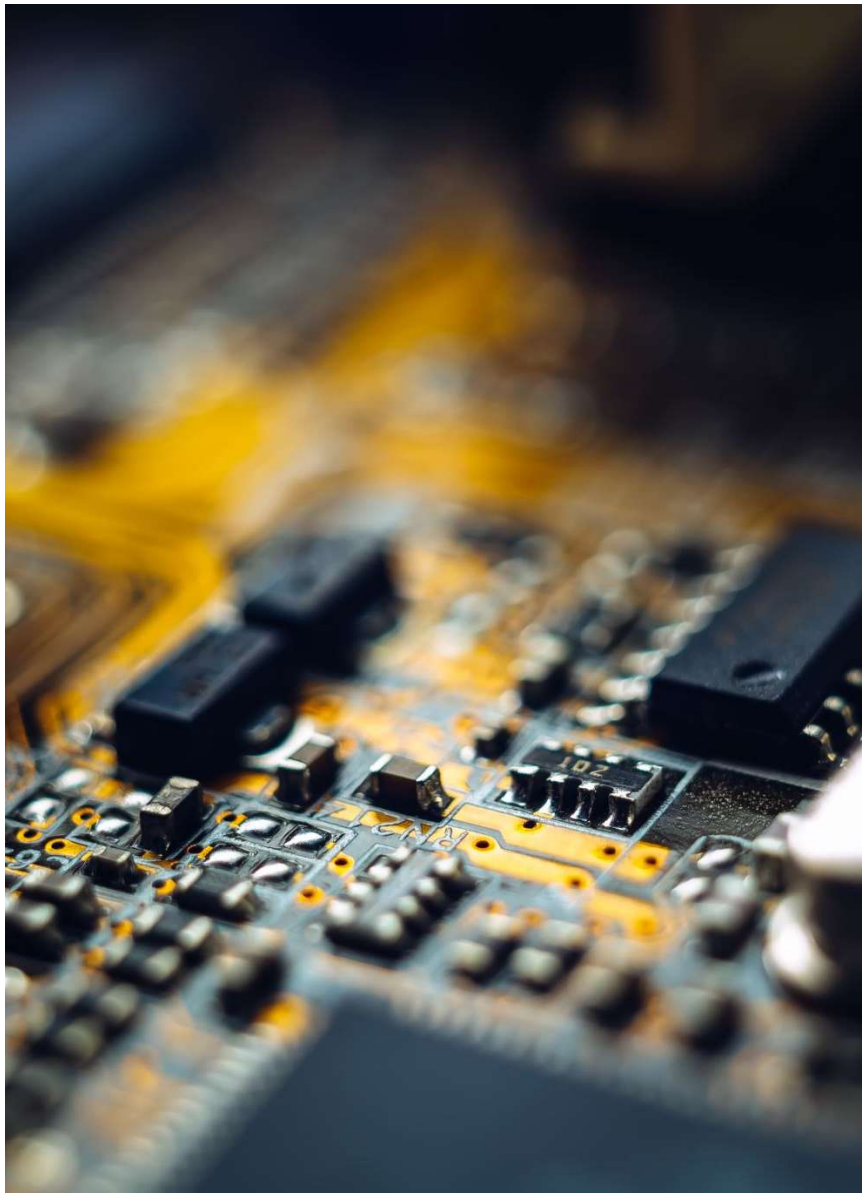
Environmental Considerations

- **Water demand**
- **Often phased delivery** – consider carefully
  - Construction phasing /period
  - Operational phasing
- **Socio-Economics**
  - Construction jobs
  - Operational jobs
  - Wider benefits
- **Transport**
  - Trip generation
  - Shifts
- **Visual impact**
  - Mitigation might be limited
- **Replacement phase**
  - Waste
  - Construction traffic and workers
  - Socio economic benefits



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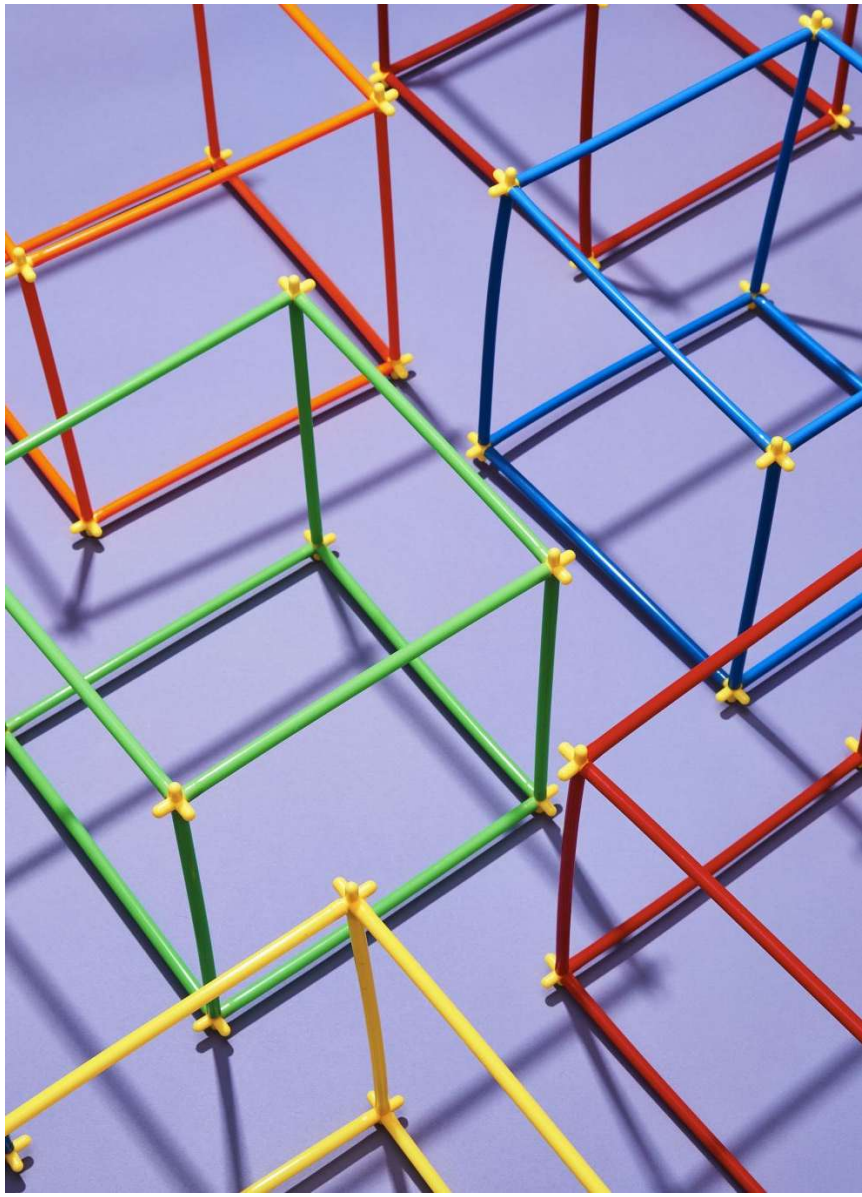
What is being tested?

- Red line boundary
- Don’t need a freeze for screening
- Define the project
- Think in maximum and minimums
- Test worst case scenario
- Or test reasonable/more likely scenario



What is being tested?

- Development uses/types
- Parameters
- Any mitigation identified
- Construction and operation
- Specialist team input needed for screening? – AQ/Noise/Climate?
- Timing of screening

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Screening Data Centres – Recent Judgement

- Woodlands, Buckinghamshire
- 90MW
- Failed to properly consider energy use and water cooling
- Permission granted without fully considering environmental impacts
- Approved on basis ‘mitigation measures’ including sourcing low carbon energy – not secured on permission
- Mitigation relied on to screen out EIA must be legally secured
- State in the screening request how each measure is secured
- If effects can't be reliably mitigated, screen in and assess in the ES

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Screening Data Centres: Scottish Difficulties

- Consented through Town and Country Planning (Scotland) Act 1997 – no regime for nationally significant development
- …but power generation can tip (that element of scheme) into Section 36 Electricity Act consenting regime, to be determined by the Energy Consents Unit
- 'Green data centres' fall under 'national development' in NPF4 – but not well defined
- Not in Schedule 1 / Schedule 2 as a type of development – fall into 10a or 10b
- Relatively new type of development – not much relevant LPA or developer experience
- Lack of understanding all round
- Political hot potatoes
- Scottish Ministers – recent direction

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Planning Direction – 17 September 2026

Depending on locational sensitivity, **large-scale data centres** have the potential to introduce a **significant industrial presence** into the landscape, requiring appropriate mitigation including through siting and design.

Additional locational impacts may arise including, but not limited to, **biodiversity, soils, water resources, noise**, and potentially for **air quality** where back-up generators are used.

There are **considerable benefits** for all parties where the need for EIA is identified and planned for at the **earliest possible stage**, when there is greatest scope to **integrate mitigation measures** to minimise impacts from the outset in designing green data centres which support **sustainable infrastructure growth**.

Recognising the **new and emerging evidence** base around this rapidly evolving sector, the Scottish Government considers it appropriate to **apply caution** in ensuring potentially significant environmental effects are considered from the outset.

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Planning Direction – 17 September 2026

- Planning direction by Ministers on 16 September – EIA mandatory over 50MW
- (1)

Cited as the Town and Country Planning (Environmental Impact Assessment) (Data Centres exceeding 50MW Power Capacity) (Scotland) Direction 2026

- Came into force on 17 September 2026
- (2)

"Data Centre" means a proposed structure, or part of a structure, used to house computing and data storage resources.

"Power Capacity" is the total proposed electrical power available to the data centre, typically expressed in megawatts (MW)

- EIA development (3)

The Scottish Ministers hereby direct that development which is both –

(a) development of a description set out in paragraph 10(a) ('industrial estate development projects') or paragraph 10b) ('urban development projects') of column 1 of schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017, and

(b) development within the class described in paragraph (4) **is EIA development** for the purposes of those Regulations.

- (4)

The class of development is development which is a Data Centre with a Power Capacity exceeding 50MW

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Importance of Screening

- For applications below 50MW threshold it is for the relevant competent authority to make an EIA screening determination in accordance with the EIA regulations.
- Data centres that do not meet the threshold to continue to be considered on a case-by-case basis, based on the characteristics, location and likely effects of each proposal – the project must fall within a Schedule 2 description (such as industrial estate or urban development project).
- All relevant Schedule 3 criteria to be considered in determining whether a project is likely to have significant environmental effects.
- Judgement of LSE at screening stage.

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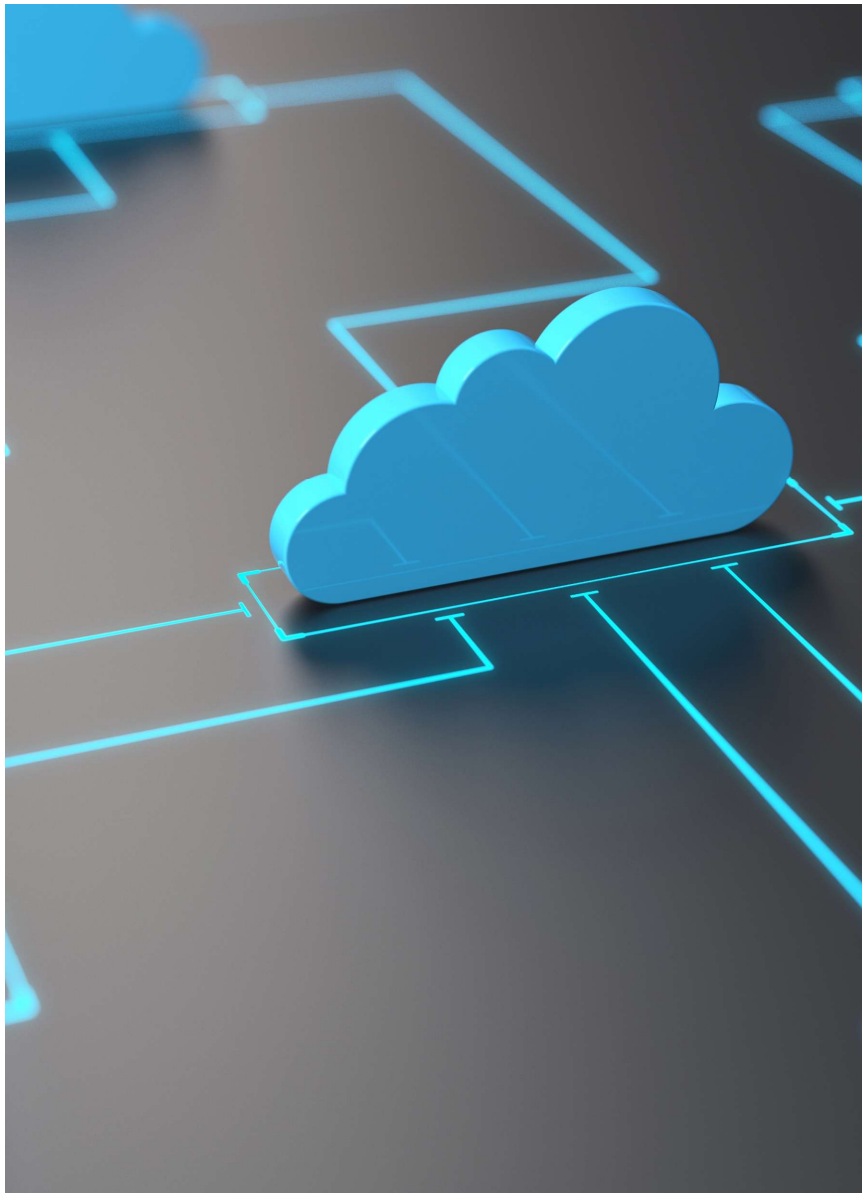
Multi-stage consents

Multi-stage consent = planning permission in principle followed by approval of matters specified in condition etc.

Planning Circular 1/2017 says:

- Environmental effects of the project should be identified and assessed at the earliest 'principal decision' stage wherever possible
- If sufficient information is available when the principal consent is sought, EIA should assess all likely significant environmental effects – EIA for later stages not required.
- **But**, if significant environmental effects not identifiable at the principal consent stage, or change, then must be assessed later in the process



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Multi-stage consents – embedded mitigation and assumptions

- Permission in principle or hybrid permission
- Technical assessments rely on numerous assumptions, including
    - Dispersion of emissions from generators, flue heights, output/number of generators, NOx emission concentrations, testing regime, No. of substations, location of generators to nearest NSR's, estimated water consumption, type of cooling system
- Consider how assumptions secured

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5 key takeaway points

1. Clear understanding of the project
2. Consider negative screening carefully
3. Obtain inputs from technical team
4. Be clear on mitigation and how its secured
5. Think about multi stage consent assumptions

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Questions & Discussion