

Sectors in focus

A COMPARATIVE GUIDE TO THE CHANGING PLANNING LANDSCAPE FOR DATA CENTERS

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Data centers are increasingly recognized by governments as critical national infrastructure, and planning regimes are evolving accordingly. We see growing friction between efforts of national governments to fast-track strategically important data center projects, and local and regional authorities, who are under pressure to respond to local opposition by tightening scrutiny through new constraints, moratoriums, and reporting requirements.

How does this play out across jurisdictions?

United Kingdom

Reforms to the [National Planning Policy Framework \(NPPF\)](#) require local authorities to consider the need for digital infrastructure, including data centers, when preparing policy and determining applications. Larger projects may be eligible for the [Nationally Significant Infrastructure Projects \(NSIP\)](#) regime, where decisions are taken at national level by the Secretary of State rather than locally, although many developments will still proceed through standard planning routes.

Data centers were designated as part of the UK's Critical National Infrastructure in 2024. Separately, AI Growth Zones are designated locations intended to support AI-enabled data center development through measures including improved access to power and planning support. These policy developments strengthen the case for delivery in principle, but outcomes remain highly site-specific. Local authorities and statutory consultees continue to play a decisive role, and opposition is increasingly focused on energy demand, water use, grid capacity, noise and visual impact.

United States

The US shows a similar structural tension. Federal policy increasingly supports faster permitting for large infrastructure through mechanisms such as [FAST-41](#), which coordinates federal reviews for qualifying projects, alongside broader efforts to streamline infrastructure delivery and encourage reuse of underutilized industrial land.

But zoning, land use, and utility regulation remain primarily state and local responsibilities. As a result, federal support does not guarantee local approval. Many states are actively revising rules around electricity pricing, water use and grid cost allocation for data centers, and some have introduced temporary pauses on new large-scale developments in response to capacity constraints.

Europe

EU policy increasingly supports digital infrastructure expansion while placing greater emphasis on efficiency, sustainability and transparency. The >Energy Efficiency Directive and Commission Delegated Regulation (EU) 2024/1364 establish reporting requirements and the first phase of a common Union rating scheme for data centers with installed IT power demand of at least 500 kW. Any future minimum performance standards should be distinguished from this existing reporting and rating framework. Cyber resilience, data sovereignty and security are also becoming more important considerations for location strategy and customer demand. These measures provide an EU-wide framework, but they do not create a harmonized approach to permitting or grid access.

Implementation on the ground remains highly variable. France combines low-carbon power and strong connectivity with urban planning and environmental approvals that remain site-specific. Germany combines municipal planning, grid readiness, and increasing focus on efficiency and waste-heat requirements. Across Europe, local moratoria, connection constraints, water availability and heat-reuse obligations can all influence whether a project proceeds. While EU policy creates a common direction of travel, Europe remains a fragmented development landscape.

“National governments need digital infrastructure built quickly, but local authorities want their say. Developers need to be sensitive to this tension, recognizing that local consent, permits and zoning are not formalities to be dealt with after the national policy box is ticked. Engage early on these points.”

Tim Cline, Partner, St. Louis

WHAT PLANNING DIVERGENCE MEANS FOR DEVELOPERS

A checklist to get ahead of planning complexity:

Conduct dual national and local diligence

A federal, NSIP or EU acceleration zone status only gives you the national picture. Check state, local and statutory consultee positions independently, particularly in the US, where states are taking different paths.

Build your policy alignment case before submitting

Treat community benefit as part of project design, not simply communications. Identify tangible local benefits and address who will bear the costs of grid reinforcement, water infrastructure and other enabling works. Have the employment, tax base and infrastructure investment narrative ready ahead of the application. Avoid generic claims.

Engage with local authorities, statutory consultees, and communities early

Bring answers on grid capacity, noise water use and visual impact to the table proactively. Sympathetic design, built-in mitigation and a credible account of community and wider benefits should form part of the proposal from the outset.

Assess water risk at catchment and site level rather than through national averages

Consumption varies materially according to cooling technology, while large facilities concentrated in a water-stressed area can create significant local and seasonal pressure even where aggregate national use remains modest. Diligence should distinguish annual consumption from peak-day demand and test the cooling system, water source, local catchment position, discharge arrangements and future expansion requirements.

Assess accelerated routes case by case

NSIP, FAST-41 and other strategic project routes incorporate different procedures and decision-makers. Confirm the route actually fits your project before opting in.

Monitor for emerging local and state sentiment

Moratoria and restrictive zoning can appear quickly, even on brownfield projects. Track this throughout site selection and entitlement as well as planning.

Use threshold workarounds with caution

Some planning regimes may use hard cutoffs, such as a megawatt limit, a hectare limit or emissions threshold. Structuring a project to fall just under limits may work in the short term, but could create tension and threaten future expansion.

HOW BCLP CAN SUPPORT YOU ACROSS THE DATA CENTER LIFECYCLE

We help clients compete where others can't, bringing global insight to the legal challenges of next generation digital infrastructure. We understand the unique complexities and commercial drivers of the sector, and look at the whole asset, so you can maximize value. Our seamless coverage across real estate, planning, energy, construction, finance, tax, regulatory, data and disputes helps you connect the dots across the data center lifecycle.

Related capabilities

- Data Centers

Meet the team



Tim Cline

Partner, St. Louis

tim.cline@bclplaw.com

[+1 314 259 2238](tel:+13142592238)



Erin L. Brooks

Office Managing Partner - Chicago,
Chicago / St. Louis

erin.brooks@bclplaw.com

[+1 312 602 5093](tel:+13126025093)



Mark Richards

Partner and Regional Practice Group
Leader - Energy, Environment and
Infrastructure, London

mark.richards@bclplaw.com

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