

TOWN AND COUNTRY PLANNING ACT 1990

**APPEAL RELATING TO
MANOR FARM AND LAND NORTH OF WRAYSBURY RESERVOIR ,
POYLE ROAD, SLOUGH, SL3 0AA**

APPEAL BY MANOR FARM PROPCO LIMITED AGAINST NON-DETERMINATION FOR 'DEMOLITION OF EXISTING BUILDINGS AND REDEVELOPMENT TO COMPRIZE A DATA CENTRE (USE CLASS B8) AND BATTERY ENERGY STORAGE SYSTEM (BESS) WITH ANCILLARY SUBSTATION, OFFICES, ASSOCIATED PLANT, EMERGENCY BACKUP GENERATORS AND ASSOCIATED FUEL STORAGE, LANDSCAPING, SUSTAINABLE DRAINAGE SYSTEMS, CAR AND CYCLE PARKING, AND NEW AND AMENDED VEHICULAR AND EMERGENCY ACCESS FROM POYLE ROAD AND OTHER ASSOCIATED WORKS.'

Rebuttal Proof

Planning Case

Paul Stimpson

LOCAL PLANNING AUTHORITY REF: P/10076/013

PLANNING INSPECTORATE REFERENCE: APP/J0350/W/25/3366043

Rebuttal Proof – Paul Stimpson

Contents

- 1.0 Introduction**
- 2.0 Rebuttal to the Evidence of Mr Powney and Mr O'Reilly**

Introduction

- 1.1. My name is Paul Frederick Stimpson. I have a degree BSc (hons) in Town Planning and a post graduate diploma DipTP in Town Planning from the University of Wales, Cardiff.
- 1.2. I was a member of the Royal Town Planning Institute for over 40 years until 2024.
- 1.3. I have worked in various planning roles since 1980. I was employed by Slough Borough Council in 1995 and was responsible for producing all of the Statutory Plans and planning policy documents until I retired in 2022. Since then I have worked for the Council, most recently on the Simplified Planning Zone for Slough Trading Estate.
- 1.4. I am familiar with the Appeal site and the Colnbrook and Poyle area since it was transferred to Slough Borough Council in 1995.
- 1.5. I am familiar with the planning application (P/10076/013) which is the subject of this Appeal.
- 1.6. The evidence I have prepared and provide for this Inquiry (PINS Reference APP/ J0350/W/25/3366043) is true and I confirm that the opinions expressed are my true and professional opinions.

2. Rebuttal to the Evidence of Mr Powney and Mr O'Reilly.

2.1 This Rebuttal Proof of Evidence is in response the Evidence submitted by Mr Powney and Mr O'Reilly. We have limited this as far as possible but it should not be taken that I accept other points not rebutted.

Size of Existing Data Centre Capacity in Slough

2.2 In Figure 5.1 on page 39 of Mr Powney's proof of evidence shows the Data Centre Capacity in the Slough Availability Zone in 2024 is 1,550 MW. The source of this is DCByte which I don't have access to.

2.3 The figure for the 29 data centres in Slough in 2024 produced by Mordor Intelligence is 379.23 MW. From my knowledge of the data centres in Slough I consider this to be a more realistic figure.

Fibre Optic Connections to the Site

2.4 In paragraph 7.9 on page 10 of Mr O'Reilly's proof of evidence he states that:

“The Manor Farm development is bounded immediately to the south and almost immediately to the north by major fibre optic routes so SBC are not correct in their assertion in paragraph 6.16 of their Statement of Case that the site is unsuitable for data centre development because it is too far from existing routes.”

2.5 In paragraph 2.94 on page 37 of my proof I acknowledge that the Appeal Site is close to (1.5km) but not on the existing fibre network.

2.6 What paragraph 6.16 of the Statement of Case is referring to is not just the distance but the connectivity of the fibre network in that it states:

“Unlike the data centres in Slough it is not in close proximity to the Bath Road, Great Western railway and Grand Union canal which house the fibre ducts containing the cables which link London to America”

2.7 This is almost exactly the same words as used by Mr Powney when discussing the need for data centres to be connected to dense fibre optic infrastructure. The fourth bullet point in Paragraph 4.44 on page 34 of his proof states:

“As discussed a data centre’s value lies in its connectivity – to end users, to other data centres and to wider networks. Slough benefits from its proximity to the Great Western Main Line and Grand Union Canal, both of which host extensive fibre optic networks serving multiple national and international providers”

2.8 In paragraph 2.94 of my proof of evidence I also state:

“In operational terms it is not suitable to be used as a Colocation data centre because it is so far from the Slough hub”

2.9 The point I am making here is that because of its location, a data centre on the Appeal Site would not be capable of having the ultra fast cross connection speeds that are available to the colocation data centres in the cluster on the Trading Estate.

2.10 At the centre of the Slough hub that I refer to is the Equinix LD4 data centre on the Trading Estate. In addition to containing all of the major cloud providers such as Google, Amazon and Microsoft. it also contains one of the few Internet Connection Points in the country. As a result some data centre operators will typically want to be able to access LD4. Equinix offer to connect customers across two data centers within approximately 6 miles using pre-run single-mode fiber conduits. The appeal site is approximately 5.5miles away from LD4 as the crow flies. It is unclear how the appeal could meet these requirements. Even if they could it would be at the very upper end of the length that provides sufficient latency.

2.11 As a result I have not said that “*the appeal site is unsuitable for data centre development because it is too far from existing routes*”. I have said that it is not suitable for a colocation data centre and for a number of reasons, including its distance from the Cluster of data centres on the Trading Estate, disputed the claim in the Alternative Sites Assessment that the Appeal Site is the “*most sequentially preferable for the data centre element of the Development.*”

Details of Grid Connection Contract

2.12 In paragraph 3.5 on page 3 of Mr O'Reilly's proof of evidence he states that:

“I also explain why the grid connections secured by the Appellants mean that it can bypass these delays (that will impact other development in the area) so that data centre capacity can be brought forwards rapidly at the Appeal Site to meet identified need.”.

2.13 In paragraph 9.1.1 on page 12 Mr O'Reilly's proof of evidence he states:

"The Development has secured capacity via a bilateral connection agreements at Iver and Laleham substations, supported by a private wire network and substation owned by Juniper (a Tritax and EDF joint venture) This arrangement includes three circuits, providing 107 MVA of import capacity, ensuring resilience and compliance with regulatory frameworks such as the Connection and Use of System Code (CUSC) and Grid Code.

2.14 In the subsequent paragraph 9.2.1 Mr O'Reilly states:

"The Development is scheduled for first energization in Q4 2027"

2.15 The Council has been trying to get more information about these contracts to understand the timing of the electricity supply and what the implication is if supply cannot be taken in 2027. We sent an email to the Appellant asking these questions on 10 September 2025. We were told the proofs would address our questions. This email and the reply is at Appendix 1.

2.16 Unfortunately Mr O'Reilly's proof of evidence does not provide much more information than we already know about the contracts. It actually omits to mention some key information. As a result, after receiving Mr O'Reilly's proof of evidence asking for some more detailed information.

2.17 The Appellant's reply in an email dated 26 September 2025. This is at appendix 2. The appellant says in that reply:

- The terms of the contracts are not planning considerations
- The Council specifically asked about this in its email which said "*Can you confirm that EDF had a pre-existing contract for the supply of electricity to the site?*"
- The answer in the email of 26th September was that "*No electricity supply contracts have been signed for the site, the agreements discussed are connection agreements which are separate from supply.*"

2.18 This is confusing when compared with what was said in the application documents. For example in paragraph 4 of Hoare Lea's Utility and Energy Infrastructure Statement CD1.54) it states that:

"The applicant has entered into a joint venture partnership with EDF to secure and deliver 147 MW of capacity to the site."

2.19 In the light of this very recent evidence produced by the Appellant it may be necessary to add to this in evidence.

Appendix 1

Alex Harrison

To: Charlie.Reid@ashurst.com
Cc: Neetal Rajput; philip.murphy@quod.com; Daniel Ray; Alice.Rowland@ashurst.com; aimee.peckham@planninginspectorate.gov.uk
Subject: RE: APP/J0350/W/25/3366043 - Manor Farm - Core Documents List [ASH-EUS.FID302847348]

From: Charlie.Reid@ashurst.com <Charlie.Reid@ashurst.com>

Sent: 10 September 2025 21:12

To: Alex Harrison <Alex.Harrison@slough.gov.uk>

Cc: Neetal Rajput <Neetal.Rajput@slough.gov.uk>; philip.murphy@quod.com; Jacob.Coyle@ashurst.com; Daniel Ray <Daniel.Ray@slough.gov.uk>; Alice.Rowland@ashurst.com

Subject: RE: APP/J0350/W/25/3366043 - Manor Farm - Core Documents List [ASH-EUS.FID302847348]

Hi Alex

Jacob has sent you the updated CD index and a link containing the CDs under separate cover earlier today.

Thank you for looking into room availability at the inquiry venue and responding to my other queries.

In terms of electricity supply, we explained at the CMC that Tim O'Reilly of Tritax would be preparing a proof of evidence on power availability alongside Phil Murphy's planning proof. You will receive these next week and they should address your questions.

Regards

Charlie

From: Alex Harrison <Alex.Harrison@slough.gov.uk>

Sent: 10 September 2025 12:07

To: Reid, Charlie 12254 <Charlie.Reid@ashurst.com>

Cc: Neetal Rajput <Neetal.Rajput@slough.gov.uk>; philip.murphy@quod.com; Coyle, Jacob 12202 <Jacob.Coyle@ashurst.com>; Daniel Ray <Daniel.Ray@slough.gov.uk>; Rowland, Alice 12102 <Alice.Rowland@ashurst.com>

Subject: RE: APP/J0350/W/25/3366043 - Manor Farm - Core Documents List [ASH-EUS.FID302847348]

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Hi Charlie

Thanks for the email, I have attached a version of the CD list with CD10 edited as the LPA require. It is a variation to the numbering system elsewhere but functional and efficient.

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I look forward to receiving the documents today.

Regarding the venue, we are investigating whether a room is available. Lunch is not provided, there is a coffee/food stall within the reception area at the Council, a tesco express within walking distance and the High Street is close by. We have printing facilities at the Council but they will not be available for appellant use we will be able to do any reasonable printing during the Inquiry. Parking is available in the public car parks in the town. The nearest is Herschal Street to the north.

Regarding the proofs, you are correct and we will provide hard copies of our proofs.

One point remains outstanding RE electricity which we require an indication on, this may be a questions for Phil to address... are you able to give more information regarding the timing of the electricity supply as the proposal states this is a precise deadline of 2027. What are the implications if supply cannot be taken in 2027? It is relevant given the timeframes of the inquiry meaning a decision is unlikely to be made until very late 2025/early 2026 and there are many miles of works to be undertaken privately to ensure supply.

I look forward to hearing from you on this.

Regards

Alex

Alex Harrison
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Email: alex.harrison@slough.gov.uk

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Appendix 2

Alex Harrison

To: Charlie.Reid@ashurst.com
Cc: Neetal.Rajput; philip.murphy@quod.com; Daniel Ray; Alice.Rowland@ashurst.com; aimee.peckham@planninginspectorate.gov.uk
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From: Charlie.Reid@ashurst.com <Charlie.Reid@ashurst.com>

Sent: 26 September 2025 17:41

To: Alex Harrison <Alex.Harrison@slough.gov.uk>

Cc: Neetal Rajput <Neetal.Rajput@slough.gov.uk>; philip.murphy@quod.com; Daniel Ray <Daniel.Ray@slough.gov.uk>; Alice.Rowland@ashurst.com; aimee.peckham@planninginspectorate.gov.uk

Subject: RE: APP/J0350/W/25/3366043 - Manor Farm - Core Documents List [ASH-EUS.FID302847348]

Alex

You have raised a series of questions concerning electricity provision to the proposed development, in particular, 'about the terms and nature of the contract'. You assert this information is 'essential'.

The relevant connection agreements are private commercial contracts containing confidential and commercially sensitive information and are not in the public domain. The terms of the contracts are not planning considerations and the matters you raise in your questions relate to a separate regulatory process that is within the jurisdiction of NESO, not the LPA or PINS. The Appellant has provided a proof of evidence by Mr Tim O'Reilly on power availability to assist the Inspector and Secretary of State in understanding the relevance of power to the planning judgments they will make. Mr O'Reilly will be available for questioning at the inquiry in the usual way.

Nevertheless, the Appellant has considered your questions and has provided responses below to be helpful. The Appellant will not be disclosing further information about the terms of its connection agreements for the reasons stated above.

I have copied PINS to this email for transparency.

Regards,

Charlie

=====

Appellant's responses to questions raised by SBC on 23 September 2025

- Can you confirm that Tritax have entered into a Joint Venture with EDF?

Yes, as stated in para 1.1 of the executive summary to Tim O'Reilly's proof of evidence.

- Can you confirm that EDF had a pre-existing contract for the supply of electricity to the site?

No electricity supply contracts have been signed for the site, the agreements discussed are connection agreements which are separate from supply. Connection agreements are with network companies to provide a physical connection to a site while supply contracts are between the user and a supplier for the purchase of energy once the user is connected.

Juniper Energy, the JV between Tritax Big Box and EDF, holds two Bilateral Connection Agreements (BCAs) with NESO, one to connect to Iver with completion by Q4 2027 and another to Laleham with completion in Q2 2028.

Paragraph 1.2 of the executive summary to Tim O'Reilly's proof refers to these agreements already.

- Can you explain how you met the "readiness of ownership" Gate 2 criteria" ?

The Gate 2 readiness criteria for the connection agreements were met via the land route as Manor Farm Propco Limited (owned by Tritax Big Box) owns the site which exceeds the required land area for the connections. The Gate 2 criteria do not require land rights for the cable routes between the transmission system and the connection site, nor is planning permission a requirement to pass through Gate 2. This is explained in the NESO's 'Gate 2 Criteria' document.

- Can you confirm that the site is contracted to take electricity by 2027?

The Iver connection agreement has an ACL (Available for Commercial Load) date in Q4 2027, this means that the connection will be fully commissioned and available for the user to begin using it for commercial purposes, such as supply to the data centre and import/export by the BESS.

- Can you explain what happens if you don't meet this requirement by 2027?

We are not sure which requirement is being referred to here. The consequences of delays are not specific to our connection agreement. The current backstop date of the connection agreement is in Q4 2029, allowing for User construction delays of up to 2 years.

- Can you provide a high level programme showing how you intend to meet the milestones in the contract?

We have provided a construction programme in document 9 of Phil Murphy's Proof of Evidence which meets the necessary milestones for the connection agreements.

- Can you explain how you meet the Gate criteria under the proposed NESO reforms?

As explained in the answer above, the "readiness criteria" is met by land ownership of the site. The "strategic alignment criteria" is met by the BESS falling within the capacity cap for the region while data centres are exempt from this criteria.

From: Reid, Charlie 12254 <Charlie.Reid@ashurst.com>

Sent: 26 September 2025 08:37

To: Alex Harrison <Alex.Harrison@slough.gov.uk>

Cc: Neetal Rajput <Neetal.Rajput@slough.gov.uk>; philip.murphy@quod.com; Daniel Ray

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Alex

Your questions are considerably more detailed than the generic query raised on 10 September and arguably stray beyond planning.

We are preparing responses to your additional questions but will not be sharing confidential or commercially sensitive information with you.

As I am travelling this morning, we may be unable to send our responses to you until later this afternoon.

Regards

Charlie

Charlie Reid

Partner

From: Alex Harrison <Alex.Harrison@slough.gov.uk>

Sent: Tuesday, September 23, 2025 5:49 pm

To: Reid, Charlie 12254 <Charlie.Reid@ashurst.com>

Cc: Neetal Rajput <Neetal.Rajput@slough.gov.uk>; philip.murphy@quod.com

<philip.murphy@quod.com>; Daniel Ray <Daniel.Ray@slough.gov.uk>; Rowland, Alice 12102

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Hi Charlie

This is further to my email of 10 September 2025 regarding the electricity contract and your response advising that matters were to be addressed as a proof. Following the exchange of proofs the details relating to this matter do not address the contract that is referred to as a principal part of the justification of the appellant. It does not address what happens if supply cannot be taken in 2027.

Following the response to our initial question we were anticipating more of an explanation about the terms and nature of the contract in the proof of evidence but this has not been forthcoming. As a result we have a number of questions to ask in respect of this which are listed below. It is essential that you provide this to us as a matter of urgency. The contract for supply of electricity is a major part of the justification for the scheme and it is only right if this is being relied upon for Green Belt and Strategic gap development that the decision maker understands the nature of the contract in a way that can be scrutinised.

- Can you confirm that Tritax have entered into a Joint Venture with EDF?
- Can you confirm that EDF had a pre-existing contract for the supply of electricity to the site?
- Can you explain how you met the "readiness of ownership" Gate 2 criteria" ?.
- Can you confirm that the site is contracted to take electricity by 2027?
- Can you explain what happens if you don't meet this requirement by 2027?
- Can you provide a high level programme showing how you intend to meet the milestones in the contract?
- Can you explain how you meet the Gate criteria under the proposed NESO reforms?

I acknowledge that this is a number of questions to address but the appellants case is built on this contract to which little information is provided and we have previously sought information about.

Please would you provide this information by 12pm on Friday 26 September 2025

Regards

Alex

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Appendix 3

LEGEND

N

Site Boundary

Excluded Zone
(Power Station sub-zone)
Approximate existing heights:
Chimney Stack - 105m
CHP cooling towers - 49m
CHP plant - 48m

Maximum Building Heights Permitted

Development Height 36m
Development Height 31m
Development Height 25m
Development Height 20m
Development Height 18m
Development Height 15m
Development Height 12m
Development Height 7m
Development Height 3m

Plan 3 - Building Heights Plan



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trading
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