

From: [REDACTED]
To: [REDACTED]
Cc: [Slough Multifuel Project](#); [REDACTED]
Subject: EN010129 - Slough Multifuel Extension Project - Applicant's response to s51 advice & s55 checklist
Date: 09 November 2022 11:22:45
Attachments: [REDACTED]
Importance: High

Dear Ms Robbins,

I write on behalf of the Applicant, SSE Slough Multifuel Limited, in response to the s51 advice issued by the Planning Inspectorate (dated 26 October 2022) relating to the draft DCO in addition to the actions identified in the s55 checklist.

In relation to the Planning Inspectorate's s51 advice on the draft DCO (Document Ref. 2.1), please see our comments below.

1. Capacity of the authorised development:

- a. The Applicant has actioned the Inspectorate's first comment by amending the description of Work No.1 in Schedule 1 to describe the capacity of the extended generating station as "up to 60MW" rather than "over 50MW". This has the effect of capping the capacity of the extended generating station at 60MW.
- b. The Applicant has not amended Article 4(1) in the same way, because the purpose of Article 4(1) is to provide the authorisation to operate a generating station at over 50MW which would otherwise be required under s36(1) of the Electricity Act 1989. As this is a matter ancillary to the authorised development, it is considered appropriate to follow the language of s36 (which refers to a 50MW threshold), rather than describe the authorised development itself (which is done in Schedule 1). This approach follows other granted DCOs. The Applicant is of course happy to respond to any questions the Examining Authority has on these matters during the Examination process.
- c. The Applicant has amended the Explanatory Memorandum (Document Ref. 2.2) to address both points. The EM still confirms that the Order grants development consent to operate at a capacity above the legislative threshold of 50MW – this has not been amended. The EM now also clarifies, through the addition of a reference of "up to 60MW" in brackets, that the capacity is capped at 60MW.

2. Conditions and requirements:

- a. The Applicant has actioned the Inspectorate's advice to make Article 4 explicitly subject to Schedule 2.
- b. The Applicant has set out in full in Schedule 2 the wording of Condition 17 of the TCPA permission. The Applicant considers that this, along with including the relevant TCPA permissions as certified documents, adequately addresses the Inspectorate's concerns about users being able to understand the requirements. It is common practice to include important documents as certified documents in a DCO, which users must obtain separately from the Inspectorate's website or, after a certain period of time when the documents are no longer available on the Inspectorate's website, obtain directly from the promoter. The Applicant has not at

this stage set out in full the other conditions because only the CEMP (secured by Condition 17) is required as mitigation for the DCO and assumed to be in place in the ES. The reason for the reference to the other conditions is to ensure consistency of construction and operation of the extended generating station as a whole, not because these conditions provide for mitigation also relevant to the authorised development, and so it is considered the inclusion of these conditions in full is not proportionate and may cause confusion. The Applicant does however recognise this is primarily a point of presentation, and so would of course be happy to consider alternative drafting approaches if that would assist the Examining Authority during the Examination process.

- c. The Applicant has not at this stage amended the wording in Requirement 4 to apply to all conditions referred to, rather than only Condition 17 of the TCPA permission, which secures the CEMP. The reason is, as noted above, that none of these other conditions, or documents and plans approved pursuant to them, are mitigation assumed to be in place in the ES and as such revisions to them would not alter or affect in any way the assessments in the ES, so such wording is considered unnecessary.

3. Arbitration:

- a. The Applicant has actioned the Inspectorate's advice in respect of the arbitration mechanism by amending the arbitration provisions in the draft DCO, replacing the original drafting with a simpler version.

4. Requirement 7:

- a. The Applicant has also actioned the Inspectorate's comment in Box 30 of the s55 Checklist that 'ongoing' should be replaced with 'operating'.

The Applicant has also made corresponding updates to the Explanatory Memorandum.

In relation to the other actions identified in the s55 checklist:

1. The Applicant will service notice pursuant to s56 on the additional bodies identified in Box 6.
2. The Applicant has updated the Consultation Report (Document Ref. 5.1) to include Appendix 11.1 and the referencing to the appendices within the text of the Consultation Report has been updated accordingly.

The following updated Application Documents are provided and can be downloaded via the link to a secure file share site below:

1. Document Ref. 1.2 – Application Guide – Rev. 2.0.
2. Document Ref. 2.1 – Draft DCO – Rev. 2.0 clean and tracked versions. The clean version of the draft DCO has been validated and the validation documentation is attached to this email.
3. Document Ref. 2.2 – Explanatory Memorandum – Rev. 2.0 clean and tracked versions.

4. Document Ref. 5.1 – Consultation Report, now including Appendix 11.1 – Rev. 2.0 clean and track versions. The tracked version of the Consultation Report has been provided for reference only as the changes that have been made are minor and it does not therefore include the appendices (those are included with the clean version).

[REDACTED]

The Applicant has made reference to the updated draft DCO in the s56 notification letters and newspaper notices and the updated draft DCO will also be available on the project website.

I would be grateful if you could confirm receipt of this email and the updated Application Documents.

Yours sincerely

Geoff Bullock

Geoff Bullock

BA (Hons) BPI. MRTPI

Partner - Head of Planning, Energy & Infrastructure

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