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All Interested Parties, Statutory Parties and  
any Other Person invited to the Preliminary  
Meeting

Your Ref:

Our Ref: EN010129

Date: 23 January 2023

Dear Sir/ Madam

## **Planning Act 2008 – Section 88 and 89 and The Infrastructure Planning (Examination Procedure) Rules 2010 – Rules 4, 6 and 9**

### **Application by SSE Slough Multifuel Limited for an Order Granting Development Consent for the Slough Multifuel Extension Project**

### **Appointment of the Examining Authority and invitation to the Preliminary Meeting**

Following my appointment by the Secretary of State for Business, Energy and Industrial Strategy (SoS) as the Examining Authority (ExA) to carry out an Examination of the above application I am writing to introduce myself. My name is Simon Warder. A copy of the appointment notice can be viewed under the [Documents tab](#) on the project webpage of the National Infrastructure Planning website ([project webpage](#)).

I would like to thank those of you who submitted Relevant Representations. These representations have assisted me when considering how I will examine this application.

### **Invitation to the Preliminary Meeting**

As a recipient of this letter you are invited to the Preliminary Meeting to discuss **the procedure** for the Examination of the above application.

Date	Start time	Joining details
<b>21 February 2023</b>	<b>Arrangements Conference from:</b>	This Preliminary Meeting will be held virtually using Microsoft Teams



	<b>09:30</b> <b>Preliminary Meeting starts:</b> <b>10:00</b>	Full instructions on how to join online or by telephone will be provided in advance to those who have pre-registered
<p><b>IMPORTANT:</b> The Preliminary Meeting should be completed before 1:00pm on 21 February 2023. However, a reserve period has been scheduled for 2:00pm on the same day to allow for the meeting to be resumed in exceptional circumstances e.g. to account for a failure of technology. Normally the reserve period will not be required and confirmation of this will be provided by the ExA at the end of the Preliminary Meeting and subsequently notified on the <a href="#">project webpage</a>.</p>		

**You must register and provide all the information requested (see below) by 14 February 2023 if you intend to participate in the Preliminary Meeting.**

If you simply wish to observe the Preliminary Meeting then you do not need to register as you will be able to watch a livestream of the event. A link to the livestream will be made available on the [project webpage](#) shortly before the event is scheduled to begin. You will also be able to watch the recording of the event which will be published on the [project webpage](#) shortly after the event has finished.

### **Purpose of the Preliminary Meeting**

The purpose of the Preliminary Meeting is to enable views to be put to me about how the application should be examined. I will therefore limit the scope of the Preliminary Meeting to consideration of **how the application will be examined**. See **Annex B** to this letter and the Planning Inspectorate's [Advice Note 8.3 - Influencing how an application is Examined: the Preliminary Meeting](#) for more information.

The Preliminary Meeting is **not** an opportunity for you to give your views about what you like or don't like about the application. The merits or disadvantages of the application will only be considered once the Examination starts, which is after the Preliminary Meeting has closed. All relevant and important matters will be taken into account when I make a recommendation to the SoS, who will take the final decision in this case.

The agenda for the meeting is at **Annex A** to this letter. This has been set following my Initial Assessment of Principal Issues arising from my reading of the application documents and the Relevant Representations received. The Initial Assessment of Principal Issues is set out in **Annex C** to this letter.

### **Written submissions about how the application should be examined**

The Planning Act 2008 establishes a principally written process for the Examination of applications for Development Consent Orders and **representations made in writing carry equal weight to oral representations at all stages of the process**.

I am now requesting written submissions from recipients of this letter about how the application should be examined. I particularly wish to hear from you if:

- you consider changes need to be made to the draft Examination Timetable set out at **Annex D** to this letter; and/or
- you wish to comment about the arrangements for future Examination hearings, including the use of virtual methods.

You are invited to make a written submission about how the application is to be examined by **Procedural Deadline A** (14 February 2023) (see **Annex D** to this letter).

Please make all submissions using the [Make a submission tab](#) on the project webpage on or before **Procedural Deadline A. Annex G** to this letter provides further information about using the Make a submission tab.

### Requests to participate at the Preliminary Meeting

Please note that **you are not required to attend, or make written submissions to, the Preliminary Meeting in order to participate in the Examination**. If you are an Interested Party you can make a Written Representation and comment on the Written Representations made by other Interested Parties during the Examination. You will also be able to participate in any hearings that are arranged.

If you wish to participate at the Preliminary Meeting you are required to notify the ExA in writing on or before **14 February 2023** (see **Procedural Deadline A**).

Any request to participate in the Preliminary Meeting **must include** the following information:

- name and unique reference number (found at the top of your letter or email from the Planning Inspectorate);
- email address (if available) and contact telephone number;
- name and unique reference number of any person/organisation that you are representing (if applicable);
- the agenda item on which you wish to speak and a list of the points you wish to make.

Requests to participate should be made using the [Make a submission tab](#) on the project webpage on or before **Procedural Deadline A. Annex G** to this letter provides further information about the [Make a submission tab](#).

Please contact the Case Team using the contact details at the top of this letter if you require any support to attend the Preliminary Meeting.



## **Format of Examination Events – Preliminary Meeting and Hearings**

The Examination of the application will principally be a written process (see [Advice Note 8.4: The Examination](#)), supplemented where necessary by various types of hearings (see [Advice Note 8.5: Hearings and site inspections](#) and [Advice Note 8.6: Virtual Examination events](#)).

It is expected that, generally, both blended (part in-person and part virtual) and fully virtual events will form part of the Planning Inspectorate's future operating model.

I therefore remain flexible and will confirm the format of any hearings to be held during the Examination Stage when I provide formal notification of each hearing at least 21 days in advance of it taking place.

Nevertheless, in view of the nature and scale of the project being examined in this case, I give formal notification that the Preliminary Meeting will be a virtual event. At this stage I consider it likely that any Issue Specific Hearing or Open Floor Hearing would also be virtual events.

### **After the Preliminary Meeting**

After the Preliminary Meeting I will issue a letter (known as the Rule 8 letter) setting out the finalised Examination Timetable. A note of the meeting will also be published on the [project webpage](#).

### **Other Procedural Decisions made by the Examining Authority**

I have made some further Procedural Decisions which are set out in detail at **Annex E** to this letter. They are summarised as follows:

- requested Statements of Common Ground;
- request for suggested locations for an Accompanied Site Inspection; and
- acceptance of Additional Submissions into the Examination.

### **Managing Examination correspondence**

Given the volume and frequency of letters the Planning Inspectorate needs to send to Interested Parties during an Examination, we aim to communicate with people by email as electronic communication is more environmentally friendly and cost effective for the taxpayer.

If you have received a letter but are able to receive communications by email, please inform the Case Team using the contact details at the top of this letter as soon as possible.

As the Examination process makes substantial use of electronic documents, it will be useful for you to become familiar with the [project webpage](#).



A [Make a submission tab](#) is available on the website which provides a portal through which parties should make written submissions at relevant deadlines during the Examination. Further information about the 'Make a submission' portal is provided at **Annex G** to this letter.

There is also a function on the right-hand side of the project webpage called 'E-mail updates'. This provides you with an opportunity to register to receive automatic e-mail updates at key stages during the Examination.

### **Your status in the Examination**

You have received this letter because you fall within one of the groups described in the Planning Inspectorate's document [What is My Status in the Examination?](#)

If your reference number begins with '2003', 'SEMP-0', 'SEMP-AFP', 'SEMP-S57' 'SEMP-APP' you are in Group A. If your reference number begins with 'SEMP-SP' you are in Group B. If your reference number begins with 'SEMP-OP' you are in Group C. The meaning and purpose of those groups are explained in the document published at the link above.

If having read this document you are still unsure about your status, please contact the Case Team using the details at the top of this letter.

### **Awards of costs**

All parties will normally be expected to meet their own costs. Costs can be awarded against a party who has acted unreasonably and has caused the party applying for the award of costs to incur unnecessary or wasted expense during the Examination. You should be aware of the relevant costs guidance [Awards of costs: examinations of applications for development consent orders](#).

### **Management of information**

Information, including representations, submitted in respect of this Examination (if accepted by the Examining Authority) and a record of any advice which has been provided by the Planning Inspectorate is published on the [project webpage](#).

Examination Documents can also be viewed electronically at the locations listed in **Annex F** to this letter.

Please note that in the interest of facilitating an effective and fair Examination, it is necessary to publish some personal information. To find out how we handle your personal information please view our [Privacy Notice](#).

I look forward to working with all parties in the Examination of this application.

Yours faithfully



*Simon Warder*

## **Examining Authority**

### **Annexes**

- A** Agenda for the Preliminary Meeting
- B** Introduction to the Preliminary Meeting
- C** Initial Assessment of Principal Issues
- D** Draft Examination Timetable
- E** Statements of Common Ground and Other Procedural Decisions made by the Examining Authority
- F** Availability of Examination Documents
- G** Information about the Make a submission tab

This communication does not constitute legal advice.  
Please view our [Privacy Notice](#) before sending information to the Planning Inspectorate.

## Agenda for the Preliminary Meeting

**You must register and provide all the information requested (see below) by 14 February 2023 if you intend to participate in the Preliminary Meeting.**

If you simply wish to observe the Preliminary Meeting, then you do not need to register as you will be able to watch a livestream of the event. A link to the livestream will be made available on the [project webpage](#) shortly before the event is scheduled to begin. You will also be able to watch the recording of the event which will be published on the [project webpage](#) shortly after the event has finished.

**Date:** 21 February 2023

**Arrangements Conference:** 09:30am

**Meeting start time:** 10.00am (see below regarding reserve period)

**Venue:** Virtual event (Microsoft Teams)  
Full instructions on how to join online or by phone will be provided in advance to those who have pre-registered.

Agenda for the Preliminary Meeting	
09:30am	<p><b>Virtual Arrangements Conference</b></p> <p>Please arrive at 09:30am to enter the virtual lobby. From here you will be admitted to the Arrangements Conference by the Case Team, greeted and given further instructions.</p> <p>The Arrangements Conference will commence at 09:30am. This will be hosted by the Case Team and cover the housekeeping arrangements for the Preliminary Meeting and allow for any questions to be asked about how to take part.</p>
10.00am	<p><b>Preliminary Meeting</b></p> <p>The Preliminary Meeting will formally open at <b>10.00am</b>. The Examining Authority (ExA) will join, welcome participants and lead introductions.</p>
Item 1	
Item 2	<p>The ExA's remarks about the Examination process.</p> <p>Any procedural requests relating to this item that were submitted in writing by Procedural <b>Deadline A</b>.</p>
Item 3	Initial Assessment of Principal Issues – <b>Annex C</b> to Rule 6 letter

<b>Item 4</b>	Procedural decisions taken by the ExA – <b>Annex E</b> of the Rule 6 letter, including submissions relating to this item that were submitted in writing by <b>Procedural Deadline A</b> .
<b>Item 5</b>	<p>Draft Examination Timetable – <b>Annex D</b> to Rule 6 letter, including but not limited to:</p> <ul style="list-style-type: none"> <li>• the Accompanied Site Inspection</li> <li>• the need to make provision in the timetable to prepare and consult on a Report on the Implications for European Sites</li> <li>• notification of wish to speak at a hearing</li> <li>• date for receipt of Written Representations, Local Impact Reports and Statements of Common Ground</li> </ul> <p>Procedural requests relating to this item that were submitted in writing by <b>Procedural Deadline A</b>.</p>
<b>Item 6</b>	Any other matters
<b>Close of the Preliminary Meeting</b>	

Please join the virtual lobby promptly using the instructions that will be sent to you. The Preliminary Meeting will start at **10.00am** irrespective of any late arrivals, for whom access to the event may not be possible.

It may take some time to admit participants from the virtual lobby, your patience whilst you are waiting is appreciated.

The agenda for the Preliminary Meeting is subject to change at the discretion of the ExA although, in making changes, the ExA will be mindful of the need to provide opportunities for fair involvement to all Invited Parties.

Any request to participate in the Preliminary Meeting **must include** the following information:

- name and unique reference number (found at the top of your letter or email from the Planning Inspectorate);
- email address (if available) and contact telephone number;
- name and unique reference number of any person/organisation that you are representing (if applicable); and
- the agenda item on which you wish to speak and a list of the points you wish to make.

**IMPORTANT:** The Preliminary Meeting should be completed before 1:00pm on 21 February 2023. However, a reserve period has been scheduled for 2:00pm on the same day to allow for the meeting to be resumed in exceptional circumstances e.g. to account for a failure of technology. Normally the reserve period will not be



required and confirmation of this will be provided by the ExA at the end of the Preliminary Meeting and subsequently notified on the project webpage.

## **Introduction to the Preliminary Meeting**

### **Background**

The Preliminary Meeting (PM) will take place virtually, using Microsoft Teams.

The Examining Authority (ExA) is conscious of videoconferencing fatigue and will aim to keep the proceedings focussed and as efficient as possible. This annex provides advance access to information that would usually be included in the ExA's introductory remarks. Please read this carefully. The ExA will only present a summary of the key points set out here in order to ensure that the time available for participants to speak is maximised.

### **The Examining Authority and the Case Team**

The ExA will introduce himself at the start of the PM.

The ExA will be supported by the Planning Inspectorate Case Team. During the Arrangements Conference a member of the Case Team will welcome and admit participants from the virtual lobby, and will be available to answer questions by email before and after the PM. The contact email address is:  
[sloughmultifuelproject@planninginspectorate.gov.uk](mailto:sloughmultifuelproject@planninginspectorate.gov.uk)

### **The purpose of the Preliminary Meeting**

The PM is being held to discuss the arrangements for the Examination of the application for a Development Consent Order (DCO) for the Slough Multifuel Extension Project, which is a Nationally Significant Infrastructure Project (NSIP), and which will generally be referred to in the PM and Examination as the 'Proposed Development'. The application has been made by SSE Slough Multifuel Limited, which will be referred to as 'the Applicant'.

You will find information about the application and, in due course, documents produced for the Examination on the project webpage of the National Infrastructure Planning website ([project webpage](#)). The project webpage has links to the Examination Timetable, Relevant Representations and Examination documents and Examination procedure.

You are encouraged to look at the [project webpage](#) if you haven't already done so, because it will be used to communicate with you and to provide access to documents throughout the Examination.

The main purpose of the PM is to discuss the arrangements for the Examination of the application. It focuses on the process only, and it will not be looking at the substance of the proposals. Questions, discussions and representations about the merits or disadvantages of the Proposed Development are for the Examination itself which will begin the day after the close of the PM.

The PM will be your opportunity to influence the process that the ExA intends to follow. The agenda for the PM is attached to this Rule 6 letter at **Annex A**. It is

important to have the letter and the agenda in front of you and to refer to them during the course of the PM. You may wish to print these in advance of the PM for reference.

### **Government guidance and policy**

The application is a NSIP under the Planning Act 2008 (PA2008) as a consequence of sections 14(1) and 15(1): it includes the extension of a generating station to provide a capacity of more than 50 megawatts. The designated Overarching National Policy Statement for Energy (EN-1) and the National Policy Statement for Renewable Energy (EN-3) apply to this Examination and to decision-making relating to this application.

The ExA will consider the Proposed Development in accordance with these National Policy Statements and any other applicable policy or considerations the ExA deems to be important and relevant. In this case it is relevant that revised draft versions of both National Policy Statements have been published.

The PA2008 makes it clear that, in making a decision, the relevant Secretary of State (SoS) “*must decide the application in accordance with any relevant NPS*” (s104(3)), subject to certain provisos. Essentially, the provisos are that the application must not breach legal or treaty obligations, and that any adverse impact of the Proposed Development would not outweigh its benefits.

The SoS is entitled to disregard any representations that relate to the merits of the designated National Policy Statement (NPS). In practice, this means that the ExA will not spend time examining representations that challenge policy set out in NPSs, or the validity of NPSs themselves. The focus will be on the merits or disadvantages of the Proposed Development, tested to the appropriate extent using the tests set out in relevant designated NPSs that are in force.

Other important and relevant planning policies that the ExA may consider include policies in the relevant local authorities’ development plans. However, if these conflict with policy in a NPS, then the NPS will take precedence.

In summary, the PM will establish the procedures and timetable for the Examination of the Proposed Development. It will set a framework for the ExA to enable the SoS to consider and decide the application. In doing so, the ExA will have regard to:

- the positions and representations of all Interested Parties (IPs);
- any Local Impact Reports (LIR) prepared and provided by relevant local authorities;
- other prescribed matters; and
- any other matters that appear to be both relevant and important to the relevant SoS’s decision.

## **Preliminary Meeting invitees**

The Applicant is invited to the PM and is generally given the opportunity to reply to any representations made.

Everyone who has made a valid Relevant Representation has been registered as an Interested Party (IP) and has been invited to the PM. All IPs are entitled to involvement in the Examination.

Certain bodies are Statutory Parties and they have been invited to the PM. Statutory Parties can elect to become IPs without having made a valid Relevant Representation by notifying the ExA in writing.

The ExA has the power to involve people who are not IPs in the Examination as though they are IPs, including by inviting them to the PM. However, this is only done in exceptional circumstances, for example if it was clear that the application would materially affect a person, they are not automatically an IP or eligible to elect to become an IP and they had been unable to take the necessary action to register as an IP.

## **Conduct of the Preliminary Meeting**

The ExA estimates that the PM will take no more than two hours to complete.

During the PM participants may have to make allowances and be patient if there are delays associated with the technology used. In recognition of the fatigue associated with on-screen communication, the ExA will provide breaks during the PM as appropriate.

A digital recording of the PM will be made available on the project webpage as soon as practicable following the close of the PM. The recording allows any member of the public who is interested in the application and the Examination to find out what has been discussed at the PM. The making and publication of these recordings are a means by which the ExA meets the legal requirement to hold the PM (and any other hearings) in public. In this regard, **anyone speaking at the PM will need to introduce themselves each time they speak**, to ensure that someone listening to the recording after the event is clear who was speaking. A written note of the PM will be produced and published as soon as practicable following the close of the PM.

As the recordings are retained and published, they form a public record that can contain personal information to which the UK General Data Protection Regulation (UK GDPR) applies. Participants must do their best to avoid providing any information which should otherwise be kept private and confidential. If there is a need to refer to such information, it should be in written form. Although this will also be published, personal and private content can be redacted or removed before it is made publicly available. Any person who is unclear on this point should ask the Case Team for guidance before they place personal and private information into the public domain.

The Planning Inspectorate's practice is to publish the recordings and retain them for a period of five years from the SoS's decision on the DCO. If you actively participate in the PM, it is important that you understand that you will be recorded and that the recording will be made available in the public domain. Please see our [Privacy Notice](#) for more information about how we handle your data.

Following the ExA's introductions, each participant who has been registered to speak will be asked to introduce themselves, including any organisations or groups that they represent. The ExA will then conduct the meeting in accordance with the agenda. If you prefer not to have your image recorded, you can switch off your camera at any point.

### The Examination process

The Examination of NSIPs follows different processes from those, for example, of a Public Inquiry into a planning appeal following the refusal of planning permission. The main differences are that the Examination of NSIPs are primarily a written process and hearings take on an inquisitorial approach as opposed to an adversarial one.

This means that the ExA will probe, test and assess the evidence primarily using written questions. While some hearings are held to provide supplementary evidence, questions to the Applicant or to witnesses will come from the ExA. Questioning or cross-examination of witnesses by other parties will not generally be allowed.

In terms of opportunities to provide evidence in writing, the draft Examination Timetable makes provision for the following written processes:

- local authorities can submit LIRs if they wish. Whilst these are voluntary, the PA2008 provides that if they are provided, they must be considered by the SoS in reaching a decision. Consequently, LIRs are a very important method for local authorities to communicate issues of concern to the ExA, the SoS and their residents;
- IPs can make Written Representations (WRs) and comment on WRs made by other parties
- IPs can respond to the ExA's written questions (ExQs) and comment on responses to these written questions provided by others; and
- IPs may be asked to contribute to the making of Statements of Common Ground (SoCG) if it appears that there are matters on which they and the Applicant agrees, and if it would be useful for this to be clarified. SoCGs most usefully extend to catalogue matters that are not agreed or are outstanding.

The draft Examination Timetable includes a series of numbered Deadlines for receipt of written submissions. Timely submissions received by the relevant Deadline and that address its purpose will be accepted. **Documents received after the relevant Deadline are only accepted at the discretion of the ExA and may not be accepted to ensure fairness to all parties.** Circumstances where documents are submitted late without good reason, causing inconvenience or delay to other parties can amount to unreasonable behaviour.

These written processes will be the principal means used by the ExA to gather information, evidence and views about the application. However, the Examination will only be effective if all parties resolve to give timely, full, frank, clear and evidenced answers to every question that is relevant to their interests and to engage fully with any other related processes such as the completion of WRs and SoCGs.

There is no merit in withholding or delaying information, or in failing to co-operate, and should it occur, any unreasonable behaviour that caused another party to incur wasted expenditure could lead to an award of costs against the offending party.

The ExA has discretion to make amendments to the Examination Timetable for the wider benefit of the Examination. If possible, events will be arranged for times when all relevant parties are available, but the ExA is under a duty to complete the Examination by the end of the six-month period beginning with the day after the close of the PM. This requirement is set by legislation, and while the ExA will try to rearrange event dates to accommodate all relevant parties, in practice there will be limited scope to alter dates set out in the draft Examination Timetable.

Based on the information currently available, the ExA considers it unlikely that PINS will need to prepare a Report on the Implications for European Sites (see PINS Advice Note 10) in connection with the application. However, the matter will be discussed at the PM.

The statutory time limit for the Examination means that where there are matters that still need to be discussed and agreed between the Applicant and IPs, it will be very helpful to the ExA if these could be progressed as early as possible.

## **Hearings**

The draft Examination Timetable includes provision for hearings, at which the ExA takes oral evidence from the various parties.

Any registered IP may request an **Open Floor Hearing** (OFH) to make oral representations about the application if they believe this to be preferable to relying on their written representation, though both carry equal weight. Oral submissions should be based on representations previously made in writing, but they should not simply repeat matters previously covered in the written submission. Rather, they should focus on specific detail and explanation to help inform the ExA. There should be no new or unexpected material in oral representations. A written summary note with any supporting evidence or references will be requested of each speaker following the hearing.

As with all Examination events, OFHs are subject to the powers of control of the ExA, as set out in the PA2008 and supporting legislation. Participants must register in advance by the Deadline shown in the Examination Timetable and in accordance with the instructions. It is common practice for the ExA to set a time limit for each speaker and speakers with common points are asked to come together to nominate a spokesperson or representative speakers to cover specific topics, so as to avoid repetition. Speakers representing public authorities, community and membership

organisations or multiple IPs are normally provided with an additional time allowance, recognising their representative role.

The ExA has the discretion to hold **Issue Specific Hearings** (ISHs) if it would aid in the Examination and there is a specific reason this would be more helpful than reliance on written evidence only. The lack of an ISH on one or more topics does not suggest that that topic is less important than others which are subject to a hearing. Rather, it is an indication that the ExA is satisfied that the issues can be fully considered through written submissions and responses to its written questions and that each party has had a fair opportunity to put its case.

The draft Examination Timetable includes a date reserved for an ISH and IPs may make suggestions for topics to be discussed at an ISH in their written or oral representations to the PM.

It may be necessary for the ExA to hold an ISH on the draft DCO. This is normal practice, and they are held on a without prejudice basis. Parties can suggest modifications and amendments to the draft DCO provided by the Applicant with the application, without prejudicing their overall position on the application.

Holding such hearings does not imply that the ExA has reached any judgements on the merits of the application. Whatever the ultimate recommendation is, the ExA must make sure that the draft DCO is fit for purpose if the SoS decides to grant consent, as any consent will be subject to Requirements (ie conditions) set out in the DCO.

At hearings it will not normally be necessary for parties to make long and detailed submissions that require (for example) PowerPoint presentations. Any supporting detail/information can be provided in writing following the event by the relevant Deadline.

The draft Examination Timetable includes **Deadline 1** (9 March 2023) for participants to notify the ExA that they wish to speak at an OFH.

### **Site inspections**

As part of the Examination process the ExA may undertake site inspections. These can be either unaccompanied or accompanied.

The purpose of the site inspection is for the ExA to see features of the proposals within the context of the evidence put forward. Notes of Unaccompanied Site Inspections (USIs) are published on the [project webpage](#).

Accompanied Site Inspections (ASI) will only be necessary to view land to which there is no public right of access, or with no clear view from nearby locations with open public access. The purpose of ASIs is familiarisation only and no discussion of the merits of the Proposed Development will be entertained during an ASI.

The ExA may decide to hold USIs at relevant nominated locations, supported by the submission of additional written, photographic, video or even drone material if this

would be preferable to not visiting sites or holding ASIs in circumstances which could make them difficult and unduly time-consuming to conduct (for example if public health restrictions are in place). The ExA may also consider if it would be appropriate to make arrangements for access only to be provided to specific sites such that they could be inspected as part of a USI on an access required basis (ARSI)

The draft Examination Timetable includes a Deadline for IPs to make submissions suggesting sites and locations that the ExA should visit. These will be used to inform further USIs/ARSIs as well as possible ASIs.



## **Initial Assessment of Principal Issues**

This is the Initial Assessment of Principal Issues prepared as required under section 88(1) of the Planning Act 2008 (PA2008). It has been prepared by the Examining Authority (ExA) following its reading of:

- the application documents;
- the Relevant Representations received in respect of the application; and
- its consideration of any other important and relevant matters.

This initial assessment has guided the ExA in forming a provisional view as to how the application is to be examined. It is not a comprehensive or exclusive list of the issues that will be subject to examination and inevitably some issues will overlap or interrelate. The ExA will have regard to all important and relevant matters during the Examination and when it writes its Recommendation Report to the Secretary of State for Business, Energy and Industrial Strategy (SoS) after the Examination has concluded.

The order of the issues listed is alphabetic and does not imply any order of prioritisation or importance. The policy and consenting requirements and documents associated with the PA2008 are an integral part of the Examination and are therefore not listed as main issues.

It should also be noted that whilst the effects of the proposal in relation to human rights and equalities duties are not listed as main issues, the ExA will conduct all aspects of the Examination with these in mind.

### **1 Air Quality and Emissions**

- The approach to air quality assessment, including baseline and future baseline conditions;
- Construction effects, including dust, on human and ecological receptors;
- Operational effects on human and ecological receptors with particular regard to European Sites;
- The effects of Nitrogen Deposition, in particular upon identified ecological receptors; and
- The suitability of mitigation and monitoring, including reliance on Environmental Permit controls.

### **2 Biodiversity and the Natural Environment**

- The approach to assessment, including baseline and future baseline conditions;
- Implications for European sites and their qualifying features, including in combination assessment;
- Potential effects on other designated sites, including National, County and Local levels;
- Potential effects on species and habitats, included protected species;
- Biodiversity Net Gain and No Net Loss; and

- Design, mitigation and enhancement measures.

### **3 Climate Change**

- The approach to climate change and greenhouse gas (GHG) emissions assessment, including baseline and future baseline conditions;
- The approach to the assessment of climate change resilience;
- Potential effects on climate change targets, including compliance with the Climate Change Act 2008 as amended and the draft Energy National Policy Statements;
- The relationship of the proposal to the existing combined heat and power system; and
- Design, mitigation and monitoring measures.

### **4 Draft Development Consent Order (dDCO)**

- The overall structure of the dDCO and adequacy of the Explanatory Memorandum;
- The relationship with other existing and proposed consents, permits and licences and any impediments to them being granted;
- Whether the proposed Requirements effectively secure the mitigation identified in the Environmental Statement;
- Whether there is a need for any additional Requirements;
- The identification of all relevant statutory undertakers and whether protective provisions are required;
- Justification for the inclusion of a defence against statutory nuisance; and
- Whether the dDCO is satisfactory in all other respects.

### **5 Noise and Vibration**

- The approach to noise and vibration assessment, including baseline and future baseline conditions;
- Potential construction effects on identified receptors;
- Potential operational effects on identified receptors; and
- Proposed mitigation measures and their effectiveness.

### **6 Scope of the Development and Environmental Impact Assessment**

- The parameters and description of the Proposed Development;
- The need for the development;
- The assessment of reasonable alternatives;
- Cumulative effects on, and with, other major projects and proposals;
- Whether the mitigation identified in the Environmental Statement is adequately secured by the dDCO and how this relates to other consents, permits and licences that may be necessary;

- Whether the proposal maximises the opportunities for environmental benefits; and
- The significance of residual effects after mitigation.

## **7 Traffic and Transport**

- The approach to the transport assessment including baseline, and future baseline conditions; and
- Construction stage traffic effects and mitigation measures.

### Draft Examination Timetable

The Examining Authority (ExA) is under a duty to complete the Examination of the application by the end of a period of six months beginning with the day after the close of the Preliminary Meeting.

The Examination of the application primarily takes the form of the consideration of written submissions. The ExA will also consider any oral representations made at hearings.

Item	Matters	Date
1.	<b>Procedural Deadline A</b> Deadline for receipt by the ExA of: <ul style="list-style-type: none"> <li>Written submissions on the Examination Procedure, including any submissions about the use of virtual methods</li> <li>Requests to be heard orally at the Preliminary Meeting</li> <li>Suggested locations for site inspections (Accompanied or Unaccompanied), including justification, for consideration by the ExA</li> <li>the Applicant's responses to as many of the Relevant Representations as practical</li> </ul>	14 February 2023
2.	<b>Preliminary Meeting (PM)</b>	21 February 2023 at 10:00am
3.	<b>Issue by the ExA of:</b> <ul style="list-style-type: none"> <li>Examination Timetable</li> </ul> <b>Publication of:</b> <ul style="list-style-type: none"> <li>The ExA's Written Questions (ExQ1)</li> </ul>	As soon as practicable after the PM
4.	<b>Deadline 1</b> Deadline for receipt by the ExA of: <ul style="list-style-type: none"> <li>Comments on Relevant Representations (RR)</li> <li>Summaries of all RR exceeding 1500 words</li> <li>Applicant's draft itinerary for ASI</li> <li>Requests by Interested Parties to be heard at an Open Floor Hearing (OFH)</li> <li>Notification by Statutory Parties and Local Authorities who wish to be considered as an IP</li> </ul>	9 March 2023

## Annex D

	<ul style="list-style-type: none"> <li>Any further information requested by the ExA under Rule 17 of The Infrastructure Planning (Examination Procedure) Rules 2010 (EPR)</li> <li>Comments on any further information/submissions accepted by the ExA</li> </ul>	
<b>5.</b>	<p><b>Deadline 2</b></p> <p>Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> <li>Written Representations (WR)</li> <li>Summaries of WR exceeding 1500 words</li> <li>Responses to ExQ1</li> <li>Local Impact Reports (LIRs) from local authorities</li> <li>Updated draft section 106 Agreement</li> <li>Statements of Common Ground (SoCG) requested by ExA – see <b>Annex E</b></li> <li>Comments on the Applicant's draft itinerary for the ASI</li> <li>Any further information requested by the ExA under Rule 17 of the EPR</li> <li>Comments on any further information requested by the ExA and received by Deadline 1</li> </ul>	<b>21 March 2023</b>
<b>6.</b>	<p><b>Publication by the ExA of:</b></p> <p>ExA's final itinerary for the ASI</p>	<b>24 March 2023</b>
<b>7.</b>	<p><b>Deadline 3</b></p> <p>Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> <li>Comments on WRs</li> <li>Responses to comments on RRs</li> <li>Comments on any LIRs</li> <li>Comments on responses to ExQ1</li> <li>Comments on any revised draft DCO from the Applicant, if submitted</li> <li>Progressed SOCG and Statement of Commonality</li> <li>An updated version of the draft Development Consent Order (dDCO) in clean, tracked and word versions</li> <li>Schedule of Changes to the dDCO</li> <li>Any further information requested by the ExA under Rule 17 of the EPR</li> </ul>	<b>5 April 2023</b>

## Annex D

	<ul style="list-style-type: none"> <li>Comments on any further information requested by the ExA and received by Deadline 2</li> </ul>	
<b>8.</b>	<b>Date reserved for hearings:</b> <ul style="list-style-type: none"> <li>Issue Specific Hearing, including the draft DCO</li> <li>Open Floor Hearing (if required)</li> </ul>	<b>19 April 2023</b>
<b>9.</b>	<b>Date reserved for ASI</b>	<b>20 April 2023</b>
<b>10.</b>	<b>Deadline 4</b> <ul style="list-style-type: none"> <li>Deadline for receipt by the ExA of:</li> <li>Written summaries of oral contributions at hearings</li> <li>Post-hearing submissions requested by the ExA</li> <li>Responses to comments on WRs</li> <li>Responses to comments on LIRs</li> <li>Comments on any revised dDCO</li> <li>Revised dDCO from the Applicant in clean, tracked and word versions</li> <li>An updated Schedule of Changes to the dDCO</li> <li>An updated Guide to the Application</li> <li>Progressed SOCG and updated Statement of Commonality (if required)</li> <li>Comments on any additional information/submissions received by Deadline 3</li> <li>Any further information requested by the ExA under Rule 17 of the EPR</li> </ul>	<b>10 May 2023</b>
<b>11.</b>	<b>Issue by the ExA of:</b> <ul style="list-style-type: none"> <li>ExA's Second Written Questions (ExQ2) (if required)</li> <li>ExA's proposed Schedule of Changes to the dDCO (if required)</li> </ul>	<b>19 May 2023</b>
<b>12.</b>	<b>Deadline 5</b> Deadline for receipt by the ExA of: <ul style="list-style-type: none"> <li>Responses to ExQ2</li> <li>Comments on any revised dDCO</li> <li>Final SOCG and Statement of Commonality of SOCG</li> <li>Final Navigation Document/Guide to the application</li> </ul>	<b>9 June 2023</b>

	<ul style="list-style-type: none"> <li>• Final draft DCO to be submitted by the Applicant in clean, tracked, word versions and in the statutory Instrument (SI) template with the SI template validation report</li> <li>• An updated Schedule of Changes to the dDCO</li> <li>• Final signed and dated section 106</li> <li>• Comments on any additional information/submissions received by Deadline 4</li> <li>• Any further information requested by the ExA under Rule 17 of EPR</li> </ul>	
	<p>The ExA is under a duty to complete the Examination of the application by the end of the period of six months</p> <p>Please note that the ExA may close the Examination before the end of the six month period if he is satisfied that all relevant matters have been addressed and discussed.</p>	<b>21 August 2023</b>

**Submission times for Deadlines**

The time for submission of documents at any Deadline in the timetable is 23:59 on the relevant Deadline date, unless instructed otherwise by the ExA.

**Publication dates**

All information received will be published on the [project webpage](#) as soon as practicable after the Deadlines for submissions.

**Hearing agendas**

Please note that for Issue Specific Hearings the ExA will publish a high-level agenda alongside the notification of the hearing to help inform your decision about whether to register to participate. A detailed draft agenda will be made available on the project webpage at least five working days in advance of the hearing date. However, the actual agenda on the day of each hearing may be subject to change at the discretion of the ExA. For Open Floor Hearing agendas may not be published.

## **Other Procedural Decisions made by the Examining Authority**

The Examining Authority (ExA) has made the following Procedural Decisions:

### **1. Statements of Common Ground (SoCG)**

In relation to some of the Principal Issues identified in **Annex C** to this letter, the ExA would be assisted by the preparation of SoCGs between the Applicant and certain Interested Parties. The draft Examination Timetable at **Annex D** to this letter therefore establishes **Deadline 2** for submission of SoCGs.

The aim of a SoCG is to agree factual information and to inform the ExA and all other parties by identifying where there is agreement and where the differences lie at an early stage in the Examination process. It should provide a focus and save time by identifying matters which are not in dispute or need not be the subject of further evidence. It can also usefully state where and why there may be disagreement about the interpretation and relevance of the information. Unless otherwise stated or agreed, the SoCG should be agreed between the Applicant and the other relevant Interested Party or parties, and submitted **by the Applicant**.

SoCGs are requested to be prepared between the Applicant and:

#### **A. Slough Borough Council, to include:**

- compliance with the development plan and impacts on land use;
- the need for the Proposed Development and assessment of alternatives to it;
- compliance with relevant legal requirements and policy, including Environmental Impact Assessment (EIA);
- methodology, findings and conclusions of the Environmental Statement and whether the proposed mitigation measures would be adequately secured by the DCO;
- the interaction between the DCO and the planning permissions for the consented development, including the need for, and discharge of, Requirements;
- the interaction and enforceability of the S106 agreement and deed of variation attached to the planning permission for the consented development;
- impacts on local transport networks, including lorry routeing and off-site parking; and
- the identification of other consents, permits or licenses required before the development can become operational, their scope, progress to date, comfort/impediments and timescales for issue.

#### **B. Environment Agency, to include:**



- existing and any varied or new Environmental Permits, including their status, scope, controls, mitigation measures and timescales;
- the methodology, findings and conclusions of the Environmental Statement and whether the proposed mitigation measures would be adequately secured by the DCO (insofar as they are relevant to the EA's areas of competence);
- climate change, including the UK's obligations under the Climate Change Act 2008 (as amended) and the United Nations Framework Convention on Climate Change having regard to the latest UK Climate Change projections. The resilience of the Proposed Development to the effects of climate change; and
- the identification of other consents, permits or licenses required before the development can become operational, their scope, progress to date, comfort/impediments and timescales for issue.

**C. Natural England**, to include:

- the Applicant's Habitat Regulation Assessment – No Significant Effects Report (NSER) and the included matrices which exclude the potential for likely significant effects to arise alone or in combination with other plans and projects;
- the appropriateness and effectiveness of the reliance on controls in the existing and any varied or new Environmental Permits;
- the methodology, findings and conclusions of the Environmental Statement and whether the proposed mitigation measures would be adequately secured by the DCO (insofar as they are relevant to NE's areas of competence); and
- the identification of other consents, permits or licenses required before the development can become operational, their scope, progress to date, comfort/impediments and timescales for issue.

**D. Royal Mail**, to include:

- impacts on local transport networks, including lorry routeing and off-site parking; and
- other matters raised in Relevant Representation [RR-001].

**E. Cadent Gas Limited**, to include:

- the need for Protective Provisions; and
- other matters raised in Relevant Representation [RR-002].

**F. SEGRO PLC**, to include:

- the relationship of the Proposed Development with other occupiers of the Slough Trading Estate; and
- other matters raised in Relevant Representation [RR-004].

**All of the SoCGs listed above should cover the Articles and Requirements in the draft Development Consent Order.** Any Interested

Party seeking that an Article or Requirement is reworded should provide the form of words which are being sought.

Where a particular SoCG cannot be agreed between the parties by **Deadline 2**, or if any local authority position needs to be signed off at a higher level, draft versions of that SoCG are requested to be submitted **by the Applicant**. The position of the relevant Interested Parties should then be confirmed in the course of the Examination. The draft Examination Timetable makes provision for updated SoCGs to be submitted at various Deadlines with final versions by **Deadline 5**.

The content of SoCGs will help to inform the ExA about the need to hold any Issue Specific Hearings during the Examination, and to enable the ExA and the Applicant to give notice of such hearings at least 21 days in advance of them taking place.

## **2. Accompanied Site Inspection – suggested locations**

The draft Examination Timetable at **Annex D** to this letter includes a date reserved for an Accompanied Site Inspection (ASI) on **20 April 2023**.

The ExA requests that Interested Parties submit suggested locations for the ExA to visit as part of an ASI by **Procedural Deadline A** (14 February 2023). The request must include:

- sufficient information to identify the location;
- the issues to be observed at the location;
- information on whether the site can be accessed via public land; and
- the reason why the location has been suggested.

**Interested Parties should be aware that ASIs are not an opportunity to make any oral representations to the ExA about the Proposed Development.** However, participants may be invited by the ExA to indicate specific features or sites of interest.

The Applicant is requested to prepare a draft itinerary for the ASI to be submitted by **Deadline 1**. This should include:

- relevant locations referred to in the Relevant Representations received;
- any other locations at which the Applicant has predicted likely significant environmental effects; and
- the locations suggested by Interested Parties submitted by **Procedural Deadline A**.

Comments by Interested Parties on the Applicant's draft itinerary must be submitted by **Deadline 2**.

The ExA will consider each suggested site location, including those provided in the Applicant's draft itinerary, to determine if it could be viewed from public land on an unaccompanied basis or if it is necessary to view it on an accompanied basis. The ExA will also consider if it would be appropriate to make arrangements for access only to be provided to specific sites such that they could be inspected as part of an Unaccompanied Site Inspection on an access required basis.

The ExA will publish its final itinerary at least five working days before the date of the ASI.

### **3. Additional Submissions**

In addition to the documentation submitted by **Procedural Deadline A** the ExA has exercised its discretion and made a Procedural Decision to accept the following Additional Submissions -

*from the Applicant:*

- Response to section 51 advice and section 55 checklist;
- Application Guide Revision 2.0;
- Draft Development Consent Order Revision 2.0 (clean and tracked versions);
- Draft Explanatory Memorandum Revision 2.0 (clean and tracked versions);
- Consultation Report Revision 2.0 (clean and tracked versions); and
- Statement of Common Ground with Slough Borough Council V1.0 Draft (unsigned).

*from Natural England:*

- Letter and Annex A dated 14 January 2023.

## Availability of Examination Documents

The application documents and Relevant Representations are available on the [project webpage](#).

All further documents submitted in the course of the Examination will also be published under the [Documents tab](#) of the project webpage.

## The Examination Library

For ease of navigation, please refer to the [Examination Library](#) (EL) which is accessible by clicking the blue button under the Documents tab. The EL is updated regularly throughout the Examination.

The EL records and provides a hyperlink to:

- each application document;
- each representation made to the Examination; and
- each Procedural Decision made by the Examining Authority.

Each document is given a unique reference which will be fixed for the duration of the Examination. **Please quote the unique reference number from the EL when referring to any Examination Documents in any future submissions that you make.**

## Electronic deposit locations

Documents can be viewed electronically, free of charge, at the electronic deposit locations listed in the table below. Please note that you will need to bring a form of identification and register as a member in order to use a computer at these locations.

The opening hours and availability of information technology set out in the table below may be subject to changes or limitations. Please check the current circumstances with the relevant locations before you attend.

Local authority	Venue/address	Opening hours	Printing costs
Slough Borough Council	Cippenham Library Elmshott Lane Cippenham Slough SL1 5RB	Monday: closed Tuesday: 10am - 7pm Wednesday: 10am - 5pm Thursday: 10am - 5pm Friday: closed	30p per A4 page - BW

		Saturday: closed Sunday: closed	
Local authority	Venue/address	Opening hours	Printing Costs
Slough Borough Council	Britwell Centre Wentworth Avenue Slough SL2 2DS	Monday: 8am - 11pm Tuesday: 8am - 11pm Wednesday: 8am - 11pm Thursday: 8am - 11pm Friday: 8am - 11pm Saturday: 8am - 11pm Sunday: 8am - 11pm.	30p per A4 page - BW
Local authority	Venue/address	Opening hours	Printing Costs
Slough Borough Council	Langley Library Trelawney Avenue Langley Slough SL3 7UF	Monday: 10am - 5pm Tuesday: 10am - 5pm Wednesday: 10am - 5pm Thursday: 10am - 5pm Friday: 10am - 4:30pm Saturday: 10am - 4pm Sunday: closed	30p per A4 page - BW
Local authority	Venue/address	Opening hours	Printing Costs
Slough Borough Council	Library at The Curve William Street Slough SL1 1XY	Monday: 9am - 5pm Tuesday: 9am - 7pm	30p per A4 page - BW

**Annex F**

		Wednesday: 9am - 5pm Thursday: 9am - 5pm Friday: 9am - 5pm Saturday: 10am - 5pm Sunday: closed	
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## **Information about the Make a submission tab**

The [Make a submission tab](#) is available on the project webpage.

You will need to enter your unique reference number ('Your ref' found at the top of your postcard or email from the Planning Inspectorate) beginning either 2003 or SEMP-AFP, SEMP-0, SEMP-SP, SEMP-S57, SEMP-APP, SEMP-OP. If you are making a submission on behalf of another person or organisation, and do not have your own unique reference number, then you should enter the unique reference number of the person or organisation you are representing. If you are not a registered Interested Party then it is at the discretion of the Examining Authority whether or not your submission is accepted.

Submissions will be published on the [project webpage](#) as soon as practicable following the close of the relevant Deadline. For further information about publishing submissions please view our [Privacy Notice](#).

You will be able to submit a document (upload file), make a text representation or both. It is possible to upload multiple files for each individual submission item. Electronic attachments should be clearly labelled with the subject title and not exceed 50MB.

Submissions **must not include hyperlinks** to documents/evidence hosted on a third-party website eg technical reports, media articles etc. See the Planning Inspectorate's [Advice Note 8.4: The Examination](#) for further information about making written submissions. All submissions must be made in a format that can be viewed in full on the National Infrastructure Planning website. Any submissions that exceed 1500 words should also be accompanied by a summary; this summary should not exceed 10% of the original text.

You should select the relevant Deadline for your submission and then, on the next webpage, select the appropriate Submission item as described in the Examination Timetable at **Annex D** to this letter. Please ensure you make a separate submission for each Submission item and **do not duplicate your submission**. If you consider that your submission does not fit the description of any of the Submission items then please select the Submission item 'Other' and ensure that it is titled appropriately.

If you experience any issues when using the [Make a submission tab](#) please contact the Case Team using the contact details at the top of this letter and they will assist.