

From: Geoff Bullock <[REDACTED]>
Sent: 14 February 2023 17:05
To: Slough Multifuel Project <SloughMultifuelProject@planninginspectorate.gov.uk>
Cc: Rob Booth <[REDACTED]>; Nathan Cheung <[REDACTED]>; David Curry <[REDACTED]>
Subject: EN010129 - Slough Multifuel Extension Project - Applicant's Response to ExA's Rules 4, 6 & 9 Letter dated 23rd January 2023
Importance: High

Dear Sir/Madam,

EN010129 – SLOUGH MULTIFUEL EXTENSION PROJECT

APPLICANT'S RESPONSE TO THE EXAMINING AUTHORITY'S RULES 4, 6 AND 9 LETTER DATED 23RD JANUARY 2023

I write on behalf of the Applicant, SSE Slough Multifuel Limited, to provide its response to the Examining Authority's ('ExA's') Rules 4, 6 and 9 letter dated 23rd January 2023, which confirms the date for the Preliminary Meeting and sets out how the ExA proposes to examine the Slough Multifuel Extension Project Development Consent Order (DCO) application.

The Applicant's responses are provided below:

1. Attendance at Preliminary Meeting/Requests to be heard orally at Preliminary Meeting

The following persons will attend the Preliminary Meeting on behalf of the Applicant:

- David Curry (CIP) – email: [REDACTED]
- Andrew Ellis (SSE) – email: [REDACTED]
- Julia Cobern (SSE) – email: [REDACTED]
- Robin Hutchison (CMS) – email: [REDACTED]
- Katy Abrahams (CMS) – email: [REDACTED]
- Jessica Buttanshaw (CMS) – email: [REDACTED]
- Geoff Bullock (DWD) – email: [REDACTED]
- Rob Booth (DWD) – email: [REDACTED]
- Nathan Cheung (DWD) – email: [REDACTED]
- Neil Titley (AECOM) – email: [REDACTED]
- Peter O'Connor (AECOM) – email: [REDACTED]
- Rachel Devine (AECOM) – email: [REDACTED]

It is requested that the following persons are able to speak at the Preliminary Meeting on behalf of the Applicant:

- David Curry (CIP)
- Robin Hutchison (CMS)
- Katy Abrahams (CMS)
- Geoff Bullock (DWD)
- Neil Titley (AECOM)

2. Preliminary Meeting Agenda (Annex A)

The Applicant has reviewed the Agenda for the Preliminary Meeting (PM) and has no comments to make.

3. Initial Assessment of Principal Issues Annex C)

The Applicant has reviewed the ExA's initial assessment of principal issues. The Applicant notes these are not a matter identified for discussion at the PM. For completeness, the Applicant considers that these are relevant to the examination of the DCO application, but also notes the conclusions of the Environmental Statement (ES) that due to the nature of the works in some of these areas there are no impacts arising from the Proposed Project (in particular, the Proposed Project will have limited construction effects and will not increase the operational throughput of waste, vehicle movements, emissions or operating hours at the Slough Multifuel Facility.

4. Draft Examination Timetable (Annex D)

The Applicant has reviewed the draft Examination Timetable. The Applicant notes that there are only eight working days between Deadline 1 (9th March 2023) and Deadline 2 (21st March 2023). The Applicant will be required to submit a significant amount of information at Deadline 2, including responses to the ExA's first written questions, an updated Section 106 agreement, Statements of Common Ground and a draft itinerary for the Accompanied Site Inspection (ASI). It is considered that the provision of this information within the time available will be challenging and the Applicant would therefore request that Deadline 2 is moved to 23rd March 2023 and the remainder of the Timetable adjusted accordingly.

5. Arrangements for Examination Hearings using Virtual Methods

The Applicant notes that the PM will be held as a virtual event and that the ExA considers that it is likely that any Issue Specific Hearing (ISH) and Open Floor Hearing (OFH) will also be held as virtual events. The Applicant considers that the use of virtual methods is appropriate given the nature and scale of the Proposed Project.

6. Statements of Common Ground (Annex E)

The Applicant notes the ExA's procedural decision with regard to Statements of Common Ground (SoCG). The Applicant can provide the following update:

- A SoCG with Slough Borough Council (SBC) [AS-009] was submitted to the Planning Inspectorate (PINS) on 23rd January 2023 and has been accepted as an Additional Submission by the ExA. The Applicant will enter into further dialogue with SBC to incorporate and agree the matters set out at Annex E within an updated SoCG for submission at Deadline 2.
- SoCG are being progressed with the Environment Agency and Natural England.
- The Applicant has provided responses to the Relevant Representations submitted by Royal Mail Group, Cadent and SEGRO and will enter into dialogue with these parties to progress SoCG as appropriate. It may be that, on review of the responses to the Relevant Representations (see item 10 below), the ExA may consider that SoCGs with these parties would not be of assistance and so are not needed.

The Applicant will provide a further update at the PM.

7. Accompanied Site Inspection – Suggested Locations (Annex E)

The Applicant notes the ExA's intention to undertake an ASI on 20th April 2023 and that ExA undertook an Unaccompanied Site Inspection (USI) on 31st January 2023. The USI involved visiting the Stirling Road laydown area/car park, Whitby Road car park, surrounding commercial occupiers and nearest residential properties.

Taking account of USI, the Applicant would suggest the following locations for the ASI:

- The main construction site – to view the location of the physical works that make up the Proposed Project. This location cannot be accessed via public land.
- Liverpool Road – this is the main location from which the physical works may be visible. This location can be accessed via public land.

A plan showing the above locations is attached to this email.

8. Report on Implications for European Sites

The Applicant notes that the ExA considers it unlikely that PINS will need to prepare a Report on the Implications for European Sites (RIES) in connection with the DCO application. In order to aid discussion on this matter at the PM the Applicant would make the following initial comments:

Chapter 10 'Ecology' of the Environmental Statement (ES) Ref. 6.2.10 [APP-035] states:

"10.8.18 An air quality impact assessment has been undertaken by AECOM (refer to Chapter 8: Air Quality of this ES [Application Document Reference 6.2.8 – ES Chapter 8] to determine whether there would be any likely significant effects on statutorily designated sites as a result of atmospheric emissions from the operation of the Proposed Project. The nearest nationally and locally designated sites have been scoped out of assessment (due to distance and limited anticipated effect) and so internationally designated sites have been assessed within the Habitat Regulations Assessment No Significant Effects report (refer to Appendix 10B, [Application Document Reference 6.4.9 – No Significant Effects])."

The Applicant also provided a HRA Screening at Appendix 10B of the ES Ref. 6.4.9 [APP-067], which notes:

"1.8 Given the nature of the Proposed Project and the distance between the Proposed Project and the nearest European site, the only potential linking impact pathway to European sites that has been identified is that of air quality impacts associated with stack emissions, although as noted above there will be no additional emissions beyond those associated with the Consented Development."

The HRA screening concludes that:

"4.1 In conclusion, the Proposed Project (even using the worst-case 10.5 MJ/kg scenario) will not result in a likely significant air pollution effect on any modelled designated sites either alone or in combination with other projects and plans. For those pollutants where the total pollutant concentration/deposition rate exceeds the critical level or load, the in-combination effect falls below the '1% of the critical level/load' threshold identified by Natural England as denoting an imperceptible impact. Moreover, even that dose stems entirely from the Consented Development rather than the Proposed Project, which has no emissions. There are no other potential impact pathways that would link the Proposed Project to any European sites."

It is noted that this aligns with the advice from Natural England in their letter of 14th January 2023 which under the heading 'European Sites' states:

"Based on the plans submitted, Natural England considers that the proposed development will not have likely significant effects on statutorily protected sites and has no objection to the proposed development. To meet the requirements of the Habitats Regulations, we advise you to record your decision that a likely significant effect can be ruled out."

9. Additional Submissions (Annex E)

The Applicant notes the Additional Submissions and that the ExA has made a procedural decision to accept them into the Examination.

The Applicant has identified the need to update the Work Plan Ref. 4.3 [APP-011] submitted as part of the DCO application, notably in relation to how Work No. 1 is shown upon the Works Plans. There are no changes proposed to the Order limits or to the works themselves (so no changes to Work No. 1 as described in the DCO schedule, or to the description of the development assessed in the ES), but following a further review of the detail of the Proposed Project, the Applicant has come to the view that Works Plan would be more accurate if it showed a slightly wider area in which to locate Work No. 1 in order to accurately capture the location of all the pipework associated with the Proposed Project. As the Works Plan relates to Schedule 1 of the draft DCO Ref. 2.1 [APP-006] the Applicant would like to seek clarification from the ExA as to whether the updated Works Plan should be submitted along with the updated draft DCO required at Deadline 3 on 5th April 2023, or whether it would be helpful to provide the updated Works Plan in advance of that deadline. The updated Works Plan has been prepared and is ready to be provided at the ExA's convenience.

10. Submissions for Procedural Deadline A

Applicant's initial comments on the Relevant Representations and Additional Submissions are provided in Application Document Ref. 9.1, which is attached to this email.

I would be grateful if you could confirm receipt of this email and the attachments.

Yours sincerely

Geoff Bullock

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