



Application by SSE Slough Multifuel Limited for Slough Multifuel Extension Project
The Examining Authority's written questions and requests for information (ExQ1)
Issued on 28 January 2023

The following table sets out the Examining Authority's (ExA's) written questions and requests for information - ExQ1. If necessary, the examination timetable enables the ExA to issue a further round of written questions in due course. If this is done, the further round of questions will be referred to as ExQ2.

Questions are set out using an issues-based framework derived from the Initial Assessment of Principal Issues provided as Annexe C to the Rule 6 letter of 23 January 2023. Questions have been added to the framework of issues set out there as they have arisen from representations and to address the assessment of the application against relevant policies.

Column 2 of the table indicates which Interested Parties (IPs) and other persons each question is directed to. The ExA would be grateful if all persons named could answer all questions directed to them, providing a substantive response, or indicating that the question is not relevant to them for a reason. This does not prevent an answer being provided to a question by a person to whom it is not directed, should the question be relevant to their interests.

Each question has a unique reference number which starts with 1 (indicating that it is from ExQ1) and then has an issue number and a question number. For example, the first question on air quality and emissions issues is identified as Q1.1.1. When you are answering a question, please start your answer by quoting the unique reference number.

If you are responding to a small number of questions, answers in a letter will suffice. If you are answering a larger number of questions, it will assist the ExA if you use a table based on this one to set out your responses. An editable version of this table in Microsoft Word is available on request from the case team: please contact sloughmultifuelproject@planninginspectorate.gov.uk and include 'Slough Multifuel Extension Project' in the subject line of your email.

Responses are due by Deadline 2 on 23 March 2023



Abbreviations used:

PA2008	The Planning Act 2008	MP	Model Provision (in the MP Order)
Art	Article	NPS	National Policy Statement
CHP	Combined heat and power	NPS EN-1	Overarching National Policy Statement for Energy
CTMP	Construction Traffic Management Plan	NPS EN-3	National Policy Statement for Renewable Energy Infrastructure
EM	Explanatory Memorandum	NSIP	Nationally Significant Infrastructure Project
EP	Environmental Permit	R	Requirement
ES	Environmental Statement	SBC	Slough Borough Council
ExA	Examining authority	SI	Statutory Instrument
LIR	Local Impact Report	SMF	Slough Multifuel Extension Project
LPA	Local planning authority	SoS	Secretary of State

The Examination Library

References in these questions set out in square brackets (eg [APP-010]) are to documents catalogued in the Examination Library. The Examination Library can be obtained from the following link:

<https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010129/EN010129-000164-Slough%20Multifuel%20Project%20Exam%20Library.pdf>

It will be updated as the examination progresses.

Citation of Questions

Questions in this table should be cited as follows:

Question reference: issue reference: question number, eg ExQ1.1.1 – refers to question 1 in this table.



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ExQ1	Question to:	Question:
1. General and Cross-topic Questions (including Environmental Statement)		
Q1.1.1	Applicant and the EA	Please provide information on any instances of non-compliance and/or difficulties with compliance with the existing Environmental Permit (EP).
Q1.1.2	The EA	The Applicant's 'Other Consents' document [APP-020] states that there is no need to vary the existing EP for the facility as a result of the Proposed Development. Does the EA have any comments on this matter?
Q1.1.3	SEGRO	Please expand on any concerns you have regarding the effect of the Proposed Development on the Slough Trading Estate and the businesses and people who work there [RR-004].
2. Development Consent Order		
Q1.2.1	Applicant and SBC	The case of Hillside Parks Ltd v Snowdonia National Park Authority [2022] UKSC 30 deals with the relationship between successive grants of planning permission for development on the same land and the effect of implementing one permission on another relating to the same site. Notwithstanding that judgement concerns planning permissions rather than a DCO, do the principles it establishes have any implications for the current proposal, particularly having regard to the terms of Art 8?
Q1.2.2	Applicant	Several references are made to provisions not giving rise to "any materially new or materially different environmental effects to those identified in the environmental statement." In addition, Schedule 1, refers to Associated Development falling "within the scope of the works assessed in the environmental statement." There is no mechanism for discharging Requirements in the DCO. Therefore, please clarify for each case, how and when would such an assessment be made, who would make it, who would be consulted, whose agreement would be required and who would approve it?
Q1.2.3	Applicant	Art 2 This Art does not define the 'relevant planning authority' by name. Please explain why the relevant authority is not named or amend the Art to specify the name (see guidance at PINs Advice Note 15 paragraph 19.1).
Q1.2.4	Applicant	Art 4 authorises the operation of the extended generating station. The Applicant has accepted that the capacity of the generating station as constructed under Work No1 should be capped at up to 60MW.

ExQ1	Question to:	Question:
		<p>a) Why should the operation of the station not be similarly capped by using the same cap in Art 4(1) and the relevant parts of the Explanatory Memorandum (EM) [AS-006] (paras 2.16 to 2.19, 3.8 to 3.9). The EM [AS-006] refers to Art 6 of the North London Heat and Power Generating Station DCO and Art 7 of the Sizewell C DCO. However, neither of these articles refer to the capacity of the station.</p> <p>b) If the operation of the station is not capped in the DCO what is the potential for it to operate at more than 60MW? Environmental Permit number EPR/KP3702MY [APP-085] gives the boiler capacity as 91.5MW. How does this figure relate to the 60MW used in the DCO?</p> <p>c) ES paragraph 2.5.2 [APP-027] states that there will 'continue to be 20MW thermal energy available to export.' How does this figure relate to the 60MW capacity used in the DCO?</p> <p>d) Has any assessment been undertaken of the environmental implications if the generating station did operate at more than 60MW?</p>
Q1.2.5	Applicant	<p>Art 10 provides a defence against statutory nuisance proceedings falling within section 79(1)g (noise emitted from premises so as to be prejudicial to health or a nuisance) of the Environmental Protection Act 1990. Having regard to the conclusions of the Statutory Nuisance Statement [APP-019] (for example paragraphs 4.1.1, 4.1.3 and 4.1.4) please clarify why a defence is sought for this matter and not others covered by S79(1).</p>
Q1.2.6	Applicant	<p>Schedule 2 Requirement 4 refers to TCPA condition 17 and this is reproduced in Requirement 1. Requirements 3, 5, 6, 7 and 8 also refer to conditions in the TCPA [APP-079] and further TCPA [APP-076] permissions. As these conditions are not reproduced in the DCO, applications under the Town and County Planning Act 1990 could be made to vary them and thereby alter the terms of the DCO without going through the process prescribed in the PA2008. Please explain why these conditions should not be reproduced in full in the DCO, perhaps in an additional schedule?</p>
Q1.2.7	Applicant	<p>Please review whether each of the conditions identified in the Planning Conditions Tracker [APP-023] is included in all of the relevant Requirements for each phase of development. For example, should TCPA permission condition 10 (which deals with surface water infiltration) be included in R3 for the construction phase?</p>

ExQ1: 28 January 2023**Responses due by Deadline 2: 23 March 2023**

ExQ1	Question to:	Question:
Q1.2.8	Applicant and SBC	Having regard to clauses 9.8 and 9.9 of the S106 Agreement [APP-083], how would the S106 [APP-083 and APP-084] be enforceable against the implementation of the DCO?
Q1.2.9	SBC	a) Is the Council satisfied that the Applicant's Planning Conditions Tracker [APP-023] identifies all the relevant conditions from the certified permissions and that they are adequately transposed into the dDCO? b) Does the Council have any comments on the way in which the conditions in the TCPA and further TCPA permissions are transposed into the DCO?
Q1.2.10	Cadent Gas Limited	Please expand on your concern that protective provisions may be required to ensure that the Proposed Development does not impact in any adverse way on your statutory obligations [RR-002].
Q1.2.11	Applicant	Please provide copies of the red-line application plans for the TCPA and further TCPA permissions defined in the DCO.
Q1.2.12	Applicant	Please review the DCO and EM and update the references to the Department for Energy Security and Net Zero (subject to confirmation).
3.	Air Quality and Emissions	
Q1.3.1	Applicant	Paragraphs 2.5.1 to 2.5.3 of ES Chapter 2: The Proposed Project [APP-027] and paragraph 8.1.5 of ES Chapter 8: Air Quality [APP-033], outline how the Proposed Development seeks to increase the generating capacity of the consented scheme. Please clarify the point at which (within the Energy from Waste process) the efficiencies and increased gross electricity generation capacity would be delivered by 'interventions' as part of the Proposed Development. For the ExA to better understand these points, the Applicant is requested to provide a process flow(s)/schematic block diagram(s) showing the Energy from Waste process which clearly identifies these interventions. In responding please have particular regard to the combustion element in demonstrating the assertions that "The Proposed Project does not introduce any new emissions nor change the exhaust gas parameters" (paragraph 8.8.16 of [APP-033]) and that the pre-heating of combustion air would be achieved without the use of additional fuel [APP-027, paragraph 2.5.1].
Q1.3.2	Applicant and the EA	The ES advises that the emission limit values in EPs for waste incineration are expected to be revised nationally in late 2022/early 2023 [APP-033, paragraphs 8.1.4 ad 8.3.3].

ExQ1	Question to:	Question:
		<p>a) Has this occurred yet? If not, please advise on when it is likely to happen.</p> <p>b) Please comment on the capacity of the consented scheme and the Proposed Development to comply with the reduced limit values.</p> <p>c) If the limit values are reduced, what effect would this have on the absolute emission levels of the Proposed Development (with reference to EN-3, paragraph 5.2.7)?</p>
Q1.3.3	Applicant	The ES [APP-033, paragraph 8.4.8] advises that two types of fuel with different calorific values (12MJ/kg and 10.5MJ/kg) have been assessed. Please expand on the implications of using fuel of a lower calorific value for the amount of fuel used and the energy output achieved.
Q1.3.4	Applicant	The ES advises that the construction phase assessment considers emissions from activities and plant on site [APP-033, paragraph 8.4.7], although paragraph 8.4.10 defines a study area that includes off-site construction phase traffic and the Assessment of Likely Impacts and Effects (section 8.8) does not refer specifically to off-site construction traffic. Please clarify what air quality assessment has been made of the impact of off-site construction traffic.
Q1.3.5	Applicant	Please expand on the significance of future baseline Air Quality Assessment Levels being exceeded for PAH's B[a]P, Arsenic (As), Chromium VI (Cr(VI)) [APP-033, Table 8.16 and paragraph 8.6.20]
Q1.3.6	Applicant	How would the order control measures set out in ES paragraphs 8.6.23 to 8.6.26 [APP-033] be secured through the DCO?
Q1.3.7	Applicant	Please clarify where in the DCO and/or CEMP the mitigation measures set out in ES paragraph 8.7.3 [APP-033] would be secured.
Q1.3.8	Applicant	ES paragraph 8.8.13 [APP-033] advises that construction dust and particulate impact on ecology is assessed as not applicable because there are no receptors within 50m [APP-064, Appendix 8A paragraph 8.4.8]. Please expand on the justification for the use of this distance.
4. Biodiversity (including Habitat Regulations Assessment)		
Q1.4.1	Applicant	Under the heading of 'Baseline Conditions', ES paragraph 10.6.6 [APP-035] states that the designated sites in Table 10.5 would not be impacted during the construction, operation or decommissioning phases of the Proposed Development. Please expand on the justification for this finding.

ExQ1	Question to:	Question:
Q1.4.2	Applicant	Please clarify how the biosecurity measures to prevent the spread of non-native invasive species would be secured in the DCO [APP-035, paragraphs 10.8.15 and 10.8.16].
5. Climate Change		
Q1.5.1	Applicant	ES paragraph 2.5.3 [APP-027] advises that Cooling Tower 8 would no longer be used by other energy generating activities. Having regard to the value placed on combined heat and power systems by NPS-EN3, what are the consequences of this change for the Slough CHP system?
Q1.5.2	Applicant	ES paragraph 2.5.3 [APP-027] also advises the Cooling Tower is proposed to be refurbished. a) What is the extent of this work? b) Are planning or other permissions required? If so, have they been sought?
Q1.5.3	Applicant	Draft EN1 section 4.7 encourages the use of combined heat and power systems. How would the Proposed Development support this aim?
Q1.5.4	Applicant	ES Table 11.1 [APP-036] identifies potential sources of GHG emissions. Not all of these sources are assessed in section 11.8. For example, in the construction phase - electric use, treatment of water, treatment of waste; in the operation phase - none of the identified potential sources. Please clarify what has been assessed.
Q1.5.5	Applicant	ES paragraph 11.8.4 [APP-036] refers to a qualitative approach to the assessment of climate change resilience, but it is not clear where this assessment is made. Please clarify the position.
Q1.5.6	Applicant	ES Table 11.14 [APP-036] sets out the contribution of the Proposed Development to the UK National Carbon Budgets, including a figure of 0.00001252% in the 4th budget period. Please clarify the basis of this figure.
Q1.5.7	Applicant	ES paragraph 11.9.2 and Table 11.15 [APP-036] refer to the beneficial impact of the Proposed Development based on the facility being more efficient. Even if that is the case, please expand on how it amounts to a benefit in terms of GHG emissions.
6. Noise and Vibration		

ExQ1	Question to:	Question:
Q1.6.1	Applicant	Read together, ES paragraphs 9.4.11 and 9.4.12 [APP-034] appear to indicate that noise at the Lowest Observed Adverse Effect Level would not be experienced at a distance of 500m or more from the site. Is that correct? How was the 500m distance determined?
Q1.6.2	Applicant	ES paragraph 9.4.16 and Table 9.2 [APP-034] set out baseline noise monitoring locations. They all appear to be residential locations. Please comment on the potential for noise sensitive uses closer to the site, for example, office or other commercial uses on the Slough Trading Estate.
7. Traffic and Transport		
Q1.7.1	Applicant and SBC	<p>Clause 9.9 of the S106 Agreement [APP-083] says that it does not prohibit or limit the right to develop the Land in accordance with a planning permission granted after the date of the Agreement. By extension, this would also appear to apply to the Deed of Variation [APP-084].</p> <p>a) Given that the transport assessment relies on the S106 as varied to cap the number of HGV movements [ES paragraph 7.8.5, APP-032]), what reliance can be placed on the S106 to bind the Proposed Development to that cap?</p> <p>b) ES paragraph 7.7.3 [APP-032] states that the s106 requirements for an operational Travel Plan for the consented development would apply equally to the Proposed Project. Please explain how this would work in the light of the comment above regarding the reliance that can be placed in the S106 to bind the Proposed Development.</p>
Q1.7.2	Applicant and SBC	ES paragraphs 7.2.11 to 7.2.13 [APP-032] identify development plan documents, but do not identify any relevant policies within those documents. Please comment on whether there are any development plan policies relevant to the transport topic area.
Q1.7.3	Applicant	ES paragraph 7.6.1 [APP-032] states that the future baseline for the assessment is when the consented development is built and in operation. However, it is proposed to construct the Proposed Development in parallel with the consented development. What implications does this have for the assessment of construction phase traffic impacts?
Q1.7.4	Applicant	The ES estimates that 20 additional staff, equating to 5 additional car parking spaces, would be required in the two month construction period for the Proposed Development [paragraph 7.8.2, APP-032]. Please comment on the implications of this increase for the capacity of the Whitby Road car park, which would be used for construction staff parking.

ExQ1: 28 January 2023**Responses due by Deadline 2: 23 March 2023**

ExQ1	Question to:	Question:
Q1.7.5	Applicant	ES paragraph 7.7.1 [APP-032] advises that Section 7.7 describes the embedded mitigation measures incorporated into the Proposed Development or assumed to be in place. The section goes on to refer to the approved Construction Traffic Management Plan (CTMP) [APP-062, Appendix 1]. a) Are there any other embedded mitigation measures? b) Would it be necessary to update the CTMP to take into account the Proposed Development?
Q1.7.6	Applicant	ES paragraph 7.8.1 [APP-032] advises that the conclusions of the construction phase assessment would still be valid even if the construction of the Proposed Development overran the construction of the consented development. While that may be so for the scale and extent of any impacts, please comment on the implications for the duration of any impacts.
Q1.7.7	Applicant	Is any information available on the staff numbers/vehicle movements over the consented scheme construction phase to demonstrate that the Proposed Development would occur after the peak of activity [APP-32 paragraph 7.8.2] and therefore that the assumed reduced numbers at that time would compensate for the addition of the Proposed Development activity?
Q1.7.8	Royal Mail	Please expand on your concerns regarding the effect of the Proposed Development on Royal Mail operations [RR-001].
8.	Flood Risk	
Q1.8.1	Applicant	ES paragraph 12.2.20 [APP-037] states that ' <i>Based on the findings to date</i> it is considered that the flood risk from all sources, to and from the Site can be mitigated to a level which is low and acceptable' (my italics). Please clarify whether it is considered that further assessment is required and, if so, provide an update.
9.	Major Accidents and Disasters	
Q1.9.1	Applicant	Please clarify how the mitigation measures set out in ES paragraph 12.3.16 [APP-037] would be applied to the Proposed Development and secured through the DCO.