

Development Management

Observatory House

25 Windsor Road

Slough

SL1 2EL

An application by SSE Slough Multifuel Limited for an Order Granting Development Consent for the Slough Multifuel Extension Project

Response to The Examining Authority's written questions and requests for information (ExQ1)

Planning Inspectorate Reference Number EN010129

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?	The Council has sight of the Applicant's response to this question, and is in agreement
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?	The Council has sight of the Applicant's response to this question, and is in agreement
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?	The Council have sight of a revised Planning Conditions Tracker (dated March 2023) prepared by the Applicant; which includes additional reference to Condition 20 (noise levels) of TCPA permission as applicable to construction phase, and the Cooling Tower permission (P/20018/000). The Council are satisfied that the revised conditions tracker identifies all relevant conditions from the certified permission, and they are adequately transposed to 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?	The Council are satisfied that the TCPA conditions are transposed to the DCO.
Q1.7.1	Applicant and SBC	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	The Council has sight of the Applicant's response to this question, and is in agreement

		<p>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>	<p>The Council has sight of the Applicant's response to this question, and is in agreement</p>
Q1.7.2	Applicant and SBC	<p>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.</p>	<p>The Council has sight of the Applicant's response to this question, and is in agreement</p>