

SLOUGH MULTIFUEL EXTENSION PROJECT

Planning Inspectorate Ref: EN010129

The Slough Multifuel Extension Order

Land at 342 Edinburgh Avenue, Slough Trading Estate, Slough

**Document Ref: 8.1 – Statement of Common Ground with Slough
Borough Council**

The Planning Act 2008



Applicant: SSE Slough Multifuel Limited

March 2023 – Deadline 2

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1.0 INTRODUCTION

1.1 Introduction

- 1.1.1 This Statement of Common Ground ('SoCG') (Document Ref. 8.1) has been prepared jointly by SSE Slough Multifuel Limited (the Applicant) and Slough Borough Council ('SBC') in respect of the Slough Multifuel Facility Extension Project (hereafter referred to as the 'Proposed Project').
- 1.1.2 The SoCG relates to the application (the 'Application') that was been submitted to the Secretary of State ('SoS') for Business, Energy and Industrial Strategy (now Energy Security and Net Zero), under Section 37 of 'The Planning Act 2008' (the 'PA 2008'), seeking development consent for the Proposed Project. The Application was accepted for Examination by the Planning Inspectorate on 26th October 2022.
- 1.1.3 The Applicant is seeking development consent for the extension of the consented Slough Multifuel Facility (the 'Consented Development'), an energy from waste electricity generating station, on land at the Slough Trading Estate, Slough.
- 1.1.4 A DCO is required for the extension (the 'Proposed Project') as it falls within the definitions and thresholds for a 'Nationally Significant Infrastructure Project' (a 'NSIP') under Sections 14(1)(a) and 15 of the PA 2008, being the extension of an onshore electricity generating station in England, which when extended will have a capacity of more than 50 megawatts ('MW').
- 1.1.5 The SoCG sets out the matters of agreement between the Applicant and SBC (the 'Parties').
 - 1.1.1 The agreements to date have been reached through consultation and continuing discussions between the Parties. The Parties are committed to maintain regular dialogue through the Examination with the aim of reaching agreement on all relevant matters relating to the Application.

1.2 The Proposed Project Site

- 1.2.1 The Proposed Project Site (the 'Site') lies entirely within the administrative boundary of SBC, a unitary authority, and is located either side of Edinburgh Avenue within the Slough Trading Estate (National Grid Reference SU 953 814) approximately 2.5 kilometres ('km') north west of Slough Town Centre.
- 1.2.2 The Site extends to approximately 2.8 hectares ('ha') in area and was acquired by SSE in 2008. It forms part of the original Slough Heat and Power Plant site.
- 1.2.3 The Consented Development, which was originally consented in June 2017 under 'The Town and Country Planning Act 1990' (the 'TCPA') (Planning Permission Refs. P/00987/051 (being a Section 73 variation of P/00987/024 and P/00987/035) and P/00987/025, P/00987/052 and P/19876/000), is currently being constructed at the Site. Construction of the Consented Development at the Site is well advanced and is currently expected to be completed by Quarter 4 2024.

1.3 The Proposed Project

1.3.1 The Proposed Project involves the extension of the Consented Development through carrying out the following physical works (Work No. 1 at Schedule 1 'Authorised Development' of the draft DCO, Document Ref. 2.1) to increase the efficiency and gross installed capacity of the generating station from just under 50MW to circa 60MW:

- a boiler primary air preheating system comprising heat exchanger bundles, pipework, valves, pipe supports, thermal insulation, instrumentation, cabling and containment;
- a boiler secondary air preheating system comprising heat exchanger bundles, pipework, valves, pipe supports, thermal insulation, instrumentation, cabling and containment; and
- mechanical modifications to the actuated stream turbine inlet control valve to allow steam capacity to be increased.

1.3.2 As is set out more fully in the Explanatory Memorandum (Document Ref. 2.2), it is only the extension which is the NSIP pursuant to Sections 14(1)(a) and 15(1) of the PA 2008, and the development forming part of the extension (being the Authorised Development) which requires development consent pursuant to Section 31 of the PA 2008. The Consented Development is consented and being constructed pursuant to the TCPA. It is not an NSIP, nor does it form part of one.

1.3.3 Separately, the extended generating station requires an ancillary authorisation to 'operate' at over 50MW pursuant to Section 36 of 'The Electricity Act 1989', and this is included within the DCO.

1.3.4 The Proposed Project also includes 'associated development' within the meaning of Section 115(2) of the PA 2008, including but not limited to, temporary construction laydown areas, contractor facilities, vehicle parking and cycle storage facilities.

1.3.5 The Proposed Project will not increase the throughput of waste, vehicle movements, or operating hours at the Slough Multifuel Facility, and will not alter the scale or external appearance of the consented buildings and structures.

1.4 The Applicant

1.4.1 The Applicant, SSE Slough Multifuel Limited (SMF), is a 50:50 joint venture between SSE Thermal and Copenhagen Infrastructure Partners (CIP).

1.4.2 SSE Thermal, part of the FTSE-listed SSE plc, is a leading developer, owner and operator of flexible generation, energy-from-waste, and energy storage assets, with over 600 direct employees across the UK and Ireland. SSE Thermal's vision is to become the leading provider of flexible thermal energy in a net-zero world. SSE Generation Limited was granted planning permission in June 2017 to construct the Consented Development at the Site. SSE currently operates the existing Slough Heat and Power Plant at the Slough Trading Estate through a company called Slough Heat and Power Limited.

1.4.3 Copenhagen Infrastructure Partners (CIP) was founded in 2012 and is a fund management company specialised in offering tailor made investment in energy infrastructure assets globally, in particular within the renewable energy sector. CIP are renewable market pioneers with involvement in some of the World's largest offshore wind projects and other major energy infrastructure projects in North-Western Europe, North America, and Asia Pacific. CIP has extensive biomass and energy from waste experience in the UK.

1.5 Slough Borough Council Status

1.5.1 SBC is a relevant local authority for the purposes of Section 42(1)(b) of the PA 2008. The entirety of the Application Site (the 'Order Limits') lies within SBC's administrative boundary.

1.6 The Purpose and Structure of this Document

1.6.1 The purpose of this document is to summarise the agreements reached between the Parties on matters relevant to the Examination of the Application and to assist the Examining Authority (the 'ExA').

1.6.2 The SoCG has been prepared with regard to the guidance in 'Planning Act 2008: examination of application for development consent' (Department for Communities and Local Government, March 2015).

1.6.3 The SoCG is structured as follows:

- **Section 2** – sets out consultation and related discussions held between the Applicant and SBC.
- **Section 3** – sets out the matters discussed and agreed to date.
- **Section 4** – sets out any matters to be agreed and the proposed way forward.

2.0 SUMMARY OF CONSULTATION AND DISCUSSIONS

Overview

2.1.1 This section provides a summary of how the Applicant has consulted SBC on the Proposed Project and also sets out the discussions that have taken place between the Parties.

Summary of Consultation

2.1.2 **Table 2.1** below provides a summary of how the Applicant has consulted SBC.

Table 2.1: Summary of Consultation

| Consultation Stage/Date | Commentary/SBC Response |
|---|--|
| Stage 1 Consultation (non-statutory) (15 November – 17 December 2021) | The Applicant provided an update via its Local Liaison Group (of which SBC is a member and had been attending on a quarterly basis in connection with the Consented Development) on the work being carried out in respect of the Proposed Project and the proposals for future consultation. |
| Statement of Community Consultation (SoCC) (22 February – 22 March 2022) | The Applicant consulted SBC on the content of the Statement of Community Consultation (SoCC) in accordance with Section 47 of the PA 2008. SBC confirmed they had no comments to make on 23 March 2022. |
| Stage 2 Consultation (statutory) (5 May 2022 – 17 June 2022) | The Applicant consulted SBC pursuant to Section 42 of the PA 2008, via letter dated 3 May 2022. |
| Section 56 'Notifying Persons of Accepted Application' (10 November 2022 – 23 December 2022) | The Applicant issued a letter and notice to SBC in accordance with Section 56 of the PA 2008 advising them of how to submit Relevant Representations (RR) to the Planning Inspectorate and the timeframes for doing so. SBC has not submitted a RR. |

Summary of Discussions

2.1.3 A summary of the discussions that have taken place between the Parties to date is set out in **Table 2.2** below.

Table 2.2 – Summary of Discussions

| Consultation Stage/Date | Matters Discussed |
|--|---|
| Teams meeting – 15 February 2022 | Briefing meeting regarding the consultation on the draft SoCC, and the process of agreeing/publicising it ahead of the Stage 2 Consultation. |
| Teams meeting – 26 April 2022 | General project update call regarding timescales and methods ahead of the Stage 2 Consultation. |
| Teams meeting – 8 June 2022 | Meeting between the Applicant and SBC to discuss the proposed approach to the draft DCO requirements and their relationship with pre-existing planning conditions signed off with regard to the Consented Development. |
| Teams meeting – 7 December 2022 | Meeting held between the Applicant and SBC to provide the LPA with an update regarding the Application, the programme to DCO examination and the process for drafting and agreeing legal documentation to bind the Proposed Project to the terms of the section 106 agreement (as varied) and SoCG. |

3.0 MATTERS AGREED

3.1 Introduction

3.1.1 This section at **Table 3.1** below sets out the matters that are agreed between the Parties.

Table 3.1 – Matters Agreed

| No. | Matter Agreed | Commentary |
|-----|----------------------|---|
| 1. | Existing permissions | <p>The Consented Development is currently lawfully being constructed pursuant to the following planning permissions:</p> <ul style="list-style-type: none"> (1) The majority of the facility is currently being constructed pursuant to a section 73 permission with reference P/00987/51 dated 1 February 2022 (which is a Section 73 variation of permission P/00987/035 dated 3 March 2020, which itself was a Section 73 variation of the original permission P/00987/024 dated 2 June 2017); (2) Minor works forming part of the facility (including a services building, water treatment plant and car park) are consented under planning permission P/00987/025 dated 2 June 2017 (as varied by non-material amendment permission P/00987/053 dated 22 June 2022); (3) Minor works forming part of the facility (including the construction of a weighbridge gatehouse, silo enclosure and external staircase) are consented under planning permission P/00987/052 dated 4 May 2022; and (4) Minor works forming part of the facility consisting of the erection of a new boundary fence at land off Greenock Road are consented under planning permission P/19876/000 dated 5 August 2022. <p>In the Application documents, these are referred to together as the “Existing Permissions”.</p> <p>Since the date of submission of the Application, a further planning permission has been granted in</p> |

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| | | <p>respect of the facility: Permission with reference P/20018/000 was granted on 10 October 2022 and consents the construction of an electrical house, acid tank and cooling tower access and underground infrastructure associated with cooling tower 8.</p> <p>For the purpose of this SoCG, references to the 'Existing Permissions' shall include the further permission granted on 10 October 2022.</p> |
| 2. | Conditions attached to the existing permissions | <p>The conditions attached to the Existing Permissions remain necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise and reasonable in all other respects.</p> |
| 3. | Requirements to be attached to the draft DCO | <p>It is appropriate for Requirements to be included in the draft proposed DCO in the form set out at Appendix 1.</p> <p>The Requirements:</p> <p>(1) secure that the Proposed Project is constructed in accordance with the Construction Environment Management Plan approved for the Consented Development, thereby securing the mitigation required for the Proposed Project as identified in the Environmental Statement; and</p> <p>(2) ensure that every part of the extended generating station will be subject to the same, uniform set of controls.</p> <p>The category 2 Requirements are considered appropriate in order to provide certainty and clarity (and consequently administrative ease) for SBC and the Applicant on an ongoing basis. These Requirements are not required to secure mitigation required for the Proposed Project.</p> <p>The conditions of the TCPA permission and further TCPA permission identified in the Requirements are the appropriate conditions to secure the uniform construction, commissioning, operation and decommissioning of the extended generating station. No other conditions attached</p> |

| | | |
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| | | <p>to the TCPA permission or further TCPA permission are considered necessary to be secured through the Requirements. No additional Requirements (beyond those which are set out at Appendix 1) are considered necessary.</p> <p>None of the Requirements themselves require discharge. It is considered appropriate that SBC continue to discharge the conditions pursuant to the TCPA permission and further TCPA permission. This avoids the need for SBC to undergo a discharge process for the same condition under two separate regimes.</p> |
| 4. | Section 106 Supplemental Deed | <p>The Parties shall enter into a supplemental deed to the existing S106 Agreement (as varied)¹ which relates to the Consented Development. This supplemental deed will operate to ensure that the Applicant and the Proposed Project are bound by the terms of and the obligations contained within the existing S106 Agreement (as varied) and that these are enforceable by SBC against the Applicant in respect of the Proposed Project.</p> <p>The supplemental deed also provides clarity and consistency by ensuring that the whole facility (both the Consented Development and the Proposed Project) will be governed by the same, uniform set of obligations and controls as those set out in the existing S106 Agreement (as varied).</p> <p>The existing S106 Agreement (as varied) will continue to have effect, as supplemented by the supplemental deed.</p> |

¹ A Section 106 agreement was entered into on 4 May 2017 between (1) Slough Borough Council, (2) Slough Trading Estate Limited, (3) Fibre Power (Slough) Limited, Slough Utility Services Limited, Intertrust Corporate Trustee (Jersey) Limited and Intertrust Trustee (Jersey) Limited, and (4) SSE Generation Limited (the “S106 Agreement”). The S106 Agreement has been varied by a deed of variation entered into on 17 November 2020 between (1) Slough Borough Council, (2) Slough Trading Estate Limited, (3) Fibre Power (Slough) Limited, (4) Slough Utility Services Limited, (5) Intertrust Trustee 2 (Jersey) Limited, (6) Intertrust Corporate Trustee (Jersey) Limited and (7) SSE Generation Limited (the “DoV”). The effect of the DoV is to vary the obligations relating to HGV movements.

| | | |
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| 5. | Environmental Statement | <p>The submitted Environmental Statement complies with the relevant legal and policy requirements.</p> <p>The methodology used in respect of the preparation of the submitted Environmental Statement is appropriate and compliant with relevant legislation and guidance.</p> <p>The Parties agree with regard to the findings and conclusions of the submitted Environmental Statement and that the only mitigation required as a result of the Proposed Project is compliance with the Construction Environment Management Plan that was approved for the Consented Development. This mitigation is adequately secured through Requirement 3(1)(b) and 4 to be included in the draft proposed DCO in the form set out at Appendix 1.</p> |
| 6 | National Planning Policy | <p>The following national planning policy documents and guidance are relevant to the Proposed Project:</p> <ul style="list-style-type: none"> • National Planning Policy Framework (July 2021). • Planning Practice Guidance. |
| 7. | Development Plan Documents | <p>The following local development plan documents that apply to the Slough area are of most relevance to the Proposed Project:</p> <ul style="list-style-type: none"> • Slough Local Development Framework Core Strategy 2006-26 Development Plan Document (December 2008). • Slough Local Development Framework Site Allocations Development Plan Document (November 2010). • Slough Local Plan (March 2004) Saved Policies (September 2007). • Waste Local Plan for Berkshire (December 1998) Saved Policies (September 2007). |
| 8. | Development Plan Designations | <p>Section 2.4 of the submitted Planning Statement (Document Ref. 5.2) provides an accurate summary of the relevant statutory development plan designations. The key designations relating to the Site are:</p> |

| | | |
|-----|--|---|
| | | <ul style="list-style-type: none"> Local Plan Policy EMP7 (Slough Trading Estate). Simplified Planning Zone (2014) (Power Station Subzone). <p>There is no conflict between the Proposed Project and the above local development plan policies. The land use proposed by the Proposed Project is therefore appropriate.</p> |
| 9. | Development Plan Policy | <p>Section 4.6 of the submitted Planning Statement (Document 5.2) provides an accurate assessment of the relevant statutory development plan policies.</p> <p>The Proposed Project complies with the relevant development plan policies.</p> |
| 10. | The Need for the Proposed Project | <p>There is an urgent need for the low carbon electricity (as confirmed by National Policy Statement EN-1) which the Proposed Project would deliver.</p> |
| 11. | Alternatives | <p>The approach to the assessment of alternatives to the Proposed Project set out in the submitted Environmental Statement is appropriate and proportionate.</p> |
| 12. | Impact on Local Transport Networks; including lorry routing and parking. | <p>SBC is satisfied with the assessment of traffic and transport provided within the Environmental Statement (ES), and agrees with the findings of the ES in respect of traffic and transport.</p> |
| 13. | Other consents and licences. | <p>The Other Consents document reference APP-020 captures the other consents required for the Proposed Project. There are no other consents, permits or licences required from SBC before the Proposed Project can become operational.</p> |
| 14. | Compliance with legal and policy requirements | <p>The application for the Proposed Project complies with the relevant legal requirements and policy.</p> |

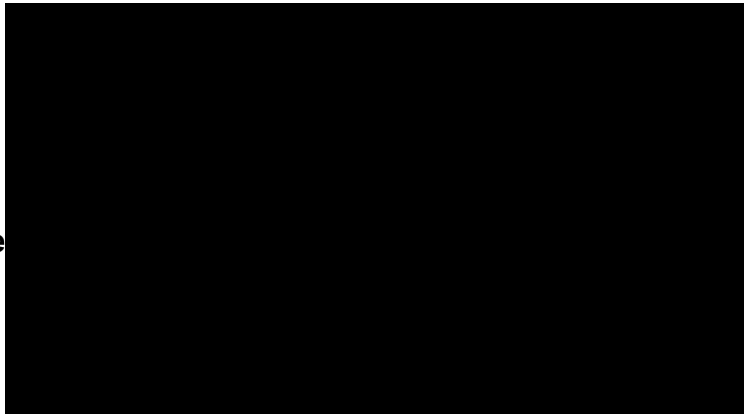
4.0 MATTERS TO BE AGREED

4.1.1 At the time of issue of this SoCG, the Parties have no outstanding matters to resolve, therefore all matters are agreed as set out in Table 3.1.

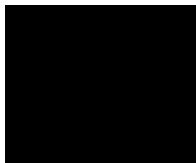
Signe

On be

Date:



Signed:



On behalf of: Slough Borough Council

Date: 20/03/2023

Appendix 1

Draft DCO Requirements

SCHEDULE 1

REQUIREMENTS

Article 3

Interpretation

1.—(1) In this Schedule –

“condition 17 of the certified TCPA permission” means condition 17 as it appears in the TCPA permission certified pursuant to article 11 which states-

17. Prior to the commencement of development, a Construction Environmental Management Plan shall be submitted to, approved in writing by, and deposited with the Local Planning Authority. The statement shall include provision for:

- (a) the parking of site operatives and visitors vehicles;
- (b) loading and unloading of plant and materials;
- (c) management of construction traffic and access/haul routes and controlled hours of delivery including;
 - 1) Any alterations to existing points of access between the application site and the highway shall be formed, laid out and constructed in accordance with specifications and with sightlines to be submitted in further detail and approved by the Local Planning Authority before the scheme commenced on site.
 - 2) Specification of haul route(s) and of any temporary signage to be provided to identify the route and promote its safe use,
 - 3) Identification of the times when major items of plant and equipment are to be transported to and from the site.
 - 4) Identification of the routing strategy and procedures for the notification and conveyance of an abnormal or indivisible load authorised by the Highways Agency pursuant to the Road Vehicles (Authorisation of Special Types) (General) Order 2003.
 - 5) Wheel washing facilities and arrangements for removal of mud from public highway.
 - 6) Proposals for communicating information with its terms, subject to any variation which has prior written approval of the Local Planning Authority in conjunction with the Highways Agency and Thames Valley Police.
- (d) Storage of plant and materials to be used.
- (e) A scheme for recycling /disposal of waste from demolition and construction works.
- (f) Before the site works and construction of the development commences, details of all temporary external lighting shall be submitted to and approved in writing by the Local Planning Authority and shall be carried out in accordance with the approved details.
- (g) Noise and Vibration Management and Monitoring Plan with quarterly reporting to the Local Planning Authority that covers all demolition and construction activity during construction phase. Noise monitoring locations and noise limits are required to be agreed with the Local Planning Authority prior to the construction phase to safeguard adjacent neighbouring properties from significance annoyances in accordance with British Standard:6472-1 and 5228.
- (h) Dust Management and Monitoring Plan with quarterly reporting to the Local Planning Authority that covers all demolition and construction activity during construction phase. Dust monitoring locations and dust limits are required to be agreed with the Local Planning Authority prior to the construction phase.
- (j) Spillage Plan to be submitted to the Local Planning Authority that will cover all construction and demolition activities to protect the environment from pollution. The commencement of site construction works shall not take place until a scheme detailing the

method to be used for pile driving has been submitted to and approved by the Local Planning Authority.

(k) Noise Control During Construction - During the course of the site preparation, demolition and construction phase of the project there shall be a clear plan to control noisy activities during the daytime period. Noisy activities are those that are likely to give rise to noise levels in excess of 100dB(A) sound power level at the source.

There shall be no noisy activities, unless otherwise approved with Slough Borough Council, between the hours of 6:00pm and 7:00am Monday to Friday and at no time during the weekend.

The following plant/activities are listed by way of example of those tools or operations likely to be included in those restricted to daytime period only:

- impact wrenches;
- sheet piling (auger piling would be acceptable);
- concrete scabbling; and
- concrete jack hammering.

In addition any site preparation, demolition or construction activity that may be audible at the nearest residential receptors shall be carried out as far as is reasonably practicable during daytime periods (any day). Any known periods of prolonged out of hours activity that are necessary, e.g. a prolonged concrete pour, that may give rise to noise shall, if approved by Slough Borough Council, be communicated to local residents in advance of the activity taking place.;

“certified construction environment management plan” means the details approved pursuant to condition 17 of the certified TCPA permission and certified pursuant to article 11;

(2) references to “development”, “authorised development” and “plant” in the conditions attached to the TCPA permission or further TCPA permission identified in this Schedule shall as the context requires be interpreted as including the authorised development and references to “construction”, “commissioning”, “use”, “operation” and “decommissioning” shall as the context requires be interpreted as including the construction, commissioning, use, operation and decommissioning of the authorised development.

Commencement of the authorised development

2. The authorised development must commence within five years of the date on which this Order comes into force.

Construction

3.—(1) The authorised development shall be constructed in accordance with –

- (a) the requirements of conditions 11 (prevention of pollution), 20 (noise levels), 24 (access) and 26 (drainage) of the TCPA permission; and
- (b) the details approved, including any revisions approved, pursuant to conditions 17 (construction environment management plan) and 21 (construction compound details) of the TCPA permission.

4. Notwithstanding requirement 3(b) the authorised development shall be constructed in accordance with the certified construction environment management plan except to the extent that any revisions approved to it pursuant to condition 17 of the TCPA permission do not give rise to any materially new or materially different environmental effects to those identified in the environmental statement.

Local liaison group

5. The local liaison group which was established and operates in accordance with condition 16 of the TCPA permission shall incorporate the authorised development within its remit.

Commissioning

- 6.—(1) The authorised development shall not be commissioned unless the requirements of:
- (a) conditions 9 (contaminated land mitigation and remediation strategy verification report), 29 (noise monitoring programme), 36 (highways scheme) and 37 (pest scheme) of the TCPA permission; and
 - (b) condition 6 (parking spaces) of the further TCPA permission

have been satisfied.

Operating

- 7.—(1) The authorised development shall be operated in accordance with -
- (a) the requirements of conditions 20 (noise levels), 23 (acceptable fuel type), 28 (dust), 30 (fuel deliveries), 31 (fuel deliveries), 33 (sound systems), 34 (waste hierarchy) and 35 (waste transfer operations) of the TCPA permission;
 - (b) the details approved, including any revisions approved, pursuant to conditions 4 (landscaping and tree planting scheme), 9 (contaminated land mitigation and remediation strategy verification report), 10 (surface water drainage), 13 (odour management plan), 18 (fauna management plan), 29 (noise monitoring programme), 36 (highways scheme) and 37 (pest scheme) of the TCPA permission; and
 - (c) the details approved, including any revisions approved, pursuant to conditions 3 (cycle parking) and 4 (living wall) of the further TCPA permission.

Decommissioning

The authorised development shall be decommissioned in accordance with the requirements of condition 22 (decommissioning) of the TCPA permission.