

SLOUGH MULTIFUEL EXTENSION PROJECT

Planning Inspectorate Ref: EN010129

The Slough Multifuel Extension Order

Land at 342 Edinburgh Avenue, Slough Trading Estate, Slough

Document Ref: 8.3 – Statement of Common Ground with Natural England

The Planning Act 2008



Applicant: SSE Slough Multifuel Limited

March 2023

DOCUMENT HISTORY

Document Ref.	8.3		
Revision	2.0		
Author	Neil Titley		
Signed		Date	12 March 2023
Approved By			
Signed		Date	12 March 2023
Document Owner			

GLOSSARY

Abbreviation	Description
SoCG	Statement of Common Ground
CEMP	Construction Environmental Management Plan
CIP	Copenhagen Infrastructure Partners
DCO	Development Consent Order
EIA	Environmental Impact Assessment
ES	Environmental Statement
ExA	Examining Authority
FTSE	Financial Times Stock Exchange
ha	Hectare
Km	Kilometre
MW	Megawatts
NE	Natural England
NSIP	Nationally Significant Infrastructure Project, as defined by Section 14 of the Planning Act 2008
PA	Planning Act 2008
SMF	SSE Slough Multifuel Limited
SoS	Secretary of State
TCPA	Town and Country Planning Act 1990

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1.0 INTRODUCTION

1.1 Overview

- 1.1.1 This Statement of Common Ground (SoCG) (Document Ref. 8.3) has been prepared jointly by SSE Slough Multifuel Limited (the 'Applicant') and Natural England in respect of the Slough Multifuel Extension Project (the 'Proposed Project').
- 1.1.2 It relates to the application (the 'Application') that has been submitted to the Secretary of State (the 'SoS') for Department for 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 SoS 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 (the 'Site').
- 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 A SoCG sets out the matters of agreement between the Applicant and Natural England (the 'Parties') and also sets out those matters which, at the time of writing, remain to be agreed between the Parties.
- 1.1.6 The agreements to date have been reached through consultation and continuing discussions between the Parties by maintaining regular dialogue through the Examination.
- 1.1.7 The matters covered in this SoCG are those which are within Natural England's area of expertise and statutory functions.

1.2 The Proposed Project Site

- 1.2.1 The Proposed Project site (the 'Site') lies entirely within the administrative boundary of Slough Borough Council, 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) **[APP-006]** 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) **[APP-007]**, 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 Natural England Status and Interests

- 1.5.1 Natural England is a prescribed consultee for the purposes of Section 42(1)(a) of the PA 2008.

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 ('ExA').
- 1.6.2 It has been prepared with regard to guidance in 'Planning Act 2008: examination of application for development consent' (Department for Communities and Local Government, March 2015').
- 1.6.3 This SoCG is structured as follows:
- Section 2 – sets out the consultation and related discussions held between the Applicant and Natural England.
 - Section 3 – sets out the matters discussed and agreed to date.
 - Section 4 – sets out the matters to be agreed and the proposed way forward.

2.0 SUMMARY OF CONSULTATION AND DISCUSSIONS

2.1 Overview

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

2.2 Summary of Consultation

2.2.1 **Table 2.1** below provides a summary of how the Applicant has consulted Natural England.

Table 2.1: Summary of Consultation

Consultation Stage/Date	Summary of Consultation
EIA Scoping	The Applicant submitted an EIA Scoping Report to the Planning Inspectorate on 17 November 2021, who in turn sought feedback on the proposed scope of the EIA from Natural England.
Stage 1 Consultation (15 Nov to 17 Dec 2021)	The Applicant provided an update via newspaper advertisements, posters, and the project website on the work being carried out in respect of the Proposed Project and the proposals for future consultation.
Stage 2 Consultation (statutory) (5 May to 17 June 2022)	The Applicant consulted Natural England pursuant to Section 42 of the PA 2008, via letter dated 3 May 2022.

2.3 Summary of Discussions

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

Table 2.2: Summary of Discussions

Discussion/Meeting Date	Summary of Discussions
Email to PINS – 10 December 2021	Response from Natural England acknowledging EIA Scoping Report and Consultation sent to the Planning Inspectorate: <i>“Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again.”</i>

<p>Email to the Applicant - 14 June 2022</p>	<p>In response to statutory consultation, Natural England confirmed:</p> <p><i>“Natural England has no comments to make on this application.”</i></p>
<p>Email to PINS - 14 January 2023</p>	<p>In response to the DCO application submission, Natural England confirmed:</p> <p><i>“Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.”</i></p>
<p>Comments on Addition Submissions - Document Ref: 9.1 - Published 15 February 2023</p>	<p>In response to Natural England’s email dated 14 January 2023, the Applicant commented:</p> <p><i>“The Applicant notes the comments made by Natural England (NE) that it considers that the Proposed Project will not have significant adverse impacts on statutorily protected nature conservation sites or landscape. The Applicant is committed to entering into dialogue with NE in order to agree a SoCG, if this is considered necessary. The Applicant has no further comments to make at this stage.”</i></p>

3.0 MATTERS AGREED

3.1.1 This section at **Table 3.1** below sets out the matters agreed between the parties.

Table 3.1: Matters Agreed

Topic	No	Matter Agreed	Commentary
General	1	Legislation and Policy	<p>The parties agree that the Environmental Statement (ES) has identified and appropriately considered all applicable legislation and national policy pertaining to the ES, in particular following assessments undertaken as part of the EIA for the Proposed Project:</p> <ul style="list-style-type: none"> • Chapter 8 Air Quality [APP-033], in respect of ecological receptors; • Chapter 9 Noise and Vibration [APP-034] in respect of ecological receptors; • Chapter 10 Ecology [APP-035]; and • Chapter 13 Effect interactions [APP-038].
	2	Study area definition and extents	<p>The parties agree that the study areas adopted by SSE Slough Multifuel Limited are appropriate, specifically with respect to:</p> <ul style="list-style-type: none"> • Air quality in respect of ecological receptors [APP-033]; • Noise in respect of ecological receptors [APP-034]; • Ecology [APP-035]; and • Effect interactions [APP-038]. <p>The geographical extents of the adopted study areas are appropriate to identify the likely direct and indirect effects of the Proposed Project on sensitive features and receptors.</p>
	3	Application of expert/professional judgements	<p>The identification of likely significant effects (or lack thereof) on sensitive features and receptors has been undertaken in accordance with recognised good practice guidance, professional judgement and the views of relevant technical specialists, where necessary. The Parties agree that the application of professional judgement by specialists is considered to be appropriate and robust, especially in terms of:</p> <ul style="list-style-type: none"> • Air quality in respect of ecological receptors [APP-033]; • Noise in respect of ecological receptors [APP-034]; • Ecology [APP-035]; and

			<ul style="list-style-type: none"> Effect interactions [APP-038].
	4	Assessment assumptions and limitations	<p>The ES records the assumptions applied and the approaches taken by SSE Slough Multifuel Limited to reduce any uncertainty resulting from any limitations encountered, particular with respect to:</p> <ul style="list-style-type: none"> Air quality in respect of ecological receptors [APP-033]; Noise in respect of ecological receptors [APP-034]; Ecology [APP-035]; and Effect interactions [APP-038]. <p>It is considered by the Parties that the assumptions adopted in these assessments are reasonable and appropriate and that the assessment is robust with the limitations taken into account.</p>
Baseline	5	Data collection methods, baseline data and the identification and sensitivity of relevant features and receptors: Ecology and Nature Conservation and Air Quality	<p>It is considered by the Parties that the scope, coverage and timing of surveys undertaken to establish the baseline conditions and sensitive features and receptors are in line with good industry practice and are appropriate to inform the assessment of direct and indirect effects reported in Chapter 8 Air quality assessment [APP-033] and Chapter 9 Noise and vibration [APP-034], and Chapter 10 Ecology [APP-035].</p>
Sites designated for their biodiversity value	6	Designated habitat sites	<p>No impacts are predicted to designated habitat sites (see Chapter 10: Ecology [APP-035])</p>
Protected species and habitats	7	Assessment of the impact on protected species and habitats	<p>No significant effects are predicted on protected species (see Chapter 10: Ecology [APP-035]) and also specific protected species report in the ES appendices [APP-066 to APP-070]). The Applicant's approach to Habitat Regulation Assessment is valid (Appendix 10B, [APP-067]).</p>
Assessment findings	8	Presentation of results and assessment findings: Construction, operation and decommissioning	<p>The following application documents present the approaches to, and outcomes of, assessments undertaken to identify the likely significant effects of the construction, operation and decommissioning phases of the Proposed Project:</p>

		effects: Ecology	<ul style="list-style-type: none"> • Air quality in respect of ecological receptors [APP-033]; • Noise in respect of ecological receptors [APP-034]; • Ecology [APP-035]; and • Effect interactions [APP-038]. <p>It is considered by the Parties that these assessments have identified the adverse and beneficial effects that would potentially result from construction, operation and decommissioning of the Proposed Project; and that the Parties agree none of these would result in significant residual effects.</p>
Mitigation	9	Mitigation: Construction, operation and decommissioning phase	The existing construction Environmental Management Plan (CEMP) (2020) for the Consented Development is appropriate for the Proposed Project. This is considered acceptable by the Parties and is adequately secured by the relevant draft DCO requirements. Construction phase monitoring for Peregrine Falcon is covered by the existing fauna management plan (SSE, 2019). No additional mitigation is required.
Cumulative effects	10	Effect Interactions: Assessment findings: Construction, operation and decommissioning effects	The ES has concluded that no significant adverse effects would arise from the effects of the Proposed Project interacting cumulatively with other planned projects and developments.
Other consents	11	Consents and permits	The identification in Document Ref. 5.4 – Other Consents [APP-020] of other consents, permits or licenses required before the development can become operational, is accurate. This requires no consents from Natural England.
Other consents	12	Environmental Permit	The controls in the existing Environmental Permit are appropriate and effective to avoid significant effects from the Proposed Project.

4.0 MATTERS TO BE AGREED

4.1.1 The matters still to be agreed between the parties are set out in **Table 4.1** below.

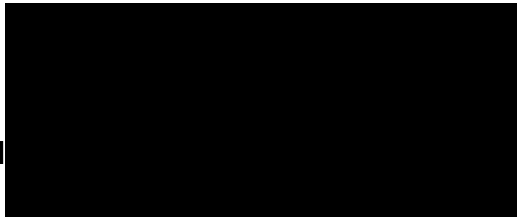
Table 4.1: Matters to be Agreed

No.	Matter to be Agreed	Commentary
1	None	None

Signed:

On behalf

Date: 20



Signed:  Miranda Petty, Senior Adviser

On behalf of: Natural England

Date: 14/03/2023