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The Applicant, Slough Borough
Council

Your Ref:

Our Ref: EN010129

Date: 5 May 2023

Dear Sir/Madam

The Infrastructure Planning (Examination Procedure) Rules 2010 (as amended) – Rule 17

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

Request for further information

I am writing under Rule 17 of the Infrastructure Planning (Examination Procedure) Rules 2010 (as amended).

My first written questions concerned, among other things, the potential for the Proposed Development to give rise to materially new or materially different significant effects (EQ1.2.2) or effects that may not have been assessed in the environmental statement as a result of variations to the 'TCPA Permission' and 'further TCPA Permission' conditions (ExQ1.2.6). I have carefully considered the responses to these questions from the Applicant and Slough Borough Council (SBC), including their concern that the process should be proportionate.

While I accept that the potential for such significant effects may be limited, it cannot be excluded. The PA2008 and the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 require significant effects to be taken into account in the examination process. As the Applicant recognises, the dDCO as currently drafted would rely on determinations under S73 of the Town and County Planning Act 1990.

The Applicant's response to ExQ1.2.6 invites the ExA to seek alternative wording of the dDCO. I should be grateful if the Applicant would submit a revised dDCO which deals with these concerns. The Applicant may wish to consider an approach that addresses:

- the references to variations of the conditions in the 'TCPA Permission' and 'further TCPA Permission' in Article 2;

- Article 11 such that any permissions to vary of the relevant conditions under the TCPA1990 are certified under paragraph 1 of that Article; and
- a new Requirement which has the effect of requiring the relevant planning authority to be satisfied that any variation to the relevant 'TCPA Permission' and 'further TCPA Permission' conditions would not give rise to materially new or materially different significant effects. The Applicant may find it helpful to review Requirement 7 of the made Wheelabrator Kemsley K3 Generating Station Order 2021 in considering the wording of a new Requirement.

Responses should be submitted by **Deadline 5 (26 May 2023)**.

Other Interested and Statutory Parties may also wish to respond to this request.

Yours faithfully

Simon Warder

Examining Authority

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