

# **SLOUGH MULTIFUEL EXTENSION PROJECT**

Planning Inspectorate Ref: EN010129

## **The Slough Multifuel Extension Order**

**Land at 342 Edinburgh Avenue, Slough Trading Estate, Slough**

**Document Ref: 9.5 – Applicant’s Responses to the Examining  
Authority’s Second Written Questions (ExQ2)**

The Planning Act 2008



**Applicant: SSE Slough Multifuel Limited**

May 2023 – Deadline 5

## DOCUMENT HISTORY

<b>Document Ref.</b>	9.5		
<b>Revision</b>	1.0		
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<b>Signed</b>	NC	<b>Date</b>	26.05.23
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<b>Document Owner</b>	DWD		

## GLOSSARY

<b>Abbreviation</b>	<b>Description</b>
BEIS	Department for Business, Energy and Industrial Strategy
CIP	Copenhagen Infrastructure Partners
DCO	Development Consent Order
DESNZ	Department for Energy Security and Net Zero
EIA	Environmental Impact Assessment
ES	Environmental Statement
MW	Megawatts
NSIP	Nationally Significant Infrastructure Project
PA 2008	The Planning Act 2008
PINS	The Planning Inspectorate
RR	Relevant Representation
SMF	Slough Multifuel
SoCG	Statement of Common Ground
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 document (Document Ref. 9.5) has been prepared on behalf of SSE Slough Multifuel Limited (the ‘Applicant’). It forms part of the application (the ‘Application’) for a Development Consent Order (a ‘DCO’), that was submitted to the Secretary of State (the ‘SoS’) for Business, Energy and Industrial Strategy (‘BEIS’) (now the SoS for the Department for Energy Security and Net Zero ‘DESNZ’), under Section 37 of ‘The Planning Act 2008’ (the ‘PA 2008’) on 30<sup>th</sup> September 2022. The Application was accepted for Examination by the Planning Inspectorate on 26<sup>th</sup> October 2022.
- 1.1.2 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’).
- 1.1.3 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’).

### 1.2 The Purpose and Structure of this Document

- 1.2.1 The purpose of this document is to set out the Applicant’s responses to the Examining Authority’s (‘ExA’s’) Second Written Questions (‘ExQ2’), which were issued on 5<sup>th</sup> May 2023.
- 1.2.2 The Applicants’ response to the relevant ExQ2 is provided in Section 2.0 of the document. The ordering of the responses corresponds to the order in which the questions appear in the ExQ2 document published on the Planning Inspectorate’s web page.

## 2.0 APPLICANT’S RESPONSES TO EXQ2

ExQ2	Question to:	Question:	Response
<b>General and Cross-topic Questions (including Environmental Statement)</b>			<b>Response</b>
<b>Q2.1.1</b>	<b>Applicant and SBC</b>	In March 2023 the Government published updated draft National Policy Statements (NPS), including NPS EN-1 and NPS EN-3. Please comment on whether the updated drafts contain any changes from the September 2021 drafts which are relevant and material to the Proposed Development.	<p>The Applicant’s Planning Statement (Document Ref. 5.2) [APP-018] provides an assessment of the Proposed Project against the current July 2011 National Policy Statements (the ‘2011 NPSs’) that are relevant to the Proposed Project – NPS EN-1 and NPS EN-3 – and also considers the drafts of EN-1 and EN-3 published for consultation in September 2021 (the ‘2021 dEN-1’ and ‘2021 dEN-3’, together the ‘2021 Drafts’).</p> <p>The Applicant has considered the updated drafts of EN-1 and EN-3 published for consultation in March 2023 (the ‘2023 dEN-1’ and ‘2023 dEN-3’, together the ‘2023 Drafts’) to establish whether these contain any changes from the 2021 Drafts that are relevant and material to the Proposed Project.</p> <p>In the first instance, it is relevant to note that paragraph 1.6.2 of the 2023 dEN-1 confirms that in respect of “... any application accepted for examination before designation of the 2023 amendments, the 2011 suite of NPSs should have effect in accordance with the terms of those NPS.” Paragraph 1.6.3 continues:</p> <p><i>“The 2023 amendments will therefore have effect only in relation to those applications for development consent accepted for examination, after the designation of those amendments. However, any emerging draft NPSs (or those designated but not yet having effect) are potentially capable of being important and relevant considerations in the decision-making process. The extent to which they are relevant is a matter for the relevant Secretary of State to consider within the framework of the Planning Act 2008 and with regard to the specific circumstances of each development consent order application.”</i></p> <p>The Application therefore falls to be determined in accordance with the 2011 NPSs, although the 2023 Drafts may be a relevant matter for the Secretary of State (‘SoS’) to consider.</p> <p>The Applicant acknowledges that there are some changes in the 2023 Drafts which are potentially relevant and material to the Proposed Project, and these are summarised below. This response does not summarise all changes which are potentially relevant to energy from waste projects, only those which the Applicant considers to be relevant <i>and material</i>. In general terms, the 2023 Drafts place even greater emphasis on the urgent need for domestic energy production, and therefore further support the Proposed Project as a capacity and efficiency increasing project. The Applicant considers that the Proposed Project complies with the 2023 Drafts and that they do not, in the Applicant’s view, alter the overall assessment of the Proposed Project.</p> <p>As noted in paragraphs 3.4.8 to 3.4.13 of the Planning Statement [APP-018], the 2021 dEN-1 changed some of the NPS assessment principles and generic impacts, and the Applicant provided an assessment against those and the additional matters introduced at Section 3.7 of the 2021 dEN-3, at Appendix 3 of the Planning Statement. The Applicant has reviewed the revised assessment principles, generic impacts and additional matters as set out in the 2023 Drafts and has concluded that the Appendix 3 assessment remains unchanged.</p> <p>Paragraph 2.1.1 of Part 2 (‘Government policy on energy and energy infrastructure development’) of the 2023 dEN-1 now refers to the Net Zero Strategy, published in October 2021, which sets out a long-term plan for the economy-wide transition to net zero, The British</p>

ExQ2	Question to:	Question:	
			<p>Energy Security Strategy, published in April 2022 and the Growth Plan of 23<sup>rd</sup> September 2022, which further reinforces the ambition and the importance of addressing the UK’s underlying vulnerability to international oil and gas prices and reducing our dependence on imported oil and gas. The Proposed Project will make a positive contribution to the delivery of these strategies, by increasing the efficiency and gross installed capacity of the consented Slough Multifuel Facility (the ‘Consented Development’) without increasing the throughput of waste, vehicles movements, emissions or operating hours.</p> <p>Newly added paragraphs 2.5.5 and 2.5.6 of the 2023 dEN-1 place a greater emphasis than the 2021 dEN-1 on domestic energy production to ensure security of supply and address the UK’s vulnerability to international energy prices, particularly in light of the rise in global energy costs as a result of increased demand following COVID-19 and the Russian invasion of Ukraine. The Proposed Project supports this increased emphasis on domestic energy production as it will increase the efficiency and gross installed capacity of the Consented Development.</p> <p>The 2023 dEN-1 (Part 3 ‘The need for new nationally significant energy infrastructure projects’) reinforces the ‘need’ for energy infrastructure projects, stating that such infrastructure is “urgent” (paragraph 3.1.1). This represents a change from the 2021 dEN-1, which stated that the need for such infrastructure “will often be urgent” (para 3.1.1). The 2023 dEN-1 (paragraph 3.2.5) now also states that the SoS should assess all applications for development consent for the types of infrastructure covered by the NPS on the basis that the government has demonstrated that there is a need for those types of infrastructure “which is urgent.” These changes demonstrate that the 2023 dEN-1 recognises an even greater need for energy production facilities such as the Consented Development in assisting the government in meeting its energy objectives, which consequently increases the importance of the Proposed Project in increasing the energy efficiency and capacity of the Consented Development.</p> <p>Energy from waste (‘EfW’) is dealt with specifically at paragraphs 3.3.37 to 3.3.42 of Part 3 of the 2023 dEN-1. The 2023 dEN-1 retains the acknowledgement of the importance of EfW plants made in the 2021 dEN-1, with paragraph 3.3.37 noting that EfW plants operate at over 90% availability – underlining their importance to baseload electricity supply – while paragraph 3.3.38 identifies the role of EfW in reducing the amount of waste going to landfill.</p> <p>Newly added text in paragraphs 3.3.37 and 3.3.39 to 3.3.41 provides greater clarity on the parameters within which EfW plants should operate, including noting that they must not compete with waste prevention (paragraph 3.3.40) and must demonstrate that they are in line with Defra’s policy on treating municipal waste (paragraph 3.3.39). These changes are of only limited relevance to the Proposed Project because it will not alter the way in which the Consented Development operates – it comprises limited physical works to the Consented Development, which will facilitate an increase in its efficiency and gross installed capacity from just under 50MW to 60MW, without increasing the throughput of waste, vehicle movements, emissions or operating hours.</p> <p>Paragraph 3.3.42 notes that EfW is treated as “only partially renewable” due to the presence of fossil-based carbon in the waste, but again this is of only limited relevance to the assessment of the Proposed Project due to the limited physical works and the continued applicability of 2023 dEN-3, as described in more detail below.</p>

ExQ2	Question to:	Question:	
			<p>Paragraph 5.4.22 (Part 5 ‘Generic Impacts’) of the updated draft of EN-1 contains new text in relation to ‘scheme design’ which states that applicants will need to consider the movement of mobile/migratory species such as birds, fish and marine and terrestrial mammals and their potential to interact with infrastructure. The Proposed Project does not involve any changes in terms of scheme design and its effects on ecology are considered at Chapter 10 of the Environmental Statement (ES) (Document Ref. 6.2.10) [APP-035]. Chapter 10 confirms that there are no significant residual ecological effects from the Proposed Project and no cumulative effects greater than negligible significance. This new text does not alter the assessment of the Proposed Project in terms of potential impacts on ecology.</p> <p>Section 5.15 (‘Resource and Waste Management’) of Part 5 of the 2023 dEN-1 contains new paragraphs 5.15.6 to 5.15.7 and paragraph 5.15.19, which are relevant to the Proposed Project. Paragraphs 5.15.6 and 5.15.7 reiterate the points made in paragraphs 3.3.39 and 3.3.40 above in relation to EfW plants, which the Applicant considers to be of limited relevance to the Proposed Project for the reasons set out above. Paragraph 5.15.19 states that the SoS should have regard to any potential impacts on the achievement of resource efficiency and waste reduction targets set under the Environment Act 2021 or wider goals set out in the Government’s Environmental Improvement Plan. As confirmed above, the Proposed Project will increase the efficiency and capacity of the Consented Development without increasing the throughput of waste, and therefore the Proposed Project would be likely, to the extent that it has any impact on the achievement of resource efficiency and waste reduction targets, to have a positive impact on reaching such targets.</p> <p>Although the 2023 dEN-1 treats EfW as “<i>only partially renewable</i>” (see above), paragraph 2.6.1 of 2023 dEN-3 is explicit in stating that it applies to EfW “<i>including mixed waste containing non-renewable fractions</i>”, so the 2023 dEN-3 is therefore applicable to the Proposed Project. The Applicant has reviewed the 2023 dEN-3. Section 3.7 is particularly relevant to EfW. Paragraph 3.7.2 of the 2023 dEN-3 contains a few minor changes to the text of the equivalent paragraph in the 2021 dEN-3, but the principle remains unchanged in that this paragraph recognises that in accordance with the Waste Hierarchy, EfW plays an important role in meeting the UK’s energy needs and forms an important element of waste management strategy in England. The Applicant has not identified any significant changes at Section 3.7 of the 2023 dEN-3 in terms of the factors to be taken into account, technical considerations or the assessment of impacts in relation to EfW developments. The additional matters introduced at Section 3.7 as part of the 2021 dEN-3 in relation to national designations and waste treatment capacity have already been considered at Appendix 3 of the Applicant’s Planning Statement [APP-018] and remain unchanged by the 2023 dEN-3.</p> <p>In summary, while there are some aspects of the 2023 Drafts that are relevant and material to the Proposed Project, these only further reinforce the policy support for the proposed increase in efficiency and capacity of the Slough Multifuel Facility and do not change the overall assessment of the Proposed Project against policy set out within the Planning Statement.</p> <p>If the Examining Authority considers that it would be helpful, the Applicant could provide an update to Appendix 3 of the Planning Statement at Deadline 6.</p>

ExQ2	Question to:	Question:	
<b>Q2.1.3</b>	<b>Applicant and SBC</b>	Please submit a signed version of the Supplemental Deed of Variation [REP2-013].	A signed version of the Supplemental Deed of Variation (Document Ref. 9.3) has been submitted at Deadline 5.
<b>Development Consent Order</b>			
<b>Q2.2.2</b>	<b>Applicant</b>	Please add the number '8' to the final clause of Schedule 2 (under the heading Decommissioning).	This amendment has been made in the discussion draft of the dDCO submitted at Deadline 5 (Document Ref. 2.1a) in response to the queries raised in the Rule 17 letter dated 5 <sup>th</sup> May 2023. This amendment will be reflected in the final version of the dDCO to be submitted at Deadline 6.
<b>Air Quality and Emissions</b>			
<b>Q2.3.1</b>	<b>Applicant and the EA</b>	Unfortunately, ExQ1.3.2 c) contained a typographical error. The reference should have been to paragraph 5.2.7 of EN-1 (July 2011), not EN-3. Please update your answer to the original question on this basis. (If the limit values in the EP are reduced, what effect would this have on the absolute emission levels of the Proposed Development?)	The original response to ExQ1.3.2 provided the requested technical detail. For clarity an updated response which includes a reference to EN-1 has been included below.  <i>“c) The assessment scenarios in the ES have already taken into account the more stringent limit values, which reflects the worst-case scenario [APP-033, paragraph 8.3.3]. This aligns with NPS EN-1.”</i>
<b>Climate Change</b>			
<b>Q2.4.1</b>	<b>Applicant</b>	The Applicant’s response to ExQ1.5.6 says the quoted figure from Table 11.14 is a mass rather than percentage. Nevertheless, ES paragraph 11.9.1 [APP-036] says 'Emissions have been calculated as their percentage contribution to each carbon budget'. What is the relevant percentage?	The figure provided in Table 11.14 at Chapter 11 ‘Climate Change and Sustainability’ of the ES (Document Ref. 6.2.11) [APP-036] in respect of the 4 <sup>th</sup> carbon budget refers to the emissions of CO <sub>2</sub> e from the construction phase of the Proposed Project. It is expressed in MtCO <sub>2</sub> e to allow for a comparison with the corresponding National Carbon Budget for that period. As noted in the Applicant’s response to ExQ1.5.6, the figure given, 0.00001252 MtCO <sub>2</sub> e, is a mass of CO <sub>2</sub> e emissions rather than a percentage of a comparable budget.  The figure given in Table 11.14, 0.00001252 MtCO <sub>2</sub> e, equates to 12.52 tCO <sub>2</sub> e. However, this appears to be an error as the figure that should have been given is 10.77 tCO <sub>2</sub> e to align with the total construction emissions figure given in Table 11.13 of the ES. [APP-036]. As a proportion of the UK’s National Carbon Budget for the 4th budget period (2023-2027) of 1,950 MtCO <sub>2</sub> e, this figure equates to 0.000000552%, or 5.52 x 10 <sup>-7</sup> %. This correction does not change the assessment of conclusions in this chapter of the ES.
<b>Q2.4.2</b>	<b>Applicant</b>	ES paragraph 11.9.2 [APP-036] states that there would be a negligible beneficial impact due to the efficiency improvement. Paragraph 11.9.3 then refers to a minor adverse impact ‘of’ (should this be ‘on’?) the global climate, but still finds a beneficial impact overall. Please explain how you have arrived at these findings, including clarifying the effects during the construction and operational phases.	The conclusion in paragraph 11.9.3 of Chapter 11 ‘Climate and Sustainability’ of the ES (Document Ref. 6.2.11 [APP-036] is based on both the direct and indirect effects of the Proposed Project on GHG emissions during the construction and operational phases.  Paragraph 11.9.3 refers to a ‘minor adverse’ effect during construction on GHG emissions. This is based on the fact that there will be some direct GHG emissions during construction, albeit a very small quantity relative to other construction projects. This has been deemed Minor Adverse and Not Significant based on the thresholds in Table 11.3 of the chapter.  The GHG assessment also considered climate change resilience (CCR). As noted in paragraph 11.4.15, significance criteria to review CCR measures have not been applied to the Proposed Project (i.e., an assessment has not been necessary) given the nature of development (e.g., above ground pipe and works inside the existing building footprint) and



ExQ2	Question to:	Question:	
			<p>its inherent resilience to climate change factors. The CCR effect is therefore considered Negligible.</p> <p>Table 11.15 contains an error; it should have reported a Minor Adverse effect that is Not Significant for construction, rather than a Negligible effect.</p> <p>In respect of the operational phase, the wider, indirect, implications of the Proposed Project have been considered as part of the assessment. The higher combustion inlet air temperatures of the Proposed Project will allow for an increase in electricity output of an additional 87.6 GWh of electricity generated annually from the same overall mass of fuel combusted. This means that operational emissions remain constant, but the carbon intensity of electricity generated in tonnes of CO<sub>2</sub>e/GWh will drop. The corresponding reduction in GHG emissions can be estimated by multiplying the additional output from the Proposed Project by the carbon emissions intensity of a combined cycle gas turbine (CCGT), which currently constitutes the marginal generating capacity in the UK, and the use of which must be avoided if the UK is to achieve its target of net zero emissions by 2050.</p> <p>The increase in combustion inlet air is expected to result in an additional 87.6 GWh of electricity generated annually. Were this to be generated by a CCGT, operating with a typical carbon intensity of 354 tonnes of CO<sub>2</sub>e/GWh, it would result in emissions of 31,010 tonnes CO<sub>2</sub>e each year. Each year the Proposed Project operates with increased electrical output, it is reasonable to suggest that it facilitates the reduction of this mass of GHG emissions. This counterfactual scenario, in which the Proposed Project does not go ahead and the increased electrical output is met instead by a CCGT, can be described as forming part of the “<i>without-project baseline</i>”. The IEMA guidance on Assessing Greenhouse Gas Emissions and Evaluating their Significance states that if a project results in a reduction in atmospheric greenhouse gas concentration, whether directly or indirectly compared to the without-project baseline, its effect can be evaluated as being Beneficial. On this basis, the operational effects of the Proposed Project on GHG have been assessed as Beneficial.</p> <p>The conclusion in paragraph 11.9.3 is therefore based on a Minor Adverse effect during construction GHG emissions and an overall Beneficial effect that is Not Significant during the operational phase. The GHG emissions that are avoided due to the increased efficiency of the Proposed Project offset the direct GHG emissions expected during construction, leading to an overall Beneficial effect (that is Negligible and Not Significant).</p> <p>The reference in paragraph 11.9.2 to a “beneficial impact” of “<i>negligible magnitude</i>” is similarly based on the conclusion of an overall beneficial effect that is not significant, as explained above.</p>