

SLOUGH MULTIFUEL EXTENSION PROJECT

Planning Inspectorate Ref. EN010129

The Slough Multifuel Extension Order

Land at Edinburgh Avenue, Slough, SL1 4TU

**Document Ref: 2.3a – Schedule of Changes to the Draft DCO
(incorporating comments on the ExA's schedule of proposed
changes to the Draft DCO)**

The Planning Act 2008

The Infrastructure Planning (Applications: Prescribed Forms and Procedure)
Regulations 2009 – Regulation 5(2)(c)



Applicant: SSE Slough Multifuel Limited

June 2023

DOCUMENT HISTORY

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Slough Multifuel Extension Project – Schedule of Changes to the draft Development Consent Order

DCO Article / Schedule (Revision 2.0)	Amendment	Reason for Amendment
Deadline 3 – 6 April 2023		
Article 2(1) – Interpretation	“relevant planning authority” means Slough Borough Council the planning authority for the area in which the land to which the relevant provision of this Order applies is situated;	The text in blue has been added and the text in red has been deleted in order to address Q1.2.3 of the Examining Authority’s First Written Questions.
Article 4(1) - Authorisation of the operation of the extended generating station	Subject to the provisions of this Order and the requirements in Schedule 2 the undertaker is authorised to operate the extended generating station at a capacity of over 50MW.	The text in blue has been added and the text in red has been deleted in order to address Q1.2.4 of the Examining Authority’s First Written Questions.
Article 11(2) - Certification of plans and documents, etc	(2) Where the construction environment management plan is amended, the undertaker must submit a copy of that amended plan or document, as soon as practicable after the approval of the amendment, to the Secretary of State to be certified under paragraph (1).	A new 11(2) has been added, as shown in blue, to ensure that if the construction environment management plan (CEMP) is amended, the amended version will be submitted to the Secretary of State and re-certified. This is to ensure that there is clarity and certainty in respect of the contents of the CEMP, even where it is amended. As explained in the Applicant’s response to Q1.2.2 of the Examining Authority’s First Written Questions, the Applicant considers that revisions to the CEMP are unlikely in light of the limited nature of construction activities associated with the authorised development, but has included the new 11(2) to apply in the event that such revisions are required.
Secretary of State signature page	Signed by authority of the Secretary of State for Energy Security and Net Zero Business, Energy and Industrial Strategy [Name] Head of Energy Infrastructure Planning	The text in blue has been added and the text in red has been deleted in order to reflect the change to the name of the relevant Government department and to address Q1.2.12 of the Examining Authority’s First Written Questions.

	Date Department for Energy Security and Net Zero Business, Energy and Industrial Strategy	
Schedule 2 – Requirements		
3(1)(a) – Construction	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	The text in blue has been added in order to ensure that all conditions attached to the TCPA permission which should apply during the construction of the authorised development are secured by Requirement 3. This addition was made following Q1.2.4 of the Examining Authority’s First Written Questions and the reason for the inclusion of a reference to condition 20 in Requirement 3(1)(a) is explained in the Applicant’s response to this question.
Deadline 6 – 19 June 2023		
Contents	10.— Defence to proceedings in respect of statutory nuisance 11. 10.Certification of plans and documents, etc. 12. 11. Arbitration 13. 12. Service of notices	The text in blue has been added and the text in red has been deleted to ensure the consistency of numbering within the DCO.
Contents	SCHEDULE 2 – REQUIREMENTS PART 1 – REQUIREMENTS PART 2 – PROCEDURE FOR APPROVAL OF VARIATIONS AND DETAILS AND REVISIONS TO DETAILS APPROVED PART 3 – DISCHARGE OF REQUIREMENTS	The text in blue has been added to ensure that the sub-sections of Schedule 2 are accurately identified in the table of contents.
Introductory paragraphs on page 2	The application was examined by the Examining Authority appointed by the Secretary of State pursuant to section 61(3) and section 65(4) Chapter 3 of Part 6 of the 2008 Act and carried out in accordance with Chapter 4 that of Part 6 of the 2008 Act and with the Infrastructure Planning (Examination) Procedure Rules 2010(1). The Examining	The text in blue has been added and the text in red has been deleted to ensure that the correct legislative references are included in the DCO. This change gives effect to the Examining Authority’s request (DCO-PC01) in the

	Authority has submitted a report to the Secretary of State under section 74(2) 83(1) of the 2008 Act.	Examining Authority's Schedule of Changes to the Draft DCO that the Applicant check all internal references, statutory references and footnotes and ensure that these are correct.
Introductory paragraphs on page 2	The Secretary of State has considered the report and recommendation of the Examining Authority, has taken into account the environmental information in accordance with regulation 4 of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017(2); [and has considered the representations made and not withdrawn] ; and, as a national policy statement has effect in relation to the proposed development, has had regard to the documents and matters referred to in section 104(2)(3) of the 2008 Act.	The text in red has been deleted because there are no outstanding objections to the DCO.
Footnotes on page 2	<p>(b) S.I. 2009/2264, amended by S.I. 2010/439, S.I. 2010/602, S.I. 2012/635, S.I. 2012/2654, S.I. 2012/2732, S.I. 2013/522, S.I. 2013/755, S.I. 2014/469, S.I. 2014/2381, S.I. 2015/377, S.I. 2015/1682, S.I. 2017/524, S.I. 2017/572, S.I. 2018/378, S.I. 2019/734, SI 2020/764, 2020/1534, 2021/978 and 2022/634.</p> <p>(e) Section 61 was amended by Schedule 13, paragraph 18(4) to the Localism Act 2011 and by section 26 of the Infrastructure Act 2015 (e.7).</p> <p>(d) Section 65 was amended by Schedule 13 paragraph 22(2) and Schedule 25, paragraph 1 to the Localism Act 2011 and by section 27(1) of the Infrastructure Act 2015.</p> <p>(c) S.I. 2010/103. This instrument was amended by S.I. 2012/635.</p> <p>(f) Section 74 was amended by Schedule 13(1) paragraph 29(3) and Schedule 25, paragraph 1, to the Localism Act 2011.</p>	<p>The text in blue has been added and the text in red has been deleted to ensure correct statutory references in the DCO.</p> <p>This change gives effect to the Examining Authority's request (DCO-PC01) in the Examining Authority's Schedule of Changes to the Draft DCO that the Applicant check all internal references, statutory references and footnotes and ensure that these are correct.</p>

	<p>(d) S.I. 2017/572, amended by S.I. 2017/1012, S.I. 2018/695, S.I. 2018/834, S.I. 2018/942, S.I. 2018/904, S.I. 2018/1232, S.I. 2020/1534.</p> <p>(e) Section 104(2) was amended by Schedule 13, paragraph 49 to the Localism Act 2011 and s58(5) of the Marine and Coastal Access Act 2009 (c.23).</p> <p>(f) Section 114 was amended by Schedule 13, paragraph 55 of Part 1 of Schedule 13 to the Localism Act 2011, section 115 was amended by paragraph 56 of Part 2 of Schedule 13 and Part 20 of Schedule 25 to the Localism Act 2011 and section 160(2) to (6) of the Housing and Planning Act 2016 (c. 22) and section 43 of the Wales Act 2017 (c.4), and section 120 was amended by section 140 and Schedule 13, paragraph 60 of Part 1 of Schedule 13 of the Localism Act 2011.</p>	
Article 2(1) – Interpretation	<p>“approved generating station plans” means the plans certified as the approved generating station plans named as the (i) East Elevation of Consented Development and Proposed Project and (ii) Plan and East Elevation of Consented Development and Project by the Secretary of State for the purposes of this Order and submitted with the application on 29 September 2022;</p>	<p>The text in blue has been added in order to ensure that documents to be certified pursuant to article 10 of the DCO are clearly defined.</p>
Article 2(1) – Interpretation	<p>“approved variation” means any variations to the TCPA permission or further TCPA permission granted by the relevant planning authority pursuant to section 73 or section 96A of the 1990 Act and in accordance with requirements 8 and 9;”</p>	<p>The text in blue has been added in order to ensure that the determination of any application to vary the TCPA permission or further TCPA permission does not give rise to any materially new or materially different environmental effects from those identified in the ES.</p> <p>This change gives effect to the Examining Authority’s proposed change (DCO-PC02) in the Examining Authority’s Schedule of Changes to the Draft DCO. The Applicant would be content with the Examining Authority’s proposed</p>

		wording, however we have proposed a slight amendment because technically a section 73 or section 96A application is granted <i>pursuant</i> to the TCPA.
Article 2(1) – Interpretation	“construction environmental management plan” means the document certified as the construction environmental management plan by the Secretary of State for the purposes of this Order and submitted with the application on 29 September 2022 including all appendices thereto;	The text in blue has been added in order to ensure that the works are undertaken in accordance with the certified construction environmental management plan. This change gives effect to the Examining Authority’s proposed change (DCO-PC03) in the Examining Authority’s Schedule of Changes to the Draft DCO (with the typo “environmental” addressed and the relevant date included).
Article 2(1) – Interpretation	“environmental statement” means the document certified as the environmental statement by the Secretary of State for the purposes of this Order and submitted with the application on 29 29 September 2022 including all appendices thereto;	The text in blue has been added and the text in red has been deleted to confirm the date on which the environmental statement was submitted to the Secretary of State.
Article 2(1) – Interpretation	“further TCPA permission” means planning permission granted by Slough Borough Council with reference P/00987/025 dated 2 June 2017, and any other approved variations thereto (which shall include for the avoidance of doubt any variations pursuant to Section 73 of the 1990 Act);	The definition of “further TCPA permission” has been amended as shown with the text in blue added and the text in red deleted in order to align with the change to include new procedure for the approval of variations in Part 2 of Schedule 2 of the DCO. This change gives effect to the Examining Authority’s proposed change (DCO-PC04) in the Examining Authority’s Schedule of Changes to the Draft DCO.
Article 2(1) – Interpretation	“land ownership and interests schedule” means the document certified as the land ownership and interests schedule by the Secretary of State for the purposes of this	The text in blue has been added in order to ensure that documents to be certified pursuant to article 10 of the DCO are clearly defined.

	Order and submitted with the application on 29 September 2022 including all appendices thereto;	
Article 2(1) – Interpretation	“requirement consultee” means any body or authority named in a requirement as a body to be consulted by the relevant planning authority in discharging that requirement;	<p>The text in blue has been added for the purpose of defining the term “requirement consultee” which is used in the newly added Part 3 of Schedule 2 of this DCO.</p> <p>This change gives effect to the Examining Authority’s proposed change (DCO-PC06) in the Examining Authority’s Schedule of Changes to the Draft DCO.</p>
Article 2(1) – Interpretation	“TCPA permission” means planning permission granted by Slough Borough Council with reference P/00987/025 dated 2 June 2017, and any other approved variations thereto (which shall include for the avoidance of doubt any variations pursuant to Section 73 of the 1990 Act);	<p>The definition of “TCPA permission” has been amended as shown with the text in blue added and the text in red deleted in order to align with the change to include new procedure for the approval of variations in Part 2 of Schedule 2 of the DCO.</p> <p>This change gives effect to the Examining Authority’s proposed change (DCO-PC05) in the Examining Authority’s Schedule of Changes to the Draft DCO.</p>
Article 10 – Defence to proceedings in respect of statutory nuisance	<p>Defence to proceedings in respect of statutory nuisance 10.—Where proceedings are brought under section 82(1) of the Environmental Protection Act 1990(–) (summary proceedings by persons aggrieved by statutory nuisances) in relation to a nuisance falling within paragraph (g) of section 79(1) of that Act (statutory nuisances and inspections therefor) no order may be made, and no fine may be imposed, under section 82(2) of that Act if—</p> <p>(a) the defendant shows that the nuisance—</p> <p>(i) relates to premises used by the undertaker for the purposes of or in connection with the construction, maintenance or decommissioning of the authorised development and that the nuisance is attributable to the</p>	<p>Article 10 has been deleted entirely as shown in red and subsequent articles have been renumbered accordingly.</p> <p>Article 10 has been deleted because, for the reasons outlined in the Statutory Nuisance Statement and in the Applicant’s response to ExQ1.2.5, a defence is not required or sought for statutory nuisance.</p> <p>This change gives effect to the Examining Authority’s proposed change (DCO-PC07) in the Examining Authority’s Schedule of Changes to the Draft DCO.</p>

	<p>carrying out of the authorised development in accordance with a notice served under section 60 (control of noise on construction sites), or a consent given under section 61 (prior consent for work on construction sites) of the Control of Pollution Act 1974(-); or</p> <p>(ii) is a consequence of the construction, maintenance or decommissioning of the authorised development and that it cannot reasonably be avoided; or</p> <p>(b) the defendant shows that the nuisance—</p> <p>(i) relates to premises used by the undertaker for the purposes of or in connection with the use of the authorised development and that the nuisance is attributable to the use of the authorised development in compliance with condition 20 of the TCPA permission; or</p> <p>(ii) is a consequence of the use of the authorised development and that it cannot reasonably be avoided.</p> <p>(2) Section 61(9) of the Control of Pollution Act 1974 (prior consent for work on construction sites) does not apply where the consent relates to the use of premises by the undertaker for purposes of or in connection with the construction, maintenance or decommissioning of the authorised development.</p>	
<p>Article 11(1) – Certification of plans and documents, etc.</p> <p>(Note that this will become Article 10 following the deletion of former Article 10 (Defence to proceedings in respect of statutory nuisance))</p>	<p>10.—(1) The undertaker must, as soon as practicable after the making of this Order, submit to the Secretary of State copies of—</p> <p>(h) the construction environmental management plan</p>	<p>The text in blue has been added to ensure the document is referred to correctly.</p>
<p>Article 11(2) – Certification of plans and documents, etc.</p>	<p>(2) Where the construction environmental management plan, TCPA permission or the further TCPA permission are is amended, the undertaker must submit a copy of that amended plan or document, as soon as practicable after the</p>	<p>The text in blue has been added and the text in red has been deleted in order to ensure any variations of the TCPA permission and further TCPA</p>

(Note that this will become Article 10 following the deletion of former Article 10 (Defence to proceedings in respect of statutory nuisance))	approval of the amendment, to the Secretary of State to be certified under paragraph (1).	permission become certified documents and to ensure that the CEMP is referred to correctly. This change gives effect to the Examining Authority's proposed change (DCO-PC09) in the Examining Authority's Schedule of Changes to the Draft DCO.
Footnote to Article 13(3) (Note that this will become Article 12(3) following the deletion of former Article 10 (Defence to proceedings in respect of statutory nuisance))	(a) 1978 c. 30.	The text in blue has been added as a footnote to ensure that legislation is referenced correctly.
Schedule 2 – Requirements		
Schedule 2 – Heading and Subheading	SCHEDULE 2 REQUIREMENTS PART 1 REQUIREMENTS	The text in blue has been added and the text in red has been deleted to reflect the fact that Schedule 2 has now been sub-divided into three parts. This change gives effect to the Examining Authority's proposed change (DCO-PC10) in the Examining Authority's Schedule of Changes to the Draft DCO.
1(1)	“condition 17 of the certified TCPA permission” means condition 17 as it appears in the TCPA permission certified pursuant to article 10 10(1) which states-	The text in blue has been added and the text in red has been deleted to ensure the consistency of numbering within the DCO. This change gives effect to the Examining Authority's proposed change (DCO-PC11) in the Examining Authority's Schedule of Changes to the Draft DCO.
1(1)	“certified construction environmental management plan” means the details approved pursuant to condition 17 of the certified TCPA permission and certified pursuant to article 10 10(1);	The text in blue has been added and the text in red has been deleted to correct a typo and to ensure the consistency of numbering within the DCO.

1(1)	<p>“details approved” means details approved pursuant to conditions of the TCPA permission and further TCPA permission as at 26 May 2023, or subsequently in accordance with requirement 9;</p>	<p>The text in blue has been added to ensure clarity and certainty as to the approved details with which the Proposed Development will be required to comply.</p> <p>This change gives effect to the Examining Authority’s proposed change (DCO-PC12) in the Examining Authority’s Schedule of Changes to the Draft DCO.</p>
3(b)	<p>(b) the details approved, including any revisions approved, pursuant to conditions 17 (construction environmental management plan) and 21 (construction compound details) of the TCPA permission.</p>	<p>The text in blue has been added to ensure the relevant document is referred to correctly.</p>
4	<p>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.</p>	<p>Requirement 4 has been deleted entirely as shown in red and the subsequent requirements renumbered accordingly, in order to ensure consistency with other changes made to the DCO which introduce a process for approving revisions to the TCPA permission.</p> <p>This change gives effect to the Examining Authority’s proposed change (DCO-PC14) in the Examining Authority’s Schedule of Changes to the Draft DCO.</p>
<p>Schedule 2, Part 2 Procedure for Approval of Variations and Details and Revisions to Approved Details</p>	<p>PART 2 PROCEDURE FOR APPROVAL OF VARIATIONS AND DETAILS AND REVISIONS TO DETAILS APPROVED</p> <p>Approved variation 8.- (1) The undertaker must submit to the relevant planning authority any application for an approved variation in accordance with this requirement.</p>	<p>The text in blue has been added as a new Part 2 of Schedule 2, new requirements 8 and 9.</p> <p>Requirement 8 has been added to ensure that any approved variations to the TCPA permission or further TCPA permission (pursuant to section 73 or 96A of the 1990 Act) do not give rise to materially new or materially different environmental effects from those identified in the ES for the authorised development.</p>

	<p>(2) When submitting an application to the relevant planning authority for an approved variation, the undertaker must provide written confirmation that the application does not give rise to any materially new or materially different environmental effects to those identified in the environmental statement in respect of the authorised development.</p> <p>(3) The relevant planning authority may only positively determine an application for an approved variation if it is satisfied with the undertaker’s confirmation under sub-paragraph (2).</p> <p>Approved details and revisions to details approved</p> <p>9.- (1) With regard to any details requiring approval pursuant to the TCPA permission or further TCPA permission, the undertaker must not submit to the relevant planning authority for approval any details or revisions to details approved otherwise than in accordance with this requirement.</p> <p>(2) When submitting an application to the relevant planning authority in accordance with sub-paragraph (1), the undertaker must provide written confirmation that the application does not give rise to any materially new or materially different environmental effects to those identified in the environmental statement in respect of the authorised development.</p> <p>(3) The relevant planning authority may only positively determine an application for approval pursuant to this requirement if it is satisfied with the undertaker’s confirmation under sub-paragraph (2).</p>	<p>Requirement 9 has been added to ensure that any details requiring approval pursuant to the TCPA permission or further TCPA permission do not give rise to materially new or materially different environmental effects from those identified in the ES for the authorised development.</p> <p>Requirements 8 and 9 prevent any approved variations or approval of details (or revisions to details) which give rise to impacts in relation to the authorised development which have not been assessed under the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017. This ensures that any approved variations or approval of details remain within the scope of the authorised development that has been assessed and considered by the Secretary of State as decision maker.</p> <p>This change gives effect to the Examining Authority’s proposed change (DCO-PC16) in the Examining Authority’s Schedule of Changes to the Draft DCO, save that:</p> <p>(i) the wording of the first subparagraph of requirement 8 has been amended slightly from the Examining Authority’s proposed wording because the inclusion of the wording “the approved variation is to be taken to include the amendments approved pursuant to this subparagraph” is not required because this is already covered by the definitions of TCPA permission and further TCPA permission; and</p> <p>(ii) subparagraph 9(4) has been added to ensure that it is clear that revisions to details that are</p>
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	<p>(4) Following any approval by the relevant planning authority of any revisions to any details approved pursuant to the TCPA permission or the further TCPA permission, the details approved are taken to include the revisions approved pursuant to this requirement.</p>	<p>approved pursuant to this requirement are applicable going forward.</p>
<p>Schedule 2, Part 3 Discharge of Requirements</p>	<p>PART 3 DISCHARGE OF REQUIREMENTS</p> <p>Applications made under requirements 10.- Where an application has been made to the relevant planning authority for any agreement or approval required pursuant to a requirement included in this Order, the relevant planning authority must give notice to the undertaker of their decision, including the reasons, on the application, within a period of 8 weeks beginning with-</p> <p>(a) the day immediately following that on which the application is received by the relevant planning authority; or (b) such longer period as may be agreed by the undertaker and the relevant planning authority.</p> <p>Further information 11.—(1) Where an application has been made under paragraph 10 the relevant planning authority has the right to request such reasonable further information from the undertaker as is necessary to enable it to consider the application.</p> <p>(2) If the relevant planning authority considers further information is needed, and the requirement does not specify that consultation with a requirement consultee is required, it must, within 14 days of receipt of the application, notify the undertaker in writing specifying the further information required.</p>	<p>The text in blue has been added as a new Part 3 of Schedule 2, new requirements 10, 11, 12, 13 and 14. This has been added in order to set out a procedure for the determination of approvals sought under the requirements, including timings, fees and an ability to appeal. The Applicant has not identified any specific requirements where an approval/discharge procedure is likely to be required but has included these new requirements for completeness.</p> <p>This change gives effect to the Examining Authority’s proposed change (DCO-PC16) in the Examining Authority’s Schedule of Changes to the Draft DCO.</p>

	<p>(3) If the requirement indicates that consultation must take place with a requirement consultee the relevant planning authority must issue the consultation to the requirement consultee within 5 working days of receipt of the application. Where the requirement consultee requires further information they must notify the relevant planning authority in writing specifying the further information required within 14 days of receipt of the consultation. The relevant planning authority must notify the undertaker in writing specifying any further information requested by the requirement consultee within 5 working days of receipt of such a request.</p> <p>(4) In the event that the relevant planning authority does not give such notification as specified in sub-paragraph (2) or (3) it is deemed to have sufficient information to consider the application and is not thereafter entitled to request further information without the prior agreement of the undertaker.</p> <p>Provision of information by requirement consultees</p> <p>12.—(1) Any requirement consultee who receives a consultation under paragraph 11(3) must respond to that request within 21 days from receipt unless sub paragraph (2) of this paragraph applies.</p> <p>(2) Where any requirement consultee requests further information in accordance with the timescales set out in paragraph 11(3) then they must respond to the consultation within 10 working days from the receipt of the further information requested.</p> <p>Fees</p> <p>13.—(1) Where an application is made to the relevant planning authority for agreement or approval in respect of a requirement the fee for the discharge of conditions as</p>	
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	<p>specified in the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012(a) (or any regulations replacing the same) is to be paid by the undertaker to the relevant planning authority in accordance with these regulations.</p> <p>(2) Any fee paid under this Schedule must be refunded to the undertaker within 4 weeks of the application being rejected as invalidly made.</p> <p>Appeal</p> <p>14.—(1) The undertaker may appeal in the event that—</p> <p>(a) the relevant planning authority refuses an application for any consent, agreement or approval required by a requirement included in this Order or grants it subject to conditions; or</p> <p>(b) the relevant planning authority does not give notice of its decision to the undertaker within the time period specified in paragraph 10.</p> <p>(2) The appeal process is to be as follows—</p> <p>(a) the undertaker must submit the appeal documentation to the Secretary of State and must on the same day provide copies of the appeal documentation to the relevant planning authority and any requirement consultee required to be consulted pursuant to the requirement which is the subject of the appeal (together with the undertaker, these are the “appeal parties”);</p> <p>(b) as soon as is practicable after receiving the appeal documentation, the Secretary of State must appoint a person (“the appointed person”) to determine the appeal and must notify the appeal parties of the identity of the appointed person and the address to which all correspondence for their attention should be sent, the date</p>	
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	<p>of such notification being the “start date” for the purposes of this sub-paragraph (2);</p> <p>(c) the relevant planning authority and any requirement consultee required to be consulted pursuant to the requirement which is the subject of the appeal must submit written representations to the appointed person in respect of the appeal within ten working days of the start date and must ensure that copies of their written representations are sent to each other and to the undertaker on the day on which they are submitted to the appointed person;</p> <p>(d) the appeal parties must make any counter-submissions to the appointed person within ten working days of receipt of written representations pursuant to sub-paragraph (2)(c); and</p> <p>(e) the appointed person must make their decision and notify it to the appeal parties, with reasons, as soon as reasonably practicable and in any event within thirty working days of the deadline for the receipt of counter-submissions pursuant to sub-paragraph (2)(d).</p> <p>(3) The appointment of the person pursuant to sub-paragraph (2)(b) may be undertaken by a person appointed by the Secretary of State for this purpose instead of by the Secretary of State.</p> <p>(4) In the event that the appointed person considers that further information is necessary to consider the appeal, the appointed person must notify the appeal parties in writing specifying the further information required and the date by which the information is to be submitted and the appointed person must make any notification and set the date for the receipt of such further information having regard to the timescales in sub-paragraph (2).</p>	
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	<p>(5) Any further information required under sub-paragraph (4) must be provided by the appeal party from whom the further information was requested to the appointed person and other appeal parties on the date specified by the appointed person (the “specified date”), and the appointed person must notify the appeal parties of the revised timetable for the appeal on or before that day. The revised timetable for the appeal must require submission of written representations to the appointed person within ten working days of the specified date but otherwise is to be in accordance with the process and time limits set out in sub paragraphs (2)(c) to (2)(e).</p> <p>(6) On an appeal under this subparagraph, the appointed person may—</p> <ul style="list-style-type: none">(a) allow or dismiss the appeal; or(b) reverse or vary any part of the decision of the relevant planning authority (whether the appeal relates to that part of it or not). <p>(7) The appointed person may proceed to a decision on an appeal taking into account only such written representations as have been sent within the relevant time limits.</p> <p>(8) The appointed person may proceed to a decision even though no written representations have been made within the relevant time limits, if it appears to the appointed person that there is sufficient material to enable a decision to be made on the merits of the case and may deal with the application as if it had been made to the appointed person in the first instance.</p> <p>(9) The decision of the appointed person on an appeal is to be final and binding on the parties, and a court may</p>	
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	<p>entertain proceedings for questioning the decision only if the proceedings are brought by a claim for judicial review.</p> <p>(10) If an approval is given by the appointed person pursuant to this article, it is to be deemed to be an approval for the purpose of Schedule 2 as if it had been given by the relevant planning authority. The relevant planning authority may confirm any determination given by the appointed person in identical form in writing but a failure to give such confirmation (or a failure to give it in identical form) is not to be taken to affect or invalidate the effect of the appointed person's determination.</p> <p>(11) Save where a direction is given pursuant to sub-paragraph (12) requiring the costs of the appointed person to be paid by the relevant planning authority, the reasonable costs of the appointed person must be met by the undertaker.</p> <p>(12) On application by the relevant planning authority or the undertaker, the appointed person may give directions as to the costs of the appeal parties and as to the parties by whom the costs of the appeal are to be paid. In considering whether to make any such direction and the terms on which it is to be made, the appointed person must have regard to Planning Practice Guidance: Appeals (March 2014) or any circular or guidance which may from time to time replace it.</p>	
Footnote to requirement 13(1)	(a) S.I. 2012.2920	The text in blue has been added as a footnote to ensure that legislation is referenced correctly.