



Connah's Quay Low Carbon Power

Consents and Agreement Position Statement

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Planning Act 2008 (as amended)

Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 - Regulation 5(2)(q)

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1. Introduction

1.1 Background

- 1.1.1 This Consents and Agreement Position Statement (**EN010166/APP/3.3**) has been prepared by AECOM on behalf of Uniper UK Limited (the Applicant). It forms part of the application (the Application) for a Development Consent Order (a DCO), that has been submitted to the Secretary of State (the SoS) for The Department for Energy Security and Net Zero (DESNZ), under Section 37 of The Planning Act 2008 (the 2008 Act) (Ref 1).
- 1.1.2 The Applicant is seeking a DCO for the construction, operation (including maintenance) and decommissioning of a proposed low carbon Combined Cycle Gas Turbine (CCGT) Generating Station fitted with Carbon Capture Plant (CCP) (the Connah's Quay Low Carbon Power (CQLCP) Abated Generating Station) and supporting infrastructure (collectively 'the Proposed Development').

1.2 The Proposed Development

- 1.2.1 The CQLCP Abated Generating Station would comprise up to two CCGT with CCP units (and supporting infrastructure) achieving a net electrical output capacity of more than 350 megawatts (MW; referred to as MWe for electrical output) and up to a likely maximum of 1,380 MWe (with CCP operational) onto the national electricity transmission network.
- 1.2.2 Through a carbon dioxide (CO₂) pipeline, comprising existing and new elements, the Proposed Development would make use of CO₂ transport and storage networks owned and operated by Liverpool Bay CCS Limited, currently under development as part of the HyNet Carbon Dioxide Pipeline project (referred to as the 'HyNet CO₂ Pipeline Project'), that will transport CO₂ captured from existing and new industries in North Wales and North-West England, for offshore storage. The captured CO₂ will be permanently stored in depleted offshore gas reservoirs in Liverpool Bay.
- 1.2.3 For the purposes of the electrical connection, National Grid Electricity Transmission plc (NGET), which builds and maintains the electricity transmission network in England and Wales, is responsible for the operation and maintenance of the existing 400 kV NGET Substation.
- 1.2.4 A description of the Proposed Development, including details of maximum parameters, is set out in **Chapter 4: The Proposed Development (EN010166/APP/6.2.4)** of the Environmental Statement (ES) Volume II. At this stage in the development, the design of the Proposed Development incorporates a necessary degree of flexibility to allow for ongoing design development.

1.3 The Applicant

- 1.3.1 The Applicant is a UK-based company, wholly owned by Uniper SE (Uniper) through Uniper Holding GmbH. Uniper is a European energy company with global reach and activities in more than 40 countries. With around 7,500

employees, the company makes an important contribution to security of supply in Europe, particularly in its core markets of Germany, the UK, Sweden and the Netherlands. In the UK, Uniper owns and operates a flexible generation portfolio of power stations, a fast-cycle gas storage facility and two high-pressure gas pipelines, from Theddlethorpe to Killingholme and from Blyborough to Cottam.

- 1.3.2 Uniper is committed to investing more than €8 billion (~£6.9 billion) in growth and transformation projects by the early 2030s and aims to be carbon neutral by 2040. To achieve this, the company is transforming its power plants and facilities and investing in flexible, dispatchable power generation units. Uniper is one of Europe's largest operators of hydropower plants and is helping expand solar and wind power, which are essential for a more sustainable and secure future. Uniper is gradually adding renewable and low-carbon gases such as biomethane to its gas portfolio and is developing a hydrogen portfolio with the aim of long-term transition. The company plans to offset any remaining CO₂ emissions by high-quality CO₂ offsets.

1.4 The Purpose and Structure of this Document

- 1.4.1 This document provides details on additional consents, licences, and permits that the Applicant may need to obtain to enable the construction, operation, maintenance, and decommissioning of the Proposed Development. These are not secured through, or proposed to be consented by, the DCO.
- 1.4.2 Section 37 of the 2008 Act (Ref 1) prescribes information required to accompany an application for an order seeking to grant development consent. The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (APFP Regulations) (Ref 2) also sets out regulations that an application for development consent must comply with. Regulations 5 and 6 of the APFP Regulations explains what information must accompany an application for development consent.
- 1.4.3 In addition, guidance published by the Department for Communities and Local Government: 'Planning Act 2008: Application Form Guidance' (June 2013) (paragraphs 45 and 46) (Ref 1) requires that:

"Where the proposed development will also require other consents, licences, permits, etc, to enable it to be constructed and/or operational, and for which the Secretary of State is not the authorising body under the Planning Act, then the applicant must list and briefly describe these in Box 24. Reference should be made to any that have already been applied for, and a copy enclosed of any that the applicant may already be in the possession of. Such other consents could be required for controlling pollution, for example. The applicant should also, either in Box 24 or elsewhere in one of their application documents, set out whether there are, in principle, any reasons why such consents etc. might not be granted. In providing this information the applicant should reference responses received from the relevant authorising bodies regarding the likelihood of such consents etc. being granted.

This document may be updated during the examination of the Application to demonstrate progress made on obtaining any other necessary consents, licences, or permits."

1.5 The Development Consent Process

1.5.1 Section 33 of the 2008 Act (Ref 1) makes it clear that there is no requirement for certain principal conventional consents to be obtained where a DCO is required to authorise a project (as is the case for the Proposed Development). The intention of the 2008 Act is to encourage as many consents to be 'wrapped up' in a DCO as possible, creating a 'one-stop shop' approach for construction related consents.

1.5.2 In this case, should development consent be granted, it would approve the construction, operation, maintenance, and decommissioning of the Proposed Development as set out in Schedule 1 of the **Draft DCO (EN010166/APP/3.1)** as the authorised development. It would also include powers to:

- undertake works, in, on, or under the streets;
- alter the layout of streets;
- stopping up of streets, public rights of way and rights of navigation;
- temporary restriction of the use of streets;
- power to form and layout a means of access; and
- to place temporary traffic signs and signals in the extents of roads to regulate traffic;

1.5.3 Section 120 of the 2008 Act (Ref 1) explains what may be included in an order granting development consent. Section 120(5) confirms that a DCO may:

“(a) apply, modify or exclude a statutory provision which relates to any matter for which provision may be made in the order;

(b) make such amendments, repeals or revocations of statutory provisions of local application as appear to the Secretary of State to be necessary or expedient in consequence of a provision of the order or in connection with the order;

(c) include any provision that appears to the Secretary of State to be necessary or expedient for giving full effect to any other provision of the order;

(d) include incidental, consequential, supplementary, transitional or transitory provisions and savings.”

1.5.4 In accordance with section 120 of the 2008 Act, the **Draft DCO (EN010166/APP/3.1)** would authorise the disapplication of the following local legislation:

- Wrexham, Mold and Connah's Quay Railway (Extension) Act 1864 (Ref 3);
- Wrexham, Mold and Connah's Quay Railway (Dee Valley Branch) Act 1865 (Ref 4);
- Wrexham, Mold and Connah's Quay Railway (Extension) Act 1865 (Ref 5);

- Wrexham, Mold and Connah's Quay Railway (Additional Powers) Act 1866 (Ref 6);
- Wrexham, Mold and Connah's Quay Railway (Extension of Time) Act 1867 (Ref 7);
- River Dee Company (Amendment) Act 1868 (Ref 8);
- Wrexham, Mold and Connah's Quay Railway (Arrangement) Act 1869 (Ref 9);
- Wrexham, Mold and Connah's Quay Railway Act 1873 (Ref 10);
- Wrexham, Mold and Connah's Quay Railway Act 1882 (Ref 11);
- Wrexham, Mold and Connah's Quay Railway Act 1883 (Ref 12);
- Wrexham, Mold and Connah's Quay Railway (Capital Arrangements) Act 1883 (Ref 13);
- Wrexham, Mold and Connah's Quay Railway Act 1888(b) (Ref 14);
- Dee Conservancy 1889(c) (Ref 15); and
- Dee and Clwyd River Authority Act 1973 (Ref 16);

1.5.5 The **Draft DCO (EN010166/APP/3.1)** also proposes the disapplication of the following:

- the provision of any byelaws made under, or having effect as if made under, paragraphs 5,6 and 6A of Schedule 25 (byelaw making powers of the authority) of the Water Resources Act 1991 (Ref 17);
- the provisions of any byelaws made under section 66 (powers to make byelaws) of the Land Drainage Act 1991 (Ref 18);
- the provisions of the Neighbourhood Planning Act 2017 (Ref 19) relating to the temporary possession of land under articles 36 (temporary use of land for carrying out the authorised development) and 37 (temporary use of land for maintaining the authorised development);
- section 141 of the Highways Act 1980 (Ref 20) to the extent that any tree or shrub planted has been planted with the agreement of the highway authority;
- any building authorised would be classified as exempt works not triggering the payment of a Community Infrastructure Levy (CIL) payment under regulation 6 of the CIL Regulations 2010 (Ref 21); and
- section 42 of the Local Government (Miscellaneous Provisions) Act 1976 (Ref 22) has been disapplied to the extent that it would make provisions of the Order authorising the construction, operation and maintenance and decommissioning of the authorised development subject to other provisions.

1.5.6 The **Draft DCO (EN010166/APP/3.1)** would remove the need for a felling licence to fell trees following the grant of development consent through the extension of powers under section 9(4)(d) of the Forestry Act 1967 to works undertaken pursuant to the DCO (Ref 23) and would authorise amendments

to the Hedgerows Regulations 1997 (Ref 24) providing deemed consent for the removal of hedgerows.

- 1.5.7 Section 150 of the 2008 Act (Ref 1) and Regulation 5 of the Infrastructure Planning (Interested Parties and Miscellaneous Prescribed Provisions) Regulations 2015 (Ref 25) provide that an order granting development consent may include provisions that remove the need for a prescribed consent or authorisation to be granted by a relevant body. This is subject to the regulatory body having agreed to the disapplication of separate consent and subject to agreement having been reached with that party for authorisation to be secured within the DCO.
- 1.5.8 The more recently published pre-application prospectus issued by the Planning Inspectorate (paragraph 017) (April 2024) (Ref 26) reaffirms the procedure and mechanisms for securing other consents, licences and permits outside of the DCO.
- 1.5.9 The Applicant proposes to use the **Draft DCO (EN010166/APP/3.1)** to disapply the following prescribed consents. The Applicant has engaged and agreed with Natural Resource Wales to this approach prior to the submission of the application:
- the requirement to obtain consent pursuant to section 28E (duties in relation to sites of special scientific interest) of the Wildlife and Countryside Act 1981 (Ref 27);
 - the provisions of any byelaws made under, or having effect as if made under, paragraphs 5, 6 or 6A of Schedule 25 (byelaw making powers of the authority) to the Water Resources Act 1991 (Ref 17);
 - section 23 (prohibition on obstructions etc. in watercourses) of the Land Drainage Act 1990 (Ref 18); and
 - Regulation 5 (removal of hedgerows) of the Hedgerows Regulations 1997 (Ref 24)
- 1.5.10 Section 4.7 of the **Explanatory Memorandum (EN010166/APP/3.2)** comprises a full explanation of the disapplication and modification of existing legislation to be secured through the Order.

2. Other Consents, Licences and Permits

2.1 Overview

- 2.1.1 The principal consent for the Proposed Development is the **Draft DCO (EN010166/APP/3.1)**. The DCO process enables land acquisition, along with consents and powers, to be dealt with at the same time. The **Explanatory Memorandum (EN010166/APP/3.2)** and **Statement of Reasons (EN010166/APP/4.3)** provide further explanation and case making as to the powers included within the **Draft DCO (EN010166/APP/3.1)**. However, in some cases the 2008 Act does not allow for a certain consent to be included. Similarly, a consenting body can choose not to allow the inclusion of a certain consent within the DCO, or it may be inappropriate for an applicant to provide the level of information necessary at application stage for a consent to be included.
- 2.1.2 **Table 1** lists the type of consents, licences, and permits that are, or may be, required; the relevant consenting body, any agreement that has been reached with that body; actions to be undertaken; and the status of the relevant application (e.g., the anticipated application submission date). This list of consents is not exhaustive but is based on the Applicant's understanding of the Proposed Development. Where circumstances change, further consents may be required which will be discussed with the applicable statutory bodies. The Examining Authority will also be informed if this is the case.
- 2.1.3 Decommissioning of the Proposed Development is included within **Table 1**, though these consents, licences or permits are not expected for approximately 30 years, by which time the permits required may be different or no longer needed.

2.2 Consents

- 2.2.1 The majority of consents required are included within the **Draft DCO (EN010166/APP/3.1)** and are in accordance with the provisions of the 2008 Act. The **Draft DCO (EN010166/APP/3.1)** includes the following powers:
- Power to carry out all permanent and temporary works for the Proposed Development as set out in Schedule 1 of the Draft DCO (equivalent to planning permission). Article 3 of the **Draft DCO (EN010166/APP/3.1)** is the principal power in this regard;
 - Power to carry out street works equivalent to the powers set out by the New Road and Street Works Act 1991. Article 12 (street works) of the Draft DCO (**EN010166/APP/3.1**) provides this power;
 - Power to alter the layout of streets and to form new, or alter or improve existing, accesses to the highway equivalent to powers contained in the Highways Act 1980 (Ref 20). Article 13 (Power to alter layout, etc., of streets) of the **Draft DCO (EN010166/APP/3.1)** provides this power;
 - Power to temporarily close, alter and divert any public right of way or right of navigation equivalent to powers contained in the Highways Act

1980 (Ref 20) is secured by the powers set out in Article 15 of the **Draft DCO (EN010166/APP/3.1)**;

- Traffic regulation measures required during construction that are equivalent to Traffic Regulation Orders made under the Road Traffic Regulation Act 1984 (Ref 29). Article 20 (Traffic Regulation) of the **Draft DCO (EN010166/APP/3.1)** provides this power;
- Compulsory acquisition of land and or rights over land, and the temporary possession of land. Articles 25 (compulsory acquisition of land), 27 (compulsory acquisition of rights and restrictive covenants), 36 (temporary use of land for carrying out the authorised development) and 37 (temporary use of land for maintaining the authorised development) of the **Draft DCO (EN010166/APP/3.1)** provide these powers; and
- Consent to fell trees and remove hedgerows equivalent to consent secured through the Hedgerow Regulations 1997 (Ref 24). Article 42 (felling or lopping of trees and removal of hedgerows) of the **Draft DCO (EN010166/APP/3.1)** provides this power.

2.2.2 **Table 1** of this Consents and Agreement Position Statement includes those consents that would likely be required to be secured outside of the DCO.

2.3 Agreements

2.3.1 Consultation and engagement with key stakeholders forms an important part of the DCO process. The preparation of Statements of Common Ground (SoCG) with relevant prescribed consultees, statutory undertakers, stakeholders, and local authorities forms part of this. The SoCG is an important tool to identify the matters on which there is agreement. The purpose of the SoCG is to narrow down issues of disagreement throughout the examination. The SoCGs set out the points that are agreed between the relevant parties and identify any remaining matters of difference or dispute between the Applicant and the relevant body, so as to narrow the focus for the examination. Initial SoCGs have been progressed by the Applicant with the following stakeholders:

- Flintshire County Council (**EN010166/APP/7.13**);
- Natural Resources Wales (**EN010166/APP/7.14**);
- Cadw (**EN010166/APP/7.15**);
- Royal Society for the Protection of Birds (**EN010166/APP/7.16**);
- Deeside Naturalists Society (**EN010166/APP/7.17**);
- Network Rail Infrastructure Limited (**EN010166/APP/7.18**);
- National Grid Electricity Transmission Plc (**EN010166/APP/7.19**);
- Scottish Power Energy Networks (SPEN) (**E010166/APP/7.20**);
- National Gas Transmission Plc (**EN010166/APP/7.21**);
- ENI UK Limited (**EN010166/APP/7.22**);
- Dee Conservancy (**EN010166/APP/7.23**);
- Port of Mostyn (**EN010166/APP/7.24**); and

- Liverpool Bay CCS Limited (**EN010166/APP/7.25**)
- 2.3.2 The Proposed Development proposes to secure a planning obligation in the form of an off-site financial contribution secured for mitigation against the effects associated with changes in air quality to the Dee Estuary/Aber Afon Dyfrdwy SSSI. The Applicant considers that this planning obligation would be lawful and in accordance with Regulation 122 of the Community Infrastructure Levy Regulations 2010 (Ref 21) being:
- necessary to make the development acceptable in planning terms;
 - directly related to the development; and
 - fairly and reasonably related in scale and kind to the development.
- 2.3.3 The **Land Rights and Negotiations Tracker (EN010166/APP/4.4)** also sets out the status of negotiations with affected parties with an interest in land falling within the Order limits and whether voluntary agreement has been reached to acquire the relevant interests in land, rights over land, and temporary use of land, by private treaty to ensure the delivery of the Proposed Development.
- 2.3.4 The Applicant will provide updates on the progress and completion of these agreements throughout the examination and will update this Consents and Agreement Position Statement, as necessary.

Table 1: Other Consents and Licences

No.	Consent / Licence / Permit	Relevant Legislation/ Guidance	Relevant Body	Development Component	Requirement for Consent/ Licence	Status / Comment	Anticipated Timescales
1	Electricity Generating Licence	Section 6 of The Electricity Act 1989 (licences authorising supply, etc.)	Office of Gas and Electricity Markets (OFGEM)	Licence required for the generation of electricity by the electricity generating station (Work No. 1)	Required prior to operation	The Applicant holds Generation Licence.	To be applied for prior to commissioning of the Proposed Development.
2	Connection Agreement for connection to the Electricity Transmission	Connections and Use of Systems Code (CUSC)	National Grid Electricity System Operator (NGESO)	Required in connection with the Electrical Connection Works (Work No. 2b)	Required prior to construction	A signed Bilateral Connection Agreement is in place between the Applicant and NESO for the required export capacity.	The Applicant is in the process of modifying its Grid Connection Agreement to accommodate the Proposed Development, but this does not affect the total amount of export capacity required.
3	Hazardous Substance Consent	Sections 4 and 6 of The Planning (Hazardous Substances) Act 1990 & Schedule 1 of The Planning (Hazardous Substances) Regulations 2015	Flintshire County Council (FCC) who would consult the Health and Safety Executive (HSE)	Main Development Area chemical storage	Required prior to operation	Not yet progressed	Would be applied for during construction of the Proposed Development.
4	The Control of Major Accident Hazards (COMAH) Licence	The Control of Major Accident Hazards (COMAH) Regulations 2015	HSE	Main Development Area	Licence required prior to operation. Notification required prior to construction	Cannot progress until detailed design stage	Notification to be made if required prior to construction of the Proposed Development. Would be applied for during construction once the volumes of hazardous substances to be stored on site are known.
5	Health and Safety related consents	Health and Safety at Work Act 1974, and Construction (Design and Management Regulations) 2015 and other subsidiary legislation	HSE	To ensure that the construction of the Proposed Development is in accordance with HSE requirements supported by the detailed Final Construction Traffic Management Plan (CTMP) and Construction Environmental Management Plan	Required prior to construction	Not yet progressed	Application to be submitted prior to commencement of construction of the Proposed Development.

No.	Consent / Licence / Permit	Relevant Legislation/ Guidance	Relevant Body	Development Component	Requirement for Consent/ Licence	Status / Comment	Anticipated Timescales
				(CEMP) that are be secured by requirements in the Draft DCO (EN010166/APP/3.1)			
6	Construction Noise Consent	Section 61 of The Control of Pollution Act 1974	Flintshire County Council (FCC) (Environmental Health)	May be required prior to construction of the Proposed Development for certain activities	May be required prior to construction	No action required at present	Would be applied for prior to the start of construction, or prior to specific construction activity.
7	Permit for Transport of Abnormal Loads	The Road Vehicles (Authorisation of Special Types) (General) Order 2003 or The Road Traffic Act	Vehicle Certification Agency (VCA) (the Executive Agency of the Department for Transport), the Local Highway Authority (LHA) and the North and Mid Wales Trunk Road Agent (NMWTRA)	Local highways network	Required prior to Construction and potentially required prior to major outages during operation of the Proposed Development	Not yet required - the need will be determined by EPC contractor. Details for the management of Abnormal Loads and Abnormal Indivisible Loads ('AILs') are secured within the CTMP requirement in Schedule 2 to the Draft DCO (EN010166/APP/3.1) .	A permit(s) would be sought once the number and type of Abnormal Loads and AILs has been established following appointment of the contractor.
8	Building Regulations Approval	Approval The Building Regulations 2010 (as amended)	Local Authority (FCC) or Approved Inspector	Will be required in respect of buildings and structures forming part of the Proposed Development	Required prior to operation	Not yet required	Buildings Regulations Approval would be sought prior to and during the construction phase of the Proposed Development.
9	Environmental Permit (for operation of the Connah's Quay Low Carbon Power (CQLCP) Abated Generating Station	The Environmental Permitting Regulations 2016 (England and Wales)	NRW	A bespoke permit will be required for the operation	Required prior to operation	Application in progress	Submitted Q3/4 2025
10	Water Abstraction Licence	Sections 24 and 25 of The Water Resources Act 1991 (as amended)	NRW	An abstraction licence will be required to provide cooling water for the Proposed Development	Required prior to construction	The existing license from the Connah's Quay Power Station and associated abstraction limits and location would be unchanged during operation of the Proposed Development, with water being supplied from the existing infrastructure	License held by existing Connah's Quay Power Station

No.	Consent / Licence / Permit	Relevant Legislation/ Guidance	Relevant Body	Development Component	Requirement for Consent/ Licence	Status / Comment	Anticipated Timescales
11	Groundwater Abstraction Licence	Environmental Permitting (England and Wales) Regulations 2016	NRW	A groundwater abstraction licence may be required for construction activities (i.e. dewatering) depending on the abstraction volume ($>20\text{m}^3/\text{d}$) and duration of abstraction	Required prior to construction	Not yet required	Would be applied for prior to the start of construction of the Proposed Development.
12	Environmental Permit (Flood Risk Activities)	The Environmental Permitting (England and Wales) Regulations 2016	NRW	Required for works close proximity to main rivers and flood defences	Required prior to construction	Not yet required	Where required, application submission will be at least 2 months prior to start of construction of the Proposed Development.
13	Environmental Permit (for discharge to surface water)	The Environmental Permitting (England and Wales) Regulations 2016	NRW	Will be required for the discharge of cooling water	Required prior to operation	The existing Environmental Permit for discharge to the River Dee would be complied with. Conditions to be put in place to control discharge of water from the Proposed Development into the existing infrastructure.	Permit held by existing Connah's Quay Power Station
14	Gas Safety Case	The Gas Safety (Management) Regulations 1996 (Regulation 3)	HSE	Will be required in connection with the Proposed Gas Connection	Required prior to construction	Not yet progressed. A safety case must be prepared and submitted to the HSE for approval prior to gas being conveyed. An exemption may apply due to the continuance of natural gas supply to the Proposed Development Site during construction.	Safety case will be submitted prior to commencement of construction of the Proposed Gas Connection, if determined to be required.
15	Pipeline Safety Notification	The Pipeline Safety Regulations 1996 (Regulation 20)	HSE	Will be required in connection with the Proposed Gas Connection (Work No. 2a)	Required prior to construction	Not yet progressed. HSE must be notified a minimum of 6 months prior to commencement of construction of the Proposed Gas Connection.	HSE will be notified a minimum of 6 months prior to commencement of construction of the Proposed Gas Connection.

No.	Consent / Licence / Permit	Relevant Legislation/ Guidance	Relevant Body	Development Component	Requirement for Consent/ Licence	Status / Comment	Anticipated Timescales
16	Fire Notice	The Regulatory Reform (Fire Safety) Order 2005	Local fire and rescue authority	Main Development Area	Required prior to construction	Not yet progressed	Would be applied for prior to the start of construction, or prior to specific construction activities, if required.
17	Marine Licence	Marine and Coastal Access Act 2009	Marine Management Organisation (MMO)	Any works within the UK Marine Area	Required prior to construction	Not yet progressed	Would be applied for prior to the start of construction below the Mean High Water Springs (MHWS)
18	New water mains connection	The Water Industry Act 1991	Welsh Water	The Main Development Area	Required prior to construction	Not yet progressed	EPC Contractor will submit application prior to construction of the Proposed Development.
19	Protected species licence	The Conservation of Habitats and Species Regulations 2017 Wildlife and Countryside Act 1981 Protection of Badgers Act 1992	NRW	It is not anticipated that any protected species licence will be required.	If future surveys identify any protected species, an application will be made for a protected species licence prior to the commencement of construction. This will be undertaken by the appointed contractor	Prior to and during the construction phase of the Proposed Development.	EPC Contractor will submit application prior to construction of the Proposed Development.

3. References

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