

Connah's Quay Low Carbon Power

Green Infrastructure Statement

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1. Introduction

1.1 Purpose of this document

1.1.1 This document has been prepared by Uniper UK Limited (the Applicant) to outline the provision of Net Benefit for Biodiversity (NBB) and Green Infrastructure (GI) to support the Development Consent Order (DCO) for the Connah's Quay Low Carbon Plant (herein referred to as the Proposed Development). This responds to the Welsh Government's policy requirements for delivering NBB and GI in Wales, as set out in Planning Policy Wales, Edition 12 (PPW 12) (Ref 1).

1.1.2 This report (hereafter referred to as the 'GI Statement') combines the outputs of the NBB assessment and GI statement outputs into a single document.

1.2 The Applicant's position for NBB and GI

1.2.1 Under the Environment (Wales) Act 2016 (Ref 2) and PPW 12 (Ref 1), Nationally Significant Infrastructure Projects (NSIPs) in Wales are required to deliver a NBB and improve ecosystem resilience, proportionate to the scale and nature of the development. The Applicant is committed to achieving this net benefit in proportion to the Proposed Development's impact to biodiversity.

1.3 Background

1.3.1 The findings of this GI Statement have informed the design of the Proposed Development, detailing the positive benefit for biodiversity and the required long-term management to support the longevity of the habitats proposed.

1.3.2 Habitat creation and enhancement measures, both onsite and offsite measures, are proportionate to the scale and nature of the Proposed Development. These measures are tailored to locally valuable ecological features, including those referenced in the Flintshire County Council (FCC) Biodiversity Plan 'Supporting Nature in Flintshire' (Ref 3).

1.3.3 This document should be read in conjunction with the following documents included within the **Environmental Statement (ES)** and wider Application:

- **Chapter 11: Terrestrial and Aquatic Ecology (EN010166/APP/6.2.11);**
- **Chapter 12: Marine Ecology (EN010166/APP/6.2.12);**
- **Chapter 13: Water Environment and Flood Risk (EN010166/APP/6.2.13);**
- **Chapter 14: Geology and Ground Conditions (EN010166/APP/6.2.14);**
- **Chapter 15: Landscape and Visual Amenity (EN010166/APP/6.2.15);**
- **Chapter 20: Climate Change (EN010166/APP/6.2.20);**

- **Appendix 15-G: Arboriculture Impact Assessment (EN010166/APP/6.4);**
- **Outline Landscape and Ecological Management Plan (LEMP) (EN010166/APP/6.9); and**
- **Offsite Net Benefit for Biodiversity and Green Infrastructure Delivery Strategy (EN010166/APP/6.14).**

1.4 Rationale and Objectives

1.4.1 This GI Statement responds to the Welsh Government's approach to delivering NBB and GI in Wales (Ref 2). The following legislation and policy collectively ensure that developments must maintain and enhance biodiversity and create resilient ecological networks:

- Environment (Wales) Act 2016 (Ref 2);
- Well-Being of Future Generations (Wales) Act 2015 (Ref 4);
- Planning Policy Wales (PPW). Edition 12 (2024) (Ref 1); and
- Future Wales. The National Plan 2040 (2021) (Ref 6).

1.4.2 The objectives of the NBB Assessment are to demonstrate how the Proposed Development will:

- 1 - apply the Stepwise Approach;
- 2 - utilise the Diversity, Extent, Condition, Connectivity and Aspects of Ecosystem Resilience (DECCA) framework to promote ecosystem resilience with regards to green infrastructure;
- 3 - achieve a NBB, including through the provision of biodiversity mitigation or restoration, enhancement, and or creation; and
- 4 - demonstrate that a proportional management and monitoring plan would be implemented for any net benefit achieved.

1.4.3 The objectives of the GI Statement are to demonstrate how the Proposed Development has:

- 1 – identified priorities of green infrastructure, and
- 2 - consider how significant benefits can be delivered through green infrastructure, paying due regard to the building with nature standard framework (BwNSF) (Ref 7).

1.5 Proposed Development

1.5.1 The Connah's Quay Low Carbon Plant (CQLCP) Abated Generating Station would comprise up to two Combined Cycle Gas Turbines (CCGT) with Carbon Capture Plant (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.

- 1.5.2 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.
- 1.5.3 For the purposes of the electrical connection, National Grid Electricity Transmission plc (NGET), which builds and maintains the electricity transmission networks, is responsible for the operation and maintenance of the existing 400 kV NGET Substation.
- 1.5.4 A description of the Proposed Development, including details of maximum parameters, is set out in **Chapter 4: The Proposed Development** of the **ES** (**EN010166/APP/6.2.4**). At this stage in the development, the design of the Proposed Development incorporates a necessary degree of flexibility to allow for ongoing design development, which would adhere to the overall set parameters included within the DCO.

1.6 The Order limits

- 1.6.1 **Figure 3-3: Areas Described in the ES (EN010166/APP/6.3)**, identifies the different components of the Proposed Development and Order limits which are referenced throughout this document. These comprise:
 - The Construction and Operation Area:
 - Main Development Area;
 - Construction and Indicative Enhancement Area (C&IEA);
 - Water Connection Corridor;
 - Proposed CO₂ Connection Corridor;
 - Repurposed CO₂ Connection Corridor;
 - Electrical Connection Corridor;
 - Access to the Main Development Area;
 - The Accommodation Work Areas.
- 1.6.2 As described in **Chapter 5: Construction Management and Programme** (**EN010166/APP/6.2.5**) of the **ES**, the construction works are focused within the Construction and Operation Area, with the Accommodation Work Areas limited to works to facilitate the delivery of Abnormal Indivisible Loads (AILs). The Accommodation Works will be limited in scale and will not result in permanent changes to habitats. On this basis, this assessment focusses on the Construction and Operation Area.
- 1.6.3 The selected off-site delivery area is located northwest of Gronant Fields, Prestatyn. Whilst this land is outside of the Order limits, the Applicant is in the process of agreeing a voluntary agreement to purchase the required land.

1.7 The Applicant

- 1.7.1 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.
- 1.7.2 Uniper is committed to investing around €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 further 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 a long-term transition. The company plans to offset any remaining CO₂ emissions by high-quality CO₂-offsets.

2. Policy Requirements and Legislation

2.1 Biodiversity policy and legislation

Overview

2.1.1 This Section sets out the planning policy and legislative requirements considered relevant to the delivery of NBB and GI both on and off-site as part of the Proposed Development.

Flintshire County Council Local Planning Policy

2.1.2 The Flintshire Local Development Plan, adopted in 2023 (covering the period 2015 to 2030) contains the following policies that are relevant to NBB (Ref 8):

- STR13: Natural and Built Environment, Green Networks and Infrastructure; and
- STR14: Climate Change and Environmental Protection.

2.1.3 The following key points within Policy STR13 are considered relevant to this GI Statement: '*Development should:*

- *protect open countryside and the undeveloped coastline;*
- *protect the open character and appearance of green wedges;*
- *conserve, protect and enhance the quality and diversity of Flintshire's natural environment including landscape, biodiversity, the Dee Estuary and the Clwydian Range and Dee Valley AONB;*
- *promote opportunities to enhance biodiversity and ensure resilience;*
- *maintain, enhance and contribute to green infrastructure;*
- *create and protect green spaces and open space / play environments that encourage and support good health, well-being and equality;*
- *conserve, protect and enhance the local distinctiveness and quality of Flintshire's built and historic environment including listed buildings, conservation areas, registered historic parks, gardens and landscapes, scheduled ancient monuments and other locally important historic assets;*
- *make financial contributions where appropriate, to facilitate and maintain the favourable conservation status of key environmental assets;*
- *support measures to minimise the consequences of climate change.'*

2.1.4 The following key points within Policy STR14 are considered relevant to this GI Statement:

'The Council will seek to mitigate the effects of climate change and ensure appropriate environmental protection in the County through:

- *ensuring new development is sustainably located and designed so as to reduce the need for travel by private car;*
- *encouraging the use and development of appropriate or suitable brownfield land;*
- *adopting a sustainable approach to water resource management including supply, surface water run-off and waste water treatment;*
- *directing development away from flood risk areas, assessing the implications of development in areas at risk of flooding and ensuring that new development does not increase the risk of flooding elsewhere;*
- *encouraging energy efficient development, environmentally acceptable renewable and zero / low carbon energy generation and combined heat and power and communal / district heating networks;*
- *ensuring that new development has regard to the protection of the environment in terms of air, noise and light pollution, unstable and contaminated land and former landfill sites;*
- *designing development to be adaptable and resilient to future effects of climate change.'*

Denbighshire Local Planning Policy

2.1.5 An area of off-site compensation has been identified to support the temporary and permanent impact of habitats that cannot be compensated for within the Order limits, inclusive of an area of functionally linked land (FLL), to support offsetting measures for Curlew (*Numenius Arquata*) and qualifying ecological features within the Dee Estuary / Aber Dyfrdwy Special Protection Area (SPA) / Ramsar site (see paragraph 1.1.1). The off-site area is located within Prestatyn and falls under Denbighshire County Council (DCC). For further details on off-site delivery see Section 7.3 of the **Offsite Net Benefit for Biodiversity and Green Infrastructure Delivery Strategy (EN010166/APP/6.14)**.

2.1.6 The Denbighshire Local Development Plan is currently under review and pending updates. In the interim the adopted local development plan (2006-2021) (Ref 25) has been used to identify opportunities for biodiversity within the local area. The following policies are relevant for NBB:

- Policy RD 1 Sustainable development and good standard design;
- Policy VOE 1 Key areas of importance;
- Policy VOE 2 Area of Outstanding natural beauty and area of outstanding beauty; and
- Policy VOE 5 Conservation of natural resources.

2.1.7 In addition, the Denbighshire supplementary planning guidance on Conservation and Biodiversity Enhancement (Ref 10) has been applied to relevant habitat enhancement works within the compensation area.

Area Statements

2.1.8 Natural Resources Wales (NRW) has produced Area Statements under Section 11 of the Environment (Wales) Act 2016 (Ref 2) to implement the National Natural Resources Policy (Ref 11). Each Area Statement outlines the key challenges facing localities and provides guidance on what can be done to meet those challenges and how natural resources can be better managed. Area Statements should be used as an important source of information for planning of green infrastructure and net benefit (Ref 12).

2.1.9 The Proposed Development Site and off-site compensation area fall within the North East Wales Area Statement (Ref 13), which identifies five key themes:

- Climate Emergency: Resilience and Adaptation;
- Develop and Improve Urban/Rural Green Infrastructure;
- Increasing Woodland Cover for Social, Environmental and Economic Benefits;
- Promoting the Resilience of Ecosystems in Maintaining and Enhancing Biodiversity; and
- Protecting Water and Soil through Farming and Sustainable Land Management.

2.1.10 Relevant opportunities identified include:

- developing resilient ecological networks;
- improving the quality and quantity of water;
- improving the management of existing woodlands and more widespread use of trees;
- safeguarding and increasing carbon stores in soils and biomass;
- maintaining, enhancing and creating riparian zones;
- increasing urban tree canopy; and
- improve opportunities for community growth and delivery of green infrastructure at a community level.

National Planning Policy Statements for Energy

2.1.11 The National Policy Statements (NPS) for Energy (NPS EN-1 to NPS EN-5) (Ref 14) provide the primary basis for decision-making on applications for energy NSIPs by the Secretary of State.

2.1.12 NPS EN-1 sets out overarching policy requirements for energy NSIPs required to achieve the Government's statutory commitments for net zero. Carbon Capture and Storage (CCS) infrastructure is recognised in the NPS as infrastructure of 'critical national priority (CNP)'. This reflects infrastructure that is a critical requirement for both energy security and net zero. Section 3.3.63 of EN-1 states '*Subject to any legal requirements, the urgent need for CNP Infrastructure to achieving our energy objectives, together with the national security, economic, commercial, and net zero benefits, will in general outweigh*

any other residual impacts not capable of being addressed by application of the mitigation hierarchy. Government strongly supports the delivery of CNP Infrastructure, and it should be progressed as quickly as possible' (Ref 15)

2.1.13 NPS EN-1 Section 1.3.5 states '*Where the need for a particular type of energy infrastructure set out above is established by this NPS, but that type of infrastructure is outside the scope of one of the technology specific NPSs, this NPS (EN-1) alone will have effect and will be the primary basis for Secretary of State decision making. This will be the case for, but is not limited to, unconventional hydrocarbon extraction sites, hydrogen pipeline and storage infrastructure, Carbon Capture Storage (CCS) pipeline infrastructure and other infrastructure not included in EN-2 or EN-3.*' (Ref 16; Ref 17).

Context of Wales

2.1.14 NPS EN-1 includes requirements which reflect planning policy in the devolved nations. It states in section 1.4.1 '*The Secretary of State will decide all applications for NSIPs in England and Wales, adjacent territorial waters or in the UK Renewable Energy Zone (REZ) (defined in section 84(4) of the Energy Act 2004) (Ref 18) except any part in relation to which Scottish Ministers have functions.*'

2.1.15 Section 1.4.3 provides further direction relevant to Wales, stating, '*The Secretary of State has no functions in relation to planning applications in Wales that do not relate to nationally significant infrastructure. In Wales, the Secretary of State will not examine applications for LNG facilities, gas reception facilities or gas transporter pipelines. The Secretary of State will only examine applications for underground gas storage facilities in Wales, where the applicant is a licensed gas transporter, and the storage is in natural porous strata (rather than in cavities); precise details are set out in EN-4 (Ref 19) and section 17 of the Planning Act 2008*' (Ref 20) and '*The Secretary of State will only examine electricity generating stations in Wales, in territorial waters adjacent to Wales or in the Welsh Zone if their capacity is greater than 350MW (s1.4.4).*'

2.1.16 As stated in the Connah's Quay Low Carbon Power Scoping Report (Planning Inspectorate (PINS) reference EN010166), '*The Proposed Development falls within the definition of NSIP under Sections 14(1)(a) and 15(1) and (3A) of the 2008 Act as it is for the construction of an onshore generating station in Wales, that does not generate electricity from wind, and which has a capacity of more than 350 megawatts (MW).*' Therefore, NPS EN-1 to EN-4 apply to the Proposed Development.

Environmental and biodiversity net gain

2.1.17 NPS EN-1 section 4.6 provides direction for NSIPs on environmental and biodiversity net gain (Ref 2).

2.1.18 It states '*Energy NSIP proposals, whether onshore or offshore, should seek opportunities to contribute to and enhance the natural environment by providing net gains for biodiversity, and the wider environment where possible*' (s4.6.6).

2.1.19 NPS EN-1 recognises the differences in approach to quantifying net gains in the devolved nations, reflecting the following for England and Wales respectively in sections 4.6.7 and 4.6.9:

- *'In England applicants for onshore elements of any development are encouraged to use the latest version of the biodiversity metric to calculate their biodiversity baseline and present planned biodiversity net gain outcomes. This calculation data should be presented in full as part of their application.'*
- *'In Wales, applicants should consider the guidance set out in Section 6.4 of Planning Policy Wales and the relevant policies in the Wales National Marine Plan.'*

National Planning Policy (Wales)

2.1.20 The Environment (Wales) Act 2016 sets out the legal framework for the management of Wales' natural resources (Ref 2). It delivers against the Welsh Government's Programme for Government commitment to introduce new legislation to protect the environment. This positions Wales as a low-carbon, green economy, ready to adapt to the impacts of climate change. Section 6 under Part 1 of the Environment (Wales) Act introduced an enhanced duty (the 'S6 duty' or 'Section 6 Duty') for public authorities in the exercise of functions in relation to Wales (Ref 2; Ref 21). The S6 duty requires that public authorities '*must seek to maintain and enhance biodiversity so far as consistent with the proper exercise of their functions and in so doing promote the resilience of ecosystems*'.

The Well-Being of Future Generations (Wales) Act 2015

2.1.21 The Well-being of Future Generations (Wales) Act 2015 aims to improve the social, economic, environmental, and cultural well-being of Wales (Ref 4). The Act emphasises the importance of maintaining and enhancing biodiversity to ensure ecosystem resilience and sustainability for future generations.

Planning Policy Wales. Edition 12 (2024)

2.1.22 PPW 12 sets out the land use planning policies of Welsh Government (Ref 5). It is supplemented by a series of Technical Advice Notes (TANs) (Ref 22), Welsh Government Circulars, and policy clarification letters, which together with PPW provide the national planning policy framework for Wales. PPW 12 sets out the importance of delivery of NBB and GI, aligning with Section 6 under the Environment Act (Wales) 2016 (Ref 2). The following must be included and submitted within the planning process in Wales:

- Paragraph 6.2.1 states that '*Green Infrastructure is the network of natural and semi-natural features, green spaces, rivers and lakes that intersperse and connect places. Green Infrastructure can function at a range of different scales; from entire ecosystems such as wetlands and rivers to parks, fields and gardens at the local scale and street trees, hedgerows, roadside verges, and green roofs/walls at the micro scale*'.

- Paragraph 6.2.5 states that '*planning authorities must, as part of adopting a strategic and proactive approach to green infrastructure, biodiversity and ecosystems resilience, produce up to date inventories and maps of existing green infrastructure and ecological assets and networks*'. Green Infrastructure Assessments provide key evidence to support the preparation of development plans and where authorities are not already actively undertaking assessments, they should be undertaken as part of development plan preparation.
- Paragraph 6.4.5 states that '*Planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means development should not cause any significant loss of habitats or populations of species (not including non-native invasive species), locally or nationally and must work alongside nature and it must provide a net benefit for biodiversity and improve, or enable the improvement, of the resilience of ecosystems. A net benefit for biodiversity is the concept that development should leave biodiversity and the resilience of ecosystems in a significantly better state than before, through securing immediate and longterm, measurable and demonstrable benefit, primarily on or immediately adjacent to the site*'.

2.1.23 The Stepwise Approach and DECCA Framework should be used as methods to deliver a Net Benefit for any development.

Future Wales - The National Plan (2040)

2.1.24 Future Wales: The National Plan 2040 ('Future Wales') is the National Development Framework for Wales (Ref 6). Future Wales sets out the spatial strategy for growth and development in Wales. Green Infrastructure is set out as a 'Strategic Placemaking Principal' in which '*Through Green Infrastructure Assessments, specific opportunities should be identified to ensure that green infrastructure is fully integrated.*'

2.1.25 Future Wales includes 'Policy 9 - Resilient Ecological Networks and Green Infrastructure' which states:

- '*to ensure the enhancement of biodiversity, the resilience of ecosystems and the provision of green infrastructure, the Welsh Government will work with key partners to:*
 - *identify areas which should be safeguarded and created as ecological networks for their importance for adaptation to climate change, for habitat protection, restoration or creation, to protect species, or which provide key ecosystems services, to ensure they are not unduly compromised by future development; and*
 - *identify opportunities where existing and potential green infrastructure could be maximised as part of placemaking, requiring the use of nature-based solutions as a key mechanism for securing sustainable growth, ecological connectivity, social equality and well-being.*
 - *planning authorities should include these areas and/or opportunities in their development plan strategies and policies in order to promote and safeguard the functions and opportunities they provide. In all*

cases, action towards securing the maintenance and enhancement of biodiversity (to provide a net benefit), the resilience of ecosystems and green infrastructure assets must be demonstrated as part of development proposals through innovative, nature-based approaches to site planning and the design of the built environment.'

- 2.1.26 A summary of these relevant local and national planning policies as well as legislation is provided in **Appendix C**.
- 2.1.27 For further detail relating to each specific policy, please refer to the policies themselves. This planning policy has been considered when assessing potential ecological constraints and opportunities identified by the desk study and field surveys; and, when assessing requirements for design options and ecological mitigation.

3. Assumptions and Limitations

3.1 Baseline Assumptions and Limitations

3.1.1 Habitats indicated within the baseline have been recorded using UKHab habitat survey methodology. In certain areas, baseline data has been inferred using desk-based evidence due to land access restrictions on-site. All on-site habitat was identified through on-site field observation surveys, where possible, see **Chapter 11: Terrestrial and Aquatic Ecology (EN010166/APP/6.2.11)**.

3.1.2 Surveys to date are reported in species-specific appendices (**Appendices 11-C: Botanical Technical Appendix to 11-K: Aquatic Ecology Technical Appendix (EN010166/APP/6.4)**) of the ES. The assumptions and limitations associated with these species-specific surveys or assessments are presented in the relevant appendix.

3.1.3 Habitats of Principle Importance (HoPI) and Section 7 Priority Habitats¹ were identified by DataMap Wales (Ref 23), UK Biodiversity Action Plan Habitat description (Ref 23) and confirmed by on-site field observations. Several habitats have been classified as Section 7 Priority Habitat. To meet the definition of Section 7 Priority Habitat, the UK Biodiversity Action Plan (Ref 23) criteria has been used to assess the habitats listed in Section 4.4.

3.1.4 Ancient and Veteran trees have been identified using Data Map Wales Ancient Woodland Inventory. For further information on the categorisation of Ancient and Veteran trees, please refer to **Appendix 15-G: Arboricultural Impact Assessment (EN010166/APP/6.4)** of the ES.

3.1.5 Baseline data of individual trees have been taken from **Appendix 15-G: Arboricultural Impact Assessment (EN010166/APP/6.4)** of the ES, and cross referenced with the UKHab survey data. Arboriculture surveys were conducted in accordance with the requirements of BS5837:2012 Trees in relation to design, demolition and construction - Recommendations (BS5837) (Ref 24). For general Arboriculture assumptions and limitations in reference to survey findings and methodology used, please refer to **Appendix 15-G: Arboricultural Impact Assessment (EN010166/APP/6.4)** of the ES.

3.1.6 An area of Open Mosaic Habitat (OMH) has been identified within the Order limits. To meet the definition of OMH the following criteria has been met:

- the area of open mosaic habitat is at least 0.25 ha in size;
- known history of disturbance at the site or evidence that soil has been removed or severely modified by previous use(s) of the site. Extraneous materials/substrates such as industrial spoil may have been added;
- the site contains some vegetation. This will comprise early successional communities consisting mainly of stress-tolerant species (e.g. indicative of low nutrient status or drought). Early successional communities are

¹ A Section 7 (S7) Priority Habitat in Wales refers to a habitat type that has been identified as being of "Principal Importance" for the purpose of maintaining and enhancing biodiversity under the Environment (Wales) Act 2016 (Ref 2).

composed of (a) annuals, or (b) mosses/liverworts, or (c) lichens, or (d) ruderals, or (e) inundation species, or (f) open grassland, or (g) flower-rich grassland, or (h) heathland;

- the site contains unvegetated, loose bare substrate and pools may be present; and
- the site shows spatial variation, forming a mosaic of one or more of the early successional communities (a)–(h) above (criterion 3) plus bare substrate, within 0.25 ha.

3.2 Post-Works Assumptions and Limitations

3.2.1 Areas of permanent and temporary impact and retainment of habitats have been determined using the Order limits, and relevant documents (see Section 1.3). The following assumptions have been applied for this GI Statement (See **Table 1** for a summary).

- Construction based on the Phased Construction scenario: The construction of the Proposed Development could be undertaken in a combined simultaneous or phased approach (see **Chapter 4 The Proposed Development (EN010166/APP/6.2.4)**) of the ES. The worst-case scenario is considered to be the phased approach which will involve one phase occurring after the other, lasting up to nine (9) years. This has been applied to this assessment. It is assumed that this construction method has the greatest impact on important ecological features (IEFs) as the effects will be experienced over a greater period. Habitats impacted within the 9-year construction phase (and reinstated post-construction) would be classified as permanently lost and created (hereinafter referred to as 'temporary loss');
- Construction Impacts: As the construction approach and activities are to be refined through the detailed design process, a worst-case scenario has been applied. All habitats within the footprint of the construction laydown areas have been considered as being temporarily lost for this assessment and either reinstated or created after 9 years. Areas within the operational footprint of the Proposed Development would be permanently lost;
- Routing of the Proposed CO₂ Connection Corridor: For this assessment, it is assumed that the Proposed CO₂ Connection Corridor would involve the installation of an approximately 610 mm diameter pipeline, 1.2 m below ground level for a length of 422 m. Given the uncertainties around the routing, the worst-case scenario assumption is that all habitats within the 32 m wide connection corridor working area will be assessed. A construction programme of up to a 9-months will be followed for this section of the Proposed Development. Habitats will be classified as temporarily lost and reinstated.
- Flint Above Ground Installation (AGI): The Proposed CO₂ Connection Corridor will tie into the Flintshire AGI which has already been consented as part of the HyNet Carbon Dioxide Pipeline project (PINS reference

EN070007). Habitats within the AGI footprint and consented as part of the HyNet DCO are therefore excluded from this assessment;

- Proposed CO₂ Construction Compounds: Where construction compounds are present, all habitats will be classified as temporarily lost and reinstated;
- Construction within the Water Connection Corridor: All works within the Water Connection Corridor would be completed using handheld power tools. Working areas would be accessed by foot over the saltmarsh and required materials would be brought in by a support barge. There would be no impact to the river bed, works would be temporary (three to five months in duration). These habitats are classified as temporarily lost and reinstated;
- Surface Water Outfall: A new permanent outfall structure (headwall) for surface water drainage discharge would be constructed adjacent to the pre-existing outfall structure. The final design of the proposed surface water outfall will be subject to various technical assessments to identify appropriate design. For this assessment, a worse-case scenario has been considered to assess impact to habitats surrounding the construction of the new surface water outfall. A 10 m buffer around the existing artificial structure has been included to allow for access and additional permanent artificial structure. These habitats are classified as temporarily lost and reinstated. A small area of saltmarsh is likely to be permanently impacted (approx. <10 m²) by the permanent surface water outfall. Permanent loss has been informed by current design and professional judgment in regard to the pressures and likely ecological impact surrounding this area of saltmarsh. Habitats are classified as being permanently lost. Please see Section 6.2 for further details;
- Ecological Safeguard Zones: Habitats of ecological importance, identified within **Appendix B - Figure 4: Permanent and Temporary Loss of Habitats** are classified as retained;
- Where ancient and veteran trees have been identified and are proposed to be crossed by the Proposed Development, a 15 m root protection area (RPA) buffer would be applied to prevent loss of ancient and veteran trees. See **Appendix 15-G: Arboriculture Impact Assessment (EN010166/APP/6.4)** for further details. These habitats are classified as retained;
- Accommodation Work Areas: These areas are excluded from this assessment, as the works would be limited in scale and would not result in permanent changes to habitats;
- All mitigation specific to habitats and species is secured by the **Framework Construction Environmental Management Plan (CEMP) (EN010166/APP/6.5)**.

Table 1: A Summary of Construction Timescales, Assumptions and Impact Prescriptions

Works Area	Proposed Work Timescale	Permanent, Temporary, No Impact
Routing of the Proposed CO ₂ Connection Corridor	9-month construction programme	Temporary Loss
Flint Above Ground Installation (AGI):	n/a	Retained
Proposed CO ₂ Construction Compounds	Up to 9-year construction phase	Temporary Loss
Construction within the Water Connection Corridor	3–5-month construction programme	Temporary Loss
Surface Water Outfall	Up to 6-month construction phase	Temporary Loss
	Permanent	Permanent Loss
Ecological Safeguard Zone	Up to 9-year construction phase	Retained
All development for Ancient and Veteran Trees	Up to 9-year construction period	Retained

*The construction of the Proposed Development could be undertaken in a phased approach. For the phased approach a worst-case scenario has been applied leading to an up to 9-year construction programme in certain areas of the Proposed Development. Habitats in areas where the 9-year construction phase is applied would be temporarily lost and reinstated post construction.

3.2.2 For further details in relation to the Proposed Development see **Chapter 4 The Proposed Development (EN010166/APP/6.2.4)** of the **ES**.

3.3 Decommissioning Assumptions and Limitations

3.3.1 Decommissioning activities would be conducted in accordance with the appropriate guidance and legislation in force at the time of decommissioning. A Decommissioning Plan (including a Decommissioning Environmental Management Plan (DEMP)) would be produced at the time of decommissioning, pursuant to Requirement 17 of the **Draft DCO (EN010166/APP/3.1)**.

3.3.2 It is not anticipated that the decommissioning of the Proposed Development would impact on the overall net benefit and GI created within the Order limits, therefore the decommissioning of the Proposed Development is not assessed further.

4. Baseline Site Assessment

4.1 Overview

4.1.1 The identification of existing GI assets and networks and understanding of existing biodiversity assets forms an essential step in this assessment. The baseline conditions for the Proposed Development at Connah's Quay are detailed in the following datasets and reports, and have been considered in this assessment:

- Datasets:
 - LANDMAP Landscape Habitats (Ref 25);
 - Urban Tree Canopy Cover (Ref 26);
 - Habitat Networks (Ref 42); and
- Supporting documents:
 - **Appendices 11-C: Botanical Technical Appendix to 11-K: Aquatic Ecology Technical Appendix (EN010166/APP/6.4)** of the ES;
 - **Chapter 11: Terrestrial and Aquatic Ecology (EN010166/APP/6.2.11)** of the ES;
 - **Appendix 15-G: Arboriculture Impact Assessment (EN010166/APP/6.4)**; and
 - **Figure 4: Permanent and Temporary Loss of Habitats.**

4.1.2 Baseline habitats were collected using UKHab and Phase 1 methodology (for further details please refer to **Chapter 11: Terrestrial and Aquatic Ecology (EN010166/APP/6.2.11)** and **Appendix B – Figure 3: Indicative Landscape Plan**. This assessment is presented using UKHab codes. For UKHab to Phase 1 translations see **Appendix D**.

4.2 Designated Sites

4.2.1 Designated sites (as defined in PPW 12) '*must be protected from damage and deterioration, with their important features conserved and enhanced by appropriate management. The contribution of the designated site to wider resilient ecological networks should be recognised and captured as part of a strategic approach to planning policy and decision making*' (Ref 1).

4.2.2 '*Development in a SSSI which is not necessary for the management of the site must be avoided*', where impact cannot be avoided '*statutorily designated sites should be protected from damage and deterioration, with their important features conserved and enhanced and the capacity for restoration demonstrated by and through appropriate management*' (Ref 5).

4.2.3 The following designated sites lie within the Order limits:

- The Dee Estuary SPA;

- The Dee Estuary Ramsar;
- The Dee Estuary / Aber Dyfrdwy SAC; and
- The Dee Estuary / Aber Dyfrdwy SSSI.

4.2.4 No locally designated non-statutory sites are present within the Order limits.

4.2.5 For full details of designated sites within 10 km of the Proposed Development, and within 5 km for other statutory designated sites of nature conservation value refer to **Chapter 11: Terrestrial and Aquatic Ecology (EN010166/APP/6.2.11)** and **Figure 11-1: Statutory Designated Sites within 15 km of the Proposed Development (EN010166/APP/6.3)** of the ES.

4.3 Irreplaceable Habitat

4.3.1 Irreplaceable habitats (as defined in PWW 12) are '*habitats, including the natural resources which underpin them, which would be technically very difficult (or take a very significant time) to restore, recreate or replace once destroyed, considering their age, uniqueness, species diversity or rarity. Examples include ancient woodland and veteran trees, ancient hedgerows, wet woodlands, sand dunes, peatland, species-rich grassland, long undisturbed soils, blanket bog, salt marsh and lowland fen*' (Ref 1).

4.3.2 The following irreplaceable habitats have been identified on-site:

- Coastal Saltmarsh (t2a), part of the Dee Estuary / Aber Dyfrdwy SAC and SSSI;
- Ancient Trees; and
- Veteran Trees.

4.3.3 Nine veteran and four ancient trees have been identified within the Order limits. Please see **Appendix 15-G: Arboriculture Impact Assessment (EN010166/APP/6.4)** for further details.

4.3.4 The design of the Proposed Development has sought to avoid impacts on irreplaceable habitat within the Order limits. However, further mitigation detailed in the **Framework CEMP (EN010166/APP/6.5)** will be put in place to reduce any impact on irreplaceable habitat within the Order limits which cannot be avoided during construction.

4.4 S7 Priority Habitats

4.4.1 Section 7 of the Environment Act (Wales) 2016 lists habitats of principal importance for the purpose of maintaining and enhancing biodiversity in Wales (Ref 2) Developers are required to take all reasonable steps to maintain and enhance habitats, included in Section 7 (Ref 1).

4.4.2 The following Section 7 Priority Habitats have been identified on-site:

- Intertidal mudflats (t2d);
- Lowland mixed deciduous woodland (w1f7);

- Species rich native hedgerow (h2a5);
- Open mosaic habitats on previously developed land (u1f²);
- Coastal saltmarsh (t2a);
- Other rivers and streams (r1g);
- Other neutral grassland (g3c); and
- Species rich native hedgerow (h2a5).

4.5 Habitats

4.5.1 As indicated on **Appendix A - Figure 2: Baseline Habitats**, the following habitats with their UKHab habitat codes are present within the Order limits:

- Coastal saltmarsh (t2a);
- Intertidal mudflats (t2d);
- Modified grassland (g4);
- Other neutral grassland (g3c);
- Bracken (g1c);
- Mixed scrub (h3h);
- Bramble scrub (h3d);
- Other cereal crops (c1c7);
- Temporary grass and clover leys (c1b);
- Purple Moor grass and rush pastures (f2b);
- Other rivers and streams (r2b);
- Other lowland mixed deciduous woodland (w1f7);
- Other broadleaved woodland (w1g);
- Suburban mosaic of Developed and natural surface (u1d);
- Sparsely vegetated urban land (u1f³);
- Artificial unvegetated, unsealed surface (u1c);
- Developed land sealed surface (u1b);
- Introduced shrub (u1⁴)
- Open Mosaic Habitat on previously developed land (u1f²);
- Buildings (u1b5);
- Line of trees (w1g⁵);

² Secondary code 80 – Open mosaic habitats on previously developed land

³ Secondary code (81) Ruderal or ephemeral

⁴ Secondary code (847) Introduced shrub

⁵ Secondary code (33) Line of trees

- Non-native and ornamental hedgerow (h2b);
- Species rich native hedgerow (h2a5) (Priority Habitat); and
- Other native hedgerow (h2a6).

4.6 Species

4.6.1 Species present, or potentially present within surrounding habitat are summarised in **Table 2**.

4.6.2 The ornithological features and species relevant to this assessment are described in Section 5.2 of **Appendix 11-D: Ornithology Technical Appendix (EN010166/APP/6.4)** and **Chapter 11 Terrestrial and Aquatic Ecology (EN010166/APP/6.2.11)** of the ES.

4.6.3 Further information on the ecological features scoped out of this assessment can be found in the Preliminary Ecological Appraisal (PEA) which is included as **Annex F of Appendix 11-C: Botanical Technical Appendix (EN010166/APP/6.4)**.

Table 2: Species present within the Order limits and surrounding habitat

Species Type	Species of Principle Importance	Present within the Order limits/ non present
Birds	Yes	<p>Species present within the Order limits and surrounding habitat.</p> <p>Priority species are as follows:</p> <ul style="list-style-type: none"> • Eurasian curlew is present within the Order limits; and • Bar tailed gowit, Golder plover and Ringed plover are present within 120 m of the Order limits.
Bats	Yes	Species present within the Order limits
Badger	No	Suitable habitats present within the Order limits.
Great Crested Newts (GCN)	Yes	Suitable habitats surrounding the Order limits.
Reptiles	Yes	Species present within the Order limits.
Otter	Yes	Suitable habitats present within the Order limits and surrounding habitat.
Terrestrial Invertebrates	Yes	Suitable habitats present within the Order limits.
Hedgehog	Yes	Suitable habitats present within the Order limits.

Fish	Yes	Species present within the Order limits.
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4.7 Public Rights of Way

4.7.1 Several Public Right of Way (PRoW) are present within the Order limits. This is shown in **Figure 15-5: Public Rights of Way (EN010166/APP/6.3)**.

4.8 Watercourses

4.8.1 Several surface water bodies (rivers and ditches) are present within the Order limits, notably Old Rockcliffe Brook, and Oakenholt Brook. For further information, please refer to **Chapter 13: Water Environment and Flood Risk (EN010166/APP/6.2.13)** and **Figure 13-1: Surface Water Features (EN010166/APP/6.3)** of the **ES**.

5. Methodology

5.1 Consultation

5.1.1 An Environmental Impact Assessment (EIA) Scoping Opinion (**Appendix 1-A EIA Scoping Report (EN010166/APP/6.4)**) was requested by the Secretary of State (SoS) through PINS in February 2024 as part of the EIA Scoping Process. The EIA Scoping Opinion (**Appendix 1-B EIA Scoping Opinion (EN010166/APP/6.4)**) directly commented on the approach to assessing NBB and GI. It was agreed that a qualitative approach to NBB and GI be applied in relation to the Stepwise Approach and DECCA framework. For further detail relating to the Applicant's responses to the EIA Scoping Opinion refer to **Table 11-2 of Chapter 11: Terrestrial and Aquatic Ecology (EN010166/APP/6.2.11)** of the **ES**.

5.1.2 Further engagement has occurred with NRW and FCC surrounding the approach to NBB and GI for the Proposed Development. Both consultees were in favour of the Stepwise Approach and DECCA framework, as a result, this methodology has been used to inform this assessment.

5.2 Stepwise Approach

5.2.1 The Proposed Development has been designed in accordance with the Stepwise Approach (see Section 6). Biodiversity restoration, enhancements or creation that achieve NBB must be delivered following the implementation of the Stepwise Approach.

5.2.2 The Stepwise Approach sets out the steps in order of priority (see **Plate 1**) to ensure that adverse effects of a development on biodiversity are reduced. The measures undertaken at each step must be incorporated with enhancement measures and the principles of the DECCA Framework to ensure a net benefit for biodiversity is achieved.



Plate 1: Stepwise Approach (Source: Planning Policy Wales (Ref 1))

5.2.3 The Proposed Development must adhere to the following steps highlighted within the Stepwise Approach:

- Step 1 - the first priority is the avoidance of impacts on biodiversity;
- Step 2 - if avoidance is not possible, adverse impacts to biodiversity must be minimised, by reducing the size of Proposed Development and maintaining the connectivity of habitats. Impacts must also be minimised for Section 7 Priority Habitats and features used by Section 7 species to ensure their populations are maintained;
- Step 3 - if impacts cannot be avoided or sufficiently minimised then adverse effects to biodiversity must be mitigated against, and/ or habitats and features for species restored. The mitigation and restoration must target the specific adverse effects of the Proposed Development, seek to restore in excess of like-to-like, and account for factors like time lags in recovery of habitats and species populations;
- Step 4 - when these first three steps have been exhausted, compensation on-Site (4a), or off-Site (4b) if not otherwise feasible, is required. Compensation must always be a last resort and must be of significant magnitude to fully compensate for any loss, be place based, and take account of the Section 6 Duty, the DECCA framework and appropriate ecological advice from the local authority ecologist, NRW or a suitably qualified ecologist;
- Step 5 - a Long-Term Management Plan should be produced setting out the management of the site and future monitoring arrangements for all secured measures. The management plan must identify the funding mechanisms in place to meet the management plan objectives and the achievement of net benefits for biodiversity; and
- Step 6 - failure to action any of these steps will result in not complying with PPW 12 requirement, identified within the NPS, which will be

considered to be material within the decision making of the DCO application.

5.3 DECCA Framework

5.3.1 PPW 12 defines 'ecosystem resilience' as '*the capacity of ecosystems to deal with disturbances, either by resisting them, recovering from them, or adapting to them, whilst retaining their ability to deliver services and benefits now and in the future*' (*Disturbances are interpreted to mean pressures and demands on the ecosystem*) (Ref 1). NRW has developed a framework for evaluating ecosystem resilience based on five attributes and properties specified in the Environment (Wales) Act 2016 (Ref 2), referred to as the DECCA Framework (see **Plate 2**) (Ref 5). The DECCA framework comprises the following objectives:

- diversity at all scales including genetic, species, habitat and ecosystems or landscape scale;
- extent of ecosystems and habitats;
- condition of ecosystems and biodiversity, including their structure and functioning; and
- connectivity between and within ecosystems and habitats.

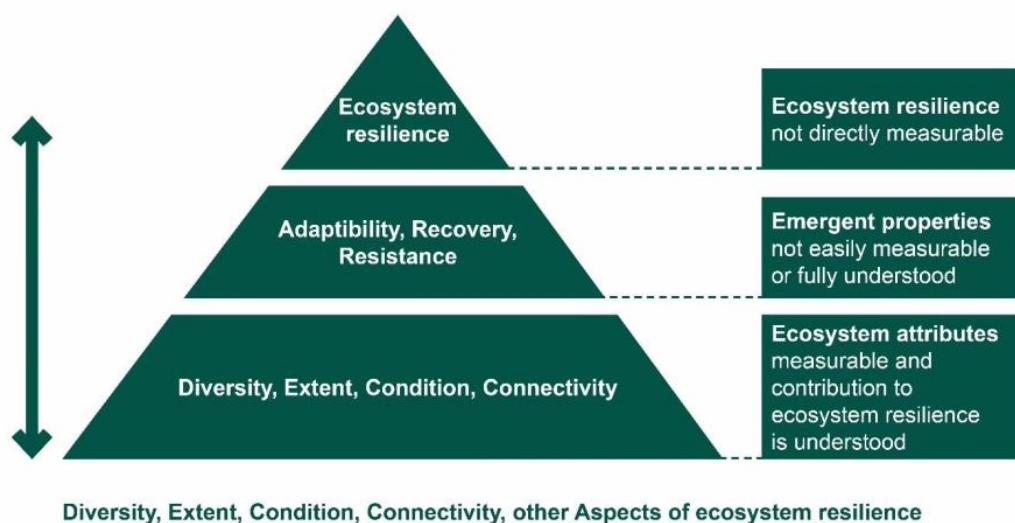


Plate 2: DECCA Framework (Source: Terrestrial and freshwater Resilient Ecological Networks: a guide for practitioners in Wales (Ref 28))

5.4 Building with Nature Standards

5.4.1 PPW 12 requires the submission of a proportionate GI Statement, signposting the BwNSF 2.0 (Ref 7) and NRW guide to assessing green infrastructure (Ref 29). The twelve (12) standards provide a pathway for and recognition of early and sustained engagement in the design, implementation and long-term stewardship of high-quality GI. The standards, set out in **Table 3**, focus on the opportunities to put existing and planned-for habitat and wildlife at the heart of

development for the benefit of people and nature. Each Standard is defined by its purpose and key characteristics, which are presented in the form of questions. These questions have been used to inform how the design meets each Standard. Section 6.7 highlights the BwNSF 2.0 that has been used to inform the GI Statement.

Table 3: Building with Nature Standards Framework Themes

Building with Nature Standard Framework Theme	Description of Theme
Standard 1: Optimises Multifunctionality and Connectivity	<i>The green infrastructure optimises multifunctionality and connectivity within the boundary of the project and links with existing and planned for green infrastructure in the surrounding area.</i>
Standard 2: Positively Responds to the Climate Emergency	<i>The green infrastructure is designed to be climate resilient by incorporating mitigation and adaptations that respond to the impacts of climate change. The green infrastructure is designed to promote low carbon behaviours and contributes to achieving zero carbon development by optimising carbon sequestration and demonstrating low carbon approaches to design, construction and long-term maintenance.</i>
Standard 3: Maximises Environmental Net Gains	<i>The green infrastructure is designed to actively mitigate any unavoidable harmful environmental impacts of development on soil and air quality and to minimise light and noise pollution. In addition, it delivers environmental net gains, including improving air and water quality and wherever possible includes quiet spaces for people and wildlife.</i>
Standard 4: Champions a Context Driven Approach	<i>The green infrastructure positively responds to the local context, including the physical environment, such as landscape and urban character and social, economic and environmental priorities, including the evidenced needs and strengths of existing and future local communities.</i>
Standard 5: Creates Distinctive Place	<i>The green infrastructure is integral to the project and is designed to reinforce local distinctiveness and/or create a distinctive sense of place.</i>
Standard 6: Secures Effective Place-Keeping	<i>The green infrastructure is subject to management arrangements that demonstrate a commitment to effectively implement, establish and maintain features at all stages of the development process. This should include details of funding, governance, maintenance, monitoring, remediation and, where appropriate, community involvement and stewardship.</i>

Building with Nature Standard Framework Theme	Description of Theme
Standard 7: Brings Nature Closer to People	<i>The green infrastructure is close to where people live, work, learn, play and/or visit and is designed to optimise use and enjoyment for everyone across the year, to maximise health and wellbeing outcomes and to promote active living for existing and future communities.</i>
Standard 8: Supports Equitable and Inclusive Places	<i>The green infrastructure is designed to encourage and enable everyone, including those from vulnerable or excluded groups, to use and enjoy it, to help reduce health inequalities and to build a shared sense of community and belonging.</i>
Standard 9: Delivers Climate Resilient Water Management	<i>The green infrastructure is integral to sustainable drainage using above ground features to manage flood risk, maintain the natural water cycle and improve water quality within the boundary of the project and at a catchment scale. The green infrastructure is designed to be drought resistant and wherever possible, includes measures for the retention and reuse of rainwater</i>
Standard 10: Brings Water Close to People	<i>The green infrastructure is designed to integrate water, including areas of standing water, flowing water, seasonal and ephemeral features, to bring additional amenity and wildlife benefits.</i>
Standard 11 Delivers Wildlife Enhancement	<i>The green infrastructure optimises long term and climate resilient net benefits for nature, by retaining and enhancing existing ecological assets and creating locally relevant new habitats within the boundary of the project. Wildlife measures are secured at all stages of implementation and where applicable, across multiple phases of development.</i>
Standard 12 Underpins Nature's Recovery	<i>The green infrastructure creates effective links with existing and planned for ecological features and networks beyond the boundary of the project to support the creation and restoration of resilient ecological networks in the wider landscape.</i>

6. Post Development

6.1 Construction Impacts

6.1.1 The Construction and Operation Area predominantly comprises modified grassland, other neutral grassland, coastal saltmarsh and OMH (see **Appendix B - Figure 3: Indicative Landscape Plan**). The majority of the permanent impacts are attributed to the loss of 12 ha of modified grassland. The majority of the works will result in retainment of habitat or temporary loss of habitat (see **Appendix B - Figure 4: Permanent and Temporary Loss of Habitats**), with habitats impacted being reinstated to their original condition post-construction (within a 9 year post-construction) or enhanced/ created to facilitate a net benefit and maintained the Order limits GI (see **Appendix B - Figure 3: Indicative Landscape Plan**). **Table 4** presents a detailed overview of habitats impacted by the Proposed Development.

6.1.2 Considering **Appendix B - Figure 3: Indicative Landscape Plan** and **Figure 4: Permanent and Temporary Loss of Habitats**, the following habitats have achieved a net loss, no net loss or net benefit as result of the Proposed Development:

- c1b - Temporary Grass and Clover Leys (no net loss);
- c1c7 - Other Cereal Crops (no net loss);
- f2b - Purple Moor Grass and Rush Pastures (no net loss);
- g1c – Bracken (no net loss);
- g4 Modified Grassland (net loss – 12.45 ha);
- g3c - Other neutral grassland (ONG) (net loss – 0.73 ha);
- h3d - Bramble Scrub (net loss -0.09 ha);
- h3h - Mixed Scrub (net loss- 0.3 ha);
- t2a - Coastal Saltmarsh (no net loss, potential for net loss dependent on finalized construction methods and program of reinstatement and creation);
- u1 847 - Introduced shrub (no net loss);
- u1f80 - Open Mosaic Habitat on Previously Developed Land (net benefit- 0.26 ha);
- w1f7 - Other Lowland Mixed Deciduous Woodland (no net loss);
- w1g - Other broadleaved woodland (net loss – 0.83 ha);
- h2b -Non-native and ornamental hedgerow (no net loss);
- h2a5 - Species rich native hedgerow (h2a5) (no net loss);
- h2a6 - Other native hedgerow (net loss – 0.21 km); and
- Individual Trees (U1 200) (net loss – 34 trees).

Table 4: Habitats impacted by the Proposed Development

UKHab Habitat Type	S7 Habitat Y/N	Area (Ha) Baseline	Area (Ha) Retained	Area (Ha) Temporarily Lost and Reinstated	Area (Ha) Permanently Lost	Area (Ha) Enhanced	Area (Ha) Created	Total Area (Ha) Post-Development
c1b - Temporary Grass and Clover Leys	N	4.66	0.08	0	0	0	0	0.08
c1c7 - Other Cereal Crops	N	0.28	0.28	0	0	0	0	0
f2b - Purple Moor Grass and Rush Pastures	Y	0.01	0.01	0	0	0	0	0
g1c - Bracken	N	0.17	0.12	0	0	0	0	0.12
g4 Modified Grassland	N	31.04	4.05	8.52	12.45	1.72	6.41	20.7
g3c - Other neutral grassland	Y	5.75	2.06	0.05	0.73	2.06	0	3.83
h3d - Bramble Scrub	N	0.49	0.11	0	0.10	0	0	0.11
h3h - Mixed Scrub	N	2.03	1.73	0	0.3	0	0	1.73
t2a - Coastal Saltmarsh	Y	0.26	0.19	0.06	0	0	0.13ha	0.38ha
u1 847 - Introduced shrub	N	0.15	0.13	0	0	0	0	0.13
u1c - Artificial Unvegetated, Unsealed Surface	N	0.10	0.10	0	0	0	0	0.10

UKHab Habitat Type	S7 Habitat Y/N	Area (Ha) Baseline	Area (Ha) Retained	Area (Ha) Temporarily Lost and Reinstated	Area (Ha) Permanently Lost	Area (Ha) Enhanced	Area (Ha) Created	Total Area (Ha) Post-Development
u1d - Developed Land; Sealed Surface <u>1c</u> -	N	28.37	26.46	0	0	0	0	26.46
u1f 80 - Open Mosaic Habitat on Previously Developed Land	Y	6.78	0.40	6.12	0	0	4.34	10.86
w1f7 - Other Lowland Mixed Deciduous Woodland	Y	0.16	0.16	0	0	0	0	0.16
w1g - Other broadleaved woodland	N	5.19	4.27	0.05	0.83	0	2.07	6.39
Non-native and ornamental hedgerow (h2b);	N	0.11	0.11	0	0	0	0	0.11
Species rich native hedgerow (h2a5) (Priority Habitat);	Y	1.06	1.03	0.03	0	0	0	1.06
Other native hedgerow (h2a6).	N – separate hedgerow regulation	0.54	0.5	0	0.021	0	0.34	0.86

UKHab Habitat Type	S7 Habitat Y/N	Area (Ha) Baseline	Area (Ha) Retained	Area (Ha) Temporarily Lost and Reinstated	Area (Ha) Permanently Lost	Area (Ha) Enhanced	Area (Ha) Created	Total Area (Ha) Post-Development
	assessment carried out to define importance.							
Individual Trees (U1 200)	N	69 individual trees	All ancient and veteran trees	35 individual trees	34 individual trees	0	102	137 (excluding retained ancient and veteran trees)

6.2 Designated Sites

6.2.1 The design of the Proposed Development has evolved to avoid statutorily designated sites as much as possible and where this has not been possible the scope of works within them has been minimised.

6.2.2 The Proposed Development overlaps with, and is directly adjacent to, the Dee Estuary/Aber Dyfrdwy SAC and Dee Estuary/Aber Dyfrdwy SPA, Ramsar and SSSI within the Water Connection Corridor and the Surface Water Outfall Area. These areas are required to facilitate the operation of the Proposed Development, as cooling water will be extracted from the River Dee and surface water will be discharged to the Old Rockcliffe Brook.

6.2.3 Through the ornithology surveys, functionally linked land (FLL) has been identified within the Proposed Development. FLL '*is an area of land occurring outside a designated site which is critical to, and necessary for, the ecological or behavioural functions of a qualifying feature for a SPA, SAC or Ramsar site (Ref 30). These habitats are frequently used by SPA species and supports the functionality and condition of the designated sites features*'. The available baseline information suggests the Dee Estuary/Aber Dyfrdwy SAC are sensitive to the loss of FLL. For further detail, please see the **Report to Inform Habitats Regulations Assessment (EN010166/APP/6.12)**.

6.2.4 As shown on **Appendix B - Figure 3 Indicative Site Layout Plan**, a minimum of 30 m ecological buffer zone would be maintained around the C&IEA and Main Development Area. The 30 m buffer will provide an area of protection to any retained saltmarsh habitat within the Dee Estuary/Aber Dyfrdwy SAC, SPA, Ramsar and SSSI. An area of saltmarsh creation will be located within the 30 m ecological buffer zone. The creation of saltmarsh will occur with the construction period.

6.2.5 Construction works will occur within a small area within the Dee Estuary/Aber Dyfrdwy SAC, SPA, Ramsar and SSSI. Workers will be required, on foot, to cross the designated saltmarsh and intertidal mudflat, to access materials supplied by boat on the Dee Estuary. This method is currently in place for inspections on the designated site. No permanent or temporary loss is likely to occur because of the use of these methods. The **Framework CEMP (EN010166/APP/6.5)** also requires a detailed construction method statement to be prepared and submitted to FCC for approval in consultation with NRW in advance of these works commencing.

6.2.6 Temporary and permanent habitat loss will occur within the Dee Estuary/Aber Dyfrdwy SAC, SPA, Ramsar and SSSI where a new surface water outfall would to be constructed, adjacent to the pre-existing surface water outfall. Finalised construction methods are not available, however, works could be undertaken via trenchless construction methods or with open excavation. Please see **Chapter 5: Construction Program and Management (EN010166/APP/6.2.5)** for further details. Approximately 0.06 ha of temporary habitat loss will occur during construction. This will be reinstated after a 6-month construction period. Additional compensation will be required for the time lag between temporary loss and reinstatement, 6.5~~00~~ for further detail. As with works in the Water Connection Corridor, the **Framework CEMP (EN010166/APP/6.5)** requires a detailed construction method statement to be

prepared and submitted to FCC for approval in consultation with NRW in advance of these works commencing.

6.2.7 Permanent habitat loss would occur within the Dee Estuary/Aber Dyfrdwy SAC, SPA, Ramsar and SSSI where a new surface water outfall would be constructed, adjacent to the pre-existing surface water outfall, see **Chapter 5: Construction Program and Management (EN010166/APP/6.2.5)** for further details. As a worst-case assessment, it is assumed there would be approximately <0.001 ha of permanent habitat loss during construction if open excavation is to be used. Therefore, compensation is required for this area. See paragraph 1.1.1 for further details.

6.3 Construction Mitigation

6.3.1 The **Framework CEMP (EN010166/APP/6.5)** provides details of the measures required to manage the environmental effects of the Proposed Development and demonstrate compliance with environmental legislation. Final CEMP(s) will be prepared, approved and implemented for individual phases of the Proposed Development, in accordance with Requirement 4 in the **Draft DCO (EN010166/APP/3.1)**.

6.3.2 The **Framework CEMP (EN010166/APP/6.5)** outlines the measures required to mitigate construction related effects on IEFs, including those associated with construction dust deposition, air pollution, pollution incidents, water quality, light, noise and vibration. For further detail on an assessment of construction impacts and significance of effects on IEFs during construction and construction mitigation measures, please refer to Section 11.6 of **Chapter 11: Terrestrial and Aquatic Ecology (EN010166/AP/6.2.11)** of the **ES**.

6.4 Habitat Creation and Enhancement

6.4.1 Indicative locations of habitat compensation, in the form of habitat creation and enhancement, are shown on the **Appendix B – Figure 3: Indicative Landscape Plan**. Areas of habitat compensation are present throughout the entire Order limits, targeted in areas to sustain GI or wildlife corridors and maintain habitat connectivity. All habitats subject to creation and/or enhancement are detailed in the **Outline LEMP (EN010166/APP/6.9)**.

6.4.2 Habitats presented in **Table 5** will either be temporarily lost or retained during the construction phase and created or enhanced after the nine-year construction period (on-site), as part of the efforts to achieve a net benefit and increase GI within the Order limits. For details on off-site habitat creation and enhancement, please see paragraph 7.4.2 below.

Table 5: Habitats created or enhanced as part of NBB and GI within Order limits

UKHab	Created/Enhanced	Area(ha) created/enhanced post-construction
Coastal saltmarsh (t2a)	Created	0.13ha
Open mosaic habitats on previously developed land (u1f 80)	Created	4.34ha
Modified Grassland (g4)	Created and enhanced	4.58ha – cropland to moderate condition modified grassland 1.83ha of modified grassland creation in a moderate condition. 1.72ha – poor and moderate modified grassland enhanced to good condition
Other neutral grassland (g3c)	Enhanced	2.06 ha –Moderate condition ONG enhanced to good condition For further details see paragraph 6.4.12.
Other broadleaved woodland (w1g)	Created	2.07ha –other broadleaved woodland creation in a moderate condition.

Habitat Creation and Enhancement Criteria

6.4.3 Habitats presented in **Table 5** are required to meet a set of criteria to ensure that their habitat type is achieved post-development, this is described below.

6.4.4 For the creation of habitat types which are Section 7 Priority Habitats and United Kingdom Biodiversity Action Plan (UKBAP) classification (Coastal Saltmarsh and ONG) it should be noted that creation of these habitats presents a high degree of difficulty due to the significant time taken to restore, recreate or replace once lost, given their age, uniqueness, species diversity

and rarity. Under PPW12 OMH and Coastal Saltmarsh fall within this definition⁶ (Ref 1).

Coastal Saltmarsh

6.4.5 To compensate for the small area of loss and temporary impact to Coastal Saltmarsh within the Dee Estuary / Aber Dyfrdwy SAC / SPA / Ramsar site a small area of Saltmarsh creation will occur within the 30 m ecological safeguard zone within the C&IEA. This would include bringing the current defences inland and allow the saltmarsh to naturally retreat to such an extent that any losses due to the Proposed Surface Water Outfall (the vast majority of which would be temporary) would be more than offset by the reduction in coastal squeeze allowed by the realigned defences south of the existing Power Station. A Conservation Areas Management Plan (Ref 31) previously developed for a historic application indicates that between 2010 and the date of the Management Plan (2015) some previously exposed mud around the foreshore had been colonised by common saltmarsh grass (*Puccinella maritima*) indicating natural saltmarsh colonisation and extension can occur in this area if suitable conditions are created. For further details please refer to Section 10 of **Report to Inform Habitats Regulations Assessment (EN010166/APP/6.12)**.

6.4.6 To achieve good quality Saltmarsh (moderate condition within Department for Environment, Food and Rural Affairs (DEFRA) Statutory Biodiversity Condition Assessment Criteria) NRW advice on assessment and monitoring of Coastal Saltmarsh (Ref 31) can be used in combination with the Statutory Biodiversity Condition Criteria. Refer to **Table 2 of the Outline LEMP (EN010166/APP/6.9)** for the Statutory Biodiversity Condition Assessment criteria of coastal saltmarsh.

6.4.7 For further detail on the management and monitoring of Coastal Saltmarsh, please see the **Outline LEMP (EN010166/APP/6.9)**.

Open Mosaic Habitat

6.4.8 Habitats are to be created using natural processes and are to be monitored during the establishment phase with remedial management actions undertaken to ensure that target habitats with associated conditions are created and met.

6.4.9 Once habitats are established active management would be undertaken to ensure that habitat remain in favourable condition (see Section 8). Adaptive management will be more favourable and should be adjusted based on the changing and adaptive conditions, species present and mosaic of habitat types that develop within the Site.

6.4.10 To achieve good quality OMH (moderate condition within DEFRA Statutory Biodiversity Condition Assessment Criteria) the following criteria must be met:

⁶ Coastal Saltmarsh as described in PPW 12 includes a 'large number of natural resources to underpin them which would be technically very difficult (or take a very significant time) to restore, recreate or replace once destroyed, considering their age, uniqueness, species diversity or rarity. Examples include ancient woodland and veteran trees, ancient hedgerows, wet woodlands, sand dunes, peatland, species rich grassland, long undisturbed soils, blanket bogs, salt marsh and lowland fen'.

- vegetation structure is varied, providing opportunities for vertebrates and invertebrates to live, eat and breed. A single structural habitat component or vegetation types does not account for more than 80% of the total habitat area;
- the habitat contains different plant species that are beneficial for wildlife;
- invasive non-native plants (listed in Schedule 9 of the Wildlife and Countryside Act 1981 Ref 33) and others which are to the detriment of native wildlife (using professional judgement) are absent of the total vegetated area; and
- the habitat must show spatial variation and forms a mosaic of bare substrate plus four early successional communities (annuals, mosses/liverworts, lichens, ruderals, inundation species, open grassland, flower-rich grassland, heathland, pools).

Other Neutral Grassland

6.4.11 A total of 2.06ha ha of ONG in poor and moderate condition is to be enhanced in areas where ONG has been retained or reinstated (see **Appendix B - Figure 2**).

6.4.12 To achieve good quality ONG/ good semi-improved grassland, DEFRA Statutory Biodiversity Condition Assessment Criteria (Ref 34) can be used in combination with NRW's State of Natural Resources Report (Ref 35) to define the criteria needed to create good quality ONG, and is described as follows:

- The parcel represents a good example of its habitat type⁷, with a consistently high proportion of characteristic indicator species present relevant to the specific habitat type;
- Sward height is varied (at least 20% of the sward is less than 7 cm and at least 20% is more than 7 cm) creating microclimates which provide opportunities for insects, birds and small mammals to live and breed;
- Cover of bare ground is between 1% and 5%, including localised areas;
- Cover of bracken *Pteridium aquilinum* is less than 20% and cover of scrub (including bramble *Rubus fruticosus* agg.) is less than 5%;
- Combined cover of species indicative of suboptimal condition and physical damage (such as excessive poaching, damage from machinery use or storage, damaging levels of access, or any other damaging management activities) accounts for less than 5% of total area; and
- There are 10 or more vascular plant species per m² present, including forbs that are characteristic of the habitat type.

6.4.13 For further detail on the management and monitoring of Other Neutral Grassland please see the **Outline LEMP (EN010166/APP/6.9)**.

⁷ For definition of Other Neutral Grassland refer to UKHab guidance [UKHab-v2.01-July-2023-Final-2\(1\).pdf](https://www.ukhab.org.uk/sites/default/files/2023-07/UKHab-v2.01-July-2023-Final-2(1).pdf)

Other Broadleaved Woodland

6.4.14 A total of 2.07 ha of Other Broadleaved Woodland in a moderate condition is to be created (**see Figure 3**). The creation of woodland will help maintain and extend the green infrastructure corridors currently present within the Main Development Area.

6.4.15 To achieve moderate condition, Other Broadleaved Woodland, a total of 26 to 32 points over the 32 categories of good to poor criteria, within the Statutory Biodiversity Condition Assessment Sheet need to be met. For further details on the criteria, refer to **Table 2** in the **Outline LEMP (EN010166/APP/6.9)**.

6.4.16 For further detail on the management and monitoring of Other Broadleaved Woodland please see the **Outline LEMP (EN010166/APP/6.9)**.

6.5 Application and Compliance of Stepwise

6.5.1 This section outlines the 'Stepwise Approach' that has been followed to avoid, minimise, mitigate and compensate impacts to habitats resulting from the Proposed Development. **Table 6** identifies how the stepwise approach has been applied for ecological receptors permanently and temporarily impacted by the Proposed Development. In summary:

- Biodiversity and wider ecosystem benefits were considered early in the design process for the Proposed Development. This led to design and programme changes, including the retention of habitats and avoidance of disturbance where possible. This accords with the 'Avoidance' principle of the Stepwise Approach;
- Where it was not possible to avoid specific biodiversity impacts, measures to minimise the impacts were recommended. This led to the recommendation of several strategies which minimise the Proposed Development's impact on biodiversity. These recommendations are secured through the **Framework CEMP (EN010166/APP/6.5)** and the **Outline LEMP (EN010166/APP/6.9)**. This accords with the 'Minimise' principle of the Stepwise Approach; and
- Where predicted impacts may still occur following avoidance measures and measures to minimise impacts, mitigation measures would be implemented for habitats and species. Species mitigation and habitat enhancement measures have been designed to reduce the impacts of the Proposed Development, supporting the 'Mitigate' principle of the Stepwise Approach.

Table 6: Stepwise Approach taken to deliver NBB for Connah's Quay Proposed Development

Habitat Type	Habitat Type	Permanently/ Temporarily / Retained	Avoid	Minimise	Mitigate	Compensate
Designated Sites	Dee Estuary/Aber Dyfrdwy SAC, SPA, Ramsar and SSSI saltmarsh area.	Temporary Loss/ Retained	<p>The design is such that the construction and operation footprint required has avoided designated sites wherever possible.</p> <p>Through design development, outlined in Chapter 6: Project Alternatives (EN010166/APP/6.2.6) the Applicant has minimised works in the Water Connection Corridor. Works are now limited to maintenance and upgrades of the existing Connah's Quay Power Station's cooling water infrastructure and would not interfere with the riverbed of require</p>	<p>The design is such that the construction and operational footprint encroaching on designated habitat has been minimised as far as possible in defining the Order limits. A 30 m ecological buffer zone will be maintained within the C&IEA and Main Development Areas, where construction laydown areas are located, providing an area of protection to coastal saltmarsh.</p> <p>Temporary works within the vicinity of the existing surface water outfall would be undertaken via trenchless construction methods (where</p>	<p>All residual impacts would be mitigated through the Framework CEMP (EN010166/APP/6.5) to prevent any significant effects from any sensitive features within the designated site. For further details see Framework CEMP (EN010166/APP/6.5).</p>	<p>An area of 0.13 ha of coastal saltmarsh is proposed to be created within the ecological safeguard zone, post-construction. The creation of saltmarsh within this area would require setting back the existing tidal defences south of the existing power station to sea level, to allow saltmarsh habitat within the SSSI/SAC to extend inland naturally. This would create approximately 0.13 ha of permanent new saltmarsh thus offsetting the small temporary and permanent loss (0.06 ha).</p>

Habitat Type	Habitat Type	Permanently/ Temporarily / Retained	Avoid	Minimise	Mitigate	Compensate
			<p>works in adjacent habitats.</p> <p>The drainage design outline in Appendix 13-D: Outline Surface Water Drainage Strategy (EN010166/APP/6.4) of the ES has sought to avoid impacts on designated habitat through design development. Additional outfall locations were considered but discounted.</p>	<p>possible), with a worst-case temporary impact of 0.06 ha of coastal saltmarsh. For further details see Chapter 5: Construction Programme and Management (EN010166/APP/6.2.5).</p> <p>The drainage design outline in Appendix 13-D: Outline Surface Water Drainage Strategy (EN010166/APP/6.4) of the ES has sought to minimise impacts on designated habitat through design development. This includes extended the existing headwall rather than creating a new standalone headwall which would have a larger footprint.</p>		<p>Due to the time lag between temporary loss of Saltmarsh and its reinstatement, it is recommended that the habitat be fully compensated for off-site if the habitat cannot reach the desired condition.</p> <p>With this compensation in place a net benefit has been provided to the Dee Estuary/Aber Dyfrdwy SAC, SPA, Ramsar and SSSI saltmarsh area. The management of newly created saltmarsh is detailed in the Outline LEMP (EN010166/APP/6.9). For further detail on management and monitoring see Section 9.</p>

Habitat Type	Habitat Type	Permanently/ Temporarily / Retained	Avoid	Minimise	Mitigate	Compensate
Irreplaceable Habitat (Ancient and Veteran Trees)	Veteran Trees	Retained	The design is such that the construction and operation footprint required has avoided ancient and veteran trees.	N/A	No new hard surfacing will be required within the RPA of veteran or ancient trees however existing access routes will be utilised by the Proposed Development within the RPA of three veteran trees. A total of three RPA incursions will be required for veteran trees to facilitate the use of existing access roads for construction traffic. Mitigation measures are likely to include the use of either a three-dimensional cellular raft system or ground protection, suitable for the heaviest anticipated load, to prevent negative impacts to the	N/A

Habitat Type	Habitat Type	Permanently/ Temporarily / Retained	Avoid	Minimise	Mitigate	Compensate
					structure of the soil within the RPA.	
S7 Priority Habitat	Intertidal mudflats (t2d)	Retained	The design is such that the construction and operational footprint required has been devised to avoid land take of intertidal mudflats.	N/A	Standard environmental protection measures formalised through the Framework CEMP (EN010166/APP/6.5)	As above – see designated sites
	Lowland mixed deciduous woodland (w1f7)	Retained	The design is such that the construction and operational footprint required has been devised to avoid land take of lowland mixed deciduous woodland where feasible.	All works within proximity to lowland mixed deciduous woodland would be set back in line with Root Protection Zones (RPZ). For further details, refer to Appendix 15-G: Arboricultural Impact Assessment (EN010166/APP/6.4)	will be applied to all S7 habitats temporarily and permanently effected by the Proposed Development. For further details refer to Framework CEMP (EN010166/APP/6.5) . For individual trees, mitigation measures will be detailed in Arboriculture method statement Appendix 15-G: Arboricultural Impact Assessment (EN010166/APP/6.4)	N/A
	Species rich native hedgerow (h2a5)	Permanent, and Temporary loss/ Retained.	The design is such that the construction and operational footprint required has been devised to avoid land take of species-rich	The construction of the Proposed Development would result in the permanent loss of approximately 22 m of other native hedgerow		Compensation is required for a small section of hedgerow, hedgerow loss. This section of hedgerow would be replaced at

Habitat Type	Habitat Type	Permanently/ Temporarily / Retained	Avoid	Minimise	Mitigate	Compensate
			native hedgerows and hedgerows classified as important under the Hedgerow Regulations (1997) act where feasible.	(valued as important) within the Main Development Area and a temporary loss of approximately 32 m of species-rich hedgerow within the Connection Corridor easement. The 32m loss of species-rich hedgerow within Connection Corridor easement would be replanted after a 9-year construction period.	and adopted in the Outline LEMP (EN010166/APP/6.9) which is secured via the Framework CEMP (EN010166/APP/6.5) .	a minimum compensation ratio of 3:1 (to be delivered on-site around the north and west of the operational fence line) and would comprise planting of native species of local provenance, in - keeping with woodland within the wider landscape. A total of 0.34 km of hedgerow is to be planted. Management of newly planted hedgerow is prescribed by the detailed Outline LEMP (EN010166/APP/6.9) . For further details on management and monitoring see Section 8.

Habitat Type	Habitat Type	Permanently/ Temporarily / Retained	Avoid	Minimise	Mitigate	Compensate
Open mosaic habitats on previously developed land (u1f 80)	Long-term temporary loss		Due to the nature of the Proposed Development, and operational and construction activities required to facilitate the development, the land take of OMH was unavoidable. The loss of habitat would be permanent, for a period of up to 9 years.	N/A		<p>Post-construction works (up to 9 years), an area representative of the loss of OMH would be created and reinstated back to its original condition. An area of 4.34 ha of OMH, directly adjacent to the area of OMH subject to permanent removal, will also be created to achieve a net benefit. A total of 10.86 ha of OMH will be permanently established post-construction.</p> <p>The creation of OMH is subject to an adaptive management and monitoring regime to meet UK BAP status. The criteria to create</p>

Habitat Type	Habitat Type	Permanently/ Temporarily / Retained	Avoid	Minimise	Mitigate	Compensate
						and maintain OMH to UK BAP status is detailed in Section 6.4. For further details on management and monitoring see Section 9 and the Outline LEMP (EN010166/APP/6.9) .
Coastal saltmarsh (t2a)	Retained and Temporary Loss	As above – see designated sites.	As above – see designated sites.			As above – see designated sites.
Other neutral grassland (g3c)	Permanent and Temporary Loss/ Retained.	The design is such that the construction and operational footprint required has been devised to avoid land take of other neutral grassland where feasible.	The design is such that the construction and operational footprint required has been minimised as far as possible to minimise potential impacts to other neutral grassland.			<p>The Proposed Development will result in the permanent loss of approximately 0.73 ha of other neutral grassland.</p> <p>2.06 ha of ONG is proposed for enhancement where existing areas of ONG habitat are retained as part of the</p>

Habitat Type	Habitat Type	Permanently/ Temporarily / Retained	Avoid	Minimise	Mitigate	Compensate
					<p>Proposed Development. Where grassland habitats would be enhanced to support a net benefit on-site, all criteria to reach the desirable condition will be described in the Outline LEMP (EN010166/APP/6.9). The criteria to achieve this grassland enhancement is detailed in Section 6.4.</p> <p>Compensation is required off-site (see Section 8) for modified and other neutral grassland. Management prescriptions of modified grassland and other neutral grassland are</p>	

Habitat Type	Habitat Type	Permanently/ Temporarily / Retained	Avoid	Minimise	Mitigate	Compensate
						detailed in the Outline LEMP (EN010166/APP/6.9)
Non-S7 Priority Habitat	All Habitats	Permanent and Temporary Loss/ Retained.	The design is such that the construction and operational footprint required has been devised to avoid the land take of habitats wherever possible. High-Priority habitats, species supporting habitat, and GI features have been prioritised for avoidance.	The design is such that the construction and operational footprint required has been minimised as far as possible to minimise potential impacts to all non-S7 Priority Habitats that support species, wildlife corridors and green infrastructure.		<p>The Proposed Development will result in the permanent loss of approximately 35 trees, and 0.83 ha of woodland which are important habitats to sustain GI corridors within the Order limits.</p> <p>102 trees will be planted on-site within the Main Development Area post construction.</p> <p>2.07 ha of other broadleaved woodland will be created on-site within the Main</p>

Habitat Type	Habitat Type	Permanently/ Temporarily / Retained	Avoid	Minimise	Mitigate	Compensate
					<p>Development Area post construction.</p> <p>Compensation is required off site (see Section 7) for the small loss of trees and woodland that cannot be created on-site.</p> <p>Trees and Woodland will be compensated for off-site at a minimum ratio of 3:1. 3 trees and 0.42 ha of woodland creation will be required to satisfy PPW12 compensation ratios.</p> <p>Planting would comprise native species of local provenance, in - keeping with</p>	

Habitat Type	Habitat Type	Permanently/ Temporarily / Retained	Avoid	Minimise	Mitigate	Compensate
						woodland within the wider landscape.

6.6 Application and Compliance of DECCA

- 6.6.1 The construction of the Proposed Development will result in a permanent and temporary loss of several habitat types. Habitat compensation would ensure that habitats are replaced equal or above for their compensation. For compensation replacement ratios per habitat type see **Table 6**.
- 6.6.2 Where Section 7 Priority Habitats or habitats which support GI within the Order limits, and are to be temporarily lost, these habitats would be created after a 9-year construction period. For Section 7 habitats, including those with UKBAP status, to retain Priority Habitat status, their creation must follow a set of criteria. For criteria on the creation of Coastal Saltmarsh and OMH see Section 6.4.
- 6.6.3 Where habitats cannot be replaced and fully mitigated for their loss, other habitats within the Order limits will be enhanced to increase biodiversity value.
- 6.6.4 Where habitats cannot be replaced, fully mitigated or compensated for within the Order limits, off-site compensation is required. See Section 7 for further details.
- 6.6.5 Where impacts to biodiversity were predicted, following the application of avoidance measures and measures to minimise impacts, mitigation was implemented, and compensation provided. The measures aiming to increase ecosystem resilience could be categorised per mitigation/compensation type and are summarised below in **Table 7**. Each measure's contribution to ecosystem resilience is also highlighted using the DECCA Framework.

Table 7: Mitigation and Compensation Measures and their Contribution to Ecosystem Resilience

Habitat Impact	Mitigation or Compensation	Diversity	Extent	Condition	Connectivity	Adaptability to Change
Coastal Saltmarsh (t2a) – designated.	<p>Ecological Safeguard Zone (mitigation)</p> <p>Saltmarsh creation (compensation)</p>	<p>An ecological buffer will protect the existing habitats from construction disturbance and contain/support the pre-existing species and plant genetic diversity.</p> <p>Creating saltmarsh habitat adjacent to the Dee Estuary/Aber Dyfrdwy SAC/ SSSI/Ramsar would increase the opportunity for diverse communities to establish as well as providing important natural resources to support the diversity and rarity of breeding birds, invertebrates and fish. This aligns with the goal of</p>	<p>The retention of 0.19 ha and creation of 0.13 ha of Coastal Saltmarsh would maintain and extend the habitat within the Order Limit and prevent the net loss of designated habitat.</p> <p>If the re-establishment or creation of Coastal Saltmarsh fails, it is recommended that the extent of Coastal Saltmarsh be sought off-site. See Section 6.4 for further details.</p>	<p>Coastal Saltmarsh baseline condition within the ecological safeguard zones would be maintained. To ensure the baseline condition would be maintained a pre-construction assessment is required to understand its current pressures (Ref 39).</p> <p>Condition will be maintained through following the Standard environmental protection measures formalised through the Framework CEMP (EN010166/APP/6.5) and recommendations discussed within the Report to Inform Habitats Regulations</p>	<p>Maintaining and creating saltmarsh within the Dee Estuary/Aber Dyfrdwy SAC/ SSSI/ Ramsar would enhance the ecological connectivity by linking different habitat types. This connectivity allows species to move and disperse, which is vital for genetic diversity and ecosystem resilience</p>	<p>Saltmarshes are dynamic systems that can adapt to changing environmental conditions, such as sea-level rise and increased storm frequency. Their ability to trap and stabilise sediments helps in shoreline protection and adaptation to climate change impacts.</p>

Habitat Impact	Mitigation or Compensation	Diversity	Extent	Condition	Connectivity	Adaptability to Change
		expanding protected areas to 30% of land cover by 2030 (Ref 39).		Assessment (EN010166/APP/6.12). The condition of the Saltmarsh created would be required to meet the UK BAP definition. See Section 6.4 for further details on habitat creation criteria.		
Species rich native hedgerow (h2a5)	Replanting of hedgerow over cable easement (mitigation) Hedgerow creation (compensation)	A mix of whips and standard sized shrubs of native species of local provenance in-keeping with the overall species composition of hedgerows affected would be used in replanting of hedgerows to maintain the species diversity of the existing species-rich hedgerows. The important hedgerow criteria should be	Additional hedgerows would be planted on-site, to increase the extent of green infrastructure (See Appendix A).	Hedgerows planted would naturally mature to form part of a fully functioning hedgerow.	Replanting where gaps are created by the Proposed Development would maintain connectivity of the hedgerow network. The creation of new hedgerow would expand commuting routes for protected and notable species, namely bat and reptile species.	This mitigation and compensation measure is likely to support adaptability to change through the provision of ecosystem service resilience and expansion of green infrastructure networks.

Habitat Impact	Mitigation or Compensation	Diversity	Extent	Condition	Connectivity	Adaptability to Change
		<p>followed in replanting and creation of hedgerow (Ref 40).</p> <p>All reasonable steps to establish and maintain a green cover on land within 2 metres of the centre of a hedgerow covered by the hedgerow management buffer strip rules will be implemented as prescribed in the Outline LEMP (EN010166/APP/6.9).</p>				
Open mosaic habitats on previously developed land (u1f 80)	<p>Re-establishment of OMH (Mitigation)</p> <p>OMH creation (compensation)</p>	<p>The re-establishment and creation of OMH may be achievable due to the nature of the Proposed Development Site.</p> <p>OMH supports a wide range of species. The mix of hard standing</p>	<p>The re-establishment of 6.12 ha and creation of 0.26 ha of OMH within the Order Limit will preserve and increase the area of OMH on-site.</p>	<p>The condition of the OMH created will be required to meet the UK BAP definition. See Section 6.4 for further details on habitat creation criteria.</p>	<p>OMH enhances ecological connectivity by linking different habitats, such as grassland and shrub. This connectivity allows species to move and disperse, which</p>	<p>OMH are dynamic systems that can adapt to changing environmental conditions. Their ability to support a variety of species and habitats helps in adapting to</p>

Habitat Impact	Mitigation or Compensation	Diversity	Extent	Condition	Connectivity	Adaptability to Change
		<p>and vegetated land creates a variety of microhabitats, promoting a diverse ecosystem.</p> <p>Active management of this habitat would ensure that a diverse range of habitat types are established.</p>	<p>If the re-establishment or creation of OMH fails, it is recommended that the extent of OMH be sought off-site. See Section 6.4 for further details.</p>		<p>is vital for genetic diversity and ecosystem resilience.</p>	<p>climate change impacts and maintaining ecological functions.</p>
Other neutral grassland (g3c)	<p>Replanting of grassland (enhanced from modified grassland to other neutral grassland) (mitigation)</p> <p>Other neutral grassland creation (compensation)</p>	<p>By replanting grassland of a higher distinctiveness which would comprise a more diverse vegetative community, the genetic diversity of the grassland will be improved.</p>	<p>The extent of grassland would not be maintained on-site. Off-site compensation will be required.</p> <p>To compensate for the loss of modified and other neutral grassland, where possible areas identified for replanting within the Order limits</p>	<p>The condition of the grassland will be improved by re-seeding with a more diverse seed mix.</p>	<p>Preserving and replanting grasslands can enhance habitat connectivity, allowing species to move and disperse more freely disperse.</p>	<p>Through the improvement of grassland type and enhancing the condition this mitigation and compensation measure is likely to support adaptability to change.</p>

Habitat Impact	Mitigation or Compensation	Diversity	Extent	Condition	Connectivity	Adaptability to Change
			<p>would be enhanced as other neutral grassland in a good condition or created as other neutral grassland in a moderate condition.</p> <p>To compensate for the loss of 0.73 ha of other neutral grassland, a 2:1 compensation planting ratio would be implemented. A minimum of 1.46 ha of other neutral grassland is required to be created or enhanced off-site.</p>			
Individual Trees	Tree buffers (mitigation)	Ancient and Veteran trees will be retained, preserving their	By preserving Ancient and Veteran trees,	By maintaining a 15 m RPA surrounding Ancient and Veteran	A 15 m RPAs for Ancient and Veteran trees	This mitigation measure is likely to support

Habitat Impact	Mitigation or Compensation	Diversity	Extent	Condition	Connectivity	Adaptability to Change
		ability to support a wide range of species and maintain the Proposed Development Sites diversity where possible.	the extent of irreplaceable habitat within the Proposed Development Site is maintained. 102 trees are to be planted within the Main Development Area, increasing the extent of trees on-site.	trees it helps maintain their structural integrity, and status.	within the Proposed Development's construction phase helps support GI features and corridors.	adaptability to change through the provision of ecosystem service resilience.

6.7 Application and Compliance of Building with Nature Standards Framework

6.7.1 Opportunities for incorporating green infrastructure has been undertaken paying due regard to the BwNSF (Ref 25). The BwNSF sets out best practice standards to define a benchmark of good green infrastructure and how to deliver it. **Table 8** detailed evidence of how the Proposed Development has worked towards upholding and achieving these standards where applicable.

Table 8: Summary of Proposed Green Infrastructure Mitigation and Enhancement and its Link to BwNSF

Standard	Justification for Meeting the Standard
1 Optimises Multifunctionality and Connectivity	<p>Ecological connectivity has been preserved where possible, through the replanting and creation of hedgerows, trees and woodland. Replacement planting of trees and hedgerows would help to main green infrastructure connectivity with wider habitats for species such as bats.</p> <p>An ecological safeguard zone of 30 m would be maintained and set back from the main development and northern boundary of the C&IEA. This minimum 30 m ecological safeguard zones, with acoustic fencing would be used to provide protection for sensitive habitats and IEFs, including within the Dee Estuary. Overall, this would help maintain connectivity to several habitat types and support priority species within them.</p>
2 Positively responds to the Climate Emergency	<p>The design will satisfy current construction standards to ensure the design is resilient to changes in climate. Where appropriate, the Construction Contractor will use low carbon approaches to construction. The Framework CEMP (EN010166/APP/6.5) details the measures required to manage the environmental effects of the proposed works and demonstrate compliance with environmental legislation will be implemented.</p>
3 Maximises Environmental Net Gains	<p>Environmental net gain (ENG) would be delivered through sustaining GI within the Order limits. Through the maintenance of GI, ENG will be delivered through improvement to air and water quality, as well as providing refuge for wildlife. To support the net increase of ENG, off-site habitat compensation would be provided and ensure that habitat creations reflect the requirements of ENG and serve local priorities.</p>

Standard	Justification for Meeting the Standard
	People connections will not be supported as part of the Proposed Development's efforts to maximise ENG due to its operational nature.
4 Champions a Context Driven Approach	Net Benefit would be acquired on and/or off-site. The like-for-like replacement and avoidance of GI (hedgerow, woodland and trees) and creation of grassland/ OMH would ensure that Flintshire Council Strategic Policy STR13 and 14 of the Joint Local Development Plan will be met.
5 Creates Distinctive Places	
6 Secures Effective Place-keeping	All habitat creation and enhancement proposed as part of this NBB assessment would require regular maintenance and monitoring. Management of all habitats created or enhanced would be detailed within the final LEMP(s) and monitored for at least 5 years. Areas of saltmarsh and OMH creation will be subject to a 10-year monitoring and management period. This demonstrates a commitment to effectively implement, establish and maintain mitigation and compensation at all stages of the development process.
7 Brings Nature Closer to People	The Proposed Development is an operational site, limited public access or PRoW. The nature of the operation of the site restricts opportunities to bring people closer to nature. PRoW Surrounding the Order limits would not be affected.
8 Supports Equitable and Inclusive Places	The Proposed Development is an operational facility; this restricts opportunities to make the Proposed Development Site more equitable and inclusive.
9 Delivers Climate Resilient Water Management	The assessment for watercourses impacted by the Proposed Development have been captured within the Water Framework Directive and Report to Inform Habitats Regulations Assessment (EN010166/APP/6.12) .
10 Brings Water Closer to People	<p>Proposed Development will avoid impact to all watercourses within the Order limits.</p> <p>Working buffers and active mitigation would be applied to all construction works surrounding watercourses on-site, to protect the resilience of watercourse. The Framework CEMP (EN010166/APP/6.5) details the measures required to manage the environmental effects of the Proposed Development and demonstrate</p>

Standard	Justification for Meeting the Standard
	compliance with environmental legislation would be implemented.
Standard 11 Delivers Wildlife Enhancement	<p>Trees and hedgerows removed as part of the Proposed works would be replanted on-site with a 3:1 planting ratio.</p> <p>To achieve wildlife enhancement after the 9-year construction phase, all retained or permanently lost modified grassland, which would not be subject to the Proposed Development hardstanding footprint would be created/ enhanced to other neutral grassland in a moderate condition.</p> <p>To achieve wildlife enhancement after the 9-year construction phase, an area of OMH will be re-established and created. The management and monitoring criteria to secure the status of this habitat is detailed in Section 8 and detailed in the Outline LEMP (EN010166/APP/6.9).</p>
12 Underpins Nature's Recovery	Habitat creation and or enhancement discussed in Section 6.4 and 7.5 will enhance the quality of existing habitat, improving and aiding nature recovery on and off-site. The GI implemented off-site as part of the off-site delivery strategy will create effective links with existing and newly created ecological features to support the creation and restoration of the wider landscape.

7. Off-Site NBB and GI Delivery

7.1.1 To address the net loss of habitats and GI associated with the Proposed Development, off-site delivery is necessary. On-site options for habitat and green infrastructure compensation have been fully exhausted. As such, a suitable off-site delivery area was identified to provide habitat type necessary to achieve NBB. In addition, off-site mitigation is required for the loss of suitable Curlew (*Numenius arquata*) habitat, which is considered FLL. A specific area has been selected to deliver the required Curlew mitigation and meet the NBB and GI obligations.

7.2 Off-Site Delivery Area Strategy

7.2.1 A set of criteria was used to identify suitable sites for off-site Curlew mitigation and NBB/GI delivery. The criteria considered are as follows:

1. Proximity to the Order Limits;
2. Existing land use, pressures and habitats present;
3. Distance from the Dee Estuary/Aber Dyfrdwy SAC and Dee Estuary/Aber Dyfrdwy SPA, Ramsar and SSSI;
4. Desk based assessment and preliminary ecological appraisals of each off-site location;
5. Availability for purchase and opportunity for long-term management;
6. Existing levels of use by Curlew and other bird species; and
7. Land availability for the creation and enhancement of habitats in line with the habitats highlighted as net loss in Section 6.1.

7.3 Off-Site Delivery Area selection

7.3.1 The selected off-site delivery area is located northwest of Gronant Fields, Prestatyn (NGR SJ 08413 83616) and covers approximately 56.3 ha.

7.3.2 The off-site delivery area is located within the Dee Estuary/ Aber Dyfrdwy SAC and SPA and the Dee Estuary SSSI nationally designated site.

7.3.3 Whilst this land is outside of the Order limits, subsequent to ongoing legal discussions, it will shortly be under the Applicant's ownership. The provision of the habitat creation within the off-site delivery area is secured by requirement within the **Draft DCO (EN010166/APP/3.1)**. The **Draft DCO (EN010166/APP/3.1)** requires an Off-site NBB and GI Plan to be developed and agreed with FCC in accordance with the **Off-site NBB and GI Strategy (EN010166/APP/6.14)** prior to the implementation of any habitat creation within the off-site delivery area.

7.4 Off-Site Delivery Area Baseline

7.4.1 An ecological walkover survey including UKHab Classification and condition assessment survey was undertaken of the accessible areas within the off-site compensation area on the 2nd and 3rd June 2025. The following habitats were identified:

- Other non-cereal crops c1d8;
- Other neutral grassland g3c;
- Eutrophic standing water r1a;
- Other riversstreams r2b;
- Other broadleaved woodland w1g;
- Other native hedgerow h2a6; and,
- Developed land; sealed surface u1b.

7.4.2 Further information on the ecological features present within the site are detailed in the Gronant Fields Preliminary Ecological Appraisal included as Appendix A of the **Off-site NBB and GI Strategy (EN010166/APP/6.14)**.

7.5 Off-Site Habitat Creation and Enhancement

7.5.1 Additional off-site NBB and GI delivery is required to account for habitat loss, associated with the permanent and temporary work within the Order limits. A ratio for habitat creation that accounts for high biodiversity value habitats that will be permanently lost within the Order limits should be applied to the Off-Site NBB/GI delivery area. These ratios have been taken from PPW12 guidance and developed from professional judgement. Compensation planting ratios are summarised below and must be applied within any creation or designated enhancements:

- Trees, woodland and scrub will be replaced at a minimum 3:1 ratio; Hedgerows (all hedgerows classified as important under the Hedgerows Regulations 1997 (Ref 41), will be replaced at a minimum of 3:1);
- Species-poor grassland will be enhanced to improve the baseline condition. Where possible, species-rich grassland will be created and targeted to a more desirable condition than on-site losses.

7.5.2 Approximately 26 ha of habitat creation and improvement is required within the off-site delivery area for Curlew mitigation and would be predominately managed wet grassland. For further details see the **Curlew Mitigation Strategy (EN010166/APP/6.13)**.

7.5.3 30.3 ha of the off-site delivery area falls outside the proposed Curlew mitigation area and subsequent to ongoing legal discussions, will shortly be under the Applicant's ownership. This offers a chance to actively manage these habitats, ensuring the net benefit of highly distinctive habitats and GI features are secured. Additionally, plans for enhancing habitats in poor condition and creating measures in areas with currently low biodiversity interest would be developed for these parts of the site.

7.5.4 A comprehensive approach to off-site species and habitat mitigation/compensation has been implemented, ensuring alignment with the Stepwise Approach and DECCA framework requirements. The habitat created under the Curlew Mitigation Strategy, along with additional off-site NBB/GI compensation, will significantly enhance biodiversity. This initiative will improve ecosystem resilience and support the surrounding priority ecological networks, demonstrating a clear net benefit for biodiversity.

7.5.5 For further details in relation to the off-site compensation strategy see the **Off-site NBB and GI Strategy (EN010166/APP/6.14)**.

8. Management and Monitoring

- 8.1.1 All habitat creation and enhancement activities aimed at delivering NBB will be subject to ongoing management and monitoring. A minimum monitoring period of five years will apply to most habitats, with S7 Priority Habitats requiring at least 10 years of monitoring. The Applicant will remain responsible for the implementation, monitoring and maintenance of both on-site and off-site habitats, secured through appropriate legal mechanisms.
- 8.1.2 Mitigation and compensation creation/enhancement measures (see Section 6.4 and 7.5) are included within the **Framework CEMP (EN010166/APP/6.5)** and **Outline LEMP (EN010166/APP/6.9)** to ensure these measures are implemented fully.
- 8.1.3 The **Outline LEMP (EN010166/APP/6.9)** identifies the preliminary landscape provisions within the Order limits and any relevant mitigation and habitat compensation identified for NBB are identified in the **Off-site NBB and GI Strategy (EN010166/APP/6.14)**. Requirement 10 of the **Draft DCO (EN010166/APP/3.1)** secures that no stage of the authorised development may commence until a Landscape Environment Management Plan for that stage, in general accordance with the **Outline LEMP (EN010166/APP/6.9)**, has been submitted to and approved by the relevant planning authority. The final LEMP(s) will include further detail on habitat creation and enhancement criteria for on-site habitat creation and will include a clear timetable, management and monitoring commitments. The frequency of habitat monitoring will be in line with best practice. Similarly, an Off-site NBB Plan will provide these details for off-site habitat creation.
- 8.1.4 The monitoring of establishing habitats listed in **Table 5** and Section 7.5 should include a condition assessment. Post-construction monitoring will determine the efficacy of habitat creation and enhancement and help to identify where management, mitigation improvements or changes are necessary.

Additional Management and Monitoring

Connah's Quay Power Station Conservation Areas

- 8.1.5 In addition to the habitats secured, managed and monitored to deliver a net benefit under the DCO, the Applicant is legally responsible to maintain and manage 51 ha of habitat, surrounding Connah's Quay Power Station (split into 3 components) for the duration of the operation of Connah's Quay Power Station. These areas comprise of Coastal Saltmarsh, trees, scrub and intertidal mudflats, which fall within European Marine Site (EMS), SSSI, Ramsar, SPA and SAC. The ongoing monitoring and management of these areas are ongoing and provide evidence of the Applicants' active support to deliver a net benefit surrounding their operational facilities.

9. Conclusion

- 9.1.1 This GI Statement has been prepared in line with the Stepwise Approach, the DECCA Framework and NRW's guidance on resilient ecological networks (Ref 28), and the BwNSF (Ref 25) to determine whether a NBB and effective GI delivery has been achieved.
- 9.1.2 The Proposed Development contributes to addressing biodiversity challenges identified in the Flintshire and Denbighshire Local Development Plans, as well as the North East Wales Area Statement (Ref 13), including reversing biodiversity loss and enhancing ecological resilience.
- 9.1.3 Most on-site habitats will be temporarily impacted during construction and reinstated post-works. For permanent habitat losses, and for designated areas subject to prolonged temporary impact, the Stepwise Approach and DECCA Framework have been applied. Where on-site compensation was not feasible, an off-site delivery area has been secured to address residual NBB and GI losses, and to provide dedicated Curlew mitigation. See the **Off-site NBB and GI Strategy (EN010166/APP/6.14)** for further details. A comprehensive approach to off-site species and habitat mitigation/compensation has been implemented, ensuring alignment with the Stepwise Approach and DECCA framework requirements.
- 9.1.4 Further consultation between the Applicant, FCC, DCC and NRW continues to finalise the approach to off-site delivery, ensuring both a net benefit for biodiversity and additional curlew mitigation. Management and monitoring timescales will be adjusted following consultation and will be inputting into the final LEMP(s) which will detail the locations and extent of habitat creation and enhancements. The final LEMP(s) will set out the full details of the required habitat creation and management. The Applicant will remain responsible for the long-term delivery of all mitigation and enhancement measures, both on-site and off-site, to ensure NBB and satisfy GI requirements for the Proposed Development.

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Abbreviations

Abbreviation	Term
AGI	Above Ground Installation
AONB	Area of Outstanding Natural Beauty
BwNSF 2.0	Building with Nature Standards Framework 2.0
CEMP	Construction Environmental Management Plan
CQLCP	Connah's Quay Low Carbon Plant
CCGT	Combined Cycle Gas Turbines
CCP	Carbon Capture Plant
CO ₂	Carbon Dioxide
C&IEA	Construction and Indicative Enhancement Area
DCC	Denbighshire County Council
DCO	Development Consent Order
DECCA	Diversity, Extent, Condition, Connectivity and Aspects of ecosystem resilience
DEFRA	Department for Environment, Food & Rural Affairs
DEMP	Decommissioning Environmental Management Plan
EIA	Environmental Impact Assessment
EMS	European Marine Site
ENG	Environmental Net Gain
FCC	Flintshire County Council
FLL	Functionally Linked Land
GCN	Great Crested Newt
GI	Green Infrastructure
HoPI	Habitats of Principle Importance
IEF	Important Ecological Feature
NBB	Net Benefit for Biodiversity
NGET	National Grid Electricity Transmission plc
NPS	National Policy Statements
NRW	Natural Resources Wales
Outline LEMP	Outline Landscape and Ecological Management Plan
OMH	Open Mosaic Habitat
PINS	Planning Inspectorate
PPW	Planning Policy Wales
PRoW	Public Right of Way
SAC	Special Areas of Conservation
SPA	Special Protection Areas

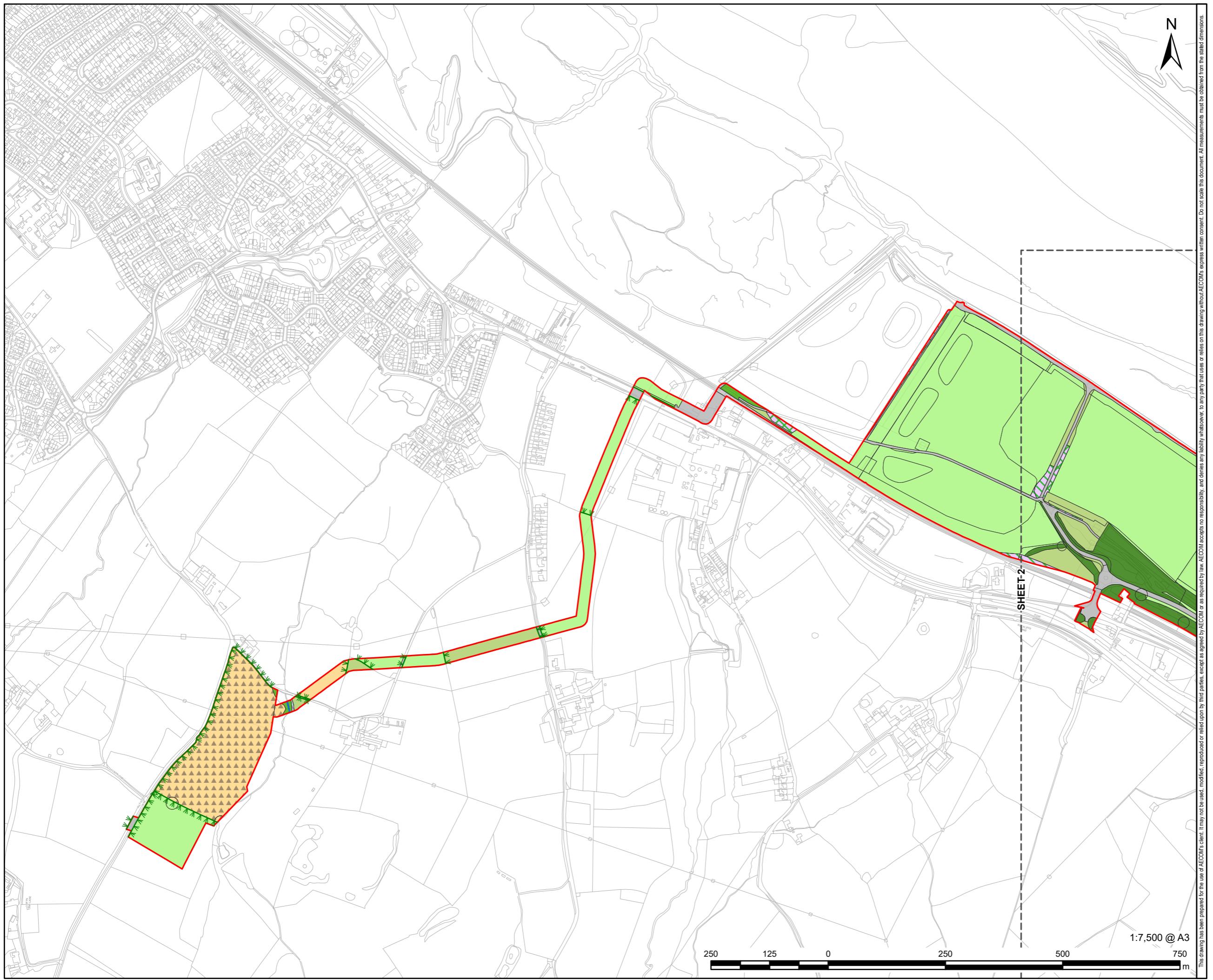
SSSI	Site of Special Scientific Interest
TANs	Technical Advice Notes
UKBAP	United Kingdom Biodiversity Action Plan

Appendix A – Baseline Constraints Plan

Figure 1 – Order limits

Figure 2 – Baseline Habitats





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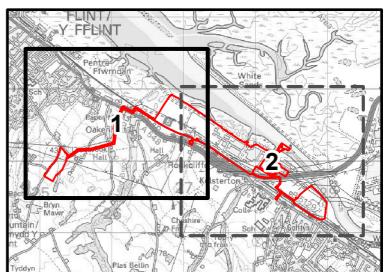
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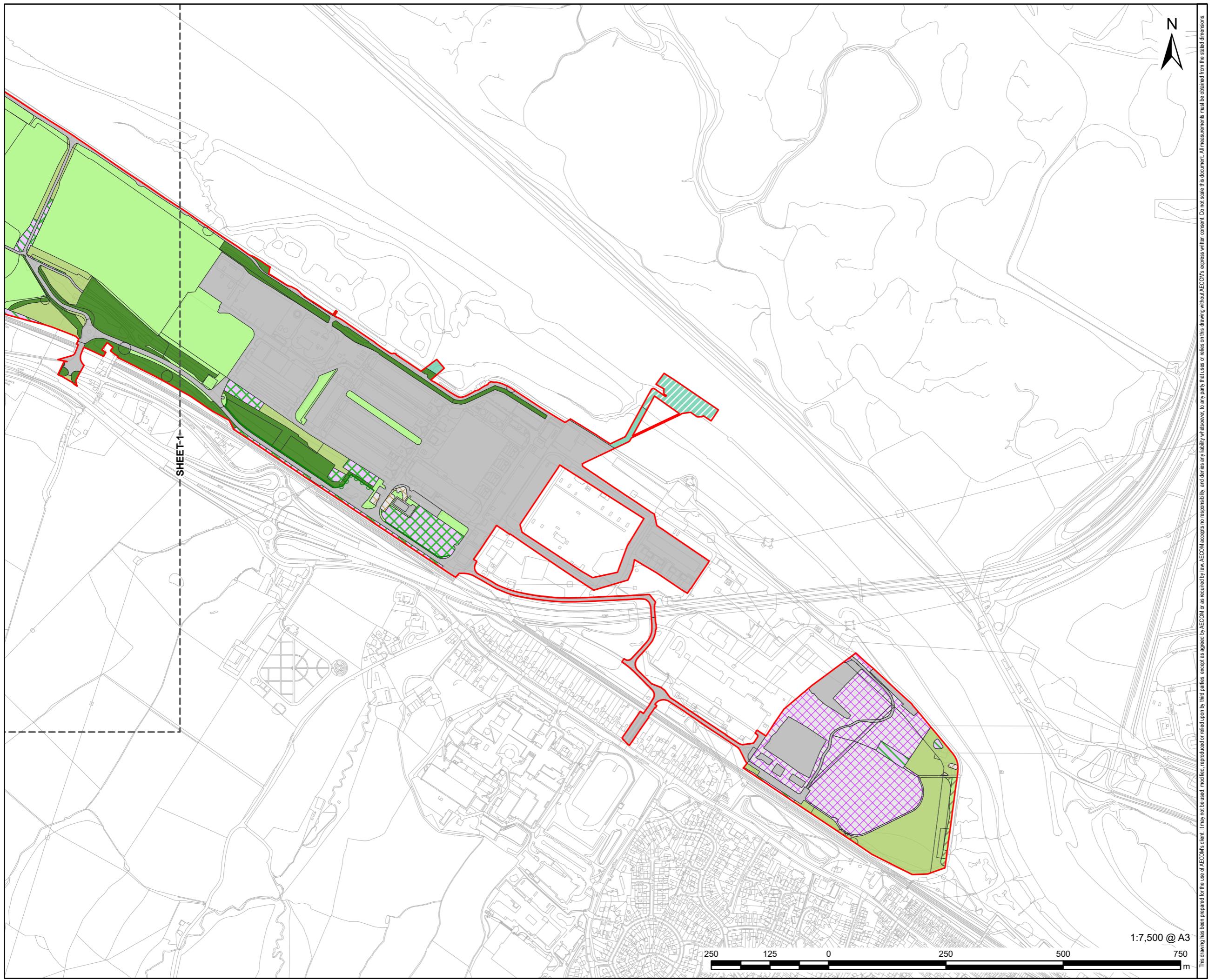
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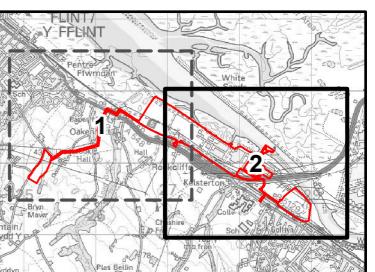
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LEGEND

- Construction and Operation Area
- h2a5 - Species rich native hedgerow
- h2a6 - Other native hedgerow
- h2b - Non-native and ornamental hedgerow
- t2a - Coastal saltmarsh
- t2d - Intertidal mudflats
- g1c - Bracken
- g3c - Other neutral grassland
- g4 - Modified grassland
- h3d - Bramble scrub
- h3h - Mixed scrub
- u1c - Artificial unvegetated, unsealed surface
- u1d - Developed land; sealed surface
- u1 847 - Introduced shrub
- u1f 80 - Open Mosaic Habitat on previously developed land
- w1f7 - Other lowland mixed deciduous woodland
- w1g - Other broadleaved woodland



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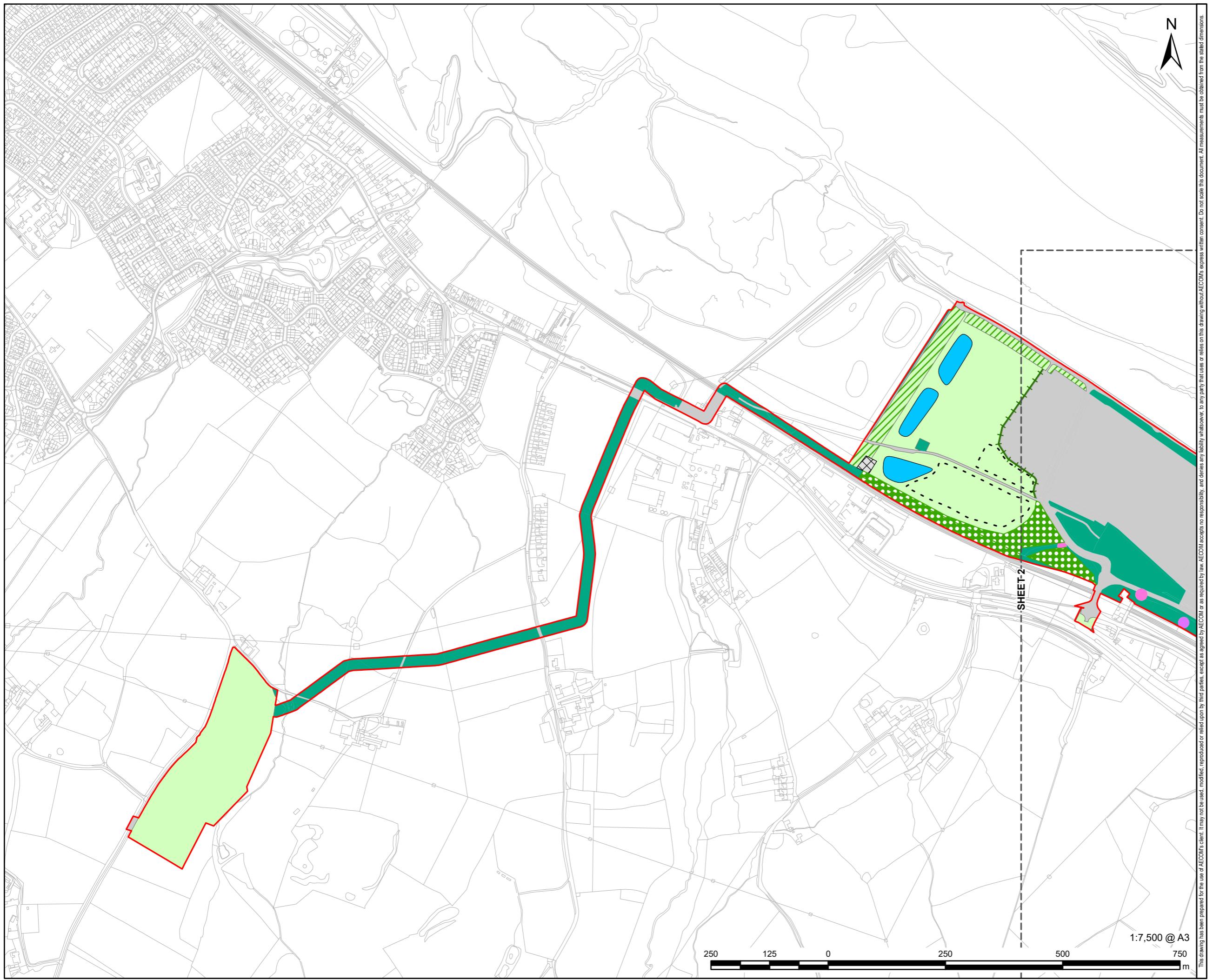
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Appendix B – Landscape Masterplan

Figure 3 – Indicative Landscape Plan

Figure 4 – Permanent and Temporary Habitat Loss



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LEGEND

- Construction and Operation Area
- Operational Footprint / Hardstanding
- Retained Habitat - Not Affected by Development
- Retained Habitat - Ancient Tree Root Protection Area (RPA)
- Retained Habitat - Veteran Tree Root Protection Area (RPA)

Indicative Landscape Plan

- Species Rich Hedgerow
- Grassland
- Grassland enhanced as species-rich, wildflower
- Pulverised Fuel Ash
- Shallow Scrape
- Woodland
- Indicative Tree Planting Area

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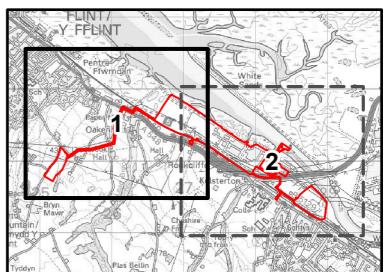
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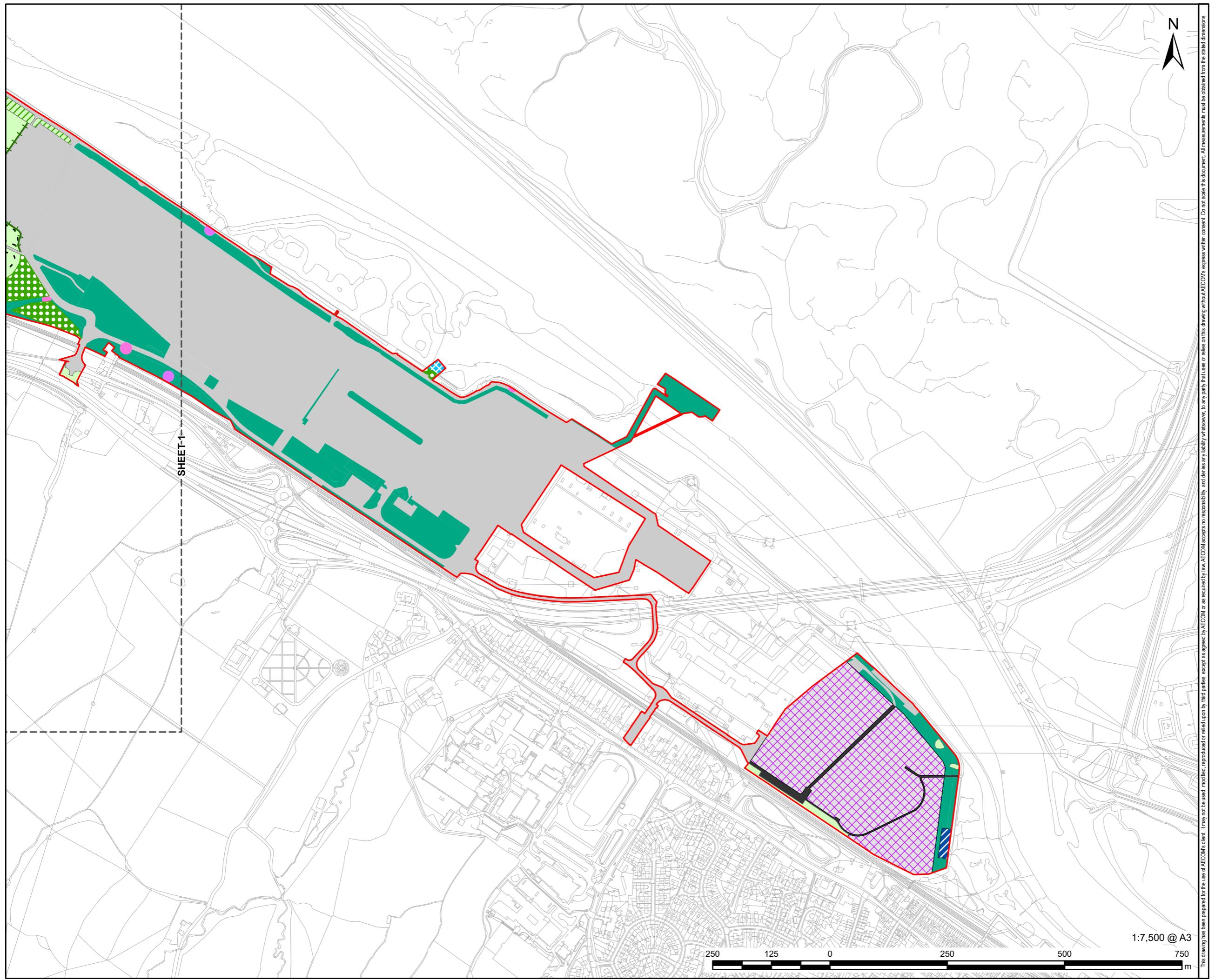
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FIGURE TITLE
Indicative Landscape Plan
Sheet 1 of 2

FIGURE NUMBER
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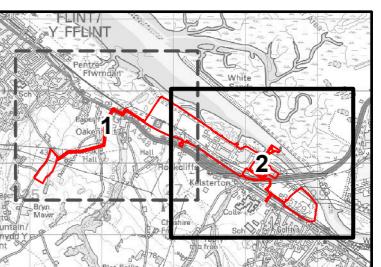
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LEGEND

- Construction and Operation Area
- Operational Footprint / Hardstanding
- Retained Habitat - Not Affected by Development
- Retained Habitat - Ancient Tree Root Protection Area (RPA)
- Retained Habitat - Veteran Tree Root Protection Area (RPA)

Indicative Landscape Plan

- Species Rich Hedgerow
- Access Track / Hardstanding
- Grassland
- Grassland enhanced as species-rich, wildflower
- Open Mosaic Habitat
- Saltmarsh Habitat Creation
- Saltmarsh Habitat Reinstated
- Woodland
- Indicative Tree Planting Area



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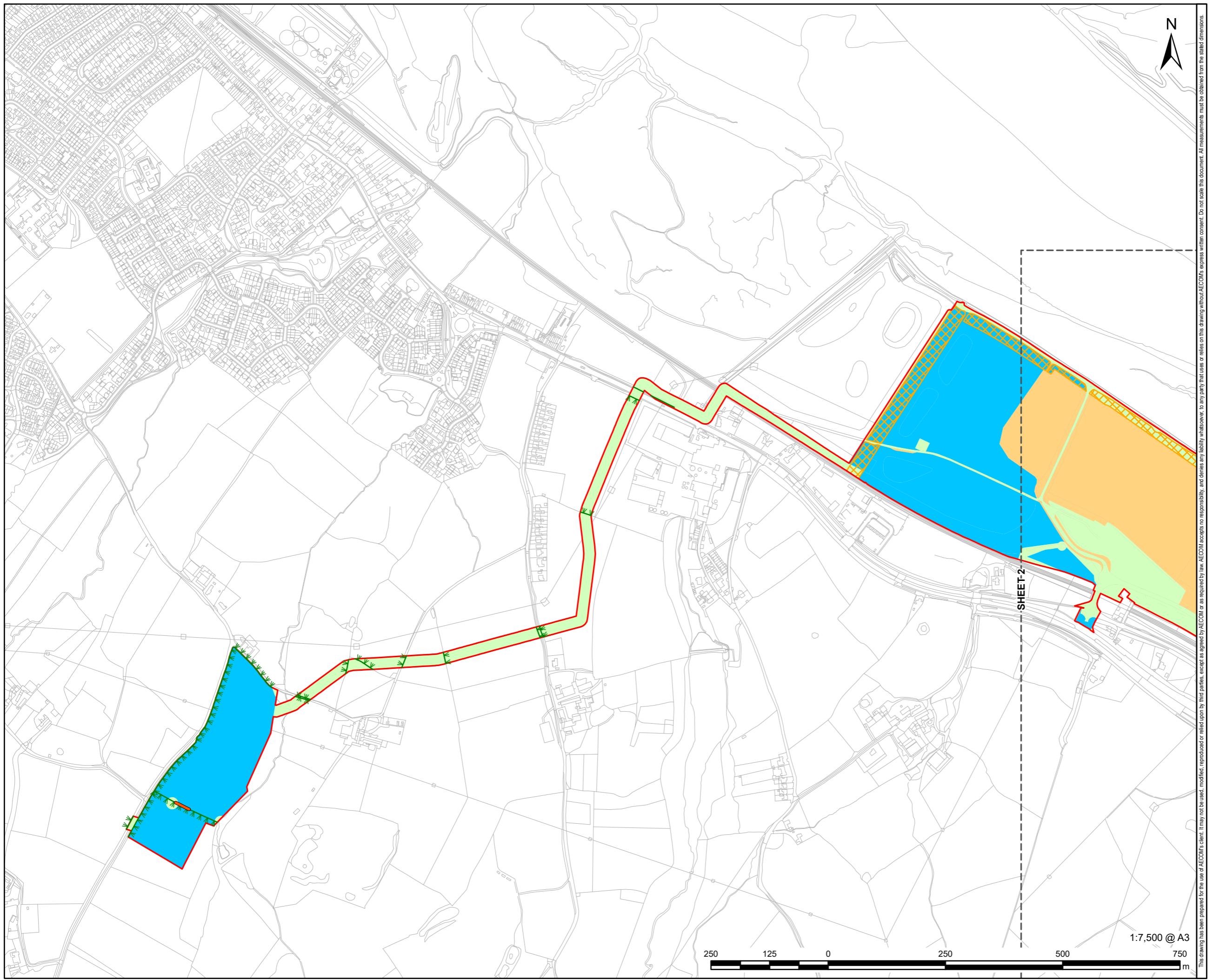
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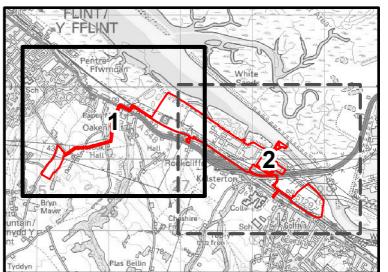
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LEGEND

-  Construction and Operation Area
-  Ecological Safeguard Zone
-  Hedgerow Removal
-  h2a5 - Species rich native hedgerow
-  h2a6 - Other native hedgerow
-  Retained Habitat
-  Permanent Loss
-  Temporary Loss



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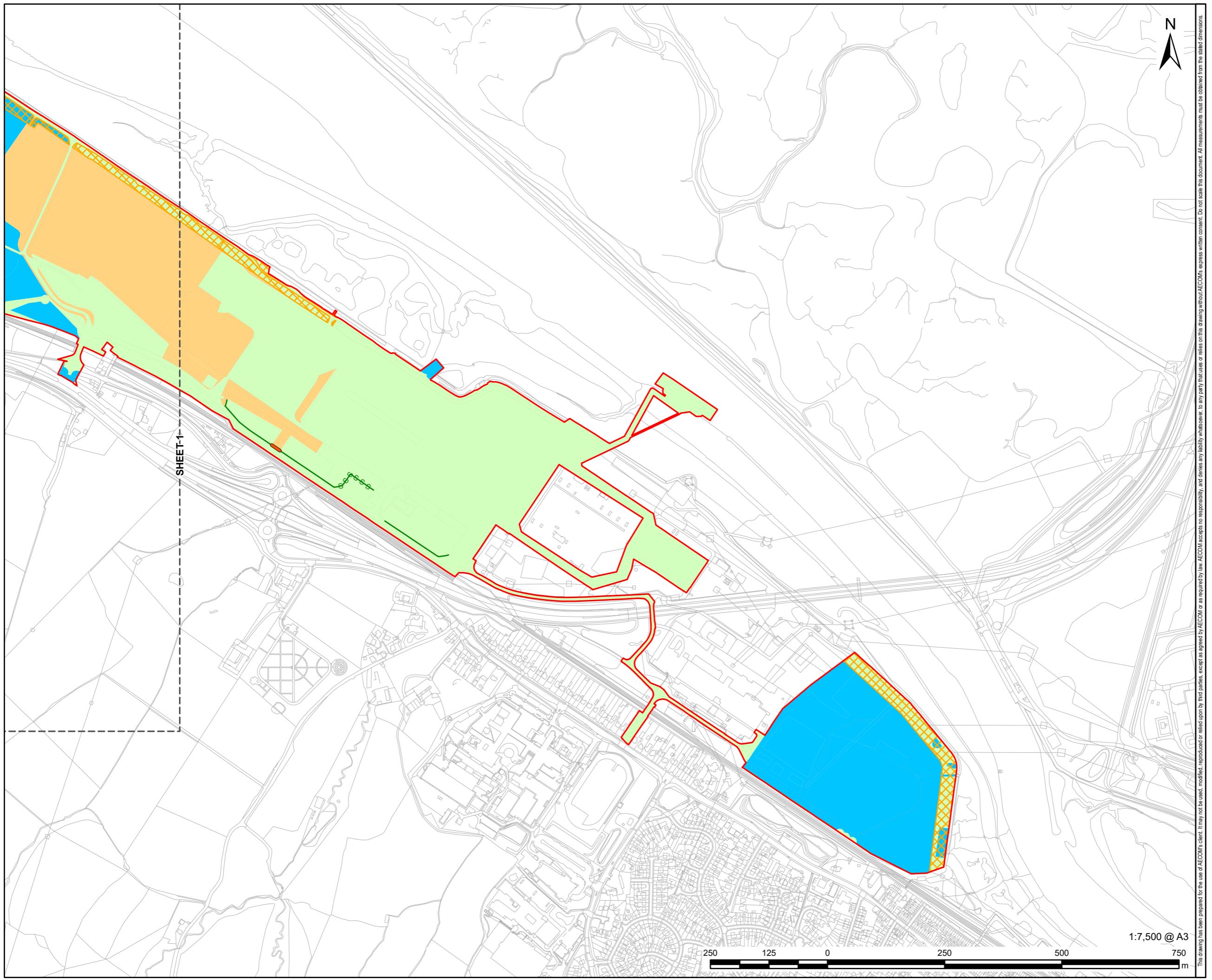
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Permanent and Temporary Habitat Loss

Sheet 1 of 2

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Figure 4



Appendix C – Summary of Legislation and Policy

The UK is no longer a member of the European Union (EU). EU legislation as it applied to the UK on 31 December 2020 is now a part of the UK domestic legislation. EU legislation which applied directly or indirectly to the UK before 11.00pm on 31 December 2020 has been retained in UK law as a form of domestic legislation known as 'retained EU legislation'.

The Secretary of State for the Environment, Food and Rural Affairs and Welsh Ministers have made changes to parts of the *Conservation of Habitats and Species Regulations 2017* (referred to as the 2017 Regulations) so that they operate effectively. Most of these changes involve transferring functions from the European Commission to the appropriate authorities in England. All other processes or terms in the 2017 Regulations remain unchanged and existing guidance is still relevant.

Designated Sites

Locally Designated Sites

Local Wildlife Sites (LWSs) are sites with 'substantive nature conservation value' and include SINCs. They are defined areas, identified and selected for their nature conservation value, based on important, distinctive and threatened habitats and species within a region.

They are usually selected by the relevant Wildlife Trust, along with representatives of the local authority and other local wildlife conservation groups.

The LWS selection panel selects all sites that meet the assigned criteria, unlike SSSIs which for some habitats are a representative sample of sites that meet the national standard. Consequently, many sites of SSSI quality are not designated and instead are selected as LWSs. LWSs can therefore be amongst the best sites for biodiversity.

Protected Species

Bats/Otter

These species, known as European Protected Species, are protected under Regulation 43 of the 2017 Regulations as amended. This makes it an offence to:

- **deliberately capture, injure or kill an animal.**
- **deliberately disturb an animal; or,**
- **damage or destroy a breeding site or resting place used by an animal.**

Deliberate capture or killing is taken to include 'accepting the possibility' of such capture or killing. Deliberate disturbance of animals includes in particular any disturbance which is likely to:

- **impair their ability to survive, breed, reproduce or rear or nurture young;**
- **in the case of animals of hibernating or migratory species, to hibernate or migrate; or,**

- **significantly affect the local distribution or abundance of the species to which they belong.**

Where development works are at risk of causing one or more of the offences listed above, a mitigation licence from Natural Resources Wales can be obtained to facilitate the works that would otherwise be illegal.

These species are also protected under Schedule 5 of the *Wildlife and Countryside Act 1981* (as amended). This makes it an offence to intentionally or recklessly obstruct access to any structure or place used for shelter or protection or disturb an animal in such a place.

Lower levels of disturbance not covered by the *Conservation of Habitats and Species Regulations 2017* (as amended) remain an offence under the *Wildlife and Countryside Act 1981* although a defence is available where such actions are the incidental result of lawful activity that could not reasonably be avoided.

Nesting Birds

All wild birds are protected under the *Wildlife and Countryside Act 1981* (as amended), with some species afforded great protection under Schedule 1 of the *Wildlife and Countryside Act 1981* (as amended). In addition to the protection from killing or taking that all birds receive; Schedule 1 birds and their young must not be disturbed at, or in the vicinity of the nest.

There are no licensing purposes that explicitly cover development activities affecting wild birds.

Common Species of Reptile (common lizard, slow worm, grass snake and adder)

Common species of reptile are protected against intentional killing and injury under Schedule 5 of the *Wildlife and Countryside Act 1981* (as amended). There is no requirement for a licence where development works affect common species of reptiles. Instead, Natural Resources Wales advise²⁶ that where reptiles are present, they should be protected from any harm that might arise during the development works through appropriate mitigation.

Badger

Badgers and their setts are protected under the *Protection of Badgers Act 1992* (as amended). This makes it an offence to:

- **wilfully kill, injure or take a badger;**
- **intentionally or recklessly damage, destroy or obstruct access to a badger sett; or,**
- **disturb a badger in its sett.**

It is not illegal to carry out disturbance activities near setts that are not occupied, i.e. those that do not show signs of current use.

Where required, licences for development activities involving disturbance or sett interference or closure are issued by Natural Resources Wales. Licences for activities involving watercourse maintenance, drainage works, or flood defences are issued under a separate process.

When assessing the requirement for a licence in respect of development, Natural Resources Wales state that badgers are relatively tolerant of moderate levels of noise and activity around their setts, and that a low or moderate level of apparent disturbing activity at or near to badger setts does not necessarily disturb the badgers occupying these setts²⁷.

Licences are normally not granted from December to June inclusive (the badger breeding season) because dependent cubs may be present within setts.

Species and Habitats of Principal Importance for the Conservation of Biodiversity

Section 7 of the *Environment (Wales) Act 2016* sets out the duty for public authorities to conserve biodiversity in Wales. Habitats and species of principal importance for the conservation of biodiversity are referred to in Section 7 of the *Environment (Wales) Act 2016*. The list can be found on the Natural Resources Wales website²⁸.

The list is used as a guide for decision makers such as public bodies, including local and regional authorities, in implementing their duty under Section 7 of the *Environment (Wales) Act 2016* to have regard to the conservation of biodiversity in Wales when carrying out their normal functions.

Hedgerows

Under the Hedgerow Regulations 1997, it is against the law to remove or destroy certain hedgerows without permission from the local planning authority. In general, permission will be required before removing hedges that are at least 20 m in length, over 30 years old and contain certain species of plant. The local planning authority will assess the importance of the hedgerow using criteria set out in the regulations.

Invasive Non-Native Plant Species

Under the *Wildlife and Countryside Act 1981* (as amended), it is an offence to plant or otherwise cause species listed under Schedule 9 Part II to grow in the wild.

Species listed on Invasive Alien Species of Union concern under the *Invasive Alien Species (Enforcement and Permitting) Order 2019* are subject to restrictions and measures set out in the Regulation. These include restrictions on keeping, importing, selling, breeding, growing and releasing into the environment.

Any contaminated soil or plant material is classified as controlled waste and should be disposed of in a suitably licensed landfill site, accompanied by appropriate Waste Transfer documentation, and must comply with section 34 of the *Environmental Protection Act 1990*.

Environment Act (Wales 2016).

The Environment (Wales) Act 2016 replaced the existing biodiversity duty (in the Natural Environment and Rural Communities Act 2006) which required public authorities to have a regard to conserving biodiversity. The new Section 6 duty takes this further, requiring all public authorities, when carrying out their functions in Wales, to seek to "maintain and enhance biodiversity" where it is within the proper exercise of their functions. In doing so, public authorities must also seek to "promote the resilience of ecosystems". This was introduced to plan and manage Wales' natural resources in a sustainable and joined-up way and is intended to work alongside the Wellbeing of Future Generations Act 2015

The Well-being of Future Generations Act 2015

The Wellbeing of Future Generations Act 2015 requires national government, local government, local health boards and other specified public bodies to carry out sustainable development and work towards objectives that contribute to seven wellbeing goals. Sustainable development in the Act means "*the process of improving the economic, social, environmental and cultural wellbeing of Wales by taking action, in accordance with the sustainable development principle (i.e. not compromising the ability of future generations to meet their needs), aimed at achieving the well-being goals*".

Nature Recovery Action Plan (Wales) (NRAP)

The NRAP complements The Well-being of Future Generations (Wales) Act 2015 and the Environment Act (Wales) 2016. The NRAP²⁹ sets out how the United Nations Environment Program's Convention on Biological Diversity's (CBD) Strategic Plan for Biodiversity (and the associated Aichi Biodiversity Targets for 2011-20 in Wales) is addressed in Wales³⁰. The ambition of the plan is 'To reverse the decline in biodiversity, for its intrinsic value, and to ensure lasting benefits to society'. The NRAP is split into three parts:

Part 1: Our Strategy for Nature sets out the commitment to reversing the loss of biodiversity in Wales, and the objectives for action. These objectives are listed below:

- **Engage and support participation and understanding to embed biodiversity throughout decision making at all levels.**
- **Safeguard species and habitats of principal importance and improve their management.**
- **Increase the resilience of our natural environment by restoring degraded habitats and habitat creation.**
- **Tackle key pressures on species and habitats.**
- **Improve our evidence, understanding and monitoring.**
- **Put in place a framework of governance and support for delivery.**

Planning Policy

Planning Policy Wales, 2024

PPW sets out the land use planning policies of Welsh Government. It is supplemented by a series of TANs, Welsh Government Circulars, and policy clarification letters, which together with PPW provide the national planning policy framework for Wales.

Chapter 6. Distinctive and Natural Places outlines the Welsh Government's objectives for the environmental and cultural components of placemaking. These components are complementary to those of the Active and Social and Productive and Enterprising themes and collectively the three themes come together to contribute towards the national sustainable placemaking outcomes.

The Environment (Wales) Act 2016 Part 1 – Section 6 'Biodiversity and resilience of ecosystems duty' states that public authorities "*must seek to maintain and enhance biodiversity in the exercise of functions in relation to Wales, and in so doing promote the resilience of ecosystems, so far as consistent with the proper exercise of those*

functions". Planning Policy Wales (PPW) expands on this by stating that "*This means development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity*".

To facilitate the fulfilment of Section 6, an NBB approach has been adopted by the Welsh Government. This approach has been included in the 12th edition of PPW³¹ and sets out the requirement for a Green Infrastructure Statement. Relevant sections of PPW are:

- **Paragraph 6.2.11:** The quality of the built environment should be enhanced by integrating green infrastructure into development through appropriate site selection and use of creative design. With careful planning and design, informed by an appropriate level of assessment, green infrastructure can embed the benefits of biodiversity and ecosystem services into new development and places, help to overcome the potential for conflicting objectives, and contribute to health and well-being outcomes.
- **Paragraph 6.2.12:** A green infrastructure statement should be submitted with all planning applications. This will be proportionate to the scale and nature of the development proposed and will describe how green infrastructure has been incorporated into the proposal... The green infrastructure statement will be an effective way of demonstrating positive multi-functional outcomes which are appropriate to the site in question and must be used for demonstrating how the step-wise approach (see 'Method of Approach' below) has been applied.
- **Paragraph 6.2.13:** There are multiple ways of incorporating green infrastructure, depending on the needs and opportunities a site presents, and the green infrastructure assessment should be referred to, as appropriate, in order to ascertain local priorities... In most cases the green infrastructure statement should highlight any baseline data considered and surveys and assessments undertaken, including but not limited to, habitats and species surveys, arboricultural surveys and assessments, sustainable drainage statements, landscape and ecological management plans, open space assessments and green space provision and active travel links.
- **Section 6.4 addresses Biodiversity and Ecological Networks.** The policy includes the duties and requirements set out in Section 6 the Environment Wales Act (2016) and pays due regard to the State of Natural Resources Report (Natural Resources Wales (NRW), 2016) by taking all reasonable steps to maintain and enhance biodiversity. There is a focus on ecosystem services and the benefits of protecting and enhancing biodiversity.

The relevant measures in place to conserve landscape and biodiversity include:

- **Statutory designations;**
- **Non-statutory designations;**
- **Maintaining and enhancing biodiversity;**
- **Ecosystem resilience and connectivity of ecological networks; and,**
- **Protection and consideration of protected and notable species and habitats.**
- **Sections relevant to this Green Infrastructure Statement are detailed below.**

- **Paragraph 6.4.5: Planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions.** This means development should not cause any significant loss of habitats or populations of species (not including non-native invasive species), locally or nationally and must work alongside nature and it must provide a net benefit for biodiversity and improve, or enable the improvement, of the resilience of ecosystems. A net benefit for biodiversity is the concept that development should leave biodiversity and the resilience of ecosystems in a significantly better state than before, through securing immediate and long-term, measurable and demonstrable benefit, primarily on or immediately adjacent to the site. The step-wise approach outlined below is the means of demonstrating the steps which have been taken towards securing a net benefit for biodiversity. In doing so, planning authorities must also take account of and promote the resilience of ecosystems, in particular the following attributes, known as the DECCA Framework:
 - diversity between and within ecosystems;
 - the extent or scale of ecosystems;
 - the condition of ecosystems including their structure and functioning;
 - the connections between and within ecosystems; and
 - adaptability of ecosystems including their ability to adapt to, resist and recover from a range of pressures likely to be placed on them through climate change for example.
- **Paragraph 6.4.21: Planning authorities must follow a step- wise approach to maintain and enhance biodiversity, build resilient ecological networks and deliver net benefits for biodiversity by ensuring that any adverse environmental effects are firstly avoided, then minimised, mitigated, and as a last resort compensated for.** Enhancement must be secured by delivering a biodiversity benefit primarily on site or immediately adjacent to the site, over and above that required to mitigate or compensate for any negative impact.
- **Paragraph 6.4.12: Having worked iteratively through the stages of the step-wise approach (see 'Method of Approach' below), and providing evidence in the Green Infrastructure Statement that the step-wise approach has been followed, a scheme of enhancements must be provided to ensure a NBB.** Where biodiversity enhancement proportionate to the scale and nature of the development is not proposed as part of an application, significant weight will be given to its absence, and unless other significant material considerations indicate otherwise, it will be necessary to refuse permission.
- **Paragraph 6.4.13: Improving ecosystem resilience, particularly improving connectivity to the immediate surroundings, would be a key contribution to on-site avoidance, minimisation, and mitigation strategies and enhancement.** How a development would improve the attributes of resilience should be demonstrated as far as this is reasonably practical.
- **Paragraph 6.4.20: Statutorily designated sites must be protected from damage and deterioration, with their important features conserved and enhanced by appropriate management.** The contribution of the designated site to wider resilient ecological networks should be recognised and

captured as part of a strategic approach to planning policy and decision making. The links between planning and wider management activity for the restoration and recovery of nature should be made. Complementary, and joint, action between all sectors and beyond the boundaries of the designated sites themselves is necessary to improve extent, connectivity and adaptability and address the nature emergency.

- **Paragraph 6.4.29:** SACs and SPAs are of European importance. Under the Conservation of Habitats and Species Regulations (2017) (the Habitats Regulations), all public bodies (including planning authorities) must have regard to the requirements of the EC Habitats and Birds Directives when carrying out their functions. SACs and SPAs on land are underpinned by notification as SSSIs and hence subject to protection afforded by the SSSI provisions. Before authorising development or adopting a land use plan which is likely to have a significant effect on a SAC or SPA (including where outside the boundary of the SAC or SPA), planning authorities must carry out an appropriate assessment of the implications for the designated features, consult NRW and have regard to NRW's representations. The development can normally only be authorised, or the plan adopted, if the planning authority ascertains that it will not adversely affect the integrity of the site, if necessary, considering any additional measures, planning conditions or obligations.
- **Paragraph 6.4.31:** Although non-statutory designations do not have a statutory process for their protection, Sites of Importance for Nature Conservation, Local Wildlife Sites, Local Nature Reserves, and Regionally Importance Geodiversity Sites make a vital contribution to delivering an ecological network for biodiversity and resilient ecosystems, and they should be given protection in development plans and the development management process.
- **Paragraph 6.4.35:** The presence of a species protected under European or UK legislation, or under Section 7 of the Environment (Wales) Act 2016 is a material consideration when a planning authority is considering a development proposal which, if carried out, would be likely to result in disturbance or harm to the species or its habitat and to ensure that the range and population of the species is sustained.
- **Paragraph 6.4.39:** Planning authorities should protect trees, hedges, groups of trees and areas of woodland where they have ecological value, contribute to the character or amenity of a particular locality, or perform a beneficial green infrastructure function.
- **Paragraph 6.4.26:** Ancient woodland, semi-natural woodlands, individual ancient, veteran and heritage trees and ancient hedgerows are irreplaceable natural resources, and have significant landscape, biodiversity and cultural value. Such trees, woodlands and hedgerows are to be afforded protection from development which would result in their loss or deterioration unless very exceptionally there are significant and clearly defined public benefits; this protection must prevent potentially damaging operations and their unnecessary loss.
- **Paragraph 6.4.44:** the protection and planting of trees and hedges should be delivered, where appropriate, through locally specific strategies and

policies, through imposing conditions when granting planning permission, and/or by making Tree Preservation Orders (TPOs).

Technical Advice Note 5 (TAN5) Nature Conservation and Planning

- The PPW is supplemented by a series of TANs. TAN 5 provides guidance on how the land use planning system should contribute to protecting and enhancing biodiversity and geological conservation. It provides advice on areas including the key principles of positive planning for nature conservation, nature conservation in Local Development Plans and development management procedures. It also provides advice on development affecting designated sites and habitats, in addition to protected or habitats and species of principal importance.
- Key Principles include that the town and country planning system in Wales should integrate nature conservation into all planning decisions; that the town and country planning system should look for development to provide a net benefit for biodiversity conservation with no significant loss of habitats or populations of species, locally or nationally and that they should ensure that the UK's international and national obligations for site, species and habitat protection are fully met in all planning decisions.

The National Plan

The National Plan 2024 sets out Wales' national development framework that details the Welsh Government's twenty-year plan for shaping the growth and development of the country. Relevant to this Green Infrastructure Statement is Policy 9 – Resilient Ecological Networks and Green Infrastructure which is outlined below:

- identify areas which should be safeguarded and created as ecological networks for their importance for adaptation to climate change, for habitat protection, restoration or creation, to protect species, or which provide key ecosystems services, to ensure they are not unduly compromised by future development; and
- identify opportunities where existing and potential green infrastructure could be maximised as part of placemaking, requiring the use of nature-based solutions as a key mechanism for securing sustainable growth, ecological connectivity, social equality and well-being.

Planning authorities should include these areas and/or opportunities in their development plan strategies and policies in order to promote and safeguard the functions and opportunities they provide. In all cases, action towards securing the maintenance and enhancement of biodiversity (to provide a net benefit), the resilience of ecosystems and green infrastructure assets must be demonstrated as part of development proposals through innovative, nature-based approaches to site planning and the design of the built environment.

Appendix D – UKHab – Phase 1 translation

UKHab Habitat Type	Phase 1 Habitat Translation
Coastal saltmarsh (t2a)	Saltmarsh (B2)
Intertidal mudflats (t2d)	Intertidal (H1)
Modified grassland (g4)	Improved grassland (B4)
Other neutral grassland (g3c)	Poor/ Good semi-improved grassland (B6)
Bracken (g1c)	Bracken (C1)
Mixed scrub (h3h)	Scrub - dense/continuous (A2.1)
Bramble scrub (h3d)	Scrub - dense/continuous (A2.1)
Other cereal crops (c1c7)	Cultivated/disturbed land – arable (J1.1)
Temporary grass and clover leys (c1b)	Cultivated/disturbed land – arable (J1.1)
Purple Moor grass and rush pastures (f2b)	Marsh/marshy grassland (B5)
Other rivers and streams (r2b)	Running water (G2)
Other lowland mixed deciduous woodland (w1f7)	Broadleaved woodland - semi-natural (A1.1.1)
Other broadleaved woodland (w1g)	Broadleaved woodland – plantation (A1.1.2)
Suburban mosaic of Developed and natural surface (u1d)	Quarry, Spoil, Mine, Ephemeral/short perennial, Bare Ground.
Sparsely vegetated urban land (u1f) 81	Ephemeral/short perennial vegetation (J1.3)
Artificial unvegetated, unsealed surface (u1c)	Bare Ground (J4)
Developed land sealed surface (u1b)	Hardstanding (J3.6)
Introduced shrub (u1) 847	Introduced shrub (J1.4)
Open Mosaic Habitat on previously developed land (u1f) 80	Quarry, Spoil, Mine, Ephemeral/short perennial, Bare Ground.
Buildings (u1b5)	Buildings (J3.6)
Line of trees (w1g) 33	Hedgerow with trees (J2.3)
Non-native and ornamental hedgerow (h2b)	Species-poor hedge (J2.1)
Species rich native hedgerow (h2a5)	Intact hedge - native species-rich (J2.1.1) Defunct Hedge – native species rich (J2.1.1)
Other native hedgerow (h2a6)	Intact hedge - species-poor (J2.1)

