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11 December 2025

Dear ██████████

**DOCUMENT REFERENCE: 1.8**

**EN010166 – THE CONNAH'S QUAY LOW CARBON POWER PROJECT**

**APPLICANT'S RESPONSE TO THE PLANNING INSPECTORATE'S ADVICE FOLLOWING  
ISSUE OF DECISION TO ACCEPT THE APPLICATION FOR EXAMINATION**

I write on behalf of the Applicant, Uniper UK Limited, in relation to the Development Consent Order (DCO) Application for the Connah's Quay Low Carbon Power (CQLCP) Project, which was accepted for Examination by the Secretary of State on 28 August 2025.

The Planning Inspectorate's letter (dated 28 August 2025) [PD-003] confirming acceptance of the DCO Application included advice to the Applicant provided under Section 51 of the Planning Act 2008 (PA 2008). The Applicant's response to that advice is provided below.

**Consultees identified on a precautionary basis**

The Planning Inspectorate's letter advises that, on a precautionary basis, the Applicant may wish to serve notice of the accepted application on the bodies listed in Box 6 of the Section 55 checklist pursuant to Section 56(2)(a) of the PA 2008. The bodies listed in Box 6 are:

- National Landscape; and
- the relevant Internal Drainage Board.

The Applicant can confirm that National Landscape (the Clwydian Range and Dee Valley National Landscape) were notified of the accepted application pursuant to Section 56(2) on 17 September 2025.

Within Wales, Natural Resources Wales (NRW) acts as the sole Internal Drainage Board, including for the 13 Internal Drainage Districts, none of which are located within the vicinity of the CQLCP Project. NRW was also notified of the accepted application pursuant to Section 56(2) on 17 September 2025 and has previously been consulted under Section 42 of the PA 2008.

### **Minor errors and omissions**

The Planning Inspectorate's letter states that there "are minor errors and omissions, as reflected in Box 30 of the acceptance checklist." Box 30 does not however identify any minor errors or omissions but rather in relation to the Habitats Regulations Assessment (HRA) Report (Application Document Ref. 6.12) states:

*"Chapter 10 of the HRA Report provides information for an appropriate assessment. Paragraphs 10.2.1 to 10.2.10 present the appropriate assessment for direct habitat loss (approximately 650m2 of saltmarsh) within the Dee Estuary/ Aber Dyfrdwy SAC/ SPA/ Ramsar site during construction and demolition. The applicant proposes to extend the period of management of existing saltmarsh habitat and realign flood defences to create replacement saltmarsh habitat. The Inspectorate notes the applicant's general approach to mitigation and considers that this may warrant further investigation during examination."*

The Examining Authority (EXA) has since issued a Procedural Decision (dated 25 November 2025) stating that it is considered that the Proposed Development could impact the integrity one or more European sites protected by the Conservation of Habitats and Species Regulations 2017 as amended and that consequently, it is suggested that, without prejudice, supporting documentation to apply for a Stage 3 derogation under the regulations be submitted should it be concluded during Examination that this next step is required. This supporting documentation should be submitted by 30<sup>th</sup> December 2025.

The Applicant's position remains that a Stage 3 derogation case is not necessary in respect of the Proposed Development. Furthermore, in line with the Planning Inspectorate's Section 51 advice (Box 30), the Applicant's expectation was that any further investigation of the need or otherwise for a Stage 3 derogation case, would have taken place early in the Examination. Nonetheless, and without prejudice, the Applicant is working to provide the requested documentation by 30<sup>th</sup> December 2025 in accordance with the ExA's Procedural Decision.

### **Funding Statement (Application Document Ref. 4.4)**

The Planning Inspectorate's letter states that while the Inspectorate acknowledges the commercial sensitivity of the estimated project costs, this information is a key consideration in assessing whether adequate funding is likely to be available to deliver the Proposed Development, should development consent be granted. The Applicant is therefore requested to include an estimated cost and the likely cost of compulsory acquisition, or suitable alternative evidence, in an update to the Funding Statement and to provide this before the Preliminary Meeting.

An updated Funding Statement, including the information referred to above, accompanies this letter.

### **Other matters**

In July 2024 the Government launched a review of the energy NPSs (EN-1 to EN-5) to ensure they reflected the Government's energy priorities. Following a review of the NPSs, the Government drafted updates to EN-1 (the overarching energy NPS), EN-3 (renewable energy infrastructure) and EN-5 (electricity networks) in April 2025. As material updates were made, the Government held a public consultation which ran between 24<sup>th</sup> April and 29<sup>th</sup> May 2025.

After considering responses to the consultation, and the report of the Energy Security and Net Zero Committee published in July 2025, the Government confirmed that it intended to proceed with the proposed updates to the NPSs, with some amendments. The NPSs, including updates, were laid in Parliament on 13<sup>th</sup> November 2025 for a 21-sitting day 'consideration period', following which they will be formally designated and published.

Once published, the updated 2025 NPSs will have effect in relation to applications for development consent accepted for examination after their publication. For applications that have been accepted for examination before publication of the updated 2025 NPSs, such as the DCO Application for the Proposed Development, the 2024 versions of the NPSs will underpin planning decisions. However, the 2025 NPSs are potentially capable of being important and relevant considerations in the decision-making process.

The Applicant's Planning Statement (Application Document Ref. 7.6) sets out how the Applicant has taken account of relevant planning policy, notably the energy NPSs, and the extent to which the Proposed Development complies with the policies within the NPSs, as well as any other matters that are important and relevant to the Secretary of State's determination of the DCO Application.

The Planning Statement includes a review of the April 2025 draft NPSs of relevance to the Proposed Development, that is, EN-1 and EN-5. With regard to this, paragraph 3.3.51 of the Planning Statement states:

*"3.3.51 Having reviewed the proposed amendments set out in Draft EN-1 and Draft EN-5, the Applicant is of the view that the amendments, should they be adopted, would not alter the Applicant's assessment of the Proposed Development against relevant policy as set out in Section 6 and the Policy Assessment Tables or the Applicant's assessment and conclusions relating to the 'planning balance' as set out at Section 7."*

The Applicant has now reviewed the updates made to the April 2025 draft NPSs (EN-1 and EN-5) laid in Parliament on 13<sup>th</sup> November 2025.

There are two main changes to EN-1 that are of relevance to the Proposed Development.

Under 'The role of combustion power stations' new text has been added at paragraph 3.3.44 (this was paragraph 3.3.46 in the April 2025 draft of EN-1) to confirm that *"Power CCUS is important for Clean Power 2030 as it reduces the role for unabated gas generation and de-risks the delivery pressures on renewable deployment. Additionally, power CCUS will be vital to ensuring security of electricity supply in the 2030s, delivering a secure power system that meets the needs of the economy over the longer term."* This change therefore further reinforces the important role that Power CCUS projects such as the Proposed Development have in the security of electricity supply.

Paragraph 3.3.64 of the section 'The need for electricity generating capacity' (paragraph 3.3.66 in the April 2025 draft of EN-1) now confirms that the need case for CNP infrastructure, such as the Proposed Development (together with the national security, economic, commercial and net zero benefits), will outweigh any other residual impacts not capable of being addressed by application of the mitigation hierarchy, in all but the most exceptional circumstances. As such, this change to EN-1 further reinforces the presumption in favour of granting consent for CNP infrastructure, such as that being proposed by the Applicant.

It is not considered that there are any changes to EN-5 that are of direct relevance to the Proposed Development.



The Applicant considers that while the changes made to the 2025 NPS (confined to EN-1) that are of relevance to the Proposed Development provide additional policy support for Power CCUS projects and CNP infrastructure, they do not materially affect the Applicant's assessment of the Proposed Development against relevant policy as set out in Section 7 of the Planning Statement.

**Documentation provided**

The documents that form this submission comprise:

1. Document Ref. 1.3 – Guide to the Application, Rev.01 (yellow highlights indicate updates);
2. Document Ref. 1.8 – This letter, including Applicant's Response to PINS Section 51 Advice and Section 55 Checklist; and
3. Document Ref. 4.4 – Funding Statement (clean and tracked), Rev. 01.

The Applicant can confirm that no Artificial Intelligence ('AI') was used to create or alter any part of its documents, information or data, submitted in relation to this submission.

I would be grateful if you could confirm receipt of this letter and the accompanying documents.

In the meantime, should you have any questions, please do not hesitate to contact [REDACTED]  
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Yours sincerely

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