



Connah's Quay Low Carbon Power

Notice of a proposed without prejudice Habitats Regulations Assessment (HRA) derogation in Wales

Notification submitted on a without prejudice basis to the Examining Authority in response to the Procedural Decision made on 25 November 2025 [PD-006]

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1) The plan or project subject to Habitats Regulations Assessment (HRA)

1.1 Name or short title of the plan or project:

1.1.1 Connah's Quay Low Carbon Power (CQLCP) Project.

1.2 Location of the plan or project:

1.2.1 Land at, and in the vicinity of, the existing Connah's Quay Power Station (Kelsterton Road, Connah's Quay, Flintshire, CH6 5SJ), North Wales. The Main Development Area is centred approximately at national grid reference 327347, 371374.

1.3 Proposed by:

1.3.1 Uniper UK Limited (referred to throughout this document as the 'Applicant').

1.4 Summary of the plan or project:

1.4.1 The Applicant is seeking a development consent order (DCO) for the construction, operation and maintenance of a proposed low carbon Combined Cycle Gas Turbine (CCGT) Generating Plant fitted with Carbon Capture Plant (CCP) project (the Proposed Development).

1.4.2 The Proposed Development would comprise up to two CCGT with CCP units (and supporting infrastructure) achieving a net electrical output capacity of more than 350 megawatts (MW; referred to as MWe for electrical output) and up to a likely maximum of 1,380 MWe (with CCP operational) onto the national electricity transmission network.

1.4.3 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.

1.4.4 The main components of the Proposed Development are:

- CQLCP Abated Generating Station, itself comprising;

CCGT Generating Plant and associated stacks;
post-Combustion CCP and associated stacks;
other ancillary buildings and structures;

- CO₂ export pipeline (comprising new and existing elements) and third party connections at the Flint Above Ground Installation (AGI);
- Other connections to provide gas, electricity and water to the Proposed Development and ancillary infrastructure; and
- Repurposing of purging ponds, cooling water abstraction and discharge infrastructure and, where possible, other existing infrastructure from the existing Connah's Quay Power Station.

1.4.5 It is possible that the two Trains would be constructed in a phased approach or within a phase. Under a phased approach, it is anticipated that construction of a single CCGT and CCP together with cooling and CO₂ compression infrastructure and associated development could commence in 2026, and last approximately four years. The construction of a similar CCGT and CCP together with cooling infrastructure and associated development could commence in 2031 and last approximately four years. In the single phase approach it is anticipated the construction would last 5 years.

1.4.6 Following commissioning, the Proposed Development is designed to be operated in dispatchable mode i.e. being able to export power to match the anticipated intermittency of renewable power in the future power market. This means the Proposed Development would operate flexibly during its lifetime with hours of operation driven by the dynamics of the energy market. The CQLCP Abated Generating Station has been designed to be capable of operating 24 hours per day, seven days per week, with programmed offline periods for maintenance. The operational design life of each train of the CQLCP Abated Generating Station is 30 years, however, it is expected that the Proposed Development would have some residual life remaining after this operational life, and an investment decision would then be made based on the market conditions prevailing at that time.

1.4.7 The primary operating mode is anticipated to be with CO₂ emissions from the CCGT units abated (i.e. with CCP operational). However, it is anticipated that there would also be a number of very limited scenarios in which the CCGT may need to operate without the CCP including:

- Unabated Scenario 1: on commissioning, in the event that the downstream T&S network is unavailable;
- Unabated Scenario 2: during operation, to meet electricity demand when the CCP is offline (e.g. due to outages of the T&S network); and
- Unabated Scenario 3: During a NatTS (electrical) total or partial shutdown event.

- 1.4.8 Outside of these circumstances, it is expected that the CCGT would not operate unabated. The CCP would be designed to be capable of capturing a minimum of 95% of the CO₂ emissions (by mass) from the generating station as an annual average of all normal operating conditions and will be capable of capturing over 90% operating at full load (subject to completion of Front End Engineering Design (FEED) verification studies and commercial agreement).
- 1.4.9 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.
- 1.4.10 The application for an order granting development consent for the CQLCP Project (EN010166) was submitted to the Planning Inspectorate on 5 August 2025. All application documents are available on the Planning Inspectorate's project website.
- 1.4.11 The following plans included within the DCO application are relevant to this document:
- **Figure 1.1 Location of the CQLCP Abated Generating Station [APP-064];**
 - **Figure 1.2 Site Location Plan [APP-065];**
 - **Figure 1.3 Proposed Development Interface with HyNet [APP-066];**
 - **Figure 3.3 Areas Described in the ES [APP-069];**
 - **Figure 5.5 Vegetation Clearance Plan [APP-085];**
 - **Figure 6.1 Location of Key Connection Infrastructure [APP-087];**
 - **Figure 6.2 Alternative Locations within Connahs Quay Site [APP-088];**
 - **Figure 11.1 Statutory Designated Sites within 15km of the Proposed Development [APP-124];**
 - **Appendix 11-C Botanical Technical Appendix [APP-191];**
 - **Appendix 11-D Ornithology Technical Appendix [APP-193];**
 - **Report to Inform Habitats Regulations Assessment [APP-253];**
 - **Curlew Mitigation Strategy [APP-254]; and**
 - **CQLCP Indicative Site Layout [APP-267].**

2) European sites affected by the plan or project

2.1 Name and site codes of the European sites affected:

2.1.1 The relevant sites include:

- Dee Estuary / Aber Dyfrdwy Special Area of Conservation (SAC) (UK0030131);
- Dee Estuary / Aber Dyfrdwy Special Protection Area (SPA) (UK9013011); and
- Dee Estuary / Aber Dyfrdwy Ramsar (UK11082).

2.2 Advice on European site conservation objectives:

- European Site Conservation Objectives for Dee Estuary SAC (UK0030131). Available at: [European Site Conservation Objectives for Dee Estuary SAC - UK0030131](#)
- European Site Conservation Objectives for Dee Estuary SPA (UK9013011). Available at: [European Site Conservation Objectives for Dee Estuary SPA - UK9013011](#)
- Site Improvement Plan: Dee Estuary/Aber Dyfrdwy & Mersey Narrows (SIP056). V1.0 2015. Available at: [Site Improvement Plan: Dee Estuary/Aber Dyfrdwy & Mersey Narrows - SIP056](#)
- Joint Nature Conservation Committee (JNCC). Information Sheet on Ramsar Wetlands (RIS). Dee Estuary. V3.0 2011. Available at: [Information Sheet on Ramsar Wetlands \(RIS\)](#)

2.3 If a SAC is affected, list any priority habitats and species affected by the plan or project:

- 2.3.1 Priority habitats under the Habitats Directive¹ are natural habitat types that are in danger of disappearance and for which the European Union (EU) has particular responsibility to conserve. The UK left the European Union (EU) on 31 January 2020 under the terms set out in the European Union (Withdrawal Agreement) Act 2020 (termed the 'Withdrawal Act'). However, the most recent amendments to the 'Habitats Regulations' (i.e. the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019² make it clear that the need for HRA continues to apply. The Habitats Directive is implemented in Wales through the

¹ The Habitats Directive. Available at: [The Habitats Directive - European Commission \(europa.eu\)](#). (Accessed: 22/12/2025)

² The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019. Available at: [The Conservation of Habitats and Species \(Amendment\) \(EU Exit\) Regulations 2019 \(legislation.gov.uk\)](#) (Accessed: 22/12/2025)

Conservation of Habitats and Species Regulations 2017³. The only Habitats Directive priority habitat within Dee Estuary SAC is '2130 Fixed dunes with herbaceous vegetation ('grey dunes')'. However, this habitat is not affected by the Proposed Development as it is only present on the Wirral Peninsula approximately 16 km from the Main Development Area and thus remote from the project. Therefore, no Habitats Directive 'priority habitats' or species are affected.

³ The Conservation of Habitats and Species Regulations 2017
<https://www.legislation.gov.uk/uksi/2017/1012/contents/made> (Accessed: 22/12/2025)
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3) Adverse effects of the plan or project on the integrity of European sites

3.1 List (without prejudice) the designated habitats and species adversely affected:

- 1330 Atlantic salt meadows (*Glauco-Puccinellietalia maritimae*)
- A160 curlew *Numenius arquata*

3.2 Describe the expected adverse effects:

- 3.2.1 The description below in respect of adverse effects is provided without prejudice to the Applicant's position that there will be no adverse effects to the integrity of any relevant site.

Direct Loss of/ Damage to Qualifying Habitat

- 3.2.2 Construction of a new permanent outfall structure and headwall for surface water drainage discharge from the Main Development Area (the 'Proposed Surface Water Outfall') would be undertaken adjacent to the Existing Surface Water Outfall.
- 3.2.3 The Existing Surface Water Outfall and Proposed Surface Water Outfall are both located within areas confirmed during the National Vegetation Classification (NVC) survey by AECOM in 2024 to be saltmarsh (1330 Atlantic salt meadows (*Glauco-Puccinellietalia maritimae*)) as detailed in **Appendix 11C Botanical Technical Appendix [APP-191]**.
- 3.2.4 The total Atlantic salt meadow loss including from the construction works area has been estimated to be approximately 650 m². Permanent losses would be much smaller than 650 m² as the works corridor can be restored and most of the outfall pipe can be buried. Nonetheless, there would inevitably be a lag period between burial of the pipe and any natural regeneration of Atlantic salt meadow vegetation over the works footprint.
- 3.2.5 Moreover, even the permanent loss of Atlantic salt meadow due to the Proposed Surface Water Outfall would not ultimately be a net loss. Rather it would be temporary (though not short-term, lasting approximately five to 10 years) until the existing Connah's Quay Power Station is decommissioned at which point the existing outfall would become redundant and could be removed. Notwithstanding the small area affected, permanent or medium-term net loss of Atlantic salt

meadow is treated on a without prejudice basis in this document as an adverse effect on the integrity of Dee Estuary / Aber Dyfrdwy SAC.

Loss of Functionally Linked Land

- 3.2.6 The Proposed Development would result in the permanent loss of approximately 15 ha of the rough grassland, improved grassland and pasture area to the west. This is the same location that would be used as a construction laydown area. Such habitat offers foraging opportunities for several qualifying Dee Estuary/ Aber Dyfrdwy SPA / Ramsar bird species, most notably curlew and is of sufficient area to serve as functionally-linked land for qualifying features of the SPA.
- 3.2.7 Of the land to be lost to the Proposed Development, approximately 11 ha would be lost temporarily during construction. This loss may not be short-term, lasting approximately nine years, but it would be reversible. A further 15 ha would be lost in the long-term (during operation), until the Proposed Development was decommissioned and demolished. Combined total losses therefore equate to 26 ha of functionally linked land for SPA / Ramsar curlew, to be lost in the intermediate to long-term.
- 3.2.8 [briefly describe the unavoidable adverse effects (either alone or in combination with other plans or projects) as predicted by the appropriate assessment. For example, any loss, deterioration, significant disturbance, direct and indirect effects on the species or habitats affected by the project]

3.3 Describe any restrictions or modifications you have applied (mitigation measures):

- 3.3.1 None applicable to relevant impact pathways of direct loss of/damage to qualifying habitat or loss of functionally linked land.

3.4 Summary of the advice provided by Natural England or Natural Resources Wales and how you have taken it into account:

- 3.4.1 Both Natural England (NE) and Natural Resources Wales (NRW) have submitted Relevant Representations.
- 3.4.2 In point 3.6 on page 6 of its Relevant Representation ([NSIP Relevant Representations Template](#) [RR-26]) Natural England states that '*Natural England advise the Curlew Mitigation Strategy at Gronant Fields, Connah's Quay Conservation Area and the provision of new naturally colonising saltmarsh to address the direct loss of qualifying saltmarsh must be regarded as compensatory measures under the HRA framework*'. This is then picked up throughout its Relevant Representation including at such as points NE02, NE24, NE25, NE28.

- 3.4.3 In its Relevant Representation ([Relevant Representations | Representation by Natural Resources Wales](#) [RR-27]) Natural Resources Wales commented in paragraphs 2.1.17 and 2.1.26 regarding the managed retreat for Atlantic salt meadow and the curlew habitat creation at Gronant Fields that *'We acknowledge that such proposals could potentially be considered as mitigation for HRA purposes but consider that this would be subject to their effectiveness being certain and that the mitigation measures will be in place before the commencement of the associated impacts on the affected site'*.
- 3.4.4 Discussions with both NE and NRW are ongoing and this section will be updated at end of the Examination period.
- 3.5 Attach a full copy of the HRA undertaken to date (screening, appropriate assessment and conclusions regarding site integrity) and copies of advice or representations received from the statutory nature conservation bodies.**
- 3.5.1 The **Report to Inform HRA [APP-253]** has been submitted as part of the CQLCP Project development consent application (EN10066) and can be viewed in full on the Planning Inspectorate's website: [nsip-documents.planninginspectorate.gov.uk/published-documents/EN010166-000440-6.12 CQLCP Report to Inform Habitats Regulations Assessment Rev 00.pdf](#). The Relevant Representations from Natural England and Natural Resources Wales are found here: Natural England ([NSIP Relevant Representations Template](#)) and Natural Resources Wales ([Relevant Representations | Representation by Natural Resources Wales](#)).

4) Consideration of alternative solutions

4.1 Show how you have considered and can demonstrate that there are no alternative and less damaging solutions to the plan or project as proposed:

Project Wide Alternative Considerations

Objectives of the Proposed Development

4.1.1 In selecting the Proposed Development and its location, the following Project Objectives apply:

- land available for the power plant to be built on, which:
 - must include land for the physical assets of the plant itself, plus laydown and maintenance areas to facilitate the construction and operation of the facility; and
 - ideally should entail the least use of powers such as compulsory purchase rights to obtain the required land areas;
- connections for the power plant, including:
 - grid connections for export of generated electricity;
 - natural gas, for firing the gas turbines at the power plant;
 - water connection, for processing water supplies, including plentiful supplies of cooling water; and
 - convenient connection to CO₂ transport and storage infrastructure;
- staffing:
 - existing pool of trained and competent personnel;
- speed of deployment:
 - given the pressing need for a low carbon power plant to be connected to the grid to achieve the goals of Clean Power 2030, sites where the above requirements are met were favoured; and
- flexible generation:
 - new or replacement flexible generation capacity can be brought on stream without requiring existing generation capacity to be removed from the system substantially before the new capacity is available.

4.1.2 **Table 4-1** provides a summary of the main alternatives to the Proposed Development that have been considered but discounted.

Table 4-1: Main Alternatives to the Proposed Development

Alternative	Consideration	Reason for Discounting
Do Nothing - the Proposed Development not being undertaken	<p>The Do Nothing scenario would result in the loss of generating capacity after the closure of the existing Connah's Quay Power Station and would therefore not meet the objectives of the Proposed Development.</p> <p>The Do Nothing scenario is not a reasonable alternative given the established national need for new low carbon energy infrastructure and the status of the Proposed Development as 'Critical National Priority' (CNP) infrastructure within the Overarching National Policy Statement (NPS) for Energy (EN-1).</p>	Would not deliver the need
Do Minimum - installation of CCS infrastructure to the existing Connah's Quay Power Station	<p>The Do Minimum scenario would require the existing Connah's Quay Power Station to cease generation for the duration of the retrofitting.</p> <p>The Do Minimum scenario would also require significant structural works to be undertaken on the existing Connah's Quay Power Station which would be prohibitively expensive to achieve the required operational lifespan (beyond 2060).</p>	Would not meet the objectives of the project and is not considered financially viable
Alternative Technology – Hydrogen fired power generation technology	<p>Currently there is no large supply of low carbon hydrogen available to fuel a power plant at Connah's Quay.</p> <p>Hydrogen fired power generation technology, whilst having the potential to deliver against these same policy goals, is not technically mature on large utility scale power plant and is also not currently adequately supported through funding schemes.</p> <p>On the basis of the above it is considered that it would not be viable for deployment by 2030.</p>	Would not meet the objectives of the project
Alternative Technology – Nuclear (including Small Modular Reactors (SMRs))	The readiness of the SMR technology does not currently allow for commercial deployment before 2030.	Would not meet the objectives of the project

Alternative	Consideration	Reason for Discounting
	The technology does not offer the required flexibility to control electrical output in response to market needs or requests from power grid operators.	
Alternative Technology – tidal	<p>The area of the Connah's Quay site would not be sufficient to maximise generation from tidal.</p> <p>The technology does not offer the required flexibility to control electrical output in response to market needs or requests from power grid operators.</p>	Would not meet the objectives of the project
Alternative Technology – solar	<p>The area of the Connah's Quay site would not be sufficient to maximise generation from solar.</p> <p>Solar generation would not make use of the available gas, carbon dioxide and water connections.</p> <p>The technology does not offer the required flexibility to control electrical output in response to market needs or requests from power grid operators.</p>	Would not meet the objectives of the project
Alternative Technology – wind	<p>The area of the Connah's Quay site would not be sufficient to maximise generation from wind power.</p> <p>Wind generation would not make use of the available gas, carbon dioxide and water connections.</p> <p>The technology does not offer the required flexibility to control electrical output in response to market needs or requests from power grid operators.</p>	Would not meet the objectives of the project
Alternative Technology – other alternative power sources	Alternative power generation cycles using carbon capture were investigated, but were not considered technically mature enough to allow commercial deployment in the timeline required for 2030 operation.	Would not meet the objectives of the project

Site Selection

- 4.1.3 In determining the location for the Proposed Development, the Applicant has necessarily considered the Project Objectives as explained above. Set out below are important requirements for the site selection:

- land ownership.
 - minimise the requirement for use of compulsory acquisition powers
 - point of Grid Connection.
 - Ensure and maximise proximity to potential grid connections; and
 - Ensure availability of connection agreement
 - connection to the HyNet CO₂ Pipeline.
 - Ensure and maximise proximity to point of connection to CO₂ transfer and storage system
- 4.1.4 It is considered that there are no other sites within the UK that meet the Project Objectives and important requirements as discussed below.

Land Ownership

- 4.1.5 Consideration was given to what land was owned by the Applicant to minimise the need to acquire, either voluntarily or through the exercise of compulsory acquisition powers, land or rights in land.
- 4.1.6 In the UK, the Applicant 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. The Applicant also has significant long-term regasification capacity at the Grain LNG terminal in Kent, to convert liquified natural gas (LNG) back to natural gas.
- 4.1.7 The Connah's Quay site in Flintshire is another site operated by the Applicant. The Connah's Quay location (the Main Development Area and Construction and Indicative Enhancement Area (C&IEA)) is wholly owned by the Applicant, and includes additional vacant land within the holding where a new power station could be constructed while maintaining operations at the existing Connah's Quay Power Station.
- 4.1.8 The Connah's Quay site in Flintshire is the only location owned by the Applicant suitable for the Proposed Development.

Grid Connection

- 4.1.9 Grid connection availability is a recognised constraint for the delivery of low carbon power projects. Consideration was therefore given to the availability of ensuring a secured grid connection.
- 4.1.10 The Connah's Quay site has the advantage of connections to the high voltage electricity transmission network in close proximity and has grid connection agreements in place with National Grid Electricity Transmission Network serving the current units, as well as a Network Exit Agreement (NEXA) for natural gas supply to an existing Above Ground Installation (AGI).

- 4.1.11 The Applicant currently operates the existing Connah's Quay Power Station and exports to the national grid through an 1380 MW grid connection agreement. The Agreement is indefinite and therefore is suitable for the Proposed Development. The Applicant is not aware of any alternative site that is available or could be made available with such grid connections.

Connection to the HyNet CO₂ Pipeline

- 4.1.12 To provide low carbon power through a CCGT, it is necessary to have a connection to a transport and storage system.
- 4.1.13 The Connah's Quay site is located in close proximity to the Hynet CO₂ Pipeline and the majority of the physical infrastructure forming any potential connection to this for CO₂ export to storage is already in place via the existing former natural gas import pipeline (the Repurposed CO₂ Connection). The completion of this connection could then be formed via the installation of a relatively short (approximately 422 m within overall approximately 27 km pipeline route to Point of Ayr) additional pipeline (the Proposed CO₂ Connection) between the endpoint of this existing pipeline and Liverpool Bay CCS Limited's Flint AGI and the installation of a new AGI for CO₂ processing, monitoring, metering, and export within the Main Development Area (the Proposed CO₂ AGI).
- 4.1.14 Limited additional works would therefore be required outside the Main Development Area to connect the CCP as part of the Proposed Development to the Hynet CO₂ Pipeline. Therefore, this serves as another fundamental reason for selecting the Connah's Quay site for a new power generation project intending to incorporate carbon capture. Again, the Applicant is not aware of any alternative site that is available or could be made available with these attributes.

Placement within the Connah's Quay Site

- 4.1.15 The following alternative site locations for the Low Carbon Power Abated Generating Station itself within the Applicant's land holding at Connah's Quay were considered in the context of availability as well as technical and financial viability and environmental constraints.
- 4.1.16 The alternative locations to site the Low Carbon Power Abated Generating Station within the Applicant's Connah's Quay land holding were:
- replacement in situ; and
 - 'South' site
- 4.1.17 The location of these alternative locations is shown in **Figure 6.2 Alternative Locations within Connahs Quay Site [APP-067]**.

- 4.1.18 **Table 4-2** provides details of the consideration given to these alternative locations and explains why they were not taken forward as not meeting the objectives of the Proposed Development.

Table 4-2: Consideration of alternative sites for the CQLCP Abated generating station

<u>Alternative</u>	<u>Consideration</u>	<u>Reason for Discounting</u>
South Site – location of the CQLCP Abated Generating Station within the former ‘A’ station site (C&IEA)	<p>This site would benefit from the existing connections although further work would be required to connect to the redundant gas connection for onward transport of captured CO₂.</p> <p>This site is, however, located closer to residential areas, particularly those on the B5129 Kelsterton Road, but also Connah’s Quay more generally. It is also located adjacent to the Dee Estuary, but south of Flintshire Bridge.</p> <p>This site is smaller than the North site and would not allow for large utility scale power plant to maximise the existing grid connection.</p>	Would not meet the objectives of the Proposed Development
Replacement In Situ – location of the CQLCP Abated Generating Station within the operational footprint of the existing Connah’s Quay Power Station	<p>This site would benefit from the existing connections.</p> <p>The site is adjacent to Dee Estuary north of the Flintshire Bridge.</p> <p>This site is currently occupied by the existing Connah’s Quay Power Station. It would require the existing power station to be demolished prior to the construction. This would result in a period of lost generation and would not be deployable by 2030.</p>	Would not meet the objectives of the Proposed Development

Alternative Considerations Specific to the Temporary and Permanent Loss of Functionally Linked Land

Alternative Design

- 4.1.19 The temporary and permanent loss of functionally linked land would be triggered by the construction and operation of the CQLCP Abated Generating Station. The main alternatives to this are discussed below.

4.1.20 Consideration has been given to alternative designs that would result in a reduction in the temporary and permanent footprint within the functionally linked land as shown in **Figure 5.5 Vegetation Clearance Plan [APP-085]** along with the reasons for discounting in light of the Project Objectives. These are detailed in **Table 4-3** and summarised below as:

- Generating Capacity;
- Alternative layout; and
- Alternative construction laydown area.

Table 4-3: Consideration of alternatives designs

Alternative	Consideration	Reason for Discounting
Generating Capacity less than 1,380MW (consistent with the size of the existing connection)	The existing Grid connection has a high strategic value and maximising the use of this connection to provide dispatchable, low carbon, power is a key benefit of the Proposed Development as nationally significant infrastructure for which there is a clear need.	This would not meet the Project Objectives and the urgent need it seeks to satisfy as this alternative would deliver a smaller contribution towards the UK's urgent and established need for new low carbon power
Alternative Layout - Box Design	<p>As an alternative to the linear design, a 'box' design was considered. This creates two discrete CCGTs rather than a group of infrastructure resulting in larger landscape and visual effects.</p> <p>The box design was considered to result in a greater permanent footprint on the basis the linear design allows for shared utilities and services would be close together.</p>	Potential to result in the further loss of Functional Linked Land in the permanent footprint
Alternative Construction Laydown	To construct a power station with the generating capacity of 1,380MW it was determined that the full site was required for construction logistics associated with the 'narrow' site.	As above this would not meet the Project Objective as it would deliver a smaller contribution towards the UK's urgent and established need

Alternative	Consideration	Reason for Discounting
		for new low carbon power

Alternative Considerations Specific to the Permanent Loss of Atlantic salt meadow

4.1.21 Following the sustainable drainage systems (SuDS) Hierarchy⁴, the disposal of surface water from new developments should be considered by means of infiltration as the primary method. If this is not feasible, discharge should be to the closest watercourse or land drain. Discharging surface water to public sewers is a last resort if discharging to soakaways and / or watercourses is unachievable.

4.1.22 The following runoff destinations were considered during the development of the **Outline Surface Water Drainage Strategy [APP-213]**:

- rainwater reuse;
- infiltration to ground;
- existing open watercourses;
- the existing Connah's Quay Power Station Surface Water Outfall (W2);
- the existing Oakenholt Brook Culvert;
- the existing Old Rockcliffe Brook Culvert;
- combinations of W2 and culverted watercourses; and
- sewers.

4.1.23 **Table 4-4** details the consideration of each of these options to provide a sole solution for the discharge of surface water from the Main Development Area during the operation of the Proposed Development. Where necessary commentary is provided on whether the runoff destinations could form part of the final solution following the development of the detailed design of the Proposed Development.

Table 4-4: Consideration of alternative runoff destinations

Alternative	Consideration	Reason for Discounting
Rainwater reuse	The incorporation of a rainwater harvesting system, although best practice, would not	Not feasible

⁴ DEFRA (2025), National standards for sustainable drainage systems (SuDS). (Online). Available at: <https://www.gov.uk/government/publications/national-standards-for-sustainable-drainage-systems/national-standards-for-sustainable-drainage-systems-suds> (accessed 19/12/2025).

Alternative	Consideration	Reason for Discounting
	<p>affect the size of the Proposed Surface Water Outfall pipe size or structure.</p> <p>Other disposal methods would be required in addition to Rainwater re-use.</p>	
Infiltration to ground	<p>Whilst infiltration rates would need to be finalised through further ground investigation, it is already the case that the anticipated ground conditions and the proposed site layout are such that infiltration potential is limited. It is considered that other disposal methods would be required in addition to any infiltration discharge.</p> <p>The Outline Surface Water Drainage Strategy [APP-213] details the potential uses of infiltration drainage. At detailed design stage, infiltration features may be introduced, but these would be unlikely to affect the new surface proposed solution as they would provide limited capacity.</p>	Not feasible
Use of existing open watercourses	There are no open watercourses located on the Main Development Area; the nearest downstream watercourses are located beyond the north-east boundary, within the adjacent Habitat sites. Any option to drain to an open watercourse would require a new structure/s in the boundary of the Dee Estuary / Aber Dyfrdwy Special Area of Conservation SAC (i.e. saltmarsh), which would result in temporary and permanent loss of saltmarsh.	Equivalent or greater impacts on habitats
Use of existing open watercourses - provision of a new outfall to the (unnamed) Ordinary Watercourse located beyond the central area of the Main Development Area within the Dee Estuary.	<p>An outfall to the (unnamed) Ordinary Watercourse located beyond the central area of the Main Development Area was considered but was discounted on the basis an existing sluice structure is present to control water levels in the centre of the saltmarsh.</p> <p>Any new discharge behind of the sluice would likely require changes to the sluice structure as it would be over topped. Another solution would be to discharge to the downstream side of the existing sluice, but this would still require the construction of a new headwall structure within the Dee Estuary / Aber Dyfrdwy Special</p>	Equivalent or Greater impacts on habitats

Alternative	Consideration	Reason for Discounting
	Area of Conservation SAC and would result in a similar loss of saltmarsh.	
Use of the existing Connah's Quay Power Station Surface Water Outfall (W2)	<p>The existing surface water drainage outfall which serves the existing Connah's Quay Power Station (W2) is a 1200 mm diameter pipe and was designed to serve the existing Connah's Quay Power Station. The design of this system was carried out over 30 years ago and therefore it is not expected that the design would have included for the current provisions of increased rainfall intensities due to climate change which are now required for current designs and is therefore unlikely to have additional capacity to accommodate the new development and could result in flooding within the existing site during high rainfall events.</p> <p>It is therefore considered that other disposal methods would be required in addition to use of the existing Connah's Quay Power Station Surface Water Outfall (W2).</p>	Not feasible
Use of the existing Oakenholt Brook Culvert	<p>The Oakenholt Brook Culvert is a 900 mm diameter concrete pipe which conveys flows (from upstream greenfield and railway catchments) in a straight line across the undeveloped fields on the north-west side of the Main Development Area, before returning to open watercourse and discharging to the Dee Estuary beyond the Main Development Area boundary and adjacent access road.</p> <p>The development proposals include for the diversion of this culvert. Its existing gradient across the Main Development Area is approximately 1 in 770. The proposed diversion route would result in a slacker gradient and will require an increase in pipe size to achieve self-cleansing velocity.</p> <p>The preliminary modelling indicates that unrestricted flows into the culvert cannot be accommodated without impact on the proposed upsized culvert. To mitigate any flooding issues, flows from the Main Development Area would need to be restricted to approximately 150 l/s. Approximately 1,500 m³ of additional surface water attenuation would be required to discharge at the restricted rate. This is a significant volume</p>	Not feasible

Alternative	Consideration	Reason for Discounting
	<p>which, considering the proposed site layout, would likely need to be provided underground (e.g. in tanks) and would be difficult to accommodate within the site layout. Additional underground attenuation would significantly increase the cost and carbon footprint of the Proposed Development.</p> <p>It is therefore considered that other disposal methods would be required in addition to use of the existing Oakenholt Brook Culvert.</p>	
Use of the existing Old Rockcliffe Brook Culvert	<p>The Old Rockcliffe Brook culvert is a 900 mm diameter concrete pipe which conveys flows (from upstream catchments) across the existing Connah's Quay Power Station on the south-east side of the Main Development Area, before returning to open watercourse and discharging to the Dee Estuary beyond the Main Development Area boundary and adjacent access road. Its gradient across the Main Development Area is approximately 1 in 920, which is shallower than the gradient of the Oakenholt Brook Culvert, and its catchment is larger than that of the Oakenholt Brook Culvert.</p> <p>Based on the initial modelling exercise undertaken for the Oakenholt Brook Culvert, the available capacity is likely to be minimal. Discharging surface water runoff from the entire Main Development Area into the Old Rockcliffe Brook Culvert is likely to require a significant additional attenuation volume, which, considering the proposed site layout, would likely need to be provided underground (e.g. in tanks) and would be very difficult to accommodate within the proposed site layout. Additional underground attenuation would significantly increase the cost and carbon footprint of the Proposed Development.</p> <p>It is therefore considered that other disposal methods would be required in addition to use of the existing Old Rockcliffe Brook Culvert.</p>	Not feasible
Connection to sewers	As set out within the SuDS Hierarchy, discharging surface water into sewers should be the last resort when there are no other viable options. Discharge of surface water	Not feasible

Alternative	Consideration	Reason for Discounting
	<p>runoff to foul water sewers is not permitted under the Building Regulations 2010⁵.</p> <p>Any existing surface water or combined sewer in the area is unlikely to be able to accommodate runoff from the entire Main Development Area without affecting the existing capacity leading to flooding of the sewers. It is therefore likely that additional surface water attenuation would be required on site to restrict the discharge to a surface water or combined sewer. As previously explained, considering the proposed site layout, additional attenuation would likely need to be provided underground (e.g. in tanks) and would be very difficult to accommodate within the proposed site layout. Additional underground attenuation would significantly increase the cost and carbon footprint of the Proposed Development.</p> <p>Given that there are other viable options, discharging surface water runoff from the Main Development Area to sewers has been discounted.</p>	

- 4.1.24 It should be noted that as the detailed design is not complete, the **Outline Surface Water Drainage Strategy [APP-213]** has been prepared based on the Pre-FEED design which underpins the DCO application. It is therefore the role of the FEED contractors to reconsider the SuDS Hierarchy during the detailed design process to reconfirm the conclusions of the **Outline Surface Water Drainage Strategy [APP-213]**. At this stage the Applicant is unable to demonstrate that there is a viable drainage solution that would not result in the permanent loss of saltmarsh habitat within the Dee Estuary / Aber Dyfrdwy Special Area of Conservation SAC. The Applicant is committed to exploring opportunities to split the surface water discharges across two or three of the pipes located within the Main Development Area (the W2 outfall, the Oakenholt Brook Culvert and the Old Rockcliffe Brook Culvert). This would take the form of detailed modelling, however based on a preliminary modelling exercise undertaken for the Oakenholt Brook Culvert, the capacities of these pipes are limited and additionally discharges would need to be restricted. Whilst distributing surface water runoff across multiple assets may help to reduce the additional attenuation volume required, the additional attenuation volume required would likely still be significant and may not be achievable within

⁵ The Building Regulations 2010. (Online). Available at: <https://www.legislation.gov.uk/ukssi/2010/2214/contents> (accessed 19/12/2025).

the proposed site layout. If this is deemed viable and removes the permanent loss of saltmarsh habitat it will be the preferred drainage solution. This will be detailed within an updated submission of the **Outline Surface Water Drainage Strategy [APP-213]**.

5) Consideration of imperative reasons of overriding public interest (IROPI)

5.1 Describe your proposed reasons for authorising, undertaking or giving effect to this plan or project despite (without prejudice) a negative assessment of its implications for European sites:

Imperative reasons

- 5.1.1 There is an imperative need for the Proposed Development. The primary policy framework for examining and determining the DCO application is provided by the National Policy Statements (NPSs) for energy, notably the Overarching NPS for energy (EN-1)⁶ and the NPS for natural gas electricity generating infrastructure (EN-2)⁷ (both dated 17 January 2024). Whilst the 2024 NPSs have effect for the Proposed Development, the latest 2025 NPS⁸s (laid before Parliament in November 2025) are potentially capable of being important and relevant considerations in the decision-making process. The 2024 version of NPS EN-1 sets out the urgent need for low carbon infrastructure such as the Proposed Development.
- 5.1.2 Section 2.3 of NPS EN-1 highlights how critical the provision of new low carbon energy infrastructure will be to the UK in achieving net zero. It emphasises that this will require a 'step change' approach in the provision of energy infrastructure to be able to meet the Government's objectives of a secure, reliable and affordable energy supply that supports sustainable economic growth.
- 5.1.3 EN-1 advocates the importance of technologies such as CCS in the decarbonisation of power generation and industrial processes necessary to

⁶ Department for Energy Security and Net Zero (DESNZ), 2024; Overarching National Policy Statement for Energy (EN-1) (online). Available at: <https://assets.publishing.service.gov.uk/media/65a7864e96a5ec0013731a93/overarching-nps-for-energy-en1.pdf> (Accessed 19/012/2025).

⁷ DESNZ, 2024; National Policy Statement for Natural Gas Electricity Generating Infrastructure (EN-2) (online). Available at: https://assets.publishing.service.gov.uk/media/655dc15a544aea000dfb32_39/nps-natural-gas-electricitygenerating-infrastructure-en2.pdf (Accessed 10/12/2025).

⁸ DESNZ, 2025; 2025 revisions to National Policy Statements: government response (online). Available at: <https://www.gov.uk/government/consultations/planning-for-new-energy-infrastructure-2025-revisions-to-national-policy-statements/outcome/2025-revisions-to-national-policy-statements-government-response-accessible-webpage> (Accessed 10/12/2025).

achieve net zero. Section 2.4 of EN-1 sets out how the Government is developing business models and commercial frameworks to incentivise and support developers to finance the construction and operation of power stations with CCS technologies – power CCS. Paragraph 2.5.2 of EN-1 highlights how the UK has “...*highly diverse and flexible sources of gas supply and a diverse electricity mix...*” that integrates renewable and low carbon energy sources to meet supply and demand. The paragraph further underlines the role that gas-fired electricity generation with CCS/Carbon Capture Utilisation and Storage (CCUS) will have as part of this flexible and diverse energy mix to complement the renewables and nuclear sectors.

- 5.1.4 Part 3 of EN-1 explains the urgent need for significant amounts of new large scale energy infrastructure to meet the UK’s energy objectives (e.g. secure, reliable and affordable). Electricity meets a significant proportion of the UK’s overall energy needs and reliance on it will increase as the country transitions towards net zero. The UK needs to ensure that there is sufficient electricity to always meet demand; with a margin to accommodate unexpectedly high demand and to mitigate risks such as unexpected plant closures and extreme weather events.
- 5.1.5 Section 4.2 of EN-1 deals with ‘The critical national priority for low carbon infrastructure’. The Government has concluded that the need for new low carbon energy infrastructure, such as the Proposed Development, is so acute that it is a Critical National Priority (CNP). EN-1 confirms that for the purposes of CNP policy, low carbon infrastructure includes natural gas fired generation that is carbon capture ready. This means that the Proposed Development, being a low carbon CCGT generating station with CCP, has CNP status when it comes to Secretary of State decision making and specifically in reference to any residual impacts that remain following application of the mitigation hierarchy. This urgent need that exists for low carbon infrastructure is not open to debate or interpretation and the contribution that would be made by the Proposed Development to meeting that need should be afforded substantial weight by the Secretary of State in determining the DCO application (EN-1, paragraphs 3.2.6 and 3.2.7).
- 5.1.6 The urgent need for the Proposed Development and NPS policy is considered in detail at Section 7 of the **Planning Statement [APP-262]**.
- 5.1.7 As confirmed above, the 2025 NPSs are potentially capable of being important and relevant to the Proposed Development. In July 2024 the Government launched a review of the energy NPSs (which included EN-1), and the Government held a public consultation between 24 April and 29 May 2025. The NPS updates (including the updates to EN-1) were laid in Parliament on 13 November 2025 for a 21-sitting day ‘consideration period’, following which they will be formally designated and published. The two main changes to EN-1 that are of relevance to the Proposed Development include the following, and reinforce the importance and need for it to be delivered:

- New text has been added at paragraph 3.3.44 of the 2025 version of EN-1, which confirms 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’ of the 2025 version 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. This change further reinforces the presumption in favour of granting consent for CNP infrastructure, such as the Proposed Development.

5.1.8 Further to the above, a number of other important energy and climate change policy documents have been published in recent years, including most recently the Government’s Clean Power 2030 Action Plan. These policy documents provide further support as to the urgent need for new energy infrastructure, including gas fired power stations that are equipped with carbon capture (power CCUS) in order to provide security of supply, add resilience to the energy network, support the deployment of renewables and ultimately support the Government’s Clean Power 2030 mission and the transition to net zero by 2050. The Proposed Development is consistent with the key objectives of Government energy and climate change policy. It would deliver low carbon long-duration flexibility that provides security of supply and support a renewables-based energy system.

5.1.9 Energy and climate change policy is considered in detail at Section 4 of the **Planning Statement [APP-262]**.

5.1.10 Taking account of the above, the Proposed Development is essential and urgent and there are imperative reasons for it to proceed.

In the public interest

5.1.11 The Proposed Development would have a number of very clear and significant benefits that are in the public interest. These include the following:

- EN-1, Part 3 confirms the urgent need that exists for significant amounts of new large-scale energy infrastructure to meet the Government’s objectives of secure, reliable and affordable energy supplies, including the need for low carbon energy infrastructure. A

clear benefit of the Proposed Development is that it would make a major contribution to meeting the need for new energy infrastructure identified in EN-1 by delivering up to 1,380 MWe of low carbon electricity generation. The urgent need that exists for low carbon infrastructure is not open to debate or interpretation and the contribution that would be made by the Proposed Development to meeting that need should be afforded substantial weight in the Secretary of State's decision-making.

- UK Government energy and climate change legislation and policy is a matter that is both important and relevant to Secretary of State decision making on the Applicant's development consent application. A number of important energy and climate change policy documents have been published since 2020, including most recently the Government's Clean Power 2030 Action Plan. These policy documents provide further support to the urgent need for new energy infrastructure, including gas fired power stations that are equipped with carbon capture (power CCS/CCUS) in order to provide security of supply, add resilience to the energy network. The Proposed Development, which is a power CCS project, is consistent with the key objectives of UK energy and climate change policy. The Proposed Development would deliver low carbon, flexible, dispatchable generation, providing security of electricity supply and has the potential to be deployed as early as 2030 thereby supporting the Government's Clean Power 2030 objectives on the transition to net zero. The Proposed Development would make a valuable contribution to the delivery of important energy and climate change policy objectives which should therefore be afforded substantial weight.
- The Proposed Development would connect with one of the Government's selected CCS/CCUS clusters, the HyNet Cluster, with the captured CO₂ from the CQLCP Abated Generating Station being transported via the HyNet CO₂ Pipeline to permanent offshore storage facilities in Liverpool Bay. The Proposed Development would therefore act as an important enabler in the development of the HyNet Cluster in line with the Government's objectives of decarbonising the UK's industrial and power generation sectors.
- The Connah's Quay site also has excellent proximity to the HyNet Cluster and its associated CO₂ transport infrastructure minimising the extent of CO₂ connection infrastructure needed and any associated effects. The majority of the site is within the ownership or control of the Applicant and the Proposed Development would make use of brownfield land within the operational boundary of the existing Connah's Quay Power Station. The Proposed Development would also be able to make use of the existing electricity grid, natural gas supply and water supply infrastructure at the existing Connah's Quay Power Station, thereby minimising the need for new connections and third party land. The location of the site also affords important efficiencies in terms of the operation and maintenance of the Proposed Development and the potential to draw upon the existing skilled workforce.
- The Proposed Development would have benefits for the national and local economy in terms of employment (direct and indirect/induced) and supply chain opportunities. It is estimated that the Proposed Development would require an average of 608 gross

direct full-time employment (FTE) construction jobs on-site per day during a simultaneous phase construction period, with a peak workforce of 1,600.

- In terms of Gross Value Added it is estimated that the construction workforce of the Proposed Development would contribute directly £33.24m to the national economy during the construction phase.
- The Proposed Development would achieve a Net Benefit for Biodiversity.

5.1.12 Having regard to the above, the Proposed Development would have a number of very clear and significant benefits that are in the public interest at the local, regional and national level.

Overriding the harm that would be caused to the European sites

- 5.1.13 As evidenced above, there is an urgent need for significant amounts of new large scale energy infrastructure to meet the UK's energy objectives (e.g. secure, reliable and affordable). Electricity meets a significant proportion of the UK's overall energy needs and reliance on it will increase as the country transition towards net zero. The UK needs to ensure that there is sufficient electricity to always meet demand; with a margin to accommodate unexpectedly high demand and to mitigate risks such as unexpected plant closures and extreme weather events.
- 5.1.14 As with all development proposals, it is necessary to assess the Proposed Development in terms of its conformity and compliance with relevant policy and, in accordance with NPS EN-1 (paragraph 4.1.5), weigh its benefits and adverse impacts (the adverse effects as assessed in the ES) against each other (the 'planning balance').
- 5.1.15 Without prejudice to the Applicant's principal case, to the extent that the Proposed Development would result in some adverse effects, as may be expected with certain types of nationally significant infrastructure, these adverse effects do not outweigh the significant benefits to the UK, including the provision of safe and secure low carbon electricity supplies for which there is a nationally recognised urgent need; the Proposed Development would make a substantial contribution towards meeting this need. As evidenced above, the proposals would preserve places of environmental interest in contributing towards a Net Benefit for Biodiversity.
- 5.1.16 In contrast, the area of Atlantic salt meadow to be lost on a temporary basis is very small (650 m²) and represents a very small proportion (less than 0.003%) of the 2,045.20 ha of Atlantic salt meadow within Dee Estuary SAC/SPA/Ramsar as set out in the JNCC citation for the SAC: [UK0030131.pdf](#). The Dee Estuary is one of 13 SACs for which Atlantic salt meadow is a primary reason for site selection. The Dee Estuary designation represents approximately 7% of the more than 29,000 ha

of the Atlantic salt meadow habitat type in the UK ([\(Atlantic salt meadows \(Glaucopuccinellietalia maritimae\)\) - Special Areas of Conservation](#)), which is found mostly in the large, sheltered estuaries of south-east, south-west and north-west England and in south Wales. Smaller areas of saltmarsh are found in Scotland. Therefore, the habitat to be lost represents 0.0002% of Atlantic salt meadow in the UK. With regard to the functionally-linked habitat for curlew that would be lost, this receives no direct protection as it lies entirely outside the Dee Estuary SPA/Ramsar boundary. The habitat to be lost supported a peak count of 60 curlews, during January 2024. Therefore, the habitat to be lost supports a maximum of 1.5% of the Dee Estuary SPA/ Ramsar site curlew population, and this maximum was only recorded in one month. The imperative reasons of public interest therefore clearly override the harm caused to the SAC/SPA.

- 5.1.17 In summary, the Proposed Development's very clear and significant benefits (as summarised above), a number of which should be afforded substantial weight, clearly outweigh its limited adverse residual impacts. Notwithstanding this, the Proposed Development is CNP infrastructure (as confirmed by EN-1), and CNP policy places a clear presumption in favour of granting consent for such infrastructure even where residual effects remain after the application of the mitigation hierarchy. There is a clear and compelling case in favour of the Proposed Development.

5.2 Provide copies or a summary of any formal or informal advice you have received from Natural England or Natural Resources Wales, or any other statutory adviser, relevant to the consideration of IROPI:

- 5.2.1 Not applicable at this stage

5.3 Summarise how you have taken this advice into account:

- 5.3.1 Not applicable at this stage

5.4 If a priority SAC habitat or species could be adversely affected by the plan or project, indicate which of the following public interests the reasons relate to:

- 5.4.1 No Habitats Directive priority habitats or species will be adversely affected.

6) Consideration of the necessary compensatory measures

6.1 Provide an overview of the compensatory measures that have been secured, and which will be undertaken should the plan or project proceed:

Direct Loss of/ Damage to Qualifying Habitat

- 6.1.1 Given the works area is surrounded by Atlantic salt meadow, it is considered that allowing natural regeneration and colonisation from the surrounding area is a more appropriate restoration method than planting. This includes consideration of factors such as the proximity of sources of regeneration (including from the substrate which can be re-laid following works) and the fact the location and distribution of Atlantic salt meadow communities within the SAC is not static but changes naturally as a result of environmental conditions.
- 6.1.2 To address this loss further, and ensure no overall net loss within the SAC/SPA/Ramsar site, it is proposed to allow natural coastal processes to resume south of the existing Connah's Quay Power Station along a currently defended frontage and in an area not otherwise proposed for managed realignment as part of other strategies. Under current circumstances the Atlantic salt meadow within Conservation Area 3 (known as Station Saltings, south of the existing Connah's Quay Power Station) will reduce in extent due to sea level rise and presence of the landward defences, resulting in coastal squeeze and loss of SAC Atlantic salt meadow habitat. The intention is to bring part of the defences inland thus restoring natural coastal processes. This would allow the Atlantic salt meadow 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 Connah's Quay Power Station. This would not avoid coastal squeeze altogether as that would require the removal of such defences, but it would substantially delay the rate of squeeze and the period at which any reduction in Atlantic salt meadow extent due to sea level rise would occur.
- 6.1.3 Therefore, the coastal defences south-east of the existing Connah's Quay Power Station adjacent to Compartment 3 would be set back to create a 1,300 m² area into which the Atlantic salt meadow in Conservation Area 3 can expand. The Management Plan for the Conservation Areas (Ref 65 in the **RIHRA [APP-253]**) indicates that between 2010 and the date of the Management Plan (2015) some previously exposed mud around Compartment 3 had been colonised by common

saltmarsh grass (*Puccinella maritima*) indicating natural Atlantic salt meadow colonisation and extension can occur in this area if suitable conditions are created.

- 6.1.4 Setting back the embankment would reduce long-term losses of Atlantic salt meadow in the Dee Estuary due to coastal squeeze and thus ensure no net loss of Atlantic salt meadow in the Dee Estuary by enabling the Atlantic salt meadow in the existing area to expand landwards. Provided this is done before the existing area of Atlantic salt meadow is lost it would allow the Atlantic salt meadow (which would be a naturally shifting community without hard defences) to move naturally inland to a greater extent by managed realignment than the loss due to the new outfall and therefore avoid a net loss. It would therefore not conflict with the conservation objectives regarding extent or proportions.

Loss of Functionally Linked Land

- 6.1.5 The Applicant's intention is to deliver 25 ha of functionally linked land at Gronant Fields at Prestatyn which are approximately 21.2 km from the Main Development Area and within the SPA / Ramsar site. The land would be managed for 80 years (this being the standard HRA definition of 'in perpetuity') or until the Proposed Development is decommissioned, whichever is the sooner. Wet features would be relatively easy to create, such as scrapes, ditches, and shallow pools, which would further enhance the value for wintering waders in providing feeding areas as well as roosting areas during high tide. Full details of this habitat enhancement are provided in the **Curlew Mitigation Strategy [APP-254]**.
- 6.1.6 The Commitments Register [APP-251] provides further information on the relevant securing mechanisms for all relevant measures. The remaining parts of this section address the specific information requirements identified in the Derogation template.

The objectives, target features (the affected habitats and species) and the ecological processes and functions to be compensated

Atlantic salt meadows

- 6.1.7 The target feature will be '1330 Atlantic salt meadows (*Glauco-Puccinellietalia maritimae*)'. The objective will be to lower ground levels over 1,300 m² of land owned by the Applicant adjacent to the Dee Estuary SAC/SPA/Ramsar site (the managed retreat area). The objective will be to lower ground levels to that of the existing Atlantic salt meadow in front of the managed retreat area. The existing Atlantic salt meadow will expand inland under natural coastal processes to occupy the managed retreat area. This will enable a net increase in the amount of Atlantic salt meadow that is more than double that being lost due to the Proposed Development (approximately 650 m²), and more than 200 times greater than that being lost permanently (approximately 5 m²). In the long-term it will also enable the

existing area of Atlantic salt meadow in front of the managed retreat area to persist in the face of forecast sea level rise, when it would otherwise be gradually eroded and turned to mudflat.

Functionally-linked land for curlew

- 6.1.8 The target feature will be 'A160 curlew *Numenius arquata*'. The objective will be to improve the habitats suitable for curlew, and thus the numbers of curlew that can be supported, of 25 ha of existing land within the SPA boundary at Gronant Fields at Prestatyn, owned by the Applicant. This will be achieved by delivering wet features such as scrapes, ditches, and shallow pools, to provide feeding areas as well as roosting areas during high tide. Full details of this habitat enhancement are provided in the **Curlew Mitigation Strategy [APP-254]**.

6.2 The precise extent of the compensatory measures - for example, surface areas, population numbers

Atlantic salt meadows

- 6.2.1 The extent of the compensatory area is 1,300 m².

Functionally-linked land for curlew

- 6.2.2 The extent of the compensatory area is 25 ha.

6.3 The precise location of compensation areas - include maps, and digitised data provided as an ESRI Shapefile

Atlantic salt meadows

- 6.3.1 The precise location of the compensation area is shown on Sheet 2 of the Appendix A of the **Outline Landscape and Ecology Management Plan [APP-250]**.

Functionally-linked land for curlew

- 6.3.2 The location of this habitat enhancement is provided in Appendix A of the **Curlew Mitigation Strategy [APP-254]**.

6.4 The current status and condition of the compensation areas – for example existing habitats and their status, type of land, existing land uses

Atlantic salt meadows

- 6.4.1 The compensation area currently consists of a mixture of bracken and modified grassland in poor condition as detailed in **Appendix 11-C Botanical Technical Appendix [APP-191]**.

Functionally-linked land for curlew

- 6.4.2 The compensation area currently consists of grassland and there are three fields of cultivated land in the south-west corner. The fields appear not to have been managed since 2024 and cultivated land has been colonised by arable weeds. The grassland is periodically inundated and resembles a rush-pasture in its structure and composition. Most of the fields at the site are located adjacent to water filled ditches. Some of these ditches support tall emergent plants, particularly common reed (*Phragmites australis*) which is beginning to colonise the adjacent fields. There is a pond in the central part of the site and several ephemeral pools which temporarily holds rainwater. There is a fragmented hedgerow adjacent to a ditch in the central-east part of the site. Further details of the habitats present are included in Appendix B of the **Offsite Net Benefit for Biodiversity and Green Infrastructure Strategy [APP-255]**.

6.5 Time schedule for implementing the compensatory measures (including their long-term implementation), indicating the expected results and when they will be achieved

Atlantic salt meadows

- 6.5.1 The creation of the managed retreat area would occur prior to the construction of the proposed Surface Water Outfall. The Applicant will prepare a Saltmarsh Creation Strategy which will be supported by a new requirement within the **Draft Development Consent Order [APP-019]**, to be prepared prior to construction in general accordance with a new Framework Saltmarsh Creation Strategy. Professional judgment is that fine mud and silt would begin to develop as soon as the ground levels are lowered, and Atlantic salt meadow would then develop across the managed retreat area approximately five years following this. Given mature Atlantic salt meadows are present immediately seawards of the managed retreat (thus protecting the retreat area from heavy tidal influence) the vegetation is likely to quickly develop into that habitat. As noted on the JNCC page for Dee Estuary SAC ([Dee Estuary/ Aber Dyfrdwy - Special Areas of Conservation](#)), 'high

accretion rates found in the estuary are likely to favour further development of this type of vegetation’.

Functionally-linked land for curlew

- 6.5.2 The habitat for the Curlew offsetting area will be established prior to the commencement of construction works at the areas of the Main Development Area for which offsetting is required, to ensure that the mitigation provision is available prior to any displacement occurring. Requirement 12 in Schedule 2 of the **Draft Development Consent Order [APP-019]** provides that no stage of Work No. 1 (as defined in Schedule 1 of that draft Order) or any site clearance works required in connection with Work No. 1 may commence until a Curlew Mitigation and Monitoring Plan has been approved by the relevant planning authority, in consultation with Natural Resources Wales. That Curlew Mitigation and Monitoring Plan must be in general accordance with the **Curlew Mitigation Strategy [APP-254]** and include (amongst other things) an implementation timetable demonstrating that replacement curlew habitat will be available before removal or disturbance of curlew habitat on functionally linked land as a result of the authorised development.
- 6.5.3 Professional judgment is that the habitat will be available (i.e. functional and able to support curlew) within the first 12 months; achievement of appropriate sward height through grazing and creation and vegetation colonisation of water features (foot drains) would also be achieved within 12 months. Optimal conditions are likely to take between 3-5 years and will involve adjustments such as adjusting the water management regime, building up the soil invertebrate densities and getting the full benefits of changed grazing management.

6.6 Methods and techniques for implementing the compensatory measures, evaluation of their feasibility and expected effectiveness

Atlantic salt meadows

- 6.6.1 Atlantic salt meadows are a relatively common habitat to create. Large-scale restoration includes the flooding of 300 hectares of land at Steart Marshes in Somerset by the Wildfowl & Wetlands Trust, providing flood protection for properties, supporting fish and birds while also retaining its use for grazing. The RSPB’s Wallasea Island project in Essex used soil from the Crossrail scheme to raise the land and flood almost 170 hectares of arable land to create saltmarsh, mudflats and lagoons ([Saltmarsh-factsheet-Oct2023.pdf](#)). In the case of the Proposed Development, a relatively small amount of saltmarsh requires creation (1,300 m²) and it has been agreed with Natural Resources Wales in a meeting on 19/11/2025 that the habitat will be allowed to colonise naturally (rather than being

planted) from the existing area of Atlantic salt meadow immediately seawards of the managed retreat area. The presence of an existing area of Atlantic salt meadow immediately seawards of the managed retreat area provides high confidence that this habitat will establish in the managed retreat area as part of the restoration of natural coastal processes following the managed retreat.

Functionally-linked land for curlew

- 6.6.2 Methods and techniques for implementing the compensatory measures, evaluation of their feasibility and expected effectiveness are detailed within the **Curlew Mitigation Strategy [APP-254]**. The proposals consist primarily of improved habitat management and installation of foot drains to ensure adequate habitat structure and conditions through periodic wetting of fields during winter. While details remain to be developed as of detailed design, such habitat enhancement/restoration proposals are commonly deployed on fields to improve their value for wintering birds and have been introduced by organisations such as the RSPB and as commitments in other DCOs such as for the East Yorkshire Solar Farm. Throughout engagement in 2025 prior to submission of the DCO application, Natural Resources Wales confirmed with the Applicant that the site for the compensatory habitat is in a suitable location for curlew to make use of it and curlews have been identified as being present in the area. There is therefore high confidence in the deliverability and likelihood of success.

6.7 Costs and financing of the compensatory measures, including their design, establishment, and maintenance for the necessary duration

- 6.7.1 The financing of the measures including maintenance would be delivered by the Applicant and would be secured as part of the DCO. The land is already in the Applicant's ownership.

6.8 Responsibilities for implementing the compensatory measures

- 6.8.1 The Applicant would be responsible for implementing the compensatory measures. This would be secured as part of the DCO. The land is already in the Applicant's ownership.

6.9 How the compensatory measures will be monitored and by whom, including timescales, and where necessary (for example, if there are uncertainties concerning the effectiveness of the measures) assessment of results and what you will do if the compensatory measures do not work as planned

Atlantic salt meadows

- 6.9.1 The measures will be monitored by the Applicant or its appointed consultants. The Applicant will prepare a Saltmarsh Creation Strategy which will be supported by a new requirement within the **Draft Development Consent Order [APP-019]**, to be prepared prior to construction in general accordance with a new Framework Saltmarsh Creation Strategy. Monitoring will be undertaken by a suitably qualified botanist with experience of Atlantic salt meadow. Monitoring will be every six months for the first five years following managed retreat to track the establishment of suitable conditions and the development of the Atlantic salt meadow. If Atlantic salt meadow is not shown to be developing during this five-year time period, remedial measures will be introduced. The precise nature of the measures would depend on the reason for the lack of progress in habitat development but could include creating flow pathways through the existing Atlantic salt meadow, reworking the retreat area to deepen it, or installing brushwood features to hold deposited silt and sediment.
- 6.9.2 Criteria for successful establishment of Atlantic salt meadow (such as presence of key species, absence of undesirable species, and suitable substrate and wetness conditions) will be discussed with Natural Resources Wales and will be used as the basis for monitoring. Once the habitat is established there will be further monitoring every five years throughout the lifetime of the Proposed Development, or for 80 years, whichever is the sooner.

Functionally-linked land for curlew

- 6.9.3 The measures will be monitored by the Applicant or its appointed consultants in accordance with the Curlew Mitigation and Monitoring Plan to be prepared pursuant to Requirement 11 of the **Draft Development Consent Order [APP-019]**. Monitoring will be undertaken by a suitably qualified ornithologist. Criteria for success (such as the number of curlew recorded each month throughout the winter compared to baseline levels) will be agreed with Natural Resources Wales through the development of the Curlew Mitigation and Monitoring Plan (prepared pursuant to Requirement 11 of the **Draft Development Consent Order [APP-019]**) and will be used as the basis for monitoring. Once the site is confirmed to be supporting sufficient curlew populations on a sufficiently regular basis, there will be

further monitoring every five years throughout the lifetime of the Proposed Development, or for 80 years, whichever is the sooner.

6.10 Enforcement of the necessary compensatory measures if required - how they will enforce them, and who will enforce them

- 6.10.1 As explained above, the relevant commitments are proposed to be secured through the **Draft Development Consent Order [APP-019]**. If the DCO application is granted by the Secretary of State and the Order is made, the obligations within the Order will be binding on the undertaker, as defined in Article 2(1) of the Draft Development Consent Order, when carrying out the authorised development. The relevant planning authority (in this case Flintshire County Council) will be responsible for enforcing the terms of the Order pursuant to the Planning Act 2008.
- 6.10.2 Further information on securing mechanisms for all mitigation and compensation measures related to the Proposed Development is provided within the **Commitments Register [APP-251]**.

6.11 The process that will be used to confirm that the measures have been successfully completed

- 6.11.1 Criteria for success will be agreed with Natural Resources Wales and will be used as the basis for monitoring.

6.12 Provide copies of the advice you have received from Natural England or Natural Resources Wales relating to the proposed compensatory measures:

- 6.12.1 In point 3.6 on page 6 of its Relevant Representation ([NSIP Relevant Representations Template](#)) Natural England states that *'Natural England advise the Curlew Mitigation Strategy at Gronant Fields, Connah's Quay Conservation Area and the provision of new naturally colonising saltmarsh to address the direct loss of qualifying saltmarsh must be regarded as compensatory measures under the HRA framework'*. This is then picked up throughout its Relevant Representation such as points NE02, NE24, NE25, NE28.
- 6.12.2 In its Relevant Representation on the DCO ([Relevant Representations | Representation by Natural Resources Wales](#)) Natural Resources Wales commented in paragraphs 2.1.17 and 2.1.26 regarding the managed retreat for Atlantic salt meadow and the curlew habitat creation at Gronant Fields that *'We acknowledge that such proposals could potentially be considered as mitigation for HRA purposes but consider that this would be subject to their effectiveness being certain and that the mitigation measures will be in place before the commencement of the associated impacts on the affected site'*. Note that Natural

Resources Wales therefore appears to accept the Applicant's view that the managed retreat would constitute mitigation rather than compensation.

- 6.12.3 Note that the affected areas for which this Derogation case is made are in Wales. The Applicant's view is therefore **that Natural Resources Wales should be considered the lead Country Conservation Agency on these matters.**

7) Further information considered relevant to this notification

7.1 Give any further details that you feel are relevant to this notice:

- 7.1.1 This Derogation Notice is provided on a without prejudice basis at the request of the Examining Authority.