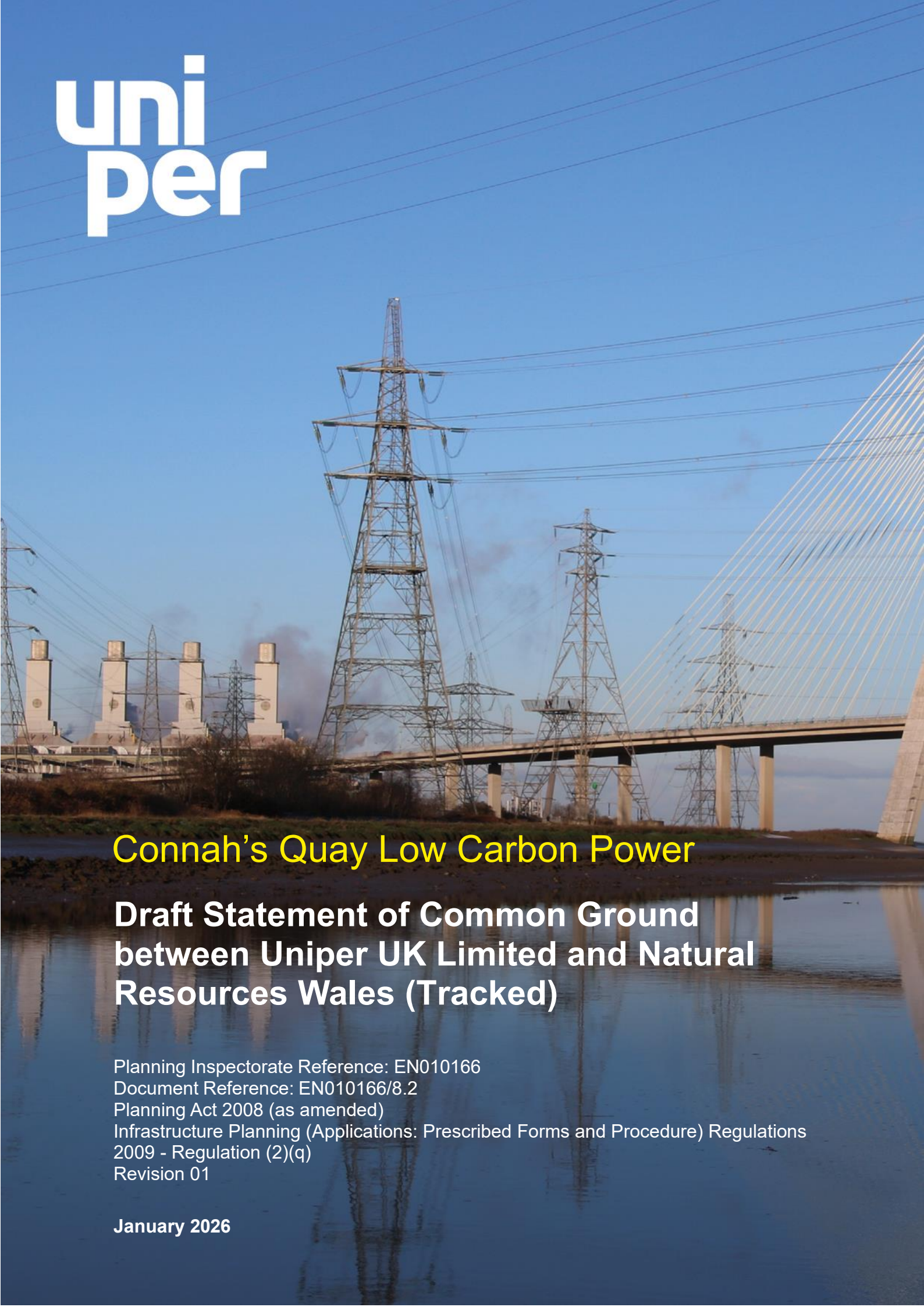

Connah's Quay Low Carbon Power

Draft Statement of Common Ground between Uniper UK Limited and Natural Resources Wales (Tracked)

Planning Inspectorate Reference: EN010166
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Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 - Regulation (2)(q)
Revision 01

January 2026

Prepared for:
Uniper UK Limited

Prepared by:
AECOM Limited

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1. Introduction

1.1 Purpose of this Document

1.1.1 This Draft Statement of Common Ground (SoCG) has been prepared by Uniper UK Limited (hereafter referred to as the 'Applicant') to support an application (the Application) to be made to the Secretary of State (SoS) for Energy Security and Net Zero (DESNZ). The Application was accepted for examination on the 28th August 2025 and the Examination commenced on 13th January 2026.

1.1.2 The Applicant is seeking a Development Consent Order (DCO) under section 37 of the Planning Act 2008 for the construction, operation (including maintenance) and decommissioning of a proposed low carbon Combined Cycle Gas Turbine (CCGT) Generating Plant fitted with Carbon Capture Plant (CCP) (the 'Connah's Quay Low Carbon Power (CQLCP) Abated Generating Station') and supporting infrastructure (collectively 'the Proposed Development') on 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 'Proposed Development Site').

1.1.3 This SoCG does not seek to replicate information which is available elsewhere within the Application documents. All documents are available on the Planning Inspectorate's website at: Connah's Quay Low Carbon Power Project | National Infrastructure Planning

1.1.4 SoCGs are an established means in the planning process of allowing all parties to identify and so focus on specific issues that may need to be addressed during the examination. This SoCG has been produced to confirm to the Examining Authority (ExA) where agreement has been reached between the parties and where matters are under discussion or where agreement has not been reached. The SoCG will be progressed during the pre-examination and examination periods to reach a final position between the Parties and to clarify if any issues remain unresolved. This draft SoCG will be revised and updated as appropriate and/or required by the ExA at relevant examination deadlines.

1.2 Parties to this Statement of Common Ground

1.2.1 This SoCG has been prepared between (1) the Applicant and (2) Natural Resources Wales (NRW) (jointly referred to as the Parties).

The Applicant

1.2.2 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 approximately 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.

1.2.3 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.

Natural Resources Wales

1.2.4 Natural Resources Wales (NRW) is a Welsh Government-sponsored body, established to ensure the sustainable management of natural resources in Wales. NRW is a prescribed consultee in respect of DCO applications in Wales that are likely to affect land, water, or the environment. The Applicant has consulted NRW throughout the development of the Proposed Development.

1.2.5 NRW's role covers various topics, including:

- managing the risk of flooding from main rivers, reservoirs, and the sea;
- regulating major industry and waste;
- management and remediation of contaminated land;
- protection of water quality and water resources;
- fisheries management;
- Inland river, estuary and harbour navigation; and
- conservation, biodiversity, and ecology.

1.3 Status of this Statement of Common Ground

1.3.1 ~~Noting that NRW have not been provided with an opportunity to comment on draft Application documents ahead of the~~ This version of the SoCG presents an update to the draft submitted as part of the application **[APP-281]** to consider the key themes within the **Natural Resources Wales Relevant Representation [RR-027]**. NRW have not yet had the opportunity to review the Applicant's responses in detail and provide a response and as such an updated position is not recorded in this version of SoCG. The parties have discussed the updated format of this SoCG and agreement has been agreed in principle.

~~1.3.1~~ Unless NRW have made a clear comment stating agreement, the parties have not currently~~DCO submission, it has been agreed between the parties that the primary objectives of this revision of the SoCG are to:~~

- ~~agree the record of engagement summarised in Section 2; and~~

- ~~seek agreement on the areas of discussion identified in Section 3.~~

1.3.2 ~~The parties have therefore not~~ included commentary on the status or the likelihood of resolution of each matter, this will be included when NRW have ~~received the application and provided their representations.~~been able to review the Applicant's responses to their Relevant Representations **[RR-027]**. The parties will continue to work together throughout examination to update the SoCG.

1.4 The Proposed Development

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

1.4.2 Through a carbon dioxide (CO_2) pipeline, comprising existing and new elements the Proposed Development would make use of CO_2 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 CO_2 Pipeline Project'), that will transport CO_2 captured from existing and new industries in North Wales and North-West England, for offshore storage. The captured CO_2 will be permanently stored in depleted offshore gas reservoirs in Liverpool Bay.

1.4.3 For the purposes of the electrical connection, National Grid Electricity Transmission plc (NGET), which builds and maintains the electricity transmission network in England and Wales, is responsible for the operation and maintenance of the existing 400 kV NGET Substation.

1.4.4 A description of the Proposed Development, including details of maximum parameters, is set out in **Chapter 4: The Proposed Development** of the **Environmental Statement** (**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.

1.5 Terminology

1.5.1 Section 3 summarises the issues that are 'agreed', 'not agreed' or are 'under discussion'.

1.5.2 These terms are used as follows:

a. "Agreed" indicates where the issue has been resolved;

b. "Under discussion" indicates where these points will be the subject of on-going discussion wherever possible to resolve, or refine, the extent of disagreement between the parties; and

c. "Not Agreed" indicates a final position where the Parties have agreed to disagree.

2. Record of Engagement

2.1.1 A summary of all meetings and correspondence that have taken place between the Parties in relation to the Application is outlined in **Table 1**. This includes email correspondence between the Parties to discuss sharing of information, arrangement of meetings and where appropriate to comment on draft documentation. **Table 1** reflects the key meetings and emails of note.

Table 1: Record of Engagement

Date	Form of Correspondence	Key topics discussed and key outcomes
General		
22/03/2024	Email (to NRW Development Planning Advice Service)	An email to advise that a Discretionary Planning Advice Application is being prepared and that advice would be sought from NRW in relation to the following topics: • Geology and Soils; • Flood Consequence Assessment; • Water Resources and Water Framework Directive; • Terrestrial Ecology; • Marine Ecology; • Marine Licence; • Net Benefits for Biodiversity (NBB); • Habitats Regulations Assessment (HRA); • Noise; and • Air Quality.
17/04/2024	Email (from NRW's Development Planning Advisor)	An email responding to the Applicant's request for a Discretionary Advice Service (DAS), providing a quote and terms and conditions. Advice was also given on where to obtain the data required for various surveys and assessments.
06/08/2025	Email	The Applicant provided Natural England with a copy of the relevant submitted documents prior to publication on the

Date	Form of Correspondence	Key topics discussed and key outcomes
		Planning Inspectorate's Connah's Quay Low Carbon Power website
26/9/2025	Email	The Applicant provided NRW with copies of confidential ecological reports.
23/11/2025	Relevant Representation	NRW's **Relevant Representation [RR-027]** was shared with the Applicant head of publication on the Planning Inspectorate's Connah's Quay Low Carbon Power website.
Terrestrial and Marine Ecology		
01/07/2024	Meeting (Microsoft Teams with NRW and Applicant Marine Ecology Advisors)	A meeting to discuss the marine ecology surveys and physical processes work that will be taking place.
18/07/2024	Meeting (Microsoft Teams with NRW's and Applicant's terrestrial and marine ecological advisors)	A meeting to discuss and agree ecology survey scope and engage on ecological matters related to the Proposed Development. This related to both terrestrial and aquatic ecology, and marine ecology.
12/12/2024	Meeting (Microsoft Teams with NRW and Applicant's Marine Ecology, Coastal Processes and Fisheries Advisors)	A meeting to provide an update to project programme, changes to the works taking place in the Water Connection Corridor and the anticipated environmental impact pathways.
29/01/2025	Meeting (Microsoft Teams with NRW and Applicant's Marine Ecology Advisors)	A meeting covering: • a Water Connection Corridor design update; • an update on surveys and hydraulic ~~modeling~~modelling; • the anticipated environmental impact pathways; and • the requirement for marine licensing.
05/03/2025	Meeting (Microsoft Teams with NRW's and Applicant's	A meeting covering:

Date	Form of Correspondence	Key topics discussed and key outcomes
	Ecology and Conservation Advisors)	• a review of Statutory Consultation comments; • the progress of ecology surveys; • outline of surveys proposed in 2025; • detail of planned GCN mitigation strategy and licence approach; • update on potential mitigation sites for loss of Functionally Linked Land; and • the approach to Abnormal Indivisible Loads (AIL)
08/05/2025	Meeting (Microsoft Teams with NRW's and Applicant's Ecology and Conservation Advisors)	A meeting was held to present the ornithology results in detail and further discuss the options for mitigation for the Functionally Linked Land. It was agreed that the methodology for the assessment of noise impacts on birds should accord with the Waterbird Disturbance Mitigation Toolkit (Ref 1Ref 51). An update was provided on impacts to saltmarsh.
02/06/2025	Meeting (Microsoft Teams with NRW's and Applicant's Ecology and Conservation Advisors)	A meeting was held to present the findings of the Air Quality assessment. An update was provided on impacts to saltmarsh as a result of the works at the surface water outfall area. High level discussion of statement of common ground.
07/07/2025	Meeting (Microsoft Teams with NRW's and Applicant's Ecology and Conservation Advisors)	A meeting was held to discuss air quality impacts on Statutory Designated Sites Dee Estuary/ Aber Dyfrdwy SAC / SPA / Ramsar site, and Deeside and Buckley Newt Sites SAC, as well as offsite mitigation for the

Date	Form of Correspondence	Key topics discussed and key outcomes
		loss of Functionally Linked Land.
19/09/2025	Email	NRW provide the Applicant initial feedback on the **Report to Inform Habitats Regulations Assessment [APP-253].**
19/11/2025	Meeting (Microsoft Teams with NRW's and Applicant's Ecology and Conservation Advisors)	A meeting was held to discuss Gronant Fields, bird surveys and discuss NRW's Relevant Representations.
Water Environment and Flood Risk		
12/04/2024	Email (to NRW Development and Flood Risk Advisor)	An email requesting various information such as information on landfills, ground investigation reports, potential or known contaminated land.
07/05/2024	Meeting (Microsoft Teams with NRW Flood Risk Advisors and Applicant)	A meeting to introduce the Proposed Development and discuss the approach to hydraulic modelling.
04/09/2024	Email (to NRW Flood Risk Advisors)	Submission of Hydraulic Modelling method statement to NRW for comment.
03/10/2025	Email (from NRW Flood Risk Advisors)	Feedback was provided on the Hydraulic Modelling method statement.
20/11/2024	Email (to NRW Development and Flood Risk Advisor)	Email to discuss the Outline Surface Water Drainage Strategy and discharge of surface water into the River Dee.
26/02/2025	Meeting (Microsoft Teams with NRW and Applicant's Flood Risk Advisors)	A meeting was held to discuss the completed hydraulic modelling and outputs.
28/03/2025	Email from NRW's Development Planning Advisor	An email from NRW to the Applicant responding to a query on freeboard requirements.
08/05/2025	Email (from NRW's Development Planning Advisor)	Feedback was provided from NRW on the hydraulic modelling and outputs.

Date	Form of Correspondence	Key topics discussed and key outcomes
21/05/25	Meeting (Microsoft Teams with NRW and Applicant's Flood Risk Advisors)	A meeting was held as an initial discussion on NRW's hydraulic model review comments.
29/07/2025	Meeting (Microsoft Teams with NRW and Applicant's Flood Risk Advisors)	A meeting was held to discuss the updated hydraulic modelling and outputs following feedback from NRW
Geology and Ground Conditions		
15/02/2024	Letter via email (to NRW Development Planning Advisor)	A letter sent via email requesting data to inform the geology and ground conditions assessment.
04/11/2024	Meeting (with NRW Conservation Advisor, NRW Lead Specialist Adviser Wellbeing, Health and Safety, the Applicant's Ground Engineering advisors)	A meeting was held to discuss the proposed Ground Investigations and confirmation of scope, as well as Section 28 assent for the proposed groundwater investigations.

2.1.2 Further to the meetings above, the Applicant has provided NRW with a outline engagement plan to detail proposed meeting dates throughout the examination.

3. Areas of Discussion between the Parties

3.1.1 Table 2~~Table 2~~ below details the areas of discussion and matters that are agreed, under discussion and not agreed between the Parties.

Table 2: Areas of Discussion with NRW

Ref	SubjectTopic	Relevant Application Document	Summary of NRW Comment within their Relevant Representation [RR-27]	Applicant's position	NRW's Updated Position	Status	Likelihood of Resolution
1.0 EngagementDCO Submission							
1.1	Engagement			**N/A**	The pre-application engagement undertaken by the Applicant has been proactive and professional and is reflected accurately in **Table 1** of this SoCG.		
2. 0 Policy and Legislation							
2.1NRW1	Policy and Legislation DCO submission	**ES Volume II Chapter 7: Planning Policy and Need (EN010166/APP/6.2.7)** N/A **ES Volume IV Appendix 7-A: Legislative, Policy and Guidance Framework for Technical Topics (EN010166/APP/6.4)**	The relevant national policies and appropriate legislative framework with respect to matters relating to NRW's duties have been accurately reported.We have reviewed the DCO submission and, notwithstanding our key concerns and other issues raised, consider the submission, on balance, to be comprehensive and of a good quality. We are pleased to note that many of our previous concerns, as raised during the pre-application process, have been appropriately addressed.	This is noted and welcomed by the Applicant.		Agreed	Resolved
3.0 Description of Proposed Development and Assessment Scenarios							
ES Volume II Chapter 2: Assessment Methodology (EN010166/APP/6.2.2)							
2.0 Terrestrial Ecology							
4.0 Draft Development Consent Order							
4.1	Articles and Schedules			**Draft DCO (EN010166/APP/3.1)**	The wording of the Articles and Schedules in the **Draft DCO (EN010166/APP/3.1)** is appropriate.		
5.0 Air Quality							

Ref	~~Subject~~Topic	Relevant Application Document	Summary of NRW Comment within their Relevant Representation [RR-27]	Applicant's position	NRW's Updated Position	Status	Likelihood of Resolution
~~5.1~~NRW4	~~Scope of the assessment~~ Designated Sites for Nature Conservation	**~~ES Volume II~~ Chapter ~~8: Air Quality (EN010166/~~11: Terrestrial and Aquatic Ecology [APP~~/6.2.8~~)** **~~ES Volume IV Appendix 8-A: Baseline Air Quality Information (EN010166/APP/6.4)~~-049]**	~~The scope of the air quality assessment is appropriate and comprehensive.~~ ~~It should be noted that:~~ • ~~**Operational traffic emissions** are scoped in and a detailed assessment of operational traffic effects on local air quality, combined with stack emissions, has been included and is presented in Section 8.6 of **Chapter 8: Air Quality** (**EN010166/APP/6.2.8**) and **Chapter 24: Cumulative and Combined Effects** (**EN010166/APP/6.2.24**);~~ • ~~**Presenting all operational scenario modelling results:** A number of operational scenarios have been modelled and the results from all potential operating scenarios have been included in the final application. Section 8.6 of the air quality assessment (**Chapter 8: Air Quality** (**EN010166/APP/6.2.8**) and **Appendix 8-D Air Quality Operational Assessment** (**EN010166/APP/6.4**)) includes an assessment of the findings of an unabated scenario and both FEED options for the carbon capture process; and~~ ~~**The operation of existing CCGT units during construction and operation of the Proposed Development:** The Applicant's existing CCGT units at Connah's Quay Power Station will be on-site and operating during construction and operating during periods coinciding with the operation of the Proposed Development as set out in Section 2.2 of **Chapter 2: Assessment Methodology** (**EN010166/APP/6.2.2**).~~We welcome that an updated Conservation Areas Management Plan would be prepared and submitted to Flintshire County Council (FCC) and NRW for approval prior to the commencement of operation of the proposed development. The updated Conservation Areas Management Plan would be secured by DCO Requirement 13 (Operational and maintenance environmental management plan (OMEMP)) and remain in place until completion of the decommissioning of the proposed development, unless otherwise agreed with FCC and NRW.	It is acknowledged that NRW have key concerns relating to atmospheric pollution of the saltmarsh in the Dee Estuary SAC / SSSI, although they welcome the updated Conservation Areas Management Plan. It should be noted that the conclusions of the **Report to Inform Habitats Regulations Assessment (RIHRA) [APP-253]** are based on precautionary modelling that may overestimate actual deposition such that actual deposition due to the Proposed Development may be even smaller than forecast. Precautionary assumptions include an assumption of two trains operating at full-load for every hour of the year, assuming that emissions would be at levels set in the Large Combustion Plants Best Available Techniques Reference Document (LCP BREF) or specified by the Front-End Engineering Design (FEED) contractor (whereas in practice a level of headroom would be built in for compliance purposes), assuming that there is no depletion of the plume concentrations with distance due to deposition processes, and basing the assessment on the worst-case meteorological year. An area of 0.12 hectares (ha) is considered by the Applicant to be adequate for mitigating the effects of nitrogen deposition on the species composition of at least 245 ha of affected saltmarsh because although the affected area is large the botanical effect on the saltmarsh will be relatively subtle (e.g. a small shift in plant species composition possibly favouring more competitive species) that may not arise in practice due to other influences such as existing management, existing high background nitrogen deposition rates, and tidal inundation limiting the ability of more competitive species to increase in abundance. In contrast, while the area of saltmarsh being identified for mitigation is small, it would enable an entire area of saltmarsh to persist		Under discussion	

Ref	~~Subject~~Topic	Relevant Application Document	Summary of NRW Comment within their Relevant Representation [RR-27]	Applicant's position	NRW's Updated Position	Status	Likelihood of Resolution
			We have identified key concerns regarding potential impacts on the following designated sites for nature conservation within Wales: • Dee Estuary (Wales) SAC, SPA, Ramsar site and SSSI – the application site is located within and immediately adjacent to these sites • Deeside and Buckley Newt Sites SAC and Connah's Quay Ponds and Woodland SSSI – located 1.5km to the south These key concerns are outlined below, along with our other comments regarding designated sites. • Atmospheric pollution of the Dee Estuary SAC/SSSI saltmarsh and Deeside and Buckley Newt Sites SAC/Connah's Quay Ponds and Woodlands SSSI oak woodland qualifying habitats during operation – Key Concern Dee Estuary SAC/SSSI The ES Air Quality assessment (Appendix 8-D) and Report to Inform Habitats Regulations Assessment (RIHRA) identify potential Likely Significant Effects (LSE) for nitrogen deposition (Ndep) on the Dee Estuary SAC Annex I saltmarsh features (Atlantic salt meadows Glauco-Puccinellietalia maritimae, and Salicornia and other annuals colonising mud and sand) and the Dee Estuary SSSI saltmarsh feature. The RIHRA calculates the affected area to be 445ha in-combination and 245ha for the Proposed Development alone (of 2,566.3ha of SAC saltmarsh); representing 17% and 10% of saltmarsh, respectively. We acknowledge that the exceedance is small and at the lower end of the critical load (CLo) for the most sensitive type of saltmarsh (upper) but considering the current exceedance of background Ndep CLo at this location we welcome that mitigation/compensation is proposed. However, we do not consider the	that would otherwise be lost to coastal squeeze. This will be true even though the 0.12 ha area will also be subjected to atmospheric nitrogen deposition. In a meeting on the 19 November 2025, NRW agreed to identify any habitat improvements required to saltmarsh in the Dee Estuary to which the Applicant could contribute as additional mitigation. The Applicant is willing to give consideration to such proposals. In addition, during the meeting on the 19 November 2025, the possibility of a monitoring project, co-locating ecological saltmarsh condition monitoring with air quality monitoring (concentration and deposition) was discussed. This monitoring project would aim to provide evidence to better understand the actual impacts from atmospheric nitrogen emitted from the site and surrounding Deeside industry on the special features of the Dee Estuary SAC and more widely. Further discussion between the Applicant and NRW will be held on this matter and will be recorded in a future revision of the NRW SoCG.			

Ref	~~Subject~~Topic	Relevant Application Document	Summary of NRW Comment within their Relevant Representation [RR-27]	Applicant's position	NRW's Updated Position	Status	Likelihood of Resolution
			proposed mitigation/compensation measures to be adequate, for the following reasons: 1) we do not consider the continuation of the management agreement for the 26ha of currently managed land following decommissioning of the old power station to be bespoke new mitigation for this impact. The extant management agreement is a legal requirement of the Section 36 consent for the existing Connah's Quay Power Station and was established to serve a wider conservation purpose at the site. This would be replaced by an updated version following decommissioning of the old power station in any case, as an embedded design measure, and we would expect this regardless of the identified air quality impact to the saltmarsh. 2) the managed realignment of 0.12ha (1,200m²) of land, potentially creating new saltmarsh of this equivalent area. We understand that this is primarily proposed to offset the loss of up to 650m² of saltmarsh for the new surface water outfall. We do not consider an area of 0.12ha to be adequate for mitigating the effects of nitrogen deposition on the species composition of at least 245ha of affected saltmarsh (445ha in-combination). Furthermore, it is not clear whether this newly created saltmarsh would also suffer from similar atmospheric impacts as predicted elsewhere. We therefore advise that alternative mitigation/compensation measures should be proposed and would welcome further engagement with the applicant regarding this.				
5.2NRW5	~~Study area and baseline~~Deeside and Buckley Newt Sites SAC/Connah's Quay Ponds and	**Report to inform Habitats Regulations Assessment [APP-253]** **Chapter 11: Terrestrial and Aquatic**	The ES Air Quality assessment and RIHRA show that in-combination ammonia and nitrogen deposition would exceed the 1% Process Contribution (PC) of Critical Levels/Loads (Cle/CLo) thresholds within the Deeside and Buckley Newt Sites SAC, which also includes the Connah's Quay Ponds and Woodlands SSSI. The corresponding background Cle/CLo are already exceeded at	~~The study area for gathering baseline information is appropriate to the nature of the Proposed Development and its potential effects. It should be noted that:~~ ~~• A three-month survey using diffusion tubes to establish the Nitrogen Dioxide (NO_2) levels in the area immediately surrounding the site was undertaken. The three-month measurement period was projected to the annual statistical data requirements for~~		Under discussion	

Ref	~~Subject~~Topic	Relevant Application Document	Summary of NRW Comment within their Relevant Representation [RR-27]	Applicant's position	NRW's Updated Position	Status	Likelihood of Resolution
	Woodlands SSSI	**Ecology [APP-049]**	this site and an additional area of approximately 31% of the Annex I oak woodland habitat of the SAC/SSSI (Old sessile oak woods with Ilex and Blechnum in the British Isles) would be affected by the new exceedance. The **~~ES Volume II Chapter 8: Air Quality (EN010166/APP/6.2.8)~~** **~~ES Volume IV Appendix 8-A: Baseline Air Quality Information (EN010166/APP/6.4)~~**exploration of mitigation within the project design and modification of the project operating hours is welcomed, and we note that there does not appear to be a feasible mechanism to reduce such pollution further within the scope of the project's design. Instead, facilitation of habitat management is proposed to directly mitigate potential changes in ground flora due to elevated levels of atmospheric nitrogen. This would be achieved by funding local practitioners already engaged in woodland management at the site to enable them to maintain and enhance the condition and resilience of the woodland features. Depending on the level of funding this could be a proportionate strategy. However, further details should be submitted to provide assurance that this could be secured within the DCO and implemented effectively. 2We also consider that this measure appears to be compensatory rather than mitigatory, as it would not avoid or reduce the harmful effects on the relevant SAC/SSSI features.	~~background measurements via an annualisation exercise to correct the period mean results obtained from the three months survey for seasonal bias. This ensures the data is representative of the whole year. This is detailed in **Appendix 8-A: Air Quality Baseline (EN010166/APP/6.4)**;~~ ~~• A study area of 15 km has been used to consider potential effects on Sites of Special Scientific Interest (SSSI) and European designated sites in proximity to the Proposed Development with details provided in the Preliminary Ecological Appraisal (PEA) included as Annex 1 of **Appendix 11-C: Botanical Technical Appendix (EN010166/APP/6.4)**. SSSIs which have been identified to require further consideration within the ES are discussed within **Chapter 11: Terrestrial and Aquatic Ecology (EN010166/APP/6.2.11)**; and~~ ~~In order to assess the change in pollutant concentrations in the Study Area in more detail, a baseline scenario considering emissions from the existing Connah's Quay Power Station CCGTs under normal operating conditions, with all sources assumed to be operating for 21% of the year, has been included in this assessment. The assumption of a 21% operational scenario is based on the Applicant's data on the recent historic use of the existing power plant and is considered to be robust enough for use in the assessment.~~The financial contribution, noted at paragraph 10.3.19 of the **RIHRA [APP-253]**, to address nitrogen deposition impacts on Deeside & Buckley Newts SAC is being discussed with FCC and will be secured in a Section 106 Agreement, to be signed prior to the end of examination. Following discussion with FCC, the Applicant will confirm these discussions with NRW to ensure they remain appropriate and proportionate to the identified effect. These discussions will be reflected in			

Ref	~~Subject~~Topic	Relevant Application Document	Summary of NRW Comment within their Relevant Representation [RR-27]	Applicant's position	NRW's Updated Position	Status	Likelihood of Resolution
				the Applicant's SoCG with NRW **(EN010166/APP/8.2)**. The Applicant disagrees that measures identified to offset the small increase in nitrogen deposition on Deeside & Buckley Newts SAC (noting the precautionary approach to assessment that has been undertaken as set out in the Applicant's response to NRW4) is compensation. The adverse effect on integrity (AEOI) would not be the increase in Nitrogen deposition itself, but the resulting botanical effects, such as excessive growth of understory, a shift in botanical composition of the ground flora, or increased sensitivity to natural stress. The proposals the Applicant have identified would (as per paragraph 10.3.17 of the **RIHRA [APP-253]**) either counteract the small increase in management burden that may arise from an increase in nitrogen deposition (e.g. fund increased management to ensure the negative botanical changes do not arise) or render the site more resilient to nitrogen deposition such that the adverse botanical effects of slightly increased deposition would be unlikely to arise in practice. Therefore, in contrast to Natural Resources Wales concluding sentence the measure would avoid or reduce the harmful *effect* (as opposed to the impact) on the SAC features.			
~~5.3~~NRW6	~~Assessment methodology~~Shotton Lagoons and Reedbeds SSSI	**~~ES Volume II~~ Chapter ~~8: Air Quality (EN010166/~~11: Terrestrial and Aquatic Ecology [APP~~/6.2.8)~~-049]**	~~The assessment methodology used in the air quality assessment is appropriate/acceptable. It should be noted:~~The ES (Chapter 11) reports a marginal exceedance of nutrient nitrogen deposition at this site's receptor (OE29). Chapter 11's assessment of impact dismisses this result based on the non-sensitive nature of the common tern breeding habitat at this site. Paragraph 11.6.154 goes on to state that the common terns are the only designated feature of this site sensitive to air quality. However, this is incorrect as the SSSI is also notified for its reedswamp vegetation (Phragmites australis reedbed), which is sensitive to ammonia at 3µg	The comment about *Phragmites australis* reedbed is noted and The Applicant agrees with the conclusion that the air quality impacts can be considered insignificant, for the reasons stated by NRW.		Agreed	Resolved

Ref	~~Subject~~Topic	Relevant Application Document	Summary of NRW Comment within their Relevant Representation [RR-27]	Applicant's position	NRW's Updated Position	Status	Likelihood of Resolution
			CLe and nutrient nitrogen at 10-20 kgN/ha/yr CLo. Although air quality impacts on this feature have not been assessed, we advise that these would be <1% CLo and hence can be considered insignificant. • ~~The predicted change in air quality statistics due to the operation of the Proposed Development is presented in the ES (**Chapter 8: Air Quality** (**EN010166/APP/6.2.8**)). Where the contribution made by the Proposed Development cannot be screened out, the predicted change in process contribution, accounting for the contribution made by the existing power station, is taken into account when determining the overall change;~~ ~~Ammonia emission concentrations have been provided by both Front-End Engineering Design (FEED) contractors for abated and unabated operation. The concentrations are significantly below the lower limit of the Large Combustion Plant Best Available Technique (BAT) Associated Emission Levels range for ammonia of 3-10 mg/m^3. As such there is high confidence that these emission levels represent a high standard of slip control for both abated and unabated operation;~~ ~~In order to be consistent with the latest air emissions risk assessment guidance (Ref 3), a daily background concentration of twice the long term concentration has been used in the calculation of daily Nitrogen Oxide ($NO_{X)}$; and~~ ~~The air emissions risk assessment guidance was prepared by the Environmental Agency to apply in England, however NRW have also adopted it to apply in Wales.~~				
~~5.4~~	~~Assessment outcomes~~			**~~ES Volume II Chapter 8: Air Quality~~** (**~~EN010166/APP/6.2.8~~**) **~~ES Volume IV Appendix 8-B: Air Quality Construction Dust Risk Assessment~~** (**~~EN010166/APP/6.4~~**)	~~The air quality assessment outcomes in~~ **~~Chapter 8: Air Quality Assessment~~** (**~~EN010166/APP/6.2~~**		

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				~~ES Volume IV Appendix 8-C: Air Quality Traffic Emission Assessment~~ (**~~EN010166/APP/6.4~~**) **~~ES Volume IV Appendix 8-D: Air Quality Operational Assessment~~** (**~~EN010166/APP/6.4~~**)	~~.8) are appropriate. A meeting was held with NRW on 2 June 2025 to present the findings of the air quality assessment in relation to ecology: please refer to **Table 1**.~~			
~~5.5~~NRW7	~~Mitigation~~Direct loss of/damage to the saltmarsh qualifying habitat of the Dee Estuary SAC/SSSI during construction /demolition	**~~ES Volume II~~ Chapter ~~8: Air Quality~~ (~~EN010166/~~11: Terrestrial and Aquatic Ecology [APP~~/6.2.8~~)** **~~ES Volume IV Framework Construction Environmental Management Plan (CEMP) (EN010166/APP/6.5)~~-049]**	The proposals involve the construction of a new permanent outfall structure for surface water drainage discharge (the 'Proposed Surface Water Outfall') adjacent to the Existing Surface Water Outfall. The Proposed Surface Water Outfall is located within the Dee Estuary SAC, SPA, Ramsar site and SSSI in an area confirmed as Annex I saltmarsh habitat (Atlantic salt meadows, Glauco-Puccinellietalia maritimae), a qualifying feature of the Dee Estuary SAC. Saltmarsh is also a qualifying feature of the Dee Estuary SSSI. Paragraph 11.3.19 of the ES, Chapter 11 estimates a <5m2 area of permanent loss of saltmarsh habitat due to the Proposed Surface Water Outfall headwall extension. Paragraphs 11.6.11 and 11.6.19 of the ES, Chapter 11 refer to an approximately 650m² of temporary saltmarsh habitat loss during construction of the Proposed Surface Water Outfall. The conservation objective for the "Atlantic salt meadow" feature of the Dee Estuary SAC is to maintain it in favourable condition, the achievement of which includes the following condition being met: • the total extent of Atlantic salt meadow vegetation communities within the site is maintained. Although the area of saltmarsh habitat which would be permanently lost to the development is low, there would still be a net loss of this Annex I habitat type. The applicant proposes offsetting this by enabling managed retreat of the embankment between the power station	The Applicant notes NRW's comment that 'We acknowledge that such proposals could potentially be considered as mitigation for [Habitats Regulations Assessment (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'. The Applicant can create the retreat in advance of the loss, though not necessarily in advance of all the main works commencing. It is considered that provided the managed retreat area is delivered and functioning prior to the loss of saltmarsh due to construction of the outfall, this will meet the legal requirements. The Applicant will prepare a Detailed Saltmarsh Creation Strategy which will be supported by a new requirement within the **Draft DCO [APP-019]**, to be prepared prior to construction in general accordance with a new Framework Saltmarsh Creation Strategy that will be submitted at Deadline 3. This new requirement will include appropriate wording in connection to Work No. 5 (Construction of a surface water discharge). This Strategy will include details of any proposed monitoring (to be implemented during construction and used through operation) following its creation and provide details of a contingency plan should the saltmarsh not establish. The managed retreat area would be subject to the same nitrogen deposition as existing saltmarsh in this location, but it would allow the persistence of an area of saltmarsh that		Under discussion	

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			and Dee Estuary SAC/SPA/Ramsar site/SSSI to create an approximately 1,200m² area for natural migration inland of the saltmarsh. We note that the applicant considers this would 'offset' the impact on saltmarsh rather than represent 'compensation' in the context of the Habitats Regulations and considers it as mitigation for HRA purposes. However, the proposed area of new saltmarsh would be located outside of the SAC and hence lack its standard of statutory protection. 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. However, it is not currently clear whether this would be the case. We therefore advise that, if the offsetting measures are to be considered as mitigation, the new proposed saltmarsh site should be satisfactorily created and demonstrated to be functioning for its intended purpose in advance of the main works (Works 1) commencing. There ~~All relevant mitigation measures in **Chapter 8: Air Quality** (**EN010166/APP/6.2.8**) are adequately secured through the **Framework CEMP** (**EN010166/APP/6.5**), of which preparation of a detailed version(s) is secured through a requirement in the **Draft DCO (EN010166/APP/3.1)**. The proposed mitigation set out is appropriate for managing construction, operation and decommissioning impacts from the Proposed Development.~~ ~~**Appendix 8-B: Air Quality Construction Dust Risk Assessment** (**EN010166/APP/6.4**) contains dust control measures which have been incorporated into the **Framework CEMP** (**EN010166/APP/6.5**).~~ should also be a firm commitment (secured by DCO requirement) for	would otherwise be lost to sea-level rise in the long-term. Responses to requests for additional information: With regard to potential removal of the headwall extension this can be investigated as part of decommissioning activities. This has been added to the **Commitments Register [APP-251]** submitted at Deadline 1, and is secured by Requirement 17 (decommissioning environmental management plan) of the **Draft DCO [APP-019]**. The Applicant will undertake a scarce plant survey. This survey will be undertaken in the optimal window of June / July 2026. With regards to providing details relating to the saltmarsh soils or turves, the Applicant will develop a Saltmarsh Method Statement in liaison with the engineers to consider both soil stockpile or whether turves are appropriate. This requirement has been included in an update to the **Framework CEMP [APP-246]** submitted at Deadline 1. The updated **Framework CEMP [APP-246]** also includes the requirement for the Saltmarsh Method Statement to include details of the proposed monitoring of the recovery of saltmarsh. Worst-case assumptions on temporary loss of saltmarsh is approximately 650 square meters (sqm). Whilst the **Chapter 11: Terrestrial and Aquatic Ecology [APP-049]** notes 0.06 ha, the additional 50 m^2 does not change the conclusions reached within the assessment. NRW have shared the 2022 NVC Survey Report with the Applicant.			

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			a saltmarsh mitigation and monitoring plan, as per the curlew mitigation and monitoring plan to be secured by Requirement 11, whereby the restoration timescales, targets and monitoring proposals are set out in more detail. Further details to assess whether the newly created saltmarsh would suffer from the significant adverse atmospheric impacts predicted elsewhere in the Dee Estuary SAC/SSSI should also be provided. In addition, we advise that further information, as outlined below, should be submitted to allow us to consider these proposals: • a firm commitment to removing the headwall extension to the surface water outfall on the future decommissioning of the new power station and removing the existing, redundant outfall for the old power station. • a scarce plant survey in the area of saltmarsh affected by temporary and permanent habitat loss (an NVC survey is for plant communities rather than individual plants and it is possible that rare and scarce species nearby could also be within the area affected; in particular, Slender hare's ear Bupleurum tenuissimum is known to be present further upstream within the Dee estuary). • further details relating to the saltmarsh soils or turves to be temporarily stored during construction and the reinstatement methods applied, including the duration of soil storage and return of any turves to the marsh. • details of regular monitoring of saltmarsh recovery within the reinstated areas of temporary loss until those areas have fully recovered as saltmarsh. • regarding monitoring of the saltmarsh creation (ES Chapter 5, para. 5.2.25), initial monitoring should be focused on the establishment and development of the saltmarsh focusing on vegetation establishment and cover, and sediment accretion. The condition of the				

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			saltmarsh should be assessed once the saltmarsh has developed. • an outline alternative contingency plan in case the managed realignment site fails to successfully establish as saltmarsh, to ensure that adaptive measures are available to deliver the desired objective. • paragraph 11.6.73 of the ES, Chapter 11 states that a loss of up to 0.06ha (600m2) saltmarsh would occur, whereas 650m2 of temporary loss is referred to in paragraphs 11.6.11 and 11.6.19. The correct area of temporary and permanent saltmarsh loss should be clarified. Paragraph 3.1.8 of the ES, Appendix 11-C: Botanical Technical Appendix refers to a more extensive NVC survey undertaken in June and July 2000, however this data was not available at the time of writing. We would be able to supply this if required, along with the results of NRW's 2022 NVC survey.				
5.6	Residual effects after mitigation			**ES Volume II Chapter 8: Air Quality (EN010166/APP/6.2.8)**	The residual effects reported after mitigation are appropriate and reflect the fact that the mitigation hierarchy has been followed in the assessment.		
6.0 Terrestrial and Aquatic Ecology							
6.1	Scope of the assessment			**ES Volume II Chapter 11: Terrestrial and Aquatic Ecology (EN010166/APP/6.2.11)**	The scope of the terrestrial and aquatic ecology assessment is appropriate and comprehensive.		
6.2	Study area and baseline			**ES Volume II Chapter 11: Terrestrial and Aquatic Ecology (EN010166/APP/6.2.11)** **ES Volume IV Appendix 11-B: Terrestrial and Aquatic Ecology**	The study area for gathering baseline species and habitats information is appropriate to the nature of the		

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				Baseline Surveys and Study Area (EN010166/APP/6.4)	Proposed Development and its potential effects. Section 11.4 of **Chapter 11: Terrestrial and Aquatic Ecology (EN010166/APP/6.2.11)** provides a summary of the baseline conditions within the study area and identifies which ecological features are taken forward for consideration within the assessment presented in Section 11.6.		
6.3	Scope and methodology of terrestrial and aquatic ecology surveys			**ES Volume II Chapter 11: Terrestrial and Aquatic Ecology (EN010166/APP/6.2.11)**	The scope and methodology of the terrestrial and aquatic ecology surveys have been discussed and agreed upon with NRW during meetings in July 2024 and March 2025 – refer to **Table 1**.		
6.4	Assessment methodology			**ES Volume II Chapter 11: Terrestrial and Aquatic Ecology (EN010166/APP/6.2.11)** **Survey Reports (ES Volume IV Appendix 11-C to 11-L, EN010166/APP/6.4)**	The assessment methodology used in the terrestrial and aquatic ecology assessment is appropriate/acceptable. The terrestrial and aquatic ecology assessment is supported by Survey Reports as technical		

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					appendices (**EN010166/APP/6.4**) which include a detailed account of the baseline surveys undertaken and their results. The terrestrial and aquatic ecology assessment presents an assessment of the effects of the Proposed Development and considers the potential impacts in accordance with Schedule 4(5) of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (Ref 4).		
6.4NRW8	Assessment outcomesWorks in the Water Connection Corridor (WCC)	**ES Volume II Chapter 11: Terrestrial and Aquatic Ecology (EN010166/[APP/6.2.11)** **-049]**	Regarding the works in the Water Connection Corridor (WCC), paragraph 11.3.19 of the ES, Chapter 11 states that works within the saltmarsh for the WCC "would be temporary (three to five months in duration) and all habitat would be restored on completion of the works". However, Section 3.2.2 of the OLEMP appears to contradict this as it states: "The temporary impacts are: • Encroachment and clearance of coastal saltmarsh for proposed works within the Water Connection Corridor;" Clarification should therefore be provided on whether clearance of coastal saltmarsh within the WCC is proposed and, if so, the impact of this should be assessed.	The terrestrial and aquatic ecology assessment has adequately assessed the likely significant effects of the Proposed Development on the receptors identified inIt is acknowledged that Paragraph 11.3.19 of **Chapter 11: Terrestrial and Aquatic Ecology** (**EN010166/APP/6.2.11**).**[APP-049]** states the following in relation to construction within the Water Connection Corridor: It should be noted that the assessment methodology for the terrestrial and aquatic ecology assessment is presented in **Appendix 11-A: Ecological Impact Assessment Methodology Report** (**EN010166/APP/6.4**) which identifies that effects are considered in the context of conservation status (where applicable).		Under discussion	

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				'*For this assessment, it is assumed that all works within the Water Connection Corridor would be completed using hand tools, working areas would be accessed by foot over the saltmarsh and required materials would be brought in by barge. There would be no impacts to the river bed, works would be temporary (three to five months in duration) and all habitat would be restored on completion of the works, noting that the Order limits as shown on **Figure 3-3: Areas Described in the ES [APP-069]** are the maximum extent of land required for the works.*' Correction has been made to Paragraph 3.2.2 of the **Outline LEMP [APP-250]** to remain consistent with Paragraph 11.3.19 of **Chapter 11: Terrestrial and Aquatic Ecology [APP-049]** to clarify the encroachment and clearance of coastal saltmarsh is associated with works in the Surface Water Outfall Area rather than the Water Connection Corridor The **RIHRA [APP-253]** has not assessed any loss of saltmarsh within the Water Connection Corridor. The Applicant has confirmed that there will be no saltmarsh removal, but it will be traversed on foot. The Applicant will amend the wording in the **Outline LEMP [APP-250]**. ~~In addition, the assessment presented in Section 11.6 of **Chapter 11: Terrestrial and Aquatic Ecology** (**EN010166/APP/6.2.11**) has considered whether the Proposed Development would have any effect on the ability of the species considered to maintain Favourable Conservation Status.~~			
~~6.5~~NRW9	Loss of functionally linked land for Dee Estuary SPA/Ramsar site/SSSI bird	**Chapter 11: Terrestrial and Aquatic Ecology [APP-049]**	~~Mitigation and compensation measures~~ The proposals would result in an intermediate to long-term loss of up to 26ha of Functionally Linked Land (FLL) used by the curlew feature of the Dee Estuary SPA, Ramsar site and SSSI within the Main Development Area. Offsetting measures, comprising additional land within the SPA/Ramsar site to be secured for favourable	The Applicant has discussed the approach for mitigating loss of FLL with NRW on 5 March 2025, 8 May 2025, 2 June 2025, 7 July 2025 and 19 November 2025. It is noted that NRW agree that in principle, the proposals outlined in the **Curlew Mitigation Strategy [APP-254]** could enable the proposed land to be managed appropriately to encourage and		Under discussion	

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	features (curlew) during construction, demolition, and/or operation		dedicated curlew management, are proposed to offset this loss and outlined in the Curlew Mitigation Strategy (CMS). We have discussed this approach with the applicant during the pre-application stage and agree that, in principle, the proposals outlined in the CMS could enable the proposed offsetting land to be managed appropriately to encourage and support curlew feeding and roosting, offsetting the impact of the proposed development on this feature. However, as with the saltmarsh creation, we note that the applicant considers the proposals to involve mitigation, instead of compensation. 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 the mitigation measures being in place before the commencement of the associated impacts on the affected site. **Without these safeguards in place, the offsetting measures would appear to represent compensation.** Furthermore, paragraph 3.5.5 of the CMS states that "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". **A reference for this "standard HRA definition" of in perpetuity should be provided.** There is no guarantee that curlew would recolonise the decommissioned brownfield land once the project has ceased to operate, so any mitigation/compensation should be permanent.	support curlew feeding and roosting, to mitigate impacts of the Proposed Development on this feature. The Applicant notes that NRW has acknowledged 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 the mitigation measures being in place before the commencement of the associated impacts on the affected site. The following DCO applications all have HRAs that present measures to address the loss of FLL for SPA birds as mitigation rather than compensation within the legal definition of the Habitats Regulations: • Sea Link; • East Yorkshire Solar Farm; • Lower Thames Crossing; • Sunnica Energy Farm; • A303 Stonehenge (Amesbury to Berwick Down); • Peartree Hill Solar Farm; and • Helios Renewable Energy. It ~~All relevant mitigation and monitoring measures are captured within the **Outline LEMP** (**EN010166/APP/6.9**), **Framework CEMP** (**EN010166/APP/6.5**) or the **Lighting Strategy (EN010166/APP/7.22**) where applicable, and the preparation, approval and implementation of final versions of these documents is secured through the relevant requirements in the **Draft DCO** (**EN010166/APP/3.1**).~~ ~~The **Framework CEMP** (**EN010166/APP/6.5**) includes mitigation such as:~~ • ~~the appointment of an Ecological Clerk of Works (ECoW);~~			

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				~~• precautionary methods of working, including ecological safeguarding zone of 30m~~ ~~• control measures on certain construction activities, such as sediment control measures around the Kelsterton Brook/Old Rockcliffe Drain culvert;~~ ~~• seasonal time constraints, such as the clearance of vegetation outside of breeding bird season; and~~ ~~works within the Water Connection Corridor: refurbishment and upgrades to the existing intake structure would be undertaken by divers and a support boat and/or barge, or similar, and foot-only access. Additionally, works must not interact with the riverbed. All materials and plant (if required; it is expected that the majority of works within the Water Connection Corridor will require hand tools only) must be stored within the support barge and a working area would be established using scaffolding attached to the existing protection structure~~ is not only common in the DCO space; for example, the Solent Wader and Brent Goose Strategy sets out the processes for addressing loss of FLL around the Solent Habitats sites. This is used by all of the Solent local authorities when granting consent. The mitigation guidance describes it as 'offsetting' (rather than compensation) and derogations are not required for developers to deliver offsetting habitat to address loss of FLL. The reason FLL is treated this way, is because the AEOI the Applicant is seeking to address would be a possible reduction in curlew populations within the SPA due to a reduction in foraging and roosting opportunities in the wider landscape. The Applicant is therefore avoiding (or mitigating for) the AEOI (a reduction in curlew populations within the SPA) by ensuring there is no net loss of foraging and roosting opportunities by enhancing other areas already used by curlew to support greater numbers.			

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				With regard to Management for 80 years, 80 years is a legal definition given for 'in perpetuity' under the Perpetuities and Accumulations Act 1964, although a longer period of 125 years is given under the Perpetuities and Accumulations Act 2009. Practice has generally led to 80 years becoming the standard definition of 'in perpetuity' for purposes of mitigation measures associated with the Conservation of Habitats and Species Regulations. Whilst, in Wales, the appropriateness of the management period is considered on a case-by-case basis, the Applicant considers the management period in this case to be suitable.			
~~6.6~~	~~Residual effects after mitigation~~			~~**ES Volume II Chapter 11: Terrestrial and Aquatic Ecology (EN010166/APP/6.2.11)**~~	~~The residual effects reported after mitigation are appropriate and reflect the fact that the mitigation hierarchy has been followed in the assessment.~~		
~~**7.0 Net Benefit for Biodiversity (in the context of protected sites and species)**~~							
~~7.1~~NRW10	~~Assessment methodology~~Curlew Mitigation Strategy	**Curlew Mitigation Strategy [APP-254]**	~~**Green Infrastructure Statement (EN010166/APP/6.12)**~~We also advise that the following clarifications and details should be provided for the CMS: 1) Para. 2.4.2: Table 1 does not include historic data, only covers one year, and is likely to be too narrow in the range of months when curlew are found in significant numbers at the site. Historic data held by the applicant and Deeside Naturalists' Society (DNS) should be referred to as these may show a greater range of months when significant numbers of curlew, and possibly other qualifying species, occur within the affected fields (i.e. August, September and October). Historic data may also provide longer-term trends in the numbers of curlew (and other bird features) using the Functionally Linked Land. This may be important when determining the effectiveness of management	The points are addressed in turn. 1) This is noted. The Applicant ~~has prepared~~will continue to engage with the ~~**Green Infrastructure Statement (EN010166/**~~Deeside Naturalists' Society (DNS) and NRW on availability of existing data sets. 2) The Applicant is in the process of commencing groundwater monitoring to inform future management. The Applicant will continue to engage with NRW on groundwater monitoring and provide NRW with any feedback of results. 3) The Applicant is currently undertaking further non-breeding bird surveys of the mitigation area and will continue to engage with NRW on results of these.		Under discussion	

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			measures in the proposed offsetting land i.e. historic baseline curlew numbers in offsetting land versus curlew numbers in preferentially managed land. 2) Para. 4.1.1: Groundwater monitoring should be applied at an early stage to determine the characteristics of groundwater changes at the offsetting site and to inform future management of water levels. Water levels should be quantified over a period of time, so that adjustments to management prescriptions can be made. 3) Para. 4.2.4 states that "further surveys will be undertaken during the peak wintering months". We would wish to be consulted on the results of these surveys and would welcome further engagement regarding the development of the Curlew Mitigation and Monitoring Plan. 4) Para. 4.3.2: Regarding reference to the winter period of October – March, curlew may start to arrive earlier in the season (August/September) depending on weather and breeding success. Using grazing animals would allow minimal disturbance towards the end of summer and therefore early-returning curlew would be able to use the land. 5) Para. 4.3.6 states that one of the additional habitat management measures "will be the creation of a network of foot drains which are a common habitat feature deployed to support diverse invertebrate assemblages and create suitable habitat conditions for waders." A reference or example should be provided to support this approach. 6) Para. 4.3.12: "late in the season" should be defined. 7) The applicant has stated that management of the water tables, sward height and taller vegetation in the Secondary Curlew Area (Figure A-3) would provide additional habitat enhancement. Clarity should be provided on whether these areas would be managed on the same schedule of mowing/grazing and to the same standard as the core areas. 8) Figure A-3 indicates two field parcels of curlew feeding areas, presumably based upon one year's data. NRW and WeBS hold historic	(4 – 9) These points are noted and the Applicant will continue to engage with NRW on the **Curlew Mitigation Strategy [APP~~/6.11) to summarise the~~-254]** and submit an updated version of this strategy at an appropriate point during the examination. The Applicant is undertaking further work to address the proposals set out within the Off-Site Net Benefit for Biodiversity (NBB) ~~assessment~~strategy and acknowledges the potential conflicts between Off-Site NBB compensation, CMS and FLL. The Applicant will consider suitability for CMS when enhancing and creating habitat for off-site NBB compensation and will provide further detail on how such measures will be controlled and managed. Proposals will be developed throughout detailed design collaboratively with ornithological experts and through consultation with NRW, the LPA and other relevant stakeholders. ~~The methodology used for gathering information for baseline conditions relating to the initial NBB assessment is appropriate to the nature of the Proposed Development and its potential effects.~~ ~~The consideration of habitat enhancements within the **Curlew Mitigation Strategy** (**EN010166/APP/6.13**) are appropriate to consider in the NBB assessment presented in the **Green Infrastructure Statement** (**EN010166/APP/6.11**).~~			

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			data for the area that may reveal curlew feeding in other adjacent areas. Impacts on other designated bird species that may be affected by management decisions for curlew should also be assessed. 9) Section 4.4: There is likely to be a need for a longer-term initial monitoring period, e.g. minimum of 10 years. Monitoring should occur for the life of the project, so that management can adapt to changes, and should contribute towards the Dee estuary WeBS count. Details of the monitoring arrangements and the feasibility of access to enable effective monitoring should also be provided. 10) A defined financial allocation should be set aside for management requirements. Oversight of the management plan from the applicant's perspective should be supported by a dedicated officer to enable effective management. The Offsite Net Benefit for Biodiversity and Green Infrastructure Strategy (NBB/GIS) includes habitat management prescriptions for the offsetting land to be acquired as part of the CMS. While we generally concur with these proposals in principle, this land is designated as part of the Dee Estuary SPA, Ramsar site and SSSI. It should therefore be ensured that the proposed NBB/GIS measures would not conflict with maintaining and enhancing suitable habitat conditions for the bird features of these sites, or the aims of the CMS. Further details should be provided regarding the proposed grassland and woodland measures and how the measures located on land adjacent to that acquired for the CMS would be effectively controlled and managed.				
~~7.2~~NRW11	~~Data collection, methods, baseline data~~Noise and ~~the identification and sensitivity~~vi	**~~Green Infrastructure Statement (EN010166/APP/6.12)~~ Curlew Mitigation Strategy [APP-254]**	As referenced in the ES, Chapter 11, paragraph 11.6.17 we agree with the use of an acoustic barrier and construction control measures to ensure construction noise will remain below 60dB, and the implementation of seasonal restrictions on works taking place beyond the acoustic barrier, with such works to be	~~The approach used for the NBB assessment follows standard best practice for projects of this nature. The baseline data used are appropriate and follow standard guidelines.~~This is noted and the Applicant understands that no further action is required at this stage.		Agreed	Resolved

Ref	SubjectTopic	Relevant Application Document	Summary of NRW Comment within their Relevant Representation [RR-27]	Applicant's position	NRW's Updated Position	Status	Likelihood of Resolution
	sual disturbance of relevantinterest features and receptorsof the Dee Estuary SPA/Ramsar site/SSSI during construction /demolition		restricted to outside the wintering season (March to September).				
7.3	Assessment findings			Green Infrastructure Statement (EN010166/APP/6.12) Off-site Net Benefit for Biodiversity (NBB) and Green Infrastructure (GI) Strategy (EN010166/APP/6.14)	The findings of the NBB assessment are appropriate.		
8.0 Report to Inform the Habitats Regulations Assessment							
8.1	Assessment methodology			Report to Inform the Habitats Regulations Assessment (EN010166/APP/6.12)	The survey baseline used in the Report to Inform the Habitats Regulations Assessment (EN010166/APP/6.12) is appropriate/acceptable. The methodology used in the Report to Inform the Habitats Regulations		

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					Assessment is appropriate.		
8.2NRW12	Data collection, methods, baseline data and the identification and sensitivity of relevant features and receptorsLight spillage	**Report to Inform the Habitats Regulations Assessment (EN010166/APP/6.12)Chapter 11: Terrestrial and Aquatic Ecology [APP-049]**	We note the statement in the RIHRA (para. 10.3.2) that increased light spillage may improve foraging efficiency for some qualifying species and the reference to a paper regarding this. Although, we do not consider a single study of one species (redshank) to provide robust enough evidence to support this statement, we concur with the overall conclusions regarding light spillage.	The approach used for the **Report to Inform the Habitats Regulations Assessment (EN010166/APP/6.12)** follows standard best practice for projects of this nature. The baseline data used are appropriate and follow standard guidelines. The list of sites considered at the screening stage is appropriate.This is noted and the Applicant understands that no further action is required at this stage. The reference to light spillage possibly improving foraging efficiency for one species was an observation and was not a basis for the actual assessment.		Agreed	Resolved
8.3	Assessment findings			**Report to Inform the Habitats Regulations Assessment (EN010166/APP/6.12)**	The findings of the assessment in the **Report to Inform the Habitats Regulations Assessment (EN010166/APP/6.12)** are appropriate/acceptable.		
8.4	Securing mitigation (general)			**Report to Inform the Habitats Regulations Assessment (EN010166/APP/6.12)** **Framework CEMP (EN010166/APP/6.5)**	All relevant mitigation measures specified in relation to minimising dust and noise considered in the **Report to inform the Habitats Regulations Assessment (EN010166/APP/6.12)** are adequately secured through the **Framework CEMP (EN010166/APP/6.5).**		

Ref	~~Subject~~Topic	Relevant Application Document	Summary of NRW Comment within their Relevant Representation [RR-27]	Applicant's position	NRW's Updated Position	Status	Likelihood of Resolution
~~8.5~~NRW13	~~Securing~~Water quality mitigation ~~(Curlew)~~	**Report to ~~Inform the~~inform Habitats Regulations Assessment (~~EN010166/[~~APP~~/6.12~~)** **~~Curlew Mitigation Strategy (EN010166/APP/6.13).~~** **~~Draft DCO (EN010166/APP/3.1)~~-253]**	~~All relevant mitigation measures specified in relation to Curlew the **Report to inform the Habitats Regulations Assessment (EN010166/APP/6.12**) are adequately secured through the **Curlew Mitigation Strategy (EN010166/APP/6.13**).~~ ~~The proposed mitigation is appropriate for managing construction impacts from the Proposed Development and is adequately secured via the requirements in the **Draft DCO (EN010166/APP/3.1**).~~ Although any proposed (but unspecified) control measures may theoretically provide mitigation for water quality impacts, no information has been provided to suggest these control measures will avoid the effect in the first instance. Therefore, we do not agree that the water quality impact pathway can be screened out at the Test of Likely Significant Effects (TLSE) stage. Since the measures proposed to be committed in a Construction Environmental Management Plan (CEMP) are considered as "measures to reduce or avoid harm", they should not be discounted at TLSE but should be assessed fully in the Appropriate Assessment (AA) stage of the HRA process. We refer to the People Over Wind ruling for context and clarity (People Over Wind and Sweetman v Coillte Teoranta (C-323/17)). We do not consider that the Langton case (CO/2062/2020) regarding badger culling sets an appropriate precedent for screening out a water quality impact pathway for this application. Information on the proposed activities that may be mitigated or avoided and their potential effect on the water quality of the Dee Estuary SAC/SPA/Ramsar site (and potentially the River Dee and Bala Lake/Afon Dyfrdwy a Llyn Tegid SAC during a big tide or low flows), the impact pathways, and the specific mechanisms for mitigation should therefore be made available for assessment. We consider that the Competent Authority will need this information to undertake their HRA.	The Applicant has taken mitigation measures into account which would be legally required even if no Habitats sites are involved, or which are already in place and operating (e.g. reliance on existing abstraction consents and existing infrastructure). Such measures can be considered during Stage 1: Test of Likely Significant Effects (TLSE). As noted in paragraph 7.2.35 of the **RIHRA [APP-253]** the Environmental Damage (Prevention and Remediation) (Wales) Regulations 2009 and the Environmental Permitting (England and Wales) Regulations 2016 make it an offence to pollute watercourses, irrespective of whether they are Habitats sites or connect to Habitats sites. The water quality protection measures identified in paragraph 7.2.36 of the **RIHRA [APP-253]** (regarding construction) and 7.3.20 to 7.3.22 (regarding drainage during operation) would therefore be legally required even if there was no designation associated with the Dee Estuary. Following the implementation of these measures it is concluded that there would be no likely significant effect (LSE) associated with changes in water quality of the Dee Estuary SAC / SPA / Ramsar site (and the River Dee and Bala Lake / Afon Dyfrdwy a Llyn Tegid SAC).		Under discussion	

Ref	SubjectTopic	Relevant Application Document	Summary of NRW Comment within their Relevant Representation [RR-27]	Applicant's position	NRW's Updated Position	Status	Likelihood of Resolution
8.6NRW14	Securing mitigation (Saltmarsh) Water quality impacts to the Dee Estuary SAC/SPA/Ramsar site/SSSI and River Dee and Bala Lake SAC/Afon Dyfrdwy (River Dee) SSSI during construction /decommissioning	**Report to Inform theinform Habitats Regulations Assessment (EN010166/[APP/6.12)** **Framework CEMP (EN010166/APP/6.5)** **Outline LEMP (EN010166/APP/6.9) -253]**	We do not agree with the RIHRA's conclusion that LSE can be screened out for all features for water quality during the operational phase. The stated integral design makes no reference to the composition of wastewater discharge from the site during operations. The RIHRA states that the current and future practise is to treat sewage on site and discharge with the cooling and process wastewater. In the absence of data regarding for the proposed waste water composition, we consider that there is reasonable scientific doubt that the discharge will have no adverse effect on the features of the Dee Estuary SAC/SPA/Ramsar site (and potentially the River Dee and Bala Lake/Afon Dyfrdwy a Llyn Tegid SAC during a big tide or low flows). Details of the composition of the proposed foul discharge should therefore be provided for consideration in the Appropriate Assessment stage of the HRA process.	All relevantAs discussed above, the Applicant considers that mitigation measures specified in relation to saltmarsh creation and restoration considered in the **Report to inform**can be taken into account during the HRA Screening stage which would be legally required even if no Habitats **Regulations Assessment (EN010166/APP/6.12)**sites are adequately secured throughinvolved. The water quality protection measures identified in paragraphs 7.3.20 to 7.3.22 of the **Framework CEMP (EN010166/APP/6.5)** and**RIHRA [APP-253]** (regarding drainage during operation) would therefore be legally required even if there was no designation associated with the **Outline LEMP (EN010166/APP/6.9)**. Dee Estuary. Regarding foul discharge, the **RIHRA [APP-253]** assumes that a consented discharge has been deemed to be acceptable, otherwise it would have been subject to a Review of Consents process by NRW in line with the Conservation of Habitats and Species Regulations 2017 (as amended).		Under discussion	
9.0 Marine Ecology							
9.1	Scope of assessment		**ES Volume II Chapter 12: Marine Ecology (EN010166/APP/6.2.12)**	The scope of the marine ecology assessment is appropriate and comprehensive. It should be noted that: • Following Statutory Consultation, the extent and scope of works required in the Water Connection Corridor has been reduced. A meeting was held			

Ref	SubjectTopic	Relevant Application Document	Summary of NRW Comment within their Relevant Representation [RR-27]	Applicant's position	NRW's Updated Position	Status	Likelihood of Resolution
					with NRW on 01 July 2024 to discuss the surveys required in the Water Connection Corridor in light of these changes; and • Pen Llŷn â'r Sarnau SAC has been considered and is identified within the baseline section (Section 12.4) and relevant impacts identified are assessed in Section 12.6 of **Chapter 12: Marine Ecology (EN010166/APP/6.2.12)**.		
9.2	Study area and baseline			**ES Volume II Chapter 12: Marine Ecology (EN010166/APP/6.2.12)** **ES Volume IV Appendix 12-B: Relevant Designated Sites (EN010166/APP/6.4)** **ES Volume IV Appendix 12-C: Marine Ecology Plates (EN010166/APP/6.4)** **ES Volume IV Appendix 12-D: Intertidal Survey Report (EN010166/APP/6.4)**	The study area for gathering baseline information is appropriate to the nature of the Proposed Development and its potential effects.		
9.3	Assessment methodology			**ES Volume II Chapter 12: Marine Ecology (EN010166/APP/6.2.12)** **ES Volume IV Appendix 12-A: Marine Ecology Assessment Methodology (EN010166/APP/6.4)**	The assessment methodology used in the marine ecology assessment is appropriate/acceptable.		
9.4	Assessment outcomes			**ES Volume II Chapter 12: Marine Ecology (EN010166/APP/6.2.12)**	The marine ecology assessment has		

Ref	SubjectTopic	Relevant Application Document	Summary of NRW Comment within their Relevant Representation [RR-27]	Applicant's position	NRW's Updated Position	Status	Likelihood of Resolution
				ES Volume IV Appendix 12-E: Marine Biosecurity Risk Assessment (EN010166/APP/6.4)	adequately assessed the likely significant effects of the Proposed Development on the receptors identified in **Chapter 12: Marine Ecology (EN010166/APP/6.2.12)**.		
9.5NRW17	MitigationInvasive non-native species mitigation	**ES Volume II Chapter 12: Marine Ecology (EN010166/[APP/6.2.12)-050]** **Framework CEMP (EN010166/APP/6.5)** **ES Volume IV Appendix 12-F Marine Invasive Non-Native Species Outline Management Plan (EN010166/[APP/6.4)-209]**	While we agree with the overall approach outlined in ES Chapter 12, paragraphs 12.6.18 – 12.6.21, the mitigation and management measures contained in the 'Marine Invasive Non-Native Species Outline Management Plan' (ES Appendix 12F) and the 'Biosecurity Risk Assessment' (ES Appendix 12E) would not adequately reduce the risks associated with the spread of marine INNS. The following key details are absent from the biosecurity risk assessment document but would have a material difference on the efficacy of the mitigation measures and assessment: • the type and nature of vessels to be used, • duration of the activity, • location and nature of ports previously visited, • INNS status of these ports, and • whether the vessels have had recent antifouling treatment. We therefore advise that a 'detailed biosecurity risk assessment' for the marine element of the works should be submitted for approval, in consultation with NRW, once a suitable contractor is appointed and able to complete the relevant information, prior to any works commencing. This should be secured within the DCO requirements, potentially as part of Requirement 4 (2) b.	All relevant mitigation measures in **Chapter 12: Marine Ecology (EN010166/APP/6.2.12)** are adequately secured through the **Framework CEMP (EN010166/APP/6.5)**. The proposed mitigation set out is appropriate for managing construction, operation and decommissioning impacts from the Proposed Development. A Marine Invasive Non-Native Species Outline Management Plan (**Appendix 12-F Marine Invasive Non-Native Species Outline Management Plan (EN010166/APP/6.4)**) has been produced and preparation, approval and implementation of a detailed version(s) is secured through the DCO.A detailed assessment of marine invasive non-native species (INNS) risks will be undertaken once a contractor is appointed and vessel movements are confirmed. This will allow inclusion of the vessel type and nature, duration of activity, port history, INNS status of departure ports, and antifouling condition. The assessment will inform an updated Marine INNS Management Plan, which would be prepared prior to the formal submission of the final CEMP, for approval by the relevant authority, prior to any construction-related vessel activity. **Appendix 12-F: Marine Invasive Non-Native Species Management Plan [APP-209]** has been updated to include the additional information listed above at Deadline 1. The updated assessment and management		Under discussion	

Ref	~~Subject~~Topic	Relevant Application Document	Summary of NRW Comment within their Relevant Representation [RR-27]	Applicant's position	NRW's Updated Position	Status	Likelihood of Resolution
				plan will ensure that the biosecurity measures reflect the actual vessels and operations involved and will provide the basis for any mitigation required. Submission of the detailed marine biosecurity risk assessment will be secured and approval obtained in advance of works.			
NRW18	Water quality impacts to the Dee Estuary SAC/SPA/Ramsar site/SSSI and River Dee and Bala Lake SAC/Afon Dyfrdwy (River Dee) SSSI during operation	**Report to inform Habitats Regulations Assessment [APP-253]**	We note that the INNS impact pathway has been screened out of the RIHRA for the Deeside and Buckley Newt Sites SAC and Halkyn Mountain/Mynydd Helygain SAC. However, this does not appear to have considered biosecurity risks from infectious diseases such as Chytrid. Since the works are within 2km of the Deeside and Buckley Newt Sites SAC, we advise that the HRA should consider such biosecurity risks.	Deeside and Buckley Newt Sites SAC and Halkyn Mountain / Mynydd Helygain SAC are located 1.5 km south and 3.6 km west of the Order limits respectively. Both sites are separated from the works by major barriers. There are no hydrological connections between the works and the designated sites and as Chytrid is spread primarily through contact with the waterborne zoospores the Applicant considers it is reasonable to screen the INNS impact pathway out of the **RIHRA [APP-253]**.		Under discussion	
NRW 20	Terrestrial ecology surveys	**Report to inform Habitats Regulations Assessment [APP-253]**	Overall, we are largely satisfied with the survey and assessment in respect of great crested newts (GCNs), bats, otter, water vole, hazel dormouse, and natterjack toad and agree with the conclusions of the ES. We also acknowledge that no protected species licences for the above species are currently likely to be required.	This is noted and the Applicant understands that no further action is required at this stage.		Agreed	Resolved
~~9.6~~NRW21	~~Residual effects after mitigation~~ Introduction of invasive non-native species (INNS) to the Dee Estuary SAC/ SPA/Ramsar site/SSSI and	**Report to inform Habitats Regulations Assessment [APP-253]**	~~**ES Volume II Chapter 12: Marine Ecology (EN010166/APP/6.2.12)**~~In respect of GCN we advise that the assessments should be based on a 1.6km dispersal distance as opposed to the 250m stated in the submission (note: Section 6.2.3 of Guidelines for the Selection of Biological SSSIs. Part 2: Detailed Guidelines for Habitats and Species Groups: Chapter 18 Reptiles and Amphibians).	~~The residual effects reported after mitigation are appropriate and reflect the fact that the mitigation hierarchy has been followed in the assessment.~~As a precaution paragraph 7.2.46 of the **RIHRA [APP-253]** does use a 1.6km zone of influence for Habitats sites designated for Great Crested Newt (*Triturus cristatus*) (GCN) as follows: '*However, regarding the Hynet DCO Natural Resources Wales advised the applicant that functionally linked land for the newt populations lay within 1.6 km of the SAC. The areas of suitable habitat within the Proposed Development Site are beyond this distance from the SAC. Therefore, Deeside &*		Under discussion	

Ref	~~Subject~~Topic	Relevant Application Document	Summary of NRW Comment within their Relevant Representation [RR-27]	Applicant's position	NRW's Updated Position	Status	Likelihood of Resolution
	Deeside and Buckley Newt Sites SAC/Connah's Quay Ponds and Woodlands SSSI during construction /demolition			*Buckley Newt Sites SAC is not discussed further regarding this impact pathway.'* It is noted that Section 6.2.3 GCN (*Triturus cristatus*) of Guidelines for the Selection of Biological SSSIs. Part 2: Detailed Guidelines for Habitats and Species Groups: Chapter 18 Reptiles and Amphibians states: '*The majority of adult newts remain within about 250 m of their natal pond for most of their lifecycle if habitat conditions are suitable, with longer range dispersal undertaken less frequently (Kupfer et al. 1998; Haubrock et al. 2017; and see overview in Jehle et al. 2011). Generally, areas closer to the breeding pond are of relatively higher value to newts, with certain habitat types and features being more favoured. Great crested newts have been found to disperse across habitats which offer little cover or foraging opportunity, such as hard standing and arable land, in order to reach more distant and higher value habitats. As this species can disperse over 1.6 km between ponds, SSSI boundaries should allow for long distance movements that contribute to maintaining population viability and gene flow and recognise the range of terrestrial habitats used by the species'*. The impact assessment for GCN has been conducted based on the Proposed Development extent, specifically the Construction and Operation Area (refer to Table 11-7 **Chapter 11: Terrestrial and Aquatic Ecology [APP-049]**). It is acknowledged that the Guidelines quoted above refer to SSSI boundaries allowing for long distance movement to maintain population viability, gene flow and terrestrial habitats used by the species. The GCN assessment has taken into consideration all recent records for amphibians and designated sites relating to			

Ref	~~Subject~~Topic	Relevant Application Document	Summary of NRW Comment within their Relevant Representation [RR-27]	Applicant's position	NRW's Updated Position	Status	Likelihood of Resolution
				amphibians within 2 km of the Construction and Operation Area. Waterbodies up to 500 m were identified and surveyed for GCN (where applicable). Refer to paragraph 3.1.3 and 3.3.1 of **Appendix 11-E: Great Crested Newt Technical Appendix [APP-195]**. This is considered to be a sufficient study area and survey area for GCN and proportionate to the Proposed Development.			
NRW 24	Mitigation related to Schedule 1 Birds	**Framework Construction Environmental Management Plan [APP-246]**	Where buffer distances are required or need to be considered, reference should be made to Goodship, N.M. and Furness, R.W. (MacArthur Green) Disturbance Distances Review: An updated literature review of disturbance distances of selected bird species. NatureScot Research Report 1283, or alternative published references for species not listed in Goodship & Furness 2022.	The **Framework CEMP [APP-246]** will be updated to include reference to this guidance in the event that a Schedule 1 bird species is found breeding within the Order limits and submitted at Deadline 1.		Under discussion	
3.0 Marine Ecology							
NRW26	Eels and fish	**Chapter 12: Marine Ecology [APP-050]**	We welcome the commitment for eel screen upgrade works to meet current legislative requirements, including The Eels (England and Wales) Regulations 2009, comprising the removal of one existing 3mm screen and the installation of one new 2mm screen on each of the existing 28 intakes. This embedded design measure would be secured via Requirement 4 (CEMP) and any additional permits/licences required for the works to the intake structure.	This is noted and the Applicant understands that no further action is required at this stage.		Agreed	Resolved
~~9.7~~NRW27	Thermal impacts from discharge rates	**Chapter 12: Marine** ~~Licence~~ **Ecology [APP-050]**	~~**Consents and Agreements Position Statement (EN010166/APP/3.3)**~~ES, Chapter 12, para. 12.2.16 states: "Furthermore, there is no evidence of any thermal impacts from existing discharge rates" and on that basis thermal impacts from the discharge have been screened out for assessment. We advise that references should be provided to support this statement.	~~The works below the Mean High Water Springs limit require a Band 3 Marine Licence.~~ As per Section 12.4 of **Chapter 12: Marine Ecology [APP-050]**, it is considered that the existing baseline environment demonstrates that there is no evidence of any thermal impacts from existing permitted discharge rates.		Under discussion	
~~**10.0 Water Environment and Flood Risk**~~							
~~10.1~~NRW28	~~**ES Volume II Chapter 13: Water Environme**~~	**Chapter 12: Marine Ecology [APP-050]**	~~The scope of the water environment and flood risk assessment is appropriate and comprehensive.~~	Water abstraction and discharge would be regulated in operation under the environmental permits for the Proposed Development and the existing Connah's Quay		Under discussion	

Ref	SubjectTopic	Relevant Application Document	Summary of NRW Comment within their Relevant Representation [RR-27]	Applicant's position	NRW's Updated Position	Status	Likelihood of Resolution
	nt and Flood Risk (EN010166/APP/6.2.13) ES Volume IV Appendix 13-C: Flood Consequence Assessment (EN010166/APP/6.4) ES Volume IV Appendix 13-D Outline Surface Water Drainage Strategy (EN010166/APP/6.4)Water abstraction and discharge		It should be noted that: • The high groundwater table has been considered in the assessment; • No works requiring watercourse crossings are expected within the Repurposed CO_2 Connection Corridor; No new culverting of watercourses is proposed;ES, Chapter 12, para. 12.2.22 states: "The Applicant proposes to maintain the permitted abstraction and discharge parameters as far as reasonably practicable, e.g. abstraction would continue to be limited to periods around high water in line with the current abstraction licence." We welcome the intention to adhere to the conditions in the current abstraction licence but advise that further clarity is provided on what is meant by 'as far as reasonably practicable', including the circumstances in which there would be deviation to abstracted and discharged parameters. It should also be confirmed that all parameters, if deviations occur, are within the worst-case scenario assessed in Section 12.3. • There are no longer any works proposed in the River Dee aside from minor modifications comprising installation of new 2mm eel screens on existing inlets (with minor repairs to surface concrete, metalwork, and timbers). There would be no physical disturbance of the estuary bed which could mobilise contaminants in sediment (including no requirement for a jack up barge or coffer dam); • The existing permit limits for abstraction and discharge (volume, temperatures and water quality) will be maintained unchanged.; and The Flood Consequence Assessment (FCA) is provided as **Appendix 13-C: Flood Consequence Assessment** (**EN010166/APP/6.4**) and has taken account of NRW's feedback to both the Scoping Report and statutory consultation.	B station. This application and variation, respectively, are being prepared. Whilst no changes to permitted abstraction and discharge parameters are being requested, as these permits are not final there is the potential for parameters to change. As such, the language "as far as reasonably practicable" is used here. As no changes to abstraction and discharge parameters are being requested the expected operation does lie within the worst-case scenario assessed.			
10.2NRW29	Study area and baselineMa	**Chapter 12: Marine**	ES Volume II, Chapter 13: Water12, para. 12.4.3: the bullet list of features contains the following errors/omissions:	The study area for gathering baseline information is appropriate to the nature of the Proposed Development and its potential		Under discussion	

Ref	~~Subject~~Topic	Relevant Application Document	Summary of NRW Comment within their Relevant Representation [RR-27]	Applicant's position	NRW's Updated Position	Status	Likelihood of Resolution
	rine designated features	**Ecology [APP-050]**	• the Dee SSSI is also designated for European smelt, • the River Dee and Bala Lake SAC is also designated for river/sea lamprey and bullhead, • the River Dee SSSI is designated for salmon, sea lamprey, and European smelt. Brown/sea trout (Salmo trutta) are not a feature of the site but are protected under Section 7 of the Environment ~~**and Flood Risk (EN010166/APP/6.2.13)**~~ ~~**ES Volume IV Appendix 13-A: Water Environment Baseline Survey and Methodology Report (EN010166/APP/6.4)**~~(Wales) Act 2015.	~~effects.~~The Applicant can confirm that relevant marine designated features have been assessed in **Chapter 12: Marine Ecology [APP-050]**.			
4.0 Air Quality							
~~10.3~~NRW31	Environmental Permit ~~Assessment methodology~~	~~**ES Volume II Chapter 13: Water Environment and Flood Risk (EN010166/APP/6.2.13)**~~**Consents and Agreements Position Statement [APP-021]**	~~The assessment methodology used in the water environment and flood risk assessment is appropriate/acceptable.~~Based on the information submitted, we consider that the proposed development will require an Environmental Permit ('permit') to operate. Please note, however, that NRW's Permitting Service have not yet received a permit application in respect of the proposed development to date. Therefore, we have carried out a 'high-level' model review of the air quality information submitted in support of the above application. A 'high-level' model review consists of providing advice regarding the general assessment methodology of an air quality assessment (AQA) used and whether the correct guidance regarding key model input parameters has been followed. 2.3.2. We have undertaken a 'high-level' model review in this instance because this approach is considered to provide a suitable balance of offering you greater assurances that the findings of the AQA are reliable. However, this approach	We confirm that the Environmental Permit application is being prepared and will be submitted in Q1 2026 to NRW.		Under discussion	
NRW31	Diesel-powered back-up	**Chapter 08: Air Quality [APP-046]**	Our previous advice regarding air quality has been addressed and generally we are satisfied	The Applicant notes that NRW are satisfied with the air quality assessment submitted.		Under discussion	

Ref	SubjectTopic	Relevant Application Document	Summary of NRW Comment within their Relevant Representation [RR-27]	Applicant's position	NRW's Updated Position	Status	Likelihood of Resolution
	generators and associated pollutants		with the AQA submitted. However, please see our following comments. Table 8-2 (Scoping Opinion Responses from the UKHSA), states: "It is recommended that the air quality impacts assessment also include the diesel-powered back-up generators and associated pollutants." The applicant has responded that: "Precise information on the number, size and type of back-up generator(s) has not been confirmed at this stage of the Project. As a reasonable worst-case assumption, the diesel generator(s) would only be used for short periods during testing and in the case of an abnormal event. Their use is, therefore, unlikely to have a significant effect on local air quality." Reasonable evidence of the estimation of possible impact should be provided to support this statement.	As highlighted in NRW's comment, the Applicant's position is that the diesel generator(s) would only be used for short periods during testing and in the case of an abnormal event. Their use is, therefore, unlikely to have a significant effect on local air quality. The Applicant confirms that evidence of the estimation of possible impact from the back-up generators will be provided during the Environmental Permit application process submitted to NRW in 2026.			
10.4NRW22	Assessment outcomesAir quality pollutants	**ES Volume II Chapter 13: Water Environment and Flood Risk (EN010166/APP/6.2.13)** **ES Volume IV Appendix 13-B: Water Framework Directive Assessment Report (EN010166/APP/6.4)** **ES Volume IV Appendix 13-C: Report to inform Habitats Regulations Assessment [APP-253]**	The water environment and flood risk assessment has adequately assessed the likely significant effects of the Proposed Development on the receptors identified in **Chapter 13: Water Environment and Flood Risk (EN010166/APP/6.2.13)**. It should be ensured that all relevant pollutants (including total amine emissions) that could be emitted from the stacks have been identified and assessed to inform the HRA (in line with published guidance).	There will be an additional assessment undertaken as part of the Change Application, planned to be submitted at Deadline 3, all emissions and associated Environmental Assessment Levels (EAL) will be presented as current at that time.		Under discussion	

Ref	SubjectTopic	Relevant Application Document	Summary of NRW Comment within their Relevant Representation [RR-27]	Applicant's position	NRW's Updated Position	Status	Likelihood of Resolution
		Flood Consequences Assessment (**EN010166/APP/6.4**)					
5.0 Water Environment and Flood Risk							
10.5NRW34	MitigationWater Pollution	**ES Volume II Chapter 13: Water Environment and Flood Risk (EN010166/APP/6.2.13)** **Framework Construction Environmental Management Plan (CEMP (EN010166/) [APP/6.5)** **ES Volume IV Appendix 13-D: Outline Surface Water Drainage Strategy (EN010166/APP/6.4)-246]**	A We note that a Construction Environmental Management Plan (CEMP) would be implemented for the construction stage. The Framework CEMP (EN010166/APP/6.5) is included within the DCO Application which outlines the control measures for mitigating water quality impacts., taking into account Guidance for Pollution Prevention (GPP) documents GPP5 and GPP6. This would be developed into (a) detailed CEMP(s) post and supporting documents, secured post-consent as secured through a requirement in the **Draft DCO (EN010166/APP/3.1)**. The detailed CEMP(s) will be supported by a Water Management Plan to be submitted post consent but prior to construction. NRW would be consulted on these documents prior to them being approved by the local planning authority and prior to constructionof the DCO. The proposed mitigation set out in the **Framework CEMP (EN010166/APP/6.5)** is appropriate for managing construction, operation and decommissioning impacts from the Proposed Development.Section 4.7 of the Framework CEMP states that a Drainage Management Strategy would be developed and provided in the final CEMP(s). We advise that the provision of the drainage management strategy documents to support the CEMP should be included in Requirement 4 or 7 of the DCO.	Because the CEMP must be in general accordance with the **Framework CEMP [APP-246]**, as certified, and this Framework CEMP includes the specific reference to a Construction Drainage Management Strategy needing to be prepared, such Strategy is already sufficiently secured without the need to specifically cross-reference this document within Requirement 4 or 7. The operational drainage design would be implemented early in the construction phase to enable the use of the new outfall. In addition, the specifics of construction drainage are not known. The **Framework CEMP [APP-246]** will be updated to set out more principles to support the development of the Construction Drainage Management Strategy, at Deadline 1. This would include recommendations to consider Sustainable Drainage Management Systems (SuDS), Phased Drainage Implementation, Pollution Prevention Hierarchy, sediment and erosion control measures, inspections and maintenance arrangements, and training for staff on the importance of effective water management practices and methods. However, that said, in the interests of clarity and transparency, the Applicant has included an additional limb under Requirement 4(2) to specifically secure that the CEMP must incorporate a Construction Drainage Management Strategy.		Under discussion	
10.6	Residual effects after mitigation			**ES Volume II Chapter 13: Water Environment and Flood Risk (EN010166/APP/6.2.13)**	The residual effects reported after mitigation are appropriate and		

Ref	SubjectTopic	Relevant Application Document	Summary of NRW Comment within their Relevant Representation [RR-27]	Applicant's position	NRW's Updated Position	Status	Likelihood of Resolution
					reflect the fact that the mitigation hierarchy has been followed in the assessment.		
10.7	Approach to hydraulic modelling			**ES Volume II Chapter 13: Water Environment and Flood Risk** (**EN010166/APP/6.2.12**)	The Applicant has engaged with NRW regarding their approach to hydraulic modelling, which has been carried out in accordance with a Method Statement that was shared with and approved by NRW.		
10.8NRW35	Approach to Water Framework Directive (WFD) assessment Assessment	**ES Volume IV Appendix 13-B: Water Framework Directive Assessment Report (EN010166/[APP/6.4)-211]**	The approach to the WFD assessment, as set out in **Appendix 13-B: Water Framework Directive Assessment Report** (**EN010166/APP/6.4**) is appropriate/acceptable. Regarding ES, Appendix 13B (Water Framework Directive Report), on the basis of adherence to the commitments in the CEMP and associated documents, we agree with the conclusions of the Construction Phase Assessment for marine water quality that any impacts can be avoided or mitigated and so are unlikely to have a significant impact on any Water Framework Directive (WFD) quality elements. Likewise for the operational phase, we agree with the assessment of no deterioration in any WFD quality element relating to marine water quality and no likelihood of the prevention of any water quality objectives from being met.	This is noted and the Applicant understands that no further action is required at this stage.		Agreed	Resolved
10.9NRW36	Waterbodies within the Study Area	**Figure 13-1 Surface Water Features [App-132]**	Conclusions of the WFD Assessment The supporting Figure 13-1 (Surface Water Features) does not appear to show all the WFD waterbodies reported in the WFD compliance assessment, only Swinchiard Brook. We therefore advise that an updated plan is submitted which clearly shows all the WFD waterbodies that have been identified in the assessment.	The conclusions of the WFD assessment, as set out in **Appendix 13-B: Water Framework Directive Assessment Report** (**EN010166/APP/6.4**) are appropriate/acceptable. **Figure 13-1: Surface Water Features** [APP-132] will be updated to include the screened out Water Framework Directive (WFD) water bodies, namely Wepre Brook and Nant Sir Roger (Dee Estuary). The			Under discussion	

Ref	~~Subject~~Topic	Relevant Application Document	Summary of NRW Comment within their Relevant Representation [RR-27]	Applicant's position	NRW's Updated Position	Status	Likelihood of Resolution
				updated figure will be submitted to the Examination at Deadline 1.			
~~11.0 Geology and Ground Conditions~~ NRW37	WFD waterbodies	**Chapter 13: Water Environment and Flood Risk [APP-051]**	We note that there are no longer any works planned in the River Dee, aside from installation of new eel screens and minor repairs to existing inlets. We also note that a surface water outfall is proposed (para. 13.3.9). NRW should be consulted with further details of these works, to assess whether a Flood Risk Activity Permit (FRAP) or Marine Licence is needed, regardless of the requirement for in-channel works. A FRAP may be required for any works in, over, under or within 8m of a fluvial main river (including any defences on that main river), or 16m of a tidal main river (including any defences on that main river), or within a flood plain.	This is noted and the Applicant understands that no further action is required at this stage. The potential requirement for a Flood Risk Activity Permit (FRAP) is identified as item 12 in the **Consents and Agreement Position Statement [APP-021]**.		Under discussion	
NRW39	Flood Consequences Assessment	**Appendix 13-C: Flood Consequences Assessment [APP-212]**	We have previously engaged with the applicant regarding the hydraulic model developed for this proposal during the pre-application stage. In summary, we consider that the model is suitable to use for its intended purpose for this project/site.	This is noted and the Applicant understands that no further action is required at this stage.		Agreed	Resolved
~~11.1~~NRW40	~~Scope of assessment~~ Flood Risk	~~**ES Volume II** Chapter 14: Geology~~**13: Water Environment and ~~Ground Conditions (EN010166/~~Flood Risk [APP~~/6.2.14~~)~~-051]**	The Flood Map for Planning identifies the application site to be at risk of flooding and mostly within Flood Zone 3 (Sea). The Repurposed CO2 Connection Corridor and Water Connection Corridor also fall within Flood Zone 3 (Rivers). We acknowledge that there is already a consented power station development at this site and are satisfied that the correct flood risks and flood risk zones relevant to the Proposed Development have been identified within the Flood Consequences Assessment (FCA). However, we advise that greater detail should be provided on the following aspects. We have agreed with the applicant that the relevant design event for the site is the 0.5% (1 in 200 year) AEP tidal event, with allowance for climate change (70th percentile) over the lifetime of the development, including breach analysis where appropriate. We note that the	~~The scope of the geology and ground conditions assessment is appropriate and comprehensive.~~ **Appendix 13-F: Hydraulic Modelling Report [APP-215]** also simulated future resilience scenarios using the following tidal events: • 1 in 200 year (0.5% Annual Exceedance Probability (AEP)) plus 2074 95th percentile climate change; • 1 in 1000 year (0.1% AEP) plus 2074 95th percentile climate change; • 1 in 200 year (0.5% AEP) plus 2100 70th percentile climate change; and • 1 in 1000 year (0.1% AEP) plus 2100 70th percentile climate change. The 1 in 200 year (0.5% AEP) 2074 plus 95th percentile scenario shows a maximum increase in flood depth within the channel adjacent to the Main Development Area of		Under discussion	

Ref	~~Subject~~Topic	Relevant Application Document	Summary of NRW Comment within their Relevant Representation [RR-27]	Applicant's position	NRW's Updated Position	Status	Likelihood of Resolution
			proposed lifetime of the development is 30 years from a construction date in the 2030's, and on that basis, it was agreed that the 2074 climate change epoch would cover the lifetime of the proposed development. It was also agreed that the 2100 epoch would be analysed as a conservative approach to flood risk, as the normal lifetime considered for Highly Vulnerable Development is 100 years. TAN15 (2025) also requires the 95th percentile climate change scenario to be assessed in order to inform mitigation measures, and as a sensitivity test. We note that the results of the 2100 epoch and 95th percentile model runs are included in Appendix 13-F (Hydraulic Modelling Report), but we advise that these should be presented and summarised in the FCA so that the information is more readily available for decision makers. Also, as TAN15 requires the breach scenario to be considered as the design event, there should be a description of the existing flood defences and appropriate justification of why a breach/undefended scenario has not been included.	+0.11 m when compared to the 70th percentile scenario. The proposed area for permanent development is not shown to be inundated during this event **(Appendix 13-F: Hydraulic Modelling Report [APP-215])**. The 1 in 200 year (0.5% AEP) 2100 plus 70th percentile scenario event shows the proposed area for permanent development not to be flooded within this scenario (**Appendix 13-F: Hydraulic Modelling Report [APP-215]**). An updated **Appendix 13-C: Flood Consequence Assessment** (**EN010166/APP/6.4**) has been submitted at Deadline 1. In relation to the consideration of the breach scenario, it was agreed with NRW in May 2025 that the undefended scenario undertaken as part of the hydraulic modelling represents the worst-case scenario for the Proposed Development. Therefore, no breach analysis was undertaken as part of the hydraulic modelling assessment (**Appendix 13-F: Hydraulic Modelling Report [APP-215]**). For all simulations the model was simulated in the partially undefended scenario (undefended at the Main Development Area, defended throughout the wider model) which removes the private defences and screening mound along the frontage of the existing Connah's Quay Power Station. The flood defences in NRW's received model are based on North Wales Tidal Defence Survey which were added to the model in 2020. It is understood from NRW that the sea defences were surveyed in 2016. The sea defences have been retained from the NRW 2020 River Dee Model on the left and right bank of the River Dee upstream of the existing Connah's Quay Power Station site. Defences on the left bank of the River Dee along the boundary of the existing Connah's Quay			

Ref	~~Subject~~Topic	Relevant Application Document	Summary of NRW Comment within their Relevant Representation [RR-27]	Applicant's position	NRW's Updated Position	Status	Likelihood of Resolution
				Power Station site are private defences and there is little information about the current condition, standard of protection or the maintenance / management regime of the defences. The site walkover identified the defences at the existing Connah's Quay Power Station site are generally raised ground along the Dee Estuary frontage with a setback partial gabion wall which has access openings to the existing Connah's Quay Power Station site. Construction information provided by the Applicant shows that the observed gabion wall is an earthwork embankment built as a screening mound with one side having a gabion construction. It was agreed with NRW in May 2025 that the private defences at the existing Connah's Quay Power Station site would be removed from the baseline model to create a partially undefended model and a conservative estimate of flood risk at the Main Development Area. ~~It should be noted that:~~ ~~• impacts from unsaturated soil and groundwater deriving from pollution events bypassing the drainage system during operation has been scoped out of this chapter. Drainage design is discussed in **Chapter 13: Water Environment and Flood Risk** (**EN010166/APP.6.2.13**) and also in **Appendix 13-D Outline Drainage Strategy** (**EN010166/APP/6.4**); and~~ ~~• the Proposed Development would require an Environmental Permit to operate, granted under the Environmental Permitting (England and Wales) Regulations, 2016. Further details on the environmental permit are provided in paragraph 14.5.4 of **Chapter 14: Geology and Ground Conditions** (**EN010166/APP/6.2.14**), and the (**EN010166/APP/3.3**) document; and~~ ~~Preliminary ground investigation has been undertaken and a summary of the soil and groundwater baseline quality and a Stage 1, Tier 2 generic risk assessment is summarised in **Appendix 14-F: Stage 1, Tier 2 Generic**			

Ref	~~Subject~~Topic	Relevant Application Document	Summary of NRW Comment within their Relevant Representation [RR-27]	Applicant's position	NRW's Updated Position	Status	Likelihood of Resolution
				~~**Risk Assessment: Soil and Groundwater (EN010166/APP/6.4).**~~			
~~11.2~~NRW41	~~Study area and baseline~~Flood Risk	~~**ES Volume II Chapter 14: Geology**~~**13: Water Environment and ~~Ground Conditions (EN010166/~~Flood Risk [APP~~/6.2.14~~)** ~~**ES Volume IV Appendix 14-E: Agricultural Land Classification Survey (EN010166/APP/6.4)**~~-051]**	We also advise that analysis of flood risk in the 0.1% (1 in 1000 year) scenario (including climate change - central and upper end estimates) should be included in the FCA, as it is a requirement of TAN15. During our previous hydraulic model review we noted that small areas of flood risk detriment were shown, albeit at a distance from the site: an explanation of these should also form part of the FCA, to address any detriment in terms of flood risk due to the project.	~~The study area for gathering baseline information is appropriate to the nature of the Proposed Development and its potential effects.~~As noted in response to NRW 40, **Appendix 13-F: Hydraulic Modelling Report [APP-215]**) also simulated future resilience scenarios using the following tidal events: • 1 in 200 year (0.5% AEP) plus 2074 95th percentile climate change; • 1 in 1000 year (0.1% AEP) plus 2074 95th percentile climate change; • 1 in 200 year (0.5% AEP) plus 2100 70th percentile climate change; and • 1 in 1000 year (0.1% AEP) plus 2100 70th percentile climate change. The 1 in 1000 year (0.1% AEP) 2074 plus 70th percentile scenario event shows the proposed area for permanent development to be inundated with floodwater to a maximum flood depth of 0.43 m during this event (**Figure 13F-34 Appendix 13-F: Hydraulic Modelling Report [APP-215]).** The 1 in 1000 year (0.1% AEP) 2074 plus 95th percentile scenario event shows a maximum increase in flood depth within the channel adjacent to the Main Development Area of +0.17 m when compared to the 70th percentile scenario. There is a small section of the proposed area for permanent development near the frontage that is shown to flood as the maximum water level rises c.0.1 m above the raised ground levels. The area of inundation is small and remains at a depth of less than 0.15 m (**Figure 13F-32 Appendix 13-F: Hydraulic Modelling Report [APP-215]).**		Under discussion	
6.0 Geology and Ground Conditions							
~~11.3~~NRW42	~~Assessment methodology~~ Materials	**ES Volume II Chapter 14: Geology and Ground**	~~The assessment methodology used in the geology and ground conditions assessment is appropriate/acceptable.~~We note that excavated material would be managed in accordance with	A Materials Management Plan (MMP) will be developed (which would typically include a cut-and-fill plan), either as a technical appendix to the final CEMP or as a standalone		Under discussion	

Ref	~~Subject~~Topic	Relevant Application Document	Summary of NRW Comment within their Relevant Representation [RR-27]	Applicant's position	NRW's Updated Position	Status	Likelihood of Resolution
	Management Plan (MMP)	**Conditions ~~(EN010166/[~~APP~~/6.2.14)~~-052]** **~~ES Volume IV Appendix 14-B: Land Contamination Methodology (EN010166/APP/6.4)~~**	the appropriate exemption and/or environmental permit or, if applicable, a Materials Management Plan (MMP) will be developed under the Contaminated Land: Applications in Real Environments (CL:AIRE) Definition of Waste: Development Industry Code of Practice by the construction contractor. We note that the extent of 'cut' will not be known until the detailed design and further ground investigations are completed. As all of the identified contaminated land locations are designated as 'cut', a detailed cut-and-fill plan should be produced to outline the nature and extent of existing ground materials/made ground excavations, as this could have a direct influence on the degree to which existing contamination could be mobilised and spread.	document. The requirement for the MMP is secured through the **Framework CEMP [APP-246]**.			
NRW43	Radii of influence (RoI)	**Chapter 14: Geology and Ground Conditions [APP-052]**	Clarification should also be provided on how the estimated radii of influence (RoI) relate to the designated contaminated land areas. This could be provided in a figure that shows the proposed cut, the RoI layer and the designated contaminated land areas. This would help to identify whether dewatering may be required in a particular contaminated land area and the estimated radius of influence.	The cut-and-fill plan that would be developed as part of the MMP (NRW42) would also identify the designated contaminated land areas (confirmed through detailed site investigations) and the estimated Radius of Influence. Furthermore, the hydrogeological assessment (as discussed in **Chapter 13: Water Environment and Flood Risk [APP-051]**) will be undertaken where excavations or dewatering is required in high sensitivity groundwater environments. Potential interactions between excavation, dewatering, and contamination will be considered as part of detailed site investigations and within the dewatering scheme which will be developed prior to construction		Under discussion	
NRW44	Assessment of groundwater flows	**Chapter 14: Geology and Ground Conditions [APP-052]**	Until further details on the cut-and-fill, local groundwater conditions and environmental quality of materials being excavated have been fully evaluated/finalised we maintain our previous advice that groundwater flows should be assessed as part of detailed site investigations, including the need to assess for the presence of private water supplies and the degree to which the current groundwater flow	This is noted and will be assessed as part of detailed site investigations.		Agreed	Resolved

Ref	SubjectTopic	Relevant Application Document	Summary of NRW Comment within their Relevant Representation [RR-27]	Applicant's position	NRW's Updated Position	Status	Likelihood of Resolution
			regime could be changed by the construction, operation and decommissioning of the proposed infrastructure, as much of it will be built in 'cut'.				
11.4NRW45	Assessment outcomesPotential areas of contamination	**Chapter 14: Geology and Ground Conditions [APP-052]**	**ES Volume II Chapter 14: Geology and Ground Conditions (EN010166/APP/6.2.14)** **ES Volume IV Appendix 14-A: Geo-Environmental Desk Based Assessment (EN010166/APP/6.4)** **ES Volume IV Appendix 14-C: Potential Areas of Contamination and Further Risk and Impact Assessment (EN010166/APP/6.4)** **ES Volume IV Appendix 14-D: Agricultural Land Classification Report (EN010166/APP/6.4)** **ES Volume IV Appendix 14-F: Stage 1, Tier 2 Generic Risk Assessment: Soil and Groundwater (EN010166/APP/6.4)**The Stage 1, Tier 2 Generic Risk Assessment: Soil and Groundwater Report is based on particular boreholes/borehole locations. Further site investigation is proposed (Figure 14.2, Potential Areas of Contamination) and we welcome that this would be completed prior to construction of the Proposed Development. The site investigations would likely be significant in scope given the number of contaminated land locations that are designated as Risk 3, 4 or 5. However, it is unclear how the Risk Assessment: Soil and Groundwater Report is aligned with the Potential Areas of Contamination illustrated in Figure 14.2 as there are some significant geospatial gaps. Clarification should therefore be provided on this as the conclusions of the Risk Assessment may be altered by the subsequent site investigations	The geology and ground conditions assessment has adequately assessed the likely significant effects of the Proposed Development on the receptors identified in **Chapter 14: Geology and Ground Conditions (EN010166/APP/6.2.14)**.The scope of detailed site investigations will be designed to assess any potential areas of contamination that the development may interact with as recorded in **Figure 14-2: Potential areas of contamination [APP-141]**. The 'Risk Assessment: Soil and Groundwater Report' referred to in the representation is understood to be referring to **Appendix 14-F: Stage 1, Tier 2 Generic Risk Assessment: Soil and Groundwater [APP-221]**. The ground investigation undertaken to support this risk assessment was designed to provide a preliminary understanding of baseline groundwater conditions to include general groundwater quality, levels and flow. Subsequent ground investigations will be more detailed and will include an investigation of the areas of potential contamination that may interact with the Proposed Development and would address the geospatial gaps referred to.		Under discussion	
11.5NRW46	MitigationOperational	**ES Volume II Chapter 14:**	Operational contamination does not appear to have been included in the surface drainage	A **Framework CEMP (EN010166/APP/6.5)** is included within the Application which outlines		Under discussion	

Ref	SubjectTopic	Relevant Application Document	Summary of NRW Comment within their Relevant Representation [RR-27]	Applicant's position	NRW's Updated Position	Status	Likelihood of Resolution
	contamination	**Geology and Ground Conditions (EN010166/[APP/6.2.14)-052]** **Framework CEMP (EN010166/APP/6.5)**	design. We therefore advise that this is scoped in, or a robust justification provided if it is deemed not to be required.	the control measures for mitigating water quality impacts. A requirement in the **Draft DCO (EN010166/APP/3.1)** secures that detailed CEMP(s) must be prepared, approved and implemented prior to construction of the authorised development. The proposed mitigation set out is appropriate for managing construction, operation and decommissioning impacts from the Proposed Development. It should be noted that: • The extent of 'cut' will not be known until the detailed design. It is assumed that earthworks / excavations / cutting may happen anywhere within the Order limits as a worst-case scenario for the assessment presented in **Appendix 14-C: Potential Areas of Contamination and Further Risk and Impact Assessment (EN010166/APP/6.4)**. However, the full extent/depth of it is currently unknown; • Reference to dewatering is made in **Chapter 5: Construction Management and Programme (EN010166/APP/6.2.5)**. Dewatering is also discussed further in **Chapter 13: Water Environment and Flood Risk (EN010166/APP/6.2.13)** and **Appendix 13E: Hydrogeological Assessment (EN010166/APP/6.4)**; and; A strategy to establish the risk of below-ground obstructions will be developed and mitigation measures implemented which could include bulk excavation to remove them, or excavation to a pre-determined cut-off depth to allow new structures to be founded on consistent strata risk. This strategy will be developed at detailed design stage. This measure is included in the **Framework CEMP (EN010166/APP/6.5)** which is secured through a Requirement in the **Draft DCO (EN010166/APP/3.1)**.The Surface Water Drainage Strategy will be produced in general accordance with the **Outline Surface Water**			

Ref	~~Subject~~Topic	Relevant Application Document	Summary of NRW Comment within their Relevant Representation [RR-27]	Applicant's position	NRW's Updated Position	Status	Likelihood of Resolution
				Drainage Strategy [APP-213] and approved by FCC. Pursuant to Requirement 6 of the **Draft DCO [APP-019]**, no stage of Work No. 1 may become operational until, for that stage, a surface water drainage strategy for works relevant to that stage, in general accordance with the relevant part of the **Outline Surface Water Drainage Strategy [APP-213]**, has been submitted to and approved by the relevant planning authority. A surface drainage design has not yet been completed because a firewater strategy has not yet been developed, and the areas of potential surface water contamination have not been finalised. As mentioned in the **Outline Surface Water Drainage Strategy [APP-213]**, the surface water drainage strategy for firewater and potential contamination areas would be developed in consultation with NRW and FCC post-DCO consent and would be detailed in the Surface Water Drainage Strategy. Only after which, the drainage design would be able to be developed, which would need to be in accordance with the Surface Water Drainage Strategy.			
~~11.6~~**7.0 Landscape and Visual**							
NRW47	Landscape character and visual amenity of the Clwydian Range and Dee Valley National Landscape (CRDVNL)	**Chapter 15: Landscape and Visual [APP-053]**	~~**12.0 Landscape**~~Our landscape advice relates to the landscape character and ~~**Visual Amenity**~~ ~~(~~visual amenity of the Clwydian Range and Dee Valley National Landscape ~~/~~(CRDVNL). This is the name for the legally designated Area of Outstanding Natural Beauty ~~**only)**~~. At its closest point, the Main Development Area is located approximately 10km from the National Landscape boundary. We welcome that our previous advice has been reflected in the ES. However, we advise that higher resolution digital copies of the viewpoint photography should be made available for examination purposes, as the submitted versions suffer from pixelation, which is likely due to having been provided at a lower resolution.	The images have been provided at the highest available resolution and cannot be further enhanced. Any blurring visible when zooming in is due to atmospheric haze and viewing distance, not image quality. Several viewpoints are located kilometres from the Proposed Development, where a loss of clarity is expected. Achieving noticeably higher image quality would require specialist lenses well beyond standard practice. In any event, higher resolution imagery would not materially improve or change the assessment of visual effects, nor is it necessary to understand the visual impacts of the Proposed Development.		Under discussion	

Ref	SubjectTopic	Relevant Application Document	Summary of NRW Comment within their Relevant Representation [RR-27]	Applicant's position	NRW's Updated Position	Status	Likelihood of Resolution
12.1	Scope of assessment			ES Volume II Chapter 15: Landscape and Visual (EN010166/APP/6.2.15)	The scope of the landscape and visual assessment is appropriate and comprehensive.		
12.2NRW48	Study area and baseline	ES Volume II Chapter 15: Landscape and Visual (EN010166/[APP/6.2.15) ES Volume IV Appendix 15-B: Landscape Character (EN010166/APP/6.4) ES Volume IV Appendix 15-C: Viewpoints (EN010166/APP/6.4)-053]	The study area for gathering baseline information is appropriate to the nature of the Proposed Development and its potential effects. It should be noted that: • updated photography, during clear weather conditions for Viewpoint 15 (Moel Famau, Jubilee Tower, Offa's Dyke Way, Llangynhafal, Denbighshire) was undertaken and is included in **Figure 15-24A: Summer Viewpoint Photography (EN010166/APP/6.3)**; • the baseline description for Viewpoint 15 - Moel Famau, Jubilee Tower, Offa's Dyke Way, Llangynhafal, Denbighshire has been modified to state the viewpoint is representative of other points along the ridge line within **Appendix 15-C: Representative Viewpoints (EN010166/APP/6.4)**; and The Zone of Theoretical Visibility (ZTV) has been updated to reflect the stack height increase and is presented on **Figure 15-8: Zone of Theoretical Visibility - 150 m Absorber and HRSG Stacks plus 8 m Raised Ground Level (EN010166/APP/6.3)**.The Zone of Theoretical Visibility (ZTV) analysis has been prepared for the tallest elements (the absorbers and HRSG stacks at 150m plus 8m Raised Ground Level (i.e. 158m above ordnance datum (AOD)) (Figure 15-8) and for the 'main site structures' modelled at 65m above ground level (Figure 15-7). Based on the ZTVs, we note potential visibility of the development within the CRDVNL would primarily be confined to the ridgeline around and including Moel Famau. This area of potential visibility is captured within the extended LVIA Study Area.	This is noted and the Applicant understands that no further action is required at this stage.		Agreed	Resolved

Ref	SubjectTopic	Relevant Application Document	Summary of NRW Comment within their Relevant Representation [RR-27]	Applicant's position	NRW's Updated Position	Status	Likelihood of Resolution
			Based on the above, and considering the relevant principles (27 – 29) to be secured and applied through the Design Principles Document (Appendix 7.8), we agree with the conclusion of ES Chapter 15, that, although there would be adverse visual effects within the CRDVNL, e.g. at Moel Famau, the effect on the visual amenity of people at this location would not be significant. We also agree that there would be no significant adverse effects on the special qualities of the CRDVNL.				
12.38.0 Major Accidents and Disasters							
12.4	Assessment outcomes			ES Volume II Chapter 15: Landscape and Visual (EN010166/APP/6.2.15) ES Volume IV Appendix 15-D: Landscape Impact Assessment (EN010166/APP/6.4) ES Volume IV Appendix 15-E: Visual Impact Assessment (EN010166/APP/6.4) ES Volume IV Appendix 15-F: Colour Analysis (EN010166/APP/6.4) ES Volume IV Appendix 15-G: Arboriculture Impact Assessment (EN010166/APP/6.4)	The landscape and visual assessment has adequately assessed the likely significant effects of the Proposed Development on the receptors identified in Chapter 15: Landscape and Visual (EN010166/APP/6.2.15).		
12.5	Mitigation			Chapter 15: Landscape and Visual (EN010166/APP/6.2.15) Framework CEMP (EN010166/APP/6.5) Outline LEMP (EN010166/APP/6.9)	The proposed mitigation set out is appropriate for managing construction, operation and decommissioning impacts from the Proposed Development.		

Ref	SubjectTopic	Relevant Application Document	Summary of NRW Comment within their Relevant Representation [RR-27]	Applicant's position	NRW's Updated Position		Status	Likelihood of Resolution
12.6	Residual effects after mitigation			**Chapter 15: Landscape and Visual (EN010166/APP/6.2.15)**	The residual effects reported after mitigation are appropriate and reflect the fact that the mitigation hierarchy has been followed in the assessment.			
13.0 Physical Processes								
13.1	Scope of the assessment			**ES Volume II Chapter 16: Physical Processes (EN010166/APP/6.2.16)**	The scope of the physical processes assessment is appropriate and comprehensive. It should be noted that following Statutory Consultation the extent and scope of works required in the Water Connection Corridor has been reduced. A meeting was held with NRW on 01 July 2024 to discuss the surveys required in the Water Connection Corridor in light of these changes.			
13.2	Study area and baseline			**ES Volume II Chapter 16: Physical Processes (EN010166/APP/6.2.16)**	The study area for gathering baseline information is appropriate to the nature of the Proposed Development and its potential effects.			
13.3	Assessment methodology			**ES Volume II Chapter 16: Physical Processes (EN010166/APP/6.2.16)**	The assessment methodology used in the physical			

Ref	SubjectTopic	Relevant Application Document	Summary of NRW Comment within their Relevant Representation [RR-27]	Applicant's position	NRW's Updated Position		Status	Likelihood of Resolution
					processes assessment is appropriate/acceptable.			
13.4	Assessment outcomes			ES Volume II Chapter 16: Physical Processes (EN010166/APP/6.2.16)	The physical processes assessment has adequately assessed the likely significant effects of the Proposed Development on the receptors identified in Chapter 16: Physical Processes (EN010166/APP/6.2.16).			
13.5	Mitigation			ES Volume II Chapter 16: Physical Processes (EN010166/APP/6.2.16) Framework CEMP (EN010166/APP/6.5)	The proposed mitigation set out is appropriate for managing construction, operation and decommissioning impacts from the Proposed Development.			
13.6	Residual effects after mitigation			ES Volume II Chapter 16: Physical Processes (EN010166/APP/6.2.16)	The residual effects reported after mitigation are appropriate and reflect the fact that the mitigation hierarchy has been followed in the assessment.			
14.0 Climate Change								
14.1	Scope of the assessment			ES Volume II Chapter 20: Climate Change (EN010166/APP/6.2.20)	The scope of the climate change assessment is appropriate and comprehensive.			

Ref	SubjectTopic	Relevant Application Document	Summary of NRW Comment within their Relevant Representation [RR-27]	Applicant's position	NRW's Updated Position		Status	Likelihood of Resolution
14.2	Study area and baseline			ES Volume II Chapter 20: Climate Change (EN010166/APP/6.2.20) ES Volume IV Appendix 20-A: Greenhouse Gas Baseline Data and Methodology Report (EN010166/APP/6.4) ES Volume IV Appendix 20-B: Climate Change Resilience Baseline Data and Methodology Report (EN010166/APP/6.4)	The study area for gathering baseline information is appropriate to the nature of the Proposed Development and its potential effects.			
14.3	Assessment methodology			ES Volume II Chapter 20: Climate Change (EN010166/APP/6.2.20) ES Volume IV Appendix 20-A: Greenhouse Gas Baseline Data and Methodology Report (EN010166/APP/6.4) ES Volume IV Appendix 20-B: Climate Change Resilience Baseline Data and Methodology Report (EN010166/APP/6.4)	The assessment methodology used in the climate change assessment is appropriate/acceptable.			
14.4	Assessment outcomes			ES Volume II Chapter 20: Climate Change (EN010166/APP/6.2.20) ES Volume IV Appendix 20-C: Climate Change Resilience Assessment (EN010166/APP/6.4) ES Volume IV Appendix 20-D: In-combination Climate Change Assessment (EN010166/APP/6.4)	The climate change assessment has adequately assessed the likely significant effects of the Proposed Development on the receptors identified in Chapter 20: Climate Change (EN010166/APP/6.2.20).			
14.5NRW49	Control of Major Accident Hazards (COMAH) Regulations	Chapter 22: Major Accidents and Disasters [APP-060]	ES Volume II Chapter 20: Climate Change (EN010166/APP/6.2.20) Framework Construction Environmental Management Plan (CEMP) (EN010166/APP/6.5)	The proposed mitigation set out is appropriate for managing construction, operation and decommissioning impacts from the Proposed Development. The Greenhouse Gas (GHG) Reduction Strategy, as detailed in Appendix 20-E:			Under discussion	

Ref	SubjectTopic	Relevant Application Document	Summary of NRW Comment within their Relevant Representation [RR-27]	Applicant's position	NRW's Updated Position	Status	Likelihood of Resolution
	2015Mitigation		ES Volume IV Appendix 20-E: Greenhouse Gas Reduction Strategy (EN010166/APP/6.4)The Applicant will require an Environmental Permit to operate the proposed installation under the Environmental Permitting Regulations 2016. NRW has already been engaged in providing permit pre-application advice regarding this. Under the Control of Major Accident Hazards (COMAH) Regulations 2015, the Applicant will also be required to notify the COMAH Competent Authority (HSE/NRW) if hazardous substances exceed the thresholds set out in those regulations, which is still to be confirmed.	Greenhouse Gas Reduction Strategy (EN010166/APP/6.4), sets out how the GHG emissions associated with the Proposed Development should be managed and reduced, including a framework for identifying and prioritising GHG reduction opportunities. This strategy covers GHG reduction opportunities across the Proposed Development's construction, operation, and decommissioning phases. The delivery of this strategy is secured through a Requirement in the Draft DCO (EN010166/APP/3.1).An Environmental Permit application for the Proposed Development and a proposed variation to the permit for the existing Connah's Quay B station will be submitted in Q1 2026. The Applicant is working with our technology providers to investigate the status of the Proposed Development under the Control of Major Accident Hazards (COMAH) Regulations 2015. The Applicant acknowledges that an appropriate COMAH application will need to be made, if required, when it is possible to do so.			
14.6	Residual effects after mitigation			ES Volume II Chapter 20: Climate Change (EN010166/APP/6.2.20)	The residual effects reported after mitigation are appropriate and reflect the fact that the mitigation hierarchy has been followed in the assessment.		
15.0 Major Accidents and Disasters							
15.1NRW50	Scope of the assessment COMAH Regulations 2015	ES Volume II Chapter 22: Major Accidents and Disasters (EN010166/[APP/6.2.22) ES Volume IV Appendix 22-A: Long List of	Regarding ES, Chapter 22, Table 22-8, please note that amine solvent may qualify under COMAH dependent on the type of solvent used.	The scope of the major accidents and disasters assessment is appropriate and comprehensive. It should be noted that: • a number of hazardous substances are likely to be present during the operation of the Proposed Development, which are detailed in Table 22-5 of Chapter 22: Major Accidents and Disasters (EN010166/APP/6.2.22). It should be		Under discussion	

Ref	SubjectTopic	Relevant Application Document	Summary of NRW Comment within their Relevant Representation [RR-27]	Applicant's position	NRW's Updated Position	Status	Likelihood of Resolution
		MA&Ds Risk Events (EN010166/APP/6.4)-060]		noted that Battery Energy Storage System (BESS) is no longer proposed as part of the Proposed Development, and so no BESS chemicals are required; and The backup electrical battery does not constitute a BESS, and there is no need for an outline Battery Safety Management Plan (oBSMP).Amine solvents were included in Table 22-8 in **Chapter 22: Major Accidents and Disasters [APP-060]** and it is recognised that commentary on its COMAH status was not provided as the specific amine solvent to be used was/is unknown. Once the material inventory (including the specific amine solvent) has been confirmed, progress will continue with the COMAH application which will include relevant safety reports which will be required to be drafted as the Proposed Development is likely to be a Lower Tier COMAH establishment.			
15.2	Study area and baseline			ES Volume II Chapter 22: Major Accidents and Disasters (EN010166/APP/6.2.22)	The study area for gathering baseline information is appropriate to the nature of the Proposed Development and its potential effects.		
15.3	Assessment methodology			ES Volume II Chapter 22: Major Accidents and Disasters (EN010166/APP/6.2.22)	The assessment methodology used in the major accidents and disasters assessment is appropriate/acceptable.		
15.4	Assessment outcomes			ES Volume II Chapter 22: Major Accidents and Disasters (EN010166/APP/6.2.22)	The major accidents and disasters assessment outcomes are appropriate/acceptable.		

Ref	SubjectTopic	Relevant Application Document	Summary of NRW Comment within their Relevant Representation [RR-27]	Applicant's position	NRW's Updated Position	Status	Likelihood of Resolution
15.5NRW51	MitigationDomino effects	ES Volume II Chapter 22: Major Accidents and Disasters (EN010166/[APP-060] ES Volume IV /6.2.Figure 22) Framework CEMP (EN010166/APP/6.5)-1:isted COMAH Sites within 5 KM [APP-167]	The proposed mitigation set out is appropriate for managing construction, operation and decommissioning impacts from the Proposed Development. It should noted that where CO_2 capture plants use dangerous substances in quantities above a certain threshold the Regarding ES, Figure 22-1, please note that in September 2025 the COMAH competent authority received notification of a new lower tier COMAH establishment currently under construction at Weighbridge Road, Deeside Industrial Park, Deeside, Flintshire, CH5 2LL. However, to our knowledge the operator has not yet made an application to the Hazardous Substances Authority.Control of Major Accident Hazards (COMAH) Regulations 2015 will apply to the whole site. The Applicant will engage the Local Authority (FCC) and Competent Authority with regards to the COMAH Regulations 2015 and Hazardous Substances consent. Please refer to the **Consents and Agreements Position Statement** (**EN010166/APP/3.3**) document.	**Chapter 22: Major Accidents and Disasters [APP-060]** includes a general scenario for domino effects from other COMAH establishments. Safety reports which will be included as part of the COMAH application, as mentioned in NRW50, should include domino effects, where any new COMAH establishments are covered.		Under discussion	
15.69.0 Draft Development Consent Order							
16.0 Materials and Waste							
16.1	Scope of the assessment			**ES Volume II Chapter 23: Materials and Waste** (**EN010166/APP/6.2.23**)	The scope of the materials and waste assessment is appropriate and comprehensive.		
16.2NRW54	SchedulesStudy area and baseline	**ES Volume II Chapter 23: Materials and Waste** (**EN010166/APP/6.2.23**) **ES Volume IV Appendix 23-A: Materials and Waste Baseline Data Report**	A.2.1. The Dee Conservancy Harbour Authority's comments concerning navigation and use of the Dee Estuary waterway, and use of land and riverbed owned by the Harbour Authority (NRW), are as follows. A.2.2. Draft DCO Schedule 3, paragraph 1 (m): Regarding the proposed disapplication of the Dee Conservancy Act 1889, parts of this Act remain alive with regards to the ownership of riverbed and foreshore on the Welsh side of the Dee Estuary. The impact of disapplying the 1889 Act in relation to the parts of the DCO	The study area for gathering baseline information is appropriate to the nature of the Proposed Development and its potential effects.The Applicant has been engaging with the Dee Conservancy throughout the pre-application stage and has agreed a form of protective provisions for the benefit of the Dee Conservancy, which are contained within Part 4 of Schedule 13 to the **Draft DCO [APP-019]**. In order to avoid any potential for conflict between the Dee Conservancy Act 1889 and the controls secured by the DCO (through both requirements contained within Schedule			

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		(~~**EN010166/APP/6.4**~~)**Draft DCO [APP-019]**	application within the Dee Conservancy estate should therefore be assessed and clarified.	2 and protective provisions contained within Schedule 13), the Applicant has disapplied the Dee Conservancy Act 1889 in respect of the Proposed Development. This does not affect the wider application of the Dee Conservancy Act 1889 but simply ensures that there is no scope for this legislation to inadvertently impact the powers and controls secured through the **Draft DCO [APP-019]**.			
~~16.3~~	~~Assessment methodology~~			~~**ES Volume II Chapter 23: Materials and Waste (EN010166/APP/6.2.23)**~~	~~The assessment methodology used in the materials and waste assessment is appropriate/acceptable.~~		
~~16.4~~	~~Assessment outcomes~~			~~**ES Volume II Chapter 23: Materials and Waste (EN010166/APP/6.2.23)**~~	~~The materials and waste assessment outcomes are appropriate/acceptable.~~		
~~16.5~~NRW_57	~~Mitigation~~Other consents and licences	**Consents and Agreements Position Statement**	~~**ES Volume II Chapter 23: Materials**~~A.3.1. The Consents and ~~**Waste**~~Agreement Position Statement (paragraph 1.5.9) includes the following statement regarding the disapplication of specific consents: "The Applicant proposes to use the Draft DCO (EN010166/APP/3.1) to disapply the following prescribed consents. **The Applicant has engaged and agreed with Natural Resource Wales to this approach prior to the submission of the application**: • the requirement to obtain consent pursuant to section 28E (duties in relation to sites of special scientific interest) of the Wildlife and Countryside Act 1981; • the provisions of any byelaws made under, or having effect as if made under, paragraphs 5, 6 or 6A of Schedule 25 (byelaw making powers of the authority) to the Water Resources Act 1991; • section 23 (prohibition on obstructions etc. in watercourses) of the Land Drainage Act 1990; and	~~The proposed mitigation set out is appropriate for managing construction and operation impacts from the Proposed Development.~~ ~~The site is in the immediate vicinity of the Dee Estuary (a SSSI, Special Area of Conservation (SAC), Special Protection Area (SPA) and Ramsar site). It should be noted that:~~ ~~• it is outlined in the **Framework SWMP** within the **Framework CEMP** (**EN010166/APP/6.5**), no material is to be deposited within 10 metres of any watercourse without discussion with NRW (and the Local Lead Flood Authority for ordinary watercourses);~~ ~~• If during construction/excavation works any contaminated material is revealed, the movement of such material either on or off site must be done in consultation with NRW. Any waste excavation material or building waste generated during the~~			

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			• Regulation 5 (removal of hedgerows) of the Hedgerows Regulations 1997" A.3.2.~~23~~) ~~**Framework CEMP (EN010166/APP/6.5)**~~, including ~~**Framework Site Waste Management Plan (SWMP)**~~ However, we are not aware of any prior engagement or agreement regarding the above prior to the submission of the application. Furthermore, please note that the latter two matters are not for agreement with NRW and instead should be pursued with the relevant determining authorities. However, we would welcome engagement with the applicant regarding the matters that are relevant to NRW.	~~development must be disposed of satisfactorily and in accordance with Section 34 of the Environmental Protection Act 1990; and~~ • ~~As outlined in the **Framework SWMP** within the **Framework CEMP (EN010166/APP/6.5)**, all wastes movement off-site and waste management off-site would be accordance with the relevant regulations;~~ • ~~the activity of importing waste into the site for use as, for example, hardcore must be registered with NRW as an exempt/permitted activity under the Environmental Permitting (England and Wales) Regulations 2016;~~ • ~~Carriers transporting waste from the site must be registered waste carriers and movement of any Hazardous Waste from the site must be accompanied by Hazardous Waste consignment notes;~~ • ~~it is not currently proposed to import waste for use in construction. If recycled aggregate is brought to site this would not be considered a waste since it would be produced in accordance with the WRAP Quality Protocol: Aggregates from Inert Waste (Ref 2); and~~ • ~~As outlined in the **Framework SWMP** within the **Framework CEMP (EN010166/APP/6.5)**, details of all appointed waste carriers, brokers and contractors would be included in the SWMP to be developed by the contractor, including copies of appropriate waste carrier licences / registrations.~~ ~~Delivery of a detailed CEMP(s), including a detailed SWMP is secured through a Requirement in the **Draft DCO (EN010166/APP/3.1)**.~~Article 9(8) of the **Draft DCO [APP-019]** provides that the Order constitutes a 'reasonable excuse' for the purposes of Section 28P (offences) of the Wildlife and Countryside Act 1981 (WCA 1981). Due to the location of the Proposed			

Ref	~~Subject~~Topic	Relevant Application Document	Summary of NRW Comment within their Relevant Representation [RR-27]	Applicant's position	NRW's Updated Position	Status	Likelihood of Resolution
				Development, there is a high chance that various SSSI assents under the WCA 1981 will be required by the undertaker carrying out works pursuant to the Connah's Quay DCO. To avoid the potential for undue delay to the delivery of the overall Proposed Development associated with such approval processes, it is proposed that, in the same way that operations authorised by planning permission under the Town and Country Planning Act 1990 regime would form a 'reasonable excuse', so should consent granted by the Connah's Quay DCO. This would mean that the making of the DCO removes any need to obtain separate assents for works undertaken pursuant to the DCO. This approach is considered appropriate on the basis that the DCO process facilitates an equivalent process to that under section 28I of the WCA 1981. The Applicant has updated the Draft SoCG with NRW (**EN010166/APP/8.2**) to clarify the position regarding disapplication of consents. The Applicant has also updated the Draft SoCG with FCC (**EN010166/APP/8.1**) to clarify the position regarding the other provisions where disapplication is sought.			
~~16.6~~	~~Residual effects after mitigation~~			~~**ES Volume II Chapter 23: Materials and Waste (EN010166/APP/6.2.23)**~~	~~The residual effects reported after mitigation are appropriate and reflect the fact that the mitigation hierarchy has been followed in the assessment.~~		

References

Ref 1. Stationary Office (2009). The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009. Accessed 16/10/2024 at The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009

Ref 2. WRAP, Quality Protocol, Aggregates from Inert Waste. Available at: CD1.Y Quality Protocol. Aggregates from inert waste. End of waste criteria for the production of aggregates from inert waste. WRAP October 2013..pdf

Ref 3. Environment Agency and Department for Environment, Food & Rural Affairs (Defra), 2016; Air emissions risk assessment for your environmental permit guidance [online]. Available at: https://www.gov.uk/guidance/air-emissions-risk-assessment-for-your-environmental-permit (Accessed 03/06/2025).

Ref 4. UK Government (2017) The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017. Available at: https://www.legislation.gov.uk/uksi/2017/572/schedule/4

Ref 5. Cutts, N., Phelps, A., Spencer, J., & Hemmingway, K. (2013). Waterbird disturbance mitigation toolkit. Tide toolbox, Interreg IVB North Sea Region Programme.

Ref 1. Solent Waders & Brent Goose Strategy Steering Group (2024). Guidance on Mitigation and Offsetting Requirements [online]. Available at: swbgs-mitigation-guidance-2024.pdf (Accessed 05/12/2025).

Abbreviations

Abbreviation	Term
AIL	Abnormal Indivisible Loads
BAT	Best Available Technique
BESS	Battery Energy Storage System
CCGT	Combined Cycle Gas Turbine
CCP	Carbon Capture Plant
CEMP	Construction Environmental Management Plan
CO_2	Carbon Dioxide
COMAH	Control of Major Accident Hazards
CQLCP	Connah's Quay Low Carbon Power
DAS	Discretionary Advice Service
DESNZ	Department for Energy Security and Net Zero
DCO	Development Consent Order
EA	Environment Agency
ECoW	Ecological Clerk of Works
ES	Environmental Statement
ExA	Examining Authority
FCA	Flood Consequence Assessment
FEED	Front-End Engineering Design
GHG	Greenhouse Gas
HRA	Habitats Regulations Assessment
MA&Ds	Major Accidents and Disasters
MW	Megawatts
MWe	Megawatts for electrical output
NBB	Net Benefits for Biodiversity
NGET	National Grid Electricity Transmission
NO_2	Nitrogen Dioxide
NO_x	Nitrogen Oxide
NRW	Natural Resources Wales
oBSMP	outline Battery Safety Management Plan
PEA	Preliminary Ecological Appraisal
SAC	Special Area of Conservation
SoCG	Statement of Common Ground
SoS	Secretary of State
SPA	Special Protection Area

Abbreviation	Term
SSSI	Sites of Special Scientific Interest
SWMP	Outline Site Waste Management Plan
ZTV	Zone of Theoretical Visibility