



## Connah's Quay Low Carbon Power

### **Draft Statement of Common Ground between Uniper UK Limited and Royal Society for the Protection of Birds (RSPB)**

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Planning Act 2008 (as amended)

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

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## Table of Contents

1.	Introduction .....	1
1.1	Purpose of this Document .....	1
1.2	Parties to this Statement of Common Ground .....	1
1.3	Status of this Statement of Common Ground .....	2
1.4	The Proposed Development.....	2
1.5	Terminology .....	3
2.	Record of Engagement.....	4
3.	Areas of Discussion between the Parties.....	5
	References .....	12

## Tables

Table 1: Record of Engagement.....	4
Table 2: Areas of Discussion with RSPB .....	6

# 1. Introduction

## 1.1 Purpose of this Document

- 1.1.1 This Draft Statement of Common Ground (SoCG) has been commissioned 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 28<sup>th</sup> August 2025 and the Examination commenced on 13<sup>th</sup> 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](https://www.gov.uk/government/consultations/connahs-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) Royal Society for the Protection of Birds (RSPB) (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 CO<sub>2</sub> emissions by high-quality CO<sub>2</sub>-offsets.

#### RSPB

1.2.4 The Royal Society for the Protection of Birds (RSPB) is a UK charity and a non-statutory nature conservation body with expertise in ornithology. The Applicant recognises the importance of the RSPB as a consultee due to its extensive role in the Evidence Plan process prior to submitting the Application.

### 1.3 Status of this Statement of Common Ground

1.3.1 This version of the SoCG has been prepared by the Applicant as an update to the draft provided at submission of the Application [APP-283] to document discussions between the Parties to date. This version now includes the comments from the RSPB detailed within the **Relevant Representation [RR-036]** and the Applicant's response to these points. The RSPB 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. .

1.3.2 The document will continue to be revised and updated as discussions progress during the Examination period.

### 1.4 The Proposed Development

1.4.1 The Applicant is seeking a Development Consent Order (DCO) for the construction, operation (including maintenance) and decommissioning of a proposed low carbon Combined Cycle Gas Turbine (CCGT) Generating Station fitted with Carbon Capture Plant (CCP) (the CQLCP Abated Generating Station) and supporting infrastructure (collectively the Proposed Development).

1.4.2 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.

1.4.3 Through a carbon dioxide (CO<sub>2</sub>) pipeline, comprising existing and new elements the Proposed Development would make use of CO<sub>2</sub> 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<sub>2</sub> Pipeline Project), that will transport CO<sub>2</sub> captured from existing and new industries in North Wales and North-West England, for offshore storage. The captured CO<sub>2</sub> will be permanently stored in depleted offshore gas reservoirs in Liverpool Bay.

- 1.4.4 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.
- 1.4.5 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 has taken place between the Parties in relation to the Application to date 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
10/01/2025	Meeting (Microsoft Teams with Dee Estuary Manager and Conservation Managers)	Meeting to provide an update on design development following Statutory Consultation and to provide a response to comments raised by the RSPB in response.
14/04/2025	Meeting (Microsoft Teams)	Meeting to provide an update on the search for off-site land to compensate for the loss of land within the Main Development Area that is considered to be Functionally Linked Land of the Dee Estuary Special Protection Area (SPA)
28 November 2025	Relevant Representation	RSPB's <b>Relevant Representation [RR-036]</b> was published on the Planning Inspectorate's Connah's Quay Low Carbon Power website

### 3. Areas of Discussion between the Parties

3.1.1 **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 RSPB**

Ref	Subject	Relevant Application Document	RSPB Comment from their Relevant Representation [RR-036]	Applicant's Position	RSPB Updated Position	Status	Likelihood of Resolution
1.1	Provision of information to adequately assess effects of the Proposed Development	<b>Chapter 11: Terrestrial and Aquatic Ecology [APP-049].</b> <b>Report to Inform Habitats Regulations Assessment</b>	<p>The RSPB note in the conclusions of the HRA that the Applicant states that, with mitigation measures, there will be no adverse effect on the integrity of any Habitats sites (namely SPA/SAC/Ramsar sites). Those mitigation measures include the identification of land at Gronant Fields, Prestatyn, for 'off-setting measures' to facilitate the delivery of improved habitat for curlew. The RSPB will review the rationale identified within the Applicant's HRA to conclude that the Proposal would not lead to adverse effects on the integrity of any Habitats site. There is an argument that delivery of off-site habitat improvement measures may be more accurately regarded as compensation within the terms of the Habitats Regulations.</p> <p>Where adverse effects on the integrity of one or more of the internationally important sites cannot be avoided or mitigated, a successful derogation case will be necessary for the development to proceed. This includes satisfying the following legal tests:</p> <ul style="list-style-type: none"> <li>There are no feasible alternative solutions that would be less damaging or avoid damage to the site(s);</li> <li>The proposal needs to be carried out for imperative reasons of overriding public interest;</li> <li>The necessary compensation measures can be secured.</li> </ul>	<p>As the replacement off-site habitat is being provided before the loss of any FLL, this provision meets the tests to form mitigation, rather than compensation, in HRA terms. There is an extensive precedent for measures, including off-site habitat improvement measures, to address FLL not being considered compensation.</p> <p>The following recently made DCOs all had HRAs that presented measures to address the loss of FLL for SPA birds as mitigation rather than compensation within the legal definition of the Habitats Regulations, which was accepted by the Secretary of State when granting development consent:</p> <ul style="list-style-type: none"> <li>• East Yorkshire Solar Farm;</li> <li>• Lower Thames Crossing;</li> <li>• Sunnica Energy Farm;</li> <li>• A303 Stonehenge (Amesbury to Berwick Down); and</li> <li>• Helios Renewable Energy.</li> </ul> <p>It is not just 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 the Solent local authorities when granting consent. The Solent Wader and Brent Goose Mitigation Guidance (Whitfield, Marceau, and Shavelar, 2024) describes it as 'offsetting' (rather than compensation) and derogations are not required for developers to deliver offsetting habitat to address loss of FLL.</p> <p>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</p>		Under Discussion	

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				<p>opportunities in the wider landscape. The Applicant is therefore <u>avoiding</u> (or <u>mitigating for</u>) 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.</p> <p>In response to the <b>Procedural Decision [PD-007]</b> dated 25 November 2025, the Applicant has prepared and submitted a <b>Notice of a proposed without prejudice Habitats Regulations Assessment (HRA) derogation and Wales [PDA-003]</b>. Within the derogation, information is provided to show the Applicant has considered and can demonstrate that there are no alternative and less damaging solutions to the Proposed Development as proposed, that there are imperative reasons of overriding public interest and that, if not considered mitigation, the necessary compensation measures can be secured.</p>				
1.2	Disturbance impacts	<b>Chapter 11: Terrestrial and Aquatic Ecology [APP-049]</b> <b>Framework Construction Environmental Management Plan (CEMP) [APP-246]</b> <b>Report to Inform Habitats Regulations Assessment (RIHRA) [APP-253]</b>	<p>We are concerned over the potential disturbance to nearby roosts and feeding areas, particularly during construction but also during operation. We welcome the proposed mitigation measures to address noise and visual disturbance, although it currently remains unclear as to what the full extent of mitigation will be.</p> <p>We understand that additional measures to minimise noise are likely to be required and will be considered, at the detailed design stage. It is essential that appropriate mitigation measures are in place to ensure the predicted disturbance will not have an adverse effect on the waterbird features. We will seek further clarity on disturbance mitigation measures during the Examination process.</p>	<p>The Applicant will continue to discuss these matters further and explore ways to resolve them, as detailed below and in the Applicant's response to RSPB3.</p> <p>Regarding the points raised on noise and visual disturbance, <b>Chapter 11: Terrestrial and Aquatic Ecology [APP-049]</b> notes the use of a 3 m acoustic fence and construction control measures to ensure noise would remain below 60dB, which is considered to be an appropriate threshold as to not disturb SPA birds. The <b>Framework CEMP [APP-246]</b> secures that this acoustic fencing would be installed between April and September inclusive (unless otherwise agreed with FCC and NRW) and that no clearance works or site establishment works within the Main Development Area and C&amp;IEA</p>		Under Discussion		

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				<p>would occur between October and March inclusive in the absence of the 3 m acoustic fencing. Further to this, seasonal restrictions on works taking place beyond the acoustic fence (i.e., works will not take place in the wintering season March to September, inclusive) would be in place. This mitigation would be secured via a CEMP produced for each stage of the authorised development, in general accordance with the <b>Framework CEMP [APP-246]</b> and is required to be approved by the relevant planning authority pursuant to Requirement 4 of the <b>Draft DCO [APP-019]</b>. The Applicant notes that the aforementioned 60dB threshold was adopted on a precautionary basis, with a 70dB threshold agreed with NRW, who have also agreed that the proposed mitigation would be sufficient in mitigating noise and visual disturbance on interest features of the Dee Estuary SPA, Ramsar site / SSSI during construction and demolition (see NRW11), as well as not expressing any disagreement with the Applicant's noise assessment in general. As per the <b>RIHRA [APP-253]</b>, the acoustic fence and seasonal avoidance would address visual impacts as well as noise. The acoustic fence would provide a visual screen (as would the existing vegetated bund west of the works) while the seasonal avoidance for works in the SPA / Ramsar would ensure they were not undertaken when sensitive bird populations were present. The acoustic fence and seasonal avoidance would address visual impacts as well as noise.</p> <p>For operational noise, Requirement 12 of the <b>Draft DCO [APP-19]</b> requires a scheme for the management and monitoring of noise during the operation of the Proposed Development to be submitted and approved by the relevant planning authority. This scheme must</p>			

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				<p>comply with the limits on noise set out within the <b>Design Principles Document [APP-264]</b>. The noise limit is 8 dB higher than the background sound levels as set out in Table 9-8: Baseline Sound Survey Results of <b>Chapter 9: Noise and Vibration [APP-047]</b>. Regarding the loss of saltmarsh, the Applicant's response to NRW7 addresses this concern, and is repeated herein. The Applicant can create the managed 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 mitigate the effect of such loss. The Applicant will prepare a Detailed Saltmarsh Creation Strategy which will be supported by a new requirement within the <b>Draft DCO [APP-019]</b>, 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.</p>			
1.3	Habitat loss (Functionally Linked Land)	<b>Chapter 11: Terrestrial and Aquatic Ecology [APP-049]</b> <b>RIHRA [APP-253]</b> <b>Curlew Mitigation Strategy [APP-254]</b>	<p>The ES identifies that habitat loss will occur within the Main Development Area. The western part of the fields at the Main Development Area will be used as a 'laydown area' during construction and will be reinstated into pasture on completion of works. The remainder of the fields will form part the new power station footprint, resulting in permanent habitat loss. This will have a direct impact on birds during and after construction. In total the ES identifies some 10.03 ha is</p>	<p>Regarding the loss of FLL and specifically the impact on Curlew, The Applicant refers the RSPB to their responses to NRW9 and NE03, which addresses NRW and Natural England's Representation on this matter, for context. The Applicant is progressing the <b>Curlew Mitigation Strategy [APP-254]</b> through continued discussion with NRW and Natural England. Section 4.1 of the <b>Curlew Mitigation Strategy [APP-254]</b> sets out the objectives of the habitat</p>		Under Discussion	

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			<p>likely to be temporarily lost and 12.45 ha permanently lost.</p> <p>The fields are used by a significant number of over-wintering birds associated with the Dee Estuary, most notably Curlew (regularly supporting more than 1% of the qualifying non-breeding Curlew population of the SPA/Ramsar site). As such part of the proposed development site has been determined/identified as being functionally-linked to the SPA.</p> <p>It is important that the displacement of Curlew (red-listed as a species of high conservation concern in Wales and a designated feature of the SPA), is adequately addressed. It is the RSPB's position that the potential loss of these fields, which are functionally linked to the SPA/SAC/Ramsar sites would lead to an adverse effect in the absence of suitable mitigation measures.</p>	<p>creation and enhancement works, these being that the offsetting area at Gronant Fields will provide an optimal foraging resource for Curlew and support an increased number of individuals that includes an equivalent number to those displaced from the Main Development Area. This will be achieved through the provision of 26 ha of enhanced wet grassland with a network of created linear foot drains. The aim of managing this habitat is to provide suitable foraging (and roosting) opportunities for Curlew throughout the late autumn, winter and early spring period (October to March) by providing conditions that would support high densities of Curlew invertebrate prey found in field vegetation and the soil surface (in particular earthworms, beetles and fly, especially crane fly, larvae). The Applicant will continue to engage with NRW and NE on the <b>Curlew Mitigation Strategy [APP-254]</b> and ongoing surveys of the offsetting area. This includes working with both the RSPB and DNS, to inform ongoing discussion.</p>			
1.4	Habitat loss (Saltmarsh)	<b>Chapter 11: Terrestrial and Aquatic Ecology [APP-049]</b> <b>RIHRA [APP-253]</b>	<p>In addition to the loss of functionally-linked land there is also direct loss of saltmarsh habitat (some 0.065ha) within the Dee Estuary SPA/SAC/Ramsar site during the construction works.</p>	<p>Regarding the loss of saltmarsh, the Applicant's response to NRW7 addresses this concern, and is repeated herein. The Applicant can create the managed 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 mitigate the effect of such loss. The Applicant will prepare a Detailed Saltmarsh Creation Strategy which will be supported by a new requirement within the <b>Draft DCO [APP-019]</b>, to be prepared prior to construction in general accordance with a new Framework Saltmarsh Creation Strategy that will be submitted at Deadline</p>		Under discussion	

Ref	Subject	Relevant Application Document	RSPB Comment from their Relevant Representation [RR-036]	Applicant's Position	RSPB Updated Position	Status	Likelihood of Resolution
				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.			
1.5	Mitigation for loss of Functionally Linked Land (FLL)	Chapter 11: Terrestrial and Aquatic Ecology [APP-049]  RIHRA [APP-253]  Curlew Mitigation Strategy [APP-254]	Without prejudice to the outcomes of the above tests, any compensation for loss or damage to SPA/Ramsar site habitat must deliver high-quality, functionally-equivalent habitat, as close to the affected site as possible. It must also be in place and functional before the damage occurs, and secured in perpetuity, with appropriate financial arrangements in place for its management and monitoring.  With respect to the currently preferred site at Gronant Fields for the Applicant's mitigation measures to address the loss of functionally-linked land, we note that this site also lies within the Dee Estuary SPA/SSSI/Ramsar sites. The RSPB will be reviewing these measures in the light of the site's current interest features and conservation objectives and whether these proposed enhancements can be achieved without compromising existing features. We will also review further the Applicant's other mitigation measures.  The RSPB will provide further commentary on these important issues in our Written Representation, including the timing and treatment of mitigation and compensation measures.	This matter has largely been addressed in the Applicant's response to RSPB2. Regarding the point raised on ensuring mitigation is in place and functional prior to FLL loss, the measures set out in the <b>Curlew Mitigation Strategy [APP-254]</b> are secured via Requirement 11 of the <b>Draft DCO [APP-019]</b> . Requirement 11 identifies that a Curlew Mitigation and Monitoring Plan must be developed in general accordance with this strategy document and the enhancement measures must be in place prior to works commencing within the relevant areas of the Order limits.  Regarding the site's other interest features and conservation objectives, these will be part of the focus of the development of the <b>Curlew Mitigation Strategy [APP-254]</b> . Discussions have already been held with NRW on this matter and will continue as the 2025/2026 surveys are completed.  Please refer to the response to NRW9 regarding the proposed management and monitoring arrangements as well as implications of proposed mitigation measures for Dee Estuary SPA / SSSI / Ramsar Features.		Under Discussion	
1.12	Articles and Schedules	Draft DCO [APP-019]		The wording of the Articles and Schedules in the <b>Draft DCO [APP-019]</b> is appropriate.		Under Discussion	

## References

- Ref 1. UK Government (2009). The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009. Accessed 29/07/2025 at [The Infrastructure Planning \(Applications: Prescribed Forms and Procedure\) Regulations 2009](https://www.legislation.gov.uk/uksi/2009/1033/contents/made)
- Ref 2. WRAP, Quality Protocol, Aggregates from Inert Waste.

