



## Connah's Quay Low Carbon Power

# Draft Statement of Common Ground between Uniper UK Limited and Natural England

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# 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) made to the Secretary of State (SoS) for Energy Security and Net Zero (DESNZ). The Application was accepted for examination on 28 August 2025, and the Examination commenced on 13 January
- 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 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 England (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.

#### Natural England

- 1.2.4 Natural England is the government's adviser for the natural environment in England, responsible for protecting and improving England's biodiversity, landscapes, and geodiversity. Natural England is a prescribed consultee for Development Consent Order applications where proposals may affect nationally designated sites or protected species in England. Although the Proposed Development is located in Wales, the Applicant has engaged with Natural England where relevant to consider potential cross-border ecological effects and identify appropriate measures where necessary.

## 1.3 The Proposed Development

- 1.3.1 The Applicant is seeking a 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).
- 1.3.2 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.
- 1.3.3 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.
- 1.3.4 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.

- 1.3.5 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.

## 1.4 Status of this Statement of Common Ground

- 1.4.1 This version of the SoCG has been prepared by the Applicant following the request of the ExA. The format has been discussed and agreed with Natural England on the 19 January 2026 and a copy has been shared prior to Deadline 1
- 1.4.2 This SoCG has been prepared to detail the Applicant's response to the key themes Natural England raised within their **Relevant Representation [RR-026]**. Natural England have not yet had the opportunity to review these in detail and provide a response and as such an updated position is not recorded in this version of SoCG. Table 2 includes a column for Natural England Red Amber Green (RAG) rating to be included. This column is intentionally left blank within this version of the SoCG as there is currently no update from those assigned in their **Relevant Representation [RR-026]**. In addition, the parties have not included commentary on the status or the likelihood of resolution of each matter, this will be included when NE have been able to review the Applicant's responses to their Relevant Representations. The document will continue to be revised and updated as discussions progress during the Examination period.

## 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:
- "Agreed" indicates where the issue has been resolved;
  - "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
  - "Not Agreed" indicates a final position where the Parties have agreed to disagree.

## 1.6 Record of Engagement

- 1.6.1 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
19 November 2024	Letter from Natural England – Statutory Consultation	Natural England sent a letter for statutory consultation, providing early-stage advice on the PEIR for the Connah's Quay Low Carbon Power Project. Natural England highlighted uncertainties due to limited design detail and data, identified concerns relating to air quality impacts on internationally and nationally designated ecological sites (including cross-border effects), and emphasised the need for robust assessment of nitrogen, ammonia, particulates, traffic emissions, noise, and in-combination effects. The letter also noted gaps in the assessment of construction, operation and decommissioning impacts on designated habitats and species, and advised that backup power and traffic assumptions require further justification.
04 June 2025	Letter from Natural England – Targeted Consultation	Natural England sent a letter in response to the non-statutory targeted consultation, noting that only high-level initial advice could be provided at this stage. They advised that the PEIR has not been updated to reflect the proposed design changes and confirmed that their previous advice remains applicable, particularly in relation to designated sites and cross-boundary considerations. Natural

Date	Form of Correspondence	Key topics discussed and key outcomes
		England welcomed continued engagement as the project develops and encouraged ongoing consultation at later stages.
27 August 2025	Email	The Applicant provided Natural England with a copy of the relevant submitted documents prior to publication on the Planning Inspectorate's Connah's Quay Low Carbon Power website
06 October 2025	Email	The Applicant provided Natural England with copies of confidential ecological reports.
16 October 2025	Email	Natural England provided initial feedback on the <b>Report to Inform Habitats Regulations Assessment [APP-253]</b> and associated figures <b>Curlew Mitigation Strategy [APP-254]</b> and <b>Appendix 8D Air Quality Operational Assessment [APP-183]</b>
25 November 2025	Email	The Applicant requested a meeting to be arranged to discuss the feedback provided on the 16 October 2025 and this was arranged for 05 December 2025.
28 November 2025	Relevant Representation	Natural England's <b>Relevant Representation [RR-026]</b> was published on the Planning Inspectorate's Connah's Quay Low Carbon Power website.
05 December 2025	Teams Meeting	A meeting was held to provide a verbal response to a number of the points raised within the Relevant Representation.
16 January 2026	Telephone call	Following a series of email exchanges a telephone call was held to agree the timelines for the regular meetings to be arranged. Following this the Applicant also shared a copy of the Change Notification.

Date	Form of Correspondence	Key topics discussed and key outcomes
19 January 2026	Teams Meeting	<p>A meeting was held to discuss Natural England's comments at a high level and it was agreed that the focus of meetings going forward would not be on the procedural matters following the submission of the <b>Notice of a proposed without prejudice HRA derogation in Wales [PDA-003]</b>.</p> <p>This draft of the SoCG was also further discussed in this meeting.</p>

## 1.7 Areas of Discussion between the Parties

- 1.7.1 **Table 2** below details the areas of discussion and matters that are agreed, under discussion and not agreed between the Parties.

Ref	Subject	Relevant Application Document	Summary of Natural England Comment within their Relevant Representation [RR-026]	Applicant's position	Natural England's Updated Position	Natural England RAG	Status	Likelihood of Resolution
1.0 Qualifying bird species and assemblages								
1.1	Loss of FLL associated to the Dee Estuary SPA, Ramsar site  NE comment on mechanism for securing resolution – e.g. mitigation/compensation:	Appendix 1A: Scoping Report [APP-172]	<p><b>National Highway's Relevant Representation (RR-026) – NE01<sup>1</sup></b></p> <p>Of the qualifying migratory species, seven were recorded in the adjacent Dee Estuary in significant numbers from baseline data gathered between April 2022 and February 2023, accounting for various tide states.</p> <p>The HRA lacks species-specific consideration. A more robust evaluation must be undertaken at Appropriate Assessment (AA). Detailed surveys are recommended for two years, we note only one year of evidence is provided. It is currently unclear how the proposed conservation area will address the ecological requirements of these species. Further detail is needed to demonstrate how the area will function in practice to support and mitigate project impacts. A clear distinction should also be made between mitigation and compensation measures.</p>	<p><u>HRA lacks species-specific consideration</u></p> <p>Individual species for which the SPA or Ramsar site was designated only need to be specifically discussed where impacts on those species differ. For the Dee Estuary SPA / Ramsar site the only individual qualifying species that required specific discussion within the HRA was curlew, as this was the only species for which the footprint of the Proposed Development has been identified to include FLL. With regard to assessment of impact on birds in the Dee Estuary SPA / Ramsar itself, this was undertaken by agreeing a specific noise disturbance threshold with NRW (a more precautionary threshold was then used in the assessment) that would apply to all SPA birds. The affected areas are in the Welsh part of the SPA / Ramsar site. Natural Resources Wales has not expressed any disagreement with the Applicant's noise assessment in their RR [RR-027].</p> <p><u>Survey scope and extent</u></p> <p>As set out in <b>Appendix 11D: Ornithology Technical Appendix [APP-193]</b> there is a wealth of contemporary data available for the Order limits and wider Survey Area. The Applicant has undertaken detailed surveys, covering a full 12-month period (November 2023 to October 2024) and including all phases of the tidal cycle along with nocturnal surveys, the results of which have been used to inform the impact assessment. As set out in Table 1 of <b>Appendix 11D: Ornithology Technical Appendix [APP-193]</b>, these data are supported by other third party data, including ornithological surveys undertaken within the Order limits between April 2022 and February 2023 by Aspect Ecology, monthly wetland bird data collected by the Deeside</p>			Under discussion	

<sup>1</sup> NH1 refers to the reference number found in Applicant's Response to Relevant Representations (Document Ref. 9.4)

Ref	Subject	Relevant Application Document	Summary of Natural England Comment within their Relevant Representation [RR-026]	Applicant's position	Natural England's Updated Position	Natural England RAG	Status	Likelihood of Resolution
				<p>Naturalists' Society for the Connah's Quay Power Station Nature Reserve spanning the period January 2013 to December 2023 and Wetland Bird Survey (WeBS) data obtained from the British Trust for Ornithology (BTO) for the period 2018 to 2023.</p> <p>Collectively, these present data relevant to the Proposed Development spanning the period between 2013 and 2024. The Applicant considers that these combined datasets are more than adequate to characterise the ornithological baseline.</p> <p>As set out in Table 11-5 of <b>Chapter 11: Terrestrial and Aquatic Ecology [APP-049]</b>, the approach to ornithological surveys has been discussed with NRW at a meeting on 18 July 2024, and in March 2025 and May 2025 as detailed in Section 2 of the <b>Draft NRW SoCG (EN010166/APP/8.2)</b>. NRW has not raised any concerns regarding the scope or extent of ornithological surveys in their RR [RR-027].</p> <p><u>Mitigation of project impacts</u></p> <p>The identified mitigation is secured through requirement of the <b>Draft DCO [APP-019]</b> as detailed below:</p> <ul style="list-style-type: none"><li>• Measures relating to construction practices are secured through Requirement 4 (Construction Environmental Management Plan), this includes the provision of the 3 m acoustic fence and timing restrictions on certain works.</li><li>• Measures relating to the proposal at Gronant Fields are secured through Requirement 11 (Curlew Mitigation and Monitoring Plan).</li><li>• Measures relating to the reinstatement of areas of temporary land use following the completion of the construction works are secured through</li></ul>				

Ref	Subject	Relevant Application Document	Summary of Natural England Comment within their Relevant Representation [RR-026]	Applicant's position	Natural England's Updated Position	Natural England RAG	Status	Likelihood of Resolution
				Requirement 10 (Landscape and Ecological Management Plan).  A full list of environmental mitigation and the relevant securing mechanism is provided in the <b>Commitments Register [APP-251]</b> .				
1.2	Loss of FLL associated to the Dee Estuary SPA and Ramsar site	<b>Report to inform Habitats Regulations Assessment [APP-253]</b>	<p><b><u>National Highway's Relevant Representation (RR-026) – NE02</u></b></p> <p>As Gronant Fields is a significant distance away from the FLL lost and disturbed, the Curlew Mitigation Strategy presents itself as compensation.</p> <p>The proposals do not prevent or overcome the initial loss of FLL in that specific locality. It is unlikely the affected birds will commute that distance to adopt the new site.</p> <p>This should also not hinder the condition of any SAC habitat.</p> <p>Given the distance involved, the strong preference would therefore be to replace the FLL at risk with similar areas much closer to the impact so that it continues to sustain curlews in this part of the Dee Estuary SPA and Ramsar site. The provision of any new functional habitat for SPA curlews outside of the SPA boundary could be accepted as mitigation. The implications of FLL loss without local habitat replacement should be considered by the HRA. This may cause an adverse effect in view of the Dee Estuary SPA's Conservation Objectives</p>	<p>The Applicant undertook a detailed land search to identify potentially suitable land parcels for mitigation for the loss of functionally linked foraging and roosting habitat for Curlew. This process considered land on the open market and potentially suitable land adjacent to the Dee Estuary. As part of this search, discussions were held with FCC to determine if there was any council owned land that could be suitable for the purpose of the mitigation. Following a review by the Applicant's land and ecological teams the sites identified by FCC were discounted as unsuitable. As detailed in the <b>Curlew Mitigation Strategy [APP-254]</b>, the initial study identified four potentially viable sites (Thurstaston, Greenfield, Bagillt Fields and Gronant Fields). Throughout the land search, the Applicant held discussions with NRW on 5 March 2025 and 9 May 2025 and the Royal Society for the Protection of Birds (RSPB) on 14 April 2025. These Meetings are recorded in the draft SoCGs with these parties ((<b>EN010166/APP/8.2</b>)) and (<b>EN010166/APP/8.4</b>) respectively) included as part of the Application. Following these discussions and further review of constraints, the Gronant Fields site was selected as the preferred option The selection process is set out in Section 3 of the <b>Curlew Mitigation Strategy [APP-254]</b>. In summary, factors considered included, proximity to the Order limits, existing land use and habitats present, distance from the SPA / Ramsar site and in particular proximity to the estuary, potential sources of disturbance (e.g., noise sources / recreational pressure), availability for purchase and opportunity for management in perpetuity, and existing levels of use by Curlew and other bird species.</p>			Under discussion	

Ref	Subject	Relevant Application Document	Summary of Natural England Comment within their Relevant Representation [RR-026]	Applicant's position	Natural England's Updated Position	Natural England RAG	Status	Likelihood of Resolution
				<p>Whilst the Applicant acknowledges the distance between Gronant Fields and the Order limits, Gronant Fields offered the best opportunity for delivering the objectives of the offsetting land, i.e., ensuring no net loss in Curlew foraging and roosting opportunities.</p> <p>The Applicant considers that replacement of FLL is mitigation rather than compensation 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. The Applicant notes that NRW has acknowledged that such proposals could potentially be considered as mitigation for HRA purposes. Nonetheless, the Applicant has submitted a <b>Notice of a proposed without prejudice HRA derogations in Wales [PDA-003]</b> at procedural Deadline A which covers loss of FLL.</p>				
1.3	Loss of FLL associated to the Dee Estuary SPA, Ramsar site	<b>Report to inform Habitats Regulations Assessments [APP-253]</b>	<p><b><u>National Highway's Relevant Representation (RR-026) – NE03</u></b></p> <p>Referring to the Curlew Mitigation Strategy, assessment should establish whether the Dee Estuary SPA would become significantly less attractive to a significant proportion of the SPA curlew population if that FLL was lost, and how would this affect their overall distribution within the SPA.</p> <p>Note, current surveys at Gronant Field do not cover the full life cycle of Curlew. It should be made clear how the work will further enhance to support an equivalent number of birds to those displaced through the loss of the FLL.</p>	<p>The Applicant refers Natural England to their response to NRW9, which addresses NRW's Representation on this matter, for context. The objective of the offsetting land is to maintain the qualifying non-breeding Curlew population of the Dee Estuary SPA, by ensuring no net reduction in foraging and roosting opportunities.</p> <p>The Applicant is currently undertaking further non-breeding bird surveys of the Gronant Fields site to establish existing usage of the site by non-breeding Curlew and other SPA species, along with ground water monitoring to inform the specific management prescriptions for the site. The Applicant has also sought existing data from the WeBS and will continue to work with NRW, RSPB and the DNS to gather historic data on the use of Gronant</p>			Under discussion	

Ref	Subject	Relevant Application Document	Summary of Natural England Comment within their Relevant Representation [RR-026]	Applicant's position	Natural England's Updated Position	Natural England RAG	Status	Likelihood of Resolution
				<p>Fields. This data will inform ongoing discussions on the <b>Curlew Mitigation Strategy [APP-254]</b> and general approach to management of the site.</p> <p>Section 4.1 of the <b>Curlew Mitigation Strategy [APP-254]</b> sets out the objectives of the habitat 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).</p> <p>The Applicant will continue to engage with NRW and Natural England on the <b>Curlew Mitigation Strategy [APP-254]</b> and ongoing surveys.</p>				
1.4	Loss of FLL associated to the Dee Estuary SPA, Ramsar site	<b>Report to inform Habitats Regulations Assessment [APP-253]</b>	<p><b>National Highway's Relevant Representation (RR-026) – NE04</b></p> <p>Natural England require further assurances that the land within the SPA does not currently act as supporting habitat for any other SPA features which might then be adversely affected by the mitigation for curlew. If it does, there is a direct impact on the SPA and that location would be unsuitable to address concerns.</p> <p>There should be very clear standards set as to what is the conservation baseline for those areas (i.e., the expected favourable condition to be reached) and what added</p>	<p>As set out in the Applicant's response to NE03, the Applicant is currently undertaking further non-breeding bird surveys of the Gronant Fields site to establish existing usage of the site by non-breeding Curlew and other SPA species. The Applicant has also sought existing data from the WeBS and will continue to work with NRW, RSPB and the DNS to gather historic data on the use of Gronant Fields. These data will inform ongoing discussions on the <b>Curlew Mitigation Strategy [APP-254]</b> and general approach to management of the site.</p> <p>Surveys undertaken by the Applicant and detailed in Section 4.2 of the <b>Curlew</b></p>			Under discussion	

Ref	Subject	Relevant Application Document	Summary of Natural England Comment within their Relevant Representation [RR-026]	Applicant's position	Natural England's Updated Position	Natural England RAG	Status	Likelihood of Resolution
			value/outcomes any mitigation would deliver over and above that.	<p><b>Mitigation Strategy [APP-254]</b> identify that the offsetting land does not currently support Curlew or any other SPA species.</p> <p>As set out in Section 4.1 of the <b>Curlew Mitigation Strategy [APP-254]</b>, there are a number of practical interventions set out by the Applicant, such as creating foot drains and controlling water levels, along with implementing a sensitive grazing regime, that will deliver the required mitigation and are beyond the current conversation management conditions.</p>				
1.5	Loss of FLL associated to the Dee Estuary SPA, Ramsar site	<b>Report to inform Habitats Regulations Assessments [APP-253]</b>	<p><b>National Highway's Relevant Representation (RR-026) – NE05</b></p> <p>Complications arise when mitigation is targeted within a SPA as it forms part of formally designated site and already supports a good population of qualifying features</p>	As set out in NE04 above the offsetting land does not currently support Curlew or any other SPA species. The measures set out in the <b>Curlew Mitigation Strategy [APP-254]</b> identify actions, such as creation of wet features and changes to water management that exceed current management practices and will provide enhancement beyond typical land management, that would be expected in the SPA.			Under discussion	
1.6	Qualifying bird species and assemblages Loss of FLL associated to the Dee Estuary SPA, Ramsar site	<b>Report to inform Habitats Regulations Assessments [APP-253]</b>	<p><b>National Highway's Relevant Representation (RR-026) – NE06</b></p> <p>Natural England do not support the approach to identify areas of FLL (i.e. areas of greenfield greater than two hectares within 2km of the proposal). Specific reference to Sections 6.6.5 and 6.6.6.</p> <p>This approach does not consider areas of smaller FLL which may in-combination support more than 1% of the designated site population. We highlight that brownfield sites including those associated with relic canal dredgings support good populations of designated bird species on the English border.</p>	<p>This appears to be a misunderstanding of the Applicant's approach to loss of FLL and how the Applicant has used the 2 ha figure referenced in NE06. The Applicant can confirm that losses of FLL due to the Proposed Development were not based on a particular type of habitat or a particular size of land parcel but solely on the results of the bird surveys undertaken for the DCO application. There is only one area of potential FLL being lost due to the Proposed Development (during construction and operation). That area supports significant populations of curlew (i.e. regularly more than 1% of the SPA population) and is therefore classified as FLL and its loss is being addressed through the <b>Curlew Mitigation Strategy [APP-254]</b>. No other habitat outside SPA / Ramsar boundaries, but used by SPA / Ramsar birds, is being lost due to the Proposed Development. The Conservation of Habitats and Species Regulations 2017 (as amended) require consideration of LSEs / AEOL 'alone or in</p>			Under discussion	

Ref	Subject	Relevant Application Document	Summary of Natural England Comment within their Relevant Representation [RR-026]	Applicant's position	Natural England's Updated Position	Natural England RAG	Status	Likelihood of Resolution
				<p>combination' with other plans and projects. An AEOL due to loss of FLL has already been identified 'alone' for the Proposed Development (prior to consideration of mitigation i.e. the Curlew Mitigation Strategy). Therefore, strictly speaking there is no requirement to consider losses due to 'other plans or projects'. Nonetheless, the HRA did so for completeness and context.</p> <p>A 2 ha sieving threshold was used for the selection of other Proposed Development sites for 'in combination' assessment on the basis that many Dee Estuary SPA bird species (including curlew) prefer large open areas of farmland, grassland or wetland and smaller parcels (e.g. less than 2 ha) are likely to be less attractive and support few birds due to poorer sightlines, closer proximity to sources of predators, and preference or distance from blocks of residential development). While in theory the loss of a series of small sites could cumulatively result in a significant loss of FLL it would take a large number of them to have a significant effect. Moreover, applications for small developments rarely undertake wintering bird surveys so less data are available on which to base an assessment.</p> <p>The approach taken is proportionate to the exercise by focusing attention on those other developments most likely to support SPA birds in sufficient numbers to result in 'in combination' effects, given that the only area of FLL being affected by the Proposed Development is already being addressed through habitat creation and enhancement.</p> <p>In terms of brownfield sites, no proposals for redevelopment of canal arising sites were identified in the search for other plans or projects.</p> <p>NRWs has not expressed any disagreement with the Applicant's approach to identifying projects for assessment in their RR [RR-027].</p>				

Ref	Subject	Relevant Application Document	Summary of Natural England Comment within their Relevant Representation [RR-026]	Applicant's position	Natural England's Updated Position	Natural England RAG	Status	Likelihood of Resolution
1.7	Loss of FLL associated to the Dee Estuary SPA, Ramsar site	Report to inform Habitats Regulations Assessment [APP-253]	<p><b><u>National Highway's Relevant Representation (RR-026) – NE07</u></b></p> <p>Our concerns conclude with NE06. FLL should be informed by site specific information, including desk - based data and habitat suitability surveys.</p> <p>Reference should be made to the scale of unrestricted views, food availability, size of the habitat and other habitat attributes associated to the qualifying birds to determine habitat suitability.</p>	As noted in response to NE06 the Applicant's assessment of loss of FLL was informed by site-specific information where it was available for the projects in question. However, since the only area of potential FLL within the Order limits has been acknowledged as FLL, and mitigated through the <b>Curlew Mitigation Strategy [APP-254]</b> , that will address all potential for losses 'in combination' with other plans or projects. Detailed analysis of those other plans or projects is therefore not required.			Under discussion	
1.8	Direct/indirect impacts and loss of FLL associated to the Dee Estuary SPA and Ramsar site	Report to inform Habitats Regulations Assessment [APP-253]	<p><b><u>National Highway's Relevant Representation (RR-026) – NE08</u></b></p> <p>Natural England note that data gathering efforts have not drawn on English sources of initial evidence despite the proximity to designated sites across the border and the nature of overlapping designations.</p> <p>Site specific information from multiple appropriate bodies across both England and Wales such as the local records centre, wildlife trusts, or recording societies. Reference could be made to specific species related layers on Magic Map, the NBN Atlas and Wetland Bird Survey Data.</p> <p>Draw on existing information gathered for other recent developments in the area.</p> <p>Provision of a map of qualifying (and notified) bird species noted during desk and detailed surveys to provide clarity on the location of observations and the area affected by the development works. This will support evidence used to inform visual and noise disturbance, which may extend beyond the site boundary.</p>	<p>Reference has been made to Natural England's guidance on SSSI Impact Risk Zones and other sources of data. The provision of further information from WeBS or National Biodiversity Network (NBN) Atlas, or maps of bird distribution data from surveys, in the HRA would not alter the assessment presented for either direct or indirect effects on the Dee Estuary SPA / Ramsar site, although the bird survey reports (<b>Appendix 11D Ornithology Technical Appendix [APP-133]</b>) present maps of survey results.</p> <p>Regarding direct effects (e.g. disturbance of birds within the SPA / Ramsar), this assessment was undertaken using specific noise disturbance thresholds agreed with NRW in May 2025 (a more precautionary threshold was then used in the assessment) that would apply to all SPA birds irrespective of their precise distribution in the SPA (since the SPA / Ramsar boundary was used to define the sensitive areas). The rationale for use of these disturbance thresholds was discussed with Natural England during a meeting on 5 December 2025.</p> <p>With regard to loss of FLL, the only area of potential FLL within the Order limits has been acknowledged as FLL, and mitigated through the <b>Curlew Mitigation Strategy [APP-254]</b>. That will address all potential for losses 'in combination' with other plans or projects.</p>			Under discussion	

Ref	Subject	Relevant Application Document	Summary of Natural England Comment within their Relevant Representation [RR-026]	Applicant's position	Natural England's Updated Position	Natural England RAG	Status	Likelihood of Resolution
				The affected areas are in the Welsh component of the SPA / Ramsar site. NRW has not expressed any disagreement with the Applicant's noise assessment in their RR [RR-027].				
1.9	FLL impacts associated the Dee Estuary SPA, Ramsar site in - combination with other plans and projects	<b>Report to inform Habitats Regulations Assessment [APP-253]</b>	<p><b><u>National Highway's Relevant Representation (RR-026) – NE09</u></b></p> <p>This section requires amendment to ensure a robust assessment has occurred when assessing impacts to qualifying bird species and assemblages including areas of FLL.</p> <p>The in -combination assessment must refer to any shared pressures or known areas of mitigation/ compensation. The assessment must consider how the projects will interact with the scheme.</p> <p>It is unclear what in - combination impacts have been identified. These must be detailed for full transparency and robust assessment.</p>	<p>Air quality 'in combination' effects are explicitly discussed in Sections 10.2 and 10.3 of the <b>RIHRA [APP-253]</b>. The only other 'in combination' effect identified is regarding loss of functionally-linked habitat, which is discussed in section 10.4 of the <b>RIHRA [APP-253]</b>. Section 10.4 of the <b>RIHRA [APP-253]</b> also lists the other plans and projects that have been assessed. This explicitly includes the Hynet CO<sub>2</sub> Pipeline Project in paragraphs 10.4.3 and 10.4.4. The Proposed CO<sub>2</sub> Connection Corridor to the Hynet CO<sub>2</sub> Pipeline Project is part of the Order limits for the DCO and its impacts have therefore assessed as part of the DCO.</p> <p>No impacts of the Proposed Development on known areas of mitigation and compensation have been identified.</p> <p>NRW has not expressed any disagreement with the Applicant's noise assessment in their RR [RR-027].</p>			Under discussion	
1.10	Loss of FLL associated to the Dee Estuary SPA and Ramsar site	<b>Curlew Mitigation Strategy [APP-254]</b>	<p><b><u>National Highway's Relevant Representation (RR-026) – NE10</u></b></p> <p>This section does not detail comparative ecological information between Bagillt Fields and Gronant Fields with only size and locations detailed.</p> <p>The following information should be obtained: Existing bird usage Habitat suitability for curlew during all life and behavioural stages.</p> <p>Designation details which may include: unit features, unit condition, existing pressures, existing management for favourable condition and details of pertinent Conservation Objectives that may apply.</p>	<p>The Applicant's rationale for taking forward Gronant Fields over other sites is set out in Section 3.5 of the <b>Curlew Mitigation Strategy [APP-254]</b>. In summary, the main factors were the land is capable of flooding in winter / has ways to control water levels / allows for the creation of hollows, channels, foot drains or scrapes; there is no direct public access and so disturbance from recreation would be negligible; the land consists of individual field parcels over 3 ha in size, with limited intervening boundary vegetation; and the fields have stockproof boundaries and are suitable for grazing.</p>			Under discussion	

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				<p>As set out in the Applicant's response to NE03, the Applicant is currently undertaking further non-breeding bird surveys of the Gronant Fields site to establish existing usage of the site by non-breeding Curlew and other SPA species. The Applicant has also sought existing data from the WeBS and will continue to work with NRW, RSPB and the Deeside Naturalist's Society to gather historic data on the use of Gronant Fields. This data will inform ongoing discussions on the <b>Curlew Mitigation Strategy [APP-254]</b> and general approach to management of the site.</p> <p>The Applicant will continue to engage with Natural England on the <b>Curlew Mitigation Strategy [APP-254]</b> and ongoing surveys and management prescriptions.</p>				
1.1 1	Loss of FLL associated to the Dee Estuary SPA, Ramsar site	<b>Curlew Mitigation Strategy [APP-254]</b>	<p><b><u>National Highway's Relevant Representation (RR-026) – NE11</u></b></p> <p>To understand that the land parcel at Gronant Fields is effectively mitigating the loss at the development site, it must be ascertained how the land parcel at Gronant Fields is being utilised by all qualifying bird species and assemblages to provide a baseline population.</p> <p>The species and quantities must continue to be accommodated alongside the additional displaced birds.</p> <p>WeBS data should be sufficient for initially informing baseline usage, assuming that data exists for all months of interest. Otherwise, detailed bird surveys will be required. Two years of detailed surveys are typically required.</p>	<p>The Applicant is currently undertaking further non-breeding bird surveys of the Gronant Fields site through to March 2026. The results of these surveys to date have been shared with Natural England and will be shared monthly until the surveys are complete. The current peak count of curlew is 2, with no curlew recorded on the nocturnal or two diurnal surveys in December 2025.</p> <p>As set out in the Applicant's response to NE03, the Applicant is currently undertaking further non-breeding bird surveys of the Gronant Fields site to establish existing usage of the site by non-breeding Curlew and other SPA species. The Applicant is currently in discussions with NRW regarding proposed groundwater monitoring to inform the specific management prescriptions for the site (if deemed suitable). The Applicant has also sought existing data from the WeBS and will continue to work with NRW, RSPB and the Deeside Naturalist's Society to gather historic data on the use of Gronant Fields. These data will inform ongoing discussions on the <b>Curlew Mitigation Strategy [APP-254]</b> and general approach to management of the site.</p>			Under discussion	

Ref	Subject	Relevant Application Document	Summary of Natural England Comment within their Relevant Representation [RR-026]	Applicant's position	Natural England's Updated Position	Natural England RAG	Status	Likelihood of Resolution
				The Applicant will continue to engage with Natural England on the <b>Curlew Mitigation Strategy [APP-254]</b> and ongoing surveys.				
1.1 2	Loss of FLL associated to the Dee Estuary SPA, Ramsar site	<b>Curlew Mitigation Strategy [APP-254]</b>	<p><b><u>National Highway's Relevant Representation (RR-026) – NE12</u></b></p> <p>Natural England do not yet have the assurances that mitigation/compensation is feasible at this stage.</p> <p>Measures proposed are currently high -level and lack details. It is not understood who will undertake management and monitoring responsibilities, including habitats, water levels and species surveys.</p>	<p>The Applicant owns the land at Gronant Fields (as shown in Figure A2 of Appendix A of the <b>Curlew Mitigation Strategy [APP-254]</b>) and will be responsible for future management.</p> <p>Please see response to NE11 regarding ongoing and proposed surveys as well as the collation of wider supporting datasets.</p> <p>The Applicant will continue to engage with Natural England on the <b>Curlew Mitigation Strategy [APP-254]</b>, including the monitoring and management set out in Section 4.4 of <b>Curlew Mitigation Strategy [APP-254]</b>.</p>			Under discussion	
1.1 3	Direct/indirect impacts and loss of FLL associated to the Mersey Estuary SPA and Ramsar site	<b>Report to inform Habitats Regulations Assessments [APP-253]</b>	<p><b><u>National Highway's Relevant Representation (RR-026) – NE13</u></b></p> <p>The applicant should consider if there is scope for impacts on the Mersey Estuary SPA, Ramsar site as a result of interchange of birds.</p> <p>The Mersey Estuary SPA and Ramsar site is located within the 20km initial search radius and is screened out of further assessment. Clearer justification may support this conclusion.</p>	It is very likely that birds from the various Liverpool City Region SPAs move between those SPAs at different dates or times of the winter (for example). However, by addressing the loss of FLL for the Dee Estuary SPA the Applicant is effectively addressing this issue. If the mitigation ensures no net loss of functionally-linked habitat (i.e. high-tide supporting habitat), it does not matter to the assessment if birds from this SPA sometimes move to the Mersey Estuary SPA. This is a theoretical impact without definite evidence of a connection.			Under discussion	
1.1 4	Direct/indirect impacts and loss of FLL associated to the Dee Estuary SPA and Ramsar site	<b>Report to inform Habitats Regulations Assessments [APP-253]</b>	<p><b><u>National Highway's Relevant Representation (RR-026) – NE14</u></b></p> <p>Section 10.2.11 notes there will be 'no meaningful difference' in background conditions of barge movements but acknowledges the proposal will lead to more intensified movement during the construction and demolition period.</p> <p>Natural England advise that further information is required to support this conclusion.</p> <p>Further information to determine the scale of change and response of birds to barge</p>	Very few wetland birds were recorded at Connah's Quay North during surveys for the Proposed Development as reported in <b>Appendix 11D: Ornithology Technical Appendix [APP-193]</b> . Typically, the following species were recorded on most survey visits in single figures: mallard, little egret, cormorant, redshank, herring gull and black-headed gull. Given the small use of this area by SPA/ Ramsar birds, and the fact that shipping passes Connah's Quay North to access numerous quays and wharves upstream, significant disturbance is very unlikely from the increased barge movements.			Under discussion	

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			<p>passage. This may not be the same for all species and certain behaviours may be more affected. This will vary with the tide and the impact of failing to feed may be greater than disturbance of a roost.</p> <p>Assessment must determine if there will be more than a 1% increase in disturbance levels.</p>					
1.15	Direct/indirect impacts and loss of FLL associated to the Dee Estuary SPA and Ramsar site	Framework Construction Environmental Management Plan (CEMP) [APP-246]	<p><b>National Highway's Relevant Representation (RR-026) – NE15</b></p> <p>Materials for Water Connection Corridor will have materials brought in by barge between April and June inclusive.</p> <p>We advise the HRA must draw on findings of wider documents for consistency. This must now progress to AA.</p>	<p>No use of the Connah's Quay North site for the purposes of the Proposed Development will occur during operation.</p> <p>Assessment of grounding out during construction is discussed in paragraphs 7.26 to 7.28 of the <b>RIHRA [APP-253]</b>, as noted by Natural England.</p> <p>During construction, as a worst-case assessment, approximately 60 barge operations are anticipated over a 12-month period at Connah's Quay North. In reality, the number of operations would be less than this as the Applicant would also seek to utilise the existing port facilities at Port of Mostyn and Ellesmere Port. Each barge would ground at low tide, remaining in contact with the intertidal sediments only for the duration of a single tidal cycle (typically a few hours) before refloating on the subsequent tide. Based on published tide-time data for the River Dee at Chester, the estuary experiences two low waters per 24-hour period (approximately every 12 hours), therefore, the proposed barge use represents only a small fraction of available low-tide windows.</p> <p>Temporary physical interaction between the barge hulls and the seabed may cause minor, short-term disturbance or localised compression of sediments. However, the soft, mobile sediments that characterise the intertidal area are naturally subject to regular reworking by tidal and wave action, giving them a high capacity for recovery from such disturbance. Although this level of use would</p>			Under discussion	

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				<p>be greater than current activity at the quay, the spatial extent of contact and the duration of each event remain very limited.</p> <p>The River Dee and Dee Estuary is a highly dynamic system in which natural erosion, deposition and sediment transport processes continually reshape the intertidal and subtidal zone. In this context, the additional disturbance from barge movements is expected to be brief, localised and minimal (well within the range of natural variability). Given the limited frequency and scale of activity and noting that other developments considered are predominantly terrestrial in nature and not likely reliant on vessel operations, no LSEs are predicted to any qualifying features of the River Dee and Bala Lake SAC.</p> <p>Connah's Quay North is in the Welsh part of the SAC. NRW has not expressed any disagreement with the Applicant's assessment of impacts from Connah's Quay North on River Dee &amp; Bala Lake SAC in their RR [RR-027].</p>				
1.16	Direct/indirect impacts and loss of FLL associated to the Dee Estuary SPA and Ramsar site	Report to inform Habitats Regulations Assessments [APP-253]	<p><b>National Highway's Relevant Representation (RR-026) – NE16</b></p> <p>Natural England note that operational noise has been screened out of further assessment and has not progressed to AA. We do not concur with this approach.</p> <p>Where there is a change of 3dB or more within baseline noise levels a LSE should be identified and considered within AA, and in - combination with other proposals, where necessary.</p> <p>Both LAmax and LAeq units of measurement must be considered as separate issues within the HRA process.</p>	<p>Both A-weighted maximum sound level (LAmax) and A-weighted equivalent continuous sound level (LAeq) have been considered in the assessment. The affected areas of the Dee Estuary SAC / SPA / Ramsar site are within Wales and as set out in the <b>RIHRA [APP-253]</b>, NRW has agreed to the use of noise thresholds for disturbance in a Microsoft Teams meeting on 8 May 2025 as detailed in Section 2 of the <b>Draft NRW SoCG (EN010166/APP/8.2)</b>. In fact, NRW have agreed to using a higher threshold than The Applicant has used in the <b>RIHRA [APP-253]</b> (70 dB rather than the 60 dB used in <b>RIHRA [APP-253]</b>). Since NRW have agreed to the use of noise thresholds, where noise due to the Proposed Development would fall below the 60 dB LAmax threshold it is not necessary to carry forward to Appropriate Assessment. The Applicant would also note that Natural England have agreed to use of a 60dB noise</p>			Under discussion	

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				<p>threshold on other projects as noted in the <b>RIHRA [APP-253]</b> (see paragraph 6.3.5).</p> <p>With regard to paragraph 7.2.19 and 7.3.2 of <b>RIHRA [APP-253]</b>, 7.2.19 refers to baseline noise levels whereas 7.3.2 refers to the noise produced by the operational development. Paragraph 7.3.2 states that noise produced by the Proposed Development during operation would not exceed 60 dB (LAeq or LMax). Using the thresholds agreed with NRW a conclusion of no LSE can therefore be reached.</p> <p>The affected areas are all in the Welsh part of the SPA / Ramsar site. NRW has not expressed any disagreement with the Applicant's noise assessment in their RR <b>[RR-027]</b>.</p>				
1.17	Direct/indirect impacts and loss of FLL associated to the Dee Estuary SPA and Ramsar site	<b>Report to inform Habitats Regulations Assessments [APP-253]</b>	<p><b><u>National Highway's Relevant Representation (RR-026) – NE17</u></b></p> <p>This section starting at 10.2.12 is confusingly written and greater clarity is required to clearly demonstrate which works will cause an impact. This must be clearly documented and transparent details of avoidance and mitigation measures provided.</p> <p>Further assessment of:</p> <ul style="list-style-type: none"><li>• The water connection works;</li><li>• The compound 1 enabling works;</li><li>• The compound 2 enabling works; and</li><li>• The main development area shrouded piling.</li></ul>	<p>Both LMax and LAeq have been considered in the assessment reported in <b>RIHRA [APP-253]</b>.</p> <p>The assessment presented utilises the 60dB disturbance threshold rather than using a comparison against baseline noise. Since the affected areas are all in Wales, the Applicant considers the thresholds agreed with NRW are appropriate.</p> <p>Regarding the specific points made, the assessment identifies that:</p> <ul style="list-style-type: none"><li>• 'Site enabling works', main civils works' and 'plant installation works' would all have noise levels below 60dB LAeq / LMax provided the 3 m acoustic fence, as detailed in the <b>Framework CEMP [APP-246]</b>, is in place.</li><li>• The 'Water Connection Works' and 'Proposed Surface Water Outfall' would be subject to seasonal restriction, as detailed in the <b>Framework CEMP [APP-246]</b>, since acoustic fencing would not be possible (as these works are within the SPA).</li></ul>			Under discussion	

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				<p>As indicated in Appendix D of the <b>RIHRA [APP-253]</b>,for the phases 'Compound 1 enabling works' (Main Development Area), 'Compound 2 enabling works' (C&amp;IEA), 'Main Development Area Plant Installation', 'Main Development Area Enabling Works' and 'Main Development Area Shrouded Piling' noise levels in the SPA would exceed 60dB even with mitigation (e.g. shrouds on piling or the 3 m acoustic fence). However, in all cases this is a worst-case that would only arise when the plant is operating close to the SPA (as noise levels have been modelled with the plant on the boundary of the SPA) and even then, would only affect relatively small parts of the SPA as noted. This is relevant because it means that for the majority of these phases (when plant is not operating adjacent to the SPA) there would not be exceedance of the agreed noise thresholds in the SPA.</p> <p>In other words, even in these phases the exceedance of noise thresholds will only be for relatively short periods, over a small part of the SPA, and noise levels would not be out of character with existing baseline noise levels that the birds already experience, thus meaning 'significant disturbance' (rather than just any disturbance) would not arise. 'Significant disturbance' is defined by the Agreement on the Conservation of African-Eurasian Migratory Waterbirds 2016 as follows:</p> <ul style="list-style-type: none"><li>• <i>"Disturbance should be judged as significant if an action (alone or in combination with other effects) impacts on (water)birds in such a way as to be likely to cause impacts on populations of a species through either:</i></li><li>• <i>changed local distribution on a continuing basis; and/or</i></li><li>• <i>changed local abundance on a sustained basis; and/or</i></li><li>• <i>the reduction of ability of any significant group of birds to survive, breed, or rear their young."</i></li></ul>				

Ref	Subject	Relevant Application Document	Summary of Natural England Comment within their Relevant Representation [RR-026]	Applicant's position	Natural England's Updated Position	Natural England RAG	Status	Likelihood of Resolution
				<p>Regarding changes in distribution, any disturbance to be significant must therefore be 'continuing' or 'sustained' rather than ephemeral or of short duration. No other projects have been identified as resulting in noise impacts in the affected locations at the same time as the Proposed Development (since the Hynet CO<sub>2</sub> Pipeline project would have already been installed).</p> <p>NRW has not expressed any disagreement with the Applicant's noise assessment in their RR [RR-027].</p>				
1.18	Direct/indirect impacts and loss of FLL associated to the Dee Estuary SPA and Ramsar site	Report to inform Habitats Regulations Assessments [APP-253]	<p><b>National Highway's Relevant Representation (RR-026) – NE18</b></p> <p>Natural England advise any residual impacts from the lighting strategy are addressed.</p> <p>We advise any residual impacts from the lighting strategy are addressed in the AA.</p> <p>Increased lighting can also improve predator species and cause a detriment to certain qualifying features.</p>	<p>No residual impacts from lighting are expected for the reasons explained in 10.3.1 of <b>RIHRA [APP-253]</b> i.e. '<i>... there would still be an approximate 250 m gap between the operational facility and the SPA boundary to the west, including an existing 2 m high bund on the SPA / Ramsar boundary. The way the Proposed Development layout has been designed, there would also be an approximately 30 m separation between the operational facility and the River Dee running parallel to the Proposed Development Site</i>', coupled with the lighting design controls set out in 10.3.2. Note that the lighting design controls are specified in the <b>RIHRA [APP-253]</b> and are not deferred to later stages. No FLL (that would not be lost to the Proposed Development) would be illuminated in any way.</p> <p>The affected areas of Dee Estuary SPA / Ramsar site are in Wales. NRW has not expressed any disagreement with the Applicant's disturbance assessment in their RR [RR-027].</p>			Under discussion	
1.19	Direct/indirect impacts and loss of FLL associated to the Dee Estuary SPA and Ramsar site	Report to inform Habitats Regulations Assessments [APP-253]	<p><b>National Highway's Relevant Representation (RR-026) – NE19</b></p> <p>Noting the proposal will be closer to the Dee Estuary SAC, Ramsar site and SPA than the current power station.</p>	While the CQLCP Abated Generating Station would be closer to the SPA / Ramsar than is currently the case there would still be a 250 m separation from the area of SPA / Ramsar to the west and a 30 m separation from the River Dee to the north as per paragraph 10.3.1 of <b>RIHRA [APP-253]</b> . These separation distances coupled with the lighting design			Under discussion	

Ref	Subject	Relevant Application Document	Summary of Natural England Comment within their Relevant Representation [RR-026]	Applicant's position	Natural England's Updated Position	Natural England RAG	Status	Likelihood of Resolution
			Natural England advise further consideration of visual impacts throughout the relevant stages of the HRA.	controls set out in 10.3.2 would ensure no adverse effect. Note that the lighting design controls are specified in the <b>RIHRA [APP-253]</b> and are not deferred to later stages. No FLL (that would not be lost to the Proposed Development) would be illuminated in any way.  The affected areas of Dee Estuary SPA / Ramsar site are in Wales. NRW has not expressed any disagreement with the Applicant's disturbance assessment in their RR [RR-027].				
1.20	Direct/indirect impacts and loss of FLL associated to the Dee Estuary SPA, Ramsar site	[APP-063] Chapter 25: Summary of Likely Significant Effects	<b><u>National Highway's Relevant Representation (RR-026) – NE20</u></b> This section identifies loss of roosting and foraging habitat for Dee Estuary SPA/Ramsar site qualifying bird species, specifically, Bar - tailed godwit, Pintail, Curlew and Redshank.  This must be specifically discussed within the HRA. Acknowledging proposals are for on and off-site enhanced habitat, we advise further information is needed to determine the suitability of any mitigation/compensation.	This is a reference to the area of the Dee Estuary SAC and SPA which will be subject to 650 m <sup>2</sup> of temporary habitat loss due to the construction of the Proposed Surface Water Outfall, and a few square metres of permanent loss. This is discussed in <b>RIHRA [APP-253]</b> (e.g. paragraphs 10.2.1 to 10.2.18) and is addressed through setback of defences south of the existing Connah's Quay Power Station that will allow existing saltmarsh to retreat inland and therefore persist, rather than be lost due to coastal squeeze as would occur otherwise.			Under discussion	
1.21	Direct/indirect impacts and loss of FLL associated to the Dee Estuary SPA and Ramsar site	[APP-063] Chapter 25: Summary of Likely Significant Effects	<b><u>National Highway's Relevant Representation (RR-026) – NE21</u></b> Noise and visual disturbance to the Dee Estuary SPA and Ramsar site will occur to qualifying bird species as above.  This requires noise mitigation and sensitive timings of work when working in the Surface Water Outfall area and Water Connection Corridor to avoid the over -wintering period.  Natural England support the need to avoid works in the wintering period.	Necessary noise mitigation detailed in the <b>Framework CEMP [APP-246]</b> is already discussed in <b>RIHRA [APP-253]</b> . Using shrouds on piling equipment is discussed in paragraph 10.2.16 and 10.2.17, of the <b>RIHRA [APP-253]</b> , the 3 m acoustic fence during construction is discussed in paragraph 10.2.12 and 10.2.17 of the <b>RIHRA [APP-253]</b> , while seasonal restriction is discussed in paragraph 10.2.12 and 10.2.17 of the <b>RIHRA [APP-253]</b> where it is identified that the Water Connection Corridor works and Proposed Surface Water Outfall would need to be constructed outside the sensitive period for Dee Estuary SPA / Ramsar, i.e. outside the period of September to March.			Under discussion	
1.22	Direct/indirect impacts and loss of FLL associated to	Appendix 1A: Scoping	<b><u>National Highway's Relevant Representation (RR-026) – NE22</u></b> It remains uncertain whether in -river works will be avoided.	The only 'in river' works proposed are the use of Connah's Quay North for barge deliveries and works in the Water Connection Corridor to the existing cooling water infrastructure. These are both discussed in the <b>RIHRA [APP-253]</b> .			Under discussion	

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	the Dee Estuary SPA and Ramsar site	<b>Report [APP-172]</b>	<p>We advise that potential in-river works be progressed to AA.</p> <p>These activities could negatively affect water quality, reduce feeding resources for birds and directly disturb or displace.</p>	<p>Use of Connah's Quay North is discussed in paragraphs 7.2.6 to 7.2.8 (and further discussed in the Applicant's response to NE14 and NE15). Works in the Water Connection Corridor are discussed in paragraphs 7.2.9 to 7.2.12 of <b>RIHRA [APP-253]</b>. In both cases a conclusion of no LSE has been reached for the reasons set out in those paragraphs. The fact that works will take place within the Dee Estuary SAC / SPA / Ramsar site does not necessarily mean that a LSE will automatically arise, as this depends on the nature of the works. As per paragraph 7.2.10 of <b>RIHRA [APP-253]</b>, access to the infrastructure in the Water Connection Corridor to replace the eel screens and undertake other minor refurbishment would be undertaken at low tide (divers will also be present for safety reasons) while paragraphs 10.2.12 and 10.2.17 of <b>RIHRA [APP-253]</b> both make it clear that the Water Connection Corridor works would be timed to avoid the winter, thus avoiding disturbance of SPA birds.</p>				

## 2.0 Qualifying habitat loss and degradation

2.1	Water quality & water quantity, level and flow impacts at the Dee Estuary SAC, Ramsar site and the River Dee & Bala Lake SAC	<b>Report to inform Habitats Regulations Assessment [APP-253]</b>	<p><b>National Highway's Relevant Representation (RR-026) – NE23</b></p> <p>A number of impact pathways have not progressed to AA and rely on mitigation measures (such as surface water drainage strategies, CEMP and existing consents/permits) to prevent a LSE.</p> <p>Following the People Over Wind ruling by the Court of Justice of the European Union, NE advise amendment to the HRA.</p> <p>Where there is reference to existing permits and consents, we advise pertinent safeguarding details such as duration of consent, locations of consent, if the site is using the full consented volume of water and if any review of consents would be planned for the near future are included.</p> <p>The following activities will require progression to AA:</p> <p>Construction and demolition - Offloading of materials at Connah's Quay North</p>	<p>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). See preceding response (NE22) for confirmation that there will be no refurbishment in the Water Connection Corridor by divers, who are purely there for safety. This, and the fact that works will instead be done by walking over the saltmarsh, is not a mitigation measure introduced to protect Habitats sites but an inherent part of the construction methodology for the Proposed Development.</p> <p>Such measures can be considered during LSE as an integral embedded part of the development design or if it is required to comply with other legislation unrelated to Habitats sites. As noted in paragraph 7.2.35 of <b>RIHRA [APP-253]</b> the Environmental Damage</p>			Under discussion	
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Ref	Subject	Relevant Application Document	Summary of Natural England Comment within their Relevant Representation [RR-026]	Applicant's position	Natural England's Updated Position	Natural England RAG	Status	Likelihood of Resolution
			<p>Water Connection Corridor - Utilisation of existing discharge infrastructure and existing cooling water abstraction within the River Dee subject to further additions and refurbishment</p> <p>Water Connection Corridor - Refurbishment and upgrades by divers and a support boat/barge, with access over the saltmarsh</p> <p>Water Connection Corridor - The proposed surface water outfall including the need to walk across Qualifying saltmarsh</p> <p>Operational Main Development Area – Recirculation of hybrid cooling of both the Combined Cycle Gas Turbine (CCGT) and Carbon Capture Plant (CCP) Operational Main Development Area – Surface water management including contaminant handling and foul water management.</p>	<p>(Prevention and Remediation) (England) Regulations 2015 (<i>and the Environmental Damage (Prevention and Remediation) (Amendment) (Wales) Regulations 2015</i>) 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 <b>RIHRA [APP-253]</b> (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.</p> <p>Similarly, regarding abstraction, the <b>RIHRA [APP-253]</b> confirms that the Applicant will continue to operate within the limits of the existing licence (paragraph 7.3.17 to 7.3.18). Whether the full consented volume of the existing abstraction licence is currently being used is not relevant because the assessments made by NRW when issuing the licence will have assessed the maximum permitted abstraction.</p> <p>Other mitigation measures, such as those secured independently by the requirement for detailed CEMP(s) or a detailed drainage strategy in accordance with the <b>Draft DCO [APP-019]</b> (and not simply where the CEMP repeats a statutory requirement) or which are not covered by consented permits, are not taken into account at the LSE stage and have only been taken into account for the Appropriate Assessment.</p>				
2.2	Direct habitat loss or damage to qualifying habitat within the Dee Estuary SAC and Ramsar site and the River Dee and Bala Lake SAC	<b>Report to inform Habitats Regulations Assessments [APP-253]</b>	<p><b><u>National Highway's Relevant Representation (RR-026) – NE24</u></b></p> <p>Section 10.2.1 details the direct and permanent loss of qualifying saltmarsh habitat at an area of 650m<sup>2</sup>. This habitat is a notified feature of the Dee Estuary SAC and will also support notified bird species associated with the Ramsar site and SPA.</p>	<p>Comments regarding classification of continuing management of the existing SAC / SPA / Ramsar areas within Applicant ownership as mitigation are noted and are being considered.</p> <p>The managed retreat of existing defences south of the existing Connahs Quay Power Station are considered mitigation in this case</p>			Under discussion	

Ref	Subject	Relevant Application Document	Summary of Natural England Comment within their Relevant Representation [RR-026]	Applicant's position	Natural England's Updated Position	Natural England RAG	Status	Likelihood of Resolution
			<p>Habitat management would not be sufficient to address concerns as this would likely infer compensation and be a requirement of the IROPI opinion (Imperative Reasons of Public Interest) in which the appropriate stages of the HRA must be progressed to.</p> <p>Measures to address impacts should also function to the benefit of the bird species.</p>	<p>for the reasons set out in paragraph 10.2.10 of <b>RIHRA [APP-253]</b> <i>'Setting back the embankment would reduce long-term losses of saltmarsh in the Dee Estuary due to coastal squeeze and thus ensure no net loss of grass dominated SM16 or SM28 saltmarsh in the Dee Estuary by enabling the saltmarsh in the existing area to expand landwards. Provided this is done before the existing area of saltmarsh is lost it would allow the saltmarsh (which would be a naturally shifting community without hard defences) to move naturally inland to a greater extent by managed realignment than the loss due to the new outfall and therefore avoid a net loss. It would therefore not conflict with the conservation objectives regarding extent or proportions. This is considered to offset the impact on saltmarsh rather than represent 'compensation' in the context of the Habitats Regulations. With these measures in place, no adverse effect on the integrity of the SAC / SPA / Ramsar site'.</i></p> <p>Given the managed retreat to offset this impact is within the Dee Estuary only 1.5km upstream of the area of loss, and would enable the persistence of an existing area of saltmarsh similar to that which will be lost but of larger extent, for a much longer period than would be the case without the managed retreat, it is considered appropriate and would be used by SPA bird species just as the existing saltmarsh that would retreat is used.</p> <p>The Applicant notes from NRW's RR <b>[RR-027]</b> that <i>'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'.</i></p> <p>In response to the <b>Procedural Decision [PD-006]</b> dated 25 November 2025, the Applicant has prepared and submitted a <b>Notice of a proposed without prejudice Habitats</b></p>				

Ref	Subject	Relevant Application Document	Summary of Natural England Comment within their Relevant Representation [RR-026]	Applicant's position	Natural England's Updated Position	Natural England RAG	Status	Likelihood of Resolution
				<b>Regulations Assessment (HRA) derogation in 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.				
2.3	Direct habitat loss or damage to qualifying habitat within the Dee Estuary SAC, Ramsar site and the River Dee and Bala Lake SAC	<b>Report to inform Habitats Regulations Assessments [APP-253]</b>	<b><u>National Highway's Relevant Representation (RR-026) – NE25</u></b> The HRA does not include details of the management agreement of the saltmarsh associated with the development. It is unknown if this compensation/mitigation is feasible at this stage.	<p>Since the proposal involves continuing existing management, already agreed with NRW through the existing Conservation Areas Management Plan, there is a high level of confidence that it would be feasible.</p> <p>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> <p>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 would otherwise be lost to sea-level rise in the long-term.</p>			Under discussion	
2.4	Qualifying habitat loss and degradation Water Quantity, Level and Flow impacts to the Dee	<b>Report to inform Habitats Regulations Assessments</b>	<b><u>National Highway's Relevant Representation (RR-026) – NE26</u></b> LSEs are screened out of further assessment as the Site Improvement Plan for the Dee Estuary does not identify change in water quantity, level and flow as threat to site	The <b>RIHRA [APP-253]</b> prepared by the Applicant states that ' <i>With the Dee General Directions in place no additional water supplies beyond existing consents and licensed volumes would be required for the Proposed Development</i> ' (paragraph 7.2.42). It also notes that the Applicant is not proposing to amend			Under discussion	

Ref	Subject	Relevant Application Document	Summary of Natural England Comment within their Relevant Representation [RR-026]	Applicant's position	Natural England's Updated Position	Natural England RAG	Status	Likelihood of Resolution
	Estuary SAC, Ramsar site	nt [APP-253]	integrity as it is a tidal ecosystem. Natural England do not concur. We would expect details of change in use and potential changes to hydrological regime, flow and velocity, including water chemistry, impact on sedimentation and water temperature to support the assessment.	the existing abstraction licence and permitted discharge limits controlled via the environmental permit (paragraphs 7.3.17 and 7.3.18). Since the existing abstractions have not been put forward for revision, the Applicant is not changing the existing baseline, and that baseline has been deemed acceptable through the grant of the existing environmental permit.				
2.5	Qualifying habitat loss and degradation Water quality & water quantity, level and flow impacts at the Dee	Report to inform Habitats Regulations Assessment [APP-253]	<p><b><u>National Highway's Relevant Representation (RR-026) – NE27</u></b></p> <p>The HRA does not identify LSE to benthic habitats and coastal geomorphology at designated sites.</p> <p>This requires consideration, both alone and in - combination during all stages of the scheme.</p> <p>There is the potential for increased disturbance to bed and banks morphology associated with vessels movement – e.g. vessel wake – and barges left to ground out on the riverbed at low tide with consequent direct footprint and potential scour from tidal flows interacting between seabed and boat surfaces.</p> <p>Assessment should consider not only the soft sediment habitats that characterise much of the area but also the morphology of the seabed and potential for habitat recovery.</p> <p>Although the impact of offloading may be moderate and result in no LSE on the River Dee and Bala Lake SAC, the cumulative impacts with other activities associated with the development or other projects in the estuary may not be negligible</p> <p>Surface water drainage including sediment laden run -off must be adequately assessed during construction, demolition and operational phases.</p>	<p>During construction, approximately 60 barge operations are anticipated over a 12 month period at Connah's Quay North. In reality, the number of operations would be less than this as the Applicant would also seek to utilise the existing port facilities at Port of Mostyn and Ellesmere Port. Each barge would ground at low tide, remaining in contact with the intertidal sediments only for the duration of a single tidal cycle (typically a few hours) before refloating on the subsequent tide. Based on published tide-time data for the River Dee at Chester, the estuary experiences two low waters per 24-hour period (approximately every 12 hours), therefore, the proposed barge use represents only a small fraction of available low-tide windows.</p> <p>Temporary physical interaction between the barge hulls and the seabed may cause minor, short-term disturbance or localised compression of sediments. However, the soft, mobile sediments that characterise the intertidal area are naturally subject to regular reworking by tidal and wave action, giving them a high capacity for recovery from such disturbance. Although this level of use would be greater than current activity at the quay, the spatial extent of contact and the duration of each event remain very limited.</p> <p>The River Dee and Dee Estuary is a highly dynamic system in which natural erosion, deposition and sediment transport processes continually reshape the intertidal and subtidal zone. In this context, the additional disturbance from barge movements is expected to be brief, localised and minimal (well within the range of</p>			Under discussion	

Ref	Subject	Relevant Application Document	Summary of Natural England Comment within their Relevant Representation [RR-026]	Applicant's position	Natural England's Updated Position	Natural England RAG	Status	Likelihood of Resolution
				<p>natural variability). Given the limited frequency and scale of activity, and noting that other developments considered are predominantly terrestrial in nature and not likely reliant on vessel operations, no LSEs are predicted to any qualifying features of the River Dee and Bala Lake SAC.</p> <p>Surface water runoff during construction will be managed in accordance with the <b>Framework CEMP [APP-246]</b> and during operation would be managed in accordance with the <b>Outline Surface Water Drainage Strategy [APP-213]</b>. Please also see further details provided in response to NRW46.</p> <p>Connah's Quay North is in the Welsh part of the SAC. NRW has not expressed any disagreement with the Applicant's assessment of impacts from activities at Connah's Quay North on River Dee &amp; Bala Lake SAC in their RR [RR-027].</p>				
2.6	Qualifying habitat loss and degradation Direct habitat loss within the Dee Estuary SAC and Ramsar site	<b>Report to inform Habitats Regulations Assessment [APP-253]</b>	<p><b><u>National Highway's Relevant Representation (RR-026) – NE28</u></b></p> <p>Natural England do not concur that mitigation can be applied to the direct loss of saltmarsh. We also raise concerns that the proposal seeks to extend the duration of existing habitat management under mitigation proposals.</p> <p>Natural England advise that landowners are required to maintain land designated as a SSSI in favourable condition in line with the requirements of S28 of the Wildlife and Countryside Act 1981 (as amended).</p>	<p>This matter has been addressed in the Applicant's response to NE24.</p> <p>The Applicant notes that landowners are required to maintain land designated as SSSI in favourable condition. The Applicant understands Natural England's point to be that the Applicant would be required to continue the existing management of the Connah's Quay Conservation Areas throughout the lifetime of the Proposed Development to comply with the WCA 1981 and therefore this is not mitigation for the loss of saltmarsh. The Applicant notes that even if the continued management of the Conservation Areas was disregarded, the setback of flood defences south of the existing power station would still be sufficient as it would enable far more habitat to persist in the face of sea level rise than would be lost to the new outfall.</p>			Under discussion	
2.7	Qualifying habitat loss and degradation	<b>Report to inform Habitats Regulations</b>	<b><u>National Highway's Relevant Representation (RR-026) – NE29</u></b>	The figure of 650 m <sup>2</sup> is temporary loss associated with the installation of connection of the drainage network from within the Main Development Area to the proposed outfall. This			Under discussion	

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	Direct habitat loss or damage to qualifying habitat within Dee Estuary SAC, Ramsar site and SPA and the River Dee and Bala Lake SAC	s <b>Assessme nt [APP-253]</b>	<p>It is not clear how the conclusion of no erosion at the outfall is assessed and whether this was the outcome of modelling considering the type of sediment and design of the structure.</p> <p>The new surface water outfall design has not yet been finalised, the figure of 650m<sup>2</sup> for saltmarsh loss during construction of the new outfall should be justified and related to the dimensions of the structures to be created/refurbished. This figure should also include any area affected not only by the scouring effect of the discharge of water from the outfalls, but also by potential scour due to tidal flows around the structures.</p>	<p>area is based on the dimensions of the expected construction footprint as shown within the Order limits. It is therefore worst-case as it cannot go beyond the Order limits. The permanent loss associated with the with the proposed headwall structure is in the region of 5 m<sup>2</sup> but is subject to detailed design.</p> <p>The assessment does not include scour losses because as detailed in paragraph 10.2.2 of the <b>RIHRA [APP-253]</b>, no scour losses are expected. The erosion assessment was a qualitative assessment made by a coastal process specialist, as modelling was not considered necessary. The conclusion is based on the fact (as noted in paragraph 10.2.2 of the <b>RIHRA [APP-253]</b>) that velocities are not high enough to cause scour erosion around the new outfall. The Applicant undertook a walkover survey on the 23<sup>rd</sup> January 2026 to validate this position. The findings of this will be reported at Deadline 2.</p> <p>It is highly standard that the detailed design process for DCOs does not start until after consent is granted, and if development consent is granted based on a temporary loss of 650 m<sup>2</sup> the contractors would need to work within these parameters. Section 2.13 of the <b>Framework CEMP [APP-246]</b> provides further details on mitigation measures specific to the Surface Water Outfall Area within which these works would take place.</p> <p>The area of managed retreat to offset losses of saltmarsh is much larger than the temporary and permanent losses combined so would address any lag time in restoration of saltmarsh post-construction.</p> <p>It should be noted that no works are proposed in River Dee &amp; Bala Lake SAC, hence direct habitats loss associated with this site are not assessed in the <b>RIHRA [APP-253]</b>.</p>				
2.8	Water quality & water quantity, level	<b>Appendix 1A:</b>	<b><u>National Highway's Relevant Representation (RR-026) – NE30</u></b>	This matter has been acknowledged in the Applicant's response to NE29. The erosion			Under discussion	

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	and flow impacts at the Dee Estuary SAC and Ramsar site	<b>Scoping Report [APP-172]</b>	<p>A general model of the hydrodynamics and sediment dynamics of the study area has been carried out, but not one specific to the impact of the outfall flows on the morphology of the saltmarsh.</p> <p>Further modelling is proposed in 14.5.2 but subject to temporary works in the river. This does not currently provide sufficient evidence to conclude no LSE within the HRA.</p>	assessment was a qualitative assessment made by a coastal process specialist, as modelling was not considered necessary. The conclusion is based on the fact (as noted in paragraph 10.2.2 of the <b>RIHRA [APP-253]</b> ) that velocities are not high enough to cause scour erosion around the new outfall.				
2.9	Water quality & water quantity, level and flow impacts at the Dee Estuary SAC and Ramsar site	<b>Appendix 1A: Scoping Report [APP-172]</b>	<p><b><u>National Highway's Relevant Representation (RR-026) – NE31</u></b></p> <p>During operation, temporary increases in SSC sediment deposition may occur from potential maintenance dredging, potentially leading to contaminant mobilisation turbidity.</p> <p>The operational impacts of sediment deposition and dredging requirements has not been discussed within the HRA</p>	There is no dredging proposed as part of the construction or operation of the Proposed Development. For this reason, dredging has not been discussed or assessed in the <b>RIHRA [APP-253]</b> .			Under discussion	
2.10	Water quality & water quantity, level and flow impacts at the Dee Estuary SAC and Ramsar site	<b>Appendix 14B: Land Contamination Methodology [APP-217]</b>	<p><b><u>National Highway's Relevant Representation (RR-026) – NE32</u></b></p> <p>We do not support accidental immobilisation of contaminants into the designated water sites.</p> <p>Contaminated land should be identified as a LSE within the HRA. Progression to AA is required.</p>	<p><b>Appendix 14-B: Land Contamination Methodology [APP-217]</b> is a methodology document. The relevant assessment is presented <b>Chapter 14: Geology and Ground Conditions [APP-052]</b>. Paragraph 14.6.10 of <b>Chapter 14: Geology and Ground Conditions [APP-052]</b> states: 'To summarise the assessment presented in Appendix 14-C: Potential Areas of Contamination and Further Risk and Impact Assessment (EN010166/APP/6.4), there are no significant effects assessed for the construction of the Proposed Development', while paragraph 14.6.13 states that 'To summarise the assessment presented in Appendix 14-C: Potential Areas of Contamination and Further Risk and Impact Assessment (EN010166/APP/6.4), there are no significant post-construction (i.e. remediation) effects; effects are considered to be negligible to minor beneficial (not significant).' Therefore, no actual leaching of contamination is expected. Since remediation or containment of contaminants would be a legal requirement even if there were no Habitat sites involved,</p>			Under discussion	

Ref	Subject	Relevant Application Document	Summary of Natural England Comment within their Relevant Representation [RR-026]	Applicant's position	Natural England's Updated Position	Natural England RAG	Status	Likelihood of Resolution
				<p>this does not need taking forward to Appropriate Assessment</p> <p>The Order limits are entirely within Wales. NRW has not raised any concern over this issue in their RR [RR-027].</p>				
2.1 1	Water quality & water quantity, level and flow impacts at the Dee Estuary SAC, Ramsar site and SPA and River Dee and Bala Lake SAC	[APP-037] Environmental Statement Non-Technical Summary (NTS)	<p><b>National Highway's Relevant Representation (RR-026) – NE33</b></p> <p>The potential for major accidents and disasters has not been discussed within the HRA.</p>	<p>The RIHRA [APP-253] considers the reasonably foreseeable implications of delivering the Proposed Development at Connah's Quay such as through pollution. Major accidents and disasters can occur at any power station or construction site but are not covered in the HRAs for those projects because they are not a planned or expected outcome of operation of the Proposed Development.</p> <p><b>Chapter 22: Major Accidents and Disasters [APP-060]</b> identifies legislation relevant to the control of major accidents and disasters and demonstrates all major accident and disaster risk events would be tolerable or tolerable-if as low as reasonably practicable (ALARP) and therefore the residual effects are Not Significant.</p>			Under discussion	
2.1 2	Water quality & water quantity, level and flow impacts at the Dee Estuary SAC, Ramsar site and SPA and River Dee and Bala Lake SAC	Report to inform Habitats Regulations Assessments [APP-253]	<p><b>National Highway's Relevant Representation (RR-026) – NE34</b></p> <p>We support embedded mitigation such as precautionary methods of vegetation clearance, a minimum of 30 m ecological safeguard zones for all construction laydown areas, for the protection of sensitive habitats/species occupying the Dee Estuary.</p> <p>Additional sediment control measures will be in place around the Kelsterton Brook/Old Rockcliffe Drain culvert.</p> <p>The HRA may require amendment to clearly state these measures will be provided</p>	<p>This representation is noted and no further action is required as these measures are secured by Requirement 4 (Construction Environmental Management Plan) of the <b>Draft DCO [APP-019]</b>. The <b>Commitments Register [APP-251]</b> provides further information on securing mechanisms for each individual commitment made by the Applicant.</p>			Agreed	
<b>3.0 Air quality and aerial pollutants</b>								
3.1	Air quality and aerial pollutants	Report to inform Habitats	<b>National Highway's Relevant Representation (RR-026) – NE35</b>	Natural England's concerns were addressed in the main text of <b>Chapter 8: Air Quality [APP-046]</b> . Table 8-5 provides a response to each of			Under discussion	

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	Atmospheric pollution at internationally designated sites	<b>Regulations Assessment [APP-253]</b>	<p>There remain outstanding concerns from our previous statutory engagement on the PEIR document.</p> <p>We advise further information is still required for:</p> <p>Clarity on the distance and screening thresholds for all sources (traffic and agricultural), both alone and in -combination</p> <p>Assessment of backup or auxiliary power provisions</p> <p>The correct application of critical loads and levels</p> <p>Impacts on supporting habitat</p> <p>The Emission Factor Toolkit does not recommend projecting figures beyond 2030. The explanation of emissions assumed from 2034 is not provided.</p>	Natural England's comments in relation to air quality. For example, the last version of the Emission Factor Toolkit (v13) states projections until 2040 can be used.				
3.2	Atmospheric pollution at the River Dee and Bala Lake SAC	<b>Report to inform Habitats Regulations Assessment [APP-253]</b>	<p><b><u>National Highway's Relevant Representation (RR-026) – NE36</u></b></p> <p>Air quality assessment must consider expanding populations of <i>Luronium natans</i>.</p> <p>Consideration of NH3 and NOx critical levels for the floating vegetation of the watercourses ('Water courses of plain to montane levels with the <i>Ranunculus fluitans</i> and <i>Callitriche</i> - <i>Batrachium</i> vegetation') is also not evidenced.</p> <p>We do not support the screening conclusion that the species is only found in Bala Lake as aerial pollutants must not compound the ability for this species to colonise new areas.</p> <p>As the assessment has not considered all Qualifying features, it is not possible to exclude LSE from construction impacts on the River Dee and Bala Lake SAC based on the information provided within the HRA documents.</p>	<p>Paragraph 7.2.56 of the <b>RIHRA [APP-253]</b> makes it clear the critical levels for ammonia and NO<sub>x</sub> would not be exceeded at this SAC alone or in combination. This is true during both construction and operation of the Proposed Development. The only interest feature of this SAC which is identified on Air Pollution Information System (APIS) as being sensitive to nitrogen deposition is <i>Luronium natans</i>. However, <i>Luronium natans</i> is known to be confined to Bala Lake and associated slow flowing sections of the River Dee, approximately 50 km from the stretch of River Dee relevant to the Proposed Development, and much further than this following the river meanders. In subsequent comments, Natural England indicates the Applicant should assume <i>Luronium natans</i> may spread through the river system, but this is unrealistic; the lower stretches of the River Dee are of an entirely different character to the upper stretches and apart from being too far from the existing populations for colonization, are also too fast flowing for the species to establish.</p> <p>The River Dee / Afon Dyfrdwy SSSI Restoration Technical Report concludes that the Lower Dee has "<i>Limited suitable habitat</i></p>			Under discussion	

Ref	Subject	Relevant Application Document	Summary of Natural England Comment within their Relevant Representation [RR-026]	Applicant's position	Natural England's Updated Position	Natural England RAG	Status	Likelihood of Resolution
				<p>present in areas of slower flows. High turbidity may be a limiting factor".</p> <p><i>Luronium natans</i> is well documented (e.g. in the Natural Resource Wales Core Management Plan including Conservation Objectives for Afon Tywi / River Tywi SAC as being confined to Bala Lake and associated slow flowing sections of the River Dee.</p> <p>The Applicant notes that NRW have not disagreed with screening out the SAC in their RR [RR-027].</p>				
3.3	Atmospheric pollution at the Mersey Estuary Ramsar site and SPA	Report to inform Habitats Regulations Assessment [APP-253]	<p><b>National Highway's Relevant Representation (RR-026) – NE37</b></p> <p>There is no assessment of potential impacts to the Mersey Estuary Ramsar site and SPA.</p> <p>It is not possible to exclude LSE at this stage in the absence of evidence.</p>	Paragraphs 7.3.36 and 7.3.37 of the <b>RIHRA [APP-253]</b> discuss air quality impacts on Mersey Estuary SPA / Ramsar from operation but not construction or demolition. This is because no part of the Affected Road Network is within 200m of the SPA.			Under discussion	
3.4	Atmospheric pollution at the Dee Estuary SAC, Ramsar site and SPA	Report to inform Habitats Regulations Assessment [APP-253]	<p><b>National Highway's Relevant Representation (RR-026) – NE38</b></p> <p>Ammonia, nitrogen and acid deposition arising from construction traffic must progress to AA.</p> <p>The study area is shown in Figure 8.1 EN010166 -000452 – ES Chapter 8: Air Quality (Rev 00) (Chapter 8) but it is unclear that this includes all roads where there would be a pollution change of &gt;1% of the critical level or load, or which roads were screened in as having &gt;500AADT as outlined in Table 1 Appendix 8C/ para 8.3.12.</p> <p>It is therefore not considered that sufficient evidence has been provided to exclude AEOI to this protected site arising from construction impacts.</p>	There are no Habitat sites within 200m of the Affected Road Network other than Dee Estuary SAC / SPA / Ramsar and River Dee & Bala Lake SAC, which have been discussed in the <b>RIHRA [APP-253]</b> .			Under discussion	
3.5	Air quality and aerial pollutants Atmospheric pollution at the River Dee and Bala Lake SAC	Report to inform Habitats Regulations Assessment	<p><b>National Highway's Relevant Representation (RR-026) – NE39</b></p> <p>It is not possible to exclude LSE on the River Dee and Bala Lake SAC from impacts of nitrogen deposition due to in - combination effects and existing background levels.</p>	Paragraph 7.2.56 of the <b>RIHRA [APP-253]</b> makes it clear the critical levels for ammonia and NOx would not be exceeded at this SAC alone or in combination. This is true during both construction and operation. The only interest feature of this SAC which is identified on APIS as being sensitive to nitrogen			Under discussion	

Ref	Subject	Relevant Application Document	Summary of Natural England Comment within their Relevant Representation [RR-026]	Applicant's position	Natural England's Updated Position	Natural England RAG	Status	Likelihood of Resolution
		nt [APP-253]	An AA has not been undertaken in relation to River Dee and Bala Lake SAC, but is required for nitrogen deposition and possibly ammonia.	<p>deposition is <i>Luronium natans</i>. However, <i>Luronium natans</i> is known to be confined to Bala Lake and associated slow flowing sections of the River Dee, approximately 50 km from the stretch of River Dee relevant to the Proposed Development as the crow flies, and much further than this following the river meanders. In subsequent comments, Natural England indicates the Applicant should assume <i>Luronium natans</i> may spread through the river system, but this is unrealistic; the lower stretches of the River Dee are of an entirely different character to the upper stretches and apart from being too far from the existing populations for colonization, are also too fast flowing for the species to establish.</p> <p>The River Dee / Afon Dyfrdwy SSSI Restoration Technical Report concludes that the Lower Dee has “<i>Limited suitable habitat present in areas of slower flows. High turbidity may be a limiting factor</i>”.</p> <p><i>Luronium natans</i> is well documented (e.g. in the Natural Resource Wales Core Management Plan including Conservation Objectives for Afon Tywi / River Tywi SAC) as being confined to Bala Lake and associated slow flowing sections of the River Dee.</p> <p>The Applicant notes that NRW have not disagreed with screening out the SAC in their RR [RR-027].</p>				
3.6	Atmospheric pollution at internationally designated sites in - combination with other plans and projects	Report to inform Habitats Regulations Assessments [APP-253]	<p><b>National Highway's Relevant Representation (RR-026) – NE40</b></p> <p>Clarity is needed in regard to the in - combination assessment and sources of emissions considered.</p> <p>The in -combination assessment is unclear (cumulative PCs are included in appendix 8D for NOx, Ndep and acid dep, but not ammonia) – and whether the scope of in - combination projects is complete.</p>	In-combination ammonia from operational traffic wasn't presented in isolation within <b>Chapter 8: Air Quality [APP-046]</b> , or <b>Appendix 8D: Air Quality Operational Assessment [APP-183]</b> . In the Change Report, to be submitted at Deadline 3, these impacts will be presented in isolation.			Under discussion	

Ref	Subject	Relevant Application Document	Summary of Natural England Comment within their Relevant Representation [RR-026]	Applicant's position	Natural England's Updated Position	Natural England RAG	Status	Likelihood of Resolution
			<p>keywords used in planning portal/ Permit searches should be provided to ensure the scope is sufficient.</p> <p>It is unclear if agricultural sources of emissions and traffic emissions from potential but not committed developments such as allocations in local plans have been considered. It is recommended that a live register of plans and projects is maintained. This includes Enfinium Deeside Energy from Waste Plan and HyNet - related point sources (e.g. other CCPs) within 15 km to assist in an updated assessment.</p>					
3.7	Atmospheric pollution at the Dee Estuary SAC, SPA and Ramsar site	Report to inform Habitats Regulations Assessment [APP-253] Report to inform Habitats Regulations Assessment [APP-253]	<p><b><u>National Highway's Relevant Representation (RR-026) – NE41</u></b></p> <p>Clarity is needed in regard to the in - combination assessment and sources of emissions considered.</p> <p>The project alone would generate a PC of 1.5% of the Nitrogen deposition critical load and 2.4% in combination, so an LSE was identified.</p> <p>Table 35 of Appendix 8D shows that the contribution of the Proposed Development to ammonia at receptor OE2 (Dee Estuary) would represent 2% of the lowest critical level for the SAC of 1µg/m3.</p> <p>Assuming the higher critical level (3µg/m3) it would contribute 0.67% alone (not 0.3% as stated in the Section 7.3.33).</p>	<p>The only notable source of ammonia within the grid square used for background ammonia is the A548 Weighbridge road, which runs along the southern edge of the square. It would be reasonable to assume background concentrations of ammonia are homogenous across the remainder of the square.</p> <p>The background ammonia concentrations will be updated in the Change Report, with the latest value from APIS being 1.9 µg/m<sup>3</sup> for the same grid square.</p> <p>With regard to the typographical error, the Applicant acknowledges that the contribution of the development alone is 0.67% not 0.3%, although the Applicant also notes this would not change the conclusion of the analysis. Nonetheless, since the air quality modelling is being amended for the Change Report this can be corrected in a future update to the RIHRA to be submitted at Deadline 3.</p>			Under discussion	
3.7	Atmospheric pollution at the River Dee and Bala Lake SAC	Report to inform Habitats Regulations Assessment [APP-253]	<p><b><u>National Highway's Relevant Representation (RR-026) – NE42</u></b></p> <p>It is not possible to exclude LSE on the River Dee and Bala Lake SAC from impacts of nitrogen deposition based on the information provided within the HRA documents.</p> <p>LSE from operational ammonia at this receptor can also not be excluded.</p>	<p>Paragraph 7.2.56 of the <b>RIHRA [APP-253]</b> makes it clear the critical levels for ammonia and NOx would not be exceeded at this SAC alone or in combination. This is true during both construction and operation. The only interest feature of this SAC which is identified on APIS as being sensitive to nitrogen deposition is <i>Luronium natans</i>. However, <i>Luronium natans</i> is known to be confined to Bala Lake and associated slow flowing sections of the River Dee, approximately 50</p>			Under discussion	

Ref	Subject	Relevant Application Document	Summary of Natural England Comment within their Relevant Representation [RR-026]	Applicant's position	Natural England's Updated Position	Natural England RAG	Status	Likelihood of Resolution
			<p>Assessment is available in Appendix 8D which indicates that in - combination impacts at receptor OE10 (project alone, traffic impacts and cumulative added together) could be over 1% of the Ndep critical load (0.14kgN/ha/yr which is approx. 1.4% of the 10kgN/ha/yr critical load – Table 36).</p> <p>Ammonia was modelled at approx. 0.02µg/m3 which is 0.67% of the 3µg/m3 critical level. As outlined for Dee Estuary below, uncertainty in the in -combination ammonia emissions and the comparatively high ammonia concentrations in the area (2.4µg/m3 at receptor OE10) means that, in the absence of further evidence.</p>	<p>km from the stretch of River Dee relevant to the Proposed Development as the crow flies, and much further than this following the river meanders. In subsequent comments, Natural England indicates the Applicant should assume <i>Luronium natans</i> may spread through the river system, but this is unrealistic; the lower stretches of the River Dee are of an entirely different character to the upper stretches and apart from being too far from the existing populations for colonization, are also too fast flowing for the species to establish.</p> <p>The River Dee / Afon Dyfrdwy SSSI Restoration Technical Report concludes that the Lower Dee has “<i>Limited suitable habitat present in areas of slower flows. High turbidity may be a limiting factor</i>”.</p> <p><i>Luronium natans</i> is well documented (e.g. in the Natural Resource Wales Core Management Plan including Conservation Objectives for Afon Tywi / River Tywi SAC) as being confined to Bala Lake and associated slow flowing sections of the River Dee.</p> <p>The Applicant notes that NRW have not disagreed with screening out the SAC in their RR [RR-027].</p>				
3.8	Atmospheric pollution at the Mersey Estuary Ramsar site and SPA	Report to inform Habitats Regulations Assessments [APP-253]	<p><b>National Highway's Relevant Representation (RR-026) – NE43</b></p> <p>Consideration of the sensitivity of the bird species associated with the SPA and Ramsar site would be relevant within an AA – but not at the screening stage.</p> <p>The screening assessment should be based on the PC modelled at the receptor (in this case OE6). Tables 33, 35, 36 and 38 in Appendix 8D indicate these would be 0.1% for NOx, 0.2% for ammonia, 0.4% for Ndep and 0.3% acid dep from the project alone.</p>	There is no requirement in law for information about the sensitivity of the qualifying features of a Habitat site to be excluded from consideration at the HRA screening stage of the HRA process.			Under discussion	
3.9	Atmospheric pollution at the Dee	Report to inform Habitats	<b>National Highway's Relevant Representation (RR-026) – NE44</b>	As per paragraph 10.2.25 and 10.2.26 of the RIHRA [APP-253] the Applicant considers that			Under discussion	

Ref	Subject	Relevant Application Document	Summary of Natural England Comment within their Relevant Representation [RR-026]	Applicant's position	Natural England's Updated Position	Natural England RAG	Status	Likelihood of Resolution
	Estuary SAC, Ramsar site, SPA	<b>Regulations Assessment [APP-253]</b>	<p>The assessment has not addressed the Conservation Objectives of the Dee Estuary or whether this addition would undermine these.</p> <p>It is accepted that the addition is small given the extent of saltmarsh in the estuary, but it is unclear whether such addition would adversely impact on the integrity of the site. For example, if the upper saltmarsh (nearer the road) is more botanically diverse than pioneer saltmarsh (which is more frequently inundated) or supports qualifying species of the SPA, addition of pollutant to this area may have an adverse effect not directly related to its area.</p> <p>The 5 -year construction period may also delay any ongoing decline in Ndep in the area.</p> <p>Consideration of the impact on saltmarsh indicated that the proposed development alone would result in increased Ndep (&gt;1%) on 1.3ha of protected habitat from construction impacts. In -combination impacts would be assumed to act in addition to this.</p>	<p>they have clearly justified why no LSE would arise:</p> <p><i>'This would affect approximately 1.3 ha of saltmarsh or 0.008% of saltmarsh in the SAC. However, the following factors and characteristics that counteract negative ecological impacts must be taken into account:</i></p> <ul style="list-style-type: none"> <li><i>• The small (though not imperceptible) impact;</i></li> <li><i>• The fact that some saltmarsh in this area would be pioneer saltmarsh less susceptible to nitrogen deposition;</i></li> <li><i>• The fact that less than 0.01% of saltmarsh in the SAC would be affected and this would be a qualitative effect rather than loss of saltmarsh and may not arise at all in practice due to other confounding factors such as management and tidal inundation regime;</i></li> <li><i>• The fact that the effect would be temporary. Although not short-term, construction would last approximately five years but the worst-case data reported above are for the worst-case construction year not the entire construction period; and</i></li> <li><i>• The fact that long-term nitrogen deposition over decades is generally more of a concern than shorter-term changes in deposition.</i></li> </ul> <p><i>Therefore, it is considered that this would not constitute an adverse effect on the integrity of the Dee Estuary / Aber Dyfrdwy SAC / SPA / Ramsar site'.</i></p> <p>Moreover, the affected area of Dee Estuary SAC / SPA / Ramsar site is in Wales (adjacent to the A548) and NRW have not expressed any disagreement with the assessment of construction period air quality impacts on this Habitats site in their RR [RR-027].</p>				
3.10	Atmospheric pollution at the Dee Estuary SAC, Ramsar site, SPA	<b>Report to inform Habitats Regulations Assessment</b>	<p><b><u>National Highway's Relevant Representation (RR-026) – NE45</u></b></p> <p>The AA focusses on nitrogen deposition only, with modelling indicating 445 ha of saltmarsh would be subject to 'in - combination' nitrogen deposition above 1% of the critical load.</p>	Regarding ammonia, even allowing for localised spatial variation, ammonia concentrations are forecast to be below the critical level for the relevant habitat (saltmarsh) alone or in combination with other plans or projects (paragraph 7.3.33 of the <b>RIHRA</b>			Under discussion	

Ref	Subject	Relevant Application Document	Summary of Natural England Comment within their Relevant Representation [RR-026]	Applicant's position	Natural England's Updated Position	Natural England RAG	Status	Likelihood of Resolution
		nt [APP-253]	<p>Ammonia is just below the critical level in the 1km square containing the identified receptor point OE2 (2.6µg/m3) based on APIS data.</p> <p>As ammonia concentrations are spatially variable, it is likely that some points in the grid square are higher than the critical level. It is therefore considered that ammonia should be addressed in the operational AA, given uncertainty of emissions in the area.</p> <p>It is unclear what area within the entirety of the protected site would be affected and whether this would have the potential for expansion of the qualifying saltmarsh or potentially more sensitive habitats, as well as this habitat supporting qualifying bird species.</p>	<p>[APP-253]. Therefore, there is no mechanism for a LSE to occur.</p> <p>Process Contribution at OE2 was reported as an annual mean ammonia concentration of 0.02 µg/m³ which is equivalent to 0.7% of the critical level value. The 2.6 µg/m³ background is 13% below the critical level value, and the additional 0.7% would not place achievement of the critical level at risk. The Applicant has reached a professional judgement that a LSE is unlikely to occur and would expect the information before Natural England to enable them to do the same.</p>				
3.1 1	Air quality and aerial pollutants Atmospheric pollution at the Dee Estuary SAC, Ramsar site, SPA	Chapter 8: Air Quality [APP-046]	<p><b>National Highway's Relevant Representation (RR-026) – NE46</b></p> <p>Ammonia concentrations were over 1% at OE2 (Dee Estuary) (and OE11 a SSSI entirely in Wales) in FEED 1. The assessment of the Dee estuary for FEED1 is in Ch 11. Table 8.19 indicates that ammonia concentrations at the Dee Estuary under the FEED 2 scenario (alone) was 1.4% – which contradicts the statement in para 8.6.39 that it was less than 1% (and only non - statutory sites exceeded 1%).</p> <p>This should be clarified. It may be that the most affected site was actually non statutory OE30, as in Table 8.20, rather than OE2 as stated .</p>	<p>The Applicant can confirm that in <b>Chapter 8: Air Quality [APP-046]</b> assessment the value of 1.4% for the FEED 2 scenario was correct and that there was a typographical error in the accompanying text.</p> <p>These calculations will be superseded by the Change Report to be submitted at Deadline 3.</p>			Under discussion	
3.1 2	Atmospheric pollution at the Dee Estuary SAC, Ramsar site, SPA	Report to inform Habitats Regulations Assessments [APP-253]	<p><b>National Highway's Relevant Representation (RR-026) – NE47</b></p> <p>Mitigation is suggested to extend the duration of positive management of the saltmarsh and other habitats within the approximately 26 ha Connah's Quay Conservation Areas for the lifetime of the Proposed Development, or in perpetuity (80 years) whichever is the shorter. This would include management to create an approximately 1,200m<sup>2</sup> area of retreat to allow natural migration inland of SAC saltmarsh.</p>	<p>The Applicant considers that this matter has been addressed in their response to NE24.</p>			Under discussion	

Ref	Subject	Relevant Application Document	Summary of Natural England Comment within their Relevant Representation [RR-026]	Applicant's position	Natural England's Updated Position	Natural England RAG	Status	Likelihood of Resolution
			<p>Whilst this is welcomed, the assessment does not justify why this is mitigation rather than compensation (i.e. it will not prevent potential loss/ damage to the habitat directly affected by nitrogen addition), or which aspect of the nitrogen addition it would mitigate against. It also is unclear whether it would address any impact in the English section of the protected site, which falls in Natural England's remit.</p>					
3.1 3	Atmospheric pollution at internationally designated sites	<b>Chapter 8: Air Quality [APP-046]</b>	<p><b><u>National Highway's Relevant Representation (RR-026) – NE48</u></b></p> <p>It is noted that the impact is assessed as both the proposed development against the current baseline, and secondly having regard to the "removed" contributions from the current Connah's quay power station (as a future baseline).</p> <p>For clarity, NE comments are based only on the PC/ in combination PC values presented in the AQ appendices, and not the "change" values.</p> <p>The impact should be assessed against the current (APIS or monitored) baseline. The removal of existing emissions would be an in -combination consideration (i.e. a "post APIS" project that could overlap spatially and temporally with the proposed development).</p>	<p>The <b>RIHRA [APP-253]</b> assessment took no account of the 'change' values since the improvement from the closure of the existing Connah's Quay Power Station on Habitats sites is generally small. Therefore, the <b>RIHRA [APP-253]</b> has been precautionary and in line with Natural England's advice.</p>			Under discussion	
3.1 4	Atmospheric pollution (dust) at the Dee Estuary SAC, Ramsar site, SPA & the River Dee and Bala Lake SAC	<b>Report to inform Habitats Regulations Assessments [APP-253]</b>	<p><b><u>National Highway's Relevant Representation (RR-026) – NE49</u></b></p> <p>Following the People Over Wind ruling by the Court of Justice of the European Union, NE advice amendment to the HRA.</p> <p>7.2.50 Atmospheric Pollution – dust deposition, Section 7.2.52 refers to the need for a CEMP in relation to dust impacts to the Dee Estuary and River Dee and Bala Lake. Any reference to a permit or consent would also require assessment as this may infer mitigation.</p> <p>We advise the impacts of dust are progressed to AA.</p>	<p>Since measures to control dust are already included in project proposals irrespective of the presence of Habitats sites (since such measures are standard embedded measures on construction sites) it is considered these can be taken into account at the HRA screening stage.</p>			Under discussion	

Ref	Subject	Relevant Application Document	Summary of Natural England Comment within their Relevant Representation [RR-026]	Applicant's position	Natural England's Updated Position	Natural England RAG	Status	Likelihood of Resolution
3.1 5	Atmospheric pollution at internationally designated sites in - combination with other plans and projects	<b>Chapter 8: Air Quality [APP-046]</b>	<p><b><u>National Highway's Relevant Representation (RR-026) – NE50</u></b></p> <p>NOx concentrations were &lt;1% at all receptors for FEED 1 and 2 scenarios (alone and in combination – though noting throughout NEs concerns with the robustness of the in-combination assessment). For the unabated scenario some receptors were &gt;1% but the PEC was &lt;70% of the critical level.</p> <p>Although these should be assessed in the detailed/appropriate assessment, in practice it is considered that AEOI can be excluded as the conservation objective to maintain the site below the critical level would not be undermined.</p>	Since this comment states that <i>'in practice it is considered that AEOI can be excluded as the conservation objective to maintain the site below the critical level would not be undermined'</i> the Applicant doesn't consider further text, or assessment, is required for the RIHRA [APP-253].			Under discussion	
3.1 6	Atmospheric pollution at internationally designated sites	<b>Report to inform Habitats Regulations Assessments [APP-253]</b>	<p><b><u>National Highway's Relevant Representation (RR-026) – NE51</u></b></p> <p>Modelling in the assessment has regard to amine chemistry (use of ADMS amines chemistry module to model direct and indirect N -amine formation, and Environment Agency AQMAU methodology for incorporating amines into N deposition and acid deposition calculations (Oct 2023).</p> <p>Key operational factors that would impact on emissions are: Use of ammonia controls (such as an acid wash or equivalent) Solvent selection and management to control N-amine formation Use of NOx controls (Selective Catalytic Reduction) to minimise NOx emissions.</p>	The Applicant confirms Natural England's understanding that the Proposed Development will require an Environmental Permit in order to operate. NRW, as the relevant authority, will fully consider the potential effects on nationally and internationally designated ecology sites in determining the appropriate emission limit values for all points of emission to air and the associated monitoring requirements.			Under discussion	

#### 4.0 Otter Qualifying Features

4.1	Impacts to commuting and foraging otter at the River Dee and Bala Lake SAC	<b>Report to inform Habitats Regulations Assessments [APP-253]</b>	<p><b><u>National Highway's Relevant Representation (RR-026) – NE52</u></b></p> <p>Natural England are satisfied with the survey methodology which identifies no resting places for otter. However, we are concerned to note the project area and immediate vicinity has been noted as suitable for commuting and foraging otter. This includes the <i>entire continuum of hydrologically connected</i></p>	There will be no barriers to otter movement during construction, demolition and operation, nor any fragmentation of territories. There are no construction works within the River Dee & Bala Lake SAC and the only works proposed in connected habitat in the Dee Estuary are construction of the Proposed Surface Water Outfall and the minor works to the existing cooling water infrastructure in the Water Connection Corridor, neither of which block			Under Discussion	
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Ref	Subject	Relevant Application Document	Summary of Natural England Comment within their Relevant Representation [RR-026]	Applicant's position	Natural England's Updated Position	Natural England RAG	Status	Likelihood of Resolution
			<p><i>watercourses</i>, yet no further assessment has been undertaken.</p> <p>Natural England do not support the approach to rule out LSE to otter at the Screening stage of the HRA.</p> <p>They have the potential to be adversely affects by noise and visual disturbance during all phases of the project, loss of FLL including resting or foraging habitat, barriers to movement (which coincide with noise and visual concerns) and water quality degradation which can affect habitat and food sources.</p> <p>Progression to AA is required.</p>	<p>watercourses. The Proposed Surface Water Outfall is at the landside end of a watercourse after which it flows in culvert under the existing Connah's Quay Power Station site, while the cooling water infrastructure is existing and largely buried. The works here (as noted in paragraph 7.2.9 to 7.2.11 of the <b>RIHRA [APP-253]</b>) consist solely of minor additions and refurbishment at the intake, including upgrading the eel screens and minor repairs to surface concrete, metalwork, and timbers at the intakes in the subtidal zone, which will be undertaken by hand.</p> <p>Lighting on the Dee Estuary north of the Order limits will be in keeping with that for the existing Connah's Quay Power Station and the Lighting Strategy already contains (as mentioned in 10.3.2 of the <b>RIHRA [APP-253]</b>) measures to minimise illumination of the river and adjacent habitats.</p> <p>Moreover, no evidence of otter holts or couches (the resting places where they are most likely to be disturbed) was found within 300 m of the Order limits, and the works will be undertaken during the day when otters are not active but in their holts and resting places.</p> <p>Otters are most susceptible to significant disturbance (i.e. that which will affect population survival) when they are using their resting and breeding places. Surveys for the Proposed Development have not identified any otter resting or breeding sites within 300 m of the Order limits.</p> <p>The affected areas of the River Dee are located in Wales. The Applicant notes that NRW have not raised any concerns about impacts on SAC otters in their RR <b>[RR-027]</b>.</p>				
4.2	Qualifying otter Noise and visual disturbance to otter at the River Dee and Bala Lake SAC	<b>Report to inform Habitats Regulations</b>	<p><b>National Highway's Relevant Representation (RR-026) – NE53</b></p> <p>We do not concur that otters can tolerate noisy environments and as mobile creatures</p>	The Applicant has addressed this matter in their response to NE52. There would be no requirement for workers to enter the Dee Estuary SAC / SPA / Ramsar site at night and			Under Discussion	

Ref	Subject	Relevant Application Document	Summary of Natural England Comment within their Relevant Representation [RR-026]	Applicant's position	Natural England's Updated Position	Natural England RAG	Status	Likelihood of Resolution
		<b>Assessment [APP-253]</b>	<p>can travel overland which negates the need to address barriers to movement.</p> <p>It is also noted that overnight staff can disturb commuting otter, but this has not been assessed further.</p> <p>We have previously raised concerns with noise levels when referring to qualifying bird species. This advice would equally apply to otter. It would not be appropriate to conclude existing noise levels would remain at similar rates.</p> <p>Progression to AA is required.</p>	therefore no potential for disturbance of otters through this pathway.				
4.3	Noise and visual disturbance to otter at the River Dee and Bala Lake SAC	<b>Report to inform Habitats Regulations Assessments [APP-253]</b>	<p><b><u>National Highway's Relevant Representation (RR-026) – NE54</u></b></p> <p>Natural England have raised concerns with the noise modelling assessment conclusions within NE17 and NE16 which equally apply to otter.</p> <p>There is reference to a net increase in operational lighting which is to be managed by a lighting strategy.</p> <p>It would not be appropriate to include mitigation measures within the screening stage of the HRA (see comments regarding People over Wind).</p> <p>Progression to AA is required.</p> <p>We advise visual screening measures are extended to the River Dee.</p> <p>Section 10.2.11 details wider bird mitigation such as seasonal avoidance measures, sensitive lightning strategy, acoustic fencing and visual screening bunds. Natural England highlight these measures would also be of benefit to otter and fish species associated with the River Dee and Bala Lake SAC.</p> <p>We also signpost: Otters: advice for making planning decisions - GOV.UK.</p> <p>The 200m radius suggested for otter (reduced to 30m for non - breeding holts) is appropriate</p>	The Applicant has addressed matter in their response to NE52.				

Ref	Subject	Relevant Application Document	Summary of Natural England Comment within their Relevant Representation [RR-026]	Applicant's position	Natural England's Updated Position	Natural England RAG	Status	Likelihood of Resolution
			and in line with standard otter mitigation techniques to reduce / avoid disturbance impacts to resting places.					
<b>5.0 Fish Qualifying Features</b>								
5.1	Water impacts on qualifying fish species at the River Dee and Bala Lake SAC and the Dee Estuary SAC	<b>Report to inform Habitats Regulations Assessments [APP-253]</b>	<p><b>National Highway's Relevant Representation (RR-026) – NE55</b></p> <p>Qualifying fish species are identified as using the watercourses around the scheme including areas of water abstraction.</p> <p>LSE has been screened out due to scheme requiring operation to the licence regime. Natural England does not concur with this approach.</p> <p>Further detail on the abstraction regime would be required to alleviate concerns.</p>	The RIHRA [APP-253] states that 'With the Dee General Directions in place no additional water supplies beyond existing consents and licensed volumes would be required for the Proposed Development' (paragraph 7.2.42). It also notes that the Applicant is not proposing to amend the existing abstraction licence (paragraphs 7.3.17 and 7.3.18). Since the existing abstractions have not been put forward for revision, the Applicant is not changing the existing baseline, and that baseline has been deemed acceptable through the grant of the existing abstraction licence.			Under discussion	
5.2	Water quality impacts on qualifying fish species at the River Dee and Bala Lake SAC and the Dee Estuary SAC	<b>Chapter 12: Marine Ecology [APP-050]</b>	<p><b>National Highway's Relevant Representation (RR-026) – NE56</b></p> <p>Siltation and run-off has the potential to impact migratory fish features by creating a non-physical barrier to migration.</p> <p>We agree with the approach. However, should the proposal change, and works be required in the river, Natural England advise seasonal restrictions are applied.</p>	This is noted and the Applicant understands that no further action is required at this stage.			Agreed	
5.3	Construction impacts on qualifying fish species at the River Dee and Bala Lake SAC and the Dee Estuary SAC	<b>Framework Construction Environmental Management Plan (CEMP) [APP-246]</b>	<p><b>National Highway's Relevant Representation (RR-026) – NE57</b></p> <p>A fish rescue may be required under an FR2 permit granted by NRW during construction where de-watering or over-pumping is required.</p> <p>This is not discussed within the HRA</p>	There are currently no proposals for dewatering of waterbodies and thus no expected need for fish rescue. The reference to a Fish Rescue 2 (FR2) permit within Framework CEMP [APP-246] is a generic protection measure should the requirement for de-watering be identified in the future.			Under discussion	
5.4	Construction impacts on qualifying fish species at the River Dee and Bala Lake SAC and the Dee Estuary SAC	<b>Chapter 12: Marine Ecology [APP-050]</b>	<p><b>National Highway's Relevant Representation (RR-026) – NE58</b></p> <p>Construction-phase works within the Water Connection Corridor include the refurbishment of existing eel screens to meet current legislative requirements. We support the approach.</p>	This is noted and no further action is required as this mitigation is secured through Requirement 4 (CEMP) of the Draft DCO [APP-019].			Agreed	

Ref	Subject	Relevant Application Document	Summary of Natural England Comment within their Relevant Representation [RR-026]	Applicant's position	Natural England's Updated Position	Natural England RAG	Status	Likelihood of Resolution
5.5	Lighting impacts on qualifying fish species at the River Dee and Bala Lake SAC and the Dee Estuary SAC	<b>Chapter 12: Marine Ecology [APP-050]</b>	<b>National Highway's Relevant Representation (RR-026) – NE59</b> Artificial light at night (ALAN) can have an impact on fish migration. We agree with the approach for qualifying fish species.	This is noted and no further action is required as this mitigation is secured through Requirement 4 (CEMP) of the <b>Draft DCO [APP-019]</b> .			Agreed	
<b>6.0 Nationally designated sites</b>								
6.1	Impacts to Ringed plover, a notified feature of Dee Estuary SSSI	<b>Appendix 11D CONFIDENTIAL Ornithology Technical Appendix [APP-194]</b>	<b>National Highway's Relevant Representation (RR-026) – NE60</b> Illustrates a significant population of Ringed Plover during autumn, winter and spring from Welsh desk -based resources. Occasional observations of Ringed Plover were found within 120m north of the project on Qualifying mudflats during detailed bird surveys. Coincides with NE1, NE8, NE9 and NE10	Ringed Plover are considered in <b>Chapter 11: Terrestrial and Aquatic Ecology [APP-049]</b> . As detailed in <b>Appendix 11-D: Ornithology Technical Appendix [APP-193]</b> Ringed Plover were not recorded in project specific surveys, however Table 8 notes the desk study identified they were recorded in small numbers on mudflats north of the Order limits in August 2024. <b>Appendix 11-D: Ornithology Technical Appendix [APP-193]</b> also provides details of peak counts from WeBS data.			Under discussion	
6.2	Air quality and aerial pollutants Atmospheric pollution at nationally designated sites	<b>Chapter 11: Terrestrial and Aquatic Ecology [APP-049]</b>	<b>National Highway's Relevant Representation (RR-026) – NE61</b> Thurstaston Common SSSI (OE4) – Ndep at this heathland site would be over 1% in combination (eg 1.4% in Table 43 App8D in FEED2), but it is not considered in the assessment in Chapter 11. It is not considered that sufficient evidence is provided to exclude harm to this site	Table D-10 of <b>Appendix 8D: Air Quality Operational Assessment [APP-183]</b> presents the cumulative (or 'in combination') assessment for FEED2, rather than Table 43. The cumulative nitrogen deposition dose to Thurstaston Common (OE04) is given as 0.05 kgN/ha/yr which is 1% of the critical load of 5 kgN/ha/yr. It would therefore be below the threshold for concluding no significant effects.  These calculations will be superseded by the modelling reported in the Change Report to be submitted at Deadline 3.			Under discussion	
6.3	Air quality and aerial pollutants Atmospheric pollution at nationally designated sites	<b>Chapter 11: Terrestrial and Aquatic Ecology [APP-049]</b>	<b>National Highway's Relevant Representation (RR-026) – NE62</b> Inner Marsh Farm SSSI (receptor OE9) was considered not sensitive to nitrogen (e.g. Table 33, 35, 36 and 38 in Appendix 8D for FEED1). APIS identifies several habitat types present on the site which are sensitive to N deposition and ammonia, and some of the bird species will be dependent on these habitat types (as indicated on APIS, their consideration will be site specific). It is not considered that sufficient evidence has been provided that this site would not be	Paragraph 11.6.154 of <b>Chapter 11: Terrestrial and Aquatic Ecology [APP-049]</b> states that ' <i>APIS identifies that no features of Inner Marsh Farm SSSI are sensitive to air quality impacts</i> '. APIS Site Relevant Critical Load application lists three bird species for the SSSI: pintail, teal and black-tailed godwit. For pintail and teal, APIS indicates nitrogen deposition may be positive. For black-tailed godwit APIS indicates that nitrogen deposition is as likely to be positive as negative. While standing open water and canals is also identified as a habitat for pintail and teal, APIS also identifies that there is no critical load available for this			Under discussion	

Ref	Subject	Relevant Application Document	Summary of Natural England Comment within their Relevant Representation [RR-026]	Applicant's position	Natural England's Updated Position	Natural England RAG	Status	Likelihood of Resolution
			harmful by N addition (and ammonia) from the different scenarios.	<p>habitat. It also identifies that impacts depend on nitrogen or phosphorus limitation. Most lowland freshwater bodies are phosphorus limited rather than nitrogen limited. Therefore, there is no reason to conclude the bird interest of this SSSI would be adversely affected by nitrogen deposition.</p> <p>The Air Quality chapter to be included within the Change Report at Deadline 3 will clearly document the impacts at the Inner Marsh Farm SSSI.</p>				
6.4	Air quality and aerial pollutants Atmospheric pollution at nationally designated sites	<b>Chapter 11: Terrestrial and Aquatic Ecology [APP-049]</b>	<p><b>National Highway's Relevant Representation (RR-026) – NE63</b> The assessment of the River Dee (England) SSSI at 11.6.156 in Chapter 11 indicates that additional nitrogen on both heathland and saltmarsh could cause a shift in species richness away from less nitrogen tolerant species and towards more common nitrogen tolerant species, and an increase in percentage grass cover.</p> <p>Use of information within NECR210 alone (loss of one species metric) is not considered sufficient to exclude any adverse impact (especially to saltmarsh, which is not considered in the report).</p> <p>It is not considered sufficient evidence is provided to exclude harm to this site.</p>	<p>APIS does not identify any applicable nitrogen critical loads for any designated features of the River Dee (England) SSSI. Saltmarsh is not a designated feature of the River Dee (England) SSSI. Please note that the assessment reported in <b>Chapter 11: Terrestrial and Aquatic Ecology [APP-049]</b> is for the Welsh part of the River Dee (the Afon Dyfrdwy (River Dee) SSSI), which is designated partly for saltmarsh. Heathland is not a designated feature of this SSSI. NRW have not identified any disagreement with the Applicant's air quality assessment in their RR <b>[RR-027]</b>.</p>			Under discussion	
6.5	Air quality and aerial pollutants Atmospheric pollution at nationally designated sites	<b>Chapter 8: Air Quality [APP-046]</b>	<p><b>National Highway's Relevant Representation (RR-026) – NE64</b> In - combination impacts of Ndep at Thursaton Common SSSI (receptor OE4) were over 1% (eg Table 43 in Appendix 8D indicates in combination impacts would be 0.07kgN/ha/yr which is 1.4% of the 5kgN/ha/yr critical load.</p> <p>Evidence is not provided to conclude harm can be excluded.</p>	<p>This matter has been addressed in the Applicant's response to NE61.</p>			Under discussion	
6.6	Air quality and aerial pollutants Atmospheric pollution at nationally designated sites	<b>Chapter 8: Air Quality [APP-046]</b>	<p><b>National Highway's Relevant Representation (RR-026) – NE65</b> Table 11.9 in Chapter 11 indicates that Inner Marsh Farm SSSI (OE9) was assessed for construction impacts, but the Mersey Estuary sites (OE6) were not.</p>	<p>Inner Marsh Farm SSSI is discussed for construction impacts for the reasons given in 11.6.26 of <b>Chapter 11: Terrestrial and Aquatic Ecology [APP-049]</b> (dust, hydrology and water quality) and at the request of NRW. The assessment concludes that all effects on</p>			Under discussion	

Ref	Subject	Relevant Application Document	Summary of Natural England Comment within their Relevant Representation [RR-026]	Applicant's position	Natural England's Updated Position	Natural England RAG	Status	Likelihood of Resolution
			Evidence is not provided to conclude harm can be excluded. Mersey Estuary designated sites require further consideration. Thurstaston Common SSSI and New Ferry SSSI were assessed for operation only.	this site and, therefore, on Mersey Estuary SSSI, Thurstaston Common SSSI and New Ferry SSSI can be dismissed during construction due to distance. These SSSIs were assessed as part of the operational assessment because of the stack emissions from the Proposed Development and their associated Zol.				
7.0 Draft Development Consent Order (DCO)								
7.1	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 Tides4Fishing (2025). Tide times and charts for Chester, England [online]. Accessed on 05/11/2025
- Ref 2 Bolonos, R., & Souza, A. J. (2010). Measuring hydrodynamics and sediment transport processes in the Dee Estuary. *Earth System Science Data Discussions*, 3(1).
- Ref 3 Jacobs (2013). River Dee / Afon Dyfrdwy SSSI Restoration Technical Report.

