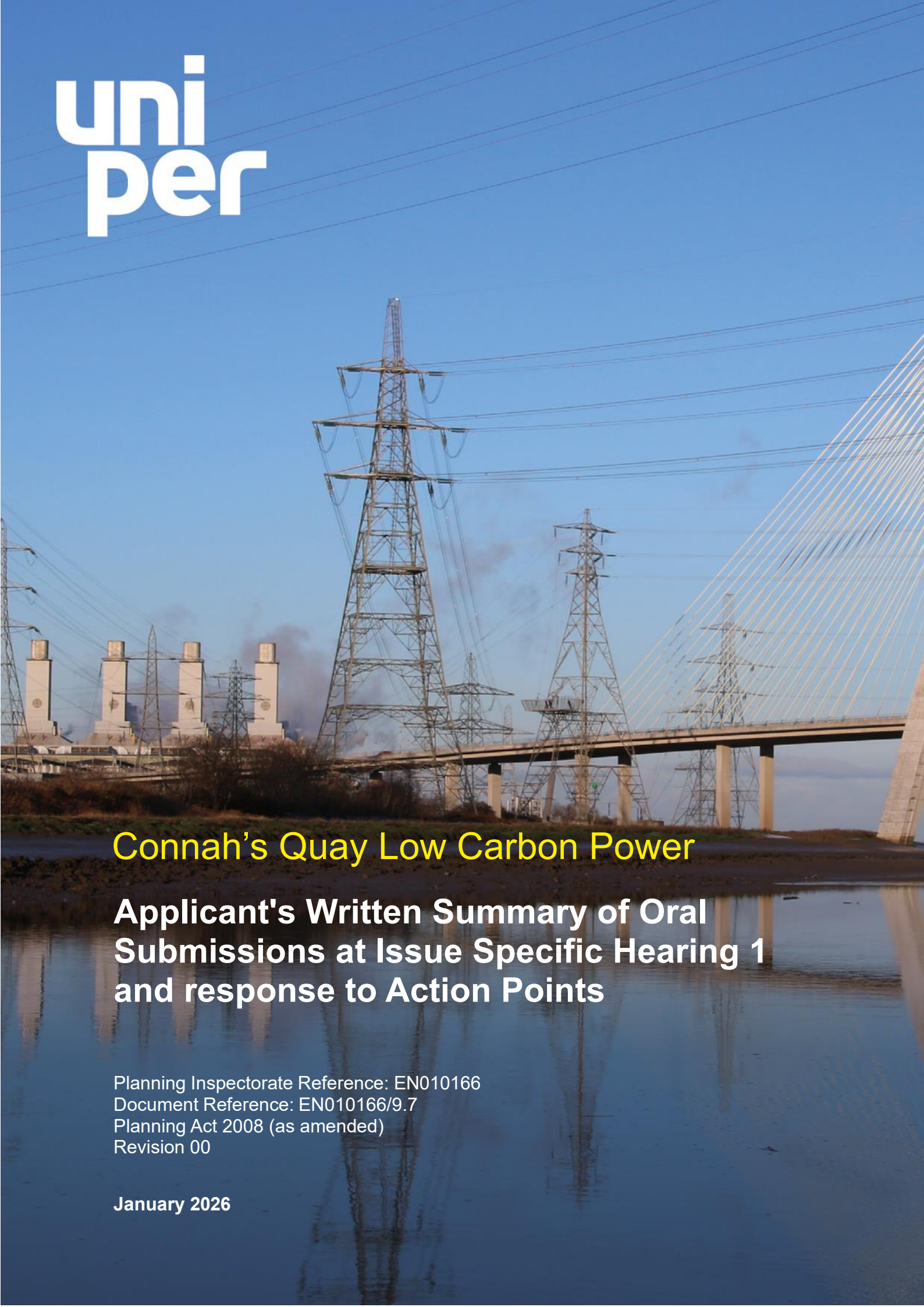

Connah’s Quay Low Carbon Power

Applicant's Written Summary of Oral Submissions at Issue Specific Hearing 1 and response to Action Points

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1. Written summary of the Applicant's Oral Submissions at Issue Specific Hearing 1

1.1 Introduction

1.1.1 This section of the document summarises the oral submissions made by Uniper UK Limited (the Applicant) at Issue Specific Hearing 1 (ISH1) which took place in a blended format at the Village Hotel, Chester and on Microsoft Teams on 13 January 2026.

1.1.2 In what follows, the Applicant's submissions on the points raised broadly follow the Agenda for the ISH1, which was published on the Planning Inspectorate's website on 6 January 2026 [EV2-001]. Where the comment is a post-hearing note submitted by the Applicant, this is indicated.

1.1.3 The Applicant, which is promoting the Connah's Quay Low Carbon Power project (the Proposed Development), was represented by [redacted] KC of 39 Essex Chambers, instructed by Herbert Smith Freehills Kramer LLP. He also introduced [redacted] (Project Manager, Uniper), [redacted] (Planning Lead, DWD), [redacted] (Environmental Impact Assessment (EIA) Lead, Aecom) and [redacted] (Of Counsel, Herbert Smith Freehills Kramer LLP).

1.2 Agenda Item 1: Welcome and Introductions

1.2.1 The ExA welcomed attendees to ISH1 and provided introductory remarks about how the hearing would be conducted.

1.2.2 [redacted] KC introduced the experts who would speak on behalf of the Applicant at ISH1:

- [redacted] holds a degree in Chemical Engineering and is a General Project Manager in the Clean Dispatchable Power team within Uniper. He has over 25 years of experience in the energy sector through PowerGen, E.On and now Uniper. Recently, his work has been focussed on leadership in carbon capture, a core part of the Uniper strategy for meeting its decarbonisation goals. Prior to this [redacted] has contributed to a range of activities including delivering major asset projects such as biomass conversions and DeNOx retrofits, R&D management, as well as involvement in delegations for regulatory developments such as the Large Combustion Plant Best Available Techniques Reference development, and the Minamata Convention on mercury emissions.
- [redacted] holds a BA (Hons) Human Geography, MSc Integrated Environmental Studies, Practitioner of the Institute of Sustainability and Environmental Professionals (PISEP). He is a Member of the Institute of Environmental Sciences (MIEnvSc), and is a Chartered Environmentalist (CEnv). [redacted] is the EIA Lead, responsible for the coordination of the EIA and supporting studies.

- [redacted] holds a BA (Hons) Town & Country Planning; Bachelor of Planning; Member of the Royal Town Planning Institute. [redacted] has over 30 years' planning experience and has worked on over fifteen Development Consent Orders (DCOs) for nationally significant energy infrastructure.

1.3 Agenda Item 2: Purpose of the Issue Specific Hearing

1.3.1 The ExA explained that the purpose of this ISH1 is to inquire into the Proposed Development generally (Agenda Item 3) as well as the **draft Development Consent Order (draft DCO) [APP-019]**, providing the Applicant with an initial opportunity to explain the structure, content and drafting approach (Agenda Item 4).

1.3.2 In particular the ExA explained that he would like to understand:

- how the proposed development will operate and what will come into and out of the development and any associated risks arising from that;
- the timescales of the proposed development particularly its construction programme, and how this will interact with the local community and surrounding nature sites;
- how the proposed development will interact with the local community and these nature sites throughout its operational life;
- issues around how the draft DCO is intended to work – what would be consented;
- the extent of the powers and what requirements and agreements are proposed;
- any possible issues of prevention, mitigation or compensation which are not covered by the draft DCO as currently drafted;
- the justification for any changes from established practice;
- the need for changes to other legislative provisions;
- the need for protective provisions and their scope; and
- the initial views of other Interested Parties as to the appropriateness, proportionality or efficacy of the proposals.

1.4 Agenda Item 3: Nature and Scope of the Proposed Development

Item 3.1

1.4.1 [redacted] KC expressed it was his delight to promote the DCO for the Connah's Quay Low Carbon Power project. This involves the demolition of an existing Gas Treatment Plant (GTP) and construction of the low carbon Combined Cycle Gas Turbine (CCGT) with Carbon Capture Plant (CCP). That is intended to deliver flexible and reliable generation up to a likely maximum of 1.38 GW and also involve the capture of CO2 emissions and connect to the HyNet pipeline project, which was previously consented,

allowing this to be transported to permanent offshore storage in Liverpool Bay.

1.4.2 This is a Nationally Significant Infrastructure Project (NSIP) that is proposed for the purposes of the Planning Act 2008 (PA 2008) and under section 104 of that Act. The primary policy framework is the relevant National Policy Statements (NPSs). These are NPS EN-1 and EN-2, which came into force in 2024 and not the revised versions that came into force in 2026. This is because this Application was accepted for examination before the newly revised NPSs came into force.

1.4.3 This type of new low carbon infrastructure has been identified as a Critical National Priority (CNP) in the NPS and that means the residual effects of the Proposed Development will be outweighed except in the most exceptional cases. There is an urgent need to deliver this CNP project.

1.4.4 [redacted] talked through the specific elements of the Proposed Development. The Proposed Development includes plans to develop a new CCGT power station on the Applicant's land at its Connah's Quay site. The new Connah's Quay power station would be fitted with carbon capture technology to capture CO2 emissions. The proposed power station would connect into nearby CO_2 transport and storage infrastructure as part of the HyNet industrial cluster, enabling the captured CO_2 to then be safely transported to permanent offshore storage facilities in repurposed depleted offshore gas fields.

1.4.5 The new power station is expected to be developed in two phases; with roughly half its eventual capacity of low carbon power delivered in phase one, with a later expansion up to a maximum of 1.38GW. Phase one could potentially be operational by 2030. The Proposed Development would have an operational life of up to 30 years.

1.4.6 The CO2 captured will depend on the amount of electricity generated which will vary to match demand needs. Based on the Applicant's current modelling and at full load, the Proposed Development is expected to capture up to 4.7Mtpa per year for the full development of 1.38GW. Though in reality, as the purpose of the project is to provide flexible power to provide security of supply, the actual CO2 captured will be less than this.

1.4.7 The Proposed Development benefits from the potential to take full advantage of the existing natural gas, electricity, and other connections and infrastructure at the Connah's Quay site, the existing skills and experience of the team, and secure future low carbon, flexible, power generation at the site, whilst minimising the need for the use of compulsory acquisition powers. [redacted] noted that he would return to this almost unique potential of the Proposed Development and the Connah's Quay site later under Agenda Item 3.6.

1.4.8 [redacted] continued that the Proposed Development would bring over 80 direct and indirect roles during the operational phase and is estimated to create almost 700 net additional roles during the construction phase, and add significant value to the local economy.

1.4.9 There are two competitive front end engineering designs (FEED) under consideration with the final technology solution and constructor to be

selected in due course. The design of the Proposed Development would be refined in accordance with the parameters outlined in the Application and the Environmental Statement (ES) and the design principles detailed in the Design Principles Document.

1.4.10 Plate 4-1 of **ES Chapter 4: The Proposed Development [APP-042]** provides a process schematic of the Proposed Development with an overview of the inputs and outputs.

1.4.11 During operation, the plant uses natural gas as a fuel. Other inputs include towns mains water, cooling water, and other chemicals and consumables in small quantities including ammonia solution, amine and sodium hydroxide and sulphuric acid.

1.4.12 Outputs include the returned cooling water, captured CO2, byproducts from the carbon capture process and the CO2 depleted flue gas from combustion of natural gas. There will also be some process water discharge and treated black and grey water to the River Dee. These will be regulated by an environmental permit once obtained. The carbon capture process will also produce some waste (reclaimer sludge, and some other purge flows). Again, this waste will be regulated under the environmental permit and disposed of appropriately.

1.4.13 Paragraph 4.2.34 of **ES Chapter 4: The Proposed Development [APP-042]** provides a summary of the natural gas connection for the fuel for the Abated Generating Station. Natural gas would be supplied through the existing Burton Point Above Ground Infrastructure (AGI) and the Applicant's pipeline to the existing Connah's Quay AGI. Gas connection works within the Main Development Area are described further in the **Gas Connection Statement [APP-259]** and shown on the **Indicative Gas Supply Pipeline Connection and Above Ground Installation Plans [APP-274]**.

1.4.14 The Proposed Development will continue to utilise the existing connection to the site from Burton Point, with the new piping connections being within the Main Development Area between the already existing AGI on site and the proposed gas turbines.

1.4.15 Paragraph 4.2.51 of **ES Chapter 4: The Proposed Development [APP-042]** provides a summary of the connection to the existing towns water pipelines as illustrated on the **Indicative Towns Water Connection Plans [APP-275]**. The exact connection point is not fixed, but it would be along the site entrance road as shown on the connection plan, so requiring only a relatively short section of new piping within the landholding.

1.4.16 Paragraphs 4.2.38 to 4.2.44 of **ES Chapter 4: The Proposed Development [APP-042]** provide a summary of the cooling water abstraction and discharge. It is anticipated that abstraction would be intermittent and limited to no more than three hours per tide around high water (one hour before and two hours after). Purge discharge would be no more than three hours commencing on the ebb tide one hour after high water. Cooling water would be abstracted at a rate of up to 3.04 cubic metres per second (m3 /s) and up to 33 megalitres (ML) per high tide. This assumption is regulated through the permit and licensing process and would be consistent with current arrangements for cooling water abstraction and discharge at the existing Connah's Quay Power Station.

1.4.17 This periodic abstraction and discharge requires storage capacity for make up and purge water via holding ponds within the Main Development Area. The existing Connah's Quay Power Station cooling water make-up and purge tanks (as shown in the **Existing Station Shared Infrastructure Drawing [APP-266]**) will be tied into by the proposed abated generating station.

1.4.18 Again, this is an example of where, rather than creating new infrastructure, the Proposed Development seeks to maximise the use of already existing, established, connections.

1.4.19 Processes for wastewater management are outlined in paragraphs 4.2.45 to 47 of **ES Chapter 4: The Proposed Development [APP-042].** Four sources of wastewater are identified:

- 1- neutralised effluent streams from the demineralisation plant;
- 2 - blowdown from the CCP and CCGT;
- 3 - treated effluent from the CCP; and
- 4 - contaminated surface water arising from process areas.

1.4.20 In addition, paragraph 4.2.50 of **ES Chapter 4: The Proposed Development [APP-042]** outlines the management of domestic and sanitary effluent.

1.4.21 Drainage of the operational footprint is summarised in paragraph 4.2.49 of **ES Chapter 4: The Proposed Development [APP-042]**, with Requirement 5 of the **draft DCO [APP-019]** securing the development of a detailed drainage design in accordance with **Appendix 13-D: Outline Surface Water Drainage Strategy [APP-213]**. This includes the provision of a new surface water outfall adjacent to the exiting surface water outfall for the existing Connah's Quay Power Station.

1.4.22 Section 2.9 of the **Framework Construction Environmental Management Plan (CEMP) [APP-246]** and the supporting **Framework Site Waste Management Plan (SWMP)** (Appendix B) establish provision for recycling and disposing of waste.

1.4.23 [redacted] noted that CO2 connections and export routes will be discussed further in Agenda Item 3.7.

1.4.24 The proposed electrical grid connection (the Electrical Connection) would consist of an electrical connection between the new CCGT generator transformers and the existing National Grid Electricity Transmission plc (NGET) 400 kV substation via extension of the existing banking compound on the Main Development Area. This would replace the electrical connection for all or some of the existing CCGTs of the existing Connah's Quay Power Station in a phased approach. As such, the existing power circuit and connection to NGET's 400 kV substation within the Electrical Connection Corridor would be re-used.

1.4.25 The **Consents and Agreement Position Statement [APP-021]** provides details on additional consents, licences, and permits that the Applicant may need to obtain to enable the construction, operation, maintenance, and decommissioning of the Proposed Development, where these are not

secured through, or proposed to be consented by, the DCO. This includes a water abstraction licence, various environmental permits for water discharges and also operation of the Abated Generating Station.

1.4.26 The ExA summarised that gas comes into the site, it is burned, spins turbines and produces energy. The ExA requested confirmation on the need for towns water connection and whether that is purely domestic, and additionally queried the differences between the water coming from the river Dee and water coming from the mains connection.

1.4.27 [redacted] explained that the largest flow is the cooling water from the river Dee and that this is not a continuous abstraction and return because it needs to match high and low tides, so this water comes via the purge ponds. In terms of other process water flows, the efficient use of water in the process is an important part of the design. There will be a need for some new mains water to allow for some of the water to be purged. There will also be a domestic and sanitary element for offices and changing facilities. [redacted] clarified that there would be towns water supply into the process as well as the water from the river Dee.

Item 3.2

1.4.28 [redacted] explained that consideration has been given both to phased and simultaneous construction scenarios. The phased construction is anticipated to take 9 years, whereas simultaneous construction would take 5 years. These timescales are inclusive of commissioning.

1.4.29 The indicative programmes for a phased construction and a single phase of construction works are shown in Table 5-1 and Table 5-2 of **ES Chapter 5: Construction Management and Programme [APP-043]** respectively.

1.4.30 Core construction working hours would be between 08:00 and 18:00 Monday to Friday (except Bank Holidays) and between 08:00 and 13:00 on Saturdays. However, it is likely that some construction activities may need to be undertaken outside of these core working hours.

1.4.31 Where on-site works are to be conducted outside the core hours, they would comply with any restrictions agreed with the local planning authority, in particular regarding control of noise and traffic to reduce effects on local people and the environment.

1.4.32 Shift times mean construction workers would avoid travelling during the network weekday AM (08:00-09:00) and PM (17:00- 18:00) peak periods.

1.4.33 [redacted] noted that **ES Chapter 5: Construction Management and Programme [APP-043]** explains that an alternative temporary access to the Connah's Quay Power Station Nature Reserve would be provided to Deeside Naturalists Society (DNS) members during the construction phase. This would be a designated access road following the southern and western boundary fence of the construction laydown areas. The route is shown on **Figure 5-3: Construction Areas [APP-083]**.

1.4.34 The **Framework CEMP [APP-246]** presents a framework for the management of environmental impacts during the construction phase of the Proposed Development. Final CEMP(s) would be prepared by the appointed principal contractor(s) for each phase of construction in accordance with

Requirement 4 of the d**raft DCO [APP-019]**. The **Framework CEMP [APP-246]** provides details of the relevant measures that would be applied during the construction works.

1.4.35 Table 1 of the **Framework CEMP [APP-246]** identifies a suite of other plans and procedures (referred to as environmental control plans) that are to be developed in detail by the principal contractor(s) as part of the Final CEMP(s). Section 6 outlines the environmental monitoring process and corrective action procedure to be applied, where mitigation/control measures are identified to not be operating as effectively as anticipated. Section 7 provides details of how environmental records should be held and managed.

1.4.36 [redacted] ran through examples of these measures:

- A Community Liaison Officer would be appointed to lead discussions with local communities, and also act as the primary point of contact should there be any queries or complaints.
- A Stakeholder Communications Plan is to be developed by the undertaker at the detailed design stage. This would include measures for community engagement before and during the construction phase; as well as detailing a complaints procedure.
- Paragraph 5.2.1 of the **Framework CEMP [APP-246]** includes reference to the Community Liaison Group which would be set up prior to construction and would continue until final commissioning of the Proposed Development as a formal forum for local issues to be raised.
- The Dust Management Plan (DMP) (to be prepared by the contractor) is anticipated to include requirements for monitoring of dust deposition, dust flux, real-time PM10 continuous monitoring and/or visual inspections. Table 2 of the Framework CEMP provides further information on the likely extent of this monitoring which is built on the conclusions of **Appendix 8-B: Construction Dust Risk Assessment [APP-181]**. Final details would be agreed with Flintshire County Council (FCC).
- Examples of wildlife controls include the provision of a 3m acoustic fence, ecological safeguarding zone, controls on timings of works to avoid ecologically sensitive seasons, those related to animal welfare and the provision of an Ecological Clerk of Works.

1.4.37 The ExA noted the timings for construction and operation and shift working and the need to check the proposals against FCC's understanding. The ExA also noted a potential interface with the holiday season and impact on traffic surveys during these peak season flows.

1.4.38 [redacted] KC suggested the traffic point be discussed within the Traffic and Transport Agenda Item within ISH2 on 14 January 2026 and the ExA agreed.

1.4.39 [redacted] confirmed the hours secured are those requested by FCC during consultation.

1.4.40 FCC reserved comment until its highways expert is available in ISH2.

Item 3.3

1.4.41 The ExA queried the criteria that will be looked at for choice of a phased as against a simultaneous construction.

1.4.42 [redacted] explained the approach to construction, which could commence between 2026 and 2031, depending on when consents are granted.

1.4.43 By way of an indication as to duration the following steps are anticipated:

- Site enabling works and demolition – 6 – 9 months;
- Construction of the CO2 connection – 9 months;
- Earthworks in main development area - 6 – 9 months;
- Main civil, mechanical and electrical works – 2 to 2.5 years (for each train);
- Water connection corridor construction – between 3-5 months; and
- Commissioning of the abated generating station – one year per train.

1.4.44 The recent UK government announcement on 5 August 2025 named the Connah's Quay Low Carbon Power project as one of two new projects added to the Project Negotiation List (PNL) as part of the Carbon Capture, Usage, and Storage (CCUS) Cluster Sequencing programme. Government, through its Carbon Capture and Storage (CCS) Clusters and the Energy Act 2023, recognises the need to support projects, such as the proposed low carbon power station at Connah's Quay.

1.4.45 Connection to the Liverpool Bay CCS Limited (LBCCS) system depends on successful negotiation with the Department for Energy Security and Net Zero (DESNZ) for a Dispatchable Power Agreement (DPA). This is the means by which Government supports low carbon dispatchable generation such as the Proposed Development.

1.4.46 In terms of a decision regarding trains, the DPA will need to be in place. For each train a DPA or equivalent would be required. [redacted] clarified that the Applicant is currently already in negotiation for one of the two trains. The Applicant will confirm in writing when it is anticipated that it will proceed with negotiations for the second train.

1.4.47 The ExA noted that it may follow-up in writing on this point.

Item 3.4

1.4.48 The ExA requested details of the experience from outsiders for the day to day operation of the plant once consented.

1.4.49 [redacted] confirmed that the Proposed Development will generally be operated as a dispatchable low carbon generating station. This is because the DPA that the Applicant is seeking incentivises electricity generation with carbon capture.

1.4.50 Following commissioning, the Proposed Development is designed to be operated in dispatchable mode, i.e. being able to export power to match the anticipated intermittency of renewable power in the future power market. It

will be on and off and up and down in response to provide that security of supply.

1.4.51 However, it is anticipated that there would also be a number of limited scenarios in which the CCGT may need to operate without the CCP including:

- Unabated Scenario 1: on commissioning, in the event that the downstream Transport and Storage (T&S) network is unavailable;
- Unabated Scenario 2: during operation, to meet electricity demand when the CCP is offline (for example, due to outages of the T&S network); and
- Unabated Scenario 3: during a NatTS (electrical) total or partial shutdown event, in which the plant is called upon to support system restoration.

1.4.52 In terms of maintenance outages, Commitment 13 in the **Operation and Maintenance Mitigation Register [APP-177]** states that routine maintenance would be planned and scheduled via the maintenance management system with major outages anticipated to occur approximately once every four years (per train) depending on the nature of plant operations in that period. These would normally be expected to last for about two months.

1.4.53 It is anticipated that similar or equivalent practices to reduce traffic associated with staff during construction would also be applied for maintenance workers during operation and specified in a worker travel plan for operation or similar management plan – although the number of staff involved in outages will be lower than that involved in construction. This is Commitment 35.

1.4.54 Operation of the Proposed Development is anticipated to create approximately 56 permanent operational roles for Train 1 and a total of approximately 66 permanent operational roles once both Trains are operational. Some of those roles are shift roles so there will be people coming and going according to a shift pattern.

1.4.55 During outages there will be approximately 300 additional temporary contractors and maintenance workers.

1.4.56 The ExA summarised his understanding that this will be dispatchable and queried if there would be any noticeable impacts for the community when the site is operating as opposed to when it is not, i.e. would locals notice when the site is operating because there would be more traffic, more people and more noise.

1.4.57 [redacted] explained that when the power station is running there will be movement of materials and people in and out. But this has all been assessed in the EIA that has been done. The Applicant considers this assessment is robust.

1.4.58 Post hearing note: The Applicant confirms that the power station would be staffed to facilitate operation at all times, even if it is actually only in operation when required in accordance with the dispatchable power principles.

1.4.59 [redacted] explained that the **Statutory Nuisance Statement [APP-257]** discusses noise during operation, including relevant controls. This includes an operational noise limit specified in the Application which is covered under requirement 12 in the **draft DCO [APP-019]**.

1.4.60 The ExA explained he was trying to get a sense of whether noise from operation would be all of the time or infrequently.

1.4.61 [redacted] KC explained that the ES is always looking to assess the realistic worst case scenario and hence why it assesses noise on the basis of the power station in operation and that the Applicant could provide more information on the day to day operation in writing.

1.4.62 The ExA noted the unabated scenarios and queried the circumstances of these. [redacted] explained that the first scenario is in the event that the downstream infrastructure is not available so there is nowhere for CO2 to go; the second scenario is where demand needs to be met in spite of an outage of the transmission and storage system; and the third scenario is where we are required to support system restoration.

Item 3.5

1.4.63 [redacted] explained, as stated in paragraph 4.5.1 of **ES Chapter 4: The Proposed Development [APP-042]**, that each Train of the Proposed Development would have an operational life of up to 30 years. It is, however, expected that the Proposed Development would have some residual life remaining after this operational life, and an investment decision would then be made based on the market conditions prevailing at that time.

1.4.64 In terms of anticipated timescales, decommissioning activities are currently anticipated to commence after 2060 (Train 1, if a phased construction approach is adopted) and after 2065 (Train 2 if a phased construction approach is adopted, or Train 1 and Train 2 if simultaneous construction is adopted).

1.4.65 The duration of decommissioning will be a function of the prevailing legislation and best practice at that time, plus agreements in place as part of the Decommissioning Environmental Management Plan (DEMP), however it is expected that decommissioning would take a similar duration or less than construction.

1.4.66 It is anticipated that the Proposed Development would be shut down, with all above-ground structures on the Main Development Area removed, and the ground remediated as required to facilitate future re-use.

1.4.67 There is no framework DEMP but a DEMP would be produced at the time of decommissioning, pursuant to Requirement 17 of the **draft DCO [APP-019]**. The DEMP would include an outline programme of works, consider all potential environmental risks and contain guidance on how risks can be removed, mitigated or managed, accounting for potential future changes to baseline conditions.

1.4.68 This DEMP would be in place for the duration of the decommissioning of the Proposed Development and would be agreed with the relevant planning authority at the time, based on best practice at the time, pursuant to Requirement 17(3) of the **draft DCO [APP-019]**.

1.4.69 As noted in paragraph 4.5.9 of **ES Chapter 4: The Proposed Development [APP-042]**, it is considered that decommissioning is not anticipated to present any significant environmental effects beyond those considered and assessed in the construction of the Proposed Development.

1.4.70 The ExA queried, based on lessons learned from the previous coal fired plant and current gas fired plant, whether there would be a full replacement or a bolt on in the future. [redacted] noted this may require some or all of the alternatives suggested. There is a strong heritage of power generation at the Connah's quay site. Looking forward, the Applicant would review whatever options are available at that time.

1.4.71 [redacted] noted that FCC would like for there to be some control to ensure decommissioning of the existing Connah's Quay Power Station is not done simultaneously with construction (i.e. there are not two Trains being simultaneously constructed as well as decommissioning of the existing power station).

1.4.72 [redacted] KC identified that the Applicant can come back with information on this in writing, but notes that in the interests of there being continuing power generation it is highly unlikely the existing power station would be decommissioned and demolished until the Proposed Development has been constructed. It is noted the decommissioning of the existing Connah's Quay Power Station would be controlled through the controls of the existing section 36 consent.

1.4.73 Post hearing note: please see the Applicant's response to Action Point 3, set out in Table 2.1 below.

1.4.74 The ExA noted that it would expect the contractor to sign up to the considerate contractors' scheme.

1.4.75 A representative for EirGrid queried if there would be any impact on the substation already in the area for the EirGrid interconnector and noted that they would not want adverse impacts on the EirGrid existing infrastructure.

1.4.76 [redacted] KC explained that in January 2025, draft protective provisions were shared with EirGrid. No formal response on these protective provisions has been received from EirGrid. The Applicant continues to seek engagement from EirGrid and has received no response to indicate that the protective provisions are not agreed by EirGrid. [redacted] KC noted that the Applicant could speak to those present from EirGrid that day (if they were willing) to discuss the protective provisions.

*1.4.77 Post hearing note: the Applicant has engaged with the EirGrid representative in attendance at ISH1 and a summary of engagement to date can be found within the **Land and Rights Negotiations Tracker [APP-025]**.*

Item 3.6

1.4.78 [redacted] explained that, in selecting the Proposed Development, the Applicant had regard to the following objectives:

- Land availability for the physical assets, and their construction and operation, including minimising the need to exercise any compulsory purchase rights to obtain land.

- Connections, including electrical connections warranting the least amount of new build transmission infrastructure, natural gas supply, water (for cooling, process demand plus potable supplies), plus CO2 connections.
- Staffing, of the plant with skilled and experienced personnel.
- Speed of deployment, with regard to how quickly a new generating station can be put into operation.
- Flexibility, in particular that new capacity can be brought on stream without requiring existing plant to be brought off stream substantially beforehand, but also that the plant will provide generation capable of meeting flexible demands from the national grid.

1.4.79 Alternative technologies were also considered. These include small modular reactors, hydrogen firing and renewables. Whilst these technologies may all have their role in the future electricity grid, it was considered that they did not meet the project objectives due to either the time to deployment, technology readiness, land take at the Applicant's site, availability of materials or business case.

1.4.80 The Applicant owns and operates a flexible generation portfolio of power stations, a fast-cycle gas storage facility and two high pressure gas pipelines. The Connah's Quay site (the Main Development Area) is one of these sites.

1.4.81 In line with the Applicant's strategy to decarbonise its existing fossil fleet the Connah's Quay Low Carbon Power project would ultimately replace the existing power station in order to ensure that the Applicant, and the site, can continue to contribute to security of supply but in a way that is lower carbon, whilst re-using the already existing site connections.

1.4.82 The main element that sets this site apart is that, if consented, it would make use of existing connections and also connect into the CO2 transport infrastructure being developed by LBCCS. The HyNet project has achieved investment decision, and will run nearby the site once constructed.

1.4.83 With the current government's ambition to deliver the Clean Power 2030 mission and its commitment to CCS, the Applicant's proposed new power station with CCS technology is well placed to play a crucial role in the future energy system. It would connect into nearby CO2 transport and storage infrastructure as part of the HyNet industrial cluster, and an existing pipeline previously used to deliver gas to the site can be repurposed for the transport of captured CO2, helping to contribute to achieving the UK's net zero targets.

1.4.84 The ExA queried how this fits with FCC's local development strategy. FCC confirmed that FCC's Local Development Plan was not considering an alternative site for the power station, as it was more focused on housing provision.

Item 3.7

1.4.85 The ExA queried why CCP cannot be placed on the existing power station.

1.4.86 [redacted] explained this retrofit has been considered and is described as the do-minimum scenario. However such option would require the

upgrade and replacement of internal components, plant and other equipment alongside the construction of new infrastructure required to allow the plant to run in an abated mode.

1.4.87 Whilst this was considered as a potential option, on the basis that works for the installation of CCS infrastructure would be required regardless of whether a new power station is constructed or the existing Connah's Quay Power Station modified, it was identified that there are significant drawbacks to this approach, specifically:

- The existing Connah's Quay Power Station is approaching the end of its design life and large amounts of the plant and equipment would need to be replaced. Additionally, major works to the structures of the existing Connah's Quay Power Station would be required which may not be technically feasible.
- The layout of the existing Connah's Quay Power Station is not amenable to the retrofit of carbon capture equipment, meaning that integration could be complex and the existing plant layout may require modification.
- This would entail an extended period of loss of generation while the upgrades and integration occurred, reducing the generation available to the national grid.
- Although the works required to install the CCS infrastructure might notionally be shorter in duration than construction of a new power station, this may be complicated by the challenge posed by the existing layout and scale of works required to adapt the existing Connah's Quay Power Station to meet requirements of the project.

1.4.88 Therefore, it is not certain that there would be a saving in project duration.

1.4.89 The ExA noted that this development is dependent on provision of the HyNet system. The ExA queried what the risks are if they are unable to deliver their project or deliver this late, and also what the relationship is with LBCCS.

1.4.90 [redacted] explained that the Trains are designed with carbon capture integral from the outset. The plant will operate such that high capture rates are anticipated to be maintained. This is in line with the expected requirements of the environmental permit, and the contractual requirements associated with the DPA.

1.4.91 The captured CO2 would then be conveyed to an AGI, representing the boundary between the Applicant's asset and the LBCCS asset. The CO2 then travels down from the Applicant's site to the Flint AGI, along a largely repurposed pipeline section of approximately 3 km that had previously supplied natural gas to the existing Connah's Quay site. There is then a short new section of pipe (up to 422m) to connect into LBCCS's Flint AGI and from there into the HyNet CO2 pipeline. The scope here includes for the connection of the, mostly repurposed and partly new, CO2 pipeline from the abated generating station into the Flint AGI, but consent for the HyNet CO2 pipeline itself is not sought as part of the Application, as this will be constructed under the DCO that was granted via the Hynet CO2 pipeline DCO in March 2024.

1.4.92 LBCCS is an undertaker within the **draft DCO [APP-019]** for the works at the Proposed CO2 AGI in the Main Development Area and along the repurposed connection corridor including the proposed CO2 connection corridor. **Plate 4-3 of ES Chapter 4: The Proposed Development [APP-042]** shows the construction works required for the gas pipeline (Proposed CO2 Connection), and which would be undertaken by LBCCS.

1.4.93 LBCCS would also be responsible for maintenance and operation of the existing repurposed gas pipeline and proposed new CO2 connection, and for the eventual decommissioning of the pipeline and associated infrastructure.

1.4.94 [redacted] KC referred to the Application's relationship with the HyNet project. He noted that there is no reason to suppose that the scenario asked about , wherein the HyNet project is not delivered, would in fact arise. In addition, if the infrastructure were not delivered, the emissions from the Proposed Development would be regulated by the environmental permit and the DPA anyway. Accordingly, in the very unlikely event that HyNet does not proceed, there is control over what would then happen to the use of the power station through such mechanisms. It is not an uncontrolled environment.

1.4.95 [redacted] KC explained that there are many examples of projects seeking to rely on other utilities providers.

1.4.96 The ExA queried the unabated scenario during outages. [redacted] KC confirmed that was the second scenario that had already been outlined by [redacted].

1.4.97 [redacted] suggested that there is a further unabated scenario where the storage technology is a very new technology and there may be times when the storage site is not operating as one might expect. The second scenario is calculated as 5% in the greenhouse gas assessment but [redacted] is referring to when there are issues with the LBCCS project working as it should. He suggested there will be teething problems with this as it is a complex technology. [redacted] stated that he wanted to raise the capture rate being specified as 95% in the draft DCO. He noted that it may be best for him to raise this suggestion in the next Agenda Item on the draft DCO.

1.4.98 [redacted] KC explained, without getting into too granular detail on the scenarios, those are scenarios as when the plant might be operating unabated. The inability to accommodate the Proposed Development at commissioning has been considered in scenario 2. Whilst unlikely, this could theoretically occur and had been considered and was subject to the principles of regulations already identified.

1.4.99 [redacted] KC explained that what we are dealing with here in terms of CO2 are emissions from the process and paragraph 4.12.10 of NPS EN-1 makes it clear that the Secretary of State, in considering applications of this kind, should work on the assumption that the relevant pollution control regime will be properly applied and enforced by the relevant regulator. It has already been explained that in the unlikely event of an unabated scenario, the environmental permit process has the ability to control emissions in a much more detailed way. Therefore, there is a separate pollution control regime. In addition, there is also the fact that the DPA that operates between the power station and the government. In addition, the Climate Change Act

2008 (CCA 2008) and the Emissions Trading Scheme has also been held to be a pollution control regime in and of itself, i.e. the Secretary of State can control emissions through the CCA 2008 in order to meet its national obligations. Whatever the scenario, because there is another regime that can control this, you should assume they will operate effectively as set out in policy and considered in case law. This is why the Applicant does not consider [redacted] required amendment to the **draft DCO [APP-019]** is necessary.

1.4.100 Post hearing note: the case law relevant to the ability to rely on separate pollution control regimes includes R (Bristol Airport Action Network Co-Ordinating Committee) v Secretary of State for Levelling Up, Housing and Communities [2023] EWHC 171 (Admin) and Luton And District Association for the Control of Aircraft Noise, R (On the Application Of) v Secretary Of State For Transport [2025] EWHC 3206 (Admin).

1.4.101 The ExA explained that he appreciates that this Application cannot bind or designate what LBCCS does but it is reasonable for us to be clear on the risks associated with that system were it to fail.

1.4.102 [redacted] suggested that there is precedent for the wording he proposes in two previous enacted DCOs: the Keadby 3 (Carbon Capture Equipped Gas Fired Generating Station) Order 2022 and the Net Zero Teesside Order 2024 (Net Zero Teesside Order). He stated that the equivalent provision was accepted for the H2 Teesside project, which was withdrawn in December 2025.

1.4.103 The ExA considers the ability for LBCCS project's storage to function effectively falls outside the remit of this examination.

Item 3.8

1.4.104 [redacted] summarised that the approach that the Applicant has taken to achieving 'good design' (taking account of NPS EN-1 – 4.7 'Criteria for good design for Energy Infrastructure') is set out in the **Design Approach Document (DAD) [APP-263]**. In preparing the DAD, the Applicant had regard to the Planning Inspectorate's 'Advice on Good Design' (published in October 2024), including Annex A 'Good design issues to consider', as evidenced at Appendix B of the DAD.

1.4.105 The primary focus of the **DAD [APP-263]** is on the Main Development Area, which would be the location of the CCGT generating station and carbon capture plant (Work No. 1) and therefore would accommodate the Proposed Development's main buildings and structures. The other components of the Proposed Development (outside the Main Development Area) primarily comprise connections infrastructure (cables and pipelines), temporary construction and laydown areas and limited access and highway works.

1.4.106 In summary the **DAD [APP-263]**:

- considers relevant design policy and guidance;
- explains the iterative design process that has been followed from defining the project brief and assembling the design team to identifying the constraints and opportunities presented by the Main Development Area and wider Order limits;

- describes the design vision, design objectives and the approach to design flexibility that has informed the overall design process in addition to the design principles;
- presents the early layout and design studies for the Proposed Development and explains how the design has evolved through the pre-application process and different stages of consultation;
- sets out the final indicative design for the Proposed Development (as presented within the Application) having regard to key design considerations such as use, layout, architecture, materials, colour and access; and
- confirms the control mechanisms (including the design principles) that would secure good design should development consent be granted.

1.4.107 The DAD is therefore in accordance with NPS EN-1, paragraph 4.7.7, which states that applicants must demonstrate how the design process was conducted and how the proposed design evolved.

1.4.108 The Applicant has also produced the **Design Principles Document (DPD) [APP-264]**, which sets out the various design principles that would inform the detailed design of the Proposed Development post-consent. Those design principles are secured by Requirement 3 'Detailed design' of the **draft DCO [APP-019]**, which requires that, in relation to any stage of the authorised development (the Proposed Development), no development of that stage may commence until written details of the detailed design for that stage have been approved by the relevant planning authority. Requirement 3 states that those details must be in general accordance with the DPD.

1.4.109 The production of the **DPD [APP-264]** and the securing of the design principles within it in the draft DCO accords with EN1, paragraph 4.7.5. This states that design principles should be established from the outset to guide the development from conception to operation and also that applicants should consider how their design principles can be applied post-consent. Section 7 'Securing Good Design' of the **DAD [APP-263]** provides further detail on the mechanisms and controls, which would secure the detailed design of the Proposed Development and ensure that 'good design' is achieved. The DAD (paragraph 7.1.3) confirms that these mechanisms and controls, including the DPD, are 'Design Commitments'.

1.4.110 In considering the approach taken to the design of the Proposed Development, it is important to recognise that it would be located adjacent to the existing Connah's Quay Power Station, which is a four unit CCGT generating station (**DAD [APP-263]**, paragraph 4.2.1). The Main Development Area is therefore in a location that is already characterised by large buildings and structures and associated infrastructure, including HV overhead lines, and as such sits within an industrialised context that has a long history of power generation (DAD, paragraph 6.2.1).

1.4.111 With regard to this it is important to note that:

- EN-1, paragraph 4.7.1 – confirms that high quality and inclusive design goes far beyond aesthetic considerations and that the functionality of a building or other type of infrastructure, including fitness for purpose and sustainability, is equally important.

- EN-1, paragraph 4.7.2 – notes that the nature of energy infrastructure development will often limit the extent to which it can contribute to the enhancement of the quality of the area.
- EN-1, paragraph 4.7.12 – states that in decision making, the Secretary of State should take account of the ultimate purpose of the infrastructure and bear in mind the operational, safety and security requirements which the design has to satisfy.
- EN-2, paragraph 2.4.26 – states that the main buildings and structures of natural gas electricity generating stations are large and will have an impact on the surrounding landscape and visual amenity. Their overall size will depend on technology and design.
- EN-2, paragraph 2.5.3 – recognises that it is not possible to eliminate the landscape and visual impacts associated with natural gas electricity generating stations.
- EN-2, paragraph 2.6.11 – in accordance with EN-1 (paragraph 4.7.12) states that in requiring any design adjustments to a natural gas electricity generating station to minimise adverse effects, the Secretary of State needs to be aware of the statutory and technical requirements that inform plant design and may require the incorporation of certain design details.

1.4.112 The 'Design Vision' for the Proposed Development is set out at Section 4.10 of the **DAD [APP-263]**. In summary this is to:

- deliver a low carbon generating station with carbon capture at Connah's Quay continuing its history of energy production and towards a vision for a net-zero future;
- provide a substantial increase in net electrical output onto the national electricity network supporting security and resilience of supply;
- respect the local environment and context, minimising disturbance and changes to people's day-to-day lives in the local area and minimising environmental impacts as far as reasonably practicable; and
- minimise, where reasonably practicable, impacts on visual amenity through the appropriate siting of infrastructure and the selection of appropriate materials and colours.

1.4.113 The 'Design Objectives' were established at an early stage and were informed by the Design Vision, the context within which the Proposed Development would sit, the constraints and opportunities that exist, national planning policy and the NIC's Good Design Principles, amongst other factors. These are set out at Section 4.11, Table 2 of the **DAD [APP-263]**.

1.4.114 The need for design flexibility and its extent is explained at Section 4.12 of the **DAD [APP-263]**. This flexibility is defined by maximum design and scale parameters (used for the EIA of the Proposed Development), which are secured through the **DPD [APP-264]** and the **Parameter Plans [APP-012]** and **draft DCO [APP-019]** (Requirement 3).

1.4.115 Section 5 of the **DAD [APP-263]** presents the early layout and design studies for the Proposed Development. It explains (paragraph 5.1.9) that in parallel with developing the indicative Main Development Area layout, the

architectural implications of the Proposed Development in terms of its scale and massing were reviewed. Having established the likely building heights and footprints required for its main process areas, a 3D massing model was generated (Figure DAD-10). This was used to analyse the scale of the Proposed Development and helped steer changes in the site layout to improve its overall massing and form to minimise its visual impact. Section 5 of the DAD goes onto explain how the layout and design evolved through the pre-application process and the various stages of consultation. This accords with EN-1, paragraph 4.7.7, which states that applicants must demonstrate how the design process was conducted and how the proposed design evolved. This section of the DAD also explains why design choices have been made (also EN-1, paragraph 4.7.7).

1.4.116 Section 6 of the **DAD [APP-263]** sets out in some detail the final indicative design for the Proposed Development (as presented within the Application) having regard to key design considerations such as use, layout, architecture, materials, colour and access, demonstrating how it would result in the creation of sustainable infrastructure that is sensitive to place as far as practicable. The indicative architectural design is presented at Figure DAD-13 and also shown on the **Indicative Site Layout Plan [APP-267]**, **Indicative Site Wide Elevations [APP-268]** and **Indicative Design Elevations [APP-269]**.

1.4.117 Some key features of the final indicative design are that:

- The layout of the Main Development Area has sought to minimise permanent land take while maintaining flexibility for future detailed design development (DAD, paragraph 6.3.1).
- The largest buildings and structures are located as close to the built development of the existing power station as possible and also as far away from the more visually/ecologically sensitive north-eastern and south-western edges of the Main Development Area (DAD, paragraphs 6.3.3 and 6.4.11).
- The power Trains are arranged linearly and mirror each other sitting within the perimeter and internal road systems with the largest buildings and structures aligned between each of the power Trains to achieve a cohesive and visually balanced design (DAD, paragraphs 6.3.4 and 6.4.12).
- The arrangement of buildings and structures is aimed at minimising building footprints and overall scale and massing by in principle adopting a 'form follows function' design to avoid more sculptural design, which would not be volumetrically efficient (DAD, paragraphs 6.3.5 and 6.4.2).
- A visually related 'family of buildings' has been established adopting the same architectural design approach across all the principal buildings and structures (DAD, paragraph 6.4.2).
- Employing a limited palette of durable, high quality materials, and articulating architectural elements in both form and colour across the Proposed Development to further reinforce it as a 'family of buildings' with a cohesive and visually balanced design (DAD, paragraphs 6.4.2 and 6.4.30).

- Consideration has been given in the indicative design to how colour might be applied to minimise the scale and massing of buildings and structures (DAD, paragraphs 6.6.1 and 6.1.2).
- Lighting would be designed to reduce unnecessary light spill outside the Main Development Area (DAD, paragraph 6.8.4).

1.4.118 It is therefore considered that the **DAD [APP-263]** demonstrates that the Applicant has applied a robust approach to 'good design' in respect of the Proposed Development and has taken appropriate and proportionate opportunities to demonstrate good design in accordance with the NPSs.

1.4.119 Section 7 'Securing Good Design' of the **DAD [APP-263]** provides detail on the mechanisms and controls, which would secure the detailed design of the Proposed Development and ensure that 'good design' is delivered. The DAD (paragraph 7.1.3) confirms that these mechanisms and controls are 'Design Commitments'.

1.4.120 The DPD sets out the maximum and fixed design parameters (Table 1-1) and the design principles (Table 1-2) that will inform the detailed design of the Proposed Development. For completeness, Table 1.2 of the **DPD [APP-264]** also includes the design commitments that are secured by other DCO Application documents and DCO requirements.

1.4.121 The design principles and commitments demonstrate that there would be significant control over the final detailed design of the Proposed Development. Notably Design Principle 1 (**DPD [APP-264]**, Table 1-2) involves the appointment of a 'Design Champion' to oversee the detailed design of the Proposed Development post-consent. The Design Champion would have a number of functions, including ensuring that the design principles are reflected in the brief for the detailed design team; establishing collaborative working with the design team; ensuring good design both in terms of the design process and outcomes; and managing and coordinating the preparation of materials that are appropriate for Design Review Panel sessions. The appointment of a Design Champion is in accordance with EN-1 (paragraph 4.7.5), which states that to ensure good design is embedded within the project development, a project board level design champion could be appointed, and a representative design panel used to maximise the value provided by the infrastructure.

1.4.122 Design Principle 37 (**DPD [APP-264]**, Table 1-2) further provides that the detailed design of each relevant stage of Work No. 1 will be subject to a design review by the Design Commission for Wales prior to submission of details for that stage to the relevant planning authority for approval pursuant to Requirement 3 of the **draft DCO [APP-019**].

1.4.123 In conclusion, it is considered that the Proposed Development represents 'good design' for the purposes of low carbon energy infrastructure and policy set out in the relevant NPSs, the local context and other relevant planning policy.

1.4.124 The ExA noted that reference had been made to design and not necessarily good design. With reference to examples such as Battersea Power Station, the ExA noted the potential opportunity to be more expressive with the project design.

1.4.125 [redacted] KC confirmed that there is the opportunity to progress the detail of the design at the detailed design stage. Likewise, he noted that legacy heritage infrastructure which is now praised today did face objection at the time it was designed and constructed. The **DPD [APP-264]** also includes a commitment to follow a design review process. The Applicant is proud of what it is doing but there is the proper opportunity to refine the detailed design through the processes provided for in the DCO.

1.5 Agenda Item 4: General introduction to the draft DCO

Item 4.1

1.5.1 [redacted] explained that the **draft DCO [APP-019]** has been prepared in the usual statutory instrument drafting style for similar low carbon energy infrastructure projects, largely following the precedent of projects such as the Drax Power Station Bioenergy with Carbon Capture and Storage Extension Order 2024 (Drax Order) and the Net Zero Teesside Order.

1.5.2 As well as following such precedent drafting, the **draft DCO [APP-019]** wording seeks to align as closely as practicable with the HyNet Carbon Dioxide Pipeline Order 2024 (HyNet Order). The reasons for this are twofold:

- Being a DCO within the FCC local authority area, it presents a precedent which will be familiar to the local authority and allow for consistency of approval processes and timescales, particularly in relation to street works and requirement discharges.
- The Order limits for the draft DCO overlap with the HyNet Order. LBCCS, which is the undertaker for the HyNet Order, will also be the 'undertaker' for the purposes of certain pipeline works to be carried out under the Connah's Quay DCO. Accordingly, ensuring the drafting is as streamlined as possible means that the powers and requirements are as consistent as they can be with LBCCS's own DCO.

1.5.3 The **Explanatory Memorandum [APP-020]** provides specific details, rationale and precedents for each provision within the **draft DCO [APP-019]**, which will not be repeated but the Applicant will instead focus on specific articles and schedules where the agenda specifies this.

1.5.4 Due to the bespoke nature of the Proposed Development, it has been necessary in certain places to prepare DCO drafting which is specific to the Connah's Quay project. For example, details of how the DCO will be operated by each of the Applicant and LBCCS are reflected in Article 4. In addition, certain requirements, such as requirement 11 (curlew mitigation and monitoring plan) respond to specific mitigation needed for the Proposed Development and, therefore, are bespoke in nature.

1.5.5 [redacted] suggested the requirements discharge process does depart from the HyNet Order in places. [redacted] stated that the Applicant would respond on the points newly raised by FCC in that respect.

1.5.6 [redacted] noted that the Net Zero Teesside Order had clauses which stated that the electricity plant only operated when the CCP was also in operation and that it operated at a 95% capture rate and that it would only operate

once connected to the capture and storage. He noted that Schedule 1, Work No. 1 covers carbon capture plant. He contended that to be in line with precedent for NZT, he considered it should state that this only operates when the other elements are also operating. Work No. 7 is required to connect to transport and storage infrastructure. [redacted] contended that this is captured in the interpretation, with a definition for CCP in the Net Zero Teesside Order.

1.5.7 [redacted] KC emphasised that it would be helpful to have points from FCC as soon as possible and the contentions from [redacted] in writing and then the Applicant can respond in writing. The ExA reinforced this request.

Item 4.2

1.5.8 [redacted] explained that the definition of "commence" in Article 2 of the **draft DCO [APP-019]** incorporates the definition of a "material operation" under section 155 of the PA 2008.

1.5.9 This definition excludes the pre-commencement activity of "site enabling works". The effect of the definition is that the site enabling works can be carried out prior to the requirements contained in Schedule 2 to the **draft DCO [APP-019]** being discharged, save where expressly stated otherwise in the requirements.

1.5.10 The operations listed in the definition of "site enabling works" are the same as those excluded from the definition of "commence" within the HyNet Order and the Drax Order, save that temporary drainage works has also been included in this definition.

1.5.11 The definition of 'site enabling works' also includes reference to 'preliminary demolition'. This is defined as 'the demolition of the existing gas treatment plant and existing ENI AGI, store buildings, and contractors' facilities associated with the existing power station as shown on the demolition plan'. Including this separate definition ensures there is clarity over the scope of what demolition works can take place prior to 'commencement' and, therefore, ensures that the environmental assessment is reflected in this definition.

1.5.12 There are certain mitigations which the **Framework CEMP [APP-246]** specifically notes are to be done prior to certain site enabling works, or which need to be complied with when site enabling works are taking place. The DCO drafting ensures that these controls are still adhered to pre-commencement through the inclusion of sub-paragraph (4) in Requirement 4 (construction environmental management plan). Sub-paragraph (4) provides that 'limbs (a), (b), (d), (e), (g), (h), (i) and (j) of the site-enabling works must be carried out in general accordance with the framework construction environmental management plan and the lighting strategy'. This means that these specified site-enabling works need to adhere to the Framework CEMP, which is a certified document. Once commencement takes place, all works will be governed by the approved final CEMP(s). Limbs (c) and (f) relate to environmental surveys and installation of temporary amphibian and reptile fencing respectively, for which it has been determined that mitigation is not required. Therefore, these limbs of the site enabling works do not require compliance with the Framework CEMP.

Item 4.3

1.5.13 [redacted] explained that Article 7 (benefit of the Order) provides that the Applicant has the benefit of the whole DCO but that certain specified bodies also have the benefit for certain specified works. These are:

- Eni UK Limited in respect of Work No. 1(h) and site wide works required in connection with Work No. 1(h).
- Liverpool Bay CCS Limited in respect of Work Nos. 1(e), 7 to 9 and 10(e) and site wide works required in connection with Work Nos. 1(e), 7 to 9 and 10(e).
- National Grid Electricity Transmission plc in respect of Work No. 6 and site wide works required in connection with Work No. 6.

1.5.14 The ExA queried whether it would be beneficial to widen the ability to transfer the benefit of the DCO beyond those listed.

1.5.15 [redacted] explained that this drafting is not an attempt to restrict the ability for a future transfer, but it is to define up front who has the benefit of the DCO. Article 8 allows for the transfer of the benefit and this would then be captured by the definition of 'undertaker' in Article 2. The ExA thanked [redacted] for this explanation.

Item 4.4

1.5.16 The ExA queried whether protective works to buildings would be required.

1.5.17 [redacted] explained that there is not a number of defined properties where protective works are known now to be specifically required. However, what the Applicant would not want to happen is that works commence and protective works are then required but the DCO does not allow for this.

1.5.18 The ExA noted that he wanted to understand the likelihood of this being required.

1.5.19 [redacted] confirmed that the Applicant would follow-up in writing on the likelihood of this being required.

1.5.20 Post hearing note: please see the Applicant's response to Action Point 9 in Table 2.1 below.

Item 4.5

1.5.21 The ExA queried how Article 33 (acquisition of subsoil or airspace only) is envisaged to work, particularly in the pipeline corridor. In particular, the ExA wanted to understand whether airspace above the pipeline would be required by the Proposed Development.

1.5.22 [redacted] confirmed that the Applicant would follow up to confirm the position.

1.5.23 Post hearing note: please see the Applicant's response to Action Point 5 in Table 2.1 below.

Item 4.6

1.5.24 The ExA queried whether there are any trees subject to Tree Preservation Orders (TPOs) within the Order limits and whether there is justification for Article 42.

1.5.25 [redacted] stated that the Applicant would confirm whether there are any trees subject to TPOs within the Order limits. However, she noted that there may be TPOs made in the future over trees that then needed to be felled or lopped or otherwise affected by the Proposed Development in the future.

1.5.26 [redacted] KC drew attention to the lifespan of the Proposed Development and the potential need in respect of TPOs in the future should these be designated down the line.

1.5.27 Post hearing note: the Applicant confirms that there are no trees currently subject to TPOs within the Order limits. The Applicant set out further justification for the proposed drafting in response to Action Point 6 in Table 2.1 below.

Item 4.7

1.5.28 The ExA queried the need for Article 51 (removal of human remains).

1.5.29 [redacted] acknowledged that the Secretary of State has struck out this article in a number of recently made DCOs on the basis that such wording was not expressly justified in those particular cases. Whilst there are no known burial sites within the Order limits, the ES does recognise potential below ground archaeological remains dating to the Roman period. A programme of archaeological monitoring and recording is secured as mitigation for this risk. It follows that human remains could be found within the Order limits and so this article has been included to provide a robust and clear approach as to the system to be followed should such remains be discovered.

Item 4.8

1.5.30 [redacted] explained that the **Statement of Reasons [APP-026]** and **Land and Rights Negotiations Tracker [APP-025]** to be updated throughout the examination provide detail on the status of negotiations with statutory undertakers in respect of protective provisions. An overview of this is also provided within the **Explanatory Memorandum [APP-020]**.

1.5.31 As summarised in the **Explanatory Memorandum [APP-020]**, there are a number of statutory undertakers who have been provided with draft protective provisions who have either expressly confirmed they are content with the form of these provisions, or have not provided any comments or response that indicates that they do not agree with these provisions.

1.5.32 [redacted] confirmed that those undertakers who have provided comments on protective provisions and so with whom the Applicant is in direct ongoing engagement on specific drafting points are:

- Eni (UK) Limited;
- Liverpool Bay CCS Limited;
- National Gas Transmission plc;

- National Grid Electricity Transmission plc; and
- Network Rail.

1.5.33 [redacted] further confirmed that the Applicant is aware that comments are likely to be provided by:

- Welsh Water;
- Scottish Power (SP Manweb); and
- Wales and West Utilities.

1.5.34 The ExA requested a list of those parties who have not yet responded to the Applicant regarding protective provisions.

1.5.35 [redacted] confirmed the Applicant would follow-up in writing with the list of statutory undertakers who have not yet responded to the Applicant.

1.5.36 Post hearing note: please see the Applicant's response to Action Point 10 in Table 2.1 below.

1.5.37 [redacted] for FCC noted that protective provisions were included for the local highway authority in the HyNet Order.

1.5.38 [redacted] confirmed that the Applicant has not been made aware of any desire for such provisions by FCC to date but is willing to engage with FCC on this.

Item 4.9

1.5.39 The ExA noted the use of 'general accordance' in place of simply 'accordance' in the draft DCO and asked for justification of this approach in the requirements.

1.5.40 [redacted] noted that the Applicant will confirm in writing the precedent for its 'general accordance' approach to certified documents.

1.5.41 Post hearing note: please see the Applicant's response to Action Point 8 in Table 2.1 below.

1.5.42 The ExA queried where certified documents may be inspected.

1.5.43 [redacted] explained that the Explanatory Note at the bottom of the draft DCO lists the locations where documents may be inspected.

Item 4.10

1.5.44 The ExA queried why there were plots included within the **Book of Reference [APP-024]** with no acquisition allocated.

1.5.45 [redacted] explained that all plots within the Order limits have been included within the **Book of Reference [APP-024]**, regardless of acquisition, in accordance with the requirements of the relevant regulations.

1.5.46 The ExA queried why these plots are within the Order limits if compulsory acquisition powers are not needed.

1.5.47 [redacted] explained that the land relates to the existing pipeline which is being used for the operation of the Proposed Development.

2. Applicant's Response to Action Points arising from Issue Specific Hearing 1

2.1.1 The Applicant sets out responses to Action Points arising from ISH1 within Table 2.1.

No.	Action	Response
1	Applicant to comment on when the Applicant is intending to enter into negotiations with DESNZ regarding Train 2.	It is currently expected that the Proposed Development will be developed in two phases; with roughly half its eventual capacity of low carbon power delivered in phase one, with a later expansion up to a likely maximum of 1.38GW. The projects that will be selected to form part of the HyNet Industrial Cluster (and sequencing of them) are selected by Government, as part of the CCUS Cluster Sequencing process. The Applicant entered Train 1 (with the opportunity for later expansion through Train 2) of the Proposed Development into the latest HyNet cluster sequencing competition round. As a result, on 5 August 2025, the Proposed Development was selected by Government for the Project Negotiation List (PNL) as part of the CCUS Cluster Sequencing programme. It has been selected as a priority project for connection to the HyNet cluster. The timing of negotiation for Train 2 is dependent upon future selection processes being designed by UK government so is currently unknown. The Applicant is progressing design of both Trains through ongoing Front End Engineering Design (FEED) and seeking consents for both Trains in preparation for this selection process when available. As the timing of both Train 1 and Train 2 is dependent on the outcome of ongoing negotiations and future selection processes with Government, this could result in simultaneous construction of the two Trains as opposed to the current plan for a phased approach. As such, the ES adopts a Rochdale Envelope approach taking into account that either a phased approach or simultaneous construction could be adopted.
2	Applicant to provide more information on the day-to-day operation of the power station and the implications for	The DCO Application provides an assessment of the general operation of the Proposed CQLCP Abated Generating Station. The assessments consider the description outlined within **Chapter 4: The Proposed Development [APP-042]** and the indicative Site layout within **Figure 4-1 [APP-079]**. The assessments also

No.	Action	Response
	residents and wildlife	include the maintenance outages which as noted during ISH1 would occur once every four years. To summarise, following commissioning, the Proposed Development is designed to be operated in dispatchable mode i.e. being able to export power to match the anticipated intermittency of renewable power in the future power market. Staff would be required on a shift basis to be spread over a 24-hour period. Conservatively, this could equate to up to 132 vehicle movements (i.e. 66 vehicles in and out accessing the CQLCP Abated Generating Station and/or Maintenance Laydown Area) per day. Staff would be present on site each day following defined shift patterns and there would be no variation as the Proposed Development would either be operating or would need to be ready to generate when demand arises. Operational sound is typically very steady during a period of normal operation. When a plant commences operation following a shutdown, the process of bringing processes on-line is gradual and takes place over a period of time. Consequently, there is no sudden jump up in level, instead the noise emission increases progressively and it typically reaches a maximum once in a stable full load state. In relation to noise, the findings of **Chapter 9: Noise and Vibration [APP-047]** of the ES has been considered in the context of the Environmental Protection Act 1990 within the **Statutory Nuisance Statement [APP-257]**. It concludes that following the implementation of the operational sound limit, it is considered that the operation of the Proposed Development would not give rise to impacts which would constitute a statutory nuisance under Section 79(1)(g) or (ga). In relation to wildlife, specifically ornithology, noise modelling has identified that noise during operation would not reach disturbing levels (a sudden noise event of over 60dB or prolonged noise of over 72dB). Accordingly, for any times when the Proposed Development is not operating, the noise effects on people and wildlife would necessarily be lower than those assessed in the ES.
3	Applicant to comment on whether the existing power station would be decommissioned	The decommissioning and demolition of the existing Connah's Quay power station would be carried out in line with the consent and permits held for that plant and the prevailing legislation and best practice at the time.

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	at the same time as the new power station is being constructed.	It is likely that it would not be favourable, from a site access and management perspective, to be undertaking a demolition project in parallel to the construction of up to two Trains of the Proposed Development. However, as the Proposed Development utilises some of the infrastructure currently employed by the existing power station, there will be a need for some elements of decommissioning of the existing plant to occur with the construction of the Proposed Development to allow the switchover of these (for example electrical connection, gas supply, cooling water). It is also important to make a distinction here between decommissioning and demolition. Whilst these activities would generally flow naturally from decommissioning (de-energising, removing chemicals and making safe) into demolition (removal of plant), there can be a pause between the two. This would allow a phasing of works to manage and mitigate the impact of these activities. Where phased construction is undertaken, decommissioning would only be undertaken for part of the existing plant, such that its infrastructure connections could be passed to the Connah's Quay Low Carbon Power project. This is to ensure that generation is maximised from the site across both the existing and Proposed Development and therefore to continue to deliver security of supply. This transition will be undertaken in a way that ensures we continue to operate reliably whilst supporting Uniper's decarbonisation targets and the energy transition in the UK.
4	FCC to put in writing their concerns relating to the time periods in paragraph 23, consultation in paragraph 24 and fees in paragraph 25 of Sch 2, Part 2 of the draft DCO and the need for the highways PPs that were included in the HyNet Order.	This Action Point is for FCC to respond to at Deadline 1 but the Applicant will respond to any relevant submissions by FCC on this point at Deadline 2.
5	Applicant to comment on the risk that exercise of its powers in Article 33	Article 33 (acquisition of subsoil or airspace only) authorises the undertaker to acquire the subsoil in or airspace over any Order land without acquiring the whole of that land. In certain cases, it may be necessary only to

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	of the Draft DCO to acquire subsoil interests could conflict with other projects brought forward, particularly in respect of the pipeline corridor.	acquire a stratum of land below the surface and in the absence of this article the undertaker would be obliged to acquire the whole interest in the land. This article also authorises the undertaker to acquire interests or rights in airspace a certain height above ground. Rather than being intended to extend the powers the undertaker has in respect of acquisition over certain land parcels, the article allows the undertaker the flexibility to minimise so far as is possible the extent of interests to be acquired, with consequently less impact on landowners. This is in the public interest. This article was included in the model provisions. An example can be found in the Norfolk Vanguard Offshore Wind Farm Order 2022. This wording is also subject to the precedent in exactly the same form in the HyNet Order and so ensures a consistent approach with the compulsory acquisition powers sought in respect of the Proposed CO2 Corridor for the HyNet Order 2024. As summarised within the Preliminary Meeting, part of the changes proposed to be submitted by the Applicant include a reduction in compulsory acquisition powers within the Proposed CO2 Corridor. This would mean that the majority of the corridor would be reduced from full freehold acquisition to 'acquisition of the subsurface together with associated surface rights of access and protection'. Whilst the acquisition mainly relates to subsurface interests for the pipeline, there would still be a need for surface rights related to access and protection.
6	Applicant to provide further justification for the inclusion of the article relating to Tree Preservation Orders within the Draft DCO.	There are no trees currently subject to TPOs currently within the Order limits as far as the Applicant is aware. This, however, does not prevent future TPOs being imposed upon trees within the Order limits at any time in the future. The Applicant would have no control over this process and whether a TPO was allocated within the Order limits. The lifetime of the Proposed Development is anticipated to be 30 years once operational, with a construction phase potentially lasting up to 9 years. Post-operation, a decommissioning process would need to be followed. In addition, the size of the Order limits and volume of trees located within or directly adjacent to such limits means the potential for trees to be made subject to a TPO in the future is not an unlikely scenario.

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		The approach taken by the Applicant is highly precedented, even for projects where there were also no current trees subject to TPOs. For example, the Stonestreet Green Solar Order 2025 at Article 43 contains identical powers relating to trees subject to TPOs. Paragraph 2.1.2 of the Arboricultural Impact Assessment for that project (examination library reference AS-017 for that application) confirmed that "*there are no trees protected by [Tree Preservation Orders] or [Conservation Areas] present on or immediately adjacent to the Site at this time*". In addition, the Helios Renewable Energy Project Order 2025 at Article 38 contains very similar powers relating to trees subject to TPOs. Paragraph 4.4 of the Arboricultural Impact Assessment for that project (examination library reference REP2-009 for that application) confirmed that "a *search was carried out on the North Yorkshire Council website for Tree Preservation Orders and none were found to be present within the bounds of the Site*". Finally, the Byers Gill Solar Order 2025 at Article 39 contains very similar powers relating to trees subject to TPOs. Paragraph 2.4.1 of the Arboricultural Impact Assessment for that project (examination library reference APP-138 for that application) confirmed that "a *dataset provided by Durham County Council indicates that no Tree Preservation Orders (TPOs) or Conservation Area designations are present on the site*". Accordingly, due to the long timescales involved in carrying out the Proposed Development, the scale of Order limits required, and the clear precedent for the approach the current drafting has taken, it is appropriate to include this power within the **draft DCO [APP-019]**.
7	Applicant to provide further justification for the inclusions of the article relating to the removal of human remains within the Draft DCO.	This article disapplies section 25 of the Burial Act 1857 and replaces it with an alternative procedure for managing the removal of any human remains disturbed during the course of carrying out the authorised development. Article 51 is based upon Article 17 of the model provisions and is required to ensure that the appropriate treatment of such remains does not delay the implementation of the authorised development. This has been included as the undertaker has not been able conclusively to rule out the presence of human remains within the Order limits. Taken together, the effect of Article 51 is to replace the existing and disparate regimes for regulating the removal of human remains and consolidate the applicable provisions in a single Article in the DCO. It is required by the undertaker to ensure that archaeological remains are

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		recovered appropriately without causing unacceptable delay to the implementation of this nationally significant infrastructure project. Precedent for the Article is provided by Article 20 of the A122 (Lower Thames Crossing) Development Consent Order 2025 (article 22). As there are excavation works due to take place as part of the pipeline works in the Proposed CO2 Corridor and fresh ground will also be broken over the fields where the new generating station will be erected, this article has been included in the **draft DCO [APP-019]** to add clarity as to the procedure for the event that human remains are discovered. The Applicant is aware that the Secretary of State has sometimes struck out this article in a number of recently made DCOs on the basis that such wording was not expressly justified in those particular cases. However, in this case, whilst there are no known burial sites within the Order limits, the ES does recognise potential below ground archaeological remains dating to the Roman period. A programme of archaeological monitoring and recording is secured as mitigation for this risk. It follows that human remains could potentially be found within the Order limits and so this article has been correctly included to provide a robust and clear approach as to the system to be followed should such remains be discovered.
8	Applicant to justify the use of "general accordance" in the draft DCO, with reference to precedents.	Where any requirement provides that the authorised development or any part of it is to be carried out in 'general accordance' with details, or a scheme, plan or other document, this is intended to mean that the undertaker will carry out such works in a way that is consistent with the information set out in those details, schemes, plans or other document or any subsequent version of the details, scheme, plan or document approved under a requirement. The reason for 'general accordance' to be used, rather than simply 'accordance', is due to the nature of the management plans to which these requirements relate. The Applicant has sought to provide the ExA, and third parties, with a significant amount of detailed information on the mitigation measures to be put in place as part of the proposed development by preparing and certifying under the **draft DCO [APP-019]** various management plans. By using the word 'general accordance', the Applicant is not seeking the ability to step outside of the principles or the spirit of these management plans; however, it must be recognised that such plans have

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		been submitted as 'outline plans', which necessarily means that these plans will be further developed and that the detailed plans will therefore, by definition, not accord exactly with those contained in the outlines, but are required to be 'in general accordance with' them. Given that the detailed design of the Proposed Development is not yet complete, the Applicant does require a degree of flexibility to address detailed design matters and to ensure that the Applicant's ability to improve or innovate through the detailed plans to be prepared is not restricted. There is precedent for the 'in general accordance' wording. For example, in 'general accordance with' (or similar) is widely used in the Sizewell C (Nuclear Generating Station) Order 2022 requirements, as well as in the Stonestreet Green Solar Order 2025. Likewise, other made DCOs, including the A122 (Lower Thames Crossing) Development Consent Order 2025, use the equivalent term 'substantially in accordance with', which achieves the same effect as the Applicant's drafting.
9	Applicant to comment on the likelihood of protective works to buildings being undertaken and provide precedents for inclusion of such powers	Whilst there are no specific instances currently identified where protective works to buildings will certainly be required, there is the potential for this power to become necessary as construction, operation and decommissioning of the Proposed Development progress. This power is designed to benefit third parties, where buildings require protective works as a result of the Proposed Development, and it will give comfort that an appropriate procedure is in place to provide them with protective works should they be required. It avoids any potential for delays in the event protective works are identified as being required and this is reflective of the principle that the DCO should form a 'one-stop-shop' for all potential activities required to deliver the Proposed Development. As well as forming a model provision, this article is highly precedented in past DCOs, including a number of non-linear projects akin to the Proposed Development. See, for example, Article 19 of the Net Zero Teesside Order 2024, Article 34 of the Keadby 3 (Carbon Capture Equipped Gas Fired Generating Station) Order 2022 and Article 32 of the Drax Power Station Bioenergy with Carbon Capture and Storage Extension Order 2024.

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		Finally, it is reasonable and proportionate to include this power, given that the article itself provides for compensation where any loss or damage arises as a result of the exercise of such powers.
10	Applicant to confirm which statutory undertakers have not responded to the Applicant in relation to the draft protective provisions	The following statutory undertakers have been contacted by the Applicant and have yet to provide a substantive response confirming either acceptance or refusal of agreement to the protective provisions proposed by the Applicant: • BT – in June 2025 draft protective provisions were shared with the Affected Person. This draft was acknowledged and engagement remains ongoing. No comments to date have been received in respect of the Part 2 protective provisions on the face of the **draft DCO [APP-019]**. • Dwr Cymru Cyfyngedig (Welsh Water) - in January 2025, draft protective provisions were shared with the Affected Person. A number of further follow-ups were made by the Applicant on 17 March 2025, 25 April 2025, 2 June 2025, and 22 July 2025. A call was held between the Applicant and the Affected Person on 2 September 2025, in which the Affected Person confirmed it is still considering the protective provisions proposed by the Applicant. The Applicant continues to seek engagement on the form of protective provisions from the Affected Person. • Openreach – in June 2025, draft protective provisions were shared with the Affected Person. This draft was acknowledged and engagement remains ongoing. No comments to date have been received in respect of the Part 2 protective provisions in Schedule 13 of the **draft DCO [APP-019]**. • Vodafone - in June 2025, draft protective provisions were shared with the Affected Person. This draft was acknowledged and engagement remains ongoing. No comments to date have been received in respect of the Part 2 protective provisions in Schedule 13 of the **draft DCO [APP-019]**. • Zayo Group UK Limited - in June 2025, draft protective provisions were shared with the Affected Person. This draft was acknowledged and engagement remains ongoing. No comments to date have been received in respect of the Part 2 protective provisions in Schedule 13 of the **draft DCO [APP-019]**.

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		Up until ISH1, the Applicant had also not received any response from EirGrid in relation to the proposed Part 1 Protective Provisions shared in January 2025. However, subsequent to the representations stated to be made on EirGrid's behalf at ISH1 by the individual who attended, the Applicant has sought to contact the representative who made oral submissions at the hearing to seek further engagement. The Applicant notes that it is highly common for a number of statutory undertakers not to respond to the proposed protective provision terms, particularly in the case of telecommunications providers. These statutory undertakers are still appropriately protected by virtue of either the Part 1 or Part 2 (as applicable) provisions found within Schedule 13 of the **draft DCO [APP-019]**.