



**Written Representation
for the
Royal Society for the Protection of Birds
Summary of Written Representation**

**Submitted for Deadline 1
27 January 2026**

Planning Act 2008 (as amended)

In the matter of:

**Application by Uniper UK Limited for an Order
Granting Development Consent for the Connah's Quay Low Carbon Power
Project**

Planning Inspectorate Ref: EN010166

RSPB Registration Identification Ref: [REDACTED]

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1. Summary of the RSPB's Written Representation

The RSPB

- 1.1. The Royal Society for the Protection of Birds (the RSPB) was set up in 1889. It is a registered charity incorporated by Royal Charter and is Europe's largest wildlife conservation organisation, with a membership of over 1.1 million¹. The principal objective of the RSPB is the conservation of wild birds and their habitats. The RSPB plays an active role in the domestic processes by which development plans and proposals are scrutinised and considered, offering ornithological and other wider environmental expertise. This includes making representations to, and appearing at, public inquiries and hearings during the examination of applications for development consents.

The RSPB's interest in energy development

- 1.2. The UK is of outstanding international importance for its passage and wintering waterbirds, which rely on a network of estuaries and wetlands as stopover and wintering sites. The UK's estuaries provide relatively mild climatic conditions and nutrient rich habitats providing rich feeding and roosting opportunities for wintering waders and wildfowl. In many cases they are also important for breeding waterbirds, seabirds and other species.
- 1.3. Development proposals which threaten coastal habitats and the wildlife they support are of primary interest to RSPB. The current proposal, the Connah's Quay Low Carbon Power Project ("CQLCP") situated in close proximity to an internationally important wildlife site and having both direct and indirect impacts on that site (and others) and its wildlife is of concern to RSPB, the nature of these concerns is described within.

Scope of Written Submission

- 1.4. This Written Submission covers the following:
- The nature conservation importance of the waterbirds affected by the Connah's Quay Low Carbon Power Project
 - Nature conservation legislation and policy background
 - Ornithology
 - Derogation case: the RSPB's approach to evaluating compensation measures under the Conservation of Habitats and Species Regulations 2017 (as amended)
 - RSPB comments on the Applicant's current compensation proposals

¹ <https://www.rspb.org.uk/about-us/annual-report> Accessed 24 January 2026.

2. The nature conservation importance of the waterbirds affected by the Connah's Quay Low Carbon Power Project

Introduction

- 2.1. The UK is of outstanding international importance for its wintering waterbirds. As with all Annex I and regularly occurring migratory species, the UK has responsibility under the Birds Directive² to secure the conservation of these important waterbird populations.
- 2.2. As set out in our Relevant Representation (RR-036), the RSPB is particularly concerned regarding the impacts on the following designated sites:
- Dee Estuary Site of Special Scientific Interest (SSSI)
 - Dee Estuary Special Protection Area (SPA)
 - Dee Estuary Special Area of Conservation (SAC)
 - Dee Estuary Ramsar site
- 2.3. Of these protected sites our primary focus in this Written Representation is the Dee Estuary SPA, which lies immediately adjacent to the project.

Conservation Objectives

- 2.4. The Conservation Objectives for the Dee Estuary SPA³ state, subject to natural change to:
- “Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring;
- The extent and distribution of the habitats of the qualifying features
 - The structure and function of the habitats of the qualifying features
 - The supporting processes on which the habitats of the qualifying features rely
 - The populations of each of the qualifying features
 - The distribution of the qualifying features within the site.”
- 2.5. These objectives are referred to in the Conservation of Habitats and Species Regulations 2017. They must be considered when a Competent Authority is required to make a Habitats Regulations Assessment including an appropriate assessment, under the relevant parts of legislation.

² Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds (codified version) (the Birds Directive).

³ European Site Conservation Objectives for the Dee Estuary SPA, Natural England 21 February 2019

3. Nature conservation legislation and policy background

- 3.1. There is a statutory duty to comply with the Conservation of Habitats and Species Regulations 2017 (Habitats Regulations) (as amended) which offer protection for protected sites (Ramsar, SPA, SAC)⁴. The Habitats Regulations set out a sequence of steps to be taken by the competent authority (here the Secretary of State for Energy Security and Net Zero (DESNZ)) when considering authorisation for a project *likely to have an effect* on a European site and its species before deciding to authorise that project.
- 3.2. We set out in our Written Representation a series of related matters to be considered in this context, including:
- SPA and SAC conservation objectives
 - Appropriate Assessment
 - Environmental Impact Assessment.

⁴ The Conservation of Habitats and Species Regulations 2017:
<https://www.legislation.gov.uk/uksi/2017/1012/contents>.

4. Ornithology

- 4.1. Currently the RSPB's principal areas of concern regarding the potential effects of the project on the noted important sites and features are as follows:

Potential noise and visual disturbance to waterbird features

- 4.2. We are concerned over the potential disturbance to nearby roosts and feeding areas, particularly during construction but also during operation. We welcome the proposed mitigation measures to address noise and visual disturbance, although it currently remains unclear as to the likely efficacy.
- 4.3. We understand that additional measures to minimise noise are likely to be required and will be considered at the detailed design stage. It is essential that appropriate mitigation measures are in place to ensure the predicted disturbance will not have an adverse effect on the waterbird features.

Potential loss of habitat frequented/used by waterbird features.

- 4.4. Chapter 11 of the Environmental Statement (ES) (APP-049) identifies that habitat loss will occur within the Main Development Area. The western part of the fields at the Main Development Area will be used as a 'laydown area' during construction and will be reinstated into pasture on completion of works. The remainder of the fields will form part the new power station footprint, resulting in permanent habitat loss. This will have a direct impact on birds during and after construction. In total the ES identifies some 11 ha is likely to be temporarily lost and 15 ha permanently lost.
- 4.5. The fields are used by a significant number of over-wintering birds associated with the Dee Estuary, most notably Curlew (regularly supporting more than 1% of the qualifying non-breeding Curlew population of the SPA/Ramsar site). As such part of the proposed development site has been determined/identified as being functionally-linked to the SPA. We agree with this assessment.
- 4.6. In addition to the loss of Functionally Linked Land (FLL) there is also direct loss of saltmarsh habitat (some 0.065ha) within the Dee Estuary SPA/SAC/Ramsar site during the construction works. We defer to submissions by Natural England and Natural Resources Wales on this issue.
- 4.7. The Application site is adjacent to Oakenholt Saltmarsh part of the RSPB Dee Estuary Reserve. We are concerned about potential implications on existing access arrangements for RSPB staff to Oakenholt Saltmarsh through the MDA during construction works.

5. Derogation case: the RSPB's approach to evaluating compensation measures under the Conservation of Habitats and Species Regulations 2017 (as amended)

- 5.1. For the benefit of the Examination this section sets out the RSPB's approach to evaluating compensation measures. It includes our general approach to assessing compensation proposals and the level of detail we consider is required in order to evaluate compensation proposals as part of the Examination process.
- 5.2. Section 6 following sets out, as far as currently practicable, the RSPB's more detailed comments on the Applicant's specific proposals to address the loss of FLL.

The RSPB's approach to assessing compensation proposals

- 5.3. The RSPB has reviewed both the EC⁵ and Defra⁶ guidance on compensatory measures. Both are in broad alignment as to the principles to adopt when considering compensatory measures. This review also draws on the RSPB's experience evaluating and negotiating compensation proposals under the Habitats Regulations by developers across various sectors. As the EC Guidance is fuller, we have used that as our primary reference, while drawing out any additional points made in the Defra guidance since it is UK focused.

⁵ EC (2018) Managing Natura 2000 sites – The provisions of Article 6 of the 'Habitats' Directive 92/43/EEC (21/11/18) C(2018) 7621 final. Due to the further details this EU guidance provides, we believe it is important to also consider along with the Defra guidance

⁶ Defra (2021) <https://www.gov.uk/guidance/habitats-regulations-assessments-protecting-a-european-site>. Accessed 24 January 2026.

6. RSPB detailed comments on the Applicant's specific compensation proposals

Introduction

The proposals would result in temporary and permanent habitat loss of up to 26ha of FLL used by the Curlew feature of the Dee Estuary SPA, Ramsar site and SSSI within the Main Development Area. Offsetting measures, comprising additional land within the SPA/Ramsar site to be secured for favourable dedicated Curlew management, are proposed to offset this loss and outlined in the Curlew Mitigation Strategy (CMS) (APP-254). The Applicant regards these as mitigation measures, but we regard these as compensatory measures.

- 6.1. As context we would highlight breeding Curlew are rapidly declining across their biogeographic range and require urgent conservation measures in the UK. Action is being taken at different levels, but at the site protection level recent expert analysis has confirmed that the current SPA provision for Curlew is inadequate both in terms of population numbers and ecological provision⁷.

Functionally Linked Land

- 6.2. Baseline Ornithology Surveys (November 2023 – October 2024) indicate that part of the Main Development Area supported a significant number of overwintering Curlew (greater than 1% of the qualifying non-breeding Curlew population of the SPA/ Ramsar site). The Curlew favour permanent pasture that will be subject to temporary and permanent habitat loss. This will have a direct impact on birds during and after construction. In total the CMS estimates some 11ha is likely to be temporarily lost and 15ha permanently lost. However, there is some disparity over the habitat loss figures in the ES. 11.6.48 states...a temporary loss of 10.03ha and a permanent loss of 12.45ha grassland habitat (figures used in RR-036).
- 6.3. We note that the Baseline Ornithology Surveys of the Main Development Site only present one year's worth of Curlew data for the FLL. Furthermore, Table 1 of the CMS does not include historic data. We consider there is a need for further information to assess the effects on birds that frequent this area over a longer time period/time scale to better understand the number and frequency of Curlew usage and other designated bird species that may be affected by the habitat loss.
- 6.4. We recommend that the Applicant presents historic data including that held by Deeside Naturalists' Society (DNS) to help bridge the gap by revealing a greater range of months when significant numbers of Curlew, and possibly other qualifying bird species, that occur within the affected fields. This will also help inform offsetting measures for Curlew and other species that might be affected.

⁷ Grady, S., Anthony, S., Cohen, S., Douse, A., Lindley, P., Mountford, E. and Owens, R. (eds) – on behalf of the UK SPA & Ramsar Scientific Working Group. 2025. The status of UK SPAs in the 2000s: the Third Network Review summary of advice and options. JNCC, Peterborough.

6.5. We also set out within our Written Representation our concerns regarding the following related compensatory issues:

- Adequacy of current site selection
- Alternatives sites
- Management prescriptions
- Monitoring programme

Offsite Net Benefit for Biodiversity and Green Infrastructure Strategy

6.6. The Offsite Net Benefit for Biodiversity and Green Infrastructure Strategy (NBB/GIS) contain habitat management prescriptions for the offsetting land (30.30ha) at Gronant Fields alongside the CMS (26ha).

6.7. As with the CMS this land is designated as part of the Dee Estuary SPA, Ramsar site and SSSI. It should therefore be ensured that the proposed NBB/GIS measures would not conflict with maintaining and enhancing suitable habitat conditions for the bird features of these sites. Furthermore, the proposed measures should not conflict with the aims of the CMS.

Potential conflict of conservation objectives

6.8. Some habitat creation and enhancements could be at odds with other conservation objectives for example tree planting, woodland/scrub creation and hedge planting could potentially conflict with the habitat requirements of Curlew which require open vistas to avoid/detect predators. The creation of woodland, hedges and scrub would potentially provide cover for predators.

Change notification request

6.9. There are six proposed changes to the application which were announced at the preliminary meeting on 13th January 2026 and subsequently published recently (AS-006). It is important that the NBB calculations are revised in light of the Change Notification. We may make further comment on this matter when more information, such as the Off-Site NBB Plan, is made available.