

Date: 09 February 2026
Our ref: 540245, Case 32959
Your ref: EN010166



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BY EMAIL ONLY

Dear ██████████

Connah's Quay Low Carbon Power Project; EN010166

Natural England's submission for Deadline 2 in respect of the Connah's Quay Low Carbon Power Project, promoted by Uniper

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

This submission contains Natural England's comments on the documents submitted for Deadline 1 that are relevant to our remit. These comments are set out in Annex 1.

We also set out our approach to advising on impacts within Wales for the remainder of the Examination period.

For any further advice on this consultation please contact the case officer Andrew Whitehead and copy to consultations@naturalengland.org.uk.

Yours sincerely

████████████████████
Principal Officer
Major Planning Casework Team

Annex 1

Natural England's Approach to Advising on impacts for the remainder of the Examination

We recognise that the application site lies within Wales, and the majority of impacts will primarily affect designated sites within Wales. Given this, and to ensure confusion and duplication of effort is avoided, Natural England will defer to Natural Resources Wales' advice for those impacts primarily affecting Wales going forwards.

This will include protected species impacts, and any impacts on statutorily designated sites that lie entirely within Wales.

We will however, continue to provide advice where impacts may have a cross-border impact and affect statutorily designated sites within England. This is likely to be focussed primarily on air quality impacts as a result of emissions from the proposal.

Statement of Common Ground between the Applicant and Natural England

Natural England received an initial draft copy of the Statement of Common Ground on 27 January. We are working through the responses to our Relevant Representations contained within it, and will work with the Applicants and their consultants to progress this throughout the Examination. Our approach to this will reflect our approach to advice on the proposal as described in the section above.

In our comments submitted for Procedural Deadline A we advised that going forwards a Risk and Issues log would be submitted at each deadline. The detail in the Risk and Issues log would be the same as included in Table 2 of the Statement of Common Ground. As this effectively replaces the Risks and Issues log we no longer intend to submit a separate log of progress towards resolution of our concerns.

Applicant's Change Request

Natural England acknowledges that a Change Request has been submitted by the Applicant, and that further information will be submitted for Deadline 3, including updated Habitats Regulations and Air Quality Assessments. We will therefore provide comments once these documents have been made available.

Habitats Regulations Without Prejudice Derogations Report

Natural England has considered the 'Without Prejudice Derogations Report' submitted for Procedural Deadline A, and note that air quality impacts on designated sites are not considered within the report.

Natural England does not have a statutory role in the derogations provisions of the Habitat Regulations. The onus is on the applicant to satisfy the Competent Authority (Secretary of State/ PINS in this case) that there are no alternative solutions and that there are imperative reasons of over-riding public interest.

We note that the Examining Authority has yet to decide whether the proposals constitute mitigation or compensation under the Habitat Regulations, and so provide the comments below on a 'Without Prejudice' basis.

Our position remains as set out in our Relevant Representations - these measures constitute compensation rather than mitigation.

Alternatives

We note that the applicants have provided information on the consideration of alternative solutions.

NE advise that the consideration of any alternative solutions should be made by you (Secretary of State/ PINS) as the competent authority. We have not reviewed the applicant's information as we would expect

to see the evidence of consideration by your authority made first. We would be happy to provide further advice on the acceptability of any alternative solutions in terms of their ecological impacts on designated sites. It is only when your authority is satisfied there are no alternatives that consideration of a case for Imperative Reasons of Over-riding Public Interest (IROPI) can be made.

Imperative Reasons of Over-riding Public Interest

We note that the applicant has provided information on IROPI.

NE does not advise on any proposed reasons of over-riding public interest or whether they are imperative or not. We recommend that you seek your own legal advice before making this decision should you decide the project should be subject to the Derogations tests. In making a judgement of IROPI, particularly with regards to the 'overriding' aspect, your authority should have a full understanding of the ecological value of the site and the anticipated impacts and therefore should consider our ecological advice as pertaining to the overall development within this letter.

Should you (Secretary of State/ PINS) as competent authority wish to seek further direct advice from NE to inform your consideration of whether the project satisfies the IROPI step of HRA, then please highlight this within any future consultation requests.

Compensation

NE's role is to provide advice on the appropriateness, adequacy and implementation of identified compensatory measures to ensure that the overall coherence of the network will be protected.

However, as per our previous comments in this letter, as the proposed mitigation/ compensatory measures are to be located within Wales, we defer to Natural Resources Wales' advice on the suitability of these proposals. We would, however, be happy to comment should the Examining Authority wish to seek our views.

