



**Cyfoeth  
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Cymru  
**Natural  
Resources**  
Wales

Ein cyf/Our ref: CAS-298446-L3S4  
Eich cyf/Your ref: EN01066

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09/02/2026

Dear Sir/Madam,

**PROPOSED CONNAH'S QUAY LOW CARBON POWER PROJECT**

**PLANNING INSPECTORATE REFERENCE: EN01066**

**INTERESTED PARTY REFERENCE NUMBER: F589E8331**

**RE: NATURAL RESOURCES WALES' WRITTEN SUBMISSION FOR DEADLINE 2**

This letter comprises the following submission from NRW:

- a) Comments on the "Notice of a proposed without prejudice Habitats Regulations Assessment (HRA) derogation in Wales" document [PDA-003] – see [Annex A](#)
- b) Comments on any submissions received by Deadline 1 – see [Annex B](#)

The comments provided in this submission, including the associated Annexes, comprise NRW's response as a Statutory Party under the Planning Act 2008 and Infrastructure Planning (Interested Parties) Regulations 2015 and as an 'interested party' under s102(1) of the Planning Act 2008.

Our comments are made without prejudice to any further comments we may wish to make in relation to this application and examination whether in relation to the Environmental Statement (ES) and associated documents, provisions of the draft Development Consent Order ('DCO') and its Requirements, or other evidence and documents provided by the Applicant, the Examining Body or other interested parties.

We note that a change notification from the Applicant has recently been accepted by the Examining Authority (ExA) regarding six proposed design changes, including a proposed reduction in stack heights. Updated documents that will consider these changes, including a Report to Inform Habitats Regulations Assessment (RIHRA), are yet to be submitted. Therefore, our comments are based on the current submitted documents and may be subject to change following receipt of the formal change notification application and our review of any updated supporting information.

We also note that the Applicant has submitted a draft Statement of Common Ground (SoCG) with NRW at Deadline 1 [REP1-034]. We advise that the draft SoCG is still subject to discussion and final agreement with NRW. However, we remain committed to further engagement with the Applicant regarding this as the Examination progresses.

Please do not hesitate to contact me at [northplanning@cyfoethnaturiolcymru.gov.uk](mailto:northplanning@cyfoethnaturiolcymru.gov.uk) should you require further advice or information regarding these representations.

Yn gywir / Yours faithfully,

  
Cynghorydd Arbenigol Arweiniol, Cynllunio Datblygu / Lead Specialist Advisor, Development Planning  
Cyfoeth Naturiol Cymru / Natural Resources Wales

[CONTINUED]

## **ANNEX A**

**Natural Resources Wales' Response to the "Notice of a proposed without prejudice Habitats Regulations Assessment (HRA) derogation in Wales" document [PDA-003]**

Our comments on the Applicant's "Notice of a proposed without prejudice Habitats Regulations Assessment (HRA) derogation in Wales" document [PDA-003] are outlined below. Please refer to our full Written Representation (WR) [REP1-073] for our detailed comments on these matters.

## **Direct Loss of/ Damage to Qualifying Habitat**

### Aerial emissions

1. Please refer to our WR [REP1-073] for our detailed comments regarding this matter (paragraphs 2.1.4 – 24).
2. The Applicant's covering letter (doc. ref. 9.1, dated 23 December 2025) explains the scope of their 'without prejudice HRA derogation document', which includes a written justification as to why aerial impacts are excluded in regard to nitrogen deposition (N-dep) on the Deeside and Buckley Newt Sites Special Area of Conservation (SAC). However, there is no comparable justification of why the aerial impacts of N-dep on the Dee Estuary SAC saltmarsh have not been included in the 'without prejudice HRA derogation document.'
3. The 'without prejudice HRA derogation document' does not consider one of the Proposed Development's identified impacts (N-dep on the Dee Estuary SAC saltmarsh), which is one of our key concerns, and hence fails to fully account for all the impacts on the Annex I saltmarsh habitat. We advise the Examining Authority (ExA) to refer to the full details of our key concerns regarding this impact as outlined in our WR [REP1-073, paragraphs 2.1.4 – 13].
4. We do not consider the current proposed mitigation measures to be adequate in avoiding or reducing the impact of increased Ndep on 245ha of saltmarsh alone (445ha in combination). Therefore, additional, satisfactory mitigation measures are still required. If such mitigation cannot be fully demonstrated, then we would advise the ExA that the presumption must be towards derogation / compensatory measures on the basis of unresolved uncertainty.
5. Paragraphs 6.1.1-6.1.4 and onward are materially incomplete as they do not consider all impacts of the project on saltmarsh (i.e. N-dep impact is absent). Based on the available information there appears to be a credible Adverse Effect on Integrity to the Dee Estuary SAC, so in the absence of certainty and/or adequate mitigation measures, Imperative Reasons of Over-riding Public Interest should be established.
6. Regarding paragraph 6.12.2, we wish to highlight that at no point have we agreed or accepted that the proposed measures should be considered as mitigation rather than compensation. We refer the ExA to our WR for our detailed comments on this matter.
7. We also reiterate the need for the project to obtain an Environmental Permitting Regulations (EPR) installation permit in addition to a Development Consent Order. We remain concerned that while the DCO examination runs ahead of the EPR permit

application, detailed scrutiny of Best Available Techniques, emissions parameters, and dispersion modelling remains limited. Therefore, in respect of N-dep impacts, there remains a level of uncertainty regarding aerial emissions. We note that the EPR application for this proposal has recently been submitted to NRW and we are currently in the process of carrying out our “duly made” checks on the submission.

### Surface water outfall pipe

8. In addition to the aerial emissions impacts referenced above, the Annex I saltmarsh habitat would also be affected by direct loss during the construction of a new surface water outfall pipe. Please refer to our WR [REP1-073] for our detailed comments regarding this matter (paragraphs 2.1.27 – 48).
9. We note the Applicant’s statement in para. 3.2.4 that permanent losses would be much smaller than 650m<sup>2</sup> as the works corridor can be restored and most of the outfall pipe can be buried. Nonetheless, there would inevitably be a lag period between burial of the pipe and any natural regeneration of Atlantic salt meadow vegetation over the works footprint.
10. However, we advise that clarification should be provided as to the location and amount of pipe which is likely to be buried and where it would be located above the ground.
11. Regarding para. 3.4.4, we confirm that we are willing to continue ongoing discussions relating to offsetting the loss and temporary loss of Atlantic salt meadow habitat and further investigations to ensure the proposed habitat replacement site is feasible for saltmarsh creation and delivery within the timelines indicated.
12. Regarding para. 4.1.24, we welcome the Outline Surface Drainage Strategy [REP1-022] (unfinished at this stage) and continuing investigations into opportunities to split the surface water discharges across two or three of the pipes located within the Main Development Area (the W2 outfall, the Oakenholt Brook Culvert and the Old Rockcliffe Brook Culvert) to avoid permanent and temporary loss of saltmarsh. However, we recognise that there has been no solution identified at this point.
13. In para. 6.1.1 the Applicant states that given the works area is surrounded by Atlantic salt meadow, it is considered that allowing natural regeneration and colonisation from the surrounding area is a more appropriate restoration method than planting. We agree that natural regeneration of the Atlantic salt meadow within the areas of temporary loss of the saltmarsh is an appropriate method of allowing the restoration of the marsh.
14. In para. 6.5.1 the Applicant states that the creation of the managed retreat area would occur prior to the construction of the proposed Surface Water Outfall. Please refer to our WR [REP1-073, paragraphs 2.1.40 – 41] for our comments on ensuring that the ground levels of the managed retreat area are suitable for saltmarsh creation.

## Loss of Functionally Linked Land

15. As there is little new information in regard to the loss of Functionally Linked Land for the curlew feature of the Dee Estuary Special Protection Area (SPA) and Ramsar site, we refer the ExA to our Written Representation [REP1-073, paragraphs 2.1.49 – 65] for our detailed comments regarding this matter. However, we have the following observations to make.
16. We note that the Applicant has provided more detail on the proposed monitoring of Gronant Fields. However, as an agreement still needs to be reached with the Applicant on the criteria for success (para. 6.9.3), a full monitoring plan has not been provided, and we would welcome future engagement regarding this. We also look forward to future correspondence with the Applicant regarding the Curlew Mitigation and Monitoring Plan.
17. Para. 6.5.2: we note that the curlew offsetting area would be established prior to the commencement of construction works and concur with this. We look forward to future engagement with the Applicant on the implementation timetable that will be provided within the Curlew Mitigation and Monitoring Plan demonstrating that replacement curlew habitat will be available before removal or disturbance of curlew habitat on the functionally linked land.
18. Para. 6.5.3: we agree with the Applicant's conclusions that the habitat conditions at Gronant Fields will take three to five years to become optimal.
19. Para. 6.9.3: we look forward to future engagement with the Applicant on the criteria for defining successful use by curlew of Gronant Fields and the monitoring of the population. If the lifetime of the proposed development ends before 80 years, further monitoring should continue until decommissioning is complete and the original site restored.

## **ANNEX B**

### **Natural Resources Wales' Response to submissions received by Deadline 1**

Annex B contains NRW's comments on the following updated submissions received at Deadline 1:

- Environmental Statement Volume IV, Appendix 12-F: Marine Invasive Non-Native Species Management Plan (Tracked), Revision 01, prepared by AECOM, dated January 2026 [REP1-019]
- Environmental Statement Volume IV, Appendix 13-C: Flood Consequence Assessment (Tracked), Revision 01, prepared by AECOM, dated January 2026 [REP1-021]
- Outline Landscape and Ecological Management Plan (Tracked), Revision 01, prepared by AECOM, dated January 2026 [REP1-028]
- Figure 13-1: Surface Water Features, by AECOM, dated January 2026 [REP1-015]

**Environmental Statement Volume IV, Appendix 12-F: Marine Invasive Non-Native Species Management Plan (Tracked), Revision 01, prepared by AECOM, dated January 2026 [REP1-019]**

In response to the comments raised in our Relevant Representations, the Applicant has confirmed via our Statement of Common Ground (SoCG: NRW 17, REP1-034) that a detailed assessment of marine invasive non-native species (INNS) risks will be undertaken once a contractor is appointed and vessel movements are confirmed. This will allow inclusion of the vessel type and nature, duration of activity, port history, INNS status of departure ports, and antifouling condition. The assessment will inform an updated Marine INNS Management Plan, which would be prepared prior to the formal submission of the final Construction Environmental Management Plan (CEMP), for approval by the relevant authority, prior to any construction-related vessel activity.

The Applicant has confirmed that Appendix 12-F: Marine Invasive Non-Native Species Management Plan has been updated to include the additional information listed above at Deadline 1.

We confirm that we are satisfied that the updated Marine Invasive Non-Native Species Management Plan (Appendix 12-F) and commitment by the Applicant to submit a more detailed plan prior to formal submission of the final CEMP, for approval by NRW, in relation to construction vessel activity, adequately addresses our concerns related to the risks posed by marine invasive non-native species INNS.

**Environmental Statement Volume IV, Appendix 13-C: Flood Consequences Assessment (Tracked), Revision 01, prepared by AECOM, dated January 2026 [REP1-021]**

We note and accept that the updated Flood Consequence Assessment (FCA) dated January 2026 has included the 2100 epoch associated with climate change allowance (CCA) up to 2100. Both the central (70th percentile) and Upper end (95th percentile) estimates have been considered and assessed for both the 1 in 200-year (0.5% Annual Exceedance Probability) and the 1 in 1000-year (0.1% AEP) events.

The 1 in 200 (0.5%) CCA event in 2074 shows that flooding is generally confined to the river channel and no inundation is present for the main development area.

We note and accept that the updated FCA advises as to why no breach analysis (of flood defences) has been undertaken. We note that this was subject to a previous discussion and agreement between the Applicant and NRW. There are no NRW maintained flood risk management defences within the Main Development Area and therefore the modelling approach (undefended scenario) will provide conservative estimates of flood levels/risk. We are therefore satisfied with the Applicant's update.

We agree that the off-site impacts of land raising shown during the 1 in 1000 (0.1% AEP) 2100 CCA event (70<sup>th</sup> percentile) some 2km upstream and centred around Wepre Brook is

associated with the representation of a culvert on that watercourse and model stability and not due to the land raising.

We therefore advise that the updated FCA has addressed the previous comments raised in our Relevant Representations regarding fluvial and tidal flood risk.

**Outline Landscape and Ecological Management Plan (Tracked), Revision 01, prepared by AECOM, dated January 2026 [REP1-028]**

We note and welcome the Applicant's correction to paragraph 3.2.2 of the Outline LEMP to remain consistent with paragraph 11.3.19 of Chapter 11: Terrestrial and Aquatic Ecology [APP-049] to clarify that the encroachment and clearance of coastal saltmarsh is associated with works in the Surface Water Outfall Area rather than the Water Connection Corridor (WCC).

The Applicant has confirmed that there will be no saltmarsh removal within the WCC, but it will be traversed on foot and has amended the wording in the Outline LEMP.

We welcome the Applicant's clarification that there would be no removal of saltmarsh in the WCC and subsequent amendments to the Outline LEMP, which addresses our previous concerns regarding this matter.

**Figure 13-1: Surface Water Features, by AECOM, dated January 2026 [REP1-015]**

We note and welcome that Figure 13-1 has been updated to include the screened-out Water Framework Directive water bodies, namely Wepre Brook and Nant Sir Roger (Dee Estuary). We therefore have no further concerns regarding this matter.