



Connah's Quay Low Carbon Power
NATIONALLY SIGNIFICANT INFRASTRUCTURE PROJECT
FLINTSHIRE COUNTY COUNCIL

Interested Party Ref: [REDACTED]

LOCAL IMPACT REPORT

Proposal:	Application by Uniper UK Limited for a Development Consent Order
Prepared by:	[REDACTED], Senior Planning Officer, Flintshire County Council
Agreed:	By Cabinet Member for Transformation, Place and Growth on 10 February 2026
Date:	10 February 2026

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PART A: BACKGROUND AND CONTEXT

1. INTRODUCTION

- 1.1 Uniper UK Limited ('the applicant' / 'the developer') have applied for an Order granting development Consent for a low-carbon combined cycle gas turbine electricity generating station of up to 1,380 megawatts net electrical output with post-combustion carbon capture; natural gas, cooling water and electricity connections; carbon dioxide connection to the HyNet CO2 Pipeline Project; above ground installations; utilities; construction laydown areas; access; and other associated and ancillary development. This project is known as the Connah's Quay Low Carbon Power Project and is considered to be a Nationally Significant Infrastructure Project (NSIP).
- 1.2 Flintshire County Council's Cabinet Member for Transformation, Place and Growth agreed this Local Impact Report (LIR) on 10 February 2026 and as such the matter can be considered under Delegated Powers.
- 1.3 The purpose of the LIR is for the Council to advise the Examining Authority (ExA) on local impacts it considers the proposed development will have on the local area by reference to specific issues and material considerations. Details of how negative impacts can be overcome and mitigated will be provided where relevant or possible. The LIR will also appraise the proposed development's compliance with local planning policy and guidance and offer views on the DCO provisions, and proposed requirements. The scope of this LIR only relates to the impacts of the proposal as it affects the administrative area of the Council.
- 1.4 On the 16 January 2026 the applicant submitted a Change Notification which the ExA accepted. This LIR has some regard to the proposed changes to the DCO

application, and this has been made clear where this is the case. Should it be necessary, an addendum may be offered by the Council to supplement this LIR.

2. DESCRIPTION OF THE PROPOSED DCO DEVELOPMENT

2.1 The DCO proposed development is for a low-carbon combined cycle gas turbine electricity generating station of up to 1,380 megawatts net electrical output with post-combustion carbon capture; natural gas, cooling water and electricity connections; carbon dioxide connection to the HyNet CO₂ Pipeline Project; above ground installations; utilities; construction laydown areas; access; and other associated and ancillary development. The objectives of the Project are to reduce CO₂ emissions from industry, homes and transport and support economic growth.

2.2 The applicant states in their submission that the DCO Proposed Development forms part of a long-term replacement strategy for our existing unabated power station and if realised, the new combined cycle gas turbine (CCGT) power station could be operational by 2030.

2.3 The DCO Proposed Development would comprise:

- **Main Development Area** is an area of around 56.45 ha that includes operational parts of the existing Connah's Quay Power Station and agricultural fields. Areas of the Main Development Area would be developed for the proposed CCGT and CCP and used for temporary laydown areas during construction. It is bordered generally to the north by the Dee Estuary, to the east by the existing National Grid Electricity Transmission plc (NGET) 400 kV Substation, and to the south by the North Wales Main Line railway;

- **Repurposed CO2 Connection Corridor** is an area between the southwest corner of the Main Development Area and the north-east corner of the Proposed CO2 Connection Corridor. It comprises around 4.34 ha and is largely agricultural fields and hedgerows. It follows 3 km of the route of an existing underground gas pipeline between the existing Connah's Quay Power Station and Point of Ayr Gas Terminal to the north-west;
- **Proposed CO2 Connection Corridor** mirrors the area consented for the proposed Flint Above Ground Installation (Liverpool Bay CCS Ltd's Flint AGI) and Newbuild CO2 Pipeline works within the HyNet CO2 Pipeline Project (refer to Section 2.4). It comprises 6.21 ha within which a new CO2 export pipeline approximately 422m in length for the Proposed Development would be constructed linking the Repurposed CO2 Connection Corridor at one end, with the area consented for the proposed Liverpool Bay CCS Limited's Flint AGI at the other end;
- **Water Connection Corridor** is an area of around 1.60 ha which includes the existing abstraction and discharge infrastructure for cooling water sourced from the River Dee for the existing Connah's Quay Power Station. It includes both intertidal mudflat and saltmarsh habitats of the Dee Estuary and the River Dee itself. Subject to minor modification and alteration, the Proposed Development would utilise the existing Connah's Quay Power Station cooling water abstraction and discharge infrastructure located within the River Dee;
- **Electrical Connection Corridor** is an area of 3.40 ha which includes the existing electrical export transmission cable(s) that interface with the Main Development Area and the existing NGET 400 kilovolt (kV) Substation;

- **Construction and Indicative Enhancement Area (C&IEA)** is an approximate 12.58 ha area of vacant land under the Applicant's ownership south-east of the Main Development Area which currently comprises derelict hardstanding with scrub / grass vegetation, open grassland and small trees. Following use during construction as a laydown area, the C&IEA would be used for ecological mitigation. The Outline Landscape and Ecological Management Plan (LEMP) (EN010166/APP/6.9) sets out plans to identify these areas and the implementation plan for these measures;
- **Main Development Area Access Works Area** comprises Kelsterton Road, including a bridge over the North Wales Main Line railway, and part of a former junction between the A548 and Kelsterton Road. This area comprises around 0.24 ha of existing hardstanding with small areas of roadside, kerbs, trees and grass;
- **Alternative Access to Main Development Area and Access to C&IEA** is an existing hardstanding road that runs from the B5112 towards the Electrical Connection Corridor beneath the A548 Flintshire Bridge; and
- **Surface Water Outfall Area** is the area including and surrounding the existing artificial outfall for surface water drainage from the existing Connah's Quay Power Station into the Dee Estuary. A new surface water outfall would be required.

3. DESCRIPTION OF THE PROPOSED DCO DEVELOPMENT SITE AND SURROUNDINGS

- 3.1 It is understood from the application documents that 'The Site' refers to the land within which the DCO Proposed Development, and if consented and developed would be located, and bounded by the Order Limits.
- 3.2 The Council's LIR relies upon the Applicant's description of the site and surrounding area as set out in the Applicant's Planning Statement, (document reference APP-262).
- 3.3 The various appendices of this LIR set out environmental constraints, LDP allocations, built conservation constraints and public rights of way associated with each section of the proposed DCO.

4. RELEVANT PLANNING HISTORY AND COMMITTED DEVELOPMENTS

- 4.1 Planning applications which are extant or pending determination within the DCO order limit, are set out below. It is noted that these proposals have not been identified within the applicant's planning statement:

- 4.2 Planning applications pending determination that lie within the DCO Order limit:

COU/000791/23 - Change of use of land to form a 3 pitch traveller family site, along with the erection of a day room, boundary fencing, the installation of a septic tank and landscaping with access from Chester Road (existing access).

OUT/000021/26 - Outline application for construction of new affordable dwelling.

- 4.3 Planning applications determined in the last 6 months that lie within the DCO Order limit:

DEM/000807/25 - Demolish the decommissioned Gas Treatment Plant (GTP) and associated foundations connecting pipework (below and above ground) to the above ground gas installation

OUT/000566/25 - Outline application for construction of residential dwelling.

PART B: RELEVANT PLANNING POLICIES AND GUIDANCE

5. UK GOVERNMENT PLANNING POLICY AND LEGISLATION

5.1 The main material consideration in the determination of Nationally Significant Infrastructure Projects are National Policy Statements (NPS), NPSs for energy infrastructure were published by on 22 November 2023 and came into force in England and Wales on 17 January 2024. The following energy NPSs are relevant to the Proposed Development and are considered below:

- Overarching NPS for Energy (EN-1)
- NPS for Natural Gas Electricity Generating Infrastructure (EN-2)
- NPS for Natural Gas Supply Infrastructure and Gas and Oil Pipelines (EN-4)
- NPS for Electricity Networks Infrastructure (EN-5)

5.2 The Council considers that Welsh Government and Local planning policies are also material considerations to be afforded appropriate weight. The policies and legislation the Council consider relevant are set out in the sections below.

6. WELSH GOVERNMENT PLANNING POLICY AND LEGISLIATION

6.1 The Site lies entirely within the administrative area of Flintshire County Council therefore should also be considered against Welsh Government Policy and the Development Plan within Flintshire.

6.2 The Council considers the following Welsh Government legislation, policy documents and guidance are relevant:

Legislation

6.3 The provisions within the following Acts are considered to be material considerations:

- The Wales Act 2017
- Well-being of Future Generations (Wales) Act 2015
- The Environment (Wales) Act 2016
- The Environment (Wales) Act 2016 (Amendment of 2050 Emissions Target) Regulations 2021 which set an amended target of reducing carbon emissions in Wales to net zero by 2050.

6.4 The Wellbeing of Future Generations Act 2015 puts in place seven well-being goals guiding sustainable development, one of which endeavours to achieve ‘A prosperous Wales’ in which:

“An innovative, productive and low carbon society which recognises the limits of the global environment and therefore uses resources efficiently and proportionately (including acting on climate change); and which develops a skilled and well-educated population in an economy which generates wealth and provides employment opportunities, allowing people to take advantage of the wealth generated through securing decent work.”

6.5 It is considered that the proposed development would contribute to achieving the long term goal of the Wellbeing of Future Generations Act of achieving a prosperous Wales.

Prosperity for All: Low Carbon Wales (2019).

6.6 This Plan sets out the Welsh Government’s approach to cut emissions and increase efficiency in a way that maximises wider benefits for Wales, ensuring a fairer and healthier society. It sets out 100 policies and proposals that directly reduce emissions and support the growth of the low carbon economy. Its aim is to assist Wales to meet 2016 to 2020 carbon budget, and 2020 emissions reduction targets. The plan:

- Focuses on future skills needed to ensure we transition our workforce to maximise the opportunities presented by global clean growth.

Policy 34 - Maximise Welsh benefit from major infrastructure projects in Wales

6.7 States that although the Wales Act 2017 delivers increased powers to Welsh

Ministers, there are still many major infrastructure decisions made by UK Government and others. Welsh Government's approach is to ensure we understand the impacts on Wales and ensure we derive the maximum social and economic benefit from the development.

Policy 57 – Energy Efficiency Schemes UK Government

- 6.8 UK Government's Clean Growth Strategy sets out policies and proposals to accelerate the pace of clean growth. It includes the development of a package of measures to support businesses to improve energy productivity by at least 20% by 2030 including working with the Carbon Capture Usage and Storage (CCUS) Council to consider options to deploy CCUS in the UK and maximise its industrial opportunity.

Policy 60 – Carbon Capture Utilisation and Storage

- 6.9 The UKCCC assumes that CCUS could significantly reduce Welsh emissions by 2050 but the deployment of CCUS in its Welsh scenarios does not commence until the late 2030s and will be towards the end of the window of UK deployment. This reflects the greater practical difficulty and cost in the Welsh context relative to other parts of the UK. UK Government's industry led CCUS Council will need to work with Welsh Government when considering steps required to reduce the cost of deploying CCUS in the UK. In July 2018 the Group published its independent report setting out industry's view on how best to progress CCUS in the UK in order to enable the UK to have the option of deploying CCUS at scale during the 2030s, subject to costs coming down sufficiently.

A Carbon Capture, Utilisation, and Storage Network for Wales (2021)

- 6.10 This sets out the approach that the Welsh Government would like to see regarding Carbon Capture Storage (CCS). The document recognises CCS as "a

feasible technical option to support Wales in achieving its statutory emissions reduction targets”.

Planning Policy Wales (Edition 12, February 2024)

- 6.11 Planning Policy Wales (PPW) sets out the land use planning policies of the Welsh Government. It is supplemented by a series of Technical Advice Notes (TANs), Welsh Government Circulars, and policy clarification letters, which together with PPW provide the national planning policy framework for Wales. The following sections of PPW are considered of relevance to this development:
- Chapter 5 – Production and Enterprising Place. In particular Section 5.7 – 5.9 inclusive, which sets out the policy framework for renewable and low carbon energy development.
 - Chapter 6 - Distinctive and Natural Places. In particular Section 6.1: The Historic Environment; Chapter 6.3: Landscape; Chapter 6.4: Biodiversity and Ecological Networks; Chapter 6.6: Water and Flood Risk; Chapter 6.7: Air Quality and Soundscape; and Chapter 8: Lighting.
- 6.12 PPW sets out the overriding requirement for sustainable development. The document sets out a number of planning principles as follows:
- Growing our economy in a sustainable manner
 - Making best use of resources
 - Facilitating accessible and healthy environments
 - Creating and sustaining communities
 - Maximising environmental protection and limiting environmental impact
- 6.13 Paragraph 2.26 advises that planning authorities should ensure that social, economic, environmental and cultural benefits are considered in the decision-making process and assessed in accordance with the five ways of working to ensure a balanced assessment is carried out to implement the Well-being of Future Generations Act and the Sustainable Development Principle.

- 6.14 Paragraph 3.30 onwards explains climate change, decarbonisation and the sustainable management of natural resources (SMNR). This section recognises that the planning system plays a key role in tackling the climate emergency through the decarbonisation of the energy system and the sustainable management of natural resources. One of the key features of the SMNR is recognised as ‘facilitating the move towards decarbonisation of the economy’.
- 6.15 The guidance which is key to the consideration of this proposed development is in section 5.7 relating to Energy. Paragraph 5.7.1 states
‘The future energy supply mix will depend on a range of established and emerging low carbon technologies, including biomethane and green hydrogen’.
- 6.16 Paragraph 5.7.2 states
‘In order to ensure future demand can be met, significant investment will be needed in energy generation, transmission and distribution infrastructure. The system will need to integrate renewable generation with storage and other flexibility services, in order to minimise the need for new generation and grid system reinforcement. Collectively we will need to concentrate on reducing emissions from fossil fuel sources, whilst driving further renewable generation which delivers value to Wales’.
- 6.17 PPW provides guidance on the electricity grid network and also associated energy storage. Paragraph 5.7.10 states
‘Planning authorities should plan positively for grid infrastructure. Development plans should facilitate the grid infrastructure required to support the renewable and low carbon energy potential for the area, particularly areas identified for such development. Planning authorities should support appropriate grid developments, whether or not the developments to be connected are located within their authority’.
- 6.18 Although not specifically stated it would appear that this statement is applicable to all energy networks and not just electricity.
- 6.19 Paragraph 5.9.19 provides guidance in respect of development management and advises that planning authorities should take into account:

- *'the contribution a proposal will make to meeting identified Welsh, UK and European targets;*
- *the contribution to cutting greenhouse gas emissions; and*
- *the wider environmental, social and economic benefits and opportunities from renewable and low carbon energy development'.*

6.20 Paragraph 5.9.20 advises that:

'Planning authorities should also identify and require suitable ways to avoid, mitigate or compensate adverse impacts of renewable and low carbon energy development'.

6.21 It further advises that:

'The construction, operation, decommissioning, remediation and aftercare of proposals should take into account:

- *the need to minimise impacts on local communities, such as from noise and air pollution, to safeguard quality of life for existing and future generations;*
- *the impact on the natural and historic environment;*
- *cumulative impact;*
- *the capacity of, and effects on the transportation network;*
- *grid connection issues where renewable (electricity) energy developments are proposed; and*
- *the impacts of climate change on the location, design, build and operation of renewable and low carbon energy development. In doing so, consider whether measures to adapt to climate change impacts give rise to additional impacts'.*

Future Wales: The National Plan 2040 (February 2021)

6.22 Future Wales is the Welsh Government's national development framework, setting direction for development in Wales to 2040. Future Wales forms part of the statutory development plan for Wales. It is the highest tier of development plan and regard has been had to Future Wales as part of the preparation of Flintshire LDP in terms of ensuring general conformity. It has development plan status and therefore forms part of the planning framework, used as a basis for making planning decisions in Flintshire.

6.23 Future Wales draws attention on page 13 to the Natural Resources Policy which identifies the need to:

'facilitate the decarbonisation of the economy, including energy and transport choices, and promote the principles of a circular economy'.

6.24 Future Wales sets out some 11 outcomes and outcome 11 on page 56 is:

'A Wales where people live ... in places which are decarbonised and climate-resilient'.

6.25 The accompanying text is as follows:

'The challenges of the climate emergency demand urgent action on carbon emissions and the planning system must help Wales lead the way in promoting and delivering a competitive, sustainable decarbonised society. Decarbonisation commitments and renewable energy targets will be treated as opportunities to build a more resilient and equitable low-carbon economy, develop clean and efficient transport infrastructure, improve public health and generate skilled jobs in new sectors. New homes will be energy efficient and will help communities adapt to the changing climate'.

6.26 Future Wales sets out a number of policies. Policy 1 is the overarching framework for where development and growth will be focused in each region. 'Where Wales will Grow' identifies that Wrexham and Deeside is a National Growth Area where '*.. there will be growth in employment and housing opportunities and investment in infrastructure*'. Policy 1 drives the delivery of the Future Wales Outcomes and ensures Future Wales' policies and the planning system in general are committed to achievement. Key issues listed include decarbonisation.

6.27 Policy 17 'Renewable Energy and Low Carbon Energy and Associated Infrastructure' strongly supports the principle of developing renewable and low carbon energy from all technologies and at all scales to meet future energy needs. The policy states:

'In determining planning applications for renewable and low carbon energy development, decision-makers must give significant weight to the need to

meet Wales' international commitments and our target to generate 70% of consumed electricity by renewable means by 2030 in order to combat the climate emergency'.

6.28 It further states:

'Proposals should describe the net benefits the scheme will bring in terms of social, economic, environmental and cultural improvements to local communities'. The policy also, and of relevance to this proposed development, recognises the importance of infrastructure stating 'New strategic grid infrastructure for the transmission and distribution of energy should be designed to minimise visual impact on nearby communities. The Welsh Government will work with stakeholders, including National Grid and Distribution Network Operators, to transition to a multi-vector grid network and reduce the barriers to the implementation of new grid infrastructure'.

6.29 Policy 20 'National Growth Area – Wrexham and Deeside' recognises that *'Wrexham and Deeside will be the main focus for growth and investment in the North region'.*

6.30 Policy 21 'Regional Growth Area – North Wales Coastal Settlements', recognises and identifies that the North of Wales will play a role in decarbonising society and supports the realisation of new infrastructure projects.

Technical Advice Notes (TANs) and Welsh Government Planning Guidance

6.31 The following TANs and Welsh Government Practice Guidance are considered to be material considerations:

- Technical Advice Note (TAN) 5 - Nature Conservation and Planning (2009)
- Technical Advice Note (TAN) 11 – Noise (1997)
- Technical Advice Note (TAN) 12 – Design (2016)
- Technical Advice Note (TAN) 15 – Development and Flood Risk (2004)
- Technical Advice Note (TAN) 18 – Transport (2007)
- Technical Advice Note (TAN) 20 – Planning and the Welsh Language (2017)
- Technical Advice Note (TAN) 21 – Waste (2014)
- Technical Advice Note (TAN) 23 – Economic Development (2014)
- Technical Advice Note (TAN) 24 – The Historic Environment (2017)

7. LOCAL PLANNING POLICY

7.1 The Flintshire LDP was adopted by the Council on 24 January 2023 and covers the period 2015 to 2030. It forms part of the statutory development plan alongside Future Wales: The National Plan 2040.

7.2 The LDP does not contain a specific policy in respect of infrastructure projects and would rely on the framework of strategic and detailed development management policies to be read as a whole. Policy STR6 does recognise the need for infrastructure but is in the context of this supporting particular forms of development such as housing, rather than freestanding infrastructure development. The key relevant policies in the adopted LDP are listed below:

- STR4 sets out strategic principles in respect of sustainable development, design and placemaking and is clearly signposted to subsequent detailed policies.
- STR13 strategic principles in respect of natural, built environment, green networks and infrastructure and is signposted to subsequent detailed policies.
- STR14 sets out strategic principles in respect of climate change and environmental protection.
- PC1 guidance on development within and outside of settlement boundaries.
- PC2 sets out general requirements for all developments.
- PC3 addresses design matters.
- PC4 sets out guidance on the sustainability and resilience of new development.
- EN1 seeks to protect existing sports recreational and cultural facilities.
- EN2 addresses green infrastructure.
- EN4 seeks to ensure new development respects landscape character.
- EN6 provides guidance on sites of biodiversity importance.
- EN7 provides guidance on trees, woodlands and hedgerows.
- EN8 provides guidance on the built historic environment and listed buildings.
- EN13 provides guidance on renewable and low carbon energy development.
- EN14 provides guidance in respect of flood risk.
- EN15 seeks to ensure new development does not harm water resources.

8. SUPPLEMENTARY PLANNING GUIDANCE NOTES

8.1 Flintshire's Supplementary Planning Guidance Notes (SPGs) were adopted in line with national guidance including involving public consultation and formal resolution to adopt. It is accepted that the SPGs were prepared in line with the previous Unitary Development Plan (UDP) and it is acknowledged that the UDP no longer forms part of the Development Plan for Flintshire. However, most of the SPG's are still applicable to the broad thrust of relevant LDP policies and reasonably up to date in terms of PPW. It is considered therefore that it would be reasonable that in those instances where the guidance in an existing SPG is both relevant and helpful, the SPG's should continue to be afforded appropriate weight.

8.2 It will be necessary when using a particular SPG to ensure that it still remains consistent with the relevant LDP policy and with PPW12. Any inconsistencies would then need to be addressed in terms of relative weight to be attached.

8.3 The Council has a set of adopted Supplementary Planning Guidance (SPG) Notes. The relevant SPGs for this application are as follows:

- SPG3 Landscaping
- SPG4 Trees and Development
- SPG8 Nature Conservation & Development
- SPG8a Great Crested Newt Mitigation Requirements
- SPG28 Archaeology

9. OTHER MATERIAL CONSIDERATIONS

9.1 The Council consider the following technical sources and guidance documents to be material planning considerations:

- Welsh Government LANDMAP: the all-Wales Geographical Information (GIS) based resource for assessing landscape character and quality. LANDMAP is

the formally adopted methodology for landscape assessment in Wales and informs planning related uses and landscape baseline conditions at both local and landscape scale.

- Welsh Government Practice Guidance: Planning Implications of Renewable Energy and Low Carbon Energy (February 2011)
- Welsh Government Practice Guidance: Planning for Renewable and Low Carbon Energy – A Toolkit for Planners (September 2015)

PART C: ASSESSMENT OF IMPACTS

Engagement with the Applicant

The Council has engaged with the Applicant during the preparation of this Report and acknowledge the work of the Applicant during this engagement to resolve the issues raised by the Council.

The Council are committed to ongoing engagement with the Applicant throughout the Examination to continue to resolve the concerns raised in the following sections of this Report. It is anticipated that following receipt of the further information and clarifications requested in this Report, that a subsequent update on the Councils position will be provided through the submission of our Statement of Common Ground (SoCG) with the Applicant.

After each section the report offers a conclusion on assessment of impacts at the time of writing. It should be noted that this conclusion is broadly considered and may be subject to change as the application process progresses.

10. NOISE AND VIBRATION RESIDENTIAL/PUBLIC AMENITY

Information reviewed

- 10.1. In undertaking this review, the following documents are referenced and have been reviewed:
- Chapter 9 Noise and Vibration [APP-047]
 - Figure 9.1 Noise Sensitive Receptors and Sound Monitoring Locations [APP-120]
 - Figure 9.2 Main Development Area and Construction Laydown Noise Contours [APP-121]
 - Figure 9.3 Main Development Area Operational Sound Contours [APP-122]

- Appendix 9A Noise and Vibration Methodology [APP-184]
- Appendix 9B Baseline Sound Level Survey [APP-185]
- Appendix 9C Construction Noise Effects and Assumptions [APP-186]
- Appendix 9D Operational Sound Information [APP-187]
- Framework Construction Environmental Management Plan [APP-246]

10.2. Policy STR14 of the adopted Flintshire LDP: Climate Change and Environmental Protection states that:

*“The Council will seek to mitigate the effects of climate change and ensure appropriate environmental protection in the County through:
vi. Ensuring that new development has regard to the protection of the environment in terms of air, noise and light pollution”*

10.3. Policy PC2 General Requirements for Development states that

“All Development should:

“not have a significant adverse impact on the safety and living conditions of nearby residents, other users of nearby land/property, or the community in general, through increased activity, disturbance, noise, dust, vibration, hazard, or the adverse effects of pollution”

10.4. This section presents observations in respect of the assessment of effects, proposed mitigation and assessment conclusions upon construction noise and vibration, and operational noise.

10.5. This section will not assess specific details relating to dust or light. It is considered that future engagement in the Construction Environmental Management Plan [APP-246] can effectively mitigate any concerns in these areas and ensure protection of public amenity.

10.6. **Request for Clarification:**

- **The Council consider that further justification and consideration is required by the Applicant with regards to the operational noise assessment, as outlined in the Summary.**

Assessment methodology and baseline

- 10.7. Overall, the noise and vibration assessment reported is appropriate and has applied methods in line with current guidance and best practice. Section 9.1 of APP-047, from paragraph 9.1.4 provides a summary of relevant legislation; national and local policy; standards; and guidelines. The Council consider that this is an accurate and full review.
- 10.8. A baseline sound survey has been undertaken combining long-term and short-term measurements. The measurement locations (shown in Figure 9-1 [APP-120]) are appropriately distributed in relation to noise sensitive receptors and the proposed development site to provide a sufficient representation of the sound environment.
- 10.9. Paragraph 9.4.6 [APP-047] states that *“the LA90,T values presented are those deemed to be representative of Background Sound Levels, for use in the BS4142 assessment”* which it is stated have been calculated through analysing the mean, mode and 10th percentile of the measured data. No information or analysis is provided to illustrate how the baseline values derived have been arrived at, however, compared with a visual inspection of the time history plots of the sound level data presented in Appendix 9-B [APP-186], the selected LA90,T values appear to be satisfactory.

Construction noise assessment, mitigation and conclusions

- 10.10. The construction noise assessment follows the relevant British Standard (BS5228:20191) and makes assumptions about plant and working methods. Further consideration will be required if the proposed development goes ahead to ensure that agreed noise limits are achieved. This is normal practice at the application stage of projects, and the Council acknowledge their role as

¹ British Standard BS 5228-1:2009+A1:2014 Code of practice for noise and vibration control on construction and open sites – Part 1: Noise and BS 5228-2:2009+A1:2014 Code of practice for noise and vibration control on construction and open sites – Part 2: Vibration

consultee on the Construction environmental management plan under Requirement 4 of the DCO [APP-019].

Construction vibration assessment, mitigation and conclusions

- 10.11. Appendix 9-A [APP-184] Table 8 provides magnitude of impact criteria for construction vibration building damage. The table is based on BS7385-2:1993 guidance, although it is acknowledged that this is incorrectly developed and presented. However, it is not considered that this has a material impact on the outcomes of the construction vibration assessment.
- 10.12. Appendix 9-A [APP-184] Table 6 provides construction vibration threshold of impacts on people, which are adapted from BS5228-2:2009+A1:2014 and are appropriate for the assessment. These vibration levels are those which are experienced by people within their buildings therefore there needs to be consideration of any structural amplification by the building within which the vibration is experienced. The empirical predictors from BS5228-2 for construction vibration yield estimates of vibration on the ground surface outside any property, which will typically be lower than inside buildings, particularly vibration experienced on suspended floors.
- 10.13. **Request for Clarification:**
- **Construction vibration impacts on people may therefore be underpredicted, although vibration has been identified as a potentially significant effect ([APP-047], paragraph 9.7.4).**
- 10.14. It is noted that the Framework Construction Environmental Management Plan (CEMP) [APP-246] sets out that a further, more detailed “*noise and vibration assessment would be undertaken, which will identify specific mitigation measures for the Proposed Development.*” The Councils acknowledge their role as a consultee on the final CEMP, as secured under Requirement 4 of the DCO,

and would expect to see further detail particularly with regards to proposed mitigation measures in the vicinity of laydown areas.

Operational noise assessment, mitigation and conclusions

- 10.15. The assessment of operational noise has been undertaken in line with BS4142:2014+A1:2019 which is appropriate for a proposed development of this nature. The method used is to compare the rating sound level from the proposed development, predicted at the noise sensitive receptors, with the existing background sound level.
- 10.16. A magnitude of impact scale is provided in Appendix 9-A [APP-184] which defines seven categories. The middle of the range is 'low/medium' impact, corresponding to a rating level (i.e. the sound level from the plant) of 7-8dB above the background sound level. Paragraphs 9.6.40 to 9.6.42 of Chapter 9 [APP-047] uses this to define a significant adverse effect threshold at a rating level 8dB or more above background. Chapter 9 [APP-047], Table 9-5, on additional relevant engagement, states that *"FCC indicated agreement with the proposed +8dB rating level target and stated that the ES chapter would need to explain and justify the +8dB rating level"*, to which the response is that Section 9.6 of the chapter presents the explanation.
- 10.17. The Council does not agree with this conclusion, nor does it agree with the proposed +8dB rating level target. It is considered that the rationale provided does not lead to an appropriate outcome, for the reasons outlined below:
- BS4142 notes that a difference between the rating and background sound levels of "around +5dB is likely to be an indication of an adverse impact, depending on the context" and a difference of "around +10dB" a significant adverse impact. A difference of 8dB is closer to 'around +10dB' than it is

to 'around +5dB', particularly noting the inclusion of 'around' in these criteria.

- The baseline weekday daytime ambient sound levels presented in Chapter 9 [APP-047] Table 9-9 range between 44 and 59dBLAeq. For most receptors, these are already well above the World Health Organization (WHO) Community Noise Guidelines (1999)² recommendation for daytime outdoor noise levels of 55dBLAeq to protect the majority of people from being seriously annoyed by noise and 50dBLAeq to protect the majority of people from being moderately annoyed by noise. The specific sound levels from the proposed development (refer to Table 9-17 [APP-047]) will add to these levels, further increasing the likelihood of annoyance and consequential impacts on health and wellbeing.
- Similarly for night time, the baseline levels range between 42 and 57dBLAeq. The proposed development will operate 24 hours so the night time levels would again increase the overall sound level. The existing ambient level is already well in excess of the WHO Night Noise Guidelines for Europe (2009) guideline of 40dBLnight and for some receptors, above the interim target of 55dBLnight to protect public health.

The assessment criteria in BS4142 (i.e. around +5dB and +10dB compared to the background (dBLA90) sound level) clarify that the effect experienced is dependent not only on these levels but also on the context in which the exposure to them occurs. To provide context, the Applicant has considered a comparison of the baseline ambient sound level

² [Guidelines for community noise](#)

(quantified as the LAeq) with the calculated total LAeq that would exist if the predicted specific sound from the proposed power station is added to the baseline ambient sound level; this summation indicates an increase well below 1dB. While this approach may be appropriate for some situations, the Council does not agree that it can be applied here. It is apparent from the baseline data and the observations of the baseline survey team that the baseline sound environment is dominated by road traffic noise. Addition of a higher, comparatively steady, background sound from the proposed power station would be very likely to be noticeable against the existing background sound, irrespective of the small increase in the LAeq.

- Properties on Kelsteron Road that are already exposed to high levels of sound from the A548 Chester Road to the south west may have a degree of respite from noise on the north eastern sides of the dwellings. This would be the side most exposed to the proposed development so likely to reduce any existing respite benefit in these locations.

10.18. The Council notes that no consideration has been given to specific risks from low frequency sound and BS4142 states that the standard is not applicable to the assessment of low frequency sound. The standard refers to NANR45, a University of Salford report prepared for Defra³. Given the nature of the plant and the high sound power levels at lower frequencies stated in Table 1 of Appendix 9-D [APP-187], the Council considers that the Applicant should also consider the impacts of low frequency sound to address the risk that likely significant adverse effects may have been overlooked. The Council agrees with the Applicant that this could be addressed through provision in an Operational

³ https://images.reading.gov.uk/2021/10/CD-6.26-NANR45-procedure_rev1_23_12_2011.pdf

Environmental Management Plan and recommend that the Applicant considers the risk of low frequency sound during the design process.

- 10.19. Proposed mitigation measures are described in Chapter 9 [APP-047], Table 9-22. It is acknowledged by the Applicant that even to achieve a target of 8dB above the background sound level, significant levels of mitigation are required – 15 to 20dB for eight different (22 in total) plant items. The Council acknowledges that assurances have been provided by the Applicant with regards to the proposed mitigation measures, which are being developed through the FEED. However, the Council acknowledge their role as consultee on Requirement 12 (control of noise – operation) of the DCO and do not consider the currently proposed noise target to be acceptable. The Council notes that the proposed development will require an environmental permit, for which a lower impact may be required by Natural Resources Wales.

Summary

- 10.20. Overall, the guiding information used to inform the assessment of construction noise and vibration and operational noise, and the approaches taken to assessment are appropriate. However, the following issues have been identified.
- Construction noise will be clearly audible in many locations, although it is likely working within appropriate criteria should be achievable. Sensitive and early engagement with local communities will be essential to minimise complaints.
 - Construction vibration impacts and effects on people in their properties has been incorrectly assessed through the omission of considering structural amplification of vibration. The magnitude and extent of impacts

and effects have therefore been underestimated, however, the Council accepts that this can be addressed through a CEMP.

- The criterion of 8dB above the background sound level for the identification of potential significant effects from operation of the plant is high. In an environment already exposed to sound levels above WHO guidance from existing sources, this would lead to a further increase in sound exposure for residents. The Council does not agree that this is an appropriate criterion for identifying a likely significant effect.
- Low frequency operational sound from operation of the plant needs to be considered and if required, adequately mitigated. This should be considered during the design and secured through an Operational Environmental Management Plan.

10.21. A single point of contact is required to be identified in the detailed CEMP to ensure clarity on who and by what methods communities should direct concerns/queries to. The Council's Environmental Protection Officer would also need to discuss further with the responsible person the application submitted by the developer (for the controls of noise on site in accordance with the Control of Pollution Act 1974) so that the Council can authorise this once mitigation is approved during construction and at the decommissioning.

10.22. Section 61 of the Control of Pollution Act 1974 allows the project to apply for consent. Given potential noise complaints this is deemed a necessary step and as explained in the DCO. Early dialogue with the Council's Environmental Protection Team is required and approval given. The Council would serve the appropriate notice at each required stage, once we have all the information about secondary mitigation measures, which currently is not available.

10.23. **Conclusion on assessment of impact:**

- Construction Phase: **NEGATIVE**
- Operational Phase: **NEGATIVE**

11. TRAFFIC AND TRANSPORT

Information reviewed

11.1 In undertaking this review, the following documents are referenced and have been reviewed:

- Access, Streets, Rights of Way and Rights of Navigation Plans [APP-013]
- Traffic Regulation Measures Plans [APP-014]
- Draft Development Consent Order [APP-019]
- ES Chapter 10 Traffic and Transport [APP-048]
- Figure 10.1 Local Highway Network [APP-123]
- Appendix 10A Transport Assessment [APP-188]
- Framework Construction Management Travel Plan [APP-247]
- Framework Construction Workers Travel Plan [APP-248]
- Commitments Register [APP-251]

11.2 The Development Management Manual advises at paragraph 9.4.3 that material considerations must be fairly and reasonably related to the development concerned, and can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment; and the effects of a development on, for example, health, public safety and crime. The highway impacts of development should therefore be regarded as a potential material consideration.

11.3 LDP Policy PC2 states that: *“All development should, ...*

- a) not have an unacceptable effect on the highway network or highways safety as a result of problems arising from traffic generation, inadequate and poorly located parking spaces, servicing and manoeuvring;”*

11.4 This reflects general principles set out in Planning Policy Wales (PPW 11) and TAN 18 – Transport, in support of sustainable development.

- 11.5 This section presents observations in respect of the assessment of effects, proposed mitigation and assessment conclusions upon construction and operational traffic.

Assessment methodology and baseline

- 11.6 Overall, the traffic and transport assessment reported is appropriate and has applied methods consistent with industry standards. Sections 10.5 and 10.8 of APP-048 provides a summary of the relevant legislation; national and local policy; standards; and guidelines.
- 11.7 The Council consider that this is an accurate and full review, however, consider that the Applicant should introduce further commitments to ensure compliance with the Active Travel (Wales) Act (2013) and Local Development Plan Policy PC6: Active Travel.
- 11.8 The Council note that the Applicant has relied on Census 2021 data for light vehicle distribution and journey-to-work data which has informed the baseline. The Council consider that this may not fully reflect the current and future commuting patterns following the COVID-19 pandemic or indeed, contractor accommodation strategies during construction.

Construction assessment, mitigation and conclusions

- 11.9 The Council welcomes the commitments outlined in APP-048 with regards to car sharing targets and HGV related restrictions. However, it is noted that there is no monitoring or compliance mechanism proposed and therefore requests further information or clarification from the Applicant as to how this will be enforced in practice. The Council suggests a commitment is added to the Framework Construction Traffic Management Plan [APP-247], which is subject to further

approval from the Council as the relevant highway authority, secured via Requirement 5 of the draft Development Consent Order [APP-019].

- 11.10 Similarly, the Council welcomes the commitments outlined in the Framework Construction Workers Travel Plan [APP-248], however raises concerns that there are no compliance mechanisms proposed to ensure uptake on the proposed approach within the framework. The Council notes that the anticipated targets rely on a voluntary uptake only, and therefore there has been no quantified assessment of the potential benefits of the modal shift. The Council suggests that this quantitative assessment is undertaken, and that a commitment is added to the Commitments Register [APP-251] to ensure compliance with the Framework.
- 11.11 Sections 3.2 – 3.4 of APP-248 establishes agreeable principles for site accessibility, in theory, however the Council is concerned that the practicalities relating to personal protective equipment and shift patterns for construction workers mean that there will be a low uptake in walking and/or cycling to site. Similarly, the Council agrees with the suggestion that bus and rail travel options should be encouraged, however notes that this is heavily reliant upon integration with shuttle and/or mini-bus schemes to the site.
- 11.12 The Council considers that the reliance on Kelsterton Road for routing all construction worker traffic poses congestion and safety issues, which have not been accounted for or considered within the Applicant's assessment or in the mitigation measures outline in the APP-248. Similarly, no cumulative impact modelling has been undertaken to understand the true impact of the Proposed Development coupled with other developments in the area, or to take into account seasonal variations. The Council therefore request that cumulative modelling is undertaken and shared with the Council as the relevant highway authority.

11.13 Additionally, the Council highlight that no modelling of driver delay or network resilience has been undertaken to identify the potential effects of this during the peak construction period, and suggests that this is undertaken and the results shared with the Council as the relevant highway authority.

Operational assessment, mitigation and conclusions

11.14 The Council note that there is anticipated to be a minor adverse impact on Kelsterton Road during the operational period, as set out in APP-048. Acknowledging the absolute increase of approximately 10 vehicles per day, the Council question the conclusion of this assessment given the scale of increase compared to the baseline, coupled with the potential safety implications of a traffic increase of this magnitude.

Summary

11.15 Overall, the guiding information used to inform the assessment and the approaches taken to assessment are appropriate. However, the Council remains concerned that many of the commitments outlined by the Applicant are not secured via relevant Management Plans or via a Requirement of the DCO, and therefore requests further assurances and updates to application documents as outlined below to secure these commitments.

- The Council considers that junction capacity modelling should be undertaken so that the impact of peak construction traffic can be fully understood, particularly for Kelsterton Road where a 393% increase is forecast during the peak construction period.

- The Council suggest that a monitoring and compliance commitment is added to the Framework Construction Traffic Management Plan [APP-

247], to ensure that the car sharing targets and HGV restrictions are implemented during the construction period as proposed.

- The Council suggests that a quantitative assessment is undertaken with regards to the potential benefits of the modal shift outlined in the Framework Construction Workers Travel Plan [APP-248], and that a commitment is added to the Commitments Register [APP-251] to ensure compliance with the Framework.

- The Council request that cumulative modelling is undertaken for the forecasted construction workforce traffic and shared with the Council as the relevant highway authority.

11.16 Conclusion on assessment of impact:

- Construction Phase: **NEGATIVE**
- Operational Phase: **NEUTRAL**

12. PUBLIC RIGHTS OF WAY

Information reviewed

12.1 In undertaking this review, the following documents are referenced and have been reviewed:

- Access, Streets, Rights of Way and Rights of Navigation Plans [APP-013]
- Draft Development Consent Order [APP-019]
- ES Chapter 10 Traffic and Transport [APP-048]
- Framework Construction Management Travel Plan [APP-247]
- Framework Construction Workers Travel Plan [APP-248]
- Commitments Register [APP-251]

12.2 This section presents observations in respect of the assessment of effects, proposed mitigation and assessment conclusions upon construction and operational traffic specially in terms of the Public Rights of Way (PRoW).

12.3 Request for Clarification

- **The Council consider that further justification and consideration is required by the Applicant with regards to the temporary and operational impact on PRoW as outlined in the Summary.**

Assessment methodology and baseline

12.4 Document APP-013 provides plans showing the public right of way network in relation to the proposed DCO application. Generally speaking, it is considered that the applicant has identified all the affected public rights of way that would be affected by the proposal and they propose to making provision for temporary diversions during construction, which is welcomed.

12.5 There is a designated footpath (comprised of sections of Flintshire County Council Footpaths 27, 28, and 42) that lies in close proximity to the south-eastern extent of the Construction & Indicative Enhancement Area boundary. The footpath connects to the B5129, approximately 90 m to the east of its junction

with Golftyn Lane and continues in a south-east direction, before terminating at Quay Business Park.

12.6 The Council's main concern surrounds Construction & Indicative Enhancement Area and the lack of assessment of an improved permanent access to facilitate the area and Footpath 28.

12.7 This interest was referenced to the ExA in the response to scoping consultation dated 8 March 2024.

"With regard to Public Footpath 28 in Connah's Quay. The route connects to Public Footpath No. 27 in Connah's Quay, which is shown crossing the Chester - Holyhead railway line. The status of both Public Footpath 27 & 28 have been subject to scrutiny in recent years and there is doubt over their physical existence (more so Public Footpath 27). The alignment of Public Footpath 28 doesn't appear to be affected necessarily by the Indicative Enhancement Area, however the proposal as a whole project represents an opportunity to improve the network at this location as part of a wider community benefit. We would welcome engagement from the applicant further on in the process to discuss this matter."

12.8 APP-048 states on page 11 and 17 that *'this point has been acknowledged and is discussed within Section 10.4'*. However, the Council cannot find reference to consideration of this opportunity in Section 10.4.

12.9 Sheet 11 – APP-013 2.6 CQLCP Access, Streets, Rights of Way and Rights of Navigation Plans Rev 00 is clear that Footpath 28 is in fact outside of the Order Limit. However, that the Order Limit was not drawn to the boundary of the site. In any event this does not preclude the Applicant from providing access over the Order Limit to allow Footpath 28 access to the western area of the Construction & Indicative Enhancement Area and onward.

12.10 Request for Clarification

- **Clarification is sought in regard to the assessment and consideration of improvements to Footpath 28**

- **Why was the Order Limit not drawn up to their boundary with Network Rail's land.**

Construction assessment, mitigation and conclusions

12.11 APP-048 concludes that impact on Public Rights of Way (PRoW) during the construction period will be minor adverse, due to the temporary nature of the proposed diversions being limited to the construction period only. Owing to the change in environment in this area during this period, the Council would welcome discussion with the Applicant about what further mitigation measures could be implemented and secured through the Framework Construction Traffic Management Plan [APP-247], recognising the ~9-month duration of the proposed diversion. The Council acknowledge that they will be consulted on the Construction Traffic Management Plan as the relevant highway authority, secured via Requirement 5 of the draft Development Consent Order [APP-019].

Operational assessment, mitigation and conclusions

12.12 The Council of the view that part of the site near Public Footpath No. 28 in Connah's Quay could see significant improvement. This area has been referenced 'Indicative Enhancement Area', however there has be very little information on the enhancement. While PRoW have no direct interest in the land itself, it does add to the case for a community benefit from this project and area of land.

12.13 Enhancement of PRoW and minor access over the order limits could provide a tangible community benefit and would allow people to avoid the B5129 providing a safer route than currently exists. Footpath 28 on the Applicant's land is a cul-de-sac footpath. There is an opportunity to improve this by continuing Footpath 28 to an existing overbridge.

12.14 The matter was again raised at the Issue Specific Hearing dated 14 January 2026. The ExA asked the Applicant confirm whether this footpath is within the Order limits “*and if this is something that can be delivered*” (emphasis added). In the ‘Applicant’s Written Summary of Oral Submissions at Issue Specific Hearing 2 and Response to Action Points’ we can find no reference to consideration of delivery. Just confirmation that the PRoW has been omitted from the order limits.

Summary

12.15 Overall, the guiding information used to inform the assessment and the approaches taken to assessment are appropriate. However, the Council remains concerned that improvements to the PROW network have not been adequately considered by the Applicant, and therefore the Council requests further assurances and updates to application documents – as outlined above – to secure these commitments.

- It is agreed that the order limit was drawn adjacent to the PRoW and therefore sits outside. However there still remains no rationale/assessment/consideration as to why this cannot be delivered given that allowing access on a few metres of the Order Limit would deliver a community benefit to local area.

- The Council would welcome further engagement with the Applicant with regards to proposed mitigation measures for impacts on users of the PRoW network during the construction and operation period.

12.16 **Conclusion on assessment of impact:**

- Construction Phase: **NEUTRAL**
- Operational Phase: **NEUTRAL**

13. BIODIVERSITY AND NATURE CONSERVATION

TERRESTRIAL ECOLOGY AND BIODIVERSITY

Information reviewed and limitations of review

13.1 In undertaking this review the following documents are referenced and have been reviewed:

- Consultation Report [APP-028]
- Non-Technical Summary [APP-037]
- Chapter 5: Construction Management and Programme [APP-043]
- Chapter 11: Terrestrial and Aquatic Ecology [APP-049]
- Cumulative and Combined Effects [APP-062]
- Appendix 1-B EIA Scoping Opinion [APP-173]
- Appendix 11-A: Ecological Impact Assessment Methodology [APP-189]
- Appendix 11-B: Terrestrial and Aquatic Ecology Baseline Surveys [APP-190]
- Appendix 11-C: Botanical Technical Appendix [APP-192]
- Appendix 11-D: Ornithology Technical Appendix [APP-194]
- Appendix 11-E: Great Crested Newt Technical Appendix [APP-195]
- Appendix 11-F: Reptile Desk Study [APP-196]
- Appendix 11-G: Bat Technical Appendix [APP-197]
- Appendix 11-H Badger Technical Appendix [APP-198]
- Appendix 11-I: Water Vole Technical Appendix [APP-200]
- Appendix 11-J: Otter Technical Appendix [APP-201]
- Appendix 11-K: Terrestrial Invertebrate Technical Appendix [APP-202]
- Appendix 11-L: Aquatic Ecology Technical Appendix [APP-203]
- Framework Construction Environmental Management Plan [APP-246]
- Outline Landscape and Ecological Management Plan [APP-250]
- Green Infrastructure Statement [APP-252]
- Report to Inform Habitat Regulations Assessment [APP-253]
- Curlew Mitigation Strategy [APP-254]
- Offsite Net Benefit for Biodiversity and Green Infrastructure Strategy [APP-255]
- Lighting Strategy [APP-278]
- Relevant Representation by Natural Resources Wales [RR-027]
- Connah's Quay Low Carbon Power - Change Consultation Newsletter (Wednesday 21 January 2026 - Wednesday 18 February 2026)

13.2 PPW12 Section 6.4 'Biodiversity and Ecological Networks', current legislation and the Conservation and Enhancement of Biodiversity SPG, stress the importance of the planning system in meeting biodiversity objectives through promoting approaches to development which create new opportunities to enhance biodiversity, prevent biodiversity losses, or compensate for losses where damage is unavoidable.

13.3 PPW12 sets out that:

"planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means that development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity" (Section 6.4.5).

13.4 PPW12 also draws attention to the contents of Section 6 of the Environment (Wales) Act 2016, which sets a duty on Local Planning Authorities to demonstrate they have taken all reasonable steps to maintain and enhance biodiversity in the exercise of their functions. It is important that biodiversity and resilience considerations are taken into account at an early stage when considering development proposals (Section 6.4.4).

13.5 LDP Policy STR13: Natural and Built Environment, Green Networks and Infrastructure sets out the strategic policy framework for conserving, protecting and enhancing the quality and diversity of Flintshire's natural environment including biodiversity and it also aims to promote opportunities to enhance biodiversity and ensure resilience.

13.6 LDP Policy EN6: Sites of Biodiversity Importance states:

"Development likely to significantly affect any site of international importance, either alone or in combination with other plans or projects, will be subject to a Habitat Regulations Assessment (HRA). Development will only be permitted where it is possible to ascertain no adverse effect on the integrity of the Site or where there are Imperative Reasons of Overriding Public Interest and compensatory measures are secured."

Development likely to impact the special features of a Nationally Designated Site will only be granted in exceptional circumstances where appropriate compensation can be provided.

Development proposals that would have a significant adverse effect on locally designated sites or site with other biodiversity and / or geological interest, including priority species, will only be permitted where:

- a. it can be demonstrated that the need for the development outweighs the biodiversity or geological importance of the site; and*
- b. it can be demonstrated that the development cannot reasonably be located elsewhere; and*
- c. any unavoidable harm is minimised by effective mitigation to ensure that there is no reduction in the overall biodiversity value of the area. Where this is not feasible compensation measures designed to create, restore and enhance biodiversity must be provided.*

Development that results in the restoration, enhancement and creation of habitats will be supported especially where this promotes the resilience of ecosystems.”

- 13.7 The reviewed information concerns the Construction and Operation Area as defined in ES Chapter 5 Construction Management and Programme [APP-043]. All ‘Accommodation Work Areas’ are not considered within this review, as these have been described as ‘limited in scale and will not result in permanent changes to habitats.’ It is noted that no ecological surveys have been conducted within these areas.
- 13.8 Consideration of the selected off-site delivery area, located northwest of Gronant Fields, Prestatyn, which is land outside of the Order Limits has been considered. However, the Applicant is in the process of agreeing a voluntary agreement to purchase the required land, and details of how all the mitigation and compensation will be accommodated in this area was not available with the documents submitted. As such, general comments in relation this have been provided, and it is recommended that this area and how the mitigation and compensation is accommodated and designed within this area is considered prior

to development consent. As such, the Council reserve the right to comment at a later date once the off-site compensation area has been agreed and designed to accommodate all ecological compensation to achieve NBB.

Ecological survey methodology and baseline

13.9 The Examining Authority (ExA) had concerns of survey scope and extent at the scoping stage of the application, as noted in Table 11-2 of ES Chapter 11 Terrestrial and Aquatic Ecology [APP-049], under comment ID 3.4.4, where some areas had been excluded from scope and that:

'Inspectorate advises that consideration should be given to any vegetation clearance and/or maintenance activity required at the excluded connection corridors. Where such activity is proposed and could result in impact pathways to likely significant effects, the Inspectorate considers that these locations should also be subject to survey to establish sufficient understanding of the baseline'.

13.10 The Applicant's response to this in Table 11-2 [APP-049] *'The Applicant has engaged with NRW through their discretionary advice service and FCC on survey scope, timing and extent as detailed in Table 11-5'* is noted. However, it is hard to see whether all of the survey scope and extents were agreed within the Table 11-5.

13.11 Table 11-7 of ES Chapter 11 Terrestrial and Aquatic Ecology [APP-049] provides the survey area/scope for the ecological surveys, which appear reasonable although it is unclear how much of the site was not accessible and therefore the extent of missing data at application stage.

13.12 **Request for Clarification:**

- **Can the Applicant provide clarification and / or signposting to where the information on areas not accessible for the surveys is located?**

- **Further comment on specific species survey methodologies, such as bats and otters, are provided if relevant under the following relevant ecological receptors.**

Habitats and Botanical Surveys

13.13 NRW has raised concerns around survey methodology, as noted in Table 11-2 of ES Chapter 11 Terrestrial and Aquatic Ecology [APP-049]:

'Any habitat surveys should accord with the NCC Phase 1 survey guidelines (NCC (1990) Handbook for Phase 1 habitat survey. NCC, Peterborough). We advise that Phase 1 surveys are undertaken and completed during the summer to ensure the best chance of identifying the habitats present. We also advise that Habitats Directive Annex 1 habitats are identified as part of this assessment.'

13.14 The Applicant responds that:

'UKHab habitat survey information has been translated into Phase 1 habitat survey information for the NBB assessment and translation tables have been included for reference within the Green Infrastructure Statement [APP-252].'

13.15 The Council agrees with NRW with regards to these concerns, and requests further information in relation to the habitat and botanical surveys. A lack of species lists, and habitat descriptions provided within both ES Chapter 11 Terrestrial and Aquatic Ecology [APP-049] and Appendix 11-C: Botanical Technical Appendix [APP-191/192] result in an insufficient Diversity, Extent, Condition, Connectivity and Aspects (DECCA) baseline provided. For example, for Open Mosaic Habitats (OMH) only three notable species (white mullein, annual beard-grass and wall bedstraw) are recorded along with some scrub species within the condition assessment sheets. Notably no further grass, forb, lichen or moss species are listed. It is not clear if further data is available from the surveys undertaken, due to data being collected in UKHab/BNG condition assessment format which lacks granularity for undertaking an assessment within the DECCA framework. The listed parcels of OMH (Area 1: U-67 and Area 2: U-68 & U-69) also appear to be missing from ES Figure 11C-2 [APP-191/192], making further baseline and impact assessment difficult.

13.16 The ExA had concerns of survey scope and extent at the scoping stage of the application, as noted in Table 11-2 of the ES Chapter 11 Terrestrial and Aquatic Ecology [APP-049] in relation to invasive non-native species:

'Paragraphs 9.4.27 and 9.4.37 of the Scoping Report refer to survey work considering potential for presence of terrestrial and aquatic INNS [invasive non-native species] but the effects section does not include potential for spread of INNS as an impact pathway. Section 4.1 of the Phase 1 Habitat and Fauna Survey (Appendix B of the Scoping Report) states that there are records of Japanese Knotweed, Himalayan Balsam and Cherry Laurel, although the site survey did not identify their presence. The Inspectorate advises that the ES should identify and describe any INNS present in the baseline and include an assessment where significant effects are likely to occur, or otherwise explain why significant effects are not likely with evidence of agreement with relevant consultation bodies.'

13.17 There is no reference to invasive non-native species that may be present within the botanical survey area (described as all habitats within 50m of the proposed development) within ES Chapter 11 Terrestrial and Aquatic Ecology [APP-049]. Within the botanical report invasive species are noted to be present within woodland parcels (reference: W-22) which is labelled in several locations within the Construction & Operation Area. Further information is requested on the presence of invasive species, including the specific species and GPS extent/distribution of any stands, within the survey area. Where invasive species are recorded this should further be reflected in the DECCA/NBB assessment with measures for eradication incorporated into the LEMP, subject to approval from the Council under Requirement 10 of the DCO.

Species Surveys

Bats

13.18 The survey area for both the automatic detector surveys and Night-time Bat Walkovers have been restricted to parts the Connection Corridor only. It is acknowledged that this area has been assessed as providing moderate suitability

for foraging and commuting bats, and that the main development area has been assessed as having *'lower suitability'* within the Appendix 11G: Bat Technical Appendix [APP-197] and *'negligible suitability'* within ES Chapter 11 Terrestrial and Aquatic Ecology [APP-049] due to existing lighting onsite. However, suitable habitat for bats appears to be present north of Chester Road including grassland, scrub, woodland, saltmarsh and OMH with other supporting assessments demonstrating a range of invertebrate populations present on which bats could forage.

13.19 Request for Clarification:

The Council has concerns about the bat activity survey effort undertaken within the site, and whether these are in line with the BCT guidelines. This is of particular concern noting that the majority of the site will be lost to the development, particularly when considering the nine year 'temporary loss' and the impact that temporary loss will have on invertebrate life cycles (as further detailed under the relevant heading below), which could result in significant losses of foraging prey for bats at the site.

13.20 Whilst it is acknowledged that full access was not possible to the terrestrial components of the Water Connection Corridor in an area in the north-east of the Construction and Operation Area adjacent to the Dee Estuary, and that viewing the area from a vantage point identified no buildings or trees present within this area however, habitat suitability for bats should still be considered (in terms of commuting/foraging habitat). If safe access for further surveys is not possible (including consideration of alternative methods including deployment of automated detectors or vantage point surveys) this should be stated clearly, along with the limitations of the assessment.

13.21 The report further states that all buildings have been assessed as Negligible suitability however details are only available for Daytime bat walkover surveys undertaken in February 2024. Similarly, a number of trees within the Construction

and Operation Area have been assessed as supporting Potential Roost Features (PRF) for which further survey to categorise and assess are required under the BCT guidelines, particularly as these could be affected by additional noise, vibration and lighting during both construction and operation. Further information is requested on the results of any follow up Preliminary Roost Appraisal / inspection surveys.

Invertebrates

13.22 No concerns over the survey approach for invertebrates are raised by the Council.

Fish

13.23 No concerns over the survey approach for fish are raised by the Council.

Dormice

13.24 No concerns over the survey approach for dormice are raised by the Council.

Amphibians

13.25 No concerns over the survey approach for natterjack toads are raised by the Council.

Great Crested Newts

13.26 There are concerns over the great crested newts (GCN) survey approach. The council advises that it is not sufficient to state that ponds have not been surveyed due to their Habitat Suitability Index (HSI) score falling below 0.5 (unless it can be demonstrated that they are totally unsuitable) - GCNs are regularly recorded in ponds with poor HSI scores. Within these, reasons must be specified for any consideration of unsuitability (e.g. significant populations of fish present, heavily polluted, severe waterfowl impact, isolated etc.).

13.27 The council notes that a search for waterbodies has been only undertaken within 500m of the Proposed Development. GCN have been recorded transversing over 1.6km during breeding season⁴ and given the proximity of the Deeside and Buckley SAC designated for its populations of GCN the council recommends that further consideration be given to GCN connectivity across the wider landscape (as per guidance given in Flintshire Supplementary Planning Guidance 8a) with further consideration to connectivity to the SAC. Further consideration should also be given to historical records and population fluctuations as per the monitoring of SAC populations that have been undertaken.

13.28 Furthermore, understanding the survey effort undertaken at the site is difficult due to inconsistencies present within both Appendix 11E: Great Crested Newt Technical Appendix [APP-195] and ES Chapter 11 Terrestrial and Aquatic Ecology [APP-049]. Table 11-13 of ES Chapter 11 Terrestrial and Aquatic Ecology [APP-049] states that 27 waterbodies within 500m of the Proposed Development were considered suitable for GCN, whereas 19 are noted to be suitable to require further survey from aerial mapping assessments in paragraph 4.2.3 of Appendix 11E: Great Crested Newt Technical Appendix [APP-195]. Table 6 of Appendix 11E: Great Crested Newt Technical Appendix [APP-195] goes on to list 20/21 ponds for further assessment with 9 subject to eDNA surveys. The limitations section in paragraph 3.7.3 states 'eDNA surveys were not possible on 18 water bodies that had been assessed through HSI surveys as potentially being suitable for great crested newt. This was for several reasons including being unable to access on health and safety grounds (P1, P7, P8, P14, P22, P23, P24 & P42) or was dry at the time of the survey and it was not possible to collect a water sample (P40).'

⁴ Haubrock, P.J., & Altrinchter, J. (2016). Northern crested newt (*Triturus cristatus*) migration in a nature reserve: multiple incidents of breeding season displacements exceeding 1km. *The Herpetological Bulletin* 138 (31-33).

This is in contradiction of paragraph 3.4.1 which states that P1 returned a positive eDNA result.

13.29 **Request for Clarification:**

Clarification is required on the identification of suitable habitat and subsequent survey effort undertaken at the site.

Otter

13.30 There are concerns over the otter survey approach. Surveys do not appear to have been undertaken in accordance with the agreed parameters with NRW 'Table 11-7 (Summary of species relevant to the ecological impact assessment) - Otters: features of the River Dee and Bala Lake Special Area of Conservation (SAC) include otter. We concur with the proposed survey approach in respect of the Dee and affected tributaries. The assessment should also consider the functional use of ponds as feeding sites for otters during the spring.'. Table 11-7 of ES Chapter 11 Terrestrial and Aquatic Ecology [APP-049] states that the scope of the survey area was 'The Construction and Operation Area, focused on the River Dee and adjacent habitat within the Site extending up to 200 m up and downstream', however Appendix 11J: CONFIDENTIAL Otter Technical Appendix [APP-201] states accessible habitat up to 50m from the site has been assessed during the surveys. The surveys appear to have been limited to 50m buffers surrounding two watercourses and a small section of the northern boundary of the site, with some additional ponds surveyed along the northern boundary (for which no survey buffer area appears to have been assessed).

13.31 **Request for Clarification:**

Clarification and justification for the survey area and the deviation from best practice is required.

Reptiles

13.32 Noting that in Table 11-2 of ES Chapter 11 Terrestrial and Aquatic Ecology [APP-049], under comment ID 3.4.4, ExA 'agrees that - no further reptile survey is required, noting the surveys completed in April 2022 concluded potential for small numbers of common reptiles to be present within the Indicative Enhancement Area only and the habitat is largely unchanged since the survey. The Inspectorate advises that survey work should be summarised in the ES and survey reports should be provided as technical appendices to the ES.'

13.33 The applicant's response in Table 11-2 was;

'Whilst it has been confirmed that further reptile surveys are not required for the purposes of this EIA, after further engagement with FCC following scoping, it was agreed that reptile surveys would be repeated in 2025 to provide up to date population information. This information will be provided as supporting environmental information following submission of the Development Consent Order (DCO) Application but the absence of such survey data at the time of writing this ES chapter does not affect the validity of its findings.'

13.34 It is acknowledged that further reptile surveys in 2025 was requested by the Council. This report was not available at the time of preparing this LIR. Please can the Applicant provide this report to inform the reptile assessment?

Birds

13.35 On request from NRW, and as reported in Table 11-2 of ES Chapter 11 Terrestrial and Aquatic Ecology [APP-049], under comment ID 3.4.4:

*'The Applicant has undertaken nocturnal surveys to determine the use of the survey area by wading birds; this includes recording the presence of foraging barn owl *Tyto alba* which is readily detected by the use of a thermal imaging monocular. Further information is provided in Section 11.4 and Appendix 11-D: Ornithology Technical Appendix (EN010166/APP/6.4).'*

13.36 Updated surveys, including nocturnal surveys, are reported in Appendix 11D CONFIDENTIAL Ornithology Technical Appendix [APP-194]. However, clarification and justification are needed regarding the survey area selection and the deviations from best practice guidance. The nocturnal surveys were

conducted starting no earlier than 1.5 hours before high tide and finishing no later than 1.5 hours after high tide. Analysis of the survey times in Annex B of Appendix 11D CONFIDENTIAL Ornithology Technical Appendix [APP-194] indicates these surveys occurred entirely during hours of darkness and included some early pre-dawn twilight periods, but did not incorporate any dusk surveys as recommended by the Bird Survey Guidelines for detecting crepuscular species.

13.37 **Request for Clarification:**

Rationale should be provided to explain these assessment methods, particularly how crepuscular species were considered, within any limitations around survey timings and assessments acknowledged regarding any considered under-detection of crepuscular species.

13.38 Furthermore, the nocturnal surveys were limited to only three fields west of the existing Connah's Quay Power Station. Justification should be provided for excluding other areas covered by breeding bird surveys from nocturnal monitoring. Additionally, reasons for the selected survey timings should be explained, and any limitations acknowledged regarding potential gaps in detecting crepuscular species.

13.39 **Request for Clarification:**

Rationale should be provided as to why the remaining areas covered by the breeding bird surveys have not been included in any nocturnal survey.

Clarification and justification for the survey area and the deviation from best practice is required.

13.40 The council is additionally aware of a large amount of further historical survey data held by the Deeside Naturalists Society (DeeNats). The council recommends that this data is used within the relevant assessments to help inform

trends in bird populations, further contextualise the applicant's survey results, and better understand the site's capacity to support key species.

Assessment methodologies and impacts

13.41 ES Chapter 11 Terrestrial and Aquatic Ecology [APP-049] has followed CIEEM guidance in so far as the assessment methods in valuing ecological receptors at a geographical scale and determine impacts as significant or not significant at this value. To provide consistency in terminology across other chapters, the residual effects of the Proposed Development are also translated to EIA significance level on a scale of neutral, minor, moderate and major as defined in ES Chapter 2 Assessment Methodology [APP-040]. This is acceptable (though the assessment methodology should note that this is not an approach provided within the CIEEM guidelines), however as detailed below there are major concerns over the assessment in terms of what constitutes a temporary and permanent impact associated with habitat loss and disturbance over a nine-year period; habitat loss and gain calculations; insufficient assessment in relation to noise and vibration impacts; and insufficient information provided relating to assessment in relation lighting proposals therefore requiring further assessment in justification of the stated conclusions with regards to ecological receptors.

13.42 The issues relating to the assessment of temporary impacts are further described below, however this concern has resulted in not all the significant assessments relating to habitat losses and impacts being fully reviewed with this LIR.

13.43 **Request for Clarification:**

13.44 **Further clarification is required from the Applicant to understand the justifications for determining a temporary impact which is likely to occur for at least nine years.**

13.45 The approach to use the Stepwise Approach and DECCA framework as the methodology to inform the mitigation strategy and justifications within the Green Infrastructure Statement [APP-252] was agreed by ExA in February 2024 as part of the EIA Scoping Process Appendix 1B EIA Scoping Opinion [APP-173], and in consultation with NRW and Flintshire County Council. Although, the Stepwise Approach is not stated to be used to inform the EclA assessment, there is reference to avoidance, prevention and reducing potential environmental impact with Section 11.5 Chapter 11 Terrestrial and Aquatic Ecology [APP-049], and reference is given to the mitigation hierarchy in Appendix 11A: Ecological Impact Assessment Methodology [APP-189].

13.46 The DECCA framework is not considered within the EclA reported within ES Chapter 11 Terrestrial and Aquatic Ecology [APP-049] however, the EclA does reference the Green Infrastructure Statement [APP-252] for further details on measures to deliver Net Benefits for Biodiversity (NBB). This makes determining the assessment of likely impacts and effects somewhat confusing, plus Section 11.5 Development Design and Embedded Mitigation within ES Chapter 11 Terrestrial and Aquatic Ecology [APP-049] provides limited information on the mitigation strategy to avoid, minimise and mitigate impacts to habitats, stating that *'A proactive, creative and holistic approach towards facilitating the delivery of biodiversity and ecosystem resilience has been taken'*. Further comments on the application and assessment relating to the Stepwise Approach and DECCA framework, and proposed NBB are provided further below, however these are limited due to concerns with the assessment and as such the Council reserves the right to comment on these further when clarification on the assessment (as requested within this LIR) has been provided by the Applicant.

13.47 As noted above, the Applicant response that:

'UKHab habitat survey information has been translated into Phase 1 habitat survey information for the NBB assessment and translation tables have been included for reference within the Green Infrastructure Statement (EN010166/APP/6.11)',

13.48 This does not appear to have been actioned. The Council notes that the NBB/DECCA assessment undertaken in Table 7 of the Green Infrastructure Statement [APP-252] only references a selection of UKHab Habitat (not the JNCC Phase 1), with several habitats missing from the assessment, and additionally fails to assess ecosystems as a whole.

13.49 **Request for Clarification:**

The Council has concerns about the completeness of the Ecosystem Resilience assessment (DECCA assessment) and further information and clarification is sought on this point.

13.50 The worst-case phased construction scenario has been applied to the NBB assessment as reported with the Green Infrastructure Statement [APP-252] which will involve one phase occurring after the other, lasting up to nine (9) years. Para 3.2.1 of the Green Infrastructure Statement [APP-252] states:

'It is assumed within the application that this construction method has the greatest impact on important ecological features (IEFs) as the effects will be experienced over a greater period. Habitats impacted within the 9-year construction phase (and reinstated post-construction) would be classified as permanently lost and created (hereinafter referred to as 'temporary loss')' and 'All habitats within the footprint of the construction laydown areas have been considered as being temporarily lost for this assessment and either reinstated or created after 9 years. Areas within the operational footprint of the Proposed Development would be permanently lost'.

13.51 The 'all habitats' includes Section 7 Priority Habitats which are further discussed individually below.

13.52 Table 11-2 of ES Chapter 11 Terrestrial and Aquatic Ecology [APP-049], under comment ID 3.4.1, ExA:

'advises that the ES should assess the significance of any permanent habitat loss from the construction phase that would continue into the operational phase, and any habitat loss or degradation that could arise from operational air quality and water changes'.

13.53 Furthermore, the CIEEM EclA guidelines⁵ (para 5.15) assert that an impact duration should be considered in the context of the result effect not the actual time. For example, construction impacts and loss of habitats may have longer-term or even permanent impacts on the species it supports, such as impacting the life-cycle of invertebrates or breeding failure for birds.

13.54 **Request for Clarification:**

Overall, the Council has concerns over the assessment of temporary versus permanent habitat loss, when some loss maybe for 9 years plus, when accounting for establishment time for reinstating and creating habitats, which for some habitats this could be several years. The Council requires further justification and clarification on the length of time the different habitat areas will be lost and the resulting impacts this would have on the species populations to determine whether the impact should be considered as temporary or permanent.

13.55 The Construction and Operation Area predominantly comprises modified grassland, other neutral grassland (here after referred to as ONG), coastal saltmarsh and open mosaic habitat (hereafter referred to as OMH). It is stated that the majority of the permanent impacts are attributed to the loss of 12 ha of modified grassland and that the majority of the works will result in retainment of habitat or temporary loss of habitat, with habitats impacted being reinstated to their original condition post-construction (within a 9 year post-construction) or

⁵ CIEEM (2018) Guidelines for Ecological Impact Assessment in the UK and Ireland: Terrestrial, Freshwater, Coastal and Marine version 1.3. Chartered Institute of Ecology and Environmental Management, Winchester.

enhanced/ created to facilitate a net benefit and maintained the draft Order Limits GI. However, see concerns above on the use of temporary loss in this context.

13.56 Paragraph 6.1.2 alongside Table 4 and 5 within the Green Infrastructure Statement [APP-252] provide the calculated areas of retained, lost and created or enhanced habitats for the Proposed Development. However, the areas of habitats lost and total area post-development within Table 4 of the Green Infrastructure Statement [APP-252] does not match the areas provided in the text above within para 6.1.2 of the Green Infrastructure Statement [APP-252]. Furthermore, the areas reported in Table 4 do not add up correctly for some of the habitats and it is hard to see how these were calculated. This is shown in the last two columns of the table below.

13.57 The net loss or benefit post 9-year when habitats are being reinstated or created has also been provided, and for completeness this is reported based on that calculated from Table 4 and as reported in para 6.1.2 of the Green Infrastructure Statement [APP-252]. The Council have not included reported 'No net losses' from the information/tables provided by the Applicant in the table produced below.

Table Error! No text of specified style in document.-1 Habitat losses considering 9 years loss during construction based on Table 4 of the Green Infrastructure Statement [APP-252] and indicating difference in reporting of net loss and benefits within the Green Infrastructure Statement [APP-252] (Table 4 vs paragraph 6.1.2)

UKHAB Habitat Type	S7 Habitat	Net loss (Ha) during 9-years of construction	Area (Ha) remaining for 9 years	Net loss or benefit (Ha) post-development based on Table 4	Net loss or benefit (Ha) post-development based on para 6.1.2
T2a – Coastal Saltmarsh	Y	0.06	0.19	0.12 net benefit – assuming the 0.06 has re-established within the 9 years	No net loss, potential for net loss dependent on finalized construction methods and program of reinstatement and creation
U1f80 - OMH	Y	6.12	0.40	4.08 net benefit	0.26 net benefit
g3c - Other neutral grassland	Y	0.78	2.06	1.92 net loss	0.73 net loss
H2a5 - Species rich	Y	0.03	1.03	0.03 net loss	No net loss

native hedgerow					
1g - Other broadleaved woodland	N	0.88	4.27	1.20 net gain	0.83 net loss
g4 Modified Grassland	N	20.97	4.05	10.34 net loss	12.45 net loss
H2a6 Other native hedgerow	N – separate hedgerow regulation	0.02	0.5	0.32 net benefit	0.21km net loss
U1 200 Individual Tress	N	66 trees	0 trees (but also reported as all ancient and veteran trees)	68 net benefit (excluding retained ancient and veteran trees ??)	34 net loss
H3h – Bramble Scrub	N	0.10	0.11	0.38ha net loss	0.09 net loss
h3h - Mixed Scrub	N	0.30	1.73	0.30 net loss	0.30 net loss
u1 847 - Introduced shrub	N	0.02	0.13	0.02 net loss	No net loss
g1c - Bracken	N	0.05	0.12	0.05 net loss	No net loss
c1b - Temporary Grass and Clover Leys	N	4.58	0.08	4.58 net loss	No net loss

13.58 The differences reported here are of concern and clarification of the differences and the calculations used to provide the areas of net loss and benefit are required, including the reported no net losses, to ensure all are reported correctly.

13.59 It is acknowledged that Table 5 in the Green Infrastructure Statement [APP-252] also provides habitats created or enhanced as part of the NBB and GI within the draft Order Limits, however these appear to be in Table 4 of the Green Infrastructure Statement [APP-252] and should be included in the overall total area (ha) of habitats post-development.

13.60 **Request for Clarification:**

The DECCA assessment in Table 7 of the Green Infrastructure Statement [APP-252] should further account for this describing the changes from baseline as no separate baseline DECCA assessment has been completed. In its current format it is not clear if Table 7 of the Green Infrastructure Statement [APP-252] includes all enhancement measures (on top of the mitigation and compensation measures), and it is difficult to assess if these changes to the DECCA attributes to ecosystem resilience are net-positive (delivering a net benefit for biodiversity).

It is also unclear whether the loss of habitats to create the ‘new’ compensation habitats have been considered within these total loss calculations. For example, has the loss of ONG grassland within the Construction and Indicative Enhancement Area (C&IEA) for the creation of OMH been considered? Further clarification or signposting to where this is explained within the application is required by the Council.

Designated Sites – Coastal Saltmarsh and Intertidal Mudflats

13.61 Noting that in Table 11-2 of ES Chapter 11 Terrestrial and Aquatic Ecology [APP-049], under comment ID 3.4.3, ExA *‘considers that this is an appropriate study area but notes that Figure 9.1 shows several SSSIs and a Ramsar site outside but close to the 15 km buffer. The Inspectorate advises that these sites should be assessed in the ES where there is potential for impacts to extend to them and result in LSE. Please note the comments from NRW regarding potential air quality impacts to SSSI, as noted in ID 3.1.4 of this Scoping Opinion.’* The assessment only considers those sites within the 15 km study areas as identified in the PEA included as Annex F of Appendix 11C: CONFIDENTIAL Botanical Technical Appendix [APP-191]. No significant effects have been identified for over sites 15 km from the Proposed Development. Given the current need for further information and clarification regarding several ecological surveys and assessments (including those relevant to bats), the available evidence is insufficient at this time for the council to support this conclusion.

13.62 The Proposed Development overlaps with, and is directly adjacent to, the Dee Estuary/Aber Dyfrdwy SAC and Dee Estuary/Aber Dyfrdwy SPA, Ramsar and

SSSI within the Water Connection Corridor and the Surface Water Outfall Area. Through the ornithology surveys, functionally linked land (FLL)⁶ has been identified within the Proposed Development. The available baseline information suggests the Dee Estuary/Aber Dyfrdwy SAC are sensitive to the loss of FLL.

- 13.63 The GIS states that a 'minimum of 30 m ecological buffer zone would be maintained around the C&IEA and Main Development Area. The 30 m buffer will provide an area of protection to any retained saltmarsh habitat within the Dee Estuary/Aber Dyfrdwy SAC, SPA, Ramsar and SSSI. An area of saltmarsh creation will be located within the 30 m ecological buffer zone. The creation of saltmarsh will occur with the construction period'. Appendix B - Figure 3 Indicative Site Layout Plan of the Green Infrastructure Statement [APP-252] is stated to show the 30m buffer, however this is not mapped as a line on the plan and as such it is hard to see whether this buffer is maintained throughout the C&IEA and Main Development Area. This plan should be included and referenced within the relevant mitigation proposals for consistency throughout the Proposed Development where adjacent to the SAC/SPA/Ramsar site boundary.
- 13.64 Para 6.2.5 of the Green Infrastructure Statement [APP-252] states '*Construction works will occur within a small area within the Dee Estuary/Aber Dyfrdwy SAC, SPA, Ramsar and SSSI. Workers will be required, on foot, to cross the designated saltmarsh and intertidal mudflat, to access materials supplied by boat on the Dee Estuary. This method is currently in place for inspections on the designated site*' and that '*no permanent or temporary loss is likely to occur because of the use of these methods*'. Similarly, in ES Chapter 11 Terrestrial and Aquatic Ecology [APP-049], paragraph 11.6.10, it states '*no loss of saltmarsh or*

⁶ FLL 'is an area of land occurring outside a designated site which is critical to, and necessary for, the ecological or behavioural functions of a qualifying feature for a SPA, SAC or Ramsar site (Ref 30). These habitats are frequently used by SPA species and supports the functionality and condition of the designated sites features'.

intertidal mudflat habitat would arise . However as shown in Table 3-1 above this is not consistent with the habitat calculations which indicate a loss of 0.06ha of coastal saltmarsh, which is assumed to be within the SAC. Furthermore, para 3.2.1 of the Green Infrastructure Statement [APP-252] states:

'A small area of saltmarsh is likely to be permanently impacted (approx. <10 m²) by the permanent surface water outfall', and in para 6.2.6 of the Green Infrastructure Statement [APP-252] that 'Temporary and permanent habitat loss will occur within the Dee Estuary/Aber Dyfrdwy SAC, SPA, Ramsar and SSSI where a new surface water outfall would to be constructed, adjacent to the pre-existing surface water outfall' . The Green Infrastructure Statement [APP-252] para 6.2.6 goes on to state 'Finalised construction methods are not available, however, works could be undertaken via trenchless construction methods or with open excavation' and 'Approximately 0.06 ha of temporary habitat loss will occur during construction. This will be reinstated after a 6-month construction period'). Permanent habitat loss is also reported in para 6.2.7 *'Permanent habitat loss would occur within the Dee Estuary/Aber Dyfrdwy SAC, SPA, Ramsar and SSSI where a new surface water outfall would be constructed, adjacent to the pre-existing surface water outfall'* and that *'As a worst-case assessment, it is assumed there would be approximately <0.001 ha of permanent habitat loss during construction if open excavation is to be used'*.

13.65 Request for Clarification:

There appears to be inconsistencies with the reported impacts and loss of habitat of the Dee Estuary/Aber Dyfrdwy SAC, SPA, Ramsar and SSSI, and the Council has concerns with the differences in relation to the impact assessment, including habitat loss and disturbance, that could occur relating to the trenchless construction methods or with open excavation. Further clarification is required to determine potential impacts (including to carbon rich soils and any hydrological function as part of the wider ecosystem resilience assessment required).

13.66 Saltmarshes in Wales are classified as 'irreplaceable habitats' and as identified within PPW12 para 6.4.157. This is identified within the Green Infrastructure Statement [APP-252] paragraph 4.3.2 but not the Report to Inform HRA [APP-253] or ES Chapter 11 Terrestrial and Aquatic Ecology [APP-049]. Para 6.4.5 in the Green Infrastructure Statement [APP-252] states:

*'To compensate for the small area of loss and temporary impact to Coastal Saltmarsh within the Dee Estuary / Aber Dyfrdwy SAC / SPA / Ramsar site a small area of Saltmarsh creation will occur within the 30 m ecological safeguard zone within the C&IEA. This would include bringing the current defences inland and allow the saltmarsh to naturally retreat to such an extent that any losses due to the Proposed Surface Water Outfall (the vast majority of which would be temporary) would be more than offset by the reduction in coastal squeeze allowed by the realigned defences south of the existing Power Station. A Conservation Areas Management Plan (Ref 31) previously developed for a historic application indicates that between 2010 and the date of the Management Plan (2015) some previously exposed mud around the foreshore had been colonised by common saltmarsh grass (*Puccinella maritima*) indicating natural saltmarsh colonisation and extension can occur in this area if suitable conditions are created. For further details please refer to Section 10 of Report to Inform Habitats Regulations Assessment (EN010166/APP/6.12'*

and para 6.4.7 *'For further detail on the management and monitoring of Coastal Saltmarsh, please see the Outline LEMP (EN010166/APP/6.9)'*

13.67 The Report to Inform HRA [APP-253] states in the Executive Summary 'Managed Realignment of the coastal defences south of the existing Connah's Quay Power Station, adjacent to Conservation Area Compartment 3, to allow the natural expansion of 1,200 m² of saltmarsh and ensure no net loss of saltmarsh within Dee Estuary SAC/SPA/Ramsar site from the proposed Surface Water Outfall and as mitigation for operational air quality impacts on saltmarsh'. This is consistent with the net benefit amount that we have made from the calculations within Table 3-2 above, but inconsistent with the 0.13ha provided in Table 5 of the Green

⁷ [Planning Policy Wales - Edition 12](#)

Infrastructure Statement [APP-252]. Furthermore, it is unclear whether this also includes the temporary or possible permanent loss of saltmarsh, as described in the paragraph above.

13.68 The direct loss of saltmarsh habitat, as well as the nitrogen deposition to saltmarsh of the Dee Estuary SAC / SPA / Ramsar site, is assessed within the Report to Inform HRA [APP-253] at Stage 1 as having a Likely Significant Effect (LSE). At Stage 2 of the HRA (the Appropriate Assessment stage), it is concluded that the 'total saltmarsh loss including from the construction works area has been estimated at approximately 650 m²' (para 10.2.1 of the HRA [APP-253]) and 'there would inevitably be a lag period between burial of the pipe and any natural regeneration of saltmarsh vegetation over the works footprint. Given the works area is surrounded by saltmarsh, it is considered that allowing natural regeneration and colonisation from the surrounding area is a more appropriate restoration method than planting' (para 10.2.3 of the HRA [APP-253]) and that 'the small area affected, permanent or medium-term net loss of saltmarsh would be considered an adverse effect on the integrity of Dee Estuary / Aber Dyfrdwy SAC, given that saltmarsh is a qualifying feature underpinning the designation, and that saltmarsh losses are also forecast to arise due to sea level rise and coastal squeeze around the Dee Estuary'(paragraph 10.2.4 of the HRA [APP-253]).

13.69 The two solutions presented to mitigate this loss as described in paragraph 10.2.7 to 10.2.10 of the HRA [APP-253] includes:

- 1. 'extend the duration of the management of the saltmarsh within the existing Connah's Quay Conservation Areas that is managed by the Applicant and which lie within the Dee Estuary / Aber Dyfrdwy SAC / SPA / Ramsar site... throughout the lifetime of the Proposed Development, or in perpetuity (80 years) whichever is the shorter. This management commitment covers approximately 26 ha of the SAC', and

- 2. 'the coastal defences south-east of the existing Connah's Quay Power Station adjacent to Compartment 3 would be set back to create a 1,300 m² area into which the saltmarsh in Conservation Area 3 can expand'

13.70 Request for Clarification

The Council have concerns that Solution 1) above, would not constitute 'additionality' given the existing management commitments relating to this area of saltmarsh which lie within the Dee Estuary / Aber Dyfrdwy SAC / SPA / Ramsar / SSSI site. This relates to both existing commitment within previous planning applications and also in terms of landowner duties. The principle would be that any compensation provided by the current Proposed Development would be above and beyond what would or should have occurred otherwise (future baseline). The Council require further clarification on this point.

In relation to Solution 2) above, the Council agree that if the saltmarsh should establish and becomes functionally linked to the SAC/SPA/Ramsar site, then no adverse effect on the integrity of the saltmarsh habitat of the SAC/SPA/Ramsar site is likely to occur. However, the Council have concerns over the establishment and onward monitoring and management commitments for the 1,300m² (0.13ha) created saltmarsh, as well as the inconsistencies with the reporting of loss of saltmarsh.

13.71 There is no reported re-instatement methods or works that might be need to facilitate the saltmarsh creation in Outline Landscape and Ecological Management Plan [APP-250] and a minimum area of 0.06ha of coastal saltmarsh creation is reported in the Outline Landscape and Ecological Management Plan [APP-250], which is less than reported in the Green Infrastructure Statement [APP-252] and HRA (as above) which is stated to be 0.12ha or 0.13ha. The Outline Landscape and Ecological Management Plan [APP-250] states further investigation may be required to inform the creation, including LiDAR, ground investigations and hydrodynamic modelling (para 5.2.23). Para 5.2.26 [APP-250] goes on to say:

'Post-creation Coastal Saltmarsh will undergo up to a minimum of 10 years of active monitoring. It should be noted that Coastal Saltmarsh requires no level of management unless the creation fails (Ref 41). If management measures are needed, then the best practice guidelines should be followed'.

13.72 Request for Clarification

The Council have concerns over the lack of details regarding the creation of the saltmarsh, and the level of certainty of conditions and works required as to whether the saltmarsh will establish and whether the ‘further investigations’ will show it is unviable in this location.

13.73 Furthermore, although the primary colonisation of intertidal mudflat is crucially dependent on the arrival of sufficient quantities of the seeds of key colonising plant species and the frequency and duration of tidal inundation, development of mature (upper) saltmarsh depends on sediment supply and the rate of sedimentation and typically takes between 40 and 80 years⁸, with mudflats alone taking up to 10 years to develop prior to transition into pioneer saltmarsh⁹. As such, monitoring for only 10 years with no proposed management is of a concern relating to establishing saltmarsh in this area.

13.74 Request for Clarification

The Council would want to see further details and evidence that this would be viable and a longer period of monitoring and adaptive management (if required) e.g. the monitoring and management for this saltmarsh area being created to take place ‘throughout the lifetime of the Proposed Development, or in perpetuity (80 years) whichever is the shorter’ as it is proposed for the saltmarsh in the ‘existing Connah’s Quay Conservation Areas’. Further reassurances of establishment, whether any soils and material will need removing to allow for this establishment (and where these materials would be taken/used and/or have any contamination concerns), would also be beneficial to allow for certainty of saltmarsh establishing in this area.

13.75 Without further information and clarifications as identified above, the Council has concerns over the conclusions and assessment drawn that ‘there would be no

⁸ Boorman, L.A., 2003 Saltmarsh Review. An overview of coastal saltmarshes, their dynamic and sensitivity characteristics for conservation and management. JNCC Report, No. 334. <https://data.jncc.gov.uk/data/4c1a28e7-de13-4ff5-b7c8-088e879e5a1a/JNCC-Report-334-FINAL-WEB.pdf> [Accessed October 2025]

⁹ Environment Agency (2023): Saltmarsh Restoration Handbook UK & Ireland.

likely significant effect on the Dee Estuary SAC/SSSI'. The Council also acknowledge NRW's Relevant Representation [RR-027] on this matter.

Open Mosaic Habitat (OMH)

13.76 ES Chapter 11 Terrestrial and Aquatic Ecology [APP-049] does not identify whether the OMH habitat within the site is of Section 7 Habitat of Principle Importance condition, although the OMH has been valued at County level. However, within Appendix 11C: CONFIDENTIAL Botanical Technical Appendix [APP-192] para 4.2.29 and 4.2.30 it states 'The survey confirmed that OMH is present at the two locations. Both areas conformed to the priority habitat description of OMH, meeting all the criteria'. Para 4.3.18 of Appendix 11C: CONFIDENTIAL Botanical Technical Appendix [APP-192] states:

'The terrestrial invertebrate surveys presented in Appendix 11-K: Terrestrial Invertebrate Technical Appendix (EN010166/APP/6.4) found the OMH habitats present supported an assemblage of invertebrates that was likely scarce in Flintshire concluding it was a high value site and that the invertebrate present in these habitats was of County Importance'.

13.77 The Council agrees within this valuation in principle, however, the lack of species lists and habitat descriptors present within both the both ES Chapter 11 Terrestrial and Aquatic Ecology [APP-049] and Appendix 11C: CONFIDENTIAL Botanical Technical Appendix [APP-192] provides insufficient evidence towards valuation and a DECCA assessment, which is particularly notable for OMH (though the Council reserves the right to comment on further ecosystem resilience indicators when data is made available).

13.78 The listed parcels of OMH (Area 1: U-67 and Area 2: U-68 & U-69) also appear to be missing from Figure 11.2 Local Designated Sites within 2km of the Proposed Development [APP-125], adding further difficulty in assessing the impacts. Photos provided within the Appendix 11C: CONFIDENTIAL Botanical Technical Appendix [APP-192] suggest that 'Area 2' may be more botanically

diverse with fewer bare concrete parcels. Information on the difference in condition and diversity should be detailed further within a DECCA assessment which should be provided as part of ES Chapter 11 Terrestrial and Aquatic Ecology [APP-049].

13.79 It is understood from the Green Infrastructure Statement [APP-252] that 6.12ha of OMH a Section 7 habitat will be lost during the 9 years of construction, with only 0.40ha remaining and being retained during the construction period (as shown and calculated in Table 1-1 above). Table 5 in the Green Infrastructure Statement [APP-252] states 4.34ha will be created and that this will be in the C&IEA post-construction. The 6.12ha lost during the 9 years will be re-instated post-construction, meaning that a total net benefit in extent of 4.34ha.

13.80 The Outline Landscape and Ecological Management Plan [APP-250] states that '0.26 ha of OMH is to be created and linked to the 6.12ha reinstated area of OMH at approximate location OS NGR: SJ28843 70427 and has been identified in Figure 3 in Appendix B of the Green Infrastructure Statement (EN010166/APP/6.11) of the ES. The area is currently dominated by modified grassland in poor condition, with small patches of mixed scrub' (para 5.2.27).

13.81 **Request for Clarification**

There appears to be inconsistency between the amount of OMH being created and the Council will require clarification of which figure is correct. There are also concerns with the time lag for the temporary loss (excess of 9 years) until 6.12ha is reinstated. For most invertebrates and some plant species, this will have longer-term, if not permanent impact to their life-cycle and survival. As raised previously, the Council require further assessment, clarification or signposting to where these impacts have been assessed to determine impacts to OMH and the plants and invertebrates it supports.

13.82 Para 6.4.8 to 6.4.10 of the Green Infrastructure Statement [APP-252] states: 'Habitats are to be created using natural processes and are to be monitored

during the establishment phase with remedial management actions undertaken to ensure that target habitats with associated conditions are created and met', and 'Once habitats are established active management would be undertaken to ensure that habitat remain in favourable condition'.

13.83 Good quality OMH (assumed to be favourable condition in the statement above) is set out in paragraph 6.4.10 of the Green Infrastructure Statement [APP-252], based on the moderate condition for OMH within DEFRA Statutory Biodiversity Condition Assessment Criteria. Favourable conditions for Priority OMH habitat as provided within the JNCC UK Biodiversity Action Plan Priority Habitat Descriptions for Open Mosaic Habitats on Previously Developed Land¹⁰, have not been considered.

13.84 This was of some concern when the Outline Landscape and Ecological Management Plan [APP-250] (para 5.2.29), states the management prescription of 'Manage the scrub to achieve dense and scattered scrub between 10-50% of the area, as well as open areas'. Within the JNCC UK Biodiversity Action Plan Priority Habitat Descriptions for OMH on Previously Developed Land, para 3.3 it states that 'scattered scrub (up to 10– 15% cover) may be present and adds to the conservation value of the site' in the context of its importance for invertebrates.

13.85 **Request for Clarification;**

The Council has concerns if up to 50% of the OMH areas is dense and scattered scrub that this would not be considered open mosaic if dense scrub, it would be dense scrub, and if 50% of the area is scattered this would potentially shade out, out compete and change the soils through excess leave litter, for the rarer, notable and species more typical of OMH. As such, the Council request that the final LEMP, noting it's subject to agreement with the Council under Requirement 10 of the draft DCO [APP-019], has further consideration of the criteria for OMH as provide within the

¹⁰ NCC (2010) Open Mosaic Habitat on Previously Developed Land. UK Biodiversity Action Plan Priority Habitat Descriptions. <https://data.incc.gov.uk/data/a81bf2a7-b637-4497-a8be-03bd50d4290d/UKBAP-BAPHabitats-40-OMH-2010.pdf>. [Accessed October 2025]

JNCC UK Biodiversity Action Plan Priority Habitat Descriptions for Open Mosaic Habitats on Previously Developed Land, including scrub cover.

Other Neutral Grassland (ONG)

13.86 It is understood from the Green Infrastructure Statement [APP-252] that 0.73ha of ONG a Section 7 Priority habitat will be permanent lost and a further 0.05ha lost during the 9 years of construction, with 2.06ha remaining and being retained during the construction period (as shown in Table 4 of the Green Infrastructure Statement [APP-252]). Table 5 in the Green Infrastructure Statement [APP-252] states the 2.06ha will be enhanced from moderate condition ONG to good condition post-construction. As such, there would be a lost in extent of 0.73ha of S7 priority grassland. Table 7 in the Green Infrastructure Statement [APP-252] states:

‘To compensate for the loss of 0.73 ha of other neutral grassland, a 2:1 compensation planting ratio would be implemented. A minimum of 1.46 ha of other neutral grassland is required to be created or enhanced off-site’.

13.87 The Offsite Net Benefit for Biodiversity and Green Infrastructure Strategy [APP-255] states in para 2.1.4:

‘Following this optioneering process the land at Gronant fields was selected. Whilst this land is outside of the Order limits, the Applicant is in the process of agreeing purchase of the land. The provision of the habitat creation within the Off-Site Delivery Area is secured by Requirement 18 within the Draft DCO (EN010166/APP/3.1). The Draft DCO (EN010166/APP/3.1) requires an Offsite NBB and GI Plan to be developed and agreed with Flintshire County Council (FCC) and Denbighshire County Council (DCC) in accordance with this Off-site NBB and GI Strategy (EN010166/APP/6.14) prior to the implementation of any habitat creation within the Off-Site Delivery Area’.

13.88 With regards the ONG within The Offsite Net Benefit for Biodiversity and Green Infrastructure Strategy [APP-255], it is unclear how much land is being created and/or enhanced into ONG, just stating ‘As part of the off-site delivery and curlew mitigation habitat requirements it is proposed that a large proportion of Off-Site

Delivery Area be created to species rich grassland and brought into active management' (para 2.4.2). Within the GIS para 7.5.3 it states that;

'30.3 ha of the off-site delivery area falls outside the proposed Curlew mitigation area and subsequent to ongoing legal discussions, will shortly be under the Applicant's ownership. This offers a chance to actively manage these habitats, ensuring the net benefit of highly distinctive habitats and GI features are secured. Additionally, plans for enhancing habitats in poor condition and creating measures in areas with currently low biodiversity interest would be developed for these parts of the site'.

13.89 However, it is not clear how much of this would be available for creating and/or enhancing ONG. It is noted however, that the ONG is the dominant habitat within The Offsite Net Benefit for Biodiversity and Green Infrastructure Strategy [APP-255] area, as described within Appendix B – Gronant Fields Preliminary Ecological Appraisal of The Offsite Net Benefit for Biodiversity and Green Infrastructure Strategy [APP-255] and shown in Figure 11M-A4 in the same Appendix. Further consideration should be given to mitigation (rather than solely off-site compensation) of ONG habitats, particularly to address requirements for key species recorded using these habitats that are unlikely to relocate to the distant off-site delivery area (some 30 km away), such as curlew. The Green Infrastructure Statement should document the rationale for prioritising compensation over available mitigation options, clearly demonstrating adherence to the Stepwise Approach.

13.90 Para 2.4.4 to 2.4.6 in The Offsite Net Benefit for Biodiversity and Green Infrastructure Strategy [APP-255] provides some details on the condition criteria to achieve 'species-rich grassland' taken from DEFRA (2025) Create and restore species-rich grassland – Farming [online] stated to be available at <https://defrafarming.blog.gov.uk/create-and-restore-species-rich-grassland/>. However, para 2.4.6 states:

'It is yet to be determined what type of species-rich grassland is to be created within the Off-Site Delivery Area. Further consultation is required with NRW and Denbighshire County Council, with finalised input being secured through the requirement to prepare and implement the Landscape and Ecological Management Plan (LEMP) for the Off-Site Delivery Area'.

13.91 Request for Clarification

The approximate extent of ONG creation and enhancement and an update to the DECCA Framework assessment is required to demonstrate how net benefit will be achieved for ONG alongside the requirements for the curlew mitigation and the grassland swards that are required to full fill this species requirement.

Hedgerows

13.92 There are inconsistencies in the valuations and durations of permanent hedgerow loss between ES Chapter 11 Terrestrial and Aquatic Ecology [APP-049] and the Green Infrastructure Statement [APP-252].

13.93 It is understood from ES Chapter 11 Terrestrial and Aquatic Ecology [APP-049] that:

'The construction of the Proposed Development would result in the permanent loss of approximately 22 m of other native hedgerow (valued at Local importance) within the Main Development Area. This would result in no significant adverse effect (minor adverse, not significant) [and] ... There would be temporary loss (up to 9 months) of 32 m of hedgerow within the Proposed CO2 Connection Corridor for pipeline works. This hedgerow habitat lost within the Proposed CO2 Connection Corridor would be reinstated following construction works in this area resulting in no significant adverse effect (neutral, not significant) in the long term (i.e. post construction) once the habitat has re-established'

13.94 The Green Infrastructure Statement [APP-252] however notes that:

'The construction of the Proposed Development would result in the permanent loss of approximately 22 m of other native hedgerow (valued as important) within the Main Development Area and a temporary loss of approximately 32 m of species-rich hedgerow within the Connection Corridor easement. The 32m loss

of species-rich hedgerow within Connection Corridor easement would be replanted after a 9-year construction period'

13.95 Request for Clarification:

The Council requires clarification on the duration of the habitat loss anticipated associated with the 'temporary' loss of hedgerows within the Connection Corridor (9 months or 9 years?). The Council further advise that hedgerows should be valued at a minimum of 'County' level importance given their selection as Priority Habitats. It has been assumed that the lengths of habitat loss provided are a total across the habitat types, however this should be clarified with further information provided on the maximum size of gaps/fragmentation anticipated within these habitats, particularly in relation to the assessment of effects on protected species notable bats (as further detailed below).

13.96 The Green Infrastructure Statement [APP-252] states that:

'Compensation is required for a small section of hedgerow, hedgerow loss. This section of hedgerow would be replaced at a minimum compensation ratio of 3:1 (to be delivered on-site around the north and west of the operational fence line) and would comprise planting of native species of local provenance, in - keeping with woodland within the wider landscape. A total of 0.34 km of hedgerow is to be planted.'

13.97 The Council welcomes further delivery of hedgerow habitats as a net benefit above the policy requirements (3:1) however new hedgerow planting in proximity to the Dee Estuary designated sites risks compromising open habitat sightlines essential for species that rely on predator detection, potentially deterring their use of functionally linked land parcels.

13.98 Request for Clarification

Further information/clarity should be provided (e.g. within the DECCA assessment) on the locations of the losses and gains to ensure connectivity of these habitats is maintained across the Proposed Development, whilst ensuring no detriment to avian species.

Broadleaved Woodland and Trees

13.99 It is understood that the identified 'Other Lowland Mixed Deciduous Woodland' a Section 7 (S7) Priority Habitat is being retained. This is welcomed as aligns with the step-wise approach of PPW12, however the proposals should also detail if management of these retained habitats are proposed in the long-term in line with the enhancement requirements of the step-wise approach.

13.100 There is 0.83ha permanent loss of 'other broadleaved woodland' which does not qualify as S7 habitat, with a further 0.05ha of temporary loss (for the 9 years construction period), as provided in Table 4 of the Green Infrastructure Statement [APP-252]. A total of 2.07ha of other broadleaved woodland will be created within the site. This contradicts ES Chapter 11 Terrestrial and Aquatic Ecology [APP-049] statement that 'All areas of other lowland mixed deciduous woodland present within the Order limits would be retained.'

13.101 Request for Clarification

Clarification is sought on the extent of losses of woodland habitat for the Proposed Development.

13.102 In terms of PPW12 at least 3:1 replacement of individual trees needs to be achieved, however the restock rate for broadleaved woodland should comprise 1,600 trees/ha (which could include trees at 2.5m spacing)¹¹. Table 6 of the Green Infrastructure Statement [APP-252] states that:

'Compensation is required off site (see Section 7) for the small loss of trees and woodland that cannot be created on-site. Trees and Woodland will be compensated for off-site at a minimum ratio of 3:1. 3 trees and 0.42 ha of woodland creation will be required to satisfy PPW12 compensation ratios'.

13.103 The Offsite Net Benefit for Biodiversity and Green Infrastructure Strategy [APP-255], para 2.4.1 states that 2.49ha of woodland and 3 trees will be achieved in

¹¹ <https://nhsforest.org/how-many-trees-can-be-planted-hectare/#:~:text=With%20your%20measured%20areas%20in,spacing%20between%20trees%20as%20planted:>

the Off-Site Delivery Area, we assume this is a typo and is meant to be meaning 0.42ha? The council advises that the 3:1 ratio described in PPW12 is designed for sole/scattered trees, and for woodland parcels affected the habitat restock descriptors should be used in area calculations.

13.104 Request for Clarification:

Clarification on woodland compensation extent off-site is required.

13.105 In addition, the habitat loss for scrub within ES Chapter 11 Terrestrial and Aquatic Ecology [APP-049] is not quantified:

'There are discrete areas of scrub (both mixed and predominately bramble) within the Main Development Area of Local importance, some of which would be permanently and temporarily lost due to construction works. Some of this habitat which is temporarily impacted would be reinstated in accordance with the Outline LEMP (EN010166/APP/6.9). Those areas to be temporarily and permanently lost, are relatively small in extent in comparison to other habitats present across the Order limits to be impacted and beyond Order limits, reflecting a small loss of an abundant resource.'

13.106 It is not clear if the scrub habitat loss has been included within the broader woodland habitat loss detailed above (which is also notably missing from ES Chapter 11 Terrestrial and Aquatic Ecology [APP-049]). Within the Green Infrastructure Statement [APP-252] there appear to be incorrectly calculated habitat loss and retention figures in relation to scrub (Table 4), for example with 'h3d – Bramble scrub' stating a baseline area of 0.49ha, retention of 0.11ha, no temporary loss, permanent loss of 0.1ha and total post-development area of 0.11ha (i.e. a permanent loss of 75% of the bramble scrub habitat).

13.107 Request for Clarification:

The Council requests further information and clarification on all habitat losses, retention and gains proposed as part of the Proposed Development prior to finalising its position on this matter.

13.108 Para 2.4.7 of The Offsite Net Benefit for Biodiversity and Green Infrastructure Strategy [APP-255] states that ‘Woodland planting will be targeted to strengthen existing woodland and increase connectivity across the wider landscape. It is recommended that woodland creation is located along the southern boundary creating a boundary feature from west to east’. Para 2.4.9 goes on to state that ‘Care is to be taken to ensure that the location of the proposed woodland does not impact the suitability of the Off-Site Delivery Area for curlew by reducing sight lines’. This is welcomed, but it is hard to understand whether the extent of woodland compensation would be met if existing woodland is to be strengthened. The Council further notes that Flintshire SPG requires no net loss of canopy cover within the county. Off-site compensation located outside Flintshire cannot therefore offset any reduction in local canopy cover, and detailed proposals for on-site mitigation planting are requested to demonstrate policy compliance. Similarly to hedgerow planting above, proposals for woodland planting in proximity to the Dee Estuary designated sites risks compromising open habitat sightlines essential for species that rely on predator detection, potentially deterring their use of functionally linked land parcels.

13.109 **Request for Clarification:**

Further information/clarity should be provided on the locations of the losses and gains to ensure the canopy cover within the county is maintained in line with policy, whilst ensuring no detriment to avian species.

13.110 Furthermore, without an indicative plan of the proposed areas for the compensation of ONG (1.46 ha), woodland (0.42ha), scrub (1.17ha, see above and below) and the curlew mitigation area (26ha, see below), it is hard to understand whether all of the compensation can be met while ensuring the curlew mitigation will be achieved in line with the requirements for curlew mitigation ‘sight lines’ (as open spaces due to predator avoidance and clear open views).

13.111 **Request for Clarification:**

The Council require an indicative plan of the offsite area planting, habitat creation and enhancement to ensure sufficient space is available for these required habitat and species mitigation and compensation.

13.112 Furthermore, an understanding of what type of habitat will be lost for the compensation planting within the Off-site Delivery Area needs to be considered, as the majority of the Off-site Delivery Area is ONG and loss of that should also be considered and compensated for within the overall assessment of NBB (and detailed within the assessment and the DECCA assessment). In terms of establishment and the suitability of Gronant Fields as an off-site compensation location for the habitats proposed, the council advises this cannot be confirmed in the absence of further baseline ecological data.

13.113 Paragraph 5.2.19 of the Outline Landscape and Ecological Management Plan [APP-250] states that a total of 26 to 32 points within the BNG woodland condition assessment criteria should be targeted to allow for moderate condition to be met, however the management plan lacks specific proposals on how these conditions (in terms of management actions) will be undertaken.

13.114 **Request for Clarification:**

Further information detailing management and monitoring plans for the newly created habitats onsite (as well as for existing habitats on site which should be enhanced in line with the step-wise approach) is requested. These should include specific measures and targets that are proposed for the site as well as remedial actions that will be undertaken alongside specific monitoring programmes.

13.115 Table 4 in the Green Infrastructure Statement [APP-252] also reports a permanent loss of 34 individual trees (not including the up to 9-year loss of a further 35 individual trees that will be reinstated at a 1:1 ratio). A total of 102

individual trees are reported to be planted post-construction, which is consistent with the required 3:1 ratio of PPW12.

13.116 The Council notes that these habitats have not been assessed within Table 7 of the Green Infrastructure Statement [APP-252] and requires that this is updated to reflect all ecosystems present which could be affected by the Proposed Development.

Application and Compliance of the Stepwise Approach

13.117 Section 6.5 and Table 6 of the Green Infrastructure Statement [APP-252] provide narrative on the 'Application and Compliance of Stepwise'. This is welcomed and provides some acknowledgement on design considerations to avoid, minimise, mitigate and compensate impacts to habitats however, this has not been completed for species and further detail and justification is requested for habitats. The Applicant should provide explicit evidence demonstrating why further avoidance and minimisation measures were not feasible (for example, confirming no alternative designs including temporary construction areas), prior to progressing to mitigation and compensation.

13.118 The Council advises that much of what is presented as mitigation constitutes compensation, and the application of the Stepwise Approach lacks sufficient evidence to demonstrate sequential progression through each stage.

13.119 Further consideration where possible should be given to on/near-site mitigation opportunities for both habitats and species, particularly mobile species reliant on site-specific conditions unlikely to relocate to functionally unconnected off-site areas located 30 km away, likely serving different ecological populations.

13.120 The Green Infrastructure Statement should document the explicit rationale for prioritising compensation over any viable mitigation options (including justification for off-site selection over closer alternatives), clearly evidencing adherence to the Stepwise Approach.

13.121 Moreover, due to the concerns raised on the assessment and inconsistencies identified, this assessment should be re-visited once the clarifications and concerns raised above have been addressed, particularly in relation to temporary and permanent habitat losses.

13.122 **Request for Clarification:**

The council requests further information and clarification on the application of the Stepwise approach at all design stages.

Application and Compliance of DECCA and Net Benefits for Biodiversity (NBB)

13.123 Section 6.6 of the Green Infrastructure Statement [APP-252] provides narrative and Table 7 on the 'Application and Compliance of DECCA'. Section 6.7 of the Green Infrastructure Statement [APP-252] highlights the Building with Nature Standard Framework 2.0 (hereafter referred as BwNSF) has been used to inform the Green Infrastructure Statement [APP-252]. This approach is welcomed by the Council as in line with PPW12. However, concerns remain regarding the assessment's fitness for purpose, including the following key issues.

13.124 The ecosystem resilience (DECCA) assessment as presented is incomplete because it only considers a small selection of the UKHab habitat types present within the Development Area rather than assessing entire ecosystems, which is the intended purpose of DECCA framework. Several key habitats are also further missing from the assessment. This limited habitat scope means the assessment does not fully capture the range and complexity of ecosystems within the project area, undermining the validity of the ecosystem resilience evaluation.

Consequently, the DECCA assessment fails to provide a comprehensive ecosystem-level analysis as required, restricting the ability to understand overall ecological impacts and resilience adequately.

13.125 Baseline data show substantial gaps, notably in the botanical baseline and species surveys. There is a lack of comprehensive species lists, habitat descriptions, and details on invasive species, leading to an inadequate DECCA baseline. Data collected in UKHab/BNG condition format lacks the necessary granularity for robust ecosystem resilience assessment. Additionally, some key habitat parcels, like OMH, are excluded from the assessment figures. Species surveys suffer from restricted areas, departures from best practice methods, unclear site access, and potential undervaluation of important populations. Overall, this makes it difficult to assess the impacts to ecosystems at the site.

13.126 The DECCA framework was not directly applied within ES Chapter 11 Terrestrial and Aquatic Ecology [APP-049] which instead refers to the Green Infrastructure Statement [APP-252] for mitigation and net gain measures. This makes tracking impacts and understanding mitigation strategies confusing and limits a holistic ecosystem assessment.

There is further concern over categorising habitat loss spanning nine years as 'temporary,' given that establishment and recovery lags could result in long-term or permanent impacts. This approach conflicts with CIEEM guidelines (and Biodiversity Net Gain (BNG) standards), which generally consider habitat loss temporary if it does not have long-term impacts on species, and in the case for BNG only if restored within two years.

13.127 Inconsistencies between assessed documents regarding habitat loss and gain calculations raise concerns whether net benefits for biodiversity are being

genuinely achieved, particularly for priority habitats such as OMH, coastal saltmarsh, and woodland habitats.

13.128 The offsite compensation strategy lacks clarity regarding timing, design, and deliverability of habitat and species benefits. The offsite compensation area is currently unsecured, with no detailed mitigation proposals presented.

13.129 **Request for Clarification:**

It is welcomed the Council will be consulted on the full Construction Environmental Management Plan (CEMP) as secured via Requirement 4 of the draft DCO [APP-022]. However, clarity on the above impacts should be provided to inform this assessment. Overall, further review of the NBB and DECCA assessments are required to address these concerns and ensure NBB is being delivered within the Proposed Development to ensure policy compliance.

Protected and notable species

13.130 A number of concerns have been raised in section above, in relation to survey effort and extent for a number of ecological receptors relating to this application. The documents have therefore not been fully reviewed in relation to the assessment methodologies and impacts due to incomplete datasets with the below providing only a preliminary review. Further concerns or queries may be raised by the Council on re-review when full information is provided as requested above, and as such the Council reserve the right to provide further comment on the assessments, impacts and any mitigation proposed.

Bats

13.131 The Council is unable to agree with the conclusions of the impact assessments (no significant effects) on foraging and commuting bats due to a lack of sufficient, robust baseline data provided. This includes, for example, the Applicant's position regarding the impacts of habitat loss within the main development area on bats as stated in ES Chapter 11 Terrestrial and Aquatic Ecology [APP-049]:

'The NBW surveys determined that the hedgerows and trees throughout the Proposed CO2 Connection Corridor are important habitat for foraging and commuting bats. This network of hedgerows and trees would be retained by the Proposed Development and so no loss of habitat would occur for foraging and commuting bats as a result of the Proposed Development. Therefore, the effect associated with the construction of the Proposed Development on foraging and commuting bats has been assessed as no significant adverse effects (neutral, not significant).'

13.132 There is no assessment of the impacts of the permanent loss of 22m of hedgerow loss, broadleaved woodland/scrub or other habitat loss within the Main Development Area on bats. As detailed above, it is unclear how assessments of negligible suitability for foraging bats across the majority of the development area have been reached given the habitat descriptors present within the information provided, and county value population of invertebrates present within OMH, saltmarsh, woodland and scrub habitats onsite, and therefore how this assessment has been determined.

13.133 Request for Clarification:

Further information is requested to assess the impacts to bats from habitat loss within the Main Development Area of the site to support these conclusions.

The Council requests further information on the bat surveys and assessments to be undertaken as referenced by NRW in Table 11-8 of ES Chapter 11 Terrestrial and Aquatic Ecology [APP-049] *'we concur with the conclusions regarding bat species, otters and water voles that "Likely significant effects cannot be ruled out. Further assessment is required, and surveys are ongoing."* It is not clear if these assessments have been incorporated.

13.134 With regards to potential bat roosts within the site, the council similarly requests further baseline information or justification on the conclusions of 'no likely significant effects' as PRFs (unassigned) have been identified within the redline boundary which will be subject to significant increases in disturbance from noise,

vibration and lighting during both construction and operation. ES Chapter 11 Terrestrial and Aquatic Ecology [APP-049] acknowledges the noise and vibration assessment from ES Chapter 9 Noise and Vibration [APP-047], however further assessment of the operational impacts of the development particularly with regards to low-frequency components have not been undertaken.

13.135 **Request for Clarification:**

The anticipated operational increase in +8dB rating level should be considered further with consideration to faunal receptors including bats both within the biodiversity chapter and Habitats Regulations Assessment as required.

13.136 It is unclear how the precautionary working methods proposed in 11.6.100 of ES Chapter 11 Terrestrial and Aquatic Ecology [APP-049] will mitigate the uncertainty/unknown impacts due to lack of baseline data collection.

13.137 The assessment of lighting impacts on ecological receptors, including bats, is currently inadequate due to the lack of baseline data on species composition within the Main Development Area. While ES Chapter 11 Terrestrial and Aquatic Ecology [APP-049] and the Lighting Strategy [APP-278] do cross-reference each other regarding lighting impacts, neither document comprehensively covers the specific assessment needed for biodiversity effects. The Lighting Strategy recommends using warmer white lighting, at a maximum of 3000K, or potentially 2700K near sensitive areas, and possibly up to 4000K where strict operational requirements exist. However, without baseline data on species presence and sensitivity on the site, these recommendations cannot be ratified because they may impact bats, species of which present in the local landscape are known to be sensitive to light spectrum and intensity.

13.138 Given the potential for these lighting decisions to affect nocturnal species and their habitats, the current assessments and strategies are insufficient to conclusively avoid or mitigate adverse effects.

13.139 Therefore, at this point, the council cannot accept the conclusions regarding lighting impacts on ecological receptors, including bats, and request further information on the baseline for bats and impact assessment.

Invertebrates

13.140 There is concern regarding the conclusion of no significant effect on terrestrial invertebrate populations within the OMH, scrub, and grassland habitats proposed for loss. Given the lifecycle characteristics of many invertebrate species and the extended temporary construction period of approximately nine years, it is likely that these populations will experience substantial declines with limited potential for natural recolonisation during and following the works. Consequently, the effect should retain the assessment of a moderate adverse significant impact, warranting appropriate mitigation measures to be provided.

13.141 **Request for Clarification:**

Further justification is required to support the assertion that impacts on terrestrial invertebrate assemblages can be considered temporary, particularly where the lifecycles of these species are significantly shorter than those of other fauna, potentially limiting recovery within the operational phase timeframe.

13.142 The Council also raises additional concerns due to uncertainty around the precise locations of habitats hosting county-level important invertebrate populations (as highlighted in botanical baseline comments), and the absence of an impact assessment related to operational phase pressures. These include increased artificial night-time lighting, elevated noise and vibration levels, and

doubts over the extents of proposed mitigation and habitat compensation measures.

13.143 Request for Clarification:

Consideration of the long-term effects on terrestrial invertebrates throughout the operational phase should be incorporated into the assessment and mitigation planning to ensure protection of these populations.

Fish

13.144 There is no operational impact assessment provided for fish species in relation to the Proposed Development. The loss of saltmarsh habitat, which serves as important fisheries habitat, has not been adequately considered during either the construction or operational phases. This is particularly concerning given the uncertainties around the extent of saltmarsh loss detailed above and the critical role saltmarshes play as nursery and refuge habitats for various fish species. In addition, the current construction impact assessment addresses only water quality changes, temporary changes in light, and incidental mortality associated with the installation of a new culvert. However, the long-term impacts of such infrastructure on fish populations have not been evaluated.

13.145 Request for Clarification:

Further assessment or justification is required on the impacts to fish during both construction and operation.

13.146 While ES Chapter 11 Terrestrial and Aquatic Ecology [APP-049] references the noise and vibration assessment from ES Chapter 9 Noise and Vibration [APP-047], it lacks a detailed assessment of the operational impacts, particularly concerning low-frequency noise components. The anticipated operational noise increase of approximately +8dB rating level should be further assessed for its potential effects on fish and other faunal receptors. This assessment should be integrated within both the biodiversity chapter and the Habitats Regulations

Assessment as required. The justification for the assessment of 'no potential for noise and visual disturbance to the Dee Estuary SAC' within the Habitats Regulations Assessment Appropriate Assessment should be reviewed considering these concerns to ensure that potential impacts on fish and other species are not overlooked. The Council will further defer to NRW on this matter.

Great Crested Newts (GCN)

13.147 In Table 11-3 of ES Chapter 11 Terrestrial and Aquatic Ecology [APP-049], NRW advised "Table 11-7 (Summary of species relevant to the ecological impact assessment) - Great Crested Newts (GCN): we do not concur with the stated ecological importance of GCN as "local". This should be amended to accord with Nicolet, P., Weatherby, A. Biggs, J., Williams, P., and Hatton-Ellis, T. (2007). A preliminary assessment of Important Areas for Ponds (IAPs) in Wales. Pond Conservation. (Report for the Countryside Council for Wales). Section 5.2.1 of this report states: "The North-east Wales IAP has three SACs and a number of SSSIs designated for their Great Crested Newt (*Triturus cristatus*) populations. The three counties also support species and assemblages of national importance". Paragraph 11.6.88 states:

"Considering the abundance of great crested newt in the wider region, that there will be no loss of waterbodies as a result of the Proposed Development and only a relatively small proportion of optimal terrestrial habitat suitable for great crested newts is to be lost in comparison to that retained (as detailed above), it is considered these impacts are not likely to impact the conservation status of great crested newt."

13.148 However, this appears not to have considered the international importance of the north-east Wales GCN population. The assessment also fails to consider that the current conservation status of GCN at a Wales spatial scale is "unfavourable"; see NRW Evidence Report 259 for further information. In our view, this assessment is also applicable to Flintshire. Reference to GCN disturbance during the construction phase should be included in the ES. Table 11-8 (Summary of

Likely Significant Residual Effects (Construction)): we do not concur with the conclusions that GCN will not be significantly affected (paragraph 11.7.5), as surveys are ongoing (planned for 2025). This approach appears to contradict that taken for bat species, otters and water voles, for which surveys are also ongoing.'. The Council agrees with NRW's advice on this matter, particularly when further considering the gaps in baseline data collection which means further precautions should be taken within the assessment given the limitations in the dataset.

13.149 The Applicant's response to the above in Table 11-3 [APP-049] was;

'The FCS of great crested newt has been considered in the impact assessment in Section 11.6. The valuation of great crested newt takes into account CCS of great crested newt and the sites designated for great crested newt in the area local to the Proposed Development. Details can be found in Appendix 11-E: Great Crested Newt Technical Appendix (EN010166/APP/6.3). Disturbance to great crested newt during construction is presented within Section 11.6'

13.150 In Table 11-13 of ES Chapter 11 Terrestrial and Aquatic Ecology [APP-049] GCN have been assessed as having local importance. As stated by NRW in Table 11-3, the assessment continues to fail to take into account the international importance of the GCN population of north-east Wales, associated with the Deeside and Buckley Newt Site SAC and Connah's Quay Ponds and Woodlands SSSI, both located approximately 1.5km south of the Proposed Development and the importance of GCN populations in the North-east of Wales. The Council further notes that the uncertainty arising from a lack of survey access to waterbodies which are potentially connected to the ponds containing GCN populations by suitable habitat has not been addressed and precautionary principles have not been applied.

13.151 The Report to Inform Habitats Regulations Assessment [APP-253] identifies likely significant effects (LSE) on the Deeside and Buckley Newt Site SAC, located

approximately 1.5km south of the order limits, specifically in relation to nitrogen deposition. However, it concludes that no ecological impacts on great crested newt (GCN) are anticipated, stating that only the oak woodland within the SAC would be affected. The report notes advice from NRW that functionally linked land (FLL) for the newt populations exists within 1.6km of the SAC but then asserts that suitable habitat in the Proposed Development Site is located beyond this distance, and therefore, this impact pathway was not considered further.

13.152 Nevertheless, review of the UKHabs results (Appendix 11-C Botanical Technical Appendix [APP-192]) shows that there are areas of neutral grassland, woodland, scrub, hedgerows, bracken, and open mosaic habitat within 1.6km of the SAC. These habitats should be regarded as suitable for GCN, making them FLL to the SAC and establishing a potential impact pathway. Furthermore, the uncertainty arising from limitations in the survey data has not been considered in the HRA.

13.153 Request for Clarification:

These points require further assessment in both the HRA and the overall GCN assessment.

13.154 As stated in section 4.5 of Appendix 11-E: Great Crested Newt Technical Appendix [APP-195], surveys conducted for the HyNet scheme in 2021 and 2022 recorded a medium-sized metapopulation associated with P2, while more recent surveys in 2025 for the Proposed Development indicate a smaller metapopulation size. This suggests that the Favourable Conservation Status (FCS) of the metapopulation is not being maintained. This decline aligns with the NRW's observation in Table 11-3 of Chapter 11: Terrestrial and Aquatic Ecology [APP-049] that the unfavourable conservation status of great crested newts in Wales is likely applicable to the Flintshire area. Given this apparent population decline, the council has significant concerns about the potential impacts of the proposed development on GCN and how the FCS will be sustained.

13.155 Request for Clarification:

Further clarification and detailed justification are required to demonstrate how the Proposed Development will avoid exacerbating this decline and maintain the FCS of the species. It is advised that the cumulative impact assessments is re-visited in terms of connectivity to the site to fully understand and address the combined effects of this and other developments on the species' conservation status.

13.156 Section 4.6 of Appendix 11-E: Great Crested Newt Technical Appendix [APP-195], states that while the national Conservation Condition Status (CCS) of great crested newt (GCN) in Wales is unfavourable, Flintshire is regarded as a stronghold for the species, with large populations associated with statutory sites across the region (Ref 9). However, the metapopulation within the Zone of Influence (Zoi) of the Proposed Development is small and unlikely to be breeding in ponds within 500 meters of the Construction and Operation Area. The council has concerns about this assessment of Favourable Conservation Status (FCS) for Flintshire, given the apparent population decline observed within the Zoi and the lack of recent conservation status data. Notably, the most recent referenced assessment dates from 2017 and showed the Bukley-Brookhill metapopulation at its lowest recorded level since 1995 (excluding 2001 when monitoring was suspended due to foot-and-mouth disease).

13.157 Request for Clarification:

Further clarification and updated data are required to support the conclusions on FCS and to adequately address how the Proposed Development will affect this declining population.

Water vole

13.158 Water vole have been scoped out of the assessment following surveys in 2024, which found no evidence of water vole within the ZOI of the Proposed Development. The Council raises no concerns over the approach for water vole.

Otter

13.159 Noting that in Table 11-3 of ES Chapter 11 Terrestrial and Aquatic Ecology [APP-049], Natural England advised that 'otter (*Lutra lutra*) are a feature of River Dee and Bala Lake SAC, they should be considered to be of 'International Importance'.

13.160 The Applicant's response in Table 11-2 was 'As detailed in Table 11-5, otter have been considered to be of local importance within the assessment following the completion of the surveys detailed in Appendix 11-J: Otter Technical Appendix CONFIDENTIAL (EN010166/APP/6.4).'

13.161 Otter have been assessed as being of local ecological importance in Table 11-13 in ES Chapter 11 Terrestrial and Aquatic Ecology [APP-049] as a result of surveys for the Proposed Development recording no signs of otter within the Construction and Operation Area. While no signs of otter were found, the River Dee and Bala Lake SAC is designated for its Otter population, therefore Otters within the SAC and the FLL should be considered to be of international importance.

13.162 **Request for Clarification:**

The Otter surveys undertaken were insufficient to determine the presence of otter within the zone of influence of the Proposed Development (as detailed above).

13.163 The absence of holts and other resting places within the survey boundary does not mean Otter are not using the areas of the River Dee within the ZOI of the Proposed Development. Given the proximity to the River Dee and Bala Lake SAC there are potential disturbance impacts from noise, human presence, noise and vibration and lighting both from a construction and operational point of view. The Otters within this wider ZOI area will be of international importance as they form

part of the SAC designation, in line with the Natural England comments from Table 11-3 [APP-049].

13.164 Request for Clarification:

The Council seek justification for the assessment of Otter being of as local importance given the proximity of the River Dee and Bala Lake SAC.

The Council seek justification that the Otter surveys do not follow best practice due to the HRA [APP-253] being informed by otter survey data. The Council would defer to NRW's view on this matter.

13.165 The Council have concerns over the assessment of no LSE of disturbance and loss of FLL on Otters within the River Dee and Bala Lake SAC. Further justification of this assessment is needed, especially in light of the fact 'Disturbance to migratory fish and otter is also highlighted as a risk in the Core Management Plan (CMP) for the River Dee and Bala Lake / Afon Dyfrdwy a Llyn Tegid SAC (Ref 57).' as stated in section 7.2.23 of the HRA [APP-253] and that survey data does not follow accepted best practice.

13.166 Request for Clarification:

The Council also seek justifications and clarifications on the claim made in 7.2.24 of the HRA [APP-253], that 'Otters are known to be relatively tolerant to noisy environments.'

Badger

13.167 The Council raises no concerns regarding the assessment of impacts on Badgers.

Birds

13.168 The assessment correctly adopts the approach of using the higher valuation when UK BoCC (2021) and Wales BoCC4 (2022) lists differ. However, this approach does not appear to be consistently reflected in the assessment tables

and drawings. Reference should also be made to the UK Birds of Conservation Concern 5 (2024) seabird addendum, for example, great black-backed gull is listed as Amber but should be listed as Red in adopting this methodology. Additionally, neither mute swan nor pallid harrier, as listed in Table 4, are Schedule 1 species in Wales, and as such this should be corrected.

13.169 The Council agrees with the advice provided by NRW as detailed in ES Chapter 11 Terrestrial and Aquatic Ecology [APP-049] 'Table 11-7 (Summary of species relevant to the ecological impact assessment) – Breeding birds: Appendix 11-D, para. 4.1.4 states that "Avocet and Cetti's warbler which are both listed on Schedule 1 of the Wildlife and Countryside Act 1981 were recorded breeding on the Connah's Quay Nature Reserve in 2022". As a Schedule 1 breeding species, Cetti's warbler should therefore be recognised alongside avocet in the summary of species relevant to the ecological impact assessment, along with any other Schedule 1 breeding bird species identified as being present at the site through further surveys/desk study. Disturbance to the nests, eggs or dependent young of Schedule 1 bird species listed in the Wildlife and Countryside Act 1981 (as amended) is not permissible unless licenced by NRW through a Schedule 1 disturbance licence.'. The Applicant has responded that 'This position is noted', however the Council observes that impacts to Cetti's warbler and other Schedule 1 birds recorded onsite, including peregrine falcon, remain unaddressed in ES Chapter 11 Terrestrial and Aquatic Ecology [APP-049], with no species-specific mitigation proposed. In addition, the Council cannot agree with the assertion that impacts to breeding avocet will be adequately avoided by timing works to avoid the overwinter period, as stated in Table 11-15.

13.170 The Council notes the response within ES Chapter 11 Terrestrial and Aquatic Ecology [APP-049] and Outline Landscape and Ecological Management Plan [APP-250] regarding disturbance during construction:

'As shown on Figure 5-3: Construction Areas (EN010166/APP/6.3), a 30 m ecological safeguard zone will be established and maintained to the north and north-western boundary of the Main Development Area and northern boundary of the Construction and Indicative Enhancement Area (C&IEA). This minimum 30 m ecological safeguard zones, with acoustic fencing, would be used to provide protection for sensitive habitats, including within the Dee Estuary. Following the installation of the drainage assets as part of the enabling works, this zone will be a no construction zone and construction plant, and machinery will not be able to enter'

13.171 However these buffer zones are not deemed sufficient to mitigate noise or visual disturbance for the range of bird species (including Schedule 1 birds) that have been recorded using the site. Furthermore, the effectiveness of acoustic fences has not been proven and measures which include supervising works during breeding season to halt only after birds flush from nests risks nest abandonment and associated significant effects; the significance of these effects have not been adequately assessed in the Chapter.

13.172 Request for Clarification:

Further clarification and justifications on the assessment, including avoidance and evidence-based mitigation measures are required in relation to construction impacts to birds.

13.173 ES Chapter 24 Cumulative and Combined Effects [APP-062] has not yet been fully assessed due to uncertainties surrounding the impacts of this application. However, concerns are raised regarding the exclusion of the HyNet project (EN070007; CML2350) from the assessment in relation to terrestrial and aquatic ecology, especially given the acknowledged potential for overlapping timelines. The current conclusion that noise impacts are unlikely to affect birds, based on assessments of individual projects demonstrating no likely significant impact, fails to consider potential amplification through cumulative effects.

13.174 Request for Clarification:

13.175 The Council requests a more thorough impact assessment of birds that specifically addresses cumulative effects.

13.176 Noting the response from Natural England below, further justification is needed on how the assessment has come to this conclusion of no significant effects to birds during operation of the Proposed Development, as impacts to foraging behaviour (e.g. avoidance of foraging beyond displacement) should be considered under 72dB prolonged noise given that noise-sensitive species including redshank and bar-tailed godwit have been recorded foraging on the mudflats north of the order limits. 'We advise that an increase of 3dB at receptor (at bird) from baseline to predicted noise levels should be considered significant and warrant further analysis, with the ES and within the appropriate assessment stage of the HRA'. The Council raises similar concerns on operational lighting impacts as for invertebrates and bats which should also be further assessed. At present, there is insufficient evidence on assessment of no significant adverse effects on birds during the operational phase of the Proposed Development (anticipated operational increase in +8dB rating level and increased lighting). Further assessment, clarification and justification are required.

13.177 Direct impacts to birds using the existing sheep-grazed fields, an important wintering area for over 100 curlew are also of concern.

13.178 Request for Clarification:

Comprehensive evidence of the habitat and species mitigation strategy for all ecological receptors is required to enable holistic consideration of impacts and avoidance measures.

Mitigation and management proposals

13.179 At the scoping stage, ExA expressed concern regarding the uncertainty surrounding several potential embedded mitigation measures outlined in the

Scoping Report, as referenced in Table 11-2 of ES Chapter 11 Terrestrial and Aquatic Ecology [APP-049], under comment ID 3.4.7. ExA stated:

'Where it is unclear if such mitigation can be achieved and/or secured, the assessment should consider the worstcase without the measures and identify any additional mitigation that would be required to address LSE arising.'

13.180 The Council notes that this cautionary advice does not appear to have been reflected in the assessments conducted to date. While the Section above provides some detail on impact assessments where certain mitigation and management measures have been evaluated against residual risks, overall, due to fundamental concerns with the baseline data quality and assessment methodology, it has not been feasible or practical to comprehensively assess mitigation and management measures.

13.181 Request for Clarification:

The Council considers that further review of all mitigation proposals will be necessary once these baseline and methodological issues are resolved. The Council welcomes further dialogue with the Applicant to address these concerns, and reserves the right to comment further on mitigation and management proposals when further information and clarifications are provided.

13.182 In general, there are concerns regarding the types of habitats proposed both onsite and within the offsite planting area which may limit suitability for species as described for specific mitigation within the assessments including curlew. The council notes that much of the mitigation proposed as part of the application should be instead considered as compensation, for example and importantly the offsite area is unlikely to accommodate the same curlew population given its distance 30km away from the Proposed Development.

Request for Clarification:

13.183 An indicative plan of the offsite area planting, habitat creation and enhancement should be provided, to ensure sufficient space is available

for all required habitat and species mitigation and compensation. This should be supported by thorough baseline assessments of any mitigation/compensation areas proposed to understand the existing carrying capacities of habitats for targets species where enhancements are proposed, and the suitability of the site for those habitats (for example in terms of soil suitability and ground conditions). This should also include consideration of the future baseline of the site, including implications of coastal retreat. Comprehensive evidence of the habitat and species mitigation strategies and onward management and monitoring for all key ecological receptors is required to enable holistic consideration of impacts and mitigation measures to achieve and maintain (through management and monitoring) NBB for the Proposed Development.

- 13.184 **The applicant should further demonstrate the long-term plan, including ownership and / or management by a Responsible Body (as defined within the Environment Act) whose main purpose or activities must involve nature conservation, with demonstratable capabilities undertake the sites' management, maintenance and monitoring for the agreed duration.**

Protected and notable species

- 13.185 A number of concerns have been raised in the Sections above in relation to survey effort and extent for a number of ecological receptors relating to this application, and related assessment methodologies and impacts. The documents have therefore not been fully reviewed in relation to the assessment methodologies and impacts due to incomplete datasets with the below providing only a preliminary review for reptiles and GCN only. Further concerns or queries may be raised by the Council on re-review when full information is provided as requested above.

Reptiles

- 13.186 Reptile translocation is mentioned in Table 5 of the Framework Construction Environmental Management Plan [APP-246]. If this is the proposed mitigation approach, suitable receptor sites need to be identified and surveyed to determine their suitability to receive reptiles and the need for any habitat enhancements.

Further detail is also need on the trapping methodology, including the use of herp fencing and timing of translocations.

13.187 Request for Clarification:

The Council seek further information and clarification on these the reptile translocation methods and receptor sites.

Great Crested Newts (GCN)

13.188 Table 5 of the Framework Construction Environmental Management Plan [APP-246] states precautionary working methods for works within low-risk areas for GCN but doesn't specify what constitutes low-risk areas. It also doesn't specify timings for vegetation clearance and any destruction of hibernacula.

13.189 ES Chapter 11 Terrestrial and Aquatic Ecology [APP-049] Section 11.5.7 states the following mitigation is advised 'Additionally, vegetation would be protected from tracked construction vehicles with ground protection mats where applicable'. Matting should not be used in areas of suitable amphibian or reptile habitat, as it provides a form of cover for reptiles/amphibians and can lead to mortality/injury when used and/or removed.

13.190 Request for Clarification:

The Council seek further clarification on these points.

The Applicant's change notification (Land Designation Adjustment and North Jetty Hardstanding Expansion)

13.191 Relating to the January 2026 Change Notification (Land Designation Adjustment and North Jetty Hardstanding Expansion), the applicant proposes reclassifying seven additional on-site parcels previously designated as 'retained habitat' (grassland/scrub mosaics) to 'permanent habitat loss' for operational reasons, and introduces a permanent 0.21 ha hardstanding expansion at Connah's Quay North Jetty. No updated quantitative habitat loss figures have been provided for

the on-site vegetation removal, and no quantification of habitat loss (e.g. revised breakdown by habitat parcels) for the Jetty Expansion have been made available. Further, no corresponding mitigation or compensation proposals have been provided for either change at this stage.

13.192 These additional woodland/scrub and grassland losses appear likely to increase reliance on off-site creation at Gronant Fields. Given existing concerns regarding the need to maintain open sightlines for curlew within the Off-Site Delivery Area, and the fact that Gronant Fields lies outside Flintshire, the Council is concerned that this approach would both further constrain effective curlew compensation and result in a net reduction of tree and woodland canopy within the county, contrary to local policy expectations on maintaining canopy cover.

13.193 **Request for Clarification:**

Further information is requested including revised Net Benefit for Biodiversity (NBB) calculations and updates to the impact assessment in relation to designated sites, habitats and species considering the latest proposals.

13.194 The Change Consultation further proposes reducing the Carbon Capture absorber stacks from 150m to 145m and HRSG stacks from 150m to 130m, stating that updated operational emissions modelling confirms no new or different likely significant environmental effects for ecology, amongst other topics. However, revised air quality deposition modelling or assessments of effects on designated sites and sensitive habitats (e.g. Dee Estuary SAC/SPA/Ramsar and associated saltmarsh), has yet to be received.

The Council reserves the right to comment further once further evidence is submitted.

13.195 In the absence of this information in relation to the Change Notification, the Council is currently unable to robustly review or verify whether the project can deliver a Net Benefit for Biodiversity, and therefore reserves the right to provide further comment once revised quantitative information and updated assessments are made available.

13.196 **Conclusion on assessment of impact:**

- Construction Phase: **NEGATIVE**
- Operational Phase: **NEUTRAL with mitigation and NBB**

14. TREES, HEDGEROWS AND WOODLAND

Information reviewed and limitations of review

- 14.1 In undertaking this review the following documents are referenced and have been reviewed:
- Consultation Report [APP-028]
 - Non-Technical Summary [APP-037]
 - Appendix 15G Arboriculture Impact Assessment Rev 00 [APP-228]
 - Framework Construction Environmental Management Plan [APP-246]
 - Green Infrastructure Statement [APP-252]
 - Offsite Net Benefit for Biodiversity and Green Infrastructure Strategy [APP-255]
- 14.2 The applicant's ES has provided an Arboricultural Impact Assessment (AIA) to accompany the DCO application [APP-228]. The document covers the various arboricultural impacts that would occur as a result of the proposed development. The AIA is based on National Tree Map Data supplemented by field surveys. Even though the AIA states that the position of arboricultural features is indicative only, the Council found that the plotting of trees was precise and the tree survey schedule (Annex B) information accurate. If the Proposed Development is consented an Arboricultural Method Statement would be provided and address critical points, i.e. where development is proposed close to arboricultural features. The AIA is based on a reasonably worst-case scenario and it is expected that fewer trees will be impacted by the development if consented.
- 14.3 Table 3 of the AIA summarises the impacts to trees as a result of the Proposed Development, this includes the direct impacts to trees in the Main Development Area and Laydown Areas, and also assesses potential impacts along the repurposed pipeline, the Water Outfall Area to the estuary and the proposed new CO² connector pipe.

14.4 No trees or woodlands subject to Tree Preservation Orders or within planning Conservation Areas have been identified as being impacted by the proposed development

14.5 Flintshire LDP Policy EN7: Development Affecting Trees, Woodlands and Hedgerows states that:

“Development proposals that will result in significant loss of, or harm to, trees, woodlands or hedgerows of biodiversity, historic, and amenity value will not be permitted.

Where the impact of development affecting trees, woodlands or hedgerows is considered acceptable, development will only be permitted where: the development maximises their retention through sensitive design measures; and where the removal of trees is considered necessary, suitable replacements shall be provided elsewhere within the site; and it results in a net benefit in biodiversity.”

T105 - Common Oak (Quercus robur)

14.6 The Arboriculture Impact Assessment (AIA) [APP-228] provides a discrepancy between the text and the tree schedule and tree plans for T105. In paragraph 6.4.13 it states:

“No new hard surfacing will be required within the RPA of veteran or ancient trees. However, existing access routes will be utilised by the Proposed Development within the RPA of four veteran trees (T105, T123, T125 and T149). Existing access roads vary in condition from formal road surfaces to infrequently used gravel tracks.”

14.7 T105 is described as a veteran tree in the above text, however it is not classed as a veteran in the tree table or on the plan.

Main Development Area

14.8 The Main Development Area, principally comprising of the construction of Train 1 and Train 2 will result in the removal of trees and sections of hedge along a field boundary. These arboricultural features are regarded as being relatively

insignificant in the context of the current landscape, despite forming a coherent boundary across the Main Development Area. At the northern edge of the red line boundary and to the south of the access track there is a goat willow that has been identified as an ancient tree (T149).

- 14.9 For its species, the tree has considerable girth that would be characteristic of an ancient tree and is described in the observations as being 'likely ancient'. The Main Development Area is situated adjacent to the goat willow, which is to be retained as shown on the Tree Protection Plan (Sheet 03). The Root Protection Area for the goat willow is 12m radius which is 15x the Diameter at Breast Height of T149 (whereas the **Green Infrastructure Statement [APP-252]** refers to a 15m RPA in paragraph 3.2.1) and is therefore inconsistent. Annotation on the Tree Protection Plan states that the 'Tank and drainage alignment to be positions outside of the constraints of T140', notwithstanding, the end of a tank is depicted within the RPA.
- 14.10 Mitigation measures are proposed to enable the use of the access track to be used by construction traffic. The wider visual setting of goat willow (T149), beyond the RPA, will inevitably be detrimentally affected by the adjacent Proposed Development and the applicant has been requested to investigate measures that could not only safeguard the tree but also its immediate setting in the landscape.

Laydown Areas

- 14.11 Within the Laydown Areas A and B, **Plate 5-1 of Environmental Statement Volume II, Chapter 5: Construction Management and Programme [APP-043]**, there are few trees but those which exist are proposed to be retained. Separated from the proposed development by an Ecological Safeguard Zone, the boschage, comprising of three tree groups (G30, G31 and G34) will be retained during the construction phase involving the use of the Laydown Areas.

14.12 Two further Construction Laydown Areas to the south east of the development (Labelled E and F) are proposed and the AIA [APP-228] has identified 11 trees and 3 tree groups for removal, that are more centrally located to the Laydown Area or access, whilst retaining trees nearer to the boundaries. Along the access route to the Laydown Areas E and F defined by the red line boundary, three semi-mature ash are proposed for removal. None of the trees proposed for removal in the Laydown Areas are of individual merit.

Accommodation Works within the Main Development Area

14.13 The widening of the access road to the Main Development Area will require the removal of a group of young and semi-mature broadleaved planting (G72) to the north of the existing road, and small group of young trees (G100) to the south. Neither groups' removal will have a significant effect on amenity. The widening of the access road will require building up the embankment adjacent to a group of trees (G79) and a young woodland (W103). To ensure the arboricultural impacts are kept to a minimum, special methods of construction are proposed (6.4.5), which, subject to an agreed Arboricultural Method Statement would be acceptable.

14.14 Along the Water Connection Corridor to the River Dee a further nine trees and three tree groups are proposed for removal. At the Surface Water Outfall, three trees (T241, T243 and T244), and two group (G238 and G240), comprising of shrubs and young trees are proposed for removal as part of the worst case tree loss. Again, none of these trees are significant in amenity terms.

Abnormal Indivisible Roads

14.15 Several routes for the delivery of Abnormal Indivisible Loads (AILs) to the Main Development Area are proposed in **the Environmental Statement Volume III Figure 5-4: Abnormal Road Routing Options [APP-084]**. The arboricultural impacts resulting from the delivery of AILs are not contained in the AIA and are

instead separately assessed in the **Environmental Statement Volume IV Appendix 5-A: Environmental Screening of Accommodation Works [APP-178]**. Three nearby access routes from the river/estuary are proposed and a more distant road route from Ellesmere Port. The Port of Mostyn (Yellow Route) would require the limited cutting back, or removal of branches, to 57 trees, tree groups or woodlands and the felling of seven trees adjacent to the carriageway. The pruning is relatively minor and affects relatively few of the numerous trees along the route. None of the seven trees proposed for removal are fully mature and several are dead and therefore require removal regardless of whether or not the Port of Mostyn Route is chosen.

14.16 Inevitably, if it is not cut back, tree growth will lead to encroachment over the carriageway. Therefore, if the Port of Mostyn Route is the preferred route for AILs the Council requests that a condition is imposed requiring the tree works required, in Annex B, to be updated.

14.17 It has not been determined whether there will be any tree works at the Accommodation Work Areas S10 (G89 and G101 of AIA) and the un-surveyed trees at S11 within the **Red Line Boundary of the Environmental Screening of Accommodation Works [APP-178]**. It is recognised that there are uncertainties regarding the eventual size of AILs and this will dictate the extent of arboricultural impacts at S10 and S11. Notwithstanding taking into account the quality, size and number of trees at both locations within the red line boundaries, they are not expected to be significant.

14.18 The Route From Connah's Quay North and Route from Ellesmere Port (Options 1 and 2) do not have any arboricultural implications apart from affecting trees at the Accommodation Work Areas S10 and S11 mentioned above.

Existing Pipeline and Connector Pipe

14.19 As no works are proposed along the existing pipeline the extent of the AIA [APP-228] is limited to the two areas around the Flint Above Ground Installation and where the pipe exits the Main Development Area. In the vicinity of the Flint Above Ground Installation a hedgerow and a small group of trees will be removed but no trees or hedges will be felled where the existing pipe exits the Main Development Area.

Summary of Arboricultural Impacts

14.20 The various aspects of the proposed development will have a limited effect on the arboricultural features in the landscape, especially when the scale of the development is considered.

14.21 No arboricultural features (Tree, Tree Group, Woodland or Hedgerow) of high quality (Category A) will be removed to facilitate Proposed Development. The number of moderate quality (Category B) arboricultural features that would be removed comprise of four individual trees, two tree groups, part of one woodland and part of one hedgerow. The low quality (Category C) features that would require removal comprise of 29 individual trees, 15 tree groups, part of five tree groups, 12 hedgerows and part of two hedgerows. The Arboricultural Method Statement produced as part of the final design may result in fewer trees being impacted.

14.22 No trees classified as ancient, or veteran will be felled, and the proposed development will not directly affect ancient woodland or have any significant indirect effects on ancient woodland.

14.23 In accordance with the requirement to deliver a Net Benefit for Biodiversity, replacement tree planting will take place on-site within the Development Consent Order boundaries and where this is not possible, off-site.

Net Benefit for Biodiversity (Green Structure)

- 14.24 The **Green Infrastructure Statement (GIS) [App-252]** uses the AIA [App-228] as a baseline for tree and woodland removals, from where planting requirements can be determined to deliver a Net Benefit for Biodiversity (NBB). In accordance with Planning Policy Wales 12 (6.4.42) there is a requirement to plant three trees for every one tree removed.
- 14.25 Similar to the requirement to plant three individual trees for every one tree felled the applicant proposes to carry out replacement woodland planting but it is unclear how the figures have been calculated and the proportion that would be met through planting on site, and offsite at Gronant.
- 14.26 **Request for Clarification:**
- **Applicant provide clarification on the status of T105 and how that will affect the assessment. The AIA provides contradictory information.**
 - **Reassurance is required regarding the protection of T149 and that development will not negative impact the RPA of this ancient tree. What measures can be considered to avoid the RPA altogether (including the temporary surfacing) and safeguarding the tree's wider setting within the context a 20metre buffer with companion planting. A tree categorised as ancient requires a higher degree of certainty.**

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- 14.27 There is an additional removal of trees and tree groups. There is a reference to trees having been felled but it is not clear whether it refers to these trees/groups in full, or in part.
- 14.28 **Request for Clarification:**
- It is considered that for effective assessment the AIA will be required to be updated In turn, will the additional losses be reflected in the proposed amended**

Green Infrastructure Statement and the amended Offsite Net Benefit for Biodiversity and Green Infrastructure Strategy, alongside the habitat losses.

14.29 Conclusion on assessment of impact:

- Construction Phase: **NEUTRAL**
- Operational Phase: **NEUTRAL**

15. WATER ENVIRONMENT AND FLOOD RISK

15.1 Planning Policy Wales confirms that factors to be taken into account in making planning decisions (material considerations) must be planning matters; that is, they must be relevant to the regulation of the development and use of land in the public interest, towards the goal of sustainability. The drainage / flooding impacts of a development proposal are a material consideration.

15.2 PPW 12 Section 6.6.22 to 6.6.29 identifies flood risk as a material consideration in planning and along with TAN 15 – Development and Flood Risk, which provides a detailed framework within which risks arising from different sources of flooding should be assessed. TAN 15 advises that in areas which are defined as being of high flood hazard, development proposals should only be considered where:

- *new development can be justified in that location, even though it is likely to be at risk from flooding; and*
- *the development proposal would not result in the intensification of existing development which may itself be at risk; and*
- *new development would not increase the potential adverse impacts of a flood event.*

Flood Risk

15.3 Flooding is also an important consideration for any new development as the Flood Map for Planning identifies the application site to be at risk of flooding and mostly within Flood Zone 3 (Sea). The Repurposed CO2 Connection Corridor and Water Connection Corridor also fall within Flood Zone 3 (Rivers).

15.4 The Council would respectfully defer to comments from Natural Resources Wales, as the statutory body for coastal and fluvial flood risk, on matters relating to flooding.

Land drainage

15.5 The Council has additional duties and powers associated with the management of flood risk under the Land Drainage Act. As Land Drainage Authorities, Ordinary Watercourse consent would be required for any permanent or temporary works that could affect the flow within an ordinary watercourse under their jurisdiction in order to ensure that local flood risk is not increased.

15.6 Flintshire County Council, as Lead Local Flood Authority (LLFA) is responsible for the management of risks associated with local sources of flooding such as ordinary watercourses, surface water and groundwater.

Surface Water Drainage

15.7 Schedule 3 of the Flood and Water Management Act 2010 makes sustainable drainage systems (SuDS) a mandatory requirement on all new developments involving more than a single dwelling or a construction area more than 100m².

15.8 New developments of more than a single dwelling or a construction area more than 100m² must have:

- *Sustainable drainage systems to manage on-site surface water;*
- *Surface water drainage systems designed and built in accordance with mandatory Welsh Government standards for sustainable drainage;*
- *Approval of the surface water drainage systems by the SuDS Approving Body (SAB).*

15.9 It does not appear to be the case that supplementary powers are being sought through Part 4 of the DCO with respect to the duties under Schedule 3 of the Flood and Water Management Act 2010. As such, separate, formal approval from Flintshire County Council as the SAB is therefore required in relation to the surface water drainage and SuDS features.

15.10 The DCO application also includes for the provision of temporary hardstanding areas for temporary construction compounds and access routes. It is not clear from the application documents how the Applicant will mitigate any impacts to watercourses, highways, as a consequence of any runoff from these temporary hardstanding areas. It is understood that temporary hard standing areas are not usually considered as part of an application for SAB approval. However, on the basis that these temporary hardstanding areas are likely to be in excess of 100 M², the length of time that these 'temporary' hardstanding areas maybe considerable, consent via the SAB may be a practical means for consideration and the applicant would be invited to include these areas that are proposed to be 'temporary' as part of the SAB application process. Early contact could also be made with the SAB via a request for pre-application advice.

15.11 Any works involving watercourses would require ordinary water course consent. What is not clear however, is how the applicant intends to deal with run-off and surface water issues in relation to those areas of hardstanding that are below the threshold for SAB consent, and those elements of the project that do not create hardstanding but effect watercourses such as works effecting ditches.

15.12 **Conclusion on assessment of impact:**

- Construction Phase: **NEUTRAL**
- Operational Phase: **NEUTRAL**

16. LANDSCAPE AND VISUAL IMPACT

16.1 In undertaking this review the following documents are referenced and have been reviewed:

- Chapter 15 Landscape and Visual Amenity [APP-053]
- Chapter 24 Cumulative and Combined Effects [APP-062]
- Chapter 25 Summary of Likely Significant Effects [APP-063]
- Figure 15.1 Study Area [APP-142]
- Figure 15.2 Topography [APP-143]
- Figure 15.3 Landscape Context [APP-144]
- Figure 15.4A National Landscape Character Areas [APP-145]
- Figure 15.4B Local Landscape Character Area [APP-146]
- Figure 15.4B1 Landmap Rev 00 [APP-147]
- Figure 15.5 Public Rights of Way [APP-148]
- Figure 15.6 Representative Viewpoint Locations [APP-149]
- Figure 15.7 Zone of Theoretical Visibility 65m [APP-150]
- Figure 15.8 Zone of Theoretical Visibility 150m [APP-151]
- Figure 15.9 Canal & River Trust (CRT) Assets [APP-152]
- Figure 15.10 to 15.24 Winter Viewpoint Photography [APP-153]
- Figure 15.10A to 15.24A Summer Viewpoint Photography [APP-154]
- Figure 15.25 to 15.30 Viewpoint Wireline Sheets [APP-155]
- Appendix 1A Scoping Report [APP-172]
- Appendix 1B Scoping Opinion [APP-173]
- Appendix 2B Scoping Opinion Responses [APP-176]
- Appendix 15A Landscape and Visual Impact Assessment Methodology [APP-222]
- Appendix 15B Landscape Character [APP-223]
- Appendix 15C Representative Viewpoints [APP-224]
- Appendix 15D Landscape Impact Assessment [APP-225]
- Appendix 15E Visual Impact Assessment [APP-226]

16.2 The Overarching National Policy Statement for Energy EN-1 provides a number of statements and guidance of relevance to the landscape, including green infrastructure and visual impacts of energy infrastructure in general.

16.3 PPW12 sets out key guidance and planning policies for development and achieving good design throughout Wales with reference to landscape and natural spaces.

16.4 Policy STR13: Natural and Built Environment, Green Networks and Infrastructure of the adopted Flintshire LDP sets out the strategic policy framework for conserving, protecting and enhancing the quality and diversity of Flintshire's natural environment including landscape.

16.5 General Requirements Policy PC2 states that:

"All development should harmonise with or enhance the character, local distinctiveness and appearance of the site, existing building(s) and surrounding landscape/ townscape." Furthermore, Policy PC3: Design states that *"All development should retain existing landscape and nature conservation features and incorporate opportunities to enhance biodiversity and ecological connectivity."*

16.6 Policy EN4: Landscape Character states that: *"New development, either individually or cumulatively, must not have a significant adverse impact on the character and appearance of the landscape. Landscaping and other mitigation measures should seek to reduce landscape impact and where possible bring about enhancement."*

16.7 The applicant's Environment Statement, Chapter 15 Landscape and Visual Amenity [APP-053] considers the impact of the development on landscape and visual amenity. It covers the development's anticipated effect on the landscape and visual amenity.

Significant effects

16.8 Significant landscape and visual effects are summarised within the submitted ES at Chapter 25 Summary of Likely Significant Effects [APP-063], plus Table 15.9 Summary of Likely Significant Landscape and Visual Residual Effects (Construction) and Table 15.10 Summary of Significant Landscape and Visual

Residual Effects (Operation) within the Chapter 15 Landscape and Visual Amenity [APP-053].

16.9 Receptors predicted to receive significant effects within the Flintshire authority boundary are set out in in the table below:

Summary of receptors within the Council authority areas which will receive significant landscape and visual effects

Category	Significant construction effects	Significant residual operational effects
Significant Landscape Effects		
The Site	The landscape features and characteristics of the site are not defined as a landscape receptors. Therefore, the assessment does not address direct landscape effects on the constituent elements, condition, quality or overall character of the landscape of the application site.	
National Landscape Character Assessment Wales / LANDMAP Aspect Areas / Clwydian Range and Dee Valley National Landscape	There are no significant landscape effects found within the study area.	
Significant Visual Effects		
Viewpoints	Major and significant adverse effects	Major and significant adverse effects
	Viewpoint 10 Kelsterton Road, Rockcliffe, Connah's Quay, Flintshire representing residential receptors and road users	Viewpoint 10 Kelsterton Road, Rockcliffe, Connah's Quay, Flintshire representing residential receptors and road users
	Moderate and significant adverse effects	Moderate and significant adverse effects
	<ul style="list-style-type: none"> Viewpoint 8 Flint Castle, Castle Dyke Street, Flint, Flintshire representing "visitors to heritage assets" (recreational receptors) 	<ul style="list-style-type: none"> Viewpoint 8 Flint Castle, Castle Dyke Street, Flint, Flintshire representing "visitors to heritage assets" (recreational receptors)

Category	Significant construction effects	Significant residual operational effects
	<ul style="list-style-type: none"> Viewpoint 9 Chester Road, Oakenholt, Flint, Flintshire representing residential receptors, recreational receptors and road users Viewpoint 11 Kelsterton Cemetery, Memorial Garden, Rockcliffe, Connah's Quay, Flintshire representing "cemetery visitors" (recreational receptors) 	<ul style="list-style-type: none"> Viewpoint 9 Chester Road, Oakenholt, Flint, Flintshire representing residential receptors, recreational receptors and road users Viewpoint 11 Kelsterton Cemetery, Memorial Garden, Rockcliffe, Connah's Quay, Flintshire representing "cemetery visitors" (recreational receptors)
Dynamic views in close proximity to the Proposed Development including Dee Estuary, NCR 5, and PRoW on the north bank of the River Dee	Moderate and significant adverse effect on recreational receptors.	Moderate and significant adverse effect on recreational receptors.
Visual receptors	No individual visual receptors listed or assessed. This is discussed further later in this Report.	

Comments on the assessment

Study Area

16.10 The Study area defined in this LVIA is essentially a 'zone of visual influence', showing where the main areas of visibility are of the Proposed Development. ES Appendix 1-A: Scoping Report [APP-172] states:

"the study area is up to 10 km from the outer edge of the Site in terms of visual receptors. The extent of the study area has been defined and informed by a review of the Proposed Development description, initial evaluation of theoretical visibility, desk-based research, and professional judgement."

The extent of the study area will be reviewed during the development of the PEIR and the ES, following further desk-based review and site surveys undertaken as part of the assessment process and tailored as required to provide a proportional approach, focused on potential likely significant effects."

16.11 Additionally, NRW's guidance on using LANDMAP in LVIA's¹² (GN46) recommends that for developments between 145m and 175m high, a study area of 20 to 24km should be used. The Proposed Development, with a maximum stack height of 157.4m, falls within this range.

16.12 Given the height of the proposals (maximum stack height of 157.4m AOD), it's not clear why areas beyond 10km from the Site have been excluded. It is also unclear why some areas within 10km that show theoretical visibility on ES Figure 15.7 [APP-150] and ES Figure 15.8 [APP-151] have been excluded.

16.13 **Request for Clarification:**

- **The Applicant is requested to clarify why they did not use the LANDMAP search area recommended in the above guidance.**
- **Can the Applicant please confirm if they are confident that there are no receptors outside the defined study area that could receive significant effects?**

LANDMAP Methodology

16.14 The LVIA includes English and Welsh landscape character areas within the study area.

16.15 ES Appendix 15B [APP-223] states that, based on the Natural Resources Wales (NRW) 2018 LANDMAP Area Statement for North-East Wales, there are five "*Local Landscape Character Areas (LCA's) within the LANDMAP Wales*". The methodology for incorporating Welsh LANDMAP aspect areas into the assessment is not clearly explained.

¹² Natural Resources Wales (2021). Using LANDMAP in Landscape and Visual Impact Assessments (GN46). Available at: <https://naturalresources.wales/guidance-and-advice/business-sectors/planning-and-development/evidence-to-inform-development-planning/using-landmap-in-landscape-and-visual-impact-assessments-gn46/?lang=en> [Accessed 4 November 2025].

- 16.16 The boundaries on Figure 15-4B1 [APP-147] are based on the LANDMAP Visual Sensory 'Landscape Types'. These are broad geographical units comprising landscapes of a consistent type. They are not equivalent to Landscape character Area.
- 16.17 The LVIA only appears to assess the Visual and Sensory aspect at a coarse scale of similar landscape character types. This raises concerns about the granularity of the assessment and whether it adequately reflects the landscape character and value of the study area.
- 16.18 Paragraph 5.19 of GLVIA3 states that all five LANDMAP aspects contribute to landscape character and its corresponding value. NRW's guidance note on using LANDMAP in LVIA's (GN46) reinforces this, stating that all five aspects— Geological Landscape, Landscape Habitats, Cultural Landscape Services, Visual & Sensory, and Historic Landscape—should be considered.
- 16.19 Although GN46 states that LANDMAP can be a *“starting point for creating suitably scaled character-based reporting units”* before *“reporting units may be LANDMAP visual and sensory aspect areas, where these are not entirely suitable, other LANDMAP aspect layers can be used to assist with the subdivision or amalgamation of visual and sensory aspect boundaries”*, this LVIA does not appear to have considered the other aspects when creating its landscape receptor units.
- 16.20 It is also unclear whether the Area Statement is still considered current or appropriate for this assessment, as it is from 2018 and the LANDMAP information is regularly updated.
- 16.21 **Request for Clarification:**

- **How have all LANDMAP's constituent Aspects been considered in the landscape assessment?**
- **Has NRW's guidance on filtering LANDMAP aspects been followed?**
- **How have landscape character area receptors in the Welsh part of the Study Area been defined using LANDMAP?**

The landscape features and characteristics of the site are not assessed as receptors

16.22 The LVIA does not appear to assess the site and its immediate surroundings as a distinct landscape receptor. The assessment of landscape receptors in Wales is based on LANDMAP Visual and Sensory 'Landscape Types' and is not evidenced that the Landscape Type in which the Site is located is at an appropriate scale to assess the landscape effects on the Site and its immediate surroundings.

16.23 This raises concerns regarding the adequacy of the baseline and the robustness of the landscape effects assessment.

16.24 GLVIA3 states that even where existing character assessments are available, it is likely that more detailed surveys of the Site and its setting will be required to understand how it relates to the wider landscape and to identify any locally important characteristics (GLVIA3, paras 5.14–5.16).

16.25 Paragraph 5.16 of Guidelines for Landscape and Visual Impact Assessment, 3rd Edition (GLVIA3) state that:

“Even where there are useful and relevant existing Landscape Character Assessments and historic landscape characterisations, it is still likely that it will be necessary to carry out specific and more detailed surveys of the site itself and perhaps its immediate setting or surroundings. This provides the opportunity to record the specific characteristics of this more limited area, but also to analyse to what extent the site and its immediate surroundings conform to or are different from the wider Landscape Character Assessments that exist, and to pick up other characteristics that may be important in considering the effects of the proposal.”

16.26 This often results in the landscape of the Site being included as a landscape receptor in its own right, particularly where there are distinct features and characteristics that differ from the wider landscape or where the scale of the Landscape Character Area (LCA) is too broad to capture localised effects.

16.27 Request for Clarification:

- **Could the Applicant please provide an assessment of the effects on the site landscape, or clarify why the landscape of the Site has not been included as a landscape receptor?**

Visualisation Type 1 (Photosheets) Baseline photos do not have annotations

16.28 The Landscape Institute's Technical Guidance Note (TGN) 06/19 'Visual Representation of Development Proposals' states that Type 1 Visualisations (Annotated Viewpoint Photograph) should "represent context and outline or extent of development and of key features" before going on to state that they should "show the extent of the site within the view, and annotate any key features within the view".

16.29 Helpful photomontage and wireline visualisations have been provided for a selection of viewpoints. There are no annotations on the other baseline photographs to indicate the location and extent of the proposed development. This would be very helpful for the reader to understand the Proposed Development in its setting.

16.30 Request for Clarification:

- **Could the Applicant please provide a set of photosheets with baseline photos annotated with the location and approximate extent of the Proposed Development within the view.**

Landscape Effects on Clwydian Range and Dee Valley National Landscape (AONB)

16.31 Tables 15-9 and 15-10 of ES Chapter 15 Landscape and Visual Amenity [APP-053] state that there will be 'no impact' and 'no effect' on the Clwydian Range and Dee Valley National Landscape (AONB).

16.32 However, Viewpoint 15, located within the National Landscape, is judged to have a non-significant minor adverse effect. In addition, Figures 15-8 [APP-151] and 15-9 [APP-152] show theoretical visibility in other parts of the National Landscape, some of which lie outside the defined study area.

16.33 The LVIA does not explain how Viewpoint 15 within the National Landscape can be judged to have an effect, while the overall conclusion is that there will be 'no impact' or 'no effect'. The photosheets are not annotated (as detailed above) and there is no Type 4 Visualisation from Viewpoint 15, it is not clear how there could be 'no effect' on the designated landscape.

16.34 GLVIA3 (para 5.12) states that effects on the Special Qualities and purposes of designation of nationally designated landscapes should be assessed. While the Special Qualities have been identified within the LVIA, effects on these do not appear to have been assessed in the LVIA. Nor has the LVIA addressed any potential effect on the purpose of the National Landscape designation

16.35 **Request for Clarification:**

- **Could the Applicant provide further evidence for concluding that there are no effects on the character of the landscape, the Special Qualities and the purpose of the designation of the National Landscape?**

Cumulative assessment

16.36 NRW's guidance on assessing LANDMAP recommends that:

“search areas should also include the locations of other developments to be included in the Cumulative Landscape and Visual Impact Assessment (CLVIA)”

16.37 For developments between 146m and 175m tall, a search area of 23 to 26km is suggested.

16.38 The Proposed Development, with a maximum height of 157.4m, falls within this range.

16.39 ES Appendix 1A [APP-172] (para 21.2.6) states that developments within 15km of the Site Boundary will be considered in the cumulative assessment. However, ES Chapter 24 Cumulative and Combined Effects [APP-062] defines the ‘zone of influence’ (cumulative study area) for Landscape and Visual Amenity as:

- “• to the north approximately 5 km to 13 km from the Main Development Area;*
- to the south approximately 4 km to 6 km from the Main Development Area;*
- to the east approximately 10 km from the Main Development Area; and*
- to the west approximately 11 km from the Main Development Area.”*

16.40 The cumulative study area is the same as the LVIA study area in ES Chapter 15 Landscape and Visual Amenity [APP-053]. GLVIA3 (paras 7.30–7.32) notes that cumulative study areas for tall structures can be “*very extensive*” and should be agreed with the competent authority and relevant consultation bodies.

16.41 **Request for Clarification:**

- **Could the Applicant please clarify how the cumulative study area was determined?**
- **As a result of the chosen Cumulative Study Area, is the Applicant confident that there are no missed, potentially significant cumulative landscape impacts arising from the Proposed Development in combination with projects within a more proportionate study area, such as 25km?**

16.42 Action agreed in engagement with Applicant:

- **The Applicant confirmed that the cumulative study area is larger than 10km LVIA study area – up to 15km as shown on Figure 24-1.**
- **The Council confirmed that this is accurate, however wish to acknowledge that this is not in line with NRW guidance. However, it is accepted that the methodology used is unlikely to have resulted in any missed significant effects.**

Plumes Visibility

16.43 Paragraph 15.6.4 of the LVIA states that the potential landscape and visual impacts of the Proposed Development include *“potential visibility of plumes from the Proposed Development including cooling towers at certain times of the year”*. However, vapour plumes are not mentioned elsewhere in the LVIA or its detailed assessments in ES Appendix 15D [APP-225] and ES Appendix 15E [APP-226].

16.44 Given the potential for plumes to affect visual amenity, particularly in sensitive or designated landscapes, this needs to be adequately and proportionately assessed.

16.45 Request for Clarification:

- **Can the Applicant please provide an assessment of potential effects from Vapour Plumes, or provide justification as to why this has not been provided as part of the supporting application documentation?**

Assessment of Visual Receptors and Key Routes

16.46 The Visual Assessment presents visual assessments for 15 representative viewpoints, several of which include more than one type of visual receptor. However, the assessment does not differentiate between these receptor types when assigning sensitivity ratings. For example, Viewpoint 6 includes residential, recreational, and road user receptors, yet only one overall sensitivity rating is

applied. This approach does not reflect the differing levels of susceptibility to change and therefore sensitivity that each receptor type might have.

16.47 GLVIA3 (paras 6.32 to 6.36) explains that susceptibility is primarily a function of the activity or occupation of the receptor and the extent to which their attention is focused on the view. It identifies residents at home as generally having high susceptibility, recreational users as medium, and road users as typically lower, unless travelling on scenic routes. Applying a single sensitivity rating to a mixed group of receptors risks masking important differences in how each group may experience visual change. This is reflected in Paragraphs 1.7.7 – 1.7.11 and Table 10 of ES Appendix 15A Landscape and Visual Impact Assessment Methodology [APP-222], but it is unclear why this methodology does not appear to have been followed in the assessment.

16.48 The LVIA assesses *“Dynamic views in close proximity to the Proposed Development including Dee Estuary, NCR 5, and PRow on the north bank of the River Dee”* as an individual visual receptor. The LVIA does not include specific assessments of visual effects on key routes, such as the National Cycle Network (NCN) Route 5 (e.g. Viewpoint 13) or strategic road corridors, such as the A5119, A548 and A55 North Wales Expressway. GLVIA3 (para 6.15) highlights the importance of considering sequential views along key routes, and paragraph 6.21 recommends that viewpoints should, where possible, include sequential views along transport corridors. The omission of route-based assessments means that the LVIA does not fully account for the experience of receptors travelling through the landscape, particularly where visibility of the Proposed Development from parts of the route may vary or be sustained or repeated.

16.49 **Request for Clarification:**

- **At viewpoints where multiple receptor types are present, it is not clear why individual receptor types have not been assessed**

separately. Can the Applicant please justify why a single sensitivity rating is applied to mixed visual receptor groups at viewpoints?

- **Can the Applicant provide a rationale for why key routes, including the National Cycle Network Route 5, the A5119, A548 and A55, have not been individually assessed for visual effects?**

16.50 Action agreed in engagement with Applicant:

- **The Applicant state that the sensitivity of grouped receptors was not averaged or amalgamated, but rather, the highest receptor sensitivity in each viewpoint group was used, to ensure the worst case was accounted for.**
- **The Council stated that this isn't made clear in the report and are of the opinion, that whilst this is potentially better than averaging sensitivity across different receptor types, it still does not represent an accurate and robust assessment and is likely to lead to over assessment of some effects.**

Summary

16.51 The following points require clarification from the Applicant:

- There is no assessment of effects on the Landscape of the site.
- There were no significant effects predicted on any landscape receptor. However, the methodology used to reach this conclusion is queried in this report.
- The rationale for limiting the study area to a 10 km radius should be explained, particularly given NRW guidance recommending a 20–24 km radius for developments of this height. Confirmation is also needed as to whether receptors beyond the 10km Study Area would experience significant effects
- Further detail is required on how all five LANDMAP aspects have been considered in the assessment and whether NRW guidance on filtering aspects has been followed

- The absence of Type 1 annotations on baseline photos that are not visualised should be addressed, to show the location and extent of the Proposed Development within each view
- Evidence should be provided to support the conclusion of 'no effect' on the Clwydian Range and Dee Valley National Landscape, including assessment of impacts on its Special Qualities and purpose of designation.
- An assessment of potential visual effects from vapour plumes should be included, as these are referenced but not assessed in the LVIA.

The viewpoints in the LVIA represent several receptor types, but the way susceptibility and sensitivity ratings of the different represented receptor types is not clear and potentially leads to errors. The LVIA should assess and report effects on each receptor type separately.

- Route-based sequential assessments for key corridors such as NCR 5 and major roads should be provided.

The Applicant's change notification (Land Designation Adjustment and North Jetty Hardstanding Expansion)

16.52 The Council has also reviewed the information provided by the Applicant to support their change request notification. The Council wishes to acknowledge the provision of photomontages by the Applicant and consider they have been extremely helpful in aiding the appreciation of the degree and nature of the proposed changes. At this stage, the Council agrees with the Applicant that the proposed changes are unlikely in new or materially different landscape or visual effects, and therefore the proposed changes do not alter any of the issues raised in the previous sections of this Chapter.

16.53 Furthermore, the Council welcomes the commitment of the Applicant in providing a further assessment of the proposed reduction in stack height and looks forward to receiving the assessment for further review and comment, and engaging with the Applicant further on the proposed change

16.54 Conclusion on assessment of Landscape impact:

- Construction Phase: **NEUTRAL**
- Operational Phase: **NEGATIVE**

17. PRINCIPLE OF DEVELOPMENT / CLIMATE CHANGE

- 17.1 The Environment (Wales) Act 2016 (Amendment of 2050 Emissions Target) Regulations 2021 has set an amended target of reducing carbon emissions in Wales to net zero by 2050.
- 17.2 PPW provides strategic policy support for renewable energy developments of all scales. At 5.7.14 it states the Welsh Government has set targets for the generation of renewable energy, which includes a target of 70% of electricity consumption in Wales to be generated from renewable energy by 2030.
- 17.3 Future Wales, the National Plan 2040 forms part of the adopted development plan for all local planning authority areas in Wales.
- 17.4 Future Wales Policy 17 sets out strong support to the principle of developing renewable and low carbon energy from all technologies and at all scales to meet our future energy needs. It states that, *'in determining planning applications for renewable and low carbon energy development, decision-makers must give significant weight to the need to meet Wales'* international commitments and the Welsh Government target to generate 70% of consumed electricity by renewable means by 2030 in order to combat the climate emergency.
- 17.5 Policy 1 drives the delivery of the Future Wales Outcomes and ensures 'Future Wales' policies and the planning system in general are committed to achievement. Key issues listed include decarbonisation.
- 17.6 LDP Policy EN13: Renewable and Low Carbon Energy Development states that:

“All renewable or low carbon energy proposals will be permitted provided that:

- i. the development does not prejudice the purpose of the ILSAs [indicative local search areas] to maximise opportunities for large scale solar PV development;*
- ii. the siting, design, layout, type of installation and materials used do not have a significant adverse effect on the character and features of the proposed location;*
- iii. there would not be unacceptable loss of public amenity or accessibility to the area;*
- iv. the impact of the development upon agriculture, forestry, recreation and other land uses is minimised to permit existing uses to continue unhindered;*
- v. there would be no individual or cumulative significant adverse effect on the landscape, particularly the AONB and its setting;*
- vi. any associated ancillary buildings or structures are sensitively sited and designed to minimize their impact on the character and quality of the locality;*
- vii. in sensitive areas where above ground connections will have an unacceptable adverse effect on the landscape, connection lines and pipes should be located underground;*
- viii. adequate provision has been made in the scheme for the restoration and aftercare of the site on the cessation of use.”*

17.7 Of relevance, the explanatory text that accompanies Policy EN13 states:

“The Council is aware that the energy sector is going through significant changes in the light of the need to de-carbonise energy production. Innovative new energy sources such as hydrogen are being developed and there may be opportunities for such development within the County given its long standing energy production role”.

17.8 Welsh Government has declared a climate emergency in Wales and has set plans for the public sector to be carbon neutral by 2030 (Welsh Government, 2019). As a result, the Council has set the target date of 2030 to decarbonise Council operations and promote the protection and enhancement of the county’s natural environment. The Council has published a Climate Strategy – 2029/30) to help meet this goal (Flintshire County Council, 2021).

17.9 The applicant’s Planning Statement [APP-262] considers the Energy and Planning Policy and Legislative context for this proposed development. The

document sets out general conformity with NPS EN-1, NPS EN-2, NPS EN-4 and NPS EN-5.

- 17.10 From a carbon reduction perspective, the Council are supportive of the proposal due to the anticipated carbon emissions savings that would be prevented from entering the atmosphere. As such, the CQLCP project would contribute to carbon reduction and, in turn aid the UK in its target to be net zero carbon by 2050. The Council agree that the proposal would deliver clear and substantial benefits on a local, regional and national level in this regard.
- 17.11 The Council does however retain concerns relating to the carbon capture component of the facility its future operation and interdependence with other schemes. The Council is aware that this development is dependent on provision of the HyNet development and seeks greater consideration of outcomes if the HyNet development were to not be developed or were to fail. The Council believe that further consideration should be taken of a scenario where the carbon capture technology were to not be operating.
- 17.12 It is noted in 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*" as referenced in the Initial Specific Hearing 1. However, the Council retains a concern that should the carbon capture element not be delivered the positive policy support for a development of this kind is no longer applicable.

Summary

- 17.13 The following position of the Council should be noted:

- The Council are supportive of the proposal due to the anticipated carbon emissions savings and notes significant policy support. The proposal would contribute to the UK in its target to be net zero carbon by 2050 and would deliver clear and substantial benefits on a local, regional and national level.
- However, the Council retains significant concerns that should the carbon capture component of the facility fail in its future operation or be undeliverable due to interdependence with other schemes. Then the positive policy support for this Proposed Development is no longer applicable.

17.14 Conclusion on assessment of impact:

- Construction Phase: **NEUTRAL**
- Operational Phase: **POSITIVE (should carbon capture be delivered)**
NEGATIVE (should carbon capture element fail)

18. LAND CONTAMINATION AND SOILS

18.1 Planning Policy Wales (PPW) guidance sets out the land use planning policies of the Welsh Government. The primary objective of the PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental, and cultural well-being of Wales.

18.2 Policy STR14 of the adopted Flintshire Local Development Plan sets out strategic principles in respect of climate change and environmental protection and states that:

“The Council will seek to mitigate the effects of climate change and ensure appropriate environmental protection in the County through:

vi. Ensuring that new development has regard to the protection of the environment in terms of contaminated land.”

18.3 PC2: General Requirements states that all development should not result in or be susceptible to problems related to, contamination, either on or off site.

18.4 The Council’s contaminated land officer has provided the applicant with pre-application advice, and there has been ongoing discussions with the applicant’s consultants. In terms of dealing with land contamination, the approach to that had, for the most part, been put in place in the applicant’s Land Contamination Methodology [APP-217].

18.5 The extent and scope of the applicants’ approach to land contamination is an agreed point in that the methodology, extent of impact and proposed mitigation are agreed. It is understood that information relating to the findings of the sampling and any remediation which may be necessary, will be submitted in due course.

18.6 **Conclusion on assessment of impact:**

- Construction Phase: **NEUTRAL**
- Operational Phase: **NEUTRAL**

PART D: COMMENTS ON DRAFT DCO, OBLIGATIONS AND DCO REQUIREMENTS

19. GENERAL COMMENTS ON THE DRAFT DCO

19.1 In undertaking this review the following document is referenced and has been reviewed:

- Draft Development Consent Order - Document Reference: EN010166/APP/3.1 dated August 2025 [APP-019]

19.2 The Council reserves the right to provide additional comments on the draft DCO at a later stage as it is understood that further amendments will be submitted at a later stage in the Examination.

19.3 Notwithstanding this, it is noted that:

19.4 The Local Highway Authority is satisfied with the proposed draft DCO requirements which will ensure that full traffic management plans and construction worker travel plans will be approved in consultation with the Local Highway Authority prior to the commencement of any stage of development.

PART 3 – Streets

19.5 Article 17 provides access to works and gives the applicant powers to layout temporary and permanent means of access within the Order Limits. We notice that in the HyNet DCO the applicant had to first obtain the consent of the Authority which allowed the Authority to vet/consider the detailed design of these works. If not covered elsewhere we believe this should also be repeated in this DCO.

PART 6 - Miscellaneous and general

19.6 Article 44 provides that Schedule 13 (protective provisions) has effect. From the Highways Development Control perspective, Flintshire County Council believe that the draft DCO needs to include the protective provisions for the Local Highway Authority which were again covered in the Hynet DCO. The protective provision gave comfort in terms of highway condition and assets surveys, HGV route remediation and allowed for an appropriately qualified officer of the Authority to participate in the design of the works covered by the DCO.

20. COMMENTARY ON APPLICANT'S DRAFT DCO REQUIREMENTS (SCHEDULE 2)

20.1 The Council has reviewed the applicant's Draft Planning Requirements set out in Schedule 2 of the DCO and has and the following observations to make.

PART 1 Requirements

Detailed design (3)

20.2 Detailed design (3) states that in relation to any stage of the authorised development no development of that stage is to commence until details for that stage have been submitted to and approved by the relevant planning authority. However (2) states that the written details that are submitted for approval pursuant to sub-paragraph (1) must be in 'general accordance' with the design principles document.

20.3 This is too vague to enable other assessments / detailed mitigation e.g. Visual and ecological impacts LEMP. Mitigation against worst case scenario may well result in unnecessary mitigation resulting other impacts / effects.

20.4 It is recommended that an additional requirement is included to provide detailed design for approval on a stage-by-stage basis. Details include the need to see the elevations for example.

PART 2 - Applications made under requirements

20.5 Applications made under requirements (23) has given only 35 days for the determination of applications. This is 5 weeks in comparison to the 8 weeks for discharge of HyNet and for other planning conditions. This period is too short and not in accordance with standard timescales for determining applications

20.6 It is recommended that this be amended to 56 days (8 Weeks) to remain in line with the HyNet DCO and gives comfort to Flintshire County Council to consider the requirement.

Multiple Discharging Authorities

20.7 Part 2 of Schedule 2 appears to omit reference to 'Multiple Discharging Authorities'. It is recommended that wording is provided:

“Where an application is required to be made to more than one discharging authority for any single consent, agreement or approval under a requirement, the undertaker may submit a request for comments in respect of its proposed application to each discharging authority and, where it does so, each discharging authority must provide its comments in writing on the proposed application within a period of 20 days beginning with the day immediately following that on which the request is received by the authority, or such longer period as may be agreed in writing by the undertaker and the relevant authority or authorities, so as to enable the undertaker to prepare a consolidated application to each discharging authority in respect of the consent, agreement or approval required by the requirement.”

Further Information

20.8 Part 2 of Schedule 2 'Further Information' (24) states that:

(3) If the provision governing or requiring the application specifies that consultation with a requirement consultee is required, the relevant planning authority must issue the consultation to the requirement consultee within 10 business days of receipt of the application, and must notify the undertaker in writing specifying any further information the relevant planning authority considers necessary or that is requested by the requirement consultee within 10 business days of receipt of such a request and in any event within 20 business days of receipt of the application (or such other period as is agreed in writing between the undertaker and the relevant planning authority).

20.9 This allows a timeframe for any consultation responses to be returned to the undertaker. It allows 10 days to issue consultation from the date of receipt, then 10 days for comments to be turned around. This is considered to be too restrictive. There is little point of the 5 week total time (8 week requested) when this is the case in most discharges of requirements. Amend to longer and reasonable time scale, include the provision for allowing an extension of time for an agreement.

Fees

20.10 Part 2 of Schedule 2 'Fee's (25) states that:

*(a) such fee as may be prescribed (under sections 303 and 333(2A) of the 1990 Act for the discharge of conditions attached to a planning permission); or
(b) a fee of £117 per application or request.*

20.11 It is considered that this fee is nominal. If it could be increased from £117 to reflect new fee regulation (which is £242) at the very least that would be an improvement. The new fees were applied from 1 December 2025 onwards 'The Town and Country Planning (Fees for Applications, Deemed Applications and Site Visits) (Wales) Regulations 2015' (as amended)

Issues with Simultaneous discharge applications

20.12 There appears to be no restriction on the submission of multiple applications being sent at the same time. This has caused issues with resources with the

turnaround dates (including consultation issues with the proposed 10 days for comments) to be complete in the time scales.

PART E: CONCLUSION

21. CONCLUSIONS

21.1 The proposed impacts of the DCO application are summarised in the table below:

Material Consideration	Conclusion on assessment of impact	
	Construction phase	Operational Phase
NOISE & VIBRATION – RESIDENTIAL/PUBLIC AMENITY	Negative	Negative
TRAFFIC AND TRANSPORT	Negative	Neutral
PUBLIC RIGHTS OF WAY	Neutral	Neutral
BIODIVERSITY AND NATURE CONSERVATION	Negative	Neutral with mitigation and Net Benefit for Biodiversity (NBB)
TREES, HEDGEROWs AND WOODLAND	Neutral	Neutral
WATER AND FLOOD RISK	Neutral	Neutral
LANDSCAPE IMPACT	Neutral	Neutral (Positive subject to BNB and additional Planting)
PRINCIPLE OF DEVELOPMENT / CLIMATE CHANGE	Neutral (subject to satisfactory mitigation)	Positive (should carbon capture be delivered) Negative (should carbon capture element fail)
LAND CONTAMINATION AND SOILS	Neutral	Neutral

PART F: APPENDICES

Any queries regarding should be directed to:

[REDACTED]

Senior Planning Officer

North Wales Minerals and Waste Planning Service

Place and Growth Portfolio

Flintshire County Council

Tel: [REDACTED]

Email: mineralsandwaste@NorthWalesPlanning.wales