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Connah's Quay Low Carbon Power

Applicant's Response to Deadline 1 Submissions

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1. Introduction

1.1 Overview

- 1.1.1 This document has been prepared on behalf of Uniper UK Limited in connection with the application (Application) for a Development Consent Order (a DCO) that has been submitted to the Secretary of State (the SoS) for the Department for Energy Security and Net Zero (DESNZ), under Section 37 of the Planning Act 2008 (PA 2008) in respect of the Connah's Quay Low Carbon Power Project.
- 1.1.2 The Application was submitted to SoS on 5^h August 2025 and accepted for examination on 28th August 2025. The Examination commenced on 13th January 2026.

1.2 Purpose of this Document

- 1.2.1 This document provides the comments of the Applicant in response to the submissions made by Interested Parties (IPs) at Deadline 1 of the Examination.
- 1.2.2 Accordingly, responses to the following IPs are contained in the subsequent sections of this document:
- Section 2 – Organisations / Business (Non-Landowners)
 - Section 3 – Members of the Public (Non-Landowners)
 - Section 4 – Landowners
- 1.2.3 The Applicant has not commented on every point made within the Deadline 1 submissions. Instead, the Applicant has sought to provide comments where it is helpful to the Examining Authority (ExA) or where it considers that it would be appropriate for the ExA to have the Applicant's view on the matter raised.
- 1.2.4 For the avoidance of doubt, where the Applicant has chosen not to comment on matters raised by an IP, this is not an indication the Applicant agrees with the point or comment raised or opinion expressed.
- 1.2.5 When referencing DCO documents, the Applicant has referred to the latest Connah's Quay Low Carbon Power Project Examination Library Reference. Where a document has been updated (or is a new document) at Deadline 2, and does not yet have an Examination Library Reference, the Applicant has used the Planning Inspectorate reference number and the Application document number (e.g. **EN010166/APP/9.12**).

2. Organisations / Businesses (Non-Landowners)

2.1 REP1-068 Historic England

2.1.1 Historic England's Deadline 1 submission and the Applicant's response are set out in **Table 1** below.

Table 1: Response to Historic England's Deadline 1 submission

| Source Document | Reference | Source Document Issue / Theme | Applicant's Response |
|---|-----------|---|---|
| Written Representation by Historic England [REP1-068] | 1.1 | <p>Planning Act 2008 Application by Uniper UK for an order granting development consent for the Connah's Quay Low Carbon Power Project (EN010166) Written Representation by Historic England</p> <p>Historic England formally 'The Historic Buildings and Monuments Commission for England') is an Executive Non-Departmental Public Body sponsored by the Department for Culture, Media and Sport. We are the UK Government's statutory adviser and a statutory consultee on all aspects of the historic environment and its heritage assets in England. This includes archaeology on land and underwater, historic buildings, sites and areas, designated landscapes and the historic elements of the wider landscape. We work in partnership with central government departments, local authorities, voluntary bodies and the private sector to conserve and enhance the historic environment, broaden public access to our cultural heritage, and increase people's understanding and appreciation of the past.</p> <p>The Environmental Statement included with the application assesses the potential impact of the proposed development upon Terrestrial Heritage in Chapter 17, and upon Marine Heritage in Chapter 18. Both assessments appear to be broadly in accordance with current best practice.</p> <p>The ES confirms that all physical construction works would be sited in Wales and therefore do not fall within the remit of Historic England. An area in Ellesmere Port, Cheshire West & Chester, is however specified for assessment on the grounds that the dock there may be used for the transport of plant and equipment.</p> | The Applicant has addressed this matter in the Applicant's Response to Relevant Representations [REP1-062] , Ref. No. HE1. |
| | 1.2 | <p>In setting out the baseline conditions for the assessment of the potential impact of the proposed development on Terrestrial Heritage, the ES identifies two scheduled monuments sited in England as sensitive receptors. Both are within the defined study areas for highly graded heritage assets; however, they are at some distance from the indicative site boundary, with the nearer being 3km to the North East, and the other 4km away.</p> <p>Chapter 17 of the ES assesses the potential impact of the proposed development upon the settings of the two highly graded heritage assets identified as sensitive receptors. At 17.6.21, the permanent changes, and at 17.6.23 the temporary changes to the setting of the Promontory fort on Burton Point (National Heritage List for England entry number 1013298) during the construction phase are assessed as having a very low magnitude of impact upon the setting of the scheduled monument. The conclusion is that these are not significant. A similar assessment is made at 17.6.40 of the permanent changes, and at 17.6.42 of the temporary changes during the construction phase to the</p> | The Applicant has addressed this matter in the Applicant's Response to Relevant Representations [REP1-062] , Ref. No. HE2. |

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| | | <p>setting of the scheduled St Andrew's medieval hospital and limekiln, Denhall (NHLE 1007635). Chapter 18 of the ES identifies no potential impacts on marine heritage sited in English waters.</p> <p>Historic England considers that the assessment of potential impacts on heritage assets has been carried out in an appropriate manner, and that the very low magnitude of impact identified accurately reflects the potential impact of the proposed development on the settings of designated terrestrial heritage assets and marine heritage sited in England. We agree that the temporary impact of the proposed development on the settings of the two scheduled monuments during the construction phase is not significant, and that there would be no impact on known marine heritage in English waters.</p> | |
| | 1.3 | <p>Given the very limited impact of the proposed development on Terrestrial and Marine Heritage situated in England, we do not consider that any additional mitigation measures for that impact are necessary.</p> | <p>The Applicant acknowledges this position, and no further action is required.</p> |

2.2 REP1-069 The Maritime and Coastguard Agency (MCA)

2.2.1 The MCA's Deadline 1 submission and the Applicant's response are set out in **Table 2** below.

Table 2: Response to the MCA's Deadline 1 submission

| Source Document | Reference | Source Document Issue / Theme | Applicant's Response |
|--|-----------|---|---|
| Written Representation by the MCA [REP1-069] | 2.1 | <p>Dear Sir/Madam Application by Uniper UK for an order granting development consent for the Connah's Quay Low Carbon Power Project (EN010166) Examination Authority Written Representation - deadline 1 (27th January 2026)</p> <p>The Maritime and Coastguard Agency (MCA) has an interest in the works associated with the marine environment, and the potential impact on the safety of navigation, access to ports, harbours and marinas and any impact on our search and rescue obligations. The MCA would expect any works in the marine environment to be subject to the appropriate consents under the Marine and Coastal Access Act 2009 before carrying out any marine licensable works.</p> <p>Chapter 12 of the Environmental Statement (ES) Marine Ecology, ES Volume I Non Technical Statement, ES Chapter 4 The Proposed Development, the Navigation Risk Assessment (NRA), and the draft Development Consent Order (DCO) have been reviewed, and we would like to comment as follows:</p> <p>The location of the works in the marine environment falls within the jurisdiction of a Statutory Harbour Authority (SHA) - Dee Conservancy, and therefore they have responsibility for maintaining the safety of navigation within their waters during any construction, operation and decommissioning phases of the project. It is our understanding that the Dee Conservancy is split between Natural Resources Wales (conservancy, harbour, and local lighthouse authority) and Mostyn Docks Ltd (pilotage authority and statutory harbour authority for the Port of Mostyn).</p> | <p>The Overarching National Policy Statement for Energy (EN-1) at footnote 6 explains that "Welsh Ministers are responsible for marine licences for operations carried out in both inshore and offshore Welsh waters, under the Marine and Coastal Access Act (2009). With the exception of the enforcement function this power has been delegated to Natural Resources Wales". EN-1 states at paragraph 4.5.6 that "Applicants should consult Part 4 section 66 of the Marine and Coastal Access Act 2009 when considering what activities will require a Marine Licence. A Marine Licence cannot be deemed under the Planning Act 2008 in waters adjacent to Wales up to the 12nm seaward limits of the territorial sea." It goes on to state at paragraph 4.5.7 that "Applicants are encouraged to approach the marine licensing regulator (MMO [Marine Management Organisation] in England and Natural Resources Wales in Wales) in pre-application, to ensure that they are aware of any needs for additional marine licences alongside their Development Consent Order application."</p> <p>In accordance with EN-1, the Applicant consulted Natural Resources Wales (NRW) throughout the pre-application stage and has continued to engage with NRW during the examination of the application. The Applicant has identified that a marine license will be required. As the project is in Wales, a deemed marine license is not included within the Draft DCO [REP1-003]. Instead, as explained in row 17 of the Consents and Agreement Position Statement [REP1-007], a marine license will be applied for prior to the start of construction below the Mean High Water Springs.</p> <p>Details of the engagement that has been had between the Applicant and NRW, the Dee Conservancy and the Port of Mostyn are provided in the draft Statements of Common Ground with those bodies ([REP1-033, REP1-051, and REP1-053]).</p> |
| | 2.2 | <p>The Environmental Statement</p> <p>Chapter 12 of the Environmental Statement covering Marine Ecology confirms the extent of the marine receptors of the project: <i>Section 12.2.10 states that "The construction works in the Water Connection Corridor will involve the refurbishment of existing eel screens and associated works at intakes. There will be no interaction with the riverbed, and no in-river works will take place".</i></p> | <p>This is noted and the Applicant understands that no further action is required at this stage.</p> |

| Source Document | Reference | Source Document Issue / Theme | Applicant's Response |
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| | | <p><i>Section 12.1.5 describes "Additional relevant works outside the Marine Elements include and use of vessels which would deliver goods using two existing ports - the Port of Mostyn, and / or Connah's Quay North during construction of the Proposed Development. The use of the vessels for deliveries during construction is assessed in this chapter".</i></p> <p><i>Section 12.1.14 states that "For some works there may need to be a barge positioned alongside the intake infrastructure, as considered in the Navigational Risk Assessment (EN010166/APP/6.15), which would remain floating at all times".</i></p> | |
| | 2.3 | <p>Navigation Risk Assessment process</p> <p>We note the application is supported by a Navigation Risk Assessment which considers and assesses all works and activities undertaken below the Mean High-Water Spring as a result of the project and the impact on other marine users in consultation with the relevant SHAs. The NRA methodology is in accordance with the International Maritime Organization (IMO) risk assessment methodology which we welcome.</p> <p>We understand that the applicant undertook a workshop which assessed the possible navigational impacts posed by the project on 27th March 2025 with the Ports of Mostyn, Ellesmere and the Dee Conservancy, the outputs of the workshop informed the NRA.</p> <p>The MCA has reviewed the risk mitigation measures contained in the NRA (Section 4.7.3). It is our understanding that high level risk control measures were discussed and agreed with the SHAs to ensure that any identified risks are As Low As Reasonably Practicable (ALARP).</p> <p>The MCA would encourage the applicant to continue working with the SHA to develop a robust Safety Management System (SMS) for the project in accordance with the Ports and Marine and Facilities Safety Code (PMSC) and its associated Guide to Good Practice, to ensure that the risk and impact on other marine users are As Low As Reasonably Practicable (ALARP).</p> | <p>The Applicant acknowledges this representation and confirms that navigational safety is being progressed in close alignment with the relevant Statutory Harbour Authorities (SHAs) and in accordance with the Ports and Marine Facilities Safety Code (PMFSC) and its associated Guide to Good Practice. As set out in Section 1.1.3 of the Navigational Risk Assessment (NRA) [APP-256], all SHAs associated with the proposed navigational routes are required to assess and keep under review marine risks within their waters and to manage those risks through a Safety Management System (SMS) with clear objectives and embedded continuous improvement, in accordance with the PMSC. Findings from the NRA are intended to be integrated and managed through existing SHA safety management arrangements. The Applicant has committed to the preparation of further detailed, activity-specific risk assessments prior to construction and Abnormal Indivisible Load (AIL) movements, which are secured through Requirement 19 of the Draft DCO [REP1-003], which would be prepared in consultation with the relevant SHAs.</p> |
| | 2.4 | <p>Development Consent Order</p> <p>It is the MCA's understanding from the ES Chapter 4: The Proposed Development, that there will be no Deemed Marine License in the Development Consent Order (DCO) as in-river works (replacement of eel-screens and minor works in the water connection corridor) will be consented through a marine license.</p> <p>We understand that the requirement 19 secured in the DCO for an abnormal indivisible load risk assessment and method statement will include the assessment of marine traffic once the landside delivery points have been selected which should be discussed and agreed with the relevant SHA.</p> | <p>The Applicant can confirm that a separate marine license will be sought for the works related to the proposed surface water outfall and those in the water connection corridor.</p> <p>Requirement 19(3) in Schedule 2 to the Draft DCO [REP1-003] provides that "If the undertaker determines that Connah's Quay North is to be used as a landside delivery point for the transport of abnormal indivisible loads to facilitate the construction of the authorised development, no transport of abnormal indivisible loads from Connah's Quay North may commence until an updated navigational risk assessment has been submitted to and approved by the relevant planning authority, in consultation with the Dee Conservancy." Requirement 19(4) further provides that the updated navigational risk assessment approved pursuant to sub-paragraph (3) must be in general accordance with the NRA [APP-256], unless otherwise agreed with Flintshire County Council (FCC), in consultation with the Dee Conservancy.</p> |

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|-----------------|-----------|---|--|
| | 2.5 | <p>Statement of Common Ground (SoCG)</p> <p>As listed in the Rule 4, 6, 9 & 13 letter issued by the EXA on 9th December 2025, we note in Appendix F that the EXA wishes the applicant to engage with the MCA to develop an SoCG of their relative positions and views. The SoCG has not yet been discussed between the MCA and the applicant, however we do not believe that an SOCG is necessary on this occasion as the location of the works falls within SHA limits. We note in the recording of Issue Specific Hearing 2 - Part 2, the applicant's suggestion that any navigational risks posed by the project would be adequately assessed by the applicant extending their SOCGs with the ports of Mostyn and the Dee Conservancy to cover navigational matters. The MCA agrees with this suggestion.</p> <p>We hope this information is useful to the Examination Authority at this stage.</p> | <p>This is point is acknowledged. The Applicant did suggest an extension of the existing SoCGs with the Port of Mostyn [REP1-053] and the Dee Conservancy [REP1-051] to include navigational matters within Issue Specific Hearing (ISH) 2. However, it is understood that the ExA does not consider this to be necessary based on the response provided in ISH 2 (Item 4.4) [EV3-006].</p> |

2.3 REP1-073 Natural Resources Wales (NRW)

2.3.1 NRW's Deadline 1 submission and the Applicant's response are set out in **Table 3** below.

Table 3: Response to NRW's Deadline 1 submission

| Source Document | Reference | Source Document Issue / Theme | Applicant's Response |
|--|-----------|---|--|
| Written Representation by NRW [REP1-073] | 3.1 | <p>Dear Sir/Madam [ExA],</p> <p>PROPOSED CONNAH'S QUAY LOW CARBON POWER PROJECT</p> <p>PLANNING INSPECTORATE REFERENCE: EN01066</p> <p>INTERESTED PARTY REFERENCE NUMBER: [REDACTED]</p> <p><u>RE: NATURAL RESOURCES WALES' WRITTEN SUBMISSION FOR DEADLINE 1</u></p> <p>Thank you for your Rule 8 letter, dated 20 January 2026, requesting Cyfoeth Naturiol Cymru / Natural Resources Wales' comments regarding the above.</p> <p>This letter comprises the following submission from NRW:</p> <ul style="list-style-type: none"> a) Summary of our Relevant Representations (RR) – see Annex A b) Written Representations (WR) and summary – see Annex B <p>The comments provided in this submission, including the associated Annexes, comprise NRW's response as a Statutory Party under the Planning Act 2008 and Infrastructure Planning (Interested Parties) Regulations 2015 and as an 'interested party' under s102(1) of the Planning Act 2008.</p> <p>Our comments are made without prejudice to any further comments we may wish to make in relation to this application and examination whether in relation to the Environmental Statement (ES) and associated documents, provisions of the draft Development Consent Order ('DCO') and its Requirements, or other evidence and documents provided by Liverpool Bay CCS Ltd. ('the Applicant'), the Examining Body or other interested parties.</p> <p>Annex A contains a summary of our Relevant Representations (RR-027).</p> <p>In Annex B we provide our Written Representations (WR), including a summary. The Written Representations are structured in a similar format to that of our Relevant Representations (RR-027).</p> <p>We are not providing comments on other Relevant Representations at this stage but would be willing to provide comments at a later stage if the Examining Authority considers that would aid the examination.</p> <p>The Rule 8 letter requested Initial Statements of Common Ground (SoCG) to be submitted at Deadline 1. NRW received copies of the draft SoCG from the Applicant on 17 and 30 July 2025. We are currently in active and ongoing engagement with the Applicant to progress this ahead of the next deadlines.</p> | <p>The Applicant acknowledges this Representation and has addressed NRW's points in turn, below.</p> |

| Source Document | Reference | Source Document Issue / Theme | Applicant's Response |
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| | | <p>We also acknowledge that a "Notice of a proposed without prejudice Habitats Regulations Assessment (HRA) derogation in Wales" document has been submitted by the Applicant at Procedural Deadline A (ref. PDA-003). During Issue Specific Hearing 2 (14/01/26) the Examining Authority (ExA) confirmed that it is seeking comments from key Interested Parties (IPs) on this but acknowledged this is unlikely to be feasible in time for Deadline 1. We confirm that we will review this document and provide our comments to the ExA as soon as possible, but no later than Deadline 2, subject to this being acceptable.</p> <p>In addition to being an interested party under the Planning Act 2008, NRW exercises functions under legislation including (but not limited to) the Environmental Permitting (England and Wales) Regulations 2016 (as amended), and Marine and Coastal Access Act 2009.</p> <p>Please do not hesitate to contact me at northplanning@cyfoethnaturiolcymru.gov.uk should you require further advice or information regarding these representations.</p> | |
| | 3.2 | <p>[Annex B]</p> <p>Annex B contains NRW's full Written Representations and a summarised version, which were submitted to the Examining Authority on 27 January 2026.</p> | <p>The Applicant acknowledges this Representation and has addressed NRW's points in turn, below.</p> |
| | 3.3 | <p>1.0 Summary of Natural Resources Wales' Written Representations</p> <p>1.1 Our Written Representations (WR) identify key concerns relating to the following matters:</p> <ol style="list-style-type: none"> 1. Atmospheric pollution of the Dee Estuary Special Area of Conservation (SAC) /Site of Special Scientific Interest (SSSI) saltmarsh, Afon Dyfrdwy (River Dee) SSSI saltmarsh and Deeside and Buckley Newt Sites SAC/Connah's Quay Ponds and Woodlands SSSI oak woodland qualifying habitats during operation 2. Direct loss of/damage to the saltmarsh qualifying habitat of the Dee Estuary SAC/SSSI during construction/demolition. 3. Loss of functionally linked land for Dee Estuary Special Protection Area (SPA)/Ramsar site/SSSI bird features (curlew) during construction, demolition, and operation <p>[Contents list]</p> | <p>The Applicant acknowledges this Representation and has addressed NRW's points in turn, below.</p> |
| | 3.4 | <p>2.0 Natural Resources Wales' Written Representations</p> <p>2.0.1 The following paragraphs comprise our Written Representations (WR) as a Statutory Party under the Planning Act 2008 and Infrastructure Planning (Interested Parties) Regulations 2015 and as an 'interested party' under s102(1) of the Planning Act 2008.</p> <p>2.0.2 In addition to being an interested party under the Planning Act 2008, NRW exercises functions under distinct legislation including (but not limited to) the Environmental Permitting (England and Wales) Regulations (EPR) 2016 (as amended) and the Marine and Coastal Access Act (MaCAA) 2009. For the purpose of clarity, comments from NRW's Regulation and Permitting Service are titled as such and include comments in Annex B.1. We note that the application is seeking to disapply the need for certain</p> | <p>The Applicant acknowledges this Representation and has addressed NRW's points in turn, below.</p> |

| Source Document | Reference | Source Document Issue / Theme | Applicant's Response |
|-----------------|-----------|--|---|
| | | consents/licences/permits for which NRW is the competent authority. An agreement on this has yet to be reached but we would welcome discussion with the Applicant regarding these matters. We provide a comment on NRW's general purpose in Section 3. | |
| | 3.5 | <p>2.1. Designated Sites for Nature Conservation</p> <p>2.1.1. We welcome that an updated Conservation Areas Management Plan would be prepared and submitted to Flintshire County Council (FCC) and NRW for approval prior to the commencement of operation of the Proposed Development. The updated Conservation Areas Management Plan would be secured by DCO Requirement 13 (Operational and Maintenance Environmental Management Plan (OMEMP)) and remain in place until completion of the decommissioning of the Proposed Development, unless otherwise agreed with FCC and NRW.</p> <p>2.1.2. We have identified key concerns regarding potential impacts on the following designated sites for nature conservation within Wales:</p> <ul style="list-style-type: none"> • Dee Estuary (Wales) SAC, SPA, Ramsar site and SSSI – the application site is • located within and immediately adjacent to these sites. • Afon Dyfrdwy (River Dee) SSSI – located 75m to the south-east. • Deeside and Buckley Newt Sites SAC and Connah's Quay Ponds and Woodland SSSI – located 1.5km to the south. <p>These key concerns are detailed below, along with our other comments regarding designated sites for nature conservation.</p> <p>2.1.3. Our following comments are based on the current submitted Report to Inform Habitats Regulations Assessment (RIHRA), as documented in APP-253. We note that an updated RIHRA is to be submitted that will consider six design changes that have recently been confirmed by the Applicant (AS-006) and accepted by the ExA, with comments on these requested by 18 February 2026. One of the design changes involves reductions in the proposed stack heights due to aeronautical requirements, so our following advice, on atmospheric emissions in particular, may be subject to change following our review of the updated RIHRA and supporting documents.</p> | The Applicant acknowledges this Representation and has addressed NRW's points in turn, below. |
| | 3.6 | <p>Key Concern 1: Atmospheric pollution of the Dee Estuary SAC/SSSI saltmarsh, Afon Dyfrdwy (River Dee) SSSI saltmarsh and Deeside and Buckley Newt Sites SAC/Connah's Quay Ponds and Woodlands SSSI oak woodland qualifying habitats during operation</p> <p><u>Dee Estuary SAC/SSSI and Afon Dyfrdwy (River Dee) SSSI: saltmarsh feature</u></p> <p>2.1.4. The ES Air Quality assessment (Appendix 8-D, APP-183) and Report to Inform Habitats Regulations Assessment (RIHRA) identify potential Likely Significant Effects (LSE) for nitrogen deposition (Ndep) on the Dee Estuary SAC Annex I saltmarsh features (Atlantic salt meadows <i>Glaucopuccinellietalia maritima</i>, and <i>Salicornia</i> and other annuals colonising mud and sand) and the Dee Estuary SSSI independent qualifying saltmarsh feature. The RIHRA calculates the affected area to be 445ha in-combination and 245ha for the Proposed Development alone (of 2,566.3ha of SAC saltmarsh); representing 17% and 10% of saltmarsh, respectively.</p> | The Applicant acknowledges the additional information provided in this Representation but notes this matter has been addressed in the Applicant's Response to Relevant Representations [REP1-062] , Ref. No. NRW4. |

| Source Document | Reference | Source Document Issue / Theme | Applicant's Response |
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| | | <p>2.1.5. The River Dee and Bala Lake/Afon Dyfrdwy a Llyn Tegid SAC and Afon Dyfrdwy (River Dee) SSSI also support areas of saltmarsh. Saltmarsh is an independent qualifying feature of the Afon Dyfrdwy (River Dee) SSSI.</p> <p>2.1.6. <i>Bupleurum tenuissimum</i>, slender hare's-ear, is also present at a number of locations along the Welsh bank of the Dee to the south of the application site. This species is listed in the Dee Estuary SAC conservation objectives as a Notable Species and is an Environment (Wales) Act Section 7 priority species.</p> <p>2.1.7. With the widespread, albeit low level, predicted exceedance of the critical load for saltmarsh, Likely Significant Effects cannot be ruled out for the Annex I Atlantic salt meadows habitat within the Dee Estuary / Aber Dyfrdwy SAC / SPA / Ramsar site or impacts to the saltmarsh feature of the Dee Estuary SSSI and Afon Dyfrdwy (River Dee) SSSI.</p> <p>2.1.8. There is a high proportion of upper saltmarsh and areas of transition to terrestrial habitat, both of which are more sensitive to nitrogen deposition, within the predicted area of exceedance.</p> <p>2.1.9. The main threat of nitrogen deposition to coastal saltmarsh communities within the Dee is likely to be the spread of coarse nitrophilous grasses, primarily sea couch and common couch, at the expense of other more diverse saltmarsh plant communities or the transitional saltmarsh margins. These are naturally occurring plant communities, but they can be invasive and generally form dense, single species stands of vegetation where other plant species are outcompeted. The high proportion of upper marsh in the upper Dee estuary where the proposal is located is particularly vulnerable to the spread of such coarse nitrophilous grasses. The terrestrial saltmarsh transitions are also vulnerable to the spread of tall grasses due to nitrogen deposition. Deterioration of the Annex I Atlantic salt meadows habitat would likely be permanent as the diversity of plant species would be expected to decline.</p> <p>2.1.10. The sea couch and common couch plant communities are listed in British Plant Communities, Volume 5 (by Rodwell, ed., 2000) as SM24 <i>Elymus pycnanthus</i> saltmarsh community (sea couch, the scientific name has now changed to <i>Elymus athericus</i>) and SM28 <i>Elymus repens</i> salt-marsh community (common couch).</p> <p>2.1.11. The following SAC conservation objectives are relevant to this matter:</p> <ul style="list-style-type: none"> i) the proportions of individual Atlantic salt meadow vegetation communities within the site are maintained. ii) the zonation of Atlantic salt meadow vegetation communities and their transitions to fresh water and terrestrial vegetation are maintained. iii) the relative abundance of the typical species of the Atlantic salt meadow vegetation communities is maintained. iv) the abundance of the notable species of the Atlantic salt meadow vegetation communities is maintained. <p>2.1.12 Based on the current RIHRA (APP-253), we acknowledge that the exceedance would be small and at the lower end of the critical load (CLo) for the most sensitive type of saltmarsh (upper) but considering the current exceedance of background Ndep CLo already at this location, and size of the area affected,</p> | |

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| | | <p>we welcome that mitigation is proposed. However, we do not consider the proposed measures to be adequate, for the following reasons:</p> <ol style="list-style-type: none"> 1) we do not consider the continuation of the management agreement for the 26ha of currently managed land following decommissioning of the old power station to be bespoke new mitigation for this impact. The extant management agreement is a legal requirement of the Section 36 consent for the existing Connah's Quay Power Station and was established to serve a wider conservation purpose at the site. This would be replaced by an updated version following decommissioning of the old power station in any case, as an embedded design measure, and we would expect this regardless of the identified air quality impact to the saltmarsh. 2) we understand that the managed realignment of 0.13ha (1,300m²) of land (previously 0.12ha), potentially creating new saltmarsh of this equivalent area is primarily proposed to offset the loss of up to 650m² of saltmarsh for the new surface water outfall. We do not consider an area of 0.13ha to be adequate for mitigating the effects of nitrogen deposition on the species composition of at least 245ha of affected saltmarsh (445ha in-combination). Furthermore, it is not clear whether the newly created saltmarsh would also suffer from similar atmospheric impacts as predicted elsewhere. <p>2.1.13 We therefore advise that satisfactory alternative mitigation/compensation measures should be proposed to address this impact and would welcome further engagement with the Applicant regarding this.</p> | |
| 3.7 | | <p><u>Deeside and Buckley Newt Sites SAC/Connah's Quay Ponds and Woodlands SSSI</u></p> <p>2.1.14 The ES Air Quality assessment (APP-180) and RIHRA (APP-253) show that in-combination ammonia and nitrogen deposition would exceed the 1% Process Contribution (PC) of Critical Levels/Loads (CLE/CLO) thresholds within the Deeside and Buckley Newt Sites SAC, which also includes the Connah's Quay Ponds and Woodlands SSSI. The corresponding background CLE/CLO are already exceeded at this site and an additional area of approximately 31% of the Annex I oak woodland habitat of the SAC/SSSI (Old sessile oak woods with Ilex and Blechnum in the British Isles) would be affected by the new exceedance. Increased nitrogen deposition could lead to a prevalence of nitrogen-loving vegetation, such as bramble, cleavers, and nettles. This could alter species composition in a way which impacts negatively on the SAC/SSSI woodland features.</p> <p>2.1.15 We consider that the sensitive lower plant features of the Annex I oakwoods habitat at this site have already been lost due to historic air pollution. The site will since likely have been recolonised by relatively mobile, nitrogen tolerant epiphytic bryophytes and lichens.</p> <p>2.1.16 Even if relevant background concentrations were to reduce below the critical level, it is unlikely that the sensitive rare bryophyte species, which are a key feature of old sessile oak woods, would naturally recover in this location. Examples of these species are now generally found further west, and it is not expected that they would be able to repopulate in the Connah's Quay vicinity.</p> <p>2.1.17 Furthermore, the only reference to "Lower" plants in the Core Management Plan for the Deeside and Buckley Newt Sites SAC is in the "Vision for the site" which states <i>"There will be abundant dead and dying trees throughout the woodland providing habitat for invertebrates, fungi and lower plants"</i>.</p> | <p>The Applicant acknowledges that in the opinion of NRW the sensitive lower plant features of the Annex 1 oakwoods habitat have already been lost and would be unlikely to recolonise even if pollutant concentrations and deposition rates were restored. In which case, the appropriate ammonia critical level would be 3 µgm⁻³ rather than 1 µgm⁻³. The higher critical level is not forecast to be exceeded. The Applicant therefore agrees with NRW's comment at paragraph 2.1.24 of its Written Representation.</p> <p>Therefore, the main role of ammonia is as a source of nitrogen which is captured through consideration of the nitrogen deposition rate and related mitigation. There would therefore be no requirement to consider ammonia in atmosphere as per the comment at paragraph 2.1.23 of the Written Representation. Regarding the value of tree screening (paragraph 2.1.24) due to the nature of the emissions (i.e. from a tall exhaust stack) it is considered that additional tree planting between the Proposed Development and the Special Area of Conservation (SAC) would have no benefit on nitrogen deposition at the SAC.</p> <p>A costed draft management agreement with FCC to deliver the necessary nitrogen deposition mitigation has been produced and will be shared with NRW.</p> |

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| | | <p>2.1.18 Nevertheless, that is not to say that further atmospheric pollution impacts on the oak woodland feature of the SAC and SSSI, regardless of how small, should be considered acceptable.</p> <p>2.1.19 The Applicant claims that process-orientated mitigation to reduce emissions is not feasible and therefore proposes habitat management to counter the effects of the nitrogen deposition.</p> <p>2.1.20 Facilitation of habitat management is intended to directly mitigate potential changes in ground flora due to elevated levels of atmospheric nitrogen by physically removing nitrogen-loving vegetation to promote/restore desired species composition, in line with the designated feature and conservation objectives. This would be achieved by funding local practitioners already engaged in woodland management at the site to enable them to maintain and enhance the condition and resilience of the woodland features.</p> <p>2.1.21 Depending on the level of funding this could be a proportionate strategy. However, confirmation of the further details should be submitted in writing to clarify the exact proposals and provide assurance that these could be secured within the DCO and implemented effectively. The mitigation management should continue for as long as the impact is anticipated.</p> <p>2.1.22 It is not clear whether tree screening e.g. with poplar, to further reduce nitrogen/ammonia impacts at the site has been considered by the Applicant. We therefore advise that this should be considered in addition to the proposed funding for woodland management.</p> <p>2.1.23 The proposed mitigation for nitrogen deposition does not address the potential impacts of the very slight exceedance over 1% (1.1%) of the ammonia critical level. Direct air concentrations of ammonia can impact lower plants, including lichens and bryophytes. We therefore advise that details of mitigation measures to address the slight ammonia exceedance should be submitted.</p> <p>2.1.24 A Critical Level of 3µg/m³ (for protection of higher plants, including forest ground flora) may be appropriate for assessing ammonia impacts at the Deeside and Buckley Newt Sites SAC/Connah's Quay Ponds and Woodlands SSSI in this case, rather than 1µg/m³ if the site had a diverse and important bryophyte/lichen component. We would be willing to discuss this further with the Applicant.</p> | |
| | 3.8 | <p><u>Shotton Lagoons and Reedbeds SSSI</u></p> <p>2.1.25 The ES (Chapter 11) reports a marginal exceedance of nutrient nitrogen deposition at this site's receptor (OE29). Chapter 11's assessment of impact dismisses this result based on the non-sensitive nature of the common tern breeding habitat at this site. Paragraph 11.6.154 goes on to state that the common terns are the only designated feature of this site sensitive to air quality. However, this is incorrect as the SSSI is also notified for its reedswamp vegetation (<i>Phragmites australis</i> reedbed), which is sensitive to ammonia at 3µg/m³ CLe and nutrient nitrogen at 10-20 kgN/ha/yr CLo.</p> <p>2.1.26 Although air quality impacts on this feature have not been assessed, we advise that these would be <1% CLo and hence can be considered insignificant.</p> | <p>The Applicant has addressed this matter in the Applicant's Response to Relevant Representations [REP1-062], Ref. No. NRW6.</p> |

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| | 3.9 | <p>Key Concern 2: Direct loss of/damage to the saltmarsh qualifying habitat of the Dee Estuary SAC/SSSI during construction/demolition</p> <p>2.1.27 The proposals involve the construction of a new permanent outfall structure for surface water drainage discharge (the 'Proposed Surface Water Outfall') adjacent to the Existing Surface Water Outfall. The Proposed Surface Water Outfall is located within the Dee Estuary SAC, SPA, Ramsar site and SSSI in an area confirmed as Annex I saltmarsh habitat (Atlantic salt meadows, <i>Glauco-Puccinellietalia maritimae</i>), a qualifying feature of the Dee Estuary SAC. Saltmarsh is also a qualifying feature of the Dee Estuary SSSI.</p> <p>2.1.28 Paragraph 11.3.19 of the ES, Chapter 11 estimates a <5m2 area of permanent loss of saltmarsh habitat due to the Proposed Surface Water Outfall headwall extension. Paragraphs 11.6.11 and 11.6.19 of the ES, Chapter 11 refer to an approximately 650m² of temporary saltmarsh habitat loss during construction of the Proposed Surface Water Outfall. As paragraph 11.6.73 of the ES, Chapter 11 states that a loss of up to 0.06ha (600m²) saltmarsh would occur, the correct areas of temporary and permanent saltmarsh loss should be clarified.</p> <p>2.1.29 No information has been submitted regarding the discharge volumes of the Surface Water Outfall. Chapter 4.5, Table 6 of the Framework Construction Environmental Management Plan states "<i>the location, position and orientation of a new drainage outfall would be carefully determined and informed by a hydromorphological survey to minimise any adverse local impacts on river processes. Appropriate micro-siting of the outfall would minimise loss of bank habitat, the need for bed scour or hard bank protection and minimise localised flow disturbance or disruption to sediment transport processes.</i>" However, information about the predicted discharge volumes from the new surface water outfall is required to fully understand any potential scour impact on the saltmarsh habitat.</p> <p>2.1.30 The conservation objective for the "Atlantic salt meadow" feature of the Dee Estuary SAC is to maintain it in favourable condition, the achievement of which includes the following relevant condition being met:</p> <ul style="list-style-type: none"> the total extent of Atlantic salt meadow vegetation communities within the site is maintained. <p>2.1.31 Although the area of saltmarsh habitat which would be permanently lost to the development is low, there would still be a net loss of this Annex I habitat type. The Applicant proposes offsetting this by enabling managed retreat of the embankment between the power station and Dee Estuary SAC/SPA/Ramsar site/SSSI to create an approximately 1,300m² area for natural migration inland of the saltmarsh, which we consider to be a sufficient area to offset these losses, in principle.</p> <p>2.1.32 We note that the Applicant considers this would 'offset' the impact on saltmarsh rather than represent 'compensation' in the context of the Habitats Regulations and considers it as mitigation for HRA purposes. However, the proposed area of new saltmarsh would be located outside of the SAC and hence lack its standard of statutory protection.</p> <p>2.1.33 We have considered case law relating to this matter and offer the following advice. In the European case of T.C Briels and Others v Minister van Infrastructuur en Milieu</p> | <p>As per the Applicant's response to Natural England's Relevant Representation comment (Ref. No. NE29) and as detailed in paragraph 10.2.2 of the Report to Inform Habitats Regulations Assessment (RIHRA) [APP-253], no scour losses are expected. The erosion assessment was a qualitative assessment made by a coastal process specialist, as modelling was not considered necessary. The conclusion is based on the fact (as noted in paragraph 10.2.2 of the RIHRA [APP-253]) that velocities are not high enough to cause scour erosion around the new outfall. The Applicant undertook a walkover survey on 23 January 2026 to validate this position. The findings of this are reported at Deadline 2 in the Geomorphological Walkover Survey Report (EN010166/APP/9.12) which conclude scour erosion associated with the proposed surface water outfall would not occur.</p> <p>The Applicant notes NRW's clarification of its position regarding whether the managed retreat would be mitigation or compensation. In response to the Procedural Decision [PD-006] dated 25 November 2025, the Applicant prepared and submitted a Notice of a proposed without prejudice Habitats Regulations Assessment (HRA) derogation in Wales [PDA-003]. Within the derogation notice, information is provided to show the Applicant has considered and can demonstrate that there are no alternative and less damaging solutions to the Proposed Development as proposed, that there are imperative reasons of overriding public interest and that, if not considered mitigation, the necessary compensation measures can be secured. Therefore, the Applicant considers that the necessary information has been provided for the SoS to make a determination for this Application, irrespective of whether the SoS ultimately determines that the managed retreat is mitigation or compensation.</p> <p>A saltmarsh creation strategy is being produced which will take into account the advice given in paragraphs 2.1.40 to 2.1.42 of the Written Representation. Note that it was always the intention to lower the ground level in order to create a suitable area for the saltmarsh to retreat into.</p> <p>With regard to whether the newly created saltmarsh would suffer from the significant adverse atmospheric impacts predicted elsewhere in the Dee Estuary (see NRW Key Concern 1), please see the Applicant's Response to Relevant Representations [REP1-062], Ref. No. NRW4. The area of saltmarsh being identified for mitigation would enable an entire area of saltmarsh 200 times larger than the area to be</p> |

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| | | <p>(C-521/12) the CJEU considered whether a measure for the creation of an area equal to, or greater than the habitat to be lost would be considered as mitigation or compensation. In that judgement it was determined that <i>“the assessment carried out under Article 6(3) of the Habitats Directive cannot have lacunae and must contain complete, precise and definitive findings and conclusions capable of removing all scientific doubt as to the effects of the works proposed on the protected site concerned”</i>. This judgement also noted that <i>“as a rule, any positive effects of a future creation of a new habitat which is aimed at compensating for the loss of area and quality of the same habitat type on a protected site, even where the new area will be bigger and of higher quality, are highly difficult to forecast with any degree of certainty and, in any event, will be visible only several years into the future...”</i>.</p> <p>2.1.34 Therefore, following the reasoning within the <i>Briels</i> judgment, although, in principle, a measure of utilising replacement land may be considered mitigation in certain limited circumstances, if, in fact, its effectiveness, in terms of ensuring that there will be no adverse effect on the integrity of the site, is not beyond scientific doubt at the point of assessment, then it should be considered as a compensatory measure rather than mitigation.</p> <p>2.1.35 Further, R. (on the application of Lee Valley Regional Park Authority) v Epping Forest DC [2015] EWHC 1571 (Admin), which references the judgement in <i>Briels</i>, highlighted that the creation of alternative habitat to offset loss within a protected site should be treated as compensation rather than mitigation.</p> <p>2.1.36 The fact that the Applicant references other DCO's or local authorities which have treated replacement habitats as mitigation, does not by itself change the legal position as set out above and should not be relied upon to avoid an adverse assessment under Article 6(3) as each DCO application is fact specific and would be considered on its own merits.</p> <p>2.1.37 We therefore acknowledge that such proposals, in principle and in very limited circumstances, could potentially be considered as mitigation for HRA purposes but consider that this would be subject to their effectiveness proving, at the point of assessment, that it is beyond scientific doubt there will be no adverse effect on the SAC. However, it is not currently clear whether this would be the case.</p> <p>2.1.38 We further acknowledge that the Applicant has referred to the position taken in our Relevant Representations as to such proposals potentially being considered mitigation, however, we wish to highlight that at no point have we agreed that the proposed measures should be considered as mitigation rather than compensation.</p> <p>2.1.39 Further to the above, we consider that reasonable scientific doubt remains over the satisfactory implementation of the saltmarsh habitat regeneration proposals, as explained below and, as set out above, the relevant case law favours these measures being compensatory in nature. Therefore, we are not able to assure the ExA that they could be deemed as mitigation measures and hence they should be considered as compensatory measures.</p> <p>2.1.40 From comparing the proposed managed realignment site with existing and predicted changes to Mean High Water Spring tides, we note that the elevations of the proposed managed realignment site appear too high to support natural inundation of the tide. We therefore welcome the Applicant's proposed</p> | <p>permanently lost to persist that would otherwise be lost to coastal squeeze. This will be true even though the 0.13 ha area will also be subjected to atmospheric nitrogen deposition.</p> <p>The Applicant has addressed points raised in 2.1.44 in the Applicant's Response to Relevant Representations [REP1-062], Ref. No. NRW7.</p> |

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| | | <p>investigations to ensure that the ground levels of the managed realignment area are suitable for saltmarsh creation, and ground investigations to rule out contaminated land. Site investigations will need to ensure that the proposed site is in an appropriate location, including consideration of:</p> <ul style="list-style-type: none"> • Site elevations and position within the tidal range using LiDAR. • Potential contaminated land <p>2.1.41 If the realignment site is confirmed to be too elevated to facilitate natural inundation of the tide, it will need to be demonstrated that the levels can be satisfactorily altered to accommodate this. Alternatively, it may need to be considered whether other opportunities for the managed realignment of coastal defences have been identified in the relevant Shoreline Management Plan.</p> <p>2.1.42 The Shoreline Management Plan policy at this location (Sub-cell 11A, Policy Unit 5.3) for the lifetime of the proposals is to Hold the Line, but it also notes the potential squeeze of internationally designated intertidal habitat and acknowledges possible localised managed realignment for habitat creation depending on studies undertaken. However, it also notes that any realignment / habitat creation may impact on channel morphology downstream, so this would need appropriate consideration. The Applicant should therefore give full consideration to any potential impacts to the estuary associated with their managed realignment proposals, including flood risk to the railway/other infrastructure (which may need discussion with other parties), as well as the environmental impacts of any potential changes to estuarine morphology. The Applicant should refer to NRW's "Marine and coastal physical processes assessments" (small-scale projects) guidance, available on our website, to assess the potential impact of the managed realignment on physical processes.</p> <p>2.1.43 Further details to confirm whether the newly created saltmarsh would suffer from the significant adverse atmospheric impacts predicted elsewhere in the Dee estuary (see NRW Key Concern 1) should also be submitted.</p> <p>2.1.44 In addition to the above, we advise that the following further information should be submitted to allow us to consider the effectiveness of these proposals:</p> <ul style="list-style-type: none"> • a firm commitment to removing the headwall extension to the surface water outfall on the future decommissioning of the new power station and removing the existing, redundant outfall for the old power station. • a scarce plant survey in the area of saltmarsh affected by temporary and permanent habitat loss (an NVC survey is for plant communities rather than individual plants and it is possible that rare and scarce species nearby could also be within the area affected; in particular, slender hare's ear <i>Bupleurum tenuissimum</i> is known to be present further upstream within the Dee estuary. This species is listed in the Dee Estuary SAC conservation objectives as a Notable Species and is an Environment (Wales) Act Section 7 priority species. • further details relating to the saltmarsh soils or turves to be temporarily stored during construction and the reinstatement methods applied, including the duration of soil storage and return of any turves to the marsh. • details of regular monitoring of saltmarsh recovery within the reinstated areas of temporary loss until those areas have fully recovered as saltmarsh. • regarding monitoring of the saltmarsh creation (ES Chapter 5, para. 5.2.25), initial monitoring should be focused on the establishment and development of the saltmarsh focusing on vegetation establishment | |

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| | | <p>and cover, and sediment accretion. The condition of the saltmarsh should be assessed once the saltmarsh has developed. Monitoring of the colonisation of the managed realignment site by saltmarsh plants should be conducted until the site is fully colonised.</p> <ul style="list-style-type: none"> • an outline alternative contingency plan in case the managed realignment site fails to successfully establish as saltmarsh, to ensure that adaptive measures are available to deliver the desired objective. <p>2.1.45 There should also be a firm commitment (secured by a DCO requirement) for a saltmarsh mitigation and monitoring plan, as per the curlew mitigation and monitoring plan to be secured by Requirement 11, whereby the restoration timescales, targets and monitoring proposals are set out in more detail.</p> <p>2.1.46 Paragraph 3.1.8 of the ES, Appendix 11-C: Botanical Technical Appendix (APP-191) refers to a more extensive NVC survey undertaken in June and July 2000, but this data was not available at the time of writing. However, NRW has recently sent the results of its 2022 NVC survey of the Dee estuary, including the area adjacent to the application site, to the Applicant on 22/01/26. We therefore advise that the results of this are considered.</p> | |
| | 3.10 | <p>2.1.47 Regarding the works in the Water Connection Corridor (WCC), paragraph 11.3.19 of the ES, Chapter 11 (APP-049) states that works within the saltmarsh for the WCC “<i>would be temporary (three to five months in duration) and all habitat would be restored on completion of the works</i>”. However, Section 3.2.2 of the OLEMP (APP-250) appears to contradict this as it states: “<i>The temporary impacts are:</i></p> <ul style="list-style-type: none"> • <i>Encroachment and clearance of coastal saltmarsh for proposed works within the Water Connection Corridor;</i>” <p>2.1.48 We sought clarification of this matter in our Relevant Representations (RR-027). We note and welcome the Applicant's verbal confirmation during Issue Specific Hearing 2 (14/01/26) that there would be no loss of saltmarsh habitat from within the WCC. However, we advise that formal clarification of this matter should be provided in writing to the Examination</p> | <p>The Applicant has addressed this matter in the Applicant's Response to Relevant Representations [REP1-062], Ref. No. NRW8.</p> |
| | 3.11 | <p><u>Key Concern 3: Loss of functionally linked land for Dee Estuary SPA/Ramsar site/SSSI bird features (curlew) during construction, demolition, and/or operation</u></p> <p>2.1.49. The proposals would result in an intermediate to long-term loss of up to 26ha of Functionally Linked Land (FLL) used by the curlew feature of the Dee Estuary SPA, Ramsar site and SSSI within the Main Development Area. Offsetting measures, comprising additional land within the SPA/Ramsar site to be secured for favourable dedicated curlew management, are proposed to offset this loss and outlined in the Curlew Mitigation Strategy (CMS) (APP-254).</p> <p>2.1.50. We have discussed this approach with the Applicant during the pre-application stage and agree that, in principle, the proposals outlined in the CMS could enable the proposed offsetting land to be managed appropriately to encourage and support curlew feeding and roosting, offsetting the loss of FLL for curlew.</p> <p>2.1.51. We note that the distance of Gronant Fields from the application site is around 21km and confirm that proximity is not, in itself, determinative. Rather, the focus is on providing ecological equivalence and functional connectivity. The replacement habitat must be capable of supporting an equivalent or greater</p> | <p>With regards to whether the proposals at Gronant Fields are considered mitigation or compensation, please see the Applicant's Response Relevant Representation [REP1-062], Ref. No. NRW9.</p> |

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| | | <p>number of overwintering curlew, such that there is no adverse effect on the integrity of the Dee Estuary SPA or its Conservation Objectives.</p> <p>2.1.52. However, as with the proposed saltmarsh creation, we note that the Applicant considers the proposals to involve mitigation, instead of compensation.</p> <p>2.1.53. We refer again to European case law (notably <i>Briels v Minister van Infrastructuur en Milieu</i> (C-521/12) and <i>Edal Grace & Peter Sweetman v An Bord Plaenala</i> (C-164/17)). The matter of <i>Grace</i> specifically dealt with the question of a proposed measure being deemed mitigation or compensation when dealing with a project that will impact an SPA. Whilst it is acknowledged that this matter dealt with the availability of an area for a species to forage which fluctuated over the lifetime of a project (in contrast to the present application where a specified area of replacement land has been identified), the judgement nevertheless reinforced the position taken in <i>Briels</i> (as discussed above at para. 2.1.33 that <i>"it is only when it is sufficiently certain that a measure will make an effective contribution to avoiding harm, guaranteeing beyond all reasonable doubt that the project will not adversely affect the integrity of the area, that such a measure may be taken into consideration when the appropriate assessment is carried out"</i>).</p> <p>2.1.54. The point regarding the uncertainty of the effectiveness of the proposed measures was further expanded on by the court in <i>Grace</i> where it was stated that <i>"...such uncertainty is the result of the identification of adverse effects, certain or potential, on the integrity of the area concerned as a habitat and foraging area and, therefore, on one of the constitutive characteristics of that area, and of the inclusion in the assessment of the implications of future benefits to be derived from the adoption of measures which, at the time that assessment is made, are only potential, as the measures have not yet been implemented."</i> The court then went further to state that the benefits of such a measure would need to be foreseen with the requisite degree of certainty when a development was approved.</p> <p>2.1.55. Furthermore, in the matters of <i>Royal Society for the Protection of Birds v Secretary of State for Communities and Local Government & others</i> [2014] EWHC 1523 (Admin) and <i>Murphy's Application for Judicial Review, Re</i>, [2017] NICA 51, it was confirmed that FLL must be assessed under the same legal framework as the site itself. This will, therefore, be relevant to the HRA for this application given that the FLL here is situated outside of the SPA.</p> <p>2.1.56. It is further noted that the proposed replacement land at Gronant Fields is already located within the boundary of the Dee Estuary SPA. We do not consider this fact to be determinative by itself but instead revert to the test with regards to certainty as discussed above.</p> <p>2.1.57. It is noted that within the CMS (APP-254), at paragraph 4.3.9, the Applicant states that <i>"the habitat for the Curlew offsetting area will be established prior to commencement of construction works at the areas of the Main Development Area for which offsetting is required, to ensure that the mitigation provision is available prior to any displacement occurring"</i>. This is further addressed within the RIHRA which states that Requirement 11 of the draft DCO identifies that a Curlew Mitigation and Monitoring Plan (CMMP) must be developed, and enhancement measures must be in place prior to works commencing.</p> <p>2.1.58. We therefore acknowledge that such proposals, in principle, could potentially be considered as mitigation for HRA purposes but consider that this would be subject to</p> | |

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| | | <p>their effectiveness in preventing any adverse effect on the SPA, at the point of assessment, being beyond scientific doubt.</p> <p>2.1.59. Further to the above, we consider that reasonable scientific doubt remains over the satisfactory implementation of the replacement curlew habitat proposals, as explained below. Therefore, we are not able to assure the ExA that the proposals could be deemed as mitigation measures at this stage and hence, following the case law, they should be considered as compensatory measures.</p> <p>2.1.60 Furthermore, paragraph 3.5.5 of the CMS (APP-254) states that "<i>The land would be managed for 80 years (this being the standard HRA definition of 'in perpetuity') or until the Proposed Development is decommissioned, whichever is the sooner</i>". A reference for this "standard HRA definition" of in perpetuity should be provided. There is no guarantee that curlew would return to the decommissioned brownfield land once the project has ceased to operate, so any mitigation/compensation should be permanent. This could potentially be achieved by a clause in the updated Conservation Areas Management Plan stating that at the end of the Proposed Development, or if the land is sold, the land should continue to be managed in accordance with the principles of the CMMP and that the new owner should demonstrate that they have the capability and funds to do so.</p> | |
| | 3.12 | <p>2.1.61 We also advise that the following clarifications and details should be provided for the CMS (APP-254):</p> <ol style="list-style-type: none"> 1) Para. 2.4.2: Table 1 does not include historic data, only covers one year, and is likely to be too narrow in the range of months when curlew are found in significant numbers at the application site. Historic data held by the Applicant and Deeside Naturalists' Society (DNS) should be referred to as these may show a greater range of months when significant numbers of curlew, and possibly other qualifying bird species, occur within the affected fields (i.e. August, September and October). Historic data may also provide longer-term trends in the numbers of curlew (and other bird features) using the FLL. This may be important when determining the effectiveness of management measures in the proposed curlew offsetting area. 2) Para. 4.1.1: Groundwater monitoring should be applied at an early stage to determine the characteristics of groundwater changes at the curlew offsetting site and to inform future management of water levels. Water levels should be quantified over a period of time, so that adjustments to management prescriptions can be made. 3) Para. 4.2.4 states that "<i>further surveys will be undertaken during the peak wintering months.</i>" We wish to be consulted on the results of these surveys and would welcome further engagement regarding the development of the Curlew Mitigation and Monitoring Plan. 4) Para. 4.3.2: Regarding reference to the winter period of October – March, curlew may start to arrive earlier in the season (August/September) depending on weather and breeding success. Using grazing animals would allow minimal disturbance towards the end of summer and therefore early returning curlew would be able to use the land. 5) Para. 4.3.6 states that one of the additional habitat management measures "<i>will be the creation of a network of foot drains which are a common habitat feature deployed to support diverse invertebrate assemblages and create suitable habitat conditions for waders.</i>" A reference or example should be provided to support this approach. 6) Para. 4.3.12: "<i>late in the season</i>" should be defined. 7) The Applicant has stated that management of the water tables, sward height and taller vegetation in the Secondary Curlew Area (Figure A-3) would provide additional habitat enhancement. Clarity | <p>The Applicant has addressed this matter in the Applicant's Response to Relevant Representations [REP1-062], Ref. No. NRW10.</p> <p>The Applicant welcomes the feedback on the Curlew Mitigation Strategy [APP-254] and Offsite Net Benefit for Biodiversity and Green Infrastructure Strategy [APP-255] and will continue to engage with NRW to address the points raised in paragraphs 2.1.62 to 2.1.65 of the Written Representation. This will include discussion on the membership of the suggested steering group as well as the indicative landscape design of the off-site delivery area at Gronant Fields and proposed management prescriptions.</p> |

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| | | <p>should be provided on whether these areas would be managed on the same schedule of mowing/grazing and to the same standard as the core areas.</p> <p>8) Figure A-3 indicates two field parcels of curlew feeding areas, presumably based upon one year's data. NRW and WeBS hold historic data for the area that may reveal curlew feeding in other adjacent areas and should therefore be considered. Impacts on other designated bird species that may be affected by management decisions for curlew should also be assessed.</p> <p>9) Section 4.4: There is likely to be a need for a longer-term initial monitoring period, e.g. minimum of 10 years. Monitoring should occur for the life of the project, so that management is adaptable to any change in populations and should contribute towards the Dee estuary WeBS count. Details of the monitoring arrangements and the feasibility of access to enable effective monitoring should also be provided.</p> <p>10) A defined financial allocation should be set aside for management requirements. Oversight of the management plan from the Applicant's perspective should be supported by a dedicated officer to enable effective management.</p> <p>2.1.62 We advise that the Applicant considers whether the CMS and CMMP could be developed into a Gronant Fields Environmental Management Plan, which would be either separate to or part of the overarching updated Conservation Areas Management Plan, approved through a section 106 agreement or similar mechanism. As the replacement curlew habitat site is within the Dee Estuary SPA/Ramsar site/SSSI, the management plan may need to be regularised through a section 16 management agreement (Wildlife and Countryside Act) to ensure NRW's future participation as a key stakeholder in management decisions for the life of the programme.</p> <p>2.1.63 In relation to future monitoring, the site has historically been difficult to survey accurately as there is a busy road along the southern boundary and lack of close vantage points. We therefore recommend that consideration is given to the provision of new bird hides and/or screens, and safe access, provided that these would not disturb roosting and feeding birds using the site.</p> <p>2.1.64 We would also encourage the Applicant to engage with local interested parties and expert practitioners in coastal habitat management for birds who have historically been familiar with the area, and establish a steering group for the curlew offsetting site's future management. Actions for the group could include:</p> <ul style="list-style-type: none"> • developing a delivery action plan, many aspects of which are already included in the CMS (APP-254), to ensure the land is optimised for curlew and potentially other qualifying species. • once the CMMP is instigated, holding annual meetings with the group to ensure management is directed at optimising conditions for curlew and any other target bird species. <p>2.1.65 The Offsite Net Benefit for Biodiversity and Green Infrastructure Strategy (APP-255) include habitat management prescriptions for the proposed curlew offsetting site to be acquired as part of the CMS (APP-254). While we generally concur with these proposals in principle, we advise that further details are needed and our main comments are summarised as follows:</p> <ul style="list-style-type: none"> • 'Grassland enhancement' should be viewed from the perspective of enhancing the land for target bird usage, rather than focusing specifically on grassland species diversity. It is important that the grassland is wet and provides invertebrate prey species for the target bird species; the land is designated as an SPA, Ramsar site and SSSI on this basis. | |

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| | | <ul style="list-style-type: none"> The grassland enhancement proposed in Figure 2 (Proposed Habitat Enhancement and Creation Measures) appears to require additional procurement of land to facilitate it. Clarification should therefore be provided on the feasibility and security of these measures. The land is already designated as an SPA, Ramsar site and SSSI to maintain and enhance conditions for bird features. The woodland measures, although potentially useful in terms of screening the site to reduce disturbance to birds, are therefore not considered to be a priority at this site. <p>We would encourage the Applicant to manage the site during spring and summer months, to create breeding habitat for redshank and/or lapwing where this does not conflict with its principle aims for curlew. Measures applied at this site for other species could potentially contribute to demonstrating achievement of Net Benefit for Biodiversity. We can provide evidence of other bird species likely to benefit from enhanced management based upon previous observations.</p> | |
| | 3.13 | <p>Noise and visual disturbance of interest features of the Dee Estuary SPA/Ramsar site/SSSI during construction/demolition</p> <p>2.1.66 Noise modelling and contour maps for 'site enabling works,' 'main civils works,' and 'plant installation works' show the potential for noise levels to exceed 65dB without the use of any mitigation. However, we agree that with the use of suitable mitigation, noise levels will not exceed 60dB within the Dee Estuary SPA / Ramsar site. We note that additional measures to minimise noise are planned and will be finalised at the detailed design stage. Appropriate mitigation measures must be in place to ensure the predicted disturbance will not have an adverse effect on wintering waterbirds associated with the Dee Estuary SPA / Ramsar site. We therefore recommend that further noise modelling should be undertaken once the mitigation measures are finalised.</p> <p>2.1.67 Noise modelling and contour maps for the WCC works show that, even with acoustic fencing, noise levels will reach over 85dB which will cause disturbance to bird features of the Dee Estuary protected sites. We therefore agree with the proposed mitigation for these works to be completed outside of the wintering season.</p> <p>2.1.68 The Surface Water Outfall works are due to take place within the Dee Estuary SPA / Ramsar site and therefore will likely cause disturbance to the wintering wader and wildfowl features of these sites. We therefore agree with the proposed mitigation for these works to take place outside of the wintering season, to avoid this disturbance.</p> | <p>This position is noted by the Applicant. Whilst it is recognised that additional noise mitigation measures will be finalised at the detailed design stage, the provision of the 3 m acoustic fence is secured through the Framework Construction Environmental Management Plan (CEMP) (EN010166/APP/6.5), submitted at Deadline 2, which also notes that consideration will also be given to additional noise controls such as jackets on pneumatic drills, acoustic covers on compressors, shrouds on piling rigs and cranes and temporary barrier or screens. These measures would ensure that noise levels will not exceed 60 decibel (dB) within the Dee Estuary Special Protection Area (SPA) / Ramsar site.</p> |
| | 3.14 | <p>2.1.69 We note the statement in the RIHRA (para. 10.3.2) that increased light spillage may improve foraging efficiency for some qualifying species and the reference to a paper regarding this. Although, we do not consider a single study of one species (redshank) to provide robust enough evidence to support this statement, we concur with the overall conclusions regarding light spillage.</p> | <p>The Applicant has addressed this matter in the Applicant's Response to Relevant Representations [REP1-062], Ref. No. NRW12.</p> |
| | 3.15 | <p>Water quality impacts to the Dee Estuary SAC/SPA/Ramsar site/SSSI and River Dee and Bala Lake SAC/Afon Dyfrdwy (River Dee) SSSI during construction/operation/decommissioning</p> <p><i>Construction/Decommissioning</i></p> <p>2.1.70 Although any proposed (but unspecified) control measures may theoretically provide mitigation for water quality impacts, no information has been provided to suggest these control measures will avoid the effect in the first instance. Therefore, we do not agree that the water quality impact pathway can be</p> | <p>The Applicant has addressed this matter in the Applicant's Response to Relevant Representations [REP1-062], Ref. No. NRW13.</p> |

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| | | <p>screened out at the Test of Likely Significant Effects (TLSE) stage. Since the measures proposed to be committed in a Construction Environmental Management Plan (CEMP) are considered as “<i>measures to reduce or avoid harm</i>,” they should not be discounted at TLSE but should be assessed fully in the Appropriate Assessment (AA) stage of the HRA process. We refer to the People Over Wind ruling for context and clarity (People Over Wind and Sweetman v Coillte Teoranta (C-323/17)). We do not consider that the Langton case (CO/2062/2020) regarding badger culling, as referred to by the Applicant, sets an appropriate precedent for screening out a water quality impact pathway for this application.</p> <p>2.1.71 Information on the proposed activities that may be mitigated or avoided and their potential effect on the water quality of the Dee Estuary SAC/SPA/Ramsar site (and potentially the River Dee and Bala Lake/Afon Dyfrdwy a Llyn Tegid SAC during a big tide or low flows), the impact pathways, and the specific mechanisms for mitigation should therefore be made available for assessment. We consider that the Competent Authority will need this information to undertake their HRA.</p> | |
| | 3.16 | <p><i>Operation</i></p> <p>2.1.72 We do not agree with the RIHRA's conclusion that LSE can be screened out for all features for water quality during the operational phase.</p> <p>2.1.73 The stated integral design makes no reference to the composition of wastewater discharge from the site during operations. The RIHRA states that the current and future practise is to treat sewage on site and discharge it with the cooling and process wastewater. In the absence of data regarding for the proposed waste water composition, we consider that there is reasonable scientific doubt that the discharge will have no adverse effect on the features of the Dee Estuary SAC/SPA/Ramsar site (and potentially the River Dee and Bala Lake/Afon Dyfrdwy a Llyn Tegid SAC during a big tide or low flows). Details of the composition of the proposed foul discharge should therefore be provided for consideration at the Appropriate Assessment stage of the HRA process.</p> | <p>The Applicant has addressed this matter in the Applicant's Response to Relevant Representations [REP1-062], Ref. No. NRW14.</p> |
| | 3.17 | <p><i>In-combination</i></p> <p>2.1.74 With reference to the advice above, water quality impacts should be taken to Appropriate Assessment for the construction, decommissioning, and operational phases. Other plans and projects (both current and future) should then be assessed for adverse effects at the Appropriate Assessment stage of the HRA process to determine in-combination effects for water quality.</p> | <p>The Applicant has addressed this matter in the Applicant's Response to Relevant Representations [REP1-062], Ref. No. NRW15.</p> |
| | 3.18 | <p>2.1.75 Any in-combination effects of the cooling and process water discharge during the operational phase, the temperature plume (as previously advised), and water quality should be screened in as an impact pathway during the operational and construction/decommissioning phases (including toxic and non-toxic contaminants e.g., nutrients and sediments).</p> | <p>The Applicant has addressed this matter in the Applicant's Response to Relevant Representations [REP1-062], Ref. No. NRW16.</p> |
| | 3.19 | <p><i>Introduction of invasive non-native species (INNS) to the Dee Estuary SAC/SPA/Ramsar site/SSSI and Deeside and Buckley Newt Sites SAC/Connah's Quay Ponds and Woodlands SSSI during construction/demolition</i></p> <p>2.1.76 While we agree with the overall approach outlined in ES Chapter 12, paragraphs 12.6.18 – 12.6.21 (APP-050), the mitigation and management measures contained in the 'Marine Invasive Non-Native Species Outline Management Plan' (ES Appendix 12F, APP-209) and the 'Marine Biosecurity Risk Assessment' (ES Appendix 12E, APP-208) would not adequately reduce the risks associated with the spread of marine INNS.</p> | <p>The Applicant has addressed this matter in the Applicant's Response to Relevant Representations [REP1-062], Ref. No. NRW17.</p> |

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| | | <p>2.1.77 The following key details are absent from the Marine Biosecurity Risk Assessment but would have a material difference on the efficacy of the mitigation measures and assessment:</p> <ul style="list-style-type: none"> • the type and nature of vessels to be used, • duration of the activity, • location and nature of ports previously visited, • INNS status of those ports, and • whether the vessels have had recent antifouling treatment. <p>2.1.78 We therefore advise that a detailed biosecurity risk assessment for the marine element of the works should be submitted for approval, in consultation with NRW, once a suitable contractor is appointed and able to provide the above information, prior to any works commencing. This should be secured within the DCO requirements, potentially as part of Requirement 4 (2) b.</p> | |
| | 3.20 | <p>2.1.79 We note that the INNS impact pathway has been screened out of the RIHRA for the Deeside and Buckley Newt Sites SAC and Halkyn Mountain/Mynydd Helygain SAC. However, this does not appear to have considered biosecurity risks from infectious diseases such as chytrid. Since the works are within 2km of the Deeside and Buckley Newt Sites SAC, we advise that the HRA should consider such biosecurity risks.</p> | <p>The Applicant has addressed this matter in the Applicant's Response to Relevant Representations [REP1-062], Ref. No. NRW18.</p> |
| | 3.21 | <p>2.1.80 We note reference to the Environmental Damage (Prevention and Remediation) (England) Regulations 2015, which apply in England. Please note that the Environmental Damage (Prevention and Remediation) (Wales) Regulations 2009 (as amended) apply in Wales.</p> | <p>The Applicant has addressed this matter in the Applicant's Response to Relevant Representations [REP1-062], Ref. No. NRW19.</p> |
| | 3.22 | <p>2.2 Protected Species</p> <p><u>Great crested newt, bat species, otter, water vole, hazel dormouse, and natterjack toad</u></p> <p>2.2.1. Overall, we are largely satisfied with the survey and assessment in respect of great crested newts (GCNs), bat species, otter, water vole, hazel dormouse, and natterjack toad and agree with the conclusions of the ES. We also acknowledge that no protected species licences for the above species are currently likely to be required.</p> | <p>The Applicant has addressed this matter in the Applicant's Response to Relevant Representations [REP1-062], Ref. No. NRW20.</p> |
| | 3.23 | <p>2.2.2. However, in respect of GCN we advise that the assessments should be based on a 1.6km dispersal distance as opposed to the 250m stated in the submission (please refer to: Section 6.2.3 of Guidelines for the Selection of Biological SSSIs. Part 2: Detailed Guidelines for Habitats and Species Groups: Chapter 18 Reptiles and Amphibians).</p> | <p>The Applicant has addressed this matter in the Applicant's Response to Relevant Representations [REP1-062], Ref. No. NRW21.</p> |
| | 3.24 | <p>2.2.3. We note the identification of 1 no. pond confirmed to be supporting GCN (P2) and would welcome this record being submitted to the relevant Local Environmental Records Centre.</p> | <p>The Applicant has addressed this matter in the Applicant's Response to Relevant Representations [REP1-062], Ref. No. NRW22.</p> |
| | 3.25 | <p><u>Schedule 1 bird species (Wildlife and Countryside Act 1981, as amended)</u></p> <p>2.2.4. We note that, if Schedule 1 bird species are found breeding within the working area, or close enough to it that works would result in disturbance of the breeding birds, works would stop immediately and the advice of an ornithologist obtained to ensure that measures are put in place to avoid disturbance occurring. This would be secured via Requirement 4 (CEMP).</p> | <p>The Applicant has addressed this matter in the Applicant's Response to Relevant Representations [REP1-062], Ref. No. NRW23.</p> |

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| | 3.26 | 2.2.5. Where buffer distances are required or need to be considered, reference should be made to Goodship, N.M. and Furness, R.W. (MacArthur Green) Disturbance Distances Review: An updated literature review of disturbance distances of selected bird species. NatureScot Research Report 1283, or alternative published references for species not listed in Goodship & Furness 2022. | The Applicant has addressed this matter in the Applicant's Response to Relevant Representations [REP1-062] , Ref. No. NRW24. |
| | 3.27 | 2.2.6. The Applicant is reminded that 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 addressed this matter in the Applicant's Response to Relevant Representations [REP1-062] , Ref. No. NRW25. |
| | 3.28 | <p>2.3 Marine Ecology</p> <p><u>Eels and fish</u></p> <p>2.3.1. We welcome the commitment for eel screen upgrade works to meet current legislative requirements, including The Eels (England and Wales) Regulations 2009, comprising the removal of one existing 3mm screen and the installation of one new 2mm screen on each of the existing 28 intakes. This embedded design measure would be secured via Requirement 4 (CEMP) and any additional permits/licences required for the works to the intake structure.</p> | The Applicant has addressed this matter in the Applicant's Response to Relevant Representations [REP1-062] , Ref. No. NRW26. |
| | 3.29 | 2.3.2. ES, Chapter 12, para. 12.2.16 (APP-050) states: " <i>Furthermore, there is no evidence of any thermal impacts from existing discharge rates</i> " and on that basis thermal impacts from the discharge have been screened out for assessment. We advise that references should be provided to support this statement. | The Applicant has addressed this matter in the Applicant's Response to Relevant Representations [REP1-062] , Ref. No. NRW27. |
| | 3.30 | 2.3.3. ES, Chapter 12, para. 12.2.22 (APP-050) states: " <i>The Applicant proposes to maintain the permitted abstraction and discharge parameters as far as reasonably practicable, e.g. abstraction would continue to be limited to periods around high water in line with the current abstraction licence.</i> " We welcome the intention to adhere to the conditions in the current abstraction licence but advise that further clarity is provided on what is meant by ' <i>as far as reasonably practicable</i> ', including the circumstances in which there would be deviation to abstracted and discharged parameters. It should also be confirmed that all parameters, if deviations occur, are within the worst-case scenario assessed in ES Chapter 12, Section 12.3 (APP-050). | The Applicant has addressed this matter in the Applicant's Response to Relevant Representations [REP1-062] , Ref. No. NRW28. |
| | 3.31 | 2.3.4. ES, Chapter 12, para. 12.4.3 (APP-050): the bullet list of features contains the following errors/omissions which should be acknowledged: <ul style="list-style-type: none"> • the Dee SSSI is also designated for European smelt, • the River Dee and Bala Lake SAC is also designated for river/sea lamprey and bullhead, • the River Dee SSSI is designated for salmon, sea lamprey, and European smelt. Brown/sea trout (<i>Salmo trutta</i>) are not a feature of the site but are protected under Section 7 of the Environment (Wales) Act 2015. | The Applicant has addressed this matter in the Applicant's Response to Relevant Representations [REP1-062] , Ref. No. NRW29. |
| | 3.32 | <p>2.4 Air Quality</p> <p>2.4.1. Based on the information submitted, we consider that the Proposed Development will require an Environmental Permit ('permit') to operate. Please note, however, that NRW's Permitting Service have not yet received a permit application in respect of the Proposed Development to date. Therefore, we have carried out a 'high-level' model review of the air quality information submitted in support of the above application. A 'high-level' model review consists of providing advice regarding the general assessment methodology of an air quality assessment (AQA) used and whether the correct guidance regarding key model input parameters has been followed.</p> | The Applicant has addressed this matter in the Applicant's Response to Relevant Representations [REP1-062] , Ref. No. NRW30. |

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| | | 2.4.2. We have undertaken a 'high-level' model review in this instance because this approach is considered to provide a suitable balance of offering the ExA greater assurances that the findings of the AQA are reliable. However, this approach also does not risk 'pre-determining' a future permit application. | |
| | 3.33 | <p>2.4.3. Our previous advice regarding air quality has been addressed and generally we are satisfied with the AQA submitted. However, please see our following comments.</p> <p>2.4.4. ES Chapter 8, Table 8-2 (Scoping Opinion Responses from the UK Health Security Agency) (APP-046), states: "It is recommended that the air quality impacts assessment also include the diesel-powered back-up generators and associated pollutants." The Applicant has responded that: "Precise information on the number, size and type of back-up generator(s) has not been confirmed at this stage of the Project. As a reasonable worst-case assumption, the diesel generator(s) would only be used for short periods during testing and in the case of an abnormal event. Their use is, therefore, unlikely to have a significant effect on local air quality." Reasonable evidence of the estimation of possible impact should be provided to support this statement.</p> | The Applicant has addressed this matter in the Applicant's Response to Relevant Representations [REP1-062] , Ref. No. NRW31. |
| | 3.34 | 2.4.5. It should be ensured that all relevant pollutants (including total amine emissions) that could be emitted from the stacks have been identified and assessed to inform the HRA (in line with published guidance). | The Applicant has addressed this matter in the Applicant's Response to Relevant Representations [REP1-062] , Ref. No. NRW32. |
| | 3.35 | 2.4.6. Please note: this advice is provided without prejudice to any detailed assessment which will be undertaken by NRW's Permitting Service, as part of the permit application process, if required. There is a risk that a permit application may be refused, even if planning permission is granted for the Proposed Development. | The Applicant has addressed this matter in the Applicant's Response to Relevant Representations [REP1-062] , Ref. No. NRW33. |
| | 3.36 | <p>2.5 Water Environment and Flood Risk</p> <p><u>Water Pollution</u></p> <p>2.5.1. We note that a CEMP would be implemented for the construction stage. The Framework CEMP (APP-246) outlines the control measures for mitigating water quality impacts, taking into account Guidance for Pollution Prevention (GPP) documents GPP5 and GPP6. This would be developed into a detailed CEMP and supporting documents, secured post-consent as a requirement of the DCO.</p> <p>2.5.2. Section 4.7 of the Framework CEMP states that a Drainage Management Strategy would be developed and provided in the final CEMP(s). The provision of the drainage management strategy documents to support the CEMP should be included in Requirement 4 or 7 of the DCO.</p> | The Applicant has addressed this matter in the Applicant's Response to Relevant Representations [REP1-062] , Ref. No. NRW34. |
| | 3.37 | 2.5.3. Regarding ES, Appendix 13B (Water Framework Directive Report, APP-211), on the basis of adherence to the commitments in the CEMP and associated documents, we agree with the conclusions of the Construction Phase Assessment for marine water quality that any impacts can be avoided or mitigated and so are unlikely to have a significant impact on any Water Framework Directive (WFD) quality elements. Likewise for the operational phase, we agree with the assessment of no deterioration in any WFD quality element relating to marine water quality and no likelihood of the prevention of any water quality objectives from being met. | The Applicant has addressed this matter in the Applicant's Response to Relevant Representations [REP1-062] , Ref. No. NRW35. |
| | 3.38 | 2.5.4. The supporting Figure 13-1 (Surface Water Features, APP-132) does not appear to show all the WFD waterbodies reported in the WFD compliance assessment, only Swinchiard Brook. We therefore advise that an updated plan is submitted which clearly shows all the WFD waterbodies that have been identified in the assessment. | The Applicant has addressed this matter in the Applicant's Response to Relevant Representations [REP1-062] , Ref. No. NRW36. |

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| | 3.39 | <p><u>Flood Risk</u></p> <p>- <i>ES, Chapter 13 (APP-051)</i>:</p> <p>2.5.5. We note that there are no longer any works planned in the River Dee, aside from installation of new eel screens and minor repairs to existing inlets. We also note that a surface water outfall is proposed (para. 13.3.9). NRW should be consulted with further details of these works, to assess whether a Flood Risk Activity Permit (FRAP) or Marine Licence is needed, regardless of the requirement for in-channel works. A FRAP may be required for any works in, over, under or within 8m of a fluvial main river (including any defences on that main river), or 16m of a tidal main river (including any defences on that main river), or within a flood plain.</p> | The Applicant has addressed this matter in the Applicant's Response to Relevant Representations [REP1-062] , Ref. No. NRW37. |
| | 3.40 | 2.5.6. We note and welcome the inclusion of flood risk management elements in the CEMP. Works to divert existing culverted watercourses (para. 13.5.43) may require advice or consent from the Lead Local Flood Authority, or an Ordinary Watercourse Consent. | The Applicant has addressed this matter in the Applicant's Response to Relevant Representations [REP1-062] , Ref. No. NRW38. |
| | 3.41 | <p>- <i>Appendix 13-C: Flood Consequences Assessment (APP-212)</i></p> <p>2.5.7. We have previously engaged with the Applicant regarding the hydraulic model developed for this proposal during the pre-application stage. We consider that the model is suitable to use for its intended purpose for this project/site.</p> | The Applicant has addressed this matter in the Applicant's Response to Relevant Representations [REP1-062] , Ref. No. NRW39. |
| | 3.42 | <p>2.5.8. 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). We acknowledge that there is already a consented power station development at this site and are satisfied that the correct flood risks and flood risk zones relevant to the Proposed Development have been identified within the Flood Consequences Assessment (FCA).</p> <p>2.5.9. We have agreed with the Applicant that the relevant design event for the site is the 0.5% (1 in 200 year) AEP tidal event, with allowance for climate change (70th percentile) over the lifetime of the development, including breach analysis where appropriate. We note that the proposed lifetime of the development is 30 years from a construction date in the 2030's, and on that basis, it was agreed that the 2074 climate change epoch would cover the lifetime of the Proposed Development. It was also agreed that the 2100 epoch would be analysed as a conservative approach to flood risk, as the normal lifetime considered for Highly Vulnerable Development is 100 years. TAN15 (2025) also requires the 95th percentile climate change scenario to be assessed in order to inform mitigation measures, and as a sensitivity test.</p> | The Applicant has addressed this matter in the Applicant's Response to Relevant Representations [REP1-062] , Ref. No. NRW40. |
| | 3.43 | <p>2.5.10. We advise that greater detail should be provided on the following aspects:</p> <ul style="list-style-type: none"> • Although the results of the 2100 epoch and 95th percentile model runs are included in Appendix 13-F (Hydraulic Modelling Report), we advise that these should be presented and summarised in the FCA so that the information is more readily available for decision makers. • As TAN15 requires the breach scenario to be considered as the design event, there should be a description of the existing flood defences and appropriate justification of why a breach/undefended scenario has not been included. • Analysis of flood risk in the 0.1% (1 in 1000 year) scenario (including climate change - central and upper end estimates) should be included in the FCA, as it is a requirement of TAN15. | The Applicant has addressed this matter in the Applicant's Response to Relevant Representations [REP1-062] , Ref. No. NRW41. |

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| | | During our previous hydraulic model review we noted that small areas of flood risk detriment were shown, albeit at a distance from the site: an explanation of these should also form part of the FCA, to address any detriment in terms of flood risk due to the project. | |
| | 3.44 | <p>2.6 Geology and Ground Conditions</p> <p>2.6.1. We note that excavated material would be managed in accordance with the appropriate exemption and/or environmental permit or, if applicable, a Materials Management Plan (MMP) will be developed under the Contaminated Land: Applications in Real Environments (CL:AIRE) Definition of Waste: Development Industry Code of Practice by the construction contractor.</p> <p>2.6.2. We note that the extent of 'cut' will not be known until the detailed design and further ground investigations are completed. As all of the identified contaminated land locations are designated as 'cut', a detailed cut-and-fill plan should be produced to outline the nature and extent of existing ground materials/made ground excavations, as this could have a direct influence on the degree to which existing contamination could be mobilised and spread.</p> | The Applicant has addressed this matter in the Applicant's Response to Relevant Representations [REP1-062] , Ref. No. NRW42. |
| | 3.45 | 2.6.3. Clarification should also be provided on how the estimated radii of influence (RoI) relate to the designated contaminated land areas. This could be provided in a figure that shows the proposed cut, the RoI layer and the designated contaminated land areas. This would help to identify whether dewatering may be required in a particular contaminated land area and the estimated radius of influence. | The Applicant has addressed this matter in the Applicant's Response to Relevant Representations [REP1-062] , Ref. No. NRW43. |
| | 3.46 | 2.6.4. Until further details on the cut-and-fill, local groundwater conditions and environmental quality of materials being excavated have been fully evaluated/finalised we maintain our previous advice that groundwater flows should be assessed as part of detailed site investigations, including the need to assess for the presence of private water supplies and the degree to which the current groundwater flow regime could be changed by the construction, operation and decommissioning of the proposed infrastructure, as much of it will be built in 'cut'. | The Applicant has addressed this matter in the Applicant's Response to Relevant Representations [REP1-062] , Ref. No. NRW44. |
| | 3.47 | <p>2.6.5. The Stage 1, Tier 2 Generic Risk Assessment: Soil and Groundwater report (APP221) is based on particular boreholes/borehole locations. Further site investigation is proposed (Figure 14.2, Potential Areas of Contamination, APP-141) and we welcome that this would be completed prior to construction of the Proposed Development.</p> <p>2.6.6. The site investigations would likely be significant in scope given the number of contaminated land locations that are designated as Risk 3, 4 or 5. However, it is unclear how the Risk Assessment: Soil and Groundwater Report (APP-221) is aligned with the Potential Areas of Contamination illustrated in Figure 14.2 (APP-141) as there are some significant geospatial gaps. Clarification should therefore be provided on this as the conclusions of the Risk Assessment may be altered by the subsequent site investigations.</p> | The Applicant has addressed this matter in the Applicant's Response to Relevant Representations [REP1-062] , Ref. No. NRW45. |
| | 3.48 | 2.6.7. Operational contamination does not appear to have been included in the surface drainage design. We therefore advise that this is scoped in, or a robust justification provided if it is deemed not to be required. | The Applicant has addressed this matter in the Applicant's Response to Relevant Representations [REP1-062] , Ref. No. NRW46. |
| | 3.49 | <p>2.7 Landscape</p> <p>2.7.1. Our landscape advice relates to the landscape character and visual amenity of the Clwydian Range and Dee Valley National Landscape (CRDVNL). This is the name for the legally designated Area of Outstanding Natural Beauty. At its closest point, the Main Development Area is located approximately 10km from the National Landscape boundary.</p> | The Applicant has addressed this matter in the Applicant's Response to Relevant Representations [REP1-062] , Ref. No. NRW47. |

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| | | <p>2.7.2. We note that a change notification from the Applicant has recently been accepted by the ExA, which includes a proposed reduction in stack heights. Our following advice may therefore be subject to change following receipt of the formal change notification application and our review of updated supporting information.</p> <p>2.7.3. We welcome that our previous advice has been reflected in the ES (Chapter 15, APP-053). However, we advise that higher resolution digital copies of the viewpoint photography should be made available for examination purposes, as the submitted versions suffer from pixelation, which is likely due to having been provided at a lower resolution.</p> | <p>NRW's position on providing further representation following a review of the information to be provided within the Change Application at Deadline 3 is noted by the Applicant.</p> |
| | 3.50 | <p>2.7.4. The Zone of Theoretical Visibility (ZTV) analysis has been prepared for the tallest elements (the absorbers and HRSG stacks at 150m plus 8m Raised Ground Level (i.e. 158m above ordnance datum (AOD)) (Figure 15-8, APP-151)) and for the 'main site structures' modelled at 65m above ground level (Figure 15-7, APP-150). Based on the ZTVs, we note potential visibility of the development within the CRDVNL would primarily be confined to the ridgeline around and including Moel Famau. This area of potential visibility is captured within the extended LVIA Study Area.</p> <p>2.7.5. Based on the above, and considering the relevant principles (reference numbers 27 – 29) to be secured and applied through the Design Principles Document, Table 1-2 (APP-264), we agree with the conclusion of the ES, Chapter 15 that, although there would be adverse visual effects within the CRDVNL, e.g. at Moel Famau, the effect on the visual amenity of people at this location would not be significant. We also agree that there would be no significant adverse effects on the special qualities of the CRDVNL.</p> | <p>The Applicant has addressed this matter in the Applicant's Response to Relevant Representations [REP1-062], Ref. No. NRW48.</p> |
| | 3.51 | <p>3.0 NRW's General Purpose</p> <p>3.1 NRW is satisfied that this advice is consistent with its general purpose of pursuing the sustainable management of natural resources in relation to Wales and applying the principles of sustainable management of natural resources. In particular, NRW acknowledges that the principles of sustainable management include taking account of all relevant evidence and gathering evidence in respect of uncertainties, and taking account of the short-, medium- and long-term consequences of actions. NRW further acknowledges that it is an objective of sustainable management to maintain and enhance the resilience of ecosystems and the benefits they provide and, in so doing meet the needs of present generations of people without compromising the ability of future generations to meet their needs, and contribute to the achievement of the well-being goals in section 4 of the Well-being of Future Generations (Wales) Act 2015.</p> | <p>The Applicant has addressed this matter in the Applicant's Response to Relevant Representations [REP1-062], Ref. No. NRW53.</p> |
| | 3.52 | <p>ANNEX B.1 – NRW Regulation and Permitting Services</p> <p>1. Environmental Permitting Regulations (EPR)</p> <p>B.1.1 The Applicant will require an Environmental Permit to operate the proposed installation under the Environmental Permitting Regulations 2016. NRW has already been engaged in providing permit pre-application advice regarding this. Under the Control of Major Accident Hazards (COMAH) Regulations 2015, the Applicant will also be required to notify the COMAH Competent Authority (HSE/NRW) if hazardous substances exceed the thresholds set out in those regulations, which is still to be confirmed.</p> | <p>An Environmental Permit application for the Proposed Development and a proposed variation to the permit for the existing Connah's Quay B station has been submitted and was acknowledged by NRW on 4 February 2026. The Applicant is working with its technology providers to investigate the status of the Proposed Development under the Control of Major Accident Hazards (COMAH) Regulations 2015. As explained in row 4 of the Consents and Agreement Position Statement [REP1-007], an appropriate COMAH application will need to be made, if required, at the appropriate time.</p> |

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| | | <p>B.1.2 We consider that such a facility is “capable of regulation” under these regimes. However, noting the concerns raised by NRW on other environmental matters, there remain potentially considerable outstanding issues requiring resolution before all necessary consents could be assured, and we encourage the operator to consider these as a matter of priority:</p> <ul style="list-style-type: none"> • as per NRW’s RR paragraphs 2.3.1, 2.3.6, 2.7.1, NRW’s input on air quality impact under planning regimes is limited to a “high level” model review, with further scrutiny anticipated as part of any EPR application. Given that the impact of the proposal (including on protected habitats/features) includes considerable air quality dimensions, the determining authority should fully satisfy themselves as to the air impact assessment validity, prior to making their recommendations. We would therefore advise caution over any potential proposal under the DCO to “defer out” impact matters to the EPR, especially given the comments made by NRW on the current level of scrutiny of the model. Key impacts (including potential mitigations/compensations) are contingent on air quality impact, so the scale of that impact must be understood and assured as comprehensively as possible prior to any consenting decision. • Noting previous comments that the facility requires EPR permitting and that NRW have provided EPR pre-application advice but have yet to receive an application, NRW’s Industry Regulation function would welcome submission of an EPR application as soon as reasonably practicable, and in accordance with a timeline indicated of the end of January 2026, with the objective of avoiding any potential inconsistency between planning/permitting regimes. • NRW’s Industry Regulation function notes the ongoing dialogue between the Planning Inspectorate (PINS), the operator, and other interested parties regarding the impact of the proposal on Designated Sites for Nature Conservation (SAC, SPA, Ramsar site and SSSI). We further note that any EPR consent would also be subject to comparable Habitats Regulations Assessment and its satisfactory conclusion and would therefore welcome work to resolve these issues, as it is likely there will be a high degree of commonality between the two regulatory regimes. We note and are informed by the procedural decision by PINS requiring the Applicant, without prejudice, to provide supporting documentation for derogation in respect of project impacts. | |
| 3.53 | | <p>B.1.3 A specific technical observation is made that while the application refers to “dispatchable, low carbon, power”, impacts modelling is on the basis of continuous (i.e. baseload or unrestricted) operation. This appears potentially inconsistent, with a possibility that project impacts (including but not limited to air quality) may be over-estimated if the operational envelope is unrealistically broad. Project impacts (and therefore required mitigations/compensations) may be capable of being further limited if operating parameters are critically scrutinised and set realistically.</p> | <p>The proposed new Combined Cycle Gas Turbine (CCGT) power station with carbon capture at Connah’s Quay would be able to flexibly and reliably generate low carbon power to meet the growing need for electricity, whenever it is required. Power stations such as this will play a crucial role in the future energy system, as they can help ensure that energy is available at times when it is needed most, and when power from renewable sources cannot meet demand.</p> <p>On this basis, the Proposed Development will be designed to be able to operate on a 24/7 (base load) basis. As described in Chapter 2: Assessment Methodology [APP-040] the environmental assessments have applied the Rochdale envelope to inform the representative worst-case scenario that has been assessed, in order to provide a robust assessment of the impacts and likely significance of environmental effects of the Proposed Development. The representative worst-case scenario in relation to the air quality modelling is operating 24/7.</p> |
| 3.54 | | <p>B.1.4 We note relevant representations by other stakeholders including local industry and Public Health Wales (PHW). As far as it may be in our remit, we consider the local industry interests to be capable of</p> | <p>The Applicant acknowledges this Written Representation and notes that Public Health Wales’, in its Relevant Representation</p> |

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| | | <p>resolution. PHW are a statutory consultee in the EPR process, and we will consider any representations to us under EPR directly, including any comments mirroring those made to PINS, according to the specific legal requirements of the EPR regime.</p> | <p>[RR-033], states: <i>"The additional information provided in the application has satisfied our concerns and we have no further comments"</i>.</p> <p>The Applicant also acknowledges further comments may be made under the EPR regime and as such would be addressed outside of the DCO process.</p> |
| | 3.55 | <p>B.1.5 Regarding ES, Chapter 22, Table 22-8 (APP-060), please note that amine solvent may qualify under COMAH dependent on the type of solvent used.</p> <p>B.1.6 Regarding ES, Figure 22-1 (APP-167), please note that in September 2025 the COMAH competent authority received notification of a new lower tier COMAH establishment currently under construction at Weighbridge Road, Deeside Industrial Park, Deeside, Flintshire, CH5 2LL. However, to our knowledge the operator has not yet made an application to the Hazardous Substances Authority.</p> | <p>The Applicant has addressed this matter in the Applicant's Response to Relevant Representations [REP1-062], Ref. No. NRW50 (B.1.5) and NRW51 (B.1.6).</p> |
| | 3.56 | <p>2. Marine Licensing: Regulatory Response</p> <p>B.2.1 Works proposed under the DCO that are within Welsh Waters may require a marine licence under the Marine and Coastal Access Act (MaCAA) 2009, for which NRW is the licensing authority. The Applicant has noted that the project includes works to be carried out below mean high-water spring tides (MHWS) that will require a marine licence under the MaCAA. To date no marine licence application has been received. The Applicant has had an initial pre-application meeting on 27 November 2025 with the Marine Licensing Team which covered the nature of activities likely to require a marine licence, the supporting documents required for the application and the Applicant's intended timing of application submission. A specific date for submission is not yet known.</p> | <p>The Applicant has addressed this matter in the Applicant's Response to Relevant Representations [REP1-062], Ref. No. NRW53.</p> |
| | 3.57 | <p>3. Dee Conservancy Trust</p> <p>B.3.1 The Dee Conservancy Harbour Authority's comments concerning navigation and use of the Dee Estuary waterway, and use of land and riverbed owned by the Harbour Authority (NRW), are as follows.</p> <p>B.3.2 Draft DCO, Schedule 3, paragraph 1 (m) (APP-019): Regarding the proposed disapplication of the Dee Conservancy Act 1889, parts of this Act remain alive with regards to the ownership of riverbed and foreshore on the Welsh side of the Dee Estuary. The impact of disapplying the 1889 Act in relation to the parts of the DCO application within the Dee Conservancy estate should therefore be assessed and clarified.</p> <p>B.3.3 ES, Chapter 3, para. 3.3.31 (APP-041): Existing land uses within the water corridor should include and recognise use of the Dee waterway by commercial fishers.</p> <p>B.3.4 ES, Chapter 5, para. 5.6.22 (APP-043): In a recent Uniper and NRW (Dee Conservancy) meeting it was agreed that the old wooden jetty will be referred to as the Tata Jetty, the five mooring piles next to the Tata Jetty, which are now owned and operated by NRW will be referred to as the Midway Berth, and the wider area will be known as Connah's Quay North Site.</p> | <p>The Applicant has addressed this matter in the Applicant's Response to Relevant Representations [REP1-062], Ref. No. NRW54 (B.3.2), NRW55 (B.3.3) and NRW56 (B.3.4).</p> |

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| | 3.58 | <p>4. Disapplication of specific consents</p> <p>B.4.1 The Consents and Agreement Position Statement (para. 1.5.9, APP-021) includes the following statement regarding the disapplication of specific consents:</p> <p><i>“The Applicant proposes to use the Draft DCO (EN010166/APP/3.1) to disapply the following prescribed consents. The Applicant has engaged and agreed with Natural Resource Wales to this approach prior to the submission of the application:</i></p> <ul style="list-style-type: none"> • <i>the requirement to obtain consent pursuant to section 28E (duties in relation to sites of special scientific interest) of the Wildlife and Countryside Act 1981.</i> • <i>the provisions of any byelaws made under, or having effect as if made under, paragraphs 5, 6 or 6A of Schedule 25 (byelaw making powers of the authority) to the Water Resources Act 1991.</i> • <i>section 23 (prohibition on obstructions etc. in watercourses) of the Land Drainage Act 1990; and</i> • <i>Regulation 5 (removal of hedgerows) of the Hedgerows Regulations 1997”</i> <p>B.4.2 However, we are not aware of any engagement or agreement with NRW regarding the above prior to the submission of the application, or since then. Furthermore, please note that the latter two matters are not for agreement with NRW and instead should be pursued with the relevant determining authorities. We would welcome engagement with the Applicant regarding the matters that are relevant to NRW.</p> | <p>The Applicant has addressed this matter in the Applicant's Response to Relevant Representations [REP1-062], Ref. No. NRW57.</p> |

2.4 REP1-072 Natural England

2.4.1 Natural England's Deadline 1 submission and the Applicant's response are set out in **Table 4** below.

Table 4: Response to Natural England's Deadline 1 submission

| Source Document | Reference | Source Document Issue / Theme | Applicant's Response |
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| Written Representation by Natural England | 4.1 | <p>NSIP Reference Name / Code: EN010166, Connah's Quay Low Carbon Power Project</p> <p>Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.</p> <p>Written Representation</p> <p>PART I: Summary of Natural England's advice.</p> <p>We have issues that are yet to be resolved.</p> <p>We have commenced discussions with the Applicant and their consultants to seek resolution to these issues, but have no further comment to add beyond the points raised in our Relevant Representations at this stage.</p> <p>Content</p> <p>Part 1 – Introduction</p> <p>Part 2 – Conservation Interests</p> <p>Part 3 – Natural England's Concerns and Advice</p> <p>PART 1 INTRODUCTION</p> <p>1.1. Purpose and structure of these representations</p> <p>1.1.1. These Written Representations are submitted in pursuance of rule 10(1) of the Infrastructure Planning (Examination Procedure) Rules 2010 ('ExPR') in relation to an application under the Planning Act 2008 for a Development Consent Order ('DCO') for the Connah's Quay Low Carbon Power Project ('the Project') submitted by Uniper ('the Applicant') to the Secretary of State.</p> <p>1.1.2 Natural England has already provided a summary of its principal concerns in its Relevant Representations, submitted to the Planning Inspectorate on 23rd October 2025. As no further information has been provided in the intervening period, and discussions with the Developer and their consultants are at an early stage, Natural England has no detailed comment to add beyond the issues raised in our Relevant Representations at this stage.</p> | <p>The Applicant has addressed Natural England's Relevant Representations at Deadline 1, please see Applicant's Response to Relevant Representations [REP1-062]. The Applicant is continuing discussions with Natural England, which will be recorded in the Statement of Common Ground.</p> |
| | 4.2 | <p>2. CONSERVATION DESIGNATIONS, FEATURES AND INTERESTS THAT COULD BE AFFECTED BY THE PROPOSED PROJECT</p> | <p>The Applicant has addressed Natural England's Relevant Representations at Deadline 1, please see Applicant's Response to Relevant Representations [REP1-062].</p> |

| Source Document | Reference | Source Document Issue / Theme | Applicant's Response |
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| | | <p>Section 2 of our Relevant Representations sets out our concerns in relation to internationally and nationally designated site impacts. As no further information has been submitted by the applicant since the Relevant Representations were made, the concerns set out in that submission remain valid. For brevity I have not repeated those concerns here, but have highlighted below the internationally and nationally designated sites that Natural England consider likely to be impacted by the proposed development.</p> <p>2.1. International conservation designations</p> <p>2.1.1. Dee Estuary Special Protection Area, Special Area of Conservation and Ramsar site; 2.1.2. River Dee and Bala Lake Special Area of Conservation; 2.1.3. Mersey Estuary Special Protection Area and Ramsar site</p> <p>2.2. National conservation designations</p> <p>2.2.1. River Dee (England) Site of Special Scientific Interest 2.2.2. Dee Estuary Site of Special Scientific Interest 2.2.3. Mersey Estuary Site of Special Scientific Interest 2.2.4. Thurstaston Common Site of Special Scientific Interest; 2.2.5. New Ferry Site of Special Scientific Interest; 2.2.6. Inner Marsh Farm Site of Special Scientific Interest</p> <p>2.3. European and Nationally Protected Species</p> <p>2.3.1. As protected species licensing will be the remit of Natural Resources Wales, Natural England has no comment to make</p> | |
| | 4.3 | <p>3. NATURAL ENGLAND'S CONCERNS AND ADVICE</p> <p>3.1. The principal issues</p> <p>3.1.1. Natural England identified the following main issues in its Relevant Representations:</p> <ul style="list-style-type: none"> a. Impacts on internationally designated sites through degradation and loss of habitat, impacts to designated site interest features (birds, otter and fish), and impacts to habitats from aerial deposition; b. Impacts on nationally designated sites through degradation and loss of habitat; impacts to designated site interest features (primarily birds) and impacts to habitats from aerial deposition; | <p>The Applicant has addressed Natural England's Relevant Representations at Deadline 1, please see Applicant's Response to Relevant Representations [REP1-062].</p> |
| | 4.4 | <p>As set out in Section 2 of these representations, our Relevant Representations, submitted on 23rd October 2025, describe our concerns relating to internationally and nationally designated sites. As no further information has been submitted by the applicant since the Relevant Representations were made, the concerns set out in that submission remain valid.</p> <p>We will work with the Applicants and their consultants, to progress a Statement of Common Ground, and seek resolution to the issues raised in our Relevant Representation through the remainder of the Examination</p> | <p>The Applicant has addressed Natural England's Relevant Representations at Deadline 1, please see Applicant's Response to Relevant Representations [REP1-062].</p> |

2.5 REP1-075 / REP1-076 (Summary) The Royal Society for the Protection of birds (RSPB)

2.5.1 The RSPB's Deadline 1 submission (comprising the RSPB's Written Representation [REP1-075]) and the Applicant's response are set out in Table 5. The Applicant acknowledges that the RSPB have provided a summary to their Written Representation [REP1-076], however, only responses to the full Written Representation are provided.

Table 5: Response to the RSPB's Deadline 1 submission

| Source Document | Reference | Source Document Issue / Theme | Applicant's Response |
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| Written Representation by the RSPB [REP1-075] | 5.1 | <p>1. Introduction The RSPB</p> <p>1.1. The Royal Society for the Protection of Birds (the RSPB) was set up in 1889. It is a registered charity incorporated by Royal Charter and is Europe's largest wildlife conservation organisation, with a membership of over 1.1 million. The principal objective of the RSPB is the conservation of wild birds and their habitats. The RSPB therefore attaches great importance to all international, EU and national law, policy and guidance that assist in the attainment of this objective. It campaigns throughout the UK and internationally for the development, strengthening and enforcement of such law and policy. In so doing, it also plays an active role in the domestic processes by which development plans and proposals are scrutinised and considered, offering ornithological and other wider environmental expertise. This includes making representations to, and appearing at, public inquiries and hearings during the examination of applications for development consents.</p> <p><u>The RSPB's interest in energy development</u></p> <p>1.2. The UK is of outstanding international importance for its passage and wintering waterbirds, which rely on a network of estuaries and wetlands as stopover and wintering sites. The UK's estuaries provide relatively mild climatic conditions and nutrient rich habitats providing rich feeding and roosting opportunities for wintering waders and wildfowl. In many cases they are also important for breeding waterbirds, seabirds and other species.</p> <p>1.3. Development proposals which threaten coastal habitats and the wildlife they support are of primary interest to RSPB. The current proposal, the Connah's Quay Low Carbon Power Project ("CQLCP") situated in close proximity to an internationally important wildlife site and having both direct and indirect impacts on that site (and others) and its wildlife is of concern to RSPB, the nature of these concerns is described within.</p> | This is noted by the Applicant and matters are addressed in turn in the sections below. |
| | 5.2 | <p><u>Scope of Written Submission</u></p> <p>1.4. This Written Submission covers the following:</p> <ul style="list-style-type: none"> • The nature conservation importance of the waterbirds affected by the Connah's Quay Low Carbon Power Project • Nature conservation legislation and policy background • Ornithology • Derogation case: the RSPB's approach to evaluating compensation measures under the Conservation of Habitats and Species Regulations 2017 (as amended) • RSPB comments on the Applicant's current compensation proposals <p>1.5. In compiling this Written Representation, the RSPB has considered the currently submitted application documents, including the following:</p> | This is noted by the Applicant and matters are addressed in turn in the sections below. |

| Source Document | Reference | Source Document Issue / Theme | Applicant's Response |
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| | | <ul style="list-style-type: none"> • APP-049 6.2.11 CQLCP Chapter 11 Terrestrial and Aquatic Ecology Rev 00 • APP-189 6.4 CQLCP Appendix 11A Ecological Impact Assessment Methodology Rev 00 • APP-190 6.4 CQLCP Appendix 11B Terrestrial and Aquatic Ecology Baseline Surveys Rev 00 • APP-193 6.4 CQLCP Appendix 11D Ornithology Technical Appendix Redacted Rev 00 • APP-194 6.4 CQLCP Appendix 11D CONFIDENTIAL Ornithology Technical Appendix Rev 00 • APP-250 6.9 CQLCP Outline Landscape and Ecological Management Plan Rev 00 • APP-253 6.12 CQLCP Report to Inform Habitats Regulations Assessment Rev 00 • APP-254 6.13 CQLCP Curlew Mitigation Strategy Rev 00 • APP-255 6.14 CQLCP Offsite Net Benefit for Biodiversity and Green Infrastructure Strategy Rev 00 <p>1.6. We have also considered the recently submitted:</p> <ul style="list-style-type: none"> • AS-006 Uniper UK Limited Change Notification • AS-007 Uniper UK Limited Change Notification – Appendices • PDA-003 Notice of a proposed without prejudice Habitats Regulations Assessment (HRA) derogation in Wales <p>1.7. Our comments are made without prejudice to any further comments we may wish to make in relation to this application and Examination</p> | |
| | 5.3 | <p>2. The nature conservation importance of the waterbirds affected by the Connah's Quay Low Carbon Power Project</p> <p><u>Introduction</u></p> <p>2.1. As set out in section 1, the UK is of outstanding international importance for its wintering waterbirds. As with all Annex I and regularly occurring migratory species, the UK has responsibility under the Birds Directive to secure the conservation of these important waterbird populations.</p> <p>2.2. As set out in our Relevant Representation (RR-036), the RSPB is particularly concerned regarding the impacts on the following designated sites:</p> <ul style="list-style-type: none"> • Dee Estuary Site of Special Scientific Interest (SSSI) • Dee Estuary Special Protection Area (SPA) • Dee Estuary Special Area of Conservation (SAC) • Dee Estuary Ramsar site <p>2.3. Of these protected sites our primary focus in this Written Representation is the Dee Estuary SPA, which lies immediately adjacent to the project.</p> <p><u>Conservation Objectives</u></p> <p>2.4. The Conservation Objectives for the Dee Estuary SPA state, subject to natural change to: "Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring;</p> | <p>This is noted and the Applicant, with the exception of the Dee Estuary SSSI, in the RIHRA [APP-253] considered the possibility of the impacts of the Proposed Development resulting in adverse effects on the integrity of the Habitats sites, in view of the Conservation Objectives of those sites. The Dee Estuary SSSI is considered within Chapter 11: Terrestrial and Aquatic Ecology [APP-049] which has been undertaken in accordance with the latest guidance from the Chartered Institute of Ecology and Environmental Management (CIEEM) for Ecological Impact Assessment¹.</p> |

¹ Chartered Institute of Ecology and Environmental Management (CIEEM) (2024) *Guidelines for Ecological Impact Assessment in the UK and Ireland: Terrestrial, Freshwater, Coastal and Marine (Version 1.3, updated September 2024)*. Available at: <https://cieem.net/wp-content/uploads/2018/08/EcIA-Guidelines-v1.3-Sept-2024.pdf> (Accessed: 10 February 2026).

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| | | <ul style="list-style-type: none"> • The extent and distribution of the habitats of the qualifying features • The structure and function of the habitats of the qualifying features • The supporting processes on which the habitats of the qualifying features rely • The populations of each of the qualifying features • The distribution of the qualifying features within the site.” <p>2.5. These objectives are referred to in the Conservation of Habitats and Species Regulations 2017. They must be considered when a Competent Authority is required to make a Habitats Regulations Assessment including an appropriate assessment, under the relevant parts of legislation. We explore this in section 3.</p> <p><u>Supplementary Advice on Conservation Objectives</u></p> <p>2.6. Natural England's Supplementary Advice on the Conservation Objectives for the SPA identifies, for each SPA feature, key attributes and targets. Attributes are the ecological characteristics or requirements of the classified features within the SPA and deemed to best describe the site's ecological integrity. If safeguarded this will enable achievement of the Conservation Objectives and favourable conservation status for all the designation features, including any assemblage feature.</p> <p>2.7. For each qualifying feature, targets are typically set in respect of the following attributes (as appropriate):</p> <ul style="list-style-type: none"> • Population abundance; • Extent of habitats and spatial distribution; • Disturbance caused by human activity; • Food availability. <p>2.8. The RSPB considers these attributes and targets are particularly relevant to consideration of the CQLCP as they respectively relate to:</p> <ul style="list-style-type: none"> • the population levels at which the features should be maintained or restored to; • the need to: <ul style="list-style-type: none"> – maintain or restore safe passage of birds moving between their feeding and/or roosting areas; – reduce/avoid disturbance to foraging, feeding, moulting and/or roosting birds; – maintain the extent, distribution and availability of suitable habitat which supports the feature; and – maintain or restore the distribution, abundance and availability of key food and prey items. <p>2.9. The RSPB considers these attributes and targets are directly relevant to the consideration of whether an SPA's conservation objectives to maintain or restore site integrity can be met and the SPA achieve favourable conservation status for all its features including, where appropriate, the waterbird assemblage throughout the lifetime of the development and any subsequent period where its impacts continue to affect the SPA features.</p> | |

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| | 5.4 | <p>3. Nature conservation legislation and policy background</p> <p><u>Introduction</u></p> <p>3.1. Below we summarise the RSPB's understanding of the key nature conservation legislation and related policy background relevant to the RSPB's concerns. The Conservation of Habitats and Species Regulations 2017</p> <p>3.2. SACs and SPAs are protected as "European sites" under provisions within the Conservation of Habitats and Species Regulations 2017 (Habitats Regulations)(as amended).</p> <p>3.3. The Habitats Regulations set out the sequence of steps to be taken by the competent authority (here the Secretary of State for Energy Security and Net Zero (DESNZ)) when considering authorisation for a project likely to have an effect on a European site and its species before deciding to authorise that project. These are as follows:</p> <ul style="list-style-type: none"> • Step 1: consider whether the project is directly connected with or necessary to the management of the SPA and its species (regulation 63 (1)). If not – • Step 2: consider, on a precautionary basis, whether the project is likely to have a significant effect on the SPA and its species, either alone or in combination with other plans or projects (the Likely Significance Test) (regulation 63 (1)). • Step 3: make an appropriate assessment of the implications for the SPA and its species in view of its conservation objectives with the aims and objectives of the requirements including the National Sites Network management objectives (reg 16A) to also be considered. There is no requirement or ability at this stage to consider extraneous (non-conservation e.g. economics, renewable targets, public safety etc) matters in the appropriate assessment (regulation 63 (1)). • Step 4: consider whether it can be ascertained that the project will not, alone or in combination with other plans or projects, adversely affect the integrity of the SPA and its species, having regard to the manner in which it is proposed to be carried out, and any conditions or restrictions subject to which that authorisation might be given (the Integrity Test) (regulation 63 (6)). • Step 5: In light of the conclusions of the assessment, the competent authority shall agree to the project only after having ascertained that it will not adversely affect the integrity of the SPA, alone or in combination with other plans or projects (regulation 63 (5)). • Step 6: only if the competent authority is satisfied that, there being no alternative solutions and the plan or project must be carried out for imperative reasons of overriding public interest (which, subject to (regulation 64(2)), may be on a social or economic nature), they may agree to the plan or project notwithstanding a negative assessment of the implications for the European site (regulation 64 (1)). • Step 7: in the event of the no alternative solutions and imperative reasons of overriding public interest tests being satisfied, the Secretary of State must secure that any and all necessary compensatory measures are taken to ensure that the overall coherence of the National Site Network is protected (regulation 68) taking account of the National Site Network management objectives. <p><u>SPA and SAC Conservation Objectives</u></p> <p>3.4. Under the Habitats Regulations, a site's Conservation Objectives are intrinsic to the Integrity Test when considering whether to grant consent for a plan or project – see Habitats Regulations 63(1).</p> | <p>This is noted by the Applicant. As confirmed by the RIHRA [APP-253] submitted with the Application, following consideration of the steps identified by the RSPB, the Proposed Development would not result in adverse effects on the integrity of any Habitats sites, alone or in combination with other plans or projects.</p> <p>In addition, the Applicant has submitted Chapter 11: Terrestrial and Aquatic Ecology [APP-049] to consider potential to impact on birds whether SPA species or not. This assessment concludes there would be no significant effects on all relevant bird assemblages. During construction the pathways that have been considered within this assessment include habitat loss and fragmentation and noise and visual disturbance. Justification for screening out impacts on birds associated with the degradation of water quality and alteration of local hydrology, changes in air quality and increase in light and spillage is provided at paragraph 11.6.70 of Chapter 11: Terrestrial and Aquatic Ecology [APP-049]. Paragraphs 11.6.169 to 11.6.172 provide the assessment of the operation of the Proposed Development which demonstrates there are no pathways for significant effects to arise.</p> |

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| | | <p>3.5. In order to understand the Conservation Objectives and the Supplementary Advice in the context of Regulation 63(1) it is important to remind oneself of the role of SPAs within these legislative requirements. These protected sites are part of the requirement for special conservation measures in order to ensure that their contribution to national and international "conservation status" of the species is maximised, as set out in the headline words at the start of all Conservation Objectives: "Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring..."</p> <p>3.6. The Conservation Objectives are to be an articulation of the contribution that it is appropriate for the SPA to make in an enduring way. It would be inconsistent with the purposes of the protection and the role of SPAs to have SPA Conservation Objectives (or the interpretation of them) aiming for lower populations particularly since so many sites were designated at a time when populations were not in favourable condition.</p> <p><u>Appropriate assessment</u></p> <p>3.7. As part of the assessment requirements, regulation 63, Habitats Regulations require the application of the precautionary principle. Meaning that if it cannot be excluded, on the basis of objective scientific information, that it is likely to have a significant effect on an SPA or SAC and its species an appropriate assessment will be required: see Waddenzee.</p> <p>3.8. Following that appropriate assessment, a project may only be granted consent if the competent authority is convinced that it will not have an adverse effect on the integrity of the European site(s) and their species of concern, having applied the precautionary principle and taken account of the conservation objectives for those European sites and their habitats and species. Waddenzee confirmed that where doubt remains as to the absence of adverse effects on the integrity of the European site, approval should be refused (subject to the considerations of alternative solutions, imperative reasons of overriding public interest and the provision of compensatory measures as set out in regulations 64 and 68).</p> <p>3.9. An appropriate assessment requires all aspects of the project which could affect the European site, its species and its conservation objectives to be identified in the light of the best scientific knowledge in the field. The competent authority, "taking account of the conclusions of the appropriate assessment of the implications...for the site concerned, in the light of the conservation objectives, are to authorise such activity only if they have made certain that it will not adversely affect the integrity of the site. That is the case where no reasonable scientific doubt remains as to the absence of such effects".</p> <p><u>Environmental Impact Assessment</u></p> <p>3.10. The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (as amended) state that development consent cannot be granted for Environmental Impact Assessment (EIA) development unless the decision-maker has taken into account environmental information including an environmental statement which describes the significant effects, including cumulative effects, of the development on the environment. This will include effects on all wild bird species whether SPA species or not.</p> <p>3.11. Energy developments such as CQLCP have the potential to impact on birds through direct or indirect habitat loss, disturbance from construction activities, displacement during the operational phase (resulting in loss of foraging/roosting areas) and impact on bird flight lines (i.e. barrier effect) and associated increased energy use by birds for commuting flights between roosting and foraging areas. These potential</p> | |

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| | | impacts have been taken into account by the RSPB and its remaining concerns with the project is set out below, in the context of the legislative provisions summarised above, in particular those relating to appropriate assessment. | |
| | 5.5 | <p>4. Ornithology</p> <p><u>Our headline concerns</u></p> <p>4.1. Our Relevant Representation (RR-036) set out our headline concerns with this project. The RSPB's main interest is the potential impacts of CQLCP on nationally and internationally protected sites, as well as its potential to deliver tangible goods for nature recovery. We aim to ensure the project avoids negative impact first, then minimises impacts where they are unavoidable, and then compensates as a last resort (subject to justification under the appropriate policy/legislation).</p> <p>4.2. We are aware of very significant environmental concerns with CQLCP including those set out in the Relevant Representations of Natural England (RR-027) and Natural Resources Wales (RR-028). We support these concerns and will be reviewing the Applicant's responses to these during the Examination.</p> <p>4.3. Currently the RSPB's principal areas of concern regarding the potential effects of the project on the noted important sites and features are as follows:</p> <ul style="list-style-type: none"> • Potential noise and visual disturbance to waterbird features • Potential loss of habitat frequented/used by waterbird features within the Main Development Area <p><u>Potential noise and visual disturbance to waterbird features</u> 4.4. We are concerned over the potential disturbance to nearby roosts and feeding areas, particularly during construction but also during operation. We welcome the proposed mitigation measures to address noise and visual disturbance, although it currently remains unclear as to what the full extent of mitigation will be and hence the likely efficacy.</p> <p>4.5. We understand that additional measures to minimise noise are likely to be required and will be considered at the detailed design stage. It is essential that appropriate mitigation measures are in place to ensure the predicted disturbance will not have an adverse effect on the waterbird features.</p> <p>4.6. We will seek further clarity on disturbance mitigation measures during the Examination process.</p> <p><u>Potential loss of habitat frequented/used by waterbird features.</u></p> <p>4.7. Chapter 11 of the Environmental Statement (ES) (APP-049) identifies that habitat loss will occur within the Main Development Area. The western part of the fields at the Main Development Area will be used as a 'laydown area' during construction and will be reinstated into pasture on completion of works. The remainder of the fields will form part the new power station footprint, resulting in permanent habitat loss. This will have a direct impact on birds during and after construction. In total the ES identifies some 11 ha is likely to be temporarily lost and 15 ha permanently lost.</p> <p>4.8. The fields are used by a significant number of over-wintering birds associated with the Dee Estuary, most notably Curlew (regularly supporting more than 1% of the qualifying non-breeding Curlew population of the SPA/Ramsar site). As such part of the proposed development site has been determined/identified as being functionally-linked to the SPA. We agree with this assessment. 4.9 Please see section 6 which</p> | <p>With the exception of the access to Oakenholt Saltmarsh, the Applicant has addressed this matter in the Applicant's Response to Relevant Representations [REP1-062], Ref. No. RSPB2.</p> <p>The Applicant confirms that access will be retained to the Oakenholt Saltmarsh for RSPB in line with the current access rights they hold.</p> |

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| | | <p>expands on the loss of functionally-linked land and the Applicant's proposed Curlew Mitigation Strategy (APP-254).4.10. In addition to the loss of functionally-linked land there is also direct loss of saltmarsh habitat (some 0.065ha) within the Dee Estuary SPA/SAC/Ramsar site during the construction works. We defer to submissions by Natural England and Natural Resources Wales on this issue.</p> <p>4.11. The Application site is adjacent to Oakenholt Saltmarsh part of the RSPB Dee Estuary Reserve. We are concerned about potential implications on existing access arrangements for RSPB staff to Oakenholt Saltmarsh through the MDA during construction works. We raised this matter with the Applicant during a site meeting on 24/07/2024 and we were assured that access rights to Oakenholt Saltmarsh would be maintained. We trust that any potential disruption to access will be kept to a minimum and anticipate further discussions with the Applicant.</p> | |
| | 5.6 | <p>5. Derogation case: the RSPB's approach to evaluating compensation measures under the Conservation of Habitats and Species Regulations 2017 (as amended)</p> <p><u>Introduction</u></p> <p>5.1. We note the arguments set out in the Applicant's submission supporting the delivery of 'mitigation' for the loss of land functionally linked to the SPA. We dispute this treatment and regard the potential loss of this land should be treated under the Habitats Regulations as a compensatory measure, assuming the Habitats Regulations tests are satisfactorily addressed. We address these tests in section 3. We note that Natural England and Natural Resources Wales (RR-026, RR- 027) also conclude that the Applicant's 'offsetting measures' better represent compensation. We anticipate further discussion on this matter at the Examination.</p> <p>5.2. The Applicant has recently submitted a Notice of a proposed without prejudice Habitats Regulations Assessment (HRA) derogation in Wales (PDA-003).</p> <p>5.3. For the benefit of the Examination this section sets out the RSPB's approach to evaluating compensation measures. It includes our general approach to assessing compensation proposals and the level of detail we consider is required in order to evaluate compensation proposals as part of the Examination process.</p> <p>5.4. Section 6 following sets out, as far as currently practicable, the RSPB's more detailed comments on the Applicant's specific proposals to address the loss of functionally linked land.</p> <p><u>The RSPB's approach to assessing compensation proposals</u> 5.5. The RSPB has reviewed both the EC and Defra guidance on compensatory measures. Both are in broad alignment as to the principles to adopt when considering compensatory measures. This review also draws on the RSPB's experience evaluating and negotiating compensation proposals under the Habitats Regulations by developers across various sectors. As the EC Guidance is fuller, we have used that as our primary reference, while drawing out any additional points made in the Defra guidance since it is UK focus d. e5.6. In Table 1, we summarise the EC's criteria for designing compensatory measures and annotate them with additional commentary based on the RSPB's experience of the principles that should be applied when assessing compensatory measures. We will use the combination of the EC guidance and the RSPB's experience in this field to assess compensatory measures put forward by scheme proponents.e [Table 1: Criteria for designing compensatory measures]ee5.7. The current Defra guidance (aimed at competent authorities) reinforces some of the points above:</p> | <p>The Applicant has addressed in the Applicant's Response to Relevant Representations [REP1-062], Ref. No. NRW9, regarding whether the proposals at Gronant Fields are considered mitigation or compensation.</p> |

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| | | <ul style="list-style-type: none"> • Must be confident the measures will fully compensate for negative effects. • The measure is technically feasible based on scientific evidence and previous examples. • Whether the compensation measure is financially feasible. • Compensation should be no more than is needed (to protect the coherence of the National Site Network). • How the compensation will be carried out, including how it will be managed and monitored over time, and how it has been secured. • How long the compensation measure will take to reach the required quality. • Should make sure the compensation measures will remain in place all the time they are needed. • Must put in place all necessary legal, technical, financial and monitoring arrangements. • Compensation measures should usually be in place and effective before the negative effect is allowed to occur. <p>5.8. Overall, this can be expressed in another way to help identify ecologically effective compensation and the options to deliver it:</p> <ul style="list-style-type: none"> • Understanding and defining what is ecologically effective compensation for a given feature i.e. what is needed to address the ecological functions affected by the predicted impact(s) e.g. provision of additional habitat; • Identifying the potential options to provide ecologically effective compensation in principle and agreeing the scale of compensation required to protect the overall coherence of the National Site Network for the impacted feature taking account of the management objectives for that Network. This should consider factors affecting the likely success of the compensation measure in order to identify appropriate search criteria; • Applying a hierarchical search for suitable locations to carry out those options to determine where they might be feasible. | |
| | 5.7 | <p>6. RSPB detailed comments on the Applicant's specific compensation proposals</p> <p><u>Introduction</u></p> <p>6.1. The proposals would result in temporary and permanent habitat loss of up to 26ha of Functionally Linked Land (FLL) used by the Curlew feature of the Dee Estuary SPA, Ramsar site and SSSI within the Main Development Area. Offsetting measures, comprising additional land within the SPA/Ramsar site to be secured for favourable dedicated Curlew management, are proposed to offset this loss and outlined in the Curlew Mitigation Strategy (CMS) (APP-254). The Applicant regards these as mitigation measures, but as stated above we regard these as compensatory measures.</p> <p>6.2. As context we would highlight breeding Curlew are rapidly declining across their biogeographic range and require urgent conservation measures in the UK. There is currently widespread concern amongst conservationists over the species. Action is being taken at different levels, but at the site protection level recent expert analysis has confirmed that the current SPA provision for Curlew is inadequate both in terms of population numbers and ecological provision. A review of existing SPA boundaries, including the Dee Estuary SPA, has been recommended to identify and protect further areas used for feeding and other functional needs by Curlew.</p> <p><u>Functionally Linked Land</u></p> | <p>Points 6.1 and 6.2 are noted and the Applicant will continue to engage with RSPB on the Curlew Mitigation Strategy [APP-254].</p> <p>Functionally Linked Land</p> <p>The Applicant has addressed matters relating to baseline ornithology surveys of the Main Development Area in the Applicant's Response to Relevant Representations [REP1-062], Ref. No. NE01.</p> <p>The Applicant has addressed matters relating to historic data for Gronant Fields in the Applicant's Response to Relevant Representations [REP1-062], Ref. No. NRW10.</p> <p>In relation to the correct values for modified grassland loss, the value stated in Chapter 11: Terrestrial Ecology and Ornithology [APP-049] is the area of modified grassland within this area. As shown on Figure 11C-2: UK Habitat Data for the Scheme Sheet 2 of 3 of Appendix 11-C: Botanical Technical</p> |

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| | | <p>6.3. Baseline Ornithology Surveys (November 2023 – October 2024) indicate that part of the Main Development Area supported a significant number of overwintering Curlew (greater than 1% of the qualifying non-breeding Curlew population of the SPA/ Ramsar site). The Curlew favour permanent pasture that will be subject to temporary and permanent habitat loss. The western part of the fields at the Main Development Area will be used as a 'laydown area' during construction and will be reinstated into pasture on completion of works. The remainder of the fields will form part the new power station footprint, resulting in permanent habitat loss. This will have a direct impact on birds during and after construction. In total the CMS estimates some 11ha is likely to be temporarily lost and 15ha permanently lost. However, there is some disparity over the habitat loss figures in the ES. 11.6.48 states...a temporary loss of 10.03ha and a permanent loss of 12.45ha grassland habitat (figures used in RR-036).</p> <p>6.4. We note that the Baseline Ornithology Surveys of the Main Development Site only present one year's worth of curlew data for the Functionally Linked Land. Furthermore, Table 1 of the CMS does not include historic data. We consider there is a need for further information to assess the effects on birds that frequent this area over a longer time period/time scale to better understand the number and frequency of Curlew usage and other designated bird species that may be affected by the habitat loss.</p> <p>6.5. We recommend that the Applicant presents historic data including that held by Deeside Naturalists' Society (DNS) to help bridge the gap by revealing a greater range of months when significant numbers of Curlew, and possibly other qualifying bird species, that occur within the affected fields. This will also help inform offsetting measures for Curlew and other species that might be affected.</p> <p><u>Site selection</u></p> <p>6.6. We acknowledge that the Applicant is proposing to deliver compensatory habitat for Curlew at Gronant Fields which has potential to benefit wintering Curlew and other species of waterbirds in the Dee Estuary SPA. The CMS states that the preferred option is to deliver 26ha of habitat creation and improvements within 56.3ha of land. It is important to note that this land is designated as part of the Dee Estuary SPA, Ramsar site and SSSI.</p> <p>6.7. Wintering Curlew are highly site faithful, frequenting the same site year after year, and do not readily adopt new feeding areas some distance away. Gronant fields could be considered to be overly distant (21.3km) from the Main Development Area. Curlews from the inner estuary at Connah's Quay impacted by the development might not benefit from the compensatory habitat arrangements owing to their site fidelity.</p> <p><u>Alternatives</u></p> <p>6.8. Gronant fields was selected out four potential sites mentioned in the CMS. The other sites being at Thurstaston, Greenfield and Bagillt Fields. We consider coastal fields closer in proximity to the Main Development Area (MDA) deserve further consideration for Curlew Mitigation such as Bagillt Fields (3.8km from MDA) and Greenfield (9km from MDA). These sites are adjacent to the estuary and are already utilised by wintering waders. There is still scope to manage these areas to benefit Curlew through appropriate habitat management prescriptions including the screening of the Wales Coast Path to reduce disturbance.</p> <p>6.9. Wet features would be relatively easy to create such as scrapes, ditches, and shallow pools, which would further enhance the value for wintering waders in providing feeding areas as well roosting areas during high tide. Fencing to restrict access by the public would also be needed and potentially some</p> | <p>Appendix [APP-191] there are also other habitats present within the area considered to be functionally linked. A clarification on habitat loss will be submitted at Deadline 3 when an updated Green Infrastructure Statement [APP-252] will be provided.</p> <p>Site Selection and Alternatives</p> <p>The Applicant commenced a process of identifying areas of potentially suitable land which is described in the Curlew Mitigation Strategy [APP-254]. Factors considered in identifying potential sites for Curlew offsetting were:</p> <ul style="list-style-type: none"> • proximity to the Order limits; • existing land use and habitats present; • distance from the SPA / Ramsar site and in particular proximity to the estuary; • potential sources of disturbance (e.g. noise sources / recreational pressure); • availability for purchase and opportunity for management in perpetuity (as defined in the context of the Proposed Development); and • existing levels of use by Curlew and other bird species. <p>Some areas were discounted where sufficient land parcels (areas) were not available, or where the above considerations were not met. Parcels that met the criteria were then screened for their suitability to support Curlew, and scoping walkovers were undertaken at those sites with the most potential to provide mitigation.</p> <p>In parallel, further negotiations with landowners were undertaken to secure land , which has now been achieved.</p> <p>Through this process it became apparent that the Thurstaston and Greenfield sites were unavailable, unavailable within the required timeframes, or unavailable for the required durations . These sites were therefore excluded. The two remaining sites taken forward for more detailed review were Bagillt Fields and Gronant Fields. These are discussed in Section 3.4 of the Curlew Mitigation Strategy [APP-254]. Gronant Fields were ultimately selected due to a number of considerations including:</p> <ul style="list-style-type: none"> • Potential to create water features to enhance Curlew numbers (if needed); |

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| | | <p>screening (which may only need to be temporary) to encourage waders to utilise the site as quickly as possible.</p> <p>6.10. Unfortunately, details of the site at Thurstaston located on the Wirral have not been provided in the CMS (estimated distance 12km from MDA).</p> <p>6.11. In conclusion we would strongly advocate further consideration of Greenfield and Bagillt Fields (undesigned land) as compensatory habitat.</p> <p><u>Management</u></p> <p>6.12. The Applicant proposes several management prescriptions to provide suitable foraging and roosting opportunities for Curlew. There is limited information about Gronant Fields. The baseline ecological information appears incomplete with regard to the current nature conservation value as it lacks a detailed botanical and invertebrate surveys. Further assessment of impacts of CMS on existing nature conservation interest, would be required once the ecological baseline is established.</p> <p>6.13. The CMS appears to deviate from the original intention of creating scrapes (as mentioned in 3.1.1) and instead focuses on the creation of a network of foot drains.</p> <p>6.14. The CMS implies that wildlife habitat created will be managed for 80 years or until the Proposed Development is decommissioned. We consider it would be far more desirable for any mitigation/compensation should be permanent. As it would be difficult to predict whether Curlew would return/reoccupy the decommissioned brownfield land once the project has ceased to operate. It is essential that compensation habitat will be fully functional before construction begins and we would seek reassurance that the Applicant is able to commit to this.</p> <p><u>Monitoring</u></p> <p>6.15. We have the following observations on the proposed monitoring programme, described in Section 4.4 of the CMS:</p> <ul style="list-style-type: none"> • The number of monthly visits should be increased to capture the arrival and build-up of post breeding Curlew, which can occur from June onwards. We recommend the monthly visits should be carried out from June to April • The length of monitoring also needs further consideration such as increasing the initial monitoring period of five years to 10 or more years. Furthermore, long term monitoring should be undertaken for the remainder of the lifetime of the project to help inform appropriate/adaptive management measures. <p>6.16. In the event that the application is consented, the RSPB would wish to be involved in discussions on the delivery and monitoring of necessary mitigation, compensation and enhancement measures.</p> <p><u>Offsite Net Benefit for Biodiversity and Green Infrastructure Strategy</u></p> <p>6.17. The Offsite Net Benefit for Biodiversity and Green Infrastructure Strategy (NBB/GIS) contain habitat management prescriptions for the offsetting land (30.30ha) at Gronant Fields alongside the CMS (26ha).</p> <p>6.18. As with the CMS this land is designated as part of the Dee Estuary SPA, Ramsar site and SSSI. It should therefore be ensured that the proposed NBB/GIS measures would not conflict with maintaining and</p> | <ul style="list-style-type: none"> • Large parcels of land, with limited boundary vegetation (improving connectivity); • Suitability for grazing (a part of land management); • Land is not identified in the Shoreline Management Plan for managed retreat (if it had been identified this way, then the mitigation may not have been in place for the duration of the project); and • Commercial availability of land (the land has now been purchased). <p>Management</p> <p>To inform the Curlew Mitigation Plan, the Applicant will be undertaking a suite of ecological surveys at Gronant Fields. The surveys will accord with the recommendations of the Preliminary Ecological Appraisal included as Appendix B of the Offsite Net Benefit for Biodiversity and Green Infrastructure Strategy [APP-255]. The Applicant is currently undertaking wetland bird surveys which are scheduled for completion in April 2026.</p> <p>The primary intention of the Curlew Mitigation Strategy [APP-254] is to create features that hold and collect standing water, particularly during winter flooding as well as maintaining an optimal sward height. The Applicant will discuss the proposed interventions with the RSPB to seek further feedback.</p> <p>The Applicant has addressed in the Applicant's Response to Relevant Representations [REP1-062], Ref. No. NRW9 the proposed duration of the habitat management.</p> <p>Monitoring</p> <p>The Applicant notes the comments made in points 6.15 and 6.16 and considers the proposed monitoring arrangements to be sufficient. It is however noted in the Applicant's response to NRW's written representation (Table 3, Reference: 3.12) the Applicant is committed to discussing these further with all relevant parties and will submit an updated version of the Curlew Mitigation Strategy [APP-254] at an appropriate point during the examination.</p> <p>Offsite Net Benefit for Biodiversity and Green Infrastructure Strategy</p> <p>The Applicant is aware the land at Gronant Fields is designated as part of the Dee Estuary SPA, Ramsar site and SSSI and through the development of the Offsite Net Benefit for Biodiversity and Green Infrastructure Strategy [APP-255]</p> |

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| | | <p>enhancing suitable habitat conditions for the bird features of these sites. Furthermore, the proposed measures should not conflict with the aims of the CMS.</p> <p>Potential conflict of conservation objectives</p> <p>6.19. Some habitat creation and enhancements could be at odds with other conservation objectives for example tree planting, woodland/scrub creation and hedge planting could potentially conflict with the habitat requirements of Curlew which require open vistas to avoid/detect predators. The creation of woodland, hedges and scrub would potentially provide cover for predators.</p> <p><u>Change notification request</u></p> <p>6.20. There are six proposed changes to the application which were announced at the preliminary meeting on 13th January 2026 and subsequently published recently (AS006). Some of these changes have potential implications on the NBB calculations, including the following:</p> <ul style="list-style-type: none"> • Proposed Change 2: Alignment of the CO₂ Connection Corridor Landscape Plan with the HyNet CO₂ Pipeline Project • Proposed Change 3: Land Designation Adjustment (wrt re-classification of retained habitats in development area) • Proposed Change 5: Contractors' Facilities Relocation • Proposed Change 6 – Proposed Hardstanding Expansion at Connah's Quay North Jetty <p>6.21. It is important that the NBB calculations are revised in light of the Change Notification.</p> <p>6.22. We may make further comment on this matter when more information, such as the Off Site NBB Plan, is made available.</p> | <p>will seek to ensure the NBB measures would not conflict with maintaining and enhancing suitable habitat conditions for the bird features of these sites.</p> <p>Change Notification</p> <p>The Change Application will be supported by updated versions of the Green Infrastructure Statement [APP-252] and Offsite Net Benefit for Biodiversity and Green Infrastructure Strategy [APP-255] which will consider the six proposed changes in the context of NBB.</p> |

2.6 REP1-077 (Part A) / REP1-078 (Part B) Climate Emergency Science Law (CESL)

2.6.1 CESL's Deadline 1 submission (comprising Part A and Part B, and the bullet point list below) and the Applicant's response are set out in **Table 6** below.

2.6.2 The Applicant acknowledges the supplementary material provided to support Parts A and B of CESL's Deadline 1 submission, listed below:

- REP1-079 (Deadline 1 Submission - Net Zero Teeside Decision Letter)
- REP1-080 (Deadline 1 Submission - Keadby 3 DCO)
- REP1-081 (Deadline 1 Submission - Net Zero Teeside DCO)
- REP1-082 (Deadline 1 Submission - Agreement Relating to Net Zero Teeside Power)
- REP1-083 (Deadline 1 Submission – DUKES) / REP1-084 (Deadline 1 Submission - Kind of Blue)
- REP1-085 (Deadline 1 Submission - North Sea Future Plan)
- REP1-086 (Deadline 1 Submission – Howarth)
- REP1-087 (Deadline 1 Submission - Howarth - Supplemental Materials)

Table 6: Response to CESL's Deadline 1 submission

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| Written Representation by Climate Emergency Science Law (CESL) Part A [REP1-077] | 6.1.1 | CESL requests that the ExA directs the applicant to provide a sensitivity analysis of operational lifecycle GHG emissions using an upstream emission factor representative of a likely future high-LNG supply scenario | <p>The Applicant maintains that the GHG assessment has been carried out using up to date emissions factors that are appropriate for the purpose. The upstream, or Well to Tank (WTT), factor applied to the natural gas consumed within the Connah's Quay Low Carbon Power Project has been taken from the conversion factor dataset issued by the UK Government in summer 2025². This dataset remains the standard to be applied across operators, installations, companies and projects – its use allows the carbon data generated to be directly and meaningfully compared between projects; this is not possible if assessments are carried out using disparate factors.</p> <p>The GHG assessment was carried out in accordance with the guidance issued by the Institute of Sustainability and Environmental Professionals (ISEP, formerly IEMA) in their 2022 document "Assessing Greenhouse Gas Emissions and Evaluating their Significance". Appendix A to this guidance provides information including suitable sources of GHG Information. This states that: "<i>The Government conversion factors for greenhouse gas reporting are suitable for use by UK based organisations of all sizes, and for international organisations reporting on UK operations.</i>" The professional body issuing the formal guidance under which the GHG assessment was carried out, therefore, explicitly approves the use of the dataset from which the emissions factor in question was taken.</p> <p>The Applicant accepts that the upstream WTT carbon intensity of natural gas is variable and has changed in the past, with the UK Government's WTT factor already taking into account the relative proportions of different sources of natural gas into the UK gas network. An increase in the proportion of LNG in the UK gas network in 2019 was reflected in a corresponding rise in the upstream carbon intensity published in</p> |

² Department for Energy Security and Net Zero. (2025) *Greenhouse gas reporting: conversion factors 2025*. GOV.UK. Available at: <https://www.gov.uk/government/publications/greenhouse-gas-reporting-conversion-factors-2025> (Accessed: 10 February 2026)

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| | | | <p>2021³. Since that time, the published WTT factor for natural gas has fallen slightly, and has remained constant since the dataset published in summer 2023.</p> <p>But it is important to note that LNG is not the only source of imported gas. The UK benefits from two large capacity gas pipelines from Norway – Langeled and Vesterled – which allow the UK direct access to Norwegian gas production fields with low transport costs. Natural gas produced in the Norwegian sector of the North Sea also has an upstream carbon intensity around 70% lower than that of domestic UK production⁴. The Future Energy Scenarios (FES) published by the National Energy System Operator (NESO) in 2025 indicate that in all scenarios over the period to 2050, substantially more gas is likely to be imported via pipeline from Norway compared to imports of LNG⁵.</p> <p>The Applicant would also note that there is a range of international initiatives aimed at identifying and reducing emissions of methane, including within the energy sector. These include the Global Methane Pledge⁶, the Oil and Gas Methane Partnership⁷, the World Bank Global Flaring and Methane Reduction Partnership⁸, the Global Methane Initiative⁹, and the International Methane Emissions Observatory¹⁰. Within the UK, the North Sea Transition Deal¹¹ contains measures to decarbonise the oil and gas industry, while the Carbon Budget and Growth Delivery Plan¹² also contains policies to control upstream emissions of methane from the energy sector.</p> <p>Across these national and international initiatives, there is considerable scope to achieve significant reductions in upstream methane emissions using existing technology.</p> <p>For all these reasons, it is not appropriate to project a future in which the UK becomes entirely or even largely reliant on LNG imported from the US, with the upstream intensities of the present day.</p> <p>The use of the UK Government emissions factor dataset, and specifically the upstream WTT emissions factor for natural gas, was explicitly deemed appropriate by both the Examining Authority¹³ and the Secretary of State for Energy Security and Net Zero¹⁴ in relation to the GHG assessment for the Net Zero Teesside Project that received development consent in February 2024.</p> |
| | 6.1.2 | CESL requests that the ExA directs the applicant to provide a sensitivity analysis of the impact on assessed emissions using a GWP20 metric for methane, to understand the project's near-term climate forcing | The emissions factors from the standard UK Government conversion factor dataset ¹⁵ have been developed using Global Warming Potentials (GWPs) effective over a 100- |

³ Department for Business, Energy & Industrial Strategy (2021) *UK greenhouse gas emissions conversion factors 2021: methodology*. Available at: <https://assets.publishing.service.gov.uk/media/61ee7e198fa8f5058d5a7771/2021-ghg-conversion-factors-methodology.pdf> (Accessed: 10 February 2026).

⁴ North Sea Transition Authority (2025) *Emissions intensity of producing natural gas: factsheet*. Available at: <https://www.nstauthority.co.uk/media/nupk5sx1/emissions-intensity-of-producing-natural-gas-factsheet-sept-2025.pdf> (Accessed: 10 February 2026).

⁵ National Energy System Operator (NESO) (n.d.) *Future Energy Scenarios (FES)*. Available at: <https://www.neso.energy/publications/future-energy-scenarios-fes> (Accessed: 10 February 2026).

⁶ Global Methane Pledge (n.d.) *Global Methane Pledge*. Available at: <https://www.globalmethanepledge.org/> (Accessed: 10 February 2026).

⁷ Oil and Gas Methane Partnership 2.0 (n.d.) *OGMP 2.0*. Available at: <https://www.ogmpartnership.org/> (Accessed: 10 February 2026).

⁸ World Bank (n.d.) *Global Gas Flaring Reduction Partnership*. Available at: <https://www.worldbank.org/en/programs/gasflaringreduction> (Accessed: 10 February 2026).

⁹ Global Methane Initiative (n.d.) *Global Methane Initiative*. Available at: <https://www.globalmethane.org/> (Accessed: 10 February 2026).

¹⁰ United Nations Environment Programme (n.d.) *International Methane Emissions Observatory (IMEO)*. Available at: <https://www.unep.org/topics/energy/methane/international-methane-emissions-observatory> (Accessed: 10 February 2026).

¹¹ HM Government (2021) *North Sea Transition Deal*. Available at: https://assets.publishing.service.gov.uk/media/605b148ce90e0724c7d30c2b/north-sea-transition-deal_A_FINAL.pdf (Accessed: 10 February 2026).

¹² HM Government (2023) *Carbon Budget and Growth Delivery Plan: Section 14 report*. Available at: <https://www.gov.uk/government/publications/carbon-budget-and-growth-delivery-plan/carbon-budget-and-growth-delivery-plan-section-14-report-accessible-webpage> (Accessed: 10 February 2026).

¹³ Planning Inspectorate (2023) *Net Zero Teesside Project: Final report* (EN010103-002918). Available at: https://nsip-documents.planninginspectorate.gov.uk/published-documents/EN010103-002918-NZT_FINAL%20version%2010_02_23.pdf (Accessed: 10 February 2026).

¹⁴ Secretary of State for Energy Security and Net Zero (2023) *Decision letter: Net Zero Teesside Project* (EN010103-002914). Available at: https://nsip-documents.planninginspectorate.gov.uk/published-documents/EN010103-002914-Decision%20Letter_Net%20Zero%20Teesside%20Project.pdf (Accessed: 10 February 2026).

¹⁵ Department for Energy Security and Net Zero (2025) *Greenhouse gas reporting: conversion factors 2025*. GOV.UK. Available at: <https://www.gov.uk/government/publications/greenhouse-gas-reporting-conversion-factors-2025> (Accessed: 10 February 2026).

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| | | | <p>year time horizon, as explained in the methodology paper¹⁶ that accompanies the 2025 dataset used for the GHG Assessment.</p> <p>The same approach has been taken in the development by the Climate Change Committee (CCC) of the UK's statutory carbon budgets, against which the GHG impact of infrastructure projects such as the Proposed Development can be contextualised. The methodology report¹⁷ for the Seventh Carbon Budget proposed by the CCC in February 2025 states unequivocally that the 7th Carbon Budget was developed applying GWP100, in line with the IPCC's Fifth Assessment Report. The CCC notes that the use of the GWP100 values allows them to aggregate their sectoral modelling outputs into their overall Balanced Pathway.</p> <p>The use of a standard 100-year time horizon for Global Warming Potentials by the IPCC and national governments is neither an arbitrary choice nor a quirk of history, as CESL assert. This value was selected because it is better oriented towards understanding the warming impacts of carbon dioxide and other long-lived greenhouse gases. Long-term temperature increases, such as the limit of 2°C to which the Paris Agreement seeks to limit global warming, is controlled almost entirely by cumulative emissions of CO₂, rather than by shorter lived gases such as methane. As Working Group III of the IPCC state in their Technical Summary¹⁸ to the 6th Assessment Report (AR6) in 2023:</p> <p><i>"The choice of GWP100 was made inter alia for consistency with decisions under the Rulebook for the Paris Agreement and because it is the dominant metric used in the literature assessed by WGIII. Furthermore, for mitigation pathways that limit global warming to 2°C (>67%) or lower, using GWP100 to inform cost-effective abatement choices between gases would achieve such long-term temperature goals at close to least global cost within a few percent (high confidence)."</i></p> <p>Both the Applicant and the IPCC (Op Cit) acknowledge that a GWP with a 100-year time horizon is less well suited to reflect the short-lived warming effects of gases such as methane. But ultimately, GWP100 is much better suited to modelling and understanding the impacts of carbon dioxide and other gases that control long-term global temperature increases.</p> <p>Providing a sensitivity analysis applying a different GWP value for methane would generate data that was not comparable with the emissions totals calculated using standard factors and in line with national and international protocols. The emissions could not be contextualised against the UK's or Wales' statutory carbon budgets and would therefore be misleading in characterising the overall, long-term climate impact of the Proposed Development.</p> |
| | 6.1.3 | CESL requests that the ExA directs the applicant to provide the detailed evidence base supporting the assumption of a sustained 95% CO ₂ capture rate, and to | The design of the Proposed Development, and specifically the percentage capture rate of the carbon capture plant, is aligned with the Environment Agency's guidance |

¹⁶ Department for Energy Security and Net Zero (2025) 2025 GHG conversion factors: methodology paper. Available at: <https://assets.publishing.service.gov.uk/media/6846b0870392ed9b784c0187/2025-GHG-CF-methodology-paper.pdf> (Accessed: 10 February 2026).

¹⁷ Climate Change Committee (2025) Methodology report – UK, Northern Ireland, Wales, and Scotland carbon budget advice. Available at: <https://www.theccc.org.uk/publication/methodology-report-uk-northern-ireland-wales-and-scotland-carbon-budget-advice/> (Accessed: 10 February 2026).

¹⁸ Intergovernmental Panel on Climate Change (2022) Technical Summary. In: Climate Change 2022: Mitigation of Climate Change. Contribution of Working Group III to the Sixth Assessment Report. Available at: <https://www.ipcc.ch/report/ar6/wg3/chapter/technical-summary/> (Accessed: 10 February 2026).

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| | | <p>provide a sensitivity analysis and reasonable worst-case based on such a delivery rate not being deliverable.</p> | <p>document <i>Post-combustion carbon dioxide capture: emerging technologies</i>¹⁹ published in 2021 and updated in 2024. That guidance states that:</p> <p><i>“The purpose of the PCC [post-combustion carbon dioxide capture] plant is to maximise the capture of CO₂ emissions for either use or secure geological storage.”</i></p> <p><i>“You should aim to design your plant to achieve a CO₂ capture rate of at least 95% during normal operating conditions, although operationally this can vary, up or down.”</i></p> <p>The PCC guidance goes on to note that:</p> <p><i>“Capturing at least 95% of the CO₂ in the flue gas during normal operating conditions is considered [Best Available Technique]. You can base this on average performance over an extended period (for example, a year). To achieve this, you should make sure the design capture level for flue gas passing through the absorber equates to at least 95% of the CO₂ in the total flue gas from the plant. Over the averaging period, your capture level may vary up or down.”</i></p> <p>The BAT capture rate of 95% is based on studies carried out by the UK CCS Research Community (UKCCSRC) in partnership with the Environment Agency and other environmental regulators to identify Best Available Techniques for CCS-related technologies²⁰.</p> <p>The operation of the Proposed Development (including the carbon capture plant) will be subject to the requirements of an Environmental Permit that is likely, given the BAT guidance issued by the EA, to require a 95% capture rate.</p> <p>Furthermore, overall emissions from the Proposed Development will be additionally regulated through the operator's participation in the UK Emissions Trading Scheme (UK ETS) that will financially incentivise greater capture rates. The UK-wide cap for the UK ETS (the total amount of CO₂ that can be collectively emitted by all installations participating in the scheme) is now aligned with the UK's statutory net zero target.²¹</p> <p>For all these reasons, the Applicant does not believe that it is necessary to carry out a sensitivity analysis on the basis of lower carbon capture rates than those specified in the EA's BAT guidance.</p> <p>For information, the effective capture rate of 95.2367% derived by CESL in their submission is based on CO₂ mass flow data taken from the Heat and Material Balance (HMB) dataset generated for the Proposed Development. This figure is clearly compatible with the EA's BAT guidance of “at least 95%”.</p> |

¹⁹ Environment Agency (2021) *Post-combustion carbon dioxide capture: best available techniques (BAT) guidance*. GOV.UK. Available at: <https://www.gov.uk/guidance/post-combustion-carbon-dioxide-capture-best-available-techniques-bat> (Accessed: 10 February 2026).

²⁰ UK Carbon Capture and Storage Research Centre (n.d.) *Best available technology (BAT) information for CCS*. Available at: <https://ukccsrc.ac.uk/best-available-technology-bat-information-for-ccs/> (Accessed: 10 February 2026).

²¹ HM Government (2023) *UK emissions trading scheme consultation: government response*. Available at: <https://assets.publishing.service.gov.uk/media/649eb7aa06179b000c3f7608/uk-emissions-trading-scheme-consultation-government-response.pdf> (Accessed: 10 February 2026).

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| | 6.1.4 | CESL requests that that the Examining Authority finds that the current ES Chapter 20 lacks robustness on these key issues and cannot be relied on for decision-making until these analyses are provided and considered. | <p>The Applicant maintains that the Greenhouse Gas Assessment presented within Chapter 20: Climate Change [APP-058] of the Environmental Statement has been prepared in accordance with established guidance and recognised good practice applicable to Nationally Significant Infrastructure Projects such as the Proposed Development.</p> <p>The methodology, data sources, assumption and assessment boundaries have been transparently set out, and the assessment has been carried out in line with professional guidance (issued by the Institute of Sustainability and Environmental Professionals) on the assessment of GHG emissions and the evaluation of their significance.</p> <p>For these reasons, and for the technical reasons specifically set out above, the Applicant submits that the GHG assessment is robust, proportionate and fit for purpose, and that it provides a reliable basis upon which the Examining Authority can consider the GHG impact of the Proposed Development in the planning balance.</p> |
| | 6.1.5 | Wider context provided in Part A of CESL's Written Representation [REP1-077] . | The Applicant reserves the right to provide further submissions in response to the points made within Part A of CESL's Written Representation [REP1-077] at Deadline 3. |
| Written Representation by Climate Emergency Science Law (CESL) Part B [REP1-078] | 6.2.1 | Part B of CESL's Written Representation [REP1-078] . | The Applicant will provide a response to the points made within Part B of CESL's Written Representation [REP1-078] at Deadline 3. |

3. Members of Public (Non-Landowners)

3.1 REP1-088 / REP1-089 / REP1-091 / REP1-092 / REP1-093 / REP1-094 / REP1-095 Members of Public

3.1.1 The Members of the Public Deadline 1 submissions and the Applicant's response are set out in **Table 7** below.

Table 7: Response to Deadline 1 submissions from Members of the Public

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| Written Representation - Accepted at the discretion of the Examining Authority [REP1-093] | 7.1.1 | <p>For the attention of Flintshire County Council's Planning Department.</p> <p>I attended the meeting yesterday concerning the Uniper application for planning permission to the new Low Carbon Power Station. My property, (redacted). There are two other properties, (redacted), which they recently bought and intend to develop into a holiday let business. We did not receive any communications about the proposed new power station meetings even though we all attended the initial presentations in Flint some time ago and put forward our objections. We found out about the present meetings through the few local people who had a letter. This is of great concern to us and we, the residents most directly affected, consider it to be a gross lack of communication.</p> | <p>The Applicant has a long-standing presence at Connah's Quay and understands the importance of being a good neighbour.</p> <p>To ensure local people were consulted on the proposals, the Applicant carried out a programme of pre-application public consultation, as agreed with the local planning authority – Flintshire County Council – and documented in Appendix B: Statement of Community Consultation [APP-030] of the Consultation Report [APP-028].</p> <p>The Applicant undertook Non-Statutory Consultation from 26 February 2024 to 25 March 2024. The Applicant then consulted on the Preliminary Environmental Information Report (PEIR) and invited feedback on the proposals during the Statutory Consultation, from 8 October to 19 November 2024. The Applicant also carried out a non-statutory Targeted Consultation on a design change from 8 May to 6 June 2025.</p> <p>The pre-application consultation included opportunities to discuss the proposals at in-person events held at different locations nearby the Proposed Development, and at online events, as well as via a dedicated website.</p> <p>The views expressed by all stakeholders, along with the outcomes of environmental assessments and technical studies, have been carefully considered and where possible have informed the Proposed Development.</p> <p>The Consultation Report [APP-028] accompanying the Application sets out in detail the consultation undertaken prior to submission, summarises the responses received to the consultation and explains the account taken by the Applicant of those responses in finalising the Application.</p> <p>The Applicant had careful regard to the consultation responses received as it finalised the Application for the Proposed Development. Please also see Appendix A: Non-Statutory Consultation [APP-029], Appendix E: Consultation Responses [APP-033] and Appendix G: Targeted Consultation [APP-035] of the Consultation Report [APP-028].</p> <p>Following acceptance of the Application for Examination, the Applicant undertook a comprehensive programme of notification and publicity to formally notify local communities, stakeholders and interested parties about the Application's acceptance</p> |

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| | | | <p>by the Planning Inspectorate and how they could make a relevant representation and register as an Interested Party.</p> <p>In accordance with Section 56 of the Planning Act 2008, statutory notices were published in a range of national and local publications including The Leader, The Times, The London Gazette, Lloyd's List and Fishing News.</p> <p>In addition, site notices were displayed in publicly accessible locations and the project website was updated to reflect acceptance of the Application, including clear signposting to the Planning Inspectorate's website and guidance on how to register as an Interested Party. Electronic copies of the full Application were also made available on USB devices and placed in local deposit locations, ensuring continued public access to the Application documents. Letters notifying of acceptance of the Application were also issued to statutory consultees.</p> <p>Information relating to the Proposed Development remains publicly available via the project website and the Applicant will continue to engage with stakeholders as the Application progresses through the Examination stage.</p> <p>All Interested Parties were notified by the Planning Inspectorate of the Preliminary Meeting and initial ISH's.</p> |
| | 7.1.2 | I am attending the meeting today on the (redacted) behalf as well as my own as they are both in work. My family and I have lived in (redacted) since (redacted) and have seen many changes, most of them unfortunate, namely the second power station in Connah's Quay, the Dependable Concrete site, the Recycling Centre, the Bryn Thomas Crane site and the three or four Traveller sites which are located close by. I list below our objections to the Uniper proposals. | These comments are noted by the Applicant and responses provided to each point in turn below. |
| | 7.1.3 | 1. The very adverse effects on the wildlife along the banks of the river, the marsh and the unavoidable pollution of the Dee water both during and after construction, not to mention the use of the river to bring material for construction. | <p>The Order limits in the estuary include only the Surface Water Outfall Area, Water Connection Corridor, and the Connah's Quay North Accommodation Works (see Figure 3.3 Areas Described in the Environmental Statement (ES) (EN010166/APP/6.2)). Works at the Surface Water Outfall Area and Water Connection Corridor are limited to the creation of new drainage structures to allow appropriate drainage of the site and to upgrade the existing structures within the River Dee (used for cooling water abstraction and discharge), for reuse as part of the Proposed Development.</p> <p>The Applicant has committed to the provision of a 30 m ecological safeguard zone around the estuary (where possible) and to provide an acoustic fence to minimise noise in the habitats nearby. This zone would be a no construction zone and construction plant and machinery would not be able to enter. This area is shown on Figure 5-3: Construction Area [APP-083].</p> <p>To understand the ecological value of the site, ecological surveys have been undertaken including plants, birds, bats, badger, and amphibians (great crested newt). The findings of the surveys are considered within the assessment provided in</p> |

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| | | | <p>Chapter 11: Terrestrial and Aquatic Ecology [APP-049] and Chapter 12: Marine Ecology [APP-050], with full details of the survey results provided in technical ecological appendices [APP-189 to APP-209]. The Applicant has also submitted a further appendix to include the assessment of reptiles (see Appendix 11-M: 2025 Reptile Survey Report (EN010166/APP/6.4), submitted at Deadline 2). The assessments have identified a series of mitigation measures that would be employed during construction works to control potential effects. These measures are included within control documents, notably the Framework CEMP (EN010166/APP/6.5), submitted at Deadline 2, and the Outline Landscape and Ecological Management Plan (LEMP) [REP1-027] - both of which are secured by the Draft DCO [REP1-003] (Schedule 2, Requirements 4 and 10). The Applicant has committed to have professional ecologists present on site during construction who will provide on-site advice as the works progress.</p> <p>The Applicant has considered the use of the River Dee for transport purposes to minimise any potential disruption on the road network. The NRA [APP-256] has considered the available route options for AILs to identify any risks which may affect the viability of transporting by vessel from open water to the landside delivery points at Port of Mostyn, Ellesmere Port and Connah's Quay North. The Port of Mostyn and Ellesmere Port are operational facilities and regularly receive similar deliveries, and whilst Connah's Quay North is not an operational port, the area was recently used in 2024 for a similar delivery.</p> |
| | 7.1.4 | 2. The height of the proposed towers and the ensuring air pollution which will affect the new housing developments in Oakenholt as well as the schools and people of Connah's Quay. | <p>As set out in the Design Principles Document [APP-264], the Proposed Development has been designed following a linear pattern with the main built elements 'centralised' (i.e., the Proposed Development would be laid out in a long, narrow configuration, with the main buildings grouped together) and sited close to the existing Connah's Quay Power Station to minimise landscape and visual effects. The Applicant also refers to Proposed Change 4 of the Change Notification [AS-005] which presents a reduction of the emission stack heights. During the pre-application stage, the Applicant increased the proposed heights of the absorber emissions and Heat Recovery Steam Generator System (HRSG) stacks to minimise environmental impacts, which was consulted on during a targeted consultation in May to June 2025 and included the higher stacks in the submitted DCO Application. Following further stakeholder engagement, and updated design information relating to emissions, supported by further technical and environmental assessment, the Applicant now proposes to reduce the maximum stack heights to avoid infringing on aviation safety.</p> <p>The Applicant has addressed in the Applicant's Response to Relevant Representations [REP1-062], Ref. No. P4 that the Proposed Development will require an environmental permit before it comes into operation. The permit will be issued by NRW if they are confident that once operational, the Proposed Development will not adversely impact air quality and that the emissions produced and discharged into the air by the plant, comply with emissions limits set and regulated by NRW.</p> |

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| | | | <p>The Proposed Development has also been designed, as far as possible, to avoid or minimise adverse impacts and effects on human health. The modelling undertaken in support of the assessment (see Chapter 8: Air Quality (EN010166/APP/6.2.8), submitted at Deadline 2) demonstrates that there would be no significant adverse effects on human health. In relation to the height of the proposed stacks, detailed air quality modelling has been undertaken and reported within the ES. The results of this modelling have informed the human health assessment, which considers potential health effects arising from air quality impacts in accordance with the latest industry guidance, including effects on vulnerable populations. On this basis, no significant adverse effects on human health are predicted to arise from emissions associated with the Proposed Development.</p> |
| | 7.1.5 | 3. The inevitable traffic problems during the construction. | <p>Section 10.6 of Chapter 10: Traffic and Transport [APP- 048] has concluded that no significant transport effects would occur during the construction and operational phases of the Proposed Development. The routing strategy for heavy vehicles in the construction phase is for vehicles to route to and from the Main Development Area directly from the Strategic Road Network, via the A548. This removes the possibility of a material impact on the surrounding local roads, instead containing the majority of heavy vehicle traffic to the Strategic Road Network, which has the greatest resilience to increases in traffic. With regard to light vehicle traffic associated with construction worker travel, Section 10.6 of Chapter 10: Traffic and Transport [APP- 048] has reported that outside of Kelsterton Road, which provides access to the Main Development Area, the majority of remaining highway network links do not experience an increase of greater than 10%, which is not an increase that would be perceivable against typical background traffic levels. These forecasts are based on a worst-case assessment of peak construction traffic. In order to further mitigate potential impacts arising from construction traffic, the Applicant has prepared a Framework Construction Traffic Management Plan (CTMP) [REP1-025] which will be accompanied by a Framework Construction Workers Management Plan (CWMP) [APP-248]. A final CTMP and CWMP is to be prepared at each stage of construction in general accordance with the framework documents, which is secured by Requirement 5 of the Draft DCO [REP1-003]. The final CTMP and CWMP are to be agreed with FCC prior to construction. These documents set out the proposed frameworks for enabling and managing all transport movements to and from the Site, including Heavy Goods Vehicles (HGVs), AILs and construction staff movements, during the construction of the Proposed Development.</p> |
| | 7.1.6 | 4. The disruptions to the electricity and water supply which we experienced during the second power station's construction. | <p>No supply interruptions are expected to arise during construction of the Proposed Development, the reasons for which are outlined below.</p> <p>One of the advantages of the Proposed Development Site is the ability to re-use existing connections to supply the new power station. Electricity export will be through the existing National Grid Electricity Transmission (NGET) banking compound to the National Grid. Similarly, power supplies for construction will be supplied from existing supply locations on site or on-site generators where needed. Therefore, no disruption to the local electricity distribution network is required. Towns mains water will be taken from a connection to the existing Connah's Quay Power Station water supply, at a volume within the existing supply arrangements. As such,</p> |

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| | | | no supply interruptions are expected to arise as a result of the Proposed Development. |
| | 7.1.7 | 5. The Noise, power drilling, vibrations, smell of gas and general disruption which will be inevitable as we discovered during the previous construction. | <p>An odour assessment has not been undertaken as it has not been identified as a potential impact throughout the DCO process (Environmental Impact Assessment (EIA)). Consideration has been given to odour emissions during the construction, operation and decommissioning phases of the Proposed Development within the Statutory Nuisance Statement [APP-257], which concludes that issues with odour are not anticipated.</p> <p>Chapter 9: Noise and Vibration (EN010166/APP/6.2.9), submitted at Deadline 2, submitted at Deadline 2 provides an assessment of construction noise and vibration effects. The assessment is based on construction assumptions at the time of writing with details of the construction process outlined in Chapter 5: Construction Programme and Management [APP-043] and construction plant summarised in Appendix 9-C: Construction Noise Assessment and Assumptions [APP-186].</p> <p>The construction noise impacts and effects are presented in paragraphs 9.6.8 to 9.6.25 of Chapter 9: Noise and Vibration (EN010166/APP/6.2.9), submitted at Deadline 2. With the additional mitigation measures which are included in Section 9.7 of Chapter 9: Noise and Vibration (EN010166/APP/6.2.9) the construction noise effects at the nearest Noise Sensitive Receptors (NSRs) e.g. residential properties, schools etc. will be minor adverse or less (Not Significant), with the exception of temporary construction traffic noise impacts at two properties which are both located on Kelsterston Road in proximity to the access to the Main Development Area NSR 21 and 22). Figure 9-1: Noise Sensitive Receptors and Sound Monitoring Locations [APP-120] shows the locations of NSRs. Moderate adverse (significant) effects are predicted at NSR 21 and 22; however, this is based on the peak construction period and therefore the effects may be less for the majority of the construction period. This effect is also temporary and short term for the duration of construction and will be managed through measures set out in a final CTMP in general accordance with the Framework CTMP [REP1-025] secured through Requirement 5 'Construction traffic management plan' of the Draft DCO [REP1-003]. The Framework CTMP [REP1-025] includes the following text: 'To support the assessment of road traffic noise, the final CTMP(s) will provide updated forecast trip generation and an updated assessment of road traffic noise for the relevant stage of the Proposed Development. Should the updated assessment identify that significant effects would arise at residential properties on Kelsterton Lane, additional mitigation would be implemented. This would include:</p> <ul style="list-style-type: none"> • Provision of noise monitoring at selected locations; or • Consideration of provision of additional glazing and sound insulation.' <p>Construction works will be undertaken during approved hours, which will be detailed in the final CTMPs, which are to be approved by the relevant planning authority, in consultation with the relevant highway authority. The core construction hours will be 08:00 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturday. Where construction works are proposed outside the core hours, additional assessments would be</p> |

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| | | | <p>undertaken in agreement with FCC to ensure the construction noise and vibration thresholds are not exceeded.</p> <p>Furthermore, it should be noted that this is a short term and temporary effect that is limited to the construction phase (and possible future decommissioning) and is unavoidable.</p> <p>The construction vibration impacts and effects are presented in paragraphs 9.6.31 to 9.6.35 of Chapter 9: Noise and Vibration (EN010166/APP/6.2.9). The assessment notes that the minimum distance between residential properties and the Main Development Area is 150 m. The plant that would be likely to generate higher levels of vibration (e.g. piling rigs and vibratory rollers) will be within the Main Development Area.</p> <p>Where vibratory rollers (equipment used to compact soil, gravel, and other material) are to be used within 50 m of receptors, these would be required to be used on low amplitude mode and no vibratory rollers to be used with 28 m of NSRs.</p> <p>The vibration levels predicted in Chapter 9: Noise and Vibration (EN010166/APP/6.2.9) are considerably below the thresholds for damage to buildings identified in Table 7 in Appendix 9-A: Noise and Vibration Methodology [APP-184].</p> <p>The potentially significant construction noise and vibration effects would be controlled by requirements set out in the final CEMP, to minimise significant adverse effects at the nearest properties. The final CEMP would be prepared in general accordance with the Framework CEMP (EN010166/APP/6.5), submitted at Deadline 2, which outlines measures relevant to noise and vibration within Table 3.</p> <p>As stated in the Framework CEMP (EN010166/APP/6.5) a further noise and vibration assessment would be undertaken, as required, once the Principal Contractor(s) is appointed, to confirm the construction plant and methods, and also identify if any additional specific mitigation measures are required to minimise construction noise and vibration. As detailed in Table 3 of the Framework CEMP (EN010166/APP/6.5) the Applicant can offer pre-condition surveys to the residential properties closest to noise / vibration generating activities, following the findings of the further noise and vibration assessment.</p> |
| | 7.1.8 | 6. Whilst the proposed construction will provide jobs for a number of people the actual running of the power station will require few workers. | <p>As set out in Chapter 19: Socio-economics, Recreation and Tourism [APP-057], operation of the Proposed Development is expected to support approximately 66 jobs once operational. In addition, the operational phase would support employment through maintenance activities, the purchase of local products and workforce spending in the local economy. Periodic planned outages are also expected to generate employment opportunities for approximately 300 additional temporary workers. These planned outages would occur for approximately two months every four years.</p> |

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| Written Representation - Accepted at the discretion of the Examining Authority [REP1-091] | 7.2.1 | <p>I write to make a representation regarding the application for the Connah's Quay Low Carbon Power Project. While I do not object to the principle of new low-carbon power generation, I object to the applicant's Combined Heat and Power (CHP) Readiness Assessment.</p> <p>The assessment relies on regulatory conflation and contradictory data to avoid delivering community benefits. My specific objections are as follows:</p> | <p>These comments are noted by the Applicant and responses provided to each point in turn below.</p> |
| | 7.2.2 | <p>1. Conflation of Permitting and Planning Regimes</p> <p>In Section 3.5.1, the applicant argues that because the project does not meet the "High Efficiency CHP" threshold (10% Primary Energy Saving) defined in the EU Energy Efficiency Directive, a Cost Benefit Analysis (CBA) is not required. This is a misapplication of Environmental Permitting rules to satisfy a Planning requirement. NPS EN-1 (designated 2024), paragraph 4.8.12, requires applicants to demonstrate that CHP is not "economically or practically feasible". There is no provision in NPS EN-1 that waives this requirement based on a specific efficiency percentage. By failing to undertake a CBA for the identified opportunities, the applicant has failed to explain why CHP is not economically feasible.</p> | <p>This Primary Energy Saving threshold criterion is in line with the approach taken for previous DCO applications for similar developments (for example the Keadby 3 and Net Zero Teesside developments) and is also aligned to the workflow as laid out in the Environment Agency Draft Article 14 guidance (2015, Diagram 1) for CBA methodologies. A CBA has therefore not been carried out.</p> <p>The CHP assessment is considered an ongoing requirement for the plant with periodic reassessment through the plant life cycle, including in response to the following factors:</p> <ul style="list-style-type: none"> • new plans for significant developments within 15 km of the installation; • changes to the Local Plan; • changes to the BEIS UK CHP Development Map or similar; or • new financial or fiscal incentives for CHP. <p>The results of any review undertaken will be reported to NRW.</p> |
| | 7.2.3 | <p>2. Economic Viability and Essentially Free Heat Sections 3.2.7 and 3.2.8 confirm that the plant produces waste heat from the Carbon Capture Plant's CO₂ stripper overheads and reboiler condensate. Currently, the applicant proposes to reject this heat into cooling systems. Since this energy is a byproduct that must be cooled if not used, it is essentially free heat. The economic assessment should be based on the cost of distribution infrastructure versus the revenue from heat sales, with a zero (or negative, due to avoided cooling) cost of generation.</p> | <p>It would be reasonable to conduct an economic assessment for heat supply based on infrastructure cost and heat sales revenue only if a cost-benefit analysis were to be conducted, but as explained in the response to 7.2.2 the available heat and potential efficiency of CHP have not justified the undertaking of a CBA for the Proposed Development. Further, anticipated operating hours and the need for back-up heat generation will make infrastructure costs higher than optimal which would make the economic case more challenging.</p> |
| | 7.2.4 | <p>3. Contradiction Regarding Intermittency and Run Profiles</p> <p>In Section 3.4.4, the applicant dismisses CHP viability by claiming the plant will operate intermittently. However, in their own heat availability calculations (Table 4 and Table B-10), they base their figures on an assumption of 6,000 operational hours per year. 6,000 hours represents a 68% capacity factor, which constitutes a significant baseload. Relying on a high-availability figure that presumably underpins the business case while simultaneously pleading intermittency to avoid building a heat network is unsound. Furthermore, standard thermal storage is a mature solution to bridge dispatchable generation gaps.</p> | <p>Please refer to paragraph 4.3.1 of the Combined Heat and Power Readiness Report [APP-261]. That report explains that to remain conservative, an annual operating time of 3,500 hours has been assumed for the assessment. However, this figure could potentially increase to 6,000 hours or more, depending on the specific load profile and operational strategy as dictated by demand from the national grid. Whilst demand from the national grid can be modelled, the role of the Proposed Development is to operate to maintain a secure and stable supply of electricity and therefore is inherently variable.</p> <p>6,000 operational hours is anticipated only for the first few years of operation, with operational hours then reducing to be more in line with the lower operational hours estimate as noted. Though it is also important to note that operation could be higher and, in any case, running regimes are not fixed for any particular year in the plant's operational life. Operational hours are likely to be sporadic and there may be relatively long periods without operation, so back-up heat generation would also be</p> |

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| | | | <p>required for a heat network. Thermal storage could partially mitigate this but is unlikely to be able to cover all situations.</p> <p>The CHP assessment is considered an ongoing requirement for the plant as part of third Combined Heat and Power – Ready (CHP-R) Best Available Technology (BAT) test requirements, with periodic re-assessment of CHP suitability reviewed throughout plant life. Post construction, operating hours refinement will guide repeated analyses.</p> |
| | 7.2.5 | <p>4. Unjustified Dismissal of Industrial Heat Grades</p> <p>The applicant suggests that industrial users may require high temperature heat that the network cannot provide. However, Section 3.2.7 explicitly states that the CO₂ stripper overhead stream exits at 120°C. With a source temperature of 120°C, achieving a distribution temperature suitable for industrial or district heating is technically straightforward, relying on performing a cost benefit analysis to size the heat exchangers for an appropriate district heating flow temperature. Dismissing industrial loads without engaging the operators to confirm their temperature requirements and the value of heat suggests a lack of serious technical appraisal.</p> | <p>Please refer to response 7.2.2 for the rationale for not undertaking CBA.</p> <p>Whilst it is agreed that 120°C is an appropriate interface temperature for heat extraction for space heating or low temperature supply, the extracted text was more a consideration of high grade (higher temperature) process heat extraction for process usage. For example, at the Tata site coating curing ovens will operate at much higher temperatures, similarly the airbus facility at Broughton has heat significant needs at a greater temperature than this and much of the heat demand at the Shotton paper mill will be a higher temperature than can be feasibly provided by these streams.</p> <p>The CHP assessment is considered an ongoing requirement for the plant as part of third CHP-R BAT test requirements, with periodic re-assessment of CHP suitability reviewed throughout plant life.</p> |
| | 7.2.6 | <p>5. Misrepresentation of Historic Viability Thresholds</p> <p>In Section B.5.9, the applicant cites a 2009 DECC report ("Potential and costs of district heating networks"), and in Section B.5.10 uses this as a threshold for heat network viability (heat demand exceeds 200 MWth within 15km). This is a misapplication of guidance. The 200 MWth within 15km example in the 2009 report was illustrative of a large-scale scheme, not a threshold for economic viability. Misuse of this example allows the applicant to dismiss the significant aggregated demand they identified which might otherwise form a viable network.</p> | <p>The approach aligns with previous similar DCO applications and is appropriate for this early project phase. Examples of this approach include the Keadby 3 and Net Zero Teesside developments. This is also in line with the EA CHP readiness guidance (2013) and NRW CHP guidance (2014).</p> <p>The CHP assessment is considered an ongoing requirement for the plant as part of third CHP-R BAT test requirements, with periodic re-assessment of CHP suitability reviewed throughout plant life. There will therefore be an opportunity to re-assess the opportunity for significant heat loads outside of the 15 km search area if and when significant heat networks are developed.</p> |
| | 7.2.7 | <p>6. Failure to Consider Heat Network Zoning and Local Planning</p> <p>The assessment dismisses potential heat loads (such as the Northern Gateway) as risky due to the need to secure private contracts. This fails to account for the emerging policy landscape of Heat Network Zoning and Local Area Energy Planning (LAEP). As the UK moves towards zoning, connection for large non-domestic and public sector buildings in designated zones will likely become mandatory or strongly regulated, removing the demand risk the applicant cites. The applicant has failed to demonstrate suitable engagement with Flintshire Council's energy planning teams to align this project with future heat zones.</p> | <p>If and when the policy position is adjusted, this will be re-appraised as part of future CHP assessment review under the third BAT test requirement.</p> |
| | 7.2.8 | <p>7. Invalid Physical Barrier Constraints</p> <p>In Section B.5.3, the applicant claims the River Dee is a "major physical barrier" preventing connection to the Deeside Industrial Park. This ignores the existence of the Flintshire Bridge (A548), which connects the site directly to</p> | <p>Whilst in principle it is possible to use an existing bridge structure to convey supply and return pipes (the hot water supply to heat users, and the cold water return), this would require an assessment of the bridge to be undertaken to determine whether or not the additional piping arrangement can be accommodated.</p> |

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| | | the industrial park. Retrofitting district heating pipes onto existing bridges is a standard engineering practice. Relying on a bridged river as a primary constraint indicates a conservative approach that prioritises identifying constraints over exploring solutions. | Secondly, it is understood that there are significant generators of heat in the industrial area on the other side of the Dee from Connah's Quay, and it is likely that more convenient heat connections could be made directly from these facilities than from Connah's Quay, both from a locational and operating hours perspective. |
| | 7.2.9 | <p>Conclusion</p> <p>The applicant has identified massive heat availability (up to 138 MWth in Phase 2) and significant nearby heat loads yet has failed to perform a CBA or engage meaningfully with stakeholders. I submit that the Examination should require the applicant to revisit this assessment to ensure compliance with NPS EN-1.</p> | <p>In summary, the marginal benefit from application of CHP to the two identified heat streams resulted in the decision to not undertake a cost-benefit analysis, in line with the process outlined in Environment Agency Draft Article 14 guidance (2015, Diagram 1) for CBA methodologies. This, combined with the barrier of anticipated operational hours and profile and the likely low compatibility of the industrial heat users with the available temperature and the potential difficulty of using the existing bridge makes exploitation of CHP at Connah's Quay Low Carbon Power difficult. However, CHP readiness will be actively revisited in the case of changes to nearby heat demand, availability and policy which may make a material difference to these challenges.</p> |
| Written Representation - Accepted at the discretion of the Examining Authority [REP1-092] | 7.3.1 | <p>Dear Sirs,</p> <p>I am writing to explain our reservations about the plans for a new power station.</p> <p>First of all can I mention that we have received no correspondence about this application since it was first proposed.</p> <p>We were told in the meeting this morning that over 200 residents in this area were personally visited in February 2025 and invited to view plans etc. of new station and only 10 turned up.</p> <p>We directly face the proposed site [sic] and neither ourselves or our near neighbours were visited last February.</p> | <p>The Applicant undertook extensive pre-application consultation with the local community on the Proposed Development in accordance with Section 47 of the Planning Act 2008 Act and as set out in its Statement of Community Consultation.</p> <p>During the Statutory Consultation, the Applicant used a range of methods to ensure the consultation was inclusive and accessible for all stakeholder audiences. In addition to making information available online, the Applicant hosted three in-person events, three online webinars, two drop-in sessions for near neighbours and key stakeholders, a pop-up event at a high footfall location close to the Proposed Development and a door knock to the homes and businesses closest to the Main Development Area. A consultation newsletter was also sent to all homes and businesses within the Primary Consultation Zone, which compromised 25,401 addresses and covered approximately a 5 km radius from the Main Development Area.</p> <p>The newsletter was also issued by email to wider consultees, including community groups and hard-to-reach groups.</p> <p>Please refer to the Consultation Report [APP-028] for further detail on the variety of methods used to make people aware of the Proposed Development.</p> |
| | 7.3.2 | After speaking to two local estate agents their opinion is that our property would be devalued if this build goes ahead. | Please refer to the response below relating to issues associated with property value. |
| | 7.3.3 | My neighbour tells me she lived through the build of the present power station and realised there will be a great deal of noise, pollution and putrid smells. There was also periods of no electricity and water. | <p>Chapter 9: Noise and Vibration (EN010166/APP/6.2.9), submitted at Deadline 2 provides an assessment of construction noise and vibration effects. The assessment is based on construction assumptions at the time of writing with details of the construction process outlined in Chapter 5: Construction Programme and Management [APP-043] and construction plant summarised in Appendix 9-C: Construction Noise Assessment and Assumptions [APP-186].</p> <p>The construction noise impacts and effects are presented in paragraphs 9.6.8 to 9.6.25 of Chapter 9: Noise and Vibration (EN010166/APP/6.2.9). With the</p> |

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| | | | <p>additional mitigation measures which are included in Section 9.7 of Chapter 9: Noise and Vibration (EN010166/APP/6.2.9) the construction noise effects at the nearest NSRs e.g. residential properties, schools etc. will be minor adverse or less (Not Significant), with the exception of temporary construction traffic noise impacts at two properties which are both located on Kelsterston Road in proximity to the access to the Main Development Area NSR 21 and 22). Figure 9-1: Noise Sensitive Receptors and Sound Monitoring Locations [APP-120] shows the locations of NSRs. However, this is based on the peak construction period and therefore the effects may be less for the majority of the construction period. This effect is also temporary and short term for the duration of construction and will be managed through measures set out in a final CTMP in general accordance with the Framework CTMP [REP1-025] secured through Requirement 5 'Construction traffic management plan' of the Draft DCO [REP1-003]. The Framework CTMP [REP1-025] includes the following text:</p> <p><i>'To support the assessment of road traffic noise, the final CTMP(s) will provide updated forecast trip generation and an updated assessment of road traffic noise for the relevant stage of the Proposed Development. Should the updated assessment identify that significant effects would arise at residential properties on Kelsterston Lane, additional mitigation would be implemented. This would include:</i></p> <ul style="list-style-type: none"> • <i>Provision of noise monitoring at selected locations; or</i> • <i>Consideration of provision of additional glazing and sound insulation.'</i> <p>Construction works will be undertaken during approved hours, which will be detailed in the final CTMPs, which are to be approved by the relevant planning authority, in consultation with the relevant highway authority. The core construction hours will be 08:00 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturday. Where construction works are proposed outside the core hours, additional assessments would be undertaken in agreement with Flintshire County Council to ensure the construction noise and vibration thresholds are not exceeded.</p> <p>Furthermore, it should be noted that this is a short term and temporary effect that is limited to the construction phase (and possible future decommissioning) and is unavoidable.</p> <p>As stated in the Framework CEMP (EN010166/APP/6.5), submitted at Deadline 2, a further noise assessment would be undertaken, as required, once the Principal Contractor(s) is appointed, to confirm the construction plant and methods, and also identify if any additional specific mitigation measures are required to minimise construction noise and vibration.</p> <p>The Proposed Development has also been designed, as far as possible, to avoid or minimise adverse impacts and effects on human health. The modelling undertaken in support of the assessment (see Chapter 8: Air Quality (EN010166/APP/6.2.8), submitted at Deadline 2) demonstrates that there would be no significant adverse effects on human health. In relation to the height of the proposed stacks, detailed air</p> |

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| | | | <p>quality modelling has been undertaken and reported within the ES. The results of this modelling have informed the human health assessment, which considers potential health effects arising from air quality impacts in accordance with the latest industry guidance, including effects on vulnerable populations. On this basis, no significant adverse effects on human health are predicted to arise from emissions associated with the Proposed Development.</p> <p>An odour assessment has not been undertaken as it has not been identified as a potential impact throughout the DCO process EIA. Consideration has been given to odour emissions during the construction, operation and decommissioning phases of the Proposed Development within the Statutory Nuisance Statement [APP-257], which concludes there would be no issue with odour.</p> <p>No supply interruptions are expected to arise during construction of the new development, the reasons for which are outlined below.</p> <p>One of the advantages of the Proposed Development Site is the ability to re-use existing connections to supply the new power station. Electricity export will be through the existing NGET banking compound to the National Grid. Similarly, power supplies for construction will be supplied from existing supply locations on site or on-site generators where needed. Therefore, no disruption to the local electricity distribution network is required. Towns mains water will be taken from a connection to the existing Connah's Quay Power Station water supply, at a volume within the existing supply arrangements. As such, no supply interruptions are expected to arise from the Proposed Development.</p> |
| | 7.3.4 | My husband and I talked about downsizing because (redacted) and worry about selling our property as we directly face the proposed site [sic]. | <p>P14 (pp 203-205) in the Applicant's Response to Relevant Representations [REP1-062] notes that the impacts and issues associated with property value are not a material planning consideration, and that planning decisions are based in the public interest, not private financial loss.</p> <p>Notwithstanding this, it should be acknowledged that there has been a power station on the Site for over 70 years (paragraph 1.4.12 of the Planning Statement [APP-262]) and thus energy infrastructure and generation in varying forms has been part of the site, its surroundings and local community for many years. Therefore, there should be an expectation that there would be inevitable impacts. In any event, the impacts of the Proposed Development have been carefully considered, assessed in the ES (EN010166/APP/6.2), and where appropriate, mitigation measures are proposed, and secured in the Draft DCO [REP1-003]. For example, Schedule 2 of the Draft DCO [REP1-003] sets out a number of requirements such as a CEMP must be submitted and approved before development commences.</p> <p>P2 of the Applicant's Response to Relevant Representations [REP1-062] explains that the need that exists for new low carbon energy infrastructure like the Proposed Development is confirmed by the Overarching National Policy Statement (NPS) for Energy (EN-1). P2 also responds in terms of how the Applicant has taken a</p> |

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| | | | <p>proportionate approach to the consideration of alternatives and explains the site selection process (as explained in Chapter 6: Project Alternatives [APP-044]).</p> |
| | 7.3.5 | <p>Height of new cooling towers and buildings that look like concrete blocks will be an eyesore.</p> | <p>P12.1 in row P12 (pp 203-205) and DN4 (pp166-8) of the Applicant's Response to Relevant Representations [REP1-062] relates to visual amenity noting the landscape and visual amenity has been considered and assessed in Chapter 15 Landscape and Visual Amenity [APP-053].</p> <p>The Planning Statement [APP-262] (paragraphs 6.2.89-90) refers to paragraph 5.10.5 of the Overarching NPS for Energy EN-1 (EN-1) which states that virtually all nationally significant energy infrastructure projects will have adverse effects on the landscape. EN-1 goes onto state (paragraph 5.10.13) that all proposed energy infrastructure is likely to have visual effects for many receptors around proposed sites.</p> <p>The Planning Statement also confirms the Applicant has undertaken a Landscape and Visual Impact Assessment of the Proposed Development in line with policy and guidance in order to assess its effects on landscape and visual amenity. Attempts have been made to minimise such effects through design (e.g. grouping main buildings and structures to consolidate built form), however, given the nature of the landscape within which the Site is located (which is not a designated landscape) and the scale of the buildings and structures (their scale is largely dictated by function and technology) adverse effects are unavoidable and full mitigation is not possible. However, as detailed in the Design Principles Document [APP-264]:</p> <ul style="list-style-type: none"> • Suitable materials will be used in the construction of structures to reduce reflections and to assist with breaking up the massing of the buildings and structures. • The Proposed Development will apply lighter colours at high level and darker colours at low level. The choice of colour is to be developed in general accordance with the completed Environmental Colour Analysis contained in Appendix 15-F: Colour Analysis [APP-227] to minimise the overall scale and appearance of the Proposed Development. <p>Requirement 3 in the Draft DCO [REP1-003] provides that no stage of the authorised development may commence until the detailed design (which must be in accordance with the Design Principles Document [APP-264]) has been approved by FCC.</p> |
| | 7.3.6 | <p>We would welcome a visit from yourselves as we missed out on this la[s]t February.</p> | <p>The Applicant notes the request for a visit.</p> |
| <p>Written Representation - Accepted at the discretion of the Examining</p> | 7.4.1 | <p>For the Attention of the Inspector</p> <p>Connahs Quay Low Carbon Power Project</p> <p>Dear Sir</p> | <p>This is noted by the Applicant.</p> |

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| Authority [REP1-089] | | Following my attendance at the planning inspectorate meeting at St Davids Hotel today we would like to make the following submission before the deadline of 27/1/2026. | |
| | 7.4.2 | 1) We are extremely disappointed that we were not given the opportunity to speak to Uniper, the developers' representatives, early last year on our door step and attend the visitors Centre at Connah's Quay power station in late February 25. None of our neighbours knew about this either. | <p>Prior to the commencement of the Statutory Consultation period, on Thursday 3 October 2024 – not in February 2025 - the Applicant carried out a door knock of homes and businesses closest to the Proposed Development. Residents/business owners were informed of the upcoming consultation and invited to a one-to-one drop-in session at the Education Centre on the current Connah's Quay Power Station site. Interested residents could book a 30-minute time slot by contacting the Community Relations Team.</p> <p>During the drop-in event, which took place on 15 October 2024, attendees were given the opportunity to speak with the team in confidence and raise any concerns they had regarding the Proposed Development. They were also given the opportunity to take home copies of the consultation brochure, feedback form, newsletter and Non-Technical Summary of the PEIR to further inform their feedback. In total, eight people attended the drop-in session at the Education Centre.</p> <p>Please refer to the Consultation Report [APP-028] for further detail on the variety of methods used to make people aware of the Proposed Development.</p> |
| | 7.4.3 | 2) We are extremely concerned about the possible damage, especially due to vibrations coming from the site, during construction, which may occur to our property, the oldest part being the Open hall farmhouse dating back to 1450, and is stone, with a brick extension dating 1790 and is grade 2 listed. We are in a designated conservation area. According to your plans we are the same bedrock as the proposed site. I noted that in one document it mentions rotary drilling instead of pile driving, but later does mention the use of pile driving. This caused my parents (redacted) much distress, during the construction of the existing plant. Ultimately, as my mother had kept a diary OF THE CONSTANT VIBRATION, THAT WAS FELT, THROUGH OUT THE HOUSE, BOTH DAY AND NIGHT during this period, and of all the other issues and problems, ie smells, dust and noise caused during construction, they received quite a large compensation payment. I note Table 9-5p9-11 Additional Relevant Engagement Flintshire cc say no complaints were received during construction, they received during construction, I do not believe this to be the case. I believe the complaints have conveniently been lost, except they say a few are received afterwards when plant was working. | <p>Chapter 9: Noise and Vibration (EN010166/APP/6.2.9), submitted at Deadline 2, provides an assessment of construction noise and vibration effects. The assessment is based on construction assumptions at the time of writing with details of the construction process outlined in Chapter 5: Construction Programme and Management [APP-043] and construction plant summarised in Appendix 9-C: Construction Noise Assessment and Assumptions [APP-186].</p> <p>The construction noise impacts and effects are presented in paragraphs 9.6.8 to 9.6.25 of Chapter 9: Noise and Vibration (EN010166/APP/6.2.9). With the additional mitigation measures which are included in Section 9.7 of Chapter 9: Noise and Vibration (EN010166/APP/6.2.9) the construction noise effects at the nearest NSRs e.g. residential properties, schools etc. will be minor adverse or less (Not Significant), with the exception of temporary construction traffic noise impacts at two properties which are both located on Kelsterston Road in proximity to the access to the Main Development Area NSR 21 and 22). Figure 9-1: Noise Sensitive Receptors and Sound Monitoring Locations [APP-120] shows the locations of NSRs. However, this is based on the peak construction period and therefore the effects may be less for the majority of the construction period. This effect is also temporary and short term for the duration of construction and will be managed through measures set out in a final CTMP in general accordance with the Framework CTMP [REP1-025] secured through Requirement 5 'Construction traffic management plan' of the Draft DCO [REP1-003]. The Framework CTMP [REP1-025] includes the following text:</p> <p><i>'To support the assessment of road traffic noise, the final CTMP(s) will provide updated forecast trip generation and an updated assessment of road traffic noise for</i></p> |

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| | | | <p><i>the relevant stage of the Proposed Development. Should the updated assessment identify that significant effects would arise at residential properties on Kelsterton Lane, additional mitigation would be implemented. This would include:</i></p> <ul style="list-style-type: none"> <i>• Provision of noise monitoring at selected locations; or</i> <i>• Consideration of provision of additional glazing and sound insulation.'</i> <p>Construction works will be undertaken during approved hours, which will be detailed in the final CTMPs, which are to be approved by the relevant planning authority, in consultation with the relevant highway authority. The core construction hours will be 08:00 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturday. Where construction works are proposed outside the core hours, additional assessments would be undertaken in agreement with Flintshire County Council to ensure the construction noise and vibration thresholds are not exceeded.</p> <p>Furthermore, it should be noted that this is a short term and temporary effect that is limited to the construction phase (and possible future decommissioning) and is unavoidable.</p> <p>The construction vibration impacts and effects are presented in paragraphs 9.6.31 to 9.6.35 of Chapter 9: Noise and Vibration (EN010166/APP/6.2.9). The assessment notes that the minimum distance between residential properties and the Main Development Area is 150 m. The plant that would be likely to generate higher levels of vibration (e.g. piling rigs and vibratory rollers) will be within the Main Development Area.</p> <p>Where vibratory rollers (equipment used to compact soil, gravel, and other material) are to be used within 50 m of receptors, these would be required to be used on low amplitude mode and no vibratory rollers to be used with 28 m of NSRs.</p> <p>The vibration levels predicted in Chapter 9: Noise and Vibration (EN010166/APP/6.2.9) are considerably below the thresholds for damage to buildings identified in Table 7 in Appendix 9-A: Noise and Vibration Methodology [APP-184].</p> <p>The potentially significant construction noise and vibration effects would be controlled by requirements set out in the final CEMP, to minimise significant adverse effects at the nearest properties. The final CEMP would be prepared in general accordance with the Framework CEMP (EN010166/APP/6.5), submitted at Deadline 2, which outlines measures relevant to noise and vibration within Table 3.</p> <p>As stated in the Framework CEMP (EN010166/APP/6.5) a further noise and vibration assessment would be undertaken, as required, once the Principal Contractor(s) is appointed, to confirm the construction plant and methods, and also identify if any additional specific mitigation measures are required to minimise construction noise and vibration. As detailed in Table 3 of the Framework CEMP (EN010166/APP/6.5) the Applicant can offer pre-condition surveys to the residential</p> |

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| | | | <p>properties closest to noise / vibration generating activities, following the findings of the further noise and vibration assessment.</p> <p>An odour assessment has not been undertaken as it has not been identified as a potential impact throughout the DCO process EIA. Consideration has been given to odour emissions during the construction, operation and decommissioning phases of the Proposed Development within the Statutory Nuisance Statement [APP-257], which concludes there would be no issue with odour.</p> <p>Chapter 8: Air Quality (EN010166/APP/6.2.8), submitted at Deadline 2, considers dust impacts from the construction phase on health and amenity and concludes that there would be no significant effects.</p> <p>During construction, there will be a CEMP, prepared in general accordance with the Framework CEMP (EN010166/APP/6.5), as secured by Requirement 4 of the Draft DCO [REP1-003]. The CEMP would identify appropriate working practices to control construction phase emissions, such as those set out in Section 8.5 of Chapter 8: Air Quality (EN010166/APP/6.2.8) and Annex A of Appendix 8B: Air Quality Construction Dust Risk Assessment [APP-181]. The CEMP would also include procedures for reporting concerns and the actions that contractors should take to record and address the concerns.</p> <p>The Applicant recognises that there may have been noise complaints during construction of the existing Connah's Quay Power Station. However as detailed above the Applicant will prepare and implement a CEMP to mitigate adverse effects at the nearest residential properties.</p> |
| 7.4.4 | 3) | Noise is another concern during construction as our visitors attest, where we are situated is a very quiet spot, whoever chose to build this property here in 1450, knew what they were doing. | <p>Figure 9-2: Main Development Area and Construction Laydown Areas Noise Contours [APP-121] presents the outputs of the noise modelling undertaken to identify the construction noise effects. The modelling outputs are a prediction and are based on a number of worst-case assumptions as set out in Appendix 9-C: Construction Noise Effects and Assumptions [APP-186]. Using these calculations, the construction noise assessment presented in Chapter 9: Noise and Vibration (EN010166/APP/6.2.9), submitted at Deadline 2, identifies significant noise effects would be limited to properties in immediate proximity to the Kelsterton Road associated with road traffic noise. Chapter 9: Noise and Vibration (EN010166/APP/6.2.9) notes additional noise-control equipment such as jackets on pneumatic drills, acoustic covers on compressors, shrouds on piling rigs and cranes and potentially further refinement of the construction works programme would be considered and implemented where practicable. The use of temporary acoustic fencing or screens may also provide additional mitigation. These measures are secured through their inclusion within the Framework CEMP (EN010166/APP/6.5), submitted at Deadline 2.</p> |
| 7.4.5 | 4) | The size of new project will have a detrimental effect on our area, which is rural, transforming it to an industrial landscape, thus devaluing many properties and ultimately making some unsaleable. All close properties should be valued at Uniper's costs prior to planning. I understand some of our | <p>P14 (pp 203-205) in the Applicant's Response to Relevant Representations [REP1-062] notes that the impacts and issues associated with property value are not a material planning consideration, and that planning decisions are based in the public interest, not private financial loss.</p> |

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| | | <p>neighbours are aged and others have young families, they feel trapped now with the blight of this project affecting them already. The system seems very complicated for young and old to fathom. There should be one person allocated, for these people to go and speak to for advice, on financial compensation and mitigating solutions, such as secondary glazing to reduce noise for example, as they are so worried about their futures. They just have no idea where to turn for help.</p> | <p>Notwithstanding this, the Applicant has a long-standing presence at Connah's Quay and understands the importance of being a good neighbour. Throughout any development, the Applicant will manage all activities to keep any potential impacts to a minimum and will also ensure local stakeholders are kept informed throughout the development.</p> <p>For example, DNS5 (p160-1) in the Applicant's Response to Relevant Representations [REP1-062] notes that the Framework CEMP (EN010166/APP/6.5), submitted at Deadline 2, details how a Community Liaison Group would be set up, and a Community Liaison Officer would be appointed to lead discussions with local communities and act as the primary point of contact, should there be any queries or complaints.</p> <p>Connah's Quay is also in an ideal location to establish a low carbon power station - it would connect into nearby CO₂ transport and storage infrastructure as part of the HyNet industrial cluster, and benefits from the on-hand expertise of the existing highly skilled workforce.</p> <p>There has been a power station on site for over seventy years, meaning essential energy infrastructure is already in place, including an existing pipeline which can be repurposed for the transport of captured CO₂ to the existing depleted offshore gas fields where it will be permanently stored.</p> <p>As it relates to mitigation measures, P3 (p182-3) in the Applicant's Response to Relevant Representations [REP1-062] refers to the Framework CTMP [REP1-026] which includes the following text:</p> <p><i>'To support the assessment of road traffic noise, the final CTMP(s) will provide updated forecast trip generation and an updated assessment of road traffic noise for the relevant stage of the Proposed Development. Should the updated assessment identify that significant effects would arise at residential properties on Kelsterton Lane, additional mitigation would be implemented. This would include:</i></p> <ul style="list-style-type: none"> • <i>Provision of noise monitoring at selected locations; or</i> • <i>Consideration of provision of additional glazing and sound insulation.'</i> |
| | 7.4.6 | <p>5) Here at (redacted) we have been welcoming guests for (redacted) years, from all over the world, to our little peaceful haven. I will admit, we have always had a very good relationship with the existing power plant, hosting many workers from there, since the building stage back in the mid 90's. We are very concerned about how this new development will affect our business. We hope we can continue to have a good relationship as we understand nothing stays the same forever, but everything needs to be done to protect the existing environment of the Dee Estuary and improve it where possible, not destroy it.</p> <p>Thank you for taking the time to read our submission.</p> | <p>Investment at the Connah's Quay site would contribute to economic growth in the region by providing skilled technical jobs and creating new opportunities during construction, along with potential opportunities through the wider supply chain.</p> <p>The Applicant is also proud of the role it plays in protecting the local environment and contributing to the local community at Connah's Quay Power Station. The Applicant already works with NRW and local groups to maintain a site of special scientific interest (SSSI) on the land. This includes the provision and maintenance of a field study centre, hides and observatory, as well as a land management plan to optimise ecological diversity.</p> |

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| | | | <p>The ES (EN010166/APP/6.2) that accompanies the DCO Application considers the potential environmental effects of the project relating to its construction, operation and, where possible and relevant, its eventual decommissioning.</p> <p>Regarding communications, as detailed within the Framework CEMP (EN010166/APP/6.5), submitted at Deadline 2, a Community Liaison Group would be set up prior to construction and would continue until final commissioning of the Proposed Development as a formal forum for local issues to be raised. A Community Liaison Officer would be appointed to lead discussions with local communities and act as the primary point of contact, should there be any queries or complaints. The officer would develop a Stakeholder Communications plan to include measures for community engagement and track queries or complaints. The final CEMP(s) will include this control measure.</p> <p>As part of the Applicant's plans for the future of the Connah's Quay site, the Applicant will continue to work with local stakeholders to understand any concerns and take steps to protect existing habitats and enhance biodiversity.</p> |
| | 7.4.7 | [Two images: un-numbered and un-referenced.] ²² | <p>The Applicant acknowledges the images that have been included within this written submission following points raised in the Preliminary Meeting. The images provided do not follow industry standards published by the Landscape Institute and therefore the Applicant is unable to comment on the accuracy of the images provided. The Applicant directs the ExA to Appendix 15-C Representative Viewpoints [APP-224] which provides further details on the selection of the representative viewpoints considered within the assessment presented in Chapter 15: Landscape and Visual Amenity [APP-053].</p> |
| Written Representation - Accepted at the discretion of the Examining Authority [REP1-095] | 7.5.1 | <p>For the Attention of the Inspector</p> <p>Connahs Quay Low Carbon Power Project</p> <p>Dear Sir</p> <p>My name is (redacted) I'm following my previous experience of the building of the Connahs Quay Power station in the 90's I am Extremely concerned about the vibration and noise that I might experience during the construction phase.</p> <p>I live at (redacted).</p> <p>During this period the vibrations we experienced 24 hrs a day 7 days a week nearly sent us mad. It interrupted our sleep and it became unbearable being in the house, you would have had to experience it to understand.</p> | <p>The core construction hours will be 08:00 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturday. Where construction works are proposed outside the core hours, additional assessments would be undertaken in agreement with Flintshire County Council to ensure the construction noise and vibration thresholds are not exceeded.</p> <p>Chapter 9: Noise and Vibration (EN010166/APP/6.2.9), submitted at Deadline 2, provides an assessment of construction noise and vibration effects. The property in this submission has been identified as a noise sensitive receptor within the noise impact assessment and is shown on Figure 9-1: Noise Sensitive Receptors and Sound Monitoring Locations [APP-120]. The assessment is based on construction assumptions at the time of writing with details of the construction process outlined in Chapter 5: Construction Programme and Management [APP-043] and construction plant summarised in Appendix 9-C: Construction Noise Assessment and Assumptions [APP-186].</p> <p>The construction noise impacts and effects are presented in paragraphs 9.6.8 to 9.6.25 of Chapter 9: Noise and Vibration (EN010166/APP/6.2.9). With the</p> |

²² Applicant Response to Les and Jennifer Hulme Representation (Document Ref. EN010166-000729), Adobe Scan 27 Jan 2026 (Planning Inspectorate, National Infrastructure Planning). Available at: [https://nsip-documents.planninginspectorate.gov.uk/published-documents/EN010166-000729-Adobe%20Scan%2027%20Jan%202026%20\(3\)%20-%20Les%20and%20Jennifer%20Hulme.pdf](https://nsip-documents.planninginspectorate.gov.uk/published-documents/EN010166-000729-Adobe%20Scan%2027%20Jan%202026%20(3)%20-%20Les%20and%20Jennifer%20Hulme.pdf)

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| | | <p>Following a fight and the evidence I submitted with the diaries I kept we received compensation which did not really mitigate the trauma we went through.</p> <p>I am really frightened that this could happen again, as (redacted) which is closest to the development.</p> <p>My home is a stone built property dating back a few hundred years, I also worry the vibrations will have a detrimental affect on the building construction.</p> | <p>additional mitigation measures which are included in Section 9.7 of Chapter 9: Noise and Vibration (EN010166/APP/6.2.9) the construction noise effects at the nearest NSRs e.g. residential properties, schools etc. will be minor adverse or less (Not Significant), with the exception of temporary construction traffic noise impacts at two properties which are both located on Kelsterston Road in proximity to the access to the Main Development Area (NSR 21 and 22). Figure 9-1: Noise Sensitive Receptors and Sound Monitoring Locations [APP-120] shows the locations of NSRs. However, this is based on the peak construction period and therefore the effects may be less for the majority of the construction period. This effect is also temporary and short term for the duration of construction and will be managed through measures set out in a final CTMP in general accordance with the Framework CTMP [REP1-025] secured through Requirement 5 'Construction traffic management plan' of the Draft DCO [REP1-003]. The Framework CTMP [REP1-025] includes the following text: <i>'To support the assessment of road traffic noise, the final CTMP(s) will provide updated forecast trip generation and an updated assessment of road traffic noise for the relevant stage of the Proposed Development. Should the updated assessment identify that significant effects would arise at residential properties on Kelsterston Lane, additional mitigation would be implemented. This would include:</i></p> <ul style="list-style-type: none"> • <i>Provision of noise monitoring at selected locations; or</i> • <i>Consideration of provision of additional glazing and sound insulation.'</i> <p>Construction works will be undertaken during approved hours, which will be detailed in the final CTMPs, which are to be approved by the relevant planning authority, in consultation with the relevant highway authority. The core construction hours will be 08:00 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturday. Where construction works are proposed outside the core hours, additional assessments would be undertaken in agreement with Flintshire County Council to ensure the construction noise and vibration thresholds are not exceeded.</p> <p>The construction vibration impacts and effects are presented in paragraphs 9.6.31 to 9.6.35 of Chapter 9: Noise and Vibration (EN010166/APP/6.2.9). The assessment notes that the minimum distance between residential properties and the Main Development Area is 150 m. The plant that would be likely to generate higher levels of vibration (e.g. piling rigs and vibratory rollers) will be within the Main Development Area.</p> <p>Where vibratory rollers (equipment used to compact soil, gravel, and other material) are to be used within 50 m of receptors, these would be required to be used on low amplitude mode and no vibratory rollers to be used with 28 m of NSRs.</p> <p>The vibration levels predicted in Chapter 9: Noise and Vibration (EN010166/APP/6.2.9) are considerably below the thresholds for damage to buildings identified in Table 7 in Appendix 9-A: Noise and Vibration Methodology [APP-184].</p> |

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| | | | <p>The potentially significant construction noise and vibration effects would be controlled by requirements set out in the final CEMP, to minimise significant adverse effects at the nearest properties. The final CEMP would be prepared in general accordance with the Framework CEMP (EN010166/APP/6.5), submitted at Deadline 2, which outlines measures relevant to noise and vibration within Table 3.</p> <p>As stated in the Framework CEMP (EN010166/APP/6.5) a further noise and vibration assessment would be undertaken, as required, once the Principal Contractor(s) is appointed, to confirm the construction plant and methods, and also identify if any additional specific mitigation measures are required to minimise construction noise and vibration. As detailed in Table 3 of the Framework CEMP (EN010166/APP/6.5) the Applicant can offer pre-condition surveys to the residential properties closest to noise / vibration generating activities, following the findings of the further noise and vibration assessment.</p> <p>Figure 9-2: Main Development Area and Construction Laydown Areas Noise Contours [APP-121] presents the outputs of the noise modelling undertaken to identify the construction noise effects. The modelling outputs are a prediction and are based on a number of worst-case assumptions as set out in Appendix 9-C: Construction Noise Effects and Assumptions [APP-186]. Using these calculations, the construction noise assessment presented in Chapter 9: Noise and Vibration (EN010166/APP/6.2.9) identifies significant noise effects would be limited to receptors in immediate proximity to the Kelsterton Road associated with road traffic noise. Chapter 9: Noise and Vibration (EN010166/APP/6.2.9) notes additional noise-control equipment such as jackets on pneumatic drills, acoustic covers on compressors, shrouds on piling rigs and cranes and potentially further refinement of construction works programme would be considered and implemented where practicable. The use of temporary acoustic fencing or screens may also provide additional mitigation. These measures are secured through their inclusion within the Framework CEMP (EN010166/APP/6.5).</p> <p>The Applicant has a long-standing presence at Connah's Quay and understands the importance of being a good neighbour. Throughout any development, the Applicant will manage all activities to keep any potential impacts to a minimum and will also ensure local stakeholders are kept informed throughout the development.</p> <p>For example, DNS5 (p160-1) in the Applicant's Response to Relevant Representations [REP1-062] notes that the Framework CEMP (EN010166/APP/6.5) details how a Community Liaison Group would be set up, and a Community Liaison Officer would be appointed to lead discussions with local communities and act as the primary point of contact, should there be any queries or complaints.</p> |
| | 7.5.2 | Please, I beg you come and see where I live and you will understand my fears. I do not need this stress, it is a real blight on my life. | The Applicant notes the request for a visit. |

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| Written Representation - Accepted at the discretion of the Examining Authority [REP1-088] | 7.6.1 | <p>For the Attention of the Planning Inspector</p> <p>> With regards to the Connahs Quay Low Carbon Plant plans I have the following concerns / questions:</p> <p>>>> What impact will the proposed plans have on the value of our property as the site will change significantly and visually impact our property therefore blighting it and reduce the value considerably.</p> | <p>This is noted by the Applicant. The response is outlined in 7.3.5 above to Written Representation - Accepted at the discretion of the Examining Authority [REP1-092].</p> <p>P14 (pp 203-205) in the Applicant's Response to Relevant Representations [REP1-062] notes that the impacts and issues associated with property value are not a material planning consideration, and that planning decisions are based in the public interest, not private financial loss.</p> |
| | 7.6.2 | <p>>>> How long will the construction take?</p> | <p>As explained in Chapter 5: Construction Management and Programme [APP-053], construction of the Proposed Development could be undertaken in a combined single phase where both CCGTs with Carbon Capture Plants (CCP(s)) are constructed simultaneously (simultaneous construction), or in two phases where each CCGT with CCP is constructed in isolation (phased construction). An indicative construction programme has been developed for both of these construction scenarios (Table 5-1 and Table 5-2). A detailed construction programme would be prepared by the Principal Contractor(s) once appointed. The simultaneous scenario would last for 5 years, and the phased scenario would last for 9 years. Subject to securing the necessary development consent, start could be as early as Quarter Q4 2026. However, considering that the DCO would allow construction to commence up to five years from the date of consent, construction activities may commence as late as Q4 2031.</p> |
| | 7.6.3 | <p>>>> How much noise will be created from the construction? Constant pile driving / thudding noises will have an effect on our mental health constantly.</p> | <p>DN5 (pp168-171) of the Applicant's Response to Relevant Representations [REP1-062] relates to impacts on human health and wellbeing, including mental health, and concludes that no significant effects are expected.</p> <p>The noise and vibration assessment is presented in Chapter 9: Noise and Vibration (EN010166/APP/6.2.9), submitted at Deadline 2. As stated in the Framework CEMP (EN010166/APP/6.5), submitted at Deadline 2, a further noise and vibration assessment would be undertaken as required once the Principal Contractor(s) is appointed, to confirm the construction plant and methods, and also identify if any additional specific mitigation measures are required to minimise construction noise and vibration.</p> <p>Figure 9-2: Main Development Area and Construction Laydown Areas Noise Contours [APP-121] presents the outputs of the noise modelling undertaken to identify the construction noise effects. The modelling outputs are a prediction and are based on a number of worst-case assumptions as set out in Appendix 9-C: Construction Noise Effects and Assumptions [APP-186]. Using these calculations, the construction noise assessment presented in Chapter 9: Noise and Vibration (EN010166/APP/6.2.9) identifies significant noise effects during construction would be limited to receptors in immediate proximity to the Kelsterton Road associated with road traffic noise.</p> <p>The core construction hours will be 08:00 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturday. Where construction works are proposed outside the core hours, additional assessments would be undertaken to ensure the construction noise and</p> |

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| | | | <p>vibration thresholds are not exceeded. The time periods and thresholds for different day, evening, night and weekend periods are defined in BS 5228-1:2009+A1:2014 'Code of practice for noise and vibration control on open sites Part 1: Noise' and are detailed in Table 3 in Appendix 9-A: Noise and Vibration Methodology [APP-184].</p> |
| | 7.6.4 | >>> Will there be screening implemented to obscure the power plant by Uniper planting trees / plants to compensate for all the wildlife affected by the development? | <p>The Green Infrastructure Statement [APP-252] outlines the provision of NBB and Green Infrastructure (GI) to support the DCO. Under the Environment (Wales) Act 2016 and Planning Policy Wales (PPW) 12, Nationally Significant Infrastructure Projects (NSIPs), such as the Proposed Development, in Wales are required to deliver a NBB and improve ecosystem resilience, proportionate to the scale and nature of the development. The Applicant is committed to achieving this net benefit in proportion to the Proposed Development's impact on biodiversity.</p> <p>The Outline LEMP [REP1-027] provides details of habitat creation within the Main Development Area on the completion of the construction works, with an Indicative Landscape Plan included as Appendix A. The Outline LEMP [REP1-027] details how the created habitats would be monitored and managed to ensure their successful establishment. In addition to this on-site creation, the Off-site Net Benefit for Biodiversity and Green Infrastructure Strategy [APP-255] identifies habitat creation requirements at the off-site delivery area at Gronant Fields which is owned by the Applicant.</p> <p>The Design Principles Document [APP-264] states that the Proposed Development will apply lighter colours at high level and darker colours at low level. The choice of colour is to be developed in general accordance with the completed Environmental Colour Analysis contained in Appendix 15-F: Colour Analysis [APP-227] to minimise the overall scale and appearance of the Proposed Development.</p> <p>Requirement 3 in the Draft DCO [REP1-003] provides that no stage of the authorised development may commence until the detailed design (which must be in accordance with the Design Principles Document [APP-264]) has been approved by FCC.</p> |
| | 7.6.5 | >>> What is the proposed noise from the power plant when construction is taking place and when the work is completed? | <p>The noise and vibration assessment is presented in Chapter 9: Noise and Vibration (EN010166/APP/6.2.9), submitted at Deadline 2. This assessment considers the core construction hours of 08:00 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturday. Where construction works are proposed outside the core hours, additional assessments would be undertaken to ensure the construction noise and vibration thresholds are not exceeded. The time periods and thresholds for different day, evening, night and weekend periods are defined in BS 5228-1:2009+A1:2014 'Code of practice for noise and vibration control on open sites Part 1: Noise' and are detailed in Table 3 in Appendix 9-A: Noise and Vibration Methodology [APP-184]. The assessment also considered operation of the Proposed Development 24 hours a day.</p> <p>Figure 9-2: Main Development Area and Construction Laydown Areas Noise Contours [APP-121] presents the outputs of the noise modelling undertaken to identify the construction noise effects. The modelling outputs are a prediction and are based on a number of worst-case assumptions as set out in Appendix 9-C:</p> |

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| | | | <p>Construction Noise Effects and Assumptions [APP-186]. Using these calculations, the construction noise assessment presented in Chapter 9: Noise and Vibration (EN010166/APP/6.2.9) identifies significant noise effects would be limited to properties in immediate proximity to the Kelsterton Road associated with construction road traffic noise. Chapter 9: Noise and Vibration (EN010166/APP/6.2.9) notes additional noise-control equipment such as jackets on pneumatic drills, acoustic covers on compressors, shrouds on piling rigs and cranes and potentially further refinement of construction works programme would be considered and implemented where practicable. The use of temporary acoustic fencing or screens may also provide additional mitigation. These measures are secured through their inclusion within the Framework CEMP (EN010166/APP/6.5), submitted at Deadline 2.</p> <p>Table 9-2 of Chapter 9: Noise and Vibration (EN010166/APP/6.2.9) states that operational vibration assessment has been scoped out, and there are no significant vibration effects from the operation of the Proposed Development. With mitigation measures incorporated into the design, sound from the operation of the Proposed Development will not exceed a <i>rating level</i> of 8 dB above the background sound levels as set out in Table 9-8: Baseline Sound Survey Results of Chapter 9: Noise and Vibration (EN010166/APP/6.2.9) unless otherwise approved by the relevant planning authority. This is secured via Requirement 12 of the Draft DCO [REP1-003], therefore, no significant adverse effects would arise.</p> |
| | 7.6.6 | >>> the document produced mentions that listed building properties have been consulted but as we live in a listed building we have not had contact from Uniper etc regarding the power plant developments. | <p>The Statutory Consultation Brochure (see Consultation Report: Appendix C Statutory Consultation [APP-031] (Appendix C-3)) stated that the Applicant has carried out initial archaeological desktop studies and considered whether the construction, operation and decommissioning of the proposed power station might affect such assets. No specific consultation has been undertaken with owners of listed buildings as part of the assessment reported in Chapter 17: Terrestrial Heritage [APP-055], however these properties would have received the Statutory Consultation Newsletter, which was delivered to all residents and businesses in the primary consultation zone (see Consultation Report: Appendix C Statutory Consultation [APP-031] (Appendix C-2)). Consultation has also been undertaken with Cadw and Heneb.</p> |
| | 7.6.7 | >>> What steps will Uniper take to compensate the wildlife affected on the bird reserve and the people who use it to look at the varied selection of birds that visit the area? | <p>Access will be maintained to bird hides during both the construction and operation for members of the Deeside Naturalists Society.</p> <p>To minimise noise in the adjacent habitats during the construction period, there will be the provision of a 30 m standoff around the estuary (where possible) and the provision of an acoustic fence. These features are shown on Figure 5-3: Construction Areas [APP-083]. Where works are to take place beyond this acoustic fence, they would be undertaken between April and June inclusive to avoid sensitive windows for wintering bird species (unless otherwise agreed).</p> |
| Written Representation | 7.7.1 | Dear Sir or Madam, | This position is noted. The Applicant has responded to these concerns in turn, below. |

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| <p>- Accepted at the discretion of the Examining Authority [REP1-094]</p> | | <p>I am writing to formally object to the proposed changes associated with the Connah's Quay Low Carbon Power Project and to raise wider concerns regarding the overall development.</p> | |
| | <p>7.7.2</p> | <p>My objection is based on economic, social, environmental and strategic grounds, particularly the negative impact on local people, long-term energy costs and the continued reliance on gas-fired generation.</p> | <p>Chapter 19: Socio-economics, Recreation and Tourism [APP-057] assesses the impacts on the local economy, communities, and infrastructure during the construction, operation (including maintenance), and decommissioning of the Proposed Development. This includes consideration of employment generation, skills and training, potential access and amenity effects on local services and infrastructure, and impacts on tourism and recreation. The assessment concludes that no significant adverse effects on socio-economics, tourism or recreation are anticipated.</p> <p>The assessment adopts a proportionate and transparent methodology that considers both the sensitivity of receptors and the magnitude of impacts. This approach is set out in Appendix 19-C: Impact Assessment Methodology – Socio-Economics, Recreation and Tourism [APP-235], which explains how each receptor is assessed individually against defined sensitivity and magnitude criteria. This methodology has been applied consistently throughout the ES (EN010166/APP/6.2).</p> <p>In relation to the local economy, the Proposed Development is anticipated to result in minor beneficial effects during construction and decommissioning, with negligible effects during operation. Effects associated with skills and training opportunities are assessed as minor beneficial across all phases of the Proposed Development. While these effects are not considered significant in EIA terms, they reflect the positive economic opportunities generated for the local population.</p> <p>Land use-related effects have also been assessed for receptors including temporary worker accommodation, users of Public Rights of Way, road links, agricultural land, and local amenities (including residential properties, business premises, and community facilities). These effects arise from access requirements, land take, and potential amenity impacts. The assessment concludes that effects would range from negligible to minor adverse across all phases of the Proposed Development.</p> <p>Taken together, the findings of Chapter 19: Socio-economics, Recreation and Tourism [APP-057] demonstrate that the Proposed Development is not expected to result in significant adverse economic or social effects on local people.</p> <p>As outlined within P2 in the Applicant's Response to Relevant Representations [REP1-062], the Government through National Policy Statement (NPS) EN-1 strongly prioritises the role of new low carbon energy infrastructure, including gas-fired electricity generation with Carbon Capture and Storage (CCS), in the UK's future energy mix.</p> <p>In addition, paragraph 3.3.12 of the Planning Statement [APP-262] refers to Section 3.2 of EN-1 which supports a diversity of supply and not limiting any form of</p> |

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| | | | <p>technology. Paragraph 3.2.6 of EN-1 adds that this can aid in ensuring affordability and security for the system overall.</p> <p>P1 in the Applicant's Response to Relevant Representations [REP1-062] notes that EN-1 states that the urgent need for low carbon infrastructure, such as the Proposed Development. EN-1 states that this need is a matter of national policy and should be given substantial weight by the Secretary of State in the planning balance, rather than being reconsidered on a scheme-by-scheme basis.</p> <p>In addition, P1 details that the Government has confirmed through EN-1 that the need for low carbon energy infrastructure, including gas powered CCS projects, such as the Proposed Development, is so acute that it is a 'Critical National Priority' (CNP). P1 details how EN-1 is clear that it is likely that the need case for such projects will outweigh the residual effects in all but the most exceptional cases.</p> |
| | 7.7.3 | <p>Firstly, the project appears to rely heavily on the use of non-local contractors and an imported workforce. There is no clear or binding commitment to prioritise local contractors, local labour or meaningful skills development for people in Flintshire, Ellesmere Port, Wirral and the surrounding areas. Instead, the proposal suggests that specialist contractors and workers will be brought in from elsewhere, with associated accommodation, logistics and infrastructure impacts borne locally. This approach offers limited long-term benefit to the community and actively undermines local employment, apprenticeships and skills transfer.</p> <p>Furthermore, the relocation and expansion of contractor facilities within the site boundary reinforces the concern that this development is structured around external workforces rather than investment in local capability. Any short-term construction activity that excludes local people cannot reasonably be presented as economic regeneration.</p> | <p>A complete assessment of socio-economics effects has been undertaken. This is set out in Chapter 19: Socio-Economics, Recreation and Tourism [APP-057]. In the construction phase, the assessment estimates that 45% of the construction workforce will be sourced from the 60-minute drive time study area, based on benchmarks against similar energy infrastructure schemes and professional judgement. When accounting for this leakage in addition to displacement and multiplier effects, the construction phase of the Proposed Development is estimated to support employment equivalent to approximately 683 full-time jobs each year. Of these, around 308 full-time jobs per year are expected to be filled by people living within the Study Area, providing employment opportunities for local communities. The remaining jobs would be filled by workers travelling in from outside the area.</p> <p>It is recognised that some roles, particularly those requiring specialist carbon capture and power generation expertise, would need to be filled by workers from outside the Study Area due to the limited availability of these skills locally. However, this reflects the specialist nature of the Proposed Development and is typical of major infrastructure projects. The assessment demonstrates that a substantial proportion of employment opportunities would still be accessible to local residents.</p> <p>In addition, the Applicant intends to work with training providers, including TTE Technical UK (or another suitable provider), to support apprenticeship opportunities associated with the Proposed Development, with current expectations of up to one apprenticeship per year during construction. The Applicant is also in the early stages of engagement with Coleg Cambria, Bangor University and Wrexham University to explore opportunities to align local training provision with the skills requirements of the Proposed Development and other regional projects. These initiatives demonstrate the Applicant's intention to support local skills development and workforce participation where practicable.</p> <p>Overall, the assessment concludes that the Proposed Development would result in minor beneficial effects on the local economy, and on skills and training during construction.</p> |

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| | | | <p>The development of a new low carbon power station at Connah's Quay could help to maintain economic prosperity in Deeside and across the region, by providing approximately 66 highly skilled jobs in the operation phase, as well as creating new opportunities during construction and through the wider supply chain, as noted above.</p> <p>The planned development has the potential to contribute up to £1,500m to the UK economy, of which up to £811m could benefit the local area, and £1181m could benefit the wider North East Wales region and North West England²³.</p> <p>Furthermore, the Applicant already works with NRW and local groups to maintain a Site of Special Scientific Interest (SSSI) on the site. This includes the provision and maintenance of a field study centre, hides and observatory, as well as a land management plan to optimise ecological diversity.</p> <p>The Applicant is also helping to inspire young people to consider a career in a STEM area (Science, Technology, Engineering and Mathematics) with ongoing outreach activities. The Applicant recently redeveloped the education centre at the Connah's Quay site and would like to see it play a part in helping local schools to deliver science, technology, engineering and math lessons.</p> |
| | 7.7.4 | <p>Secondly, the reliance on combined-cycle gas turbine technology, even when paired with carbon capture, represents a continuation of outdated energy strategy. Gas turbines are increasingly exposed to geopolitical risk. Following the reduction in Russian gas supply, the UK has become more dependent on imported liquefied natural gas, particularly from the United States. This gas is demonstrably more expensive, more carbon intensive when lifecycle emissions are considered and subject to global price volatility. So Carbon capture is just a green washing technic used by the company's project.</p> <p>As a result, electricity generated from gas-fired plant will continue to drive up consumer energy bills and increase the cost per kWh paid by households and businesses. Carbon capture does not address fuel price risk, nor does it protect consumers from long-term exposure to international gas markets. The proposal therefore conflicts with the stated objective of delivering affordable and secure energy.</p> | <p>The Planning Statement [APP-262] sets out an overview of UK Energy and Climate Policy (Section 4) and the NPSs relating to energy (Section 3). Section 6 assesses the Proposed Development against policy, including the NPSs.</p> <p>The Planning Statement (at paragraph 1.4.9) notes that as the UK becomes more reliant on electricity – with the electrification of sectors such as transport, heating and industry, then more generation capacity will be needed.</p> <p>According to the UK's independent advisor on climate change, the Climate Change Committee (CCC), demand for electricity is forecast to increase by 50% by 2035²⁴. To meet the increasing demand and achieve the UK's decarbonisation goals, the CCC has also advised that a range of different technologies with both renewables and decarbonised generation, such as gas with CCS, will be needed to maintain a secure and stable supply of electricity²⁵.</p> <p>As outlined within P2 in the Applicant's Response to Relevant Representations [REP1-062], the Government through NPS EN-1 strongly prioritises the role of new low carbon energy infrastructure, including gas-fired electricity generation with Carbon Capture and Storage (CCUS), such as the Proposed Development, in the UK's future energy mix.</p> |

²³ Based on socio-economic analysis carried out by Mace on behalf of Uniper during 2023-2024. Figures shown based on the 'target' model, which seeks to leverage UK content 'Local Area' – Flintshire, Wrexham, CWAC, Wirral 'North West England and North East Wales region' – Conwy, Denbighshire, Flintshire, Wrexham, CWAC, Wirral, Cheshire East, Stockport, Manchester, Trafford, Salford, Warrington, Liverpool, St Helens, Sefton.

²⁴ The UK's Climate Change Committee forecast a 50% increase in electricity demand by 2035 and a doubling in electricity demand by 2050. Climate Change Committee (2020) *The Sixth Carbon Budget: The UK's path to Net Zero*. Available at: <https://www.theccc.org.uk/publication/sixth-carbon-budget/> (Accessed: 10 February 2026).

²⁵ Climate Change Committee (2020) *Sector summary: Electricity generation*. Available at: <https://www.theccc.org.uk/wp-content/uploads/2020/12/Sector-summary-Electricity-generation.pdf> (Accessed: 10 February 2026).

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| | | | <p>Paragraph 3.3.12 of the Planning Statement refers to Section 3.2 of EN-1 which supports a diversity of supply and not limiting any form of technology. Paragraph 3.2.6 of NPS EN-1 adds that this can aid in ensuring affordability and security for the system overall.</p> <p>P1 details that the Government has confirmed through EN-1 that the need for low carbon energy infrastructure, such as the Proposed development is so acute that it is a 'Critical National Priority' (CNP), and details how such projects should be considered.</p> <p>Furthermore, P1 highlights how EN-1 confirms that this urgent need for low carbon infrastructure, such as the Proposed Development, is not open to debate and the contribution to meeting that need should be afforded substantial weight in decision-making.</p> <p>Paragraph 1.4.11 of the Planning Statement elaborates that the proposed new CCGT power station with carbon capture at Connah's Quay would be able to flexibly and reliably generate low carbon power to meet the growing need for electricity, whenever it is required. Power stations such as this will play a crucial role in the future energy system, as they can help ensure that energy is available at times when it is needed most, and when power from renewable sources can't meet demand.</p> <p>Both the UK's CCC²⁶ and the International Energy Agency²⁷ have stated that CCS / CCUS is an essential component of a transition to net zero²⁸. And, to support this, under the previous government, the 2023 budget included a commitment of up to £20 billion to establish a CCUS sector in the UK, to help unlock economic opportunities and support investment in the sector. The current government, in its manifesto, committed a further £1bn²⁹ and is legislating to create GB Energy³⁰, which would include in its remit co-investment in power CCS.</p> |
| | 7.7.5 | Thirdly, while carbon capture is presented as a mitigation measure, it remains an energy intensive, costly and operationally complex technology. It reduces net plant efficiency, increases auxiliary power consumption and introduces additional operational risk. Any underperformance, downtime or partial operation of the carbon capture system would result in higher emissions than claimed, while still locking the region into fossil fuel infrastructure for decades. | <p>The Proposed Development will contribute to a secure and reliable power system supporting the UK transition to a decarbonised economy. As we become more reliant on electricity, with the electrification of sectors such as transport, heating and industry, more generation capacity will be needed. According to the UK's independent advisor on climate change, the CCC, demand for electricity is forecast to increase by 50% by 2035. To meet this increasing demand and achieve the UK's decarbonisation goals, the CCC has also advised that a range of different technologies with both renewables and low carbon, flexible generation, such as gas with CCS, will be needed to maintain a secure and stable supply of electricity. In its report in March 2023, the CCC recommended that the Government give equal focus to low-carbon</p> |

²⁶ Climate Change Committee (2023) *Delivering a reliable decarbonised power system*. Available at: <https://www.theccc.org.uk/publication/delivering-a-reliable-decarbonised-power-system/> (Accessed: 10 February 2026).

²⁷ International Energy Agency (IEA) (2023) *Net Zero Roadmap: A Global Pathway to Keep the 1.5 °C Goal in Reach – 2023 Update* (p. 132). Paris: IEA. Available at: <https://iea.blob.core.windows.net/assets/ac433d3a-3f9e-482e-b8bf-17653b1c4024/NetZeroRoadmap-2023Update-ExecutiveSummary.pdf> (Accessed: 10 February 2026).

²⁸ "Net zero" refers to the achievement of a balance between anthropogenic greenhouse gas emissions and removals at a national or global level, consistent with pathways assessed by the UK Climate Change Committee and the International Energy Agency.

²⁹ Kickstart economic growth – The Labour Party

³⁰ Make Britain a clean energy superpower – The Labour Party

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| | | | <p>flexible solutions as to the full delivery of its existing renewables and nuclear commitments.</p> <p>The proposed new CCGT power station with carbon capture at Connah's Quay would be able to flexibly and reliably generate low carbon power to meet the growing need for electricity, whenever it is required. Power stations such as this will play a crucial role in the future energy system, as they can help ensure that energy is available at times when it is needed most, and when power from renewable sources can't meet demand.</p> |
| | 7.7.6 | In addition, the permanent loss of designated habitat areas, even if classified as low ecological value, represents a cumulative erosion of local green space within an already industrialised area. The justification for reclassification is driven by operational convenience rather than environmental stewardship and sets a concerning precedent. | <p>NBB is a requirement under the Environment (Wales) Act 2016 and PPW 12. NNSIPs, such as the Proposed Development, in Wales are required to deliver and improve ecosystem resilience, proportionate to the scale and nature of the development. The Applicant is committed to achieving this net benefit in proportion to the Proposed Development's impact to biodiversity.</p> <p>The Outline LEMP [REP1-027] provides details of habitat creation within the Main Development Area on the completion of the construction works, with an Indicative Landscape Plan included as Appendix A. The Outline LEMP [REP1-027] details how the created habitats would be monitored and managed to ensure their successful establishment. In addition to this on-site creation, the Off-site Net Benefit for Biodiversity and Green Infrastructure Strategy [APP-255] identifies habitat creation requirements at the off-site delivery area at Gronant Fields which is owned by the Applicant.</p> |
| | 7.7.7 | The proposed expansion of hardstanding at the North Jetty also raises concerns regarding increased industrialisation of the estuary, construction traffic and disruption during delivery of abnormal loads. While water transport may reduce some road impacts, the scale and duration of construction activity remains significant and insufficiently offset by local benefit. | <p>Further details of the assessments in relation to the proposed expansion of hard standing at Connah's Quay North will be provided in the Change Report, to be submitted at Deadline 3. However, in relation to landscape and visual effects, the Change Notification [AS-006] identified that this proposed change is not expected to alter the overall landscape and visual impact assessment conclusions as assessed in the ES [APP-053] due to its location, extent of change, and restricted visibility from publicly accessible locations in the vicinity.</p> <p>The Applicant has a long-standing presence at Connah's Quay and understands the importance of being a good neighbour. Throughout any development, the Applicant will manage all activities to keep any potential impacts to a minimum and will also ensure that local stakeholders are kept informed throughout the development.</p> <p>If consented and developed, the new power station could contribute significantly to economic growth in the region, by providing skilled technical jobs and creating new opportunities during construction, along with potential opportunities through the wider supply chain.</p> <p>The planned development has the potential to contribute up to £1,500m to the UK economy, of which up to £811m could benefit the local area, and £1181m could benefit the wider North East Wales region and North West England.</p> |

| Source Document | Reference | Source Document Issue / Theme | Applicant's Response |
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| | 7.7.8 | <p>In summary, <u>this project prioritises corporate operational efficiency over local economic inclusion</u>, locks consumers into higher long-term energy costs and extends dependence on gas generation at a time when investment should be focused on genuinely future-proofed, lower-risk alternatives. Carbon capture does not resolve these fundamental issues.</p> <p>For these reasons, I object to the proposed changes and urge the Planning Inspectorate and the Secretary of State to give significant weight to the cumulative social, economic and strategic harm this development would cause to local communities and should not be proceed without the concerns mentioned above is secured.</p> | <p>The proposed new power station is to be built on the Applicant's land, on the same site as and adjacent to the existing power station. The Applicant's existing Connah's Quay CCGT power station currently has capacity market agreements in place until 2029 and continues to reliably and cost effectively generate power when it is needed, contributing to security of supply.</p> <p>In line with the Applicant's strategy to decarbonise its existing fossil fleet, the Connah's Quay Low Carbon Power project would ultimately replace the existing power station in order to ensure that the Applicant, and the site, can continue to contribute to security of supply but in a way that is lower carbon.</p> <p>Section 7 of the Planning Statement [APP-262] considers the key benefits of the Proposed Development and its adverse residual impacts and applies the 'planning balance' – the weighing of the Proposed Development's benefits against its adverse effects, including any cumulative effects.</p> <p>Section 7 of the Planning Statement details that it is the Applicant's view that the Proposed Development's very clear and significant benefits, a number of which should be afforded very substantial weight by the Secretary of State compliant with EN-1, outweigh its limited adverse residual impacts.</p> <p>As detailed further within Section 7 of the Planning Statement, the Proposed Development would result in non-HRA impacts that remain after the mitigation hierarchy detailed within EN-1 has been applied. However, in accordance with EN-1 paragraph 4.2.15, given the project is considered CNP, consent should not be refused on the basis of these residual impacts, and there are no exceptional circumstances that would justify a departure from this.</p> |

4. Landowners

4.1 REP1-070 / REP1-071 (Summary) National Gas Transmission PLC (NGT)

4.1.1 NGT's Deadline 1 submission (comprising NGT's Written Representation [REP1-70]) and the Applicant's response are set out in **Table 8** below. The Applicant acknowledges that NGT have provided a summary to their Written Representation [REP1-071], however, only responses to the full Written Representation are provided.

Table 8: Response to NGT's Deadline 1 submission

| Source Document | Reference | Source Document Issue / Theme | Applicant's Response |
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| Written Representation by NGT [REP1-070] | 8.1 | <p>WRITTEN REPRESENTATION</p> <p>Representation by National Gas Transmission Plc to the Connah's Quay Low Carbon Power Project ("the Project")</p> <p>Introduction</p> <p>We are instructed by National Gas Transmission Plc (NGT) in relation to the application made by Uniper UK Limited ('the Applicant') for a Development Consent Order ('the draft Order') for the proposed Connah's Quay Low Carbon Power Project ('the Project').</p> <p>This Written Representation is made on behalf of NGT.</p> <p>The Project comprises the construction, operation (including maintenance) and decommissioning of a proposed low carbon Combined Cycle Gas Turbine (CCGT) Generating Station fitted with Carbon Capture Plant (CCP) (the CQLCP Abated Generating Station) and supporting infrastructure on land at, and in the vicinity of, the Connah's Quay Power Station Site, Kelsterton Road, Connah's Quay, Deeside.</p> <p>As set out in the Relevant Representation, NGT does not object in principle to the Project, however given the strategic importance of the gas network and apparatus in relation to the Project, NGT wishes to make this written representation to the Applicant in order to protect its position with regard to NGT's existing and any proposed infrastructure and associated land interests within or in close proximity to the proposed limits of the draft Order boundaries ("Order Limits").</p> <p>NGT Statutory Obligations</p> <p>National Gas owns and operates the national gas network and provides gas transmission and metering services in the UK. NGT has a licence to participate in gas transmission activities established under the Gas Act 1986, as amended (the Act). This requires NGT to develop, maintain and operate economic and efficient networks and to facilitate competition in the supply of gas in Britain. The licence also gives NGT statutory powers. NGT is under a statutory duty (under section 9 of the Gas Act 1986) to develop and maintain an efficient and economical network for the conveyance of gas. The NGT Assets form an essential part of the gas transmission network.</p> <p>As a responsible statutory undertaker, NGT's primary concern is to meet its statutory obligations and ensure that any development does not impact in any adverse way upon those statutory obligations. As such, NGT has a duty to protect its position in relation to infrastructure and land which is within or in close</p> | <p>This is noted by the Applicant. As outlined in the responses below the Applicant is working with NGT to seek agreement on the identified matter before the close of the examination.</p> |

| Source Document | Reference | Source Document Issue / Theme | Applicant's Response |
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| | | <p>proximity to the draft Order Limits from interference/damage, and rights of access to inspect, maintain, renew and repair it, should be maintained at all times and must not be restricted.</p> | |
| | 8.2 | <p>NGT Land Interests and Infrastructure Impacted</p> <p>The following assets, including a high pressure gas transmission pipeline and feeder main apparatus are located within or in close proximity to the proposed Order Limits including</p> <ul style="list-style-type: none"> • Feeder Main 21 – Burton Point Spur • Feeder Main 21 – Mickle Trafford to Deeside PS <p>These assets form an essential part of the gas transmission networks in England and Wales.</p> <p>The Applicant is seeking temporary possession powers over plots 4/3 and 10/1 in which NGT have a Category 2 interest. Importantly, plot 10/1 contains two feeder mains which are high-pressure pipelines that transport large volumes of gas from import terminals and processing plants to major parts of gas network.</p> <p>The Book of Reference indicates that powers for the temporary possession of land are included over land in which NGT has an interest. NGT's rights of access to inspect, maintain, renew and repair such apparatus must be maintained at all times and access to inspect and maintain such apparatus must not be restricted, any such powers would cause serious detriment to NGT's ability to comply with its statutory duties. Further, where the Applicant intends to extinguish or otherwise interfere with any of NGT's rights over its land and NGT apparatus, the relevant protections must be secured in the Protective Provisions.</p> | <p>The Applicant recognises NGT's Category 2 interest within certain plots within the Order limits and has identified this within the Book of Reference [REP1-010]. Therefore, the Applicant has been engaging with NGT throughout the pre-application, pre-examination and examination stages to seek to agree protections for the benefit of NGT.</p> |
| | 8.3 | <p>Protective Provisions</p> <p>NGT require protective provisions to be put in place to protect NGT Assets (and any other NGT infrastructure located within the current Order limits, or in close proximity to the Authorised Development and associated works).</p> <p>NGT require that all NGT interests and rights, including rights of access to its apparatus including Feeder Mains and any other Above-Ground Installations (AGI) are unaffected by the powers of compulsory acquisition, temporary possession, and the grant and/or extinguishment of rights as set out in the Draft Order.</p> <p>NGT also require appropriate protection for apparatus including Feeder Mains, AGI's and any other retained apparatus is maintained during and after construction of the Authorised Development in accordance with both the protective provisions and the relevant safety standards.</p> <p>NGT welcomes the form of protective provisions for the protection of NGT's land interests and apparatus which are included on the face of the draft Order (Part 10 of Schedule 13). However, the current protective provisions are inadequate insofar as they do not contain the robust protections that NGT requires and accordingly the current form of protective provisions require amending in order for NGT to be able to withdraw its objection.</p> | <p>The Applicant recognises the need for protective provisions for NGT and has included proposed bespoke provisions within Schedule 13 of the Draft DCO [REP1-003]. The Applicant recognises that these are not agreed by NGT and is working with NGT to seek to reach agreement before the close of the examination.</p> |

| Source Document | Reference | Source Document Issue / Theme | Applicant's Response |
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| | | <p>NGT is liaising with the Applicant in relation to the protective provisions for inclusion within the DCO along with any supplementary agreements which may be required. NGT will keep the Examining Authority updated in relation to these discussions.</p> <p>NGT will continue to liaise with the Applicant in this regard with a view to concluding matters as soon as possible during the DCO Examination and will keep the Examining Authority updated in relation to these discussions.</p> <p>NGT reserves the right to make further representations as part of the examination process but in the meantime will negotiate with the Promoter with a view to reaching a satisfactory agreement.</p> | |

4.2 REP1-074 Network Rail Infrastructure Limited

4.2.1 Network Rail Infrastructure Limited's Deadline 1 submission and the Applicant's response are set out in **Table 9** below.

Table 9: Response to Network Rail Infrastructure Limited's Deadline 1 submission

| Source Document | Reference | Source Document Issue / Theme | Applicant's Response |
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| Written Representation by Network Rail Infrastructure Limited [REP1-074] | 9.1 | <p>The Connah's Quay Low Carbon Power Order 202[x]</p> <p>Written Representation on behalf of Network Rail</p> <p>1. Introduction</p> <p>1.1 We are instructed by Network Rail Infrastructure Limited ("Network Rail") in relation to the Development Consent Order ("DCO") application made by Uniper UK Limited ("the Applicant") to construct, operate and maintain, and decommission a proposed low carbon Combined Cycle Gas Turbine (CCGT) Generating Station fitted with Carbon Capture Plant (CCP) (the CQLCP Abated Generating Station) and supporting infrastructure on land at, and in the vicinity of, the Connah's Quay Power Station Site, Kelsterton Road, Connah's Quay, Deeside ("the Project").</p> <p>2. Network Rail is a statutory undertaker responsible for maintaining and operating the country's railway infrastructure and associated estate. Network Rail owns and operates Great Britain's railway network and has statutory and regulatory obligations in respect of it. Any proposed development on, over or under the railway network or which is adjacent to and interfaces with the railway network or potentially affects Network Rail's land interest will be carefully considered.</p> | The Applicant recognises Network Rail's role as a statutory undertaker with interests within the Order limits and has been engaging with Network Rail accordingly at the pre-application, pre-examination and examination stage. |
| | 9.2 | <p>3. Powers sought in the DCO</p> <p>3.1 As set out in the Relevant Representation, Network Rail is an affected landowner and there are references in the DCO Book of Reference to land for which Network Rail is the owner and occupier. Network Rail does not object in principle to the Project, however Network Rail does object to the powers contained in the draft Order ("the draft Order") including article 24 (private rights), article 25 (compulsory acquisition of land), article 27 (compulsory acquisition of rights and restrictive covenants), article 31 (temporary use of land for carrying out the authorised development) and article 37 (temporary use of land for maintaining the authorised development) authorising the Applicant to compulsorily acquire land, acquire rights in or over land and take temporary possession of land which forms part of Network Rail's operational railway land.</p> <p>3.2 Network Rail cannot agree to the Applicant being granted the unfettered ability to exercise compulsory acquisition powers over the operational railway as it would create a serious detriment to the continued safe, economic and efficient operation of the railway, protection from compulsory acquisition of Network Rail's land and interests must therefore explicitly be included in the Protective Provisions.</p> <p>3.3 Any acquisition of rights over the operational railway must be subject to Network Rail's land clearance process, which is imposed on Network Rail by its Network Licence. This process includes internal consultation with railway stakeholders and the ORR (Network Rail's regulator). Any existing rights which</p> | The Applicant recognises Network Rail's interest within certain plots within the Order limits and has identified this within the Book of Reference [REP1-010] . Therefore, the Applicant has been engaging with Network Rail throughout the pre-application, pre-examination and examination stages to seek to agree relevant land agreements and protections for the benefit of Network Rail. |

| Source Document | Reference | Source Document Issue / Theme | Applicant's Response |
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| | | <p>Network Rail have over the land would need to be retained and cannot be subject to extinguishment under the Order.</p> <p>3.4 Any temporary possession of, or acquisition of permanent rights over Network Rail operational land can only be granted with Network Rail's consent. Any such use of the operational railway must only be permitted in accordance with the statutory requirements imposed on Network Rail as the operator of the railway network and subject to all necessary requirements to ensure the safe, economic and efficient operation of the railway.</p> <p>3.5 The draft Order seeks to authorise works either above or adjacent to Network Rail's operational railway and works, which may impede Network Rail's ability to ensure the safe operation of the railway network, Network Rail requires certain standard protections for the benefit of the operational railway and to manage this interface which include Protective Provisions and a Framework Agreement. These are considered in further detail below.</p> | |
| | 9.3 | <p>4. Protective Provisions and associated agreements</p> <p>4.1 Network Rail recognises and welcomes the form of protective provisions for the protection of Network Rail's operations which are included on the face of the draft Order. However, the current protective provisions are inadequate insofar as they do not contain the robust protections that Network Rail requires and accordingly the current form of protective provisions require amending in order for Network Rail to be able to withdraw its objection. Network Rail issued a draft to the Applicant on 14 November 2025 and is currently awaiting comments.</p> <p>4.2 As mentioned in the Relevant Representation, Network Rail also requires the Applicant to enter into a Framework Agreement to be entered into to manage the direct interface that the Project has with the operational railway.</p> <p>4.3 Network Rail will also require an Asset Protection and may require a Structures Agreement where works are significantly close in location and disruptive in nature to the operational railway network. Such agreements are well precedented to ensure the appropriate and necessary technical, engineering and safety requirements for working on, over or near Network Rail's operational railway are applied to the Project. Due to the location of the Applicant's proposed works, Network Rail requires an Asset Protection Agreement in order to carry out its statutory duty.</p> <p>4.4 Network Rail has made contact with the Applicant with a view to agreeing the Protective Provisions and entering into related agreements. Network Rail maintains that the following requirements as set out in Section 4 must be met in order for it to remove its objection.</p> | <p>The Applicant recognises the need for protective provisions for Network Rail and has included proposed bespoke provisions within Schedule 13 of the Draft DCO [REP1-003]. The Applicant recognises that these are not agreed by Network Rail and is working with Network Rail to seek to reach agreement before the close of the examination.</p> <p>The Applicant also recognises Network Rail's requirement for a Framework Agreement and Asset Protection Agreement and is willing to enter into discussions regarding these documents once a form of drafting is shared by Network Rail.</p> |
| | 9.4 | <p>5. Summary</p> <p>5.1 If the following criteria are met, then it is anticipated that Network Rail would be in a position to withdraw the objections made above:</p> <p>5.1.1 Network Rail's required amendments to the Protective Provisions are to be included in the Order for the Project;</p> | <p>The Applicant is continuing to engage with Network Rail with a view to securing the withdrawal of Network Rail's objection.</p> |

| Source Document | Reference | Source Document Issue / Theme | Applicant's Response |
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| | | <p>5.1.2 the Applicant enters into any required easement, licences and asset protection agreements or any other required agreements are entered into in respect of addressing both the acquisition of rights over and/or temporary use of Network Rail's existing operational land; and</p> <p>5.1.3 Network Rail is granted with clearance and any necessary regulatory consents to enter into any of the agreements referred to above following internal consultation with affected stakeholders across the business.</p> <p>Network Rail reserves its position both in representation and in submissions at hearings to seek the amendments to the draft Order to ensure protective provisions are interest for the benefit of Network Rail's operational infrastructure which is affected by the Project.</p> | |

4.3 REP1-090 Tata Steel UK Ltd.

4.3.1 Tata Steel UK Ltd.'s Deadline 1 submission and the Applicant's response are set out in **Table 10** below.

Table 10: Response to Tata Steel UK Ltd.'s Deadline 1 submission

| Source Document | Reference | Source Document Issue / Theme | Applicant's Response |
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| Written Representation by Tata Steel UK Limited [REF1-090] | 10.1 | <p>Dear Sir / Madam,</p> <p>APPLICATION BY UNIPER UK FOR AN ORDER GRANTING DEVELOPMENT CONSENT FOR THE CONNAH'S QUAY LOW CARBON POWER PROJECT (PINS REF: EN010166)</p> <p>WRITTEN REPRESENTATION ON BEHALF OF TATA STEEL EUROPE LIMITED (INTERESTED PARTY REFERENCE: [REDACTED])</p> <p>On behalf of our client, Tata Steel UK Limited (Tata Steel) (Interested Party Reference: [redacted]), please find enclosed Written Representations in relation to the application by Uniper UK for an order granting development consent for the Connah's Quay Low Carbon Power Project. These Written Representations are submitted in accordance with Deadline 1 of the Examination Timetable.</p> <p>Tata Steel is the freehold owner of Shotton Steelworks (the "Works"). We note that Uniper UK is currently seeking a Development Consent Order relating to a low carbon capture project ("the DCO") in the vicinity of the Works.</p> <p>We understand that the DCO (and an associated proposed change to such DCO) includes part of the Works, in respect of which temporary possession is potentially sought for the re-establishment and use of waterborne transport offloading facilities at Connah's Quay North and temporary accommodation works to facilitate a haulage route on existing roads.</p> <p>We further understand that direct discussions have taken place between Uniper UK and our client. To date, no agreement has been reached between the developer and Tata Steel regarding the proposed use of the jetty at Connah's Quay North or routing onward vehicles through its' operational Shotton Works.</p> <p>We would like to reiterate our client's position communicated to Uniper UK in those discussions, namely:</p> <ul style="list-style-type: none"> • Whilst (at this stage) our client is not minded to raise a formal objection to the use of part of the Works and the DCO generally, ongoing dialogue between the parties will be required to facilitate the safe use of such part if required; • The part of the Works currently identified for temporary possession is part of a secure operational steelworks, in respect of which our client is under stringent statutory and other legal obligations to ensure the safety of all persons at the site; • Our client has not seen any firm proposals for the use of its land. Given the access and security requirements for the operational steelworks, our client is unable to confirm if this is acceptable until surveys have been undertaken and agreements are reached. • If access is agreed in principle between Uniper UK and our client, prior to any such access being granted, our client will require the proposed developer to enter into a formal written agreement to ensure the safe | <p>Following email engagement in Q4 2025, a meeting was held on 6 January 2026 between Tata Steel and the Applicant. The meeting covered the potential use of the jetty facility and roadways by the Applicant. Matters of particular interest to Tata Steel were discussed such as but not limited to minimising impact on Tata Steel's operations, costs reimbursement, appropriate risk assessments for haulage activities and movement planning. Furthermore practical topics such as site inductions and surveys to assess movement of items such as street furniture/signage were discussed.</p> <p>It was agreed that the Applicant would provide Tata Steel with draft heads of terms of agreement for consideration setting out potential arrangements that would provide for the use of the jetty, back land and roadways. Draft heads of terms for agreement will be issued to Tata Steel for their consideration before the end of February 2026.</p> <p>It is also noted, for completeness, that the Applicant is engaged with the Dee Conservancy (NRW) in parallel as they own the mooring dolphins that are an integral part of the marine infrastructure to use the jetty.</p> |

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| | | <p>use of any part of the Works on terms reasonably acceptable to our client (including as to the carrying out of pre-commencement surveys);</p> <ul style="list-style-type: none"> • Our client invites Uniper UK to make proposals as to their requirements for access to facilitate such licence (if required); and • Otherwise, our client's position remains reserved in all respects. | |
| | 10.2 | <p>In conclusion, whilst Tata Steel is not currently raising objections to the proposed development itself (based on the information known to-date), no agreement has been reached regarding the acceptability of using the Tata Steel jetty or onward routing of 3rd party vehicles through Tata Steel's operational Works site. Continued discussions on these matters and on the detailed plans of the proposed developer are essential if use of the Tata Steel jetty and its operational Works site are to be considered further.</p> <p>Tata Steel retains its right to comment further on any relevant submissions by the applicant at the Examination's future consultation stages.</p> | <p>The Applicant notes this position from Tata Steel and is confident that agreement can be reached for the use of their facilities.</p> |

Abbreviations

| Abbreviation | Term |
|-----------------|---|
| AIL | Abnormal Indivisible Load |
| ALARP | As Low As Reasonably Practicable |
| AQA | Air Quality Assessment |
| BAT | Best Available Technique |
| BEIS | (Department for) Business, Energy & Industrial Strategy |
| CBA | Cost Benefit Analysis |
| CCC | Climate Change Committee |
| CCGT | Combined Cycle Gas Turbine |
| CCP | Carbon Capture Plants |
| CCS | Carbon Capture Storage |
| CCUS | Carbon Capture Utilisation and Storage |
| CEMP | Construction Environmental Management Plan |
| CESL | Climate Emergency Science Law |
| CHP | Combined Heat and Power |
| CHP-R | Combined Heat and Power – Ready |
| CIEEM | Chartered Institute of Ecology and Environmental Management |
| CO ₂ | Carbon Dioxide |
| COMAH | Control of Major Accident Hazards |
| CTMP | Construction Traffic Management Plan |
| CWMP | Construction Workers Management Plan |
| DCO | Development Consent Order |
| dB | Decibel |
| DESNZ | Department for Energy Security and Net Zero |
| EIA | Environmental Impact Assessment |
| EPR | Environmental Permitting Regulations |
| ES | Environmental Statement |
| ExA | Examining Authority |
| ExPr | Examination Procedure |
| FCC | Flintshire County Council |
| GI | Green Infrastructure |
| HGVs | Heavy Goods Vehicles |
| HRA | Habitat Regulations Assessment |
| INNS | Invasive Non-Native Species |
| IPs | Interested Parties |
| ISH | Issue Specific Hearing |

| Abbreviation | Term |
|---------------------|---|
| LEMP | Landscape and Ecological Management Plan |
| MCA | Maritime and Coastguard Agency |
| MMO | Marine Management Organisation |
| NBB | Net Benefit for Biodiversity |
| NGET | National Grid Energy Transmission |
| NGT | National Gas Transmission |
| NPS | National Policy Statement |
| NRA | Navigation Risk Assessment |
| NRW | National Resources Wales |
| NSIP | Nationally Significant Infrastructure Project |
| NSRs | Noise Sensitive Receptors |
| OMEMP | Operational and Maintenance Environmental Management Plan |
| ORR | Office of Road and Rail |
| PA 2008 | Planning Act 2008 |
| PEIR | Preliminary Environmental Information Report |
| PINS | Planning Inspectorate |
| PMFSC | Ports and Marine Facilities Safety Code |
| PPW | Planning Policy Wales |
| RIHRA | Report to Inform Habitats Regulations Assessment |
| RSPB | Royal Society for the Protection of Birds |
| SAC | Special Area of Conservation |
| SHA | Statutory Harbour Authority |
| SMS | Safety Management System |
| SPA | Special Protection Areas |
| SSSI | Site of Special Scientific Interest |
| STEM | Science, Technology, Engineering, and Mathematics |