

Date: 10 March 2026  
Our ref: 541587, Case 32959  
Your ref: EN010166



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**BY EMAIL ONLY**

Dear ██████████

**Connah's Quay Low Carbon Power Project; EN010166**

**Natural England's submission for Deadline 3 in respect of the Connah's Quay Low Carbon Power Project, promoted by Uniper, and responses to the Examiner's 1<sup>st</sup> Questions, published on 17<sup>th</sup> February 2026**

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.

We have no comment on the documents submitted for Deadline 2.

We also provide our responses to the Examiner's 1<sup>st</sup> Questions where we have been identified as a respondent. These are set out at Annex 1.

Since Deadline 1 we have been in discussion with Uniper and their consultants regarding the Statement of Common Ground. The latest version, which we expect to be submitted by Uniper, includes our updated position on the issues raised in our Relevant Representations following these discussions. Our updated positions on several of these issues also reflect our position regarding impacts to designated sites primarily affecting Wales, as set out in Annex 1 of our Deadline 2 submission.

For any further advice on this consultation please contact the case officer ██████████ and copy to [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk).

Yours sincerely

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

## Annex 1 – Examiner’s Questions

Question No.	Question	Natural England’s Response
<b>Habitats Regulations Assessment</b>		
<b>Q1.6.10</b>	<p><b>HRA: Air quality modelling</b>            Are NE and NRW satisfied with the air quality modelling that has been undertaken (ES appendix 8-D [APP-183]) to inform the assessment of atmospheric pollution on European sites?</p>	<p>We are aware that an updated air quality assessment will be submitted by the applicant at Deadline 3 to support their change request.</p> <p>We will provide an answer to this question once we have had an opportunity to consider the updated assessment.</p>
<b>Q1.6.11</b>	<p><b>HRA: Dust emissions mitigation</b>            The applicant has clarified in their Response to Relevant Representations [REP1-062] that the mitigation measures proposed to control dust emissions during construction are standard embedded measures and would be included in the project proposals irrespective of the presence of European sites.</p> <p>Are NE and NRW satisfied that the mitigation measures proposed to control dust emissions are embedded into the proposed development and in line with the People Over Wind ruling by the Court of Justice of the European Union and can therefore be considered during the HRA screening stage?</p>	<p>We are satisfied that the measures to control dust are embedded in the development, and that the approach taken with regards to the Habitats Regulations is appropriate. We are content that these measures can be considered at the Likely Significant Effect screening stage.</p> <p>This is reflected in our updated position in the latest version of the Statement of Common Ground.</p>
<b>Q1.6.13</b>	<p><b>HRA: Features of European sites - floating water plantain</b>            The applicant has provided further information in their Response to Relevant Representations [REP1-062] to explain why the floating water plantain (<i>Luronium natans</i>) qualifying feature has not been considered in the assessment of atmospheric pollution on the River Dee and Bala Lake/ Afon Dyfrdwy a Llyn Tegid SAC.</p> <p>Do NE consider the justification provided by the applicant to be acceptable or should the applicant provide an assessment of the potential for LSE from atmospheric pollution on populations of Floating water plantain (<i>Luronium natans</i>) within the River Dee and Bala Lake/ Afon Dyfrdwy a Llyn Tegid SAC?</p>	<p>We consider the justification to be acceptable.</p> <p>We have also received information from NRW which indicates that floating water plantain is not found in the lower reaches of the River Dee, which further supports this justification.</p> <p>This view is confirmed in the latest version of the Statement of Common Ground – we are satisfied this issue has been resolved.</p>
<b>Q1.6.15</b>	<p><b>HRA: River Dee and Bala Lake SAC – Atmospheric pollution exhaust emissions</b>            Are NE satisfied with the applicant’s conclusion that the critical levels of ammonia (NH<sub>3</sub>) and nitrogen (NO<sub>x</sub>) would not be exceeded at River Dee and Bala Lake SAC during both construction and operation of the proposed development? If not, what further evidence is required for the applicant to justify their conclusion?</p>	<p>We are aware that an updated air quality assessment will be submitted by the applicant at Deadline 3 to support their change request.</p> <p>We will provide an answer to this question once we have had an opportunity to consider the updated assessment.</p>
<b>Q1.6.17</b>	<p><b>Atmospheric pollution at internationally designated sites – Construction</b></p>	<p>We are aware that an updated air quality assessment will be submitted by</p>

	<p>Are NE satisfied that the concerns raised in ID NE35 of their relevant representation [RR-026] have been addressed in ES chapter 8, table 8-5 [APP-046]?</p>	<p>the applicant at Deadline 3 to support their change request. We will provide an answer to this question once we have had an opportunity to consider the updated assessment.</p>
<b>Q1.6.18</b>	<p><b>Atmospheric pollution at the Dee Estuary/ Aber Dyfrdwy SAC, SPA and Ramsar site – Derogations</b> The RIHRA [APP-253] proposes that the measures relied on for the loss of Atlantic salt meadow (extending the duration of management of the Atlantic salt meadow within the existing Connah’s Quay conservation areas that are managed by the applicant; and allowing natural coastal processes to resume south of the existing power station to substantially delay the rate of coastal squeeze) would also offset the ecological effect of nitrogen deposition during operation on the Dee Estuary/ Aber Dyfrdwy SAC/ SPA/ Ramsar site. The ExA and NE [RR-026] consider these measures to constitute compensation in relation to the direct loss of habitat impact pathway. Therefore, the applicant is requested to provide, on a without prejudice basis, a derogations case, without prejudice DCO schedules, and without prejudice compensation Implementation and Monitoring Plan(s) regarding the atmospheric pollution impact pathway on the Dee Estuary SAC, SPA and Ramsar site.</p>	<p>It is unclear what this question is asking.  We do, however, welcome the inclusion of consideration of air quality impacts into an updated ‘Without Prejudice’ Derogations report.</p>
<b>Terrestrial and Aquatic Ecology</b>		
<b>Q1.9.2</b>	<p><b>Deposition of emissions on to the adjacent habitats</b> What is the likely quantum and associated impacts and effects of deposition of emissions from the proposed development on adjacent habitats including the designated sites and local nature sites? What are the impacts of additional nitrogen deposition on the Deeside and Buckley Newt Sites SAC and can the applicant clarify how this has been mitigated for?</p>	<p>As Deeside and Buckley Newt Sites SAC lies entirely within Wales we defer to NRW’s advice on potential impacts from additional nitrogen to this site.  This is in line with our updated position as set out in our Deadline 2 submission.</p>
<b>Q1.9.3</b>	<p><b>Gronant fields site ([APP-254] Ref: 6.13)</b> What measures are in place to secure the Gronant fields site and what are the alternatives if this fails? Are the Gronant fields sites already within a designated site, or already functionally linked land to a designated site? Has Gronant fields already been secured as compensatory habitat for other activities such as coastal squeeze identified in the shoreline management plan and is there a risk of additionality with other strategies or plans? What evidence is there of the existing use of the Gronant field sites by other species, in particular scheduled species and what are the likely impacts on these existing species of the</p>	<p>Gronant Fields lie within the Dee Estuary Special Protection Area (SPA), Ramsar site and Site of Special Scientific Interest (SSSI).  It is Natural England’s view that the proposed work at Gronant Fields is compensation under the Habitats Regulations, not mitigation, given it is located within the Dee Estuary SPA and Ramsar site.  With regard to the remaining questions here, we direct the Examining Authority to the applicant and defer to NRW’s advice in relation to the capacity of</p>

	<p>planned relocation of additional species to the site?</p> <p>Can the Gronant site accommodate an increased population if it is already being used?</p> <p>How will existing species using the functionally linked land at Connah's Quay be encouraged to make use of the newly secured site at Gronant?</p> <p>Should the Gronant fields site be within the proposed order limits?</p> <p>What evidence is there that the use of the Gronant site is mitigation and not compensation with regards to the process set out in the Habitats Regulations and UK government guidance?</p>	<p>Gronant Fields given the site lies within Wales.</p> <p>We are aware, however, that other data are available, including WeBS (Wetland Bird Survey), and would advise that the applicant utilises this <del>data</del> to maximise their understanding of how SPA bird species use the site.</p>
<b>Q1.9.4</b>	<p><b>Functionally linked land adjacent to the existing Connah's Quay power station</b></p> <p>What evidence has been collected and presented to illustrate the extent of use of the functionally linked land adjacent to the existing Connah's Quay power station</p>	<p>We direct the Examining Authority to the applicant for the detail to answer this question.</p> <p>Given the functionally linked land adjacent to the existing power station lies within Wales we defer to NRW's advice regarding this issue.</p>
<b>Q1.9.5</b>	<p><b>Concerns raised as to the ability of Natural England to be able to engage in the examination (Ref: [AoC-003] and [RR-026])</b></p> <p>Can the applicant and Natural England clarify their respective positions with regards to the ability of Natural England to engage in the examination and what can be done to assist in ensuring the ExA receives valuable representations from them? Can Natural England reaffirm their commitment to support the examination and also work collaboratively with other statutory nature conservation bodies including NRW to ensure a consensus view on issues is provided to the ExA?</p>	<p>We can confirm our ongoing engagement with the Examination. We do though, refer you to our Deadline 2 submission, which clarified that we will defer to NRW's advice for impacts that primarily affect Wales, and will focus on impacts that could affect English sites, or the English part of cross-border sites.</p> <p>We will continue to work collaboratively with NRW and have been meeting regularly throughout Examination. We have also engaged with the developer and their consultants since Relevant Representations were submitted, and will continue to do so throughout the remainder of Examination</p>
<b>Q1.9.10</b>	<p><b>General comments on the HRA: Methodology and data</b></p> <p>Can NRW and NE confirm whether they are in agreement with the methodology and data used in relation to Habitats Regulation Assessment (HRA) matters, and whether the relevant European sites and qualifying features /criteria in the applicant's HRA Report meet their satisfaction? If not, please explain why not and set out the specific information that would still be required.</p>	<p>Please refer to our Relevant Representations and the updated Statement of Common Ground for detail on our outstanding concerns regarding the methodology and data used for the Habitats Regulations Assessment.</p>
<b>Q1.9.12</b>	<p><b>General comments on the HRA: Features of European sites</b></p> <p>Are NRW and NE satisfied that all relevant European sites and qualifying features have been identified in the applicant's Report to</p>	<p>Please refer to our Relevant representations and the updated Statement of Common Ground for detail on our outstanding concerns regarding the methodology and data</p>

	Inform Habitats Regulations Assessment (RIHRA) [APP-253]?	used for the Habitats Regulations Assessment.
<b>Q1.9.13</b>	<p><b>General comments on the HRA: Impact pathways</b></p> <p>Table B-1 of the applicant's RIHRA [APP-253] provides a summary of the impact pathways and qualifying features considered in stage 1 and 2 of the HRA.</p> <p>Can NRW and NE set out the impact pathways to qualifying features where concerns remain, or where the applicant has not yet provided an assessment? Please also confirm the impact pathways to qualifying features where you are satisfied with the applicant's assessment and conclusions.</p>	<p>Please refer to our Relevant Representations where our concerns regarding impact pathways that have not been adequately considered are set out.</p> <p>Please also refer to the updated Statement of Common Ground, where information regarding progress towards resolution of these issues is provided.</p>
<b>Q1.9.16</b>	<p><b>General comments on the HRA: Stage 1 assessment</b></p> <p>Can NRW and NE confirm if their concerns relating to measures considered at stage 1 of the HRA are in relation to how the applicant has followed the HRA process or if they are concerned that the measures are not sufficient to avoid LSEs. If it is the latter, please clearly set out your concerns and what amendments or other measures NRW/ NE would propose.</p>	Our concerns regarding the applicant's interpretation of the Habitats Regulations are set out in our Relevant Representations, and subsequent submissions, particularly in relation to mitigation versus compensation.
<b>Q1.9.17</b>	<p><b>Loss of Atlantic salt meadows (Dee Estuary/ Aber Dyfrdwy SAC): Comments on proposed measures</b></p> <p>In the RIHRA and without prejudice HRA derogations case [APP-253] and [PD-006] respectively, the applicant proposes two measures to address AEoI on the Atlantic salt meadow qualifying feature of the Dee Estuary/ Aber Dyfrdwy SAC due to direct loss of habitat: extend the duration of management of the Atlantic salt meadow within the existing Connah's Quay conservation areas that are managed by the applicant; and allow natural coastal processes to resume south of the existing power station by realigning part of the defences inland and allowing the Atlantic salt meadow to naturally retreat to substantially delay the rate of coastal squeeze.</p> <p>NRW and NE: Confirm the efficacy of these measures to address the temporary, medium-term loss of Atlantic salt meadow. Do NRW and NE consider that the applicant's proposed measures, would be feasible, deliverable and ecologically effective to alleviate the scale of potential harm to the European sites? If not, what amendments or other measures would NRW/ NE propose? Are NRW and NE content that the applicant's proposed measures would be secured before the commencement of construction? If not, what would NRW/ NE propose?</p>	<p>Please refer to our Deadline 2 response – given the direct loss of saltmarsh from the cooling water outflow works will be entirely within Wales we defer to NRW's advice in relation to this impact.</p> <p>With regard to the potential impacts on saltmarsh from aerial emissions we note that an updated air quality report will be submitted at Deadline 3.</p> <p>We will provide comments once we have had time to consider the submission. Our comments will relate to impacts on the English part of cross-border designated sites and other English sites. We will defer to NRW's advice for impacts on Welsh sites.</p>

<p><b>Q1.9.23</b></p>	<p><b>Loss of functionally linked land (Dee Estuary/ Aber Dyfrdwy SPA/ Ramsar site):</b>  <b>Baseline data for and assessment of qualifying bird species</b>  Are NRW and NE satisfied with the methodology, data/ surveys and qualifying bird species and assemblages included within the assessment of AEoI for loss of functionally linked land at Dee Estuary/ Aber Dyfrdwy SPA/ Ramsar site? If not, why not? Please set out the specific information that would still be required</p>	<p>Our comments relate to the validity of the data, rather than specifics related to site geography. This is primarily because the site interests are mobile species that could also use the English parts of the SPA and Ramsar site. Significant impacts on the interest features on the Welsh side of the Dee Estuary could affect the site condition as a whole.</p> <p>On the basis of the information received to date NE is not satisfied with the assessments undertaken. The data available from the adjacent and partially overlapping WeBS sectors indicates this area supports significant numbers of a range of waterbird species supported by the SPA. It is unclear how it has been concluded that curlew is the only species to require mitigation/ compensation for adverse impacts from the proposal.</p> <p>The survey data has only been collected over the course of one calendar year. At least two years' worth of survey is generally required. We are aware that various other data (including WeBS and Deeside Naturalists Society own surveys) are available. Should the applicant demonstrate that this is transferable and can be directly compared to their own survey data it could be used in lieu of another year's survey effort.</p> <p>In addition, NE consider the data presented to lack spatial detail on where birds were observed and uses survey areas that do not match the development footprint (and are inconsistently defined). It therefore cannot be meaningfully compared with other counts or used to draw robust conclusions about bird use of the site.</p>
<p><b>Q1.9.27</b></p>	<p><b>Loss of functionally linked land (Dee Estuary/ Aber Dyfrdwy SPA/ Ramsar site):</b>  <b>Comments on proposed measures</b>  In the RIHRA and without prejudice HRA derogations case [APP-253] and [PD-006] respectively, the applicant proposes to deliver 25/ 26 ha of functionally linked land at Gronant Fields at Prestatyn which is approximately 21.2 km from the Main Development Area and within the SPA / Ramsar site.</p> <p>a) Do NRW and NE consider that the applicant's proposed measures would be feasible, deliverable and ecologically effective to alleviate the scale of potential harm to the</p>	<p>The proposal only takes account of curlew so by this definition alone it cannot alleviate the scale of the potential harm to the SPA, as other relevant qualifying bird species have not been properly assessed from the outset.</p> <p>a) We have yet to see sufficient detail to be confident about the feasibility, deliverability and ecological effectiveness for the Curlew Mitigation Strategy.</p>

	<p>European sites? If not, what amendments or other measures would NRW/ NE propose?</p> <p>b) Are NRW satisfied that Gronant Fields does not fall within the existing management and condition obligations of the Dee Estuary / Aber Dyfrdwy SPA and Ramsar site, and is therefore suitable for mitigation/ compensation? If yes, are NE satisfied that the functionality of Gronant Fields has been clearly identified and that the applicant has demonstrated that Gronant Fields does not benefit the specific features currently?</p> <p>c) Are NRW and NE content that measures set out in the Curlew Mitigation Strategy [APP-254] would be effective and secured before the commencement of construction? If not, what amendments or other measures would NRW/ NE propose?</p>	<p>b) This relates to existing management obligations of Gronant Fields currently – we defer to NRW’s advice on this issue.</p> <p>c) We are aware that the applicants have purchased Gronant Fields, and are satisfied the site has been secured. It has not yet been convincingly shown that Gronant Fields will function as effective replacement habitat given its distance from the proposal site, and the limited evidence base which lacks sufficient survey data and capacity analysis.</p>
<b>Cumulative Impacts</b>		
<b>Q1.22.3</b>	<p><b>Terrestrial and aquatic ecology</b> Impacts on terrestrial and aquatic ecology are a principal issue how can the combined impacts of the other developments not also have a significant bearing on the integrity of the habitats adjacent to the developments and what does the total cumulative effects look like?</p>	<p>We direct the Examining Authority to the Applicant for a response to this question.</p>
<b>Q1.22.7</b>	<p><b>In-combination plans and projects</b> The RIHRA [APP-253] sets out in section 10.4 the plans and projects considered in the in-combination assessment at stage 2 appropriate assessment. Can NRW, NE, and Flintshire County Council confirm whether they are satisfied with the projects and plans that have been included within the in-combination assessment in Stage 2: Appropriate Assessment of the RIHRA?</p>	<p>We do not consider the in-combination assessment to be adequate.</p> <p>The in-combination assessment does not consider any projects on the English side of the border.</p>