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Connah's Quay Low Carbon Power

Applicant's Response to Deadline 2 Submissions

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Prepared for:
Uniper UK Limited

Prepared by:
AECOM Limited

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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) that has been submitted to the Secretary of State (the SoS) for the Department for Energy Security and Net Zero (DESNZ) for a Development Consent Order (a DCO) 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 5th 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 2 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 – Landowners
 - Section 4 – Part B of Climate Emergency Science Law's Deadline 1 written representations¹
- 1.2.3 The Applicant has not commented on every point made within the IP's 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. The Applicant notes Natural England's Deadline 2 submission but has no comments on it.
- 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 responding to Deadline 2 submissions, the Applicant has referenced the version of each document that was current at the time the relevant matter was originally addressed, with updated material cited only where necessary, to clarify or expand upon the Applicant's position, so that the evolution of the evidence base through the Examination is transparent to the ExA. However, where mitigation or controls are discussed that would ultimately be secured through the **Draft DCO (EN010166/APP/3.1)**, the Applicant has referred to the latest version of the relevant securing document, as this is the version to be secured. Accordingly, where issues

¹ As set out in row 6.2.1 of Table 6 of the **Applicant's Response to Deadline 1 Submissions [REP2-019]** the Applicant reserved its response to the points made within Part B of CESL's written representations to Deadline 3 and accordingly provides the Applicant's response in this document.

were addressed in the DCO submission or at Deadline 1 or 2, references are provided to those assigned in the examination library (e.g. APP-XXX, REP1-XXX and REP2-XXX). Where a matter is being addressed in a document being submitted at Deadline 3, the document reference is provided (e.g. EN010166/APP/X.X).

2. Organisations / Businesses (Non-Landowners)

2.1 REP2-023 Natural Resources Wales (NRW)

2.1.1 NRW's Deadline 2 submission and the Applicant's response are set out in **Table 1** below.

Table 1: Response to NRW's Deadline 2 submission

| Source Document | Reference | Source Document Issue / Theme | Applicant's Response |
|--|-----------|---|---|
| Natural Resources Wales' Written Submission for Deadline 2 [REP2-023] | 1.1 | <p>This letter comprises the following submission from NRW:</p> <ul style="list-style-type: none"> a) Comments on the "Notice of a proposed without prejudice Habitats Regulations Assessment (HRA) derogation in Wales" document [PDA-003] – see Annex A b) Comments on any submissions received by Deadline 1 – see Annex B <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 the Applicant, the Examining Body or other interested parties.</p> <p>We note that a change notification from the Applicant has recently been accepted by the Examining Authority (ExA) regarding six proposed design changes, including a proposed reduction in stack heights. Updated documents that will consider these changes, including a Report to Inform Habitats Regulations Assessment (RIHRA), are yet to be submitted. Therefore, our comments are based on the current submitted documents and may be subject to change following receipt of the formal change notification application and our review of any updated supporting information.</p> <p>We also note that the Applicant has submitted a draft Statement of Common Ground (SoCG) with NRW at Deadline 1 [REP1-034]. We advise that the draft SoCG is still subject to discussion and final agreement with NRW. However, we remain committed to further engagement with the Applicant regarding this as the Examination progresses.</p> | This is noted. |
| | 1.2 | <p>ANNEX A Natural Resources Wales' Response to the "Notice of a proposed without prejudice Habitats Regulations Assessment (HRA) derogation in Wales" document [PDA-003]</p> <p>Our comments on the Applicant's "Notice of a proposed without prejudice Habitats Regulations Assessment (HRA) derogation in Wales" document [PDA-003] are outlined below. Please refer to our full Written Representation (WR) [REP1-073] for our detailed comments on these matters.</p> | This is noted by the Applicant and matters are addressed in turn in the sections below. |
| | 1.3 | <p>Direct Loss of/ Damage to Qualifying Habitat <u>Aerial emissions</u></p> | The proposed mitigation for nitrogen deposition related effects on saltmarsh is intrinsically linked to, and identical to, the mitigation being delivered to address the direct loss of saltmarsh arising from the construction of the Proposed Surface Water |

| Source Document | Reference | Source Document Issue / Theme | Applicant's Response |
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| | | <p>1. Please refer to our WR [REP1-073] for our detailed comments regarding this matter (paragraphs 2.1.4 – 24).</p> <p>2. The Applicant's covering letter (doc. ref. 9.1, dated 23 December 2025) explains the scope of their 'without prejudice HRA derogation document', which includes a written justification as to why aerial impacts are excluded in regard to nitrogen deposition (N-dep) on the Deeside and Buckley Newt Sites Special Area of Conservation (SAC). However, there is no comparable justification of why the aerial impacts of N-dep on the Dee Estuary SAC saltmarsh have not been included in the 'without prejudice HRA derogation document.'</p> <p>3. The 'without prejudice HRA derogation document' does not consider one of the Proposed Development's identified impacts (N-dep on the Dee Estuary SAC saltmarsh), which is one of our key concerns, and hence fails to fully account for all the impacts on the Annex I saltmarsh habitat. We advise the Examining Authority (ExA) to refer to the full details of our key concerns regarding this impact as outlined in our WR [REP1-073, paragraphs 2.1.4 – 13].</p> <p>4. We do not consider the current proposed mitigation measures to be adequate in avoiding or reducing the impact of increased Ndep on 245ha of saltmarsh alone (445ha in combination). Therefore, additional, satisfactory mitigation measures are still required. If such mitigation cannot be fully demonstrated, then we would advise the ExA that the presumption must be towards derogation / compensatory measures on the basis of unresolved uncertainty.</p> <p>5. Paragraphs 6.1.1-6.1.4 and onward are materially incomplete as they do not consider all impacts of the project on saltmarsh (i.e. N-dep impact is absent). Based on the available information there appears to be a credible Adverse Effect on Integrity the Dee Estuary SAC, so in the absence of certainty and/or adequate mitigation measures, Imperative Reasons of Over-riding Public Interest should be established.</p> <p>6. Regarding paragraph 6.12.2, we wish to highlight that at no point have we agreed or accepted that the proposed measures should be considered as mitigation rather than compensation. We refer the ExA to our WR for our detailed comments on this matter.</p> | <p>Outfall. The managed retreat area has been designed to be substantially larger than the footprint of saltmarsh lost, such that it will both compensate for the direct habitat loss and also mitigate any subtle qualitative botanical changes that may arise across the wider saltmarsh in the Dee Estuary as a result of nitrogen deposition (for example, minor shifts towards more competitive grass species) during operation of the Proposed Development. The Applicant emphasises that such botanical changes may not occur in practice; however, the construction of the Proposed Surface Water Outfall will result in an unavoidable and certain loss of habitat. Notwithstanding this, the Applicant will provide an update to the Notice of a proposed without prejudice HRA derogation in Wales [PDA-003] at Deadline 4.</p> <p>It is acknowledged that NRW's current position is that the managed retreat proposals alone are not, in their view, sufficient to offset potential air quality related impacts. This matter is separate from the basis for derogation and relates specifically to the identification of any additional mitigation that NRW may require. NRW has now provided further details of the noted potential opportunities for contribution to land management which are being reviewed by the Applicant.</p> <p>The Applicant remains committed to discussing this matter further with NRW and is ready to consider any proposals they may bring forward to support the development of a proportionate and deliverable package of air quality related mitigation measures.</p> |
| | 1.4 | <p>7. We also reiterate the need for the project to obtain an Environmental Permitting Regulations (EPR) installation permit in addition to a Development Consent Order. We remain concerned that while the DCO examination runs ahead of the EPR permit, detailed scrutiny of Best Available Techniques, emissions parameters, and dispersion modelling remains limited. Therefore, in respect of N-dep impacts, there remains a level of uncertainty regarding aerial emissions. We note that the EPR application for this proposal has recently been submitted to NRW and we are currently in the process of carrying out our "duly made" checks on the submission.</p> | <p>The Applicant notes NRW's position regarding the parallel progression of the DCO Application and Environmental Permit application.</p> <p>As set out in paragraph 4.12.2 of the Overarching National Policy Statement for Energy (EN-1) 2023², the "planning and pollution control systems are separate but complementary". Paragraph 4.12.10 explains that "The Secretary of State should work on the assumption that the relevant pollution control regime and other environmental regulatory regimes, including those on land drainage, water abstraction and biodiversity, will be properly applied and enforced by the relevant regulator. The Secretary of State should act to complement but not seek to duplicate them." Paragraph 4.12.16 confirms that "The Secretary</p> |

² DESNZ, 2023; Overarching National Policy Statement for Energy (EN-1) [online]. Available at: <https://assets.publishing.service.gov.uk/media/65a7864e96a5ec0013731a93/overarching-nps-for-energy-en1.pdf> (Accessed 06/03/2026).

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| | | | <p><i>of State should not refuse consent on the basis of pollution impacts unless there is good reason to believe that any relevant necessary operational pollution control permits or licences or other consents will not subsequently be granted."</i></p> <p>The Environmental Permit application has been submitted by the Applicant and acknowledged by NRW, with the relevant technical information available to NRW. Notwithstanding the ongoing technical determination of the permit application, the Applicant considers there to be no reason at this stage to anticipate that a permit will not be granted.</p> <p>The Applicant considers that the SoS has sufficient information within the DCO Application to assess the environmental effects of the Proposed Development, and notes that the separate Environmental Permit process should not constrain the progression of the examination or the granting of the DCO.</p> |
| | 1.5 | <p><u>Surface water outfall pipe</u></p> <p>8. In addition to the aerial emissions impacts referenced above, the Annex I saltmarsh habitat would also be affected by direct loss during the construction of a new surface water outfall pipe. Please refer to our WR [REP1-073] for our detailed comments regarding this matter (paragraphs 2.1.27 – 48).</p> <p>9. We note the Applicant's statement in para. 3.2.4 that permanent losses would be much smaller than 650m² as the works corridor can be restored and most of the outfall pipe can be buried. Nonetheless, there would inevitably be a lag period between burial of the pipe and any natural regeneration of Atlantic salt meadow vegetation over the works footprint.</p> <p>10. However, we advise that clarification should be provided as to the location and amount of pipe which is likely to be buried and where it would be located above the ground.</p> <p>11. Regarding para. 3.4.4, we confirm that we are willing to continue ongoing discussions relating to offsetting the loss and temporary loss of Atlantic salt meadow habitat and further investigations to ensure the proposed habitat replacement site is feasible for saltmarsh creation and delivery within the timelines indicated.</p> <p>12. Regarding para. 4.1.24, we welcome the Outline Surface Drainage Strategy [REP1-022] (unfinished at this stage) and continuing investigations into opportunities to split the surface water discharges across two or three of the pipes located within the Main Development Area (the W2 outfall, the Oakenholt Brook Culvert and the Old Rockcliffe Brook Culvert) to avoid permanent and temporary loss of saltmarsh. However, we recognise that there has been no solution identified at this point.</p> <p>13. In para. 6.1.1 the Applicant states that given the works area is surrounded by Atlantic salt meadow, it is considered that allowing natural regeneration and colonisation from the surrounding area is a more appropriate restoration method than planting. We agree that natural regeneration of the Atlantic salt</p> | <p>As noted in the Saltmarsh Creation Strategy (EN010166/APP/6.16), submitted at Deadline 3, the permanent loss of saltmarsh associated with the Proposed Development would be at most 5m². In addition, the area of 650m² for temporary losses was a worst-case assumption that the entire Surface Water Outfall Area was saltmarsh. As shown in the photographs provided in the Geomorphological Walkover Survey Report [REP2-020], the area behind the existing headwall comprises areas of woodland, scrub and a path along the route of the culvert to the existing Surface Water Outfall. The area of temporary loss will be confirmed following the completion of the 2026 National Vegetation Classification Survey of this area, to be undertaken between June and August 2026. The Framework Construction Environmental Management Plan (CEMP) (EN010166/APP/6.5) identifies that a Saltmarsh Method Statement would be prepared to detail soil stockpiling and the suitability of using turves as well as setting out the proposed approach to monitoring saltmarsh recovery.</p> <p>The Applicant can confirm that the culvert associated with the Proposed Surface Water Outfall would be subsurface and the only permanent loss associated with the headwall structure.</p> <p>As detailed within the Outline Surface Drainage Strategy [REP2-012], a new outfall to any of the adjacent watercourses would require the construction of a new headwall structure and a new length of pipe (approximately 30m) within the Dee Estuary / Aber Dyfrdwy SAC. Whilst it is a lower priority on the discharge hierarchy, the disposal of surface water runoff to existing piped</p> |

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| | | <p>meadow within the areas of temporary loss of the saltmarsh is an appropriate method of allowing the restoration of the marsh.</p> <p>14. In para. 6.5.1 the Applicant states that the creation of the managed retreat area would occur prior to the construction of the proposed Surface Water Outfall. Please refer to our WR [REP1-073, paragraphs 2.1.40 – 41] for our comments on ensuring that the ground levels of the managed retreat area are suitable for saltmarsh creation.</p> | <p>surface water drainage systems would avoid any disturbance entirely. However, a significant attenuation volume would likely be required, which may not be achievable within the proposed site layout. During the detailed design process, modelling to assess the viability of splitting the surface water discharge across the existing piped surface water systems will be undertaken.</p> <p>The Saltmarsh Creation Strategy (EN010166/APP/6.16) submitted at Deadline 3 outlines the proposed approach to the creation of saltmarsh within the Saltmarsh Creation Area which includes natural regeneration. The Saltmarsh Creation Strategy (EN010166/APP/6.16) also provides further details of surveys that are proposed to inform the final design of the Saltmarsh Creation Area (including ground levels).</p> <p>The Applicant will continue to discuss the Saltmarsh Creation Strategy (EN010166/APP/6.16) and the content of the Saltmarsh Method Statement with NRW.</p> |
| | 1.6 | <p>Loss of Functionally Linked Land</p> <p>15. As there is little new information in regard to the loss of Functionally Linked Land for the curlew feature of the Dee Estuary Special Protection Area (SPA) and Ramsar site, we refer the ExA to our Written Representation [REP1-073, paragraphs 2.1.49 – 65] for our detailed comments regarding this matter. However, we have the following observations to make.</p> <p>16. We note that the Applicant has provided more detail on the proposed monitoring of Gronant Fields. However, as an agreement still needs to be reached with the Applicant on the criteria for success (para. 6.9.3), a full monitoring plan has not been provided, and we would welcome future engagement regarding this. We also look forward to future correspondence with the Applicant regarding the Curlew Mitigation and Monitoring Plan.</p> <p>17. Para. 6.5.2: we note that the curlew offsetting area would be established prior to the commencement of construction works and concur with this. We look forward to future engagement with the Applicant on the implementation timetable that will be provided within the Curlew Mitigation and Monitoring Plan demonstrating that replacement curlew habitat will be available before removal or disturbance of curlew habitat on the functionally linked land.</p> <p>18. Para. 6.5.3: we agree with the Applicant's conclusions that the habitat conditions at Gronant Fields will take three to five years to become optimal.</p> <p>19. Para. 6.9.3: we look forward to future engagement with the Applicant on the criteria for defining successful use by curlew of Gronant Fields and the monitoring of the population. If the lifetime of the proposed development ends before 80 years, further monitoring should continue until decommissioning is complete and the original site restored.</p> | <p>The Applicant and NRW continue to discuss the development of the Curlew Mitigation Strategy [APP-254] on matters including the criteria for success and a monitoring plan. The Statement of Common Ground (SoCG) between Uniper UK Limited and NRW (EN010166/APP/8.10) will show how these discussions progress (noting paragraph 6.9.3). A meeting has been arranged between the Applicant and NRW at the Gronant Fields site for the 18th March 2026.</p> <p>The Applicant notes paragraphs 17. and 18. and provides some clarity below in relation to the wording of Requirement 11 of the Draft DCO (EN010166/APP/3.1).</p> <p>As identified in paragraph 6.5.3 of the Notice of a proposed without prejudice HRA derogation in Wales [PDA-003], "Requirement 11³ in Schedule 2 of the Draft Development Consent Order [APP-019] provides that no stage of Work No. 1 (as defined in Schedule 1 of that draft Order) or any site clearance works required in connection with Work No. 1 may commence until a Curlew Mitigation and Monitoring Plan has been approved by the relevant planning authority, in consultation with Natural Resources Wales." Paragraph 6.5.3 also notes "that replacement curlew habitat will be available before removal or disturbance of curlew habitat on functionally linked land as a result of the authorised development."</p> |

³ The Applicant notes that the Notice of a proposed without prejudice HRA derogation in Wales [PDA-003] erroneously refers to Requirement 12 rather than Requirement 11. This will be corrected in an updated version submitted at Deadline 4.

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| | | | Whilst the Applicant acknowledges that paragraph 6.5.3 states that optimal conditions will take between three to five years to become established, it is anticipated that habitats would be available within 12 months. |
| | 1.7 | <p>ANNEX B Natural Resources Wales' Response to submissions received by Deadline 1</p> <p>Annex B contains NRW's comments on the following updated submissions received at Deadline 1:</p> <ul style="list-style-type: none"> • Environmental Statement Volume IV, Appendix 12-F: Marine Invasive Non-Native Species Management Plan (Tracked), Revision 01, prepared by AECOM, dated January 2026 [REP1-019] • Environmental Statement Volume IV, Appendix 13-C: Flood Consequence Assessment (Tracked), Revision 01, prepared by AECOM, dated January 2026 [REP1-021] • Outline Landscape and Ecological Management Plan (Tracked), Revision 01, prepared by AECOM, dated January 2026 [REP1-028] • Figure 13-1: Surface Water Features, by AECOM, dated January 2026 [REP1-015] | This is noted by the Applicant and comments are provided in response to the detailed comments on each of the identified documents in turn in the rows below. |
| | 1.8 | <p>Environmental Statement Volume IV, Appendix 12-F: Marine Invasive Non-Native Species Management Plan (Tracked), Revision 01, prepared by AECOM, dated January 2026 [REP1-019]</p> <p>In response to the comments raised in our Relevant Representations, the Applicant has confirmed via our Statement of Common Ground (SoCG: NRW 17, REP1-034) that a detailed assessment of marine invasive non-native species (INNS) risks will be undertaken once a contractor is appointed and vessel movements are confirmed. This will allow inclusion of the vessel type and nature, duration of activity, port history, INNS status of departure ports, and antifouling condition. The assessment will inform an updated Marine INNS Management Plan, which would be prepared prior to the formal submission of the final Construction Environmental Management Plan (CEMP), for approval by the relevant authority, prior to any construction-related vessel activity.</p> <p>The Applicant has confirmed that Appendix 12-F: Marine Invasive Non-Native Species Management Plan has been updated to include the additional information listed above at Deadline 1.</p> <p>We confirm that we are satisfied that the updated Marine Invasive Non-Native Species Management Plan (Appendix 12-F) and commitment by the Applicant to submit a more detailed plan prior to formal submission of the final CEMP, for approval by NRW, in relation to construction vessel activity, adequately addresses our concerns related to the risks posed by marine invasive non-native species INNS.</p> | This is noted and welcomed by the Applicant. |
| | 1.9 | <p>Environmental Statement Volume IV, Appendix 13-C: Flood Consequences Assessment (Tracked), Revision 01, prepared by AECOM, dated January 2026 [REP1- 021]</p> <p>We note and accept that the updated Flood Consequence Assessment (FCA) dated January 2026 has included the 2100 epoch associated with climate change allowance (CCA) up to 2100. Both the central (70th percentile) and Upper end (95th percentile) estimates have been considered and assessed for both the 1 in 200-year (0.5% Annual Exceedance Probability) and the 1 in 1000-year (0.1% AEP) events.</p> | This is noted and welcomed by the Applicant. |

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| | | <p>The 1 in 200 (0.5%) CCA event in 2074 shows that flooding is generally confined to the river channel and no inundation is present for the main development area.</p> <p>We note and accept that the updated FCA advises as to why no breach analysis (of flood defences) has been undertaken. We note that this was subject to a previous discussion and agreement between the Applicant and NRW. There are no NRW maintained flood risk management defences within the Main Development Area and therefore the modelling approach (undefended scenario) will provide conservative estimates of flood levels/risk. We are therefore satisfied with the Applicant's update.</p> <p>We agree that the off-site impacts of land raising shown during the 1 in 1000 (0.1% AEP) 2100 CCA event (70th percentile) some 2km upstream and centred around Wepre Brook is associated with the representation of a culvert on that watercourse and model stability and not due to the land raising.</p> <p>We therefore advise that the updated FCA has addressed the previous comments raised in our Relevant Representations regarding fluvial and tidal flood risk.</p> | |
| | 1.10 | <p>Outline Landscape and Ecological Management Plan (Tracked), Revision 01, prepared by AECOM, dated January 2026 [REP1-028]</p> <p>We note and welcome the Applicant's correction to paragraph 3.2.2 of the Outline LEMP to remain consistent with paragraph 11.3.19 of Chapter 11: Terrestrial and Aquatic Ecology [APP-049] to clarify that the encroachment and clearance of coastal saltmarsh is associated with works in the Surface Water Outfall Area rather than the Water Connection Corridor (WCC).</p> <p>The Applicant has confirmed that there will be no saltmarsh removal within the WCC, but it will be traversed on foot and has amended the wording in the Outline LEMP.</p> <p>We welcome the Applicant's clarification that there would be no removal of saltmarsh in the WCC and subsequent amendments to the Outline LEMP, which addresses our previous concerns regarding this matter.</p> | This is noted and welcomed by the Applicant. |
| | 1.11 | <p>Figure 13-1: Surface Water Features, by AECOM, dated January 2026 [REP1-015]</p> <p>We note and welcome that Figure 13-1 has been updated to include the screened-out Water Framework Directive water bodies, namely Wepre Brook and Nant Sir Roger (Dee Estuary). We therefore have no further concerns regarding this matter</p> | This is noted and welcomed by the Applicant. |

3. Landowners

3.1 REP2-024 Tata Steel UK Ltd.

3.1.1 Tata Steel UK Ltd.'s Deadline 2 submission and the Applicant's response are set out in **Table 2** below.

Table 2: Response to Tata Steel UK Ltd.'s Deadline 2 submission

| Source Document | Reference | Source Document Issue / Theme | Applicant's Response |
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| Deadline 2 Comments on Behalf of Tata Steel UK Limited [REP2-024] | 2.1 | <p>On behalf of our client, Tata Steel UK Limited (Tata Steel) , please find enclosed comments in relation to the application by Uniper UK for an order granting development consent for the Connah's Quay Low Carbon Power Project. These comments are submitted in accordance with Deadline 2 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 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 note that in the Applicant's response to Relevant Representations (document reference EN010166/9.4), Uniper UK state that they are in active engagement with Tata Steel regarding the use of the Connah's Quay North Jetty and that they will continue to engage to seek agreement.</p> <p>Whilst direct discussions have taken place between Uniper UK and our client, to date, no heads of terms have been received, and no agreement has been reached regarding the proposed use of the jetty at Connah's Quay North or routing onward vehicles through its' operational Shotton Works.</p> | <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 have been issued to Tata Steel for their consideration and the Applicant is currently seeking to arrange a meeting for further discussion.</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> |
| | 2.2 | <p>We note that the Framework Construction Traffic Management Plan (document reference: EN010166/APP/6.6) includes an AIL Route Feasibility Cautions Assessment at Appendix A. Whilst this document provides an initial assessment of the AIL routes, as confirmed at Section 1.1, a detailed AIL study will be required by the appointed contractor.</p> <p>It is noted that several questions remain around the proposed route. This includes the following:</p> <ul style="list-style-type: none"> • Further surveys of the jetty and surrounding structures are required to confirm the extent of work required to facilitate the route. • Further surveys of transmission lines are required to confirm whether safe clearance can be achieved. • Whether the route will utilise either the access or egress lanes at the Tata Steel gate house and the extent to which guardrails, barriers, signs and columns will need to be removed to facilitate the route. | <p>The Framework CTMP [REP1-025] includes an AIL Route Feasibility as Appendix A. This feasibility study has been prepared on the information of expected deliveries known at this time. Further detail will be included in support of the final CTMP following completion of the design, appointment of the Principal Contractor, appointment of the specialist haulier and confirmation of the waterborne delivery strategy.</p> <p>The questions and list are useful to further inform the above work and will be taken into account. Liaison with key stakeholders such as Tata Steel will be essential to the formalisation of the AIL strategy, in addition to working with the Strategic Road Network Authorities, Highway Authority</p> |

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| | | <ul style="list-style-type: none"> The timescales relating to the use of the route and the need to ensure continued operational access to the Tata site over this period. The timescales relating to the temporary removal of existing safety features and infrastructure and the need for temporary replacements to be provided. | and emergency services in planning the movement of these loads and vehicles. |
| | 2.3 | Our client requires further clarity on the proposed 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. We would request that draft heads of terms are provided to our client as soon as possible. | As stated in response to 2.1, draft heads of terms for agreement have been issued to Tata Steel for their consideration and the Applicant is currently seeking a meeting to discuss this further. |
| | 2.4 | <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 clarity 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> | The Applicant notes this position from Tata Steel and is confident that agreement can be reached for the use of their facilities. |

4. Response to Part B of Climate Emergency Science Law (CESL)'s Deadline 1 Submission

4.1 REP1-078 (Part B) Climate Emergency Science Law (CESL)

4.1.1 Part B of CESL's Deadline 1 submission and the Applicant's response are set out in **Table 3** below.

Table 3: Response to Part B of CESL's Deadline 1 submission

| Source Document | Reference | Source Document Issue / Theme | Applicant's Response |
|-------------------------|-----------|--|---|
| D1 / Part B / Section A | 3.1 | <p>The DCO and the bounds of environmental assumptions in the ES</p> <p>5 This submission addresses a specific drafting omission in the CQLCP dDCO: the absence of provisions requiring that CQLCP generates electricity with its carbon capture, transport and storage infrastructure operational and CCS operating at the assessed capture rate (95%) in the ES.</p> <p>6 The directly comparable precedents—the Net Zero Teesside Order 2024 and the Keadby 3 Order 2022—both secure these requirements explicitly in the DCO itself, following amendments by the Secretary of State, notwithstanding the existence of Environmental Permits or commercial agreements.</p> <p>7 The ES does not assess two developments (one with CCS at 95% capture rate, and one with CCS at lower or no capture rates). It assesses one development whose conclusions on operational GHG effects depend on CCS operating at the assessed capture rate (i.e. 95%).</p> <p>8 As addressed separately in CESL's Deadline D1 Part A submission on Climate Change, CESL has also raised concerns as to whether the ES lawfully establishes that this assumed capture rate represents a reasonable worst-case; the present submission proceeds on the basis of the assumptions relied upon in the ES as submitted.</p> <p>9 The ES explicitly defines a quantitative operational envelope: a CO2 capture rate of 95% or above. Operation outside that envelope is not assessed. Absent a DCO control, there is no mechanism within the Order preventing sustained operation at a materially lower CCS capture rate, irrespective of any subsequent regulation of emissions through the Environmental Permit.</p> <p>10 Where the ES relies on CCS at a 95% capture rate as a defining design parameter of the assessed development, the DCO must secure it as a condition of operation, rather than leaving its delivery to other regimes.</p> <p>11 For the avoidance of doubt, CESL does not characterise the capture rate as an operational performance target, but as a defining design parameter without which the development assessed in the ES would not exist in the form presented for consent.</p> | <p>For the reasons explained in paragraphs 1.4.99 to 1.4.100 of the Applicant's Written Summary of Oral Submissions at Issue Specific Hearing 1 and response to Action Points [REP1-065], and as further explained in the rest of this table, the Applicant does not consider that the proposed amendments to the Draft DCO (EN010166/APP/3.1) are necessary.</p> <p>Nevertheless, for the avoidance of doubt, the Applicant has updated the draft DCO at Deadline 3 to include the new definition of carbon dioxide capture plants (CCP) (Article 2(1)) and the new requirement (Schedule 2, Part 1, Requirement 21) proposed by CESL.</p> |
| D1 / Part B / Section C | 3.2 | <p>C.1 Environmental Permit</p> <p>26 The applicant said that the development's Environmental Permit (EP) was the "relevant pollution control regime". By contrast, the Net Zero Teesside decision letter indicates that the SoS for NZT considered that amendments to the DCO were necessary beyond the existence of an EP.</p> <p>27 CESL respectfully requests that the ExA invite the applicant:</p> | <p>Section 3.1 of the Environment Agency's guidance 'Post-combustion carbon dioxide capture: emerging techniques' (published 27 March 2024⁴), requires post-combustion carbon capture plant to be designed to achieve a capture rate of at least 95% as an annual average under all normal operating conditions.</p> |

⁴ Environment Agency. Available at: <https://www.gov.uk/guidance/post-combustion-carbon-dioxide-capture-best-available-techniques-bat#pccplant-design-and-operation> (accessed 06/03/2026)

| Source Document | Reference | Source Document Issue / Theme | Applicant's Response |
|-------------------------|-----------|--|--|
| | | <p>(1) to clarify whether any material change has occurred since the NZT decision letter; and (2) to update the Examination on the status of the CQLCP Environmental Permit, and to provide the draft permit to the Examination Library</p> | <p>The Applicant expects that the Environmental Permit will secure this requirement through permit conditions, including an improvement condition requiring the operator to demonstrate and report the achieved capture rate as an annual average during the first year of operation following commissioning. In addition, continuous process monitoring and an ongoing annual average emission limit value will be required through the permit, providing enforceable control of capture rate performance over the life of the plant.</p> <p>The Applicant submitted the Environmental Permit application for the CQLCP project to NRW on 30 January 2026. An acknowledgement letter confirming receipt of the application was received from Natural Resources Wales on 3 February 2026 and the application has been uploaded to NRW's public register⁵.</p> |
| D1 / Part B / Section C | 3.3 | <p>28 The applicant said that the development's Dispatchable Power Agreement (DPA) had a role too. By contrast, the Net Zero Teesside decision letter indicates that the SoS for NZT considered that amendments to the DCO were necessary beyond the existence of a DPA. CESL respectfully requests that the ExA invite the applicant to clarify whether any material change has occurred since the NZT decision letter.</p> | <p>The Applicant has been placed on the Project Negotiation List for the HyNet cluster and is in the process of negotiating with DESNZ for a Dispatchable Power Agreement (DPA). If successful, this would be the second DPA reached to supply low carbon, flexible power to the national grid.</p> <p>This represents the most significant change since the award of the NZT DCO as, at that point in time, the DPA and its requirements around carbon capture rates had not been finalised via agreement between DESNZ and a developer. These have now been fixed by agreement and are the basis for performance in this contract.</p> |
| D1 / Part B / Section C | 3.4 | <p>C.3 UK Emissions Trading Scheme 29 At ISH1, CESL understood the applicant to suggest, that [the] UK Emissions Trading Scheme could be used to offset carbon leakage from the operation of CQLCP if the planned CO2 capture and storage levels could not be secured.</p> | <p>The CCP that forms a core part of the Proposed Development is designed to capture at least 95% of the carbon dioxide from the flue gases, in line with the Environment Agency's (EA) Best Available Technique (BAT) guidance for post-combustion carbon capture.</p> <p>The role of the UK Emissions Trading System (UK ETS) is not to allow the CCP to operate with lower capture rates, but the UK ETS does have a two-fold effect on the overall GHG impact of the Proposed Development.</p> <p>Firstly, while the CCP is designed to achieve the capture rates consistent with the EA's BAT guidance, there may be periods when the operational performance of the CCP varies due to periods of testing or maintenance, or transient operating conditions. In such circumstances, the UK ETS provides a robust, legally-binding, market-based control</p> |

⁵ Natural Resources Wales, Public Register (Online) Available at: <https://naturalresources.wales/permits-and-permissions/check-for-a-permit-licence-or-exemption/?lang=en> (accessed 25/02/2025).

| Source Document | Reference | Source Document Issue / Theme | Applicant's Response |
|-----------------|-----------|-------------------------------|---|
| | | | <p>mechanism to disincentivise any increase in direct scope 1 emissions.</p> <p>The Proposed Development, as a gas fired power station, will be required to participate in the UK ETS. The operator will hold a Greenhouse Gas Emissions Permit and be compelled to comply with detailed Monitoring, Reporting and Verification (MRV) regulations issued by the UK Government and enforced by NRW in its capacity as the official regulator. The Consents and Agreement Position Statement (EN010166/APP/3.3) has been amended to include the Greenhouse Gas Emissions Permit and submitted at D3. Within the UK ETS, allowances must be surrendered for every tonne of carbon dioxide emitted to the atmosphere, and these allowances must be purchased either on the open market or via a series of government run auctions.</p> <p>Any increase, therefore, in the mass of carbon dioxide emitted from the Proposed Development would result in a direct financial cost via the UK ETS. As the total number of allowances permitted within the system falls over time in line with the UK's trajectory to net zero, the financial value of each allowance will inevitably rise, pushing up the cost to the operator of the Proposed Development and providing a direct economic incentive aligned with environmental performance. Secondly, beyond control of emissions at the level of an individual installation such as the Proposed Development, the UK ETS also provides a powerful system-level control mechanism to regulate and cap the overall emissions within the UK ETS as a whole.</p> <p>Since the beginning of 2024, the cap for the UK ETS has been re-aligned, making it consistent with the UK's legally binding net zero 2050 target. This means that there is a finite number of allowances available to purchase or trade that cannot exceed a net zero consistent budget for the installations collectively required to participate in the scheme. Any increase in emissions from one installation must therefore result in reduced emissions elsewhere within the emissions trading system.</p> <p>The participation of the Proposed Development within the UK ETS not only means that any increase in emissions, for whatever reason, will result in direct financial penalties through the requirement to purchase enough allowances to cover annual emissions, the UK ETS itself acts as a legally</p> |

| Source Document | Reference | Source Document Issue / Theme | Applicant's Response |
|-----------------|-----------|-------------------------------|---|
| | | | binding and highly regulated control mechanism that will constrain overall emissions from all participating installations to a level that is consistent with the UK's trajectory to net zero. |

Abbreviations

| Abbreviation | Term |
|--------------|--|
| AEP | Annual Exceedance Probability |
| CCA | Climate Change Allowance |
| CEMP | Construction Environmental Management Plan |
| CESL | Climate Emergency Science Law |
| CQLCP | Connah's Quay Low Carbon Power Project |
| DCO | Development Consent Order |
| DESNZ | Department for Energy Security and Net Zero |
| EN-1 | Overarching National Policy Statement for Energy |
| EPR | Environmental Permitting Regulations |
| ES | Environmental Statement |
| ExA | Examining Authority |
| FCA | Flood Consequence Assessment |
| HRA | Habitats Regulations Assessment |
| INNS | Invasive Non-Native Species |
| IP | Interested Party |
| IPs | Interested Parties |
| N-dep | Nitrogen deposition |
| NRW | Natural Resources Wales |
| PA 2008 | Planning Act 2008 |
| PDA | Planning Inspectorate document reference prefix |
| REP | Examination Library reference prefix |
| RIHRA | Report to Inform Habitats Regulations Assessment |
| SAC | Special Area of Conservation |
| SoCG | Statement of Common Ground |
| SoS | Secretary of State |
| SPA | Special Protection Area |